

Clemson University
Clemson, South Carolina

MINUTES

of the meeting of

THE CLEMSON UNIVERSITY

BOARD OF TRUSTEES

Held in the Board Room, Sikes Hall

January 22, 1982

The Board convened at 2:10 P.M. with the following members present: Thomas B. McTeer, Jr., Chairman, presiding; Louis P. Batson, Jr., Robert R. Coker, T. Kenneth Cribb, Fletcher C. Derrick, Jr., W. G. DesChamps, Jr., William N. Geiger, Jr., Lewis F. Holmes, Paul W. McAlister, James C. Self, and D. Leslie Tindal.

Members of the Administration present: Bill L. Atchley, Ben W. Anderson, Melvin E. Barnette, Ed F. Byars, Walter T. Cox, W. Harry Durham, W. David Maxwell, Stephen S. Melsheimer, John Pettigrew, James L. Strom, and Joseph B. McDevitt, Secretary.

Official observers present: I. L. Donkel, President, Alumni Association; Clarence Hood, Incoming President of the Faculty Senate; and Harold Risher, President of the Clemson University Foundation.

Item 1. Roll Call

Item 2. Minutes

The minutes of the meeting of September 18, 1981 and the emergency meeting of December 8, 1981 were previously submitted by mail to all members of the Board of Trustees. The Secretary noted that in the minutes of the latter meeting, on page 71, Item 2, third line, "\$2.19 million" should be changed to read "2.19 percent." The minutes of the September 18, 1981 meeting were approved as submitted. The minutes of the December 8, 1981 meeting were approved as corrected.

Item 3. Amendment of Board Resolution Concerning
Delegation of Authority to Vice President for
Business and Finance

Statement: A Resolution containing delegations of authority to the Vice President for Business and Finance was adopted by the Board of Trustees at its meeting of November 14, 1975 and is recorded in the minutes of that meeting. It provides, in part, "He is authorized to execute in the name of Clemson University contracts and other instruments in writing pertaining to matters committed to his charge by this Resolution or by action of the Board, but not including those instruments affecting interest in lands, which authority is reserved to the Chairman of the Board of Trustees."

It has always been assumed that the aforesaid executory authority includes the authority to sub-delegate such authority in appropriate instances. For example, myriads of documents which are contractual in nature are executed by the Director of Purchasing. It would be unreasonable to conclude that the Board of Trustees intends that the Vice President for Business and Finance personally execute all such instruments.

However, in order to clarify the Board's intent, the Administration recommends that the Board amend the above referenced excerpt to read as follows (Amendment underlined):

"He, or his designee, is authorized to execute in the name of Clemson University contracts and other instruments in writing pertaining to matters committed to his charge by this Resolution or by action of the Board, but not including those instruments affecting interest in lands, which authority is reserved to the Chairman of the Board of Trustees."

The amended Resolution would then provide in its entirety as follows:

WHEREAS, Section 3 of Article I of the By-Laws of the Board of Trustees of 1965 contained essential delegations of fiscal responsibility and authority to the Vice President for Business and Finance, and

WHEREAS, the By-Laws of the Board of Trustees adopted this date, November 14, 1975, do not contain the said Section 3 of Article I, and

WHEREAS, it is considered advisable that the fiscal responsibilities and authority heretofore delegated to the Vice President for Business and Finance by the said Section 3 of Article I of the former By-Laws be continued in effect,
NOW THEREFORE

BE IT RESOLVED that the Board of Trustees of Clemson University hereby confirms and ratifies all proper actions taken and otherwise performed by the Vice President for Business and Finance of Clemson University pursuant to delegations of authority contained in Section 3, Article I of the By-Laws of the Board of Trustees of 1965, and

BE IT FURTHER RESOLVED that the following delegations of responsibility and authority are hereby made:

The Vice President for Business and Finance is the chief fiscal officer of the University, appointed by and serving under the President of the University and responsible for the financial planning of all phases of the administration of the University. He shall have general management of the business affairs of the University. In particular, he shall prepare the annual budget of the University for the approval of the President of the University and submission to The Board of Trustees, and shall be responsible for the administration of the budget and expenditures in accordance therewith, for accounting, purchases, non-academic personnel administration, inventory, insurance, auditing, and for the operation of University housing, dining halls, motor pool and business services and enterprises, including the Clemson House. He shall have supervision of safety and security programs and shall be responsible for all buildings, grounds, utilities and equipment of the University and for all repairs, alterations and new construction. He shall be custodian of the deeds, moneys and securities of the University and shall be responsible for the proper application of the principal and income of all gifts, bequests, devises, and trust funds held by the University for restricted purposes. He, or his designee, is authorized to execute in the name of Clemson University contracts and other instruments in writing pertaining to matters committed to his charge by this Resolution or by action of the Board, but not including those instruments affecting interest in lands, which authority is reserved to the Chairman of the Board of Trustees.

