Table of Contents

05-37 Selection of Design-Build Firm for Phase II housing project ..........2
05-38 Phase II Housing Project .........................................................3
05-39 Daktronics Contract (Scoreboard/Marquee Athletic Sponsorship) ..4
05-40 Student Recreation Center .....................................................4
05-41 Electricity Purchasing Authorization .........................................4
05-42 Emerging Technology Funding Resolution .................................5
Minutes of the Meeting of the
Board of Regents of Stephen F. Austin State University
Nacogdoches, TX
May 13, 2005

The Meeting of the Board of Regents was called to order at 2:42 p.m., Friday May 13, 2005 by Chairman Fred Wulf.

PRESENT:

Board Members: Fred Wulf
Mike Wilhite
Valerie Ertz
Paul Pond
Joe Max Green
Kenneth James

Vice-President: Roland Smith
Baker Pattillo
Mary Cullinan

General Counsel: Yvette Clark

President: Dr. Tito Guerrero

SFA administrators, staff, and visitors

05-37
Selection of Design-Build Firm for Phase II housing project

The following firms presented proposals to the Buildings and Grounds committee to design-build Phase II Housing project on the location currently occupied by the Wilson and Clark residence halls:

1. Collegiate Development Services / BOKA Powell Architects
2. Camden Builders / Clerkley Watkins Architects
3. Manhattan Construction / Rees Architects

The Board of Regents interviewed each of the above finalists in the selection of the Design Build Contractor for the Housing Phase II Project.
After presentations and comments from Doug Strange and Jim Broaddus of Broaddus & Associates, John Rulfs of Physical Plant and Jamie Fain of housing, all members of the Campus Selection Committee and upon motion from Regent Green, seconded by Regent James, with Regent Wilhite abstaining, the board unanimously selected Camden and Associates as the design-build firm for Phase II Housing.

Major discussion issues in the selection of Camden Builders as the Design Build Contractor for the Housing Phase II Project included:

- Current work relations with contractor on Housing Phase I Project, including a good understanding of the firm's demonstrated competence in this type of project
- Cost per square foot based on the estimated construction budget and square footage of the proposed building
- Fee structure
- Size and future expandability of the parking garage
- Overall ability to meet schedules for the project
- General pros and cons of each of the interviews
- Factors related to working with the same contractor for both Housing projects
  - Short construction timeframe for the project could be alleviated somewhat by utilizing team and relationships already in place
  - Communication with one person for both projects might be desirable
  - Consistency in design

05-38
Phase II Housing Project

Upon motion from Regent Wilhite and seconded by Regent Pond with all members voting aye, it was ordered that:

1. The Board of Regents authorize the University to seek approval of the Phase II housing project through the Texas Higher Education Coordinating Board

2. The Board of Regents authorize the University to extend the project role of Broaddus & Associates to include:
   1. the design-development phase (including the establishment of Guaranteed Maximum Price of the project) and;
   2. the construction documents phase

The cost of each item above is not to exceed $240,450.

3. Should the Camden Builders not provide project-financing, the Board of Regents authorize the university to prepare resolutions 1) authorizing a request for
financing not to exceed $39,000,000 through the Texas Public Finance Authority and 2) reimbursing project cost from bond proceeds after the bonds are sold.

05-39
Daktronics Contract (Scoreboard/Marquee Athletic Sponsorship)

Upon motion from Regent Pond and seconded by Regent Ertz with Regents Wilhite, Green and Wulf abstaining and the remaining members voting aye, it was ordered that:

The University enter into an agreement with Daktronics to manufacture, install, finance and obtain sponsorships for new scoreboards/marquees in athletics venues at a cost not to exceed sponsorship revenues and that the President be authorize to sign necessary contracts and documents. Source of funds: private funds from sponsorships.

05-40
Student Recreation Center

Upon motion from Regent Wilhite and seconded by Regent Ertz with all members voting aye, it was ordered that:

The Board of Regents authorize the University, subject to effective status for the legislation, to seek Coordinating Board approval of the student recreation center project. It was also ordered that Board of Regents adopt the accompanying Resolutions Authorizing a Request for Financing – Student Recreation Center and Parking Lot and Authorizing the Reimbursement of Project Costs from Bond Proceeds – Student Recreation Center and Parking Lot. The resolutions initiate the financing process and provide a mechanism to reimburse the University for project-related costs paid in advance of the receipt of bond proceeds. The resolutions are included as Appendix 1 and 2.

05-41
Electricity Purchasing Authorization

Upon motion from Regent Green and seconded by Regent Ertz with all members voting aye, it was ordered that:

The administration we explore all available electric utility purchase options including a bulk purchase with Texas A&M System institutions and that the President be authorized to sign the necessary contracts or other documents permitting the A&M System to commit SFA to an electric utility purchase if deemed to be the best option for SFA at the time of the RFP.
05-42
Emerging Technology Funding Resolution

Upon motion from Regent Green and seconded by Regent James with all members voting aye, it was adopted that:

That the Stephen F. Austin State University Board of Regents strongly support and encourage initiatives by the State of Texas that will provide the resources of $300 million to recruit and retain the most outstanding scientists and researchers; to create, develop, and enhance new and existing centers of excellence for research; and to facilitate partnerships between and among institutions and with the private sector and between academic institutions and the federal laboratories.

