

Consent Agenda for Special Called Board Meeting
December 13, 2021

**PLEASE TURN OFF (SILENCE) AND STORE YOUR MOBILE ELECTRONIC
DEVICES DURING THE BOARD MEETING**

*Central Carolina Community College
Board of Trustees
Agenda
December 13, 2021*

Ethics Statement
Mission Statement of the College

Agenda

Minutes

Approval of Minutes

- ❖ Board of Trustees Meeting; October 27, 2021

Finance Committee

1. Consider Harley-Davidson Donation
2. Receive Purchasing Compliance Review Report
3. State Budget Update

Building and Grounds Committee

1. Consider Alcohol Policy
2. Marelli Update
3. Kelly Drive Update

Program Committee

1. Modifications to Industrial Systems programs

Other Items

1. Triangle South Workforce Development Board Update

Personnel Committee

1. Potential closed session for personnel update

**Board of Trustees
Central Carolina Community College
Via Zoom
October 27, 2021**

Members Present: J. Burgin, B. Carver, J. Crawford, J. French, J. Hayes, D. Jordan, J. Kelly, P. Kirkman, G. Lucier, G. McAuley, G. Morris, J. Philpott, C. Post, B. Powell, G. Springle, B. Tatum

Guest: J. Love; College Attorney

Staff via Zoom: L. Chapman, P. Price, L. Scuiletti, K. Hoyle, J. Matthews, M. Hall, E. Hare, M. Dishman, M. Brown, M. Roberton, K. Short, R. Hight, D. Haire, A. Carter, L. Whitaker

Chairman Philpott welcomed the guest and called the meeting to order.

Chairman Philpott read the following ethics statement and the Mission Statement of the College.

Ethics Statement

Chairman Philpott stated “I would like to remind all Board Members that it is your duty to avoid all conflicts of interest in your role as a trustee of this college. Having read the agenda, is anyone aware of a conflict of interest with respect to any matter coming before this Board at this time?” Chairman Philpott continued by saying “if at any time a conflict of interest arises, we are all required to individually state that we are recusing ourselves from discussing or voting upon the matter. Next, I wish to remind you that SACSCOC requires the Board to be free from undue influence from political, religious, or other external bodies, and to protect the institution from such influence. If at any time a trustee or college official feels undue influence is being applied please bring that to the attention of the Board so that we can respond accordingly.”

Mission Statement of the College

Central Carolina Community College fosters individual, community, and economic development through transformative lifelong learning.

Dr. Chapman shared her computer screen to allow attendees to see the Board packet.

Trustee Lucier made a motion to approve the Consent Agenda. Trustee Hayes seconded the motion. The motion was unanimously approved.

Personnel Committee

Chairman Philpott called on Trustee Powell, Chair of the Personnel Committee. Trustee Powell stated complaints that come to the Board of Trustees do not need to be handled by an individual trustee. Chairman Philpott added that he does not speak for the Board as a whole unless an issue has been voted on giving him the authority to represent the entire Board. Trustee Powell shared with the Board that Attorney Love had been asked to draft a Public Comment Policy (the Role of Trustees in Handling Complaints). Attorney Love stated that he read the college Policies and Procedures and

found grievances by students is covered but nothing is mentioned referring to trustees. Attorney Love added that a complaint would need to be put into writing and should be sent to the President and the Board Chair. Attorney Love recommends this be added to the Policies & Procedures under Trustees. Chairman Philpott said with the policy things should be handled in an order manner with written documentation. Trustee Tatum made a motion to approve the Public Policy Comment. Trustee Post seconded the motion. The motion carried unanimously and will be adopted into the Policies & Procedures Manual.

Building & Grounds Committee

Chairman Philpott added for Full Board Discussion of a possible Alcohol Policy for the DAWCC. Chairman Philpott called on Trustee Lucier, Chair of the Building & Grounds Committee. After discussion among the Board, Trustee Lucier made a motion for the staff to work with Attorney Love to draft an Alcohol Policy for the DAWCC. Trustee Kelly seconded the motion. The motion carried unanimously. Trustee Powell asked Chairman Philpott to appoint another trustee to serve along with the Building & Grounds Committee, Attorney Love and the staff to draft an Alcohol Policy. Chairman Philpott appointed Trustee Kelly as the additional trustee. Attorney Love will work with the staff and draft the policy. A meeting will be scheduled with the Building & Grounds Committee, Trustee Kelly, Attorney Love and the appropriate staff to review the draft that is prepared by Attorney Love.

