

Lake Michigan College Board of Trustees
Board Meeting Minutes
May 25, 2021
5:00-5:30 pm
Todd Center TC-1301
Virtual option: <https://LakeMichiganCollege.zoom.us/j/92124496320>

CALL TO ORDER

Chair Curry called the Meeting of the Lake Michigan College Board of Trustees to order at 5:00 p.m. Mr. Curry opened the meeting with the Pledge of Allegiance.

ROLL CALL:

Present: Mr. Jeff Curry, Mr. John Grover, Ms. Mary Jo Tomasini, Ms. Vicki Burghdoff, Ms. Debra Johnson

Absent: Ms. Joan Smith, Dr. Michael Lindley

SETTING OF THE AGENDA

The agenda stands as presented.

APPROVAL OF MINUTES

Minutes of the April 27, 2021 board meeting were approved as presented with a voice vote.

PETITIONS AND COMMUNICATIONS FROM THE FLOOR

None

PRESIDENT'S REPORT

Dr. Kubatzke expressed his appreciation to the trustees for attending a campus tour this afternoon of the newly renovated spaces; kitchen, library.

Dr. Kubatzke introduced Ms. Kelli Hahn, Chief Financial Officer to give an update on the summary of refinancing of college bonds and the Standard and Poor's Rating of the College.

Ms. Hahn presented a summary of refinancing of college bonds which was done to reduce interest costs and lower payments.

In a competitive bid process, the following bonds totaling \$16,660,000 were refunded through the issuance of new bonds. These bonds had a blended True Interest Cost of 3.94%.

- 2013 Refunding Bond (General Obligation Limited Tax), dated 1/15/13
- 2013 College Building and Site Bonds (General Obligation Limited Tax), dated 6/26/13
- 2014 College Building and Site Bonds (General Obligation Limited Tax), dated 3/4/14

The following bids were received:

<u>Bidder</u>	<u>Premium (Discount)</u>	<u>True Interest Cost %</u>
Fifth Third Securities	(\$12,221)	2.46%
KeyBanc Capital Markets	\$72,669	2.58%
Robert W. Baird	(\$80,854)	2.37%
Stifel, Nicolaus & Co.	\$59,375	2.32%

The bid was awarded to Stifel, Nicolaus based on the lowest True Interest Cost and highest premium.

The refunding will save the College approximately \$2,056,000 over the life of the bonds (through 2045), with \$1,300,000 of savings in the first three years (FY22, FY23, and FY24.)

Ms. Hahn also presented the Rating Report from Standard and Poor. The College’s general creditworthiness was rated in April 2021 by Standard & Poor’s (S&P), who then assigns a credit rating through a letter grade to indicate strength, as follows:

Rating	Strength
AAA	= Extremely strong
AA+, AA,	= Very strong
AA- A+, A, A-	= Strong
BBB+, BBB, BBB-	= Adequate
BB+, BB	= Faces major future uncertainties
B	= Faces major uncertainties
CCC	= Currently vulnerable
CC	= Currently highly vulnerable
C	= Has filed bankruptcy petition
D	= In default

S&P analysts rate the College based on information from data, reports, and policies as well as from interviewing the Chief Financial Officer. The analysts then assess the financial condition, operating performance, and policies.

The College's rating was set at **AA+ with a stable outlook**.

The rating reflects S&P's assessment of the College's:

- Very strong financial position and stable tax base
- Maintenance of very strong available reserves that provide very strong budgetary flexibility
- Tenured management team with good financial management policies and practices
- S&P's expectation that "management will likely make adequate budgetary adjustments to support balanced operations should the College face continued enrollment declines and tuition revenue loss over the near-term."
- Low overall debt burden as a percentage of market value, rapid debt amortization, and limited future capital needs
- Local economy with established tourism, health care, and manufacturing industries and extremely strong market value per capita.

Dr. Kubatzke introduced Mr. Major Cooper, Dean, Diversity, Equity and Inclusion who gave a brief update on his experience in diversity, equity and inclusion, and how he plans to bring those experiences to the students and employees of Lake Michigan College.

OLD BUSINESS

POLICY REVISIONS - 2nd Read

As part of ongoing efforts to review college policies in support of continuous quality improvement efforts, the following policy revisions were presented to the Board of Trustees for review and/or approval.

First Read

1. Classroom Instruction Conflict of Interest
2. Board Governance

CLASSROOM INSTRUCTION CONFLICT OF INTEREST POLICY

Office of Origin:	Academic Affairs
Responsibility:	Provost and Vice President of Academic Affairs
Original Date Adopted:	5/25/2021
Dates Reviewed:	2/2/2021
Last Date Board Approved:	5/25/2021

Academic matters such as decision authority or influence in grading, academic requirements, and assessing clinical outcomes are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. Therefore, students who attend the College are precluded from taking classes facilitated by a family member, with a possible exception when the family member is acting as the sole faculty member facilitating the academic activity.

This policy applies to all students and faculty at the College.

Definitions

1. *Family Members*: Defined as a spouse, domestic partner, daughter, son, niece/nephew, stepchildren/parent, parent, grandparent, grandchild, sister, brother, mother-in-law, and father-in-law.
2. *Faculty*: Any person(s) identified in the course syllabus as the instructor(s). All person(s) that have an instructional role must be listed in the syllabus.

Procedure

1. In the event that the faculty is acting as the sole faculty member teaching a course, the faculty must declare the relationship to the respective Department/Program Chair.
2. The Department/Program Chair will obtain prior approval or denial of the appropriate Academic Dean regarding the course(s) offered.
3. Upon approval by the Academic Dean, the faculty and Department/Program Chair will collaboratively develop a plan to assure fairness in instruction and evaluation of all students in the course(s) in question.
4. The Department/Program Chair will monitor the approved plan and confirm the plan is being followed. If the Department/Program Chair reports the plan is not being followed, the Academic Dean reserves the right to take prompt action. This action could be a corrective return to the plan, could lead to withdrawing the student, or replacing the faculty if an actual conflict of

interest is perpetuated with regards to the employee and the student who are family members.

Roles and Responsibilities

1. *Declaration:* The faculty must declare any familial relationship of any student they may potentially teach.
2. *Approval:* The Department/Program Chair will obtain prior approval or denial of the appropriate Academic Dean regarding the course(s) offered.
3. *Plan:* The faculty and the Department/Program Chair will collaboratively develop a plan to assure fairness in instruction and evaluation of all students in the course(s) in question.
4. *Monitoring:* The Department/Program Chair will monitor the approved plan and confirm the plan is being followed. If the Department/Program Chair reports the plan is not being followed, the Academic Dean reserves the right to take prompt action.

BOARD GOVERNANCE POLICY

Office of Origin:	Board of Trustees
Responsibility:	Senior Executive Assistant to the President/Secretary to the Board of Trustees
Date Adopted:	7-29-82
Dates Reviewed:	1-10-18, 11-04-20,
Last Date Board Approved:	7-16-20, 5-25-21

The Lake Michigan College (the College) Board of Trustees (the Board) has the responsibility to:

- Function as the legislative and policy making body of the College.
- Select, appoint, and employ a suitable person, who is not a member of the Board, as President of the College, who must have an educational background as specified by law. The contract with the president may not exceed 5 years and the duties to be performed are determined by the Board.
- Establish policies, by-laws, rules and regulations for its own governance.
- Review and act on the recommendations of the President regarding policies, budgets, curricula, expenditures (consistent with the *Authority to Bind* policy), and other matters of policy affecting the general welfare of the College.

- Protect and promote the College's public relations in order to inform the citizens of the district of the College's programs.
- Encourage adequate financial support of the College through local and state actions.
- Provide counsel and advice to the President regarding the administration of the College.
- Require of the President such periodic reports as the Board deems necessary to keep it properly advised on the administration of the College.
- Accept the moral obligation to provide such leadership and such service as will engender trust and confidence in education.
- Reserve to itself all its legal responsibilities for the operation of the College.

Legal Basis

The State Constitution of 1963 provides the basis for community and junior colleges throughout Michigan.

The Legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards (Article VIII, Section 7).

The Legislature, in fulfilling its constitutional mandate, passed the Community College Act of 1966. This legislation outlines the powers and duties of boards of trustees.

Membership

The Board, consisting of 7 members, is elected at large in the Community College District during the general elections of the state. Members are elected for 6-year terms of office, which are staggered so that two and sometimes three expire each two years. Regular terms of office commence on January 1, following the date of the general state election. The general election laws of the State govern all elections.

Elections

Any qualified elector residing within the Community College District is eligible to be

chosen as a Board member.

An elector of a Community College District must possess the following qualifications:

- United States citizenship
- Eighteen years of age
- Resident of Michigan for six months
- Resident of the College district for thirty days

Candidates for membership are nominated by petition as specified in the appropriate election laws. The nominating petitions of those seeking election to the Board of a community college shall be filed not later than 4:00 p.m. on the 60th day prior to the date of the general election. The county clerk will provide the necessary information to candidates.

