

**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
July 31, 2010**

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BY POLL**

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**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number:
July 29, 2010

**CAPITAL BUDGET FUND TRANSFER
PLANNED LIFECYCLE ASSET REPLACEMENT PROJECT
TO COMMONS RENOVATION PROJECT**

BACKGROUND

In accordance with County fiscal procedures, the Board is authorized to transfer funds among College projects within the Capital Budget. Additional construction contingency funds totaling \$67,000 are needed in the FY 2011 TP/SS Commons Renovation project in order to cover the final mediated settlement change order of \$339,000. Funds are available in the FY 2011 Planned Life Cycle Asset Replacement (PLAR) project that can be used for this purpose.

According to County regulations, no more than 10% of the total appropriation can be moved from a capital project. The amount to be moved, \$67,000, is within that parameter. Board of Trustees approval is required for all fund transfers between capital projects.

RECOMMENDATION

It is recommended that the Board of Trustees approve a transfer of \$67,000 from the Planned Life Cycle Asset Replacement project to the Commons Renovation project in order to provide sufficient funds for the final project expenses.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSON(S)

Mr. Capp
Mr. Sheeran
Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-08-057**
Adopted on: **07/31/2010**

Agenda Item Number:
July 29, 2010

Subject: Capital Budget Fund Transfer, Planned Life Cycle Asset Replacement Project to the Commons Renovation Project

WHEREAS, in accordance with College policy on the Capital Budget, a movement of funds between projects authorized in the Capital Budget must be consistent with County fiscal procedures authorizing such transactions, and the County has indicated that the Board is authorized to transfer a maximum of 10% from any one College project to projects within the College's Capital Budget; and

WHEREAS, additional funds are needed in the Takoma Park/Silver Spring Campus Commons Renovation project for final project expenses; and

WHEREAS, funds totaling \$67,000 are available in the FY2011 Capital Budget Planned Life Cycle Asset Replacement (PLAR) project that can be used for this purpose; and

WHEREAS, the Chief Business Officer certifies that the funds are available in the FY2011 Capital Budget for this transfer and also certifies that the amount to be transferred, \$67,000 is within the 10% limit; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That \$67,000 is transferred from the Planned Life Cycle Asset Replacement project in the FY2011 Capital Budget to the Commons Renovation project in order to provide additional funds for final project expenses; and be it further

Resolved, That the County Executive and the County Council be notified of this action.

HP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number:
July 29, 2010

**APPROVAL OF CHANGE ORDER FOR
FINAL CONSTRUCTION CONTRACT MEDIATION AGREEMENT
COMMONS BUILDING RENOVATION
TAKOMA PARK/SILVER SPRING CAMPUS**

BACKGROUND

On March 17, 2008, pursuant to Board Resolution #08-03-025, the Board of Trustees awarded KBE (Konover) Construction Corporation, Columbia, MD a \$5,955,899 contract for the Commons Building Renovation at the Takoma Park/Silver Spring Campus. Construction was completed last fall and classes began in the building in January 2010.

During construction a number of disputes arose related to change order claims presented by the contractor. While the majority of project change order claims were resolved by mutual agreement, 43 change order requests remained unresolved, including 42 technical change order claims and one (1) delay claim. The College rejected 28 of the change order claims and the delay claim. KBE challenged the College's rejection of those claims appealing those decisions, as allowed for under the construction contract, to the College President. In all cases, in answering those appeals, the College President reiterated or amplified the College's initial position. The College and KBE agreed that 14 change order claims merited consideration, but could not agree on price. Counterproposals were offered by and rejected by both KBE and the College.

As parties were unable to reach agreement, mediation was recommended as the next means of dispute resolution, as stipulated in the construction contract. The mediation was conducted on July 15, 2010. The College was represented by its outside counsel, Ober-Kaler, and by the Office of Central Facilities. KBE was represented by in-house counsel and principal project team members. Mediation services were provided by Adrian Bastianelli from Peckar, Abramson, P.C. Ultimately, a global settlement strategy encompassing all outstanding items was adopted in lieu of arguing each item individually.

