

REVISED

TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

**California State University
Office of the Chancellor
401 Golden Shore
Long Beach, CA 90802**

November 18, 2009 – 8:30 a.m.

Presiding: Herbert L. Carter, Chair

Call to Order and Roll Call

Public Comment

Chair's Report

Chancellor's Report

Report of the California State University Alumni Council: *President—Ken Stone*

Report of the California State Student Association: *Chief of Staff—Katelyn Rauch*

Report of the Academic Senate CSU: *Chair – John Tarjan*

Approval of Minutes of Board of Trustees' Meeting of September 23, 2009

Reports from Committees

Committee on Collective Bargaining: *Chair—Lou Monville*

Committee on Governmental Relations: *Chair—Carol Chandler*

1. 2009-2011 Legislative Report No. 5

Committee on Finance: *Chair—William Hauck*

1. Approval of the 2010-2011 Support Budget
2. 2010-2011 Lottery Revenue Budget
4. Approval to Issue Trustees of the California State University, Systemwide Revenue Bonds and Related Debt Instruments for Various Projects

Committee on Campus Planning, Buildings and Grounds: *Chair—A. Robert Linscheid*

3. Amend the 2009-2010 Capital Outlay Program, Non-State Funded
4. State and Non-State Funded Five-Year Capital Improvement Program 2010-2011 through 2014-2015
5. Approve the Campus Master Plan Revision and Amendment of the 2009-2010 Non-State Funded Capital Outlay Program for the Cavanagh Road Real Property Acquisition and Improvement for California State University, Los Angeles
6. Approval of Schematic Plans

Committee on Audit: *Chair—Melinda G. Guzman*

Committee on Institutional Advancement: *Chair—George G. Gowgani*

1. Naming of a Campus Facility– California State University, San Bernardino
2. Naming of a Campus Facility –California Polytechnic State University, San Luis Obispo
3. Naming of a Campus Facility – California State University, Chico

Committee on Educational Policy: *Chair—Herbert L. Carter*

1. Membership on the Academic Council on International Programs
2. Proposed Title 5 Revision: California Code of Regulations – Financial Independence Requirement - Residency Reclassifications

**MINUTES OF THE MEETING OF
BOARD OF TRUSTEES**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

September 23, 2009

Trustees Present

Jeffrey L. Bleich, Chair
Herbert L. Carter, Vice Chair
Carol Chandler
Margaret Fortune
George G. Gowgani
Melinda Guzman
William Hauck
Raymond Holdsworth
Linda A. Lang
A. Robert Linscheid
Peter G. Mehas
Henry Mendoza
Lou Monville
Jack O'Connell, Superintendent of Public Instruction
Charles B. Reed, Chancellor
Russel Statham
Glen O. Toney

Chair Bleich called the meeting to order.

Public Comment

Chair Bleich called for public comment. The following CFA student interns spoke about various aspects of how the budget would affect them and other students like them: Monica Wettengel, CSU San Bernardino; Jamela Puch, CSU, Chico; Lucia Herrera, CSU Northridge; Lillian Taiz, CFA President, asked the board to request that the legislature restore full funding to the CSU and to back AB656 and SB 218; Peter Kruse, CFA Vice President, invited the board to attend the demonstration that was being held in the courtyard; John Travis, CFA Political Action/Legislation Chair, asked the board to stop academic downsizing; Pat Gantt, President, CSUEU, indicated their support of the CFA action and commented on the challenges furloughs are placing on the campuses; Russell Kilday-Hicks, CSUEU Vice President for Representation commended his membership for their cooperation in furlough negotiations and stated that the union will continue to work through the challenges; Nancy Kobota, CSUEU Chapter 309

President, Fresno, commented on leadership and working toward restoring full funding to the CSU; Frank Borelli, CSUEU Chapter President, Stanislaus spoke about the positive labor relations on his campus and commended President Shirvani for his leadership during this budgetary crisis.

The following individuals requested to speak, but were absent when their names were called: Farhod Azarbaydjani, former student Cal Poly Pomona; and José Moreno, CSULB faculty member.

