

Schedule
Fairmont State University Board of Governors
April 9, 2009

Falcon Center Board Room
Fairmont State University

12:45 p.m. Buffet Luncheon..... Room 301

1:30 p.m. Full Board Meeting.....Board Room

Fairmont State University Board of Governors
Meeting of April 9, 2009
Falcon Center Board Room
1:30 p.m.

AGENDA

Call to Order

1. Opening Comments
2. Last Call for Public Comment Sign-up
3. Approval of Minutes (2/12/2009 & 3/27/09) Tab 1 Action Item

Operations Reports

1. Faculty Senate Report (*Chuck Shields*)
2. Classified Staff Report (*Harriet Bower*)
3. Student Government Report (*Kelley Bronson*)
4. Foundation Report (*Jean Ahwesh*)
5. Alumni Association Report (*Devanna Corley*)
6. Athletic Association Report (*Rusty Elliott*)
7. President's Report (*Charles J. McClain*)
8. Chairman's Report (*Andy Kniceley*)

Committee of the Whole

1. Financial Report (*Rick Porto*) Tab 2 FYI
2. Termination of Investment Agreement for the College Facilities Revenue Bonds Series 2002A (Apartments and Parking Garage) (*Rick Porto*) Tab 3 FYI
3. Capital Project Update (*Jim Decker*) Tab 4 FYI
4. Feaster Center Elevator, Steps, HVAC & Women's Locker Room Project (*Rick Porto*) Tab 5 Action Item
5. Folklife Center Project (*Jim Decker*) Tab 6 Action Item
6. Housing Contracts for 2009-10 (*Dan Gockley*) Tab 7 Action Item
7. Approval of Fee Proposal (*Rick Porto*) Tab 8 Action Item

Old Business

New Business

Public Comment

Possible Executive Session

_____ moved pursuant to 6-9A-4(b)2A of the WV Code that the Board shall go to into Executive Session to discuss personnel and personnel matters, which if discussed in public might adversely affect the reputation of any person.

2

Next meeting date is Thursday, May 14, 2009 in the Board Room – Falcon Center

Fairmont State University
BOARD OF GOVERNORS
MINUTES
March 27, 2009

1. Call to Order

A meeting of the Fairmont State University Board of Governors was held on March 27, 2009 beginning at 12:00 p.m. in the Board Room of the Falcon Center. Present at the meeting were Board Members: Jeffery Barr, Janet Crescenzi, Galen Hansen, James Kettering, Andy Kniceley, Rocco Muriale, Mark Pallotta, Shirley Stanton, Skip Tarasuk, and Donna Trickett. Those Board members not in attendance were: Bob Kittle and Ron Tucker. Also in attendance were: FSU Interim President Charles J. McClain and Sarah Hensley.

2. Presidential Search Committee Vice Chairman Jim Kettering moved that the Board extend a contract offer to Dr. Thomas Krepel to become the next President of Fairmont State University in keeping with the recommendation of the search committee. Further, in the event he doesn't accept, for the chairman to extend a contract offer to a different candidate in keeping with the Search Committee's recommendation. Rocco Muriale seconded. Motion carried.
3. Janet Crescenzi made a motion to give Chairman Kniceley the authority to negotiate the new President's contract. Rocco Muriale seconded. Motion carried.

There being no further business, meeting was adjourned.



Chairman

Fairmont State University
BOARD OF GOVERNORS
MINUTES
February 12, 2009

1. Call to Order

A meeting of the Fairmont State University Board of Governors was held on February 12, 2009 beginning at 1:30 p.m. in the Board Room of the Falcon Center. Present at the meeting were Board Members: Jeffery Barr, Janet Crescenzi, Galen Hansen, James Kettering, Andy Kniceley, Rocco Muriale, Mark Pallotta, Skip Tarasuk, Donna Trickett and Ron Tucker. Those Board members not in attendance were: Bob Kittle and Shirley Stanton. Also in attendance were: FSU Interim President Charles J. McClain, President Blair Montgomery, Michael Belmear, Dale Bradley, Jim Decker, Sarah Hensley, Phil Mason, Rick Porto and Maria Rose.

2. Special Welcome

The Chairman recognized the return of BOG member Janet Crescenzi and Harriet Bower, President of Classified Staff Council, who have been out for health reasons. Jeffery Barr was introduced as the new Student Board Member.

3. Approval of Minutes

Skip Tarasuk moved the minutes of December 11, 2008 meeting be approved. Rocco Muriale seconded. Motion carried.

4. Operation Reports

- 1) Chuck Shields reported for Faculty Senate
- 2) Harriet Bower reported for Classified Staff Council
- 3) Kelley Bronson reported for Student Government
- 4) Jean Ahwesh reported for Foundation
- 5) Devanna Corley reported for Alumni Association
- 6) Rusty Elliott reported for Athletic Association
- 7) Charles J. McClain gave the President's Report
- 8) Andy Kniceley gave the Chairman's Report

5. Committee of the Whole

No action items were presented.

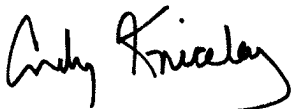
6. Executive Session

Rocco Muriale moved pursuant to 6-9A-4(b)9 of the WV Code that the Board shall go into Executive Session to consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision. Ron Tucker seconded. Motion carried.

7. Return from Executive Session

Galen Hansen moved we return to regular session. Skip Tarasuk seconded. Motion carried.

There being no further business, Rocco Muriale moved the meeting be adjourned. Ron Tucker seconded. Motion carried.



