

## AGENDA

### COMMITTEE ON ORGANIZATION AND RULES

**Meeting:** 2:45 p.m., Tuesday, September 14, 1999  
Glenn S. Dumke Conference Center

Laurence K. Gould, Jr., Chair  
Anthony M. Vitti, Vice Chair  
Martha C. Fallgatter  
Bob Foster  
Joan Otomo-Corgel  
Ralph R. Pesqueira  
Frederick W. Pierce, IV

#### **Consent Items**

Approval of Minutes of Meeting of July 7, 1999.

#### **Discussion Items**

1. Revised Schedule of Board of Trustees' Meetings, 1999/2000, *Action*
2. Amendments to the Standing Orders—Delegation of Capital Outlay Project Processing, *Action*

**MINUTES OF MEETING OF  
COMMITTEE ON ORGANIZATION AND RULES**

**Trustees of The California State University  
Office of the Chancellor  
Glenn S. Dumke Conference Center  
401 Golden Shore  
Long Beach, California**

**July 7, 1999**

**Members Present**

Laurence K. Gould Jr., Chair  
Anthony M. Vitti, Vice Chair  
Martha C. Fallgatter  
William Hauck, Chairman, Board of Trustees, ex officio  
Joan Otomo-Corgel  
Ralph R. Pesqueira  
Frederick W. Pierce IV  
Charles B. Reed, Chancellor, ex officio

**Members Absent**

Bob Foster

**Other Trustees Present**

William D. Campbell  
Harold Goldwhite  
Dee Dee Myers  
Ali C. Razi  
Michael D. Stennis  
Stanley T. Wang

**Chancellor's Office Staff**

David S. Spence, Executive Vice Chancellor and Chief Academic Officer  
Richard West, Executive Vice Chancellor and Chief Financial Officer  
Jackie R. McClain, Vice Chancellor, Human Resources  
Christine Helwick, General Counsel

Chair Gould called the meeting to order at 3:51 p.m.

**Consent Agenda**

Chair Gould reported that the minutes of the May 12, 1999, meeting were listed as a consent item and, as there were no objections, the minutes were approved as submitted.

**Amended to Standing Orders**

Chair Gould presented Agenda Item 1, stating that the item amended the Standing Orders to confirm existing authority and responsibility of the General Counsel. He asked Christine Helwick, General Counsel, to present the item.

Ms. Helwick stated that the item confirms the existing authority and responsibility of the Office of General Counsel. Currently, she stated, the role of the General Counsel is set forth in a variety of different sources: Government Code section 11041, Title 5 of the California Code of Regulations; 1992 Trustee Policy, Executive Orders No. 615 and 667; sections of the California State University Policy Manual for Contracting and Procurement; and the job description for the General Counsel in the Executive Management Classification Plan. This fragmentation, she reported, was recently raised in litigation as a complicating factor where it was questioned whether or not the culmination of all these miscellaneous statements of authority really authorized the Office of General Counsel to sign a settlement agreement without first bringing it to the Board for approval. This item is an effort to bring all the different delegated authority together as one clear statement in the Standing Orders. The statement expresses authority to sign not only settlement agreements, but also other documents, such as dismissals or matters that might be required to terminate litigation. Ms. Helwick reminded Trustees that changes to the Standing Orders, except for uncontroversial matters, require amendments to come to the Board first as an information item, and then as an action item at the following meeting. This item, it was decided, fell into the exception category and, therefore, the item is presented action in this meeting.

