

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

July 15, 2004

The Regents of the University of California met on the above date at UCSF – Laurel Heights, San Francisco.

Present: Regents Anderson, Blum, Connerly, Dynes, Hopkinson, Johnson, Kozberg, Lansing, Lee, Marcus, Montoya, Novack, Ornellas, Parsky, Sayles, and Wachter (16)

In attendance: Regents-designate Juline and Rominger, Faculty Representatives Blumenthal and Pitts, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost Greenwood, Senior Vice Presidents Darling and Mullinix, Vice Presidents Broome, Foley, Gomes, and Hershman, Chancellors Berdahl, Bishop, Carnesale Cicerone, Tomlinson-Keasey, Vanderhoef, and Yang, Acting Chancellor Chemers, Laboratory Directors Anastasio and Nanos, and Recording Secretary Bryan

The meeting convened at 12:23 p.m. with Chairman Parsky presiding.

1. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion of Regent Kozberg, duly seconded, the minutes of the meetings of May 2004 were approved.

2. REPORT OF THE PRESIDENT

President Dynes presented the report concerning University activities and individuals.

Upon motion duly made and seconded, the President's report was accepted, and it was directed that notes of thanks be sent to the donors of the gifts mentioned in the report, that congratulations be extended to those faculty and staff members who have been awarded honors, and that notes of sympathy and regret be sent to the families of those whose deaths were reported.

[A copy of the report is on file in the Office of the Secretary.]

At the President's invitation, Mr. David Bell presented the Annual Report of the Council of University of California Staff Assemblies (CUCSA). Mr. Bell recalled that the Staff Council had seen progress during the year in some important areas, including the issue of communications between staff and the Regents. He commended President Dynes for establishing the "Dyne's Desk" feature and for his periodic internet addresses to staff and noted that during the year the council's meetings had been attended by several chancellors and Regents who discussed issues of importance to employees.

Mr. Bell reported that CUCSA supported the development by the Office of the President of the People Management Initiative, a systemwide managers' training program designed by managers and supervisors who volunteered their time to complete much of the groundwork for the project. He stated that CUCSA is committed to the University's diversity goals, which it would like to help publicize and implement. He drew attention to CUCSA's website, where work group reports and the complete annual report may be found.

Mr. Bell commented that chairing CUCSA had been a great honor and expressed gratitude to those who had been supportive of the group's work. He introduced the new CUCSA chair, Mr. David Miller, in whose leadership he expressed complete confidence.

President Dynes introduced Faculty Representative Pitts, noting that this was his last regular meeting in that role. Dr. Pitts observed that there had been many changes during his tenure, including the arrival of a new President, Provost, new chancellors, and new Regents. He acknowledged the many challenges facing the University and the fact that they will need to be addressed by the administration, faculty, and Regents working together. He recalled that the faculty had tackled many problems during the past year concerning eligibility, budget, and the national laboratories. He was confident that the faculty would continue diligently to address issues such as the need to accentuate teaching. He introduced Professor Cliff Brunk, who as incoming Vice Chair of the Academic Senate will begin a term as Faculty Representative in September.

3. **RESOLUTION IN APPRECIATION OF ROBERT M. BERDAHL**

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, the Regents of the University of California wish to honor and commend Robert M. Berdahl as he prepares to step down as the eighth chancellor of the University of California, Berkeley, a post to which he has brought vision, leadership, and compassion; and

WHEREAS, his accomplishments as Chancellor are impressive and many, including the oversight of academic and research advances of the highest order, the construction of new facilities and renewal of older structures that will make the campus not only a safer but more effective center for teaching and research, the strong upswing in graduation rates, the innovative realignment of the campus' administrative infrastructure, the unprecedented growth in private philanthropy, and the revitalization of the University's world-renowned library; and

WHEREAS, first and foremost a teacher of uncommon devotion, he has been firm in his desire to enhance the educational experiences of all who walk the hallowed halls of the University's oldest campus by, in his own words, "taking

the advantage of a research university and applying it to the undergraduate learning experience,” thus ensuring that Berkeley’s undergraduate students receive a challenging and varied education in an atmosphere that is much more personal and conducive to learning; and

