

INDEX
REGULAR BOARD MEETING

April 15, 2011

	<u>Page</u>
1. Call to Order and Roll Call	1
2. Invocation and Pledge of Allegiance	1
3. Introduction of Faculty and Staff Representatives	2
4. Approval of the Minutes of the Board Meeting held on March 4, 2011	2
5. Personnel Actions Requiring Board Approval	2
6. President's Report	2
A. Resolution of Appreciation to Ms. Ali Lieberman for her service as the Student Board Member for the 2010-2011 Academic Year	2
7. Report on Activities of the Board of Regents	3
8. Reports to the Board	3
A. Health Plan Status Report (Written Report Only)	3
9. Approval of Consent Agenda Items	3
A. Resolution for approval of degrees to be conferred on candidates meeting degree requirements for graduation at commencement exercises on campuses of the LSU System (May 16, 19, 20, 21, 22, 27, 28, 2011)	3
B. Resolution for approval of degrees to be conferred on candidates meeting degree requirements for graduation at commencement exercises on campuses of the LSU System (August 5, 13, 2011)	4
C. Request approval to change the Marcia C. & Riemer Calhoun Endowed Scholarship for First-Generation College Students to the Riemer and Marcia Calhoun Endowed Professorship in Education at LSU in Shreveport	5
D. Request approval to award a Posthumous Degree at LSU A&M	5
E. Request approval to award a Posthumous Degree at LSU at Alexandria	5
F. Request approval of a Novated Patent and Know-How License between Mystic Tackleworks and LSU A&M, including Exception to Normal Practice against New Agreements with Companies in Default of Current Obligations to LSU	5

Index-Regular Board Meeting
April 15, 2011

	<u>Page</u>
G. Request approval of an Option Agreement with subsequent license terms and Sponsored Research Agreement with subsequent license terms between Vital Health Interventions, LLC, Wayne State University and the LSU Pennington Biomedical Research Center	6
H. Request approval of a Non-Exclusive Patent and Know-How License between Mt. Pelia Innovative Solutions, LLC and the LSU Ag Center	6
I. Request approval of an Exclusive Patent and Know-How License between Delta Land Services, LLC and LSU Ag Center	6
J. Request approval of an Inter-Institutional Agreement between Wisconsin Alumni Research Foundation and LSU A&M	7
10. Committee Reports	7
10A. Health Care and Medical Education Committee	7
10A1. Approval of a cooperative endeavor agreement between the LSU Health Sciences Center in Shreveport and the Odyssey Foundation for the Arts, LLC	7
10A2. Status Report on Activities at the LSU Health Sciences Centers and the Health Care Services Division	7
10B. Finance, Infrastructure, and Core Development Committee	8
10B1. Recommendation to reauthorize increase to tuition and mandatory fees for the 2011-2012 Fiscal Year pursuant to Acts 2008 No. 915	8
10B2. Update on FY 2011-2012 Appropriation Bill	8
10B3. Recommendation to approve preliminary operating budget distribution methodology	9
10B4. Recommendation to approve annual Granting Resources and Autonomy for Diplomas (GRAD Act) Reports (Out of Time Submission)	9
10C. Property and Facilities Committee	10
10C1. Recommendation to reallocate the excess Series 2010A bond proceeds at Louisiana State University to the planning, construction and equipping of the University's Annie Boyd Hall Renovation project and the New Residence Hall project	10
10C2. Recommendation to approve Lease Agreement with the Tiger Athletic Foundation for Construction of Additional Suites in Alex Box Stadium	11

Index-Regular Board Meeting
April 15, 2011

	<u>Page</u>
10C3. Resolution to approve Amended Ground Lease and Related Agreements to Provide for Construction by the LSU System Research & Technology Foundation of the Digital Media Facility on the LSU A&M Campus (Out-of-time Submission)	11
10C4. Recommendation to approve settlement with Johnson Controls, Inc. (Out of-time Submission)	14
10D. Legislative, Public Policy, and Information Committee (Cancelled)	15
10E. Athletic Committee	15
10E1. Resolution to extend term (only) of the contract of Mr. Joe Alleva, Athletic Director at Louisiana State University, from June 30, 2013 to June 30, 2016 (Out-of-time Submission)	15
11. Recommendation for Honorary Degrees	15
11A. Recommendation to award an Honorary Degree to Alexander Pierre "A.P." Tureaud, Jr.	15
11B. Recommendation to award an Honorary Degree to the Honorable Henson Moore	16
12. Recommendation to approve the Board Meeting Schedule for the 2011-2012 Academic Year	17
13. Chairman's Report	17
14. Adjournment	17

MINUTES

REGULAR BOARD MEETING

April 15, 2011

1. Call to Order and Roll Call

Mr. James Moore, Jr., Chairman, called to order the Regular Meeting of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College in the System Building, Baton Rouge, Louisiana, on April 15, 2011 at 2:45 p.m.

