



TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

AGENDA BOOK

December 15-16, 2016

BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

December 15-16, 2016

BOARD OF REGENTS

Mr. Mickey L. Long, Chairman
Mrs. Debbie Montford, Vice Chairman
Mr. Larry K. Anders
Mr. John D. Esparza
Mr. L. Frederick "Rick" Francis
Mr. Ron Hammonds
Mr. Christopher M. Huckabee
Mr. Tim Lancaster
Mr. John D. Steinmetz
Mr. Jeremy W. Stewart, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs:
Tim Lancaster (Chair); Rick Francis; John Esparza; Jeremy Stewart

Audit:

John Steinmetz (Chair); John Esparza; Ron Hammonds

Facilities:

Larry Anders (Chair); John Steinmetz; Chris Huckabee

Finance and Administration:

Rick Francis (Chair); Larry Anders; Tim Lancaster

AGENDA

Board of Regents Meeting

Lubbock, Texas

December 15-16, 2016

Abbreviated Agenda with Approximate Times*

Thursday, December 15, 2016

Joint Meeting of the TTUS Board of Regents,
the Executive Committee of the Texas Tech Foundation Board,
the Investment Advisory Committee,
and the ASU Foundation Board

8:30 am	Call to Order; convene Meeting of the Board Meeting of the Committee of the Whole for a joint meeting with the Executive Committee of the Texas Tech Foundation Board, the Investment Advisory Committee, and the ASU Foundation Board Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue
9:30 am	Recess

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*For general information: Unless otherwise noted, all open session meetings will take place in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas. Any executive session meetings that should occur throughout the day will take place in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas. The times listed are estimates, with periodic recesses. The Meeting of the Board will convene and participate in the "joint meeting" of the TTUS Board of Regents, the Executive Committee of the Texas Tech Foundation Board, the Investment Advisory Committee, and the ASU Foundation Board no earlier than 8:30 am on Thursday, December 15, in the Red Raider Lounge. Upon adjournment of the joint meeting/recess of the Meeting of the Board, the Trustees meeting of the Carr Scholarship Foundation will commence. Committee meetings will commence upon adjournment of the Carr Scholarship Foundation meeting. The Board will break for lunch at whatever time deemed appropriate. Any committee meetings not completed on Thursday, December 15, 2016, will be completed on Friday, December 16, 2016. The meeting of the Board may reconvene and convene Executive Session after the last committee meeting is adjourned or at any time deemed necessary on Thursday, December 15. On Friday, December 16, 2016, the Meeting of the Board will reconvene at 8:30 am. If necessary, the Meeting of the Board will recess after introductions and recognitions at approximately 9:30 am to conduct any committee meetings which were not concluded on Thursday, December 15, 2016. The Meeting of the Board will reconvene, if applicable, upon adjournment of the Committee meetings on Friday, December 16, 2016. The Meeting of the Board is expected to adjourn at approximately 11:30 am; however, if needed, the meeting may continue beyond 11:30 am until completed. The full board agenda is detailed on pages vii through xv. The agenda for each session of the board meeting or a meeting of a committee of the board is detailed behind the appropriate divider tab.

Board of Regents Meeting

Lubbock, Texas

December 15-16, 2016

Abbreviated Agenda with Approximate Times*

Thursday, December 15, 2016

Board of Trustees Meeting of the Carr Scholarship Foundation
(Shown for informational purposes only.)

CONTINUED FROM PREVIOUS PAGE

9:45 am <small>(or upon adjournment of the joint meeting/recess of Meeting of the Board)</small>	Call to Order; convene Meeting of the Board of Trustees of the Carr Scholarship Foundation Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue
10:15 am	Adjourn

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Board of Regents Meeting

Lubbock, Texas

December 15-16, 2016

Abbreviated Agenda with Approximate Times*

Thursday, December 15, 2016

Meeting of Standing Committees (Conducted sequentially)

CONTINUED FROM PREVIOUS PAGE

10:15 am (or upon adjournment of the Carr Scholarship Foundation meeting)	Audit Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue
10:55 am (or upon adjournment of the Audit Cmte. meeting)	Facilities Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue
11:15 am (or upon adjournment of the Facilities Cmte. meeting)	Finance and Administration Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue
11:50 am (or upon adjournment of the Finance Cmte. meeting)	Academic, Clinical and Student Affairs Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue

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Board of Regents Meeting

Lubbock, Texas

December 15-16, 2016

Abbreviated Agenda with Approximate Times*

Thursday, December 15, 2016

Meeting of the Board

CONTINUED FROM PREVIOUS PAGE

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|---|---|
| 1:00 pm
(or upon adjournment of
the ACS Cmte. meeting or
whenever deemed
necessary) | Call to Order; reconvene Meeting of the Board
Meeting of the Committee of the Whole and the Board
Location: Ballroom (Room 118), First Floor, Student
Union Building, 15th Street and Akron Avenue,
Lubbock, Texas |
| 1:00 pm | Executive Session
Location: Red Raider Lounge (Room 119), First Floor,
Student Union Building, 15th Street and Akron
Avenue, Lubbock, Texas |
| 3:30 pm | Following Executive Session, convene into Open Session,
and Meeting of the Committee of the Whole and the
Board
Location: Ballroom (Room 118), First Floor, Student
Union Building, 15th Street and Akron Avenue,
Lubbock, Texas |
| 3:35 pm | Recess |

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Board of Regents Meeting

Lubbock, Texas

December 15-16, 2016

Abbreviated Agenda with Approximate Times*

Friday, December 16, 2015

Meeting of the Board

- | | |
|----------|---|
| 8:30 am | Call to Order; reconvene Meeting of the Board
Introductions and Recognitions
Meeting of the Committee of the Whole and the Board, or continuation of meetings of the Standing Committees of the Board, if necessary
Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue |
| 9:30 am | Executive Session
Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue |
| 11:30 am | Following Executive Session, convene into Open Session, and Meeting of the Committee of the Whole and the Board
Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue |
| 11:30 am | Adjournment |

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Board of Regents Meeting

December 15-16, 2016

Agenda

Thursday, December 15, 2016

**Red Raider Lounge (Room 119) and
Ballroom (Room 118), First Floor, Student Union Building,
15th Street and Akron Avenue,
Lubbock, Texas**

- I. Joint Meeting of the TTUS Board of Regents, the Executive Committee of the Texas Tech Foundation Board, the Investment Advisory Committee, and the ASU Foundation Board** —Refer to agenda provided by Office of Investments/Office of the Chief Financial Officer.
Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
 - A. IntroductionsChairman Long
 - B. 2016 Economy/Market Review.....Tim Bruce (NEPC)
 - C. Investment Performance ReviewTim Barrett
 - D. Questions/Answers

- II. Recess Meeting of the Board/Adjournment of Joint Meeting**.....Chairman Long

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place upon recess of the Joint Meeting/Meeting of the Board at approximately 9:45 am; refer to agenda provided by the Chief Financial Officer’s Office
 Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

- III. Meeting of Standing Committees**
 Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

A. Audit Committee

Page
A

1. TTUS: Report on audits.....3
2. Executive Session: The Audit Committee will convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the Texas Government Code, including:
 - a. Consultation with Attorney — Section 551.071.
 - b. Discussion of personnel matters – Section 551.074.
3. Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider appropriate action, if any, on items discussed in Executive Session.
4. Adjournment

B. Facilities Committee

Page
F

1. TTU: Approve naming of the Football Training Facility’s Nutrition Center.....2
2. TTUHSC El Paso: Approve a project to construct the new Medical Sciences Building II4
3. TTUS: Report on Facilities Planning and Construction projects.....6
4. Adjournment

C. Finance and Administration Committee

	<u>Page</u> FA
1. TTUHSC El Paso: Authorize president to execute contract with Tenet Hospitals Limited D/B/A The Hospitals of Providence Transmountain.....	3
2. TTUHSC El Paso: Authorize president to execute contract with Cerner Corp.....	4
3. TTUS: Authorize issuance of Tuition Revenue Bonds and Revenue Financing System Bonds for eligible projects for construction of infrastructure for TTUS and to pay costs relating to the issuance of the bonds.....	6
4. TTUS: Report on Presidential Collaborative Research Initiative.....	7
5. Adjournment	

D. Academic, Clinical and Student Affairs Committee

	<u>Page</u> ACS
1. TTU: Approve appointment with tenure.....	3
2. TTU: Approve Doctor of Philosophy Degree in Exercise Physiology.....	4
3. TTU: Approve exception to Section 03.01.11.c, <i>Regents' Rules</i> (nepotism).....	7
4. TTUHSC: Approve appointment of Grover E. Murray Professors.....	8
5. TTUHSC: Approve expanding the Doctor of Pharmacy program in Dallas from two to four years.....	10
6. Adjournment	

IV. Meeting of the Board—Call to Order; reconvene into Open Session of the BoardChairman Long

V. Executive Session: The Board may convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue to consider matters

permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Long

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

VI. Open Session: The Board will reconvene in Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session.....Vice Chairman Montford

VII. RecessChairman Long

Friday, December 16, 2016
Ballroom (Room 118), First Floor, Student Union Building,
15th Street and Akron Avenue,
Lubbock, Texas

VIII. Meeting of the Board—Call to Order; reconvene into Open Session of the Board

IX. Introductions and RecognitionsChancellor Duncan,
President May,
President Schovanec
President Mitchell, and
President Lange

X. Recess (if necessary, for standing committees to meet; otherwise continue in Open Session (XIII.))

- XI. Meeting of Standing Committees** (if not concluded on Thursday)
- XII. Meeting of the Board—Call to Order; reconvene into Open Session of the Board** (only if the Meeting of the Board was recessed to conduct committee meetings)
- XIII. Open Session:** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
 - A. Approve minutes of board meetings held on October 13-14, 2016Chairman Long
 - B. Committee of the Whole.....Vice Chairman Montford

	<u>Page</u>
	CW
1. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda	8

Consent Agenda

- a. ASU: Approve faculty development leave of absence (ACS)
- b. ASU: Approve text, installation and location of plaque for former presidents of Angelo State University (ACS)
- c. TTU: Approve employee appointment to non-elective position (ACS)
- d. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- e. TTU: Approve renaming of the Foreign Languages Building (F)
- f. TTU: Approve Permanent Right of Access and Use of Texas Tech University land to the City of Lubbock (F)
- g. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences Center El Paso land to CEMANAC Investments (F)
- h. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences El Paso land to the El Paso Electric Company (F)
- i. TTU: Approve commissioning of police officers (FA)

- j. TTU: Approve modification of Endowment Criteria (FA)
- k. TTUS, TTU, and ASU: Approve purchasing contracts in excess of \$1,000,000 per annum (FA)
- l. TTUHSC El Paso: Authorize president to execute consulting contract with Moulton Editorial Services (FA)
- m. TTUS, TTU, TTUHSC, TTUHSC – EP and ASU: Approve delegation of signature authority (FA)

Information Agenda

Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

- (1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) TTUHSC: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules* – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.
- (3) TTU, TTUHSC El Paso and TTUS: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”
- (4) TTU and TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents' Rules*: “Notwithstanding Section 07.12.3.a, *Regents' Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum.

Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.”

(5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents’ Rules* – “The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board.”

(6) ASU, TTU, TTUHSC and TTUHSC El Paso: Affordability and Access Reports – Section 51.4031, *Texas Education Code*, requires each Texas public institution of higher education to provide to its governing board a report for the previous academic year that “examines the affordability and access of the institution.” These reports are to provide the following information:

- the institution’s in-state tuition and fees as a percent of gross family income;
- the institution’s admission criteria;
- an analysis of the institution’s admission criteria and the criteria for the award of financial assistance;
- an analysis of how the foregoing factors relate to the regions of the state in which the institution’s students reside, the race/ethnicity and gender of its students, and the level of education achieved by the parents of its students; and
- comparisons of the institution with peer institutions in Texas and other states with respect to affordability and access.

XIV. Reports of Standing Committees: Standing Committee reports will be presented sequentially to the Committee of the Whole.

- A. Report of the Audit Committee Regent Steinmetz
- B. Report of the Facilities Committee Regent Anders
- C. Report of the Finance and Administration
Committee Regent Francis
- D. Report of the Academic, Clinical and Student Affairs
Committee Regent Lancaster

XV. The Board will continue in Open Session as the Committee of the Whole and Meeting of the Board of Regents.

- A. Schedule for Board meetings:
 February 23-24, 2017, Lubbock
 May 18-19, 2017, Lubbock
 August 10-11, 2017, Lubbock
 December 14-15, 2017, Lubbock Ben Lock
- B. The Chancellor's Report Chancellor Duncan
- C. The President's Report, ASU President May
- D. The President's Report, TTU President Schovanec
- E. The President's Report, TTUHSC President Mitchell
- F. The President's Report, TTUHSC El Paso..... President Lange

XVI. Executive Session: The Board may convene into Executive Session, in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: Chairman Long

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

XVII. Open Session: The Board will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session Vice Chairman Montford
- B. Chairman’s Announcements Chairman Long
- XVIII. Adjournment** Chairman Long

AUDIT

Audit Committee

Committee Meeting
December 15, 2016

Time: 10:15 am (or upon adjournment of the Trustees meeting of the Carr Scholarship Foundation)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Steinmetz (Chair), Esparza, Hammonds,

Agenda

- Approve minutes of committee meeting held on October 13, 2016

III.A. Consideration of items to be recommended by the Audit Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

Page
A

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|----|---|---|
| 1. | TTUS: Report on audits | 3 |
| 2. | Executive Session: The Audit Committee will convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the <i>Texas Government Code</i> , including: | |
| | a. Consultation with Attorney — Section 551.071. | |
| | b. Discussion of personnel matters – Section 551.074. | |
| 3. | Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider appropriate action, if any, on items discussed in Executive Session. | |
| 4. | Adjournment | |

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, December 16, 2016.

1. TTUS: Report on audits.

Presenter: Mrs. Kim Turner

Presentation Time: 10 minutes

Report to Board required by: Section 07.02.7, *Regents' Rules*; and Audit Committee Charter

Mrs. Kim Turner, Chief Audit Executive, will present a report on the System's audit projects.

FACILITIES

Facilities Committee

Committee Meeting
December 15, 2016

Time: 10:55 am (or upon adjournment of the Audit Committee meeting)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Anders (Chair), Huckabee, Steinmetz

Agenda

- Approve minutes of committee meetings held on October 13, 2016

III.B. Consideration of items to be recommended by the Facilities Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

Page
F

1.	TTU: Approve naming of the Football Training Facility’s Nutrition Center	2
2.	TTUHSC El Paso: Approve a project to construct the new Medical Sciences Building II	4
3.	TTUS: Report on Facilities Planning and Construction projects	6
4.	Adjournment	

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, December 16, 2016.

1. TTU: Approve naming of the Football Training Facility's Nutrition Center.

Presenter: Ms. Lisa Calvert & Mr. Michael Molina Presentation Time: 5 minutes
Board approval required by: Section 08.05.01, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president or the president's designee to approve naming of the nutrition center within the existing Football Training, as "The Quinn-McCutchin Football Nutrition Center."

The donor concurs with the naming of this interior space. Appropriate signage for the nutrition center will specify the approved name.

BACKGROUND INFORMATION

Dean and Christi Quinn have made a generous pledge of \$150,000 to the Texas Tech Foundation, Inc. (the "Foundation"), for the benefit of Texas Tech University's Campaign for Fearless Champions Fund. In recognition of this gift, the nutrition center within the football training facility will be named "The Quinn-McCutchin Football Nutrition Center."

The pledge will be payable in incremental payments over three (3) years, with the final pledge payment due June 2017.

The \$150,000 gift exceeds the fifty percent (50%) threshold requirement for naming consideration of new facilities, as verified by the vice chancellor for facilities planning and construction.

Dean & Christi Quinn are generous supporters of Texas Tech University. Dean Quinn received a BBA in Finance from Texas Tech University in 1982 and a Doctor of Jurisprudence from the Texas Tech University School of Law in 1985. Dean and Christi Quinn established the Dean and Christi Quinn Scholarship Endowment in the Rawls College of Business. Dean is a current member of the Rawls College of Business Administration Dean's Advisory Counsel. Dean is Vice President, General Counsel, and Secretary of S&B Engineers and Constructors, Ltd. Dean and Christi reside in Houston, Texas. They have two children: Graham, a current student at Texas Tech University, and Conner.

Donor desires to also honor Dayna McCutchin, Sports Dietician with the Texas Tech Athletics Department. McCutchin graduated with honors from Texas Tech in May 2010 with a degree in Nutritional Sciences and proceeded to start her Master's Degree in Nutritional Sciences in the summer of 2010. She then completed the Texas Tech Dietetic Internship in June 2011, and Master's Degree

in Nutritional Sciences in May 2012. She is a Certified Specialist in Sports Dietetics (“CSSD”) and serves as a preceptor for Texas Tech University Dietetic Internship’s sports nutrition rotation.

McCutchin is a registered dietitian with the Academy of Nutrition and Dietetics and Licensed Dietitian with the State of Texas. She is a member of the Texas Association of Nutrition and Dietetics, Lubbock Association of Nutrition and Dietetics, Sports and Cardiovascular and Wellness Nutrition practice group, Weight Management Nutrition practice group, Collegiate and Professional Sports Dietitians Association, American College of Sports Medicine member, Exercise, Athletics, Strength Academy Member, and National Academy of Sports Medicine Member. She was recognized as the Young Dietitian of the Year for 2016 by the Texas Academy of Nutrition and Dietetics. She also received Texas Tech’s 2016 athletic department’s administrator of the year award, which is voted by student-athletes.

The Texas Tech University athletic director concurs with this honorary naming.

Regents’ Rules 08.05.01.f requires board approval of the naming of all buildings and other facilities within the TTU system. For athletic facilities, the gift must be “equal to a minimum fifty percent (50%) of the estimated construction cost of the facility or area, as verified by the vice chancellor for facilities planning and construction.”

2. TTUHSC El Paso: Approve a project to construct the new Medical Sciences Building II.

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: Section 08.01.3, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) proceed with a project to plan, design, and construct the new Medical Sciences Building II with a total budget of \$84,400,000; (ii) report the project to the Texas Higher Education Coordinating Board; (iii) amend the Design Professional contract, (iv) amend the Construction Manager Agent contract; and (v) amend the Construction Manager at Risk contract. The project budget of \$84,400,000 is comprised of TRB funding of the 84th Texas Legislature's Regular Session authorization of TRB (\$75,520,000), and RFS financing to be repaid by the Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") HEAF Funds (guaranteed and supplemented by TTUHSC El Paso MPIP Funds) (\$8,880,000). The budget includes the previously approved Stage I design budget of \$2,412,064 which was funded through the Revenue Finance System ("RFS") repaid with the Tuition Revenue Bond ("TRB") Legislative appropriation.

