

**METROPOLITAN COMMUNITY COLLEGE AREA
BOARD OF GOVERNORS
MEETING MINUTES
JUNE 23, 2020**

A meeting of the Board of Governors of the Metropolitan Community College Area was called to order at 6:30 p.m., via Zoom Meeting.

Chair Monahan asked Rita Eyerly, Recording Secretary to the Board, to call the roll:

MEMBERS PRESENT

Erin Feichtinger, Assistant Secretary, *via Zoom Meeting*
Roger Garcia, *via Zoom Meeting at 6:31 pm*
Steve Grabowski, Treasurer, *via Zoom Meeting*
Ron Hug, *via Zoom Meeting at 6:31*
Phillip Klein, *via Zoom Meeting*
Linda McDermitt, Secretary, *via Zoom Meeting*
Maureen Monahan, Chair, *via Zoom Meeting*
Angela Monegain, *via Zoom Meeting*
Dave Pantos, Vice Chair, *via Zoom Meeting*
Fred Uhe, *via Zoom Meeting*
Michael Young, *via Zoom Meeting*
Joy Schulz, Ex Officio Faculty, *via Zoom Meeting*
Gloria Chavez, Ex Officio Student, *via Zoom Meeting*

MEMBERS ABSENT

Also Present: Randy Schmailzl, College President, *via Zoom Meeting*

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 on the MCC website as noted in Agenda Item 1d. A copy was made available for public inspection on the MCC Board of Governors webpages.

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, to the effect that notice of this meeting was published in that newspaper on June 12, 2020; and*

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 ordered that the affidavits be attached to the minutes of the meeting and made a part of the official proceedings of the Board of Governors.

Agenda Item 1f—Statement Regarding Access to Meeting via Zoom Online Conferencing Service / State of Nebraska Executive Order No. 20-24

Monahan made the following announcement:

I would also like to announce that pursuant to **Executive Order No. 20-24** issued by the Governor of Nebraska on May 19, 2020 which provided a limited waiver of certain requirements of the Nebraska Open Meetings Act (a copy of such Executive Order is attached to these minutes) and in order to comply with the Attorney General notice highly recommending that public bodies may conduct virtual meetings, notice has been given that this meeting of the Board of Governors of the Metropolitan Community College Area is being made accessible to members of the Board, College administration, the general public, and members of the media via Zoom online conferencing service. Instructions for accessing the meeting via Zoom online conferencing service were included in the Meeting Agenda, were posted on the College website, and were posted on the entry of the building where the Board usually meets.

Agenda Item 2—Public Comments—Via Zoom

There were no public comments.

Agenda Item 3—Report Agenda

Agenda Item 3a—Ex Officio Board Members' Reports

- **Student Ex Officio Report**

Chavez reviewed the report included with the Board material, noting the Student Advisory Council (SAC) attended a leadership series including training on self-awareness, cultural awareness, decision-making, and time for reflection with a guest speaker.

In response to Board member questions, Chavez noted she found the decision-making session most helpful to her personally, as it helped her learn how to express herself while being respectful of others' opinions. She noted there were 20 students involved in the leadership series by the final session.

- **Faculty Ex Officio Report**

Schulz started by commemorating Jim Van Arsdall, long-time MCC faculty member, who recently passed away. Van Arsdall taught political science for 20 years at the College. In the Zoom chat feature, several Board members thanked Schulz for her tribute.

Schulz then introduced Bonnie Fitzgerald, History Instructor and MCC graduate, who reported on an interdisciplinary student project designed to connect students to history by using emerging technology. Students in her history class are encouraged to create a replica of something people used in the past, and then teach their classmates about the item. Her history students have the opportunity to collaborate with Prototype Lab students for an integrated learning experience. Fitzgerald showed several examples of student work and noted the celebratory atmosphere in the presentation class when students share their work, which often includes foods from ancient cultures.

Feichtinger, a fellow history professor, commended Fitzgerald on finding such a creative way to engage students in the subject matter.

Several other Board members thanked Fitzgerald for the experience she provides students. Fitzgerald noted that she and her students often access historians and archeologists from around the world and students engage in problem-solving opportunities throughout the course.

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

Monahan noted this Board meeting is expected to be the last Zoom meeting for the foreseeable future, and the administration is working on configuration for an in-person meeting for July that allows for social distancing and public participation.

Agenda Item 3c—Board Members' Reports

There were no Board member reports.

Agenda Item 3d—President's Report

Schmailzl provided a brief overview of the items in his report.

- **Legislative / Federal Update**

Schmailzl noted the Nebraska Legislature will resume in July and he expects to know more about the state budget at the July Board meeting.

- **COVID-19 Update**

The first summer session at the College opened well and is going smoothly following social distancing and other hygiene guidelines. The second summer session begins July 12 and will allow for a few more labs and people on campuses. The success of summer classes will help determine how the fall quarter will look in terms of labs and classes on campus.

Feichtinger asked about Governor Ricketts' authority for allocating Coronavirus Aid, Relief, and Economic Security (CARES) Act funding within the state. Schmailzl noted that out of the \$330 million CARES Act dollars coming to Nebraska, \$16 million has been appropriated to the six Nebraska Community Colleges for workforce training purposes. MCC is expecting to get 48% or about \$6 million, but the College has not budgeted those dollars, pending final approval. He added there are about 60,000 unemployed people in the MCC four county area, leaving many depending on MCC for retraining to get back into the workforce.