The candidate for each term of office receiving the highest number of votes cast is elected. A certificate of election will be delivered to the candidates by the Board of Canvassers.

Within 15 days after appointment or after the final canvass of the election, each person elected or appointed as a trustee must file with President's Office the following:

1. Oath of Office
2. Acceptance of Office
3. Affidavit of Eligibility for Office

The office of a member of the Board becomes vacant immediately without declaration of any officer or the Board or its members upon: the death of the incumbent; a court adjudicating insanity or mental incompetence; resignation; removal from office; conviction of a felony; the election or appointment being declared void by a competent tribunal; refusal or neglect to file the acceptance of office, or refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; and/or ceasing to possess the legal qualifications for holding office, including the residence qualification.

Whenever a vacancy in the Board occurs, the remaining members of the Board by

majority vote are empowered to fill the vacancy with a qualified elector of the Community College District. Any person so appointed holds office until the next regular College election, at which time the electors of the Community College District fill the office for the unexpired portion of the term.

Officers of the Board

The Board officers are: Chair, Vice-Chair, Secretary, and Treasurer. No person can be elected to two consecutive terms. If a Vice-Chair assumes the role of Chair during the Chair's term, the Vice-Chair is still eligible to be elected to the Chair role for the next term.

Chair

- The Chair of the Board is elected by the members of the Board from among their number and serves for two years.
- The duties of the Chair are to preside at all meetings of the Board, to perform all duties prescribed by law and as directed by the Board, and to preserve order and to enforce rules. The Chair appoints all Board committees unless otherwise ordered by the Board.
- In addition to the duties prescribed by law or by rules of the Board, the Chair exercises such other powers as properly pertain to the office or as may be delegated by the Board.

Vice-chair

- The Vice-Chair of the Board is elected by the members from among their number and serves for two years.
- The Vice-Chair performs the duties of the Chair in the absence of the Chair, or in case of refusal to perform duties.
- The Vice-Chair performs other functions as designated by the Board.

Secretary

- The Secretary of the Board is elected by the Board and is to be a member who serves for two years.
- If the Secretary is temporarily incapacitated or refuses to perform their duties; a Secretary pro tempore, who is a member of the Board, may be appointed by the presiding officer, subject to the approval of the Board.
- The Secretary performs the duties usually pertaining to their office and as are imposed by action of the Board.
- The Senior Executive Assistant to the President is responsible for posting legal notices; maintaining all records of the Board for public inspection;

sending each member of the Board prior to the meetings a copy of the minutes of the preceding Board meeting and notifying the Board of all meetings.

Treasurer

- The Treasurer of the Board is elected by the Board and is to be a member who will serve for two years.
- The Treasurer is charged generally with overseeing the management and reporting of the College's finances and will serve as the Chair of the College's [Finance Committee](#). In addition, the Treasurer is to work with the President and the Chief Financial Officer to ensure that appropriate financial reports are made available to the Board on a timely basis and that the annual budget and audit reports are presented to the Board for approval.

Compensation and Expenses

No member of the Board will receive compensation for services as a member or as an officer. The members of the Board may be reimbursed for expenses incurred in performance of Board functions approved by the Board in accordance with the College's [Board Member Expense Reimbursement policy](#).

Transaction of Business

The Board will transact all business at public legal meetings of the Board. No member of the Board will have power to act in the name of the Board outside of Board meetings.

Membership on Board of Trustees and Contracts

A Board member cannot be interested directly or indirectly in any contract with the College and may not perform any labor or furnish equipment and supplies for compensation, unless there is public disclosure and approval by the Board of Trustees, as mandated in the [Conflict of Interest policy](#).

Committees of the Board

- Standing Committees -- The Board oversees the [Finance Committee](#), which is a standing committee of the Board. The Finance Committee will consist of three members of the Board. The Board will appoint Finance Committee members annually. Each Finance Committee member will be financially literate. The Chair of the Finance Committee will be the Treasurer of the Board.

- Special Committees of the Board -- The Board may appoint special committees. A special committee reports recommendations to the Board for appropriate action. A special committee is dissolved when its report is accepted by the Board. All special committees are nominated by the Chair of the Board, who serves as an ex-officio member of the committee.
- The Board may meet as a committee of the whole to review and appraise existing policies and College operations as occasion requires.

Meeting of the Board

Organizational Meeting

The Board meets for organization on the first Monday in January following the date of the regular community college election. If the date of an organizational meeting falls on a holiday, then it is held on the next succeeding Monday, or at such time as the Board may determine.

Regular Meetings

The Board will annually announce the dates, time and place of regular meetings. Should the day appointed for a regular meeting be a holiday, or as other circumstances may warrant, a meeting will be held at the discretion of the Chair and the Secretary of the Board in consultation with the President of the College.

An adjourned regular meeting may be reconvened for the transaction of business normally scheduled for the regular meeting.

Special Meetings

Special meetings of the Board may be called by the Chair or by any three members of the Board by giving notice in writing, stating the time, place and purpose of the meeting.

Public Notice Requirements Are Specific to the Type of Meeting

For regular meetings of a public body, there will be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the date, time, and place of its regular meetings.

- For a change in schedule of regular meetings of a public body, there shall be posted within three days after the meeting at which the change is made, a public notice stating the new date, time, and places of its regular meetings.

- For a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting.
- A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after public notice has been posted at least 18 hours before the reconvened meeting.
- No business shall be transacted except that for which the meeting is called, which will be stated in the agenda.

Rules of Order for Meetings

Quorum

By statute, a majority of the full membership of the Board constitutes a quorum unless otherwise provided. When the vote is taken on any motion before the Board, the quorum present, a majority of the members voting shall determine the outcome, provided there are at least four affirmative votes.

Goode vs. Department of Social Services 143Mich App 756 (1985) and Office of Attorney General, no. 6835 (January 13, 1995) provides for participation by a Board member in a Board meeting by telephone.

Specifically:

- A public body may conduct a meeting under the [Open Meetings Act](#) without all the participants being physically present in the same room. The meeting would be held through a speaker phone and audible to everyone in the room.
- Further, a quorum must be physically present to satisfy the requirement for a Board meeting to take place.

Obligation to Vote

Every member present is obligated to vote on all questions, motions and resolutions submitted for action, unless the member advises the presiding officer the desire to abstain. Whenever the vote is a tie, the question will be considered lost. The names of those voting yea or nay will be recorded, if desirable, through a roll call vote.

Place of Meeting

All meetings of the Board are held at the College, unless a different place is designated by resolution, or in the notice of any special meeting.

Order of Business

The usual order of business of the Board is as follows:

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Setting of the Agenda
- V. Approval of Minutes
- VI. Petitions and Communications from the Floor
- VII. Reports
- VIII. Old Business
- IX. New Business
- X. Informational Items
- XI. Miscellaneous
- XII. Adjournment

Motions

Rules of motion of the Board are as follows:

- A motion is out of order while another motion is being discussed unless it is an amendment to the motion under consideration.
- Exceptions are the motion to adjourn, the motion to table a previous motion, or the motion to refer the motion being discussed.

- A copy of all motions will be carefully recorded, as well as the names of those who make motions and those who support motions when appropriate.

Discussions

Discussions at Board meetings are conducted in the following manner:

- When non-Board members address the Board, the Chair will allot such person not more than five minutes for a report nor five minutes for other business, unless the time is increased or decreased by majority consent of the Board.
- When Board members discuss a matter:
 - The member first addresses the Chair, then the entire membership in an audible voice.
 - The Chair may stop any discussion which does not apply to the motion last made; and may stop the discussion of a matter if the Board has previously agreed to confine discussion to a definite period, and that period has expired.
 - Aside from such limitation, a member may speak without interference for such period as he or she deems necessary.

Call for a Vote

Any member of the Board may call for a vote on any question under discussion. Such a call may be overcome by a majority of Board members present.

Supplementary Rules of Order

Except as provided above, the rules of parliamentary procedure in Robert's Rules of Order will govern the Board in its deliberations. Rules may be suspended at any meeting by a majority vote of members present.

Citizen Participation

Rules regarding citizen participation in Board meetings are as follows:

- Meetings of the Board are to be open to the public.
- All citizen communications to the Board must be addressed to the Board.
- Citizens who wish to present any matter of concern to the College are required to make written request to the Secretary of the Board at least one week prior to the meeting. This will come under Miscellaneous in the order

of business.

- Under special circumstances, and with the consent of a majority of the Board, the Chair of the Board may give visitors who have not presented a written request an opportunity to present problems to the Board. The Chair will allot a visitor, at the appropriate time, not more than three minutes unless the time is increased or decreased by the consent of the Board.