Chairman

**Board of Governors
Financial Report
Fairmont State University
Unrestricted Fund
for the period as of March 18, 2009**

The E&G Fund budget balance on net assets expected at the end of the 2009 fiscal year is \$-330,882. This is a change since the last report of \$179,261. The main reason for this reduction resulted from a reduced cost to the University for teaching service chargeback.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses
 Current Year 2009 March Current Unrestricted
 LEVEL 2

		Budgeted Current Year	Actual Current Year	Actual to Budgeted Current Year
OPERATING REVENUES	Tuition & Fees	20,265,655.00	18,818,749.68	92.86
	Tuition and Fees Support Services Revenue	527,829.00	486,987.00	92.26
	Faculty Services Revenue	1,268,259.00	1,233,134.00	97.23
	Federal Grants and Contracts	0.00	(20.15)	-
	State/Local Grant and Contracts	0.00	0.00	-
	Private Grants and Contracts	0.00	0.00	-
	Auxiliary enterprises revenue	0.00	(24.00)	-
	Operating Costs Revenue	2,452,136.86	1,603,042.55	65.37
	Support Services Revenue	3,592,966.30	2,145,635.92	59.72
	Other Operating Revenue	464,987.00	312,641.81	15.99
Sub Total		28,571,833.16	24,600,146.81	86.10
OPERATING EXPENSES	Salaries	21,540,809.74	13,402,313.39	62.22
	Benefits	5,613,708.29	3,259,019.08	58.05
	OPEB Expense	0.00	79,643.16	-
	Student Financial Aid-Scholarships	1,333,425.00	1,240,247.43	93.01
	Utilities	1,452,600.00	985,329.65	67.83
	Supplies and Other Services	7,249,206.68	4,518,919.91	62.34
	Equipment Expense	888,538.91	803,564.24	90.44
	Loan Cancellations and write-off	0.00	0.00	-
	Fees retained by the Commission	167,829.00	125,871.75	75.00
	Assessment for Faculty Services	1,502,589.00	1,485,561.00	98.87
	Assessment for Support Services	218,310.25	123,905.14	56.76
	Assessment for Tuition, Aux, & Capital Costs	2,862,411.00	2,648,230.00	92.52
	Assessment for Operating Costs	240,698.30	177,734.37	73.84
Sub Total		43,070,126.17	28,850,339.12	66.98
NONOPERATING REVENUES (EXPENSES)	State Appropriations	13,769,754.00	9,225,735.00	67.00
	Gifts	25,000.00	25,000.00	100.00
	Investment Income	266,166.00	128,215.43	48.17
	Interest on capital asset related debt	0.00	0.00	-
Sub Total:		14,060,920.00	9,378,950.43	66.70
EXCLUDE OPERATING	Exclude - Assets	(586,306.00)	(165,407.31)	28.21
	Exclude - Construction	0.00	0.00	-
	Exclude - Transfers for Debt Service	0.00	0.00	-
	Exclude - Transfers for Fin Aid Match	(170,107.00)	(170,107.00)	100.00
	Exclude - Indirect Cost Recoveries	765,926.40	341,923.22	44.64
	Exclude - Transfers for Capital Projects	96,978.00	96,978.00	100.00
	Exclude - Transfers - Other	0.00	0.00	-
Sub Total:		106,491.40	103,386.91	97.08
OPERATING LOSS WITHOUT STATE APPROPRIATIONS		(14,498,293.01)	(4,250,192.31)	29.32
BUDGET BALANCE (Includes \$527,201 spend down of fund manager funds)		(330,881.61)	5,232,145.03	(1,581.27)
NET ASSETS - Beginning of Year		6,045,284.27		
PROJECTED NET ASSETS - End of Year		5,714,402.66		

NOTE: At the October 9, 2008 meeting, the Board of Governors approved a spend down plan of \$582,004 of fund manager net assets. This includes \$132,004 of indirect cost budget carried forward from fiscal year 2008 and \$450,000 of course fee net assets.

**Board of Governors
Financial Report
Fairmont State University
Auxiliary Fund
for the period as of March 18, 2009**

The Auxiliary Fund budget balance projected at June 30, 2009 is \$0.00 with a planned transfer to plant reserves of \$676,366.

There was no budget change made in the Auxiliary Fund that impacted the planned transfer to plant reserves.

FSU Auxiliary Support
Actual vs Budget Statement of Revenues and Expenses

Current Year 2009 March Auxiliary
Auxiliary - Bd. Of Governors

		Budgeted Current Year	Actual Current Year	Actual to Budgeted Current Year
OPERATING REVENUES				
	Tuition and Fees	0.00	-869.29	-
	Tuition and Fees Support Services Revenue	0.00	0.00	-
	Auxiliary enterprises revenue	7,882,678.94	8,185,345.69	103.84
	Auxiliary Support Services Revenue	4,797,696.00	4,433,873.00	92.42
	Other Operating Revenue	302,588.60	196,327.44	64.88
Sub Total		12,982,963.54	12,814,676.84	98.70
OPERATING EXPENSES				
	Salaries	1,944,977.00	1,313,567.94	67.54
	Benefits	576,512.72	265,890.23	46.12
	OPEB Expense	0.00	7,046.28	-
	Student Financial Aid-Scholarships	450,400.00	340,907.50	75.69
	Utilities	754,180.94	463,185.62	61.42
	Supplies and Other Services	4,814,388.90	4,872,874.81	101.21
	Equipment Expense	82,407.00	72,484.64	87.96
	Loan Cancellations and write-off	1,131.00	0.00	-
	Assessment for Support Services	0.00	0.00	-
Sub Total		8,623,997.56	7,335,957.02	85.06
NONOPERATING REVENUES (EXPENSES)				
	Investment Income	0.00	7,721.40	-
	Interest on capital asset related debt	-100,472.60	-50,236.30	50.00
Sub Total:		-100,472.60	-42,514.90	42.31
EXCLUDE OPERATING				
	Exclude - Assets	-28,500.00	-7,210.00	25.30
	Exclude - Construction	0.00	0.00	-
	Exclude - Transfers for Debt Service	-3,550,202.00	-1,756,566.36	49.48
	Exclude - Transfers for Fin Aid Match	-3,425.00	-3,425.00	100.00
	Exclude - Transfers to Plant Reserves	-676,366.38	0.00	-
	Exclude - Transfers for Scholarships	0.00	0.00	-
	Exclude - Transfers - Other	0.00	0.00	-
Sub Total:		-4,258,493.38	-1,767,201.36	41.50
OPERATING INCOME/LOSS		4,358,965.98	5,478,719.82	125.69
BUDGET BALANCE		0.00	3,669,003.56	0.00
NET ASSETS - Beginning of Year		397,383.00		
PROJECTED NET ASSETS - End of Year		397,383.00		

