

Meeting No. 1,132

THE MINUTES OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

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March 27, 2015

Austin, Texas

MEETING NO. 1,132

FRIDAY, MARCH 27, 2015.--The members of the Board of Regents of The University of Texas System convened in a special called meeting via telephone conference call at 8:31 a.m. on Friday, March 27, 2015, in the Chairman's Office, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin, Texas, with the following participation:

ATTENDANCE.--

Present

Chairman Foster
Vice Chairman Hicks
Regent Aliseda
Regent Beck
Regent Cranberg
Regent Hall (in person)
Regent Hildebrand
Regent Pejovich (in person)
Regent Tucker (in person)
Regent Richards, Student Regent, nonvoting

In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Foster called the meeting to order in open session.

WELCOME TO REGENT DAVID J. BECK AND REGENT SARA MARTINEZ TUCKER AND ACKNOWLEDGEMENT OF REAPPOINTMENT OF REGENT R. STEVEN HICKS.-- Chairman Foster welcomed Regent David J. Beck and Regent Sara Martinez Tucker to their first Board meeting and acknowledged the reappointment of Regent R. Steven Hicks to the Board.

[On January 22, 2015, Governor Greg Abbott appointed the following individuals to the Board of Regents of The University of Texas System effective February 1, 2015, for terms to expire as noted:

Mr. David J. Beck, Houston, Texas, for a term to expire on February 1, 2021, to succeed Mr. Robert L. Stillwell, whose term expired on January 31, 2015.

Mrs. Sara Martinez Tucker, Dallas, Texas, for a term to expire on February 1, 2021, to succeed Mr. Wm. Eugene Powell, whose term expired on January 31, 2015.

Reappointment of Mr. R. Steven Hicks, Austin, Texas, for a term to expire on February 1, 2021.

Each appointment was confirmed by the Senate, and each took the oath of office on March 11, 2015.]

RECESS TO EXECUTIVE SESSION.--At 8:31 a.m., the Board recessed to convene in Executive Session pursuant to *Texas Government Code* Sections 551.071 and 551.074 to consider the matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION.--At 10:06 a.m., the Board reconvened in open session for action on matters discussed in Executive Session and to consider the following agenda items.

1a. U. T. Austin: Approval of Dr. Gregory L. Fenves as sole finalist for the position of President

Vice Chairman Hicks moved that Dr. Gregory L. Fenves, Executive Vice President and Provost of The University of Texas at Austin, be named as finalist for the position of President of U. T. Austin. A vote to name a President will be made after the expiration of at least 21 days at a future special called meeting.

Vice Chairman Hicks requested a roll call vote on his motion. The motion was seconded by Regent Beck, and General Counsel Frederick called a roll call vote as requested by Vice Chairman Hicks:

Vice Chairman Hicks – aye
Regent Aliseda – aye
Regent Beck – aye
Regent Cranberg – nay
Regent Hall – nay
Regent Hildebrand – aye
Regent Pejovich – nay
Regent Tucker – aye

The motion carried five to three. Chairman Foster congratulated Dr. Fenves as sole finalist for the position of President of U. T. Austin, and said he looked forward to working with him.

1b. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions), U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors), other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive), and U. T. System and institutional employees

No action was taken on this item.

- 1c. U. T. System Board of Regents: Discussion regarding individual personnel matters associated with the organization of the Board of Regents and the election of officers

See Item 1 below related to action taken in Open Session.

- 2a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

- 2b. U. T. System Board of Regents: Discussion and possible appropriate action related to legal issues concerning proposed legislation relating to the governance of public institutions of higher education in the State of Texas, including Senate Bill 177

See Item 3 on the next page related to discussion held in Open Session.

AGENDA ITEMS

1. U. T. System Board of Regents: Reappointment of Paul L. Foster as Chairman and R. Steven "Steve" Hicks as Vice Chairman

Vice Chairman Hicks moved that Paul L. Foster be reelected Chairman of the Board of Regents of The University of Texas System. The motion was seconded and carried unanimously.

Chairman Foster then moved that Regent R. Steven "Steve" Hicks be reelected Vice Chairman of the Board. The motion was seconded and carried, with Regent Hall voting against the motion.

