

Lincoln, Nebraska
November 7, 2008

The Board of Regents of the University of Nebraska met on November 7, 2008, at 1:00 p.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, in a publicly convened session, the same being open to the public and having been preceded by advance publicized notice, a copy of which is attached to the minutes of this meeting as Attachment 1.

In compliance with the provisions of *Neb. Rev. Stat.* Section 84-1411, printed notice of this meeting was sent to each member of the Board and was posted in the first floor lobby of Varner Hall. In addition, copies of such notice were sent to the Lincoln Journal Star,

IV. KUDOS

Regent Wilson presented a KUDOS award to Jennifer Dam, Assistant Director for Campus Planning and Space Management, Institutional Research and Planning at the University of Nebraska-Lincoln.

Regent Ferlic presented a KUDOS award to Lisa Neal, Assistant Director of Institutional Research at the University of Nebraska at Kearney.

Regent Schroeder presented a KUDOS award to the Service Learning Academy/American Humanics Program, represented by Paul Sather, Director, and Kathy Oleson, Assistant Director, at the University of Nebraska at Omaha.

Regent Zimmer presented a KUDOS award to Phil Bruch, Radiation Oncology Department Administrator at the University of Nebraska Medical Center.

V. PUBLIC COMMENT

Ms. Ivy Harper had requested an opportunity to address the Board on the topic of Senator Hagel's call for transparency in public education. Instead, Ms. Harper spoke about her failure to be granted admission to a graduate program at UNO.

VI. RESOLUTIONS

Regent Phares presented the following resolution:

Whereas, Regent Lucas Seiler has served as student Regent and student body president at the University of Nebraska at Omaha in 2008, during which time he has actively sought out student input, innovation, and creation throughout his term on the Board of Regents; and

Whereas, the knowledge and information that Regent Seiler has taken back to his campus has provided UNO leadership, administration and students with a greater understanding of UNO's important role within the university, both now and in the future; and

Whereas, Regent Seiler has taken an active, organized, and personable approach to managing events, ideas and plans surrounding UNO's Centennial Anniversary celebration; and

Whereas, under Regent Seiler's leadership, UNO has seen an increased and sustainable recycling program that will certainly last far beyond his tenure as a Regent and student body president; and

Whereas, Regent Seiler has made it a personal goal to expand UNO's Collegiate Readership Program and has also worked closely with UNO Chancellor John Christensen and the University Alumni Association to make a mark on the UNO campus in 2008; and

Whereas, Regent Seiler has shown true leadership, thoughtfulness, and interest in his role as a student Regent and student body president within UNO Student Government;

Now, therefore, be it resolved that Lucas Seiler, the outgoing Student Body President and UNO Student Regent, be commended by the University of Nebraska Board of Regents for his outstanding resolve and his unwavering dedication to the students within the University of Nebraska.

Regent McClurg presented the following resolution:

WHEREAS, Curtis McKnight has served as a member of the University of Nebraska Board of Regents and as President of the University of Nebraska Medical Center Student Senate during the 2007-2008 term; and

WHEREAS, Regent McKnight has effectively brought to the Board of Regents and the administration of the University the perspective of health professions students on appropriate issues, has been actively involved in the selection of a statewide Student Information System, and has advocated for closing the faculty compensation gap between the University of Nebraska and its peers;

WHEREAS, Regent McKnight has advocated for a tobacco-free campus at UNMC, has opposed the so-called Nebraska Civil Rights Initiative, and has furthered Green causes at UNMC, increasing the amount of material that UNMC students recycle;

WHEREAS, Regent McKnight has been involved with top UNMC administrators in formulating the campus strategic plan, and has been a reliable source of information about student preferences in regards to the new Sorrell Center and other campus issues;

WHEREAS, during his term, Regent McKnight has taken an active and positive role in the meetings and activities of the Board of Regents;

NOW, THEREFORE, BE IT RESOLVED, that the University of Nebraska Board of Regents expresses its sincere appreciation for the contributions and dedicated service of Regent Curtis McKnight during his service on the Board and wishes him well in all of his future endeavors.

