

Meeting No. 1,045

THE MINUTES OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF TEXAS SYSTEM

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April 13, 2009

Austin, Texas

MEETING NO. 1,045

MONDAY, APRIL 13, 2009.--The members of the Board of Regents of The University of Texas System convened this special called meeting at 10:33 a.m. on Monday, April 13, 2009, in the Board Meeting Room, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin, Texas, with the following participation:

ATTENDANCE.--

Present

Vice Chairman Huffines, presiding  
Regent Dannenbaum  
Regent Foster  
Regent Gary  
Regent Hicks  
Regent Longoria  
Regent McHugh  
Regent Powell  
Regent Stillwell  
Regent Dower, Student Regent, nonvoting

In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Vice Chairman Huffines called the meeting to order.

WELCOME TO REGENT R. STEVEN HICKS, REGENT WM. EUGENE POWELL, AND REGENT ROBERT L. STILLWELL.--Vice Chairman Huffines welcomed Regent R. Steven Hicks, Regent Wm. Eugene Powell, and Regent Robert L. Stillwell to their first Board meeting.

[On February 12, 2009, Governor Rick Perry appointed the following individuals to the Board of Regents of The University of Texas System for terms to expire as noted:

Mr. R. Steven Hicks, Austin, Texas, for a term to expire February 1, 2011, to fill the term of Mr. Robert B. Rowling who submitted his resignation from the Board of Regents on February 5, 2009.

Reappointment of Mr. James R. Huffines, Austin, Texas, for a term to expire February 1, 2015.

Mr. Wm. Eugene Powell, San Antonio, Texas, for a term to expire February 1, 2015, to succeed Mr. H. Scott Caven, Jr., whose term expired on February 1, 2009.

Mr. Robert L. Stillwell, Houston, Texas, for a term to expire February 1, 2015, to succeed Mr. John W. Barnhill, Jr., whose term expired on February 1, 2009.

Each appointment was confirmed by the Senate. Mr. Hicks took the oath of office on April 2, 2009, and Mr. Powell and Mr. Stillwell each took the oath of office on April 3, 2009.]

APPOINTMENT OF REGENTS FOSTER AND HICKS AS LIAISONS TO REVIEW PROPOSED UNIVERSITY OF TEXAS SYSTEM BUDGET FOR FISCAL YEAR 2010.--Vice Chairman Huffines appointed Regent Foster and Regent Hicks to act as liaisons to Chancellor Cigarroa as he reviews and addresses issues related to the proposed University of Texas System budget for Fiscal Year 2010. Vice Chairman Huffines said the review would help to determine if the budget is appropriately right-sized for the economic environment and he asked for a report to be given at the August 2009 Board meeting.

1. U. T. System Board of Regents: Election of Vice Chairman Huffines as Chairman and Regents McHugh and Foster as Vice Chairmen of the Board

Pursuant to Regents' *Rules and Regulations*, Rule 10102, the following officers were elected to the Board of Regents, effective immediately:

- |   |                       |
|---|-----------------------|
| Chairman:   | Mr. James R. Huffines |
| Vice Chairman (designated to act in place of the Chairman): | Ms. Colleen McHugh    |
| Vice Chairman:  | Mr. Paul Foster       |

2. U. T. System Board of Regents: Update on the 81st Legislative Session

Vice Chancellor McBee provided an update on the 81st Legislative Session, following three handouts titled as set forth below (the handouts are on file in the Office of the Board of Regents):

- [Legislative Update](#)
- [Side by Side Comparison of the 81st Legislature, House and Senate Versions of Senate Bill 1 for the 2010-11 Biennium](#)
- [State of Texas General Academic Institutions, 2010-11 General Revenue Appropriations \(Excluding Tuition Revenue Bond GR\), Committee Substitute for Senate Bill 1](#)

In answer to questions from Chairman Huffines, Vice Chancellor McBee discussed matters related to the status of competition of University of Texas System institutions for national research university status and funding needs and opportunities for The University of Texas Medical Branch at Galveston, including additional revenue for uncompensated care.

3. U. T. System: Report on the impact and results of the Institute for Public School Initiatives

Following introductory comments by Chancellor Cigarroa, Dr. Marina Ballantyne Walne, Executive Director for The University of Texas System Institute for Public School Initiatives (IPSI), provided an overview of the impact and results of IPSI's initiatives.

