

TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

**California State University
Office of the Chancellor
Glenn S. Dumke Auditorium
401 Golden Shore
Long Beach, CA 90802**

March 21, 2018

Presiding: Rebecca D. Eisen, Chair

10:30 a.m. Board of Trustees

Dumke Auditorium

Call to Order

Roll Call

Public Speakers

Chair's Report

Report of the Academic Senate CSU: *Chair—Christine Miller*

Report of the California State Student Association: *President—Maggie White*

Report of the California State University Alumni Council: *President—Manolo P. Morales*

Chancellor's Report

Consent

Action 1. Approval of Minutes

Action 2. Approval of Committee Resolutions as follows:

Committee on Educational Policy

2. Recommended Amendments to Title 5 Regarding Exemption from Nonresident Tuition
3. Enrollment Management
4. Academic Planning

Committee on Institutional Advancement

2. Naming of The Vincent E. Petrucci Viticulture Building – California State University, Fresno

Committee on Organization and Rules

2. Approval of California State University Board of Trustees' Meeting Dates for 2019
3. Approval of Proposed Revision of Standing Orders – Delegation of Capital Outlay Project Approval, Schematic Design Approval, and Financing Approval

*The Board of Trustees is a public body, and members of the public have a right to attend and participate in its meetings. This schedule of meetings is established as a best approximation of how long each scheduled meeting will take to complete its business. Each meeting will be taken in sequence, except in unusual circumstances. Depending on the length of the discussions, which are not possible to predict with precision in advance, the scheduled meeting times indicated may vary widely. The public is advised to take this uncertainty into account in planning to attend any meeting listed on this schedule.

Committee on Campus Planning, Buildings, and Grounds

2. California State University, Dominguez Hills Student Housing Phase 3

Committee on University and Faculty Personnel

2. Executive Compensation: President – California State University, Bakersfield
3. Executive Compensation: President – California State University, Dominguez Hills
4. Revision of Title 5, California Code of Regulations, Section 42909, Vacation Accumulation and Carry-Over

Committee of the Whole

2. Appointment of Five Members to the Committee on Committees for 2018-2019

12:00 p.m. **Board of Trustees—Closed Session**
Executive Personnel Matters
Government Code §11126(a)(1)

Munitz Conference Room

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**MINUTES OF THE MEETING
OF BOARD OF TRUSTEES**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Auditorium
401 Golden Shore
Long Beach, California
January 31, 2018**

Trustees Present

Rebecca D. Eisen, Chair
Adam Day, Vice Chair
Silas H. Abrego
Jane Carney
Douglas Faigin
Debra S. Farar
Jean Picker Firstenberg
Emily Hinton
Lillian Kimbell
Thelma Meléndez de Santa Ana
Hugo N. Morales
John Nilon
Larry Norton
Jorge Reyes Salinas
Romey Sabalius
Peter Taylor
Timothy P. White, Chancellor

Chair Eisen called the meeting of the Board of Trustees to order.

Public Comment

The board heard from the following individuals during the public comment period: William Blischke, President, CSU Emeritus and Retired Faculty Association (CSU-ERFA); Rocky Sanchez, VP for Representation (CSUEU); Carolyn Duckett, Chair Bargaining Unit 7 (CSUEU); Sergio Roldan, Vice Chair Bargaining Unit 5 (CSUEU); Ricardo Uc, Vice Chair Bargaining Unit 9 (CSUEU); Tessy Reese, Chair Bargaining Unit 2 (CSUEU); Neil Jacklin, Acting President (CSUEU); Kim Geron, Chapter Political Action Legislative Chair, East Bay (CFA); Iosdelyn Ramirez, student, CSU Dominguez Hill (SQE); Dulce Lopez, student, CSU Dominguez Hill (SQE)

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Chair's Report

Chair Eisen's complete report can be viewed online at the following URL:
<https://www2.calstate.edu/csu-system/board-of-trustees/reports-of-the-chair/Pages/january-2018.aspx>

