

# **THE REGENTS OF THE UNIVERSITY OF CALIFORNIA**

May 26, 2005

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

Present: Regents Anderson, Blum, Dynes, Kozberg, Lee, Marcus, Novack, Ornellas, Parsky, Pattiz, Ruiz, and Sayles (12)

In attendance: Regents-designate Juline, Rominger, and Rosenthal, Faculty Representatives Blumenthal and Brunk, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost Greenwood, Senior Vice Presidents Darling and Mullinix, Vice President Hershman, Chancellors Birgeneau, Bishop, Carnesale, Córdoba, Denton, Fox, Tomlinson-Keasey, Vanderhoef, and Yang, Vice Chancellors Dormaier and Brase representing Chancellor Cicerone, Laboratory Director Anastasio, and Recording Secretary Bryan

The meeting convened at 1:08 p.m. with Chairman Parsky presiding.

## **1. READING OF NOTICE OF MEETING**

For the record, it was confirmed that notice was given in compliance with the Bylaws and Standing Orders of The Regents for a special meeting of the Board, for this date and time, for the purpose of considering the Report of the Committee on Oversight of the Department of Energy Laboratories and Finance, the Report of Interim Actions, and the Supplemental Report on Compensation.

## **2. APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meetings of March 2005 were approved.

## **3. REPORT OF THE COMMITTEE ON FINANCE**

Chairman Parsky reported that he had heard from a number of Regents who believed that the advice of the entire Board should be sought with respect to the recommendations contained in the following paragraphs B. and C. He suggested that those items be removed from the action and that a special meeting be held as soon as possible in order to give the entire Board the opportunity to vote on them. The Board concurred.

A. ***Amendment of the Budget for Capital Improvements and the Capital Improvement Program and Approval of External Financing for Arroyo Student Housing – Phase 1, Riverside Campus***

With the concurrence of the Committee on Grounds and Buildings, the Committee recommended that:

- (1) The 2004-05 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

Riverside: Arroyo Student Housing – Phase 1 – preliminary plans, working drawings, construction, and equipment – \$54,671,000 total project cost to be funded from external financing (\$50,276,000), Riverside campus University of California Housing System Net Revenues (\$3,147,000) and Recreation reserves (\$1,248,000).

- (2) External financing be obtained not to exceed \$50,276,000 to finance the Arroyo Student Housing – Phase 1 project, subject to the following conditions:
  - a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
  - b. As long as this debt is outstanding, University of California Housing System fees for the Riverside campus shall be established at levels sufficient to provide excess net revenues sufficient to pay the debt service and to meet the related requirements of the proposed funding.
- (3) The general credit of The Regents shall not be pledged.
- (4) The Officers of The Regents be authorized to provide certification to the lender that interest paid by The Regents is excluded from gross income for purposes of federal income taxation under existing law.
- (5) The Officers of The Regents be authorized to execute all documents necessary in connection with the above.

B. ***Approval of Proposed Additional Increases in Professional School Fees for 2005-06***

The Committee recommended that in addition to the 3 percent increases approved at the November 2004 meeting, Fees for Selected Professional School Students be increased by amounts up to an additional 7 percent, for a maximum total increase of 10 percent for 2005-06, as shown in the Attachment, and that an amount equivalent to at least 25 percent of the revenue generated from these additional increases in professional school fees be set aside for financial aid for those students.

C. ***Approval of Temporary Increase in Educational Fee for Selected Professional School Students Beginning 2005-06***

The Committee recommended that:

- (1) The Educational Fee be increased by \$1,050 for two academic years beginning fall 2005 for students who are subject to the Fee for Selected Professional School Students, for a total \$6,407 Educational Fee for these students.
- (2) The Educational Fee increase not apply to graduate professional school students enrolled in Public Health, Public Policy, and the UC San Diego International Relations and Pacific Studies program, as they currently are assessed this amount.
- (3) Revenue from the increase in the Educational Fee be used to cover current losses in professional school fee income associated with the Kashmiri lawsuit injunction.
- (4) An amount equivalent to at least 25 percent of the revenue generated from the increase in the Educational Fee will be set aside for financial aid for professional school students.
- (5) Assessment of the \$1,050 increase in the Educational Fee be reevaluated by spring 2007.
- (6) The Regents may amend this action as warranted by future developments in the litigation.

D. *Adoption of Expenditure Rate for the General Endowment Pool*

With the concurrence of the Committee on Investments, the Committee recommended that the expenditure rate per unit of the General Endowment Pool (GEP) for expenditure in the 2005-06 fiscal year shall be 4.65 percent of a 60-month moving average of the market value of a unit invested in the GEP.