The secretary called the roll.

PRESENT

James W. Moore, Jr. Chairman	Ben W. Mount Chairman-Elect
Ronald R. Anderson	John F. George
Jack A. Andonie	Stanley J. Jacobs
R. Blake Chatelain	Raymond J. Lasseigne
Garret H. "Hank" Danos	Laura L. Leach
Ann D. Duplessis	Ali V. Lieberman
Anthony G. "Tony" Falterman	Robert "Bobby" Yarbrough

ABSENT

Alvin E. Kimble	Roderick "Rod" West
-----------------	---------------------

Public Comments

East Baton Rouge Parish Mayor-President, Melvin "Kip" Holden, Adam Knapp, President and CEO, Baton Rouge Area Chamber, Marija Radulovic-Nastic, VP Central Development Services- Electronic Arts, Mike Robinson, Senior Director, WWS QA Global Test Organization, addressed 'Amended Ground Lease and Related Agreements to Provide for Construction by the LSU System Research & Technology Foundation of the Digital Media Facility on the LSU A&M Campus' (Property and Facilities Committee)

Also present for the meeting were the following: President John V. Lombardi; Mr. P. Raymond Lamonica, General Counsel, LSU System; system officers and administrators from their respective campuses; faculty representatives; interested citizens and representatives of the news media.

2. Invocation and Pledge of Allegiance

Brandon Villery gave the invocation. Kelly Dougherty led the Pledge of Allegiance. Both students attend LSU at Eunice.

Chairman Moore recognized Chancellor Nunez, LSU-Eunice. He introduced:

Dr. Douglas Narby, Assistant professor of psychology at LSU-Eunice. Dr. Narby has been a consistent proponent and early adopter of online education and currently integrates video/power point lecture capture and online testing.

Minutes-Regular Board Meeting
April 15, 2011

3. Introduction of Faculty and Staff Representatives

The faculty and staff representatives from the respective campuses were acknowledged.

4. Approval of the Minutes of the Board Meeting held on March 4, 2011

Upon motion of Mr. Falterman, seconded by Mr. Yarborough, the Board voted unanimously to approve the Minutes of the Regular Board Meeting of March 4, 2011.

5. Personnel Actions Requiring Board Approval

Mr. Lamonica, General Counsel, LSU System, advised that these personnel actions requiring Board approval have been recommended by the respective Chancellors and CEO's and have been reviewed by appropriate staff to determine their compliance with system policy on behalf of the Chancellors and the CEO's, they are presented for your consideration and approval. **(Copy of Personnel Actions on file in the Office of the LSU Board of Supervisors of Louisiana State University).**

Upon motion of Dr. Andonie, seconded by Mr. Anderson, the Board voted unanimously to approve the Personnel actions as presented.

6. President's Report

President Lombardi recognized:

Ali Lieberman, student board member, provided a report on the Council of Student Body Presidents;

President Lombardi announced that Dr. Roxanne Townsend, Asst. Vice President Health Systems, Health Affairs & Medical Education, has been named a "Healthier Care Hero" by the *New Orleans City Business Magazine*.

6A. Resolution of Appreciation to Ms. Ali Lieberman for her service as the Student Board Member for the 2010-2011 Academic Year

Upon motion of Mr. Chatelain, seconded by Dr. George, the Board unanimously voted to approve the following resolution:

WHEREAS, Ms. Ali Lieberman, President of the Student Government Association at LSU in Shreveport, was elected by the LSU System Council of Student Body Presidents as the student member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College for the 2010-2011 academic year; and

WHEREAS, Ms. Lieberman has served as an outstanding member of the Board; and

WHEREAS, she has provided a strong, but reasoned voice, in representing student views and interests; and

WHEREAS, her contributions have earned her the respect and admiration of her colleagues on this Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College commends Ms. Ali Lieberman for her service on this Board and wishes her great success with her future professional endeavors.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Ms. Lieberman as an expression of gratitude from this Board and that this resolution be entered into the permanent record of the Board of Supervisors.

7. Report on Activities of the Board of Regents

Dr. Mike Gargano, Vice-President, Student and Academic Support, Wendy Simoneaux, Assistant Vice-President and Comptroller, Administration and Finance, and Mr. James Howell, Assistant Vice-President, Property and Facilities, LSU System, provided these informational reports.

8. Reports to the Board

A. Health Plan Status Report (Written Report Only)

9. Approval of Consent Agenda Items

Chairman Moore offered the following recommendation:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve the Consent Agenda items as submitted.

