

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION

Approved by the Regents
March 18, 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 First Properties Associates Limited Partnership (University of Michigan Special Advisor to the President William C. Martin, partner)

Background:

The University of Michigan wishes to enter into a lease agreement for 42,368 square feet of property located 2101 Commonwealth Boulevard, Ann Arbor, Michigan, to be leased from First Properties Associates Limited Partnership. The space will be utilized for University of Michigan Health System departments including the Michigan Alzheimer's Disease Research Center, Neuropsychology, Facilities Planning and Development, and Quality Improvement.

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 partnership in First Properties Associates Limited Partnership. 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 2/3 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 First Properties Associates Limited Partnership.
- ii) The service to be provided is the lease of 42,368 square feet in a building at 2101 Commonwealth Boulevard, Ann Arbor, Michigan from the first day of the month following execution of the lease through June 30, 2012, at a monthly rate of \$72,379. Tenant will be responsible for gas and electric usage plus janitorial service. Tenant will be responsible for a portion of the operating expenses of the building.
- iii) The pecuniary interest arises from the fact that William C. Martin, a University of Michigan employee, is a partner in First Properties Associates Limited Partnership.

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 First Properties Associates Limited Partnership.

Respectfully submitted,



Timothy P. Slottow
Executive Vice President and
Chief Financial Officer

March 2010