



FLORIDA INTERNATIONAL UNIVERSITY

BOARD OF TRUSTEES

FULL BOARD MEETING

Wednesday, September 10, 2014
2:00 pm *approximate start time*
Florida International University
Modesto A. Maidique Campus
Graham Center Ballrooms

AGENDA

- | | |
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| 1. Call to Order and Chair's Remarks | Chairman Albert Maury |
| 2. Comments from State University System of Florida Board of Governors
Chancellor | Marshall Criser III |
| 3. Foundation Report | Thomas M. Cornish |
| 4. Public Appearances | Albert Maury |
| 5. President's Report | Mark B. Rosenberg |
| 6. Action Items – Consent Agenda | Albert Maury |
| BT1. Minutes, June 12, 2014 | |
| FA1. Approval of the Amendment to the Bylaws of the Florida
International University Foundation, Inc. | |
| FA3. Amendment of Regulation – FIU 1101 Tuition and Fees Schedule | |
| AP1. 2015-16 Legislative Budget Requests | |
| P1. 2014 University Equity Report | |
| 7. Action Items | |
| FA2. Donative Naming Policy | Sukrit Agrawal |
| AP2. Amendment to the Florida International University Board of
Trustees Operating Procedures | Cesar L. Alvarez |

8. Status Reports, Board Committees

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| ▪ Athletics Committee Report | Jorge L. Arrizurieta |
| ▪ Finance and Audit Committee Report | Sukrit Agrawal |
| ▪ Health Affairs Task Force Meeting Report | Jose J. Armas |
| ▪ Academic Policy and Student Affairs Committee Report | Cesar L. Alvarez |
| ▪ Personnel Committee Report | Michael M. Adler |

9. New Business (If any)	Albert Maury
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10. Concluding Remarks and Adjournment	Albert Maury
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Next Full Board Meeting is scheduled for Wednesday, January 14, 2015

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

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**

September 10, 2014

**Subject: Comments from State University System of Florida Board of Governors
Chancellor**

Proposed Board Action:

None. Information only.

Background Information:

The Florida International University Board of Trustees welcomes State University System of Florida Board of Governors Chancellor Marshall Criser III who will provide remarks.

Supporting Documentation: N/A

Facilitator/Presenter: Marshall Criser III, *State University System of Florida Board of Governors Chancellor*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

Subject: Foundation Report

Proposed Board Action:

None. Information only.

Background Information:

Thomas M. Cornish, 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: Thomas M. Cornish, *Chair, FIU Foundation, Inc. Board of Directors*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 12, 2014

Subject: Public Appearances

Proposed Board Action:

None. Information only.

Background Information:

Public Comment Period (if timely requested)

Supporting Documentation: N/A

Facilitator/Presenter: Albert Maury

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

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**

September 10, 2014

Subject: Approval of Minutes of Meeting held June 12, 2014

Proposed Board Action:

Approval of Minutes of the Florida International University Board of Trustees, Full Board meeting held on Thursday, June 12, 2014 at the FIU Biscayne Bay Campus, Wolfe University Center Ballrooms.

Background Information:

Board members will review and approve the Minutes of the Florida International University Board of Trustees, Full Board Meeting held on Thursday, June 12, 2014 at the FIU Biscayne Bay Campus, Wolfe University Center Ballrooms.

Supporting Documentation: Florida International University Board of Trustees Full Board Meeting Minutes: June 12, 2014

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
JUNE 12, 2014
MINUTES**

1. Call to Order and Chair's Remarks

Chair Albert Maury convened the meeting of the Florida International University Board of Trustees at 11:08 a.m., on Thursday, June 12, 2014, at the Biscayne Bay Campus, Wolfe University Center Ballrooms, North Miami, Florida.

The following attendance was recorded:

Present:

Albert Maury, *Chair*
Michael M. Adler, *Vice Chair*
Cesar L. Alvarez
Jose J. Armas
Jorge L. Arrizurieta
Alexis Calatayud
Mayi de la Vega
Gerald C. Grant, Jr.
C. Delano Gray

Excused:

Sukrit Agrawal
Robert T. Barlick, Jr.
Marcelo Claure
Claudia Puig

Chair Maury welcomed all Trustees, University faculty and staff. He welcomed everyone to the newly renovated Wolfe University Center, noting that the improvements have created an even more student-centered and high-tech destination on campus. Chair Maury also welcomed Alexis Calatayud as the newly elected Student Government President for the Modesto A. Maidique Campus.

Chair Maury welcomed the Vice Chair of the Vice Provost's Council at the BBC, The Honorable Lewis J. Thaler, noting that he recently served as Commissioner and Vice Mayor of the City of Sunny Isles Beach. The Honorable Lewis J. Thaler discussed current Vice Provost's Council's fundraising initiatives. Chair Maury also welcomed Vice Provost for BBC Steven Moll, who stated that BBC is home to nationally and internationally recognized academic programs, is the largest branch campus in the state university system of Florida and also boasts tremendous physical beauty and environmental diversity.

Chair Maury noted that this was the last Board meeting for Faculty Trustee C. Delano Gray. On behalf of the FIU Board of Trustees, Chair Maury extended his gratitude to Instructor Gray for his leadership, commitment and dedication to the Board, to the University and to the students. Chair Maury thanked Mr. Justo L. Pozo for three years of dedicated service as the Chair of the Foundation Board of Directors. Mr. Pozo stated that it has been a privilege for him to work with such a distinguished Board and pledged to remain committed to help advance the mission of the University.

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

2. Public Appearances

United Faculty of Florida (UFF) – FIU, BBC Vice President Lauren Christos addressed the Board to recognize Provost Douglas Wartzok's unwavering dedication and service to the University, noting that the professional relationship has been a very cooperative one and added that the UFF looked forward to working with incoming Provost Kenneth G. Furton to develop an equally effective collaboration.

3. President's Report

University President Mark B. Rosenberg provided an overview of the development plans for the BBC campus and reported on recent BBC events. He stated that two members of the University's Board of Trustees, Gerald C. Grant Jr. and Claudia Puig, traveled with the FIU delegation to China to celebrate FIU's tenth year in partnership with the Tianjin University of Commerce. He reported on recent University news, noting that the College of Law celebrated the graduation of its 10th class, adding that earlier this year the college was ranked in the top 100 in *U.S. News & World Report's* best graduate schools list. He added that Parkview Hall, won the Green House Award for sustainability from the Coral Gables Chamber of Commerce, commenting that this marked the fourth award for the University's newest residence hall.

President Rosenberg reported that Fabien Cousteau and a team of researchers entered FIU's Aquarius June 1 for the start of Mission 31, the longest mission in the history of the world's only undersea research lab. He added that two FIU Marine Sciences students are also taking part in the 31-day mission led by Cousteau, the first grandchild of famed ocean explorer Jacques Yves Cousteau. Via a live web feed connection, the FIU Aquarius Reef Base crew provided a mission update to the Trustees, highlighting some of the ongoing research such as the exploration of how coral reef ecosystems will respond to climate change, pollution and fishing.

President Rosenberg reported on University initiatives aimed at expanding student internship opportunities, noting that FIU is forging a strategic partnership with the City of Miami Beach on developing a multidisciplinary approach to address key issues. He stated that the DC Summer Internship experience has now launched its 4th summer program with alumni mentor matches, exclusive opportunities for students and engagement with the University's federal agenda.

President Rosenberg reported on science and health news, noting that the University's Nicole Wertheim College of Nursing and Health Sciences proposal to become VA nurse academic partners with the Miami Veterans Administration Healthcare System was funded with an expected award of

over \$8 million in support from the Department of Veterans Affairs. He stated that the University received a \$1.5 million grant from the Howard Hughes Medical Institute to develop strategies that will improve successful completion of science, technology, engineering and mathematics (STEM) degrees. He announced that Dr. Pedro “Joe” Greer, Jr., associate dean for Community Engagement at the Herbert Wertheim College of Medicine, was selected to receive the National Jefferson Award, America’s highest honor for public service. He indicated that FIU’s Green Family Foundation NeighborhoodHELPTM initiative recently won Florida Blue Foundation’s 2014 Sapphire Award for best program along with a \$60,000 prize. He provided an update on the work of the Benjamin Leon Center for Geriatric Research and Education at FIU, further noting that the clinical research program in collaboration with Leon Medical Centers, Leon Healthy Living Centers is characterized by novel health promotion and prevention approaches to help older adults maintain their quality of life, mobility and independence.

4. Foundation Report

Senior Vice President, University Advancement/President and CEO, FIU Foundation, Inc. Howard R. Lipman provided the Foundation Report, noting that the Foundation Board elected new officers and welcomed new members at its June 7 meeting. He stated that as of May 31, 2014, the Foundation’s investment portfolio totaled approximately \$236.2 million with year-to-date gains through the period of approximately 15.8%. He presented an update on the Next Horizon fundraising campaign, noting that to date, \$229 million has been raised, representing approximately 31% progress towards the goal.

5. Action Items – Consent Agenda

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

Chair Maury requested that the Museum of Science Inc. Development and Operating Agreement Proposal item be removed from the Consent Agenda and discussed separately. There were no objections.

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, March 27, 2014** – Approve the Minutes of the Florida International University Board of Trustees, Full Board meeting held Thursday, March 27, 2014 at the Engineering Center, room 2300.
- **AP1. Tenure as a Condition of Employment Nomination** - Approve one (1) candidate for Tenure as a Condition of Employment.
- **AP2. Tenure Nominations** - Approve the granting of Tenure for twenty-nine (29) nominees as specified in the Board materials.

