

June 19, 2014

# Board of Governors



# AGENDA

FSU BOARD OF GOVERNORS' MEETING  
JUNE 19, 2014, 9:00 A.M.  
LOCATION: BOARD ROOM, 3<sup>RD</sup> FLOOR FALCON CENTER  
1201 LOCUST AVENUE, FAIRMONT, WV



- I. CALL TO ORDER**
  - A. Roll Call
  - B. Public Comment
  - C. Approval of Agenda .....*Action Item*
  
- II. APPROVAL OF MINUTES OF MAY 15, 2014.....***Tab 1 Action Item*
  
- III. CHAIRMAN'S REPORT**
  
- IV. PRESIDENT'S REPORT**
  
- V. REPORTS AND PRESENTATIONS**
  - A. Foundation (Will Armistead)
  - B. Construction Project Updates (Tom Tucker)
  
- VI. CONSENT AGENDA.....***Tab 2 Action Item*
  - A. Capital Projects 2014 Update
  - B. Approval of Financial Report (Month Ending 4/30/14)
  
- VII. ACADEMIC AFFAIRS/ADMISSIONS COMMITTEE (John Myers, Chair)**
  
- VIII. ATHLETIC AFFAIRS COMMITTEE (Frank Washenitz, Chair)**
  
- IX. BOG OPERATING PROCEDURES COMMITTEE (Ron Tucker, Chair)**
  
- X. ENROLLMENT COMMITTEE (Dixie Yann, Chair)**
  
- XI. FINANCE COMMITTEE (Mark Pallotta, Chair)**
  - A. Approval of 2015 Capital Projects .....*Tab 3 Action Item*
  - B. Approval of Policy No. 57 (30-Day Comment Period Ended)  
Erosion and Sediment Control.....*Tab 4 Action Item*
  - C. Approval of Policy No. 58 (30 Day Comment Period Ended)  
Illicit Discharge Detection and Elimination.....*Tab 5 Action Item*
  
- XII. EXECUTIVE COMMITTEE (Ron Tucker, Chair)**
  
- XIII. NOMINATING COMMITTEE (John Myers, Chair)**
  - A. Election of Officers
  
- XIV. POSSIBLE EXECUTIVE SESSION - Under the Authority of West Virginia Code §6-9A-4 To Discuss Personnel Issues**
  - A. Annual Evaluation of President
  
- XV. ADJOURNMENT**

**NEXT MEETING: AUGUST 14, 2014, AT 9:00 A.M.,**  
LOCATION: BOARD ROOM, 3<sup>RD</sup> FLOOR FALCON CENTER, 1201 LOCUST AVENUE, FAIRMONT, WV

# Tab 1



FAIRMONT STATE UNIVERSITY  
BOARD OF GOVERNORS  
**MEETING MINUTES**  
MAY 15, 2014  
BOARD ROOM, 3<sup>RD</sup> FLOOR FALCON CENTER  
1201 LOCUST AVENUE, FAIRMONT, WV

**I. CALL TO ORDER**

A. Roll Call

Chairman Ron Tucker convened a meeting of the Fairmont State University (FSU) Board of Governors on May 15, 2014, beginning at approximately 9:00 a.m. in the Board Room, 3<sup>rd</sup> Floor Falcon Center, 1201 Locust Avenue, Fairmont, West Virginia.

At the request of Chairman Tucker, Judy Biafore conducted a roll call of the Board of Governors. Present for the meeting were board members Bryan Foley (via conference call), Bryan Towns, Holly Fluharty, Bob Mild, John Myers, Mark Pallotta, John Schirripa, Shirley Stanton, Ron Tucker, Frank Washenitz, and Dixie Yann. Chris Courtney was absent. Also in attendance were President Rose and President's Council members Christina Lavorata, Ann Booth, Kaye Widney, Rick Porto, and Van Dempsey. Athletic Director, Tim McNeely, also attended.

B. Public Comment

Frank Washenitz reported no one signed up for public comment.

C. Approval of Agenda

Bryan Towns made a motion to approve the agenda. Dixie Yann seconded. The motion passed.

**II. Approval of Minutes of April 17, 2014**

Bryan Towns made a motion to approve the minutes of April 17, 2014, and John Schirripa seconded. The motion passed.

**III. CHAIRMAN'S REPORT**

A. Formation of Nominating Committee

Chairman Tucker proposed that John Myers be Chair of the Nominating Committee and that Mr. Myers would then appoint two others to also serve on that committee.

Bob Mild made a motion to accept Chairman Tucker's proposal. John Schirripa seconded. The motion passed.

B. Meeting Schedule for 2014-2015

Dixie Yann made a motion to approve the FSU Board of Governors' Meeting Schedule (as submitted) for 2014-2015. Mark Pallotta seconded. The motion passed.

