



**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING**

Wednesday, March 6, 2013
2:00 pm *approximate start time*
Florida International University
Modesto A. Maidique Campus
Rafael Diaz-Balart Hall
Large Courtroom, RDB 1000

AGENDA

- | | |
|---|------------------------------|
| 1. Call to Order and Chair's Remarks | Chairman Albert Maury |
| 2. Foundation Report | Justo L. Pozo |
| 3. Public Appearances | Albert Maury |
| 4. President's Report | Mark B. Rosenberg |
| 5. Action Items – Consent Agenda | Albert Maury |
| BT1. Minutes, November 29, 2012 | |
| BT2. Minutes, January 14, 2013 | |
| FA1. Approval to Negotiate and Enter into a Long Term Ground Sublease with the School Board of Miami-Dade County to allow the School Board to Establish, Construct, Operate and Maintain a MAST Academy at the University's Biscayne Bay Campus | |
| AP1. Resolution in Honor of Butler Waugh | |
| 6. Action Items | |
| FA2. Re-authorization for the Issuance of Debt to Finance the Construction of Parking Garage 6 at the University's Modesto A. Maidique Campus | Sukrit Agrawal |
| FA3. Approval to Increase Existing Fees | Sukrit Agrawal |
| A. Orientation | |
| B. Graduate Student Application | |

7. Status Reports, Board Committees

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

Claudia Puig

Sukrit Agrawal

Cesar L. Alvarez

8. New Business *(If any)*

Albert Maury

9. Concluding Remarks and Adjournment

Albert Maury

Agenda Item 1

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Call to Order and Chair's Remarks

Proposed Board Action:

None. Information only.

Background Information:

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

Supporting Documentation: N/A

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

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Foundation Report

Proposed Board Action:

None. Information only.

Background Information:

Justo L. Pozo, 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: Justo L. Pozo, *Chair, FIU Foundation, Inc. Board of Directors*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

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 6, 2013

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 6, 2013

Subject: Approval of Minutes of Meetings held November 29, 2012; and January 14, 2013

Proposed Board Action:

Approval of Minutes of the Florida International University Board of Trustees, Full Board meeting held on Thursday, November 29, 2012 at the FIU Modesto A. Maidique Campus, Graham Center Ballrooms; and Minutes of the Full Board meeting held on Monday, January 14, 2013 via conference call.

Background Information:

Board members will review and approve the Minutes of the Florida International University Board of Trustees, Full Board Meeting held on Thursday, November 29, 2012 at the FIU Modesto A. Maidique Campus, Graham Center Ballrooms; and Minutes of the Full Board meeting held on Monday, January 14, 2013 via conference call.

Supporting Documentation:

Florida International University Board of Trustees Full Board Meeting Minutes: November 29, 2012 (BT1); January 14, 2013 (BT2)

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
NOVEMBER 29, 2012
MINUTES**

1. Call to Order and Chair's Remarks

Chair Albert Maury convened the meeting of the Florida International University Board of Trustees at 2:09 p.m., on Thursday, November 29, 2012, at the Modesto A. Maidique Campus, Graham Center Ballrooms, Miami, Florida.

The following attendance was recorded:

Present:

Albert Maury, *Chair*
Michael M. Adler, *Vice Chair*
Sukrit Agrawal
Cesar L. Alvarez
Jose J. Armas
Jorge L. Arrizurieta
Robert T. Barlick, Jr.
Marcelo Claure
Mayi de la Vega
Laura Fariñas
Gerald C. Grant, Jr.
C. Delano Gray
Justo L. Pozo, FIU Foundation, Inc. Board of Directors Chairman

Excused:

Claudia Puig

Chair Maury welcomed all Trustees, University faculty and staff. He introduced and welcomed Chair of the Miami-Dade County School Board Perla Tabares Hantman and Superintendent of Miami-Dade County Public Schools Alberto M. Carvalho. Chair Maury noted that the Broad Foundation awarded Miami-Dade County Public Schools (M-DCPS) the 2012 Broad Prize for Urban Education, an honor given to the most outstanding urban school district in the nation. He added that Black and Hispanic graduation rates increased faster in Miami-Dade than in other urban districts nationally and that Miami-Dade increased the percentage and scores of students participating in college-readiness exams more than other urban districts nationally.

