

MINUTES
MEETING OF THE BOARD OF TRUSTEES
APPALACHIAN STATE UNIVERSITY

Tuesday, November 5, 2019

11:00 a.m.

Chancellor's Office Conference Room
B.B. Dougherty Administration Building, Campus

CALL TO ORDER: The Board of Trustees of Appalachian State University met via conference call at the call of the Chair on Tuesday, November 5, 2019, at 11:00 a.m. in the Chancellor's Office Conference Room of the B.B. Dougherty Administration Building on the campus of Appalachian State University in Boone, North Carolina. Chair John M. Blackburn presided and called the meeting to order.

MEMBERS PRESENT VIA TELEPHONE:

James M. Barnes
M. Lee Barnes, Jr.
Scott K. Lampe
DeJon M. Milbourne
Charles V. Murray
James K. Reaves
E. Bonnie Schaefer
Kimberly M. Shepherd
R. Thomas Sofield
Carole P. Wilson

MEMBER PRESENT:

John M. Blackburn

MEMBERS ABSENT:

Donald C. Beaver
Mark E. Ricks

CONSTITUENCY REPRESENTATIVES PRESENT:

Donna Fiori, President
Alumni Council
Michael C. Behrent, Chair
Faculty Senate

OTHERS PRESENT:

A. Dawn Antonucci
Sheri Everts, Chancellor
Hank T. Foreman
Megan E. Hayes
Nick W. Katers

MEDIA PRESENT:

Kayla Lasure, *Watauga Democrat*

OTHERS PRESENT VIA TELEPHONE:

Sharon B. Bell

Philip C Byers, Member, UNC
Board of Governors
Paul D. Forte
Paul A. Meggett

CONFLICT OF INTEREST NOTICE: Chair Blackburn read the following statement:

“Under the State Government Ethics Act, all voting members of the Board of Trustees have a duty to avoid conflicts of interest and appearances of conflicts. Looking at the agenda for today's meeting, does anyone know that you have a conflict of interest or an interest that would give rise to the appearance of a conflict of interest? If so, please let me know now.”

[Trustee Lee M. Barnes recused himself from any vote or discussion related to the H.B. 389 due to his relationships within the industry.]

ROLL CALL: Chair Blackburn asked Dawn Antonucci to call roll to verify all participants on the call.

Capital Projects

Chair Blackburn recognized Vice Chancellor for Business Affairs Paul Forte for this report. Mr. Forte presented and fielded questions for the approval of three Capital Projects (see Attachments 1, 2, & 3).

1. Increase the Authorization for the End Zone Project from \$45,000,000 to \$50,000,000
2. Replacement Synthetic Turf in Kidd Brewer Stadium - \$2,538,880
3. Career Development Center Relocation - \$1,953,553

Upon motion duly made and seconded, each Capital Project was approved as presented.

Disposition of Real Property – Second Amendment to Rooftop Lease

Chair Blackburn recognized Vice Chancellor for Business Affairs Paul Forte for this report. Mr. Forte presented a recommendation to approve the Second Amendment to Rooftop Lease to relocate and replace equipment. Mr. Forte fielded questions related to the disposition (see Attachment 4).

Upon motion duly made and seconded, the Board approved the Disposition of Real Property as presented.

Amendment to Bylaws


Chair Blackburn stated that at the September 13, 2019 Board of Trustees meeting, the Board passed a resolution regarding university boards and affiliated organizations. The *Bylaws* amendment presented for approval is an update to include the Governance Committee. The update outlines the composition and responsibilities of the Committee in accordance with the

resolution (see Attachment 5).

Upon motion duly made and seconded, the Amendment to the Bylaws was approved as presented.

ADJOURNMENT: There being no further business, the meeting adjourned at 11:25 a.m.

John M. Blackburn, Chair

By: 
Dawn Antonucci
Assistant Secretary

Appalachian

STATE UNIVERSITY

Business Affairs

Dougherty Administration
438 Academy Street
ASU Box 32003
Boone, NC 28608-2003
(828) 262-2030

Date: October 24, 2019

From: Nick Katers, Associate Vice Chancellor for Facilities Management

Re: Capital Project Action Item 1 – Increase the Authorization for the End Zone Project from \$45,000,000 to \$50,000,000

The End Zone Project is a complicated, uniquely designed building, with a required substantial completion date of 20 August 2020 to ensure revenue generation is in place before the start of the next football season. The delivery method of "Construction Manager at Risk is the default delivery for NC state construction projects and this project was awarded to DPR Construction. The original authorization of \$45M was developed 12 months ago and approved while the building was still under design. We have since completed design, begun construction, and finished the bidding process for all of the construction sub-contractors. As part of the process, the construction manager is not required to certify his guaranteed maximum price until all sub-contractors have been placed under contract. The construction manager and the architect collaborated to establish market based estimates for all components of the project. On October 10, 2019, the construction manager informed the university that the aggregate total for all sub-contract bidders exceeded the estimated price by \$5M.

The last 12-18 months have seen an extraordinary boom in the local construction industry. The university currently has over \$250M in construction with the local economy adding an additional \$450M. The current demand has vastly overwhelmed the capability of local contractors forcing us to look across the state for vendors with capacity. Price inflation has hit the industry as supply struggles to catch up. The highly technical skill sets of electrical, HVAC and automation are the most severely impacted by the surge in demand. Sub-contractors have told us there is sufficient commercial work across the state that they do not feel the urgency to bid on state and local government projects. The reasons most often given include the additional administrative and overhead requirements for state projects, constrained timelines, and the threat of liquidated damages if delivery is delayed.

The End Zone Project includes 43 sub-contractor packages. The construction manager prequalified 8-10 sub-contractors for each package. In this environment, we had three packages with zero bidders and eleven packages with just one bidder. Our bid overrun can be primarily be attributed to just five of the sub-contractors that total \$4.5M of the \$5M overrun. These five subcontractors include electrical, HVAC, dry and metal studs, masonry and structural concrete. All of these specialties are on the critical path to completion and attempting to resolicit for bids will cause an unavoidable delay to the completion date.

STATE OF NORTH CAROLINA - DEPARTMENT OF ADMINISTRATION
 STATE CONSTRUCTION OFFICE
 PROPOSED REPAIR & RENOVATION OR CAPITAL IMPROVEMENT PROJECT
 BIENNIUM 2019-2021

Form OC-25
 (Rev 10/2018)

DEPARTMENT and DIVISION: Appalachian State University, Planning Design and Const. DATE: 10/11/19
 PROJECT IDENTIFICATION: Endzone Facility
 PROJECT CITY or LOCATION: Boone, NC

PROJECT DESCRIPTION & JUSTIFICATION: This is an increase in spending authority to cover bid overruns due to an exceptional economic contractor climate, remote job location, compressed schedule, and a shortage of contractors. Concrete, MEP, metal framing, and drywall sub-packages account the majority of the overages, however most trades bid higher than reconciled estimates.

(Definitions/explanations are provided on pg 2 to assist in completion of this form.)

