

MINUTES OF A REGULAR MEETING
BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA
THURSDAY, NOVEMBER 8, 1962 - 10:00 A.M.

A regular meeting of the Board of Regents of the University of Oklahoma was held in the office of the President of the University on Thursday, November 8, 1962, at 10:00 a.m.

The following were present: Regent Glenn Northcutt, Vice President, presiding; Regents Monroe, Rothbaum, Johnson, and Davidson.

ABSENT: Regents Morgan and Savage.

The Regents requested the minutes of the October 15 meeting be corrected to show that the recommendation contained in the letter from Raymond D. Crews, Business Administrator of the Medical Center, under date of October 5, 1962 (p. 7211-12) was approved and that each of the firms mentioned in the letter (C. Harold Brand and Associates and Randel-Wells Company) be asked to submit a proposal for acting as agent in the acquisition of the land between the south boundary of the Medical Center and Northeast 11th Street and between Phillips and Kelley Avenues.

On motion by Regent Johnson, it was voted to submit the matter to the Medical Center with the request that proposals from C. Harold Brand and Associates and Randel-Wells Company be placed on the December 13 agenda; that action on item No. 18 in the agenda with C. Harold Brand's proposal be postponed.

With the above correction, the minutes of the meeting held on October 15, 1962, were approved.

President Cross reminded the Regents that November 17 is Dad's Day on the campus and invited the Regents to attend the meeting at 9:00 a.m. in Holmberg Hall Auditorium at which time the awards will be presented.

President Cross announced that arrangements had been made for the Regents to visit the engineering facilities following luncheon with a discussion of plans for the new buildings. Dr. Gene M. Nordby, Dean of the College of Engineering, will accompany the Regents.

Regent Northcutt reported on his attendance at the annual meeting of the Association of Governing Boards in Michigan. It was noted that Mr. Northcutt was elected to the National Executive Committee, which is composed of four members and the AGB President. At this meeting the

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University of Colorado proposed the AGB form an Athletic Committee to work with the National Collegiate Athletic Association. After a discussion by the Regents, it was decided the matter will be studied further to determine the University's position on Colorado's proposal.

President Cross reported that bids were received on November 2 on the addition to the power plant and refrigeration plant. The following is the tabulation of bids received:

Bid Item No. 1 - Turbine-Generator Unit

General Electric Company	\$371,450
Westinghouse Electric	394,390
Elliott Company	405,854
Allis-Chalmers	433,000
De Laval	442,100

Bid Item No. 2 - Steam Condenser and Auxiliaries

	<u>Base Bid</u>	<u>Alternate No. 1</u>
Westinghouse Electric	\$59,500	+ \$2,240
Worthington	62,950	+ 1,740
Baldwin-Lima-Hamilton	69,896	- 298
Maryland Shipbuilding	74,662	- 300
Yuba Heat Transfer	84,910	+ 2,275
Allis-Chalmers	86,000	- 2,000

Bid Item No. 3 - Refrigeration Unit

Carrier Air Conditioning	\$ 74,601
York Corporation	82,000

Bid Item No. 4 - Cooling Towers

	<u>Tower No. 1</u>	<u>Tower No. 2</u>	<u>Towers 1 & 2</u>
Fluor Products Co.	\$36,568	\$16,986	\$51,674
The Marley Co.	39,200	14,895	52,635
Lili-Hoffman	46,968	20,497	65,300

Bid Item No. 5 - Steam Generating Unit

	<u>Base Bid</u>	<u>Alt. No. 1</u>	<u>Alt. No. 2</u>
Erie City Iron Works	\$257,000	NC in price	+ \$1,617
Murphy Boiler & Piping	266,257	+ \$4,500	+ 4,000
Henry Vogt	269,200	+ 4,230	+ 3,669
Springfield Boiler	303,777	---	- 4,540
Wilkes Boiler	308,350	+ 4,186	- 12,242

Bid Item No. 6 - Construction, Installation and Piping

Lee-Emmert	\$585,000
Wattie Wolfe	599,750
Murphy Boiler & Piping	624,734
E. E. Farrow	658,000
United Builders	660,300

For bid item No. 4, Cooling Towers, the apparent low bidder, Fluor Products Company, based their proposal on a single cell tower for tower No. 1, which does not comply with the requirements of the drawings. Marley Company based their bid on a two cell tower for tower No. 1, which is in compliance. Marley Company submitted an alternate for a single cell tower which is \$1,830 less than their base bid. Comparing both companies' bids on the basis of furnishing single cell towers for tower No. 1, Marley Company is the low bidder with a bid of \$50,805 for towers No. 1 and 2 combined. This compares with a bid of \$51,674 from Fluor Products. Mr. Benham and Mr. John Kuhlman have definitely recommended that tower No. 1 be a two cell tower.

For bid item No. 5, Steam Generating Unit, Mr. Benham and Mr. Kuhlman have recommended that the base bid and alternate No. 1 be accepted, but that alternate No. 2 be rejected. In addition, both have recommended that an Elliott fan drive turbine (\$930.00) and Bailey Controls (\$2,390.00) be added for a total cost of \$260,320.

President Cross recommended that the bids for the six power plant projects be awarded to the lowest acceptable bidder for each item as follows:

<u>Description</u>	<u>Bidder</u>	<u>Amount</u>
Bid Item No.1- Turbo-Generator	General Electric Co. Oklahoma City	\$371,450
Bid Item No.2- Steam Condenser and Auxiliaries & Alt. No. 1	Westinghouse Electric Oklahoma City	61,740

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Bid Item No. 3 - Refrigeration Unit	Carrier Air Conditioning Dallas, Texas	\$ 74,601
Bid Item No. 4 - Cooling Towers 1 and 2	The Marley Company Kansas City, Missouri	52,635
Bid Item No. 5 - Steam Generating Unit and Alt. No. 1, plus Elliott Turbine and Bailey Controls	Erie City Iron Works Erie, Pennsylvania	260,320
Bid Item No. 6 - Construction, Piping, Electrical	Lee-Kumert Richardson, Texas	<u>585,000</u>
		\$1,405,746

After a discussion, the recommendation was approved on motion by Regent Davidson.

The following bids were received on November 2 for furnishing and installing a 500,000 gallon water spheroid. Plans and specifications for the project were prepared by the Physical Plant Department and were not included as a part of the responsibilities of Benham Engineering. An engineering fee will not be necessary for the spheroid.

	<u>Base Bid</u>	<u>Alt. No. 1</u>
Chicago Bridge & Iron Company Tulsa, Oklahoma	\$107,500	- \$375
Pittsburg-Des Moines Dallas, Texas	108,420	- 600
Dorcon Warren, Pennsylvania	138,800	- 500

President Cross recommended that the bid for the water spheroid be awarded to the Chicago Bridge & Iron Company for the base bid amount of \$107,500.

On motion by Regent Davidson, seconded by Regent Monroe, the recommendation was approved as submitted.

The matter of elevations for the new Aeronautical and Space Engineering Building appeared on the agenda but it was not discussed. It was agreed that this matter be referred to President Cross for study and recommendation.

President Cross recommended that the Regents adopt the following regulations, which are intended to provide for the safety of all students and to reduce automobile traffic on campus streets:

He recommended that automobiles operated by students be prohibited in the main Norman campus from 7 a.m. till 5 p.m. Monday through Friday.

The area included in the prohibition includes the area bounded on the south by Lindsay Road, the west by Elm Street, the north by Boyd Street and the east by Jenkins Street. Entrances to student parking lots on the main campus would be altered to permit access from peripheral streets.

Students violating the regulation would be subject to a \$20 fine, which would be reduced to \$10 if paid within 48 hours. A second violation in the same semester would result in loss of all automobile privileges for the remainder of the school year.

Specifically excluded from this regulation are handicapped students.

The regulation becomes effective for the first semester of the 1963-~~64~~ school year.

The above regulations for the operation of student automobiles on the Norman Campus were approved on motion by Regent Monroe.

President Cross recommended that the Regents approve the following recommendations, which are based on a desire to encourage every student to make the best use of educational opportunities at the University of Oklahoma:

1. Freshmen who do not rank in the upper 50 per cent of all students who participate in the American College Testing program shall be denied the use of an automobile at the University for the first semester of their freshman year.
2. Freshmen who have been denied the use of an automobile may earn the privilege of operating an automobile by demonstrating satisfactory progress toward graduation.
3. An undergraduate who is on University academic probation as defined by the Office of Admissions and Records shall be denied the use of an automobile.

Specifically excluded from these regulations are the following: commuters, physically handicapped students, married students, Norman students

who live with their parents, students over 21 and graduate students. Other exceptions (example: students who must have cars for employment purposes) may be made at the discretion of the Office of Student Affairs or the Employment Service.

Students who violate these regulations shall be suspended from the University for at least the remainder of the academic term in which the violation occurs and the next full term.

The regulations become effective for the first semester of the 1963-64 school year.

The above scholarship requirements for the operation of an automobile were unanimously approved on motion by Regent Davidson.

President Cross explained that approval of these two recommendations on the operation of automobiles will require the addition of five policemen and secretarial help. The cost will be approximately \$30,000 for the first year.

It was agreed that the December meeting of the Regents be held in Clinton on December 13, with Regent Monroe making all arrangements. Mr. Monroe explained that the Clinton Alumni Club will entertain the Regents with a dinner and reception the evening of December 12.

President Cross reported that Mr. George Fagin, the University's bond attorney, has requested that the following Resolution be approved to authorize calling for bids on the sale of bonds for the construction of the Phi Kappa Psi Fraternity house. The Resolution is necessary in order to meet the legal requirements for the issuance of the bonds.

President Cross recommended approval of the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA:

Section 1. That the Secretary of the Board of Regents is hereby instructed to advertise for sale Organized Group Housing Bonds for the purpose of constructing and acquiring additional housing facilities, which bonds shall mature at such time or dates not exceeding the maximum period of time provided by Oklahoma law and shall bear interest at such rate or rates not exceeding the maximum rate provided by Oklahoma law. That bids for the sale of said bonds shall be received by the Board of Regents on the 13th day of December, 1962 at 10 A.M., at the usual meeting place of the Board of Regents at the University of Oklahoma, Norman, Oklahoma. That

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said bonds shall be sold to the bidder bidding the lowest interest rate or cost to the University of Oklahoma. That the Board of Regents shall reserve the right to reject any and all bids.

ADOPTED AND APPROVED this 8th day of November, 1962.

ATTEST:

President, Board of Regents

Secretary

The Resolution was unanimously adopted.

President Cross reported that bids were received on the construction of the new Phi Kappa Psi Fraternity house on November 6. A tabulation of the bids is as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate No. 1 Deduct</u>	<u>Alternate No. 2 Deduct</u>
Barbour & Short	\$196,782	\$3,456	\$1,290
Milner Construction Co.	208,000	4,700	638
Constructors Company, Inc.	194,404	4,350	1,230
United Builders, Inc.	237,737	3,584	1,380
J. J. Cook Construction Co.	211,318	3,900	823
Oklahoma Constructors Co.	207,896	4,603	1,191

The low bid was considerably less than the Architect, Mr. Otha Wolf, had anticipated. As a result, the representatives of the fraternity requested that certain additional work be included as a part of the project and that bonds be issued on the basis of 75% of the cost of the project including the additional work.