Chancellor's Report

Chancellor Timothy P. White's complete report can be viewed online at the following URL:
<https://www2.calstate.edu/csu-system/chancellor/the-chancellors-communications/Pages/1-30-2018-state-of-the-csu.aspx>

Report of the Academic Senate CSU

CSU Academic Senate Chair, Christine M. Miller's complete report can be viewed online at the following URL: http://www.calstate.edu/AcadSen/Records/Chairs_Reports/

Report from the California State Student Association

CSSA President Maggie White's complete report can be viewed online at the following URL:
http://www.calstatestudents.org/wp-content/uploads/2018/01/01-18-bot_report_white.pdf

Report of the California State University Alumni Council

Alumni Council President, Manolo P. Morales' complete report can be viewed online at the following URL: <http://www.calstate.edu/alumni/council/bot/20180131.shtml>

Board of Trustees

The minutes of the meeting of November 8, 2017 were approved as submitted. Chair Eisen asked to move all the consent items for approval. There was a second. The Board of Trustees approved the following resolutions:

Committee on Institutional Advancement

Naming of The Ernest E. Tschannen Science Complex – California State University, Sacramento (RIA 01-18-01)

RESOLVED, by the Board of Trustees of the California State University, that the Science Complex at California State University, Sacramento, be named as The Ernest E. Tschannen Science Complex.

**Naming of the Oppenheimer Family Riding Pavilion, Oppenheimer Family Stallion Barn and Oppenheimer Family Foaling Barn - California Polytechnic State University, San Luis Obispo
(RIA 01-18-02)**

RESOLVED, by the Board of Trustees of The California State University, that the agricultural facilities at California Polytechnic State University, be named as the Oppenheimer Family Riding Pavilion, the Oppenheimer Family Stallion Barn and the Oppenheimer Family Foaling Barn.

**Annual Report on Donor Support for 2016-2017
(RIA 01-18-03)**

RESOLVED, by the Board of Trustees of the California State University, that the Annual Report on Donor Support for 2016-2017 be adopted for submission to the California Joint Legislative Budget Committee and the California Department of Finance.

Committee on Finance

**Approval to Issue Trustees of the California State University Systemwide Revenue Bonds and Related Debt Instruments for Projects at California State University, Los Angeles and California State University Maritime Academy
(RFIN 01-18-01)**

Orrick, Herrington & Sutcliffe LLP, as bond counsel, prepared resolutions presented in agenda item 2 on the Committee on Finance at the January 29-31, 2018 Board of Trustees' meeting that authorize interim and permanent financing for the projects described in the agenda item. The proposed resolutions were distributed at the meeting and will achieve the following:

1. Authorize the sale and issuance of the Trustees of the California State University Systemwide Revenue Bonds, and/or the sale and issuance of related Systemwide Revenue Bond Anticipation Notes, and/or the issuance of related debt instruments, including shorter term debt, variable rate debt, floating rate loans placed directly with banks, or fixed rate loans placed directly with banks, in an aggregate amount not-to-exceed \$73,215,000 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 assistant vice chancellor, Financing, Treasury, and Risk Management; 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.

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Committee on University and Faculty Personnel

**Executive Compensation: President – San Diego State University
(RUFP 01-18-01)**

RESOLVED, by the Board of Trustees of the California State University, that Dr. Adela de la Torre shall receive a salary set at the annual rate of \$428,645 effective the date of her appointment as president of San Diego State University; and be it further

RESOLVED, that Dr. Adela de la Torre shall receive additional benefits as cited in Item 2 of the Committee on University and Faculty Personnel at the January 29-31, 2018 meeting of the Board of Trustees.

