

The Regents of the University of California

**SPECIAL COMMITTEE ON REGENTS' PROCEDURES**

January 15, 2003

The Special Committee on Regents' Procedures met on the above date at UCSF-Laurel Heights, San Francisco.

Members present: Regents Atkinson, Davies, Kozberg, Lansing, Marcus, Moores, Pattiz, and Preuss

In attendance: Regents Blum, Bustamante, Connerly, Hopkinson, Johnson, Lee, Ligot-Gordon, Montoya, Parsky, Sainick, and Sayles, Regents-designate Bodine, Murray, and Seigler, Faculty Representatives Binion and Pitts, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost King, Senior Vice Presidents Darling and Mullinix, Vice Presidents Broome, Doby, Drake, and Gomes, University Auditor Reed, Chancellors Berdahl, Bishop, Carnesale, Cicerone, Córdoba, Dynes, Greenwood, Vanderhoef, and Yang, Laboratory Directors Anastasio and Shank, Interim Laboratory Director Nanos, and Recording Secretary Nietfeld

The meeting convened at 10:55 a.m. with Special Committee Chair Davies presiding.

1. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meeting of November 13, 2002 were approved.

2. **AMENDMENT OF POLICY ON DESIGN APPROVAL TO INCLUDE ISSUES CONCERNING LONG RANGE DEVELOPMENT PLANS AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The President recommended that the Policy on Design Approval be amended as follows:

**additions shown by underscoring, deletions by strikeout**

~~POLICY ON CATEGORIES OF PROJECTS RESERVED FOR REGENTS'~~  
APPROVAL OF DESIGN, LONG RANGE DEVELOPMENT PLANS, AND THE  
ADMINISTRATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT

A. The Regents designates the following categories of projects as requiring design approval by the Committee on Grounds and Buildings:

A.(1) Building projects with a total project cost in excess of \$5,000,000 \$10,000,000, except when such projects consist of the following:

- ~~(1) a.~~ ~~A~~alterations or remodeling where the exterior of the building is not materially changed;
  - ~~(2) b.~~ ~~B~~buildings or facilities located on agricultural, engineering, or other field stations; or
  - ~~(3) c.~~ ~~Buildings or facilities located in agricultural areas of a campus.~~ agriculture-related buildings or facilities located in areas of a campus devoted to agricultural functions.
- B.(2) Capital improvement projects of any construction cost when, in the judgment of the President, a project merits review and approval by The Regents because of budget matters, fundraising activities, environmental impacts, community concerns, or other reasons.
- B. The approval of building projects other than those subject to approval by the Committee on Grounds and Buildings as set forth above is governed by applicable Bylaws, Standing Orders, and delegations.
- C. Consistent with applicable Bylaws and Standing Orders, the President shall determine the responsibility for unique project approvals and other actions significantly affecting land use that, given their nature, do not involve a design approval.
- D. All building project approvals shall be generally in accordance with an applicable Long Range Development Plan. Adoption by The Regents is required for new and substantially updated LRDPs. All LRDP amendments or actions having the practical effect of an LRDP amendment shall be approved at the following level:
  - (1) The Committee on Grounds and Buildings shall consider for approval all LRDP amendments except those delegated in b. below;
  - (2) The President is authorized to approve minor LRDP amendments, provided that the amendment preserves the fundamental planning principles of the LRDP and is limited to:
    - a. siting a building project of \$10,000,000 or less;
    - b. shifting less than 30,000 gross square feet of allocated building space; and/or
    - c. changing land-use boundaries and designations for four acres or less of land.

- E. The President has the responsibility for the administration of the University's compliance with the California Environmental Quality Act. As provided by CEQA, the certification or adoption of environmental documents is undertaken at the level of the associated project approval. The modification of environmental documents, including mitigation measures, may occur at the same level as the original certification or adoption, provided that the President is authorized to modify an environmental document certified or adopted by The Regents so long as the modification does not result in new or increased significant impacts.
- F. Notwithstanding the foregoing, the approval of the Committee on Grounds and Buildings, or in appropriate circumstances The Regents, may be required for any project or other action addressed by this policy when, in the judgment of the President, an action merits review and approval by The Regents because of budget matters, fundraising activities, environmental impacts, community concerns, or other reasons.