Finance Committee

Chairman Philpott reported there were no items for Full Board discussion.

Program Committee

Chairman Philpott reported there were no items for Full Board discussion.

Student & Academic Support Services Committee

Chairman Philpott called on Trustee Kirkman, Chair of the Student & Academic Support Services Committee. Trustee Kirkman called on VP Hoyle for an update on Division 2 Declaration (Men's and Women's Basketball). He reported he had received clarification from the conference the move would start in 2023 instead of 2022. The Board did approve the move from Division 3 to Division 2 beginning in 2022 at the July meeting. The motion to approve the move from Division 3 to Division 2 beginning in 2023 season and will run through 2027 comes as a motion from the committee and a second is not required. The motion carries unanimously.

Foundation Report

Chairman Philpott called on Dr. Hare for the Foundation update. Dr. Hare shared several dates coming up; 10/28 Drive in Hocus Pocus; 12/2 Cougar Express and the Scholarship Banquet is March 23, 2022. Dr. Hare thanked everyone for their continued support during a pandemic.

Other

Chairman Philpott reported the Board of Trustees Self Evaluation has been included in the packet. He asked the trustees to review the results and if there were specific questions to email those to him and they will be added to the agenda for the Board Retreat. The Board Retreat date has not been decided.

Chairman Philpott called on Trustee Carver for an update from the NCACCT Conference.

Chairman Philpott called the attention to the proposed 2022 Board of Trustees meeting dates. He added as soon

as the draft Alcohol Policy has been developed and reviewed by the assigned committee we will have a Special Called Board meeting. Trustee Hayes made a motion to approve the proposed 2022 dates. Trustee French seconded the motion. The motion carried unanimously.

President's Report

Dr. Chapman stated that what we are doing is aligned so that our support of our individual students is effective and consistent so they can not only come to us but they can come through us and be successful. She said she was thankful for a grants team that helps communicate the passion that we have in the things we have accomplished. Because of that, CCCC has been awarded a Title III Grant from the Department of Education that is \$2.16 million dollars and that will impact every division of the college. Dr. Chapman called on Dr. Hare. Because of receiving the grant Dr. Hare said we would be able to endow the James French Dreamkeepers Fund with \$70,000 and it will be matched with \$70,000 from the Eugene Moore donation. Dr. Chapman mentioned a few dates; President Stith will visit CCCC on October 29th and on November 2nd we will have representatives from Congressman Ted Budd's office and Senator Richard Burr's office. She welcomed the trustees to attend either of these dates if their schedules would allow.

Trustee Tatum made a motion to go into Closed Session. The motion carried unanimously. Trustee Powell made a motion to come out of Closed Session. Trustee Tatum seconded the motion. The motion carried unanimously.

Trustee Burgin made a motion to adjourn. Trustee McAuley seconded the motion. The motion carried unanimously.



**BOARD OF TRUSTEES
FINANCE COMMITTEE
AGENDA**

Date of Meeting:	December 13, 2021	Time: 6:00 pm	Virtual/Face to Face
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**Committee Members: Jim Burgin, Chair
Jamie Kelly
Bill Carver**

Consent Agenda Items

Full Board Agenda Items

1. Consider Harley-Davidson Donation
2. Receive Purchasing Compliance Review Report
3. State Budget Update

For Information Only

Consider Harley-Davidson Donation

Background

Harley-Davidson would donate six motorcycles of varying age (2015-2020) and six motors. Current inventory level information has not been provided at the time of this writing. The donation from Harley-Davidson would provide additional and replacement motorcycles for our Motorcycle Mechanics program. The current motorcycle fleet has been assessed as looking great but aging. The fleet motorcycles have been “repaired” many times by students for learning purposes. We have routinely agreed to this same or similar arrangement in the past for years, with one estimate on the age of this relationship going back one or two decades. The total estimated value of the Harley Davidson donation to the Motorcycle Mechanics program is \$157,489. As a donation, the risk for suit is probably lower than a standard transaction.

