

Trustees of the California State University

The California State University
CSU Sacramento
6000 J Street, Sacramento, California 95819

Resolutions

**The attached resolutions were adopted by the Board of Trustees at its meeting of
March 12-13, 2002 held in the University Union Ballroom of
California State University, Sacramento, 6000 J Street, Sacramento, California 95819**

BOARD OF TRUSTEES

Election of Five Members to Committee on Committees for 2002/2003 (RBOT 03-02-01)

RESOLVED, By the Board of Trustees of The California State University, that the following trustees are elected to constitute the board's Committee on Committees for the 2002/2003 term:

Martha C. Fallgatter, Chair
William D. Campbell
Debra Farar
William Hauck
Dee Dee Myers

COMMITTEE ON INSTITUTIONAL ADVANCEMENT

Approval of Naming of Facility – California State University, Fresno (RIA 03-02-02)

RESOLVED, By the Board of Trustees of the California State University, that the clock tower and grand foyer of the Save Mart Center at California State University, Fresno be named the Larry A. Shehadey Tower.

Approval of naming of Facility – California State University, San Marcos (RIA 03-02-03)

RESOLVED, By the Board of Trustees of the California State University, that the Field House/University Student Union at California State University, San Marcos be named The M. Gordon Clarke Field House/University Student Union.

COMMITTEE ON CAMPUS PLANNING, BUILDINGS AND GROUNDS

Amend the 2001/2002 Capital Outlay Program, Nonstate Funded (RCPBG 03-02-03)

RESOLVED, By the Board of Trustees of the California State University, that the 2001/02 Nonstate Funded Capital Outlay Program Funded is amended to include: 1) \$25,261,000 for preliminary plans, working drawings, construction and equipment for the California State University, Dominguez Hills, Loker University Student Union Remodel/Addition project; 2) \$1,000,000 for preliminary plans, working drawings, and construction for the California State University, Fresno, Planetarium Museum; and 3) \$1,500,000 for preliminary plans, working drawings, construction and equipment for the California State University, Sacramento, Academic/Administrative Support Building.

Preliminary State and Nonstate Funded Five-Year Capital Improvement Program 2003/2004 through 2007/2008 (RCPBG 03-02-04)

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

1. The Preliminary State and Nonstate Funded Five-Year Capital Improvement Program 2003/04 through 2007/08 totaling \$3,411,976,000 and \$1,387,757,000 respectively are approved.
2. The chancellor is requested to explore all reasonable funding methods available and communicate to the governor and the legislature the need to provide funds for the CSU state funded plan in order to develop the facilities necessary to serve all eligible students.
3. The chancellor is directed to return to the Board of Trustees for approval of the *final* State and Nonstate Funded Five-Year Capital Improvement Program 2003/04 through 2007/08, including the 2003/04-action year request.

Certify the Final Environmental Impact Report and Approve the Amendment to the Nonstate Funded Capital Outlay Program and Schematic Plans for the Faculty and Staff Housing at Site H-8 at California Polytechnic State University, San Luis Obispo (RCPBG 03-02-05)

RESOLVED, By the Board of Trustees of the California State University that the Board of Trustees, upon consideration of the information provided in the FEIR, approves the following actions and makes the following findings:

1. The Final Environmental Impact Report (FEIR) for the California Polytechnic State University, San Luis Obispo, Faculty and Staff Housing at Site H-8 project (State Clearinghouse No. 2001041121) was prepared to address the

potential significant environmental effects, mitigation measures, and project alternatives, associated with the approval of the proposed Faculty and Staff Housing at Site H-8, and all discretionary actions related thereto.