IV. CONSENT AGENDA

Bob Mild moved to accept the following Consent Agenda:

- A. Financial Report (Period Ending 3/31/14)
- B. Approval of EADA Reporting and Supplemental Data

Bryan Towns seconded. The motion passed.

V. FINANCE COMMITTEE (Mark Pallotta, Chair)

Mr. Mark Pallotta, Chair of the Finance Committee, presented the following items for Board approval:

A. Approval of 2015 E & G Budget

John Schirripa made a motion to approve the 2015 E & G Budget. Mark Pallotta seconded. The motion passed.

B. Approval of Falcon Center 20-Year Master Plan Update

Mark Pallotta made a motion to approve the Falcon Center 20-Year Master Plan Update. John Myers seconded. The motion passed.

C. Approval of Housing 20-Year Master Plan Update

Bob Mild made a motion to approve the Housing 20-year Master Plan Update. Dixie Yann seconded. The motion passed.

D. Approval of Facilities (Parking & Safety) 2015 Budget

Dixie Yann made a motion to approve the Facilities (Parking & Safety) 2015 Budget. Mark Pallotta seconded. The motion passed.

E. Approval of Athletic Department 2015 Budget

Bryan Towns made a motion to approve the Athletic Department 2015 Budget. Bob Mild seconded. The motion passed.

VI. POSSIBLE EXECUTIVE SESSION

Dixie Yann made a motion to go into Executive Session "Under the Authority of West Virginia Code §6-9A-4" to discuss personnel issues. Mark Pallotta seconded. The motion passed.

Dixie Yann made a motion to reconvene in open session. Mark Pallotta seconded. The motion passed.

VII. ADJOURNMENT

John Myers made a motion to adjourn the meeting. Mark Pallotta seconded. The motion passed.

\_\_\_\_\_  
Ron Tucker Date FSU Board of Governors' Chairman

\_\_\_\_\_  
Dixie Yann Date FSU Board of Governors' Secretary

# Tab 2

**CAPITAL PROJECTS**

**FY 2014**

<i>Project</i>	<i>Project Budget</i>	<i>Expenses &amp; Encumbrances</i>	<i>Available Project Budget</i>	<i>Project Completion Date and/or Update Notes</i>
Academic Fund	\$ 100,000.00	\$ 91,553.59	\$ 8,446.41	Various Projects
Landscaping	\$ 100,000.00	\$ 77,068.92	\$ 22,931.08	Various Landscape Needs for Campus
Physical Plant Small Projects	\$ 197,000.00	\$ 176,653.91	\$ 20,346.09	Various Projects
Aerospace Center - HVAC Upgrades	\$ 72,588.48	\$ 65,325.00	\$ 7,263.48	Project is substantially complete
Campus - ADA Restrooms	\$ 50,000.00	\$ 19,512.00	\$ 30,488.00	Work has begun on Jaynes Hall Restroom
Campus - Facilities Master Plan	\$ -	\$ -	\$ -	Notified A&E firms that RFP/project has been cancelled at this time.
Caperton Center - Roof Renewal	\$ 400,000.00	\$ 248,890.00	\$ 151,110.00	Roof is substantially complete. Waterproofing to be advertised.
Feaster Center - HVAC Upgrade Pool Area	\$ 307,000.00	\$ 224,947.78	\$ 82,052.22	Finalizing Controls
Feaster Center - Natatorium Upgrades	\$ 740,000.00	\$ 740,000.00	\$ -	Complete
Hardway Hall Renovations	\$ 5,618,983.98	\$ 5,553,445.68	\$ 65,538.30	Substantially Complete
Hunt Haught Hall - Window Replacement (FY12)	\$ 25,000.00	\$ 25,000.00	\$ -	A&E designed Window Replacement & Greenhouse. Due to window estimates, window replacement has been placed on-hold until additional funding is available.
Hunt Haught Hall - Green House	\$ 149,650.00	\$ 132,586.75	\$ 17,063.25	Complete
Hunt Haught Hall - Elevator Upgrades	\$ 90,855.12	\$ 90,855.12	\$ -	Completed
Information Technology - AC Unit	\$ 111,700.34	\$ 111,700.34	\$ -	Completed
Infrastructure - Merchant Wall (FY11)	\$ 375,327.21	\$ 375,327.21	\$ -	Complete
Infrastructure - Campus Lighting Upgrades	\$ 181,607.20	\$ 181,607.20	\$ -	90% of lights have been installed
Infrastructure - Paving Projects	\$ 295,767.99	\$ 21,400.00	\$ 274,367.99	Preparing RFB for Open End Contract;
Jaynes Hall - Roof Renewal (FY12)	\$ 350,000.00	\$ 247,860.00	\$ 102,140.00	Completed