Concerns Regarding Harley-Davidson Donation Agreement

Indemnification Clause

Requires us to be solely responsible for and defend, indemnify, and hold harmless Harley-Davidson from all claims, damages, legal fees, etc. arising from the equipment, the use and maintenance of the equipment, and actual or alleged actions or omissions on our part. Will not strike or limit to the manner and extent permitted under North Carolina law. State guidance is to not sign on to agreements with indemnification clauses; agreeing to an indemnification clause may give rise to personal liability and a lack of support from the State if we find ourselves in a lawsuit.

Applicable Law & Venue

Law and venue are set to Wisconsin. Will not strike or modify to North Carolina law. State guidance is to not sign on to agreements with law and venue set to a state other than North Carolina; agreeing to law and venue outside of North Carolina may give rise to personal liability and a lack of support from the State if we find ourselves in a lawsuit. If a suit arises, we would likely have to retain outside counsel in Wisconsin.

Disposal of Motorcycles

The agreement requires us to dispose of the motorcycles when they are no longer viable for our uses. When a motorcycle ceases to be useful, it is destroyed and the VIN plate is sent back to Harley-Davidson for proof of destruction. This may be a conflict with State surplus inventory rules and could present bad optics.



Purchase & Contract Division
David O'Neal | State Purchasing Officer

Roy Cooper | Governor
Pamela B. Cashwell | Secretary

December 1, 2021

Mike Spivey
Purchasing Director
Central Carolina Community College
1105 Kelly Drive
Sanford, NC 27330

Dear Mr. Spivey,

The compliance review conducted for Central Carolina Community College has been completed. This was a routine review. A final copy of the compliance review report, including a summary of the observations and recommendations, is attached.

I would like to thank you and your purchasing staff for your cooperation and assistance during the compliance review process. The Division of Purchase & Contract shares the goals of all purchasing personnel to implement the most professional, productive, and efficient purchasing process possible. If I can be of any assistance to you and your purchasing team, please do not hesitate to call me at 984-236-0221 or email me at tammie.kuhn@doa.nc.gov.

Sincerely,

Tammie Kuhn

Tammie Kuhn
Compliance Officer

cc: Beth Wood, State Auditor
Charlie Perusse, State Budget Director
David O'Neal, State Purchasing Officer, Department of Administration
Ruth Risser, Director Administrative and Facilities Services, Community College System Office
Dr. Lisa M. Chapman, President, Central Carolina Community College
Dr. Phillip Price, Executive Vice President/Chief Financial Officer, Central Carolina Community College



CENTRAL CAROLINA COMMUNITY COLLEGE

Compliance Review

November 2021



Prepared by:

DEPARTMENT OF ADMINISTRATION

DIVISION OF PURCHASE AND CONTRACT

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¹ Pages have been intentionally left blank to conform to double-sided print format.

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² A finding sheet for each individual finding or grouped similar findings was provided to the agency.

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OBJECTIVES, SCOPE, AND METHODOLOGY

North Carolina Administrative Code, Title 1, Chapter 5, Section .1605, requires the Division of Purchase and Contract to conduct compliance reviews on purchasing practices at all agencies. The purpose of the compliance review is to determine if an agency is complying with North Carolina's purchasing laws and regulations and whether the agency should continue having the same delegation amount, have it reduced, or increased (See Appendix A for Administrative Code).

The compliance review objectives are to:

1. Determine that Central Carolina Community College's purchasing staff understands and adheres to North Carolina General Statute Article 3 of Chapter 143 and Administrative Code Title 1, Chapter 5.
2. Determine that Central Carolina Community College's internal policies, procedures, and processes accurately reflect the applicable requirements of North Carolina General Statutes and the Administrative Code.
3. Exchange ideas of how the State of North Carolina can become more efficient and cost effective.
4. Communicate and offer training opportunities via the Division of Purchase and Contract or in conjunction with professional organizations (i.e. CAGP, NIGP, etc.) to better educate and, in turn, increase productivity of purchasing personnel.
5. Develop a mutually beneficial working relationship between Central Carolina Community College and the Division of Purchase and Contract.

