

The State Board of Regents met electronically on Tuesday, October 27, 1992.
The following were in attendance:

Members of State Board of Regents

Mr. Pomerantz, President
Mr. Berenstein
Mr. Dorr
Mr. Fitzgibbon
Ms. Furgerson
Ms. Hendricks
Ms. Johnson
Dr. Tyrrell
Mrs. Williams

Office of the State Board of Regents

Executive Director Richey
Deputy Executive Director Barak
Minutes Secretary Briggie

State University of Iowa

General Counsel Schantz

Iowa State University

President Jischke
Vice President Madden
Executive Assistant to the President Mack

University of Northern Iowa

Administrative Assistant Carlson

Iowa School for the Deaf

Superintendent Johnson

Iowa Braille and Sight Saving School

Director Hauser

GENERAL

The State Board of Regents held an electronic Board meeting on Tuesday, October 27, 1992, commencing at 11:00 a.m., in accordance with Section 21.8 of the Code of Iowa. The meeting was not held in person because it was not practical to have the Regents assemble in one location for this brief meeting. Each Regent in attendance was at a separate remote location. Public access was provided at the following locations:

Board of Regents Office, Old Historical Building, Des Moines
University of Iowa, Old Public Library Conference Room, Iowa City
Iowa State University, President's Office Conference Room, Ames
University of Northern Iowa, Board Room, Gilchrist Hall, Cedar Falls
Iowa School for the Deaf, Superintendent's Office, Council Bluffs
Iowa Braille and Sight Saving School, Superintendent's Area, Vinton

The conference operator called the roll, as follows:

Marvin Pomerantz
Marvin Berenstein
Thomas Dorr
John Fitzgibbon
Betty Jean Furgerson
Elizabeth Hendricks
Melissa Johnson
John Tyrrell
Mary Williams

President Pomerantz recognized that the following were also present:

President Martin Jischke, Iowa State University
John Parmeter, Attorney General's Office
Richard Smith and Wade Hauser, Legal Counsel

The following business pertaining to general or miscellaneous business was transacted on Tuesday, October 27, 1992.

President Pomerantz stated that on October 22, 1992, the Iowa District Court for Story County entered an order nullifying the actions of this Board

concerning the sale of WOI-TV. The court further directed that the signatures entered on the sales agreements and related documents be stricken. Members of the Board were provided with a copy of the decision. The decision was in favor of the Board of Regents on the vast majority of the issues raised by the petitioners. Any appeal of the decision must be taken within 30 days of the decision. The purpose of this meeting was for the Board to discuss the options which were available to it with its attorneys and to decide on a course of further action.

EXECUTIVE SESSION. President Pomerantz requested the Board enter into closed session pursuant to the Code of Iowa section 21.5(1)(c) to discuss a matter with counsel which is either in litigation or where litigation is imminent.

MOTION: Regent Berenstein moved to enter into closed session. Regent Dorr seconded the motion, and upon the roll being called, the following voted:
AYE: Berenstein, Dorr, Fitzgibbon, Furgerson, Hendricks, Johnson, Pomerantz, Tyrrell, Williams.
NAY: None.
ABSENT: None.

Regent Fitzgibbon asked if the Board was going to reconvene in open session upon conclusion of the executive session. President Pomerantz said that was at the discretion of the Board but it would be his recommendation that the Board meet in open session at the conclusion of the executive session.

The Board having voted at least two-thirds majority resolved to meet in closed session beginning at 11:05 a.m. on Tuesday, October 27, 1992, and arose therefrom at 12:31 p.m. The following business was then conducted.

SALE OF WOI-TV. President Pomerantz declared the public meeting in session.

MOTION: Regent Berenstein moved that the Board of Regents appeal the decision rendered by Judge Schechtman at the district court level concerning the sale of WOI-TV. Regent Dorr seconded the motion.

Mr. Smith said the Ahlers firm and the Attorney General's Office jointly recommended that the Board appeal the decision and, in fact, believe it has little choice. Above and beyond the specific issues surrounding the sale of WOI-TV they believe the Board should have great concerns about the potential impact of the decision on the ability of the Board and President Jischke to govern Iowa State University and manage and control its property. Therefore, he recommended the Board of Regents appeal the decision of Judge Schechtman concerning the sale of WOI-TV.

GENERAL
October 27, 1992

President Pomerantz asked if John Parmeter and Wade Hauser concurred with the recommendation of Mr. Smith. Messrs. Parmeter and Hauser responded affirmatively.

President Pomerantz asked for further discussion or comments on the motion. Hearing none, the Board proceeded to vote on the motion.

VOTE ON THE MOTION:

Upon the roll being called, the following voted:

AYE: Berenstein, Dorr, Furgerson, Hatch, Johnson, Pomerantz, Tyrrell, Williams.

NAY: Fitzgibbon.

ABSENT: None.

ADJOURNMENT. The electronic meeting of the State Board of Regents adjourned at 12:35 p.m., on Tuesday, October 27, 1992.



R. Wayne Richey
Executive Director