Chair's Report

Chair Bleich's complete report can be viewed on-line at the following url:
<http://www.calstate.edu/BOT/chair-reports/sept2009.shtml>

Chancellor's Report

Chancellor Charles B. Reed's complete report can be viewed on-line at the following url:
<http://www.calstate.edu/executive/reparchive/090923.shtml>

Report of the California Postsecondary Education Commission

Trustee Melinda Guzman reported gave the report.

Report of the California State University Alumni Council

Ken Stone reported on behalf of the Alumni Council.

Report from the California State Student Association

Steve Dixon reported on behalf of the CSSA.

Report of the Academic Senate CSU

John Tarjan reported on behalf of the Academic Senate CSU.

Approval of Minutes

The board approved the minutes of the meeting of July 21, 2009.

Board of Trustees

Conferral of the Title Executive Vice Chancellor Emeritus (RBOT 09-09-07)

Chair Bleich moved the item; there was a second.

The Board of Trustees approved the following resolution:

WHEREAS, Gary W. Reichard, Executive Vice Chancellor and Chief Academic Officer of the California State University, has a well deserved reputation as an inclusive, collaborative and thoughtful higher education administrator and faculty member; and

WHEREAS, Dr. Reichard made an exceptional contribution to the California State University by championing and stewarding the CSU's new strategic plan, *Access to Excellence*, which will have a significant impact on the entire university system for years to come; and

WHEREAS, He has worked tirelessly throughout his academic career to develop programs and plans that provide a high quality education for students and professional development and support for faculty; and

WHEREAS, He has also, through his service to the California State University and its 23 campuses, made a personal and valuable contribution to the advancement of higher education in California; and

WHEREAS, It is fitting that the California State University recognize those members who have made demonstrable contributions to this public system of higher education and the people of California; now, therefore, be it

RESOLVED, By the Board of Trustees of the California State University, that this board confers the title of Executive Vice Chancellor Emeritus on Gary W. Reichard, with all the rights and privileges thereto.

Report of Committees

Committee on Collective Bargaining

Chair Monville reported the committee heard one action item that approved the CSU's tentative agreement for a successor contract with SEIU Local 99, representing the Headstart Program at San Francisco. The Committee heard from UAPD President Floyd Anscombe, APC President Fernando Beltran, CSUEU President Pat Gantt; CSUEU Vice President Russell Kildaye-Hicks; Unit 9 Chair Rich McGee, Unit 2 Chair Tessie Reese and Unit 5 Chair Sharon Cunningham.

Committee on Governmental Relations

Trustee Chandler reported the committee heard one action item as follows:

2009-2011 Legislative Report No. 4 (RGR 09-09-07)

Trustee Chandler moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, By the Board of Trustees of the California State University, that the 2009-2011 Legislative Report No. 4 is adopted.

Committee on Audit

Trustee Guzman reported the committee heard two information items, Status Report on Current and Follow-up Internal Audit Assignments, and Progress Report on the Corrective Action Plans for the Findings Relating to the Financial Statements of the Auxiliary Organizations for Year Ended June 30, 2008.

Committee on Finance

Trustee Hauck reported the committee heard five information items, Report on the 2009-2010 Support Budget, Report on the 2010-2011 Support Budget, 2010-2011 Lottery Revenue Budget; Enterprise Risk Management, California State University Annual Investment Report and one action items as follows:

Approval to Issue Trustees of the California State University, Systemwide Revenue Bonds and Related Debt Instruments for Various Projects (RFIN 09-09-06)

Trustee Hauck moved the item; there was a second.

The Board of Trustees approved the following resolution:

Orrick, Herrington & Sutcliffe LLP, as bond counsel, prepared resolutions for projects described Agenda Item 6 of the Committee on Finance at the September 22-23, 2009 meeting of the Board of Trustees that authorize interim and permanent financing for California State University East Bay (East Bay Recreation and Wellness Center); California State University, Los Angeles (Los Angeles Dobbs Street Apartments Acquisition Project); San Diego State University (San Diego Aztec Shops Limited — Albert's College Apartment Acquisition Project). The proposed resolutions will achieve the following:

1. Authorize the sale and issuance of Systemwide Revenue Bond Anticipation Notes and the related sale and issuance of the Trustees of the California State University Systemwide Revenue Bonds in an amount not-to-exceed \$60,985,000 and certain actions relating thereto.
2. Provide a delegation to the Chancellor; the Executive Vice Chancellor and Chief Financial Officer; the Assistant Vice Chancellor, Financial Services; and the Director, Financing and Treasury; and their designees to take any and all necessary actions to execute documents for the sale and issuance of the bond anticipation notes and the revenue bonds.

