



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
March 10, 2023 at 8:00 AM**

The hybrid meeting will be held at the Regents Room in  
the Educational Services Building,  
1780 East University Avenue, Las Cruces, NM  
Webcast at the following address:  
<https://nmsu.zoom.us/j/93914730638>

**Regents of New Mexico State University**

Chair Ammu Devasthali, Dina Chacón-Reitzel, Christopher T. Saucedo, Deborah Romero, Garrett Moseley

**Non-Voting Advisory Members** - Faculty Senate Chair Gaylene Fasenko, Ph.D., Employee Council Chair Susanne Berger

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., Interim Provost Dorothy Campbell, Ph.D., Vice Chancellor Ruth A. Johnston, Ph.D., General Counsel Roy Collins III, J.D.

**AGENDA**

**A. Call to Order, Chairwoman Ammu Devasthali**

**Pledge of Allegiance**

- 1. Introduction of the Media and Elected Officials, Associate Vice President Justin Bannister**
- 2. Introductions, Chairwoman Ammu Devasthali**
- 3. Confirmation of Quorum, Chairwoman Ammu Devasthali**
- 4. Approval of the Agenda, Chairwoman Ammu Devasthali**

**B. Approval of the Minutes and Confirmation of Prior Closed Sessions, Chairwoman Ammu Devasthali**

- 1. Regular Meeting Minutes December 8, 2022**
- 2. Special Meeting Minutes December 28, 2022**
- 3. Confirmation of Prior Closed Executive Session February 10, 2023**
- 4. Confirmation of Prior Closed Executive Session 8 AM on February 14, 2023**
- 5. Confirmation of Prior Closed Executive Session 5 PM on February 14, 2023**
- 6. Confirmation of Prior Closed Executive Session February 23, 2023**
- 7. Confirmation of Prior Closed Executive Session March 8, 2023**

**RECESS (10 MINUTES)**

**C. Public Comment, Associate Vice President Justin Bannister**

D. **Consent Items**, *Chairwoman Ammu Devasthali*

1. **Proposal to create a Bachelor of Science in Computer Engineering program**, *Interim Provost Dorothy Campbell*
2. **Las Cruces: NMDA Building #330 Demolition**, *University Architect Heather Watenpaugh*
3. **Las Cruces: Pan American Center Seating and Facility Upgrades**, *University Architect Heather Watenpaugh*
4. **Las Cruces: Activity Center Weight Room and Student Lounge Renovation**, *University Architect Heather Watenpaugh*
5. **Las Cruces: Nursing Skills and Simulation Labs Renovation**, *University Architect Heather Watenpaugh*
6. **Las Cruces: Ag Modernization Phase 2, Arena Building**, *University Architect Heather Watenpaugh*
7. **Las Cruces: Aggie Memorial Stadium Operations Center**, *University Architect Heather Watenpaugh*
8. **Las Cruces: Aggie Memorial Stadium – Artificial Turf Replacement (REVISED PROJECT)**, *University Architect Heather Watenpaugh*
9. **EV3 Charging Station Lease Agreement**, *Special Assistant to the President Scott Eschenbrenner*
10. **2023 Annual Open Meetings Notice Resolution**, *University General Counsel Roy Collins*
11. **Disposition/Deletion of Property**, *Associate Vice President D'Anne Stuart*

E. **Action Items**, *Chairwoman Ammu Devasthali*

1. **Election of Officers**, *Chairwoman Ammu Devasthali*

F. **Informational Items**, *Chairwoman Ammu Devasthali*

1. **Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period December 1, 2022 – February 28, 2023**, *Senior Administrator for Strategic System Services and Operational Policy Administrator Ermelinda Quintela*

G. **Report from the New Mexico Department of Agriculture to the Regents of New Mexico State University (Board of Agriculture)**, *Cabinet Secretary & Director Jeff Witte*

H. **Announcements and Comments**, *Chairwoman Ammu Devasthali*

1. **Good News for NMSU!**

I. **Adjournment**, *Chairwoman Ammu Devasthali*



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # B-1**

☒ Action Item

☐ Consent Item

☐ Informational Item

**Presented By:** Ammu Devasthali  
Chair, Board of Regents

**Agenda Item:** Regular Meeting Minutes December 8, 2022

**Requested Action of the Board of Regents:** Approval of the Regular Meeting Minutes for December 8, 2022 as presented.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS REGULAR  
MEETING  
MINUTES  
December 8, 2022 at 1:00 PM**

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Arsenio Romero, Secretary/Treasurer Neal Bitsie, Dina Chacón-Reitzel, Christopher T. Saucedo

**Non-Voting Advisory Members** - ASNMSU President Garrett Moseley, Faculty Senate Chair Gaylene Fasenko, Ph.D., Employee Council Chair Susanne Berger

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., Interim Provost Dorothy Campbell, Ph.D., Vice Chancellor Ruth A. Johnston, Ph.D., General Counsel Roy Collins III, J.D.

**MINUTES**

**A. Call to Order, Chairwoman Ammu Devasthali**

Chairwoman Devasthali called the meeting to order at 1:05pm.

**Pledge of Allegiance**

Members of the 4-H, Tanner Dean, Braden Macintosh, Adeline Macintosh, and Joah Owens, lead the Pledge of Allegiance, New Mexico Pledge, and the 4-H Pledge. Dr. Laura Bittner introduced staff Eva Madrid, who is the 4-H agent and Theresa Dean, who is the Doña Ana County Director of Cooperative Extension Service.

**Opening Statement from the Chair**

Chairwoman Devasthali read the opening statement, "I'd like to start our meeting with a statement regarding the shooting that took place last month at the University of New Mexico, involving one of our basketball players, Mike Peak. First, let me express our condolences to the family of Brandon Travis and everyone who has been impacted by these tragic events. The loss of this young person's life is a tragedy, no matter the circumstances. While our two universities are rivals in athletic competitions, we're also members of a tight knit higher education community in New Mexico. And we stand with our friends at UNM at this difficult time. At NMSU we strive to create an environment on our campus where our students, faculty, staff, and community feel welcome and safe. That is why we have zero tolerance for the kind of behavior that led to this tragedy. Guns are not permitted on our campuses and are not permitted on university trips. Furthermore, at our university, we treat one another with respect. Insulting language has no place here on our campus. Each of us serves as a role model by promoting good, responsible behavior. We know the overwhelming majority of our students and those in our university community follow the rules. But when even one person violates those rules, it can cast a shadow over the entire university. It undermines our sense of safety and it unfairly calls into question the character and values of everyone associated with this university. This behavior does not represent our values as a university. At NMSU we value leadership, excellence, access, diversity and inclusion, and a clear student-centered vision. It is our mission to serve the needs of our students in our state while fostering learning, inquiry, and social

mobility. We will all learn from this experience and we will recommit ourselves to acting in accordance with our core values in all that we do.

**1. Introduction of the Media and Elected Officials, Associate Vice President Justin Bannister**

Associate Vice President Bannister introduced Meg Potter and Justin Garcia from the Las Cruces Sun News as well as Rosemary Montañez from KVIA TV 7.

**2. Introduction of Senior Associate Athletic Director Amber Burdge, Director of Athletics Mario Moccia**

Athletics Director Moccia introduced the Senior Associate Athletic Director and Senior Woman Administrator, Amber Burdge. This position has only been held twice before in NMSU's athletic history in their department since the advent of Title IX legislation in 1972, first by their Hall of Fame coach for over 30 years, Karen Fay, who passed away last year, and Maria Roth an Aggie Hall of Fame member and former volleyball student athlete. Dr. Burdge most recently served as the Associate Athletic Director of Student Athlete Success Services at Louisiana Tech University for the past 8 years. Prior to Louisiana Tech, she served as the Director of Athletics for Neosho Community College where she oversaw 16 programs and won 6 national titles. Before that she worked as Director of Student Services for Steven F. Austin and as Assistant Athletic Director for Academics at Texas A&M, Corpus Christi. Dr. Burdge has a bachelor's of science and health as well as a master's of science and counseling and student personnel from Oklahoma State University. Dr. Burdge earned her doctorate of education from Louisiana Tech University.

**3. Confirmation of Quorum, Chairwoman Ammu Devasthali**

The Chief of Staff confirmed the quorum. Five members of the regents were present in the room: Regent Saucedo, Regent Chacón-Reitzel, Regent Bitsie, Regent Romero, and Regent Devasthali. Members of the administration who were present in the room were Chancellor Arvizu, Vice Chancellor Ruth Johnston. Also, present in the room were University General Counsel Collins and Advisory Committee members Suzanne Berger and Garrett Mosley. Faculty Senate Chair, Gaylene Fasenko, joined via Zoom.

**4. Approval of the Agenda, Chairwoman Ammu Devasthali**

Regent Chacón-Reitzel motioned to approve the agenda as presented. Regent Bitsie seconded the motion. All were in favor and none opposed. Motion passed.

**B. Approval of the Minutes and Confirmation of Prior Closed Session, Chairwoman Ammu Devasthali**

**1. Work Session Minutes August 24 - 25, 2022**

Chairwoman Devasthali motioned to approve the minutes. Regent Romero seconded the motion. All were in favor and none opposed. Motion passed.

**2. Regular Meeting Minutes September 15, 2022**

Chairwoman Devasthali motioned to approve the minutes. Regent Saucedo seconded the motion. All were in favor and none opposed. Motion passed.

**3. Special Meeting Minutes October 17, 2022**

Chairwoman Devasthali motioned to approve the minutes. Regent Chacón-Reitzel seconded the motion. All were in favor and none opposed. Motion passed.

**4. Confirmation of Prior Closed Executive Session November 17, 2022**

The Chief of Staff confirmed certification of prior closed executive session. The Board of Regents met in an

online closed executive session at 9:00am on November 17, 2022. The closed executive session meeting was held to discuss the evaluation for the Director and Secretary of the New Mexico Department of Agriculture, Jeff Witte as well as discussion of limited personnel matters concerning individual NMSU employees as permitted under the personnel matters exemption of the New Mexico Open Meetings Act NMSA Section 10-15-1 subsection (H)(2).

The Chief of Staff confirmed certification of regents who were present that only matters of that nature were discussed.

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Chairwoman Devasthali – Yes

#### **5. Confirmation of Prior Closed Executive Session November 29, 2022**

The Chief of Staff confirmed certification of regents who were present that only matters of that nature were discussed. The Board of Regents met in an online closed executive session at 1pm on November 29, 2022. The closed meeting was called to discuss limited personnel matters concerning individual NMSU employees permitted under the personnel matters exemption of the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(2).

The Chief of Staff confirmed certification of regents who were present that only matters of that nature were discussed.

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Chairwoman Devasthali – Yes

#### **6. Confirmation of Prior Closed Executive Session December 8, 2022**

The Chief of Staff confirmed certification of prior closed executive session. The Board of Regents met in closed executive session at 10am on December 8, 2022 in the Curry room in the Corporate Center Student Union. A closed meeting was called to discuss limited personnel matters concerning individual NMSU employees as permitted under the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(2). Those matters may have included discussions of personally identifiable information about individual NMSU students as permitted under the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(4).

The Chief of Staff confirmed certification of regents who were present that only matters of that nature were discussed.

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Chairwoman Devasthali – Yes

### C. **Regent Committee Reports**

#### **1. Real Estate Committee Report, *Regent Dina Chacón-Reitzel***

The Regents Real Estate Committee met once since the last regular meeting on November 28, 2022. The agenda included several items that will be presented to the Board for approval today, including the consent items for campus improvements listed as items G-4 through G-7 on the agenda. Several other items were discussed, which are not ready to bring to the Board at this time or did not require Board approval, such as short-term leases. One planning activity slated for the future is going to be related to an overall master plan for various real estate assets in Las Cruces and elsewhere in New Mexico. This is in the early stages, and it will be coordinated between Scott Eschenbrenner and Heather Watenpugh. There were no questions.

#### **2. Audit and Risk Committee Report, *Regent Ammu Devasthali***

The Regents Audit and Risk Committee met on October 26, 2022. This was the date of the annual exit conference with Moss Adams for the financial statement audit for NMSU, NMSU Foundation, and NMSU Arrowhead Center. Details of that meeting cannot be discussed at this point, because they have not been authorized to do so by the Office of the State Auditor. The final report will be brought to the Board at the January special meeting in Santa Fe. There were no questions.

#### **3. Financial Strategies, Performance and Budget Committee Report, *Regent Christopher Saucedo***

The Regents Financial Strategies, Performance and Budget Committee met once since the last regular meeting on October 26, 2022. The agenda included a presentation of the budget adjustment request that is before the Board today as action item H-1. There were several other informational presentations related to both the current status of the budget and future considerations of those issues. NMSU ended in a somewhat stronger financial position at all campuses. The major contributors on main campus included receipt of large appropriations for HEST and NMDA late in the year as well as IDC related to HEERF projects. The outside of increase in utility costs the Main Campus held expenses close to flat over previous year. Community colleges also held expenses flat or cut them and had positive results across several sources of revenue. There was also some discussion of legislative priorities for the upcoming legislative session. Finally, we heard a presentation from Sherry Kollmann and Linda Scholz regarding the proposed changes to the LEADS 2025 Strategic Plan related to equity, inclusion, and diversity, as well as NMSU-Online. The full Board will see more information about these proposed changes to the strategic plan in January 2023. There were no questions.

#### **4. Student Success Committee Report, *Regent Arsenio Romero***

The Regents Student Success Committee met twice since the last regular meeting on September 29, 2022 and October 27, 2022. In the September 29 meeting they heard from administration and students that were involved in an international student Town Hall earlier that month and updates were provided on some of the matters discussed in that town hall. One major area of focus was student housing and discussion about move in and move out dates and the unique challenges that international students face regarding the beginning and ending of the semester. They heard about the different opinions that NMSU housing and residential life has available that allows flexibility and there was discussion about continued work to reach out to students to make them aware of these options. They also received an enrollment update for main campus and the Community Colleges. Faculty Senate Chair, Gaylene Fasenko, provided a brief update to inform the committee about the Faculty Talk 2.0 e-mail list and how that resource is working so far.



In the October 27 meeting the committee had our second report from Faculty Senate Student Success committee. It's a very positive step for them to have this information regularly reported to the Regent Committee in order to be continually engaged with Faculty Senate about issues that they are discussing related to student success. These reports always generate a lot of good discussion. The committee also heard a report from various committee members and the NMSU-Online Program about their visit to the Meta Data Center in Los Lunas, New Mexico. This was a great opportunity for staff and community members on the committee to get out there and have these experiences and get to know one another. Regent committees couldn't do the work that we do without the insight and contributions of our community member volunteers. Thank you to Amy Himelright of Las Cruces Public Schools, Rebecca Lescombes of DH Lescombes Winery, and Rick Lucero of Cisco. They also heard from Sherry Kollmann and Linda Scholz about proposed changes to the LEADS 2025 Strategic Plan to more explicitly include equity, inclusion, and diversity as well as NMSU-Online in the plan. There were no questions.

#### **D. Advisory Member Reports**

##### **1. Associated Students of NMSU Report, *President Garrett Moseley***

On November 18, 2022 the Graduate Student Council hosted the Annual Graduate Research and Art Symposium. There were 74 students in participation and 24 students won awards totaling \$7,200 in scholarships. On December 4, 2022 ASNMSU hosted the Noche de Luminarias event in collaboration with SILP. There were over 1,000 members of Las Cruces and Aggie community in attendance. Last Thursday ASNMU concluded their last scheduled meeting for the Recreation and Wellness Initiative, which has resulted in \$4.3 million secured from the student revenue bond. They completed a building condition assessment. They received their construction and materials estimates and their governmental affairs team will be traveling to Santa Fe for the legislative session for additional funding in January. There were no questions.

##### **2. NMSU Faculty Senate Report, *Chair Gaylene Fasenko***

There were 3 propositions this semester. A resolution authorized Faculty Senate Chair to send a letter to New Mexico legislators regarding advocacy for faculty salary and we will be working with government and community relations people to move forward on that effort. There was a proposal to reorganize and relocate borderlands and ethnic studies, acronym BEST. That was passed on December 1, 2022 as well as a memorial expressing faculty senate support for tuition remission and health insurance for NMSU graduate workers. Faculty Senate felt it was important to pass the resolution supporting the grad students. They strongly believe that they are part of the core of the university and will help achieve one of the goals in LEADS 2025 of reaching R1 status. They are a huge factor in the success of undergraduate students. There were no questions.

##### **3. NMSU Employee Council Report, *Chair Susanne Berger***

This is the report of activities for months of October and November for Employee Council. With regard to the compensation study that affects issues, such as, the new pay scale and new grade mapping of positions, there is a quick follow up on the last board of Regents Activity Report. Chair Berger met with HRS and Dr. Jones to discuss concerns shared with Employee Council regarding the new pay scale and new great mapping of positions. That was part of a conversation they also had with departmental issues. In that conversation Dr. Jones explained that the mapping of the new positions was not related to either experience or educational requirements. Instead, the mapping is tied to the market salary, and that determines the grade. This was information they didn't have, prior to that conversation. Compensation continues to be a concern for both faculty and staff. Employee Council will continue to work on this issue, and they will follow up with an activity update when appropriate. The Employee Appreciation picnic took place on Monday, October 31, 2022 and it was a great success. They appreciate that their distinguished leaders and most of the Regents were able to join.

Thank you to the Chancellor, Vice Chancellor, Interim Provost, and Dr. Scott for attending. They served as judges for the pumpkin contest and the best costume contest. Feedback for this event was very positive across campus. Thank you to the Chancellor, who awarded the 'A' Mountain Award for Fall 2022 to the recipient, Carley Casey. In November, Employee Council voted to change the term of office for Employee Council Officers to 2 years. This will allow officers to develop and deepen working relationships past the 12-months timeframe as well as take the strain off the annual meeting, where it was sometimes difficult to find volunteers for office. The vast majority wanted this resolution. It is sitting in the Chancellor's office for final approval. Also, Employee Council is on target with their timeline preparing for the upcoming elections in January 2023. The ballots for Employee Council candidate nominations have been opened and will close on December 12, 2022 at 5 PM. Those are just the elections to nominate your candidate. For all employees, please take the time to nominate someone. Elections for the positions will be held in January with ballots opening on January 9, 2023 and closing on January 30, 2023. There were no questions.

#### E. **Affiliated Entity Reports**

##### 1. **Arrowhead Center Inc. Report, Director & CEO Kathryn Hansen**

The report is deferred to the written report that is in the binder.

#### F. **Public Comment, Associate Vice President Justin Bannister**

Associate Vice President Bannister stated that there were several people signed up for public comment. He reminded everyone in attendance that public comment is provided so that members of the community have an opportunity to give input to the Board of Regents. In compliance with the New Mexico Open Meetings Act, the Board is prohibited from taking action on any item that does not appear on the agenda, except in the case of an emergency. Consequently, regents will not take into account for action any communication made in public comment unless the matter is already on the agenda for consideration at the meeting. Each individual addressing the Board is asked to state their name and keep their comments to three minutes. Associate Vice President Bannister stated that he will let them know when 30 seconds remain.

**(29:38)** Associate Vice President Bannister introduced the first person for public comment, Gauge Burnett. Gauge stated, "Good morning, everyone. My name is Gauge Burnett and in my time at NMSU I have been told repeatedly that this is a minority serving institution. And just this past week a faculty member took the opportunity to remind me that grad school is, and I quote, "A short chapter in one's life." So, really the low pay and bad working conditions faced by graduate workers at this institution really don't matter all that much. Unfortunately asking people to spend a 2 to 6 year chapter of our lives working for embarrassing wages at impossible conditions is incompatible with service to underrepresented communities and here's why: First, international graduate workers are overburdened by the international student health care fee, which will increase an additional \$156 between now and the spring semester for just a single student. This year, Dean Carol Flinchbaugh, Associate Dean of the graduate college, made \$146,000 to taunt international grads with broken promises and flat-out false information about ending this fee, even as she privately urged her colleagues to block tuition coverage for graduate workers. Second, LGBT plus graduate workers, like myself, have less access to family and other financial support compared to their peers, and are also at a high risk for discrimination even from the NMSU community. But it still took NMSU more than 5 months of bargaining to agree that gender-based discrimination should be grievable under the Union contract. Renay Scott, Vice President for Student Success and self-proclaimed GLBT Ally made \$230,000 this year to remain silent on this issue. Third, disabled and chronically ill graduate workers balance our need for health care against the fact that, unlike other NMSU staff, we do not have access to medical bereavement, domestic violence or sick leave. I have personally, repeatedly, put off doctor's visits and at one point had to choose between purchasing medication or purchasing food. One of the grads who spoke at this last meeting has since dropped out for medical reasons. The

outside lawyer, Dina Holcomb, who is running NMSU's bargaining committee is paid \$205 an hour equivalent to my monthly grocery bill, to fight the union on health care and leave. First generation grads, workers with families, and especially grads like me, with intersecting marginalized identities based personal and financial struggle compounded every single minute we work for NMSU. This body, this year, has found the time in your busy meeting schedules to raise Chancellor Arvizu's salary to \$650,000 this year, enough to cover the tuition for 100 grad workers. You found the time and resources to support exorbitant salaries for Arvizu, Scott, Flinchbaugh, and Holcomb. The bulk with so much as acknowledging the workers who you exploit. This is not a minority serving institution. This is an administrator serving institution and it is well past time for you, as Regents, to wake up. Thank you."

Associate Vice President Bannister introduced the next person for public comment, Alexander Allison. Alexander stated, "Good afternoon, Board, Chancellor, Vice Chancellor. We've gathered here today with a simple request, for you to provide humane working conditions for us as graduate employees. This is not a lofty request, nor is it an unreasonable one. This is a request that the ASNMSU, the GSC, and the Faculty Senate, with zero no votes, have approved of. We thank Chair Fassenko for her kind words before. So, if not listen to us. Why not listen to the preeminent professors at this university? But we do ask that you listen to us. That you listen to the grad workers here today who have taken time out of the final week of our semesters when we could be working on final grades or our own research. That's right. We teach thousands of undergrads and conduct thousands of hours of research every semester. We keep this university running and yet many of us, after paying tuition, are held \$1,000 below the federal poverty line. Let that sink in. In the words of recently re-elected Senator Raphael Warnock, "You can't lead the people, unless you love the people. You can't love the people, unless you know the people. And you can't know the people, unless you walk among the people." We're not asking you to love us, but it has become quite apparent that you don't know us. That you don't recognize our abysmal working conditions. So, what we're asking is this, for you to get down from your ivory towers and walk among us. Listen to us. Acknowledge us at the very least, even if you don't respect our request. Because at the end of the day, with our teaching and our research, grad workers, us, keep this university running. The money may be in your hands, but the power is in ours."

Associate Vice President Bannister introduced the next person for public comment, Lindley Hornsby. Lindley stated, "Well hello, we meet again. My name is Lindley Hornsby. I'm a student in HEST and I work for NMSU as a graduate research assistant. Last time we met I told you all about me, and the preventable ailments from which I suffer as a result of this administration's failure to adequately compensate grad workers. Remember that? Well today, I respectfully call upon the NMSU Board of Regents to use their power and influence to rebuild the relationship between the university and the graduate student workers union. The NMSU community, from ASNMSU to the graduate student council to the Faculty Senate to the Las Cruces community at large agrees that the workers who run this university are in dire straits and that something must be done to alleviate this heinous tuition crisis immediately. NMSU has been combative and uncooperative since the moment grad workers organized. I take umbrage with the fact that we had to fight for a year just to gain recognition that we do work. And then, when we finally got to the bargaining table, instead of using the well capable labor management staff already employed by the university, NMSU chose to hire an adversarial, disrespectful, and expensive lawyer, Dina Holcomb, who is known in the State of New Mexico to make her money by busting educators' unions. Then you wasted months of time and squandered tens of thousands of taxpayer dollars, arguing that we didn't have the right to unionize. Not only is this inconsiderate and a misuse of time and funds, but it's deeply disrespectful to me and my colleagues, who pour our lives into working at this university, teaching and conducting research. My bargaining committee tells me that they have to fight tooth and nail on even the most basic non-discrimination language in the contract. It took months to come to an agreement to something that is standard and union contracts. Further, NMSU has failed to comply with the public Employee Bargaining Act by denying grad students access to new worker orientation. You all have withheld information requested by us, or taken an absurdly long time to get back to us. In sum, the bargaining efforts put forth by the University have been a travesty. I ask you, 'why aren't, you taking this seriously?' We are. We are here during finals week. We've been showing up to the bargaining table, all semester long focused, prepared

and ready to come to a reasonable deal. Yet NMSU does not reciprocate the same level of professionalism or goal of finding a fair solution. You can do better. Tell us today, how you're going to find a solution to this problem.”

Associate Vice President Bannister introduced the next person for public comment, Kevin Dhanapal. “Good afternoon Madam Chair and Board of Regents. My name is Kevin Dhanapal. I am a graduate student during fall and spring semesters. I enroll for graduate level courses and work hard to get good grades. I also work hard to excel in my research, teaching duties and work hard producing research publications. The sad truth is, I pay to work here at NMSU. The decision to have redundant office holders at the cost of half a million dollars a year and coming up with a sketchy scheme to pay for it, using the funds, unjustly acquired from international students under the name of health insurance fees, is not good. These are not the actions expected from renowned dignitaries and scholars. Remember, everyone is watching all these mistreatments against some hard-working people who serve the NMSU student community. Paying the top leadership can only be justified as long as every hardworking employee gets their fair share of the pie. I am not demanding a ride in NMSU’s private jet to attend a research conference to present our research paper publications. All I ask for is a fair wage and tuition coverage to stay out of poverty. At least I should eat enough and eat healthy, to be able to walk to work. NMSU, like many other universities, has its R1 bandwagon parading, but please pay attention to feeding your horses, or else your wagon won't get anywhere soon. When you have the reason and resources it is unjust to stop or wait to act. I hope God gives the strength and right mind to the people in charge to make the right decisions and empower the graduate student workers by agreeing to full tuition coverage and insurance coverage. In God's kingdom, it is always good to do the right thing. It is never too late to do things right. In the name of Jesus, I pray. Amen.”

Associate Vice President Bannister introduced the next person for public comment, Nelson Crane. Nelson stated, “Hello again. Good to be back for another Board of Regents meeting public comment session. If there's anything of value that I can say to you guys, while I'm standing up here, it's that it's not too late to mend the breaking relationship that this institution has with its graduate workers. You invite graduate workers from around the country and around the world here, only to suspend us and a very financially precarious situation. The demands of school and an assistantship are too great to allow for working an additional job, but the stipend for grad workers is not enough to allow workers to pay tuition and meet their basic needs. You’ve heard this before. It hasn’t changed your mind. Permitting tuition is not an expense at NMSU. It seems that the alignment of principles that guide a Land Grant University are to increase the accessibility of this education. Gifted people will go elsewhere, even if they want to stay in Las Cruces. Please remember the benefits of adopting this common practice go beyond the well-being of graduate workers. This would reflect well on the spirit of the university and its values. Our research is pointed to the fact that it is you, you all here, who have the power to make this decision at any time. We know that. And it’s not too late to reconcile the relationship between the workers and the administration. I know it’s not. And I just ask, what do you have to lose? Be bold. Shape the future.”

Associate Vice President Bannister introduced the next person for public comment, Neil Harvey. Neil stated, “My name is Neil Harvey. I’m the department head of the Department of Governments, here, at NMSU. I got a little sick yesterday, so unfortunately it can't be there in person. But I wanted to share the thoughts of the Department of Government following a discussion we held our last faculty meeting on this topic. In broad strokes, we support the graduate workers fully as it's been also expressed by Faculty Senate and our own Faculty Senator, Dr. Tad Connor, in that body. And we see the demands as reasonable, as just, and is necessary to address stagnate or declining graduate enrollments at the university. We believe if Goal 2 of LEADS 2025 is to move from R2 to R1, it is vital that we attract more and more qualified graduate assistants by including payments of tuition in addition to health insurance and living stipends that most R1 universities do already. We also discussed our own backgrounds. None of us as faculty members would be here if we had not had substantive support and tuition remission in our own graduate degree, granting programs. We also see this as an investment in Goal 1 for NMSU. An investment in graduates to stay in the region in New Mexico and continue contributing to the state, including its economic development. This is important for supporting Goal 1 of student success and social mobility. You cannot achieve

those goals, if you do not provide the necessary support to begin with. I think it's a really important moment for also, for NMSU. In the past couple of years, we've also seen, of course, greater attention to questions of equity, diversity, and inclusion and we've just heard how those goals are to be incorporated into the strategic plan LEADS 2025. Again, it would be a total mismatch and a contradiction if we speak about equity in that document, but are not prepared to put in the resources to truly provide for it. So, the position of the Department of Governments at New Mexico State University is very clear and unanimous on this. We support the graduate workers and their demands. Thank you."

Associate Vice President Bannister introduced the next person for public comment, Jordan Ellison. Jordan stated, "Hi, my name is Jordan Ellison. I'm a grad student in Fish and Wildlife. Actually, one of the people who won an award, but is here living in poverty due to thanks to your inability to make decisions to support us. It's ridiculous. You guys have the money. You had 8 and a half million dollars in a surplus, and it would take 3 point, 6 million to cover graduate student tuition. And yet you still refuse to work with us and to just pay tuition to cover your workers and to care for your students. You refuse to do it. I'm pretty sure I have PTSD, also. And I can't go to a therapist, or a psychiatrist because I don't have health care, because NMSU doesn't provide that. I don't make enough money to pay for health care. And, funny thing, it's a result of something that happened as a grad student here at NMSU. So, you guys are just providing the best environment for me. That was ironic. I should probably say that, just in case you don't get that. Yeah, I mean, it's obviously affecting my work. It's affecting my life. And at the end of the day, you guys say on your website and I quote, "as a State's Land Grant institution, NMSU provides teaching, research and service to enhance the quality of life for the citizens of New Mexico. Not me. Not us. What about us?"

Associate Vice President Bannister introduced the next person for public comment, Christopher Brown. The Chief of Staff stated, "Madam Chair, on behalf of Dr. Brown, he asked me to read this statement because, sort of, last minute he was not able to make it due to scheduling conflict. Members of the NMSU Board of Regents, I write this short note to share my unequivocal support for the consent, Item G-8, Reorganization of the Interdisciplinary Studies Department into the Borderlands and Ethnic Studies department and to relocate it from the College of Arts and Sciences to the College of Health, Education, and Social Transformation. I had hoped to attend the BOR meeting in person to make these comments, but I needed to make a meeting on a funded research project that conflicts with this meeting. I was a co-sponsor of the Faculty Senate bill that supported the launch of the BEST program. I've worked with the BEST faculty members for years on a range of projects. Along the way, I've learned much about ethnic studies and the good work of BEST faculty to advance ethnic studies at NMSU, support the development of a culturally appropriate K through 12 social studies curriculums, and advocate the causes of social justice in New Mexico. Their work is highly noteworthy, and helps NMSU meet its mission as an HSI MSI institution of higher education. The proposed reorganization of BEST in the move to the college of HEST will position BEST faculty to continue their important work, compete more effectively for external funds to support their work and help advance NMSU's efforts to re-achieve Carnegie, R1 status. I close this short note with a respectful request that you advance this proposal either as a consent item or as an item that receives discussion and a vote. Thank you in advance for consideration of the of this request. Best regards, Christopher Brown, Ph.D. Professor Department of Geography and Environmental studies."

