

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
September 16-17, 2009**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 21, 2008, to each and every member of said Board, said date being at least five days prior to this September 16-17, 2009 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse and Ms. Amy Whitten. Mr. C.D. Smith was absent. The meeting was called to order by Mr. Scott Ross, President, and opened with prayer by Mr. Ed Blakeslee.

ANNOUNCEMENTS

- ▶ Mr. Ross welcomed President George Ross' cabinet members: Mr. Kevin Appleton, Vice President for Finance and Administrative Services, Dr. Richard Green, Interim Provost and Vice President for Academic Affairs, and Mr. Stephen McDaniel, Vice President for Development and Marketing and Executive Director of the Alcorn State University Foundation.
- ▶ Mr. Ross thanked everyone for participating in the Board Retreat on September 3-4, 2009 at the Old Waverly Golf Club in West Point, MS. Dr. Neely thanked Mrs. Donna Ross for being a wonderful hostess to the Board members and their spouses.

APPROVAL OF THE MINUTES

On motion by Ms. Pickering, seconded by Ms. Robinson, with Mr. Smith absent and not voting, it was

RESOLVED, That the Minutes of the Board meeting held on August 19-20, 2009, stand approved.

On motion by Ms. Whitten, seconded by Dr. Neely, with Mr. Smith absent and not voting, it was

RESOLVED, That the Minutes of the Board Retreat held on September 3-4, 2009, stand approved.

CONSENT AGENDA

On motion by Ms. Robinson, seconded by Dr. Neely, with Mr. Smith absent and not voting, it was

RESOLVED, That the Board hereby approved the following Consent Agenda.

ACADEMIC AFFAIRS

1. **System** - Approved the modifications to the existing academic units as shown below:
 - a. *Mississippi State University* requests permission to rename the *Department of Wildlife and Fisheries* to the *Department of Wildlife, Fisheries and Aquaculture*. This is a logical change since the South Farm Aquaculture Unit and aquaculture research scientists report to

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- the Head of current unit. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing College of Forest Resources budgets.
- b. The *University of Mississippi Medical Center* requests permission to rename the *Department of General Health Sciences* to the *Department of General Health Professions* to better reflect the purpose and current direction of the unit, which includes housing smaller programs and newer programs from an array of allied health professions. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing School of Health Related Professions budgets.
 - c. The *University of Mississippi* requests permission to rename the *Department of Family and Consumer Sciences* to the *Department of Nutrition and Hospitality Management* to better align the unit name with the mission of the unit and nationally recognized terminology for the academic disciplines within the unit. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing School of Applied Sciences budgets.
 - d. The *University of Mississippi Medical Center* requests permission to rename the *Department of Pediatric and Public Health Dentistry* to the *Department of Pediatric Dentistry and Community Oral Health* to better align the unit name with the faculty's training and responsibilities, curriculum, and mission of the unit. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing School of Dentistry budgets.
 - e. The *University of Southern Mississippi* requests permission to rename the *Department of Speech Communication* to the *Department of Communication Studies* to better align the unit name with current nomenclature in the discipline and the array of communication types that are studied in the unit. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing College of Arts and Letters budgets.
 - f. The *University of Southern Mississippi* requests permission to reorganize the *College of Arts and Letters* by removing Interior Design faculty and associated resources from the existing unit and placing them in the *College of Science and Technology*. The proposed reorganization will enhance collaboration between the Interior Design and Architectural Engineering Technology programs. Furthermore, the College of Science and Technology is a better fit to house the Interior Design program. The proposed reorganization will be funded by reallocating existing funds at the institution.
2. **System** - Approved modifications to existing academic programs as shown below:
- a. *Mississippi State University* requests permission to rename the Bachelor of Science in Agricultural, Food, and Resource Economics to the *Bachelor of Science in Environmental Economics and Management* to better align the degree name with the curriculum and attract more students to pursue this major. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing Department of Agricultural Economics budgets.

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- b. *Mississippi Valley State University* requests permission to rename the *Master of Business Administration* to the *Professional Master of Business Administration* to align the degree name with the targeted student population, which is entry and mid-level managers pursuing advanced management skills in the Delta Region. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing Department of Business Education budgets.
 - c. The *University of Mississippi* requests permission to rename the *Doctor of Philosophy in Exercise Science* to the *Doctor of Philosophy in Health and Kinesiology* to align the degree name with the revised curriculum, attract more students, and align the name with current terminology in the discipline. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing Department of Health, Exercise Science, and Recreational Management budgets.
 - d. The *University of Southern Mississippi* requests permission to rename the 1) Bachelor of Arts, 2) Master of Arts, 3) Master of Science, and 4) Doctor of Philosophy degrees in *Administration of Justice* to the 1) Bachelor of Arts, 2) Master of Arts, 3) Master of Science, and 4) Doctor of Philosophy degrees in *Criminal Justice*, respectively, to better align the degree names with the unit each degree is housed (School of Criminal Justice) and the curriculum within each degree program. The proposed name change will require minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources will be covered by existing School of Criminal Justice budgets.
3. **System** – Approved new limited-scope centers and institutes as shown below:
- a. The *University of Mississippi* has established the *Magazine Innovation Center*, which is a limited scope center within the School of Journalism that facilitates collaboration among experts in publishing, printing, advertising and distribution aimed to generate innovations in magazines and other print media. **The center is funded with external grant funds.**
 - b. The *University of Southern Mississippi* has established the *Center for American Indian Research and Studies*, which is a limited scope center within the College of Arts and Letters that facilitates educational, research, service, and cultural exchange partnerships between USM faculty and regional tribal governments to better serve the needs of Native Americans. **The center is funded with external grant funds and existing university budgets.**
 - c. The *University of Southern Mississippi* has established the *Center on Aging*, which is a limited scope center within the College of Health that facilitates collaborative research and service activities among the academic departments, the Institute for Disability Studies, and the Osher Lifelong Institute. **The center is funded with external grant funds, existing university budgets, and registration fees.**
4. **USM** – Approved the request to rename an existing limited-scope center the *Center for Community and Civic Engagement* to the *Mississippi Campus Compact* to align the unit name with its current focus and designation by the national office of Campus Compact as the state-wide coordinating unit to expand student services, leadership and civic engagement. The name change requires minimal resources (e.g., change of campus signs, stationary, recruiting materials, etc.). These minimal resources are covered by existing university budgets.

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BUDGET, FINANCE AND AUDIT

5. **MUW** - Approved the request to amend the agreement with Sodexho Operations, LLC. The purpose of the original agreement, approved by the Board July 21, 2005, is to outsource management services related to the campus's facilities operation. Sodexho was selected by MUW via a Request for Proposals process. The purpose of the proposed amendment is to amend the contract price in accordance with the terms of the original agreement which allows for the price to be increased annually based on changes to the Consumer Price Index. Additionally, the increase will cover two employees absorbed by Sodexho from MUW's budget. The overall agreement period is August 26, 2005 through August 31, 2010. The amendment is effective for the period September 18, 2009 through August 31, 2010. The current contract price is \$2,825,916, with the proposed amendment increasing the total cost by the consumer price index of .75% (\$21,195) and additional personnel (\$54,520) for a total of \$77,712, or a 2.7% increase. The amended overall total contract price is \$2,903,628. The agreement is funded via auxiliary via general budgeted in MUW Facilities Management and by auxiliary funds. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *September 16-17, 2009 Board Working File*.

6. **UMMC**- Approved the request to authorize the Medical Center Educational Building Corporation (EBC) to amend its Standby Bond Purchase Agreement with KBC Bank, NV, acting through its New York branch, in connection with the UMMC EBC Series 2008A and Series 2008B Bonds (collectively, the "Series 2008 Bonds"). The current outstanding principal amount of the Series 2008 Bonds is \$83,620,000. The existing Standby Bond Purchase Agreement expires October 14, 2009. KBC Bank, NV is winding down its US operations and as a result does not intend to renew the Standby Bond Purchase Agreement for an additional year. However, KBC Bank, NV is willing to extend the current Standby Bond Purchase Agreement to December 31, 2009. Five days prior to the expiration date of the Standby Bond Purchase Agreement, bondholders are required to tender bonds. If the bonds cannot be remarked, UMMC would pay the bank rate which is expected to be 10 percent, increasing interest expense by approximately \$21,329 per day.

The Medical Center EBC intends to refinance the Series 2008 Bonds using the proceeds of a fixed-rate bond issue without a Standby Purchase Agreement. The extension to the existing standby purchase agreement through December 31, 2009 affords the Medical Center EBC time to issue the new fixed rate bonds and redeem the Series 2008 Bonds, while avoiding the increased interest costs that would result if KBC Bank, NV acquired the Bonds. The proposed amendment will result in a \$2,500 processing fee and a commitment fee of \$2,520 per day, for a maximum fee cost of \$196,564. Should the Series 2008 Bonds be redeemed and the Standby Purchasing Agreement terminated prior to December 31, 2009, the total commitment fee will be less.

7. **UMMC**- Approved the request to enter into an agreement with Mississippi Baptist Health Systems, Inc. The purpose of the agreement is to lease 4,475 net usable square feet to temporarily house the practice of two (2) orthopedic physicians. The location of the leased premises is 1190 N. State Street, Jackson, MS known as Medical Arts East, Suite 204. This agreement will allow time for completion of renovations for the physicians' permanent office space in the Pavilion at UMMC. Mississippi Baptist Health Systems, Inc. is responsible for utilities, routine maintenance and repairs,

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and janitorial and security services. The agreement period is October 1, 2009 to March 31, 2010. The total cost for the agreement period is \$37,724 and is due in monthly installments of \$6,287 based on a rental rate of \$16.86 per square foot. This agreement is being funded via patient revenue. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *September 16-17, 2009 Board Working File*.

8. **USM** - Approved the request to enter into an agreement with Blackboard. The purpose of the agreement is to provide professional consulting services related to USM's distance education programs. Services encompass program evaluation, course scheduling review, marketing and branding assistance, course design assistance, faculty development, project communications and change management. The master service agreement is for a three-year period commencing on the date of execution, estimated at October 1, 2009 and will continue through September 30, 2012. The estimated period of performance for the proposed Statement of Work would end January 31, 2010. The total cost is \$769,211. The agreement will be funded via General Funds. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *September 16-17, 2009 Board Working File*.

REAL ESTATE

Note: Project numbers beginning with the prefix "GS" designate projects that the Bureau of Building provides management oversight for and are funded partially or wholly with state Bureau of Building bond revenues. Project numbers beginning with the prefix "IHL" designate projects that are funded from university self-generated sources including but not limited to donations, fees, and grants.