It was recalled that at the November 2002 meeting of the Special Committee, Regent Davies reported that amendments of the Bylaws, Standing Orders, and Regental policies would be presented to facilitate the process of having various Committees hold their meetings prior to the normally scheduled meetings of the Board. The President's recommendation would facilitate the review and approval process for items that come before the Committee on Grounds and Buildings, consistent with its charge under Bylaw 12.4.

The proposed amendment of the Policy for Design Approval raises the dollar limit for design approval from \$5 million to \$10 million, which is the amount delegated to the President for the amendment of the Budget for Capital Improvements and the Capital Improvement Program. The project design approval amount has been set at \$5 million since February 1984. The existing delegation to chancellors for design approval of projects of \$5 million or less would remain in effect. It is anticipated that approximately 10 percent of the projects that receive design review by the Committee on Grounds and Buildings would be affected by the change.

Section B. of the policy amendment clarifies that there are Bylaws, Standing Orders, and related delegations that apply to building project approvals other than the Policy on Design Approval. Section C. clarifies that the President will determine the decision maker responsible for project approval for those unique and rare projects or actions that are not clearly covered by existing policy when the action may significantly affect University land use. These unique actions may arise in the course of complying with environmental regulatory requirements, establishing habitat conservation areas to protect endangered species, or developing facilities other than buildings that could significantly constrain the use of University property for many years.

Section D. of the policy amendment retains the authority of the Board to adopt new and updated Long Range Development Plans that revise existing plans for the entire campus.

These plan updates occur approximately once every ten years. The Committee on Grounds and Buildings would be delegated the authority for an LRDP amendment that applies to a specific area of the campus or a large building project. This would allow approval of an LRDP amendment and project design to occur at the same time. Minor LRDP amendments for small capital projects or adjustments to land-use boundaries and designations for four acres or less of land would be delegated to the President to be consistent with the design approval for projects of \$10 million or less.

In accordance with previous Regental action, the President has the authority to administer the University's compliance with the California Environmental Quality Act. Occasionally there is a need to make minor modifications to environmental documents, including mitigation measures, in order to be consistent with current mitigation practices or to respond to special project circumstances that occur during the construction process that cannot wait for the convening of The Regents. Section E. of the policy amendment clarifies the President's authority to administer CEQA and to make minor modifications to environmental documents certified by The Regents that would not result in new or increased significant impacts.

Consistent with current practice, projects delegated to the President or Chancellor for approval would be brought to the Board or to the Committee on Grounds and Buildings when special circumstances merit their review and approval, as outlined in Section F.

In response to a question from Special Committee Chair Davies regarding the designation of four acres of land or less, General Counsel Holst stated his understanding that the intention of the policy amendment in general was to allow the Board to focus its attention on the most significant planning issues as reflected in a new or updated LRDP. Amendments which involve more modest adjustments of land-use boundaries usually pertain to projects which are within the chancellors' delegated authority.

Regent Montoya expressed her view that all modifications to a Long Range Development Plan should be brought to The Regents. Regent Marcus pointed out every Regent is welcome to attend any meeting of the Committee on Grounds and Buildings, where these matters are addressed in great technical detail. Senior Vice President Mullinix added that the new format for the meetings of the Committee on Grounds and Buildings provides greater visibility for these issues as well as an opportunity for Regents and the public to learn about these projects in much greater detail than previously. Regent Davies commented that the new format was a good example of how a smaller group could provide better oversight. He believed that the Regents would need to rely on the staff to determine which projects should be brought to The Regents.

Upon motion duly made and seconded, the Special Committee approved the President's recommendation and voted to present it to the Board.

### 3. **DATES OF REGENTS MEETINGS FOR 2004**

The President recommended that the following dates of Regents meetings for 2004 be approved.

January 14-15  
March 17-18  
May 19-20  
July 14-15  
September 15-16  
November 17-18

It was recalled that the approval of the dates of Regents meetings is the annual responsibility of The Regents, while the President and the Chairman of the Board, in consultation with the Secretary, are responsible for approving the locations of Regents meetings.

In response to a comment by Regent Preuss, Senior Vice President Mullinix confirmed that it would be the intention to determine the locations of these meetings in the near future. Regent Davies stated that an effort would be made to schedule "off-cycle" meetings such that an additional trip would not be required. Committee assignments will be made taking scheduling factors into consideration.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

4. **REQUEST FOR A STUDY TO CONSIDER THE POSSIBILITY OF THE ESTABLISHMENT OF THE POSITION OF STAFF REPRESENTATIVE TO THE REGENTS**

Regent Connerly recommended that the President be directed to undertake a study to explore the possibility of the establishment of the position of Staff Representative to The Regents. A report and any recommendations will be presented to The Regents at its March meeting.

