



NOTE: A light dinner will be served at 5:00 p.m. in the Administration Building, Room 306.

AGENDA

Board of Trustees Meeting
November 21, 2005
6:00 p.m.

Regular Meeting

Policy

- I. Call to Order by Chairperson
- II. Roll Call by Secretary to the Board
- III. Pledge of Allegiance
- IV. Additions/Deletions to the Agenda
- V. Limited Public Comment Regarding Agenda Items
 - A. MAHE Budget Presentation
- VI. Chairperson and Board Member Reports
 - A. Chairperson Laverty
 1. Bylaws Discussion
 2. Information and Announcements
 - B. Board Members
 1. Trustee Proctor – Workforce Development Board
 2. Trustee Rasmusson –
 - a. Ad Hoc Committee Inquiry Report
 - b. Financial and Budget Matters
 3. Trustee Smith – Foundation Report
- VII. President's Report
 - A. Informational Items
 1. College Spotlight – Enterprise Resource Development EL-206
 2. Financial Aid Update EL-206

B. Action Items*

1. Approval of Minutes – October 17, 2005 Regular Meeting
2. Human Resources – Administrative Appointments and Terminations
3. Facilities Master Plan EL-204
4. Lansing Township DDA Settlement
5. Finance EL-204
 - a. Approval of Consulting Services

VIII. Closed Session*

IX. Public Comment

X. Adjournment

**Motion to accept.*



BOARD OF TRUSTEES PLANNING CALENDAR

New items are in BOLD

November 2005

- Thurs., Nov. 17 Economic Club Luncheon*
Jerome M. Hauer, Director, Response to Emergencies and Disasters
Institute (READ), George Washington University
Kellogg Center – 12:00 p.m.
- Fri., Nov. 18** Silver Bells in the City at Lansing Community College
Kennedy Cafeteria and Arts & Sciences Washington Mall Entrance
5:00 p.m. to 9:00 p.m.
- Fri., Nov. 18 Basketball – Women’s
LCC vs. Olive Harvey College
GVT Gymnasium – 7:00 p.m.
Admission: \$4.00
- Mon., Nov. 21 Regular Board of Trustees Meeting
Board Room – 6:00 p.m.
- Wed., Nov. 30 Basketball – Men’s
LCC vs. Mott Community College
GVT Gymnasium – 7:30 p.m.
Admission: \$4.00

December 2005

- Sun., Dec. 4 Basketball – Women’s
LCC vs. Erie Community College
GVT Gymnasium – 1:00 p.m.
Admission: \$4.00
- Tues., Dec. 6 Basketball – Women’s
LCC vs. Siena Heights
GVT Gymnasium – 7:00 p.m.
Admission: \$4.00
- Thurs., Dec. 8 Economic Club Luncheon*
Anthony Chan, Ph.D., Managing Director & Senior Economist, JPMorgan
Fleming Asset Management
Kellogg Center – 12:00 p.m.
- Thurs., Dec. 8** Foundation Holiday Open House
Health & Human Services Building
William and Claire Dart Atrium/Fred Abood Rotunda (located on Lower Level)
5:00 to 7:00 p.m.
- Dec. 9-10 Performing Arts Event: *3rd Semester Shakespeare Studio Theatre*
Old Central Room 232 – 8:00 p.m.
Admission: Free

(As of 11/16/05)

*Please call 483-9739 for tickets or reservations no later than one week prior to event.

- Sat., Dec. 10 Performing Arts Event: *LCC Jazz Ensemble & Jazz Combo*
 Dart Auditorium – 8:00 p.m.
 Admission: Free
- Sun., Dec. 11 Performing Arts Event: *LCC Concert Choir*
 Plymouth Congregational Church, 2001 N. Grand River, Lansing
 4:00 p.m.
 Admission: Free
- Sun., Dec. 11 Performing Arts Event: *The Percussion Ensemble*
 Dart Auditorium – 4:00 p.m.
 Admission: Free
- Sun., Dec. 11 Performing Arts Event: *Dance Open House*
 GVT 3900-3950 – 4:00 – 5:30 p.m.
 Admission: Free
- Mon., Dec. 12 Regular Board of Trustees Meeting
 Board Room – 5:00 p.m.
- Dec. 16-17 Performing Arts Event: *1st Semester Contemporary Realism Studio Theatre*
 Old Central 232 – 8:00 p.m.
 Admission: Free
- Sat., Dec. 17 Basketball – Men's
 LCC vs. Schoolcraft College
 GVT Gymnasium – 3:00 p.m.
 Admission: \$4.00

(As of 11/16/05)

*Please call 483-9739 for tickets or reservations no later than one week prior to event.

BYLAWS

OF THE

BOARD OF TRUSTEES

LANSING COMMUNITY COLLEGE

Date of Adoption: 12-04-01
Revised: 5/6/03, 3/15/04, 10/17/05

LALIB:109194.10\050806-00003

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1.0 AUTHORITY TO ADOPT, SUSPEND AND REVISE BYLAWS

1.0.1 Adoption of Bylaws

These amended and restated bylaws are adopted under the authority granted in the Community College Act of 1966 (the “Community College Act”), Act 331 of 1966, as amended, MCL 389.1 et seq.

MCL 389.125(d).

1.0.2 Suspension.

Except as otherwise prohibited by law, these Board bylaws may be suspended, in whole or in part, at any meeting of the Board by the Chairperson, if without objection, or by a majority vote of the Board and such action shall apply to that meeting only.

1.0.3 Revision.

Except as otherwise prohibited by law, these Board bylaws may be altered, amended, or repealed and new bylaws adopted at any Regular or Special Board meeting; provided that the proposal has been presented at a previous meeting of the Board. This rule may be waived by a majority vote of the Board at a meeting at which the proposal is presented.

Any new or amended bylaw properly adopted shall take immediate effect unless otherwise stated by the Board at the time of adoption.

1.1 MEMBERSHIP

1.1.1 Board of Trustees as Governing Body

The governing body of Lansing Community College shall be the Board of Trustees, membership of which shall be determined in accordance with the Community College Act.

1.1.2 Board Composition

The Board of Trustees consists of seven (7) persons elected at large every two (2) years at the regular College District election for staggered six (6) year terms. Nomination and election to the Board shall be in accordance with the Community College Act.

MCL 389.34a.

1.1.3 Qualification

A candidate for election to the Board of Trustees must be a resident elector in the Community College District.

MCL 389.151.

1.1.4 Elections

Regular elections shall be held biannually in odd years on annual school election dates as prescribed by the Community College Act.

All notices of regular or special elections to be held by the College District shall be given by the Secretary of the Board of Trustees in the manner prescribed by law.

Nominating petitions shall be provided at the Administration Office of the College to prospective candidates and shall be filed with the Ingham County Clerk, consistent with applicable state law.

The final canvass of the results of any community college election shall be made by the Board of Canvassers, in accordance with applicable law.

MCL 389.36-38; MCL 389.152.

(Amended 10/17/05)

1.1.5 Installation of Board Members

Each person elected or appointed as a member of the Board of Trustees shall file with the Secretary of the Board of Trustees an Acceptance of Office, an Affidavit of Eligibility, and an Oath of office.

All members of the Board of Trustees shall file an Affidavit of Eligibility in the following form:

“I, _____, a duly elected or appointed member of the Board of Trustees of Lansing Community College, do solemnly swear that I am an elector residing in _____, County of _____, and have resided therein for more than thirty (30) days prior to the date of my election or appointment, that

I have also attained the age of eighteen years prior to the date of my election or appointment; and that I have resided in the State of Michigan for more than six (6) months and am a United States citizen.”

All members of the Board of Trustees shall file an Acceptance of Office in the following form:

“I accept the office of Trustee on the Board of Trustees of Lansing Community College and agree to serve in this position for the period required by statute or until my successor shall qualify.”

All members of the Board of Trustees shall take and subscribe to the following Oath of Office:

“I do solemnly swear that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the duties of the office of member of the Board of Trustees according to the best of my ability.”

MCL 389.156.

(Amended 10/17/05)

1.1.6 Vacancy on the Board

Whenever a vacancy occurs on the Board of Trustees, the remaining members of the Board shall immediately fill, by majority vote, the vacancy with a qualified elector of the College District, as prescribed by law. The Trustee so appointed shall hold office until the next regular election of members of the Board, at which time the vacancy will be filled by election for the remainder of the term.

MCL 389.158.

(Amended 10/17/05)

1.1.7 New Board Member Orientation

It shall be the responsibility of the Chairperson of the Board of Trustees and the President of the College to inform new members of the Board about the budget and Strategic Plan of the College, the general organization and

administration of its programs, the major problems it faces, programs of development in progress, and the way in which the Board functions. Such orientation shall be planned and carried out after each election or whenever a new member is appointed to fill an unexpired term.

(Amended 10/17/05)

1.1.8 Board Members Seeking Employment with the College

A Board member shall not apply for a position with the College unless and until he or she has first resigned from the Board. Similarly, employees of the College, regardless of the type of compensation received, are excluded from membership on the Board.

1.2 **OFFICERS AND DUTIES OF OFFICERS OF THE BOARD OF TRUSTEES**

1.2.1 Officers

The officers of the Board of Trustees shall be a Chairperson, Vice Chairperson, Secretary, and Treasurer, all of whom shall be members of the Board. The positions of Secretary and Treasurer may be combined, if the Board so decides by majority vote.

The officers shall perform those duties as need be provided by these bylaws not inconsistent with the Community College Act and current statutes.

MCL 389.111(3); MCL 389.113(2).

1.2.2 Election of Officers/Term of Office/Vacancy

All officers of the Board shall be nominated from the floor and elected by roll call vote at the organizational meeting of the Board provided for in 1.4.2.

Each officer of the Board shall be elected for a term of two (2) years or such shorter time as the Board shall determine, shall assume office immediately upon election, and shall hold office until a qualified successor shall be elected. In the case of a vacancy in any office, such vacancy shall be filled as soon as practicable by electing a successor to the unexpired term of office. This provision does not preclude the re-election of an officer.

MCL 389.111(3).

1.2.3 Chairperson

The Chairperson shall provide leadership in planning the work of the Board, shall preside at all meetings of the Board, shall decide all questions of rule and order. The Chairperson shall appoint and establish all committees and committee Board appointments unless the committee members are designated or their appointment is otherwise provided for in the motion or resolution establishing the committee, shall be an ex-officio member of all committees, and shall perform such other duties as these bylaws and state law provide or the Board may prescribe. The Chairperson shall act for the Board when such action is required by law in signing contracts and other official documents, shall represent the Board of Trustees or designate a representative upon occasion when such representation is deemed desirable, shall act as the spokesperson for the Community College, consistent with 1.7.5 and 1.7.6, and shall perform such other duties as may be prescribed by law, consistent with Governance Policy GP-303.

(Amended 10/17/05)

1.2.4 Vice Chairperson

The Vice Chairperson shall support the Chairperson in his or her duties, shall assume the duties of the Chairperson in the event of his or her absence or incapacity, and shall perform other duties as these bylaws and state law provide or the Board may prescribe.

1.2.5 Secretary

The Secretary shall, through the professional secretary to the Board, cause to be kept a proper record of all meetings of the Board, shall see that proper notices required by law are published or posted, that Board members are properly notified of all meetings, that all records to the Board are available for public inspection, that minutes of previous meetings are supplied to all members as required by these bylaws and, in general, shall perform all duties incident to the office of Secretary and such other duties as may be assigned to him or her by the Board or are required by these bylaws or state law. In the absence or inability of the Secretary to act, any officer may act in his or her place.

1.2.6 Treasurer

The Treasurer, through the Chief Financial Officer of the College and subject to any delegation to the President in 1.6.4 (D), shall monitor and safeguard the financial condition of the College, including but not limited to receiving, holding in custody, investing and handling all funds of the College as directed by the Board; dispersing funds of the College as he or she may be ordered by the Board, and shall perform such other duties as these bylaws and state law or the Board may prescribe.

The Treasurer, through the Chief Financial Officer of the College, shall each year, after the Board of Trustees has determined the tax rate to be levied and certified the amount of taxes to be raised, notify the proper assessing officers of each city and township contained in the College District.

The Treasurer and all designated assistants shall be bonded by a surety company approved by the Board in such amount as the Board may determine. The premium for said bond shall be an expense of the College.

1.3 BOARD COMMITTEES

1.3.1 Committees

There shall be no standing committees of the Board other than an Audit Committee, as provided for in Section 1.3.2, below; however, there may be appointed special committees to study issues and perform tasks. These committees shall be appointed by the Chairperson for certain expressed purposes and periods of time, consistent with Governance Policy GP-304.

(Amended 10/17/05)

1.3.2 Audit Committee

Members of the Audit Committee shall be appointed by the chairperson of the Board of Trustees and shall serve as a standing committee to meet with the College's auditors in advance of and during the annual college audit, to review the College's financial policies as may be appropriate, and to address other financial and related issues the Board or committee members deem appropriate, consistent with Governance Policy GP-305.

(Amended 5/6/03, 10/17/05)

1.4 MEETINGS OF THE BOARD

1.4.1 General Conduct and Notice of Meetings

The business that the Board may perform shall be conducted in compliance with the Michigan Open Meetings Act, 1976 PA 276, MCL 15.261 et seq. Generally, unless the Open Meetings Act provides otherwise, meetings of the Board shall be open to the public and shall be held in a place available to the public. The Board, in accordance with the Open Meetings Act, may go into closed session.

MCL 15.263; MCL 389.111(4).

1.4.2 Organizational Meeting

The organizational meeting of the Board of Trustees shall be held at the first meeting of the Board in July following the date of the regular College District election. The Board shall elect officers at the organizational meeting.

MCL 389.111(2) and (3).