**CAPITAL PROJECTS**

**FY 2014**

<i>Project</i>	<i>Project Budget</i>	<i>Expenses &amp; Encumbrances</i>	<i>Available Project Budget</i>	<i>Project Completion Date and/or Update Notes</i>
<b>Locust Avenue</b>	\$ 40,000.00	\$ 40,000.00	\$ -	Lighting ordered and delivered. Waiting on state road to prep for install
<b>Musick Library - HVAC</b>	\$ 208,299.36	\$ 194,209.56	\$ 14,089.80	Complete
<b>School House Museum Repairs</b>	\$ 70,000.00	\$ -	\$ 70,000.00	A&E preparing specifications to bid project.
<b>Turley Center FFE</b>	\$ 962,616.51	\$ 962,616.51	\$ -	Complete
<b>Turley Center Renovations</b>	\$ 6,445,344.27	\$ 6,445,344.27	\$ -	Complete
<b>Wallman Hall - Foundation Waterproof (FY12)</b>	\$ 25,500.00	\$ 25,500.00	\$ -	Complete
<b>Wallman Hall Renovations</b>	\$ 4,733,614.26	\$ 4,733,614.26	\$ -	Completed
<b>Wallman Hall Elevator Replacement</b>	\$ -	\$ -	\$ -	Completed

**AUXILIARY CAPITAL PROJECTS**

**FY 2014**

<i>Project</i>	<i>Project Budget</i>	<i>Expenses &amp; Encumbrances</i>	<i>Available Project Budget</i>	<i>Project Completion Date and/or Update Notes</i>
<b>Falcon Center Fabric Duct Replacement (FY12) Lighting Upgrades</b>	\$ 80,000.00	\$ 76,846.92	\$ 3,153.08	Propose to change this budget to Falcon Center Lighting Upgrades. project is complete.
<b>Falcon Center - Misc Projects</b>	\$ 125,335.03	\$ 16,962.24	\$ 108,372.79	Various Projects for Falcon Center
<b>Falcon Center - Fitness Equipment</b>	\$ 30,815.00	\$ 21,339.41	\$ 9,475.59	Various Projects for Falcon Center
<b>Falcon Center - Flooring Upgrades</b>	\$ 50,000.00	\$ 28,836.00	\$ 21,164.00	Selected Conference, Board Room, & Hallway Carpet
<b>Falcon Center - Security Cameras</b>	\$ 50,000.00	\$ -	\$ 50,000.00	Research being completed by IT & Campus Police
<b>Starbucks Renovations</b>	\$ 159,211.50	\$ 159,211.50	\$ -	Funding Note: \$130,000 - Falcon Ctr \$20,000 Aladdin: Additional \$9211,50 from Aladdin for outdoor
<b>Athletics - Women's Basketball Locker Room</b>	\$ 125,000.00	\$ 125,000.00	\$ -	Complete
<b>Feaster Center - Boiler Replacement</b>	\$ 50,000.00	\$ 46,121.77	\$ 3,878.23	Completed
<b>Feaster Center - Concrete Repair</b>	\$ 100,000.00	\$ 81,033.68	\$ 18,966.32	Waiting on handrail fabrication
<b>Press Box - HVAC</b>	\$ 44,109.75	\$ 44,109.75	\$ -	Project complete
<b>Feaster Center - Gym Floor &amp; Bleacher Project</b>	\$ 100,000.00	\$ 85,000.00	\$ 15,000.00	A&E Only
<b>Feaster Center - Gym Floor &amp; Bleacher Project</b>	\$ 1,114,300.00	\$ 949,451.00	\$ 164,849.00	Bids were received. Lights have been ordered. Waiting on bonds, insurance, etc. from contractors. Work to begin on 6/9/14
<b>Feaster Center - Athletics Hall of Fame</b>	\$ 22,726.00	\$ 4,117.88	\$ 18,608.12	Partially complete; Work continuing on hallway
<b>Parking Garage - Maintenance Lower Levels</b>	\$ 49,929.80	\$ 49,929.80	\$ -	Complete
<b>Residence Halls - College Park Replacement</b>	\$ 353,000.00	\$ 353,000.00	\$ -	Finalizing program design and moving into conceptual design with A&E
<b>Residence Halls - Morrow Hall Pump Replacements</b>	\$ 10,000.00	\$ 10,000.00	\$ -	Pumps to be delivered and installed by contractor. Additional funding from operating budget.
<b>Residence Halls - Back Flow Preventers</b>	\$ 20,000.00	\$ 20,000.00	\$ -	Project Completed

**Fairmont State University  
Board of Governors  
Financial Report  
for the period ending April 30, 2014**

**Unrestricted Fund:**

The budget deficit planned for 2014 at the end of April decreased by \$21,602 from \$-1,204,608 to \$-1,183,006. This is due primarily to medical benefits (PEIA) budget adjustments to five positions funded by E&G.

Tuition and fee revenue is at 91.58% of the adjusted budget. Student Activity Fee revenue is at 94.57% of budget. Non-Operating Revenues is at 98.66% of budget. Operating expenses through the end of April is at 78.97% of budget. The actual condition at the end of April is a surplus condition of \$4,133,535.