E. *Amendments to the University of California Retirement Plan to Facilitate the Extension of the Staff and Academic Reduction in Time (START) Program*

The Committee recommended that University of California Retirement Plan be amended effective July 1, 2005 to:

- (1) Facilitate the extension of the existing START program for one year through June 30, 2006, for those employees currently participating in the program.
- (2) Authorize the President during the extension period to grant participation in the program, as appropriate, to those locations that demonstrate a need to achieve salary savings because of new budget reductions.
- (3) Delegate implementation of these amendments to the President

F. *Amendment to Policy on Defense and Indemnification of Regents in Civil Proceedings*

The Committee recommended that The Regents amend the Policy on Defense and Indemnification of Regents in Civil Proceedings as follows:

**Additions shown by underscore**

**Policy on Defense and Indemnification of Regents in Civil Proceedings**  
Approved January 15, 1988

The Regents of the University of California, a corporation, shall defend and indemnify as provided in this policy any present or former member of the Board of Regents who has been, is, or becomes a party to any action or proceeding arising out of an act or omission occurring within the scope of his/her duties as a Regent. This policy shall also be applied to individuals who are duly nominated by The Regents Nominating Committee and subsequently appointed by the Board as a whole to positions as advisors to the Board of Regents or to one of its committees. The defense and indemnification provided hereunder shall not be deemed exclusive of any other rights to which a party seeking indemnification may be entitled under any statute, bylaw,

insurance, agreement, or otherwise; and shall inure to the benefit of the heirs, executors, and administrators of such party. Such defense and indemnification shall supplement indemnification provided by the California Tort Claims Act, other statutes, and other policies of the corporation and are provided for all covered actions or proceedings to the fullest extent permitted by law and regardless of any limitations of coverage contained in the indemnification provisions of said statutes or policies.

\* \* \*

G. ***Indemnification of Individuals Serving on the University of California Press Board of Directors***

The Committee recommended that The Regents:

- (1) Indemnify and defend individual members of the UC Press Board of Directors as to claims and liabilities that may arise or occur in the course and scope of their service as members of the Board, except for claims resulting from fraud, corruption, or actual malice.
- (2) Authorize the President to issue any guidelines necessary to implement this policy.

H. ***Proposed Continuation and Increase of Life-Safety Fee, Berkeley Campus***

The Committee recommended that:

- (1) The mandatory life-safety portion of the Berkeley Campus Fee be continued for four years, from fall 2005 through spring 2009.
- (2) The mandatory life-safety portion of the Berkeley Campus Fee be increased for all students enrolled during the regular academic year by \$6.50 from \$31.50 per student per term to \$38.00 per student per term for fall 2005 and spring 2005, and beginning fall 2006 through spring 2009 be increased to \$46.00 per student per term.

- (3) Students enrolled in the summer be assessed the mandatory life-safety portion of the Berkeley Campus Fee at 50 percent of the succeeding fall term, or \$23 per student beginning summer 2006 through summer 2008.

Upon motion of Regent Blum, duly seconded, the recommendations of the Committee on Finance were approved as amended, with the exception of those pertaining to B., *Approval of Proposed Additional Increases in Professional School Fees for 2005-06* and C., *Approval of Temporary Increase in Educational Fee for Selected Professional School Students Beginning 2005-06*. As suggested by Chairman Parsky, those issues will be taken up at a later meeting.

#### 4. **REPORT OF THE COMMITTEE ON GROUNDS AND BUILDINGS**

The Committee presented the following from its meeting of May 17, 2005:

A. ***Amendment of the Budget for Capital Improvements and the Capital Improvement Program for Arroyo Student Housing—Phase 1, Riverside Campus***

With the concurrence of the Committee on Finance, the Committee recommended that the Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

Riverside: Arroyo Student Housing – Phase 1 – preliminary plans, working drawings, construction, and equipment – \$54,671,000 total project cost to be funded from external financing (\$50,276,000), Riverside campus University of California Housing System Net Revenues (\$3,147,000), and Recreation reserves (\$1,248,000).

B. ***Adoption of Mitigated Negative Declaration and Approval of Design, Genomics Building, Riverside Campus***

Upon review and consideration of the environmental consequences of the proposed project as indicated in the Mitigated Negative Declaration, the Committee reported its:

- (1) Adoption of the Initial Study/Mitigated Negative Declaration.
- (2) Adoption of the Findings and Mitigation Monitoring Program.

- (3) Approval of the design of the Genomics Building, Riverside campus.

[The Initial Study/Mitigated Negative Declaration, Findings, and Mitigation Monitoring Program were mailed to Regents in advance of the meeting, and copies are on file in the Office of the Secretary.]