1.4.3 Regular Meetings

The Board shall meet on a regular basis at times determined by the Board. Meetings will ordinarily be held in the Board Room of the Administration Building, 610 N. Capitol Avenue, Lansing Community College, PO Box 40010, Lansing, Michigan 48901-7201, but may be held at other times and in places in accordance with the Open Meetings Act, as the Chairperson may set, and circumstances may require.

A public notice of the regular meetings of the Board of Trustees shall be posted in accordance with the provisions of the Open Meetings Act within ten days after the first meeting of the Board in each fiscal year. The public notice shall state the dates, times and places of each regular meeting.

Any regular meeting may, however, under necessary circumstances, be set at another time or place, or be waived by a majority vote of the Board at a preceding meeting or cancelled altogether at the discretion of the Board Chairperson, unless four (4) or more Trustees object in writing. Any change in the schedule of regular meetings of the Board of Trustees shall be posted in a public notice within three (3) days after the meeting at which the change is made and state the new dates, times and places of such meeting(s). In the event of any rescheduled regular meeting of the Board of

Trustees, a public notice stating the date, time and place of the meeting shall be posted at least eighteen (18) hours before the meeting.

MCL 15.265(2), (3), and (4).

(Amended 10/17/05)

1.4.4 Special Meetings/Notice

Special meetings of the Board of Trustees may be called by the Chairperson of the Board, or any four (4) members of the Board, by serving on the other members a written notice of the date, time, place and purpose of such special meeting. No business shall be conducted at a special meeting other than that which is designated in the written notice of the meeting. A public notice stating the date, time, and place of any special meeting shall be posted at least eighteen (18) hours before the meeting.

Service of the notice for a special meeting shall be by any one or more of the following:

- A. Delivering the notice to the Board member personally at least eighteen (18) hours before the special meeting is to take place, or
- B. Leaving the notice in a conspicuous place at the Board member's residence or with some person of suitable age and maturity of the household at least eighteen (18) hours before such meeting is to take place, or
- C. Depositing the same in the U.S. Post Office mail receptacle, enclosed in a sealed envelope plainly addressed to each such member at his or her last known residence address, at least forty-eight hours (48) before such meeting is to take place, or
- D. Electronic mail or facsimile to the Board member at least eighteen (18) hours before the special meeting, to an address or facsimile number provided by the Board member for such purposes, provided such notice is accompanied by a telephone call to the Board member's residence or business at least eighteen (18) hours before the special meeting, whichever the Board member provides for such purpose, notifying the Board member of the electronic mail or facsimile notice of the special meeting.

Service as above prescribed may be made by any adult person including a member of the Board, the Secretary to the Board, or any employee of the College.

1.4.5 Quorum, Voting, and Roll Call Voting

At all meetings of the Board of Trustees, whether regular or special, a majority of the entire membership of the Board shall constitute a quorum to do business. If a quorum is not present for a meeting, a majority of those present may adjourn the meeting to a future date.

No act of the Board is valid unless voted at a legal meeting by a majority of the Board, consistent with 1.5.5, and a proper record made of the vote. A roll call vote is required for approval of any expenditure of College proceeds or for any other vote if requested by any Board member.

MCL 389.113(1).

(Amended 10/17/05)

1.4.6 Attendance by Telephonic or Video Conference

Unless otherwise prohibited by law, it is permissible for a member to participate in a regular or special meeting by telephone or video conference so long as a quorum otherwise exists, the member participating by telephonic or video conference can hear all comments of the Board and audience members and can be heard by all Board members and audience members, and the College reasonably has facilities and equipment to accommodate such participation. Assuming a quorum otherwise exists, a member participating in a regular or special meeting by telephone or video conference may vote on action items and his or her vote shall count.

1.4.7 Legal Counsel

Legal counsel may be present at regular and special meetings of the Board when legal advice is needed and counsel has been notified by the Chairperson of the Board of Trustees or the President of the College.

(Amended 10/17/05)

1.5 MEETING PROCEDURE

1.5.1 Agenda for Regular Meeting

The President and Chairperson shall prepare an agenda with necessary supporting reports and documents for each regular meeting. The agenda, with supporting materials, shall be available for each member of the Board no later than three (3) calendar days prior to the day of a meeting. The agenda may be modified by the Chairperson, if without objection, or upon a majority vote of the Trustees in attendance at a Board meeting.

1.5.2 Order of Business

The Chairperson, upon taking the chair, shall call the members to order on the appearance of a quorum. The order of business for Regular Meetings shall be as follows:

- I. Call to Order;
- II. Roll Call;
- III. Pledge of Allegiance
- IV. Additions/Deletions to the Agenda;
- V. Limited Public Comment Regarding Agenda Items;
- VI. Chairperson and Board Member Reports,
 - A. Chairperson,
 - B. Board Members;
- VII. President's Report,
 - A. Informational,
 - B. Action Items;
- VII. Public Comment;
- VIII. Board Evaluation
- IX. Adjournment.

(Amended 10/17/05)

1.5.3 Public Participation in Public Meetings

Individuals and delegations are welcome to attend meetings of the Board of Trustees' and may address the Board during that section of the agenda designated for public comments. No person shall speak for more than three (3) minutes unless the time limit is waived by the Chairperson, if without objection, or by a majority vote of the Board members present. When a large number of speakers are to be heard, the Chairperson, if without objection, or the Board by majority vote of the Board members present may

shorten the time for each speaker and/or set a limit on the time and number of persons to be heard on a given subject.

Defamatory or abusive personal remarks are always out of order. The Chairperson of the Board may terminate the speaker's privilege of address if, after being warned, the speaker persists in improper conduct or remarks. The Chairperson may order the removal of any person, by Police and Public Safety Officers or any lawful means, who persists in improper conduct during a meeting of the Board of Trustees.

(Amended 10/17/05)

1.5.4 Minutes

Trustees shall keep a written or printed record of each regular or special meeting of the Board, in accordance with Section 9 of the Open Meetings Act. Copies of minutes of Board meetings, except closed sessions, shall be available to the public at the reasonable estimated cost of copying, consistent with the Michigan Freedom of Information Act, Act 442 of 1976, as amended, MCL 15.231 et seq. Proposed minutes of a Board meeting shall be available for inspection (but not copying) by the public at the College's administrative offices no later than eight (8) business days after said meeting, and delivered to members of the Board with the Board agenda prior to the next Board meeting. Approved minutes shall be made available to the public at a time no later than five (5) business days after the minutes have been approved by the Board.

MCL 389.113(1); MCL 15.269.

1.5.5 Parliamentary Procedure and Authority

In general and unless otherwise required by state law or these bylaws, the Board shall act by resolution or motion brought by a board member, seconded by another board member, and approved by a majority of the Board. A motion to call the question, if seconded and approved by majority, shall end debate and require a vote on the main motion or resolution. A motion to table may be made at any time and is non-debatable. A motion to adjourn may be made at any time and takes priority over any other motion. When there shall be any question regarding procedure not addressed by these bylaws or state law, the current edition of Robert's Rule of Order Newly Revised for deliberative bodies (not the more limited Procedures in Small Boards) shall govern in all cases to which

they are applicable and in which they are not inconsistent with these bylaws or state statute.

1.6 BOARD GOVERNANCE/BOARD POLICIES AND PROCEDURES

1.6.1 Authority and Powers Reserved by the Board

All business conducted by the Board of Trustees shall be in conformance with the Community College Act and current Michigan statutes, including the Open Meetings Act, Act 267 of 1976, as amended, MCL 15.261 et seq, consistent with Governance Policy GP-301.

The College shall be managed by the Board of Trustees, in accordance with the Community College Act and in keeping with these Board bylaws and the Statements of Purpose and Goals contained within the College's strategic plan. The general powers granted to the Board are those expressly provided for in the Community College Act and any powers implied or incident thereto, including the exercise of any power incidental or appropriate to the performance of any function related to the operation of the College in the interests of educational and other programs and services offered by the College.

More specifically, the duties of the Board of Trustees shall include, but are not limited to, the following: 1) appoint, evaluate, and/or remove the President, Vice-presidents, Deans, and Departmental Chair level administrators; the terms "Vice-presidents, Deans, and Departmental Chair Level administrators" shall mean any person paid by LCC, whether employee or consultant or contract person, or person paid through a firm in which such paid person has a legal or equitable ownership interest, and which payment in any calendar year shall exceed that of the average full time faculty member; 2) review and approve all terminations and/or discharges; and 3) review and approve all consultant contracts; 4) approve the issuance of College degrees and certificates; 5) adopt, develop, and define Board and College policies; 6) establish an annual College budget; 7) establish and authorize College tuition, course fees, and other fees that apply to all students; 8) authorize the sale, purchase, construction, and renovation of College land, buildings, and major equipment; 9) define and review College strategic direction and goals; 10) institute and promote major College fund-raising efforts and authorize the acceptance of gifts to the College; 11) authorize the incurring of debt by the College; 12) evaluate the President, consistent with 1.6.3.

MCL 389.104(2); MCL 389.121-123; MCL 389.127.

(Amended 10/17/05)

1.6.2 Strategic Plan

The focus of the Board will be proactive rather than reactive and shall be on broad strategic issues and policies; not on the administrative or programmatic means in attaining these goals.

The Board of Trustees shall be responsible for the development of the College's strategic plan, which is intended to provide broad direction to the College and a framework for evaluating the College's operational effectiveness. The strategic plan shall contain performance measures through which the continuous improvement of the College can be evaluated.

The College's strategic plan shall be modified and extended on an ongoing basis through changes or additions recommended by the President and approved by the Board. Modifications and extensions shall be accompanied by additional performance measures if suitable measures are not already contained within the strategic plan. The President shall confer with the Board regarding extensions and modification of the strategic plan on a regular basis.

1.6.3 President as Chief Executive Officer of College

The President shall serve as the chief executive officer of the College, and the general administration and operation of the College is delegated by the Board to the President, in accordance with these bylaws, consistent with Governance Policy EL-200

The President's administration shall conform to the adopted policies of the Board and the direction defined in the College strategic plan and, in particular, the performance measures contained therein. These performance measures will be defined in three (3) broad categories and reviewed by the Board: Stakeholder Satisfaction, Financial Responsibility, and Access.

A formal evaluation of the President will occur in October or November of each year. This evaluation shall consider the performance measures as defined herein, and as it has appeared over the intervening year.

Only decisions of the Board acting as a body are binding upon the President. Decisions or instructions of individual Board members, officers,

or committees are not binding on the President except in rare instances when the Board has specifically authorized such exercise of authority.

(Amended 10/17/05)

1.6.4 Delegation to the President

The President is hereby delegated the following authority, consistent with the President's status as the College's chief executive officer. In exercising the authority granted herein, the President shall be governed by and comply with all written bylaws, policies and contracts adopted and approved by the Board of Trustees, and any applicable state law:

- A. Select and employ personnel of the community college, subject to 1.6.1. As provided in the Community College Act, the authority granted hereunder shall not include the authority to appoint and employ the chief financial officer responsible to the President.
- B. Pay claims and demands against the community college, up to the amount of \$50,000.
- C. Unless otherwise subject to a specific college policy or specifically approved by the Board, purchase, lease, or otherwise acquire personal property for the College on College premises, provided that all transactions of \$100,000 or more shall first be approved by the Board.
- D. Invest funds of the College, subject to limitations imposed by law or the Board of Trustees.
- E. Subject to terms and conditions as the Board may establish, accept any and all contributions, capital grants, gifts, donations, services, or other financial assistance from any public or private entity, provided that the President shall report to the Board, at the first meeting following receipt, any item with a value of \$10,000 or more.

These powers delegated to the President shall be effective immediately and shall continue until specifically revoked by the Board.

MCL 389.124(b).

(Amended 10/17/05)

1.6.5 Formulation of College Policies and Procedures

The Board of Trustees, as provided by statute, shall adopt policies for the governance of the College.

Formulation of new policies, or amendment to existing policies for the overall operation of the College, may be recommended to the Board by the President.

Procedures, when developed by the administration in order to implement policies, will be presented to the Board for information.

1.6.6 Policy Formation/Advice/Changes

The first meeting at which a policy topic is discussed shall require three (3) members for the purpose of introduction and discussion. The Chairperson, after consultation with other Board members, will seek pertinent facts and advice from the President and advice from legal counsel when appropriate regarding all policy formation or changes. Reports and information in response to such requests, as is the case with other Board information, will be made available to all members of the Board.

At the second meeting at which a policy is discussed, a formal policy proposal may be put forth. The Board may at this time vote upon the proposal or request language changes, further research, or additional information, thereby postponing a vote.

Policies may be altered, amended, or repealed by the Board at any Regular or Special Board meeting, provided the change has been presented at a previous meeting of the Board. This rule may be waived by a majority vote of the Board at the meeting at which a policy change is presented.

1.6.7 Distribution of Bylaw and Board Policies

Copies of the Bylaws and the Policy Manual of the Board of Trustees of Lansing Community College shall be provided to every Board member, filed with the Secretary of the Board, maintained in the office of the President of the College, on the College website, and at such other places as is deemed appropriate.

(Amended 10/17/05)

1.7 BOARD AND BOARD MEMBER CONDUCT/INTERACTION WITH PUBLIC AND WITH COLLEGE PERSONNEL

1.7.1 General Guidelines for Conduct

The Board acknowledges its responsibility to the Administration, Faculty, Staff and Students, as well as to the public to conduct itself, collectively and individually, in a manner consistent with these rules and bylaws as well as with other College and Board policies and practices, consistent with Governance Policy GP-307.

The Board of Trustees recognizes that it has authority to act only as a unit and that individual Board members have no authority to act in College matters without approval of the Board.

The Board will enforce upon itself whatever discipline is needed to govern and discharge its duties effectively and efficiently. The Board and individual Board member self discipline will apply at all times and to such matters which include, but are not limited to attendance, respect of others, proper decorum, confidentiality with sensitive information, speaking with one voice, and adherence to the policies and rules of the College and the Board. The Board will not allow any officer, individual or committee of the Board to hinder or be an excuse for not fulfilling the Board's responsibilities in a professional and responsible manner.