The scope and methodology of this review included³:

- Review of the purchasing organization.
- Analysis of current policies, procedures, and processes.
- Review of procurement risk assessment.
- Examination of purchasing transactions.
- Review of direct payments.
- Review of procurement card transactions. (If applicable)

The review of purchasing transactions were for the period July 1, 2020 through June 30, 2021. The Purchase orders were selected from E-Procurement, Direct payments were selected from accounting payment files. P-Card purchases were selected from Works purchase files. The transactions for review include contracts (term, agency specific, service), requisitions, approvals, purchase orders, file documentation, the receiving process, invoices, retention, etc.

³ **Disclaimer:** A Compliance Review is limited in scope and will not disclose all exposures in a purchasing practice.

FINDINGS AND RECOMMENDATIONS SUMMARY

Finding 1: Not Purchasing from Statewide Term Contract-Repeat Finding

Of the 2,064 purchase orders reviewed, (7) did not utilize available Statewide Term Contracts and did not show evidence that pricing received was less than offered by Statewide Term Contract vendors.

The North Carolina Administrative Code, 01 NCAC 5B.1101(b), requires all State Agencies, Community Colleges and Universities to purchase from available Statewide Term Contracts. Community Colleges and Universities have been granted purchasing flexibility but must provide appropriate documentation when exercising the flexibility option.

Not utilizing Statewide Term Contracts impacts business decisions regarding term contract spend; as well as, strategic sourcing and leverage buying. In addition to not purchasing from Statewide Term Contract there was not sufficient documentation in the files reviewed onsite as to why the item on term contract did not meet the College's requirement as required by the North Carolina Administrative Code, 01 NCAC 05B.1105, nor was there documentation related to exercising purchasing flexibility as allowed by North Carolina General Statutes, § 115D-58.14. If purchasing flexibility is being utilized, the file must be documented showing that the cost was less, and the items are the same or substantially similar in quality, service, and performance as items available under Statewide Term Contracts. This finding was also documented during the Central Carolina CC previous compliance review; October 2017.

Recommendation: Central Carolina Community College must comply with North Carolina General Statutes and the North Carolina Administrative Code by utilizing Statewide Term Contracts or, when authorized, adequately documenting the reason for deviating from this requirement in the respective file.

ADMINISTRATIVE CODE

Chapter 5 – PURCHASE AND CONTRACT**.1605 COMPLIANCE REVIEWS**

- (a) The Division of Purchase and Contract shall conduct compliance reviews on purchasing practices at all agencies. The purpose of the compliance review shall be for determining if an agency is complying with North Carolina's purchasing statutes and rules adopted thereunder, and whether it should continue having the same level of delegation, have it reduced, or if it qualifies for an increase. A copy of the compliance report shall be provided to the agency's executive officer, the State Auditor, the State Budget Officer, the local school administrative unit's Board, any of which are applicable.
- (b) The Division's staff may enter the premises and obtain an agency's purchasing records for the purpose of the compliance review. The agency shall cooperate with the Division's staff, providing them with requested records, adequate office space for conducting the review, and agency purchasing staff for discussion of purchase transactions. The Division shall not unnecessarily require of the agency any more than is needed to complete the review.
- (c) The SPO may lower, or raise if requested, an agency's (excluding the universities) general delegation, if the results of a compliance review by the compliance staff of the Division merit such action as determined by the SPO. The SPO may lower the delegation to any level, including the complete removal of the delegation, depending on the nature of any violations found. The SPO shall report to the University's Board of Governors the results of any compliance review conducted at any of the universities, and shall provide to them the SPO's recommendation, based on those results, on what that university's benchmark should be.
- (d) The SPO shall provide to each agency, upon request, the Division's assistance in educational training for the agency's staff, to better acquaint them with the purchasing statutes and rules.

History Note: Authority G.S. §143-54;
Eff. April 1, 1999.

