

Minutes of Meeting of Board of Trustees of the University of Kentucky, Wednesday, December 23, 1936.

In pursuance to a resolution passed at the regular meeting of the Board of Trustees of the University of Kentucky December 8, 1936 (See Sec. 10, Minutes of that meeting), the Board of Trustees of the University of Kentucky met in President McVey's office at the University of Kentucky, Wednesday, December 23, 1936. The members of the Board present were, Judge Richard C. Stoll, Vice-Chairman; J. B. Andrews, Judge John S. Cooper, H. S. Cleveland, Judge R. G. Gordon, Louis Hillenmeyer, R. Miller Holland, James Park and Dr. George Wilson. President McVey and Secretary D. H. Peak were present. Dean J. H. Graham was present, being asked to sit in the meeting during consideration of P. W. A. matters.

1. Requisition Committee Report.

The Requisition Committee filed written report of its action each week from December 3, 1936, to December 16, 1936, inclusive. The report shows that orders had been made by the Business Office on the authority of the Requisition Committee in the manner prescribed by the Board of Trustees and state laws, running from No. 3103 to No. 3315. The report was examined, and on motion and second the orders and budget additions named therein were ratified and approved and payments on said orders were authorized and approved.

The following budget additions, shown in the report, were approved: Kastle Hall, repairs, etc., \$434.00; Administration Building repairs, etc., \$169.75; W. P. A. expense, \$33.48; Law College, books, etc., \$158.63; Janitor's supplies, \$227.50.

Other budget additions allowed in these Minutes: Library, Sabin Dictionary, etc., \$405.00; Business Office, Calculator, \$405.00.

2. Audit of Accounts.

President McVey presented a statement about audit procedure, as follows:

Method followed by Auditor; State requirements; methods followed by Business Agent; and statement relative to law, prepared by Dean Alvin E. Evans. The statement is copied as follows:

Re: The Authority of the Trustees to Employ Accountants.

My dear President McVey:

Your inquiry on the 9th inst. as to whether the 1936 Reorganization Bill passed by the legislature has taken away from the Board of Trustees of the University the authority to select the auditors of its accounts and has placed it in the State Finance Division is received.

The University of Kentucky is provided for by the constitution of the State adopted in 1891, sec. 184, according to which the provision for the A & M College, originally made in 1863, was carried forward.

There is substantially no change made by the reorganization act of 1936 respecting the government and control of the University. The previous provisions are apparently carried forward verbatim.

Thus Sec. 4527-11 declares the recognition and establishment of the University. Sec. 4527-13 provides for its government and control by a board of trustees and declares how the composition of it shall be made up. Sec. 4527-29 continues in force all prior acts relating to the A & M College.

Sec. 4527-18 is an important section in which it is provided that the Board of Trustees shall be a body corporate with various powers such as the power to sue and be sued.¹

Especially important is the provision that the Board shall have all the rights and privileges attaching to the governmental bodies of Educational Institutions elsewhere (see earlier statute). It has the power to receive, hold and administer all the revenues, etc., and receive and apply all monies, etc. It has the power of eminent domain, sec. 4527-19. It does not seem that there is any power reserved in the Finance Department to control its discretion in this regard.

This seems to mean that the Board has full discretion to make contracts and expend University funds for educational purposes and such other purposes as are incidental thereto. This view is partially confirmed further by sec. 4527-27, which denies to the full Board power to reject a valid or authenticated expenditure of money made by the executive committee of the Board.

1. (Just what the function of the Division of Purchases and Public Property would be in the matter of approval or rejection if a judgment were obtained against the University is not clear.)

Sec. 4527-28 provides for a University Treasurer. "He shall pay out no money except on authorization of the Board of Trustees." This clearly implies that he may pay out money on authorization by the Board. This act of 1934 is brought to the date of 1936 by incorporation by reference in sec. 4618-20 in the following language:

"The University of Kentucky.....with their governing Boards as heretofore constituted shall be included in the Department of Education but shall continue to exercise all the functions conferred upon them by law in relation to their respective institutions."

The Reorganization Act

Several sections of the act may be construed to affect the University incidentally, but probably no immediate importance is to be attached to them with reference to the present matter. Sec. 4618-89, however, Division of Purchases and Public Properties, is the significant section in regard to the subject of this inquiry:

"The division of purchases and public properties..... shall purchase for the combined requirements of all spending agencies of the State all supplies, materials, and equipment except library books and scientific equipment, or shall control the purchase thereof."

