

MINUTES OF THE BOARD OF REGENTS
NEW MEXICO STATE UNIVERSITY
May 9, 2008

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 New Mexico State University main campus, Las Cruces, New Mexico, on Friday, May 9, 2008. Chair Gallagher called the meeting to order at 9:36 a.m.

Regents Present	Mr. Bob Gallagher, Chair Mr. Blake Curtis, Vice Chair Mr. M. Steven Anaya, Secretary/Treasurer Ms. Laura Conniff, Member Mr. Ed Kellum, Member
Ex-officio Regents Present	Dr. Wanda Eastman Ms. Marisa Ortega
President	Dr. Michael Martin
Executive Vice President/Provost	Dr. Waded Cruzado
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 Assistant Vice President Bernadette Montoya Vice President Carmen Gonzales Director Michael Rickenbaker Director Fred Ayers Dean Garrey Carruthers Dean Lowell Catlett Dean Castillo Dr. Krist Petersen Director Billy Dictson General Counsel Bruce Kite Assistant Dean Tim Nesbitt

1. CALL TO ORDER

Regent Gallagher called the meeting to order at 9:36 a.m.

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 Howard introduced Mr. Evan Woodward from KRWG-FM, Ashley Meeks from the *Las Cruces Sun-News*, and Stan Rounds from the Las Cruces Public Schools.

- (b) Introduction of Faculty Senate Chair Dr. Joe Pfeiffer by Professor Wanda Eastman

Professor Eastman introduced the new Faculty Senate Chair Dr. Joe Pfeiffer. His term begins on May 14, 2008.

- (c) Introduction of ASNMSU President Justin O'Connell and ASNMSU Vice President Isaac Polanco by Vice President for Student Success Carmen Gonzales

Vice President Gonzales introduced ASNMSU President Justin O'Connell and ASNMSU Vice President Isaac Polanco. Dr. Gonzales thanked Marisa Ortega and Sarah Balizan for their excellent contributions during the year and the leadership they demonstrated during their terms.

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES

Regent Curtis moved, seconded by Regent Conniff, to approve the minutes of March 10, 2008. The motion carried unanimously.

5. FUTURE BOARD MEETINGS

Approved Dates:

- Monday, July 14, 2008, Retreat
Inn of the Mountain Gods Resort and Casino (Room TBD)
- Tuesday, July 15, 2008, Meeting
Inn of the Mountain Gods Resort and Casino (Room TBD)

- Friday, September 26, 2008, Meeting
Regents Room, Educational Services Center
- Saturday, September 27, 2008, NMSU/UNM Joint BOR Meeting
(Corbett Center, Colfax Room)
(Aggies play against the Lobos)
- Thursday, October 30, 2008, Meeting
Regents Room, Educational Services Center
- Friday, December 12, 2008, Meeting
Regents Room, Educational Services Center
(In conjunction with Commencement)

6. **PUBLIC COMMENT**

- (a) Persons wishing to address the Board on other than action items should, at this time, so indicate to the Chair. No personal attacks, reference to employees, or personnel issues will be permitted. Three minutes will be allotted to address the item. Time may be limited or extended at the discretion of the Chair.
- (b) Those desiring to comment on an action item on this agenda should so indicate to the Chair at the time that the item is to be discussed. Three minutes will be allotted to address the item. Time may be limited or extended at the discretion of the Chair.

Regent Gallagher opened the floor for public comment.

Mr. John (last name inaudible) of Common Cause expressed his appreciation for the changes the Board made in allowing for public comment. He also thanked President Martin for speaking at their annual luncheon.

Ms. Barbara Arispe, president of the Local 2393, expressed her appreciation for the opportunity to speak. Ms. Arispe commented on the union contract, employee salaries, the union's inclusion in the process of how the university functions financially. She said the union will be more involved in working with NMSU on the Pay Plan Task Force, on the state of New Mexico's Group Benefit Committee, and in dealing with health and safety issues.

Regent Gallagher said the Board looks forward to accepting the union's invitation to get to know each other better.