- **AP3. Ph.D. in International Crime and Justice New Program Proposal** - Approve the Ph.D. in International Crime and Justice (CIP 43.0104) degree program.
- **AP4. Approval of Gift of Real Property and New Educational Site** - Approve the National Tropical Botanical Garden Gift Agreement and Joint Operating Agreement; delegate to the University President the authority to finalize all exhibits and execute all documents related thereto; and approve the construction and establishment of the International Center for Tropical Botany facility in Miami, Florida as a “special purpose center” of Florida International University.
- **AP6. Pathway Services Agreement** - Enter into a services agreement with Shorelight-Scientia, LLC for the operation of an international pathway school.
- **P1. Ratification of Memoranda of Understanding (MOU) between FIU and United Faculty of Florida; American Federation of State, County, and Municipal Employees, AFLC-CIO, Council 79; Dade County Police Benevolent Association for the rank and file; and Dade County Police Benevolent Association for the lieutenants** - Ratify the MOUs making changes to the following wage articles:
 - UFF: Article 11 Salaries in the FIU-UFF 2011-2014 CBA
 - AFSCME: Article 9 Wages (9.4(a) and (b)) in the FIU – AFSCME 2013-2016 CBA
 - PBA R&F : Article 9 Wages (9.2a) in the PBA R&F 2011-2014 CBA
 - PBA-Lts: Article 9 (9.2A) in the PBA-Lts 2011-2014 CBA
- **P2. University Goals Report, 2014-15** - Adopt the University Goals for the 2014-15 academic year as included in the Board materials.
- **P4. Ratification of the 2014-17 Collective Bargaining Agreement Between the FIU Board of Trustees (BOT) and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (FNA Local 713) and the MOU between the BOT and FNA Local 713 to provide the FNA nurses with the \$600 legislative bonus previously promised to them when the employees were out-of-unit** - Ratify the 2014-2017 CBA between the BOT and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO and ratify the MOU between the parties regarding Legislatively appropriated bonuses.
- **FA2. Proposed 2014-15 Fixed Capital Outlay Budget** - Approve Florida International University’s 2014-15 Fixed Capital Outlay Budget and authorize the University President to amend the budget as necessary, consistent with Florida Board of Governors and FIU Board of Trustees directives and guidelines.
- **FA3. Request for Approval of Florida International University’s 2015-16 Fixed Capital Outlay Legislative Budget Request, Consisting of the five-year Capital Improvement Plan** - Approve FIU’s 2015-16 Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan, and authorize the

University President to amend the Legislative Budget Request as necessary, consistent with Florida Board of Governors and FIU Board of Trustees directives and guidelines.

- **FA5. Amendment to University Traffic and Parking Regulation** - Approve the proposed amendments to FIU-1105 University Traffic and Parking Regulation and delegate authority to the University President to approve any subsequent amendments that are based on comments to the Regulation received from the Florida Board of Governors and as a result of the regulation-making process.
- **FA6. Amendment to Student Debt Collection Regulation** - Approve the proposed amendments to FIU-1109 Student Debt Collection regulation.
- **FA7. UniversityCity Prosperity Project TIGER Improvements** - Approval to perform the project contemplated by the United States Department of Transportation Grant on the FIU Modesto A. Maidique Campus and in the City of Sweetwater, and authorize the University President or designee to take all actions and execute any documents necessary or desirable in connection with the project.

6. Action Items

AP7. 2014-15 University Work Plan to the Board of Governors

Trustee Cesar L. Alvarez, Chair of the Academic Policy and Student Affairs Committee, requested that President Rosenberg present the 2014-15 University Work Plan for Board consideration and approval. President Rosenberg provided an overview of FIU's institution-specific goals. He described three key initiatives that address State University System key performance indicators and emphasize three primary areas of focus: academic quality, operational efficiency and return on investment. He indicated that the University will continue to further efforts through the Graduation Success Initiative (GSI) to increase the 6-year baccalaureate graduation rate by 2% per year. He stated that the University is developing multiple initiatives to advance STEM education, noting that FIU's STEM Transformation Institute received a \$1.45 million grant from the National Math and Science Initiative to launch FIUTeach. He indicated that a recently signed agreement with Royal Caribbean Cruises Ltd. will provide great learning and practical opportunities for University students, adding that this is one of many initiatives geared towards preparing students for the workforce through internships.

A motion was made and passed that the FIU Board of Trustees approve the 2014-15 University Work Plan.

AP8. Amendment to the Florida International University Board of Trustees Operating Procedures

Trustee Cesar L. Alvarez noted that during the June 3, 2014 meeting of the Board's Academic Policy and Student Affairs Committee, Trustees engaged in a substantive discussion pertaining to the proposed amendments to the Board's Operating Procedures. He requested that University General Counsel R. Kristina Raattama present the proposed amendments and address the specific concerns that were discussed at the Committee's meeting. Ms. Raattama presented an overview of the proposed amendments to the Operating Procedures, noting that most changes related to the

procedures being reorganized to group similar items together and also describing the substantive changes. She added that proposed revisions are reflective of best and current practices and are based on recommendations from Dr. Kenneth A. Shaw, a former chancellor of Syracuse University and AGB consultant and have also been reviewed and endorsed by the Board Chair and University President.

Chair Maury led the discussion on the proposed amendments to the Board's Operating Procedures and stated that as part of good governance, the Board should periodically review and update its governing document. Trustees discussed the proposed revisions and their impact and focused primarily on the proposed removal of the office of Treasurer and Special Members of the Board that addresses emeritus status for former Board members and chairs. Ms. Raattama noted that the Board defines the Board Treasurer position with much of the same wording that describes the CFO's responsibilities, adding that this results in a lack of governance clarity surrounding the terminology and function of Treasurer. She indicated that there is no clear best practice nationally regarding the treasurer position and added that a review of the other State University System board of trustees showed no treasurer position. Chair Maury stated that all Board members are responsible for the overall management of the organization's resources, noting that the responsibility does not simply fall to the Treasurer of the Board. Ms. Raattama added that while the proposed revisions provide for the removal of the Special Members of the Board section, the Board may choose to honor former members through resolutions honoring their service. Mr. Maury added that the granting of Chair or Trustee Emeritus status should not be considered routine and automatic but rather be based on merit and should be a designation that is regarded as an extraordinary title which is given for extraordinary reasons.

As part of the charge to comprehensively review the Board's Operating Procedures, Trustee Alvarez recommended and the Board adopted editorial modifications to Section 2.3 Powers and Duties in order to maintain language consistency. Trustees also adopted a modification to the document to maintain the Special Members of the Board Section in the Board's Operating Procedures with a provision stating that it shall only be applicable to Trustees whose Board service commenced prior to June 30, 2014, adding that thereafter, the provision shall no longer be effective.

A motion was made and passed that the FIU Board of Trustees table the Amendment to the Florida International University Board of Trustees Operating Procedures, as amended, until the Board's next regularly scheduled meeting in September in order to present the complete revised document for final consideration by the Board.

FA1. Proposed 2014-15 Operating Budget

Trustee Gerald C. Grant, Jr., member of the Finance and Audit Committee requested that Senior Vice President for Finance and Administration and Chief Financial Officer Kenneth A. Jessell present the proposed 2014-15 University and DSO Operating Budgets and recommended that all of the action items included within the 2014-15 Operating Budget be voted on in one (1) motion. There were no objections.

Sr. VP and CFO Jessell provided a comprehensive review of all the components of the proposed 2014-15 Operating Budget and subsequent action items for Board consideration and approval. He

noted that that key components of the operating budget included tuition increases for Graduate, Nursing, Law and Medical students, in addition to increases in the Financial Aid fee and Technology fee for these students. He reported on Educational and General (E&G) State Appropriations, indicating that FIU received an allocation of \$12.5 million in the new State budget for Fixed Capital Outlay projects including Critical Deferred Maintenance, Renovation, Remodeling and Repairs, and Capital Improvement Trust Fund requests.

A motion was made and passed by the FIU Board of Trustees approving the proposed 2014-15 Operating Budget and subsequent fees:

A. University and DSO Operating Budgets

The FIU Board of Trustees approved the FIU 2014-15 University and Direct Support Organizations Operating Budgets and authorized the University President to amend the budget consistent with Legislative, Board of Governors' and Florida International University Board of Trustees directives and guidelines. The University President shall keep the BOT informed of any changes in excess of two percent (2%) made to the total approved 2014-2015 Operating Budget during the operating year.

B. University Tuition and Fees Schedule

The FIU Board of Trustees approved the proposed amendments to regulation FIU-1101 Tuition and Fees Schedule and delegated authority to the University President to approve any subsequent amendments that are based on comments to the regulation received from the Board of Governors as a result of the regulation-making process. The University Regulation FIU-1101 Tuition Fees Schedule provides the tuition and associated fees charged to students attending FIU. The regulation was amended to reflect the changes in tuition and fees for the 2014-15 academic year as authorized by the Florida State Legislature and the Florida Board of Governors: 3 percent Nursing and Graduate; 10.08 percent Nursing Practicum and Ph.D. in Nursing Practice; 10 percent Law; 2.5 percent Medicine; an 8.33 percent increase in the Graduate and Nursing Non-Resident Fee; and fees calculated as 5 percent of tuition (financial aid and technology).

C. Tuition for Market Rate Programs, 2015-16 Academic Year

The FIU Board of Trustees approved market rate tuition for the Professional Science Master in Environmental Policy and Management, the online Master of Science in Curriculum and Instruction, and the online Master of Science in Special Education offered through continuing education beginning academic year 2015-16.