The resolutions will be implemented subject to receipt of good bids consistent with the projects' financing plans.

Committee On Campus Planning, Buildings And Grounds

Trustee Linscheid reported the committee heard one information item, Final Report on the 2009-2010 State Funded Capital Outlay Program and three action items as follow:

Categories and Criteria for the State Funded Five-Year Capital Improvement Program, 2011-2012 through 2015-2016 (RCPBG 09-09-12)

Trustee Linscheid moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, By the Board of Trustees of the California State University, that:

1. The Categories and Criteria for the State Funded Five-Year Capital Improvement Program, 2011-2012 through 2015-2016 in Attachment A of Agenda Item 2 of the September 22, 2009 meeting of the Trustees' Committee on Campus Planning, Buildings and Grounds be approved; and
2. The Chancellor is directed to use these categories and criteria to prepare the CSU State Funded Five-Year Capital Improvement Program.

Approve the Campus Master Plan Revision and Amendment of the 2009-2010 Non-State Funded Capital Outlay Program for the Dobbs Street Apartment Building Real Property Acquisition and Renovation for California State University, Los Angeles (RCPBG 09-09-13)

Trustee Linscheid moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, By the Board of Trustees of California State University, that:

1. The Board finds that a Categorical Exemption for the California State University, Los Angeles, Dobbs Street Apartment Building Real Property Master Plan Revision will be prepared pursuant to the requirements of the California Environmental Quality Act.
2. The proposed project will not have the potential for significant adverse impacts on the environment, and it will benefit the California State University.
3. The California State University, Los Angeles campus master plan revision dated September 2009 is approved.

4. The 2009-2010 non-state funded capital outlay program is amended to include \$6,124,000 for the acquisition and renovation of the Dobbs Street Apartment Building Real Property project and for the roofing replacement costs associated with the existing Student Housing Phase II project for California State University, Los Angeles.

Certify the Final Environmental Impact Report and Approve the Campus Master Plan Revision for California State University, East Bay (RCPBG 09-09-14)

Trustee Linscheid moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that:

1. The Final EIR for the California State University, East Bay Campus Master Plan dated September 2009 has been prepared to address potential significant environmental impacts, mitigation measures, project alternatives, comments and responses to comments associated with the master plan revision, pursuant to the requirements of the California Environmental Quality Act, the CEQA Guidelines, and CSU CEQA procedures.
2. The Final EIR addresses the proposed campus master plan revision, and all discretionary actions relating to the project, as identified in the Project Description, Section 2 of the Final EIR.
3. This resolution is adopted pursuant to the requirements of Section 21081 of the Public Resources Code and Section 15091 of Title 14 of the California Code of Regulations (CEQA Guidelines), which require that the Board of Trustees make findings prior to the approval of a project along with a statement of facts supporting each finding.
4. This Board hereby adopts the Findings of Fact and related mitigation measures identified in the Mitigation Monitoring Program for Agenda Item 4 of the September 22-23, 2009 meeting of the Board of Trustees' Committee on Campus Planning, Buildings and Grounds, that identifies specific impacts of the proposed project and related mitigation measures, which are hereby incorporated by reference.
5. The Board has adopted the Findings of Fact that include specific Overriding Considerations that outweigh certain remaining unavoidable significant impacts to aesthetics, cultural resources, air quality, and traffic.
6. The Final EIR has identified potentially significant and unavoidable impacts that may result from project implementation if the identified off-site traffic mitigation measures are not implemented by the City of Hayward, as noted

below. However, the Board of Trustees, by adopting the Findings of Fact, finds that the inclusion of certain mitigation measures as part of the project approval will reduce some of those effects to less than significant levels. Those impacts, which are not reduced to less than significant levels, are identified and overridden due to specific project benefits.