- **Budget Update—Dave Koebel**

Dave Koebel, Vice President for Administrative Services, noted the original budget calendar presented to the Board in February has been adjusted, to allow time for many critical decisions being made in relation to COVID-19 concerns. Currently, College staff are evaluating initial budget requests and preparing the Fiscal Year 2020-21 Proposed Budget for presentation at the July Board meeting. He stated the legislature's suspension will delay an accurate state aid projection for the coming year, but the budget will still be submitted to the state and counties on time.

Agenda Item 3e—Regular Monthly Reports—Randy Schmailzl

Garcia expressed his appreciation to the MCC Foundation and many other staff members who assisted with emergency aid grants for students affected by COVID-19. He expressed gratitude for the expedient way the application was handled and how the College helped over 2,100 students with over \$1 million in tangible ways.

Agenda Item 3f—Ombudsperson Report / Emergency Student Assistance Update—Julie Langholdt

Schmailzl invited Langholdt, Dean of Student Advocacy and Accountability, to report. Langholdt summarized her report by noting the work of the Ombuds office was down a bit for the first five months of 2020, with most of the requests being related to transcripts, enrollment or internal referrals. Overall, students did very well during the unusual beginning to the COVID-19 outbreak.

Grabowski thanked and congratulated Langholdt on the way she has developed the Ombuds office, noting that he believes she has carried out the intent of former Board member Tim Dempsey, who initiated the resolution that established the department.

Feichtinger asked Schulz what faculty members are seeing and hearing from students

concerning the changes due to COVID-19. Schulz replied that administration put all resources in one link on the MCC webpage, enabling easy access for students. She found students to be anxious, but all her students who wanted to complete the quarter did complete. Feichtinger thanked the leadership of College administration for their response to student needs.

Langholdt further noted that many MCC departments were involved in making resources available and known to students in need. She noted students were able to find resources from food, to hotspots to laptops, in one location. She referenced the unique view into student lives, through Zoom, as they participate in classes from their homes. She commented that many MCC students are essential workers, who also live with the fear of bringing the virus home to their families. MCC students have shown resilience through many significant changes.

Chavez added that MCC faculty have gone above and beyond to help students during this time and thanked everyone for starting the use of Canvas during the summer quarter, as a trial for students and faculty, before the new system is fully launched during the fall quarter.

Agenda Item 3g—Discussion of Upcoming Annual Audit of 2019-20—Dave Koebel

Koebel invited Board members to raise any questions or concerns regarding the upcoming financial, financial aid, and full-time equivalency audits. He noted the auditors work for the Board. Questions or concerns for the auditors may be forwarded to the President's office.

Young asked about due diligence on technology proposals and bids. Chad Lynch, Chief Information Officer, noted that Gartner, Inc. currently reviews all IT bids for the best bids, including discount pricing. Lynch also referenced a security assessment, currently in process, in preparation for the upcoming audit. Koebel confirmed the use of consortium pricing and use of Request for Proposals by the College. He is available for further discussion at any time.

Agenda Item 4—Consent Agenda Items

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

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

Agenda items 6l, 6m, and 6n were removed from the Consent Agenda.

Agenda Item 6—Action Agenda

Agenda Item 6a—Consideration of Approval of Minutes of May 19, 2020 Board of Governors' Meeting, Board Doc. 7652

Agenda Item 6b—Consideration of Resolution Approving Personnel Appointments, Board Doc. 7653

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>
Collin Baldwin	Director of Workforce & IT Innovation-Corporate Training	08/03/20-06/30/21	\$ 66,111.64
Erika Kampschnieder	Associate Director of Financial Aid Systems and Processing	07/20/20-06/30/21	\$ 54,500.48

Agenda Item 6c—Consideration of Resolution Authorizing the President to Continue to Operate the College Until the 2020-21 Budget is Approved, Board Doc. 7654

WHEREAS, a budget for 2020-21 has not yet been adopted; and

WHEREAS, the Board of Governors wishes to continue to operate the College in an efficient manner, pending the adoption of the 2020-21 budget;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Governors of the Metropolitan Community College Area, pursuant to Neb. Rev. Stat. §§13-509.01 and 13-509.02, authorizes the President to expend any balance of cash on hand for the current expenses of the College and to continue operating the College under the 2019-20 Plan to Administer the Budget;

BE IT FURTHER RESOLVED, that the total expenditures authorized hereunder that are made prior to the adoption of the 2020-21 budget shall not exceed an amount equivalent to the total amount expended under the last budget in the equivalent period for the prior budget year; provided, however, that such expenditures may be exceeded upon the express finding by the Board of Governors that additional expenditures are necessary to enable the College to meet its statutory duties and responsibilities.

BE IT FURTHER RESOLVED, that the Board of Governors has determined that it is necessary to authorize expenditures in excess of an amount that is equivalent to the total amount expended under the last budget in the equivalent period for the prior budget year (and that such additional expenditures are necessary to enable the College to meet its statutory duties and responsibilities) and, accordingly, that the President be, and hereby is, authorized to increase expenditures under such a plan by no more than five percent (5%) provided such limit shall not apply to:

- a. Salary and fringe benefit increases for College personnel which might otherwise be established by the Board of Governors; and
- b. FICA, electricity, and fuel for any purpose.

BE IT FURTHER RESOLVED, that the total expenditures authorized hereunder shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and that nothing in this Resolution shall authorize expenditures by the College in excess of that otherwise permitted by Nebraska statute.

