

**METROPOLITAN COMMUNITY COLLEGE AREA
BOARD OF GOVERNORS'
MEETING MINUTES
JANUARY 26, 2021**

A meeting of the Board of Governors of the Metropolitan Community College Area was called to order at 6:30 p.m., in Building #22, Institute for the Culinary Arts, Fort Omaha Campus, 32nd Street and Sorensen Parkway, Omaha, Douglas County, Nebraska.

Members Present:

Brad Ashby
Erin Feichtinger
Steve Grabowski, re-elected Treasurer per Agenda Item 7f
Ron Hug, *arrived at 6:32 pm*
Linda McDermitt, re-elected Secretary per Agenda Item 7f
Maureen Monahan, re-elected Chair per Agenda Item 7f
Zach Reinhardt, elected Assistant Secretary per Agenda Item 7f
Fred Uhe, elected Vice Chair per Agenda Item 7f
Brianna Ouedraogo, Ex Officio Student, *present via Zoom*

Members Absent:

Adam Gotschall
Phillip Klein
Angela Monegain
Joe Baker, Ex Officio Faculty

Also Present: Randy Schmailzl, College President

MOTION: Grabowski moved to excuse absent Board members, Gotschall, Klein, and Monegain; McDermitt seconded the motion.

Feichtinger, yes
Grabowski, yes
Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes
Uhe, yes
Ashby, yes

Motion carried.

Agenda Item 1d—Announcement of Posted Location of Open Meetings Act

Following the Pledge of Allegiance, the Chair reported that a copy of the Nebraska Open Meetings Act had been posted in the rear of the room. A copy was made available for public inspection.

Agenda Item 1e—Approval of Notice of Public Meeting

The Chair then reported on the Notice of Public Meeting and presented the following:

1. *Proof of Publication, pursuant to Policy 10503 of the Board of Governors, in the form of an affidavit of an employee of the Omaha World-Herald, a newspaper of general circulation within Dodge, Douglas, Sarpy, and Washington Counties, Nebraska to the effect that notice of this meeting was published in that newspaper on January 15, 2021 and on the Omaha World-Herald website Omaha.com from January 15 – 21, 2021.*
2. *Affidavit of College employee Rita Eyerly, to the effect that a copy of the published Notice of Meeting was transmitted to each member of the Board of Governors in a manner specified by Policy 10503 of the Board of Governors.*

The notice of the meeting stated that an agenda for this meeting, kept continually current, was available for public inspection at the principal office of the Board of Governors, Building No. 30, 30th and Fort Streets, Omaha, Nebraska, by making prior arrangements by calling 531-622-2415.

Without objection, the Chair of the Board directed that the affidavits, along with the methods and dates of providing notice be recorded in the minutes of this meeting.

Chair Monahan announced that five Board members were administered the oath of office prior to this meeting or at another time, in a private setting, to comply with COVID-19 safety protocols. The oath of office was administered by Dave Hohman, Legal Counsel, to Mr. Ashby, Mr. Gotschall, and Mr. Reinhardt, as new Board members, and Ms. McDermitt and Mr. Uhe, re-elected Board members. Monahan congratulated the five Board members.

Agenda Item 2—Public Comments

There were no public comments.

Agenda Item 3—Report Agenda

Agenda Item 3a—Ex Officio Board Members' Reports

- **Student Ex Officio Report**

Monahan noted that Ouedraogo's report could be found in the Board material.

There was no faculty ex officio report this month.

Agenda Item 3b—Chair of the Board's Report

Monahan commented that the past year has been an “eventful” year, and she missed attending MCC events that often fill the board members’ year.

Agenda Item 3c—Board Members’ Reports

Grabowski announced that this is Dave Koebel’s final Board meeting as an MCC employee, as he is retiring from his position as Vice President for Administrative Services at the end of this week. Grabowski shared a history of Koebel’s work at MCC, starting in 1985 through January 2021. Grabowski commented on Koebel’s attention to financial detail and the longevity of his service to the College. The Board showed their appreciation for his time at the College with a round of applause.

