

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
MEETING AS A COMMITTEE OF THE WHOLE**

January 16, 2002

The Regents of the University of California met on the above date at Covell Commons, Los Angeles campus.

Present: Regents Atkinson, Bagley, Connerly, Davies, T. Davis, Hopkinson, O. Johnson, S. Johnson, Kozberg, Lansing, Lee, Marcus, Montoya, Moores, Morrison, Preuss, Sayles, and Seymour

In attendance: Regents-designate Ligot-Gordon, Sainick, and Terrazas, Faculty Representatives Binion and Viswanathan, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost King, Senior Vice Presidents Darling and Mullinix, Vice Presidents Broome, Doby, Drake, Gomes, Gurtner, and Hershman, Chancellors Berdahl, Bishop, Carnesale, Cicerone, Dynes, Greenwood, Orbach, Tomlinson-Keasey, Vanderhoef, and Yang, and Recording Secretary Nietfeld

The meeting convened at 8:40 a.m. with Chairman S. Johnson presiding.

1. PUBLIC COMMENT

Chairman Johnson explained that the Board had been convened as a Committee of the Whole in order to permit members of the public an opportunity to address matters on the day's open session agendas. The following persons addressed the Board concerning the items noted.

A. Committee on Grounds and Buildings and Committee on Finance, Item 2-GF: *Certification of Environmental Impact Report and Approval of Long Range Development Plan, Merced Campus*

- (1) Ms. Kathleen Crookham, a Merced County Supervisor, encouraged the Regents to approve the EIR and the LRDP for the Merced campus. She reported that County and campus officials had worked together in planning for the campus and the adjacent community, which will provide the necessary housing, businesses, and public services to support the campus.
- (2) Mr. Hub Walsh, the Mayor of Merced, stated the City's commitment to continue its joint collaboration with the County, the campus, and the Virginia Smith Trust to work to establish a world-class university in the San Joaquin Valley, whose students are underrepresented in the UC system.
- (3) Mr. Bob Carpenter, a trustee of the UC Merced Foundation, assured the Regents of the community's enthusiastic support for UC Merced, noting the important contributions that the campus would make to the Central Valley.

- (4) Ms. Sylvia Smith, Assistant Superintendent of the Merced Union High School District, believed that a research university in the Central Valley would provide an opportunity to demonstrate how conditions such as poverty may be overcome. She referred to programs in the district funded by UC Merced that had already assisted in helping students to improve their performance in reading and writing.
- (5) Ms. Lydia Miller of the San Joaquin Raptor Rescue Center suggested that previously expressed concerns about the EIR for the Merced campus remain unanswered in the Final EIR. The Center believes that inadequate time had been provided for the public review of the pertinent environmental documents and that responses for information under the Public Records Act had been incomplete. She stated that if The Regents certifies the FEIR, it will be challenged in court.
- (6) Ms. Ingrid Hogle, a member of the UC Davis chapter of the Society for Conservation Biology, expressed the Society's belief that the FEIR for UC Merced does not comply with California Environmental Quality Act guidelines. She presented a resolution endorsed by the members which addressed the difficulty for the public to review the mitigation measures and challenged the adequacy of protection to the environment.
- (7) Ms. Carol Witham of Vernalpools.org delivered letters on behalf of that organization as well as other environmental groups which reaffirmed their assessment that the FEIR does not address the impacts of the UC Merced project. She observed that the FEIR does not satisfy federal permitting requirements and asked what the consequences would be if the campus fails to obtain these permits.
- (8) Ms. Elaine Trevino asked that the Regents, in spite of the various environmental and legal challenges that may be presented to UC Merced, keep their eyes on the goal of bringing a world-class university to Merced County.
- (9) Ms. Valerie Gordon of The Nature Conservancy recalled that the Conservancy had first become involved in Merced County in the 1980s when it obtained conservation easements for vernal pool habitats. The area faced development that could have destroyed the vernal pools. The Merced campus and the attendant regulatory issues have provided an opportunity to work closely with the University to continue the Conservancy's land-protection efforts in Merced County. She recalled that the State had earmarked \$30 million for vernal pool protection, which is being used to fund the further acquisition of vernal pool habitats.

- (10) Mr. Ken Robbins, representing the Virginia Smith Trust, recalled that the Trust had been established in the 1970s with the sole purpose of providing scholarships for local students. The Trust anticipates a long and fruitful partnership with the University through the development of the campus community. He urged the Board to approve the proposed LLC.