Bureau of Building Projects

9. **DSU** - Approved the initiation of **GS 102-229, Residence Halls Fire Protection**, a project to install fire suppression systems in Cleveland Hall, Lawler-Harkins Hall, and the Court of Governors Hall. The Board also approved the appointment of Luke Peterson Kaye as project professionals. The total project budget is \$1,077,141. Funds are available from HB 1722, Laws of 2009. *Project Professional: Luke Peterson Kaye Architects*
10. **DSU** - Approved the initiation of **GS 102-230, Electrical Service Upgrade Phase I**, a project to upgrade the campus-wide electrical system and the appointment of Watkins & O'Gwynn Electrical Engineers as project professionals. The total project budget is \$622,207. Funds are available from HB 1722, Laws of 2009. *Project Professional: Watkins & O'Gwynn Electrical Engineers*
11. **DSU** - Approved the initiation of **GS 102-231, Drainage Improvement Phase I**, a project to correct existing storm sewer and sanitary sewer failures and the appointment of Eley Engineering as project professionals. The total project budget is \$450,000. Funds are available from HB 1722, Laws of 2009. *Project Professional: Eley Engineering*

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12. **DSU** - Approved the initiation of **GS 102-232, Campus Roof Repairs**, a project to re-roof the Bologna Performing Arts Center and the Forest E. Wyatt Center for Health, Physical Education and Recreation. The Board also approved the appointment of Shafer and Associates as project professionals. The total project budget is \$650,652. Funds are available from HB 1722, Laws of 2009. *Project Professional: Shafer and Associates*
13. **DSU** - Approved the initiation of **GS 102-234, Cutrer House Repairs Phase I**, a project to repair infrastructure and restoration of landscape amenities and the appointment of Shafer and Associates as project professionals. The total project budget is \$250,000. Funds are available from HB 1722, Laws of 2009. *Project Professional: Shafer and Associates*
14. **MSU** - Approved the request by the Mississippi State University Division of Agriculture, Forestry and Veterinary Medicine to initiate **GS 113-126, Bost/Forest Products-Mechanical**, a project to address HVAC issues at the Bost Building and Forest Products Building #1. The project adds sprinkler systems to several buildings in the Forest Products complex and adds energy management controls to both buildings. The Board approved the appointment of MJR/Senter, P.C. of Birmingham, Alabama as project professionals. The total project budget is \$900,000. Funds are available from HB 1722, Laws of 2009. *Project Professional: MJR/Senter, P.C.*
15. **MSU** - Approved the request by the Mississippi State University Division of Agriculture, Forestry and Veterinary Medicine to initiate **GS 113-127, Bost/Forest Products-Electrical**, a project to add fire alarm systems in various buildings of the Forest Products complex and address the lighting issues. The Board also approved the appointment of Atwell & Gent, P.A. of Starkville, Mississippi as project professionals. The total project budget is \$400,000. Funds are available from HB 1722, Laws of 2009. *Project Professional: Atwell & Gent, P.A.*
16. **USM** - Approved the initiation of **GS 108-261, School of Nursing Building**, a project on the Hattiesburg Campus for a new School of Nursing building. This project is part of the pre-planning effort underway for the College of Health and will be designed with funds received from a federal grant. This phase will provide faculty and administrative offices, classrooms, seminar rooms, and laboratory facilities, with a programmed scope of approximately 53,000 gross square feet, with an estimated project budget of approximately \$24 million. The site of the proposed Nursing building is in accordance with the campus master plan approved by the Board in 2008. The design professional, Studio South Architects & Eley and Associates, was previously selected and approved for the preplanning of the College of Health. Funding for the design phase in the amount of \$1,500,000 is available from the U.S. Department of Health and Human Services, Grant #C76HF1502. *Project Professional: Studio South Architects & Eley and Associates/A Joint Venture*

IHL Projects

17. **DSU** – Approved the initiation of **IHL 202-139, School of Nursing Phase II Addition**, a project to build a computer lab addition onto the existing School of Nursing building. The total project budget is \$510,947. Funds are available from Health Resources Service Administration grant #U1FRH07411. *Project Professional: Shafer and Associates Architects*

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18. **MSU** - Approved the initiation of **IHL 205-249, MDOT Fence Project**, a project to place approximately 3,000 linear feet of fence along Highway 182 and Highway 12 on the university campus. The metal fencing will consist of 32-foot sections with brick pilasters supporting the fencing. The Board also approved the appointment of MSU employee, Michael T. Muzzi, AIA, AUA as the project professional. The project will be partnered with the Mississippi Department of Transportation, Fence Project STP-04200-000 (012) LPA/105134-701000. The total project budget is \$500,000. Funds are available from MDOT in the amount of \$400,000 and MSU E & G in the amount of \$100,000. *Project Professional: Michael T. Muzzi, AIA, AUA (MSU Employee--Campus Architect)*
19. **MSU** - Approved the appointment of Neel-Schaffer, Inc. of Columbus, Mississippi as the project professionals for **IHL 205-232, South Entrance Road**. The project initiation was approved by the Board of Trustees in September, 2008 with a total project budget of \$5,000,000. The project is part of a phase to upgrade the vehicular access roads into campus. Funds are available by the Federal Government through Mississippi Department of Transportation in the amount of \$5,000,000. *Project Professional: Neel-Schaffer, Inc.*
20. **UM** - Approved the initiation of **IHL 207-325, Gertrude Ford Boulevard Erosion Project**, a project for erosion control on Gertrude Ford Boulevard and the appointment of Precision Engineering of Oxford, Mississippi as project professionals. The total project budget is \$310,000. Funds are available from internal repair and renovation funds. *Project Professional: Precision Engineering*
21. **UM** - Approved the initiation of **IHL 207-326, Elevator Replacements at Martin Hall**, and the appointment of SSR Ellers, as project professionals. The total project budget is \$805,000. Funds are available from student housing auxiliary repair and renovation funds. *Project Professional: SSR Ellers*
22. **UM** - Approved the initiation of **IHL 207-327, Meek Hall Forge**, to construct an outdoor shelter for casting metal for the art department. The Board also approved the appointment of the University of Mississippi Facilities Planning Department as the project professional. The total project budget is \$300,000. Funds are available from internal repair and renovation funds and indirect cost recoveries. *Project Professional: UM Facilities Planning Department*
23. **UM** - Approved the initiation of **IHL 207-328, MEMA/FEMA Generator Project**, a project for new emergency generators and automatic transfer switches for various sites on the campus. The Board also approved the appointment of the Corbett Legge and Associates of Tupelo, Mississippi as project professionals. The total project budget is \$350,000. Funds are available from DRU Mitigation Emergency Generators-DR-1604-MS-0245 - CFA No.97.039. *Project Professional: Corbett Legge and Associates*
24. **UM** - Approved the initiation of **IHL 207-329, Triplett Alumni Center Renovation**, and the appointment of Foil Wyatt Architects of Jackson, Mississippi as project professionals. The total project budget is \$1,998,104. Funds are available from Alumni Association, internal repair and renovation funds, and private donations. *Project Professional: Foil Wyatt Architects*

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25. **UMMC** - Approved the initiation of **IHL 209-528, Stadium Parking Paving 2009**, a project to remove and/or repair existing deteriorated paved areas near the north leased parking area. This work will include re-stripping and preparation for bus shelters. The Board also approved the appointment of the Cooke Douglass Farr Lemons, LTD as project professionals. The total project budget is \$892,500. Funds are available from interest income and hospital patient revenue. *Project Professional: Cooke Douglass Farr Lemon, LTD*
26. **MSU** - Approved the request to increase the budget for **GS 105-315, Bowen Hall Waterproofing**, from \$400,000 to \$442,483.75 for an increase in the amount of \$42,483.75. This increase is required to add the waterproofing of the exterior of the historical building to the scope of work. The Board also approved the request to change the project professional from Pryor & Morrow Architects to Shafer & Associates. The new total project budget is \$442,483.75. Funds are available from SB 2010, Laws of 2004. *Project Professional: Shafer & Associates*
27. **ASU** - Approved the request to demolish two single room apartment buildings located on the university's main campus. The buildings are no longer in useable condition and have no value to the university. This request is pending receipt of approval letters from the Mississippi Department of Archives and History and the Mississippi Department of Environmental Quality. These approval letters will be kept on file in the Office of Real Estate and Facilities. Project is being paid for with the New Residence Hall EBC bonds.
28. **ASU** - Approved the request to demolish the laundry facility located on the university's main campus. The building is located on the site of the new student housing project. A temporary laundry facility will be provided until the new residence hall, which will have laundry facilities, is completed. This request is pending receipt of approval letters from the Mississippi Department of Archives and History and the Mississippi Department of Environmental Quality. These approval letters will be kept on file in the Office of Real Estate and Facilities. Project is being paid for with the New Residence Hall EBC bonds.
29. **DSU** - Approved the request to rename the Forest Earl Wyatt Gymnasium the Forest E. Wyatt Center for Health, Physical Education, and Recreation. The name change better aligns the program with the university's health initiatives.
30. **JSU** - Approved the request to add three (3) parcels of land located on Short Hickory Street (146-51, 146-51-1, and 146-61) to **GS 103-246, Land Acquisition Project, Phase IV**. The parcels will be used to expand the operations of that project which was approved by the Board of Trustees in January 2008. The parcels have been reviewed and approved by the Bureau of Building, Grounds and Real Property Management.
31. **MSU** - Approved the request by the Mississippi State University Division of Agriculture, Forestry, and Veterinary Medicine the request to sell 300 square feet of land to the City of Pascagoula in the amount of \$2,600. The property is located south of Denny Avenue (Highway 90), west of Pascagoula Street, at the southwest corner of Krebs Avenue and 3411 Frederic Street, in the City of Pascagoula, Jackson County, Mississippi. The Board also granted the City of Pascagoula a 450 square foot temporary construction easement. The City of Pascagoula requested the land acquisition

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and easement to construct a historical pathway. The sale price is the average of the two appraisals as per Board Policy §905 (A) Real Estate Management. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The documents have been reviewed and approved by the Attorney General's office.

32. **MSU** - Approved the request to award timber sales in the amount of \$6,555 for timber sale 09-01HT from John W. Starr Memorial Forest to the only bidder, Mr. Tony Stribling of Sturgis. The bid was received on August 19, 2009. The documents have been reviewed and approved by the Attorney General's office. The description of the forest areas are listed below:

Tract 1, Cypress Creek Unit, John W. Starr Memorial Forest

The sale area is approximately 15 acres located in the North 1/2 of the Northwest 1/4 of Northeast 1/4 of Section 15, and the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 10, all being in Township 17 North, Range 13 East, Oktibbeha County, Mississippi.

Tract 2, Noxubee Unit, John W. Starr Memorial Forest

The sale of approximately 15 acres located in the Southwest 1/4 of the Northeast 1/4 of Section 34, Township 17 North, Range 13 East, Oktibbeha County, Mississippi.

33. **UM** - Approved the request to execute a deed of trust of leasehold interest on Lot 402 on the Oxford campus for the Housing Corporation of the Mississippi Chapter of Alpha Tau Omega to refinance its existing debt on its improvements. The Housing Corporation holds an existing lease on the Oxford campus dated April 16, 2003. The primary term of the lease is for fifty (50) years ending April 15, 2053. The documents have been reviewed and approved by the Attorney General's office.
34. **USM** - Approved the request to grant a utility easement to the City of Long Beach, Mississippi for the replacement of a main sanitary sewer line on the Gulf Park Campus property. A copy of the proposed easement agreement and legal description is on file with the Office of Real Estate and Facilities. The documents have been reviewed and approved by the Attorney General's office.
35. **USM** - Approved the request to purchase property located at 3601 Azalea Drive, Hattiesburg, Mississippi from Wilbur W. Bullock, Jr. The purchase price is \$122,500 and below the average of the two appraisals (\$142,000 and \$135,000) as per Board Policy §905(A) Real Estate Management. Funding for the purchase of the property is available from HB 1722, Laws of 2009 R&R Funds. A copy of the appraisals, property description and all legal documentation is on file with the Office of Real Estate and Facilities.

36. **PERSONNEL REPORT**

EMPLOYMENT

Alcorn State University
Appleton, Kevin

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Mississippi Valley State University
Hornbeak, Jerrick L.

CHANGE OF STATUS

Alcorn State University
Patlolla, Babu
White, Samuel

Mississippi State University
Mixon, Melissa J.