On behalf of the Board, Chair Maury congratulated Chair Hantman on this achievement and noted that she was recently elected for the sixth time and third consecutive year as the Chair of the Miami-Dade County School Board, adding that this is a testament to her exemplary commitment to improving the quality of education. Chair Maury also congratulated Superintendent Carvalho, noting that during his tenure with M-DCPS, he has led the school district through historic

transformation despite the unique challenges that the Miami-Dade community faces such as poverty, language barriers and a high percentage of students with disabilities.

Chair Maury noted that as a large percentage of FIU's students have graduated from M-DCPS and many of M-DCPS' teachers and staff are FIU Alumni, FIU's partnership with M-DCPS could not be more critical. He stated that the partnership benefits the entire community and has yielded many ongoing collaborative projects that are contributing to student success.

A motion was made and passed that the FIU Board of Trustees commended Miami-Dade County Public Schools.

WHEREAS, the Broad Foundation awarded Miami-Dade County Public Schools (M-DCPS) the 2012 Broad Prize for Urban Education, an honor given to the most outstanding urban school district in the nation; and

WHEREAS, the \$1 million Broad Prize, established in 2002, is awarded each year to honor urban school districts that demonstrate success in overall performance and improvement in student achievement while also reducing achievement gaps for low-income and minority students; and

WHEREAS, 75 urban school districts were identified as eligible candidates for the 2012 Broad Prize, and four finalists were selected after a thorough and comprehensive review; and

WHEREAS, the 11 members of the distinguished selection jury for the 2012 Broad Prize recognized M-DCPS as an exemplary school district because of the great progress made in raising student achievement; and

WHEREAS, M-DCPS' success in raising student achievement is a model for urban school districts and is worthy of national recognition; and

WHEREAS, Florida International University (FIU) is proud of the strategic partnership with M-DCPS, which benefits the entire community through many collaborative ongoing projects that have and continue to contribute to student success; and

WHEREAS, a large percentage of FIU's students have graduated from M-DCPS and many of M-DCPS teachers and staff are FIU alumni;

NOW, THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees at its regular meeting this 29th day of November 2012, does hereby commend and congratulate Miami-Dade County Public Schools on receiving the 2012 Broad Prize for Urban Education; and

BE IT FURTHER RESOLVED that the Florida International University Board of Trustees shall prepare a copy of this Resolution for presentation to the Chair of the Miami-Dade County School Board Perla Tabares Hantman and the Superintendent of Miami-Dade County Public Schools Alberto M. Carvalho as an expression of the Board's gratitude for the School District's continued commitment to excellence in education.

Chair Hantman and Superintendent Carvalho provided brief remarks, noting that the FIU and M-DCPS partnership fosters communication and collaboration and encompasses programs focused on minority education, teacher training, tutoring, academic leadership development and college readiness, which have and continue to facilitate student achievement.

Chair Maury wished everyone a happy holiday season.

Chair Maury requested to take the agenda out of order. There were no objections.

2. Foundation Report

Foundation Board of Directors Chair Justo L. Pozo provided the Foundation Report, noting that the Foundation's investment portfolio maintained fiscal year-to-date gains made through October 31, 2012 of approximately 3.3%, or \$5.1 million. He also provided a fundraising update where he indicated that \$8,303,000 has been raised toward the year's goal of \$42 million.

3. Public Appearances

There were no public appearances.

4. General Counsel Presentation

Chair Maury noted that he requested that the Board's Operating Procedures be forwarded to the Association of Governing Boards of Universities and Colleges (AGB) for a comprehensive review to ensure that they are consistent with best practices. He added that a Board retreat would provide the opportunity to examine and evaluate performance, both individually and collectively, noting that a retreat would be scheduled prior to the end of the academic year.

