

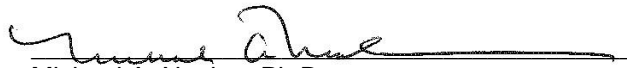
**HENRY FORD COLLEGE
OFFICE OF THE PRESIDENT**

BOARD REPORT

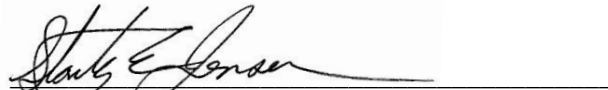
SUBJECT: Barrett Creative Writing Contest

The Barrett Creative Writing Contest is held each Winter semester at Henry Ford College to honor the memory of the English Department's first chairperson, Frances G. Barrett.

Submissions are solicited throughout the first half of Winter semester each year, and then a committee of English Department readers select the top five manuscripts to honor with a cash prize at a public ceremony in April, and the winning manuscripts are also published in the next issue of The Looking Glass, the College's magazine of art, research, and writing. Those who have attended the ceremony know how enjoyable it is to see our students receive their awards and read from their work.



Michael A. Nealon, Ph.D.
Vice President of Academic Affairs



Stanley E. Jensen, Ph.D.
President

**HENRY FORD COLLEGE
OFFICE OF THE PRESIDENT**

BOARD REPORT

SUBJECT: Foundation Update

The HFC Foundation continues to be the philanthropic arm of the College and seeks private support from alumni, friends, corporations and foundations for the benefit of the College. We are committed to fostering a culture of philanthropy that provides support to collegial priorities.

Fundraising Update

As of June 30, 2017, the HFC Foundation received \$1,412,000 in gifts and contributions on behalf of the College; this is a 135% increase from June 30 2016. Furthermore, as of June 30, 2017, the total endowed assets of the Foundation was valued at \$15,450,253 in comparison to June 30, 2016 at \$13,274,714, this is a 16% increase in value.

The HFC Foundation has one of the largest endowment values among community college foundations in Southeastern Michigan. The Foundation Board and Vice President of Development continue to work collaboratively in managing the assets of the Foundation in a way that secures the maximum benefit on behalf of the faculty, staff and students at the College.

Key Areas of Support

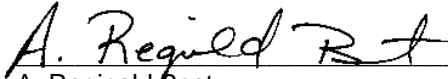
The Foundation provided special support to the College in the areas of construction and recruitment in 2017.

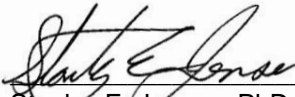
The HFC Foundation Board approved a one-time donation of \$377,000 to the College towards the renovation of the Eshleman Library.

The Foundation donated \$20,000 to the College's Marketing Department to assist with student recruitment efforts for fall 2017.

Foundation Scholarships

The HFC Foundation manages and distributes all private scholarship to students on behalf of donors and has over 200 named scholarships available to students to assist with their educational needs. In fall 2017, the Foundation awarded \$274,374.00 to 272 students. This is a 32% increase from fall 2016.


A. Reginald Best
Vice President of Development


Stanley E. Jensen, PhD
President

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. BOX 30212
LANSING, MICHIGAN 48909

BILL SCHUETTE
ATTORNEY GENERAL

November 7, 2017

The Honorable Tom Casperson
State Senator
The Capitol
Lansing, MI 48909

The Honorable Kim LaSata
State Representative
The Capitol
Lansing, MI 48909

Dear Senator Casperson and Representative LaSata:

Attorney General Bill Schuette has asked me to respond to your July 28, 2017 letter raising questions regarding the Incompatible Public Offices Act (IPOA), MCL 15.181 *et seq.* Due to the subject matter of your request, I asked staff in the State Operations Division to review your letter. The following represents their findings.

You first ask whether serving as a board member for a school district's board of education and as a member of the board of trustees of a community college would violate the IPOA when the school district and community college have entered into a contractual relationship.

