

EASTERN NEW MEXICO UNIVERSITY
Board of Regents Meeting
Eastern New Mexico University - Portales
Administration Building – Regents Room
September 27, 2019 – 9:30 a.m.

CALL TO ORDER

Regent President Edwin Tatum called the meeting to order at 9:30 a.m. and declared a quorum. Regents Edwin Tatum, Terry Othick, Joseph Gergel, Dan Patterson, and Lance Pyle were present.

*Roll call: Regent Tatum – Yes; Regent Othick – Yes; Regent Gergel – Yes;
Regent Patterson – Yes; Regent Pyle – Yes*

APPROVE THE AGENDA

Regent Patterson moved to amend the agenda by moving items 1,5,11, and 12 from the consent agenda to regular business and also move presentation items 1,3,4, and 6 forward under regular business to allow presenters an earlier position in the meeting. Regent Othick seconded the motion. Vote: 5-0-0. Motion approved.

Regent Pyle moved to approve the agenda as amended. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

APPROVAL OF MINUTES

Regent Pyle moved to amend the minutes of July 11, 2019, to reflect the names of the University House committee. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

Regent Patterson moved to approve the minutes of July 11, 2019, as amended. Regent Pyle seconded. Vote: 5-0-0. Motion approved.

REPORT FROM THE PRESIDENT OF THE BOARD

President Edwin Tatum welcomed everyone to the meeting and encouraged all to participate in the upcoming Homecoming activities.

REPORT FROM THE ENMU-ROSWELL PRESIDENT

Dr. Shawn Powell introduced Mr. Tony Major, who began work on September 9, 2019 as Vice President for Business Affairs.

Dr. Powell reported that ENMU-Roswell student, Humberto Rodriguez, won the national title in the Skills USA competition. Mr. Rodriguez then went to the national competition and won the title.

Dr. Powell stated that enrollment is down approximately 8% from this time last year. He attributed most of the decline to male students taking part in economic opportunities in the state.

Dr. Powell said that their campus will host a fundraiser for the Salvation Army and Humane Society on November 23. There will be a 5K Turkey Trot, and they will welcome the contribution of non-perishable food items.

REPORT FROM THE ENMU-RUIDOSO PRESIDENT

Dr. Ryan Carstens reported on a local program, "Round-Up for Enrollment" and said that all Ruidoso residents received a postcard advertising ENMU-Ruidoso programs.

Dr. Carstens said that they have had great success with dual credit courses and are lining up a culinary and welding program. Enrollment in dual credit is up, and they have crossed the 50% mark in terms of dual credit students versus in-classroom students. Most of these students graduate with their associate's degree but may not return to the Ruidoso campus.

Dr. Carstens reported that overall enrollment is up 12%, and the number of credit hours taken has increased since this time last year. On-ground enrollment is up 33%, and they have gained 22 students in the classroom from the Mescalero Reservation.

Dr. Carstens said that their Title V grant ends Monday; however they have been successful in requesting a sixth-year extension that will enable them to spend the remaining funds. Additionally, they have received a \$40,5000 donation from the ENMU-Ruidoso Foundation to their college endowment, and Title V will match this contribution.

Dr. Carstens announced the recent hire of Dr. Ryan Trosper, Vice President of Student Learning and Success. Mr. Trosper comes from Otero Junior College, La Junta, Colorado.

REPORT FROM THE CHANCELLOR OF THE UNIVERSITY SYSTEM

Dr. Jeff Elwell reported that there is good news for the ENMU system with the student loan default rate. The rate has dropped to 10.8% since 2011.

Dr. Elwell said the ENMU was recognized in Great Colleges to Work For in the category of Tenured Clarity and Process. Our aspirant is Angelo State, who were recognized in twelve categories.

Dr. Elwell reported that the TESOL and BLED programs have had 23 graduate students enrolled after census date which boosts our enrollment numbers to 5,817.

Dr. Elwell said that the university has taken the first step toward adding a new female athletic team. NCAA requires that a student survey be conducted to understand the preference of the student body. This survey went out to all students during Homecoming elections. There were 552 students who voted. Thirty-one students were indifferent, 38 voted NO and 483 students voted YES (87.5%).

