

SOUTH DAKOTA BOARD OF REGENTS

Full Board

AGENDA ITEM: 15

DATE: June 10-11, 2015

SUBJECT: Resolution to Remove BHSU Humbert and Pangburn Halls from the Housing and Auxiliary Facilities System

The Board is requested to authorize the removal of Pangburn and Humbert Halls, residence halls on the campus of Black Hills State University, from the 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 action item includes a resolution making the determination of the Board that (1) Humbert Hall located on the campus of BHSU and part of the BHSU Institutional System, will be repurposed and no longer serve as an economic benefit to the BHSU Institutional System and should therefore be abandoned for economic non-feasibility and removed from the list of facilities of the BHSU Institutional System; and (2) Pangburn Hall is physically and structurally unfit for use as a student residence hall and, therefore, should be removed from the Black Hills State University Institutional System and (3) prior to its removal from the Black Hills State University Institutional System, Pangburn Hall will be demolished, with the cost of such demolition payable from available revenues of the Black Hills State University Institutional System.

RECOMMENDED ACTION OF THE EXECUTIVE DIRECTOR

Approve the recommendation as set forth in detail on Attachment I. The action should be approved on separate motion and seconded, and a roll call vote should be taken and recorded.

A RESOLUTION REMOVING CERTAIN RESIDENCE HALLS AT BLACK HILLS
STATE UNIVERSITY 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 (“*BHSU*”), 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 abandon facilities for economic non-feasibility and remove them from the System upon a determination that such facilities are not income producing because destroyed, worn out, obsolete or otherwise physically or structurally unfit for the use or occupancy thereof for which the same were initially acquired; and

WHEREAS, the Board has reviewed evidence that Pangburn Hall and Humbert Hall, located on the campus of BHSU and part of the BHSU Institutional System, are physically and structurally unfit for use and occupancy as student residence halls and should therefore be abandoned for economic non-feasibility and removed from the list of facilities of the BHSU Institutional System; and

WHEREAS, the Board has reviewed evidence that Pangburn Hall has no further use to BHSU and should therefore, prior to its removal from the BHSU Institutional System, be demolished, with the cost of such demolition payable from available revenues of the BHSU 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 Pangburn Hall and Humbert Hall are physically and structurally unfit for use and occupancy as student residence halls, the purpose for

which they were originally acquired, and therefore such residence halls are hereby abandoned for economic non-feasibility and removed from the BHSU 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. Demolition of Pangburn Hall. Prior to the removal of Pangburn Hall from the BHSU Institutional System, it will be demolished, with the cost of such demolition payable from available revenues of the BHSU Institutional System.

Section 1.3. 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 _____, 2015.

President

ATTEST:

Executive Director

(Seal)

EXHIBIT A
EXISTING FACILITIES

BHSU:

Housing Facilities:

Heidepriem Hall
Pangburn Hall (prior to demolition)
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

Student Union

NSU:

Resident Halls:

Briscoe Hall
Jerde Hall
Lindberg Hall
McArthur-Welsh Hall
Steele Hall
Kramer Hall

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

Student Wellness Center

Dining Facilities:

Larsen Commons

Student Union Building

Parking Facilities

USD:

Beede Hall

Brookman Hall

Burgess Hall

McFadden Hall

Mickelson Hall

Norton Hall

Olson Hall

Richardson Hall

The Commons

Cherry Street Rentals

Muenster University Center

Student Wellness Center, including parking lot

Coyote Village Housing, including parking lot