The IPOA prohibits the same person from simultaneously holding two or more incompatible public offices. Subsection 2(1), MCL 15.182(1), provides: "Except as provided in section 3, a public officer . . . shall not hold 2 or more incompatible offices at the same time." Subsection 1(b) defines "incompatible offices" as public offices which, when the official is performing the duties of either office, results in the "subordination of 1 public office to another," the "supervision of 1 public office by another," or a "breach of duty of public office." MCL 15.181(b)(i)-(iii).

The first step in determining whether these offices are incompatible requires establishing if the offices are "public offices held by a public official" within the meaning of MCL 15.181(b). A member of the board of trustees of a community college and member of a school district's board of education are "public officer[s]" as defined in subsection 1(e)(iii) of the IPOA, MCL 15.181(e)(iii).

The next step is to determine whether an exemption applies. MCL 15.183(1) provides that Section 2's prohibition "does not prohibit a public officer's . . . appointment or election to, or membership on, *a governing board of an institution of higher education.*" (Emphasis added). Thus, "the Legislature has seen fit to provide an exception to the prohibition against the holding of incompatible public offices or

positions in the case of the election or appointment of a public officer or employee to membership on a governing board of an institution of higher education[.]” OAG, 1983-1984, No. 6629, pp 327, 328 (June 18, 1984).

Under Section 1 of the IPOA, the board of trustees of a community college constitutes a “governing board,” MCL 15.181(a), of an “institution of higher education,” MCL 15.181(c). As a general matter then, a local school board member may simultaneously serve as a trustee of a community college. But, Section 3 further provides that it “does not allow or sanction specific actions taken in the course of performance of duties as a public official or as a member of a governing body of an institution of higher education *that would result in a breach of duty as a public officer or board member.*” MCL 15.183(7) (emphasis added).

Accordingly, Subsection 3(7) prohibits a person from sitting on a board of trustees of a community college and simultaneously holding the office of local school board member if the dual holding of these positions results in a breach of duty of either office. See OAG, 1995-1996, No. 6840, p 25 (March 28, 1995); OAG, 1995-1996, No. 6885, p 124 (January 11, 1996); OAG, 1995-1996, No. 6899, p 159 (May 7, 1996). A breach of duty arises when a public official holding dual offices cannot protect, advance, and promote the interests of both offices simultaneously. See *Macomb Co Prosecutor v Murphy*, 464 Mich 149, 162-166 (2001) (discussing circumstances under which a prohibited breach of duty will arise under the IPOA). See also OAG, No. 6885, at pp 125-126.

Although not limited to such circumstances, a breach of duty will exist “when two public offices occupied by the same person call upon that person to sit on opposite sides of a contractual relationship . . . because the interests on each side are competing and cannot be advanced simultaneously.” OAG, 2009-2010, No. 7226, p 17, 18 (March 11, 2009).¹ Further, abstaining from voting on the contract is itself a breach of duty. Only the vacating of one office will solve the public official’s dilemma. *Wayne County Prosecutor v Kinney*, 184 Mich App 681, 684-685 (1990); *Contesti v Attorney General*, 164 Mich App 271, 280-281 (1987).

Notably, this office previously opined that “a breach of duty would result if [a] school district and [a] community college district . . . entered into a contract.” OAG, 1983-1984, No. 6164, p 126 (June 22, 1983) (addressing incompatibility of member of a board of education of a school district and president of a community college district). See also, OAG, 2005-2006, No. 7173, pp 23, 24-25 (March 18, 2005) (discussing incompatibility of township trustee and community college trustee). In your request and accompanying material, you note that there is a separate memorandum of understanding (MOU) between the community college district and

¹ In *Murphy*, the Michigan Supreme Court clarified that “no incompatibility exists between [the] positions until the public entities *actually enter into contractual negotiations.*” *Murphy*, 464 Mich at 166 (emphasis added). The mere possibility of contractual negotiations is insufficient to create an incompatibility. *Id.* at 163-164.

each of the school districts at issue. You further indicate that each MOU provides that the community college is a higher education collaborating partner in providing early/middle college programming for the individual school district and details the terms of the agreement between the community college and the school district.² Because a contractual relationship exists between each school district and the community college in question, simultaneously holding the offices of community college trustee and local school board member results in a breach of duty and a violation of the IPOA. MCL 15.181(b)(iii); MCL 15.182; MCL 15.183(7). Again, a person holding two incompatible offices must vacate one of the offices in order to remedy the violation. *Contesti*, 164 Mich App at 281.