General Counsel Kristina Raattama provided an overview of national discussion topics in higher education regarding governance practices. She noted that the obligations of trusteeship have grown more complex and presented recommendations from the AGB which create the hallmark of an effective board within the unique context of a public institution. She led a discussion on the essential elements of board governance, such as engagement, communication and self-assessments.

During the discussion, Trustee Marcelo Claire noted that as part of his past board experience, consulting services were acquired in order to facilitate an assessment of current functions and to provide the framework to implement best practices. Chair Maury stated that, if appropriate and practical, the Board of Trustees would retain the services of an AGB board governance consultant to facilitate the Board's retreat.

5. Action Items – Consent Agenda

Chair Maury noted that the Academic Policy and Student Affairs Committee met earlier in the day and reviewed two additional agenda items, adding that the Committee recommends to the Board of Trustees the approval of the naming of the Department of Construction Management as the "OHL School of Construction Management" and the naming of the School of Real Estate as the "Tibor and Sheila Hollo School of Real Estate."

Chair Maury added that the Finance and Audit Committee and the Academic Policy and Student Affairs Committee each recommended approval by the Board of the respective action items contained in the Consent Agenda.

Chair Maury asked for comments on any of the 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, June 29, 2012** - Approval of Minutes of the Florida International University Board of Trustees, Full Board meeting held on Friday, June 29, 2012 via conference call.
- **BT2. Minutes, September 11, 2012** – Approval of Minutes of the Florida International University Board of Trustees, Full Board meeting held on Tuesday, September 11, 2012 at the FIU Modesto A. Maidique Campus, Graham Center Ballrooms.
- **FA1. Request for Approval of Florida International University’s Revised 2013-14 Capital Improvement Fee Trust Fund Legislative Budget Request** - Approve FIU’s revised 2013-14 Capital Improvement Fee Trust Fund Legislative Budget Request and authorize the University President to amend the Legislative Budget Request as necessary, consistent with State University System of Florida Board of Governors and FIU Board of Trustees directives and guidelines.
- **FA2. FIU Direct Support Organizations Financial Audits, FY 2011-12**
 - A. FIU Foundation, Inc.** - Approve the FIU Foundation, Inc., Financial Audit for the 2011-12 Fiscal Year and authorize the President and CEO 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 FIU Research Foundation, Inc., Financial Audit for the 2011-12 Fiscal Year and authorize the President 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 FIU Athletics Finance Corporation Financial Audit for the 2011-12 Fiscal Year and authorize the Chair 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 Academic Health Center Health Care Network Faculty Group Practice, Inc.** - Approve the FIU Academic Health Center Health Care Network Faculty Group Practice, Inc., Financial Audit for the 2011-12 Fiscal Year and authorize the President of the FIU Academic Health Center Health Care Network Faculty Group Practice, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
- **FA3. Signature Authority –Italy Program Account**
 - A. Depository** – Approve the following banking institution as a designated depository at which University funds may be deposited: *Banco Nazionale del Lavoro (BNL)*

Furthermore, approve that the University President, the Senior Vice President for Finance and Administration and Chief Financial Officer, and the University Treasurer are each individually authorized to take all actions necessary to open or close bank accounts at the designated depository. Additionally, the following person is also authorized to take all actions necessary to open or close bank accounts in the above-mentioned bank: *Hilarion Arnaldo Martinez, Senior International Officer.*

B. Authorization to Sign Checks for FIU in Italy Program – 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 depository related to the FIU in Italy program:

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

Cecilia Hamilton, Associate Vice President and
University Controller

Hilarion Arnaldo Martinez, Senior International Officer

Matthew Hamilton Rice, Director, FIU in Italy Program

- **FA4. Approval of the Amendments to the Bylaws of the Florida International University Foundation, Inc.** – Approve the FIU Foundation Inc. Bylaws as amended and restated on October 27, 2012.
- **AP1. Tenure as a Condition of Employment Nominations** - Approve seven (7) candidates for Tenure as a Condition of Employment (TACOE).
- **AP2. Master of Laws (LL.M.) New Degree Program Proposal (Revised)** - Approve the Master of Laws (LL.M.) degree (CIP 22.0202) new program proposal.
- **AP3. Naming of the Department of Construction Management as the “OHL School of Construction Management”** - Approve the naming of the Department of Construction Management as the “OHL School of Construction Management” in accordance with the provisions of the naming agreement related thereto.
- **AP4. Naming of the School of Real Estate as the “Tibor and Sheila Hollo School of Real Estate”** - Approve the naming of the School of Real Estate as the “Tibor and Sheila Hollo School of Real Estate” in accordance with the provisions of the naming agreement related thereto.