The Committee was informed that Regent Connerly had proposed that the Office of the President explore the possibility of the establishment of the position "Staff Representative to The Regents." Because the State Constitution does not provide for a staff Regent and the Bylaws of The Regents prohibit a Regent from holding an appointment to any position in connection with the University for which a salary or other compensation is paid, the study should begin with the assumption that a Staff Representative to The Regents would not be a member of the Board but a non-voting representative. The study should evaluate the following issues: eligibility to serve; term of service; selection procedures; service as advisory member on Regents committees; attendance during closed and Regents Only sessions of The Regents and its Committees, particularly when matters relating to labor relations are under consideration; and reimbursement for travel to Regents meetings and other University events to which Regents are invited.

Regent Connerly recalled a comment made to him by then-President Peltason that the University is made up of a community of interests. The rank-and-file staff, however, are not represented at The Regents' table, even though the University is based upon the concept of shared governance. He urged the Special Committee to support his proposal that the President be asked to investigate ways in which a staff representative position could be created in order to involve the staff more fully in the Board's deliberations. Regent Connerly did not believe that the practice of affording the staff an annual opportunity to present a report respected the valuable role that the staff perform. He noted that the idea was not unprecedented, as CalPERS has staff representatives on its Board, as do major corporations.

Regent Bustamante endorsed the remarks made by Regent Connerly, noting his belief that the staff have a right to be at the Board table to address issues that directly affect them, particularly given the budget crisis. He believed that staff would have important contributions to make to the budget discussions.

Regent Lee believed that it would not be workable to have union representatives at the Board table. He suggested the need to study the issue carefully.

Regent Montoya believed that the staff had ample opportunities to express their views, both through the President and through the Council of UC Staff Assemblies (CUCSA).

Regent Preuss spoke in favor of a governing body that is not composed of individuals with special interests. He believed that the composition of the Board, as defined by the State Constitution, served the University well, although certain Regental positions represent constituencies. Regent Preuss stated that he could not support the proposal.

Chairman Moores suggested that communications between the Regents and the staff had been excellent and challenged the notion that problems exist. Regent Hopkinson felt that there were issues of communication with staff that could be improved and advocated directing the President to review the relationship between the Regents and the staff.

Regent Ligot-Gordon believed that the staff should be afforded a place at the table, referring to the faculty representatives as a precedent supporting this viewpoint. Regent Kozberg agreed that input from the staff on certain issues could be valuable to the Regents.

At Senior Vice President Mullinix's invitation, Ms. Maggie Souder, chair of CUCSA, presented the Council's views on the creation of a staff representative to The Regents. She reported that initial information indicates that staff unanimously support the study proposed by Regent Connerly and the eventual establishment of the position. Speaking in favor of this proposal, she discussed some of the contributions which staff make to the University on a daily basis. She noted that several arguments had been advanced ten years ago when a similar item was under consideration which will most likely be advanced once again. These arguments include the fact that union representation of some employees would preclude the establishment of such a position. CUCSA believes this to be a barrier that can be

surmounted, particularly if the staff representative were to remove himself or herself from deliberations pertaining to labor negotiations.

Senior Vice President Mullinix commented on the complexity of the issue due to the fact that many of the University's employees are represented by unions. It would require an in-depth look at what limitations would be placed on any such representation. He suggested that the Board might wish to address the larger issue of improving communications with the staff, with a report being presented by the President at the July rather than the March meeting.

President Atkinson assured the Regents that the study to be undertaken by his office would be a thorough and thoughtful one. He stated his intention to bring this report to the Board in July.

Chairman Moores introduced the following substitute motion: That a study should be undertaken to evaluate the nature and effectiveness of communications between the staff of the University of California and The Regents and recommend how such communications might be improved.

Regent Connerly hoped that a willingness to look at ways to give the staff involvement with the Board was implicit in the motion.

Regent Marcus noted that he could not support either motion because he did not acknowledge that there was a need to improve communications with the staff.

President Atkinson stated that a motion would not be necessary in order for to him to undertake an analysis of the issues.

Following these comments, the motions were withdrawn.

(For speakers' comments, see the minutes of the January 15, 2003 meeting of the Committee of the Whole.)

The meeting adjourned at 11:38 a.m.

Attest:

Secretary