Minutes of Proceedings

Rules regarding the minutes of the proceedings of the Board meetings are as follows:

- Minutes of the Board proceedings are prepared under the guidance of the Secretary and emailed by the Senior Executive Assistant to the President to the members when possible, at least two working days before the time of the next meeting.
- Action on the minutes of the preceding meetings shall be approved by the Board as the first official act of the regular meeting. Approved minutes are signed by the Board Secretary.
- The official minutes are available in the President's office, on the College's website, and in the College Learning Resource Center under the direction of the Board Secretary.

Records Available

Records of meetings of the Board are available to citizens for inspection at the College President's office during business hours, may be examined in the College Learning Resource Center, or viewed on the College's website.

Policies

Policies may be revised, added to, or amended, at a regular meeting of the Board by a majority vote of the Board members. Proposed amendments may be voted on at any meeting following their presentation.

The current policies of the Board members are to be available to the College community on the College's website. All policies will be available to employees on the employee portal, as well as posted to the College's website.

Community Use of College Facilities

The Board encourages the use of College facilities by the community it serves. The College is authorized to enter into use and rental agreements with appropriate

community groups. Rates charged and priorities for determining use are delegated to the College.

Special Federal and State Grants

Federal and State grants, including fund matching grants, required of the College may be accepted by the administration and reported to the Board as soon as possible at a regular meeting. Applications for grants and final acceptance of grants will be noted in the minutes of the Board meetings.

Scholarships

The Board has several scholarship programs in which it participates. The awards are given based on demonstrated excellence in a subject area, for economic need, and others for a retiree grant program.

Accounting

The Chief Financial Officer is charged with making finance reports at most regularly scheduled Board meetings.

Authorized Expenditures

The Chair and Treasurer of the College are authorized by electronic signature to pay approved obligations.

College checks will be valid only when an authorized electronic signatures are used.

The routine capital budget is approved in total by the Board each year for the following fiscal year and is funded by each fiscal year's operating cash flow. Should no cash flow be generated from operations, routine capital could be funded by reserves, postponed, or funded by debt, as determined by the Board. All routine capital projects must be approved by the President as stated in the [*Capital Asset Policy*](#).

POLICIES

All new policies, request to delete policy, and significant policy changes require Board approval.

COLLEGE BRAND IDENTITY POLICY

The Lake Michigan College brand will be communicated in a coherent, consistent manner in alignment with LMC's Brand Guide and according to federal trademark and copyright law.

Consistent and proper oversight of Lake Michigan College's brand distinguishes our identity in the marketplace, strengthens our brand's value, and our ability to protect it from unauthorized use.

This policy applies to the entire college system and governs the use of all materials and merchandise produced to communicate on behalf of the college. This includes graphic and non-graphic works, print, written and digital publications, multimedia, symbols, trademarks, logos, seals, wordmarks, copyrighted works, mascots, athletic and spirit marks, names and taglines.

College employees must include appropriate Lake Michigan College branding in the creation of communication materials. No individual or department may create its own unauthorized logo or sub-brand. No trademark, wordmark, campus signature or logo extension may be altered. Non-authorized images may not be used to represent Lake Michigan College or any of its divisions, departments, programs or offices without approval.

Any use of college trademarks on commercial merchandise is prohibited unless produced through an approved licensed vendor. The college name and branded visual assets shall not be used for any purpose by any external organization, group or activity without express approval of Lake Michigan College's Marketing Department.

A College Marketing Representative should be consulted in cases when it is unclear whether or not a proposed use is permissible.

BOARD CONFLICT OF INTEREST POLICY

Lake Michigan College (the College) recognizes that effective college governance is promoted by attracting trustees who give of their valuable time and effort for the benefit of the College. The Board of Trustees functions best when trustees are drawn from varied backgrounds and are active professional and community members. The College respects the right of its trustees to engage in outside business, financial, service, volunteer, and other activities, and believes that service to the College as a trustee should not be precluded solely by reason of duality of

interest or possible conflict of interest. Conflicts of interest may arise from time to time and, under certain circumstances and if appropriately disclosed, may not disqualify a trustee from serving on the Board provided that adequate precautions are taken to guard against conflicts of interest in specific situations.

To assure the College's many constituents of the integrity of its endeavors, trustees should avoid situations in which external associations and interests could compromise or reasonably appear to compromise the College's business decisions. Accordingly, it is the policy of the College that each trustee shall act in a manner consistent with his or her responsibilities to the College, and make full disclosure of any relationship, position or interest that is in conflict with his or her duties as a trustee and college fiduciary. The purposes of this policy are, first, to require that trustees disclose actual and potential conflicts of interest, and second, to set forth standards and procedures for resolving conflict of interest situations when they arise.

This policy provides guidelines rather than a catalog of all instances that might give rise to conflicts of interest. A conflict of interest may be considered to exist in those instances where the actions or activities of trustee on behalf of Lake Michigan College also involve:

- the obtaining of a personal gain or advantage;
- an adverse effect on the College's interest; or
- the obtaining by a third party of an improper gain or advantage. Conflicts of interest can arise from one's employment or from one's business and personal relationships, as well as from other causes.

Definitions

As used in this policy, the following terms shall have the meanings prescribed.

1. A conflict of interest is a situation in which:
 - a. A trustee or any member of the trustee's immediate family has a material financial interest as owner, investor, officer, director, trustee, partner, employee, contractor, consultant, or recipient of a gift with any entity (person, firm, corporation, or organization) that supplies or receives funds, goods, services, or required approvals to or from the College, or proposes to do so in the foreseeable future;

- b. A trustee has a continuing relationship with another college or with any other entity engaged in the delivery of postsecondary educational services such that the relationship may influence the exercise of the trustee's professional judgment on behalf of the College; or
 - c. A trustee or any member of the trustee's immediate family stands to benefit professionally or in a material financial way as the result of Board action on any matter.
 2. A trustee's immediate family include the trustee's spouse or domestic partner; the trustee's child or stepchild, brother, sister, parent, grandparent, grandchild or the respective spouse of any of the foregoing; and any other person residing within the trustee's household.
 3. A financial interest is presumed to be a material financial interest if it entails:
 - a. Any ownership or investment interest (including stock, options, a partnership interest or any other ownership or investment interest) valued at more than \$10,000, except equity in a publicly traded company amounting to less than a five percent ownership interest in the company;
 - b. Receipt of non-dividend compensation (including salary, consulting or professional fees, royalty payments or other remuneration) of more than \$10,000 in any 12-month period, or the expectation of such compensation in the future;
 - c. Real property, personal property, intellectual property or any other interest valued at \$10,000 or more; or
 - d. A position of real or apparent authority in an outside entity, such as director, officer, trustee or partner.
 4. A trustee is not deemed to have a material financial interest in a publicly-traded entity solely by reason of an investment in that entity by another publicly-traded entity, such as through a mutual fund, of which the trustee does not control investment decisions.
 5. A gift is any item, whether money, goods or services, of greater than nominal value received directly or indirectly by a trustee from any entity that supplies

or receives funds, goods, services, or required approvals to or from the College, or proposes to do so in the foreseeable future. A gift can include the positive difference, if any, when the amount paid by a trustee for an item is subtracted from the item's fair market value. A gift can take the form of a loan on less than arm's length terms. Ordinarily, a gift valued at \$100 or less shall be considered a gift of nominal value.

Trustees' Obligations

1. **Fiduciary Obligation.** Trustees have a fiduciary duty of loyalty to the College. At all times they should act in a manner consistent with their fiduciary obligation. They should exercise care that no detriment to the interests of the College (or the appearance of such detriment) may result from a conflict between those interests and any personal interest a trustee may have.
2. **Disclosure of Conflicts of Interest.** A conflict of interest is presumed to arise when the College has or is considering a transaction or other business relationship with a trustee or a member of a trustee's immediate family or with an entity in which the trustee or immediate family member has a material financial interest. A trustee who has a known material financial interest in, or other potential conflict of interest relating to, a pending or proposed matter before the Board shall promptly disclose to the Board the existence of the interest and other material information that the trustee may have regarding the transaction or arrangement.
3. **Annual Disclosure Form.** Each trustee shall annually sign and submit to the President's Office at the College a statement disclosing all material financial interests, known to the trustee, of the trustee or an immediate family member, in any outside entity with which the trustee knows the College has or is considering a transaction or other business relationship, or affirming that the trustee knows of no such interests. Trustees are required to sign and submit an updated form when circumstances change.
4. **Duty to the College.** Trustees elected by a constituent body or serving ex officio must take special care to accept the functions and responsibilities as a trustee of the College and agree to carry out those functions and responsibilities in the best interests of the College as a whole and its intended beneficiaries. Such board members shall not regard themselves as delegates or representatives of special groups and constituencies. While it is appropriate for a trustee to present or explain the views of a particular

constituency, it is not appropriate for a board member to serve as an advocate for the constituency.