An initial demand of \$573,000 was requested by KBE. The College's initial offer was \$60,000, representing its opinions of costs due on account of merited claims. Settlement was reached close to the mid-point, at a value of \$ 339,000. Assessment of the complexity of technical issues at hand, assessment of the College's contract documents, assessment of the contractor's arguments, assessment of effective use of College resources and assessment of likely costs for continued legal and expert witness counsel, were all factors considered in reaching settlement agreement.

Board of Trustees approval is required for all construction change orders over \$25,000. The contractor's price for the work, \$339,000, represents the result of the mediation agreement reached on July 15, 2010. No time extension applies to this change order. Sufficient funds are available in the FY 2011 Capital Budget Commons Renovation project for this additional work,

contingent upon Board of Trustees approval of a \$67,000 movement of funds between capital projects for this purpose.

RECOMMENDATION

It is recommended that, a change order be approved for Contract #518 with KBE Construction Corporation, Columbia, MD, in the amount of \$339,000 to settle all outstanding construction contract claims per the July 15, 2010 mediation agreement for the Commons Building Renovation, Takoma Park/Silver Spring Campus.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS:

Mr. Capp
Mr. Sheeran
Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-08-058**
Adopted on: **07/31/2010**

Agenda Item Number:
July 29, 2010

**Subject: Approval of Change Order for Final Construction Contract Mediation
Agreement, Commons Building Renovation, Takoma Park/Silver Spring Campus**

WHEREAS, on March 17, 2008, by Board Resolution #08-03-025, the Board of Trustees awarded a contract for \$5,955,899 to Konover (KBE) Construction Corporation, Contract #518, for the Commons Building Renovation at the Takoma Park/Silver Spring Campus; and

WHEREAS, the College and KBE Construction Corporation, as provided for in the construction contract documents, agreed to settle all open change claims through a mediation process and a mediation agreement dated July 15, 2010; and

WHEREAS, the Associate Vice President for College Facilities recommends approval of a change order totaling \$339,000 for the settlement; and

WHEREAS, the Chief Business Officer certifies that, contingent upon Board of Trustees approval of a \$67,000 movement of funds between projects in the FY 2011 Capital Budget, sufficient funds are available in the FY2011 Capital Budget Commons Renovation project for this change order; and

WHEREAS, College policy on the Capital Budget requires approval by the Board of Trustees of all change requests that will increase the cost of a construction project by 15% or more, or \$25,000, whichever is less; and

WHEREAS, the President recommends the following action; now therefore be it

Resolved, that a change order be approved to the construction contract with KBE Construction Corporation, Columbia, MD, Contract #518, Takoma Park/Silver Spring Campus, Commons Building Renovation in the amount of \$339,000 as provided for in the final construction contract mediation agreement; and be it further

Resolved, that the President is authorized to sign this change order with KBE Construction Corporation, on behalf of the Board of Trustees.

HP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number
July 29, 2010

**APPROVAL OF CHANGE ORDER FOR
WEST CAMPUS PARKING GARAGE
TAKOMA PARK/SILVER SPRING CAMPUS**

BACKGROUND

The new West Campus Parking Garage opened for use at the Takoma Park/Silver Spring Campus in January 2010. Construction of the garage was authorized by the Board of Trustees as part of an omnibus resolution approved in December 2007 (Resolution #07-12-151). This resolution approved the financing and legal arrangements for the project with the College serving as the agent of the Montgomery College Foundation. The Foundation provided the financing conduit for the project with a public revenue bond offering raising the funds for the construction of the facility. This funding was supplemented by the Board's approval in June 2008 (Resolution #08-06-070) of construction contingency funding that was included in the College's Capital Budget for this purpose.

On November 20, 2008, the Foundation and Donley's LLC of Richmond, Virginia, signed a contract for the construction of the facility. The scope of work for the project included not only the construction of the parking garage but also the installation of an ice-storage plant connected to the West Campus' central plant operation in the basement of the adjacent Morris and Gwendolyn Cafritz Foundation Arts Center, the re-construction of both Blair Drive and King Street, and the re-surfacing of the surface parking lot located north of the garage. The project reached substantial completion in November 2009 and, in accordance with the bond offering documents, the Foundation made its first payment to the bond holders at that time. The completion of the ice-plant, road work, and parking lot resurfacing was planned to occur on a separate schedule and this work was all successfully accomplished by mid-2010.