You next ask whether a member of the board of trustees of a community college is prohibited from “simultaneously being employed as an independent contractor for the community college[s] theater program.”

While Section 3 of the IPOA permits a public officer or public employee to simultaneously serve as a trustee of a community college absent a breach of duty, Section 3 further provides that “a public officer or public employee *shall not be an employee and member of a governing board of an institution of higher education simultaneously.*” MCL 15.183(1) (emphasis added). Thus, a trustee of a community college cannot be an employee of the community college simultaneously.

It is unclear from your question, however, whether the trustee is an “employee” or an “independent contractor” with the community college. Regardless, determining whether an employer-employee relationship exists is typically fact-intensive and would be beyond the scope of the opinions process, which is generally reserved for addressing questions of law, MCL 14.32; see, e.g., *Michigan Beer & Wine Wholesalers Ass’n v Attorney General*, 142 Mich App 294, 300-301 (1985). This office, therefore, declines to address your question.

For informational purposes, you may wish to review OAG, 1991-1992, No. 6728, p 172 (August 26, 1992), which addressed whether a person may simultaneously serve as a member of a board of education and as a nursery school worker paid as an independent contractor. The opinion is available on our website at <http://www.ag.state.mi.us/opinion/opinions.aspx>. In addition, you may also wish to review the Contracts of Public Servants with Public Entities Act, MCL 15.321 *et seq.*, which regulates contracts entered into by public servants with the entity of which they are an officer or employee. See MCL 15.322.

² An early/middle college is a public high school designed to allow a pupil to earn a high school diploma and an associate’s degree or up to two years of transferable college credits. Mich Admin Code, R 340.1(c). Section 1473 of the Revised School Code, MCL 380.1 *et seq.*, authorizes the board of a school district, board of directors of a public school academy, or governing board of a nonpublic school to provide college level equivalent courses either directly, through an intermediate district program, or by agreement in a consortium or cooperative program. MCL 380.1473.

The Honorable Tom Casperson, The Honorable Kim LaSata
Page 4

I hope this information is helpful to you. Please let me know if I can be of additional assistance on a future occasion.

Sincerely,



Laura Moody
Chief Legal Counsel

**HENRY FORD COLLEGE
OFFICE OF THE PRESIDENT**

BOARD REPORT

SUBJECT: HFC Capital Outlay Request FY2019

Based on the long range vision of providing innovative spaces in which to deliver technical education at HFC (Master Plan - June 2015), the College has completed and submitted the Capital Outlay Project Request for Fiscal Year 2019. This project will transform the College's industrial and technological education by embedding innovation, entrepreneurship and small business skills development into lab spaces and educational programs by renovating and expanding the fifty-one year-old Henry Ford College Technology Building.

The development of the plan has been the result of the past four years of discussion with faculty, administrators and staff in the areas of Industrial Technology (programs that reside in the Technology Building¹), as well as Facility Services personnel. An updated review of the physical condition of the facility was also completed (Facility Assessment Report 2016) which shows that we have made strides in improving the building and programs through the most recent addition of \$5 million in equipment through the State of Michigan Community College Skilled Trades Equipment Program (including the HFC local direct and indirect match of over \$2.6 million).

The specific project request includes the following:

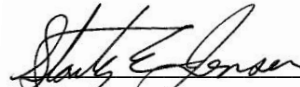
1. Approximate Total Square Footage: 42,000
 - Renovation of 18,000 square feet including deferred maintenance on building systems operating well beyond their useful life, including structure, envelope, HVAC, lighting, electrical and plumbing.
 - New construction of 24,000 square feet to create multidisciplinary labs, renovated automotive labs, and the business and entrepreneurial collaboration. New construction will also improve building and program access and internal circulation and address the lack of breakout/collaborative work spaces critical for student success.
 2. Total Estimated Cost: \$14,900,000
 3. Funding Request from State: \$6.7 million (45% of project total cost)
 4. HFC Match (55%):
 - In addition to \$1,680,000 spent in recent years to renovate the building, HFC will contribute additional resources to this project, providing \$8,200,000 or 55% of the total project cost of \$14,900,000, reducing the state share to 45% which improves our chances for approval.
- Funds have been identified for the College's match for this project from the following sources:
- The College's \$20 million campaign has over \$6 million targeted for the Tech Building renovations. At present, two major donors have expressed a commitment of over \$5 million toward this goal.
 - The College, at the conclusion of the fiscal year 2017 (June 30, 2017), had approximately \$17.9 million in unrestricted reserves. Reserves have increased from \$5.5 million to the present amount in the last three years. A \$3.2 million general fund allocation is planned for this project. From the sources noted, the College has identified funding of approximately \$8.2 million for this project.

