

Eastern Kentucky University
Board of Regents

Special Called Meeting
Agenda

May 3, 2021

Via Video Teleconference*

1:00 p.m.

Public Viewing Link: <https://epresence.eku.edu/bor-meeting>

- I. **Call to Order** (Mr. Lewis Diaz, Board Chair)
 - A. Swearing in of New Regent, Mr. Mike Eaves, J.D.
- II. **Information**
 - A. 2021 Financial Update (Barry Poynter)
 - B. President's Report (Dr. David McFaddin)
- III. **Action Items**
 - A. Resolution - EKU Cheer UCA 2021 National Champions
 - B. Resolution - FEMA relief application
 - C. Election of Vice Chair and Secretary
- IV. **Adjourn**



Eastern Kentucky University

Financial Update

May 3, 2021

Budget to Actual Summary

Preliminary / Draft - Unaudited

March 31, FY 2020-21	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual Revenue	Percent Realized	Revised Expense Budget	Actual Expense	Percent Realized	
Fund							
Education & General	217,825,268	193,632,391	88.89%	217,825,269	165,921,245	76.17%	27,711,146
Auxiliary	27,365,258	19,346,748	70.70%	27,365,258	17,700,643	64.68%	1,646,104
Total	<u>245,190,527</u>	<u>212,979,139</u>	86.86%	<u>245,190,527</u>	<u>183,621,888</u>	74.89%	<u>29,357,251</u>
March 31, FY 2019-20	Revenue			Expense			Change in Net Position
Fund	Revised Revenue Budget	Actual Revenue	Percent Realized	Revised Expense Budget	Actual Expense	Percent Realized	
Education & General	231,399,109	199,479,252	86.21%	240,206,805	173,008,656	72.02%	26,470,597
Auxiliary	28,646,685	25,640,008	89.50%	28,646,685	18,317,791	63.94%	7,322,217
Total	<u>260,045,794</u>	<u>225,119,260</u>	86.57%	<u>268,853,490</u>	<u>191,326,447</u>	71.16%	<u>33,792,813</u>



E & G Revenue by Classification

Preliminary / Draft - Unaudited

Revenue Source	FY 2020-21			FY 2019-20			Variance
	Revised Budget	Actual	Percent Realized	Revised Budget	Actual	Percent Realized	
Tuition & Class Fees	136,381,973	132,534,031	97.18%	151,994,070	136,972,327	90.12%	(4,438,297)
State Appropriations	65,731,200	52,331,400	79.61%	63,753,600	51,002,900	80.00%	1,328,500
Government Grants & Contracts	2,913,963	1,224,176	42.01%	5,309,318	2,816,078	53.04%	(1,591,902)
Private Gifts, Grants & Contracts	814,026	625,501	76.84%	425,795	473,816	111.28%	151,685
Educational Sales & Services	5,966,064	5,175,255	86.74%	5,961,708	4,872,426	81.73%	302,829
Other Sources	6,018,042	1,742,028	28.95%	3,954,619	3,341,705	84.50%	(1,599,677)
Total	217,825,268	193,632,391	88.89%	231,399,109	199,479,252	86.21%	(5,846,861)



E & G Expense by Classification

Preliminary / Draft - Unaudited

Expense Classification	FY 2020-21			FY 2019-20			Variance
	Revised Budget	Actual	Percent Realized	Revised Budget	Actual	Percent Realized	
Instruction	83,894,940	59,393,469	70.80%	91,707,557	61,976,336	67.58%	(2,582,868)
Research	586,232	138,759	23.67%	443,584	88,496	19.95%	50,263
Public Service	2,114,621	1,201,277	56.81%	3,173,111	2,208,450	69.60%	(1,007,173)
Academic Support & Libraries	25,287,607	17,769,342	70.27%	27,498,621	18,907,544	68.76%	(1,138,201)
Student Services	19,569,992	13,697,800	69.99%	18,794,891	13,834,864	73.61%	(137,064)
Institutional Support	23,088,326	19,424,753	84.13%	35,610,743	20,342,517	57.12%	(917,764)
Operation & Maintenance of Plant	24,587,092	14,869,516	60.48%	25,000,826	16,411,841	65.65%	(1,542,325)
Scholarships & Fellowships	38,696,458	39,426,330	101.89%	37,977,473	39,238,608	103.32%	187,721
Total	217,825,269	165,921,245	76.17%	240,206,805	173,008,656	72.02%	(7,087,411)