FA8. New Biscayne Bay Campus Student Housing Project

Sr. VP and CFO Jessell presented the new Biscayne Bay Campus student housing project, providing background information regarding favorable market conditions in the City of North Miami for the project, as presented in the market demand study by Alvarez & Marsal, LLC.

Sr. VP and CFO Jessell stated that the proposed project consists of the development of a 297,000 square foot, on campus residence hall that will include approximately 618 beds with a resort-style swimming pool and other amenities. He added that the University's Evaluation Committee selected

Servitas LLC as the program and development management firm, following a formal, competitive solicitation process. He indicated that Servitas LLC will assume full responsibility and liability for the Project and will serve as the primary point of contact for FIU, coordinating all details, decisions and deliverables. He further noted that the collaboration, referred to as a public-private partnership, will serve to meet student need for safe, high-quality on campus housing within close proximity to University facilities.

Sr. VP and CFO Jessell provided a comprehensive overview of the Project Sublease and Operating Agreement terms, indicating that as part of the public-private partnership, Servitas LLC will bear all responsibility and risk associated with financing, designing, building, furnishing, operating and maintaining the facility. He stated that all revenues generated by the project in excess of the debt service, operating costs, capital reserves and management fees are to be paid to FIU as rent. He stated that the project will be financed through the issuance of tax-exempt bonds by NCCD-Biscayne Properties, a national 501(c)(3), the owner of the project. NCCD-Biscayne Properties will have a 40-year ground lease with the University.

Sr. VP and CFO Jessell stated that Phase I of the project (410 beds) is to be substantially completed by July 15, 2015 and available for occupancy by eligible residents by August 1, 2015 and Phase II (208 beds) is to be substantially completed by July 15, 2016 and available for occupancy by eligible residents by August 1, 2016.

A motion was made and passed that the FIU Board of Trustees authorize the University President or designee to (i) enter into a Sublease Agreement and Operating Agreement with NCCD-Biscayne Properties LLC ("NCCD-Biscayne"), a single member limited liability company owned by National Campus and Community Development Corporation ("NCCD"), on substantially the same terms as described herein, and (ii) take all actions and execute all other incidental documents necessary or desirable in connection with NCCD-Biscayne's development, construction and operation of the Student Housing project, including, but not limited to, granting easements and licenses on the Biscayne Bay Campus.

AP5. Museum of Science Inc. Development and Operating Agreement Proposal

Provost and Executive Vice President Douglas Wartzok presented the Museum of Science, Inc. ("Museum") Joint Development and Operating Agreement for Board review and approval, noting that the Museum will contribute to FIU \$5 million for the construction of the facility through a generous donation received from the Batchelor Foundation, Inc., and the facility will be designed and constructed to this budget. He added that FIU will develop and construct the facility on a parcel of vacant land consisting of approximately 75,000 sq. ft. located on the north side of FIU's Biscayne Bay Campus. He stated that the facility will be used by FIU for its educational purposes and by the Museum for its animal care needs and will be known as the Batchelor Environmental Center at FIU. He further noted that the Museum has agreed to cover the facility's on-going operating and maintenance expenses related to its use of the facility. He indicated that the facility will provide FIU students with a unique opportunity to gain hands-on experience with large marine animals and large birds.

A motion was made and passed that the FIU Board of Trustees approve the Museum Joint Development and Operating Agreement; delegate to the University President the authority to finalize all exhibits and execute all documents related thereto; and approve the construction of the Batchelor Environmental Center at FIU facility on the north side of the Biscayne Bay Campus.

7. 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 June 3, 2014 meeting. He reported that Associate Professor Rene Price, from the Department of Earth and Environment, presented her research on sea level rise and the impact on Miami, noting that her research was featured in a press release by the National Science Foundation in April 2014. He added that Associate Professor Juliet Pinto and Assistant Professor Kate MacMillin, both from the School of Journalism and Mass Communication, presented an overview of their documentary on sea level rise in South Florida that serves to educate and engage the community on this issue of growing concern and importance.

Personnel Committee Report

Trustee Michael M. Adler, Chair of the Personnel Committee, presented highlights from the Committee's June 3, 2014 meeting. He noted that the University President's goals for the 2014-15 academic year were presented for Committee review and approval and then went on to provide an overview of the goals. Trustee Adler stated that the State University System (SUS) of Florida Board of Governors (BOG) has instituted a Performance Funding Model consisting of eight metrics common to all SUS institutions and two specific to each university. He added that the BOG's Performance Funding Model metrics evaluate the SUS institutions on a range of issues such as six-year graduation rates and cost per undergraduate degree. He indicated that the Committee reviewed seven additional FIU metrics, noting that they related to doctoral degree production, total research expenditures, growth of the university's endowment, start-up companies, student internship participation, first generation student graduates and other major one-time priorities not easily quantified, such as the Miami-Dade County Youth Fair & Expo land negotiations and community engagement initiatives, revenue generating activities not already included in existing metrics.

Health Affairs Task Force Report

Trustee Jose J. Armas, Chair of the Health Affairs Task Force, presented highlights from the Task Force's June 3, 2014 meeting. He reported that Provost Wartzok provided an overview of the College Health Program Report as prepared for FIU by Hodgkins Beckley Consulting, LLC/Stephen L. Beckley and Associates, Inc. and led the discussion on the University's analysis and recommendations. He added that College of Engineering and Computing Dean Amir Mirmiran facilitated a presentation of health-related collaborative efforts by faculty in the School of Computing and Information Sciences and the Departments of Electrical and Computer Engineering and Biomedical Engineering.

External Relations Committee Report

Trustee Jorge L. Arrizurieta, Vice Chair of the External Relations Committee, presented highlights from the Committee's June 3, 2014 meeting. He provided highlights on the 2014 Legislative Session, noting that the State budget includes a significant increase in funding for higher education

and added that FIU is receiving \$18 million in incremental performance funding. He provided an overview of the FIU initiatives and projects that were funded in the new State budget. He also indicated that the Senior Vice President of External Relations Sandra B. Gonzalez-Levy provided an update on FIU's Strategic Land Acquisition initiative. He also reported that the Office of Engagement produced its first annual report, the "2013 Year in Review" to highlight the office's initiatives and recognize our work with our community partners and donors.

Finance and Audit Committee Report

Trustee Gerald C. Grant, Jr., member of the Finance and Audit Committee, presented highlights from the Committee's June 3, 2014 meeting. He reported that Sr. VP and CFO Jessell presented the proposed 2014-15 Operating Budget and provided an update on the Budget Variance for the third quarter of FY 2013-14, noting that the University and direct support organizations' operating revenues were above estimates by \$24.4M (or four percent) and that expenses were below estimates by \$16M (or two percent). Trustee Grant stated that the Committee approved the Internal Audit Plan for fiscal year 2014-15. He stated that as is stipulated in the Finance and Audit Committee Charter, the Committee met Senior Management without the presence of Internal Audit, to discuss the performance of the Internal Auditor.

8. New Business

BT2. FIU's Strategic Land Acquisition Initiative

Chair Maury noted that the Board's Executive Committee met earlier in the day to discuss FIU's Strategic Land Acquisition Initiative, noting that many steps need to be taken in order to effectuate any potential relocation and expansion by FIU onto Tamiami Park. He added that the Executive Committee recommended that the Board authorize the University President and/or his designees to continue to further efforts in connection with The Fair relocation and FIU's proposed expansion onto the Fairgrounds, including community outreach and/or lobbying efforts consistent with all applicable laws.

President Rosenberg provided an update on the status of the FIU Strategic Land Acquisition and presented the Resolution for Board approval.

A motion was made and passed by the FIU Board of Trustees adopting the following resolution:

WHEREAS, the Board adopted resolutions on June 14, 2012, October 14, 2013, and January 9, 2014, expressing its support of collaborative efforts to identify a mutually beneficial site and associated funding that will allow for relocation of the Miami-Dade County Fair & Exposition, Inc. (The Fair) and FIU's proposed expansion onto land currently leased to The Fair (the Fairgrounds) adjacent to FIU's Modesto A. Maidique campus; and

WHEREAS, on October 22, 2013, the Miami-Dade County Commission approved a resolution urging the Florida Legislature to fund the relocation of The Fair and facilitate FIU's expansion onto the Fairgrounds; and

WHEREAS, the Florida Legislature recently concluded the 2014 legislative session and appropriated \$10 million for FIU's Strategic Land Acquisition initiative.

THEREFORE BE IT RESOLVED as follows:

1. The Board hereby expresses its gratitude to the Florida Legislature and the Miami-Dade delegation for its leadership and support for FIU's Strategic Land Acquisition initiative.
2. The Board authorizes the Strategic Land Acquisition funds to be designated for purposes of FIU's proposed acquisition with respect to the Fairgrounds.
3. The Board authorizes the University President and/or his designees to continue to advocate on behalf of FIU and take any and all steps that may be necessary or appropriate in connection with The Fair relocation efforts and FIU's proposed expansion onto the Fairgrounds, including community outreach and/or lobbying efforts consistent with all applicable laws.
4. The Board finds this strategic initiative and related advocacy efforts as being directly related to FIU's educational mission and in the best interest of the University, the community and the State, and encourages all members of the FIU community to support this critical initiative.
5. Status reports regarding this initiative shall be provided to the Board at each regularly scheduled meeting of the Board or earlier, as necessary to keep the Board appropriately informed. The final transaction shall be subject to the Board's approval.