Associate Vice President Bannister introduced the next person for public comment, Alexander Warner-Garrett. Alexander stated, "Thank you Madam Chair and members of the Regents. Good afternoon. My name is Alexander Warner-Garrett and I am an alumnus of New Mexico State University, a former ASNMSU Senator, and a current graduate student in the department of educational leadership and administration. I am here to express support for providing full tuition remission for our graduate workers and lowering the minimum semester credit hour requirements to 6 credit hours. Having been a part of the NMSU community for the last 7 years, and having studied higher education for the last year and a half, I strongly believe that these changes are essential for NMSU to become an R1 research institution and meet LEADS 2025. Ninety-Five percent of R1 institutions provide full tuition coverage for graduate workers as a standard benefit. Additionally, many graduate programs have prescribed curriculums of 6

credit hours per semester so graduate workers are currently forced to take on the burden of extra course work they wouldn't need to graduate and pay even more tuition and fees, as a result, just to be able to work as a graduate assistant. These working conditions put our graduate students at a huge disservice. I am calling on the NMSU Board of Regents and administration to make these changes in order to improve the quality of our university and the students it claims to serve. These are very important for the recruitment and retention of graduate students. Thank you."

Associate Vice President Bannister introduced the next person for public comment, Steven Cousler. Steven stated, "Good afternoon. Madam Chair, members of the Board, my name is Steven Cousler. I'm an alumnus of the university, here. I recently graduated with my masters, and while I'm not currently under the conditions of my once peers, I've come today to bring these issues before you. I understand that part of our goals, as a university, are trying to reach R1 status to increase our equity and our diversity here on campus. This, however, is impossible in light of the circumstances reflected upon my peers, and those who have presented before me today. Part of that is of the immense burden put upon my peers through lack of tuition remission, being forced below the poverty line. It is impossible to do quality research to develop or devote time and energy to teaching and to doing the fundamental work here that creates a university that is inclusive, that is trying to push the way forward in progress in science and in humanities. These fly in the face of the things that this board has failed to do to adequately meet the needs of those here in this building and of those who are teaching over a fourth of the classes here on campus who make up 25% or more of the efforts that goes into in creating an environment that students want to be here for. It is only right that these students, that these workers, get what they deserve, a pay that is adequate to help them reach this University's goals and their own in their research and in their personal lives. These are not mutually exclusive costs; they are equally possible, and the decision rests with you. Some of the actions that should be taken include a total remission of tuition, so that students have the resources and money they need to take care of themselves and devote their energy to why they're here in the first place. The second thing is more accessible health care for international students that includes a reduction in deductibles, reduce copays and improve coverage overall. Right now, the majority of the money, the international students, the talent and the creativity, the intellect, and the drive that we are bringing from all over the world is being squandered because we cannot meet their needs, fundamental though they are, and simple as it would be to do so. The other thing that we need and require for my peers, here, is guaranteed summer employment. It is unfeasible that we have such a great and competitive working environment while we are here, but because of lack of tuition and lack of job security over the summer, there's no guarantee that students, even if they do a good job from semester to semester can even come back. I've had several friends who in their time here have had to leave because of the extraordinary conditions pressed upon them. That is a loss of talents, of intellect and of the drive that has made this university important, valuable. And well, a shortcoming our goals and trying to become an R1 institution, and just simply taking care of each other. You cannot press equity and diversity if you do not look at those you are supposed to care for. Thank you."

Associate Vice President Bannister introduced the next person for public comment, Laura Laemmle. Laura stated, "I'm an alumni. I'm not a grad student and I never have been. But I'm here to talk to you today about the treatment of grad workers here because I think that your short-sighted approach and dealing with them is not only wrong, but it's harming the entire NMSU system. Part of my organizing efforts in tandem with the Union, I've talked to countless community members, and it's sad to see just how poor the reputation of this institution is. I've spoken to people unconnected with NMSU, who have said that they've told their relatives to go to grad school at UTEP or UNM because they'll have better benefits and a better experience. I've spoken to undergraduate students here who are afraid to take advantage of programs like the accelerated masters, which should benefit them because they know they'll receive a wage that's lower than at any other peer institution. I wonder if any of you paying enough attention to how much ground you've lost by stalling on tuition remission and unnecessarily dragging out contract negotiations with your research and teaching staff. We all know you stayed silent on this issue. I think it's because you have no justification for actively making things here worse, and spending all of our money to do it. What do you

have to show for all of your efforts over the last few years? Has the quality or the quantity of research here increased. Have you bettered your reputation with the State legislature or with the people that live here? Have your graduate programs become more prestigious or attracted more applicants, because I think we all know that the answer is, No. If you wanted to be accountable to the taxpayers and to your employees, you would. If you had justification for doing any of this, you would have put it out there. But we've all seen the meeting with ad copy that goes on to the official socials and in the newsletters, and we know that that is the only statement you're interested in making. But I sincerely wish that everyone in New Mexico is here to watch you sit in silence as you act like you're being fiscally responsible with their money while spending it in utterly ridiculous ways, keeping their friends and their family and poverty, and running the university into the ground; and I think they would find it illuminating to watch you try and slime your way out of anything that even resembles leadership by paying your lawyers to misrepresent bargaining law, and falsely claim that you can't legally comment on this. We all know that that is simply untrue. At least the Chancellor will make statements pretending he wants to fix this, and will lie about having no idea why these contract negotiations are stalling compared to those with staff, when he knows very well, and so do all of you that, unlike in those negotiations you've brought in an outside lawyer who specializes installing union contracts for \$200 an hour, and none of it has stopped grads from organizing. In the last year, tens of thousands of grad students have joined unions, and there are 10,000 in the UC System, alone, striking right now. It's not going to stop. So, I urge you to tell us what goal you could possibly have in mind by sabotaging the working conditions here, and stubbornly committing to being last place among all of your peer institutions. You owe everyone in this room and everyone in the State an explanation."

Associate Vice President Bannister introduced the next person for public comment, Anna Laemmle. Anna stated, "Hi, my name is Ana Laemmle. Now, your days may look like paperwork, calling people, meeting people. My days looks like going to labs, going to classes, being taught by grad students. And you know what I think about when I see grad students standing up there and teaching me, I think, 'do they have enough money for their kids?' I've worked at ASNMSU and I've worked with international grad students with children. And to learn that they're living under the federal poverty line is honestly disgusting. I care about these people. So, why don't you? Because your actions and your lack of words, and your cheap, quick words that you have given have made it clear that you do not care. And besides the fact that 4 and 10 years ago the Council of Graduate Schools outlined the crucial nature of health care and tuition being introduced to NMSU policies. Besides the fact that you guys ignored that, we've been asking and the time is now. When I graduate with my bachelors, I don't want to be embarrassed when I say I graduated from NMSU. Because currently I am embarrassed that this is the third time I've been here, this year alone, and the rock has moved only ever so slightly. No, thanks to the push from the \$200 an hour, Union-crushing lawyer that you all have hired. I'm an undergraduate organizer and I have no issue telling my peers what has and hasn't happened regarding you all helping graduate students, which at this point, is very little. I can see the embarrassment and shock on their face when I tell them. Over 2 years, I have paid only 44 days of work of Dina Holcomb. The pledge to the New Mexico State flag, that flag right there that you all serve under, states, "I salute the flag of the State of New Mexico, the Zia symbol of perfect friendship among united cultures." This, an idea that our land that we represent is a well-placed addition to the New Mexico statutes and court rules. Section 12-3-3. Perfect friendship. United cultures. Esymbolo Zia de amistad perfecta. Entre culturas unidas. Right now, no estamos unidos. We are not united. In fact, we as a group who simply asked to be addressed by those we should be united with are forced to sit back and see no effort of unity on your part. As an employer who uses their graduate students for research, teaching, and, above all, making this university function. As a person who is face to face with other people who walk the same world and earth, as you, speak as you are able. Speak to the people you affect. Take inspiration from the Zia symbol you serve under. Speak up and feed the spark of unity. Take responsibility. We are all a part of this university. We can start working together, but your resistance is making that possibility so incredibly challenging. You all may not hide inside of yourself righteous chambers any longer. Speak to the people you affect. Be the leaders you get paid thousands upon thousands of dollars to be. I honestly don't even know what to say anymore. I've spent my time with these people, and it's really insane, and you all should be embarrassed that under this State of New Mexico,

this great land, you all have not stepped up in the way that you should. And you know what, it's not too late. So, get to it."

Associate Vice President Bannister introduced the next person for public comment, Jane Asche. Jane stated, "My name is Jane Asche and I'm changing gears here, slightly, from one important issue to another. Good afternoon, Madam Chair, Regents, Chancellor, faculty, staff, students. I come before you today as a member of the community to respectfully ask that in the spirit of the tripartite mission of a Land Grant University that you genuinely embrace involvement of the leadership of the Piro Manso Tiwa tribe in the planning and decisions for the Aggie Uptown development as a measure of providing service to the community. I encourage you to carefully consider both the environmental and cultural impacts of this development. It is my understanding that this development will take place, at least in part, on the sacred ceremonial lands of the tribe. These sacred lands are where the spiritual retreats take place that connect the tribal members with their ancestors who migrated to this area several hundred years ago, after the Pueblo revolt. Such involvement will show respect for the many injustices indigenous people have suffered over the years at the hands of their white European colonizers and is a necessary component of cultural healing, which is desperately needed currently throughout our country, and especially in New Mexico, where indigenous people and other persons of color constitute the majority population of our State. Thank you for your time."

Associate Vice President Bannister introduced the next person for public comment, Brad Hanson. Brad stated, "Good afternoon fellow Aggies. I see 2 words plaster around our campus. 'Be Bold.' To me, these 2 words are shorthand for putting NMSU's mission and values into action. Do they mean anything more than words to you? I was blessed to serve as a United States Peace Corps volunteer in Albert Town, Jamaica. During my 2 years there I met a taxi driver and DJ, named Red Rat. Red Rat did not like me. My first interaction with him involved him cussing me out and insulting me in public simply because I was a white foreigner. I have considerably more respect for Red Rat than anyone on this board, or you, Chancellor Arvizu. Even though Red Rat never liked me, I always knew where I stood with him. He was bold enough to be honest and transparent. Are any of you? My experiences with this board and the upper echelons of NMSU administration thus far have been two-faced and full of cowardice. This very morning your negotiators opened up with the very same offer of less than half full tuition remission that has been the same for more than a month, and has been proven that you have the money for. Chancellor Arvizu, your smiles and kind words have been hollow for over 2 years. Instead of taking ownership for how you go through the process of negotiating, you have tossed your hands up and blamed the process as if you don't have a choice. You do have a choice. Negotiations could be between us and NMSU's existing fully capable labor management staff as is the case for other unions here. You have chosen to continue to pay outside overpriced lawyers, as my colleagues have said. I don't know. Is it your responsibility to take ownership of, Regent Devasthali? All I know is that these actions are not bold in any way. At the very least you could have the honesty and transparency of Red Rat. I would respect you more if you chose to look me in the eye and tell me you think I am not essential to NMSU's mission. I would prefer you insult me to my face, not behind my back. Despite your extended history of poor choices and two-faced dealings, I believe each of you can demonstrate better leadership. At the end of my comments I encourage at least one of you to have the boldness to respond. There is no reason to stay silent on your part after I'm done speaking. In fact, the spirit of this as an open meeting under the Open Meeting Act explicitly empowers you to have an open discussion with us. No action on what we discussed can be taken, but the act of having discussion is not just allowed, but in the context of you refusing to offer a response for over a year, it is needed. I have provided Adam with the language and the Open Meetings Act which supersedes any legal misinterpretation of NMSU policy regarding these meetings which you have hidden behind multiple times. So, what say you? Are any of you willing to be bold. Please explain your reasoning for how you have negotiated with us this far, and why you have chosen to not provide us with tuition remission, despite the money being available, if you would like. I can read the language in the Opening Meetings Act for all our benefit. Thank you."

Associate Vice President Bannister stated that public comment has been concluded.



General Counsel Collins stated, "Madam Chair, members of the Board, the issue of responding has to do with labor law. It has to do with direct dealing and indeed to negotiate in good faith, we have to negotiate according to the rules that are already established. We have established negotiations in place. That's the proper form. You have discretion to do what you want to do. However, according to labor law and regulations carrying on discussions in this form is actually contrary to the expectations of good faith negotiations at the actual negotiation side."

Brad Hanson continued by saying, "Thank you for those comments, and just to be very clear in the legal sense, this is not a direct dealing at all. This is a chance for you all to not be isolated as leaders up on this island because you're not just isolated from us graduate workers. You're isolated from faculty staff and a larger community. So, it's just a discussion on what has been presented here. I want to give you the opportunity to speak. It has pained me to only provide constructive feedback, and never be able to have a chance for you all to talk."

Associate Vice President Bannister reminded Brad Hanson that public comment has ended.

Brad Hanson stated, "Thank you. It's. I know it's ended. I just want to be clear that this is not a direct dealing. So, this this is not in a legal sense in any way what was just mentioned for."

Associate Vice President Bannister stated that public comment has concluded.

The Chief of Staff confirmed that Mr. Sean Sellers was on the list for public comment.

Associate Vice President Bannister invited Mr. Sean Sellers to give public comment. Mr. Sellers stated, "I'm louder without the microphone, so I'm just gonna do this. Chapter 3, section F, number 2 action on agenda items. A public body may discuss a matter, but cannot take action, unless the matter is listed as a specific item of business on the agenda. Action on items that are not listed on the agenda for a meeting must be taken at a subsequent special or regular meeting. Example: A mutual domestic water users association reserves an hour of its regular board meeting for public comment.. Blah blah blah blah. Point is, you can talk to us, regardless of any sort of Labor Relations Act. That is, I believe, what we are talking about. You can speak to us. I am graduating tomorrow after 13 semesters, and these issues were old when I got here. Alright. I've been getting emails from people who graduated in 2012 with these problems. Front and center. A decade is how old these issues are to NMSU. You refuse to pay your workers a living wage. You refuse to provide them health insurance. You choose to do this and have chosen to do this for over a decade. That's where we're at. There is nothing else to it, except, I don't know if this is, willful ignorance or apathy on your part? I don't know which is worse, but that's where we are at now. Nothing?"

Associate Vice President Bannister stated that public comment has concluded.

**G. Consent Items, Chairwoman Ammu Devasthali**

- 1. Amendment to RPM 3.00, Assistant General Counsel Mariah Ortiz**
- 2. Temporary Investments Report for the Quarter ended 09/30/2022, Associate Vice President D'Anne Stuart**
- 3. Disposition / Deletion of Property, Associate Vice President D'Anne Stuart**
- 4. NMSU Alamogordo: Classroom Buildings Mechanical Upgrades, University Architect Heather Watenpaugh**
- 5. NMSU Alamogordo: Rohovec Fine Arts Theatre Renovations, University Architect Heather Watenpaugh**
- 6. NMSU Las Cruces: Corbett Center Fire Alarm Replacement, University Architect Heather Watenpaugh**
- 7. NMSU Las Cruces: Campus wide Roadway Resurfacing, University Architect Heather Watenpaugh**
- 8. Reorganization of the Interdisciplinary Studies Department into the Borderlands and Ethnic Studies (BEST) Department and to relocate it from the College of Arts and Sciences (A&S) to the College of Health,**

**Education, and Social Transformation (HEST), Senior Associate Provost James McAteer (on behalf of the Office of the Provost)**

**9. Philanthropic naming of space in the Agricultural Modernization and Educational Facilities in honor of Neil Burcham, President Derek Dictson**

Regent Chacón-Reitzel motioned to approve the consent agenda as presented. Regent Bitsie seconded the motion. All were in favor and none opposed. Motion passed.

**H. Action Items, Chairwoman Ammu Devasthali**

**1. Budget Adjustment Requests (BAR) for Fiscal Year 2022-2023, Chief Budget Officer Kim Rumford**

Chief Budget Officer Rumford presented the Budget Adjustment Request (BAR) for FY23. At this time the adjustments relate only to the beginning balances, which means that's where the balance is ended at the end of FY22 and have to be updated for the budgets for this year. This includes all 4 campuses, Las Cruces, Alamogordo, Doña Ana and Grants. There were no questions.

Regent Romero motioned to approve the Budget Adjustment Request (BAR) for Fiscal Year 2022-2023. Regent Saucedo seconded the motion. All were in favor and none opposed. Motion passed.

**2. Authorization for Conferral of Degrees and Certificates, Chancellor Dan E. Arvizu**

Chancellor Arvizu presented the conferral of degrees and certificates. There are 1,702 candidates for degrees. Of those 1,702 students, 1,230 are from the Las Cruces 4-year college, which includes 253 masters students and 49 Ph.D. students. Another 472 are at the community colleges. Doña Ana Community College has 377. Alamogordo has 33. Carlsbad has 32. Grants has 30.

Chancellor Arvizu read the following proposal, "We request approval of the Board of Regents to confer degrees and certificates to named candidates listed in the Fall of 2022 commencement program of the institutions for campuses. Conferral is contingent upon the student satisfactory completion of the courses in which they are enrolled and meeting the requirements of the appropriate catalogue. It is further contingent upon the assumption that the content of the thesis submitted by each student required to do so is original, unless otherwise represented in the document. The journey of the student to New Mexico State University is filled with caring faculty and staff working at the front of classrooms are behind the scenes."

Chairwoman Devasthali congratulated all of the graduating students this year and hope that they have had a great year and do great things as they move forward in their lives and she hopes that students come back to visit.

Regent Bitsie recognized that this class and next class are students who started as freshmen at the beginning of the pandemic. It shows their hard work and tenacity for sticking with it. Congratulations to them.

Regent Saucedo stated that graduation is one of the most exciting times on campus because it's recognition of accomplishment for people and their families. Regent Saucedo expressed his appreciation to their efforts on campus and thankfulness.

Regent Romero stated that this university has made an impact on his life over the past 30 years. Regent Romero's message to graduating students is, "Go off into the world, be amazing, and always make sure that you remember this place, and we would love to have you back. It's a great place to be. I hope I get to continue to be part of this university for decades to come, and I hope that all of you will also be part of this university for decades to come. Thank you."

Regent Chacón-Reitzel reminisced about her own graduating days and how it was a proud moment. Regent

Chacón-Reitzel wants it to be that way for all students graduating. Regent Chacón-Reitzel also congratulated their families for all of their support for them.

Chairwoman motioned to approve the authorization for conferral of degrees and certificates. Regent Chacón-Reitzel seconded the motion. All were in favor and none opposed. Motion passed.

**I. Informational Items, Chairwoman Ammu Devasthali**

**1. Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period November 25, 2021 – November 30, 2022, Senior Administrator for Strategic System Services and Operational Policy Administrator Ermelinda Quintela**

Operational Policy Administrator Ermelinda Quintela presented the summary of revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period November 25, 2021 – November 30, 2022. The revision being presented is in ARP 16.75 Unmanned Aircraft Systems. The revision was made to shift the responsibility from our Physical Science Lab to our NMSU Environmental Health and Safety and Risk Management group to streamline processes and to centralize our efforts.

Regent Bitsie asked for an explanation of restrictions on drones on campus.

Operational Policy Administrator Quintela stated that her understanding is that when this policy was established, the Physical Science Lab was the area of expertise for drones. That has expanded and Environmental Health and Safety have the employees that can oversee that process. There are different tiers and they look at it from a risk assessment standpoint and making sure that the proper documents are filled and that they are properly insured.

**2. NMSU Revenue Bonds Series 2022 Sale Certificate, Associate Vice President D'Anne Stuart**

Associate Vice President D'Anne Stuart introduced Erik Harrigan, municipal advisor and Katherine McKinney, bond counsel. This is a report on the successful sale of the bonds and final terms.

Katherine McKinney reported that this is a process to close out the delegation. A process that started with the authorizing resolution that the Board adopted on August 24, 2022 authorizing the bonds. The bonds are for campus improvements and were priced with the New Mexico Finance Authority (NMFA) on November 3, 2022. The parameters for the pricing were laid out in the authorizing resolution. All of the final terms fell within those parameters. Included in the final terms were a final par amount of \$28,065,000. The interest payments, beginning April of 2023, payable from some capitalized interest, set aside, and the redemption of the bonds can begin after 10 years. The Finance Authority contributed \$232,000 to the capitalized interest fund and that does not need to be repaid.

Eric Harrigan reported that the TIC [True Interest Costs] on the bonds was 4.083. Because of the rising interest rate market, they worked with NMFA to price the bonds about 3 weeks earlier. This saved the university approximately \$675,000 in interest cost over the life of the bonds. The transaction will provide \$28 million in projects to the university. Those bonds are being paid from the student fee. The bonds were structured in a way, so that, beginning in 2032, the debt service will fall by about \$800,000 a year, which will allow the university to issue additional bonds from student fee revenues to make critical capital projects.

There were no questions from the regents.

**J. Report from the New Mexico Department of Agriculture to the Regents of New Mexico State University (Board**

**of Agriculture), Cabinet Secretary & Director Jeff Witte**

Director Jeff Witte reported that he met with the Department of Homeland Security, Cyber Security, Infrastructure Security Agency (CISA), a feedlot operator, representative from dairy, small agricultural business representatives, and chili and onion processors that morning regarding a supply chain resilience plan for the sector. The NMDA will receive \$10.5 million from the recent bond election, which will go toward their new building. They're going to the legislature for another \$10.9 million. They will start the demolition of their existing building around July 1, 2023. The department employs students as they have one graduate this semester and having interactions with students is a good opportunity for the department. The department is doing inbound and outbound trade missions. They have several buyers from Mexico looking at seed stock. There were 3,500 people who attended their Homegrown event.

Regent Chacón-Reitzel commended Director Witte on their commercials about their value-added products as well as their commitment to staff to marketing New Mexico beef. The Department of Agriculture is quite involved with supply chain issues. Regent Chacón-Reitzel thanked him for all of the work they do.

**K. NMSU System Report, Chancellor Dan E. Arvizu**

Chancellor Arvizu reported that as a consequence of multiple meetings between the Council of University Presidents, New Mexico Independent community colleges, the New Mexico State associated community colleges, and HERC, the Higher Education Regents Coalition have consolidated their priorities so that they could provide a consolidated list to the legislature executive branch. Top priority is to ask for a 10% increase for compensation as well as fully funding the mandates for 1% employer increases in ERB for 2023 and 2024. NMSU's faculty average salary is 40% of R2 institutions and 25% of R1 institutions. That is also a top priority for leaders of LFC. They are also asking for a 5% I&G increase. The other items that the leadership at LFC consider priority is cybersecurity and physical infrastructure. Non-recurring costs that all higher education institutions are requesting is \$25 million for the Research Technology Enhancement fund, \$10 million for Higher Education Endowment fund, \$25 million for BR&R at facilities and IT infrastructure, \$8 million for cyber security, \$15 million for dual credit, \$3 million for wrap-around service, \$8 million for campus safety, \$6 million for mental health services, \$15 million targeted statewide enrollment marketing, \$10 million for high skilled contract training and fund endowment, and continuing support for the lottery and the opportunity scholarships. Among NMSU's top priorities for requested funding are for online learning and for graduate assistant endowment. Part of the I&G money could be used for supplementing the investment that they want to make with graduate students. They will be asking for critical infrastructure for water, electricity, agriculture, and PSL. They are also asking for Research and Public Service Projects (RPSP). Among their highest priorities is the nurse expansion programs, nurse anesthesiology program, mental health nurse practitioner program, and autism program. The administration met with the Chase Foundation in Artesia, NM. They are looking at enhancing their relationship with NMSU. On December 26, 2022 NMSU will play in their 5<sup>th</sup> Bowl. The Bowl Alliance is between the Mid-American Conference (MAC) and the Big 10 Conference and NMSU is filing a Big 10 spot. The game will be broadcast on ESPN. We have been in a Bowl game in the years 1917, 1936, 1959, 1960, and 2022. In 2022 there are 133 FBS schools. Out of 133 schools, only 9 have appeared in an NCAA tournament in basketball, baseball, women's soccer, and football. Among those schools are Arkansas, Louisiana State, North Carolina, Notre Dame, Texas Christian, Tennessee, Texas, and UCLA.

**L. Announcements and Comments, Chairwoman Ammu Devasthali**

**1. Good News for NMSU!**

Regent Saucedo congratulated all of the graduates.

Regent Chacón-Reitzel congratulated the graduates and the football team for going to the bowl game.

Regent Bitsie recognized two players who are going to the Bowl. JJ, #87 and Mr. Pete, #71 are the first 2 players from the Navajo nation to ever play in an FBS Bowl game. Congratulations to those players. Also, there was a pilot program of a peer mental health training program in which some student volunteers were trained about how to be an ambassador for mental health to their fellow Aggies. Regent Bitsie thanked them for all that they have done. Also, congratulations to the Women's soccer team for making it to the NCAA tournament as well as a thank you to their coach, Rob Baarts, for signing a 3-year extension contract. Congratulations to the Model UN Team. Over Thanksgiving break, they went to Japan and competed at the International Model UN Convention. They brought back the top award for Outstanding Delegation. The football team players hold themselves to a high standard and Regent Bitsie stated that it was a privilege to travel with them. Also, the average student athlete has a higher GPA than the average student.

Regent Romero stated that there is an opportunity coming with the Legislative Session. There is an opportunity for people affiliated with NMSU, particularly faculty, staff, and graduate students about improving programs and opportunity across campus and all NMSU related campuses, health care, social and emotional support, capital projects, and science research centers. Regent Romero expressed that he was glad that the graduate students came to speak and they are heard. Regent Romero encouraged people to go to Santa Fe and talk to legislators. We all have a voice. It is an opportunity to benefit the university. When the university benefits, the state benefits.

Chairwoman Devasthali stated to keep pushing ahead, be kind and considerate of each other. Aggies are resilient.

**M. Adjournment, Chairwoman Ammu Devasthali**

Regent Chacón-Reitzel motioned to adjourn the meeting. Regent Saucedo seconded the motion. The meeting adjourned at 3:07pm.



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # B-2**

☒ Action Item

☐ Consent Item

☐ Informational Item

**Presented By:** Ammu Devasthali  
Chair, Board of Regents

**Agenda Item:** Special Meeting Minutes December 28, 2022

**Requested Action of the Board of Regents:** Approval of the Special Meeting Minutes for December 28, 2022 as presented.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A



**NEW MEXICO STATE UNIVERSITY  
BOARD OF REGENTS  
SPECIAL MEETING MINUTES  
December 28, 2022 at 10:00 AM**

**MINUTES**

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Arsenio Romero, Secretary/Treasurer Neal Bitsie, Dina Chacón-Reitzel, Christopher T. Saucedo

**Non-Voting Advisory Members** - ASNMSU President Garrett Moseley, Faculty Senate Chair Gaylene Fassenko, Ph.D., Employee Council Chair Susanne Berger

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., Interim Provost Dorothy Campbell, Ph.D., Vice Chancellor Ruth A. Johnston, Ph.D., General Counsel Roy Collins III, J.D.

**A. Call to Order, Chairwoman Ammu Devasthali**

Chairwoman Devasthali called the meeting to order at 10:00am.

Chairwoman Devasthali read a brief statement, "On behalf of the entire board, I would like to congratulate our Aggie Football team on this spectacular Bowl win. Good job Coach Kill and the team. Also, MVP Diego Pavia. Congratulations also, to the athletic director, Mario Moccia."

**1. Confirmation of Quorum and Roll Call**

The Chief of Staff took the roll call vote. Regent Saucedo, Regent Chacón-Reitzel, Regent Bitsie, Regent Romero, and Chairwoman Devasthali were present virtually via Zoom. General Counsel Roy Collins, Director of Employee and Labor Relations Maura Gonsior, and Associate Vice President for University Marketing and Communications Justin Bannister were also present virtually via Zoom.

**B. Confirmation of Prior Closed Executive Session on December 20, 2022, Chairwoman Ammu Devasthali**

The Chief of Staff read the following statement, "The Board met in an online Executive Session at 8:00am on December 20, 2022. The closed executive meeting was called to discuss limited personnel matters concerning individual NMSU employees as permitted in the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(2). Those matters included a discussion concerning purchases in the amount exceeding \$2,500 that can be made only from one source pursuant to the procurement code is permitted under the Open Meetings Act NMSA section 10-15-1 subsection (H)(6). Those board members who were present please certify that only matters of that nature were discussed."

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Chairwoman Devasthali – Yes

The confirmation of prior executive session was certified.

### C. Action Items

#### 1. **Consideration of whether to ratify the collective bargaining agreement tentatively entered into between the Regents of New Mexico State University and the United Electrical, Radio and Machine Workers of America, Chairwoman Ammu Devasthali**

Dina Holcomb presented the Collective Bargaining Agreement between the Regents of New Mexico State University and the United Electrical, Radio and Machine Workers of America. The Collective Bargaining Agreement was a result of the initial negotiation between the university and United Electrical, Radio and Machine Workers of America (UE), representing the graduate assistants of the university. Negotiations began in July and ended in early December. The Collective Bargaining Agreement has gone to the bargaining unit membership for the ratification vote and was overwhelmingly approved. Management rights, unit rights, mandatory grievance procedure they are required to negotiate by law, dues and deductions are included. Graduate Assistants holding the position other than Research Assistant will receive a 6.8% increase the second full pay period after approval by the Board and Chancellor. They are encouraging departments to do the same for their Research Assistants, but that is up to whether the funding is available through the specific grant and the department for those increases. A scholarship award to assist in tuition coverage is included. It is \$650 for 2 credit hours of tuition as well as any differential tuition. In the Collective Bargaining Agreement, it states that if the Legislature, in this upcoming Legislative Session, provides money and coverage for tuition coverage then the parties will come back to negotiations in the spring to negotiate additional coverage. A one time \$100 payment was provided to international students holding assistantships to off set the increased costs of the health insurance premiums. They have been working with the state to try to get them covered under the Be Well NM Plan, the New Mexico Health Marketplace. The contract will run through January 1, 2025 and allow for re-opening in September 2024 for compensation increases.

Regent Romero asked Dina Holcomb to describe what the bargaining cycle will look like in September 2024 when it may be re-opened.

Dina Holcomb responded that if the Legislature appropriates money for tuition coverage, then they will open negotiations in the spring to address that specifically. If there is no specific appropriation for that, then the contract will simply continue. Between September and November either party may request for negotiations in 2023 regarding only compensation. Between September and November of 2024 either party may request negotiations on any part of the contract.

Chairwoman Devasthali motioned to approve the Collective Bargaining Agreement between the Regents of New Mexico State University and the United Electrical, Radio and Machine Workers of America.



Chairwoman Devasthali congratulated all parties in negotiations that produced the collective bargaining agreement. It gives something for both parties to work on and improve. The Board of Regents is appointed by the governor of the state to serve as volunteer board members. Board members give their time, talent, and treasure to the university because they are alums and are invested in the success of the Land Grant Institution. They care deeply and are passionate about all students and those who work as graduate assistants.

Regent Romero thanked the Graduate Student Union for their efforts and advocating for the rights and needs of graduate students. The hard work and efforts of the Graduate Student Union to build a supportive and inclusive university environment is greatly appreciated.

Regent Chacón-Reitzel stated that she is pleased that they have taken the first step. It is imperative work hard to attract additional research dollars to make this investment pay off by making NMSU more competitive with peer institutions.

Regent Saucedo stated that he is pleased with the initial agreement and looks forward to its implementation to see what benefits it brings to the graduate students and the university. Regent Saucedo encouraged everyone to work hard together during this legislative session.

Regent Bitsie acknowledged the efforts made by the graduate students and extended his understanding as a graduate student himself. Regent Bitsie is pleased that they came to this agreement and looks forward to providing continued resources to workers.

The Chief of Staff took a roll call vote.