It is further recommended that the Board acknowledge that it expects to pay expenditures in connection with the construction of the project prior to the issuance of obligations to finance the project and, in that respect, the Board finds that the reimbursement for the payments of such expenditures will be appropriate and consistent with the lawful objectives of the Texas Tech University System, and, as such, declare its intention, in accordance with the provisions of *Treasury Regulations*, Section 1.150-2, to reimburse itself for original expenditures, advanced in connection with the design, planning and construction of a project with an aggregate maximum principal amount expected to be \$84,400,000.

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

BACKGROUND INFORMATION

In August 2015, the Board of Regents approved Stage I design services to provide for the solicitation and contracting of Design Professional, Construction Manager Agent, and construction partners; facility functional use programming; schematic design; survey; geo-tech testing; site analysis; utility infrastructure analysis; and final package development for a full funding request.

The project goal is to construct approximately 223,000 GSF for a new research facility intended to provide complex research laboratories, lecture halls and classrooms, teaching space for each school, and faculty/researcher and staff offices. Additionally, this project will extend the utility infrastructure and other support features to the project site. Landscape enhancement and public art will be provided.

Land acquisition costs (land purchases, seller relocation expenses, and legal expenses) plus demolition costs for the building site are not included in the construction project budget. These costs typically are not included in project budgets, and in this case, are being paid with MPIP funds.

The new facility will support the expanding research program of the newly established Texas Tech University Health Sciences Center El Paso, which consists of a 4-year medical school, nursing school, and developing School of Biomedical Sciences. TTUHSC El Paso continues to address the growing needs of the border area through expanded academic programs and research that addresses chronic border health issues and targets diseases such as diabetes, obesity, depression and infectious diseases.

The vice president for administration and finance and chief financial officer has verified the source of funds.

3. TTUS: Report on Facilities Planning and Construction projects.

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Report requested by: Board of Regents

Mr. Michael Molina, Vice Chancellor for Facilities Planning and Construction, TTUS, will present a report on Facilities Planning and Construction managed projects.



FINANCE AND ADMINISTRATION

Finance and Administration Committee

Committee Meeting
December 15, 2016

Time: 11:15 am (or upon adjournment of the Facilities Committee meeting)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Francis (Chair), Anders, Lancaster

Agenda

- Approve minutes of committee meetings held on October 13, 2016

III.C. Consideration of items to be recommended by the Finance and Administration Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

Page
FA

1.	TTUHSC El Paso: Authorize president to execute contract with Tenet Hospitals Limited D/B/A The Hospitals of Providence Transmountain.....	3
2.	TTUHSC El Paso: Authorize president to execute contract with Cerner Corp	4
3.	TTUS: Authorize issuance of Tuition Revenue Bonds and Revenue Financing System Bonds for eligible projects for construction of infrastructure for TTUS and to pay costs relating to the issuance of the bonds	6
4.	TTUS: Report on Presidential Collaborative Research Initiative	7
5.	Adjournment	

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, December 16, 2016.

1. TTUHSC El Paso: Authorize president to execute contract with Tenet Hospitals Limited D/B/A The Hospitals of Providence Transmountain.

Presenter: Richard A. Lange, M.D., M.B.A

Presentation Time: 5 minutes

Board approval required by: Section 07.12.3.a, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president to approve an anesthesiology services contract with Tenet Hospitals Limited D/B/A The Hospitals of Providence Transmountain.

BACKGROUND INFORMATION

Tenet Hospitals Limited D/B/A as The Hospitals of Providence Transmountain ("THOP") is currently constructing a new 106-bed teaching hospital in northwest El Paso which will open in January 2017. THOP and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") are collaborating to enhance education training and clinical practice in specialties which include emergency medicine, family medicine, internal medicine, obstetrics and gynecology, orthopedics, pediatrics, psychiatry, radiology and surgery. The new THOP facility will establish a world-class training site for the area's future health care professionals, positioning El Paso as a regional health care hub.

The department of Anesthesiology will be contracting with THOP to provide their services at the Transmountain Campus beginning in January 2017. The total revenue contract value over the two years is \$3,031,608; this contract auto renews on a month to month basis for up to six months.

Section 07.12.3.a. *Regents' Rules*, requires Board approval on contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the term of the contract.

2. TTUHSC El Paso: Authorize president to execute contract with Cerner Corp.

Presenter: Richard A. Lange, M.D., M.B.A

Presentation Time: 5 minutes

Board approval required by: Section 07.12.3, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president to execute a contract with Cerner Corp. to implement the Population Health Management Solution.

BACKGROUND INFORMATION

Request for Proposal 774-76614931, Population Health Management Solution, was posted on July 22, 2016 with a submission due date of August 29, 2016. A total of ten responsive proposals were received. After evaluating and scoring the committee of seven selected the top three vendors. Vendor presentations were held on Friday, November 11, 2016. The committee selected Cerner Corp in accordance with best value sourcing criteria designated in Texas Education Code § 51.9335. The projected cost of the proposed service submitted by Cerner Corp is \$1,408,931 million for the first three years, additional renewal options at an annual 3% increase from previous year cost of \$346,203. We are in the final stages of negotiating this agreement. The anticipated term of agreement will begin on the date an agreement is executed and expire on November 30, 2017. Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") will have the option of three (3) additional one (1) year renewal periods.

- Optional Renewal Period #1: December 1, 2017 – November 30, 2018
- Optional Renewal Period #2: December 1, 2018 – November 30, 2019
- Optional Renewal Period #3: December 1, 2019 – November 30, 2020

As TTUHSC El Paso moves forward into a new landscape of healthcare, be it population health management, predictive analytics or Medicare Access and Chip Reauthorization Act ("MACRA")-driven changes, we require a data agnostic platform that is able to aggregate clinical, business and other types of patient and healthcare-related data into a standardized and normalized format exposed and visualized for the end user(s) in a manner that provides clinical and business insights. TTUHSC El Paso is seeking a qualified Partner to provide a technology solution(s) for developing and implementing a Population Health Management Platform for the institution. Sitting on an international and state border provides some unique challenges in terms of healthcare. Within El Paso there are multiple healthcare systems that TTUHSC El Paso aligns with – Tenet Healthcare (The Hospitals of Providence), Hospital Corporation of America ("HCA"), University Medical Center El Paso ("UMC"), the Veterans' Administration and William Beaumont ("DoD"), as well as a host of private practice physician groups that are not employed by large hospital groups. TTUHSC El Paso is the largest ambulatory practice group in El Paso. Due to the variety of clinical sites within El Paso, TTUHSC El Paso requires a robust,

proven platform to enable aggregation of patient data, visualization of said data, and ultimately the management of patient populations across the community.

TTUHSC El Paso is asking the Board to authorize the president to execute contract with the Cerner Corp. participating provider.

Section 07.12.3. *Regents' Rules*, requires Board approval on contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the term of the contract.

3. TTUS: Authorize issuance of Tuition Revenue Bonds and Revenue Financing System Bonds for eligible projects for construction of infrastructure for TTUS and to pay costs relating to the issuance of the bonds.

Presenter: Mr. Jim Brunjes

Presentation Time: 15 minutes

Board approval required by: Section 07.05.1, *Regents' Rules*,

RECOMMENDATION

The chancellor recommends that the Board of Regents authorize the issuance of Revenue Financing System ("RFS") Bonds, scheduled for issuance in February 2017. A resolution authorizing sale and delivery of the Bonds are attached for approval by the Board of Regents.

In summary, the Board of Regents will approve the attached resolution authorizing the sale and delivery of "Board of Regents of Texas Tech University System Revenue Financing System Refunding and Improvement Bonds, Series 2017A & 2017B tax-exempt and taxable bonds in the maximum aggregate amount of \$420,000,000", and resolving other matters incident and related thereto.

As noted in the resolutions, the *Pricing Committee* is authorized, appointed, and designated to act on behalf of the Board in the selling and delivering the Bonds in one or more series. The "*Pricing Committee*" shall mean the Chancellor, the Chief Financial Officer, and the Members of the Finance and Administration Committee of the Board of Regents.

BACKGROUND INFORMATION

The Board of Regents is being asked to approve Supplemental Resolution 17 to the Revenue Financing System Master Resolution adopted October 21, 1993. The most recent prior action by the Board of Regents was to approve Supplemental Resolution 16 for issues 2015A and 2015B on December 12, 2014.

4. TTUS: Report on Presidential Collaborative Research Initiative.

Presenters: Mr. Jim Brunjes/Dr. Peter Rotwein
Report requested by: Chancellor Duncan

Presentation Time: 5 minutes

Mr. Jim Brunjes, Vice Chancellor and CFO, TTUS and Dr. Peter Rotwein, VP for Research, TTUHSC El Paso will present a report on the Presidential Collaborative Research Initiative.

BACKGROUND INFORMATION

Follow up to the six-month progress report delivered to the Board in May 2016 by Jim Brunjes, Vice Chancellor and CFO, TTUS, and Dr. Peter Rotwein, VP for Research, TTUHSC El Paso.

**ACADEMIC,
CLINICAL AND
STUDENT AFFAIRS**

Academic, Clinical and Student Affairs Committee

Committee Meeting
December 15, 2016

Time: 11:50 am (or upon adjournment of the Finance and Administration Committee meeting)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Lancaster (Chair), Esparza, Francis, Stewart

Agenda

- Approve minutes of committee meeting held on October 13, 2016

III.D. Consideration of items to be recommended by the Academic, Clinical and Student Affairs Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

	<u>Page</u>
	ACS
1. TTU: Approve appointment with tenure.....	3
2. TTU: Approve Doctor of Philosophy Degree in Exercise Physiology.....	4
3. TTU: Approve exception to Section 03.01.11.c, <i>Regents’ Rules</i> (nepotism)	7
4. TTUHSC: Approve appointment of Grover E. Murray Professors	8
5. TTUHSC: Approve expanding the Doctor of Pharmacy program in Dallas from two to four years	10
6. Adjournment	

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, December 16, 2016.

1. TTU: Approve appointment with tenure.

Presenter: Dr. Michael Galyean

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; TTU Operating Policy 32.01

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the granting of tenure to the following faculty member of Texas Tech University contemporaneously with his appointment:

Donald J. Lacombe, Ph.D., new associate professor in the Department of Personal Financial Planning in the College of Human Sciences. Dr. Lacombe previously held tenure first at Ohio University and then at West Virginia University. He began his new position at Texas Tech University effective September 1, 2016.

BACKGROUND INFORMATION

The faculty member has been judged by the respective department faculty, appropriate committees and administrative personnel as worthy of academic tenure. Procedures set forth in the university tenure policy (OP 32.01) for the awarding of tenure to qualified members of the faculty have been carefully followed.

Approval of this individual's tenure brings the number of full-time tenured faculty at Texas Tech University to 786, and the total number of all faculty at the university, either tenured or tenure-track, to a total of 1097. With this appointment, the percentage of tenure-track faculty who have been awarded tenure will be 72.

2. TTU: Approve Doctor of Philosophy Degree in Exercise Physiology.

Presenter: Dr. Michael Galyean

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new degree program, Doctor of Philosophy in Exercise Physiology, to be offered on-campus in the College of Arts and Sciences; and authorize submission by the Office of the Provost and Senior Vice President for Academic Affairs to the Texas Higher Education Coordinating Board seeking its certification of such a program, and to the Southern Association of Colleges and Schools Commission on Colleges for acknowledgement of a new degree program.

The educational objectives for the proposed Ph.D. in Exercise Physiology focus on the development and expansion of student knowledge about the scientific study of the physiological processes involved in human movement, offering an increasingly important option among healthcare occupations. The U.S. Bureau of Labor Statistics states the following: "Employment of healthcare occupations is projected to grow 19 percent between 2014 and 2024, much faster than the average for all occupations, adding about 2.3 million new jobs. Healthcare occupations will add more jobs than any other group of occupations."* The demand for exercise physiologists in Texas is higher than in all other states, except Pennsylvania.

To provide evidence of the demand for the proposed Ph.D., the Department of Kinesiology and Sport Management conducted an online survey of 151 graduate students and received 33 responses: 39% responded that they were interested in a Ph.D. in exercise physiology. This number was even higher (47%) when students were asked if they would choose to pursue a Ph.D. in exercise physiology at Texas Tech University if this degree were offered when they wished to enroll in a doctoral program.

The \$338,262 in personnel costs outlined in the table below represents a newly funded faculty position budgeted at \$65,000 beginning in the first year, plus projected merit increases of 2% each consecutive year. No other new personnel costs are anticipated. Equipment and IT costs of \$40,000 over five years include the purchase of technology necessary to deliver the degree program -- \$5,000 each in Years 1, 3, and 5 for student computing equipment, and \$5,000 each year for various consumable materials used in physiology instruction. Together, these costs over five years total \$378,262. The \$531,000 funding associated with reallocations represents the cumulative reassignment to this new program of existing faculty FTE in Years 1, 2, and 3 (\$200,000), and the redistribution of

existing graduate assistant funding to new and continuing doctoral students across the first five years (\$331,000). New revenue of \$887,773 is expected from formula funding and local tuition and fees. Reallocated and new funding total \$1,418,773.

* See: <http://www.bls.gov/ooh/healthcare/home.htm>

Five-Year Costs		<i>Five-Year Funding</i>	
Personnel	\$338,262	Reallocated Funds	\$531,000
Facilities and Equipment	\$25,000	Anticipated New Formula Funding	\$602,557
Library and IT	\$15,000	Special Item Funding	0
Other (Program Promotion)	0	Other (designated tuition and fees)	\$285,216
Total Costs	\$378,262	Total Funding	\$1,418,773

BACKGROUND INFORMATION

The Department of Kinesiology and Sport Management at Texas Tech University is ideally positioned to serve state residents and especially Hispanic students, as it develops a national and international reputation for a top quality doctoral program in Exercise Physiology. With TTU poised to become a recognized Hispanic-serving institution, the Ph.D. program will target Hispanic students who are graduates of TTU's Master of Science degree in Kinesiology as well as similar programs at other institutions. The TTU program has successfully recruited international master's degree students, most often from India and the Philippines, who will be recruited into the proposed Ph.D. program. The department currently has a 96.7% retention rate for master's degree students, and a 41.7% non-white minority graduate student population. We anticipate that we can attract and retain several of these students into the proposed Ph.D. program.

Recruitment efforts will include targeting other Texas Tech University undergraduate and master's degree students in the basic and human sciences who are interested in expanding their studies in exercise physiology; advertising at professional conferences and at careers fairs at regional institutions; an alumni tracking system and an electronic newsletter to connect with graduates to potentially attract them and others they know to the proposed Ph.D. program; using the department's website to advertise the new Ph.D. program; marketing to faculty at two-year institutions who may be interested in completing a Ph.D. to advance in their careers; working with professionals at UMC, Covenant, and

Grace Clinic to conduct information sessions and provide written materials to prospective students working in a variety of healthcare positions.

It is anticipated that most of the Ph.D. students will enroll in 9 credit hours each semester as full-time students. However, a small number (projected to be 1 additional student each year) will take only one or two courses each semester and summer term as part-time students, due to job and family commitments. These assumptions provide the following enrollment and SCH estimates, so that by Year 5 the program will entail 32 active students, 10 of whom would be new that year.

YEAR	1	2	3	4	5
Headcount	5	11	17	26	32
FTSE	4.5	10	15.5	24	29.5
SCH	40.5	90	139.5	216	265.5

3. TTU: Approve exception to Section 03.01.11.c, Regents' Rules (nepotism).

Presenter: Dr. Michael Galyean

Presentation Time: 2 minutes

Approval required by: Section 03.01.11.c, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve an exception to Section 03.01.11.c, Nepotism, *Regents' Rules*, to allow Ms. Nitasha Misra to be employed as a senior office assistant in the Office of International Affairs where her father, Dr. Sukant Misra, serves as associate vice provost for International Programs. Ms. Misra will be directly supervised by Vice Provost Tibor Nagy and overseen day to day by Reagan Ribordy, director of International Grants Administration. Any personnel issues pertaining to Nitasha Misra will be handled by Vice Provost Nagy, outside the line of report of Dr. Misra.

BACKGROUND INFORMATION

Section 03.01.11.c, *Regents' Rules*, states that no person related to an administrator within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which an administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of an individual may be made only by the Board, upon recommendations of the president and the chancellor, and then only when the administrator in question does not directly supervise the person to be appointed.

4. TTUHSC: Approve appointment of Grover E. Murray Professors.

Presenter: Dr. Steven L. Berk

Presentation Time: 3 minutes

Board approval required by: 04.01.1, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the following faculty members be appointed as a Grover E. Murray Professor:

- Sharon Decker, Ph.D., R.N., ANEF, FAAN, professor and associate dean for Simulation, School of Nursing,
- Cynthia L. Raehl, Pharm.D., FASHP, FCCP, professor with tenure in the Department of Pharmacy Practice, School of Pharmacy, and
- Surendra Varma, M.D., professor with tenure in the Department of Pediatrics, School of Medicine.

BACKGROUND INFORMATION

The Grover E. Murray Professorship is intended for faculty members who attain national and international distinction for outstanding research, scholarly and creative achievement. Drs. Decker, Raehl and Varma meet these criteria.

Dr. Sharon Decker serves as the executive director of the Texas Tech University Health Sciences Center ("TTUHSC") Simulation Program covering the Abilene, Lubbock and Odesa centers. She is nationally and internationally recognized scholar on the subject of interprofessional simulation as a health care learning essential. Dr. Decker defined a specific area within simulation upon which to focus – debriefing. This and guided reflection that follow a simulation are the most essential parts of the experience, since that is where learning is synthesized. Conducting these sessions has been a difficult skill for even faculty to learn. Dr. Decker is a Fellow in the American Academy of Nursing, the highest honor in the nursing profession, and has contributed her expertise to organizations devoted to simulation, the International Nursing Association for Clinical Association and Learning and the Society for Simulation in Healthcare, an international, multi-disciplinary organization. In recognition of her expertise and significant contributions to simulation, she was invited to be an inaugural Fellow in the newly established Academy for Healthcare Simulation. Dr. Decker holds the Covenant Health System Endowed Chair in Simulation and Nursing Education.

