

MINUTES OF THE BOARD OF REGENTS
NEW MEXICO STATE UNIVERSITY
March 8, 2010

1. **CALL TO ORDER**

The Board of Regents of New Mexico State University met in the Regents Room of the Educational Services Building, on the main campus of New Mexico State University in Las Cruces, New Mexico, on Monday, March 8, 2010. Chair Curtis called the meeting to order at 10:05 a.m.

Regents Present Mr. Blake Curtis, Chair
Mr. Javier Gonzales
Ms. Laura Conniff, Secretary/Treasurer
Mr. Isaac J. Pino, Member
Mr. Chris Anaya, Member

Ex-officio Regent Present Dr. Chris Erickson

President Dr. Barbara Couture

Vice President/Provost Dr. Jay Jordan

Chair, NMSU Employee Council Ms. Roseanne Bensley

Other Presenters Associate Vice President Maureen Howard
Vice President Nick Franklin
Director Fred Ayers
Senior Vice President Jennifer Taylor
Director Michael Rickenbaker
Dean Garrey Carruthers
Senior Director Ricardo Rel
Director Vicente Vargas
President Cheri Jimeno

2. **INTRODUCTIONS**

- (a) Introduction of Press, Elected Officials, and Others (Maureen Howard, Associate Vice President for University Communications and Marketing Services)

Vice President Howard introduced Mr. Manu Patel, Mr. Charles Sallee, Mr. Craig Johnson, and Mr. Jacob Candelera of the Legislative Finance Committee. Also present were Amanda Husson of the *Las Cruces Sun-News* and Todd Dickson from the *Bulletin*.

Regent Curtis announced that the Board of Regents Executive Session was recessed and would reconvene immediately following the Board of Regents meeting.

3. **APPROVAL OF AGENDA**

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

4. **PUBLIC COMMENT**

Ms. Sandy Geiger spoke about the importance of facilitating the completion and implementation of the NMSU Heritage Preservation Plan.

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

Executive Session was recessed. Statement will be read at the April 1, 2010 meeting.

6. **APPROVAL OF MINUTES**

Regent Pino moved, seconded by Regent Gonzales, to approve the minutes of February 1, 2010. The motion carried unanimously.

7. **FUTURE BOARD MEETINGS**

Tentative:

- Thursday, April 1, 2010; Las Cruces, NM (Special Board Meeting)

Approved Dates:

- Friday, May 7, 2010; Las Cruces, NM (In conjunction with Commencement)

Other: The annual meeting of the Association of Governing Boards (AGB) will be held in Champions Gate, Florida on March 19-23, 2010 at the Omni Orlando Resort.

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

- (a) Approval of Honorary Degree Candidates by the Board of Regents Prior to the May Commencement Ceremony (Vice President Nick Franklin)
- (b) Approval of Electric Line Easement Between El Paso Electric Company, and the Board of Regents of New Mexico State University, Within United States Reclamation Service (U.S.R.S.) Projected Section 29, Township 23 South, Range 2 East New Mexico Principal Meridian (Director Fred Ayers)
- (c) Moved to g(a)
- (d) Moved to g(b)
- (e) Approval of Disposition/Deletion of Property (Senior Vice President Jennifer Taylor)
- (f) Approval of Resolution, Notification, and Certification Regarding Severance Tax Notes/Bonds Fiscal Year 2010 (the "FY 2010 Notes/Bonds) (Senior Vice President Jennifer Taylor)
- (g) Approval of Resolution in Support of Cooperative Agreement with New Mexico Department of Transportation (NMDOT) for Campus Road Improvements, Las Cruces Campus (Director Michael Rickenbaker)

Regent Gonzales moved to remove Agenda Items 8(c) and 8(d) from the Consent Calendar and move to Action Items. The motion to approved the Consent Calendar as amended was seconded by Regent Anaya. The motion carried unanimously.

9. **ACTION ITEMS**

- (a) Approval of Lease Agreement By and Between the Board of Regents of New Mexico State University ("Lessor") and Aldershot of New Mexico Inc. ("Lessee") Within Doña Ana Bend Colony Grant in Section 33, Township 23 South, Range 2 East, New Mexico Principal Meridian of the United States Reclamation Service (U.S.R.S.) Surveys Lying Within the Altura Park Addition as Filed February 8, 1911, in Book 8, Page 20 of the Doña Ana County Records, New Mexico (Director Fred Ayers)

Senior Vice President Woods requested approval of a new ground lease between the Board of Regents and Aldershot of New Mexico, Inc. The prior ground lease expired January 31, 2010. The new ground lease has a five-year term plus two one-year extensions.