C. ***Adoption of Mitigated Negative Declaration and Approval of Design, Music Building, San Diego Campus***

Upon review and consideration of the environmental consequences of the proposed project as indicated in the Mitigated Negative Declaration, the Committee reported its:

- (1) Adoption of the Initial Study/Mitigated Negative Declaration.
- (2) Adoption of the Mitigation Monitoring Program and Findings.
- (3) Approval of the design of the Music Building, San Diego campus.

[The Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Program, and Findings were mailed at Regents in advance of the meeting, and copies are on file in the Office of the Secretary.]

Upon motion by Regent Marcus, duly made and seconded, the recommendations of the Committee on Grounds and Buildings were approved.

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

The Committee presented the following from its meeting of May 16, 2005:

A. ***Proposed Investment Policy Statement for the University of California Retirement Plan***

The Committee recommended that the attached Investment Policy Statement for the University of California Retirement Plan be approved.

B. ***Regents Disclosure Policy for Investment-Related Information for the Treasurer's Office***

The Committee recommended that the attached Disclosure Policy Statement for the University of California Retirement Plan and General Endowment Pool investment information be approved.

C. ***Adoption of Expenditure Rate for the General Endowment Pool***

The Committee reported its concurrence with the recommendation of the Committee on Finance that the expenditure rate per unit of the General Endowment Pool (GEP) for expenditure in the 2005-06 fiscal year shall be 4.65 percent of a 60-month moving average of the market value of a unit invested in the GEP.

Upon motion of Regent Lee, duly seconded, the recommendations of the Committee on Investments were approved.

6. **REPORT OF THE COMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES**

A. ***Approval of Certain Contract Modification Authority for Contract DE-AC02-05CH11231 Awarded April 19, 2005 for the Operation of Lawrence Berkeley National Laboratory***

The Committee recommended that:

- (1) The President be authorized to take such actions as may be required to incorporate into contract DE-AC02-05CH11231 for the management and operation of the Lawrence Berkeley National laboratory, awarded on April 19, 2005, proposal elements accepted by the Department of Energy but not yet reflected in the awarded contract.
- (2) The President be authorized, as part of contract administration, to enter into or amend agreements incorporated by reference into the contract, including, but not limited to, appendices, schedules, reimbursement authorizations, and multi-party agreements, provided that the General Counsel has determined that such agreements are consistent with the terms of the prime contract authorized by The Regents.



B. ***Approval of Contract Closeout Authority for Contract DE-AC03-76SF00098 for the Operation of Lawrence Berkeley National Laboratory Between October 1, 1982 and May 31, 2005***

The Committee recommended that the President be authorized to take such actions as may be required to perform a termination of contract DE-AC03-76SF00098 for the management and operation of the Lawrence Berkeley National Laboratory between October 1, 1982 and May 31, 2005, including but not limited to execution of amendments and revisions of the contract during closeout and entering into final settlements of any outstanding claims by or against the University.

Upon motion of Regent Blum, duly seconded, the recommendations of the Committee on Oversight of the Department of Energy Laboratories were approved.

7. **REPORT OF THE COMMITTEE ON AUDIT**

A. ***Adoption of Statement of Ethical Values and Standards of Ethical Conduct***

The Committee recommended that the [attached Statement of Ethical Values and Standards of Ethical Conduct](#) be approved.

B. ***Approval of Annual Report, Internal Audit Plan 2005-2006***

The Committee recommended that the Annual Report, Internal Audit Plan 2005-2006 be approved.

[The report was mailed to all Regents in advance of the meeting, and a copy is on file in the Office of the Secretary.]

Upon motion of Regent Novack, duly seconded, the recommendations of the Committee on Audit were approved.

## 8. REPORT OF THE NOMINATING COMMITTEE

The 2005-2006 Nominating Committee recommended that:

### A. CHAIRMAN OF THE BOARD

Regent Gerald Parsky be elected Chairman of The Regents of the University of California for the year commencing July 1, 2005.

### B. VICE CHAIRMAN OF THE BOARD

Regent George Marcus be elected Vice Chairman of The Regents of the University of California for the year commencing July 1, 2005.