The following resolution was read by Regent Hassebrook:

Whereas, Charles S. Wilson has represented District One as a distinguished member of the Board of Regents since 1990, including three terms as chairman, and has worked with three presidents, 13 chancellors and 17 elected Regents; and

Whereas, Regent Wilson has, in effect, become the Dean of this Board by virtue of his steady leadership, common sense and deep commitment to the University of Nebraska and the State of Nebraska; and

Whereas, Regent Wilson has been a champion for research and scholarly activity, and an unwavering advocate for this important aspect of the university's mission, including being the primary author of the board's bylaws relating to research and scholarly activity; and

Whereas, Regent Wilson has been a guardian and defender of academic freedom within the university, consistently and vocally supporting this most basic principle on which a university is built; and

Whereas, under Regent Wilson's leadership and advocacy, the University of Nebraska has made significant gains in expanding the diversity of the faculty, in increasing gender equity within the faculty, and in hiring and retaining the highest quality faculty; and

Whereas, Regent Wilson's quiet but effective leadership has frequently helped the board to reach consensus on difficult issues, guiding the board toward resolution of many important issues;

Now, therefore, be it resolved that Charles Wilson receive the gratitude and appreciation of the University of Nebraska Board of Regents for his dedicated service to the students, faculty and staff of the University of Nebraska, and to the citizens of Nebraska.

The resolutions were adopted by acclamation.

VIII. CONSENT AGENDA

- Motion Moved by Ferlic and seconded by Whitehouse to approve the Consent Agenda consisting of items VIII-A-1, VIII-B-1, VIII-B-2, VIII-B-3, VIII-B-4, and VIII-B-5
- A. ACADEMIC AFFAIRS
- VIII-A-1 The President's Personnel Recommendations
- B. BUSINESS AFFAIRS
- University of Nebraska
- VIII-B-1 Approve the acceptance of certain audited financial statements of the University of Nebraska and related entities
- VIII-B-2 Approve submission of a deficit request relating to the Student Information System
- University of Nebraska-Lincoln
- VIII-B-3 Authorize the UNL Vice Chancellor for Business & Finance and the Athletics Director to complete negotiations and authorize the Chancellor to approve a contract for a 2008 postseason football game
- University of Nebraska Medical Center
- VIII-B-4 Approve naming the UNMC Research Center of Excellence II building the "Durham Research Center II"
- VIII-B-5 Approve reappointment of two members, Gail Walling Yanney, M.D. and Jan Thayer, to the Board of Directors of The Nebraska Medical Center effective January 1, 2009, for a term of three years
- Action Student Opinion: Voting Aye: Seiler, Zimmer, Hruza, and McKnight. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Wilson, Ferlic, and Hassebrook. Absent: Hawks. Motion carried.

IX. ADMINISTRATIVE AGENDA

- A. ACADEMIC AFFAIRS
- Motion Moved by Schroeder and seconded by Ferlic to approve item IX-A-1
- IX-A-1 Approval is requested to establish the Natan and Hannah Schwalb Center for Israel and Jewish Studies at the University of Nebraska at Omaha
- Action Student Opinion: Voting Aye: Zimmer, Hruza, McKnight, and Seiler. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Wilson, Ferlic, and Hassebrook. Absent: Hawks. Motion carried.
- Motion Moved by Whitehouse and seconded by Phares to approve item IX-A-2
- IX-A-2 Approval is requested to establish the Center for Collaboration Science at the University of Nebraska at Omaha
- Action Student Opinion: Voting Aye: Hruza, McKnight, Seiler, and Zimmer. Voting Aye: Phares, Schroeder, Whitehouse, Wilson, Ferlic, Hassebrook, and McClurg. Absent: Hawks. Motion carried.

