

Delegation of Authority for the Acquisition and Disposition of Real Property by Lease to East Carolina University and Amendment of Previous Delegations to North Carolina State University and to the University of North Carolina at Chapel Hill

Upon request by a Board of Trustees of a constituent institution and with the recommendation of the President, the Board of Governors may delegate authority consistent with G.S. 116-31.12 to the constituent institution, per its Policy 600.1.3.1 adopted on January 14, 2011 and amended by the Board on November 11, 2012 to include disposition per lease consistent with amended General Statute 116-31.12.

As amended by Session Law 2012-142, North Carolina General Statute 116-31.12 states:

***§116-31.12. (Effective until June 30, 2015) Acquisition and disposition of real property by lease.***

*Notwithstanding G.S. 143-341(4), and in addition to the powers granted in G.S. 116-198.34(5), the Board of Governors may authorize the constituent institutions and the General Administration to acquire or dispose of real property by lease if the lease is for a term of not more than 10 years. The Board of Governors shall establish a policy for acquiring and disposing of an interest in real property for the use of The University of North Carolina and its constituent institutions by lease. This policy may delegate authorization of the acquisition or disposition of real property by lease to the boards of trustees of the constituent institutions or to the President of The University of North Carolina. The Board of Governors shall submit all initial policies adopted pursuant to this section to the State Property Office for review prior to adoption by the Board. Any subsequent changes to these policies adopted by the Board of Governors shall be submitted to the State Property Office for review. Any comments by the State Property Office shall be submitted to the President of The University of North Carolina. After the acquisition or disposition of an interest in real property by lease, The University of North Carolina shall promptly file a report concerning the acquisition or disposition to the Secretary of Administration. Acquisitions and dispositions of an interest in real property by lease pursuant to this section shall not be subject to the provisions of Article 36 of Chapter 143 of the General Statutes or to the provisions of Article 6 or 7 of Chapter 146 of the General Statutes. (2007-322, s. 9; 2012-142, s. 9.10(a).)*

The Board of Trustees of East Carolina University has requested and ECU has demonstrated it has the administrative, technical, and support resources necessary to properly carry out the requested authority. It is recommended that the Committee on Budget and Finance approve ECU's request for delegated authority consistent with G.S. 116-31.12.

In April 2012, the Board delegated authority consistent with G.S. 116-31.12 to North Carolina State University and the University of North Carolina at Chapel Hill. It is recommended that the Committee on Budget and Finance approve amending the previous delegations to

include authority for disposition of property by lease consistent with G.S. 116-31.12 as currently written.

Consistent with Board policy, it is further recommended that ECU's request for delegated authority and that NCSU's and UNC-CH's amendment to previously delegated authority be approved by the Board of Governors. Each delegation is effective immediately upon approval by the Board.

It is further recommended that the President of the University, or his designee, be authorized to make amendments to the previously approved delegated authority of a constituent institution to maintain consistency with changes to G.S. 116-31.12.