Upon motion of Mrs. Leach, seconded by Mr. Anderson, the Board voted unanimously to approve the following Consent resolutions:

9A. Resolution for approval of degrees to be conferred on candidates meeting degree requirements for graduation at commencement exercises on campuses of the LSU System (May 16, 19, 20, 21, 22, 27, 28, 2011)

LSU.....	May 20, 2011 9:00 a.m. Pete Maravich Assembly Center
LSU at Alexandria.....	May 19, 2011 10:00 a.m. Alexandria Riverfront Center
LSU at Eunice.....	May 21, 2011 10:00 a.m. HPE Gymnasium
LSU Health Sciences Center in New Orleans.....	May 19, 2011 10:00 a.m. Keifer Lakefront Arena UNO

Minutes-Regular Board Meeting
April 15, 2011

LSU Health Sciences Center in Shreveport.....	May 28, 2011 10:00 a.m. Centenary Gold Dome
LSU in Shreveport.....	May 22, 2011 2:00 p.m. CenturyTel Center Bossier City
LSU School of Veterinary Medicine.....	May 16, 2011 2:00 p.m. LSU Union Theatre
Paul M. Hebert Law Center.....	May 27, 2011 9:30 a.m. Pete Maravich Assembly Center
University of New Orleans.....	May 20, 2011 7:00 p.m. Lakefront Arena

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve the degrees to be conferred on candidates meeting degree requirements for graduation at commencement exercises on campuses of the LSU System (May 16,19, 20, 21, 22, 27, 28, 2011)

9B. Resolution for approval of degrees to be conferred on candidates meeting degree requirements for graduation at commencement exercises on campuses of the LSU System (August 5, 13, 2011)

LSU.....	August 5, 2011 9:00 a.m. Pete Maravich Assembly Center
LSU at Alexandria.....	No Commencement
LSU at Eunice.....	No Commencement
LSU Health Sciences Center in New Orleans.....	No Commencement
LSU Health Sciences Center in Shreveport.....	August 13, 2011 10:00 a.m. Shreveport Convention Center
LSU in Shreveport.....	No Commencement
LSU School of Veterinary Medicine.....	No Commencement
Paul M. Hebert Law Center.....	No Commencement

University of New Orleans.....No Commencement

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve the degrees to be conferred on candidates meeting degree requirements for graduation at commencement exercises on campuses of the LSU System (August 5, 13, 2011)

- 9C. Request approval to change the Marcia C. & Riemer Calhoun Endowed Scholarship for First-Generation College Students to the Riemer and Marcia Calhoun Endowed Professorship in Education at LSU in Shreveport

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College hereby rescinds its August 27, 2010 approval of the Marcia C. & Riemer Calhoun Endowed Scholarship for First-Generation College Students.

BE IT FURTHER RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College hereby approves the establishment of the Riemer & Marcia Calhoun Endowed Professorship in Education at LSU in Shreveport listed above; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and/or the President of the Louisiana State University System, as may be appropriate, are hereby authorized and directed to execute any documents required to obtain the matching gift and otherwise complete the establishment of the Riemer & Marcia Calhoun Endowed Professorship in Education at LSU in Shreveport.

- 9D. Request approval to award a Posthumous Degree at LSU A&M

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University does hereby authorize Louisiana State University to award the Master of Library & Information Science degree to Nassim Kashani, posthumously.

- 9E. Request approval to award a Posthumous Degree at LSU at Alexandria

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University does hereby authorize Louisiana State University at Alexandria to award the Associate in Criminal Justice to Matthew Signater, III, posthumously, at the May 19, 2011 commencement ceremonies.

- 9F. Request approval of a Novated Patent and Know-How License between Mystic Tackleworks and LSU A&M, including Exception to Normal Practice against New Agreements with Companies in Default of Current Obligations to LSU

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with Mystic Tackleworks, Inc. granting Mystic Tackleworks, Inc. an exclusive license to use the patents and know-how, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

BE IT FURTHER RESOLVED that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff. This approval is made contingent upon submission and approval of PM-11 and PM-67 documents.

- 9G. Request approval of an Option Agreement with subsequent license terms and Sponsored Research Agreement with subsequent license terms between Vital Health Interventions, LLC, Wayne State University and the LSU Pennington Biomedical Research Center

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect the agreements with Vital Health Interventions, LLC granting Vital Health Interventions, LLC an exclusive option and rights under a sponsored research agreement, including the subsequent license terms, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

BE IT FURTHER RESOLVED that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

- 9H. Request approval of a Non-Exclusive Patent and Know-How License between Mt. Pelia Innovative Solutions, LLC and the LSU Ag Center

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with Mt. Pelia Innovative Solutions granting to Mt. Pelia Innovative Solutions a non-exclusive license to the subject technology, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

BE IT FURTHER RESOLVED that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

- 9I. Request approval of an Exclusive Patent and Know-How License between Delta Land Services, LLC and LSU Ag Center

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with Delta Land Services, LLC granting to Delta Land Services, LLC an exclusive license to the subject technology, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

BE IT FURTHER RESOLVED that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

9J. Request approval of an Inter-Institutional Agreement between Wisconsin Alumni Research Foundation and LSU A&M

