



FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING

Wednesday, March 30, 2011
9:00 am
Florida International University
Modesto A. Maidique Campus
Graham Center Ballrooms

AGENDA

- | | |
|----------------------------------|--------------------------|
| 1. Call to Order | Vice Chair Albert Maury |
| 2. Election of Board Chair | |
| 3. Foundation Report | Noel J. Guillama-Alvarez |
| 4. Public Appearances | Albert Maury |
| 5. President's Report | Mark B. Rosenberg |
| 6. Community Engagement Awards | Divina Grossman |
| 7. Action Items – Consent Agenda | Albert Maury |

BT1. Minutes, December 9, 2010

FA1. Approval of the Amendment to the Bylaws of the Florida International University Foundation, Inc.

FA4. Approval of Mixed-Use Auxiliary Building

FA5. Signature Authority

A. Depositories

B. Authorization to Sign Checks for Certain Foreign Research Program Accounts

FA6. Report of Legal Action against T & G Corporation d/b/a and f/k/a T & G Constructors, Inc. and Request for Ratification

AP1. Tenure as a Condition of Employment Nominations

7. Action Items – Consent Agenda *(Continued...)*

AP2. M.S. in Health Informatics and Management Systems New
Program Proposal

8. Action Items

**FA2. Authorization for the Issuance of Debt to Finance the
Construction of a Student Residence Facility at the
University's Modesto A. Maidique Campus**

Albert Maury

**FA3. Authorization for the Issuance of Debt to Finance the
Construction of Parking Garage 6 at the University's
Modesto A. Maidique Campus**

Albert Maury

9. Status Reports, Board Committees *(For Information Only)*

- Finance and Audit Committee Report
- Academic Policy and Student Affairs Committee Report

10. New Business *(If any)*

Albert Maury

11. Concluding Remarks and Adjournment

Albert Maury

*The next FIU Board of Trustees Full Board meeting
is scheduled for Tuesday, June 21, 2011.*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Call to Order

Proposed Board Action:

None. Information only.

Background Information:

Albert Maury, FIU Board of Trustees Vice Chair, will convene the meeting with opening remarks.

Supporting Documentation: N/A

Facilitator/Presenter: Albert Maury, *Vice Chair, FIU Board of Trustees*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Election of Board Chair

Proposed Board Action:

Election of Board Chair.

Background Information:

The Operating Procedures of the FIU Board of Trustees provide for the Board to elect a Board Chair and Board Vice-Chair at the last regularly scheduled meeting of the fiscal year for a two year term to begin September 1. However, because the appointment of Trustee Albert E. Dotson, Sr., who has been serving as Board Chair, has ended a vacancy in the Board Chair position exists. As a result, Board members need to elect a new Chair.

BOG Regulation 1.001 University Board of Trustees Powers and Duties, provides in subsection (2) (b):

Each board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for two years and may be reselected for one additional consecutive two-year term. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Board of Governors or the Governor, as applicable, in writing whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal.

FIU Board of Trustees Operating Procedures, amended 20 February 2010, provides in relevant part:

The officers of the Board are the Board Chair, Board Vice-Chair, Treasurer, and the Executive Officer and Corporate Secretary. The Board shall select the Board Chair and Board Vice-Chair at the last regularly scheduled meeting of the fiscal year for a two year term to begin September 1. The Board Chair and Board Vice-Chair shall be eligible for reselection for one additional consecutive term. Any exception to this term of office must be approved by a two-thirds vote of the Board.

Supporting Documentation: N/A

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Foundation Report

Proposed Board Action:

None. Information only.

Background Information:

Noel J. Guillama-Alvarez, FIU Foundation, Inc. Board of Directors Chair, will report on the activities of the Foundation Board since the last meeting of the Board of Trustees.

Supporting Documentation: N/A

Facilitator/Presenter: Noel J. Guillama-Alvarez, *Chairman, FIU Foundation, Inc.
Board of Directors*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Public Appearances

Proposed Board Action:

None. Information only.

Background Information:

Public Comment Period (if timely requested and approved)

Supporting Documentation: N/A

Facilitator/Presenter: Albert Maury

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: President's Report

Proposed Board Action:

None. Information only.

Background Information:

Mark B. Rosenberg, President, will provide the University report.

Supporting Documentation: N/A

Facilitator/Presenter: Mark B. Rosenberg, *President, Florida International University*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Community Engagement Awards

Proposed Board Action:

None. Information only.

Background Information:

The Engagement Awards Report provides an overview of the results of the Community Engagement Awards for the 2010 – 2011 academic year.

Supporting Documentation: Engagement Awards Report

Facilitator/Presenter: Divina Grossman

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Engagement Awards Report

COMMUNITY ENGAGEMENT AWARDS 2010-2011

Donor of Award: Kendall Regional Medical Center

Lee Chaykin, CEO of Kendall Regional Medical Center, will participate in the awards presentation. With over 20 years of healthcare finance and management experience, Mr. Chaykin is an alumnus of FIU, having earned his B.S. and M.S. degrees in Health Service Administration here. He has been recognized by the Rotary Club International as a Paul Harris Fellow for his commitment to community service. The Office of Engagement is grateful to Kendall Regional Medical Center for their sponsorship of the awards.

AWARD RECIPIENTS

Center for Diversity in Engineering and Computing (CDEC):

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

Engaging Latino Communities for Education (ENLACE)

Florida Action for Minorities in Engineering (FLAME)

FIU Partners: College of Engineering and Computing

Dr. Masoud Milani, Dr. Gustavo Roig, Francisco Fins, Stephanie Strange,
Jorge Nosti, Beatriz Oria

Community Partners: Miami-Dade County Public Schools (MDCPS), Florida Power and Light (FPL), ASPIRA of Florida, Inc., Caterpillar, Inc., CEMEX-USA, Coalition of Florida Farmworker Organizations, Inc., En Familia, Inc., Ford Foundation, Hispanic Association of Colleges and Universities (HACU), Institute of Electrical and Electronic Engineers, Miami-Dade College (MDC), Mujer, Inc., Puello and Associates, Inc., Spanish Broadcasting System, Inc., Texas Instruments, Inc., Non-Violence Program, Yeager Foundation, Inc., XTec, Inc.

Dr. Nick JacAngelo, Alicia Hidalgo, Diana Landsberg, Donald Loutsch, Carlos Salgado, Rocio Salgado, Ivan Yaeger

Beginning with FLAME in 1987, the coalition serves and engages with students, teachers, families, and communities in science, technology, engineering, and mathematics education (STEM), while increasing recruitment, retention, and graduation of underrepresented ethnic minorities, gender groups, and students with disabilities. FLAME requires ninth and tenth grade high school students to complete a six-week summer program and enroll in math and science courses, preparing students for advanced studies at FIU during their eleventh and twelfth grade years. ENLACE and GEAR UP aim to increase minority students in STEM areas through tutoring, after school and summer academies, mentoring, parental involvement activities, technology

integration, teacher professional development and other services. The programs promote involvement of Engineering and Computing faculty and students with Miami-Dade County Public Schools (MDCPS) and increase recruitment, retention, and graduation of students in the Engineering program. GEAR-UP, ENLACE, and FLAME foster faculty and student participation in different programs during each semester as tutors or ambassadors for the engineering and computing professions. Impacting over 2,000 students, the Center currently organizes several on-going programs targeting elementary, middle, and high school-level students. These programs are offered throughout the school year and during the summer, continuously educating participants.

Center for Research on U.S. Latino AIDS/HIV and Drug Abuse (CRUSADA)

FIU Partners: School of Social Work, School of Journalism, Herbert Wertheim College of Medicine. Departments of Dietetics and Nutrition, Psychology, Sociology, Criminal Justice, and Public Administration.

Dr. Mario de la Rosa, Dr. Gustavo Espino, Hilda Tania Lopez, Samuel Martinez, Diana Gutierrez, Yuritzi Guerrero, Maria Antonina Khalona, Sergio Saucedo

Community Partners: Abriendo Puertas Inc., Agape Inc., Borinquen Clinic, Care Resource, Community Action Inc., Connect Familias Inc., Dominican American Foundation, Drug Free Youth Inc., En Familia, City of Homestead, Florida College Career, Here's Help, Lazarus House Ministries, Miami-Dade College, Mujer Inc., Spectrum and Miami Behavioral, Regis House, Vecinos en Acción, Farmworkers Association of Florida, National Farm Worker Ministry, and Centro Campesino.

Dr. Rhonda Bohs, Emy Pesantes, Susan Rubio, Rocio Tarfu

Since 2003 CRUSADA conducts multi-disciplinary research, education, and community outreach in partnership with community agencies. Working in tandem with partners, the Center is dedicated to eliminate health disparities, substance abuse, and HIV/AIDS that affect Latino minorities in the United States. The Center includes three core components: research, training, and community outreach. These partnerships include the FIU and Miami-Dade County communities through research surveys, collection of information and data, training community members as researchers, and participation in fairs and other events. These partnerships are successful because there is a constant flow of information and research between the FIU community and the Miami-Dade community. Master's and doctoral students from various disciplines are mentored by CRUSADA staff and affiliated faculty, while obtaining opportunities to publish about and gain knowledge in working with minority groups. The Center is a funded NIH Establishing Exploratory National Center for Minority Health and Health Disparities Research Center of Excellence (P-20). CRUSADA and its partnerships directly affect the Latino communities in South Florida, educating areas most affected by the HIV/AIDS epidemic.

CRUSADA's impact reaches numerous communities in the region through major radio, television, and other media networks, such as Radio Caracol and Telemundo.

College of Law's Community Service Consortium and Law Clinical Programs:

Carlos A. Costa Immigration and Human Rights Clinic

Education Law Clinic

Community Development Clinic

Juvenile Justice Clinic

Immigrant Children's Justice Clinic

Two Externship Clinics: Criminal Externship and Judicial Clinic

FIU Partners: College of Law

Troy Elder, Michelle Mason and Judge Phyllis Kotey

Community Partners: Florida Rural Legal Services, Florida Immigrant Advocacy Center, Parent to Parent, Miami Bridge, Legal Services of Greater Miami, Miami-Dade County Juvenile Justice Center, Acción USA, Miami Behavioral Center, Urgent Inc., Public Defender's Office, Christi House, University of Miami Law School Children and Youth Clinic, Boys Town, Florida Legal Services Inc., Florida Center for Survivors of Torture, and Catholic Legal Services.

Started seven years ago, the College of Law's clinical community service programs ensure that College of Law students contribute their legal skills directly with the local community. Each year, students provide an average of 5,000 person-hours of uncompensated community service. The clinics provide essential legal services to underserved residents of South Florida and fill gaps in existing networks of low income legal providers. Law students benefit from their clinical placements through self-reflection, development of professionalism, and an ongoing commitment to the community, while learning how to be effective and ethical advocates. Over 600 FIU Law students have participated in these programs and provided legal aid to 696 clients within the community. As a result, politically persecuted immigrants avoid deportation, community members receive guidance in addressing human rights abuses abroad, minority and female entrepreneurs can pursue business ownership, and juveniles accept assistance in criminal or educational disputes.

Digital Library of the Caribbean (dLOC)

FIU Partner: FIU Libraries, Latin American and Caribbean Center, FIU departments with contributing faculty include: Libraries, International Relations, History, Global Socio-cultural Studies, English, Religious Studies, Modern Languages, and Biology.

Dr. Cristina Eguizábal, Dr. Marisol Floren, Dr. Chantalle Verna, Liesl Picard, Gayle Williams, Paola Salavarría, Adam Silvia, Brooke Wooldridge

Community Partners: Archives Nationales d'Haïti, Biblioteca Nacional Aruba, Bibliothèque Haïtienne des Pères du Saint-Esprit, Bibliothèque Nationale d'Haïti, Belize National Library Service and Information System, Caribbean Community (CARICOM), Caribbean Studies Association, College of the Bahamas, Fundaciòn Global Desarrollo y Democracia, National Library of Jamaica, Pontificia Universidad Católica Madre y Maestra, Universidad de Oriente in Venezuela, Wider Caribbean Sea Turtle Conservation Network, University of the Virgin Islands, University of Central Florida, University of South Florida, and University of Florida.

Dr. Kate Ramsey, Eveline Pierre, Rebecca A. Smith, Daniel Vinat, Kimberly Green

Since 2004 the Digital Library of the Caribbean (dLOC), an international collaboration of education, research, governmental, and non-governmental institutions, provides access to electronic collections about the Caribbean. Digitization allows access to historical and research materials held in archives, libraries, and private collections. Greater access to these materials promotes Caribbean studies and research. Participation in dLOC impacts curriculum, research, academic program, and student learning at collaborating institutions. The availability of freely accessible materials about the Caribbean facilitates faculty in teaching and scholarship. With over 1,250,000 pages of Caribbean materials online and freely accessible with an Internet connection, the project's impact on regional research is substantial. In 2009, the site had over six million page views. Participating institutions learn how to digitize resources for preservation and related metadata, while educating teachers how to use digital resources in the classroom. Since 2007, project staff have trained 350 library and archive staff at 14 Caribbean institutions. Following the Haitian earthquake, dLOC has initiated a Protecting Haitian Patrimony Initiative to share information, raise funds, and coordinate assistance for libraries and archives in Haiti.

South Beach Wine and Food Festival

FIU Partners: School of Hospitality and Tourism Management.

Dale Gomez, Susan Gladstone, Rodney Barchi, Shena Corrado, Margaret Fan, Raquel Hernandez, Laura Manon, Bridget Pietsch, Vanessa Rajnish, Ashley Sanchez, Samantha Seden, Amanda Strickland

Community Partners: Partners: Miami-Dade County, Greater Miami and the Beaches Convention and Visitor Bureau, Southern Wine and Spirits, Whole Foods Market, and American Express. Many local hotels, such as the Loews Miami Beach, also take part in the event. Sponsor: Food Network.

Lourdes C. Balepogi, Jovanna Bell, Michele Grimm, Sarita Jailal, Matthew Moran, Michael Moran, Roger Probst

Beginning in 2002 the South Beach Wine and Food Festival, a four-day national, star-studded extravaganza, celebrating internationally renowned wine and food purveyors, is an international tourist attraction in Miami Beach and raises funds for the School of Hospitality and Tourism Management. This affair has expanded into two events in China: Tianjin Wine and Food Festival and the Qingdao Wine and Food Festival. The event has generated \$12 million in revenue for the School of Hospitality and Tourism Management and \$440,000 in scholarships and financial aid for students. Students who receive scholarships are able to complete their hospitality management studies and practice their culinary skills, as well as learn the management principles taught in the classroom. In February 2011, the festival celebrated its 10th anniversary. This year's event generated approximately \$4.5 million in ticket revenue and \$2.8 million in corporate sponsorship revenue. A total of 950 students participated in the festival, filling about 3,000 positions and logging 30,000 hours during the festival week. The festival includes an educational program that addresses childhood obesity, nutrition education, and fitness for over 12,000 children and parents attending the event. It promotes the visibility of South Beach and the city of Miami Beach, increases tourist dollars, raises hotel occupancy, employs residents within the community, and boosts sales tax receipts for Miami-Dade County and the State of Florida.

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Approval of Minutes of Meeting held December 9, 2010

Proposed Board Action:

Approval of Minutes of the Florida International University Board of Trustees, Full Board meeting held on Thursday, December 9, 2010 at the FIU Modesto A. Maidique Campus, MARC International Pavilion.

Background Information:

Board members will review and approve the Minutes of the Florida International University Board of Trustees, Full Board Meeting held on Thursday, December 9, 2010 at the FIU Modesto A. Maidique Campus, MARC International Pavilion.

Supporting Documentation:

Florida International University Board of Trustees Full Board Meeting Minutes: December 9, 2010

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
DECEMBER 9, 2010
MINUTES**

1. Call to Order and Chair's Remarks

Chairman Albert E. Dotson, Sr. convened the meeting of the Florida International University Board of Trustees at 9:11 a.m., on Thursday, December 9, 2010, at the Modesto A. Maidique Campus, MARC International Pavilion, Miami, Florida.

The following attendance was recorded:

Present:

Albert E. Dotson, Sr., *Chair*

Albert Maury, *Vice Chair*

Michael M. Adler

Sukrit Agrawal

Cesar L. Alvarez

Thomas A. Breslin

Joseph L. Caruncho

Marcelo Claure

Claudia Puig

Helena Ramirez

Noel J. Guillama-Alvarez, *FIU Foundation, Inc. Board of Directors Chairman*

Excused:

Jorge L. Arrizurieta

S. Lawrence Kahn, III

Miriam López

Chairman Dotson welcomed all Trustees, University faculty and staff. He commended the University's athletics Department and congratulated the student athletes on the recent Football victory that culminated in the Sun Belt Conference Championship title. He noted that Bowl officials announced that FIU's Golden Panthers will play the University of Toledo in the Little Caesars Bowl at 8:30 p.m. on December 26, 2010. He further noted that junior wide receiver T.Y. Hilton was named the 2010 Sun Belt Conference Player of the Year, adding that Head Coach Mario Cristobal was named the conference Coach of the Year. He once again praised the efforts of the athletics Department for what they have accomplished in such a short time.

Chairman Dotson introduced a brief video depicting the University's spirit of collaboration and cooperation, noting that the College of Arts & Sciences joined the gentlemen of Lambda Chi Alpha Fraternity last month to fight hunger in South Florida. He added that College of Arts and Sciences Dean Kenneth G. Furton climbed into a dunk tank on the Graham Center lawn, in his suit and tie, to help raise money for the North American Can Food Drive.

2. Foundation Report

FIU Foundation, Inc. Board of Directors Chairman Noel J. Guillama-Alvarez welcomed all in attendance and noted that the Management & Advanced Research Center (MARC) International Pavilion, owned by the FIU Foundation, Inc., will undergo renovations within the coming months. He presented the Foundation Report and provided an update on the Capital Campaign. He provided a brief overview on recent gifts and pledges that have been raised for University programs. He also reported on the Foundation's Outreach Initiative, adding that this was critical in increasing engagement and advancing the goals of the University throughout the community at large. He also provided updates on fundraising and investments.

3. Public Appearances

There were no public appearances.

4. President's Report

On behalf of President Mark B. Rosenberg, Provost and Executive Vice President Douglas Wartzok provided the University Report. Provost & Exec. VP Wartzok introduced and welcomed Sr. Vice President for University Advancement and Executive Director for the FIU Foundation Howard R. Lipman, noting that Sr. VP Lipman previously served as FIU Vice President for University Advancement from 2002-2006.

Provost & Exec. VP Wartzok provided a brief summary on a recent article *Cheating and the Generational Divide*, adding that the article examined an issue within the University of Central Florida that involved students in a senior-level business course receiving an advance version of a mid-term examination. He led the discussion on what constitutes cheating and shifting generational views. He noted that through comprehensive efforts, FIU remained committed to educating the student population on the definitions of academic misconduct, which he added includes cheating and plagiarism.

