

MINUTES

OF THE

MEETING OF THE

BOARD OF REGENTS

OF

THE TEXAS A&M UNIVERSITY SYSTEM

HELD IN

COLLEGE STATION, TEXAS

May 26, 2005

(Approved July 21-22, 2005)

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**MINUTES OF THE
MEETING OF THE BOARD OF REGENTS
May 26, 2005**

CONVENE

Mr. Lowry Mays, Chairman, convened a regular meeting of the Board of Regents of The Texas A&M University System (TAMUS) at 10:00 am, on Thursday, May 26, 2005, in Room 292 of the Memorial Student Center, on the campus of Texas A&M University (TAMU), College Station, Texas. The following members of the Board were present:

Mr. Lowry Mays, Chairman
Mr. Erle Nye, Vice Chairman
Mr. Phil Adams
Mr. Lupe Fraga
Dr. Wendy Gramm
Mr. Bill Jones
Mr. Gene Stallings
Mr. R.H. (Steve) Stevens, Jr.
Mr. John White

(Secretary's Note: Mr. Bill Jones of Austin, Texas, was appointed by Governor Rick Perry on October 15, 2003, to fill the position held by Mrs. Anne Armstrong. Mr. Lupe Fraga of Houston, Texas, was appointed to fill the position held by Dr. Susan Rudd Bailey. Mr. Gene Stallings of Powderly, Texas, was appointed to fill the position held by Mr. Lionel Sosa. Both Mr. Fraga and Mr. Stallings were appointed by Governor Perry on May 5, 2005. All three appointments were confirmed by the Texas Senate on May 11, 2005.)

INTRODUCTIONS

Mr. Mays introduced Mr. Lupe Fraga and Mr. Gene Stallings who were attending their first meeting as members of the Board. He said that the Board looked forward to their input. Mr. Stallings and Mr. Fraga responded that they were pleased to be part of the Board.

INVOCATION

Mr. Mays called on Mr. Jim Carlson, newly elected Student Body President at TAMU, who presented the invocation.

ELECTION OF OFFICERS

Mr. Mays said that in accordance with the Bylaws of the Board of Regents of TAMUS, at the first regular meeting or special meeting following the appointment, qualification, and confirmation of the three new members regularly appointed in odd years, the first business in order was the election of a Chairman and Vice Chairman. He said that since they have two of the three members, they would move forward with the election. Mr. Mays called for nominations for the office of Chairman of the Board of

Regents of The Texas A&M University System. The Board took action as set forth below:

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**MINUTE ORDER 87-2005**

**ELECTION OF  
MR. JOHN D. WHITE AS CHAIRMAN OF THE BOARD OF REGENTS,  
AND MR. BILL JONES AS VICE CHAIRMAN OF THE BOARD OF REGENTS,  
THE TEXAS A&M UNIVERSITY SYSTEM**

Mr. Nye nominated Mr. John D. White as Chairman of the Board and Mr. Bill Jones as Vice Chairman of the Board.

Mr. Nye said that Mr. White was a member of Texas A&M University's Class of 1970. He said that while in school, Mr. White was a distinguished military student, a member of the Ross Volunteers, commander of the First Wing and earned a degree in law from the University of Texas (UT). He said that Mr. White spent time in the military and was honorably discharged. Mr. Nye said Mr. White has had a distinguished career in the legal profession and is a partner in the law firm of Jones Walker. He said that he has been actively supportive of TAMU and all its aspects and was a member of the board of directors of The Association of Former Students and worked in a variety of other activities including Vision 2020. Mr. Nye said that Mr. White has been consistently supportive of higher education and active in various civic and charitable ventures in Houston including being an active member of the Houston Partnership. Mr. Nye said he didn't know who was more active for the good of Texas and for Houston, John or his wife, Daisy, but the two of them made a powerful couple. He said that Mr. White has served two years on the Board with energy, commitment and capability. Mr. Nye said that in his view, Mr. White was ready and willing to serve as Chairman for the next two years.

Mr. Nye said that Mr. Jones was a member of Texas A&M University's Class of 1981. He said that Mr. Jones was a First Brigade commander, Ross Volunteer and an honor graduate of the Baylor School of Law. Mr. Nye said that he practiced with the law firms of Liddell & Sapp and Cash Jones. He said that Mr. Jones served as General Counsel to Governor Rick Perry and currently practiced with Locke Liddell & Sapp, handling governmental relations and commercial litigation. He said that Mr. Jones was also a member of the board of directors of The Association of Former Students. Mr. Nye said that Mr. Jones has been supportive of TAMU in many aspects and active in civic activities in Austin such as the Boy Scouts and Memorial Hermann Healthcare System Foundation Board. He said that Bill and his wife, Johnita, were the parents of three great children.

Mr. Nye said that the Board was fortunate to have two exceptionally capable individuals assume these important leadership positions for the next two years.

Mr. Nye said it was his privilege to place in nomination the name of Mr. John White for Chairman and the name of Mr. Bill Jones for Vice Chairman. Mr. Nye said he would put that in the form of a motion. Mr. Adams seconded the motion.

Mr. Mays thanked Mr. Nye and asked if there were any additional nominations for either Chairman or Vice Chairman. There were none. He closed the nominations and announced that Mr. White was the new Chairman and Mr. Jones was the new Vice Chairman. He congratulated both and turned the meeting over to Mr. White.

### **CHAIRMAN AND VICE CHAIRMAN'S REMARKS**

Mr. White thanked the Board for the honor of being chosen Chairman. He said that it was very humbling to follow Lowry Mays and Erle Nye, who were both true giants, not only at TAMU and the System, but also in business, the state, the country and the world.