CURRENT ESTIMATED CONSTRUCTION COST

	QTY	UNIT	COST PER UNIT	TOTAL
A. Land Requirement				\$0
B. Site Preparation				
1. Demolition	34,549	SF	\$ 5.48	\$189,329
2. Site Work	150,000	SF	\$ 12.00	\$1,800,000
C. Construction				
1. Utility Services	1	LS	\$ 253,148.00	\$253,148
2. Building Construction (new space)	88233	SF	\$ 293.00	\$25,862,269
3. Building Construction (existing)				\$0
4. Plumbing (new space)	88233	SF	\$ 17.00	\$1,499,961
5. HVAC (new space)	88233	SF	\$ 45.02	\$3,972,250
6. Electrical (Includes TV & Radio Studio)	88233	SF	\$ 58.00	\$5,117,514
7. Fire Suppression and Alarm Systems	88233	SF	\$ 8.29	\$731,452
8. Telephone, Data, Video	88233	SF	\$ 10.63	\$937,917
9. Associated Construction Costs	1	LS	\$ 150,000.00	\$150,000
10. Other: <u>Asbestos Abatement</u>	1	LS	\$ 120,000.00	\$120,000
Equipment				
1. Fixed	1	LS	\$ 955,875.00	\$955,875
2. Moveable	1	LS	\$ 500,000.00	\$500,000
Total Cost of Work				\$ 42,079,714

Items below may be calculated by percentage or lump sum. If using lump sum, make entry in \$ field.

DESIGN FEE	8.43 %	(% of Estimated Construction Costs)	\$ 3,206,800
PRECONSTRUCTION COSTS	1.6 %	(% of Estimated Construction Costs [1% for CM@Risk])	\$ 662,584
COMMISSIONING	0.5 %	(0.5% simple; 1.0% moderate; 1.5% complex)	\$ 183,843
SPECIAL INSPECTIONS/MATERIALS	0.5 %	(1.25% estimated)	\$ 202,854
SUSTAINABILITY	2 %	(3% LEED Gold, 2% LEED Silver)	\$ 841,594
ADVANCE PLANNING	4 %	Includes programming, feasibility, analysis (% of Estimated Construction Costs)	\$ 387,500
CONTINGENCIES	5 %	(% of Estimated Construction Costs [3% New or 5% R&R])	\$ 2,103,986
ESTIMATED COSTS		(% of Estimated Construction Costs + Contingencies + Design Fee)	\$ 49,668,874

Escalation = percent per month multiplied by number of months

(From Est. Date to mid-point of construction) = 16 months 0.5 % annually beginning on month 1

ESCALATION COST INCREASE (Total of Estimated Construction Costs x Escalation %) \$331,126

TOTAL ESTIMATED PROJECT COSTS (Estimated Construction Costs + Escalation Cost Increase) **\$ 50,000,000**

APPROVED BY: [Signature]
 (Governing Board or Agency Head)

TITLE: AVC Facilities Management

Date 24 OCT 19

STATE OF NORTH CAROLINA - DEPARTMENT OF ADMINISTRATION
STATE CONSTRUCTION OFFICE
PROPOSED REPAIR & RENOVATION OR CAPITAL IMPROVEMENT PROJECT
BIENNIUM 2019-2021

Form OC-25
(Rev 10/2018)

DEFINITIONS OR EXPLANATIONS

(Items not listed below are presumed to be self-explanatory. Questions may be directed to the State Construction Office.)

Item on Form	Definition/Explanation
CURRENT ESTIMATED CONSTRUCTION COST	Attach basis and justification for estimate. Include description, quantities, units, special features, similar cost on recent projects, etc.
A. Land Requirement	Includes purchase and acquisition costs (title search, filing fees, other legal fees, etc.) required to obtain land.
B. 1. Demolition	Includes but may not be limited to lead and/or asbestos testing and removal, building or interior space demolition in whole or part.
B. 2. Site Work	Includes but may not be limited to grading, excavating, poor soils and/or rock removal; utilities relocation, roads, walks, parking, streambank repairs, stormwater management, retaining walls, rainwater harvesting systems, landscaping.
C. 1. Utility Services	Attach explanation of any special building, mechanical, or electrical service requirements with appropriate distance to existing buildings, water, gas, electrical or other utility service.
C. 9. Associated Construction Costs	Includes but may not be limited to construction fire alarm testing, utility shut downs, utilities, signage, security, displaced parking, staging, lock cores, keys, State Construction Office charges.
C. 10. Other	List other significant sources of cost not included elsewhere. Additional lines may be added if needed.
PRECONSTRUCTION COSTS	Includes but may not be limited to land surveys, lead/asbestos surveys, environmental assessments, copying, postage, costs of print advertising, and destructive testing. For CM at Risk, preconstruction costs are consistent with the requirements of the preconstruction services agreement.
CONTINGENCIES	Unanticipated or unforeseen conditions including but not limited to design error and omissions, concealed site conditions, utility conflicts, and extended overhead resulting from weather or other delay.

The University of North Carolina
Request for Advance Planning, New, or Increase in Capital Improvement Project

Institution Appalachian State University Advance Planning Request New Capital Project
 Code 41830 Item 304 *

Increase in Authorization from \$ 45,000,000 to \$ 50,000,000 Code 41830 Item 304
 Interscope Project Number 18-18757-01

*If this project has previously had advance planning authority, please identify relevant code/item number.

Project Title End Zone Facility

Project Cost \$ 50,000,000

Source of Funds Auxiliary Trust Funds -- AR, DR, & CMF

(If multiple funding sources are used, identify source and % distribution across sources, refer to list of fund sources on page 2. Sum of all sources should equal 100%.)

For each advance planning project or capital construction project, please provide the following:

1. A detailed project description and justification. This request is for an additional \$5,000,000 in authorization. Due to the current economic upswing in commercial projects coupled with the remote location of our new project, and a shortage of subcontractors has resulted in a 10% increase in cost. Concrete, MEP, metal framing, and drywall sub-packages account for the majority of the overages, however most trades bid higher than reconciled estimates The additional funding will allow ASU to complete the new 88,000 GSF end zone facility that will include 52,000 GSF for locker, weight, equipment, sports medicine, coaches offices, and meeting rooms; 8,500 GSF of premium seating, 13,000 GSF 1,000 seat Club Level and Multipurpose Room, 9,000 GSF Orthopedic Clinic (3rdparty lease), 3,200 GSF Catering Kitchen, and 1,200 GSF Team/Retail Store and 500 GSF Ticket Office.
2. An estimate of acquisition, planning, design, site development, construction, contingency and other related costs (attach a completed OC-25 form).
3. An estimated schedule for the completion of the project (enter dates mm/dd/yr).
 Designer start 06/07/2018 Construction start 01/01/2019 Construction complete 01/01/2021
4. An estimated schedule of cash flow requirements over the life of the project by FY quarters (omit for advance planning requests).

FY/Qtr	18-19 Q1	18-19 Q2	18-19 Q3	18-19 Q4	19-20 Q1	19-20 Q2
\$ Amount	300,000	400,000	1,300,000	2,000,000	2,000,000	3,000,000
FY/Qtr	19-20 Q3	19-20 Q4	20-21 Q1	20-21 Q2	20-21 Q3	20-21 Q4
\$ Amount	7,000,000	9,000,000	12,000,000	7,000,000	5,500,000	500,000

5. An estimate of maintenance and operating costs and source of funding to support these costs, including personnel, covering the first five years of operation (omit for advance planning and non-general fund requests, required for general fund requests).

