

MINUTES

Meeting of the Board of Trustees
University of Kentucky
10:30 A.M.
December 9, 2003
18th Floor Patterson Office Tower

Minutes

Accompanying items:

President's Report and Action Items

- President's Report to the Trustees
- PR 2 Personnel Actions
- Amendment to the Governing Regulations Regarding Staff Trustee Election
- Amend the Statute Which Mandates When the Board Shall Meet

Academic Affairs Committee Report

- AACR 1 Candidates for Degrees

Finance Committee Report

- FCR 1 Capital Construction Report
- FCR 2 Patent Assignment Report
- FCR 3 Report of Leases
- FCR 4 Acquisition of Real Property Referred to as Silver Lake Farm in Harrison County, Kentucky
- FCR 5 Intercollegiate Athletics Quasi-Endowment Withdrawal
- FCR 6 2003-04 Budget Revisions
- FCR 7 University of Kentucky Employer-Assisted Housing Program
- FCR 8 Approval of Amendments to University Section 125 Plan
- FCR 9 Gift and Pledges to UK Opera Theatre
- FCR 10 Gifts to the Dorothy Luther Nursing Fellowship
- FCR 11 Gifts and Pledges to the Earl Platt Slone Endowed Professorship in Pharmacy Practice and Science
- FCR 12 The Amerman Family Foundation Gift and Pledge

- FCR 13 A Resolution of the Board of Trustees of the University of Kentucky Approving the Action of the Board of Regents of the Kentucky Community and Technical College System (KCTCS) Directing the University of Kentucky to Call the Remaining University of Kentucky Community College Educational Buildings Revenue Bonds Series A, C, F, and H (Second) and Further Authorizing the Treasurer of the University to Execute a Call of Said Bonds
- FCR 14 A Resolution of the Board of Trustees of the University of Kentucky Approving the Action of the Board of Regents of the Kentucky Community and Technical College System (KCTCS) Directing the University of Kentucky to Call University of Kentucky Community College Educational Buildings Revenue Bonds Series B and Further Authorizing the Treasurer of the University to Execute a Call of Said Bonds
- FCR 15 A Resolution of the Board of Trustees of the University of Kentucky Authorizing the Issuance of Approximately \$23,780,000 of University of Kentucky Consolidated Educational Buildings Refunding Revenue Bonds, Series E, J and L (Third Series), to be Dated the First Day of the Month in Which the Bonds are Sold

Minutes of the Meeting of the Board of Trustees of the University of Kentucky, Tuesday, December 9, 2003.

The Board of Trustees of the University of Kentucky met at 10:30 a.m. (Lexington time) on Tuesday, December 9, 2003 in the Board Room on the 18th Floor of Patterson Office Tower.

A. Meeting Opened

Mr. Steven S. Reed, Chair, called the meeting to order at 10:35 a.m., and Ms. Marian Sims gave the invocation.

B. Roll Call

The following members of the Board of Trustees answered the call of the roll: James F. Hardymon, Marianne Smith Edge, Davy Jones, Michael Kennedy, Pamela R. May, Billy Joe Miles, Phillip Patton, Elissa Plattner, Steven S. Reed (Chair), Frank Shoop, Marian Moore Sims, Alice Stevens Sparks, Myra Leigh Tobin, Rachel Watts, JoEtta Y. Wickliffe, Billy B. Wilcoxson, Russ Williams, Elaine A. Wilson, and Barbara S. Young. Absent from the meeting was Robert P. Meriwether. The University administration was represented by President Lee T. Todd, Jr., Provost Michael Nietzel, Executive Vice President for Finance and Administration Dick Siemer, Executive Vice President of Health Affairs Michael Karpf and Associate General Counsel Barbara Jones.

Members of the various news media were also in attendance. A quorum being present, the Chair declared the meeting officially open for the conduct of business at 10:38 p.m.

C. Consent Agenda

Mr. Reed said that there were three items on the consent agenda: Minutes, PR 2 and AACR 1. He asked if anyone wanted any of the items removed from the consent agenda. Mr. Shoop moved that the items be approved. Ms. Smith Edge seconded the motion, and the consent agenda was approved without dissent.

Minutes – October 29, 2003

PR 2 – Personnel Actions

AACR 1 – Candidates for Degrees

D. President's Report to the Board of Trustees (PR 1)

President Todd said that he was going to be very brief with his report given the timeline for the meeting. He did not go through the items in PR 1 in detail but encouraged the Board to read the good things in the report.

President Todd said that PR 2 was on the consent agenda; however, he would like to mention one item to the Board that was recently reported in the news. Dr. James Holsinger, who retired as Chancellor of the Medical Center, has been named Secretary of the Kentucky Cabinet for Health Services in the administration of Governor Ernie Fletcher. Dr. Holsinger will be

working in Frankfort for the Commonwealth but will remain a tenured professor at UK. The Commonwealth will pay all of his salary and benefits while he is working for the state. Dr. Holsinger is just finishing his first six months of leave of absence that was previously approved by the Board. The other six months of his leave of absence will be delayed until he completes his duty in Frankfort. President Todd said that he is very pleased for Dr. Holsinger. He asked Associate General Counsel Barbara Jones if the Board needed to take action on this or was this just for the Board's information. Ms. Jones replied that this was just information for the Board. President Todd said that he looked forward to Dr. Holsinger serving in this new capacity.

E. Amendment to the Governing Regulations Regarding Staff Trustee Election (PR 3)

President Todd said that PR 3 is a recommendation that the responsibility of the election of the Staff Trustee be transferred from the Executive Vice President for Finance and Administration to the Staff Senate. When the Governing Regulations were amended in the summer of 2001, the election of the Staff Trustee was delegated to the Vice President level because the Staff Senate had not been established at that time. Now that the University has a Staff Senate, the responsibility needs to be transferred to that Senate. He asked that the recommendation be approved. Mr. Williams so moved. Ms. Sims seconded the motion, and it carried without dissent.

F. Amend the Statute Which Mandated When the Board Shall Meet (PR 4)

President Todd said that PR 4 is a recommendation to change the mandatory Board dates. He noted that this was discussed at the last Board meeting. He said that this meeting is a perfect example of the need to change the dates. It is a mandatory meeting, and the Governor's inauguration is also taking place. When the Board discussed this amendment to the statute previously, it included doing away with transcriptions of meetings. The transcription piece is no longer in the recommendation. Basically, the recommendation is asking for the Board's approval of a legislative initiative to amend KRS 164.170 during the next legislative session. This would authorize the Board of Trustees to meet at least quarterly each year rather than meeting on specific times as provided in the current statute. He explained that the recommendation is not intended to reduce the Board meetings but to allow flexibility with the meetings. He reminded the Board of having two meetings during one month because of the way the Board is mandated. He said that he did not believe that any other university had specific dates. This is not a major request, but the administration does need the Board's approval to take that action. Ms. Sparks moved approval. Ms. Smith Edge seconded the motion.

Mr. Reed said that he wanted to make it abundantly clear to the public that this is not an effort to meet less than the Board normally would meet. He wants it to be very clear that it is cumbersome because of days like this when the Board statutorily has to meet. It takes the Board away from having flexibility. It is important that the public know that the Board understands the importance of conveying information to the public, and it does so at the Board meetings. He reiterated that in no way does the Board intend to meet less, and quarterly is just the minimum that is being recommended for the statutes because the Board understands the importance of

getting information to the public. On the motion previously made by Ms. Sparks and seconded by Ms. Smith Edge, PR 4 carried without dissent. (See PR 4 at the end of the Minutes.)

G. Academic Affairs Committee Announcement

Mr. Reed announced that the Academic Affairs Committee would meet immediately following the Board meeting. He asked Ms. Sparks, Chair of the Committee, if she had any comments that she wanted to make at this time. Ms. Sparks replied that she did not have any comments at this time.

H. Capital Construction Report (FCR 1)

Mr. Hardymon, Chair of the Finance Committee, reported that the Committee met December 8th with a quorum present and has 15 items to bring to the Board. The Committee spent a great deal of time on the first two items thoroughly discussing them; however, he would try to cut that down for the Board's report.

Mr. Hardymon said that FCR 1 is the Capital Construction Report. This is one of his favorite items because, in his opinion, these are the big dollars and something the Finance Committee should have some oversight on.

Mr. Hardymon explained that the Committee's responsibility is to look at the projects to see how they are progressing from a budget and timing standpoint and also to note the change notices that are over \$25,000. The Committee then brings it to the Board as a quarterly report. This quarterly report is for the three months ending September 30th.

Mr. Hardymon called attention to the Major Project Summary Report. The paragraphs in this report concern the Coldstream Research Park, the biological sciences building, the Gill Heart Institute building, the parking structure, the UK Center for Rural Health, the Main Building, and some repair work on pharmacy fume hoods. All of these projects appear to be on a completion date that was scheduled either in 2004 or 2005, and they seem to be working towards the budget. He said that he was pleased to report there were only five change notices: one for the Aging Allied Health building, two for biological sciences building, one for the Gill Heart Institute, and one for the Main Building. These were pretty explainable.

This is a thorough report, well done, and very simple to understand. The Committee recommends the report to the Board for approval. On motion made by Mr. Hardymon and seconded by Ms. Wilson, FCR 1 carried without dissent. (See FCR 1 at the end of the Minutes.)

I. Patent Assignment Report (FCR 2)

Mr. Hardymon reported that the Committee had its usual discussion about the Patent Assignment Report. He said that there is an interesting fine line between honoring the people, supporting what they are doing, talking about their capabilities, and then trying to understand what they are doing. The Committee has very good people. They are all specialists in some

things, but they cannot cover all ten of the patents. The Committee had long discussions about the patents.

Mr. Hardymon said that he would tell the Board what he got out of the ten patents and put them in simpler language. He pointed out that the Committee did honor and recognize these people and talked to them by name during the meeting. He then reviewed the patents.

- The first one is about splicing plant genes. There are certain fine chemicals, expensive chemicals that come from plants. This project is to attempt to get these to come from the plants faster and more efficiently.
- The second one is process monitoring, and this process will make a deficiency or an error show up quicker.
- The third one is to make better cheese.
- The fourth one is in research and development now. It involves compounds that would enlarge the blood vessels and lower blood pressure. Obviously, this is something that would be tremendous if it can go from research and development into an everyday use.
- The fifth one is to put inhibitors in destructive items, such as pesticides, so they will not hurt animals.
- The sixth one is to prevent growth of harmful diseases in plants. They are using tobacco blue mold in the research and development project, but there could be other plants as well.
- The seventh one involves very small delivery systems to put vaccines in the body. This would avoid shots.
- The eighth one is a linear actuator. This is to be sure a person gets the right amount of medication.
- The ninth one involves certain eye degenerations that come with age. This is to test drugs and to find drugs to prevent this degeneration.
- The tenth one is to prevent large compounds of solid from dissolving into liquids.

Mr. Hardymon said that the Committee looked at what patents are doing for the University. He reminded the Board that an application is made for a patent, and sometimes it takes two or three years to get the patent. He said that it is hard to compare one quarter against another, but in 2003, the University had nine patent applications. Seven patents have been issued, and the patent income, which probably came from something that was approved sometime ago, was about \$168,000. He apologized for the length of the report but moved approval FCR 2. Ms. Sims seconded the motion, and it carried without dissent. (See FCR 2 at the end of the Minutes.)

J. Report of Leases (FCR 3)

Mr. Hardymon said that the Committee read the Report of Leases. He reminded the Board that the President is authorized to enter into leases not exceeding \$30,000 in value, and neither of the leases in FCR 3 are \$30,000. There is a lease in Glasgow and a lease in Berea. He reported that the dollars per square footage was competitive, and he moved approval of FCR 3. Ms. Smith Edge seconded the motion, and it carried without dissent. (See FCR 3 at the end of the Minutes.)

K. Acquisition of Real Property Referred to as Silver Lake Farm in Harrison County, Kentucky (FCR 4)

Mr. Hardymon said that FCR 4 is the acquisition of 400 acres of property known as the Silver Lake Farm in Harrison County, Kentucky. The University has a grant that would cover this acquisition of \$1,120,000. The recommendation is to give the Executive Vice President for Finance and Administration authority to negotiate the acquisition of this real property. The objective is to take this property that has some very valuable old plants and trees and do research. He moved approval of FCR 4. Professor Kennedy seconded the motion, and it carried without dissent. (See FCR 4 at the end of the Minutes.)

L. Intercollegiate Athletics Quasi-endowment Withdrawal (FCR 5)

Mr. Hardymon said that FCR 5 is a follow-up on what was presented at the last Board meeting. The Board previously approved the design work to start the expansion to Memorial Coliseum and the construction of a multi-purpose facility that would be an addition to the Nutter Field House. He said that the University has pledges, and these projects are to be fully funded by private gifts and pledges. He explained that the University would have to take some money out of the athletic endowment as it incurs expenses toward the project. The recommendation is to approve a withdrawal up to the full amount of \$6,500,000 for these two projects. This action will keep the projects on schedule. He moved the approval of FCR 5. Mr. Shoop seconded the motion, and it carried without dissent. (See FCR 5 at the end of the Minutes.)

M. 2003-04 Budget Revisions (FCR 6)

Mr. Hardymon said that you have to put FCR 6 in perspective. It involves about \$4M of a budget revision. That is less than ½ of 1 percent of the total budget; therefore, the modification/change is only a small amount. He said that each item is fully explained, and in his opinion, the write up is excellent. He then reviewed the items.

The first item listed under tuition is \$435,700. Lexington Community College drew more students into its system than budgeted; therefore, that money is going to be turned around to do what is necessary because of the additional students.

The next item is \$1,013,500 for the county appropriations increase. That is for a sports field and home economics programs in the Agricultural Extension Service.

There is \$1,600,000 which is another big number under the “other” category. This is a one-time deal with the tobacco funds that the University is getting from the settlement from the Kentucky Agricultural Development Board. Again, that will be used as some field extension work.

Restricted funds increased to approximately \$700,000 for various items. That is being used in the auxiliary fund for expenditures to serve support units and for the Provost area.

Again, Mr. Hardymon said the report was well explained with each item listed. The revisions illustrate where the money is going, and the Board gets this report periodically. He moved approval of FCR 6. Ms. Wilson seconded the motion, and it carried without dissent. (See FCR 6 at the end of the Minutes.)

N. University of Kentucky Employer-Assisted Housing Program (FCR 7)

Mr. Hardymon said that FCR 7 is the University of Kentucky Employer-Assisted Housing Program. This program will give loans up to \$15,000 to help employees with down payment, closing costs, etc. Loans will be secured by a lien against the property. He explained that the employee must agree to live in the house five years, and then the funding of the program is from private funds. This item has been discussed previously; however, the Board’s action at this meeting will make the program official because the University needs to increase the staff and retain people to work on this program. Mr. Hardymon moved approval of FCR 7. Ms. Sparks seconded the motion, and it carried without dissent. (See FCR 7 at the end of the Minutes.)

O. Approval of Amendments to University Section 125 Plan (FCR 8)

Mr. Hardymon said that FCR 8 includes a group of amendments to bring the Section 125 Plan up-to-date. There are certain codes that change in these type plans. This is a plan that allows employees to set aside pre-taxed dollars for health care and childcare. The first change is to open enrollment of a spouse as a qualifying event for plan changes. Another change is to increase the maximum amount for the Health Care Account from \$3,000 to \$4,000. A section would be added to grant the President of the University of Kentucky the authority to amend the Plan as needed in order to keep it up-to-date. This would also add the privacy provisions. He repeated that this is an administrative detail that needs to be brought up-to-date. He moved approval of FCR 8. Ms. Smith Edge seconded the motion.

Ms. May said that she reads things much differently than most people. She pointed out that this is not a plan that comes back up for review or reconsideration very often. It was adopted in 1987, revised once in 1994, and not again until now. She said that as you look at the changes that are being proposed, and this Board certainly has the right to change them, she would recommend that on the third page the names of the individuals who are listed be deleted because it is the position rather than an individual that should be listed in the document. She said, in her opinion, the Board is setting itself up, and she provided an example. If somebody forgets to bring a person’s change in position to the President, then suddenly there is an

individual who is not authorized to handle Personal Health Information. This is something that the Board can clean up very easily at this meeting rather than hoping that somebody brings it to President's desk every time there is a change in one of these positions. She emphasized that she is not saying nor predicting that there is going to be a change in anybody in any of these positions. It is cleaner if that change is made now.

Ms. May said that she understands very much why the Board needs to give the President the option to amend this Plan, and it really should be looked at more frequently than every nine years to make sure it is in compliance. But, the piece, as a Board member, that causes her concern is the amendment in section 13.2.1 that permits the President not to just amend the Plan but to terminate the Plan without Board involvement. She said that she thinks that is probably a little broader than is probably necessary because this obviously will be a significant issue for the employees of the University, given the fact that it does let them set aside pre-taxed dollars for health care. And, certainly it is something that should be a Board level issue considering how many people are impacted.

Ms. May said that those are the two items that she would suggest that the Board consider as amendments to the motion made. She moved that FCR 8 be amended. Professor Kennedy seconded her motion to amend FCR 8.

Mr. Reed asked if there were any other questions on the amended motion or any other comments.

Mr. Hardymon said that as Chairman of the Committee, the amendments are o.k.; however, the other Committee members should speak up if they do not agree with them.

Ms. Tobin asked why the names were put in the document.

Ms. Jones said that she thought it was just an oversight, and Ms. May's point is well taken.

Mr. Hardymon said that the Committee discussed this in their meeting, and the administration did not seem to have the reason.

Mr. Reed asked that the record note the comment of Counselor Jones that is was an oversight. He said that there was an amended motion, a second on the amended motion and asked for any questions. A vote was taken to approve FCR 8 as amended, and the motion carried without dissent. (See FCR 8 at the end of the Minutes.)

Mr. Williams asked if the Board just eliminated the part about termination of the Plan by the President.

Ms. May said her amendment was to have the Board be delegated to terminate the Plan.

Ms. Williams clarified the deletion of names in the last section, also.

Ms. Wickliffe asked for clarification as to whether the President still has the right to amend the Plan.

Mr. Williams said that the President has the right to amend the Plan but not terminate it.

P. Gifts and Pledges (FCR 9 through FCR 12

Mr. Hardymon said that FCR 9 through 12 involves gifts and pledges. With the Chair's permission, he asked to have them as one report with one motion.

FCR 9 - accept a gift of \$10,000 and a pledge of \$25,000 from Louise Shouse of Lexington, Kentucky and a pledge of \$15,000 from the Lexington Opera Society to create and endow the Lexington Opera Society Community Endowment for Vocal Studies in the College of Fine Arts. This would fund visits by vocal artists and master teachers for master classes. Mr. Hardymon pointed out that the pledge from the Lexington Opera Society was made in honor of former mayor Pam Miller. This gift and pledge is to be matched by the Research Challenge Fund. (RCTF)

FCR 10 – accept gifts for the Dorothy Luther Nursing Fellowship. Dr. Dorothy Luther was a respected faculty member for many years in the College of Nursing adult nursing program. She died in 1999 and left \$47,184 to the College of Nursing. Friends and faculty of the College made additional gifts to bring the total to \$50,759 to create a fellowship for graduate students in her memory.

FCR 11 - accept gifts and pledges to the Earl Platt Slone Endowed Professorship in Pharmacy Practice and Science. Dr. Slone was very responsible for the transition of this Pharmacy College into the University of Kentucky. The members of the Class of 1952 chose to establish the professorship honoring Dr. Slone, who was a former dean of the College, during their fiftieth anniversary class reunion. Other graduates of the College also made gifts. The gifts and pledges total \$62,232 and are eligible to be matched by RCTF.

FCR 12 – accept a gift and pledge from the Amerman Family Foundation. Mrs. Amerman is involved with the Gluck Equine Research Foundation Board. Her husband was the former Chief Executive Officer of Mattel. Mr. and Mrs. Amerman own Amerman Racing Stables in California. They are interested in the rehabilitation of horses injured at race tracks or show rings. This is a \$500,000 commitment and is to be matched by RCTF. It is a \$100,000 gift and \$400,000 pledge.

Mr. Hardymon said that in no way did he want to cut short or say anything but nice things about these gifts. They are pretty straightforward. He moved approval of FCR 9 through 12. Ms. Wilson seconded the motion, and FCR 9 through 12 inclusive carried without dissent.

Q. A Resolution of the Board of Trustees of the University of Kentucky Approving the Action of the Board of Regents of the Kentucky Community and Technical College System (KCTCS) Directing the University of Kentucky to Call the Remaining University of Kentucky

Community College Educational Buildings Revenue Bonds Series A, C, F, and H (Second) and Further Authorizing the Treasurer of the University to Execute a Call of Said Bonds (FCR 13)

and

A Resolution of the Board of Trustees of the University of Kentucky Approving the Action of the Board of Regents of the Kentucky Community and Technical College System (KCTCS) Directing the University of Kentucky to Call University of Kentucky Community College Educational Buildings Revenue Bonds Series B and Further Authorizing the Treasurer of the University to Execute a Call of Said Bonds (FCR 14)

Mr. Hardymon said that he would like to present FCR 13 and FCR 14 together. They both involve bonds that were in use with the Community College System. When the Community College System was removed from the University of Kentucky, the properties and the bonds stayed with the University. The University has been periodically working those off as the regulations of the bonds would allow them to be changed. Now, these two are being changed from the University to the Commonwealth of Kentucky. The state will manage them and assume the debt. They will be coming off the university's books. When these are finished, the University will only have about \$1M left of this type of bond, an item that the University does not manage. The reason the University still has these bonds is because they are not ready to be redone according to the regulations. He recommended approval of FCR 13 and FCR 14. Ms. Smith Edge seconded the motion, and it carried without dissent.

R. A Resolution of the Board of Trustees of the University of Kentucky Authorizing the Issuance of Approximately \$23,780,000 of University of Kentucky Consolidated Educational Buildings Refunding Revenue Bonds, Series E, J and L (Third Series), to be Dated the First Day of the Month in Which the Bonds are Sold (FCR 15)

Mr. Hardymon said that FCR 15 is a movement to lower the interest the University is paying to support bonds. These bonds are involved with the Biological Sciences Building, a patient care addition to the University Medical Center and a Family Practice Facility Building, Robotics Facility, etc. By calling these bonds in and reissuing them at a lower rate will save \$80,000 a year in payments. This has been an ongoing thing during this time of low interest rates in the country. It is commonly done and very well done. He recommended approval of FCR 15. Ms. Wickliffe seconded the motion, and it carried without dissent.

Mr. Hardymon asked the Committee members for any comments.

Mr. Shoop said that he is particularly excited about the Employer-assisted Housing Program that was approved, and he is really excited that the University participating in it. The \$15,000 could be the difference in a member of the faculty or staff being able to purchase a home. He is glad to see the University do that type program.

Ms. Sparks said that the Town and Gown Committee worked on this for a long time, and they are very happy about it, also.

S. Investment Committee Report

Mr. Wilcoxson, Chair of the Investment Committee, reported that the Committee met in a special all day session on Monday, December 8th. Before reporting on the special session, Mr. Wilcoxson brought the Board up-to-date on how the University's endowment has done. He reported that in June of 2003, the University had a market value of \$424.6M and as of September 30th, it had a value of \$441.9M. There was an increase of about \$17.3M which is basically due to investment appreciation. Recently, the endowment investments had a return of about 4.5% for the quarter that ended September 30th. If you compare that to the blended market index and the endowment foundation index, they both returned 3.3%. That is pretty relative as to how the University performed, and again, the strong performance is primarily due to the favorable results that the University had with its equity managers.

Mr. Wilcoxson then reported on the special session. One of the items to cover was the infusion of more monies into venture capital. He reported that RFP documents were sent to 13 firms, and there were eight responses. The Investment Committee had a preliminary evaluation performed by the University consultants, Ennis Knupp, and the university's RFP Evaluation Committee. From the preliminary evaluations, three finalists were brought back to the Investment Committee.

Mr. Wilcoxson explained that one of the purposes of the special session was to interview and pick a manager or managers to manage additional venture capital money. The Investment Committee interviewed three venture capital firms, and it selected Fort Washington Capital of Cincinnati for a \$2M investment and Vital Venture Capital of Louisville for a \$500,000 investment. The Purchasing Department will initiate the contracts with these firms. With these two additional investments and the \$1M that have already been set aside to Chrysalis, that gives a total of \$3.5M invested in venture capital which is a very small percentage over the total endowment.

During the afternoon session, the Investment Committee had a long discussion about the university's asset allocation and spending policies. Basically, due to the expected lower return on stocks and bonds over the next 10 to 15 years, we are going to have to consider some modifications on asset allocation for more diversification in the university's portfolio in order to possibly increase the returns. The Committee is not going to move swiftly. It is going to move slowly and do its due diligence. Any changes that the Committee makes will be carefully considered relative to risk and return. The Committee is going to work with the consultants and the University staff and review the possible changes. Whatever the Committee does will be reported back to the Board, and hopefully, the Committee will have the Board's blessing. Mr. Wilcoxson said that he would be happy to answer any questions.

T. Other Business

President Todd mentioned a nice occurrence that happens this time of year. Dr. Meriwether's staff in Paducah gives him a Christmas gift each year by donating money to the Robert Meriwether Scholarship Fund in the Medical Center. President Todd reported that the

gift has been received, and he just wanted to acknowledge it at the Board meeting. He said that he liked that type of gift.

Mr. Reed said that he wanted to take this opportunity to say that he knows of the service, sacrifice, and contributions that Dr. Meriwether makes to the Board. It is nice to see that his staff sees the University the same way he does. He said that his appreciation and gratitude go out to both Dr. Meriwether and his staff.

Ms. Tobin said that the University has among its staff a very important gift to the University. It was his mother's gift to the world, and today is Terry Mobley's happy birthday. Mr. Mobley received a round of applause. Ms. Tobin said that Mr. Mobley has been a very special gift as an employee to the University and has done a lot to help secure a lot of gifts from many, many people.

Dr. Jones announced that there was an activity planned during the afternoon that involves the Board. He recognized Jeff Dembo and Sheila Brothers, who are chairs of the Staff and Senate Councils and who organized the activity. He deferred to them to describe the event because they were actually putting the event together.

Ms. Brothers said that this is the first year for the Staff Senate and the University Senate to partner with the Board of Trustees holiday reception. This will be a chance for the Board of Trustees, the University Senate, and the Staff Senate to mingle with each other. She encouraged everyone to attend the event scheduled at 3 p.m. in the lobby of the 18th floor.

Dr. Dembo said that the University Senate appreciates the numerous chances that they have had to partner with the Staff Senate on a number of issues. It is a very successful partnership.

Mr. Wilcoxson, on behalf of the Investment Committee, thanked Dick Siemer, Henry Clay Owen and their staff for the help that they have given to the Investment Committee. He said that he really appreciated the addition of Dick Siemer and his excellent help to the Committee. The Committee really appreciates what they do.

Ms. Plattner said that the University of Kentucky lost a great champion several weeks ago in the passing of Robert McCowan. Some of the Board members had an opportunity to meet Mr. McCowan when his family made a contribution to the University of Kentucky in honor of his mother. The Sanders-Brown Center initiated a great deal of fundraising and philanthropy, and Mr. McCowan was a longtime proponent of that. He was wonderful to everybody, very well met, very gracious, and extended himself in all ways to the University. She said that she wanted to make this comment to the current Board in his memory.

Ms. Plattner said that she had a job for the Board to do. She said that she did not attend the press conference at the University that morning. She explained that she and her family traditionally drive through their hometown of Frankfort on inauguration day before all the paper cups, the cardboard boxes and the car fumes fill the air. They drive around their hometown to see it in all of its glory. There is not a musical instrument left in the State of Kentucky. They are

all lining up on Capitol Avenue. She asked the Board members, after the day of celebration is over, to please contact their representative in the legislature and let them know how much it matters to them that they find a way to fund education in the state. It matters, not only to higher education but across the board, and guess what, the time for doing a lot of talking is over. The state is suffering from K right through 16. She said that she knew that the President of the University and others will carry the message, but it is time to say, find a way to do it, and let's do it. The responsibility belongs to each one of the Board members to get that flag up.

On a personal basis, Ms. Plattner offered her thanks to Paul Edward Patton, who is still the Governor of Kentucky, for being innovative and creative. He is a man who took a lot of risk politically to push education, particularly higher education in the state and who stood firm for KERA when a lot of the local legislative action went against him. He is a man who leaves office today and we are forever in his debt for taking the chance, taking the risk, going forward and giving us an opportunity to say we will no longer be at the end of the line. We will be at the front. She extended her deepest, personal appreciation to Governor Paul Patton, a man of vision.

Ms. Sparks reminded the Board of the Academic Affairs Committee meeting in the Board Room following a break.

U. Meeting Adjourned

With no further business to come before the Board, Mr. Reed adjourned the meeting at 11:17 a.m.

Respectfully submitted,

Russ Williams
Secretary, Board of Trustees

(PR 2, 3, and 4; AACR 1; and FCR 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 which follow are official parts of the Minutes of the meeting.)

PR 1

**Office of the President
October 28, 2003**

1. UK College of Pharmacy Wins \$6 Million NIH Grant to Study Smoking Cessation

The National Institutes of Health (NIH) awarded a grant of more than \$6 million to the University of Kentucky College of Pharmacy to study new treatments for nicotine addiction. This is the largest single grant ever received by the college. UK College of Pharmacy professors Linda Dwoskin, Ph.D., and Peter Crooks, Ph.D., in collaboration with Michael Bardo, Ph.D., professor of psychology, College of Arts and Sciences, will conduct preclinical studies to develop new therapies for tobacco use cessation and for treatment of nicotine dependence. Tobacco use and nicotine addiction are linked to depression, and innovative drugs also may prove to be new treatments for depression. The researchers are taking an integrative approach to increase understanding of the underlying mechanisms of tobacco use and nicotine addiction, with a focus on pharmacotherapeutic drug development.

