

**SPECIAL MEETING OF THE BOARD OF TRUSTEES
OF THE EVERGREEN STATE COLLEGE**

July 20, 2004

Trustees Attending: Deborah Barnett
Karen Lane
Merritt Long
Claudia Kauffman RedMorningStar
Marilee Roloff
Anthony Sermonti

Absent: Stanley Flemming
David Lamb

Representatives to the Board: Debbie Johnson, Staff Representative
Bonnie Marie, Alumni Representative

Staff Present: John Carmichael, Administrative Assistant to the President/Recording Secretary
to the Board of Trustees
Art Costantino, Vice President for Student Affairs
Ann Daley, Vice President for Finance and Administration
Lee Hoemann, Executive Associate to the President
Collin Orr, Interim Director of Facilities
Thomas L. Purce, President

Others Attending: Ann Shaw, Assistant Attorney General
Dan Galvin, Assistant Attorney General

Marilee Roloff called the meeting to order at 9:30 a.m. in the board room of the Daniel J. Evans Building in Olympia.

Executive Session

The board moved into executive session to review the performance of a public employee and to discuss with legal counsel litigation or potential litigation. The board returned to an open public meeting at 11:50 a.m.

Update on Parkway renovation

Ms. Roloff said that the board would not take any action on the proposed parkway renovation at this meeting. She asked whether anyone attending the meeting wished to comment on the proposed renovation. No one came forward. Ms. Roloff asked Vice President for Finance and Administration Ann Daley to provide an update on the status of the project.

Ms. Daley said that the college proposed to refurbish the roadway, improve safety on the roadway and improve access for bicycles and pedestrians. Proposed changes include placing roundabouts at the McCann Plaza and Overhulse intersections, narrowing the parkway to two lanes, and adding a separated bicycle pedestrian path for the length of the road. The proposal has generated much interest in the local community. The college staff held two public information sessions, met with the board of the Cooper Point Association, and exchanged information with individuals making inquiries. Ms. Daley said that the most recent public information session was well attended. People attending expressed concerns about a lack of consultation with the local community. Others expressed concern about the proposed changes. They said that the reduction of lanes is incompatible with the growth in the area. One person expressed concern about the surface of the proposed bicycle path. Several people expressed concerns about the roundabouts. One person said that she believed that the proposal would increase maintenance costs. Ms. Daley said that college staff provided information to argue that a two-lane parkway would support existing and planned growth in the area. Staff also believe that the proposal would reduce maintenance

costs. Ms. Daley said that a majority of people who attended the public session were opposed to the project.

Ms. Daley said that the college received from the county a Determination of Non-Significance (DNS) for the project's environmental impact. This means that the college is not required to conduct a full environmental impact statement. The county informed college staff that they expect the DNS to be appealed. If an appeal is filed, the matter would be referred to a hearing examiner. The hearing examiner's finding could be appealed to Superior Court.

Ms. Daley said that college received three bids on the project, but staff will not ask the board to approve a contract while an appeal is pending.

Renovation of the Daniel J. Evans Library Building

Ms. Roloff asked Ms. Daley to describe the proposed action to renovate the Daniel J. Evans Library Building. Ms. Daley said that in order to prepare for the first phase of renovation, the offices of Student and Academic Support Services (SASS) will be relocated to another part of the building. The staff recommends that the board approve a construction contract to prepare space for the SASS offices.

Motion Claudia Kauffman RedMorningStar made a motion to approve a construction contract for \$944,500.00 to Construct Inc. for a project with a total base budget of \$1,146,623 including the construction contract, project management, project contingency and sales tax. The motion was seconded and passed on a voice vote.
#7-01-04

Authority for Change Orders for Seminar II

Ms. Daley said that college staff recommend the board delegate to the president or his designee the authority to approve an additional \$1,046,949 in change orders for the Seminar II construction project. The total delegated authority for change orders on the project would then be \$2,578,545. Ms. Daley said that this would leave approximately \$500,000 remaining in the project budget.

Motion Ms. Barnett made a motion to delegate to the president or his designee the authority to approve an additional \$1,046,949 in change orders on the Seminar II project. The motion was seconded by and passed on a voice vote.
#7-02-04

Contract for Food Services

Ms. Daley said that the college issued a Request for Proposals for food services in March. The college received a response from Aramark and entered into contract negotiations. The contract is nearly final, and staff are asking the board to delegate the authority to enter into a final agreement. Interim Director of Facilities Collin Orr described the proposed contract. Vice President for Student Affairs Art Costantino said that he is cautiously optimistic that the contract will improve the area's finances and enhance service to students.

Motion Mr. Sermonti made a motion to delegate to the president or his designee the authority to enter into an agreement with Aramark for campus food services. The motion was seconded and passed on a voice vote.
#7-03-04

Indemnification of a College Employee

Executive Associate Lee Hoemann said that college employees who are sued in the course of their duties are eligible to seek legal defense from the college's legal counsel. Ms. Hoemann said that Labor Center Director Peter Kardas seeks indemnification for a suit involving the Ford Foundation.

Motion Ms. Barnett made a motion to authorization indemnification for Peter Kardas in the
#7-04-04 matter of *Johnson v. Ford Foundation et al.* The motion was seconded passed on a
voice vote.

President's Annual Performance Evaluation

Ms. Roloff said that the board had met in executive session to review the performance of the president over the past year. Mr. Sermonti said that as student trustee, he would abstain from voting on personnel matters.

Motion Ms Barnett made a motion, based on a review of the evaluations of the president
#7-05-04 received by the board and based on the board's own evaluation of the president's
performance, to approve a positive evaluation of President Purce's performance and
confidence in his leadership. The motion was seconded by Mr. Long and passed on a
voice vote.