Year	Year 1	Year 2	Year 3	Year 4	Year 5
Source/ \$ Amount	N/A	N/A	N/A	N/A	N/A

6. An estimate of revenues, if any, likely to be derived from the project, covering the first five years of operation (omit for advance planning and non-general fund requests, required for general fund requests).

Year	Year 1	Year 2	Year 3	Year 4	Year 5
Source/ \$ Amount	N/A	N/A	N/A	N/A	N/A

An explanation of the means of financing (i.e. cash reserves using the fund sources identified above, campus debt financing to be retired with the identified fund source, etc.). Receipts from ticket sales, gifts, donations, cash reserves, including Athletics Foundation reserves. Auxiliary Trust Funds – AR, DR, & CMF

Fund Sources

Group Type	Title	Reporting Abbreviation	Description
State Appropriations	R&R	RR	Funds appropriated by the legislature for campus repairs and renovations in 13 statutorily prescribed categories.
State Appropriations	Carry Forward	CF	State appropriations carried forward under the 2.5% permitted by legislation. By Session Law, carry forward is considered non-general fund when it is carried forward.
Mandatory Student Fees	Athletics Fee	SAF	Fees collected specifically for support of campus student athletics and recreation services.
Mandatory Student Fees	Campus Safety Fee	SSF	Fees collected specifically for support of campus safety items such as emergency phones and cameras.
Mandatory Student Fees	Debt Service Fee	DSF	Debt service fees authorized for specific projects.
Mandatory Student Fees	Education and Technology Fee	ETSF	Fees collected specifically for support of education and technology items.
Mandatory Student Fees	Health Services Fee	HSF	Fees collected specifically for support of campus student health services.
Mandatory Student Fees	Other Student Fees	OSF	Any other student fees authorized and collected for other purposes, but not listed in above categories.
Auxiliary Trust Funds	Athletics	AR	Receipts from ticket sales, gifts, donations, cash reserves, including Athletics Foundation reserves.
Auxiliary Trust Funds	Dining	DR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Housing	HR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Transportation and Parking	TR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Utility Trust Funds	UTF	Receipts from operations, cash reserves from operation/management of all/any campus utilities (steam, chilled water, etc.).
Auxiliary Trust Funds	Other Auxiliary Trust Funds	OTF	Receipts from operations, cash reserves from other campus auxiliaries not specified above.
Other Trust Funds	Centennial/Millennial Campus Funds	CMF	Receipts from operations, cash reserves under the Millennial Campus financing act.
Other Trust Funds	Clinical Receipts	CR	Receipts from operations, cash reserves.
Other Trust Funds	Facilities and Administrative	FA	Overhead receipts (facilities and administrative overhead) generated from campus research.
Private Sources/Foundations	Donations and Gifts	DG	Contributions made by gift, donation, bequest, or other private sources.
Private Sources/Foundations	Endowment	ENDF	Funds from the endowment fund of the University.

Appalachian

STATE UNIVERSITY

Business Affairs

Dougherty Administration
438 Academy Street
ASU Box 32003
Boone, NC 28608-2003
(828) 262-2030

Date: October 24, 2019
From: Nick Katers, Associate Vice Chancellor for Facilities Management
Re: Capital Project Action Item 2 – Project Approval for Replacement Synthetic Turf in Kidd Brewer Stadium - \$2,538,880

The construction of the new End Zone project has reshaped the entire layout of Kidd Brewer Stadium. The track that ran around the field is being removed as part of that project which will require us to modify the synthetic field turf for the entire stadium. The existing synthetic field turf is approaching its end of serviceability and not a good candidate for an addition.

This project will remove the existing field turf and replace it with a new synthetic field turf across the current field extending through the area of the track. It is about a 20% increase the existing surface of the field. The project also includes changes in the grading and drainage as well as new emergency vehicle access points and storm water modifications.

In order to compete this project prior to the first football game of the 2020 season, our designer must start prior to 1 December 2019 so construction can begin on/before 1 June 2020. The project is funded by Auxiliary Trust Funds and the Athletics Facility Debt Fee. The required approval forms are attached.

STATE OF NORTH CAROLINA - DEPARTMENT OF ADMINISTRATION
 STATE CONSTRUCTION OFFICE
 PROPOSED REPAIR & RENOVATION OR CAPITAL IMPROVEMENT PROJECT
 BIENNIUM 2019-2021

Form OC-25
 (Rev 10/2018)

DEPARTMENT and DIVISION: Appalachian State University, Planning Design and Const. DATE: 10/11/19
 PROJECT IDENTIFICATION: Stadium Synthetic Turf Replacement and Track modification
 PROJECT CITY or LOCATION: Boone, NC
 PROJECT DESCRIPTION & JUSTIFICATION: (Attach add'l data as necessary to indicate need, size, function of improvements as well as a master plan.)

(Definitions/explanations are provided on pg 2 to assist in completion of this form.)

CURRENT ESTIMATED CONSTRUCTION COST

	QTY	UNIT	COST PER UNIT	TOTAL
A. Land Requirement				\$0
B. Site Preparation				
1. Demolition	50,000	SF	\$ 4.25	\$212,500
2. Site Work	98,000	SF	\$ 7.50	\$735,000
C. Construction				
1. Utility Services	1	LS	\$ 200,000.00	\$200,000
2. Building Construction (new space)				\$0
3. Building Construction (existing)				\$0
4. Plumbing (new space)				\$0
5. HVAC (new space)				\$0
6. Electrical (Includes TV & Radio Studio)				\$0
7. Fire Suppression and Alarm Systems				\$0
8. Telephone, Data, Video				\$0
9. Associated Construction Costs	1	LS	\$ 150,000.00	\$150,000
10. Other: <u>Synthetic Surfaces</u>	98000	SF	\$ 7.00	\$686,000
Equipment				
1. Fixed				\$0
2. Moveable				\$0
Total Cost of Work				\$ 1,983,500

Items below may be calculated by percentage or lump sum. If using lump sum, make entry in \$ field.

DESIGN FEE	10 %	(% of Estimated Construction Costs)	\$ 198,350
PRECONSTRUCTION COSTS	0 %	(% of Estimated Construction Costs [1% for CM@Risk])	\$ -
COMMISSIONING	0 %	(0.5% simple; 1.0% moderate; 1.5% complex)	\$ -
SPECIAL INSPECTIONS/MATERIALS	1 %	(1.25% estimated)	\$ 19,835
SUSTAINABILITY	0 %	(3% LEED Gold, 2% LEED Silver)	\$ -
ADVANCE PLANNING	4 %	Includes programming, feasibility, analysis (% of Estimated Construction Costs)	\$ 79,340
CONTINGENCIES	5 %	(% of Estimated Construction Costs [3% New or 5% R&R])	\$ 99,175
ESTIMATED COSTS		(% of Estimated Construction Costs + Contingencies + Design Fee)	\$ 2,380,200
Escalation = percent per month multiplied by number of months			
(From Est. Date to mid-point of construction) =	16	months	5.0 % annually beginning on month 1
ESCALATION COST INCREASE (Total of Estimated Construction Costs x Escalation %)			\$158,680
TOTAL ESTIMATED PROJECT COSTS (Estimated Construction Costs + Escalation Cost Increase)			\$ 2,538,880

APPROVED BY: [Signature]
 (Governing Board or Agency Head)

TITLE: AVC Facilities Management

Date 24 OCT 19

STATE OF NORTH CAROLINA - DEPARTMENT OF ADMINISTRATION
STATE CONSTRUCTION OFFICE
PROPOSED REPAIR & RENOVATION OR CAPITAL IMPROVEMENT PROJECT
BIENNIUM 2019-2021

Form OC-25
(Rev 10/2018)

DEFINITIONS OR EXPLANATIONS

(Items not listed below are presumed to be self-explanatory. Questions may be directed to the State Construction Office.)