Chair Gould asked if there were any questions. Trustee Pierce stated that the item did not establish a monetary threshold beyond which the Office of General Counsel would have to seek Board approval. He felt it would be prudent to set limits. Ms. Helwick replied that no financial threshold had been specified but that, oftentimes, it is the non-monetary components of a settlement that are more controversial or consequential to the institution. She said it was within the discretion of the Office of General Counsel as to when to bring litigation matters before the Board, citing as example cases reported in the last two closed sessions of the Board. Chancellor Reed directed Trustee Pierce's attention to language he recommended stating the General Counsel, after consultation with the chancellor and/or appropriate campus president, is authorized to settle litigation. He assured Trustees that he would keep them informed of major monetary settlements. Trustee Pierce reiterated that, recognizing that there are often issues and items that are non-monetary, he would be more comfortable if Board policy removed any ambiguity. The problem, replied the chancellor, is it makes settlement negotiations, which are often very adversarial, even more difficult should negotiators be required to wait for Board approval. Trustee Campbell reminded Trustees of the adage that the Board sets policy and the chancellor runs the show. He expressed his confidence in Dr. Reed, stating that, while he likes to be advised of these issues, he did not want there to be a condition precedent to having something accomplished, particularly in litigation. Trustee Gould agreed.

The committee recommended adoption of the resolution.

Amendments to the Standing Orders – Delegations of Capital Outlay project Processing and Schematic Plans

Chair Gould stated that the second item was exactly the same as the item already deferred by the Campus Planning Building and Grounds committee, and entertained a motion to defer consideration of that item to the September meeting. The Committee agreed.

**ADJOURNMENT**

The meeting adjourned at 3:59 p.m.

**Action Item**

**BRIEF**

**REVISED HAND OUT**  
Agenda Item 2  
September 14-15, 1999

**COMMITTEE ON ORGANIZATION AND RULES**

**Revised Schedule of Board of Trustees' Meetings, 1999/2000**

**Presentation By**

Christine Helwick  
Office of General Counsel

**Summary**

The location of the March 14-15, 2000 Board of Trustees' meeting is being changed from the Office of the Chancellor to San Jose State University.

**ITEM**

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Agenda Item 1  
September 14-15, 1999

**COMMITTEE ON ORGANIZATION AND RULES**

**Revised Schedule of Board of Trustees' Meetings, 1999/2000**

All meetings of the Board of Trustees for 1999/2000 will be held at the headquarters of the Chancellor's Office in Long Beach with the exception of the March 14-15, 2000 meeting, which will be held at San Jose State University.

**RESOLVED**, By the Board of Trustees of The California State University, that the following revised schedule of meetings for the 1999/2000 year is adopted:

**1999**

July 7-9	Wednesday-Thursday	Headquarters
September 14-15	Tuesday-Wednesday	Headquarters
October 28	Thursday	Headquarters
November 16-17	Tuesday-Wednesday	Headquarters

**2000**

January 25-26	Tuesday-Wednesday	Headquarters
<b>March 14-15</b>	<b>Tuesday-Wednesday</b>	<b>San Jose State</b>
May 9-10	Tuesday-Wednesday	Headquarters
July 18-19	Tuesday-Wednesday	Headquarters
September 19-20	Tuesday-Wednesday	Headquarters
October 26	Thursday	Headquarters
November 7-8	Tuesday-Wednesday	Headquarters

**BRIEF**

**REVISED HANDOUT**

Agenda Item 2

September 14-15, 1999

**Action Item**

**COMMITTEE ON ORGANIZATION AND RULES**

**Amendments to the Standing Orders—Delegations of Capital Outlay Project Processing and Schematic Plans**

**Presentation By**

Christine Helwick, General Counsel  
Office of General Counsel

**Summary**

This item proposes amendments to the Standing Orders on delegations for capital outlay project processing and approval of schematic plans.

**Recommended Action**

Approval of the resolution.

## ITEM

2

Agenda Item 2  
September 14-15, 1999

### COMMITTEE ON ORGANIZATION AND RULES

#### **Amendments to the Standing Orders—Delegations of Capital Outlay Project Processing and Schematic Plans**

The Committee on Campus Planning, Buildings and Grounds and the Board of Trustees approved an updated policy on the roles in the physical development of CSU campuses at the July 1999 meeting. The policy reflects the decentralization of capital outlay process management to the campuses. Agenda Item 7 of the Committee on Campus Planning, Buildings and Grounds' September 1999 meeting contains a proposal to increase the chancellor's authority to approve project schematic plans from \$1 million to \$3 million. This item accomplishes the related changes to the Standing Orders. It also includes a clarifying addition of "remodels" as a delegated chancellor function previously approved by the Board.