B. BUSINESS AFFAIRS

University of Nebraska

IX-B-1 Approve the Resolution authorizing the issuance of up to \$55,500,000 of alternative financing for the 17th and R student housing and the Gaughan Center at the University of Nebraska-Lincoln

President Milliken requested item IX-B-1 be moved to the end of the agenda for discussion purposes

Motion Moved by McClurg and seconded by Phares to approve item IX-B-2

IX-B-2 Approve amendments to proposed revisions to Chapter 6 of the Board of Regents Policies on Business and Financial Management relating to facilities management policies

Chapter 6. Business and Financial Management

RP-6.2.1 Purchasing Policy

6. Competitive Bidding

- a. Except as otherwise provided in this purchasing policy, any purchase committing the University to an expenditure of ~~\$75,000~~ \$150,000 or more shall be made to the lowest responsible bidder, taking into consideration the best interests of the University, the quality or performance of any articles or service to be purchased, their conformity with specifications, the purpose for which required, and the time of delivery or performance. In determining the lowest responsible bidder, in addition to price, bids may be rejected and awards made upon consideration of the following factors:

RP-6.3.1 Administrative Approval of University Contracts

4. President's Administrative Authority to Approve and Execute Contracts

Pursuant to Section 6.4 of the Bylaws, the President shall have authority to approve and to execute the following types of contracts.

- a. Any contract for the procurement of services or non-capital goods used in the regular course of business in operation of the University.
- b. Any contract with a public utility or similar organization for the p9(Eilar organization(0)/9(Ar

excess of \$100,000 shall be made to the Board of Regents at its next regular meeting.

- h. Any contract relating to the staging, performance or sponsorship of any cultural, performing arts, recreational or intercollegiate athletic event, except any contract relating to any post-season intercollegiate football bowl game.
- I. Any contract for the procurement, deaccession or sale of material to be added to or removed from the collection of any University gallery, library or museum facility in the regular course of business in operation of any such facility.
- j. Any contract whereby University of Nebraska Television will provide services to an external party, including, but not limited to, research, instruction, consulting, planning, production, technical assistance, or program development services; provided that a written report of each such contract in excess of \$400,000 shall be made to the Board of Regents at its next regular meeting subsequent to the execution of the contract.
- k. Any contract for the procurement of construction services or supplies for a building, structure or other improvement to real property which (1) has a total project cost of ~~\$400,000~~ \$2,000,000 or less, and (2) is awarded in accordance

- q. Any contract for the procurement of the licensed professional services of an architect, engineer, landscape architect, or land surveyor, where the firm selected has been approved in accordance with RP-6.3.2.
- r. Any contract granting to the University a lease of or license to use or occupy real property where (1) the term of the lease or license does not exceed ten years, and (2) the total rent or license fees payable by the University over the full term of the lease or license do not exceed \$250,000; provided that a written report of each such lease or license contract for a term in excess of one year shall be made to the Board of Regents at its next regular meeting subsequent to execution of the contract.
- s. Any contract granting to an external party a lease of or license to use University real property for a use that is not a University-related use where (1) such contract is awarded through a sealed bid public sale, and (2) the term of the lease or license does not exceed ten years and the total rent or license fees payable to the University over the full term of the lease or license do not exceed \$500,000; provided that a written report of each such lease or license contract for a term in excess of one year and \$250,000 shall be made to the Board of Regents at its next regular meeting subsequent to award of the contract.
- t. Any contract granting to an external party a lease of or license to use University real property for a use that is a University-related use where (1) the term of the lease or license does not exceed ten years, and (2) the total rent or license fees payable to the University over the full term of the lease or license do not exceed \$500,000; provided that a written report of each such lease or license for a term in excess of one year and \$250,000 shall be made to the Board of Regents at its next regular meeting subsequent to award of the contract.
- u. Any contract for or grant of an easement encumbering University real property to a governmental entity or a public utility where the value of the encumbrance of the easement and associated damages does not exceed \$100,000; provided that a written report of the grant of any such easement having a value in excess of \$50,000 shall be made to the Board of Regents at its next regular meeting subsequent to the date of such grant by the University.