BUSINESS MATTERS

Consent Agenda

1. Graduation Late Fee Increase (*Mr. Clark Elswick, Action*)
2. Establish Certificate of Occupational Training – Culinary Fundamentals, Ruidoso (*Dr. Ryan Carstens, Action*)
3. Community College Board Elections Update, Roswell (*Dr. Shawn Powell, Information Only*)
4. Summer 2019 Graduation List, Portales (*Mr. Clark Elswick, Action*)
5. Summer 2019 Graduation List, Roswell (*Dr. Shawn Powell, Action*)
6. Report of Actuals for 2018-2019, Portales (*Mr. Scott Smart, Information Only*)
7. Report of Actuals for 2018-2019, Roswell (*Dr. Shawn Powell, Information Only*)
8. Report of Actuals for 2018-2019, Ruidoso (*Dr. Ryan Carstens, Information Only*)

Regent Pyle moved to approve the consent agenda as presented. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

Other Items

1. Yazzie/Martinez Ruling: Implications for ENMU, Portales

Dr. Patrice Caldwell introduced colleagues, Dr. Patricia Jimenez-Latham, Project Manager for Transform Education New Mexico, and Mr. Edward Tabet-Cubero, Executive Director, Learning Alliance New Mexico, and commended them on their time and efforts toward supporting teachers in the state of New Mexico.

Dr. Jimenez-Latham and Mr. Tabet-Cubero alternately presented information on the Yazzie/Martinez lawsuit and how it is resonating change throughout the state of New Mexico's public education system. The formation of Transform Education, a coalition of state organizations, has been formed with the mission to provide our state's students with a sufficient and equitable education. The far-reaching goal is to make sure that our Public Education System enables students to be ready for the workforce or university setting upon completion of the twelfth grade.

Mr. Cubero defined three changes that must occur in our state to allow for the success of our students. 1) Provide multicultural and multilingual learning standards; 2) Collaborative efforts with New Mexico's tribes and local communities; and 3) Develop multicultural systems capacity through higher education.

Discussion took place after the presentation. Dr. Jamie Laurenz, Vice President for Academic Affairs said that he hopes the state level discussions will help develop curriculum for these preparatory programs and an overall look at what we hope to achieve. Regent Dan Patterson added that the current perception of the teaching profession needs to change and that the Public Education Department might consider a marketing campaign that emphasizes the positive aspects of teaching. Regent Lance Pyle said that the teacher preparation program is a great start but there needs to be a pay increase for teachers to be attracted to this state.

Mr. Tabet-Cubero closed the discussion by saying that he plans to follow-up with our Regents, specifically Dan Patterson to help develop a marketing strategy to entice New Mexico students to become teachers.

2. Proposed Harding Hall Renovation Project, Portales

Dr. Jeff Elwell said that a few years ago, former Regent Jane Christensen had proposed the idea of a new Student Services facility at the front of our campus. He, in turn, has been charged with finding a new location for a number a of departments, including Multi-Cultural Affairs, the units that are currently housed in the Student Academic Services Building, and the ENMU Foundation Office and Alumni Affairs. Subsequently, the Foundation Office has since voiced that they will be pursuing property off-campus. Dr. Elwell explained that when potential students and their families come to our campus for tours they start in the SAS Building, which is very dated.

Harding Hall is in such prime location but has been offline for the better part of 20 years. The question as to whether this building could be renovated and if there would be any cost savings opposed to a new facility has been posed to the Dekker, Perich & Sabatini Architectural Firm.

Mr. Matt McKim, DPS, said that they have had their structural engineers visit campus to look at the integrity of Harding Hall and to come up with a conceptual design of how this building could be renovated and transformed. He reported that this building is structurally sound but that the infrastructure (electrical, plumbing, and HVAC) would have to be replaced completely but would be cost-efficient thereafter. His slide presentation gave a visual representation of a glass, welcome façade with an obvious front door entrance, and the layout of the individual restructured floor plans that would include public spaces in the front of the building and offices in the back. He suggested a small addition to the north side of the building.

Mr. McKim stated that renovation costs would be 85% of a new building. In theory, they suggest that if a remodel exceeds 70%, it is wisest to build a new structure. He answered questions regarding the condition of utilities and the presence of asbestos in the building. He explained that this structure does not have much in terms of a mechanical system; therefore, the distance between floors is minimal. This would cause some difficulty in installing ductwork for a new HVAC system. Regent Patterson asked if this building would be eligible to use renewable energy. Mr. McKim responded that this was not considered in the current proposal.