A summary of the project as revised would be:

Appraised value of land	\$ 47,500
Construction bid, 11-6-62	194,404
Additions to project: (Estimated cost)	
Parking lot (32 cars)	5,580
Landscaping, etc.	1,900
Attached refrigerator and deep freeze	2,200
Attached carpeting	5,600
Wallpaper (in lieu of paint)	1,450
Attached mirrors	1,690
Additional wall light fixtures	2,400
Attached drinking fountain	246

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Roller guides on built-in drawers	800
Air conditioning of basement	3,400
Drapery hardware	480
Walnut panel	1,500
Venetian blinds	844
Reserve for miscellaneous items	<u>2,000</u>
	\$ 271,994
Additional fee to contractor as contractor's profit (15%)	4,513
Architect's fee (6%)	<u>13,740</u>
Total Project Cost	\$ 290,247

The agreement with the Phi Kappa Psi group provides that the fraternity will provide 35% of the project cost or \$101,600, which includes the appraised value of the land and \$54,000 in cash. Bonds may be issued up to 75% of the project cost. This would make possible a bond issue of \$217,700. The extra 10% is to be used to pay interest on the bonds during the construction period and for a payment into the Principal and Interest Reserve Fund to provide for one year's interest reserve. Any additional funds would be transferred to an Emergency Repair Reserve.

When the original procedures were established to activate the Organized Group Housing System, an Agreement and a Standard Lease were included as a part of the terms for participation in the program. The wording in both documents has been revised to provide a more satisfactory Agreement and Standard Lease. Copies of both documents are as follows. The intent remains the same as the original documents, but the revised forms will help clarify the procedure for both the fraternity and the University.

STANDARD LEASE
(For Organized Group Housing)

THIS LEASE made this ___ day of _____, 19___, by and between the Board of Regents of the University of Oklahoma, party of the first part, Lessor, and _____, party of the second part, Lessee.

W I T N E S S E T H:

WHEREAS, Lessor has acquired and owns a tract of land in Norman, Oklahoma, with _____ house being constructed thereon known as _____; and

WHEREAS, said property is being paid for by Lessor, by the issuance of bonds designated as _____, in the principal amount of _____, and also by contributions of cash and land in a total amount of \$ _____ made by Lessee; and

WHEREAS, the Lessor desires to lease the building to be constructed at a cost not to exceed \$_____ and adjacent land designated as _____, so that it may be used as accommodation for students attending the University of Oklahoma under proper supervision and without profit or loss to the Lessor and on such terms that the Lessor will, in a period of _____ years, be fully reimbursed for all of its costs and expenditures in regard to said property.

NOW, THEREFORE, in consideration of the premises and the promises hereinafter made, the Lessor agrees to lease the above designated property, together with all improvements being constructed thereon, to the Lessee for a primary term of _____ years, beginning on the _____ day of _____, 19____, and terminating on the _____ day of _____, 19____, together with the right of the Lessee to renew or extend said lease after the primary term for additional periods of _____ years each as long as the Lessee complies with the terms of this lease at a rental of \$1.00 per month. Said renewal or extension of this lease from period to period shall be automatic and shall continue until there is a breach of the conditions in this lease or until the Lessee gives a sixty-day written notice of its intention to vacate and surrender the property to Lessor and surrender this lease.

The parties hereto bind themselves to the following terms and conditions and agree to perform the same:

(1) Rent shall be payable in advance on the first day of October through June of each year during the primary term or extended term of this lease, beginning with the payment on the first day of the month beginning next after the house has been substantially completed.

(2) The amount of rent to be paid monthly during the primary term shall be determined by the amount necessary to retire the principal of and the interest on said bonds as they fall due, in accordance with the schedule of payments printed therein; to maintain the property in good condition; to cover administrative costs; to maintain adequate insurance; to maintain a Principal and Interest Reserve Fund equal to two years lease rental pledged to debt service and an Emergency Repair Fund equal to five percent (5%) of the amount of bonds issued, it being agreed that in the event either Fund, or part thereof, is depleted by required expenditures, the amounts withdrawn shall be replaced by a ten percent (10%) increase in rent to be maintained until such withdrawals have been restored; and to meet all other requirements of the resolution providing for the issuance and sale of the bonds. Electricity, gas, water, telephone, garbage and trash removal, and similar services shall be the responsibility and shall be paid for by the Lessee.

(3) The Lessee shall have the right, upon making additional payments of rent at the time and in the amounts provided in the bonds, to cause the calling of the bonds for payment before maturity.

(4) In the event the rent is not paid as provided in this lease, the Lessor shall have the immediate right to place other students in the building so that the revenue therefrom will be sufficient to pay the interest on and to retire said bonds as they mature and to meet the other requirements set out in paragraph (2) hereof and if the rent is in default for a period of three consecutive months, the lease shall be terminated and the property surrendered to the Lessor. In the event it becomes necessary for the Lessor to place non-affiliated students in the building, the Lessor reserves the further right to have a member of the staff of the University of Oklahoma reside in the building with general supervision over the activities of the students as provided by the present or future regulations of the University.

(5) This lease shall not be assigned nor the property sublet nor occupied by other than University students without the written consent of the Lessor.

(6) All repairs, alterations or additions to the building or grounds shall be made by and at the expense of the Lessee, but no major alterations shall be made without the written consent of the Lessor, and under the conditions specified by the Lessor.

(7) The property shall at all times be under the control of the Lessor with the right to inspect the same and to require the Lessee to make repairs and alterations or additions which the Lessor deems necessary to safeguard the health and well-being of the students residing on the property.

(8) In the event of damage to or destruction of the property by fire, wind or other casualty, the Lessor will apply, to the extent the contract with bondholders allows, an amount equal to the net receipts from insurance to the repair or restoration of the property according to plans and specifications prepared by the Lessee and approved by the Lessor. In the event the building is rendered uninhabitable, the obligation of the Lessee to pay rent shall be suspended until the building is repaired or restored, but the Lessee shall not be credited with any payments on the bonded indebtedness which are made out of the receipts from rent, and the period in which the rentals are determined by the amount necessary to retire the bonds shall be proportionately extended.

(9) In the event that fraternities are discontinued at the University of Oklahoma or that the charter of the Lessee is revoked or suspended, then, in either event, this lease shall terminate, and the property shall be surrendered to the Lessor.

(10) It is contemplated that no taxes will be payable on the leased property, but in the event of a change in the law or otherwise, if the property is subject to taxation of any kind, sewer rentals or charges, or special or improvement assessments or levies, then the monthly rental to be paid by the Lessee shall be increased to reimburse the Lessor for such taxes or charges.

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IN TESTIMONY WHEREOF, the parties hereto have affixed their duly authorized signatures and seals at Norman, Oklahoma, on the day and year first above written.

LESSOR:

Board of Regents
University of Oklahoma

ATTEST:

By _____
President

Secretary

LESSEE:

By _____

ATTEST:

AGREEMENT

(For Small Dormitory Residence Unit)

THIS AGREEMENT made this ___ day of _____, 19___, by and between the Board of Regents of the University of Oklahoma, Party of the First Part, and _____, an Oklahoma corporation, with its principal offices in Norman, Oklahoma, Party of the Second Part.

W I T N E S S E T H:

WHEREAS, (First) (Second) Party owns a tract of land located at _____; and

WHEREAS, the parties to this agreement mutually desire that there be constructed upon this land a small dormitory residence unit to house University students and to be leased by First Party to Second Party.

NOW, THEREFORE, in consideration of the premises and mutual promises hereinafter made, it is agreed and understood as follows:

- I -

Second Party agrees that it will pay to First Party the sum of \$_____, as Second Party's part in the financing of the project including the cost of the above described tract of land which it is agreed has the value of \$_____. Second Party agrees that it will convey a fee simple interest of the above described property, free from all encumbrances, to the First Party.

- II -

First Party agrees to issue revenue Bonds for the financing of the construction cost of this small residence unit to be built at a cost not to exceed \$_____. Plans and specifications for the construction shall be prepared by consulting with the Second Party and shall be mutually satisfactory to both parties. First Party shall have such final right of approval of the plans and specifications as may be necessary to meet the requirements of other public authorities and to insure sound construction within the cost limitation stated herein. All original construction and all future maintenance work will be accomplished under University supervision.

- III -

After the Board of Regents enacts the resolution providing for the issuance of Bonds, the First Party shall lease the property to Second Party for use as a (fraternity) (sorority) house residence, according to the terms and conditions of the attached lease which is made a part of this agreement. The primary term of the lease and the rental payment shall be governed by the amount necessary to fund and retire the principal of and interest on the Bonds issued to finance the construction, to maintain the property in good condition, to cover administrative costs, to carry adequate insurance on the property, and to meet any other requirements of the resolution providing for the issuance and sale of the bonds.

- IV -

The performance of this agreement depends ultimately upon the First Party being able to sell, issue and deliver revenue bonds to finance construction of the small dormitory residence unit. In the event such revenue bonds are not sold, issued or delivered, First Party shall then repay to Second Party the payment(s) which have been made under this agreement less the amount of expense incurred by First Party toward the project, and shall reconvey the above described real property to Second Party.

IN TESTIMONY WHEREOF, the parties hereto have affixed their duly authorized signatures at Norman, Oklahoma, on the day and year first above written.

FIRST PARTY:

Board of Regents
University of Oklahoma

By _____
President

SECOND PARTY:

By _____

ATTEST:

Secretary

ATTEST:

President Cross made the following recommendations:

1. That the bid be awarded to the low bidder, Constructors Company, Inc., Norman, Oklahoma, at a base bid of \$194,404 and that the additional items outlined above be included in the contract by change order when exact costs are known.

2. That according to the bid submitted by Constructors Company, Inc., the firm be paid 15% of the actual cost of the additional items as the contractor's profit.

3. That bonds in an amount not to exceed \$220,000 be authorized and sold at the December meeting of the Board.

4. That the above Agreement and Standard Lease forms be approved.

On motion by Regent Monroe, seconded by Regent Rothbaum, the recommendations were approved.

President Cross reported that the 1962-63 Educational and General Budget as of July 1, 1962, provided for a total expenditure of \$9,798,821. Since that time there have been salary increases and other necessary budget increases that require a total budget of \$10,208,475. A summary by function is:

	<u>Original Budget</u>	<u>Revised Budget</u>
Administration and General	\$1,177,290	\$1,193,154
Instruction and Organized Activities	5,934,504	6,145,338
Organized Research	239,291	231,609
Extension & Public Service	792,311	908,748
Libraries	509,473	519,739
Physical Plant - Operation and Maintenance	<u>1,145,952</u>	<u>1,209,887</u>
Total Budget	\$9,798,821	\$10,208,475

Funds are available to finance a total budget of \$10,208,475 and still retain a reserve of more than \$100,000 plus unfilled positions which will add an estimated additional \$100,000 to the reserve.

President Cross recommended that he be authorized to request the State Regents to increase the total Educational and General Budget to \$10,208,475.

Moved by Regent Monroe, and seconded by Regent Rothbaum that the recommendation be approved.

Dr. Cross stated that bids for the \$1,800,000 Student Facility Revenue Bonds, Series D, to finance the addition to the power plant and refrigeration plant were to be opened at 10:00 a.m. this morning and that his office was prepared at this time to make a recommendation.

Dr. Horace B. Brown, Vice President for Business and Finance, Mr. Dud Giezentanner, Business Manager, Mr. George Fagin, the University's bond attorney, and Mr. Pat Spivey of Milburn-Cochran & Co., Inc., the University's bond advisors, were invited to the meeting. Dr. Brown stated the following bids had been received:

	<u>Total Dollar Interest Cost</u>	<u>Premium</u>	<u>Average Rate</u>
Liberty National Bank, Oklahoma City R. J. Edwards, Inc. Blyth & Co., Inc.	\$618,075.00	-0-	2.9815
First National Bank, Oklahoma City Milburn-Cochran & Co., Inc. Leo Oppenheim and Company White, Weld & Co.	614,022.60	\$ 22.40	2.962
William Blair and Co. Bacon, Whipple	618,558.50	416.50	2.9838
F. S. Smithers Dempsey-Tegeler & Co., Inc.	609,167.70	-0-	2.9385
B. J. Van Ingen and Co. Stern Brothers & Co. and Associates	509,956.45	244.80	2.894145
Shoemaker & Co. Goldman	636,135.56	2,234.44	3.0686

Dr. Brown explained that there was an obvious error in copying in the bid of B. J. Van Ingen & Co., Inc. and Associates in that the total dollar interest cost had been copied on the bid form at \$509,956.45 instead of \$599,956.45 which corresponds with the interest rate of 2.894145%.