**Board of Governors
Financial Report
Fairmont State University
Restricted Fund
For the period as of March 18, 2009**

Revenues:

Revenues increased	\$29,985.19
NASA AWARE	30,000.00
NASA ROBOTICS	(2.00)
NASA SPACE LIVING LEARNING	(12.81)

Expenditures:

Expenditures Increased	\$29,985.19
NASA AWARE	30,000.00
NASA ROBOTICS	(2.00)
NASA SPACE LIVING LEARNING	(12.81)

The budget balance of \$-696,267.29 is covered by the restricted fund cash balance of \$722,543.34 on June 30, 2008.

Fairmont State University
Actual vs Budget Statement of Revenues and Expenses

Current Year 2009 Prior Year 2008 March Current Restricted

LEVEL 2

		Budgeted Current Year	Actual Current Year	Actual to Budgeted Current Year
OPERATING REVENUES	Federal Grants and Contracts	33,497,526.95	27,760,328.88	82.87%
	State/Local Grants and Contracts	6,584,604.96	5,653,767.26	85.86%
	Private Grants and Contracts	3,405,175.00	2,184,166.57	64.14%
	Other Operating Revenue	835.00	0.00	0.00%
Sub Total		43,488,141.91	35,598,262.71	81.86%
OPERATING EXPENSES	Salaries	2,199,322.79	1,085,360.09	49.35%
	Benefits	394,475.31	198,591.37	50.34%
	Student Financial Aid-Scholarships	33,396,417.00	32,100,198.97	96.12%
	Utilities	19,082.00	7,525.60	39.44%
	Supplies and Other Services	5,533,308.14	1,131,681.23	20.45%
	Equipment Expense	1,922,707.59	883,207.13	45.94%
	Assessment for Support Services	0.00	0.00	0.00%
Sub Total		43,465,312.83	35,406,564.39	81.46%
NONOPERATING REVENUES (EXPENSES)	Investment Income	0.00	0.00	
Sub Total:		0.00	0.00	0.00%
EXCLUDE OPERATING	Exclude - Assets	-68,805.00	-19,989.99	29.05%
	Exclude - Transfers for Fin Aid Match	118,644.00	118,644.00	100.00%
	Exclude - Indirect Cost Recoveries	-768,935.37	-341,892.43	44.46%
	Exclude - Transfers - Other	0.00	0.00	0.00%
Sub Total:		-719,096.37	-243,238.42	33.83%
OPERATING INCOME/LOSS		22,829.08	191,698.32	839.71%
BUDGET BALANCE		-696,267.29	-51,540.10	7.40%
NET ASSETS - Beginning of Year**		722,543.34		
PROJECTED NET ASSETS- End of Year		26,276.05		

**Net Assets adjusted for year end audit entries not budgeted

**Fairmont State University Board of Governors
Meeting of April 9, 2009**

ITEM: Termination of Investment Agreement for the College Facilities Revenue Bonds Series 2002A (Apartments and Parking Garage). Informational Item

COMMITTEE: Committee of the Whole

STAFF MEMBER: Rick Porto, Vice President for Administrative and Fiscal Affairs

BACKGROUND:

The managing director of the MBIA Insurance Corp. of Illinois has notified us that they are terminating the investment agreement and returning all available amounts to the trustee (Wesbanco Bank). See attached letter.

This action is similar to the termination of the investment agreement that occurred last fall for the College Facilities Revenue Bonds Series 2003A (Bryant Place 400-suite dormitory).

Our plan is to get another investment agreement as soon as possible. We have been in contact with our trustee, underwriter, and bond counsel involved in this bonding.



EXPERIENCE COMMITMENT STRENGTH

March 23, 2009

Laura Schneider
MBIA Asset Management
113 King Street
Armonk, NY 10504

Re: FLEXIBLE DRAW INVESTMENT AGREEMENT / INC 0751

Dear Ms. Schneider:

This is in reference to **INVESTMENT AGREEMENT** ("the Agreement") dated as of December 2, 2002 between MBIA Inc., a Connecticut corporation ("INC") and WesBanco Bank, Inc., Wheeling, West Virginia, as trustee (the "Trustee") under a Bond Trust Indenture and Security Agreement, dated as of August 1, 2002 (the "Indenture"), between the Trustee and Board of Governors of Fairmont State College (the "Issuer") providing for the issuance of Board of Governors of Fairmont State College \$18,170,000 College Facilities Revenue Bonds Series 2002A (the "Bonds").