### C. STANDING COMMITTEE ASSIGNMENTS

The following Standing Committee assignments for the year commencing July 1, 2005 be approved:

#### Committee on Audit

Regent, Marcus, Chair  
Regent Ruiz, Vice Chair  
Regent Hopkinson  
Regent Lee  
Regent Lozano  
Regent Moores  
Regent Rominger  
Regent Sayles

Regent Blum, Chair  
Regent Preuss, Vice Chair  
Regent Bustamante  
Regent Hopkinson  
Regent Juline  
Regent Lee  
Regent Núñez  
Regent Wachter

#### Committee on Educational Policy

Regent Kozberg, Chair  
Regent Lozano, Vice Chair  
Regent Bustamante  
Regent Lansing  
Regent Marcus  
Regent Moores  
Regent Núñez  
Regent Rosenthal  
Regent Sayles

#### Committee on Grounds and Buildings

Regent Hopkinson, Chair  
Regent Rominger, Vice Chair  
Regent Johnson  
Regent Juline  
Regent Kozberg  
Regent Núñez  
Regent Ruiz

#### Committee on Finance

#### Committee on Health Services

Regent Lansing, Chair  
Regent Johnson, Vice Chair  
Regent Lee  
Regent Marcus  
Regent Pattiz  
Regent Preuss  
Regent Rosenthal

Committee on Investments  
Regent Lee, Chair  
Regent Wachter, Vice Chair  
Regent Blum  
Regent Pattiz  
Regent Preuss  
Regent Rosenthal

Committee on Oversight of  
the Department of Energy  
Laboratories  
Regent Pattiz, Chair  
Regent Preuss, Vice Chair  
Regent Blum  
Regent Juline  
Regent Marcus  
Regent Moores  
Regent Rominger  
Regent Ruiz

The President of the Board, the Chairman of the Board or in the Chairman's absence the Vice Chairman of the Board, and the President of the University are ex officio members of all Standing Committees, except that the President of the University is not a member of the Committee on Audit.

The Regents' representatives to the California Postsecondary Education Commission and the Superintendent of Public Instruction are ex officio members of the Committee on Educational Policy. Regent Ruiz's term as the Regents' representative and Regent Johnson's term as the Regents' alternate representative, are effective through June 30, 2006.

D. FINANCIAL EXPERT ADVISOR TO THE COMMITTEE ON AUDIT

The Nominating Committee recommended that Mr. Kent M. Vining be appointed as the Financial Expert Advisor to the Committee on Audit, commencing July 1, 2005 for a three-year term ending June 30, 2008.

Mr. Vining recently retired as the Chief Financial Officer and Executive Vice President of Pacific Capital Bancorp. He received his bachelor's degree from the University of California, Santa Barbara and his vocational education at the National School for Bank Auditing, University of Colorado, and the Managerial Policy Institute at the University of Southern California. Mr. Vining served as an alumni Regent-designate in 1998-1999 and as an alumni Regent in 1999-2000, during which time he served as the Chair of the

Committee on Audit and participated fully in the selection of The Regents' external auditors.

Upon motion of Regent Lee, duly seconded, the recommendations of the Nominating Committee were approved.

9. **REPORT OF THE SPECIAL COMMITTEE ON REGENTS PROCEDURES**

A. *Amendment of Guideline for Service on the Committee on Audit*

The Committee recommended that the Guideline for Service on the Committee on Audit adopted on March 17, 2005, be amended as follows:

**additions shown by underscore**

***Guideline for Determination of Board Member Independence***

Members of the Board of Regents nominated for service on the Committee on Audit must be independent. Independence shall be determined by the Nominating Committee, after consideration of the standards set forth below.

In order to be considered independent:

- A. Regents may not be partners, members, executive officers or hold similar positions with law firms, accounting firms, consulting firms, investment banks, or financial advisory firms doing business with the University.
- B. Regents may not be employees or affiliates of any outside entity doing substantial business with the University.
  - (1) An affiliate is one who is in a position to control the direction of the management and policies of the entity through ownership of voting securities, by contract, or otherwise.
  - (2) The definition of "substantial business with the University" will be determined by the Nominating Committee after receiving a recommendation from the Senior Vice President-Business and Finance and the General Counsel at the time appointments are made.
- C. The spouse of a Committee member may not be employed by the University of California.

B. ***Proposed Amendment to Bylaw 12.3, Committee on Finance and Bylaw 12.4, Committee on Grounds and Buildings Pertaining to Non-State-Funded Major Capital Projects***

The Committee recommended that, following service of appropriate notice, Bylaw 12.3, Committee on Finance, be amended as follows:

**deletions shown by strikeout**

- e. Except as otherwise provided in the Bylaws and Standing Orders, consider matters relating to the external financing of projects as defined in Bylaw 21.4(e) and Standing Order 100.4(nn), ~~and recommend for confirmation by the Board the external borrowing of funds by the Corporation.~~

and that Bylaw 12.4, Committee on Grounds and Buildings, be amended as follows:

- c. Consider capital improvement requests as defined in Standing Order 100.4(q) and, ~~with the concurrence of the Committee on Finance,~~ make recommendations in connection therewith to the Board.

