

# AGENDA

## SPECIAL TELEPHONIC MEETING OF THE BOARD OF REGENTS THE TEXAS A&M UNIVERSITY SYSTEM

Tuesday, March 8, 2011, 10:00 a.m.

Board of Regents Meeting Room  
Memorial Student Center, Board of Regents Annex  
Texas A&M University, College Station, Texas

**10:00 A.M. CONVENE BOARD MEETING IN OPEN SESSION AND IMMEDIATELY  
RECESS TO EXECUTIVE SESSION**

### **Executive Session Agenda:**

Consultation with System Attorneys Regarding Legal Matters or Pending and/or Contemplated Litigation or Settlement Offers – Texas Government Code, Section 551.071; including

--Discussion with Counsel on pending legal matters including, but not limited to, contemplated and/or pending litigation, contemplated, on-going and/or completed investigations regarding institutional compliance and any findings, conclusions and/or recommendations thereto; and the status of negotiations regarding and/or compliance with certain letters of intent, contracts and/or similar agreements, including, but not limited to, legal obligations and duties and any and all facts relating thereto; including the following Agenda Item:

Item 1 – Authorization for the President of Texas A&M University to Enter into Negotiations for and Execute an Agreement for Future Telecast Rights in the Big 12 Conference, Texas A&M University

Deliberations Regarding Personnel Matters Relating to Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of an Officer or Employee, or to Hear Complaints or Charges Against an Officer or Employee – Texas Government Code, Section 551.074, including

--Presidents and/or Chief Executive Officers of A&M System Institutions (Universities, Agencies and Health Science Center); A&M System Office Executive Level employees; employees reporting directly to the Board (e.g., Chancellor, Executive Secretary to the Board, General Counsel and Chief Auditor); and all other employees of the A&M System Offices and Institutions; including the following Agenda Item:

Item 2 – Appointment of Provost and Executive Vice President for Academic Affairs, Texas A&M University

**RECONVENE IN OPEN SESSION**

**CONSIDERATION AND ACTION ON AGENDA ITEMS 1 AND 2**

**CONSIDERATION AND ACTION ON AGENDA ITEMS 3 THROUGH 7:**

Item 3 - Authorization to Execute a Ground Lease for an Additional Phase of On-Campus Housing, Prairie View A&M University

Item 4 - Approval of List of Candidates to Serve as Director(s) of The University of Texas Investment Management Company (UTIMCO), Board of Regents, The Texas A&M University System

Item 5 – (PLACEHOLDER) Adoption of a Resolution Honoring Mr. Lupe Fraga for His Outstanding Dedication and Service as a Member of the Board of Regents and Bestowing the Title of Regent Emeritus, Board of Regents, The Texas A&M University System

Item 6 – (PLACEHOLDER) Adoption of a Resolution Honoring Mr. Gene Stallings for His Outstanding Dedication and Service as a Member of the Board of Regents, Bestowing the Title of Regent Emeritus, and Authorizing the Naming of “Gene Stallings Boulevard,” Board of Regents, The Texas A&M University System

Item 7 – (PLACEHOLDER) Adoption of a Resolution Honoring Mrs. Ida Clement Steen for Her Outstanding Dedication and Service as a Member of the Board of Regents, Bestowing the Title of Regent Emerita, and Authorizing the Award of an Honorary Degree from Texas A&M University-San Antonio, Board of Regents, The Texas A&M University System

**11:00 A.M. ESTIMATED ADJOURNMENT**

**Please note that action items are scheduled to follow each other consecutively but may be taken out of order.**

**AGENDA ITEM BRIEFING**

**Submitted by:** George C. Wright, President  
Prairie View A&M University

**Subject:** Authorization to Execute a Ground Lease for an Additional Phase of On-Campus Housing

**Proposed Board Action:**

Authorize the ground lease of 1.89 acres, more or less, for an additional phase of on-campus housing for Prairie View A&M University (PVAMU).

**Background Information:**

Since 1996, American Campus Communities, Inc. (ACC) has constructed and is presently managing two (2) privatized housing complexes on the campus of PVAMU. During FY09, all beds were leased and the beds are oversubscribed for FY10. In FY09, 381 students were on waiting lists for housing. The waiting list rose to 517 students in FY10. As a part of its student retention efforts, the University administration would like to make more on-campus housing available for the student population. Currently, the campus has 3,348 beds in on-campus housing for approximately 50% of its undergraduate student population.