Mississippi State University - Athletics

John Cohen, Head Baseball Coach, Athletics; contract period of June 2008 to June 2012; salary of \$250,000 per annum pro rata; Auxiliary Funds; to effective July 1, 2009, a one-year extension through June 30, 2013, no change in salary

Richard L. Stansbury, Head Men's Basketball Coach, Athletics; contract period of July 1, 2008 to June 30, 2012; salary of \$225,000 per annum, pro rata; Auxiliary Funds; to effective July 1, 2009, a salary of \$235,000 per annum pro rata; Auxiliary Funds; no change in contract period

Mississippi University for Women
Jenkins, Hal
Jolly-Smith, Sue

Mississippi Valley State University
Haire, Marvin
Lee, Tazinski

University of Mississippi - Athletics

Mark Beyers, Head Women's Tennis Coach; Athletics; *from* contract period of July 01, 2009 to June 30, 2010; \$84,000 annual salary; Auxiliary Funds; *to* effective July 01, 2009, a one-year extension through June 30, 2011

University of Southern Mississippi - Athletics

Scott Berry, *from* Associate Head Coach, Baseball; salary of \$62,400 per annum; Auxiliary Funds; *to* effective July 1, 2009, Head Coach, Baseball, Department of Intercollegiate Athletics; four-year contract period through June 30, 2013; salary of \$85,000 per annum pro rata; Auxiliary Funds

Chad Caillet, Assistant Baseball Coach, Baseball, Department of Intercollegiate Athletics; *from* a salary of \$47,000 per annum; Auxiliary Funds; *to* effective July 1, 2009, salary of \$60,000 per annum; Auxiliary Funds-1 year

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Kevin Stephen, Head Coach, Men's Track and Field, Department of Intercollegiate Athletics; *from a contract period of July 1, 2009 through June 30, 2010; salary of \$48,000 per annum; Auxiliary Funds; to effective July 1, 2009, a two-year contract extension to June 30, 2012; no change in salary*

REHIRE OF RETIREES

Delta State University

Kent Wyatt, *prior position: President; current engagement: President Emeritus; contract period: September 18, 2009 through June 30, 2010; contract amount: \$59,000*

William Lester, *prior position: Professor of Art; current engagement: Professor Emeritus of Art & Coordinator for Dockery Farms; contract period: September 18, 2009 through June 30, 2010; contract amount: \$34,559*

James Robinson, *prior position: Professor of History; current engagement: Professor Emeritus of History; contract period: September 18, 2009 through May 31, 2010; contract amount: \$33,350*

Mark Routman, *prior position: Professor of Sociology; current engagement: Professor Emeritus of Sociology; contract period: September 18, 2009 through May 31, 2010; contract amount: \$28,193*

Janette McCrory, *prior position: Instructor in Nursing; current engagement: Adjunct Instructor in Nursing; contract period: September 18, 2009 through June 30, 2010; contract amount: \$35,000*

Ann Harland Webster, *prior position: Asst. Professor of Ed Leadership, University of Mississippi; current engagement: DEI Project Manager, Adjunct Instructor; contract period: September 18, 2009 through June 30, 2010; contract amount: \$35,494*

Gerry Sultan, *prior position: Director, Delta Area Writing Project/World Class Teaching Program; current engagement: Director, Delta Area Writing Project/World Class Teaching Program, Adjunct Instructor; contract period: September 18, 2009 through June 30, 2010; contract amount: \$35,494*

A.C. Prewitt, *prior position: Asst. Director of Physical Plant; current engagement: Facilities Engineer; contract period: September 18, 2009 through June 30, 2010; contract amount: \$22,604*

Henry Outlaw , *prior position: Chair and Professor of Biological and Physical Sciences; current engagement: Development Officer for Arts and Sciences; contract period: September 18, 2009 through June 30, 2010; contract amount: \$40,000*

Jackson State University

Diane Braddy, *prior position: Instructor, Department of Special Education; current engagement as independent contractor: Instructor, Department of Special Education, contract amount of \$22,794 for the period July 1, 2009 through May 10, 2010*

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Mississippi University for Women

Charlotte Curtis; *prior position*: Instructor of Nursing, BSN Program; *current engagement* as independent contractor: Part-time Adjunct Instructor of Nursing, BSN Program; contract is for the Fiscal Year 2010; contract amount of \$30,000

University of Southern Mississippi

Lon Mathias, *prior position*: Professor, School of Polymers and High Performance Materials; *current engagement*: Professor, School of Polymers and High Performance Materials; contract amount of \$49,542 for the period October 16, 2009 through June 30, 2010

AWARD OF TENURE

University of Southern Mississippi

Marvasti, Akbar

TERMINATION

University of Southern Mississippi

Juneau, Karen
Mann, Edward

ACADEMIC AFFAIRS COMMITTEE REPORT

Wednesday, September 16, 2009

The Committee was brought to order at approximately 1:15 p.m. by Chairman Robin Robinson. The following items were discussed/voted upon:

1. On motion by Dr. Neely, seconded by Mr. Perry, and unanimously passed by those present, the Committee recommended that the Board approve agenda item #1.
2. On motion by Mr. Perry, seconded by Ms. Pickering, and unanimously passed by those present, the Committee recommended that the Board approve agenda item #2.
3. Other Business - Ms. Robinson attended a session called Making the Grade Turn Out Tools for Mississippi Schools at the Governor's Education Summit on Thursday, September 17, 2009. President Mark Keenum announced that the Mississippi State University's Schools of Education and Business will be working to train teachers and leaders to be more effective.

Committee members attending the meeting were: Ms. Robin Robinson (Chair), Dr. Bettye Neely, Mr. Alan Perry, Ms. Christy Pickering and Dr. Doug Rouse. Other Board members attending the meeting were: Mr. Ed Blakeslee, Mr. Bob Owens, Mr. Aubrey Patterson and Mr. Scott Ross.

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ACADEMIC AFFAIRS

Presented by Ms. Robin Robinson, Chair
Thursday, September 17, 2009

On motion by Ms. Robinson, seconded by Dr. Rouse, with Mr. Smith absent and not voting, it was

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the following Academic Affairs Agenda. Agenda item #2 was approved on a separate motion by Ms. Robinson, seconded by Ms. Pickering, with Mr. Smith absent and not voting.

1. **System** - Based on insufficient graduation rates, 40 academic programs were evaluated to assess productivity potential, unnecessary program duplication, and contributions to general education core curricula. The Board approved the following actions:
 - a. **Delete** the following 7 academic programs:

ASU	Master of Arts in Teaching (Community College Instruction) (CIP 13.0407)
MUW	Bachelor of Science in Fine Arts (CIP 50.0101)
MVSU	Bachelor of Science in Special Education (CIP 13.1001) – <i>Ayers</i> funded
MVSU	Master of Education in Educational Leadership (CIP 13.0401) – <i>Ayers</i> funded
UM	Bachelor of Arts Education in Foreign Languages Education (CIP 13.1306)
UM	Bachelor of Science in Biomedical Sciences (CIP 26.9999)
USM	Bachelor of Science in Family & Consumer Sciences Education (CIP 19.0101)
 - b. **Continue with Stipulation** the following 8 academic programs (these programs are subjected to annual review for two years to assess progress toward future productivity):

ASU	Master of Science in Computer & Information Science (CIP 11.0101)
DSU	Bachelor of Arts in Communication Studies & Theatre Arts (CIP 24.0102)
JSU	Bachelor of Science Education in Mathematics Education (CIP 13.1311)
MSU	Bachelor of Science in Agricultural Sciences (CIP 01.0000)
MUW	Bachelor of Arts in Political Science (CIP 45.1001)
MUW	Master of Education in Differentiated Instruction (CIP 13.0301)
MVSU	Bachelor of Science Education in Mathematics Education (CIP 13.1311)
USM	Master of Science in Medical Technology (CIP 51.1005)
2. **USM** - The University of Southern Mississippi has suspended enrollment into the academic programs listed below. The Board approved the request to delete the following programs after the students currently enrolled have graduated.
 - a. Bachelor of Arts in Geography (CIP 45.0701);
 - b. Bachelor of Science in Technical and Occupational Education (CIP 13.1309); and
 - c. Bachelor of Science in Business Administration in Economics (CIP 52.0601).

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**BUDGET, FINANCE & AUDIT
COMMITTEE REPORT**

Wednesday, September 16, 2009

The Committee was brought to order at approximately 1:25 p.m. by Chairman Bob Owens. The following items were discussed/voted upon:

1. On motion by Mr. Patterson, seconded by Dr. Neely, and unanimously passed by those present, the Committee recommended that the Board approve agenda item #1.
2. On motion by Ms. Robinson, seconded by Mr. Patterson, and unanimously passed by those present, the Committee recommended that the Board approve agenda item #2.
3. On motion by Ms. Robinson, seconded by Dr. Neely, and unanimously passed by those present, the Committee recommended that the Board approve agenda item #3.

Committee members attending the meeting were: Mr. Bob Owens (Chair), Dr. Bettye Neely, Mr. Aubrey Patterson, Ms. Christy Pickering and Ms. Robin Robinson. Other Board members attending the meeting were: Mr. Ed Blakeslee, Mr. Alan Perry, Mr. Scott Ross and Dr. Doug Rouse.

BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Bob Owens, Chair

Thursday, September 17, 2009

On motion by Mr. Owens, seconded by Dr. Neely, with Mr. Smith absent and not voting, it was

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the Budget, Finance & Audit Agenda. Agenda items #2 - #3 were approved on a separate motion by Mr. Owens, seconded by Ms. Whitten, with Mr. Smith absent and not voting.

1. **UM** - Approved the request to renew the campus beverage vending and sponsorship agreement with the Coca-Cola Company. The purpose of the agreement is to provide exclusive beverage sponsorship for the University and its athletic teams; campus-wide beverage availability rights; on-and-off campus marketing and merchandising rights, and exclusive right to operate full service beverage vending on campus, subject to limited exclusions. The ten-year agreement is for the period October 1, 2009 through September 30, 2019. In exchange for the rights stipulated above, revenues for the life of the agreement are estimated at \$8,817,250 and include the following:
 - fixed payments to UM totaling \$4,210,000;
 - annual fixed payments totaling \$700,000 to UM's multi-media agent, TeleSouth Communications for media rights;
 - annual fixed payments totaling \$400,000 for flexible marketing and promotional support activities; and
 - estimated vending commissions and rebates for beverages totaling \$3,507,250. Note: Vending commissions will range between 40% and 50% of net sales and rebates range from 50 cents to \$1 per case sold on different beverage brands.

A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *September 16-17, 2009 Board Working File*.

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2. **UMMC** - Approved the request to refund Series 2008A variable rate demand obligation and Series 2008B variable rate demand obligation, all or a portion of Series 1998A revenue refunding bonds, all or a portion of Series 1998B revenue refunding bonds, and to fund swap termination payments associated with Series 2008A and Series 2008B in a maximum principal amount not to exceed \$115,000,000. This refunded debt will be for fixed rate bonds. UMMC's Series 2008A and Series 2008B are variable rate demand obligations with a synthetic fixed rate through an interest rate swap through 2014. Refunding these series will require termination payments for these swaps. The EBC's financial advisor, First Southwest Company, has also recommended the refunding of all or a portion of the Series 1998A Bonds and the Series 1998B Bonds with fixed rate bonds to achieve debt service savings. First Southwest Company will serve as financial advisor for the refunding and Watkins Ludlam Winter & Stennis, P.A. will serve as bond counsel. RBC Capital Markets will serve as the lead underwriter for the refunding bonds. Morgan Stanley, Kipling Jones & Company and Wells Fargo Securities will also serve as underwriters. The Attorney General's Office has approved the bond counsel.

3. **System** - In accordance with the *Ayers* Settlement Agreement, the Board, through its counsel, shall provide to lead counsel for the private plaintiffs and counsel for the United States an annual disclosure report reflecting specified line-item information. This document is due October 1 of each year. Pending review by the Attorney General's Office, the Board approved the *Ayers* Accountability Manual for submission.

**REAL ESTATE
COMMITTEE REPORT**

Wednesday, September 16, 2009

The Committee was brought to order at approximately 2:00 p.m. by Chairman Dr. Doug Rouse. The following items were discussed/voted upon:

1. On motion by Dr. Rouse, seconded by Ms. Robinson, with Mr. Smith absent and not voting, the Committee recommended that the Board approve agenda items #1 - #5.
2. On motion by Ms. Robinson, seconded by Mr. Blakeslee, with Mr. Smith absent and not voting, the Committee recommended that the Board approve agenda items #6 - #7.

Committee members attending the meeting were: Dr. Doug Rouse (Chair), Mr. Ed Blakeslee, Mr. Bob Owens and Ms. Robin Robinson. Committee member Mr. C. D. Smith was absent. Other Board members attending the meeting were: Dr. Bettye Neely, Mr. Aubrey Patterson, Mr. Alan Perry, Ms. Christy Pickering and Mr. Scott Ross.

REAL ESTATE AGENDA

Presented by Dr. Doug Rouse, Chair

Thursday, September 17, 2009

On motion by Dr. Rouse, seconded by Ms. Robinson, with Mr. Smith absent and not voting, it was

RESOLVED, That the Board hereby approved agenda items #1 - #5 as submitted on the following Real Estate Agenda. Agenda items #6 - #7 were approved on a separate motion by Dr. Rouse, seconded by Ms. Robinson, with Mr. Smith absent and not voting.

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Note: Project numbers beginning with the prefix "GS" designate projects that the Bureau of Building provides management oversight for and are funded partially or wholly with state Bureau of Building bond revenues. Project numbers beginning with the prefix "IHL" designate projects that are funded from university self-generated sources including but not limited to donations, fees, and grants.