Mr. Jones added that when he was a kid his dad was an avid gardener and he used to walk behind him when he walked in the garden, which was mostly sand. He said his dad would make huge footprints with his rubber boots as he was walking and he would follow behind him and try to "hit" his footsteps. He said that he was successful sometimes and unsuccessful other times. Mr. Jones said that he was reminded of that as he follows the likes of Lowry Mays and Erle Nye. He said that if he could just occasionally "hit" some of the footsteps that they have left, then he would consider it a success. He said that he appreciated the guidance and leadership that they have given to this Board.

Mr. White commented that it was a remarkable time and that he has said many times that there could never be a better group of people to serve with than this Board and with the addition of Mr. Fraga and Mr. Stallings, they would continue that legacy. Mr. White said that he would miss Mr. Stevens when he leaves. He said that the beauty of serving on the Board for the past two years was that Mr. Mays and Mr. Nye would continue to be with them.

Mr. White introduced his wife, Daisy, and said the Board was getting a package deal.

Mr. White commented that he had not realized until the staff pointed it out that Mr. Jones was 11 years younger and they both were born on August 26. He said that both of them were lawyers, both were major commanders in the Corps. He said the staff had pointed out that it was disconcerting to them that they (Mr. White and Mr. Jones) call and ask the same questions. Mr. White said that he really has not found much that he and Mr. Jones disagree on, and in the next couple of years, they were going to be interchangeable parts.

Mr. White said that he could not think of a time when A&M has had better leadership at every university, every state agency, the health science center and the staffs.

He said that with the leadership that we have in the System, a Texan in the White House, and an Aggie in the Governor's Mansion, he just could not believe that we could have our stars aligned any better than we do and he was looking forward to continuing the heritage that we have. Mr. White asked everyone to join him in giving a standing ovation to Mr. Mays and Mr. Nye, for not only what they have done, but also what they will continue to do. He said he truly believes that the best years were still to come.

Mr. White announced that because they had not appointed the new committees and chairs, the Board as a whole would consider each meeting. He said that the committee chairs that were currently in place should report as normal and that he would like to include Mr. Fraga and Mr. Stallings.

**RECESS**

Mr. White recessed the meeting at 10:14 am.

*(Secretary's Note: The Committee on Finance convened at 10:15 am and adjourned at 10:33 am. The Committee on Buildings and Physical Plant convened at 10:34 am and adjourned at 10:40 am. The Committee on Academic and Student Affairs convened at 10:41 am, and then met jointly with the Ad Hoc Policy Review Committee and adjourned at 10:51 am.)*

**RECONVENE**

Mr. White reconvened the meeting at 10:52 am.

**CHANCELLOR'S REMARKS**

Dr. Bob McTeer, Chancellor, introduced Dr. Bowen Loftin, the new CEO and Dean of Texas A&M University at Galveston (TAMUG). He thanked Mr. William Hearn for serving as interim CEO during the search. Dr. McTeer said that he had recently met with the Chancellor's Student Advisory Board (CSAB) in Galveston, Texas.

Dr. McTeer said that the graduation rate of undergraduates for May 2005 versus May 2004 was up 8.9 percent and the graduation rate of graduate students was up 4 percent. Mr. Jones asked if Dr. McTeer had the actual numbers. Dr. McTeer responded that he would send those numbers to the Board.

Dr. McTeer reported on several recent developments since the last meeting. He praised the College of Veterinary Medicine and Biomedical Sciences where the faculty members have recently cloned a horse. He said that this was the sixth species cloned by the College of Veterinary Medicine.

Dr. McTeer said that faculty from the agricultural program were joining a genomic research project sponsored by the Department of Energy Genomic Research Institute in genome sequencing, a disease fighting fungus that was used to protect crops. He said that the Agriculture and Natural Resources Policy Internship Program sent a record number of Aggie interns to Washington, D.C. and Austin this year.



Dr. McTeer said that Tarleton State University (TSU) was in the final stages of completing its telescope conservatory. He said both the men's and women's rodeo teams at TSU have qualified for the College National Finals Rodeo in Casper, Wyoming.

Dr. McTeer said that Texas Engineering Extension Service (TEEX) Texas Task Force One held three mock weapons of mass destruction (WMD) incidents at Disaster City in April. He said this included participation by the Texas Forest Service (TFS). Dr. McTeer said that TEEX recently received the nation's first perfect score on an operational readiness inspection by the Department of Homeland Security.

Dr. McTeer said that he and Dr. Stanton Calvert, Vice Chancellor for Government Relations, prepared a packet summarizing where the System stands with the legislative session, a copy of which is on file in the Office of the Board of Regents. He said that if the conference committee's work holds up, the System and especially TAMU would come out better than anticipated. Dr. McTeer said that the remaining unknown was tuition revenue bonds (TRBs). He said they have received word that there may be no TRBs or there may be over a billion. He said that these are subject to change in conference. Dr. McTeer said that as it stands right now the new fledgling university in Central Texas, under the sponsorship of TSU, was scheduled for \$30 million in TRBs rather than \$45 million that had been requested. He said that TAMU-C was scheduled for \$20 million, Texas A&M University-Corpus Christi (TAMU-CC) for \$10 million, Texas A&M University at San Antonio for \$45 million (\$80 million was requested), Texas A&M University-Texarkana (TAMU-T) for \$45 million, the HSC for \$35 million and Texas A&M International University (TAMIU) for \$20 million. He said that as it stands right now, nothing had been allocated for West Texas A&M University (WTAMU), TAMUG, TAMU, PVAMU or Texas A&M University-Kingsville (TAMU-K).

