

MINUTES OF THE BOARD OF REGENTS
NEW MEXICO STATE UNIVERSITY
May 8, 2009

1. **CALL TO ORDER**

The Board of Regents of New Mexico State University met in the Regents Room of the Educational Services Center on the main campus in Las Cruces, New Mexico, on Friday, May 8, 2009. Chair Curtis called the meeting to order at 10:13 a.m.

Regents Present	Mr. Blake Curtis, Chair Mr. Javier Gonzales, Vice Chair Ms. Laura Conniff, Secretary/Treasurer Mr. Isaac Pino, Member Mr. Chris Anaya, Member
Ex-officio Regents Present	Dr. Joe Pfeiffer Mr. Justin O'Connell
Interim President	Dr. Waded Cruzado
Interim Executive Vice President/Provost	Dr. Robert Moulton
Regents Chief of Staff	Dr. Pat Williams
Other Presenters Present	Senior Vice President Jennifer Taylor Senior Vice President Ben Woods Associate Vice President Maureen Howard Vice President Carmen Gonzales Vice President Vimal Chaitanya Assistant Vice President Ricardo Rel Interim Director Vicente Vargas Director Ana Price Director Fred Ayers Director Michael Rickenbaker Director I. Miley Gonzalez General Counsel Bruce Kite Dr. Pat Hynes Dr. Robert Rhodes Dr. Jacalyn Ryberg Dr. Leslie Robbins Dean Pamela Jansma

2. **INTRODUCTIONS**

- (a) Introduction of press, elected officials, and others by Maureen Howard, Associate Vice President for University Communications and Marketing Services

Maureen Howard introduced City Councillor Dolores Connor, Senator Mary Kay Papen, Representative Mary Helen García, the Honorable J. Paul Taylor, and Mr. Evan Woodward of KRWG.

- (b) Introduction of Faculty Senate Chair Chris Erickson by Professor Joe Pfeiffer

Dr. Chris Erickson was introduced as the new chair of the Faculty Senate.

- (c) Introduction of ASNMSU President Travis Dulany and ASNMSU Vice President Jeffrey Oxford by Vice President for Student Success Carmen Gonzales

Mr. Travis Dulany was introduced as the new ASNMSU President.

3. APPROVAL OF AGENDA

General Counsel Bruce Kite indicated it was necessary that the proposed employment contract for Gerald Lewis , Men's Basketball, under Agenda Item 8(b) not go forward for approval at this meeting.

Regent Gonzales moved, seconded by Regent Anaya, to approve the agenda as amended. The motion carried unanimously.

4. APPROVAL OF MINUTES

Approval of minutes for March 9, 2009.

Regent Conniff moved, seconded by Regent Pino, to approve the minutes of March 9, 2009. The motion carried unanimously.

Approval of minutes for April 8, 2009.

Regent Conniff moved, seconded by Regent Pino, to approve the minutes of April 8, 2009. The motion carried unanimously.

5. FUTURE BOARD MEETINGS

Approved meeting dates:

- Tuesday, July 28, 2009 (Retreat) (Holy Cross Retreat)
- Wednesday, July 29, 2009 (Las Cruces)

6. PUBLIC COMMENT

Comments were made by Senator Mary Kay Papen, Dr. Cynthia Bejarano, Dr. Dana Greene, Ms. Gerri McCulloh, Mr. Ed Gamboa, Dr. Tara Gray, Dr. Dulcinea Lara, Sarah Bond-Maupin, Evangelina Miranda, Dr. David Boje, Dr. Lisa Bond-Maupin, Dr. Joan Crowley, and Representative Mary Helen Garcia.

7. RATIFICATION STATEMENT REGARDING PRIOR EXECUTIVE SESSION(s) (roll call vote)

The Board of Regents of New Mexico State University met in Executive Session at 8:30 a.m. on Wednesday, April 8, in Room Two of the Educational Services Center, Las Cruces, New Mexico, to discuss personnel, real estate, and legal matters in accordance with Section 10-15-1H(2), (7), and (8) of the New Mexico Open Meetings Act. The Board recessed the Executive Session at 10:10 a.m. and reconvened at 2:00 p.m. in the Hiram Hadley Conference Room (130). The Board of Regents of New Mexico State University met in Executive Session at 1:30 p.m. on Thursday, May 7, 2009, in the Hiram Hadley Conference Room 130, Las Cruces, New Mexico, to discuss personnel, real estate, and legal matters in accordance with Section 10-15-1H(2), (7), and (8) of the New Mexico Open Meetings Act. Those Board members who were present hereby certify by role call vote that only matters of that nature were discussed

in the closed meetings.