Recommendation of the Budget and Finance Committee: That the Board's Resolution of November 14, 1975 be amended as recommended by the Administration.

Board Action: Approved

Item 4. University Budget for Fiscal Year 1981-82

Statement: In its meeting of June 19, 1976, the Board adopted policies, rules, regulations, and delegations of authority

to the Administration which state, in part:

"Budgets for each year shall be prepared and submitted to the Board of Trustees as soon as practicable after passage of the General Appropriations Bill of the State. When the Board of Trustees finds that it is impracticable, due to the date on which an appropriations bill is passed or for other reasons, to review and adopt a new annual budget prior to the beginning of a new fiscal year, the Administration is authorized and directed to utilize appropriations and other funds available in continuing into a new fiscal year the general level of operations prevailing at the end of the previous fiscal year pending approval of a new annual budget by the Board of Trustees. In carrying out the interim operations, the Administration shall implement to the extent practicable any known changes in budget items adopted previously by the Board of Trustees, provided by legislation, or directed by the State Budget and Control Board."

At its July 17, 1981 meeting, the Board of Trustees approved continuing applicability of the above authorization for Fiscal 1981-82 operations pending adoption by the Board of a new annual budget.

Recommendation of the Budget and Finance Committee: (1) That the proposed 1981-82 budget submitted by the Administration be approved subject to adjustments which might be made by the State Budget and Control Board relating to salaries and other budget items in accordance with applicable legislation and with the following delegations of authority to the Administration contained on page 57 of the proposed budget:

"In approving this budget, the Board of Trustees recognizes that the amounts shown as income are estimates and subject to changes, and that the amounts shown for expenditures are a reflection of plans and workload estimates as of the time the proposed budget was prepared. It further recognizes that each day may bring new challenges and developments requiring adjustments in plans, programs, estimates, and budget items. In order to provide for continuity and essential flexibility in operations, the Board of Trustees reaffirms for Fiscal Year 1981-82 the delegation of necessary authority to the President to act in all matters, and to the Vice President for Business and Finance to act in fiscal, contractual and other business matters, including specifically authority to negotiate and make timely changes in contracts, to approve transfers and expenditures of funds permitted in Section 126 of the General Appropriations Act to be retained at the Institution, to adjust operating, permanent improvement and other income and expenditure items, and to take such other actions considered necessary in fiscal, contractual and other business matters in response to changing conditions and estimates. The Chairman of the Board, the Budget and Finance Committee, the Executive Committee or the full Board are to be consulted for

further specific directions and approval as conditions appear to warrant."

(2) That budget income and expenditure adjustments deemed essential and already made by the Administration for 1981-82 be confirmed and ratified.

Board Action: Approved

Item 5: Revised Faculty Constitution

Statement: A long and careful effort by the Faculty Senate has resulted in a much-needed revision of the current Faculty Constitution and By-Laws. During this process collegiate forums were held to solicit comments and suggestions from all members of the faculty. The revised Constitution incorporates many of the suggestions made during this process, and it has the strong support of the faculty. The Provost, the College Deans, and other members of the University Administration have also reviewed the revised Constitution and many of their suggestions have been included. The Educational Policy Committee of the Board concludes that this revised Constitution is a definite improvement from the current Constitution in clarity, and that it more accurately depicts the functions and responsibilities of the faculty as they presently exist under policies adopted by the Board and the Administration.

Recommendation of the Educational Policy Committee: That the revised Faculty Constitution be adopted by the Board of Trustees and appended as an attachment to the minutes of this meeting (Exhibit A).

Board Action: Approved

Item 6. Increase in Housing Rental Rates

Statement: In order to continue to meet provisions of South Carolina law which require that housing rental fees be sufficient to cover fully the cost of providing such facilities and related services, it is necessary to increase student housing rental rates for 1982-83 by approximately 15%.

Recommendation of the Student Affairs Committee: To meet the increased costs of housing operations brought on primarily by inflation, it is recommended that the increased rental rates reflected on the following schedule become effective with the fall semester 1982.