The Board will take appropriate action to enforce the obligations imposed hereunder and in these bylaws, including without limitation, limiting or suspending travel or other Board privileges, public censure, or other such action as the Board deems appropriate.

Each Board member is subject to and shall conform his or her behavior in accordance with Board and general College policies regarding ethical and professional conduct.

(Amended 10/17/05)

1.7.2 Receipt of Confidential Information

At times, Board members will receive confidential or sensitive information concerning College affairs, including information which if disclosed could have adverse consequences to the College. For example, information

received in a closed session of the Board that is disclosed to the public by a Board member could result in the waiver of the attorney-client privilege and, may as well, constitute a violation of the Open Meetings Act. Accordingly, Board members shall keep confidential all information of a confidential or sensitive nature provided to the Board, the disclosure of which would violate the fiduciary obligations of the Trustee, compromise the attorney client privilege, or violate any law or court order, and shall not disclose any confidential information received during closed sessions of the Board or otherwise.

1.7.3 Interaction With College Personnel

College personnel regard a visit by a Board member, except for consultation with the President, as a special occasion. Ongoing interaction can create confusion as to the roles of the Board and the College Administration. Moreover, to prevent the appearance of impropriety or unethical conduct and to avoid the use of undue and inappropriate influence over College personnel, Board members should coordinate College related contact and interactions with the President.

The Board recognizes the rights of students, faculty, administrators and other employees of the College to hold private meetings and to carry on the day-to-day operations of the College without the participation of Board members. Accordingly, it is improper for Board members:

- A. to attend or participate in private meetings of students, faculty, administrators or other employees of the College where College business is to be considered, unless the Board member has been invited to attend as an observer only, or the Board as a whole is invited to attend and decides to participate, or the Board member has been officially designated by the Board to attend or participate;
- B. to participate in the day-to-day operations of the College without official Board approval;
- C. to intercede with students, faculty, administrators or any other employees of the College on behalf of any person or program without approval of the Board;
- D. to threaten or harass or intimidate any employee or student of the College or anyone doing business with the College;

- E. to borrow money, solicit funds or accept gratuities of any kind from any employee of the College, unless the activity is otherwise protected by constitution or statute.

1.7.4 Communications Policy/Board Members Request for Information

In order to assure that internal and external communication between the Board, the public and the college staff are clear and represent the unity and maintain the integrity of the Board acting as a whole, these policies will be followed as individual responsibilities of each Trustee:

- A. Individual Trustees requesting information that will require a material amount of staff time to compile, or the preparation of a special report, or that may be disruptive shall make such requests to the Chairperson of the Board. The Chairperson may approve the request or, at his or her discretion, place the request on the next Board meeting agenda for the consideration of the Board of Trustees. Compilations and reports prepared pursuant to this provision will be available to all Trustees. Individual Trustees shall not make such requests directly to an employee of the College.
- B. Individual Trustees with questions regarding the operations of the College, such as inquiries concerning employment or admission to the College, complaints for or about students, complaints from or about faculty and staff, complaints or questions about administrative decisions, and complaints or questions from or about facilities, shall convey such to the Office of the President for consideration and possible action.
- C. When discussing community concerns, issues involving the College, and actions taken by the Board of Trustees and the administration, Trustees shall carefully delineate between opinions that are personal and held as an individual citizen versus opinions that reflect officially approved policies or action of the Board or College.
- D. Trustees will make no announcement of nor give any information about action taken by the Board until such action has been communicated by the Board Chairperson or President through regular official channels.
- E. Consistent with the guideline in 1.7.1, an individual Trustee shall not purport to act for, bind, or commit the College to any act or course

of conduct without the prior approval of the Board. The College can be bound only by formal action of the Board.

1.7.5 Communication With Legislators, Public Officials, and Community Leaders

In contact with legislators, public officials and community leaders, Board members should maintain consistency with established Board decisions, policies and plans and coordinate contacts with the President and Board Chairperson.

Consistent with 1.7.1 and 1.7.4.E, Board members, when acting as individuals, should take reasonable care to clarify that they are acting as individuals and not on behalf of the Board or the College.

1.7.6 Relationship With The Press

The Board Chairperson and the President, or their respective designees, shall be the spokespersons to the press on College matters. In most cases, Board members should refer inquiries from reporters to the Chairperson and/or President. The goal is to speak with one voice on College matters and to remove the potential of conflicting statements.

See also 1.7.1 and 1.7.4.C and 1.7.4.E, consistent with Governance Policy GP-307.

(Amended 10/17/05)

1.7.7 Conflict of Interest

A. Defined; Obligations in event of conflict of interest: As required by state law, if a Board member's outside activity (employment, participation or involvement in another business, corporation, institution or other entity) constitutes a conflict of interest, then the Board member will (a) disclose to the Board such conflict or the potential conflict; (b) absent herself/himself from discussion regarding any issue which involves his role as a Board member and his outside activity, and (c) refrain from voting on any such issue.

Conflict of interest includes, without limitation, (1) serving simultaneously as a member of a community college board and as an officer or director of a corporation doing business with the college, or (2) having a financial interest in a corporation doing business with the College, or (3) having the

potential in similar ways to have a direct personal benefit from a Board action, or (4) participation or involvement in any outside activity (as defined above) which would create the appearance of divided loyalties and advancing self-interest if the Board member were to engage in deliberations or votes concerning matters of interest to both the College and the outside activity or (5) any conference or discussion with any person which would create a risk of disclosing confidential or proprietary information of the College particularly when such discussions could implicate and further exacerbate conflicts as defined in (4) above.

B. Disclosure: Members shall immediately disclose to the Board any conflict of interest or potential conflict of interest that arises, and shall also disclose in writing at the regular September Board meeting each year any existing or potential conflict of interest. Each Board member shall receive a disclosure form in advance of the September Board meeting upon which disclosures shall be made.

C. Solicitation: No Board member shall directly or indirectly solicit any contract between the College and:

1. The member;
2. Any firm (meaning a co-partnership or other incorporated association) of which she/he is a partner, member or employee;
3. Any private corporation in which she/he is a stockholder owning more than one percent (1%) of the total outstanding stock of any class where such stock is not listed on a stock exchange, or stock with a present market value in excess of \$25,000.00 where such stock is listed on a stock exchange or of which he/she is a director, officer or employee; and
4. Any trust of which the Board member is a beneficiary or trustee.

D. Vendors: Except in circumstances where the Board is selecting a consultant for its own purposes, Board members shall not normally communicate with vendors regarding the provision of products and services to the College, and shall refer any inquiries to the President. Board members shall avoid involvement in vendor-College relationship; any advocacy of individual vendors shall be regarded as a substantial conflict of interest.

(Amended 03/15/04)

1.7.8 Trustee Usage of Facilities

Trustees are not prohibited from using College facilities for professional or personal reasons provided such facilities are normally available to the public, and the Trustee is subject to the same conditions, goes through the same procedures and pays the same compensation as would a member of the public who is not a College employee.

1.7.9 Complaints Regarding Individual Board Member

In the event the College receives a complaint from a member of the public or from a College employee, the complaint shall be referred to the Board Chairperson or, if the complaint is against the Chairperson, to the Vice Chairperson. The Trustee that is the subject of the complaint shall be notified and given an opportunity to respond to the Chairperson (or Vice Chairperson, if the complaint concerns the Chairperson). The Chairperson (or the Vice Chairperson, if appropriate), at his or her discretion, shall determine whether to take the complaint to the full Board for consideration or possible disciplinary action. Further, the Chairperson (or Vice Chairperson, if appropriate), shall have the discretion to investigate the complaint, including the authority to engage an outside consultant to undertake the investigation and may, if he or she chooses, do so prior to notifying the Board of the complaint. Any report from an outside consultant shall be disseminated to all Board members prior to any disciplinary action being taken against the Board member. All meetings to hear complaints or to consider the discipline of a Board member shall occur at an open meeting, unless the Board member that is the subject of the complaint requests a closed session, in accordance with the Open Meetings Act.

The foregoing does not prohibit the right of a member of the public, College employee, or vendor to appear before the Board at a regular or special meeting to address the Board during the public comments portion of the meeting and air his or her complaints regarding the conduct of the Board member.

1.8 COMPENSATION AND REIMBURSEMENT OF EXPENSES

1.8.1 Compensation

No member of the Board shall receive any compensation for services rendered the College.

MCL 389.112.

1.8.2 Travel Expenses

The Board recognizes the value of membership and attendance at conferences, workshops, and meetings at the state, regional, and national levels which are appropriate and necessary to carry out College business. Subject to Chairperson approval, the Board encourages the following:

1. The attendance of its members in one (1) out-of-state and one (1) in-state conference (inclusive of the MCCA Summer conference), workshop, or meeting per year, in addition to all other meetings and conferences offered by the Michigan Community College Association.
2. The Board appointed delegates to the Board of Directors of the Michigan Community College Association to attend all regularly scheduled meetings of its Board of Directors.
3. The Board Chairperson or his or her designee may also represent the College in one (1) international visit per year in furtherance of stated goals and the objectives of the Sister College Program.
4. Board members travel arrangements will be coordinated through the Board secretary.
5. Board members will be reimbursed for reasonable and necessary required business travel expenses.

The above is consistent with Governance Policy GP-308.

(Amended 10/17/05)

1.9 INDEMNIFICATION

1.9.1 Indemnification

A. Except as prohibited by law, the College will indemnify Board members against whom an action, claim, or proceeding is brought or threatened as a result of a Board member's good faith performance of duties on behalf or at the direction of the College, and in all cases in which the action, claim or proceeding is covered in whole or in part by a policy of insurance. This indemnification will be against and is limited to expenses, including attorney's fees, judgments, penalties, fines, and amounts in

settlement actually and reasonably incurred in connection with the action, suit, or proceeding.

- B. For indemnification to be provided the Board member must have acted in good faith and in a manner that he or she reasonably believed to be in the best interests of the College, and with respect to criminal action or proceeding, the Board member must have had no reasonable cause to believe that his or her conduct was unlawful.
- D. Indemnification will not take place for a breach of duty of loyalty to the College, an act or omission not in good faith or that involves intentional misconduct or a knowing violation of the law, a transaction from which the Board member derived an improper personal benefit, an act or omission that is grossly negligent, or for a Board member seeking indemnification under this policy who fails to provide timely notice of any action, claim or proceeding or fails to fully and completely cooperate with the College in defending the action, claim or proceeding.
- E. This indemnification will be made only as authorized in a specific case upon application by a Board member and after determination that indemnification is proper in the circumstance and the Board member has met the applicable standards of conduct set forth herein.

1.9.2 Procedure for Implementing Request for Indemnification

The following procedure(s) have been adopted in order to implement the Board of Trustees' policy regarding indemnification and assignment of litigation.

- A. In the event an action, claim or proceeding is brought against a Board member for which indemnification may be authorized under this policy, the Board member seeking indemnification shall immediately advise the President of the action, claim or proceeding and cooperate with the College in all facets of the application of this policy and the defense of the matter in question. All relevant documents related to the matter (including but not limited to the summons, complaint or other legal documentation) shall also immediately be forwarded to the President, who shall then proceed to apply this policy to the matter in question.
- B. The appropriate authorized College representative(s) will then automatically and immediately refer all relevant documents related

to the matter (including but not limited to the summons, complaint or other legal documentation) to the College's insurance carrier.

- C. Defense will be provided in accordance with established procedures as outlined in the coverage documents of the College's current insurance carrier.

1.10 ADMINISTRATION

1.10.1 Financial

The fiscal year of the College shall be from July 1 to June 30, inclusive.

The Board shall adopt a budget on or before June 30 of each year and shall provide for a public hearing to be held on the proposed budget in accordance with the Act. No later than the third Monday in April of each year, the President, or his or her designee, shall present an estimate of the amount of taxes or appropriation deemed necessary for the ensuing fiscal year for the purposes of expenditures authorized by law.

The Administration shall operate within approved budget allotments; no allotment shall be deemed a mandate to spend. The Board must first approve any expenditure in excess of an approved budgetary limit. At the fiscal year-end, the Board shall return the balance of credits in the operating budget to the general fund for reappropriation.

MCL 389.141; MCL 389.143., and consistent with Governance Policies EL-202, 203, 204.

(Amended 10/17/05)

1.10.2 Long-Term Financial Planning

The Administration shall be charged with the responsibility of following accepted accounting procedures as established by law and shall provide the Board with such interim fiscal reports as the Board may require. Long-term financing forecasts must include the protection of adequate fiscal reserves and available cash sufficient to meet payroll and debts in a timely manner.

1.10.3 Awarding Contracts

The Administration shall award contracts and make purchases in accordance with Board and College policies.

1.10.4 Audits

All accounts of the College shall be audited once each year and at such other times as the Board may determine. Copies of the reports and audits shall be filed as required by state law and shall be available at the principal business office of the College for public inspection, consistent with Governance Policies EL-202, 203, 204.

MCL 389.143.

(Amended 10/17/05)

1.10.5 Legal Counsel

Legal Counsel shall be appointed by the Board and perform such duties as may be assigned by the Board, through the Chairperson, and shall serve at the pleasure of the Board.

**LANSING COMMUNITY COLLEGE
BOARD OF TRUSTEES
October 17, 2005
Regular Meeting
Unadopted Meeting Minutes**

CALL TO ORDER

The meeting was called to order at 6:14 p.m.

ROLL CALL

Present: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith

Absent: Canady

PLEDGE OF ALLEGIANCE

The pledge of allegiance was not performed due to the absence of the flag.