Mr. Spivey explained that bids are considered on the interest rate and not the net interest cost and this was obviously an error in copying. It was the recommendation of Mr. Fagin and Milburn-Cochran & Co. that the low bid of B. J. Van Ingen & Co., Inc. be accepted on the basis of the interest rate shown, this being the lowest of the bids submitted.

Dr. Brown reported that Mr. Jim Smith, representing F. S. Smithers & Co., Dempsey, Tegler & Co. and Associates, the second low bidder, had requested a hearing before the Regents to protest the acceptance of the B. J. Van Ingen Co. bid. Mr. Smith and Mr. Evan L. Davis, representing B. J. Van Ingen & Co., were invited to the meeting.

After a discussion, Mr. Smith and Mr. Davis retired from the meeting.

On motion by Regent Monroe, seconded by Regent Davidson, the following resolution was unanimously adopted:

R E S O L U T I O N

AWARDING TO THE PURCHASERS \$1,800,000 REGENTS OF THE UNIVERSITY OF OKLAHOMA STUDENT FACILITIES REVENUE BONDS OF 1963, SERIES D.

WHEREAS, the Board of Regents of the University of Oklahoma has under consideration the sale of \$1,800,000 Regents of the University of Oklahoma Student Facilities Revenue Bonds of 1963, Series D, maturing in each of the years 1968 to 1978, inclusive.

WHEREAS, the following offers were received for said Bonds:

<u>NAME OF OFFERER</u>	<u>AVERAGE RATE OF INTEREST</u>
Shoemaker & Co., Inc., and Associates	3.0686%
William Blair & Co. and Associates	2.9838%
Blyth & Co. and Associates	2.9815%
Milburn, Cochran & Company, Inc.	2.962%
F.S. Smithers & Co., Dempsey-Tegeler & Co. and Associates	2.9385%
B. J. Van Ingen & Co. Inc., Evan L. Davis, Stern Brothers & Co., Mullaney, Walls & Company, and J. Cliff Rahel & Co.	2.894145%
	Coupon rates 1968 to 1973, inclusive, maturities- 2 3/4%; 1974 and 1975 maturities-2.90%; 1976 to 1978 maturities-3.00%

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WHEREAS, after receiving and considering the offers for said issue of Bonds, it is considered that the offer of B. J. Van Ingen & Co. Inc., Evan L. Davis, Stern Brothers & Co., Mullaney, Wells & Company, and J. Cliff Rahel & Co. is the best bid received for said Bonds, and it is considered to be to the best interest of the University that said offer be accepted.

THEREFORE, BE IT ORDERED AND RESOLVED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA:

1. That the offer of B. J. Van Ingen & Co. Inc., Evan L. Davis, Stern Brothers & Co., Mullaney, Wells & Company, and J. Cliff Rahel & Co. for said \$1,800,000 Regents of the University of Oklahoma, Series D, be and the same is hereby accepted.

2. That the President and Secretary of the Board of Regents be and they are hereby ordered and directed to execute this Resolution for and in behalf of the Board of Regents and to do any and all things necessary to complete the delivery of said Bonds to the purchaser, in accordance with its offer, and the State Treasurer of Oklahoma shall receive the money on behalf of the Board.

ADOPTED and APPROVED this the 8th day of November, 1962.

ATTEST:

President, Board of Regents of the University of Oklahoma

Secretary, Board of Regents of the University of Oklahoma

STATE OF OKLAHOMA)
) SS
COUNTY OF CLEVELAND)

I, the undersigned, Secretary of the Board of Regents of the University of Oklahoma, do hereby certify that the above and foregoing is a true and correct copy of a resolution (and of the minutes pertaining thereto) adopted by the Board of Regents of the University of Oklahoma on the 8th day of November, 1962, awarding the \$1,800,000 Regents of the University of Oklahoma Student Facilities Revenue Bonds of 1963, Series D, to the purchasers thereof.

EXECUTED under my hand and the seal of said Board this the 8th day of November, 1962.

(SEAL)

Secretary, Board of Regents of the University of Oklahoma

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A copy of the bid contract is as follows:

TO THE REGENTS OF THE UNIVERSITY OF OKLAHOMA
NORMAN, OKLAHOMA

Bid of B. J. Van Ingen & Co., Inc., Stern Brothers & Co., Mullaney, Wells & Company, Evan L. Davis, and J. Cliff Rahel & Co.

Pursuant to your notice of sale and official statement, we the undersigned submit the following bid on \$1,800,000 Regents of the University of Oklahoma Student Facilities Revenue Bonds of 1963, Series D, dated January 1, 1963, maturing annually beginning July 1, 1968 and ending July 1, 1978 with call provisions as set out in the notice to bidders.

We hereby bid par and accrued interest plus a premium of \$244.80. We calculate the net interest cost from January 1, 1963 to and including July 1, 1978, on this issue of bonds to be \$599,956.45 and the average rate of interest from date of bonds to final maturity to be 2.894145%. The coupon rates for said bonds to be 2 3/4% maturities 1968/73 incl; 2.90% maturities 1974/75 incl and 3.00% maturities 1976/78 incl.

We deposit herewith cashier's or certified check in favor of the State Treasurer of Oklahoma in the amount of \$36,000, to be forfeited as liquidated damages in case we fail to accept delivery of the bonds if awarded to us in accordance with the terms of this bid. The deposit is to be returned promptly unless we are awarded the bonds. The opinion of George J. Fagin, Attorney at Law, Oklahoma City, Oklahoma, will be furnished to us approving the legality of said bonds without cost to the undersigned.

The bonds are to be delivered to us at the office of the State Treasurer of the State of Oklahoma, or at (to be designated) National Bank & Trust Company of Oklahoma City, Oklahoma upon payment as provided by this bid.

B. J. Van Ingen & Co., Inc.
and Associates

By: /s/ Evan L. Davis

ACCEPTED this 8th day of November, 1962. Receipt of above check is acknowledged.

/s/ Emil R. Kraettli

/s/ Glenn Northcutt

Mr. George Fagin requested that the Regents approve the power plant Bond Resolution and the Trust Agreement between the Regents and the First National Bank and Trust Company of Oklahoma City, Oklahoma. The action of the Regents is as follows:

November 8, 1962

7231

THE STATE OF OKLAHOMA :

COUNTY OF CLEVELAND :

The Board of Regents of the University of Oklahoma convened in regular meeting on this the 8th day of November, 1962, at the President's Office in the Administration Building, on the campus of the University, at Norman, Oklahoma, at 10 o'clock A.M., with the following members and officers of the Board present, to wit:

Glenn Northcutt, Vice President

Emil R. Kraettli, Secretary

Ira (Eph) Monroe

Julian J. Rothbaum

Mark R. Johnson, M.D.

James G. Davidson

with the following members of the Board of Regents absent, to wit:

Dave Morgan, President

Leonard H. Savage

constituting a quorum of the said Board, at which meeting the following, among other business, was transacted, to wit:

Ira (Eph) Monroe introduced a resolution which was read by the Secretary.

Ira (Eph) Monroe moved that the resolution be adopted, and that the President and Secretary of the Board be directed to sign the same for and in behalf of the Board.

James G. Davidson seconded the motion.

The motion carrying with it the adoption of the resolution prevailed by the following vote:

AYE: Glenn Northcutt

Ira (Eph) Monroe

Julian J. Rothbaum

Mark R. Johnson, M.D.

James G. Davidson

NAY: None

The resolution as adopted is as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE OF REVENUE BONDS IN THE PRINCIPAL AMOUNT OF \$1,800,000 FOR THE PURPOSE OF CONSTRUCTING AND ACQUIRING ADDITIONAL POWER AND HEATING PLANT FACILITIES FOR THE UNIVERSITY OF OKLAHOMA; CONFIRMING THE SALE OF SUCH BONDS; PROVIDING FOR THE PAYMENT OF PRINCIPAL THEREOF AND INTEREST THEREON, AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS IN THAT CONNECTION.

WHEREAS, it has been determined that it is necessary for the comfort, convenience, and welfare of the students attending the University of Oklahoma to construct and acquire additional power and heating plant facilities (hereinafter called the "Project") and that such Project and facilities thereof shall be part of a system now consisting of the Power and Heating Plant, the University Stadium and Stadium Facilities, and that the issuance of the bonds hereinafter authorized is by the provisions of Title 70, Oklahoma Statutes 1961, Sections 2071 to 2080, inclusive.

WHEREAS, this issue of Bonds shall be on a parity with the outstanding \$770,000 Series B and \$217,000 Series C Regents of the University of Oklahoma Student Facilities Bonds of 1958, dated July 1, 1958 and payable from revenues of said System as herein set out, all as authorized and provided by the provisions of Section 15 of the Resolution of the Board of Regents of the University of Oklahoma enacted September 10, 1958 providing for the issuance of said 1958 Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA:

SITE

Section 1. The following described land constituting the site of the Power and Heating Plant Facilities to be constructed with proceeds of the bonds authorized herein hereby is set aside as a site for the Power and Heating Plant Facilities, and shall be considered to be a part of the campus of the University:

Beginning at a point 2130.7 feet North and 24.0 feet West of the Southeast corner of the Southeast Quarter of Section 31, Township 9 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma: Thence 90°-0' from this line West 141.0 feet, thence 90°-0' South 140.0 feet, thence 90°-0' West 50.0 feet, thence 90°-0' South 106.0 feet, thence 90°-0' West 38.0 feet, thence 90°-0' South 139.0 feet, thence 90°-0' East 68.0 feet, thence 90°-0' North 139.0 feet, thence 90°-0' East 59.0 feet, thence 90°-0' South 69.0 feet, thence 90°-0' East 102.0 feet, thence 90°-0' North 315.0' to the point of beginning, containing 1.75 acres more or less.

Beginning at a point 1320.35 feet North of the Southeast corner of the Southeast Quarter of Section 31, Township 9 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma: Thence 90°-0' from this line West 448.0', thence 90°-0' North 486.6 feet, thence 90°-0' West 32.0', thence

with this point as its center produce a circle with a radius of 29.5', containing 0.06 acres more or less.

PURPOSE

Section 2. For the purpose of paying the cost of constructing and acquiring additional Power and Heating Plant Facilities, reference to which appears in the preamble hereto, there shall be borrowed on the credit of the income and revenues to be derived from the operation of the "System" as System is hereinafter defined, the sum of \$1,800,000 and that to evidence the sum so borrowed and in anticipation of the collection of such income and revenues, there shall be issued negotiable bonds of the Regents of the University of Oklahoma in the total principal sum of \$1,800,000. The word "System" as hereinafter used in this Resolution shall be understood to include and refer to all of the buildings and facilities for the acquisition, furnishing, equipment, or improvement of which the outstanding bonds described in the preamble hereto and the bonds refunded thereby were issued, and to include the construction and acquisition of additions to the Power and Heating Plant Facilities to be added to the System with part of the proceeds of the bonds herein authorized, and to include all improvements, additions, or extensions to any of such buildings and facilities which may be made while any of the bonds herein authorized remain outstanding. Specifically, but without limitation, the "System" shall include the University Stadium, the Stadium Facilities which were constructed with part of the proceeds of the bonds authorized in 1958, the Power and Heating Plant and the Project to be constructed and acquired with the proceeds of the bonds herein authorized.