7. A portion of the mitigation measures to reduce traffic impacts from implementation of the campus master plan are the responsibility of and under the authority of the City of Hayward. As the City and the University have not agreed in all respects regarding off-site mitigation measures, the Board cannot guarantee that certain mitigation measures that are under the authority and sole responsibility of the City will be implemented timely. The Board therefore finds that certain impacts upon traffic may remain if mitigation measures are not implemented. Therefore, the Board adopts Findings of Fact that include specific Overriding Considerations that outweigh the remaining, potential, and unavoidable significant impacts as well as other impacts with respect to vehicular and pedestrian traffic conditions on streets and intersections that are not under the authority and responsibility of the Board.
8. Prior to the certification of the Final EIR, the Board of Trustees has reviewed and considered the above-mentioned Final EIR, and finds that the Final EIR reflects the independent judgment of the Board of Trustees. The Board hereby certifies the Final EIR for the proposed project as complete and adequate in that the Final EIR addresses all significant environmental impacts of the proposed project and fully complies with the requirements of CEQA and the CEQA Guidelines. For the purpose of CEQA and the CEQA Guidelines, the administrative record of proceedings for the project is comprised of the following:
 - a. The Draft EIR for California State University, East Bay Campus Master Plan, November 2008;
 - b. The Final EIR, including comments received on the Draft EIR, and responses to comments;
 - c. The proceedings before the Board of Trustees relating to the subject project, including testimony and documentary evidence introduced at such proceedings; and
 - d. All attachments, documents incorporated, and references made in the documents as specified in items (a) through (c) above.
9. It is necessary, consistent with the California Supreme Court decision in *City of Marina*, for CSU to pursue mitigation funding from the Legislature to meet its CEQA fair share mitigation obligations. The Chancellor is therefore directed to request from the Governor and the Legislature, through the annual state capital budget process, future funds in the amount of \$2,331,618 necessary to support fair share mitigation costs as projected in the FEIR and

determined by the Trustees necessary to fulfill the off-site mitigation requirements of CEQA.

10. In the event the request for mitigation funds is approved in full by the Governor and the Legislature, the Chancellor is directed to proceed with implementation of the California State University, East Bay Campus Master Plan dated September 2009. Should the request for funds only be partially approved, the Chancellor is directed to proceed with implementation of the project, funding identified mitigation measures to the extent of the available legislatively appropriated funds. In the event the request for State Capital Outlay funds is not approved, the Chancellor is directed to proceed with implementation of the project consistent with resolution number 11 below.
11. Because this Board cannot guarantee that the request to the Governor and Legislature for the necessary mitigation funding will be approved, or that the local agencies will fund the measures that are their responsibility, this Board finds that the impacts whose funding is uncertain remain significant and unavoidable, and that they are necessarily outweighed by the Statement of Overriding Considerations adopted by this Board.
12. The City of Hayward has requested fees be paid by California State University, East Bay for mitigation of public services impacts with regard to public safety (police and fire emergency response). These impacts have been found to be *less than significant*, based on the analysis in the Final EIR. Since these potential impacts have been found to be less than significant, there is no mitigation required, and therefore no fair share mitigation cost need be determined by the Trustees as Lead Agency under the *Marina* decision.
13. The Board hereby certifies the Final EIR for the California State University, East Bay Campus Master Plan dated September 2009 as complete and in compliance with the CEQA.
14. The mitigation measures identified in the Mitigation Monitoring and Reporting Program are hereby adopted and incorporate mitigation measures for off-site improvements as determined appropriate by this Board. These mitigation measures shall be monitored and reported in accordance with the Mitigation Monitoring and Reporting Program for Agenda Item 4 of the September 22-23, 2009 meeting of the Board of Trustees' Committee on Campus Planning, Buildings and Grounds, which meets the requirements of CEQA (Public Resources Code, Section 21081.6).
15. The project will benefit the California State University.
16. The two designated near term projects identified and described in the FEIR are:
 - (1) Pioneer Student Housing, Phase IV (600 beds) and (2) Parking Structure 1

(1,100 spaces). The Board has determined the near term projects are fully analyzed at the project level in the Final EIR for purposes of compliance with CEQA and hereby approves such projects for implementation and construction as being in compliance with CEQA requirements.