Dr. Cynthia Raehl was the founding chair of the Department of Pharmacy Practice in 1996 and is currently the regional dean of the School of Pharmacy in

Abilene. Dr. Raehl has earned national recognition for her expertise in cardiovascular pharmacotherapy, geriatrics, health literacy in elders, and health systems research. She is one of a handful of pharmacists to serve on the Food & Drug Administration's (FDA) committee on Cardiovascular and Renal Drugs. She also served on the United States Pharmacopeia (USP) Expert Committee on Cardiovascular and Renal Drugs (2000-2005) and was a consultant to the FDA Center for Drug Evaluation. Along with her late husband, Dr. C. A. Bond, Dr. Raehl is internationally recognized for health services research focused on outcomes associated with hospital affiliated clinical pharmacy services. Their 20-year study of over 1,000 U.S. hospitals established the association of clinical pharmacists with reduced mortality rates, reduced total costs of care, reduced lengths of stay, reduced drug costs, and reduced medication errors. Their data was the catalyst for fundamental change in the United Kingdom's National Health Service structure for pharmacy services. Dr. Raehl was the 2007-2008 president of the American Association of Colleges of Pharmacy.

Dr. Surendra Varma is executive associate dean for Graduate Medical Education & Resident Affairs, the Ted Hartman Endowed Chair in Medical Education, vice chair of Pediatrics and a University Distinguished Professor. He has a long and distinguished career in pediatric endocrinology and medical education. Dr. Varma is an outstanding mentor to medical students, residents, junior and senior faculty and a dedicated institutional citizen. He has received significant grant funding in support of his educational and clinical practice activities and his findings have been published in highly respected medical and scientific journals. His value as a leader within pediatric education is best illustrated by his record of service at state and national levels. He has provided leadership to the Texas Medicaid Enhanced Care Program Advisory Board and the Council on Health Promotions of the Texas Medical Association. Dr. Varma currently serves on the Texas Medical Board. Nationally, Dr. Varma is a member of important academic societies, including the Lawson Wilkins Pediatric Endocrine Society, the American Academy of Pediatrics, the Society for Pediatric Research, Alpha Omega Alpha, the American College of Pediatricians and the American Pediatric Society.

Faculty members who have been previously named Grover E. Murray professors are:

- Dr. Neil Kurtzman (retired)
- Dr. John Orem (retired)
- Dr. Gabor Racz (retired)
- Dr. Quentin Smith
- Dr. Afzal Siddiqui
- Dr. Doug Stocco (retired)
- Dr. Abraham Verghese (no longer at TTUHSC).

5. TTUHSC: Approve expanding the Doctor of Pharmacy program in Dallas from two to four years.

Presenter: Tedd L. Mitchell, M.D.

Presentation Time: 5 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; HSC Operating Policy 60.11; and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the expansion of the Texas Tech University Health Sciences Center ("TTUHSC") School of Pharmacy's ("SOP") Doctor of Pharmacy degree program in Dallas from two years to four years to be effective fall semester 2017, and authorize the submission by the executive vice president for Academic Affairs to the Texas Higher Education Coordinating Board seeking its approval for such expansion.

BACKGROUND INFORMATION

TTUHSC School of Pharmacy requests authorization to offer the first two years of its Doctor of Pharmacy ("Pharm.D.") program in Dallas, Texas at its Forest Park facility. The School has had a presence in Dallas since 1999 and currently offers the 3rd and 4th years of its Pharm.D. program to 148 students on its Dallas campus. The School has contemplated expanding the Dallas campus to a full 4 year program, similar to that in Amarillo and Abilene.

The proposal is to initiate a 4 year program in Dallas for fall semester 2017, with up to 40 students in the P1 class. Additional faculty will be recruited to help teach this program, which will be through a combination of direct one-on one and group exercises, as well as didactic classroom teaching in person and via video linkage through the system currently used for Pharm.D. program in Amarillo and Abilene.

This expanded degree offering will help meet the needs of pharmacy applicants who cannot relocate to Abilene or Amarillo for the first two years of the curriculum. It will also help to prepare graduates for west Texas and the rest of the state. Presently, graduates of schools of pharmacy of the state of Texas comprise <40% of all new Registered Pharmacist licenses in Texas. Growth of this program through our Dallas campus will allow the TTUHSC School of Pharmacy to better meet the pharmacy demand needs of the state of Texas and particularly that of west and north Texas.

COSTS and FUNDING

Costs for the Pharm.D. program expansion in Dallas are outlined in the table below. The one-time costs of \$2,230,000 are associated with the renovation of

the space of the Forest Park Building in Dallas, which includes adding classrooms, labs, and office space for the program. Funding for renovation costs will come from Higher Education Assistance Funds. The recurring costs of \$5,672,650 represents costs over the initial five years of the program for faculty, staff, and operating costs. Funding for these recurring costs includes reallocation of existing funds for four faculty positions and one staff position along with additional formula funding, board authorized tuition, and designated tuition and fees resulting from the increased enrollment.

Recurring		One-Time	
Costs			
Faculty	\$ 4,223,334	Facility Renovations	\$ 1,800,000
Staff	770,087	Furnishings and Equipment	430,000
Operating Costs	679,229		
Total Recurring Costs	\$ 5,672,650	Total One-Time Costs	\$ 2,230,000
Funding Sources			
Reallocated Funds	\$ 1,752,000	Higher Education Assistance Funds	\$ 2,230,000
Anticipated New Formula Funding	3,395,735		
Board Authorized Tuition	880,500		
Designated Tuition and Fees	1,850,354		
Total Funding Sources	\$ 7,878,589	Total Funding Sources	\$ 2,230,000

**MEETING OF THE
BOARD**

Meeting of the Board
Thursday, December 15, 2016

Time: 8:30 am

Place: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Agenda

I. Joint Meeting of the TTUS Board of Regents, the Executive Committee of the Texas Tech Foundation Board, the Investment Advisory Committee, and the ASU Foundation Board —Refer to agenda provided by Office of Investments/Office of the Chief Financial Officer.

Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

- A. IntroductionsChairman Long
- B. 2016 Economy/Market Review.....Tim Bruce (NEPC)
- C. Investment Performance ReviewTim Barrett
- D. Questions/Answers

II. Recess Meeting of the Board/Adjournment of Joint MeetingChairman Long

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place upon recess of the Joint Meeting/Meeting of the Board at approximately 9:45 am; refer to agenda provided by the Chief Financial Officer's Office

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

III. Meeting of Standing Committees: Conducted sequentially and separately from the Meeting of the Board at the adjournment of the Carr Scholarship Foundation meeting; refer to agenda for each respective committee meeting.

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Meeting of the Board

Thursday, December 15, 2016

Time: 1:00 pm (or upon adjournment of the last committee meeting of the day or whenever deemed necessary)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Agenda

IV. Meeting of the Board—Call to Order; reconvene into Open Session of the BoardChairman Long

V. Executive Session: The Board may convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Long

A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071

B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072

C. Deliberations regarding prospective gifts – Section 551.073

D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074

E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

VI. Open Session: The Board will reconvene in Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

A. Consideration of appropriate action, if any, on items discussed in Executive Session.....Vice Chairman Montford

VII. RecessChairman Long

Meeting of the Board
Friday, December 16, 2016

Time: 8:30 am

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Agenda

- VIII. Meeting of the Board—Call to Order; reconvene into Open Session of the Board**.....Chairman Long
 - IX. Introductions and Recognitions** Chancellor Duncan,
President May,
President Schovanec
President Mitchell, and
President Lange
 - X. Recess** (if necessary, for standing committees to meet; otherwise continue in Open Session (XIII.)Chairman Long
 - XI. Meeting of Standing Committees** (if not concluded on Thursday)
 - XII. Meeting of the Board—Call to Order; reconvene into Open Session of the Board**
 - XIII. Open Session:** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
 - A. Approve minutes of Board meetings held on October 13-14, 2016Chairman Long
 - B. Committee of the Whole.....Vice Chairman Montford
- Page
CW
- 1. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA, and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda..... 8

Consent Agenda

- a. ASU: Approve faculty development leave of absence (ACS)

- b. ASU: Approve text, installation and location of plaque for former presidents of Angelo State University (ACS)
- c. TTU: Approve employee appointment to non-elective position (ACS)
- d. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- e. TTU: Approve renaming of the Foreign Languages Building (F)
- f. TTU: Approve Permanent Right of Access and Use of Texas Tech University land to the City of Lubbock (F)
- g. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences Center El Paso land to CEMANAC Investments (F)
- h. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences El Paso land to the El Paso Electric Company (F)
- i. TTU: Approve commissioning of police officers (FA)
- j. TTU: Approve modification of Endowment Criteria (FA)
- k. TTUS, TTU, and ASU: Approve purchasing contracts in excess of \$1,000,000 per annum (FA)
- l. TTUHSC El Paso: Authorize president to execute consulting contract with Moulton Editorial Services (FA)
- m. TTUS, TTU, TTUHSC, TTUHSC – EP and ASU: Approve delegation of signature authority (FA)

Information Agenda

Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

- (1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.

- (2) TTUHSC: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules* – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.
- (3) TTU, TTUHSC El Paso and TTUS: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”
- (4) TTU and TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents' Rules*: “Notwithstanding Section 07.12.3.a, *Regents' Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.”
- (5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents' Rules* – “The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board.”
- (6) ASU, TTU, TTUHSC and TTUHSC El Paso: Affordability and Access Reports – Section 51.4031, *Texas Education Code*, requires each Texas public institution of higher education to provide to its governing board a report for the previous academic year that “examines the affordability and access of the

institution.” These reports are to provide the following information:

- the institution’s in-state tuition and fees as a percent of gross family income;
- the institution’s admission criteria;
- an analysis of the institution’s admission criteria and the criteria for the award of financial assistance;
- an analysis of how the foregoing factors relate to the regions of the state in which the institution’s students reside, the race/ethnicity and gender of its students, and the level of education achieved by the parents of its students; and
- comparisons of the institution with peer institutions in Texas and other states with respect to affordability and access.

XIV. Reports of Standing Committees: Standing Committee reports will be presented sequentially to the Committee of the Whole.

- A. Report of the Audit Committee Regent Steinmetz
- B. Report of the Facilities Committee Regent Anders
- C. Report of the Finance and Administration Committee..... Regent Francis
- D. Report of the Academic, Clinical and Student Affairs Committee..... Regent Lancaster

XV. The Board will continue in Open Session as the Committee of the Whole and Meeting of the Board of Regents.

- A. Schedule for Board meetings:
 February 23-24, 2017, Lubbock
 May 18-19, 2017, Lubbock
 August 10-11, 2017, Lubbock
 December 14-15, 2017, Lubbock Ben Lock
- B. The Chancellor’s Report Chancellor Duncan
- C. The President’s Report, ASU President May
- D. The President’s Report, TTU President Schovanec
- E. The President’s Report, TTUHSC President Mitchell
- F. The President’s Report, TTUHSC El Paso..... President Lange

XVI. Executive Session: The Board may convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue to consider matters

permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Long

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

XVII. Open Session: The Board will convene into the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive SessionVice Chairman Montford
- B. Chairman’s AnnouncementsChairman Long

XVIII. AdjournmentChairman Long

1. **ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS:
Approve Consent Agenda; acknowledge review of
Information Agenda.**

RECOMMENDATION

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of December 15-16, 2016; and (ii) acknowledge its review of the Information Agenda for the same meeting.

BACKGROUND INFORMATION

Pursuant to Section 01.02.6.b(2), *Regents' Rules*, the Board of Regents approves certain administrative actions.

This action is required to authorize the various officers and officials of Texas Tech to perform the tasks and duties delineated in the policies of the Board of Regents. This action also confirms the authority to prepare reports, execute contracts, documents, or instruments approved within the Consent Agenda and further confirms that such authority has been delegated to the officer or official preparing and/or executing the said item.

**CONSENT/
INFORMATION
AGENDA**

BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

CONSENT AGENDA
and
INFORMATION AGENDA

December 15-16, 2016

BOARD OF REGENTS

Mr. Mickey L. Long, Chairman
Mrs. Debbie Montford, Vice Chairman
Mr. Larry K. Anders
Mr. John D. Esparza
Mr. L. Frederick "Rick" Francis
Mr. Ron Hammonds
Mr. Christopher M. Huckabee
Mr. Tim Lancaster
Mr. John D. Steinmetz
Mr. Jeremy W. Stewart

Standing Committees:

Academic, Clinical and Student Affairs:
Tim Lancaster (Chair); Rick Francis; John Esparza; Jeremy Stewart

Audit:
John Steinmetz (Chair); John Esparza; Ron Hammonds

Facilities:
Larry Anders (Chair); John Steinmetz; Chris Huckabee

Finance and Administration:
Rick Francis (Chair); Larry Anders; Tim Lancaster

**TEXAS TECH UNIVERSITY SYSTEM
BOARD OF REGENTS**

December 15-16, 2016

TABLE OF CONTENTS

CONSENT AGENDA

	<u>Page</u>
a. ASU: Approve faculty development leave of absence (ACS).....	1
b. ASU: Approve text, installation and location of plaque for former presidents of Angelo State University (ACS)	2
c. TTU: Approve employee appointment to non-elective position (ACS).....	5
d. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW).....	6
e. TTU: Approve renaming of the Foreign Languages Building (F)	8
f. TTU: Approve Permanent Right of Access and Use of Texas Tech University land to the City of Lubbock (F)	9
g. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences Center El Paso land to CEMANAC Investments (F)	11
h. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences El Paso land to the El Paso Electric Company (F)	12
i. TTU: Approve commissioning of police officers (FA)	13
j. TTU: Approve modification of Endowment Criteria (FA)	14
k. TTUS, TTU, and ASU: Approve purchasing contracts in excess of \$1,000,000 per annum (FA).....	15

I.	TTUHSC El Paso: Authorize president to execute consulting contract with Moulton Editorial Services (FA)	17
m.	TTUS, TTU, TTUHSC, TTUHSC – EP and ASU: Approve delegation of signature authority (FA).....	18

INFORMATION AGENDA

(Titles only; full agenda is on page 21)
Information is provided as required by
Section 01.02.7.d(4)(c), *Regents' Rules*

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

- (1) **ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) **TTUHSC: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules*** – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.
- (3) **TTU, TTUHSC El Paso and TTUS: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules*** – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”
- (4) **TTU and TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents' Rules***: “Notwithstanding Section 07.12.3.a, *Regents' Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.”
- (5) **TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents' Rules*** – “The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board.”

- (6) **ASU, TTU, TTUHSC and TTUHSC EI Paso: Affordability and Access Reports** – Section 51.4031, *Texas Education Code*, requires each Texas public institution of higher education to provide to its governing board a report for the previous academic year that “examines the affordability and access of the institution.” These reports are to provide the following information:
- the institution’s in-state tuition and fees as a percent of gross family income;
 - the institution’s admission criteria;
 - an analysis of the institution’s admission criteria and the criteria for the award of financial assistance;
 - an analysis of how the foregoing factors relate to the regions of the state in which the institution’s students reside, the race/ethnicity and gender of its students, and the level of education achieved by the parents of its students; and
 - comparisons of the institution with peer institutions in Texas and other states with respect to affordability and access.

a. **ASU: Approve faculty development leave of absence.**

Board approval required by: Section 4.05.1, *Regents' Rules*

The request is to approve the following leave of absence. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Faculty Development Leave

Faculty development leave with salary for Edwin Cuenco, associate professor, Department of Visual and Performing Arts, College of Arts and Humanities, from November 12, 2016 through December 10, 2016, to travel to Nepal to investigate his options in expanding ways to connect with his students in a virtual landscape using technology like Skype, Blackboard, video conferencing and other methods under a teaching/research Fulbright Scholar Grant.

BACKGROUND INFORMATION

Section 04.05.1, *Regents' Rules*, requires regent approval of leaves of absence for faculty. The existing policy provides that leaves may be granted under conditions allowable by the state of Texas. Faculty members submit requests for leave through their respective deans to the provost with final consideration by the president. The president has approved the leave as indicated.

b. ASU: Approve text, installation and location of plaque for former presidents of Angelo State University.

Board approval required by: Section 12.03, *Regents' Rules*

The request is to approve the installation, location, and text of plaques—as listed below—in recognition of the tenure of the four former presidents of Angelo State College and Angelo State University (“ASU”), respectively. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Dr. Raymond M. Cavness, the first president of Angelo State College, 1965-1967.

Text of plaque:

Raymond M. Cavness
First President
Angelo State College
1965-1967

Dr. Lloyd D. Vincent, second president of Angelo State University, 1967-1994.

Text of plaque:

Lloyd D. Vincent
Second President
Angelo State College - Angelo State University
1967-1994

Dr. E. James Hindman, third president of Angelo State University, 1995-2007.

Text of plaque:

E. James Hindman
Third President
Angelo State University
1994-2007

Dr. Joseph C. Rallo, fourth president of Angelo State University, 2007-2012.

Text of plaque:

Joseph C. Rallo
Fourth President
Angelo State University

2007-2012

[NOTE: In accordance with *Regents' Rules*, 12.03, the appropriate date for installation of the plaque recognizing Dr. Rallo's tenure will be August 2017.]

The plaques will be displayed on the walls of the entrance of the Sol Mayer Administration Building and will conform in composition and style.

BACKGROUND INFORMATION

Dr. Raymond M. Cavness was the first president of Angelo State College serving from 1965 to 1967.

A Texas native, Dr. Raymond M. Cavness was born in Snyder and graduated from Southwest Texas State Teachers College in San Marcos. He received his master's degree and Ph.D. from the University of Texas. A Navy officer in World War II, he was an administrator at various schools before coming to San Angelo College as president in 1954.

While Dr. Cavness was president, the college grew from a two-year institution with 728 students and 29 faculty members to a four-year state college with 2,500 students and 111 faculty members. He retired from Angelo State College on August 31, 1967.

Dr. Lloyd D. Vincent served as Angelo State University's second president from 1967 to 1994.

Dr. Lloyd D. Vincent was born January 7, 1924, in De Quincy, Louisiana. After serving in the Army Air Corps in World War II, he went to Rice University on a track scholarship and set a Southwest Conference record in the 880-yard run. He received his master's degree and Ph.D. in nuclear physics from the University of Texas, teaching at several universities before becoming president of Angelo State College in 1967.

During Dr. Vincent's presidency, the student population grew from 2,556 in 1967 to 6,276 in 1994. The campus grew as well with modern academic buildings and residence halls replacing old Army barracks. During his tenure, Angelo State College became Angelo State University and new educational and athletic programs were established. While attending a Board of Regents meeting in Alpine, he suffered a stroke and died on August 5, 1994.

Dr. E. James Hindman served as Angelo State University's third president from 1995 to 2007.