Please note: As of this writing we received fee revenues from Pierpont Community and Technical College due to the Auxiliary Funds and Capital Fees to help pay bond debt. However, Capital Funds due to pay for repairs and renovations of the co-owned facilities have not been transferred as the Separation of Assets Agreement requires. Currently \$796,880 is being held awaiting transfer.

**Auxiliary Fund:**

The Auxiliary Budget Transfer to Reserve increased by \$26 from \$1,650,006 to \$1,650,031.

The Auxiliary Fund Revenue is at 86.40% of budget. The Operating expenses are at 83.39% of budget through the end of April. The actual surplus condition is \$1,729,141. We expect to transfer to reserve approximately \$1,650,031 as long as auxiliary fees are transferred to the University as indicated in the Separation of Assets Agreement between the two institutions. As of this writing, Pierpont is withholding \$70,190 in fees collected from their students due to the Falcon Center Fund, Facilities (Parking/Security) Fund, and the Athletic Fund.

**Restricted Fund:**

New grants were awarded to the University as follows:

- Discover Fairmont State           \$13,951
- Foundation Faculty Fellowship    1,500

Existing grant budgets:

- NASA NEAP Close Out            \$-14,375

The Restricted Fund revenue achieved 79.74% of budget and the operating expense achieved 83.58% of budget. The actual surplus at the end of April is at \$194,625.

Please find the attached financial reports for the period ending April 30, 2014.

Fairmont State University  
Actual vs Budget Statement of Revenues and Expenses  
Current Unrestricted  
As of April 30, 2014

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Tuition and Fees	24,189,764	23,147,450	21,199,435	91.58
	Student Activity Support Revenue	566,488	523,847	495,407	94.57
	Faculty Services Revenue	1,272,439	1,272,439	773,237	60.77
	State/Local Grants and Contracts	0	25,000	(18)	(0.07)
	Operating Costs Revenue	2,215,137	2,047,783	1,481,998	72.37
	Support Services Revenue	3,541,804	2,886,170	2,112,356	73.19
	Other Operating Revenues	402,311	261,650	134,802	51.52
	<b>Total:</b>	<b>32,187,942</b>	<b>30,164,338</b>	<b>26,197,218</b>	<b>86.85</b>
<b>OPERATING EXPENSE</b>	Salaries	24,883,501	24,046,920	18,919,270	78.68
	Benefits	6,389,571	6,010,266	4,640,191	77.20
	Student financial aid-scholarships	2,186,184	2,201,984	2,032,556	92.31
	Utilities	1,747,900	1,491,018	1,189,131	79.75
	Supplies and Other Services	8,068,528	7,045,363	5,695,543	80.84
	Equipment Expense	1,270,888	1,234,039	859,216	69.63
	Fees retained by the Commission	185,560	185,560	140,641	75.79
	Assessment for Faculty Services	1,302,589	1,352,589	938,436	69.38
	Assessment for Support Services	283,799	250,028	167,154	66.85
	Assessment for Student Activity Costs	391,314	375,898	362,164	96.35
	Assessment for Operating Costs	135,289	121,899	51,746	42.45
	<b>Total:</b>	<b>46,845,123</b>	<b>44,315,564</b>	<b>34,996,048</b>	<b>78.97</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(14,657,180)</b>	<b>(14,151,226)</b>	<b>(8,798,830)</b>	<b>62.18</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	State Appropriations	16,281,666	16,104,114	15,842,394	98.37
	Gifts	20,000	13,769	5,941	43.15
	Investment Income	266,166	25,245	18,334	72.62
	Assessment for E&G Capital & Debt Service Costs	(2,558,111)	(2,344,608)	(2,253,265)	96.10
	<b>Total:</b>	<b>14,009,721</b>	<b>13,798,520</b>	<b>13,613,403</b>	<b>98.66</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(146,671)	(179,671)	(13,000)	7.24
	Transfers for Debt Service	(64,802)	(64,968)	(64,934)	99.95
	Transfers for Financial Aid Match	(82,807)	(84,190)	(84,190)	100.00
	Indirect Cost Recoveries	12,000	47,892	30,450	63.58
	Transfers for Capital Projects	0	(406,610)	(406,610)	100.00
	Transfers for Scholarships	(113,104)	(113,104)	(113,104)	100.00
	Transfers - Other	(37,758)	10,000	10,000	
	<b>Total:</b>	<b>(433,142)</b>	<b>(830,301)</b>	<b>(681,038)</b>	<b>82.02</b>
<b>BUDGET BALANCE</b>		<b>(1,080,601)</b>	<b>(1,183,006)</b>	<b>4,133,535</b>	
<b>* Add: PROJECTED UNRESTRICTED NET ASSETS - Beginning of Year</b>		<b>13,868,486</b>	<b>13,868,486</b>		
<b>Less: USE OF RESERVE</b>		<b>0</b>	<b>0</b>		
<b>Equals: PROJECTED UNRESTRICTED NET ASSETS - End of Year</b>		<b><u>12,787,885</u></b>	<b><u>12,685,480</u></b>		

\* Projected Unrestricted Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2013 in the amount of \$7,781,862

Unrestricted Net Asset Balance is 31.29% of the current budget total operating expense.

