



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
SPECIAL MEETING NOTICE AND AGENDA  
March 4, 2022 at 2:00 PM**

**Regents of New Mexico State University**

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

**Non-Voting Advisory Members** - ASNMSU President Mathew Madrid, Faculty Senate Chair Julia Parra, Employee Council Chair Joseph Almaguer

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

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

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

The Board of Regents met in virtually via Zoom on March 4, 2022. Chairwoman Devasthali called the meeting to order at 2:04pm. The Chief of Staff confirmed the quorum and took the roll call. All regents, Chairwoman Ammu Devasthali, Regent Dina Chacón-Reitzel, Regent Arsenio Romero, Regent Christopher Saucedo, and Regent Neal Bitsie were present. Also present were Chancellor Dan Arvizu, Vice Chancellor Ruth Johnston, Interim Provost Dorothy Campbell, General Counsel Roy Collins, ASNMSU Mathew Madrid, Faculty Senate Chair Julia Parra, and Employee Council Chair Joseph Almaguer.

**B. Closed (Executive) Session**

**1. Close meeting to discussion the disposition of real property as permitted under the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(8).**

**a. Discussion of Real Property transfer to Southeast New Mexico College pursuant to N.M.S.A. 1978 Section 21-13-27 and 2021 New Mexico Laws Chapter 104 (H.B. No. 212)**

Chairwoman Devasthali made a motion to go into closed meeting. Regent Bitsie seconded the motion. All were in favor and none opposed. The regents went into Closed Executive Session at 2:07pm.

**2. Reconvene in open session and take final action, if any, on such matters which shall be acted upon in open session following conclusion of the closed session.**

Chairwoman Devasthali called the meeting back in session at 3:32pm. The Chief of Staff confirmed the prior executive closed session in compliance with the Open Meetings Act. The Board of Regents met in closed executive session at 2:07pm on Friday, March 4, 2022, which was held virtually via Zoom. The closed executive session was held to discuss the disposition of real property in accordance with NMSA Section 10-15-1, subsection (H) (8) of the New Mexico Open Meetings Act. All regents who were present certified that only those matters were discussed.

Regent Romero made a motion that the Board of Regents delegate to Chancellor Arvizu all necessary authority, including but not limited to, signature authority to convey all real property required to comply with NMSA 1978 Section 21-13-27 and 2021 New Mexico law chapter 104 (H.B. No. 212.)

Regent Saucedo seconded the motion. The Chief of Staff took a roll call vote. Three votes were in favor and two votes opposed. The motion passed.

### C. Action Items

#### 1. **Actions requiring board approval related to the transition of NMSU-Carlsbad to Southeast New Mexico College pursuant to N.M.S.A. 1978 Section 21-13-27 and 2021 New Mexico Laws Chapter 104 (H.B. No. 212), Ken Van Winkle, DMA**

Dr. Ken Van Winkle presented the transition of all other assets to SENMC. It provides the Chancellor the signature authority for signing any documentation or materials that need to be approved from NMSU to South Eastern New Mexico College (SENMC.) Dr. Van Winkle's requested proposed motion is, "The Board of Regents delegate to Chancellor Arvizu all necessary authority, including but not limited to, signature authority and authority to delete applicable capital assets from the NMSU's capital asset list to ensure that New Mexico State University complies with NMSA 1978 Section 21-13-27 and 2021 New Mexico Laws Chapter 104 (H.B. No. 212.)"

Nancy Ritter presented the transfer of uncollected accounts for FY22 for the Carlsbad campus. The Carlsbad bad debt is being brought before the Board today because of their transition beginning on April 1, 2022. The total uncollectable debt is \$15,665. There is an offset by recoveries for prior years transfers in the amount of \$22,746, which is a net credit of \$7,081. Deferred charges are \$7,630. It represents student accounts that have not had any form of activity over the past year. They do a transfer of uncollectables into a reserve.

Dr. Van Winkle reported that their timeline for the transition is April 1 with the intent to have everything finalized by the Governor's April 10 deadline.

Chancellor Arvizu commented that part of the rationale to have it done by April 1 is that the legislature passed the compensation increase of 3% which is effective April 1. To make the process less complicated they are working to get this done by April 1. Also, to allow for time to get things in place prior to April 10.

Dr. Van Winkle reported that the MOA is specific to the students and how they earn credit.

Associate General Counsel Scott Field added that the MOA is for what will happen after April 10, 2022. Because NMSU and SENMC will be interlinked in certain ways for 12-18 months, the MOA lays out how they will handle that relationship. The MOA also includes language for NMSU Carlsbad employees to be terminated from NMSU, then hired by SENMC, then brought back as affiliates to NMSU, which will allow them to teach classes and interact with students. Also, it will include some money transfers that will happen after April 10. It will not include the transfer of real estate, assets, vehicles, etc. Those happen prior to April 10. It does not include anything that is required to happen in advance of April 10. Those things have to happen prior to the MOA becoming effective.

General Counsel Roy Collins made a point of emphasis to be certain about what the signature authority is, which is a signature delegation. Specifically, under the Regents Policy Manual (RPM,) the delegation begins in RPM 1.30. There are four other areas that are reserved for the regents, which

are RPM 4.00 Academic Matters, RPM 12.00 Real Estate Transactions, RPM 12.50 Art and Archives, and other Collections and RPM 17.00 Athletic Programs, which relates to the addition or elimination of athletics programs and conference membership changes. General Counsel Collins stated that under expediency they want to make sure that the regents aren't having to approve delegation of things that have already been delegated.

Regent Romero motioned to approve Dr. Van Winkle's requested proposed motion, "The Board of Regents delegate to Chancellor Arvizu all necessary authority, including but not limited to signature authority and authority to delete applicable capital assets from the NMSU's capital asset list to ensure that New Mexico State University complies with NMSA 1978 Section 21-13-27 and 2021 New Mexico Laws Chapter 104 (H.B. No. 212.)"

Regent Saucedo seconded his motion.

The Chief of Staff took a roll call vote. Four votes were in favor and one vote opposed. The motion passed.

**D. Adjournment, Chairwoman Ammu Devasthali**

Regent Chacón-Reitzel motioned to adjourn. Meeting adjourned at 4:16pm.

**Meeting Minutes Approved on May 6, 2022 by the New Mexico State University Board of Regents.**



Ammu Devasthali  
Board of Regents Chair



Neal Bitsie  
Board of Regents Secretary/Treasurer