2. U. T. System Board of Regents: Approval of Consent Agenda - Special Use Agreement - U. T. Tyler: Authorization to negotiate and execute a special use agreement to grant the nonexclusive use of the baseball field and associated facilities of the U. T. Tyler Ballpark to Strategic Baseball Ventures of Texas, LLC

The Board approved the Consent Agenda item, set forth on Pages 5 - 6, regarding a special use agreement to grant the nonexclusive use of the baseball field and associated facilities of The University of Texas at Tyler Ballpark to Strategic Baseball Ventures of Texas, LLC.

3. U. T. System Board of Regents: Discussion and possible appropriate action related to proposed legislation relating to the governance of public institutions of higher education in the State of Texas, including Senate Bill 177

Chairman Foster said the Board had an opportunity to discuss, in Executive Session, legal issues concerning proposed legislation relating to the governance of public institutions of higher education in the State of Texas, including Senate Bill 177. There was no further discussion on the matter.

ADJOURNMENT.--At 10:10 a.m., there being no further business, the meeting was adjourned.

/s/ Carol A. Felkel
Secretary to the Board of Regents

March 31, 2015



THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS
CONSENT AGENDA

Special Called Board Meeting:

March 27, 2015
Austin, Texas

Specific Use Agreement - U. T. Tyler: Authorization to negotiate and execute a specific use agreement to grant the nonexclusive use of the Bob and Mary Irwin Baseball Field and associated facilities to Strategic Baseball Ventures of Texas, LLC

The Bob and Mary Irwin Baseball Field at U. T. Tyler has been designated by the institution as a special use facility. Regents' *Rules and Regulations*, Rule 80106, regarding Special Use Facilities, allows the use of such facilities by external groups and requires that rates for use must ensure recovery of the operating cost of the facility attributable directly or indirectly to such use. The Rule requires that funds collected by the user in excess of the actual cost of the event must be remitted to the institution unless the Board permits an exception by authorization of a specific use agreement.

U. T. Tyler has determined that the proposed use is of benefit to the institution as it will bring the Tyler community, including prospective students, to the campus. In addition, U. T. Tyler will receive funds to cover facility expenses, as well as additional revenue during a time when the facilities are not otherwise in use. Accordingly, U. T. Tyler requests authorization to negotiate and execute a specific use agreement to allow Strategic Baseball Ventures of Texas, LLC, to retain a portion of revenues generated during home games of the East Texas Pump Jacks baseball team held at the facilities, upon review and approval by the U. T. System Office of Academic Affairs, the U. T. System Office of General Counsel, and the U. T. System Real Estate Office.

TRANSACTION SUMMARY

Institution:	U. T. Tyler
Type of Transaction:	Specific Use Agreement granting nonexclusive use of baseball field and associated facilities
Facilities:	The Bob and Mary Irwin Baseball Field and associated facilities of the U. T. Tyler ballpark located on the U. T. Tyler campus. The facilities shall include common areas of the U. T. Tyler ballpark shared by the baseball and softball fields, and specified adjacent parking lots.

Agency: Strategic Baseball Ventures of Texas, LLC, a Texas limited liability company

Fees: Approximately \$15,000 (\$500 per game) for the initial use period. If the parties extend the agreement, the fee will escalate at a rate of 3% annually. Strategic Baseball Ventures of Texas shall also pay to U. T. Tyler approximately \$12,200 for the estimated actual costs of lighting, utilities, field maintenance, and materials relating to the facilities during the initial use period, which amount may be increased by the institution for extension periods to reflect increases in costs.

Term: The initial use period shall consist of approximately 100 days commencing in mid-May 2015 and expiring in mid-August 2015 and may be extended annually by the mutual agreement of both parties to include a similar use period in up to five subsequent calendar years.

Intended Use: Strategic Baseball Ventures of Texas shall use the facilities solely for the purpose of conducting practices and home baseball games for the East Texas Pump Jacks, a Texas Collegiate League baseball team. During the term, U. T. Tyler will retain scheduling priority of the facilities for its own mission-related and baseball program use.