5. Gifts. Trustees shall not encourage or accept gifts, favors or gratuities for themselves or for immediate family members from any individual or entity that to the trustee's knowledge has, or seeks to have, a business relationship with the College.
6. Appropriation of College Opportunities. If a trustee becomes aware of a business, investment or other potentially valuable opportunity that rightfully belongs to the College, and not to the trustee individually or another entity with which the trustee is affiliated, the trustee shall bring the opportunity to the attention of the Board.
7. Confidentiality. Trustees may not use confidential information acquired as a result of service to the College for any purpose unrelated to College business, or provide such information to any third party, without the consent of the Board. Wrongful use of College information includes, but is not limited to, use or disclosure of information to engage, invest or otherwise participate in any business, project, venture or transaction other than through the College.

Determinations of Conflicts of Interest

1. The chair of the Board's [Finance committee](#) shall review annual disclosure statements to determine whether a material financial interest has been disclosed. If a material financial interest is disclosed or if the chair of the Finance committee has reason to believe that a conflict of interest exists, the chair of the Finance committee shall promptly obtain from the trustee making such disclosure or suspected of having a conflict any additional information about the current or proposed transaction or business relationship that may give rise to a conflict of interest that the chair of the Finance committee believes may be informative.
2. The chair of the Finance committee shall review the matter and determine whether there is a conflict of interest. If the chair of the Finance committee determines that a conflict of interest exists, he or she shall so advise the interested trustee. If the chair of the Finance committee or the trustee involved believes that to do so is indicated, the matter may be referred to the chair of the Board. If the chair of the Finance committee or the chair of the

Board is the trustee with the putative conflict, then, unless he or she elects recusal, the matter shall be referred to the Board.

3. If a conflict of interest determination is referred to the chair of the Board, it shall be the obligation of the chair of the Board to determine, in lieu of the chair of the Finance committee, whether a conflict of interest exists. If the chair of the Board or the trustee involved believes that to do so is indicated, the matter may be referred to the Board.
4. If a conflict of interest determination is referred to the Board, either following review by the chair of the Board or if disclosure is made in the first instance to the Board (for example, where a trustee becomes aware of a possible conflict of interest during or just before a meeting of the Board), then, unless the interested trustee elects recusal, the Board shall decide whether a conflict of interest exists. The Board may question the interested trustee, and the interested trustee shall have an opportunity to address the Board as to whether there is a conflict. The interested trustee shall leave the Board meeting while the disinterested members of the Board determine, by majority vote of those present and voting, whether the trustee has a conflict of interest.
5. In all instances in which either the chair of the Finance committee, the chair of the Board, or the Board is called upon to determine whether a conflict of interest exists, the presumption shall be that there is a conflict of interest and the presumption shall not be rebutted unless there is clear and convincing evidence that such a conflict does not exist. If it is determined that no conflict of interest exists, the interested trustee may join the meeting and participate fully in the discussion of and vote on the proposed matter.
6. If it is determined that a conflict of interest exists, then the interested trustee shall be absent from the room while the matter is considered by the Board, shall not participate in Board discussion of the matter, shall not speak to individual trustees about the matter before or during the meeting, and shall not cast a vote on the matter; and the minutes of the Board meeting shall include the notation that with respect to that particular matter the affected trustee did not participate in discussion and did not vote because of a disclosed conflict of interest.

7. If the Board determines that a trustee has a conflict of interest with respect to a particular matter requiring Board approval, the Board shall approve the matter only upon a finding, by a majority vote of the disinterested trustees, that the transaction or arrangement is in the College's best interest, is for the College's benefit, and is fair and reasonable to the College. The Board may engage such consultants as it deems necessary or useful to assist in its determination of these issues.
8. Whenever the Board holds a meeting at which a trustee's interest in a matter is disclosed, a determination regarding the existence of a conflict of interest is made, or a matter with respect to which a trustee has a conflict of interest is considered, the Board's consideration of these issues shall be reflected in the minutes of the meeting.
9. This policy shall also apply to the proceedings of any Board committee or subcommittee and any other college body on which trustees serve. When a trustee becomes aware of a possible conflict of interest relating to his or her service on a Board committee, a Board subcommittee, or any other body, the trustee shall disclose the existence of the potential conflict to the chair of that subcommittee, committee or other body. In such instances, either the interested trustee shall recuse himself or herself from participating in further consideration of the matter, or the potential conflict shall be resolved in accordance with the process set forth in Part IV of this policy (it being understood that for this purpose the term "chair of the Finance committee" shall mean the chair of the pertinent committee, subcommittee or other body; the term "chair of the Board" shall mean the chair of the Board; and the term "Board" by itself shall mean such committee, subcommittee or body).
10. No transaction or action undertaken by the College shall be void or voidable, or may be challenged as such by an outside party, by reason of having been undertaken in violation of this Policy or the principles set forth herein.

Conflict of Interest Disclosure Form

The following questions are to be answered by members of the Lake Michigan College Board of Trustees.

1. Do you have knowledge of any proposed action which may place you in conflict with the Board Conflict of Interest Policy? (Check appropriate answer).

YES NO

If yes, please explain full details on a separate sheet of paper.

2. Are you a director, employee or agent of any business entity which, during the performance of your duties with that agency, might place you in a position of being in conflict with the Board Conflict of Interest Policy? (Check appropriate answer).

YES NO

If yes, please list the business entity by name on a separate sheet of paper and attach to this questionnaire.

3. Do you or any member of your immediate family own an interest of more than one (1%) percent in any entity identified as doing business with the College? (Check appropriate answer).

YES NO

If yes, please list the business entity by name on a separate sheet of paper and attach to this questionnaire.

Date _____ Signature _____

BOARD MEMBER EXPENSE REIMBURSEMENT POLICY

The Lake Michigan College (the College) Board of Trustees (the Board) recognizes the need for continuing involvement in College-related organizations, in-service training, and education for Board members. The Board encourages the participation of all members in meetings, conferences, and workshops at the local, regional, and national levels that are directly related to their duties as members of the Board. The Board also appoints members to represent the Board in certain College-related organizations.

A Board member attending a conference or meeting at the College's expense is expected to report back to the Board on the materials and topics covered. Board members will be reimbursed for reasonable expenses incurred in attending Board-approved meetings and conferences.

Reimbursable costs are outlined in the College's [Travel & Expense Reimbursement](#) procedure.

Approval of Conferences and Meetings

Board members may attend any meeting or conference held the Michigan Community College Association (MCCA) without prior approval.

Other conferences attendance (e.g., Association of Community College Trustees (ACCT), American Association of Community Colleges (AACC)) must be approved in advance by the Board Chair.

The Board will have a travel budget each fiscal year to be used that will be established as part of the College's annual budget process.

Expense Reimbursements

Expenses will be reimbursed upon submission of an expense report to the Secretary to the Board of Trustees.

To be reimbursable, expenses must comply with the College's *Travel & Expense Reimbursement* procedure, with the exception of the following:

- Itemized receipts are not required for meals, transportation, or lodging.
- References to the College's *Per Diem* procedure do not apply to the Board of Trustees procedure. The Board of Trustees will receive reimbursement for expenses actually incurred in accordance with the College's *Travel & Expense Reimbursement* procedure.

BOARD EXPENSE REIMBURSEMENT PROCEDURE

1. All Board member reimbursements for expenses must be authorized by the Board of Trustees.
2. Travel and other arrangements normally will be the responsibility of the College.
3. An itemized expense report will be filed by each Trustee if authorized to be

reimbursed.

4. To be eligible for payment, expense report of Trustees must be approved by the Board Treasurer.
5. To be eligible for payment, expense reports of the Chairperson must be approved by the Board Treasurer.
6. The College President's itemized expense report is to be approved by the Chairperson.

Guidelines for Reimbursable Expenses of Trustees

1. Transportation

- A. Reimbursement for mileage will be at the annual College rate and is to be calculated on the shortest distance between the Trustee's official place of residence and his/her destination and return.
- B. While a personal car may be used for out-of-state trips, the cost of mileage will not exceed the cost of coach airfare. When this occurs, the individual can request reimbursement at the commercial rate in lieu of mileage. Any additional travel expenses incurred because of the selection of a slower conveyance shall be considered a personal expense.
- C. Reimbursement for airfare will be at coach fare.
- D. Should a Trustee plan to stop en route to or from a conference for personal business, any added costs will be borne by the individual.
- E. Personal mileage to and from airport and airport parking fees are reimbursable.

2. Lodging

- A. If the Trustee prefers to stay at a hotel/motel other than that scheduled by the conference, reimbursement shall not exceed the regular rate of the conference hotel/motel.
- B. Should the Trustee's spouse and/or children accompany him/her, reimbursement will be made at the single rate normally charged for

the room. The single rate should be noted on the hotel/motel bill by the management at the time of checkout.