AGENCY RESPONSE

**Director of Purchasing**

Mike Spivey • mspivey@cccc.edu
1105 Kelly Drive • Sanford, North Carolina 27330
ph. (919) 718-7398 • fax (919) 718-7353

Nov.16, 2021

Tammie Kuhn

Compliance Officer

Division of Purchase and Contract

116 West Jones Street

Raleigh, NC 27603

Dear Tammie:

This is in response to the Compliance Review and exit Conference regarding Central Carolina Community College. I have reviewed the report and offer the following comments and plan of action.

1. Not Purchasing from Statewide Term Contract

Recommendation: Central Carolina Community College must comply with North Carolina General Statutes and the North Carolina Administrative Code by utilizing Statewide Term Contracts or, when authorized, adequately documenting the reason for deviating from this requirement in the respective file.

Response: Central Carolina Community College purchasing personnel will be more vigilant in determining if an item is available on a state term contract and will document any reason for deviating from this requirement in the respective file. Furthermore, purchasing personnel will provide training on state contract requirements to various college staff who are responsible for entering requisitions in Etrieve/Eprocurement. This training will be accomplished through New Employee Orientations, P card training sessions, etc.

Thank you for the opportunity to respond to the recommendations in the report. I appreciate the work of the Division of Purchase and Contract to help the College achieve its goals and become aware of additional opportunities for improvements and savings.

Sincerely,

A handwritten signature in black ink that reads "Mike Spivey".

Mike Spivey

Director of Purchasing

2021-2022 State Budget Overview

A 5% pay increase over the biennium for faculty and staff (2.5% for 2021-2022 and 2.5% for 2022-2023). Must have been employed at CCCC on June 30 and currently employed. The 2021-2022 pay increase is retroactive to July 1. The 2021-2022 retroactive amount will be paid as a bonus in January. The 2021-2022 pay increase will be applied to monthly pay beginning in January.

A \$1,000 bonus for employees making over \$75K. A \$1,500 for employees making less than \$75K. Must be employed on December 1, 2021 and will be paid with December 2021 pay.

\$80 Million in budget stabilization to be allocated among the 58 colleges.

Recruitment and retention fund of \$8.6 million in the first year of the biennium and \$12.3 in second year. No additional instructions have been provided at this time.

The General Assembly funded \$12 million for expansion of Apprenticeship with an additional \$2 million for marketing

The budget funded \$500K over the biennium to help students with intellectual developmental disabilities.

Funding in the amount of \$5.2 million was provided to help CCs start high-cost programs

Also, \$3 million in recurring (\$1 million) and non-recurring (\$2 million) for short-term workforce financial assistance for students in programs leading to industry credentials was provided in the budget.

The budget allocated \$400 million for capital funding. Our portion of the \$400 million is approximately \$10 million. The State Construction Office threshold for Community College projects was revised from \$500,000 to \$2,000,000.



BOARD OF TRUSTEES
BUILDING AND GROUNDS
COMMITTEE AGENDA

Date of Meeting:	December 13, 2021	Time: 6:00 PM	Virtual / Face to Face
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Committee Members: George Lucier, Chair
Bill Tatum Jim
Crawford

Consent Agenda Items

Full Board Agenda Items

1. Consider Alcohol Policy

For Information Only

1. Marelli Update
2. Kelly Drive Update

Use of Alcohol at Special Events

Dennis A. Wicker Civic & Conference Center

1. Use of Alcoholic Beverages Approval Required: Alcoholic beverages may be permitted in and on the premises of the Dennis A. Wicker Civic & Conference Center, Sanford, North Carolina, only under special written approval by the President, or the President's designee.