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Abstains

Regent Romero – Yes

Chairwoman Devasthali – Yes

## **2. Executive Search Process Authorization, Chairwoman Ammu Devasthali**

The Chancellor's employment agreement ends on June 30, 2023. Chairwoman Devasthali moved that the Board authorize and instruct the administration to begin formal preparation to engage in an executive search process for the University Chancellor position.

Regent Bitsie seconded the motion.

Regent Romero stated that this process is important and lengthy. It is timely to do this right now to make sure there is time and input from faculty, staff, and entire community, which includes Doña Ana county and the state of New Mexico, to be part of the process.

Regent Bitsie stated that this will be a transparent process and they will engage all stakeholders, especially students as well. Regent Bitsie extended an open-door policy. The chancellor position works for the entire system. Everyone's input will be considered.

Regent Chacón-Reitzel reiterated that it will be a transparent process and stated that they are giving

themselves time to find someone to lead the university for a long time in a progressive and advanced way.

Regent Saucedo agreed that it will be a transparent and thoughtful process.

The Chief of Staff took a roll call vote.

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Regent Devasthali – Yes

The motion passed.

**D. Adjournment, Chairwoman Ammu Devasthali**

Chairwoman Devasthali motioned to adjourn. Regent Bitsie seconded the motion. All were in favor and none opposed. The meeting adjourned at 10:23am.



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
March 10, 2023**

**Item B-3**

**Confirmation of Prior Executive Session – February 10, 2023**

The Board of Regents met in an online emergency closed executive session at 5:45 pm on February 10, 2023.

The closed meeting was called to discuss emerging circumstances that involved alleged policy violations which included a perception of imminent danger to NMSU students. Matters concerning NMSU employees in connection with this situation were discussed as permitted under the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(2).

Those board members who were present please certify that only matters of that nature were discussed.

Regent Saucedo \_\_\_\_

Regent Chacón-Reitzel \_\_\_\_

Regent Devasthali \_\_\_\_



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
March 10, 2023**

**Item B-4**

**Confirmation of Prior Executive Session – February 14, 2023**

The Board of Regents met in an online closed executive session at 8:00 am on February 14, 2023.

The closed meeting was called to discuss the acquisition of real property in accordance with NMSA Section 10-15-1 H(8) of the New Mexico Open Meetings Act. Those matters may include discussion subject to attorney client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant as permitted under the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(7).

Those board members who were present please certify that only matters of that nature were discussed.

Regent Saucedo \_\_\_\_

Regent Chacón-Reitzel \_\_\_\_

Regent Devasthali \_\_\_\_



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
March 10, 2023**

**Item B-5**

**Confirmation of Prior Executive Session – February 14, 2023**

The Board of Regents met in an online closed executive session at 5:00 pm on February 14, 2023.

The closed meeting was called to discuss limited personnel matters concerning individual NMSU employees as permitted under the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(2). Those matters include discussion of personally identifiable information about individual NMSU students as permitted under the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(4).

Those board members who were present please certify that only matters of that nature were discussed.

Regent Saucedo \_\_\_\_

Regent Chacón-Reitzel \_\_\_\_

Regent Devasthali \_\_\_\_



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
March 10, 2023**

**Item B-6**

**Confirmation of Prior Executive Session – February 23, 2023**

The Board of Regents met in an online closed executive session at 1:00 pm on February 23, 2023.

The closed meeting was called to discuss limited personnel matters concerning individual NMSU employees as permitted under the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(2). Those matters include discussion of a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source pursuant to the Procurement Code as permitted under the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(6).

Those board members who were present please certify that only matters of that nature were discussed.

Regent Saucedo \_\_\_\_

Regent Chacón-Reitzel \_\_\_\_

Regent Devasthali \_\_\_\_



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-1**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Dorothy Campbell, Interim Provost  
& Chief Academic Officer

**Agenda Item:** Proposal to create a Bachelor of Science in Computer Engineering program

**Requested Action of the Board of Regents:** Motion to approve the Bachelor of Science in Computer Engineering Program.

**Executive Summary:**

The demand for Computer Engineering graduates is increasing, including at National Labs and private industries located in New Mexico. Currently, NMSU has a minor in Computer Engineering, a concentration in Computers and Microelectronics and a dual major option to address the demand, but the administration and faculty believe it is time for a stand-alone BS in Computer Engineering.

The proposed program aligns with LEADS 2025 goals to Enhance Student Success and Social Mobility, Elevate Research and Creativity, and Amplify Extension and Outreach.

To implement this new degree, there is no immediate need for additional faculty and the Electrical and Computer Engineering department will cover the administrative staffing for Computer Engineering. The current combination of CAASS and ECE Department level advising will cover the program's needs. There will be no new requirements from the NMSU Library and there is no impact on the State's Gen. Ed. program or NMSU's VWW requirements.

Computer Engineering is a low-cost, high-reward program addition, it will serve current, and future workforce demands both in New Mexico and in the Country and provide increased opportunities for our students.

**References:** See attached

**Prior Approvals:**

The program was presented at the Regents Student Success Committee on February 22, 2023 and the committee recommended moving this proposal forward to the Board of Regents for consideration.

# Bachelor of Science in Computer Engineering

Steve Stochaj

College of Engineering

Electrical and Computer Engineering Dept.



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**New Mexico State University**



# NMSU History

- 1970 - Computer Science detaches from mathematics to form a standalone department. Created a new undergraduate degree, BS CS.
- 1971 - Electrical Engineering changes its name to Electrical and Computer Engineering. Continues to operate under a single undergraduate degree, BSEE.
- Both of the changes parallel national trends and reflected the transition of computers into the mainstream.



# Why Computer Engineering at NMSU?

The demand for Computer Engineering graduates is increasing:

- Sandia National Labs
- Los Alamos National Labs
- Intel
- SCALE (Scalable Asymmetric Lifecycle Engagement) microelectronics workforce development program
- CHIPS and Science Act of 2022



# Statewide Support



**Sandia  
National  
Laboratories**



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# Current NMSU Computer Engineering

- The current approach to meet the Computer Engineering demand includes:
  - Minor in Computer Engineering (bottom-up)
  - Concentration in Computers and Microelectronics (top-down)
  - Dual major BSEE - BSCS
- It is time for a stand-alone BS Computer Engineering degree

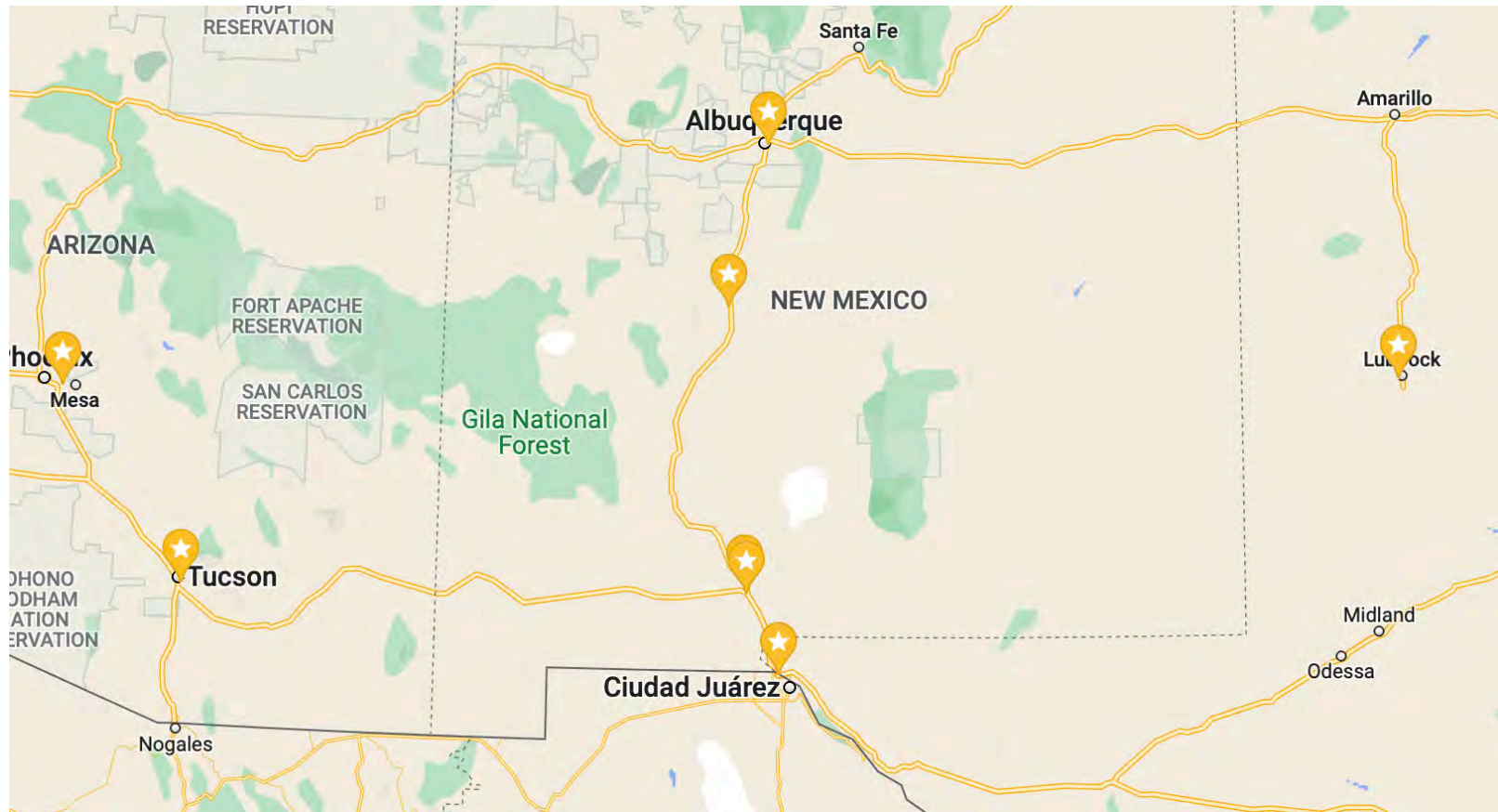


# Computer Engineering in NM



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# Regional Computer Engineering Programs



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# LEADS 2025 Alignment

## **GOAL 1. Enhance Student Success and Social Mobility**

1.1. Diversify, optimize, and increase system-wide enrollment by differentiating and targeting recruitment, marketing, and pricing strategies

1.2 **Optimize academic program offerings, focusing on demand**, quality, and outcomes

1.3 Enhance student learning, retention, and degree attainment, and close achievement gaps

1.4 Through engagement in high-impact practices, enhance student life, climate, health and wellness, and professional development leading to improved academic and career outcomes



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# LEADS 2025 Alignment

## **GOAL 2. Elevate Research and Creativity**

2.1 Facilitate the convergence of research and creative activity to address local and global challenges, integrated with undergraduate and graduate student education

**2.3 Amplify impact of research findings by addressing local needs that align with global challenges**

2.4 Amplify impact of research on society and the economy and promote international collaboration by accelerating technology and knowledge transfer



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# LEADS 2025 Alignment

## **GOAL 3. Amplify Extension and Outreach**

3.2 Develop and implement innovative and culturally responsive PK-20 outreach, professional development, and continuing education programs that support social mobility



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## Computer Engineering Faculty, Staff, and GAs

- No immediate need for additional **faculty** (CS will get a new line to address current staffing concerns)
- Additional **faculty** lines will be allocated based on the program's growth (MOU)
- ECE will cover the administrative **staffing** for Computer Engineering
- Leverage **GAs** assigned to ECE, CS, ETSE, ENGR
- Research projects will drive **GA** positions
- The current combination of CAASS and ECE Department level **advising** will cover the program's needs
- No new requirements from the **Library**
- No impact on the State's **Gen. Ed.** program or NMSU's **VWW** requirements



# Computer Engineering Program Assessment

- ABET accreditation
- Retain assessment tools from ECE and CS
- ABET top-level criteria for Electrical Engineering and Computer Engineering are the same. The program-level learning outcomes are derived from these criteria (PIM)
- All course transfer agreements for EE and CS courses remain for the Computer Engineering program.



## Conclusion

- Computer Engineering is a low-cost, high-reward program addition
- Computer Engineering serves current, and future workforce demands both in New Mexico and in the Country
- Computer Engineering increases opportunities for our students



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# 909: COMPUTER ENGINEERING - BACHELOR OF SCIENCE IN COMPUTER ENGINEERING

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## In Workflow

1. Student Records Office - Programs (krkeyes@nmsu.edu)
2. EG Academic Dean (jauregui@nmsu.edu)
3. UPAC - Chair (jlakey@nmsu.edu)
4. Provost (sstovall@nmsu.edu)
5. President (leslie86@nmsu.edu)
6. Board of Regents (cavotta@nmsu.edu)
7. Student Records Office - HED (krkeyes@nmsu.edu)
8. Student Records Office - CIP (krkeyes@nmsu.edu)
9. MA HLC (sstovall@nmsu.edu)
10. Student Records Office (krkeyes@nmsu.edu)

## Approval Path

1. Thu, 04 Aug 2022 23:24:47 GMT  
Kori Plank (krkeyes): Approved for Student Records Office - Programs
2. Fri, 05 Aug 2022 01:16:17 GMT  
Antonio Garcia (garcia81): Approved for EG Academic Dean
3. Mon, 29 Aug 2022 18:04:33 GMT  
Joe Lakey (jlakey): Approved for UPAC - Chair

## New Program Proposal

Date Submitted: Mon, 01 Aug 2022 23:12:15 GMT

**Viewing: 909 : Computer Engineering - Bachelor of Science in Computer Engineering**

**Last edit: Mon, 29 Aug 2022 16:56:49 GMT**

Changes proposed by: Muhammed Dawood (dawood)

## Submission Information

The Degree Type will factor into the level and the submissions that must occur for HED and HLC.

- Community College Types: Applied Associate Degree, Associate Degree, Certificate, Concentration
- Main Campus Undergrad Types: Bachelor's Degree, Concentration, Minor
- Main Campus Graduate Types: Master's Degree, Doctoral Degree, Certificate, Concentration, Minor

### Degree Type

Bachelor's Degree

The Degree Title dropdown has all existing degree titles in Banner, if you do not see the one you are looking for you will select "Other" then in the New Degree Title box you will type out the official title of the degree (as you would want it to appear on a students record, transcript, and/or diploma).

### Degree Title

Other

### New Degree Title

Bachelor of science in Computer Engineering

### Academic Level

Undergraduate

The Catalog Title will be what is displayed in the catalog page. The standard format is Major (Concentration) - Degree Title. (I.e., Mathematics (Secondary Education) - Bachelor of Science. Note: If there is no concentration you would just list the Major - Degree.

### Catalog Title

Computer Engineering - Bachelor of Science in Computer Engineering

### College

Engineering

## Campus

Main Campus

## Department

Electrical/Computer Engr

## Effective Catalog

2023-2024

## Program Format

Face to Face

## CIP Code

140901 - Computer Engineering, General.

## Normal or typical length of time for students to complete the program (in years)

4

## Curriculum Information

### Program Learning Outcomes

	Learning Outcomes
Outcome 1	Analyze a complex computing problem and to apply principles of computing and other relevant disciplines to identify solutions
Outcome 2	Design, implement, and evaluate a computing-based solution to meet a given set of computing requirements
Outcome 3	Communicate effectively in a variety of professional contexts
Outcome 4	Recognize professional responsibilities and make informed judgements in computing practice based on legal and ethical principles
Outcome 5	Function effectively as a member or leader of a team

### List of academic departments/units and or institutions involved in the delivery of courses

Department/Unit
Klipsch School of Electrical and Computer Engineering
Computer Science Department

The Course Requirements, need to be in the standard format for the catalog because this piece of the form will be imported directly onto the catalog page. See the Student Records Website for a guide. The total number of credits at the bottom of the course list will be the "official" total for the degree. Please make sure it adds up correctly.

## Course Requirements

### Overview

The Bachelor of Science in Computer Engineering program of the Klipsch School is accredited by the Engineering Accreditation Commission of ABET, Inc. This particular program gives students the opportunity to explore more deeply the area of **computer Engineering**.

### Electrical Engineering Program Educational Objectives

Below are the program educational objectives (PEOs) that describe the expected accomplishments of graduate during their first few years after graduation.

1. Our graduates will obtain relevant, productive employment in the private sector, government and/or pursue an advanced degree.
2. Our graduates will be using their engineering foundation to innovate solutions to the problems of the real world.

### Requirements (121 credits)

Students must complete all University degree requirements, which include: General Education requirements, Viewing a Wider World requirements, and elective credits to total at least 121 credits with 48 credits in courses numbered 300 or above. Developmental coursework will not count towards the degree requirements and/or elective credits, but may be needed in order to take the necessary English and Mathematics coursework.

Prefix	Title	Credits
<b>General Education</b>		
<i>Area I: Communications</i>		
<i>English Composition - Level 1</i>		
ENGL 1110G	Composition I	4
<i>English Composition - Level 2<sup>2</sup></i>		
		3

<i>Oral Communication</i> <sup>2</sup>		3
<i>Area II: Mathematics</i>		
MATH 1511G	Calculus and Analytic Geometry I <sup>1</sup>	4
<i>Area III: Laboratory Sciences</i>		
CHEM 1215G	General Chemistry I Lecture and Laboratory for STEM Majors	4
PHYS 1310G & PHYS 1310L	Calculus -Based Physics I and Calculus -Based Physics I Lab	4
<i>Area IV: Social/Behavioral Sciences ( 3 credits)</i> <sup>2</sup>		3
<i>Area V: Humanities</i> <sup>2</sup>		3
<i>Area VI: Creative and Fine Arts</i> <sup>2</sup>		3
<i>General Education Elective</i>		
MATH 1521G	Calculus and Analytic Geometry II (Required Mathematics and Natural Science)	4
<b>Viewing A Wider World</b>		<b>6</b>
Viewing a Wider World Electives <sup>3</sup>		
<b>Departmental/College Requirements</b>		
<i>Program Specific Requirements</i>		
<i>Mathematics and Natural Science</i>		
PHYS 1320G & PHYS 1320L	Calculus -Based Physics II and Calculus -Based Physics II Lab	4
ENGR 190	Introduction to Engineering Mathematics	4
E E 200	Linear Algebra, Probability and Statistics Applications	4
C S 278	Discrete Mathematics for Computer Science	4
<i>Required Course (Electrical and Computer Engineering &amp; Computer Science)</i>		
ENGR 120	DC Circuit Analysis	4
ENGR 130	Digital Logic	4
ENGR 140	Introduction to Programming and Embedded Systems	4
E E 362	Introduction to Computer Organization	4
E E 462	Computer Systems Architecture	3
E E 490	Selected Topics (Electronic Devices)	2
E E 490	Selected Topics (Digital VLSI)	2
E E 490	Selected Topics (Computer Engineering Cornerstone)	2
ENGR 401	Engineering Capstone I	3
ENGR 402	Engineering Capstone II	3
C S 172	Computer Science I	4
C S 271	Object Oriented Programming	4
C S 272	Introduction to Data Structures	4
C S 343	Algorithm Design & Implementation <sup>4</sup>	3
C S 370	Compilers and Automata Theory	4
C S 371	Software Development	4
C S 419	Computing Ethics and Social Implications of Computing	1
C S 474	Operating Systems I	3
<i>ECE &amp; CS Electives: Choose three courses from the following (two must be ECE courses):</i>		9
E E 409	Hardware & Software Codesign	3
E E 412	ASIC Design	3
E E 443	Mobile Application Development	3
E E 458	Hardware Security and Trust	3
E E 465	Machine Learning I	3
E E 467	ARM SOC Design	3
E E 482	Electronics II <sup>subject to instructor's approval</sup>	3
E E 406	Quantum Computing	3
E E 490	Selected Topics (Applications of Parallel Computing XSEDE Collaborative Course)	3
CHME 467	Nanoscience and Nanotechnology	3
C S 471	Programming Language Structure I	3
C S 478	Computer Security	3
C S 482	Database Management Systems I	3
C S 484	Computer Networks I	3
C S 487	Applied Machine Learning I	3
C S 491	Parallel Programming	3
C S 493	Algorithm Design and Implementation	3
C S 496	Cloud and Edge Computing	3
MATH 377	Introduction to Numerical Methods	3
<b>Second Language Requirement (none required)</b>		

**Electives to bring total credits to 124**

<b>Total Credits</b>	<b>124</b>
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- <sup>1</sup> MATH 1511G Calculus and Analytic Geometry I is required for the degree but students may need to take any prerequisites needed to enter MATH 1511G first.
- <sup>2</sup> See the General Education (<https://catalogs.nmsu.edu/nmsu/general-education-viewing-wider-world/>) section of the catalog for a full list of courses.
- <sup>3</sup> See the Viewing a Wider World (<https://catalogs.nmsu.edu/nmsu/general-education-viewing-wider-world/#viewingawiderworldtext>) section of the catalog for a full list of courses.
- <sup>4</sup> Or could be replaced with C S 372 Data Structures and Algorithms

The Road Map, need to be in the standard format for the catalog because this piece of the form will be imported directly onto the catalog page. See the Student Records Website for a guide. All courses and the total number of credits at the bottom of the roadmap should match the Course Requirements list.

**Road Map****A Suggested Plan of Study for Students**

This roadmap assumes student placement in MATH 1511G and ENGL 1110G. The contents and order of this roadmap may vary depending on initial student placement in mathematics and English. It is only a suggested plan of study for students and is not intended as a contract. Course availability may vary from fall to spring semester and may be subject to modification or change.

**First Year**

		<b>Credits</b>
<b>Fall</b>		
ENGR 190	Introduction to Engineering Mathematics	4
ENGL 1110G	Composition I	4
ENGR 130	Digital Logic	4
ENGR 140	Introduction to Programming and Embedded Systems	4
<b>Credits</b>		<b>16</b>
<b>Spring</b>		
MATH 1511G	Calculus and Analytic Geometry I <sup>2</sup>	4
COMM 1115G	Introduction to Communication <sup>2</sup>	3
ENGR 120	DC Circuit Analysis	4
C S 172	Computer Science I	4
<b>Credits</b>		<b>15</b>

**Second Year**

<b>Fall</b>		
MATH 1521G	Calculus and Analytic Geometry II	4
PHYS 1310G & PHYS 1310L	Calculus -Based Physics I and Calculus -Based Physics I Lab	4
E E 200	Linear Algebra, Probability and Statistics Applications	4
C S 271	Object Oriented Programming	4
<b>Credits</b>		<b>16</b>
<b>Spring</b>		
PHYS 1320G & PHYS 1320L	Calculus -Based Physics II and Calculus -Based Physics II Lab	4
ENGL 2210G	Professional & Technical Communication <sup>English Composition Level 2</sup>	3
C S 272	Introduction to Data Structures	4
C S 278	Discrete Mathematics for Computer Science	4
<b>Credits</b>		<b>15</b>

**Third Year**

<b>Fall</b>		
General Ed/VWW <sup>2, 3</sup>		3
General Ed/VWW <sup>2, 3</sup>		3
E E 362	Introduction to Computer Organization	4
C S 371	Software Development	4
E E 490	Selected Topics (Electronic Devices)	2
<b>Credits</b>		<b>16</b>
<b>Spring</b>		
General Ed/VWW <sup>2, 3</sup>		3
CHEM 1215G	General Chemistry I Lecture and Laboratory for STEM Majors <sup>2</sup>	4
C S 343	Algorithm Design & Implementation	3
C S 370	Compilers and Automata Theory	4



E E 490	Selected Topics (Computer Engineering Cornerstone)	2
<b>Credits</b>		<b>16</b>
<b>Fourth Year</b>		
<b>Fall</b>		
ENGR 401	Engineering Capstone I	3
E E 462	Computer Systems Architecture	3
Comp Engineering Elective 1 <sup>4</sup>		3
C S 474	Operating Systems I	3
<b>Credits</b>		<b>14</b>
<b>Spring</b>		
ENGR 402	Engineering Capstone II	3
Comp Engineering Elective 2 <sup>4</sup>		3
Comp Engineering Elective 3 <sup>4</sup>		3
General Ed/VWW <sup>2,3</sup>		3
General Ed/VWW <sup>2,3</sup>		3
C S 419	Computing Ethics and Social Implications of Computing	1
<b>Credits</b>		<b>16</b>
<b>Total Credits</b>		<b>124</b>

- <sup>1</sup> MATH 1511G Calculus and Analytic Geometry I is required for the degree but students may need to take any prerequisites needed to enter MATH 1511G Calculus and Analytic Geometry I first.
- <sup>2</sup> See the General Education and Viewing a Wider World (<http://catalogs.nmsu.edu/nmsu/general-education-viewing-wider-world/>) section of the catalog for a full list of courses.
- <sup>3</sup> Depending on availability of specific courses in the fall or spring semester, students may need to reorganize the Comp Engineering Electives, STEM electives, and/or Gen Ed/VWW electives in their junior and senior year. Students are strongly advised to consult with their ECE Faculty Mentor for assistance in planning their final year.
- <sup>4</sup> Computer Engineering Elective Courses:
- E E 412 ASIC Design, E E 409 Hardware & Software Codesign, E E 458 Hardware Security and Trust, E E 467 ARM SOC Design, E E 482 Electronics II, E E 490 Selected Topics, E E 490 Applications of Parallel Computing XSEDE Collaborative Course, E E Course E E Not Found, E E 465 Machine Learning I
  - CHME 467 Nanoscience and Nanotechnology
  - C S 478 Computer Security, C S 482 Database Management Systems I, C S 487 Applied Machine Learning IC S 491 Parallel ProgrammingC S 488 Introduction to Data MiningC S 471 Programming Language Structure IC S 475 Artificial Intelligence IC S 476 Computer Graphics IC S 383 Introduction to Deep LearningC S 384 Graph Data MiningC S 477 Digital Game DesignC S 481 Visual ProgrammingC S 485 Human-Centered ComputingC S 496 Cloud and Edge Computing

The admission requirements are needed if the program has a specialized admission process that exceeds the campus requirements for either the Undergraduate or Graduate admission standards.

• For graduate programs, the Graduate School asks for the following information (Provide a summary of the documents and specific information each student will need to provide to be considered for the program): Description, Statement of Purpose/Letter of Interest; Specialty Letter of Interest; Resume; Writing Sample; GRE; GMAT; Special Questions (if yes, what questions need to be answered); Letters of Recommendation (how many are required); NMSU Faculty Representative (if yes, how many); Foreign Language; WES Evaluation; Special License or Verifications (what license/verification)

### Admission Requirements

No special admission requirements

Does this program lead to licensure, yes or no?

No

### Faculty Members Employed to Teach in the Program

#### Existing Personnel

Dr. Abdel-Hameed Badawy

#### FTE

1

#### Course load and courses they will teach in the proposed program

2/2, 2

#### Courses taught in other programs currently offered

4

**Description of academic qualifications**

PhD in Computer Engineering

**Prior instructional responsibility and other experiences relevant to assigned courses**

20 years of teaching experience

---

**Existing Personnel**

Dr. Wenjie Che

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

3

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

6 years of teaching experience

---

**Existing Personnel**

Dr. Wei Tang

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

4

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

12

---

**Existing Personnel**

Dr. Paul Furth

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

25 years of teaching experience

---

**Existing Personnel**

Dr. Mona Elshinawy

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

4

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

10 years of teaching experience

---

**Existing Personnel**

Dr. Steven Sandoval

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 1

**Courses taught in other programs currently offered**

4

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

10 years of teaching experience

---

**Existing Personnel**

Dr. Steve Stochaj

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 1

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

25 years of teaching experience

---

**Existing Personnel**

Dr. Jonathan Cook

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

25 years of teaching experience

---

**Existing Personnel**

Dr. Satyajayant Mishra

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

15 years of teaching experience

---

**Existing Personnel**

Dr. Esther Steiner

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

25 years of teaching experience

---

**Existing Personnel**

Dr. Huiping Cao

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

15 years of teaching experience

---

**Existing Personnel**

Dr. Inna Pivkina

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

5

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

20 years of teaching experience

---

**Existing Personnel**

Dr. Parth Nagarkar

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

4

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

7 years of teaching experience

---

**Existing Personnel**

Dr. Roopa Vishwanathan

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

4

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

7 years of teaching experience

---

**Existing Personnel**

Dr. Shah Muhammad Hamdi

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

2

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

5 years of teaching experience

---

**Existing Personnel**

Dr. Shaun Cooper

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

4

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

10 years of teaching experience

---

**Existing Personnel**

Dr. SonTran

**FTE**

1

**Course load and courses they will teach in the proposed program**

1/1, 1

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

30 years of teaching experience

---

**Existing Personnel**

Dr. Tao Wang

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

2

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

5 years of teaching experience

---

**Existing Personnel**

Dr. Tuan Le

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 2

**Courses taught in other programs currently offered**

3

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

5 years of teaching experience

---

**Existing Personnel**

Dr. Zachary Touns

**FTE**

1

**Course load and courses they will teach in the proposed program**

2/2, 1

**Courses taught in other programs currently offered**

6

**Description of academic qualifications**

PhD

**Prior instructional responsibility and other experiences relevant to assigned courses**

15 years of teaching experience

---

**Documentation of department faculty support**

MEMO Copmputer Engineering- Faculty Vote.pdf  
MEMO-Agreement-CS-ECE-ComputerEngineering copy[6].pdf

**Curriculum Committee Approval**

USC\_Memo\_CompEngineering (2).pdf

**Gray Associates Data**

Gray-Associates-Program-Evaluation-System.pdf  
Gray Data1.pdf

## NM Higher Education Department

**Describe your institution's plan for periodic evaluation of program effectiveness. Include criteria that will be used to determine effectiveness.**

Department will follow ABET guidelines

**The proposed program must meet one or more specified needs within the state or region. Clear and convincing evidence must be provided of the reality and extent of such need.**

Only offered at the University of New Mexico. The need is tremendous all across the nation, and nothing is offered in the south of the state.

**If the program fills a regional workforce need, describe collaboration between your institution and regional employers in the program development.**

LANL, SANDIA, White Sands Missile Range,

**If similar programs are offered at other public higher education institutions in New Mexico, provide a rationale for offering an additional program.**

Only offered at the University of New Mexico. The need is tremendous all across the nation, and nothing is offered in the south of the state.