If it be granted at this point that the legislature intended to take away from the Board its power otherwise apparently granted, "to apply for and on behalf of the said University all monies, etc." it still seems that the power to employ expert accountants does not come within the terms of this section so as to take such power away from the Board. Supplies, materials and equipment have never been held to embrace such an item as services by an individual. A careful search of Words and Phrases shows no such use by any court.² Moreover, the further language of this section indicates that there was no intent on the part of the legislature to go beyond the primary meaning of the terms here used. The term "purchase" is not suited to an "employment" contract. The section refers to inventories of "supplies and equipment", to the transfer, salvage, exchange and condemnation of "supplies and equipment". "It shall sell all property"..... not to be needed; fix standards of "quality and quantity"; maintain "records

2. (A legal definition of supplies has been given by the courts as "specified goods". It is a somewhat broader term than materials. The term materials has been used to signify "that which goes into and becomes a part of a completed work, the substance of which a thing is made." Equipment has been defined to be visible, tangible items such as furniture, fixtures and apparatus).

of supplies" for various classes of purchases.

Perhaps comment should be made on the language found beginning in line twelve of this section. "The division . . . may prescribe rules to govern purchasing . . . and no purchase or contract shall be binding on the state . . . unless approved by the division". Bearing in mind (a) the broad powers elsewhere in the statutes accorded to the Board, (b) the fact that this section is entitled "Division of Purchases and Public Properties" and (c) that this division admittedly has no authority to approve or disapprove personal contracts with members of the faculty and other employees, it seems clear that "contract" as here used, means "contract of purchase" so that this section purports only to require executed purchases and unexecuted contracts of purchase (contracts) to be approved. No other use of the word contract would be germane to this context and no other use would be embraced within the title. "Contract" therefore means "contract of purchase".

I understand that a six-fold classification of items of expenditures entitled "Definitions and Examples of Expenditure Classes" has been adopted. This classification is: 1. Personal services; 2. Services other than Personal, e.g., postage, etc.; 3. Materials and supplies; 4. Other current expenses, which class covers operating costs not chargeable under one of the other classes; 5. Capital Outlay; 6. Debt and Interest.

I know of no way by which the state administrative officers may add to the provisions of sec. 4618-89 so as to make any sort of personal employment come under the terms supplies, material and equipment. If it does, then any employment of any person such as a special employment for extension or other work would also come within the terms of this section.

Dated this 21st day of December, 1936.

A Broader Principle

It may be that a broader principle is involved which might raise the issue whether sec. 4618-89 is applicable at all to the University, in the event that the University has not by its acquiescence abandoned the right to raise the issue.

On many occasions the legislature has indicated its intention to establish an institution with powers, privileges and rights similar to those institutions of other states. To discover the extent of the political control of the University in the premises requires a study of the Constitution in the light of the constitutional debates, and the constitutional and statutory bases of other universities, after which the legislature purported to pattern this one, and a precise study of the present practice in those institutions. It would then become necessary to study the question to what extent the legislature intended to modify those

provisions if at all, by this subsequent legislation. Such an undertaking would require a good deal of research and checking. It seems from the proviso of sec. 184 of our Constitution that narrow, political control was not contemplated.

I do not feel sure that a comprehensive study, involving a great deal of time and effort, is warranted unless there is some prospect of raising the issue. This is partly because I do not feel persuaded that the University has the constitutional support which would give it reason to question the acts of the legislature in this regard. Many of the states have a much more substantial constitutional authority placed in the board of regents than has Kentucky. In fact, there is no mention of the method of control of the University in the Constitution. There is, therefore, considerable question whether such a study could prove fruitful. If there is any reasonable prospect of the University raising the whole issue as to the intention of the legislature to include University affairs in sec. 4618-89, such a study should be made.

It appeared from investigations made by Chairman Stoll and President McVey that the audits heretofore made are considered by business concerns and accountants to be sufficient under usual conditions, but it appeared that in many instances periodical detailed audits are made. Dean Graham corroborated this fact, stating that the business concerns with which he had been connected made a detailed audit once in five years, considering the usual audit sufficient in other years. Mr. Hillenmeyer, seconded by Doctor Wilson, moved that the action of the Executive Committee at the meeting of October 14, 1936, making selection of accountants (see Sec. 17) be rescinded, that the questions of employment of accountant to make the audit and the character of audit to be made be further investigated and that the entire matter be referred to the Executive Committee with power to act. The motion carried.

The chairman then appointed R. G. Gordon and James Park to confer with Governor Albert B. Chandler regarding the question of where the authority of selection and employment of auditor lies. It was further ordered that the Secretary of the Board write to Peat, Marwick, Mitchell and Company, of Chicago, Ill.; W. A. Hifner, Jr., of Lexington, Ky., and Humphrey Robinson and Company, of Louisville, Ky., these being the accounting concerns that presented the bids considered and acted on at the meeting of October 14, 1936, calling attention to the orders of the Board of Trustees to rescind the action of the Executive Committee and to reconsider the question of audit, and requesting these companies to make new bids. The right to make bids on the audit is extended to other accounting concerns. The bids are to be made on the basis of a detailed audit for the year 1935-36. The bids are to be made on charges per diem, together with a maximum charge. It was further suggested that a minimum charge also be asked.

3. Report on Proposed Investments in State Warrants.

The Business Agent reported as follows:

I investigated the question of obtaining the new three per cent State Warrants. The Treasurer, Mr. Buckingham, said that if I would leave with him the memorandum of the amount of warrants wanted he would be glad to purchase them for me at par as the warrants are turned in after the call of January 11.