WHEREAS, his masterful skill at resolving issues that at times threatened to divide the campus, his profound commitment to academic freedom, his vigorous defense of the open and free exchange of ideas, as well as his deep concern for the well being of each member of the UC Berkeley family helped create a sense of community and purpose that unified and strengthened the campus; and

WHEREAS, an eloquent speaker widely recognized for the depth and courage of his convictions, he is zealous in his unwavering commitment to bring the wondrous opportunities of the world’s greatest university to all of California’s children, especially those to whom the doors of higher education might never be opened;

NOW, THEREFORE, BE IT RESOLVED that the Regents of the University of California express to Robert M. Berdahl their heartfelt gratitude for his unceasing dedication and commitment to the University of California and for his perceptive leadership that has placed the Berkeley campus on a firm course for the twenty-first century;

AND BE IT FURTHER RESOLVED that the Regents extend to Bob and Peg Berdahl their warmest good wishes as they begin this new chapter in their lives and direct that a suitably inscribed copy of this resolution be presented to them as a token of the Regents’ affection and admiration.

Regent Ornellas recalled that he had been an officer of the Alumni Association in 1997 when Chancellor Berdahl was hired to succeed the popular Chang-Lin Tien. Chancellor Berdahl also proved to be adept at student relations. He led in good and not-so-good times and was a champion of free and civil discourse, whether in the midst of Israeli-Palestinian contentiousness or when defending UC Berkeley’s admissions process. He pioneered measures to enhance the undergraduate experience while attending to the special needs of graduate students, whose quality and numbers are essential to maintaining Cal’s preeminence in research and instruction. In particular, he sought, within the bounds of State law, to improve the situation of underrepresented groups and made strides to create a multicultural center with significant student participation in its development. At his instigation, the California Alumni Association started a special needs-based scholarship known as the Achievement Award program, which was designed to enhance the ability of underrepresented students who had overcome significant financial obstacles to attend the Berkeley campus. Regent Ornellas noted that Chancellor Berdahl will return to the Berkeley campus to teach.

Chancellor Berdahl commented that serving as Chancellor of the Berkeley campus had been the best of many good things that had happened in his life. He expressed appreciation for the Board's and the administration's commitment to quality as their highest goal for achievement. He recalled that during his seven-year term no issue had been more contentious than undergraduate admissions. It was his belief that when such a strong university is facing increased competition for admission each year, the admissions process must reflect two values. One is the value of recognizing the individual accomplishments of those who apply and rewarding them with admission. A competing value is to make sure that students are from a variety of backgrounds. He believed that the educational process is dependent upon diversity. He complimented the chancellors and administrators for their integrity and their desire to do only good for the University.

4. **RESOLUTION IN APPRECIATION OF CHARLES V. SHANK**

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, the Regents of the University of California wish to commend and thank Charles V. Shank for his outstanding service to the University and the nation as the fifth director of the Lawrence Berkeley National Laboratory, one of the crown jewels of the nation's scientific effort; and

WHEREAS, he has made an indelible imprint upon the Lawrence Berkeley National Laboratory, meticulously building upon the strong foundation laid down by his predecessors, as well as forging a bold and challenging new blueprint for the Laboratory that has broadened and deepened its scientific mission, thus preserving its historic preeminence in high energy and accelerator physics, as well as firmly establishing it as a leader in nanoscience, genomics, computational research, and astrophysics cosmology; and

WHEREAS, under his dedicated stewardship and clear vision, he has moved the Laboratory resolutely into the 21st century with the highly successful completion of the Advanced Light Source, the siting of the National Energy Research Scientific Computing Center at LBNL, the construction of a new nanoscience research facility known as the Molecular Foundry, the collaboration with LBNL's sister laboratories on the Joint Genome Institute, and the launching of the Supernova Cosmology Project, a major scientific effort that led to the breakthrough discovery of the mysterious force commonly known as "dark energy"; and

WHEREAS, a renowned scientist with a steadfast commitment to the highest values of intellectual life and to furthering the cause of science, he provided a fertile breeding ground for the Lawrence Berkeley National Laboratory's most eminent researchers and scientists, which has led the way for groundbreaking advances and discoveries across a wide spectrum of disciplines that have improved the human condition and enhanced the safety

and security of the people of this nation and, indeed, the world; and

WHEREAS, an administrator of consummate skill who has made excellence his standard, he has remained steadfast in his great love of science, maintaining a vigorous research program, supervising a team of graduate students, and authoring or co-authoring more than 200 scientific publications;