### Enrollment and Graduation Projections

Student Type	Year 1	Year 2	Year 3	Year 4	Year 5
New Students	10	15	20	25	30
Continuing Students	0	28	36	45	55
Graduates	0	0	0	20	30

**Annual Retention Rate Target (%)**

80

**Target 100% Graduation Rate (%)**

70

**Target Job Placement Rate (%)**

100

**Describe the faculty resources that are needed to initiate the program. Will any additional faculty be needed?**

Existing resources are sufficient to launch and sustain the program

**Describe the library and other academic support resources that are needed to initiate the program. What, if any, additional resources will be needed?**

No additional resources are needed

**Describe the physical facilities of the institution that will be used for the first five years of the program. Will additional space or modifications of existing space be required within the first five years of program operation.**

No additional space is needed

**Describe the institution's equipment and technological resources needed for the first five years of the program? What, if any, additional equipment will be needed?**

No additional technological resources are needed

**Describe any other operating resources needed to initiate the program.**

None

**Are there existing external facilities that will be used? Have agreements been established to ensure use of the those facilities?**

None

**Provide a clear analysis of the projected cost of the proposed program and the sources of funding that will support it for the first five years that the program will be offered. Include a discussion how any of the needed resources discussed in your attachment. This should be completed in collaboration with your institution's financial office.**

Projected Cost.pdf

**Letters of Support**

Projected Cost.pdf



## Accreditation

**Is the program seeking specialized accreditation?**

Yes

**Is specialized accreditation required for licensure or practice in the program?**

Yes

**Has the program already obtained the appropriate specialized accreditation? If so, attach a copy of the letter from the agency granting accreditation?**

No

**If the program has not yet obtained accreditation but has begun the process of seeking or plans to seek specialized accreditation, specify the name of the agency and provide the time-line for completing the process.**

We will seek ABET accreditation at appropriate time

**If the program does not plan to seek specialized accreditation, provide a rational for not-seeking accreditation here. (if there is not a specialized accrediting organization for this program, indicate so as your rationale).**

N/A

**If the program includes any of the following, explain how it will ensure that student work and levels of knowledge competencies achieved will be comparable to those achieved through traditional formats: (Award credit for prior learning; use of compressed time frames; use of on-line deliver; inclusion of accelerated formats; or other approaches to learning.)**

N/A

**Will the program be part of a contractual or consortial arrangement (yes/no, explain)?**

No

**If the program is planning any involvement by external organizations (other than from accredited higher education institutions) in the key operations as identified below, provide the information as requested.**

Type of Involvement	Name of External Organization	Percent of Involvement
Course placement and advising of students	None	0
Design and oversight of curriculum	None	0
Direct instruction and oversight	None	0
Other support for delivery of instruction	None	0
Recruitment and admissions of students	None	0

**Briefly describe the planning process for determining the need for this new program, including the role of faculty in the planning and approval process.**

Meetings with Dr. Cook, Dr. Stochaj, Grays associated data, Deans Reddi, and Pontelli

**Describe the process for assessing and improving student learning in the proposed program.**

Through the ABET process

**Describe the process for assessing and improving student persistence and completion, in the new program.**

Through ABET continuing process

**If any of the institution's accreditation relationship (including other regional, specialized, or national accrediting agencies) are currently under or recommended for a negative status or action (e.g., withdrawal, probation, sanction, warning, show-cause, etc.)**

N/A

**If the institution is undergoing or facing substantial monitoring, special review or financial restrictions from the U.S. Department of Education or other federal or state government agencies.**

None

**If the institution's senior leadership or board membership has experienced substantial resignations or removals in the past year.**

None

**If the institution is experiencing financial difficulty through conditions, such as, a currently declared state of exigency, a deficit of 10% or more, a default or failure to make payroll during the past year, or consecutive deficits in the two most recent years.**

None

## **Institution Specific Information Area**

**Primary target audience for the program (e.g., full#time, part#time, traditional college age, working adults, transfer students, military personnel, or particular ethnic group)**

full#time, part#time, traditional college age, working adults, transfer students, military personnel, or particular ethnic group such as Hispanics and Native Americans

**How does the proposed program align with the department, college and university mission?**

LEADS 25, enhances student success and social mobility, provides a workforce to drive economic development.

**Discuss how admissions criteria and strategies will recruit a diverse student body?**

We will build on existing strengths in recruiting diverse students

**What controls are in place to ensure that the information presented to all constituencies in advertising, brochures, and other communications will be accurate?**

Existing institutional policies and procedures are robust to ensure this.

## **Student Records Office Uploads**

HLC wants CIP Code information that is currently being offered at both the institutional and degree level for 4-digit and 2-digit CIP codes for all new programs. This information will be provided by the University Student Records office and added to the form during the HED submissions workflow step.

Key: 909



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-2**

- ☐ Action Item  
☒ Consent Item  
☐ Informational Item

**Presented By:** Heather Zack Watenpaugh  
University Architect

**Agenda Item:** Las Cruces: NMDA Building #330 Demolition (\$2,300,000)

**Requested Action of the Board of Regents:** NMSU Las Cruces: NMDA Building #330 Demolition

**Executive Summary:**

The NMDA Building #330 Demolition project will abate and demolish the original 1975 structure, and 1981 and 1991 additions.

**References:**

**Project funding - \$2,300,000**

FY21 Severance Tax Bon (STB20SA, E2865) Section 43 of HB349-\$550,000\*  
NMDA department funds - \$1,7500,000\*\*

**Prior Approvals:**

NMSU Board of Regents – 9/18/20  
Higher Education Department – 10/07/20  
State Board of Finance – 12/15/20

\*Previously approved with NMDA Phase 1 and 2 construction

\*\*To be reimbursed with 2022 GOB proceeds with bond sale in April 2023

# Board of Regents

## LAS CRUCES: NMDA BUILDING #330 DEMOLITION

Heather Watenpaugh  
University Architect

Raghu Raghavan  
Associate Vice President

Facilities and Services



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# Proposed Scope of Work

## *Project Budget \$2,300,000*

The NMDA Building #330 Demolition project includes:

- Asbestos abatement and removal of hazardous materials
- Demolition of the original 1975 structure, and 1981 and 1991 additions
- Relocation of specific fiber optic cable feeds and utility infrastructure to keep new facilities operational
- Site preparation for new construction of replacement administration building

# Building Demographics

## NMDA Demolition Building #330

- Year Built: 1975
- Last Expansion: 1991
- Building Size: 28,808 SF
- Construction Type: Concrete, CMU Block and Structural Steel
- Future Use: Clear site for future replacement administration building



# Proposed Project Schedule

- Start of Design – January 2023
- Completion of Design – May 2023
- Start of Construction – July 2023
- Completion of Construction – December 2023

# Funding Sources and Prior Approvals

## Project Funding — \$2,300,000

- FY21 Severance Tax Bond (STB20SA, E2865) Section 43 of HB349 – \$550,000\*
- NMDA department funds – \$1,750,000\*\*

## Prior Approval

- NMSU Board of Regents – 9/18/20
- Higher Education Department – 10/07/20
- State Board of Finance – 12/15/20

\*Previously approved with NMDA Phase 1 and 2 construction

\*\*To be reimbursed with 2022 GOB proceeds with bond sale in April 2023



# Contact Information

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Raghu Raghavan  
Associate Vice President  
Facilities and Services

<https://facilities.nmsu.edu/>

575.646.2101

[raghavan@nmsu.edu](mailto:raghavan@nmsu.edu)

# Las Cruces: NMDA Building #330 Demolition

## Supplemental Information

# Existing Conditions



Foundation settlement at building on east and north sides of building #330

# Existing Conditions



Outdated Electrical Panels



Water damage and corrosion at back of Electrical Panels

# Existing Conditions



Abandoned infrastructure for utilities no longer in use to be removed



# Existing Conditions



Chilled water utility infrastructure  
to be removed

Thank you!

Questions?





**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-3**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Heather Zack Watenpaugh  
University Architect

**Agenda Item:** Las Cruces: Pan American Center Seating and Facility Upgrades \$3,300,000

**Requested Action of the Board of Regents** Pan American Center Seating and Facility Upgrades

Executive Summary:

The Pan American Center Seating and Facility Upgrades will replace the retractable and lower bowl seating at arena.

**References:**

**Project funding - \$3,300,000**

System Revenue Bonds - \$3,300,000

**Prior Approvals:**

NMSU Board of Regents, Series 2022 Systems Revenue Bond Funding approval –8/24/22

Higher Education Department –9/15/22

State Board of Finance –9/20/22



# Board of Regents

## LAS CRUCES: PAN AMERICAN CENTER SEATING AND FACILITY UPGRADES

Heather Watenpaugh  
University Architect

Raghu Raghavan  
Associate Vice President

Facilities and Services



**BE BOLD.** Shape the Future.®  
**New Mexico State University**

# Proposed Scope of Work

## *Project Budget \$3,300,000*

The Pan American Center Seating and Facility Upgrades includes:

- Removal of all retractable and lower bowl seating at arena
- Installation of new telescopic retractable seating
- Replacement of lower bowl fixed seating
- Installation of new overhead lighting system
- Lighting system will be designed to provide better visibility for attendees
- New speakers will be added to the existing sound system
- Sequencing of construction will be scheduled around the Pan American Center event schedule



# Existing Building Demographics

- Year Built: 1968
- Last Expansion: 2005
- Building Size: 202,864 GSF
- Construction Type: Concrete, steel frame, and metal roof trusses
- Current Use: Sporting events, concerts, graduation ceremonies, and other large capacity special events



**Pan American Center**

# Proposed Project Schedule

- Start of Construction – May 2023
- Completion of Construction – August 2023

# Funding Sources and Prior Approvals

## Project Funding — \$3,300,000

- System Revenue Bonds – \$3,300,000

## Prior Approval

- NMSU Board of Regents, Series 2022 Systems Revenue Bond Funding approval – 8/24/22
- Higher Education Department – 9/15/22
- State Board of Finance – 9/20/22



# Contact Information

Heather Watenpaugh  
University Architect  
Facilities and Services

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Raghu Raghavan  
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Facilities and Services

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[raghavan@nmsu.edu](mailto:raghavan@nmsu.edu)



Thank you!

Questions?



# Las Cruces: Pan American Center Seating and Facility Upgrades

## Supplemental Information

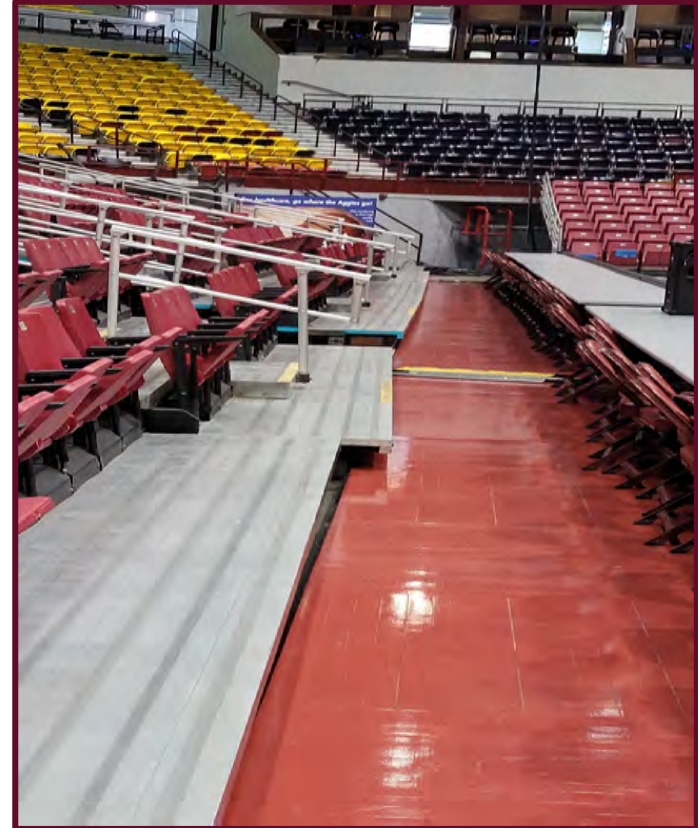




# Existing Conditions

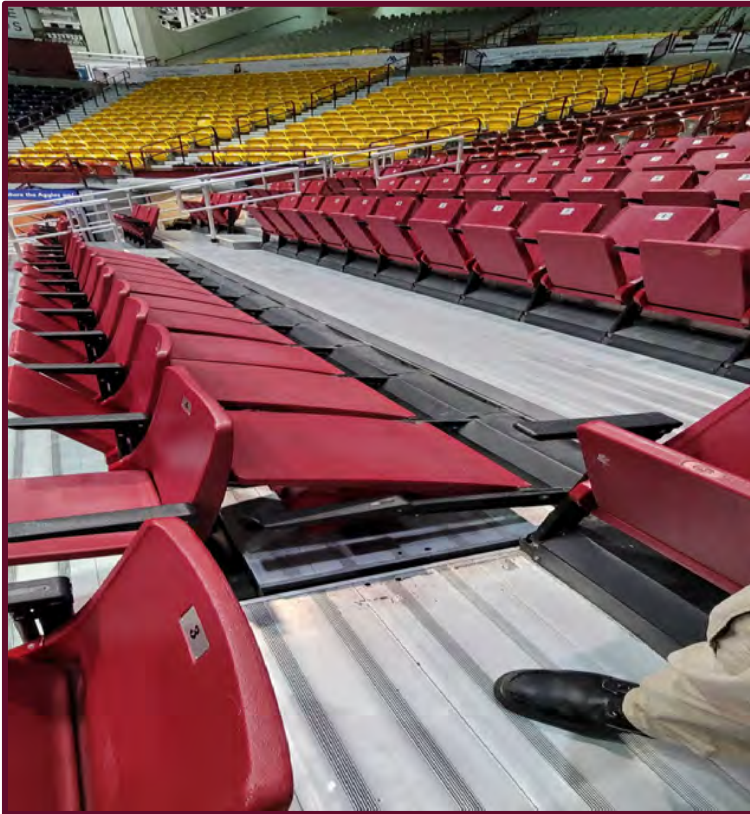


Lighting and sound system

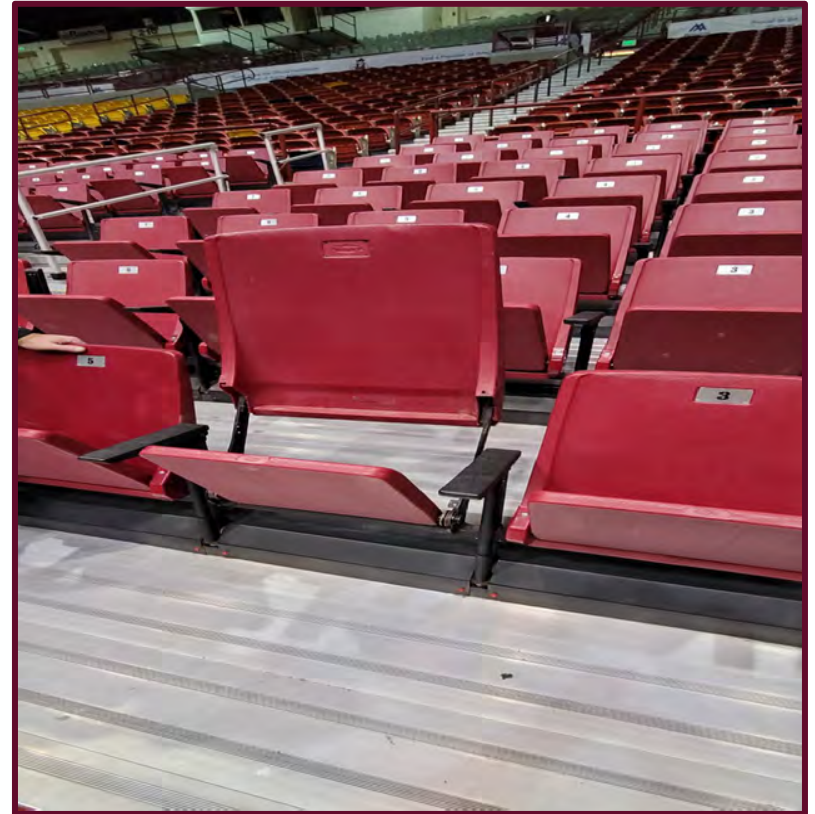


Retractable seats mechanical failure

# Existing Conditions



A full row of collapsed seats



Seat back portions are slipping out of the seat frame



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-4**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Heather Zack Watenpaugh  
University Architect

**Agenda Item:** Las Cruces: Activity Center Weight Room and Student Lounge Renovation  
\$4,200,000

**Requested Action of the Board of Regents:** NMSU Las Cruces: Activity Center Weight Room and Student Lounge Renovation

**Executive Summary:**

The Activity Center Weight Room and Student Lounge Renovation will renovate the existing multi-purpose gymnasium into a relocated Weight Room and adding a Student Lounge at the entry lobby.

**References:**

**Project funding - \$4,200,000**

System Revenue Bonds - \$4,200,000

**Prior Approvals:**

NMSU Board of Regents, Series 2022 System Revenue Bond Funding approval – 8/24/22

Higher Education Department – 9/15/22

State Board of Finance – 9/20/22



# Board of Regents

## LAS CRUCES: ACTIVITY CENTER WEIGHT ROOM AND STUDENT LOUNGE RENOVATION

Heather Watenpaugh  
University Architect

Raghu Raghavan  
Associate Vice President

Facilities and Services



**BE BOLD.** Shape the Future.

# Proposed Scope of Work

## *Project Budget \$4,200,000*

The Activity Center Weight Room and Student Lounge Renovation project includes:

- Renovate the existing multi-purpose gymnasium and restroom
- Relocate the Weight Room to the multi-purpose gymnasium
- Repurpose the existing Weight Room for a Student Lounge, adjacent to the entry lobby

# Proposed Building Demographics

## Activity Center Building #321

- Year Built: 1973
- Last Expansion: 2015
- Building Size: 113,427 SF
- Construction Type: Concrete, CMU Block, and Steel Structural
- Future Use: Weight Room and new Student Lounge



**James B. Delamater Activity Center**

# Proposed Project Schedule

- Start of Design – February 2023
- Completion of Design – June 2023
- Start of Construction – August 2023
- Completion of Construction – June 2024

# Funding Sources and Prior Approvals

## Project Funding — \$4,200,000

- System Revenue Bonds – \$4,200,000

## Prior Approval

- NMSU Board of Regents, Series 2022 Systems Revenue Bond Funding approval – 8/24/22
- Higher Education Department – 9/15/22
- State Board of Finance – 9/20/22



# Contact Information

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[raghavan@nmsu.edu](mailto:raghavan@nmsu.edu)

# Las Cruces: Activity Center Weight Room and Student Lounge Renovation

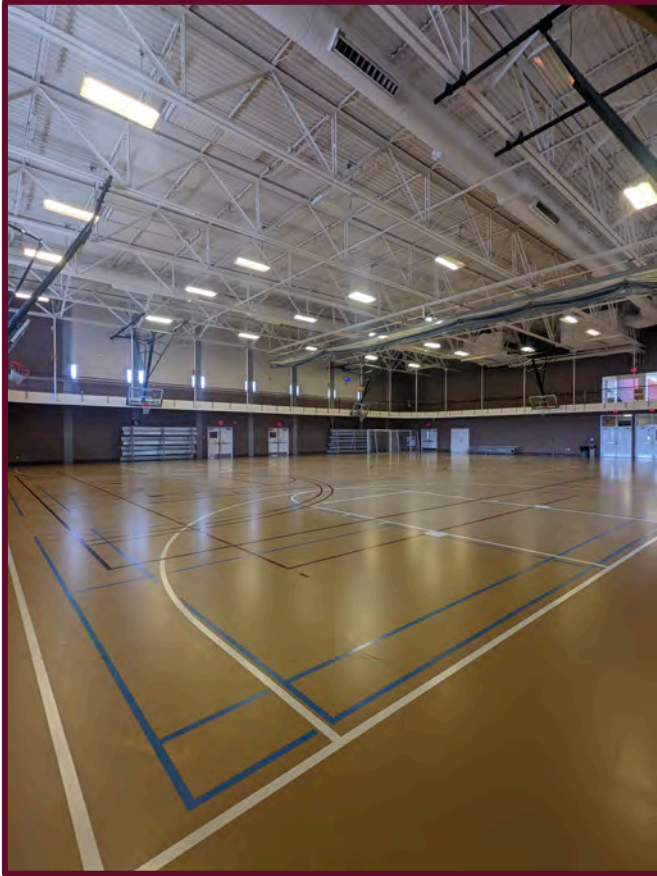
## Supplemental Information

# Existing Conditions



Existing Weight Room (future Student Lounge)

# Existing Conditions



Existing Multi-purpose Gymnasium (future Weight Room)

Thank you!

Questions?



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-5**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Heather Zack Watenpaugh  
University Architect

**Agenda Item:** Las Cruces: Nursing Skills and Simulation Labs Renovation \$2,151,500

**Requested Action of the Board of Regents:** NMSU Las Cruces: Nursing Skills and Simulation Labs Renovation

Executive Summary:

The Nursing Skills and Simulation Lab project will expand the existing Nursing Skills and Simulation Center on the first floor, north wing at Health and Social Sciences Building.

**References:**

**Project funding - \$2,151,500**

FY21 Severance Tax Bond (STB21SA, F3120) Section 39 of HB285 –\$148,500

FY21 Building Renewal and Repair –\$3,000

FY22 General Obligation Bond (STB22SC, G5394) Section 10 of HB153 –\$2,000,000

**Prior Approvals:**

N/A

# Board of Regents

## LAS CRUCES: NURSING SKILLS AND SIMULATION LABS RENOVATION

Heather Watenpaugh  
University Architect

Raghu Raghavan  
Associate Vice President

Facilities and Services



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**New Mexico State University**



# Proposed Scope of Work

*Project Budget \$2,151,500*

The Nursing Skills and Simulation Lab project includes:

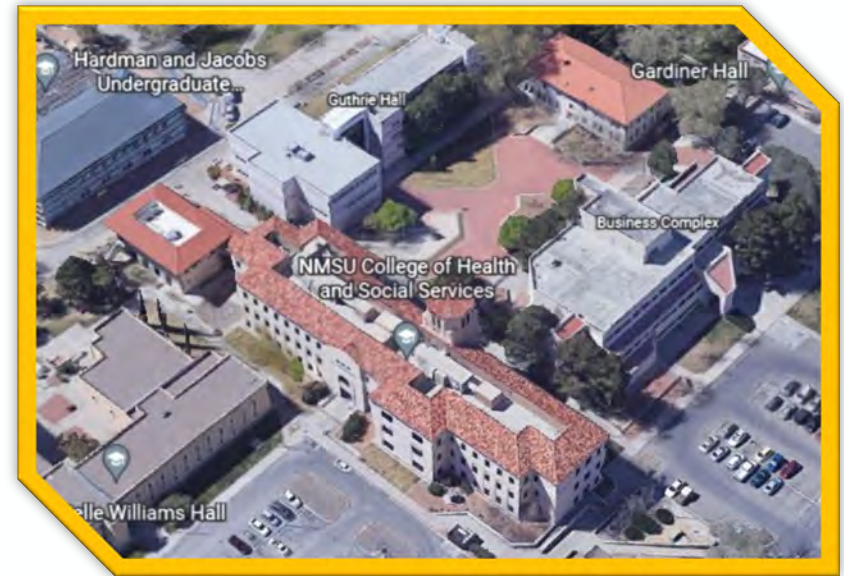
- Expanding the existing Nursing Skills and Simulation Center on the first floor, north wing at Health and Social Sciences Building
- Completely reconfiguring and renovating the Nursing Skill and Simulation Labs for Control, Conference, Debrief, Virtual Reality, Storage, and IT Rooms





# Proposed Building Demographics

- Year Built: 2003
- Last Expansion: 2010 (HSS Annex)
- Building Size: 57,479 GSF
- Construction Type: Concrete and steel frame
- Current Use: Academic Administrative Offices, Classrooms, Instructional Labs, Research and Dining



**Health & Social Services Building**

# Proposed Project Schedule

- Start of Design – June 2022
- Completion of Design – March 2023
- Start of Construction – June 2023
- Completion of Construction – May 2024

# Funding Sources and Prior Approvals

## Project Funding — \$2,151,500

- FY21 Severance Tax Bond (STB21SA, F3120) Section 39 of HB285 – \$148,500
- FY21 Building Renewal and Repair – \$3,000
- FY22 General Obligation Bond (STB22SC, G5394) Section 10 of HB153 – \$2,000,000

## Prior Approval

- N/A



# Contact Information

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[raghavan@nmsu.edu](mailto:raghavan@nmsu.edu)



Thank you!

Questions?

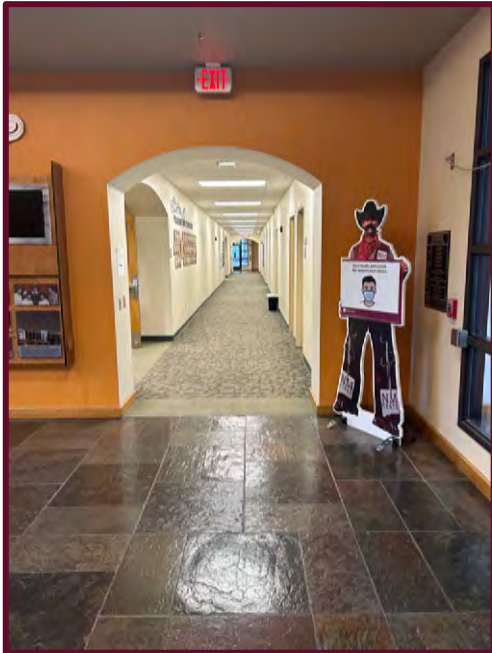


# Las Cruces: Nursing Skills and Simulation Labs Renovation

## Supplemental Information



# Existing Conditions



Building Lobby leading to corridor



Control room

# Existing Conditions



Training equipment storage



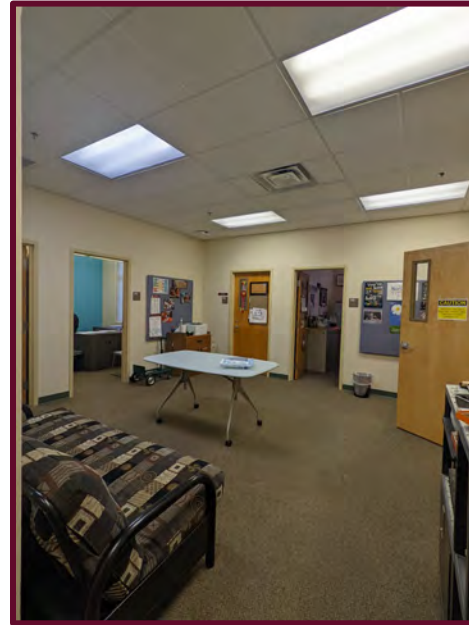
Equipment and mannequin storage



# Existing Conditions



Skills lab



Lobby entrance to skills lab

# Existing Conditions



Skills lab



Skills, labor, and delivery lab



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-6**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Heather Zack Watenpaugh  
University Architect

**Agenda Item:** AG Modernization Phase II Arena (\$9,710,000)

**Requested Action of the Board of Regents:** NMSU Las Cruces: AG Modernization Phase II Arena

Executive Summary:

Ag Modernization Phase II Arena project is the construction of a pre-engineered clear span metal, open air structure for instructional space.

**References:**

**Project funding - \$9,710,000**

FY21 General Obligation Bond (E5324) Section 10 of SB207

**Prior Approvals:**

N/A

# Board of Regents

## LAS CRUCES: AG MODERNIZATION PHASE II ARENA

Heather Watenpaugh  
University Architect

Raghu Raghavan  
Associate Vice President

Facilities and Services



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**New Mexico State University**

# Proposed Scope of Work

## *Project Budget \$9,710,000*

Ag Modernization Phase II Arena project includes:

- Construction of a pre-engineered clear span metal, open air structure with a dirt arena floor, restrooms, exhaust fans, electrical, and storage
- Instructional space at the Arena Floor
- Spector seating for 240 capacity



# Proposed Building Demographics

- Year Built: 2023
- Last Expansion: N/A
- Building Size: 37,622 GSF
- Construction Type: Pre-engineered metal building, concrete footings and steel frame
- Proposed Use: Instructional (experiential learning)



**Proposed location on existing  
Knox Street**

# Proposed Project Schedule

- Start of Design – April 2022
- Completion of Design – April 2023
- Start of Construction – June 2023
- Completion of Construction – March 2024



# Funding Sources and Prior Approvals

## Project Funding — \$9,710,000

- FY21 General Obligation Bond (E5324) Section 10 of SB207 – \$9,710,000

## Prior Approval

- N/A





# Contact Information

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575.646.2101

[raghavan@nmsu.edu](mailto:raghavan@nmsu.edu)



Thank you!

Questions?



# Las Cruces: Ag Modernization Phase II Arena

## Supplemental Information



# Existing Conditions



Proposed site for new Arena facility



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-7**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Heather Zack Watenpaugh  
University Architect

**Agenda Item:** Aggie Memorial Stadium Operations Center (\$15,000,000)

**Requested Action of the Board of Regents:** Aggie Memorial Stadium Operations Center

**Executive Summary:**

The Aggie Memorial Stadium Operations Center addition project is new construction for an approximate 15,000 GSF multi-level locker room facility with sports and operations offices for student athletes.

**References:**

**Project funding - \$15,000,000**

System Revenue Bonds - \$15,000,000

**Prior Approvals:**

NMSU Board of Regents, Series 2022 Systems Revenue Bond Funding approval –8/24/22

Higher Education Department –9/15/22

State Board of Finance –9/20/22

# Board of Regents

## LAS CRUCES: AGGIE MEMORIAL STADIUM OPERATIONS CENTER

Heather Watenpaugh  
University Architect

Raghu Raghavan  
Associate Vice President

Facilities and Services



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# Proposed Scope of Work

*Project Budget \$15,000,000*

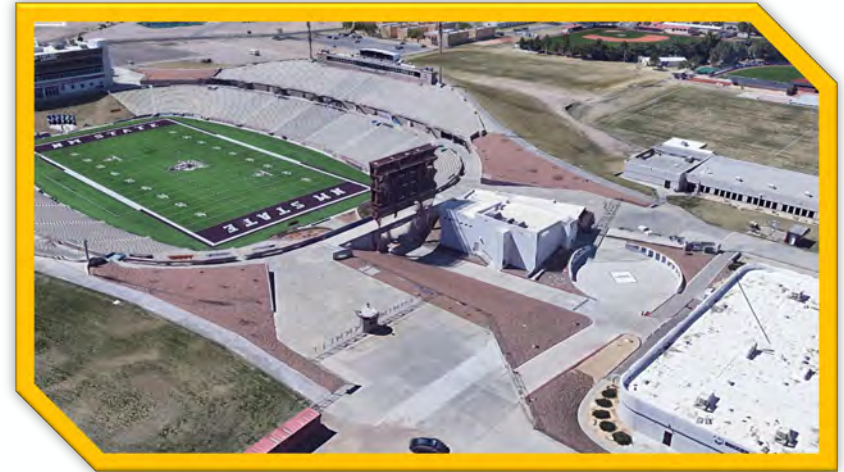
The Aggie Memorial Stadium Operations Center addition project includes:

- New construction for an approximate 15,000 GSF multi-level locker room facility
- The building will house locker rooms, meeting rooms, student lounge, equipment room, multi-sport offices, nutrition area, and support spaces
- Site work with entry plaza for stadium integration



# Proposed Building Demographics

- Year Built: 2024
- Last Expansion: N/A
- Building Size:  
Approximately 15,000 GSF
- Construction Type:  
Concrete, CMU Block, and  
Structural Steel
- Future Use: Locker  
Rooms, Training/Nutrition,  
Athletics Student Lounge,  
Meeting Rooms



**Aggie Memorial Stadium,  
Operations Center Site  
Location**



# Proposed Project Schedule

- Start of Design – March 2023
  - Completion of Design – June 2023
  - Start of Construction – July 2023
  - Completion of Construction – July 2024\*
- \*Operations Center addition ready for occupancy prior to start of 2024 Football season

# Funding Sources and Prior Approvals

## Project Funding — \$15,000,000

- System Revenue Bonds – \$15,000,000

## Prior Approval

- NMSU Board of Regents, Series 2022 Systems Revenue Bond Funding approval – 8/24/22
- Higher Education Department – 9/15/22
- State Board of Finance – 9/20/22



# Contact Information

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Thank you!

Questions?

