

**MINUTES OF REGULAR MEETING
OF
BOARD OF TRUSTEES
OF
YOUNGSTOWN STATE UNIVERSITY**

Tod Administration Building
Friday, September 23, 2005

Pursuant to notice duly given, a regular meeting (the two hundred sixty-second) of the Board of Trustees of Youngstown State University convened at 4:00 p.m., on Friday, September 23, 2005, in the Board Room in Tod Administration Building.

Ten trustees were present at the meeting, to-wit: Dr. H. S. Wang, chairperson of the board, who presided; Mr. William J. Bresnahan; Mr. Donald Cagigas; Mr. John L. Pogue; Mr. Larry D. DeJane; Ms. Millicent S. Counts; Mr. Scott R. Schulick; Dr. Dianne Bitonte Miladore, and student trustees Mr. Paul L. Walker and Ms. Louise Popio. Dr. Sudershan K. Garg was absent.

Also present were: Dr. David C. Sweet, President; Mr. John L. Habat, Vice President for Administration; Dr. Cynthia E. Anderson, Vice President for Student Affairs; and Franklin S. Bennett, Jr., secretary to the board of trustees. Also present were approximately 20 persons, including deans, members of the faculty, students, administrators, and members of the news media.

The chairperson called the meeting to order.

ITEM I - PROOF OF NOTICE OF MEETING.

Evidence was available to establish that pursuant to Article II, Section 2, of the board's *Bylaws*; written notice of today's special meeting was timely provided to each of the trustees, the student trustees, and to the president.

ITEM II - DISPOSITION OF MINUTES FOR REGULAR MEETING HELD JUNE 24, 2005 AND SPECIAL MEETING HELD SEPTEMBER 1p, 2005.

The chairperson stated that disposition of the minutes of the board's regular meeting held June 24, 2005 and special meeting held September 1, 2005 would be deferred until the next regular meeting of the board.

ITEM III - OATH OF OFFICE OF NEW STUDENT TRUSTEE LOUISE POPIO.

The chairperson reported that Governor Taft had appointed Ms. Louise Popio as student trustee for the term concluding May 2007. At the request of the chairperson, the secretary administered the oath of office to Ms. Popio, and she was invited to take her seat with the board of trustees.

ITEM IV - REPORT OF THE PRESIDENT OF THE UNIVERSITY.

Dr. Sweet distributed copies of Youngstown 2010 Citywide Plan. Dr. Sweet reminded the trustees that the Andrews Recreation and Wellness Center would be dedicated Sunday afternoon, September 25th.

ITEM V - REPORTS OF THE COMMITTEES OF THE BOARD.

The board considered the following committee reports and recommendations:

1. Finance & Facilities Committee.

The chairperson recognized Mr. Bresnahan, chairperson of the Finance and Facilities Committee, who stated that the committee was recommending one resolution for adoption by the board. On behalf of the committee, Mr. Pogue then moved the adoption of the following resolution:

Resolution to Accept Proposal to
Perform Energy Conservation Measures and to Secure Financing

YR 2006-03

WHEREAS, the Ohio Revised Code Sections 3345.61-66 enable the Board of Trustees of a public state university to implement energy conservation measures for its buildings, structures and systems using installment financing plans; and

WHEREAS, the Board of Trustees adopted a "Resolution to Authorize Performance Contracting" at its meeting of September 24, 2004, authorizing the Administration to solicit bids for energy saving measures; and

WHEREAS, the Administration requested proposals from several energy conservation vendors, received detailed

proposals from three companies and conducted extensive interviews with same; and

WHEREAS, the Administration recommends that the proposal by Johnson Controls, Inc. ("JCI") be accepted as it will most likely result in the greatest energy cost savings; and

WHEREAS, JCI will guarantee the annual amount of savings it projects from recommended energy conservation measures and pay the amount of any shortfall; and

WHEREAS, the Administration has complied with applicable requirements of Ohio Revised Code Sections 3345.64-66 in soliciting proposals, assessing qualifications, and reviewing cost projections; and