Including the warrants called at that date and all other cash in the Student Loan Fund there will be about \$24,000 to be invested. Also there are some other smaller amounts in Brant Fund and Waddy Fund that may be so invested if that is desired. However, these funds should be made to yield a larger rate of interest, if possible.

I have been informed that banks and investment companies are not dealing in these State Warrants because of a question of legality not yet passed on by the courts.

On motion and second, it was ordered that investment of Student Loan Funds and other trust funds may be made in three per cent State Warrants.

4. Boiler Insurance.

The matter of Boiler Insurance was again presented on the question as to acceptance of the new policy written to cover boilers and all other pressure vessels at an increased cost of \$547.63 premium for three years over the premium for a like period in the policy cancelled October 1, 1936, which was written on heating boilers only. It now appears that the renewal of the cancelled policy in connection with the blanket policy carried by the state will cost only \$792.60 for three years, the cancelled policy carrying a premium of \$965.72. President McVey was asked to confer with Dean Graham, Superintendent Crutcher and the Business Agent, in regard to this insurance and that they determine the proper policy to be accepted.

5. Purchases Ordered.

The following purchases were duly authorized on motion and second, the budgets of the Library and the Business Office to be increased accordingly:

a. Books

Set Sabin's Dictionary of Books Relating to America, 20 volumes, at a cost of \$405.00 net, plus carriage.

b. Calculator

A calculator for use in the Business Office, cost not to exceed \$405.00.

6. Patterson Home Library Fund.

President McVey reported the receipt of \$400.00 from the Security Trust Company, Executor of the Estate of James K. Patterson, deceased, for maintenance of Patterson Library for 1936. It was ordered that the fund be placed in Sundry Ledger account for use according to terms of gift.

7. Egalite-Wilson Fruit Company Claim.

The Business Agent presented data relative to the action of the Board of Trustees on this claim at previous meetings, and stated that he had written Mr. Leo A. Egalite on December 15, 1936, again giving him the information that the Board considers the matter as having been closed. No action was taken.

8. Wages and Hours of Labor of Janitors and Firemen.

President McVey submitted a letter from Superintendent Crutcher, giving details as to wages and hours of labor of janitors and firemen. The letter recommends an increase in wages so as to make them comparable with what was paid before the necessary reduction was made a few years ago.

The question was referred to the Executive Committee with power to act.

9. Printing.

President McVey brought to the attention of the Board a communication from Dean Alvin E. Evans regarding the printing of the Kentucky Law Journal by the State Journal Company that has the contract for state printing. He made two complaints, first the delay in getting work done, and second, bad printing.

He also presented a communication from Professor W. S. Webb in regard to publication of a monograph, prepared in the Department of Anthropology and Archaeology, asking whether or not the printing can be let to some other concern than the State Journal Company. Professor Webb states in detail the unsatisfactory work done by the State Journal Printing Company on former publications for the department.

The Business Agent in a communication relative to Dean Evans' complaint stated that he requests of the State Printers prompt and satisfactory work.

The President was asked to have Dean Evans investigate the law on state printing, especially in so far as it relates to the University.

10. Boxing Matches at University -- State License.

President McVey presented a communication from M. E. Potter, head of the Department of Physical Education, regarding the question of state license for conducting University boxing matches. Mr. Potter asked that the Board consider the question raised in the following letter from the State Athletic Board of Control:

December 14, 1936

University of Kentucky
Lexington, Kentucky

Attention: Athletic Department

Gentlemen:

It has just been brought to our attention that you have been holding boxing and wrestling matches and charging ten cents to students and twenty-five cents to outsiders. This is entirely against the state law and if this continues, we will have to advise the authorities at Lexington to stop all such matches.

However, there is a clause in the law that makes it permissible for the Commission to give an accredited school or college permission to hold these matches. However, they must place a \$2000.00 bond which is required by the law in the form of a security or real estate bond with the Commission and also five per cent of the gate receipts must be sent to the Athletic Director of the State as tax.

I would suggest that if you intend to continue these matches, either wrestling or boxing, that you get in touch with me immediately.

However, as stated above, if these matches are continued without the necessary requirements of the law, we will have to notify the authorities at Lexington to stop same.

Very truly yours,

STATE ATHLETIC BOARD OF CONTROL

Johnson S. Mattingly, Sr.

On motion of Mr. Hillenmeyer, seconded by Mr. Cooper, Mr. Park and Mr. Gordon were requested to take up the question with James W. Martin, head of the State Revenue Division.

