

**INDEPENDENCE COMMUNITY COLLEGE  
BOARD OF TRUSTEES REGULAR MEETING  
ICC Administration Building  
January 19, 2012 – 5:30 P.M.**

**MINUTES**

**Members Present:**

Jay Jones  
Lisa Drumeller  
Kym Kays  
Phillip Fienen  
Hoite Caston  
William Kelly

**Others Present:**

Daniel Barwick, President  
Travis Githens, Interim Dean of Instruction  
Greg Eytcheson, Chief Information and Facilities Officer  
Beverly Harris, Executive Assistant  
Misty Githens, Grant Professional  
Debbie Phelps, Institutional Effectiveness and Retention Director  
Jan Fischer, Chief Human Resources and Fiscal Officer  
Tammie Geldenhuys, Athletic Director  
Ben Seel, Political Science Instructor  
John Eubanks, Business/Accounting Instructor  
Isaias McCaffery, History Instructor  
Jim Correll, Successful Entrepreneur Facilitator/Mentor  
Peter Ellenstein, William Inge Theatre Festival Director  
Lori Shaw, ICC Foundation Director

**Guests:**

Greg Lower, Reporter  
Tony Wood, Midwest Computer Solutions Website Developer  
San Forrer, Community Member

**Call to Order**

Jay Jones called the regular monthly Board meeting for January to order at 5:30 p.m.

**Pledge of Allegiance**

Lori Shaw led the group in the Pledge of Allegiance.

 **Approval of Minutes**

Phillip Fienen moved to approve the minutes of the regular meeting held on December 15, 2011. The motion was seconded and carried 6-0.

 **Approval of Agenda**

Hoite Caston moved to approve the amended agenda as distributed. The motion was seconded and carried 6-0.

**Recognition of Guests and Public Participation**

Jay Jones welcomed the guests. There was no public comment on items pertaining to the agenda.

**Reports**

- A. Foundation Report - Lori Shaw acknowledged Misty Githens and the Capital Campaign Steering Committee members for their work toward reaching 60% of the Campaign's goal. Cash donations, pledges, and in-kind gifts have reached \$613,550 and the "public" phase of the campaign will coincide with the opening of the Veterinary Technology Program facility at ICC West. Lori informed the group that \$345,000 of Campaign donations have been moved to First National Bank as Certificates of Deposit in order to capture interest. Lori highlighted various naming opportunities associated with the Veterinary Technology Program portion of the Capital Campaign and encouraged attendance at the Campaign

Steering Committee's meeting scheduled from 8:00-9:30 a.m. at ICC West on Friday, January 20, 2012. Jay Jones thanked Lori, Misty, and the Capital Campaign Steering Committee for the donations achieved through their efforts in a short amount of time.

- B. Website Development Update- Dr. Barwick introduced Tony Wood, Midwest Computer Solutions Website Developer, who provided highlights of the updates he plans for ICC's Website.
- C. College Report-Dan Barwick provided the College Report which included: the Governor's version of the budget and its impact on community colleges; an update on searches for the Vice-President of Marketing and Resource Development and for the Vice-President of Academic Affairs; acknowledgement of the work conducted by community member, David Wallis, toward possible pursuit of a Plastics Manufacturing Program; highlights of Dan's visits with Governor Sam Brownback and Senator Jeff King while in Topeka for the Governor's Summit on Career Readiness and the Kansas Board of Regents' meeting this week; an invitation from Toby Lavine for members of ICC's leadership team to periodically join in the Kansas Aviation Character First Program training sessions; and affirmation that he and Tammie Geldenhuys will present a financial analysis on athletic students per respective sport during the monthly Board of Trustees meeting in February. At Dr. Barwick's request, Travis Githens provided an update on renovations at the ICC West facility for the Veterinary Technology Program. Travis noted that the contractors will be on site for an additional ten days to address areas identified through the punch list conducted last week. Dr. Barwick recognized Greg Eytcheson, Misty Githens, Travis Githens, and Ann Dutton for their dedication toward preparations for the American Veterinary Medical Association's accreditation site visit scheduled February 8-10, 2012.
- D. Additions to Personnel Report -Jan Fischer provided additions to the Personnel Report which included: employment of David Simmons in the ten-month position of Part-time Assistant Football Coach at a salary of \$7,500; employment of Beau Burnett in the ten-month position of Part-time Assistant Softball Coach at a salary of \$5,000; employment of Nicole Percival in the position of Upward Bound Program Director at an annualized salary of \$37,400 and College support toward employee participation in ICC's group health insurance plan; the resignation of Travis Rhatigan, Assistant Football Coach, effective January 13, 2012; and the resignation of Matt Hoven, Professor of English, effective May 12, 2012.

#### Old Business



- A. Act on College Purchase Card Services Proposal-Lisa Drumeller moved to approve Bank of America as the provider of College purchase card services. The motion was seconded and carried 6-0.
- B. Hoite Caston moved to approve the edits to Board policy TRU-911. The motion was seconded and carried 6-0.