REMARKS BY CHAIRMAN HUFFINES ON COMPETITIVENESS INITIATIVE, UPCOMING COMMENCEMENTS, AND RETIRING REGENTS.--Chairman Huffines asked Chancellor Cigarroa to present a progress report at the July 2009 Board meeting on The University of Texas System Competitiveness Initiative, a \$2.56 billion commitment approved by the Board of Regents in August 2006 to boost competitiveness in science and technology.

Chairman Huffines encouraged members of the Board to participate in commencement exercises at the U. T. System institutions. He commented on the dedicated service of Chairman Caven, Vice Chairman Rowling, and Regent Barnhill whose terms had just expired, noting they will be honored at an event in May 2009.

RECESS TO EXECUTIVE SESSION.--At 11:43 a.m., Chairman Huffines announced the Board would recess to convene in Executive Session pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, and 551.074 to consider those matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION.--At 1:35 p.m., the Board reconvened in open session and took the following actions on matters discussed in Executive Session.

1. U. T. Permian Basin: Approval to market and sell the real property and improvements located at 2540 Palo Verde Drive, Odessa, Ector County, Texas, with the net sale proceeds to be used to help fund construction of The Wagner Noël Performing Arts Center

Upon motion by Vice Chairman Foster, seconded by Regent Dannenbaum, the Board authorized the Executive Director of Real Estate to:

- a. market and sell the real property and improvements located at 2540 Palo Verde Drive, Odessa, Ector County, Texas, through the use of an Odessa residential broker, with the sale proceeds, net of all closing costs and other costs and expenses to complete the sale as deemed necessary by the Executive Director of Real Estate, to help fund the construction of The Wagner Noël Performing Arts Center at The University of Texas of the Permian Basin; and
- b. execute all documents, instruments, and other agreements, with the approval as to legal form of the Vice Chancellor and General Counsel, and to take all further actions deemed necessary or advisable to market and sell the real property and improvements in accordance with the parameters outlined in Executive Session.

The motion carried unanimously.

- 2a. U. T. Austin: Approval to negotiate gift of real property

Regent Longoria moved that the Board of Regents authorize President Powers and Vice Chancellor Burgdorf to conclude negotiations and to execute documents related to the acceptance of a gift of real property to benefit The University of Texas at Austin, consistent with the parameters discussed in Executive Session.

The motion was seconded by Regent Powell and carried unanimously. (See Item 3d on the following page.)

- 2b. U. T. Austin: Approval to negotiate gifts with potential naming features

Upon motion by Regent Longoria, seconded by Vice Chairman McHugh, the Board of Regents authorized President Powers and Vice Chancellor Safady to conclude negotiations and to execute documents related to the acceptance

of gifts with related naming features to benefit The University of Texas at Austin, consistent with the parameters discussed in Executive Session.

The motion carried by acclamation.

- 2c. U. T. M. D. Anderson Cancer Center: Discussion and appropriate action regarding a proposed negotiated gift with a potential naming feature (Deferred)

Action related to a proposed gift with a related naming feature to benefit The University of Texas M. D. Anderson Cancer Center was deferred.

- 3a. U. T. System: Discussion regarding legal issues concerning Open Meetings Act compliance and confidentiality of Executive Session deliberations

No action was taken on this item.

- 3b. U. T. System Board of Regents/U. T. Medical Branch – Galveston: Discussion of legal issues related to lawsuit titled Sandor, Puccetti, Lecornu, the Texas Faculty Association vs. The University of Texas System et al.

No action was taken on this item.

- 3c. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

- 3d. U. T. Austin: Discussion of legal issues regarding potential negotiated gift of real property to benefit U. T. Austin

This additional item was posted with the Secretary of State. No action was taken on this item. (See Item 2a on the previous page.)

- 4a. U. T. Health Science Center – San Antonio: Approval to interview candidates for the position of president

Regent Gary moved that, as discussed in Executive Session, the Board invite candidates to interview on May 14, 2009, for The University of Texas Health Science Center at San Antonio presidency. He said this

motion is premised on the understanding that the names of finalists for the presidency will be made public at least 21 days before the vote to name a president.

The motion was seconded by Regent Stillwell and carried by acclamation.

- 4b. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions), U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors), other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive), and U. T. System and institutional employees

No action was taken on this item.

SCHEDULED MEETING.--The next regularly scheduled meeting will be held on May 13-14, 2009, in Austin, Texas.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 1:38 p.m.

/s/ Carol A. Felkel  
Assistant Secretary to the Board of Regents

May 8, 2009