

**NEBRASKA COMMUNITY COLLEGE ASSOCIATION  
BOARD OF DIRECTORS  
Special Meeting Minutes  
March 25, 2010**

**1. PUBLIC MEETING NOTICE**

All NCCA Board of Directors, Area Presidents, and the general public having been duly notified a special meeting of the NCCA Board of Directors was held March 25, 2010, at video conference sites located in Chadron, Grand Island, Lincoln, McCook, Norfolk, North Platte, Omaha, and Scottsbluff. President Merlyn Gramberg stated that a public meeting notice was published in the Lincoln Journal Star. He also stated that the rules for the Nebraska Public Meeting Laws were available for public viewing. The public meeting notice is attached to these minutes.

**2. ATTENDANCE**

Directors Present:

President Merlyn Gramberg – Western Nebraska  
Vice President Diane Keller – Central (arrived at 10:15 a.m.)  
Secretary Roger Wilson – Mid-Plains  
Treasurer Don Oelsigle – Northeast  
Elizabeth Benjamin for Jane Hornung – Mid-Plains  
Sandra Borden – Central  
Timothy Daniels for Tom Perkins – Western Nebraska  
Ruth Johnson for Robert Feit – Southeast  
Larry Poessnecker – Northeast  
Lynn Schluckebier – Southeast

Staff Present:

Dennis Baack – Executive Director  
Melanie Williams – Administrative Assistant

Also present were: Dr. Greg Smith – Central, Dr. Michael Chipps – Mid-Plains, Dr. Bill Path – Northeast, Dr. Jack Huck – Southeast, and Dr. Eileen Ely – Western Nebraska.

**3. CALL TO ORDER AND QUORUM DETERMINATION**

President Gramberg called the meeting to order at 10:00 a.m. and asked for roll call and quorum determination. Present and responding were ten board members representing their respective area governing boards. It was determined that a quorum was present.

**4. APPROVAL OF AGENDA**

President Gramberg asked for any additions or changes to the meeting agenda. There were none.

**MOTION BY LARRY POESSNECKER AND SECOND BY LYNN SCHLUCKEBIER that the NCCA Board of Directors approves the agenda as presented.**

President Gramberg asked for any objections or discussion. There were none.

A roll call vote was taken.

**Voting Aye:** Borden, Benjamin, Daniels, Gramberg, Johnson, Oelsgle, Poessnecker, Schluckebier, Wilson

**Voting Nay:** None

**Absent:** Keller

**RESULT: Motion carried nine (9) ayes, no nays, and one (1) absent.**

## **5. PUBLIC COMMENT**

President Gramberg then opened the floor to the public for comments. Schmailzl stated that he and Metro chair, Crystal Rhoades, would be participating in this portion of the meeting but she is not yet in attendance. President Gramberg then moved on to the approval of minutes from the previous meeting.

## **6. APPROVAL OF MINUTES**

President Gramberg asked for any corrections to the February 22, 2010, meeting minutes. There were none.

**MOTION BY DON OELSLIBLE AND SECOND BY SANDRA BORDEN that the NCCA Board of Directors approves the February 25, 2010, meeting minutes as presented.**

President Gramberg asked for any discussion. There were none.

A roll call vote was taken.

**Voting Aye:** Borden, Benjamin, Daniels, Gramberg, Oelsgle, Poessnecker, Schluckebier, Wilson

**Voting Nay:** None

**Abstain:** Johnson

**Absent:** Keller

**RESULT: Motion carried eight (8) ayes, no nays, one (1) abstain, and one (1) absent.**

The Board then went into a brief recess until the arrival of Rhoades. During this time, Baack did inform the Board that all the individual area Boards had approved the settlement with Metro and that the legislative bill will move for debate before the Legislature after the conclusion of this meeting. Some questions were raised as to whether Metro had officially approved the settlement agreement. It was determined that the topic should be raised with Schmailzl and Rhoades.