The proposed project will add two new residential apartment buildings to the existing University Village North Community. Each of the new buildings will be 3-story wood construction. The buildings' exteriors will be a mixture of brick and hardiplank siding to match the existing community. Each of the 36 units will be four bedroom, four bathroom apartments, adding an additional 144 beds to the existing 600 beds in the community for a total of 744 beds. The apartments will be fully furnished and feature common living room areas and full kitchens, including oven/range, microwave, dishwasher, refrigerator and double sink with garbage disposal.

The University desires to lease two tracts of real property totaling 1.89 acres, more or less, to ACC. ACC will finance construction of the two new buildings with its own equity. During the term of the ground lease, ACC will pay nominal rent. After construction is complete and ACC obtains permanent financing, the ground lease can be terminated and the parties can then enter into a facility use agreement on terms substantially the same as the existing facility use agreement that covers ACC's other privatized housing on the campus, and which provides for a nominal annual payment to PVAMU, plus 50% of the net cash flows.

**A&M System Funding or Other Financial Implications:**

None

Agenda Item No.

**PRAIRIE VIEW A&M UNIVERSITY**

Office of the President

February 24, 2011

Members, Board of Regents  
The Texas A&M University System

Subject: Authorization to Execute a Ground Lease for an Additional Phase of On-Campus Housing

I recommend adoption of the following minute order:

**“The Chancellor of The Texas A&M University System, or designee, following legal review by the Office of General Counsel, is authorized to negotiate and execute a ground lease agreement with American Campus Communities, Inc. (ACC) covering 1.89 acres, more or less, on the campus of Prairie View A&M University (PVAMU) for the construction of an on-campus housing facility consisting of two buildings with a total of 144 beds.**

**Upon completion of construction and termination of the ground lease, the Chancellor or designee shall further have the authority to execute and deliver a facility use agreement governing the operation and maintenance of the housing facility. Under the facility use agreement, ACC will pay PVAMU a minimal annual payment, plus 50% of the net cash flows generated by the housing facility. The term of the facility use agreement will commence upon execution and expire 30 years thereafter.”**