**Executive Compensation: President – California State University, Fullerton
(RUFP 01-18-02)**

RESOLVED, by the Board of Trustees of the California State University, that Mr. Framroze Virjee shall receive a salary set at the annual rate of \$356,431 effective the date of his appointment as president of California State University, Fullerton; and be it further

RESOLVED, that Mr. Virjee shall receive additional benefits as cited in Item 3 of the Committee on University and Faculty Personnel at the January 29-31, 2018 meeting of the Board of Trustees.

**Executive Compensation: Executive Vice Chancellor and General Counsel – California State University
(RUFP 01-18-03)**

RESOLVED, by the Board of Trustees of the California State University, that Mr. G. Andrew Jones shall receive a salary set at the annual rate of \$340,505 effective the date of his appointment as executive vice chancellor and general counsel for the California State University; and be it further

RESOLVED, that Mr. Jones shall receive additional benefits as cited in Item 4 of the Committee on University and Faculty Personnel at the January 29-31, 2018 meeting of the Board of Trustees.

Committee on Campus Planning, Building and Grounds

**California State University Maritime Academy Master Plan Revision and Real Property Acquisition
(RCPBG 01-18-01)**

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

1. The California State University Maritime Academy's campus master plan revision dated January 2018, is approved.
2. The 2017-2018 capital outlay program is amended to include the acquisition of Real Property for California State University Maritime Academy.
3. The chancellor, or his designee, is delegated the authority to negotiate the final purchase price for the Real Property acquisition within the not-to-exceed amount of the appraised value and contingent upon the results of the due diligence.

**California State University, Chico Siskiyou II Science Replacement (Seismic) Building
(RCPBG 01-18-02)**

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

1. The Initial Study and Mitigated Negative Declaration have been prepared to address any potential significant environmental impacts, mitigation measures, comments, and responses to comments associated with approval of the Siskiyou II Science Replacement (Seismic) Building, and all discretionary actions related thereto, as identified in the Final Initial Study and Mitigated Negative Declaration.
2. The Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act and the state CEQA guidelines.
3. This resolution is adopted pursuant to the requirements of Section 21081 of the Public Resources Code and Section 15091 of the state CEQA Guidelines, which requires that the Board of Trustees make findings prior to the approval of a project that the mitigated project as approved will not have a significant effect on the environment and the project will be constructed with the recommended mitigation measures, and the project will benefit the California State University.
4. The chancellor is requested under Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the project.
5. The schematic plans for the California State University, Chico Siskiyou II Science Replacement (Seismic) Building are approved at a project cost of \$101,137,000 at CCCCI 6255.

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**California State University, East Bay Master Plan Revision
(RCPBG 01-18-03)**

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

1. In accordance with the Writ of Peremptory Mandamus (Writ) issued by the Alameda County Superior Court (Case Nos. RG09481095 and RG09480852), the Board of Trustees hereby sets aside and vacates its September 22, 2009 resolution (RCPGB 09-09-14) approving the California State University East Bay Hayward Campus Master Plan Revision, inclusive of two site-specific near term projects (Pioneer Heights Student Housing, Phase IV and Parking Structure 1), collectively the Project, and certifying the associated 2009 Final Environmental Impact Report, Findings of Fact, the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations.
2. The 2017 Partial Revised Final Environmental Impact Report for the Master Plan (2017 PR-FEIR) has been prepared to address the items identified in the Court of Appeal's decision in *City of Hayward v. The Trustees of the California State University* (2015) 242 Cal.App.4th at 833 (*City of Hayward*) and the Writ.
3. The 2009 FEIR, as modified by the 2017 PR-FEIR, has been prepared to address potential significant environmental impacts, mitigation measures, project alternatives, comments and responses to comments associated with the CSUEB Master Plan pursuant to the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and CSU CEQA procedures.
4. The 2009 FEIR, as modified by the 2017 PR-FEIR, addresses the proposed CSUEB Master Plan and all discretionary actions related to the Project, as identified in the Introduction, Section 1, and Project Description, Section 2 of the 2009 FEIR.
5. This resolution is adopted pursuant to the requirements of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, which require that the board make findings prior to approval of any project along with statement of fact supporting each finding.
6. This board has reviewed and considered the additional information prepared for Agenda Item 3 of the January 30-31, 2018 meeting of the Committee on Campus Planning, Buildings and Grounds regarding the re-certification of the 2009 FEIR, as modified by the 2017 PR-FEIR, which identifies specific impacts of the proposed Project and related mitigation measures which are hereby incorporated by reference.
7. This board has reconsidered its September 2009 Project approvals in light of the analysis set forth in the 2009 FEIR as modified by the 2017 PR-FEIR, and all other information and analysis specified in the record for this Project. This board hereby adopts findings approving the Project including the revised