Provost & Exec. VP Wartzok announced that the Board of Trustees of the Southern Association of Colleges and Schools (SACS) – Commission on Colleges approved the University's reaffirmation of accreditation at the December 6, 2010 board meeting. He added that the reaffirmation is for a ten year period, noting that the reaffirmation did not contain reservations or follow-up requirements. He reported that the University's College of Law was ranked Top 10 Best Value school in the nation by *The National Jurist*.

Provost & Exec. VP Wartzok introduced a video collage that depicted brief excerpts of four films that each highlight community engagement projects in each of the following Colleges: Herbert Wertheim College of Medicine; the Honors College; the School of Environment, Arts and Society; and the College of Engineering and Computing. He reported that for the past two years research awards have increased by 22% and 13%, noting that currently awards are increasing at a 13% rate. He illustrated the growth in research awards by providing a few recent examples of faculty accomplishments in research and creative activities.

Provost & Exec. VP Wartzok reported on the University's annual Faculty Convocation events that celebrate the accomplishments of the University's academics. He also reported on the Employee Service and Recognition Awards Ceremony where the University community celebrated the accomplishments of outstanding staff members and introduced a brief video highlighting the ceremony and award recipients. He also provided a summary on the Homecoming week of festivities, noting that the events included a Parade, Retirees Luncheon and Football Game.

Provost & Exec. VP Wartzok noted that the University's commitment to Haiti relief efforts remains strong, reporting that last month, the Middle East Society and the Consulate General of Israel to Florida and Puerto Rico co-hosted a lecture by Ambassador Danny Biran, Head of Israel's Advance Team to Haiti after the earthquake. He further noted that the University was selected to serve as the host institution for a three-day retreat where 24 finalists of *Digicel's Entrepreneur of the Year 2010 program* attended. He added that Digicel, the largest mobile telecommunications operator in the Caribbean, established the award program to identify, reward and cultivate entrepreneurs whose initiatives can give Haiti new economic foundations.

Provost & Exec. VP Wartzok reported on the Naming Ceremony and Dedication of the Library at the Biscayne Bay Campus as the "Glenn Hubert Library". He noted that newly-elected and re-elected members of the Miami-Dade Legislative Delegation were sworn in at a local ceremony hosted by the University's College of Law. He reported that earlier last month, President Rosenberg was invited to the inauguration ceremony of the School Board of Miami-Dade County to swear in Board member Perla Tabares-Hantman as Chair. He further reported that the University's Director of EOP & Diversity Shirlyon McWhorter was also invited to the inauguration ceremony to swear in newly-elected Miami-Dade County School Board member Dr. Dorothy Bendross-Mindingall. Provost & Exec. VP Wartzok added that the Wolfsonian-FIU and the Patricia & Phillip Frost Art Museum held events in celebration of Art Basel Miami Beach. He stated that earlier in the month, the First Annual Benefit Dinner for the University's Herbert Wertheim College of Medicine was held and included a number of festivities.

5. Action Items – Consent Agenda

Chairman Dotson noted that the items included in the Consent Agenda were thoroughly reviewed and discussed at the Committee level. He further noted that the Finance and Audit Committee; Academic Policy and Student Affairs Committee; and the External Relations Committee each recommended approval by the Board of the respective action items contained in the Consent Agenda.

Chairman Dotson asked for comments on any items included in the Consent Agenda. Hearing none, a motion was made and passed to accept the Consent Agenda, and members of the Board concurred with the following actions:

- **BT1. Minutes, September 24, 2010** - Approve the Minutes of the Florida International University Board of Trustees, Full Board meeting held on Friday, September 24, 2010 at the FIU Biscayne Bay Campus, Wolfe University Center Ballrooms.

- **FA1. Debt Management Guidelines** - Adopt the Florida Board of Governors Debt Management Guidelines as the Florida International University Guidelines for issuance of debt.
- **FA2. FIU Direct Support Organizations Financial Audits, FY 2009-2010**
 - A. **FIU Foundation, Inc.** - Approve the Florida International University Foundation, Inc. Financial Audit for the 2009-2010 Fiscal Year and authorize the Executive Director of the FIU Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
 - B. **FIU Research Foundation, Inc.** - Approve the Florida International University Research Foundation, Inc. Financial Audit for the 2009-2010 Fiscal Year and authorize the Executive Director of the FIU Research Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
 - C. **FIU Athletics Finance Corporation** - Approve the Florida International University Athletics Finance Corporation Financial Audit for the 2009-2010 Fiscal Year and authorize the Executive Director of the FIU Athletics Finance Corp. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
 - D. **FIU Herbert Wertheim College of Medicine Health Care Network** - Approve the Florida International University Herbert Wertheim College of Medicine Health Care Network Financial Audit for the 2009-2010 Fiscal Year and authorize the Executive Director of the FIU Herbert Wertheim College of Medicine Health Care Network to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
- **FA3. Signature Authority: Authorization to Sign Checks for the University** - Approve the following officers and employees of the University as authorized to sign checks to pay the legal obligations of the University from any and all designated University depositories:

Kenneth A. Jessell, Senior Vice President of Administration & Chief Financial Officer

Cecilia Hamilton, Associate Vice President & University Controller
- **AP1. Tenure as a Condition of Employment Nominations** - Approve four (4) candidates for Tenure as a Condition of Employment as specified in the Board materials.
- **AP2. Bachelor of Science in Environmental and Urban Systems (CIP 15.0599) Program Termination** - Terminate the Bachelor of Science in Environmental and Urban Systems (CIP 15.0599) and authorize the University President to take all actions necessary in accordance with Florida Board of Governors regulations.

- **AP3. The Patricia & Phillip Frost Art Museum Collections Management Policy** - Approve the Patricia & Phillip Frost Art Museum's Collections Management Policy.
- **AP6. Student Financial Aid Regulation FIU-1310** - Approve the Student Financial Aid, FIU Regulation 1310.
- **ER1. Priorities for the 2011 Legislative Session** - Adopt the Priorities for the 2011 Legislative Session as specified in the Board materials.

6. Action Items

FA4. Ratification of the Wage Article of the 2007-2010 Collective Bargaining Agreement between the Florida International University Board of Trustees and the Dade County Police Benevolent Association

Albert Maury, Chair of the Finance and Audit Committee provided brief highlights from the December 2, 2010 Committee meeting and requested that Vice President for Student Affairs Rosa L. Jones present the Ratification of the Wage Article of the 2007-2010 Collective Bargaining Agreement between the Florida International University Board of Trustees and the Dade County Police Benevolent Association for Board consideration and approval. VP Jones noted that the parties revisited the Agreement to negotiate the 2009-2010 wages. She added that based on the negotiations, the parties agreed to a 0.75% across-the board payment and a merit bonus of 0.75% for the 2009-2010 wages to the PBA unit members. She further noted that neither payment will be added to the base pay. She stated that the parties also agreed that a committee comprised of members of the PBA and University be formed to create a merit pay evaluation form that is tailored to law enforcement and the approved form was included with the agenda item.

A motion was made and passed by the FIU Board of Trustees ratifying the Wage Article of the 2007-2010 Collective Bargaining Agreement between the Florida International University Board of Trustees and the Dade County Police Benevolent Association.

FA5. Test Preparation Fee

Finance and Audit Committee Chair Maury requested that Senior Vice President of Finance and Administration and Chief Financial Officer Kenneth A. Jessell present the Test Preparation Fee for Board consideration and approval. Sr. VP & CFO Jessell noted that the proposed fee, as part of a degree program request, if approved, would increase the accessibility of students to test preparation courses and also lower the cost of the preparation courses through negotiated contracts. He added that, by including the test preparation course fee as part of the degree requirements, students may be eligible to pay for the course through financial aid.

Committee Chair Maury noted that students were in support of the proposed fee as the associated costs would be lower than what is available through private, for-profit providers.

A motion was made and passed that the FIU Board of Trustees approve a test preparation fee that will apply only to those students who, as part of their graduation requirements, are expected to obtain specific preparation for a practice-based examination.

FA6. Market Rate Tuition for Master of Arts in Global Governance

Finance and Audit Committee Chair Maury requested that Sr. VP & CFO Jessell present the Market Rate Tuition for Master of Arts in Global Governance for Board consideration and approval. CFO & Sr. VP Jessell noted that the FIU Board of Trustees approved market tuition rates for several programs at its June 4, 2010 meeting. He further noted that while the Master of Arts in Global Governance degree program was approved at the June meeting it was not included in the request for market tuition rates at that time because it was not then an existing program. He stated that the Market Rate Tuition, totaling \$32,000 for the two-year program, will be effective Fall 2011.

A motion was made and passed that the FIU Board of Trustees approve the Market Rate Tuition for the Master of Arts in Global Governance

AP4. Florida International University 2010 Annual Report to the Florida Board of Governors

Chairman Dotson noted that in Trustee S. Lawrence Kahn's absence, Trustee Cesar L. Alvarez would present the Academic Policy and Student Affairs Committee items. Cesar L. Alvarez, Vice Chair of the Academic Policy and Student Affairs Committee provided brief highlights from the December 2, 2010 Committee meeting and requested that Provost & Exec. VP Wartzok present the 2010 FIU Annual Report to the Florida Board of Governors for Board consideration and approval. Provost & Exec. VP Wartzok noted that the Annual Report reflected the University's unique mission and described the progress against articulated goals and summarized other key data, with accompanying narrative to highlight or explain information, when applicable.

A motion was made and passed that the FIU Board of Trustees submit the 2010 Annual Report to the Florida Board of Governors for approval as provided in the Board materials.

AP5. Florida International University 2010-2015 Worlds Ahead Strategic Plan

Academic Policy and Student Affairs Committee Vice Chair Alvarez requested that Provost & Exec. VP Wartzok present the 2010-2015 Worlds Ahead Strategic Plan for Board consideration and approval. Provost & Exec. VP Wartzok noted the University's new *Worlds Ahead* Strategic Plan benefited from valuable feedback from members of the Board of Trustees, faculty, staff and students. He added that FIU reaffirms its commitment to being a leading public urban research University. He discussed important components of the Strategic Plan that include the Mission and Vision Statements; state of the art research and creative activity redefined in innovation; and increased engagement activity.

A motion was made and passed that the FIU Board of Trustees adopt the Florida International University Worlds Ahead 2010-2015 Strategic Plan.

7. Status Reports, Board Committees *(for information only)*

Chairman Dotson noted that these Committees met prior to the regular Board meeting: Finance and Audit; Academic Policy and Student Affairs; External Relations; Athletics. He added that summaries of the Committee meetings were submitted for Board of Trustees' review in anticipation of the Board meeting.

Chairman Dotson requested that the Finance and Audit Committee report, the Academic Policy and Student Affairs Committee report, the External Relations Committee report and the Athletics Committee report be accepted as written. There were no objections.

Chairman Dotson thanked the Committees for their work noting that their careful review of University issues was of invaluable service to the entire Board.

8. New Business

No new business was raised.

9. Concluding Remarks and Adjournment

Since there was no other business, the meeting of the Florida International University Board of Trustees was adjourned on Thursday, December 9, 2010 at 11:05 a.m.

Albert E. Dotson, Sr.
Chairman
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

MB
12.17.10

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Approval of the Amendment to the Bylaws of the Florida International University Foundation Inc. as Amended and Restated on the 26th day of January 2011

Proposed Board Action:

Approve the Florida International University Foundation Inc. Bylaws as amended and restated on January 26, 2011 and authorize the President and CEO of the Foundation to take all actions necessary pertaining to these amended Bylaws.

Background Information:

On January 26, 2011, the Florida International University Foundation Inc. Board of Directors approved amendments to the Foundation's Bylaws.

The Florida International University Board of Trustees must approve any amendments to the FIU Foundation, Inc. Bylaws before their becoming effective.

Regulation FIU – 1502, section 2(a), states in relevant part:

...any amendments to the Articles of Incorporation or Bylaws must be submitted by the President of the University to the Board of Trustees for approval prior to becoming effective.

Article 9, Section 1 of the Florida International University Foundation Inc. Bylaws, states:

These Bylaws may be altered, amended, rescinded, or repealed at any regular or special meeting of the voting Directors by the affirmative vote of two-thirds of the voting Directors present. Any amendment to the Bylaws, approved by the Board, shall be submitted by the University President to the Board of Trustees for approval prior to its effective date.

Supporting Documentation: Florida International University Foundation, Inc. Bylaws as Amended and Restated on the 26th day of January 2011

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FLORIDA INTERNATIONAL UNIVERSITY FOUNDATION INC.
A Florida Not For Profit Corporation
(The "Foundation")

BYLAWS

As Amended and Restated the ~~26th~~^{4th} day of ~~March~~^{January} 20~~11~~⁰⁹.

ARTICLE 1. BOARD OF DIRECTORS.

Section 1. Governance. In accordance with Article 5 of the Articles of Incorporation of the Foundation, the affairs of the Foundation shall be managed by and under the direction of the Board of Directors (the "Board") and by various Officers and committees thereof as powers may be delegated to such Officers and committees by these Bylaws or by Resolution of the Directors. Members of the Board shall be the sole voting members of the Foundation and shall be called "Directors."

Section 2. Number and Qualifications of Directors. The Directors shall include three categories of members:

(i) Elected Members. The Directors shall elect from the nominations of the Recruitment Committee, or from nominations made from the floor, a total of not less than twenty-eight (28) and not more than fifty (50) members in accordance with the nomination and election procedures specified by these Bylaws. Each Director shall have demonstrated outstanding qualities of leadership and managerial ability and a serious personal intention to promote the advancement of higher education and Florida International University ("the University") through dedicated service to the Foundation. Each Director should set an example of charitable interest in the University and the Foundation which alumni and other friends of the University may emulate. To that end, each elected member of the Board shall contribute to the Foundation, at a minimum, an annual membership gift, the amount of which shall be recommended by the Executive Committee and approved by the Board at the Annual Meeting, and which shall be paid to the Foundation by each Director during the first quarter of each fiscal year of membership. In addition, each Director shall either make a donation, or get others to make donations, annually in the amount established by the Board at its Annual Meeting. Directors shall be expected to participate in University functions and events whenever reasonable and practicable and act as an emissary to promote and advance the goals of the University.

(ii) Officers. The Directors shall elect a Chairperson of the Board ("Chairperson"), Vice Chairperson, Secretary and Treasurer from among its membership. The Chairperson may appoint an Assistant Secretary and Assistant Treasurer to provide administrative support.

(iii) Designated Ex Officio Members. The Directors shall include among their members the persons who hold the following offices during the time they hold such offices: the President of the University or his designee, a Faculty representative from the Faculty Senate recommended by the President after consultation with the Faculty Senate Chairperson, the President of the Student Government Council who is not serving on the Board of Trustees, the President of the Alumni Association, the Chairperson of the Florida International University Council of 100, and

others who may be designated by the Directors from time to time. The Chairperson of the University Board of Trustees may appoint a representative to the Board and the Executive Committee. Ex Officio members shall have the right to vote and shall be counted towards quorum.

Section 3. Terms of Service. A newly elected Director, who has not previously been a Director, shall be elected to serve for one initial Board calendar year, or part thereof. Following the initial year, he/she may be elected for a two year term, followed by two three year terms before having to rotate off the Board for a minimum of one year. Current Directors shall be considered newly elected Directors when their current term is concluded and shall be eligible to serve for nine (9) years before having to rotate off the Board for one (1) year. Terms of service shall begin immediately after election.

Section 4. Election. The Board shall elect new members to fill expiring and vacant terms at the Annual Meeting of the Directors to be held in May or June of each year. Directors may elect additional members at any other regular or special meeting of the Directors, as provided in these Bylaws. Nominations for Directors shall be made by the Recruitment Committee, as described in Article 3 of the Bylaws.

Section 5. Vacancies. Vacancies occurring during a term may be filled by the Directors at any regular or special meeting of the Directors, as provided in Section 4 of Article 1 of these Bylaws.

Section 6. Meetings. Regular meetings of the Board shall be held at least three times a year. One such meeting shall be held in May or June of each year and such meeting shall be the Annual Meeting of the Directors when new Directors and Officers shall be elected and take office, subject to other provisions of these Bylaws. Notice to the public of Regular meetings, Committee meetings, and Special meetings of the Board will be given by posting on the Foundation's website at <http://foundation.fiu.edu/> and faxing such notice and agenda to a newspaper of general circulation not less than seven (7) days before the meeting and will include a statement of the general subject matters to be considered. Notice to each Director shall be emailed or faxed to each Director not less than seven (7) days prior to each meeting, along with all materials needed for the meeting. Special meetings may be called by the Chairperson, the President of the University or his designee, or by any three (3) Directors with at least seven (7) days written notice provided to all of the Directors. The agenda for special meetings shall be limited to matters listed in the written notice of the special meeting.

Emergency Meetings: An emergency meeting of the Board may be called by the Chairperson or the Vice Chairperson in the Chairperson's absence, upon no less than forty-eight (48) hours notice whenever, in the opinion of the Chairperson or Vice Chairperson, an issue requires immediate Board action. Whenever such emergency meeting is called, the Chairperson will notify the Secretary. The Secretary will immediately serve either verbal or written notice upon each member of the Board, and shall provide notice to the public, by any procedure that is fair under the circumstances, stating the date, hour and place of the meeting and the purpose for which the meeting has been called. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Board members in attendance. The minutes of each emergency meeting will show the manner and method by which notice of such emergency meeting was given to each member of the Board and to the public.

Executive Session: The Legislature has provided limited exemptions from the Sunshine law for certain meetings because of the confidential material that must be discussed. When the Board decides to avail itself of any such exemption, it will do so by convening an executive session of the Board.

A. Pending Litigation:

Meetings to discuss pending litigation in which the Board is presently a party before a court or administrative agency may be held in executive session outside the Sunshine, provided the following procedures and conditions are met.

1. Counsel for the Board must advise the Board at a public meeting that he or she desires an executive session and must state the basis therefore.
2. Only Board members, the Board's attorney(s) and the President of the University may attend a closed executive session to discuss pending litigation. Staff members or consultants are not permitted to attend. The Board must give advance public notice, pursuant to its procedures, of the time and date of the executive session, and must identify the names of the persons who will be attending the closed session.
3. The session must commence with an open meeting at which the Chairperson or his/her designee shall announce the commencement of the meeting, the estimated length of the closed executive session, and the names of the persons attending. At that point, the meeting is closed to all except those whose names have been announced. The executive session may then commence. At the conclusion of the executive session, the meeting must be reopened to the public and the person chairing the meeting shall announce the termination of the closed executive session.
4. A certified court reporter must record the entire executive session. The reporter must record the times of commencement and termination of the executive session; all discussions and proceedings; the names of all persons present at any time; and the names of all persons speaking. No portion of any executive session may be held off the record. The Board must have the court reporter's notes fully transcribed, and the transcript filed with its records custodian. The transcript is exempt from Florida's public records law, and is not to be disclosed until the litigation concludes. Upon the conclusion of the litigation, the transcript becomes part of the public record.
5. The subject matter of the closed session must be confined to settlement negotiations or strategy sessions related to litigation expenditures. The Board may not go beyond these strict parameters. No final action, no vote, and no decisive action may be taken during the closed session. Any final decision to settle a lawsuit, for a certain amount of money, or under certain conditions, is a decision that must be voted upon in a public meeting.