Dr. Elwell answered questions about the possible funding source for this proposed project. He said that private donations and legislative funds would need to be in place and that any money from the state would be one-time funds and not recurring monies. He further explained that the legislature is more likely to fund renovation as opposed to new construction.

3. Renewable Energy Update, Portales

Mr. Steve House of Triple H Solar, LLP, presented the benefits of adding solar and current projects within the state of New Mexico. Included in is project summary were three possible site locations that a solar array could be erected, probable system size, potential savings projections, and the positive environmental impact breakdown.

Mr. House presented a timeline dating back to January 2019 through a response review date of September 28. He said the next steps include negotiating terms and conditions and making award recommendations. He estimated that the project would take 9-12 months to complete.

Mr. Scott Smart suggested that it will take approximately \$14 million to get this project started.

4. Campus Facility Master Plan and Capital Projects Update, Roswell

Dr. Powell listed the capital projects that have been discussed at the Regents work session on September 7. Residence hall demolition is scheduled to begin October 7, electrical line replacement that is being funded by the state will have a pre-bid walk-through on October 1. Also, there will be a server room upgrade for \$90K and a fiber optic upgrade at \$135K, all of which are being funded internally from capital reserves.

Dr. Powell introduced Mr. Juan Durado of Dekker, Perich, & Sabatini to give an update on the Automotive/Welding Building and Physical Plant projects. Mr. Durado spoke first about the Physical Plant project and explained that a metal building in the existing buildings space will be used to fulfill the goal of bringing all services under one roof with a focus on security. He explained that the CMAR (construction manager at risk) contractor estimates include subcontractor hard numbers and that they are at the 75% mark for construction documents with the contingency figures incorporated into this estimate. Mr. Durado's budget timeline graph indicated \$4.8 million for this project.

Mr. Durado said the Automotive/Welding project includes a complete renovation of the interior of the existing building with the main goal of student safety and security. The budget timeline graph presented at the 75% construction documents was at \$5.2 million for this project.

Dr. Elwell commented on the discovery of asbestos in these buildings and the price increase associated with abatement. Dr. Powell said that the cost estimates presented today include the soft costs of relocating classrooms to continue with existing programs and asbestos abatement.

Regent Pyle posed questions about the timeline of the original CMAR bid and the significant cost increase being presented today. Mr. Durado suggested that the main factor would be the bid protest that took place between the two offerors of the RFQ and RFP; therefore, the CMAR was not acquired until they were between 50%-75% construction documents. In addition, there have been adjustments to mechanical systems, soft costs to move equipment and rehouse educational programs, and changes in market costs affecting bids from subcontractors.

Dr. Powell gave a reminder that if this item is approved today, the matter will move forward to the HED Amendment Hearing on October 9 and then on for State Board of Finance approval in late November.

Regent Patterson moved to approve the campus facility Master Plan and Capital Projects as presented. Regent Othick seconded the motion. Vote: 4-1-0. Regent Pyle voted "No" Motion approved.

5. Second Proposed Project for 2020 GO Bond NMHED Capital Outlay, Roswell

Dr. Shawn Powell asked for the approval from the Board of Regents to present the second proposal of \$2.5 million to the Higher Education Department as part of their Facilities Master Plan. These funds would be used for exterior lighting on campus and a surveillance project.

Regent Pyle moved to approve the second proposed project for 2020 GO Bond NMHED Capital Outlay as presented. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

6. Greyhound Arena Roof Update; Portales

Mr. Scott Smart, Vice President for Business Affairs, discussed the events that have taken place over the course of the past several months regarding the roof. Most recently, in a pre-bid meeting one of the roofing companies voiced concern that language in the RFP suggested a form of sole sourcing as it suggested a particular roofing product.

Mr. Smart introduced Mr. Wade Jackson of Sutin, Thayer, and Browne who clarified that there is no prohibition for procuring a brand name product as was previously written in the RFP. The revised RFP will be ready next week and the language will be as such to prevent objection from wanting one particular product.