TERMS AND MATURITIES

Section 3. Said bonds shall be known as "Regents of the University of Oklahoma Student Facilities Revenue Bonds of 1963, Series D."

Series D Bonds shall be numbered 1D to 360D, inclusive, shall be dated January 1, 1963, shall be of the denomination of \$5,000 each, and bear interest per annum until paid as follows:

Bonds numbered 1D to 147D maturing on July 1 in each of the years 1968 to 1973, both inclusive, at the rate of 2-3/4%;

Bonds numbered 148D to 237D maturing on July 1 in each of the years 1974 and 1975 at the rate of 2.90%; and

Bonds numbered 238D to 360D maturing on July 1 in each of the years 1976 to 1978, both inclusive, at the rate of 3%.

Said interest is to be payable July 1, 1963 and semi-annually thereafter on January 1 and July 1 of each year.

All bonds shall be payable as to both principal and interest (except the interest on any Bonds which may be registered as to both principal and interest) at The First National Bank and Trust Company of Oklahoma City, Oklahoma; or at the option of the holder thereof at the fiscal agency of the State of Oklahoma in the City of New York, State of New York, or in the event of discontinuance of such agency, then at the Manufacturers Hanover Trust Company, New York, New York. Payment of the interest on the Bonds shall be made only upon presentation and surrender of the coupons, if any, representing such interest as the same respectively falls due; or, if any Bond shall be registered as to both principal and interest, payment of the interest on such Bond on any interest payment date shall be made by Bank to the person appearing on the registration books of the University of Oklahoma hereinafter provided for as the registered owner thereof, such interest to be paid by check or draft mailed to the registered owner at his address as it appears on such registration books. Such bonds shall mature as to principal serially in numerical order each year as follows:

Series D Bonds

Maturing July 1

<u>Numbers</u> <u>(Inclusive)</u>	<u>Amount</u>	<u>Year</u>
1D to 12D	\$ 60,000	1968
13D to 24D	50,000	1969
25D to 36D	60,000	1970
37D to 64D	140,000	1971
65D to 104D	200,000	1972
105D to 147D	215,000	1973
148D to 191D	220,000	1974
192D to 237D	230,000	1975
238D to 285D	240,000	1976
286D to 334D	245,000	1977
335D to 360D	130,000	1978

Bonds numbered 105D to 360D inclusive, shall be subject to redemption at the option of the Board of Regents, in whole or in part in inverse numerical order,

on July 1, 1972 and on any interest payment date thereafter at one hundred two and one-half per centum ($102\frac{1}{2}\%$) of the par value thereof and accrued interest for the first year beginning July 1, 1972, thereafter such redemption premium to be progressively reduced by one-half ($1/2$) of one per cent (1%) in each succeeding year until July 1, 1977, and on July 1, 1977 and thereafter prior to maturity the redemption price shall be par and accrued interest.

Notice of redemption shall be given not less than thirty days prior to the date fixed for redemption by notice sent by registered mail to the holder or holders of the bonds to be redeemed, directed to the addresses shown on the Registrar's registration books. If any bond to be so redeemed is not registered as to principal, at least thirty days' notice shall be given through publication of an appropriate notice in a financial newspaper or journal published in New York, New York, and sent by registered mail to the banks at which the bonds are payable.

EXECUTION OF BONDS

Section 4. The bonds shall be signed by the President of the Board of Regents of the University of Oklahoma, shall be attested by the Secretary thereof, and shall have impressed thereon the corporate seal of the Board. Interest on the bonds falling due on and prior to maturity shall be represented by appropriate interest coupons to be attached thereto, which coupons shall be executed with the facsimile signatures of said President and Secretary, and said officers by the execution of the bonds shall be considered to have adopted as and for their own proper signatures their respective facsimile signatures appearing on said coupons.

REGISTRATION

Section 5. The bonds shall be registerable as to principal alone and also as to both principal and interest in the manner and with the effect more specifically provided in the form of bond set out in the following section hereof.

FORM OF BONDS

Section 6. Said bonds and the coupons to be thereto attached, and the endorsements to appear on the back thereof, shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF OKLAHOMA

REGENTS OF THE UNIVERSITY OF OKLAHOMA

STUDENT FACILITIES REVENUE BOND OF 1963
SERIES D

Number _____

\$ 5,000

KNOW ALL MEN BY THESE PRESENTS, that the Board of Regents of the University of Oklahoma, a body corporate under the name of Regents of the University of Oklahoma, for value received promises to pay to bearer, or if this Bond is registered then to the registered owner hereof, solely from the revenues hereinafter recited, the sum of Five Thousand Dollars (\$ 5,000) on the first day of July, _____, and to pay interest thereon from the date hereof until paid, solely from said revenues, at the rate of _____ per cent (_____ %) per annum until paid. Such interest is payable July 1, 1963, and semi-annually thereafter on January 1 and July 1 of each year and, as to interest falling due on and prior to maturity, only upon surrender of the interest coupons hereto attached as they severally become due. Both principal of and interest on this Bond are payable in any coin or currency which on the respective date of payment of such principal and interest is legal tender for the payment of debts due the United States of America at The First National Bank and Trust Company of Oklahoma City, Oklahoma; or at the option of the holder at the fiscal agency of the State of Oklahoma in the City of New York, State of New York, or in the event of the discontinuance of such agency then at the Manufacturers Hanover Trust Company, New York, New York. If this Bond be registered as to both principal and interest, in which event the interest hereon shall be remitted semi-annually to the registered owner hereof when due in accordance with the provisions endorsed on the back hereof.

Bonds numbered 105D to 360D, inclusive, shall be subject to redemption, at the option of the Board of Regents, in whole or in part in inverse numerical order, on July 1, 1972 or on any interest payment date thereafter, at one hundred two and one-half per centum ($102\frac{1}{2}\%$) of the par value thereof and accrued interest, for the first year beginning July 1, 1972; thereafter such redemption premium to be progressively reduced by one-half ($1/2$) of one per cent (1%) in each succeeding

year until July 1, 1977, and on July 1, 1977 and thereafter prior to maturity, the redemption price shall be par and accrued interest.

Notice of redemption is to be given not less than thirty days prior to the date fixed for redemption by notice sent by registered mail to the holder or holders of the Bonds to be redeemed, directed to the addresses shown on the Registrar's registration books. If any Bond to be so redeemed is not registered as to principal, at least thirty days' notice is to be given through publication of an appropriate notice in a financial newspaper or journal published in the City of New York, New York, and sent by registered mail to the banks at which the Bonds are payable.

This is one of an issue of \$1,800,000 Bonds of like date issued for the purpose of constructing and acquiring additional Heating and Power Plant Facilities on the campus of the University of Oklahoma, and is equally and ratably secured both as to principal and interest together with the outstanding \$770,000 Regents of the University of Oklahoma Student Facilities Revenue Bonds of 1958, Series B, dated July 1, 1958 and \$217,000 Regents of the University of Oklahoma Student Facilities Revenue Bonds of 1958, Series C, dated July 1, 1958, under and pursuant to the Constitution and statutes of Oklahoma, and particularly Title 70, Oklahoma Statutes 1961, Sections 2071 to 2080, inclusive, and pursuant to a Resolution duly adopted by the Board of Regents of the University of Oklahoma on November 8, 1962 (herein called Bond Resolution), to which Bond Resolution reference is hereby made for a more particular statement of the terms and conditions pursuant to which this Bond is issued, including the conditions under which bonds may be issued in the future payable from the hereinafter mentioned revenues on a parity with this Bond.

This Bond and the issue of which it is one are payable from student fees and net operating revenues of the System as defined in the aforesaid Bond Resolution authorizing the Bonds. This Bond is not an indebtedness of the State of Oklahoma or the University of Oklahoma or the Board of Regents of the University of Oklahoma, but is a special obligation payable solely from the aforesaid revenues.

This Bond may be registered as to principal alone and also as to both principal and interest and, if registered as to both principal and interest, may be converted into a coupon Bond, in accordance with the provisions endorsed hereon and subject to the terms and conditions set forth in the Bond Resolution.

Subject to the provisions for registration endorsed hereon and contained in the Bond Resolution, this Bond and the coupons appurtenant hereto shall be negotiable and pass by delivery.

This Bond is not subject to taxation by the State of Oklahoma or by any county, municipality or political subdivision therein.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this Bond have been properly done, happened and performed in regular and due form as required by law, and that the Board of Regents of the University of Oklahoma has agreed and does hereby agree to fix student fees and charges for the availability of the facilities making up the aforesaid System fully sufficient to assure the prompt payment of principal of and interest on this Bond and the other Bonds of the issue of which it is one, promptly as such principal and interest become due, and to create and maintain a reserve for such payment.

IN WITNESS WHEREOF, the Board of Regents of the University of Oklahoma has caused this Bond to be signed by its President and attested by its Secretary and its corporate seal to be hereunto affixed, and the interest coupons hereto attached to be signed by the facsimile signatures of said officials, all as of this first day of January, 1963.

President

ATTEST:

Secretary

(Form of Coupon)

Number _____ \$ _____

On the first day of _____ 19____, the Board of Regents of the University of Oklahoma unless the hereinafter mentioned Bond is then callable for redemption, and has been called and provision for the payment thereof duly made, will pay to the bearer the sum of _____ Dollars (\$_____) at The First National Bank and Trust Company of Oklahoma City, Oklahoma; or at the option of the holder at the fiscal agency of the State of Oklahoma, in the City of New York State of New York or in the event of the discontinuance of such agency then at the Manufacturers Hanover Trust Company, New York New York solely from the revenues mentioned in and for the interest then due on its Student Facilities Revenue Bond of 1963, Series D dated January 1, 1963.

ATTEST:

President

Secretary

(Endorsement for Back of Bond)

UNITED STATES OF AMERICA)
STATE OF OKLAHOMA) SS
)

We, the undersigned, Attorney General of Oklahoma and State Auditor of the State of Oklahoma, do hereby certify that the within Bond is issued pursuant to law and is within the debt limit provided by law.

Dated _____.

Attorney General

State Auditor

UNITED STATES OF AMERICA)
STATE OF OKLAHOMA) SS
)

I, the undersigned, State Treasurer, hereby certify that I have registered the within Bond in my office on _____.

State Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT

_____, 19____

I hereby certify that I have examined a certified copy of the record of the proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issuance and are in accordance with the provisions of Title 62, Oklahoma Statutes 1961, Sections 2071 to 2080, inclusive, requiring the approval of the Attorney General, and that this Bond is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty (30) days from the date of the approval of this Bond appearing in the caption hereof.

Attorney General

Provisions for Registration and Reconversion

This Bond may be registered as to principal alone on books of the University of Oklahoma kept by the Bank under the within mentioned Bond Resolution, as Bond

Registrar, upon presentation hereof to the Bond Registrar, which shall make notation of such registration in the registration blank below, and this Bond may thereafter be transferred only upon an assignment duly executed by the registered owner or his attorney in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such books and endorsed hereon by the Bond Registrar. Unless this Bond be registered as to both principal and interest, such transfer may be to bearer and thereby transferability by delivery shall be restored, but this Bond shall again be subject to successive registrations and transfers as before. The principal of this Bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this Bond as to principal alone, the coupons shall remain payable to bearer and shall continue to be transferable by delivery. This Bond may be registered as to both principal and interest upon presentation hereof to the Bond Registrar which shall detach and retain in its custody all unmatured coupons and shall make notation of such registration as to both principal and interest in the registration blank below, and this Bond may thereafter be transferred only upon an assignment duly executed by the registered owner or his attorney in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such books and endorsed hereon by the Bond Registrar; after such registration both the principal of and interest on this Bond shall be payable only to or upon the order of the registered owner or his legal representative. This Bond, if converted into a Bond registered as to both principal and interest, may be reconverted at the expense of the registered owner into a coupon Bond upon presentation hereof to the Bond Registrar, accompanied by an instrument duly executed by the registered owner or his attorney in such form as shall be satisfactory to the Bond Registrar; upon any such reconversion the Bond Registrar shall reattach hereto the coupons representing the interest to become due thereafter on this Bond to the date of maturity and shall make notation in the registration blank below whether this Bond is registered as to principal alone or is payable to bearer.