WHEREAS, the Administration seeks to borrow up to \$12,000,000 to finance the energy conservation improvements recommended by JCI and to repay any such loan with the annual savings in energy and operating costs realized as a result of such improvements;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees accepts the recommendation to contract with JCI to make energy conservation improvements to the campus in an amount not to exceed \$12,000,000 and authorizes the Administration to negotiate and enter into a contract with respect to same; and

BE IT ALSO RESOLVED, that the Board of Trustees has determined that the cost of the proposed contract is not likely to exceed the amount of money the University would save in energy and operating costs over no more than ten years; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Administration to seek third party financing for the JCI contract, pursuant to ORC 3345.65, and to return to the Finance and Facilities Committee with a recommendation for final action.

Following discussion, the motion received the affirmative vote of all trustees present. The chairperson declared the motion carried and the resolution adopted.

2. Joint Internal Affairs and Finance & Facilities Committee.

The chairperson recognized Mr. Pogue, chairperson of the Internal Affairs Committee, who stated that the committee was recommending two resolutions for adoption by the board. On behalf of the committee, Mr. Pogue then moved the adoption of the following resolution:

Resolution to Ratify
YSU-ACE Labor Agreement

YR 2006-04

WHEREAS, an *Agreement* for 2005-2006, 2006-2007, and 2007-2008 between Youngstown State University and the Youngstown State University Association of Classified Employees, an affiliate of the Ohio Education Association, has been negotiated; and

WHEREAS, the membership of the Youngstown State University Association of Classified Employees has ratified the proposed *Agreement*;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Youngstown State University that the *Agreement* between Youngstown State University and the Youngstown State University Association of Classified Employees for the period August 16, 2005, through August 15, 2008, is hereby ratified.

Following discussion, the motion received the affirmative vote of all trustees present. The chairperson declared the motion carried and the resolution adopted.

On behalf of the committee, Mr. Pogue then moved the adoption of the following resolution:

Resolution to Approve Terms and Conditions
For Classified Civil Service Employees
Excluded From Collective Bargaining

YR 2006-05

WHEREAS, the Board of Trustees ratified a collective bargaining *Agreement* with the Youngstown State University Association of Classified Employees (YSU-

ACE) for the three-year period August 16, 2005, through August 15, 2008, which defines wages and other terms and conditions of employment for classified employees in the bargaining unit; and

WHEREAS, it is deemed to be equitable and in the best interest of the University to extend the same provisions of the *Agreement* to classified employees excluded from collective bargaining; and

WHEREAS, these provisions are in the areas of wages, leaves, transfers and promotions, layoff and recall, vacation and insurance benefits;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Youngstown State University that pay increases specified in Article 3, as well as other terms and conditions of employment as stated in Articles 14, 15, 16, 17 and 22 of the *Agreement* be extended to all classified employees excluded from collective bargaining, except for employees in the law enforcement field in the YSU Police Department, commencing August 16, 2005, and ending August 15, 2008.

Following discussion, the motion received the affirmative vote of all trustees present. The chairperson declared the motion carried and the resolution adopted.

ITEM VI - COMMUNICATIONS AND MEMORIALS

The board considered no communications or memorials.

ITEM VII - UNFINISHED BUSINESS

The board considered no unfinished business.

ITEM VIII - NEW BUSINESS

The board considered no new business.

ITEM IX - TIME AND PLACE OF UPCOMING REGULAR MEETINGS

Upon motion made by Mr. Cagigas, seconded by Mr. Pogue, which received the affirmative vote of all trustees present, the trustees resolved to set the following dates and times for the next regular meetings of the board:

4 p.m., Tuesday, October 4, 2005
3 p.m., Wednesday, December 14, 2005
3 p.m., Friday, March 17, 2006
3 p.m., Friday, June 23, 2006

ITEM X - ADJOURNMENT

Upon motion duly made and seconded, the meeting was duly adjourned by unanimous vote of the trustees at 5:15 p.m.

Chairperson

ATTEST:

Secretary to the Board of Trustees