NOW, THEREFORE, BE IT RESOLVED that the Regents express their deep appreciation to Charles V. Shank for his unparalleled efforts on behalf of the Ernest Orlando Lawrence Berkeley National Laboratory, the University of California, and the nation's science enterprise, and extend their best wishes as he prepares to return to the Berkeley campus as a distinguished member of the faculty in the departments of physics, chemistry, and electrical engineering;

AND BE IT FURTHER RESOLVED that a suitably inscribed copy of this resolution be presented to Chuck and Heather Shank as a token of the Regents' high regard and warmest good wishes for a future rich in happiness and continued accomplishment.

Regent Lee reported that Director Shank was in Hawaii, having just completed a trans-Pacific sailboat race. Regent Lee observed that the Lawrence Berkeley laboratory had enjoyed tremendous success during Mr. Shank's fifteen years as Director. He recalled having visited the laboratory when he first became a Regent and learning that the scientists working there were preeminent not only in physics and nuclear science but also in life sciences, advanced computing, and materials. He believed that Director Shank has left the laboratory well placed to continue to excel in numerous important fields of work.

5. **REPORT OF THE COMMITTEE ON FINANCE**

A. ***Proposed Continuation of Life-Safety Fee, Berkeley Campus***

The Committee recommended that the life-safety portion of the mandatory Berkeley Campus Fee be extended through Spring Semester 2005 at the current level of \$63 per student per year.

B. ***Amendment of Standing Order 100.4(nn)–Duties of the President of the University: Authority of the President for External Financing***

The Committee recommended that:

- (1) Service of notice be waived.
- (2) Standing Order 100.4(nn) be amended, as indicated in the attachment, concerning the President's duties as manager of all external financing for the University.

C. ***Process for Reviewing Significant Issues of Legal and Financial Exposure and for Communicating Pertinent Information to The Regents***

The President and the General Counsel recommended adoption of the following procedures in response to the discussion at the May 2004 meeting concerning the development of procedures for communicating pertinent information to The Regents concerning issues of significant legal exposure, including non-compliance with Regents' policies:

- (1) The General Counsel, University Auditor, and Senior Vice President for Business and Finance will develop procedures for clarifying and improving the process within the University for promptly identifying significant issues in complying with financial, legal, and Regental policies.
- (2) The President, Senior Vice Presidents, General Counsel, and University Auditor will meet at least quarterly to identify and review significant issues involving compliance with financial, legal, and Regental policies and to assure that appropriate action is being taken to address these issues.
- (3) At least quarterly, the General Counsel, University Auditor, Senior Vice President for Business and Finance, and other appropriate senior administrators will meet with the Chairman of the Board, the Chairs of the Committees on Finance and Audit, and other appropriate Regents to review financial, legal, and Regental policy compliance issues that have or might have a significant impact on the University.
- (4) The General Counsel, University Auditor, Senior Vice President for Business and Finance, and other appropriate Officers of the University will inform the Chairman and/or the appropriate Committee Chairs in a timely manner about financial, legal, and Regental policy compliance issues that may have a significant impact on the University and should receive their immediate attention.

- (5) The General Counsel, University Auditor, Senior Vice President for Business and Finance, and Vice President–Financial Management will work with the Committee on Audit to assure that the process and policy changes adopted by the Committee are fully implemented.

Upon motion of Regent Blum, duly seconded, the report of the Committee on Finance was approved, and notice was served on Item B, *Amendment of Standing Order 100.4(nn)–Duties of the President of the University: Authority of the President for External Financing*.