Item on Form	Definition/Explanation
CURRENT ESTIMATED CONSTRUCTION COST	Attach basis and justification for estimate. Include description, quantities, units, special features, similar cost on recent projects, etc.
A. Land Requirement	Includes purchase and acquisition costs (title search, filing fees, other legal fees, etc.) required to obtain land.
B. 1. Demolition	Includes but may not be limited to lead and/or asbestos testing and removal, building or interior space demolition in whole or part.
B. 2. Site Work	Includes but may not be limited to grading, excavating, poor soils and/or rock removal, utilities relocation, roads, walks, parking, streambank repairs, stormwater management, retaining walls, rainwater harvesting systems, landscaping.
C. 1. Utility Services	Attach explanation of any special building, mechanical, or electrical service requirements with appropriate distance to existing buildings, water, gas, electrical or other utility service.
C. 9. Associated Construction Costs	Includes but may not be limited to construction fire alarm testing, utility shut downs, utilities, signage, security, displaced parking, staging, lock cores, keys, State Construction Office charges.
C. 10. Other	List other significant sources of cost not included elsewhere. Additional lines may be added if needed.
PRECONSTRUCTION COSTS	Includes but may not be limited to land surveys, lead/asbestos surveys, environmental assessments, copying, postage, costs of print advertising, and destructive testing. For CM at Risk, preconstruction costs are consistent with the requirements of the preconstruction services agreement.
CONTINGENCIES	Unanticipated or unforeseen conditions including but not limited to design error and omissions, concealed site conditions, utility conflicts, and extended overhead resulting from weather or other delay.

The University of North Carolina
Request for Advance Planning, New, or Increase in Capital Improvement Project

Institution Appalachian State University Advance Planning Request New Capital Project

Code _____ Item _____*

Increase in Authorization from \$ _____ to \$ _____ Code _____ Item _____

Interscope Project Number _____

*If this project has previously had advance planning authority, please identify relevant code/item number.

Project Title Kidd Brewer Stadium Turf Replacement

Project Cost \$ 2,538,880

Source of Funds Auxiliary Trust Funds (AR); Athletics Fee (SAF)

(If multiple funding sources are used, identify source and % distribution across sources, refer to list of fund sources on page 2. Sum of all sources should equal 100%.)

For each advance planning project or capital construction project, please provide the following:

1. A detailed project description and justification. The project will remove the existing synthetic field turf and replace with new. The project will also remove the existing track surface and replace with synthetic field turf. Includes grading, drainage, new vehicle access points, and storm water modifications.
2. An estimate of acquisition, planning, design, site development, construction, contingency and other related costs (attach a completed OC-25 form).
3. An estimated schedule for the completion of the project (enter dates mm/dd/yr).
 Designer start 11/18/2019 Construction start 6/1/2020 Construction complete 9/1/2020

4. An estimated schedule of cash flow requirements over the life of the project by FY quarters (omit for advance planning requests).

FY/Qtr	19-20 Q3	19-20-Q4	20-21-Q1	20-21-Q2	20-21-Q3	20-21-Q4
\$ Amount	50,000	50,000	50,000	50,000	2,000,000	400,000

5. An estimate of maintenance and operating costs and source of funding to support these costs, including personnel, covering the first five years of operation (omit for advance planning and non-general fund requests, required for general fund requests).

Year	Year 1	Year 2	Year 3	Year 4	Year 5
Source/ \$ Amount					

6. An estimate of revenues, if any, likely to be derived from the project, covering the first five years of operation (omit for advance planning and non-general fund requests, required for general fund requests).

Year	Year 1	Year 2	Year 3	Year 4	Year 5
Source/ \$ Amount					

7. An explanation of the means of financing (i.e. cash reserves using the fund sources identified above, campus debt financing to be retired with the identified fund source, etc.). Receipts from ticket sales, gifts, donations, cash reserves, including Athletics Foundation reserves (AR), Athletics Fee (SAF)

Fund Sources

Group Type	Title	Reporting Abbreviation	Description
State Appropriations	R&R	RR	Funds appropriated by the legislature for campus repairs and renovations in 13 statutorily prescribed categories.
State Appropriations	Carry Forward	CF	State appropriations carried forward under the 2.5% permitted by legislation. By Session Law, carry forward is considered non-general fund when it is carried forward.
Mandatory Student Fees	Athletics Fee	SAF	Fees collected specifically for support of campus student athletics and recreation services.
Mandatory Student Fees	Campus Safety Fee	SSF	Fees collected specifically for support of campus safety items such as emergency phones and cameras.
Mandatory Student Fees	Debt Service Fee	DSF	Debt service fees authorized for specific projects.
Mandatory Student Fees	Education and Technology Fee	ETSF	Fees collected specifically for support of education and technology items.
Mandatory Student Fees	Health Services Fee	HSF	Fees collected specifically for support of campus student health services.
Mandatory Student Fees	Other Student Fees	OSF	Any other student fees authorized and collected for other purposes, but not listed in above categories.
Auxiliary Trust Funds	Athletics	AR	Receipts from ticket sales, gifts, donations, cash reserves, including Athletics Foundation reserves.
Auxiliary Trust Funds	Dining	DR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Housing	HR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Transportation and Parking	TR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Utility Trust Funds	UTF	Receipts from operations, cash reserves from operation/management of all/any campus utilities (steam, chilled water, etc.).
Auxiliary Trust Funds	Other Auxiliary Trust Funds	OTF	Receipts from operations, cash reserves from other campus auxiliaries not specified above.
Other Trust Funds	Centennial/Millennial Campus Funds	CMF	Receipts from operations, cash reserves under the Millennial Campus financing act.
Other Trust Funds	Clinical Receipts	CR	Receipts from operations, cash reserves.
Other Trust Funds	Facilities and Administrative	FA	Overhead receipts (facilities and administrative overhead) generated from campus research.
Private Sources/Foundations	Donations and Gifts	DG	Contributions made by gift, donation, bequest, or other private sources.
Private Sources/Foundations	Endowment	ENDF	Funds from the endowment fund of the University.