2. HEEL Program Launches Initiative to Encourage Physical Fitness, Health Awareness

UK's Health Education through Extension Leadership (HEEL) recently launched "Get Moving Kentucky!" a community-based campaign to increase physical activity and health awareness in the Commonwealth of Kentucky. HEEL represents a partnership between the UK College of Medicine and its School of Public Health, and the College of Agriculture and its Cooperative Extension Service. UK President Lee T. Todd Jr. also announced \$200,000 from the HEEL grant will be awarded as mini-grants to county extension agents for additional tools for continued health and physical activity programming at the community level. "Get Moving Kentucky!" is designed to encourage people to experience healthy behavior together.

3. UK Ophthalmology Researchers Discover Model of Macular Degeneration

UK Ophthalmology researcher Jayakrishna Ambati and colleagues reported in the November issue of Nature Medicine the discovery of the first animal model of

age-related macular degeneration (AMD), similar to key elements of AMD in humans. The model provides a method to study how and why humans develop AMD and provides a platform on which to develop and validate new therapeutic strategies. Ambati's AMD animal model closely resembles the anatomical appearance, biochemical composition, and functional disruption of AMD in humans.

4. Science Journal Publishes Paper on Using Carbon Nanotubes to Make Membranes

A paper by chemical and materials engineering assistant professor Bruce Hinds on using carbon nanotubes to make membranes was published on November 27 on Science journal's Science Express Web site, in advance of print publication sometime in January. The paper showed the potential uses for carbon nanotube membranes for a variety of pharmaceutical and environmental purposes. Hinds used a polymer to bind the nanotubes into membranes. The nanotubes were "grown" at UK's Center for Applied Energy Research (CAER). Co-investigators on the project were CAER faculty Terry Rantell and Rodney Andrews, chemistry professor Leonidas Bachas and graduate students Nitin Chopra and Vasilis Gavalas.

5. College of Education Honors 90 'Teachers Who Made a Difference'

The College of Education recently honored 90 Kentucky teachers at its annual Teachers Who Made a Difference program. UK Board of Trustees member and College of Education alumna Marian Moore Sims delivered the keynote address. She joined Dean James G. Cibulka, Mayor Teresa Issac, and former Pittsburgh Steeler Dermontti Dawson in welcoming and congratulating the honorees. Dawson and his wife, Regina, were presented with a Friend of the College award at the conclusion of the Teachers Who Made a Difference program. The Dawsons established a graduate fellowship for the College of Education in 2002. Dawson has also been a volunteer spokesperson for the Teachers Who Made a Difference program the last three years.

6. National Geographic Photographer Inducted Into College of Education Hall of Fame

National Geographic magazine photographer Sam Abell was inducted into the College of Education Alumni Hall of Fame during a mid-October visit to campus. Abell delivered the 2003 Robert C. May Photography Endowment Lecture, sponsored by the UK Art Museum. At the conclusion of the lecture, Dean James G. Cibulka officially welcomed Abell into the College of Education Alumni Hall of Fame. Abell was inducted into the UK Hall of Distinguished Alumni in May 2000 and named to the Kentucky Journalism Hall of Fame in 1991. Abell has worked as documentary photographer for the National Geographic Society since 1970.

His photography has been featured in several solo exhibitions, and he has produced several books of photographs, including his most recent publication, *Sam Abell: The Photographic Life* (Rizzoli, 2002), which accompanied a retrospective exhibition organized by University of Virginia Art Museum in July 2002. He has lectured on photography and exhibited his work to audiences throughout the world.

7. Injury Prevention and Research Center, State Develop Online Bioterrorism

The Kentucky Injury Prevention and Research Center at UK and the Kentucky Department for Public Health developed "EMS Response to Terrorism – Awareness Level Training for Bioterrorism," an online course that provides first responders with basic bioterrorism information. The course describes agents that might be encountered, assessment and treatment of contaminated casualties, potential targets, and personal protective equipment. The Kentucky Cabinet for Health Services funded the \$95,920 program through a Homeland Security grant. The Kentucky Board of Emergency Medical Services assigned the course the equivalent of four hours of continuing education credit; one hour for disaster management; one hour for patient assessment; and two hours for medical emergencies. This program is now available to the public. The course can be found at www.kiprc.uky.edu/trap/.

8. UK Fellows Society Inducts 249 New Members

UK inducted 249 new donors into its Fellows Society. Each member contributed or committed \$10,000 or more to UK. The UK Fellows program honors various levels of giving: University Fellows (\$10,000 or more, individuals only); Barker Fellows (\$50,000 or more); Bowman Fellows (\$250,000 or more); Patterson Fellows (\$500,000 or more); and Presidential Fellows (\$1 million or more). Since the program began in 1966, more than 5,700 Fellows have made or pledged gifts in excess of \$520 million. The generosity of these and other loyal contributors enabled UK to exceed its Campaign goal of \$600 million.

9. President's Commission on Women, U of L, State Collaborate on Economic Issues

The UK President's Commission on Women joined with the Kentucky Commission on Women and the University of Louisville Commission on the Status of Women to collaborate on ways to improve the economic status of women in Kentucky. The three commissions had a historic first meeting in Frankfort on October 30 and decided to focus on issues - such as child care and violence against women - that often are impediments to women who want to pursue a higher education and better paying employment. The commissions will appoint a task force to

develop a Web site and text-based resource for women on a variety of issues, and the three full commissions plan to meet twice a year to initiate new projects.

10. UK Expert Helps Congress Understand Challenges in Access to Cancer Treatment

Fran Feltner, director of the UK Center for Rural Health's lay health workers division, based in Hazard, gave testimony in October during a U.S. Senate Cancer Coalition hearing, "Challenges in Access to Cancer Treatment." Feltner, who supervises the Kentucky Homeplace Program and Southeast Kentucky Community Access Program, told coalition co-chairs Dianne Feinstein, D-Calif., and Sam Brownback, R-Kansas, about efforts in the Commonwealth to link uninsured and underinsured rural residents with available health services, particularly preventive measures.

11. Ale-8-One Donates \$100,000 to UK Lexington Community College

Frank A. Rogers III, president of the Ale-8-One Bottling Company in Winchester, recently announced a \$100,000 company gift to UK Lexington Community College in memory of Carolyn A. White. White, who served as executive assistant to Rogers and as a member of the board of directors, passed away August 27, 2003, just six weeks after being diagnosed with lung cancer. LCC has proposed the construction of a 2,500-square-foot building for the Winchester-Clark County campus complete with classrooms, labs and a day-care facility to be located in the Industrial Park. The Winchester-Clark County Industrial Authority gave LCC the option to build a 20.36-acre site in phase 6 of the Industrial Park. The land is the largest single gift ever to LCC. The Ale-8-One Bottling Company is Winchester's oldest manufacturing company. This is the largest gift ever given by the 100-year-old company.

12. Former Board Chairman Robert T. McCowan Dies

Robert T. McCowan, a UK graduate and former chair of the UK Board of Trustees, died November 12. He was 75. A native of Carlisle, Ky., McCowan served on the UK Board of Trustees from 1981 to 1989. He served as the board's chair from 1984 to 1988. He earned his bachelor's degree from the UK College of Commerce, now the UK Gatton College of Business and Economics, in 1951. He worked for Ashland Oil Inc. from 1951 to 1988, rising through the ranks to become the company's vice chairman in 1980. McCowan never forgot his UK connections and, as an Ashland Oil executive, urged the company to support the university. While he was a company executive, Ashland Oil bestowed the University's first \$1 million corporate gift. In 1993, McCowan and his late wife, Nyle, donated \$1 million to the UK Sanders-Brown Center on Aging. He was inducted into the UK Hall of Distinguished Alumni in 1980 and into the Gatton College Alumni Hall of Fame in 1994. The University awarded him an honorary

doctor of law degree in 1978. He also served as chair of the UK Development Council in the 1980s.

13. UK United Way Raises \$404,000, 16 Percent More Than 2002 Fund-raiser

The UK United Way campaign raised \$404,000, 16 percent more than the previous fund-raiser. More than 3,100 employees and retirees made donations. The campaign, which had been held during the spring semester the last few years, was moved to the fall semester this year. Some 500 campus volunteers were involved in the six-week campaign that ended October 31. Marc Mathews, UK senior associate controller, served as campaign chair, and Sandra Chambers, assistant director, UK Hospital, served as co-chair and will lead the 2004 campaign. UK is the third largest giver to United Way of the Bluegrass, behind Toyota and Lexmark.

14. Former South African President F. W. de Klerk Speaks at UK

Frederik W. de Klerk, former president of South Africa, presented a lecture in October at the UK Singletary Center for the Arts. de Klerk, who shared the Nobel Peace Prize with Nelson Mandela in 1993, is best known for freeing Mandela and ending apartheid, the government policy that denied civil freedoms to the country's black majority.

15. 'Drive-up' Flu Vaccination Clinic Earns Community Accolades

For two days in mid-October, the UK Chandler Medical Center offered drive-through flu vaccinations for \$16 to persons age 18 and older. A total of 1,369 flu shots were administered with the help of more than 60 UK health care staff members. Community response to the program was positive, including a Lexington Herald-Leader letter to the editor praising the event.

16. UK Police Launch Pedestrian Safety Campaign Following Accidents

UK Police launched a traffic and pedestrian safety campaign this fall in response to an increase in the number of pedestrian accidents during the first weeks of the semester. UK Police officers are maintaining stricter traffic law enforcement and distributing educational material when issuing citations. They also are talking to people they witness crossing the street in areas other than crosswalks and are stressing traffic and pedestrian safety as part of their regular programming for students living in the residence halls.

17. Three Wildcats Named Academic All-District; Begley Advances to Nationals

Kicker Taylor Begley was named to the first team and running back Alexis Bwenge and linebacker Justin Haydock were named second-team Academic All-District IV by the College Sports Information Directors of America. Begley, a sophomore from Danville, Ky., has a 3.904 grade-point average with a major in electrical engineering. By earning first-team Academic All-District IV honors, he will advance to the national ballot for Academic All-America. Bwenge, a sophomore from St. Apollinaire, Quebec, has a 3.484 GPA with a major in political science. Haydock, a junior from Louisville, Ky., has a 3.433 GPA and a major in marketing.

Six Wildcats – a school-record – earned nomination for Academic All-America this season, including Begley, Bwenge, Haydock, sophomore tight end Jeremiah Drobney, sophomore cornerback Antoine Huffman, and junior punter Anthony Thornton. To be nominated for Academic All-America, a player must be a sophomore or higher in academic and athletic standing, have a career GPA of 3.2 or higher, and be a starter or key reserve.

18. Sports Marketing Innovator James Host Is Honored With Public Relations Award

W. James Host, 1961 graduate, was named as the recipient of the 2003 UK Public Relations Lifetime Achievement. Host, the founder of Host Communications sports marketing company, was honored at a luncheon on October 31. He is the fourth recipient of the award. The award is presented in conjunction with the annual James C. Bowling Executive-in-Residence Lecture Series.

19. President Todd Seeks Robinson Scholars Support in Eastern Kentucky Excursion

UK President Todd talked with dozens of Eastern Kentucky residents about the importance of the Robinson Scholars Program during a two-day, pre-Thanksgiving tour of the region. Todd spoke with school officials, local government officials, legislators and private citizens in London, Benham and Hazard about the program, which has helped more than 200 Eastern Kentucky students with college expenses since its inception in 1997.

20. UK Children's Hospital and Art Museum Select 2003 Holiday Cards, Available Now

The artwork of four UK Children's Hospital patients is featured on the hospital's 2003 holiday cards, which are available at the UK Hospital gift shop and all

Kroger stores in Lexington and the surrounding area. The cost for a package of 14 cards is \$6.50, and UK Children's Hospital benefits from the proceeds. With orders of 100 cards or more, a personal message can be printed on the inside of the card. To make a large quantity order, contact UK Children's Hospital Fund Development at 257-1121 to reserve cards. To preview the 2004 holiday cards online, go to www.ukhealthcare.uky.edu/holidaycards.htm. Meanwhile, the UK Art Museum is offering holiday cards for the second year. At \$10 for a box of 10 cards with envelopes (\$8 for members of the Friends of the Art Museum), buyers can choose from Paul Sawyer's "Fading Day," Guido Reni's "Madonna and Child," David Lucas' "Snowstorm in Whitesburg, Kentucky," and a Venetian Tablecloth. Proceeds support the UK Art Museum. The cards can be purchased at the Art Museum in the UK Singletary Center for the Arts, or by calling (859) 257-8164.

21. UK Law Students Finish Fifth in National Mock Trial Competition

The College of Law's mock trial team, consisting of third-year students, Laura Ball, Nute Bonner, Lysie Gaddis, and Clayton Oswald, competed in the Tournament of Champions, an invitational competition in which the top 16 teams throughout the nation contend for the national title. UK finished fifth, winning three out of four trials. Allison Connelly, associate clinical professor of law and director of the college's Legal Clinic is the adviser to the group.

22. Students' Families and Friends Converge on UK for Family Weekend

Family and friends of students enjoyed a busy schedule during Family Weekend, October 31 through November 2. Entertainment and fun, along with the opportunity to visit sons and daughters, was the order of the weekend. Families toured UK's new state-of-the-art recreation facility, attended a study-abroad program open house, visited the Career Center, took a walking tour of historic downtown Lexington, and heard some of UK's finest musicians perform during a free concert. On Saturday, families enjoyed free food, entertainment, and giveaways as the UK Wildcats prepared to take on the Arkansas Razorbacks.

23. Photo Exhibit at Rasdall Gallery Depicts Life at Nursing Home

An exhibit of photographs by professional photographer Gordon Baer at the UK Student Center's Rasdall Gallery reveals the sharp decline in the health of his Aunt Beck after her admittance to a Louisville nursing home. The Cincinnati photographer documented his aunt's deteriorating health for several months after the 94-year-old moved into the home. "Beck: End of Life Photographs by Gordon Baer" will remain on exhibit through December 12. It was unveiled on November 12, the day after a free symposium, "Compassionate Care: How Nursing Home Staff and Families Can Work Together," was held.

24. Campus Improvement Program Aims at Streamlining Processes for Students, Faculty

A new Campus Improvement Program aims at streamlining some of the processes encountered by students, faculty and staff in conducting university business. Initially, the program will focus on work order processes and processes for developing estimates for renovation projects. The program is led by William F. Maloney, the Raymond-Shaver Professor of Construction Engineering and Management in the UK College of Engineering.

25. Online Ticket Purchasing Available for Events at Singletary Center for the Arts

The Singletary Center for the Arts is now providing online ticketing for most of this season's events. Singletary patrons can purchase tickets online 24 hours a day up until midnight, the night before the concert. Remaining ticket purchases must be made at the Singletary Ticket Office or by calling 257-4929. To access the online ticketing service, go to www.uky.edu/SCFA/events.htm. A processing fee is charged for each ticket purchased online based on the price of the ticket. Most major credit cards are accepted, including Mastercard, VISA, American Express, and Discover. Group tickets are not available for online purchasing, and a maximum of 10 tickets may be purchased at one time. Tickets bought in advance will be mailed to buyers, but tickets purchased seven days or less before a performance must be picked up the day of the event at the "Will-Call" window. The Singletary Center Online Ticketing Service was made possible by part of a \$10,000 grant from the Kentucky Arts Council.

26. President Todd, Coach Smith Discuss Good to Great at Entrepreneurs Club

UK President Lee T. Todd Jr. and men's head basketball Coach Orlando "Tubby" Smith led a lively discussion of the business-management book *Good to Great* during a late October meeting of UK's Entrepreneurs Club. The book, by Jim Collins, outlines how certain corporations benefited from visionary leadership that helped them break away from their competitors. Todd has recommended the book to UK administrators, faculty, staff and students, while Smith has urged his assistant coaches, his players, and even competing coaches to study Collins' findings. About 150 UK faculty, students, and local business people attended the meeting of the club, organized two years ago to encourage entrepreneurial thinking.

27. UK Art Museum Hosts Exhibits on Latin American Art and Whitney Museum Photos

The UK Art Museum is hosting two new exhibits: "Latin American Art from the Collection" and "Visions from America: Photographs from the Whitney Museum of American Art, 1940-2001." The collection of Latin American art will continue through February 29, 2004. "Visions from America," which runs through January 25, is an exhibition of more than 140 photographic works drawn entirely from the Whitney Museum's permanent collection. They reveal the diversity of photographic vision that has emerged in the past six decades. "Latin American Art" is free to the public. "Visions from America" ticket prices are \$8 for the general public, \$5 for senior citizens, and \$6 for groups (by reservation), while UK Art Museum members and UK faculty, staff and students are free. The UK Art Museum is open noon to 5 p.m. Thursdays through Sundays; noon to 8 p.m. Fridays; closed Mondays and university holidays.

28. UK Boasts More Than 180,000 Alumni, with 33,000 Members in the Alumni Association

More than 33,000 alumni are now members of the UK Alumni Association. The Alumni Association now boasts 64 individual clubs in 18 different states. UK now has more than 180,000 alumni located in the Commonwealth, across the nation, and around the world.

29. Television Wildlife Show Host Jeff Corwin Speaks to Youngsters During Visit

Wildlife television show host Jeff Corwin described his adventures with endangered species and ecosystems around the world to more than 1,200 elementary students at a special lecture on November 7 at the UK Singletary Center for the Arts. Corwin, host and executive producer of "The Jeff Corwin Experience" on the Animal Planet cable-television channel, advocates conserving endangered species and ecosystems around the world. He has been an activist on behalf of rain forests and other ecosystems since his childhood. From 1997 to 1999, he co-created, produced and hosted the Disney Channel's "Going Wild With Jeff Corwin" television series. After Corwin spoke, representatives of the state Department of Fish and Wildlife, the state Department of Education, and the UK Tracy Farmer Center for the Environment unveiled a special Web site designed to encourage youngsters to take care of the environment.

30. Health Literacy Project Announces New Blood Pressure Reduction Program

The Health Literacy Project recently launched its newest intervention, Reduce the Pressure, a blood pressure reduction program to assist individuals with blood pressure readings of 140/90 and above. Intervention goals are to reduce blood pressure to a physician-recommended level and improve how participants feel about their health. The program is created to provide a personalized intervention. Depending on the participants' areas of need, there are multiple strategies, including weight reduction, an eating plan, exercise, lowering sodium intake, moderating alcohol consumption, and reducing stress. The Behavioral Health Improvement Program, BeH.I.P., is available for UK employees, employees' spouses, and retirees. BeH.I.P. is a low-pressure approach to health improvement designed to encourage participants to adopt healthy behaviors.

31. UK Soccer Team Finishes Regular Season With Unblemished Record

The UK men's soccer team went unblemished in the Mid-American Conference (MAC) regular season and several Wildcats were recognized for their outstanding play by the league office. Seven Wildcats received All-MAC recognition, the most in school history, including junior Jamal Shteivi who was named 2003 MAC Player of the Year. Also, freshman Riley O'Neill was recognized as MAC Newcomer of the Year.

32. UK Early Childhood Lab Dedicates New Playground, Wins Four-star Rating

UK's Early Childhood Lab (ECL) dedicated its new playground in a ribbon-cutting ceremony at the facility on Washington Avenue in early November. The new playground replaces the previous wooden structure that was constructed in the 1970s by parents of children in the ECL program. Established in 1928, the ECL serves as an on-site preschool and child care program for children ages 6 weeks to 5 years. Children currently in the program have family members who work or study at UK, or live in the greater Lexington area. The ECL recently received a four-star rating, the highest rating an early care and education program can achieve in Kentucky's STARS for KIDS NOW quality rating system. It is one of only two in Lexington and one of only eight in the state to receive this rating.

33. Smiths, Friends of UK Are Honored During National Philanthropy Day

UK head basketball Coach Tubby Smith and his wife, Donna, were among several Central Kentucky residents recognized for giving time, talent and treasure to improve life in the Lexington area during National Philanthropy Day activities on November 13. The Tubby Smith Foundation received the 2003 Distinguished Philanthropy Award for supporting many area activities, particularly those for

underserved children and young people. Three UK units participated: The Markey Cancer Foundation recognized the leadership and dedication of Angela and Antony Beck; the College of Education recognized Denny Howell, owner of Howell and Howell Painting Contractors in Louisville, and his wife, Laurie, a 1965 UK graduate; and the Gatton College of Business and Economics recognized Alan F. Bloomfield, retired president and chief executive officer of Gall's Inc., and his wife, Irene. The event was hosted by the Bluegrass Chapter of Fundraising Professionals.

34. 'Big Blue Crush' Attracts Total of 4,847 Pints of Blood in Weeklong Drive

Wildcat fans lined up at blood-donation stations during the week of November 17 through 21 to out-donate their University of Tennessee rivals in the 16th annual Big Blue Crush blood drive. The drive brought in 2,232 pints to the Central Kentucky Blood Center this year, but UT's total was 2,615. Over the years, the Big Blue Crush has added nearly 72,000 pints of blood for blood banks in Lexington and Knoxville, benefiting more than 215,000 patients needing transfusions and other blood components.

35. UK Offers Nearly 900 Training Programs Online for Students, Faculty, Staff

A new, more comprehensive program of online courses, ranging from office software applications to project management, is now available on the Web to UK faculty, staff, administrators and students. ExecuTrain Virtual Campus offers five libraries of courses, with the total number of courses available numbering nearly 900.

36. Colloquia Studies Italian Town's Chances as a Sustainable City

Two colloquia on the Integrative Study of the Biosphere focused on the ancient and present town of Todi, Italy, as a sustainable city in mid-November. Among the topics were "Sustainable Cities: An Alternative for a Post-terrorized World," "The Future Medieval City," and "The Aalborg Charter: The European Charter of Cities and Towns Toward Sustainability." Sponsors included the College of Education, the Tracy Farmer Center for the Environment, the Center for Sustainable Cities, the Martin School of Public Policy and Administration, and several departments in the College of Arts and Sciences.

37. Kentucky Geological Survey Collaborates on \$3.2 Million Carbon Storage Project

The Kentucky Geological Survey will be collaborating in a \$3.2 million project with the Illinois State Geological Survey and the Indiana Geological Survey in a

two-year investigation of the potential for carbon sequestration in the Illinois Basin in western Kentucky. The project will compile and update data on the major carbon dioxide sources and storage sites in the Illinois Basin. James Drahovzal, Energy and Minerals Section Head, received a grant of \$200,842 for the KGS portion of this \$3.2 million project.

38. College of Communications Announces Annual Faculty, Staff and Alumni Awards

The UK College of Communications and Information Studies presented its 2003 Alumnus of the Year Award to Jody Carbiener Dreyer, a 1983 graduate who is now senior vice president for corporate public service at The Walt Disney Company. Others recognized at the college's annual awards dinner on November 14 were Nell Blair Vaughn, a 1950 graduate, recognized as a Friend of the College; Pamela A. Thompson, who received the Outstanding Staff Award for her service in the School of Library and Information Science; Derek R. Lane, a communication associate professor, the Faculty Research Award; and John F. Clark, assistant professor of telecommunication, the Excellence in Teaching Award.

39. UK Track Team Shows Impressive Results in SEC Championships, NCAA Regionals

UK senior Thomas Morgan followed a first-place performance at the SEC Championships by capturing first place at the NCAA Southeast Regional in Greenville, N.C., on November 15. Morgan paced the men to a second-place finish and came in first among 181 competitors from 23 schools in the southeast. Morgan finished the 10k race in 29:56.2, more than four seconds ahead of Scott Shaw of Clemson. The Cats' Nick Devenport, David Freeman, and Hunter Spencer all boasted top-20 performances, as Devenport (30:28.5) came in 12th, Freeman finished not far behind with a 15th-place time of 30:37.4, and Spencer came in 20th in 30:49.0. Freshman John Richardson also fared well in his first post-season appearance with a 47th-place finish (31:26.3).

40. UK Survey Shows Adults Evenly Divided on Later Bar Hours

A recent poll of adults in Lexington/Fayette County by the UK Survey Research Center found respondents evenly divided on a question of whether bars should be allowed to sell alcohol after the current 1 a.m. prohibition. The survey found that about 47 percent of survey respondents favor and about 47 percent are opposed to the later bar hours. The number of respondents favoring extended hours for liquor sales on weekends was higher – 54 percent in favor and 42 percent opposed. The Survey Research Center said the results of the survey do not necessarily indicate that there would be “masses of additional people”

staying out later drinking at the bars on weekends if the hours were extended by the Lexington Fayette/Urban County Government Council.

41. UK, U of L Extend Challenge to Fans to Support Organ and Tissue Donation

UK and the University of Louisville will battle vigorously when their basketball teams meet on December 27 at Rupp Arena, but the schools have joined hands to urge fans to support organ and tissue donation. UK and U of L have mounted the third annual Gift of Life Challenge to encourage Kentuckians to sign driver's licenses or organ-donor cards. UK won the first two years. The winner of this year's competition will be announced at the ball game.

42. New Year's Eve Party Will Raise Funds for UK Children's Hospital

The UK Children's Hospital will benefit from proceeds of the Campbell House Inn's New Year's Eve party. All proceeds go to the hospital. Dinner, dancing, a silent auction, a champagne toast at midnight, and music by Brian Moore and Plan B are included in the price of admission. The celebration starts at 8 p.m. Wednesday, December 31. Tickets are \$90 per person, \$175 per couple, and \$1,000 for a table of eight. For more information, contact UK Children's Hospital Fund Development at 257-1121.

43. Student Awards and Achievements

- Joseph Auer, third year UK College of Medicine student, was awarded the Excellence in Basic Clinical Skills Award for outstanding performance in the Introduction to the Medical Profession course, the Excellence in Pathology Award for achievement in the second-year pathology course, and the Irving and Esther Kanner Memorial Award.
- Nathan Averill and Jessica McFarlin, both second-year medical students, Whitney Browning and Julie Atkinson, both third-year students, and Jaclyn Van Nes and Meredith Himmler Donnelly, both fourth-year students, were all awarded Community Service Awards for outstanding contributions in community service.
- Natasha Becker and Joel Knight, both fourth-year medical students, were awarded the McGraw-Hill/Appleton and Lange Awards for outstanding performance in third year.
- Todd Clark, third-year medical student, was awarded the Pharmacology Student Achievement Award for excellence in performance.
- LaTonya Hesterberg and Scott Sanders, Social Work doctoral students, presented a poster

- titled "Problem-Based Learning: A Model for Teaching in Social Work Education" at the North American Association of Christians in Social Work National Convention in Louisville in October.
- Parul Lakhlani, third-year medical student, was awarded the William R. Martin Award for outstanding performance in the Medical Pharmacology course.
- Adam Lyles, second-year medical student, was awarded the William H. Knisley Award for exceptional achievement in anatomy and the Irving and Esther Kanner Memorial Award for outstanding performance in Basic Sciences and Physical Diagnosis.
- Erika Music, second-year medical student, was awarded the Human Function Academic Achievement Award for outstanding performance in the Human Function course.
- Jason Stith, Civil Engineering, won a \$1,000 scholarship from the American Railway Engineering and Maintenance-of-Way Association Educational Foundation.

44. Faculty and Staff Awards and Achievements

- Glynn Beck, James Dinger, and Shawnetta Compton, Kentucky Geological Survey, presented the paper "Nitrate-Nitrogen and Pesticides in Groundwater in the Jackson Purchase Area, Kentucky" at the Geological Society of America annual meeting in early November in Seattle, Wash.
- Patricia Browne-Ferrigno, Education, presented three papers at the annual meeting of the University Council for Educational Administration in Portland, Ore., in November: "Principals Excellence Program: Advanced Professional Development for Administrator-certified Leaders," "Developing School Leaders for Kentucky High-need Rural Schools: Principals Excellence Program," and "The Kentucky Principalship: Redesigned by ISLLC Standards, Perceived by Administrator-certified Practitioners, Influenced by Policy and Context."
- Allan Butterfield, Chemistry and Membrane Sciences, received a \$3,000 Presidential Award for Excellence in Science Mentoring from the National Science Foundation. He also gave a presentation and chaired a session of the 8th International Conference on Amino Acids and Proteins.
- Belva C. Collins, Special Education and Rehabilitation Counseling, was a guest writer at the Institute for Disability Personnel and Distance Education at Utah State University in October. As part of an earmark from the U. S. Department of Education, she prepared a white paper to be presented at a national meeting in the spring of 2004 in Washington, D. C.