Section 7. Quorum. A quorum of the Directors shall be one-third of the voting Directors holding office at the time of the vote. A quorum must be present to transact the business of the Foundation at a meeting.

Section 8. Voting. Each Director shall have one vote. When a quorum is present at the meeting, all questions shall be decided by majority vote of the voting Directors present, except as otherwise provided in these Bylaws.

Section 9. Proxies. Proxies, general or special, shall not be accepted for any purpose in the meetings of the Directors or committees.

Section 10. Telephonic Meetings. Meetings of the Directors and of committees may be conducted by conference telephone or similar communications facilities, in the same manner as if the meeting were held in person, if the Chairperson or the Chairperson of the Committee determines it is appropriate and is in full compliance with all requirements of the Sunshine Law. The notice of any meeting conducted by means of telephone or similar communication facilities will state where and how members of the public may gain access to the meeting.

Section 11. Resignation or Removal. A Director may resign at any time by giving written notice to the Chairperson, the ~~Executive Director~~President and CEO of the Foundation or the Secretary of the Foundation. Any such resignation shall take effect at the time specified therein or, if no time is specified therein, upon its acceptance by the Board. Any Director who is not present for three (3) regular meetings of the Board during a fiscal year, or who fails to pay the annual established membership fee or who fails to give or obtain the donation established by the Board by the end of the fiscal year shall be placed on probation. The Recruitment Committee, in consultation with the Chairperson and the ~~Executive Director~~President and CEO of the Foundation, shall determine whether to remove the Director from the Board or continue his/her probationary period. In addition any Director may be removed from office by a two-thirds vote of all of the Directors present or no less than fifteen (15) members, effective as of the date of such vote.

ARTICLE 2. OFFICERS.

Section 1. Titles. The Officers of the Foundation, who also serve as Officers of the Board of the Foundation, shall be: a Chairperson, a Vice Chairperson, a Secretary, a Treasurer, and such other officers as the Board may determine.

Section 2. Election. The Chairperson, Vice Chairperson, Treasurer and Secretary shall be elected at the Annual Meeting of the Directors from nominations submitted to the Directors by the Recruitment Committee, or from nominations from the floor. No Officer may hold more than one Foundation office concurrently.

Section 3. Term of Service. Each Officer shall be elected for a term of one year and shall be eligible to succeed himself/herself for no more than two (2) additional terms.

Section 4. Vacancies. In case any vacancy occurs in an elected office, an election shall be held at the first regular or special meeting of the Directors after such vacancy occurs and nominations may be received directly from the floor to fill such vacant positions. Notice of such vacancy and scheduled election must be given in the same manner as notice for regular or special meetings.

Section 5. Resignation and Removal. An Officer of the Foundation may resign at any time by giving written notice to the Board, the Chairperson or the Secretary of the Foundation. Any such resignation shall take effect at the time specified therein or, if no time is specified therein, upon its acceptance by the Board. Any Officer may be removed from office by a two-thirds vote of all of the Directors present or no less than fifteen (15) members, effective as of the date of such vote.

Section 6. Powers and Duties.

(i) Chairperson of the Board. The Chairperson shall ~~be the chief executive officer of the Foundation's corporation,~~ preside at all meetings of the Board and Executive Committee, and perform all other duties as may from time to time be assigned by the Directors or the Executive Committee. Among the Chairperson's powers and duties, without limitation, are to appoint the members and Chairpersons of all Standing Committees established by the Directors, except when members or Chairpersons may be designated by these Bylaws; name Special Committees and appoint their members and Chairpersons; appoint, a person to serve as Registered Agent for the Foundation; represent the Foundation at official functions of the University and elsewhere as he/she may determine proper; and present a report of the activities of the Foundation and the conduct of his/her office at the Annual Meeting which occurs when his/her term of office expires. The Chairperson shall report to the Board and the University President.

(ii) Vice Chairperson. The Vice Chairperson shall be responsible for assisting the Chairperson in any way so designated by the Chairperson and shall serve as temporary Chairperson in the Chairperson's absence. He/she shall perform such other duties as may from time to time be assigned to him/her by the Chairperson, the Directors or the Executive Committee.

(iii) Secretary. The Secretary shall be responsible for the maintenance and management of the Foundation's activities as may be required by the Chairperson, the Directors or the Executive Committee. He/she shall have charge of the Foundation's corporate records and corporate seal; record the minutes of all meetings of the Directors, Executive Committee and other committees; give and serve notice of meetings as required by these Bylaws; and perform such other duties as may be assigned to him/her by the Chairperson, the Board or the Executive Committee. The Secretary may delegate part of his/her duties to an Assistant Secretary as set forth in Article 5 below.

(iv) Treasurer. The Treasurer shall serve as Chairperson for the Finance and Audit Committee; approve all day-to-day disbursements by the Foundation; have custody of all of the funds and financial records of the Foundation; disburse funds upon instruction of the Directors or the Executive Committee; keep full and accurate accounts of all funds, together with the report of the annual audit; present a financial report for the Foundation at each meeting of the Directors and an annual financial report at the Annual Meeting; file all financial reports

required by Federal and Florida law, regulation, rule or established procedure; and perform such other duties as may be assigned to him/her by the Chairperson, the Board or the Executive Committee. The Treasurer may delegate part of his/her duties to an Assistant Treasurer as set forth in Article 5 below.

ARTICLE 3. COMMITTEES.

Section 1. Designation and Appointment of Committees. Committees of the Board shall either be Standing Committees, as designated by these Bylaws, or Special Committees, as established by the Chairperson. Standing Committees or Special Committees shall have the power to establish Sub-Committees. The Chairperson of the Foundation shall appoint the members of all committees and designate their chairpersons, except as otherwise specified by these Bylaws. A majority of the members of Standing Committees, Special Committees and of any sub-committees must be Directors. All members of the committees shall have voting rights. One-third of the voting members of any Committee, except the Executive Committee as provided for below in these bylaws, shall constitute a quorum and a majority vote of the voting members of the Committee present, after a quorum has been declared, shall be required to enact business of the Committee. The actions of any committee shall be subject to review and approval by the Executive Committee, and to confirmation by the Board at its next ensuing meeting, except when the power to act is specifically granted to a committee by these Bylaws or by action of the Directors or Executive Committee. Each committee shall keep approved minutes and submit them to the Directors for review. Committees shall present an annual plan at the first meeting of the Board for the Foundation's calendar year.

Section 2. Standing Committees. The Directors shall have the following Standing Committees:

(i) Executive Committee. The Executive Committee of the Directors of the Foundation shall have and may exercise all powers and authority of the Board when the Directors are not in session, subject only to such restrictions or limitations as the Directors may from time to time specify, except that the Executive Committee shall have no authority to alter, amend, or repeal the Articles of Incorporation or Bylaws of the Foundation, to remove Directors or Officers or to elect Directors or Officers. The Executive Committee shall meet at the call of the Chairperson of the Directors. A majority of the voting members of the Executive Committee shall constitute a quorum and a majority vote of the voting members of the Committee present, after a quorum has been declared, shall be required to enact business of the Executive Committee. When urgency precludes a formal meeting, matters may be handled by telephone in accordance with provisions of these Bylaws and the requirements of Florida law regarding meetings of the Directors. All actions of the Executive Committee shall be reported to the Directors at the next ensuing meeting of the Board, or when deemed sufficiently important by the Chairperson and the University President, such actions shall be reported to the Directors within thirty (30) days after such action is taken, or at a meeting of the Directors if a meeting is held within that period of time. All actions of the Executive Committee shall be ratified by the Board and shall be included in the minutes of the Board. Members of the Executive Committee shall be the Chairperson, Vice Chairperson, Treasurer and Secretary of the Foundation, the President of the University or his designee, the Chairpersons of each standing committee, and two (2) additional members as may be designated by the Chairperson.

(ii) Development Committee. The Development Committee shall review, approve and recommend to the Directors all major fundraising initiatives and campaigns undertaken by the Foundation or the University and each of its components; carry out a regular fundraising program; prepare policies and strategies for the solicitation, receipt, acknowledgment, stewardship and recognition of financial support; and prepare standards for gift recognition including, without limitation, endowed chairs, endowed professorships, endowed lectureships, endowed scholarships, the naming of colleges, schools, centers, buildings, areas and other significant facilities and activities of the University, recognizing, however, that only the Board of Trustees has the ability to recommend that state buildings and facilities be named after donors. The Development Committee shall coordinate all fundraising activities of the University, including those conducted by auxiliary groups which wish to use the Foundation's Certificate of Registration from the State of Florida or the University's trademarks.

(iii) Finance and Audit Committee. The Finance and Audit Committee shall be responsible for the preparation and periodic review of the Foundation's annual budget, which shall be prepared before the beginning of the University's fiscal year, approved by the Directors and recommended by the University President to the Board of Trustees each year no later than sixty (60) days following the beginning of the Foundation's fiscal year. The Board of Trustees must approve the Foundation budget before it can be enacted. It shall approve or reject gifts or bequests which impose unusual conditions on the Foundation or the University, subject to review and approval by the Executive Committee and the Directors. It shall monitor the work of the Foundation's Assistant Treasurer and shall review and report to the Board on the Foundation's Financial Statements and ensure that all financial reports are filed in a timely manner. The Finance and Audit Committee shall recommend to the Board investment policies relating to endowment funds, annuity funds, and short-term investments, charitable remainder trusts, engagement or termination of investment counselors and custodians and the basis of such engagement. It shall also appraise the performance of investment counselors and custodians and make periodic reports to the Board on investment performance and other important matters. It shall cause an audit to be made by an independent certified public accountant of the books of the Foundation as soon as possible after the close of the fiscal year of the Foundation, and to have the results reported to the ~~Executive Director~~President and CEO of the Foundation immediately, and to the full Board at their next meeting thereafter. The annual audit report shall be submitted by the University President to the Board of Trustees for review no later than the end of the fourth month following the close of the organization's fiscal year. The annual audit report shall also be submitted to the Auditor General and to the Board of Governors no later than nine (9) months after the close of the Foundation's fiscal year. The audit shall be conducted in accordance with rules promulgated by the Board of Trustees and with the policies adopted by the Auditor General. The Finance and Audit Committee also shall ensure that the financial records of the Foundation are maintained in accordance with generally accepted accounting principles, that consistent and reliable financial practices are followed and that the current financial status of the Foundation is reported to the Executive Committee and the Directors regularly. The Finance and Audit Committee shall comply with all requirements set forth in the Audit Charter attached hereto as Exhibit "A" to these Bylaws and incorporated by reference herein.

(iv) Recruitment Committee. The Recruitment Committee shall receive recommendations for nominees to the Board and as Officers, evaluate such recommendations, and present nominations for open positions to the Board at least seven (7) days prior to the Annual Meeting, or any meeting where new Directors will be chosen. The Recruitment Committee shall advise new Directors of the responsibilities of membership; nominate individuals for special recognition as members of the Foundation; and monitor the attendance, participation and activity of Foundation members and Directors.

(v) University and Community Relations Committee. The University and Community Relations Committee shall coordinate with, and render assistance to the Vice President for External Relations or the Chairperson's designee in building awareness and support for FIU within the community by advocating for the University with external constituencies and assisting with university events and activities.

Section 3. Special Committees. The Chairperson of the Directors may establish Special Committees from time to time to assist the Directors in carrying out the purposes of the Foundation. The Chairperson shall report the establishment of all Special Committees and the names of their chairpersons and members to the Executive Committee and the Directors at the next ensuing regular meetings of the Executive Committee and Directors.

ARTICLE 4. SPECIAL MEMBERS OF THE FOUNDATION.

Section 1. Purpose of Special Members. The Directors may from time to time, acting by majority vote, establish special categories of membership in the Foundation for the purpose of honoring persons for contributions, service or achievement. The qualifications for special membership for each category shall be determined by the Directors as they deem necessary for the benefit of the Foundation and the University. Special members shall have no vote in meetings of the Foundation's members or Directors except as specifically provided in these bylaws.

Section 2. Special Member Categories. The Foundation shall have the following special member categories for honorary and recognition purposes:

(i) Chairperson Emeritus. This category honors the Chief Executive Officers of the Foundation who have rendered extraordinary service to the Foundation. The Directors may elect a former Chairperson, after his/her term of office shall have expired, as Chairperson Emeritus of the Foundation. The Chairperson Emeritus shall be elected by a two-thirds vote of the Directors present.

(ii) Director Emeritus. The Directors may elect a former Director, after his/her term of office shall have expired, as a Director Emeritus to honor those who have given distinguished service as members of the Board. The Director Emeritus shall be elected by a two-thirds vote of the Directors present.

ARTICLE 5. EXECUTIVE AND ADMINISTRATIVE SUPPORT

There shall be an ~~Executive Director~~President and CEO of the Foundation. The President of the University shall approve and recommend to the Board a person to serve as ~~Executive Director~~President and CEO of the Foundation. After duly considering the recommendation of the University President, the Board shall appoint, by majority vote, the ~~Executive Director~~President and CEO of the Foundation, whose primary responsibilities are to manage the corporate affairs of the Foundation on a day-to-day basis, in accordance with policies established by the Directors, and to carry out the functions and duties of the position as prescribed by the Directors in consultation with the University President. The ~~Executive Director~~President and CEO shall report to the Board and the University President.

There may be an Assistant Secretary and an Assistant Treasurer to whom the Secretary or Treasurer may delegate part of their duties. The Assistant Secretary and Assistant Treasurer shall report to the Secretary and Treasurer respectively. Neither the ~~Executive Director~~President and CEO of the Foundation, the Assistant Secretary nor the Assistant Treasurer shall be considered members or officers of the Foundation nor shall they have voting rights.

ARTICLE 6. FUNDS.

Section 1. Fund Categories. The assets of the Foundation shall be held in various Funds as established in these Bylaws or as the Directors shall designate, with as many subfunds and accounts within these groupings as shall be necessary or desirable to achieve the purposes of the Foundation and to comply with the terms of gifts to the Foundation. The Foundation's Finance and Audit Committee shall review these fund categories at least annually and will recommend changes needed to the Executive Committee and the Directors. "Funds" include General Funds, Designated Funds (including Building Funds), Endowment Funds and other special fund categories.

Section 2. General Funds. General Funds are funds which may be used for the general purposes of the Foundation, including administration of the Foundation's affairs, or funds with restrictions which do not seriously inhibit their use for general Foundation purposes. All donations to the Foundation shall be credited to the General Funds when received, including all principal and income from properties donated to, disposed of, or held by the Foundation, unless the terms of the gift shall require the Foundation to credit such donations or the income of principal from such properties to a specific Designated Fund, as described in the Bylaws, or to a specific use or purpose inconsistent with the general unrestricted use by the Foundation of such donation or the income therefrom.

Section 3. Designated Funds. Designated Funds of the Foundation will be established for each major academic and administrative unit of the University to receive donations to the Foundation which are designated for such purposes. Additional Designated Funds for other specific purposes may be established by the Executive Committee or Directors. The principal of all designated Donations shall be credited to such Designated Fund. Interest income from

designated funds shall be credited to the Foundation's General Funds to offset additional university fundraising and support activities unless the terms of the gift specify otherwise.

Section 4. Building Funds. The Board may, from time to time, establish Building Funds for specifically designated capital projects. They shall be administered as Designated Funds.

Section 5. Endowment Funds. Endowment Funds, or Permanently Restricted net assets, are contributions including state matching that must be held and invested in perpetuity as stipulated by the Donor. Only the earnings generated by these investments may be expended and only in accordance with the donor's intent and the gift agreement. All endowment funds are pooled and invested as directed by the Board. Investment earnings/losses are distributed to each endowment on a yearly basis based on its pro-rated share of earnings/losses generated by the permanently restricted net assets. Unless stipulated by the donor, earnings shall not be permanently restricted. The Board will determine the percentage of yearly earnings to be distributed for spending and the percentage to be held in reserve as added principal. The added principal is available for future spending and although it is temporarily restricted, it may be used to calculate the endowment's average balance from which future distributions are based. Losses attributable to permanently restricted net assets must first reduce any added principal held in reserve prior to reducing the corpus of the endowment. Any permanently restricted net asset which has been reduced by losses must be reinstated to its original corpus before any future investment earnings are distributed for spending. No corpus including state matching may be reduced for spending. An administration fee, as approved by the Board, may be charged to endowments. This fee will be covered by the endowment's investment earnings, but may not reduce an endowment's corpus.

Section 6. Ownership and Use of Funds.

(i) All Funds described herein shall be the property of the Foundation and shall be owned by the Foundation as defined in and limited by its Articles of Incorporation, Bylaws, and applicable Florida and Federal law and regulations. In such capacity, the Foundation shall have the ultimate authority and control over all property in the Funds, and the income derived there from, for the general purposes of the Foundation.

(ii) The assets and income of any Fund may be commingled with those of other unrestricted funds of the Foundation, or may be invested in units of a common investment fund which may be established or utilized by the Foundation, unless otherwise restricted by the terms of gift. The Foundation shall not have an obligation to commingle the assets for investment purposes and may, in its discretion, retain any assets received or hold the assets of a Fund as a separate unit for investment purposes. Any investment or reinvestment of assets shall be made only in such investments as are appropriate for a prudent fiduciary.

(iii) Specific expenses necessary or desirable for the proper administration of each Fund and subfund shall be charged to that Fund or subfund. General operational and administrative expenses shall be charged to each Fund or subfund in accordance with a formula approved by the Directors unless inconsistent with the terms of the gift or otherwise legally improper. Such charges shall be paid into the General Funds where they may be disbursed to pay such expenses. In the event such charges are inconsistent with the terms of the gift or otherwise

legally improper, the Directors shall determine which Funds may be used to pay for such expenses.

(iv) These provisions shall not limit in any way the power and ability of the Directors to accept special gifts from donors which may be used for purposes specified by the donors, if such purposes fall within the Foundation's broad general purposes, and which may be subject to such ownership, income and distribution characteristics and restrictions as the Directors of the Foundation and the donors of such gifts may agree, but no characteristic or restriction shall jeopardize the Foundation's tax exempt status or its corporate charter. The Directors intend that all donations will be administratively grouped as a part of one or more of the Funds specified above or as may be established.