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect an Inter-Institutional Agreement with the Wisconsin Alumni Research Foundation, granting to the Wisconsin Alumni Research Foundation certain rights to market and license certain intellectual property jointly developed and owned by LSU, such agreement and any related documents to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

BE IT FURTHER RESOLVED that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

10. Committee Reports

10A. Health Care and Medical Education Committee

Dr. George, Chairman, Health Care and Medical Education Committee, reported that the Committee recommends Board approval of the following:

10A1. Approval of a cooperative endeavor agreement between the LSU Health Sciences Center in Shreveport and the Odyssey Foundation for the Arts, LLC

Upon motion of Mr. Chatelain, seconded by Mr. Anderson, the Board voted unanimously to approve the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes Dr. John V. Lombardi, LSU System President, or his designee, to execute a cooperative endeavor agreement with the Odyssey Foundation, LLC, and to include in the cooperative endeavor agreement any terms and conditions that he, in consultation with the System General Counsel, deems to be in the best interests of LSU and in accordance with law and executive orders.

10A2. Status Report on Activities at the LSU Health Sciences Centers and the Health Care Services Division

Dr. Fred Cerise, Vice-President for Health Care and Medical Education, recognized Dr. Larry Hollier, Chancellor, LSU Health Sciences Center-New Orleans. No official Board action is required.

Minutes-Regular Board Meeting
April 15, 2011

10B. Finance, Infrastructure, and Core Development Committee

Dr. George, Vice Chair, Finance, Infrastructure, and Core Development, reported that the Committee recommends Board approval of the following:

10B1. Recommendation to reauthorize increase to tuition and mandatory fees for the 2011-2012 Fiscal Year pursuant to Acts 2008 No. 915

Upon motion of Mr. Yarborough, seconded by Mr. Falterman, the Board voted unanimously to approve the following resolution:

WHEREAS, Acts 2008 No. 915 authorizes this Board to increase tuition and mandatory fees, subject to certain conditions for fiscal years 2008-2009, 2009-2010, 2010-2011, and 2011-2012; and

WHEREAS, this Board on the 17th day of July, 2008, pursuant to this legislative authorization, adopted a Resolution authorizing increases to tuition and mandatory fees to take effect beginning with and during the 2008-2009 academic year, and provided for certain delegation of authority to the President; and

WHEREAS, this Board on the 16th day of April, 2009, pursuant to the same legislative authority, adopted a Resolution extending the authority granted by the 2008 Resolution for the 2009-2010 academic year; and

WHEREAS, this Board on the 5th day of March, 2010, pursuant to the same legislative authority, adopted a Resolution further extending the authority granted by the 2008 Resolution for the 2010-2011 academic year; and

WHEREAS, existing budget circumstances require such authority for such increases in tuition and mandatory fees to be extended to the 2011-2012 academic year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College that the Resolution adopted on the 17th day of July, 2008 be and is hereby readopted and extended to apply to the 2011-2012 fiscal year to establish that tuition and mandatory fees for each campus in the LSU System shall be increased by the same percentage amount as such tuition and fees were increased by such prior Resolution or by the percentages otherwise determined as appropriate pursuant to guidelines of the Board of Regents and by the President of the LSU System, to take effect beginning the Fall 2011 semester, all subject to the other applicable terms, conditions and delegations of authority set forth in such resolution as if copied *in extenso*, with applicable adjustments for the 2011-2012 academic year.

10B2. Update on FY 2011-2012 Appropriation Bill

Mrs. Wendy Simoneaux, Assistant Vice-President and Comptroller, Administration and Finance, provided this update. No official Board action is required.

10B3. Recommendation to approve preliminary operating budget distribution methodology

Upon motion of Mr. Yarborough, seconded by Mr. Falterman, the Board voted unanimously to approve the following resolution:

WHEREAS, Article VII, Section 5 [D] [4] of the Louisiana Constitution requires the Board of Regents to develop a funding formula as a component of the Master Plan for Public Postsecondary Education for the equitable distribution of funds to the institutions of postsecondary education; and

WHEREAS, Article VIII, Section 12 of the Louisiana Constitution states that appropriations for the institutions of higher education shall be made to their managing boards and the funds appropriated shall be administered by the managing boards and used solely as provided by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College that the Board approves the LSU System preliminary distribution methodology as set forth above which takes into consideration the differing characteristics, role, scope and mission of the System institutions and further authorizes the President of the LSU System to act on behalf of the Board in representing the methodology and subsequent distribution to the Legislature or its committees if further action or allocation is required between regularly scheduled meetings of the Board of Supervisors.

BE IT FURTHER RESOLVED that the actions taken herein constitute preliminary approvals, not specific approval of the budgets of any budget entity of the LSU System, which approvals remain with the Board or President pursuant to the Bylaws of the Board of Supervisors, and as provided by law.