- Belva C. Collins , Special Education and Rehabilitation Counseling, made a presentation on graduate issues in distance education as part of a panel on Rural Issues in Special Education Personnel Preparation. She made the presentation with faculty and personnel from Utah State University and West Virginia University at the Teacher Education Division of the Council for Exceptional Children in Biloxi, Miss., in November.
- Ronald Counts and Joel Pederson, Kentucky Geological Survey, presented the paper "Evidence for a Large-Scale Paleoflood in the Northeastern Uinta Mountains" at the Geological Society of America annual meeting in early November in Seattle, Wash.
- Courtland Eble, Kentucky Geological Survey, presented the paper "Coal Bed Methane Potential of the Western Kentucky Coal Field" at the Geological Society of America annual meeting in early November in Seattle, Wash.
- Stephen Greb, Kentucky Geological Survey, was chair of the technical program of the coal division at the Geological Society of America annual meeting in early November in Seattle, Wash.
- Deneese L. Jones, Curriculum and Instruction, had a chapter, "Diverse Practitioners and Diverse Student Populations: Opportunities and Challenges in the Alignment of National Standards," published in the book, "Convergence or Divergence: Alignment of Standards, Assessment, and Issues of Diversity," edited by Norvella Carter and published by the American Association of Colleges of Teacher Educators and Educational Resources Information Center.
- John Kiefer, Kentucky Geological Survey, was elected as the first chair of a newly created Division of Geology and Society in the Geological Society of America. The Geological Society of America is an international professional association of geoscientists with more than 16,000 members in more than 85 countries.
- John Kiefer, Kentucky Geological Survey, presented the paper "Communicating Science to the Public: Some Examples from Geologic Hazards" at the Association of Earth Science Editors annual meeting in early November in Seattle, Wash.
- Carl Leukefeld, Center on Drug and Alcohol Research, received the Knee-Whitman Life Time Achievement Award from the National Association of Social Workers.
- T.K. Logan and Robert Walker, Center on Drug and Alcohol Research, received an award from the Robert Wood Johnson Foundation to evaluate an intensive juvenile justice response to substance abuse problems in a four-county area of Eastern Kentucky. This three-year project for \$375,000 per year is one of five in the nation.
- Charles T. Lutz, Pathology and Laboratory Medicine, successfully passed the molecular genetic pathology examination and is a diplomat of the American Board of Pathology in Molecular Genetic Pathology.

- Russell McGuire, Nursing, received the 2003 Best Dissertation Award at the Tenth National Conference on Nursing Administration Research at the University of North Carolina for his presentation, "Critical Elements of Organizational Capacity and Resource Needs for Successful Clinical Information Systems Implementation."
- Debra Moser, Nursing and the Linda C. Gill Chair, will visit Australia as a Fulbright Senior Scholar next year to study factors that influence heart-failure patients persevering with low-sodium diets while at the University of Western Sydney's School of Nursing, Family and Community Health.
- Amy S. Nicholas, Pharmacy, was named the 2003 Pharmacist of the Year by the Kentucky Society of Health-System Pharmacists.
- Beth Nichol, Regulatory Services, completed a rigorous examination to become a Certified Germination Analyst as recognized by the Association of Official Seed Analysts. UK's Seed Testing Laboratory now has four AOSA Certified Germination Analysts and three Certified Purity Analysts.
- Sue Overman, Clinical Microbiology Laboratory at UK Hospital, was selected as the 2003 Outstanding Contributor to Clinical Microbiology by the South Central Association of Clinical Microbiology.
- Todd Pfeiffer, Agronomy, was named a Fellow of the American Society of Agronomy at its annual meeting in Denver. The award is the organization's highest honor.
- Barbara Ramlow, Institute on Women and Substance Abuse, Center on Drug and Alcohol Research, has received an annual contract award of \$3,644,596 from the Kentucky Cabinet for Families and Children in support of the continued implementation and expansion of the University of Kentucky Targeted Assessment Program. The program is designed to identify and address barriers to self-sufficiency and family safety among clients in Kentucky's public assistance and child welfare systems.
- Carol Ruthven, manager of Communications and Technology Transfer of the Kentucky Geological Survey, was elected president of the Association of Earth Science Editors. Her term is from November 2003 to October 2004. This international professional association fosters education and improved communication in the earth sciences.
- Carol Ruthven and Meg Smath, Kentucky Geological Survey, were co-chairs of the technical program for the Association of Earth Science Editors annual meeting in early November in Seattle, Wash.
- Meg Smath, Kentucky Geological Survey, was elected as a member of the Board of Directors of the Association of Earth Science Editors. She will serve a three-year term. This international professional association fosters education and improved communication in the earth sciences and cooperation among editors.

- Jennifer Swanberg, Social Work, and Caroline Van Kempen, Social Work graduate student, had their manuscript, "The Reciprocal Link Between Family and Work Life for Victims of Domestic Violence," accepted for presentation at the Fourth Trapped by Poverty/Trapped by Abuse Research Conference in Austin, Texas, October 17-19.
- Lee T. Todd, Jr., President, has been elected to the board of directors of Equitable Resources Inc. of Pittsburgh, Pa. He also will serve on the company's compensation committee. In Kentucky, Equitable – through its operating subsidiaries Equitable Production and Kentucky-West Virginia Gas – operates 4,750 gas wells and 3,000 miles of pipeline. That represents about 11 percent of all gas wells in the Commonwealth. In addition, the company employs approximately 450 people in Eastern Kentucky through its operations or through subcontractors and has a presence in 14 Eastern Kentucky counties.
- Retia Scott Walker, vice president for Academic Outreach and Public Service, has received a Virgil S. Lago Marcino Laureate lifetime achievement award from Iowa State University for developing partnerships with local and statewide communities that promote service learning and scholarly engagement.
- Gerald Weisenfluh and Carol Ruthven, Kentucky Geological Survey, presented the paper, "Digital Geologic Maps and Map Database at the Kentucky Geological Survey," at the Association of Earth Science Editors annual meeting in early November in Seattle, Wash.

45. Research Activities

- Henrietta Bada, Pediatrics, \$19,504, Maternal Lifestyle Study Phase 4.
- Michael Bardo, Psychology, \$211,240, Development of Novel Treatments for Nicotine Addiction.
- Sandra Bastin, CES/Family and Consumer Sciences, \$20,000, Environmental Community Garden Project.
- P. Berger, Martin School of Public Policy, \$174,976, Worker Health and Safety Cooperative Agreement.
- Joseph Berger, Neurology, Clinical Trial, A Randomized Double Blind Controlled Dose Finding Study of NGX-4010 for the Treatment of Painful HIV-Associated Distal Symmetrical Polyneuropathy.
- Annadora Bruce-Keller, RCTF-Anatomy and Neurobiology, \$339,938, Estrogen, NADPH Oxidase, and Neurotrauma (Can Estrogen Prevent Traumatic Brain Injury?).
- Lowell Bush, AES/Agronomy, \$50,000, Metabolism and Elimination of Endophyte Infected Tall Fescue Alkaloids in the Horse.
- David Booth, Internal Medicine, Clinical Trial, Surgical Treatment for Ischemic Heart Failure (STICH).
- Susan Cantrell, Education Reform and Research, \$41,000, KALI: Kentucky Adult Literacy Institute.

- Susan Cantrell, Education Reform and Research, \$56,318, KALI: Research Grant.
- Zhi Chen, RCTF-Electrical Engineering, \$14,926, KSEF R&D Excellence: Fabrication of One-Dimensional Horizontal Arrays of Carbon Nanotubes Based on Nano-Templates.
- Jody Clasey, Kinesiology and Health Promotion, \$59,900, Customized Electrical Stimulation for SCI Rehabilitation.
- Rolf Craven, Molecular and Biomedical Pharmacology, \$73,513, YVHIP: Phosphates Inhibitors of Telomere Signaling.
- Peter Crooks, Pharmaceutical Tech, \$4,000, Design and discovery of novel subtype-selective nicotinic receptor agonists and antagonists, utilizing animal-free cell culture and microplate technologies.
- Peter Crooks, Pharmaceutical Tech, \$102,998, Development of Novel Treatments for Nicotine Addiction.
- Peter Crooks, Pharmaceutical Tech, \$235,257, Development of Novel Treatments for Nicotine Addiction.
- George Crothers, Anthropology Museum, \$2,000, Initiate "Cave Rock Art Photo-Documentation Project."
- Burt Davis, Center for Applied Energy Research, \$164,224, Separation of F-T Wax from Ultra-fine Iron Catalysts.
- Patrick DeLuca, Pharmaceutical Tech, \$55,688, Biomaterials with Rationally Immobilized Growth Factors.
- Nirmala Desai, Pediatrics, Clinical Trial, Comparison of Curosurf and Infasurf in Management of Respiratory Distress Syndrome.
- Linda Dwoskin, Pharmaceutical Tech, \$1,029,082, Development of Novel Treatments for Nicotine Addiction.
- Linda Dwoskin, Pharmaceutical Tech, \$387,809, Development of Novel Treatments for Nicotine Addiction.
- Cortland Eble, Kentucky Geological Survey, \$500,000, Resource Assessment and Production Testing for Coalbed Methane in the Illinois Basin.
- James Ferguson II, Obstetrics and Gynecology, \$500,000, Interdisciplinary Research Careers in Women's Health.
- Gerald Ferretti, Oral Health Science, \$155,400, Primary Care and Oral Health.
- Bernard Fleming, Interdisciplinary Human Development Institute, \$343,783, Technical Assistance to Department of Vocational Rehabilitation.
- Bernard Fleming, Interdisciplinary Human Development Institute, \$81,240, Kentucky Assistive Technology Loan Corporation.
- Ari Geertsema, Center for Applied Energy Research, \$379,000, Advanced Gasification By-Product Utilization.
- Richard Greenberg, Internal Medicine, Clinical Trial, An Observational, Non-Interventional, Retrospective, International Study to Investigate

Factors Responsible for Hospitalization, and Subsequent Outcomes, of Patients with Community Acquired Pneumonia (CAP).

- Chris Groeber, Social Work, \$167,901, Community Collaboration for Children.
- Eric Grulke, Chemical and Materials Engineering, \$6,576, NIST Summer Research in Interferometry for Andrew Lane.
- Ellen Hahn, Nursing Instruction, \$10,000, Implementation of Smoke-free Lexington Campaign.
- Lenn Harrison, Livestock Diagnostic Disease Control, \$40,000, Fall MRLS Disease Study.
- Rick Honaker, Mining Engineering, \$34,306, In-Plant Testing of High-Efficiency Hydraulic Separators.
- Theodore Hopwood, Kentucky Transportation Center, \$70,000, Accelerated Performance Testing of Coating Systems for Bridges – Kentucky Highway Investigative Task No. 47.
- Dianna Howard, Internal Medicine, Clinical Trial, 03-BMT-152: Protocol AZA-II-02 "A Phase II Trial of BBR 2778 in Combination with Cytarabine, Methylprednisolone and Cisplatin (BSHAP) as Salvage in Patients with Relapsed Aggressive Non-Hodgkin's Lymphoma.
- Carol Ireson, Kentucky School of Public Health, \$19,826, Kentucky HSR Development II.
- Michael Jay, Pharmaceutical Science and Tech, \$13,230, Stability Assessment and Inventory Maintenance Continuation for Nasal Formulations.
- Edward Jennings, Martin School of Public Policy, \$68,774, Policy Analysis for Kentucky Developmental Disabilities Council.
- Judy Jones, Rural Kentucky Healthcare, \$387,500, Kentucky State Loan Repayment Program.
- Pradeep Kachroo, AES/Plant Pathology, \$14,850, KSEF R&D Excellence: Identification of Signal(s) Modulating Cross Talk Between Defense Signaling Pathways.
- James Kipp, Kentucky Water Resources Institute, \$60,000, UK Research/Tech Support for Environmental Construction.
- Harold Kleinert, Interdisciplinary Human Development Institute, \$101,727, Brighter Tomorrows.
- Mark Keane, RCTF Materials Science, \$99,945, Catalytic Conversion of PVC Waste Into Fuel Oil.
- Seongjai Kim, Mathematics, \$110,520, PDE-based Image Restoration: Efficient Numerical Algorithms and Software Engineering.
- Steven Kreis II, Kentucky Transportation Center, \$65,000, Local Evaluation of the Eastern Kentucky Rural Highway Information Project-Federal Aid Research Task No. 130.
- Gene Lineberry, Mining Engineering, \$23,000, Mine Health & Safety Technology Transfer: Potential Size-of-Mine Effects.

- Margaret Love, Family Practice, \$76,821, Kentucky HSR Development II.
- Charles Lutz, Pathology and Lab Medicine, \$281,138, NK Cell Receptor Recognition of Oral Cancers.
- Samuel Matheny, Family Practice, \$226,800, Academic Administrative Units in Primary Care.
- William Markesbery, Sanders-Brown Center on Aging, \$96,076, ADRC 20 Supplement – Late Onset AG Genetics Initiative (Load).
- James Martin, CES/Agronomy, \$2,000, A Survey for Herbicide Resistant Ryegrass.
- William Mikel, CES/Animal Sciences, \$25,000, Evaluation of the Efficacy of Flame Beef Trim.
- William Mikel, CES/Animal Sciences, \$25,000, Development of a Rapid Response System For Bioterrorism.
- William Mikel, CES/Animal Sciences, \$25,000, Evaluation of Various Sanitation Methods for Listeria.
- William Mikel, CES/Animal Sciences, \$13,000, Development of a Spanish Version of Appropriate Sanitation Methods.
- William Mikel, CES/Animal Sciences, \$25,000, Evaluation of various intervention methods for small processors and development of a CD demonstrating appropriate harvest methods.
- Lloyd Murdock Jr., CES/Agronomy, \$8,000, Indirect Benefit of No-Till Wheat: Enhanced Yield of Rotational No Till and soybean.
- James Norton, Area Health Education Center, \$365,200, Model State-Supported AHEC Program.
- Karen Novak, Oral Health Practice, \$15,000, Efficacy of a Synthetic Antimicrobial Peptide Against Oral Biofilms.
- Lindell Ormsbee, Tracy Farmer Center for the Environment, \$2,980,500, Kentucky Research Consortium for Energy and Environment.
- Frederick Payne, Biosystems and Agricultural Engineering, \$15,000, KSEF: Development of a Spatial Light Backscatter Distribution Sensor Technology Development for Monitoring and Control of Curd Syneresis.
- Paul Pearson, Ophthalmology, Clinical Trial, A Pilot Study of Laser Photocoagulation for Diabetic Macular Edema-Protocol A.
- Robert Perry, Microbiology and Immunology, \$85,750, Characterization of the Hms Phenotype of Yersinia Pestis.
- David Pollack, Kentucky Archaeological Survey, \$4,000, Archaeological Survey of the River Cliffs State Nature Preserve in Franklin County, Ky.
- Mark Prendergast, Psychology, \$27,028, NRSA: Mulholland – Ethanol Withdrawal, Stress and Polyamine Neuroprotection.
- Alexander Rabchevsky, Spinal Cord and Brain Injury Research Center, \$16,800, Growth Factor-Mediated Gene Therapy for Spinal Cord Injury.

- Bradley Rister, Kentucky Transportation Center, \$12,000, Evaluation of Working Capacity for DBE for Highway Construction in Kentucky, FYO-4 Update-Federal Aid Research Task No. 129.
- Thomas Robl, Center for Applied Energy Research, \$54,330, Advanced Multi-Product Coal Utilization By-product Processing Plant. Phillip Roeder, Political Science, Clinical Trial, DOC Health Care Network Monitor & Coordinator.
- Beth Rous, Interdisciplinary Human Development Institute, \$56,441, Early Childhood Transition Project (Part B).
- Radhika Santhanam, Management, \$14,290, KSEF Emerging Ideas: An Investigation to Enhance the Effectiveness of Information Technology Transfer Via E-Learning Training Methods.
- Gary Schroeder, Education Teacher Education and Certification, \$70,549, Proposal to Establish a Center for Teacher Education Program Data Acquisition, Management and Exchange at the University (UK/TEP-DAME).
- Eric Scorsone, CES/Agricultural Economics, \$65,000, Kentucky Rural Health Works Program.
- Daret St. Clair, Graduate Center for Toxicology, \$47,727, Redox Regulation of Tumor Suppression by MnSOD.
- George Smith, RCTF-Physiology, \$44,100, Schwann Cells, Neurotrophin and Spinal Cord Regrowth.
- Gunnar Strobel, Internal Medicine, Clinical Trial, InSync ICD Post Market Registry.
- Thomas Troland, Physics and Astronomy, \$16,000, KSGC: Magnetic Fields in the Galaxy.
- Charlotte Tulloch, Special Education and Rehabilitation Counseling, \$55,000, Educational Barriers in the Classrooms SL:01.
- Sarah Wackerbarth, Martin School of Public Policy, \$37,614, Kentucky HSR Development II.
- Kenneth Warlick, Interdisciplinary Human Development Institute, \$193,604, ILSSA – Tennessee.
- Raymond Werkmeister, Kentucky Transportation Center, \$30,000, Disposal of Surplus and Spoil Construction Materials Accumulated as Part of the Performance of KyTC Highway Construction Projects.
- Craig Wilkie, University Press of Kentucky, A Guide to the Vascular Flora of Kentucky.
- Edward Woolery, Geology, \$25,401, CHS Paducah Gaseous Diffusion Plant: Seismological and Geotechnical Oversight.
- Kimberly Zeidler, Appalachian Center, \$261,755, Appalachian Rural System Initiative Phase II Year 4.

PR 2

Office of the President
December 9, 2003

Members, Board of Trustees:

PERSONNEL ACTIONS

Recommendation: that approval be given to the attached appointments, actions and/or other staff changes which require Board action; and that the report relative to appointments and/or changes already approved by the administration be accepted.

Background: The attached recommended appointments and/or other staff changes require approval by the Board of Trustees in accordance with Part VIII-B of the Governing Regulations of the University. These recommendations are transmitted to the Board by the appropriate Provost/Vice President through the President and have the President's concurrence.

Under the Governing Regulations, the authority to make certain appointments and/or other staff changes is delegated to the President or other administrators who are required to report their actions to the Board. These items of report follow the recommendations requiring Board approval.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

PRESIDENT
AND
EXECUTIVE VICE PRESIDENT
FOR
FINANCE AND ADMINISTRATON

I. BOARD ACTION

A. EARLY RETIREMENTS

Vice President for Information Technology and Human Services

Spickard, Stanley, Printing Spec III, after 33 years and 2 months of consecutive service, under AR II-1.6-1 Section III.A.2, effective 10/14/03.

B. POST-RETIREMENT APPOINTMENTS

Experiential Education

Stone, Louise, Experiential Education, Director, Experiential Education, 1/5/04 through 6/30/04.

II. ADMINISTRATIVE ACTION

A. ADMINISTRATIVE APPOINTMENTS

Office of Controller and Treasurer

Drapeau, Louis J., Director of Risk Management, Risk Management Department, effective 11/1/03.

Office of Planning, Budget, and Policy Analysis

Jacobs, Linda L., Fiscal Planning and Analysis Director, Office of Planning, Budget, and Policy Analysis, effective 10/16/03.

B. PROMOTIONS

Vice President for Information Technology and Human Services

Long, Donald J., Director, Talent Search, Lexington Community College to AMS Partnership Project Director Associate, Academic Technology/Math Science Lab, Office of the Vice President for Information Technology and Human Services, effective 11/1/03.

Auxiliary and Campus Services

Broeking, Lance, Parking/Transportation Services Director Associate to
Administrative Staff Officer III, Auxiliary and Campus Services,
effective 11/17/03.

PROVOST

I. BOARD ACTION

A. ACADEMIC APPOINTMENTS

Brown, Randy A., College of Medicine, Associate Professor* (without tenure), Internal Medicine, 9/1/03 through 6/30/04.

Caldrony, Ralph D., College of Medicine, Associate Professor (voluntary), Internal Medicine, 12/1/03 through 6/30/06.

Cambi, Franca, College of Medicine, Associate Professor (without tenure), Neurology, joint appointment as Associate Professor (without tenure), Anatomy and Neurobiology, 1/1/04 through 6/30/04.

Daugherty, Michael E., College of Medicine, Professor (voluntary), Surgery, 11/1/03 through 6/30/06.

Jeng, Yih-Nen, College of Engineering, Visiting Professor, Mechanical Engineering, 10/16/03 through 4/28/04.

Moody, Carroll L., College of Medicine, Clinical Associate Professor, Internal Medicine, 8/1/03 through 6/30/04.

Moscow, Jeffrey A., College of Medicine, appointed to the Children's Miracle Network Research Chair in Pediatrics No. 2, 7/1/03 through 6/30/08.

Prunty, Marshall E., College of Medicine, Associate Professor (voluntary), Family Practice and Community Medicine, 12/1/03 through 6/30/06.

Shulman, Robert S., College of Medicine, Clinical Assistant Professor, Diagnostic Radiology, 2/1/04 through 6/30/04.

Tabb, Thomas N., College of Medicine, Assistant Professor*, Obstetrics and Gynecology, 10/1/03 through 6/30/04.

Zhong, Li, College of Medicine, Assistant Research Professor, Internal Medicine, 10/1/03 through 6/30/04.

B. ADMINISTRATIVE APPOINTMENTS

Jones, Judy, Center for Rural Health, Director, effective 7/1/03.

Roland, Mark, College of Arts and Sciences, Professor (without tenure), Aerospace Studies, appointed Chair, Aerospace Studies, 7/1/03 through 6/30/06.

Schmonskey, Kelly, College of Medicine, Nurse Practitioner, Surgery/General, effective 11/24/03.

Terry, Samantha, College of Medicine, Physician Assistant Surgical, Surgery/Cardiothoracic, effective 11/15/03.

Wiedemann, Eric A., College of Arts and Sciences, Assistant Professor, Military Science, appointed Chair, Military Science, 7/1/04 through 6/30/07.

*Special Title Series

C. JOINT APPOINTMENTS

Butler, John S., College of Pharmacy, Professor (with tenure), joint appointment as Professor (without tenure), Graduate School, Martin School of Public Policy and Administration, effective 10/1/03.

D. REAPPOINTMENTS

Cao, Gang, College of Arts and Sciences, Associate Professor (without tenure), Physics and Astronomy, 1/1/04 through 12/31/05.

Mills, Richard P., College of Medicine, Professor (voluntary), Ophthalmology, joint appointment as Professor (voluntary), Neurology, 7/1/03 through 6/30/06.

Shaffer, William O., College of Medicine, Associate Professor* (without tenure), Surgery, 7/1/03 through 6/30/04.

E. CHANGES

Pfeifle, William G., from College of Health Sciences, Professor* (with tenure), Health Services, to College of Medicine, Professor* (with tenure), Kentucky School of Public Health, effective 7/1/03.

Schwarcz, Thomas H., College of Medicine, from Professor (with tenure), Surgery, to Professor (voluntary), Surgery, 11/1/03 through 6/30/06.

F. RETIREMENTS

Van Huss, James R., Libraries, Library Tech Sr., Libraries, after 17 years and 9 months of consecutive service, under AR II-1.6-1, Section III.B, effective 1/1/04.

G. EARLY RETIREMENTS

Burki, Nausherwan K., College of Medicine, Professor (with tenure), Internal Medicine, after 29 years, 7 months of consecutive service, under AR II-1.6-1, Section III.A.2, effective 10/31/03.

Cunningham, Rachel, Student Affairs, Food Service Manager I, Commons Market and Blazer Dining, after 20 years and 4 months of consecutive service, and a total of 21 years of service, under AR II-1.6-1, Section III.A.2, effective 1/23/04.

Hostetter, Ann W., Undergraduate Studies, Staff Support Associate II, Central Advising Service, after 20 years and 11 months of consecutive service, under AR II-1.6-1, Section III.A.2, effective 1/1/04.

Parris, Carol J., Libraries, Librarian II (with tenure), Libraries, after 24 years and 8 months of consecutive service, under AR II-1.6-1, Section III.A.2, effective 10/31/03.

*Special Title Series

Ranta, Carol A., College of Medicine, Staff Support Associate II, Behavioral Science, after 21 years, 4 months of consecutive service, and a total of 21 years, 7 months, under AR II-1.6-1, Section III.A.2, effective 10/17/03.

Singleton, Shirley, College of Medicine, Department Administrator, Diagnostic Radiology, after 41 years, 3 months of consecutive service, under AR II-1.6-1, Section III.A.2, effective 1/19/04.

Wolf, Betty I., College of Medicine, Clinical Associate Professor, Pediatrics, after 23 years, 6 months of consecutive service, under AR II-1.6-1, Section III.A.2, effective 12/31/03.

H. POST-RETIREMENTS

Chappell, G.L., College of Agriculture, Extension Professor (part-time), Animal Sciences, 10/6/03 through 10/5/04.

Crist, William, College of Agriculture, Extension Professor (part-time), Animal Sciences, 8/5/03 through 8/4/04.

Detring, Stanley L., College of Agriculture, County Extension Agent (part-time), Cooperative Extension Service, 11/5/03 through 11/4/04.

Hall, Harry H., College of Agriculture, Professor (part-time), Agricultural Economics, 11/18/03 through 12/5/03.

Nelson, C. Michael, College of Education, Professor (part-time), Special Education and Rehabilitation Counseling, 1/1/04 through 12/31/04.

Wolf, Betty I., College of Medicine, Associate Professor (part-time), Pediatrics, 1/1/04 through 6/30/04.

II. ADMINISTRATIVE ACTION

A. ACADEMIC APPOINTMENTS

Aaron, Phil, College of Health Sciences, Instructor (voluntary), Clinical Sciences, 10/24/03 through 6/30/06.

Bak, Ewa B., College of Medicine, Assistant Professor (voluntary), Internal Medicine, 12/1/03 through 6/30/06.

Belvin, Frances, College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

Brooks, Paul V., College of Nursing, Assistant Professor (voluntary), 11/1/03 through 6/30/06.

Brown, Julia K., College of Medicine, Assistant Professor (voluntary), Internal Medicine, 12/1/03 through 6/30/06.

Casebier, Marty D., College of Medicine, Assistant Professor (voluntary), Pediatrics, 10/1/03 through 6/30/06.

Chaney, Brian, College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 10/1/03 through 6/30/06.

Chaney, James, College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 10/1/03 through 6/30/06.

Combs, Karyn, College of Education, Instructor (part-time), Kinesiology and Health Promotion, 8/16/03 through 12/31/03.

Couch, James R., College of Fine Arts, Instructor (part-time), Theatre, 8/1/03 through 12/31/03.

Crain, Thomas C., College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 10/1/03 through 6/30/06.

Dishop, Megan K., College of Medicine, Assistant Professor (part-time, temporary), Pathology and Laboratory Medicine, 11/1/03 through 6/30/04.

Dolloff, Paul A., College of Engineering, Assistant Professor (part-time), Electrical and Computer Engineering, 1/1/04 through 5/15/04.

Downey, Walter, College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 12/1/03 through 6/30/06.

Edwards, Lena D., College of Medicine, Assistant Professor (voluntary), Internal Medicine, 10/1/03 through 6/30/06.

Furlow, Terrance G., College of Medicine, Assistant Professor (voluntary), Internal Medicine, 12/1/03 through 6/30/06.

Haq, Akasha, College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 11/1/03 through 6/30/06.

Hopgood, Jeromy F., College of Fine Arts, Assistant Professor (temporary), Theatre, 8/1/03 through 6/30/04.

Ingwerson, Charlotte, College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 12/1/03 through 6/30/06.

Jones, Darnel E., College of Fine Arts, Instructor (part-time), Theatre, 8/16/03 through 12/31/03.

Joseph, Linda M., College of Medicine, Instructor (part-time), Anesthesiology, 12/8/03 through 6/30/04.

Keaton, Duane S., College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

King, Victoria L., College of Medicine, Assistant Research Professor, Internal Medicine, 10/1/03 through 6/30/04.

Ko, Christine, College of Medicine, Instructor (voluntary), Internal Medicine, 12/1/03 through 6/30/06.

Lindberg, Laurie, College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

Loveless, Kimberly R., Lexington Community College, Instructor (temporary), Lexington Community College, 1/1/04 through 5/31/04.

Luigs, Stephen W., College of Medicine, Assistant Professor (voluntary), Internal Medicine, 10/1/03 through 6/30/06.

Marcum, Bobby, College of Nursing, Instructor (voluntary), 11/1/03 through 6/30/06.

McNary, Ross, College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

Mendes, Guy, College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

Monnig, Stephen, College of Medicine, Assistant Professor (voluntary), Surgery, 11/1/03 through 6/30/06.

Moylan, Jennifer S., College of Medicine, Assistant Research Professor, Physiology, 12/1/03 through 6/30/04.

Richards, Alan K., College of Medicine, Assistant Professor (voluntary), Pediatrics, 10/1/03 through 6/30/06.

Secor, Tami M., College of Medicine, Instructor (voluntary), Internal Medicine, 12/1/03 through 6/30/06.

Stone, Stephanie H., College of Pharmacy, Assistant Professor (voluntary), 12/10/03 through 6/30/06.

Valavalkar, Subhashini S., College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 12/1/03 through 6/30/06.

VanArsdall, Marilee, College of Education, Instructor (part-time), Kinesiology and Health Promotion, 8/16/03 through 12/31/03.

Wang, Yuhong, College of Engineering, Instructor (part-time), Civil Engineering, 8/16/03 through 6/30/04.

Wheeler, Kathleen, College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

Wood, Donald K., College of Pharmacy, Assistant Professor (voluntary), 12/10/03 through 6/30/06.

B. ADMINISTRATIVE APPOINTMENTS

Bruzina, Ronald, College of Arts and Sciences, Professor (with tenure), Philosophy, appointed Acting Chair, Philosophy, 1/1/04 through 6/30/04.

C. JOINT APPOINTMENTS

Curd, Philip R., College of Medicine, Assistant Professor (part-time), Preventive Medicine and Environmental Health, joint appointment as Assistant Professor (part-time), Family Practice and Community Medicine, 10/1/03 through 6/30/04.

English, Mary L., College of Health Sciences, Assistant Professor*, Rehabilitation Sciences, joint appointment as Assistant Professor*, College of Medicine, Department of Family Practice and Community Medicine, 8/1/03 through 6/30/04.

