The University of Central Missouri Board of Governors convened in Plenary Session on Wednesday, January 23, 2008, at 8:00 a.m. in Union 237B on the university’s main campus located in Warrensburg, Missouri. Presiding over the meeting was Board President Deleta Williams. Others in attendance were Governors Jennifer Nixon, Richard Phillips, Lawrence Fick, Walter Hicklin, Michelle Wimes, Edward Baker, and Anthony Arton. Also present were University President Aaron Podolefsky, General Counsel Judith Siminoe, and Assistant Secretary to the Board Monica Huffman.

**Plenary Session**

**Call to Order** – Agenda Item No. 1

Ms. Williams called the meeting to order and determined that a quorum was present to conduct business.

**Remarks by the Board President** – Agenda Item No. 2

Ms. Williams began her remarks by stating she anticipates an exciting, challenging and successful semester for the campus, and that the Martin Luther King Freedom Scholarship dinner held last evening is evidence of this. Ms. Williams noted that she has heard nothing but positive remarks about the event and stated that it was very successful. She commended Dr. Sonny Castro and the planning committee for the outstanding job they did in putting the event together.

Ms. Williams said that she had the opportunity last week to attend another fundraiser that was held for Friends of the Music Department. She noted that the Music Department is very excited about this endeavor. Other remarks included recognition of Anthony Arton, who has served as student governor for the past two years. Ms. Williams noted that Mr. Arton graduated in December with his undergraduate degree, but remains a student and will serve on the Board until a new student governor is appointed by the Governor. An appointment is anticipated sometime in the next two to three months. She thanked him for his willingness to continue to serve.

Ms. Williams also recognized and congratulated Ms. Wimes on her new position as the National Director of Strategic Diversity Initiatives with Shook Hardy & Bacon LLC in Kansas City. She leaves Spencer Fane Britt & Browne LLC, where she was a partner.
Ms. Williams reminded the Board that the Association of Governing Boards Annual Meeting will be held April 12-15. Board members interested in attending should contact Monica Huffman by February 15.

**Remarks by the University President** - Agenda Item No. 3

President Podolefsky stated that the Martin Luther King Freedom Scholarship Dinner was very successful and joined Ms. Williams in thanking Dr. Castro for his leadership. He noted that this is Dr. Castro’s first year as Chief Diversity Officer and it is evident that he is making a difference. He expressed his appreciation to the planning committee, to Sodexho who was responsible for bringing Earvin “Magic” Johnson to campus, and to Dr. Betty Roberts for her inspiration in moving the dinner to a higher level.

Other remarks included:

- UCM is pleased with Governor Blunt’s recent budget message, which includes a 4.2% increase for UCM. The budget allocates one-third of the funds UCM requested for the Preparing to Care initiative to UCM, which will provide significant resources for its nursing program. The January 15 consumer price index is 4.1%, which affects the cap on UCM’s tuition. For several months, there has been talk of recession and tax revenue shortfalls occurring within the next few years. President Podolefsky noted that it will be critical for UCM to maintain some flexibility to meet any challenges it may experience during difficult times. Overall, UCM is pleased with the budget.

- President Podolefsky recently returned from a very successful trip in Florida to raise friends and funds. He noted that Florida is home to 2,000 alumni, which are critically important to the university. There are a number of very strong supporters in Florida that have made provisions for UCM, and it is important to remain connected with them. UCM hosted four alumni events during his visit to Florida, which included receptions and a couple of private dinners in Naples, Ft. Lauderdale, Orlando and Tampa. He reiterated that UCM is a national university, with 80,000 alums all across the U.S. and stated the importance of making connections nationwide. Larry Cowan is doing well and recovering from his surgery at his Florida home. He commended Jenne Vanderbout for stepping in for Mr. Cowan at the last minute to make the visits with him.

- President Podolefsky will leave for Washington, D.C. on Sunday. While there he will meet with members of Missouri’s Congressional delegation and present nine proposals for possible federal support. Ms. Pearce distributed the 2009 Federal Funding Proposal Priority Listing, UCM’s 2008 Report on Social and Economic Impact, and a copy of an article titled Forward Focus that was featured in the November 2007 issue of American Executive (Attachment 1).