Appalachian

STATE UNIVERSITY

Business Affairs

Dougherty Administration
438 Academy Street
ASU Box 32003
Boone, NC 28608-2003
(828) 262-2030

Date: October 24, 2019
From: Nick Katers, Associate Vice Chancellor for Facilities Management
Re: Capital Project Action Item 3 – Project Approval for Career Development Center
Relocation - \$1,953,553

This project will consolidate and renovate spaces within the Appalachian State University Plemmons Student Union to allow the Career Development Center to consolidate its operations. The Career Development Center currently operates from two locations in the John E. Thomas Building and the Plemmons Student Union. The consolidation in a place more students access will enhance operational effectiveness, capabilities and programmatic goals.

In order to compete this project prior to the start of the Fall 21 semester, designer selection must begin immediately. The estimated cost of this project requires the approval of both the Board of Trustees and Board of Governors. The project is funded by a debt service fee from mandatory student fees. The required approval forms are attached.

STATE OF NORTH CAROLINA - DEPARTMENT OF ADMINISTRATION
 STATE CONSTRUCTION OFFICE
 PROPOSED REPAIR & RENOVATION OR CAPITAL IMPROVEMENT PROJECT
 BIENNIUM 2019-2021

Form OC-25
 (Rev 10/2018)

DEPARTMENT and DIVISION: Appalachian State University, Planning Design & Const. DATE: 10/03/19
 PROJECT IDENTIFICATION: Career Development Center Relocation
 PROJECT CITY or LOCATION: Boone, NC
 PROJECT DESCRIPTION & JUSTIFICATION: Renovation of 5,782 SF of the Plammons Student Union to accommodate the consolidated CDC Dept.

(Definitions/explanations are provided on pg 2 to assist in completion of this form.)

CURRENT ESTIMATED CONSTRUCTION COST

	QTY	UNIT	COST PER UNIT	TOTAL
A. Land Requirement				\$0
B. Site Preparation				
1. Demolition	5782	SF	\$ 15.00	\$86,730
2. Site Work				\$0
C. Construction				
1. Utility Services				\$0
2. Building Construction (new space)				\$0
3. Building Construction (existing)	5782	SF	\$ 85.00	\$491,470
4. Plumbing (new space)	5782	SF	\$ 5.00	\$28,910
5. HVAC (new space)	5782	SF	\$ 30.00	\$173,460
6. Electrical (Includes TV & Radio Studio)	5782	SF	\$ 45.00	\$260,190
7. Fire Supression and Alarm Systems				\$0
8. Telephone, Data, Video	5782	SF	\$ 10.00	\$57,820
9. Associated Construction Costs - Specialtie Shutters & Access Con	5782	SF	\$ 20.00	\$115,640
10. Other: <u>Phasing & Logistics</u>	5782	SF	\$ 10.00	\$57,820
Equipment				
1. Fixed				\$0
2. Moveable				\$251,000
Total Cost of Work				\$ 1,523,040

Items below may be calculated by percentage or lump sum. If using lump sum, make entry in \$ field.

DESIGN FEE	10 %	(% of Estimated Construction Costs)	\$ 152,304
PRECONSTRUCTION COSTS		(% of Estimated Construction Costs [1% for CM@Risk])	\$ -
COMMISSIONING	1 %	(0.5% simple; 1.0% moderate; 1.5% complex)	\$ 15,230
SPECIAL INSPECTIONS/MATERIALS	1.25 %	(1.25% estimated)	\$ 19,038
SUSTAINABILITY	0 %	(3% LEED Gold, 2% LEED Silver)	\$ -
ADVANCE PLANNING	3 %	(% of Estimated Construction Costs) Includes programming, feasibility, analysis	\$ 45,691
CONTINGENCIES	5 %	(% of Estimated Construction Costs [3% New or 5% R&R])	\$ 76,152
ESTIMATED COSTS		(% of Estimated Construction Costs + Contingencies + Design Fee)	\$ 1,831,456

Escalation = percent per month multiplied by number of months

(From Est. Date to mid-point of construction) = 16 months 5.0 % annually beginning on month 1

ESCALATION COST INCREASE (Total of Estimated Construction Costs x Escalation %) \$122,097

TOTAL ESTIMATED PROJECT COSTS (Estimated Construction Costs + Escalation Cost Increase) **\$ 1,953,553**

APPROVED BY: [Signature]
 (Governing Board or Agency Head)

TITLE: AVC Facilities Management

Date 24 OCT 19

STATE OF NORTH CAROLINA - DEPARTMENT OF ADMINISTRATION
STATE CONSTRUCTION OFFICE
PROPOSED REPAIR & RENOVATION OR CAPITAL IMPROVEMENT PROJECT
BIENNIUM 2019-2021

Form OC-25
(Rev 10/2018)

DEFINITIONS OR EXPLANATIONS

(Items not listed below are presumed to be self-explanatory. Questions may be directed to the State Construction Office.)

Item on Form	Definition/Explanation
CURRENT ESTIMATED CONSTRUCTION COST	Attach basis and justification for estimate. Include description, quantities, units, special features, similar cost on recent projects, etc.
A. Land Requirement	Includes purchase and acquisition costs (title search, filing fees, other legal fees, etc.) required to obtain land.
B. 1. Demolition	Includes but may not be limited to lead and/or asbestos testing and removal, building or interior space demolition in whole or part.
B. 2. Site Work	Includes but may not be limited to grading, excavating, poor soils and/or rock removal, utilities relocation, roads, walks, parking, streambank repairs, stormwater management, retaining walls, rainwater harvesting systems, landscaping.
C. 1. Utility Services	Attach explanation of any special building, mechanical, or electrical service requirements with appropriate distance to existing buildings, water, gas, electrical or other utility service.
C. 9. Associated Construction Costs	Includes but may not be limited to construction fire alarm testing, utility shut downs, utilities, signage, security, displaced parking, staging, lock cores, keys, State Construction Office charges.
C. 10. Other	List other significant sources of cost not included elsewhere. Additional lines may be added if needed.
PRECONSTRUCTION COSTS	Includes but may not be limited to land surveys, lead/asbestos surveys, environmental assessments, copying, postage, costs of print advertising, and destructive testing. For CM at Risk, preconstruction costs are consistent with the requirements of the preconstruction services agreement.
CONTINGENCIES	Unanticipated or unforeseen conditions including but not limited to design error and omissions, concealed site conditions, utility conflicts, and extended overhead resulting from weather or other delay.

The University of North Carolina
Request for Advance Planning, New, or Increase in Capital Improvement Project

Institution Appalachian State University Advance Planning Request New Capital Project

Code _____ Item _____*

Increase in Authorization from \$ _____ to \$ _____ Code _____ Item _____

Interscope Project Number _____

*If this project has previously had advance planning authority, please identify relevant code/item number.

Project Title Career Development Center Relocation

Project Cost \$1,953,553

Source of Funds **Debt Service Fee (DSF)**

(If multiple funding sources are used, identify source and % distribution across sources, refer to list of fund sources on page 2. Sum of all sources should equal 100%.)

For each advance planning project or capital construction project, please provide the following:

1. A detailed project description and justification. The project will consolidate and renovate spaces within the ASU Plemmons Student Union to allow the ASU Career Development Center to consolidate its operations from its existing space at the John E. Thomas Building and the Plemmons Student Union into a single unified operation enhancing its effectiveness, capabilities and programmatic goals.
2. An estimate of acquisition, planning, design, site development, construction, contingency and other related costs (attach a completed OC-25 form).
3. An estimated schedule for the completion of the project (enter dates mm/dd/yr).
 Designer start 2/12/2020 Construction start 1/21/2021 Construction complete 6/23/2021

4. An estimated schedule of cash flow requirements over the life of the project by FY quarters (omit for advance planning requests).