A native of Lubbock, Dr. E. James Hindman earned his bachelor's, master's and doctoral degrees in history from Texas Tech University. Before arriving at Angelo

State University in 1994, he had served as provost and vice president for academic affairs at Middle Tennessee State University. Prior to that, he had worked at four other universities, including Sul Ross State University and Lamar University in the Texas State University System, of which Angelo State University was a member until 2007.

As president, Dr. Hindman oversaw nearly \$65 million in renovation and new construction on campus. Among his initiatives, he began and implemented Angelo State University's first academic master plan and first marketing plan.

After stepping down as president, he remained a part of the history faculty before retiring on August 31, 2012, with the title of President Emeritus.

Dr. Joseph C. Rallo served as Angelo State University's fourth president from 2007 to 2012.

A New York native with a master's degree and Ph.D. from Syracuse University, Dr. Joseph C. Rallo arrived at Angelo State University just in time to guide Angelo State University's transition from the Texas State University System to the Texas Tech University System in 2007. His tenure at Angelo State University was a time of significant growth, marked by the construction of two new residence halls and a 13.5 percent increase in the student population, which surpassed 7,000 for the first time in 2011.

As president, Dr. Rallo established the Multicultural Center and Center for International Studies. He also implemented new initiatives that resulted in Angelo State University's first national recognition in *The Princeton Review* and designation as a Hispanic Serving Institution by the U.S. Department of Education.

In the summer of 2012, he left Angelo State University to become vice chancellor for academic affairs of the Texas Tech University System.

Section 12.03, *Regents' Rules*, requires Board approval of the text, installation and location of plaques recognizing the tenure of former presidents of Angelo State University.

Per Section 12.03, *Regents' Rules*, plaques recognizing former presidents of Angelo State University shall be prepared and installed following a period of five years from the time of the president leaving office. Dr. Rallo resigned from the Office of the President of Angelo State University effective August 31, 2012. The appropriate date for installation of the plaque recognizing his tenure will be August 2017.

c. TTU: Approve employee appointment to non-elective position.

Board approval required by: Article 16, Section 33, Texas Constitution; Chapter 667.007, Texas Government Code and 70.15 TTU Operating Policy

The request is to approve an employee appointment to a non-elective position as listed below. Further, it is recommend that the Board of Regents find with respect to the appointee that his service is of benefit to the State of Texas and Texas Tech University and does not conflict with his position of employment at Texas Tech University. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Governor Greg Abbott has appointed Dr. Scott Ridley, Dean of the College of Education at Texas Tech University, as a member of the State Board for Educator Certification. The State Board for Educator Certification oversees the preparation, certification, and standards of conduct for public school educators. His immediate appointment is to fill a seat set to expire on February 1, 2017, at which time he will be reappointed for a six-year term ending February 1, 2023.

This appointment is not in conflict with Dr. Ridley's employment at Texas Tech University. He will serve on the board without compensation, but may be reimbursed for necessary travel and *per diem* in the performance of his duties as a member of the board.

BACKGROUND INFORMATION

The Texas Constitution, *Texas Government Code*, and Texas Tech University Operating Policy require a finding of fact before a university employee may accept an appointment to serve in a non-elective state office.

d. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information.

Approval required by: Section 01.02.1.b, Regents' Rules, and Section 109.001(c), Texas Education Code, National Industrial Security Program Operating Manual

The request is to approve the following resolutions affirming the classified material managerial group and excluding members of the Board of Regents from access to classified information, as provided for in Department of Defense 5220.22-M, National Industrial Security Program Operating Manual, 2-104 and 2-106. This request was approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

RESOLVED, that those persons occupying the following positions at Texas Tech University ("TTU") be known as the Managerial Group, having the authority and responsibility for the negotiation, execution and administration of User Agency contracts, as described in Department of Defense 5220.22-M, National Industrial Security Program Operating Manual:

President, TTU
 Vice President for Research, TTU
 Facility Security Officer, TTU
 Assistant Facility Security Officer(s), TTU

RESOLVED, that the Managerial Group is hereby delegated all of the Board's duties and responsibilities pertaining to the protection of classified information under classified contracts of the Department of Defense or User Agencies of the Industrial Security Program awarded to TTU;

RESOLVED, that until such time as the persons occupying the position of President and Vice President for Research have been granted Personnel Security Clearances by the Department of Defense, these persons shall be excluded from access to all classified information in the possession of TTU;

RESOLVED, that the following named officers and members of the Board of Regents shall not require, shall not have, and can be effectively excluded from, access to all classified information in the possession of TTU, and do not occupy positions that would enable them to affect adversely the policies and practices of TTU in the performance of any classified contracts for the Department of Defense or User Agencies of its Industrial Security Program awarded to TTU, and need not be processed for personnel security clearance:

BOARD OF REGENTS

Mr. Larry K. Anders
Mr. John D. Esparza
Mr. L. Frederick Francis
Mr. I. Tim Lancaster
Mr. Mickey L. Long
Mrs. Debbie Montford
Mr. Ronnie Hammonds
Mr. Christopher M. Huckabee
Mr. John D. Steinmetz
Mr. Jeremy Stewart (Student Regent)

BACKGROUND INFORMATION

Protection of classified information is regulated by the Federal Government. Federal regulations regarding security matters provide a means for the Board of Regents to delegate responsibility for the protection of classified information to a Managerial Group. The alternative to a managerial group is for the Board to retain this responsibility under conditions established by federal regulations and which will require Board members to obtain a security clearance for access to classified information. Most universities elect to establish managerial groups.

To operate with a managerial group, the Board, by federal regulation, must exclude themselves from possessing a security clearance and instead appoint officials of the university to act as the managerial group.

With the appointment of the most recent regents, the Board of Regents must update its statement of exclusion to meet the requirements of federal regulations.

e. **TTU: Approve renaming of the Foreign Languages Building.**

Board approval required by: Section 08.05.1, *Regents' Rules*

The request is to approve renaming the Foreign Languages building as “*Classical and Modern Languages and Literatures*” to reflect a single department’s occupancy of the facility.

BACKGROUND INFORMATION

The renaming will reflect the use of a facility by a single department; the Department of Classical & Modern Languages & Literatures (“CMLL”). The CMLL is considered the gateway to languages and cultures from across the globe.

Section 08.05.1, *Regents' Rules*, require that the Board of Regents approve the naming of Texas Tech buildings and facilities.

f. TTU: Approve Permanent Right of Access and Use of Texas Tech University land to the City of Lubbock.

Board approval required by: Section 07.12.3.d, *Regents' Rules*

The request is to authorize the president to conclude negotiations with the City of Lubbock ("City") to grant the City a permanent right of access and use of Texas Tech University ("TTU") land to the City of Lubbock ("City") which totals 5.9681 acres. The granting document will:

- (i) accept the City's rescission (by letter dated November 28, 2016) of its original offer (dated October 4, 2013) to acquire a permanent right of access and use of 0.283 acres with a fair market value of \$49,300, made on October 4, 2013;
- (ii) officially recognize and grant the City permanent right of access and use of 5.332 acres, for which TTU will receive no monetary consideration, since historically the acreage has been used as a roadway or utility corridor since the construction of Erskine Street;
- (iii) grant the City a permanent right of access and use of 0.6361 acres of raw land frontage for the widening of Erskine Street from Indiana Avenue west to Texas Tech Parkway and North Loop 289 ("Northwest Passage Project") for which TTU will receive payment of its fair market value (determined by a certified appraiser as \$102,530);
- (iv) authorize the Office of Facilities Planning and Construction to review final architectural and engineering plans and coordinate the Northwest Passage Project with university and component operations; and
- (v) require the City to pay all costs associated with the Northwest Passage Project.

This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

In March 2015, the Board of Regents approved concluding negotiations with the City of Lubbock and granting to the city a permanent right of access and use of TTU land. The original Board of Regents approval acknowledged the historic use of 5.686 acres, with no fair market value paid, and authorized the president to conclude negotiations with the City to grant the City a permanent right of access and use to a total of 5.969 acres of land, comprised of 5.686 acres of land historically used as a roadway or utility corridor since the construction of Erskine Street (for no consideration due to the land's historic use) and an additional 0.283 acres of raw land (for fair market value of \$49,300).

On November 28, 2016, the City rescinded its original offer (dated October 4, 2013) of \$49,300 for 0.283 acres due to the fact that (i) the City requested and

received Federal funding from the Federal Highway Administration (“FHWA”) to be used for construction cost; and (ii) the original appraisal dated September 13, 2013 was outdated and did not meet the Federal and State standards.

The City of Lubbock is now authorized to offer TTU \$102,530.00 as just compensation for the acquired 0.6361 acres (across property bearing the municipal address of 604 N. Knoxville Ave.) of TTU property for the construction of the Erskine Street Widening project as determined in accordance with Federal and State laws.

The 0.6361 acres is comprised of (i) 0.283 acres that was the subject of the City’s original offer in 2013; and (ii) 0.3531 acres of land historically used by the City for roadway or utility corridor since the construction of Erskine Street for which compensation must be paid to TTU as a result of the City’s use of federal funding for the City’s construction costs.

Due to the fact that compensation will be paid for 0.3531 acres of land historically used by the City for roadway or utility corridor since the construction of Erskine, the amount of land for which historic use will be recognized with no consideration paid is 5.332 acres (5.686 acres less the 0.3531 acres for which the City will pay TTU).

The City will pay all costs associated with planning, constructing and maintaining the Connector and any related work. Final architectural and engineering plans for the proposed Connector will be provided to Texas Tech University System for review and coordination with university and component operations.

Section 07.12.3.d, *Regents’ Rules* require board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

g. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences Center El Paso land to CEMANAC Investments.

Board approval required by: Section 07.12.3.d, *Regents' Rules*

The request is to approve a permanent right of access and use of 0.1253 acres (5,458.8 square feet) of Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") land by CEMANAC Investments, LLC for the continued operations and maintenance of the existing cellular tower site located within the boundaries of the TTUHSC El Paso's property located at 400 Raynolds Street. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

In December 2014, the Board of Regents during Executive Session, authorized President Lange to conclude negotiations and execute agreements to purchase property located at 301 N. Concepcion and 400 Raynolds Street in El Paso. The strategic purchase of these properties was deemed vital to the future expansion of the Texas Tech University Health Sciences Center El Paso campus.

The property purchased at 400 Raynolds Street excluded the cellular tower site, which is located within the property boundaries. CEMANAC Investments, LLC has requested a permanent right of access and use of an easement for access to the tower site for continued operations and maintenance. TTUHSC El Paso will be using the property for additional surface parking and the easement will not interfere with the daily activities.

Section 07.12.3.d, *Regents' Rules* require board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

h. TTUHSC El Paso: Approve Permanent Right of Access and Use of Texas Tech University Health Sciences El Paso land to the El Paso Electric Company.

Board approval required by: Section 07.12.3.d, *Regents' Rules*

The request is to approve a permanent right of access and use of 0.0138 acres (600 square feet) of Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") land by El Paso Electric Company. This right of access and use will allow for the transfer of electrical service to the Administrative Support Building II from current overhead service to underground service. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

In December 2011, the Board of Regents during Executive Session, authorized the president to negotiate and execute an agreement to purchase 4.323 acres of land with one building having 48,800 gross square feet, located at 222 N. Concepcion, El Paso, Texas. The strategic purchase of the property was deemed vital to the future expansion of the Texas Tech University Health Sciences Center El Paso campus.

Since the purchase, the institution has sealed the existing parking lot surface, completed limited ADA modifications, and recently re-located the Offices of Diversity, Inclusion, and Global Health along with other administrative support departments to the facility. The plan now is to proceed with the renovation of the balance of the building to move-in various departments over time. The first phase of the project consisting of improving the exterior appearance of the building to match the architectural theme of TTUHSC El Paso is currently underway. This phase includes adding new roof assembly, building new window openings around the perimeter and creating well defined access points to the facility.

The second phase of the project entails upgrading the existing electrical service of the building by adding a new transformer. The installation of the new transformer will require to migrate the current electrical service feed from an overhead to an underground system. The El Paso Electric Company requires a perpetual "right of access" agreement to enter the property to service and maintain such electrical feed installation and associated components. The El Paso Electric Company will pay one dollar to the Institution for the assignment of the right of access to the property.

Section 07.12.3.d, *Regents' Rules* require board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

i. **TTU: Approve commissioning of police officer.**

Board approval required by: Section 51.203, *Texas Education Code*

The request is to commission the following individual as a police officer, effective on the date indicated below. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

Jeffrey Berry, effective October 16, 2016

BACKGROUND INFORMATION

The Board of Regents routinely takes action to commission certain employees as peace officers in accordance with *Texas Education Code*, Section 51.203.

j. TTU: Approve modification of Endowment Criteria.

Board approval required by: TTU OP 02.08.5

The request is to approve the merger of the Goodin Cell & Molecular Biology Scholarship Endowment and the J.R. Goodin Arts & Sciences Scholarship Endowment into the "Goodin Endowed Fellowship in Chemistry" for the following purpose:

"This endowment will fund fellowship(s) to summer graduates for students majoring in Chemistry. Preference to students in their 2nd, 3rd or 4th year of graduate study in the fields of organic chemistry, physical organic chemistry or an interdisciplinary area where organic chemistry plays a significant role. The scholarship may be used in a student's first year if deemed important for recruiting the student to Texas Tech University. Student(s) will be selected by the Department of Chemistry scholarship committee."

This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents. The donor has made the request, in writing, and concurs with the proposed modification.

BACKGROUND INFORMATION

The Goodin Cell & Molecular Biology Scholarship Endowment was established by Richard Goodin and J.R. Goodin in 1987 for the benefit of students majoring in Molecular Biology within the Department of Biological Sciences.

The J.R. Goodin Arts & Sciences Scholarship Endowment was established in 1991 by Richard Goodin for the benefit of students in the College of Arts and Sciences.

J.R. Goodin passed away in 1991. Richard Goodin, the surviving donor, has requested, in writing, that the endowments be merged to create the "Goodin Endowed Fellowship in Chemistry," to fund fellowships to summer graduates for students majoring in chemistry, within the Department of Arts & Sciences.

The combined fund balance of the Goodin Cell & Molecular Biology Scholarship Endowment and the J.R. Goodin Arts & Sciences Scholarship Endowment exceeds \$25,000.

Texas Tech University Operating Policy 02.08.5 states that modification of an endowment with a principal balance of greater than \$25,000 requires a written request of the donor and approval of the Board of Regents of the Texas Tech University System.

k. **TTUS, TTU, and ASU: Approve purchasing contracts in excess of \$1,000,000 per annum.**

Board approval required by: Section 07.12.3.a, Regents' Rules

The request is to approve purchasing contracts for each component in excess of \$1,000,000 per annum. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

In accordance with the *Regents' Rules*, the Board is routinely requested to approve the purchasing contracts that exceed \$1,000,000 per annum. Purchasing contracts are all compliant with Texas Education Code § 51.9335 and component Operating Policies and Procedures. Approval is requested for each vendor.

Section 07.12.3.a. *Regents' Rules*, requires Board approval on contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the term of the contract.

TTU, TTU, and ASU: Approval of Purchasing Contracts in Excess of \$1,000,000

Component	Vendor	Services or Goods to be Provided	Per Annum Expenditures	Start	End	Procurement Method
TTU	Apple Computers	Technology equipment	\$ 1,462,225	10/31/2014	2/28/2017	Purchasing Cooperative
TTU	Lubbock Temporary Help	Temporary Services. Services may include: office support staff, parking enforcement, maintenance workers, tradesmen (plumbing, painting, mechanical), custodians, cashiers, food service workers, special event/athletic game workers, and security.	\$ 5,477,728	8/20/2013	8/19/2021	Request for Proposal
TTU	Scarborough Specialties	Promotional goods and services include Texas Tech branded products used to promote or provide recognition. The products are often distributed at student, athletic, and recruiting events, as well as national and regional business and academic conferences	\$ 1,121,960	12/15/2015	12/15/2023	Request for Proposal
TTUS	Summus Staples	Office supply products and equipment	\$ 4,169,584	4/4/2012	4/4/2019	Request for Proposal
ASU	Ellucian	Work Order, HD Services and Degree Works Services	\$ 1,139,676	6/1/2016	5/31/2021	Texas Connection Consortium (TCC) Master Agreement
ASU	TAMU Corpus Christi	Banner Maintenance, Licensing for Degree Works, ILP and Mobile	\$ 1,261,038	6/1/2016	5/31/2021	Texas Connection Consortium (TCC) Master Agreement
ASU	Longhorn Office Products, Inc	Office Supply products and equipment	\$ 1,450,000	5/13/2016	5/12/2023	Request for Proposal

*End date includes renewal options.

I. TTUHSC El Paso: Authorize president to execute consulting contract with Moulton Editorial Services.

Board approval required by: Section 07.12.4.e.1, *Regents' Rules*

The request is to authorize the president to execute a contract with Moulton Editorial Services to provide their expertise in obtaining accreditation.

Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") recognizes the need to obtain expert consulting services to assist with the institution's Compliance Certification requirement for independent Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") accreditation. Consultant will assist with the development and completion of the Compliance Certification report which will adhere to the SASCOC standards, Core and Federal Requirements in addition to developing the compliance documentation for the Comprehensive Standards.

This expense contract will be for a total value not to exceed \$48,000 and will be effective as of January 1, 2017 and will end on September 30, 2017.

BACKGROUND INFORMATION

Section 07.12.4.e.1 *Regents' Rules*, requires Board approval on consulting contracts with an initial consideration in excess of \$25,000 or a consulting contract where the initial consideration was \$25,000 or less and the modification will cause the total consideration to exceed \$25,000.

**m. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUS and TTUSA:
Approve delegation of signature authority.**

Board approval required by: Title III Section 6.3b of the Texas General Appropriations Act; and Section 09.02.3, *Regents' Rules* which requires the annual delegation of signature authority to appropriate officers and employees each fiscal year

The request is to add the individual(s) as listed below to the signature authorization as approved during the August 11-12, 2016 Board of Regents meeting, and in accordance with Title III Section 6.3b of the Texas General Appropriations Act. This request has been approved administratively by the chancellor and respective component presidents and is recommended for approval by the Board of Regents.