Upon motion of Regent Marcus, duly made and seconded, the recommendations of the Special Committee on Regents' Procedures were approved.

10. **REPORT OF THE COMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES AND THE COMMITTEE ON FINANCE**

***Approval to Participate in a Response to a Department of Energy/National Nuclear Security Administration Request for Proposal to Manage and Operate the Los Alamos National Laboratory***

The Committee on Oversight of the Department of Energy Laboratories and the Committee on Finance recommended to The Regents that (a) the University participate in submitting a responsive proposal to the Department of Energy (DOE)/National Nuclear Security Administration (NNSA) Request for Proposal, dated May 19, 2005, for the management and operation of the Los Alamos National Laboratory and (b) in connection therewith the President be authorized, with the concurrence of the Chairman of the Board and the Chair of the Committee on Oversight of the Department of Energy Laboratories and following consultation with the General Counsel, to execute the proposal and enter into such agreements and execute such other documents as are necessary in the course of submission of such proposal, or as a consequence of DOE/NNSA acceptance of the proposal, including, but not limited to, creation of a separate corporation to act as the prime contractor.

General Counsel Holst noted that a subcontract had been awarded at the Los Alamos National Laboratory to an engineering firm, URS, in which Regent Blum has a financial interest. Mr. Holst reported that Regent Blum has satisfied in full the financial disclosure requirements of the Political Reform Act with respect to his interest in the firm. Regent Blum had no role in the award of that contract to URS at Los Alamos. The decision that was made at the Laboratory without any participation from the Regents or Regent Blum, who did not participate or contribute to it in any way. General Counsel Holst noted further that Regent Blum has no disqualifying financial interest in the decision to submit a University response to the DOE request for proposal for management of the Los Alamos National Laboratory and the recommendation that the University respond to it. The subcontract with URS will by its terms pass to any contractor that replaces the University if the University is not successful with its proposal; thus there is no financial effect on Regent Blum's interest whether or not the University submits a bid and whether the University's proposal is accepted or rejected. The Political Reform Act does not require any disqualification on Regent Blum's part in these circumstances.

[For speakers' comments, refer to the May 25 and 26, 2005 minutes of the Committee of the Whole.]

Upon motion duly made and seconded, the recommendation of the Committees on Oversight of the Department of Energy Laboratories and Finance were approved, Regents Anderson, Blum, Dynes, Kozberg, Lee, Marcus, Ornellas, Parsky, Pattiz, Ruiz, and Sayles (11) voting "aye," and Regent Novack (1) voting "no."

#### 11. **SUPPLEMENTAL REPORT ON COMPENSATION**

##### ***Compensation for David H. Russ as Treasurer of The Regents and Vice President for Investments***

The Committee on Finance recommended that compensation be approved for David H. Russ as Treasurer of The Regents and Vice President for Investments that includes a base salary increase of \$170,900 (61 percent), for a total base salary of \$450,000, and an increase in the incentive target from 50 percent to 100 percent, effective June 1, 2005.

Upon motion of Regent Blum, duly seconded, the Supplemental Report on Compensation was approved.

**12. REPORT OF THE PRESIDENT**

President Dynes presented the report concerning University activities and individuals.

Upon motion of Regent Lee, duly 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.

[The report was mailed to all Regents in advance of the meeting, and a copy is on file in the Office of the Secretary.]

President Dynes introduced Faculty Representative Blumenthal for his remarks.

Professor Blumenthal reported that in May three items were considered by the Academic Assembly of the Academic Senate. First, the Assembly passed two important initiatives which will ease the ability of students to transfer between community colleges and the University; second, the Assembly approved a resolution on research funding sources declaring that it is inappropriate for departments or schools to restrict faculty from obtaining research funding from a particular source based solely upon the source of funding – an authority which resides with the Board of Regents; and last, the Assembly approved, subject to an agreement between the Chancellor and the Academic Council, the establishment of a new division of the Academic Assembly at the Merced campus – the first new division in forty years.

**13. 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 recommendation:

***Exception to the Limit on Borrowing Hospital Working Capital from Short-Term Investment Pool for UC Davis Medical Center***

That:

- A. An exception to the limit on borrowing hospital working capital from the Short-Term Investment Pool (STIP), adopted by The Regents in May 1989 and revised in March 1999, be granted to the UC Davis Medical Center to permit a not-to-exceed level of \$275 million.
- B. The action under this interim authority shall be in effect from the date of approval until June 30, 2005.

- C. All other actions approved in connection with borrowing from STIP shall remain unchanged.