RP-6.3.2 Qualification Based Selection of Professional Services of Architects, Engineers, Landscape Architects and Registered Land Surveyors

1. Policy Reference

The Nebraska Consultants' Competitive Negotiation Act, *Neb. Rev. Stat.* §§ 81-1701 through 81-1721 governs the procurement of professional architectural, engineering landscape architecture and land surveying services by the University. In the event of a conflict between the provisions Consultants' Competitive Negotiation Act and this policy, the provisions of the Consultants' Competitive Negotiation Act shall control.

2. Definitions

As used in this policy, the term "licensed professional services" shall mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying as defined by the laws of the State of Nebraska, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his or her professional employment practice.

In addition those definitions set forth in *Neb. Rev. Stat.* §§ 81-1704 through 81-1710 of the Consultants' Competitive Negotiation Act shall also apply to this policy.

3. Procurement of Licensed Professional Services; in Excess of \$400,000 Exception for Four Year Selection Process

Except for the Four Year Selection process provided in section 4 of this policy, when licensed professional services are required for a project where the statutory minimums provided by subsection (1) of *Neb. Rev. Stat.* § 81-1712 of the Consultants' Competitive Negotiation Act or where the estimated fee for such services exceeds \$400,000, the firm to provide the professional services will be selected in accordance with the ~~University Standard Selection Procedure~~ procedures set forth in *Neb. Rev. Stat.* §§ 81-1712 through 81-1715 of the Consultants' Competitive Negotiation Act.

4. Four Year Selection Process

When licensed professional services are required where the estimated fee for such services is from \$40,000, the statutory minimum fee provided by subsection (1) of *Neb. Rev. Stat.* § 81-1712 of the Consultants' Competitive Negotiation Act, to \$400,000, the firm to provide the professional services may be selected from the University's four year list firms determined in accordance with the procedures set forth in *Neb. Rev. Stat.* §§ 81-1712 through 81-1715 of the Consultants' Competitive Negotiation Act and the University Four-Year Selection Procedure.

5. Procurement of Professional Services Less Than the Statutory Minimums

When licensed professional services are required for a project where the estimated construction cost is less than the statutory minimums provided by subsection (1) of *Neb. Rev. Stat.* § 81-1712 of the Consultants' Competitive Negotiation Act, or where the estimated fee for such services is less than \$40,000, the selection of the firm from the University certified firms to provide the services required is the responsibility of the respective campus Chief Business Officer.

6. Preference for Nebraska Firms

In view of the size, number and experience of firms in the State of Nebraska, and the more effective delivery of professional services usually realized from firms having close proximity to the University, there is a preference for in-state registered firms or joint ventures of out-of-state registered firms with in-state registered firms unless:

- a. the proposed project requires special knowledge of the project and/or professional experience which is not otherwise available within the state;
- b. the selection of an out-of-state firm is considered necessary in order to obtain a major gift or grant, etc., for a proposed project; or
- c. the out-of-state firm by previous projects has established experience that is beneficial to and in the best interests of the University.

7. Architectural and Engineering Firm Data

The Director of Facilities Planning and Management at Central Administration will maintain files and update annually University data on architectural and engineering firms. These files will be the primary source of information for certifying architectural and engineering firms pursuant to this policy.

8. RP-6.3.2. is intended to provide substantive standards to guide University wide implementation, and the President and the Vice President of Business and Finance shall have the authority to administer and implement the same.

RP-6.3.6 Capital Project Management; Board Approval of Program Statements

c. The Program Statement Phase pertains to all capital projects with an estimated Total Project Cost of two million dollars (\$2,000,000) or greater except renewal work and infrastructure projects as described below. Renewal work with an estimated Total Project Cost of two million dollars (\$2,000,000) or greater will be submitted for approval though an agenda item.

