

OHIO BOARD OF REGENTS

Agenda Item 3.15 Consideration of a First Addendum to the Joint Use Agreement between Wright State University and the Development Research Corporation.

**RESOLUTION**

WHEREAS, the 125<sup>th</sup> Ohio General Assembly enacted S.B. 189 which includes a specific capital appropriation of \$54,360,000 to the Ohio Board of Regents for the Third Frontier Project; and

WHEREAS, the 126<sup>th</sup> Ohio General Assembly enacted H.B. 16 which includes a specific capital appropriation of \$50,000,000 to the Ohio Board of Regents for the Third Frontier Project; and

WHEREAS, Section 26.07, Third Frontier Project, in S.B. 189 and Section 23.06, Third Frontier, in H.B. 16 specifies the funds shall be used to make grants awarded on a competitive basis, and shall be administered by the Third Frontier Commission; and

WHEREAS, a Wright Project award to Wright State University was ratified by the Third Frontier Commission at its meeting on December 3, 2004 in the amount of \$2,238,000; and

WHEREAS, the Wright Project award was transferred and appropriated to Wright State University by the Ohio Board of Regents on February 28<sup>th</sup>, 2005; and

WHEREAS, the Ohio Board of Regents' Rule 3333-1-03 requires that a joint use agreement between the institution for which funds are appropriated and the organization which will own or lease and operate facilities to be constructed or improved with such funds must be approved by the Board; and

WHEREAS, Wright State University has requested a first addendum to a joint use agreement for approval by the Ohio Board of Regents; and

WHEREAS, the agreement has been reviewed and its format is found to be appropriate, its description of extent and nature of use has been specified, and the commitment extends no less than fifteen years, and it is in conformity with Rule 3333-1-03; and

WHEREAS, the parties have determined that the value of the use is reasonably related to the amount of the appropriation;

NOW, THEREFORE,

BE IT RESOLVED: upon the recommendation of the Chancellor and with the concurrence of the Resources and Systems Efficiency Committee of the Ohio Board of Regents, that the Joint Use Agreement between Wright State University and the Development Research Corporation as amended by the First Addendum to the Joint Use Agreement; and attached and made a part hereof, be approved.

Per guidance from the Office of Budget and Management, Third Frontier capital grant awards made to state-supported or state-assisted institutions of higher education for facilities or equipment that will be owned or will be part of facilities owned by a separate nonprofit organization or public body and made available to the institution of higher education through a joint use agreement must be reviewed and approved by the Ohio Board of Regents.