6. Status Reports, Board Committees

Academic Policy and Student Affairs Committee Report

Trustee Cesar L. Alvarez, Chair of the Academic Policy and Student Affairs Committee, presented highlights from the Committee's meeting earlier in the day. He noted that Vice President Luisa M. Havens provided an overview on the operation and function of the Office of Enrollment Services at Florida International University. He added that the Robert Stempel College of Public Health and Social Work, the College of Nursing and Health Sciences, and the Herbert Wertheim College of Medicine, all received positive accreditation feedback from their respective site visit teams. He stated that Provost and Executive Vice President Douglas Wartzok presented a draft of the 2011-12 Annual Accountability Report, adding that Trustees are invited to review the University's Key Achievements as listed in the draft report and requested that they provide feedback on the report directly to Provost Wartzok, reminding Trustees of the sunshine law obligations. He stated that the Board would meet via conference call in January to formally approve the 2011-12 Annual Accountability Report.

Finance and Audit Committee Report

Trustee Sukrit Agrawal, Chair of the Finance and Audit Committee, presented highlights from the Committee's meeting earlier in the day. He noted that Allen Vann, Director of Internal Audit, provided updates on recently completed audits, work in progress and consulting services. He reported that the University and direct support organizations' operating revenues were above estimates by \$7.2M (or three percent) and that the University and direct support organizations' operating expenses were below estimates by \$18.6M (or eight percent). He stated that University Treasurer, Phong Vu, provided historical data on FIU's investment program. He added that Vice President of Governmental Relations Stephen A. Sauls led a discussion on the priorities for the 2013 Legislative Session, noting that the primary objective for FIU's 2013 Legislative Session will be to restore the \$24.3M cut to FIU's general revenue and to avoid further state funding reductions to the FY2013-14 Budget. He further noted that as is stipulated in the Finance and Audit Committee Charter, the Committee met with the Office of Internal Audit without the presence of senior management, reporting that Mr. Vann provided the Committee with a semi-annual update on the Department's progress in completing the planned audits for the current Fiscal Year.

Athletics Committee Report

Trustee Jorge L. Arrizurieta, Chair of the Athletics Committee, presented brief highlights from the Committee's meeting earlier in the day. He reported that Executive Director of Sports and Entertainment Pete Garcia provided an athletics overview and discussed the conference realignment. He stated that the Committee was introduced to Men's Soccer Head Coach Kenny Arena, who shared his past collegiate experience and provided remarks on his aspiration for the upcoming season. Trustee Arrizurieta stated that the Committee was pleased to welcome junior and point guard Jerica Coley who discussed her experience as a student athlete, noting that as a sophomore, she became the third player in FIU women's basketball history to earn Sun Belt Conference Player of the Week accolades three times in one season. He also reported that the Committee welcomed Senior Associate Athletic Director Julie Berg who discussed the physical therapy services initiative. He stated that Philip Moses, Director of the Student Athlete Academic Center (SAAC), reported on the tutorial program, physical changes to the SAAC building, staff changes, student-athlete academic performance, and areas under improvement.

7. President's Report

University President Mark B. Rosenberg introduced Director of the School of International and Public Affairs and Professor of Politics and International Relations and Law John F. Stack. President Rosenberg noted that the FIU Model United Nations Program is a political science course that provides an interactive environment involving students in the different aspects of political and international affairs. He reported that FIU's Model UN team was named "Best Small Delegation" in three national competitions. Professor Stack noted that FIU's Model UN team is supported by the University's College of Arts and Sciences, School of International and Public Affairs and the Student Government Association. He introduced members of FIU's Model UN team, Ali Albassam, Yesenia Alfonso, Rhandi Elliott, Aaron Heria, Jasmine Neal, and Ana Portal. Ms. Portal discussed the 2012 season, noting that the team strives to represent FIU with distinction and works diligently to characterize the countries they are assigned.