Mr. Nye commented that this situation would be good, but knows that we do not have any assurances. He said that on the assumption that things work out, he feels there were several things that should be commented on, such as the paths were carefully drawn this year and there was good support from the various universities and agencies and the Legislature.

Mr. Mays said that he had a meeting with the Lieutenant Governor and the chair of the University of Texas (UT) Board on tuition deregulation that was cancelled at the last minute. He asked if anything had happened over the past few days to upset deregulation. Dr. McTeer said not to his knowledge.

Mr. White called on Mr. Adams to present the report from the Committee on Finance.

**REPORT FROM THE COMMITTEE ON FINANCE**

Mr. Adams, Chairman of the Committee on Finance, reported that the Committee met earlier the same day. He said that they considered and approved Items 1 through 6. He noted that Item 4 and its exhibit were revised. The Board took action as set forth below:

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MINUTE ORDER 88-2005 (AGENDA ITEM 01)

**AUTHORIZATION FOR THE PRESIDENT OF
PRAIRIE VIEW A&M UNIVERSITY TO SIGN AMENDMENT NO. 1
TO THE ORIGINAL AGREEMENT WITH SUNGARD/COLLEGIS, INC.,
PRAIRIE VIEW A&M UNIVERSITY**

On motion of Mr. Adams, seconded by Mr. Nye and by a unanimous vote, the following minute order was adopted:

The Board of Regents of The Texas A&M University System hereby authorizes the President of Prairie View A&M University, upon review and approval for legal sufficiency by the Office of General Counsel, to sign Amendment No. 1, to the original Agreement between Prairie View A&M University and Sungard/Collegis, Inc., dated May 28, 2004.

MINUTE ORDER 89-2005 (AGENDA ITEM 02)

**AUTHORIZATION TO ESTABLISH A QUASI-ENDOWMENT
NAMED “ELEANOR CLEMENTS SMALL ANIMAL
RESEARCH QUASI-ENDOWMENT,”
TEXAS A&M UNIVERSITY**

On motion of Mr. Adams, seconded by Mr. Nye and by a unanimous vote, the following minute order was adopted:

Authority is hereby granted to the President of Texas A&M University to establish a quasi-endowment to be named “Eleanor Clements Small Animal Research Quasi-Endowment.” The account will be created with proceeds received from the Eleanor K. Clements Trust. Endowment earnings from the quasi-endowment will be used specifically for research leading to a vaccine or cure for presently incurable feline diseases.

MINUTE ORDER 90-2005 (AGENDA ITEM 03)

**APPROVAL OF THE DISTRIBUTION OF INCOME FROM THE
DURY LANE HELM AND ARDELLA R. HELM CHARITABLE TRUST,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Nye and by a unanimous vote, with Mr. Stallings abstaining, the following minute order was adopted:

Distribution of the available Income for the nine months ended December 31, 2004, from the Dury Lane Helm and Ardella R. Helm Charitable Trust to Texas A&M University (\$17,398.80), Abilene Christian University (\$8,699.39), and Texas Woman's University (\$8,699.39), is approved.

MINUTE ORDER 91-2005 (REVISED AGENDA ITEM 04)

**ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE
OF THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM
REVENUE FINANCING SYSTEM BONDS, SERIES 2005 A&B,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Nye and by a unanimous vote, the following minute order was adopted:

The resolution authorizing the issuance of the Board of Regents of The Texas A&M University System Revenue Financing System Bonds, Series 2005 A&B, substantially in the form of **Exhibit A**, a copy of which is attached to the official minutes, is adopted. The Associate Vice Chancellor and Treasurer, or other Authorized Representative, is hereby authorized to take such actions as are necessary to accomplish the purposes of the resolution, including those relating to the issuance, sale, security, and delivery of the Bonds, all in accordance with the provisions of the resolution and to submit, as required, a notice of intent to the Texas Bond Review Board relating to the bonds.

MINUTE ORDER 92-2005 (AGENDA ITEM 05)

**DELEGATION OF CONTRACTING AUTHORITY TO THE
CHANCELLOR TO NEGOTIATE AND APPROVE CONTRACT
TO PROVIDE RETAIL ELECTRIC SERVICES,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Jones and by a unanimous vote, with Mr. Nye abstaining, the following minute order was adopted:

The Board of Regents of The Texas A&M University System delegates contracting authority to the Chancellor, upon review for legal form and sufficiency by the Office of General Counsel, to negotiate and approve the best value contract to provide retail electric service for the A&M System based on the RFP selection process and the

recommendation of the Executive Vice Chancellor for Finance. Due to the competitive nature of the contract negotiations for retail electric service, this delegation will allow the A&M System to negotiate a contract, which will provide the best value to the participating components and also allow adequate time to facilitate the necessary activities to ensure a smooth transition.

(Secretary's Note: Mr. Nye was not in the meeting room when this item was discussed during the meeting of the Committee on Finance.)

MINUTE ORDER 93-2005 (AGENDA ITEM 06)

**ACCEPTANCE OF GIFTS, DONATIONS, GRANTS AND ENDOWMENTS,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Nye and by a unanimous vote, the following minute order was adopted:

The Board of Regents of The Texas A&M University System hereby accepts the gifts, donations, grants, and endowments made to the components of The Texas A&M University System concerned, as shown on Gifts, Donations, Grants, and Endowments List No. 05-05, a copy of which is attached to the official minutes as **Exhibit B**.

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Mr. White called on Mr. Nye to present the report from the Committee on Buildings and Physical Plant.