(v) Upon the voluntary or involuntary dissolution of the Foundation, or decertification of the Foundation by the Board of Trustees, the Directors shall, after paying or providing for all debts and obligations of the Foundation, transfer the assets of the Foundation to the University, subject to the conditions, restrictions and limitations to which the assets were subject when they were assets of the Foundation.

Section 7. Checks and Depositories. Except as may otherwise be specified in these Bylaws, the Directors shall provide by Resolution which Officers, Directors, or their designees are authorized to draw checks on the Funds of the Foundation and may impose any reasonable terms, conditions or limitation on such authority. Checks or drafts on the Funds of the Foundation shall be signed by any two of the Officers, Directors, or their designees authorized to do so by the Directors or by these Bylaws. Funds of the Foundation shall be deposited to the credit of the Foundation only in institutions approved by the Directors by resolution and only in financial institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Section 8. Fiscal Year. The fiscal year of the Foundation shall be consistent with the fiscal year of the University.

ARTICLE 7. CODE OF ETHICS.

Code of Ethics – Conflict of Interest

Directors stand in a fiduciary relationship to the University and the Foundation. Therefore, Directors shall act in good faith, with due regard to the interests of the University and the Foundation, and shall comply with the fiduciary principles and law set forth in the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes. Directors shall comport themselves in accord with the statutory Code of Ethics and the Conflict of Interest Policy attached to these Bylaws as Appendix “B”. Each Director shall annually complete and sign a disclosure form as required by said policy.

The Foundation shall maintain the highest ethical standards in all of its operations in order to protect and preserve the Foundation's good name, business interests, and relationships with donors, beneficiaries, and the community at large, and shall adhere to the requirements of the Florida Whistle-blower's Act, Sections 112.3187 – 112.31895, Florida Statutes.

ARTICLE 8. MISCELLANEOUS PROVISIONS

Indemnification

The Board shall, to the extent legally permissible, indemnify and defend each of its Directors, officers, employees, volunteers and other agents against all liabilities and expenses incurred in the connection with the disposition or defense of any action, suit or other proceeding, whether civil or criminal, in which such person may be involved by reason of Foundation service, except with respect to any matter in which such person shall have been adjudicated in any proceeding not to have acted in good faith; and further provided that no settlement shall be entered into without the prior consultation and approval of a duly authorized representative of the Board.

Service of Process

Service of process may be made on the Office of the University's General Counsel.

Fiscal Year

The fiscal year of the Foundation shall commence on July 1 of each year and end on June 30.

Foundation Records and Sunshine Laws

Public access to Board records will be governed by the provisions of Chapter 1004.28(5), Florida Statutes. Board meetings shall be governed by the provisions of the Open Meetings Law, Chapter 286, Florida Statutes. The Foundation shall maintain and/or dispose of all records made or received in connection with Foundation business in accordance with a document retention schedule as the Board may adopt from time to time.

ARTICLE 9. AMENDMENTS.

Section 1. Amendments to Bylaws. These Bylaws may be altered, amended, rescinded, or repealed at any regular or special meeting of the voting Directors by the affirmative vote of two-thirds of the voting Directors present. Any amendment to the Bylaws, approved by the Board, shall be submitted by the University President to the Board of Trustees for approval prior to its effective date.

Section 2. Amendments to Articles of Incorporation. Articles of Incorporation of the Foundation may be altered or amended at any regular or special meeting of the Board by resolution approved by the affirmative vote of two-thirds of the voting Directors present, subject to approval by the Secretary of State of Florida as required by law and subject to any approval which may be required by the Board of Trustees. Written notice of any proposed amendment of the Articles of Incorporation shall be mailed to each Director not less than fifteen (15) days prior to any meeting at which such proposed amendment is to be considered.

Section 3. Requirements of Florida Law. All amendments to the Bylaws and Articles of Incorporation of the Foundation shall comply with Florida law and appropriate state rules and policies.

ARTICLE 10. OFFICE.

The office of the Foundation shall be located at the University.

ARTICLE 11. EMPLOYEES OF THE FOUNDATION

Any person employed by the Foundation shall not be considered to be an employee of the State of Florida by virtue of such employment. Any employee of the State of Florida who is assigned to work on Foundation matters shall not be considered an employee of the Foundation.

ARTICLE 12. SEAL.

The corporate seal of the Foundation shall bear the words "FLORIDA INTERNATIONAL UNIVERSITY FOUNDATION, INC." and "MIAMI, FLORIDA" and the date "1969". The corporate seal shall be used only in connection with the transaction of business of the Board and of the University. The Secretary may affix the seal on any document signed on behalf of the corporation. Permission may be granted by the Secretary for use of the seal in the decoration of any University building or in other special circumstances. The seal of the Board shall be consistent with the following form and design:

ARTICLE 13. PARLIAMENTARY PROCEDURE.

Where not addressed by these Bylaws, the Articles of Incorporation, or Florida law, all matters of procedure shall be governed by Roberts Rules of Order (latest edition).

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Approval of Mixed-Use Auxiliary Building

Proposed Board Action:

Approve the construction of a mixed-use building on the west side of the FIU Modesto A. Maidique Campus that will combine offices, classrooms, food venues and dining space.

Background Information:

The FIU College of Business Administration continues to grow by adding new programs and innovative partnerships. The new mixed-use auxiliary building will provide 31,000 square feet of space to accommodate academic advising space, classrooms and administrative offices to support professional education and market rate programs. It will also enable proper support for undergraduate programs until the second phase of College of Business Complex is completed.

The enrollment in FIU Online classes has increased to 16 percent of overall University enrollment in the past five years. The unit has grown proportionately and currently occupies rented space in two locations on campus. The new mixed-use auxiliary building will consolidate operations in one location and provide a testing center for 250 students and two distance learning/class capturing classrooms. FIU Online will occupy approximately 41,000 square feet in the building.

The west side of the Modesto A. Maidique campus has weekly traffic of over 75,000 students, faculty and staff and is currently served by two very limited food venues – Tropical Smoothies Café and Java City. The new mixed-use auxiliary building will allow for 12,000 square feet of needed food venues and dining space to serve students, faculty and staff for the College of Law, School of International and Public Affairs, Labor Center, and the College of Business Administration.

The building will encompass 84,000 square feet and be located between the Ryder Business Building, College of Business Complex and College of Law building. The projected completion date is in 2013, at an approximate cost of \$22,280,000 and will be funded with auxiliary fund balances of the units that will occupy the building. The mixed-use building will meet the expansion needs of the College of Business, FIU Online, and Business Services while simultaneously enhancing service quality for students, faculty and staff.

Supporting Documentation: N/A

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Signature Authority – Depositories

Proposed Board Action:

Approve the following banking institutions as designated depositories at which University funds may be deposited:

TBC Bank
Tbilisi, Republic of Georgia

Bank of Kigali
Kigali, Rwanda

Societe Generale
Burkina Faso

Bank of Africa -Mali (BoA) (Correspondent Bank to Societe Generale)
Bamako, Mali

Furthermore, the Board of Trustees approves that the University President, the Senior Vice President for Finance and Administration and Chief Financial Officer, and University Treasurer, are each individually authorized to take all actions necessary to open or close bank accounts at any of the designated depositories. Additionally, the following person is also authorized to take all actions necessary to open or close bank accounts in the above banks: Luis Salas, Associate Vice President for Research.

Background Information:

The Florida International University Board of Trustees is updating its official records with respect to the banking institutions that may serve as depositories of University funds.

Section 1011.42 of the Florida Statutes provides that the board of trustees of each university shall designate the depositories in which any university funds may be deposited, as provided by Florida Statutes.

Supporting Documentation: International Water Programs

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INTERNATIONAL WATER PROGRAMS

Approval is requested for local depositories to carry out the following international water programs each of which is funded by the U.S. Agency for International Development (USAID):

1. Integrated Natural Resource Management in Watersheds of Georgia (INRMW) with USAID funding of \$6,514,913; and
2. Rwanda Integrated Water Security Program (RIWSP) with USAID funding of \$28 million; and
3. West African Water, Sanitation Hygiene Program (WA-WASH), with USAID funding of \$22 million.

These Programs build on prior successful experiences by FIU in other USAID-funded international water sustainability projects. The goals of the Programs include developing and implementing practical and scalable models for watershed planning and management and for improving water security in Georgia and Rwanda, respectively, and expanding on past West African water initiatives seeking to provide sustainable access to safe water and sanitation, and improved hygiene.

In order to perform the Programs, local bank accounts must be opened and maintained so that local purchases may be made and payroll met for local employees and consultants. The Programs' FIU Director, Dr. Maria Donoso, has investigated the banks that are available in the regions as well as the local banks used by collaborators on the Programs and other international organizations (such as CARE and World Vision). Preference was given to banks with local U.S. branches or with partnerships with US banks, where possible. After performing the foregoing due diligence, the banks proposed to be used by FIU are:

In Georgia: TBC Bank, jsc
Tbilisi, Republic of Georgia
<http://www.tbcbank.ge/en/private/>
<http://www.tbcbank.ge/en/corporate/>

In Rwanda: Bank of Kigali
Kigali, Rwanda
<http://www.bk.rw>

In Burkina Faso: Societe Generale
Ouagadougou, Burkina Faso
[http:// www.sgbb.bf](http://www.sgbb.bf)

In Mali: Bank of Africa -Mali (BoA)
(Correspondent Bank to Societe Generale)
Bamako-Mali
[http:// www.bank-of-africa.net](http://www.bank-of-africa.net)

Controls to be Placed on Bank Accounts

Access to the bank accounts by local Program staff will be kept to the minimum people necessary to effectively perform the Programs. Controls will be implemented to ensure that the bank accounts are used appropriately for Program purposes and that FIU Program personnel maintain oversight and monitoring of the bank accounts' use. In addition to world-wide insurance coverage for liability and theft by FIU employees overseas, the following controls, which have been used by FIU in other international projects successfully will be follows:

- Checks on the bank accounts will require signature by two authorized Program personnel and no cash withdrawal cards will be issued. All checks issued in the foreign countries must be cosigned by two of the authorized signatories on the account and all checks issued to one of the authorized signatories in foreign countries must be cosigned by one of the authorized signatories in FIU/Miami.
- The maximum check amount will be US\$10,000.
- There will always be one bank account in US Dollars that will receive wires from the US and another in local currency.
- The bank accounts will have a monthly balance of no more than between US\$55,000 to US\$70,000 at any given time.
- Replenishment of the bank accounts will be done only when financial reports of expenditures on the bank accounts have been approved by FIU personnel. Every month the local Program offices will send to the FIU/Miami Program office substantiated financial reports (i.e., reports with back-up documentation) detailing the expenditures for the preceding period and requesting funds to replenish the bank accounts by the amount accounted for in the report. Such reports and back-up documentation will be reviewed by the FIU Program office.
- If the local FIU Program office approves the monthly financial report, it will forward a reimbursement package to the Division of Research for its review and auditing. Each reimbursement package will have a unique Report Number that will separate it from other reports. Invoices will be submitted with the report detailing each payment made, the currency rate used, check payee, amount, and date. In addition, any deposits made will be totaled separately and will equal any deposits made to that account. After the Division of Research audits the report and if it is approved, it will then be sent to the FIU Controller's Office for wire processing and reconciliation.
- The FIU personnel reconciling the accounts will have online access to the banks accounts, if available.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Signature Authority – Authorization to Sign Checks for Certain Foreign Research Program Accounts

Proposed Board Action:

Approve the following officers and employees of the University as authorized to sign checks to pay the legal obligations of the University from the designated University depositories related to the following projects: (1) Integrated Natural Resource Management in Watersheds of the Republic of Georgia (INRMW) Program (the “Georgia Program”); (2) Rwanda Integrated Water Security Program (the “Rwanda Program”); and (3) West African Water, Sanitation Hygiene Program (the “West Africa Program”):

Kenneth A. Jessell, Senior Vice President for Finance and Administration
and Chief Financial Officer

Cecilia Hamilton, Associate Vice President and University Controller

Luis Salas, Associate Vice President for Research
(authorized for the Georgia, Rwanda and West Africa Programs)

Mariam Shotadze, Program Director of the Georgia Program,
(authorized only for the Georgia Program)

Eliso Barnovi, Deputy Georgia Program Director
(authorized only for the Georgia Program)

Nino Darchiashvili, Office Administrator for the Georgia Program
(authorized only for the Georgia Program)

Lakhdar Boukerrou, West Africa Program Director
(authorized only for the West Africa Program)

Emeline Bereziat, Deputy West Africa Program Director
(authorized only for the West Africa Program)

Salimata Marico, Mali Program Coordinator for West Africa Program
(authorized only for the West Africa Program)

Background Information:

The Florida International University Board of Trustees (the BOT) is updating its official records to reflect University officers and employees authorized to sign checks to pay legal obligations on behalf of the University.

The University has depositories at banking institutions at which University funds are deposited and the University pays its legal obligations from said depositories. As such, the BOT must state with particularity the legal name and title of University employees who are authorized to sign checks to pay legal obligations of the University.

Supporting Documentation: N/A

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Report of Legal Action against T & G Corporation d/b/a and f/k/a T & G Constructors, Inc. and Request for Ratification

Proposed Board Action:

Ratify the lawsuit filed on February 25, 2011 against the Contractor, T & G Corporation d/b/a and f/k/a T&G Constructors, for breach of contract and latent defects at the FIU Recreation Center located on the Modesto A. Maidique Campus.

Background Information:

The Florida International University Board of Trustees (the BOT) delegated authority to the President to initiate lawsuits pursuant to Board Action dated February 18, 2002, with final approval for specified suits reserved to the BOT.

On July 17, 2003, Florida International University (the University) entered into a contract with T & G Corporation d/b/a and f/k/a T&G Constructors (T&G) to construct the FIU Recreation Center located on the Modesto A. Maidique Campus (Recreation Center) which was completed on or about August 2005. The Recreation Center was designated to serve as a Hurricane Shelter for Monroe County. In April/May 2007, the University experienced major water damage and serious water intrusion problems. The University notified the Contractor T&G but T&G failed to investigate and/or remedy the problems. The University undertook its own investigation which literally required the University to open and remove part of the Recreation Center curtain wall window system. The University discovered a number of latent defects in the aluminum framed storefront window, door and curtain wall systems of the Recreation Center as it was constructed by T&G. The University undertook extensive efforts to resolve the issues with T&G informally throughout the investigation and remediation process, which is still ongoing, to no avail. The University sent T&G numerous letters between the period April 30, 2010 and January 19, 2011 inviting them to participate in the investigation and remediation process. T&G failed to provide any meaningful response to the University. Therefore, the University had no choice but to proceed to file a complaint against T&G due to the 4 year statutory limitation period for construction related defects. It is currently estimated that the costs, including consultant fees, to address the latent defect issues at the Recreation Center will be between \$700,000 to \$750,000. This estimate is subject to change if latent defects are discovered during the remediation process or other unforeseen costs arise.

Pursuant to Florida Board of Governors Regulation 1.001 (2)(f), University Board of Trustees Powers and Duties, each board of trustees shall be a public body corporate with all the powers of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law and equity, and to give and receive donations.

Supporting Documentation: N/A

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Tenure as a Condition of Employment Nominations

Proposed Board Action:

Approve two candidates for Tenure as a Condition of Employment as specified in the Board materials.

Background Information:

Pursuant to the Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The Tenure as a Condition of Employment (TACOE) nominees had tenure at their previous institutions, and have been selected to receive TACOE based on the caliber of their work.

Supporting Documentation: Tenure as a Condition of Employment Nominees (2)
Attachment 1 – Tenure as a Condition of Employment
Nominees' Bios

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FLORIDA INTERNATIONAL UNIVERSITY
2010 - 2011 TENURE NOMINATIONS
 (as a condition of employment)

NAME	DEPARTMENT	PROPOSED RANK
School of Hospitality and Tourism Management		
Terry Michael (Mike) Hampton	n/a	Professor
Robert Stempel College of Public Health and Social Work		
Mark L. Williams	Health Policy and Management	Professor

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Terry Michael (Mike) Hampton
School of Hospitality and Tourism Management

Terry Michael (Mike) Hampton, Ed.D., most recently served as the Dean of the College of Hospitality Management at Lynn University. He previously served as Associate Professor at FIU in the School of Hospitality and Tourism Management. Appointments at both universities were with tenure.

Dr. Hampton has over 20 years of experience in the hospitality industry. He founded Hospitality Services of America (HSA) International, a global training and education management organization specializing in the hospitality industry in 1986 – a company acknowledged throughout the hotel and restaurant sectors as one of the leading resources for performance improvement. Through his experience and educational pursuits he has become recognized as an expert in human resources development, sales and revenue management.

Dr. Hampton has been active in industry associations, including the American Society for Training and Development (ASTD), where he has been a champion for the hospitality industry forum; the Council of Hotel and Restaurant Trainers (CHART), where he currently serves as a member of the association's Board of Directors; the American Hotel & Lodging Association (AH&LA); the Hotel Electronic Distribution Network Association (HEDNA); and, the Hospitality Sales & Marketing Association International (HSMIAI). He has also been involved in the Institute of Food Technologists (IFT) and the American Statistical Association (ASA).

In the classroom, Dr. Hampton has taught capstone courses and graduate student research projects. He served as the director of distance learning and as the FIU representative to the Hospitality Management in the American Hotel & Lodging Association's Research Alliance for educational institutions (1997 to 2000). He assumed accreditation oversight for the hospitality programs while at FIU as well as at Lynn University.

Dr. Hampton holds a Bachelor of Science degree in business management from Florida State University; a Master of Science degree in hospitality management, and an Educational Doctorate degree in adult education and human resources development, both from Florida International University. He has also received the special designation of Certified Hospitality Educator (CHE) as granted by the Educational Institute of the American Hotel & Lodging Association (AH&LA).

Mark L. Williams

Department of Health Policy and Management
Robert Stempel College of Public Health and Social Work

Mark L. Williams received his doctorate in political science in 1983 from the University of Iowa, Iowa City, Iowa with concentrations in policy analysis and research methods. After finishing his studies, Dr. Williams taught at the University of Rhode Island, Kingston, Rhode Island and the University of St. Thomas, Houston, Texas. He left academia in 1987 for an opportunity to conduct full-time research in the private sector. While working in the private sector, he was appointed Voluntary (adjunct) Associate Professor in the Department of Public Health in the Miller School of Medicine at the University of Miami. Dr. Williams returned to academia full time in 1999 as Associate Professor of Behavioral Science in the School of Public Health at the University of Texas Health Science Center at Houston. He was promoted to Professor in 2003 and awarded tenure in 2006.