Agenda Item 3d—President’s Report

Monahan referenced the report in the Board material. There were no questions regarding the Legislative or facilities report.

Agenda Item 3e—Regular Reports

Monahan noted the regular reports were in the Board material.

Agenda Item 3f—Quarterly Reports

Monahan noted the quarterly reports were in the Board material.

Agenda Item 3g—Audit Report

Monahan referenced the Audit Report explaining that the 2019-20 audit has not yet been presented to the Board, due to a delay with the Single Audit portion of the audit. The Department of Education just recently published the audit guidelines for auditing the CARES Act Federal Funds. The completed audit will be presented to the Board in the near future.

Agenda Item 4—Consent Agenda Items

Items remaining on the consent agenda are 6a, 6b, 6c, 6e, 6f, 6g, 6h, and 6i.

Agenda Item 5—Items Removed from Consent Agenda (If Any)

Hug requested Agenda Item 6d be removed from the Consent Agenda.

Agenda Item 6—Action Agenda

**Agenda Item 6a—Consideration of Approval of Minutes of December 15, 2020
Board of Governors’ Meeting, Board Doc. 7707**

Agenda Item 6b—Consideration of Resolution Approving and Ratifying all Actions Taken by the Metropolitan Community College Area Board of Governors as Identified in the Minutes of the December 15, 2020, Meeting Held on December 15, 2020 Pursuant to Governor Rickett’s Executive Order No 20-36 Pursuant to the Nebraska Open Meetings Act, Board Doc. 7708

***NOW THEREFORE BE IT RESOLVED** that the Board of Governors of the Metropolitan Community College Area hereby ratifies and approves all actions taken by the Board at its meeting held by electronic telecommunication methods on December 15, 2020, pursuant to Governor Ricketts’ Executive Order No. 20-36, as reflected in the minutes of such meeting, which minutes are identified in the records of the Board as Board Document numbered 7707, and which minutes are hereby re-approved and re-adopted by the Board as the official minutes of such meeting and as reflecting official actions of the Board (copy of Executive Order No. 20-36 attached).*

Agenda Item 6c—Consideration of Resolution Approving Personnel Appointments, Board Doc. 7709

***WHEREAS**, Per Board Policy 60205, the Board of Governors shall have final approval of all full-time contracts for administrative, support and faculty personnel.*

***NOW THEREFORE BE IT RESOLVED** that the following appointments and employment contracts be approved by the Board of Governors:*

<u>Name</u>	<u>Position</u>	<u>Contract Period</u>	<u>Contract Salary</u>
Beth Friedman	Director of Student Financial Services	02/08/21-06/30/2021	\$29,794.81
Kyle Martinez	Network Engineer	02/01/21-06/30/2021	\$25,861.68
Janice Moyer	Network Security Architect	03/01/21-06/30/2021	\$29,502.00
Christopher Voorhees	Educational Accessibility Specialist	02/01/21-06/30/2021	\$24,007.32
Marjori VoorVart	Re-entry LIFE Employment Coach	02/01/21-06/30/2021	\$21,121.56

Agenda Item 6e—Consideration of Resolution Accepting Bid for Energy Management System Upgrades for Fort Omaha Campus Buildings 21, 22, and the Fremont Center, Board Doc. 7711

***BE IT RESOLVED**, that the Board of Governors of the Metropolitan Community College Area hereby accepts the bid for energy management system upgrades for Fort Omaha Campus Buildings 21, 22, and the Fremont Center and authorizes the President to negotiate, sign, and implement such agreement with Engineered Controls, Inc. in an amount not to exceed \$375,924 plus associated fees, as the President, in consultation with College legal counsel, may deem appropriate and in the best interests of the College.*

Agenda Item 6f—Consideration of Resolution Approving the Continuation of Leasing Data Center Space, Board Doc. 7712

***WHEREAS**, the College has recognized a need for reliable data center equipment space to serve the entire College population; and,*

***WHEREAS**, the College realizes the need for a business continuity data site to continue serving students and staff in the case of equipment or network failure or a catastrophic event at our primary data center; and*

WHEREAS, College administration recommends this Board approve said lease agreement.