ADDITIONS/DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

LIMITED PUBLIC COMMENT REGARDING AGENDA ITEMS

Zach Hansen – Good evening, my name is Zach Hansen and I'm the president of the Part-time Clerical Technical Union. The words that you will hear tonight represent the collective facts and thoughts of all seven labor unions at LCC including the Michigan Association for Higher Ed; the Educational Support Personnel; the Administrative Association; the American Federation of State, County, and Municipal Employees; the Fraternal Order of Police; the Hotel Employees and Restaurant Employees; and the Part-time Clerical Technical Union. All of us have been at the healthcare bargaining table for many months along with the management team. Many issues have arisen. We find ourselves facing internal equity issues between part-time and full-time employees. Additionally, we face external equity issues with other comparable colleges. Last week, MAHE informed you of a large percentage of part-time employees here at LCC in their unit. They are not alone. LCC continues to have a large percentage of part-time employees. Therefore, when we consider the percent of part-time employees we must begin to treat them as valued employees. This includes the opportunity to purchase pro-rated healthcare. We have worked diligently along with your team to try and address many issues that make up the healthcare dilemma. The Healthcare Task Force, which includes all of the unions and management, have collectively learned many facts that both help and confound the issues. We have worked to try to establish trust in each other, to work together to address the increasing healthcare costs and to understand each other within the framework of the needs of the College and the constraints of the budget. One of the things that we have learned is that we pay more for our benefits than other employees at other institutions. Additionally, we have learned that pool rating insurance saves money over experience

rating because it spreads the risk over a greater number of lives. Our current healthcare provider utilizes this pooling. Thank you.

Denny Morse – Good evening. My name is Denny Morse and I'm the president of the Administrative Association at Lansing Community College and I'm just going to continue along Zach's line of thinking or line of communication. As we have stated previously in support of both the millage increase of several years ago and the tuition increase effective this fall, we understood that the College needed additional funding to support its priorities. We urged approval of the tuition increase, expecting not only the College would continue to address its infrastructure needs, but that it would also adequately address the equity issues in compensation and benefits for all its employees. We have been greatly disappointed that so far at the healthcare negotiations the College has not addressed these needs. Additional revenue was produced through the switch from credit hours to billable hours in the fall of 2004, and greater tuition revenue has been collected this fall than was anticipated. Rather than the 3% predicted decrease in this year's budget, enrollment has increased. Student fees have also increased. Yet we are told that we must have an additional revenue stream to support greater compensation and increased benefit costs for employees, and the hint is that such a revenue stream can only be gained by eliminating programs, services, and employees. But if this is the case, and the College's calculation of its return on investment is the primary basis for determining program elimination, what will happen to the most expensive, yet in-demand programs, such as healthcare? And who would want such programs to be curtailed or eliminated, when their students are in such great demand? Labor does have an idea for increased revenue stream. Union members have been seeking to add to LCC and other public educational institutions' revenue streams by circulating petitions for the K-16 initiative. These petitions seek to increase state funding for public education. Today, we had petitions available in the Arts & Science lobby for students and other registered voters to sign and tomorrow we will be there as well. Tonight Patty Ayers, in the audience, has petitions and blanks for any audience member or Board member who would like to sign a petition or join in circulating them to try and increase this revenue stream. The College has continued building more buildings and continues to address technology needs and absorb public criticism for some of its choices. If rumors are true, it also has plans for an additional building beyond the planned University Center, while all the time saying, "times are tough financially." But the priority seems to put precious resources into infrastructure. Reviewing the...on October 10th reviewing the campus Facilities Master Plan and we see plans for campus beautification, a University Center, modified expansion for Dart Auditorium, and also additionally, possibly the Science Program expansion and Parking expansion. However, there are no comparable institutional plans to address human capital resource needs of the employees at Lansing Community College.

Sally Pierce – Hi, and I'm Sally Pierce, President of MAHE and the person who's going to wrap up labor's statement here. I think that Board members should have gotten a one-page comparable. Actually it's being passed out. I tried to not leaflet you during our speech, but it's coming. So you can see what we're looking at when we look at comparables around the state. We suggested that it is time for the College to address the College's human capital needs and we think that those also include the need for good healthcare and adequate salaries, which are paramount to keeping our human resources current, productive, and competitive. It's said that good employees are priceless, and that

is certainly the enlightened view in the knowledge and information age. We know you believe this because the College paid for Stephen Covey to come and tell us that productive employees are created in an environment of constant learning and updating of skills and knowledge. In the knowledge and information age, the workforce is the most important asset of any business. It is time to compensate us fairly and competitively. It's said that healthcare is a privilege. It's also said that it's a right. We believe that it is a necessity, particularly during a time in which our government remains mute on the subject. Employers use their benefit packages to recruit the best and the brightest to their ranks. And it's time to put a real effort into keeping our benefits competitive with comparable community colleges. Your negotiators have said it's right for employees to bear most of the cost, excuse me more of the costs of their healthcare if we continue with our current plan. But, we know of other comparable institutions, such as Mott, where employees pay no part of their premium co-pay for a superior plan. And when you look at your comparable sheet, the ones with the asterisks are ones that we've found are super care one. Perhaps the members of the Board don't realize that for many years LCC employees have been paying more of their healthcare costs than employees of comparable institutions. Our research also shows us that many of these institutions are contributing towards part-time healthcare and you'll notice that we designated those. LCC has supported its employees with staff training in the form of the Learning and Leading Collaborative coupled with greater support for the employee wellness program over the past year. And the cost of those efforts is approximately half a million dollars. Yet, we continue to haggle at the table over 4 tenths of 1% of our \$100 million budget to be spent addressing the healthcare issues we face. All told, healthcare costs are approximately 5% of the budget – about \$5 million. There appears to be money for every initiative except that of appropriately compensating employees. Even campus beautification seems to take precedence over employee needs. Money is available for consultants for such things as software problems, legal issues, financial aid issues, and other items such as EEO compliance. Perhaps greater monitoring of such spending will create an additional revenue stream for improving the status of employee compensation. Now is the time to invest in the College's most precious resource: its employees. We urge you to work with your team and with us to bring a successful conclusion to negotiations. Thank you.

Julie Liberti – Good evening. I'm hoping my voice doesn't go out; I've had a cold for a couple of weeks. So, but good evening everyone. I'd like to introduce myself and give you some personal background. My name is Julie Liberti. I come to you this evening as soon to be a former employee of Lansing Community College. My career with the College started in January of 2000 as a part-time lab technician for the Aviation Department. I am currently a part-time instructional lab tech, an adjunct faculty member. My actual job title is Certified Flight Instructor, Single Engineer Plane with an instrument rating and Certified Ground Instructor Advanced with an instrument rating. I teach students in the classroom and in the airplane. My pay rate while I'm in the airplane is \$14.26 an hour. And while I'm in the classroom it is \$28.14 an hour. Because I am part-time I have no benefits and am limited to 30 hours per week. Prior to being employed at the College I was a student in the Aviation Program beginning in the fall of 96. I graduated Magna Cum Laude; received an Outstanding Student Award through the Women's Resource Center; belonged to Phi Theta Kappa; and was honored to speak at the WRC's 25th Anniversary Celebration. Following my first two years of teaching Aviation I earned a gold seal designation from the FAA. I did all of this while working part time, running a house, raising three daughters,

volunteering at their schools and being a wife. I divorced three years ago and continued raising my two youngest. For me LCC and the airport has become home. I want to start by saying that I have loved my time at LCC. I've met some amazing people; instructors, students, colleagues, and friends. I had one of the greatest flight instructors. He taught me more than I ever thought I could know. One of my greatest accomplishments as an instructor was teaching a student who was afraid of flying and helping him to earn a pilot's license. His first words to me were, "hi, my name is Steve and I'm afraid of flying." I said, "hi Steve, let's see what we can do about that." He's been flying for almost two years now. Former students and co-workers – I still count them as friends. But on the other hand I can't say that I'm sorry to be leaving LCC either. I've watched so many of the best people that I had as instructors and colleagues that I've worked with leave this institution. Many for the same reasons as myself. I've been threatened on several occasions with my job. I've been asked for an opinion and told to do it their way or be fired. I've been told to teach a certain way and in a certain amount of time or be fired. I understand that most people in this room do not understand what it is like to fly an airplane let alone teach in one. It is not a one way fits all type of teaching environment. Not everyone follows the same path in learning how to fly. Everyday is a unique and new challenge. The safety is always the number one factor and I will never compromise on that issue. The people that have left along with me have been the ones pushing this department to be all it can be. But we are seen as a threat and quite often pushed out. The administrators of this college that make the decisions regarding the Aviation Department need to learn what it takes to be a flight instructor and a flight student. I give you a challenge this evening. One of you to become a flight student and get a first hand look at what it entails from both sides. I'd like to turn to the salary issue at this time. As a part-time adjunct faculty member I teach the private pilot ground school. It is a four-credit class with four hours of contact time. The teaching load for this class is 8 hours with a 30 hour limit that leaves me with 22 hours that I can put in as an instructional lab tech. But of those eight hours of load time I am only getting paid for four hours. Effectively, I am earning \$14.07 per hour. The full-time faculty members getting paid more on an hourly basis plus being paid for the entire load time. Our jobs are the same; teaching students. Why the difference in pay? You don't have to be a math wiz to understand the inequity. When I'm in the airplane teaching a student how to avoid stalling the aircraft or getting into a spin. How to avoid wind shear and weight turbulence. How to make a landing without having anyone's teeth rattle in their head or being blown into the landing lights and then flipping over. How not to get lost. How to avoid putting themselves into a death spiral. I'm getting paid \$14.26 per hour as an instructional lab tech. But I'm not guaranteed that many hours. I run out of one-on-one ground training time; the airplane is down for routine inspections; the weather's been bad for the last five days; the student can't make it in I don't get paid. I work three jobs just to make ends meet. Sometimes I succeed and sometimes I don't. I've asked myself numerous times, why the part-timers at LCC stay? From what I see it's the love of teaching others and passing on a passion to new generations. For me it's been a love for flying and hoping to bring that joy and wonder to those whose feet are planted on the ground. And I am almost finished. The last issue relates to health insurance. I have been fortunate enough to qualify for the Ingham Health Plan. It is not insurance; there isn't much flexibility, but it has helped me out tremendously in some situations. It covers doctor visits; it can get you in...if they can get you in when you need to. Some prescriptions, except the one I need. It doesn't cover emergency visits, like the time I needed stitches and when I had an allergic reaction. It didn't cover my urgent care visit two weeks ago when I had an ear, throat, and

eye infection. But when I found a lump in my breast I was very grateful for the plan. By some miracle that lump disappeared. They thought it was cancer. I have no idea what I would have done. I admit that when I first started working for LCC pay and benefits were not the big issue. I was married and he worked in a good job, but I hoped to be able to make a difference through the union and try to show people where the inequities were. How can anyone not see it? I guess I was naïve. I look at all the pretty new buildings, see all the technology updates and all of the new furniture, but I continue to see salary discrepancies staying the same. I continue to see part-time staff being passed over again, and it's a shame. I applaud all of the teaching staff for doing what they do with no intentions of moving on. I am not able to justify that for myself any longer. As a Board I beg of you to do the right thing. And as an administration I beg of you to do the right thing. A teaching institution is only as good as its staff. As this commanded staff retires and moves on who are you going to get? Only those that will be using it as a stepping stone to bigger and better things. Will you then have the finest staff for our students and how will the turn over rate affect them? I know how badly it's hurting the Aviation Department. I will be finished at the end of this semester. I can only pray that this issue is resolved quickly and I wish the teaching staff good luck and goodbye.

Jack Rotman – Hi, I'm Jack Rotman. I was here last time. I want to start off by reviewing...I'm still a professor of Mathematics. I still want to talk to you about respect and investment. Last time I talked about respecting and investing in faculty. This time my presentation is a lot simpler. I have a graphed page which the Board has. It's pretty simple. The blue line is the College's revenue for the last three years based on the document from their May meeting. The general fund. The red line is the consumer price index (inaudible) and the green line is me. And you can see there's a little bit of a gap...quite a big gap. Of course, I'm not very pleased. It shows the College is not investing. It has more resources and is not investing a large share of those in faculty. So, that is the main thing. If this was a Math class I would make you find the area in between the curves to show you how much inequity there is. I'll leave that as an exercise later. I would welcome to answer any questions you may have. Thank you.

Mark Thomas – Thank you, Mr. Chairman. My name is Mark Thomas and I began at Lansing Community College in 1984 as a student. I received a scholarship for which I am eternally grateful. I served as an editor on The Lookout. My experience at Lansing Community College led me to pursue an advance academic degree and a 15-year career in government and politics. I am now able to come back to Lansing Community College and give back to the College and the students who helped me so much. I am an adjunct faculty member in Political Science. And I care deeply about my students. I work hard for them and I do a pretty good job at teaching them. I work three jobs to make ends meet. In fact I have to leave shortly for one of those jobs as I conclude my remarks. I work the three jobs so I can make the payment for the very limited health coverage that the College offers. I am grateful to have that opportunity. If I had the command of numbers that the previous speaker had, I'd tell you what percentage of my income it is. But I can't tell you that exactly. I know in a couple days it'll come out of my checking account. And as one of the other previous speakers mentioned I can't do this much longer. I would love to continue teaching at Lansing Community College. I'll do that as long as I can, but eventually the economic realities will win out and I'll need to leave to find a job where I can have more comprehensive healthcare benefits. And I'd just urge that you keep that in

mind as we continue in contract negotiations because I think there are many, many part-time faculty members who are in a similar situation. And it would just be a shame to lose too many of those very good faculty members. Thank you for your time.