Date of Registration	Name of Registered Owner	Manner of Registration	Signature of Bond Registrar
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:

SECURITY

Section 7. The revenues to be derived by the University from the operation of the System shall, for the purposes of this Resolution be considered to be the following:

(a) A student fee to be charged and collected from every student in attendance at the University of Oklahoma at the regular sessions of the University for the availability of the Stadium, the Power and Heating Plant, the Stadium Facilities and Project Facilities to be constructed with the proceeds as authorized herein in such amount per student in each fiscal year (July 1 to June 30) as is necessary to pay the interest and principal falling due in that fiscal year. For this purpose, interest and principal falling due on July 1 of any year shall be considered an obligation of the fiscal year ending on the day before. The revenue defined in this paragraph shall be identified as "Student Fee Revenue."

(b) All other revenues to be derived from the operation of the System, including Stadium gate receipts and concession income, Power and Heating Plant operating income, and including the revenue derived from such student fee (supplemental and in addition to the fee described in Paragraph(a)) as may at any time be necessary to be imposed to pay maintenance and operation expenses, as hereinafter provided. The revenues to be derived pursuant to the provisions of this Paragraph (b) are hereinafter referred to as "Operating Revenue." If at any time the revenues of the System shall prove to be insufficient to pay the necessary expenses of operating and maintaining the System, including the cost of insurance and necessary replacements, renewals and repairs, the Board of Regents may in its discretion make up such deficiency through the application to such purpose of money currently available from the general operating and maintenance funds of the University, and if funds are not so applied, or if the funds so applied are insufficient, then any remaining deficiency shall be made up from the proceeds of an additional student fee to be

charged and collected from every student in attendance at the University at the regular sessions for the availability of the facilities of the System, which fee shall be in addition to the fee mentioned in Paragraph (a) above and shall be in an amount sufficient to pay all necessary expenses of maintenance and operation for which the funds herein specified in this paragraph may prove insufficient, but not in excess of such amount.

(c) The payment of this issue of Bonds shall be additionally secured by the same covenants, pledges, conditions and provisions as contained in the resolutions of the Board of Regents of the University of Oklahoma enacted May 25, 1948, February 23, 1949, December 13, 1950 and September 10, 1958, which pertain to the Power and Heating Plant Bonds of 1948, Stadium Bonds of 1949, Stadium Refunding Bonds of 1951, and Student Facilities Revenue Bonds of 1958. The net stadium operating revenues of the University of Oklahoma shall be pledged to payment of principal and interest on this issue of Bonds in the same manner and to the same extent as the same was pledged to payment of the Stadium Bonds of 1949, the Stadium Refunding Bonds of 1951, and the Student Facilities Revenue Bonds of 1958.

(d) All of the "Student Fee Revenue" for which provision is made in Paragraph (a) above shall be irrevocably pledged solely to the payment of principal and interest and redemption premiums of the Student Facilities Revenue Bonds of 1958 and the \$1,800,000 Student Facilities Revenue Bonds, Series D, herein authorized to be issued and the necessary paying agent and trustee fees in connection with such payments.

(e) All of the "Operating Revenue" for which provision is made in Paragraphs (b) and (c) hereinabove shall be irrevocably pledged to payment of the principal and interest of and redemption premiums of the Student Facilities Revenue Bonds of 1958 and the \$1,800,000 Student Facilities Revenue Bonds of 1963, Series D, herein authorized to be issued, and the necessary expense of operating and maintaining the System to the extent such costs are not paid from other available funds, except that after a sufficient sum from any source has been deposited in the Bond Fund to meet in full in any one fiscal year the interest and principal payments and required payments to Reserve, necessary paying agent and trustee's fees, the

surplus "Operating Revenues" remaining may be used by the Board of Regents for any lawful purpose.

(f) The Board of Regents expressly covenants and agrees that it will impose and collect student fees and charges for the benefits and availability of the System which shall be fully adequate and sufficient to make possible the prompt payment of all payments herein required to be made. Such student fees have been imposed and collected beginning with the first regular semester starting from and after the adoption of the original resolutions pertaining to the Power and Heating Plant Bonds of 1948, the Stadium Bonds of 1949, the Stadium Refunding Bonds of 1951, the Student Facilities Revenue Bonds of 1958, and shall be so imposed and collected until the Bonds herein authorized shall have been paid in full as to both principal and interest.

(g) None of the bonds shall be entitled to priority one over the other in the application of the revenues of the System, regardless of series and regardless of the fact that some of the bonds may be delivered prior to the delivery of other bonds of the issue.

(h) So long as any of the bonds herein authorized are outstanding the Board of Regents agrees that it will not issue any additional bonds or obligations payable from the revenues of the System, except under conditions stated in Section 15 of this Resolution.

FLOW OF FUNDS

Section 8. (a) The gross "Operating Revenues" derived from the operation of the System, as herein defined, shall be used to pay the current expenses of the System, as a first charge, as such expenses become due and payable. Current expenses shall include all necessary operating expenses, current maintenance charges, expenses of reasonable upkeep and repairs, properly allocated share of charges for insurance and all other expenses incident to the operation of the System, but shall exclude depreciation, and all general administration expenses of the University.

(b) There has previously been created, to be maintained by The First National Bank and Trust Company of Oklahoma City, Oklahoma, as Trustee, a

separate account to be known as "Student Facilities Revenue Bonds principal and Interest Fund" (herein collectively called the "Bond Fund"), which shall be maintained so long as any of the Student Facilities Revenue Bonds of 1958 and the Bonds of this issue are outstanding. There shall be paid into the Bond Fund from all the "Student Fee Revenue" and the net "Operating Revenues" of the System such sums as are necessary to assure the prompt payment of the principal and interest on the outstanding Bonds for the then current fiscal year, and in addition thereto the amount necessary to make the required payment into the Reserve Fund provided for in provision (c) below. The mandatory minimum amount to be paid into the Bond Fund from the revenues of the System available therefor, including the proceeds of student fees, in each twelve months' period ending on July 1 of each year to meet principal, interest and reserve requirements of the Student Facilities Revenue Bonds of 1963, Series D, shall be as follows:

<u>Year</u>	<u>Amount</u>
1963	\$ 25,856.25
1964	51,712.50
1965	73,712.50
1966	108,712.50
1967	104,712.50
1968	111,712.50
1969	110,062.50
1970	108,412.50
1971	186,762.50
1972	242,912.50
1973	252,412.50
1974	251,500.00
1975	255,120.00
1976	258,450.00
1977	256,250.00
1978	133,900.00

The Board of Regents covenants and agrees to remit to the Trustee for payment into the Bond Fund not less than thirty days prior to any interest and principal payment date of the Bonds herein issued in such amount as will meet in full interest and principal payments of said Bonds, and to replenish the Reserve Fund, if necessary,

and in addition thereto to pay Trustee and Paying Agent fees. If in any such period the revenues of the System applicable thereto are insufficient to make the payment required to be made into the Bond Fund, Reserve Fund, Trustee and Paying Agent fees, such deficiency shall be made up from the first revenues of the System thereafter received and available for such purpose.

(c) There is presently a "Student Facilities Revenue Bonds of 1958 Reserve Fund" (hereinafter sometimes called "Reserve Fund") maintained by The The First National Bank and Trust Company of Oklahoma City as Trustee, in the amount of \$200,000 which shall be increased to a total of \$332,000 as follows: From the payments to the Bond Fund as provided in the preceding paragraph numbered (b) of this Section, the said Trustee Bank shall deposit in said Reserve Fund on or before July 1, 1965 the sum of \$22,000; on or before July 1, 1966 the sum of \$57,000; on or before July 1, 1967 the sum of \$53,000. In addition the Board of Regents covenants to retain all the previous Reserve Fund monies in said fund to provide a reserve for these additional parity bonds of Series D as authorized in Section 8(e) of the Bond Resolution for Student Facilities Revenue Bonds of 1958, Series A, B, and C. Commencing July 1, 1971 and each year thereafter including July 1, 1977 the Board of Regents may transfer the sum each year of \$40,000 from the Reserve Fund to the Bond Fund for the redemption of Bonds, retirement of Bonds, or to reduce debt service payments for said years, or to be retained as reserves for additional parity bonds authorized to be issued under the provisions of Section 15 hereof, or buy bonds at a cost not exceeding next call price.

(d) The money in the Reserve Fund shall be used solely for the payment of principal and interest on the bonds payable from the Bond Fund as to which there would be a default if the money were not so used. If it

ever becomes necessary to use Reserve Fund money to avoid default of interest or principal payments, the money so paid out shall be restored from the first revenue available.

(e) The monies in the Reserve Fund may be by direction of the Chief Business Officer of the University of Oklahoma invested in obligations of the United States of America. If need for the money so invested shall arise for the payment of principal or interest, the obligations so purchased shall be sold to the extent necessary to make such payments and the proceeds of sale applied to such payment. All income received from the investment of the monies in the Reserve Fund may at the direction of the Chief Business Officer of the University be used either to call Bonds for redemption, or be placed in the Bond Fund to reduce the payments required to be made in the Bond Fund by Section 8(b), or remain in the Reserve Fund.

(f) The money in the Bond Fund not needed for the payment of principal or interest payable therefrom within the next sixty days may be by direction of the Chief Business Officer of the University invested in short-term obligations of the United States that will mature at face value in time to assure prompt payment of the next payments for which the money was deposited in the Bond Fund.

(g) The money remaining in the Bond Fund in each fiscal year after all current principal and interest have been paid and the Reserve has been accumulated to its full maximum amount and all payments made therefrom have been restored shall be used for the purpose of retiring prior to maturity as many of the Bonds as can be retired with the surplus so available. Until the bonds become optional for redemption such surplus shall be used to purchase bonds on the open market at a price not more than the next redemption price and if

bonds cannot be so purchased the surplus shall be accumulated in the Bond Fund and may be invested at direction of the Chief Business Officer of the University, in obligations of the United States of America until the bonds become so redeemable. After the bonds have become so redeemable, all surplus funds accumulating in the Bond Fund each six months period shall be used to redeem and retire on the next interest payment date as many of the bonds as can be so redeemed with the surplus available.

(h) The Bond Fund, including the Reserve Fund, shall be kept in separate accounts in The First National Bank and Trust Company of Oklahoma City, as Trustee, and shall be held as special trust accounts for the benefit of the holders of the bonds. The First National Bank and Trust Company of Oklahoma City, as Trustee, shall in due season prior to the dates on which principal and interest fall due, make proper arrangements with the bank which is serving as the additional paying agent for the bonds, pursuant to which all bonds and coupons will be paid promptly upon presentation at either place of payment.

(i) When there shall be in the Bond Fund and the Reserve Fund together a sum sufficient to pay principal of and interest to maturity or applicable redemption date on all bonds then remaining outstanding, plus necessary redemption premiums, the money in said funds may be used for such purpose and no additional payments need be made into said funds unless necessary to replace monies lost because of depreciation of investments.

TRUSTEE

Section 9. The First National Bank and Trust Company of Oklahoma City, Oklahoma, is hereby designated as Trustee to retain in special accounts secured by an equivalent amount of United States Government Bonds, the Bond Fund, and the Reserve Fund, to retain in its custody satisfactory evidence of the insurance hereinafter provided for, and to perform such duties as are further herein recited.

A certified copy of this Resolution shall be filed with said Trustee, which shall designate its acceptance of the Trust herein mentioned in such manner as may be satisfactory to the Board.