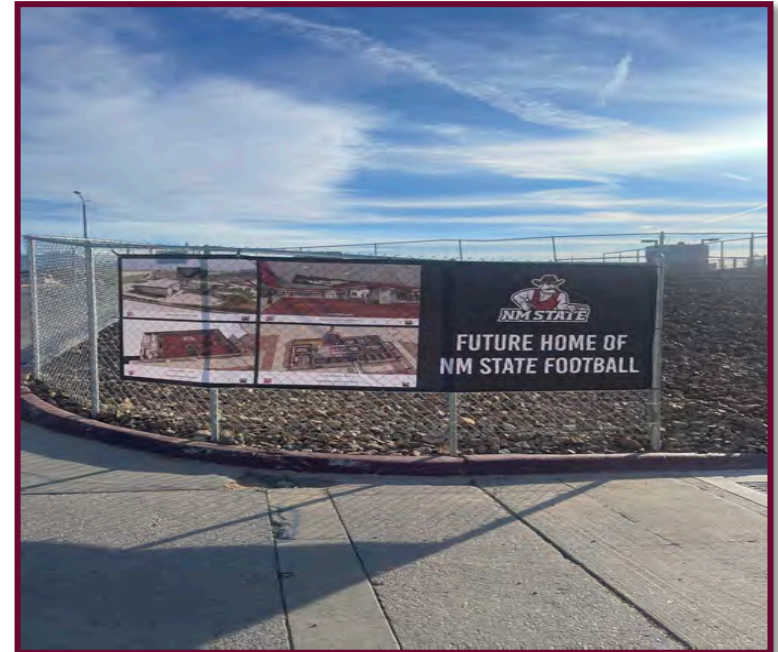
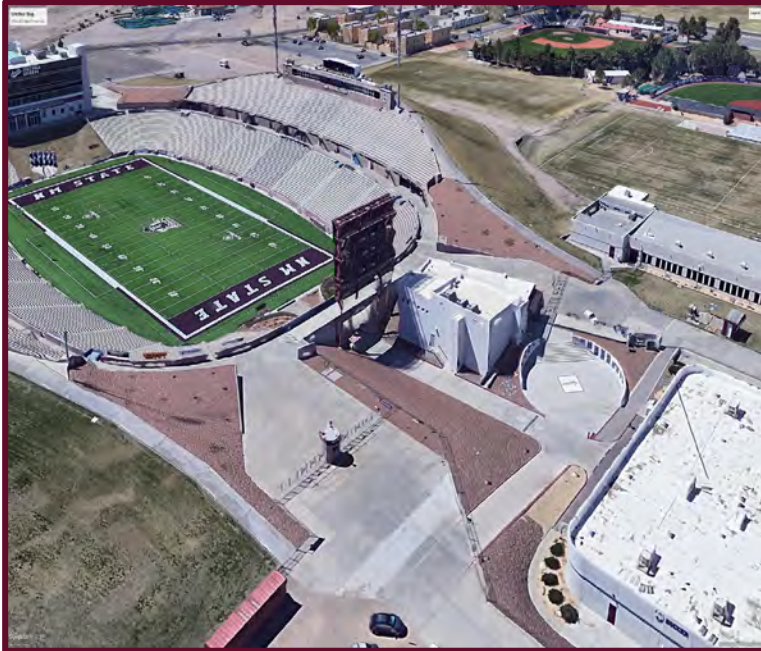


# Las Cruces: Aggie Memorial Stadium Operations Center

## Supplemental Information



# Existing Conditions



Proposed Site at Aggie Memorial Stadium with existing fencing around Future Home of NM State Football and Operations Center

# Proposed Addition

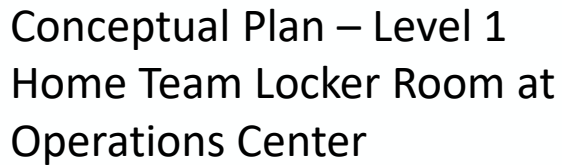


Aerial View at Entry Plaza



Eye Level View of Coaches Entry



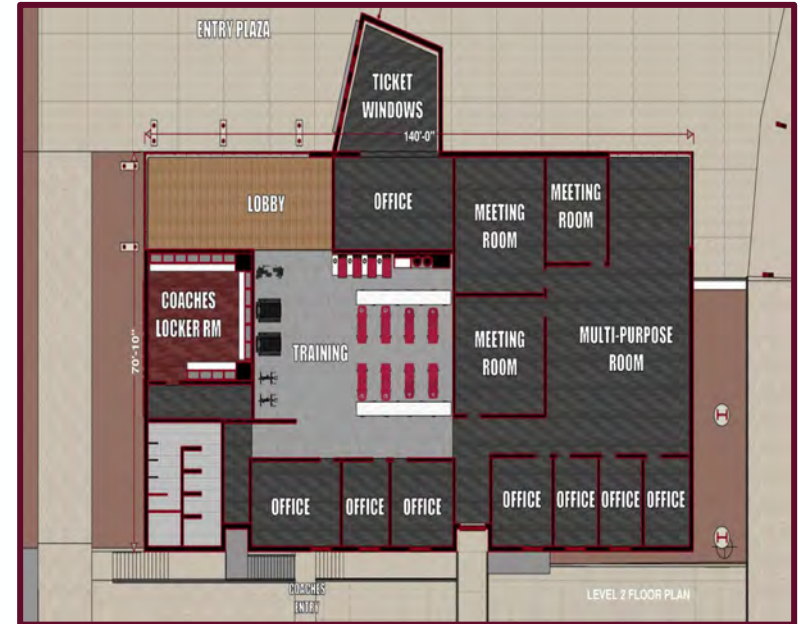




# Proposed Addition



Conceptual Floor Plan – Level 1  
Home Team Locker Room at  
Operations Center



Conceptual Floor Plan – Level 2  
Training and Support Spaces

# Proposed Addition



Conceptual Rendering – Locker Room View



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-8**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Heather Zack Watenpaugh  
University Architect

**Agenda Item:** Aggie Memorial Stadium Artificial Turf Replacement (\$2,365,000)- Revised Project

**Requested Action of the Board of Regents:** Aggie Memorial Stadium Artificial Turf Replacement

Executive Summary:

This is a revised project to include the new artificial turf for the practice field.

**References:**

**Project funding - \$2,365,000**

FY23 Severance Tax Bonds (STB22A G3220) \$1,750,000

NMSU Athletics Departmental funding \$615,000

**Prior Approvals:**

NMSU Board of Regents – Aggie Memorial Stadium Artificial Turf Replacement approval  
9/15/22

Higher Education Department – Artificial Turf Replacement – Aggie Memorial Stadium approval  
10/12/22

State Board of Finance – Artificial Turf Replacement – Aggie Memorial Stadium approval  
11/15/22

# Board of Regents

## LAS CRUCES: AGGIE MEMORIAL STADIUM ARTIFICIAL TURF REPLACEMENT

Heather Watenpaugh  
University Architect

Raghu Raghavan  
Associate  
Vice President

Facilities and Services



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# Proposed Scope of Work

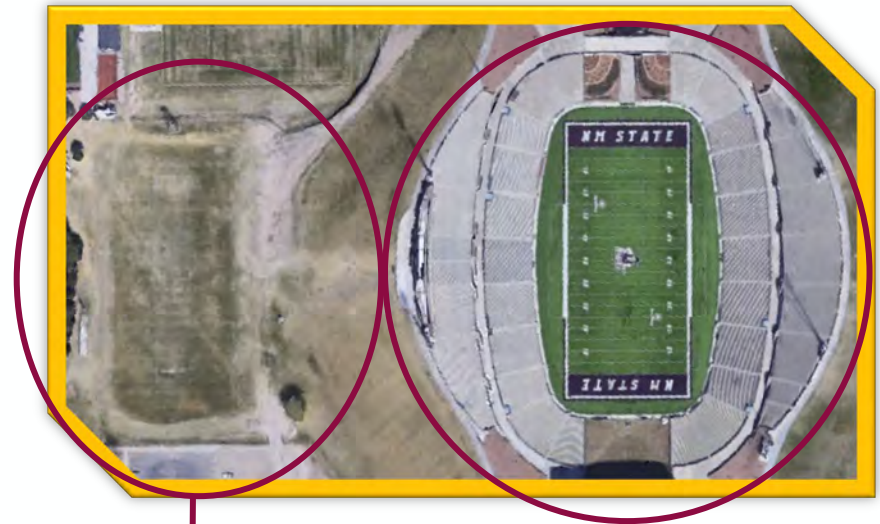
*Project Budget \$2,365,000*

This project includes:

- Design of new artificial turf system and surface preparation
- Demolition of existing turf and installation of new artificial turf
- Modification of existing drainage system to eliminate standing water from rain events
- Revised scope due to health and safety concerns to include removal of existing sod practice field and installation of a new artificial turf practice field, drainage system, and water cooling system

# Proposed Building Demographics

- Year Built: 1978
- Last Expansion: 2014
- Field Size:
  - 80,000 SF(Practice)
  - 94,070 SF(Stadium)
- Construction Type:  
Artificial turf and base course
- Future (Site) Use:  
Athletic competition and public events



**Aggie Memorial  
Stadium Practice  
Field**

**Aggie Memorial  
Stadium**

# Proposed Project Schedule

- Start of Design – August 2022
- Completion of Design – November 2022
- Start of Construction – December 2022
- Completion of Construction – June 2023

# Funding Sources and Prior Approvals

## Project Funding — \$2,365,000

- FY23 Severance Tax Bonds (STB22A G3220) \$1,750,000
- NMSU Athletics Departmental Funding \$615,000

## Prior Approval

- NMSU Board of Regents – Aggie Memorial Stadium Artificial Turf Replacement approval 9/15/22
- Higher Education Department – Artificial Turf Replacement – Aggie Memorial Stadium approval 10/12/22
- State Board of Finance – Artificial Turf Replacement – Aggie Memorial Stadium approval 11/15/22



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Thank you!

Questions?



# Aggie Memorial Stadium Artificial Turf Replacement

## Supplemental Information

# Existing Conditions



Aggie Memorial Stadium playing field with rubber mat exposed due to wear

# Existing Conditions



Aggie Memorial Stadium playing field with rubber mat exposed due to wear



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-9**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Scott Eschenbrenner  
*President – Aggie Development Inc.*

**Agenda Item:** EV3 Charging Station Lease Agreement

**Requested Action of the Board of Regents:** Approval of an EV3 Charging Station Lease Agreement

**Executive Summary:**

Requesting approval for a Site Use Agreement between Aggie Development, Inc. and EV3, Inc. EV3 approached NMSU about developing one or more public, DCFC Level 3 fast charger stations near NMSU and Interstate 10 & 25. The site selected is adjacent to the proposed Starbucks and Pan Am Plaza Shopping Center (See Attached Map). The space requirements are approximately 20' x 30', which accounts for two parking spaces plus charging equipment and electrical service.

Revenue to Aggie Development will include a one-time payment of \$1,000 upon execution of the agreement. Starting on the one-year anniversary of the Effective Date, EV3 will pay 5% of the gross revenues from operations or \$500 per month, whichever is greater. Projected future revenues indicate \$1,000 per month or \$230,000 over the 15-year term. The agreement will be for 5-years with two additional 5-year options to extend.

Once we have agreed to terms, the tenant will provide a survey and elevations of the improvements.

**References:**

See attached.

**Prior Approvals:**

Regents Real Estate Committee meeting on February 7, 2023





**CONFIDENTIAL**

# **EV3, Inc.**

*Electric Vehicle (EV), Public, Fast-Charging (Level 3), Clean Power Stations for New Mexico*

**Proposal to New Mexico State University for the  
establishment of Electric Vehicle Charger Stations**



**New Mexico State University**



**December 7, 2022**



***Public, Fast Charging (Level 3), Clean Power Stations for New Mexico***

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### *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

EV3 is an affiliate of the International Investment Group, Inc. (IIG)



INTERNATIONAL INVESTMENT GROUP, INC.

IIG has raised over \$4 billion for early-stage ventures and built several successful technology-based companies:



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### *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

*EV3, Inc. is a New Mexico corporation developing Electric Vehicle (EV) fast-charging stations with high-speed, Level 3, Direct Current Fast Charging (DCFC) for all electric vehicles*



EV3 fast charger stations provide Level 3 fast charging at or over 150kW and 480-volts of power (typically 20 minutes for a 300-mile charge)

Level 2 chargers take up to 8x as long to charge an EV using 240-volt charging, typically used for home charging and other appliances.

Level 1 chargers can take up to 8 hours to charge an EV and use 110-volt charging, typical of some home charging and standard electric outlets.



### *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

EV3 fast charger stations provide fast charging for all electric vehicles based on the Combined Charger Standard (CCS)



Tesla



Ford



BMW



Chevy

# EV3

Binder Page 149 of 220

## ATTRACT NEW CUSTOMERS

*Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

Installing a public EV3 fast charger station at NMSU will lower fuel costs, hasten the transition to clean transportation, and support local economic development.



## Level 3, Fast Charging, Clean Power Stations for New Mexico

“the latest generation of mainstream EVs typically cost less to own than similar gas-powered vehicles”

*Consumer Reports 10/2020*

<https://advocacy.consumerreports.org/wp-content/uploads/2020/10/EV-Ownership-Cost-Final-Report-1.pdf>

The energy cost of an Electric Vehicle is lower than the energy cost of a Gasoline Fuel Vehicle

And with a standard range of 300 miles to a charge, Electric Vehicles are now a viable, lower cost alternative to gas vehicles

### Gasoline Vehicle

\$/Gallon						Miles/Gallon						
	\$/Mile	15	16	17	18	19	20	21	22	23	24	25
	\$3.50	\$0.23	\$0.22	\$0.21	\$0.19	\$0.18	\$0.18	\$0.17	\$0.16	\$0.15	\$0.15	\$0.14
	\$3.75	\$0.25	\$0.23	\$0.22	\$0.21	\$0.20	\$0.19	\$0.18	\$0.17	\$0.16	\$0.16	\$0.15
	\$4.00	\$0.27	\$0.25	\$0.24	\$0.22	\$0.21	\$0.20	\$0.19	\$0.18	\$0.17	\$0.17	\$0.16
	\$4.25	\$0.28	\$0.27	\$0.25	\$0.24	\$0.22	\$0.21	\$0.20	\$0.19	\$0.18	\$0.18	\$0.17
	\$4.50	\$0.30	\$0.28	\$0.26	\$0.25	\$0.24	\$0.23	\$0.21	\$0.20	\$0.20	\$0.19	\$0.18
	\$4.75	\$0.32	\$0.30	\$0.28	\$0.26	\$0.25	\$0.24	\$0.23	\$0.22	\$0.21	\$0.20	\$0.19
	\$5.00	\$0.33	\$0.31	\$0.29	\$0.28	\$0.26	\$0.25	\$0.24	\$0.23	\$0.22	\$0.21	\$0.20
	\$5.25	\$0.35	\$0.33	\$0.31	\$0.29	\$0.28	\$0.26	\$0.25	\$0.24	\$0.23	\$0.22	\$0.21
	\$5.50	\$0.37	\$0.34	\$0.32	\$0.31	\$0.29	\$0.28	\$0.26	\$0.25	\$0.24	\$0.23	\$0.22
	\$5.75	\$0.38	\$0.36	\$0.34	\$0.32	\$0.30	\$0.29	\$0.27	\$0.26	\$0.25	\$0.24	\$0.23
	\$6.00	\$0.40	\$0.38	\$0.35	\$0.33	\$0.32	\$0.30	\$0.29	\$0.27	\$0.26	\$0.25	\$0.24

### Electric Vehicle

	Miles/kW	
	<b>\$/Mile</b>	3
\$/kW	\$0.45	<b>\$0.15</b>
	\$0.40	\$0.13
	\$0.35	\$0.12
	\$0.30	\$0.10
	\$0.25	\$0.08
	\$0.20	\$0.07
	\$0.15	\$0.05

# EV3

Binder Page 151 of 220

***Public, Fast Charging (Level 3), Clean Power Stations for New Mexico***

## EV ELECTRICITY - El Paso Electric

El Paso Electric (EPE) has provided EV3 with information that indicates a capability to support an EV3 Fast Charger station at NMSU\*

*\*EV3 and EPE will require a site visit to confirm specific locations and technical details*

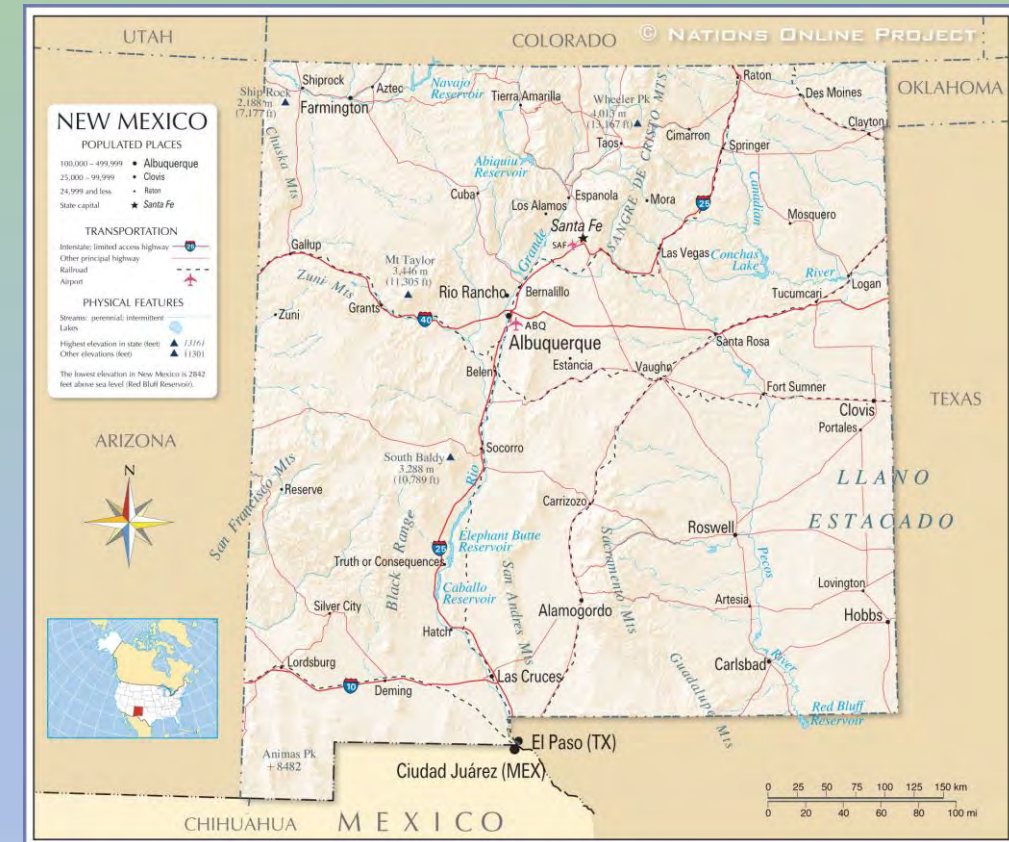




*Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

Benefits when 50% of New Mexico's vehicles are electric:

- \$900 million in annual fuel cost savings for New Mexico vehicle owners
- \$600 million in new utility revenues
- 4.3 million metric ton reduction in annual CO<sub>2</sub> equivalent emissions





***Public, Fast Charging (Level 3), Clean Power Stations for New Mexico***

**California bans the sale of gasoline-powered motor vehicles by 2035**

***CapRadio, 8/28/22***

**GM to offer only all-electric and fuel-cell vehicles by 2035**

***NBC, January 28, 2021***

**Ford pledges exclusively zero-emission vehicles by 2040**

***NPR 3/2/22***

**Toyota plans to go all-electric in US by 2030**

***Green Car Reports 12/15/21***

**Honda announces plan for all electric vehicles by 2040**

***Honda website 8/30/22***

**Nissan expects electric vehicles will represent 40 percent of Nissan's U.S. sales by (fiscal year) 2030**

***The Drive, January 25, 2022***

**“50 percent of all new passenger cars and light trucks sold in 2030 to be zero-emission vehicles, including battery electric, plug-in hybrid electric, or fuel cell electric vehicles”**

***President Biden Executive Order, August 5, 2021***

### *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

The number of consumers looking to buy EVs globally has hit 52%

*BloombergNEF, August 15, 2022*

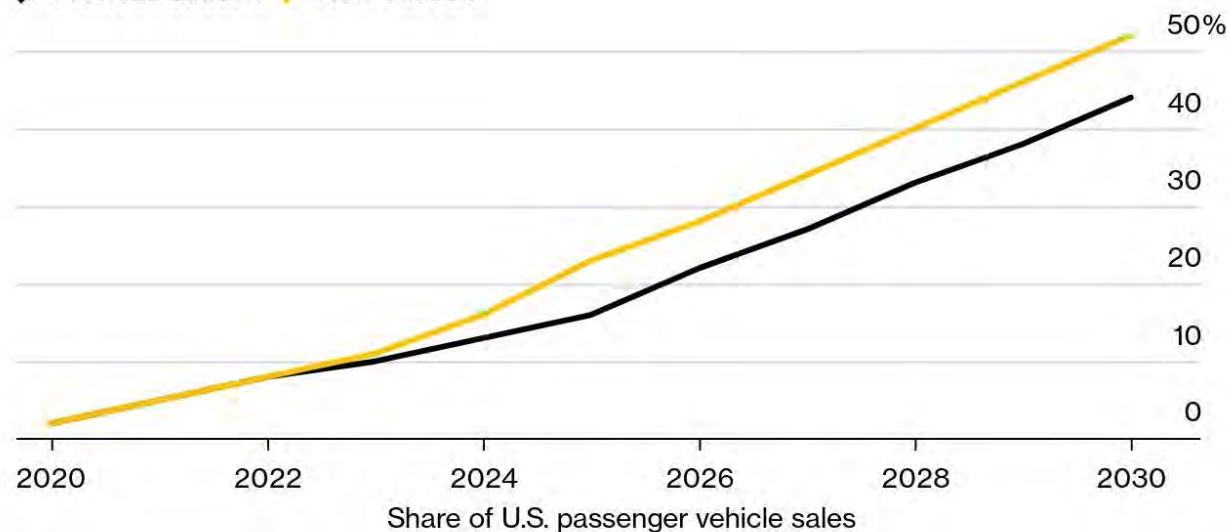
In 2030 EV sales are forecast to reach 50% of all new car sales in USA, up from roughly 3.4% in 2021

*BloombergNEF, Sept 21, 2022*

#### Smashing the Pedal

The Inflation Reduction Act is expected to drastically accelerate the pace at which Americans shift to electric vehicles.

Previous outlook New outlook



Source: BloombergNEF

**Bloomberg**

# EV3

Binder Page 155 of 220

## TRANSITION TO EVs Charger Stations

### *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

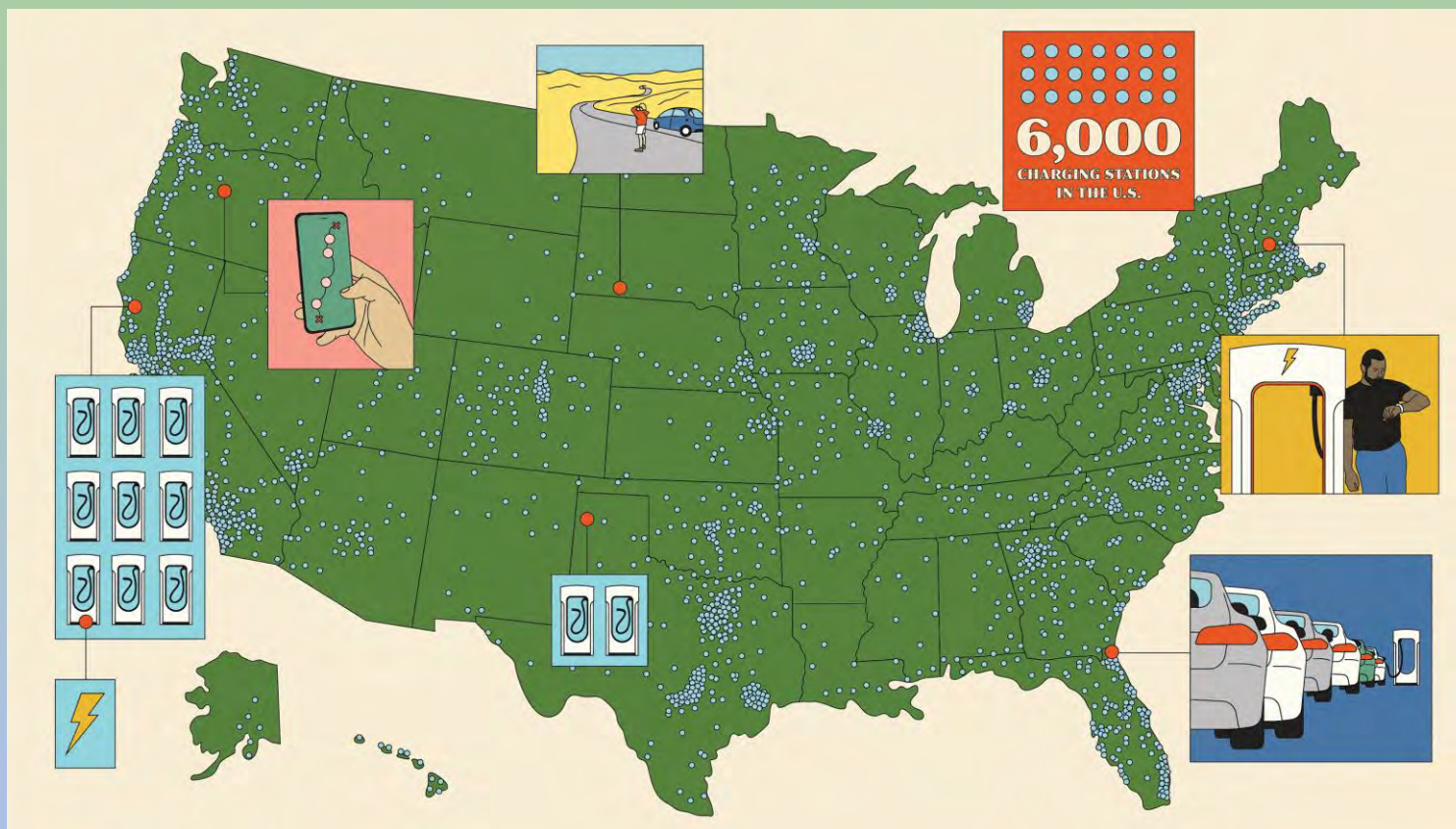
The United States has around 150,000 fossil fuel stations.

Currently, however, there are only 6,000 fast charging stations across the country (more than 48,000 charging stations of all kinds, including home charging stations).

The Biden administration's dream of having a half million charger plugs by 2030 may help ease the problem. But it's about where those chargers go, not just how many there are.

*For EVs to really take off in the US, it's crucial to shorten the gaps between stations, now common along America's less populated expanses.*

*MIT Technology Review, June 28, 2022*



# NEW MEXICO

## Current Level 3 Sites



*Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

There are only a few Level 3 EV fast charger stations in New Mexico...

**No Level 3 chargers:**      **Only Tesla Level 3 chargers:**

Abiquiu  
Alamogordo  
Carlsbad  
Chama  
Española  
Los Alamos  
Ojo Caliente  
Silver City  
Taos  
Tres Piedras

Clayton  
Farmington  
Truth or Consequences

 CCS Level 3 charger  
 Tesla Level 3 charger





NEW MEXICO  
EV3 - Proposed Sites

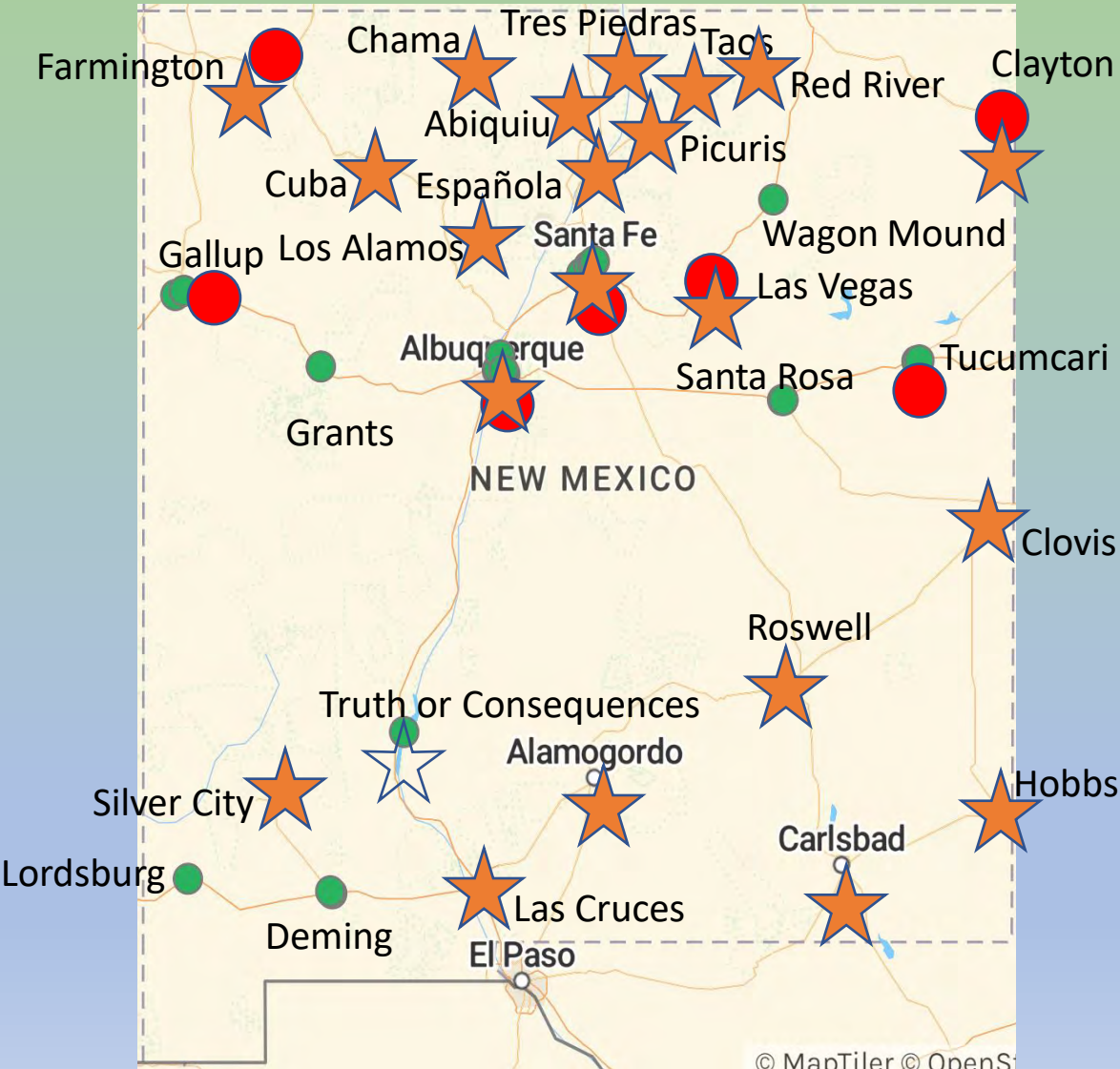
Public, Fast Charging (Level 3), Clean Power Stations for New Mexico