On behalf of the Board, Chair Maury recognized Provost Wartzok's unwavering dedication and service to the University and expressed the Board's gratitude for the countless contributions and accomplishments during his tenure.

President Rosenberg presented a brief video that highlighted some of the notable moments of the University's most recent commencement exercises.

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, June 12, 2014 at 1:32 p.m.

There were no Trustee requests.

Albert Maury
Chairman
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

MB
6.30.14

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

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

Proposed Board Action:

Approve the Florida International University Foundation Inc. Bylaws as amended and restated on June 7, 2014.

Background Information:

On June 7, 2014, the Florida International University Foundation Inc. Board of Directors approved amendments to the Foundation's Bylaws.

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

Regulation FIU-1502 Direct Support Organizations (2) (a) provides that any amendments to the Articles of Incorporation of Bylaws must be submitted by the President of the University to the BOT for approval prior to becoming effective.

Article 10, Section 1 of the Florida International University Foundation Inc. Bylaws provides that any amendment to the Bylaws, approved by the Board, shall be submitted by the University President to the BOT for approval prior to its effective date.

Supporting Documentation: *Information behind the Finance and Audit Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

Subject: Proposed Amendment to FIU-1101 Tuition and Fees Schedule Regulation

Proposed Board Action:

Approve the proposed amendments to regulation FIU-1101 Tuition and Fees Schedule and delegate authority to the University President to approve any subsequent amendments that are based on comments to the Regulation received from the State University System of Florida Board of Governors (BOG) as a result of the regulation-making process.

Background Information:

In accordance with Florida Statutes Section 1009.24, and BOG Regulations 1.001, 7.001, and 7.003, the tuition for the new Masters of Law degree program was approved at the June 12, 2014 BOT Meeting. This amendment provides for charging the tuition and fees on a per credit hour basis from a per academic year basis and deletes the health fee charge. These changes are being made to reflect the per credit fee of this Program per the semester tuition fee approved at the June 12, 2014 BOT meeting.

In accordance with the BOG's Regulation Development Procedure, the University Administration is required to submit this regulation to the BOG for approval because it pertains to tuition fees.

The University President will report to the BOT at its next regularly scheduled meeting on any substantive change requested or made to the Regulation as a result of comments received from the BOG as part of the regulation-making process.

Supporting Documentation: *Information behind the Finance and Audit Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

Subject: 2015-2016 Legislative Budget Requests

Proposed Board Action:

Approve the 2015-2016 Legislative Budget Requests:

2014-15 Non-Recurring Issues:

- | | |
|---------------------------|----------------------|
| ○ Health EMBRACE | Request: \$1,000,000 |
| ○ Panther Life Program | Request: \$500,000 |
| ○ Fostering Panther Pride | Request: \$322,460 |

Unique University Issues:

- | | |
|--|----------------------|
| ○ STEM Innovation Investment | Request: \$2,500,000 |
| ○ Center for Children and Families | Request: \$2,000,000 |
| ○ Health Economics and Strategic Solutions | Request: \$400,000 |
-

Background Information:

Pursuant to Section 7, Article 9 of the Florida Constitution, the Board "...shall operate, regulate, control, and be fully responsible for the management of the whole university system." Included within this responsibility is the development of a Legislative Budget Request (LBR). In addition, Section 216.023(1), Florida Statutes, requires the submission of a LBR to the Legislature and Governor based on an independent judgment of needs.

The LBR is an assessment of needs developed by the Florida Board of Governors in cooperation with the universities. The Florida Board of Governors requires that all State University System institutions submit their institutional LBR request for review and approval.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

Subject: University Equity Report

Proposed Board Action:

Approve the University Equity Report.

Background Information:

In accordance with Florida Board of Governors Regulation 2.003, Equity and Access, Florida International University has prepared an annual Florida Equity Report for 2013-14 that encompasses enrollment, gender equity in athletics, and employment.

The Florida International University Board of Trustees must approve the annual University's Equity Report prior to submission to the Florida Board of Governors.

The University President shall submit the Report to the Chancellor of the State University System.

Florida Board of Governors Regulation 2.003 Equity and Access (5) provides that each university shall prepare an annual Florida Equity Report in accordance with Regulation 2.003 and reporting guidelines established by the Board of Governors Office.

Supporting Documentation: *Information behind the Personnel Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

Subject: Florida International University Donative Naming Policy

Proposed Board Action:

Adopt the University's Donative Naming Policy.

Background Information:

The University is recommending approval of the Donative Naming Policy as approved by the Florida International University Foundation, Inc. Full Board of Directors on June 7, 2014 to create a standard for all donor naming opportunities throughout the University.

Supporting Documentation: *Information behind the Finance and Audit Committee tab*

Facilitator/Presenter: Sukrit Agrawal, *Finance and Audit Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

Subject: Amendment to the Operating Procedures of the Florida International University Board of Trustees

Proposed Board Action:

Approve the amendment to the Operating Procedures of the Florida International University Board of Trustees (the BOT).

Background Information:

At its June meeting, the BOT considered a re-write of the Operating Procedures and tabled the re-write to this September meeting to allow two changes approved by Trustees at the meeting to be incorporated and reviewed by the Trustees before final approval as follows:

1. Section 2.3 Powers and Duties. Revised to address the standard of care applicable to Trustee powers and duties.
2. Section 3.5 Emeritus Status. Added back current Trustees eligibility for emeritus status as provided in the current Operating Procedures but providing for the provision to sunset thereafter.

Additionally, authority for the Governance Committee to act on matters requiring attention between Board meetings was added to ensure time-sensitive matters not requiring full Board consideration may be addressed timely.

The Operating Procedures of the BOT, Article IV, state,
The Operating procedures may be altered, amended or repealed by a two thirds vote of all members of the Board at any regular meeting, when notice of the proposed amendment or repeal is provided in the meeting notice.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

Facilitator/Presenter: *Cesar L. Alvarez, Academic Policy and Student Affairs Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

Subject: Status Reports, Board Committees

Proposed Board Action:

None. Information only.

Background Information:

These Committees/Task Force met prior to the regular Board meeting: Athletics Committee; Finance and Audit Committee; Health Affairs Task Force; Academic Policy and Student Affairs Committee; and Personnel Committee. The Committee/Task Force Chairs will present status reports.

Supporting Documentation: N/A

Facilitator/Presenter: **Jorge L. Arrizurieta**, *Athletics Committee Chair*
Sukrit Agrawal, *Finance and Audit Committee Chair*
Jose J. Armas, *Health Affairs Task Force Chair*
Cesar L. Alvarez, *Academic Policy and Student Affairs Committee Chair*
Michael M. Adler, *Personnel Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

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**

September 10, 2014

Subject: FIU's Strategic Land Acquisition Initiative

Proposed Board Action:

The Board of Trustees adopts the following resolution:

WHEREAS, the Board adopted resolutions on June 14, 2012, October 14, 2013, and January 9, 2014, expressing its support of collaborative efforts to identify a mutually beneficial site and associated funding that will allow for relocation of the Miami-Dade County Fair & Exposition, Inc. (The Fair) and FIU's proposed expansion onto land currently leased to The Fair (the Fairgrounds) adjacent to FIU's Modesto A. Maidique campus; and

WHEREAS, on October 22, 2013, the Miami-Dade County Commission (the Commission) approved a resolution urging the Florida Legislature to fund the relocation of The Fair and facilitate FIU's expansion onto the Fairgrounds; and

WHEREAS, the Florida Legislature recently concluded the 2014 legislative session and appropriated \$10 million for FIU's Strategic Land Acquisition initiative; and

WHEREAS, on June 12, 2014, the Board adopted a resolution which, among other things, authorized these funds to be designated for the acquisition of the Fairgrounds and furthermore, authorized the University President or designee to continue to advocate on behalf of FIU and take all steps that may be necessary or appropriate in connection with The Fair relocation efforts and FIU's proposed expansion onto the Fairgrounds, including community outreach and/or lobbying efforts consistent with all applicable laws; and

WHEREAS, pursuant thereto, a Memorandum of Understanding in the form attached hereto as **Exhibit A** providing for FIU's expansion onto the Fairgrounds has been negotiated by Miami-Dade County and FIU; and

WHEREAS, on September 3rd, 2014, the Commission approved the Memorandum of Understanding with the amendments described on **Exhibit B** and, pursuant to the Miami Dade County Charter (the Charter), approved placing a County-wide Charter amendment voter referendum on the ballot which, if approved, will (i) extend the exemption from the public park use restrictions in the Charter applicable to the Fairgrounds to FIU and (ii) authorize the expansion of FIU onto up to 64 acres of the Fairgrounds so long as no County funds are used for the FIU expansion and the relocation of The Fair; and

WHEREAS, this Board desires to confirm its approval of the Memorandum of Understanding, as amended by the Commission, and express its continued support for the Strategic Land Acquisition initiative.

THEREFORE BE IT RESOLVED as follows:

1. The Board hereby approves, and authorizes the President to enter into, the Memorandum of Understanding with the amendments approved by the Commission as described herein.
2. The Board authorizes the University President to take any and all steps that may be necessary or appropriate in connection with The Fair relocation efforts and FIU's proposed expansion onto the Fairgrounds, including the expenditure of available University funds to support advocacy efforts, all such actions being consistent with applicable laws.
3. The Board hereby commits its continued support for the Strategic Land Acquisition initiative.
4. Status reports regarding this initiative shall be provided to the Board at each regularly scheduled meeting of the Board or earlier, as necessary to keep the Board appropriately informed. The final transaction shall be subject to the Board's approval.