Animal Science major Ms. Andrea Stapp attended on behalf of the students of the College of Agriculture and Home Economics. She expressed some concerns regarding the future plans of the on-campus farm. She indicated the students are in support of updating the facilities for prospective students, and as well as the

community. This would also provide adequate facilities for the research requirements of professors and graduate students, the learning needs of undergraduates, as well as serving as an outreach to the Las Cruces public, the state of New Mexico, and the surrounding states.

Regent Gallagher indicated Ms. Stapp would like the results in the next couple of months.

Mr. Lawrence Rodriguez, executive director of AFSCME in New Mexico, thanked the Board for adding "Public Comment" to the agenda, adding that this was an important step forward.

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

- (a) Confirm Approval of Candidates for Degrees (President Michael Martin)
- (b) Approval of Honorary Degree Candidates (Vice President Rebecca Dukes)
- (c) Ratification of Employment Agreements and Amendments to Employment Agreements for Various Coaches (General Counsel Bruce Kite)
- (d) Approval of Extension of License Agreement for Use of Parking Lot, between the New Mexico Department of Transportation ("Department"), and the Regents of New Mexico State University ("NMSU"), for Park and Ride, located on a portion of the eastern parking lot of the Pan American Center, NMSU Main Campus, Las Cruces, New Mexico, Doña Ana County (Director Fred Ayers)
- (e) Approval of First Amendment to the Memorandum of Agreement, made and entered into by and between the City of Las Cruces ("City") on behalf of the Weed and Seed Program, and the Board of Regents of New Mexico State University on behalf of its Dona Ana Community College formerly known as Dona Ana Branch Community College ("NMSU-DACC"), 890 N. Tornillo, Las Cruces, Doña Ana County, New Mexico (Director Fred Ayers)
- (f) Approval of renewal of Sublease made between Compass Bank, an Alabama Corporation ("Sublessor"), and Regents of New Mexico State University ("Sublessee"), Suite 220, 2444 Louisiana Blvd. NE, Albuquerque, Bernalillo County, New Mexico (Director Fred Ayers)
- (g) Approval of renewal of Sublease made between Compass Bank, an Alabama Corporation ("Sublessor"), and Regents of New Mexico State University ("Sublessee"), Suite 208, 2444 Louisiana Blvd. NE, Albuquerque, Bernalillo County, New Mexico (Director Fred Ayers)
- (h) Approval of Second Amendment to Lease Agreement by and between the Sierra

Vista Farms. Ltd, CO. LLC (“Lessor”) and the Regents of New Mexico State University (“Lessee”), for two acres of unoccupied land located 3.36 miles south of La Mesa on NM Highway 28, in Section 36, Range 2E, Township 25S, Doña Ana County, New Mexico (Director Fred Ayers)

