

RESOLUTION No. 1-07-19-2019

Restatement of Resolution originally adopted by the Board on January 11, 2013

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 § 11-47A-1, *et seq.* of the *Code of Alabama* as amended, Athens State University (the "University") is governed by its Board of Trustees (the "Board");

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;

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;

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;

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;

WHEREAS, the Board, at its meeting on January 11, 2013, 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, 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 improvements, and so, to that end, the Board on that date adopted a *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
(the "2013 Resolution");

WHEREAS, that 2013 Resolution, among other things, authorized the President to enter into contracts for capital improvements, alterations, remodeling, and changing of capital improvements to \$500,000.00 for any given fiscal year; and

WHEREAS, that Board wishes to amend and restate that 2013 Resolution in order to clarify that the \$500,000.00 limitation is on a "per project" basis, and is limited to \$1.5 million in the aggregate (not including projects individually approved by the Board).

THEREFORE, BE IT RESOLVED, by the Board of Trustees of Athens State University during its meeting on July 19, 2019, as follows:

1. The President of the University is authorized to solicit, negotiate, execute, and/or bind the University in transactions concerning the acquisition of real estate by the University, involving the University's expenditure of no more than \$350,000.00 for real property purchases in the aggregate for any given fiscal year (not including projects individually approved by the Board), so long as sufficient budgetary resources exist and the proposed expenditure is consistent with the University's best interests and strategic priorities.

2. The President of the University is authorized to solicit, negotiate, execute, and/or bind the University in transactions concerning capital improvements, alterations, remodeling and changing of capital improvements, involving the University's expenditure of no more than \$500,000.00 per project and \$1.5 million in the aggregate (not including projects individually approved by the Board) for any given fiscal year, so long as (a) sufficient budgetary resources exist, (b) the proposed expenditure is consistent with the University's best interests and strategic priorities, and (c) 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*.

3. 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 the transactions referenced in #1 and #2 above, 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.

4. The 2013 Resolution is replaced and superseded by this Resolution.

~~ADOPTED, RESOLVED AND APPROVED~~, this the 19TH day of July, 2019



Ronnie Chronister, Chair *Pro Tempore*, Athens State University Board of Trustees



Macke Mauldin, Vice Chair *Pro Tempore*, Athens State University Board of Trustees



Jackie Gooch, Secretary, Athens State University Board of Trustees