11. Report of Athletic Association.

The following financial report was received and ordered copied in the Minutes:

ATHLETIC ASSOCIATION - UNIVERSITY OF KENTUCKY

STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR MONTH OF
NOVEMBER 1936

Balance - October 31, 1936 ----- \$21,340.60

RECEIPTS

Football -----	\$20,996.34	
Football Programs -----	1,376.95	
Tax -----	2.78	
Cold Checks Made Good -----	125.77	
Total Receipts -----		<u>22,501.84</u>
Balance and Total Receipts -----		43,842.44

DISBURSEMENTS

Football Expense -----	\$19,571.88	
Laundry -----	365.31	
Doctors - Hospitals -----	27.65	
Training Room -----	322.79	
Publicity -----	14.35	
Telephone and Telegraph -----	37.47	
Labor -----	78.24	
Water -----	31.88	
Field -----	218.75	
Football Scouting -----	363.14	
Freight -----	31.48	
Office Expense -----	54.29	
Office Equipment -----	9.80	
Football Programs -----	1,314.71	
Tax -----	3,249.85	
Track -----	421.63	
Tennis -----	256.75	
W.P.A. -----	476.62	
Basketball -----	432.85	
Basketball Tournament -----	23.35	
Boxing -----	30.31	
Total Disbursements -----		<u>27,333.10</u>

(Continued on next page)

\$16,509.34

Insufficient Fund Checks ----- 12.20

Net Balance ----- \$16,497.14

Note - First National Bank & Trust Company \$7,975.00

Due September 30, 1937

Unpaid bills to date \$3,557.93.

12. Domestic Allotment Act - Legislation.

The following letter of Dean Cooper was ordered inserted in the Minutes:

December 22, 1936

President Frank L. McVey
University of Kentucky

Dear President McVey:

I have been giving a good deal of thought to the state legislation under the Domestic Allotment Act.

As I understand the present situation, Governor Chandler indicated to you that it is also his view-point that congress would pass legislation deferring the necessity of state legislation; that he prefers not to include this item in the call for the special session, and that in the event state legislation becomes necessary, he would arrange for a special session if essential. Would it not be advisable to have a written memorandum of this understanding perhaps somewhat as follows?

Dear Governor Chandler:

In accordance with our telephone conversation of Monday, December 21, 1936, regarding the general situation with reference to state legislation which, under the present congressional act, would be required in order to maintain activities under the Soil Conservation and Domestic Allotment Act beginning January 1, 1938: It is my understanding that you consider it preferable not to introduce such legislation at the present special session, since you had many other important matters to deal with. However that you are aware of the importance of this matter and if it becomes necessary you will arrange for a special session to consider the passage of such state act as may be required to insure to the farmers of the state the benefits of this Act. This as you know is one of the very important

11.

matters which confront the farmers and I am gratified that you are so thoroughly in sympathy with it and willing to provide for legislation when it becomes evident that it is required. I shall appreciate it if you will confirm my understanding of our telephone conversation.

It was further ordered that President McVey send a copy of the memorandum contained in the letter to Governor Chandler.

13. Transfer of CCC Buildings at Robinson Sub-Station.

The President presented a communication from Dean Cooper relative to transfer of CCC camp buildings at Robinson Station. The communication reads:

December 12, 1936

President Frank L. McVey
University of Kentucky

Dear President McVey:

The buildings of the CCC camp at Robinson Substation if transferred to us will not require a guardian, as we have looking after this property, 2 to 3 men who live adjacent to the location of this camp.

I do not know exactly what we would do with the buildings. Undoubtedly we would wish to maintain some of them and use them for residences in place of the old structures which we now have. Perhaps one of the larger buildings should be maintained for a sort of combination hall or place where groups or visitors may stay overnight if they wish. Some of the other buildings will probably be wrecked and the material made available for such uses as seem most important. The equipment, especially the water supply system, would be very useful to us, particularly if in future years we develop some activities at this location.

(Signed) Thomas Cooper
Dean and Director

On motion and second, it was ordered that the offer to transfer the camp and buildings to the University of Kentucky for benefit of Robinson Sub-Station be accepted, and Dean Cooper was authorized to take the necessary steps in making the transfer.

14. P. W. A. Construction - Experiment Station Annex, Docket Ky. 1114-R.

a. Bond Payment

The Business Agent reported:

On December 1, 1936, \$8,000 was paid from Experiment Station Bond Fund to the First National Bank and Trust Company on the \$50,000 issue of bonds for construction of Annex, and interest at that time due on the bonds of \$760. This leaves balance due on these bonds up to December 1 of \$30,000.

On motion and second the payment was approved.

b. Transfer of Funds

Dean Cooper recommended that the following collections be transferred to Bond Redemption Fund Experiment Station Annex:

Collections made in July: Dairy \$70.34.

Collections made in August: Agronomy \$9.90; Poultry \$175.59; Animal Industry \$108.59; Horticulture \$26.75; Dairy \$903.85; Administration \$156.78.

Collections made in September: Agronomy \$76.91; Dairy \$1,036.97; Administration \$155.97; Animal Industry \$134.00; Poultry \$160.44; Horticulture \$12.00; Tobacco Cleaning \$11.70.

Collections made in October: Animal Industry \$327.22; Dairy \$837.34; Administration \$158.01; Agronomy \$25.60; Poultry \$279.00.