Agenda Item 6d—Consideration of Resolution Establishing the Calendar for Adoption of the 2020-21 Budget, Board Doc. 7655

BE IT RESOLVED, by the Board of Governors of the Metropolitan Community College Area that in providing for the adoption of the 2020-21 budget and the establishment of the tax levy for same, in accordance with applicable requirements of Nebraska Statutes and rules and regulations promulgated thereunder, the Board of Governors does hereby find and determine that same can best be accomplished by establishing a schedule.

BE IT FURTHER RESOLVED, that the Board of Governors does hereby adopt and establish the following schedule:

FIRST: On or before Friday, July 24, 2020, the President of the College Area shall prepare a proposed budget statement in accordance with State Statutes, including §§13-504 and 13-505, on forms prescribed and furnished by the Auditor of Public Accounts and mail a copy of same to each member of the Board of Governors at his or her address as shown on the books and records of the College Area. Said instrument shall be clearly marked and identified as "President's Proposed Budget Statement—2020-21." Said proposed budget statement also shall include a calculation of restricted funds authority and an accounting of unused restricted funds authority to be carried forward and used in future years, if any, as well as forms of notice that must be given prior to any hearing or meeting on the proposed budget statement.

SECOND: On Tuesday, July 28, 2020, the Board of Governors shall meet at a time and place designated by the Chair of the Board for the purpose of reviewing the President's Proposed Budget Statement—2020-21, and for such other purposes as may be designated in the agenda. After review and consultation, the Board of Governors shall approve a proposed budget statement. Said instrument shall be clearly marked and identified as "MCCA Board of Governors' Proposed Budget Statement—2020-21," and shall be on a form prescribed and furnished by the Auditor of Public Accounts of the State of Nebraska in accordance with State Statute §13-504 and shall contain the information described in "FIRST" above. The MCCA Board of Governors' Proposed Budget Statement shall be made available to the public by the College prior to publication of notice of hearing on said Proposed Budget Statement pursuant to State Statute §13-506.

At the meeting on July 28, 2020, the Board of Governors shall also adopt a Plan to Administer the Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, which Plan to Administer the Budget shall be predicated upon the MCCA Board of Governors' Proposed Budget Statement—2020-21.

THIRD: On or before Tuesday, August 11, 2020, or at least seven days prior to one or more public hearings on the MCCA Board of Governors' Proposed Budget Statement—2020-21, the President shall cause the notice(s) to be published in the Omaha World-Herald in accordance with State Statutes, as appropriate, including §13-506.

FOURTH: On Tuesday, August 25, 2020, the Board of Governors shall meet at the time and place specified in the notice(s) approved and published as aforesaid for the following purpose, among others, that might be set out in the agenda for such meeting, to wit: For the purpose of holding one or more public hearings on the MCCA Board of Governors' Proposed Budget Statement—2020-21. A written record shall be kept of such hearings.

FIFTH: On or before Tuesday, September 1, 2020, or at least five days prior to one or more public hearings on the MCCA Board of Governors' Proposed Budget Statement—2020-21, the President shall cause the notice(s) to be published in the Omaha World-Herald in accordance with State Statutes as appropriate, including §77-1601.02.

SIXTH: On or before Tuesday, September 15, 2020, the President shall prepare a written statement setting forth:

1. The total certified taxable value of the taxable property subject to levy within the College Area as provided by the county assessors; and
2. The exact amount, and number of cents on each one hundred dollars (\$100.00) on the taxable valuation of all property subject to the levy within the College Area, necessary to raise that portion of the budget revenue to be raised by taxation; and the President shall distribute a copy of said written statement to each member of the Board of Governors.

SEVENTH: On Tuesday, September 15, 2020, the Board of Governors shall meet at the time and place specified in the notice(s) approved and published as aforesaid for the following purposes, among others, that might be set out in the agenda for such meeting, to wit:

1. For the purpose of holding one or more public hearings on the MCCA Board of Governors' Proposed Budget Statement—2020-21, including any special public hearing on the property tax request. A written record shall be kept of such hearings.
2. For the purpose of adopting, or amending and adopting, the "MCCA Board of Governors' Proposed Budget Statement—2020-21," the instrument which is adopted, or amended and adopted, at this meeting shall be clearly marked and identified as "MCCA Board of Governors' Adopted Budget Statement—2020-21."
3. For the purpose of determining and fixing a property tax requirement and levying a tax on the taxable valuation of all property subject to the levy within the College Area as necessary to raise that portion of the budget which is to be raised by taxation, within the limits set forth in State Statutes, including, but not limited to, §§13-518 et seq., 77-3442 and 85-1517, setting out separately (i) the amount to be levied for the payment of principal or interest on bonds issued by the College and (ii) the amount to be levied for all other purposes; and to establish such tax requirement as the current year property tax request and to override any deemed request or levy adjustment under State Statute §77-1601.02, if necessary. Any reference in this paragraph 3 or elsewhere in this Resolution to State or Nebraska Statutes shall mean Nebraska Revised Statutes as adopted or amended from time to time.
4. For the purpose of considering adjustments, if any, to the property tax requirement or levy or otherwise, subject to the maximum allowable property tax levy under State Statutes, including §§85-1517 and 77-3442.
5. For the purpose of considering a property tax levy necessary for paying off bonds issued under sections 85-1520 to 85-1527, a capital improvement and bond sinking fund, or for other permissible purposes pursuant to State Statute §85-1517.
6. For the purpose of considering total budgeted restricted funds, as defined in State Statute §13-518, of up to the amount allowed pursuant to State Statute §13-519, including consideration of an additional one percent (1%) of budgeted restricted funds pursuant to State Statute §13-519(2).
7. For the purpose of considering the amount of prior years' unused restricted funds authority to be used to increase 2020-21 restricted funds authority.
8. For the purpose of considering the amount of unused restricted funds authority to carryforward from the current fiscal year to be used in future years, with any unused restricted funds authority in existence from any prior year.
9. For the purpose of correcting the Plan to Administer the Budget adopted by the Board of Governors on July 28, 2020, to reflect any changes in the MCCA Board of Governors Adopted Budget Statement—2020-21.