Negotiations over final cost components included in the change order now before the Board were recently concluded. Negotiations were non-adversarial and outside mediation was not required. From a series of early proposals totaling approximately \$627,000, agreement was reached on a final change order for \$557,286. This change order provides for additional costs associated with the installation of the underground utilities (\$54,768), modification of the caisson elevations supporting the structure (\$14,451), additional general conditions due the general contractor (\$185,232), unforeseen conditions as part of the King Street roadwork (\$162,585), and other miscellaneous construction activities (\$44,524). In addition, the change order includes work required by the Fire Marshall and the State elevator inspector (\$59,129) as well as various changes requested by the College as part of completing the project (\$36,597). Approval of this change order will mutually conclude negotiations between the College and Donley's and allow for the final close-out of the project.

With this change order, the Foundation will have completely utilized both the original available bond funding and all accrued interest income. For this reason the funding of this change order will first come from the remaining balance in the Foundation's revenue bond account (approximately \$101,730 plus the final accumulation of interest income). When a sweep of the

revenue bond account is complete and yields a final figure, the College will provide funding for the remainder from the project's construction contingency included in the College's Capital Budget (approximately \$455,556) which will be adjusted for the final balance in the revenue bond account). The West Campus Garage capital project account has a balance of just under \$700,000 to cover this portion of the change order.

Board of Trustees approval is required for all capital construction change orders over \$25,000. The amount of this change order to be approved by the Board is only for that amount (approximately \$455,556) which will be funded from the College's Capital Budget. No time extension applies to this change order. Sufficient funds are available in the FY 2011 Capital Budget West Campus Parking Garage – Phase 2 project for the capital budget portion of the additional work.

RECOMMENDATION

It is recommended that the Capital Budget share of the change order with Donley's LLC, Richmond, Virginia, be approved with overall funding from, first, the remaining balance in the Montgomery College Foundation's Revenue Bond account (estimated at approximately \$101,730) and, second, the remainder by the construction contingency in the College's West Campus Parking Garage – Phase 2 capital project account (estimated at approximately \$455,556), for the construction of the West Campus Parking Garage on the Takoma Park/Silver Spring Campus for a total change order amount of \$557,286.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS:

Mr. Capp
Mr. Sheeran
Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-08-059**
Adopted on: **07/31/2010**

Agenda Item Number:
July 29, 2010

Subject: Approval of Change Order for West Campus Parking Garage, Takoma Park/Silver Spring Campus

WHEREAS, on December 10, 2007, by Board Resolution #07-12-151, the Board of Trustees approved an omnibus resolution which among its various provisions authorized the construction arrangements for the West Campus Parking Garage project on the Takoma Park/Silver Spring Campus; and

WHEREAS, on June 16, 2008, by Board Resolution #08-06-070, the Board of Trustees requested a supplemental appropriation to the FY2008 Capital Budget for the West Campus Parking Garage project for appropriation authority to fund a project construction contingency; and

WHEREAS, the Montgomery College Foundation and Donley's LLC, Richmond, Virginia, signed a contract for the construction of the West Campus Parking Garage project on November 20, 2008; and

WHEREAS, the Associate Vice President for College Facilities recommends approval of a change order totaling \$557,286, which will be partially funded from the remaining balance in the Revenue Bond account, including interest income which will be calculated at the time of payment, provided by the Montgomery College Foundation and the remainder will be funded by the construction contingency of the College's West Campus Parking Garage – Phase 2 capital project account; and

WHEREAS, the Chief Business Officer certifies that sufficient funds are available in the FY2011 Capital Budget for the capital budget portion of this change order estimated to be approximately \$455,556 which will be adjusted depending on the final amount of interest income available in the Revenue Bond account of the Montgomery College Foundation; and

WHEREAS, College policy on the Capital Budget requires approval by the Board of Trustees of all capital budget change requests that will increase the cost of a construction project by 15% or more, or \$25,000, whichever is less; and

WHEREAS, the President recommends the following action; now therefore be it

Resolved, that a change order be approved to the construction contract with Donley's LLC, Richmond, Virginia, for the West Campus Parking Garage on the Takoma Park/Silver Spring Campus in the amount of \$557,286, which will be partially funded from the remaining balance in the Revenue Bond account provided by the Montgomery College Foundation (approximately \$101,730) and the remainder by the construction contingency of the College's West Campus Parking Garage – Phase 2 capital project account (approximately \$455,556); and be it further

Resolved, that the President is authorized to sign the College's capital budget portion of this change order with Donley's LLC, on behalf of the Board of Trustees.