**REPORT FROM THE COMMITTEE ON BUILDINGS AND PHYSICAL PLANT**

Mr. Nye, Chairman of the Committee on Buildings and Physical Plant, said that the Committee met earlier the same day and considered Items 7 through 9 (*Item 31 was withdrawn prior to the meeting*).

The Board took action as set forth below:

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MINUTE ORDER 94-2005 (AGENDA ITEM 07)

**NAMING OF THE
"FIRST UNITED BANK EVENT CENTER,"
WEST TEXAS A&M UNIVERSITY**

On motion of Mr. Nye, seconded by Mr. Adams and by a unanimous vote, the following minute order was adopted:

The West Texas A&M University Event Center on the campus of West Texas A&M University is hereby named the "First United Bank Event Center."

MINUTE ORDER 95-2005 (AGENDA ITEM 08)

**AUTHORIZATION TO ENTER INTO LEASE AGREEMENT
WITH BROWN COUNTY WATER IMPROVEMENT DISTRICT,
TEXAS COOPERATIVE EXTENSION**

On motion of Mr. Nye, seconded by Mr. Adams and by a unanimous vote, the following minute order was adopted:

The Texas Cooperative Extension, following approval for legal sufficiency by the Office of General Counsel, is authorized to enter into a long-term lease agreement with the Brown County Water Improvement District Number One for a tract of land containing approximately 78.76 acres with improvements, and being described as a portion of the Alex McDonald Survey, Abstract No. 625, the A.B. Culbertson Survey No. 14, Abstract No. 1918 and the M.P. Jones Survey No. 15, Abstract No. 1421, Brown County, Texas. The term of the lease will commence June 1, 2005, and extend through July 13, 2068. The lease will be structured so that the Texas Cooperative Extension can terminate the lease at any time without financial obligation and, in such an event, the Texas 4-H Youth Development Foundation would be recognized as the lessee. Consideration to be paid by the Texas Cooperative Extension for this lease is \$64.00 for the entire lease term.

MINUTE ORDER 96-2005 (AGENDA ITEM 09)

**AUTHORIZATION TO GRANT CONDITIONAL ROAD
RIGHT-OF-WAY EASEMENT TO THE CITY OF COLLEGE STATION,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Adams and by a unanimous vote, the following minute order was adopted:

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to execute all documents necessary to grant a conditional road right-of-way easement to the City of College Station, across a portion of property owned by The Texas A&M University System in the J.E. Scott Survey, Abstract No. 50, Brazos County, Texas. This conditional road right-of-way easement will be a variable width easement approximately 2,557.07 feet in length and containing 1.969 acres, more or less. This conditional road right-of-way easement will remain in full force and effect for as long as the property is used by the City of College Station as a road right-of-way.

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Mr. White called on Dr. Gramm to present the report from the Committee on Academic and Student Affairs.

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**REPORT FROM THE COMMITTEES ON
ACADEMIC AND STUDENT AFFAIRS AND AD HOC POLICY REVIEW**

Dr. Gramm, Chairman of the Committee on Academic and Student Affairs, reported that the Committee met earlier the same day and considered and approved Items 14 through 15. She said the Committee met jointly with the Ad Hoc Policy Review Committee to consider Item 16. The Board took action as set forth below:

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**MINUTE ORDER 97-2005 (AGENDA ITEM 14)**

**ESTABLISHMENT OF THE CENTER  
FOR MARITIME ARCHAEOLOGY AND CONSERVATION,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was adopted:

The Center for Maritime Archaeology and Conservation is hereby established as an organizational unit of the College of Liberal Arts at Texas A&M University. The Dean of the College of Liberal Arts, upon approval by the Executive Vice President and Provost, is hereby authorized to appoint a Director of the Center for Maritime Archaeology and Conservation.

**MINUTE ORDER 98-2005 (AGENDA ITEM 15)**

**ESTABLISHMENT OF THE CENTER FOR  
COMMUNITY HEALTH DEVELOPMENT,  
THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was adopted:

The Center for Community Health Development, within the School of Rural Public Health at The Texas A&M University System Health Science Center, is hereby established, effective May 26, 2005.

**MINUTE ORDER 99-2005 (AGENDA ITEM 16)**

**REVISION OF SYSTEM POLICY 12.01 (*ACADEMIC FREEDOM,  
RESPONSIBILITY AND TENURE*),  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was adopted:

Revisions to System Policy 12.01 (*Academic Freedom, Responsibility and Tenure*), as shown in **Exhibit C**, a copy of which is attached to the official minutes, are approved, effective immediately.

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OTHER ITEMS

Mr. White called on Dr. David Prior, Executive Vice President and Provost at TAMU, who presented Item 17. The Board took action as set forth below:

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**MINUTE ORDER 100-2005 (AGENDA ITEM 17)**

**ADOPTION OF A RESOLUTION HONORING  
MR. JESSE W. CURLEE FOR HIS OUTSTANDING DEDICATION  
AND SERVICE AS A TRUSTEE OF THE TEXAS A&M FOUNDATION,  
TEXAS A&M UNIVERSITY**

On motion of Mr. Stevens, seconded by Dr. Gramm and by a unanimous vote, the following minute order was adopted:

Whereas, Jesse W. Curlee, a member of the Class of 1967, has served Texas A&M University and the Texas A&M Foundation with honor and distinction in a variety of capacities; and earned a bachelor's degree in marketing from Texas A&M, where he was a letterman in tennis, a member of the Marketing Society and Mid-County Hometown Club; and