- On December 26, 2007, President Bush signed bills containing earmarks for phase I of an Autism Spectrum Disorder Clinic at UCM (the first of hopefully a
three-part proposal) and Max B. Swisher Skyhaven Airport expansion. If all goes well, these are the first direct appropriations UCM will receive.

- Over the past few years, the Board has received updates on the evolving discussion of the airport expansion for Max B. Swisher Skyhaven Airport. Now that the State of Missouri has provided $1.5 million to UCM for the grading package, and possibly another $1 million from the federal government, UCM can move forward with the grading and the start of a much larger project. One of the next steps is to begin raising money for the terminal. He reminded the Board that the runway cannot be lengthened or expanded until the current terminal is removed because of its close proximity to the runway. President Podolefsky noted that the Aviation Program is a signature academic program for the university. A newly constructed terminal with classroom and training facilities would first have to be built before demolishing the current one. With the possibility of $2.5 million in funding, it is nearing time to begin a drive to raise monies for a new terminal. President Podolefsky showed a DVD that would be used to launch a drive when the appropriate time comes.

**General Session**

**Minutes of the December 14, 2007, Board of Governors Meetings** – Agenda Item No. 4

*Ms. Wimes moved that the Board of Governors approve the minutes of the December 14, 2007, Board of Governors meetings. The motion was seconded by Mr. Fick and carried unanimously.*

**Reports**

**Governance Groups Written Reports** – Agenda Item No. 5

Ms. Williams noted that governance groups written reports were included under Tab 4 of the meeting materials (Attachment 2).

**Legislative Update and 2008 Agenda** – Agenda Item No. 5

Ms. Pearce referred the Board to Tab 5 of the meeting materials, which contained a briefing paper pertaining to a proposed 2008 UCM State Legislative Agenda (Attachment 3). She noted that this proposed agenda was initially presented to the Board at its December 14, 2007, meeting, and that the Board was asked to review the document and determine if it wanted to take a specific position on any of the issues listed. She noted that legislation including a student voting member on the Board is expected to come forward again during this legislative session, and that in 2007, UCM’s Board of Governors took action in opposition to this. She said that if the Board has changed its position on this matter, it would need to take action to state so. There was no discussion.
Mr. Hicklin moved that the Board of Governors accept UCM’s 2008 Legislative Agenda as presented. The motion was seconded by Mr. Baker and carried unanimously.

Mr. Wright participated in the report via teleconference. His update included an overview of the Governor’s budget for higher education, which includes an increase of $1.3 million for UCM, plus $407,000 for the Preparing to Care Initiative, for a total of $60 million to the institution for FY 2009.

**Board Committee on Academic Affairs**

**Changes to the Master of Science in Technology and Occupational Education Degree** – Agenda Item No. 7

Mr. Phillips stated that a briefing paper describing the proposed changes to the Master of Science in Technology and Occupational Education Degree program, was included under Tab 6 of the meeting materials (Attachment 4). He noted that there are no additional costs associated with the changes, which include a title change and the regrouping of some of the degree’s offerings.

*Mr. Phillips moved that the Board of Governors approve (1) a change in title for the Master of Science in Technology and Occupational Education to a Master of Science in Career & Technical Education (CTE) Leadership, and (2) the offering of three options for completion of the degree program to include CTE Teaching Leadership, CTE Administration Leadership, and CTE Industry Training Leadership. The motion was seconded by Ms. Nixon and carried unanimously.*

**Board Committee on Administration & Finance**

Ms. Nixon asked Dr. Roberts to present the following agenda items.

