

RESOLUTION

RESOLUTION TO AUTHORIZE THE PRESIDENT OF ATHENS STATE UNIVERSITY TO EXECUTE LIMITED PURCHASES OF REAL PROPERTY AND TO APPROVE CONTRACTS FOR CAPITAL IMPROVEMENTS, ALTERATIONS, REMODELING AND CHANGING OF CAPITAL IMPROVEMENTS.

WHEREAS, as established by Alabama Act No. 2012-497, now codified at § 47A-1, and those following of the Code of Alabama, 1975, as amended, Athens State University ("the University") is governed by its Board of Trustees ("the Board"); and,

WHEREAS, the Board has all rights to promote the University and to hold and lease, sale, or dispose of any of the University's property, real or personal, or any estate or interest therein, as the Board may deem best for the purposes of the University; and,

WHEREAS, the President of the University, with the approval of the Board, may execute any lease, deed, or other instrument of conveyance on behalf of the Board and University, without additional approval; and,

WHEREAS, the Board has exclusive authority over and jurisdiction of land, buildings, and other capital improvements now existing on or hereinafter provided for the University's campus; and,

WHEREAS, no contract for capital improvements, alterations, remodeling, and changing of capital improvements shall be made without the authorization and approval of the Board, which approval shall be granted by appropriate resolution of the

Board, with any contract, agreement, or other act relating to any such capital improvements, except for maintenance and repairs to existing facilities, being void and of no effect unless so authorized by appropriate resolution of the Board; and,

WHEREAS, the Board, in its duly noticed and scheduled meeting on the eleventh day of January, 2013, upon hearing from the President of the University at said meeting, determined that it would be in the best interests and purposes of the University for the President of the University to have limited authority to solicit, entertain, negotiate, execute, and/or bind the University to certain transactions concerning the acquisition of real property by the University and capital improvements, alterations, remodeling, and changing of capital improvements,

WHEREAS, the Board, determined that the President's authority to complete the aforementioned transactions should be limited to expending no more than \$350,000 for real property purchases in the aggregate for any given fiscal year, so long as sufficient budgetary resources exist and the proposed expenditure is consistent with the University's best interests and strategic priorities.

Contracts for capital improvements, alterations, remodeling and changing of capital improvements should be limited to \$500,000 in the aggregate for any given fiscal year, so long as sufficient budgetary resources exist and the proposed expenditure is consistent with the University's best interests and strategic priorities. **AND**, the President of the University will provide a facilities project status

report to the Board of Trustees at regular scheduled meetings and/or as requested by the *Chair Pro Tempore*.

WHEREAS, upon motion having been duly made at said meeting by Garth Lovvorn, and seconded by Macke Mauldin for the Board to resolve to grant the President of the University such authority as determined by the Board to be in the best interests and purposes of the University, with discussion had thereon and a vote having been taken, upon which vote said motion carried by a unanimous vote;

THEREFORE, BE IT RESOLVED, by the Board of Trustees of Athens State University during its meeting on the 11th day of January, 2013, that the President of the University shall hereafter have the authority to solicit, entertain, negotiate, execute, and bind the University to any transactions concerning the acquisition of certain real property not exceeding \$350,000 in the aggregate during any fiscal year and to any contracts relating to certain capital improvements, alterations, remodeling and changing of capital improvements not exceeding \$500,000 in the aggregate during any fiscal year, so long as sufficient budgetary resources exist and the proposed expenditure is consistent with the University's best interests and strategic priorities without further approval of the Board and to expend the funds associated with the aforementioned transactions and projects not to exceed the amounts designated by the Board and this resolution.

AND, BE IT FURTHER RESOLVED, the President of the University shall be further authorized without further Board approval, to execute and direct the execution of any such documents and instruments as may be required in the furtherance, completion, and performance of any such transaction, including obtaining any such execution required from the Board, and to approve project cumulative change order increases not to exceed ten percent of Board-approved project amount for any given project.

ADOPTED, RESOLVED, AND APPROVED this 11th day of January, 2013.

<u><i>President Tim DeWald</i></u>	<u>1/11/13</u>	ATTESTED this <u>11th</u> day of <u>Jan.</u> , 2013
Chair pro tempore	Date	
<u><i>TH Mc</i></u>	<u>1/11/13</u>	<u><i>Patrick Gooch</i></u>
Vice Chair pro tempore	Date	Secretary to the Board