NOW THEREFORE BE IT RESOLVED that this Board of Governors hereby authorizes the President to enter into an agreement for the continuation of leasing data center space at the Nebraska Colocation Center in an annual estimated amount of \$55,800 for a three-year term, with the College having the option to extend the service term in one-year increments, with such modifications, changes, and amendments as the President, in consultation with College legal counsel, may deem appropriate and in the best interests of the College.

Agenda Item 6g—Consideration of Resolution Authorizing the Purchase of Various Pieces of Equipment for the Automotive Center on the South Omaha Campus, Board Doc. 7713

BE IT RESOLVED, that the Board of Governors of the Metropolitan Community College Area hereby authorizes the purchase of various pieces of equipment for the new Automotive Training Center on the South Omaha Campus in an estimated total cost of \$2,500,000, utilizing the competitive bidding process, consortium contract pricing, and sole source contracting with such modifications, changes, and amendments, as the President, in consultation with the College Legal Counsel, may deem appropriate and in the best interests of the College.

Agenda Item 6h—Consideration of Resolution Accepting Bid for Audiovisual Systems for the Automotive Training Center on the South Omaha Campus, Board Doc. 7714

BE IT RESOLVED, that the Board of Governors of the Metropolitan Community College Area hereby accepts the bid for audiovisual systems for the Automotive Training Center being constructed on the South Omaha Campus and authorizes the President to negotiate, sign and implement such agreement with AVI Systems, in an amount not to exceed \$790,000 plus associated fees, as the President in consultation with College legal counsel may deem appropriate and in the best interests of the College.

Agenda Item 6i—Consideration of Resolution Accepting Cares Act Grant Subaward from the Douglas County, Nebraska, for the HVAC Virus Mitigation in MCC Douglas County Facilities, Board Doc. 7715

WHEREAS, Douglas County received CARES Act grant funds from the federal government for distribution to eligible entities operating in Douglas County, Nebraska, in furtherance of the purposes of the CARES Act Coronavirus Relief Fund to address the Subrecipient's COVID-19 related expenses and hardships for the benefit of Douglas County residents; and,

WHEREAS, the College was approved to receive CARES Act grant subaward funds of up to \$1,125,000 from Douglas County to be used for virus mitigation HVAC upgrades to College owned facilities in Douglas County; and,

WHEREAS, the College desires to accept the grant subaward of up to \$1,250,000 for reimbursement of allowable and eligible HVAC virus mitigation expenses, to be utilized by December 30, 2021.

NOW THEREFORE BE IT RESOLVED by this Board that it approves and accepts the CARES Act grant subaward of up to \$1,125,000 from Douglas County, Nebraska, to be used for virus mitigation HVAC upgrades to College owned facilities in Douglas County during the grant period spanning from November 24, 2020 through December 30, 2021; and,

BE IT FURTHER RESOLVED, that this Board authorizes the President to execute said grant subaward Agreement, with such modifications, changes, and amendments as the President, in consultation with College legal counsel, may deem appropriate and in the best interests of the College, and to take any and all actions necessary to accept and utilize the grant funds.

MOTION: Hug moved to approve the Consent Agenda without Agenda Item 6d; Grabowski seconded the motion.

Grabowski, yes
Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes
Uhe, yes
Ashby, yes
Feichtinger, yes

Motion carried.

Agenda Item 6d—Consideration of Resolution Approving Farm Lease of Sarpy County Property, Board Doc. 7710

WHEREAS, the College purchased undeveloped farm land in Sarpy County (Sarpy Property) in early 2016 for future development into a new College campus; and,

WHEREAS, the best interest of the College is served by leasing the property for use as farm land while plans for the new College campus are developed; and,

WHEREAS, in December 2020, College administration issued a bid solicitation inviting individuals interested in farming the Sarpy Property for 2021 to submit bids, and awarded the 2021 Farm Lease to Mark Scholting the highest responsible bidder; and,

WHEREAS, pursuant to state law (Neb.Rev.Stat. § 85-1511 (14)), and Board Policy 80505, the conveyance or lease of real property owned by the College shall be effective only when authorized by an affirmative vote of at least two-thirds of all members of the Board.