**Quarterly Investment Report** – Agenda Item No. 8

Dr. Roberts called on Mr. Merrigan to review the Quarterly Investment Report included under Tab 7 of the meeting materials (Attachment 5). He noted that yields are continuing to drop and that the Federal Reserve reduced the federal funds rate 75 basis points, or ¾ of a percent, from 4.25% to 3.5%. In the past year, UCM has seen one-year treasury rates decline from 5.06% to 2.81%. This decline is very similar to what was experienced in 2002-2003, when the State of Missouri and other states experienced a reduction in their state revenues due to people reporting lower domestic earnings on their income tax. This resulted in a state withholding in 2002 and a base budget cut and temporary withholding of three-months of the university’s appropriation in 2003-2004. Mr. Merrigan does not anticipate this happening again, but stated that in the event it did, some reserves need to be placed on the books to address unforeseen circumstances.
Quarterly Statement of Revenues & Expenditures  - Agenda Item No. 9

Mr. Merrigan reviewed the Quarterly Statement of Revenues & Expenditures included under Tab 8 of the meeting materials (Attachment 6). Of particular note was a continuous shift of tuition dollars from the main campus to extended campus. Mr. Merrigan noted that main campus tuition dollars for fall were below budget compared to extended campus where tuition dollars were above. However, when adding the dollars for both campuses, the tuition exceeds the budget by $253,000.

Construction Management Contract – Morrow Garrison/Student Recreation and Wellness Center Project  – Agenda Item No. 10

Dr. Roberts began by stating that the Construction Management (CM) firm for the Morrow Garrison/Student Recreation and Wellness Center project will not be the same firm to construct the facilities. She explained that Missouri statutes require a competitive bid process for the selection of such a firm. If the projected schedule for the project stays on track, it is possible that the competitive bid process for a construction firm will commence in the May/June timeframe.

Dr. Roberts referred the Board to Tab 9 of the meeting materials, which contained a briefing paper detailing the process used for bidding the CM contract (Attachment 7). She said there is great value to integrating a construction professional’s knowledge and expertise into the design process of a building project from its inception. Dr. Roberts pointed out that UCM does not have capital planning staff, which would typically oversee the construction of such a project. She said that the magnitude of these facilities will require constant and regular oversight with regards to scheduling, procurement of materials, change orders, etc., and that there is a trend in higher education to engage construction management firms from the very beginning of a project all the way through to completion. The CM brings familiarity in all aspects of the architectural/engineering design and construction processes and helps the university to make competent decisions regarding how the facilities should be constructed. UCM proposes to use a CM whose services it can rely upon to manage the entire construction process for this project.

Dr. Roberts noted that the process used in the selection of a CM is outlined in the briefing paper. She said that the process utilizes a Request for Qualifications (RFQ), something very different from a Request for Proposals or Request for Bids. The university seeks to find the best “qualified” firm to work with it to deliver a successful project. Dr. Roberts explained that the RFQ was sent to 19 firms; of these, four responded. The firms were evaluated based solely on their qualifications. Price bids were submitted in separate envelopes and revealed only if a firm was determined to be the most qualified, at which time negotiations commenced.

The four firms were interviewed and told that if they were the firm to be deemed the most qualified by the committee, UCM would then enter into negotiations. The most qualified firm that emerged from the process was JE Dunn Construction Company of Kansas City, Missouri, one of the premiere construction firms in the region. UCM conducted a survey
to determine what CMs are typically paid. Peer institutions and the State were also contacted to help determine the appropriate range of fees. UCM discovered that fees could range anywhere from 2.8% to 3.4% depending on the complexity of the project. The State indicated it could even be as high as 6%. UCM entered into negotiations with JE Dunn, which resulted in a fee of 2.95%. The committee has not presented its recommendation to the President; however, it is anticipated that the President would approve the recommendation for submittal to the Board for final approval.

In an effort to keep the project on schedule and construction costs down, the Board is being asked to authorize a contract with JE Dunn as the CM for the Morrow Garrison/Student Recreation and Wellness Center project for a fee of 2.95% of construction costs ($826,000), pending the President’s acceptance of the committee’s recommendation. Mr. Hicklin said it seems that the recommendation should first be submitted to the President and upon his approval, be forwarded to the Board for final approval. Dr. Roberts acknowledged that this would be the normal process and that she had originally planned to bring the item to the February Board meeting. However, delays in the project may cause project costs to rise as a result of a 2.5% quarterly increase in construction costs. Dr. Roberts stated the committee is completing its work and anticipates submitting its recommendation to the President within the next week. It is for these reasons that the recommendation is being made to the Board subject to the President’s approval of the committee’s recommendation.