10B4. Recommendation to approve annual Granting Resources and Autonomy for Diplomas (GRAD Act) (Out-of-time Submission)

Upon motion of Mr. Yarborough, seconded by Mr. Falterman, the Board voted unanimously to approve the following resolution:

WHEREAS, in accordance with Act 741 of the 2010 Regular Session of the Louisiana Legislature, entitled the Louisiana Granting Resources and Autonomy for Diplomas Act (GRAD Act), the LSU Board of Supervisors and its institutions entered into six-year agreements with the Board of Regents; and

WHEREAS, section III C (7) of the agreement pursuant to the GRAD Act by and between the LSU Board of Supervisors for its institutions and the Board of Regents provides that the Board of Supervisors shall certify annually, through formal Board action, the institution's *progress and the validity of* information contained in the annual report of each institution; and

WHEREAS, section III C (9) of the agreement by and between the LSU Board of Supervisors, for its institutions and the Board of Regents provides that the Board of Supervisors shall certify annually, through formal Board action, the *operational autonomies the institution is capable of continuing to successfully manage*; and

WHEREAS, section III C (10) of the agreement by and between the LSU Board of Supervisors, for its institutions and the Board of Regents provides that the Board of Supervisors shall recommend to Regents, through formal Board action, regarding the *institution's continued participation*; and

WHEREAS, the referenced operational autonomies are still being negotiated at the Board of Regents and the annual GRAD Act report drafts continue to be reviewed and verified by the System staff. This review process may require further explanation or elaboration before the final submission to the Board of Regents;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College that the Board (a) approves the LSU System institution's GRAD ACT annual reports which are to be submitted to the Board of Regents by May 1, 2011, and (b) recommends continued participation of the Institutions;

BE IT FURTHER RESOLVED that in light of the time frame and the meeting schedule of the Board, the President, upon recommendation of the institution and System staff, is authorized to clarify draft submissions to assure greater accuracy of reporting as needed; provided that a copy of such changes are provided to each Board member before transmission to the Board of Regents; and

BE IT FURTHER RESOLVED that the Board of Supervisors for these and future reports and certifications which may be required before this Board can timely act at regularly scheduled meetings, delegates to the President the authority of the Board to certify the validity of the information contained in the annual reports, and make recommendations regarding each institution's continuing participation, upon providing a copy of same to each Board member.

10C. Property and Facilities Committee

Mr. Ben Mount, Chairman, Property and Facilities Committee, reported that the Committee recommends Board approval of the following:

10C1. Recommendation to reallocate the excess Series 2010A bond proceeds at Louisiana State University to the planning, construction and equipping of the University's Annie Boyd Hall Renovation project and the New Residence Hall project

Upon motion of Mr. Mount, seconded by Mr. Chatelain, the Board voted unanimously to approve the following resolution:

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (the "LSU Board") that:

The LSU Board hereby grants approval and authorization to Louisiana State University and Agricultural and Mechanical College (the "University") to reallocate the excess proceeds of the Series 2010A Bonds originally to be used for the Residential College One, Phase II Project in the amount of \$15,500,000 to the planning, construction and equipping of the Annie Boyd Hall Renovation Project and to reallocate the excess proceeds of the Series 2010A Bonds originally to be used for the East Laville Honors College, Phase II Project in the amount of \$7,618,078 to be used for planning, construction and equipping of the New Residence Hall Project.

BE IT FURTHER RESOLVED that the Chairman, Vice Chairman and Secretary of the LSU Board, the President, the Executive Vice President and the Assistant Vice President and University Architect of the LSU System and the Vice Chancellor for Finance and Administrative Services and CFO of the University or any one of them and their designees are hereby authorized to execute all documents and do all things necessary, on the advice of counsel to the LSU Board of Supervisors, to effectuate and implement this resolution.

10C2. Recommendation to approve Lease Agreement with the Tiger Athletic Foundation for Construction of Additional Suites in Alex Box Stadium

Upon motion of Mount, seconded by Chatelain, the Board voted unanimously to approve the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby authorize John V. Lombardi, President of the Louisiana State University System, or his designee, to execute a Lease Agreement with the Tiger Athletic Foundation for Construction of Additional Suites in Alex Box Stadium.

BE IT FURTHER RESOLVED that John V. Lombardi, President of the LSU System, or his designee, is hereby authorized by and empowered for and on behalf of and in the name of the Board of Supervisors to include in the Lease Agreement any and all provisions and stipulations that he deems in the best interest of the Board of Supervisors.