The motion to adopt this statement, upon being put to a vote, was passed and adopted on the following recorded vote: Chair Curtis, Vice Chair Gonzales, Secretary/Treasurer Conniff, Regent Pino, and Regent Anaya. Five Regents present having voted in favor of said motion, said motion carried, and said statement was adopted.

8. CONSENT CALENDAR (voted on by one motion, or moved to Action or Informational Items)

- (a) Confirm approval of candidates for degrees (Interim President Waded Cruzado)
- (b) Ratification of employment agreements and employment amendments for various coaches (General Counsel Bruce Kite)
- (c) Approval for the official naming of Thomas and Brown Hall, Room 100 as the Arizona Public Service Company Graduate Research and Teaching Cluster (Executive Director Nick Franklin)
- (d) Approval of renewal of the lease entered into as of April 8, 1999, by and between Hadley Centre, LLC, a New Mexico limited liability company ("Landlord"), and the Board of Regents of New Mexico State University, on behalf of the College of Education, Head Start Program (collectively referred to as "Tenant"), for administrative office space designated as 2540 El Paseo, Suite B, Las Cruces, New Mexico 88005 (Director Fred Ayers)
- (e) Approval to remove the contact information in each NMDA rule so that it is not treated as part of the context. Subsequently, this will also require renumbering and reformatting of the proposed 37 NMDA's rules currently in the New Mexico Administrative Code (NMAC) requirements (NMDA Director/Secretary I. Miley González)
- (f) Approval to appoint Vice President of Research Vimal Chaitanya to the Board of Directors of the New Mexico Consortium Incorporated (Vice President Vimal Chaitanya)
- (g) Approval of Doña Ana Community College East Mesa Center: Phase One Remodel (Director Michael Rickenbaker)
- (h) Approval of Environmental Management Facility: Budget Increase (Director Michael Rickenbaker)
- (i) Approval of Gerald Thomas Hall: Third Floor Food Lab Remodel (Director Michael Rickenbaker)
- (j) Approval of Doctorate of Nursing Practice (Drs. Robert Rhodes, Jacalyn Ryberg, and Leslie Robbins)
- (k) Approval of Resolution, Notification, and Certification regarding Severance Tax Bonds, Spring 2009 (The "2009 Bonds") (Senior Vice President Jennifer Taylor)
- (l) Approval of NMSU-Grants Drainage Improvements Project: Phase One (Director Michael Rickenbaker)
- (m) Approval of Disposition/Deletion of Property (Senior Vice President Jennifer Taylor)
- (n) Approval of Temporary Investments Report for Quarter Ended March 31, 2009 (Senior Vice President Jennifer Taylor)
- (o) Approval to Transfer Current Uncollectible Accounts Receivable to Reserves for Inactive Accounts for Fiscal Year 2008-2009 in accordance with the attached schedule (Senior Vice President Jennifer Taylor)
- (p) Approval of budget adjustment requests for Fiscal Year 2009-2010 (Senior Vice President Jennifer Taylor)
- (q) Approval of second amendment to ground lease by and between the Board of Regents of New Mexico State University ("NMSU") and Intercap Institutional Investors, LLC, a Delaware limited liability company ("Intercap"), 3.8338 acre tract located in Section 29, T.23S, R.2E, N.M.PM. of the U.S.R.S. Surveys being part of U.S.R.S. tract 11D-54, within the lands of the New Mexico State University, Doña Ana County (Director Fred Ayers)
- (r) Approval of communications use lease, NMNM 57040, by and between the United States of America, acting through the Bureau of Land Management, Department of the Interior ("United

States” or “Bureau of Land Management”), and Regents of New Mexico State University, its agents, successors, and assigns (“Lessee”), on behalf of KRWG, for the described lands in T.13S, R.4W, Section 30, SE1/4, Sierra County, New Mexico (Director Fred Ayers)

- (s) Approval of the reorganization of academic units in the College of Arts and Sciences: Anthropology, Sociology, and Women’s Studies (Dean Pamela Jansma)

Regent Conniff moved, seconded by Regent Gonzales, to approve the Consent Calendar as presented. The motion carried unanimously.