President Rosenberg introduced Wallace H. Coulter Eminent Scholars Chair of Biomedical Engineering and Professor and Chair of the Department of Biomedical Engineering Ranu Jung. He noted that Dr. Jung is a leader in the rapidly expanding fields of neural engineering and computational neuroscience, adding that her research aims to restore touch to arm and hand prostheses. Dr. Jung discussed her research work, noting that sensory feedback may improve the quality of life of amputees by restoring sensory function and motor control after limb loss. With the help of members of her research team, Dr. Jung provided a demonstration of a smart prosthesis equipped with a wireless communication system capable of interfacing with the person.

President Rosenberg reported that more than 4,000 students will receive their bachelor's, master's and doctoral degrees during three days of graduation ceremonies on Monday, Tuesday and Wednesday, December 10 through 12, 2012. He noted that on November 30, 2012, he will discuss science, technology, engineering and math (STEM) education during a meeting of the President's Council of Advisors on Science and Technology (PCAST). He added that PCAST is an advisory group of the nation's leading scientists and engineers who directly advise the President of the United States and the Executive Office of the President. He stated that PCAST is seeking recommendations on the federal government's imminent strategic plan for STEM education from education leaders.

8. New Business

President Rosenberg noted that the inaugural TEDxFIU event explored topics as varied as the need for fundamental changes in medical care, humanity's future in space, and green energy in India. He added that TED, which stands for Technology, Entertainment and Design, was created in order to share ideas, increase understanding and participate in a global conversation. He introduced FIU student Ximena Prugue, noting that she is a mechanical engineering undergraduate student and research assistant working at the University's Applied Research Center as a Department of Energy Fellow, and requested that she share her TEDxFIU presentation. Ms. Prugue provided her presentation about starting a non-profit organization called Giving the Green Light to India.

Trustee Michael M. Adler commended the University's outreach efforts, noting that on November 28, 2012 he attended the Hearst Distinguished Lecture Series at the University's Biscayne Bay Campus to attend a lecture by Samuel G. Freedman.

The Florida International University Board of Trustees meeting concluded with a live performance featuring selections from the musical *Songs for the New World* by Jason Robert Brown, which

President Rosenberg noted was a joint theatre and music production performed this fall under the musical direction of Mary Kaufman and theatre direction of Lesley-Ann Timlick.

9. Concluding Remarks and Adjournment

With no other business, Chair Albert Maury adjourned the meeting of the Florida International University Board of Trustees on Thursday, November 29, 2012, at 4:02 p.m.

Albert Maury
Chairman
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

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FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
JANUARY 14, 2013
MINUTES

1. Call to Order and Chair's Remarks

Chairman Albert Maury convened the meeting of the Florida International University Board of Trustees at 2:40 p.m., on Monday, January 14, 2013, via conference call.

The following attendance was recorded:

Present:

Albert Maury, *Chair*
 Michael M. Adler, *Vice Chair*
 Sukrit Agrawal
 Cesar L. Alvarez
 Jose J. Armas
 Jorge L. Arrizurieta
 Robert T. Barlick, Jr.
 Marcelo Claire
 Mayi de la Vega
 Laura Fariñas
 C. Delano Gray
 Claudia Puig

Excused:

Gerald C. Grant, Jr.

Chairman Maury welcomed all Trustees, University faculty and staff. He thanked all Trustees for making themselves available to participate in the conference call.

2. Action Item

AP1. Florida International University 2011-12 Annual Accountability Report to the Florida Board of Governors

Trustee Cesar L. Alvarez, Chair of the Academic Policy and Student Affairs Committee, noted that the Committee met earlier in the day to review FIU's 2011-12 Annual Accountability Report, which he stated was submitted to the Florida Board of Governors on December 14, 2012 and was pending final approval by the Board of Trustees. He added that the Board of Trustees conducted an initial review of the 2011-12 Annual Accountability Report during the November 29, 2012 Board meeting and requested that Provost and Executive Vice President Douglas Wartzok present the key revisions to the document.