STUDENT HOUSING RATE SCHEDULE 1982-83

Single Student Housing

Semester Rates

	<u>Current Rate</u>	<u>New Rate</u>	<u>Increase</u>
Johnstone Hall			
Sections A - F	\$350	\$400	\$50
Annexes A & F	\$360	\$415	\$55
Donaldson, Bowen, Wannamaker, Bradley, Norris	\$360	\$415	\$55
Benet, Young, Cope, Geer, Sanders	\$360	\$415	\$55
Mauldin, Barnett, Smith, Manning, Lever, Byrnes	\$385	\$445	\$60
Clemson House (Rooms)	\$390	\$450	\$60
Clemson House (Apts. w/ kitchenettes)	\$415	\$475	\$60
Calhoun Courts	\$500	\$575	\$75
Thornhill Village	\$475	\$545	\$70

Married Student Housing

Monthly Rates

	<u>Current Rate</u>	<u>New Rate</u>	<u>Increase</u>
Littlejohn Apartments	\$ 90	\$ 90	None
Two Story Apts. (2 BR)	\$155	\$170	\$15
Duplex (2 BR)	\$175	\$190	\$15
Duplex (3 BR)	\$200	\$220	\$20

Board Action: Approved

Item 7. Abatement of Out-of-State Charges for Certain
Scholarship Recipients

Statement: From time to time the Board pursuant to authority in the Code of Laws of South Carolina, currently codified in Section 59-112-70, has abated the out-of-state rates for students who are recipients of scholarship aid. The application of this Board policy has been quite limited and the ability of

the University to attract outstanding students is not competitive vis-a-vis our peer institutions. The Administration would like to have the Board establish a definite level of scholarship aid at which the recipient would be entitled to abatement of the out-of-state differential. This would not only simplify the implementation of our recruiting program for outstanding students, but would enhance the success of the program. Specifically, the Administration recommends that the Board, acting pursuant to the authority contained in Section 59-112-70, Code of Laws of South Carolina, 1976, as amended, adopt the policy that, in the instance of out-of-state students who are recipients of scholarship aid in the amount of \$1500 or more, the Administration may abate the difference in rates charged out-of-state students vis-a-vis in-state students.

Recommendation of the Executive Committee: That the aforesaid policy be adopted by the Board.

Board Action: Adopted

Item 8. Appointment of Recorder

Statement: In 1971 Mr. James P. Burns, an employee of Clemson University, was appointed to serve as Recorder for Clemson University to fill the vacancy created by the death of Mr. Bruce D. Cloaninger. In December 1981 Mr. Burns resigned from the position of Recorder to return to his full time duties as Director of Electronic and Photographic Services. The position of Recorder needs to be filled as soon as possible and the Administration recommends that Mr. Robert Glenn Hopkins of Central, South Carolina, be appointed to this position. Mr. Hopkins has previously served as a magistrate for Pickens County.

Inasmuch as the statutes in South Carolina concerning Recorders Courts and Municipal Courts have in recent years been amended by the General Assembly of South Carolina, the Administration recommends that the Board take the following actions: (1) Adopt the following ordinance:

The Board of Trustees of Clemson University does hereby establish a Municipal Court for Clemson University, which shall be a part of the unified judicial system of this State, for the trial and determination of all cases within its jurisdiction, as provided by, pursuant to and in conformity with Chapter 25 of Title 14, Sections 14-25-5, et seq., Code of Laws of South Carolina (1976) as amended. The Board shall appoint a suitable person to serve as judge for this court.

(2) Approve the Administration's recommendation that pursuant to Section 59-119-320 and Sections 14-25-5, et seq., of the South Carolina Code of Laws (1976), as amended, Mr. Robert Glenn Hopkins of 110 Pine Knoll Court, Central, South Carolina, be appointed by the Board and (pursuant to Section 59-119-320) recommended to the Governor of South Carolina to serve as Recorder (Municipal Judge) for Clemson University.

Recommendation of the Executive Committee: That the Administration recommendations 1 and 2 above be approved.

Board Action: Approved

Item 9. Lease to Anderson County Solid Waste Management Authority for Sanitary Landfill Site

Statement: Effective April 1, 1973, the University leased to the Anderson County Solid Waste Management Authority a twenty-three-acre tract of land for use as a sanitary landfill site. The lease contained numerous requirements and conditions intended primarily for the protection of adjoining University property. The lease also contained a requirement for a payment of \$12 per acre per year in consideration of the lease. The requirements, conditions and payments have been met by the Anderson County Authority through the ensuing years.