At the July meeting, the committee deferred action on this proposal to the September meeting.

The following resolution is recommended for approval:

**RESOLVED**, By the Board of Trustees of The California State University, that Chapter III of the Standing Orders of the Board of Trustees is amended as follows:

§ 7. Campus Planning, Buildings and Grounds

a. Approval Validation of Plans; and Construction Contracts

1. ~~Following completion of preliminary plans pursuant to approval of schematic plans and an estimated cost by the Board of Trustees, the campus president or designee may proceed with preliminary plans. The Chancellor may approve such preliminary plans and authorize the preparation of working drawings where the estimated project cost, based on such preliminary plans, is within ten percent (10%) of the estimated cost as defined in the approved schematic plans, plus any cost rise subsequent to approval of such schematic plans as shown by the Engineering News Record cost index. will validate conformance of preliminary plans to scope, schedule and budget within any limits designated by the Board of Trustees.~~

2. ~~In the event the estimated project cost, based on such preliminary plans, exceeds the amount specified in subdivision a-1 of this Section or the design is materially different from that contained in the schematic plans previously approved by the Board of Trustees, preliminary plans shall not be approved until such additional cost or materially different plans have been approved by the Board of Trustees.~~

32. Following completion of ~~working drawings~~ preliminary plans pursuant to this Section, ~~the campus president or designee may proceed with working drawings.~~ The Chancellor may approve such working drawings where the estimated project cost, based on such working drawings, is within ten percent (10%) of the estimated cost as defined in the approved schematic plans, plus any cost rise subsequent to approval of such schematic plans as shown by the Engineering News Record cost index. will validate conformance of working drawings to scope, schedule and budget within any limits designated by the Board of Trustees.

4. In the event the estimated project cost, based on such working drawings, exceeds the amount specified in subdivision a-3 of this Section, unless a different estimated cost was approved pursuant to subdivision a-2 of this Section, in which case such different amount shall govern, or the design is materially different from that contained in the schematic plans previously approved by the Board of Trustees, the working drawings shall not be approved until such additional cost or materially different plans have been approved by the Board of Trustees.

53. Upon approval completion of working drawings, the Chancellor ~~campus president or designee~~ is authorized to solicit bids and to award and administer the construction contract, all pursuant to the California State University Contract Law.

64. The Chancellor shall annually report to the Board ~~approvals of preliminary plans and working drawings pursuant to this subdivision.~~ the progress of all capital outlay projects including an evaluation of the outcome of the project measured against performance criteria.

...

d. Approval of Schematic Plans

Notwithstanding any provisions of these Standing Orders to the contrary, the Chancellor is authorized to approve schematic plans for capital outlay projects with a project cost not to exceed \$1,000,000 \$3,000,000 provided the funding for such projects is approved by the Board.

Notwithstanding any provisions of these Standing Orders to the contrary, the Chancellor is authorized to approve schematic plans for the following capital outlay projects provided the funding for these projects is approved by the Board:

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O&R

Agenda Item 2

September 14-15, 1999

Site Development, Utilities, Outdoor Physical Education Facilities excluding Stadiums, Air Conditioning, Remodels, Alterations and Interior Remodeling, Minor Additions, Structural Strengthening, Heating and Cooling Facilities, Agricultural Projects, Landscape Projects, Surface Parking, Temporary Facilities, Vending Facilities, Phase II Projects if approved by the Board of Trustees with the Phase I Portion, Corporation Yards, and Damage Projects where the exterior appearance is not of architectural significance to the overall campus design as determined by the Campus Consulting Master Plan Architect and the Chancellor's Office.

All projects for which schematic plans are approved pursuant to this subdivision are subject to all other requirements of the Standing Orders that apply when the Board approves the schematic plans.