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MEETING 289

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APPENDIX

Appendix 1 – Amendment to University Food Service Agreement
A special meeting of the SFA Board of Regents was called to order on Friday, May 9, 2014, at 2:08 p.m. by Chair Steve McCarty.

PRESENT:

Board Members: Mr. Steve McCarty, Chair  
Mr. David Alders  
Mr. Bob Garrett  
Ms. Brigettee Henderson  
Mr. Barry Nelson  
Mr. Ralph Todd  
Ms. Connie Ware

President: Dr. Baker Pattillo

Vice-Presidents: Dr. Richard Berry  
Mr. Danny Gallant  
Ms. Jill Still  
Dr. Steve Westbrook

General Counsel: Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Board Members Ken Schaefer and Matt Logan were unavailable for the meeting. Regent Scott Coleman joined the meeting at 2:20 pm during the architectural presentation.

Chair McCarty introduced the newly appointed student regent, Kelsey Brown, who will be taking office on June 1, 2014

Representatives of Scott and Strong Architects-Interiors presented a explanation of proposed renovations to the McGee Business Building.

At 2:28 p.m. the board chair called for an executive session to consider the following items:

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations (551.073)  
Possible Naming Opportunities
Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to regent responsibilities (551.071)

Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee including but not limited to basketball coaches, vice presidents and the president (551.074)

At 4:30 p.m. the executive session ended and the board meeting was reconvened in open session.

**BOARD ORDER 14-26**

Upon motion by Regent Ware, seconded by Regent Todd, with all members voting aye, the following agenda item was approved:

**ARAMARK AGREEMENT AMENDMENT**

*WHEREAS*, the board members considered the following: The university’s agreement with Aramark to provide food service on campus contains a provision for multiple infrastructure investments over the term of the agreement. An increase in these investments is necessary to fund the on-going renovations and upgrades desired to maintain the high quality food service program our students seek. Aramark has agreed to increase their financial commitment for these updates by $160,000. This addition necessitates an amendment to the original agreement.

*THEREFORE*, it was ordered that the president be authorized to sign an amendment to the existing food service agreement, increasing Aramark’s financial commitment for the on-going modernization of the food service program as shown in Appendix 1.

**BOARD ORDER 14-27**

Upon motion by Regent Henderson, seconded by Regent Ware, with all members voting aye, the following agenda item was approved:

**RECREATION CENTER EQUIPMENT**

*WHEREAS*, the board members considered the following: The 2013-14 capital budget approved by the board in July 2013 includes funding for the annual replacement of equipment in the Student Recreation Center. The wording of the item unintentionally restricted the replacement to very specific items. The department continuously updates the condition and usability of its equipment. The equipment that needs to be replaced at this point is different than that specified in the original item. The amount of funding approved remains the same.

*THEREFORE*, it was ordered that the original 2013-14 capital budget board item authorizing the Campus Recreation Department equipment replacement be modified to allow the department discretion regarding the equipment replaced.
BOARD ORDER 14-28
Upon motion by Regent Garrett, seconded by Regent Alders, with all members voting aye, the following agenda item was approved:

EXTENSION OF PREVIOUS STRATEGIC PLAN

WHEREAS, the board members considered the following: It is expected by most of our accrediting agencies, including the Southern Association of Colleges and Schools Commission on Colleges, that Stephen F. Austin State University be guided in planning and decision-making by a strategic plan. Required assessments and outcomes must be tracked back to such a document. Since the previous strategic plan expired in 2013 and the new plan may not be approved until 2015, it is necessary to take official action that will cover the interim period.

THEREFORE, it was ordered that the effective date of Strategic Plan 2013: Preparing for the Future be extended until the adoption of a new plan.

BOARD ORDER 14-29
Regent Henderson recused herself from discussion and voting upon this item. Upon motion by Regent Garrett, seconded by Regent Ware, with all regents voting aye (except Regent Henderson who was recused), the following agenda item was approved:

APPROVAL OF THE MCGEE BUILDING RENOVATION CONCEPT

WHEREAS, the board members considered the following: The architectural firm of Scott and Strong Architects-Interiors was engaged to develop a renovation concept for the McGee Building, which currently houses the Nelson Rusche College of Business. Scott and Strong Architects-Interiors developed the concept in association with the College of Business administration.

THEREFORE, it was ordered that the renovation concept be approved as presented by the Scott and Strong Architect-Interiors, excluding design finish specifications such as colors, finishes and other design elements.