1) Renewal Work. Renewal work means any (1) deferred or preventive maintenance projects that restore facilities and utility systems as closely as practicable to their original constructed condition, (b) projects that bring facilities into compliance with current fire safety, life safety, and hazardous materials abatement requirements, and (c) projects that bring facilities into compliance with the federal Americans with Disabilities Act.

2) Infrastructure Projects: An Infrastructure project means a project necessary to provide adequate infrastructure for campus operations.

The Program Statement Phase begins with the campus developing a document meeting the requirements of University Standard Architectural Program and ends with the Board of Regents granting Preliminary Project Approval. The campus may expend up to 1% of the estimated Total Project Cost for outside professional consultant services. The completed Architectural Program will be summarized into the Standard University Program Statement and submitted through the Business and Finance Committee to the Board. Board approval of the Program Statement represents Preliminary Project Approval. Preliminary Project Approval constitutes:

1) Board approval of the project concept, preliminary scope and preliminary Total Project Cost.

2) Board approval of the construction delivery method.

3) Board authority to hire outside consultants to initiate design, cost estimating and/or alternative project delivery through Schematic Design.

4) Authority to spend up to 3% of the preliminary Total Project Cost estimate for consultants to complete design through Schematic Design. These costs are in addition to those authorized for programming.

5) Authority to forward the Program Statement to the CCPE.

d. The Project Approval Phase begins with review of the Schematic Design Documents and ends with Project Approval. The completed University Standard Schematic Design will be summarized and submitted to the Business Affairs Committee for approval and reported to the Board at the next regular meeting. This Phase focuses on differences in scope, schedule and budget from the Program and the rationale. Approval of Schematic Design fixes the project scope and budget and represents Project Approval. Project Approval constitutes:

1) Authority to proceed with project financing.

2) Authority to contract for necessary consulting or other services to complete the design, prepare construction documents and construct the project.

3) Authority to report Board approved significant differences in scope or budget to the Nebraska Coordinating Commission for Postsecondary Education.

e. In the Construction Phase, the campus award contracts and constructs the project. The Board monitors status through routine quarterly status reports and

- c. Program Management Services. Also known as Construction Management Agency, shall mean those services of an owner advocate working as an extension of the Owner's staff and in the Owner's interests.
- d. Project. Project shall mean that fixed capital outlay, study or planning activity except renewal work as described below.

~~4. Interest Phase~~

~~The Director of Facilities Planning and Management or designee, hereinafter referred to as director, will advertise in appropriate Nebraska papers to provide an opportunity for as many construction firms as possible to be considered for a project. The advertisement will contain a brief project description and information on how interested construction firms can apply for consideration for the project.~~

~~5. Proposal Phase~~

- a. ~~The director will send a letter to all construction firms that indicate an interest in a project. A list of all recipients will be maintained by the Director of Facilities Planning and Management. The letter will request the construction firms submit a written proposal for services by a specific date.~~
- b. ~~Packets sent to the construction firms include the following:~~
 - 1) ~~Request for Proposal;~~
 - 2) ~~Summary of Project, including Description, Schedule and Budget;~~
 - 3) ~~Proposed Contract;~~
 - 4) ~~Construction Firm Qualifications;~~
 - 5) ~~Evaluation Worksheets.~~
- c. ~~Proposals will be reviewed in conjunction with interviews. If the number of written proposals becomes too numerous, a two-step process will be implemented. The construction firm proposals will be ranked based on the average of the total evaluation made by each member of the evaluation board. The three construction firms that receive the highest evaluations will then be interviewed. In the event of a tie or near tie for third position, the evaluation board may elect to include a fourth firm for interviews.~~