Mr. Baker stated that negotiations may be more effective and successful if UCM were to consider more than a single firm. He added that the diverse backgrounds and expertise of Board members would be beneficial in conducting this type of evaluation, as well as provide a perspective different from academics. Mr. Baker said a project of this magnitude should not be rushed and indicated he would like to see the evaluation of the final firms considered.

Dr. Roberts noted that her background is administration and that she has extensive experience and background in working with capital projects. Ms. Nixon asked Dr. Roberts to share the background of the committee members. Dr. Roberts said the committee consists of 17 members comprised of faculty, students, and staff with various degrees of expertise related to the use of academic space. The committee has met on a number of occasions to deliberate and has consulted with one another and with industry experts including architectural/engineering and construction firms. President Podolefsky added that Mike Gebeke, director of facilities, and Larry Ray also served on the committee. Dr. Roberts noted that Mike Gebeke is also a professional engineer.

Ms. Wimes asked how the 2.95% was arrived at. Dr. Roberts stated a subcommittee of the committee negotiated the rate with JE Dunn. Included in this subcommittee were Mr. Bill Ward, director of procurement, Mr. Ray, Ms. Beth Rutt and Dr. Dirk Nelson.

Mr. Hicklin noted that state funds are to be used for the renovation of Morrow Garrison and student fees are to be used for the construction of the Student Wellness and Recreation Center. He asked how planning and design costs would be proportionately
assessed to each segment of the project. Dr. Roberts said that her understanding is that under no circumstances can auxiliary and tuition/state funds be mixed. The amount allocated to each will be determined through the discussion and planning process once it they are initiated. Careful calculations will have to be made to ensure the appropriate assessment of fees is made to each of the funds. Dr. Roberts stated that the numbers are not yet known because the process has not been completed.

Mr. Hicklin asked for clarification on the bidding process. Dr. Roberts said it is not a bid process, but a qualification-based process, whereby the selection of the firm is based solely upon qualifications. It is only after being determined the “most” qualified firm that the bid is opened and negotiations commence. If negotiations prove unsuccessful, then UCM would move on to the second “most” qualified firm and initiate negotiations.

Ms. Nixon noted that the process for bidding architectural and engineering services contracts is governed by Missouri statutes. She asked if the bidding process used for the CM is also governed by the same statutes. Dr. Roberts said that Missouri law does not govern the process used for CMs; however, UCM used the same qualification process used for A/Es. Ms. Nixon said that in reviewing the results of a recent audit conducted of capital projects, it is apparent that the State of Missouri is looking to see if agencies are following the statutes.

Mr. Baker asked what the scoring was of the different firms. Dr. Roberts stated she did not have the information available at the meeting. When evaluating the qualifications of the firms, the committee looked for the firm who could do the best job for the university in the most cost effective, economic, and efficient way. Mr. Baker said that the Board should expect to receive a summary of the process, a listing of the top 2 or 3 firms, and their rankings to show strengths and weaknesses. Having this information would make it easier for the Board to make an informed decision.

Ms. Wimes expressed confidence and trust in the committee’s expertise and judgment. She said clearly, the committee has conducted thorough research and held extensive deliberations, and does not feel the Board should micromanage the committee’s work.

Ms. Wimes moved that the Board of Governors authorize award of contract to JE Dunn Construction Company of Kansas City as Construction Manager for the Morrow-Garrison/Student Recreation and Wellness Center project for a fee not to exceed 2.95% of construction costs, pending approval by the President. The motion was seconded by Ms. Nixon. Ms. Williams called for discussion.