- (1) To authorize the chancellor to designate officers and employees of the System and its components, to approve all employee travel, except to countries outside the United States other than United States possessions, Canada, and Mexico, provided that such travel contributes to the mission of the System and its components, and is in accordance with current travel regulations. The authorization is effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first.
- (2) To authorize the chancellor to designate officers and employees of the System and its components, to approve official travel reimbursement from State appropriations and all other funds for all officers and employees, provided that the purpose of the travel and reimbursement for such are in accordance with state travel regulations, other statutory requirements, or other action promulgated by this board. This authorization is effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first.
- (3) To authorize the chancellor to designate officers and employees of the System and its components, to approve and pay all accounts covering expenditures for state-appropriated funds and all other System or components-controlled funds. This authorization is effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first.
- (4) To authorize and approve the sale, purchase, and transfer of stocks, bonds, and any other investment vehicles which are owned or controlled by the System and to approve contracts with investment managers funded with assets owned or controlled by the System, provided such action is approved by any two of the individuals listed below. This authorization is

effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities,, whichever comes first, in which case the authorization applies to their successor:

Texas Tech University System

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

- (5) To authorize the signature and/or countersignature of checks drawn on all depository accounts of the System or its components in any depository bank. This authorization is effective from September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first, in which case the authorization applies to their successor. Any manually signed check shall be reviewed and signed by two authorized signers, and any mechanically signed check of \$25,000 or more shall be reviewed by any authorized signer.

Texas Tech University System Administration

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

Texas Tech University

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

Texas Tech University Health Sciences Center

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

Texas Tech University Health Sciences Center El Paso

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

Angelo State University

Any manually signed check shall be reviewed and signed by two authorized signers, and any mechanically signed check of \$10,000 or

more shall be reviewed by any authorized signer.

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

- (6) To authorize the transfer of funds, by wire or other electronic means, from System or component depositories. This authorization is effective from September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first, in which case the authorization applies to their successor.

Texas Tech University System Administration

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

Texas Tech University

Wire transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS

Texas Tech University Health Sciences Center

Wire transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS

Texas Tech University Health Sciences Center El Paso

Wire transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS

Angelo State University

Wire transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS

BACKGROUND INFORMATION

Title III Section 6.3b of the Texas General Appropriations Act, and Section 09.02.3, *Regents' Rules* requires the annual delegation of signature authority to appropriate officers and employees each fiscal year.

CONTENTS OF THE INFORMATION AGENDA

Section 01.02.7.d(4)(c), *Regents' Rules*, provides: “material required by a provision of the *Regents' Rules* to be furnished to the Board as information will be listed in the information agenda.”

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

INFORMATION AGENDA

Information is provided as required by
Section 01.02.7.d(4)(c), *Regents' Rules*

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

- (1) **ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (a) ASU: Report dated August 31, 2016 for fiscal year 2016 (available for review upon request);
 - (b) TTU: Report dated August 31, 2016 for fiscal year 2016 (available for review upon request); and
 - (c) TTUHSC: Report dated August 31, 2016 for fiscal year 2016 (available for review upon request).
 - (d) TTUHSC El Paso: Report dated August 31, 2016 for fiscal year 2016 (available for review upon request).
- (2) **TTUHSC: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules*** – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.
- (a) CON1617382 (Ref CON1577432) Amerigroup Texas Inc; NAIP Participation Agreement awarded thru Texas Health and Human Services Commission; \$2,396,250
 - (b) AMEND595882-002 (09162) Permian Basin Clinical Services Inc; renewal of Master Coordinating Agreement Faculty & Resident Support FY17; Increase of \$318,094 to \$4,151,653.
 - (c) AMEND1575374-001 (13220) North Texas Indigent Services Inc; renewal of Master Coordinating Agreement Faculty & Resident Support FY17 RE: Medical Center Hospital; Decrease of \$1,519,780 to \$12,087,891
- (3) **TTU, TTUHSC El Paso and TTUS: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules*** – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”
- TTU:
- (a) Angela C. Guillory, Services to assess the current conduct process utilized by Student Organizations at Texas Tech University (TTU); \$6,000; November

7-8, 2016.

TTUHSC El Paso:

- (a) 02779; Richard Black DDS; "Consultant Services Agreement" for TTUHSC-El Paso campus, RE: Consulting services for the development of our recently announced Woody L. Hunt School of Dental Medicine, \$10,000.
- (b) 02805; Patton Healthcare Consulting Inc.; "Consultant Services Agreement" for TTUHSC-El Paso campus, RE: Consulting services will be used to conduct a Joint Commission mock survey to assist in preparations for the accreditation survey, \$9,600.
- (c) 02933; CampbellWilson LLP; "Consultant Services Agreement" for TTUHSC-El Paso campus, RE: Consulting services for the HHSC uncompensated care annual reporting, \$20,000.
- (d) 02513; Thomas Cleary MD; "Consultant Services Agreement" for TTUHSC-El Paso campus, RE: Amendment for consulting services for initial application for independent Southern Association of Colleges and Schools Commission on Colleges accreditation, \$23,000.

TTUS:

- (a) Dr. Susan Sedwick; Consultation and advice to the General Counsel regarding federal export control compliance; not to exceed \$25,000; 1-year term.

- (4) TTU and TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., Regents' Rules:** "Notwithstanding Section 07.12.3.a. Regents' Rules, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting."

TTU:

- (a) NIET-TTU Leadership Instruction for Teachers (LIFT) Program; Dale S. Ridley, Dean, Education Dean's Office, and Principal Investigator; U.S. Department of Education/National Institute for Excellence in Teaching; \$1,600,993 awarded

TTUHSC:

- (a) Cancer Prevention and Research Institute grant funding entitled "North Texas Clinical Pharmacology Cancer Core", grant year 12/1/2016 through 11/30/2017; award amount \$1,275,980.

- (5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., Regents' Rules –** "The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board."

- (a) The President has approved establishment of the Institute for Peace and Conflict (IPAC), a multidisciplinary institute in the College of Arts and Sciences. The mission of IPAC is to enhance and expand critical research,

creative scholarship, and classroom teaching in the fields of war and society, global peacemaking, conflict resolution, and society's response to such efforts. Through the creation of IPAC, TTU will better utilize the existing assets of the Vietnam Center and Archive, as well as the new Archive of Modern American Warfare, and will bring attention to the scholarship of current faculty who are internationally recognized professional experts in the fields of International Relations, Conflict Resolution, U.S. Foreign Relations, Military History, and Strategic Studies.

The College of Arts and Sciences has committed start-up funds. IPAC will actively seek to raise additional funds through grant and fellowship opportunities, as well as through various forms of philanthropy.

Dr. Ron Milam, associate professor of History, currently serves as interim executive director. A national search will be conducted for a full-time director with an eventual start date of September 1, 2018.

- (6) **ASU, TTU, TTUHSC and TTUHSC El Paso: Affordability and Access Reports** – Section 51.4031, *Texas Education Code*, requires each Texas public institution of higher education to provide to its governing board a report for the previous academic year that “examines the affordability and access of the institution.” These reports are to provide the following information:
- the institution's in-state tuition and fees as a percent of gross family income;
 - the institution's admission criteria;
 - an analysis of the institution's admission criteria and the criteria for the award of financial assistance;
 - an analysis of how the foregoing factors relate to the regions of the state in which the institution's students reside, the race/ethnicity and gender of its students, and the level of education achieved by the parents of its students; and
 - comparisons of the institution with peer institutions in Texas and other states with respect to affordability and access.

The reports for each of the Texas Tech system component institutions have been submitted to the Texas Higher Education Coordinating Board and are available to Board members upon request.

ATTACHMENT

Adopted: 12/16/2016

SEVENTEENTH SUPPLEMENTAL RESOLUTION TO THE MASTER RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF BOARD OF REGENTS OF TEXAS TECH UNIVERSITY SYSTEM REVENUE FINANCING SYSTEM REFUNDING AND IMPROVEMENT BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$~~400~~420 MILLION AND APPROVING AND AUTHORIZING INSTRUMENTS AND PROCEDURES RELATING THERETO

TABLE OF CONTENTS

	<u>Page</u>
PREAMBLE	1
SECTION 1. DEFINITIONS	2
SECTION 2. AUTHORIZATION, PURPOSE, AND AMOUNT OF THE BONDS	2
(a) Purpose; Designation; Maximum Amount	2
(b) New Money Authorization	2
(c) Refunding Bonds Authorization	2
(d) Refunding of Commercial Paper Notes	2
SECTION 3. TERMS OF BONDS; PRICING COMMITTEE; PARAMETERS	3
(a) Terms of Bonds	3
(b) Delegation to Pricing Committee	3
(c) Effect of Determination Made by Pricing Committee; Expiration of Delegation	3
(d) Parameters for Pricing	4
(e) In General	4
SECTION 4. INTEREST	4
SECTION 5. REGISTRATION, TRANSFER, AND EXCHANGE; AUTHENTICATION; BOOK-ENTRY ONLY SYSTEM	4
(a) Paying Agent/Registrar	4
(b) Registration Books	4
(c) Ownership of Bonds	5
(d) Payment of Bonds and Interest	5
(e) Authentication	5
(f) Transfer, Exchange, or Replacement	5
(g) Substitute Paying Agent/Registrar	7
(h) Book-Entry Only System	7
(i) Successor Securities Depository; Transfers Outside Book-Entry Only System	8
(j) Payments to Cede & Co	8
(k) Notice of Redemption	8
SECTION 6. FORM OF BONDS	9
SECTION 7. ESTABLISHMENT OF FINANCING SYSTEM AND ISSUANCE OF PARITY OBLIGATIONS	9
SECTION 8. SECURITY AND PAYMENTS	9

	<u>Page</u>
SECTION 9. PAYMENTS TO PAYING AGENT/REGISTRAR	10
SECTION 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS	10
(a) Replacement Bonds	10
(b) Application for Replacement Bonds	10
(c) Payment in Lieu of Replacement	10
(d) Charge for Issuing Replacement Bonds	10
(e) Authority for Issuing Replacement Bonds	11
SECTION 11. AMENDMENT OF SUPPLEMENT	11
(a) Amendments Without Consent	11
(b) Amendments With Consent	12
(c) Notice	12
(d) Receipt of Consents	12
(e) Effect of Amendments	13
(f) Consent Irrevocable	13
(g) Ownership	13
SECTION 12. DEFEASANCE	13
SECTION 13. SEVENTEENTH SUPPLEMENT TO CONSTITUTE A CONTRACT; EQUAL SECURITY	13
SECTION 14. SEVERABILITY OF INVALID PROVISIONS	14
SECTION 15. PAYMENT AND PERFORMANCE ON BUSINESS DAYS	14
SECTION 16. LIMITATION OF BENEFITS WITH RESPECT TO THE SEVENTEENTH SUPPLEMENT	14
SECTION 17. CUSTODY, APPROVAL, BOND COUNSEL’S OPINION, CUSIP NUMBERS, PREAMBLE AND INSURANCE	14
(a) Submission of Proceedings to Attorney General	14
(b) Bond Insurance	15
SECTION 18. OFFICIAL STATEMENT	15
SECTION 19. CONTINUING DISCLOSURE OBLIGATION	15
(a) Annual Reports	15
(b) Notice of Certain Events	16
(c) Filings with the MSRB	17
(d) Limitations, Disclaimers, and Amendments	17
SECTION 20. FEDERAL TAX COVENANTS	19

	<u>Page</u>
SECTION 21. ADDITIONAL TAX COVENANTS REGARDING USE OF PROPERTY	21
(a) Allocation of, and Limitation on, Expenditures for the Project	21
(b) Disposition of Project	21
SECTION 22. SALE OF BONDS	21
(a) Underwriters	21
(b) Bond Purchase Contract	22
(c) Ratings	22
(d) Payment of Attorney General Fee; Bond Review Board Approval	22
(e) Effect of Determination Made by Board Representative	22
SECTION 23. REFUNDING	22
(a) Refunded Bonds <u>Obligations</u>	22
(b) Refunded Commercial Paper Notes	22
SECTION 24. REDEMPTION OF REFUNDED BONDS<u>OBLIGATIONS</u>	23
SECTION 25. ESCROW AGREEMENT	23
SECTION 26. FURTHER PROCEDURES	23
SECTION 27. REPEAL OF CONFLICTING RESOLUTIONS	23
SECTION 28. RULES OF CONSTRUCTION	23
SECTION 29. PUBLIC NOTICE	24
SCHEDULE I LIST OF REFUNDABLE BONDS <u>OBLIGATIONS</u>	I-1
SCHEDULE II ELIGIBLE PROJECTS	II-1
EXHIBIT A DEFINITIONS	A-1
EXHIBIT B FORM OF BONDS	B-1
EXHIBIT C DESCRIPTION OF ANNUAL FINANCIAL INFORMATION OF THE BOARD	C-1

SEVENTEENTH SUPPLEMENTAL RESOLUTION TO THE MASTER RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF BOARD OF REGENTS OF TEXAS TECH UNIVERSITY SYSTEM REVENUE FINANCING SYSTEM REFUNDING AND IMPROVEMENT BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$~~400~~420 MILLION AND APPROVING AND AUTHORIZING INSTRUMENTS AND PROCEDURES RELATING THERETO

WHEREAS, on October 21, 1993, the Board of Regents of Texas Tech University (now known as the Board of Regents of Texas Tech University System, and herein referred to either as the “Board” or the “Issuer”), acting separately and independently for and on behalf of Texas Tech University (“TTU”) and Texas Tech University Health Sciences Center (the “Health Sciences Center”), adopted a resolution establishing the “Revenue Financing System,” which resolution, together with the resolutions adopted November 8, 1996 and on August 22, 1997, is referred to herein as the “Master Resolution;” and

WHEREAS, unless otherwise defined herein, terms used herein shall have the meaning given in the Master Resolution; and

WHEREAS, the Master Resolution establishes the Revenue Financing System comprised of each institution and agency currently in the Texas Tech University System, and pledges the Pledged Revenues attributable to each participant of the Revenue Financing System to the payment of Parity Obligations to be outstanding under the Master Resolution; and

WHEREAS, the Board has previously adopted the First through Sixteenth Supplemental Resolutions to the Master Resolution authorizing Parity Obligations thereunder and other permitted changes to the Master Resolution; and

WHEREAS, the Board reserved the right under the terms of the Master Resolution to issue additional obligations on a parity with the outstanding Parity Obligations; and

WHEREAS, the Board hereby determines that it is in the best interest of the participants in the Revenue Financing System to (i) refund certain of its previously issued and outstanding commercial paper notes (the “Refunded Commercial Paper Notes”) in order to convert interim financing into long-term, fixed rate financing; (ii) refund all or certain of the outstanding debt obligations listed in **Schedule I** hereto (the “Refundable ~~Bonds~~Obligations”), in order to achieve a present value savings to the Revenue Financing System; (iii) finance or refinance the cost of facilities and improvements for the participants in the Revenue Financing System, including but not limited to those improvements set forth in **Schedule II** hereto; and (iv) pay the costs of issuance relating to such Parity Obligations; and

WHEREAS, the bonds authorized to be issued by this Supplemental Resolution are to be issued and delivered pursuant to Chapter 55, Texas Education Code, Chapter 1207, Texas Government Code, Chapter 1371, Texas Government Code, and other applicable laws;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF TEXAS TECH UNIVERSITY SYSTEM THAT:

Section 1. DEFINITIONS. In addition to the definitions set forth in the preamble of this Seventeenth Supplement, the terms used in this Seventeenth Supplement (except in the FORM OF BONDS) and not otherwise defined shall have the meanings given in the Master Resolution or in **Exhibit “A”** to this Seventeenth Supplement attached hereto and made a part hereof.

Section 2. AUTHORIZATION, PURPOSE, AND AMOUNT OF THE BONDS.

(a) **Purpose; Designation; Maximum Amount.** The “BOARD OF REGENTS OF TEXAS TECH UNIVERSITY SYSTEM REVENUE FINANCING SYSTEM REFUNDING AND IMPROVEMENT BONDS, ~~EIGHTEENTH—SERIES (2017A)~~” and “BOARD OF REGENTS OF TEXAS TECH UNIVERSITY SYSTEM REVENUE FINANCING SYSTEM REFUNDING AND IMPROVEMENT BONDS, ~~NINETEENTH—SERIES~~ (TAXABLE SERIES 2017B)” are hereby authorized to be issued, from time to time, in one or more series or subseries, taxable or tax-exempt, for the purpose of (I) acquiring, purchasing, constructing, improving, renovating, enlarging or equipping property, buildings, structures, facilities, roads, or related infrastructure for T TUS, (II) refunding the Refunded ~~Bonds~~ Obligations, (III) refunding the Refunded Commercial Paper Notes and (IV) paying the costs related thereto. The Bonds shall be designated by the year in which they are awarded pursuant to Section 3 below, and each series within a year may have a letter designation following the year as determined by the Pricing Committee. The title of the Bonds may also be revised by the Pricing Committee as reflected in the applicable Pricing Resolution. The combined principal amount of all ~~Bonds~~ issued pursuant to this Seventeenth Supplement shall not exceed \$~~400,000,000~~ 420,000,000.

(b) **New Money Authorization.** The Bonds authorized for the purposes described in clause (i) of subsection (a) of this Section are being issued by the Board under authority of Chapter 55, Texas Education Code, particularly Section 55.13, and Chapter 1371. The Board Representative shall execute a certificate providing such documentation as may be required by the Public Finance Division of the Office of the Attorney General to (i) describe the specific projects for which the Bonds are being issued, and (ii) evidence the approval, if any, required to be obtained from the Texas Higher Education Coordinating Board for the projects to be financed with the proceeds of the Bonds. The projects that may be financed with the proceeds of the Bonds include those that are described in **Schedule II** to this Seventeenth Supplement.

(c) **Refunding Bonds Authorization.** The Bonds authorized for the purposes described in clause (ii) of subsection (a) of this Section are being issued by the Board under authority of Chapter 55, Texas Education Code, particularly Section 55.19 thereof, and Chapter 1207.

(d) **Refunding of Commercial Paper Notes.** The Bonds hereby authorized to be issued for the purposes of refunding the Refunded Commercial Paper Notes are being issued to convert interim financing into long-term fixed rate financing, as contemplated by the Board in the operation of the interim financing program as provided for in the Fifth Supplement, which constitutes a public purpose. The manner in which the refunding of the Refunded Commercial

Paper Notes is being accomplished by the Board does not make it practicable to make the determinations required by Section 1207.008, Texas Government Code. The Refunded Commercial Paper Notes shall be those Outstanding Commercial Paper Notes designated by the Board Representative to be refunded and retired with a portion of the proceeds of the Bonds.

Section 3. TERMS OF BONDS; PRICING COMMITTEE; PARAMETERS.

(a) **Terms of Bonds.** Initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, numbered consecutively from R-1 upward, payable to the respective initial registered owners thereof, or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the “Registered Owner”), in the denomination of \$5,000 or any integral multiple thereof (an “Authorized Denomination”), maturing not later than the date specified in Section 3(d) below, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, all as determined in the manner provided below.