~~6. Interview Phase~~

- a. ~~The director will notify the construction firms to be interviewed by phone and letter. Construction firms will be provided the time and place of interview.~~
- b. ~~An evaluation board composed of a minimum of three persons (the Director of Facilities Planning and Management or designee and at least two campus-designated persons) will interview and rank the construction firms in order of qualifications with the most qualified firm first. A designated chairperson shall be the impartial referee and tiebreaker, and shall conduct the proceedings for the benefit of all concerned. The evaluation board will consider each firm's capabilities to perform, adequacy of personnel, past record and performance as well as experience to render the services required.~~
- c. ~~The construction firms will be ranked based on the average of the total evaluation made by each member of the evaluation board. The firm receiving the highest ranking will then be considered the most qualified firm for the project. In the event of a tie, the evaluation board will further evaluate and rank the top two construction firms.~~

~~7. Contract Phase~~

- ~~a. The construction firm receiving the highest evaluated score will be recommended for award of the contract for the project. There will be no binding contract for the project until the contract documents with the selected construction firm have been approved by the Vice President for Business and Finance and signed by the President.~~
- ~~b. A contract negotiation committee composed of a minimum of two persons (the Director of Facilities Planning and Management or designee and one campus-designated person) will attempt to negotiate a contract with the most qualified construction firm that the committee determines is fair and reasonable for the University.~~
- ~~c. If the committee unable to negotiate a contract with the most qualified firm, the committee will forward a letter to the most qualified firm formally terminating the negotiations and negotiations will be undertaken with the next most qualified firm. In the event of failure to reach an agreement with the second most qualified firm, the committee will again forward a letter to the firm notifying it of formal termination of negotiations. The same procedure will be followed with all the firms in the order ranked by the evaluation board until a contract is successfully negotiated with a qualified firm.~~
- ~~d. If negotiations with all qualified firms are unsuccessful, the committee will report results to the Board of Regents at the next scheduled meeting. The Board will provide guidance for renegotiating with the firms in the order previously ranked by the evaluation board or direct that the evaluation board reconvene and interview and rank additional firms and that the contract negotiations committee negotiate with such additional firms in the order ranked pursuant to the procedures set forth above.~~

~~8. Report Phase~~

~~4. Procurement of Construction Manager at Risk Services~~

- ~~a. When construction management services are approved by the Board of Regents as part of program statement approval, the firm to provide professional services will be selected utilizing the Project Evaluation Board.~~
- ~~b. After signing a contract, the campus will report the name of the successful construction firm at the next regularly scheduled Board meeting.~~

~~5. Procurement of Design Build Services~~

- ~~a. When design build services are approved by the Board of Regents as part of program statement approval, the firm to provide professional services will be selected utilizing the Project Evaluation Board.~~
- ~~b. After signing a contract, the campus will report the name of the successful construction firm at the next regularly scheduled Board meeting.~~

~~6.~~

5. Funding and Compensation
 - a. All costs of a Project Evaluation Board will be funded from the project for which the selection applies, or from related sources designated by the appropriate campus.
 - b. The University shall compensate each Project Evaluation Board Pool member for services provided as an independent consultant at a fixed rate per hour. Internal members will typically not receive compensation from project funds in addition to their normal earnings from the University. Any exceptions will be made at the discretion of the Director.
6. Liability and Insurance
 - a. The consulting services provided by the Project Evaluation Board Pool members shall not constitute or be construed to constitute routine or standard services normally provided by an architect, engineer or other contractor for a project. The University further agrees that the performance of such consulting services shall not render the members of the Project Evaluation Board Pool liable in any way for the selections recommended.
 - b. Members of a Project Evaluation Board Pool will be covered by appropriate general and professional liability insurance or have equivalent risk loss coverage under the University's self-insurance program to the same extent as other University personnel whenever performing duties as members of a Project Evaluation Board Pool on behalf of the University.
7. RP-6.3.8 is intended to provide substantive standards to guide University wide implementation, and the President and the Vice President of Business and Finance shall have the authority to administer and implement the same.