- (i) Approval of Third Amendment to the Lease Agreement between The First National Bank as Trustee for J. A. Fairey Irrevocable Trust and Losee Investments LLC, 319 West Main Street, Artesia NM, Eddy County (Director Fred Ayers)
- (j) Approval to Exercise Third Option to renew Lease of Real Property between Hidalgo County Commission (“Lessor”) and Regents of New Mexico State University on behalf of Cooperative Extension Service Southwest District (“Lessee”), 524 De Moss Street, Suite 7, Lordsburg, Hidalgo County, New Mexico (Director Fred Ayers)
- (k) Approval of First Amendment to Commercial Lease by and between Lee Rowland (“Lessor”), and the Regents of New Mexico State University on behalf of New Mexico Works, 1509 10th Street, Alamogordo, Otero County, New Mexico (Director Fred Ayers)
- (l) Approval of renewal of Lease of Real Property and Improvements between Lakeview Christian Home of the Southwest, Inc. (“Lessor”) and the Regents of New Mexico State University on behalf of New Mexico State University Carlsbad (“Lessee”), 221 S. Canyon St., Carlsbad, Eddy County, New Mexico (Director Fred Ayers)
- (m) Reserved
- (n) Approval of Second Amendment to Real Estate Lease made effective as of September 1, 2005 by and between Yolanda Alvarez (“Landlord”), and the Regents of New Mexico State University, on behalf of New Mexico Works (“Tenant”), 205 N. First Street, Anthony, Dona Ana County, New Mexico (Director Fred Ayers)
- (o) Approval of renewal of Lease and Agreement for Facilities Use by and between the Board of Education, for the Socorro Consolidated Schools (“Lessor”), and the Regents of New Mexico State University (“Lessee”) on behalf of New Mexico Works, 239 Garfield Avenue, Socorro, New Mexico, Socorro County (Director Fred Ayers)
- (p) Approval of Renewal of Lease Agreement dated June 1, 2003, entered into by and between Paul W. Neher, and the Regents of New Mexico State University, and that was assigned to McGuire Trust, Kathy Ann McGuire Jackson, Trustee, on January 3, 2005 (“Lessor”), on behalf of New Mexico Works, 750-B Motel Blvd., Las Cruces, New Mexico, Doña Ana County (Director Fred Ayers)
- (q) Approval of Lease by and between Clovis Livestock, Inc. (“Lessor”) and the Regents of New Mexico State University on behalf of The New Mexico Department of Agriculture (“Lessee”), for Market News Office, 504 South Hull, Clovis, Curry County, New Mexico, 88101 (Director Fred Ayers)

- (r) Approval of automatic renewal of Real Estate Lease by and between Ralph Virgil Dockray ("Landlord") and the Regents of New Mexico State University on behalf of the Small Business Development Center ("Tenant"), 2230 Lawrence Blvd., Alamogordo, Otero County, New Mexico (Director Fred Ayers)
- (s) Approval of renewal of Lease by and between VALU + STORES OF NEW MEXICO, INC. ("Lessor") and the Board of Regents of New Mexico State University on behalf of La Vida Institute ("Tenant"), 700 E. First Street, Unit 765, Alamogordo, Otero County, New Mexico (Director Fred Ayers)
- (t) Ratification of Pecan Research Agreement, between KATERINA, INC., a New Mexico corporation ("KATERINA"), and the Regents of New Mexico State University ("NMSU"), for use of approximately 30.7 acres, adjacent to La Mancha Estates, Doña Ana County, New Mexico (Director Fred Ayers)
- (u) Approval of New Mexico State University - Alamogordo - Upgrade Student Space (Director Michael Rickenbaker)
- (v) Approval of Temporary Investments Report for Quarter Ended March 31, 2008 (Senior Vice President Jennifer Taylor)
- (w) Approval to Transfer Current Uncollectible Accounts Receivable to Reserves for Inactive Accounts for Fiscal Year 2007-2008 in Accordance with the Attached Schedule (Senior Vice President Jennifer Taylor)
- (x) Approval of Final Budget Revisions for Fiscal Year 2007-2008 (Senior Vice President Jennifer Taylor)
- (y) Approval of Disposition/Deletion of Property (Senior Vice President Jennifer Taylor)
- 7(z) Approval of Resolution, Notification and Certification Regarding Severance Tax Bonds, Spring 2008 (Senior Vice President Jennifer Taylor)
- (aa) Approval of First Amendment to Ground Lease dated December 14, 2007 by and between the Board of Regents of New Mexico State University ("NMSU") and Intercap Institutional Investors, LLC a Delaware Limited Liability Company, ("Intercap").
- (bb) Approval of the Implementation of New Major in Natural Resource Economics and Policy by the Department of Agricultural Economics and Agricultural Business

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

8. ACTION ITEMS

- (a) Approval of Operating Budget for Fiscal Year 2008-2009 (Senior Vice President Jennifer Taylor)

Senior Vice President Jennifer Taylor gave a presentation and requested the approval of the Operating Budget for Fiscal Year 2008-2009 for all campuses. She provided a summary of the proposed operating budget. The proposed budget for

all campuses is \$626,940,995 with operating funds of \$560,310,691 and capital outlay (plant) of \$66,630,304. The campus totals were: Las Cruces, \$528,374,053; Alamogordo, \$18,033,613, Carlsbad, \$15,692,667; Doña Ana, \$57,592,429; and Grants, \$7,248,233.