President Purce said that he has enjoyed his four years at the college and appreciated the support of the staff.

President's Contract

Motion Ms. Lane made a motion to adopt the president's contract as amended:
#7-06-04

- Effective date becomes July 1, 2004
- Ending date becomes June 30, 2009
- Salary becomes \$171,111.60.
- Annual annuity becomes \$40,000
- Three-year appointment becomes a five-year appointment
- Language is permanently added to the contract to indicate that it is the intention of the trustees that the president shall have the option each year at his discretion of having the college invest the annuity on his behalf or receiving a payout of the annuity and that the president shall notify the vice president of finance and administration by June 15 each year of the option he has chosen.

The motion was seconded by Ms. Barnett and passed on a voice vote.

President Purce said that he appreciates the trust that the board has shown in him. He said that he plans to donate half of the salary increase to the Foundation. Ms. Lane commented on the salary increase. She said that the board wished to recognize the president's work, but also felt that their obligation to the college requires them to ensure that the president's salary is at least somewhat competitive with salaries offered elsewhere.

Motion Ms. Barnett made a motion to provide the president up to two weeks of professional
#7-07-04 development of his own choosing related to either administrative or academic work.
The motion was seconded and passed on a voice vote.

Report from the Chair

Motion Mr. Sermonti made a motion to adopt the minutes of the June 10 meeting as presented.
#7-01-03 The motion was seconded and passed on a voice vote.

Ms. Roloff asked Ms. Lane to report on the work of the Joint Governing Boards. Ms. Lane said that the group plans to meet on July 22. Trustees and regents from each of the six public baccalaureate colleges plan to attend. Representatives of the community college system will also attend. The group will hear

presentations on the proposed education trust fund and on recent research by the Technology Alliance on the attitudes of business leaders toward higher education.

Ms. Roloff asked Mr. Sermonti to report as student trustee. Mr. Sermonti said that he is looking for work. He thanked the board for their friendship and support over the past year.

Report from the President

President Purce invited Debbie Johnson to report as staff representative. Ms. Johnson said that she staff responded positively to her report on the board's June meeting. In response to requests, she worked with John Carmichael to have the board's minutes posted on the college web site. She said that following the discussion on employee retention at the June meeting, she discussed the issue with Associate Vice President for Human Resources Ken Holstein. He said that he will have a more detailed report on the subject in September.

Ms. Johnson said that many staff are intensely involved in planning, packing and moving in anticipation of the renovation of the Daniel J. Evans Library Building. She also said that the bookstore has implemented a new point-of-sale system.

President Purce invited Bonnie Marie to report as alumni representative. Ms. Marie said that Super Saturday was very successful for the Alumni Association. The group raised several thousand dollars and felt that the tone of the beer garden was positive. The association's executive committee meets on July 22 to begin planning for next year. President Purce said that Super Saturday was very successful. The college will designate permanent funding so that the event can continue. Vice President for Student Affairs Art Costantino agreed to coordinate the event again next year.

President Purce described some of his recent activities. He attended the annual meeting of the Council of Public Liberal Arts Colleges in South Carolina. He participated in a portion of the new faculty retreat and joined the vice presidents in a one-day retreat. He delivered the commencement address at Grays Harbor College.

President Purce described activities planned over the summer. The Senior Staff will hold a one-day planning retreat. The college will host the Thurston County Chamber of Commerce's Education Summit. President Purce will also attend the first meeting of the newly established advisory committee to the Higher Education Coordinating (HEC) Board. He said that the HEC Board is expected to approve the college's application for "high-demand" funding for the tribal MPA program. The Jackie Robinson scholarship event and Trustee Long's Learning Seed auction and golf tournament will be held in early September. President Purce will take two weeks of professional development leave in August.

Public Comment

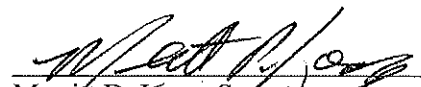
Ms. Roloff invited comments from the public. No comment was made.

Adjournment

Ms. Roloff adjourned the meeting at 1:00 p.m.



Marilee K. Roloff, Chair



Merritt D. Long, Secretary

Attachments:

Resolution 2004-07 Authorizing Indemnification of a College Employee

RESOLUTION AUTHORIZING INDEMNIFICATION

NO. 2004-07

WHEREAS, a legal action, as designated below, has been commenced involving this institution of higher education; and

WHEREAS, the officers and employees of the institution designated below have requested the Board to authorize their defense under RCW 28B.10.842; and

WHEREAS, the Board has made a determination that such designated individuals were acting in the performance of their duties and in good faith; Now Therefore

BE IT RESOLVED that the Board of Trustees hereby specifically finds that the individuals designated below acted within the scope of their authority and in good faith with regard to the conduct alleged by the plaintiff to be wrongful, and the Board specifically authorizes their defense and approves their indemnification by the State pursuant to RCW 28B.10.842.

Done in Open Meeting by the Board this 20th day of July, 2004

BOARD OF TRUSTEES
The Evergreen State College

By: Marian K. Loloff
Chairman of the Board

Title of Action: *Johnson v. Ford Foundation, et al.*
Cause No: U.S. District Court (D. Ore.) No. 04-CV-6142-AA
Individual Indemnified: Peter Kardas

I, the below-named assistant attorney general assigned to the College, have reviewed the facts and circumstances involving the request for indemnification and I concur in the determination by the Board of Trustees.

Dated this _____ day of _____, 2004.

W. HOWARD FISCHER
Senior Assistant Attorney General