In regards to the February 18, 2009 notice of downgrade delivered by INC in accordance with Article 4 of the Agreement which constitutes an Insurer Downgrade, MBIA Insurance Corp. of Illinois (expected to be renamed National Public Finance Guarantee Corporation) formerly known as MBIA Insurance Corp as Administrator for Financial Guaranty Insurance Company as the Bond Insurer hereby provides this written direction instructing INC to return all Available Amounts to the Trustee and to terminate the Investment Agreement on the date of such return as if it were an Agreement Termination Date.

Please do not hesitate to contact me with any comments or questions.

Regards,

Gerry Murray
Managing Director
MBIA Insurance Corp. of Illinois
(expected to be renamed National Public Finance Guarantee Corporation)
formerly known as MBIA Insurance Corp



**national
public finance
guarantee**

MBIA Insurance Corp. of Illinois 113 King Street, Armonk, NY 10504 1-914-765-3333 www.nationalpfg.com

MBIA Insurance Corp. of Illinois is expected to be renamed National Public Finance Guarantee Corporation

CC:

WesBanco Trust and Investment Services
Corporate Trust Department
One Bank Plaza
Wheeling WV 26003
Jan Shelburne

FGIC
125 Park Avenue
New York NY 10017
Mary Francoeur, Director

Board of Governors of Fairmont State College
Administration and Finance
1201 Locust Avenue
Fairmont WV 26554-2470
Rick Porto

Capital Project Update: March 23, 2009

Upper Practice Field	Two sections of field have now been seeded. Remainder will be completed in the spring.
Tennis Courts	This project has been advertised. Prebid Meeting March 25, 2009. Bids due April 8, 2009. Project should be complete this fiscal year.
Education Building Roof & Waterproofing	Six architecture firms submitted expressions of interest for this project. Committee has selected top three firms to interview on April 14, 2009
Feaster Center Classroom Walls	Project is complete
Feaster Center Elevator	Structural steel, joist, & deck are complete. Openings have been cut into building. Floor slab on grade has been poured and mason will begin week of April 1st.
Feaster Center HVAC	Submittals are into arch/engineer for approval. Installation of units is expected first of June.
Feaster Center Pool Painting	Project is complete
Feaster Center Scoreboard	Scoreboard installation is complete. Minor touch-up needs completed. Time clock reinforcement is complete.
Folk Life Center	Exterior work is progressing as weather permits. Second phase pre-bid is April 9, 2009, bids are due April 23, 2009.
Locust Avenue	FSU and WVDOH are waiting for Allegheny Power to confirm final routing and associated costs.
College Apartments - Roof Replacement	Project is complete.
College Apartments - Wall Replacement	Upper wall installation is complete. Landscape work will proceed when weather permits.
Residence Hall furniture, boiler, egress exits, and floor covering	Furniture and floor covering are complete. Delayed egress exits are complete at Pence Hall and Prichard Hall, and Morrow Hall is started. Boiler work is complete at Morrow Hall.
Academic Fund	Hunt Haught Hall painting - project is complete
Physical Plant Small Projects	Several projects have been completed. There will be many throughout the year.