Collections made in November: Animal Industry \$287.24; Dairy \$749.21; Administration \$2,134.15; Poultry \$103.80; Horticulture \$6.15.

The totals amounting in all to \$7,947.51 were ordered transferred from the funds above indicated to the University of Kentucky Experiment Station Annex Building Revenue Bond and Interest Redemption Fund.

15. P. W. A. Construction - College Docket.

a. Transfer of Funds and Payment of Interest on Bonds.

On motion and second it was ordered that \$9510.00 be set aside from student fees from first semester 1936-1937 to meet requirements of the contract for sale of P. W. A. construction funds, and that said amount be transferred to University of Kentucky Building Revenue Bond and Interest Redemption Fund.

It was further ordered that the amount of the interest coupons due January 1, 1937, on the \$634,000 Building Revenue Bond, be paid at the First National Bank and Trust Company, Lexington, Kentucky, for payment of coupons as presented to that bank for collection.

b. Current Financial Status of Docket Ky.-1013-R.

Dean Graham submitted statement which was ordered inserted in the Minutes.

Letter submitting:

December 22, 1936

President Frank L. McVey
University of Kentucky

My dear President McVey:

Last week we discussed the preparation of a statement indicating the current financial status and position of Docket No. KY.-1013-R. In accord therewith and in order that the statement would comply with the auditing procedure of the Public Works Administration, I requested the State Director to give us the aid of a member of his staff during the preparation of the statement. The Director complied with this request on last Monday, December 21, and I hand you herewith the results.

(Signed) James H. Graham
Dean

Statement:

STATUS OF DOCKET NO. KY. 1013-R
December 22, 1936

Classification	Estimate after Project Change	Allocated	Balance
1. Preliminary	\$ 500.00	\$ 463.40	\$ 36.60
2. Land			
3. Construction	339,340.00	337,673.50	1,666.50
4. Engineering	20,360.00	16,640.00	3,720.00
5. Legal	100.00	100.00	q
6. Interest	6,000.00		6,000.00
7. Misc.	200.00	43.86	156.14
TOTAL	\$366,500.00	\$354,920.76	\$11,579.24 x

x To be expended as follows:

1. Pipe and fittings for connecting steam distribution system to heating equipment within present buildings.
2. Purchase of apparatus and installing same within building for zone control of heat within buildings.
3. Combustion control apparatus for regulating operation of Bros Boilers.

STATUS OF DOCKET NO. KY. 1013-R
December 22, 1936

Contract No.	Description	Contract Amount	Change Orders (Actual)	Change Orders & Cost Plus Work in Process	Contract Amount (Actual & Estimated)
1	Central Heating Plant	\$ 33,700.00		\$1,500.00	\$ 35,200.00
2	Boilers (Bros)	31,823.00	\$2,259.50		34,082.50
2A	Boiler (B. & W.)	27,825.00			27,825.00
3A	Stoker	10,740.00			10,740.00
4	Coal Handling Equipment	14,495.00			14,495.00
5	Ash Conveyor System	10,010.00			10,010.00
6	Elect. Wiring-Cent. Heat. Plant	3,500.00			3,500.00
7	Breaching-Cent. Heat. Plant	1,500.00			1,500.00
8	Steam Distribution System	49,694.00	3,041.08	3,206.89	55,941.97
9	Induced Draft-Boilers 1 & 2	4,357.00			4,357.00
10	Induced Draft-Boiler 3	8,600.00			8,600.00
11A	Feed Water Heater	3,497.00			3,497.00
12	Pumps	5,628.00			5,628.00
13	Tanks	1,471.75			1,471.75
100	South Unit-Engr. Bldg.	48,985.00	20.99	200.00	49,205.99
150	Partitions-So. & East Units	4,885.00			4,885.00
160	Heat. & Vent. -S. & E. Units	11,496.00		150.00	11,646.00
170	Min. Wool Insu. -S. & E. Units	1,493.00			1,493.00
181	Electrical Fixtures	1,800.00			1,800.00
182	Electrical Fixtures	504.00			504.00
183	Electrical Fixtures	841.00			841.00
184	Electrical Fixtures	842.40			842.40
200	East Unit-Engr. Bldg.	43,000.00	-87.11	3,000.00	45,912.89
201	Elect. Wiring-E. Unit-Engr. B.	3,695.00			3,695.00
TOTALS		\$324,382.10	\$ 5,234.46	\$8,056.89	\$337,673.50

c. Time Extension on Contracts

Recommendation of Dean Graham:

December 22, 1936

President Frank L. McVey
University of Kentucky

My dear President McVey:

All the building contractors now at work upon this campus need a further extension of time in the completion of their contracts. As a matter of formality and in order to comply with the regulations of the Public Works Administration, I suggest that the Board of Trustees grant by resolution such extensions of time as indicated upon the attached sheet.