Steve Klimecky – My name is Steve Klimecky and last time I had spoken with you and reminded you or at least some of you know about maybe for the first time the gross inequity in salary between full-time and part-time faculty here. And I mentioned the statistic that I do 75% of a full-time teaching load and get 20% of full-time pay for that work with no benefits. I am here to urge you again to put your support behind MAHE's proposal for proportional or pro-rated pay for adjunct faculty. One of the usual arguments against that is that all other community colleges exploit part-time faculty in that way. So, to do so is considered usual and customary, etcetera. Well, that's really not the most viable or rationale argument. First of all, not all community colleges do that. For example, here in Michigan, Mott Community College pays their adjunct or part-time faculty on a proportional basis. And need I remind everyone that in the 18th and 19th century in this country there were a fair number of states down south that utilized forced labor. Well, just because it was widely practiced, does that mean it was o.k.? Just because everyone down there was doing it that didn't make the practice right or proper or moral or just. A lot of lives and blood were shed to correct the situation. Now, I'd like to address a rhetorical question personally to President Cunningham. And ask you how do you feel to be the leader of an institution that functions on the wholesale exploitation of the vast majority of its faculty? Now, when this new contract is being negotiated you have an opportunity to be a leader in academics as well as morality. By putting your personal support behind the idea of proportional pay, you have the opportunity to be the Abraham Lincoln, the Martin Luther King, Jr. of community colleges in Michigan by signing on to the idea of the emancipation of your adjunct faculty from their current position as hemi-slave labor or worse. Now as far as the money issue, well, there is money there. And a number of the previous speakers have mentioned some of the ways to either generate new revenue streams or prevent the loss of revenue by waste, by mismanagement, by purchasing millions of dollars worth of software that doesn't work and having then spent hundreds of thousands of dollars to consultants to fix it, for adopting technology upgrades that are not needed, and this new technology doesn't even work as well as the previous stuff that was thrown away and it actually works, not as well as a lot of the previous technology. Last year's expenditure of new buildings alone – a tenth of a billion dollars. That would have been enough money to provide for equitable pay for all adjunct faculty on this campus for over seven years. And now you're thinking about even more buildings. I think the quality of education comes down to the quality of the instruction and interaction between the instructor and the students and the instilling of learning. Yeah, new pretty facilities factor somewhat into the quality of learning. But it's time that investment into your people raises or rises to the top of your priority list. A lot of us were considered to be really good faculty here, but we literally can't afford to do our job here much longer under these excessive exploitative conditions. And Ms. Cunningham, again, you have the opportunity to be a leader, and do the right thing, the moral thing, the right, proper, just and moral thing and put your support behind the idea of proportional or prorated pay for part-time faculty. It's the right thing to do.

Joseph Warren – Good evening members of the Board, President Cunningham, my name is Joseph Warren from the Humanities & Performing Arts Department. There are several

points I'd like to make and this is directed to the Board. What will be your legacy when you leave the Board? Will it be a college of strong programs, dynamic leading programs? Or will it be a collection of academic mausoleums that are just barely outfitted with minimum staff to run the program? The question is how did we get to this point? In the 37 ½ years that I've been here, the College has valued buildings and equipment over staff. First the priorities go to buildings then to equipment; whatever is left over goes into what's referred to the little bitty pot for salaries and benefits. Well, is that the priority this Board wants to establish? And if so, then we will remain non competitive with other community colleges. So, I'm asking the Board to do two things. One, put a moratorium on any IT purchases until we learn how to use the stuff we purchased and make it work. Two, put a moratorium on buildings and new facilities until we have the programs that we have right now fully staffed and fully funded. And with that what's left over let's put into buildings and IT&T. Again, I draw a metaphor, what if General Motors adopted the LCC approach? Building great factories, but having such a short amount of staff. Would it not be able to build Cadillacs? Or would it be limited to building Yugos? At this institution let's build an academic Cadillac, not to get stuck with a Yugo that doesn't work. Thank you very much.

CHAIRPERSON AND BOARD MEMBER REPORTS

Chairperson Laverty

Financial Aid Issue

Chairperson Laverty stated that following the last Board meeting and based on issues surrounding the financial aid issue he appointed Trustees Rasmusson, Brannan, and Pelleran to an ad hoc committee. They will work with the College and the auditors regarding reviewing the problems, what was the source that led to the challenges with financial aid and to ensure this does not happen again. The Committee is in a mode of gathering information. One informal meeting with the auditors was held this afternoon, but there is still a lot of work and information to be gathered in order to move forward and not have this happen again. He asked Trustee Rasmusson to elaborate on this agenda item.

Trustee Rasmusson stated that the Committee requested a lot of documentation to refresh their memories and bring some Trustees up to speed on the issues. They will then meet with the auditor. He distributed a motion to the Board regarding having a campus-wide communication sent out encouraging faculty and staff to contact the ad hoc committee with any complaints or suggestions so that all the facts are found. The communication could be sent by email to Trustee Rasmusson's personal address or by mail to his office. If anyone wishes to contact the Ad Hoc Committee, their identity will not be disclosed.

IT WAS MOVED by Trustee Rasmusson and supported by Trustee Pelleran to adopt the motion encouraging faculty and staff to contact the Ad Hoc Committee.

Trustee Smith stated that it is important that as we look at this financial aid crisis that anyone that feels they have information that could be of help that they should be able to do so in a very safe and secure environment. She felt that this resolution ensures that there is no fear of intimidation or any reprisal for their positions. Trustee Smith clarified that they are not assuming that this currently exists.

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith
Nays: None
Absent: Canady

Motion carried.

IT WAS MOVED by Trustee Brannan and supported by Trustee Pelleran for the College or employees not to participate in or conduct any external presentations related to Oracle Applications and Technology Solutions Software. That Lansing Community College discontinue sales of Oracle Applications and Technology Solutions and to remove Oracle related material, articles and links from the website until the Committee is through with its findings.

Trustee Rasmusson felt that it is important to have alliances with businesses; however, we have to get on top of the Oracle problem and make sure that there isn't a problem or if there is something, correct it.

Trustee Smith asked Trustee Brannan to clarify what he meant about things being on the web and conducting presentations.

Trustee Brannan responded that he is concerned with the College promoting that Oracle is such a great thing and that a lot of money has been saved when he's not sure if that is accurate; therefore, until this issue is resolved, he is requesting all things related to Oracle be removed from the College's website.

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith
Nays: None
Absent: Canady

Motion carried.

Follow Up to Willard Daggett Presentation

Chairperson Lavery thanked President Cunningham and the College for bringing in Dr. Willard Daggett on September 23. He stated that it was an excellent presentation and hopes the College will continue to do things like this. He distributed a white paper written by Dr. Daggett titled "Jobs and the Skill Gap" that he found on his website (it is on file with the official Board materials.) Chairperson Lavery also distributed an article entitled "Technology 2008: Preparing Students for a Changing World." He made extra copies available for anyone interested in the audience. Chairperson Lavery encouraged everyone to pick up the following books Dr. Daggett cited during his presentation: *The World is Flat* and *Jobs Revolution*. He stated both books will be in the Board Library.

Board Bylaw Discussion and Approval

Chairperson Laverty presented the Board bylaws. He stated that he received changes to the bylaws in addition to the ones in the Board packet. In order to implement the new changes, the bylaws need to be waived.

IT WAS MOVED by Trustee Pelleran and supported by Trustee Brannan to waive the bylaws pertaining to revision so that the Board may consider the new changes.

Trustee Smith asked if they would still have an opportunity to make changes.

Chairperson Laverty responded that it will all be done tonight.

Ayes: Brannan, Laverty, Pelleran, Proctor, Rasmusson, Smith

Nays: None

Absent: Canady

Motion carried.

Additional changes were made to the bylaws, which are as follows:

1.4.5 Quorum, Voting, and Roll Call Voting – Second Paragraph

No act of the board is valid unless voted at a legal meeting by a majority of the ~~members elect of the~~ Board, consistent with 1.5.5, and a proper record made of the vote. A roll call vote is required for approval of any expenditure of College proceeds or for any other vote if requested by any Board member.

1.5.3 Public Participation in Public Meetings – Second Paragraph

*The Chairperson may order the removal of any person, by ~~Campus~~ **Police and Public Safety Officers** or any lawful means, who persists in improper conduct during a meeting of the Board of Trustees.*

1.6.1, Authority and Powers Reserved by the Board – Third Paragraph

*More specifically, the duties of the Board of Trustees shall include, but are not limited to, the following: 1) appoint, **evaluate, and/or** remove the President, **Vice-presidents, Deans, and Departmental Chair** level administrators; **the terms “Vice-presidents, Deans, and Departmental Chair Level administrators” shall mean any person paid by LCC, whether employee or consultant or contract person, or person paid through a firm in which such paid person has a legal or equitable ownership interest, and which payment in any calendar year shall exceed that of the average full time faculty member;** 2) **review and approve all terminations and/or discharges;** 3) **review and approve all consultant contracts;** 4) **approve the issuance of College degrees and certificates;** 5) **adopt, develop, and define Board and College policies;** 6) **establish an annual College budget;** 7) **establish and authorize College tuition, course fees, and other fees that apply to all students;** 8) **authorize the sale, purchase, construction, and renovation of College land, buildings, and major equipment;** 9) **define and review College strategic direction and goals;** 10) **institute and promote major College fund-raising***

efforts and authorize the acceptance of gifts to the College; 11) authorize the incurring of debt by the College; 12) evaluate the President, consistent with 1.6.3.

Trustee Smith asked if changes could be submitted at a different opportunity.

Chairperson Lavery responded yes.

IT WAS MOVED by Trustee Pelleran and supported by Trustee Brannan to accept all the revisions and changes to the bylaws.

Trustee Smith asked if this action is revoking a previous action or is this something new that is being adding. She asked if it had been part of the bylaws before.

Trustee Rasmusson responded that since he has been on the Board they have tinkered with the delegation. This is just a revision of what was there before.

Trustee Smith stated that there hasn't been a lot of information given as to why this action needs to be taken. She asked for more background information as to why this action needs to be taken.

Chairperson Lavery responded that it does not fall in line with Policy Governance and that it is about trust.

Trustee Smith stated that she knows Policy Governance and knows that the Carver Model is a tool that the Board uses. She said we need to decide what our philosophy is as a Board.

Roll call vote:

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith

Nays: None

Absent: Canady

Information and Announcements

Chairperson Lavery reported on the following events:

- There is a volleyball game tomorrow night.
- The NAACP Freedom Fund Banquet on October 21.
- The Performing Arts event, *Soundscape 2005*, on October 22 and 23.
- On November 4-6 is the performing arts event, *House of Desires*.
- The first basketball game is on November 10.

He distributed a list of committee assignments to help the Trustees keep track of what committees each Trustee serves on (it is on file with the official Board materials.)

Chairperson Lavery announced that the Lip Sync event was last night. He is looking forward to hearing the results. The money raised goes toward scholarships for students wishing to attend Historical Black Colleges. He complimented President Cunningham and Mr. Cunningham on their performance and complimented Trustee Smith on her performance.

He thanked staff for getting them all new name tags and Facts-at-a Glance brochures.

Chairperson Lavery distributed a draft letter on behalf of Trustee Smith regarding her application to the Association of Community College Trustees (ACCT) Diversity Committee. Unless there are no objections, he is recommending that Trustee Smith be the delegate on the ACCT Diversity Committee.

He distributed a recent article that Trustee Rasmusson wrote for the *Corporate Board* publication. Chairperson Lavery thanked Trustee Rasmusson for doing a great job on the article and for the work he's doing in this area.

Board Members

Trustee Proctor – Workforce Development Board

Trustee Proctor reported that Lansing Community College submitted an application to the Workforce Development Board for approval to secure \$280,000 for the Youth High School Completion Program. The College is one of four organizations applying for the grant. He stated that the matter is still pending and applications are being reviewed by the committee.

The College has also submitted applications for training for some 1274 employees in the area; 88 of which are new. It is a collaboration with nine corporations in the greater Lansing area.

Trustee Smith – Foundation Board of Directors

Trustee Smith commended the Foundation on the 2005 Lip Sync. She said it was a great event. There were 76 people in the cast, and it was standing room only. There was \$17,450 raised through sponsorships. She gave the following Foundation Board highlights: the changes in the Employee Development Fund bylaws were approved to assist the EDF Committee to recruit broader and more diverse representatives from the College; the Foundation spending funds were approved to support an alumni updating project. Trustee Smith also thanked Ms. Sue Fisher and Vice President Ruth Borger for their hard work that they put into the Lip Sync event.

Trustee Proctor asked that everyone that performed in the Lip Sync event to stand and be recognized.

Trustee Pelleran – Michigan Community College Association

Trustee Pelleran reported that she attended the Michigan Community College Association (MCCA) Board of Directors meeting on October 7 and 8 in Alpena, Michigan. She stated that President Cunningham also attended this same meeting in her home town. As Lansing Community College is known for many things and Alpena Community College is known for their work in concrete technology. They were able to showcase that program and the partnership they have with Besser Corporation. The Besser Corporation's world headquarters is in Alpena and they hold the international patent on the equipment that makes the cement block.

The Board of Directors talked about the recent appropriations and what the recommendations were. They looked at the community college budget, economic development, job training funding, capitol outlay, reorganization legislation, and the K-12 petition which is the Education Funding Guarantee. The MCCA Board voted to take a neutral position on this petition because they felt it wasn't good public policy. Trustee Pelleran stated that we have to look at funding local issues, and at the state level and federal level. She said priorities cannot be funded unless you are willing to pay for them. The MCCA Board also discussed the Governor's proposing November as Return to Learn month. Trustee Pelleran felt it was a good, intense meeting on the issue of base appropriations for some community colleges and the group came to a meaningful position.

Chairperson Laverty asked if there was discussion on reorganization of community colleges statewide.

Trustee Pelleran responded that there was some discussion, but it wasn't the issue. Baseline funding was the more contentious issue. She asked President Cunningham if she agreed.

President Cunningham responded that she agreed with Trustee Pelleran.

Chairperson Laverty asked if the reorganization is being written, but hasn't been introduced yet.