Regent Conniff moved, seconded by Regent Anaya, to approve the operating budget for fiscal year 2008-2009.

Ms. Donna Hill from the Center for Academic Success and member of the union read a statement on behalf of Ms. Leilani Horton from the Library, who could not be present at the meeting. The statement indicated that AFSCME Local 2393, a legal entity at NMSU, has not been recognized by the Board of Regents as such and has not been given a proper position on the Board's agenda. She stated that the union was not included in the budget planning meetings when salary increases were being discussed. She indicated the union was asking for the full five percent raise for all bargaining unit members, as well as having NMSU pay the increased insurance costs. Ms. Hill indicated that the Board seems to be more open and welcoming and that the union looked forward to working with the Board on this agenda.

Regent Gallagher said someone might interpret that statement as suggesting the contractual agreement with the union had been violated. He advised for everyone to read the entire contractual agreement to understand why the steps presented have been taken.

Ms. Barbara Arispe said that she has noticed that job openings are often extended. She indicated this may be happening because salary does not attract them. She also indicated that job descriptions need to be reviewed.

The motion carried unanimously.

- (b) Approval of a Revised List of Peer Institutions for New Mexico State University (Dean Garrey Carruthers)

Dean Garrey Carruthers gave a presentation and requested the approval of a Revised List of Peer Institutions for New Mexico State University. He presented a list of the proposed new peer institutions against which NMSU will be measured.

University of Arizona
~~University of Arkansas~~
Colorado State University
Iowa State University

Kansas State University	
Louisiana State University	University of Idaho
University of Missouri	
University of New Mexico	
Oklahoma State University	
Oregon State University	
Clemson University	University of Nevada-Reno
University of Tennessee	Montana State University
Texas A & M University	Texas Tech
University of Texas at El Paso	
Utah State University	
Virginia Polytechnic Institute and State University	
Washington State University	
University of Wyoming	

Regent Conniff moved, seconded by Regent Kellum, to approve the Revised List of peer Institutions for New Mexico State University.

Ms. Barbara Arispe asked if, in creating this peer group, it would make the credits transferable between the two universities. Dean Carruthers articulation between universities was a separate issue.

The motion carried unanimously.

- (c) Approval of 2009 Capital Outlay Request (Senior Vice President Ben Woods, Director Michael Rickenbaker, and CIO Shaun Cooper)

Senior Vice President Woods, Director Rickenbaker, and CIO Cooper gave a presentation on the 2009 Capital Outlay Request and asked for its approval. Senior Vice President Woods indicated New Mexico State University will be submitting its capital outlay requests for the next legislative session to the Higher Education Department (HED) in June 2008. The Regents were presented the updated five-year capital plan for each component of the NMSU system. Of significance was the approval of the priority of the proposed projects and the amount that would be requested from the legislature. The presentation included both “brick and mortar” capital items, as well as information technology items.

Regent Curtis moved, seconded by Regent Kellum, to approve the 2009 Capital Outlay request.

Mr. Lawrence Rodriguez with AFSCME said he was in support of the 2009 Capital Outlay Request, but indicated that some union representatives had concerns about

unsafe conditions at the Grants campus. He asked if this capital outlay would take care of those things needing repair.

Regent Gallagher responded that his concerns would be taken to the Grants campus.

Senior Vice President Woods stated that architects and engineers inspect the campus to ensure that the campus is structurally safe and that issues described by Mr. Rodriguez are dealt with appropriately.

The motion carried unanimously.