10. For the purpose of considering any other matters determined necessary or advisable.

EIGHTH: Certified taxable values as provided by the County Assessors pursuant to Neb. Rev. Stat. Section §13-509 shall be used in setting or certifying the tax levy. If final valuations shall not have been certified to and reviewed by the Board prior to the time it shall have fixed the amount of tax to be levied pursuant to Paragraph SEVENTH above, the Board shall use the preliminary valuation data available to it at the time in fixing the amount of the levy. The Secretary or Assistant Secretary of the Board of Governors, prior to certifying the amount to be received from personal and real property taxation to the respective Boards of Equalization of the four counties within the College area, shall review, or cause to be reviewed, the certified valuations to determine that they do not vary sufficiently from the valuations used by the Board so as to require a levy of a different amount in order to raise the amount of the Board's Adopted Budget Statement—2020-21 to be raised by taxation, and if such a variance does exist, pursuant to State Statute §13-508, to adjust the Board's levy so that the Board's levy is consistent with final valuations certified to the Board.

NINTH: On or before September 20, 2020, the Secretary or Assistant Secretary of the College Area shall certify a copy of the MCCA Board of Governors' Adopted Budget Statement—2020-21, together with the amount of tax required to fund the Adopted Budget (segregated between amounts necessary to pay income and principal on bonded indebtedness and amounts needed for all other purposes), the number of cents on each one hundred dollars (\$100.00) on the taxable valuation of all property subject to the levy within the College Area as necessary to raise such amount, and all applicable proofs of publication, and shall cause same to be filed with the Boards of Equalization of Dodge, Douglas, Sarpy, and Washington Counties, Nebraska, and with the Auditor of Public Accounts of the State of Nebraska.

TENTH: Within twenty days after adoption of the budget, if the MCCA Board of Governors' Adopted Budget Statement—2020-21 reflects a change from that shown in the notice approved and published in accordance with paragraph THIRD of this resolution, the President shall cause a summary of such change to be published in the Omaha World-Herald in accordance with State Statute §13-506.

ELEVENTH: That on or before October 13, 2020, the Secretary or Assistant Secretary of the College Area shall certify a copy of the resolution setting the property tax request pursuant to State Statute §77-1601.02 and file the same with the Clerks of Dodge, Douglas, Sarpy and Washington Counties.

BE IT FURTHER RESOLVED, as follows:

1. That the references in this resolution to the State Statutes are to sections of the Nebraska Revised Statutes, as amended from time to time.

2. That the preparation of the President's Proposed Budget Statement and the Board of Governors' adoption of the Proposed Budget Statement shall specifically include the amount to be raised from taxation. The setting of a levy shall be deferred until Tuesday, September 15, 2020, at the time of the adoption of the "MCCA Board of Governors' Adopted Budget Statement—2020-21" at which time the necessary information as to valuation in the College Area shall be more complete.

3. That the Secretary or Assistant Secretary of the College Area be, and hereby is, authorized and directed to certify a copy of this resolution and place same on file in the principal office of the Board of Governors.

4. That the officers of the College Area be, and hereby are, authorized and directed to take all steps reasonably necessary in order to carry out the intent of the Board of Governors as contained in this resolution and to assure compliance by the College Area with all applicable provisions of the Nebraska Budget Act and other statutes, rules and regulations applicable to the College Area's adoption and certification of its 2020-21 budget.

Agenda Item 6e—Consideration of Resolution Approving the Health and Dental Insurance Plans and the Maximum College Premium Contribution for Full-time regular Non-Bargaining Unit Employees and Those Bargaining Unit Employees Covered Under the College’s Designated Health and Dental Plans for the 2020-21 Plan Year, Board Doc. 7656

***BE IT RESOLVED**, that for the 2020-21 insurance plan year, the Board of Governors approves the continuation of Educator’s Health Alliance (EHA) Blue Cross/Blue Shield of Nebraska as the College’s designated health and dental plan. As a result of the EHA premium rates remaining unchanged for the 2020-21 plan year, the Board sets the College’s designated health and dental plan maximum contribution at 100% of the premium cost for employee only coverage, and 80% of the premium cost for the other multi-party plans for full-time employees enrolled in the plan. This does not include the ACF bargaining unit. The ACF health and dental insurance plan, and College contributions, are detailed in its collective bargaining agreement (CBA) that was approved by this Board in March, 2020.*

- \$ 8,778.72 (or 100%) of the premium cost – employee only
- \$ 12,571.58 (or 80%) of the premium cost – employee plus child(ren)
- \$ 14,436.38 (or 80%) of the premium cost – employee plus spouse
- \$ 19,287.17 (or 80%) of the premium cost – employee, spouse, & child(ren)

***BE IT FURTHER RESOLVED**, that the College President is hereby authorized and directed to extend the College’s designated health and dental plan, with the terms described above, to the collective bargaining groups that are currently covered by the designated College plan.*

