

Trustees of the California State University

Resolutions

July 13, 2010 in the Dumke Auditorium located at the California State University
Office of the Chancellor, 401 Golden Shore, Long Beach, CA 90802

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: Executive Vice Chancellor and Chief Academic Officer (RUF 07-10-01)

RESOLVED, by the Board of Trustees of the California State University, that Dr. Ephraim P. Smith shall receive a salary set at the annual rate of \$285,000, effective July 1, 2010, the date of his appointment as executive vice chancellor and chief academic officer of the California State University; and be it further

RESOLVED, Dr. Smith shall receive additional benefits as cited in Agenda Item 1 of the Committee on University and Faculty Personnel meeting of July 13, 2010.

Executive Compensation: San José State University Interim President (RUF 07-10-02)

RESOLVED, by the Board of Trustees of the California State University, that Mr. Don W. Kassing shall receive a salary set at the annual rate of \$328,200, effective August 1, 2010, the date of his appointment as interim president of San José State University. Mr. Kassing will also receive an annual supplement of \$25,000 from San José State University Foundation sources; and be it further

RESOLVED, Mr. Kassing shall occupy the official presidential residence located in San José, California, as a condition of his employment as interim president; and be it further

RESOLVED, Mr. Kassing will receive additional benefits as cited in Agenda Item 2 of the Committee on University and Faculty Personnel at the July 13, 2010, meeting.

**Executive Compensation: California Polytechnic State University, San Luis Obispo
Interim President (RUF 07-10-03)**

RESOLVED, by the Board of Trustees of the California State University, that Dr. Robert Glidden shall receive a salary set at the annual rate of \$328,200, effective August 1, 2010, the date of his appointment as interim president of California Polytechnic State University, San Luis Obispo; and be it further

RESOLVED, Dr. Glidden shall be provided housing while appointed interim president; and be it further

RESOLVED, Dr. Glidden shall receive additional benefits as cited in Agenda Item 3 of the Committee on University and Faculty Personnel at the July 13, 2010, meeting.

COMMITTEE ON FINANCE

Approval to Amend the Resolutions to Sell Bond Anticipation Notes and Bonds for Three Projects (RFIN 07-10-07)

Orrick, Herrington & Sutcliffe LLP, as bond counsel, prepared resolutions for projects described in Agenda Item 2 of the Committee of Finance at the July 13, 2010 meeting of the Board of Trustees that amends the Board's previous authorizations for interim and permanent financing. The proposed resolution will achieve the following:

1. Amend previous authorizations for the sale and issuance of Systemwide Revenue Bond Anticipation Notes and the related sale and issuance of the Trustees of the California State University Systemwide Revenue Bonds in an amount not-to-exceed \$27,343,000 and certain actions relating thereto.
2. Provide a delegation to the Chancellor; the Executive Vice Chancellor and Chief Financial Officer; the Assistant Vice Chancellor, Financial Services; and the Director, Financing and Treasury; and their designees to take any and all necessary actions to execute documents for the sale and issuance of the bond anticipation notes and the revenue bonds.

The resolutions will be implemented subject to receipt of good bids consistent with the projects' financing plans.

COMMITTEE ON CAMPUS PLANNING, BUILDINGS AND GROUNDS

Amend the 2010-2011 Capital Outlay Program, Non-State Funded (RCPBG 07-10-09)

RESOLVED, By the Board of Trustees of the California State University, that the 2010-2011 non-state funded capital outlay program is amended to include:

- 1) \$2,200,000 for preliminary plans, working drawings, construction, and equipment for the California State University, San Marcos Renovation of Sparkman Elementary School project, and 2) \$43,980,000 for preliminary plans, working drawings, construction, and equipment for the California State University, San Marcos University Student Union project.

Amend the 2010-2011 Capital Outlay Program, State Funded (RCPBG 07-10-10)

RESOLVED, By the Board of Trustees of the California State University, that the 2010/2011 state funded capital outlay program is amended to include:

- 1) \$15,000,000 for acquisition of the California State University, Channel Islands, Cogeneration Plant project; and 2) \$2,627,000 for preliminary plans, working drawings, and construction for the California State Polytechnic University, Pomona, Water Filtration Plant project.

Categories and Criteria for the State Funded Five-Year Capital Improvement Program, 2012-2013 through 2016-2017 (RCPBG 07-10-11)

RESOLVED, By the Board of Trustees of the California State University, that:

1. The Categories and Criteria for the State Funded Five-Year Capital Improvement Program, 2012-2013 through 2016-2017 in Attachment A of Agenda Item 4 of the July 13, 2010, meeting of the Trustees' Committee on Campus Planning, Buildings and Grounds be approved; and
 2. The chancellor is directed to use these categories and criteria to prepare the CSU State Funded Five-Year Capital Improvement Program.
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Relocation Plan for the Dobbs Street Apartment Building Real Property Acquisition for California State University, Los Angeles (RCPBG 07-10-12)

RESOLVED, by the Board of Trustees of the California State University, that:

1. This board has reviewed the Final Relocation Plan for the Dobbs Street Student Housing Project dated June 14, 2010, as prepared by California State University, Los Angeles and presented herein for approval, and the Final Relocation Plan is found to be consistent with adopted board policy, state statute The California Relocation Assistance Law (Government Code Section 7260 et seq.) and, California Department of Housing and Community Development Guidelines (Title 25 Cal. Code of Regulations, Ch. 6., Art. 1., Section 6000 et seq.).
2. This board has considered comments received from tenants and the public as a result of circulation and public disclosure of the Relocation Plan, and finds no overwhelming adverse circumstances that would be contrary to the intent and specific provisions of the board policy, The Relocation Assistance Law, or California Department of Housing and Community Development Guidelines.
3. Therefore, the Final Relocation Plan as proposed is hereby approved as consistent with board policy and State Relocation Assistance Law, and the chancellor or his designee is authorized to proceed with implementation of the Final Relocation Plan at California State University, Los Angeles as approved by this board.