#### **7. PUBLIC COMMENT continued.....**

President Gramberg welcomed Rhoades to the meeting. Schmailzl stated that he and Rhoades had asked to speak to the Board prior to a decision being made regarding Metro's dues for re-admittance into the Association. He continued to state that the Metro board had met in Executive Session to discuss this matter and based on information that came out of the meeting in Nebraska City and information contained in the settlement agreement, they felt that their thoughts pertaining to this matter needed to be stated. Rhoades stated that the Metro board is concerned with some of the proposed language as currently written in the settlement agreement and their belief that this information was not discussed in Nebraska City nor was the paying of past dues to the Association. She then stated that she will have a difficult time going back to her board and getting them to agree with this. It was already difficult to get her board to agree to the original agreement and now with all the changes, she believes she will not be able to get this done. Schmailzl stated that Metro will have no problem paying dues from this point forward but do they not want to pay past dues for services they did not receive. He then stated that he or Rhoades would be willing answer any questions the Board had regarding Metro's position on past dues or even the settlement agreement. Schmailzl did point out that discussion on the draft settlement agreement was not included on the agenda.

Dr. Huck agreed with Schmailzl that the settlement agreement is not something for the NCCA Board to discuss but rather the individual area boards and the only topic up for discussion is the matter of NCCA dues.

Oelsligle asked Baack if he had a calculation of the past and current dues. Baack stated that he did not have that information in front of him but to his best recollection the past dues were approximately \$73,000 and current dues would be very similar with a total of approximately \$150,000.

Dr. Smith stated that he recalled Speaker Flood stating that Metro will rejoin the Association and pay all back dues on more than one occasion. Rhoades replied that

she and Schmailzl did not hear that and if it had been said, they would have said that there is no possible way that would happen because they will not pay for services that were not rendered. She continued to state that she will not be able to get her board to go along with this so the NCCA Board will need to decide whether or not they really want Metro back in the Association. They were essentially thrown out of the NCCA and to ask them to pay dues for a time in which they were not members does not seem reasonable to them.

Keller stated that the reason Metro was asked to leave the Association was because they refused to pay their dues and therefore that becomes part of the re-admittance process. Metro was not thrown out because of lawsuits but rather their refusal to pay dues so if those dues are not paid, how can Metro be a member of the Association. Keller then stated that she did hear Speaker Flood state that past dues were a part of the settlement agreement and the remaining areas had to make up for the dues Metro refused to pay. Metro is still asking the other areas for more money in addition to that when probably everyone from the conference except Metro believes that. In reality everyone else believes that they did not do anything wrong in the dispersal of state aid because tuition and fees were reported the same amongst all six areas.

Rhoades stated that they are not paying the dues so it is up to the five areas to decide if they want Metro back in the Association or not. She continued to state that she cannot get her board to agree to pay past dues but they have agreed to pay going forward from this point. They will not absolutely under any circumstances pay any past dues. In their mind, they are making a huge sacrifice by coming back to the Association because in their view, it is a broken vehicle which is ineffective. The reason they refused to pay their full dues in the first place was because the system was so badly broken and they were basically paying people to lobby against them to make sure that they did not have enough money to keep their doors open. Rhoades then stated that it took a lot of work for her to even get them to agree to come back and that there is no possible way for her to be able to convince them to pay the past dues. It is just not going to happen so what needs to be decided is whether the Board really wants Metro back in the Association. If the Association does want Metro back, then they need to agree to let Metro pay dues going forward.

Borden stated that if she understands correctly Metro would continue to flaunt the law which requires Nebraska community colleges to be members of the Association to receive state aid.

Rhoades stated that they have not flaunted the law but were asked to leave the Association. They refused to pay dues on the basis that it was an abusive relationship and they were not being adequately represented. What it comes down to is whether the Board wants this deal to go through and what she is hearing is that the board members have gone back to their respective colleges and they are not on board so the Board is

deliberately doing things to sabotage the deal so it will not go through. She went on to state that if that is the Boards intention; they are doing a good job.

Schmailzl then stated that he believes that Metro does not have to belong to the Association to receive their state aid because they did receive their funding last year and will receive it this year.

Oelsligle stated that he believes the Board gotten Metro's position on the topic and would like to continue on with the five Association members.