<p><b>CODE: TRU – 911</b>  <b>SUBJECT: Participation and Public Hearings</b>  <b>ADOPTED: January 12, 1999</b>  <b>REVISED: January 19, 2012</b></p>
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The Board shall provide an opportunity for citizens to speak directly to the Board on items pertaining to the agenda at each regular meeting. The Board may hold public hearings which are consistent with Kansas Statutes and approved by majority vote of the Board of Trustees.

1. Consistent with current practice, the public shall be given an opportunity to speak at the outset of the meeting on any item on the agenda. Total time allotted for public comment is ten minutes, although this may be extended once for an indefinite period by Board vote. Ending an indefinite public comment period will be at the Chair's discretion. No individual commenter may speak for more than two minutes.
2. Following any Board motion, and prior to Board discussion of the motion, the public will be invited to comment. The Chair will ask: "Are there any comments from the public on this issue?" and recognize those who wish to comment. Total time allotted for public comment is ten minutes, although this may be extended once for an indefinite period by Board vote. Ending an indefinite public comment period will be at the Chair's discretion. No commenter will be allowed to comment for more than one minute, which will be enforced by the Chair. If individual Trustees respond to public comments, that response will only be to ask clarifying questions to achieve understanding of the comment.
3. If a public participant has a presentation that will require more than just an observation, a specific amount of time will be defined for that specific participant. Request for that time must be made in advance of the meeting, in writing, to the Chair. The Chair may approve or deny the request at his/her discretion.

4. The Chair will review the policy for public comment at the outset of meetings. The Chair will say: “There are three opportunities for public comment during regular meetings. First, the public may comment on any item on the agenda during a period at the beginning of meetings, with a total comment period of ten minutes and individual comments limited to two minutes. This comment period may be extended by Board vote. Second, prior to each Board vote, the public will be invited to speak directly to the issue being voted upon. Third, any member of the public may make a lengthier presentation on agenda items, provided that a request for such a presentation is made in writing in advance of the meeting. Permission to make such presentations, and their length, is at the discretion of the Board Chair.”
  5. If a member of the public speaks out of turn during public comment, the Chair will intervene by saying: “Please hold your comments until you are recognized.” If a member of the public speaks at any other time during the meeting, the Chair will intervene by saying: “Please hold your comments until the time reserved for public comment.”
- C. Legal Opinion Regarding Board Discussions of Character First Following Adjournment of Regular Meeting-Discussion followed regarding incorporation of Character First training in the monthly agenda to facilitate compliance with the Kansas Open Meetings Act. Hoite Caston moved that fifteen minutes at the beginning of each regularly scheduled monthly meeting be devoted to Character First training. The motion was seconded and carried 4-2. Mr. Caston requested receipt of the monthly Character First newsletter prior to the monthly meeting; Jan Fischer will research the possibility of the newsletter being mailed directly to the home addresses of the Board of Trustees.
  - D. Legal Opinions Regarding Refunding Certificates of Participation Lease Agreement 2012- William Kelly requested a legal opinion from Gilmore Bell on their official letterhead to satisfy the stipulation that approval of the resolution during the December 15, 2011 meeting was contingent upon receipt of a written opinion from the College’s attorney.
  - E. Itemization of College Long-term Debt - Jan Fischer distributed a report delineating College long-term debt and answered questions associated with the documentation.

**New Business**

- A. Kansas All-American Scholars Luncheon Thursday, February 16, 2012 -Lisa Drumeller and Jay Jones will attend the annual event.
-  B. ICC West Signage Proposal and Approval-Greg Eytcheson answered questions regarding signage at ICC West and noted that the project is primarily funded with unexpended monies from the original no-interest loan for ICC West. Phillip Fienen moved to approve the bid in the amount of \$47,024.54 submitted by Todd Borton of Pat’s Sign Studio plus up to \$2, 975.46 contingency monies for the installation of a sign at the ICC West facility. The motion was seconded and carried 6-0.
-  C. Baseball Outfield Fence Proposal and Approval-Tammie Geldenhuys provided background information regarding the baseball outfield fence. William Kelly moved to approve the bid submitted by Tri-State Building & Supply Co., Inc. for the construction and installation of a baseball outfield fence in the amount of \$22,542 (\$10,000 has been donated by the City Recreation Department and the High School Booster Club, while the remainder of \$12,543 will come from the Paul Torrance Endowment). The motion was seconded and carried 6-0.
-  D. Act on Financial Report and Allow Payables-Lisa Drumeller moved to approve the Financial Report and allow payables. The motion was seconded. Kym Kays abstained and the motion carried 5-0-1.
-  E. Act on Personnel Update-Phillip Fienen moved to approve the Personnel Update. The motion was seconded and carried 6-0.
- F. Trustee Orientation-Dr. Barwick and the Trustees discussed Trustee Orientation and a Board Retreat. Dr. Barwick asked the Trustees to submit a list of topics each would like to see covered; Dr. Barwick and Jay Jones will develop an Orientation platform based upon the information submitted. Dr. Barwick noted that the Strategic Plan could be implemented in Retreat plans.
- G. The current TRU-907 policy reads:

**CODE: TRU – 907**  
**SUBJECT: Board of Trustees Role**  
**ADOPTED: January 12, 1999**  
**REVISED: March 11, 2003**

The Board of Trustees of Independence Community College shall be responsible for the management and control of the community college.