DELIVERY

Section 10. Series D. Bonds, numbered 1D to 360D, inclusive, shall be delivered by the State Treasurer to the purchaser thereof at the office of the State Treasurer pursuant to payment therefor at the principal amount thereof plus accrued interest to the date of delivery, and the sale of such bonds to said purchaser is hereby confirmed. The proceeds from the sale of the Series D Bonds, numbered 1D to 360D, inclusive, (with the exception of accrued interest which is to be delivered to Trustee and placed in the Student Facilities Revenue Bonds Principal and Interest Fund) shall be deposited in a special account in the State Treasury and applied solely to the purpose of constructing and acquiring additional Heating and Power Plant Facilities, and paying the necessary incidental expenses in connection with the construction and the issuance of the bonds, including, but not limited to, architectural, engineering, financial, legal and administrative expenses, and utility connections and site improvements, pursuant to warrants issued by the State Auditor for such amounts as he may from time to time find due upon audited itemized estimates which bear the approval of the President of the University of Oklahoma. At the direction of the Chief Business Manager of the University, any money in the Construction Fund after all costs of the Project have been paid may be used to call bonds for redemption on a call date, to purchase bonds on the open market at a price not more than the next redemption price, or to be placed in the Bond Fund and reduce payments into the Bond Fund by Section 8(b), or be placed in the Reserve Fund.

The State Treasurer shall at direction of Chief Business Manager of the University invest the construction account funds in short-term United States Government Bonds. The income received from the investment of the construction account funds shall be considered a part of the Construction Account.

INSURANCE

Section 11. The Board of Regents agrees to keep the System, including its furnishings and equipment, continuously insured against fire, tornado, windstorm.

and other hazards in an amount at least equal to the face value of all bonds outstanding payable from the revenues of the System, provided, however, that in case the amount of such bonds shall be greater than the insurable value of the System, then the Board shall insure to its insurable value. In case of loss, the proceeds of insurance shall be applied to the repair or restoration of the structure and contents thereof to their former condition, or in such manner as will make the structure again usable for its intended purposes. If the funds received from said insurance policies or otherwise on account of any loss shall be insufficient to make the structure again usable for its intended purpose, then the funds received by reason of such loss shall be deposited with the Trustee for the benefit of the holders of the outstanding bonds payable from the revenues of the System, as their respective interest may appear. The Board agrees also to carry on the System use and occupancy insurance in an aggregate amount equal at all times to the highest annual amount due for principal of and interest on all of the outstanding bonds payable from the revenues thereof in any year covered by the terms of such policies. All proceeds derived from such use and occupancy policies shall be treated as revenues derived from the System and shall be applied as other revenues of the System are required to be applied under the provisions of this Resolution, except that none of such proceeds shall be used in the operation or maintenance of the System. Each such insurance policy shall be acceptable to the Trustee designated in connection with this issue of bonds and shall contain a clause making all losses payable to the Trustee as its interest may appear.

OPERATING REPORTS

Section 12. The Board of Regents further covenants and agrees to keep proper books of record and account (separate and apart from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the operation and maintenance of the System and the allocation and application of the revenues thereof, and that such books shall be

available for inspection by the holder of any of the bonds at reasonable hours and under reasonable conditions. Not more than three months after the close of each fiscal year the Board of Regents agrees to furnish to The First National Bank and Trust Company of Oklahoma City, Milburn, Cochran & Company, Inc. (or its successors), the original purchasers of the Bonds, and to each holder of any of the bonds who so requests a complete operating and income statement covering the operation of the System for the prior fiscal year, or, if so requested in writing by the holders of not less than forty per cent of the bonds of any Series then outstanding, an operating and income statement certified by independent auditors of their selection. The Board of Regents agrees to furnish the annual financial report of the University each year as soon as available to any bondholders requesting it.

TRUSTEE AND PAYING AGENT FEES

Section 13. All charges made by the Trustee and paying agent banks for services rendered and for payment of principal of and interest on the bonds will be paid from the System revenues and will not be required to be paid by the holders of the bonds or coupons.

AUTHORITY OF OFFICERS

Section 14. The officers and agents of the Board and each of them shall be and they are hereby authorized and directed from time to time and at any time to do and perform all such acts and things and to execute and deliver in the name and under the corporate seal and on behalf of the Board all such instruments as may be necessary or desirable to carry out the terms and provisions of this Resolution and of the bonds to be issued hereunder, and without limiting the generality of the foregoing, the officers and agents of the Board are hereby specifically authorized and directed to do all acts and things and to execute and deliver all such instruments in the name and under the corporate seal and on behalf of the Board.

ADDITIONAL PARITY BONDS

Section 15. That in order to make improvements, extensions, additions, or acquisitions or add buildings to the existing System, from time to time as need arises, which improvements, extensions, additions, acquisition or buildings are for the comfort, convenience and welfare of the student body as a whole, the Board of Regents shall have the right, subject to the laws of Oklahoma then in force, to issue additional series of Student Facilities Revenue Bonds payable from the revenues of the augmented System on a parity with the Student Facilities Revenue Bonds of 1958 and the Bonds authorized in this Resolution, but only pursuant to the following conditions:

(a) In the event that for a period of two years prior thereto the revenues of the System, including student fee income available for application to the System debt service, shall have been in an amount equal to one and one-fourth times debt service charges after payment of all maintenance and operating costs of the System, and provided further that the estimated revenue of the new building, facility or additions and improvements to be constructed or acquired together with the revenues of the System as described above, in the written opinion of the President and Chief Business Officer of the University of Oklahoma, will equal, after payment of all maintenance and operating costs of the System, one and one-fourth times total debt service charges for the outstanding bonds issued herein and the bonds to be issued.

(b) All payments required to be made into the Bond Fund and the Reserve Fund under the foregoing provisions of this Resolution must be current.

(c) All additional bonds issued under the provisions of this Section shall be payable from the Bond Fund on a parity with the Student Facilities Revenue Bonds of 1958 and the Student Facilities Revenue Bonds of 1963 and any subsequent parity bonds which may have been issued, and shall be entitled to payment from the Reserve Fund with said outstanding bonds, but provision shall be made in the proceedings authorizing the issuance of such parity bonds for such increases in the payment into the Reserve Fund as may be necessary to assure the adequacy of such Fund to protect all bonds payable from the Bond

Fund proportionately in amount as provided for in the Resolutions as to the Student Facilities Revenue Bonds of 1958 and Student Facilities Revenue Bonds of 1963. All of the provisions and covenants contained in the Resolution authorizing the issuance of the Student Facilities Revenue Bonds of 1958 and Student Facilities Revenue Bonds of 1963 shall be applicable to and shall be continued in force for the security and protection of all parity bonds with like force and effect as for the Student Facilities Revenue Bonds of 1958 and Student Facilities Revenue Bonds of 1963 and the holders of all such parity bonds shall have all rights and shall be entitled to all privileges, audits and reports enjoyed by the holders of the Student Facilities Revenue Bonds of 1958 and the Student Facilities Revenue Bonds of 1963.

AMENDMENT

Section 16. That the holders of two-thirds of the outstanding Student Facilities Revenue Bonds of 1958 and Student Facilities Revenue Bonds of 1963, and parity bonds subsequently issued, at any time outstanding (not including in any case any bonds which may then be held or owned by or for the account of the Board, but including such refunding bonds as may be issued for the purpose of refunding any of the bonds herein authorized which are not owned by the Board) shall have the right from time to time to consent to and approve the adoption by the Board of a resolution or resolutions modifying or amending any of the terms or provisions contained in this Resolution; provided, however, that this Resolution may not be so modified or amended in such manner as to:

- (a) Make any change in the maturity of the bonds;
- (b) Make any change in the rate of interest borne by any of the bonds;
- (c) Reduce the amount of the principal or redemption premium payable on the bonds;
- (d) Modify the terms of payment of principal or of interest or of redemption premiums on the bonds or any of them or impose any conditions with respect to such payment;
- (e) Affect the rights of the holders of less than all of the bonds then outstanding.

SAVING CLAUSE

Section 17. That if it shall ever be held by a court of competent jurisdiction that any one or more sections, clauses or provisions of this Resolution, including specifically but without limitation Section 15 hereof, is invalid or ineffective for any reason such holding shall not affect the validity and effectiveness of the remaining sections, clauses and provisions hereof.

Section 18. That all resolutions or parts thereof in conflict herewith be and the same are hereby repealed and that this Resolution shall become effective immediately after its adoption.

ADOPTED and APPROVED this 8th day of November, 1962.

Dave Morgan
President

ATTEST:

Gene R. Kettle
Secretary

STATE OF OKLAHOMA)
) SS
COUNTY OF CLEVELAND)

I, Emil R. Kraettli, do hereby certify that I am the duly qualified and acting Secretary of the Board of Regents of the University of Oklahoma.

I further certify that the above and foregoing constitutes a true and correct copy of the minutes of a meeting of said Board held on November 8, 1962, and of a resolution adopted at said meeting, as said minutes of said meeting are officially of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of said Board this the 8th day of November, 19 62.


Secretary

(SEAL)

THE STATE OF OKLAHOMA :

COUNTY OF CLEVELAND :

The Board of Regents of the University of Oklahoma convened in regular meeting on this the 8th day of November, 1962, at the President's Office in the Administration Building, on the campus of the University, at Norman, Oklahoma, at 10 o'clock A.M. with the following members and officers of the Board present, to wit:

Glenn Northcutt, Vice President

Emil R. Kraettli, Secretary

Ira (Eph) Monroe

Julian J. Rothbaum

Mark R. Johnson, M.D.

James G. Davidson

with the following members of the Board of Regents absent, to wit:

Dave Morgan, President

Leonard H. Savage

constituting a quorum of the said Board, at which meeting the following, among other business, was transacted, to wit:

Ira (Eph) Monroe moved that the attached Agreement between the Regents of the University of Oklahoma and The First National Bank and Trust Company of Oklahoma City be approved and that the President and Secretary be directed to execute the same for and in behalf of the Board of Regents. James G. Davidson seconded the motion.

The motion carrying with it the approval of the Agreement prevailed by the following vote:

- AYE: Glenn Northcutt
- Ira (Eph) Monroe
- Julian J. Rothbaum
- Mark R. Johnson, M.D.
- James G. Davidson

NAY: None

The Agreement as adopted is as follows:

A G R E E M E N T

THIS CONTRACT AND AGREEMENT made and entered into by the Regents of the University of Oklahoma, Party of the First Part, and The First National Bank and Trust Company of Oklahoma City, Oklahoma, a national banking association organized and operating under the laws of the United States, Party of the Second Part.

WITNESSETH:

THAT WHEREAS, the Board of Regents of the University of Oklahoma did on the 8th day of November, 1962, by resolution (hereinafter called Bond Resolution) authorize the issuance of bonds in the sum of \$1,800,000, Series D Student Facilities Revenue Bonds of 1963 for the purpose of constructing and acquiring additional power and heating plant facilities on the campus of the University of Oklahoma; as set forth in the above mentioned resolution of said Regents, a copy of which resolution is hereto attached and made a part of this contract; and

WHEREAS, said Board of Regents of the University of Oklahoma did by said Bond Resolution designate The First National Bank and Trust Company of Oklahoma City, Oklahoma, Party of the Second Part herein, as trustee of certain funds hereinafter more fully described for the benefit and protection of the holders of the bonds above described; and to perform other services as therein specified; and

WHEREAS, the Second Party has consented to act as such Trustee for the purposes aforesaid:

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

A. The First Party hereto accepts and undertakes the performance of the following duties in the manner more fully prescribed in the said Bond Resolution.

(1) To impose and collect general student fees and charges for the availability of the System fully sufficient to retire the indebtedness when due.

