

MINUTES OF THE BOARD OF REGENTS
NEW MEXICO STATE UNIVERSITY
September 25, 2009

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, in Las Cruces, New Mexico, on Friday, September 25, 2009. Chair Curtis called the meeting to order at 10:12 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. Chris Erickson Mr. Travis Dulany
Interim President	Dr. Manuel Pacheco
Exec. Vice President, Provost	Dr. Waded Cruzado
Chair, NMSU Employee Council	Ms. Kelly Brooks
Other Presenters Present	Senior Vice President Ben Woods Senior Vice President Jennifer Taylor Associate Vice President Maureen Howard Vice President Carmen Gonzales Vice President Vimal Chaitanya Assistant Vice President Ricardo Rel Vice President Nick Franklin Director Fred Ayers Director Michael Rickenbaker Director Amanda I. Gibson-Smith Dir./Sec., I. Miley Gonzalez Assistant General Counsel Lisa Warren Dean Garrey Carruthers Associate Athletic Director Ermelinda Quintela

2. **INTRODUCTIONS**

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

Associate Vice President for University Communications and Marketing Services Maureen Howard introduced Chris Schurtz from the *Las Cruces Sun-News*.

3. APPROVAL OF AGENDA

Regent Conniff moved, seconded by Regent Pino, to approve the agenda to include moving Agenda Item 13 after Agenda Item 7. The motion carried unanimously.

4. PUBLIC COMMENT

No public comments were made.

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

The Board of Regents of New Mexico State University met in Executive Session at 9:00 a.m. on Friday, September 25, 2009, in Room Two of the Educational Services Building on the New Mexico State University main campus in 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 Executive Session was recessed at 10:11 a.m., reconvened at 12:20 p.m., and adjourned at 2:30 p.m.

6. APPROVAL OF MINUTES

Regent Pino moved, seconded by Regent Anaya, to approve the minutes of the July 29, 2009 meeting. The motion carried unanimously.

7. FUTURE BOARD MEETINGS

Approved meeting dates:

- Thursday, October 22, 2009 (Homecoming Weekend)
- Friday, December 11, 2009 (Commencement Weekend)

Agenda Item 13, Presentation of Resolution to Men's Golf Coach Scott Lieberwirth was moved to after Agenda Item 7.

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

- (a) Ratification of Employment Agreement(s) for Coaches (General Counsel Bruce Kite)
- (b) Approval of Honorary Degree Recipient (Vice President Nick Franklin)
- (c) Approval of the Appointment of Davin Lopez to the Arrowhead Center, Inc. Board of Directors (Dean Garrey Carruthers)
- (d) Approval of Doña Ana County Head Start Program Improvement Plan (Director Amanda I. Gibson-Smith)
- (e) Approval of Amendments to the "Pecan Weevil Exterior Quarantine" (Title 21, Chapter 17, Part 28.1-28.12, NMAC) (Director/Secretary New Mexico Department of Agriculture I. Miley Gonzalez)
- (f) Ratification of Execution of Agricultural Lease No. GM3170, between the Commissioner of Public Lands, New Mexico State Land Office, State of New Mexico ("Lessor"), and Regents of New Mexico State University ("Lessee"), on behalf of the Animal and Range Sciences, Corona Range and Livestock Research Center, Torrance County, NM (Director Fred Ayers)
- (g) Approval of Acceptance of Right-of-Way Perpetual Grant NMNM 121419, Pedon 61-8, and Pedon 68-2, on Public Lands Described as Section 25 S1/2SE1/4NE1/4, T.23S, R.1W, N.M.P.M., Doña Ana County, New Mexico (Director Fred Ayers)
- (h) Approval of Lease between Compass Bank, an Alabama Corporation and Steven P. Jackson, Individually, Steven Jackson, a New Mexico Limited Liability Company, and Charles W. Williams, Trustee, Charles W. Williams Revocable Trust ("Lessor"), and the Regents of New Mexico State