(Signed) James H. Graham
Dean

Extension of time:

EXTENSION OF CONTRACT TIME

Docket No. KY-1013-R

Contract No.	Contractor	First Recommended Extension Days	Revised Completion Date as of October 14, 1936	Second Recommended Extension Days	Revised Completion Date
1	Clark, Stewart and Wood	60	December 31	60	March 1
8	Meyer Plumbing and Heating Co.	60	December 5	60	February 3
100	Gilson-Taylor, Inc.	60	November 14	90	February 13
200	Gilson-Taylor Inc.	60	November 21	90	February 19
201	Allen-Harper Elect. Eng. Corp.	60	November 27	90	February 25

Docket No. KY-1114-R

	Smith-Haggard Lumber Company	90	December 27		March 15
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On motion of Mr. Holland, seconded by Mr. Gordon, the extensions of time for completion of contracts set out above were approved, subject to acceptance by State Director of Public Works Administration. The recommendation of Dean Graham was ordered inserted in the Minutes.

d. Contract for Mineral Wool, East Engineering Building.

On motion of Mr. Hillenmeyer, seconded by Mr. Cooper, the recommendation of Dean Graham in the following communication was approved, subject to the approval of the Public Works Administration.

December 22, 1936

President Frank L. McVey
University of Kentucky

My dear President McVey:

On December 11, 1936, we received and opened bids in your office for furnishing and installing Mineral Wool Insulation within the South and East Engineering Buildings in accord with published specifications under Contract No. 170.

Three bids were received and we find that the Rock Wool Insulation Company of Lexington, Kentucky, was the low bidder and in accord with the specifications.

Therefore, I recommend that this Contract No. 170 be awarded to the Rock Wool Insulation Company of Lexington, Kentucky, in the sum of \$1,493 for furnishing and installing the Mineral Wool Insulation as specified under Contract No. 170.

I hand you herewith all the bids as received and a summary thereof.

(Signed) James H. Graham
Dean

e. Contract for Food Water Heater and Deaerator in Central Heating Plant.

On motion of Mr. Holland, seconded by Mr. Cooper, the following recommendation by Dean Graham was approved, subject to approval of the State Director of Public Works Administration, and ordered inserted in the Minutes.

December 22, 1936

President Frank L. McVey
University of Kentucky

My dear President McVey:

Under date of October 13, 1936, I recommended to you, by letter, that Contract No. 11 of the Central Heating Plant for furnishing and installing one Feed Water Heater and Deaerator be awarded to the Henry P. Thompson Company, agent for the Cochran Corporation of Philadelphia, Pennsylvania, in the sum of \$3,140; and in the meeting of the Executive Committee of the Board of Trustees on October 14, 1936, this recommendation was approved, subject to the further approval of the State Director.

Subsequent circumstances and studies caused us to decide to readvertise for bids upon this item of equipment and, with the approval of the State Director, we redrafted the specifications, especially emphasizing and detailing those sections of the specifications concerning the de-aeration; as this particular function of the apparatus is of major importance for the efficient operation and preservation of the entire Central Heating Plant, occupying as it does the same relative functional place within the plant as the kidneys occupy within the human body.

Therefore we again received and opened bids upon this equipment (Contract 11A Central Heating Plant) on December 11, 1936. Two bids were received on this date -- The Henry P. Thompson Company of Cincinnati, Ohio, agent for the Cochran Corporation of Philadelphia, Pennsylvania, in the sum of \$3,497, and the Worthington Pump and Machinery Company of Harrison, New Jersey, in the sum of \$3,412. However the Worthington bid, although the lowest by the sum of \$85, excepts and fails to qualify under the specifications as to both "Pan Area and to Spilling Edge."

In view of the especial importance of this equipment in the preservation and long-life of both steam boiler and steam distributing lines, I now again recommend the award of this contract (No. 11A) to the Henry P. Thompson Company of Cincinnati, Ohio, agent for the Cochran Corporation of Philadelphia, in the sum of \$3,497 for furnishing and installing within the Central Heating Plant one Feed Water Heater and Deaerator as specified.

I hand you herewith the bids as received and a summary thereof.

(Signed) James H. Graham
Dean

f. Contracts for Interior Lighting.

On motion of Mr. Gordon, seconded by Mr. Holland, the following contracts, Nos. 181, 182, 183, 184 and 185, and other recommendations by Dean Graham set out in the following communication were approved, subject to the approval of the State Director of Public Works Administration.

December 22, 1936

President Frank L. McVey
University of Kentucky

My dear President McVey:

As interior artificial lighting plays so great a part in University life and as the function, type and style of lighting equipment and fixtures available vary so greatly for study-halls, assembly halls, classrooms, laboratories, drafting rooms, shops, etc., we decided to study, select and contract for this equipment direct, rather than leave its selection to the hazards of building contracts.

In accord with this policy and consequent studies, we specified and divided our needs for lighting fixtures within the East and South Engineering Buildings and the Boiler House into four contracts, -- Nos. 181 to 184 inclusive -- receiving and opening bids therefor in your office on December 11, 1936.