Dr. Williams' research is in the areas of behavioral epidemiology, disease prevention, and health promotion in underserved and minority populations. He has conducted research in the United States, Sweden, and Tanzania. Dr. Williams has been Principal Investigator, co-Principal Investigator, or Investigator on 30 studies funded by the National Institute on Drug Abuse, the National Institute of Mental Health, Centers for Disease Control and Prevention, and the Texas Department of Alcohol and Drug Abuse. Of particular note, he was Principal Investigator on two cooperative agreement research projects and Principal Investigator of a national data management center. Dr. Williams has published over 140 peer review articles and book chapters.

Dr. Williams is a past American co-Editor of *AIDS Care* and is presently on the editorial boards of three national and international journals. He is a regular reviewer for more than twenty scholarly journals. Dr. Williams was a permanent member of an NIH study panel from 2004 to 2007, and continues to serve as a post-hoc member for the panel.

Dr. Williams' teaching experience includes doctoral level classes in advanced health promotion and behavioral science theory, research design, qualitative research design, and scientific writing. He has served as advisor to four doctoral students and was a member on seven additional doctoral committees. He was also the Associate Director of the Fogerty Institute (National Institute of Health) supported Center for International Training in AIDS Research. The Center provided doctoral-level training in public health research to more than twenty post-doctoral (M.D.) students from Southeast Asia and sub-Saharan Africa.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

**Subject: Master of Science in Health Informatics and Management Systems
Program Proposal**

Proposed Board Action:

Approve the Master of Science in Health Informatics and Management Systems new program proposal.

Background Information:

FIU, public and private health care organizational and individual providers recognize the need for health informatics specialists in a variety of employment areas in clinical and administrative roles. This program meets the growing need for health care organizations to establish meaningful information systems and exchange of electronic health information. Professionals with information and management systems knowledge and expertise are the fastest growing workforce need in the health care industry. This degree will address this critical area of expertise which is currently in short supply.

The proposed MS in Health Informatics and Management Systems will directly support the State University System Strategic Planning Goals of the Florida Board of Governors, which are 1) access to and production of degrees; 2) meeting statewide professional and workforce needs; 3) building world-class academic programs and research capacity; and 4) meeting community needs and fulfilling unique institutional responsibilities. It is also aligned with Florida International University's strategic emphasis on the collaborative content area Health as expressed in the 2010-2015 strategic plan.

Pursuant to Florida Board of Governors Regulation 8.011, New Academic Program Authorization (4)(b) *Bachelor's, Master's, Advanced Master's, and Specialist Degree Programs* - Each university board of trustees has the responsibility and authority to approve for implementation new degree programs at the bachelor's, master's, advanced master's, and specialist level in accordance with BOG Regulation 8.011(3) and (6).

Supporting Documentation: New Program Proposal: MS in Health Informatics and Management Systems

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New program proposal: MS in Health Informatics and Systems Management

Executive Summary

The Department of Decision Sciences and Information Systems (DSIS) at Florida International University proposes to implement a new Master of Science in Health Informatics and Management Systems program. No concentrations, tracks or specializations will be offered. The program will require 36 graduate credit hours consisting of 12 three-credit hour courses.

The overall purpose of this program is to meet the growing needs of health care organizations to provide evidence-based care that is delivered with equity, efficiency, quality and cost-effectiveness. Government, insurers and accrediting organizations are requiring health care organizations to establish meaningful information systems and exchange of electronic health information. Professionals with information and management system knowledge and expertise are the fastest growing workforce need in the health care industry. This degree will address this critical area of expertise which is currently in short supply. The program is designed for information systems professionals, physicians, nurses, other clinical personnel and healthcare managers who want to increase their knowledge of health information and management systems and the complex social and organizational issues surrounding the increased emphasis on managing healthcare quality, efficiency and outcomes through information systems.

Health Informatics integrates the domains of information and telecommunication systems with the organizational domains of healthcare delivery processes and leadership and management principles. This interdisciplinary program has been designed to provide both an academic and practical perspective of the field.

Discussions with public health, public and private health care organizational and individual providers have established the need for health informatics specialists in a variety of employment areas in clinical and administrative roles.

The MS Program in Health Informatics and Management Systems will directly support the State University System (SUS) Strategic Planning Goals of the Florida Board of Governors, which are 1) access to and production of degrees; 2) meeting statewide professional and workforce needs; 3) building world-class academic programs and research capacity; and 4) meeting community needs and fulfilling unique institutional responsibilities.

Early government estimates of job opportunities in healthcare information technology and management suggest the creation of more than 200,000 over the next few years (CNN Money Online, January 2009). U.S. News and World Report characterized Health Information Specialist /Manager as one of thirteen "Ahead of the Curve Careers" (December, 2008). Similarly, the U.S. Bureau of Labor Statistics suggests the demand for health information management professionals to increase much faster than the average job market. Careers in health information management are among the 20 occupations projected to grow fastest through 2012. Don Detmer, president and CEO of the American Medical Informatics Association (AMIA), conservatively estimated the need for about 70,000 health informaticians (New York Times, April, 2009).

Faculty and students from FIU's Healthcare Management MBA and Management Information Systems are working with health informatics specialists across the State of Florida and attending conferences at which all have been approached by numerous interested prospective students. The unofficial word of our potential degree offering is receiving attention across the state as Florida has launched (June, 2010) a state initiative for health information exchange which will further increase the call for qualified graduates. A brief survey was opened on the College of Business Administration website for approximately three weeks. In that time, we received a positive response of 42 students who provided contact information and indicated that they would want to apply for the degree in the next two years if offered. In addition, we have received approximately fifteen referrals from the Healthcare MBA program for students who are interested in the program.

Within the College of Business Administration, both the undergraduate business degree and the undergraduate information systems provide a large pool of potential students. As the field of informatics attracts physicians, nurses, and other clinical and public health providers, these programs at FIU and other universities in the region will also provide a source of students (both FIU's College of Nursing and Health Sciences and the Wertheim College of Medicine are supportive and working with us to advance this degree). Another field of informatics is in Public Health; the Miami Dade Department of Public Health and the Broward Department of Public Health will provide an additional source of students. Word of mouth discussions locally and across Florida are already resulting in phone inquiries each week. The South Florida Health Informatics and Management Systems Society (HIMSS) has expressed an interest in being involved with the program, offering students free membership and providing an annual scholarship opportunity. The network of professionals within this organization will also advance the degree and serve as a student referral source.

One other graduate informatics program is currently available in the State of Florida, a Masters of Science in Health Care Informatics at the University of Central Florida (UCF). The University of West Florida (UWF) houses the Alliance for Medical Informatics which provides certificate programs at both the undergraduate and graduate level. Neither of these universities service the South Florida market and no impact on their enrollments is expected.

Implementation Timeframe	Projected Student Enrollment		Projected Program Costs		
	HC	FTE	Total E&G Funding	Contract & Grants Funding	E&G Cost per FTE
Year 1	20	22.5	\$0	\$429,644	\$0
Year 2	25	28.13			
Year 3	30	33.75			
Year 4	30	33.75			
Year 5	30	33.75	\$0	\$508,249	\$0

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Authorization for the Issuance of Debt to Finance the Construction of a Student Residence Facility at the University's Modesto A. Maidique Campus

Proposed Board Action:

Approve, and request the Board of Governors to approve, the issuance of revenue bonds to finance construction of a Student Residence Facility on the Modesto A. Maidique campus of the University.

Background Information:

The Department of Housing and Residential Life of the Division of Student Affairs has submitted a proposal for financing and constructing a new Student Residence Facility on the Modesto A. Maidique campus of the University (the "Project"). The Project will be constructed as a suite-style residence hall with 620 beds and will include approximately 300 parking spaces to be available to the residents only and some ancillary space to service the residents. The Project is consistent with the University's Campus Master Plan. The total Project construction cost is expected to be approximately \$45 Million with an approximately \$5 million cash contribution from the Housing's reserves.

The Administration recommends that the Board of Trustees authorize a request from the Board of Governors to the Division of Bond Finance to issue up to \$47,500,000 of fixed rate, revenue bonds to finance the construction of the Project, finance capitalized interest, fund a debt service reserve fund and pay costs of issuing the Bonds. The Bonds will mature thirty (30) years after issuance with level annual debt service payments.

This request is consistent with the Florida Board of Governors Debt Management Guidelines dated September 16, 2010; Sections 1010.62 of the Florida Statutes; and Article IX, Section 7, Florida Constitution.

Supporting Documentation: Requesting Resolution in Board of Governors Form
Appendix A

Facilitator/Presenter: Albert Maury, *Finance and Audit Committee Chair*

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A RESOLUTION AUTHORIZING THE ISSUANCE OF DEBT AND REQUESTING THE FLORIDA BOARD OF GOVERNORS TO APPROVE THE ISSUANCE OF SUCH DEBT TO FINANCE THE CONSTRUCTION OF A 620 BED STUDENT RESIDENCE FACILITY (UNIVERSITY HOUSING – PHASE I) ON THE MODESTO A. MAIDIQUE CAMPUS OF FLORIDA INTERNATIONAL UNIVERSITY, PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF TRUSTEES:

Section 1. The Board of Trustees (the “Board of Trustees”) of the Florida International University (the “University”) hereby requests the Florida Board of Governors to request the Division of Bond Finance of the State Board of Administration of Florida (the “Division”) to issue bonds in an amount not exceeding \$47,500,000 (the “Bonds”) for the purpose of financing a (i) a Student Residence Facility, (ii) capitalized interest, (iii) a debt service reserve fund and (iv) certain costs relating to the Bonds (the “Project”) on the campus of the University.

Section 2. The Project will consist of approximately 620 beds and will include approximately 300 parking spaces for the residents and some ancillary space to service the residents. The Project is reflected on the approved master plan for the University and is consistent with the mission of the University because it will provide additional housing for use by students of the University. Construction of the Project is expected to begin February 2012 and to be completed by July 2013. Proceeds of the Bonds are not anticipated to be sufficient to complete the construction of the Project without the use of additional funds. Additional necessary funding in the amount of approximately \$5,000,000 will be obtained from cash reserves of the University’s housing system. Legislative approval of the Project has been obtained pursuant to section 1010.62, Florida Statutes. No proceeds of the Bonds will be used to finance operating expenses of the University. The issuance of Bonds by the Division for the purpose of reimbursing the University for capital expenditures paid for the Project from legally available funds of the University is hereby authorized.

Section 3. The Bonds are to be secured by net housing system revenues derived primarily from rental income, summer special event rentals, net parking revenues paid by the residents and other miscellaneous collections after deducting operating and maintenance expenses (the “Pledged Revenues”) and will be issued on parity with the system’s outstanding debt. The University is legally authorized to secure the Bonds with the revenues to be pledged pursuant to section 1010.62, Florida Statutes. The University is also committed to ensuring that sufficient revenues will be generated to fulfill the University’s obligations with respect to the Bonds.

Section 4. The Bonds will mature not more than 30 years after issuance, including any extensions or renewals thereof. The Project has an estimated useful life of 50 years, which is beyond the anticipated final maturity of the Bonds. The Bonds will bear interest at a fixed interest rate.

Section 5. (Reserved for variable rate debt and not applicable)

Section 6. (Reserved for taxable debt and not applicable)

Section 7. The Bonds will be sold through competitive sale. Any selection of underwriters or financial advisors will be accomplished through a competitive selection process. Any bond insurance or other credit enhancement will be chosen through a competitive selection process analyzing the cost of the insurance or credit enhancement and the expected interest cost savings resulting from their use.

Section 8. The Board of Trustees will comply, and will require the University to comply, with all requirements of federal and state law relating to the Bonds, including but not limited to, laws relating to maintaining the exemption from taxation of interest payments on the Bonds and continuing secondary market disclosure of information regarding the Bonds.

Section 9. The President, Chief Financial Officer and other authorized representatives of the University and the Board of Trustees are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions as they may deem necessary or desirable, in connection with the execution, sale and delivery of the Bonds.

Section 10. In making the determination to finance the Project, the Board of Trustees has reviewed the information attached to Appendix A and finds that the issuance of the Bonds is in compliance with the Debt Management Guidelines, the University's debt management policy, and applicable law.

Section 11. This Resolution shall take effect immediately upon its adoption.

CERTIFICATE OF THE CORPORATE SECRETARY

The undersigned, Corporate Secretary of the Florida International University Board of Trustees, does hereby certify that the attached resolution relating to the issuance of Bonds by the Division of Bond Finance of the State Board of Administration of Florida is a true and accurate copy as adopted by the Florida International University Board of Trustees on March 30, 2011 and said resolution has not been modified or rescinded and is in full force and effect on the date hereof.

BOARD OF TRUSTEES OF FLORIDA INTERNATIONAL UNIVERSITY

Dated: _____, 2011

By: _____
Corporate Secretary

Appendix A

The following documents have been reviewed by the Board of Trustees prior to the execution of this Resolution:

1. the project summary;
2. a draw schedule for the project;
3. sources and uses of funds for the project;
4. an estimated debt service schedule;
5. debt service schedules for any outstanding debt with a lien on the pledged revenues;
6. a schedule showing estimated compliance with any additional bonds requirement set forth in the documents governing the outstanding debt;
7. a description of the security supporting repayment and the lien position the debt will have on that security;
8. a five year history, if available, and a five year projection, of the pledged revenues and the debt service coverage.

Appendix A: Item 1
Project Summary
Florida International University
University Housing Project – Phase I (BT-889)

Project Description:

The proposed housing expansion project will be constructed on the Florida International University's main campus and will provide an additional 620 beds to the existing capacity of 3,000 students in the housing system. The project will be constructed as four bedroom suites, each bedroom designed for single occupancy, with one bathroom and a shared common area housing a total of four students. Serving residents will be community lounges, a multipurpose room and other spaces which are provided to accommodate residential life programs and activities. In addition, four staff apartments will be provided to house full-time professional staff members and graduate assistants. The project will include approximately 300 parking spaces and some ancillary space to service the residents. The parking spaces at this facility will only be available to the residents of the facility and will not be designated as part of the University's parking system. Revenues from resident parking fees for the project shall be considered as revenues of the housing system. It is anticipated that Phase II of the project, consisting of an adjacent building that will also include 620 beds, will be constructed approximately two years later.

The project is included in the current Campus Master Plan.

Facility Site Location:

The proposed project will be located in the central, southern area of the Modesto A. Maidique campus of the University.

**Projected Start and
Opening Date:**

It is anticipated that construction of the project will commence in February 2012 and that the project will be open and available for occupancy in July 2013.

Demand Analysis:

The University has very limited on-campus housing. The student body now exceeds 42,000 headcount, with only 3,000 students living on-campus. The University's goal is to house 20 percent of the total full-time student body by the year 2016. In order to achieve this goal, the University must construct an additional 3,000 bed spaces. With the addition of a Law School, Bowl Championship Subdivision Football, and the Medical School, the University is anticipating unprecedented growth in demand for on-campus housing services. The current housing need at the Modesto A. Maidique Campus is estimated at 1,240 additional bed spaces.

The assessment of student needs indicates an equal desire for privacy and the opportunity to share a common living space with other students. A design of this nature provides the undergraduate student an opportunity for privacy for sleeping and studying in his/or her bedroom while still providing space for social interaction. Other important design criteria include computer access to wireless internet services, personal storage space, and the capacity to prepare and store quick meals/snacks, adequate study space, minimal noise transmission between living spaces, ample security measures, and provisions for indoor/outdoor recreational

activities.

Although off-campus housing has been an acceptable alternative for some students, rising costs and limited availability are two prohibitive factors. Off-campus apartment rental rates have increased consistently over the past several years and this trend is expected to continue for the foreseeable future. The immediate area surrounding the Modesto A. Maidique Campus is fully developed and primarily consists of retail shops, restaurants and single family homes.

Demand by non-student tenants has reduced availability of affordable off-campus housing. A number of the older, more affordable apartments are not well maintained and are not desirable for student housing. This creates a poor environment for students and causes worry and concerns for parents. As safety concerns increase, the shortage of adequate on-campus housing will impede the growth of the University and negatively impact the University's ability to recruit students.

Evidence that the lack of on-campus housing discourages some quality students from attending the University comes when applicants learn they will not be assigned to on-campus housing, withdraw their application and go elsewhere. In some cases, parents will not allow them to come to Miami and live off-campus and in other cases parents cannot afford the additional expense of off-campus housing.

Students living off-campus encounter an array of problems for which no immediate assistance is available. There is no in-house support when landlord, roommate, or academic problems arise. Additionally, much student effort goes toward working to pay rent, furnishing living quarters and commuting. In contrast, on-campus residents are free to devote all their energy to academic pursuits. When problems do arise, interested and informed assistance is readily available.

The resident student is freer to explore, develop, and fully participate in the college experience. Students who live on-campus are more likely to graduate, know a faculty member, complete their degree within four years, and participate in extracurricular activities. It is this group of students that gives a specific character and sense of campus life to an institution.

In conclusion, there is a demonstrated need for additional on-campus student housing. The University, with a present total bed capacity of 3,000 students, does not have sufficient housing capacity to meet its growing student enrollment. Many students who desired on-campus housing on the Modesto A. Maidique Campus this year had to be placed in housing on the Biscayne Bay Campus or chose not to attend the University. The University will increasingly depend upon the availability of on-campus housing in order to attract high quality students with greater diversity. The construction of additional undergraduate and graduate student housing is critical to the achievement of the University's goal to become a top public urban research university.

**Project Cost and
Financing Structure:**

The total project cost, which includes construction and associated design costs, is estimated at \$45 million, and will be funded through bond proceeds and an approximately \$5 million contribution from the housing system cash reserves. The project will be financed with fixed rate, tax-exempt revenue bonds issued by the Florida State Board of Administration's Division of Bond Finance, on behalf of Florida International University, in an amount not to exceed \$47,500,000. The bond issue will be structured with a 30 year final maturity and approximately level debt service. Approximately \$4.3 million of the debt will be used to fund capitalized interest during the construction period.

Construction of the project will be administered by the University under the supervision of its Facilities Management Department consistent with the construction of previous University housing phases.

Security/Lien Structure:

Net housing system revenues will be pledged for the payment of debt service on parity with the system's outstanding debt. These revenues are derived primarily from rental income, summer special event rentals, the net revenues from the parking spaces associated with this project and other miscellaneous collections after deducting operating and maintenance expenses ("Pledged Revenues"). When the facility opens in FY2013-14, the projected rental rate for fall and spring semesters is \$4,000 per bed for the four-bedroom suites. These rates are consistent with rental rates for existing facilities at the University and across the State University System.