Permission will not be approved for activities that do any of the following:

- a. Violate federal, state, or local laws;
 - b. Violate Central Carolina Community College policies or regulations;
 - c. Advocate imminent violence;
 - d. Damage or have the potential to damage college buildings, grounds, or equipment; or
 - e. Are in conflict with scheduled college activities.
2. ABC Permits: A Special Occasion Permit, a Limited Special Occasion Permit, or other requisite permits issued by the North Carolina Alcoholic Control Commission for the sale or service of alcoholic beverages must be secured and presented by the applicant for any event where alcoholic beverages are served. The required ABC Commission permits must be presented to the College no less than ten (10) days prior to the event and shall be displayed at all times during the event.
 3. Security: For any event where an alcoholic beverage is sold, served or consumed in and on the premises of the Dennis A. Wicker Civic & Conference Center, a minimum of two (2) uniformed law enforcement officers who are certified by the State of North Carolina must be present on the premises during the event. The College may require additional

uniformed and certified officers to be present during the event depending on the event details.

The applicant shall be responsible for securing and paying the full costs and expenses of such security officers, and any other applicable administrative expenses. The College shall be notified of the uniformed law enforcement officers engaged by the applicant no less than ten (10) day prior to the event.

4. **Liability Insurance:** When selling, serving, or consuming alcoholic beverages as defined in North Carolina General Statutes in or on said premises, the applicant shall provide proof of at least at \$1,000,00.00 liability insurance policy naming Central Carolina Community College and its Board of Trustees as additional insureds in which the insurance carrier agrees to defend, save harmless, and indemnify them from all financial loss, damage, or harm arising out the sale, serving or consumption / alcoholic beverages in or on the premises of the Dennis A. Wicker Civic & Conference Center. A copy of the certificate of insurance must be received by the College no less than ten (10) days prior to the event.
5. **Damages:** The event applicant and / or sponsor are responsible for all damage to the civic and conference center facilities, property, or equipment that occurs while the facility is being used by them, regardless of who caused the damage. Event organizers are also responsible for the conduct of all persons involved in their activities while on College property.
6. **Service of Alcoholic Beverages:** The following regulations shall apply:
 - a. Alcoholic beverages can be served only by and to adults, age 21 and older. The applicant is required to ensure that all servers take precautions to ensure guests are

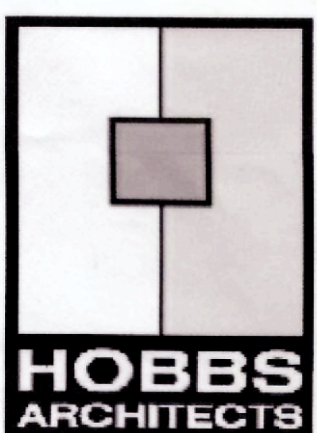
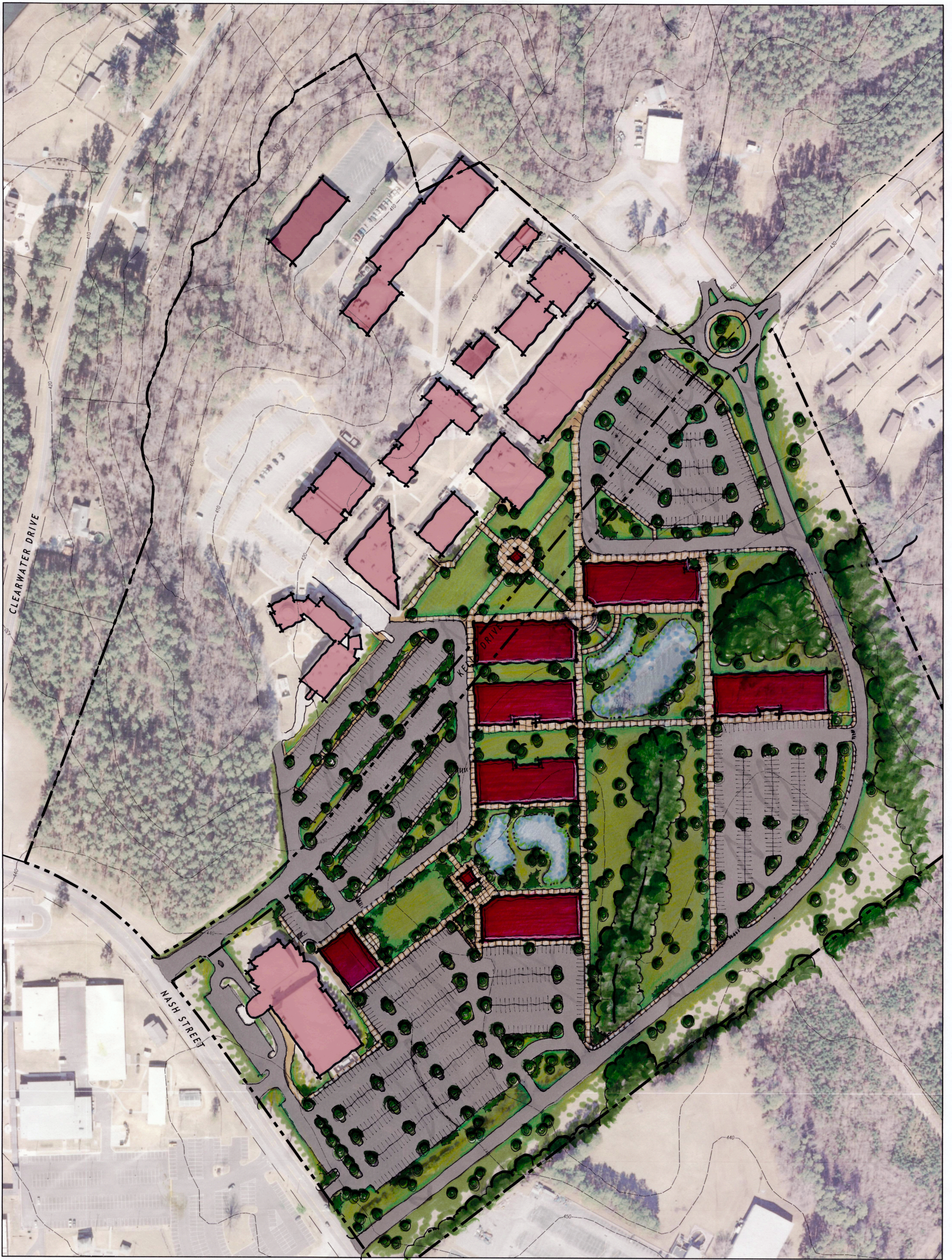
not served inappropriate amounts of an alcoholic beverage and further ensure that no person under age of 21 is served alcoholic beverages.