3. Food

- A. Reimbursement for scheduled meal function, when paid for by the individual, shall be based on actual cost.
- B. Any exception to this allowance requires a special explanation and is subject to review by the approving officer.

4. Entertainment

- A. Individual Trustees will, on occasion, need to invite a person to join him/her for a meal function in order to discuss College business. Costs associated with such a function will be reimbursed by the College. In addition to a receipt, a statement should accompany the request for reimbursement that indicates the name of the guest and a general statement as to the topic discussed.

5. Miscellaneous

- A. If it is not reasonable to arrive on the day of the conference or to leave on the same day the conference ends, the Trustee shall be reimbursed for food and lodging for the night in advance, or for the night following the conference. Should a Trustee choose to travel as a personal preference on a pre-conference or post-conference basis, all added costs are to be considered a personal expense unless specifically approved by the Board in advance.
- B. Expense account information must be submitted to Finance for processing by ten (10) days following the trip. The following receipts are to accompany the expense voucher:
 - Transportation by airline, train or bus
 - Lodging
 - Conference or meeting registration
 - Automobile rental

- C. Miscellaneous expenses, which are usually out-of-pocket, that are determined to be reasonable and necessary may be reimbursed. For example, shoe shines, liquor, tobacco and toiletries are not reasonable expenses. However, laundry may be reimbursed when the conference extends over five (5) days and cleaning is reimbursable, if as a result of an accident while traveling. The College will pay for local calls for official business. A reasonable number of long-distance calls home will be eligible for reimbursement.
- D. When incidental personal expenses are included on a lodging bill and the total bill is processed through the College for payment, the individual Trustee is responsible for reimbursing the College for personal expenses. No personal expense should be included on a College bill unless necessary to receive the service and direct payment is not possible (i.e., long-distance telephone calls, room service or valet service).

EMERGENCY AUTHORITY TO ACT FOR HEALTH AND SAFETY POLICY

The Lake Michigan College (the College) Board of Trustees (the Board) authorizes the College President to develop and enact policy to ensure the health and safety of students, employees, and guests in times of exigent need. Any policy, procedure, or protocol that infringes on existing policy will be discussed with the Board chair or designee prior to implementation.

To the extent that any provision of this policy or any procedure/protocol adopted by the President pertaining to this policy is found to conflict with any State statute or other official order, the applicable statute or order shall take precedence.

Any policy or policy change implemented under this policy will be provided to the Board at their next regularly scheduled meeting.

FINANCE COMMITTEE CHARTER POLICY

The purpose of the Finance Committee is to assist the Board of Trustees (Board) in fulfilling its oversight responsibilities for the College's:

- financial, federal awards, and tax reporting,
- system of internal controls, and
- external audit processes.

The Finance Committee also provides an open avenue of communication between the Board and external auditors, the President, and the Chief Financial Officer.

Composition

The Finance Committee will consist of three members of the Board. The Board will appoint Finance Committee members annually, each of whom must be financially literate. The Chair of the Finance Committee will be the Board Treasurer.

Meetings

The Finance Committee will meet at least two times a year, with additional meetings held as circumstances require. During at least one of these meetings, the Finance Committee will hold a private meeting with the external auditor partner to gain insight into matters under the Finance Committee's purview.

The Finance Committee will invite members of management, auditors, and/or others to attend meetings and/or provide pertinent information, as necessary.

The Finance Committee will keep minutes of all of its meetings.

Responsibilities

The responsibilities of the members of the Finance Committee include reviewing and understanding the following areas related to financial oversight and governance:

1. The financial condition, capital plans, financing plans, investment holdings, borrowing and investment policies, operating and capital budgets, and financial reporting practices.
2. The quality and integrity of accounting, financial reporting, and compliance practices related to financial matters.
3. The annual financial statements and performance of external auditors.
4. Results of investigation and evaluation of serious allegations of financial misconduct or conflict of interest.

Duties

The duties of the members of the Finance Committee include the following:

1. Review of the audited financial statements with management and auditors.
2. Review of the *Federal Awards Supplemental Information* with management and auditors.
3. Review of *Required Communications with Those Charged with Governance Letter* issued by the auditors.

4. Review of *Report on Internal Controls & Compliance* issued by the auditors, as well as other internal control recommendations.
5. Discussion of risk with management and auditors, including steps taken, or recommended to be taken, to monitor, or mitigate the risks.
6. Review of Internal Revenue Service *Form 990 Return of Organization Exempt from Income Tax* and *Form 990T Exempt Organization Business Income Tax Return* tax returns before their filing.
7. Reporting to the Board on Finance Committee activities, issues, and recommendations.
8. Review of significant matters related to the integrity of senior management, including conflicts of interest and adherence to standards of business conduct as required by College policies.

References: [*Investigation*](#) policy

GOVERNANCE SYSTEMS POLICY

The governance systems of Lake Michigan College (the College) are intended to involve all segments of the College in decisions related to their roles and responsibilities in achieving the mission of the College. This is in acknowledgement of the shared commitment among the Board of Trustees (the Board), the faculty, and the staff to the educational and institutional excellence of the College.

Roles and Responsibilities of the Board in Governance

The Michigan State Constitution of 1963 provides the basis for community colleges throughout Michigan, whereby community colleges are to be supervised and controlled by locally elected boards. The Community College Act of 1966 outlines the powers and duties of boards of trustees, which are summarized as follows:

1. Function as the legislative and policy making body of the college.
2. Select, appoint, and employ a suitable person as President of the college.
3. Establish policies, by-laws, rules, and regulations for its own governance and for control and governance of the college.
4. Review and pass on the recommendations of the President regarding personnel policies, chief administrative appointments, budgets, curricula, capital expenditures, and other matters of policy affecting the general welfare of the college.

5. Protect and promote the college's public relations in order to inform the citizens of the district of the college's programs.
6. Encourage adequate financial support of the college through local and state actions.
7. Provide counsel and advice to the President regarding the administration of the college.
8. Require of the President such periodic reports as the Board deems necessary to keep it properly advised on the administration of the college.
9. Protect the faculty from unreasonable pressures from the community and accept the moral obligation to provide such leadership and such service as will engender trust and confidence in education.
10. Reserve to itself all of its legal responsibilities for the operation of the college.

Roles and Responsibilities of the President in Governance

The President is the chief planning officer, chief executive officer, and chief operating officer of the College. The President possesses the authority to:

1. Administer the policies adopted by the Board, using such discretion as is necessary to implement such.
2. Recommend adoption, modification, or repeal of policies to the Board.
3. Make recommendations pertaining to College personnel to the Board.

Roles and Responsibilities of the Administration in Governance

The administration has the obligation and authority to develop and modify procedures that implement Board policies. The administration has the further responsibility to consult appropriately with the faculty and staff on issues pertinent to the effective operation of the College in a manner responsive to faculty and staff advisement and initiatives.

Roles and Responsibilities of the Faculty in Governance

Faculty have the obligation to participate actively in College governance through involvement with College committees, taskforces, and councils.

Roles and Responsibilities of the Professional-Technical and Classified Staff in Governance

The Professional-Technical and Classified Staff have the obligation to participate actively in College governance through involvement with College committees, taskforces, and councils.

Governance Communication

At a minimum, the following governance communication processes will occur:

1. At least once a semester, the President will meet with the Cabinet and Faculty Communication Committee (CFCC) to discuss matters of concern to either or both parties.
2. At least once per year, the President will meet with the Classified Staff to discuss matters of concern to either or both of the parties.
3. At least once per year, the President will meet with the Administrators and Professional-Technical Staff to discuss matters of concern to either or both of the parties.
4. Whenever a standing or ad hoc committee containing faculty representation forward written recommendations to the appropriate administrator, said administrator will respond, in writing, to that committee as to the disposition of the recommendation as well as reason for the disposition within 45 days.
5. Whenever College policies or procedures affecting faculty contractual conditions are adopted or modified, such adoptions or modifications will not take effect until after consultation with the faculty has taken place and the adopted or modified policies or procedure has been published on the College's website (for policies) or intranet (for procedures) and disseminated among the faculty via the College's Chronicle e-newsletter.
6. Whenever College policies or procedures affecting administrators, professional-technical staff, or classified staff are adopted or modified, such adoptions or modifications will not take effect until after the adopted or modified policies or procedure has been published on the College's website.

TRAFFIC POLICY

The administration was authorized March 23, 1970, to contact the Benton Township Police Department, and to have them issue tickets for traffic control of specified areas, particularly the fire lanes. This would enable the police to come on campus on an "on call" basis.

MOTION by Mr. Grover with support by Ms. Tomasini to approve following policy revisions as presented to the Board of Trustees.