B. Committee on Grounds and Buildings and Committee on Finance, Item 3-GF: *Approval of Design, Site Development and Infrastructure with Central Plant Facility, Merced Campus*

- (1) Mr. Eric Christen, representing the Coalition for Fair Employment in Construction, spoke in opposition to the use of a Project Labor Agreement (PLA) for the construction of UC Merced.
- (2) Mr. Keven Dayton of the Golden Gate Chapter of Associated Builders and Contractors, which represents 440 contractors in northern California, spoke in opposition to a PLA, noting in particular that employee benefits for non-union companies would be paid into union trust funds rather than the company's benefit plan, which discourages these non-union contractors from bidding on the project.
- (3) Mr. Clayton Smith of the Golden Gate Chapter of Associated Builders and Contractors reported that employees in the Central Valley are concerned that they will not be able to compete fairly to work on the UC Merced project if there is a Project Labor Agreement. Valley businesses and Chambers of Commerce are concerned that much of the economic activity would not benefit the Central Valley, while elected officials worry that PLAs could spread to local projects.
- (4) Mr. Steve Friar of the Southern California Coalition for Fair Employment and Construction, who opposed Project Labor Agreements, reported that contractors and their employees are concerned that PLAs will become common for University of California projects. He believed that the Regents should entertain a debate on the subject of a PLA for UC Merced.
- (5) Ms. Chantelle Artman of the Southern California Chapter of Associated Builders and Contractors referred to a recent article appearing in the **Orange County Register** which had outlined the negative aspects of Project Labor Agreements, and she cited the San Francisco International Airport expansion project as evidence of increased costs under PLAs. She recalled that President Bush had issued an executive order banning PLAs on federally funded projects.

- (6) Mr. Chris Stetsko, executive director of the Committee for Fair Employment in the Central Valley, spoke of the widespread opposition in the Central Valley to a PLA for UC Merced. He did not believe that a union workforce would be available in the Valley for the project, as only 15 percent of the workers there belong to unions.
- (7) Mr. Bruce Kinabrew, representing Assemblymember Briggs, Mr. Robert Rucker, representing Senator Monteith, and Ms. Kelly Jones from the office of Assemblymember Cogdill presented a letter on behalf of these elected officials in opposition to a Project Labor Agreement for UC Merced.
- (8) Mr. Pat Mauldin of Mauldin-Dorfmeier Construction spoke against the use of a PLA for the Merced campus.
- (9) Ms. Gloria Keene, Merced County Supervisor and long-time union member, believed that, due to the depressed economy of Merced County, a PLA would not be in the residents' best interests.
- (10) Mr. Joe Garcia of Garcia Construction, a general contractor in the Central Valley, noted his ability to obtain better benefits for the employees in his open shop than with the unions. These employees would lose money to the unions under a Project Labor Agreement, and they will not receive pension benefits from the union because the project will not last long enough for them to become vested.
- (11) Mr. Mark Stickelmaier of LVH Entertainment explained that his company as a general rule does not bid PLA projects because his employees do not wish to join a union. He did not believe the University should discriminate against workers on this basis.
- (12) Mr. Russell Mayfield of Braun Electric reported that his company is opposed to Project Labor Agreements, as are its employees.
- (13) Mr. Craig Bruenkner of the Principal Financial Group addressed the concern of non-union employees who would have to pay into union pension funds under a Project Labor Agreement.
- (14) Mr. Kevin Squires, a contractor who does work for the UC system, discussed the benefits that his firm offers to its employees and suggested that a PLA would negatively affect these employees.
- (15) Mr. Jorge Ramos of Continental Labor Resources, which trains workers and assists them in obtaining permanent positions in Merced in partnership with

the Housing Authority, believed that these workers should have the opportunity to work on the construction of UC Merced.

- (16) Ms. Patricia Waldo of Continental Labor Resources urged the Board to oppose a Project Labor Agreement for UC Merced.
- (17) Mr. David Sickler, representing the California State Building Trades, spoke in favor of Project Labor Agreements, noting that they save money, complete projects on time, prevent work stoppages, and provide training for local workers. Two recent independent studies, one by UCLA's Institute for Labor Employment, were favorable to the use of PLAs.
- (18) Mr. Gary Evans reported that he was unemployed and did not believe that he should be forced to join a union in order to obtain a job.