CAPITAL PROJECTS FY 2009 SUMMARY

Project	Budget			Expenses	Encumbrances	Available Budget
	Original Budget	Adjustments	Total Budget			
ATHLETIC FIELD - UPPER PRACTICE FIELD EXPANSION	\$ 20,000.00	\$ -	\$ 20,000.00	\$ 3,491.01	\$ -	\$ 16,508.99
ATHLETIC FIELD - TENNIS COURTS RESURFACE	\$ 60,000.00	\$ -	\$ 60,000.00	\$ -	\$ -	\$ 60,000.00
ATHLETICS - VEHICLES	\$ 52,000.00	\$ (20,808.00)	\$ 31,192.00	\$ 31,192.00	\$ -	\$ -
EDUCATION BUILDING - EXTERIOR WATERPROOFING	\$ 185,000.00	\$ -	\$ 185,000.00	\$ -	\$ -	\$ 185,000.00
EDUCATION BUILDING - ROOF REPLACEMENT	\$ 320,000.00	\$ -	\$ 320,000.00	\$ -	\$ -	\$ 320,000.00
ENGINEERING TECHNOLOGY ADDITIONS	\$ 258,861.75	\$ 22,779.21	\$ 281,640.96	\$ 281,640.96	\$ -	\$ 0.00
FEASTER CENTER - CLASSROOM WALLS	\$ 40,000.00	\$ (28,873.40)	\$ 11,126.60	\$ 11,126.60	\$ -	\$ 0.00
FEASTER CENTER - ELEVATOR & STEPS	\$ 1,415,382.50	\$ (30,114.76)	\$ 1,385,267.74	\$ 356,746.33	\$ 1,028,521.41	\$ -
FEASTER CENTER - HVAC PHASE II	\$ 282,751.37	\$ 79,589.35	\$ 362,340.72	\$ -	\$ 297,058.00	\$ 65,282.72
FEASTER CENTER - POOL PAINTING	\$ 30,000.00	\$ (7,415.10)	\$ 22,584.90	\$ 22,584.90	\$ -	\$ -
FEASTER CENTER SCOREBOARD	\$ 45,000.00	\$ (15,157.50)	\$ 29,842.70	\$ 29,842.70	\$ -	\$ -
IT INFRASTRUCTURE - IT EMERGENCY BACK-UP (proj postponed - moved budget)	\$ 200,000.00	\$ (200,000.00)	\$ -	\$ -	\$ -	\$ -
KENNEDY BARN - FOLKLIFE PHASE I	\$ 500,000.00	\$ 176,228.00	\$ 676,228.00	\$ 430,689.10	\$ 145,029.90	\$ 100,509.00
KENNEDY BARN - FOLKLIFE PHASE II (starts 5/2009 - \$200,000 in fy 2009; \$450,000 in fy 2010)	\$ 650,000.00	\$ -	\$ 650,000.00	\$ -	\$ -	\$ 650,000.00
LOCUST AVENUE	\$ 429,828.00	\$ (108,114.00)	\$ 321,714.00	\$ -	\$ -	\$ 321,714.00
PUBLIC SAFETY VEHICLE	\$ 26,000.00	\$ (348.06)	\$ 25,651.94	\$ 25,651.94	\$ -	\$ (0.00)
PUBLIC SAFETY ATV	\$ 12,000.00	\$ (400.00)	\$ 11,600.00	\$ 11,600.00	\$ -	\$ -
RESIDENCE HALLS - COLLEGE APARTMENTS C/D ROOF	\$ 55,000.00	\$ 16,632.00	\$ 71,632.00	\$ 71,632.00	\$ -	\$ -
RESIDENCE HALLS - COLLEGE APARTMENTS "G" WATERPROOFING	\$ -	\$ 23,400.00	\$ 23,400.00	\$ 23,400.00	\$ -	\$ -
RESIDENCE HALLS - COLLEGE APARTMENTS RETAINING WALL	\$ 45,000.00	\$ (8,192.35)	\$ 36,807.65	\$ 36,807.65	\$ -	\$ -
RESIDENCE HALLS - FURNITURE	\$ 39,262.90	\$ -	\$ 39,262.90	\$ 39,262.90	\$ -	\$ -
RESIDENCE HALLS - MORROW HALL BOILER REPAIR	\$ 14,894.00	\$ 11,955.00	\$ 26,849.00	\$ 26,849.00	\$ -	\$ -
RESIDENCE HALLS - DELAYED EGRESS EXITS	\$ 42,000.00	\$ -	\$ 42,000.00	\$ -	\$ 40,972.00	\$ 1,028.00
RESIDENCE HALL - PENCE HALL ASBESTOS ABATEMENT & CARPET	\$ 44,893.44	\$ 774.04	\$ 45,667.48	\$ 45,667.48	\$ -	\$ -
ACADEMIC FUND FY 2009	\$ 100,000.00	\$ -	\$ 100,000.00	\$ 88,815.00	\$ -	\$ 11,185.00
PHYSICAL PLANT SMALL PROJECTS FY 2009	\$ 137,760.26	\$ -	\$ 137,760.26	\$ 102,304.87	\$ 6,424.66	\$ 29,030.73
LANDSCAPING FY 2009	\$ 80,000.00	\$ -	\$ 80,000.00	\$ 70,302.11	\$ -	\$ 9,697.89
TOTALS	\$ 5,085,634.22	\$ (88,065.37)	\$ 4,997,568.85	\$ 1,709,606.55	\$ 1,518,005.97	\$ 1,769,956.33

Projects Completed
CIP FY 2009

F&G Capital - 449800	\$ 1,381,258.05
Infrastructure - 449000	\$ 502,997.00
Student Union - 310200	\$ -
Athletics - 330000	\$ 207,000.00
Facilities Fee - 370100	\$ 37,251.94
Housing - 290600	\$ 285,619.03
FS Bond - 907312	\$ 970,328.83
HEPC	\$ 825,000.00
Foundation Matching	\$ 338,114.00
	\$ 4,547,568.85

3/30/2009 12:07

**Fairmont State University Board of Governors
Meeting of April 9, 2009**

ITEM: Feaster Center Elevator and Steps,
HVAC and Feaster Center Women's
Locker Room Projects

COMMITTEE: Committee of the Whole

Whereas, the Feaster Center Elevator, Steps, and HVAC contingency is at \$1,000, and there is a potential need to increase this contingency by \$50,000.

Whereas, Athletic Director (Rusty Elliott) requested a delay to the start of the Women's Locker Room renovation project until after March 1, 2009 - the end of basketball season (request was made December 15, 2008).

Whereas, Lombardi requested a change order of \$10,000 for cost increases and for the time restraint and to complete the project in the short time frame – March to May (request was made January 2, 2009).

Whereas, Jim Decker and Omni Associates discussed the change order request and were able to obtain a reduction from \$10,000 to \$5,000 (letter attached dated February 26, 2009).

Whereas, Administration recommends that a budget increase be approved for \$5,000 instead of doing a re-bid for this project, and to fund this additional cost from the athletic upper field expansion project which has a budget balance left of \$16,508.99.

Whereas, Administration recommends that the additional \$50,000 contingency be funded by moving budget from the Locust Avenue project leaving \$271,714 left in this project. If contingency funding is not used it will be returned to the Locust Avenue project.

Now, therefore, be it resolved that Lombardi Development budget adjustment for Feaster Center Elevator, Steps, and HVAC contingency for \$50,000, and \$5,000 for the Women's Locker Room in the Feaster Center be approved.

STAFF MEMBER: Rick Porto, Vice President for
Administrative and Fiscal Affairs

BACKGROUND: See Attached and Above Information



LOMBARDI

D E V E L O P M E N T

February 26, 2009

Mr. Richard Forren
Omni Associates, Inc.
1543 Fairmont Avenue
Suite 201
Fairmont, WV 26554

Mr. Forren,

In regards to Alternate #4 at the Feaster Center, I feel that it can be done between March and May but am requesting a change order for an additional \$5,000 for costs increases and for the time restraint to complete the project in the short time frame. If you have any questions don't hesitate to call.