- Findings of Fact and Statement of Overriding Consideration as expressly set forth herein and in order to comply with the Writ.
8. The board adopts the revised Findings of Fact and related mitigation measures identified in the Mitigation Monitoring Program for Agenda Item 3 of the January 30-31, 2018, meeting of the Board of Trustees' Committee on Campus Planning, Buildings and Grounds that identifies specific impacts of the proposed Project and related mitigation measures, which are hereby incorporated by reference.
 9. The board adopts the revised Findings of Fact that include specific Overriding Considerations that the benefits of the Project outweigh certain remaining unavoidable significant impacts to aesthetics, air quality, cultural resources, and traffic as disclosed in the 2009 FEIR as modified by the 2017 PR-FEIR.
 10. The board concludes that the Project's fair share of off-site future traffic mitigation is \$2,331,618. This figure is based upon certain traffic improvements identified by and within the jurisdiction of the City of Hayward in order to improve traffic conditions near campus. This off-site traffic mitigation will not mitigate the Project's cumulatively significant and unavoidable traffic impacts to the eight intersections and seven roadway segments identified in the 2009 FEIR, as it is physically infeasible to construct further improvements to these intersections and segments. Therefore, the board adopts Findings of Facts that include specific Overriding Considerations that benefits of the Project outweigh the remaining significant and unavoidable traffic impacts.
 11. Consistent with the California Supreme Court decisions in *City of Marina* and *City of San Diego* and the Writ, the Board approves the use of \$2,331,618 for its fair share of future off-site mitigation. The funds are expected from future state capital or operating budget funding, the CSU, self-support entities and/or other entities.
 12. The fair share mitigation funds shall be deposited into a restricted account whereby the funds would be released to the City of Hayward only when the designated traffic mitigation improvement has been designed, budgeted for construction and approved by the city, and the city has secured all remaining funds and approvals necessary and is proceeding with the traffic improvement. This shall be further documented in a Memorandum of Understanding with the City of Hayward.
 13. The City of Hayward has requested fees be paid by CSUEB for mitigation of public services impacts with regard to public safety (police and fire emergency response). In *City of Hayward*, the Court of Appeal expressly affirmed the Board of Trustees' determination that CSUEB is not obligated to pay fees to the City of Hayward for such services.
 14. Prior to re-certification of the 2009 FEIR as modified by the 2017 PR-FEIR, the board has reviewed and considered the 2009 FEIR as modified by the 2017 PR-FEIR and finds that it reflects the independent judgment of the Board of

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Trustees. The board hereby concurs with and certifies the 2017 PR-FEIR and the 2009 FEIR as modified by the 2017 PR-FEIR prepared for the proposed Project as complete and adequate and in conformance with CEQA, the State CEQA Guidelines and the requirements imposed by the Writ.