9. ACTION ITEMS

- (a) Approval of Recreation and Public Purposes Lease, NMNM 120291, between the United States of America, the lessor, through the authorized officer of the Bureau of Land Management, and the Regents of New Mexico State University, the lessee, on behalf of Doña Ana Community College, for the proposed DACC Chaparral Campus, Doña Ana County, New Mexico (Director Fred Ayers)

Senior Vice President Woods gave a presentation and requested approval for the parties to enter into a Recreation and Public Purposes Lease, NMNM 120291, for a period of 25 years, for lease of vacant land containing 19.96 acres, located in T.26S, R.5E, Section 13, S1/2SW1/4NE1/4, together with an option to purchase said land during the term of the lease upon a showing of substantial compliance with the approved plan of development designated in Section 4(a) of the lease. Rental to be \$40.00 per annum. Purchase price is \$10.00 per acre (per paragraph 16 of the Special Stipulations).

Regent Conniff moved, seconded by Regent Gonzales, to approve the Recreation and Public Purposes Lease, NMNM 120291, between the United States of America, the lessor, through the authorized officer of the Bureau of Land Management, and the Regents of New Mexico State University, the lessee, on behalf of Doña Ana Community College, for the proposed DACC Chaparral Campus, Doña Ana County, New Mexico. The motion carried unanimously.

- (b) Approval of University Capital Outlay Plan 2009 and FY 2010-11 Capital Outlay Requests (Senior Vice President Ben Woods, Director Michael Rickenbaker, and CIO Shaun Cooper)

Senior Vice President Woods, Director Rickenbaker, and CIO Cooper gave a presentation requesting the approval for the University Capital Outlay Plan 2009 and FY 2010-11 Capital Outlay Requests. The university submits its capital outlay funding request for the next legislative session in June of each year. Requests for state appropriations should be submitted as part of a long-term combined capital outlay plan. Funding for current and future projects comes from a variety of sources. Other updates for the Board of Regents on additional projects for NMSU campuses that are envisioned for accomplishment over the next five to ten years were included. Also in the plan, are the active federal initiatives. Several of these will require state capital outlay funding. This plan is inclusive of all of the campuses of New Mexico State University. If approved, the university will present the complete Capital Outlay Plan 2009 to the Department of Higher Education. A subsequent step will be to then focus on the top institutional priorities for the coming legislative session.

Regent Gonzales moved, seconded by Regent Anaya, to approve the University Capital Outlay Plan 2009 and FY 2010-11 Capital Outlay Requests. The motion carried unanimously.

- (c) Approval of Operating Budget for Fiscal Year 2009-2010 (Senior Vice President Jennifer Taylor)

Senior Vice President Taylor and Director Price gave a presentation requesting the approval of the Operating Budget for Fiscal Year 2009-2010. Approval is required for the submission to the New Mexico Higher Education Department of the proposed operating budget. The proposed budget for all campuses is \$671,494,258 with operating funds of \$593,199,294 and capital outlay (plant) of \$78,294,964. Campus totals for each of the individual campuses are as follows: Las Cruces \$558,689,625, Alamogordo \$20,264,572, Carlsbad \$21,303,502, Dona Ana \$63,173,848, and Grants \$8,062,711.

Regent Gonzales moved, seconded by Regent Conniff, to approve the Operating Budget for Fiscal Year 2009-2010. The motion carried unanimously.

- (d) Approval of Lease by and between Tomorrow 33 Pinetree Center LP, a Delaware limited partnership (“Landlord”), and the Regents of New Mexico State University, an Institution of Higher Education of the State of New Mexico (“Tenant”), for Suite No. 100 in the building located at 4501 Indian School Road Ne, Albuquerque, NM 87110, Bernalillo County, within the Pinetree Corporate Center (Director Fred Ayers)

In November of 2004, the university leased 9,858 square feet of office space in the Compass Bank Building for the consolidation of leased space in the Albuquerque area and the establishment of academic space consisting of three classrooms. Over the last four years, an additional 4,909 square feet has been leased to accommodate growth of the various university programs, bringing the total leased space to 14,767 square feet. Due to increased demand for additional classrooms and continued growth of programs, efforts to lease additional space in the building began last fall. The principal owner of the building (Compass Bank) has been unwilling to accommodate our projected needs.

As a result of the financial condition of the College of Santa Fe, the owner of the building in Albuquerque, in which they have a leased facility, began offering their facility for lease, subject to termination of the College of Santa Fe’s lease. Negotiations with the owner resulted in a proposal with very favorable terms and conditions for the university to lease the facility. In order to secure an exclusive negotiations position, a non-binding letter of intent was signed committing the university to pursue a mutually agreeable lease agreement. The negotiations have resulted in the proposed lease which will allow the university to acquire a facility at below market rates with terms and conditions that provide maximum flexibility and minimum risk.