HP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number:
August 25, 2010

**AFFIRMATION OF SOLE SOURCE AWARD OF CONTRACTS
CO-PRODUCTION AGREEMENT between MONTGOMERY COLLEGE and ADVENTURE
THEATRE, FOR the PLAY “THE HAPPY ELF” by HARRY CONNICK, JR. and THE
PERFORMANCE RIGHTS LICENSE between HARRY CONNICK, JR. ET AL. and
MONTGOMERY COLLEGE and CO-PRODUCER ADVENTURE THEATRE**

BACKGROUND

The Instructional Dean, Rockville Campus Speech, Dance, and Theatre Department, in conjunction with the Vice President of the Office of Institutional Advancement, is requesting approval for two agreements, and authorization to enter into additional agreements and make expenditures pursuant to the terms of these two agreements, associated with a proposed production of Harry Connick Jr.’s holiday play for children, THE HAPPY ELF. This proposed production is truly a “life-changing” opportunity for Montgomery College students and the Montgomery College community. For the students, working with a Broadway director and professional actors will vastly enhance their educational experience and will be an invaluable addition to their resumes.

In April 2010, representatives for Harry Connick, Jr. approached Adventure Theatre, a children’s theatre company in Glen Echo Park, with a request to produce Mr. Connick’s play, THE HAPPY ELF, so that Mr. Connick and his co-writers might make some necessary revisions before they open the play on Broadway in 2011. Adventure Theatre was unable to produce the play in their space, but their artistic director, Michael Bobbitt, contacted Montgomery College’s Dean for the Arts, Deborah Preston, to suggest a co-production to take place on the Rockville Campus.

After several weeks of negotiation, Montgomery College agreed in principle to participate in a co-production with Adventure Theatre. This co-production of THE HAPPY ELF would have the following characteristics: First and foremost, Montgomery College students are guaranteed eight to twelve ensemble roles in the production, with the remaining eight roles to be filled by professional actors. The play is to be directed by Tony Award-winning Broadway director, John Rando, with design, choreography, and music direction to be assigned primarily to Montgomery College faculty and staff and/or Adventure Theatre staff. A professional stage manager will be engaged with the understanding that Montgomery College technical theatre students will serve as the crew for the production. Montgomery College and Adventure Theatre will split both the costs and the revenues 75%/25% (Montgomery College/Adventure Theatre). It is possible that Harry Connick, Jr. will be involved in the rehearsal process, and an email from his agent verifies that Mr. Connick will attend a performance at his own expense. The only fee to be paid to Mr. Connick will be his share of the royalties as outlined in the attached licensing agreement; the royalties, at 6% of gross revenue, are estimated at \$8100.

Not only is the production of THE HAPPY ELF a once-in-a-lifetime experience for our students, it is an unprecedented opportunity for Montgomery College to associate ourselves with a beloved celebrity, Harry Connick, Jr. The Office of Institutional Advancement regards Mr. Connick’s planned visit as a chance to enhance the reputation of the College, raise friends and

funds, and leverage future gifts. It is understood, however, that use of Harry Connick's name, likeness and biography is subject to prior review and approval by Harry Connick, Jr. or his agents.

Moreover, for the College community and beyond, this show allows us to attract and entertain a demographic (families with young children) that we have previously served only a few Saturdays per year with the Performing Arts Center's Children's Series. Meanwhile our students, faculty, and staff will be learning best practices in children's theatre from the longest-running children's theatre program in the area, Adventure Theatre. As a production partner, Adventure Theatre is an important factor in our formula for success. Established 60 years ago, Adventure Theatre brings to the co-production not only their expertise as highly-successful producers of children's theatre, but also their experience in working with Equity personnel, and an impressive track record for selling out shows (about 10,000 tickets for each production). They are ready to use their marketing expertise and their mailing list of over 15,000 households to promote THE HAPPY ELF. Best of all, Adventure Theatre upholds a commitment to give back to the community through public service projects related to every production, and they are national pioneers in strategies for making the arts accessible to children with disabilities. In short, their skills are complementary to and their values compatible with those of Montgomery College.