- 1. Classroom Instruction Conflict of Interest
- 2. Board Governance

ROLL CALL VOTE

Yeas: Jeff Curry, John Grover, Mary Jo Tomasini, Vicki Burghdoff, Debra Johnson

Nays: None

Absent: Joan Smith, Michael Lindley

APPROVED

NEW BUSINESS

POLICY 1ST READ-GRADE ASSIGNMENT AND GRADE POINT AVERAGE (GPA)

Office of Origin:	Academic Affairs & Student Affairs
Responsibility:	Provost and Vice President of Academic Affairs; Vice President of Student Affairs

Original Date Adopted:

Dates Reviewed: 09-22-09; 05-15-18; 06-26-18

Last Date Approved: 04-13-21

The following applies to all academic credit course offerings at Lake Michigan College.

Final Grades

Students who have completed all course requirements as defined by the instructor will be issued a final grade based upon the scale listed below. Final grades are posted to students' official transcript of record as submitted by the instructor.

Incomplete Grades

An "I" is computed in the GPA as an "E" and may affect financial aid, housing, or athletic eligibility. An "I" grade can be extended at the discretion of the instructor.

All grade changes must be made within one semester of their issuance.

See Registration Policy for information regarding Withdrawals ("W" grade). A "W" grade is not calculated in the GPA, but may affect completion rate for financial aid. See financial aid policies for more information.

Mid Term Grades

Mid-term grades do not affect the GPA and are not posted to the student's official transcript of record.

Mid-term grades are used to help faculty, staff, and students track student progress and success in each class, as well as allow efficiency in Financial Aid processing decisions. Student accounts will be reviewed upon mid-term grade submission and the Financial Aid Office and Academic Advising staff will be notified of failing grades, withdrawals, or otherwise insufficient grades.

Reporting and Availability of Grades

Mid-term grades are submitted on the Monday of the mid-point of each part of term. Specific dates are listed in the Academic Calendar. Final grades are submitted on the Tuesday following the end of the full term. Specific dates are listed in the Academic Calendar.

All grades are submitted via WaveLink by the instructor of record for the class. Exceptions are made only in extreme situation such as the hospitalization or death of the instructor, in which case the Registrar may collect and enter the grades and document the exception.

Mid-term grades are available to students through WaveLink upon submission by the instructor. Final grades are available to students through WaveLink beginning the Thursday after the end of the full term. Specific dates are listed in the Academic Calendar.

Grade Point Average (GPA)

Grade point average (GPA) is used to determine a student's academic standing, financial aid eligibility (including grants, loans, and scholarships), eligibility for graduation, dean's list and other academic awards, second-admit program entrance, and often for transfer to a four-year university for further study.

Grades for courses below 100 level (transitional courses) are included in the GPA but cannot be used to fulfill graduation requirements.

Grade Scale and GPA Calculation

Letter grades are assigned a point value as indicated below. Cumulative GPA is calculated by multiplying the point value of each grade by the credit value of the course, adding the total number of points earned, and then dividing by the total number of credits. For information regarding how repeated courses affect the calculation of the cumulative GPA refer to the Course Repeat Policy.

<u>Grade</u>	<u>Points</u>
A+	4.00
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
E	0.00

References: Course Repeat Policy
Registration Policy

SAP for Financial Aid Policy

POLICY 1ST READ-FACILITY RENTAL

Office of Origin:	Facilities Management & Mendel Center Operations
Responsibility:	Executive Director, Mendel Center Operations; Executive Director, Facilities Management; Director of Regional Campuses
Original Date Adopted:	06-23-92
Dates Reviewed:	08-13-08, 3-24-21 (C)
Last Date Board Approved:	03-09-21

Lake Michigan College (the College) is committed to continuously improving academic excellence, student success, and community impact to help individuals and communities grow. College's facilities are intended to be used for academic classes, continuing education programs, business and industry training, other learning experiences, and community activities. College academic classes and internal use needs are the first priority, and space will be provided without room rental charges. Rental of space to outside agencies or persons must be for programs related to the College mission: "Together we empower people and communities to thrive through education, innovation and experiences".

Rental of space is at the discretion of the College.

Rental rates are based on market value and include, at a minimum, covering the College's cost associated with the rental event. Rates are reviewed annually by the President's Cabinet. The College has the right to sponsor, discount or waive any or all rental fees.

References: Facilities Rental Procedures

ACTION: The Board will carry policies Grade Assignment and Grade Point Average (GPA) and Facility Rental for a 2nd read at the June 2021 board meeting.

REAL ESTATE PURCHASE AGREEMENT

The College Administration recommends that the Lake Michigan College Board of Trustees authorize the Real Estate Purchase Agreement, between Lake Michigan College, a Michigan community college of 2755 East Napier Avenue, Benton Harbor, MI 49022, (the "Seller"), and the City of South Haven, a Michigan municipal corporation of 539 Phoenix St, South Haven, MI 49090 (the "Buyer") for the sum of \$1.00 subject to covenants, encumbrances, easements and restrictions of record as presented.

MOTION by Ms. Tomasini with support by Ms. Burghdoff to authorize the Real Estate Purchase Agreement, between Lake Michigan College, a Michigan community college of 2755 East Napier Avenue, Benton Harbor, MI 49022, (the "Seller"), and the City of South Haven, a Michigan municipal corporation of 539 Phoenix St, South Haven, MI 49090 (the "Buyer") for the sum of \$1.00 subject to covenants, encumbrances, easements and restrictions of record as presented.

ROLL CALL VOTE

Yeas: Jeff Curry, John Grover, Mary Jo Tomasini, Vicki Burghdoff, Debra Johnson

Nays: None

Absent: Joan Smith, Michael Lindley

APPROVED

Real Estate Purchase Agreement

This Real Estate Purchase Agreement is made as of , 2021, between Lake Michigan College, a Michigan community college of 2755 East Napier Avenue, Benton Harbor, MI 49022, (the "Seller"), and the City of South Haven, a Michigan municipal corporation of 539 Phoenix St, South Haven, MI 49090 (the "Buyer").

RECITALS

A. The Seller wishes to sell, and the Buyer wishes to purchase, the southeasternmost portion of the parcel commonly known as 125 Veterans

Boulevard, as more particularly described in the attached Exhibit 1 (the "Property"), subject to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree as follows:

1. Conveyance. The Seller agrees to convey the Property to Buyer by covenant deed (the "Deed"), substantially in the form attached as Exhibit 2, for the sum of \$1.00. The Deed shall include a restrictive covenant as further described in Section 10 below.
2. Title Insurance. Buyer shall be solely responsible for obtaining any title insurance or other assurance of title Buyer wishes to acquire.
3. Survey and Lot Split. Buyer acknowledges that it is satisfied with the survey prepared by Mitchell & Morse Land Surveying, labeled Job No. 19-1214, Sheets 1 and 2, dated 12-31,19, attached hereto as Exhibit 3 (the "Survey"). The Property is depicted on the Survey as "Division 1." Buyer shall be responsible for obtaining, at Buyer's cost, the lot split required to divide the Property from its parent parcel.
4. Environmental Issues. Prior to the closing, Buyer may, at Buyer's expense, perform any inspections, environmental site assessments and investigations of the Property that it deems appropriate. Notwithstanding anything to the contrary contained in this Agreement, except in the case of the negligence or willful misconduct of the Seller or its officers, commissions, employees, contractors or agents to the fullest extent permitted under applicable law, Buyer waives any and all claims, demands, suits and causes of action against the Seller and its officers, employees, contractors and agents, and releases them for any loss, cost, damage, liability or expense Buyer suffers or incurs due to any entry onto the Property pursuant to this Agreement. This waiver shall survive the term or cancellation and/or termination of this Agreement.
5. Closing. The closing will take place on or before July 1, 2021, provided the Buyer is satisfied, in Buyer's discretion, that the Property is suitable for the Buyer's intended purposes. The closing will occur at the Seller's office at a time during regular business hours mutually agreed upon by the Seller and Buyer, or at another location as mutually agreed upon by the parties.
6. Brokers. Each party represents and warrants that there are no brokers', finders', or similar fees in connection with this transaction.
7. Closing Costs. Buyer shall be responsible for the payment of applicable transfer taxes, costs for recording the Deed, and any other applicable closing costs.

8. Assignment. Neither party may assign any of that party's rights, duties or obligations under this Agreement without the prior written consent of the other party.

9. Condition of Property. Buyer acknowledges and agrees that it is purchasing the Property in its "as is," "where is," "with all faults" condition without any warranties and representations by the Seller as to merchantability, suitability, habitability or fitness for any particular use. The Seller makes no representations or warranties of any kind whatsoever with respect to the condition of the Property and the Seller shall not be a warrantor or guarantor of any studies, tests, assessments, documentation or any information conducted or prepared by or gathered by any person concerning the Property. Buyer acknowledges and agrees that it is relying solely on its own inspections, examinations, tests, assessments, reports, studies and financial analysis of the Property in its determination of the condition of the Property. Buyer releases the Seller and its officers, commissioners, employees and agents from all claims and liability concerning the physical condition of the Property, which release shall survive the term or cancellation or termination of this Agreement.