Bureau of Building Projects

1. **ASU** – Approved the request to increase the budget for **GS 101-255, Fine Arts Renovation, Lorman**, from \$7,650,000 to \$7,717,911.91 for an increase in the amount of \$67,911.91. This increase is required to reconcile miscellaneous fees and project costs in order to close-out the construction project. The Board also approved the request to use *Ayers Improvement Funds* for this increase. The new total project budget is \$7,717,911.91. Funds for the increase are available from the *Ayers Improvement Fund*. *Project Professional: Dale and Associates General Contractor: Flagstar Construction Company, Inc.*

2. **ASU** - Approved the request to increase the project budget for **GS 101-267, Elevator Renovations Phase II**, from \$402,297.62 to \$702,297.62 for an increase in the amount of \$300,000. This increase is required due to bid prices that are higher than the project's remaining available budget from Phase I and the university's desire to accept bid alternate #1. The new total project budget is \$702,297.62. Funds are available from HB 246, Laws of 2007. *Project Professional: Dale and Associates Project Initiation Date: September 21, 2007*

3. **Education & Research Center** - Approved the request to increase the project budget for **GS 111-040, Fire Alarm System**, from \$250,000 to \$500,000 for an increase in the amount of \$250,000. This increase is necessary to expand the scope of the project to include the purchase and installation of a new emergency generator to provide emergency power as required by Code for the existing elevators and the new fire pump which will support the new fire suppression systems included in the Mechanical Modifications project (see GS 111-044 below). The new total project budget is \$500,000. Funds are available from SB 2988, Laws of 2003; HB 1634, Laws of 2006; and HB 1641, Laws of 2008. *Project Professional: Watkins & O'Gwynn Electrical Engineers Project Initiation Date: July 19, 2006*

4. **Education & Research Center** - Approved the request to increase the project budget for **GS 111-044, Mechanical Modifications**, from \$2,500,000 to \$3,520,000 for an increase in the amount of \$1,020,000. This increase is necessary to expand the scope of the project to include a new fire suppression system and energy efficient lighting in the Paul B. Johnson Tower Building. The new total project budget is \$3,520,000. Funds are available from HB 246, Laws of 2007; HB 1641, Laws of 2008; and HB 1722, Laws of 2009. *Project Professional: Atherton Consulting Engineers Project Initiation Date: N/A*

IHL PROJECT

5. **UM** - Approved the request to increase the budget for **IHL 207-291, Faser Hall COBRE Grant Renovation**, from \$500,000 to \$653,000 for an increase in the amount of \$153,000. This increase is required due to the bid pricing exceeding the estimated construction budget. The new total project

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budget is \$653,000. Funds are available from internal repair and renovation funds and patients/royalties income and Center of Bio Medical Research Excellence Grant #1P20RR021929-01. *Project Professional: Cooke Douglass Farr Lemons, LTD Project Initiation: November 15, 2006*

6. **MSU** - Approved the request by the MSU Department of Agriculture and Applied Science to lease to the MSU Foundation, Inc. approximately 0.14 acres of property and improvements commonly referred to as The Newberry Building for the sum of \$1.00 (One Dollar) for the purpose of making improvements and renovations to the property. The primary beginning date of the lease has not been determined but the lease ends on July 31, 2011. A copy of the property description and all legal documentation is on file with the Office of Real Estate and Facilities.
7. **MSU** - Approved the exterior design for the Pi Beta Phi Sorority House. The Board approved a lease with Pi Beta Phi FHC in August, 2009. The proposed rendering is included in the bound *September 16-17, 2009 Board Working File*.

LEGAL COMMITTEE REPORT

Wednesday, September 16, 2009

The Committee was brought to order at approximately 2:20 p.m. by Chairman Alan Perry, the following items were discussed/voted upon:

1. On motion by Mr. Patterson, seconded by Ms. Whitten, and unanimously passed by those present, the Committee recommended that the Board approve agenda items #1 and #4 - #5.
2. On motion by Ms. Whitten, seconded by Dr. Rouse, and unanimously passed by those present, the Committee recommended that the Board approve agenda item #6.
3. On motion by Ms. Whitten, seconded by Dr. Rouse, and unanimously passed by those present, the Committee recommended that the Board approve agenda item #7.

Committee members attending the meeting were: Mr. Alan Perry (Chair), Dr. Bettye Neely, Mr. Bob Owens, Dr. Doug Rouse and Ms. Amy Whitten. Other Board members attending the meeting were: Mr. Ed Blakeslee, Mr. Aubrey Patterson, Ms. Christy Pickering, Ms. Robin Robinson and Mr. Scott Ross.

LEGAL AGENDA

Presented by Mr. Alan Perry, Chair

Thursday, September 17, 2009

On motion by Mr. Perry, seconded by Mr. Owens, with Mr. Smith absent and not voting, the Board approved moving agenda items #2 and #3 to the list of items to be taken up in Executive Session. On motion by Mr. Perry, seconded by Ms. Pickering, with Mr. Smith absent and not voting, it was

RESOLVED, That the Board hereby approved agenda items #1 and #4 - #6 as submitted on the following Legal Agenda. Agenda item #6 was approved on a separate motion by Mr. Perry, seconded by Ms. Pickering, with Mr. Smith absent and not voting. Agenda item #7 was approved on a separate motion by Mr. Perry, seconded by Mr. Patterson, with Mr. Smith absent and not voting. **AGENDA ITEMS #2 AND #3 WERE TAKEN UP IN EXECUTIVE SESSION LATER IN THE MEETING.**

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1. **UM** – Pending approval by the Attorney General’s Office, the Board approved the request to enter into a contract for professional services with the New York law firm of Hershkovitz & Associates, LLC (“Hershkovitz”) so that Eugene Rzucidlo, who has moved his practice to Hershkovitz, may continue to assist the university with pharmaceutical and natural products patent applications and related intellectual property and commercialization issues. Mr. Rzucidlo’s hourly rate is \$595 per hour, which is the same as was paid during the last contract period and is comparable to similarly qualified and experienced patent counsel. The term of the proposed contract is for FY 2010, and total expenditures will not exceed \$250,000.

2. **UMMC** – Request for Board approval for settlement of Tort Claim No. 1473. **(THIS ITEM WAS TAKEN UP DURING EXECUTIVE SESSION.)**

3. **UMMC** – Request for Board approval to settle the case styled *Margie Young vs. The University of Mississippi Medical Center*. **(THIS ITEM WAS TAKEN UP DURING EXECUTIVE SESSION.)**

4. **USM** – Pending approval by the Attorney General’s Office, the Board approved the request to enter into a contract with the firm of Walker & Ungo, located in Jackson, MS, to provide services as needed in preparing labor certification applications on behalf of the University for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: The employers are required to pay the cost of preparing, filing, and obtaining certification, and prohibits an employer from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer’s attorney fees. The rule does allow an alien to pay his or her own personal costs incurred in connection with a labor certification, including attorney fees for personal legal representation, but where the same attorney represents both, the alien and the employer, the cost must be borne by the employer. The term of the contractual agreement will be for one (1) year, for a maximum amount payable of \$50,000 during contract term.

5. **USM** – Pending approval by the Attorney General’s Office, the Board approved the request to enter into a contract with the firm of David Ware & Associates, L.L.C., located in Jackson, MS, Metairie and Baton Rouge, LA, and Pensacola, FL, to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: The employers are required to pay the cost of preparing, filing, and obtaining certification, and prohibits an employer from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer’s attorney fees. The rule does allow an alien to pay his or her own personal costs incurred in connection with a labor certification, including attorney fees for personal legal representation, but where the same attorney represents both, the alien and the employer, the cost must be borne by the employer. The term of the contractual agreement will be for one (1) year, for a maximum amount payable of \$50,000 during contract term.

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6. **System** – Approved the FY2010 contract for legal services between the Board of Trustees and the Office of the Attorney General. The contract provides the Board with four full-time attorneys and one full-time legal assistant. The total contract amount is \$473,898.92, which is less than the total contract amount for last fiscal year’s contract (\$475,966.72). The change in total contract amount is due to personnel adjustments. A copy of the contract is included in the *September 16-17, 2009 Board Working File*.
7. **System** - Approved for first reading an amended version of Board Policy 301.0806 University Foundation/Affiliated Entity Activities. **(See Exhibit 1)**. The amended version is presented for Board consideration following a review of PEER Report #500 regarding university foundations, and in an attempt to promote transparency and, at the same time, foundation independence.

PRESENTATION

Dr. Hank Bounds, Commissioner of Higher Education, gave a presentation entitled “Current Financial Condition and Future Action Plans”. Dr. Bounds outlined the recent cuts by the Governor, the proposed future cuts, and strategies for moving forward. To this end, he introduced the following 12 efficiency strategies:

1. Consolidate 403(b) administration;
2. Consolidate IRS Section 125 administration;
3. Reduce the cost of textbooks;
4. Implement a reverse auction system;
5. Investigate consolidation of non-ERP software/hardware purchasing;
6. Bid for Banner (with current users) as one entity;
7. Develop partnerships to perform back office operations;
8. Create a systemwide mass notification system;
9. Improve efficiency of fire protection systems;
10. Improve energy efficiency;
11. Build a space inventory; and
12. Undergo administration peer reviews.

ANNOUNCEMENTS

- ▶ Mr. Ross invited the Institutional Executive Officers to comment on the previous discussion of changes to come and on any events occurring on their campuses.
- ▶ Dr. Martha Saunders, President of the University of Southern Mississippi, introduced Mr. J. R. Robinson, President of the Student Government Association. Mr. Robinson commended the Board on taking a proactive approach in these hard economic times.
- ▶ Mr. Ross congratulated Dr. Dan Jones, Chancellor of the University of Mississippi, for their football team ranking of #5 in the nation.

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COMMISSIONER'S REPORT

Presented by Dr. Hank M. Bounds, Commissioner

The highlights from the Commissioner's Report were as follows:

- ▶ Dr. Bounds introduced Dr. Janette McCrory, Director of Nursing Education, who started working at IHL on August 1, 2009
- ▶ The October 14-15, 2009 Board meeting will be hosted by Alcorn State University on their campus.
- ▶ The LBO presentation is on Thursday, September 24 beginning at 9:15 a.m. in the Joint Legislative Budget Committee Conference room on the 1st floor of the Woolfolk Building.
- ▶ Dr. Bounds commended Mississippi Valley State University for a wonderful inauguration of Dr. Donna Oliver on Saturday, September 12.
- ▶ The inauguration of Mississippi State University President Dr. Mark Keenum is on Friday, October 16.
- ▶ The Graduation Rate Task Force meeting has been rescheduled from Wednesday, September 23 to Wednesday, October 1 beginning at 1 p.m. here in the Board room.
- ▶ Mr. Jeff Johnson who hosts the TV show "The Truth" on Black Entertainment Television (BET) was on the Jackson State University campus. Yesterday he taped 2 sessions for his show. One was at 9:00 a.m. entitled "The Quest for Black Citizenship" and one at 6:00 p.m. entitled "The Truth with Jeff Johnson: What's next for Black America?" The Student Government Association and Division of Student Life are presenting this program.

INFORMATION AGENDA

Presented by Dr. Hank M. Bounds, Commissioner

ACADEMIC AFFAIRS

1. **USM** - The university is offering the following programs online to expand student access by providing an alternative program delivery method to traditional classroom instruction:
 - a. Bachelor of Science in Elementary Education (K-6) (CIP 13.1202);
 - b. Bachelor of Science in Interdisciplinary Studies (CIP 30.9999);
 - c. Master of Education in Adult Education (CIP 13.0403);
 - d. Master of Education in Special Education (CIP 13.1001);
 - e. Master of Science in Instructional Technology (CIP 13.0501);
 - f. Master of Science in Polymer Science & Engineering (Composites Engineering emphasis) (CIP 14.3201); and
 - g. Doctor of Philosophy in Instructional Technology & Design (CIP 13.0501).
2. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the August 19-20, 2009 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 2.)**
3. **System** - The Board received a report of the payment of legal fees to outside counsel. **(See Exhibit 3.)**

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4. **System** - In compliance with Board policy, the following items have been approved by the Commissioner on behalf of the Board:
- a. **MSU** - On September 8, 2009 approved the 2009-2010 Traffic Rules and Regulations in accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations.
 - b. **UMMC** – The Institutions of Higher Learning are recipients of funds from the Tobacco Control Program Fund as outlined in Section 18 of Senate Bill 2033 of the Second Extraordinary Session of 2009 of the Mississippi Legislature. Specifically, the recipient segment is UMMC for the purchase of a Da Vinci Robot to be named in honor of Dr. Daniel Jones, Chancellor of the University of Mississippi. This is the first year that UMMC will receive these funds through reimbursement from IHL appropriations. Because this is the first year, IHL does not currently maintain a fund to administer Tobacco Control Program Funds in the State Automated Accounting System (ASSA). In order to administer these funds, the Mississippi Department of Finance and Administration requires a signature from the agency head to create a new fund in the state accounting system which IHL has done.
 - c. **Executive Office** - In compliance with Board Policy 701.06 Budget Escalations and Revisions, the following item has been approved by the Commissioner on behalf of the Board and is available for inspection in the Board Office. According to Board Policies 401.0102 Delegation of Authority and 801.08 Outside Employment, each institution must submit quarterly employment reports to the IHL Executive Office. There are two distinct reports: a report of all hires and a report of all separation. These reports cover the employment period beginning April 1, 2009 and ending June 30, 2009.