Supporting Documentation: Miami-Dade County Board of County Commission Resolution* Authorizing Memorandum of Understanding Between Miami-Dade County and Florida International University
**Final version from Miami-Dade County pending amending Resolution to accommodate Commissioner Jordan's Board-adopted request to note that any relocation site chosen for the Fair must revert to County ownership*

Facilitator/Presenter: Mark B. Rosenberg

Exhibit B

AMENDMENTS TO MEMORANDUM OF UNDERSTANDING APPROVED AT
COMMISSION MEETING THAT WILL BE INCORPORATED INTO THE FINAL
MEMORANDUM OF UNDERSTANDING:

- 1) Confirm in the Memorandum of Understanding that any property acquired for the Fair's use will be owned by the County; and
- 2) Add a requirement to the Memorandum of Understanding that the conveyance to the County of the Bird Basin property, be it by lease or deed, contain the same limitations on the use and development of the property as are currently found in the Lease from the State to FIU of the Bird Basin property.

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Memorandum

MIAMI-DADE
COUNTY

Date:

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Memorandum of Understanding Between Miami-Dade
County and Florida International University

At the July 17, 2014 Board of County Commissioners ("the Board") meeting, the Board instructed my administration to meet and negotiate with all appropriate stakeholders in order to create a plan and schedule for the expansion of Florida International University ("FIU") onto that portion of Tamiami Park currently leased to the Miami-Dade County Fair & Exposition, Inc. ("The Fair") and for the relocation of The Fair to an appropriate, new physical location, and to bring those recommendations to the Board at the September 3, 2014 scheduled meeting. The Board also directed my administration to bring back recommended ballot language for a countywide voter referendum to allow this to occur; the ballot question is a separate item on the agenda.

Recommendation

It is recommended that the Board authorize the execution of the attached Memorandum of Understanding ("MOU") between Miami-Dade County and FIU which contemplates that the County will convey, by lease or by property exchange, up to 64 acres of that portion of Tamiami Park currently leased to The Fair (Exhibit 1 – the Property) to FIU. The County's conveyance is subject to a voter referendum and certain conditions being met by FIU, including FIU obtaining sufficient funds to cover all of the costs of the relocation of The Fair, as relocation is required to address the terms of the Lease between the County and The Fair. The MOU sets forth the general responsibilities of the parties.

Scope

Tamiami Park is located in Commission District 11, Commissioner Juan C. Zapata. However, the conveyance of the property to FIU and the relocation of The Fair would have regional significance.

Fiscal Impact/Funding Source

The approval of the MOU will not create a fiscal impact on the County. The purpose of the MOU is to establish a framework for the expansion of FIU onto the Property and to document certain understandings between the County and FIU related to that process. The MOU acknowledges that the County shall not be required to expend any County funds in connection with FIU's expansion effort, and, to the extent the County finds it necessary to hire consultants or vendors to conduct studies related to the relocation effort, the MOU provides that FIU would reimburse the County for those expenses provided that FIU has first approved those expenses in writing before they are incurred by the County.

Track Record/Monitor

Jack Kardys, Director of the Parks, Recreation and Open Spaces Department, will coordinate this effort.

Background

The MOU serves as a blueprint outlining the critical steps, requirements and agreements necessary to convey the Property to FIU and satisfy the requirements of the Lease with The Fair. Key considerations in negotiating the MOU included the importance of improving and expanding the recreational activities offered by PROS for the benefit of the public. This is accomplished through FIU's commitment to secure \$20 million to enable PROS to improve Tamiami Park and through FIU's conveyance of the Bird Basin property to the County.

Referendum

Miami-Dade County and The Fair are parties to a long-term lease agreement under which The Fair operates its annual fair and otherwise manages approximately 86 acres of Tamiami Park, located at 11201 SW 24 Street, next to FIU ("Dade County Youth Fair site"). The Dade County Youth Fair site is currently exempt from the public park purposes only use restrictions and construction limitations of Article 7 of the Home Rule Charter, but if The Fair relocates then the site would no longer be exempt. Accordingly, in order to convey the Property to FIU to use for non-public park purposes and to construct facilities not otherwise permitted by Article 7 of the Charter, it is necessary to undertake a countywide voter referendum to amend Article 7 of the Charter in order to extend the exemption to FIU's use and expansion onto the Property. Therefore, the conveyance of the Property by the County to FIU is contingent upon a favorable result of the voter referendum. A separate agenda item with proposed ballot language for the November 4, 2014 election is provided for the Board's consideration.

Conveyance of the Property

The MOU outlines options for the County's conveyance of the Property to FIU, subject to the referendum and the required conditions being met by FIU. One approach is for the County to provide the Property to FIU under a long-term lease, in exchange for a long-term lease between the County and the State for the approximately 320-acre Bird Basin property. Another is for the County to exchange ownership of the Property with the State for ownership of the Bird Basin property. In either of these cases, FIU and the State also would be required to address any land acquisition costs for property that may be necessary for the Fair's relocation. The County would ask the State and FIU that ownership of any such property purchased for The Fair's relocation be conveyed by the State to the County. The method of conveyance of the Property will be finalized in negotiations with FIU and the State and subject to review and approval by the Board.

Financial Obligations

Through the MOU, FIU has agreed to seek funding from the State or private donors for its expansion onto the Fair site and the relocation of the Fair; the MOU reaffirms that any such efforts shall not require the use of County funds. The costs for relocation of The Fair may include, but are not limited to, land purchase, infrastructure development, and, if necessary, environmental mitigation. Total costs will be directly dependent upon the selected relocation site and an appraisal of The Fair's improvements that are eligible under the terms of the Lease for reimbursement.

In addition, FIU has agreed to seek the necessary approvals and appropriations to provide the County with (1) \$20 million to be used under the direction of the Parks, Recreation and Open Spaces Department ("PROS") for improvements to PROS facilities at Tamiami Park and (2) a lease or title to the Bird Basin property.

The costs of these requirements will be covered by revenues to be secured by FIU from the State and private sources. Earlier this year, the State included \$10 million in its FY 2014-2015 budget in support of FIU for its strategic land acquisition initiatives. The County agrees to continue to work cooperatively with FIU and make sufficient State funding for this effort a legislative priority.

FIU's Planned Use of the Property

Given the continued and rapid growth of FIU and the development of its campus, the Property identified in Exhibit 1 can provide the University with adequate area to meet its expanding academic needs and planned goals for new educational and research facilities.

The attached MOU identifies FIU's general proposed use of the Property. In addition, it provides restrictions that prohibit commercial development (other than minimal commercial development incidental to its permissible uses) on the Property and confirms that the Property cannot be used for a hospital, for a medical school, or for the establishment of schools other than FIU. FIU currently proposes to use the Property for (Exhibit 2):

- Academic Space/Expansion of Engineering Center;
- Research Space/Academic Health Center – Geriatric Institute and Autism/Neuro Research;
- Incubator, Entrepreneurship and Data Center;
- University Undergraduate and Student Housing Facilities;
- Support Space; and
- Open, Recreational and Other Space.

FIU estimates that the potential economic impact of these plans is in the billions of dollars and the creation of tens of thousands of jobs.

Improvements to Tamiami Park

In addition, the MOU includes FIU's commitment to provide the County with \$20 million for improvements to Tamiami Park, subject to and in consideration for the County's conveyance of the Property to FIU. Tamiami Park is a significant and very popular regional park that serves residents of the region and surrounding neighborhoods. It hosts local, state, and national events, and serves as one of our premier training grounds for young athletes. PROS program partners provide sports and afterschool programs that focus on baseball, basketball, and aquatics, serving more than 10,000 children each year. This investment will help fund development priorities approved by the PROS in the areas of recreation/aquatics, ball fields, track and field, and parking/circulation. It should be noted that the conveyance of the Property does not include the portion of the Dade County Youth Fair site that encompasses The Fair's buildings; this property and its buildings will be retained by the County for park and recreation purposes.

The Lease between the County and The Fair

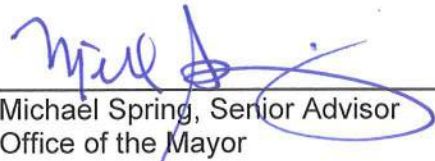
In order to convey the Property to FIU, the County, The Fair and FIU would need to reach an agreement on The Fair's relocation and FIU's expansion. If a tri-party agreement cannot be reached, then the Lease agreement between Miami-Dade County and The Fair would need to be terminated, and the County, pursuant to the cancellation provision in the agreement, is obligated to "secure an equal or better alternate site in Miami-Dade County, acceptable to the Fair." Under these circumstances, amendments to State statutes may be needed to thereafter convey the Property to FIU. As stated earlier, FIU has agreed to secure sufficient funds to cover all expenses for The Fair's relocation, pursuant to the requirements of the Lease between the County and the Fair. The MOU emphasizes that there will be no cost to the County for the relocation of The Fair. The Fair has indicated that, although it would prefer to stay at the current Dade County Youth Fair site, it is open to continuing discussions on relocation.