17. The above information is on file with The California State University, Office of the Chancellor, Capital Planning, Design and Construction, 401 Golden Shore, Long Beach, California 90802-4210 and at California State University, East Bay, Facilities Management and Planning, 25800 Carlos Bee Boulevard, Hayward, California 94542-3004.

18. The Chancellor or his designee is requested under the Delegation of Authority by the Board of Trustees to file the Notice of Determination for the project.

19. The California State University, East Bay Campus Master Plan dated September 2009 is hereby approved.

Committee of the Whole

Chair Bleich reported the committee heard one information item, General Counsel's Report and one action items as follows:

Approve the California State University Identity Theft Prevention Implementation Plan (RCOW 09-09-01)

Chair Bleich moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that in compliance with Part 681 of the Code of Federal Regulations implementing Section 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003 and pursuant to the Federal Trade Commission's Red Flags Rule, the Board of Trustees has adopted the Identity Theft Prevention Implementation Plan as set forth fully in Attachment A of Agenda Item 1 for the Committee of the Whole at its September 22-23, 2009 meeting, and be it further

RESOLVED, that authority to oversee and administer the CSU Identity Theft Prevention Implementation Plan, including authority to modify or amend the Implementation Plan, is hereby delegated to the Executive Vice Chancellor and Chief Financial Officer, or the Executive Vice Chancellor's designee.

Committee on Institutional Advancement

Chair Gowgani reported the committee heard one information item, Recognition of Recipients of the 2009/2010 William Randolph Hearst/CSU Trustees' Award for Outstanding Achievement and three action items as follow:

Naming of a Campus Facility– California State University, San Bernardino (RIA 09-09-06)

Trustee Gowgani moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that the new astronomical observatory at California State University, San Bernardino, be named the Murillo Family Observatory.

Naming of a Campus Facility – California Maritime Academy (RIA 09-09-07)

Trustee Gowgani moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that the California Maritime Academy's newly built residence hall be named McAllister Hall.

Naming of an Academic Entity – San José State University (RIA 09-09-08)

Trustee Gowgani moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that the STEM-Ed program, at San José State University, be named the Jay Pinson Program for STEM-Education.

Committee on Educational Policy

Trustee Carter reported the committee heard four information items, California State University Alcohol Policies and Prevention Programs: Fourth Biennial Report, Report on Voluntary Self-Monitoring of Equal Opportunity in Athletics for Women Students, Update on Efforts to Close the Achievement Gap in K–12 Education, Recommended Changes to Title 5, California Code of Regulations, Residency Reclassifications, and two action items as follows:

**Special Honorary Degrees for Students Displaced by Executive Order 9066
(REP 09-09-04)**

Trustee Carter moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that:

1. An exception is made to the Trustees' "Guidelines for the Awarding of Honorary Degrees" to authorize the awarding of honorary baccalaureate degrees to individuals whose study at what have become California State University campuses was disrupted by the institution of Executive Order 9066 in 1942.
2. These honorary degrees shall be conferred by the Board of Trustees and the California State University in the name of the California State University.
3. These honorary degrees shall be awarded to each person, living or deceased, who was forced to abandon his or her studies at a CSU campus as the result of Executive Order 9066. Representatives of any qualifying deceased person may accept the diploma on the deceased person's behalf.
4. There shall be no time limit on the awarding of these degrees to individuals who meet the qualifying criteria.
5. There shall be no limit on the number of such degrees that may be awarded annually.
6. The Chancellor is delegated the authority to establish policies to ensure the timely execution of this resolution.

Academic Plan Update for Fast-Track Program Development (REP 09-09-05)

Trustee Carter moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that the academic plan degree projections for San Francisco State University (as contained in Attachment A to Agenda Item 2 of the March 24-25, 2009 meeting of the Committee on Educational Policy) be amended to include a projected Master of Science degree with a major in Geographic Information Science. Implementation is planned for fall 2010.

Chair Bleich adjourned the meeting.