

REPORT OF MINUTES

BAY de NOC COMMUNITY COLLEGE BOARD OF TRUSTEES SPECIAL BOARD MEETING

CB Board Room 201D
Escanaba, MI 49829

January 17, 2024

- I **Call to Order:** The meeting was called to order at 4:01 p.m. ET by Chair Eric Lundin.
- II **Attendance:** Members present: Steve Davis, Wendy Middaugh, Terri Mileski, Joy Hopkins, Nick Chenier, Eric Lundin
Member absent: Tom Butch
Administration: President Nerita Hughes and VP of Operations & Finance Eileen Sparpana
Guests: Christopher Iamarino, Thrun Attorney
West Campus Advisory Board Members: Bruce Ortenburger and Christie Borchardt
Dickinson County Board of Commissioners: Joe Stevens, Barb Kramer
Dickinson County Controller/Administrator: Brian Bousley
Assistant to Controller: Christy Paul
Dickinson County Clerk: Carol Bronzyk
Recorder: Laura Johnson, Assistant Board Secretary
- III **Citizen Introductions and Comments:** The College's attorney, Christopher Iamarino from Thrun Law firm, and other guests were introduced.
- IV **Dickinson Representation:** The meeting was turned over to Attorney Christopher Iamarino who explained the existing millage that supports the expenses related to the Iron Mountain (West) Campus, the ability of the Dickinson County electors to vote for and have official representation on the College's Board of Trustees, and the tax implications of a possible annexation.

Section 21 of the Michigan Community College Act was revised in 2016 to allow annexation of non-contiguous counties (expanding the geographic boundary of an existing public entity.)

The annexation procedure must be initiated by the Board of Trustees with approval from the State Superintendent of Public Instruction. Upon approval, two ballot questions must be presented to the electors of the county in which the territory to be annexed is located. The first question is of annexation itself and the second question is of approving the maximum tax rate existing in the community college district. Both questions must pass for the annexation to be effective.

Annexation must be approved for trustee representation to occur from Dickinson County. Only electors that reside within the College's boundaries can elect trustees. Individuals that are not elected as trustees cannot sit as college trustees with voting rights. If annexation occurred to permit electors of Dickinson County to vote on the College's trustee seats, there are tax consequences that would need to be considered. The College would not have the authority to levy differing millage rates in different counties – the rates would have to be uniform in both Delta and Dickinson Counties (currently 3.5 mills.)

Section 14 of the Community College Act defines there cannot be dedicated trustee seats within a county-based community college district. Trustees would be elected at-large (across the entire geographic boundary.)

The option of establishing a non-voting member to represent Dickinson County to the Board of Trustees was reviewed by Mr. Iamarino. The representative would not be a member of the Board of Trustees. They would not have voting privileges or "access" to information shared with Trustees beyond the access to information a normal constituent within the community college district has. The representative could attend meetings in an advisory capacity.

The representative could not receive attorney client communication because only Trustees as members of the board are "clients". Sharing this information would extinguish this privilege.

Although the Board has latitude as to who can participate in closed session, only those who need to participate for the Board to receive full information about the closed session topic should be allowed in closed session. Mr. Iamarino advised the Board should refrain from a universal inclusion of the representative into closed sessions.

Mr. Iamarino responded to questions from the audience that addressed the Board's authority to permit operational issues vs. legal issues. Operational issues include things such as sitting at the board table and taking comment from the representative. The Board would want to establish board policy about how they would interact with the representative and the extent of the representative's role.

Commissioner Kramer asked if the current 3.5 mills could be changed. The millage rate would be difficult to change since the Delta County rate was recently renewed for 20 years and the upcoming renewal for Dickinson County is also for 20 years. If the ballot language were changed, the question may not be able to be considered a renewal.

The West Campus Advisory Board consists of a representative from the Dickinson County Board of Commissioners (John Degenauer) and the Board of Trustees has a liaison on the West Campus Advisory Board (Terri Mileski.) The Advisory Board was established to provide representation between the Commissioners and the Board of Trustees.

Commissioner Stevens asked Trustees if there has been discussion about a back-up plan for the Iron Mountain campus if the renewal millage does not pass. Trustees agreed this discussion must be held because they are committed to the future of the Iron Mountain campus.

Dr. Hughes and Trustees acknowledged that the name of the west campus will be changed to the Iron Mountain campus. The name change will be formally presented to the Board after conversations with the Commissioners, Advisory Board, and Trustees supported the idea as a better long-term plan to name campuses by site, not direction.

Mr. Iamarino responded whether the board representative would be appointed or elected, that they would have to be appointed by the Board because without annexation, there is

not a position to fill. Electors can only vote for that which the law authorizes.

Discussion supported appointing a non-voting representative from Dickinson County to the Board of Trustees. Trustee Steve Davis suggested two representatives. Trustee Terri Mileski suggested a representative from the West Campus Advisory Board or Dickinson County Board of Commissioners or a representative from the community.

Chair Eric Lundin tasked the Commissioners and Advisory Board to identify the number of representatives and sectors represented. The Board of Trustees will move forward with adjusting the necessary policies to determine their role on the Board when that information is returned.

The timing of the Dickinson County renewal millage was also discussed. Levies in 2024, 2025, and 2026 are still available. The County ultimately needs to determine the date and a back-up plan to provide an opportunity for a second election if the first does not pass. The May 2027 election is likely the last opportunity to vote the question to avoid a lapse in the levy.

Trustee Joy Hopkins recommended going out for the millage renewal and having it approved before pursuing any interest in annexation.

Trustee Terri Mileski emphasized the importance of finalizing the name change of west campus and moving forward with the representatives from Dickinson County so the College's commitment as "One Bay – multiple campuses" and support of the Iron Mountain campus moving forward is evident.

There was consensus between Commissioners and Trustees to leave the Dickinson County millage rate as it is (just under 1 mill) for a renewal question.

Chair Eric Lundin thanked everyone for attending the meeting.

V Adjournment:

It was moved by Joy Hopkins and seconded by Steve Davis to:

"Adjourn the meeting." No discussion. Motion carried unanimously. The meeting adjourned at 4:45 p.m. ET.

Laura L. Johnson Assistant Board Secretary	Completion Date	Approval Date
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Eric L. Lundin Chair		Approval Date
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