NOW THEREFORE BE IT RESOLVED, that this Board hereby authorizes leasing the Sarpy Property to Mark Scholting from February 1, 2021, to December 31, 2021, and authorizes the President to enter such Lease, Board Document No. 7710a, under such terms as the President, in consultation with College legal counsel, may deem appropriate and in the best interests of the College, and authorizes the President to take action to execute such documents as may be necessary or appropriate.

MOTION: Hug moved to approve Agenda Item 6d; Reinhardt seconded the motion.

Hug asked the status of the Sarpy Property planning process. Schmailzl stated the College has made infrastructure improvements and secured Papillion annexation, in preparation for programming. A proposal was prepared regarding the use of the 142 acres, which will be presented at a forthcoming Board workshop. Next steps would be determining use of the property regarding buildings and programming, and developing a

timeline. Hug asked if leasing the property as farmland would interfere with any subsequent planning; Schmailzl said it would not interfere with any improvements on the land in the coming year.

McDermitt asked if discussions could begin this spring. Schmailzl answered in the affirmative.

Reinhardt asked if this was the first time the College has leased to a farmer. Schmailzl said we have leased to different farmers based on bids, since the property was purchased. Reinhardt asked what the process will be for selecting designers. Schmailzl noted there would be a selection process based on the plan which is to be developed, and on the services needed.

Uhe asked if administration had met with Sarpy Natural Resources District (NRD) and Schmailzl stated NRD had done a study for some trails and pre-work. Uhe offered Werner Park as a potential location if the Board wanted to hold the Board workshop near the property.

Vote on Agenda Item 6d.

Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes
Uhe, yes
Ashby, yes
Feichtinger, yes
Grabowski, yes

Motion carried.

Agenda Item 7—Action Agenda: Election of Officers

Agenda Item 7a—Election of Chair

Monahan reviewed the election process using secret ballots as needed.

Monahan asked for nominations for Chair. Grabowski nominated Monahan for Chair.

Hearing no other nominations for Chair of the Board, nominations were closed.

MOTION: Grabowski moved to seat Monahan as Chair of the Board, by acclamation; McDermitt seconded the motion.

McDermitt, yes
Monahan, yes

Reinhardt, yes
Uhe, yes
Ashby, yes
Feichtinger, yes
Grabowski, yes
Hug, yes

Motion carried.

Agenda Item 7b—Election of Vice Chair

Monahan called for nominations for Vice Chair.

McDermitt nominated Fred Uhe for Vice Chair.

Hearing no other nominations for Vice Chair of the Board, nominations were closed.

MOTION: Hug moved to seat Uhe as Vice Chair of the Board, by acclamation;
McDermitt seconded the motion.

Reinhardt, yes
Uhe, yes
Ashby, yes
Feichtinger, yes
Grabowski, yes
Hug, yes
McDermitt, yes
Monahan, yes

Motion carried.

Agenda Item 7c—Election of Treasurer

Monahan called for nominations for Treasurer.

Monahan nominated Grabowski for Treasurer.

Hearing no other nominations for Treasurer, nominations were closed.

MOTION: Monahan moved to seat Grabowski as Treasurer to the Board, by
acclamation; McDermitt seconded the motion.

Uhe, yes
Ashby, yes
Feichtinger, yes
Grabowski, yes

Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes

Motion carried.

Agenda Item 7d—Election of Secretary

Monahan called for nominations for Secretary of the Board.

Grabowski nominated McDermitt for Secretary of the Board.

Hearing no other nominations for Secretary of the Board, nominations were closed and Monahan called for vote by acclamation.

Ashby, yes
Feichtinger, yes
Grabowski, yes
Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes
Uhe, yes

McDermitt was elected as Secretary of the Board.

Agenda Item 7e—Election of Assistant Secretary

Monahan asked for nominations for Assistant Secretary.

Hug nominated Ashby; Feichtinger nominated Reinhardt. Ashby declined the nomination. Reinhardt accepted the nomination.

Hearing no other nominations for Assistant Secretary to the Board, nominations were closed. Monahan called for vote by for Reinhardt for Assistant Secretary by acclamation.