EXECUTIVE SESSION

On motion by Mr. Ross, seconded by Ms. Pickering, with Mr. Smith absent and not voting, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Mr. Perry, seconded by Ms. Whitten, with Mr. Smith absent and not voting, the Board **voted to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of two litigation matters at the University of Mississippi Medical Center.

During Executive Session, the following matters were discussed and/or voted upon:

On motion by Ms. Whitten, seconded by Ms. Robinson, with Mr. Smith absent and not voting, the Board voted to approve the settlement of the case styled *Maxine Robinson vs. the University of Mississippi Medical Center*, as recommended by counsel.

On motion by Mr. Blakeslee, seconded by Ms. Robinson, with Mr. Smith absent and not voting, the Board voted to approve the settlement of the case styled *Margie Young vs. the University of Mississippi Medical Center*, as recommended by counsel.

On motion by Mr. Patterson, seconded by Ms. Pickering, with Mr. Smith absent and not voting, the Board voted to return to Open Session.

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EFFICIENCIES TASK FORCE REPORT

Tuesday, August 25, 2009

The Efficiencies Task Force was brought to order at approximately 1:00 p.m. by Chairman Ed Blakeslee. The members discussed the purpose of the task force and determined what they would like to accomplish at the Board Retreat. The members also discussed setting goals and the measurable strategies for reaching those goals.

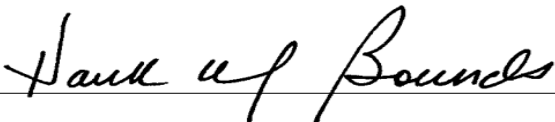
Task Force members attending the meeting were: Mr. Ed Blakeslee (Chair), Mr. Aubrey Patterson, Ms. Christy Pickering and Ms. Amy Whitten. Mr. Alan Perry was absent.

ADJOURNMENT

There being no further business to come before the Board, on motion by Ms. Whitten, seconded by Dr. Rouse, with Mr. Smith absent and not voting, the Board members voted to adjourn the meeting.



President, Board of Trustees of State Institutions of Higher Learning



Commissioner, Board of Trustees of State Institutions of Higher Learning

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EXHIBITS

- Exhibit 1 An amended version of Board Policy 301.0806 University Foundation/Affiliated Entity Activities for first reading.
- Exhibit 2 Real Estate items that were approved by the Board staff subsequent to the August 19-20, 2009 Board meeting in accordance with Board Policy 904 Board Approval.
- Exhibit 3 Report of the payment of legal fees to outside counsel.

EXHIBIT 1

301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES

A. Purpose of Foundations and Similar University Affiliated Entities:

This policy shall apply to the relationship between Mississippi public universities (“universities”) and university development foundations, research foundations, athletics foundations, alumni associations and all other similar entities affiliated with any of the eight state universities (collectively referred to as the “Foundation/Affiliated Entities” or “Entities”).

The Board of Trustees (hereinafter “Board” or “IHL”) recognizes that such Entities have played and continue to play an important role in providing financial and other support for its institutions. This support has assisted the institutions in achieving a level of excellence not possible through state funding and tuition alone. While the Board of Trustees recognizes and appreciates the contributions made to higher education by such foundations and similar entities, the Board of Trustees reaffirms that the goal of the Entities is not to replace necessary support from the state.

The Board of Trustees also acknowledges that the independent nature of the Entities provides flexibility to state universities in fiscal management and responsiveness.

The primary purpose of the foundations and other entities affiliated with the state universities is to engage in raising and managing funds and/or other activities consistent with the mission and priorities of their respective affiliated institutions, as determined by the Institutional Executive Officer (the “IEO”) of each. Each Entity is expected to have a mission statement relevant to this purpose and to adopt policies, plans, and budgets designed to achieve that mission.

The Board fully recognizes the importance to the universities and to the Entities of preserving the confidentiality of information related to donors or potential donors. Providing appropriate confidential treatment for information related to donors who have voluntarily provided funds to support the state universities is in the best interests of this state and its citizens. Thus, it is the policy of the Board that its oversight of the relationship between the foundations and the universities shall be accomplished in a manner that will effectively and appropriately preserve and protect the confidentiality of such information to the fullest extent possible which is consistent with the duty of the universities and the IHL to assure that assets intended to benefit the state universities are appropriately and effectively managed and utilized.

B. Relationship Between Board And Affiliated Entities

As provided in Miss. Const. Art. 8, Section 213-A and Section 31-101-1 of the Miss. Code Ann. of 1972, as amended (the “Miss Code”), the Board of Trustees has governing authority over the eight state universities. Under such authority, the Board of Trustees has responsibility for ensuring that the public interest is served by any individual or organization that is established to support one of the eight state universities.

The Board recognizes that the Entities are not state agencies. The Entities have their own governing authorities. The Board recognizes that it does not have the power to exercise governing control over the Entities.

While the Board of Trustees does not have the power or authority to exercise governing control over the Entities, the Board has the full authority to establish the terms under which state universities will contract with private organizations. That is particularly necessary with respect to these Entities, since they, or some of them, will solicit and manage funds on behalf of and for the benefit of the state universities, and may use the name, logo, or other insignia identified with the state universities. The Board has the authority to require that any organization that manages funds for any state university, or whose name is associated with a state university under the governance of the Board, must adhere to ethical standards appropriate for such organizations and must properly manage, utilize and account for funds contributed to or for the benefit of the universities.

To ensure the independence of the affiliated Entities, no member or employee of the Board of Trustees of State Institutions of Higher Learning shall hold a voting position on an institutionally affiliated Entity board. The Board of Trustees may allow exceptions to this restriction if needed to comply with NCAA requirements or other proper purposes. Senior administrators of the institution should only participate on the Foundation/Affiliated Entity's board in an ex-officio capacity.

C. Affiliation Agreements Required

Each university must enter into a formal contractual affiliation agreement (the "Affiliation Agreement") with its development foundation(s), research foundation(s), athletics foundation(s), alumni association(s) and any other similar university affiliated Entity in a form submitted to and approved by this Board. The Affiliation Agreement shall be reviewed for approval by the Board of Trustees at least every five (5) years, or whenever the Affiliation Agreement is changed (other than changes for non-substantive, conforming or purely administrative matters).

Each university shall submit all existing or amended Affiliation Agreements to the Board for approval on or before June 30, 2010, in a form that the university believes will fully comply with the requirements of this policy as amended.

In order to appropriately conserve the resources of the universities and the IHL, and to expedite the Board's review of the proposed Affiliation Agreements within the time period set forth above, the IEO's of the universities are expected to direct the resources of their university to work in coordination with the other universities in developing and reviewing templates of proposed affiliation agreements to be used by all similar Entities and universities. Counsel for the Board will be directed to assist in that process. The universities are expected to use those templates insofar as practical, given the acknowledged differences between universities and the Entities, as the basis and pattern for preparing the proposed Affiliation Agreements which are required by this Policy.

D. General Requirements of Affiliation Agreements

The Affiliation Agreements for each Entity shall address and comply with the following general requirements and subjects:

1. Outlining the services and benefits the institution and the Entity are to provide to each other and the compensation or other requirements related thereto;

2. Describing the mechanisms by which the institution shall, through its IEO, keep the Entity apprised of the needs and priorities of the institution, and requiring that the Entity, in concert with donor intent or directives, if any, agree to consider and communicate to the university its ability and plans to fund university needs and priorities, as determined by the IEO;
3. Describing whether, and the terms under which, any institutional assets of the institution itself are to be managed by the Entity on behalf of the institution and providing for appropriate rights of inspection and auditing for such funds by the IHL and all appropriate state officials;
4. Delineation of the terms upon which the Entity is authorized to accept gifts, restricted and unrestricted, on behalf of or for the benefit of the institution;
5. Outlining the method under which all gifts, grants, endowments and other assets are accepted and accounted for by the Entity, the methods and procedures to be utilized in determining how the income related to those assets is to be computed and distributed to the universities, and the terms and conditions under which any portion of such assets or the income related thereto may be used for the operating or other expenses of the Entity;
6. Requiring that all gifts made to the university shall be accounted for and ownership maintained by that university, even though they may be managed by the Entity;
7. Requiring that the records of such Entity shall be maintained separately from the records of the respective affiliated institution;
8. Requiring maintenance of financial and accounting records in accordance with Generally Accepted Accounting Principles;
9. Requiring that the entity prepare annual financial statements of the condition of the entity (which shall include such detail as the Board may from time to time require), and requiring an annual audit of those statements by a Certified Public Accounting firm approved by the IHL.
10. Requiring the Entity to submit the annual audited financial statements to the IEO and the IHL by each December 1 [to allow compliance with Governmental Accounting Standards Board (GASB) 39] along with a list of Entity officers, directors, or trustees.;
11. Requiring that the Entity only accept or solicit gifts for the benefit of the university that are consistent with the university's mission, goals or objectives;
12. Requiring that the Entity manage all funds in its control in a fiscally sound and prudent manner;
13. Requiring that the Entity establish and maintain a conflict-of-interest policy that complies with all requirements of Miss. Code Ann. §79-11-269 (1972) as amended, entitled "Conflict of Interest Transaction";
14. Requiring that no form of additional compensation for an IEO or any IHL system office employee be underwritten or increased by the Entity without the prior approval of the Board; The request for approval shall come through the Commissioner to the IHL Board; As to other university employees, the Affiliation Agreement will provide that no form of additional compensation may be provided or paid by the Entity without the prior approval by the IEO; All such approvals by the IEO must be reported to the Board of Trustees at its next official meeting; This provision does not apply to transfers from the Entity to the supported university for items such as professorships, chairs, and other programmatic support that are paid directly to the university and included in its annual budget;
15. Requiring the Entity to submit to the IHL an annual report providing a detailed list of supplemental compensation provided to administrators, faculty, athletic staff, and other employees; provided however that the Affiliation Agreement may provide for appropriate

- exceptions for such compensation made by the institution out of funds routinely provided to the institution to be included in its budget; and,
16. Requiring compliance with all state and federal laws applicable to such organizations.
 17. Establishing appropriate maximum limits on the period of time for which the Entity shall enter into contracts for professional, advisory, or other personal services.

E. Affiliation Agreements Shall Require Notice Of Certain Events

In addition to the foregoing general requirements, the Affiliation Agreement shall contain provisions requiring that the IHL be notified of certain events or actions that may affect the operations, reputation, legal status, and assets of any entity or any university. The Affiliation Agreement shall require that the chief executive officer of the Entity and its other governing authorities will immediately notify the IEO and the IHL, in writing, if any of the following events (hereinafter "Reportable Events") occur:

1. The Entity has materially breached any of its contractual obligations under the Affiliation Agreement;
2. The Entity has materially failed to properly receive, apply, manage or disburse any funds or has materially failed to properly comply with any binding instructions from donors relating to those funds;
3. The Entity has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;
4. There has been a failure by the Entity or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing documents or procedures of the Entity;
5. Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the Entity or upon its status as a tax exempt organization; or
6. The Entity has contracted with or entered into any business or pecuniary relationship with any of its board members, other than a full time employee of the Entity, or any Entity controlled directly or indirectly by the board member, which would reasonably be expected to provide for payment or benefits to that person exceeding the value of \$50,000 in any calendar year; The previous sentence creates a duty for the Entity to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.