6. **REPORT OF THE COMMITTEE ON GROUNDS AND BUILDINGS**

The Committee presented the following from its meeting of June 30, 2004:

A. ***Certification of Environmental Impact Report and Approval of Design, Ranch View Terrace Faculty and Staff Housing, Santa Cruz Campus***

Upon review and consideration of the environmental consequences of the proposed project as indicated in the Environmental Impact Report, the Committee reported its:

- (1) Certification of the Environmental Impact Report.
- (2) Adoption of the Findings and Mitigation Monitoring Program.
- (3) Approval of the design of the Ranch View Terrace Faculty and Staff Housing project, Santa Cruz campus.
- (4) Authorization of the President or his designee to approve the Ranch View Terrace Habitat Conservation Plan (HCP) and to sign the Implementing Agreement (IA).
- (5) Authorization of the President or his designee to amend the 1988 UCSC Long Range Development Plan in conjunction with approval of the HCP/IA, involving no more acres of the Campus Habitat Reserve than currently contemplated (25 acres total: 13 acres in Inclusion Area A and 12.5 acres in Inclusion Area D).

[The Environmental Impact Report, Findings, and Mitigation Monitoring Program were mailed to the Committee in advance of the meeting, and a copy is on file in the Office of the Secretary.]

B. ***Certification of Environmental Impact Report, Amendment of Master Plan, and Approval of Design, University Village Redevelopment Step 2 Project, Berkeley Campus***

Upon review and consideration of the environmental consequences of the proposed project as indicated in the Subsequent Focused EIR, the Committee reported its:

- (1) Certification of the Environmental Impact Report.
- (2) Adoption of the Mitigation Monitoring Program, Findings, and Statement of Overriding Considerations.
- (3) Approval of the Master Plan as amended.
- (4) Approval of the design of the University Village Redevelopment Step 2 project, Berkeley campus.
- (5) Authorization of the President or his designee to modify the University Village Master Plan, if required, provided that any substantial changes in principles or policies be brought to The Regents for approval.

[The Environmental Impact Report, Mitigation Monitoring Program, Findings, Statement of Overriding Considerations, and Master Plan were mailed to the Committee in advance of the meeting, and a copy is on file in the Office of the Secretary.]

C. ***Certification of Focused Tiered Environmental Impact Report, Amendment of the Long Range Development Plan, and Approval of Design, Education Building, Medical Center, Davis Campus***

Upon review and consideration of the environmental consequences of the proposed project as indicated in the Environmental Impact Report, the Committee recommended that The Regents:

- (1) Certify the Focused Tiered Environmental Impact Report.
- (2) Amend the UCDCMC Long Range Development Plan to include the project site by changing 2.7 acres from Mixed Use to Instruction and Research.
- (3) Adopt the Findings.
- (4) Approve the design of the Education Building, Medical Center, Davis campus.

[The Focused Tiered Environmental Impact Report, Findings, and Long Range Development Plan were mailed to all Regents in advance of the meeting, and copies are on file in the Office of the Secretary.]

D. ***Adoption of Negative Declaration, Amendment of the Long Range Development Plan, and Approval of Design, Logistical Support/Service Facilities Building, Merced Campus***

Upon review and consideration of the environmental consequences of the proposed action as evaluated in the Tiered Initial Study, the Committee reported its:

- (1) Adoption of the Negative Declaration.
- (2) Approval of and incorporation into the project of all project elements and the relevant 2001 campus Long Range Development Plan Environmental Impact Report Mitigation Measures.
- (3) Adoption of the Findings in their entirety.
- (4) Amendment of the 2001 campus Long Range Development Plan to change 1.44 acres from Academic Core to Campus Support.
- (5) Approval of the design of the Logistical Support/Service Facilities, Merced campus.

[The Negative Declaration, Long Range Development Plan Environmental Impact Report Mitigation Measures, Findings, and Long Range Development Plan were mailed to the Committee in advance of the meeting, and copies are on file in the Office of the Secretary.]

Upon motion of Regent Marcus, duly seconded, the report of the Committee on Grounds and Buildings was adopted. In order to avoid the appearance of a conflict of interest, Regent Blum abstained on Item D, *Adoption of Negative Declaration, Amendment of the Long Range Development Plan, and Approval of Design, Logistical Support/Service Facilities Building, Merced Campus*.