2. This board hereby adopts the findings of fact and related mitigation measures prepared for Agenda Item 4 of the March 12-13, 2002 meeting of the Committee on Campus Planning, Buildings and Grounds which identify specific impacts of the proposed project and related mitigation measures and which are hereby incorporated by reference.
3. Prior to certification of the FEIR, the Board of Trustees has reviewed and considered the above-mentioned FEIR and finds that the FEIR reflects the independent judgment of the Board of Trustees. The board hereby certifies the FEIR for the proposed project as complete and adequate in that the FEIR addresses all significant environmental impacts of the proposed project and fully complies with the requirements of CEQA and the State CEQA Guidelines. For the purposes of CEQA and the State CEQA Guidelines, the record of the proceedings for the project comprises the following:
 - A. The Draft EIR for the Cal Poly, San Luis Obispo, Faculty and Staff Housing at Site H-8 project.
 - B. The FEIR, including all comments received and responses to comments.
 - C. The proceedings before the Board of Trustees relating to the subject project, including testimony and documentary evidence introduced at such proceedings.
 - D. All attachments, documents incorporated, and references made in the documents as specified herein.
4. The board adopts the published findings prepared for Agenda Item 4 of the March 12-13, 2002, meeting of the Committee on Campus Planning, Buildings and Grounds, including its rejection and modification of mitigation measures and the other findings. The board specifically finds that the rejected and unmodified mitigation measures were not feasible for the reasons stated in the FEIR, and describes the reasons for modifying these measures in the findings.
5. The board hereby certifies the FEIR for the California Polytechnic State University, San Luis Obispo Faculty and Staff Housing at Site H-8, and directs that the FEIR be considered in any further actions on the project.
6. The board adopts the Mitigation Monitoring Plan and the mitigations prepared for Agenda Item 4 of the March 12-13, 2002, meeting of the

Committee on Campus Planning, Buildings and Grounds, and which meets the requirements of CEQA (Public Resources Code, Section 21081.6).

7. All of the above records referred to in this resolution are on file with the California State University, Office of the Chancellor, Capital Planning, Design and Construction, 401 Golden Shore, Long Beach, California 90802, and California Polytechnic State University, San Luis Obispo, Office of Facilities Planning (Building 70), San Luis Obispo, California 93407.
8. The board amends the 2001/02 Nonstate Funded Capital Outlay Program to include \$16,155,000 for preliminary plans, working drawings, construction and equipment for the California Polytechnic State University, San Luis Obispo, Faculty and Staff Housing at Site H-8 project.
9. The board approves the schematic plans for the California Polytechnic State University, San Luis Obispo, Faculty and Staff Housing at Site H-8 project at a project cost of \$16,155,000 at CCCI 4019.
10. The board directs the chancellor or his designee under the Delegation of Authority granted by the Board of Trustees to file the Notice of Determination for the California Polytechnic State University, San Luis Obispo, Faculty and Staff Housing at Site H-8 project.

Approval of Schematic Plans (RCPBG 03-02-06)

1. California State University, Fullerton—Fine Arts/Auditorium Project Architect: Hardy Holzman Pfeiffer Associates

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

1. The board finds that the Negative Declaration for the California State University, Fullerton, Fine Arts/Auditorium project has been prepared in accordance with the requirements of the California Environmental Quality Act.
2. No new potential adverse environmental impacts have been identified, and therefore no new mitigation measures are required.
3. The proposed project will not have a significant effect on the environment; and the project will benefit the California State University.
4. The schematic plans for the California State University, Fullerton, Fine Arts/Auditorium project are approved at a project cost of \$44,546,000 at CCCI 4019

2. California State University, Sacramento—Academic Information Resource Center

Project Architect: Dreyfuss and Blackford

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

1. The board finds that the Categorical Exemption for the California State University, Sacramento, Academic Information Resource Center has been prepared pursuant to the requirements of the California Environmental Quality Act.
2. The proposed project will not have a significant effect on the environment; and the project will benefit The California State University.
3. The schematic plans for the California State University, Sacramento Academic Information Resource Center is approved at a project cost of \$28,881,000 at CCCI 4019.

3. California State University, San Bernardino, Permanent Coachella Valley Off-Campus Center—Phase II Development

Project Architect: Lee, Burkhart, Liu, Inc., Architecture, Planning, Interiors

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

1. The FEIR was prepared to include the conceptual master plan for the 200 acres, including the Phase II development.
2. Based on the information contained in the subject FEIR and the mitigation measures identified therein, the proposed project will not have a significant effect on the environment.
3. No additional new impacts have been identified that would require additional mitigation measures.
4. The project will benefit The California State University.
5. The schematic plans for the California State University, San Bernardino, Permanent Coachella Valley Off-Campus Center, Phase II Development are approved at a project cost of \$12,230,000 at CCCI 4019.