EV3 Proposed Level 3 Charger Stations

- ★ EV3 CCS  
Charger  
Stations  
Proposed

Current Level 3 Charger Stations

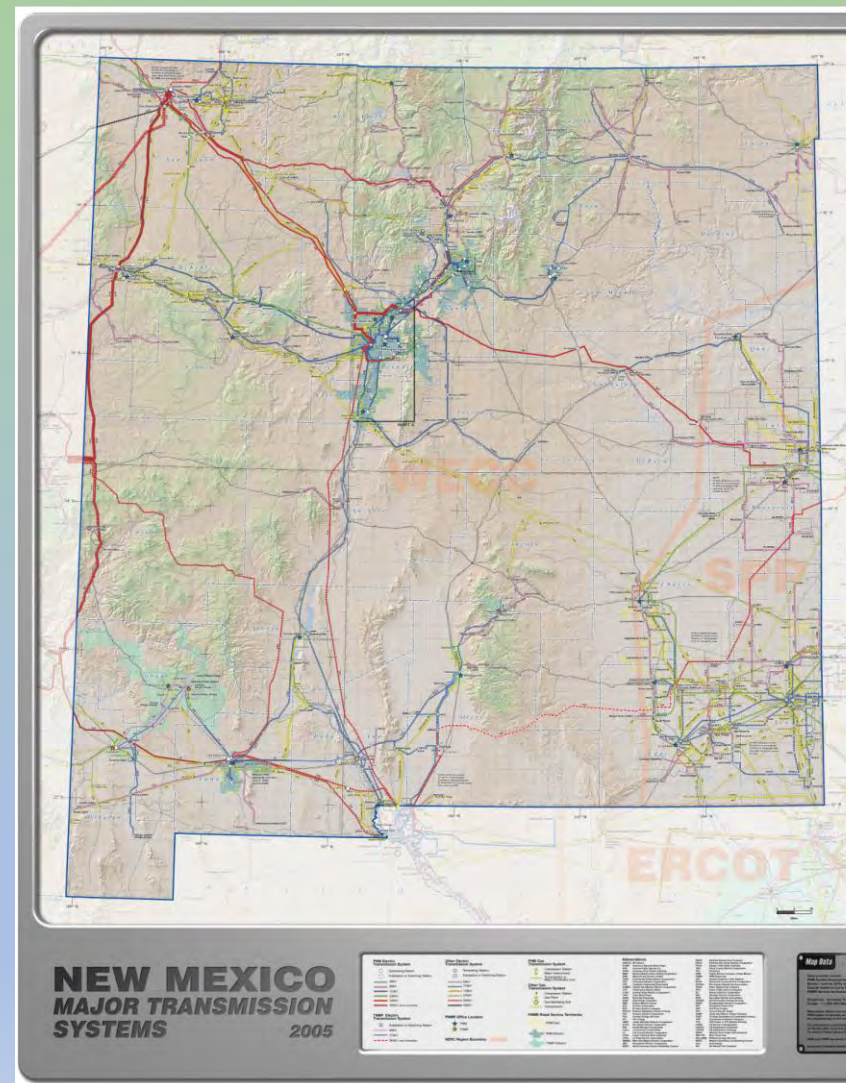
- CCS Level 3 chargers
- Tesla Level 3 chargers



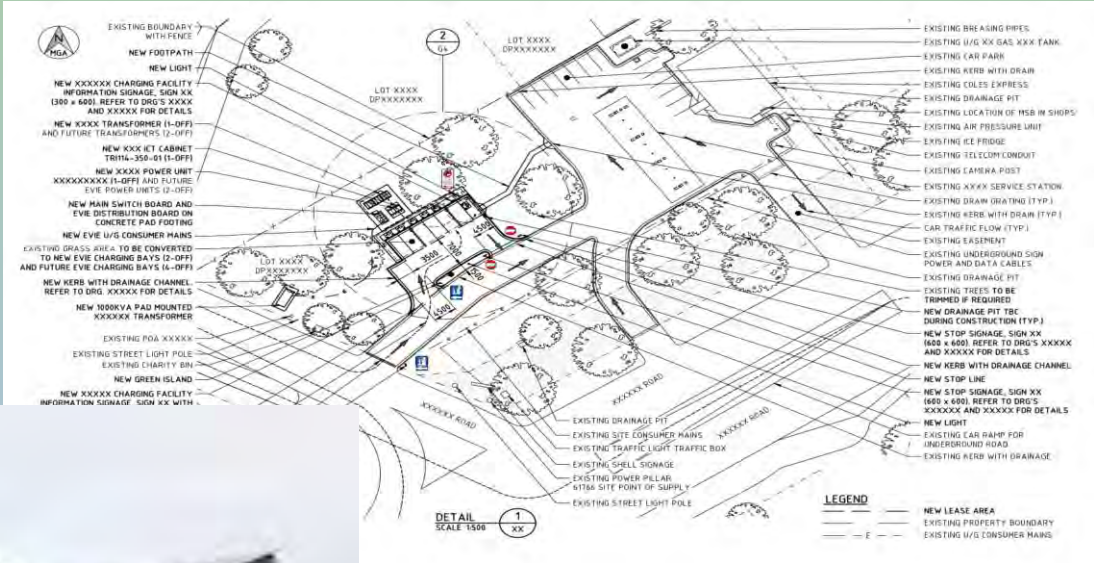
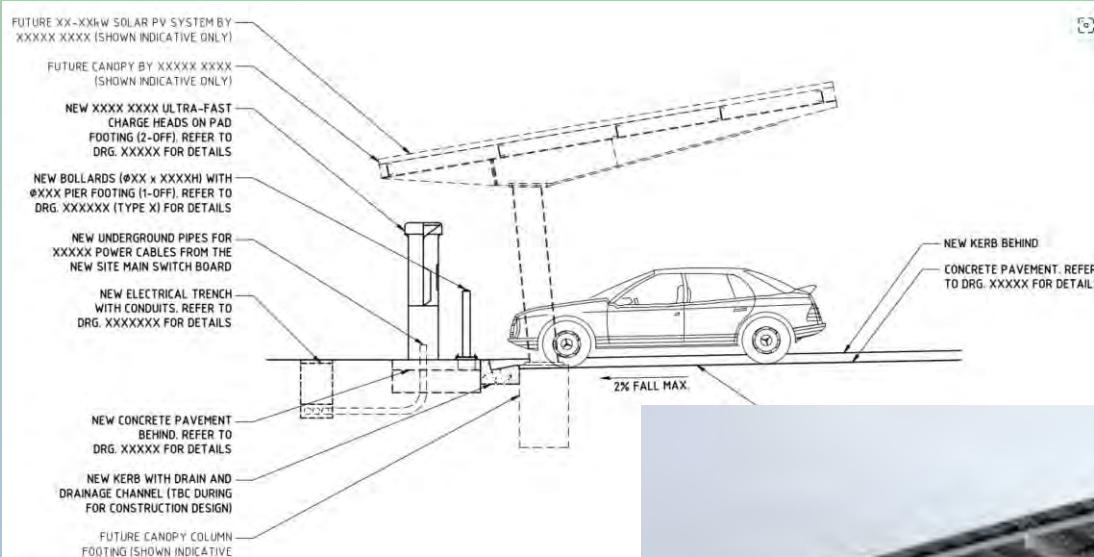
## *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

Level 3 fast chargers cost 4x as much as Level 2 chargers

Level 3 fast chargers require 3-phase high voltage electric power



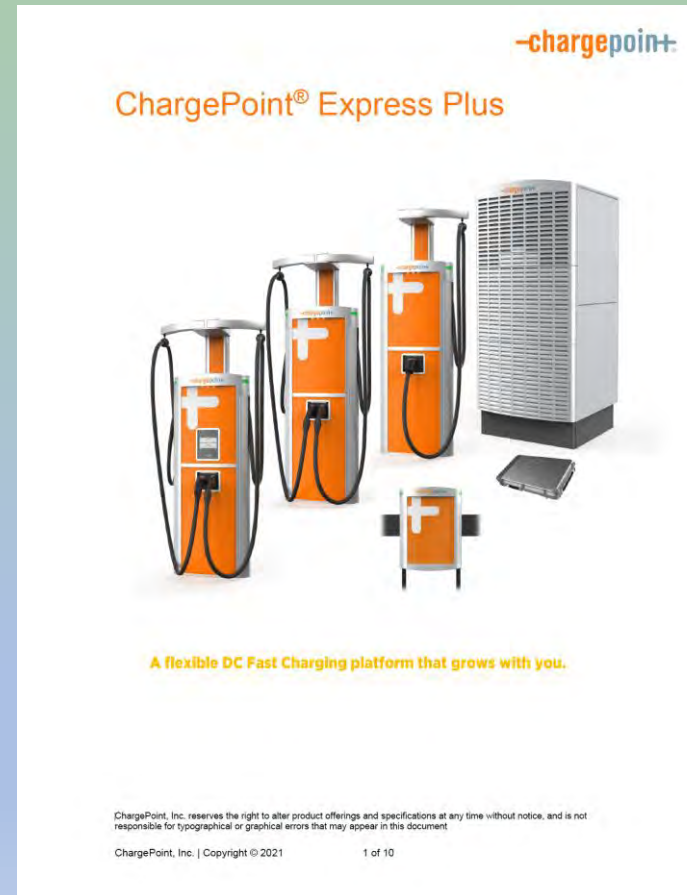
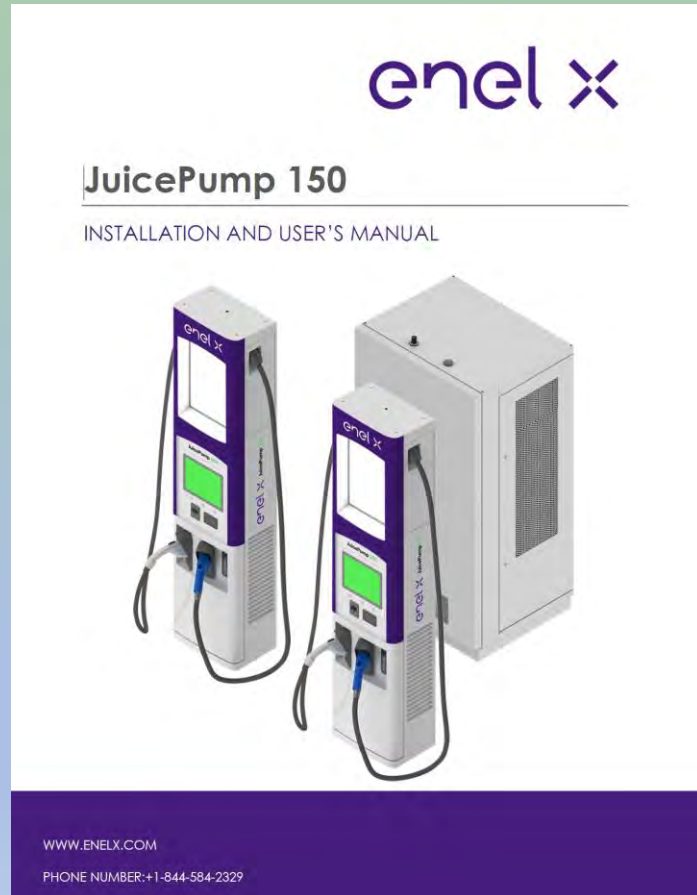
EV3 will design, build, own and operate Electric Vehicle (EV) Level 3 Fast charger stations





## *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

### Some examples of Level 3 Equipment Alternatives

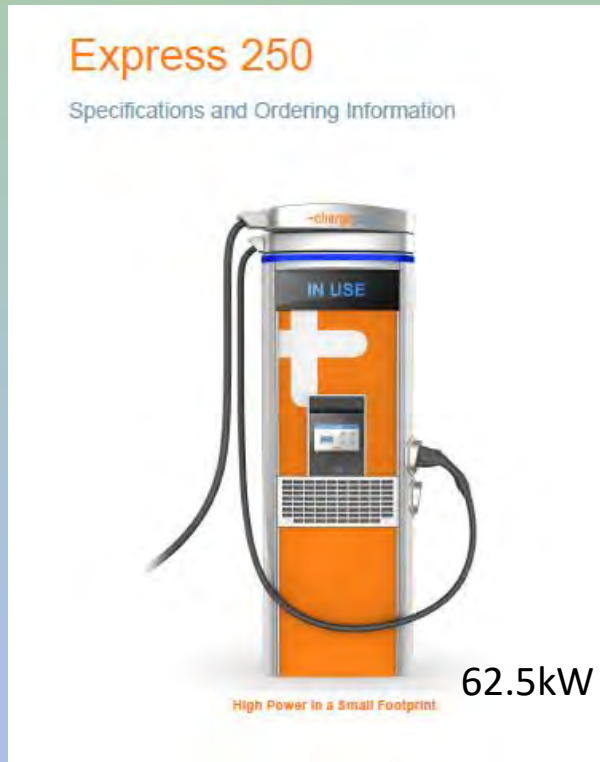


**\*Final equipment and network selection pending**



## *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

### Some examples of Level 2 Equipment Alternatives



**\*Final equipment and network selection pending**

## *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

## LOCAL CONTRACTORS

EV3 has relationships with qualified, local EV charger installation contractors



*Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

EV3 also has relationships with the largest Level 3 fast charger networks, including Tesla, ChargePoint, Enel Way, Electrify America, EVgo, FreeWire, and Blink



Public, Fast Charging (Level 3), Clean Power Stations for New Mexico



1,134 charging spots at colleges and universities on the ChargePoint network



26 ChargePoint L2 EV chargers



7 L2 EV chargers; 28 L1 EV chargers



10 L2 EV chargers



15 ChargePoint L2 EV chargers



38 ChargePoint L2 chargers



16 ChargePoint L2 chargers



5 L2 EV chargers



The University of Vermont  
20 ChargePoint L2 chargers; 2 L1 chargers

### *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*



3 EV chargers



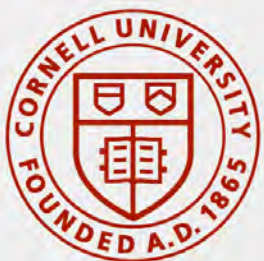
38 ChargePoint  
L2 EV chargers



10 L2 EV  
chargers



6 L2 EV  
chargers



4 ChargePoint L2  
chargers



Yale University

24 ChargePoint EV chargers



Transportation Services

3 EV chargers



Office of Sustainability  
UNIVERSITY of FLORIDA

9 ChargePoint EV charger  
stations

***Public, Fast Charging (Level 3), Clean Power Stations for New Mexico***

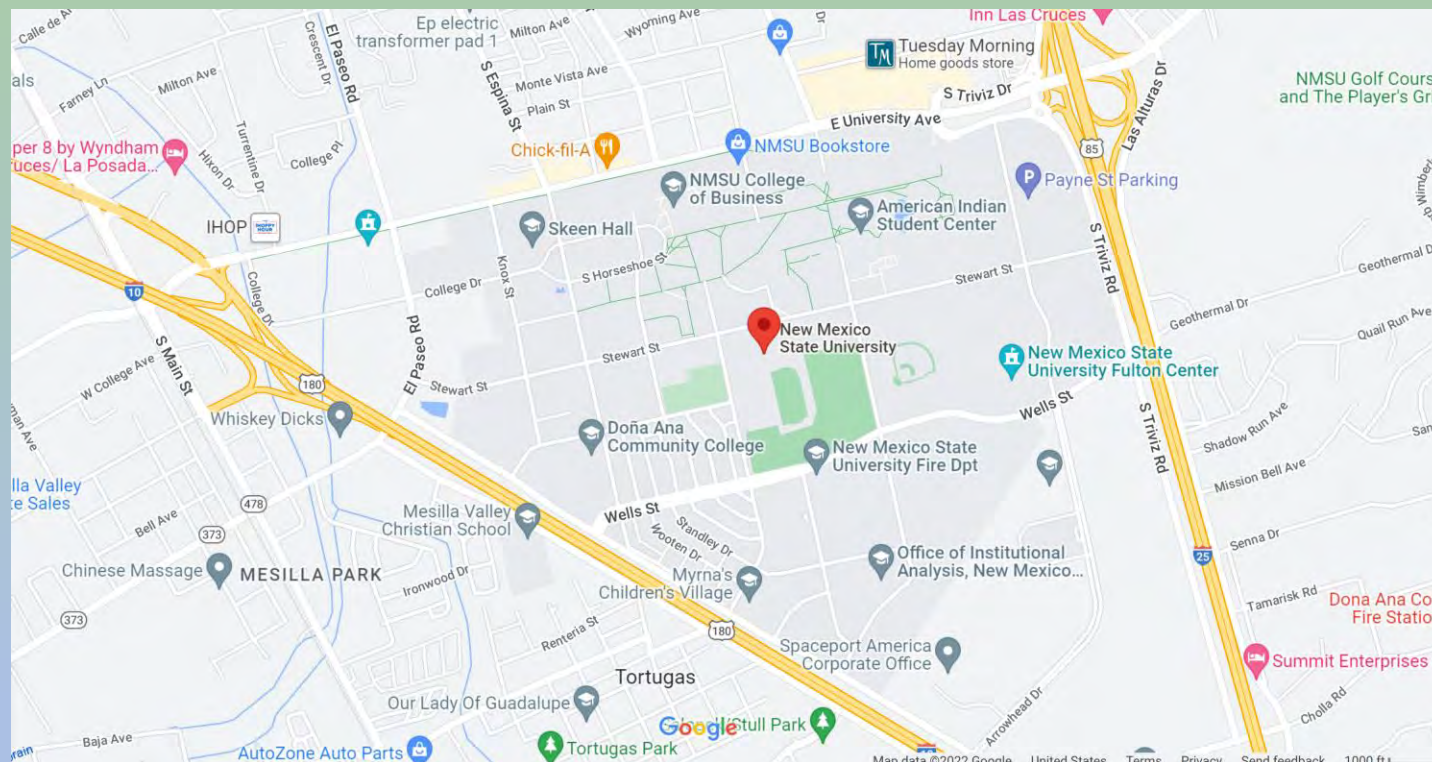
**EV3 will work with NMSU to develop an EV charging plan to fit all campus requirements:**

- Fleet charging
  - Faculty and Staff Charging
  - Resident Student Charging
  - Commuter Student Charging
  - Event Charging
  - Public Fast Charging
- Level 3 (480 volts) EV Fast Chargers (100-300kW)
  - Level 2 (240 volts) EV Medium Speed Chargers (3.2-75kW)
  - Level 1 (110 volts) EV Slow Chargers



## *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

**EV3 will install and operate a public EV3 fast charger station without cost to NMSU**



## *Public, Fast Charging (Level 3), Clean Power Stations for New Mexico*

## CONTACT

For further information please contact:

Ron Flax-Davidson  
President  
EV3, Inc.  
Santa Fe, NM

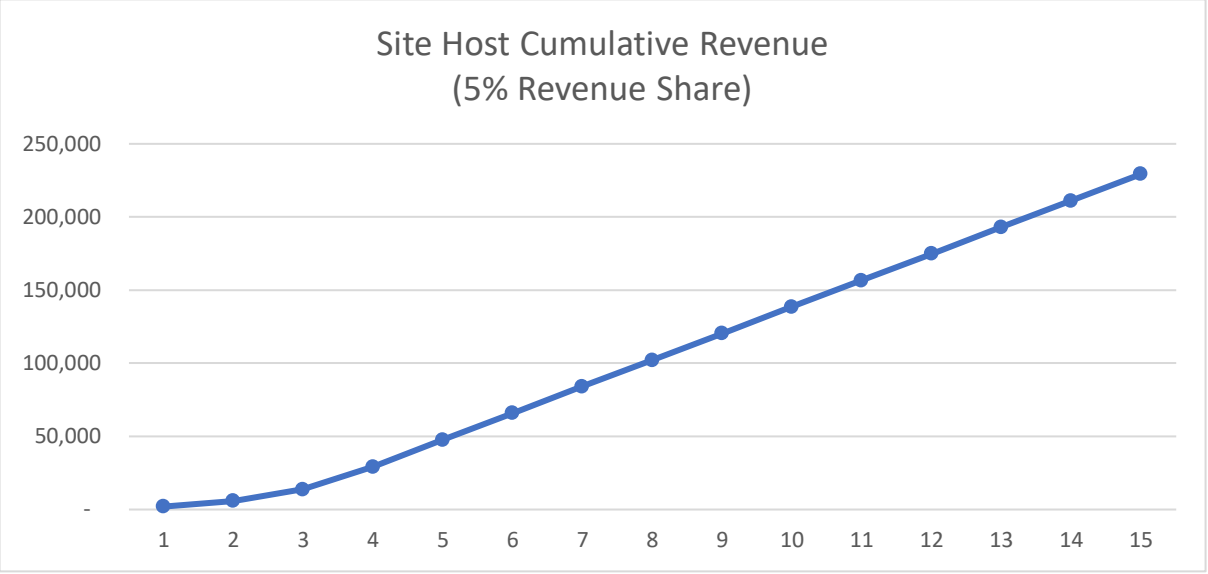
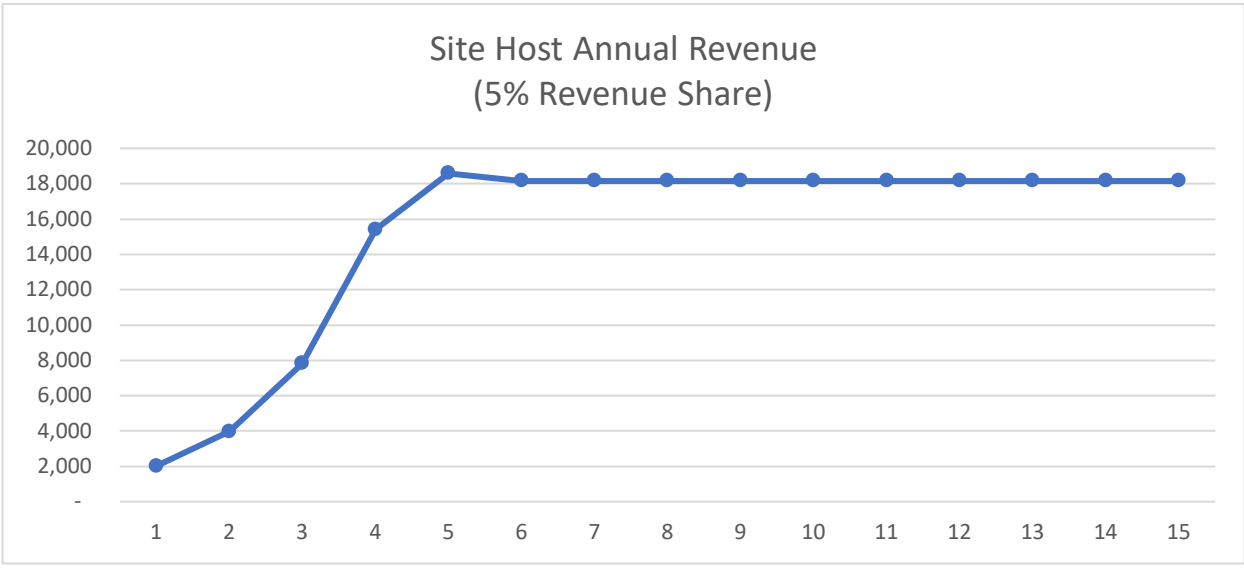
+1(202)251-2267  
[rflax@ev3-inc.com](mailto:rflax@ev3-inc.com)  
[www.ev3-inc.com](http://www.ev3-inc.com)





CONFIDENTIAL  
EV3 Charger Station Revenue & Site Host Sharing  
12/3/2022

Disclaimer: All results are based on Company assumptions and forecasts, without guarantee.



Model start date

31/12/2022

Column counter

Period ending

Year counter

Month#

Date

Year

Number of Chargers/Station

2

Number of Charges/Day

Growth/month

6.25%

24 max

Number of Charges/Station

8.33

48

kW/charge

88

67.9%

59.75

kW total

179.26

190.46

202.36

215.01

228.45

242.73

257.90

274.02

291.14

309.34

328.67

349.21

Price/Charge

Reduction/month

0.42%

\$0.35 min

\$

0.45

\$

0.45

\$

0.45

\$

0.44

\$

0.44

\$

0.44

\$

0.44

\$

0.44

\$

0.43

\$

0.43

Days/month

30

Gross Revenue

-

\$ per month

-

2,420

2,560

2,709

2,867

3,033

3,209

3,395

3,593

3,801

4,022

4,256

4,503

Host Revenue Share

5%

121

128

135

143

152

160

170

180

190

201

213

225

Cumulative Host Revenue/year

-

2,420

2,560

2,709

2,867

3,033

3,209

3,395

3,593

3,801

4,022

4,256

4,503

Cumulative Host Revenue (15 years)

\$ 229,390

121

249

384

528

679

840

1,010

1,189

1,379

1,580

1,793

2,018

## SITE USE AGREEMENT

THIS SITE USE AGREEMENT ("Agreement") is made and entered into as of the date of the final signature below, ("Effective Date") by and between Aggie Development Incorporated, a New Mexico Corporation ("ADI") and EV3 Inc., a New Mexico corporation ("EV3"). Each a "Party" and together the "Parties".

**1. Grant of Right.** ADI hereby grants EV3, its successors and assigns, the right to locate on ADI's property, as described on Exhibit A attached hereto and made a part hereof ("Property"), one or more electric vehicle charger stations ("Charger Stations") and related facilities, including, without limitation, signage, lighting, video cameras, internet and cellular equipment, and potential solar generation, battery storage, and back-up generator facilities, to be owned or used by EV3 ("Facility"), and utility transformers, wires, poles, cables, conduits and pipes required for the operation of the Facility ("Utility Infrastructure") located as shown in attached Exhibit B (to be mutually agreed by the Parties prior to start of construction of the Facility), for the development, financing, construction, operation and maintenance of the Facility or Utility Infrastructure (including any replacement of such Facility or Utility Infrastructure) by EV3 or Utility, and their subcontractors, agents, and representatives and for use of the Facility by EV3, its licensees and invitees (the "Permitted Use"). Such grant will also include, without limitation, a non-exclusive right-of-way for ingress and egress to the Facility by its customers, seven days per week, twenty-four hours per day, on foot or motor vehicle, from the nearest public right-of-way, as indicated in the attached Exhibit B (to be mutually agreed by the Parties prior to start of construction of the Facility). EV3, at its sole cost and expense, will complete a survey including a precise legal description of the Property that will be attached to this Agreement as Exhibit B.

**2. Fees.**

- a. EV3 will pay to ADI a non-refundable fee of One Thousand and No/100s (\$1,000.00) upon execution of this Agreement for the rights granted herein.
- b. Starting on the one-year anniversary of the Effective Date and for the remainder of the Term, EV3 will pay ADI within thirty (30) days after each month, the greater of: (i) five percent (5%) of the Gross Revenues received by EV3 for the operation of the Facility during such month, or (ii) five hundred dollars (\$500) per month. "Gross Revenues" will be defined as all revenues received by EV3 from operation of the Facility during such month, but in no event will include Gross Receipt Taxes or similar local and state property taxes received by EV3. The percentage of Gross Revenues owed to ADI will be defined as the "ADI Revenue Share."
- c. After the date of commercial operation of the Facility ("Commercial Operation Date"), and within thirty (30) days after each month thereafter, EV3 will provide ADI with a monthly accounting of Gross Revenues from operation of the Facility during such month.

3. **Ownership of Facility; Cooperation.** It is the intent of the Parties that the Facility and Utility Infrastructure do not constitute a fixture and remain the EV3's property during the term of this Agreement. If requested by EV3, ADI will execute, at EV3's sole cost and expense, all documents required by any governmental authority in connection with any development of, or construction of the Facility or Utility Infrastructure, including documents necessary to petition the appropriate public bodies for certificates, permits, licenses and other approvals. ADI will be entitled to no further consideration with respect to any of the foregoing matters. ADI will take no action that would adversely affect the Facility, the Utility Infrastructure, or the Permitted Use.

4. **Commencement of Commercial Operation.** If EV3 does not achieve the Commercial Operation Date within twelve (12) months after the Effective Date ("Proposed Commercial Operation Date"), ADI may terminate this Agreement by giving written notice to EV3. Notwithstanding the foregoing, EV3 may extend the Proposed Commercial Operation Date for up to an additional six months ("Revised Commercial Operation Date") by providing ADI with written notice prior to the Proposed Commercial Operation Date, in which case if EV3 does not achieve the Commercial Operation Date prior to the Revised Commercial Operation Date, ADI may terminate this Agreement by giving written notice to EV3.

5. **Term.** This Agreement will remain in force for five (5) years following the Effective Date ("Initial Term"), unless terminated earlier by either Party in accordance with this Agreement. Notwithstanding the foregoing, EV3 will have the exclusive option to extend this Agreement on same terms for an additional five (5) years ("Second Term") by providing written notice to ADI of such extension ninety (90) days prior to the end of the Initial Term. In addition, EV3 will have an additional exclusive option to extend this Agreement on same terms for an additional five (5) years after the Second Term by providing written notice to ADI of such extension ninety (90) days prior to the end of the Second Term.

6. **Termination and Restoration Rights.** Prior to the Commercial Operation Date, EV3 will have the unilateral right to terminate this Agreement for any reason and EV3 will have no obligation to build the Facility or Utility Infrastructure. Said termination will be effective upon EV3 providing written notice of termination to ADI. Upon expiration or earlier termination of this Agreement, EV3 will, within six (6) months' time, remove its Facility and Utility Infrastructure that is above and below ground property and restore the surface of the Property covered by same to its original condition, reasonable wear and tear excepted.

7. **Default.** Upon the material default of this Agreement by a Party, the non-defaulting Party will provide the defaulting Party with written notice of such material default, and if the defaulting Party has not cured such material default within ninety (90) days after receipt of such notice of material default ("Cure Period"), the non-defaulting Party may terminate this Agreement. Notwithstanding the foregoing, no Cure Period will be required in the case where EV3 has failed to pay timely the ADI Revenue Share.

8. **Notices.** All notices hereunder will be in writing and will be given by (i) established express delivery service which maintains delivery records, (ii) hand delivery, or (iii) certified or registered mail, postage prepaid, return receipt requested. Notices are effective upon receipt, or upon attempted delivery if delivery is refused or if delivery is impossible because of failure to provide reasonable means for accomplishing delivery. The notices will be sent to the parties at

the following addresses, which may be updated by the Parties by providing written notice of such change to the other Party:

**ADI'S NOTICE ADDRESS:**

Attn: Scott Eschenbrenner, President  
Aggie Development Inc.  
P.O. Box 3145  
Phone: (575) 646-2356  
Email: sbrenner@nmsu.edu

**EV3'S NOTICE ADDRESS:**

Attn: Ron Flax-Davidson, President  
EV3, Inc.  
86b Ravens Ridge Road  
Santa Fe, NM 87505  
Phone: 202-251-2267  
Email: [rflax@ev3-inc.com](mailto:rflax@ev3-inc.com)

**9. Applicable Law.** This Agreement will be governed, interpreted, construed, and regulated by the laws of the State of New Mexico without giving effect to any principles of conflicts of law which would lead to the application of the laws of another jurisdiction. That parties agree that the venue for any litigation regarding this Agreement will be Dona Ana, New Mexico.

**10. Successors and Assigns.** The terms of this Agreement will constitute a covenant running with the Property for the benefit of the EV3 and its successors and assigns and will extend to and bind the heirs, personal representatives, successors and assigns of the Parties hereto and upon each person having any interest therein derived through any owner thereof. Any sale, mortgage, lease, or other conveyance of the Property will be under and subject to this Agreement and EV3's rights hereunder.

**11. Sale or Assignment.** This Agreement will be assignable by the Parties so long as the assignee agrees in writing to be bound by the terms of this Agreement and that with regard to assignment by ADI, ADI provides in writing information regarding the new owner and where EV3 is to make future payments hereunder.

**12. Authority and No Violation.** Each signatory of this Agreement and of all Exhibits to this Agreement represent that they have the authority to execute this Agreement and the Memorandum attached as Exhibit C, and that the execution of this Agreement will not violate any other agreement of such Party or any law or regulation.