7. Liquor License Update, Portales

Mr. Scott Smart said that the city of Portales has exempted the University from having to rezone to acquire a liquor license. There will be a public hearing on November 5 at the Portales Memorial Building and a representative from Sutin, Thayer, and Browne (Mr. Wade Jackson) will be present to address any questions or protests that may be posed at that meeting. Mr. Smart asked Mr. Jackson to further update the board.

Mr. Jackson said that the only foreseeable objection that may be posed at the public hearing might be with regard to location and further stated that all of the state criteria for this licensing has been met. He noted that their legal team is working to ensure that Sodexo uses professional and trained servers for serving purposes.

Dr. Elwell stated that currently the only location that alcohol may be served is at the President's Home and Sodexo serves with a limited picnic license. Such events include the "Burying of the Beef," and various holiday dinners.

Regent Joseph Gergel asked if there is an alcohol policy in place and Dr. Caldwell stated that policy has been drafted and will go before the University Council next week. This policy will be ready for board approval once the liquor license is in place. He asked if this policy would be specific to serving at the Campus Union Building and Dr. Caldwell responded that new policy would involve serving alcohol at the CUB and that Chief Bradley Mauldin has been involved in the policy development. Regent Gergel asked about the timing of new policy

approval and Dr. Caldwell responded that the draft policy would be reviewed by University Council on Monday but would not be voted on until the following month.

Regent Gergel inquired about the wine festival that is scheduled to take place on campus in late October. Dr. Elwell responded that this festival involves the New Mexico Wine Growers Association and they secure their own permits from the state. Regent Gergel asked how this event falls within our current policy of no alcohol on campus. Regent Dan Patterson suggested our staff look into what our current policy allows and that if necessary, a special board meeting would be held to address the wine event and make sure we are compliant with policy. He said that the board could vote for a special exception to allow for this event. Regent Gergel asked if the board could waive this policy for a one-time event and Dr. Elwell responded that they could, it would require a vote.

8. Greyhound Connection Presentation, Portales

Ms. Marisa Garduno-DaSilva, Retention Success Coordinator for Title V provided a PowerPoint presentation on the development and success of the Greyhound Connection Program. She said that the far-reaching goal of this program is to support freshmen in transitioning from high school to college and provide personalized guidance to new students so that they can be successful in college.

Ms. Garduno-DaSilva reported on the two key components to this program; Faculty/Staff Mentors and Peer Mentors. Faculty/Staff mentors focus on supporting freshmen students outside the First-Year Seminar class and mentor on an individual level. Peer Mentors work with freshmen students within the First-Year Seminar class and assist in developing time management skills, career exploration and one-on-one mentoring

Regent Patterson commented on the profound results of such a program. He said that mentoring programs go far beyond academics and may, in some instances, serve as an intervention mechanism to identify students who are struggling on a personal level. He said that at some future date, he would like to hear success stories from this program.

9. Audit Report and Next Fiscal Year Audit Plan, System

Ms. Jessica Small stood for questions about the audit report. Regent Pyle posed questions pertaining to the inventory report from the Music Department and findings related to procurement. Also, a question was asked about the CyberCorp Cadre grant.

Ms. Small said that the Music Department's inventory audit was resolved during the summer once the chair had been given time to acquire the necessary information. Procurement issues were itemized and explained as relating to documentation requirements and purchasing card limitations. The CyberCorp grant was found to be improperly managed and resulted in the Financial Aid Office not being aware that there were funds available for a student. Ms. Small reiterated that travel, reimbursement, and procurement needs to be continuously reviewed closely.

Regent Pyle said that in a previous board meeting, the subject of how to manage the President's wife's travel was addressed and asked for clarification. Dr. Elwell said that after discussions with the Business Office and Foundation, it was determined that if the spouse's

travel is directly related to an official university event then the spouse may participate. Regent Pyle stated that he would like the policy to reflect that spouse participation must be of benefit to the university.

Regent Pyle moved that the audit report and next year's audit plan be approved as presented. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

10. Composition of Security Force, Roswell

Dr. Powell said that he is asking for approval for ENMU-Roswell Security personnel to be armed. Dr. Patterson asked what type of training these personnel would receive and if the university would provide equipment. Dr. Powell said that the officers would go through the levels of training and psychiatric evaluations that are required by state guidelines. He explained that their legal team is looking at the feasibility of purchasing firearms or if they need to be purchased privately. In addition, Dr. Powell said that their Security Officer, Brad McFadden has met with Chief Bradley Mauldin several times and that Chief Mauldin has expressed support on their efforts.