**Auxiliary**  
**Actual vs Budget Statement of Revenues and Expenses**  
**Board of Governors**

As of April 30, 2014

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Auxiliary Enterprise Revenue	6,665,676	6,691,048	5,781,087	86.40
	Athletic Sponsorships	13,100	50,935	45,335	89.01
	Auxiliary Fees & Debt Service Support Revenue	5,325,355	5,013,362	4,781,492	95.37
	Other Operating Revenues	314,438	319,438	239,203	74.88
	<b>Total:</b>	<b>12,318,569</b>	<b>12,074,784</b>	<b>10,847,116</b>	<b>89.83</b>
<b>OPERATING EXPENSE</b>	Salaries	2,509,686	2,416,994	2,073,142	85.77
	Benefits	619,191	634,748	415,870	65.52
	Student financial aid-scholarships	593,042	578,542	386,975	66.89
	Utilities	817,805	765,305	584,172	76.33
	Supplies and Other Services	2,672,633	2,612,114	2,316,521	88.68
	Equipment Expense	75,693	87,509	140,141	160.14
	Loan cancellations and write-offs	1,154	0	0	
	<b>Total:</b>	<b>7,289,204</b>	<b>7,095,212</b>	<b>5,916,821</b>	<b>83.39</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>5,029,365</b>	<b>4,979,572</b>	<b>4,930,296</b>	<b>99.01</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	Gifts	0	5,545	5,545	100.00
	Interest on capital asset related debt	(141,279)	(141,279)	(137,878)	97.59
	<b>Total:</b>	<b>(141,279)</b>	<b>(135,734)</b>	<b>(132,333)</b>	<b>97.49</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	(153,206)	(143,436)	(21,430)	14.94
	Construction Expenditures	0	0	0	
	Transfers for Debt Service	(3,160,050)	(3,160,050)	(3,157,837)	99.93
	Transfers for Financial Aid Match	(3,425)	(3,425)	(3,425)	100.00
	Transfers for Scholarships	113,104	113,104	113,104	100.00
	Transfers - Other	0	0	766	
	<b>Total:</b>	<b>(3,203,576)</b>	<b>(3,193,806)</b>	<b>(3,068,822)</b>	<b>96.09</b>
<b>BUDGET BALANCE - Projected Transfer to Reserves</b>		<b>1,684,510</b>	<b>1,650,032</b>	<b>1,729,141</b>	
<b>* Add: PROJECTED NET ASSETS - Beginning of Year</b>		<b><u>8,583,066</u></b>	<b><u>8,583,066</u></b>		
<b>Equals: PROJECTED NET ASSETS - End of Year</b>		<b><u>10,267,576</u></b>	<b><u>10,233,098</u></b>		

\* Projected Net Assets - Beginning of Year is after adding back the projected OPEB liability at June 30, 2013 in the amount of \$923,219

\* Auxiliary Net Assets are required to support future repair and replacement costs. Planning activities are in progress to document a 20 year plan to support each auxiliary enterprise capital repair/replacement need.

**FAIRMONT STATE UNIVERSITY**  
**Actual vs Budget Statement of Revenues and Expenses**  
**Current Restricted**  
**As of April 30, 2014**