Feichtinger, yes
Grabowski, yes
Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes
Uhe, yes
Ashby, yes

Reinhardt was elected as Assistant Secretary to the Board.

Agenda Item 7f—Consideration of Resolution and Order Electing and Approving Officers of the Metropolitan Community College Area Board of Governors and Establishing Terms of Office, Board Doc. 7716

BE IT RESOLVED, by the Board of Governors of the Metropolitan Community College Area (the “Board”), as follows:

1. That Maureen Monahan be, and he/she hereby is, elected to the position of **Chair of the Board** for a term of office beginning January 26, 2021, and ending at the first regular meeting of the Board following January 1, 2022, or until his/her successor is elected and qualified; provided, however, that if Maureen Monahan ceases to be a qualified member of the Board during such term of office, or if he/she resigns as Chair of the Board during such term, then in either of those events the Vice Chair hereinafter named, or his/her qualified successor, shall become Chair of the Board and serve as Chair until the expiration of the term of office described above.
2. That Fred Uhe be, and he/she hereby is, elected to the position of **Vice Chair of the Board** for a term of office beginning January 26, 2021, and ending at the first regular meeting of the Board following January 1, 2022, or until his/her successor is elected and qualified; provided, however, that if Fred Uhe ceases to be a qualified member of the Board during such term of office, or if he/she resigns as Vice Chair of the Board during such term, then in either of those events the position of Vice Chair of the Board shall become vacant.
3. That Steve Grabowski be, and he/she hereby is, elected to the position of **Treasurer of the Board** for a term of office beginning January 26, 2021 and ending at the first regular meeting of the Board following January 1, 2022, or until his/her successor is elected and qualified; provided, however, that if Steve Grabowski ceases to be a qualified member of the Board during such term of office, or if he/she resigns as Treasurer of the Board during such term, then in either of those events the position of Treasurer of the Board shall become vacant.
4. That Linda McDermitt be, and he/she hereby is, elected to the position of **Secretary of the Board** for a term of office beginning January 26, 2021 and ending at the first regular meeting of the Board following January 1, 2022, or until his/her successor is elected and qualified; provided, however, that if Linda McDermitt ceases to be a qualified member of the Board during such term of office, or if he/she resigns as Secretary of the Board during such term, then in either of those events the position of Secretary of the Board shall become vacant.
5. That Zach Reinhardt be, and he/she hereby is, elected to the position of **Assistant Secretary of the Board** for a term of office beginning January 26, 2021, and ending at the first regular meeting of the Board following January 1, 2022, or until his/her successor is elected and qualified; provided, however, that if Zach Reinhardt ceases to be a qualified member of the Board during such term of office, or if he/she resigns as Assistant Secretary of the Board during such term, then in either of those events the position of Assistant Secretary of the Board shall become vacant.
6. That Brenda Schumacher be, and she hereby is, appointed to the position of **Assistant Treasurer of the Board**, to serve in such position at the absolute and unqualified discretion of the Board.
7. That Rita Eyerly be, and she hereby is, appointed to the position of **Recording Secretary of the Board**, to serve in such position at the absolute and unqualified discretion of the Board, provided, however, that her sole and only duties as Recording Secretary shall be to assist the Secretary or

the Assistant Secretary, as the case may be, in the taking of minutes of meetings of the Board, and to perform such other duties as may be assigned to her by the President of the College; and provided further, that the President of the College is hereby authorized and directed to name a temporary replacement to serve as the Recording Secretary if the Recording Secretary named above is absent.

BE IT FURTHER RESOLVED, that a copy of this Resolution and Order be certified by the Secretary or Assistant Secretary of the Board and placed on file at the Office of the Board; and

BE IT FURTHER RESOLVED, that copies of this Resolution and Order be certified by the Secretary or Assistant Secretary of the Board to the Secretary of State of Nebraska and to the County Clerks and Treasurers of Dodge, Douglas, Sarpy, and Washington Counties in Nebraska, and to the Banks of Record.