(b) **Delegation to Pricing Committee.** As authorized by Chapter 1371 and subject to the parameters set forth in Section 3(d) below, the Pricing Committee is hereby authorized, appointed and designated to act on behalf of the Board in selling and delivering, in one or more series or subseries, taxable or tax-exempt, the Bonds and carrying out the procedures specified in this Seventeenth Supplement, including determining:

- (i) the date for issuance and sale, and the dated date, of each series of Bonds;
- (ii) the selection of the specific maturities or series (whole or part) of the Refunded ~~Bonds~~Obligations to be refunded;
- (iii) the name and any special or additional series designation for the Bonds;
- (iv) the principal amount of each series of Bonds to be sold (subject to the limitations set forth in Section ~~2.012~~2(a)), as well as the principal amount of each stated maturity within a series of Bonds;
- (v) the price at which the Bonds shall be sold;
- (vi) the principal amortization schedule for the Bonds (including, without limitation, the designation of any of the maturities of the Bonds as term bonds and any amortization installments to be deposited to the applicable interest and sinking fund relating to any term bond so designated);
- (vii) the redemption features of the Bonds;
- (viii) the rate or rates of interest to be borne by the Bonds;
- (ix) whether to acquire a municipal bond insurance policy in support of all or any portion of the Bonds; and

(x) any other matters relating to the issuance, sale and delivery of the Bonds; all of which shall be specified in one or more Pricing Resolutions adopted by the Pricing Committee.

(c) ***Effect of Determination Made by Pricing Committee; Expiration of Delegation.*** Any finding or determination made by the Pricing Committee, acting under the authority granted by this Seventeenth Supplement, in adopting a Pricing Resolution shall have the same force and effect as if made by the Board. The authority hereby granted by the Board to the Pricing Committee shall expire if not exercised by the Pricing Committee within 365 days of the date of adoption of this Seventeenth Supplement.

(d) ***Parameters for Pricing.*** The Pricing Committee may exercise any authority granted under Chapter 1207 or Chapter 1371 to effect the issuance of the Bonds, so long as on the date that each applicable Bond Purchase Contract is executed:

(i) the aggregate net present value savings, calculated in accordance with GASB Statement No. 7, realized as a result of the refunding of the principal amount of the Refunded ~~Bonds~~Obligations by the Bonds being issued at that time shall not be less than (x) two percent (2.00%) with respect to Bonds issued to currently refund all or a portion of the Refunded ~~Bonds~~Obligations; and (y) three percent (3.00%) with respect to Bonds issued to advance refund all or a portion of the Refunded ~~Bonds~~Obligations;

(ii) the maximum maturity of any series of Bonds issued hereunder shall not exceed December 31, ~~2046~~2048;

(iii) the price to be paid for the Bonds shall not be less than 95% of the aggregate principal amount thereof; and

(iv) none of the Bonds shall bear interest at a rate greater than 10% per annum.

(e) ***In General.*** The Bonds (i) may and shall be redeemed prior to the respective scheduled maturity dates, (ii) may be assigned and transferred, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, and (v) shall be signed and sealed, and the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BONDS, with such changes and additions as are necessary to conform the FORM OF BONDS to the terms of the sale of the Bonds set forth in the Pricing Resolution. The final FORM OF BOND applicable to any issuance of Bonds shall be approved by the Pricing Committee and attached to the applicable Pricing Resolution.

Section 4. INTEREST. The Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BONDS to their respective dates of maturity at the rates approved by the Pricing Committee.

Section 5. REGISTRATION, TRANSFER, AND EXCHANGE; AUTHENTICATION; BOOK-ENTRY ONLY SYSTEM.

(a) **Paying Agent/Registrar.** The Board Representative is directed to select, on behalf of the Board, the Paying Agent/Registrar for the Bonds. The Board Representative is authorized to enter into and carry out a Paying Agent/Registrar Agreement with the Paying Agent/Registrar with respect to the Bonds in substantially the form presented at this meeting.

(b) **Registration Books.** The Issuer shall keep or cause to be kept at the corporate trust office designated in the Paying Agent/Registrar Agreement (the “Designated Trust Office”) books or records for the registration of the transfer, exchange, and replacement of the Bonds (the “Registration Books”), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, exchanges, and replacements under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, exchanges, and replacements as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books at the Designated Trust Office of the Paying Agent/Registrar during regular business hours, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(c) **Ownership of Bonds.** The entity in whose name any Bond shall be registered in the Registration Books at any time shall be deemed and treated as the absolute owner thereof for all purposes of this Seventeenth Supplement, whether or not such Bond shall be overdue, and, to the extent permitted by law, the Issuer and the Paying Agent/Registrar shall not be affected by any notice to the contrary; and payment of or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(d) **Payment of Bonds and Interest.** The Paying Agent/Registrar shall further act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, all as provided in this Seventeenth Supplement. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds.

(e) **Authentication.** The Bonds initially issued and delivered pursuant to this Seventeenth Supplement shall be authenticated by the Paying Agent/Registrar by execution of the Paying Agent/Registrar’s Authentication Certificate (the “Authentication Certificate”) unless they have been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and on each substitute Bond issued in exchange for any Bond or Bonds issued under this Seventeenth Supplement the Paying Agent/Registrar shall execute the Authentication Certificate. The Authentication Certificate shall be in the form set forth in the FORM OF BONDS.

(f) **Transfer, Exchange, or Replacement.** Each Bond issued and delivered pursuant to this Seventeenth Supplement, to the extent of the unpaid or unredeemed principal amount

thereof, may, upon surrender of such Bond at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, may, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered bonds, without interest coupons, in the appropriate form prescribed in the FORM OF BONDS, in any Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall be of the same series and have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, a substitute Bond or Bonds having the same series designation and maturity date, bearing interest at the same rate, and payable in the same manner, in Authorized Denominations at the request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same series designation and maturity date and bear interest at the same rate and payable in the same manner as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Seventeenth Supplement shall constitute one of the Bonds for all purposes of this Seventeenth Supplement, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Seventeenth Supplement, the Authentication Certificate shall be printed thereon. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Authentication Certificate, and, except as provided in subsection (e) of this Section, no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for transfer, exchange, or replacement. No additional orders or resolutions need be passed or adopted by the Issuer or any other body or person so as to accomplish the foregoing transfer, exchange, or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and said Bonds shall be in typed or printed form as determined by a Board Representative. Pursuant to Chapter 1206, Texas Government Code, the duty of transfer, exchange, or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which were originally issued pursuant to this Seventeenth Supplement. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges, if any, for transferring and exchanging any Bond or any portion thereof, but the one requesting any such transfer and exchange shall pay any taxes or governmental charges required to be paid with respect thereto as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, exchange, or replacement of Bonds or any portion thereof (i) during the period commencing with the close of business on any Record Date and ending with the opening

of business on the next following interest payment date, or (ii) with respect to any Bond or portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date. To the extent possible, any new Bond issued in an exchange, replacement, or transfer of a Bond will be delivered to the registered owner or assignee of the registered owner not more than three business days after the receipt of the Bonds to be cancelled and the written request as described above.

(g) *Substitute Paying Agent/Registrar.* The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Seventeenth Supplement, and that the Paying Agent/Registrar will be one entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Seventeenth Supplement. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Seventeenth Supplement, and a certified copy of this Seventeenth Supplement shall be delivered to each Paying Agent/Registrar.

(h) *Book-Entry Only System.* The Bonds issued in exchange for the Bonds initially issued and delivered to the Underwriters shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), and except as provided in subsection (i) hereof, all of the Outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC. A “Blanket DTC Letter of Representations” in connection with utilizing the DTC Book-Entry Only System has been executed by a Board Representative and filed with DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Board and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest on the Bonds. Without limiting the immediately preceding sentence, the Board and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Bondholder, as shown on the Registration Books, of any notice with respect to the Bonds, including any

notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than a Bondholder, as shown in the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Seventeenth Supplement to the contrary but to the extent permitted by law, the Board and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest, with respect to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective owners, as shown in the Registration Books as provided in this Seventeenth Supplement, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Board's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Board to make payments of principal, premium, if any, and interest pursuant to this Seventeenth Supplement. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Seventeenth Supplement with respect to interest checks being mailed to the registered owner at the close of business on the Record Date, the word "Cede & Co." in this Seventeenth Supplement shall refer to such new nominee of DTC.

(i) *Successor Securities Depository; Transfers Outside Book-Entry Only System.*

In the event that the Board or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Board to DTC described in subsection (h) of this Section or DTC determines to discontinue providing its services with respect to the Bonds, the Board shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Seventeenth Supplement.

(j) *Payments to Cede & Co.* Notwithstanding any other provision of this Seventeenth Supplement to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the Board to DTC referred to in subsection (f) of this Section.

(k) **Notice of Redemption.** The Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class postage prepaid, at least thirty (30) days prior to a redemption date to each registered securities depository and to any national information service that disseminates redemption notices. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the registered securities depositories or such national information services shall be sent so that they are received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of prepayment or redemption to the registered owner of any Bond who has not sent the Bonds in for redemption sixty (60) days after the redemption date.

Each notice of redemption, whether required in the FORM OF BONDS or in this Section, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts of maturity so called for redemption, the mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bonds may be redeemed, including a contact person and telephone number.

All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

Section 6. FORM OF BONDS. The forms of the Bonds, including the form of the Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas, with respect to the Bonds initially issued and delivered to the Underwriters pursuant to this Seventeenth Supplement, shall be, respectively, substantially as set forth in **Exhibit B**, with such appropriate variations, omissions, or insertions as are permitted or required by this Seventeenth Supplement.

Section 7. ESTABLISHMENT OF FINANCING SYSTEM AND ISSUANCE OF PARITY OBLIGATIONS. By adoption of the Master Resolution, the Board has established the Revenue Financing System for the purpose of providing a financing structure for revenue supported indebtedness of participants in the Revenue Financing System. The Master Resolution is intended to establish a master plan under which revenue supported debt of the Revenue Financing System can be incurred. This Seventeenth Supplement provides for the authorization, issuance, sale, delivery, form, characteristics, provisions of payment and redemption, and security of the Bonds which are Parity Obligations issued under the terms of the Master Resolution. The Master Resolution is incorporated herein by reference and as such made a part hereof for all purposes, except to the extent modified and supplemented hereby, and the Bonds are hereby declared to be Parity Obligations under the Master Resolution. As required by Section 5 (a) of the Master Resolution, the Board hereby determines, in connection with the issuance of the Bonds, that it will have sufficient funds to meet the financial obligations of each participant in the Revenue Financing System (currently TTU, the Health Sciences Center, ASU and HSC El Paso), including sufficient Pledged Revenues to satisfy the Annual Debt Service Requirements of the Revenue Financing System and to meet all financial obligations of the Board relating to the Revenue Financing System. Furthermore, the Board hereby determines that TTU, the Health

Sciences Center, ASU and HSC El Paso each possess the financial capability to satisfy its respective Direct Obligation after taking into account the payment of the Annual Debt Service Requirements on the Bonds.

Section 8. SECURITY AND PAYMENTS. The Bonds are special obligations of the Board payable from and secured solely by the Pledged Revenues pursuant to the Master Resolution and this Seventeenth Supplement. The Pledged Revenues are hereby pledged, subject to the liens securing the Prior Encumbered Obligations, if any, to the payment of the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable. The Board agrees to pay the principal of, premium, if any, and the interest on the Bonds when due, whether by reason of maturity or redemption.

Section 9. PAYMENTS TO PAYING AGENT/REGISTRAR. Semiannually on or before each principal or interest payment date while any of the Bonds are outstanding and unpaid, commencing on the first interest payment date for the Bonds, the Board shall make available to the Paying Agent/Registrar, money sufficient to pay such interest on and such principal of the Bonds as will accrue or mature, or be subject to mandatory redemption prior to maturity, on such principal, redemption, or interest payment date. The Paying Agent/Registrar shall cancel all paid Bonds and shall furnish the Board with an appropriate certificate of cancellation.

Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) **Replacement Bonds.** In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new bond of the same Series, principal amount, maturity, and interest rate, and in the same form, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) **Application for Replacement Bonds.** Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) **Payment in Lieu of Replacement.** Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Seventeenth Supplement equally and proportionately with any and all other Bonds duly issued under this Seventeenth Supplement.

(e) Authority for Issuing Replacement Bonds. In accordance with Chapter 1206, Texas Government Code, this Section shall constitute authority for the issuance of any such replacement bond without the necessity of further action by the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 5(f) hereof for Bonds issued in exchange and replacement for other Bonds.

Section 11. AMENDMENT OF SUPPLEMENT.

(a) Amendments Without Consent. This Seventeenth Supplement and the rights and obligations of the Board and of the owners of the Bonds may be modified or amended at any time without notice to or the consent of any owner of the Bonds or any other Parity Obligations, solely for any one or more of the following purposes:

(i) To add to the covenants and agreements of the Board contained in this Seventeenth Supplement, other covenants and agreements thereafter to be observed, or to surrender any right or power reserved to or conferred upon the Board in this Seventeenth Supplement;

(ii) To cure any ambiguity or inconsistency, or to cure or correct any defective provisions contained in this Seventeenth Supplement, upon receipt by the Board of an opinion of nationally-recognized bond counsel, that the same is needed for such purpose, and will more clearly express the intent of this Seventeenth Supplement;

(iii) To supplement the security for the Bonds, replace or provide additional credit facilities, or change the form of the Bonds or make such other changes in the provisions hereof as the Board may deem necessary or desirable and which shall not, in the judgment of the Board, materially adversely affect the interests of the owners of the Outstanding Bonds;

(iv) To make any changes or amendments requested by any bond rating agency then rating or requested to rate Parity Obligations, as a condition to the issuance or maintenance of a rating, which changes or amendments do not, in the judgment of the Board, materially adversely affect the interests of the owners of the Outstanding Parity Obligations;

(v) To make such changes, modifications or amendments as are permitted by Section 19(d)(vi) of this Seventeenth Supplement;

(vi) To make such changes, modifications or amendments as may be necessary or desirable, which shall not adversely affect the interests of the owners of the Outstanding Parity Obligations, in order, to the extent permitted by law, to facilitate the economic and practical utilization of Credit Agreements with respect to the Parity Obligations; or

(vii) To make such other changes in the provisions hereof as the Board may deem necessary or desirable and which shall not, in the judgment of the Board, materially adversely affect the interests of the owners of Outstanding Parity Obligations.

Notice of any such amendment may be published by the Board in the manner described in subsection (c) of this Section; provided, however, that the publication of such notice shall not constitute a condition precedent to the adoption of such amendatory resolution and the failure to publish such notice shall, not adversely affect the implementation of such amendment as adopted pursuant to such amendatory resolution.

(b) *Amendments With Consent.* Subject to the other provisions of this Seventeenth Supplement, the owners of Outstanding Bonds aggregating a majority in Outstanding Principal Amount shall have the right from time to time to approve any amendment, other than amendments described in subsection (a) of this Section, to this Seventeenth Supplement which may be deemed necessary or desirable by the Board; provided, however, that nothing herein contained shall permit or be construed to permit, without the approval of the owners of all of the Outstanding Bonds, the amendment of the terms and conditions in this Seventeenth Supplement or in the Bonds so as to:

- (i) Make any change in the maturity of the Outstanding Bonds;
- (ii) Reduce the rate of interest borne by Outstanding Bonds;
- (iii) Reduce the amount of the principal payable on Outstanding Bonds;
- (iv) Modify the terms of payment of principal of or interest on the Outstanding Bonds, or impose any conditions with respect to such payment;
- (v) Affect the rights of the owners of less than all Bonds then Outstanding; or
- (vi) Change the minimum percentage of the Outstanding Principal Amount of Bonds necessary for consent to such amendment.

(c) *Notice.* If at any time the Board shall desire to amend this Seventeenth Supplement other than pursuant to subsection (a) of this Section, the Board shall cause notice of the proposed amendment to be published in a financial newspaper or journal of general circulation in The City of New York, New York once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Registrar for

inspection by all owners of Bonds. Such publication is not required, however, if the Board gives or causes to be given such notice in writing to each owner of Bonds.

(d) *Receipt of Consents.* Whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice of the proposed amendment the Board shall receive an instrument or instruments executed by all of the owners or the owners of at least a majority in Outstanding Principal Amount of Bonds, as appropriate, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file as aforesaid, the Board may adopt the amendatory resolution in substantially the same form.

(e) *Effect of Amendments.* Upon the adoption by the Board of any resolution to amend this Seventeenth Supplement pursuant to the provisions of this Section, this Seventeenth Supplement shall be deemed to be amended in accordance with the amendatory resolution, and the respective rights, duties, and obligations of the Board and all the owners of then Outstanding Bonds and all future Bonds shall thereafter be determined, exercised, and enforced under the Master Resolution and this Seventeenth Supplement, as amended.

(f) *Consent Irrevocable.* Any consent given by any owner of Bonds pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the first publication or other service of the notice provided for in this Section, and shall be conclusive and binding upon all future owners of the same Bonds during such period. Such consent may be revoked at any time after six months from the date of the first publication of such notice by the owner who gave such consent, or by a successor in title, by filing notice thereof with the Registrar and the Board, but such revocation shall not be effective if the owners of a majority in Outstanding Principal Amount of Bonds, prior to the attempted revocation, consented to and approved the amendment.

(g) *Ownership.* For the purpose of this Section, the ownership and other matters relating to all Bonds registered as to ownership shall be determined from the registration books kept by the Registrar therefor. The Registrar may conclusively assume that such ownership continues until written notice to the contrary is served upon the Registrar.

Section 12. DEFEASANCE. That in accordance with the provisions of Section 1207.033, Texas Government Code, the Board may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Seventeenth Supplement to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Seventeenth Supplement that is made in conjunction with the payment arrangements specified in the Master Resolution shall not be irrevocable, provided that, in the proceedings providing for such payment arrangements, the Board (1) expressly reserves the right to call Bonds so defeased for redemption; (2) gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 13. SEVENTEENTH SUPPLEMENT TO CONSTITUTE A CONTRACT; EQUAL SECURITY. In consideration of the acceptance of the Bonds, the issuance of which is authorized hereunder, by those who shall hold the same from time to time, this Seventeenth Supplement shall be deemed to be and shall constitute a contract between the Board and the Holders from time to time of the Bonds and the pledge made in this Seventeenth Supplement by the Board and the covenants and agreements set forth in this Seventeenth Supplement to be performed by the Board shall be for the equal and proportionate benefit, security, and protection of all Holders, without preference, priority, or distinction as to security or otherwise of any of the Bonds authorized hereunder over any of the others by reason of time of issuance, sale, or maturity thereof or otherwise for any cause whatsoever, except as expressly provided in or permitted by this Seventeenth Supplement.