After a careful study of the bids received, in relation to our several needs and to the published specifications, I recommend as follows:

Contract No. 181. This contract includes the lighting fixtures to be installed within the Boiler House, Machine Shops, and Civil Engineering Laboratory. The two low bids were -- F. D. Lawrence Electric Company in the sum of \$1,787.20 and the Johnson Electric Supply Company in the sum of \$1,795.23, or a difference of \$8.03 in the base bid. The major item is for twenty-four Mercury Vapor Lamps for use in shops and Civil Engineering Laboratory, wherein the Johnson price was \$26.05 as against \$24.23 in other bids, but offers a better and more efficient fixture. Therefore, we have selected and herewith recommend the award of Contract No. 181 to the Johnson Electric Supply Company of Cincinnati, Ohio, in the sum of \$1,795.23 less \$406.05 (representing bid on lamps, which we elect not to purchase at this time) or a net contract of \$1,389.18.

Contract No. 182. This contract includes the lighting fixtures to be installed in the new drafting room of the East Engineering Building. Three bids were offered upon this equipment -- \$501 -- \$504 -- and \$526.44, or a difference between the high and low of \$25.44. However, as these bids are for mercury vapor lamps and as the two lower bidders have not furnished us with samples of their product or with efficiency curves and other data as promised, and as we have been furnished with samples by the higher bidder and have tested the product over a period of a year and have found them satisfactory, we recommend the award of this Contract No. 182 to the General Electric Supply Company of Cincinnati, Ohio, in the sum of \$526.44.

Contract No. 183. This contract includes the lighting fixtures to be installed in the study hall, classrooms, and part of the drafting room of the Engineering Buildings. The two low bids for this equipment are -- \$841 and \$877.35 or a difference of \$36.35. However, the fixtures offered by the higher of these two bidders, more nearly fit with the interiors of the rooms to be lighted and have met our tests more satisfactorily. Therefore, we recommend the award of this Contract No. 183 to Johnson Electric Supply Company of Cincinnati, Ohio, in the sum of \$877.35.

Contract No. 184. This contract includes the lighting fixtures to be installed in the corridors and locker rooms of the Engineering Buildings. There were two bids submitted -- each for the sum of \$842.40. As we have no preference in the fixtures offered and as the F. D. Lawrence Electric Company of Cincinnati, Ohio, was the actual low bidder on Contract No. 183, we recommend the award of this contract (No. 184) to that company in the sum of \$842.40.

Contract No. 185. This contract was to furnish clocks and bell system in the new Engineering Buildings. There was only one bid upon this equipment and the price is excessive. Therefore, we recommend "No award".

I hand you herewith all of the bids as submitted, together with a summary thereof.

(Signed) James H. Graham
Dean

g. Contracts for Construction and Wiring Law Building --
Contracts for Wiring and Installing Sheet Metal, Central Heating
Plant.

Recommendations of Dean Graham:

December 22, 1936

President Frank L. McVey
University of Kentucky

My dear President McVey:

On December 21, 1936, we received and publicly
opened in your office, bids upon four contracts as
follows:

1. Contract No. 500 for the construction of the
Law Building (not to include heating and ventilating
equipment or electric wiring) as specified and adver-
tised.

2. Contract No. 501 for furnishing and installing
the electric wiring system as specified, within the
Law Building.

3. Contract No. 6 for the electric wiring within
the boiler house Central Heating Plant.

4. Contract No. 7 for furnishing and installing
the sheet steel breeching for the steam boilers in
the Central Heating Plant.

I comment and recommend as follows:

bid Contract No. 500 -- Law Building. There were
six/received and opened, of which three are very close
to our own estimated cost for this part of the work
or \$62,000. The lowest bid was submitted by Gilson-
Taylor, Inc., of Lexington, Kentucky, in the sum of
\$59,960. In view of the fact that this was the low
bid and that Gilson-Taylor, Inc. are qualified to
carry out the work we have today negotiated with them
as to the acceptance of certain alternates and substi-
tuting cut-stone window sills in lieu of all-brick
sills. This affects and lowers the base bid as fol-
lows:

Base Bid		\$59,960.00
Alternate No. 4 - Deduction for omitting all membrane water-proofing	\$107.00	
Special Alternate - Deduction for using Philip Carey Bonding Compound or equal in lieu of Par Lock as specified	150.00	
Special Alternate - Deduction for change in detail of linoleum floor, in room No. 200	<u>220.00</u>	<u>477.00</u>
		\$59,483.00
Addition for using cut-stone sills in lieu of all-brick sills	<u>+250.00</u>	<u>+250.00</u>
		\$59,733.00

We believe these changes will be beneficial.

Therefore, we recommend the award of Contract No. 500 to Gilson-Taylor, Inc., of Lexington, Kentucky, adjusted as heretofore stated, in the sum of \$59,733 as specified.