Whereas, Mr. Curlee is an organizational leader of outstanding ability; and, from 1968 to 1973, skillfully directed textile industry sales in three states for Armstrong World Industries; and, from 1973 to 1979, admirably served the U.S. textile industry as executive secretary of the Georgia Textile Manufacturers Association and its affiliate organization, the Textile Education Foundation in Atlanta; and

Whereas, for more than 25 years, Mr. Curlee has tirelessly promoted American Pima cotton in the United States and abroad as a leader of Supima, serving as president since 1981; and is considered a respected leader in the world textile industry; and

Whereas, he has contributed his time and expertise to numerous organizations, including the Phoenix Committee on Foreign Relations; the Arizona Cotton Growers Association, of which he serves as the advisory director; the Executive Committee of Cotton Council International, of which he serves as the advisor; the Phoenix Rotary Club; and the Atlanta and Valley of the Sun A&M Clubs, of which he was president; and

Whereas, Mr. Curlee and his wife, Lynda, have given generously to The Association of Former Students and 12th Man Foundation, and have generously supported the Class of '67 Sul Ross Memorial Scholarship, the Randy Matson Endowed

Scholarship, the Robert M. Gates Chair in Intelligence and National Security Decision-Making, and the President’s Council of Advisors; and

Whereas, Mr. Curlee served as president of The Association of Former Students in 1993; and is a member of the 12<sup>th</sup> Man Foundation Board of Directors; and

Whereas, Mr. Curlee served on the Board of Trustees of the Texas A&M Foundation from 1998 to 2005, serving as chairman in 2002; and with thoughtful leadership led it to remarkable achievement, especially in the initiation of its \$1 billion *One Spirit One Vision Campaign*; now, therefore, be it

Resolved, that the Board of Regents of The Texas A&M University System gratefully recognizes the dedication and service of Mr. Curlee as a Trustee of the Texas A&M Foundation and dedicated alumnus of Texas A&M University; and for his role in furthering the vision of excellence for Texas A&M University and the Texas A&M Foundation; and, be it further

Resolved, that this resolution be spread among the minutes, and official copies thereof be signed by the Chairman of the Board of Regents of The Texas A&M University System, and that it be presented to Mr. Curlee and to the archives of Texas A&M University as an expression of appreciation and respect for Jesse W. Curlee ‘67.

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Mr. White called on Dr. Keith McFarland, President of TAMU-C, who presented Items 18 and 19. The Board took action as set forth below:

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**MINUTE ORDER 101-2005 (AGENDA ITEM 18)**

**ADOPTION OF A RESOLUTION TO EXPRESS APPRECIATION TO THE  
2004-2005 WOMEN’S SOCCER TEAM,  
TEXAS A&M UNIVERSITY-COMMERCE**

On motion of Mr. Adams, seconded by Dr. Gramm and by a unanimous vote, the following minute order was adopted:

Whereas, the women’s soccer team of Texas A&M University-Commerce won the Lone Star Conference championship; and

Whereas, the Lion soccer team advanced to the NCAA Division II tournament for the third time in six years; and

Whereas, the team was ranked second in the NCAA Division II Midwest and advanced to the divisional Women’s Soccer Tournament; and



Whereas, the Lion soccer team was ranked 23<sup>rd</sup> in the country in the final National Soccer Coaches Association of America Women's Division II poll; and

Whereas, the team was honored with the National Soccer Coaches Association of America/Adidas Women's Team Academic Award; and

Whereas, the House of Representatives for the State of Texas paid tribute to the team with a congratulatory resolution; now, therefore, be it

Resolved, that we, the members of the Board of Regents of The Texas A&M University System, meeting on this 26<sup>th</sup> day of May, express our sincere congratulations to the members of the A&M-Commerce Lion soccer team for the honor and recognition their accomplishments have brought to Texas A&M University-Commerce and The Texas A&M University System; and, be it further

Resolved, that this resolution be spread upon the minutes, and copies thereof, signed by the Chairman of the Board of Regents, and be presented to the coach and to each member of the team and to the Archives of A&M-Commerce, as a permanent mark of this Board's appreciation and gratitude to all these individuals for a job well done.

**MINUTE ORDER 102-2005 (AGENDA ITEM 19)**

**ADOPTION OF A RESOLUTION TO EXPRESS APPRECIATION TO THE  
2004-2005 MEN'S BASKETBALL TEAM,  
TEXAS A&M UNIVERSITY-COMMERCE**

On motion of Mr. Adams, seconded by Dr. Gramm and by a unanimous vote, the following minute order was adopted:

Whereas, the men's basketball team of Texas A&M University-Commerce won the Lone Star Conference championship; and

Whereas, the A&M-Commerce Lions won 28 games, the second most in a season in school history, while losing only five games, the fewest in school history; and

Whereas, the Lion men were ranked first in the NCAA Division II South Central Region and were awarded the right to host the South Central Regional of the NCAA Division II Men's Basketball Tournament; and

Whereas, the Lion basketball team returned to the NCAA Division II tournament for the first time since 1998; and

Whereas, the Lion basketball team was ranked fifth in the country in the final National Association of Basketball Coaches Division II poll; and

Whereas, the House of Representatives for the State of Texas paid tribute to the team with a congratulatory resolution; now, therefore, be it

Resolved, that we, the members of the Board of Regents of The Texas A&M University System, meeting on this 26<sup>th</sup> day of May, express our sincere congratulations to the members of the A&M-Commerce Lion men's basketball team for the honor and recognition their accomplishments have brought to Texas A&M University-Commerce and The Texas A&M University System; and, be it further

Resolved, that this resolution be spread upon the minutes, and copies thereof, signed by the Chairman of the Board of Regents, and be presented to the coach and to each member of the team and to the Archives of A&M-Commerce, as a permanent mark of this Board's appreciation and gratitude to all these individuals for a job well done.