The Affiliation Agreement shall require that the chief executive officer of the Entity shall submit to the IEO of the supported university and the IHL a signed certification statement annually, before January 31 of each year, which affirmatively states that the Entity has examined its donor records and business transactions occurring during its fiscal year ending within the prior calendar year, and that to the best of its knowledge, there is no evidence that any Reportable Events occurred, other than those which have been duly reported to the IEO and the IHL as required above. The chief executive officer of each Entity shall re-affirm that, in the event he/she becomes aware of any such Reportable Events, the chief executive officer will immediately notify, in writing, the IEO of the university.

F. Affiliation Agreements Must Require Entity To Provide Certain Additional Information to IEO Upon Request

In addition to the foregoing general requirements, the Affiliation Agreement of each Entity will contain provisions requiring that the Entity furnish to the IEO of the corresponding university, or such person as the IEO may designate, any and all information relating to the operation or management of the Entity or any funds contributed to, received by, expended by, or managed by the Entity.

It is the policy of the Board that to the extent that information is inspected, reviewed or received by the IEO or his designees with respect to the identity of donors who have expressly stated they wish to remain anonymous, or with respect to any information relating to the identification, cultivation and solicitation of donors, or with respect to personal information relating to a donor or his/her family business, such information shall be treated as confidential by the IEO and any designee who may acquire such information. The IEO is expected to take appropriate safeguards to assure that such information is utilized or disseminated only in a manner that is appropriate under the circumstances.

The IEO shall promptly notify the Board and Commissioner of Higher Education if the Entity refuses or fails to produce any information requested by the IEO.

G. Affiliation Agreement Must Provide For Right Of Board To Require Information From Entity Or To Examine Records Of Entity

Ordinarily, the Board will not request information from any Entity and will allow the IEO to oversee the compliance by the Entity with the Affiliation Agreement and to determine that funds are being appropriately received, managed, and expended. In some circumstances, however, the Board may determine it to be necessary to secure additional information from the Entity or to review appropriate records of the Entity. The Entities hold funds that are intended to benefit the institutions of the state, and the Board has an interest in the proper administration of those funds. Thus, the Affiliation Agreement will provide that the Board may require the Entity to provide information or allow inspection of its records as required by the Board to determine that the Entity is in compliance with the Affiliation Agreement and that the funds held for the institution or for its benefit are appropriately utilized and protected. No such request for information will be made by individual Board members to any Entity or to any IEO.

As a matter of general policy, the Board will attempt, when appropriate, to resolve any issues or concerns about the activities of any Entity informally. Examples of such informal methods include responses by the Entities to requests from the auditors employed by the Board or a report from an accounting firm approved by the Board to review records related to the matters at issue. The decision of any Entity as to whether and how to comply with such informal requests is within the discretion of the governing authorities of the Entities. The Board anticipates that, normally, any questions related to the Entities can be resolved through such informal procedures.

The Affiliation Agreement shall provide, however, that the Board may determine by appropriate action, at a duly called meeting of the Board, that informal measures are or will be untimely, insufficient, or inappropriate to secure information necessary to allow the Board to determine that

the Entity is appropriately complying with the Affiliation Agreement and that funds intended to be used for the benefit of the institution are appropriately maintained and expended. The Affiliation Agreement will provide that, if the Board makes such a finding, the Entity will permit an audit, inspection or review of the financial and other records of the entity by persons selected by the Board, which persons shall have the power to determine the appropriate scope of the investigation and the records to be examined, and that the Entity will fully cooperate with any such inquiries.

As noted above, it is the policy of the Board that it will not unnecessarily disclose or disseminate any information relating to the Entities, and in particular, any information related to donors to the Entity. In some circumstances, however, such as those involving alleged misuse or misappropriation of funds, appropriately limited disclosure of information related to donors may be necessary in order to conduct the investigation and to recover the funds, or to allow prosecution with respect to any misappropriation of funds. Thus, the Affiliation Agreement must specifically recognize that the final determination as to the appropriate extent of any disclosure or other use of the information is in the discretion of the Board. Any decision to release any information that would identify any particular donor shall be made by the Board. No individual Board member or employee of the IHL will release such information without authorization from the Board.

H. Required Termination Provisions To Be Included In Affiliation Agreement

The Affiliation Agreement will provide that the Affiliation Agreement may be terminated by the IEO, with the prior approval of the IHL, for cause with no notice or without cause upon thirty days notice. Upon termination, (1) the Entity shall cease to use and shall not assign or delegate the authority to use the respective university's name or registered marks or logos to any person or entity without the written approval of the IEO, (2) the Entity shall remit any and all unrestricted funds held for the benefit of the university to such entity as designated in writing by the IEO on behalf of the university, (3) the Entity shall work in concert with its donors, to the extent practicable and allowed by law, to move any restricted funds held for the benefit of the university to such entity as designated in writing by the IEO on behalf of the university, (4) the Entity shall work in concert with persons or entities with which it had contractual relations to the extent practical and allowed by law, to assign any contracts to such entity as designated by the university IEO; and (5) the Entity shall work in concert with the university to provide the university or its designee with records and materials of the Entity as are necessary to continue the business and/or wind up the affairs of the Entity.

Because an Entity may hold assets intended to benefit the universities, the Affiliation Agreement will provide that the Entity will have no right to terminate the Affiliation Agreement without the consent of the IEO and the Board.

I. Restructuring Relationship In Event Of Irreconcilable Differences

The Board expects there to exist a cooperative relationship between the Entities and the universities. The Board is aware of situations in other states where foundations have attempted to use the leverage provided by control of funds contributed for the benefit of the universities to require the university to take action desired by the foundation. Exercise of such power would interfere with the power of the IEO's and, ultimately, the power of the Board. To provide for the eventuality in which it appears that the IEO and the Entity have irreconcilable differences that interfere with the Entity

-serving the purposes for which it is intended, the Affiliation Agreement must provide for some mechanism to allow a resumption of normal relationships to benefit the university. In such a case, it would be detrimental to the university to allow the Entity to simply terminate the relationship – since it may hold funds and other assets intended for the benefit of the university. Thus the Affiliation Agreement shall provide for a mechanism to deal with that possibility that will effectively accomplish the purpose of insuring that the Entity’s goals remain appropriately aligned with those of the university.

The Affiliation Agreement must therefore provide for such a mechanism. The universities are expected to finalize the relationship with the Entities to accomplish the purpose on or before December 31, 2010.

Any university, after consultation with an affiliated Entity, may propose, on or before December 31, 2009, to include an appropriate plan to accomplish this purpose in the Affiliation Agreement for that Entity.

For example, a university may choose to propose a mechanism to allow the Entity to restructure its governing board. As an illustration of such a mechanism, such a plan might provide as follows:

In the event that the IEO notifies the IHL that the relationship between the IEO and the Entity’s governing authorities is detrimental to the well being of the university, then IHL shall attempt to reconcile the parties. However, if the IHL determines that it is in the best interests of the university to substitute new governing authorities of the Entity, and unless the matters are resolved, the IHL Board may direct, in its sole discretion, that at the expiration of a 90 days notice period, the terms of office of the then existing board of directors of the affiliated Entity (or the persons serving that role in governance of the Entity, regardless of title) shall be deemed to have expired. Those persons shall be replaced by a nine member board selected by the following persons: 1) one member appointed by the mayor of the municipality in which the subject university is located or to which it is nearest, 2) one member appointed by the subject university's IEO, 3) one member appointed by the subject university's chief academic officer, 4) one member appointed by the president of the board of supervisors of the county in which the subject university is located, 5) one member appointed by the governor, 6) one member appointed by the Commissioner of Higher Education, 7) such other person, as the Affiliation Agreement may provide, who is affiliated with another Entity associated with the affected university; 8) one member appointed by the current president of the subject university's student body, and 9) one member appointed by the most recent past president of the subject university's student body.

However, each university and Entity may choose to agree upon some different arrangement which would accomplish the same end. Because of the differences in the various Entities, the types and amounts of assets held by the Entities, the debt obligations of some Entities, ongoing contractual obligations, and other similar factors, the Board will address such proposals on an individual basis to determine their effectiveness, feasibility and practicality. Any such proposal must be submitted with all of the information necessary to fully evaluate the proposal. The exact language of all documents required to implement such a proposal shall be included in the submission to the Board.

Any such proposals will be considered by the Board and acted upon before March 31, 2010. Failure to submit sufficient information to allow a full understanding as to the effectiveness and practicality of such a plan will prevent the Board from considering the proposal. In the absence of approval by the Board of some other alternative provisions to accomplish such purpose by March 31, 2010, or any extension granted by the Board, it is expected that each university will enter into a contract with all related Entities under terms similar to those in the illustration set out above.

If the Entity is a university research foundation formed pursuant to Miss. Code Ann. Section 37-147-15 (1972), as amended, the new board of directors shall be appointed by the subject university's IEO, in accordance with applicable state law.

EXHIBIT 2

SYSTEM: Real Estate items approved subsequent to the August 19-20, 2009 Board meeting submission deadline.

Delta State University

1. ***DSU-GS 102-220, Cafeteria Infrastructure Renovation***
Project Professional: Atherton Consulting Engineers
General Contractor: Upchurch Plumbing, Inc.
Staff Approval Date: August 13, 2009
1 Previous Change Order in the Amount of: \$28,343
Current Change Order: \$8,093

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #2** in the amount of \$8,093 and an additional thirty (30) days to the contract of Upchurch Plumbing, Inc. This change order was necessary to install a new floor drain, to cap three abandoned floor drains, repair the tile and to replace a leaking gas regulator. The total project budget is \$300,000. Funds are available from HB 246, Laws of 2007, IHL Discretionary funds.

2. ***DSU-GS 102-224, Fire Station - Phase I***
Project Professional: Shafer & Associates, Inc.
Staff Approval Date: August 6, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Shafer & Associates, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$250,000. Funds are available from HB 1641, Laws of 2008.

Jackson State University

3. ***JSU-GS 103-219, Johnson/Dansby Replacement-Phase I***
Project Professional: Vernell Barnes Architect & Foil Wyatt Architects & Planners, PLLC, A Joint Venture
General Contractor: Harrell Contracting Group, LLC
Staff Approval Date: September 1, 2009
1 Previous Change Order in the Amount of: \$25,948.14
Current Change Order: \$7,732.80

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #2** in the amount of \$7,732.80. This change order was necessary to add a new 1" gas line from the newly installed gas line eastward approximately 145' to the existing regulator at the Human Resource Building. The new gas line will be installed by boring underneath the parking lot. The total project budget is \$13,773,590.88. Funds are available from SB 2010, Laws of 2004 and HB 246, Laws of 2007.

4. **JSU-GS 103-234 ADA Compliance Phase II-B (Bid Package 1)**
Project Professional: Wayne F. Timmer, Architect
Staff Approval Date: September 1, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Wayne F. Timmer Architects, project professional. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$4,532,985.50. Funds are available from SB 3197, Laws of 2002; and HB 246, Laws of 2007.

Mississippi State University

5. **MSU DAFVM-GS 113-115, Lloyd Ricks Renovation**
Project Professional: Belinda Stewart Architects
General Contractor: West Brothers Construction, Inc.
Staff Approval #1 Date: July 28, 2009
Staff Approval #2 Date: August 13, 2009
2 Previous Change Orders in the Amount of: \$426,561
Current Change Orders: (#3) \$98,799 and (#4) \$23,348

Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #3** in the amount of \$98,799 with an additional nineteen (19) days added to the contract of West Brothers Construction, Inc. This change order was necessary to provide additional site drainage elements. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$12,000,000. Funds are available from HUD grants B-05-SP-MS-0133 and B04-SP-MS-0385, MSU Pace Seed Renovation Project #113-097, SB 2988, Laws of 2003; SB 3197, Laws of 2002; SB 3201, Laws of 2007; HB 246, Laws of 2007; HB 1634, Laws of 2006; and SB 2010, Laws of 2004.

Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #4** in the amount of \$23,348. This change order was necessary to provide for additional interior finishes and to omit seeding and fertilizing for sod replacement. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$12,000,000. Funds are available from HUD grants B-05-SP-MS-0133 and B04-SP-MS-0385, MSU Pace Seed Renovation Project #113-097, SB 2988, Laws of 2003; SB 3197, Laws of 2002; SB 3201, Laws of 2007; HB 246, Laws of 2007; HB 1634, Laws of 2006; and SB 2010, Laws of 2004.