		Approved Budget	Current Budget	YTD Actual	YTD Actual to Current Budget
<b>OPERATING REVENUE</b>	Federal Grants and Contracts	25,289,453	25,786,636	20,088,539	77.90
	State/Local Grants and Contracts	6,400,887	7,062,423	5,892,856	83.44
	Private Grants and Contracts	2,189,310	2,254,055	2,010,175	89.18
	Other Operating Revenue	(2,315)	0	0	
	<b>Total:</b>	<b>33,877,335</b>	<b>35,103,114</b>	<b>27,991,570</b>	<b>79.74</b>
<b>OPERATING EXPENSE</b>	Salaries	470,440	927,513	451,529	48.68
	Benefits	82,616	131,800	55,900	42.41
	Student financial aid - scholarships	41,969,614	41,988,559	34,743,870	82.75
	Utilities	0	0	0	0.00
	Supplies and Other Services	961,725	1,221,582	310,243	25.40
	Equipment Expense	95,091	240,168	157,560	65.60
	<b>Total:</b>	<b>43,579,485</b>	<b>44,509,621</b>	<b>35,719,101</b>	<b>80.25</b>
<b>OPERATING INCOME / (LOSS)</b>		<b>(9,702,150)</b>	<b>(9,406,507)</b>	<b>(7,727,532)</b>	<b>82.15</b>
<b>NONOPERATING REVENUE (EXPENSE)</b>	Federal Pell Grant Revenues	9,500,000	9,500,000	7,939,793	83.58
	Gifts	(2,307)	0	0	
	Investment Income	0	0	11	
	<b>Total:</b>	<b>9,497,693</b>	<b>9,500,000</b>	<b>7,939,804</b>	<b>83.58</b>
<b>TRANSFERS &amp; OTHER</b>	Capital Expenditures	0	(151,748)	(74,813)	49.30
	Transfers for Fin Aid Match	82,714	87,615	87,615	100.00
	Indirect Cost Recoveries	(18,679)	(57,508)	(30,451)	52.95
	Transfers - Other	0	0	0	
	<b>Total:</b>	<b>64,035</b>	<b>(121,640)</b>	<b>(17,648)</b>	<b>14.51</b>
<b>BUDGET BALANCE</b>		<b>(140,422)</b>	<b>(28,148)</b>	<b>194,625</b>	
* <b>Add: RESTRICTED NET ASSETS - Beginning of Year</b>		<b>188,140</b>	<b>188,140</b>		
<b>** Equals: PROJECTED RESTRICTED NET ASSETS - End of Year</b>		<b><u>47,718</u></b>	<b><u>159,992</u></b>		

# Tab 3

**Fairmont State University**  
**Board of Governors**  
**June 19, 2014**

**Item:** 2015 Capital Project submission to provide for campus wide small projects, academic funds, landscaping, gutter repairs at the Robert C. Byrd Aerospace Center, and hazardous waste storage facility

**Committee:** Committee of the Whole

**Recommended Resolution:** Approval of the attached list of 2015 capital projects to allow for small projects to be funded, to fund classroom equipment shared by the Provosts, to assure that a landscape budget is available to help with snow removal this winter, to provide for gutter repair, and hazardous waste storage facility.

**Staff Member:** Rick Porto

**Background:** The complete capital project list for the shared campuses of Fairmont State and Pierpont is delayed over disagreement of how these funds are allowed to be used. In the past, the remaining funds (after debt service) were used for agreed upon capital projects and this list was approved by both Boards of Governors.

The five capital projects (totaling \$477,000) submitted on the attached is being recommended to allow for Physical Plant and the Provosts to use minimal funding to deal with life safety issues and with small projects. Both institutions administrations agree that these five projects should be moved forward, at this time while funding for larger repair and maintenance projects is still under discussion.



# CAPITAL PROJECT REQUEST

## FY 2015

Project	E&G Capital	Infrastructure	Total
Aerospace Center - Gutter Repairs	\$ 40,000.00		\$ 40,000.00
Campus Wide - Small Projects	\$ 175,000.00	\$ 22,000.00	\$ 197,000.00
Campus Wide - Academic Fund	\$ 100,000.00		\$ 100,000.00
Campus Wide - Landscaping		\$ 100,000.00	\$ 100,000.00
Hazardous Waste Bldg Replacement	\$ 40,000.00		\$ 40,000.00
<b>Total</b>	<b>\$ 355,000.00</b>	<b>\$ 122,000.00</b>	<b>\$ 477,000.00</b>

# Tab 4

**Fairmont State University  
Board of Governors  
April 17, 2014**

- Item:** Erosion and Sediment Control Policy
- Committee:** Committee of the Whole
- Action:** Approve the attached Policy No. 57 Erosion and Sediment Control (Construction Site Run-Off Control) to fulfill DEP requirements per our MS4 program and active NPDES (National Pollutant Discharge Elimination System) General Permit No. WV0116025. This policy was out for 30 day public comment and no comments were received about this policy.
- Staff Member:** Stephanie Slaubaugh
- Background:** Fairmont State University is mandated by the DEP (Department of Environmental Protection) to serve as our own MS4 (Municipal Separate Storm Sewer System) and no longer fall under the City of Fairmont's MS4. As of 1/16/2014 FSU's SWMP (Storm Water Management Program) was approved. As part of our responsibility we are required to establish an Erosion and Sediment Control Policy. The attached policy follows the state and federal regulations that we must abide by.
- The purpose of this policy is to safeguard persons, protect property, and prevent damage to the environment within our campus. The policy will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any construction activity that disturbs or breaks the topsoil or results in movement of earth within our property boundaries.

# Fairmont State University

## Board of Governors

### Policy No. 57

#### **Erosion and Sediment Control (Construction Site Run-Off Control)**

Effective Date: **T.B.D.**

#### **SECTION 1. PURPOSE/INTENT**

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this Fairmont State University Board of Governors policy is to safeguard persons, protect property, and prevent damage to the environment within the campuses of Fairmont State University. This policy will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any construction activity that disturbs or breaks the topsoil or results in the movement of earth on land within Fairmont State University property. In addition, the intent of this Policy is to follow the West Virginia Department of Environmental Protection's requirements. In the event that an overlap or contradiction of the WVDEP requirements is found in this document, the state requirements shall govern.