Mr. Baker stated that given the magnitude and cost of the project, the Board has a responsibility to provide some oversight of the project and to provide their expertise. Mr. Phillips said he does not question the integrity of the evaluation process that was conducted. His only concern is that the recommendation is coming to the Board before it has been presented to the President. As noted earlier by Mr. Hicklin, he believes the recommendation should first be made to the President, and if he agrees with it, then he should make a recommendation to the Board for final approval. He agreed the project
should not be delayed and proposed that a conference call could be held once the committee makes its recommendation to the President and he has approved it. Ms. Wimes stated that the effect would be the same because the Board’s approval today is subject to the President’s approval. The name of the firm and the recommended fee are included in the recommendation and would require further Board action if the President did not approve the firm. Ms. Williams noted there have been many instances where the Board has been asked to take action on something subject to certain conditions, and has done so. If something were to happen that the President did not support the recommendation of JE Dunn, then the Board would be required to take further action.

President Podolefsky stated that he attended all of the interviews, as did members of the President’s Cabinet and members of the committee. He believes the committee acted under the assumption that the Board supported the process according to Board policy. President Podolefsky said that if the Board wants to begin the process again by bringing the firms back to interview before the Board, this would deviate from past procedure.

Ms. Nixon said that there is a very narrow margin between the negotiated rate of 2.95% and the 2.8% that was found to be the very bottom of the range in the committee’s research. She said she would be concerned if the rate was higher, but given the marginal difference, she is comfortable with the recommendation.

Ms. Wimes made a motion to close the discussion; it was seconded by Ms. Nixon and passed with a voice vote. Ms. Williams asked for a roll call vote on the motion to award a contract to JE Dunn Construction Company of Kansas City as Construction Manager for the Morrow-Garrison/Student Recreation and Wellness Center project for a fee not to exceed 2.95% of construction costs, pending approval by the President. After polling Mr. Fick, Mr. Hicklin, and Mr. Phillips, all of whom voted in favor of the motion, confusion was expressed regarding what the Board was voting on. Ms. Williams clarified that the motion to close discussion passed with a voice vote, and that the roll call vote was for the motion to award a contract to JE Dunn Construction Company, pending approval by the President. Ms. Williams asked Ms. Huffman to begin the roll call vote over again:

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The motion passed with a majority vote.

Award of Contract for Architectural and Engineering Design Services for the Morrow-Garrison Complex and Student Recreation and Wellness Center – Agenda Item No. 11

Dr. Roberts referred the Board to Tab 10 of the meeting materials which contained a briefing paper that provided background information for this item (Attachment 8). Dr. Roberts stated that the renovation of Morrow Garrison was first placed on UCM’s capital
projects list that was submitted as a request to the State in 2000. Additionally, the students have long desired a student recreation and wellness center. The funding for both is now forthcoming. In 2006, the State appropriated $13,229,000 for the renovation of Morrow Garrison through the Lewis and Clark Discovery Initiative. In 2007, the students passed a referendum for the Student Recreation and Wellness Center at a cost of $20,500,000. The Request for Qualifications issued by UCM was subject to RSMo Section 8.285-8.291. Dr. Roberts reviewed the briefing paper, citing the legislation that mandates a qualification-based selection process for the hiring of architects and engineers.

Dr. Roberts stated that selection of a firm is based solely on competency and not fees. In fact, fees could not be solicited as part of the evaluation process initially. Fees were submitted in a separate envelope. The RFQ stated that UCM would objectively and systematically create a short list of the most qualified firm and conduct interviews of those firms. The committee was comprised of faculty, staff, and students. It met on several occasions to assess the qualifications of the firms and is still in the process of rank ordering them. At present, the top four firms deemed as the most qualified are Gould Evans, Hastings & Chivetta, Moody Nolan, and RDG Planning, all of whom were invited to interview with members of the evaluation committee, interested members of Health and Human Performance Department, Student Affairs, the President’s Cabinet, and other interested parties. Dr. Roberts reviewed the backgrounds of the four firms. As previously noted, the committee still needs to complete its work, but believes that it will bring forward the top most ranked firm in the country.

Ms. Wimes moved that the Board of Governors authorize the award of an architect/engineer contract for the Morrow Garrison/Student Recreation and Wellness Center project, to the most qualified firm as approved by the President, at a fee not to exceed 9% of construction costs. The motion was seconded by Ms. Nixon. Ms. Williams asked for discussion.