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Dr. McFarland commented that the women's soccer team consistently has a team grade point average (GPA) of between 3.25 and 3.5 per semester and virtually all these young women end up graduating from TAMU-C.

Dr. McFarland said that in the last 14 years, more than 90 percent of the individuals that have received basketball scholarships have graduated. He said that not only are these athletes good athletes, they are good students and very involved in the community.

Mr. Stallings said that he was a member of the selection committee for the John Williams Award. He said that the award has little to do with the type of player a student is, but the type of humanitarian events in which they are involved. He said that he would like to see someone from the System involved in this program. He said that you cannot imagine what some of the young people are involved in. Mr. Stallings said that it was one thing to be a good player and something else to be a good citizen. He said that it pleased him to know that a high percentage of athletes at TAMU-C graduate.

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Mr. White called on Dr. Rumaldo Juárez, President of TAMU-K, who presented Item 20. The Board took action as set forth below:

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MINUTE ORDER 103-2005 (AGENDA ITEM 20)

**APPROVAL OF FACULTY DEVELOPMENT LEAVE FOR FY 06,
TEXAS A&M UNIVERSITY-KINGSVILLE**

On motion of Mr. Nye, seconded by Dr. Gramm and by a unanimous vote, the following minute order was adopted:

The Board of Regents of The Texas A&M University System, in accordance with System Policy 31.03, System Regulation 12.99.01 and Sections 51.101-108 of the Texas Education Code, authorizes faculty development leave to the faculty member as shown in **Exhibit D**, a copy of which is attached to the official minutes, Faculty Development Leave List FY 06, Texas A&M University-Kingsville.

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Mr. White called on Dr. McFarland who presented Items 21 and 22.

Mr. Nye asked if the number of faculty requesting faculty development leave was unusual. Dr. McFarland responded that they started this a couple of years ago because they did not fund it before now. He said that they have received a good response from the faculty. Dr. McFarland said that the faculty has a very heavy teaching load, usually consisting of 12 hours.

Mr. Stallings asked if the faculty is paid for taking a leave of absence. Dr. McFarland responded in the affirmative. He said that they do research and have the option to have half-time off for two semesters or full-time for one semester. He said that they have certain projects that they work on. Mr. Stallings wanted to make sure that he had the correct understanding that faculty is paid for taking a year off to write papers and asked if this is beneficial to the university. Dr. McFarland responded that they will be taking half a year and that one of the university's missions is to add to their knowledge base. Mr. Stallings asked why this could not be done while they were working. Dr. McFarland responded that it is extremely difficult when you are teaching a 12-hour load. He said that in the past they have been very productive with this heavy teaching load. Mr. Stallings asked how many hours of the week a faculty member would teach with a 12-hour teaching load. Dr. McFarland said that they would normally teach four courses of three hours each.

Dr. Gramm responded that a 12-hour class load is considered heavy in academia.

Mr. Fraga asked what the general length of development leave is. Dr. McFarland responded one semester.

Dr. Gramm said that these development leaves are a nice benefit to have and have not always had the ability to fund this.

The Board took action as set forth below:

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MINUTE ORDER 104-2005 (AGENDA ITEM 21)

**APPROVAL OF FACULTY DEVELOPMENT LEAVE FOR FY 06,
TEXAS A&M UNIVERSITY-COMMERCE**

On motion of Mr. Nye, seconded by Dr. Gramm and by a unanimous vote the following minute order was adopted:

The Board of Regents of The Texas A&M University System, in accordance with System Policy 31.03, System Regulation 12.99.01 and Sections 51.101-108 of the Texas Education Code, authorizes faculty development leave to the faculty members as shown in **Exhibit E**, a copy of which is attached to the official minutes, Faculty Development Leave List FY 06, Texas A&M University-Commerce.

MINUTE ORDER 105-2005 (AGENDA ITEM 22)

**AUTHORIZATION TO AWARD HONORARY
DOCTOR OF SCIENCE DEGREE TO JEANA YEAGER,
TEXAS A&M UNIVERSITY-COMMERCE**

On motion of Mr. Nye, seconded by Dr. Gramm and by a unanimous vote the following minute order was adopted:

Texas A&M University-Commerce is authorized to award an Honorary Doctor of Science Degree to Jeana Yeager.

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Mr. White called on Dr. McTeer who presented Items 23 through 25. The Board took action as set forth below:

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MINUTE ORDER 106-205 (AGENDA ITEM 23)

**CONFIRMATION OF APPOINTMENT
AND COMMISSIONING OF PEACE OFFICERS,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Stevens and by a unanimous vote the following minute order was adopted:

In accordance with System Policy 34.06 (*Appointment, Commissioning and Authority of Peace Officers*), the Board of Regents hereby confirms the appointment and commissioning of a peace officer by the President of the respective component of The Texas A&M University System, as shown in **Exhibit F**, a copy of which is attached to the official minutes.

MINUTE ORDER 107-2005 (AGENDA ITEM 24)

**GRANTING OF THE TITLE OF EMERITUS/EMERITA,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Stevens and by a unanimous vote the following minute order was adopted:

In recognition of long and distinguished service to The Texas A&M University System, the Board of Regents hereby confirms the recommendation of the Chancellor, and confers the title of “Emeritus/Emerita” upon individuals as shown in **Exhibit G**, Emeritus Title List No. 05-05, a copy of which is attached to the official minutes, and grants all rights and privileges of this title.