The request was submitted by the due date of November 1, 2017. A standard rubric for scoring is applied by a committee at the state level (expected in December 2017) and the proposals who score highest are forwarded to the Michigan Senate Fiscal Agency for consideration in the capital outlay budget for FY19.

¹Transportation/Automotive Technology, HVAC, Power Engineering/Robotics, Process Technology, Welding, Precision Machining/CNC, Computer Aided Design, Mechanical Maintenance, Architecture, Business and Computer Technology



John S. Satkowski, J.D.
Vice President of Financial Services



Stanley E. Jensen, Ph.D.
President

**HENRY FORD COLLEGE
OFFICE OF THE PRESIDENT**

BID AWARD

SUBJECT: Library Painting
Sealed Bid #18813


The Executive Director of Facilities Services requests a contract for all services, labor, equipment and materials necessary for the Library Painting project. The work includes repairing and painting interior gypsum board walls, soffits and fascia; scraping, sanding and repainting concrete ceilings and block walls; and scraping, sanding and repainting metal door and window frames. The base bid includes the ceilings and walls on the first and second floors, except for office areas in the south end of the Library. Alternate 1 includes the first floor Lobby and Circulation Desk area. Alternate 2 includes the first floor office area in the southeast corner. Alternate 3 includes the second floor office area in the southeast corner. Foundation accounts provide 100% of the funding for this project.

The College invited bid submissions under Sealed Bid #18813. The bid responses appear below. After reviewing the results, the project design team recommends awarding the Base Bid and Alternates 1, 2, and 3 to the low, qualified bidder.

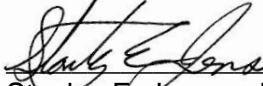
Company	Base Bid	Alt #1	Alt #2	Alt #3	Total Award
Arttex Painting	177,500	2,300	5,400	2,100	\$187,300
Seaway Painting	189,240	2,600	5,750	2,400	199,990
CertaPro Painters					No Bid
Detroit Spectrum Painters					No Bid
Matt Finish Inc.					No Bid
Perfection Plus Painting					No Bid
Sells Contracting					No Bid
Urban Painting					No Bid
Bruceti Painting Services					No Reply
Bucalo Drywall & Painting					No Reply
Midwest Pro Painting					No Reply
Paintworks					No Reply
Sames Inc.					No Reply
Seman's Services Painting					No Reply
T & L Painting Services					No Reply

RECOMMENDATION:

The College administration recommends a contract award to Arttex Painting Company, Inc. for \$187,300 for the Library Painting project in accordance with the specifications of Sealed Bid #18813.



John S. Satkowski, J.D.
Vice President of Financial Services



Stanley E. Jensen, Ph.D.
President

**HENRY FORD COLLEGE
OFFICE OF THE PRESIDENT**

CONTRACT AWARD

SUBJECT: Test and Measurement Instrumentation Equipment

The faculty of the School of Science, Technology, Engineering, and Mathematics request a contract for the purchase of a variety of test and measurement instrumentation equipment and software produced by National Instruments. Students will use this equipment in the Instrumentation Lab in the Electrical/Electronics program. The purchase includes 16-Channel Analog Output Modules, 36-Position Spring Terminal Connectors, and LabView Professional Engineering Software and Report Generator. These products will help update the Electrical/Electronics labs to current industry standards, making the program's students more marketable to employers. National Instruments Corporation is the only manufacturer and distributor of this equipment and software. The College requests a sole source award.