Glaser, Paul E., College of Medicine, Assistant Professor, Psychiatry, joint appointment as Assistant Professor, Anatomy and Neurobiology, new joint appointment as Assistant Professor, Pediatrics, 11/1/03 through 6/30/04.

Troffkin, Neil A., College of Medicine, Assistant Professor*, Surgery, joint appointment as Assistant Professor*, Diagnostic Radiology, 11/1/03 through 6/30/04.

*Special Title Series

D. REAPPOINTMENTS

Allen, William P., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Anneken, John, College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Bohen, Cynthia A., College of Nursing, Instructor (voluntary), 7/1/03 through 6/30/06.

Bouvette, Ralph E., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Carr, Joe, College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Carter, Edward L., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Carter, Todd, College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Dvorak, John T., College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 7/1/03 through 6/30/06.

Edwards, Dwayne A., College of Arts and Sciences, Assistant Professor, Military Science, 7/1/03 through 6/30/05.

Hannah, Rancie W., College of Medicine, Assistant Professor (voluntary), Family Practice and Community Medicine, 7/1/03 through 6/30/06.

Hardesty, Laurie, College of Fine Arts, Instructor (part-time), Theatre, 8/1/03 through 12/31/03.

Hughes, Joyce, College of Health Sciences, Assistant Professor (voluntary), Clinical Sciences, new joint appointment as Assistant Professor (voluntary), College of Medicine, Department of Pediatrics, 7/1/03 through 6/30/06.

Karp, Margaret, College of Fine Arts, Instructor (part-time), Music, 10/1/03 through 12/31/03.

Killmeier, Greg, College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Lee, Yung P., College of Medicine, Instructor (voluntary), Obstetrics and Gynecology, 7/1/03 through 6/30/06.

Levenson, Nancy A., College of Arts and Sciences, Assistant Professor, Physics and Astronomy, 1/1/04 through 12/31/05.

Lindsay, Tedrin B., College of Fine Arts, Instructor (part-time), Music, 9/1/03 through 5/31/04.

Masse, Gerard J., College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

Nobrega, Jose B., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Noland, James L., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Orzali, Pete, College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Sandlin, Phillip D., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Stofer, Jill, College of Fine Arts, Instructor (part-time), Art, 8/1/03 through 12/31/03.

Stoots, Angela M., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Teegavarapu, Ramesh, College of Engineering, Assistant Professor (temporary), Civil Engineering, 9/1/03 through 6/30/04.

Thompson, Eugene, College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Tufts, Karen K., College of Nursing, Instructor (voluntary), 7/1/03 through 6/30/06.

Vorobieva, Irina V., College of Fine Arts, Assistant Professor*, Music, 7/1/03 through 6/30/04.

Wade, Brian D., College of Arts and Sciences, Assistant Professor, Military Science, 1/1/04 through 6/30/04.

Wheat, Janet M., College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

Wilson, Annabelle, College of Fine Arts, Assistant Professor (temporary), Art, 8/1/03 through 6/30/04.

Womack, Anthony, College of Pharmacy, Assistant Professor (voluntary), 7/1/03 through 6/30/06.

E. CHANGES

Arsenescu, Razvan I., College of Medicine, from Assistant Professor*, Internal Medicine, 7/1/03 through 6/30/04, to Assistant Professor*, Internal Medicine, 10/1/03 through 6/30/04.

Aziz, Khadija, College of Medicine, from Assistant Professor (part-time), Diagnostic Radiology, 9/1/03 through 6/30/04, to Assistant Professor (part-time), Diagnostic Radiology, 10/10/03 through 6/30/04.

Barnhill, John, College of Medicine, from Clinical Assistant Professor, Psychiatry, to Assistant Professor (voluntary), Psychiatry, 11/1/03 through 6/30/06.

Bouneva, Iliana, College of Medicine, from Assistant Professor*, Internal Medicine, 7/1/03 through 6/30/04, to Assistant Professor*, Internal Medicine, 10/1/03 through 6/30/04.

Neill, Thomas K., College of Medicine, from Clinical Assistant Professor, Psychiatry, to Assistant Professor (voluntary), Psychiatry, 1/1/04 through 6/30/06.

Strunk, Danny J., College of Medicine, from Assistant Adjunct Professor, Pediatrics, to Assistant Professor (voluntary), Pediatrics, 7/1/03 through 6/30/06.

*Special Title Series

F. LEAVES OF ABSENCE

- Anderson, Dana R., College of Agriculture, County Extension Agent, Cooperative Extension Service, Educational leave with full salary, 1/15/04 through 5/7/04.
- Bradshaw, David, College of Arts and Sciences, Associate Professor (with tenure), Philosophy, Sabbatical leave with full salary, 7/1/04 through 12/31/04.
- Brown, Russell, College of Arts and Sciences, Professor (with tenure), Mathematics, Sabbatical leave with full salary, 1/1/05 through 6/30/05.
- Cathey, Jimmie, College of Engineering, Professor (with tenure), Electrical and Computer Engineering, Sabbatical leave with half salary, 1/1/04 through 6/30/04.
- Coyne, Mark, College of Agriculture, Associate Professor (with tenure), Agronomy, Sabbatical leave with full salary, 1/1/04 through 6/30/04.
- DeMattina, Robert, College of Agriculture, Extension Communications Specialist, Agricultural Communications Services, Educational leave with full salary, 4/1/04 through 9/30/04.
- Enochs, Edgar, College of Arts and Sciences, Professor (with tenure), Mathematics, Sabbatical leave with full salary, 1/1/05 through 6/30/05.
- Fording, Richard, College of Arts and Sciences, Associate Professor (with tenure), Political Science, Sabbatical leave with full salary, 7/1/04 through 12/31/04.
- Govindarajulu, Zakkula, College of Arts and Sciences, Professor (with tenure), Statistics, Sabbatical leave with half salary, 7/1/04 through 6/30/05.
- Grider, Jay S., College of Medicine, Clinical Instructor, Anesthesiology, miscellaneous leave without pay, 8/1/03 through 7/14/04.
- Hamilton, David, College of Arts and Sciences, Associate Professor (with tenure), History, Sabbatical leave with full salary, 7/1/04 through 12/31/04.
- Herring, George, College of Arts and Sciences, Professor (with tenure), History, Sabbatical leave with half salary, 7/1/04 through 6/30/05.
- Jefferies, Richard, College of Arts and Sciences, Associate Professor (with tenure), Anthropology, Sabbatical leave with full salary, 7/1/04 through 12/31/04.
- Kiernan, Kevin, College of Arts and Sciences, Professor (with tenure), English, Sabbatical leave with half salary, 7/1/04 through 6/30/05.
- Krupa, James, College of Arts and Sciences, Associate Professor* (with tenure), Biology, Sabbatical leave with full salary, 7/1/04 through 12/31/04.
- Lorch, Robert, College of Arts and Sciences, Professor (with tenure), Psychology, Sabbatical leave with half salary, 7/1/04 through 6/30/05.
- Maggard, Stacie K., College of Dentistry, Assistant Professor (part-time), Oral Health Practice, miscellaneous leave without pay, 12/25/03 through 7/31/04.

*Special Title Series

- Moody, Carroll L., College of Medicine, Clinical Associate Professor,
Internal Medicine, miscellaneous leave without pay, 9/24/03 through
1/4/04.
- Norman, Gurney, College of Arts and Sciences, Associate Professor (with
tenure), English, Sabbatical leave with half salary, 7/1/04 through
6/30/05.
- Perry, Peter, College of Arts and Sciences, Professor (with tenure),
Mathematics, Sabbatical leave with full salary, 7/1/04 through
12/31/04.
- Peters, Jeffrey, College of Arts and Sciences, Associate Professor (with
tenure), Modern and Classical Languages (French), Sabbatical leave
with half salary, 7/1/04 through 6/30/05.
- Raitz, Karl, College of Arts and Sciences, Professor (with tenure), Geography,
Sabbatical leave with full salary, 7/1/04 through 12/31/04.
- Slaymaker, Douglas, College of Arts and Sciences, Associate Professor (with
tenure), Modern and Classical Languages (French), Sabbatical leave
with full salary, 7/1/04 through 12/31/04.
- Stump, Gregory, College of Arts and Sciences, Professor (with tenure),
English, Sabbatical leave with half salary, 7/1/04 through 6/30/05.
- Thomas, William A., College of Arts and Sciences, Professor (with tenure),
Geological Sciences, Sabbatical leave with half salary, 7/1/04 through
6/30/05.
- Townley, Kim F., College of Agriculture, Associate Professor (with tenure),
Human Environmental Sciences (Family Studies), Leave without pay,
7/1/03 through 6/30/04.
- Zentall, Thomas, College of Arts and Sciences, Professor (with tenure),
Psychology, Sabbatical leave with half salary, 7/1/04 through 6/30/05.

EXECUTIVE VICE PRESIDENT FOR HEALTH AFFAIRS

I. BOARD ACTIONS

A. ADMINISTRATIVE APPOINTMENTS

Cook, Aaron, University Hospital, Clinical Staff Pharmacist I, Hospital
Pharmacy, effective 10/20/03.

Office of the President
December 9, 2003

Members, Board of Trustees:

AMENDMENT TO THE GOVERNING REGULATIONS REGARDING
STAFF TRUSTEE ELECTION

Recommendation: that the Board of Trustees approve the transfer of the responsibility for the election of the Staff Trustee from the Executive Vice President for Finance and Administration to the Staff Senate.

Background: When the Governing Regulations were amended in the summer of 2001, the election of the Staff Trustee was delegated to the Vice-President for Administration (now the Executive Vice President for Finance and Administration) because, at that time, the Staff Senate had not been established. In order to meet the timeline for the spring 2004 election of the Staff Trustee and to make the election process consistent with the fact that the University Senate conducts the election of the faculty Trustees, it is necessary to make this shift of responsibility to the Staff Senate now rather than delaying the change until all Governing Regulation amendments are brought before the Board for consideration.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

PR 4

Office of the President
December 9, 2003

Members, Board of Trustees:

AMEND THE STATUTE WHICH MANDATES WHEN THE BOARD SHALL MEET

Recommendation: that the Board of Trustees approves a legislative initiative to amend KRS 164.170 during the 2004 legislative session. The legislative amendment would authorize the Board of Trustees to meet at least quarterly each year rather than meeting on the specified times as currently provided in the statute.

Background: Currently KRS 164.170 mandates four specific times when the Board of Trustees shall meet: 1) on the Tuesday preceding the regular annual commencement, 2) on the third Tuesday in September, 3) on the Second Tuesday in December, and, 4) on the first Tuesday in April of each year. The Board has no discretion to change these meeting dates as the statute is currently written.

The proposed change eliminates the specific times the Board shall meet. The amended language mandates that the Board shall meet quarterly each year. This proposal mirrors the language currently in place for the Boards of Regents at the Regional Universities and for the Kentucky Community and Technical College System. The proposed legislative change does not change the fact that the Board can meet additional times throughout the year, it merely establishes that they must meet at least quarterly.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

164.170 Meetings of board; quorum; expenses; public character

(1) The board of trustees of the university shall meet quarterly. Special meetings may be called by the chairperson or by any three (3) members upon giving ten (10) days' written notice to each member of the board of trustees. The business to be transacted at special meetings shall be specified in the notice of the meeting. All meetings shall be held on the campus of the university unless otherwise specified by a majority vote of the board of trustees. A majority of the voting members of the board of trustees shall constitute a quorum. All necessary expenses incurred by the trustees in going to, returning from and while attending meetings of the board of trustees shall be paid out of the funds of the university, except a member who resides outside the Commonwealth shall not be reimbursed for out-of-state travel.

(2) The meetings of the board of trustees shall be open to the public. The board of trustees shall cause a stenographic transcript of each of its meetings to be prepared and filed. An agenda for each of the meetings shall be sent to each member of the board of trustees and a copy made available to the press.

Deleted: on Tuesday preceding the regular annual commencement of the university, on the third Tuesday in September, on the second Tuesday in December, and on the first Tuesday in April of each year

AACR 1

Office of the President
December 9, 2003

Members, Board of Trustees:

CANDIDATES FOR DEGREES

Recommendation: that the President be authorized to confer upon each individual whose name appears on the attached list the degree to which he or she is entitled upon certification by the University Registrar that the individual has satisfactorily completed all requirements for the degree for which application has been made and as approved by the University Senate and the Academic Affairs Committee of the Board of Trustees.

Background: In order that the degrees may be conferred upon the individuals completing requirements in December as soon after the close of the semester as possible, it is recommended that the Board of Trustees give its approval contingent upon certification by the Registrar and the University Senate that all requirements have been satisfactorily completed.

For information regarding the AACR1 Candidates for Degree List, please contact Cleo Price, 859-257-7169, Office of Undergraduate Admissions and University Registrar.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 1

1

Office of the President
December 9, 2003

Members, Board of Trustees:

CAPITAL CONSTRUCTION REPORT

Recommendation: that the capital construction report for the three months ending September 30, 2003 be accepted. This report refers only to projects that had activity within this quarter.

Background: Under House Bill 622 enacted in the 1982 session of the Kentucky General Assembly, the University is authorized to enter into architectural, engineering, and related consultant contracts for the purpose of accomplishing capital construction at the University of Kentucky.

For the period July 1, 2003 – September 30, 2003:

There were no new contracts.

No contracts were completed.

There was one amendment this quarter, and five change orders.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

MAJOR PROJECT SUMMARY REPORT

October 1, 2003

CPST

This \$12,000,000 project will be located at the Cold Stream Research Park and is currently being programmed with the assistance of CE&IC of Burlington, N.J. in preparation for solicitation of design/build proposals by late October. The project is scheduled for a start of construction in December, 2003 and completion is anticipated for the 2nd quarter, 2005. Over the last two months, CE&IC has begun work and the schematic design is underway. Over the next two months CE&IC will complete schematic design, assist in preparation of the documentation necessary to issue the Request for Proposal for the design/build firm, and the RFP will be transmitted for bids. The project is currently proceeding on schedule.

BBSRB

This \$72M project designed by A. M. Kinney of Cincinnati in association with ZBA of Cincinnati and Venturi, Scott Brown of Philadelphia and others is located near the intersection of South Limestone Street and Virginia Av. The project includes a major research building; a central utility plant (CUP) to include new chiller, boiler and substation; a spine to connect the new CUP to the existing systems as well as serve future buildings in the Virginia Avenue area; and a bridge connecting the new structure to the existing campus. Over the last two months construction has continued on schedule. The current completion date is October 20, 2004 although Gilbane, the construction-manager-at-risk, is committed to bettering that date. Work over the next three months will include continuing the MEP rough in throughout the buildings; completion of the "skin" of the BBSRB; tunneling under South Limestone Street to complete the spine; continuing construction of the bridge over South Limestone Street in the evenings; cutting of the opening for the entry into the third floor of the Kentucky Clinic; installing of the skin on the CUP; setting of the boiler and cooling tower in the CUP area; completion of UK's portion of the substation; and completion of site improvements in the western sector of the project. The project has reached the point that weather delays should no longer be a concern with 27 weather related days having been granted to date.

PRIMARY CARE/OUTPATIENT DIAGNOSTIC & TREATMENT CENTER

(Gill Heart Institute/Outpatient Surgery Center)

This \$24,491,723 project designed by CMW, Inc. is currently under construction by D.W. Wilburn, Inc and is scheduled for substantial completion by January 2004 (excluding installation of the additional elevator recently added by change order, which will not be operational until mid-April, 2004). Over the last two months asphalt paving at the parking lot has completed. Hospital Drive has been re-configured to tie in to Rose Street and traffic has rerouted onto Rose Street. Interior finishes have continued to progress on all floors. The 2nd floor connector to the hospital has been framed and interior work is progressing. The steel frame for the bridge has completed and the contractor is currently installing the exterior framing system. Over the next two months the following work is anticipated: Masonry work should begin on the bridge. Interior finishes will start completing, with punch inspections scheduled to follow. The project is behind the original target schedule. It is currently within budget, but the budget has been substantially impacted by required changes.

PARKING STRUCTURE #6:

Two sites for these structures to be constructed under this \$16,280,000 project were selected on September 30. The Virginia Avenue site and the Tennis Court Parking lot site were determined to represent the best combination of economy, utility and aesthetic acceptability. An RFP for a

Bridging Consultant was issued and proposals received on August 8 and evaluated on August 12. Three firms were interviewed on September 30 and the team headed by HNTB of Kansas City, Mo. was selected to assist in preparation of the RFP for design build services. The project is currently approximately six weeks behind the initial schedule. Over the next two months, program verification will be completed and schematic design will be started. Initial discussion with the selected consultant indicates that the schedule can be adjusted to meet the targeted date for substantial completion of August 2005.

UK CENTER FOR RURAL HEALTH

This \$13,065,000 Project, designed by Omni Architects, is a new Center for Rural Health in Hazard that will provide a new structure to house the existing programs of the Center and the Health Professions programs of Hazard Community College. This initiative required design of a facility which will allow for realization of a vision of rural health professions education, community service and research and which will serve as a national model for cooperative ventures among rural centers for health, academic institutions and health care providers. The facility contains 57,434 GSF on four floors with expansion capabilities of 22,000 additional GSF. The project is currently under construction by D. W. Wilburn, Inc. It is scheduled for completion in January, 2004.

Over the past three months, construction has continued on schedule. There have been no delays throughout the construction and no requests for time extensions have been requested. Work completed during this time includes the exterior masonry façade, building roof, utility services, and interior partition framing.

Work that is ongoing at this time is the continuation of gypsum wallboard, electrical distribution and plumbing systems, suspended ceiling grid, restroom tile & partitions and base coat paint. Storefronts and window installation is about 70% complete and expected to be complete within 2 weeks, which will allow for the building to be enclosed. Exterior concrete work and rough grading is commencing. Interior finishes are continuing, with the 4th floor being the most complete, followed by the 3rd floor, 2nd floor, 1st floor and basement, in that order.

The existing Center for Rural Health, utilizing rental space, is expected to move in March of 2004.

MAIN BUILDING

Construction of this \$16,075,000 project designed by Kliment Halsband/Jim Potts Architects is well underway. Messer Construction Company is the construction manager handling multiple trade contracts for the duration of the work. Completion is currently scheduled for August 2004. The underground utility construction is nearly complete and the upper portion of the POT plaza is now accessible to pedestrians. During the next two months the roof framing will begin and should be nearly complete by the end of November. Construction of the new accessible ramp at the west side of POT and rough grading at the north and west should be nearly complete as well. Construction of the elevator shaft and stair tower foundations has now begun. Asbestos abatement work continues to slow down some of the site and utility work but will be completed within the next few weeks. Interior HVAC, plumbing and electrical rough-in work has begun and will continue to intensify over the next three months.

PHARMACY FUME HOODS

This \$750,000 indoor air quality project began with Med Center PPD correcting conditions that hindered the full operation of existing exhaust systems. Med Center PPD has now installed new controls on existing fume hoods using \$94 K of project funds. The project team will be meeting in early October to review the results and determine the building areas in which indoor air quality issues will be addressed with the remaining available funds. Staggs & Fisher Consulting

Engineers will then be given the official scope of work required based on results of MCPPD work on the controls. A set schedule for design and construction activities will be developed.

STUDENT HOUSING FACILITIES

The RFP for design/build services for this \$46,000,000 (\$33,800,000 construction budget) project, programmed by Ayers Saint Gross, is currently advertised. The scheduled bid opening has been delayed from mid-October to early November with construction completion remaining unchanged at May 2005. Over the last month, final language for the design/build RFP has been developed in cooperation with UK Legal. The next two months will include selection of the Design/Build contractor and submittal of Design/Build contractor's Final Construction Documents, including excavation plans, to Frankfort for approval. Related programs to provide an elevator in the existing Kirwan-Blanding Commons and a new steam boiler in the new central Plant are underway, as is the relocation of the basketball courts adjacent to Blazer Hall. Milestone dates for contracting for the design/builder for the project are approximately six weeks behind schedule due to additional time to prepare the Design/Build bridging documents and finalize the RFP documentation. However, completion of the project remains at May 1, 2005.

AG SCIENCE NORTH – RENOVATE 5 LABS AND OFFICES:

The firm of Johnson-McAdams, designers for the U. S. Department of Agriculture, is currently submitting final Construction Documents to State of Kentucky Department of Housing, Buildings and Construction, Division of Building Code Enforcement & Division of Plumbing. This document reflects a revised, and reduced construction scope for this project of \$550,000, in preparation to advertise for bids. The Bid opening has been delayed from late October to mid-November and scheduled construction completion is also delayed from May 2004 to July 2004.. Over the past two months, various design elements were deferred from the Base Bid and proposed as Add Alternates due to reduction in available Federal funds. The Base bid now consists of renovating 3 labs with two add alternates each adding an additional lab to renovate. The next two months will include selection of the contractor and beginning the 6 month construction work. This project has been following the design schedule as proposed and managed by USDA in accordance with the lease agreement between USDA and UK. CPMD remains design reviewer and construction administration with USDA performing design coordination tasks.

CAPITAL CONSTRUCTION CONTRACTS QUARTERLY ACTIVITY REPORT

This report contains capital projects that have a dollar scope value of \$400,000 and above. The projects are listed in alphabetical order and contain the project number, the dollar scope, a brief description of the project work and information pertaining to the primary consultant's contract and the primary contractor's contract. This information includes:

Consultant: This section contains the name of the consultant, the contract number, the original contract amount, the total number of amendments, the cumulative amendment amount, the revised contract amount, and a notes section. The notes section will describe, in bold face type, all amendments to the consultant's contract for the current quarter.

Contractor: This section contains the name of the contractor, the contract number, the original construction contract amount, the total number of change orders, the cumulative change order amount, the revised contract amount, information on the low, high and number of bids, the percent of the contract completed, and a section for notes. The notes section will describe, in bold face type, all change orders greater than \$25,000 for the current quarter.

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY REPORT

Glossary

Amendment: refers to modifications or changes to the Consultant's contract with the University, usually the result of changes in the program or scope of a project caused by unforeseen conditions or at the request of the University.

Change Order: refers to modifications or changes to the Contractor's contract with the University, usually the result of conditions not anticipated by the contract documents, plans and/or specifications for the work.

Consultant: the entity, usually an architectural or engineering firm, with whom the University contracts and who has primary responsibility for providing services to design and to administer the contract for construction of a construction project. The prime consultant frequently employs the services of one or more sub-consultants in fulfilling its contractual obligation.

Contract administration: refers to the activities of the consultant during the construction phase of the project in which they verify that construction is in compliance with the requirements of the contract between the University and the contractor.

General Contractor: the entity, usually a general contractor but occasionally a trade contractor, with whom the University contracts and who has primary responsibility for completion the construction of a project. This "prime" contractor usually employs the services of various subcontractors (trade contractors) and vendors in fulfilling its contractual obligations.

Feasibility Study: refers to investigation, usually commissioned through an outside consultant, to advise the University of the merits of an anticipated construction project, and to evaluate and comment on matters such as need, probably cost, preliminary program issues, and so forth.

Gross square feet: the total area of the project, generally measured from the outside of exterior walls for all floors of the project, including mechanical spaces.

H.B.C.: refers to the Commonwealth of Kentucky Department of Housing, Buildings and Construction, the state agency having responsibility for review and approval of University construction projects to assure compliance with applicable building codes.

Penthouse: refers generally to the enclosure around roof mounted mechanical spaces in a project. Not considered occupied (or net assignable) space.

Percent complete: as used in the report refers to the expenditure to date divided by the total amount of the construction contract for the work.

Net assignable square feet: the usable area of the project excluding corridors, rest rooms, storage areas, mechanical spaces, etc.

Phase: The various stages of design and construction of a capital project, including:

- Programming phase: refers to the initial planning phase of a project, during which the University (with or without participation by a consultant) defines in detail the needs and requirements of a project. This program becomes the basis for consultant selection, fee negotiation, and design of the project.
- Schematic design (S/D or Phase 1): refers to the first formal phase of design by the consultant, in which a general design solution to project programmatic requirements is developed.
- Design development (D/D or Phase 2): refers to the second formal phase of design by the consultant, during which the schematic design is expanded to identify solutions to design issues in broad terms, sufficient to insure the stated programmatic needs can be met.
- Construction document phase (C/D or Phase 3): refers to the final phase of the design process in which the details and specific project requirements are identified and incorporated in a final set of biddable construction documents.
- Bidding phase: refers to the stage of a project during which proposals for construction are solicited, culminating in the award of one or more contracts for construction.
- Construction phase (or Phase 5): refers to the actual construction of the project by contractors.

Scope: The total estimated value of a capital project on completion, including all design, construction and administrative costs as well as the cost of capitalized furnishings and equipment.

Substantial Completion: refers to the time during construction, certified by the consultant, when the work is sufficiently complete for the University to occupy the facility for its intended use without significant interruption. Upon certification of substantial completion, the University assumes operational and maintenance responsibility and insurance liability for the project and the warranty period begins for most elements of the construction. Some work generally remains, including correction of minor punchlist items, before the work is certified finally complete.

Trade Contractor: Sub-contractors, or individual bid package contractors, who practice a specific, trade (electrical, painting, structural steel, for example).

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Biomedical /Biological Sciences Research Bldg

Project Number: 1876.0

Scope: \$72,978,900

Project Description:

The new structure will serve as a state of the art facility for collaboration in research and graduate education, biological chemistry, genetics, molecular and cellular biology, neuroscience and related fields. The design will allow the faculty of multidisciplinary teams to be housed in adjoining labs.

Consultant: A.M. Kinney

Contract # A001400

Total Amendments to Date: 3

Original Contract Amount: \$5,600,000

Cumulative Amendment Amount: \$786,154

Revised Contract Amount: \$6,386,154

Describe all amendments :

Amendment #1, 12/11/01, an increase of \$485,742.00, was approved to provide consultant services to include the addition of a pedestrian bridge to the main campus, expanded Vivarium facilities and the addition of space for an amenity feature.

Amendment #2, 10/8/02, an increase of \$204,750.00, was approved to provide for owner requested changes to the design during the construction document phase and for reimbursable expenses for printing and HB&C plan review fees. **Amendment**

#3, 6/10/03, an increase of \$95,662, was approved for additional service during the Bidding Process which includes Specification and Bidding of a Boiler for the CUP, Revision of Division 1700 Specifications to current standards and analysis of multiple bid packages. **No amendments this quarter.**

Contractor: Gilbane (Construction Manager At-Risk)

Note: This is 'CM-At-Risk' contract. The contracted amount will be increased as sub-contracts are bid and added.

*Gilbane's contract was awarded by RFP process.

Contract # X203535

Total Change Orders to Date: 83

Low Bid:

High Bid:

Number of Bids:

Original Contract Amount: \$59,379,657

Cumulative Change Order Amount: \$1,008,245

Revised Contract Amount: \$60,387,902

Contract Percent Complete: 60%

Describe all change orders greater than \$25,000.00:

Change Order #26, 1/9/03, was approved for \$35,958 to extend 30" condenser water pipe from bullhead tee to future cooling tower well. **Change Order #27**, 1/9/03, was approved for \$32,683 to delete Adscos steam expansion joints from Specification 15121CUP. After bid, issues were discovered with one of the specified expansion joints, as such this manufacturer was eliminated from specification, resulting in additional cost for alternate joints. **Change Order #30**, 1/15/03, was approved for \$42,019 to revise material for 48" and 30" condenser water pipe to ductile iron pipe. **Change Order #40**, 3/14/03 was approved for \$72,705 to incorporate revisions to pumping systems and valves. **Change Order #44**, 3/17/03, was approved for \$82,037 to change direct buried steam piping Multitherm 500 System Class A. This will provide a more durable protective jacket for steam piping. **Change Order #45**, 3/28/03, was approved for \$48,745 to revise circuit breaker specification and to relocate bus differential relays. **Change Order #49**, 4/8/03, was approved for \$42,430 to undercut BBSRB ground floor from column line 8 north as required due to unsuitable soils and uneven rock. **Change Order #52**, 4/24/03, was approved for \$28,102 to undercut CUP area beyond 7' depth indicated on documents due to unsuitable soils not previously identified in soils investigation.

Change Order #59, 5/20/03, was approved for \$87,614 because it was determined that certain portions of the plumbing design did not comply with the Kentucky HB&C requirements as interpreted by the reviewer. **Change Order #61**, 5/23/03, was approved for \$117,246 to revise the RO/DI water system in the BBSRB to increase the quality of water provided at the labs to a Level II. **Change Order #70**, 6/11/03, was approved for \$26,383 to revise routing of ductbanks east of CUP. **Change Order #71**, 6/11/03 was approved for \$35,484 to provide additional down leads for the Lightning Protection System required to obtain U.L. Listing. **Change Order #77**, 7/21/03, was approved for \$170,684 to revise the electrical switch gear and associated bus ducts. The feeds for the CUP were converted from the 4160V to 480V to accommodate operational safety considerations. **Change Order #89**, 8/22/03, was approved for \$112,333, to provide reimbursement for costs incurred as a result of the storm event on May 15, 2003. This was reimbursed thru the Builders Risk Insurance Policy held by the University.

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Building/Site Upgrade III (RO system upgrade)

Project Number: 2074.0

Scope: \$753,250

Project Description:

This project consists of providing separate Reverse Osmosis Water recirculation systems for Riser A/B and Riser C of the University of Kentucky Medical Science wing. Common softener and carbon filter equipment will be located in Mechanical Room MA2. R.O. equipment, storage tanks, distribution pumps, deionized equipment, UV unit and final filters will be located in Mechanical Room MA2 and H46 for Riser A/B and Riser C respectively. Piping and fittings will be schedule 80 PVC.