Budget to Actual Summary - Auxiliary

Preliminary / Draft - Unaudited

March 31, FY 2020-21	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual	Percent Realized	Revised Expense Budget	Actual	Percent Realized	
Auxiliary Unit							
Adams Tennis Center	67,000	44,739	66.77%	67,000	40,585	60.57%	4,154
Airport FBO	487,697	414,496	84.99%	487,697	399,418	81.90%	15,078
Campus Recreation Center	1,443,850	1,146,306	79.39%	1,443,850	743,691	51.51%	402,615
Center for the Arts	-	3,650	0.00%	-	162,655	0.00%	(159,005)
Community Education	263,000	166,433	63.28%	263,000	199,909	76.01%	(33,476)
Eastern Progress	25,630	512	2.00%	25,630	7,867	30.69%	(7,355)
Facilitation Center	172,816	89,626	51.86%	172,816	118,514	68.58%	(28,888)
Housing	19,054,833	14,391,293	75.53%	19,054,833	12,234,512	64.21%	2,156,781
OSHA Training Center	328,000	283,253	86.36%	328,000	186,240	56.78%	97,013
Parking Operations	1,826,978	1,223,997	67.00%	1,826,978	1,383,102	75.70%	(159,105)
Printing Services	865,000	427,202	49.39%	865,000	484,138	55.97%	(56,936)
University Club at Arlington	1,680,000	978,667	58.25%	1,680,000	978,785	58.26%	(118)
WEKU Public Radio	1,026,510	164,957	16.07%	1,026,510	663,629	64.65%	(498,671)
White Hall State Historic Site	123,945	11,617	9.37%	123,945	97,599	78.74%	(85,982)
Total	27,365,258	19,346,748	70.70%	27,365,258	17,700,643	64.68%	1,646,104



Budget to Actual Summary - Auxiliary

Preliminary / Draft - Unaudited

March 31, FY 2019-20	Revenue			Expense			Change in Net Position
	Revised		Percent	Revised		Percent	
	Revenue Budget	Actual	Realized	Expense Budget	Actual	Realized	
Auxiliary Unit							
Adams Tennis Center	67,000	63,183	94.30%	67,000	44,064	65.77%	19,119
Airport FBO	378,500	349,620	92.37%	378,500	389,626	102.94%	(40,006)
Campus Recreation Center	1,699,000	1,385,046	81.52%	1,699,000	888,112	52.27%	496,934
Center for the Arts	2,513,279	2,039,081	81.13%	2,513,279	1,930,166	76.80%	108,915
Community Education	-	-	-	-	-	-	*
Eastern Progress	-	-	-	-	-	-	*
Facilitation Center	-	-	-	-	-	-	*
Housing	19,669,406	18,148,279	92.27%	19,669,406	12,037,263	61.20%	6,111,016
OSHA Training Center	-	-	-	-	-	-	*
Parking Operations	1,699,500	1,664,593	97.95%	1,699,500	1,133,312	66.69%	531,280
Printing Services	850,000	716,595	84.31%	850,000	618,404	72.75%	98,190
University Club at Arlington	1,680,000	1,193,147	71.02%	1,680,000	1,150,790	68.50%	42,357
WEKU Public Radio	-	-	-	-	-	-	*
White Hall State Historic Site	90,000	80,466	89.41%	90,000	126,055	140.06%	(45,589)
Total	28,646,685	25,640,008	89.50%	28,646,685	18,317,791	63.94%	7,322,217

* These units were not considered an auxiliary in FY 2019-20.

Actual Performance Comparison - Auxiliary

Preliminary / Draft - Unaudited

Auxiliary Unit	Change in Net Position March 31,		
	FY 2020-21	FY 2019-20	Variance
Adams Tennis Center	4,154	19,119	(14,965)
Airport FBO	15,078	(40,006)	55,085
Campus Recreation Center	402,615	496,934	(94,320)
Center for the Arts	(159,005)	108,915	(267,920)
Community Education	(33,476)		*
Eastern Progress	(7,355)		*
Facilitation Center	(28,888)		*
Housing	2,156,781	6,111,016	(3,954,235)
OSHA Training Center	97,013		*
Parking Operations	(159,105)	531,280	(690,385)
Printing Services	(56,936)	98,190	(155,127)
University Club at Arlington	(118)	42,357	(42,475)
WEKU Public Radio	(498,671)		*
White Hall State Historic Site	(85,982)	(45,589)	(40,394)
Total	1,646,104	7,322,217	

* These units were not considered an auxiliary in FY 2019-20.

Questions?



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TAB V-3-2
DESIGNATION OF APPLICANT'S AGENT

RESOLUTION

BE IT RESOLVED BY the Board of Regents OF Eastern Kentucky University
(Governing Body) *(Public Entity)*

THAT Dr. Bryan Makinen, AVP, Public Safety
(Name of Incumbent) *(Official Position)*

is hereby authorized to execute for and in behalf of Eastern Kentucky University

_____, a public entity established under the laws of the Commonwealth of

Kentucky, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

THAT Eastern Kentucky University, a public entity established under the laws of the Commonwealth of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 3rd day of May, 2021.

Lewis Diaz, Chairman
(Name and Title)

(Name and Title)

(Name and Title)

CERTIFICATION

I, Lewis Diaz, duly appointed and Chairman of
(Title)

Eastern Kentucky University Board of Regents, do hereby certify that the above is a true and correct copy of a

resolution passed and approved by the Board of Regents of Eastern Kentucky University
(Governing Body) *(Public Entity)*

on the 3rd day of May, 2021.

Date: May 3, 2021

Chairman
(Official Position)

(Signature)

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.