COMMITTEE OF THE WHOLE

Concord Naval Weapons Station Acquisition (RCOW 07-10-02)

RESOLVED, By the Board of Trustees of the California State University, that the Board supports the acquisition of a 150-acre portion of the Concord Naval Weapons Station as a future site for a full-service CSU East Bay Concord branch campus to serve the region and the state, and directs the chancellor and staff to explore, with all due diligence, the acquisition of the site so long as all of the following conditions are met. If any of the following conditions are not met, the matter will return to the Board of Trustees for review and approval:

1. Necessary approval by federal and state agencies will be included in further planning processes.
2. The land and facilities deemed necessary for the future campus will be obtained through conveyance pursuant to Section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended ("Act"), [P.L. No. 81-152, 63 Stat. 377, 40 U.S.C. Section 484 (k) (1)], Reorganization Plan No. 1 of 1953, the Department of Education Organization Act of 1979, [P.L. No. 96-88, 93 Stat. 668, 20 U.S.C. Section 3401 et seq.].
3. The land to be conveyed for California State University use must include sufficient and substantial land for a campus "footprint" including, at a minimum, a significant amount of land to accommodate the academic core of a full-service campus.
4. Applicable federal and California legal requirements for environmental review shall be met.
5. The federal government must take all remedial action necessary to return the property to commercial/industrial standards and to protect human health and the environment with respect to any hazardous substances on the subject property and, specifically, shall be responsible for fully funding and removing any and all hazardous and toxic substances from the project site in a timely manner even if discovered after the CSU has received the property via Public Benefit Conveyance.
6. The federal government shall indemnify and hold harmless the CSU from any and all environmental liability related to this project. This includes, but is not limited to, Environmental Protection Agency CERCLA enforcement actions.
7. The Local Reuse Authority, City of Concord, and/or other state or local

agencies will be responsible for the funding, design and construction of the infrastructure; utilities; community facilities; parks, recreation and open space; transportation and rapid transit facilities and improvements, all with sufficient capacity to support the development of the educational campus, according to the adopted Base Reuse Plan, sized to accommodate the full build out of the planned 25,000 FTE campus.

8. The Local Reuse Authority, City of Concord, and/or other state or local agencies will not request or require the CSU to participate in the funding of any present or future fair share costs related to identified mitigation measures to reduce or eliminate significant off-site environmental impacts identified during the state or federal environmental impact review process and certification for the build out of the 25,000 FTE campus.
9. The Local Reuse Authority and/or City of Concord will agree to fund build out of the proposed branch campus should state funding not be available for the design and construction of academic buildings to support initial and future branch campus growth. If, in this case ,the Local Reuse Authority and/or City of Concord determine they are unwilling to fund the build out, the CSU will return the land to the City of Concord.
10. The Local Reuse Authority and/or City of Concord shall certify that its Reuse Plan, including the 150-acre Educational Campus, has been approved by the United States Department of Housing and Urban Development; and, be it further

RESOLVED, By the Board of Trustees of the California State University, that subject to ultimate approval of such terms as may be established by the government of the United States in connection with its approval and transfer of such lands and property, the following resolution recommended by the U.S. Department of Education is approved:

WHEREAS, certain real property owned by the United States, located in the county of Contra Costa, State of California, has been declared surplus and is subject to assignment for disposal for educational purposes by the Secretary of Education, under the provisions of section 203 (k) (l) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows: 150-acres situated on the former Concord Naval Weapons Station (see Attachments A and B); and,

WHEREAS, the California State University needs and can utilize said property for educational purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Board is fully informed; and,

WHEREAS, the California State University has made application to the Secretary of Education for the above-mentioned property; now, therefore, be it

RESOLVED, that the California State University shall secure the transfer to it of the above-mentioned property for said use upon and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the Secretary of Education, or his authorized representative, may require in connection with the disposal of said property under said Act and the rules and regulations issued pursuant thereto; and, be it further

RESOLVED, that the California State University acknowledges that the Department of Education requires that if it is unable to place the property into use within the time limitations indicated below (or determines that a deferral of use should occur), the California State University may be required to pay to the Department for each month of nonuse beginning 12 months after the date of the deed, or 36 months where construction or major renovation is contemplated, the sum of 1/360 of the then market value for each month of nonuse. However, the California State University is unable to agree to this term and condition; and, be it further

RESOLVED, that subject to the conditions set forth in Nos. 1-10 above, the California State University has legal authority, and is willing to do and perform any and all acts that may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, and execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, and the payment of any and all sums necessary for fees and related charges including costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs; and, be it further

RESOLVED, that if the Application for Public Benefit Allowance Acquisition of Surplus Federal Real Property for Educational Purposes is approved subject to the conditions stated herein, a copy of the application and standard deed conditions will be filed with the permanent minutes of the Board.