6. **MSU-IHL 205-238, Civil and Environmental Engineering Complex**
Project Professional: Dale and Associates
Staff Approval Date: August 18, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Schematic Design documents** as submitted by Dale and Associates, project professionals. The total project budget is \$27,617,469 and contains a contingency budget for all approved change orders. Funds are available from the Civil Engineering Department Alumni Associates in the amount of \$13,617,469. Additional funding in the amount of \$14,000,000 will be requested from capital improvements.

7. **MSU-IHL 205-245, Spencer Track Renovations**

*Project Professional: CHA Sports, Inc.
Staff Approval#1 Date: August 13, 2009
Staff Approval #2 Date: August 13, 2009*

Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Schematic Design documents** as submitted by CHA Sports, Inc., project professionals. The total project budget is \$3,200,000. Funds are available from MSU (returned Southeastern Conference Escrow) \$1,358,000 and private funding (MSU Bulldog Club) \$1,842,000.

Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the request for a **waiver of Design Development documents** for Spencer Track Renovations. The total project budget is \$3,200,000. Funds are available from MSU (returned Southeastern Conference Escrow) \$1,358,000 and private funding (MSU Bulldog Club) \$1,842,000.

8. **MSU-IHL 205-235A, New Residence Hall**

*Project Professional: Luke Peterson and Kaye Architects
General Contractor: Brislin, Inc
Staff Approval Date: July 28, 2009.
No Previous Change Orders
Current Change Order: \$4,272*

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #1** in the amount of \$4,272 and an additional seven (7) days added to the contract of Brislin, Inc. This change order was necessary to move a gas line that was discovered during the demolition phase. The total project budget is \$29,960,000. Funds are available from MSU Educational Building Corporation revenue bonds.

9. **MSU-IHL 205-235C, New Parking Lot at Rice Hall**

*Project Professional: Michael T. Muzzi, AIA, AUA
General Contractor: Gregory Construction Services, Inc.
Staff Approval Date: July 28, 2009
No Previous Change Orders
Current Change Order: \$5,592*

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #1** in the amount of \$5,592. This change order was necessary for adjustments to an existing telephone line and installation of proper flooring to reconstruct an existing fiber-optic junction box. The total project budget is \$29,960,000. Funding is available from Mississippi State University Educational Building Corporation Bonds.

10. **MSU-IHL 205-235D, New Parking Lot at Rice Hall**

*Project Professional: Michael T. Muzzi, AIA, AUA
General Contractor: Site Masters Construction, Inc.
Staff Approval Date: July 28, 2009
No Previous Change Orders
Current Change Order: \$8,744*

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #1** in the amount of \$8,744 *and* an additional six (6) days added to the contract of Site Masters Construction, Inc. This change order was necessary to remove unsuitable soil and replace it with a base layer that is suitable for paving and to redesign light pole base footings to accommodate underground electrical duct bank. The total project budget is \$29,960,000. Funding is available from Mississippi State University Educational Building Corporation Bonds.

Mississippi University for Women

11. ***MUW -GS 104-163, Fire Suppression - Phase I***
Project Professional: Atherton Consulting Engineers
Staff Approval Date: August 21, 2009
No Previous Change Orders
Current Change Order: \$8,947

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #1** in the amount of \$8,947. This change order was necessary for a new fire alarm panel and five shut-off valves to be located above the existing ceiling. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$500,000. Funds are available from HB 246, Laws of 2007.

12. ***MUW-GS 104-167, Cromwell Electrical and Mechanical***
Project Professional: Atherton Consulting Engineers
Staff Approval Date: August 12, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Schematic Design Documents** as submitted by Atherton Consulting Engineers, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The project budget is \$250,000. Funds are available from HB 1634, Laws of 2006 and HB 246, Laws of 2007.

University of Mississippi

13. ***UM-IHL 207-320, Mississippi Small Business Center Development***
Project Professional: The McCarty Group
Staff Approval Date: August 12, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Contract Documents** as submitted by the McCarty Group, project professionals. The Board staff also **approved the request to advertise for the receipt of bids**. The total project budget is \$2,000,000. Funds are available from a United States Congress Grant #SBAHQ-06-I-0032.

University of Mississippi Medical Center

14. ***UMMC-GS 109-201, Original Hospital Structural Repairs***
Project Professional: Dale/Morris Architects, PLLC

Staff Approval #1 Date: August 24, 2009
Staff Approval #2 Date: August 24, 2009
Staff Approval #3 Date: August 24, 2009

Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Schematic Design documents** as submitted by Dale/Morris Architects, PLLC, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$170,000. Funds are available from HB 246, Laws of 2007.

Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the request for a waiver of the approval of Design Development documents** as submitted by Dale/Morris Architects, PLLC, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$170,000. Funds are available from HB 246, Laws of 2007.

Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Contract Documents** as submitted by Dale/Morris Architects, PLLC, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$170,000. Funds are available from HB 246, Laws of 2007.

15. ***UMMC-IHL 209-495, South Pediatric Renovations II***
Project Professional: Dean and Dean Architects
Staff Approval Date: August 22, 2009
10 Previous Change Orders in the Amount of: \$216,773.81
Current Change Order: \$26,041.08

In accordance with Board Policy §904 (A) Board Approval, Board **staff approved Change Order #11** in the amount of \$26,041.08 *and* an additional twelve (12) days to the contract of Wilkinson Construction Company. This change order was necessary to provide for the final resolution of a contractor's claim for delays and damages. The total project budget is \$2,771,750. Funds are available through self-generated sources and donations.

16. ***UMMC-IHL 209-500, Health Related Professionals - Drainage Revisions 2007***
Project Professional: Dale/Morris Architects, PLLC
General Contractor: Southern Rock, LLC
Staff Approval Date: August 12, 2009
3 Previous Change Orders in the Amount of: \$49,740
Current Change Order: \$33,594

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #4** in the amount of \$33,594 *and* an additional seventy one (71) days to the contract of Southern Rock, LLC. This change order was necessary to provide for corrections to latent conditions in the area of the new plaza area, adjustments for signage, and additional storm water piping and sidewalks. The total project budget is \$570,700. Funds are provided from interest income, student tuition and patient fees.

17. **UMMC-IHL 209-505, New Pediatric Emergency Room Renovations**
Project Professional: Dale/Morris Architects, PLLC
Staff Approval #1 Date: August 13, 2009
Staff Approval #2 Date: August 13, 2009

Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Schematic Design documents** as submitted by Dale/Morris Architects, PLLC, project professionals. The total project budget is \$5,304,371. Funds are available from Pediatrics Outpatient Clinic Fund.

Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Dale/Morris Architects, PLLC, project professionals. The total project budget is \$5,304,371. Funds are available from Pediatrics Outpatient Clinic Fund.

18. **UMMC-IHL 209-507, Dental School Lab - Repairs 2007**
Project Professional: Mark S. Vaughn, Architect
General Contractor: Sunbelt General Contractors
Staff Approval Date: August 12, 2009
No Previous Change Orders
Current Change Order: \$23,013

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #1** in the amount of \$23,013 and an additional forty nine (49) days to the contract of Sunbelt General Contractors. This change order was necessary to provide for corrections to latent conditions involving masonry repairs, electrical work, data and telephone outlet work, replacement of fume hood sinks and other minor latent repairs. The total project budget is \$500,000. Funds are provided from tuition and fees.

19. **UMMC-IHL 209-511, Student Lounge Renovations 2008**
Project Professional: M3A Architecture
Staff Approval Date: July 27, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Contract Documents** as submitted by M3A Architecture, project professionals. The Board staff also **approved the request to advertise for the receipt of bids**. The total project budget is \$300,000. Funds are available from student tuition.

20. **UMMC-IHL 209-513, Miscellaneous Boiler and Chiller Revisions 2009**
Project Professional: Eldridge Associates
General Contractor: Fountain Construction
Staff Approval Date: August 20, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved an award of contract** to Fountain Construction Company, Inc., the lower of four (4) bidders in the base bid amount of \$1,704,000. The bid alternates are #1 (\$178,000), #2 (\$165,000), #3 (\$165,000) and #4 (\$129,000). The total project budget is \$3,985,000. Funds are available from service area fees and hospital patient revenue.

21. **UMMC-IHL 209-515, Surgical Short Stay Renovations**
Project Professional: Cooke Douglass Farr Lemons, Ltd.
General Contractor: Evan Johnston & Sons Construction, Inc.
Staff Approval Date: August 24, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved an award of contract** to Evan Johnson & Sons Construction, Inc., the lower of twelve (12) bidders in the base bid amount of \$3,210,000. The total project budget is \$7,735,000. Funds are available from hospital patient revenue.

22. **UMMC-IHL 209-518, 5 East Renovations**
Project Professional: Dale/Morris Architects
Staff Approval Date: September 1, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Dale/Morris Architects, project professionals. The total project budget is \$3,395,515. Funds are available from Indirect Cost Recoveries and tuition.

23. **UMMC-IHL 209-521, Pediatric Intensive Care Unit Renovations**
Project Professional: The McCarty Group
Staff Approval Date: September 1, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Contract Documents** as submitted by The McCarty Group, project professionals. The Board staff also **approved the request to advertise for the receipt of bids**. The total project budget is \$3,122,978. Funds are available from hospital patient revenue.

24. **UMMC-IHL 209-523, SO13 Area Renovations**
Project Professional: Simmons Associates, AIA
Staff Approval Date: August 20, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Schematic Design documents** as submitted by Simmons Associates, AIA, project professionals. The total project budget is \$1,500,000. Funds are available from hospital patient revenue.

25. **UMMC-IHL 209-524, Guyton Chiller**
Project Professional: Simmons Associates, AIA and Eley & Associates, A Joint Venture
Staff Approval #1 Date: August 24, 2009
Staff Approval #2 Date: August 24, 2009

Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Schematic Design documents** as submitted by Simmons Associates, AIA and Eley & Associates, a joint venture, project professionals. The total project budget is \$2,400,000. Funds are available from Federal grant #C76HF09196.

Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Simmons Associates, AIA and Eley & Associates, a joint venture, project professionals. The total project budget is \$2,400,000. Funds are available from Federal grant #C76HF09196.

University of Southern Mississippi

26. ***USM-GS 108-211, College of Health Facility***

Project Professional: Studio South Architects, PLLC / Eley Associates, A Joint Venture
Staff Approval Date: August 12, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Studio South Architects, PLLC and Eley Associates, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$31,020,250. Funds are available from the Bureau of Building, Grounds and Real Property Management Revolving Preplanning Fund.

27. ***USM-GS 108-230, Polymer Institute Product Processing Unit/Plant***

Project Professional: Eley and Associates
General Contractor: Mac's Construction Company, Inc.
Staff Approval Date: August 12, 2009
5 Previous Change Orders in the Amount of: \$3,117,807
Current Change Order: \$7,295

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #6** in the amount of \$7,295. This change order was necessary for additions and modifications to electrical needs and acoustical materials. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$26,800,000. Funds are available from SB 2988, Laws of 2003, and a NIST Grant and university funds.

28. ***USM-IHL 208-263, The Ogletree House***

Project Professional: Albert & Associates Architects, P.A.
General Contractor: DC General Contractors, Inc.
Staff Approval Date: August 12, 2009
1 Previous Change Order for a Credit in the Amount of: \$34,980
Current Change Order: \$8,560.33

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #2** in the amount of \$8,560.33 and an additional forty five (45) days to the contract of DC General Contractors, Inc. This change order was necessary for various small miscellaneous items which include woodwork, kitchen components and electrical work. The total project budget is \$5,000,000. Funds are available from private donations and university sources.

29. ***USM-IHL 208-267, Dormitory Replacement***

Project Professional: Landry & Lewis Architects, P.A.
General Contractor: W. G. Yates & Sons Construction Company
Staff Approval Date: August 12, 2009

2 Previous Change Orders in the Amount of: \$959,332
Current Change Order: \$246,142

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #3** in the amount of \$246,142. This change order was necessary to revise drawings and construct a new retaining wall, to substitute shingles with LEED certified roofing material and revisions to brick selection. The total project budget is \$45,000,000. Funds are available from Educational Building Corporation.