**13. Hazardous Substances and Hazardous Wastes.**

(a) ADI warrants, to the best of its knowledge and belief, as of the Effective Date there are no Hazardous Substances or Hazardous Wastes on the Property and ADI agrees to indemnify EV3 for any cost, liability, or damage to EV3 due to any Hazardous Substances or

Hazardous Wastes on the Property prior to the Effective Date and each Party agrees to indemnify the other Party for any cost, liability, or damage to the other Party due to any Hazardous Substances or Hazardous Wastes brought to the Property after the Effective Date by a Party or its agents.

(b) For purposes of this Agreement, the term "Hazardous Substances" will be as defined in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.*, and any regulations promulgated pursuant thereto, and as used to define "Hazardous Wastes" in the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.*, and any regulations promulgated thereto.

(c) To the extent, if at all Section 56-7-1 NMSA 1978, or a successor statute, is found to apply to the indemnifications contained herein, the indemnifications will be deemed modified to the extent necessary, but only to the extent necessary, to comply with the provisions of such statute.

**14. Insurance.** At all times, EV3, at its sole expense, represents and warrants that it has in effect and shall continue in effect a general commercial liability insurance coverage in the amounts indicated below, and will provide ADI with a certificate or certificates of insurance evidencing that insurance policies required by this section, issued by an insurance company(s) recognized as an authorized carrier in the State of New Mexico with a rating reasonably acceptable to ADI (generally Fitch B++ or equivalent). The certificates shall be applicable for the full Term of this Agreement, and shall be acceptable to ADI in both form and content and shall meet the following criteria:

A. Provide Commercial General Liability insurance with a minimum combined single limit (bodily injury, property damage and personal injury) of at least One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate; and

B. Provide Workers' Compensation Insurance coverage for all staff provided by or through Promoter, in the statutory amount; and

C. Specify as an additional insured "The Regents of New Mexico State University".

**15. Removal of Obstructions.** EV3 has the right to remove obstructions, including but not limited to vegetation, which may encroach upon, interfere with, or present a hazard to EV3's use of the Property. EV3 will be responsible for disposing of any materials related to the removal of obstructions.

**16. Property Taxes.** EV3 agrees to pay all property taxes attributable to improvements on the site constructed by EV3.

**17. Intentionally Deleted.**

**18. Enforcement.** All rights and remedies provided under this Agreement are cumulative and may be pursued singularly, in any combination, and in any order. The failure to enforce any of the terms and provisions contained herein will in no event be deemed to be a waiver of the right to thereafter strictly enforce the terms and provisions hereof.

**19. Intentionally deleted.**

**20. Recording of Memorandum.** ADI and EV3 will execute a memorandum of this agreement in the form of Exhibit C hereto, which memorandum may be recorded by either Party in the real property records of the county where the Property is located.

**21. Intentionally deleted.**

**22. ADI's Covenant of Title.** ADI covenants: (a) ADI has the right and authority to grant the rights under this Agreement; (b) the EV3's rights hereunder are and will be free and clear of all liens, claims, encumbrances and rights of third parties of any kind whatsoever, except mortgages for which ADI has provided notice to EV3 and for which subordination, non-disturbance and attornment agreements are being sought in accordance with the terms of this Agreement; (c) there are no aspects of title that might interfere with or be adverse to the Permitted Use; and (d) that ADI will execute such further assurances thereof as may reasonably be required.

**23. Non-Interference.** From and after the date hereof and continuing until this Agreement is terminated (if ever), ADI will not permit any condition on the Property which creates an on-going interference with EV3's Permitted Use.

**24. Partial Invalidity.** If any term of this Agreement is found to be void or invalid, then such invalidity will not affect the remaining terms of this Agreement, which will continue in full force and effect.

**25. Headings; Construction.** The headings, captions, numbering system, etc. are inserted only as a matter of convenience and may under no circumstances be considered in interpreting the provisions of this Agreement. Whenever the singular is used, the same will include the plural and vice versa and words of any gender will include other genders. As used herein, "including" will mean "including, without limitation."

**26. Entire Agreement.** ADI and EV3 agree that this Agreement, including all exhibits, contains all of the agreements, promises and understandings between ADI and EV3. No verbal or oral agreements, promises, or understandings will be binding upon either ADI or EV3 in any dispute, controversy or proceeding at law. Any addition, variation or modification to this Agreement will be void and ineffective unless made in writing and signed by the Parties hereto.

**27. Mortgages.** In the event the Property is encumbered by a mortgage, EV3 agrees to sign a subordination, non-disturbance, and attornment agreement with the mortgagee in mutually agreeable form, and ADI will use commercially reasonable efforts to obtain the same from each mortgagee on the Property.

**28. Not to be Construed Against Drafter.** ADI and EV3 acknowledge that this Agreement will not be construed in favor or against the drafter.

**29. Counterparts.** This Agreement may be executed in any number of counterparts, each of which will for all purposes be deemed to be an original, and all of which are identical.

*Remainder of Page Intentionally Left Blank*

IN WITNESS WHEREOF, ADI and EV3 have executed this Agreement as of the Effective Date.

Aggie Development Inc.  
a New Mexico corporation

By: \_\_\_\_\_  
Name: Scott Eschenbrenner \_\_\_\_\_  
Title: President \_\_\_\_\_  
Date: \_\_\_\_\_

EV3, Inc.,  
a New Mexico corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



## EXHIBIT A "Property"



**EXHIBIT "B"**

SITE SKETCH INCLUDING ACCESS ROAD TO FACILITY:

**EXHIBIT C**

Form of Memorandum of Agreement

## **MEMORANDUM OF SITE USE AGREEMENT**

THIS MEMORANDUM OF SITE USE AGREEMENT (this "Memorandum"), is made, dated and effective as of \_\_\_\_\_, 20\_\_\_\_ (the "Effective Date"), between by Aggie Development Inc., ("ADI") whose address is P.O. Box 3145, Las Cruces, New Mexico 88003 \_\_\_\_\_, and EV3 Inc., a New Mexico corporation ("EV3"), whose address is 86b Ravens Ridge Road, Santa Fe, New Mexico 87505.

1. ADI and EV3 have entered into that certain Site Use Agreement ("Site Use Agreement"), dated \_\_\_\_\_ ("Agreement Date"), which grants to EV3 an easement across certain real property situated in the County of [County], State of New Mexico, as described on Exhibit A attached hereto ("Property").

2. The Site Use Agreement grants to EV3 the right to locate on ADI's Property, one or more electric vehicle charger stations and related facilities, including, without limitation, signage, lighting, video cameras, internet and cellular equipment, and potential solar generation, battery storage, and back-up generator facilities, to be owned or used by EV3 ("Facility") and utility transformers, wires, poles, cables, conduits and pipes required for the operation of the Facility ("Utility Infrastructure") located as shown in attached Exhibit B for the development, financing, construction, operation and maintenance of the Facility or Utility Infrastructure by EV3 or Utility, and their subcontractors, agents, and representatives and for use of the Facility by EV3, its licensees and invitees. ADI also grants a non-exclusive right-of-way for ingress and egress to the Facility by its customers, seven (7) days per week, twenty-four (24) hours per day, on foot or motor vehicle, from the nearest public right-of-way, as indicated in the attached Exhibit B.

3. The Site Use Agreement commenced on the Agreement Date and will remain in force for fifteen (15) years from the Agreement Date unless terminated earlier by either Party in accordance with the Site Use Agreement.

4. ADI and EV3 have executed and are recording this Memorandum solely for the purpose of providing constructive notice of the Site Use Agreement and EV3's rights thereunder. The terms, conditions and covenants of the Site Use Agreement are set forth at length in the Site Use Agreement and are incorporated herein by reference as though fully set forth herein. This Memorandum will not, in any manner or form whatsoever, alter, modify or vary the terms, covenants and conditions of the Agreement.

5. This Memorandum will also bind and benefit, as the case may be, the heirs, legal representatives, assigns and successors of the respective parties hereto, and all covenants, conditions and agreements contained herein will be construed as covenants running with the Property.

6. This Memorandum may be executed in counterparts, each of which will be deemed an original and all of which when taken together will constitute one and the same document.

***Remainder of Page Intentionally Left Blank***

***Signature Page to Follow***

**IN WITNESS WHEREOF**, ADI and EV3, having read the foregoing and intending to be legally bound hereby, have executed this Memorandum of Site Use Agreement as of the day and year first written above.

:

**Aggie Development Inc.**  
a New Mexico corporation

By: \_\_\_\_\_  
Print Name: Scott Eschenbrenner \_\_\_\_\_  
Title: President \_\_\_\_\_

**EV3, Inc.**  
a New Mexico corporation

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[Acknowledgements appear on following page]

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

This record was acknowledged before me on \_\_\_\_\_, 20\_\_, by as  
\_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_.

STAMP

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

This record was acknowledged before me on \_\_\_\_\_, 20\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of EV3, Inc., a New Mexico corporation.

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**EXHIBIT "A"**  
**TO SITE USE AGREEMENT**

DEED:

**[Description of ADI's Property]**

**EXHIBIT "B"**  
TO SITE USE AGREEMENT

SITE SKETCH INCLUDING ACCESS ROAD TO FACILITY:



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-10**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Roy Collins, III  
General Counsel

**Agenda Item:** 2023 Annual Open Meetings Notice Resolution

**Requested Action of the Board of Regents:** Approval of 2023 Annual Open Meetings Notice Resolution

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the attached Open Meetings Notice Resolution establishes the public notice to be given prior to the Board's meetings. The attached resolution is similar to the Board's Resolution 2022-01 adopted last March.

Notices for meetings are distributed to the news media and posted on the NMSU Regent's website ten days in advance for regular meetings, three days in advance for special meetings, and 24 hours or more, if feasible, for emergency meetings. Meeting agendas are also made available to the public by posting them on the NMSU Regents' website, at least 72 hours in advance of regular and special meetings, and concurrent with the notice for emergency meetings. If an emergency meeting is called that is not as a result of a declared state or federal emergency, a report will also be sent to the Office of the Attorney General.

**References:**

NM Open Meetings Act §10-15-1 D.

**Prior Approvals:**

N/A

## Resolution No. 2023-01

### NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS

#### ANNUAL OPEN MEETINGS NOTICE RESOLUTION

WHEREAS, the Open Meetings Act of the State of New Mexico, §10-15-1, NMSA 1978, *et seq.* requires meetings of a quorum of the members of the Board of Regents, held for the purpose of discussing or adopting any proposed resolution, rule, regulation, or other formal action, to be conducted only after reasonable notice to the public; and

WHEREAS, the Open Meetings Act requires the Board of Regents to determine at least annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Regents of New Mexico State University ("NMSU"), that compliance with the following requirements shall constitute reasonable notice:

1. Meeting Notice Content: NMSU must cause each meeting notice to indicate the date and time of the relevant meeting as well as the specific location of the Board's meeting, including city and campus (as applicable), building name, and address.
2. Meeting Notice Method: NMSU must (a) transmit each meeting notice by telephone, fax, electronic or other means of delivery to newspaper(s) of general circulation in the state; and (b) post that notice on the NMSU Regents' website. In addition, NMSU must transmit each meeting notice to any licensed broadcast station and any other newspaper that has made request for notification of meetings within the previous 12 months. NMSU requires each such request to be directed to [ucomm@nmsu.edu](mailto:ucomm@nmsu.edu).
3. Meeting Notice Timing: NMSU must provide each meeting notice in advance of a corresponding meeting, with the amount of advance notice depending upon the type of meeting:
  - a. NMSU must give notice of each regular meeting (scheduled at least quarterly) at least 10 days in advance of the meeting date. NMSU must post the regular meeting agenda on the NMSU Regents' website at least 72 hours prior to the meeting.
  - b. NMSU must give notice of each special meeting at least three days in advance of the meeting date. NMSU must post the special meeting agenda on the NMSU Regents' website at least 72 hours prior to the meeting.
  - c. NMSU must give notice of an emergency meeting - called in the case of any unforeseen circumstance that demands immediate attention to protect the health, safety and property of citizens, or to protect the university from substantial financial loss - 24 hours in advance, unless threat of personal injury, property damage or threat of financial loss requires less notice. NMSU must post the emergency meeting agenda on the NMSU Regents' website at the same time that it posts the notice of emergency meeting.

4. Report of Emergency Meeting: No later than 10 days after taking action on an emergency matter, the Board of Regents shall report to the Office of the New Mexico Attorney General the action taken and the circumstances creating the emergency, unless there has also been a declaration of a state or national emergency, in which case no report is required.

5. Meeting Accessibility: In addition to the information specified above, NMSU must cause all notices to include the following language:

"If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the Office of the Regents' at (575) 646-5997 at least three days prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, may also be provided in various accessible formats. Please contact the Office of the Regents' at (575) 646-5997 if a summary or other type of accessible format is needed."

6. Closed/Executive Session: The Board of Regents may close a meeting to the public, and meet in executive session, only if the subject matter of such discussion or action falls within one of the exceptions in the Open Meetings Act, § 10-15-1(H).

- a. If any Regent proposes any meeting to be closed during an open meeting, without prior notice, then that Regent must propose the closure by motion, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed. The motion can be approved only by a majority of a quorum of the Board in attendance. NMSU must record in the minutes the vote of each individual member on the motion proposing closure. The Board of Regents may discuss in the closed meeting only those subjects specified in the motion.
- b. If the Board of Regents is to conduct a closed meeting when the Board is not already convened in an open meeting, then the Board must not hold the closed meeting until NMSU has posted public notice required for a special meeting, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed.
- c. Following completion of any closed meeting, NMSU must cause the minutes of the public meeting that was closed, or the minutes of the next public meeting if the closed meeting was separately scheduled, to state whether the matters discussed in the closed meeting were limited only to those specified in the motion or the meeting notice for the special meeting.
- d. Except as provided by Section 10-15-1(H) of the Open Meetings Act and New Mexico case law interpreting same, the Board of Regents may take any action as a result of discussions in a closed meeting only by vote of the Board in an open public meeting.

ADOPTED by the Board of Regents of New Mexico State University, the 10th day of March, 2023, at its regular annual meeting held in Las Cruces, New Mexico.



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # D-11**

- ☐ Action Item
- ☒ Consent Item
- ☐ Informational Item

**Presented By:** Associate Vice President D'Anne Stuart

**Agenda Item:** Disposition/Deletion of Property

**Requested Action of the Board of Regents:** Approval of Property Disposition

**Executive Summary:** The Property Disposition Report represents tangible personal property on the capital asset list identified for disposition and deletion from the university's capital inventory.

**References:**

N/A

**Prior Approvals:**

N/A

**NMSU-BoR****Capital Property Disposition Report - Summary****As of 03-03-2023**

<b>Categories</b>	<b>Count</b>	<b>Total Cost</b>	<b>Accumulated Depreciation</b>	<b>Net Book Amount</b>
<b>Surplus property</b>	11	\$190,393.56	\$190,393.56	\$0.00
<b>Vehicles for sale</b>	2	\$70,103.76	\$55,656.50	\$14,447.26
<b>Grand Total</b>	<b>13</b>	<b>\$260,497.32</b>	<b>\$246,050.06</b>	<b>\$14,447.26</b>



**NMSU-BoR****Capital Property Disposition Report - Detail****As of 03-03-2023**

#	Department	Barcode	Manufacturer / Model / Serial	Acquisition Date	Total Cost	Accumulated Depreciation	Net Book Amount
<b>Surplus property</b>							
1	Police Department NMSU	U404278	UTILITY VEHICLE 2004 GM0640POLARISRANGER4XARB63A14D436287	11/11/2004	\$6,799.96	\$6,799.96	\$0.00
2	Athletics Football 3	U425727	STORAGE SERVER DONATEDRORKESTORAGE	9/22/2010	\$27,067.00	\$27,067.00	\$0.00
3	Athletics Football 3	U433719	MS160 Media Server for FootballXOS TECHMS16000087-185-523-535	9/4/2013	\$22,447.00	\$22,447.00	\$0.00
4	Athletics Football 3	U433720	MS36 Plus Network database ServerXOS TECHMS3600168-273-539-297	9/4/2013	\$12,553.00	\$12,553.00	\$0.00
5	Chemistry and Biochemistry	U402360	COPIERCANON220010906	5/5/2004	\$5,556.00	\$5,556.00	\$0.00
6	Engineering Technology	U404959	ROUTER ETHERNETCISCO7206VXR72905352	7/14/2004	\$37,418.85	\$37,418.85	\$0.00
7	Engineering Technology	U304185	PLOTTER HEWLETT PACKARD DESIGNJET 800H.P.C7780BSG15E2104H	9/17/2001	\$5,176.30	\$5,176.30	\$0.00
8	Engineering Technology	U409413	Storage Processor Array Dell PN2221601DELL MARKETING4X500FCNCH062300005	6/21/2006	\$20,707.35	\$20,707.35	\$0.00
9	ICT Telecomm,Network,Cust Support	U410139	CISCO ROUTER 2800 P0021333CISCO2800FTX1029A140	5/9/2007	\$9,765.00	\$9,765.00	\$0.00
10	Nursing	U435177	Simman Essential Complete includes SimmanSINMANESSENTIAL COMPLETE213326131181	3/24/2014	\$37,050.00	\$37,050.00	\$0.00
11	Student Success & Enroll Management	U434324	Dell PowerEdge R 720 EnhancedDELLR720DMLMBY1	10/16/2013	\$5,853.10	\$5,853.10	\$0.00
<b>Subtotal surplus property</b>					<b>\$190,393.56</b>	<b>\$190,393.56</b>	<b>\$0.00</b>
<b>Vehicles to be sold</b>							
1	Police Department NMSU	U420073	2009 White Chevrolet Silverado Crew Cab 4x4 G77998CHEVROLETSSILVERADO3GCEK13389G234939	9/15/2009	\$31,853.39	\$27,606.28	\$4,247.11
2	Police Department NMSU	U428982	2011 or Newer Chevrolet Tahoe Police Pursuit G85051CHEVROLETTAHOE1GNSK2E03CR186356	1/31/2012	\$38,250.37	\$28,050.22	\$10,200.15
<b>Subtotal vehicles to be sold</b>					<b>\$70,103.76</b>	<b>\$55,656.50</b>	<b>\$14,447.26</b>
<b>Total</b>					<b>\$260,497.32</b>	<b>\$246,050.06</b>	<b>\$14,447.26</b>

**Agenda Item: D-11**

Date: March 10, 2023

I certify the Board of Regents approved the attached capital property disposition list at the March 10, 2023 board of regents meeting, and such approval will be reflected in the meeting minutes. The disposition list includes:

- (1) surplus capital property classified as worn-out, unusable, or obsolete to the extent that it is no longer economical or safe for continued use, and
- (2) vehicles identified for sale through public auction.

All attempts will be made to salvage any usable surplus items. Remaining items will be disposed of in accordance with NMSU's disposition of property procedures. All items listed will be deleted from the university's capital inventory after the required notice to the State Auditor is completed.

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Chair  
Ammu Devasthali



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # E-1**

☒ Action Item

☐ Consent Item

☐ Informational Item

**Presented By:** Ammu Devasthali  
Chair  
Board of Regents

**Agenda Item:** Election of Officers

**Requested Action of the Board of Regents:** Election of Officers of the Board of Regents

**Executive Summary:**

The Board will elect a president, a president pro tem, and a secretary-treasurer. The president and president pro tem shall be referred to as the chair and vice chair of the Board, so as to not be confused with executive administrators. The person elected as secretary-treasurer shall, before entering upon the discharge of the duties, execute a bond to the state of New Mexico, to be approved by the governor of the state, and filed with the secretary of state, as required by statute. [NMSA 1978 §21-7-5 requirement satisfied by the blanket bond provide through the New Mexico Risk Management Division, per NMSA 1978 §10-2-15]

The election of officers will proceed with call for nominations from the floor starting with the chair, followed by the vice chair, and then the secretary-treasurer, consistent with Robert's Rules of Order.

**References:**

RPM 1.00-B (Article 3.2) – Bylaws of the Regents of New Mexico State University

**Prior Approvals:**

N/A



New Mexico State University

## Appendix – RPM 1.00-B – Bylaws of the Regents of New Mexico State University, including Regents Committee Charters

 [rpm.nmsu.edu/appendix-1-00-b](http://rpm.nmsu.edu/appendix-1-00-b)

### ARTICLE 1 – AUTHORITY, PURPOSE AND AMENDMENT

**1.1 Authority:** Pursuant to the Constitution of the State of New Mexico, and as provided by implementing legislation, the control and management of New Mexico State University (NMSU) is vested in the NMSU Board of Regents (Board). [NM Const. Art XII, Sec. 13; Art. XV, Sec. 1] The Board constitutes the body corporate, with the official name “Regents of New Mexico State University” and acts only by voting in a duly convened open meeting, in accordance with a properly posted and distributed meeting notice and agenda. [NMSA 1978 §21-8-3]

**1.2 Board Policies and Directives:** The Board exercises control over the institution through its policies and directives to executive administration. All decisions, policies and directives, approved by a majority of the Board in a duly constituted meeting, are reflected in the meeting minutes. Board policies are published in the Regents Policy Manual. Decisions and directives temporal in nature, effective for only a finite period or single point in time, may be made in the form of a motion or resolution. Resolutions will be published by year at the Board website.

**1.3 Purpose:** These bylaws are intended to govern and direct internal operations of the Board.

**1.4 Amendment:** The Board may amend or repeal these bylaws after proper notice and upon three affirmative votes from its voting members.

### ARTICLE 2 – BOARD MEMBERSHIP

**2.1 Regular Membership Determined by Law:** The membership, appointment, qualifications and terms of the regular voting members of the Board, as well as their removal and replacement, is governed by the constitution and laws of the state of New Mexico. [NM Const. Art XII, Sec. 13; Art. XX, Sections 2 and 5] As used in these bylaws, the term “regent” refers only to the members designated as

voting members by New Mexico law. Each prospective regent must, before entering upon their respective duties, take and subscribe an oath to faithfully and honestly discharge their duties in the premises and strictly and impartially perform the same to the best of their several abilities. [NMSA 1978 §21-1-19]

**2.2 Statutory *Ex-Officio* Membership:** The statutory *ex-officio* non-voting membership of the Board, as established by the legislature, consists of the governor of the state of New Mexico and the superintendent of public instruction, if there be one. [NMSA 1978 §21-1-13]

**2.3 Advisory Members:** In addition to the membership provided by New Mexico law, and at the pleasure of the Board, the following university officials, representing students, faculty and staff, serve as non-voting advisory members of the Board: the chair of the Faculty Senate, the president of the Associated Students of New Mexico State University (ASNMSU) and the chair of the Employee Council of NMSU.

## ARTICLE 3 – OFFICERS AND OFFICIAL DOCUMENTS

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**3.1 Eligibility:** Each regent is eligible to serve in any office of the Board; advisory and *ex-officio* members are not eligible to serve as officer of the Board.

**3.2 Election of Officers:** The Board will hold its annual organization meeting on the second Monday in March each year for the purpose of electing officers. [NMSA 1978 §21-7-5, applicable to NMSU through NMSA 1978 §21-8-4] The Board will elect a president, a president *pro tem*, and a secretary-treasurer. The president and president *pro tem* will be referred to as the chair and vice chair of the Board, so as to not be confused with executive administrators. The person elected as secretary-treasurer, must before entering upon the discharge of the duties, execute a bond to the state of New Mexico, to be approved by the governor of the state, and filed with the secretary of state, as required by statute. [NMSA 1978 §21-7-5 requirement satisfied by the blanket bond provide through the New Mexico Risk Management Division, per NMSA 1978 §10-2-15]

**3.3 Tenure and Vacancy:** Each officer of the Board is elected for a one-year term and serves until a respective successor is elected and qualified. A vacancy in office will be filled by election at the next meeting following its occurrence. Election to a vacant office will be for the balance of the unexpired term.

**3.4 Duties of the Chair:** The chair presides at all meetings of the Board, directs the preparation of the meeting notices and agendas, appoints the regent members and the chair of each regents committee, and performs such other duties as provided by statute, these bylaws, or as may be directed by the Board. The

chair's signature will be affixed to all diplomas for degrees, along with the signatures of the other members of the Board. Other documents approved by the Board and requiring a signature, including the official meeting minutes, will be signed by the chair. The chair may delegate tasks to other regents as may be reasonable and appropriate.

**3.5 Duties of the Vice Chair:** In the absence or incapacity of the chair, the vice chair assumes the duties and obligations of the chair.

**3.6 Duties of the Secretary-Treasurer:** The secretary-treasurer ensures that a true record of all proceedings of the Board is properly maintained. [NMSA 1978 §21-7-6] The secretary-treasurer's signature will be affixed to all diplomas for degrees, along with the signatures of the other members of the Board. The secretary-treasurer's will sign other legal documents approved by the Board. The secretary-treasurer performs such other duties as the Board may direct.

**3.7 Appointments to other Boards:** The boards of various affiliated entities call for representation from the NMSU Board. Unless otherwise provided by the governing documents of the affiliated entity, the chair will appoint the individual regents to serve on such affiliated boards.

## ARTICLE 4 – CONDUCT OF MEETINGS

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**4.1 Quorum:** A majority of the voting members of the Board constitutes a quorum for the discussion or transaction of university business, and is required to convene a meeting. [NMSA 1978 §21-8-3]

**4.2 Attendance:** Regents are expected to attend all meetings of the Board, and if unable to participate in person, will make every effort to attend telephonically. Regents will be permitted to attend any meeting of the Board by telephone, when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any Board member who speaks during the meeting. [NMSA 1978 §10-15-1 C.] Regents may not participate by proxy. When unable to attend, advisory members may send an alternate representative, as provided by their respective governance rules.

**4.3 Chair Role:** The chair presides at the meetings of the Board, with full power to vote on and to second any motion, and to discuss all matters, with the same authority as any other regent, notwithstanding any provision of *Robert's Rules of Order*.

**4.4 Meeting Minutes:** The Board must keep written minutes of its open meetings including the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decision and votes taken that show how each member voted. [NMSA 1978 §10-15-1 G.] Within 10 working days after any open meeting, draft minutes will be prepared under the direction and subject to the approval of the Secretary-Treasurer. The draft minutes will be presented for approval, amendment or disapproval by the Board at its next meeting. The minutes will be official upon approval of the Board and signature by the chair. [NMSA 1978 §10-15-1 G.] The official minutes are open to public inspection by posting at the website for the Board.

**4.5 Roberts Rules of Order:** As necessary to maintain order, and except where they may be in conflict with these bylaws, *Robert's Rules of Order* govern the conduct of the meetings of the Board.

**4.6 NM Open Meetings Act Compliance:** All meetings of the Board, except closed sessions, are open to the all persons desiring to attend. Reasonable efforts will be made to accommodate the use of audio and video recording devices. [NMSA 1978 §10-15-1 A.] All meetings of the Board will be conducted in compliance with the New Mexico Open Meetings Act. [NMSA 1978, § 10-15-1 *et seq.*] The Board will consider and determine at least annually whether the required types of notice and method of distribution, as set forth in Articles 5 and 6 below, are reasonable as applied to the Board. [NMSA 1978, § 10-15-1, Section D.] The chair will work with Board staff to ensure that the content and posting of the meeting notices and agendas is legally sufficient and consistent with these bylaws and the New Mexico Open Meetings Act.

**4.7 Public Comment:** All regular meetings of the Board will include an opportunity for public comment which may be limited to three minutes per person. Prior to commencement of each regular meeting, Board staff or designee will invite members of the public to indicate their desire to address the Board by sign in sheet. Opportunity for public comment will generally be provided at special meetings of the Board, but at the discretion of the chair, may be omitted in consideration of scheduling constraints.

## ARTICLE 5 – MEETING TYPES AND NOTICE

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**5.1 Meeting Types:** The chair issues, or may direct the issuance of, calls for all meetings of the Board. The chair will designate each meeting as a regular, special, emergency or closed meeting, in accordance with the following:



1. **Regular Meetings:** Regular meetings are scheduled for the regular conduct of business and are held quarterly on such dates, places and times as may be fixed by the chair, provided that one of the regular meetings is statutorily set on the second Monday in March. [NMSA 1978 §21-1-4]
2. **Special Meetings:** Special meetings are typically reserved for matters that require action before the next regular meeting. The chair may call as many special meetings as deemed necessary. Within 20 days after receiving a request from any two regents, the chair will call a special meeting by issuing a notice for a meeting to be held within 23 days after receipt of the request.
3. **Emergency Meetings:** An emergency meeting may be called only for unforeseen circumstances that demand immediate attention to protect the health, safety and property of citizens or to protect the university from substantial financial loss. Emergency meetings may be called by any member of the Board. Within 10 days of taking action on an emergency matter, the Board will cause to be reported to the Office of the New Mexico Attorney General the action taken and the circumstances creating the emergency, unless there has also been a declaration of a state or national emergency, in which case no report is required. [NMSA 1978 §10-15-1 F.]

4. **Closed Meetings:** The Board may hold a meeting closed to the public (executive session) only if the subject matter of such discussion or action falls within one of the exceptions listed in the Open Meetings Act. [NMSA 1978 §10-15-1 H.]

1. If any meeting is proposed to be closed during an open meeting, without prior notice, the closure must be proposed by motion, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed. The motion must be approved by a majority of a quorum of the Board in attendance. The vote of each individual member on the motion proposing closure will be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting. [NMSA 1978 §10-15-1 I. (2)]
2. If a closed meeting is to be conducted when the Board is not already convened in an open meeting, the closed meeting must not be held until public notice required for a special meeting is posted, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed. [NMSA 1978 §10-15-1 I. (1)]
3. Following completion of any closed meeting, the minutes of the public meeting that was closed, or the minutes of the next public meeting if the closed meeting was separately scheduled, will state whether the matters discussed in the closed meeting were limited only to those specified in the motion or the meeting notice for the special meeting. [NMSA 1978 §10-15-1 J.]
4. Any action taken as a result of discussions in a closed meeting must be made by vote of the Board in an open public meeting. [NMSA 1978 §10-15-3 A.]

**5.2 Meeting Notice:** The call for a meeting will satisfy the following public notice requirements:

1. **Content:** Each meeting notice will indicate the meeting type, date, time and specific location of the meeting, including city and campus (as applicable), building name, and address. The notice will also include either a meeting agenda or information about when and where the meeting agenda will be available to the public. [NMSA 1978, §10-15-1, Section F.]

2. **Posting and Distribution:** Each meeting notice will be (1) posted at the Zuhl Library on the Las Cruces campus of NMSU, (2) posted at the Board website, and (3) emailed to each regent. In addition, each meeting notice will be transmitted by telephone, fax, electronic or other means of delivery to any newspaper(s) of general circulation in the state and licensed broadcast stations that have made request for notification of meetings within the previous 12 months. [NMSA 1978, § 10-15-1 Part F.] Requests for notifications must be submitted to [ucomm@nmsu.edu](mailto:ucomm@nmsu.edu).
3. **Timing:** Each meeting notice will be posted and distributed in advance of the meeting, with the amount of advance notice depending upon the type of meeting:
  1. Notice of regular meetings will be given at least 10 days in advance of the meeting date, with the meeting agenda posted at the Board website at least 72 hours prior to the meeting.
  2. Notice of special meetings will be given at least 72 hours in advance of the meeting date, with the meeting agenda also posted at the Board website at least 72 hours prior to the meeting.
  3. Notice of an emergency meeting will be given 24 hours in advance, unless threat of personal injury, property damage or threat of financial loss requires less notice, with the meeting agenda posted at the Board website at the same time as the notice of emergency meeting.