- University (“Lessee”) for the Lease and Hire of Suites 207 and 215, 244 Louisiana NE, Albuquerque, Bernalillo County, New Mexico (Director Fred Ayers)
- (i) Approval of Trail Easement, to City of Carlsbad, Being a Part of the Northwest Quarter of Section 35, T.21S, R.26E, N.M.P.M., of New Mexico State University at Carlsbad, Eddy County, New Mexico (Director Fred Ayers)
 - (j) Approval of Disposition/Deletion of Property (Senior Vice President Jennifer Taylor)
 - (k) 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)
 - (l) Approval of Resolution in Support of Cooperative Agreement with New Mexico Department of Transportation (NMDOT) for Construction of the South Parking Lot at NMSU-Carlsbad Campus (Director Michael Rickenbaker)
 - (m) Approval of Resolution with New Mexico Department of Transportation (NMDOT), Grants Campus (Director Michael Rickenbaker)
 - (n) Approval of Resolution with New Mexico Department of Transportation (NMDOT), Las Cruces Campus: Arrowhead Road Extension (Director Michael Rickenbaker)
 - (o) Approval of Restroom Addition to the Carpentry Shop (Director Michael Rickenbaker)
 - (p) Approval of Milton Hall Mechanical System Upgrades (Director Michael Rickenbaker)
 - (q) Approval of Rehabilitation of 4MG (4 Million Gallon) Water Tank (Director Michael Rickenbaker)
 - (r) Approval of NMSU Children’s Village, Phase 7 (Director Michael Rickenbaker)
 - (s) Approval of NMSU-Doña Ana Community College East Mesa Center, Calle Jitas and Loop Road Construction (Director Michael Rickenbaker)
 - (t) Approval for Resolution to the Bylaws for the New Mexico Consortium Inc. (NMC), a 501(c)(3) non-profit corporation under the New Mexico Non-Profit Corporation Act and the New Mexico Research Park Corporation Act to Appoint Dr. Robert Czerniak to the New Mexico Consortium Board of Directors (Interim President Manuel Pacheco and Vice President Vimal Chaitanya)
 - (u) Approval for Amendment to the Articles of Incorporation for the New Mexico Consortium Inc. (NMC), a 501 (c)(3) Non-Profit Corporation Act and the New Mexico Research Park Corporation Act for Amendment of the Dissolution Clause of the NMC Articles of Incorporation (Vice President Vimal Chaitanya)
 - (v) Ratification of Resolution Presented to Pervis Atkins (Director McKinley Boston)

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

9. ACTION ITEMS

- (a) Approval of Adoption of the Annual Open Meetings Resolution (Assistant General Counsel Lisa Warren for General Counsel Bruce Kite)

Assistant General Counsel Lisa Warren requested approval of the Annual Open Meetings Resolution. The Open Meetings Act of the State of New Mexico requires that the Board pass this resolution on a yearly basis. The resolution establishes reasonable notice requirements for regular meetings, special meetings, and emergency meetings.

Regent Conniff moved, seconded by Regent Pino, to approve the Adoption of the Annual Open Meeting Resolution. The motion carried unanimously.

- (b) RESERVED

- (c) Approval of the Living the Vision Updated Goals and Objectives (Dean Garrey Carruthers)

Dean Carruthers gave an update of the changes to the five Living the Vision Goals, and the objectives for each, as developed by the Living the Vision Campus-wide Committee since the July 29, 2009 Board of Regents Retreat.

Regent Conniff moved, seconded by Regent Anaya, to approve the Living the Vision Updated Goals and Objectives. The motion carried unanimously.

- (d) Approval of NMSU-Grants Exterior Renovations to Fidel Hall
(Director Michael Rickenbaker)

Director Rickenbaker gave a presentation and requested approval for renovations to Fidel Hall at the NMSU-Grants campus. The project is to re-finish the exterior walls of Fidel Hall with new stucco walls over the old metal walls to modernize them, to add new windows, to improve energy efficiency, and to pull the campus together in appearance. The total cost of the project is \$875,000. The sources of funds are \$500,000 from the 2008 State General Obligation Bonds and \$375,000 from Grants BRR.

Regent Anaya moved, seconded by Regent Pino, to approve the NMSU-Grants Exterior Renovations to Fidel Hall. The motion carried unanimously.

- (e) Approval of NMSU-Grants Exterior Renovations to McClure Hall
(Director Michael Rickenbaker)

Director Rickenbaker requested approval for renovations to McClure Hall at the NMSU-Grants Campus. The project will include re-finishing the exterior walls of McClure Hall with new stucco walls over the old metal walls to modernize them, to improve energy efficiency, and to pull the campus together in appearance. The total cost of the project is \$675,000. The sources of the funds are \$500,000 from the 2008 State General Obligation Bonds and \$ 175,000 from Grants BRR.

Regent Conniff moved, seconded by Regent Gonzales, to approve the NMSU-Grants Exterior Renovations to McClure Hall. The motion carried unanimously.

- (f) Approval of Policy 5.96, "Searches for Academic Administrators," of the NMSU Policy Manual
(Faculty Senate Chair Chris Erickson)

Regent Pino made a motion to remove Agenda Item 5.96, "Searches for Academic Administrators," from the table, seconded by Regent Gonzales. The motion carried unanimously.