10C3. Resolution to approve Amended Ground Lease and Related Agreements to Provide for Construction by the LSU System Research & Technology Foundation of the Digital Media Facility on the LSU A&M Campus (Out-of-time Submission)

Upon motion of Mr. Mount, seconded by Mr. Chatelain, the Board voted unanimously to approve the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College supports the construction of a Digital Media Facility building on the LSU A&M campus with grateful support and cooperation of the Louisiana Department of Economic Development, and in accordance with the staff report issued this day authorizes its President, Dr. John V. Lombardi, or his designee, to execute the following agreements relating to the construction and operation of the Digital Media Facility, subject to the listed terms and conditions and any other terms and conditions which the President, in consultation with the system general counsel, deems to be in the best interests of LSU:

1. Amendment to Ground Lease between LSU and RTF for construction of the LDMF facility and related parking, provided that it shall include:
 - a. A provision, consistent with normal practice for buildings and improvements constructed on LSU land by affiliated foundations without related debt through bonds or other financing, that title to the LDMF building shall be transferred by RTF to LSU upon completion of construction, unless otherwise requested by LSU, and subject to and without prejudice to any lease or other use rights granted by RTF or LSU to EA Sports, or such other Anchor Tenant as has been mutually agreed upon by LED and this Board pursuant to agreement;

Minutes-Regular Board Meeting
April 15, 2011

- b. All non-LSU tenants and uses by those tenants (except those described herein which are expressly approved) shall be subject to approval by this Board;
 - c. An agreement that, in the interests of efficiency and accountability, the lease, use, or participation agreement contemplated in the existing CEA between RTF and EA Sports will for the new facility either be directly with LSU or be assigned to LSU by RTF, in accordance with an assignment provision in the agreement.
 2. Cooperative Endeavor Agreement (CEA) between LSU and the Louisiana Department of Economic Development (LED) (and RTF, if necessary) to guarantee rental payments for the operation of the LDMF space reserved for LED's Anchor Tenant, provided that it shall include:
 - a. A provision that LED will continue to make payment of rent owed to LSU and/or RTF by the Anchor Tenant, even should there be no Anchor Tenant at any time until June 30, 2018; and
 - b. A provision that LSU and LED will cooperate reasonably to identify an appropriate and suitable replacement Anchor Tenant in the event of such a vacancy, or such other reasonable mechanisms necessary to continue rental payments in the event of the absence of an Anchor Tenant during the term LED is committed to pay rental for the first designated Anchor Tenant through June 30, 2018, and which LSU and/or RTF will be relying upon for maintenance and utility payments for the building;
 3. Lease between LSU and RTF for the demolition of the Sheep and Swine Exhibit Building for the LSU Ag Center and construction of related parking space for the LDMF, provided that the President shall not execute such lease unless and until the funds required for such purpose are demonstrated in writing to be available, as expected;
 4. Contract for construction of the required mechanical upgrades to the Highland Road Mechanical Plant, provided that the President shall not execute such contract unless and until funds necessary for such are demonstrated in writing to be available, as expected;
 5. Contract for construction of a replacement for the Ag Center's Sheep and Swine Exhibit building, provided that the President shall not execute such contract unless and until funds necessary for such are demonstrated in writing to be available, as expected; and
 6. Any related documents or agreements deemed by the President to be necessary and appropriate for the construction and operation of the LDMF facility and that assure no adverse affects to the primary missions of the LSU A&M campus.

BE IT FURTHER RESOLVED that the Board finds that the following series of related contracts and agreements proposed to be entered by the LSU System Research and Technology Foundation (RTF) are for an **acceptable university purpose** as provided for in section 6.3 of the *Uniform Affiliation Agreement*, subject to the listed terms and conditions:

1. A contract for the construction of the LDMF, provided that:
 - a. The contract shall not be let until the plans for the build-out of the CCT portion of the space have been reviewed by LSU A&M in accordance with its normal process for review of new construction plans to ensure that such plans are consistent with normal LSU practices and design requirements, while minimizing costs, and the President or his designee has approved the plans in writing, upon the written recommendation of the Chancellor of LSU A&M; and
 - b. No binding commitment for the demolition of the Sheep and Swine Exhibit Building and construction of parking on that land shall be made by RTF unless and until funds required for such purpose are determined by the President to be available, as expected;
2. A contract for the construction of the Audio Visual Auditorium within the LDMF building, provided that no binding commitment shall be made by RTF for such construction unless and until RTF and the Chancellor of LSU A&M have certified in writing to the President that (a) funds are available for such construction in light of then current budgetary circumstances, (b) that they have independently reviewed and determined that the scope of the work is appropriate and necessary in light of the anticipated life (or obsolescence) of equipment, and (c) the ability of the LSU A&M campus to cover maintenance costs of any equipment proposed to be installed, and the President has approved such in writing;
3. A lease, use, participation, or similar agreement with EA Sports to relocate its Quality Assurance program currently located at the LSU South Campus to occupy approximately 30,000 sq. ft. of space in the LDMF building, provided that any such lease or similar agreement shall be subject to approval by the LSU System President to ensure compliance with law and applicable agreements relating to this project; and
4. Any related contracts or other documents necessary or appropriate for the accomplishment of the LDMF project, upon a written finding by the President that such contract is for an acceptable university purpose related to the LDMF project.