Alternate Sites for The Fair

In the fall of 2010, Miami-Dade County, The Fair, and FIU agreed to assess relocation possibilities that would allow FIU to expand onto the Property. As part of the relocation analysis, the parties examined 24 sites for the potential relocation of The Fair and agreed to complete an in-depth analysis of the three most viable sites. An independent analysis and report by Markin Consulting, which was funded by all three parties, was completed in July of 2013. The three possible relocation sites were as follows: the

"Graham Site," 335 undeveloped acres privately owned west of Miami Lakes; the "Homestead Site," 344 acres owned by the County near the Air Reserve Base; and the "Sun Life Site," 85 acres owned by the Miami Dolphins near the Stadium in Miami Gardens. The Fair has since communicated that, pursuant to the requirement that the relocation site be equal or better to the current Fairgrounds, it did not consider the Homestead and Sun Life sites to meet this condition. While The Fair was receptive to further consideration of the Graham site, the anticipated high cost of acquiring the land and the necessary infrastructure improvements made that option unfeasible.

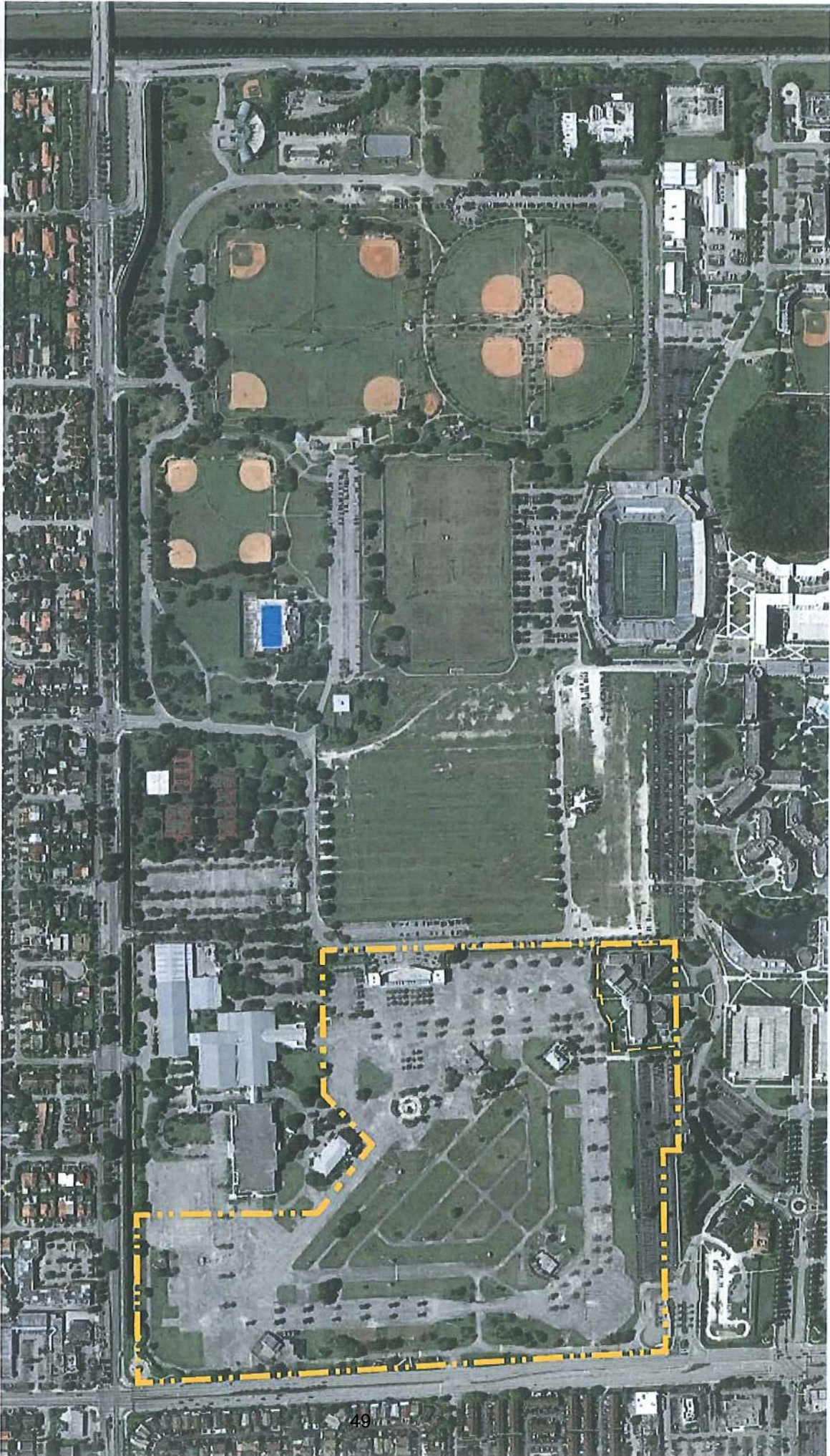
Staff is continuing work to identify viable sites. In addition, the State will assess available property that it owns and that may satisfy site objectives for The Fair. Prior efforts to identify a site served the purpose of focusing on the site objectives of all parties, including realistic costs, transportation and access, space necessary for activities and parking requirements. The goal is to provide the Board with a substantive update on progress with identifying a site no later than March 2015.



Michael Spring, Senior Advisor
Office of the Mayor

Attachments

- c: Robert A. Cuevas, Jr., County Attorney
Michael Spring, Senior Advisor, Office of the Mayor
Office of the Mayor Senior Staff
Jack Kardys, Director, Parks, Recreation and Open Spaces Department
Dr. Mark B. Rosenberg, President, Florida International University
Robert Hohenstein, President/Chief Executive Officer, The Miami-Dade County Fair and
Exposition, Inc.



FIU EXPANSION PLAN
63 ACRES



SUMMARY OF PROPOSED LAND USAGE

- I. Academic and Research Space
 - Expansion of Engineering and Biomedical Center
 - Expansion of Academic Health Center – Geriatric Institute and Autism/Neuro Research
- II. Incubator, Entrepreneurship and Data Center
- III. University Undergraduate Student Housing Facilities
- IV. Support Space
- V. Open, Recreational and Other Space



PROPOSED LAND USAGE

Academic and Research Space

- Space needed to support the instructional, research, service and engagement requirements of students, faculty and staff
- Expansion of Engineering and Biomedical Center
- Expansion of Academic Health Center – Geriatric Institute and Autism/Neuro Research
- Emphasis on disciplines in science, technology, engineering and mathematics (STEM)
- Includes classrooms, faculty and staff offices, teaching labs, technology labs, and student support space
- Space for wet and dry research lab space, research office space, and support staff space to promote, encourage and assist the research and training activities of faculty and students

Incubator, Entrepreneurship and Data Center

- Space to promote academic and research mission of the university with a focus on community economic development
- Activities include licensing university's intellectual property rights, including patents, trademarks, and copyrights and technology transfer to facilitate the commercialization of scientific and research findings that will benefit the community and state
- Innovation and entrepreneurship will be enhanced with the goal of creating jobs, solving problems, and expanding the economic base of the community
- Ancillary space may include a data center to support university research and teaching technology requirements

University Undergraduate Student Housing Facilities

- Capacity of approximately 2000 beds
- Includes meeting, study, and recreation space

Support Space

- Space needed to improve support services to students, faculty and staff
- Includes exercise, health, wellness and recreational space for students, food service and auxiliary operations to support students, faculty and staff needs (model after campus usage), meeting room spaces, administrative support space
- Two parking garages to support incubator and entrepreneurship space, students, faculty, staff, and visitors

Open, Recreational and Other Space

- Green areas with pedestrian pathways, walkways and water elements

**MEMORANDUM OF UNDERSTANDING
CONCERNING THE EXPANSION OF
FLORIDA INTERNATIONAL UNIVERSITY
ONTO COUNTY-OWNED LAND**

This Memorandum of Understanding ("MOU") is entered into on this ____ day of _____, 2014 by and between Miami-Dade County (the "County") and The Florida International University Board of Trustees ("FIU"). Under the terms and conditions set forth in this MOU, the County and FIU agree to work with the Miami-Dade County Fair and Exposition, Inc. (the "Fair") to accomplish the expansion of FIU onto up to 64 acres of County-owned land depicted in Appendix A to this MOU (the "Premises"), which land is currently occupied by the Fair under a lease agreement with the County.

RECITALS

WHEREAS, Tamiami Park, located at 10901 and 11202 Coral Way, is a critical regional park owned by the County and operated by the Parks, Recreation and Open Spaces Department ("PROS") that serves residents of the region and of the surrounding neighborhoods and also hosts local, regional, state, national events; and

WHEREAS, the Fair occupies approximately 86.8 acres of Tamiami Park, consisting of developed and improved lands, inclusive of the Premises, under that certain Amended and Restated Lease of County Lands to Youth Fair dated August 1, 1995 (the "Lease"), as amended, which Lease is for up to ninety (90) years, consisting of an initial term of forty-five (45) years with three additional fifteen (15) year options to renew, exercisable by the Fair if it is not otherwise in breach of the Lease, for a final expiration date of 2085; and

WHEREAS, FIU has provided thousands of Miami-Dade County residents with the opportunity to receive a world-class education and the tools necessary to take and create jobs, while serving as a main catalyst to South Florida's continued economic growth; and

WHEREAS, FIU currently serves over 54,000 students within the confines of the smallest main campus of any university within the State University System of Florida and has been recognized for having the highest classroom space utilization within the State University System; and

WHEREAS, FIU has graduated over 200,000 students and, in the next ten years, FIU expects to graduate over 130,000 students, the majority of which will remain in Miami-Dade County; and

WHEREAS, the expansion of FIU onto the Premises is important to the long-term success of FIU, ensuring the ability of FIU to expand its educational mission by providing much needed space for classrooms, research and development facilities, business incubator spaces, residence halls and other facilities consistent with FIU's educational, research and public outreach missions; and