MINUTE ORDER 108-2005 (AGENDA ITEM 25)

**APPROVAL OF ACADEMIC TENURE,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Stevens and by a unanimous vote the following minute order was adopted:

The Board of Regents of The Texas A&M University System, in accordance with System Policy 12.01 (*Academic Freedom, Responsibility and Tenure*), hereby authorizes the granting of tenure to the following faculty members as set forth in Tenure List No. 05-05, a copy of which is attached to the official minutes as **Exhibit H**.

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Mr. Stallings asked the probation period for tenure. Mr. White responded seven years. Mr. Stallings asked if this is standard. Dr. McTeer responded in the affirmative and said that an agenda item had been presented that would allow an extension for exceptional circumstances. Mr. White said that Dr. Gramm has expressed an interest in looking at the tenure program system-wide to make sure that we are keeping in step with higher education around the country.

Mr. Nye commented that the Board examined tenure four or five years ago. He said that the entire State of Texas took a conservative approach to tenure. He said this System established a post-tenure review because of some perceived abuses of the use of tenure. He said he believes we have at all of our institutions a uniform policy for post-tenure review, which allows for dealing with that exceptional person who chooses to abuse the privilege. He said our tenure and post-tenure review is more businesslike than most of the others he has seen. He said he thinks the faculty has responded to that pretty well. Mr. Stallings asked who conducts post-tenure reviews. Mr. Nye responded that they go through the department heads who bring them before the dean and the dean presents them to the president of the institution. He said that the current process allows the presidents to take tenure away from anyone who abuses it. Mr. Nye said that he feels the process is fair, consistent with the traditions of academic freedom, more businesslike

and efficient. Mr. Stallings asked if there were any cases of tenured faculty being removed in the System. Mr. Nye responded that since his term on the Board there might have been three, because in most cases of post-tenure review there are either behavior changes or the faculty member chooses to move. Mr. Stallings asked if granting tenure was automatic. Mr. Nye responded no, there are standards that must be followed.

Dr. Gramm said that it is a good idea to discuss tenure issues because there is a lot that is not understood about academia, the market for academics, and how to build a quality institution. She said that the issue of pay, development leave, and tenure are worthwhile issues to discuss. Dr. Gramm said that she would like to visit the campuses and further discuss not only tenure but the broad issue of human resource development across System components.

Mr. Nye said that the granting of tenure is important and they have made a lot of progress in that if you are granted tenure, you warrant it. He said that there have been things published about other institutions in the State about whether or not they have a process for granting tenure. Mr. Nye said that he also feels it is important to go back and review the process.

Dr. Gramm said that as regents they must review the policies and understand what tenure really means. She said that she receives and reviews all tenure resumes.

Mr. Jones commented that it is important to look at the process on a continuous basis. He said it is a balancing act between some of the writings and outside sources that have leveled an attack on tenure and the tenure system. He said that they are trying to stay competitive with other institutions that offer tenure.

Mr. White presented Item 26.

Mr. Jones said that he would like to include a comment in the secretary's note that he made at the March 24, 2005, Board Meeting. He said that once it is known what the Legislature is going to do in regards to each institution, before they actually implement their tuition for the next year, and since each of them had presented a range that was based on the Legislature's decision, they contact the Chancellor's Office so the Chancellor's Office and the Board have an opportunity to look at them and make sure everyone is on the same page, before the information is published.

Mr. White called for a vote from the Board with the addition of Mr. Jones comments. The Board took action as set forth below:

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MINUTE ORDER 109-2005 (AGENDA ITEM 26)

**APPROVAL OF MINUTES OF THE REGULAR MEETING
HELD ON MARCH 24, 2005 AND SPECIAL TELEPHONIC
MEETING HELD ON APRIL 4, 2005,
BOARD OF REGENTS, THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

The Minutes of the March 24, 2005, Regular Board Meeting, and the April 4, 2005, Special Telephonic Meeting, held in College Station, Texas, are hereby approved.

(Secretary's Note: The minutes were approved with the inclusion of Mr. Jones' comments that once it is known what the Legislature is going to do in regards to each institution, before they actually implement their tuition for the next year, and since each of them had presented a range that was based on the Legislature's decision, they (the institutions) should contact the Chancellor's Office so the Chancellor's Office and the Board have an opportunity to look at them and make sure everyone is on the same page, before the information becomes published).

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Mr. White commented that Senator Williams, who attended the March 24, 2005, Board Meeting, was greatly concerned about tuition deregulation. He said that Senator Williams had contacted a few of them following the meeting and commended the universities on having a range and reporting to the Board and having to answer questions on what the consequences and concessions would be depending on the Legislature's decision. He said that while Senator Williams and others commended the System's approach, they want to see the follow-up to ensure that we are respecting their actions in taking the lesser of the ranges, depending on the Legislature's decision.

**OTHER BUSINESS**

Mr. White said that the next regular meeting of the Board was scheduled for July 21-22, 2005, on the campus of TAMU. He asked if there was any new business to come before the Board in open session. There was none.

**RECESS TO EXECUTIVE SESSION**

Mr. White recessed the meeting at 11:35 am. He announced the Board would convene in executive session to consider matters as provided in Chapter 551 of the Texas Government Code: 551.071, for consultation with System Attorneys regarding legal matters or pending and/or contemplated litigation or settlement offers; 551.072, for deliberations regarding the purchase, exchange, lease or value of real property; 551.073, for deliberations regarding negotiated contracts for gifts or donations; 551.074, for deliberations regarding personnel matters relating to appointment, employment,

evaluation, reassignment, duties, discipline, or dismissal or to hear complaints or charges against an officer or employee.