University of Southern Mississippi - Gulf Coast Campus

30. ***Project Worksheet Approvals - Gulf Park Campus***

Staff Approval #1 Date: August 31, 2009

Staff Approval #2 Date: August 10, 2009

Staff Approval #3 Date: August 10, 2009

Staff Approval #4 Date: August 31, 2009

Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Project Worksheets** 6675 (Hardy Hall) in the amount of \$562,463; Project Worksheet 5691 (Dean's Home) in the amount of \$65,706; Project Worksheet 6061 (Cooke Building) in the amount of \$164,124; and Project Worksheet 9153 (Richard Cox Building) in the amount of \$395,079. These worksheets were submitted to FEMA/MEMA by the university as required for reimbursement. The worksheets detail the scope of work and funding amounts provided by FEMA and MEMA for damages and loss caused by Hurricane Katrina. These projects are FEMA/MEMA reimbursements.

Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Project Worksheets** 8895 (Tennis Pro Shack) in the amount of \$2,772 and Project Worksheet 8632 (Huckleberry Hill Restroom Facilities) in the amount of \$4,725. These worksheets were submitted to FEMA/MEMA by the university as required for reimbursement. The worksheets detail the scope of work and funding amounts provided by FEMA and MEMA for damages and loss caused by Hurricane Katrina. These projects are FEMA/MEMA reimbursements.

Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Project Worksheets** 9143 (Barber Annex Building) in the amount of \$77,118 and Project Worksheet 9666 (Toy Library and Technology Learning Center) in the amount of \$39,465. These worksheets are submitted to FEMA/MEMA by the university. The worksheets detail the scope of work and funding amounts provided by FEMA and MEMA for damages and loss caused by Hurricane Katrina. These projects are earmarked by FEMA/MEMA for reimbursement. Funds are provided by FEMA/MEMA reimbursements.

Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Project Worksheets** 9485(Elizabeth Hall) in the amount of \$370,534; Project Worksheet 8291 (Culinary Institute) no obligation due to insurance proceeds of \$63,533; Project Worksheet 6502 (Smith Studio) in the amount of \$20,804; Project Worksheet 8462 (Culinary Institute) in the amount of \$49,615; and Project Worksheet 9732 (143 Beach Park) in the amount of \$159,612 as submitted to FEMA/MEMA. The project worksheets detail the scope of work and funding amounts provided by FEMA and MEMA for damages and losses caused by Hurricane Katrina. These amounts are

earmarked by FEMA/MEMA for reimbursement to supplement the restoration of Project Worksheet 9485 which is IHL 214-016, Elizabeth Hall. This project was approved for initiation by the Board in August, 2008. Funds are provided from FEMA/MEMA reimbursements in the amount of \$2,000,000.

31. ***USM-IHL 210-235, Infrastructure Improvements, Cedar Point Campus***
Project Professional: Allred-McNabb Architects
General Contractor: SCI, Inc.
Staff Approval Date: August 21, 2009
2 Previous Change Orders in the Amount of: \$104,095.32
Current Change Order: \$20,358.25

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Change Order #3** in the amount of \$20,358.25. This change order was necessary for electrical modifications and additions. The total project budget is \$1,261,813. Funds are available from USM funds in WP00143 Cedar Point Infrastructure account.

32. ***USM-IHL 210 241, Southern Red Snapper Grow-Out Facility, Cedar Point Campus***
Project Professional: Allred-McNabb Architects
Staff Approval Date: August 20, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Contract Documents** as submitted by Allred-McNabb Architects, project professionals. The Board staff **also approved the request to advertise for the receipt of bids**. The total project budget is \$1,200,000. Funds are available from NOAA Grant #GR00321.

33. ***USM-IHL 210-247, Fish Health Building, Cedar Point Campus***
Project Professional: Allred-McNabb Architects
Staff Approval Date: August 20, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Contract Documents** as submitted by Allred-McNabb Architects, project professionals. The Board staff **also approved the request to advertise for the receipt of bids**. The total project budget is \$750,000. Funds are available from NOAA Grant #GR00321.

34. ***USM-IHL 210-242, Aquatic Wet Lab, Cedar Point Campus***
Project Professional: Allred- McNabb Architects
Staff Approval Date: August 20, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Contract Documents** as submitted by Allred-McNabb Architects, project professionals. The Board staff **also approved the request to advertise for the receipt of bids**. The total project budget is \$950,000. Funds are available from NOAA Grant #GR00321.

Education and Research Center

35. ***E&R Center-GS 111-044, Mechanical Modifications***

Project Professional: Atherton Electrical Engineers

Staff Approval Date: September 1, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Atherton Electrical Engineers, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$2,500,000. Funds are available from HB 246, Laws of 2007; and HB 1641, Laws of 2008.

36. ***E&R Center-GS 111-040, Fire Alarm System***

Project Professional: Watkins & O'Gwynn Electrical Engineers

Staff Approval Date: September 1, 2009

In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the Design Development documents** as submitted by Watkins O'Gwynn, project professionals. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$250,000. Funds are available from SB 2988, Laws of 2003; HB 1634, Laws of 2006; and HB 1641, Laws of 2008.

EXHIBIT 3

Legal fees approved for payment to outside counsel in relation to litigation and other matters:

Payment of legal fees for professional services rendered by Phelps Dunbar (statements dated 5/29/09 and 6/30/09) from the funds of Mississippi State University. (These statements, in the amounts of \$1,925.33 and \$1,430.38, respectively, represent services and expenses in connection with *Charlie F. Wade vs. MS Cooperative Extension*.)

TOTAL DUE \$3,355.71

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 6/19/09, 6/30/09, 7/28/09 and 7/28/09) from the funds of Mississippi State University. (These statements, in the amounts of \$2,000.00, \$2,500.00, \$175.00, and \$226.48, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE \$4,901.48

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara & Cannada (statement dated 6/5/09) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the purchase of the Oxford Mall from CG Oxford Development, LLC.)

TOTAL DUE \$4,300.00

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statements dated 5/22/09 and 6/19/09) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,054.10 and \$1,268.50, respectively, represent services and expenses in connection with *MS Commission on Environmental Quality vs. UMMC*.)

TOTAL DUE \$5,322.60

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara & Cannada (statements dated 6/8/09) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with General Rep. of the Medical School and Facility Practice - \$3,354.00 and General Advice-UMMC-North Clinic - \$5,958.00.)

TOTAL DUE \$9,312.00

Payment of legal fees for professional services rendered by Ogletree, Deakins, Nash, Smoak & Stewart (statements dated 6/8/09 and 7/9/09) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$546.00 and \$2,805.48, respectively, represent services and expenses in connection with the *Sterling* case.)

TOTAL DUE \$3,351.48

Payment of legal fees for professional services rendered by Page, Mannino, Peresich & McDermott (statements dated 5/28/09) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with cases styled General Advice - \$735.00, *Thornton* - \$1,020.00, *Beason* - \$30.00, *Jaralah* - \$1,485.00, *Flowers* - \$6,450.00, and *Rhoden* - \$1,455.00.)

TOTAL DUE \$11,175.00

Payment of legal fees for professional services rendered by Watkins, Ludlam, Winter & Stennis (statements dated 4/6/09 and 6/12/09) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with UMC-EBC, Series 2008A & B Refunding Bonds - \$2,325.60 and Financial Concerns - \$2,648.90.)

TOTAL DUE \$4,974.50

Payment of legal fees for professional services rendered by Adams & Reese (statements dated 6/10/09 and 7/13/09) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$12,540.78 and \$5,488.15, respectively, represent services and expenses in connection with personnel issues.)

TOTAL DUE \$18,028.93

Legal fees approved for payment to outside counsel in relation to patent and other matters:

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/19/09, 5/19/09, 5/19/09, 5/19/09, 5/19/09, 5/19/09, 5/19/09, 5/19/09, 5/19/09, 6/18/09, 6/18/09, 6/18/09, 6/18/09, 6/18/09, 6/18/09, 6/23/09, 6/23/09, 6/23/09, and 6/23/09) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Compact Time-of-Flight Mass Spectrometer-Canada" - \$100.00; "Compact Time-of-Flight Mass Spectrometer-Germany" - \$100.00; "DC Converter for Low-Voltage, High-Current Applications" - \$50.00; "Termite Control System, Method and Apparatus" - \$30.00; "Self-Aligned Transistor and Diode Topologies in Silicon Carbide" - \$50.00; "Method for Transformation of Cotton and Organogenic Regeneration" - \$100.00; "Through-Log Density Detector" - \$50.00; "Real-Time PCR Assay of the Bacterium *Edwardsiella ictaluri* in Channel Catfish" - \$1,080.00; "Auger Reactor with Improved Heat Transfer Properties" - \$360.00; "Compact Time-of-Flight Mass Spectrometer-Canada" - \$640.00; "Compact Time-of-Flight Mass Spectrometer-Germany" - \$70.00; "Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges" - \$50.00; "Self-Propelled Rotary Excavator" - \$30.00; "Channel Catfish Virus Vaccine" - \$1,340.00; "Method for Transformation of Cotton and Organogenic Regeneration" - \$448.00; "High Power Density, Full-Bridge Parallel Loaded Resonant DC Converter for Low-Voltage, High-Current Applications" - \$440.00; "Termite Control Methods and Apparatus" - \$4,396.00; "Method and System for Controlling Manned and Unmanned Aircraft Using Speech Recognition Tools" - \$480.00; and "Methods of Preparation of Live Attenuated Bacterial Vaccines by Alteration of DNA Adenine Methylase (DAM) Activity in those Bacteria" - \$6,935.20.)

TOTAL DUE \$16,749.20

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/29/09) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Provisional Patent Enhanced Football Helmet Facemask Removing Device” - \$175.00; “Temporal Mapping and Analysis” - \$926.25; “Remote Sensing Imagery Accuracy Analysis Method and Apparatus” - \$308.75; “Linear Correspondence” - \$5,442.50; “JUVA Trademark Application-Mitchener” - \$650.00; “Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$3,496.25; “Functional Enhancement of Antimicrobials” - \$207.50; “Provisional Patent for Noxel Oximes” - \$207.50; “System and Method for Charging Rechargeable Batteries” - \$1,462.30; “Switchgrass Germplasm” - \$97.50; “Utility Application-System for Stabilizing Gas Hydrates at Low Pressures” - \$3,006.25; “Provisional Patent Switchgrass Seed Safener” - \$390.00; “MSU MSA 2-3-98 St. Augustine Grass (Polaris) Trademark” - \$325.00; “MSU MSA-31 St. Augustine Grass (Veranda) Trademark” - \$373.75; “Oral Delivery of Attenuated Edwardiella Ictaluri” - \$520.00; “Fireball Location System for Boiler/Furnace” – \$32.50; “Method to Control Off-Flavor in Water and Aquaaculture Products” - \$490.00; “Method of Epitaxial Growth of Silicon Carbide” - \$819.54; “Plant Patent-St. Augustine Grass Cultivers” - \$1,917.50; “Wood Composite Binder Resins” - \$861.25; “Temporal Mapping and Analysis” - \$276.25; “Remote Sensing Imagery Accuracy Analysis” - \$552.50; “Linear Correspondence Assessment” - \$601.25; “St. Augustine Grass Plant Named Eclipse” - \$97.50; “JUVA Trademark Application-Mitchner” - \$455.00; “Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$796.25; “MSU MSA 2-3-98 St. Augustine Grass (Polaris) Trademark” - \$700.00; “MSU MSA-31 St. Augustine Grass (Veranda) Trademark” - \$1,170.00; “Oral Delivery of Attenuated Edwardiella Ictaluri” - \$48.75; “Fireball Location System for Boiler/Furnace” - \$500.00; “Small Peptide Induction Technology” - \$243.75; “Crepe Myrtle Plant Patent” - \$1,040.00; “Uranium Detection System-ICET” - \$227.50; “CleanGro Trademark” - \$373.75; “Laminated Sheet Molding Compounding (LSMC) Process” - \$81.25; “Diagnostic Biomarker Assay Methodologies” - \$130.00; “Identification of Mutation for HERDA and Method for Testing” - \$357.50; and “Ratiometric Raman Spectroscopy of Protein Modification” - \$81.25.)

TOTAL DUE **\$29,441.84**

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 1/12/09) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the following patent: “Gut Prosthetic Patent” - \$2,205.00.)

TOTAL DUE **\$2,205.00**