**5.3 Meeting Accessibility:** In addition to the information specified above, all notices for open meetings must include the following statement:

NMSU is an equal opportunity institution. For disability accommodation, please contact board staff at (575) 646-5997 or [regents@nmsu.edu](mailto:regents@nmsu.edu)

## **ARTICLE 6 – MEETING AGENDA PURPOSE AND PREPARATION**

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**6.1 Purpose of Meeting Agenda:** The agenda for each meeting provides reasonable, specific notice to the public of the items which will be considered by the Board, and sets the order for the transaction of the Board's business by category. Only those items specifically listed on the posted agenda may be discussed at the meeting, and any item requiring action or decision will be voted upon in open meeting.

**6.2 Agenda Item Submission by Regent:** Each meeting agenda will include any and all items submitted in writing by any regent to the chair with a copy to board staff. Agenda items submitted less than 6 days in advance of a scheduled meeting may be placed on the agenda of that meeting, if feasible, or otherwise will be placed on the agenda of the next meeting.

**6.3 Agenda Item Submission by Administration:** The administration may submit agenda items for regular meetings through the chancellor or the chancellor's designee, the director of the New Mexico Department of Agriculture, or the general counsel. Agenda item topics and synopses must be submitted to board staff at least 14 days in advance of meetings and in the manner and the format specified by board staff. Supporting documents must be delivered to board staff at least 10 days before the scheduled meeting, and will include copies of any slide presentation intended for the meeting. Agenda items that require action before the next regular meeting, for which a special meeting has been called, may be submitted for consideration at least 7 days in advance with distribution of the proposed agenda and materials at least 5 days before the scheduled meeting.

The chair will determine whether items requested by the administration will be included on the agenda, and for any item for which supporting documentation was not submitted on a timely basis, may subsequently propose to remove or table such agenda items. The chair will direct board staff regarding the placement of items on the agenda and will determine what meeting presentations will be allowed.

Where practical, the chair may direct board staff to add agenda items to a consent agenda provided there is an opportunity for the full board to approve the agenda during the meeting and subject to the following limitations.

The consent agenda may not include:

- Approval of tuition and fees
- Approval of operating budgets
- Approval of Budget Adjustment Requests (BAR)

Furthermore, if a BAR agenda item is proposed and placed on the agenda, administration must provide supplemental documentation tabulating all BARs year to date for the current fiscal year and an explanation should be provided for each increase/decrease in estimated actuals greater than or equal to \$1,000,000 per object code.

**6.4 Distribution of Agenda Materials:** Board staff will distribute to each regent the proposed agenda and all supporting documentation at least 7 days prior to any regular or 5 days prior to any special meeting.

**6.5 Additional Guidelines:** With the approval of the chair, board staff is authorized to set deadlines and require the use of forms to facilitate the efficient development of the Board's meeting agendas and the timely distribution of supporting materials.

**6.6 Agenda Item Requests from Public:** Members of the public may submit meeting agenda proposals in writing at the address indicated at the website for the NMSU Board. Board staff will inform the chair, the chancellor, and if relevant, appropriate campus president or NMDA Director/Secretary about such proposals, and will be responsible for informing the requestor of the chair's decision.

## **ARTICLE 7 – GENERAL OPERATING PRINCIPLES**

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**7.1 Inspection of Records:** All records of the Board are open to inspection by the public at reasonable times, and in accordance with the New Mexico Inspection of Public Records Act. [NMSA 1978 §14-2-1 *et seq.* and §21-1-16]

**7.2 Compensation:** Members of the Board are not compensated for their service in their capacity as a regent. (Students appointed to serve as the student regent may be eligible for a student leadership scholarship or fellowship pursuant to RPM 2.44 and ARP 2.44.)

**7.3 Travel Expenses:** Members of the Board are entitled to receive reimbursement for actual and necessary travel expenses in going to and returning from all noticed meetings of the Board. [NMSA 1978 §21-1-9] Such reimbursements are processed by board staff, consistent with university travel reimbursement procedures as set forth in the NMSU Business Procedures Manual. Other university related travel expenses will be reimbursed as approved by the Board chair.

**7.4 Correspondence:** No individual member, including the chair, should send correspondence on behalf of the Board, unless duly authorized through a vote in open meeting. In such cases, the chair acts on behalf of the Board. All such correspondence must be copied to board staff for records retention compliance and archiving purposes.

**7.5 Regents Committees:** The Board may establish committees to assist it with the board's fiduciary and other oversight duties relative to the university and to NMDA. Regents committees assess information and make recommendations to the Board.

1. **Membership:** A regents committee will be comprised of no more than two voting regents appointed by the chair, and any other individual(s) appointed by the Board. The chair of the regents committee will be appointed by the chair of the Board. The membership of the board of regents committees will be determined annually.

2. **Charter:** The regents committees are governed by their respective charters, as amended from time to time, which are published as an attachment to these bylaws.
3. **Established Regents Committees:** The regents committees established by the Board are listed below:
  1. Regents Financial Strategies, Performance and Budget Committee (RFSPBC),
  2. Regents Audit and Risk Committee (RARC),
  3. Regents Real Estate Committee (RREC), and the
  4. Regents Student Success Committee (RSSC).
  5. This list will be updated by university staff upon the Board's decision to establish or discontinue a regents committee, or to change a committee name, without need for formal amendment of the bylaws.
4. **Collaboration between Regent Committees:** As may be determined appropriate at the discretion of the respective regents committee chairs, the regents committees may work collaboratively through joint committee meetings which may include a quorum of the Board. In such instances, the joint meeting will be properly noticed in accordance with the NM Open Meetings Act and these bylaws.

**7.6 Information:** Regents seeking information relating to the university or NMDA operations should submit requests to the chancellor or the director of the New Mexico Department of Agriculture, or to their respective designees.

**7.7 Financial Disclosures:** Pursuant to the New Mexico Financial Disclosures Act, each regent is required to file with the New Mexico Secretary of State a financial disclosure statement within thirty days of appointment and during the month of January every year thereafter in which the regent holds office. [NMSA 1978 §10-16A-3] The Financial Disclosure Statements are public records.

**7.8 Conflict of Interest:** Regents must not have a direct or indirect financial interest in any contract for building or improving or for the furnishing of supplies or services to the university. [NMSA 1978 §21-1-17] Regents must not engage in any act prohibited by the Governmental Conduct Act as it applies to Board members. [NMSA 1978 §§10-16-1 *et seq.*] Regents must not accept any gift which would result in a violation of the New Mexico Gift Act [NMSA 1978 §§10-16B-1 *et seq.*]

**7.9 Annual Report:** On or before the first day of December, the Board will submit an annual report of its activities to the governor. [NMSA 1978, §21-1-12]

## **Attachment 1 to the Board's Bylaws – Regents Audit and Risk Committee Charter**

## Purpose

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The purpose of the Regents Audit and Risk Committee (RARC) is to assist the Board of Regents (Board) in fulfilling its oversight responsibilities related to: integrity of the university's financial statements, systems of internal control, independence and performance of the external and internal audit functions, identification and management of risks, efficient and economical acquisition and protection of resources, achievement of program objectives consistent with university objectives, and compliance with legal and regulatory requirements.

## Membership

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In recognition of the independent role of the audit function, as well as the need for financial and other professional expertise and continuity of membership from year-to-year, the RARC shall be composed of the following voting members annually appointed by the Board chair: two regents and three members consisting of one faculty member from the College of Business, Accounting & Information Systems Department, and two members from the private sector. The Board chair will appoint a regent member as the RARC chair, and another member as co-chair. Serving as *ex-officio*, non-voting members are the chief audit executive, university general counsel and others as appointed by the Board chair.

## Meetings

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The RARC will meet at least four times a year, with additional meetings scheduled as circumstances require. Members of management, auditors or others may be invited to attend meetings and provide information as necessary. The chancellor of NMSU-Las Cruces, and university general counsel are generally expected to attend committee meetings, in addition to the staff liaisons identified in the paragraph above. The regent chair of the committee sets the agenda. Board staff calls for agenda items from the members of the board of regents and the chancellor (or designee). Board staff is responsible for scheduling, compiling and distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

## Duties and Responsibilities

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- **Oversight of the Independent (External) Auditor.** The RARC will approve the selection and compensation of the independent public accounting firm employed by the organization to perform the annual financial statement and federal compliance audits. The RARC will evaluate the performance of the independent auditor and resolve any disagreements between management and the independent auditor regarding financial reporting. All audit and non-audit services provided by the independent auditor that may impair the audit firm's independence with regard to the university will be pre-approved by the RARC. The RARC will routinely provide time for private discussion with the independent auditor.
- **Oversight of the Internal Audit Function.** The chief audit executive shall report administratively to the vice chancellor and functionally to the RARC. The vice chancellor is responsible for hiring, evaluating, promoting, determining compensation for and terminating the chief audit executive with the review and consent of the chair. The RARC will also annually review, with the chief audit executive, the mission and functions of Internal Audit, and its activities, staffing, budget and organizational structure. The RARC will review and approve the annual audit plan, and routinely provide time for private discussion between RARC members and the chief audit executive.
- **Review of Financial Statements.** The RARC will review the university's annual financial report, including independent auditor reports, management's discussion and analysis, financial statements, notes to the financial statements, supplemental schedules and findings and questioned costs.
- **Review of Audit Results.** The RARC shall review internal and external audit results and discuss significant issues of internal control and compliance with management, university general counsel, the external auditor(s), and the chief audit executive. The RARC shall monitor management's progress in addressing audit recommendations.
- **Investigations Related to Financial Matters.** The RARC will be kept apprised of investigations related to financial matters by management, university general counsel and/or the chief audit executive.
- **Request for Audits.** The RARC is authorized to request supplemental reviews or other procedures by the internal auditor, the independent auditor, or other advisors.
- **Risk Management.** The RARC will provide systematic oversight of compliance and risk management through periodic review of HR policy and practice, facility standards, safety and security, data and access, research certification and athletic compliance.
- **Report to Board:** The RARC will regularly report to and may make recommendations to the Board



## **Attachment 2 to Board's Bylaws – Regents Financial Strategies, Performance and Budget Committee Charter**

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### **Purpose**

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The purpose of the Regents Financial Strategies, Performance and Budget Committee (RFSPBC) is to assist the Board of Regents (Board) in fulfilling its oversight and approval responsibilities related to: overall administration of the university system's fiscal resources; alignment of fiscal resources to student outcomes and other key strategic performance requirements as determined by the Board; oversight of a regents strategic dashboard; evaluation of best fiscal practices, forecasting, and fiscal soundness; preparation of the annual budget; conduct of significant financial transactions as defined by the Board; assurance of actionable open communication regarding fiscal planning, budget, alignment, outcomes; and other related budgetary issues.

### **Membership**

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Recognizing the value of perspectives independent from NMSU, and the need for financial expertise, business aptitude, higher education experience, and continuity from year-to-year, the RFSPBC will be composed of the following voting members annually appointed by the Board chair: two regents, the Chancellor and three members from the private sector. The Board chair will appoint a regent member as the RFSPBC chair, and another member as co-chair. Serving as *ex officio*, non-voting members to the RFSPBC are the provost and senior vice president for academic affairs, the associate vice president for finance and business services, the chief budget officer, the director/secretary of the New Mexico Department of Agriculture (NMDA), a dean, a faculty member, a student representative and others as appointed by the Board chair.

### **Meetings**

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The RFSPBC will meet at least four times a year, with additional meetings scheduled as circumstances require. Members of management or others may be invited to attend meetings and provide information as necessary. The regent chair of the committee sets the agenda. Board staff calls for agenda items from the members of the board of regents and the chancellor (or designee). Board staff is responsible for scheduling, compiling and distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

### **Duties and Responsibilities**

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- **Oversight of the Overall Administration of the University System's Financial Resources.** The RFSPBC will review periodic budgetary, financial and operating performance reports presented to it and maintain a familiarity with the university's financial operations and to monitor financial performance against both policy and board-defined goals.
- **Alignment of the Fiscal Resources and Return.** The RFSPBC will ensure that appropriate fiscal resources are aligned and allocated to student outcomes, and other key strategic performance requirements as determined by the Board during an annual planning session, which includes review of the Vision 2020 Strategic Plan. The RFSPBC will develop and maintain a dashboard which includes fiscal performance, effectiveness, cost management and resource allocation return.
- **Evaluation of best fiscal practices.** The RFSPBC will conduct periodic review of the fiscal best practices for consideration.
- **Oversight of the preparation of the annual budget and related certifications.** The RFSPBC will ensure, via university staff, that budgetary reports are prepared and submitted in a timely and accurate manner, in compliance with external and policy requirements, and in communication with the chair and the Board.
- **Oversight of the conduct of significant financial transactions.** The RFSPBC will review proposed significant financial transactions as defined or as requested by the Board and university executive management, and will provide guidance to university executive management as appropriate.
- **Assurance of open fiscal communication and participation within NMSU system.** The RFSPBC will review communication plans/systems, participation in the budgetary process, and stakeholder feedback to determine if the financial management process is conducted in an informed, participative manner.
- **Report to Board.** The RFSPBC will regularly report to and may make recommendations to the Board.

## **Attachment 3 to Board's Bylaws – Regents Real Estate Committee Charter**

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### **Purpose**

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The purpose of the Regents Real Estate Committee (RREC) is to assist the Board of Regents (Board) in fulfilling its fiduciary and statutory responsibilities relating to the management of university real estate, to include water and mineral rights, in

the best interest of the institution. Specifically, the RREC will be briefed on and provide oversight of master planning; renovations; property acquisition, use and disposition; bonding; and mil levies.

## **Membership**

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Recognizing the value of perspectives independent from NMSU, and the need for astute management of the physical campus and university assets, the RREC will be composed of the following voting members annually appointed by the Board chair: two Regents, the Chancellor, a representative from the academic units, and an odd number, of up to five members from the private sector. The Board chair will appoint a regent member as the RREC chair, and another member as co-chair. Serving as ex-officio, non-voting members to the RREC are the Vice Chancellor & Chief Strategic Financial Officer, the Director of Real Estate, the Associate Vice President for Facilities and Services, the ASNMSU President, and the University General Counsel, or their respective designees and others as appointed by the Board chair.

## **Meetings**

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The RREC will meet at least four times a year, with additional meetings to be scheduled on an as-needed basis. Members of management or others may be invited to attend meetings and to provide information as necessary. The regent chair of the committee sets the agenda. Board staff calls for agenda items from the members of the board of regents and the chancellor (or designee). Board staff is responsible for scheduling, compiling and distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

## **Duties and Responsibilities**

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- The RREC will review and may make recommendations regarding proposals to purchase, sell, lease or use university real estate or water, including but not limited to the university's master plan(s) and specific proposed transactions.
- The RREC may recommend, and will review, revisions to policy and procedures relating to university real estate or water.
- The RREC may confer with appropriate university staff or others about matters relating to real estate or water.

- The RREC will assist the institution in upholding the principles set forth in Regents Policy 9.20, “Real Estate, Capital Improvement and other Physical Resources”, including but not limited to those relating to the preservation, enhancement and maximization of the productivity of the university’s real estate assets; minimization of risk, and compliance with applicable legal requirements.
- The RREC will provide oversight of the university master plan, facility renovation plan, housing master plan, dining master plan and parking master plan.
- The RREC will be briefed about other matters which significantly impact NMSU property, which may not be identified above, and be given the opportunity to review, comment and otherwise provide oversight.
- The RREC will regularly report and may make recommendations to the Board.

## **Attachment 4 to Board’s Bylaws – Regents Student Success Committee Charter**

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### **Purpose**

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The purpose of the Regents Student Success Committee (RSSC) is to assist the Board of Regents (Board) in fulfilling its oversight and approval responsibilities related to educational opportunity, and financial support and sound investment in high quality education. Guiding principles for the NMSU system are drawn from its Hispanic-serving, minority serving, high performing research, and land grant missions. In order to achieve the institution’s three strategic and student-centric priorities of graduating students, supporting efforts to get a high quality job, and realizing a continuum of educational support through giving, the RSSC identifies, recommends and oversees national best practices in support of its six pillars of academic success: enrollment, retention, graduation, placement, research and giving. Realizing highly qualified and highly performing graduates are the catalyst of a state’s economy, and that taxpayers are best served through a revenue generating and optimally resourced institution, the RSSC focuses on student success through a metric driven and targeted performance approach.

### **Membership**

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Recognizing the value of perspectives independent of NMSU, as well as continuity of membership from year-to-year, the RSSC will be composed of the provost and the vice president for student success, plus the following voting members annually

appointed by the Board chair: two regents and at least three other members, who shall be from the private sector. The Board chair will appoint a regent member as the RSSC chair, and another member as co-chair. Serving as ex officio, non-voting members are a representative from each community college campus, a dean representative, at least one faculty representative and a student representative, and others as appointed by the Board chair.

## Meetings

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The RSSC will meet at least four times per year, with additional meetings scheduled as circumstances require. Members of management or others may be invited to attend meetings and provide information as necessary. The regent chair of the committee sets the agenda. Board staff calls for agenda items from the members of the board of regents and the chancellor (or designee). Board staff is responsible for scheduling, compiling and distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

## Duties and Responsibilities

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- **Oversight of Educational Opportunity Objectives.** The RSSC will provide oversight of entire student journey, including student aid objectives, enrollment management, tuition policy, and student debt in its fulfillment of educational access and opportunity, and institutional vision and mission.
- **Oversight of Financial Support through Alternative Revenue Generation.** The RSSC will consider opportunities to leverage the assets of the NMSU system to realize student outcomes. The RSSC will review implementation and monitor progress.
- **Academic Program and Support Structure Oversight.** The RSSC will provide oversight of student success strategies for enrollment management, advising, retention, graduation, academic support, delivery methods, learning communities and experiential learning. The RSSC will consider proposals to create, reorganize, relocate, or eliminate an academic organizational unit such as a college, school, academic department, or a library and proposals to establish or eliminate any degree or major field of study that are pending Board approval.
- **Career Pathway Oversight.** The RSSC will identify and recommend opportunities to enhance, and provide oversight of, the alignment of academic programs with research, student employment, experiential learning, career pathways and post-graduation outcomes.
- **Report to Board.** The RSSC will regularly report to and may make recommendations to the Board.





**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # F-1**

- ☐ Action Item
- ☐ Consent Item
- ☒ Informational Item

**Presented By:**

Ermelinda Quintela  
Senior Administrator for Strategic System  
Services and  
Operational Policy Administrator

**Agenda Item:** Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period December 1, 2022 – February 28, 2023.

**Requested Action of the Board of Regents:** Informational only.

**Executive Summary:** In accordance with ARP 1.10, the attached report provides a brief synopsis of approved policy actions to the Administrative Rules and Procedures of NMSU (ARP) approved by the Chancellor during the referenced period.

**References:**

ARP 1.10, Part 5.5.B., provides that a summary of approved policy actions, with exception of the non-substantive corrections and updates, as an informational item for inclusion in the record of each regular meeting of the NMSU Board of Regents.

**Prior Approvals:**



## Office of the Vice Chancellor

Strategic System Services  
 MSC 3Z  
 Hadley Hall  
 2850 Weddell Dr.  
 Las Cruces, NM 88003  
 575-646-2035, fax: 575-646-6334  
 sss@nmsu.edu

### INFORMATIONAL REPORT:

#### SUMMARY OF ARP REVISIONS (PERIOD: 12/01/2022-2/28/2023)

Proposed policy revisions to the NMSU Administrative Rules and Procedures (ARP) (<https://arp.nmsu.edu/>) are submitted through the Policy Steering Committee, to include Interim policy actions. Revisions to the NMSU ARP are developed and reviewed with responsible administrator and relevant stakeholders, reviewed by constituencies, and posted for university community comment and ultimately for consideration by the Policy Steering Committee, advisory to the Chancellor. Occasionally, as warranted by the circumstances, the Chancellor implements and revises operational policy provisionally (interim policy actions) pending the formal review, comment and approval process. Additionally, non-substantive revisions are made periodically to reformat, update or correct, as part of regular ARP maintenance and without the above formal approval processes (e.g. updates to job titles or office names, correcting typographical errors or hyperlinks, adding cross references). This report is submitted pursuant to ARP 1.10 (Part 5.5.B.) to summarize the revisions made to the ARP during the period of December 1, 2022, through February 28, 2023.

#### INTERIM:

ARP 16.69 University Related International Travel, upon approval by the Chancellor the policy was amended under Interim status effective January 18, 2023. ARP 16.69 – University Related International Travel was a general revision to update to current statutory requirements. Highlights of the revision include the following:

- added reference to compliance requirements such as export control and reporting sexual misconduct;
- clarification of the offices involved as a result of the reorganization of International and Border Programs;
- clarified procedures pertaining to travel to high-risk destinations to maximize flexibility, while maintaining safety and security; and
- relocation of some procedural material to separate administrative procedures.



INFORMATIONAL REPORT:  
SUMMARY OF ARP REVISIONS (PERIOD: 12/01/2022-2/28/2023)  
Page 2

**REVISION(S):**

ARP 6.15 Re-Employment of Retirees, upon approval by the Chancellor the policy was amended effective January 18, 2023. ARP 6.15 – Re-Employment of Retirees was revised to align NMSU policy to state statutory requirements for employment of NMERB retirees. Highlights of the revision include the following:

- informs retiree of their individual added responsibility to monitor compliance with ERB for earnings and FTE limitations;
- aligns Layout definition to include a 90-day layout period under the \$15,000 return to work provision;
- clarifies NMERB retirees definition to include both defined benefit and alternative retirement plan retirees;
- pre-January 1, 2001 retiree not required to suspend benefits if worked less than .25 FTE or earnings are less than \$15,000, per fiscal year;
- prior to beginning employment, retiree is required to submit a completed Return to Work (RTW) application and obtain approval from NMERB, verifying the retiree's eligibility to participate in the RTW program;
- informs of disqualification of layout period if FTE exceeds 25% or earnings exceed \$15,000;
- member will not pay contributions to ERB fund and will not earn or purchase service credit during the RTW employment;
- NMERB retirees that exceed limits will be returned to active status in the defined benefit plan;
- clarifies contributions requirements.

ARP 8.12 Retirement, Educational (ERB), was amended by the Chancellor effective January 18, 2023, upon approval by the Chancellor Executive Team. ARP 8.12 – Retirement, Educational (ERB) was revised to align NMSU policy to state statutory requirements for employment of NMERB retirees. Highlights of the revision include the following:

- clarifies that employees not required to participate as NMERB member include those who earn less than \$15,000;
- FTE calculations will aggregate employment with all NMERB employers;
- clarifies PERA retirees are required to provide documentation of retirement upon employment;
- clarifies NMERB and NMSU Human Resource Services role for providing retiree benefits information;
- moved detail listing of NMSU provided retirement benefits from ARP to HRS Benefits website.



**Board of Regents Meeting**  
**Meeting Date: March 10, 2023**  
**Agenda Item Cover Page**

**Agenda Item # G**

- ☐ Action Item
- ☐ Consent Item
- ☒ Informational Item

**Presented By:** **Jeff Witte**  
Cabinet Secretary & Director  
New Mexico Department of  
Agriculture

**Agenda Item:** Report from the New Mexico Department of Agriculture to the Regents of New Mexico State University (Board of Agriculture)

**Requested Action of the Board of Regents:** None. Information only.

**Executive Summary:** This is a quarterly report provided to the Board of Regents from the New Mexico Department of Agriculture

**References:**  
See attached report.

**Prior Approvals:**  
N/A



## BOARD OF REGENTS REPORT

March 7, 2023

Welcome to our new regents Deborah Romero and Garrett Moseley. I have had the honor of working with Regent Romero for many years and look forward to continuing that for the future and I look forward to working with Regent Moseley. I invite both of you, when you have time, to visit NMDA and become familiar with our operations. You not only sit as regents, but as I like to say, as the board of agriculture as you also govern over all rulemakings brought forth by the department. I would like to also extend my congratulations to Regent Devasthali on her reappointment.

The past few months have been dedicated to the 2023 legislative session. The budget is the primary priority. NMDA is also part of the Land of Enchantment Legacy Fund proposal which will establish a trust fund to provide consistent funding for conservation programs. NMDA is scheduled to receive 22.5% of the distribution annually. This funding will be used for programs associated with the Soil and Water Conservation Districts, Healthy Soils Programs and Noxious Weed Management.

I was asked to serve on the National Association of State Departments of Agriculture National Agriculture Statistics Advisory Committee. This committee advises USDA on agriculture surveys and data needs for the US.

We will provide a complete legislative impact update at the next update to the regents.  
*-New Mexico Agriculture Secretary Jeff Witte*

### Agricultural Programs and Resources

NMDA's Healthy Soil Program Background

<https://nmdeptag.nmsu.edu/healthy-soil-program.html>

Visit the website above to watch two video clips about NMDA's Healthy Soil Program.

NMDA created its Healthy Soil Program after the Healthy Soil Act was signed into law in 2019. The purpose of the program is "to promote and support farming and ranching systems and other

forms of land management that increase soil organic matter, aggregate stability, microbiology and water retention to improve the health, yield and profitability of the soils of the state.”

Grants to improve soil health are the centerpiece of NMDA’s Healthy Soil Program. Every year, NMDA awards grants to implement on-the-ground projects that implement one or more of the five soil health principles, stated as follows in the legislative Act that created the program:

- keeping soil covered
- minimizing soil disturbance on cropland and minimizing external inputs
- maximizing biodiversity
- maintaining a living root
- integrating animals into land management, including grazing animals, birds, beneficial insects or keystone species, such as earthworms

The application period for Healthy Soil Program grants for individual applicants is open now. These grants will fund on-the-ground projects that occur between August 1, 2023 and May 31, 2024.

### **Agricultural and Environmental Services**

From March 5 to March 7, NMDA participated in the Western Pecan Growers Conference held in Las Cruces. The conference is billed as the largest pecan conference in the country with participants from national and international pecan growing regions. NMDA’s participation included staffing a booth at which growers were provided with information regarding pecan exporting requirements and insect pest eradication program progress. NMDA staff also provided an educational presentation during the event.

NMDA staff is concluding efforts directed at facilitating the export and interstate movement of in-shell pecans to ensure compliance with states’ laws regulating the inter- and intrastate movement of in-shell pecans. These laws are primarily directed at preventing the spread of pecan weevil, a recently introduced pest to eastern New Mexico among other pecan growing counties in the state and the neighboring El Paso County and northern Chihuahua.

NMDA staff also facilitated a short training with Navajo EPA related to pesticide safety and inspection processes. The training was held in Farmington, utilizing licensed pesticide applicators as part of the process.

### **Marketing and Development**

#### **Second Class of New Mexico—Taste the Tradition® Chef Ambassadors**

In the fall, NMDA selected Chefs Jordan Isaacson and Jon Young as the second class of the NEW MEXICO—Taste the Tradition® Chef Ambassador Program after a competitive application and

interview process. Both chefs will serve two-year terms strengthening the voice of New Mexico agriculture and creating experiences with lasting impact on buyers and consumers both in-state and nationally.

Chef Isaacson recently moved to Santa Fe where he will be starting a position at a new restaurant on the plaza. Chef Young is the chef/-owner of both a successful farm-to-table catering business and private chef business — for which he sources ingredients from his small farm located in Corrales.

Through Chef Young's participation in the 2<sup>nd</sup> Annual Matanza at the Agri-Nature Center in Los Ranchos February 25, NMDA helped to support this community in its ongoing efforts to educate others about New Mexico agriculture through experiential learning and food.

On February 27, both chefs served as judges for the 20th Annual New Mexico ProStart Invitational in Albuquerque, hosted by the Hospitality Industry Education Foundation and the New Mexico Restaurant Association.

Over the next several months, the Chef Ambassadors will create recipes and videos to enhance NMDA's digital marketing and promotional efforts, assisting at major national and international tradeshow such as the National Restaurant Association Show in Chicago, and the America's Food & Beverage Show in Miami, and much more.



### **Western United States Agricultural Trade Association (WUSATA) Winter Meeting**

Staff attended the annual WUSATA meeting in Vancouver, Washington to submit proposals for 2024. Four international trade activities were proposed and approved for funding. The activities include a pair of Dried Fruit and Nut Inbound Missions with Europe and Korea, a Specialty Food Inbound Mission with Europe, and an Ingredient and Food Service outbound to Mexico.



### U.S. Livestock Genetic Exports, Inc. (USLGE) Annual Meeting

Staff attended the USLGE annual meeting in Fort Worth last month. Staff served as the NMDA representative on the Board of Directors. In addition, staff led a presentation on “Cooperation with Members.” The meeting included USDA Foreign Agricultural Service workshops, country market updates, and site visits. Staff worked with other members to plan proposals for the 2024 Unified Export Strategy.



### USLGE Mexico Inbound Mission

Staff coordinated a Livestock Genetics inbound mission with Mexico. Three cattle buyers from Mexico participated in this trade mission. The mission included a bull sale, tour of the NMSU Tucumcari Ag Experiment Station and Bull Test, as well as ranch tours. In-bound missions, such as this one, provide a critical opportunity to demonstrate the quality and value of New Mexico cattle and genetics to important trade partners. Out of this mission, a sale of 40 registered Hereford yearling heifers is currently being negotiated.





## Local Foods Purchase Assistance Cooperative Agreement



In the past four months, NMDA has been a critical asset in the progress achieved with the Local Foods Purchase Assistance Cooperative Agreement (LFPA). The LFPA is a partnership between the NMDA, The Food Depot, and the New Mexico Farmers' Marketing association whereby the cooperative partnership buys food from local farmers for distribution to food banks around the state. This opportunity provides \$1.8 million for food purchases from New Mexico farmers.

In the first week of purchasing, the cooperative partners acquired 4,741 pounds of food for distribution including meats, carrots, head lettuce and spinach.

By spearheading the task force, the NMDA has been able to develop a work plan centered around strategic progress, finalize procurement guidelines to help initiate food purchasing, collaborate with our partners to develop marketing and outreach materials – including a program website - and draft a grant amendment for an additional \$3.1 million in funding and an extra operational year to spend an additional \$2.0 million of that funding on local food purchases.

*\*Head lettuce from E.W. Farms in Clovis, purchased with LFPA funds for the Food Bank of Eastern NM. Pictured is owner/producer Marcus Petrosky.*

## Specialty Crop Block Grant Program

Through an external evaluation committee, NMDA has selected five projects, totaling \$561,526.43 (or \$610,354.81 with administrative expenses) to progress through the 2023 application process. The projects selected represent exciting opportunities to not only support the economic development opportunities for specialty crop farmers, but also the development of local food systems in underserved communities, indigenous food products, and infrastructure for specialty crops. Excluding the future 2023 funding, NMDA is currently closing out two funding cycles (2018 and 2019, totaling \$1.22 million) and administering four on-going funding cycles totaling over \$2.54 million.

## National Cattlemen's Beef Association Convention

In February, staff attended and exhibited at the National Cattlemen's Beef Association Convention in New Orleans. The event is one of the largest cattle industry conventions held annually in the United States. Staff participated in international livestock and genetics meetings as well as sessions regarding the outlook of upcoming value-added opportunities for ranchers. Staff cost-shared a booth to exhibit at the trade show with the NMSU College of ACES Animal and Range Science Department to network, promote and discuss New Mexico agriculture with the public and recruit graduate students to attend the university. Local food products were sampled and live clinics were demonstrated, which attracted many participants to interact with the NMDA/NMSU ACES booth.



## Standards and Consumer Services

NMDA is gathering information from the petroleum and biodiesel industries regarding the implementation of the biodiesel mandate, New Mexico Biodiesel Mandate Section 57-19-29. The current waiver expires April 15, 2023.