

**MARSHALL UNIVERSITY**  
**BOARD OF GOVERNORS**

Special Meeting Minutes of March 22, 2006

A special meeting of the Marshall Board of Governors was held on March 22, 2006, at 11:30 a.m., in the Memorial Student Center on campus.

Members present, in person: Menis Ketchum, Chairman, John G. Hess, A. Michael Perry, Sherri Noble, and Dr. James M. Sottile, Jr.

Members present, by telephone: Letitia Neese Chafin, Michael J. Farrell, Verna Gibson, Virginia King, Gen. H.F. Mooney, Jr., and Chad Caldwell.

Members absent: Gary Adkins, Brent Marsteller, Robert Shell, Jr., William A. Smith, and Gary White.

Others present: President Kopp, President Riley, University staff, visitors, Dr. Keith Spears and Mike Meadows.

**I. Call to Order**

Chairman Ketchum called the meeting to order.

**II. Announcements**

Dr. Keith Spears announced that the director of the movie “We are Marshall” wants the members of the Board of Governors to appear as board members in the movie.

Chairman Ketchum announced that the Executive Committee was meeting with Dr. Riley to discuss an architect contract proposed for phase one of the Community College building project.

**III. Committee of the Whole**

Mike Perry moved, seconded by Dr. Sottile, that the Board of Governors adopt the following resolution:

*Resolved*, the BOG previously authorized a RFP for “expressions of interest” from architectural firms for the design of a Wellness

Center Project. The RFP provided that MU was to employ and pay for an architect to design the project. Marshall would then prepare an RFP for a contractor to finance and build the project. The employment of the architect by MU was to ensure that the project was exempt from the W.Va. Design-Build Act.

It has now been determined that the project is not covered by the Design-Build Act. The project has been exempted from the Design-Build Act by the Design-Build Board. This exemption allows MU to hire a developer/contractor to finance, design and construct this project. The developer/contractor will hire an architect as part of its entire development package and Marshall will not have to employ the architect.

Therefore, the RFP to hire an architect is withdrawn. The President, or his designees, shall send a letter notifying all architects submitting expressions of interest of the withdrawal.

The BOG authorizes the President to issue a “Request for Proposals” to developers/ contractors regarding a Wellness Center Project.

More specifically, it is resolved,

Marshall University shall issue through a competitive RFP process to contract with and hire a development firm that will be responsible for financing, designing, and building buildings/facilities that will ultimately revert to the university. The initial project will involve the development of a Student Health and Wellness Center and possibly a Living-Learning-Wellness Residence Hall, and a parking facility. The developer will be responsible for all aspects of the project including the architectural/design work and construction of the facilities according to the specifications set by Marshall University and for the financing of the project. Marshall University will lease, assign and commit revenue earned by these facilities to the developer for a specified agreed upon period of time (e.g., 15 to 20 years) after which these facilities will transfer to the ownership of Marshall University. The buildings will be constructed on land owned by Marshall University.

The financing, designing and building of a possible baseball/softball fields will be part of the RFP. However, Marshall will retain ownership of these facilities and Marshall will not lease, assign and commit revenue earned by the baseball/softball complex to the developer.

The priorities in the construction of the facilities are as follows:

- 1) Health & Wellness Center;

- 2) Wellness facility parking garage;
- 3) Wellness Residence Hall; and
- 4) Baseball and softball field.

If monetary considerations prohibit the building of all, or part of, the above facilities, then the priorities in the construction of the facilities are as above listed. Therefore, a developer's proposal shall be structured to allow all or part of the facilities to be built.

Marshall will continue to be authorized to spend its \$4 million designated in Marshall's "Excess Lottery Bond Proceeds" to purchase real estate necessary to locate the Health and Wellness Center Project, provide the Wellness Center with adequate parking, to assist in the construction and design of the Student Health and Wellness Center, and to pay any other expenses associated with the Health & Wellness Center.

The motion unanimously passed.

### **III. Adjournment**

There being no further business, the meeting was adjourned.

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Verna Gibson, Secretary