MOTION: Hug moved to approve the Resolution in Agenda Item 7f; McDermitt seconded the motion.

Grabowski, yes
Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes
Uhe, yes
Ashby, yes
Feichtinger, yes

Motion carried.

Agenda Item 8—Adjournment

MOTION: Grabowski moved to adjourn the meeting; Reinhardt seconded the motion.

Hug, yes
McDermitt, yes
Monahan, yes
Reinhardt, yes
Uhe, yes
Ashby, yes
Feichtinger, yes
Grabowski, yes

Motion carried. The meeting was adjourned at 7:01 p.m.



Date: January 22, 2021

Affidavit of Publication

METROPOLITAN COMMUNITY COLLEGE
ACCOUNTS PAYABLE
PO BOX 3777
OMAHA, NE 68103-0777

Date	Category	Description	Ad Size	Total Cost
01/21/2021	Legal Notices	NOTICE OF MEETING Notice is hereby given that 1	1 x 0 L	194.73

NOTICE OF MEETING

Notice is hereby given that the Board of Governors of the Metropolitan Community College Area will meet on Tuesday, January 26, 2021, commencing at 6:30 o'clock P.M. at the Fort Omaha Campus, 32nd & Sorensen Parkway, in the Institute for the Culinary Arts, Building #22, Room #201, Omaha, Douglas County, Nebraska, which meeting will be open to the public. An agenda for such meeting, kept continually current, is readily available for public inspection at the principal office of said Board of Governors, 30th & Fort Streets, Building #30, Omaha, Nebraska, during normal business hours. To make arrangements for public inspection call 531-622-2415.

Maureen Monahan
Chair, Board of Governors
ZNEZ

**Publisher of the
World Herald**

I, (the undersigned) an authorized representative of the World Herald, a daily newspaper published in Omaha, Douglas County, Nebraska; do certify that the annexed notice NOTICE OF MEETING Notice was published in said newspapers on the following dates:

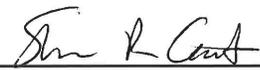
01/15/2021

The First insertion being given ... 01/15/2021

Newspaper reference: 0000204269


Billing Representative

Sworn to and subscribed before me this Friday, January 22, 2021


Notary Public

Sharon R Carsten
NOTARY PUBLIC
Commonwealth of Virginia
City of Richmond Notary Registration Number 329549
My Commission expires ~~Commission Expires July 31 2021~~



STATE of NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER No. 20-36

CORONA VIRUS – PUBLIC MEETINGS REQUIREMENT LIMITED WAIVER

WHEREAS, In order to provide flexibility to assist in meeting the emergency conditions and subsequent impacts brought on from COVID-19, a state of emergency was declared in Nebraska on March 13, 2020; and

WHEREAS, the State of Nebraska is committed to providing seamless government operations to the people of Nebraska throughout the state of emergency; and

WHEREAS, state and local governmental boards, commissions and other public bodies must comply with the Open Meetings Act so that citizens may exercise their democratic privilege of participating in meetings of public bodies; and

WHEREAS, for public health purposes, meetings and gatherings have now been limited to no more than 10 people and may be further limited if the presence of COVID-19 warrants;

NOW THEREFORE, I Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, hereby issue this limited waiver of certain requirements of the Nebraska Open Meetings Act.

Pursuant to this declaration, I hereby order the following:

1. This executive order applies to public bodies as defined in Neb. Rev. Stat. §84-1409 (1) and to all public meetings as defined in Neb. Rev. Stat. §84-1409 (2).
2. All governing bodies may meet by videoconference or by telephone conferencing or by conferencing by other electronic communication so long as there is made available at such meeting access to members of the public and to members of the media.

3. The advanced publicized notice and the agenda requirements for meetings that are set forth in Neb. Rev. Stat. §84-1411 and the remaining provisions of Nebraska's Open Meetings Act shall continue to be complied with by all public bodies and are not waived by this executive order.
4. This waiver shall apply to all public governing body meetings that occur from December 1, 2020 through January 31, 2021.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 25th day of November, 2020.

ATTEST:



Pete Ricketts, Governor



Robert B. Evnen, Secretary of State