The Board members are elected by the Montgomery County voters within the college taxing district as authorized by Kansas Statutes, Annotated, Chapter 71. The Board of Trustees shall consist of six members. The Board of Trustees shall fill Board positions when vacated according to Kansas statutes. Newly elected members of the Board shall be invited to attend all meetings of the Board prior to the time they officially take office and shall receive an orientation.

The Board shall annually elect a chair and vice-chair; and appoint a treasurer, secretary, and clerk at the regular meeting in July. Standing Committees shall be appointed as needed and as soon as possible after the beginning of the fiscal year.

The Board shall adopt consistent rules of procedures to be used at each meeting.

A Board finance report, accurate minutes and President’s Report shall be provided at each regular meeting.

The Board shall hire the President and evaluate him/her on an annual basis. The Board shall annually review and employ all personnel.

A majority of the whole Board shall constitute a quorum for the transaction of business. A majority vote of Board members present shall govern.

The Board of Trustees shall provide leadership for professional negotiations as provided by statute.

First Reading of Proposed Revisions to paragraph 6 of TRU-907:

“The Board shall hire the President and evaluate him/her ~~each January~~ **every six months**, based on criteria established the ~~prior January~~ **previous six months**. The Board delegates the authority to hire employees to the President, although the ~~hiring of the for positions which report directly to the President~~ **President’s direct reports** shall be made in consultation with the Board, with the hiring decision to be at the discretion of the President. At each meeting, the President or representative shall report any terminations, hires, or resignations that have occurred since the previous Board meeting.”

Public comment included a recommendation that the Trustees study governance and “Roberts Rules of Order”. It was also suggested that the Trustees retain the authority to hire College employees instead of delegation of this authority to the President.

H. The current FIN-405 policy reads:

**CODE: FIN - 405**  
**SUBJECT: Travel**  
**ADOPTED: July 13, 1999**

The Board shall approve expenditures for professional travel for college, trustees, administration, faculty, staff, and students involved in official college duties and services. Prior approval for professional travel must be granted by the appropriate college administrator and must be within departmental budget.

First Reading of Proposed Deletion of FIN-405:

*It is recommended that FIN-405 be deleted as it is redundant to current Board practice which approves all expenditures.*

The Trustees agreed to deletion of FIN-405 with the provision that “prior approval” was stipulated elsewhere in College procedures.

 **Executive Session**

Jay Jones moved for a fifteen-minute break, after which the Board would enter Executive Session with Dr. Barwick for thirty minutes to discuss non-elected personnel and the evaluation of Dr. Barwick. Following Dr. Barwick’s evaluation, the motion included continuance of Executive Session for an additional fifteen minutes to discuss faculty negotiations. Phillip Fienen seconded the motion. The motion carried 6-0. The Board entered Executive Session 8:05 p.m. Jay Jones moved for an additional ten minutes for the discussion of non-elected personnel and the evaluation of Dr. Barwick. Lisa Drumeller seconded the motion. The motion carried 6-0. The Board re-entered Executive session at 8:36 p.m. The Board returned to Open Session at 9:00 p.m. Jay Jones moved for an additional five minutes to discuss faculty negotiations. Kym Kays seconded the motion. The motion carried 6-0. The Board re-entered Executive Session at 9:01 p.m. The Board returned to Open Session at 9:06 p.m. Jay Jones moved for an additional two minutes to discuss faculty negotiations. Hoite Caston seconded the motion and the motion carried 6-0. The Board re-entered Executive Session at 9:06 p.m. The Board returned to Open Session at 9:08 p.m.

Phillip Fiene moved for an additional two minutes to discuss faculty negotiations. Kym Kays seconded the motion and the motion carried 6-0. The Board re-entered Executive Session at 9:08 p.m. and returned to Open Session at 9:10 p.m.

Jay Jones stated that the Board had evaluated Dr. Barwick during Executive Session, were quite pleased with his work to date, and established goals for Dr. Barwick over the next 4-6 months.

Jay Jones moved to approve utilization of the Federal Mediation and Conciliation Service during the upcoming faculty negotiations. The motion was seconded and carried 6-0.

 **ADJOURNMENT:** William Kelly moved the meeting adjourn. The motion was seconded and carried 6-0. The meeting adjourned at 9:12 p.m.

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Beverly Harris  
Board Clerk

Independence Community College is committed to a policy of nondiscrimination on the basis of race, sex, national origin, religion, age, and handicap in admissions, educational programs or activities, and employment, all as required by applicable laws and regulations under the Title VI Civil Rights Act of 1964, Title IX regulations of 1972, Section 5 of the Social Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990.