10. Future Property Use. In order to ensure that the future use of the property is complimentary to the Seller's mission and programs and will not provide a negative impact on Seller, the Deed shall include a restrictive covenant prohibiting conflicting land uses such as sexually oriented business, marijuana businesses, or any post-secondary education institution or business as further described on the attached Exhibit 2.

11. Miscellaneous.

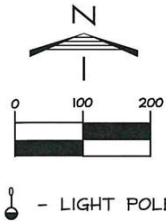
a. This is the entire agreement between the parties regarding its subject matter. It may not be modified or amended except in writing executed by both parties. The captions are for reference only and shall not affect the interpretation of this Agreement. More than one copy of this Agreement may be signed, but all constitute but one agreement.

b. Any notices shall be made in writing to the address as first written above or to such other addresses as indicated by notice and shall be made by personal delivery or by United States certified mail, with return receipt requested and postage prepaid.

c. This Agreement shall be binding upon the parties and their subrogees, successors, and permitted assigns.

The parties have signed this Agreement as of the date first stated above.

The parties have signed this Agreement as of the date first stated above.



MICHIGAN PLAT OF SURVEY

SEE SHEET 2 FOR DESCRIPTIONS

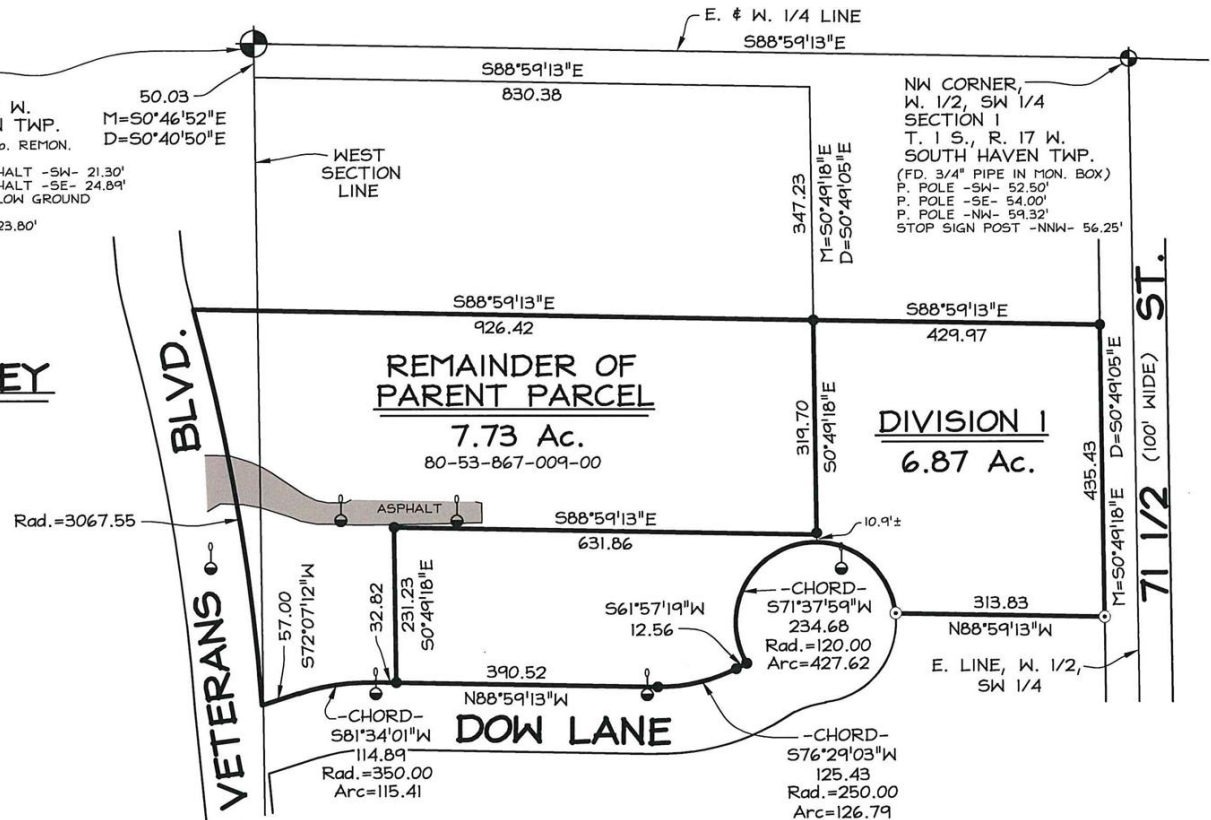
SURVEY NOTES:

- 1.) THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING.
- 2.) BEARINGS ARE REFERENCED TO PREVIOUS SURVEYS IN THE AREA.
- 3.) THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

W. 1/4 POST SECTION 1
T. 1 S., R. 17 W.
SOUTH HAVEN TWP.
(FD. VAN BUREN Co. REMON. IN MON. BOX)
R.R. SPIKE IN ASPHALT -SW- 21.30'
R.R. SPIKE IN ASPHALT -SE- 24.89'
FENCE POST 2' BELOW GROUND
-NNW- 21.64'
C ROAD -SOUTH- 23.80'

50.03
M=50°46'52"E
D=50°40'50"E

NW CORNER,
W. 1/2, SW 1/4
SECTION 1
T. 1 S., R. 17 W.
SOUTH HAVEN TWP.
(FD. 3/4" PIPE IN MON. BOX)
P. POLE -SW- 52.50'
P. POLE -SE- 54.00'
P. POLE -NW- 59.32'
STOP SIGN POST -NNW- 56.25'



LEGEND

- FOUND IRON - ○
- SET IRON - ●
- MONUMENT - ⊙
- RECORDED - R
- MEASURED - M
- PLATTED - P
- Deeded - D

DWN. BY J. MITCHELL SCALE 1"=200'
CK. BY _____ DESC. BY _____ CK. BY _____
BOOK _____ FILE _____ PAGE _____ FILE _____ REV. _____

The above survey complies with public act 132 of 1970.
Act 288 of michigan public acts of 1967 as amended by
public act 591 of 1997 should be checked to see that
any property conveyance does not violate that act.

MITCHELL & MORSE LAND SURVEYING

A DIVISION OF MITCHELL SURVEYS, INC.

234 VETERANS BLVD.
SOUTH HAVEN, MICHIGAN 49090
OFFICE: (269) 637-1107
FAX: (269) 637-1907

CLIENT CITY OF SOUTH HAVEN

DATE 12-31-19 JOB NO. 19-1214 SHEET 1 OF 2

BEING IN THE SW 1/4 SEC. 1 T. 1 S. R. 17 W.

SOUTH HAVEN TWP. VAN BUREN CO., MICHIGAN

Surveyor's Certificate:

On the basis of my knowledge and belief, I, Edward C. Morse, Professional Surveyor, certify that I have completed a boundary survey and examination of the parcel of Division 1 described below, made on the ground to the normal standard of care of professional land surveyors practicing in Michigan. This survey was performed in accordance with a description furnished by others and should be compared to the abstract of title or title insurance policy for accuracy, easements, or exceptions. This survey was prepared for **City of South Haven** and does not extend to any unnamed person without expressed re-certification by the surveyor naming said person.

12-31-19
Date

Edward C. Morse
Edward C. Morse
Mitchell & Morse Land Surveying
Professional Surveyor 47966

Descriptions: Situated in the City of South Haven, Van Buren County, Michigan.