Dr. Erickson noted that the policy deals with allowing individuals who are in interim positions to apply for the permanent position. There were some concerns about the appropriateness of this policy in a university setting. Dr. Erickson called peer institutions and nine out of ten have policies similar to the one being proposed. Another issue was the control of the Regents over contracts of interim and permanent presidents. The Faculty Senate will draft a new bill that will make clear that the ability to enter into contracts by the Board of Regents is not being limited. The previous bill has been approved by the Faculty Senate, the Academic Deans Council, the Associate Deans Academic Council, and Administrative Council.

Regent Pino moved, seconded by Regent Anaya, to approve Policy 5.96, "Searches for Academic

Administrators,” of the NMSU Policy Manual with the provision that the amendment to the policy be provided at the December meeting. The amendment would allow flexibility to the Board in negotiating a contract for an interim president or permanent president. The motion carried unanimously.

10. NEW MEXICO STATE UNIVERSITY PRESIDENT’S REPORT

(Interim President Manuel Pacheco)

Interim President Pacheco reported on the following:

- 8.3 percent increase in enrollment for fall 2009 across all campuses.
- Six percent increase in freshman enrollment
- NMSU Convocation awards presentation
- 2009 Domenici Public Policy Conference
- NMSU-Alamogordo Community Education Program
- Ribbon-cutting for Phases Three and Four of the DACC-East Mesa Campus
- NMSU-Grants was awarded a large five-year U.S. Department of Education Title V Hispanic Serving Institution’s Grant
- Chile Pepper Institute
- NMSU awards and national rankings in *Washington Monthly Magazine*, *Washington Monthly’s College Guide*, *Forbes*, NMSU was named, “*The Military Friendly School*” by *GI Jobs Magazine*, Jeff Witte was awarded the *James A. Graham Award for Outstanding Service to Agriculture*.
- Induction of Pervis Atkins to the College Football Hall of Fame in New York City
- 2009 NMSU Aggies are Tough Enough to Wear Pink have raised \$250,000 to date

11. INFORMATIONAL ITEMS

- (a) Budgetary Update by Senior Vice President Jennifer Taylor and Assistant Vice President for Research and Senior Director for Governmental Relations Ricardo Rel

The budgetary update given by Senior Vice President Jennifer Taylor and Assistant Vice President Rel reviewed, at a high level, the most current state revenue forecasts, and both authorized and projected state budgetary actions as a result of these projections. The university’s plan for addressing state budgetary action was presented in summary form.

- (b) Enrollment Update by Senior Vice President Jennifer Taylor and Vice President for Student Success Carmen Gonzales

Vice President Gonzales gave a slide presentation that provided Fall 2009 comparative enrollment statistics and Senior Vice President Jennifer Taylor reviewed the fiscal impact of FY 08-09 enrollment on FY 10-11 state appropriation formula funding.

- (c) NMSU Research Report by Vice President Vimal Chaitanya

Vice President Chaitanya gave a slide presentation on NMSU’s research activity in terms of dollars awarded, which has increased by 28 percent within the last three fiscal years. While there are some challenges in light of the economic downturn and restriction on federal appropriations, President Obama’s stimulus package and the resulting American Recovery and Reinvestment Act with emphasis on energy, health care, and climate change provide enhanced opportunities for researchers to further solidify and strengthen NMSU’s research portfolio through competitive funding. His report highlighted major research successes during the academic year and

opportunities developing during the coming fiscal year.

(d) Capital Projects Update by Senior Vice President Ben Woods

Senior Vice President Woods gave a presentation on priority capital projects that are identified as part of the NMSU/Las Cruces master planning effort:

- The Proposed NMSU/Las Cruces Bookstore
- The Proposed Physical Development of the Jordan Street Entry
- Phase II of the Chamisa Village Apartment Complex
- The NMSU/Las Cruces Arts Complex Phase I
- The NMSU/Las Cruces Central Utility Project
- The Upgrading and Expansion of the NMSU/Las Cruces Student Health Center
- The NMSU/Las Cruces Golf Course Irrigation Replacement

12. REPORTS

(a) Faculty Senate Chairperson's Report by Dr. Chris Erickson

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

(b) Associated Students of New Mexico State University Report by Mr. Travis Dulany

Mr. Dulany reported on activities of ASNMSU since the last Board meeting.

(c) NMSU Employee Council Report by Ms. Kelly Brooks

Ms. Brooks reported on activities of the NMSU Employee Council since the last Board meeting.

13. OTHER

Presentation of Resolution to Men's Golf Coach Scott Lieberwirth for being named 2006, 2008, and 2009 WAC Men's Golf Coach of the Year.

This presentation was moved to after Agenda Item 7.

14. ADJOURNMENT

Regent Curtis adjourned the meeting at 12:18 p.m.

Minutes recorded by Socorro Saenz-Lobato.

Blake Curtis, Chair
Board of Regents

Laura M. Conniff, Secretary/Treasurer
Board of Regents