(2) To keep the System covered by fire and other hazards and use and occupancy insurance, and deliver evidence thereof to the Trustee.

(3) To operate and maintain the System in good condition.

(4) To deposit with the Trustee revenues derived from the collection of the student fees and net operating revenues in the amount and at the time provided for in the Bond Resolution which shall be placed in the "Student Facilities Revenue Bonds Principal and Interest Fund," sometimes referred to in the Bond Resolution as the "Bond Fund," and to the "Student Facilities Revenue Bonds Reserve Fund," sometimes referred to in the Bond Resolution as the "Reserve Fund."

(5) To keep separate accounts of all financial transactions affecting the bond issue and the operation of the System and furnish operating statements to those entitled to receive them.

(6) To pay all reasonable charges made by the Trustee and Paying Agent Banks for services rendered under this agreement. Payments to the Trustee, the Second Party herein, shall be made in accordance with the following scale:

ACCEPTANCE FEE:

1/20th of 1% of original bond issue minimum \$250.00.

ANNUAL FEE:

1/20th of 1% of the authorized and outstanding bonds with a minimum annual fee of \$200.00.

PAYING AGENT'S FEE:

1/10th of 1% of the sums disbursed for the purpose of paying principal and 1/4th of 1% of the sums disbursed for the payment of interest.

In cases of extraordinary services performed, the Trustee shall receive reasonable compensation for such service.

B. The Second Party hereto accepts and undertakes the performance of the following duties in the manner more fully prescribed in the said resolution:

(1) To hold in trust the money paid to the Trustee by First Party, to be used solely for the following purposes:

- (a) To pay promptly the principal of and interest on the bonds when due, whether the bonds and coupons are presented to the Trustee or to the co-paying agent the Manufacturers Hanover Trust Company, New York City, New York and to pay from the Principal and Interest Fund the required paying agent fees and trustee fees.
- (b) To pay the principal of bonds prior to maturity when so directed upon proper notice by First Party.
- (c) To maintain separately a "Student Facilities Revenue Bonds Principal and Interest Fund" and "Student Facilities Revenue Bonds Reserve Fund" in accordance with terms of the resolution.
- (d) To secure the amount of money deposited in the "Student Facilities Revenue Bonds Principal and Interest Fund" and "Student Facilities Revenue Bonds Reserve Fund" by an equivalent amount of United States Government bonds in the manner prescribed by Federal law for the securing of trust funds.

- (e) The money in the Bond Fund not needed for the payment of principal or interest payable therefrom within the next sixty days may be by direction of the Chief Business Officer of the University invested in short-term obligations of the United States that will mature at face value in time to assure prompt payment of the next payments for which the money was deposited in the Bond Fund.
- (f) The money remaining in the Bond Fund in each fiscal year after all current principal and interest have been paid and the Reserve has been accumulated to its full maximum amount and all payments made therefrom have been restored shall be used for the purpose of retiring prior to maturity as many of the Bonds as can be retired with the surplus so available. Until the bonds become optional for redemption such surplus shall be used to purchase bonds on the open market at a price not more than the next redemption price and if bonds cannot be so purchased the surplus shall be accumulated in the Bond Fund and may be invested at direction of the Chief Business Officer of the University, in obligations of the United States of America until the bonds become so redeemable. After the bonds have become so redeemable, all surplus funds accumulating in the Bond Fund each six months period shall be used to redeem and retire on the next interest payment date as many of the bonds as can be so redeemed with the surplus available.
- (g) In the event of failure by First Party to deposit in the Principal and Interest Fund, at the times stated in the Bond Resolution, the amounts of money necessary to meet interest and principal payments when due and the amounts of money necessary to create and maintain the Reserve Fund in accordance with the provisions of the Bond Resolution, or to carry insurance as provided in said Bond Resolution, then and in that event the Second Party shall, upon request of the holders of forty (40) per cent of the bonds, take appropriate action to enforce compliance with the terms of the said Bond Resolution insofar as they apply to such payments and carrying of insurance. Second Party shall not

be obligated to take action to enforce such compliance unless properly indemnified to its satisfaction in reasonable amounts. The obligation of Second Party to enforce compliance with terms of the Bond Resolution shall not extend beyond those requirements of the Bond Resolution that relate to deposits of money by First Party in the Principal and Interest Fund and the Reserve Fund in the custody of the Trustee, the Second Party herein and insurance provisions; provided, however, that Second Party agrees to perform other and additional services in connection with enforcing terms of the Bond Resolution if so requested in writing by holders of forty (40) per cent of the bonds. Second Party shall be properly indemnified to its satisfaction in reasonable amounts in connection with such other and additional services.

C. It is mutually agreed by the parties that the said Bond Resolution, certified copy of which is attached herewith, is hereby adopted as a part of this Trust Agreement, and all provisions of said Bond Resolution that relate to operation of the trusteeship shall be binding on both parties hereto in the same manner as though set forth fully herein; and the failure to specify in this agreement particular duties expressed or implied in the Bond Resolution shall not be deemed a waiver of such duties by either party to this agreement.

D. The First Party to this agreement reserves the right to appoint a new trustee under any of the following conditions:

(1) If the Second Party gives notice that it wishes to terminate its trusteeship;

(2) If the First Party becomes dissatisfied for good cause reasonably demonstrated with the conduct of the Second Party in its handling of trust funds or trust affairs;

(3) Or upon request of sixty per cent (60%) of the holders of the bonds authorized by the Bond Resolution herein referred to.

President Cross reported that in discussing the possibility of constructing 100 new apartments through application to the Housing and Home Finance Agency, the Agency representatives stated that they would be receptive to an additional application to cover the cost of the construction.

The HHFA representative recommended that a completely new system be started to include the new 1,000-unit student dormitory, 100 new apartments, Niemann Apartments, Whitehand House, Franklin House, the Student Health Service, and the South Base Apartments, if satisfactory arrangements can be worked out with the Department of Health, Education and Welfare for pledging the excess earnings of the existing 180 apartments on the South Campus. This arrangement would require that the interest and principal requirements on Whitehand House be fulfilled by depositing funds in escrow to meet the payments as required. Funds are now on hand in the Niemann Apartment account to completely pay the remaining obligations on Whitehand.

The HHFA representative also suggested that the bond issue be increased by approximately \$250,000 in order to supply furnishings for the new 100 apartments and in order to refurbish Whitehand House before it is tied in to the new open-end system. This would require a total bond issue of \$5,650,000. The HHFA representative indicated that their Agency would be interested in handling \$5,400,000 of the issue, which would leave \$250,000 to be sold on the open market. The representative saw no problem in handling the total issue under the above arrangement.

President Cross recommended that his office be authorized to submit a revised application for HHFA funds to provide a total bond issue of \$5,650,000 for the following purposes:

New dormitory for 1,000 students	\$4,200,000
100 new two-bedroom student apartments	1,200,000
Refurbishing of Whitehand House	75,000
Furnishings for apartments	125,000
Furnishings for dormitories	<u>50,000</u>
Total	\$5,650,000

Approved on motion by Regent Monroe.

President Cross presented the following letter:

"October 22, 1962

"Board of Regents
University of Oklahoma
Norman, Oklahoma

November 8, 1962

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"Gentlemen:

"We have been requested by our State Highway Commission to locate an area in the vicinity of Norman to build a Maintenance District Headquarters for the Cleveland County State Highway Maintenance Crew.

"We have located an area adjacent to I-35 and north of Robinson Street which is the southwest corner of the old North Navy Base and have shown this area on the attached sketch in red, that would be a very desirable and satisfactory area for the Cleveland County Maintenance District Headquarters. This area consist(s) of 660 feet north of the service road and 660 feet east of I-35 in the southwest corner of the old North Navy Base.

"We have our building bought and we are in a position to start construction of this Maintenance District Headquarters and would like for the Board of Regents to approve this area for our use on a 99 year land-lease basis.

"We would appreciate receiving your reply at your earliest convenience.

Very truly yours,

/s/ J. L. Berry

J. L. Berry
Division Engineer
State Department of Highways"

President Cross stated that a 99-year lease would certainly not be in the best interests of the University. The Research Park and airport facilities are located on the North Campus and it can be safely predicted that both of these operations will require all of the present North Campus land area long before the expiration of the lease period desired by the Highway Commission.

However, neither the Research Park nor the airport facility has positive plans for the development of this ten-acre tract within the next few years. Consequently, President Cross stated that he would not be adverse to a lease of much shorter duration than the period proposed.

President Cross recommended that the area in question be made available to the Highway Commission for the purpose stated on the basis of a five-year lease and that after five years, an annual year-to-year lease be negotiated, if the property in question is at that time not needed by the University, the Research Park or the airport facility.

On motion by Regent Davidson, the above recommendation was approved.

President Cross reported the Superintendent of Mails, United States Post Office Department, Norman, Oklahoma, has indicated that for continuing mail delivery to the houses and buildings in Cate Center, postal regulations require a street name and house or building number.

The Council on Planning and Development has recommended a plan for the designation of the street, houses and buildings in the Cate Center area (included in the agenda). President Cross concurred in the Council's plan and recommended its approval by the Regents.

Approved on motion by Regent Monroe.

The University Guidance Service is an agency designed to help students by means of testing and counseling. The Guidance Service maintains a staff of trained counselors to help students with educational, vocational, or personal problems, and students may take a variety of tests to help in the process of evaluating their own particular interests, aptitudes, and abilities. At the present time these counseling and testing services are available to students at no charge.

President Cross reported that the Director of the Guidance Service, the Dean of Students, and the Vice President for Business and Finance have recommended approval of a policy of charging a fee for tests administered for University students, with a \$5.00 maximum for testing services at any one time. They have also recommended that when the Guidance Service facilities are made available to individuals who are not currently enrolled at the University a fee per test be charged, with the following exceptions:

1. When a prospective student is referred by the Dean of Admissions a maximum fee of \$5.00 be charged for testing services.
2. When the Guidance Service is called upon to assist in the evaluation of prospective scholarship students that there be no charge.

The proposed fee schedule for the various tests given is as follows:

Allport Vernon Study of Values	\$1.00
American College Test	5.00
California Test of Mental Maturity	3.00
Cooperative English Test	2.00
Differential Aptitude Test	5.00
Edwards Personal Preference Scale	3.00
Engineering-Physical Science Aptitude	2.00
General Educational Development Tests	5.00

Guilford Martin GAMIN	\$2.00
Guilford Martin STDGR	2.00
Guilford Zimmerman Aptitude Survey	2.00
Iowa Highschool Content Examination	2.00
Iowa Legal Aptitude Test	2.00
Kuder Preference Record	2.00
Meier Art Judgement Test	2.00
Michigan English Language Proficiency Test	5.00
Michigan Test of Aural Comprehension	5.00
Michigan Vocabulary Test	2.00
Miller Analogies Test	2.00
Minnesota Clerical Test	1.00
Minnesota Multiphasic Personality	3.00
Minnesota Paper Formboard Test	2.00
Mooney Problem Checklist	2.00
Occupational Interest Inventory	2.00
Ohio State Psychological Examination	2.00
Otis Mental Ability Test	3.00
OU Mathematics Placement Test	1.00
Personality Inventory (Bernreuter)	3.00
School and College Ability Test	2.00
Stanford Achievement Test	2.00
Strong Vocational Interest Test	2.00
Test of Mechanical Comprehension	2.00

President Cross recommended approval of the establishment of a fee schedule for the use of Guidance Service facilities as described above, effective with the beginning of the second semester of this academic year.

Approved on motion by Regent Monroe.

President Cross reported that experience has shown that an increasingly large number of out-of-state students file more or less simultaneous applications for admission with a number of universities. The receipt of such applications from students who do not enroll after they are admitted puts the University to needless expense. Since many universities have had good experience in minimizing this expense through a non-refundable admissions fee, the University would like to make a charge for processing an out-of-state application here. If such a fee is adopted it will take the place of the nonresident deposit fee approved by the Regents on October 7, 1959 (p. 6410).