In late 1981, the Director of the Anderson Solid Waste Management Authority notified the University authorities that the twenty-three-acre site would soon be fully utilized, and a request was made that an additional thirty acres be leased to the County for the same purpose. The thirty acres requested adjoin the twenty-three-acre disposal site and are under the cognizance of the College of Forest and Recreation Resources. The Dean of that College and his staff members interpose no objection to the new lease; in fact, they regard the existing twenty-three-acre site as having been improved by proper waste disposal management by the County and anticipate the same result would be true in the case of the thirty acres. Further, the University has enjoyed the benefit of using the disposal site for its own solid waste disposal.

Recommendation of the Executive Committee: That the Board of Trustees authorize the Chairman of the Board to execute the lease of the requested thirty acres to the Solid Waste Management Authority of Anderson County under similar terms and conditions as the previous lease and for an annual consideration of \$30 per acre. This proposal has been submitted to the Anderson County authorities and meets with their approval.

Board Action: Approved

Item 10. Florence County Right-of-Way Request over .25 Acre of University Land Located at the Headquarters Area of the Old Pee Dee Experiment Station in Florence County, South Carolina

Statement: Florence County has requested a right-of-way easement over approximately .25 acre of University land located at the headquarters area of the old Pee Dee Station in Florence County. The proposed easement would vary in width from approximately 50 feet at the south end of the property to 125 feet in width for the balance of the easement.

The proposed easement is more fully described on a plat by Engineering Consultants dated October 6, 1981. The acreage involved is located in a steep ravine which the University is not using and which the University has no plans for using in the future. The purpose of the easement would be to allow for the maintenance of an area on the site of a drainage ditch that would improve the property owned by the county. Since this small amount of property is not being used by the University and since the easement would result in improved drainage, the College of Agricultural Sciences recommends approval of the request.

Recommendation of the Executive Committee: That the right-of-way request by Florence County be approved and the Chairman be authorized to execute the appropriate documents.

Board Action: Approved

Item 11. Disposition of James M. Breazeale Estate

Statement: In February 1981 a committee was appointed to study and make recommendations for disposition of the realty and cash assets received by Clemson University as a bequest in the will of the late James M. Breazeale of Belton who died on January 30, 1980. The committee recommended that a farmer who had for several years farmed 40 acres of the property be given permission to do so for another year. That permission was granted by the President so that winter wheat could be planted by November 15, 1981.

Based on the report of the aforesaid committee, the Administration recommended the following three recommendations which the Board of Trustees approved by mail ballot dated November 20, 1981:

1. Sell the house and 3 surrounding acres
Comment: The house is vacant. The University has no use for it. It is a source of possible liability. Its fair market value is estimated at approximately \$30,000.
2. Retain the remaining 148 wooded acres for appreciation.
Comment: The property is located east of Belton in an area with promising future development potential. The property would be under the management of the College of Forest and Recreation Resources.
3. Invest and reinvest the \$120,000 cash received by the University to date.
Comment: There will be future additions to the corpus and ultimate disposition need not be determined at this time.

Recommendation of the Executive Committee: That the record reflect that the above recommendations of the Administration were approved by vote of thirteen members by mail ballot of November 20, 1981, and that the Board confirm and ratify for the record at this time its mail ballot action.

Board Action: Confirmed and ratified

Item 12. Bids for the Baseball Field Seating and Related Facilities and Soccer Field Seating and Related Facilities

Statement: A tabulation of bids for the baseball field seating and related facilities and soccer field seating and related facilities were opened publicly in Room 300, Sikes Hall at 2 P. M., September 23, 1981. It was found that the low combined base bid would result in a total cost of \$330,000, approximately \$20,000 more than the combined amount presently budgeted for these projects, with Alternate Number 1 costing an additional \$206,000. After careful analysis of the factors involved, the Administration recommended that Alternate Number 1 be rejected and that a construction contract be awarded to the low bidder for "Combination Bid Baseball and Soccer," South General Construction Company, in the amount of \$330,000 and that the Administration be authorized to allocate an additional \$20,000 from Athletic Department operating revenues, IPTAY funds, and special gifts. By mail ballot of October 6, 1981, the Board of Trustees approved the recommendations of the Administration.

Recommendation of the Executive Committee: That the Board confirm and ratify for the record its mail ballot approval of the Administration's recommendations of October 6, 1981.