FY/Qtr	19-20 Q3	19-20-Q4	20-21-Q1	20-21-Q2	20-21-Q3	20-21-Q4
\$ Amount	35,000	35,000	35,000	35,000	906,800	906,800

5. An estimate of maintenance and operating costs and source of funding to support these costs, including personnel, covering the first five years of operation (omit for advance planning and non-general fund requests, required for general fund requests).

Year	Year 1	Year 2	Year 3	Year 4	Year 5
Source/ \$ Amount					

6. An estimate of revenues, if any, likely to be derived from the project, covering the first five years of operation (omit for advance planning and non-general fund requests, required for general fund requests).

Year	Year 1	Year 2	Year 3	Year 4	Year 5
Source/ \$ Amount					

7. An explanation of the means of financing (i.e. cash reserves using the fund sources identified above, campus debt financing to be retired with the identified fund source, etc.). **Debt Service Fee (DSF)**

Fund Sources

Group Type	Title	Reporting Abbreviation	Description
State Appropriations	R&R	RR	Funds appropriated by the legislature for campus repairs and renovations in 13 statutorily prescribed categories.
State Appropriations	Carry Forward	CF	State appropriations carried forward under the 2.5% permitted by legislation. By Session Law, carry forward is considered non-general fund when it is carried forward.
Mandatory Student Fees	Athletics Fee	SAF	Fees collected specifically for support of campus student athletics and recreation services.
Mandatory Student Fees	Campus Safety Fee	SSF	Fees collected specifically for support of campus safety items such as emergency phones and cameras.
Mandatory Student Fees	Debt Service Fee	DSF	Debt service fees authorized for specific projects.
Mandatory Student Fees	Education and Technology Fee	ETSF	Fees collected specifically for support of education and technology items.
Mandatory Student Fees	Health Services Fee	HSF	Fees collected specifically for support of campus student health services.
Mandatory Student Fees	Other Student Fees	OSF	Any other student fees authorized and collected for other purposes, but not listed in above categories.
Auxiliary Trust Funds	Athletics	AR	Receipts from ticket sales, gifts, donations, cash reserves, including Athletics Foundation reserves.
Auxiliary Trust Funds	Dining	DR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Housing	HR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Transportation and Parking	TR	Receipts from operations, cash reserves.
Auxiliary Trust Funds	Utility Trust Funds	UTF	Receipts from operations, cash reserves from operation/management of all/any campus utilities (steam, chilled water, etc.).
Auxiliary Trust Funds	Other Auxiliary Trust Funds	OTF	Receipts from operations, cash reserves from other campus auxiliaries not specified above.
Other Trust Funds	Centennial/Millennial Campus Funds	CMF	Receipts from operations, cash reserves under the Millennial Campus financing act.
Other Trust Funds	Clinical Receipts	CR	Receipts from operations, cash reserves.
Other Trust Funds	Facilities and Administrative	FA	Overhead receipts (facilities and administrative overhead) generated from campus research.
Private Sources/Foundations	Donations and Gifts	DG	Contributions made by gift, donation, bequest, or other private sources.
Private Sources/Foundations	Endowment	ENDF	Funds from the endowment fund of the University.

Form PO-2
Rev. 10/01
Original and one copy to State Property Office

**STATE OF NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION
DISPOSITION OF REAL PROPERTY**

Institution or Agency: Appalachian State University Date: November 5, 2019

The Department of Administration is requested, as provided by GS §146-28 et seq., to dispose of the real property herein described by *purchase, lease, rental, or other (specify)*. **Second Amendment to Rooftop Lease to relocate and replace equipment.**

This disposition is recommended for the following reasons:

To enhance the cellular communication network to the campus and surrounding community.

Description and Address of Property: *(Attach additional pages if needed.)*

Approximately 95.31 square feet of ground space adjacent to Cone Residence Hall (existing site), 135 Brown Street, Boone, North Carolina 28608: SPO File No. 095-1D29; PIN# 2900-97-0608-000.

Estimated value: N/A

Where deed is filed, if known: Watauga County, Deed Book 90 at page 56.

If deed is in the name of agency other than applicant, state the name:

Rental income, if applicable, and suggested terms:

Annual Rental Rate of \$16,200.00 +3% Annual increase as detailed in the lease agreement.

Funds from the disposal of this property are recommended for the following use:

(Complete if Agency has a Governing Board.)

Action recommending the above request was taken by Appalachian State University Board of Trustees and is recorded in the minutes thereof on November 5, 2019.

Signature: _____

Name/Title: **Sheri Everts/ Chancellor**

**BYLAWS OF THE BOARD OF TRUSTEES
OF
APPALACHIAN STATE UNIVERSITY**

Article 1

Relation to Laws and University Policies and Regulations

1.1 Composition, Powers and Duties of the Board of Trustees – Provisions for membership on the Board of Trustees of Appalachian State University (“the Board” or “Board of Trustees”), officers of the Board, required meetings and general powers and duties of the Board shall be as set forth in North Carolina General Statutes, Chapter 116, Article 1, Part 3, *The Code of the Board of Governors of The University of North Carolina* (“*The Code*”), Chapter IV, or other provisions of The University of North Carolina Policy Manual (“The UNC Policy Manual”), latest edition.

1.2 Other Duties and Authority of the Board of Trustees – Other duties and authority shall be as set forth in “Delegations of Duty and Authority to Boards of Trustees,” or other provisions of The UNC Policy Manual, latest edition.

1.3 Responsibilities for Endowment Fund – Responsibilities of the Board of Trustees for the creation and maintenance of an endowment fund shall be as set forth in North Carolina General Statutes, section 116-36, *The Code*, or other provisions of The UNC Policy Manual, latest edition.

1.4 Hierarchy of Authority – The provisions of sections 1.1, 1.2, and 1.3 shall govern over any conflicting provisions in these Bylaws.

1.5 Definitions

1.5.1 “Annual Meeting” means the first regular meeting after June 30 of each year.

1.5.2 The terms “Board of Trustees” and “Board” shall mean the Board of Trustees of Appalachian State University, composed of 13 persons pursuant to North Carolina General Statutes, section 116-31(d) as follows:

- (1) Eight elected by the Board of Governors;
- (2) Four appointed by the General Assembly, two of whom shall be appointed upon the recommendation of the President Pro Tempore of the Senate, and two of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives; and
- (3) The president of the student government, *ex officio*.

1.5.3 The term “constituency representatives” shall mean the individuals who serve as Chair of the Faculty Senate, Chair of the Staff Senate and President of the Alumni Association during their respective terms in office.

1.5.4 The terms “law” and “laws” shall be deemed to include all applicable State and federal legislative enactments, regulations adopted by State and federal agencies with jurisdiction, and policies adopted by the Board of Governors of The University of North Carolina.

Article 2 Meetings

2.1 Regular Meetings – There shall be at least three regular meetings of the Board of Trustees each calendar year and such additional meetings as may be deemed desirable. Any matter of business relating to Appalachian State University (the “University”), over which the Board of Trustees has jurisdiction, may be considered at any regular meeting.