- (d) Approval of Lease Agreement by and between the Regents of New Mexico State University (“NMSU”) and the Las Cruces Public Schools (“LCPS”), approximately 100 Acres situated in the SW 1/4 Section 14, Township 23S, Range 2E, Doña Ana County, New Mexico (Director Fred Ayers, Superintendent of the Las Cruces Public Schools Stan Rounds, and Herb Torres of the Las Cruces Public Schools)

Senior Vice President Woods presented the lease agreement for a public high school site on the NMSU campus. He said New Mexico State University would lease to the Las Cruces Public Schools (LCPS), a tract of land, consisting of approximately one hundred (100) acres situated in the SW 1/4 Section 14, Township 23S, Range 2E, Doña Ana County, New Mexico. The terms of the lease are 100 acres leased for a term of 50 years at the rent of \$1 per year for use as a high school site.

Mr. Stan Rounds made a presentation outlining the steps the Las Cruces Public Schools Board took ending in the selection of the site for the new high school. He also outlined the growth in the student population at the present high schools in Las Cruces and indicated the need for re-zoning of the school districts next year.

Regent Conniff moved, seconded by Regent Anaya, to approve the Lease Agreement by and between the Regents of New Mexico State University (“NMSU”) and the Las Cruces Public Schools (“LCPS”), approximately 100 Acres situated in the SW 1/4 Section 14, Township 23S, Range 2E, Doña Ana County, New Mexico. The motion carried unanimously.

- (e) Approval of Tuition and Fee Guidelines for Fiscal Year 2009-2010 through Fiscal Year 2013-2014 (Senior Vice President Jennifer Taylor)

Senior Vice President Taylor gave an introduction of the Tuition and Fee Guidelines for Fiscal Year 2009-2010 through Fiscal Year 2013-2014 and requested the Board’s approval for a five-year tuition agreement between ASNMSU and university

administration. The current five-year tuition agreement expires effective Fiscal Year 2008-2009. The new agreement has been approved by President Martin, Provost Cruzado, members of the administration, and the Budget Committee.

ASNMSU President Marisa Ortega presented the terms of the agreement which she said were very similar to the terms of the past agreement. The only change was a lowering of the agreement to keep it from a ten percent tuition combined with fees to a six percent. NMSU has agreed that tuition increases for full-time resident students of the Las Cruces campus will be no greater than six percent per year above whatever the state legislature establishes as a tuition credit for the year and no more than 34 percent net of tuition credits with a base cost at the beginning of the agreement period during the life of the agreement. The agreement will also apply to those students who live within the 135-mile agreement. The agreement will be subject to amendment under specific conditions.

Regent Anaya moved, seconded by Regent Conniff, to approve the Tuition and Fee Guidelines for Fiscal Year 2009-2010 through Fiscal year 2013-2014. The motion carried unanimously.

- (f) Approval of Resolution Delegating Authority for Limited Real Estate Transactions and Directing Staff to Amend Policy 9.20 of the NMSU Policy Manual (Regent Bob Gallagher and Senior Vice President Ben Woods)

Senior Vice President Woods made a presentation and requested the approval of the proposed delegation of authority for the purpose of streamlining and making the process of limited real estate transactions more efficient. The limited transactions included those involving a term of less than five years, transactions not to exceed a total university cost liability of \$100,000 during the initial term, and transactions that are not legally required to be filed of record to protect the university's interest.

Regent Gallagher requested that as this process is started, a written report of the transactions they would normally sign, be provided to the Board.

Regent Kellum moved, seconded by Regent Anaya, to approve the Resolution Delegating Authority for Limited Real Estate Transactions and Directing Staff to Amend Policy 9.20 of the NMSU Policy Manual.

Regent Curtis asked that the Board be kept apprised of issues coming up so that they know what is being done and where money is being spent.

The motion carried unanimously.

9. NEW MEXICO STATE UNIVERSITY PRESIDENT'S REPORT

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

10. APPOINTMENT OF REGENTS TO VARIOUS ASSIGNMENTS BY THE BOARD CHAIR

(Bob Gallagher)

Regent Gallagher reappointed the Regents to their existing positions to keep continuity.