WHEREAS, FIU desires to take possession of and develop the Premises—through either a lease or conveyance of title—to use that property in furtherance of its educational and research missions, as generally described in Appendix B to this MOU; and

WHEREAS, as urged by Miami-Dade County Resolution No. 867-13, the Florida Legislature appropriated to FIU an initial \$10 million to cover the relocation costs of the Fair;

WHEREAS, the County recognizes and agrees that the Fair has the right to continue to use and possess the Premises, subject to all of the terms and conditions in the Lease, including the cancellation provision set forth in Article XI of the Lease (the “Cancellation Option”); and

WHEREAS, before any further consideration of the exercise of the Cancellation Option, there is a desire to explore a negotiated relocation plan with the Fair that would allow FIU to take possession of the Premises, providing for the County the substantial benefits outlined in this MOU, and also allowing the Fair to continue providing its programming to Miami-Dade County’s residents; and

WHEREAS, as FIU considers its expansion onto the Premises, the County’s population continues to grow, creating an increased demand for parks, open spaces, and the enhanced recreational use of land, as guided by the Board of County Commissioners-approved Open Space System Master Plan, which establishes a framework for the development of livable communities guided by principles of equity and access to parks and open spaces for all; and

WHEREAS, Tamiami Park, in particular, is a key component in PROS’ parks network, serving many thousands of children annually, including special needs youths (for example, by serving as the home of the first Miracle League program in the County, a program that allows disabled children to play baseball), through its various sports and after-school programs, and generally providing valuable health and fitness options to the community through its open space and recreational activities, thereby helping to reduce the impact and cost to an already stressed healthcare infrastructure; and

WHEREAS, Tamiami Park not only serves as one of the premier training grounds for young athletes through programming partnerships with community-based organizations that focus on baseball, basketball, football, soccer, and aquatics, but also serves as a key strategic site for a host of disaster and emergency needs,

NOW, THEREFORE, in recognition of the foregoing recitals, which the parties to this MOU acknowledge reflect each of the parties respective interests and concerns, the County and FIU set forth the following framework for the expansion of FIU onto the Premises:

TERMS OF UNDERSTANDING FOR FIU EXPANSION ONTO COUNTY PROPERTY

ARTICLE 1 RELOCATION EFFORTS

1.01 Cooperative Relocation Effort Among All Parties. FIU and the County acknowledge that the most expeditious and cost-effective manner of accomplishing the expansion of FIU onto the Premises is to work cooperatively with the Fair to achieve a negotiated resolution that does not involve the County's exercise of its rights under the Cancellation Option. FIU agrees that, as part of any negotiated and mutually agreed upon resolution as between the County, FIU, and the Fair, FIU (or the appropriate State entity) will bear all of the costs associated with the relocation of the Fair.

1.02 Expansion onto Premises at No Cost to the County. Consistent with its representations to the Board of County Commissioners and the County's Administration, FIU acknowledges that, as a condition precedent to any relocation agreement or the County's exercise of the Cancellation Option, FIU will be required to provide the County adequate assurances (in form and manner acceptable to the County) that the expansion onto the Premises and the relocation of the Fair shall come at no cost to the County.

1.03 FIU's Legislative Efforts. It shall be FIU's responsibility to secure the funding—public or private, but in any event not County funding—necessary to accomplish its expansion onto the Premises and the relocation of the Fair. As such, FIU agrees to use its best efforts to seek funding from the Florida Legislature or private donors sufficient to cover 100% of the costs arising out of any negotiated and mutually agreed upon resolution to the relocation of the Fair and FIU's expansion onto the Premises.

1.04 County's Designation of FIU Expansion as a Legislative Priority. Subject to the subsequent approval of appropriate legislation by the Board of County Commissioners on an annual basis, the County agrees that the expansion of FIU shall be designated as one of the County's legislative priorities.

1.05 Identification of Prospective Fair Relocation Site. The County agrees that, by March 1, 2015, it shall present FIU with a substantive update on its progress on identifying a site for the relocation of the Fair. This update may include an estimate of the costs associated with the acquisition of the relocation site and any necessary improvements to the site to accommodate the Fair. Any estimates presented by the County, however, shall not alter FIU's obligation to fund 100% of the costs associated with the relocation of the Fair to any identified site. To the extent the County is required to expend any funds for third-party consultants or vendors in connection with studying the viability of any sites for relocation of the Fair, the County shall have no obligation to expend such funds unless FIU agrees in writing to reimburse the County for its expenses.

1.06 No Prejudice to Other Rights. Although FIU and the County have agreed that a negotiated Fair relocation is optimal, FIU and the County do not hereby limit their rights to take possession of the Premises by other means, including the County's exercise of the Cancellation Option.

1.07 Conditions Precedent to FIU's Expansion Onto the Premises. FIU and the County agree that any mutually agreed to relocation of the Fair and the expansion of FIU to the Premises as contemplated by this MOU will be subject to the following pre-conditions: (i) the approval of a referendum amending Article VII of the County's Home Rule Charter to permit FIU to expand onto the Premises; (ii) the execution of an agreement between the County, FIU, and the Fair regarding (or the issuance of a final order from a court of competent jurisdiction authorizing) the relocation of the Fair and providing for FIU or the State of Florida assuming all of the costs related to such relocation (which costs, for avoidance of doubt, must be agreed to by FIU or the State of Florida and shall be subject to appropriation by the Florida Legislature); (iii) the consent and approval of the TIITF to allow FIU to take possession of the Premises, if necessary, and the conveyance of either a deed to or lease of the Bird Basin Passive Park to the County; (iv) the approval, if necessary, of the Board of Governors of the State University System of Florida; and (v) the appropriation by the Florida Legislature of the funds necessary to pay for the relocation of the Fair and the Additional Consideration (as defined below).

ARTICLE 2

CONVEYANCE OF PREMISES

2.01 FIU Consideration to County for the Premises. Upon the occurrence of the conditions precedent set forth in Section 1.07 of this MOU, FIU agrees to assign to the County that certain Lease Agreement dated January 29, 2013, by and between the Trustees of the Internal Improvement Trust Fund (the "TIITF") and FIU, and all rights of FIU as Lessee set forth therein as related to a portion of the property described in such Lease Agreement, which portion of property consists of that certain parcel of property located in Miami-Dade County, Florida, as more particularly described in Appendix C (the "Bird Basin Passive Park Property").

As additional consideration for the lease or conveyance of the Premises and subject to the pre-conditions set forth in Section 1.07, FIU agrees that it will contribute \$20 million to the County to be used for improvements to Tamiami Park (the "Additional Consideration"). The Additional Consideration shall be used for those park improvement projects that, after consultation with FIU, are determined by PROS' evaluation of the then-existing park needs for the community of Tamiami Park users are necessary for the park.

2.02 Nature of Interest Conveyed to FIU. The nature of the interest in the Premises that the County shall convey to FIU shall match the interest that the County receives in the Bird Basin Passive Park. That is, the County shall not be required to convey to FIU fee simple title to the Premises unless FIU, working with the TIITF, is able to convey the same interest in the Bird Basin Passive Park Property to the County. If the County obtains a leasehold interest in the Bird Basin Passive Park Property, then the County shall only be required to convey a leasehold interest in the Premises to FIU, which leasehold interest shall be for the same term of years as the leasehold interest that the County receives in the Bird Basin Passive Park Property, except that in no event shall such term of year exceed ninety-nine (99) years.

ARTICLE 3

FIU'S USE OF THE PREMISES

3.01 FIU's Limitations on the Use of the Premises. FIU agrees that the County has an interest in how the Premises are used, even if FIU obtains fee simple title to the Premises. As such, FIU agrees that the Premises shall not be used for commercial uses (except if the commercial use is ancillary to another permissible use of the Premises or relating to university auxiliary uses consistent with Fla. Stat. § 1011.47); for one or more hospitals; for any public or private K-12 school; or for any stand-alone for-profit post-secondary education facility (excluding, for avoidance of doubt, any uses pursuant to affiliation agreements between FIU and such entities in furtherance of FIU's educational mission).

3.02 FIU's Permitted Use of the Property. In recognition of the County's interest in how the Premises are used, FIU agrees that the Premises shall be used in furtherance of FIU's educational, research and public outreach missions generally consistent with the uses identified in Appendix B to this MOU. FIU shall provide the County with a proposed development timeline and construction schedule and periodic updates to those documents.

3.03 Opportunity for Public Comment. FIU and the County agree that County residents have an interest in how the Premises will be used by FIU and how any relocation of the Fair might impact County residents. As such, FIU and the County agree to work together to schedule joint informational town hall meetings; community conversations with constituent groups such as FIU students and alumni; meetings with homeowners' associations for residential areas surrounding Tamiami Park; and meetings with environmental advocates, constituent organizations, or any other groups that have an interest in the expansion of FIU and future improvements to Tamiami Park.

ARTICLE 4

MISCELLANEOUS TERMS

4.01 Nature of MOU. FIU and the County agree that this document sets forth only the parties' intentions as to a future framework for the successful expansion of FIU onto the Premises. However, nothing contained herein will be deemed to create any legally binding obligation on either the County or FIU. Neither the County nor FIU shall have any obligation to expend funds to accomplish any of the objectives set forth in this MOU. Relatedly, the County shall have no obligation to undertake any actions under this MOU that would disturb or adversely impact its obligations under the Lease with the Fair, including but not limited to a termination of the Lease through the exercise of the Cancellation Option.