The debt will be payable solely from the Pledged Revenues and secured as to the payment of principal and interest, on a parity with the State of Florida, Florida Education System, Florida International University Housing Facility Revenue Bonds, Series 2004A the State of Florida, Board of Regents, Florida International University Housing Facility Revenue Bonds, Series 1998 and the State of Florida, Board of Regents, Florida International University Housing Facility Revenue Bonds, Series 1998 by a lien on the Pledged Revenues. Currently, \$74,910,000 in aggregate principal amount is outstanding.

**Pledged Revenues and
Debt Service Coverage:**

According to the forecasts provided by the FIU staff, the system is expected to generate Pledged Revenues of \$13,790,220 in FY2013-14, the first year of operation, and would produce a maximum annual debt service coverage ratio of 1.30X. For the second year of operation, the system is expected to generate Pledged Revenues of \$14,120,742 which would produce a maximum annual debt service coverage of 1.34X.

For the entire system, during the past five year period from FY2005-06 to FY2009-10, Pledged Revenues ranged from \$7,791,902 in 2005-06 to \$11,997,769 in 2007-08. This resulted in maximum annual debt service coverage which ranged from 1.09X to 1.68X. For FY2010-11 to FY2014-15, Pledged Revenues for the system are projected to grow from \$9,997,429 to \$14,120,742 with estimated coverage of 1.40X in FY2010-11, 1.35X in FY2011-12, 1.42X in FY2012-13, 1.30X in FY2013-14 and 1.34X in FY2014-15. It has been assumed that interest payments on the

proposed debt during the 18-month construction period through August 2013 will be provided from proceeds of the debt.

The projected debt service coverages have been calculated using an interest rate of 6 percent. The projected revenues are based, in part, upon 3 percent annual rental rate increases through FY2014-15. Annual operating expenses are expected to increase by approximately 2 percent per year.

A detailed schedule with the five year history and a five year projection of the Pledged Revenues, annual debt service coverage and maximum annual debt service coverage are included in the attached Appendix A: Item 8.

Type of Sale:

Competitive.

**Analysis and
Recommendation:**

University staff has reviewed the information provided by the Housing Office with respect to the request for Board of Governors approval for the subject financing. University staff feels that demand for the existing and proposed housing is adequate to support construction of the proposed project. Additionally, the housing system has historically generated positive debt service coverage and is projected to continue to provide adequate debt service coverage in the future based upon projections by the University. Based upon a review of the information, it appears that the financing is in compliance with the Florida Statutes governing the issuance of university debt and the Board of Governors' Debt Management Guidelines. The University administration recommends adoption of the resolution authorizing the proposed financing.

Estimated Project Cost

Design Start Date

Construction Start Date

Construction Completion Date

Estimated Useful Life

Bond Issuance Date

\$ 45,000,000

3/1/2011

2/1/2012

7/31/2013

50 years

1/1/2012

DRAW SCHEDULE																			
	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Total
a. Construction Cost	\$ -	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 2,138,704	\$ 36,357,976
b. Professional Fees																			-
Base Agreement - A/E (as per contract)	1,912,430																		1,912,430
Special Consultants & Inspectors	300,000																		300,000
Construction Manager (1%) - Pre-Construction fees	363,580																		363,580
c. Fire Marshal																	90,895		90,895
d. Inspection Services																			-
Project Representative	300,000																		300,000
Roof Inspector	-																		-
Threshold Inspector	200,000																		200,000
f. Surveys/Tests																			-
Topographical Survey	16,000																		16,000
Geotechnical Tests	20,000																		20,000
Concrete Test	40,000																		40,000
HVAC System Tests	55,000																		55,000
HVAC Test & Balance	75,000																		75,000
g. Permit/Impact/Environmental Fees																			-
Permits - WASA , Elevator	17,225																		17,225
Code Compliance	163,662																		163,662
Impacts	1,500																		1,500
Environmental	3,000																		3,000
i. Movable Furnishings & Equipment																		1,483,733	1,483,733
j. Contingencies	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	125,000	2,250,000
Construction Services Reimbursement (3%)	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	1,350,000
Total	\$ 3,667,396	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,338,704	\$ 2,429,599	\$ 3,822,437	\$ 45,000,000
Percent completed	8.1%	13.3%	18.5%	23.7%	28.9%	34.1%	39.3%	44.5%	49.7%	54.9%	60.1%	65.3%	70.5%	75.7%	80.9%	86.1%	91.5%	100.0%	

STATE OF FLORIDA, BOARD OF GOVERNORS
FLORIDA INTERNATIONAL UNIVERSITY HOUSING FACILITY REVENUE BONDS, SERIES 2012
Estimated Sources and Uses of Funds
University Housing Project, Phase 1 (BT-889)
for Fiscal Year 2012-2013

Sources of Funds

Bond Par Amount	\$ 47,500,000	Series 2012 Bonds par amount based on a fixed, tax-exempt interest rate of 6% for 30 years.
Less: Costs of Issuance		
Total Costs of Issuance	\$ (484,200)	Based on estimates
Plus: Cash Contribution	\$ 5,000,000	
Plus: Interest Earnings (Construction Trust Fund)	\$ 712,500	Based on net bond proceeds deposited in the construction fund, invested for 15 months at an estimated interest rate of 2%.
Total Sources of Funds	<u>\$ 52,728,300</u>	

Uses of Funds

Project Cost (Planning, Design, Construction & Equipment)	\$ 45,000,000	Cost of planning, design, construction, and equipment.
Debt Service Reserve Account	\$ 3,453,300	Fully funded at maximum annual debt service on the bonds.
Estimated Interest to be paid during Construction (Capitalized Interest)	\$ 4,275,000	This represents 18 months of capitalized interest to be paid from bond proceeds at an interest rate of 6%.
Total Uses of Funds	<u>\$ 52,728,300</u>	

March 15, 2011

Estimated Debt Service				
<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Debt Service</u>	<u>Coupon*</u>
1	600,000	2,850,000	3,450,000	6.000%
2	635,000	2,814,000	3,449,000	6.000%
3	675,000	2,775,900	3,450,900	6.000%
4	715,000	2,735,400	3,450,400	6.000%
5	760,000	2,692,500	3,452,500	6.000%
6	805,000	2,646,900	3,451,900	6.000%
7	850,000	2,598,600	3,448,600	6.000%
8	905,000	2,547,600	3,452,600	6.000%
9	960,000	2,493,300	3,453,300	6.000%
10	1,015,000	2,435,700	3,450,700	6.000%
11	1,075,000	2,374,800	3,449,800	6.000%
12	1,140,000	2,310,300	3,450,300	6.000%
13	1,210,000	2,241,900	3,451,900	6.000%
14	1,280,000	2,169,300	3,449,300	6.000%
15	1,360,000	2,092,500	3,452,500	6.000%
16	1,440,000	2,010,900	3,450,900	6.000%
17	1,525,000	1,924,500	3,449,500	6.000%
18	1,620,000	1,833,000	3,453,000	6.000%
19	1,715,000	1,735,800	3,450,800	6.000%
20	1,820,000	1,632,900	3,452,900	6.000%
21	1,925,000	1,523,700	3,448,700	6.000%
22	2,040,000	1,408,200	3,448,200	6.000%
23	2,165,000	1,285,800	3,450,800	6.000%
24	2,295,000	1,155,900	3,450,900	6.000%
25	2,435,000	1,018,200	3,453,200	6.000%
26	2,580,000	872,100	3,452,100	6.000%
27	2,735,000	717,300	3,452,300	6.000%
28	2,895,000	553,200	3,448,200	6.000%
29	3,070,000	379,500	3,449,500	6.000%
30	3,255,000	195,300	3,450,300	6.000%
	47,500,000	56,025,000	103,525,000	

March 15, 2011

Total Outstanding Debt with a Lien on Pledged Revenues

Outstanding Debt Service					Projected Debt Service	
Year	Series 1998	Series 2000	Series 2004A	Total	Series 2011	Total
07/01/05	1,735,465	1,096,629	4,084,600	6,916,694		6,916,694
07/01/06	1,730,815	1,096,154	3,661,600	6,488,569		6,488,569
07/01/07	1,734,275	1,098,114	4,292,600	7,124,989		7,124,989
07/01/08	1,735,215	1,098,764	4,297,350	7,131,329		7,131,329
07/01/09	1,733,635	1,098,514	4,297,100	7,129,249		7,129,249
07/01/10	1,730,385	1,096,894	4,296,850	7,124,129		7,124,129
07/01/11	1,733,995	1,099,109	4,296,350	7,129,454		7,129,454
07/01/12	1,731,100	1,094,646	4,295,350	7,121,096		7,121,096
07/01/13	1,731,120	1,098,565	4,293,600	7,123,285		7,123,285
07/01/14	1,733,770	1,096,078	4,290,850	7,120,698	3,450,000	10,570,698
07/01/15	1,733,750	1,096,865	4,296,850	7,127,465	3,449,000	10,576,465
07/01/16	1,735,525	1,094,735	4,295,850	7,126,110	3,450,900	10,577,010
07/01/17	1,735,163	1,095,745	2,217,850	5,048,758	3,450,400	8,499,158
07/01/18	1,732,663	1,094,605	2,221,650	5,048,918	3,452,500	8,501,418
07/01/19	1,733,025	1,096,280	2,218,650	5,047,955	3,451,900	8,499,855
07/01/20	1,731,013	1,095,855	2,219,050	5,045,918	3,448,600	8,494,518
07/01/21	1,731,625	1,097,925	2,222,650	5,052,200	3,452,600	8,504,800
07/01/22	1,731,625	1,099,106	2,221,225	5,051,956	3,453,300	8,505,256
07/01/23	1,733,625	1,097,981	2,217,675	5,049,281	3,450,700	8,499,981
07/01/24	1,730,688	1,099,550	2,220,363	5,050,600	3,449,800	8,500,400
07/01/25	1,734,900	1,098,556	2,220,425	5,053,881	3,450,300	8,504,181
07/01/26	1,734,425		2,221,075	3,955,500	3,451,900	7,407,400
07/01/27	1,731,025		2,218,800	3,949,825	3,449,300	7,399,125
07/01/28	1,734,700		2,218,600	3,953,300	3,452,500	7,405,800
07/01/29			2,220,250	2,220,250	3,450,900	5,671,150
07/01/30			2,218,525	2,218,525	3,449,500	5,668,025
07/01/31			2,218,425	2,218,425	3,453,000	5,671,425
07/01/32			2,219,725	2,219,725	3,450,800	5,670,525
07/01/33			2,222,200	2,222,200	3,452,900	5,675,100
07/01/34			2,220,625	2,220,625	3,448,700	5,669,325
07/01/35					3,448,200	3,448,200
07/01/36					3,450,800	3,450,800
07/01/37					3,450,900	3,450,900
07/01/38					3,453,200	3,453,200
07/01/39					3,452,100	3,452,100
07/01/40					3,452,300	3,452,300
07/01/41					3,448,200	3,448,200
07/01/42					3,449,500	3,449,500
07/01/43					3,450,300	3,450,300
07/01/44						

Parity - Incurrence Test (Additional Bonds Covenant)

	<u>FY2008-09</u>	<u>FY2009-10</u>	<u>Average</u>
Rental Income	\$ 22,865,946	\$ 23,188,374	
plus Other Non-operating Income	(240,626)	302,271	
less Housing System Expenses	(12,667,923)	(12,896,489)	
Pledged Revenues (Unadjusted)	<u>9,957,397</u>	<u>10,594,156</u>	<u>\$ 10,275,777</u>
Adjustments			
Rental Rate Increases			
FY2009-10 ¹	352,551		
FY2010-11 ²	351,945	351,945	
FY2011-12 ³	381,104	381,104	
2012 Project Year 1 Operation ⁴	3,696,213	3,696,213	
Adjusted Pledged Revenues	<u>\$ 14,739,210</u>	<u>\$ 15,023,418</u>	<u>\$ 14,881,314</u>
Average Adjusted Pledged Revenues			\$ 14,881,314
MADS with Additional \$47.5 Million 2012 Bonds			10,577,010
Maximum Annual Debt Service Coverage			1.41 X

¹ Represents the projected increase Rental Income of about 1.5% per year from FY2008-09 to FY2009-10 due to approved fee increases.

² Represents the projected increase Rental Income of about 1.5% per year from FY2009-10 to FY2010-11 due to approved fee increases.

³ Represents the projected increase Rental Income of about 1.5% per year from FY2010-11 to FY2011-12 due to expected fee increases.

⁴ Represents the projected additional Pledged Revenues in the first twelve months of operation after completion of the construction of the new residence hall.

**Security/Lien
Structure:**

Net housing system revenues will be pledged for the payment of debt service on parity with the system's outstanding debt. These revenues are derived primarily from rental income, summer special event rentals, and other miscellaneous collections (such as the net revenues from the parking spaces associated with this project) after deducting operating and maintenance expenses ("Pledged Revenues"). When the facility opens in FY2013-14, the projected rental rate for fall and spring semesters is \$4,000 per bed for the four-bedroom suites. These rates are consistent with rental rates for existing facilities at FIU and across the State University System.

The debt will be payable solely from net housing system revenues and secured as to the payment of principal and interest, on a parity with the State of Florida, Florida Education System, Florida International University Housing Facility Revenue Bonds, Series 2004A the State of Florida, Board of Regents, Florida International University Housing Facility Revenue Bonds, Series 1998 and the State of Florida, Board of Regents, Florida International University Housing Facility Revenue Bonds, Series 1998 by a lien on the Pledged Revenues. Currently, \$74,910,000 in aggregate principal amount is outstanding.

**STATE OF FLORIDA, BOARD OF GOVERNORS
FLORIDA INTERNATIONAL UNIVERSITY
HOUSING FACILITY REVENUE BONDS, SERIES 2012**

5-YEAR HISTORICAL AND PROJECTED DEBT SERVICE COVERAGE¹

	Historical					Projected				
	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
Operating Revenues										
Rental Income ²	\$14,353,288	\$19,577,253	\$21,242,663	\$22,865,946	\$23,188,374	\$23,880,413	\$23,875,011	\$24,541,882	\$30,183,896	\$31,050,521
Total Housing System Revenues	\$14,353,288	\$19,577,253	\$21,242,663	\$22,865,946	\$23,188,374	\$23,880,413	\$23,875,011	\$24,541,882	\$30,183,896	\$31,050,521
Current Expenses^{3,4}										
Personnel Services	2,762,748	3,518,822	3,994,637	3,948,091	4,237,266	4,711,744	4,840,103	4,943,935	5,818,906	5,946,151
Contractual Services	2,142,064	4,726,378	4,980,383	6,573,454	6,759,518	6,986,650	7,162,912	7,361,051	8,088,387	8,311,635
Other Operating Expenses	1,635,697	2,259,103	1,910,157	2,146,378	1,899,705	2,218,178	2,434,056	2,537,994	3,077,706	3,208,633
Total Current Expenses	6,540,509	10,504,303	10,885,177	12,667,923	12,896,489	13,916,572	14,437,071	14,842,980	16,984,998	17,466,418
Net Housing System Revenues	7,812,779	9,072,950	10,357,486	10,198,023	10,291,885	9,963,841	9,437,940	9,698,902	13,198,898	13,584,103
Interest Income	20,580	880,667	1,695,745	-213,585	329,312	33,588	177,845	395,105	591,321	536,639
Other Non-Operating Expense	-41,457	1,412,876	-75,462	-27,041	-27,041	0	0	0	0	0
Non-operating Income/(Expense)	-20,877	2,293,543	1,620,283	-240,626	302,271	33,588	177,845	395,105	591,321	536,639
Pledged Revenues	7,791,902	11,366,493	11,977,769	9,957,397	10,594,156	9,997,429	9,615,786	10,094,007	13,790,220	14,120,742
Annual Debt Service:										
1998 Bonds	1,730,815	1,734,275	1,735,215	1,733,635	1,730,385	1,733,995	1,731,100	1,731,120	1,733,770	1,733,750
2000 Bonds	1,096,154	1,098,114	1,098,764	1,098,514	1,096,894	1,099,109	1,094,646	1,098,565	1,096,078	1,096,865
2004 Bonds	3,661,600	4,292,600	4,297,350	4,297,100	4,296,850	4,296,350	4,295,350	4,293,600	4,290,850	4,296,850
2012 Bonds ⁵									3,450,000	3,449,000
Total Annual Debt Service	6,488,569	7,124,989	7,131,329	7,129,249	7,124,129	7,129,454	7,121,096	7,123,285	10,570,698	10,576,465
Maximum Annual Debt Service	7,131,329	7,131,329	7,131,329	7,131,329	7,131,329	7,131,329	7,131,329	7,131,329	10,577,010	10,577,010
Coverage Ratios										
Annual Debt Service	1.20x	1.60x	1.68x	1.40x	1.49x	1.40x	1.35x	1.42x	1.30x	1.34x
Maximum Annual Debt Service	1.09x	1.59x	1.68x	1.40x	1.49x	1.40x	1.35x	1.42x	1.30x	1.34x

¹ The financial information related to revenues and expenses was provided by the University and has not been audited.

² Rental Income projected to increase by 3 percent every fiscal year starting in FY 2012-13 at the Modesto Maidique Campus and 3 percent in FY 2014-15 at the Biscayne Bay Campus.

Rental Income also includes net revenues from the 300 parking spaces associated with this project.

³ Current expenditures include costs associated with salaries, utilities, routine maintenance, supplies and repairs, less depreciation expense.

⁴ Employee salaries and fringe benefits are projected to increase 2 percent per year; other personnel services expenses are projected to increase 2 percent per year.

⁵ Estimated debt service was calculated based on the par amount of \$47.5 million, \$4.3 million capitalized interest, \$3.5 million DSRF and a 6 percent interest rate.

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

**Subject: Authorization for the Issuance of Debt to Finance the Construction of Parking
Garage 6 at the University's Modesto A. Maidique Campus**

Proposed Board Action:

Approve, and request the Board of Governors to approve, the issuance of revenue bonds to finance construction of a Parking Garage on the Modesto A. Maidique campus of the University.

Background Information:

The Department of Parking and Transportation has submitted a proposal for financing and constructing a new Parking Garage 6 on the Modesto A. Maidique campus of the University (the "Project"). The Project will be constructed as a multi-story structure with approximately 2,000 parking spaces. The Project is consistent with the University's Campus Master Plan. The total Project construction cost is expected to be approximately \$37 million. The Department of Parking and Transportation plans to contribute approximately \$9 million from cash reserves to fund the Project.

The Administration recommends that the Board of Trustees authorize a request from the Board of Governors to the Division of Bond Finance to issue up to \$33,500,000 of fixed rate, revenue bonds to finance the construction of the Project, finance capitalized interest, fund a debt service reserve fund and pay costs of issuing the Bonds. The Bonds will mature thirty (30) years after issuance with level annual debt service payments.

