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FLORIDA BOARD OF GOVERNORS
ROOM 1703, TURLINGTON BUILDING
TALLAHASSEE, FLORIDA
JANUARY 7, 2003

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Mr. F. Philip Handy convened the meeting of the Board of Governors in Room 1703, Turlington Building, Tallahassee, Florida, at 2:05 p.m., January 7, 2003, with the following members present: Pam Bilbrey, Dr. Richard Briggs, Dr. Castell Bryant, John H. Dasburg, Miguel De Grandy, Lt. Gen. Rolland Heiser, Commissioner Jim Horne, Gerri Moll, Joan W. Newton, Pablo E. Paez, Ava L. Parker, Thomas F. Petway, III, Carolyn K. Roberts, Chris Sullivan, John W. Temple, Steven Uhlfelder, and Dr. Zachariah P. Zachariah.

1. Call to Order and Introductions

Mr. Handy noted that this Board was holding its first meeting on the afternoon of Governor Bush's inauguration. Members of the Board of Governors introduced themselves. Dr. Briggs said he was the member serving as the Chair of the Advisory Council of Faculty Senates; Mr. Paez said he was the President of the Florida Student Association.

Mr. Handy said that Ms. Mikey Bestebreurtje, Secretary to the State Board of Education, would serve as Secretary for this Board and would take the Minutes.

2. Election, Chair and Vice Chair

Mrs. Roberts moved that the Board elect Mr. Tom Petway as Chair of the Board. She said Mr. Petway had previously served on the Board of Regents as an appointee of both Governor Martinez and Governor Bush and had been the last Chairman of the Board of Regents. She said he was dedicated to higher education in Florida. Mr. Uhlfelder seconded the nomination. There were no further nominations, and members of the Board concurred unanimously. Mr. Petway thanked the members of the Board.

Mr. Sullivan nominated Mrs. Roberts to serve as Vice Chair. He said she had also served two terms as a member of the Board of Regents and had been a member of the Florida Board of Education the past 18 months. Mr. De Grandy seconded the nomination. There were no further nominations, and members of the Board concurred unanimously. Mrs. Roberts thanked her colleagues. She said this was an historic occasion and she thanked the Governor for giving her this opportunity.

3. Mission and Role of the Board of Governors

Mr. Handy reviewed the history. The voters had approved a Constitutional Amendment establishing a new State Board of Education in 1998. In November 2002, the voters had approved Amendment 11, creating this Board of Governors and keeping in place local university boards of trustees. He outlined the duties of the State Board of Education, the Board of Governors and the local university trustees, noting that all

would be acting in concert with the others. He said he hoped this Board would adopt the principles of the State Board, to be student-centered and to support opportunities for high quality education for all students in Florida.

4. Selection of Members, University Boards of Trustees

Mr. Petway thanked Mr. Handy for his assistance, and Commissioner Horne and his staff for preparing the materials for this first meeting. He thanked the Governor for the outstanding appointments to this Board, noting that all were dedicated to higher education.

He said the agenda materials included background information on the trustees this Board intended to appoint to each of the 11 university boards of trustees.

Dr. Zachariah moved that the Board appoint the trustees to the FAMU Board of Trustees, as presented. Ms. Moll seconded the motion, and members of the Board concurred.

Mr. Temple moved that the Board appoint the trustees to the FAU Board of Trustees, as presented. Dr. Zachariah seconded the motion, and members of the Board concurred.

Ms. Moll moved that the Board appoint the trustees to the FGCU Board of Trustees, as presented. Mr. Paez seconded the motion, and members of the Board concurred.

Mr. De Grandy moved that the Board appoint the trustees to the FIU Board of Trustees, as presented. Dr. Zachariah seconded the motion, and members of the Board concurred.

Mr. Uhlfelder moved that the Board appoint the trustees to the FSU Board of Trustees, as presented. Ms. Newton seconded the motion, and members of the Board concurred.

Gen. Heiser moved that the Board appoint the trustees to the NCF Board of Trustees, as presented. Ms. Bilbrey seconded the motion, and members of the Board concurred.

