

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION

Approved by the Regents

January 21, 2010

ACTION REQUEST

Subject: Regental Action Required Under the State of Michigan Conflict of Interest Statute

Action

Requested: Authorization for the University of Michigan to Enter into a Lease Agreement with 520 East Liberty LLC (University of Michigan Athletic Director William C. Martin, member)

Background:

The University of Michigan wishes to enter into a lease agreement for 4,272 square feet of property located at 520 East Liberty Street, Suite 300, Ann Arbor, Michigan, to be leased from 520 East Liberty LLC. The space will be utilized as office space for the Office of Budget and Planning.

The proposed lease agreement falls under the State of Michigan conflict of interest statute as William C. Martin is a University of Michigan employee and would be a party to the lease agreement by virtue of his membership of 520 East Liberty LLC. However, the statute allows university employees to participate in such lease agreements, if the following conditions are met:

- a) The public servant promptly discloses any pecuniary interest in the lease agreement to the official body that has power to approve the lease agreement, which disclosure shall be a matter of record in its official proceedings.
- b) The lease agreement is approved by a vote of not less than two-thirds of the full membership of the approving body in open session without the vote of the public servant making the disclosure.
- c) The official body discloses the following summary information in its official minutes:
 - i) The name of each party involved in the lease agreement.
 - ii) The terms of the lease agreement, including duration, financial consideration between the parties, facilities or services of the public entity included in the lease agreement, and the nature and degree of assignment of employees of the public entity for fulfillment of the lease agreement.
 - iii) The nature of any pecuniary interest.

The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the lease agreement are the Regents of the University of Michigan and 520 East Liberty LLC.
- ii) The service to be provided is the lease agreement of 4,272 square feet in a building at 520 East Liberty Street, Suite 300, Ann Arbor, Michigan for twelve months, beginning January 1, 2010 through December 31, 2010, at a monthly rate of \$9,256.00. Tenant will be responsible for gas and electric usage.
- iii) The pecuniary interest arises from the fact that William C. Martin, a University of Michigan employee, is a member of 520 East Liberty LLC.

William C. Martin has met state law requirements with the disclosure of his pecuniary interest and his formal appointment arrangements with the University of Michigan.

We recommend that the Board of Regents approve the lease agreement between the University of Michigan and 520 East Liberty LLC.

Respectfully submitted,



Timothy P. Slottow
Executive Vice President and
Chief Financial Officer

January 2010