There were detailed discussions regarding a current market appraisal of the property and appropriate lease payment. Regent Gonzales requested that if there is an option to extend the lease in five years, that a current appraisal be done for the purpose of determining an appropriate lease payment. Senior Vice President Woods responded this would be done.

Regent Gonzales moved, seconded by Regent Conniff, to approve the Lease Agreement By and Between the Board of Regents of New Mexico State University ("Lessor") and Aldershot of New Mexico Inc. ("Lessee") Within Doña Ana Bend Colony Grant in Section 33, Township 23 South, Range 2 East, New Mexico Principal Meridian of the United States Reclamation Service (U.S.R.S.) Surveys Lying Within the Altura Park Addition as Filed February 8, 1911, in Book 8, Page 20 of the Doña Ana County Records, New Mexico. The motion carried unanimously.

- (b) Approval of Ground Lease By and Between the Regents of New Mexico State University ("Lessor") and Stephen Loman and Max Schroeder d/b/a Fiesta Properties ("Lessee"), For a Parcel of Land in Section 21, Township 23 South, Range 2 East, New Mexico Principal Meridian, Las Cruces, Doña Ana County, New Mexico (Director Fred Ayers)

Senior Vice President Woods requested approval of a new ground lease between the Board of Regents and Stephen Loman and Max Schroeder d/b/a Fiesta Properties. The prior ground lease expired November 30, 2009. The business located on the parcel is known as, "Aggie Car Wash," at 2495 S. Locust, Las Cruces, NM.

There were detailed discussions regarding the new ground lease including the terms of the new lease. The new ground lease has a five-year term plus two one-year extensions. Regent Gonzales asked if the Board would consider asking that a current appraisal be done on this property for the purpose of determining an appropriate lease payment.

Regent Pino recommended that a policy be put into place regarding future leases or sales of property held by New Mexico State University.

Regent Conniff moved, seconded by Regent Pino, to approve the Ground Lease By and Between the Regents of New Mexico State University ("Lessor") and Stephen Loman and Max Schroeder d/b/a Fiesta Properties ("Lessee"), for a Parcel of Land in Section 21, Township 23 South, Range 2 East, New Mexico Principal Meridian, Las Cruces, Doña Ana County, New Mexico with an amendment that requests that a policy be prepared for the Real Estate Committee in reference to future leases or sales of property for the purpose of determining lease amounts. The motion carried four to one. Regent Gonzales voted "no."

10. NEW MEXICO STATE UNIVERSITY PRESIDENT'S REPORT

(President Barbara Couture)

President Couture presented on the following:

- The legislative session, communications with the community colleges, enhancement of NMSU's contributions to academic and research excellence, community conversations with the main campus as well as the community colleges, and the Foundation's "Doing What Counts Campaign"
- Dr. Couture attended the Alamogordo Desalination Plant Ceremony on February 16
- Professor Ou Ma in the Mechanical and Aerospace Engineering Department was awarded a four-year \$1.68 mil grant from the National Science Foundation
- The People's Garden surrounding the U.S. Department of Agriculture in Washington, D.C. will feature chiles developed by NMSU
- Black History Month
- Engineering student, Mohammad Ghassemi won a Gates Cambridge Scholarship for 2010
- Wells Fargo Academic Honors Night recognized 271 student athletes who achieved a 3.0 GPA or better during the fall 2009 semester and 44 students earning a 4.0 GPA
- Announced that former student athletes, Rachel Cuellar, Mari Sanchez Galaz, and Jane Egan Noble were inducted into the NMSU Athletics Hall of Fame in February
- NMSU's involvement in international work and the launching of the 2nd Annual Conference on Immigration
- NMSU-Grants' President Felicia Casados attended meeting of the Rural Community College Alliance in Washington, D.C.
- President Couture attended the 7th Annual ROTC Alumni Recognition Dinner on February 13
- Senator Jeff Bingaman held a Student Leadership Institute Conference on the NMSU campus

11. INFORMATIONAL ITEMS

- (a) Annual Living the Vision Performance Plan Report to the NMSU Regents
(Dean Garrey Carruthers)

Dean Carruthers gave a presentation on the Living the Vision Performance Plan, updating the Regents on progress made by the university through the various metrics established in the Plan based, on the latest benchmarked data available.

- (b) Intentionally left blank

- (c) Report from NMSU Foundation on "Doing What Counts" Campaign
(Vice President Nick Franklin)

Vice President Franklin reported on the Doing What Counts Campaign, the status of the endowment, looking to the future state post 2010, the internal organization and leadership, and alumni participation and outreach. As of December 31, 2009, the campaign has reached the \$217 million mark and has \$8 million left to go in the year.