Consultant: Biagi, Chance, Cummins, London, Titzer, Inc.

Contract # A021190

Total Amendments to Date: 0

Original Contract Amount: \$40,000

Cumulative Amendment Amount:

Revised Contract Amount: \$40,000

Describe all amendments :

No amendments this quarter.

Contractor: Finney Company

Contract # X301139

Total Change Orders to Date: 7

Low Bid: \$413,000

High Bid: \$604,965

Number of Bids: 3

Original Contract Amount: \$413,000

Cumulative Change Order Amount: \$26,889

Revised Contract Amount: \$439,889

Contract Percent Complete: 99%

Describe all change orders greater than \$25,000.00:

No change orders greater than \$25,000 this quarter.

Infrastructure Utility Upgrade Phase I - Hospital Drive Steam

Project Number: 1949.2

Scope: \$637,400

Project Description:

Replace steam and condensate lines under the Medical Center Hospital Drive.

Consultant: Staggs & Fisher (Amendment to 1949.0 Contract)

Contract # A011180

Total Amendments to Date: 0

Original Contract Amount: \$67,600

Cumulative Amendment Amount:

Revised Contract Amount: \$67,600

Describe all amendments :

No amendments this quarter.

Contractor:

Contract # No Construction contracts awarded to date.

Total Change Orders to Date:

Low Bid:

High Bid:

Number of Bids:

Original Contract Amount:

Cumulative Change Order Amount:

Revised Contract Amount:

Contract Percent Complete:

Describe all change orders greater than \$25,000.00:

No change orders greater than \$25,000 this quarter.

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Main Building Reconstruction (Administration Bldg.)

Project Number: 2025.0

Scope: \$16,075,000

Project Description:

The Administration Building Reconstruction project involves rebuilding the interior and exterior portions of the building while re-using the exterior masonry wall shell that remained after the May 2001 fire. In general, the President's office and related functions will be housed in the building along with a visitor's center, a smart classroom, public ceremonial space and other administrative offices. All building systems will be new and include state of the art HVAC, electrical, communications, fire/smoke detection and suppression components and will be connected to the central campus utility systems. Structural and architectural systems and details are now being developed but will include new toilets, elevator and other amenities associated with new construction to meet current building codes and accessibility standards. Sitework will include the creation of a Patterson Plaza entrance at the east side of the building and a connecting link to the Gillis Building. Other sitework details are now being programmed.

Consultant: James W. Potts Architects

Contract # A021160

Total Amendments to Date: 1

Original Contract Amount: \$841,340

Cumulative Amendment Amount: \$172,000

Revised Contract Amount: \$1,013,340

Describe all amendments :

Amendment #1, 9/10/02, was approved for \$172,000 to provide for an increase in scope for additional design services. The additional services include the design and construction of increased site work that includes re-grading, utilities relocation and installation, roadwork and landscaping to incorporate the reconstruction of the building into the surrounding campus buildings and grounds. **No amendments this quarter.**

Contractor: Messer Construction Company (Construction Manager At-Risk)

Note: This is 'CM-At-Risk' contract. The contracted amount will be increased as sub-contracts are bid and added.

*Messer's Contract was awarded by RFP process.

Contract # X301712

Total Change Orders to Date: 36

Low Bid:

High Bid:

Number of Bids:

Original Contract Amount: \$12,393,282

Cumulative Change Order Amount: \$326,137

Revised Contract Amount: \$12,719,419

Contract Percent Complete: 42%

Describe all change orders greater than \$25,000.00:

Change Order #16, 7/24/03, was approved for \$30,906 to add additional storm drainage to the scope.

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Nursing Unit Modification IX (5-North GCRC Unit)

Project Number: 2057.0

Scope: \$1,080,000

Project Description:

The project involves the design of a renovation to the 5th floor, north GCRC Unit. . The outpatient services will be relocated and the space evacuated will be renovated to provide additional inpatient rooms. When the outpatient services of the GCRC Unit are relocated, this project will provide for possibly 5 additional inpatient rooms and support facilities. The remaining rooms will be upgraded aesthetically with new finishes to the extent the project budget will allow.

Consultant: Gartner, Burdick, Bauer-Nilsen, Inc. (GBBN)

Contract # A021140

Total Amendments to Date: 1

Original Contract Amount: \$49,900

Cumulative Amendment Amount: \$7,150

Revised Contract Amount: \$57,050

Describe all amendments :

Amendment #1, 3/7/03, in the amount of \$7,150. was approved to provide drawing revisions due to a change in function of the new patient rooms from "in-patient" to "exam/procedure" rooms. **No amendments this quarter.**

Contractor: E H Construction

Contract # X304381

Total Change Orders to Date: 10

Low Bid: \$314,990

High Bid: \$359,986

Number of Bids: 5

Original Contract Amount: \$314,990

Cumulative Change Order Amount: \$21,210

Revised Contract Amount: \$336,200

Contract Percent Complete: 76%

Describe all change orders greater than \$25,000.00:

No change orders greater than \$25,000 this quarter.

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Primary Care Ctr/Outpatient Diagnostic & Treatment Ctr

Project Number: 1764.0

Scope: \$24,771,723

Project Description:

Construct a new facility of approximately 90,000 gross square feet of space to house the Center for Advanced Surgery and the Gill Heart Institute. The new facility will consist of an outpatient surgery center and an outpatient clinic devoted to diagnostic and treatment services.

Consultant: CMW, Inc.

Contract # A991240

Total Amendments to Date: 1

Original Contract Amount: \$2,147,765

Cumulative Amendment Amount: \$217,894

Revised Contract Amount: \$2,365,659

Describe all amendments :

Amendment #1, 12/10/02, an increase of \$217,894.00 was approved for additional design services as a result of value added changes. **No amendments this quarter.**

Contractor: D.W. Wilburn, Inc.

Contract # X014454

Total Change Orders to Date: 126

Low Bid: \$18,670,000

High Bid: \$20,799,000

Number of Bids: 4

Original Contract Amount: \$18,670,000

Cumulative Change Order Amount: \$1,954,919

Revised Contract Amount: \$20,624,919

Contract Percent Complete: 90%

Describe all change orders greater than \$25,000.00:

Change Order #6, 1/11/01, was approved for \$35,748.88 to modify roof assembly, fire proofing, one hardware set, four doors, exit signs at penthouse and smoke detectors at air code system per review by Housing, Building and Construction Division.

Change Order #9, 5/8/01, was approved for \$62,186.00 to relocate 5 existing water lines that are in conflict with the ramp in the courtyard area, and to relocate existing storm drainage structures that are also in conflict with new construction. **Change Order #12**, 5/16/01, was approved for \$39,302.40 to add lantern light fixtures to match Allied Health Project. **Change Order #33**, 2/7/02, was approved for \$42,875.27 to make architectural and structural modifications to the electrical room to accommodate electrical gear. **Change Order #37**, 4/8/02, was approved for \$34,909.40 to change the key switches to a Yale seven pin cylinder. **Change Order #44**, 5/29/02, was approved for \$31,459.40 to add light fixtures consisting of 21 Holophane Bollards and 9 Holophane Pole lights. Cost of fixture installation is included in the original contract work. These fixtures were originally planned to be owner provided and contractor installed. This change order will have the contractor provide these fixtures. **Change Order #46**, 10/15/02, was approved for \$64,896.34 to install a Hill-Rom Nurse Call System compatible with the Nurse Call in the rest of the hospital. **Change Order #51**, 11/27/02, was approved for \$669,115.00 to add mechanical chase through the building and to modify wall configurations. The revisions include widening of corridors 000H and 000I to 8'-0", relocation of the elevator equipment room 503, construction of a vertical chase adjacent to same elevator from Penthouse through the floor slab of the first floor. This change is to allow the ground floor to become a diagnostic center in the future for both outpatients and inpatients and provide sufficient HVAC support for future diagnostic center. **Change Order #53**, 12/17/02, was approved for \$30,164.50 to relocate the roof leader from the stairwell as required by code. **Change Order #57**, 1/13/03, was approved for \$38,882.39 for electrical revisions for equipment in the O.R.'s. **Change Order #58**, 1/10/03, was approved for \$45,198.45 was approved to extend the communication conduit from outlets to cable tray per CCR #76. **Change Order #67**, 2/27/03 was approved for \$65,055.08 to install new vibration isolation system support. **Change Order #68**, 3/31/03 was approved for \$93,035.58 to revise the decontamination room. **Change Order #72**, 4/1/03, was approved for \$38,981.55 to provide the 1/2" thick Corian-Sierra Eclipse material solid surface countertops in lieu of the 1/8" veneer solid surface. **Change Order #75**, 4/14/03, was approved for \$46,262.77 to provide fire rated enclosures on tops of elevator shafts and adjacent machine rooms. **Change Order #76**, 4/14/03, was approved for \$28,606.25 to provide fire rated enclosures of the duct chase. **Change Order #77**, 4/29/03, was approved for \$80,447.10 to add door position switches, this change indicates connections for electronic door security not previously covered in the contract documents. **Change Order #114**, 9/4/03, was approved for \$254,842.30 to add an elevator in the shell of elevator bank B.

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Renovate Parking Structure #1

Project Number: 2138.0

Scope: \$1,100,000

Project Description:

Significant renovation requirements needed for the structure which was built over 30 years ago.

Phase 1 of this project will consist of the following: Shore & Repair tendons on level 2, pour 'B' & 'F', repair 6 post-tensioned beams, repair failed tendons on 3rd & 4th floor, repair column.**Phase 2 will consist of:** Repair delamination on upper slab, waterproof the entire structure, replace and repair expansion joints, repair remaining columns and walls, clean and repair grout filler holes, all locations .

Phase 2 will be designed as work progresses in Phase 1.

Consultant: Buell Fryer McReynolds, Inc.

Contract # A031080

Total Amendments to Date: 0

Original Contract Amount:

\$161,000

Cumulative Amendment Amount:

Revised Contract Amount:

\$161,000

Describe all amendments :**No amendments this quarter.****Contractor:** Western Restoration and Waterproofing

* This project was not bid due to Emergency Declaration.

Contract # X302703

Total Change Orders to Date: 1

Low Bid:

High Bid:

Number of Bids:

Original Contract Amount:

\$931,336

Cumulative Change Order Amount:

\$81,975

Revised Contract Amount:

\$1,013,311

Contract Percent Complete:

100%

Describe all change orders greater than \$25,000.00:**No change orders greater than \$25,000 this quarter.**

Renovate Parking Structure #1 - Phase Two

Project Number: 2138.1

Scope: \$1,120,240

Project Description:

Scope of work shall consist of:

- 1) Repair delamination on upper slab
- 2) Waterproof entire structure
- 3) Replace and repair expansion joints
- 4) Repair remaining columns and walls
- 5) Clean and repair grout filler holes, all locations.

Consultant: Buell Fryer McReynolds

Contract # A031080

Total Amendments to Date: 0

Original Contract Amount:

\$161,000

Cumulative Amendment Amount:

Revised Contract Amount:

\$161,000

Describe all amendments :*** Consultant's contract is under project 2138.0****Contractor:** Volunteer Restoration Inc.

Contract # X304906

Total Change Orders to Date: 5

Low Bid: \$973,400

High Bid: \$1,436,117

Number of Bids: 4

Original Contract Amount:

\$973,400

Cumulative Change Order Amount:

\$21,500

Revised Contract Amount:

\$994,900

Contract Percent Complete:

93%

Describe all change orders greater than \$25,000.00:**No change orders greater than \$25,000 this quarter.**

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Renovation of Urology Clinic

Project Number: 2061.0

Scope: \$560,000

Project Description:

The Urology Clinic is currently located on the first floor of the Kentucky Clinic and shares some functions with the Orthopaedics clinic. The intent of this project is to provide services allowing Urology to function as an independent clinic, with a new and distinctive entrance. The project is also to provide the clinic with a registration/medical records/phone area, waiting room, eight exam rooms, two Cysto/Flouro rooms (one of which will require lead lined walls), a consultation room, manager's office, clean utility, soiled utility, lab, staff toilet, and a handicap accessible patient toilet.

Consultant: James W. Potts Architects

Contract # A021150

Total Amendments to Date: 1

Original Contract Amount: \$35,000

Cumulative Amendment Amount: \$3,290

Revised Contract Amount: \$38,290

Describe all amendments :

Amendment #1, 11/12/02 was approved for an increase of \$3,290 for additional design services for added scope of work. **No amendments this quarter.**

Contractor: Jarboe Construction Company

Contract # X304214

Total Change Orders to Date: 9

Low Bid:

High Bid:

Number of Bids:

Original Contract Amount: \$387,000

Cumulative Change Order Amount: \$14,136

Revised Contract Amount: \$401,136

Contract Percent Complete: 96%

Describe all change orders greater than \$25,000.00:

No change orders over \$25,000 this quarter.

Research Lab Fit-up (Aging Allied/Health) 5th Floor

Project Number: 1984.0

Scope: \$5,250,000

Project Description:

This project consists of the construction to fit-up the shelled fifth floor of the Aging/Allied Health Building for the Research Lab use.

Consultant: James W. Potts Architects

Contract # A011160

Total Amendments to Date: 1

Original Contract Amount: \$410,000

Cumulative Amendment Amount:

Revised Contract Amount: \$410,000

Describe all amendments :

Amendment #1, 7/8/03, in the amount of \$2,275 was approved for additional design services as required to provide modification to 4th floor labs.

Contractor: Woodford Builders

Contract # X301038

Total Change Orders to Date: 23

Low Bid: \$3,877,000

High Bid: \$4,428,000

Number of Bids: 8

Original Contract Amount: \$3,877,000

Cumulative Change Order Amount: \$42,766

Revised Contract Amount: \$3,919,766

Contract Percent Complete: 99.9%

Describe all change orders greater than \$25,000.00:

Change Order #19, 7/15/03 was approved for \$34,510 to furnish and install three fume hoods.

CAPITAL CONSTRUCTION QUARTERLY ACTIVITY

Student Housing Facilities

Project Number: 2153.0

Scope: \$46,000,000

Project Description:

The University is construction four (4) new residence halls located on two sites at the University of Kentucky, one on the south campus and one site on the north campus. On the south campus the site is east of the Kirwan Blanding complex, bounded by Sports Center drive and Complex Boulevard. Three (3), three-story residential halls on the south campus total 534 beds. The residential hall on the north campus site at the corner of Euclid Avenue and MLK Boulevard will be four-stories with 150 beds. The total gross square footage is expected to be approximately 220,000 SF, totaling 684 beds, comprised mostly of semi-suite units. Occupancy is scheduled for the fall of 2005. New housing may include ancillary components including common areas, student activity spaces, academics, food services, parking and central campus utilities.

Consultant: Ayers/Saint/Gross

Contract # A031090

Total Amendments to Date: 0

Original Contract Amount: \$545,000

Cumulative Amendment Amount:

Revised Contract Amount: \$545,000

Describe all amendments :

No amendments this quarter.

Contractor:

Contract # No construction contracts awarded to date.

Total Change Orders to Date:

Original Contract Amount:

Cumulative Change Order Amount:

Low Bid:

Revised Contract Amount:

High Bid:

Contract Percent Complete:

Number of Bids:

Describe all change orders greater than \$25,000.00:

No change orders greater than \$25,000 this quarter.

UK Center for Rural Health

Project Number: 1965.0

Scope: \$13,065,000

Project Description:

The University of Kentucky is undertaking the design and construction of a new Center for Rural Health to provide space to house the existing programs of the Center and the Health Professions programs of Hazard Community College.

Consultant: Omni Architects

Contract # A011110

Total Amendments to Date: 1

Original Contract Amount: \$879,845

Cumulative Amendment Amount: \$140,682

Revised Contract Amount: \$1,020,527

Describe all amendments :

Amendment #1, 3/12/02, was approved for an increase of \$140,682.00 for consultant services to expand the scope of the project. Federal funding was received requiring re-programming and design. **No amendments this quarter.**

Contractor: D.W. Wilburn

Contract # X301039

Total Change Orders to Date: 16

Low Bid: \$8,320,000

High Bid: \$8,990,000

Number of Bids: 3

Original Contract Amount: \$8,320,000

Cumulative Change Order Amount: -\$5,008

Revised Contract Amount: \$8,314,992

Contract Percent Complete: 87%

Describe all change orders greater than \$25,000.00:

No change orders greater than \$25,000.00 this quarter.

Missing report(s)

Multiple Choices

The document name you requested (/Trustees/minutes/200312/fcr2/pdf) could not be found on this server. However, we found documents with names similar to the one you requested.

Available documents:

- 1 </Trustees/minutes/200312/fcr2.pdf/pdf> (common basename)

Please consider informing the owner of the referring page about the broken link.

Apache/2.0.48 (Unix) mod_ssl/2.0.48 OpenSSL/0.9.7c DAV/2 PHP/4.3.4 Server at www.uky.edu Port 80

FCR 3

Office of the President
December 9, 2003

Members, Board of Trustees:

REPORT OF LEASES

Recommendation: that the Board accept the President's Report of the following lease agreements in accordance with Board Policy:

A new lease between the University of Kentucky (Center on Drug and Alcohol Research) and Lessenberry Family Limited Partnership, 1010 West Main Street, Glasgow, Kentucky, for space located at 104 ½ Park Avenue, Glasgow, Kentucky, effective November 1, 2003 through June 30, 2005, for the use of 1,470 square feet of office space, at an annual rate of \$11,763.60, be accepted and made a matter of record.

A new lease between the University of Kentucky (Kentucky Homeplace) and Southern Area Health Education Center, 305 Estill Street, Berea, Kentucky, for space located at 270 Bennett Circle, London, Kentucky, effective October 1, 2003 through June 30, 2007, for the use of 584 square feet of office space, at an annual rate of \$2,880.00, be accepted and made a matter of record.

Background: FCR 5, dated October 5, 1985, authorized the President or his designated representative to enter into leases and easements not exceeding \$30,000 in value and required that all leases entered into under this authority be reported to the Board.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 4

Office of the President
December 9, 2003

Members, Board of Trustees:

ACQUISITION OF REAL PROPERTY REFERRED TO AS SILVER LAKE FARM IN
HARRISON COUNTY, KENTUCKY

Recommendation: that the Board of Trustees authorize the Executive Vice President for Finance and Administration to negotiate the acquisition of approximately 390-400 acres of real property on U.S. highway 62 and Kentucky Highway 353 in southern Harrison County, Kentucky, currently owned by The Nature Conservancy ("TNC"), for a purchase price not to exceed the \$1,120,000.00 authorized in a grant to the University of Kentucky Research Foundation from the Kentucky Heritage Land Conservation Board and also not to exceed the appraised fair market value as based upon two independent appraisals and simultaneously with the acquisition, to subject the property to a conservation easement, as described in KRS 382.800 et seq.; further, that the Executive Vice President for Finance and Administration be authorized to execute any and all documents required for such purchase and the grant of the conservation easement.

Background: Portions of this property contain what is said to be best remnant of pre-settlement savanna-woodland in the Bluegrass region, and the woods on the property contain a variety of mature trees including ancient chinquapin oaks, bur oaks, blue ashes, and shagbark and shagbark hickory, many 150 to 300 or more years old. The woods have been of interest to scholars in this area for many years. When the property became available for sale, Dr. Phil Crowley began extensive work in conjunction with TNC, and applied for a grant from the Kentucky Heritage Land Conservation Fund Board ("Fund"), a fund established by KRS 146.550 et seq. for the purpose of acquisition and maintenance of certain natural areas. The Fund has approved that grant, and \$1,120,000.00 is available to UK for the purchase of the property, subject to the statutory requirement that the property be protected in perpetuity. As the statutes also require a resource management plan for property acquired with Fund moneys, a consortium made up of UK, TNC and other members will manage the property. Of note, the entire tract of property purchased by The Nature Conservancy totals 746.51 acres, and TNC currently intends to also protect the additional acreage, and the parties hope to work cooperatively to use the entire tract for study and research.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 5

Office of the President
December 9, 2003

Members, Board of Trustees:

INTERCOLLEGIATE ATHLETICS QUASI-ENDOWMENT WITHDRAWAL

Recommendation: that the Board of Trustees approve a withdrawal up to \$6,500,000 from the Intercollegiate Athletics Quasi-Endowment to provide interim funding for the design phase of a practice facility connected to Memorial Coliseum, and the design and construction of a multi-purpose facility addition to the Nutter Field House.

Background: On October 29, 2003, the Board of Trustees authorized the Executive Vice President for Finance and Administration to contract for the design phase of a basketball practice facility at an estimated cost of \$2,500,000. Additionally on that date, the Board authorized the Executive Vice President for Finance and Administration to contract for the design and construction of a multi-purpose facility addition to the Nutter Field House at an estimated cost of \$4,000,000.

The withdrawal of funds from the quasi-endowment will provide interim financing of these projects. Private gifts and pledges for the projects will be used to repay the quasi-endowment.

Action taken: ☒ Approved q Disapproved q Other_____

FCR 6

Office of the President
December 9, 2003

Members, Board of Trustees:

2003-04 Budget Revisions

Recommendation: that the following revisions to the 2003-04 budget be authorized and approved.

	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Change</u>
A. <u>GENERAL FUND</u>			
1. Income Estimates			
Tuition and Fees			
Tuition			
Lexington Community College	\$ 12,751,900	\$ 13,187,600	\$ 435,700
Fees			
University System			
Noncredit	4,362,800	4,491,800	129,000
Other	2,808,900	2,860,700	51,800
County Appropriations	9,883,200	10,896,700	1,013,500
Gifts, Grants, and Contracts			
The Medical Center Fund for			
Advancement of Education			
And Research	7,213,800	7,350,600	136,800
Other	1,979,400	3,579,400	1,600,000
Sales and Services of			
Educational Activities			
Departmental Sales			
and Services	22,692,200	22,706,600	14,400
			<u>\$ 3,381,200</u>
2. Expenditures			
Academic Units			
Agricultural Cooperative			
Extension Service			
Field Programs	\$ 28,211,100	\$ 30,809,200	\$ 2,598,100
Home Economics Programs	1,056,500	1,071,900	15,400
College of Dentistry			
Office of the Dean	995,300	1,154,800	159,500
College of Design	2,968,600	3,020,400	51,800
College of Medicine			
Obstetrics and Gynecology	5,555,400	5,555,800	400
College of Nursing			
Instruction	5,905,400	6,011,700	106,300
Lexington Community College			
General Instruction	13,259,500	13,695,200	435,700
Center for Rural Health	5,305,800	5,319,800	14,000
			<u>\$ 3,381,200</u>

3. Comments - The Lexington Community College's fall tuition revenue is expected to exceed the original budgeted amount by \$435,700 due to enrollment growth. The funds will support tutors and part-time faculty salaries. The \$129,000 increase in non-credit fees will support the continuing education program in the College of Dentistry. A new course fee for the College of Design is expected to generate

\$51,800, which will be used to support studio classes. The \$1,013,500 county appropriations increase will support field and home economics programs in the Agricultural Cooperative Extension Service.

The Medical Center Fund for Advancement of Education and Research provides an additional \$136,800, primarily to support the continuing education program in the College of Nursing. The \$1,600,000 increase in other gifts, grants, and contracts reflects the phase 1 tobacco settlement from the Kentucky Agricultural Development Board and will support field programs in Agricultural Cooperative Extension Service.

	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Change</u>
B. <u>RESTRICTED FUNDS</u>			
1. Income Estimates	\$112,367,200	\$113,065,900	\$ 698,700
2. Expenditures			
Academic Units			
College of Pharmacy			
Pharmacy Practice and Science	\$ 533,800	\$ 647,100	\$ 113,300
Support Units			
Chief Academic Officer			
Office of the Provost	387,100	407,100	20,000
Libraries	3,154,900	3,720,300	565,400
			<u>\$ 698,700</u>
3. <u>Comments</u> - The University will receive \$594,000 in gifts to support scholarships and a community resident program in the College of Pharmacy, and the W.T. Young Library. In addition, \$104,700 of prior year fund balances will also be used to support the library.			
	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Change</u>
C. <u>AUXILIARY FUND</u>			
1. Income Estimate	\$ 48,743,800	\$ 49,143,800	\$ 400,000
2. Expenditures			
Support Units			
Office of the Associate Provost	\$ -0-	\$ 400,000	\$ 400,000
3. <u>Comments</u> - The \$400,000 estimated increase in Auxiliary revenues is from the new Student Services fee approved by the Board of Trustees in March, 2003. The funds will be invested in student support programs, including first-year freshmen retention efforts.			
D. <u>AFFILIATED CORPORATIONS</u>			
1. Income Estimates	\$259,987,700	\$260,051,400	\$ 63,700
2. Expenditures			
The Medical Center Fund	\$ 6,100,000	\$ 6,163,700	\$ 63,700
3. <u>Comments</u> - The \$63,700 increase in the Medical Center Fund will primarily support the continuing education program in the College of Nursing.			

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 7

Office of the President
December 9, 2003

Members, Board of Trustees:

UNIVERSITY OF KENTUCKY EMPLOYER-ASSISTED HOUSING PROGRAM

Recommendation: that the Board of Trustees adopt an employer-assisted housing program for the University. By offering this program, the University will increase efforts to recruit and retain faculty and staff, improve campus neighborhoods, and strengthen the Town and Gown relationship with the City.

Background: The University of Kentucky has been invited to participate in an employer-assisted housing (EAH) program partnership with the Lexington-Fayette Urban County Government (LFUCG), Samaritan Hospital, Fannie Mae, and the Lexington Downtown Development Authority. UK, LFUCG, and Samaritan Hospital will offer employees assistance with mortgages for owner-occupied dwellings in the downtown Lexington and UK campus area.

The University of Kentucky Employee Benefits Office has developed an employer-assisted housing program for University employees who are regular full-time faculty (without tenure) and regular full-time staff (at the grade level of 46 and below).

This program provides “forgivable loans” of up to \$15,000 to eligible employees for down payment, closing cost, rehabilitation, and renovation assistance for the purchase of houses, condominiums, town houses, and duplexes in the designated neighborhood revitalization areas. The loans will be secured by a lien on the property. Each employee agrees to live in the home purchased through this program for at least five (5) years, after which the lien will be removed.

The University goals for the EAH program are:

- Recruitment and retention of faculty and staff
- Revitalization of selected UK neighborhoods

Funding for the Program will come from private funds.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 8

Office of the President
December 9, 2003

Members, Board of Trustees:

APPROVAL OF AMENDMENTS TO UNIVERSITY SECTION 125 PLAN

Recommendation: that the Board of Trustees approve amendments to the following sections of the Internal Revenue Code Section 125 Plan document to permit these changes:

- Amend section 2.6(b)(i) to allow the open enrollment of a spouse as a qualifying event for plan changes;
- Amend section 2.9 (c) to allow employees to participate in the dependent care reimbursement account, regardless of status (e.g. regular full-time, part-time, etc.);
- Amend section 3.1(c) (ii) to remove the 12 (twelve) month waiting period for new employees who wish to participate in the Health Care Flexible Spending Account;
- Amend section 6.1(b) to increase annual maximum amount for the Health Care Account from \$3,000 to \$4,000;
- Add section 13.2.1 granting the President of the University of Kentucky the authority to amend the plan as needed; and
- Add section 14.15 to provide language required to accommodate the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy provisions.

Background: The Section 125 Plan Document was originally approved by the Board at its June 23, 1987 meeting. The Board amended the Plan document in 1994 and needs to approve changes that will allow the University to comply with updates to federal law. By delegating amendment authority to the University President to approve future changes to the Plan, it will lessen approval time for keeping the plan in compliance with federal laws and permit the President to more easily update the plan to newer business practices.

Details of Changes:

Section 2.6 b (i) – The amended section, adding one qualifying event, shall read as follows, with the changes shown in **bold** print.

. . . a change in the legal marital status of the Participant, or in the number of the Participant's dependents or in the employment status of the Participant, his spouse or dependents, or an increase or decrease in the hours of employment by the Participant, spouse or dependents, including a switch between part-time and full-time, a strike or lockout, a start of or return from an unpaid leave, **the open**

enrollment of a spouse, or an event that causes a Participant's dependent to satisfy or cease to satisfy requirements for coverage under the underlying plan due to age, student status or any similar circumstance provided in the underlying plan, or a change in status that results in an increase or decrease in the number of Participant's family members or dependents who may benefit from coverage under the plan, or a change in the residence or worksite of the Participant, spouse or dependent or the commencement or termination of an adoption proceeding, but only if the election change the Participant seeks to make is consistent with the change in status; or. . .

Section 2.9 (c) – The amended section, expanding eligibility to employees other than regular full-time, shall read as follows, with the changes shown in **bold** print.

For purposes of allocating salary reduction contributions to the Dependent Care Account pursuant to Section 6.1(c), **any employee** who is employed by the University or a participating Affiliate and who has sufficient earnings to have the necessary deductions made.

Section 3.1(c)(ii) – This section shall be deleted, eliminating the waiting period for initial enrollment. The prior language read as follows.

. . .the date the eligible Employee completes at least 12 full months of regular half-time or more employment with the Employer or a participating Affiliate since the last date of the eligible Employee's hire; or. . .

Section 6.1(b) Health Care Account – The amended section, raising the maximum contribution from \$3,000 to \$4,000, shall read as follows, with the changes shown in **bold** print.

A Participant may elect for any Plan Year to have salary reduction contributions of not less than Two Hundred Fifty Dollars (\$250.00) nor more than **Four Thousand Dollars (\$4,000.00)** allocated to the Participant's Health Care Account. Amounts so allocated shall be applied toward the reimbursement of covered medical expenses in accordance with the provisions of Article 8.