Provost Wartzok provided an overview on student demographics for the Fall 2011 semester, noting that 61% of the students were Hispanic, which he added represents almost 30,000 students and is equivalent to approximately 42% of the total number of Hispanic students in the State University System of Florida. He reported that baccalaureate degrees awarded over the last 4 years reflected a 13% increase in Pell Grant recipients, which he stated is reflective of overall economic conditions.

Provost Wartzok reported that the University's pass rate for the National Council Licensure Examination for Registered Nurses exceeded that of the State/National benchmark. He provided an update on professional licensure exams for graduate programs, noting that the University's pass rate for the Florida Bar Exam was equal to that of the State benchmark. He stated that an area of concern was the University's pass rate on the National Physical Therapy Examination and the National Board for Certification in Occupational Therapy Exam, adding that new leadership within the departments and the College has led to significant improvements. He further noted that the most recent data for the first half of 2012 demonstrated a marked improvement in the University's pass rate for the National Board for Certification in Occupational Therapy Exam, which he stated increased to 85% while the national average rose to 88%. He added that the most recent pass rate data for the National Physical Therapy Examination had not been released.

Provost Wartzok noted that FIU's continued efforts to improve the graduation rate for first-time-in-college (FTIC) students are reflected in the 6-year graduation rate for FTICs which increased by six percent, from 41% (2005 cohort) to 47% (2006 cohort). He stated that despite tightening Federal spending, the 2011-2012 fiscal year represents the third consecutive year that research expenditures exceeded 100 million dollars. He further noted that a major effort, focused on increasing the number of faculty receiving external research funding, resulted in increasing the proportion of faculty with funding from 36 percent (FY 2009) to 43 percent (FY 2012).

A motion was made and passed by the FIU Board of Trustees approving Florida International University's 2011-12 Annual Accountability Report to the Florida Board of Governors as provided in the Board materials.

3. New Business

No new business was raised.

4. Concluding Remarks and Adjournment

With no other business, Chairman Albert Maury adjourned the meeting of the Florida International University Board of Trustees on Monday, January 14, 2013, at 2:54 p.m.

Albert Maury
Chairman
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Request for Approval to provide a Long-Term Ground Sublease to the School Board of Miami-Dade County (the “School Board”) to allow the School Board to establish, construct, operate, and maintain a magnet school (“MAST Academy”) at the Florida International University Biscayne Bay Campus (“BBC”)

Proposed Board Action:

Approve that the University President or his designee negotiate and enter into a Long Term Ground Sublease with the School Board to allow the School Board to establish, construct, operate and maintain a MAST Academy at the FIU BBC Campus on the terms outlined below.

Background Information:

Section 1013.171(1), Florida Statutes authorizes the BOT to negotiate and enter into a lease of land for purposes of erecting facilities and accommodations which are necessary and desirable to serve the University needs and purposes. FIU and the School Board believe the creation of a MAST Academy at FIU’s BBC Campus would serve the needs and purposes of both FIU and the School Board. The School Board’s MAST Academy students will be exposed to a premier University in the State of Florida while also having the opportunity to participate in high-school dual enrollment programs offered at FIU. The MAST Academy students will also be able to continue their higher education in a seamless manner if they choose to attend FIU. FIU, in turn, has an opportunity to attract students who are interested in the specialized academic areas offered at the BBC Campus, which include Earth and Environmental Science, Sustainability, Math, Science, and Marine Science. Additionally, Section 1013.171(1), Florida Statutes, requires that as part of the consideration for these types of leases, the state must own the completed facilities constructed at the end of the lease term. In sum, this proposed collaboration will contribute toward both parties’ goals while at the same time contributing toward the State of Florida’s goal to enhance efficient and effective use of state resources and state funds.