Regent Conniff moved, seconded by Regent Pino, to approve the Lease by and between Tomorrow 33 Pinetree Center LP, a Delaware limited partnership (“Landlord”), and the Regents of New Mexico State University, an Institution of Higher Education of the State of New Mexico (“Tenant”), for Suite No. 100 in the building located at 4501 Indian School Road Ne, Albuquerque, NM 87110, Bernalillo County, within the Pinetree Corporate Center. The motion carried unanimously.

- (e) Interim President Contract (Regent Blake Curtis, Chair)

Regent Curtis asked for a motion that would allow for the negotiation of a contract for an interim president.

Regent Gonzales moved to allow for the negotiation of a contract for an interim president, seconded by Regent Pino. The motion carried unanimously.

Regent Gonzales moved to request that the chair, along with a designee, be authorized to issue a contract to bring back to the Board for approval, seconded by Regent Pino. The motion carried

unanimously.

Regent Curtis asked Regent Conniff to work with him on the issuing of the contract. Regent Conniff accepted.

10. NEW MEXICO STATE UNIVERSITY INTERIM PRESIDENT'S REPORT

(Interim President Waded Cruzado)

Interim President Cruzado gave a report on university events since the last meeting of the Board of Regents.

11. INFORMATIONAL ITEMS

- (a) Legislative Session Briefing by Assistant Vice President for Government Relations Ricardo Rel and Interim Director for State Government Affairs Vicente Vargas

Assistant Vice President for Government Relations Ricardo Rel and Interim Director for State Government Affairs Vicente Vargas updated the Board on legislative session activities for the session which began on Tuesday, January 20, 2009.

- (b) Update: Spaceport America Student Launch Program by Dr. Pat Hynes

Dr. Hynes gave an update on the Spaceport American Student Launch Program. The New Mexico Space Grant Consortium and Spaceport American hosted the first annual Student Launch Program. The launch program helped prepare the technical workforce for the challenges facing New Mexico. Spaceport America provided the rocket launch. New Mexico Space Grant Consortium worked with student teams to design, build, and test their experiments. Student teams designed experiments that use the environment of suborbital space to answer scientific and engineering questions. Team payloads were launched on a SpaceLoft XL Aerospace Rocket on April 25, 2009. The rocket motor was Orion class.

12. REPORTS

- (a) Faculty Senate Chairperson's Report by Dr. Joe Pfeiffer, Chair

Dr. Pfeiffer reported on activities of the Faculty Senate since the last Board meeting.

- (b) Associated Students of New Mexico State University (ASNMSU) Report by Mr. Justin O'Connell, President

Mr. O'Connell reported on activities of ASNMSU since the last Board meeting.

- (c) Advisory Council on Administrative Policy (ACAP) Report by M. Kelly Brooks, Chair

Ms. Brooks reported on activities of ACAP since the last Board meeting.

13. PRESENTATION OF RESOLUTIONS

Resolutions were presented by the Board of Regents to ASNMSU President Justin O'Connell, Faculty Senate Chair Joe Pfeiffer, Dean Steve Castillo, Coach Mike Jordan, Coach Rick Pratt, and former Regent M. Steven Anaya.

14. OTHER/COMMENTS

Regent Chair Curtis reported that NMSU has acquired the search firm of Greenwood/ Asher and Associates. Inc. out of Florida to assist with the presidential search.

Del Archuleta, CEO, Molzen-Corbin and Associates, will chair the search committee. Members of the search committee include Dean **Garrey Carruthers**, College of Business; **Felicia Casados**, President, Grants Community College; Dr. **Chris Erickson**, Chair of Faculty Senate; **Travis Dulany**, President, ASNMSU; **Dolores Connor**, City of Las Cruces Councilwoman; **Bruce Hinrichs**, Director, Eastern District Extension; **Paul Gutierrez**, Executive Director, New Mexico Association of Counties; **Lou Henson**, Former NMSU Basketball Coach; **Tim Nesbitt**, Assistant Dean/Director, Consumer and Environmental Sciences; **Michael Johnson**, President, Johnson Performance; **Delano Lewis**, Director, International Relations Institute; and **Elba Serrano**, Regents Professor, Biology.

Del Archuleta and Jan Greenwood will be finished with candidate evaluations by the start of the fall semester and present the board with a list of names by September or October, and five candidates will be brought to the campus. The new president will begin, as quickly as possible, depending on his/her schedule and obligations.

15. ADJOURNMENT

Regent Curtis adjourned the Board meeting at 11:38 a.m.

Minutes recorded by Socorro Saenz-Lobato.

Blake Curtis, Chair
Board of Regents

Laura M. Conniff, Secretary/Treasurer
Board of Regents