Board Action: Confirmed and ratified

Item 13. Resolution for Temporary Borrowing

Statement: The total cost for the construction of Calhoun Courts student housing complex approximated \$9 million. Surplus revenues received from the operation of the student and faculty housing facilities to the extent of \$3.6 million were used to defray a portion of the construction. In order to raise the remaining funds, the Board determined to issue \$5.4 million Student and Faculty Housing Revenue Bonds, Series I (Series I Bonds) pursuant to a Resolution of 1966. However, due to bond market conditions at the time, the Board determined to raise the necessary funds through the issuance of bond anticipation notes in anticipation of the issuance of Series I Bonds. These bond anticipation notes were dated April 1, 1981 to mature on October 1, 1981. Due to continuing unstable market conditions, the Board, at its meeting on August 26, 1981, determined to retire the October 1 maturing bond anticipation notes by the issuance of additional bond anticipation notes in the principal sum of \$5,400,000. Those notes were dated October 1, 1981 with a maturity date of April 1, 1982. The Administration has been advised by the State Treasurer and the bond attorneys that the current bond market remains unfavorable for the issuance of long term debt. Accordingly,

the Administration requests that the Board of Trustees adopt a Resolution which will authorize the Vice President for Business and Finance and the State Treasurer to issue bond anticipation notes to retire the notes maturing on April 1, 1982. The new issuance of bond anticipation notes will be for a period of up to twelve months in the amount of \$5.4 million and will be issued in anticipation of the issuance of \$5.4 million Student and Faculty Housing Revenue Bonds, Series I (Series I Bonds).

Board Action: Mr. Geiger moved, Mr. Coker seconded and the eleven members present unanimously approved the Resolution as it appears in Exhibit B of the minutes of this meeting.

Item 14. Resolution of Appreciation: Lewis Frontis Holmes

LEWIS FRONTIS HOLMES
Member of the Clemson University Board of Trustees
1974 - 1982

"WHEREAS, throughout Clemson University's years of service as an educational institution of the highest quality, Clemson has been most fortunate to have had the dedicated services of many distinguished South Carolinians on its Board of Trustees; and

WHEREAS, these men have given unselfishly of their time and energies and the importance of their contributions to the well-being and progress of the University has been of inestimable value; and

WHEREAS, Lewis Frontis Holmes of Trenton, a 1947 Clemson alumnus, was elected to the Clemson Board of Trustees on February 6, 1974 by the South Carolina General Assembly, was reelected to a second four-year term on May 4, 1977, and has served in an outstanding manner for the past eight years; and

WHEREAS, during his tenure on the Board of Trustees, Mr. Holmes has served faithfully on many committees where proposals and recommendations, which are later to be brought before the full Board, are first considered and reviewed; much of the work of the Board being accomplished in such committee sessions; and

WHEREAS, Mr. Holmes has served as chairman of both the Planning Committee and the Student Affairs Committee, and has been a member of the Executive Committee, the Fertilizer Board of Control, the Agricultural Regulatory Committee, and the Educational Policy Committee; on each of these committees he served ably and well and his contributions to their deliberations were most constructive and substantial; and

WHEREAS, Mr. Holmes has been an ardent supporter of his alma mater in all of its endeavors, including both its academic life and athletic achievements, having been a member of the Clemson Alumni Association for twenty-six years since its beginning in 1956 and having a record of thirty-six continuous years of contribution to IPTAY, and

WHEREAS, Mr. Holmes has been the recipient of numerous well-deserved honors and recognition for excellence as an agriculturalist and community service, having been named by South Carolina Jaycees as the State's Outstanding Young Farmer of the Year for 1955, and the State's Young Man of the Year in 1958;

NOW, BE IT THEREFORE RESOLVED that the Clemson University Board of Trustees wishes to express its sincerest appreciation and best wishes for continued success to Lewis Frontis Holmes for all that he has meant to the success of Clemson University and his commitment to the institution's total excellence."

Mr. Paul W. McAlister moved that the Board adopt the Resolution by a standing vote of acclamation.

Board Action: Adopted

Item 15. Statutory Roll Call Vote

RESOLUTION: RESOLVED, that all measures and recommendations made at this, the January 22, 1982 meeting, which according to the By-Laws require a roll call vote of nine or more members, be hereby adopted and confirmed, and that the Vice President for Business and Finance be authorized to issue his checks for all expenditures authorized at this meeting.

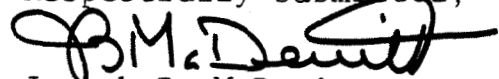
Board Action: The Resolution was adopted with eleven members present voting "Aye."

The Chairman reminded Board Members that the next meeting has been scheduled for Friday, April 16, 1982 in Charleston. The Chairman suggested Friday, July 30, 1982 as the date for the annual, summer meeting of the Board. This date met with the approval of Board Members present.

Item 16. Adjournment

There being no further business, the meeting of the Board was adjourned at 3:05 P.M.

Respectfully submitted,



Joseph B. McDevitt
Secretary of the
Board of Trustees