This request is consistent with the Florida Board of Governors Debt Management Guidelines dated September 16, 2010; Sections 1010.62 of the Florida Statutes; and Article IX, Section 7, Florida Constitution.

Supporting Documentation: Requesting Resolution in Board of Governors Form
Appendix A

Facilitator/Presenter: Albert Maury, *Finance and Audit Committee Chair*

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A RESOLUTION AUTHORIZING THE ISSUANCE OF DEBT AND REQUESTING THE FLORIDA BOARD OF GOVERNORS TO APPROVE THE ISSUANCE OF SUCH DEBT TO FINANCE THE CONSTRUCTION OF A 2,000 SPACE PARKING GARAGE ON THE MODESTO A. MAIDIQUE CAMPUS OF FLORIDA INTERNATIONAL UNIVERSITY, PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF TRUSTEES:

Section 1. The Board of Trustees (the “Board of Trustees”) of the Florida International University (the “University”) hereby requests the Florida Board of Governors to request the Division of Bond Finance of the State Board of Administration of Florida (the “Division”) to issue bonds in an amount not exceeding \$33,500,000 (the “Bonds”) for the purpose of financing a (i) a parking garage, (ii) capitalized interest, (iii) a debt service reserve fund and (iv) certain costs relating to the Bonds (the “Project”) on the campus of the University.

Section 2. The Project will consist of approximately 2,000 spaces. The Project is reflected on the approved master plan for the University and is consistent with the mission of the University because it will provide additional parking for use by students, faculty and staff of the University. Construction of the Project is expected to begin February 2012 and to be completed by July 2013. Proceeds of the Bonds are not anticipated to be sufficient to complete the construction of the Project without the use of additional funds. Additional necessary funding in the amount of approximately \$9,000,000 will be obtained from cash reserves of the University’s parking system. Legislative approval of the Project has been obtained pursuant to section 1010.62, Florida Statutes. No proceeds of the Bonds will be used to finance operating expenses of the University. The issuance of Bonds by the Division for the purpose of reimbursing the University for capital expenditures paid for the Project from legally available funds of the University is hereby authorized.

Section 3. The Bonds are to be secured by net parking system revenues derived primarily from a per credit hour student transportation access fee, faculty and staff parking decal sales, fines, and other miscellaneous revenues, after deducting operating and maintenance expenses (“Pledged Revenues”) and will be issued on parity with the system’s outstanding debt. The University is legally authorized to secure the Bonds with the revenues to be pledged pursuant to section 1010.62, Florida Statutes. The University is also committed to ensuring that sufficient revenues will be generated to fulfill the University’s obligations with respect to the Bonds.

Section 4. The Bonds will mature not more than 30 years after issuance, including any extensions or renewals thereof. The Project has an estimated useful life of 50 years, which is beyond the anticipated final maturity of the Bonds. The Bonds will bear interest at a fixed interest rate.

Section 5. (Reserved for variable rate debt and not applicable)

Section 6. (Reserved for taxable debt and not applicable)

Section 7. The Bonds will be sold through competitive sale. Any selection of underwriters or financial advisors will be accomplished through a competitive selection process. Any bond insurance or other credit enhancement will be chosen through a competitive selection process analyzing the cost of the insurance or credit enhancement and the expected interest cost savings resulting from their use.

Section 8. The Board of Trustees will comply, and will require the University to comply, with all requirements of federal and state law relating to the Bonds, including but not limited to, laws relating to maintaining the exemption from taxation of interest payments on the Bonds and continuing secondary market disclosure of information regarding the Bonds.

Section 9. The President, Chief Financial Officer and other authorized representatives of the University and the Board of Trustees are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions as they may deem necessary or desirable, in connection with the execution, sale and delivery of the Bonds.

Section 10. In making the determination to finance the Project, the Board of Trustees has reviewed the information attached to Appendix A and finds that the issuance of the Bonds is in compliance with the Debt Management Guidelines, the University's debt management policy, and applicable law.

Section 11. This Resolution shall take effect immediately upon its adoption.

CERTIFICATE OF THE CORPORATE SECRETARY

The undersigned, Corporate Secretary of the Florida International University Board of Trustees, does hereby certify that the attached resolution relating to the issuance of Bonds by the Division of Bond Finance of the State Board of Administration of Florida is a true and accurate copy as adopted by the Florida International University Board of Trustees on March 30, 2011 and said resolution has not been modified or rescinded and is in full force and effect on the date hereof.

BOARD OF TRUSTEES OF FLORIDA INTERNATIONAL UNIVERSITY

Dated: _____, 2011

By: _____
Corporate Secretary

Appendix A

The following documents have been reviewed by the Board of Trustees prior to the execution of this Resolution:

1. the project summary;
2. a draw schedule for the project;
3. sources and uses of funds for the project;
4. an estimated debt service schedule;
5. debt service schedules for any outstanding debt with a lien on the pledged revenues;
6. a schedule showing estimated compliance with any additional bonds requirement set forth in the documents governing the outstanding debt;
7. a description of the security supporting repayment and the lien position the debt will have on that security;
8. a five year history, if available, and a five year projection, of the pledged revenues and the debt service coverage.

Appendix A: Item 1
Project Summary
Florida International University
Parking Garage Six

Project Description:	<p>The proposed project is a multi-level parking structure on Florida International University's main campus and will provide approximately 2,000 structured parking spaces to accommodate students, faculty, and staff.</p> <p>The project is included in the current Campus Master Plan.</p>
Facility Site Location:	<p>The current Campus Master Plan reflects the location of Parking Garage Six to the west of Parking Garage Four (Red Garage). It is anticipated that Parking Garage Six will be located just east of the Wertheim Performing Arts Center, partially on leased land of the Youth Fair property, or west of the Wertheim Performing Arts Center on leased land of Miami-Dade County.</p>
Projected Start and Opening Date:	<p>It is anticipated that construction of the project will commence in February 2012 and that the project will be open and available for occupancy in July 2013.</p>
Demand Analysis:	<p>The University community is presently comprised of over 42,000 students, over 6,000 full and part-time faculty and staff and a large number of daily visitors. Drivers of the 37,203 currently permitted student vehicles and 6,750 permitted employee vehicles compete for the 14,965 available parking spaces.</p> <p>Of the 14,965 spaces, 9,462 are available for students and 2,877 are available for faculty and staff. The remaining spaces consist of service vehicles spaces, visitor lot spaces, metered spaces and loading zones. The ratio of space availability to decal holders is 1 space for every 3.9 students and 1 space for every 2.3 faculty and staff. Unmet parking demands are expected to increase over time due to projected annual enrollment growth of approximately five percent. In addition, the construction of a 620-bed housing facility will displace some surface spaces throughout construction over the next two years. The proposed project will increase the total spaces on campus to approximately 17,000 and approximately 6,900 structured parking spaces.</p>
Project Cost and Financing Structure:	<p>The total project cost, which includes construction and associated design costs, is estimated at \$37 million and will be funded through bond proceeds and an approximately \$9 million contribution from the parking system cash reserves. The project will be financed with fixed rate, tax-exempt revenue bonds issued by the Florida State Board of Administration's Division of Bond Finance, on behalf of Florida International University, in an amount not to exceed \$33,500,000. The bond issue will be structured with a 30 year final maturity and approximately level debt service. Approximately \$3.0 million of the debt will be used to fund capitalized interest during the construction period.</p>

Construction of the project will be administered by the University under the supervision of its Facilities Management Department consistent with the construction of previous University parking structures.

Security/Lien Structure:

Net parking system revenues will be pledged for the payment of debt service. These revenues are derived primarily from a student transportation access fee, faculty and staff parking decal sales, fines, and other miscellaneous revenues, after deducting operating and maintenance expenses ("Pledged Revenues"). The transportation access fee was increased from an average of \$75.00 per semester for the 2009-10 academic year to an average of \$79.00 per semester for academic year 2010-11. The University retains the ability to increase student fees, decal rates, fines, meter rates and other sources of revenue.

The debt will be payable solely from Pledged Revenues and secured as to the payment of principal and interest, on a parity with the State of Florida, Florida Board of Education, Florida International University Parking Facility Revenue Bonds, Series 2002, 2009A and 2009B and the State of Florida, Board of Regents, Florida International University Parking Facility Revenue Bonds, Series 1995 and 1999 by a lien on the Pledged Revenues. Currently, \$55,430,000 in aggregate principal amount is outstanding.

**Pledged Revenues and
Debt Service Coverage:**

During the five year period from fiscal year 2005-06 to 2009-10, Pledged Revenues grew from \$4,797,147 to \$7,137,434. These revenues produced maximum annual debt service coverage ratios ranged from a low of 1.18X to a high of 1.52X. These calculations of Pledged Revenues and coverage exclude the revenue and expenses of the Golden Panther Express bus system and vehicle services. Excess Pledged Revenues remaining after payment of debt service were sufficient in each year to pay expenses of the bus system and vehicle services.

Pledged Revenues are projected to be \$6,803,517 in fiscal year 2010-11, growing to \$10,100,833 in fiscal year 2014-2015, resulting in projected maximum annual debt service coverage ratios range from a low of 1.25X to a high of 1.69X. Debt service for the new bond issue will begin in fiscal year 2013-14. The Pledged Revenues for that year are projected at \$9,221,277 and are estimated to produce maximum annual debt service coverage ratios of 1.25X. For fiscal year 2014-15 the Pledged Revenues are expected to produce debt service coverage ratio of 1.37X. Excess Pledged Revenues remaining after payment of debt service are expected to be sufficient in each year to pay expenses of operating the bus system and vehicle services. It has been assumed that interest payments on the proposed debt during the 18-month construction period through August 2013 will be provided from proceeds of the debt.

The projected debt service coverage ratio has been calculated using an interest rate of 6 percent on the bonds and an average of \$79.00 per semester transportation access fee for 2010-11 with an annual increase of 5 percent in both fiscal years 2012-13 and 2014-15. Operating costs, excluding bus system expenses, are projected to increase approximately 2 percent per year.

A detailed schedule with the five year history and a five year projection of the Pledged Revenues, annual debt service coverage and maximum annual debt service coverage are included in the attached Appendix A: Item 8.

Type of Sale:

Competitive

**Analysis and
Recommendations:**

The University staff has reviewed the information with respect to the request for Board of Governors approval for the subject financing. Based primarily upon the increase in transportation access fees and what appear to be reasonable assumptions as to growth in expenses, projections provided by the University indicate that sufficient net revenues will be generated to pay debt service on the Bonds and the outstanding Parking Bonds. It appears that the proposed financing is in compliance with Florida Statutes governing the issuance of university debt and the Board of Governors Debt Management Guidelines. Accordingly, adoption of the resolution authorizing the proposed financing is recommended.

Estimated Project Cost

\$ 37,000,000

Design Start Date

3/1/2011

Construction Start Date

2/1/2012

Construction Completion Date

7/31/2013

Estimated Useful Life

50 years

Bond Issuance Date

1/1/2012

DRAW SCHEDULE																			
	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Total
a. Construction Cost	\$ 1,539,787	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 1,751,434	\$ 31,314,158
b. Professional Fees																			-
Base Agreement - A/E (as per contract)	1,684,720																		1,684,720
c. Fire Marshal																	78,285		78,285
d. Inspection Services																			
Project Representative	191,700																		191,700
Code Inspector	105,000																		105,000
Threshold Inspector	210,000																		210,000
f. Surveys/Tests																			
Topographical Survey	10,000																		10,000
Geotechnical Tests	15,000																		15,000
Soil and Concrete Testing	70,000																		70,000
Post-tension stressing review & logging	56,000																		56,000
HVAC System Tests	2,500																		2,500
g. Permit/Impact/Environmental Fees																			
Permits (Stormwater DEP)	5,000																		5,000
WASA	3,000																		3,000
i. Movable Furnishings & Equipment																		299,837	299,837
j. Contingencies	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	61,558	1,108,050
Construction Services Reimbursement (3%)	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	102,597	1,846,750
Total	\$ 4,056,862	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,915,589	\$ 1,993,875	\$ 2,215,426	\$ 37,000,000
Percent drawn	11.0%	16.1%	21.3%	26.5%	31.7%	36.9%	42.0%	47.2%	52.4%	57.6%	62.7%	67.9%	73.1%	78.3%	83.4%	88.6%	94.0%	100.0%	

STATE OF FLORIDA, BOARD OF GOVERNORS
FLORIDA INTERNATIONAL UNIVERSITY PARKING REVENUE BONDS, SERIES 2012
Estimated Sources and Uses of Funds
Parking Garage 6
for Fiscal Year 2012-2013

Sources of Funds

Bond Par Amount	\$ 33,500,000	Series 2012 Bonds par amount based on a fixed, tax-exempt interest rate of 6% for 30 years.
Less: Costs of Issuance Total Costs of Issuance	\$ (551,200)	Based on estimates
Plus: Cash Contribution	\$ 9,000,000	
Plus: Interest Earnings (Construction Trust Fund)	\$ 502,500	Based on net bond proceeds deposited in the construction fund, invested for 15 months at an estimated interest rate of 2%.
Total Sources of Funds	<u>\$ 42,451,300</u>	

Uses of Funds

Project Cost (Planning, Design, Construction & Equipment)	\$ 37,000,000	Cost of planning, design, construction, and equipment.
Debt Service Reserve Account	\$ 2,436,300	Fully funded at maximum annual debt service on the bonds.
Estimated Interest to be paid during Construction (Capitalized Interest)	\$ 3,015,000	This represents 18 months of capitalized interest to be paid from bond proceeds at an interest rate of 6%.
Total Uses of Funds	<u>\$ 42,451,300</u>	

Estimated Debt Service				
<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Debt Service</u>	<u>Coupon*</u>
1	425,000	2,010,000	2,435,000	6.000%
2	450,000	1,984,500	2,434,500	6.000%
3	475,000	1,957,500	2,432,500	6.000%
4	505,000	1,929,000	2,434,000	6.000%
5	535,000	1,898,700	2,433,700	6.000%
6	565,000	1,866,600	2,431,600	6.000%
7	600,000	1,832,700	2,432,700	6.000%
8	635,000	1,796,700	2,431,700	6.000%
9	675,000	1,758,600	2,433,600	6.000%
10	715,000	1,718,100	2,433,100	6.000%
11	760,000	1,675,200	2,435,200	6.000%
12	805,000	1,629,600	2,434,600	6.000%
13	855,000	1,581,300	2,436,300	6.000%
14	905,000	1,530,000	2,435,000	6.000%
15	960,000	1,475,700	2,435,700	6.000%
16	1,015,000	1,418,100	2,433,100	6.000%
17	1,075,000	1,357,200	2,432,200	6.000%
18	1,140,000	1,292,700	2,432,700	6.000%
19	1,210,000	1,224,300	2,434,300	6.000%
20	1,280,000	1,151,700	2,431,700	6.000%
21	1,360,000	1,074,900	2,434,900	6.000%
22	1,440,000	993,300	2,433,300	6.000%
23	1,525,000	906,900	2,431,900	6.000%
24	1,620,000	815,400	2,435,400	6.000%
25	1,715,000	718,200	2,433,200	6.000%
26	1,820,000	615,300	2,435,300	6.000%
27	1,930,000	506,100	2,436,100	6.000%
28	2,045,000	390,300	2,435,300	6.000%
29	2,165,000	267,600	2,432,600	6.000%
30	2,295,000	137,700	2,432,700	6.000%
	33,500,000	39,513,900	73,013,900	

Outstanding Debt Service						Projected Debt Service	
Year	Series 1995	Series 1999	Series 2002	Series 2009	Total	Series 2011	Total
07/01/05	597,058	637,269	1,738,531		2,972,858		2,972,858
07/01/06	612,058	638,769	1,739,611		2,990,438		2,990,438
07/01/07	632,058	639,279	1,740,041		3,011,378		3,011,378
07/01/08	633,308	638,769	1,738,366		3,010,443		3,010,443
07/01/09	638,558	637,209	1,741,004	1,032,049	4,048,819		4,048,819
07/01/10	642,138	634,749	1,740,254	1,909,224	4,926,364		4,926,364
07/01/11	643,998	635,999	1,741,494	1,911,024	4,932,514		4,932,514
07/01/12	644,323	635,854	1,741,069	1,912,524	4,933,769		4,933,769
07/01/13	648,088	639,274	1,737,819	1,913,724	4,938,904		4,938,904
07/01/14	649,869	636,174	1,737,219	1,912,861	4,936,123	2,435,000	7,371,123
07/01/15	655,038	636,334	1,737,219	1,909,141	4,937,731	2,434,500	7,372,231
07/01/16	653,325	639,659	1,738,975	1,912,643	4,944,601	2,432,500	7,377,101
07/01/17		636,334	1,737,175	1,908,931	4,282,439	2,434,000	6,716,439
07/01/18		636,094	1,742,030	1,913,074	4,291,197	2,433,700	6,724,897
07/01/19		639,031	1,738,020	1,909,643	4,286,694	2,431,600	6,718,294
07/01/20			1,740,240	1,909,791	3,650,031	2,432,700	6,082,731
07/01/21			1,738,140	1,913,024	3,651,164	2,431,700	6,082,864
07/01/22			1,741,590	1,909,094	3,650,684	2,433,600	6,084,284
07/01/23				1,912,824	1,912,824	2,433,100	4,345,924
07/01/24				1,909,364	1,909,364	2,435,200	4,344,564
07/01/25				1,913,862	1,913,862	2,434,600	4,348,462
07/01/26				1,910,865	1,910,865	2,436,300	4,347,165
07/01/27				1,909,812	1,909,812	2,435,000	4,344,812
07/01/28				1,911,858	1,911,858	2,435,700	4,347,558
07/01/29				1,911,792	1,911,792	2,433,100	4,344,892
07/01/30				1,911,603	1,911,603	2,432,200	4,343,803
07/01/31				1,908,956	1,908,956	2,432,700	4,341,656
07/01/32				1,913,852	1,913,852	2,434,300	4,348,152
07/01/33				1,910,842	1,910,842	2,431,700	4,342,542
07/01/34				1,910,152	1,910,152	2,434,900	4,345,052
07/01/35				1,911,556	1,911,556	2,433,300	4,344,856
07/01/36				1,909,833	1,909,833	2,431,900	4,341,733
07/01/37				1,909,981	1,909,981	2,435,400	4,345,381
07/01/38				1,911,778	1,911,778	2,433,200	4,344,978
07/01/39					-	2,435,300	2,435,300
07/01/40					-	2,436,100	2,436,100
07/01/41					-	2,435,300	2,435,300
07/01/42					-	2,432,600	2,432,600
07/01/43					-	2,432,700	
07/01/44					-		
	-	-	-	48,805,863	97,325,267		



Parity / Incurrence Test

	<u>FY2008-09</u>	<u>FY2009-10</u>	<u>Average</u>
Parking System Revenues	\$ 11,060,794	\$ 11,496,944	\$ 11,278,869
plus Investment Income	69,354	518,854	294,104
less Parking System Expenses	(4,514,344)	(4,545,777)	(4,530,061)
plus Depreciation	1,668,947	1,166,289	1,417,618
Pledged Revenues (Unadjusted)	<u>8,284,751</u>	<u>8,636,309</u>	<u>\$ 8,460,530</u>

Adjustments

2009-10 Rate increases

Executive permits	-
Administrative permits	-
Staff permits (<\$25K)	-
Staff permits (\$25K-\$35K)	-
Staff permits (\$35K-\$45K)	-
Staff permits (\$45K+)	-
Students (Fall/Spring)	-
Students (Summer)	-

2010-11 Rate increases

Executive permits	1,344	1,596
Administrative permits	7,866	7,980
Staff permits (<\$25K)	4,458	4,458
Staff permits (\$25K-\$35K)	3,178	3,178
Staff permits (\$35K-\$45K)	4,080	4,080
Staff permits (\$45K+)	14,234	14,234
Students (Fall/Spring)	281,484	290,644
Students (Summer)	96,936	105,648

Adjusted Pledged Revenues	<u>\$ 8,698,331</u>	<u>\$ 9,068,127</u>	<u>\$ 8,883,229</u>
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Average Adjusted Pledged Revenues	\$ 8,883,229
MADS with Additional \$33.5 Million 2012 Bonds	7,377,101
Maximum Annual Debt Service Coverage	1.2042

**Security/Lien
Structure:**

Parking system revenues will be pledged for the payment of debt service on parity with the system's outstanding debt. These revenues are derived primarily from a student transportation access fee, faculty and staff parking decal sales, fines, and other miscellaneous revenues, after deducting operating and maintenance expenses ("Pledged Revenues").