4.02 No Third-Party Beneficiaries. This MOU is a documentation of an understanding between the County and FIU, and no third-party shall claim any right or benefit as a third-party beneficiary to this MOU.

4.03 No Further Expansion Into Tamiami Park. FIU and the County have historically worked cooperatively to ensure the success of both FIU and Tamiami Park. To

that end, the County has allowed FIU to construct its stadium partly on Tamiami Park and its performing arts center partly on the Premises and is now working collaboratively with FIU to facilitate its expansion efforts, including those efforts onto the Premises. FIU commits to preserve the balance of Tamiami Park for the local and regional park and recreation needs of the Miami-Dade County community; provided, however, that the foregoing shall not limit the ability of the parties to establish joint programs for the use of facilities within Tamiami Park.

4.04 Termination. This MOU shall continue until terminated by either party, through written notice given to the other party, with or without cause. Upon such termination, neither party shall have any liability to the other for any acts or omissions taken in connection with this MOU.

Executed this ____ day of September, 2014 by:

“COUNTY”

MIAMI-DADE COUNTY BOARD OF COUNTY
COMMISSIONERS

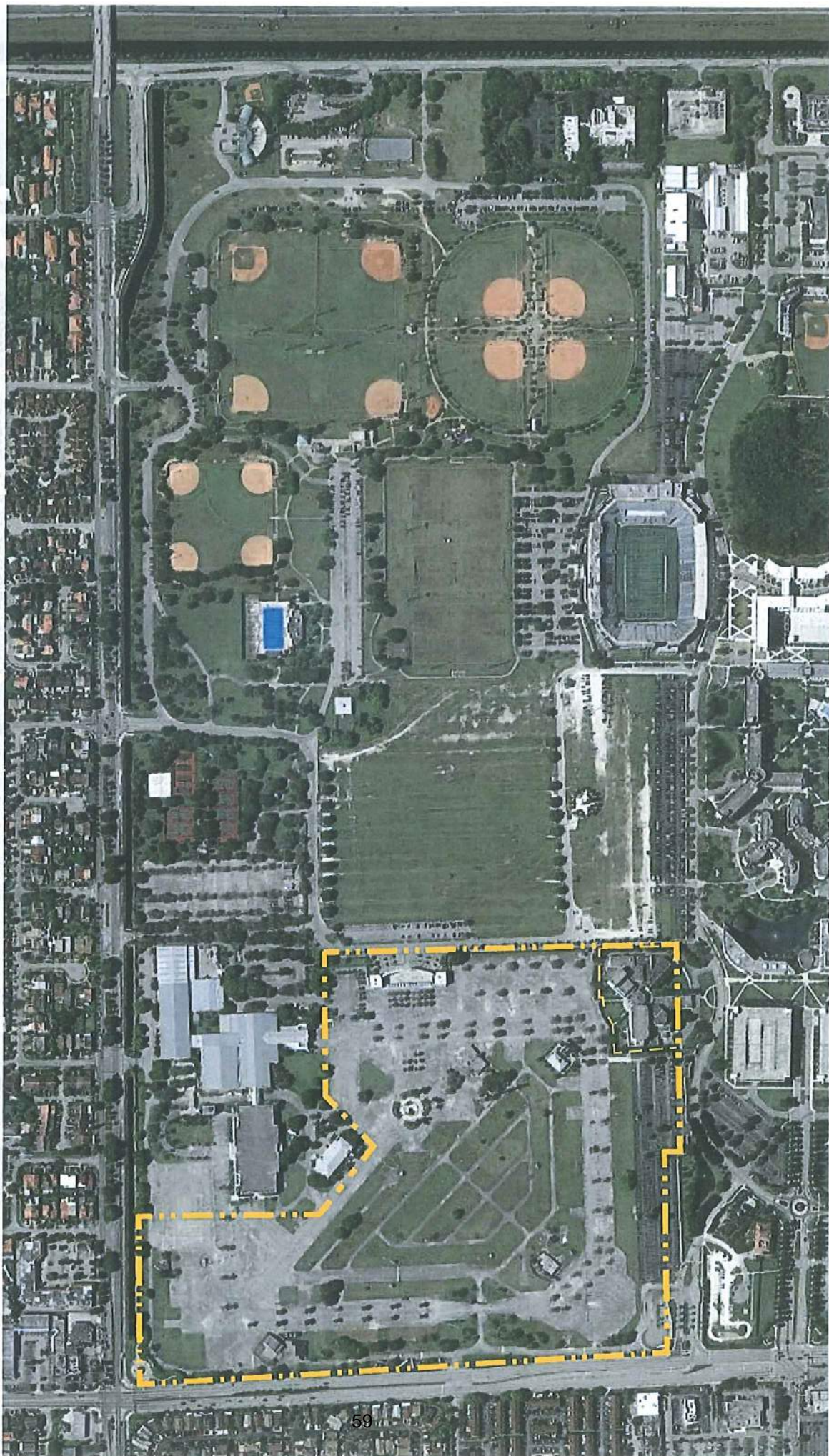
By: _____
Carlos A. Gimenez, County Mayor

By: _____
Harvey Ruvin, Clerk of the Board

“FIU”

FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES

By: _____



FIU EXPANSION PLAN
63 ACRES



SUMMARY OF PROPOSED LAND USAGE

- I. Academic and Research Space
 - Expansion of Engineering and Biomedical Center
 - Expansion of Academic Health Center – Geriatric Institute and Autism/Neuro Research
- II. Incubator, Entrepreneurship and Data Center
- III. University Undergraduate Student Housing Facilities
- IV. Support Space
- V. Open, Recreational and Other Space



PROPOSED LAND USAGE

Academic and Research Space

- Space needed to support the instructional, research, service and engagement requirements of students, faculty and staff
- Expansion of Engineering and Biomedical Center
- Expansion of Academic Health Center – Geriatric Institute and Autism/Neuro Research
- Emphasis on disciplines in science, technology, engineering and mathematics (STEM)
- Includes classrooms, faculty and staff offices, teaching labs, technology labs, and student support space
- Space for wet and dry research lab space, research office space, and support staff space to promote, encourage and assist the research and training activities of faculty and students

Incubator, Entrepreneurship and Data Center

- Space to promote academic and research mission of the university with a focus on community economic development
- Activities include licensing university's intellectual property rights, including patents, trademarks, and copyrights and technology transfer to facilitate the commercialization of scientific and research findings that will benefit the community and state
- Innovation and entrepreneurship will be enhanced with the goal of creating jobs, solving problems, and expanding the economic base of the community
- Ancillary space may include a data center to support university research and teaching technology requirements

University Undergraduate Student Housing Facilities

- Capacity of approximately 2000 beds
- Includes meeting, study, and recreation space

Support Space

- Space needed to improve support services to students, faculty and staff
- Includes exercise, health, wellness and recreational space for students, food service and auxiliary operations to support students, faculty and staff needs (model after campus usage), meeting room spaces, administrative support space
- Two parking garages to support incubator and entrepreneurship space, students, faculty, staff, and visitors

Open, Recreational and Other Space

- Green areas with pedestrian pathways, walkways and water elements



Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES (FIU) ESTABLISHING A FRAMEWORK FOR THE EXPANSION OF FIU ONTO UP TO 64 ACRES OF THE DADE COUNTY YOUTH FAIR SITE AND THE RELOCATION OF THE MIAMI-DADE FAIR & EXPOSITION, INC., (FAIR) CONTINGENT ON THE SATISFACTION OF CERTAIN SPECIFIED CONDITIONS PRECEDENT, INCLUDING A VOTER REFERENDUM AND FIU SECURING NON-COUNTY FUNDING FOR ITS EXPANSION AND THE FAIR'S RELOCATION

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by this reference; and

WHEREAS, on July 17, 2014, the Board directed the Mayor to meet with and negotiate with all stakeholders, including FIU and the Fair to create a plan and schedule for the relocation of the Fair; and

WHEREAS, FIU is one of the main educational and economic engines of this community; and

WHEREAS, the continued and rapid growth of FIU has resulted in its interest in securing additional space on its main Miami-Dade campus to meet its expanding academic needs and planned goals for new educational and research facilities; and

WHEREAS, the expansion of FIU will bring about better educational opportunities and jobs for this community; and

WHEREAS, FIU has agreed that its expansion onto the Fair site is conditioned on (1) voter approval of an Article 7 charter amendment to allow FIU to use and develop the Fair site; (2) the execution of an agreement between FIU, the County, and Fair regarding the relocation of the Fair and providing for FIU or the State of Florida to assume all costs associated with the Fair's relocation; (3) the conveyance of the Bird Basin Passive Park to the County; and (4) the securing of necessary State approvals and appropriations by FIU; and

WHEREAS, FIU has agreed to seek \$20 million in State or private funding for the County to improve and expand the recreational activities offered for the benefit of the public at Tamiami Park,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby authorizes the County Mayor or County Mayor's designee to execute the Memorandum of Understanding, in substantially the form attached hereto, between Miami-Dade County and FIU providing a framework for the relocation of the Fair and the conveyance of up to 64 acres of Tamiami Park currently leased to the Fair to FIU, subject to a favorable countywide Charter amendment voter referendum and the satisfaction of other conditions precedent by FIU.

The foregoing resolution was offered by Commissioner _____, who moved
its adoption. The motion was seconded by Commissioner _____, and
upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day
of September, 2014. This resolution shall become effective ten (10) days after the date of its
adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an
override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 10, 2014

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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