***BE IT FURTHER RESOLVED**, that the College health and dental contributions herein approved will be implemented September 1, 2020, the beginning of the Blue Cross/Blue Shield of Nebraska plan year.*

Agenda Item 6f—Consideration of Resolution Approving Insurance Settlement with Respect to July 27, 2019 Damage to Building 6 on the Fort Omaha Campus After it had Been Hit by Two Motor Vehicles, Board Doc. 7657

***NOW THEREFORE BE IT RESOLVED** that this Board of Governors of the Metropolitan Community College Area hereby approves and accepts the settlement in full, in the amount of \$130,013.75, for damage to Building 6 caused by two motor vehicles colliding with it on July 27, 2019.*

Agenda Item 6g—Consideration of Resolution Approving Amendment and Restatement of College Retirement Plan, Board Doc. 7658

***BE IT RESOLVED**, that the Board of Governors hereby approves the amended and restated Plan documents presented with this Resolution (Board Document No. 7658), entitled Metropolitan Community College Retirement Plan (Employer Matching Contributions Component) and Metropolitan Community College Retirement Plan (Supplemental Tax Deferred Contributions Component) (“Plan Documents”), to amend and restate the Plan in accordance with the provisions and effective dates set forth in such Plan Documents.*

***BE IT FURTHER RESOLVED**, that this Board of Governors authorizes the President, in consultation with College legal counsel, to take such actions and make such changes or revisions to the plan(s) that he deems appropriate and in the best interests of the College, to take all actions necessary to submit the plan, and to comply with all applicable laws, rules, and regulations related thereto, to carry out the resolutions approved herein, and maintain the Plan in accordance with the Plan Documents or applicable laws, regulations, rules or guidance.*

Agenda Item 6h—Consideration of Resolution Reaffirming the Authority of the College President to Implement Reasonable Guidelines for the Protection of Public Health at the College, Board Doc. 7659

***WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services declared the COVID-19 outbreak a public health emergency in the United States; and,*

***WHEREAS**, on March 13, 2020, the Governor of Nebraska issued an emergency declaration for the State of Nebraska in connection with the COVID-19 outbreak.*

***NOW, THEREFORE, BE IT RESOLVED** by this Board of Governors that in response to the Federal, State, and local emergency declarations relating to the COVID-19 pandemic, and in light of U.S. Centers for Disease Control and Prevention (CDC), Nebraska Department of Health and Human Services (NDHHS), and the Douglas County Health Department (DCHD) guidelines, the Board hereby reaffirms the authority of the College President, pursuant to Board Policies 60208 and 70206, to implement procedures and to manage the College in ways that promote public health, including, but not limited to, mandated social distancing and wearing of face coverings while on or in College premises in connection with the COVID-19 pandemic or other public health emergencies, in order to help protect the College's students, faculty, staff, administrators, employees, contractors, visitors and the public at large from the spread of disease;*

***BE IT FURTHER RESOLVED** that actions taken by the College President relating to social distancing in connection with the COVID-19 pandemic pursuant to his authority under current Board Policy prior to the adoption of this Resolution that are consistent with the authorization to implement COVID-19 social distancing and other procedures set forth in this Resolution are hereby ratified and approved;*

***BE IT FURTHER RESOLVED** that this Resolution shall be considered a written order filed in the office of the Board of Governors, delegating the powers and duties described in this Resolution to the President of the College.*

Agenda Item 6i—Consideration of Resolution Accepting the Bid for South Omaha Campus Parking Lot Expansion, Board Doc. 7660

***BE IT RESOLVED**, that the Board of Governors of the Metropolitan Community College Area hereby accepts the bid for South Omaha Campus Parking Lot Expansion and authorizes the President to negotiate, sign, and implement such agreement with Sampson Construction, in an amount not to exceed \$810,600 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 6j—Consideration of Resolution Approving Exercise of the First of Two One-Year Options for Custodial Services for the Career and Academic Skills Center (CASC), Center for Advanced and Emerging Technology (CAET), and Construction Education Center (CEC), Board Doc. 7661

***BE IT RESOLVED**, that the Board of Governors of the Metropolitan Community College Area hereby approves exercising the first of two one-year options for contracted custodial services for the Career and Academic Skills Center (CASC), Center for Advanced and Emerging Technology (CAET), and Construction Education Center (CEC) buildings on the Fort Omaha Campus, and authorizes the President to exercise said option with Midwest Maintenance Company, Inc., in an estimated amount of \$219,148.02, with such changes as the President, in consultation with College legal counsel, may deem appropriate and in the best interests of the College.*

Agenda Item 6k—Consideration of Resolution Accepting Grant Funding From the United States Department of Education for the CARES Act Strengthening Institutions Program, Board Doc. 7662

***WHEREAS**, the U.S. Department of Education provides grants to accredited post-secondary educational institutions to assist institutions and students in overcoming financial barriers due to the COVID-19 pandemic through the CARES Act Strengthening Institutions Program; and*

***WHEREAS**, the College successfully submitted a proposal to the CARES ACT Strengthening Institutions Program and was approved to receive grant funds in the amount of \$285,679 over the one-year period from June 1, 2020, through June 1, 2021; and*

***WHEREAS**, the College desires to accept the grant award of \$285,679, and implement the CARES ACT Strengthening Institutions Program from June 1, 2020, through June 1, 2021;*

***NOW THEREFORE BE IT RESOLVED** by this Board that it approves the College's involvement in the CARES ACT Strengthening Institutions Program and accepts the full grant amount of \$285,679, to be realized during the one-year grant period spanning from June 1, 2020, through June 1, 2021, and;*

***BE IT FURTHER RESOLVED**, that this Board authorizes the President to execute said Grant Award Notification (GAN), 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, to take any and all actions necessary to accept the grant funds, and to ensure implementation in accordance with the approved proposal and guidelines of the U.S. Department of Education and Federal Uniform Guidance.*

MOTION: Grabowski moved to approve the Consent Agenda without Agenda Items 6l, 6m, and 6n; Young seconded the motion.