COMMITTEE ON FINANCE

Approval to Proceed With a New Debt Financing Program for the California State University with Corresponding Revision and Restatement of the California State University Policy on Financing Activities (RFIN 03-02-02)

California State University Policy for Financing Activities Board of Trustees' Resolution

WHEREAS, The Board of Trustees of The California State University (“the Board” or “the Trustees”) finds it appropriate and necessary to use various debt financing programs afforded to it through the methods statutorily established by the legislature, and to use to its advantage those programs available to it through debt financing by recognized auxiliary organizations of the California State University; and

WHEREAS, The Board wishes to establish and maintain policies that provide a framework for the approval of financing transactions for the various programs that enable appropriate oversight and approval by the Trustees; and

WHEREAS, Within a policy framework the Board desires to establish appropriate delegations that enable the efficient and timely execution of financing transactions for the California State University and its recognized auxiliary organizations in good standing; and

WHEREAS, The Board recognizes that there is a need from time to time to take advantage of rapidly changing market conditions by implementing refinancings that will lower the cost of debt financing for the California State University and its auxiliary organizations and that such refinancings could be better implemented by reducing the time required to authorize such refinancings; and

WHEREAS, The Board finds it appropriate to establish the lowest cost debt financing programs for the California State University, and to use the limited debt capacity of the California State University in the most prudent manner; and

WHEREAS, There are certain aspects of the tax law related to the reimbursement of up-front expenses from tax-exempt financing proceeds that would be more appropriately satisfied through a delegation to the Chancellor without affecting the Trustees' ultimate approval process for such financings; now, therefore be it

RESOLVED, by the Board of Trustees of The California State University as follows:

Section 1. General Financing Policies

- 1.1 The State University Revenue Bond Act of 1947 (Bond Act) provides the Board of Trustees with the ability to acquire, construct, or refinance projects funded with debt instruments repaid from various revenue sources.
- 1.2 The long-term debt programs of the Board of Trustees established pursuant to the Bond Act shall be managed by the Chancellor to credit rating standards in the “A” category.
- 1.3 The intrinsic rating of any debt issued by the Trustees shall be at investment grade or better.
- 1.4 The Trustees debt programs should include the prudent use of variable rate debt and commercial paper to assist with lowering the overall cost of debt.
- 1.5 The Trustees programs shall be designed to improve efficiency of access to the capital markets by consolidating revenue bond programs where possible.
- 1.6 The Chancellor shall develop a program to control, set priorities and plan the issuance of all long-term debt consistent with the five-year non-state capital outlay program.
- 1.7 The Chancellor shall annually report to the Trustees on the activity related to the issuance of long-term debt.

Section 2. Financing Program Structure of the California State University’s Debt Program

- 2.1 To use the limited debt capacity of California State University in the most cost effective and prudent manner, all on-campus student, faculty and staff rental housing, parking, student union, health center, and continuing education capital projects will be financed by the Trustees using a broad systemwide multi-source revenue pledge under the authority of the Bond Act in conjunction with the respective authority of the Trustees to collect and pledge revenues.

Other revenue-based on-campus and off-campus projects will also be financed through this program and the Bond Act unless there are compelling reasons why a project could not or should not be financed through this program (See Section 3 below).

- 2.2 The Chancellor shall establish minimum debt service coverage and other requirements for Bond Act financing transactions and/or for the related campus programs, which shall be used for implementation of the Trustees’ debt programs. The Chancellor shall also define and describe the respective campus program categories.

- 2.3 The Chancellor, the Executive Vice Chancellor and Chief Financial Officer, the Assistant Vice Chancellor Financial Services, the Senior Director of Financing and Treasury, and each of them (collectively, “Authorized Representatives of the Trustees”), are hereby authorized and directed, for and in the name and on behalf of the trustees, to take any and all actions necessary to refinance any existing bonds issued pursuant to the Bond Act of 1947 if the refinancing transaction will result in net present value savings, as determined by an Authorized Representative of the Trustees and which determination shall be final and conclusive. Authorized Representatives of the Trustees are authorized to execute, acknowledge and deliver, and to prepare and review, as each of them deems appropriate, all bond resolutions, bond indentures, official statements and all other documents, certificates, agreements and information necessary to accomplish such refinancing transactions.

Section 3. Other Financing Programs

- 3.1 The Board recognizes that there may be projects, or components of projects, that a campus wishes to construct that are not advantaged by, or financing is not possible, or is inappropriate for the Bond Act financing program. A campus president may propose that such a project be financed as an auxiliary organization or third party entity financing if there is reason to believe that it is more advantageous for the transaction to be financed in this manner than through the Bond Act financing program.