President Gramberg asked for any further discussion while Metro still is in attendance. Borden commented that Metro will be the college that contacts Senator Flood and convey to him that the problem with the six colleges getting back together is Metro's refusal to pay their back dues. Rhoades stated that Senator Flood is well aware of Metro's position and has been from the beginning. She is also surprised that she was able to get her board to agree to come back at all under any circumstances and she is comfortable contacting the Speaker and telling him about the Boards ridiculous insistence to pay for services not rendered.

Oelsligle asked for Metro to stick around while the Board has internal discussion. Rhoades and Schmailzl both agreed. Baack will notify Schmailzl when to rejoin the meeting after discussion has been had.

Keller asked those in attendance who participated in the conference at Nebraska City if they recalled the payment of back dues being a term of the settlement. Schluckebier and Baack both replied that they remember that condition being stated. Baack then stated that if this agreement falls apart, he will not let it fall on the Associations shoulders. Metro also needs to understand that all of the boards went through agonizing discussions on this issue as to whether they were going to pay \$1.8 million dollars to Metro. Baack then stated that he has spoken to Speaker Flood and conveyed to him that Metro must live up to their side of settlement. President Gramberg stated that he is having a hard time with the fact that the colleges are going to have to give them essentially another \$150,000 on top of the \$1.8 million being given to them via the settlement.

Poessnecker stated that he was in attendance in Nebraska City and he does recall everything previously stated actually being stated. He then stated that he believes Schmailzl and Rhoades never agreed to pay the dues back and they did not consent to it at the conference. Baack stated that he believes they stated that it would a difficult part of the agreement for their board.

Dr. Ely stated that she recalls Speaker Flood repeatedly stating that Metro would need to rejoin the NCCA and pay their dues. The only objection she recalled Schmailzl and Rhoades voicing was in regards to the definition of tuition and fees.

Dr. Path then stated that he recalls Speaker Flood making a reference to paying their dues but does not recall if the term back dues was used. He also does recall Schmailzl and Rhoades stating that paying the dues would be an issue for them. Dr. Chipps agreed with Dr. Path in regards to the discussion he remembers.

Oelsligle asked if it could be considered that this year's dues would be paid in full and last year's dues would be on the books as a receivable to be dealt with at a later time. Baack stated that he does believe the Board does have that flexibility as it is stated in the policies.

Baack stated that some sort of resolution needs to occur at this meeting because Senator Adams intention is to not have any bill come up this year and have the formula ran at it currently exists.

Poessnecker stated that the policies referring to re-admittance into the Association were put into effect after Metro was already out of the Association. Baack stated that the resolution regarding Metro's expulsion from the Association did state what the terms were for re-admittance and repayment of back dues was included. Poessnecker then stated that Metro did agree to defer some of the \$1.8 million payment until next year and by putting the back dues as a receivable, we are also deferring it.

Daniels stated that he has a resolution signed by his board which stipulated that Metro would pay back dues. He then asked if this would mean that his board would then have to go back and change that resolution. Baack replied that it would probably have to go before his board again.

Keller stated that the dollar amount being discussed is insignificant compared to the \$1.8 million but she does believe it is an indication as to how difficult it will be to try to reform an Association they will agree to as well as submitting a legislative bill next year. She went on to state that her board will not be happy if they do not repay their past dues but not doing anything will be more costly for Central. Poessnecker stated that it would be very harmful to Northeast as well.

Wilson stated that the \$150,000 dollar amount does not bother him but rather what other portions of the resolution do they want to change to cause a stalemate without them being at fault. Baack replied that he does agree with Wilson regarding the fault being placed solely on the remaining five areas.

Oelsligle asked if this is the one issue Metro is holding out on in regards to the agreement. Baack replied that he does believe this is the only issue. Oelsligle then stated that he would hate to stop this process right now and not even having the opportunity to move forward with all the work which has been put into the negotiation process so far. He continued to state that he believes everyone has too much to lose to not even try.