For the purposes of CEQA and the State CEQA Guidelines, the record of the proceedings for the Project includes the following:

- a. The approval of the 2009 CSUEB Master Plan;
 - b. The 2009 FEIR, including all comments received and responses to these comments;
 - c. All proceedings before the Board of Trustees relating to the Project, including testimony and documentary evidence introduced at such proceedings;
 - d. All records of court proceedings, including, but not limited to the Peremptory Writ of Mandate issued on October 17, 2016;
 - e. The 2017 PR-FEIR, which replaces the 2009 FEIR recreation and parkland analysis, including all comments received and responses to these comments; and;
 - f. All attachments, documents incorporated, and references made in the documents as specified in items (a) through (e) above.
15. All of the above information is on file with the California State University, Office of the Chancellor, Capital Planning, Design and Construction, 401 Golden Shore, Long Beach, California 90802-4210, and at California State University, East Bay, Facilities Development and Operations, 25800 Carlos Bee Blvd, Hayward, CA 94542-3004.
 16. The board hereby directs that the 2009 FEIR as modified by the 2017 PR-FEIR be forwarded to the Alameda County Superior Court for its consideration in accordance with the Writ, and that the 2009 FEIR as modified by the 2017 PR-FEIR be considered in any further actions on the Project.
 17. The Project will benefit the California State University.
 18. The two designated near term CSUEB Master Plan projects identified and described in the 2009 FEIR and 2017 PR-FEIR are: (1) Pioneer Heights Student Housing, Phase IV (600 beds) and (2) Parking Structure 1 (1,100 spaces). The board has determined the near term projects are fully analyzed at the project level in the 2009 FEIR as modified by the 2017 PR-FEIR for purposes of compliance with CEQA and hereby approves such near term projects for implementation and construction as being in compliance with CEQA requirements.
 19. The CSUEB Master Plan Revision relating to the 2009 FEIR and 2017 PR-FEIR is hereby approved effective January 2018.
 20. The chancellor or his designee is requested under the Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the Project.

**California State University, San Bernardino Master Plan Revision for Palm Desert Off-Campus Center
(RCPBG 01-18-04)**

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

1. The Final Environmental Impact Report (FEIR) for the California State University, San Bernardino Palm Desert Off-Campus Center Campus Master Plan 2018 has addressed any potentially significant environmental impacts, mitigation measures, and project alternatives, comments, and responses to comments associated with approval of the proposed campus master plan revision pursuant to the requirements of the California Environmental Quality Act and State CEQA Guidelines.
2. The FEIR addresses the proposed campus master plan revision and all discretionary actions related to the project as identified in the FEIR.
3. Prior to the certification of the Final EIR, the Board of Trustees reviewed and considered the above-mentioned Final EIR, and finds that the Final EIR reflects the independent judgment of the Board of Trustees. The board hereby certifies the Final EIR for the project as complete and adequate in that the Final EIR addresses all potentially significant environmental impacts of the project and fully complies with the requirements of CEQA and the CEQA Guidelines.

For the purpose of CEQA and the CEQA Guidelines, the administrative record of proceedings for the project includes the following:

- a. The 2017 Draft EIR for the California State University, San Bernardino Palm Desert Off-Campus Center Campus Master Plan;
 - b. The Final EIR, including comments received on the Draft EIR, and responses to comments;
 - c. The proceedings before the Board of Trustees relating to the subject master plan revision, including testimony and documentary evidence introduced at such proceedings; and
 - d. All attachments, documents incorporated, and references made in the documents as specified in items (a) through (c) above.
4. The Board of Trustees hereby certifies the Final EIR for the California State University, San Bernardino Palm Desert Off-Campus Center Campus Master Plan dated January 2018 as complete and in compliance with CEQA.
 5. This resolution is adopted pursuant to the requirements of Section 21081 of Public Resources Code and Section 15091 of the State CEQA Guidelines which require that the Board of Trustees make findings prior to the approval of a project.