- (a) One Representative to the New Mexico Educational Assistance Foundation (NMEAF) (Regent M. Steven Anaya is presently serving and will continue to serve.)
- (b) Two Representatives to the Audit Committee (Regents Bob Gallagher and Laura M. Conniff are presently serving and will continue to serve.)
- (c) One Representative to the NMSU Foundation, Inc. (Regent Bob Gallagher is presently serving and will continue to serve.)
- (d) Two Representatives to the Arrowhead Center, Inc. Board of Directors (Regents M. Steven Anaya and Blake Curtis are presently serving and will continue to serve.)
- (e) Two Representatives to the Real Estate Committee (Regents Laura M. Conniff and Ed Kellum are presently serving and will continue to serve.)

11. INFORMATIONAL ITEMS

- (a) Recruitment Research Team Report (Dean Garrey Carruthers, Assistant Vice President Bernadette Montoya, and Dr. Jim Peach)

Assistant Vice President Montoya gave an introduction to the presentation on recruitment efforts (Appendix A).

Dr. Jim Peach described a study used to determine the effectiveness of NMSU's recruitment efforts, with an emphasis on out-of-state students. The research methods used were an online survey of students who inquired about NMSU, and an analysis of NMSU's prospect database of 46,548 recruiting records. The results were that of 208 out-of-state students, 115 were from the El Paso area, 51 of the remaining 93 were enrolled under the WUE program. The highest yields were from Texas, California, Arizona, and Colorado. The conclusions based on the database analysis were that in-state recruiting efforts have a much higher yield and conversion rates than out-of-state efforts, and NMSU attracts very few first-time students from large out-of-town-state urban areas. Dr. Peach indicated that the recommendations of the Research Team Members were that the Arrowhead Office of Policy Analysis be funded to continue research next year to effect a more cost effective, targeted out-of-state recruiting strategy.

- (b) Why High School Students Choose NMSU Engineering - Results of the Engineering Freshman Survey (Dean Steve Castillo and Dr. Krist Peterson)

Dean Castillo stated that he had asked Dr. Krist Peterson to undertake a survey of full-time, first-time, freshman engineering students to explain increased enrollment in the College of Engineering.

Dr. Krist Peterson gave a presentation providing the results and conclusions from the survey, together with potential new directions in recruiting and retention of freshmen (See Appendix B).

- (c) Southwest Border Food Safety and Defense Center (Director Billy Dictson)

Director Billy Dictson gave a presentation on the Southwest Border Food Safety and Defense Center that has been in existence for over two years. The Center has received almost three million dollars in Homeland Security contracts to conduct agriculture security training and exercises for the first detector/responders in New Mexico. The Center is a cooperative effort between the Cooperative Extension Service under the College of Agriculture and Home Economics and the New Mexico State Department of Agriculture.

12. REPORTS

- (a) Faculty Senate Chairperson Report by Dr. Wanda Eastman

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

- (b) Associated Students of New Mexico State University Report (ASNMSU) by Ms. Marisa Ortega

Ms. Ortega reported on activities of the Associated Students of New Mexico State University since the last Board meeting.

- (c) Advisory Council on Administrative Policy (ACAP) by Mr. Tim Nesbitt

Mr. Nesbitt reported on the activities of ACAP since the last Board of Regents meeting.

13. PRESENTATION OF RESOLUTIONS

- (a) ASNMSU President Marisa Ortega

A resolution was presented to Ms. Ortega for her service as an ex-officio member of the Board of Regents.

- (b) Faculty Senate Chair Wanda Eastman

A resolution was presented to Dr. Eastman for her service as an ex-officio member of the Board of Regents.

- (c) Coach Jim Dewey Brown

A resolution was presented to Coach Jim Dewey Brown for his leadership and many accomplishments as the first ever NMSU rodeo coach.

14. OTHER/COMMENTS

15. ADJOURNMENT

Regent Gallagher adjourned the meeting at 12:40 p.m.

Minutes recorded by Socorro Saenz-Lobato.

Robert M. Gallagher, Chair
Board of Regents

M. Steven Anaya, Secretary/Treasurer
Board of Regents