BE IT FURTHER RESOLVED that RTF and LSU may agree to the joint management or joint procurement of operating services for the LETC and LDMF buildings if appropriate to minimize costs and maximize operational efficiency, but the activities and operations of the two buildings are separate and distinct, and the LDMF building shall not be considered or represented to be an extension of the LETC building or activities therein;

BE IT FURTHER RESOLVED that the Board does hereby acknowledge that the Digital Media Facility, to be constructed on the LSU A&M campus, is in general compliance with the Campus Design Guidelines and hereby delegates the approval of the detailed plans and specifications to the President, or his designee, Assistant Vice President and University Architect; and

BE IT FURTHER RESOLVED that it shall be the responsibility of the LSU A&M campus and the LSU Ag Center, as applicable, and RTF to timely initiate the transactions authorized in this Resolution, and to timely present such transactions and related contracts and other documents to the President for review and approval in accordance herewith and in accordance with the Bylaws.

10C4. Recommendation to approve settlement with Johnson Controls, Inc. (Out of-time Submission)

Mr. Lamonica, General Counsel, LSU System, addressed this recommendation. He noted that previously the Committee had been asked to approve settlement regarding the co-generation project between LSU and Bernhard Mechanical Contractors Inc. Although this is independent of that issue, the same legal structure is involved and the recommendation before the Committee today recommends that the Board authorize LSU System President, Dr. John Lombardi, to execute settlement of all outstanding disputes with Johnson Controls, Inc. (JCI) relating to the five performance-based energy efficiency contracts between LSU and JCI for an amount or \$3,040,806.10 paid to LSU, and termination of the five existing contracts between LSU and Johnson Controls, Inc. (JCI).

Mr. Lamonica further noted that the Board, for future consideration, may wish to consider adopting an amendment to its *Bylaws* to ensure that it receives better and more thorough advice from outside expert consultants prior to executing future similarly complex contracts. (Suggested Future Amendment to *Bylaws* shown below).

Mr. Lamonica commended Fred Tulley and Robin Toups, outside legal counsel, for their outstanding role in reaching this settlement.

Upon motion of Mr. Mount, seconded by Mr. Chatelain, the Board voted unanimously to approve the following resolution:

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College that it authorizes LSU System President, Dr. John V. Lombardi, or his designee, to execute a settlement of all outstanding disputes with Johnson Controls, Inc. (JCI) relating to the five performance-based energy efficiency contracts between LSU and JCI for an amount to be paid to LSU of not less than **\$3,040,806.10**, and termination of the five existing contracts between LSU and Johnson Controls, Inc.;

BE IT FURTHER RESOLVED that the formal settlement agreement shall contain such other terms and conditions as the President, in consultation with the System General Counsel, deems to be in the best interests of LSU; and

Notice of Possible FUTURE Amendment to Article VII, Section 8.E of the Bylaws

Article VII of the Bylaws of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College is hereby amended to insert the following new subsection after section 8.E.4, and to renumber each subsequent subsection accordingly:

- 5.a When the opinion of a consultant or expert is to be relied upon by the Board or the President, or by a campus or institution for any submission being made to the Board or the President, the consultant or expert shall provide such opinion in a written report which shall be distributed to the members of the Board.
- b. The report shall contain, at a minimum, the following: (i) a description of the relevant facts (or hypothetical facts) on which the opinion relies, (ii) the source(s) which provided those facts (or hypothetical facts), and (iii) any material assumptions on which the opinion relies.

Minutes-Regular Board Meeting
April 15, 2011

- c. The report shall be signed by the consultant or expert and shall expressly certify:
(i) that the opinion reflects all the factors which should be considered by the Board in determining the risks and merits of the transaction (if the opinion does not analyze all such factors, it must clearly and plainly identify each factor not analyzed with an appropriate and prominent disclaimer), (ii) that the expert or consultant has not been instructed by anyone to limit his analysis of any material issue, and (iii) that there have been no extraneous influences on the opinion.

10D. Legislative, Public Policy, and Information Committee (Cancelled)

10E. Athletic Committee

Mr. Stanley Jacobs, Chairman, Athletic Committee, reported that the Committee recommends Board approval of the following:

10E1. Resolution to extend term (only) of the contract of Mr. Joe Alleva, Athletic Director at Louisiana State University, from June 30, 2013 to June 30, 2016 (Out-of-time Submission)

Upon motion of Mr. Jacobs, seconded by Mr. Anderson, the Board voted unanimously to approve the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College authorizes LSU System President Dr. John V. Lombardi, or his designee, to execute an amendment to the contract with Athletic Director Joe Alleva to extend its term through June 30, 2016.