Best regards,

Paul M. Lombardi II, President
Lombardi Development Company

**Fairmont State University Board of Governors
Meeting of April 9, 2009**

- ITEM:** Update status of Folklife Center project with completion of phase one.
- COMMITTEE:** Committee of the Whole
- RECOMMENDED RESOLUTION:** Approval of a budget of \$48,311 to complete phase one.
- STAFF MEMBER** Jim Decker

BACKGROUND:

Phase one of project is coming to an end. A final budget adjustment is required to close out this first portion of the project. Information previously approved indicated an anticipated increase of approximately \$146,832 due to unforeseen conditions. The final increase of phase one will be approximately \$195,139. A breakdown of change order request added \$48,311 to phase one of this project is attached.

Factors that contributed to additional increase:

- Additional unforeseen conditions such as: deterioration repairs at four exterior doors, installation of pier foundations to support new columns, and deterioration repairs at windows.
- Time and Material basis on change orders, which resulted in individual change order costs both over and under the budget anticipated, with an overall net increase.
- Work under phase two budget completed within phase one costs. (\$15,000)

In the future:

- Insure that all parties involved understand BOG approval process for change orders and budget revisions, for phase two of this project, and all future capital projects.

Folklife Change Orders - Phase 1

Change Order Request No.	Description	5-Aug-08	13-Nov-08	28-Jan-09	Change Order
1	Additional flat roof repairs - rafters, sheath, soffit, & fascia	\$ 5,616.00	\$ 5,616.00	\$ 5,616.00	\$ 5,616.00
2	Provide shoring for two story section	\$ 1,416.00	\$ 1,416.00	\$ 1,416.00	\$ 1,416.00
3	Extend existing floor joists	\$ 1,307.00	\$ 1,307.00	\$ 1,307.00	\$ 1,307.00
4	Shore back of building where burned	\$ 1,471.00	\$ 1,471.00	\$ 1,471.00	\$ 1,471.00
5	Posts and beams for two story section	\$ 1,300.00	\$ 1,300.00	\$ 1,300.00	\$ 1,300.00
6	Roof repairs additional sheathing	\$ 2,892.00	\$ 2,892.00	\$ 2,892.00	\$ 2,892.00
7	Additional concrete slab removal	\$ 22,510.00	\$ 22,510.00	\$ 22,510.00	\$ 22,510.00
8	Additional asbestos abatement	\$ 9,807.00	\$ 9,807.00	\$ 9,807.00	\$ 9,807.00
9	Flowable fill in trench		\$ 7,038.00	\$ 7,038.00	\$ 7,038.00
10	Repair Fire and Water Damage		\$ 3,226.00	\$ 3,226.00	\$ 3,226.00
11	Repair front porch		\$ 1,620.00	\$ 1,620.00	\$ 1,620.00
12	Repair exterior soffit		\$ 8,746.00	\$ 8,746.00	\$ 8,746.00
13	Upgrade and brace existing roof framing	\$ 67,726.00	\$ 66,784.00	\$ 72,021.00	\$ 72,021.00
14	Tie rods and angles		\$ 6,914.00	\$ 13,388.00	\$ 13,388.00
15	Renovation windows on gable ends		\$ 1,687.00	\$ 1,687.00	\$ 1,687.00
16	Additional concrete slab removal	\$ 16,658.00	\$ 16,658.00	\$ 4,545.00	\$ 4,545.00
17	Beam repair	\$ 16,129.00	\$ 16,129.00	\$ 36,504.00	\$ 36,504.00
18	Dormer and Gable Repairs			\$ 13,143.00	\$ 13,143.00
19	Water damage repair at 4 doors			\$ 5,883.00	\$ 5,883.00
20	Pier supports			\$ 5,833.00	\$ 5,833.00
21	Repairs at windows on 3 floors			\$ 6,833.00	\$ 6,833.00
22	Elevator pit rock excavation			\$ 6,387.00	\$ -
23	60 day time extension			\$ -	\$ -
	Credit - Windows in back section		\$ (5,625.00)	\$ (5,625.00)	\$ (5,625.00)
	Credit - Door & Frame in back section		\$ (1,022.00)	\$ (1,022.00)	\$ (1,022.00)
	Credit - Demo of third floor		\$ (2,700.00)	\$ -	\$ -
	Credit - Allowance		\$ (25,000.00)	\$ (25,000.00)	\$ (25,000.00)
	Less: Previous approved increase	\$ 146,832.00	\$ 140,774.00	\$ 201,526.00	\$ 195,139.00
					\$ (146,828.00)
					\$ 48,311.00

Fairmont State University Board of Governors
April 9, 2009

ITEM: Housing Contracts for 2009-2010

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: *Resolved*, that the Fairmont State University Board of Governors approves in principle moving forward with a plan for 2009 - 2010 housing contracts as suggested by the Housing Office and outlined below.

STAFF MEMBER: Dan Gockley

BACKGROUND:

A committee of staff, faculty and administration met to research the issue of large numbers of students living in off-campus temporary housing for the fall semester. After reviewing data and recommendations of the committee, the Housing Office will temporarily cap current student room selections to 350. After attrition (1.4% on average), that would net 318 current students in housing at opening. This allows for 529 new students in housing based upon design capacity (847). The average for new student applications by August 24th is 536, which is only a shortage of seven beds. The Housing Office anticipates accommodating those seven students in temporary lounges in Pence Hall, similar to what has been done in past years.

Should enrollment numbers increase and create a demand for more than 536, approximately twenty four (24) students could be housed at the Travelodge on Fairmont Avenue. Since there is an average loss of thirty-one (31) students from opening to October 1st, it should be a short-term issue. If, however, the number of new students exceeds the 536 number significantly, there will be a different challenge.