Mr. Phillips restated his earlier concern that the recommendation should first be made to the President, and upon his approval, submitted to the Board for final approval. Mr. Hicklin said that he would like to see the names of the firms and their bids before approving a contract. Ms. Siminoe confirmed the statutes governing the process do not permit the individuals making the recommendations to take price into account. The process established in RSMo Section 8.285-8.291, requires that the most qualified firm first be established before conducting negotiations. If negotiations prove unsuccessful once they commence, then UCM would proceed to the second most qualified firm for negotiations. Dr. Roberts added that it is for this reason that peer surveys were conducted. Mr. Hicklin stated that once the top firm is selected and negotiations have concluded, he would like to know the reasons why it was or was not selected, particularly before proceeding to negotiate with a second firm. He said the Board has a responsibility to have knowledge of such things. He gave the example of the selection of the Master Plan consultants. The bid price was within the authority of the President, however, the Board should have been informed of the final outcome in regard to costs. Mr. Hicklin noted that Board members are questioned about such things by constituents, as he was with the Master Plan, and that the Board should at least be made aware of the outcome. Mr. Baker
agreed with Mr. Hicklin’s concerns and stated that transparency is critical to the Board in making well-informed decisions.

Ms. Nixon acknowledged that the process as required by Missouri statutes can be alarming. She suggested that following the selection of the most qualified firm and successful negotiations, that a phone conference of the Board be held for a final vote. The Board agreed.

Ms. Nixon asked if there is anything in SB 322 that prohibits listing of the firms and their total technical scores. Ms. Siminoe stated she did not know. President Podolefsky said there are many different approaches accrediting bodies use to determine if a process is transparent. When one goes beyond determining if the process is followed, then Board review gets into managing the decision. President Podolefsky stated that the briefing paper details the process and how it was followed. He added that UCM would not want to publicize the firms’ rankings, because if the second most qualified firm ended up with the contract, the public would know it was second choice. President Podolefsky assured the Board that the process as outlined in the briefing paper is being followed, and that the top four firms are world-class and that the university would be hard-pressed to find better ones. President Podolefsky said that the recommendation specifies a fee not to exceed 9% of construction costs. If negotiations with the most qualified firm did not result in a fee of 9% or less, UCM would begin negotiations with the second most qualified firm.

*Mr. Phillips asked if the motion could be amended to say “that the Board of Governors authorize the award of an architect/engineer contract for the Morrow-Garrison/Student Recreation and Wellness Center project, to the most qualified firm as approved by the Board of Governors, upon the recommendation of the President, at a fee not to exceed 9% of construction costs. Ms. Wimes and Ms. Nixon accepted the Mr. Phillips’ recommendation.*

*Ms. Wimes restated the amendment to the motion, that the Board of Governors authorize the award of an architect/engineer contract for the Morrow-Garrison/Student Recreation and Wellness Center project, to the most qualified firm as approved by the Board of Governors, upon the recommendation of the President, at a fee not to exceed 9% of construction costs. The motion to amend the motion was seconded by Mr. Hicklin. Ms. Williams called for discussion; there was none. She asked for a roll call vote.*

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The motion carried with a unanimous vote.  *Ms. Williams then asked for a roll call vote on the motion as amended:*

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The motion carried with a majority vote. A conference call will be held once negotiations are completed and the President has accepted a recommendation made by the committee.

**Board Committee on Student Affairs**

Ms. Wimes, Chair of the Board Committee on Student Affairs, reported the committee did not meet this month. She had nothing to report.

**Board Business Items**

**Request for Closed Session – February 20, 2008**  – Agenda Item No. 12

*Ms. Nixon moved that pursuant to RSMO 610.021, that the UCM Board of Governors meet in closed meeting with closed record and closed vote, following the February 20, 2008, Plenary Session for the purpose of considering real estate matters, legal actions, and personnel matters. The motion was seconded by Mr. Phillips and carried with the following roll call vote:*

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**Adjournment**

There being no further business to conduct, the meeting adjourned at 9:45 a.m.
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