- 3.1.1 Such financings and projects must be presented to the Chancellor for approval early in the project’s conceptual stage in order to proceed. The approval shall be obtained prior to any commitments to other entities.
- 3.1.2 These projects must have an intrinsic investment grade credit rating, and shall be presented to the Trustees to obtain approval before the financing transaction is undertaken by the auxiliary organization or other third party entity.
- 3.1.3 If a project is approved by the Trustees, the Chancellor, the Executive Vice Chancellor and Chief Financial Officer, the Assistant Vice Chancellor Financial Services, the Senior Director of Financing and Treasury, and each of them (collectively, “Authorized Representatives of the Trustees”) are hereby authorized and directed, for and in the name and on behalf of the Trustees, to execute, acknowledge and deliver, and to prepare and review, as each of them deems appropriate, any and all documents and agreements with such insertions and changes therein as such Authorized Representatives of the Trustees, with the advice of the General Counsel, may require or approve, such

approval to be conclusively evidenced by the execution and delivery thereof, in order to assist with the planning, design, acquisition, construction, improvement, financing, and refinancing of the projects.

- 3.2 The Chancellor may require campus presidents to establish campus procedures applicable to campus auxiliary organizations for the issuance of debt instruments to finance or to refinance personal property with lease purchase, line-of-credit, or other tax-exempt financing methods. The procedures issued by the Chancellor need not contain a requirement for approval of the Trustees or the Chancellor but may include authority for campus presidents to take all actions to assist the auxiliary organization on behalf of the Trustees to complete and qualify such financing transactions as tax-exempt.

Section 4. State Public Works Board Lease Revenue Financing Program

- 4.1 The authorizations set forth in this section shall be in full force and effect with respect to any State Public Works Board project which has been duly authorized by the Legislature in a budget act or other legislation and duly signed by the Governor and which is then in full force and effect.
- 4.2 The Chancellor, the Executive Vice Chancellor and Chief Financial Officer, the Assistant Vice Chancellor Financial Services, the Senior Director of Financing and Treasury, and each of them (collectively, "Authorized Representatives of the Trustees") are hereby authorized and directed, for and in the name and on behalf of the Trustees, to execute, acknowledge and deliver, and to prepare and review, as each of them deems appropriate, any and all construction agreements, equipment agreements, equipment leases, site leases, facility leases and other documents and agreements with such insertions and changes therein as such Authorized Representatives of the Trustees, with the advice of the General Counsel, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof, in order to provide for the planning, design, acquisition, construction, improvement, financing, and refinancing of the projects.

Section 5. Credit of the State of California

- 5.1. The delegations conferred by this resolution are limited and do not authorize the Chancellor or other Authorized Representatives of the Trustees to establish any indebtedness of the State of California, the Board of Trustees, any CSU campus, or any officers or employees of any of them. Lending, pledging or otherwise using the credit established by a stream of payments to be paid from funds appropriated from the State of California for the purpose of facilitating a financing transaction associated with a capital project is

permitted only if specifically authorized by a bond act or otherwise authorized by the legislature.

Section 6. Tax Law Requirement for Reimbursement of Project Costs

- 6.1 For those projects which may be financed under the authority of the Trustees, the Chancellor, the Executive Vice Chancellor and Chief Financial Officer, the Assistant Vice Chancellor Financial Services, the Senior Director of Financing and Treasury, and each of them (collectively, "Authorized Representatives of the Trustees"), are hereby authorized to make declarations on behalf of the Trustees solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the U.S. Treasury Regulations; provided, however that any such declaration:
- 6.1.1 Will not bind the Trustees to make any expenditure, incur any indebtedness, or proceed with the project or financing; and
 - 6.1.2 Will establish the intent of the Trustees at the time of the declaration to use proceeds of future indebtedness, if subsequently authorized by the Trustees, to reimburse the Trustees for expenditures as permitted by the U.S. Treasury Regulations.

Section 7. Effective Date and Implementation

- 7.1 Within the scope of this financing policy, the Chancellor is authorized to further define, clarify and otherwise make and issue additional interpretations and directives as needed to implement the provisions of this policy.
- 7.2 This resolution supercedes RFIN 11-98-18 and shall take effect immediately. However, the Chancellor shall have the authority to authorize on a individual basis, auxiliary organization projects that are in the planning stage as of the adoption of this policy to proceed under the previous policy in order to prevent situations that would result in additional project costs or additional time-to-completion.

Approval to Issue Trustees of the California State University, Systemwide Revenue Bonds Not-to-Exceed \$145,210,000, and Approval of Related Matters (RFIN 03-02-03)

The Board of Trustees approved the resolution by unanimous vote prepared by Orrick, Herrington & Sutcliffe LLP as bond counsel for the Trustees. The resolutions are on file and:

- (1) Authorize the sale and issuance of the Trustees of the California State University, Systemwide Revenue Bonds and certain actions relating thereto in an aggregate amount not-to-exceed \$145,210,000 for eight previously approved projects described in this agenda item. This resolution will be effective to replace each former bond resolution for a project at the time new Systemwide Revenue Bonds are issued for

that project.