President Cunningham responded that they were looking for a sponsor and asked Vice President Borger to elaborate.

Vice President Borger responded that the legislation is being drafted and they are pursuing sponsors. Sponsorship needs to be acquired before the bill is introduced.

Chairperson Laverty asked Vice President Borger to give a synopsis of this legislation and what it could mean to the College.

Vice President Borger stated that in light of the Cherry Commission findings it is critical to have equal access to community colleges across the state. There are many communities that do not reside in a community college district. This new legislation addresses the issue in a way of improving access for individuals as well as the need for additional funding.

Trustee Brannan thanked President Cunningham and staff for a job well done as a sponsor of the Dr. Covey event.

PRESIDENT'S REPORT

Informational Items

College Spotlight – Child Development

President Cunningham asked Dean Roberta Peterson to introduce the presenters.

Dean Peterson introduced Ms. Olga Hernandez-Patino, Department Chairperson of the Health & Human Services Department.

Ms. Hernandez introduced the speakers, Ms. Marcia Rysztak, full-time faculty member and Academic Team Leader from the Child Development Program; and Ms. Jane Bobay, part-time faculty member and Coordinator of the Early LCC Program.

Ms. Rysztak and Ms. Bobay gave a PowerPoint presentation on the Child Development Program (the presentation is on file with the official Board materials.)

Ms. Christina Guinn, Lansing Community College student studying Elementary Education, has two children who have been enrolled in the Early LCC Child Care program. She is a recipient of the Early LCC child care stipend, which has helped to pay for high quality childcare. She shared that it has given her children a safe place to be while she studies, works, and takes classes.

Ms. Deanna DeJesus-Farless received her Associates Degree in Child Development in May of 2004. She shared her experience in the Child Development program and how this is benefited her in her career. She currently serves as an Infant Teacher at the Education Childhood Center and is currently pursuing her Bachelors Degree in Community Services with Sienna Heights University.

There was a question and answer period after the presentation.

President Cunningham thanked Ms. Rysztak, Ms. Bobay, and staff for taking the program to a higher level with limited budget and for securing alternative funding through grants.

Financial Aid Update

President Cunningham gave a status report on the financial aid issue. She said this doesn't mean everything is correct or fixed, but it does mean they are continuing to review this issue. The purpose of the report is not to assess blame. She takes full responsibility for this issue as the leader of this institution. If we are going to continuously improve, we need to know where the system broke down, how we are to make certain this doesn't happen in the future, and the risk and vulnerability of this institution as we move forward. As horrible as it was for some of our students who needed their financial aid checks, she applauded the creative thinking, hard work, long hours, and dedication of everyone across the entire College who has come together to help address this issue. This institution has enjoyed success in many areas and when challenges have arisen we've worked hard to

make certain to address them head on. Whether it was payroll, finance, collaboration suite, computer-on-wheels, or whatever the issue we have always focused on how to continuously improve.

She explained what had caused the break down in this area. The methodology, the timelines, identification of various processes, load testing that were all used for the implementation of the human resources and finance systems were not sufficient for the student system. External factors which guide financial aid as well as the individual factors impacting each student's award, challenges navigating through the problems, increase in backlogs, key positions not being filled in a timely manner, and a back-up plan that was too labor intensive to implement, lack of effective communication, student error and other issues all led to the most recent challenges in having a successful implementation of financial aid for all students. As a result, approximately 2,000 students were significantly impacted in receiving timely communication and/or their financial aid awards. It would be impossible to list every single issue or reason that a student did not receive their aid in a timely manner. In addition to the above, what we have learned is that given the time, training, the complex nature of financial aid, and the Oracle system's difficulty in addressing all of these issues was underestimated.

President Cunningham addressed what we are doing now. She stated that for the past several weeks our primary goal was to get eligible students their financial aid awards. We believe we have done that; however, since that time all efforts have been focused on how to improve the system, how to secure it and how to ensure compliance with regulatory agencies and identify what can accurately be done in the short term and what would require more extensive overhaul. The Financial Aid staff and others need to know what information will be available and what information is reliable. To that end, the following procedures have been implemented: an Immediate Response Team has been created which President Cunningham chairs that meets daily to track progress, identify issues, and craft responses; Ms. Nancy Lombardi has been named Project Manager, who is working directly with Mr. Masota of BDO Siedman and President Cunningham to clearly define the project scope, have the appropriate signoffs, systems map, and a complete list of priorities. The Information Systems and College Development division and Oracle continuously work on systems issues. Oracle is a full partner with these issues and has agreed, in writing, to continue to provide on-going assistance, as they've done in the past, as we face these challenges. We've solicited the services of a financial aid director, Ms. Nancy Barnett (*Note: President Cunningham misspoke; the correct name is Nancy Sinsabaugh*), on an interim basis to be the point person in Financial Aid. We are also looking at external packaging of loans to relieve the workload while lingering issues and necessary training are identified. We've identified additional human resources necessary to alleviate the workload of an already exhausted staff. We've developed a call center that took telephone wait time from more than two hours during peak periods to less than five minutes. We will continue to review these issues daily until all are resolved and the system is running smoothly. President Cunningham stated that they will continue to meet and report our findings and successes. She applauded everyone who has worked so hard to continue to serve students during this very challenging time. She stated that Chairperson Laverty has formed a committee to also review this issue and they would be happy to share any information with them.

Budget Update

Vice President Larson reported that the Governor signed an omnibus bill on September 30. Lansing Community College's appropriation in that bill is \$28,097,100 which is exactly what the College budgeted for this fiscal year. We are hopeful this level of appropriation will continue unlike last year where there was an executive order which reduced the College's budget mid-year. There was partial restoration of that executive order, so this level of funding actually represents a .9% reduction from last year. Staff will move forward with budget monitoring and budget planning will soon begin for the next fiscal year.

There was brief discussion regarding the capitol outlay dollars intended for the University Center.

High School Dropout Initiative

Vice President Rich Howard reported that in order to address the growing amount of high school dropouts a Pilot Committee, charged by President Cunningham, is working at bringing a similar program to the ISUS Program in Dayton, Ohio to the Lansing area this coming fall. They would be able to receive their high school diploma as well as life skills, job skills, college credit, and possibly a certificate of achievement. They are establishing relationships with the Ingham Intermediate School District who has pledge over \$100,000 this year and have communicated that they may pledge the same amount next year. President Cunningham received a letter of support from Superintendent Kovak pledging the unconditional support of every superintendent in Ingham County. We are prepared to move forward and are looking at a number of funding sources. For example, we have applied for a grant through the Capital Area Michigan Works! We do intend to have students identified in December for the program to begin in January 2006.

Chairperson Laverty thanked President Cunningham, Vice President Howard, Dr. Stanley Chase, and Ms. Toni Glasscoe for all of their hard work in this endeavor. He said they've done a great job in bringing all the experts together from the Lansing School District, Ingham Intermediate School District, and other areas. Chairperson Laverty supports the program 110%. This is one of the biggest problems facing this community with having a 70% graduate rate not only in Lansing, but across the country.

Trustee Smith shared that she is excited about this initiative because she believes the dropout rate is the most critical issues this community faces. This is a wonderful example of how a collaborative effort can develop an exciting program. Trustee Smith expressed her excitement to see how this program will be implemented and will affect our community.

Facilities Master Plan Update

Vice President Larson stated that every year the College is to submit an updated Facilities Master Plan to the State's Department of Management and Budget. A draft will be submitted on November 4 and with approval from the Board at its November 21 meeting, a final document will then be submitted. Vice President Larson introduced Mr. Chris Strugar-Fritsch, Director of Facilities, and Mr. Eric Glohr, Director of Auxiliary Services.

Mr. Strugar-Fritsch and Mr. Glohr provided a PowerPoint presentation on facilities master plan update (it is on file with the official Board materials.)

There was a question and answer period throughout the presentation and a discussion about parking.

President Cunningham stated that this will be brought back for Board action in November.

Action Items

Approval of Minutes – September 19, 2005 Regular Meeting

President Cunningham presented the September 19, 2005 meeting minutes for the Board's review and approval with the changes indicated.

There were no additional changes.

Meridian Township Downtown Development Authority Resolution

Vice President Larson presented the resolution to opt out of the Meridian Township Downtown Development Authority. The College was recently made aware that Meridian Township wants to create a Downtown Development Authority. The current property value in that area is \$17 million which equates to \$65,000 per year to the College. In the discussions with Meridian Township there is no specific plan as to what they will be using the captured taxes for.

Trustee Pelleran asked what conversations has she had with Meridian Township.

Vice President Larson responded that she spoke with the Assistant Manager and informed him of the recommendation staff would be presenting to the Board. She said he was very understanding. They discussed whether the Board of Trustees would be reviewing this again once the Downtown Development Authority plan was in place and that it would be up to the Board through correspondence with the President's Office in the future.

IT WAS MOVED by Trustee Pelleran and supported by Trustee Smith to separate this item and approve the resolution to opt out of the Meridian Township Tax Increment Finance Plan.

Roll call vote:

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith

Nays: None

Absent: Canady

Motion carried.

Finance – Approval of Bids

The following bid was presented for the Board's approval:

Expansion & Updating of College Network Infrastructure and VOIP Telephony in the amount of \$379,935. The bid was awarded to Netarx, Inc., of Farmington Hills, Michigan.

Trustee Brannan stated that he will not support the bid with the renewal option in light of the current budget situation. He would support it on a one-year basis, but not how it is written.

Ms. Beckie Beard responded that the \$379,000 was a negotiated amount based on a five year contract. If we went with a one-year contract, it would be slightly higher.

Trustee Pelleran asked if bids were sent to six suppliers, and we received only three proposals, why did we not send to more than six suppliers.

Ms. Beard responded that there is a certain level of certification that is required by the suppliers to respond.

IT WAS MOVED by Trustee Brannan and supported by Trustee Pelleran to vote on the President's report action items separately.

Trustee Smith asked if this was a contract that already has been established and if renegotiation would have to take place to change it to a year-to-year contact.

Ms. Beard responded that if we were to change this to a one year contract, we would need to seek pricing for a one-year period. She clarified that the current contract is expiring and this would be a brand new contract. The incumbents always have to re-earn our business and when we go out to bid we like to have more than a year long relationship with a service provider.

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith

Nays: None

Absent: Canady

Motion carried.

Trustee Rasmusson asked what is the standard for deciding on whether to make a technology investment. Usually an investment is not made unless you are saving money or there is a capability that you have to have.

Vice President Glenn Cerny responded that if this maintenance agreement is not approved we will not have any support. So, if the phone system goes down we will have no maintenance contract, which includes all 3,500 phones at the College.

Trustee Rasmusson stated that is a compelling reason, but he clarified his question. He asked what is the basis for purchasing new technology. Some industries say that it has to pay for itself in one year or typically it's for three years.

Vice President Cerny responded that we take the budget that is allocated and we evaluate the requirements that each user has and we proportion accordingly. This is how it's been done for the last five years.

President Cunningham stated that on this phone system we are able to get our email, send messages, voice mail, and it is much more sophisticated.

Vice President Cerny responded that it is part of the network and it is not like a phone system with SBC; it is data over the phone system. He explained that return on investment is conducted in order to find out how we can adjust according to the technology needs to ensure money is being saved.

There was discussion regarding if this is not approved tonight would we no longer have phone service. It was clarified that not approving the contract would mean we would not have maintenance service as the contract would expire on October 31, 2005.

President Cunningham shared that this is part of the electronic campus and a very comprehensive technology master plan that looks at efficiency, accessibility, quick service, and how we can integrate systems.

IT WAS MOVED by Trustee Rasmusson and supported by Trustee Smith to approve the bid.

Roll call vote:

Ayes: Lavery, Proctor, Rasmusson, Smith

Nays: Brannan, Pelleran

Absent: Canady

Motion carried.

IT WAS MOVED by Trustee Brannan and supported by Trustee Rasmusson to approve the September 19, 2005 meeting minutes.

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith

Nays: None

Absent: Canady

Motion carried.

Chairperson Lavery asked if there is any objection to proceed with public comment prior to going into closed session.

There were no objections from the Board.

PUBLIC COMMENT

There were no comments from the public.

CLOSED SESSION

IT WAS MOVED by Trustee Smith and supported by Trustee Brannan for the Board to go into closed session to discuss a strategy connected with negotiations of a collective bargaining unit and pending litigation.

Roll call vote:

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith

Nays: None

Absent: Canady

Motion carried.

The Board entered into closed session at 8:23 p.m.

The Board returned from open session at 9:25 p.m.

ADJOURNMENT

IT WAS MOVED by Trustee Proctor and supported by Trustee Brannan for the meeting to adjourn.

Ayes: Brannan, Lavery, Pelleran, Proctor, Rasmusson, Smith

Nays: None

Absent: Canady

Motion carried.

The meeting adjourned at 9:25 p.m.

ADMINISTRATIVE APPOINTMENTS FOR BOARD APPROVAL

- Name:** **Radecka Appiah-Padi**

Position: Director of Instruction

Dept/Div: Business Department
Business Media and Information Technology

Education: M.S., University of Alberta
B.A., University of Ghana

Experience: PAL/ESL Coordinator (2002-present)
Lansing Community College

Program Coordinator – Adult Literacy/ESL
Instructor (1999-2002)
Northwest Iowa Community College

Literacy Coordinator/ABE Instructor (1999-2000)
Northwest Iowa Community College

TERMINATED EMPLOYEES FOR BOARD APPROVAL

- Name:** **Karen Conerly**

Position: Full-time Faculty
Information Technology & Office Systems

Reason: Per Article VII, D.6 of the MAHE contract
regarding long-term disability

Effective Date: October 27, 2005
- Name:** **Margaret Smith**

Position: Support Staff (Part-Time)
Humanities and Performing Arts

Reason: Probationary Employee

Effective Date: November 21, 2005

November 16, 2005

2005 Campus Facilities Master Plan

Background

The Facilities Master Plan provides a framework for implementing the College's strategic plan by identifying needed facilities and improvements to support future growth and development. The majority of construction and renovation projects envisioned in the 2000 Facilities Master Plan are nearing completion. Each year, the College is required to update its Facilities Master Plan in a formal submittal to the State of Michigan. In 2004, the College identified several emerging concepts for in its updated plan. These included:

- Campus Beautification, a multi-year plan to use plants to add color and visual interest to the campus site and to campus buildings.
- A University/Student Center, a gateway for students to continue their college education with four-year university partners on LCC's campus.
- Dart Auditorium expansion, consisting of improvements to support and instructional space to enhance the learning environment for performing arts students, and
- Expanded Hospitality Program Space, including creation of commercial restaurant and bakery kitchens, as well as retail space for hands-on experience for students.