7. REPORT OF THE COMMITTEE ON EDUCATIONAL POLICY***Academic Senate's Recommendations for Changes in Eligibility Criteria for Undergraduate Admissions***

The Committee recommended that changes in the requirements for freshman eligibility recommended by the Board of Admissions and Relations with Schools (BOARS) and adopted by the Assembly of the Academic Senate on June 30, 2004 be approved as follows:

- (1) Effective for students entering UC as freshmen for Fall 2005, the calculation of the GPA for determining Eligibility in the Statewide Context shall reflect grades earned in all "a-g" courses taken in the 10th and 11th grades, consistent with current requirements for students Eligible in the Local Context. Students identified as Eligible in the Local Context shall complete the University's course and test-taking requirements by the end of their senior year to be deemed fully eligible, consistent with current requirements for students Eligible in the Statewide Context.

and that the following be approved at a special meeting of The Regents to be held in August:

- (2) Effective for students entering UC as freshmen for Fall 2007, the minimum GPA required for students Eligible in the Statewide Context and Eligible in the Local Context shall be increased to 3.1. Additional adjustments shall be made to the Eligibility Index or other factors as needed to bring UC's eligibility rate to 12.5 percent of California public high school graduates.

Upon motion of Regent Kozberg, duly seconded, the report of the Committee on Educational Policy was approved.

8. REPORT OF THE COMMITTEE ON INVESTMENTS***Appointment of Investment Consultant***

The Committee recommended that the Officers of The Regents be authorized to execute an agreement with Richards & Tierney, Inc. to serve as The Regents' Investment Program consultant in connection with ongoing review of the University of California's Investment Program. The consultant services will be conducted for a term of three years.

Upon motion of Regent Lee, duly seconded, the report of the Committee on Investments was approved.

9. REPORT OF THE COMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES

Authorization to Approve and Execute Modification to the Department of Energy Contracts for the Los Alamos National Laboratory and Lawrence Livermore National Laboratory to Amend Clauses as a Result of Changes to the Federal Acquisition Regulations and the DOE Acquisition Regulations

The Committee recommended that the President be authorized to approve and execute a modification to the provisions of contracts W-7405-ENG-36 and W-7405-ENG-48 in order to incorporate revisions to the clauses indicated below:

Summary of Clause Changes

- H.006 LONG-RANGE PLANNING, PROGRAM DEVELOPMENT AND BUDGETARY ADMINISTRATION
Deletes the requirement for an annual Institutional Plan covering a five-year period.
- H.014 PROGRAM PERFORMANCE FEE
Changes rating descriptions and increases objectives to 10.
- I.011 FAR 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS (OCT 2000)
Update May 2004 adds term missed in OCT 2000.
- I.015 FAR 52.222-3 CONVICT LABOR (AUG 1996)
Update June 2003.
- I.024 FAR 52.223-5 POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION (APR 1998)
Update August 2003 including Alternate I (AUG 2003)
- I.027 FAR 52.225-1 BUY AMERICAN ACT–SUPPLIES (MAY 2002)
Update June 2003.
- I.028 FAR 52.225-9 BUY AMERICAN ACT–CONSTRUCTION MATERIALS (MAY 2002)
Update June 2003.
- I.029 FAR 52.225-13 RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (FEB 2000)
Update December 2003.

- I.034 FAR 52.233-1 DISPUTES (DEC 1998) Alternate I (DEC 1991)
Update July 2002.
- I.039 FAR 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS
(MAY 2002)
Update May 2004.
- I.041 FAR 52.247-63 PREFERENCE FOR U.S.-FLAG AIR CARRIERS
(JAN 1997)
Update June 2003.
- I.042 FAR 52.247-64 PREFERENCE FOR PRIVATELY OWNED
U.S.-FLAG COMMERCIAL VESSELS (JUN 2000)
Update April 2003.
- I.075 DEAR 970.5223-2 ACQUISITION AND USE OF
ENVIRONMENTALLY PREFERABLE PRODUCTS AND
SERVICES (DEC 2000)
Rewritten with new title, AFFIRMATIVE PROCUREMENT
PROGRAM (MAR 2003).

New Clauses

- I.105 FAR 52.223-10 WASTE REDUCTION PROGRAM (Aug 2000)
Establishes program to promote cost-effective waste reduction in
compliance with Federal, State, and local requirements.
- I.106 DEAR 970.5223-5 DOE MOTOR VEHICLE FLEET FUEL
EFFICIENCY (OCT 2003)
Added to require contractors to comply with Executive Order 13149,
Greening the Government Through Federal Fleet and Transportation
Efficiency, as well as implementing guidance.