Mr. White said that in accordance with the law, no final action, decision, or vote with regard to any matter considered in the executive session would be made or taken. He said that after executive session they will reconvene in open session to take action on Items 10 through 13 and 27 through 30.

**RECONVENE IN OPEN SESSION**

Mr. White reconvened the meeting in open session at 2:35 pm. He said the Board met in executive session from 12:01 pm until 2:30 pm. He said the Board considered Items 10 through 13 and 27 through 30. He said the Board also conferred with the Chancellor, several System administrators and attorneys regarding personnel, land and legal matters. He said Item 10 had been withdrawn. Mr. White presented the items and the Board took action as set forth below:

**ADDITIONAL ITEMS**

**MINUTE ORDER 110-2005 (AGENDA ITEM 11)**

**AUTHORIZATION TO NEGOTIATE AND TAKE ALL STEPS  
NECESSARY TO LEASE SPACE IN THE LYNNTech BUILDING,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to negotiate and take all steps necessary to lease approximately 11,300 square feet of space in the Lynntech Building, located at 1701 Rock Prairie Road, College Station, Texas, for the benefit of the Texas Engineering Extension Service. The primary term of this lease will be for a period of three (3) years, with an option to extend for an additional two- (2) year term and will contain a funding out provision that provides for termination of the lease if federal funds for this program are terminated during the term of the lease. The annual base rental rate for each year of the lease will be approximately \$180,350.

**MINUTE ORDER 111-2005 (AGENDA ITEM 12)**

**AUTHORIZATION TO NEGOTIATE AND TAKE ALL STEPS  
NECESSARY TO LEASE SPACE IN THE GATEWAY BUILDING,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to negotiate



and take all steps necessary to lease approximately 43,060 square feet of space in the Gateway Building, located at 101 Gateway Boulevard, College Station, Texas, for the benefit of the Texas Engineering Extension Service. The primary term of this lease will be for a period of five (5) years and will contain a funding out provision that provides for termination of the lease if the federal funds for this program are terminated during the term of the lease. The annual base rental rate for each year of the lease will be approximately \$321,228. The Texas Engineering Extension Service is authorized to reimburse the landlord for incurred build-out expenses. These build-out expenses are expected to be approximately \$500,000.

**MINUTE ORDER 112-2005 (AGENDA ITEM 13)**

**AUTHORIZATION TO NEGOTIATE AND TAKE ALL STEPS  
NECESSARY TO LEASE SPACE IN THE VILLAGE SHOPPING CENTER,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to negotiate and take all steps necessary to lease approximately 10,059 square feet of space in the Village Shopping Center, located at 700 University Drive East, Suites 108 and 110A, College Station, Texas, for the benefit of the Texas Engineering Extension Service. The primary term of this lease will be for a period of three (3) years, with an option to extend for an additional two (2) years and will contain a funding out provision that provides for termination of the lease if federal funds for this program are terminated during the term of the lease. The annual base rental rate for each year of the lease will be approximately \$172,320.

**MINUTE ORDER 113-2005 (AGENDA ITEM 27)**

**APPOINTMENT OF  
DR. EDWARD G. SMITH AS DIRECTOR,  
TEXAS COOPERATIVE EXTENSION**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

Dr. Edward G. Smith is hereby appointed Director of Texas Cooperative Extension, at an initial salary of \$197,000, with the salary being effective May 1, 2005.

**MINUTE ORDER 114-2005 (AGENDA ITEM 28)**

**APPOINTMENT OF  
DR. JAMES KLEIN  
AS DEAN OF ARTS AND SCIENCES,  
TEXAS A&M UNIVERSITY-COMMERCE**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

Effective July 5, 2005, Dr. James Klein is hereby appointed Dean of Arts and Sciences at Texas A&M University-Commerce, at an initial salary of \$126,000.

**MINUTE ORDER 115-2005 (AGENDA ITEM 29)**

**APPOINTMENT OF  
MR. ROBERT L. LOVITT  
AS EXECUTIVE VICE PRESIDENT  
FOR FINANCE AND ADMINISTRATION,  
TEXAS A&M UNIVERSITY-CORPUS CHRISTI**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

Effective June 1, 2005, Mr. Robert L. Lovitt is hereby appointed Executive Vice President for Finance and Administration at Texas A&M University-Corpus Christi at an initial salary of \$148,000.

**MINUTE ORDER 116-2005 (AGENDA ITEM 30)**

**AUTHORIZATION FOR THE PRESIDENT TO EXECUTE  
AMENDMENTS TO EMPLOYMENT CONTRACTS AND  
CONTRACTS FOR SERVICES FOR THE  
HEAD FOOTBALL COACH AND  
HEAD MEN'S BASKETBALL COACH,  
TEXAS A&M UNIVERSITY**

On motion of Mr. Nye, seconded by Mr. Jones and by a unanimous vote, the following minute order was adopted:

Authority is hereby granted, upon review for legal form and sufficiency by the Office of General Counsel, to the President of Texas A&M University to execute amendments to the employment contracts and contracts for services, with the following persons:

Dennis Franchione - Head Football Coach - and Fran, Inc.  
Billy Gillispie - Head Men's Basketball Coach

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ADJOURNMENT

There being no further business, Mr. White asked for a motion to adjourn. On motion of Mr. Nye, seconded by Dr. Gramm, and by a unanimous vote, the meeting was adjourned at 2:45 pm.

Vickie Burt Spillers
Executive Secretary to the Board
The Texas A&M University System

VBS:jb