BOARD ORDER 14-30
Upon motion by Regent Todd, seconded by Regent Ware, with all members voting aye, the following agenda item was approved:

NAMING OF THE MATTRESS FIRM COMMON AREA ON THE FIRST FLOOR OF THE MCGEE BUILDING

WHEREAS, the board members considered the following: In accordance with the Board Rules and Regulations, buildings and other facilities may be named for persons, both living and deceased, who make a significant donation to the university. The board will consider the appropriate naming of the common area located on the first floor of the McGee Building, which houses the Nelson Rusche College of Business. The naming of the first floor common area will be for a period of at least ten (10) years, such ten (10) year period to begin upon approval of the Board of
Regents, and contingent upon receipt of the full amount of the gift according to the executed Memorandum of Understanding.

**THEREFORE,** it was ordered that the first floor common area of the McGee Building be named the Mattress Firm Common Area, subject to the terms and conditions stated within the Memorandum of Understanding executed by Mattress Firm and the university, and contingent upon receipt of the full amount of the gift.

**BOARD ORDER 14-31**
Upon motion by Regent Alders, seconded by Regent Ware, with all members voting aye, the following agenda item was approved:

**NAMING OF THE MARK T. LAYTON EAST LOBBY ON THE FIRST FLOOR OF THE MCGEE BUILDING**

**WHEREAS,** the board members considered the following: In accordance with the **Board Rules and Regulations,** buildings and other facilities may be named for persons, both living and deceased, who make a significant donation to the university. The board will consider the appropriate naming of the east lobby located on the first floor of the McGee Building, which houses the Nelson Rusche College of Business. The naming of the east lobby will be for a period of at least ten (10) years, such ten (10) year period to begin upon approval of the Board of Regents, and contingent upon receipt of the full amount of the gift according to a mutually agreed upon Memorandum of Understanding.

**THEREFORE,** it was ordered that the east lobby located on the first floor of the McGee Building be named the Mark T. Layton East Lobby, subject to the terms and conditions stated within a mutually agreed upon Memorandum of Understanding executed by Deloitte and the university, and contingent upon receipt of the full amount of the gift.

**BOARD ORDER 14-32**
Upon motion by Regent Todd, seconded by Regent Coleman, with all members voting aye, the following personnel item was approved:

**CHANGE OF STATUS FOR 2013-2014**

**Athletics**

Brad Underwood, from Head Men’s Basketball Coach at an annual salary of $175,000 for 100 percent time, to Head Men’s Basketball Coach at an annual salary of $225,000 for 100 percent time, effective May 9, 2014.

The board meeting was adjourned at 4:40 p.m.
AMENDMENT TO UNIVERSITY FOOD SERVICE AGREEMENT

The University Food Service Agreement between STEPHEN F. AUSTIN STATE UNIVERSITY and ARAMARK EDUCATIONAL SERVICES, LLC (formerly known as ARAMARK EDUCATIONAL SERVICES, INC.), dated as of September 1, 2006 (the “Agreement”), shall be amended, effective May 9, 2014, as follows:

1. Paragraph 7, FINANCIAL COMMITMENT, shall be modified to include a revised “Aggregate New Financial Commitment” and a new financial commitment segment as follows:

7. Four Million Two Hundred Ninety Thousand Dollars ($4,290,000) is increased to Four Million Four Hundred Fifty Thousand Dollars ($4,450,000)

7.1

<table>
<thead>
<tr>
<th>Period of Operation</th>
<th>Amount of Financial Commitment Segment</th>
<th>Amortization Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 10 – Aug. 31, 2014</td>
<td>$160,000</td>
<td>7 years</td>
</tr>
</tbody>
</table>

In all other respects, the Agreement shall remain in full force and effect. This Amendment shall be attached to, and become part of, the Agreement.

2. Appendix E, USE OF FINANCIAL COMMITMENT OUTLINED IN SECTION 7, shall be modified with the following addition:

Period: May 10, 2014 – August 31, 2014
Financial Commitment: $160,000
Amortization Period: 7 years
Interest Rate Charged During Amortization Period: 0%
Disposition of funds not expended during this time period: Will be maintained by ARAMARK and applied to the next mutually agreed upon project.
Use: The Contractor and the University will mutually agree upon how these funds will be used to renovate/refresh and change-out facilities as needed.

ARAMARK EDUCATIONAL SERVICES, LLC

BY: ___________________________________________________
    Karl Stumpf
    Regional Director of Finance

The above is accepted this _____ day of __________, 2014.

STEPHEN F. AUSTIN STATE UNIVERSITY

BY: ________________________________________________
    Dr. Baker Pattillo, President

The above is accepted this _____ day of __________, 2014.