Section 14. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the covenants, agreements, or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements, or provisions and shall in no way affect the validity of any of the other provisions hereof or of the Bonds issued hereunder.

Section 15. PAYMENT AND PERFORMANCE ON BUSINESS DAYS. Except as provided to the contrary in the FORM OF BONDS, whenever under the terms of this Seventeenth Supplement or the Bonds, the performance date of any provision hereof or thereof, including the payment of principal of or interest on the Bonds, shall occur on a day other than a Business Day, then the performance thereof, including the payment of principal of and interest on the Bonds, need not be made on such day but may be performed or paid, as the case may be, on the next succeeding Business Day with the same force and effect as if made on the date of performance or payment.

Section 16. LIMITATION OF BENEFITS WITH RESPECT TO THE SEVENTEENTH SUPPLEMENT. With the exception of the rights or benefits herein expressly conferred, nothing expressed or contained herein or implied from the provisions of this Seventeenth Supplement or the Bonds is intended or should be construed to confer upon or give to any person other than the Board, the Holders, and the Paying Agent/Registrar, any legal or equitable right, remedy, or claim under or by reason of or in respect to this Seventeenth Supplement or any covenant, condition, stipulation, promise, agreement, or provision herein contained. This Seventeenth Supplement and all of the covenants, conditions, stipulations, promises, agreements, and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the Board, the Holders, and the Paying Agent/Registrar as herein and therein provided.

Section 17. CUSTODY, APPROVAL, BOND COUNSEL'S OPINION, CUSIP NUMBERS, PREAMBLE AND INSURANCE.

(a) *Submission of Proceedings to Attorney General.* The Board Representative is hereby authorized to have control of the Bonds issued hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and approval by the Attorney General

of the State of Texas of the proceedings authorizing the Bonds in accordance with Chapter 1371. The Board Representative is hereby authorized, to the extent deemed necessary or advisable thereby, in the discretion thereof, to request that the Attorney General approve the Bonds in accordance with the provisions of Chapter 1202, Texas Government Code, in which case the Board Representative also is authorized to request the Comptroller of Public Accounts register the Bonds, and to cause an appropriate legend reflecting such approval and registration to appear on the Bonds and the substitute Bonds. The Board hereby authorizes the payment of the fee of the Attorney General for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code. The approving legal opinion of bond counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds and on any Bonds issued and delivered in exchange or replacement of any Bond, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. The preamble to the Seventeenth Supplement is hereby adopted and made a part of this Seventeenth Supplement for all purposes.

(b) Bond Insurance. If authorized in a Pricing Resolution, the purchase of a municipal bond insurance policy from a municipal bond insurance provider that has an underlying rating of “AA” (or its equivalent) or better at the time a Bond Purchase Contract is executed (the “Bond Insurer”) as additional security for all or part of a series of Bonds is hereby authorized. The printing of a legend describing the municipal bond insurance policy issued by the Bond Insurer is hereby authorized. The payment of the premium to the Bond Insurer in consideration for the issuance of said policy, should one be so obtained, is hereby approved. The Insurance Commitment issued by the Bond Insurer shall be made a part hereof for all purposes. In addition, it is agreed that should such policy be obtained, the Board will comply with the conditions applicable to the Bonds, as set forth in the Insurance Commitment issued by the Bond Insurer, as if such conditions were incorporated in this Seventeenth Supplement, and will pay to the Paying Agent/Registrar for the Bonds the debt service due on the Bonds so insured by the Bond Insurer not later than one Business Day prior to each principal or interest payment date of the Bonds. In the event such policy is obtained, the Board Representative is hereby instructed to provide notice to the Bond Insurer in the event such payment is not made to the Paying Agent/Registrar on or before the Business Day before the scheduled principal or interest payment date; failure to make such payment to the Paying Agent/Registrar on or before the Business Day before the scheduled principal or interest payment date shall not constitute a default under the terms of this Seventeenth Supplement.

Section 18. OFFICIAL STATEMENT. Prior to execution of a Bond Purchase Contract, a Board Representative, acting for and on behalf of the Board, shall cause a preliminary Official Statement to be prepared for distribution by the Underwriters to prospective purchasers of the Bonds sold under the terms of such Purchase Contract, such document to be in substantially the form utilized in connection with the sale of Parity Obligations previously issued by the Board, with such changes and completions as the Board Representative may deem necessary or appropriate to enable the Board Representative, acting for and on behalf of the Board, to deem the preliminary Official Statement to be final as of its date, except for such omissions as are permitted by the Rule. The use of such deemed final Official Statement in the offer and sale of the Bonds is hereby approved. Within seven (7) business days after the execution of a Bond Purchase Contract, the Board Representative, acting for and on behalf of the Board, shall cause a

final Official Statement to be provided to the Underwriters in compliance with the Rule and the rules of the MSRB.

Section 19. CONTINUING DISCLOSURE OBLIGATION.

(a) **Annual Reports.** (i) The Board shall provide annually to the MSRB (1) within six months after the end of each fiscal year ending in or after ~~2016~~,2017, financial information and operating data with respect to the Board of the general type included in the final Official Statement approved by Section 18 hereof, being the information described in **Exhibit C** hereto, and (2) if not provided as part such financial information and operating data, audited financial statements of the Board, when and if available. Any financial statements so to be provided shall be prepared in accordance with the accounting principles described in **Exhibit C** hereto, or such other accounting principles as the Board may be required to employ from time to time pursuant to state law or regulation, and audited, if the Board commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not available by the required time, the Board will provide unaudited financial information of the type included in the Official Statement by the required time and audited financial statements when and if such audited financial statements become available. If audited financial statements are not prepared for any Fiscal Year and audited financial statements are prepared with respect to the State of Texas for such Fiscal Year, the Board shall provide, or cause to be provided, the audited financial statements of the State of Texas for the applicable Fiscal Year to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of said Fiscal Year or as soon thereafter as such audited financial statements become available from the State Auditor of the State of Texas. Any such audited financial statements of the State of Texas so provided shall be prepared in accordance with generally accepted accounting principles for state governments, as such principles may be changed from time to time to comply with state law.

(ii) If the Board changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Board otherwise would be required to provide financial information and operating data pursuant to this Section.

(iii) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB's Internet Web site or filed with the SEC.

(b) **Notice of Certain Events.** The Board shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;

4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the Board, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor or additional Paying Agent/Registrar or the change of name of a Paying Agent/Registrar, if material.

For these purposes, any event described in the immediately preceding paragraph 12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for an obligated person in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

The Board shall notify the MSRB, in a timely manner, of any failure by the Board to provide financial information or operating data in accordance with this Section by the time required by this Section.

As used in this Section, the term “obligated person” shall mean any person, including the Board, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities).

(c) ***Filings with the MSRB.*** All financial information, operating data, financial statements, notices, and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(d) ***Limitations, Disclaimers, and Amendments.*** (i) The Board shall be obligated to observe and perform the covenants specified in this Section with respect to the Board and the Bonds while, but only while, the Board remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the Board in any event will give notice required by subsection (b) hereof of any Bond calls and defeasance that cause the Board to be no longer such an “obligated person”.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Board undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the financial results, condition, or prospects of the Board or the State of Texas or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Board does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE BOARD BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE BOARD, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

(iv) No default by the Board in observing or performing its obligations under this Section shall constitute a breach of or default under this Seventeenth Supplement for purposes of any other provision of this Seventeenth Supplement.

(v) Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Board under federal and state securities laws.

(vi) Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the Board from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Board, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule,

taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Board (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the registered owners and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the Board if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the Board's right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the Board so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 20. FEDERAL TAX COVENANTS. With respect to any Bonds issued hereunder as Tax-Exempt Bonds, the Board covenants to take any action to assure, or refrain from any action which would adversely affect, the treatment of the Tax-Exempt Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Board covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Tax-Exempt Bonds or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141 (b)(6) of the Code or, if lesser, \$15,000,000; and if more than such amount of the proceeds are so used, that amounts or revenues, whether or not received by the Board, allocable to such property, do not, under the terms of this Seventeenth Supplement or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Tax-Exempt Bonds, or if lesser, \$15,000,000 in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Tax-Exempt Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Tax-Exempt Bonds (less-amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Tax-Exempt Bonds being treated as “private activity bonds” within the meaning of section 141(b) of the Code;

(e) to refrain from taking any action that would result in the Tax-Exempt Bonds being “federally guaranteed” within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Tax-Exempt Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Tax-Exempt Bonds, other than investment property acquired with --

(1) proceeds of the Tax-Exempt Bonds invested for a reasonable temporary period of three years or, in the case of a current refunding, of 90 days or less or, in the case of an advance refunding, of 30 days or less, until such proceeds are needed for the purpose for which the bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Tax-Exempt Bonds;

(g) to otherwise restrict the use of the proceeds of the Tax-Exempt Bonds or amounts treated as proceeds of the Tax-Exempt Bonds, as may be necessary, so that the Tax-Exempt Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(h) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Tax-Exempt Bonds) an amount that is at least equal to 90 percent of the “Excess Earnings,” within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Tax-Exempt Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

For purposes of the foregoing clauses (a) and (b) above, the Board understands that the term “proceeds” includes “disposition proceeds” as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Tax-Exempt Bonds. It is the understanding of the Board that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Tax-Exempt Bonds, the Board will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption

from federal income taxation of interest on the Tax-Exempt Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Tax-Exempt Bonds, the Board agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve; the exemption from federal income taxation of interest on the Tax-Exempt Bonds under section 103 of the Code. In furtherance of the foregoing, any Board Representative may execute any certificates or other reports required by the Code and to make such elections, on behalf of the Board, which may be permitted by the Code as are consistent with the purpose for the issuance of the Tax-Exempt Bonds.

In order to facilitate compliance with the above clause (h), a “Rebate Fund” is hereby established by the Board for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Tax-Exempt Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 21. ADDITIONAL TAX COVENANTS REGARDING USE OF PROPERTY.

(a) *Allocation of, and Limitation on, Expenditures for the Project.* The Board covenants to account for the expenditure of proceeds from the sale of the Tax-Exempt Bonds and any investment earnings thereon to be used for the projects described in the certificate executed by the Board Representative in accordance with the provisions of Section 2(b) hereof (each such project referred to herein and subsection (b) of this Section 21 as a “Project”) on its books and records by allocating proceeds to expenditures within 18 months of the later of the date that (a) the expenditure on a Project is made or (b) each such Project is completed. The foregoing notwithstanding, the Board shall not expend such proceeds or investment earnings more than 60 days after the later of (a) the fifth anniversary of the date of delivery of the Tax-Exempt Bonds or (b) the date the Tax-Exempt Bonds are retired, unless the Board obtains an opinion of nationally-recognized bond counsel substantially to the effect that such expenditure will not adversely affect the tax-exempt status of the Tax-Exempt Bonds.

(b) *Disposition of Project.* The Board covenants that the property constituting a Project will not be sold, or otherwise disposed in a transaction resulting in the receipt by the Board of cash or other compensation, unless the Board obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Tax-Exempt Bonds. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the Board shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 22. SALE OF BONDS.

(a) **Underwriters.** The Board Representative is directed to select, on behalf of the Board, the senior managing underwriter and the other Underwriters for each series of Bonds to be issued hereunder to assure that the Bonds are sold on the most advantageous terms to the Board. Subject to approval of the Pricing Committee pursuant to Section 3 hereof, the Board Representative is directed to negotiate with the Underwriters all matters relating to the sale of the Bonds, including determining and fixing the date of the Bonds, the number of series, any additional designation or title by which the Bonds shall be known, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, and the aggregate principal amount of the Bonds or any series thereof, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the Board, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of each series of Bonds, including, without limitation, the possible use of municipal bond insurance for any series of Bonds and the use or uses of premium, if any, received as a part of the purchase price for Bonds.

(b) **Bond Purchase Contract.** The Bond Purchase Contract shall be in substantially the form utilized in connection with the sale of Bonds previously issued by the Board for comparable purposes. A Bond Purchase Contract shall contain the terms of the sale of the Bonds, as negotiated by the Board Representative in accordance with the terms hereof. The actual sale of each series of Bonds, and the applicable Bond Purchase Contract setting forth the terms of such sale shall be approved by a Pricing Resolution. The Board Representative is hereby authorized and directed to sign each Bond Purchase Contract in the final form approved by the Pricing Committee. The Pricing Committee's approval of a Bond Purchase Contract shall be conclusively evidenced by the execution thereof by a Board Representative.

(c) **Ratings.** No Bonds shall be delivered unless prior to delivery, the particular series or subseries of Bonds shall have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations, as required by Chapter 1371.

(d) **Payment of Attorney General Fee; Bond Review Board Approval.** The Board hereby authorizes the payment of the fee of the Attorney General for the examination of the proceedings relating to the issuance of one or more series of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code. To the extent required by applicable State law, the Bonds shall be approved by the Texas Bond Review Board prior to issuance.

(e) **Effect of Determination Made by Board Representative.** A finding or determination made by a Board Representative acting under the authority delegated thereto by this Seventeenth Supplement with respect to all matters relating to the issuance and sale of the Bonds shall have the same force and effect as if made by the Board.

Section 23. REFUNDING.

(a) **Refunded *BondsObligations*.** The principal amount of Bonds, if any, issued to refund all or portion of the Refundable *BondsObligations*, and the Refunded *BondsObligations* to be refunded, shall be specifically identified in a Pricing Resolution. The Pricing Committee, acting for and on behalf of the Board, may elect not to refund any or all of the Refundable *BondsObligations*. In the event Bonds are to be sold for the purpose of refunding all or a portion of the Refundable *BondsObligations*, then on or before the date of delivery of the Bonds, the Board Representative shall execute and deliver a certificate stating that the minimum amount of net present value savings resulting from the refunding of the Refunded *BondsObligations* herein established has been met or exceeded.

(b) **Refunded Commercial Paper Notes.** The principal amount of Bonds, if any, issued to refund Refunded Commercial Paper Notes shall be specifically identified in a Pricing Resolution. Concurrently with the delivery of the Bonds, proceeds in the amount of the principal amount of the Refunded Commercial Paper Notes that are to be refunded with a portion of the proceeds from the sale of the Bonds shall be deposited to the credit of the “Note Payment Fund,” established in accordance with the provisions of the Fifth Supplement, to refund those Refunded Commercial Paper Notes designated by the Board Representative to be refunded and retired with a portion of the proceeds of the Bonds.

Section 24. REDEMPTION OF REFUNDED *BONDSOBLIGATIONS*. The Board Representative is hereby authorized to take such actions, consistent with the resolutions authorizing the issuance of the Refunded *BondsObligations*, that may be required to redeem prior to their scheduled maturities any of the Refunded *BondsObligations*. Upon the execution of the Bond Purchase Contract, the Board Representative may implement, on behalf of the Board, the redemption of any of the Refunded *BondsObligations* so designated in the Bond Purchase Contract, and that the redemption date for any of the Refunded *BondsObligations* shall be the first available call date provided for in the proceedings authorizing the issuance of any such Refunded *BondsObligations*.

Section 25. ESCROW AGREEMENT. The Board shall cause to be deposited with the Escrow Agent (as named in the hereinafter described Escrow Agreement) or directly with the paying agent for or holder of the Refunded *BondsObligations*, from the proceeds received from the sale of any series of Bonds and other available moneys of the Board, an amount sufficient to provide for the refunding of the Refunded *BondsObligations* in accordance with Chapter 1207, to the extent Bonds are sold for such purpose. If required to establish firm banking arrangements with respect to the Refunded *BondsObligations*, the Board Representative is hereby authorized, for and on behalf of the Board, to execute and deliver one or more Escrow Agreements or deposit agreements with respect to the refunding of the Refunded *BondsObligations*, in the form approved by the Pricing Committee, with such changes as the Board Representative deems necessary to effect the sale of the Bonds to the Underwriters.

Section 26. FURTHER PROCEDURES. The Board Representative, and all other officers, employees, and agents of the Board, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under

the corporate seal and on behalf of the Issuer all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Seventeenth Supplement, the Bonds, the sale and delivery of the Bonds and fixing all details in connection therewith, and to approve any Official Statement, or supplements thereto, in connection with the Bonds. In case any officer whose signature shall appear on the Bonds or any documents authorized in this Seventeenth Supplement shall cease to be such officer before the delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 27. REPEAL OF CONFLICTING RESOLUTIONS. All resolutions and all parts of any resolutions (other than the Master Resolution), including any resolutions specifying other sources of funding for the projects listed on **Schedule II**, which are in conflict or inconsistent with this Seventeenth Supplement are hereby repealed and shall be of no further force or effect to the extent of such conflict or inconsistency.

Section 28. RULES OF CONSTRUCTION. For all purposes of this Seventeenth Supplement, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Seventeenth Supplement. The words “herein,” “hereof and “hereunder” and other words of similar import refer to this Seventeenth Supplement as a whole and not to any particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Seventeenth Supplement to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Seventeenth Supplement is adopted by the Board and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Seventeenth Supplement shall be deemed to include the payment of mandatory sinking fund redemption payments. Any reference to “FORM OF BOND” shall refer to the form of the Bonds set forth in **Exhibit B** to this Seventeenth Supplement, as finalized in the applicable Pricing Resolution.

Section 29. PUBLIC NOTICE. It is hereby found and determined that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the Meeting at which this Seventeenth Supplement was adopted; that this Seventeenth Supplement would be introduced and considered for adoption at said meeting; and that said meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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SCHEDULE I

LIST OF REFUNDABLE ~~BONDS~~OBLIGATIONS

Any outstanding maturities of the following obligations:

**TTUS Revenue Financing System
Refunding and Improvement Bonds, Twelfth Series (2009)**

Original Dated Date	Original Maturity	Original Principal	Principal Outstanding	Proposed Call Date*
2/1/2009	2/15/2038	170,640,000	94,205,000	2/15/2019

*The 2020-2028, 2033, and 2038 maturities may be redeemed prior to stated maturity on February 15, 2019 or any date thereafter at par plus accrued interest.

[Municipal Lease-Purchase Agreement dated as of November 8, 2006 by and between Government Capital Corporation and Angelo State University.]

SCHEDULE II

ELIGIBLE PROJECTS

The acquisition, purchase, construction, improvement, renovation, enlargement and/or equipping of property, buildings, structures, facilities, roads and related infrastructure of TTUS including the following facilities:

1. TTU Honors Residence Hall;
2. TTU Sports Performance Center;
3. TTUS System [Administration](#) Building;
4. ~~CHACPI~~ [Central Heating and Cooling Plant #1](#);
5. TTU Experimental Sciences Building II;
6. ASU College of Health and Human ~~Services~~ [Sciences](#);
7. Health Science Center, Lubbock Education, Research and Technology Building;
8. Health Science Center, Permian Basin Academic Facility;
9. Health Science Center, Amarillo Panhandle Clinical/Hospital Simulation Center;
10. HSC El Paso, Medical Science Building II; and
11. Other capital projects throughout the TTUS.