Respectfully submitted,

George C. Wright  
President

**Approval Recommended:**

**Approved for Legal Sufficiency:**

---

Michael D. McKinney  
Chancellor

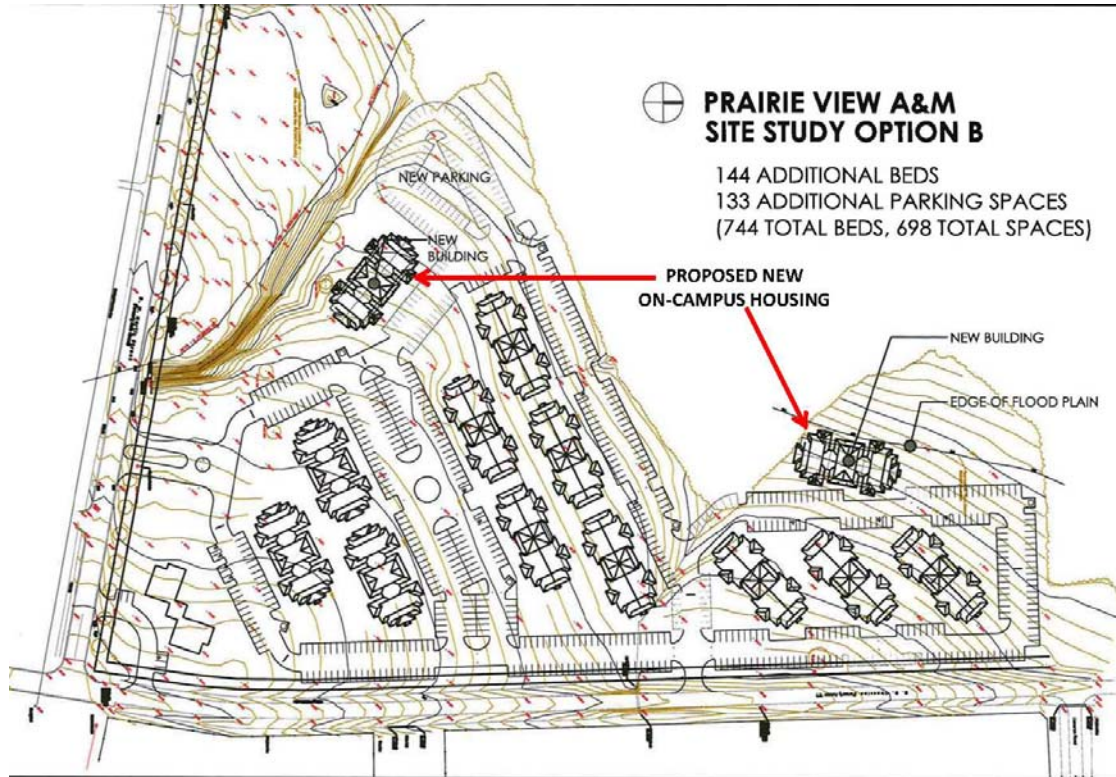
---

Andrew L. Strong  
General Counsel

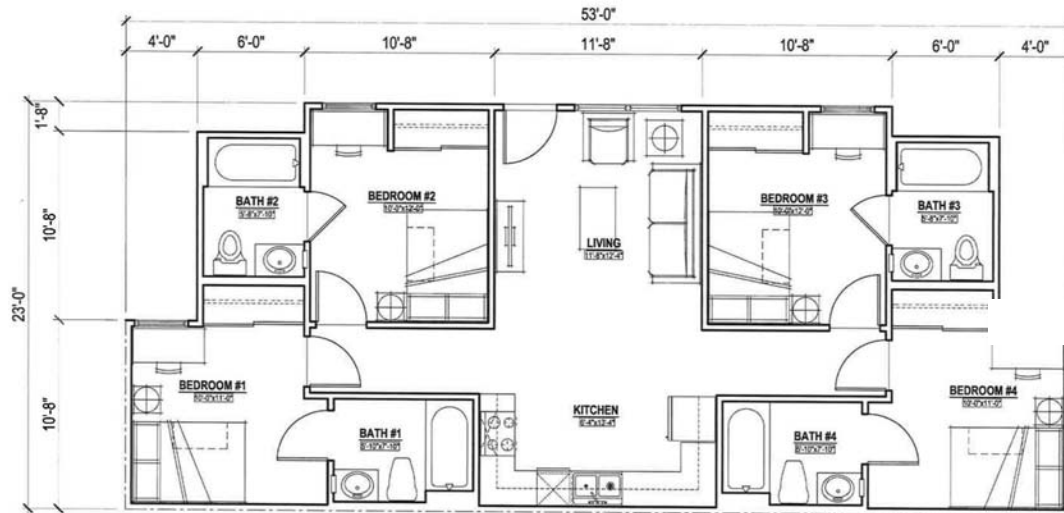
---

B. J. Crain  
Chief Business Officer

### SITE PLAN FOR PROPOSED ON-CAMPUS HOUSING



### FLOOR PLANS FOR PROPOSED UNITS



Agenda Item No.

**AGENDA ITEM BRIEFING**

**Submitted by:** Morris E. Foster, Chairman, Office of the Board of Regents  
The Texas A&M University System

**Subject:** Submission of List of Candidates to Serve as Director(s) of The University of Texas Investment Management Company (UTIMCO)

**Proposed Board Action:**

Submit a list of candidates to serve as director(s) of UTIMCO.

**Background Information:**

The term of Mr. Erle Nye on the Board of Directors of The University of Texas Investment Management Company (UTIMCO) was set to expire on April 1, 2011. However, Mr. Nye tendered his resignation from the UTIMCO Board on February 9, 2011.

UTIMCO operates as a non-profit corporation and, pursuant to Texas Education Code, Section 66.08(d), its nine member board is appointed by the Board of Regents of The University of Texas System (UTS Board). On February 24, 2011, the Chairman of the UTS Board requested that the Board of Regents of The Texas A&M University System supply the UTS Board with a list of candidates with substantial background and expertise in investments. This request was made pursuant to Texas Education Code, Section 66.08(e) which states:

The [UTS Board] shall select one or more of the members of the board of directors of [UTIMCO] from a list of candidates with substantial background and expertise in investments that is submitted to the [UTS Board] by the board of regents of The Texas A&M University System.

A list of candidates is submitted for consideration.

**A&M System Funding or Other Financial Implications:** None.

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM  
OFFICE OF THE BOARD OF REGENTS**

March 1, 2011

Members, Board of Regents  
The Texas A&M University System

Subject: Submission of List of Candidates to Serve as Director(s) of The University of Texas  
Investment Management Company (UTIMCO)

I recommend adoption of the following minute order:

**“Pursuant to Texas Education Code, Section 66.08(e), the Board of Regents of The Texas A&M University System submits a list of candidates with substantial background and expertise in investments to the Board of Regents of The University of Texas System. The University of Texas System Board then selects one or more of those persons to serve on the Board of Directors of The University of Texas Investment Management Company.**

**The following list of candidates is hereby submitted:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.”

Respectfully submitted,

Morris E. Foster  
Chairman, Board of Regents

**Approved for Legal Sufficiency:**

\_\_\_\_\_  
Andrew L. Strong  
General Counsel

# **Executive Session Items**



# **Place Holder**

*(this item has not been finalized)*