Garcia, yes
Grabowski, yes
Hug, yes
Klein, yes
McDermitt, yes
Monahan, yes
Monegain, yes (*nodded in response*)
Pantos, yes
Uhe, yes
Young, yes
Feichtinger, yes

Motion carried.

Agenda Item 6l—Consideration of Resolution Accepting Additional Workforce Training Funds from the Nebraska Department of Economic Development, Board Doc. 7663

***NOW THEREFORE BE IT RESOLVED** by this Metropolitan Community College Board of Governors that we approve the acceptance of additional workforce training funds from the Nebraska Department*

of Economic Development (DED) and Nebraska Department of Labor (NDOL), currently estimated to be in the approximate amount of \$6,779,860, and we authorize the President of the College, or his designee, to take such actions as may be necessary to acquire, maintain, and spend the funds responsibly.

MOTION: Grabowski moved to approve Agenda Item 6l; Pantos seconded the motion.

Feichtinger referenced the Women's Fund of Omaha, noting the disproportionate impact of COVID-19 on women. She noted her confidence in the College administration to take this population into consideration as workforce training funds are used in training programs.

Grabowski, yes
Hug, yes
Klein, yes
McDermitt, yes
Monahan, yes
Monegain, yes (*nodded in response*)
Pantos, yes
Uhe, yes
Young, yes
Feichtinger, yes
Garcia, yes

Motion carried.

Agenda Item 6m—Consideration of Resolution Reaffirming this Board's Strong Commitment to Equity and Diversity and Call for the Administration to Assess Current Programs and to Identify New Opportunities for Equity and Diversity, Board Doc. 7664

***WHEREAS**, current events require leaders to stand against the brutality and murder of unarmed Black men and women by declaring unequivocally that Black Lives Matter; and*

***WHEREAS**, proclaiming that Black Lives Matter does not negate the commitment of Metropolitan Community College's mission statement to "deliver relevant, student-centered education to a diverse community of learners;" Rather, this resolution recognizes that the experience of the Black community has been fundamentally different from others since 1619; and*

***WHEREAS**, MCC is a college of all communities in our four county area, we stand and support everyone. We do not discriminate against any individual or group of people. MCC will continue to provide the education to all students and support our staff, instructors, maintenance, and administrators.*

***WHEREAS**, both national and local deaths have resulted in hundreds of thousands of our fellow citizens peacefully protesting in the streets all across our country, including here in Nebraska, demanding accountability and justice and equality; and*

***WHEREAS**, this current and historical reality of the Black community in America forces us to acknowledge that All lives cannot matter without specifically stating that Black Lives Matter; and*

WHEREAS, the Nebraska Legislature established community colleges to be “student-centered, open-access institutions primarily devoted to quality instruction and public service, providing counseling and other student services intended to promote the success of a diverse student population, particularly those who have been traditionally underserved in other educational settings” (Neb. Rev. Stat. § 85-962); and

WHEREAS, MCC recognizes that many of those the College has been called to serve are those marginalized and oppressed by fundamentally racist systems and individuals; and

WHEREAS, MCC strives to fulfill its fundamental responsibility to serve those who come to us for education and skills development with compassion, respect, and equality, yet we acknowledge that we can do more to improve access, services and outcomes for all students, regardless of race, background, or circumstance; and

WHEREAS, the MCC Board of Governors is committed to move beyond initial public statements and observations, to enact ongoing, collaborative solutions that lead to opportunity for all who interact with MCC, that strengthen our neighborhoods and communities, and that reflect the College’s values of diversity, equity and inclusion.

NOW, THEREFORE, BE IT RESOLVED that the MCC Board of Governors commits to actively create smooth educational and training pathways that build critical skills, lead to careers of opportunity and improved employment outcomes for all MCC learners; and

LET IT BE FURTHER RESOLVED that the MCC Board of Governors shall demonstrate its ongoing commitment to positive action by ensuring a college-wide equity and inclusion assessment, regular reporting mechanisms on subsequent recommendations, monthly board agenda topics, by setting necessary policy to ensure the College actively works to fulfill its mission for its diverse community of learners.

MOTION: Monahan moved to approve Agenda Item 6m; McDermitt seconded the motion.

Monahan stated she drafted this resolution in response to conversation with other Board members and current recent events, noting it is both important and woefully inadequate. After sharing pertinent family history, noting that our present sounds much like our past, she reflected that we must examine what we are doing, before we can begin examining what else we could/should be doing.

There is a tremendous opportunity in front of the Board and College to make a difference. Our mission is education. We cannot repair deeply rooted systemic problems alone – but we can do our part. The resolution calls for an assessment of what we are doing and what else we could be doing. Monahan noted the Resolution asks Administration to come back to the Board to let the Board know what is being done. She further thanked College staff and Board members for their input. MCC is renowned for building the workforce and we can be known for building a more equitable community in the future.

MOTION: Grabowski moved to amend the Resolution by removing the words, “at the hand of law enforcement,” in the preamble; Hug seconded.