Upon motion of Regent Green and seconded by Regent Wilhite, the meeting was adjourned at 4:30 p.m. by Chairman Wulf.
RESOLUTION AUTHORIZING A REQUEST FOR FINANCING
Stephen F. Austin State University
Student Recreation Center and Parking Lot

WHEREAS, the Texas Public Finance Authority (the “Authority”) has the exclusive authority to act on behalf of Stephen F. Austin State University (the “University”) in the issuance of bonds pursuant to Tex. Rev. Civ. Stat., art. 601d as amended; and

WHEREAS, the University has been authorized to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads or related infrastructure to be financed by the issuance of bonds or other authorized financing mechanism pursuant to Texas Education Code 55.17 in the aggregate principal amount not to exceed $22,000,000; and

WHEREAS, the Board of Regents of Stephen F. Austin State University (the “Board of Regents”) now desires to approve and authorize financing to enable the University to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads or related infrastructures, and authorizes the President of the University (the “President”) or designees to submit requests for financing to the Authority from time to time to issue bonds or other authorized financing mechanism in an aggregate amount not to exceed $22,000,000 to enable the University to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads or related infrastructures and to take other actions related thereto.

THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY THAT:

1) The University is duly authorized by law pursuant to Texas Education Code, Section 57.17 to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads or related infrastructures to be financed by the issuance of bonds or other authorized financing mechanism in accordance with Texas Education Code, Chapter 55, Subsection B in the aggregate amount not to exceed $22,000,000;

2) Dr. Tito Guerrero, President, or his designee is hereby authorized and directed to submit requests from time to time to the Authority to issue bonds or other authorized financing mechanism in an aggregate amount not to exceed $22,000,000 in order that the University may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads or related infrastructures as these projects are specifically approved by the Board of Regents and further approved by the Texas Higher Education Coordinating Board as may be required;

3) the President is hereby further authorized to approve, execute, and deliver or cause to be delivered those documents and such other instruments including but not limited to the financing documents required by the Authority’s rules, and to take such other
actions as are necessary and appropriate in connection with the issuance, sale, or delivery of the bonds or other authorized financing mechanism;

4) due notice of the meeting and the subject matter of this Resolution was given as required by law; and that a quorum of the Board of Regents was present at the meeting at which this resolution was considered.

Adopted/Rejected by a vote of ______ yea, ______ nay effective as of ____________.

Fred Wulf, Chairman
Board of Regents
Stephen F. Austin State University

Margarita de la Garza-Graham, Secretary
Board of Regents
Stephen F. Austin State University
Appendix 2

Board of Regents
Stephen F. Austin State University
Nacogdoches, Texas

RESOLUTION DECLARING EXPECTATION TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF FUTURE DEBT
STUDENT RECREATION CENTER AND PARKING LOT

WHEREAS, Stephen F. Austin State University (the "University") intends to make a capital expenditure not to exceed $22,000,000 to construct, equip and furnish a student recreation center and associated parking lot and to relocate tennis courts on its campus in Nacogdoches, Texas (the "Project"), which is to be funded with proceeds of bonds to be issued by the Texas Public Finance Authority (the "Authority") as authorized by House Bill 1077, Acts of the 75th Legislature, Regular Session (1997); and

WHEREAS, the University intends to expend an amount not to exceed $22,000,000 (the "Expenditure") for Project costs and intends Project expenditures to be reimbursed from proceeds of bonds to be issued by the Authority for the Project; and

WHEREAS, under Treas. Reg. Section 1.103-19 (the "Regulation"), to fund such reimbursement with proceeds of tax-exempt obligations, the University must declare its expectation of such reimbursement before making the Expenditure; and

WHEREAS, the University and the Authority desire to preserve the ability to reimburse the Expenditure with proceeds of tax-exempt obligations;

NOW, THEREFORE, THE UNIVERSITY HEREBY RESOLVES that it reasonably expects to reimburse Project expenditures with the proceeds of the bonds to be issued hereafter by the Authority, and this Resolution shall constitute a declaration of official intent under the Regulation.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the May 13, 2005 meeting of the Board of Regents of Stephen F. Austin State University.

This Resolution will be available for public inspection at the office of the Authority at 300 West 15th Street, Suite 411, Austin, Texas, and at the office of the University at 1936 North Street, Austin Building, Office 315, Nacogdoches, Texas.

Adopted/Rejected by a vote of ___ yeas, ___ nays, effective as of May 13, 2005.

Fred Wulf, Chairman
Board of Regents
Stephen F. Austin State University

Margarita de la Garza-Grahm, Secretary
Board of Regents
Stephen F. Austin State University