The material terms of the proposed Long-Term Ground Sublease are as follows:

- (i) Initial Ground Lease Term: up to maximum allowed by law
- (ii) Renewal Term: up to maximum allowed by law
- (iii) Ground Lease Premises: Approximately 3 acres
- (iv) Rent: N/A
- (v) Parking: Parking will be incorporated into the site for faculty, staff and some students (1 for every 50 students)
- (vi) Design, Construction, Operation and Maintenance of the MAST Academy: The School Board shall be solely responsible for any and all costs related to the design, construction, operation and maintenance of the MAST Academy during the Lease Term
- (vii) Long Term Ground Lease shall be subject to approval of the Trustees of the Internal Trustees Trust Fund (“IITTF”) approval

The materials terms pertaining to the MAST Academy are as follows:

- (i) Grades: The MAST Academy will teach Grades 8 through 12 which may be adjusted over time.
- (ii) Estimated Student Population: It is estimated that up to approximately 1,200 students will attend the MAST Academy.
- (iii) Proposed Permanent Site Opening Date: August 2015
- (iv) Proposed Temporary Site Opening Date: August 2013

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Resolution in Honor of Butler Waugh

Proposed Board Action:

Adopt the Resolution in honor of Butler Waugh.

Background Information:

WHEREAS, Butler Waugh Ph.D. helped found Florida International University by accepting the challenge in 1965 to serve as the first administrator hired by founding President Charles Perry; and

WHEREAS, Professor Waugh worked hand in hand with President Perry and a select group of others to build FIU’s faculty, staff, administration and physical campus; and

WHEREAS, Professor Waugh worked tirelessly to help create the high-quality academic programs upon which the university has continued to expand and thrive; and

WHEREAS, Professor Waugh helped established the College of Arts & Sciences, the only academic unit on campus at FIU’s opening in 1972, of which he became founding dean; and

WHEREAS, Professor Waugh later chose to take his talents into the classroom, where he relished the roles of respected teacher and committed scholar of English literature, and where he delighted in actively debating with students and encouraged their ascent to ever-greater intellectual inquiry; and

WHEREAS, Professor Waugh served Florida International University for 38 years and made a lasting impact upon the institution, as well as upon individual students, who recall his wit and profound intellect among his finest attributes;

NOW, THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees at its regular meeting this 6th day of March 2013, does hereby honor the memory of Butler Waugh and recognize his lasting contributions to the institution.

BE IT FURTHER RESOLVED that the Florida International University Board of Trustees shall prepare a copy of this Resolution for presentation to the family of Butler Waugh as an expression of gratitude for his dedication and respect for his legacy.

Supporting Documentation: N/A

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Re-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 State University System of Florida Board of Governors to approve, the issuance of revenue bonds to finance the construction of a Parking Garage on the University’s Modesto A. Maidique campus.

Background Information:

The University’s Department of Parking and Transportation has resubmitted a proposal for financing and constructing a new Parking Garage 6 on the University’s Modesto A. Maidique campus (the “Project”). The Project was previously approved by the Florida International University Board of Trustees (BOT) on March 30, 2011 and by the State University System of Florida Board of Governors (BOG) on June 20, 2011. While there is no change in the amount of debt required to be issued, the Project is being re-submitted for BOT approval in view of recommended changes to the Project location, total Project cost, changes to the Project scope such as the inclusion of 35,000 square feet of shell space, and updated financial projections. The Requesting Resolution, attached hereto, rescinds, supersedes and replaces the March 30, 2011 BOT-approved Requesting Resolution.

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 cost, which includes construction and associated design costs as well as site and roadway improvements, is expected to be approximately \$42.5 million. The University’s Department of Parking and Transportation plans to contribute approximately \$4.8 million from cash reserves and approximately \$4.2 million in auxiliary fund balances will be used to fund the Project. The Project will include approximately 35,000 square feet of shell space to accommodate classrooms and University-related retail space. The Project will also include additional site and roadway improvements as a result of relocating the Project from the south side of the Modesto A. Maidique Campus to the north side.