The preamble currently reads:

The unjustifiable, unfortunate death of many Black Americans and other people of color at the hand of law enforcement, and the demonstrations those acts have inspired, demand more than thoughts and prayers, but action. We owe it to our Black students, faculty, staff, supporters, and friends to say that we see you, and that we see your pain. And we intend to share what Metropolitan Community College will do to contribute solutions moving forward.

Grabowski stated this phrase makes it sound like all the bad is done at the hand of law enforcement, when some of the unfortunate circumstances have been done at the hand of others, including a recent event in Omaha.

With the change, the preamble would read:

The unjustifiable, unfortunate death of many Black Americans and other people of color ~~at the hand of law enforcement~~, and the demonstrations those acts have inspired, demand more than thoughts and prayers, but action. We owe it to our Black students, faculty, staff, supporters, and friends to say that we see you, and that we see your pain. And we intend to share what Metropolitan Community College will do to contribute solutions moving forward.

Discussion included a request from Feichtinger to replace the phrase with alternate verbiage. It was noted that she would need to make an additional amendment, after vote on the current amendment.

Monahan noted her support of Grabowski's proposed amendment.

Pantos stated consensus is important, but he does believe that the activism that has occurred in the past weeks was triggered by the murder of George Floyd at the hand of law enforcement. He also asked that a press release be issued on behalf of the Board noting the commitment to equity and diversity. Grabowski supported Pantos's press release suggestion.

Hug added that MCC has made a huge commitment to the Fort Omaha Campus (FOC), investing millions of dollars into the development of FOC.

Young thanked Monahan for the resolution and thanked the Board for their support and standing strong.

Uhe commended Monahan on the closing of the Resolution, noting it is important as it addresses the ongoing commitment to action in response to the challenges of today. McDermitt echoed Uhe's comments and believes the Administration will do a good job of assessing and reporting.

Hearing no further comments, a roll call vote was taken on the amendment Grabowski made to the Resolution, Agenda Item 6m.

Klein, yes
McDermitt, yes
Monahan, yes
Monegain, yes (*nodded in response*)
Pantos, yes
Uhe, yes
Young, yes
Feichtinger, yes
Garcia, yes
Grabowski, yes
Hug, yes

Motion to approve the amendment carried.

MOTION: Grabowski moved to approve Agenda Item 6m as amended; Hug seconded the motion.

Hearing no further discussion, the roll call vote was taken:

Hug, yes
Klein, yes
McDermitt, yes
Monahan, yes
Monegain, yes
Pantos, yes
Uhe, yes
Young, yes
Feichtinger, yes
Garcia, yes
Grabowski, yes

Motion carried.

Agenda Item 6n—Consideration of Resolution to Create The Tim Dempsey Power Forward Scholarship Fund, Board Doc. 7665

*Therefore Be It Resolved - The MCC Board respectfully request of the administration to bring forward to the board a resolution to create **The Tim Dempsey Power Forward Scholarship Fund**. We suggest that it include the following.*

1 - Redirect the dollars in the board of governor's memorial scholarship to the T.D.P.F.R. AS well as identifying other funding sources.

2- Work with agencies to develop a workshop to provide applicants a full honest impression of being a Police Officer or Firefighter Fighter.

3 - Work with the applicants to make them aware of the basic requirements and identify any obstacles which may be in their way.

4 - Work with groups to provide mentors to the successful applicants.

MOTION: Hug moved to approve Agenda Item 6n; Young seconded the motion.

Hug noted the genesis of this resolution is the result of numerous conversations with former Board member Tim Dempsey over the years. The Resolution asks the Administration to develop a plan to address the intent of the resolution. He is open to input and advice from Administration. He is asking Administration to report back to the Board with recommendations and/or resolution.

Grabowski noted he too had conversations with Dempsey and supported the resolution. He further noted that it is difficult to recruit people into law enforcement, and encouraged anything that can be done to support recruitment of people from minority communities. He lauded MCC's criminal justice instructors for their commitment to law enforcement and teaching.

Young added that being a first responder provides a livable wage. He asked that Administration reach out to local unions.

MOTION: Young moved to table Agenda Item 6n; Feichtinger seconded the motion.

Monahan, yes
Monegain, yes
Pantos, pass
Uhe, no
Young, yes
Feichtinger, yes
Garcia, no
Grabowski, no
Hug, no
Klein, no
McDermitt, no

Pantos, no

No votes = 7
Yes votes = 4

Motion to table the resolution fails. The Motion required a majority vote of the Board.

Discussion on Agenda Item 6n continued:

Grabowski recognized Young's intent to involve unions and offered to help communicate with unions, based on his contacts.

Hug stated he talked with a representative of the Black Police Officer's Association and support was indicated by that individual. He again stated this is a request of the Administration and he expects they would work with other organizations.

Monahan asked a technical question of Jim Thibodeau, Associate Vice President for Compliance and General Counsel, regarding offering a minority-specific scholarship.

Thibodeau stated per Article I § 30 of the Nebraska Constitution a scholarship for minorities, administered by the College, appears to be illegal. He noted all aspects of the resolution and Nebraska statutes would be closely reviewed.

Monahan also inquired about a current Tim Dempsey Scholarship with the MCC Foundation. Jackie Almquist, Executive Director of the Foundation, stated there was a Tim Dempsey Scholarship established shortly after his death.

Garcia noted his support of honoring Tim Dempsey, who was formerly Chief of Police, and he was aware of the existing MCC Foundation Scholarship. He supports the idea of honoring Dempsey, and also supports the idea of increasing the pipeline for underserved populations into law enforcement. He suggested seeking funding from private sources, possibly including local unions.