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6. The board hereby adopts the Findings of Fact and Mitigation Monitoring and Reporting Program, including all mitigation measures identified therein, for Agenda Item 5 of the January 29-31, 2018 meeting of the Board of Trustees' Committee on Campus Planning, Buildings and Grounds, which identifies the specific impacts of the proposed campus master plan and related mitigation measures, which are hereby incorporated by reference. The mitigation measures identified in the Mitigation and Monitoring Reporting Program shall be monitored and reported which meets the requirements of CEQA.
7. The board hereby adopts the Findings of Fact and Statement of Overriding Considerations that outweigh certain remaining significant and unavoidable impacts to traffic, air quality, and noise.
8. The Final EIR has identified potentially significant impacts that may result from implementation of the proposed campus master plan revision. However, the Board of Trustees, by adopting the Findings of Fact, finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts which are not reduced to less than significant levels are identified as significant and unavoidable and are overridden due to specific project benefits to the CSU identified in the Findings of Fact and Statement of Overriding Considerations.
9. The board approves the use of approximately \$5,000 for its fair share of off-site mitigation. The funds are expected to be budgeted in future capital or operating budget funding from the state, self-support entities, private developers, the CSU, and/or other entities to support the academic program.
10. The California State University, San Bernardino Palm Desert Off-Campus Center Campus Master Plan dated January 2018 benefits the California State University.
11. The California State University, San Bernardino Campus Master Plan Revision dated January 2018 at a master plan enrollment ceiling of 8,000 FTES is approved.
12. The chancellor or his designee is requested under Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the Final Environmental Impact Report for the California State University, San Bernardino Palm Desert Off-Campus Center Campus Master Plan 2018.

Joint Committees on Finance and Campus Planning, Building and Grounds

Approval to Issue Trustees of the California State University Systemwide Revenue Bonds and Related Debt Instruments and Approval of Related Actions for the Extended Learning Building and Parking Structure Project at California State University San Marcos (RFIN/CPBG 01-18-01)

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

1. The financing resolutions for the project as described in this Agenda Item 2 of the Joint Committees on Finance and Campus Planning, Buildings and Grounds at the January 29-31, 2018, meeting of the CSU Board of Trustees are approved. Orrick, Herrington & Sutcliffe LLP, as bond counsel, is preparing resolutions to be presented at this meeting that authorize interim and permanent financing for the projects described in this agenda. The proposed resolutions will be distributed at the meeting and will achieve the following:
 - a. Authorize the sale and issuance of the Trustees of the California State University Systemwide Revenue Bonds, and/or the sale and issuance of related Systemwide Revenue Bond Anticipation Notes, and/or the issuance of related debt instruments, including shorter term debt, variable rate debt, floating rate loans placed directly with banks, or fixed rate loans placed directly with banks, in an aggregate amount not-to-exceed \$63,950,000 and certain actions relating thereto.
 - b. Provide a delegation to the chancellor; the executive vice chancellor and chief financial officer; the assistant vice chancellor, Financial Services; and the assistant vice chancellor, Financing, Treasury, and Risk Management; and their designees to take any and all necessary actions to execute documents for the sale and issuance of the revenue bonds, bond anticipation notes, or related debt instruments.
2. Provide a delegation to the chancellor to approve the final execution of the purchase and sale agreement for the construction of academic facilities on privately owned land adjacent to the CSU San Marcos campus.
3. The board hereby acknowledges the City of San Marcos Final Environmental Impact Report for the Extended Learning Building and Parking Structure project dated October 13, 2009, and the subsequent Addendum to the Final Environmental Impact Report adopted in October 2017 as complete and in compliance with CEQA.

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4. The 2017-2018 Capital Outlay Program is amended to include \$81,468,000 for preliminary plans, working drawings, construction, and equipment for the California State University San Marcos Extended Learning Building and Parking Structure project.
 5. The schematic plans for the California State University San Marcos Extended Learning Building and Parking Structure project are approved at a project cost of \$81,468,000 at CCCI 6255.
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Board of Trustees

Conferral of Commendation - President Mildred García (RBOT 1-18-01)

RESOLVED, by the Board of Trustees of the California State University, that this board commends President Mildred García for her dedication and leadership on behalf of the students, faculty, staff, administrators, alumni and friends of California State University, Fullerton; California State University, Dominguez Hills; and the California State University.