Division 1:

Commencing at the West Quarter post of Section 1, Town 1 South, Range 17 West; thence South 50° 46' 52" East (Deed South 00° 40' 50" East) on the West Section line, 50.03 feet; thence South 88° 59' 13" East parallel with the East and West Quarter line, 830.38 feet; thence South 00° 49' 18" East (Deed South 00° 49' 05" East) parallel with the East line of the West Half of the Southwest Quarter of the Section, 347.23 feet to the place of beginning of this description; thence South 88° 59' 13" East parallel with the East and West Quarter line, 429.97 feet; thence South 00° 49' 18" East (Deed South 00° 49' 05" East) parallel with the East line of the West Half of the Southwest Quarter, 435.43 feet; thence North 88° 59' 13" West 313.83 feet; thence 427.62 feet on the arc of a 120.00 foot radius curve to the left with a chord that bears South 71° 37' 59" West 234.68 feet; thence South 61° 57' 19" West 12.56 feet; thence 126.79 feet on the arc of a 250.00 foot radius curve to the right with a chord that bears South 76° 29' 03" West 125.43 feet; thence North 88° 59' 13" West 390.52 feet; thence North 00° 49' 18" West 231.23 feet; thence South 88° 59' 13" East 631.86 feet; thence North 00° 49' 18" West 319.70 feet to the place of beginning.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Remainder of Parent Parcel - not surveyed at this time

Commencing at the West Quarter post of Section 1, Town 1 South, Range 17 West; thence South 00° 46' 52" East (Deed South 00° 40' 50" East) on the West Section line, 50.03 feet; thence South 88° 59' 13" East parallel with the East and West Quarter line, 830.38 feet; thence South 00° 49' 18" East (Deed South 00° 49' 05" East) parallel with the East line of the West Half of the Southwest Quarter of the Section, 347.23 feet to the place of beginning of this description; thence South 00° 49' 18" East parallel with the East line of the West Half of the Southwest Quarter of the Section, 319.70 feet; thence North 88° 59' 13" West parallel with the East and West Quarter line, 631.86 feet; thence South 00° 49' 18" East 231.23 feet; thence North 88° 59' 13" West 32.82 feet; thence 115.41 feet on the arc of a 350.00 foot radius curve to the left with a chord that bears South 81° 34' 01" West 114.89 feet; thence South 72° 07' 12" West 57.00 feet to the East line of Veterans Boulevard; thence on said East line on a 3067.55 foot radius curve to the left to a point North 88° 59' 13" West of the place of beginning; thence South 88° 59' 13" East 926.42 feet to the place of beginning.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

<p>MITCHELL & MORSE LAND SURVEYING 234 VETERANS BLVD. SOUTH HAVEN, MICHIGAN 49090 OFFICE: (269) 637-1107 FAX: (269) 637-1907 A DIVISION OF MITCHELL SURVEYS, INC.</p>		<p>THE ABOVE SURVEY COMPLIES WITH PUBLIC ACT 132 OF 1970, ACT 288 OF MICHIGAN PUBLIC ACTS OF 1967 AS AMENDED BY PUBLIC ACT 591 OF 1997 SHOULD BE CHECKED TO SEE THAT ANY PROPERTY CONVEYANCE DOES NOT VIOLATE THAT ACT.</p>	
<p>CLIENT <u>CITY OF SOUTH HAVEN</u></p>		<p>LEGEND</p>	
DATE <u>12-31-19</u>	JOB NO. <u>19-1214</u>	SHEET <u>2</u> OF <u>2</u>	FOUND IRON - ○
DWG. BY <u>J. MITCHELL</u>	DWG. CK _____	DESC. BY _____	DESC. CK _____
BEING IN THE <u>SW 1/4</u> SECTION <u>1</u> , T <u>1 S.</u> , R <u>17 W.</u>	<p>RECORDED - R</p>		
<u>SOUTH HAVEN</u> TWP. <u>VAN BUREN</u> CO., MICHIGAN	<p>MEASURED - M</p>		
SCALE <u>1"=200'</u> BOOK <u>FILE</u> PAGE <u>FILE</u> REVISION _____	<p>PLATTED - P</p>		
	<p>DEEDED - D</p>		

SOUTH HAVEN PAVEMENT IMPROVEMENTS

Pavement improvements at Niles and South Haven Campuses includes limited asphalt removal and paving in problematic areas, crack sealing, sealcoating, and replacement of pavement markings. Work scope is similar to the pavement repair projects at the Benton Harbor Campus over the last several years. Abonmarche conducted the bidding process on behalf of the College. Bids were received on May 4, 2021 from three companies and publically opened via Zoom. Based on the review of the bid proposals, and post-bid interview, the low bidder, Michigan Paving and Materials Company (Paw Paw, MI) is recommended for award.

	Michigan Paving & Materials Co.	Shembarger Asphalt	Arnt Asphalt
Niles	\$38,091.00	\$43,953.15	\$45,855.58
South Haven	\$86,425.00	\$124,327.50	\$127,079.75
Total Base Bid	\$124,516.00	\$168,327.65	\$172,935.33

In addition to project engineering fees, it is recommended to maintain a 5% contingency for the project. Work will be coordinated with each campus and is planned to be completed prior to fall 2021 semester start.

ACTION:

The College Administration recommended that the Lake Michigan College Board of Trustees authorize Niles & South Haven Pavement Improvements Project for a total project amount of \$153,054 and a contract award amount of \$124,516 to Michigan Pavement & Materials Company for this project.

MOTION by Ms. Tomasini with support by Ms. Burghdoff to approve the Niles and South Haven Pavement Improvements Project for a total project amount of \$153,054 and a contract award amount of \$124,516 to Michigan Pavement & Materials Company for this project.

ROLL CALL VOTE

Yeas: Jeff Curry, John Grover, Mary Jo Tomasini, Vicki Burghdoff, Debra Johnson

Nays: None

Absent: Joan Smith, Dr. Lindley

APPROVED

HOSPITALITY CERTIFICATE

Certificate of Achievement - Hospitality Management
(Program code HOSP)
Current Course Sequence

<i>Semester Hours</i>	<i>Major Requirements</i>	Sem Hr
1 SEM HR	BUSA 130, PROFESSIONALISM IN THE WORKPLACE	1
3 SEM HR	HOSP 150, INTRO TO HOSPITALITY CAREERS	3
3 SEM HR	HOSP 200, HOSP MANAGEMENT INTERNSHIP I	3
3 SEM HR	HOSP 201, RESTAURANT OPERATIONS	3
3 SEM HR	HOSP 253, TOURISM	3
3 SEM HR	HOSP 255, HOTEL MGMT AND OPERATIONS	3
16 SEM HR		16
	Minimum SEM HR required: 16	16

Notes:

CCC Approved

CYBER SECURITY CERTIFICATE

Certificate of Achievement - Cybersecurity
(Program code CYBR)

Current Course Sequence

<i>Semester Hours</i>	<i>Major Requirements</i>	Sem Hr
3 SEM HR	CIS 100 (INTRO IT)	3
3 SEM HR	CIS 106 (INTRO OS)	3
3 SEM HR	CIS 119 (PROGRAM LOGIC)	3
3 SEM HR	CIS 156 (SECURITY)	3
3 SEM HR	CIS 140 (NETWORK)	3
3 SEM HR	CIS 167 (PYTHON)	3
3 SEM HR	CIS 200 (A+)	3
3 SEM HR	ITS 120R (IT ETHICS)	3
3 SEM HR	CIS 170 (LINUX)	3
3 SEM HR	ITS 240 (HACKING DEFENSE)	3
3 SEM HR	CIS 240 (SYS ANALY)	3
3 SEM HR	CIS 273 (LINUX SERVER ADMIN)	3
36	SEM HR	36

Notes:

ACTION: The administration requested that the Board approve the Certificate of Achievement - Hospitality Management and the Certificate of Achievement - Cybersecurity as presented.

MOTION by Ms. Tomasini with support by Ms. Burghdoff to approve the Certificate of Achievement - Hospitality Management and the Certificate of Achievement - Cybersecurity as presented.

ROLL CALL VOTE

Yeas: Jeff Curry, John Grover, Mary Jo Tomasini, Vicki Burghdoff, Debra Johnson

Nays: None

Absent: Joan Smith, Michael Lindley

APPROVED

APPROVAL TO SUBMIT MCACA PROJECT SUPPORT GRANT

Title: MCACA Project Support Grant of \$30,000 for 2021-2022 Mainstage Season

Source: Michigan Council for Arts and Cultural Affairs

Officer: Grace Kelmer, Mendel Center Mainstage Director

Dates: October 1, 2021 – June 30, 2022

Match: \$30,000

Summary: This Project Support Grant will support the live public performances and any livestreaming performances held between October 1, 2021 and June 30, 2021. The live and streamed performances will be part of the 30th annual Mainstage performing arts series. The series is designed to make quality performing arts opportunities locally accessible in southwestern Michigan. Related expenses incurred after October 1, 2021 (the beginning of the MCACA Fiscal Year) will be considered in the scope of the grant. The cash match will be covered by earned revenue from the performances and does not require additional fundraising efforts.

ACTION:

It was recommended that the Lake Michigan College Board of Trustees authorize the College to submit an application for the FY22 MCACA Project Support Grant.

MOTION by Ms. Johnson with support by Mr. Grover to authorize the College to submit an application for the FY22 MCACA Project Support Grant.

ROLL CALL VOTE

Yeas: Jeff Curry, John Grover, Mary Jo Tomasini, Vicki Burghdoff, Debra Johnson

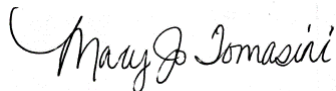
Nays: None

Absent: Joan Smith, Michael Lindley

APPROVED

ADJOURNMENT

MOTION by Mr. Grover to adjourn the Regular Meeting of the Lake Michigan College Board of Trustees at 5:20 p.m.



Mary Jo Tomasini
Lake Michigan College Board Secretary