As a result of the changes, the table of contents for each contract will be revised accordingly.

Upon motion by Regent Blum, duly seconded, the report of the Committee on Oversight of the Department of Energy Laboratories was approved.

10. REPORT OF THE NOMINATING COMMITTEE

The Nominating Committee recommended the following:

A. APPOINTMENTS TO THE STANDING COMMITTEES

- (1) Regent Ruiz be appointed as a member of the Committees on Audit, Grounds and Buildings, and Oversight of the Department of Energy Laboratories, effective immediately through June 30, 2005.
- (2) Regent Wachter be appointed as a member of the Committees on Investments and Oversight of the Department of Energy Laboratories, effective immediately through June 30, 2005.

B. APPOINTMENT OF NON-REGENTAL MEMBERS TO THE INVESTMENT ADVISORY COMMITTEE

- (1) Mr. Charles Hambrecht: Founder and CEO of W. R. Hambrecht & Co., a venture capital firm located in San Francisco. He is also the past president and CEO of Hambrecht & Quist. Mr. Hambrecht attended Princeton University. He is a member of the Board of Directors of the public radio and television station KQED.
- (2) Mr. John Hotchkis: Chairman of Ramajal, LLC, located in Los Angeles. Prior to that, he was the Chairman of Hotchkis and Wiley, a firm he founded in 1980 to manage tax-exempt institutional portfolios of pension, profit sharing, and endowment funds. Mr. Hotchkis received his bachelor's degree from the University of California, Berkeley and his M.B.A. degree from the University of California, Los Angeles. Mr. Hotchkis served as a member of the Board of Regents in 1997 and 1998.
- (3) Mr. David L. Fisher: Chairman of the Board of Capital Group International, Inc. and Capital Guardian Trust Company. He is a portfolio manager for U.S., non-U.S., global, and emerging market assets. A graduate of the University of California, Berkeley, he holds an M.B.A. from the University of Missouri Graduate School of Business Administration.

Each of the above appointees will serve a four-year term, effective immediately through June 30, 2008.

C. APPOINTMENT OF A REGENT TO THE INVESTMENT ADVISORY COMMITTEE

Regent Pattiz be appointed to the Investment Advisory Committee for a four-year term, effective immediately through June 30, 2008, replacing Regent Hopkinson, who asked to be relieved of this duty.

Upon motion of Regent Lee, duly seconded, the report of the Nominating Committee was approved.

11. **REPORT OF THE COMMITTEES ON FINANCE AND OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES**

The Committee on Finance and the Committee on Oversight of the Department of Energy Laboratories recommended that The Regents:

- A. Indemnify and defend individual members of the UC President's Council on the National Laboratories, including its associated panels, as to claims and liabilities that may arise or occur in the course and scope of their service as members of the council or its associated panels, except for claims resulting from fraud, corruption, or actual malice.
- B. Authorize the President to issue any necessary guidelines to implement this policy.

Upon motion of Regent Blum, duly seconded, the report of the Committees on Finance and Oversight of the Department of Energy Laboratories was approved.

12. **REPORT OF INTERIM ACTIONS**

Secretary Trivette reported that, in accordance with authority previously delegated by The Regents, interim action was taken on routine or emergency matters as follows:

The Chairman of the Board and the President of the University approved the following recommendations:

A. ***Approval of Membership Agreement with Tessitura Network, Inc., Santa Barbara Campus***

The President and the Chairman of the Board approve participation by the University on behalf of Arts & Lectures, an operating unit of the Student Affairs Division of the Santa Barbara campus, in a nonprofit corporation, Tessitura Network, Inc. to permit the purchase of a software license for implementing the Tessitura Constituent Relationship Management System for ticketing and related purposes, authority for which is reserved to The Regents under Standing Order 100.4(oo).

B. ***Exception to Policy on University-Provided Housing, San Diego Campus***

An exception be granted to the Policy on University-Provided Housing to allow an alternative housing arrangement for Marye Anne Fox, Chancellor-designate, San Diego campus, and the President be delegated the authority to approve and execute a lease of an appropriate residence proximate to the campus to serve as an interim chancellor's residence.