The debt will be payable solely from and secured as to the payment of principal and interest, on a parity with the State of Florida, Florida Board of Education, Florida International University Parking Facility Revenue Bonds, Series 2002, 2009A and 2009B and the State of Florida, Board of Regents, Florida International University Parking Facility Revenue Bonds, Series 1995 and 1999 by a lien on the Pledged Revenues. Currently, \$55,430,000 in aggregate principal amount is outstanding.

STATE OF FLORIDA, BOARD OF GOVERNORS
FLORIDA INTERNATIONAL UNIVERSITY
PARKING FACILITY REVENUE BONDS, SERIES 2012

5-YEAR HISTORICAL AND PROJECTED DEBT SERVICE COVERAGE ¹

	Historical					Projected				
	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
Operating Revenues										
Parking Decals and Fees ²	\$6,091,210	\$6,633,129	\$7,178,376	\$7,875,089	\$8,678,360	\$9,246,523	\$10,363,480	\$11,356,496	\$11,641,265	\$12,701,246
Visitor Parking ³	349,081	359,173	343,565	351,134	296,801	407,200	410,600	414,000	417,400	420,900
Traffic Fines, Towing & Other Revenue ⁴	575,774	1,006,564	1,183,158	2,344,209	2,188,725	2,536,737	2,852,880	2,921,295	2,994,545	3,068,630
less: Golden Panther Express	-172,317	-237,326	-276,287	-261,616	-283,684	-296,400	-330,100	-345,200	-360,300	-375,600
less: Vehicle Services	0	0	0	-748,022	-882,134	-976,518	-976,518	-976,518	-976,518	-976,518
Total Parking System Revenues	\$6,843,748	\$7,761,540	\$8,428,812	\$9,560,793	\$9,998,068	\$10,917,542	\$12,320,342	\$13,370,073	\$13,716,392	\$14,838,658
Current Expenses										
Salaries and Personnel Services ⁵	\$1,140,047	\$1,308,375	\$1,318,453	\$2,019,872	\$2,335,621	\$2,006,590	\$2,080,870	\$2,122,490	\$2,245,350	\$2,290,260
Other Operating Expenses ^{6,7,8}	1,519,285	1,567,300	1,878,761	3,118,746	2,791,959	3,843,214	3,719,732	3,824,047	4,372,441	4,502,898
less: Golden Panther Express	-585,613	-563,949	-663,584	-708,627	-721,300	-738,000	-753,000	-768,000	-783,000	-799,000
less: Vehicle Services	0	0	0	-854,946	-1,026,792	-972,311	-981,256	-995,016	-1,004,366	-1,018,629
Total Current Expenses	\$2,073,720	\$2,311,726	\$2,533,630	\$3,575,045	\$3,379,488	\$4,139,493	\$4,066,347	\$4,183,521	\$4,830,425	\$4,975,530
Net Parking System Revenues	4,770,029	5,449,814	5,895,182	5,985,748	6,618,580	6,778,049	8,253,995	9,186,552	8,885,966	9,863,129
Interest Income	27,118	450,699	249,347	-407,516	518,854	25,468	88,874	235,076	335,311	237,704
Pledged Revenues	4,797,147	5,900,513	6,144,529	5,578,232	7,137,434	6,803,517	8,342,869	9,421,628	9,221,277	10,100,833
Annual Debt Service:										
1995 Bonds	612,058	632,058	633,308	638,558	642,138	643,998	644,323	648,088	649,869	655,038
1999 Bonds	638,769	639,279	638,769	637,209	634,749	635,999	635,854	639,274	636,174	636,334
2002 Bonds	1,739,611	1,740,041	1,738,366	1,741,004	1,740,254	1,741,494	1,741,069	1,737,819	1,737,219	1,737,219
2009 Bonds	-	-	-	1,032,049	1,909,224	1,911,024	1,912,524	1,913,724	1,912,861	1,909,141
2012 Bonds ⁹	-	-	-	-	-	-	-	-	2,435,000	2,434,500
Total Annual Debt Service	2,990,438	3,011,378	3,010,443	4,048,819	4,926,364	4,932,514	4,933,769	4,938,904	7,371,123	7,372,231
Maximum Annual Debt Service	4,048,819	4,048,819	4,048,819	4,048,819	4,944,601	4,944,601	4,944,601	7,377,101	7,377,101	7,377,101
Coverage Ratios										
Annual Debt Service	1.60x	1.96x	2.04x	1.38x	1.45x	1.38x	1.69x	1.91x	1.25x	1.37x
Maximum Annual Debt Service	1.18x	1.46x	1.52x	1.38x	1.44x	1.38x	1.69x	1.28x	1.25x	1.37x

¹ The financial information related to revenues and expenses was provided by the University and has not been audited.

² Parking Decals and Fees are projected to increase 5 percent in FY2012-13 and FY2014-15.

³ Visitor Parking Revenue from metered parking spaces are projected to increase 1 percent each year from FY2010-11 and FY2014-15.

⁴ Other revenues includes Golden Panther Express and Vehicle Services which are included in the financial statements that are not a part of the Pledged Revenues.

⁵ Employee salaries and fringe benefits are projected to increase approximately 2 percent per year; other personnel services expenses are projected to increase approximately 2 percent per year.

⁶ Includes maintenance, materials and supplies and other current expenses and are projected to increase approximately 2 percent per year.

⁷ Includes electric utility costs and are projected to increase 2 percent per year.

⁸ Includes Golden Panther Express and Vehicle Services which are included in the financial statements that are not a part of the Pledged Revenues.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Status Reports, Board Committees

Proposed Board Action:

None. Information only.

Background Information:

These Committees met prior to the regular Board meeting: Finance and Audit; Academic Policy and Student Affairs. Summaries of the Committee meetings are being submitted for Board of Trustees review.

Supporting Documentation: Finance and Audit Committee Meeting Summary

Academic Policy and Student Affairs Committee Meeting Summary

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Finance and Audit Committee Summary
Tuesday, March 15, 2011

Agenda and materials available online [here](#)

The FIU Board of Trustees Finance and Audit Committee met on Tuesday, March 15, 2011. Committee Chair Albert Maury welcomed members and non-members of the Committee. Chair Maury noted that Miriam Lopez concluded her second term of service in January 2011 and recognized that as an inaugural member of the Board, Mrs. Lopez provided an invaluable service to the FIU Board of Trustees. The minutes from the December 2, 2010 meeting were approved as presented and Chair Maury proceeded to review the action items, reports and presentations.

Follow Up Items At the last meeting, Chairman Albert Maury requested to the administration to provide additional information on the following six items:

Recommendations issued by the Office of Internal Audit that were either partially or not implemented; Audit of the University Housing and Residential Life Department; Audits, investigations and/or other relevant issues that possess certain risk factors; Mid-Fiscal Year Progress Report that depicts the Office of Internal Audit's progress towards completing the annual Audit Plan; Review of surplusings or discarding old copiers and removal of data by utilizing software or other mechanisms and Benchmarking the University's Internal Audit Office staffing against similar universities.

An oral presentation was not provided; however, a report was included in the board book for further details and Chairman Albert Maury indicated to refer to the responses on the report.

Action items accepted and recommended for Board of Trustees approval:

1. Approval of the Amendment to the Bylaws of the Florida International University Foundation, Inc.

The regulation FIU - 1502, section 2(a) states that any amendments to the Articles of Incorporation or Bylaws of the University's Direct Support Organizations must be submitted by the President of the University to the Board of Trustees for approval prior to becoming effective. Senior Vice President for Finance and Administration & Chief Financial Officer Kenneth A. Jessell presented the item



Finance and Audit Committee Summary
Tuesday, March 15, 2011

and noted that the Foundation Board of Directors amended the Bylaws on January 26, 2011.

2. Authorization for the Issuance of Debt to Finance the Construction of a Student Residence Facility at the University's Modesto A. Maidique Campus.

Sr. VP and CFO Jessell presented the request to the Board of Governors to approve the issuance of revenue bonds to finance construction of a Student Residence Facility on the University's Modesto A. Maidique campus for Committee review. He noted that, if approved, the Project will be constructed as a suite-style residence hall with 620 beds and will include approximately 300 parking spaces and some ancillary space to service the residents. He added that the Project is consistent with the University's Campus Master Plan and further noted that the total Project construction cost is expected to be approximately \$45 Million with an approximately \$5 million cash contribution from the Housing's reserves.

Trustee Michael M. Adler suggested that Committee Chair Maury analyze opportunities for an inclusive approach for Board leadership that integrates Board members in the development of items that will require Board review and action. Trustee Adler further expressed that Board members are eager to lend their far-reaching knowledge and expertise for the benefit and advancement of the University.

3. Authorization for the Issuance of Debt to Finance the Construction of Parking Garage 6 at the University's Modesto A. Maidique Campus.

Sr. VP and CFO Jessell presented the request to the Board of Governors to approve the issuance of revenue bonds to finance construction of a Parking Garage on the University's Modesto A. Maidique campus for Committee review. He noted that, if approved, the Project will be constructed as a multi-story structure with approximately 2,000 parking spaces. He added that the Project is consistent with the University's Campus Master Plan and that construction costs are expected to be approximately \$37 million. He further noted that the Department of Parking and Transportation plans to contribute approximately \$9 million from cash reserves to fund the Project.



Finance and Audit Committee Summary
Tuesday, March 15, 2011

4. Approval of Mixed-Use Auxiliary Building.

Sr. VP and CFO Jessell presented the approval of the Mixed-Use Auxiliary Building for Committee review and noted that it did not need Board of Governor's approval as it does not involve the issuance of debt to construct. He noted that the mixed-use building, if approved, would be located on the west side of the FIU Modesto A. Maidique Campus and will combine offices, classrooms, food venues and dining space. He added that the projected completion date is 2013, the approximate cost is \$22,280,000, and that it will be funded with auxiliary fund balances of the units that will occupy the building.

Trustee Adler suggested considering public-private partnerships and the usage of available real estate given the current market situation.

5. Signature Authority

a. Depositories

b. Authorization to Sign Checks for the University and Approval of Depositories

Sr. VP and CFO Jessell presented the Signature Authority items for Committee review noting that the Board was updating its official records with respect to the banking institutions that may serve as depositories of University funds as well as establishing the officers and employees of the University authorized to sign checks to pay legal obligations related to the following projects:

- (1) Integrated Natural Resource Management in Watersheds of the Republic of Georgia (INRMW) Program (the "Georgia Program")
- (2) Rwanda Integrated Water Security Program (the "Rwanda Program")
- (3) West African Water, Sanitation Hygiene Program (the "West Africa Program")

The agenda item stated the legal names and titles of University employees who are authorized to sign checks to pay legal obligations of the University.



Finance and Audit Committee Summary
Tuesday, March 15, 2011

Trustee Sukrit Agrawal questioned whether there was going to be an audit mechanism in place and Allan Vann, Director of the Office of Internal Audit, confirmed that an audit process will be implemented to monitor inflows, outflows and bank reconciliations.

6. Report of Legal Action against T&G Corporation d/b/a and f/k/a T&G Constructors, Inc. and Request for Ratification.

General Counsel Kristina Raattama requested ratification of the lawsuit filed on February 25, 2011 against the Contractor, T & G Corporation d/b/a and f/k/a T&G Constructors, for breach of contract and latent defects at the FIU Recreation Center located on the Modesto A. Maidique Campus. She noted that the University undertook extensive efforts to resolve the issues with T&G informally throughout the investigation and remediation process, which is still ongoing, to no avail. She added that T&G failed to provide any meaningful response to the University. Therefore, she further noted, the University had no choice but to proceed to file a complaint against T&G due to the 4 year statutory limitation period for construction related defects.

Discussion Items *(No action required):*

Allen Vann, Director of Internal Audit, provided the Internal Audit Status Report. The report covered three audits and investigations recently completed by the Internal Audit office, including the Audit of Information Technology Controls over the PeopleSoft Grants Module, The Audit of Controls Over Athletics Ticket Revenue and the Audit of Football Attendance Pursuant to NCAA Requirements.

Sr. VP and CFO Jessell presented the Budget Variance Analysis for the second quarter of 2010. He provided the highlights of University revenues and expenditures. In terms of E&G revenues, he noted that the University is experiencing a positive variance of approximately \$29 million (6 percent) due to an increase of non-resident undergraduate enrollment and differential tuition. Also, he added that Auxiliaries continue to drive revenue growth, attributed to such factors such as new academic programs and on-line enrollment growth. He reported that Operational Expenses are below estimates by 10 million (3 percent) mainly due to vacant positions and timing of spending on critical



Finance and Audit Committee Summary
Tuesday, March 15, 2011

investments and lower utilities. He further noted that Student Financial Aid is above estimates by 16 million with revenues up by 14 million due to timing issues.

Sr. VP and CFO Jessell provided the state budget update and he indicated that the state projects a general revenue shortfall of approximately 36 billion or 16 percent for 2011-2012 if all critical and high priority needs are funded. He reported that a General Revenue Estimating Conference has been scheduled for Friday March 18, noting that it will provide better clarity with regards to State projections. A summary of the Conference will be provided at the next regularly scheduled Board of Trustees meeting.

Lastly, the Committee met with Internal Auditor independent of Senior Management as mandated by the Finance and Audit Committee Charter.

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Academic Policy and Student Affairs Committee Summary

Tuesday, March 15, 2011

Agenda and materials available online [here](#)

Committee Chair S. Lawrence Kahn, III and Trustees Michael M. Adler, Cesar L. Alvarez, Thomas A. Breslin and Claudia Puig were in attendance. Trustee Helena Ramirez participated via phone. Director Gerald C. Grant, Jr. participated in his function as Foundation Board of Directors (BOD) liaison. Trustee Sukrit Agrawal attended as a guest.

Committee Chair Kahn recognized the new Vice Provost for Academic Affairs, Dr. Irma Becerra-Fernandez; Brian Schriener who was recently appointed as Dean of the College of Architecture and the Arts; and Robert Grillo, who was recently appointed as Interim Vice President of Information Technology and Chief Information Officer.

No changes or corrections to the minutes of the meeting held on December 2, 2010 were requested.

Chair Kahn addressed BOD liaison Grant's request for information on the extent to which the University is taking advantage of the talent of alumni by inviting them to bring their expertise into our classrooms. Committee Chair Kahn noted that the University identified over 270 such instances throughout the past year where alumni from across the disciplines have shared their expertise with FIU students. He added that alumni have served as guest lecturers, guest mentors, moot court judges, performed recitals, participated in evaluating senior design projects, led student teams at the University's renowned South Beach Wine and Food Festival and more. Vice President for Engagement Divina Grossman shared three specific examples of how alumni have been involved with University students.

Action Items:

Action Item 1: The Tenure as a Condition of Employment nominations for 2 candidates (Terry Michael (Mike) Hampton and Mark L. Williams) were accepted and recommended for Board of Trustees approval.

Action Item 2: The proposal for a new Master of Science in Health Informatics and Management Systems was accepted and recommended for Board of Trustees approval. Trustees recognized that the program would serve to fulfill a crucial need in the health care sector.



Academic Policy and Student Affairs Committee Summary

Tuesday, March 15, 2011

Reports:

BOD liaison Grant provided an oral update on Foundation business and stated that to date \$8.7 million has been raised in new cash gifts and pledges and endowments have recovered nicely so that only 4%, as compared to over 65% at the close of the last fiscal year, remain underwater. The recently approved "Foundation Outreach Initiative seeks to advance FIU's development and engagement efforts in the community via volunteer leaderships' participation in strategic presentations and events on behalf of the University. He also discussed the upcoming First Generation Scholarship fundraising benefit spearheaded by the efforts of the University's Student Government Association and encouraged everyone to participate in this very worthwhile event.

No further questions or discussion was requested on the Reports included in the Agenda packets. The Undergraduate Education, Graduate School, Research, Enrollment Services, Student Affairs, Division of Information Technology and Engagement Awards Reports were accepted as written.

Professors Enrique Villamor, Samuel Shapiro, Martin Tracey, four students and one administrator introduced the innovative Quantifying Biology in the Classroom (QBIC) program, an interdisciplinary curriculum which is collaboratively run by the Departments of Biological Sciences, Mathematics and Statistics. The Program is intended for students interested in taking a more quantitative approach to their Bachelors of Science in Biology degree and aimed at creating a critically-minded, holistic student who can excel in any biology professional or graduate research program.

Without any new business the meeting was adjourned.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: New Business

Proposed Board Action:

Information. Action, as necessary.

Background Information:

Board members will raise new business, if any.

Supporting Documentation: N/A

Facilitators/Presenters: Albert Maury

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 30, 2011

Subject: Concluding Remarks and Adjournment

Proposed Board Action:

None. Information only.

Background Information:

Albert Maury, FIU Board of Trustees, Vice Chair, will adjourn the meeting with closing remarks.

Supporting Documentation: N/A

Facilitators/Presenters: Albert Maury, *Vice Chair, FIU Board of Trustees*

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