Contract No. 501. Electric Wiring within Law Building. The low bidder was the William Hepburn and Company of Lexington, Kentucky. Therefore, we recommend the award of this contract (No. 501) in the sum of \$2,487 to the William Hepburn and Company of Lexington, Kentucky, as specified.

Contract No. 6. Wiring within the Boiler House. As this was the only bid submitted, was not complete and in excess of funds allotted, we recommend "No award".

Contract No. 7. Breeching for Boilers. As both bids are excessive in price, we recommend "No award".

I hand you herewith all the bids submitted and opened, together with a summary thereof.

(Signed) James H. Graham
Dean

Mr. Hillenmeyer stated that the proposed type of architecture for the Law Building was discussed at a meeting of the Lexington Board of Commerce at the suggestion of some of its members, who were of the opinion that, as it varied so much from the general type of architecture on the campus, a serious mistake may be made if the present plans are followed. Mr. Hillenmeyer further stated that he had been asked to call the attention of the Board of Trustees to the objections raised, and was complying with that request. A discussion followed, and President McVey explained briefly the reasons for recommending the proposed type of construction. Mr. Holland stated that he preferred a different type of architecture, but that he accepted the plans as drawn.

Resolution No, Sub-Section g, (Law Building).

It was then thought best that the contract be let on the plans as advertised, and on motion of Mr. Gordon, seconded by Mr. Holland, contract No. 500 for Law Building, and contract No. 501 for installing electric wiring in the Law Building, as set out in communication of Dean Graham, copied in this sub-section (g), were approved subject to the approval of the State Director of Public Works Administration.

Resolution No. 2, Sub-Section g, (Central Heating Plant).

On motion and second which carried, no awards were made on contract No. 6 for wiring Central Heating Plant and contract No. 7 for sheet steel breeching on boilers in Central Heating Plant, as was recommended in the communication.

h. Contracts to be signed by Vice Chairman.

All contracts on awards made at this meeting are to be prepared by Dean Graham and submitted to Judge Richard C. Stoll, Vice-Chairman of the Board, for signature.

i. Copies of the Bids.

Copies of the bids were ordered filed with the records of the Board of Trustees.

16. Opinions Relating to Federal Acts and Federal Funds.

President McVey presented the following:

a. Opinion by the Solicitor of the United States Department of Agriculture relative to the liability of state agencies to suit under the Soil Conservation and Domestic Allotment Act. The opinion ends with this conclusion:

"Accordingly, it is not to be anticipated that any actual interference with the regular functions of the

college would arise from the designation of a State Agricultural college as the State agency under a State statute enacted as contemplated by the Soil Conservation and Domestic Allotment Act."

b. Opinion of Solicitor of the United States Department of Agriculture in control of Federal Extension Funds in South Dakota case submitted to Dr. Clyde W. Warburton, Director of Extension Service, Department of Agriculture, Washington, D. C., October 19, 1936. The opinion refers to Section 2 in the Smith-Lever Act as conclusive.

These opinions were submitted by the Extension Division and copies were ordered filed with records of the Board of Trustees.

17. Appointments and Other Staff Changes.

Appointments.

Yandel Wrather, county agent, Morgan County, effective January 1, 1937, salary \$150.00 a month.

Miss Merrymack Rogers, graduate assistant, Department of Anatomy and Physiology, effective second semester, 1936-37, salary \$100.00 for the semester.

Miss Helen H. Kendal, assistant, Department of Sociology, for remainder of 1936-37, effective January 1, 1937.

A. J. Myer, Engineering College, assignment of duties to be made later, effective February 1, 1937, salary \$4000.00 per calendar year. Mr. Myer received his engineering training at the University of Delft. He comes to the University from the Wright Aeronautical Corporation.

F. J. Cheek, Jr., Engineering College, assignment of duties to be made later, effective February 1, 1937, salary \$3600.00 per calendar year. Mr. Cheek received his C. E. degree from Rensselaer Polytechnic Institute and his M. S. from the Massachusetts Institute of Technology. He comes to the University from the University of Kansas.

Resignations.

Miss Evelyn Edwards, assistant in the Department of Sociology, effective December 31, 1936.

Miss Ilee Smith, Assistant Home Demonstration Agent, McCracken County, effective December 15, 1936.

Changes in Salary.

R. K. Calfee, Assistant Chemist in the Department of Chemistry, Experiment Station, salary increased from \$1620.00 to \$1800.00 per year. His salary increase at this time was recommended because of the excellent results from his special study of nicotine.

Leaves of Absence.

Charles M. Knapp, professor in the Department of History, on recommendation of Dean Boyd, was granted sabbatical leave of absence for the first semester 1937-38 on half pay. He expects to spend the half year in historical studies.

Professor Amry Vandebosch, head of the Department of Political Science, on the recommendation of Dean Boyd, was granted sabbatical leave of absence for the first semester 1937-38 on half pay. He plans to make a study of government and politics of the Netherlands and of Belgium.

On motion, duly seconded, the Board adjourned.

D. H. Peak
Secretary, Board of Trustees