- Motion Moved by McClurg and seconded by Hruza to approve items IX-B-6 and IX-B-7
- IX-B-6 Approve a four year contract extension with Paciolan Systems, Inc. for ticketing software for the UNL Athletics Department
- IX-B-7 Approve the project budget to replace the HuskerVision control room equipment and install new video displays in Memorial Stadium
- Action Student Opinion: Voting Aye: Hruza, McKnight, Seiler, and Zimmer. Voting Aye: Ferlic, Hassebrook, McClurg, Phares, Schroeder, Whitehouse, and Wilson. Absent: Hawks. Motion carried.
- Motion Moved by Whitehouse and seconded by Schroeder to approve item IX-B-8
- University of Nebraska at Kearney
- IX-B-8 Ratify a contract in the amount of \$696,016 relating to emergency repairs and replacement of roofs damaged by tornado
- Action Student Opinion: Voting Aye: McKnight, Seiler, Zimmer, and Hruza. Voting Aye: Hassebrook, McClurg, Phares, Schroeder, Whitehouse, Wilson, and Ferlic. Absent: Hawks. Motion carried.
- Motion Moved by Ferlic and seconded by Hruza to approve item IX-B-9
- University of Nebraska at Omaha
- IX-B-9 Ratify a Change Order in the amount of \$485,487 to replace the existing roof on the CPACS building
- Action Student Opinion: Voting Aye: Seiler, Zimmer, Hruza, and McKnight. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Wilson, Ferlic, and Hassebrook. Absent: Hawks. Motion carried.
- University of Nebraska
- Motion Moved by Schroeder and seconded by McClurg to approve item IX-B-1
- IX-B-1 Approve the Resolution authorizing the issuance of up to \$55,500,000 of alternative financing for the 17th and R student housing and the Gaughan Center at the University of Nebraska-Lincoln
- A friendly amendment was accepted by Regents Schroeder and McClurg to modify the agenda item as follows:
- SUBJECT: Authority to Issue Alternative Financing
- RECOMMENDED ACTION: Approve 1) the attached resolution authorizing, upon receiving the approval of the Chairman of the Board of Regents, the issuance of up to \$55,500,000 of alternative financing for 17th and R student housing and the Gaughan Center at the University of Nebraska-Lincoln; and 2) increasing the rate ceilings on fixed rate financing previously approved.
- PREVIOUS ACTION: September 22, 2008 – The Chairman of the Board of Regents, in consultation with the Executive Committee, approved combining the financings relating to the University of Nebraska-Lincoln’s 17th and R student housing project and the Gaughan Center project into a single financing.

April 18, 2008 – Approved a resolution adopting a Supplemental Resolution authorizing the issuance of not to exceed \$48,500,000 aggregate principal amount of UNL Student Fees and Facilities Revenue Bonds, Series 2008 (at average rate not to exceed 5.35%) to finance the construction of student housing at 17th and R streets.

November 9, 2007-Approved a resolution adopting a Supplemental Resolution authorizing the issuance of not to exceed \$7,000,000 aggregate principal amount of UNL Student Fees and Facilities Revenue Bonds, Series 2008 (at an average rate not to exceed 5.25%) to finance the construction of the Gaughan Center.

EXPLANATION:

The Board currently has granted authority to issue long-term, tax-exempt bonds for the Gaughan and 17th and R projects.

The current state of the credit markets has created an environment that is highly unusual. Public sector financings have virtually dr

exceed” rate ceilings of 5.25% and 5.35%, respectively. This action seeks to increase the rate ceilings to “an average interest rate not to exceed 6.0%.”

These actions, when combined if approved, would also allow the University to take the most favorable course from the following alternatives: either issue BANS (upon approval by the Chairman) or to market long-term, fixed-rate debt, at an average rate not to exceed 6%, should market conditions allow. If BANS are issued, the University will market long-term bonds to replace the BANS when feasible, but within the original parameters

November 7, 2008
Volume 67

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Hassebrook at 3:09 p.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Chuck Hassebrook
Chairman of the Board