- (2) Provide for a delegation to authorize the chancellor, the executive vice chancellor and chief financial officer, and their designees to take any and all necessary actions to execute documents for the sale and issuance of the revenue bonds.

The resolutions will be implemented subject to the receipt of good bids consistent with the project's financing budget.

Approval to Issue Trustees of the California State University, Systemwide Revenue Bonds and Related Debt Instruments for a Sonoma Housing Project Not-to-Exceed \$42,700,000, and Approval of Related Matters (RFIN 03-02-04)

The Board of Trustees approved the resolution by unanimous vote prepared by Orrick, Herrington & Sutcliffe LLP as bond counsel for the Trustees. The resolutions are on file and:

- (1) Authorize the sale and issuance of the Sonoma State University Housing Bond Anticipation Notes and authorize the related sale and issuance of the Trustees of the California State University, Systemwide Revenue Bonds and certain actions relating thereto in an amount not-to-exceed \$42,700,000, and certain actions relating thereto. This authorization would be combined with other financing authorizations to sell bonds at the most opportune time and in the most cost effectively sized transaction.
- (2) Provide for a delegation to authorize the chancellor, the executive vice chancellor and chief financial officer, 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 the receipt of good bids consistent with the project's financing budget.

Approval to Issue Trustees of the California State University, Systemwide Revenue Bonds and Related Debt Instruments for a Northridge Parking Project Not-to-Exceed \$11,280,000, and Approval of Related Matters (RFIN 03-02-05)

The Board of Trustees approved the resolution by unanimous vote prepared by Orrick, Herrington & Sutcliffe LLP as bond counsel for the Trustees. The resolutions are on file and:

- (1) Authorize the sale and issuance of the California State University, Northridge Bond Anticipation Notes and authorize the related sale and issuance of the Trustees of the California State University, Systemwide Revenue Bonds and certain actions relating thereto in an amount not-to-exceed \$11,280,000 and certain actions relating thereto. This project would be combined with other financing authorizations approved at this meeting or in the future to sell bonds at the most opportune time and in the most cost effectively sized transaction.

- (2) Provide for a delegation to authorize the chancellor, the executive vice chancellor and chief financial officer, 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 the receipt of good bids consistent with the project's financing budget.

Conceptual Approval of Private Sector Participation in the Development of a 49.5-acre Avocado Orchard at California Polytechnic State University, San Luis Obispo (RFIN 03-02-06)

RESOLVED, By the Board of Trustees of The California State University, that the board supports the concept of an Educational Program Agreement with Mission Produce at California Polytechnic State University, and authorizes the campus with participation and counsel from the chancellor's office as required in the Trustees policy on Real Property Development Projects (RFIN 05-08-00) and Executive Order No. 747, to negotiate and develop the necessary agreements to complete the development plan for the program, with the understanding that the development plan supported, by the finalized agreements, will be presented to the Trustees for approval prior to the execution of any commitments for use of the property.

COMMITTEE ON GOVERNMENTAL RELATIONS

2001/2002 Legislative Report No. 7 (RGR 03-02-02)

RESOLVED, By the Board of Trustees of the California State University, that the 2001-02 Legislative Report No. 7 is adopted.

COMMITTEE ON EDUCATIONAL POLICY

Academic Planning and Program Review (REP 03-02-04)

RESOLVED, by the Board of Trustees of the California State University, that the amended projections on the Academic Plans for the California State University (as contained in Attachment A to Agenda Item 2 of the March 12-13, 2002, meeting of the Committee on Educational Policy), be approved and accepted as the basis for necessary facility planning; and be it further

RESOLVED, that those degree programs included in the Academic Plans are authorized for implementation, at approximately the dates indicated, subject in each instance to the chancellor's determination of need and feasibility, and provided that financial support, qualified faculty, facilities, and information resources sufficient to establish and maintain the programs will be available; and be it further

RESOLVED, that degree programs not included in the Academic Plans are authorized for implementation only as pilot programs, subject in each instance to conformity with current procedures for establishing pilot programs.

Approval of California State University Bakersfield, Antelope Valley Off-Campus Center (REP 03-02-05)

RESOLVED, By the Board of Trustees of The California State University that this board approves the establishment of a permanent off-campus center operated by CSU Bakersfield in the Antelope Valley.