11. Recommendation for Honorary Degrees

Upon motion of Mr. Falterman, seconded by Dr. George, the Board voted unanimously to approve the following Honorary Degrees:

11A. Recommendation to award an Honorary Degree to Alexander Pierre "A.P." Tureaud, Jr.

WHEREAS, Alexander Pierre "A.P." Tureaud, Jr., in 1953 became the first African-American undergraduate admitted to Louisiana State University, being rebuffed by his fellow students and teachers, he eventually completed his undergraduate studies at Xavier University in New Orleans and went on to earn a graduate degree from Columbia University in New York; and

WHEREAS, A. P. Tureaud, Jr. dedicated 38 years to a career as a special education teacher and school administrator, drawing upon his early student experiences as a source of inspiration in fostering a broader understanding of the civil rights struggle and dedicating a life-long career to speaking publicly about educational equality, and social justice; and

WHEREAS, A. P. Tureaud, Jr. devoted his talents to LSU by assisting in the reestablishment of the A.P. Tureaud, Sr. Black Alumni Chapter to honor his late father, who handled almost all of the desegregation and other civil rights cases filed in Louisiana from the early 1940s through the 1960s; and

WHEREAS, Mr. Tureaud remains a source of inspiration and encouragement for LSU by recruiting minority students, sharing his personal experiences, and providing an example of racial reconciliation; and

WHEREAS, Mr. Tureaud authored a book about his late father, *A More Noble Cause: A. P. Tureaud and the Struggle for Civil Rights in Louisiana*, which shed new light on Louisiana's most prominent equal rights attorneys and activists as well as his brief but difficult time at LSU where Tureaud Hall is now named in honor of his father; and

WHEREAS, Mr. Tureaud is a distinguished alumni and representative for LSU who has overwhelmingly demonstrated a love for his alma mater, it is fitting that LSU A&M recognize Alexander Pierre "A.P." Tureaud, Jr. and acknowledge his contributions by bestowing an honorary degree upon him; and

WHEREAS, upon the recommendation of the LSU A&M Committee on Honorary Degrees, the LSU System Committee on Awarding Honorary Degrees, the LSU System President and LSU System Vice President for Academic Affairs have reviewed and approved this recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University Agricultural and Mechanical College does hereby authorize and award the degree of Doctorate of Humane Letters *honoris causa* to Mr. Alexander Pierre "A.P." Tureaud Jr., at the May 2011 University Commencement ceremony.

11B. Recommendation to award an Honorary Degree to the Honorable Henson Moore

WHEREAS, the Honorable Henson Moore, who holds a Bachelor of Arts and Master of Arts from Louisiana State University and Agricultural and Mechanical College as well as a Juris Doctor degree from the LSU Paul M. Hebert Law Center; and for more than a quarter century compiled an extensive record of service to Louisiana and the nation, highlighted by his induction to the Louisiana Politics Hall of fame; and

WHEREAS, the Honorable Henson Moore represented Louisiana's Sixth Congressional District in the United States House of Representatives for 12 years; and, after leaving Congress was appointed to serve as a member of the Panama Canal Consultation Committee, Deputy Secretary of the Department of Energy, and Deputy Chief of Staff for President George H. W. Bush; and

WHEREAS, the Honorable Henson Moore was chairman of the *Forever LSU Campaign*, devoting significant time and energy to the effort that made it possible for the campaign to reach its goal of raising \$750 million; and

WHEREAS, the Honorable Henson Moore is a prominent LSU alumni who consistently exhibits a long-lasting and deep regard for his alma mater; and

WHEREAS, it is fitting that Louisiana State University and Agricultural and Mechanical College recognizes the Honorable Henson Moore's record of achievement by bestowing an honorary degree upon him; and

Minutes-Regular Board Meeting
April 15, 2011

WHEREAS, upon the recommendation of the LSU A&M Committee on Honorary Degrees, the LSU System Committee on Awarding Honorary Degrees, the LSU System President and LSU System Vice President for Academic Affairs have reviewed and approved this recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby authorize and award the degree of Doctor of Humane Letters *honoris causa* to the Honorable Henson Moore, to be awarded at the next University Commencement ceremony.

12. Recommendation to approve the Board Meeting Schedule for 2011-2012 Academic Year

Upon motion of Mr. Yarborough, seconded by Mr. Chatelain, the Board voted unanimously to approve the Board Meeting Schedule for the 2011-2012 Academic Year. **(Copy of Schedule attached hereto and made a part hereof).**

13. Chairman's Report

Chairman Moore announced that the Audit Committee would not meet today.

He noted that the LSU Flagship Coalition Group has been promoting initiatives to further enhance the future of LSU and asked that the Board, by unanimous consent, join in expressing appreciation to the Flagship Coalition Group for their support of LSU through the budget crisis.

14. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

Carleen N. Smith
Administrative Secretary