

Note for online reference: Any materials or exhibits referenced in this approved resolution can be found in the meeting's materials posted at: <https://trustees.uoregon.edu/meetings>

Board of Trustees of the University of Oregon

**Resolution: Approval to
Negotiate, Execute and Act Regarding Construction
and Restoration of Kalapuya Ilihi Structural Defects**

WHEREAS, starting in October 2021, the Kalapuya Ilihi Residence Hall ("KI"), which greeted its first residents in Fall 2017, exhibited cracking and structural stresses in its concrete walls and post-tensioned slab; and

WHEREAS, the University consulted with engineering consultants to determine an appropriate course of action regarding the exhibition of the cracking and structural stresses; and

WHEREAS, KPFF Engineers, the University's engineering consultants, opined that certain structural repairs were required to mitigate risk of considerable damage to the building if it were to experience a building-code level seismic event; and

WHEREAS, the University retained Stoel Rives as outside counsel to represent it regarding KI's structural defects and has undertaken significant, ongoing efforts, including mediation, to recover damages associated with the defects; and

WHEREAS, the University closed KI in July 2023 to ensure preparations to restore the building could be completed as expeditiously and safely as possible; and

WHEREAS, the University filed a complaint in Lane County Circuit Court against the contractor, subcontractors, architect and engineers in September 2023 to recover damages associated with repairing KI's structural defects and other injuries suffered by the University; and

WHEREAS, the University amended the complaint in June 2024 to assert additional and updated damages associated with KI's structural defects and other injuries suffered by the University; and

WHEREAS, current estimates to fully restore KI and bring it back on-line for use as a residence hall exceeds \$14M, separate from the other damages the University has asserted in its lawsuit; and

WHEREAS, Board of Trustees' approval is required for instruments regarding real property, such as construction, where the university expenditures exceed \$8.5 million; and

NOW, THEREFORE, University staff recommends the Board authorize the president or their designee(s) to negotiate and execute any and all agreements and documents necessary to complete the construction and restoration of the Kalapuya Ilihi residence hall as described in the associated docket materials and further authorizes the president, the senior vice

president for finance and administration, and their designee(s) to take actions necessary to execute the authorization within this resolution.

MOVED: **Boyle**

SECONDED: **Storment**

VOTE: **Voice Vote Recorded – Ayes carried**

Dated: **September 16, 2024**

Recorded by the University Secretary:

A handwritten signature in black ink, appearing to be the initials 'K K' followed by a flourish.