For most academic productions, Board approval is not required. However, we are seeking approval in this case because of the high-profile nature of the project and because the Live Stage Performance Agreement and the Co-Production Agreement with Adventure Theatre constitute sole-source agreements that obligate the College to enter into additional contracts (e.g., professional actors and a stage manager) and make expenditures in excess of \$25,000. The production costs for THE HAPPY ELF will be about double what we would normally spend on a student musical in this calendar slot, though the anticipated ticket revenues will be more than quadrupled. Montgomery College's share of the production expenses are estimated at \$86,000 (projected budget including contingency costs), with an absolute cap of \$93,750 (75% of the total contract value). The "unusual" expenses for this production include the eight professional actors and one professional stage manager, a greater dollar amount for royalties (based on higher ticket revenues), some travel and lodging for out-of-town personnel, and some increased expenses for marketing. (The show will run for 20 performances instead of the usual five, and the Speech, Dance, and Theatre Department wants to meet the industry-standard goal of selling 77% of all seats.) Montgomery College's share of anticipated ticket revenues will be about \$102,000, for a modest profit of approximately \$16,000—an amount that will increase, obviously, if the play sells out. In addition, there are numerous opportunities for fund-raising through Institutional Advancement, especially considering the possibility that Mr. Connick will attend, free of charge, one or more events that will be organized.

Based on the above, approval of this project is justified as the Montgomery College/Adventure Theatre co-production of THE HAPPY ELF is a unique educational opportunity for students and a golden opportunity for Montgomery College to associate its name with the highly respected entertainer and philanthropist, Harry Connick, Jr.

RECOMMENDATIONS

It is recommended that the Board of Trustees approve the co-production agreement with Adventure Theatre, for the production of Harry Connick Jr.'s holiday play for children, THE HAPPY ELF, and performance rights agreement with Harry Connick, Jr. for the play, on a sole source basis, for a total contact amount of \$125,000, with both the expenses and the revenues split 75%/25% between Montgomery College and Adventure Theatre.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Ms. Matuskey
Dr. Preston
Mr. Sears
Dr. Ackerman
Mr. Sorrell
Dr. Wormack

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-08-060**
Adopted on: **08-27-2010**

Agenda Item Number:
August 25, 2010

Subject: Affirmation of Sole Source Award of Contracts Co-Production Agreement between Montgomery College and Adventure Theatre, for the Play “The Happy Elf” by Harry Connick, Jr. and the Performance Rights License between Harry Connick, Jr. et al. and Montgomery College and Co-Producer Adventure Theatre

WHEREAS, the Speech, Dance, and Theatre Department of the Rockville Campus and the Office of Institutional Advancement request approval of two agreements and a budget associated with the Montgomery College/Adventure Theatre co-production of Harry Connick Jr.’s holiday play for children, THE HAPPY ELF, to support the academic program in theatre and the fundraising efforts of Institutional Advancement; and

WHEREAS, the co-production of THE HAPPY ELF is a special educational opportunity for Montgomery College students; and

WHEREAS, the association with Harry Connick, Jr. will enhance donor relations, media coverage and recognition of the College’s performing arts programs; and

WHEREAS, Adventure Theatre is the organization which brought the College this opportunity and is most qualified to be its co-production partner; and

WHEREAS, the director of procurement affirms that a sole source procurement for this program is justified given the unique nature of Adventure Theatre’s expertise and involvement and the sole source control and ownership of the intellectual property involved; and the chief business officer certifies that funds are available in the FY2011 Fine, Visual, and Performing Arts Operating Budget; and

WHEREAS, sole-source procurement contracts valued above \$25,000 require Board approval; and

WHEREAS, Board policy states that the formal bidding process may be dispensed with in the event of a sole-source procurement; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees approves the attached licensing agreement for “THE HAPPY ELF Live Stage Performance Rights,” the Co-Production Agreement between Montgomery College and Adventure Theatre, and the Production Budget, which estimates the expenditure of \$86,000 of College funds and authorizes the obligations which these agreements require, including but not limited to, expenditure of funds for production of the play and execution of the various contracts required for actors and the stage manager.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-08-061**
Adopted on: **07/31/2010**