C. Committee on Finance and Committee on Investments, Item 1-FI: ***Treasurer's Office Compensation: Annual Incentive Plan Proposal***

- (1) Mr. Paul von Blum, a professor at UCLA, spoke in support of divestment from any company that invests in Burma because of the violations of human rights that take place in that country.
- (2) Ms. Mary Higgins, Coalition of University Employees, asked that the San Francisco campus make approximately 100 temporary employees permanent.
- (3) Ms. Sara Church spoke on behalf of the UC Free Burma Coalition, urging that the University divest from corporations that invest in Burma until democracy is achieved there.
- (4) Ms. Norah Foster, Coalition of University Employees, spoke to the need to fund merit increases for clerical workers in the 2001-02 budget, noting the contributions that these workers make to the University.

The following person spoke to matters not on the day's agendas: Mr. Murray Morgan.

Chairman Johnson called on Assemblymember Barbara Matthews for her remarks, noting that Ms. Matthews represents one of the fastest-growing districts in the state, an area that includes Stockton and Tracy. Ms. Matthews stated that she was pleased to join other Valley representatives in strong support for bringing a University campus to the Valley, noting the many benefits that such a campus would provide.

2. **REMARKS OF THE PRESIDENT**

President Atkinson drew the Board's attention to the presence of Winston Doby, the new Vice President for Educational Outreach. He congratulated Chancellor Orbach on his nomination by President Bush as the Director of the Department of Energy's Office of Science. Chancellor Orbach has many accomplishments at the Riverside campus during the decade of his service there. The University has begun a national search for his successor. A national search is also under way for a new Director of the Lawrence Livermore National Laboratory, following Director Tarter's announcement that he is stepping down later this year.

The President observed that changes are about to occur on the Board as a result of the loss of Chairman Johnson, Speaker Hertzberg, and Regent Bagley. All three have made tremendous contributions to the University and to the State of California.

This month's agenda includes a report on the findings of the Commission on the Growth and Support of Graduate Education and a report on the status of the University's outreach and K-12 improvement programs. The Regents will be presented with a proposal for implementation of AB 540, the legislation that provides an exemption from nonresident tuition for students who meet certain criteria. Perhaps most importantly, The Regents will be reviewing and acting on the Environmental Impact Report and Long Range Development Plan for the UC Merced campus. He noted that this is not the end of the planning process for the tenth campus. Many decisions are yet to be made, much work is yet to be done, and there will be many continuing opportunities for input into the design and development of the campus.

The other major matter on the Board's agenda is the State budget. The biggest disappointment in the budget is that the University has not received funding for the kind of salary increase it would like to provide to the faculty and staff. On the other hand, Governor Davis has supported access by providing full funding for enrollment growth; he has acknowledged the importance of the University's research programs by sparing them from budget cuts; and he has accelerated funding for an array of construction projects, including the California Institutes for Science and Innovation. In so doing, the Governor has recognized the critical role the University plays in stimulating economic growth.

Another matter that will be coming to the Board's attention in the coming months is the discussion of how standardized tests are used at the University. The Academic Senate's Board of Admissions and Relations with Schools (BOARS) is preparing a report on its deliberations on the use of standardized tests in UC admissions. This report will be forwarded to the Academic Council in the coming weeks. At that point, the Council will ask each of the Divisional Senates to undertake a review of the issues involved. In addition to the normal deliberative processes, this review will involve special meetings of the Assembly of the Academic Senate to give all faculty an opportunity to explore the issues involved. There will be half-day meetings of The Regents prior to the Board's regular March and May meetings as a means of facilitating discussion among the Regents. The administration will be in touch with Regents individually to discuss the statistical analyses that have been

conducted on this subject and to answer questions. Ultimately, the campus Divisional Senates will return the matter to the Academic Council and the Assembly of the Academic Senate. If these bodies endorse the BOARS recommendations, then the proposal will be forwarded to The Regents for action. If all goes according to schedule, the proposal will come before The Regents at the July meeting.

President Atkinson concluded his remarks by noting the University's increasing ties with corresponding institutions in Mexico, in large part due to the Internet 2 project and plans to establish a California House in Mexico City. In addition, through the California-Mexico Health Initiative, UC is collaborating with the Mexican government on a set of exchanges in health science research and training, with the goal of improving the delivery of health care to Spanish-speaking communities in both California and Mexico.

The meeting adjourned at 9:50 a.m.

Attest:

Secretary