#### **SECTION 2. PLAN REVIEW AND APPROVAL**

- A. Any construction activity, by an outside entity, resulting in a land disturbance of 5,000 sf or greater requires an Erosion and Sediment Control Plan to be submitted to Fairmont State University.
- B. Any construction activity resulting in a land disturbance of more than one acre requires a construction site plan review, accompanied by an Erosion and Sediment Control Plan. The construction plans and Erosion and Sediment Control Plan shall be reviewed by Fairmont State University to determine compliance with the West Virginia Erosion and Sediment Control Handbook and other criteria set forth within this "Erosion and Sediment Control Policy". In addition, demonstration of appropriate NPDES registration must be made to Fairmont State University prior to construction. Within 30 days after receiving the plans, Fairmont State University shall:

1. Approve the plan;
  2. Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation;
  3. Disapprove the plan, indicating the reason(s) and procedure for submitting a revised plan.
- C. Failure of the University to act on an original or revised plan within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the university. The University **may** allow a project to proceed while comments are being addressed.
- D. Fairmont State University shall reserve the authority to review the plans at a Public Hearing/Meeting, allowing public comment on the proposed plans.

### **SECTION 3. EROSION AND SEDIMENT CONTROL PLAN**

- A. The Erosion and Sediment Control Plan shall include the following:
1. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  2. All erosion and sediment control measures necessary to meet the objectives of this policy and the West Virginia Erosion & Sediment Control For Developing Areas Handbook throughout all phases of construction and after completion of development of the site.
  3. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  4. Provisions for maintenance of control facilities.
- B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 2 of this policy.

### **SECTION 4. DESIGN REQUIREMENTS**

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the West Virginia Erosion & Sediment Control For Developing Areas Handbook, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of Fairmont State

University. Cut and fill slopes shall be *no greater than 2:1*, except as approved by the University to meet other community or environmental objectives.

2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Policy. Clearing techniques that retain natural vegetation and drainage patterns, as described in the West Virginia Erosion & Sediment Control For Developing Areas Handbook, shall be used to the satisfaction of Fairmont State University.
3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
4. Erosion control requirements shall include the following:
  1. Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
  2. If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or the University may require the site to be reseeded or a non-vegetative option employed.
  3. Special techniques that meet the design criteria outlined in West Virginia Erosion & Sediment Control For Developing Areas Handbook on steep slopes or in drainage ways shall be used to ensure stabilization.
  4. Soil stockpiles must be stabilized or covered at the end of each workday.
  5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  7. Techniques that divert upland runoff past disturbed slopes shall be employed.
5. Sediment control requirements may include
  1. Settling basins, sediment traps, or tanks and perimeter controls.
  2. Settling basins that are designed in a manner that allows adaptation to provide long term storm water management, if required by Fairmont State University.
  3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls

6. Waterway and watercourse protection requirements shall include
  1. A temporary stream crossing installed and approved by the relevant approval agency if a wet watercourse will be crossed regularly during construction
  2. Stabilization of the watercourse channel before, during, and after any in-channel work
  3. All on-site storm water conveyance channels designed according to the criteria outlined in West Virginia Erosion & Sediment Control For Developing Areas Handbook.
  4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
7. Construction site access requirements may include
  1. A temporary access road provided at all sites
  2. Other measures required by the University in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

## **SECTION 5. INSPECTION**

- A. Fairmont State University or designated agent shall make inspections of the erosion and sediment controls on a given construction site and verify that said controls have been installed and maintained per plan. The contractor must notify the Fairmont State University Project Manager prior to the following activities:
  1. Start of Construction/Installation of Sediment and Erosion Measures
  2. Modifications to the Erosion and Sediment Control Plan
  3. Stabilization of Site/Removal of E&SC Controls
- B. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures.
- C. The University or its designated agent shall be permitted to enter the construction site as deemed necessary to make regular inspections to ensure the Erosion and Sediment Controls have been constructed and maintained per the approved plan. If the inspection reveals that the proper installation and/or maintenance of E&SC devices is not present on a site, Fairmont State University shall notify the contractor in writing that there are

deficiencies and that immediate action must be taken. The contractor will then have (14) days to fix the deficiencies before enforcement measures are taken.

## **SECTION 6. ENFORCEMENT**

### **A. Stop-Work Order;**

In the event that the contractor violates the terms of this Policy, neglects to carry out the approved plan, or implements grading in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the vicinity of the development site, and the contractor does not repair the deficiencies within 14 days of the written notice, Fairmont State University may issue a stop work order immediately.