Mr. Dasburg moved that the Board appoint the trustees to the UF Board of Trustees, as presented. Mrs. Roberts seconded the motion, and members of the Board concurred.

Ms. Parker moved that the Board appoint the trustees to the UCF Board of Trustees, as presented. Ms. Newton seconded the motion, and members of the Board concurred.

Ms. Newton moved that the Board appoint the trustees to the UNF Board of Trustees, as presented. Ms. Parker seconded the motion, and members of the Board concurred.

Mr. Sullivan moved that the Board appoint the trustees to the USF Board of Trustees, as presented. Ms. Bilbrey seconded the motion, and members of the Board concurred.

Ms. Bilbrey moved that the Board appoint the trustees to the UWF Board of Trustees, as presented. Dr. Bryant seconded the motion, and members of the Board concurred.

5. Adoption of Resolution Adopting Florida Board of Education Rules

Mr. Woodring explained that the agenda included a Resolution for this Board to adopt the existing State Board of Education rules, formerly the rules of the Board of Regents. He noted that some of the rules might be in conflict with the next Resolution to be adopted by the Board, but that all the rules of the Department of Education were being revised to be in accord with the statutory powers and duties, as prescribed in the new School Code. Mr. Temple moved that the Board approve the Resolution, as presented in the Agenda, Tab 3. Mr. Uhlfelder seconded the motion.

Mr. Uhlfelder cautioned that this Constitutional Board be careful in its adoption of rules. Mr. Woodring noted that the Board in future might repeal some of these rules and would not be handicapped in future action by this action. Ms. Bilbrey inquired about the timeline for the review of all these rules. Mr. Woodring said this review should be completed by the end of spring, with recommendations on the rules to all the Boards. There were no further comments, and members of the Board concurred.

6. Adoption of Resolution Delegating and Delineating Powers of Local Boards of Trustees

Mr. Woodring explained the Resolution delegating powers and duties to the university boards of trustees. He said this Resolution reflected the Governor's intent, as codified in the School Code, with the necessary changes reflected by the adoption of Amendment 11 giving this Board certain statewide responsibilities for the University System. As to any conflict between the duties prescribed in this Resolution vis-à-vis the previous action to adopt the rules, this Resolution will control. Mrs. Roberts moved that the Board approve the Resolution, as presented in the Agenda, Tab 4. Mr. Uhlfelder seconded the motion.

Mr. Uhlfelder inquired whether this delegation would weaken the authority of this Board in future decisions. Mr. Woodring said he did not expect such a weakening. Mr. Petway said he expected this Board to have a close working relationship with the Legislature on all issues of mutual interest. Mr. De Grandy inquired further about conflicts between the systemwide rules previously adopted and this Resolution. Mr. Woodring explained that the universities were in the process of developing local personnel and financial systems, in accordance with the process of devolution of

authority. The rules would address any gap issues until these local systems were fully in place. Mr. De Grandy suggested that members of this Board might need additional information on these rules. Mr. Petway concurred and said the Board might need to work through committees. He suggested that Mr. De Grandy serve as the Chair of a Rules Committee. Dr. Bryant said she hoped the local university boards would not harm the current "2 plus 2" relationship between the community colleges and the universities. Commissioner Horne said there would still be close cooperation between this Board and the State Board of Education; nothing in this Resolution affected that.

Ms. Parker inquired about the process. Mr. Woodring said the Board would follow the notice requirements of the Administrative Procedures Act as it addressed rule revisions.

Mr. Temple inquired about the Board's responsibility to ratify the trustees' selection of a president. He suggested that the issue of compensation should be a local issue. Mr. Petway said this Board might address the issue of compensation subsequently, but the Resolution in the Agenda did not speak to that issue. Mr. Woodring noted that the president was included as an employee of the University. Mr. Uhfelder suggested this Board might want to set the parameters for presidential compensation. Dr. Briggs concurred. He said that from a faculty and staff perspective, it was disheartening to read only about the substantial and lucrative compensation packages offered to new presidents.