2.2 Special Meetings – The Chair of the Board of Trustees or the Chancellor of the University may call special meetings of the Board by giving notice thereof in accordance with applicable law. The Secretary of the Board, at the written request of not less than three members of the Board, may call special meetings of the Board by giving notice thereof in accordance with applicable law. The Board may, by unanimous vote of those present at the special meeting, conduct any business other than that for which the meeting was called.

2.3 Notice of Meetings – Timely notice (generally, at least seven days) prior to each regular meeting of the Board of Trustees and its committees, including an agenda and copies of all reports and other written materials (insofar as is practicable) to be presented at the meeting, shall be provided to each member of the Board by the Assistant Secretary. Insofar as is practicable, a copy of the agenda of each special meeting of the Board shall be provided to each member of the Board at least four days in advance of a special meeting; however, if such advance notice is not practicable, the agenda for a special meeting may be presented to the members of the Board as the first order of business at the meeting.

2.3.1 Preparation of Agenda – The agenda for every meeting shall be prepared by the Chancellor or the Chancellor’s staff, in conjunction with and subject to the approval of the Chair of the Board. Every request for inclusion of an item on the agenda of a meeting shall be put in writing and filed, together with any supporting documents, with the Chancellor sufficiently far in advance of the meeting to permit a determination to be made by the Chancellor with respect to the propriety and practicability of including that item on the agenda for the meeting.

2.3.2 Items Not on Agenda – Any member of the Board of Trustees may present to any meeting of the Board any item whether or not the same is on the agenda of the meeting. However, such items may not be acted upon without the approval of two-thirds of the members of the Board present for such a meeting.

2.4 Conduct of Business

2.4.1 Presiding Officer – The Chair shall preside over all meetings of the Board of Trustees. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and the Vice-Chair, a presiding officer shall be elected by and from the membership of the Board of Trustees.

2.4.2 Voting – A quorum of the Board of Trustees shall consist of a majority of the Board. All members of the Board of Trustees may vote on all matters coming before the Board for consideration. No member may vote by proxy.

2.4.3 Rules of Order – Except as modified by these Bylaws or specific rules and regulations enacted by the Board of Trustees, *Robert's Rules of Order*, latest available edition, shall constitute the rules of parliamentary procedure applicable to all meetings of the Board of Trustees and its several committees.

2.4.4 Manner of Acting - Except as otherwise provided in these Bylaws or required by applicable law, the affirmative vote of a majority of the members participating in a meeting of the Board shall be the act of the Board if a quorum is present when the vote is taken. Any meeting of the Board where the members are not gathered at the same location may be held by teleconference or any other media through which the members participating in the meeting may hear and directly communicate with each other.

2.5 Minutes – The Assistant Secretary shall keep minutes of all meetings of the Board of Trustees; shall file, index, and preserve all minutes, papers, and documents pertaining to the business and proceedings of the Board; shall be custodian of all records of the Board; and, in the absence of the Secretary, shall attest the execution of all legal documents and instruments of the University. The Assistant Secretary shall transcribe the minutes of the meetings and provide a copy to each member of the Board.

2.6 Closed Session – By vote of a majority of the members present at any meeting of the Board of Trustees, the Board may convene in closed session, consistent with State law and policy.

2.7 Recess – A meeting of the Board for which notice has been posted in accordance with North Carolina General Statutes, section 143-318.12(b), may be recessed to a specific time and place by announcement of the presiding officer in open session.

2.8 Constituency Representatives – Constituency representatives shall be invited to attend each Board meeting and advise the Board on matters of business before the Board that affect or are of interest to their respective constituencies when the Board is convened in open session.

2.9 Committee Meetings – All provisions of this Article 2 shall apply to committee meetings insofar as these provisions can be practically implemented, except as otherwise expressly stated in these Bylaws. Minutes of committee meetings shall be transcribed by recording secretaries

appointed from time to time by respective presiding officers and forwarded to the Assistant Secretary.

Article 3 Standing Committees

3.1 Nominating Committee – The Chair shall appoint a Nominating Committee composed of three members of the Board of Trustees prior to the Annual Meeting and at such other times when offices are vacated. The Nominating Committee shall present to the full Board, at the Annual Meeting or at such other time as the Board may designate, nominees for the offices of Chair, Vice-Chair, Secretary, and Assistant Secretary.

3.2 Executive Committee – The Executive Committee shall consist of five members as follows: the Chair of the Board, who will serve as Chair of this Committee; the Vice-Chair of the Board; and three other members appointed annually by the Chair of the Board. The responsibilities of this Committee shall be as follows:

3.2.1 Act on behalf of the full Board with respect to matters requiring action between meetings of the full Board of Trustees.

3.2.2 Assist the Chancellor in representing the University's financial needs and priorities with members of the General Administration, Board of Governors, and legislative bodies.

3.3 Academic Affairs Committee – The Academic Affairs Committee shall consist of at least four members appointed annually by the Chair of the Board of Trustees. The responsibilities of this Committee shall be as follows:

3.3.1 Upon recommendation of the Chancellor, or upon decision of the Committee, review and make recommendations to the Board pertaining to:

- a. awarding of emeritus/emerita faculty status;
- b. granting of leaves of absence to faculty and academic administrative (EPA) personnel;
- c. selection of recipients of the Board of Trustees Travel Study Grant;
- d. granting of honorary degrees; and
- e. establishment of distinguished professorships and endowed chairs.

3.3.2 Upon recommendation of the Chancellor, or upon decision of the Committee, review and make recommendations to the Board on matters related to promotion and tenure of faculty, and make recommendations to the Board on all institutional policies and regulations governing faculty tenure and promotion.

3.4 Student Affairs Committee – The Student Affairs Committee shall consist of at least four members appointed annually by the Chair of the Board of Trustees. Appropriate smaller groups

of members may be appointed from time to time to work with individual areas. The responsibilities of this Committee shall be as follows:

3.4.1 Upon recommendation of the Chancellor, or upon decision of the Committee, review and react to the objectives of the Student Affairs division outlined in strategic planning documents.

3.4.2 Upon recommendation of the Chancellor, or upon decision of the Committee, review and make recommendations to the Board of Trustees on the formulation of University policies affecting the Student Affairs division.

3.4.3 Serve as an advocate to the Board of Trustees and the Board of Governors for the needs of programs in Student Affairs at Appalachian, through the Chancellor and Vice Chancellor for Student Affairs.

3.4.4 Hear the concerns of Appalachian students as expressed by their official representatives.

3.4.5 Work jointly with other committees of the Board of Trustees to review matters in Student Affairs which affect other areas of the University when appropriate.

3.4.6 Hear appeals from aggrieved students when such appeals are referred to the Committee by the Chair of the Board of Trustees and make recommendations to the full Board as to the resolution of such appeals. The action of the full Board on such appeals shall be final, except as otherwise provided in *The Code*.

3.5 Business Affairs Committee – The Business Affairs Committee of the Board of Trustees shall consist of at least four members appointed annually by the Chair of the Board of Trustees. The responsibilities of this Committee shall be as follows:

3.5.1 Upon recommendation of the Chancellor, or upon decision of the Committee, assess and make recommendations to the Board of Trustees for long-range physical needs and improvements.