Roll call vote on Agenda Item 6n as moved by Hug and seconded by Young.

McDermitt, pass

Monahan, pass

Monegain, no

Pantos, yes

Uhe, yes

Young, yes

Feichtinger, pass

Garcia, yes

Grabowski, yes

Hug, yes

Klein, yes

McDermitt, yes

Monahan, yes

Feichtinger, yes

Yes = 10

No = 1

Motion carried.

Young thanked Grabowski and others who have served as first responders, including Hug's father.

Agenda Item 7—Adjournment

MOTION: Hug moved to adjourn the meeting; Young seconded the motion.

Monegain, yes
Pantos, yes
Uhe, yes
Young, yes
Feichtinger, yes
Garcia, yes
Grabowski, yes
Hug, yes
Klein, yes
McDermitt, yes
Monahan, yes

Motion carried. The meeting was adjourned at 8:03 p.m.

Linda McDermitt, Secretary, Board of Governors

Date

**AFFIDAVIT OF TRANSMISSION OF NOTICE OF
MEETING OF BOARD OF GOVERNORS OF
METROPOLITAN COMMUNITY COLLEGE AREA**

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

Pauline Laughlin, being first duly sworn upon oath deposes and states as follows:

1. That pursuant to direction received from the Chair of the Board of Governors of the Metropolitan Community College Area, I caused the following Notice to wit:

NOTICE OF MEETING

Notice is hereby given that the Board of Governors of the Metropolitan Community College Area will hold a virtual meeting electronically as permitted by Governor Ricketts' Executive Order No. 20-24, with this meeting to be held on Tuesday, June 23, 2020, commencing at 6:30 o'clock P.M. Because this meeting will be held electronically, and no quorum of the public body will be physically present together, there will be no public in-person attendance. Members of the public and media may attend the meeting electronically by calling 312-626-6799; Meeting ID: 929 6345 1638.

An agenda for such meeting, kept continually current, is available for public inspection at the principal office of said Board of Governors, 30th & Fort Streets, Building #30, Omaha, Nebraska by making prior arrangements for public inspection by calling 531-622-2415.

Maureen Monahan
Chair, Board of Governors

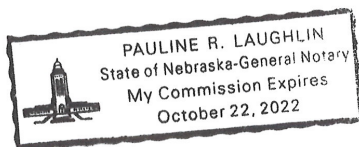
to be published in *Omaha World-Herald* on June 12, 2020; and that the order to said newspaper was made by electronic transmission on June 10, 2020.

1. That on June 10 a copy of such Notice was addressed and sent by e-mail or, if so requested, by personal delivery to each member of the Board of Governors.

Further affiant sayeth not.

SUBSCRIBED AND SWORN TO before me this 17th day of June, 2020

Pauline R. Laughlin
Notary Public





Omaha World-Herald

Date: June 12, 2020

Affidavit of Publication

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

Date	Category	Description	Ad Size	Total Cost
06/18/2020	Legal Notices	NOTICE OF MEETING Notice is hereby given that I	1 x 0 L	226.58

NOTICE OF MEETING

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Maureen Monahan
Chair, Board of Governors

**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:

06/12/2020

The First insertion being given ... 06/12/2020

Newspaper reference: 0000149529

Billing Representative

Sworn to and subscribed before me this Friday, June 12, 2020

Notary Public

State of Virginia
City of Richmond
My Commission expires

Sharon R Carsten
NOTARY PUBLIC
Commonwealth of Virginia
Notary Registration Number 329549
Commission Expires July 31 2021



STATE of NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER NO. 20-24
CORONAVIRUS – CONTINUED LIMITED WAIVER OF
PUBLIC MEETINGS REQUIREMENTS

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 that are open to the people of Nebraska throughout the state of emergency.

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 continued limited waiver of certain requirements of the Nebraska Open Meetings Act.

Pursuant to this declaration, I hereby order the following:

1. Executive Order No. 20-03, which is currently scheduled to end on May 31, 2020, shall remain in effect through June 30, 2020; and
2. The identical statutory waivers and conditions contained within Executive Order No. 20-03 shall continue through June 30, 2020.

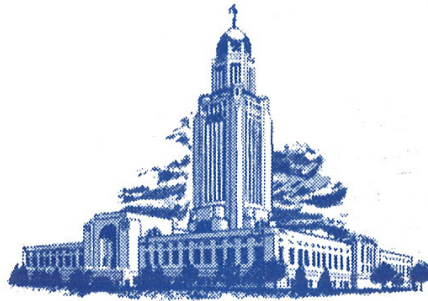
IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 19th day of May, 2020.



Attest:

Pete Ricketts, Governor
State of Nebraska

Robert B. Evnen,
Secretary of State
State of Nebraska



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER NO. 20—03
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 meeting of public bodies; and

WHEREAS, for public health purposes, meetings and gatherings have now been limited to no more than 50 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.

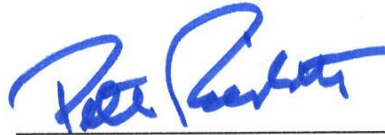
Pursuant to this declaration, I hereby order the following:

1. This executive order applies to all governing 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 Meeting Act shall continue to be complied with by all governing bodies and are not waived by this executive order.
4. This waiver shall apply to all public governing body meetings that occur from today through May 31, 2020.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 17th day of March, 2020.

ATTEST:



Pete Ricketts, Governor



Robert B. Evnen, Secretary of State