Agenda Item Number:
July 29, 2010

Subject: Board of Trustees Resolution and Award of Silver Medallion and Emeritus Status to Dr. Hercules Pinkney

WHEREAS, Dr. Hercules Pinkney rendered more than 29 years of invaluable service and dedication to Maryland Community Colleges, 13 of which were at Montgomery College prior to his retirement on June 30, 2009; and

WHEREAS, as Vice President and Provost of the Germantown Campus (2000 – 2009), where he was the chief academic and student services officer and had overall responsibilities for the administration of Information Technology Programs, Distance Learning, Service Learning, the Center for Teaching and Learning, Student Employment Services, and the Carl D. Perkins Grant Program, and as Assistant Dean and Acting Provost for Continuing Education (1979 – 1983), Dr. Pinkney served Montgomery College students, faculty, and staff with distinction; and

WHEREAS, Dr. Hercules Pinkney was the College's point person for an innovative project in collaboration with Montgomery County, the University of Maryland at College Park, business leaders, and others to construct a million square foot Science and Technology Park, a County-operated technology incubator, and a 130 thousand square foot Bioscience Education and Conference Center on the Germantown Campus; and

WHEREAS, as a member of the Montgomery College advocacy team, he played a major role in helping to secure \$64 million in State and County resources for construction of the Bioscience Education and Conference Center that also included funding for a second entrance and exit to the southern end of the Germantown Campus; and

WHEREAS, Dr. Hercules Pinkney led efforts to raise more than \$10 million in federal, state, and County funds to support the infrastructure of the planned Science and Technology Park; and

WHEREAS, he served as the College's representative in the successful negotiation of a Memorandum of Understanding between the College and Holy Cross Hospital that has the potential of yielding over \$600,000 in revenue for the College over a five-year period; and

WHEREAS, Dr. Hercules Pinkney successfully solicited student scholarships in excess of \$250,000, including a single \$100,000 endowed scholarship; and

WHEREAS, he participated in the attainment of a \$1 million donation from philanthropist Paul Peck to establish the Paul Peck Center for Applied Science and Technology offering a new Biomanufacturing Certificate Program to meet industry needs; and

WHEREAS, Dr. Hercules Pinkney served as principal investigator for a four-year \$600,000 grant from the *Partnerships for Innovation* of the National Science Foundation to help create a comprehensive educational and training continuum to foster innovation in biotechnology; and

WHEREAS, in conjunction with former President Dr. Charlene Nunley, he successfully negotiated a Memorandum of Understanding between Montgomery College and the University of Maryland at College Park to physically relocate the upper two years of a baccalaureate degree in life sciences from the Universities at Shady Grove to the Germantown Campus that will make it possible for students to attain both an associate's degree and a bachelor's degree while participating in internships and part-time employment opportunities in the business incubator and/or Science and Technology Park without leaving the Campus; and

WHEREAS, during his tenure as Vice President and Provost of the Germantown Campus, as enrollment increased from 4,000 students in fall 2000 to over 6,000 students in fall 2008, he participated in the hiring of outstanding faculty and staff and the opening and operation of the Germantown Academic Center and Germantown Innovation Center in the Goldenrod Building; and

WHEREAS, under his leadership, Service Learning expanded from one campus to become an institutionalized Collegewide program; and

WHEREAS, Dr. Hercules Pinkney was named 2003 Educator of the Year by the African American Chamber of Commerce; and

WHEREAS, Governor Martin O'Malley in 2007 appointed Dr. Hercules Pinkney to a 15-member Life Sciences Advisory Board charged with developing a comprehensive strategic plan for Maryland's life sciences industry that was recognized at the BIO 2009 International (Biotechnology) Conference in Atlanta, Georgia; and

WHEREAS, Dr. Hercules Pinkney was appointed by County Executive Ike Leggett to the County Executive's Economic Advisory Committee to advise the Executive on County economic development issues; and

WHEREAS, Dr. Hercules Pinkney served as a member of the Board of Directors of Leadership Montgomery and the Gaithersburg-Germantown Chamber of Commerce where he served as the 2005 Chairman of the Board; and