President Cross recommended a \$10.00 fee be charged all nonresident undergraduates who apply for admission to the University, and that the fee be paid before the application is processed in any manner. The \$10.00 will not be applied to enrollment fees and will not be refundable if the student withdraws his application for admission or is not eligible for admission to the University. The fee, if approved, will be effective for all applications received for the academic year 1963-64 and thereafter.

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President Cross reported that an identical fee is now being charged at Oklahoma State University.

Approved on motion by Regent Monroe.

PERSONNEL

FACULTY

SABBATICAL LEAVES OF ABSENCE:

George W. Murphy, Professor of Chemistry, January 16 to June 1, 1963.

Paul R. David, Professor of Zoology, January 16 to June 1, 1963.

Homer A. Brown, Jr., Associate Professor of Accounting, September 1, 1963 to June 1, 1964.

William S. Burgett, Associate Professor of Architecture, January 16 to June 1, 1963 and September 1, 1963 to January 16, 1964.

Colin A. Plint, Associate Professor of Physics, September 1, 1963 to June 1, 1964.

APPOINTMENTS:

Charles Russell Crane, Jr., Ph.D., Adjunct Associate Professor of Chemistry, no salary, September 1, 1962.

Richard Gerald Snyder, Ph.D., Adjunct Associate Professor of Anthropology, no salary, November 1, 1962.

Marian Grimes Craig, Assistant Professor of Social Work, rate of \$8,520 for 12 months, October 1, 1962 to July 1, 1963. Salary from NIMH Grant.

Elizabeth Ann Flinta, reappointed Special Correspondence Instructor in Italian, Modern Languages, part time, October 1, 1962 to August 15, 1963. Salary paid by General Services.

Geraldine Houser, Special Instructor in Modern Languages, part time, September 25, 1962 to July 1, 1963. Salary paid by Field Development Services.

Zollene Bennett, Teaching Assistant in Music, \$250 for 4½ months, part time, September 1, 1962.

Rhetta R. Mayfield, Teaching Assistant in Music, \$400 for 4½ months, part time, September 1, 1962.

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Donald D. Peters, Teaching Assistant in Music, \$350 for 4½ months, part time, September 1, 1962.

Melton James, Teaching Assistant in Music, \$150 for 4½ months, part time, September 1, 1962.

William E. Bulmer, Teaching Assistant, Gulf Oil Petroleum Engineering Grant, \$800 for 8 months, part time, October 1, 1962 to June 1, 1963.

Carmela R. deGiron, Special Instructor, Peace Corps Bolivia III Project, \$288 for October, \$832 for November, \$576 for December, 1962.

Waldemar de Magalhaes Lopes, Jr., Special Instructor, Peace Corps Bolivia III Project, \$288 for October, \$832 for November, \$576 for December, 1962.

Rosa Rodriguez de Reeves, Special Instructor, Peace Corps Bolivia III Project, \$288 for October, \$832 for November, \$576 for December, 1962.

Luis G. Gonzalez, Special Instructor, Peace Corps Bolivia III Project, \$160 for October, \$440 for November, \$300 for December, 1962, 1/2 time.

CHANGES:

Robert E. Ohm, title changed from Acting Associate Professor to Associate Professor of Education, January 1, 1963.

CHAIRMANSHIP:

Cluff E. Hopla, Associate Professor of Zoology; appointed Chairman of Zoology to August 31, 1965, replacing Dr. Harriet Harvey.

GRADUATE ASSISTANTS

APPOINTMENT:

Arlin Lee, Osage Computer, \$200 per month, 1/2 time, September 15, 1962 to June 1, 1963.

RESIGNATION:

John H. Dye, Modern Languages, November 1, 1962.

NON-ACADEMIC

APPOINTMENTS:

Philip E. Deck, Project Engineer, Computer Laboratories, rate of \$9,156 for 12 months, October 22, 1962. Professional Status.

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Luther Gilbert Merritt, Extension Specialist II, Short Courses, rate of \$4,620 for 12 months, October 15, 1962.

J. Gene Russell, Administrative Coordinator, International Teacher Development Program, \$666.66 per month, September 1, 1962 to March 1, 1963. On leave of absence from position in Student Affairs.

James Kenneth Watson, reappointed Project Engineer, Computer Laboratories, \$727 per month, December 1, 1962 to February 1, 1963.

CHANGE:

John Mark Vornholt, Assistant Director of Public Information for Continuing Education; given additional title of Extension Specialist II, October 1, 1962.

RESIGNATIONS:

T. Layton Mabrey, Extension Specialist II, General Services, October 15, 1962.

Fred James Quintana, Extension Specialist II, Field Development Services, October 16, 1962.

MEDICAL CENTER

LEAVES OF ABSENCE WITHOUT PAY:

George I. Lythcott, M.D., Assistant Clinical Professor of Pediatrics, August 1, 1962 to August 1, 1963.

John Earl Ramsey, Jr., M.D., Instructor in Gynecology and Obstetrics, October 1, 1962 to October 1, 1963.

James W. Coin, M.D., Instructor in Radiology, November 1, 1962 to November 1, 1963.

APPOINTMENTS:

Charles E. Shopfner, M.D., Associate Professor of Radiology, rate of \$13,000 for 12 months, October 1, 1962.

Millage Clinton Miller, III, Ph.D., Assistant Professor of Preventive Medicine and Public Health, \$9,000 for 12 months, September 1, 1962.

Jane Ellen Chapman, M.S.N., Assistant Professor of Nursing (Public Health), annual rate of \$6,500, September 11, 1962.

Lawrence Lyle Knight, M.D., Instructor in Pathology, clinical rates, October 1, 1962.

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Robert Rosenstein, Ph.D., Instructor in Research Pharmacology, clinical rates, October 1, 1962.

Michael Nicholas Spengos, D.D.S., Clinical Assistant in Oral Surgery, clinical rates, September 1, 1962.

Jan Owen Harris, M.S.W., Clinical Assistant in Psychiatry, Neurology, and Behavioral Sciences, \$6,500 for 12 months, November 1, 1962.

Jack E. Tompkins, M.S., Research Associate in Medicine, \$750 per month, September 1, 1962.

Eleanor S. Keeping, Ph.D., Research Associate in Microbiology, clinical rates, November 1, 1962.

Barnett R. Addis, B.S., Research Associate in Psychiatry, Neurology, and Behavioral Sciences, \$7,500 for 12 months, October 1, 1962.

Arthur Vega, Jr., M.A., Research Associate in Psychiatry, Neurology, and Behavioral Sciences, \$375 per month, November 1, 1962.

James D. Noble, Research Associate in Radiology, \$6,300 for 12 months, November 1, 1962.

CHANGES:

Elissa Isaacson Bartlett, B.S.N., title changed from Instructor in Nursing (Maternal and Child Health) to Instructor in Nursing (Public Health), salary increased from \$416.66 to \$472.21 per month, October 1, 1962.

Luliese Husen, B.S., Instructor in Physical Therapy, salary rate increased from \$5,400 to \$5,820 for 12 months, September 1, 1962.

John W. Kelly, Ph.D., Associate Professor of Pathology; appointed Vice-Chairman of Pathology, October 1, 1962.

Eugene O. Mencke, M.A., title changed from Instructor in Communications Disorders and Clinical Audiologist, Speech and Hearing Center, to Instructor in Communications Disorders and Supervisor of Teacher Training in Speech and Hearing Center, July 1, 1962.

Robert Richard Phillips, Ph.D., Visiting Lecturer in Psychiatry, Neurology, and Behavioral Sciences, salary changed from clinical rates to \$150 per month, September 1, 1962 to July 1, 1963.

Frank W. Stewart, D.M.D., Assistant Professor of Oral Surgery, salary changed from clinical rates to \$200 per month, September 1, 1962.

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RESIGNATIONS:

Sister Mary Bonaventure, O.S.F., Assistant Professor of Nutrition, October 1, 1962.

Norman K. Lee, M.D., Assistant Professor of Pathology, October 10, 1962.

Harold G. Muchmore, M.D., Assistant Professor of Preventive Medicine and Public Health and of Medicine and of Microbiology, September 30, 1962.

Forrest L. Scharf, M.D., Associate Professor of Pathology and Director, Clinical Laboratories, October 31, 1962.

DEATH:

Joseph Thomas Martin, M.D., Professor Emeritus of Medicine, October 2, 1962.

On motion by Regent Rothbaum the above personnel items were approved.

President Cross presented the following letter from Mr. Raymond Crews, Business Administrator of the Medical Center, under date of November 2, 1962:

"Dear Doctor Cross

"Under separate cover we have transmitted to your office eight copies of the architect's drawings, plans and specifications for certain remodeling, renovation and a minor addition at Children's Memorial Hospital.

"The primary purpose of this project is to provide a Cardiac Catheterization Laboratory, Special Research Laboratories, and an inpatient ward for a 'General Clinical Research Center'. This Center is being developed and financed through a grant for this purpose from the National Institutes of Health.

"The patient area and special laboratory will be in Ward 2-H, a unit that has not been used for patient care for some time.

"Space for the catheterization laboratory is being provided in an area currently used by the School of Physical Therapy and an additional area is being provided for the School.

"The catheterization laboratory must be integrated with the Radiology area and requires some modification of that Department. This latter modification is being coupled with the addition of an additional x-ray room at Children's Memorial Hospital, a project previously approved (M & R #7) and to be financed from the \$100,000 set aside from the thirty and one-half million bond funds.

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"Since the National Institutes of Health funds for the renovation and operation of the Center are presently available and are on a fiscal basis, time is an important factor. Because of this urgency to get the unit into operation, we sought and received bids as soon as the plans were ready without formal approval of the Regents. Copies of these bids and tabulation sheets have also been transmitted to your office.

"We respectfully request the Regents to consider these plans and specifications.

"If they are approved we further recommend that the low base bid submitted by Wynn Construction Company in the amount of \$154,400 be accepted, contingent upon final approval of the financial arrangements by the Federal granting source.

Sincerely

/s/ R. D. Crews

Business Administrator of the Medical Center
and Superintendent of University Hospitals"

The following is a tabulation of the base bids received:

Wynn Construction Company	\$154,400
J. J. Cook Construction Company	166,268
Industrial Concrete Builders, Inc.	174,950

Copies of the architect's plans and specifications were available for inspection.

President Cross recommended that if the Regents are willing to forego prior authorization to advertise for and receive bids under the emergency circumstances described by Mr. Crews, that a contract be awarded to the Wynn Construction Company for the base bid of \$154,400 without accepting any of the alternates, and that the award be contingent upon final approval of the Federal fund sources.

Regent Johnson moved that the letter from Mr. Raymond Crews be acknowledged as prior authorization by the Board and that the recommendation contained therein be approved. Seconded by Regent Monroe and approved.

The following is a summary of income and expenditures for programs of research conducted by faculty members of the School of Medicine for the

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period July 1 through September 30, 1962, as applied to the Oklahoma City Veterans Administration Hospital and to the Oklahoma Medical Research Foundation:

	<u>Research Foundation</u>	<u>VA Hospital</u>
Grants and Contributions for Research		
Federal Sources	\$220,609.51	-0-
Non-Federal Sources	115,315.77	966.07
Other Allocations for Research		
Federal Sources	<u>-0-</u>	<u>113,788.92</u>
Total Expenditure for Research	\$335,925.28	\$114,754.99

The above report was submitted by Dr. Mark R. Everett, Dean of the School of Medicine. No action.

There being no further business, the meeting was adjourned at 11:45 a.m.



Emil R. Kraettli, Secretary