### **B. Violation and Penalties:**

In the event that the contractor does not repair the deficiencies within (14) days of the written notice, Fairmont State University may also;

- 1) Hire a separate contractor to correct the deficiencies. In the event that this takes place, Fairmont State University can then deduct the cost of the remedial work from the original contractor for the additional work, including administrative costs.

## **SECTION 7. SEPARABILITY**

The provisions and sections of this Policy shall be deemed to be separable, and the invalidity of any portion of this Policy shall not affect the validity of the remainder.



# Tab 5

**Fairmont State University  
Board of Governors  
April 17, 2014**

- Item:** Illicit Discharge Detection and Elimination
- Committee:** Committee of the Whole
- Action:** Approve the attached Policy No. 58 Illicit Discharge Detection and Elimination to fulfill DEP requirements per our MS4 program and active NPDES (National Pollutant Discharge Elimination System) General Permit No. WV0116025. This policy was out for 30 day public comment and no comments were received about this policy.
- Staff Member:** Stephanie Slaubaugh
- Background:** Fairmont State University is mandated by the DEP (Department of Environmental Protection) to serve as our own MS4 (Municipal Separate Storm Sewer System) and no longer fall under the City of Fairmont's MS4. As of 1/16/2014 FSU's SWMP (Storm Water Management Program) was approved. As part of our responsibility we are required to establish an Erosion and Sediment Control Policy.
- The purpose of this policy is to provide for the health, safety, and general welfare of the FSU students, faculty, and staff as well as the citizens of our community through the regulation of non-storm water discharged to the storm drainage system to the maximum extent practicable as required by federal and state law. This policy establishes methods for controlling the introduction of pollutants into the storm sewer system in order to comply with requirements of the NPDES permit.

# **Fairmont State University**

## **Board of Governors**

### **Policy No. 58**

#### **Illicit Discharge Detection and Elimination**

Effective Date: **T.B.D.**

#### **SECTION 1. PURPOSE/INTENT**

The purpose of this Fairmont State University Board of Governors policy is to provide for the health, safety, and general welfare of the Fairmont State University students, faculty, and staff as well as the citizens of the surrounding area through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Policy establishes methods for controlling the introduction of pollutants into the storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Policy are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Policy

#### **SECTION 2. APPLICABILITY**

This Policy shall apply to all water entering the Fairmont State University storm drain system unless explicitly exempted by an authorized enforcement agency.

### **SECTION 3. RESPONSIBILITY FOR ADMINISTRATION**

Fairmont State University shall administer, implement, and enforce the provisions of this Policy. Any powers granted or duties imposed upon Fairmont State University may be delegated in writing by the University to persons or entities acting in the beneficial interest of or in the employ of the University.

### **SECTION 4. DISCHARGE PROHIBITIONS**

#### **A. Prohibition of Illegal Discharges**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Policy: water line flushing or other potable water sources (if water line flushing is hyper-chlorinated, then water shall be de-chlorinated before discharging the line), landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by Fairmont State University as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the Fairmont State University prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of Illicit Connections

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this policy if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**SECTION 5. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Fairmont State University prior to the allowing of discharges to the MS4.

**SECTION 6. MONITORING OF DISCHARGES**

A. Applicability

1. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities

1. Fairmont State University shall be permitted to enter and inspect facilities subject to this Policy as often as may be necessary to determine compliance.
2. Contractors shall allow Fairmont State University access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. Fairmont State University shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the University to conduct monitoring and/or sampling of the facility's storm water discharge.

4. Fairmont State University has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the contractor at the written or oral request of the University and shall not be replaced. The costs of clearing such access shall be borne by the contractor.
6. Unreasonable delays in allowing Fairmont State University access to a permitted facility is a violation of this Policy. A contractor or operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the University reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Policy.

## **SECTION 7. ENFORCEMENT**

### **A. Notice of Violation.**

Whenever Fairmont State University finds that a person has violated a prohibition or failed to meet a requirement of this Policy, the University may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or

restore within the established deadline, the work will be done by a designated contractor and the expense thereof shall be charged to the violator.

**SECTION 8. APPEAL OF NOTICE OF VIOLATION**

Any person receiving a Notice of Violation may appeal the determination of the University. The notice of appeal must be received within 30 days from the date of the Notice of Violation. A meeting shall then be held between Fairmont State University and the appellant within 15 days of the receipt of the notice of appeal. Fairmont State University's decision following this meeting shall be final.

**SECTION 9. ENFORCEMENT MEASURES AFTER APPEAL**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the University, then representatives of the University shall take any and all measures necessary to abate the violation and/or restore the property.

**SECTION 10. COST OF ABATEMENT OF THE VIOLATION**

Within 60 days after abatement of the violation, the violator will be notified of the cost of abatement, including administrative costs.

**SECTION 11. REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of Fairmont State University to seek cumulative remedies.