14. **REPORT OF COMMUNICATIONS**

Secretary Trivette presented summaries of communications received subsequent to the March 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 were mailed to Committees:

**To Members of the Committee on Audit**

- A. Annual Audit Report of Hastings College of the Law for the year ended June 30, 2004. March 11, 2005

**To Members of the Committee on Educational Policy**

- B. Report of Statistical Summary of Students and Staff for Fall 2004. March 23, 2005 (Schedule of Reports)

**To Members of the Committee on Health Services**

- C. Activity and Financial Status Report for the UC Medical Centers for six months ended December 31, 2004. March 8, 2005 (Schedule of Reports)
- D. Activity and Financial Status Report for the UC Medical Centers for seven months ended January 31, 2005. March 21, 2005 (Schedule of Reports)
- E. Activity and Financial Status Report for the UC Medical Centers for eight months ended February 28, 2005. March 21, 2005 (Schedule of Reports)



**To Members of The Committee on Oversight of the Department of Energy Laboratories**

- F. Policy on At Will Upper Management Personnel and the Resolution of Concerns for At Will Upper Management Personnel. Issuance of new policies that affect specific employees at the UC-managed Laboratories. April 21, 2005
- G. Testimony of Chairman Gerald Parsky before the Assembly Public Sector Committee regarding the possible impact on UC of Assembly Constitutional Amendment 1x. March 8, 2005
- H. Invitation to the next presentation in the research lecture series, "Sharing the Knowledge: Exciting Research From Distinguished UC Scholars," sponsored by the University of California Office of the President. April 6, 2005
- I. Summary description of data regarding the results of the fall 2005 freshman admissions process and relevant website address for full data tables. April 19, 2005
- J. Testimony of Los Alamos National Laboratory Director Nanos before the U.S. House of Representatives Committee on Energy and Commerce's Subcommittee on Oversight and Investigations. April 21, 2005
- K. Annual Report on the Composition of the Career Staff Workforce by Race and Sex for 2004. April 22, 2005
- L. Testimony of President Dynes before the Senate Budget and Fiscal Review Subcommittee on Education. April 28, 2005

**16. RESOLUTION IN APPRECIATION OF JODI L. ANDERSON**

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

WHEREAS, on June 30, 2005, Jodi L. Anderson will complete her term as the 30th student Regent, having carried out her responsibilities with steadfast dedication to excellence and a abiding commitment to the values and standards of higher education; and

WHEREAS, she has brought to the Board an unparalleled perspective, with insights influenced greatly by an extensive academic career that has seen the attainment of a bachelor's degree at UC Santa Barbara, a master's degree at UCLA, a master's degree at the University of Nottingham, and studies for a doctorate in higher education at UCLA, as well as by her work as a teaching assistant and graduate student researcher at UCLA; English language teacher; Assistant Director of Orientation Programs, Special Programs Coordinator in the Office of Student Life, Admissions Counselor, Office Manager of the

Campus Activities Center, Peer Learning Skills Counselor, and Counselor/Coordinator of Orientation Programs on the Santa Barbara campus; and as a Research Analyst at the Higher Education Research Institute; and

WHEREAS, with a passionate concern for the welfare of her fellow students and of generations of students to come, she has welcomed new and effective methods of improving campus life, including those designed to strengthen traditional education by providing an even wider variety of learning experiences, as well as advocated for extending increased opportunities for higher education to all qualified students, regardless of their economic circumstances, thereby enhancing the rich diversity of the student body and the exceptional promise of California's future; and

WHEREAS, in her most important capacity as a trustee of this great institution of higher learning, she has proven herself a conscientious member of the Board, who through visits to the campuses and in meetings with fellow Regents, students, faculty, staff, and administrators, has acquired a depth of understanding for a wide range of University issues; and

WHEREAS, her diligence in carrying out her Regental duties and her thorough understanding of the complex issues facing the University have enabled her to bring fresh perspective and thoughtful insight to the Board and its Committees on Educational Policy, Grounds and Buildings, and Investments during a momentous period of academic and fiscal challenges;

NOW, THEREFORE, BE IT RESOLVED that the Regents express their heartfelt appreciation to Jodi L. Anderson for the energy and diligence she has brought to her duties as a respected member of this body, as well as for the exemplary service she has rendered the University over the years as a student, staff member, and member of the Board of Regents;

AND BE IT FURTHER RESOLVED that the Regents direct that a suitably inscribed copy of this resolution be transmitted to Jodi L. Anderson, along with their warmest good wishes for success in all her future endeavors.