Mr. Dasburg inquired if it was the intent to adopt this Resolution so the universities could proceed, and that at a later time, this Board might want to revisit some of these issues. Mr. Petway said it was his sense that adopting this Resolution did not foreclose the opportunity for future action. Dr. Briggs noted the statement that the university boards were described as the sole public employers for purposes of collective bargaining. He asked whether this meant that the terms of the current collective bargaining contracts remained in effect. Mr. Petway said this was debatable.

There were no further comments. Members of the Board concurred, with Dr. Briggs voting no.

7. Adoption of Resolution Delegating to the Commissioner the Authority to Hire and Assign Staff to the Board of Governors

Mr. Petway said this Resolution authorized Commissioner Horne to hire and assign staff to support the functions of the Board of Governors. At this point, the Board had no budget of its own. Mr. Uhfelder moved that the Board approve the Resolution, as presented in the Agenda, Tab 5. Dr. Bryant seconded the motion.

Mr. De Grandy inquired about the staff needs. Commissioner Horne noted that over the past 18 months, the Department had been reorganized as a K-20 Department, with support functions crossing delivery systems. He said that Ms. Bestebreurtje would be assigned to work with this Board, and other staff, as needed. He said that he and Mr. Handy had discussed the need to provide the appropriate assistance to this Board.

There were no further comments. Members of the Board concurred.

8. Adoption of Resolution Delegating to the General Counsel the Authority to Represent and Defend the Board of Governors

Mr. Temple moved that the Board approve the Resolution delegating to the General Counsel of the Department of Education the authority to legally represent and defend the Board of Governors, as presented in the Agenda, Tab 6. Mrs. Roberts seconded the motion, and members of the Board concurred.

9. Ratification of President, New College of Florida

Mr. Petway said the Agenda included the materials from the Trustees of New College of Florida recommending that the Board ratify their selection of Dr. Gordon E. Michalson, Jr., as its choice for President. General Heiser moved that the Board approve the recommendation from the Trustees of New College, as presented in the Agenda, Tab 7. Mrs. Roberts seconded the motion.

General Heiser said that he had chaired the Presidential Search Committee, which had included 33 members. The Committee had received 63 applications, and had interviewed four finalists. The Search Committee and the Board had voted unanimously to select Dr. Michalson as President. Commissioner Horne added that the Board of Trustees had adopted a process for the conduct of the presidential search and had followed that process. In addition, the candidate recommended to this Board met the criteria which had been established by that process.

There were no further comments. Members of the Board concurred unanimously.

10. Miscellaneous

Mr. Petway reminded Board members that this Board was subject to the provisions of the State's Sunshine Law. He noted that Commissioner Horne was a member of this Board and was, therefore, required to adhere to the provisions of the law as it applied to all Board members. He said that members of the press would ask questions of members of this Board. He recommended that they refer press questions to the Director of Communications for the Department, Mr. Bill Edmonds, but that they could also answer these questions to the extent they were able. Mr. Temple said he felt, as a Board member, that the Chairman spoke for the Board. Dr. Briggs said he would reserve the right to speak, but as an individual member of the Board, not for the Board as a whole.

Mr. Petway said the Board had also inherited a Foundation. Mr. Dasburg moved that the Chair and Vice Chair of this Board serve in the same capacities with the Foundation. Mr. Uhlfelder seconded the motion, and members of the Board concurred.

Mr. De Grandy inquired about scheduling meetings of this Board. He recommended that the Board meet at different university locations throughout the State.

Mr. Petway said it was his sense that this Board should meet quarterly at different sites. He said that issues requiring action more quickly could be handled by telephone conference calls.

Commissioner Horne said this Board had an important role to play. He said, in the past, the delivery sectors had not cooperated and had engaged in their fights over policy issues in the Legislature. He said that navigating education, for the students, should be a seamless experience, moving smoothly from one sector to another, which the Florida Board had begun. Now, there were two governing structures for higher education, but it was important not to lose the valuable lessons of the K-20 system learned the previous 18 months. He said this Board needed to continue to work with the State Board to continue to implement the Governor's vision.

11. Adjournment

Having no further business, Chairman Petway adjourned the inaugural meeting of the Board of Governors at 3:30 p.m., January 7, 2003.

Thomas F. Petway, III
Chairman

Mary-Anne Bestebreurtje,
Corporate Secretary