

MINUTES

HIGHER EDUCATION POLICY COMMISSION

March 4, 2010

1. Call to Order

Chairman David Hendrickson convened a special meeting of the Higher Education Policy Commission at 2:00 PM in the 9th Floor Conference Room at 1018 Kanawha Boulevard East, Charleston, West Virginia, and by conference call. The following Commission members were present: Bruce Berry, Kathy Eddy, John Estep, Kay Goodwin, David Hendrickson, and David Tyson. Absent: Bob Brown, John Leon, and Steven Paine. Also in attendance were institutional presidents, higher education staff, and others.

2. Possible Executive Session under the Authority of WV Code §6-9A-4

A. Approval of Possible Property Acquisition

Chairman Hendrickson announced that the Commission will discuss and vote on the possible property acquisition in the public meeting and not go into Executive Session.

Chairman Hendrickson requested that Chancellor Noland provide an overview of the details of the possible property acquisition. Chancellor Noland described the buildings and land included in the proposed donation from The Dow Chemical Company, also referred to as the Union Carbide Corporation, to the West Virginia Higher Education Policy Commission. Chancellor Noland reported on the occupancy, leasing, and future plans for Buildings 740, 770, and 2000.

Chancellor Noland indicated that Chuck Lawrence, Executive Director of the Real Estate Division, was in attendance and available to answer questions regarding the proposed timeline or budgetary items. Chancellor Noland noted the important work of Mr. Lawrence and his staff over the course of the past few months in working with state and company officials regarding a detailed assessment of the donation and transition plans.

Commissioner Eddy inquired if the funds needed to implement the timeline are in hand or in process through grant applications. Dr. Paul Hill, Vice Chancellor for Science and Research, responded that the Commission has acquired a planning grant from the Economic Development Authority and intends to apply for additional grants. Dr. Hill noted that, in order to qualify for most grants, the Commission needs to own the property.

Commissioner Eddy also inquired about the proposed timeline and the ability to meet the deadlines associated with assessment and renovation. Mr. Lawrence responded that the state is hoping to use The Dow Chemical Company for some of the work including the demolition of old structures that will not be utilized for office or lab space.

Vice Chairman Berry inquired about the savings of \$4.4 million by mothballing Building 770 and whether there would be any on-going costs for the building. Mr. Lawrence responded that the degree to which Building 770 will be mothballed will be determined in the planning and transition period. Depending upon the course of action, Mr. Lawrence stated that there will be limited or no on-going costs associated with Building 770.

Chancellor Noland indicated that the Donation Agreement provides protection for the state regarding any environmental issues that existed prior to the state accepting the property. Chairman Hendrickson thanked Bruce Walker, Ellen Cappellanti, Jonathan Deem, and others regarding their work on securing the environmental language in the Donation Agreement. Chairman Hendrickson advised that the state is fully protected from any unknown environmental issues that existed during the period of ownership by The Dow Chemical Company. Commissioner Tyson agreed that the proposed language will eliminate the state's liability.

Chancellor Noland noted that the Governor, members of the Commission, city, county, and state government have been working with Dow officials for months to reach an agreement regarding the proposed donation. Chancellor Noland recommended approval of the proposed donation and execution of the Donation Agreement.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the "Final Amendment to Donation Agreement" between Union Carbide Corporation and the Commission and authorizes it's Chairman to execute the document accepting the donation.

Ms. Eddy seconded the motion. Motion passed.

3. Additional Board Action and Comment

Chancellor Noland provided a brief overview of discussions with the Governor's Office of Technology to examine efficiencies regarding the delivery of technology services to state government agencies including higher education institutions. Chancellor Noland stated that a full report will be provided at the April 23, 2010 Commission meeting.

Chairman Hendrickson indicated that the Commission is looking forward to receiving the report and exploring options to increase efficiencies. Secretary Goodwin advised that no decisions should be made until the Commission has an opportunity to review the proposed plan for creating such efficiencies.

4. Adjournment

There being no further business, the meeting was adjourned.

David K. Hendrickson

Chairman

Kathy Eddy

Secretary