**Fairmont State University Board of Governors
Meeting of April 9, 2009**

ITEM: Fee changes/increases for the Academic Year 2009-2010

COMMITTEE: Committee of the Whole

RECOMMENDED POLICY: Approval of fee proposal so the fee planning schedules can be submitted to the Higher Education Policy Commission

STAFF MEMBER: Rick Porto

BACKGROUND: It is recommended that we increase the Education and General Fee by three (3) percent and the Student Program Fee by \$2.00. These increases add to our current fees as follows:

- University Resident Fees by \$74 or 3.08%
- University Non-Resident Fees by \$157 or 3.03%
- Graduate Resident Fees by \$80 or 3.05%
- Graduate Non-Resident Fees by \$173 or 3.03%

Attached are the Fee Planning Schedules that are required formats for the 2009-2010 submission to the Higher Education Policy Commission.

Special Fees and Charges increases are as follows:

- Community College Baccalaureate Enhancement Fee increase from \$58 to \$59 per credit hour for resident students and from \$86 to \$87 per credit hour for non-resident students.

- E-Rate increases to SREB students due to the fees increasing for all students.

The rates are:

- University from \$933 to \$972
 - Graduate from \$1,419 to \$1,476
- University/Graduate Enhancement Fee for residents from \$91 to \$94 (per credit hour) and for non-residents from \$203 to \$209 (per credit hour) - This fee will be assessed to undergraduate students taking graduate level courses. Note: This fee is the price difference per credit hour between the resident undergraduate and graduate rate.

Residence Halls, meal plans, and apartment rate increases are as follows:

- No rate increases are recommended for residence halls, meal plans, or apartments.

Fee Planning Schedule- Per Semester
Academic Year 2009-10

Institution : Fairmont State University

STUDENT INSTITUTIONAL LEVEL: Undergraduate
(Community College, Undergraduate, Graduate, Health Professions)

	Resident 2008-09	Resident 2009-10	Increase Decrease	Non-Resident 2008-09	Non-Resident 2009-10	Increase Decrease
Fees Assessed to all Students						
System Capital Fees	205	205	0	800	800	0
Special Institutional Capital Fees (includes auxiliary capital fees)	85	85	0	185	185	0
Student Activity Center - Capital Building	110	110	0	110	110	0
Education and General (Student Program \$2.00)	1,700	1,774	74	3,788	3,945	157
Standard Auxiliary Fees	254	254	0	254	254	0
Mandatory Auxiliary Fees	0	0	0	0	0	0
Sub-Total Student Fees	2,354	2,428	74	5,137	5,294	157
<i>Percentage of Increase requested over 2008-09</i>						
Special Equity Fee	48	48	0	48	48	0
Total Student Fee Request 2008-09	2,402	2,476	74	5,185	5,342	157
<i>Percentage of Increase requested over 2009-10</i>						
			3.08%			3.03%

Justification for Fee Increase:
 - The fee increase will support Student Programs and Education and General programs during a decline in state appropriations.

Fee Planning Schedule- Per Semester
Academic Year 2009-10

Institution: Fairmont State University

STUDENT INSTITUTIONAL LEVEL: Graduate
(Community College, Undergraduate, Graduate, Health Professions)

	Resident 2008-09	Resident 2009-10	Increase Decrease	Non-Resident 2008-09	Non-Resident 2009-10	Increase Decrease
Fees Assessed to all Students						
System Capital Fees	205	205	0	800	800	0
Special Institutional Capital Fees (includes auxiliary capital fees)	85	85	0	185	185	0
Student Activity Center - Capital Building	110	110	0	110	110	0
Education and General (Student Program \$2.00)	1,918	1,998	80	4,318	4,491	173
Standard Auxilliary Fees	254	254	0	254	254	0
Mandatory Auxilliary Fees	0	0	0	0	0	0
Sub-Total Student Fees	2,572	2,652	80	5,667	5,840	173
<i>Percentage of Increase requested over 2008-09</i>						
Special Equity Fee	48	48	0	48	48	0
Total Student Fee Request 2009-10	2,620	2,700	80	5,715	5,888	173
<i>Percentage of Increase requested over 2007-08</i>						
			3.05%			3.03%

Justification for Fee Increase:

- The fee increase will support Student Programs and Education and General programs during a decline in state appropriations.

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Fee Planning Schedule- Per Semester