Based on the potential for State Capital Outlay dollars, the College submitted the University Center project for consideration, and received initial planning authorization to proceed with designing a \$10 million facility to be funded with \$5 million in State Building Authority funds.

Current Status

Working with DSA architects, College staff began to review each of these concepts in greater depth in early 2005. The College also hired Landscape Architects & Planners, Inc to develop the beautification plan.

Campus Beautification— College staff have worked with Landscape Architects & Planners, Inc (LAP) to develop a plan which will accomplish multiple goals:

- To make the campus more aesthetically pleasing
- To utilize the landscape for educational purposes
- To promote wellness
- To promote art and culture

These goals apply to both the downtown and the West Campus. In addition, the College's partners with Biwako Kisen Co., Ltd. of Otsu, Japan have offered their services in designing a Japanese garden between Dart Auditorium and the Hermann Conference Center, and have already flown a landscape designer to

Michigan to meet with College staff and representatives of LAP. The approved FY 2006 Maintenance & Replacement Budget includes approximately \$450,000 to begin Campus Beautification improvements.

University/Student Center— In discussing the potential University/Student Center with State of Michigan officials in the Spring, it was clear that we would not receive State Capital Outlay funding for support space such as student gathering or retail space that would be incorporated in a student center. If the project were to be considered for funding, the College had to scale back the project to include only the University Center portion. In May, we were authorized to receive funding for a \$10 million University Center, and the programming for this facility is ongoing. The College recently submitted its program statement and schematic designs to the State of Michigan, and it is anticipated that the project will be reviewed by the Joint Capital Outlay Subcommittee in December. If approved, the College could proceed with construction plans. The plan is to utilize the Carnegie Library for a portion of the roughly 35,000 s.f. facility. As submitted, an additional \$1,000,000 from the College's Maintenance and Replacement reserves would restore the exterior masonry of Carnegie, so that total project costs would be \$11,000,000. The additional \$1,000,000 is available, in part, because projects to address Carnegie's building envelope and lack of accessibility had been approved in prior year M & R budgets, but did not move forward pending the College's decision about use of Carnegie.

Hospitality Program and Dart Auditorium Expansions

In early 2005, representatives from each of these programs met with DSA architects to further define their needs. Minimum cost projections for the programming needs outlined were very high, with a \$14.9 million projection for a new Hospitality Program facility, and a \$25.7 million projection the Dart Auditorium expansion. At this time, it is not recommended that these concepts be pursued further. Capital Outlay funding will not fund performing arts centers, and it is unlikely that the State would consider a major investment in the College's hospitality program. Deans in these areas have been encouraged to continue to explore partnerships with other organizations to provide additional opportunities for students in these areas. The College will continue to explore smaller enhancements to these programs that can be done within the \$3 million annual maintenance and replacement budget generally set aside each year.

Additional Concepts for Future Consideration

Science Program Needs—The College's Science Department has experienced 50% enrollment growth in the past 4 years. This growth is seen across disciplines, with rapid growth in chemistry and the physical sciences exceeded only by the tremendous growth in transfer and health biology, driven in large measure, by the need to train the applicant pool for LCC's Health programs. Science department staff are increasingly offering weekend lab courses to meet

the demand for these lab courses. Creative scheduling will not meet the projected demand for biology, chemistry and physical sciences in the long run.

As part of the draft Facilities Master Plan submitted to the State of Michigan on November 04, 2005, the College submitted a Capital Outlay Project Request requesting funding to provide additional science classrooms and laboratories at the Main Campus. The project consists of four distinct phases and involves renovations and construction in the Arts & Sciences building (A&S) and Health and Human Services building (HHS). The first phase will construct ten new classrooms and faculty offices on the third floor of HHS. Once this work is completed, general classrooms and faculty offices located on the third floor of A&S will be relocated to HHS.

In the second phase, the vacated space on A&S third floor would be renovated for nine laboratories, two lab support rooms, and science department offices. Phase three will provide four new or renovated laboratories and one new lecture room on the north end of A&S fourth floor. In the final phase, the south end of A&S fourth floor would be renovated and provide seven new laboratories, two lab support rooms, and one science storage room. This project would provide additional general classrooms on the third floor of the Health and Human Services building, and expand the number of science classrooms and laboratories from 13 to 21.

The projected cost for all four phases is \$19,071,000, so the College's request for 50% of this project is for \$9,535,500. Given the State's financial situation, and the College's recent approval for the University Center through the State Capital Outlay process, it is unlikely that this project would be funded in the near future, but it is important for the College to continue to submit its highest priority projects to improve instructional space.

Parking Expansion—The College's 978-space parking structure was constructed in the mid-1970's. The anticipated life cycle for a structure of this design is 30 to 40 years. Due to the aggressive maintenance program Lansing Community College has applied to this facility, the current structure is expected to be usable for another 11 to 20 years. Now is the time to start planning for the replacement of this valuable asset.

The replacement of the Gannon Parking ramp should be preceded by the construction of a new parking structure on the downtown campus. Two potential sites have been identified; the site of the existing Photography Building (just west of the current structure), and a portion of the block that now contains Old Central. Construction of a new parking ramp could be funded through parking revenues. If the College owned additional parking downtown, it could reduce its current lease costs for employee parking. The College currently leases spaces from the City of Lansing, the Board of Water and Light, and from several local churches, for employee parking.

The West Campus has 713 parking spaces. As use of the Conference Center at West Campus has grown, there are times during the week when the lot is completely full. It is recommended that the College add between 275 and 325 additional surface spaces at the West Campus beginning this Spring.

College staff contracted for a feasibility study to review the potential to collect revenue from students for West Campus parking. The consultant's recommendation was that the easiest and most cost effective method was to develop a permit system, as exists at many other institutions. The lot was not designed for a gated system, and the lot is used by multiple users (guests, staff, students). The College plans to explore a permit program, or a per course parking fee for West Campus courses. A new system will be in place for the start of Fall 2006.

**LANSING COMMUNITY COLLEGE
STATE OF MICHIGAN**

**RESOLUTION APPROVING A TAX SHARING AGREEMENT WITH THE CHARTER
TOWNSHIP OF LANSING AND THE LANSING TOWNSHIP DOWNTOWN
DEVELOPMENT AUTHORITY**

A regular meeting of the Board of Trustees of Lansing Community College was held in the Administration Building Board Room, 610 North Capitol Avenue, Lansing, Michigan 48933, in the Community College district, on **November 21, 2005**, at 6:00 o'clock p.m., prevailing Eastern Time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by Trustee _____ and supported by Trustee _____.

WHEREAS, Lansing Community College (the "College") is a taxing jurisdiction levying property taxes that would be subject to capture by the Charter Township of Lansing Downtown Development Authority ("Lansing Township DDA"), an authority incorporated by Lansing Charter Township ("Lansing Township") under the provisions of PA 1975 No. 197 (the "DDA Act"); and

WHEREAS, in 2003, Lansing Township and the Lansing Township DDA approved and adopted a Development and Tax Increment Financing Plan (the "Plan") to provide for projects and activities to be undertaken by the Lansing Township DDA and the method of financing those projects and activities; and

WHEREAS the College, as a result of the adoption of the Plan and the initiation of a tax capture of certain College tax revenues in 2003, filed a lawsuit against Lansing Township and the Lansing Township DDA in the Ingham County Circuit Court, which lawsuit is entitled, "*Lansing Community College v Lansing Township Downtown Development Authority, Charter Township of Lansing, and Kathy Rodgers*" (Ingham County Circuit Court No. 03-1602-AW, Hon. Paula J.M. Manderfield) (the "Lawsuit") seeking both to enjoin the capture of its tax revenues by the Lansing Township DDA and a court order finding the Lansing Township DDA invalid; and

WHEREAS, Lansing Township and the Lansing Township DDA have proposed to restrict the capture of the College's tax revenues pursuant to the Lansing Township DDA Development Plan and Tax Increment Financing Plan to no more than twenty percent (20%) of the revenues from the College's taxes that are levied in tax years 2006 through 2030, inclusive, but not to extend beyond tax year 2030; and

WHEREAS, Lansing Township and the Lansing Township DDA have proposed a Tax Sharing, Settlement and Release Agreement with the College in the form presented herewith and attached hereto (the "Tax Sharing Agreement");

WHEREAS, the Tax Sharing Agreement prohibits the Lansing Township Board and the Lansing Township DDA Board from approving future amendments to the Lansing DDA Development Plan and Tax Increment Financing Plan which would have the effect of modifying the provisions of the Tax Sharing Agreement relating to tax sharing without the prior consent of the College; and

WHEREAS, the Tax Sharing Agreement requires the dissolution of the Ingham County Circuit Court's injunction entered on November 24, 2003, pertaining to the capture of the College's tax revenues during the pendency of the Lawsuit; and

WHEREAS, the Tax Sharing Agreement provides for the mutual release of the College, Lansing Township and the Lansing Township DDA, their representatives, boards, employees, agents, individual board members, individual directors, both past and present in their individual and official capacities, from any and all claims, cause of actions, suits damages, losses, contracts, agreements, promises, attorney fees, interest payments and expenses, liabilities, and demands in law and equity, from any action or claim asserted or that could have been asserted in the above-referenced Lawsuit; and further provides for the execution of a stipulation to dismiss the Lawsuit, with prejudice and without costs to any party.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The College hereby approves the Tax Sharing Agreement in the form presented herewith. The Secretary of the Lansing Community College Board of Trustees is hereby authorized and directed to execute the Tax Sharing Agreement for and on behalf of the College. The Secretary of the Lansing Community College Board of Trustees is hereby authorized to make any changes and insertions to the Tax Sharing Agreement as may be necessary or desirable if he determines, in consultation with counsel, that such changes or insertions are not materially adverse to the College. The College makes no representation that the activities and projects described in the Tax Sharing Agreement are eligible for funding by tax revenues captured by the Lansing Township DDA.

2. The officers, administrators, agents and attorneys of the College are authorized and directed to take all other actions necessary and convenient to facilitate execution and delivery of the Tax Sharing Agreement.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: _____

NAYES: _____

RESOLUTION DECLARED ADOPTED

Secretary, Board of Trustees
Lansing Community College

I hereby certify that the attached is a true and complete copy of a resolution adopted by the Board of Trustees of Lansing Community College, State of Michigan, at a Regular Meeting on November 21, 2005, and that public notice of said meeting was given pursuant to and in full compliance with Act. No. 267, Public Acts of Michigan, 1976, and that minutes of the meeting were kept and will be or have been made available as required by said Act 267.

Secretary, Board of Trustees
Lansing Community College

TAX SHARING, SETTLEMENT AND RELEASE AGREEMENT

This Tax Sharing, Settlement and Release Agreement (the "Agreement") is entered into this 21st day of November, 2005 (the "Effective Date"), by and among: Lansing Community College ("LCC"), a community college organized and operating under the Community College Act of 1966 (Public Act 331 of 1966, as amended; MCL 389.1, *et seq.*) (the "Community College Act"), with its principal offices located at 610 N. Capitol Ave., Lansing, Michigan; the Charter Township of Lansing ("Lansing Township"), a Michigan charter township organized and operating under the Charter Township Act (Public Act 359 of 1947, as amended; MCL 42.1, *et seq.*), with its principal offices located at 3209 West Michigan Avenue, Lansing, Michigan; and the Lansing Township Downtown Development Authority (the "Lansing Township DDA"), a Michigan downtown development authority organized and operating under the Downtown Development Authority Act (Public Act 197 of 1975, as amended; MCL 125.1651, *et seq.*) (the "DDA Act"), with its principal offices located at 3209 West Michigan Avenue, Lansing, Michigan.

Recitals

WHEREAS, in 1983, Lansing Township created and established the Lansing Township DDA pursuant to the DDA Act; and

WHEREAS, in 2003, Lansing Township and the Lansing Township DDA approved and adopted a Development and Tax Increment Financing Plan (the "Plan," a copy of which is attached hereto and incorporated herein by reference as **Exhibit A**) to provide for the projects and activities to be undertaken by the Lansing Township DDA and the method of financing those projects and activities; and

WHEREAS, the Plan authorizes the capture of certain tax revenues from certain taxing jurisdictions, including LCC, to finance the projects and activities of the Lansing Township DDA; and

WHEREAS, LCC, as a result of the adoption of the Plan and the initiation of a tax capture of certain Lansing Community College tax revenues in 2003, filed a lawsuit against Lansing Township and the Lansing Township DDA in the Ingham County Circuit Court, which lawsuit is entitled "*Lansing Community College v Lansing Township Downtown Development Authority, Charter Township of Lansing, and Kathy Rodgers*" (Ingham County Circuit Court No. 03-1602-AW; Hon. Paula J.M. Manderfield) (the "Lawsuit"), seeking to enjoin the capture of its tax revenues by the Lansing Township DDA and a court order finding the Lansing Township DDA invalid; and

WHEREAS, consistent with the Resolutions (defined below) and pursuant to the legal authority granted by Section 14 of the DDA Act (MCL 125.1664), the Charter Township Act, and the Community College Act, the parties desire to enter into this Agreement to address the capture by and the sharing of certain LCC tax revenues with the Lansing Township DDA; and

WHEREAS, the parties hereto desire to enter into this Agreement to provide for and to promote the economic development of a certain area of property which is located in Lansing Township for the benefit of LCC, Lansing Township, and the surrounding community; and

WHEREAS, further, the parties hereto wishing to resolve their disputes in a mutually satisfactory and beneficial manner, they voluntarily execute this Agreement with the express intention of settling, compromising, and extinguishing all claims, counterclaims, demands and causes of action which have been or could have been asserted by the parties in the above-referenced Lawsuit; and

WHEREAS, Lansing Township, the Lansing Township DDA, and LCC agree that they have entered into this Agreement for the purpose of resolving their disputes and not for the purpose of admitting liability by any party.