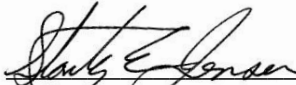
The cost of all items requested totals \$28,555.80. Local dollars for the Federal Vocational Education Equipment Grant (Perkins) provide 100% of the funds for this purchase.

RECOMMENDATION:

The College administration recommends a contract award to National Instruments Corporation for \$28,555.80 for Test and Measurement Instrumentation Equipment in accordance with National Instruments Quote #978464 dated October 30, 2017.



John S. Satkowski, J.D.
Vice President of Financial Services



Stanley E. Jensen, Ph.D.
President

STAFF RECOMMENDATIONS

Recommended action: Move to approve the following staff recommendations at HFC:

Resignation (A-4)

Gregory Sikora Mowers, appointed 7/20/15, Senior Orientation Associate, submitted 11/1/17, effective 11/10/17.

Jamal Washington, appointed 2/27/17, Library, Library Associate II (Part-Time), submitted 10/12/17, effective 10/28/17.

Retirement (B-4)

Peter Cravens, School of Liberal Arts, Criminal Justice Instructor, 13 ½ years of service, effective 12/31/17.

David Murphy, Facility Services, Engineer B, 39 years of service, effective 12/31/17.

James Petrena, Campus Safety, Campus Safety Associate, 7 ½ years of service, effective 1/18/18.

Appointment (C-4)

Danijel Brooks, Financial Aid Associate, Financial Aid, \$19.25 per hour, Step 4, effective 10/23/17, 12 months.

Arthur Ibegbu, Drafting Instructor, School of Science, Technology, Engineering and Mathematics, \$71,899 (prorated), Step 6, effective 8/22/17, 10 months; BS degree from Anambra State University of Technology with a major in mechanical engineering, MS degree from Eastern Michigan University with a major in industrial technology, MS degree from Marygrove College with a major in educational leadership. This is a temporary, full-time assignment for the Fall 2017 semester.

Phuong-Cat Ngo, Library Associate I (Part-Time), Library, \$14.32 per hour, Step 4, effective 11/13/17, 12 months.

Cynthia Rodriguez, Nursing Instructor, School of Health and Human Services, \$69,515 (prorated), Step 6, effective 8/22/17, 10 months; BS degree from Walden University with a major in nursing, MS degree from Walden University with a major in nursing. This is a temporary, full-time assignment for the Fall 2017 semester.

Brent Rogers, Facilities Associate, Facility Services, \$12.91 per hour, Step 1, effective 11/13/17, 12 months.

Shannon Rossi, Library Associate II (Part-Time), Library, \$17.15 per hour, Step 4, effective 11/20/17, 12 months.

Rebecca Vincent, Cashier (Part-Time), Skylight Café, \$9.84 per hour, Step 1, effective 10/30/17, 10 months.

Change in Classification (D-4)

Gary Bleasby, from Facility Services, Facilities Associate to Building Operator, Facility Services, effective 11/6/17, \$14.29 per hour, \$2.12 increase, total \$16.41 per hour, Step 1, 12 months.

Karen Elsery, from Academic Affairs Assistant, School of Health and Human Services to Division Secretary, School of Health and Human Services, effective 11/9/17, \$18.36 per hour, \$1.01 increase, total \$19.37 per hour, Step 7, 12 months; REASON: Reclassification per HFCC-SSA Reclassification Committee.

Paul Maitland, from Facility Services, Facilities Associate to Grounds Leader, Facility Services, effective 11/13/17, \$14.97 per hour, Step 4, \$0.51 increase, total \$15.48 per hour, Step 2, 12 months.

Jesse Merrick, from Bryant Middle School, Engineer B to Engineer A – Weekends, Facility Services, effective 11/13/17, \$25.10 per hour, Step 9, \$0.30 longevity, \$0.12 skills, \$0.30 license, \$0.94 increase, total \$26.68, Step 9, 12 months.

Expression of Sympathy (E-4)

Joseph Skupin, Trade and Apprentice Education Adjunct, School of Science, Technology, Engineering and Mathematics, deceased 11/3/17.