Academic Year 2009-10

Institution: Fairmont State University

II. SPECIAL FEES AND CHARGES	Identify Category A, B, C, D, or E	Current Rate Per Semester 2008-09	Requested Rate Per Semester 2009-10	Increase Decrease	Percent (%)
Application Fee - Graduate	D	40.00	40.00	0.00	
Application Fee - Undergraduate	D	20.00	20.00	0.00	
Aviation Technology Fee (Per Credit Hour)	D	35.00	35.00	0.00	
Credential Fee - Placement	D	3.00	3.00	0.00	
Community College Baccalaureate Enhancement Fee (Per Credit Hour)	D	58.00	59.00	1.00	1.72%
Non-Resident	D	86.00	87.00	1.00	1.16%
Credit for Life Experience Evaluation	D	300.00	300.00	0.00	
Course Fee (Per Credit Hour) (previously known as Technology Fee)	D	22.00	22.00	0.00	
Diploma Replacement	D	4.00	4.00	0.00	
E-Rate University (per 3 hour course)	A	50.00	50.00	0.00	
E-Rate Graduate (per 3 hour course)*	A	933.00	972.00	39.00	4.18%
E-Learning Course Fee (per 3 hour course) (FS Students)	A	1,419.00	1,476.00	57.00	4.02%
Exam for Course Credit (per credit hour)	D	75.00	75.00	0.00	
Excess course withdrawal fee (per course assessed after 8 courses have been dropped)	D	22.00	22.00	0.00	
Faculty and Staff Parking Fee - Full-time (will be prorated if less than full-time) Annual	D	50.00	50.00	0.00	
Facilities Fee (Safety and Parking) (per semester will be prorated if less than full-time)	E	180.00	180.00	0.00	
Fine Arts Course Fees (per credit hour):	D	110.00	110.00	0.00	
- Art - Pottery Materials Fee	D	15.00	15.00	0.00	
- Art Painting/Drawing Materials Fee	D	7.00	7.00	0.00	
- Debate - Materials Fee	D	15.00	15.00	0.00	
- Music Lessons Fee	D	10.00	10.00	0.00	
- Theatre Materials Fee	D	15.00	15.00	0.00	
Foreign Languages Course Fee (per credit hour)	D	8	8	0.00	
Graduation (fee for Graduate Students)	D	70	70	0.00	
Graduation (fee for Undergraduate Students)	D	50	50	0.00	
Graduation Application Late Fee	D	50	50	0.00	
ID Card Replacement Fee	D	15	15	0.00	
Late Registration	D	50	50	0.00	
Late Payment Fee	D	50	50	0.00	
Occupational Develop/Tech Studies Degree Evaluation	D	150	150	0.00	
Off-Campus Instruction (per credit hour up to 12 hours max)	D	15	15	0.00	
MBA Course Fee (per credit hour)	D	25	25	0.00	
New Student Fee	D	120	120	0.00	
Nursing Lab Fee (per credit hour)	D	12	12	0.00	
Nursing Testing Fee (per semester)	D	156	156	0.00	
Nursing Uniform Fee (once per program)	D	155	155	0.00	
Priority Transcript Fee	D	9	9	0.00	
Regents' BA Degree Evaluation	D	300	300	0.00	
Reinstatement Fee	D	25	25	0.00	
Senior Citizens Audit Fee (per credit hour)	D	22	22	0.00	
Teacher Education - Clinical Experiences Fee	D	150	150	0.00	
University/Graduate Enhancement Fee (per credit hour)	D	91	94	3.00	3.30%
Non-Resident	D	203	209	6.00	2.96%

Fee Planning Schedule- Per Semester

Academic Year 2009-10

Institution: Fairmont State University

Ill. Room & Board Charges	Identify Category A, B, C, D, or E	Rate Per Semester 2008-09	Rate Per Semester 2009-10	Increase Decrease	Percent (%)
Bryant Place (singles)	E	2,210.00	2,210.00	0.00	0.00%
Bryant Place (doubles)	E	1,865.00	1,865.00	0.00	0.00%
Prichard (double)	E	1,640.00	1,640.00	0.00	0.00%
Morrow (double)	E	1,640.00	1,640.00	0.00	0.00%
Pence (double)	E	1,640.00	1,640.00	0.00	0.00%
Note: Damage Deposit Dorms \$200.00					
Board - 15 Meal Plan with 65 points (5-day)	E	1,502.00	1,502.00	0.00	0.00%
Board - 19 Meal Plan with 75 points (7-day)	E	1,645.00	1,645.00	0.00	0.00%
Board - new 15 Meal Plan with 150 points (7-day)	E	1,581.00	1,581.00	0.00	0.00%
Board - new 12 Meal Plan with 225 points (5-day)	E	1,523.00	1,523.00	0.00	0.00%

Fee Planning Schedule- Per Semester

Academic Year 2009-10

Institution: Fairmont State University

IV. Apartment and House Rental Rates:	Identify Category A, B, C, D, or E	Rate Per Month	Rate Per Month	Increase Decrease	Percent (%)
		2008-09	2009-10		
1 Bedroom (unfurnished)	E	2,820.00	2,820.00	0.00	0.00%
2 Bedroom (unfurnished)	E	4,140.00	4,310.00	0.00	0.00%
2 Bedroom (furnished)	E	4,452.00	4,630.00	0.00	0.00%
3 Bedroom (furnished)	E	6,210.00	6,465.00	0.00	0.00%

Note: Damage Deposit Apartments \$200.00

Fairmont State University Board of Governors
Meeting of April 9, 2009
Falcon Center Board Room
1:30 p.m.

AGENDA

Call to Order

1. Opening Comments
2. Last Call for Public Comment Sign-up
3. Approval of Minutes (2/12/2009 & 3/27/09)

Tab 1 Action Item

Operations Reports

1. Faculty Senate Report (*Chuck Shields*)
2. Classified Staff Report (*Harriet Bower*)
3. Student Government Report (*Kelley Bronson*)
4. Foundation Report (*Jean Ahwesh*)
5. Alumni Association Report (*Devanna Corley*)
6. Athletic Association Report (*Rusty Elliott*)
7. President's Report (*Charles J. McClain*)
8. Chairman's Report (*Andy Kniceley*)

Committee of the Whole

1. Financial Report (*Rick Porto*)
2. Termination of Investment Agreement for the College Facilities Revenue Bonds Series 2002A (Apartments and Parking Garage) (*Rick Porto*)
3. Capital Project Update (*Jim Decker*)
4. Feaster Center Elevator, Steps, HVAC & Women's Locker Room Project (*Rick Porto*)
5. Folklife Center Project (*Jim Decker*)
6. Housing Contracts for 2009-10 (*Dan Gockley*)
7. Approval of Fee Proposal (*Rick Porto*)

Tab 2 FYI

Tab 3 FYI

Tab 4 FYI

Tab 5 Action Item

Tab 6 Action Item

Tab 7 Action Item

Tab 8 Action Item

Old Business

New Business

Public Comment

Possible Executive Session

_____ moved pursuant to 6-9A-4(b)2A of the WV Code that the Board shall go to into Executive Session to discuss personnel and personnel matters, which if discussed in public might adversely affect the reputation of any person.

Notes