Terms and Conditions

1. *Legal Authority.* Lansing Township, the Lansing Township DDA, and LCC enter into this Agreement under and pursuant to the legal authority granted by: (A) Section 14 of the DDA Act (MCL 125.1664); (B) the Charter Township Act; (C) the Community College Act; (D) a resolution duly adopted by the Township Board of Lansing Township at a regular meeting on November 15, 2005; (E) a resolution duly adopted by the DDA Board of the Lansing Township DDA at a regular meeting on November 16, 2005; and (F) a resolution duly adopted by the LCC Board of Trustees at a regular meeting on November 21, 2005 (the aforementioned resolutions are hereafter collectively referred to herein as the “Resolutions”).

2. *Tax Sharing/Capture.* Pursuant to this Agreement, LCC agrees to share, and the Lansing Township DDA is authorized to capture, certain LCC tax revenues as described below:

- A. LCC shall share with the Lansing Township DDA, and the Lansing Township DDA shall capture from LCC, certain LCC tax revenues as provided in the Plan, **Exhibit A** hereto. However, the Lansing Township DDA shall restrict its capture of LCC tax revenues under this Agreement and the Plan to no more than twenty percent (20%) of the revenues from LCC’s taxes that are levied in tax years 2006 through 2030, inclusive, that are eligible for capture by the Lansing Township DDA. No capture of LCC tax revenues shall be permitted after the year 2030.
- B. Lansing Township and/or the Lansing Township DDA shall not amend or revise the Plan with respect to the capture of LCC's eligible tax revenues or extension of the Plan’s capture period of LCC taxes, nor shall Lansing Township and/or the Lansing Township DDA adopt a new plan that in any way increases the percentage or amount of Lansing Township’s capture of LCC's eligible tax revenues on behalf of the Lansing Township DDA or extension of the Plan’s capture period of LCC taxes, without LCC’s express approval and written consent.
- C. Where the terms and conditions of this Agreement conflict with the terms and conditions of the Plan with respect to the capture of LCC tax revenues, the terms and conditions of this Agreement shall supersede the terms and conditions of the Plan, or any amendment(s) or successor(s) thereto, with respect to the capture of LCC's tax revenues.

D. The Lansing Township DDA shall retain all LCC tax revenues captured through and including tax year 2005. Said tax revenues represent a capture of 80% of LCC's eligible tax revenues from LCC's taxes levied through and including tax year 2005. The parties hereto agree and stipulate to the dissolving of the Ingham County Circuit Court's injunction entered on November 24, 2003, pertaining to the capture of LCC tax revenues during the pendency of the Lawsuit.

3. *Administration.* Consistent with the terms and conditions of this Agreement, certain LCC tax revenues shall be captured on behalf of the Lansing Township DDA. The Lansing Township DDA shall have the authority to expend those tax revenues under the oversight of Lansing Township.

4. *Settlement and Release.* The parties agree for themselves, their representatives, predecessors, agents, successors and assigns, to hereby fully release, waive and forever discharge each other, their representatives, boards, employees, agents, individual board members, individual directors, both past and present in their individual and official capacities, from any and all claims, causes of actions, suits, damages, losses, contracts, agreements, promises, attorney fees, interest payments and expenses, liabilities, and demands in law and equity, from any action or claim asserted or that could have been asserted in the above-referenced Lawsuit. The parties further agree that, upon the execution of this Agreement, their legal counsel or other authorized representatives shall execute a stipulation to dismiss the Lawsuit, with prejudice and without costs to any party.

5. *Binding Effect.* This Agreement shall bind the parties hereto, their legislative bodies, officials, employees, agents, and any of their successors and assigns. Any resolutions, including the Resolutions, of any party related to or contemplated by this Agreement shall not be changed, amended, withdrawn, or rescinded without the express written consent of the other parties.

6. *Notices.* All notices, requests and approvals under this Agreement shall be sufficiently delivered if sent by certified mail to the following addresses of the parties, or such other address as may be designated from time to time in writing to the other parties.

LCC: Lansing Community College
Attn: Legal Counsel
419 N. Capitol Ave.
Lansing, Michigan 48901-7210

Lansing Township: Charter Township of Lansing
Attn: Township Supervisor
3209 West Michigan Avenue
Lansing, Michigan 48917

Lansing Township DDA: Lansing Township DDA
Attn: Executive Director
3209 West Michigan Avenue
Lansing, Michigan 48917

7. *Default.*

- A. In the event any party defaults in the performance or observance of any term, covenant, condition, or provision of this Agreement, and such default is of a kind which is curable or remediable, a non-defaulting party shall give the defaulting party notice of default. In the event such default continues for a period of thirty (30) days after service of a notice of default, or, if the curing or remedying of such default requires the taking of action which cannot with due diligence be completed in a 30-day period, continues beyond such period following the end of the period of 30 days after the service of a notice of default as is reasonably necessary, taking into account unavoidable delays to complete such actions as are required to cure or remedy the default in question, the non-defaulting party/parties may proceed to take such action or invoke such remedy as may be allowed by law or in equity.
- B. In the event of a breach or a threatened breach by any party of any of the terms, covenants, conditions or provisions of this Agreement, the other party/parties shall have the right to apply for an injunction to restrain the same and the right to invoke any remedy allowed by law or in equity, including without limitation the right to money damages, as if specific remedies, indemnity or reimbursement were not provided for in this Agreement.
- C. The rights and remedies given to the non-defaulting party/parties in this Agreement are distinct, separate and cumulative remedies, and no one of them, whether or not exercised by the non-defaulting party/parties, shall be deemed to be in exclusion of any of the others herein or by law or equity provided.

8. *Governing Law.* This Agreement shall be construed and interpreted in accordance with the laws of the State of Michigan.

9. *Entire Agreement.* This Agreement constitutes the entire agreement of the parties and may be modified only in a writing signed by the parties. Additionally, this Agreement supersedes any prior agreements, written or oral, and constitutes the sole obligations of the parties to one another with regard to the subject matter hereof.

10. *Counterparts.* This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

11. *Severability.* The provisions of this Agreement are severable, and if any part of this Agreement is found to be void or inoperative, the other paragraphs, or portions thereof, shall remain fully valid and enforceable.

12. *Ambiguity.* If this Agreement or any of its terms and conditions are determined to be ambiguous, this Agreement and all its terms and conditions shall be considered as if drafted by both parties.

13. *Acknowledgment.* The parties, by their signatures, acknowledge that they have read and understand this Agreement and have received the advice of counsel before executing same.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written by authority of their respective boards.

CAUTION: READ BEFORE SIGNING, THIS CONSTITUTES A FINAL RELEASE.

LANSING COMMUNITY COLLEGE

Dated: November 21, 2005

By: _____

Robert Proctor

Its: _____

Board Secretary

Subscribed and sworn to before me in Ingham County, Michigan on the _____ day of November, 2005.

Notary Public, State of Michigan, County of _____

My Commission Expires: _____

Acting in the County of _____

CHARTER TOWNSHIP OF LANSING

Dated: November ____, 2005

By: John Daher
Its: Supervisor

Subscribed and sworn to before me in _____ County, Michigan on the ____ day of November, 2005.

Notary Public, State of Michigan, County of _____

My Commission Expires: _____

Acting in the County of _____

Dated: November ____, 2005

By: Susan L. Aten
Its: Clerk

Subscribed and sworn to before me in _____ County, Michigan on the ____ day of November, 2005.

Notary Public, State of Michigan, County of _____

My Commission Expires: _____

Acting in the County of _____

**LANSING TOWNSHIP DOWNTOWN
DEVELOPMENT AUTHORITY**

Dated: November ____, 2005

By: James L. Sohn
Its: Chairperson

Subscribed and sworn to before me in _____ County, Michigan on the _____ day
of November, 2005.

Notary Public, State of Michigan, County of _____

My Commission Expires: _____

Acting in the County of _____

Dated: November ____, 2005

By: Barbara J. S. Medlock
Its: Secretary/Treasurer

Subscribed and sworn to before me in _____ County, Michigan on the _____ day
of November, 2005.

Notary Public, State of Michigan, County of _____

My Commission Expires: _____

Acting in the County of _____

PRE-AWARD TRANSMITTAL DOCUMENT

Requested by: Business & Community Institute
Project Title: Consulting Services

Request Date: October 18, 2005
Buyer: Evelyn Lynn

1. Description of supply or service:

Consulting services for Business & Community Institute to include:

- a. Description of Tasks:
 - o Perform needs assessment for the Livingston County area.
- b. Results or outcomes of Tasks:
 - o Open doors to influential decision makers for new Account Executive assignment.
 - o Define any training needed
 - o Determine whether BCI should peruse assigning resources to the Livingston County area.
- c. Completion schedule:
 - o Needs assessment to be completed by January 31, 2006
 - o Wrap-up and strategy for Livingston County completed by February 28, 2006.
- d. Place of Performance:
 - o Mr. Juliano will be assigned a work space in the Business & Community Institute area.

2. Supplier:

Supplier	Location	MBE/WBE	LCC Tax District	Request Amount
Anthony Juliano	Lansing, MI	No	Yes	\$6,120.00

3. Reviewed By:

Rebecca G. Beard, C.P.M.
Director, Purchasing & Materials Management

Date

Barbara A Larson, Vice President
Administrative Services/CFO

Date

4. Board of Trustee Review:

Approve/Disapprove

Date

PRE-AWARD TRANSMITTAL DOCUMENT

Requested by: Technical Careers
Project Title: Consulting Services

Request Date: November 11, 2005
Buyer: Beckie Beard

1. Description of supply or service:

Haas Automation, Inc. (Haas) is central to the CNC and precision manufacturing program at Lansing Community College. They provide state of the art equipment, technology and training to the program. Additionally, they work closely with area manufacturers to support improvements in the manufacturing capabilities of the area workforce. Finally, Haas Automation, Inc., has worked closely with Immersive Engineering to develop highly interactive virtual training systems to support the on-going demand for CNC operator training.

Online and computer based learning has proven to be an effective and efficient method that enhances several areas of traditional training. The latest, dynamic, 3D emulation technology has been developed to truly mimic actual CNC controls and machines within an online learning environment. CNC training emulator software allows a wide range of expensive, complex automation to be available within a dynamic virtual learning environment.

This Immersive Engineering software will enhance the learner's ability to operate or interface with new equipment with greater confidence, proficiency, and efficiency promoting a more streamlined manufacturing process at a reduced cost to the College.

We recommend the purchase of a license for the special emulation software and learning content management system from Immersive Engineering, Bloomfield Hills, Michigan.

2. Supplier:

Supplier	Location	MBE/WBE	LCC Tax District	Request Amount
Immersive Engineering	Bloomfield Hills, MI	No	Yes	\$24,460

3. Reviewed By:

Rebecca G. Beard, C.P.M.
Director, Purchasing & Materials Management

Date

Barbara A Larson, Vice President
Administrative Services/CFO

Date

4. Board of Trustee Review:

Approve/Disapprove

Date

PRE-AWARD TRANSMITTAL DOCUMENT

Requested by: Technical Careers Division
Project Title: Consulting Services

Request Date: November 7, 2005
Buyer: Beckie Beard

1. Description of supply or service:

Metz Consulting provides consulting services to the mold build industry, specifically Delphi. These services include Computer Aided Design (CAD), Computer Aided Manufacturing (CAM), training, programming, system integration, and design. Metz will provide system integration services to transfer Delphi Corporations mold build processes to Lansing Community College.

The Manufacturing Engineering Technologies Department has been awarded a Perkins Improvement grant to create a new curriculum in Mold Design and Build that is a joint partnership with LCC and Delphi.

2. Supplier:

Supplier	Location	MBE/WBE	LCC Tax District	Request Amount
Metz Consulting	Brighton, MI	No	Yes	\$110,000

3. Reviewed By:

Rebecca G. Beard, C.P.M.
Director, Purchasing & Materials Management

Date

Barbara A Larson, Vice President
Administrative Services/CFO

Date

4. Board of Trustee Review:

Approve/Disapprove

Date

PRE-AWARD TRANSMITTAL DOCUMENT

Requested by: Human Resources
Project Title: Consulting Services

Request Date: November 16, 2005
Buyer: Evelyn Lynn

1. Description of supply or service:

Consulting services for Human Resources to include:

- e. Description of Tasks:
 - o Mediation for Business Media & Information Technology.
- f. Results or outcomes of Tasks:
 - o Better communication
- g. Completion schedule:
 - o To be determined
- h. Place of Performance:
 - o LCC main campus

2. Supplier:

Supplier	Location	MBE/WBE	LCC Tax District	Request Amount
Mediation Training & Consultation Institute Zena Zumeta	Ann Arbor, MI	Yes	No	\$200 per hour

3. Reviewed By:

Rebecca G. Beard, C.P.M.
Director, Purchasing & Materials Management

Date

Barbara A Larson, Vice President
Administrative Services/CFO

Date

4. Board of Trustee Review:

Approve/Disapprove

Date