President Gramberg asked for Baack's opinion if the Association would ask Metro to pay this year's dues in full and waive last year's dues to show the Association's good faith and to see where their good faith is. Baack replied that is a possibility if the Board agrees to it. Wilson stated that he can agree to waive last year's dues but what bothers him is the fact that Schmailzl and Rhoades came to the meeting not wanting to discuss the agreement but Rhoades did state, if he remembers correctly, that there are portions of the agreement they do not like and will have a hard time getting their board to agree to it. Baack replied that he believes they were referring to the initial draft agreement which was a work in progress and has since been modified.

Daniels stated that the minuscule amount Western would be refunded is not worth stopping moving forward in the construction of a new formula and reformation of an association which has in his mind has fallen apart largely because of the actions of Metro. He is uncertain as to what Metro's board actually resolved to do after the meeting in Nebraska City and this greatly concerns him.

Schluckebier stated that he could go along with asking for the payment of this year's dues. Wilson asked what would happen if Metro does not agree to this. He then stated that he feels the Association has been very solid and Keller agreed.

Benjamin then stated that the Mid-Plains board had just agreed to the agreement with the knowledge that some minor language changes may need to be made and she would hate for additional items in the agreement come up that the five areas would have to give into. She believes that it needs to be all or nothing and that there has to be concession on both sides.

Keller asked Baack for some clarification on the agreement and what has been agreed to. Baack replied that the past dues issue is the only point still being discussed at this time. The remainder of the agreement has been for the most part agreed to.

**MOTION BY DON OELSLIGLE AND SECOND BY SANDRA BORDEN that the NCCA Board of Directors waives Metro's past dues with the stipulation that they pay their 2010 dues in full for re-admittance into the Association.**

President Gramberg asked for discussion. Wilson stated that Rhoades made it clear that they will not pay any dues for which they were not part of the Association. Keller stated that we are talking about only a few months of 2010 where they can make the argument that they did not receive any services because they were not members of the Association. Baack did make the statement that they did receive services in January and February of 2009 in which they did not pay for and that he has continued to all the community colleges on the numerous boards and committees that he participates in.

Oelsligle stated that in order to keep moving forward with discussions, he would not have a problem amending his motion to reflect today's date or the Nebraska City

date. Wilson stated that due to the minimal amount of money currently being discussed, Metro should be asked to pay dues from the date they are readmitted into the Association.

Oelsligle amended his original motion to state that the NCCA Board of Directors waives Metro's past dues with the stipulation that they pay their 2010 dues in full beginning March 25, 2010, for re-admittance into the Association. Schluckebier seconded the amendment.

President Gramberg asked for a vote on the amendment.

**Voting Aye:** Daniels, Gramberg, Johnson, Keller, Oelsligle, Poessnecker, Schluckebier, Wilson

**Voting Nay:** None

**Absent:** Borden

**Abstain:** Benjamin

**RESULT: Amendment carried eight (8) ayes, no nays, one (1) absent, and one (1) abstain.**

President Gramberg asked for a vote on the original motion.

**Voting Aye:** Daniels, Gramberg, Johnson, Keller, Oelsligle, Poessnecker, Schluckebier, Wilson

**Voting Nay:** None

**Absent:** Borden

**Abstain:** Benjamin

**RESULT: Motion carried eight (8) ayes, no nays, one (1) absent, and one (1) abstain.**

President Gramberg then stated that everyone will need to go back to their area board and inform them of the action taken today. Baack informed the Board that Schmailzl and Rhoades will be rejoining the meeting and President Gramberg can inform them of the decision which was made.

President Gramberg then informed them that the NCCA Board has agreed to waive their past dues and to re-admit them into the Association as of March 25, 2010. Schmailzl stated that he knows the decision reached today was not an easy decision

and thanked the Board for their work. Rhoades stated that she appreciated the NCCA Board making it much easier for her board to help to reconcile these differences and is grateful for the Board's consideration and generosity. President Gramberg then stated that a lot of thought was put into this decision and that we want to keep the Association together and work as a group to move forward into the future.

President Gramberg asked for any further comment. There was none. There being no further business, the meeting adjourned at 11:08 a.m.

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Dr. Merlyn Gramberg, President

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Roger Wilson, Secretary