WHEREAS, Dr. Hercules Pinkney is a visionary leader who has a unique understanding and approach to the partnership between education, government, and the private sector; and

WHEREAS, the Board of Trustees' policy provides that all administrative staff who retire with a minimum of ten years service as an administrator with Montgomery College shall be designated administrator emeritus(a) with appropriate title, subject to approval of the Board of Trustees; and

WHEREAS, College policy provides for the awarding of a Silver Medallion to recognize outstanding service to the College; now therefore be it

Resolved, That in recognition of his long-time loyalty and invaluable service, the members of the Board of Trustees express their sincere appreciation to Dr. Hercules Pinkney for his many contributions to the College, and extend to him their best wishes that his retirement years be fulfilling and productive; and be it further

Resolved, That Dr. Hercules Pinkney is awarded the Silver Medallion in recognition of his outstanding service to the College, and as an expression of gratitude of the College for his exemplary dedication and professional commitment to further the goals of the College; and be it further

Resolved, That Dr. Hercules Pinkney is granted the status of Vice President and Provost Emeritus, and that he be accorded such recognition and honors as may be appropriate to persons holding this rank; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting, and a copy of this resolution and the Silver Medallion be presented to Dr. Hercules Pinkney.

MTS:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-08-062**
Adopted on: **07/31/2010**

Agenda Item Number:
July 29, 2010

**Subject: Retirement Recognition and Award of the Gold Medallion and
Emeritus Status to Dr. Hercules Pinkney**

Whereas, Dr. Hercules Pinkney, Interim President of Montgomery College and Secretary/Treasurer to the Board of Trustees, has led this College with outstanding commitment and passion for ten months and will conclude this service on August 1, 2010; and

Whereas, Dr. Pinkney was asked to serve as the Interim President by the Board of Trustees on September 4, 2009 to restore stability, rebuild confidence, and prepare the College for the future; and

Whereas, in committing to these three goals, Dr. Pinkney summarized the College's focus in one powerful mantra: *Montgomery College is **strong**. Montgomery College is **family**. Montgomery College is **one***; and

Whereas, he is known as a great supporter of faculty, staff, and students on both a personal level and in advocating for their needs before policymakers; and

Whereas, Dr. Pinkney's tenure as Interim President was characterized by his unwavering commitment to protect access to higher education, which resulted in him being recognized as a highly respected community leader when he received the Leadership Montgomery Outstanding Leader Award on June 10, 2010; and

Whereas, Dr. Pinkney effectively used his platform as Interim President to tell the many compelling stories of Montgomery College's students – their hopes, their dreams, their fears, their struggles, and their accomplishments; and

Whereas, despite his brief tenure, his term in office was marked by numerous accomplishments including the closing out of a \$25 million capital campaign; the restoration of over \$4 million in public funds to the operating budget; implementation of a successful strategy for communicating to the College community; and successful completion of contract negotiations with all three of the College's employee unions; and

Whereas, Dr. Pinkney is a modest leader with a collaborative, open, and transparent leadership style, one particularly suited to leading a multi-campus, diverse community college; and

Whereas, the Board appreciates Dr. Pinkney's willingness to come out of retirement to serve an institution that he truly loves and feels has played a significant role in his life and the lives of his family; and

Whereas, the members of the Board of Trustees wish to recognize him as an outstanding leader of this fine college, expressing their sincere appreciation to Dr. Hercules Pinkney for his many contributions to Montgomery College, the community, and the State of Maryland; now therefore be it

Resolved, That the Board of Trustees of Montgomery College extends its best wishes and hopes that Dr. Hercules Pinkney's retirement years are productive, fulfilling, and relaxing; and be it further

Resolved, That Dr. Hercules Pinkney is granted the status of Interim President Emeritus, and that he be accorded such recognition and honors as may be appropriate to persons holding this rank; and be it further

Resolved, That Dr. Hercules Pinkney is awarded the Gold Medallion in recognition of his many outstanding contributions to Montgomery College as its 8th President, and his service to the broader local communities; and be it further

Resolved, That this resolution become a part of the minutes of this Board of Trustees meeting, and a copy be presented to Dr. Hercules Pinkney.

RFC:abg