Section 13.2.1 Amendments and Changes to Plan – The following section, delegating to the President future details of the Plan, shall be added to the document.

The University of Kentucky reserves the right, by action of its Board of Trustees, acting by and through its President, to terminate the Plan or amend the Plan, in any manner or respect, including with respect to the Plan's terms, conditions, benefit structures, and coverages, at any time.

Section 14.15.1.1 Health Insurance Portability Accountability Act of 1996 (HIPAA) – The following section, ensuring compliance with federal law (HIPAA), shall be added to the document.

HIPAA PRIVACY MASTER PLAN AMENDMENT FOR Group Health Plans OF THE UNIVERSITY OF KENTUCKY

WHEREAS, the Health Insurance Portability and Accountability Act of 1996, ("HIPAA"), and the regulations issued thereunder at 45 CFR Parts 160 and 164 ("the HIPAA regulations"), impose privacy obligations on group health plans that restrict the use and disclosure of protected health information ("PHI");

WHEREAS, The University of Kentucky sponsors and maintains the following group health plans that are subject to the HIPAA regulations: Flexible Spending Account (FSA) Program;

WHEREAS, the University of Kentucky and/or agents representing the University intend to receive PHI from the Plan(s) (including its Business Associates, health insurance issuers, HMOs, and their agents) from time to time;

WHEREAS, the HIPAA regulations require the University of Kentucky to amend the Plan(s) to incorporate provisions specified in 45 CFR 164.504(f)(2) prior to the receipt of such PHI; and

WHEREAS, the President of the University is authorized under section 9 of this document to approve Amendments to the Plans;

NOW, THEREFORE, each respective Plan is hereby amended, as set forth below, to implement appropriate protections required under the HIPAA regulations.

1. **Effective Date.** This Amendment is effective as of March 20, 2003.
2. **Uses and Disclosures of PHI.** The Plan and the University of Kentucky may disclose a Plan Participant's PHI to the University of Kentucky (or to the University's agent) for the following Plan administration functions under 45 CFR 164.504(a), to the extent not inconsistent with the HIPAA regulations:

Benefits Department:

Uses of PHI include Customer Service, Claims and Eligibility Appeals

Benefits Accounting:

Uses of PHI include Payment or Funding of FSA Claims and reconciliation of Enrollment and Contributions.

Business Systems Support, Fiscal Affairs and Information Technology

Uses of PHI includes system support for Eligibility, Contributions, Claims and Administrative Fees and providing Reconciliation and Error reports to Benefits Department and Benefits Accounting.

3. Restriction on Plan Disclosure to the University of Kentucky.

Neither the Plan nor any of its Business Associates will disclose PHI to the University of Kentucky except upon the Plan's receipt of University of Kentucky certification that the Plan has been amended to incorporate the agreements of the University of Kentucky under paragraph 4, except as otherwise permitted or required by law.

4. Privacy Agreements of The University of Kentucky As a condition for obtaining PHI from the Plan, its Business Associates, Insurers, and HMOs, the University of Kentucky agrees it will:

- a. Not use or further disclose such PHI other than as permitted by paragraph 2 of this Amendment, as permitted by 45 CFR 164.508, 45 CFR 164.512, and other sections of the HIPAA regulations, or as required by law;
- b. Ensure that any of its agents, including a subcontractor, to whom it provides the PHI agree to the same restrictions and conditions that apply to the University of Kentucky with respect to such information;
- c. Not use or disclose the PHI for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the University of Kentucky;
- d. Report to the Plan any use or disclosure of the PHI that is inconsistent with the uses or disclosures provided for of which the University of Kentucky becomes aware;
- e. Make the PHI of a particular Participant available for purposes of the Participant's requests for inspection, copying, and Amendment, and carry out such requests in accordance with HIPAA regulation 45 CFR 164.524 and 164.526;
- f. Make the PHI of a particular Participant available for purposes of required accounting of disclosures by the University of Kentucky pursuant to the Participant's request for such an accounting in accordance with HIPAA regulation 45 CFR §164.528;
- g. Make the University of Kentucky internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of the U.S. Department of Health and Human Services for purposes of determining compliance by the Plan with HIPAA;

h. If feasible, return or destroy all PHI received from the Plan that the University of Kentucky still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, the University of Kentucky agrees to limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and

i. Ensure that there is adequate separation between the Plan and the University of Kentucky by implementing the terms of subparagraphs 5.i. (1) through (3), below:

(1) Employees With Access to PHI: The following employees or other individuals under the control of the University of Kentucky are the only individuals that may access PHI received from the Plan:

- a. Joey Payne, Plan Administrator, Director of Employee Benefits and Self-funded Plans
- b. Michelle Bliffen, Benefits Manager for Medical Programs and Data Management, Employee Benefits
- c. Kathy Harman, Benefits Manager for Benefit Programs and Customer Service
- d. Tony Day, Manager of Accounts Payable, Office of the Controller and Treasurer
- e. Kim Lush, Manager of Benefits Financial Accounting, Office of the Controller and Treasurer
- f. Geoff Malloy, Director of Business Systems Support, Fiscal Affairs and Information Technology

(2) Use Limited to Plan Administration: The access to and use of PHI by the individuals described in (1), above, is limited to Plan Administration functions as defined in HIPAA regulation 45 CFR §164.504(a) that are performed by University of Kentucky for the Plan.

(3) Mechanism for Resolving Noncompliance. If the University of Kentucky HIPAA Compliance Officer determines that any person described in (1), above, has violated any of the restrictions of this Amendment, then such individual shall be disciplined in accordance with the policies of the University of Kentucky established for purposes of privacy compliance, up to and including dismissal from employment. The University of Kentucky shall arrange to maintain records of such violations along with the persons involved, as well as disciplinary and corrective measures taken with respect to each incident.

5. **PHI not Subject to this Amendment.** Notwithstanding the foregoing, the terms of this Amendment shall not apply to uses or disclosures of Enrollment, Disenrollment, and Summary Health Information made pursuant to 45CFR 164.504 (f)(1)(ii) or (iii); of PHI released pursuant to an Authorization that complies with 45 CFR 164.508; or in other circumstances as permitted by the HIPAA regulations.

6. **Definitions.** All capitalized terms within this Amendment not otherwise defined by the provisions of this Amendment shall have the meaning given them in the respective Plan or, if no other meaning is provided in the Plan, the term shall have the meaning provided under HIPAA.

7. **Copies Effective as Originals.** A copy of the signed and dated original of this Amendment shall be as effective as the original, and either an original or such copy shall be appended to the governing instruments of each Plan and shall be deemed to be a part of such governing instruments.

Action taken: ☐ Approved ☐ Disapproved ☒ Other Approved with amendment;
see minutes

FCR 9

Office of the President
December 9, 2003

Members, Board of Trustees:

GIFT AND PLEDGES TO UK OPERA THEATRE

Recommendation: that the Board of Trustees accept a gift of \$10,000 and pledge of \$25,000 from Louise Shouse of Lexington, Kentucky, and a pledge of \$15,000 from the Lexington Opera Society to create and endow the Lexington Opera Society Community Endowment for Vocal Studies in the College of Fine Arts.

In accordance with the Council on Postsecondary Education guidelines, the Board of Trustees acknowledges that it has primary responsibility for the implementation of the Endowment Match Program and is responsible for providing oversight of all endowment funds.

Background: The commitments by Mrs. Shouse, a Lexington businesswoman, and the Lexington Opera Society will be used to fund visits by vocal artists and master teachers for master classes, Metropolitan Opera auditions, vocal workshops, recitals and other related programs and events that will support the opera program and its research and public service mission. The Lexington Opera Society's \$15,000 pledge, which it is making in honor of former mayor Pam Miller, will be paid before December 31, 2004. Mrs. Shouse's pledge will be paid over five years. The gift and pledges are eligible for and contingent on matching funds from the state's Research Challenge Trust Fund.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 10

Office of the President
December 9, 2003

Members, Board of Trustees:

GIFTS TO THE DOROTHY LUTHER NURSING FELLOWSHIP

Recommendation: that the Board of Trustees accept gifts of \$50,759 from the estate of Dr. Dorothy Luther and from faculty and friends of the College of Nursing to create and endow the Dorothy Luther Nursing Fellowship.

In accordance with the Council on Postsecondary Education guidelines, the Board of Trustees acknowledges that it has primary responsibility for the implementation of the Endowment Match Program and is responsible for providing oversight of all endowment funds.

Background: Dr. Dorothy Luther was a respected faculty member for many years in the College of Nursing's adult nursing program. She died in August 1999 and left a bequest of \$47,184 to the College of Nursing. Friends and faculty of the college made additional gifts to bring the total to \$50,759 to create the fellowship for graduate students in her memory. The gifts are eligible to be matched by the state's Research Challenge Trust Fund.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 11

Office of the President
December 9, 2003

Members, Board of Trustees:

GIFTS AND PLEDGES TO THE EARL PLATT SLONE
ENDOWED PROFESSORSHIP IN PHARMACY PRACTICE AND SCIENCE

Recommendation: that the Board of Trustees accept gifts of \$44,132 and pledges of \$18,100 from members of the College of Pharmacy Class of 1952 and other alumni to create and endow the Earl Platt Slone Endowed Professorship in Pharmacy Practice and Science in the College of Pharmacy.

In accordance with the Council on Postsecondary Education guidelines, the Board of Trustees acknowledges that it has primary responsibility for the implementation of the Endowment Match Program and is responsible for providing oversight of all endowment funds.

Background: Members of the Class of 1952 chose to establish the professorship honoring Dr. Slone, former dean of the college, during their fiftieth anniversary class reunion. Other graduates of the college also made gifts. The gifts and pledges totaling \$62,232 are eligible to be matched by the state's Research Challenge Trust Fund. Dr. Slone was responsible for the college's transition from the Louisville College of Pharmacy to the UK College of Pharmacy and was instrumental in establishing the curriculum as it is taught today.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 12

Office of the President
December 9, 2003

Members, Board of Trustees:

THE AMERMAN FAMILY FOUNDATION GIFT AND PLEDGE

Recommendation: that the Board of Trustees accept a gift of \$100,000 and a pledge of \$400,000 from the Amerman Family Foundation of Santa Ysabel, California, to create and endow the Amerman Family Equine Research Endowment in the College of Agriculture's Department of Veterinary Science.

In accordance with the Council on Postsecondary Education guidelines, the Board of Trustees acknowledges that it has primary responsibility for the implementation of the Endowment Match Program and is responsible for providing oversight of all endowment funds.

Background: The Amerman Family Foundation was established by Mr. and Mrs. John Amerman, who own Amerman Racing Stables in California and Peacefield Farm, a rehabilitation facility in Temecula, California, for horses injured at race tracks or show rings. Mrs. Amerman is a member of the UK Gluck Equine Research Foundation board of directors. The \$500,000 commitment from the Amerman Foundation will fund research into equine protozoal myeloencephalitis, an infection of the central nervous system. The foundation's commitment of \$500,000 is eligible for and contingent on matching funds from the state's Research Challenge Trust Fund.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

FCR 13

Office of the President
December 9, 2003

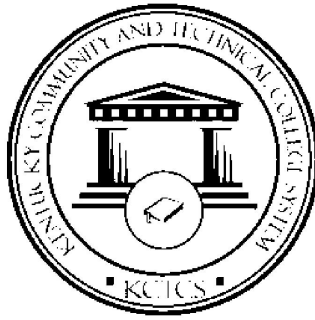
Members, Board of Trustees:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF KENTUCKY APPROVING THE ACTION OF THE BOARD OF REGENTS OF THE KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM (KCTCS) DIRECTING THE UNIVERSITY OF KENTUCKY TO CALL THE REMAINING UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE EDUCATIONAL BUILDINGS REVENUE BONDS SERIES A, C, F, AND H (SECOND) AND FURTHER AUTHORIZING THE TREASURER OF THE UNIVERSITY TO EXECUTE A CALL OF SAID BONDS

Recommendation: that the Board of Trustees approve a Resolution authorizing the Treasurer to exercise a call of the remaining University of Kentucky Community College Educational Buildings Revenue Bonds Series A, C, F and H (second) as directed by the Board of Regents of KCTCS.

Background: The State Property and Buildings Commission and the Finance and Administration Cabinet of the Commonwealth of Kentucky have determined that the Commonwealth will reduce its annual debt service costs by refunding certain bonds initially issued by the University of Kentucky for community college buildings now under the jurisdiction of the KCTCS Board of Regents. Pursuant to the Memoranda of Agreement on Delegation of Management Responsibilities dated January 14, 1998 and the Memoranda of Understanding Resolving Community College Accreditation Issues dated January 30, 2001, by and between the Board of Trustees of the University of Kentucky and KCTCS, the KCTCS Board of Regents adopted a resolution dated December 5, 2003, directing the University of Kentucky Board of Trustees to call the remaining University of Kentucky Community College Educational Buildings Revenue Bonds Series A, C, F and H (second). The State Property and Buildings Commission will issue new bonds with the resulting debt being assumed and managed by the Commonwealth of Kentucky. The Bond Indenture requires that notice of redemption of said bonds be provided no later than 30 days in advance of said refunding by the Treasurer of the University, at the direction of the Board of Trustees.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____



RESOLUTION
Pertaining to
Direction, Acknowledgement, and Consent
Authorizing Call of Certain Bond Issues

WHEREAS, the *Kentucky Postsecondary Education Improvement Act of 1997* (*The Act*) as amended creates the Kentucky Community and Technical College System; and

WHEREAS, *The Act* mandates that KCTCS “... be responsive to the needs of students and employers in all regions of the Commonwealth with accessible education and training to support the lifelong learning needs of Kentucky citizens ...”; and

WHEREAS, *The Act* states that “the government of each of the state universities and the Kentucky Community and Technical College System is vested in its respective board of regents. Each board of regents ... shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions”; and

WHEREAS, *The Act* authorizes the KCTCS Board of Regents to “... receive grants of money and expend the same for the use and benefit of the colleges...”; and

WHEREAS, *The Act* states that “the governing board shall attempt in every practicable way to insure the institution’s supplying its real needs at the lowest possible cost...”; and

WHEREAS, *The Act* states that “the acquisition and disposition of real property for the colleges under the jurisdiction of the Kentucky Community and Technical College board of regents that are the property of the University of Kentucky shall be approved by the Kentucky Community and Technical College System board of regents, which shall transmit the action to the University of Kentucky board of trustees for approval”; and

DRAFT

WHEREAS, the State Property and Buildings Commission and the Finance and Administration Cabinet of the Commonwealth of Kentucky have determined that the Commonwealth of Kentucky will reduce its annual debt service costs by refinancing certain bonds initially issued by the University of Kentucky for buildings now under the jurisdiction of the Kentucky Community and Technical College System; and

WHEREAS, the State Property and Buildings Commission and the Finance and Administration Cabinet of the Commonwealth of Kentucky have requested the KCTCS Board of Regents approve the call of certain bond issues for the purpose of refinancing said issues,

NOW, THEREFORE, BE IT RESOLVED, pursuant to the Memoranda of Agreement on Delegation of Management Responsibilities dated January 14, 1998 and the Memoranda of Understanding Resolving Community College Accreditation Issues dated January 30, 2001, by and between the Board of Regents of the Kentucky Community and Technical College System (the “KCTCS”) and the Board of Trustees of the University of Kentucky (the “University”), the KCTCS hereby directs the University to call the remaining Educational Buildings Revenue Bonds Series A, C, F and H (Second Series) prior to maturity and hereby acknowledges and consents to such call for redemption prior to maturity.

Through review and analysis of the above bond issues and current market conditions, it has been determined that considerable cost savings can be achieved by the refinancing of these issues. The State Property and Buildings Commission will issue new bonds to achieve said refinancing with the resulting debt being assumed and managed by the Commonwealth of Kentucky.

BE IT FURTHER RESOLVED, that the KCTCS President and such other officers as may be required are authorized to take such other and further actions as shall be necessary and helpful in effectuating the call of said bond issues.

BE IT FURTHER RESOLVED, that the KCTCS President is hereby authorized and directed to take such action as he deems appropriate to carry out the transactions contemplated in the foregoing Resolutions.

ADOPTED, this fifth day of December 2003.

Joseph B. Wise, III, Secretary
KCTCS Board of Regents

Cynthia L. Read, Chair
KCTCS Board of Regents

FCR 14

Office of the President
December 9, 2003

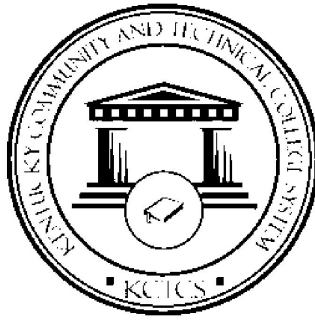
Members, Board of Trustees:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF
KENTUCKY APPROVING THE ACTION OF THE BOARD OF REGENTS OF
THE KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
(KCTCS) DIRECTING THE UNIVERSITY OF KENTUCKY TO CALL
UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE EDUCATIONAL
BUILDINGS REVENUE BONDS SERIES B AND FURTHER AUTHORIZING
THE TREASURER OF THE UNIVERSITY TO EXECUTE A CALL OF SAID
BONDS

Recommendation: that the Board of Trustees approve a Resolution authorizing the Treasurer to exercise a call of University of Kentucky Community College Educational Buildings Revenue Bonds Series B as directed by the Board of Regents of KCTCS.

Background: The State Property and Buildings Commission and the Finance and Administration Cabinet of the Commonwealth of Kentucky have determined that the Commonwealth will reduce its annual debt service costs by refunding and/or redeeming certain bonds initially issued by the University of Kentucky for community college buildings now under the jurisdiction of the KCTCS Board of Regents. Pursuant to the Memoranda of Agreement on Delegation of Management Responsibilities dated January 14, 1998 and the Memoranda of Understanding Resolving Community College Accreditation Issues dated January 30, 2001, by and between the Board of Trustees of the University of Kentucky and KCTCS, the KCTCS Board of Regents adopted a resolution dated December 5, 2003, directing the University of Kentucky Board of Trustees to call University of Kentucky Community College Educational Buildings Revenue Bonds Series B. In the event that the bonds are refunded the State Property and Buildings Commission would issue new bonds with the resulting debt being assumed and managed by the Commonwealth of Kentucky. The Bond Indenture requires that notice of redemption of said bonds be provided no later than 30 days in advance of said refunding by the Treasurer of the University, at the direction of the Board of Trustees.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____



RESOLUTION
Pertaining to
Direction, Acknowledgement, and Consent
Authorizing Call of Certain Bond Issues

WHEREAS, the *Kentucky Postsecondary Education Improvement Act of 1997* (*The Act*) as amended creates the Kentucky Community and Technical College System; and

WHEREAS, *The Act* mandates that KCTCS “... be responsive to the needs of students and employers in all regions of the Commonwealth with accessible education and training to support the lifelong learning needs of Kentucky citizens...”; and

WHEREAS, *The Act* states that “the government of each of the state universities and the Kentucky Community and Technical College System is vested in its respective board of regents. Each board of regents ... shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions”; and

WHEREAS, *The Act* authorizes the KCTCS Board of Regents to “... receive grants of money and expend the same for the use and benefit of the colleges...”; and

WHEREAS, *The Act* states that “the governing board shall attempt in every practicable way to insure the institution’s supplying its real needs at the lowest possible cost...”; and

WHEREAS, *The Act* states that “the acquisition and disposition of real property for the colleges under the jurisdiction of the Kentucky Community and Technical College board of regents that are the property of the University of Kentucky shall be approved by the Kentucky Community and Technical College System board of regents, which shall transmit the action to the University of Kentucky board of trustees for approval”; and

DRAFT

WHEREAS, the State Property and Buildings Commission and the Finance and Administration Cabinet of the Commonwealth of Kentucky have determined that the Commonwealth of Kentucky will reduce its annual debt service costs by refinancing certain bonds initially issued by the University of Kentucky for buildings now under the jurisdiction of the Kentucky Community and Technical College System; and

WHEREAS, the State Property and Buildings Commission and the Finance and Administration Cabinet of the Commonwealth of Kentucky have requested the KCTCS Board of Regents approve the call of certain bond issues for the purpose of refinancing said issues,

NOW, THEREFORE, BE IT RESOLVED, pursuant to the Memoranda of Agreement on Delegation of Management Responsibilities dated January 14, 1998 and the Memoranda of Understanding Resolving Community College Accreditation Issues dated January 30, 2001, by and between the Board of Regents of the Kentucky Community and Technical College System (the “KCTCS”) and the Board of Trustees of the University of Kentucky (the “University”), the KCTCS hereby directs the University to call the Educational Buildings Revenue Bonds Series B prior to maturity and hereby acknowledges and consents to such call for redemption prior to maturity.

Through review and analysis of the above bond issues and current market conditions, it has been determined that considerable cost savings can be achieved by the refinancing of these issues. The State Property and Buildings Commission will issue new bonds to achieve said refinancing with the resulting debt being assumed and managed by the Commonwealth of Kentucky.

BE IT FURTHER RESOLVED, that the KCTCS President and such other officers as may be required are authorized to take such other and further actions as shall be necessary and helpful in effectuating the call of said bond issues.

BE IT FURTHER RESOLVED, that the KCTCS President is hereby authorized and directed to take such action as he deems appropriate to carry out the transactions contemplated in the foregoing Resolutions.

ADOPTED, this fifth day of December 2003.

Joseph B. Wise, III, Secretary
KCTCS Board of Regents

Cynthia L. Read, Chair
KCTCS Board of Regents

FCR 15

Office of the President
December 9, 2003

Members, Board of Trustees:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF KENTUCKY AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$23,780,000 OF UNIVERSITY OF KENTUCKY CONSOLIDATED EDUCATIONAL BUILDINGS REFUNDING REVENUE BONDS, SERIES E, J AND L (THIRD SERIES), TO BE DATED THE FIRST DAY OF THE MONTH IN WHICH THE BONDS ARE SOLD

Recommendation: that the Board of Trustees approve a Resolution authorizing the issuance of approximately \$23,780,000 of University of Kentucky Consolidated Educational Buildings Refunding Revenue Bonds, Series E, J and L (Third Series), to be dated the first day of the month in which the Series E, J and L (Third Series) Bonds are sold.

The Resolution authorizes the issuance of approximately \$23,780,000 of Series E, J and L (Third Series) Bonds for the purpose of refinancing the outstanding University of Kentucky Consolidated Educational Buildings Revenue Bonds, Series E, J and L (Second Series), which refinanced the outstanding University of Kentucky Consolidated Educational Buildings Revenue Bonds, Series E, J and L, which were originally issued to finance (a) the construction of a Biological Science Building, a patient care addition to the University Medical Center and a Family Practice Facility Building, (b) a Robotics Facility, an Agricultural Engineering Building, an Agriculture Regulatory Services Building and the Lexington Community College Academic/Technical Building and (c) a Civil Engineering Building, renovation to the Chemistry/Physics facilities and renovation to the Cooling Plant (which constituted the original Series E Project, Series J Project and Series L Project, respectively) (the "Series E, J and L Project"); the Series E, J and L Project being located upon the campus of the University in Fayette County in the Commonwealth of Kentucky, which projects are a part of the University of Kentucky Consolidated Educational Buildings Project of the University (the "Project").

The Resolution also approves the offering for sale of the Series E, J and L (Third Series) Bonds upon the advice of the Financial Advisor, First Kentucky Securities Corporation on a date to be determined by the Treasurer of the University, upon the advice of said Financial Advisor (expected to be January 21, 2004). The Resolution further authorizes the acceptance of the bid for the sale of the Series E, J and L (Third Series) Bonds by the Treasurer. The exact principal amount of Series E, J and L (Third Series) Bonds to be sold will be determined on the date of sale as the amount required to refund the Series E, J and L (Second Series) Bonds.

Background: The University presently has outstanding twelve series of University of Kentucky Consolidated Educational Buildings Project Revenue Bonds, Series E, J, L (Second Series); G, H, I (Second Series); K (Third Series); M; M (Second Series); N (Second Series); O (Second Series); P; Q; R; S and T (the "Outstanding Bonds") all secured by a pledge of the Revenues (registration fees) and by a statutory mortgage lien against all of the buildings of the Project. The Bond Resolution approves the appointment of the J.P. Morgan Trust Company, National Association (successor to Bank One Trust Company, NA), Louisville, Kentucky, as Trustee, Bond Registrar, Transfer Agent, Payee Bank and Depository Bank, with respect to these Bonds, provides for the execution of the appropriate parity certification establishing that the "coverage" of projected income of the Project over debt service requirements will meet the 1.25 test necessary to establish that the Series E, J and L (Third Series) Bonds will rank on a parity with the Outstanding Bonds.

Action taken: ☒ Approved ☐ Disapproved ☐ Other _____

RESOLUTION AUTHORIZING THE ISSUANCE

OF

APPROXIMATELY
\$23,780,000

OF

UNIVERSITY OF KENTUCKY
CONSOLIDATED EDUCATIONAL BUILDINGS REFUNDING REVENUE BONDS,
SERIES E, J AND L (THIRD SERIES)
(TO BE DATED THE FIRST DAY OF THE MONTH IN WHICH THE BONDS ARE SOLD),
OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF KENTUCKY

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RESOLUTION

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF KENTUCKY AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$23,780,000 OF UNIVERSITY OF KENTUCKY CONSOLIDATED EDUCATIONAL BUILDINGS REFUNDING REVENUE BONDS, SERIES E, J AND L (THIRD SERIES), TO BE DATED THE FIRST DAY OF THE MONTH IN WHICH THE BONDS ARE SOLD.

WHEREAS, the Board of Trustees of the University of Kentucky, by Resolution entitled:

"A RESOLUTION OF THE BOARD OF TRUSTEES OF UNIVERSITY OF KENTUCKY, A STATE SUPPORTED INSTITUTION OF HIGHER LEARNING OF THE COMMONWEALTH OF KENTUCKY, CREATING AND ESTABLISHING A CONSOLIDATED EDUCATIONAL BUILDINGS PROJECT OF SAID UNIVERSITY OF KENTUCKY; CREATING AND ESTABLISHING AN ISSUE OF CONSOLIDATED EDUCATIONAL BUILDINGS REVENUE BONDS OF THE BOARD OF TRUSTEES OF SAID UNIVERSITY OF KENTUCKY; PROVIDING FOR THE ISSUANCE OF SUCH BONDS FROM TIME TO TIME; AND PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS FROM REVENUES IN SUCH MANNER AS NOT TO CONSTITUTE INDEBTEDNESS OF THE BOARD, THE UNIVERSITY, OR THE COMMONWEALTH."

heretofore adopted on September 20, 1960 (the "Basic Resolution" or "Resolution"), has created and established an issue of University of Kentucky Consolidated Educational Buildings Revenue Bonds of the Board of Trustees of the University of Kentucky (the "Bonds"); and

WHEREAS, the Basic Resolution authorizes the issuance by said Board of said Bonds in one or more Series pursuant to a new resolution authorizing each such Series; and

WHEREAS, the Board has previously authorized, sold, issued, and has outstanding prior issues of Bonds designated "University of Kentucky Consolidated Educational Buildings Revenue Bonds, Series E, J, L (Second Series); G, H, I (Second Series); K (Third Series); M; M (Second Series); N (Second Series); O (Second Series); P; Q; R; S and T" (all such other Series of Bonds heretofore issued having been retired or defeased); and has determined that the Board is in compliance with the conditions set forth in Section 7.10 of the Basic Resolution relative to the issuance of the Series E, J and L (Third Series) Bonds (authorized herein) on a basis of parity and equality as to security and source of payment with such outstanding Bonds of Series G, H, I (Second Series); K (Third Series); M; M (Second Series); N (Second Series); O (Second Series); P; Q; R; S and T; and

WHEREAS, the Board has determined that it is in the best interests of the Board to authorize at this time an additional series of Bonds to be designated "University of Kentucky Consolidated Educational Buildings Refunding Revenue Bonds, Series E, J and L (Third Series)," ranking on a parity with said outstanding Series of Bonds;

NOW, THEREFORE, the Board of Trustees of the University of Kentucky hereby resolves as follows:

ARTICLE I

DEFINITIONS AND AUTHORITY

Section 1.1. Series E, J and L (Third Series) Resolution. This Resolution (the "Series E, J and L (Third Series) Resolution") is adopted in accordance with Article II, Section 2.03, of the Basic Resolution.

Section 1.2. Definitions

A. All terms which are defined in Article I of the Basic Resolution shall have the same meanings, respectively, in this Series E, J and L (Third Series) Resolution as such terms are given in said Article of the Basic Resolution.

B. In this Series E, J and L (Third Series) Resolution, unless the context shall indicate otherwise, the following terms shall have the following respective meanings:

"Agent Member" means a member of, or participant in, the Securities Depository.

"Basic Resolution" or "Resolution" means the original Resolution adopted on September 20, 1960, creating and establishing the Consolidated Educational Buildings Project and creating, establishing, and authorizing the issuance of Consolidated Educational Buildings Revenue Bonds of the Board of Trustees of the University of Kentucky.

"Board" means the Board of Trustees of the University of Kentucky, and shall include the Executive Committee of the Board acting pursuant to authorization of and/or with ratification by said Board of Trustees.

"Bond Register" means the books and records maintained by the Bond Registrar as to the registered ownership and transfers of ownership of the Series E, J and L (Third Series) Bonds, from time to time.