11. Research and Public Service Projects 2020-2021, Roswell

Dr. Powell gave a listing of project proposals and the supporting monetary amounts:

Nursing Expansion Program	\$272,900.00
Special Services Program	\$200,000.00
Automotive Hybrid Program	\$240,000.00
Aviation Maintenance Program	\$ 75,100.00

Regent Patterson moved to approve the Research and Public Service projects for ENMU Roswell as presented. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

12. Research and Public Service Projects 2020-2021, Ruidoso

Dr. Carstens introduced three programs for Research and Public Service for FY21.

Fermentation Sciences	\$173,641.97
Nursing Partnership	\$195,076.13
Construction and Wind Energy Programs	\$398,606.00

Regent Pyle moved to approve the Research and Public Service projects for ENMU-Ruidoso as presented. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

REGENT MATTERS

1. University House Update

Regent Terry Othick said that a committee of five members including, Dr. Dan Patterson, Terry Othick, Dr. Patti Dobson, Adilene Adame, and Noelle Bartl have met every two weeks and there have been approximately five meetings thus far. They are currently working with two architects from Dekkar, Perich, & Sabatini and moving through the process as quickly and as thoroughly as possible. The architects have been given criteria that must be adhered to, foremost being project price.

Regent Othick said that they are considering the back section of the cul de sac for the location of the new home. The structure will be a 3-bedroom home with an additional guest room/study. There will be a great room that will serve as a public space for entertaining and accessible by catering services. They will strive to retain the overall look of the campus.

Regent Othick reported that the architects have three different floor plans, all keeping with 3500 square feet and are very cautious to stay within budget. He reiterated that no student fees of operational funds will be used for this project.

Regent Othick said that as of yet, there have not been any good suggestions for the existing home. It would require approximately \$250K to bring it up to standard (including abatement and remodeling). The committee is considering how the home could be repurposed and who or what organization could occupy it. He expects they will have a determination very soon.

2. Student Regent Scholarship

Dr. Patrice Caldwell reported on her student regent scholarship research. She said that New Mexico State University funds its Student Regent scholarship out of student fees. She is still researching UNMs stance as well as the other comprehensive schools in the state.

Dr. Caldwell said that there are several ways this proposed scholarship could be funded, one of which would be to call this a “leadership” scholarship rather than a “student regent” scholarship. She clarified that the institution cannot compensate or remunerate its Regents based on state policy. She said that she will have further information at the next meeting.

EXECUTIVE SESSION

Regent Tatum moved to enter executive session at 2:09 p.m. to discuss one item pertaining to threatened or pending litigation involving the University pursuant to Section 10-15-1(H)(7), NMSA (1978) and three limited personnel matter pursuant to Section 10-15-1(H)(2), NMSA (1978). Also, to be discussed is the matter of Blackwater Draw, former Greyhound Stadium. Presenter on this matter will be Mr. Wade Jackson of Sutin, Thayer & Browne, information only. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

Roll call: Regent Tatum – Yes; Regent Othick – Yes; Regent Gergel – Yes; Regent Patterson – Yes; Regent Pyle – Yes.

Regent Pyle moved to return to open session at 3:09 p.m. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

Regent Pyle reported that the Regents discussed one item pertaining to threatened or pending litigation involving the university pursuant to Section 10-15-1(H)(7), NMSA (1978) and three limited personnel matters pursuant to Section 10-15-1(H)(2), NMSA (1978). Also discussed was the matter of the Blackwater Draw, Greyhound Arena. No action was taken.

ADJOURNMENT

Regent Patterson moved to adjourn the meeting at 3:09 p.m. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

Handwritten signature of Ed Tate in black ink, consisting of a stylized 'E' and 'T' followed by 'ate'.

President of the Board

Handwritten signature of Joseph Gergel in black ink, written in a cursive style.

Secretary of the Board

*Minutes recorded and transcribed by Karen Van Ruiten
Executive Secretary to the President and Board of Regents*