Regent Pattiz recalled that he had worked on various projects with Regent Anderson, whom he had found always to be prepared, committed, and passionate about the issues she thought were important. He believed that all the Regents had been very fortunate to have had the benefit of her presence on the Board. As a Regent who happens to be a student, the quality of her discourse has always been at the highest level. He thanked her for her service and wished her success in the future.

Regent Anderson commented that it had been an honor to serve as a Regent. She reported that she felt she had come into her own as a student at the University, where she had a positive undergraduate experience, was able to study abroad, interned in Washington, D.C., participated in community service, worked on campus, and grew

professionally and personally. She believed that UC is a great institution because its staff, students, faculty, and administration hold it to a high standard. She had made it her mission to raise issues that are fundamental to the future of the institution, including the problem of declining State support and the importance of academic preparation and sustainable energy practices.

17. **RESOLUTION IN APPRECIATION OF GARY D. NOVACK**

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

WHEREAS, Gary D. Novack will complete his term on the Board of Regents of the University of California on June 30, 2005, having served with remarkable dedication and uncommon commitment, both as a Regent-designate and as an Alumni Regent; and

WHEREAS, his close association with the University of California has been long and happy, including the attainment of a bachelor's degree from UC Santa Cruz, a doctoral degree from UC Davis, post-doctoral research at UCLA, research in neurobiology at UC Irvine, and teaching experiences at Davis, Irvine, and UCLA, all of which have given him rarely equaled insights into the UC system that he has generously shared with his fellow Regents and University administrators; and

WHEREAS, he has been an superb advocate for his beloved alma mater in his community, throughout the state, and, indeed, the world, serving as an effective conduit between Santa Cruz faculty and industry leaders in efforts to promote and enhance technology transfer that led to growing and vital industry-University partnerships, as an eloquent and energetic participant in critical lobbying efforts before the California State Legislature, and as a remarkable fund-raiser and advocate for student scholarships, always diligent in promoting a deeper understanding and awareness of the contributions of the University and its alumni to the well being of California, the nation, and the world; and

WHEREAS, the Regents, in their endeavors to meet the difficult challenges involved in keeping first-tier higher education available to all qualified students in the face of daunting fiscal constraints, have benefitted immensely from his broad international experience and acumen in business and scientific research in his chairmanship of the Committee on Audit, as well as in his service as a member of the Committee on Educational Policy and the Committee on Health Services; and

WHEREAS, never satisfied with the status quo, Gary's almost legendary and prodigious e-mails to Regents, University administrators, and fellow alumni are testimony to his deep concern for maintaining and improving the quality and integrity of the University of California, as well as to his passionate desire to

ensure that public higher education remains accessible to all who seek to improve their position in life;

NOW, THEREFORE, BE IT RESOLVED that the Regents of the University of California do hereby convey their appreciation to Gary D. Novack for his unflagging devotion to the highest principles of duty and public trust, which combined with a ready empathy for people from all walks of life, a rigorous work ethic, superb organizational skills, and keen intelligence, has made him a valued colleague and friend;

AND BE IT FURTHER RESOLVED that the Regents extend to Gary and Dona their affectionate best wishes and direct that a suitably inscribed copy of this resolution be presented to them as a token of the Regents' gratitude and lasting friendship.

Regent Marcus noted that Regent Novack had been involved with the University over thirty years as a student, researcher, teacher, and alumni leader. His broad experience in business and scientific research had benefitted the Board, and its members had appreciated his passion for new ideas and for maintaining and improving accessibility and the quality of the University.

Regent Novack recalled that his parents, who had been the first of his family to be college-educated, had been given the opportunity to attend UC Berkeley. He noted that the people of California have continued to invest in the University. As a student, a researcher, and a Regent he had visited all ten campuses, the three laboratories, and some of the natural reserve properties and had seen excellence everywhere. He expressed his appreciation to the Regents and the Office of the President for increasing openness in its deliberations, consistent with the environmental changes in boards of all types. He hoped that his service on the Board had in a small way repaid the University for the good things it had done for his family.

18. **RESOLUTION IN APPRECIATION OF MARK F. ORNELLAS**

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

WHEREAS, on June 30, 2005, Mark F. Ornellas will complete his tenure on the Board of Regents, having carried out his duties over the last two years as a Regent-designate and Regent with consummate skill, great enthusiasm, and abiding devotion to his alma mater; and

WHEREAS, following his graduation from the University of California, Berkeley, he distinguished himself at UC Hastings College of the Law and, after embarking upon a successful career as an attorney in Stockton, he went on to serve as President of the California Alumni Association and Trustee of the UC Berkeley Foundation, roles in which he has been a vigorous and articulate advocate for the University of California throughout the Central

Valley and beyond, thereby advancing educational opportunities for countless numbers of California's brightest young people; and