- (d) Post Legislative Session Update (Assistant Vice President Ricardo Rel, Senior Vice President Taylor, and Director Vicente Vargas)

Assistant Vice President Rel provided the Regents with an update on the 2010 legislative session.

- Reserves are at 0.9 percent
- Recurring appropriations of \$5.4 billion for FY10
- Estimated recurring appropriations for FY11 are \$5.2 billion
- Regular session ended without final action on fiscal and capital outlay bills
- Special session ended with action completed on the General Appropriations Act, revenue enhancement bills, the general obligation bill, and the severance tax bond bill
- Higher Education cut by an estimated \$96.6 million (11 percent)
- NMSU system decreased by 9.9 percent
- Full-funding of workload growth was awarded (\$21.2 million)
- Five percent in-state and out-of-state tuition credit for four-institutions and nine percent for two-year institutions
- Prorated I&G base reduction of 3.4 percent
- Elimination of reduction in compensation
- During the special session, total funding decreased by four percent, a decrease of 4.2 percent in I&G funding, non-I&G funding received a 3.3 percent reduction,

Director Vargas reported on the Capital Outlay

- SB 182 Capital Outlay Solvency Bill (regular session)
- SB 1 General Obligations bonds (special session), NMSU received \$28.4 million
- HB 5 Severance Tax Bonds and Re-authorizations (special session), \$41.5 million

- (e) Utilization of Preferences in Public Works Procurement (Senior Vice President Jennifer Taylor)

Senior Vice President Taylor introduced Director of Procurement Services Mike Abernethy who provided a presentation based on background information drawn from university policies and procedures related to public works procurement and information drawn from current industry procurement practices.

Director Abernethy discussed the classic design/bid/build process allowed by State Statute 13-1-102 and two competitive sealed proposal methodologies employed at NMSU. One is the design/RFP build and the other is the construction manager at risk. The different preferences for deciding on a contractor were discussed, the reasons for enacting preferences, and the controversies over preference programs.

The Regents indicated that the policy related to public works procurement needs to be reviewed to guarantee that local contractors are afforded the opportunity to compete with out-of-state contractors. Regent Gonzales expressed his concern regarding a policy that limits or prevents opportunities for contractors in the community from accessing university projects. He asked that a policy be brought through the administration, to the Real Estate Committee, and the Board of Regents at the May meeting, which addresses the procurement practices of the university and that it indicate the Boards preference to working with local contractors.

- (f) Ceremonial Presentation of LEED Gold Plaque to Regents (President Jimeno, NMSU Alamogordo)

President Jimeno, Nancy Montgomery, Michael Rickenbaker, and Gary Williams presented a "LEED Gold" plaque to the Regents for achieving LEED Gold certification with the Allied Health addition at the Alamogordo campus. The Allied Health addition is the first building within the NMSU system to achieve the designation and only the twelfth building within the entire state of New Mexico.

12. REPORTS

- (a) Faculty Senate Report by Dr. Chris Erickson, Chair

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

- (b) Associated Students of New Mexico State University Report (ASNMSU) by Travis Dulany, ASNMSU President

Mr. Dulany was not present to give a report.

- (c) NMSU Employee Council Report by Roseanne Bensley, Chair

Chair Bensley provided election results for the Employee Council Executive Board. The chair-elect is Steven Loring, the secretary/treasurer is Ellen Bosman, the presidents representative is Bob McNiel, and the past chair is Kelly Brooks.

13. **ELECTION OF OFFICERS OF THE BOARD OF REGENTS**

(a) Chair of the Board

Regent Javier Gonzales moved, seconded by Regent Laura Conniff, to nominate Regent Isaac Pino for Chair of the Board of Regents. The motion carried unanimously.

(b) Vice Chair of the Board

Regent Javier Gonzales moved, seconded by Regent Isaac Pino, to nominate Regent Chris Anaya as Vice Chair of the Board of Regents. The motion carried unanimously.

(c) Secretary/Treasurer of the Board

Regent Laura Conniff moved, seconded by Regent Javier Gonzales, to nominate Regent Blake Curtis as Secretary/Treasurer of the Board of Regents. The motion carried unanimously.

14. **OTHER/COMMENTS**

- Regent Gonzales requested that a Board of Regents retreat be scheduled.
- Regent Gonzales requested that the Board visit the community colleges.
- Regent Gonzales request an administrative policy be put in place that mirrors the state statutes for consideration on bringing about more transparency to the university process and university constituency.
- Regent Pino requested that the Board of Regents be updated on all DACC Task Force activities.

15. **ADJOURNMENT**

Regent Curtis adjourned the meeting at 12:33 p.m.

Minutes recorded by Socorro Saenz-Lobato.

Isaac J. Pino, Chair
Board of Regents

Blake Curtis, Secretary/Treasurer
Board of Regents