13. **REPORT OF PERSONNEL ACTION**

In accordance with Bylaw 14.7(b), Secretary Trivette reported that the following personnel actions were taken at the May 20, 2004 meeting and at a Special Meeting on June 17, 2004. A roll call vote was taken on Item B., as required by State law on all actions taken in meetings held by teleconference.

A. Appointment of Mark Rydell as Regents' Professor, Department of Film, Television and Digital Media, Los Angeles campus, for one quarter of his choice during the 2004-05 academic year.

B. Appointment of Steven Chu as Director, Lawrence Berkeley National Laboratory, 100 percent, effective August 1, 2004. The roll call vote was as follows: Regents Bodine, Dynes, Hopkinson, Johnson, Kozberg, Lee, Lozano, Montoya, Moores, Murray, Preuss, Sayles, and Seigler voting "aye" (13).

14. **REPORT OF COMMUNICATIONS**

Secretary Trivette presented summaries of communications received subsequent to the May 2005 meeting. The residency appeals will be referred to General Counsel Holst, and the remaining communications will be referred to President Dynes for response as appropriate.

15. **REPORT OF THE PRESIDENT**

President Dynes reported that on the dates indicated, the following informational reports were mailed to The Regents or to Committees:

To Members of the Committee on Audit

A. Annual Report of Internal Audit Activities for 2004-05. May 14, 2004. (Schedule of Reports)

To Members of the Committee on Finance

- B. Report on Health Sciences Compensation Plan participants' compensation that exceeds the reporting threshold of \$595,200 for calendar year 2003. May 26, 2004.
- C. *Policy on Outside Professional Activities for University Officers and Designate Staff, Annual Report on Paid Service on Corporate Boards by Officers of the University and Officers of The Regents*, for the period July 1, 2002 through June 30, 2003. June 4, 2004.

To Members of the Committee on Health Services

- D. Activity and Financial Status Report for the UC Medical Centers for the third quarter ended March 31, 2004. May 13, 2004. (Schedule of Reports)
- E. Activity and Financial Status Report for the UC Medical Centers for the third quarter ended April 30, 2004. June 7, 2004. (Schedule of Reports)

To The Regents of the University of California

- F. Copy of *New York Times* article of Thursday, May 27, highlighting a study that focuses on graduate rates. June 11, 2004.

The meeting adjourned at 1:00 p.m.

Attest:

Secretary

Deletions shown by strikeout, additions by underlining

STANDING ORDER 100.4(nn)

100.4 Duties of the President of the University

* * *

- (nn) The President shall be the manager of all external financing of the Corporation. The President is authorized to ~~provide for~~ obtain external financing for amounts up to and including \$10 million for the planning, construction, acquisition, equipping, and improvement of projects. The President is also authorized to ~~provide for~~ obtain external financing for amounts in excess of \$10 million up to and including \$20 million, provided that concurrence is obtained from the Chairman of the Board and the Chairman of the Committee on Finance, and also provided that all actions taken to obtain external financing for amounts in excess of \$10 million up to and including \$20 million under this authority be reported at the next following meeting of the Board. External financing in excess of \$20 million requires Board approval consideration. The President, ~~in general,~~ shall be the manager of all external financing of the Corporation and, except as otherwise provided in the Bylaws and Standing Orders, ~~subject to control and direction of the Board and its Committee on Finance, which may include provisions~~ have the authority to (1) negotiate for and obtain interim financing for any external financing, (2) design, issue, and sell revenue bonds or other types of external financing, (3) issue variable rate or fixed rate debt, and execute interest rate swaps to convert fixed or variable rate debt, if desired, into variable or fixed rate debt, respectively, (4) refinance existing external financing for the purpose of realizing lower interest expense, provided that the President's authority to issue such refinancing shall not be limited in amount, (5) provide for reserve funds and for the payment of costs of issuance of such projects external financing, (6) perform all acts reasonably necessary in connection with the foregoing, and (7) execute all documents in connection with the foregoing, provided that the general credit of The Regents shall not be pledged for the issuance of any form of external financing.