The University’s Administration recommends that the BOT authorize a request from the BOG 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 and pay costs of issuing the Bonds. The Bonds will mature thirty (30) years after issuance with level annual debt service payments. The Administration also recommends that the BOT request the redemption of the Series 1995 Parking Facility Revenue Bonds and the refunding of the 1999 and 2002 parking bonds due to very favorable interest rates available in today’s capital market.

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

Supporting Documentation: Information behind the Finance and Audit Committee tab

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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; REQUESTING THE REDEMPTION OF CERTAIN STATE OF FLORIDA, BOARD OF REGENTS, FLORIDA INTERNATIONAL UNIVERSITY PARKING FACILITY REVENUE BONDS, SERIES 1995; RESCINDING RESOLUTION PASSED AT THE MARCH 30, 2011 BOARD OF TRUSTEES MEETING (AGENDA ITEM FA3), AND 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 and (ii) certain costs relating to the Bonds (the “Project”) on the campus of the University.

Section 2. The Project will consist of approximately 2,000 parking spaces, approximately 35,000 square feet of shell space, and site and roadway improvements associated with the Project. 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 Summer 2013 and to be completed by August 2014. 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 and auxiliary fund balances. 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. The Board of Trustees further requests the Board of Governors to request the Division take action necessary to redeem certain State of Florida, Board of Regents, Florida International University Parking Facility Revenue Bonds, Series 1995. It is anticipated the University will provide cash to accomplish the redemption.

Section 12. This Resolution rescinds, supersedes and replaces The Board of Trustees Resolution passed at the March 30, 2011 Board of Trustees Meeting (Agenda Item FA3).

Section 13. 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 6, 2013 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: _____, 2013

By: _____
Corporate Secretary

Appendix

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

1. the project summary including a description of the security supporting repayment and the lien position the debt will have on the security;
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 five year history, if available, and a five year projection, of the pledged revenues and the debt service coverage;
8. demand analysis and market feasibility study;
9. justification transmittal letter to State University System of Florida Board of Governors.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Increase in Orientation Fee

Proposed Board Action:

Request that the State University System of Florida Board of Governors (BOG) approve an increase to the Orientation Fee in the amount of \$15.00.

Background Information:

Florida Statute 1009.24 (14) (b) authorizes an orientation fee not to exceed \$35.00. Florida Statute 1009.24 (15) (a) authorizes the BOG to approve a proposal from a university board of trustees to increase the existing fee.

The Orientation Fee has not been increased since 2002. The increase will be utilized to fund enhancements to the orientation program as described in the supporting documentation which have been made recently and additional enhancements that will be made. The increase will be effective for students whose enrollment begins in Fall 2014.

Supporting Documentation: Information behind the Finance and Audit Committee tab

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Increase in Graduate Student Application Fee

Proposed Board Action:

Request that the State University System of Florida Board of Governors (BOG) approve an increase to the Graduate Student Application Fee in the amount of \$25.00.

Background Information:

Florida Statute 1009.24 (14) (a) authorizes an application fee not to exceed \$30.00. Florida Statute 1009.24 (15) (a) authorizes the BOG to approve a proposal from a university board of trustees to increase the existing fee.

The Graduate Student Application Fee has not been increased since 2002. The increase will be utilized to fund increasing costs of processing graduate and international student applications. The increase will be effective for students whose enrollment begins in Fall 2014.

Supporting Documentation: Information behind the Finance and Audit Committee tab

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

Subject: Status Reports, Board Committees

Proposed Board Action:

None. Information only.

Background Information:

These Committees met prior to the regular Board meeting: External Relations; Finance and Audit; and Academic Policy and Student Affairs. The Committee Chairs will present status reports.

Supporting Documentation: N/A

Facilitator/Presenter: **Claudia Puig**, *External Relations Committee Chair*
Sukrit Agrawal, *Finance and Audit Committee Chair*
Cesar L. Alvarez, *Academic Policy and Student Affairs Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

March 6, 2013

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 6, 2013

Subject: Concluding Remarks and Adjournment

Proposed Board Action:

None. Information only.

Background Information:

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

Supporting Documentation: N/A

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

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