"Bond Registrar," "Registrar," "Payee Bank" or "Transfer Agent" means J.P. Morgan Trust Company, National Association, Louisville, Kentucky, which shall constitute the Bond Registrar, Transfer Agent and Payee Bank, with respect to the Series E, J and L (Third Series) Bonds authorized herein, which Bank shall have the duties and responsibilities of (a) issuing semiannual checks in payment of interest requirements to the Series E, J and L (Third Series) Bonds, (b) payment of the principal as same matures upon surrender of the Series E, J and L (Third Series) Bonds, (c) authenticating, issuing, and delivering the Series E, J and L (Third Series) Bonds to the Original Purchasers of same in accordance with the sale of the Series E, J and L (Third Series) Bonds, at the direction of the Board, (d) maintaining the Bond Register, (e) handling exchanges, cancellations, reissuance, redemption, and all appurtenant duties of a Bond Registrar and Transfer Agent with respect to the Series E, J and L (Third Series) Bonds, as hereinafter set out, and (f) serving as depository of all funds in connection with the Series E, J and L (Third Series) Bonds and Outstanding Bonds.

"Book-Entry Form" means, with respect to the Series E, J and L (Third Series) Bonds, a form or system, as applicable, under which (i) the ownership of beneficial interests in the Series E, J and L (Third Series) Bonds and bond service charges may be transferred only through a book entry, and (ii) physical Series E, J and L (Third Series) Bond certificates in fully registered

form are registered only in the name of a Securities Depository or its nominee as owner, with the physical Series E, J and L (Third Series) Bond certificates in the custody of a Securities Depository.

"Code" means the Internal Revenue Code of 1986, as amended.

"Continuing Disclosure Agreement" means the Continuing Disclosure Agreement dated as of the first day of the month in which the Series E, J and L (Third Series) Bonds are sold, between the University and the Trustee.

"Debt Service Reserve" means the portion of the Bond Fund in excess of the aggregate principal, interest, and Bond Fund Charges of Outstanding Bonds for the ensuing year, which excess portion shall constitute the "Debt Service Reserve" created and provided for in Section 4.05(3) of the Basic Resolution.

"Escrow Agreement" means the Escrow Trust Agreement dated the first date of the month in which the Series E, J and L (Third Series) Bonds are sold, as hereinafter provided, between the Board and the Escrow Trustee.

"Escrow Fund" means the Escrow Trust Fund created by the Escrow Agreement.

"Escrow Trustee" means J.P. Morgan Trust Company, National Association.

"Finance Cabinet" means the Finance and Administration Cabinet of the Commonwealth of Kentucky or its successor by whatever name designated.

"Financial Advisor" means First Kentucky Securities Corporation, 305 Ann Street, Suite 400, Frankfort, Kentucky 40201.

"Interest Payment Date" means May 1, and November 1 of each year, commencing the first May 1 or November 1 that is at least three months after the dated date of the Series E, J and L (Third Series) Bonds.

"Memorandum of Instructions" means the Memorandum of Instructions Regarding Rebate delivered to the Board and the Trustee at the time of the issuance and delivery of the Series E, J and L (Third Series) Bonds as the same may be amended or supplemented in accordance with its terms.

"Original Purchasers" or "Purchasers" means the original purchasers of the Series E, J and L (Third Series) Bonds at the public sale, including all members of the approved purchasing syndicate or group.

"Outstanding Bonds" means all bonds outstanding against and payable from the revenues of the Project, including (a) the Bonds of Series G, H, I (Second Series); K (Third Series); M; M (Second Series); N (Second Series); O (Second Series); P; Q; R; S and T; plus (b) the Series E, J and L (Third Series) Bonds, and (c) any and all future Bonds ranking on a parity therewith.

"Prior Bonds" means Consolidated Educational Buildings Refunding Revenue Bonds, Series E, J and L (Second Series).

"Project" means the University of Kentucky Consolidated Educational Buildings Project, consisting of all educational buildings and necessary appurtenances on the campus of the University of Kentucky in Lexington, Kentucky, and all such buildings hereafter erected on such campus and elsewhere in Fayette County, Kentucky.

"Record Date" means with respect to any interest payment date, the close of business on April 15 or October 15, as the case may be, next preceding such Interest Payment Date, whether or not such April 15 or October 15 is a business day.

"Required Current Debt Service Reserve Accumulation" means the amount required at any given time to have been accumulated toward the goal of the "Required Debt Service Reserve," based on Outstanding Bonds, including the additional amounts required to have been deposited in each year to date (and scheduled to continue for a period of four years) in such Reserve as a result of the issuance of one or more additional Series of Bonds, until the total Required Debt Service Reserve is accumulated.

"Required Debt Service Reserve" means the amount required to be accumulated and maintained in the Debt Service Reserve portion of the Bond Fund, which required amount is an amount equal to 100% of the maximum Aggregate Principal, Interest, and Bond Fund Charges falling due on Outstanding Bonds in any twelve month period.

"Secretary" means the Secretary of the Finance and Administration Cabinet of the Commonwealth of Kentucky, and each and every officer of the Commonwealth who may hereafter be authorized to exercise powers and authority similar to those vested by law in said Secretary; and each and every Deputy Secretary or other similar officer authorized by law to exercise the powers and authority presently vested by law in the Secretary.

"Securities Depository" means any securities depository that is a "clearing corporation" within the meaning of the New York Uniform Commercial Code and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act, operating and maintaining, with its participants or otherwise, a Book-Entry System to record ownership of beneficial interests in bonds and bond service charges, and to effect transfers of bonds in Book-Entry Form, and means, initially, The Depository Trust Company (a limited purpose trust company), New York, New York.

"Securities Depository Nominee" means any nominee of a Securities Depository and initially means Cede & Co., New York, New York, as nominee of The Depository Trust Company.

"Series E, J and L Project" means (a) the construction of a Biological Science Building, a patient care addition to the University Medical Center and a Family Practice Facility Building; (b) a Robotics Facility, an Agricultural Engineering Building, an Agriculture Regulatory Services Building and the Lexington Community College Academic/Technical Building; and (c) a Civil Engineering Building, renovation to the Chemistry/Physics facilities and renovation to the Cooling Plant (which constituted the original Series E Project, Series J Project and Series L Project, respectively), which Project is located in Fayette County, Kentucky.

"Series E, J and L (Third Series) Bonds" or "These Bonds" means the Bonds authorized by Article II of this Series E, J and L (Third Series) Resolution.

"Series E, J and L (Third Series) Resolution" or "This Resolution" means this Resolution authorizing the Series E, J and L (Third Series) Bonds.

"Trustee" or "Trustee-Registrar" means J.P. Morgan Trust Company, National Association, Louisville, Kentucky, as more fully defined under "Bond Registrar."

"University" means the University of Kentucky, a body corporate, as an educational institution and agency and a political subdivision of the Commonwealth of Kentucky.

Section 1.3. Statutory Authority. This Series E, J and L (Third Series) Resolution is adopted pursuant to the provisions of Section 162.340, et seq., and 58.010 through 58.140 of the Kentucky Revised Statutes (the "Enabling Acts") and the Basic Resolution.

(End of Article I)

ARTICLE II

AUTHORIZATION OF SERIES E, J AND L (THIRD SERIES) BONDS

Section 2.1. Series E, J and L (Third Series) Bonds Authorized. Pursuant to the provisions of the Basic Resolution, there is hereby authorized to be issued by the Board of Trustees of the University of Kentucky, in its corporate capacity, a Series of Bonds in the aggregate principal amount of approximately TWENTY THREE MILLION SEVEN HUNDRED EIGHTY THOUSAND DOLLARS (\$23,780,000). Such Bonds shall be designated "University of Kentucky Consolidated Educational Buildings Refunding Revenue Bonds, Series E, J and L (Third Series)." Said Series E, J and L (Third Series) Bonds are hereby declared to have been authorized under the Basic Resolution and in conformity with the provisions of Section 7.10 of the Basic Resolution. The exact principal amount of the Series E, J and L (Third Series) Bonds to be issued may be increased or decreased by up to \$2,380,000. The exact principal amount shall be established at the time of sale of the Series E, J and L (Third Series) Bonds as the amount required to refund the Prior Bonds or any portion thereof that is deemed economically feasible at the time of the sale of the Series E, J and L (Third Series) Bonds, which amount shall be conclusively established by the acceptance of the best bid for the Series E, J and L (Third Series) Bonds in such amount.

Section 2.2. Purpose of Issue. Said Series E, J and L (Third Series) Bonds are being issued for the purpose of (a) paying the costs of refinancing the Prior Bonds which were originally issued to refinance the Series E, J and L Project, upon property of the University in Fayette County, Kentucky, which Series E, J and L Project is a part of the Consolidated Educational Buildings Project of said University and (b) paying the costs of issuance of the Series E, J and L (Third Series) Bonds.

Section 2.3. Date and Maturities of Bonds. Except as set out in Section 2.5 hereof, the Series E, J and L (Third Series) Bonds shall be dated the first day of the month in which the Series E, J and L (Third Series) Bonds are sold, and bear interest payable on each Interest Payment Date (May 1 and November 1 of each year), commencing the first May 1 or November 1 that is at least three months after the dated date of the Series E, J and L (Third Series) Bonds. The Series E, J and L (Third Series) Bonds shall be numbered consecutively from R-1 upward, or in such other manner as shall be determined by the Trustee-Registrar, and shall be scheduled to become due and payable on May 1 of the respective years and in the principal amounts (subject to such adjustment to maturity amounts as may be approved by the Chairman of the Board upon acceptance of the bid for the Series E, J and L (Third Series) Bonds in order to provide for an appropriate balance of principal and interest after any adjustment as provided in Section 2.1 hereof), as follows:

<u>Maturity Date</u> <u>May 1</u>	<u>Principal</u> <u>Amount</u>	<u>Maturity Date</u> <u>May 1</u>	<u>Principal</u> <u>Amount</u>
2004	\$3,965,000	2008	\$1,660,000
2005	4,185,000	2009	1,715,000
2006	4,275,000	2010	1,770,000
2007	4,375,000	2011	1,835,000

Section 2.4. Series E, J and L (Third Series) Bonds to be Issued as Fully Registered Bonds. The Series E, J and L (Third Series) Bonds shall be issued only in fully registered form, without coupons, in the denomination of \$5,000 or any authorized multiple thereof within a single maturity.

Section 2.5. Interest Payment Dates. Each Series E, J and L (Third Series) Bond shall bear interest from the Interest Payment Date to which interest has been paid next preceding the date on which such Series E, J and L (Third Series) Bond is authenticated by the Registrar, unless such Series E, J and L (Third Series) Bond is authenticated on an Interest Payment Date to which interest has been paid, in which event it shall bear interest from such date, or if such Series E, J and L (Third Series) Bond is authenticated prior to the first Interest Payment Date, such Series E, J and L (Third Series) Bonds shall bear interest from their dated date. Interest on the Series E, J and L (Third Series) Bonds shall be payable commencing the first May 1 or November 1 that is at least three months after the dated date of the Series E, J and L (Third Series) Bonds, and on each November 1 and May 1 thereafter to maturity or earlier redemption.

Section 2.6. Registered Owners. The Person in whose name any Bond is registered on the Bond Register at the Record Date with respect to an Interest Payment Date shall be entitled to receive the interest payable on such Interest Payment Date (unless such Bond shall have been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date, except in the event of default.

Section 2.7. Payment of Interest and Principal of Bonds. The principal of (redemption price, if redeemed prior to maturity) and interest on the Series E, J and L (Third Series) Bonds shall be payable in lawful money of the United States of America as same respectively become due. The principal of each Series E, J and L (Third Series) Bond is payable up on surrender of same at the main office of the Payee Bank and Bond Registrar. Interest on the Series E, J and L (Third Series) Bonds shall be paid by check mailed by the Payee Bank on or before each Interest Payment Date to the owners of the Bonds shown on the Bond Register as of the end of business on the Record Date, at the respective addresses appearing on the Bond Register.

So long as any of the Series E, J and L (Third Series) Bonds remain outstanding, the Registrar shall keep at its principal office a Bond Register showing and recording a register of the owners of the Series E, J and L (Third Series) Bonds and shall provide for the registration and transfer of such Bonds in accordance with the terms of this Resolution, subject to such reasonable regulations as the Registrar may prescribe.

Section 2.8. Execution of Bonds; Authentication by Trustee-Registrar; Transferability; Temporary Bond. The Series E, J and L (Third Series) Bonds shall be executed on behalf of the Board with the reproduced facsimile signature of the Chairman of the Board, and the facsimile of the Corporate Seal of the Board shall be imprinted thereon and attested by the reproduced facsimile signature of the Secretary of the Board; and said officials, by the execution of appropriate certifications, shall adopt as and for their own proper signatures, their respective facsimile signatures on such Bonds; provided the Authentication Certificate of Trustee on each printed Bond must be executed by the manual signature of the Trustee (not necessarily the same authorized officer of the Trustee on each Bond) on each Bond before such Bond shall be valid, as set out in Section 2.13 below.

Pending the preparation of definitive Bonds, the Series E, J and L (Third Series) Bonds may be delivered in the form of one or more temporary Bonds, which may be printed, lithographed, typewritten, mimeographed or otherwise reproduced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, in registered form, and with such appropriate insertion, omissions, substitutions and other appropriate and necessary variations as the Board may determine, as evidenced by the execution of such temporary Bonds.

Until exchanged for Series E, J and L (Third Series) Bonds in definitive form, such temporary Bonds shall be entitled to the benefit and security of this Resolution. The Board shall, without unreasonable delay, cause to have prepared, executed and delivered printed Bonds to the Original Purchasers and/or their designees, and thereupon, upon the presentation and surrender of the temporary Bonds, such printed Bonds shall be delivered to the Original Purchasers and/or their designees in exchange therefore. Such exchange shall be made without the making of any charge therefore to any owner of the Series E, J and L (Third Series) Bonds.

Arrangements shall be made for the printing of sufficient Bond Certificates to enable the Trustee-Registrar to maintain an adequate reserve supply of such Bond Certificates as same are sold, exchanged, and/or otherwise surrendered in the future. Notwithstanding anything contained herein, the Trustee-Registrar shall have the right to order the preparation or printing of additional Bond Certificates which, in the sole discretion of the Trustee-Registrar, shall be necessary to maintain adequate reserves of such Bond Certificates to properly effect the continuing transfers of ownership of Bond Certificates. No further action regarding the authorization of additional Bond Certificates shall be required by the Board, and the expenses incidental thereto shall be borne by the Board as additional annual requirements of the Series E, J and L (Third Series) Bonds, the same as interest thereon.

If the University determines not to issue the Series E, J and L (Third Series) Bonds in Book-Entry Form, at least five business days prior to the payment of the purchase price for the Bonds (the "Closing Date") each of the Original Purchasers shall furnish to the Registrar the name, address, social security number or taxpayer identification number of each party to whom the Bonds shall have been resold and in whose name the respective Bonds are to be registered, and the principal amounts and maturities thereof. The Trustee-Registrar shall then issue and deliver to each respective Purchaser on the Closing Date fully registered printed Bond Certificates for each registered owner so designated, in substantially the same for as that set out in Section 2.15 hereof.

Subject to the provisions hereof for Series E, J and L (Third Series) Bonds issued in Book-Entry Form, Series E, J and L (Third Series) Bonds shall be exchangeable and transferable upon the presentation and surrender thereof at the office of the Trustee-Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner and/or his authorized representative, for a Bond or Bonds of the same maturity and interest rate and in the denomination of \$5,000 and/or a multiple thereof within a single maturity, in an aggregate principal amount or amounts equal to the unpaid principal amount of the Bond and/or Bonds presented for exchange. The Trustee-Registrar shall be and is hereby authorized to (authenticate and) deliver the exchange Bond in accordance with the provisions of this Section. Each exchange Bond delivered in accordance with this Section shall constitute an original contractual obligation of the Board and shall be entitled to the benefit and security of this Resolution to the same extent as the Bond or Bonds in lieu of which such exchange Bond is delivered.

In the event of non-payment of interest or of one or more principal maturities on a scheduled Interest Payment Date, and for 30 days thereafter, a new record date for such interest payment or for such maturity or maturities ("Special Record Date") will be established by the Trustee-Registrar if and when funds for the payment of such interest shall have received from the Board. Notice of the Special Record Date and of the Special Payment Date of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each owner of the Bonds, as shown on the Bond Register, of such maturity or maturities appearing on the books of the Trustee-Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

Section 2.9. Provisions as to Prior Redemption.

(a) Redemption Prior to Maturity. The Series E, J and L (Third Series) Bonds shall not be subject to optional redemption prior to maturity. The Series E, J and L (Third Series) Bonds may be subject to mandatory sinking fund redemption if the purchaser of the Series E, J and L (Third Series) Bonds designates term bonds in its bid for the Series E, J and L (Third Series) Bonds.

(b) Redemption of Less Than All of a Single Bond. In the event that a Bond subject to redemption is in a denomination larger than \$5,000, a portion of such Bond may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof, if the Bond is one of the maturities or amounts or part of the maturities or amounts called for redemption. Upon surrender of any Bond for redemption in part, the Trustee-Registrar shall (authenticate and) deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

(c) Notice of Redemption. The Trustee-Registrar shall give notice of any redemption by sending at least one such notice by United States mail, first class, postage prepaid, not less than 30 and not more than 60 days prior to the date fixed for redemption to the registered owner of each Series E, J and L (Third Series) Bond to be redeemed in whole or in part, at the address shown on the Bond Register as of the date of mailing of such notice. The Trustee-Registrar may furnish one other form of such notice more than 60 days prior to the date fixed for redemption, provided at least one such notice shall be sent not less than 30 nor more than 60 days prior to such date. Such notice shall state the redemption date, the Redemption Price, the accrued interest payable on the redemption date, the place at which the Bonds are to be surrendered for payment, and, if less than all

of the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed. Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Bondowner receives such notice.

Prior to each redemption date, the Trustee-Registrar shall make provision, to the extent funds are then available therefore, for the payment of the Redemption Price of the Bonds to be redeemed on such date by setting aside and holding in trust an amount sufficient to pay such Redemption Price. Upon presentation and surrender of any such Bond at the main corporate trust office of the Trustee-Registrar on or after the date fixed for redemption, the Trustee-Registrar shall pay the Redemption Price on such Bond (including accrued interest) from the funds set aside for such purpose.

All of said Bonds as to which the Board reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given, and for the retirement of which, upon the terms aforesaid, funds are duly provided, will cease to bear interest on the redemption date.

The required notice shall be deemed to have been given upon the Board furnishing Notice of Redemption to the Trustee-Registrar and upon the Trustee-Registrar acknowledging that it has instructions to send such notice and that it will do so at the proper time, even if the time for furnishing such notice has not yet arrived.

Section 2.10. Transferability. Title to any Series E, J and L (Third Series) Bond shall be transferable only upon the presentation and surrender of same at the main office of the Trustee-Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his authorized representative, such transfer to be made on such books and endorsed on the Bond by the Registrar.

Section 2.11. Designation of Trustee, Bond Registrar, Transfer Agent, and Payee Bank. For the purpose of securing the payment of both the principal of and interest on all of the Series E, J and L (Third Series) Bonds, and to secure for the benefit of all the owners thereof the faithful performance of the covenants and provisions contained in the Resolution in the manner and to the extent permitted and provided in this Series E, J and L (Third Series) Resolution and in Section 162.340, et seq., and 58.010 through 58.140 of the Kentucky Revised Statutes, J.P. Morgan Trust Company, National Association, successor to Bank One Trust Company, NA, in the City of Louisville, Kentucky, which was the successor to First Security National Bank & Trust Company, is hereby designated as Trustee, Bond Registrar, Transfer Agent, and Payee Bank under the Basic Resolution and this Series E, J and L (Third Series) Resolution for the owners of all of said Series E, J and L (Third Series) Bonds, with the powers and duties set forth in the Basic Resolution and in this Series E, J and L (Third Series) Resolution and with no liability in connection with any action or omission to act under the Basic Resolution or under this Series E, J and L (Third Series) Resolution except for its own negligence or willful breach of trust. Execution of the Authentication Certificate of the Trustee-Registrar on the respective Series E, J and L (Third Series) Bonds, shall conclusively establish the acceptance by the Trustee-Registrar of the trusts and provisions with respect thereto as set forth in this Resolution. Acceptance of the duties of Trustee-Registrar shall also be evidenced by the execution of the appropriate form of Acceptance immediately following the end of this Series E, J and L (Third Series) Resolution.

Section 2.12. Security for Series E, J and L (Third Series) Bonds; Statutory Mortgage Lien; Revenue Pledge. For the protection of the holders and owners of the Bonds secured by the Basic Resolution and this Resolution, a statutory mortgage lien upon the Project and properties connected therewith and belonging thereto, on a parity with Outstanding Bonds, is granted and created by and pursuant to Sections 162.350 and 162.200 of the Kentucky Revised Statutes, which said statutory mortgage lien is hereby recognized and declared to be valid and binding as provided by law, and shall take effect immediately upon the delivery of any and all of the Series E, J and L (Third Series) Bonds, ranking on a parity with the Outstanding Bonds.

All of the Series E, J and L (Third Series) Bonds are payable only from the Gross Revenues derived from the operation of the Project, ranking on a parity with the Outstanding Bonds, and the Series E, J and L (Third Series) Bonds shall not and do not constitute an indebtedness of the University or of its Board of Trustees or of the University or of its Board of Trustees or of the Commonwealth of Kentucky within the meaning of any provisions or limitations of the Constitution of the Commonwealth of Kentucky.

Section 2.13. Authentication of Bonds. No Series E, J and L (Third Series) Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Resolution unless and until such Bond has been duly authenticated by the Trustee-Registrar by the execution of the Authentication Certificate of Trustee-Registrar appearing on such Bond. Such Certificate appearing on any Bond shall be deemed to have been duly executed by the Trustee-Registrar if manually signed by an authorized officer of the Trustee-Registrar.

It shall not be required that the same officer of the Trustee-Registrar sign such Certificate on all of the Series E, J and L (Third Series) Bonds.

Section 2.14. Securities Depository; Ownership of Bonds. Except as provided in paragraph (c) below, the Series E, J and L (Third Series) Bonds shall be registered in the name of the Securities Depository or the Securities Depository Nominee, and ownership thereof shall be maintained in Book-Entry Form by the Securities Depository for the account of the Agent Members of the Securities Depository. Initially, the Series E, J and L (Third Series) Bonds shall be registered in the name of Cede & Co., as the nominee of The Depository Trust Company. Except as provided in paragraph (c) below, the Series E, J and L (Third Series) Bonds may be transferred, in whole but not in part, only to the Securities Depository or the Securities Depository Nominee, or to a successor Securities Depository selected or approved by the Board or to a nominee of such successor Securities Depository. As to any Series E, J and L (Third Series) Bond, the person in whose name such Series E, J and L (Third Series) Bond shall be registered shall be the absolute owner thereof for all purposes, and payment of or on account of the principal of and premium, if any, and interest on any such Series E, J and L (Third Series) Bond shall be made only to or upon the order of the registered owner thereof or his legal representative.

(a) Neither the Board nor the Trustee shall have any responsibility or obligation with respect to:

(i) the accuracy of the records of the Securities Depository or any Agent Member with respect to any beneficial ownership interest in the Series E, J and L (Third Series) Bonds;

(ii) the delivery to any Agent Member, any beneficial owner of the Series E, J and L (Third Series) Bonds or any other person, other than the Securities Depository, of any notice with respect to the Series E, J and L (Third Series) Bonds or the Bond Resolution: or

(iii) the payment to any Agent Member, any beneficial owner of the Series E, J and L (Third Series) Bonds or any other person, other than the Securities Depository, of any amount with respect to the principal of, premium, if any, or interest on the Series E, J and L (Third Series) Bonds.

So long as any Series E, J and L (Third Series) Bonds are registered in Book-Entry Form, the Board and the Trustee may treat the Securities Depository as, and deem the Securities Depository to be, the absolute owner of such Series E, J and L (Third Series) Bonds for all purposes whatsoever, including without limitation:

(A) the payment of principal of, premium, if any, and interest on the Series E, J and L (Third Series) Bonds;

(B) giving notices of redemption and other matters with respect to the Series E, J and L (Third Series) Bonds;

(C) registering transfers with respect to the Series E, J and L (Third Series) Bonds;

(D) the selection of Series E, J and L (Third Series) Bonds for redemption;

(E) for purposes of obtaining consents under the Bond Resolution; and

(F) notwithstanding the definition of the terms "bondholder" or "holder" or "owner" in the Bond Resolution as referencing the registered owners of the Series E, J and L (Third Series) Bonds, the Trustee shall be entitled to rely upon written instructions from a majority of the beneficial owners of the Series E, J and L (Third Series) Bonds with reference to consent, if any, required from the owners of the Series E, J and L (Third Series) Bonds pursuant to the terms of the Bond Resolution.

(b) If at any time the Securities Depository notifies the Board that it is unwilling or unable to continue as Securities Depository with respect to the Series E, J and L (Third Series) Bonds, or if at any time the Securities Depository shall no longer be registered or in good standing under the Securities Exchange Act or other applicable statute or regulation and a successor Securities Depository is not appointed by the Board within 90 days after the Board receives notice or becomes aware of such condition, as the case may be, then this Section shall no longer be applicable, and the Board shall execute and the Trustee shall authenticate and deliver certificates representing the Series E, J and L (Third Series) Bonds to the owners of the Series E, J and L (Third Series) Bonds as otherwise provided in this Article II.

(c) Payment of the principal of, premium, if any, and interest on any Series E, J and L (Third Series) Bonds not registered in Book-Entry Form shall be made as provided in Section 2.7 hereof.

(d) The principal of, premium, if any, and interest on the Series E, J and L (Third Series) Bonds registered in Book-Entry Form in the name of the Securities Depository or the Securities Depository Nominee shall be payable by wire transfer from the Trustee to the Securities Depository or the Securities Depository Nominee, as the case may be.

Section 2.15. Form of Bonds. The aforesaid authorized issue of Series E, J and L (Third Series) Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
COMMONWEALTH OF KENTUCKY
UNIVERSITY OF KENTUCKY
CONSOLIDATED EDUCATIONAL BUILDINGS REFUNDING REVENUE BOND
SERIES E, J AND L (THIRD SERIES)

NUMBER R-_____ PRINCIPAL AMOUNT \$ _____

DATE OF ORIGINAL ISSUE	MATURITY DATE	INTEREST RATE	CUSIP
	May 1, _____	____%	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

The Board of Trustees of the University of Kentucky (the "Board"), a body corporate, as an educational institution and agency and a political subdivision of the Commonwealth of Kentucky, for value received, hereby promises to pay to the Registered Owner, identified above, or his or its registered assigns, solely from the special fund hereinafter identified, upon presentation and surrender of this Bond, the Principal Amount set out above on the Maturity Date specified above and to pay interest on said sum at the per annum Interest Rate specified above, from the interest payment date to which interest has been paid next preceding the date on which this Bond is authenticated, unless this Bond is authenticated on an interest payment date to which interest has been paid, in which event this Bond shall bear interest from such date, or if this Bond is authenticated prior to the first interest payment date, this Bond shall bear interest from the date of original issue set out above, commencing _____, and semiannually thereafter on November 1 and May 1 of each year until payment of the Principal Amount, except as the provisions hereinafter set forth with regard to redemption prior to maturity may be and become applicable. The principal of and redemption price, if any, on this Bond are payable in lawful money of the United States of America at the main office of J.P. Morgan Trust Company, National Association, Louisville, Kentucky (the "Trustee," "Bond Registrar," and "Payee Bank"). All interest on this Bond shall be payable by check or draft mailed by the Trustee-Registrar to the registered owner hereof at the address shown on the registration books kept by the Trustee.

This Bond is one of a duly authorized issue of \$ _____ principal amount of Bonds (said Bonds being hereinafter sometimes collectively referred to as "the Bonds," "these Bonds" or "the Series E, J and L (Third Series) Bonds"), issued in full compliance with the Constitution and Statutes of the Commonwealth of Kentucky, including Sections 162.340 to 162.380, and 58.010 through 58.140 of the Kentucky Revised Statutes, now in full force and effect, and under and pursuant to the Resolution adopted by the Board on September 20, 1960 (the "Basic

Resolution"), and the Resolution adopted on December 9, 2003, authorizing the Series E, J and L (Third Series) Bonds (the "Series E, J and L (Third Series) Resolution"), issuable as fully registered Bonds in the denominations of \$5,000 and any authorized multiple thereof within the same maturity, for the purpose of (a) refunding the Prior Bonds (as defined in the Series E, J and L (Third Series) Resolution) which were issued to finance the costs (to the extent not otherwise provided) of establishing and erecting certain educational buildings and necessary appurtenances (the "Series E, J and L Project"), upon the property of the University in Fayette County, Kentucky, which Series E, J and L Project buildings and appurtenant facilities will, when erected and acquired, become part of the Consolidated Educational Buildings Project of said University (the "Project") and (b) paying the costs of issuance of the Series E, J and L (Third Series) Bonds. Copies of the Basic Resolution and the Series E, J and L (Third Series) Resolution are on file at the office of the Trustee.