The inappropriate or excessive serving of alcoholic beverage to an individual or event attendees may result in the immediate suspension of the entire event by either the College, security officers, police, sheriff, or State ABC officers.

- b. All alcoholic beverages must be served and consumed in the area or areas in which the requisite ABC permit is posted.
- c. Common source containers such as kegs without an individual server are prohibited. Also prohibited are the use of glass containers, glass bottles, and brown bagging,
- d. The applicant or its caterer (lessee or event sponsor) shall obtain the alcoholic beverage as required by the laws of North Carolina and transport in to and from the College facility.
- e. The purpose of this policy is to enhance economic development efforts in the service area of Central Carolina Community College and to provide specific cultural or promotional events.

Adopted: _____

Effective: _____



CENTRAL CAROLINA COMMUNITY COLLEGE
LEE COUNTY CAMPUS
MASTER PLAN





BOARD OF TRUSTEES PROGRAMS COMMITTEE AGENDA

Date of Meeting:	December 13, 2021	Time: 6:00 PM	Virtual/Face to Face
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Committee Members:	James French, Chair Jan Hayes Gordon Springle
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Full Board Agenda Items

Program Modifications

1. Industrial Hydraulics Certificate (C5024020)
2. Industrial Systems Diploma (D50240)

Consent Agenda Items

For Information Only

Modifications to Industrial Systems Programs

Curriculum Review Committee Actions

Following an electronic vote, the Curriculum Review Committee recommended the following actions:

Program Modifications

1. Industrial Hydraulics Certificate (C5024020)
2. Industrial Systems Diploma (D50240)



BOARD OF TRUSTEES
PERSONNEL COMMITTEE
AGENDA

Date of Meeting:	December 13, 2021	Time: 6:00 PM	Virtual / Face to Face
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Committee Members: Bobby Powell, Chair
Genia Morris
Chip Post

Consent Agenda Items

Full Board Agenda Items

1. Potential closed session for personnel update

For Information Only