3.5.2 Upon recommendation of the Chancellor, or upon decision of the Committee, review and make recommendations to the Board of Trustees on land needs and priorities for the acquisition of real property.

3.5.3 Work with the Chancellor and the Vice Chancellor for Business Affairs, to assist in establishing the biennial capital improvement program for the institution.

3.5.4 Assistance will be provided to the Chancellor and the Vice Chancellor for Business Affairs in the selection of architects and/or engineers for capital projects.

3.5.5 Upon recommendation of the Chancellor, or upon decision of the Committee, review and make recommendations to the Board of Trustees on the operation and financing of auxiliary activities.

3.5.6 Upon recommendation of the Chancellor, or upon decision of the Committee, and in cooperation with the Executive Committee, review and make recommendations to the Board of Trustees on the biennial budget.

3.6 Audit Committee – The Audit Committee shall consist of at least four (4), members of the Board of Trustees. The primary purpose of the Audit Committee is to assist the Board in fulfilling its oversight responsibilities for (i) integrity of the financial statements of the University, (ii) performance of the University's internal audit function, (iii) assurance that the University is performing self-assessments of operating risks and evaluations of internal controls on a regular basis, and (iv) the University's information security program. The Committee shall be organized, and exercise its duties and responsibilities, in accordance with the "Charter of the Audit Committee of the Board of Trustees" ("Charter"), as adopted by the Board of Trustees on September 22, 2006, or amended thereafter.

3.7 Appeals Committee - The Appeals Committee shall consist of five (5) members to be selected and agreed upon by the Chair of the Board of Trustees and the Chair of the Faculty Senate. The purpose of the Committee is to consider (i) appeals from faculty members that involve imposition of serious sanctions consistent with Section 603 of *The Code* and the provisions of the personnel policies and procedures published in corresponding sections of the *Faculty Handbook* and (ii) appeals of grievances by faculty members on decisions regarding promotion, tenure, post-tenure review or other matters directly related to faculty members' employment status and institutional relationships pursuant to Section 607 of *The Code* and corresponding sections of the University's *Faculty Handbook*. Each appeal shall be transmitted through the Chancellor and be addressed to the Chair of the Board of Trustees. The Appeals Committee shall base its consideration of the appeal upon the written transcript of hearings held by the Faculty Due Process Committee or the Faculty Grievance Hearing Committee, as the case may be. The Appeals Committee also may, in its discretion, hear such other evidence as it deems necessary. The Appeals Committee shall make a recommendation to the Board of Trustees in each case.

3.8 Athletics Committee – The Athletics Committee shall consist of at least four (4) members appointed annually by the Chair of the Board of Trustees. The responsibilities of this Committee shall be as follows:

3.8.1 Consistent with Board of Governors policies that make the Chancellor (subject to policies adopted by the Board of Governors and Board of Trustees) responsible for the establishment and supervision of the University's program of intercollegiate athletics, consult with the Chancellor at the Chancellor's request on any matters relevant to intercollegiate athletics programs;

3.8.2 Make recommendations to the Board of Trustees regarding institutional policies, procedures and programs related to intercollegiate athletics with the aim of ensuring that the

University meets the Board's expectations for academic and competitive success, quality student-athlete experiences and compliance with NCAA requirements;

3.8.3 Review the Chancellor's annual report on intercollegiate athletics pursuant to Board of Governors policies: and

3.8.4 Upon recommendation of the Chancellor, review employment contracts for athletics coaches and the athletics director, and make recommendations thereon to the Board of Trustees.

3.9 Governance Committee – The Governance Committee shall consist of the same five (5) members of the Executive Committee, with the Chair of the Board serving as the Chair of the Governance Committee and the Vice-Chair of the Board serving as the Vice-Chair of the Governance Committee. The Governance Committee shall be responsible for approving the membership, composition, bylaws and governing rule changes of all university-affiliated organizations and the University's appointments to the AppalCART Board of Directors. The Governance Committee shall present to the full Board, at the Annual Meeting or at such other time as the Board may designate, its recommendations in each case.

3.910 Following election of Board officers, the Chair of the Board of Trustees will, except as otherwise expressly provided in these Bylaws, appoint the members and chairs of all standing committees.

3.1011 Except with respect to the Nominating Committee, the Chair and Vice-Chair shall be members *ex officio* of every Standing Committee. If present, *ex officio* members shall be counted to determine the presence of a quorum. If *ex officio* members are not present, the number required for a quorum is determined without regard to their membership on the committee.

Article 4 Officers

4.1 At the Annual Meeting, the Board of Trustees shall elect from its membership a Chair, a Vice-Chair, and a Secretary. Each officer shall serve from adjournment of the meeting at which the officer is elected until a respective successor is elected. If the term of the Chair as a member of the Board of Trustees expires before a successor as Chair is elected, then the Vice-Chair shall become the interim Chair until the Chair's successor is elected. The Board may also elect an Assistant Secretary from among the members of the Chancellor's staff. No person may be elected to any office, other than the office of Assistant Secretary, for more than two consecutive terms.

4.2 Officers shall be elected by a majority vote of the full Board. If a vacancy occurs in any office, the Board of Trustees shall elect a person to serve for the remainder of the unexpired term.

4.3 Duties and authority of each officer shall be as provided in *Robert's Rules of Order*, latest available edition, except as they may be expressly modified in these Bylaws. The Secretary shall keep the Board of Governors, through the Secretary of The University of North Carolina, fully and

promptly informed concerning activities of the Board of Trustees, including notice of any changes in the membership of the Board or in its committee structure or bylaws, notices of meetings, and a copy of the minutes of all meetings. The Secretary may delegate duties to the Assistant Secretary. The Assistant Secretary may certify copies of all minutes, papers, and documents of the Board of Trustees with the same force and effect as though such certification were made by the Secretary of the Board.


Article 5 Amendment

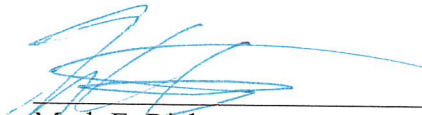
These Bylaws may be amended at any regular or special meeting of the Board of Trustees by an affirmative vote of a majority of the members of the Board if the substance of the amendment has been filed in writing with the Assistant Secretary and a copy has been provided to each member of the Board at least seven days prior to the meeting at which the amendment is to be voted upon.

Approved – February 9, 1979
Amended – September 5, 1985
Amended – December 7, 1990
Amended – December 1, 1995
Amended – March 23, 2001
Amended – September 5, 2003
Amended – December 2, 2005
Amended – December 8, 2006
Amended – September 19, 2008
Amended – December 4, 2009
Amended – September 24, 2010

Amended – December 10, 2010
Amended – June 17, 2011
Amended – June 8, 2012
Amended – December 12, 2014
Amended – March 27, 2015
Amended – May 6, 2015
Amended – December 4, 2015
Amended – September 22, 2017
Amended – March 16, 2018
Amended – November 5, 2019

Approved on November 5, 2019.


John M. Blackburn
Chair


Mark E. Ricks
Secretary