EXHIBIT A

DEFINITIONS

As used in this Seventeenth Supplement the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term “*Acts*” shall mean, collectively, Chapter 55, Texas Education Code, Chapter 1207 and Chapter 1371.

The term “*ASU*” shall mean Angelo State University, a component institution of TTUS.

The term “*ASU Note*” shall mean the Thirteenth Series Note.

The term “*Authorized Denominations*” shall mean Authorized Denominations as defined in Section 2 of this Seventeenth Supplement.

The term “*Board*” shall mean the Board of Regents of Texas Tech University System.

The term “*Board Representative*” shall mean the Chancellor of TTUS or the Chief Financial Officer, or such other official of TTUS specifically appointed by the Board as a “Board Representative” to carry out the functions specified herein, each acting independently and not jointly.

The term “*Bond Purchase Contract*” shall mean any bond purchase agreement, between the Board and the Underwriters pertaining to the purchase of any series of Bonds by the Underwriters.

The term “*Bonds*” shall mean each series of Bonds, and all substitute bonds exchanged therefor, and all other substitute and replacement bonds issued pursuant to this Seventeenth Supplement; and the term “*Bond*” means any of the Bonds.

The term “*Business Day*” shall mean any day which is not a Saturday, Sunday, legal holiday, or a day on which banking institutions in the City of New York, New York or in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close.

The term “*Chapter 1207*” shall mean Chapter 1207, Texas Government Code.

The term “*Chapter 1371*” shall mean Chapter 1371, Texas Government Code.

The term “*Chief Financial Officer*” shall mean the Chief Financial Officer of TTUS so appointed by the Board or by the Chancellor of TTUS.

The term “*Code*” shall mean the Internal Revenue Code of 1986, as amended.

The term “*Commercial Paper Notes*” shall mean the Board of Regents of Texas Tech University Revenue Financing System Commercial Paper Notes, Series A, issued pursuant to the provisions of the Master Resolution and the Fifth Supplement.

The term “*Designated Trust Office*” shall have the meaning ascribed to said term in Section 5(b) of this Seventeenth Supplement.

The term “*DTC*” shall mean The Depository Trust Company, New York, New York, or any successor securities depository.

The term “*DTC Participant*” shall mean securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

The term “*Eleventh Supplement*” shall mean the Eleventh Supplemental Resolution adopted by the Board on October 11, 2007, designating ASU as a Participant in the Financing System.

The term “*Escrow Agent*” shall mean one or more banking institutions named in each Escrow Agreement and chosen in a manner consistent with the legal requirements set forth in Chapter 1207.

The term “*Escrow Agreement*” shall mean one or more escrow agreements between the Board and the Escrow Agent, dated as of date of the Bond Purchase Contract, and executed for the benefit of the owners and holders of the Refunded ~~Bonds~~[Obligations](#).

The term “*Fifteenth Series Bonds*” shall mean the Board of Regents of Texas Tech University System Revenue Financing System Refunding Bonds, Fifteenth Series (Taxable 2012B) authorized by the Fifteenth Supplement.

The term “*Fifteenth Supplement*” shall mean the Fifteenth Supplemental Resolution adopted by the Board on December 16, 2011, authorizing the Fifteenth Series Bonds.

The term “*Fifth Supplement*” shall mean the amended and restated fifth supplemental resolution adopted by the Board on August 8, 2008, authorizing the Commercial Paper Notes.

The term “*Fourteenth Series Bonds*” shall mean the Board of Regents of Texas Tech University System Revenue Financing System Refunding and Improvement Bonds, Fourteenth Series (2012A) authorized by the Fourteenth Supplement.

The term “*Fourteenth Supplement*” shall mean the Fourteenth Supplemental Resolution adopted by the Board on December 16, 2011, authorizing the Fourteenth Series Bonds.

The term “*Health Sciences Center*” shall mean the Texas Tech University Health Sciences Center, a component institution of TTUS.

The term “*HSC El Paso*” shall mean the Texas Tech University Health Sciences Center at El Paso, a component institution of TTUS.

The term “*Issuance Date*” shall mean the date of delivery the Bonds to the Underwriters against payment therefor.

The term “*MAC*” shall mean the Municipal Advisory Council of Texas.

The term “*Master Resolution*” shall mean the Master Resolution Establishing The Revenue Financing System under the Authority and Responsibility of the Board of Regents of Texas Tech University, adopted by the Board on October 21, 1993, as amended on November 8, 1996 and on August 22, 1997.

The term “*Maturity*” shall mean the date on which the principal of a Bond becomes due and payable as therein and herein provided, whether at Stated Maturity, by redemption, declaration of acceleration, or otherwise.

The term “*MSRB*” shall mean the Municipal Securities Rulemaking Board.

The term “*Ninth Series Bonds*” shall mean the Board of Regents of Texas Tech University Revenue Financing System Refunding and Improvement Bonds, Ninth Series (2003) authorized by the Ninth Supplement.

The term “*Ninth Supplement*” shall mean the Ninth Supplemental Resolution adopted by the Board on August 8, 2003, authorizing the sale of the Ninth Series Bonds.

The term “*Official Statement*” shall mean the official statement prepared with respect to the offer and sale of the Bonds as authorized by Section 18 hereof.

The term “*Parity Obligations*” shall mean the outstanding parity revenue obligations issued by the Board in accordance with the terms of the Master Resolution and secured by the Revenue Financing System, namely as of the date of this Seventeenth Supplement, the Commercial Paper Notes, the Ninth Series Bonds, the Tenth Series Bonds, the Twelfth Series Bonds, the Thirteenth Series Note, the Fourteenth Series Bonds, the Fifteenth Series Bonds, the Sixteenth Series Bonds, the Seventeenth Series Bonds, and, when delivered, the Bonds authorized to be issued hereunder in one or more series.

The terms “*Paying Agent/Registrar*,” “*Paying Agent*” or “*Registrar*” shall mean the agent appointed pursuant to Section 5 of this Seventeenth Supplement, or any successor to such agent.

The term “*Pricing Committee*” shall mean the Chancellor, the Chief Financial Officer, _____, _____ and _____, and each member of the Board's Finance and Administration Committee at the time of Bond pricing (currently, Rick Francis, Larry Anders and Tim Lancaster) with the Board Chair being designated as an alternate in the event of a vacancy on the Finance and Administrative Committee.

The term “*Pricing Resolution*” shall mean one or more resolutions adopted by the Pricing Committee in accordance with Section 3(b) of this Seventeenth Supplement.

The term “*Record Date*” shall mean, with respect to the Bonds, the last business day of each month preceding an interest payment date.

The term “*Refundable Bonds Obligations*” shall mean those ~~debt~~-obligations identified in Schedule I to this Seventeenth Supplement.

~~The term “*Refunded Bonds*” shall mean those Refundable Bonds identified in a Pricing Resolution to be refunded with proceeds from the sale of one or more series of the Bonds. The term~~ “*Refunded Commercial Paper Notes*” shall mean those Commercial Paper Notes refunded by an issuance of one or more series of Bonds issued hereunder, as identified in a certificate of the Chief Financial Officer executed pursuant to the terms of this Seventeenth Supplement.

The term “*Refunded Obligations*” shall mean those Refundable Obligations identified in a Pricing Resolution to be refunded with proceeds from the sale of one or more series of the Bonds.

The term “*Registration Books*” shall mean the books or records relating to the registration, payment, and transfer or exchange of the Bonds maintained by the Paying Agent/Registrar pursuant to Section 5 of this Seventeenth Supplement.

The term “*Regulations*” shall mean all applicable temporary, proposed and final regulations and procedures promulgated under the Code or promulgated under the Internal Revenue Code of 1954, to the extent applicable to the Code.

The term “*Revenue Financing System*” shall mean the revenue financing system of TTUS as established by the Board pursuant to the Master Resolution.

The term “*Rule*” shall mean SEC Rule 15c2-12, as amended from time to time.

The term “*SEC*” shall mean the United States Securities and Exchange Commission.

The term “*Seventeenth Series Bonds*” shall mean the Board of Regents of Texas Tech University System Revenue Financing System Refunding and Improvement Bonds, Seventeenth Series (Taxable 2015B) authorized by the Sixteenth Supplement

The term “*Seventeenth Supplement*” shall mean this Seventeenth Supplemental Resolution adopted by the Board on December 16, 2016, authorizing the sale of the Bonds.

The term “*Sixteenth Series Bonds*” shall mean the Board of Regents of Texas Tech University System Revenue Financing System Refunding and Improvement Bonds, Sixteenth Series (2015A) authorized by the Sixteenth Supplement.

The term “*Sixteenth Supplement*” shall mean the Sixteenth Supplemental Resolution adopted by the Board on December 12, 2014, authorizing the sale of the Sixteenth Series Bonds and the Seventeenth Series Bonds.

The term “*Tax-Exempt Bonds*” shall mean the Bonds issued hereunder as obligations described in section 103 of the Code, the interest on which is not includable in the “gross income” of the holder for purposes of federal income taxation

The term “*Tenth Series Bonds*” shall mean the Board of Regents of Texas Tech University Revenue Financing System Refunding and Improvement Bonds, Tenth Series (2006) authorized by the Tenth Supplement.

The term “*Tenth Supplement*” shall mean the Tenth Supplemental Resolution adopted by the Board on December 16, 2005, authorizing the sale of the Tenth Series Bonds.

The term “*Thirteenth Series Note*” shall mean the note, in one or more designated series, as authorized by the Thirteenth Supplement.

The term “*Thirteenth Supplement*” shall mean the Thirteenth Supplemental Resolution adopted by the Board on September 12, 2008, authorizing the sale of the Thirteenth Series Note.

The term “*TTU*” shall mean Texas Tech University, a component institution of TTUS.

The term “*TTUS*” shall mean the Texas Tech University System, under the governance of the Board.

The term “*Twelfth Series Bonds*” shall mean the Board of Regents of Texas Tech University Revenue Financing System Refunding and Improvement Bonds, Twelfth Series (2008) authorized by the Twelfth Supplement.

The term “*Twelfth Supplement*” shall mean the Twelfth Supplemental Resolution adopted by the Board on August 8, 2008, authorizing the sale of the Twelfth Series Bonds.

The term “*Underwriters*” shall mean those investment banking firms designated by the Board Representative in accordance with Section 22(a) hereof to purchase one or more series of Bonds pursuant to a Bond Purchase Contract.

All terms not herein defined shall have the meanings given to said terms by the Master Resolution or as otherwise defined in this Seventeenth Supplement.

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payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check, dated as of such interest payment date, and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at the address of the registered owner, as it appeared on the last business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described; provided, that upon the written request of any owner of not less than \$1,000,000 in principal amount of Bonds provided to the Paying Agent/Registrar not later than the Record Date immediately preceding an interest payment date, interest due on such Bonds on such interest payment date shall be made by wire transfer to any designated account within the United States of America. In addition, interest may be paid by such other method, as shall be acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner hereof. Any accrued interest due upon the redemption of this Bond prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Bond for redemption and payment at the Designated Trust Office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Bond that on or before each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the Issuer and the securities depository. Terms used herein and not otherwise defined have the meaning given in the Bond Resolution (hereinafter defined).

THIS BOND is one of a series of bonds authorized in the aggregate principal amount of \$ _____ pursuant to a Seventeenth Supplemental Resolution to the Master Resolution adopted December 16, 2016, and pursuant to the Master Resolution referred therein (collectively, the "Bond Resolution") **FOR THE PURPOSE OF (i) ACQUIRING, PURCHASING, CONSTRUCTING, IMPROVING, RENOVATING, ENLARGING OR EQUIPPING PROPERTY, BUILDINGS, STRUCTURES, FACILITIES, ROADS, OR RELATED INFRASTRUCTURE FOR TTUS, (ii) REFUNDING THE REFUNDED BONDS OBLIGATIONS, (iii) REFUNDING THE REFUNDED COMMERCIAL PAPER NOTES AND (iv) PAYING THE COSTS RELATED THERETO.**

ON _____, or on any date thereafter, the Bonds of this series scheduled to mature on and after _____ may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portion thereof), to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the par value thereof and accrued-interest to the date fixed for redemption; provided that during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository.

BONDS MATURING _____ are “Term Bonds” and are subject to mandatory redemption at a price equal to the principal amount to be so redeemed and accrued and unpaid interest to the date of redemption, to-wit:

Said Bonds shall be redeemed in part by lot prior to maturity on _____, in the amounts designated below, to-wit:

Years	Amounts
_____	_____

* Maturity

THE ISSUER shall redeem Term Bonds by lot, or purchase in the open market Bonds of the same maturity. The Board shall effect the retirement of the Term Bonds required to be retired by mandatory redemption, by either redemption in accordance herewith or prior purchase for cancellation in the open market at a price not exceeding the redemption price. To the extent that Term Bonds have been previously purchased for cancellation or redeemed other than pursuant to a sinking fund redemption payment, each sinking fund payment amount for such Term Bonds shall be reduced, to the extent practicable, by the amount obtained by multiplying the principal amount of such Term Bonds so purchased or redeemed by the ratio which each remaining sinking fund payment amount of such maturity bears to the total remaining sinking fund payment amounts of such maturity, and by rounding each such sinking fund payment amount to the nearest \$5,000 integral multiple. On the maturity date of any Term Bonds, the Board shall effect the payment of the principal of maturing Term Bonds. The foregoing notwithstanding, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, the particular Bonds to be so redeemed shall be selected in accordance with the arrangements between the Board and the securities depository.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity, a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to the registered owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure to send, mail, or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, payable in the same manner, in any authorized denomination at the written request of the registered owner, and in

aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Resolution.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Bond Resolution have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Board, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Board shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in The City of New York, New York, or in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND OR ANY PORTION OR PORTIONS HEREOF IN ANY AUTHORIZED DENOMINATION may be assigned and shall be transferred only in the Registration Books of the Issuer kept by the Paying Agent/Registrar acting in the capacity of registrar for the Bonds, upon the terms and conditions set forth in the Bond Resolution. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any authorized denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond shall be executed by the registered owner or its duly authorized attorney or representative, to evidence the assignment hereof. A new Bond or Bonds payable to such assignee or assignees (which then will be the new registered owner or owners of such new Bond or Bonds), or to the previous registered owner in the case of the assignment and transfer of only a portion of this Bond, may be delivered by the Paying Agent/Registrar in exchange for this Bond, all in the form and manner as provided in the next paragraph hereof for the exchange of other Bonds. The Issuer shall pay the Paying Agent/Registrar's fees and charges, if any, for making such transfer or exchange as provided below, but the one requesting such transfer or exchange shall pay any taxes or other governmental charges required to be paid with respect thereto. The Paying Agent/Registrar shall not be required to make transfers of registration or exchange of this Bond or any portion hereof (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with

respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date. The registered owner of this Bond shall be deemed and treated by the Issuer and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Bond to the extent of such payment, and, to the extent permitted by law, the Issuer and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons in the denomination of any integral multiple of \$5,000. As provided in the Bond Resolution, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, in the same form, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Resolution.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering, or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; that the Series of Bonds of which this Bond is one constitute Parity Obligations under the Bond Resolution; and that the interest on and principal of this Bond, together with the other Bonds of this Series and the other outstanding Parity Obligations are equally and ratably secured by and payable from a lien on and pledge of the Pledged Revenues, subject only to the provisions of, and the lien on and pledge of certain Pledged Revenues to, any outstanding Prior Encumbered Obligations.

THE ISSUER has reserved the right, subject to the restrictions referred to in the Bond Resolution, (i) to issue additional Parity Obligations which also may be secured by and made payable from a lien on and pledge of the aforesaid Pledged Revenues, in the same manner and to the same extent as this Bond, and (ii) to amend the provisions of the Bond Resolution under the conditions provided in the Bond Resolution.

THE REGISTERED OWNER hereof shall never have the right to demand payment of this Bond or the interest hereon out of any funds raised or to be raised by taxation or from any source whatsoever other than specified in the Bond Resolution.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Resolution, agrees to be bound by such terms and provisions, acknowledges that the Bond Resolution is duly recorded and available for inspection in the official minutes and records of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Resolution constitute a contract between each registered owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Chair or Vice Chair of the Issuer and countersigned with the manual or facsimile signature of the Secretary or Assistant Secretary of the Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

Secretary/Assistant Secretary
Board of Regents of
Texas Tech University System

Chair/Vice Chair
Board of Regents of
Texas Tech University System

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the Bond Resolution described in this Bond; and that this Bond has been issued in conversion of and exchange for or replacement of a bond, bonds, or a portion of a bond or bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated _____

Paying Agent/Registrar

**FORM OF REGISTRATION CERTIFICATE OF COMPTROLLER
OF PUBLIC ACCOUNTS TO ACCOMPANY THE BONDS
UPON INITIAL DELIVERY**

COMPTROLLER'S REGISTRATION CERTIFICATE:

REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond and the proceedings authorizing its issuance have been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner of this Bond, or duly authorized representative or attorney thereof, hereby assigns this Bond to

/ _____ /
(Assignee's Social Security or Taxpayer Identification Number)

(print or typewrite Assignee's name and address, including zip code)

and hereby irrevocably constitutes and appoints

attorney to transfer the registration of this Bond on the Paying Agent/Registrar's Registration Books with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: This signature must be guaranteed by a member of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: This signature must correspond with the name of the Registered Owner appearing on the face of this Bond, company.

EXHIBIT C

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION OF THE BOARD

The following information is referred to in Section 19 of this Resolution.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the Board to be provided annually in accordance with such Section are the quantitative financial information and operating data pertaining to the Board included in the Official Statement under the caption “DEBT SERVICE REQUIREMENTS,” the subcaptions to the caption “TEXAS TECH UNIVERSITY SYSTEM” in Appendix A to the Official Statement entitled “- General Description – Enrollment,” “- Admissions and Matriculation,” “- Financial Management” and “- Selected Financial Information” and in Appendix B to the Official Statement entitled “TEXAS TECH UNIVERSITY SYSTEM CONSOLIDATED ANNUAL FINANCIAL REPORT”.

Accounting Principles

The accounting principles referred to in such Section are generally accepted accounting principles for governmental units as prescribed by the Government Accounting Standards Board from time to time, as such principles may be changed from time to time to comply with state law or regulation.