WHEREAS, the judgment and perception he uses so ably as a certified specialist in tax and estate planning have added immeasurably to the deliberations of the Committees on Finance, Grounds and Buildings, Investments, and Oversight of the Department of Energy Laboratories, where his wise counsel and careful pursuit of facts have been of immense benefit to his fellow Regents and University administrators; and

WHEREAS, his keen insights, high ideals, persistence in devising solutions to complex issues, and wry humor have served the Board well in its discussions of the vital issues of the day, including those of access and academic quality, that have had and continue to have major effects on public higher education and California's future;

WHEREAS, in addition to his service to the University of California and its alumni, he has been a leader in the Stockton community, giving unselfishly of his boundless energy to civic causes, including service as a Director of the Chamber of Commerce, as President of the North Stockton Rotary Club, and as President of the Stockton Estate Planning Council;

NOW, THEREFORE, BE IT RESOLVED that the Regents of the University of California convey to Mark F. Ornellas, an ardently loyal Son of California, their heartfelt appreciation for his splendid service as Regent, which he has rendered at all times with quiet effectiveness and abiding commitment to the University's welfare;

AND BE IT FURTHER RESOLVED that the Regents extend to Mark Ornellas and Debbie de Ganna their affectionate best wishes for the future and direct that a suitably inscribed copy of this resolution be presented to them as an expression of the Board's admiration, gratitude, and lasting friendship.

Regent Kozberg commented that Regent Ornellas always had the best interests of the University at heart. She admired his sense of humor, his loyalty to his colleagues, and his thoughtful contributions to the Board's discussions, and she hoped that he would continue to offer the Regents his support and counsel.

Regent Ornellas expressed appreciation for the collegiality evidenced by recent discussions among the Regents. He thanked everyone who had counseled him during his time on the Board. He was hopeful that the University could present to the State, in the most impartial way, a plan for revising public finance so that the Regents do not find themselves in impossible, thankless positions such as having to vote for fee increases with which they disagree.

19. **RESOLUTION IN APPRECIATION OF RALPH J. CICERONE**

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

WHEREAS, Ralph J. Cicerone has made significant and lasting contributions to the University of California, to higher education, and to the worldwide scientific enterprise over the course of a sixteen-year career at the Irvine campus, seven of which as the campus's fourth Chancellor, a position from which he will step down on June 30, 2005; and

WHEREAS, an eminent and highly regarded atmospheric scientist, he has played a key role in shaping national and international science policy to the benefit of mankind, contributed brilliantly to the world's understanding of the effect of greenhouse gases on global warming and climate change, and served as a powerful and insightful advocate in the world community for the vital need to protect the earth's precious ozone layer to ensure preservation of the world in which we live;

WHEREAS, in his role as Chancellor of the University of California, Irvine, he has been an inspired architect of change, building upon the strong foundation laid down by his predecessors, in his successful efforts to lead the campus to ever-greater heights in teaching, research, and public service, thus enhancing the campus's already lustrous reputation as an institution of worldwide scientific importance and academic excellence; and

WHEREAS, the Irvine campus has flourished under his astute leadership with the student population dramatically increasing by twenty-five percent, the addition of a third Nobel Laureate to its faculty ranks, the establishment of the first computer science school in the UC system, and the recruitment of outstanding young faculty and vigorous administrative leaders; and

WHEREAS, this statesman of science's exceptional scholarly achievements and enthusiasm for the advancement of scientific knowledge have been recognized widely, as demonstrated by his many honors and awards, by his extensive record of publications, by the acclaim accorded his research, and by his recent election as the 21<sup>st</sup> President of the National Academy of Sciences;

NOW, THEREFORE, BE IT RESOLVED that the Regents express to Ralph J. Cicerone their great appreciation for the personal integrity, moral courage, resolute spirit, and exceptional service he has given to the University; their deep regret at his leaving; and their delight at his personal success;

AND BE IT FURTHER RESOLVED that the Regents extend to Ralph and Carol Cicerone their affectionate good wishes for a rich and full life in the years ahead and direct that a suitably inscribed copy of this resolution be presented to them in recognition of the Regents' admiration and high regard.

President Dynes commented that he always regretted having to say goodbye to talented, devoted people such as Chancellor Cicerone – a remarkable person, educator, research, leader, and visionary whose integrity is unmatched. He could always be counted upon to raise important issues. He recalled that he and Chancellor Cicerone had worked together closely when both were chancellors. He was hopeful that in his new position as President of the National Academy of Sciences Chancellor Cicerone could make as big a difference in Washington as he had in California.

The meeting adjourned at 1:45 p.m.

Attest:

Secretary