

**SOUTH DAKOTA BOARD OF REGENTS**

**Budget and Finance**

**AGENDA ITEM: 7 – N**

**DATE: August 10, 2017**

\*\*\*\*\*

**SUBJECT: Resolution to Remove USD Commons from the Auxiliary Facilities System**

The Board is requested to authorize the removal of the Commons, a facility on the campus of the University of South Dakota, from the University of South Dakota Housing and Auxiliary Facilities System (the “System”) created pursuant to the Amended and Restated Bond Resolution adopted by the Board on October 21, 2004, as amended and supplemented.

The Commons was formally the dining facility for the residence hall complex comprised of Beede/Mickelson and Richardson/Olson halls. The Commons was closed in the summer of 2014 when the Muenster University Center food service operations were expanded. This space is no longer producing revenue nor suitable space for the auxiliary system. This action item includes a resolution making the determination of the Board that the Commons is no longer suitable for the use for which it was initially acquired by the System, and therefore may be converted to academic support space and removed from the System.

\*\*\*\*\*

**DRAFT MOTION 20170810\_7-N:** I move to remove the USD Commons from the Auxiliary Facilities System.

A RESOLUTION REMOVING THE COMMONS AT THE UNIVERSITY OF  
SOUTH DAKOTA FROM THE HOUSING AND AUXILIARY FACILITIES  
SYSTEM

\* \* \*

WHEREAS, under the terms and provisions of South Dakota Codified Laws, Chapter 13-49, the Board of Regents (the “*Board*”) was created to, among other matters, control and have jurisdiction of six state-supported universities, including Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University and the University of South Dakota (“*USD*”) (collectively, the “*Institutions*” and each, an “*Institution*”); and

WHEREAS, the Board on October 21, 2004, did duly adopt a resolution (herein called the “*System Resolution*”) amending and restating previous resolutions and establishing a combined system of housing and auxiliary facilities (the “*System*”) pursuant to which each Institution continues to operate its existing system (collectively, the “*Institutional Systems*” and each, an “*Institutional System*”) but the revenues of which are subject to being used by the Board to avoid a potential default on revenue bonds issued by the Board on behalf of any Institution in the System pursuant to the System Resolution; and

WHEREAS, pursuant to Section 14(A) of the System Resolution, the Board is authorized to convert System facilities for use for academic purposes and remove them from the System upon a determination that such facilities are not suitable for the use for which the same were initially acquired; and

WHEREAS, the Board has reviewed evidence that The Commons, located on the campus of USD and part of the USD Institutional System, is no longer suitable for the use for which it was initially acquired and should therefore be converted to academic use and removed from the list of facilities of the USD Institutional System;

NOW, THEREFORE, Be It and It Is Hereby Resolved by the South Dakota Board of Regents, as follows:

*Section 1.1. Removal of Certain Facilities from the System.* Pursuant to Section 14(A) of the System Resolution, the Board hereby determines that The Commons is no longer suitable for the use for which it was initially acquired and should therefore be converted to academic use and removed from the list of facilities of the USD Institutional System. As required by Section 14(A) of the System Resolution, a copy of this Resolution shall be filed with the Executive Director and each Bond Registrar under the System Resolution. The updated list of existing facilities comprising the System is attached hereto as *Exhibit A*.

*Section 1.2. Severability Provisions.* If any one or more sections, clauses, sentences and parts of this Resolution shall for any reason be questioned in any court of competent jurisdiction,

and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions hereof, but shall be confined to the specific section, clause, sentence and part so determined, and that all resolutions or parts thereof in conflict herewith are hereby repealed.

THIS RESOLUTION shall take effect upon its adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

---

President

ATTEST:

---

Executive Director

(Seal)

**EXHIBIT A**

**EXISTING FACILITIES**

**BHSU:**

Housing Facilities:

Heidepriem Hall  
Crow Peak Hall  
Wenona Cook Hall  
Thomas Hall  
University Apartments

Student Union

Parking Facilities

Dining Services

University Bookstore

**DSU:**

Residence Halls:

Zimmerman Hall  
Higbie Hall  
Richardson Hall  
Emry Hall  
[Series 2015 DSU Project]

Student Union

**NSU:**

Resident Halls:

Briscoe Hall  
Jerde Hall  
Lindberg Hall  
McArthur-Welsh Hall  
Steele Hall  
Kramer Hall  
[Series 2016 Facility]

Student Union

**SDSMT:**

Connolly Hall  
Palmerton Hall  
Peterson Hall  
Surbeck Student Center

## SDSU:

## Housing Facilities:

Binnewies Hall  
 Brown Hall  
 Caldwell Hall  
 Hansen Hall  
 Jackrabbit Grove (Ben Reifel, Theodore W. Schultz, Hallie Walker Hyde, and Honors Halls)  
 Jackrabbit Village (Spencer, Abbott and Thorne Halls)  
 Mathews Hall  
 Meadows North  
 Meadows South  
 Pierson Hall  
 State Court  
 Waneta Hall  
 Young Hall  
 11th Street Apartments  
 12th Avenue Apartments  
 Garden Square Units  
 State Village Family Unites (constructed in 1971)

## Student Wellness Center

## Dining Facilities:

Larsen Commons  
 Student Union Building

## Parking Facilities

Residence Halls located at Lots 5-8, Block 2  
 Saunders Addition, City of Brookings  
 Residence Halls located at Lots 1-4, Block 2 of Thornbers Addition,  
 City of Brookings

## USD:

Beede Hall  
 Brookman Hall  
 Burgess Hall  
 McFadden Hall  
 Mickelson Hall  
 Norton Hall  
 Olson Hall  
 Richardson Hall  
 Cherry Street Rentals  
 Muenster University Center  
 Student Wellness Center, including parking lot  
 Coyote Village Housing, including parking lot