As provided in the Series E, J and L (Third Series) Resolution, these Series E, J and L (Third Series) Bonds, together with the outstanding Bonds of Series G, H, I (Second Series); K (Third Series); M; M (Second Series); N (Second Series); O (Second Series); P; Q; R; S and T, and any additional Parity Bonds which may hereafter be issued and outstanding under the terms of the Basic Resolution and subsequent Series Resolutions (hereinafter all references to said outstanding Bonds and any additional Parity Bonds shall be collectively referred to as "Outstanding Bonds"), are and will be available from and constitute a first charge and lien up on the Revenues (as defined in the Basic Resolution) to be derived by the University from the operation of its Consolidated Educational Buildings Project. The fee imposed upon and collected from all students enrolled in the University at the Lexington Campus as an incident to registration at the beginning of each semester of the regular academic year and each summer session, including fees imposed for part-time students, night school and extension courses, is designated as the source of Revenues of the Project. Such fees are known as the Student Registration Fees, and the Board has covenanted on behalf of the University that such fees will be fixed (and, if necessary, revised and increased from time to time) at such rates as may be required to pay the interest on and principal of the Bonds as they respectively mature, to provide reserves therefor, and to pay the operating costs of the Project to the extent that such costs are not otherwise provided. All collections of the Student Registration Fees are to be set aside, as received, into the Consolidated Educational Buildings Project Revenue Fund (the "Revenue Fund") and are made subject to a first pledge, lien, and charge for the security and source of payment of Outstanding Bonds.

The Basic Resolution provides for the creation of a special account designated "Consolidated Educational Buildings Project Bond and Interest Sinking Fund" (the "Bond Fund") and for the deposit from the Revenue Fund to the credit of the Bond Fund of a fixed amount of the gross Revenues of the Project sufficient to pay interest on Outstanding Bonds as the same become due, to pay or retire the principal of Outstanding Bonds at or prior to the maturity thereof, and to provide a reserve for such purpose, which Bond Fund is pledged to and charged with the payment of said principal and interest.

The aggregate principal amount of Bonds which may be issued under the Basic Resolution is not limited except as provided in such Basic Resolution, and all Bonds issued and to be issued under the Basic Resolution are and will be equally secured by the pledges and covenants made therein, except as otherwise expressly provided or permitted the Basic Resolution.

As further security for these Series E, J and L (Third Series) Bonds, a statutory mortgage lien, which is hereby recognized as valid and binding on the Project and properties connected therewith and belonging thereto, on a parity with Outstanding Bonds, is created and granted to and in favor of the owner(s) of these Series E, J and L (Third Series) Bonds, pursuant to Sections 162.350 and 162.200 of the Kentucky Revised Statutes, which said statutory mortgage lien shall take effect immediately upon the delivery of any and all of the Series E, J and L (Third Series) Bonds, and the Project shall remain subject to such statutory mortgage lien until the payment in full of the principal of and interest on Outstanding Bonds, including the Series E, J and L (Third Series) Bonds.

Outstanding Bonds are payable only from the gross Revenues derived from the operation of the Project, a sufficient amount of which Revenues will be annually set aside into the Bond Fund, and this Bond does not constitute an indebtedness of the University of Kentucky, its Board, or the Commonwealth of Kentucky within the meaning of any provisions or limitations of the Constitution of the Commonwealth of Kentucky.

This Bond is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the main office of the Trustee-Registrar, but only in the manner, subject to the limitations provided in the Series E, J and L (Third Series) Resolution, and up on surrender and cancellation of this Bond, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his authorized representative. Upon such transfer being effected, a new fully registered Bond or Bonds of the same series and the same maturity of authorized denomination, for the same aggregate principal amount, and the same interest rate, will be issued to the transferee in exchange therefore.

The Board and the Trustee-Registrar may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and redemption price, if any, hereon, and interest due hereon, and for all other purposes, and neither the Board or the Trustee-Registrar shall be affected by any notice to the contrary.

The owner of this Bond shall have no right to enforce the provisions of the Basic Resolution or the Series E, J and L (Third Series) Resolution, to institute action to enforce the covenants therein, to take any action with respect to any default under such resolutions, or to institute, appear in, or defend any suit or other proceedings with respect thereto, except as provided in such Resolutions. The Basic Resolution provides for fixing, charging, and collection fees for the services of the Project, which fees will be sufficient to pay the principal of and interest on Outstanding Bonds as the same become due, to provide a reserve for such purpose, and also to pay the cost of operation and maintenance of the Project to the extent that same are not otherwise provided.

Reference is made to such Basic Resolution and Series E, J and L (Third Series) Resolution (a) pursuant to which J.P. Morgan Trust Company, National Association, in the City of Louisville, Kentucky has been designated as Trustee and Bond Registrar, Payee Bank, and Transfer Agent for the owners of the Series E, J and L (Third Series) Bonds, (b) for the provisions, among others, with respect to the custody and application of the proceeds of the Series E, J and L (Third Series) Bonds, (c) the rights, duties, and obligations of the Board and of the Trustee, and (d) the rights of the owners of these Series E, J and L (Third Series) Bonds; and by the acceptance of this Bond, the registered owner hereof assents to all of the provisions of said resolutions.

The Series E, J and L (Third Series) Bonds are not subject to optional redemption prior to maturity.

[Insert mandatory sinking fund redemption provisions, if any.]

In the event that a Bond subject to redemption is in a denomination larger than \$5,000, a portion of such Bond may be redeemed, but only in a principal amount equal to \$5,000 or an integral multiple thereof. Upon surrender of any Bond for redemption in part, the Trustee-Registrar, in accordance with the Series E, J and L (Third Series) Resolution, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the bond so surrendered.

The Trustee-Registrar shall give notice of any redemption by sending such notice by United States mail, first class, postage prepaid, not less than 30 and not more than 60 days prior to the date fixed for redemption, to the registered owner of this Bond at the address shown on the Bond Register as of the date of mailing of such notice.

This Bond is exempt from taxation (except inheritance taxes) by the Commonwealth of Kentucky and all of its political subdivisions.

It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, to happen, and to be performed precedent to and in the issuance of this Bond, do exist, have happened, and have been performed in due time, form, and manner as required by law, and that the amount of this Bond, together with all other obligations of the Board and of said University of Kentucky, does not violate any provision or exceed any limit prescribed by the Constitution or Statutes of Kentucky; that the Project will be continuously operated, and that a sufficient portion of the gross Revenues therefrom has been pledged to and will be set aside into the Bond Fund (created in the Basic Resolution) for the payment of the principal of and interest on this Bond and Outstanding Bonds which by their terms and the terms of the Basic Resolution, the Series E, J and L (Third Series) Resolution, and all previous Series Resolutions, are payable from the Bond Fund as and when the same will respectively become due.

IN TESTIMONY WHEREOF, the Board of Trustees of the University of Kentucky has caused this Bond to be executed on its behalf by the reproduced facsimile signature of its Chairman, and the facsimile of its corporate seal to be imprinted hereon, and attested by the reproduced facsimile signature of its Secretary, dated as of the Date of Original Issue set forth above; provided, however, that this Bond shall not be valid or obligatory for any purpose or be entitled to any security or benefit under the Series E, J and L (Third Series) Resolution pursuant to which it was authorized until the Authentication Certificate of Trustee-Registrar printed hereon shall have been executed by the manual signature of a duly authorized representative of the Trustee-Registrar.

UNIVERSITY OF KENTUCKY
Lexington, Kentucky

By: _____
Chairman, Board of Trustees

Attest:

By: _____
Secretary, Board of Trustees

(Facsimile Seal of Board of Trustees)

(FORM OF AUTHENTICATION CERTIFICATE OF TRUSTEE-REGISTRAR)

THE AUTHENTICATION DATE OF THIS BOND IS: _____

AUTHENTICATION CERTIFICATE OF TRUSTEE-REGISTRAR

This is to certify that this Bond is one of the Bonds referred to in the within Bond and in the Series E, J and L (Third Series) Resolution authorizing same. Printed on the reverse hereof is the complete text of the opinion of Bond Counsel, Peck, Shaffer & Williams LLP, Covington, Kentucky, a signed original of which is one file with the undersigned, delivered and dated as of the date of the original delivery and payment for the Bonds.

J.P. MORGAN TRUST COMPANY, NATIONAL
ASSOCIATION, Louisville, Kentucky, Trustee and
Bond Registrar

By: _____
Authorized Signer

(FORM OF ASSIGNMENT)

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfer unto the within Series E, J and L (Third Series) Bond and hereby irrevocably constitutes and appoints attorney to transfer the within Series E, J and L (Third Series) Bond on the books kept for registration and transfer of said Series E, J and L (Third Series) Bond, with full power of substitution in the premises.

Dated: _____

(Signature must correspond with name of Registered Owner as it appears on the front of this Bond in every particular, without alteration, enlargement or any change whatsoever.)

Social Security Number or other identifying number:

Signature Guaranteed By:

Notice: Signatures must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

(End of Article II)

ARTICLE III

PUBLIC SALE OF SERIES E, J AND L (THIRD SERIES) BONDS; COMPLIANCE WITH PARITY REQUIREMENTS; DISPOSITION OF PROCEEDS OF SERIES E, J AND L (THIRD SERIES) BONDS

Section 3.1. Advertisement of Series E, J and L (Third Series) Bonds for Sale. The Series E, J and L (Third Series) Bonds shall be offered publicly for sale upon the basis of sealed, competitive bids at such time as the Treasurer, upon advice of the Financial Advisor, shall designate.

The Treasurer of the Board is hereby authorized and directed to cause an appropriate form or forms of a Notice of Sale of Bonds to be published in *The Lexington Herald Leader*, a legal newspaper published in the City of Lexington, Kentucky, which will afford local notice of the sale, *The Courier Journal*, a legal newspaper published in the City of Louisville, Kentucky, which will afford statewide notice of the sale, and, to the extent required by law, in *The Bond Buyer*, a financial journal published in the City of New York, New York, which is a publication having general circulation among bond buyers; and said newspapers and financial journal are hereby declared to be qualified to publish such notice for the Board within the meaning and provisions of KRS Chapter 424. Such notice shall be published in said newspapers and financial journal at least once not less than seven nor more than twenty-one days prior to the scheduled date of sale of the Series E, J and L (Third Series) Bonds.

The forms of Notice of Bond Sale, Official Terms and Conditions of Sale of Bonds, Bid Form and Official Statement, shall be in such form as approved by Bond Counsel, by the Financial Advisors, by the General Counsel of the University and by the Treasurer of the University.

Bidders shall be advised that First Kentucky Securities Corporation, Frankfort, Kentucky, has been employed as Financial Advisor in connection with the issuance of these Series E, J and L (Third Series) Bonds, that their fee for services rendered with respect to the sale of the Series E, J and L (Third Series) Bonds is contingent upon the issuance and delivery of the Series E, J and L (Third Series) Bonds, and that they may submit a bid for the purchase of the Series E, J and L (Third Series) Bonds at the time of the advertised public sale of the Series E, J and L (Third Series) Bonds, either individually or as the member of a syndicate organized to submit a bid for the purchase of the Series E, J and L (Third Series) Bonds.

Upon the date and at the respective hour set forth for the opening and consideration of purchase bids, as provided in the instruments hereinabove approved, the sealed bids theretofore received by the Treasurer and shall be publicly opened and publicly read by the Treasurer. If there shall be one or more bids which conform in all respects to the prescribed terms and conditions, such bids shall be compared, and the Treasurer, upon the advice of the Financial Advisor, is authorized to accept the best of such bids, as measured in terms of the lowest interest cost to the Board, as calculated in the manner prescribed in the Official Terms and Conditions of Sale of Bonds. Calculations shall be performed as are necessary to determine the exact amount of Series E, J and L (Third Series) Bonds that are required to be issued in order to refinance and defease the Prior Bonds and the final principal amount and maturities of the Series E, J and L (Third Series) Bonds shall thereupon be established, as prescribed in the Official Terms and Conditions of Sale of Bonds.

Section 3.2. Compliance with Parity Requirements of Basic Resolution In accordance with the requirements of Section 7.10 of the Basic Resolution, it is hereby certified, covenanted, and declared:

(a) That at the present time, and at the time of issuance of the Series E, J and L (Third Series) Bonds, there is and will be no deficiency in amounts required by the Basic Resolution or any Series E, J and L (Third Series) Resolution to be paid into the Bond Fund;

(b) That prior to the issuance of the Series E, J and L (Third Series) Bonds, there will have been procured and filed with the Trustee a statement by the Treasurer of the Board to the effect that the average of the annual revenues from the Project for the two fiscal years immediately preceding the issuance of the Series E, J and L (Third Series) Bonds, was equal to not less than 1.25 times the maximum Aggregate Principal, Interest and Bond Fund Charges in any succeeding twelve month period ending May 1 on the Outstanding Bonds and on the Series E, J and L (Third Series) Bonds proposed to be issued. For the purposes of such computation, such certification of the Treasurer shall make an adjustment in the amount of the annual Revenues to reflect any increases or decreases in the pledged Revenues (the student registration fees) which at that time shall have been determined by the Board and made effective for future services of the Project.

Accordingly, based on the foregoing compliance with the requirements of the Basic Resolution, it is hereby found and declared that the Series E, J and L (Third Series) Bonds shall rank and be payable on a parity with the Outstanding Bonds on a first lien basis from the gross revenues of the Project and further secured by a first statutory mortgage lien on the Project buildings.

Section 3.3. Disposition of Proceeds of Series E, J and L (Third Series) Bonds. Immediately upon the issuance, sale, and delivery of the Series E, J and L (Third Series) Bonds, the entire amount received from the Original Purchasers of the Series E, J and L (Third Series) Bonds shall be deposited in the Treasury of the Commonwealth for immediate credit and/or transfer as follows:

(a) To the Bond Fund, all amounts received as collected accrued interest for the period from the dated date of the Series E, J and L (Third Series) Bonds, to the date of delivery, for application to the payment of interest next becoming due on the Series E, J and L (Third Series) Bonds.

(b) To the Escrow Fund, the amount required by the Escrow Agreement.

(c) To the "University of Kentucky Consolidated Educational Buildings Series E, J and L (Third Series) Bonds Cost of Issuance Account," hereby created and to be maintained on deposit with the Trustee, such appropriate amount as shall be directed by the Treasurer of the Board, to be held and disbursed upon written authorization of the Board or its designee. The Trustee shall apply funds in such account for the purpose of meeting issuance expenses, rating agency fees, and other necessary costs (to the extent not payable by the Financial Advisor) of preparing, issuing, advertising, and selling the Bonds. After payment in full of such issuance expenses, based upon the certification of the Board, through its Treasurer, all amounts remaining in such Account shall be

transferred to and deposited in the Bond Fund and applied toward the payment of interest requirements falling due on the Bonds on the next Interest Payment Date.

(d) The balance of the proceeds of the Series E, J and L (Third Series) Bonds, if any, shall be deposited in the Bond Fund.

(End of Article III)

ARTICLE IV

COMPLIANCE WITH FEDERAL ARBITRAGE REQUIREMENTS; THE REVENUE FUND; DEBT SERVICE RESERVE FUND

Section 4.1. Compliance with Requirements of Internal Revenue Code. In order to assure purchasers of the Series E, J and L (Third Series) Bonds that interest thereon will continue to be exempt from all Federal and Kentucky income taxation (subject to certain exceptions set out below), the Board covenants to and with the owners of Series E, J and L (Third Series) Bonds that (1) the Board will take all actions necessary to comply with the provisions of the Code, (2) the Board will take no actions which will violate any of the provisions of the Code, or would cause the Series E, J and L (Third Series) Bonds to become "private activity bonds" within the meaning of the Code, and (3) none of the proceeds of the Series E, J and L (Third Series) Bonds will be used for any purpose which would cause the interest on the Series E, J and L (Third Series) Bonds to become subject to Federal income taxation.

Neither the University nor the Trustee shall take any action at any time which will cause the interest on the Bonds to become subject to Federal income taxation, and, without limiting the foregoing, it is covenanted for the benefit of the owners of such Bonds that no use of the proceeds of the Series E, J and L (Third Series) Bonds will be made at any time which, if such use had been reasonably expected on the date of issue of such bonds, would have caused them to be "arbitrage bonds." This covenant shall impose an obligation to comply with the requirements of Section 148 of the Code, and the applicable regulations thereunder. The word "proceeds" as used herein shall have the meaning which it has under such section of the Code and such regulations and shall include all moneys on deposit in all Funds provided for herein and all Funds established in connection with the Project and the Bonds. Without limiting the generality of the foregoing, in no event shall moneys be deposited in any accounts created hereunder or invested pursuant to the provisions hereof if such deposit or investment shall cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code.

The Board certifies that on the basis of the facts, expectations, and circumstances (including covenants of the Board) in existence on the date of adoption of this Series E, J and L (Third Series) Resolution it is not expected that the proceeds of the Series E, J and L (Third Series) Bonds will be used in a manner that will cause such obligations to be "arbitrage bonds." The Chairman and the Treasurer of the Board are hereby jointly and severally designated and charged by the Board and the University with the responsibility for issuing the Series E, J and L (Third Series) Bonds and are hereby designated as the officers of the Board and the University to execute (by either of them) the ("no arbitrage") certification required by Section 1.103-13(a)(2)(ii) and any other provisions of the Treasury Regulations, and such certification shall set forth such facts, expectations and circumstances, which may be in brief and summary terms, and shall state that to the best of his knowledge and belief that are no other facts, expectations, or circumstances that would materially change such expectation that the proceeds of the issue of Bonds herein authorized will not be used in a manner that would cause same to be "arbitrage bonds." If, under any valid provisions of law hereafter enacted, the interest paid by the Board on the Bonds should be excludable from the gross income of a recipient thereof for Federal income tax purposes without regard to compliance with the provisions of Section 148 of the Code, then the University shall not be required to comply with such provisions of the Code.

Without limiting the generality of the foregoing, the Board agrees that there shall be paid from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and any temporary, proposed or final Treasury Regulations as may be applicable to the Series E, J and L (Third Series) Bonds from time to time. This covenant shall survive payment in full or defeasance of the Series E, J and L (Third Series) Bonds. The Board specifically covenants to pay or cause to be paid to the United States, the Rebate Amount, at the times and in the amounts described in the Memorandum of Instructions. The Trustee, by execution of its Acceptance attached hereto, agrees to comply with all instructions of the Board given in accordance with the Memorandum of Instructions.

The Board reserves the right to amend the Resolution authorizing these Series E, J and L (Third Series) Bonds without obtaining the consent of the owners of the Bonds (i) to whatever extent shall, in the opinion of Bond Counsel, be deemed necessary to assure that interest on the Series E, J and L (Third Series) Bonds shall be exempt from Federal income taxation, and (ii) to whatever extent shall be permissible (without jeopardizing such tax exemption or the security of the owners of the Series E, J and L (Third Series) Bonds) to eliminate or reduce any restrictions concerning the Project, the investment of the proceeds of the Series E, J and L (Third Series) Bonds, or the application of such proceedings or of the revenues of the Project. The purchasers of the Series E, J and L (Third Series) Bonds are deemed to have relied fully upon these covenants and undertakings on the part of the Board as part of the consideration for the purchase of the Series E, J and L (Third Series) Bonds. To the extent that the Board obtains an opinion of nationally recognized bond counsel to the effect that non-compliance with any of the covenants contained in this Resolution or referred to in this Resolution would not subject interest on the Series E, J and L (Third Series) Bonds to Federal income taxes or Kentucky income taxes, the Board shall not be required to comply with such covenants or requirements.

This Resolution is adopted in contemplation that Bond Counsel will render an opinion as to exemption of principal of the Bonds from Kentucky ad valorem taxation and as to exemption of interest on the Series E, J and L (Third Series) Bonds from Federal and Kentucky income taxation, based on the assumption by bond Counsel that the Board complies with covenants made by the Board with respect to compliance with the provisions of the Code and based on the assumption of compliance by the Board with requirements as to any required rebate (and reports with reference thereto) to the United States of America of certain investment earnings on the proceeds of the Series E, J and L (Third Series) Bonds. The Board has been advised that, based on the foregoing assumption of compliance, Bond Counsel is of the opinion that the Series E, J and L (Third Series) Bonds are not "arbitrage bonds" within the meaning of Section 148 of the Code.

Section 4.2. The Revenue Fund; Transfer to the Bond Fund and the Debt Service Reserve Fund to Provide for the Additional Requirements of the Series E, J and L (Third Series) Bonds.

(1) From and after the issuance and delivery of the Series E, J and L (Third Series) Bonds, the Treasurer, conforming to the provisions of Section 4.05(2) of the Basic Resolution, shall transfer from the Revenue Fund and deposit to the credit of the Bond Fund from time to time such sums as are required to pay (a) interest falling due on each November 1 with respect to the Series E, J and L (Third Series) Bonds, and (b) interest and principal, if any, falling due on each May 1 with respect to the Series E, J and L (Third Series) Bonds; and such transfers and

deposits into the Bond Fund shall be in addition to the transfers and deposits required to be made from time to time for payment of the interest on and principal of the Outstanding Bonds.

(2) Conforming to the requirements of Section 4.05(2) of the Basic Resolution, if, whenever, and so long as the amount on deposit in the Debt Service Reserve (as part of the Bond Fund) shall be less than the Required Current Debt Service Reserve Accumulation or the Required Debt Service Reserve (as defined herein), with respect to Outstanding Bonds for any future year ending May 1, the Treasurer shall transfer from the first available funds in the Revenue Fund and deposit in the Bond Fund, whatever additional amounts over and above all deposits otherwise required to be made into the Bond Fund, as set out in the foregoing paragraph (1) of this Section, shall be required in order to restore and maintain the Required Current Debt Service Reserve Accumulation or the Required Debt Service Reserve in the Debt Service Reserve portion of the Bond Fund.

(3) It is further determined by the Board that in calculating the amount of the required annual payments to be made by the Board into the Bond Fund to meet the principal and interest requirements of All (Outstanding) Bonds, the Board shall (whenever and so long as the Required Current Debt Service Reserve Accumulation or the Required Debt Service Reserve has been accumulated and is being maintained), take credit for the investment income derived from the investment of funds in the Bond Fund, including funds in the Debt Service Reserve; provided, further, however, that the Board, in compliance with the arbitrage requirements of the Internal Revenue Code of 1986, as amended, represents that amounts on deposit in the Bond Fund will be used within thirteen (13) months from the date of deposit for the payment of principal of and interest on the Outstanding Bonds; and the Bond Fund will annually be depleted through such application, for current debt service requirements on the Outstanding Bonds, except for an amount equal to not more than the greater of (a) one-twelfth (1/12) of the debt service requirements of the Outstanding Bonds for the then ensuing year, or (b) one year's earnings on the Bond Fund.

Section 4.3. Adjustments in the Debt Service Reserve. It is hereby determined that it is necessary (a) in order to comply with the parity requirements of the Basic Resolution, and (b) for the marketability of the Series E, J and L (Third Series) Bonds, that the Debt Service Reserve shall continue to be maintained and, when necessary, accumulated and/or restored, in an amount equal to the "Maximum Aggregate Principal, Interest and Bond Fund Charges" (as defined in the Basic Resolution) with respect to all Outstanding Bonds for any future year ending May 1 (the "Required Debt Service Reserve").

The Debt Service Reserve shall not (except where the amount on deposit therein shall exceed the Required Debt Service Reserve) be used for any purpose except to make the payments required to be made from the Bond Fund when there are insufficient funds available in the Bond Fund for such purposes.

(End of Article IV)

ARTICLE V

MISCELLANEOUS CONCLUDING PROVISIONS

Section 5.1. All Provisions of Basic Resolution and Various Series Resolutions Are Hereby Readopted, Ratified and Confirmed. The Board hereby readopts, ratifies and confirms all previous Resolutions relating to the Project, including the Basic Resolution adopted on September 20, 1960, and each of the various Series Resolutions relating to the Outstanding Bonds.

Section 5.2. Ratification of Previous Appointment of Trustee to Serve as Registrar, Transfer Agent and Payee Bank; Escrow Agreement. J.P. Morgan Trust Company, National Association, successor to Bank One Trust Company, NA, Louisville, Kentucky, which was the successor to First Security National Bank & Trust Company, the Trustee in all previous Series Resolutions, which was designated in all Series Resolutions beginning with the Series J Resolution, to serve also as Bond Registrar, Transfer Agent and Payee Bank with respect to the Bonds authorized by such Resolutions, is also designated to serve in all capacities referred to above with respect to the Series E, J and L (Third Series) Bonds.

Its duties as Registrar, Transfer Agent and Payee Bank with respect to the Series E, J and L (Third Series) Bonds shall be the same as its duties in such capacities with respect to the applicable Outstanding Bonds.

The Trustee Bank shall indicate its acceptance of its respective duties and capacities by signing its Acceptance at the conclusion of this Resolution.

Section 5.3. Replacement by Board of Registrar, Transfer Agent, Payee Bank and Depository Bank. The Board shall have the right at any time to replace the Registrar, Transfer Agent, Payee Bank, and/or Depository Bank by observing the same procedure as that required by the Basic Resolution and/or the respective Series Resolutions for replacement of the Trustee.

Section 5.4. Compliance With SEC Rule 15c2-12. The Board of Trustees hereby agrees, to comply with the provisions of Rule 15c2-12, as amended and interpreted from time to time (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934. In order to comply with the Rule, the Continuing Disclosure Agreement is hereby authorized and approved, substantially in the form presented or described to the Board, with such modifications and additions as may be approved by the officer of the University executing the same. The Chairman and the Secretary of the Board and the Treasurer and the Controller of the University are each separately authorized to execute and deliver the Continuing Disclosure Agreement.

Section 5.5. Escrow Agreement. The Board shall enter into the Escrow Agreement with the Escrow Trustee, in substantially the form presented to the Board, which shall provide for the establishment of an Escrow Fund with the Trustee and the investment of the funds held therein to effect the refunding and redemption of the Prior Bonds.

Section 5.6. Subscription for SLGS. Authority is given to any partner or associate of Peck, Shaffer & Williams LLP, and any partner or associate of First Kentucky Securities Corporation, and to any one of them, to act on behalf of the Board in signing on behalf of the Board subscriptions for the purchase and issue of United States Treasury Certificates, Notes or

Bonds - State and Local Government Series, to be issued to the Escrow Trustee in connection with the investment of the proceeds of the Series E, J and L (Third Series) Bonds.

Section 5.7. Resolution Contractual With Bondowners. The Basic Resolution and this Series E, J and L (Third Series) Resolution shall, from and after the issuance and delivery of the Series E, J and L (Third Series) Bonds, constitute a contract between the Board of the University and the owners of the Series E, J and L (Third Series) Bonds as shall be outstanding hereunder.

Section 5.8. Provisions in Conflict are Repealed. All resolutions or parts thereof in conflict with the provisions of this Series E, J and L (Third Series) Resolution are hereby rescinded to the extent of such conflict.

Section 5.9. Copy to be Filed with Trustee. A certified copy of this Series E, J and L (Third Series) Resolution shall be filed with the Trustee, and this Series E, J and L (Third Series) Resolution shall take effect immediately upon its adoption and the filing of the certified copy thereof with the Trustee, as provided in the Basic Resolution.

Section 5.10. Separate Series Authorized. If, as provided in Section 2.1, a portion of the Prior Bonds are not refunded because it would be uneconomical to refund such portion at the time of sale of the Series E, J and L (Third Series) Bonds, the Treasurer shall be authorized to establish a future date for the refunding of the Prior Bonds not refunded and designate a separate series of bonds to be issued for such purpose, but otherwise in accordance with the terms of this Series E, J and L (Third Series) Resolution. To that effect, the Treasurer is authorized to designate the title for such bonds, the sale date, the amount, the Prior Bonds to be refunded thereby, the dates and amounts of maturing principal (with a final maturity date that is no later than the final maturity date of the Prior Bonds being refunded) and to make such other determinations, not inconsistent with the intent of this Series E, J and L (Third Series) Resolution as may be necessary to accomplish such refunding. Furthermore, to the extent necessary, all agreements and documents authorized herein for the Series E, J and L (Third Series) Bonds shall be authorized with respect to the additional series of bonds, including, but not limited to, an Official Statement, an Official Terms and Conditions of Bond Sale, an Escrow Agreement and a Continuing Disclosure Agreement for such series, which agreements and documents shall conform to the requirements of this Series E, J and L (Third Series) Resolution except to the extent modifications are required for such series.

(End of Article V)

Adopted December 9, 2003.

Chairman, Board of Trustees
University of Kentucky

(SEAL)

Attest:

Secretary, Board of Trustees

CERTIFICATION

The undersigned, Secretary of the Board of Trustees of the University of Kentucky, Lexington, Kentucky, hereby certifies that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of said University at a meeting held on December 9, 2003, as recorded in the official Minute Book of said Board of Trustees, which is in my custody and under my control, that said meeting was held in accordance with all applicable requirements of Kentucky law, including KRS 61.810, 61.815, 61.820, and 61.825, that a quorum was present at said meeting, and that the aforesaid Resolution is of record in the office of the Board, has not been modified, amended, or rescinded, and is in full force and effect at this date.

WITNESS my signature and the Seal of said Board this _____.

Secretary, Board of Trustees
University of Kentucky

(SEAL)

**ACCEPTANCE BY J.P. MORGAN TRUST COMPANY,
LOUISVILLE, KENTUCKY, AS
BOND REGISTRAR, TRANSFER AGENT, PAYEE BANK AND TRUSTEE**

The undersigned, J.P. Morgan Trust Company, National Association, Louisville, Kentucky, having heretofore been appointed as and having served as Trustee, hereby agrees to the provisions of the foregoing Resolution to the extent that there are contained therein provisions as to the additional rights and duties of the undersigned as Bond Registrar, Transfer Agent, Payee Bank, and Trustee.

Dated this _____ day of _____, _____.

J.P. MORGAN TRUST COMPANY,
Louisville, Kentucky

By: _____

Title: _____