

EASTERN NEW MEXICO UNIVERSITY
Virtual Board of Regents Meeting
Eastern New Mexico University - Portales
Administration Building – Regents Room
November 13, 2020 – 9:30 a.m.

CALL TO ORDER

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

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

APPROVE THE AGENDA

Regent Patterson moved to approve the agenda as presented. Regent Tatum seconded the motion. Vote: 5-0-0. Motion approved.

APPROVAL OF MINUTES

Regent Tatum moved amend the minutes of September 26, 2020, by removing a “0” on page 6, item 9. Regent Patterson moved to approve the minutes as amended. Regent Pyle seconded. Vote: 5-0-0. Motion approved.

PUBLIC COMMENT

Regent Othick introduced Greyhound Club President, Charles Bennett. Mr. Bennett said that he was recently at an event with Abilene Christian University’s, Head Basketball Coach, who mentioned that the NCAA had allowed practice during the month of July. Mr. Bennett followed up to confirm this information was correct but was told by ENMU coaches that their athletes could not practice because the campus was closed.

Mr. Bennett, speaking as an advocate for ENMU Athletics, asked Dr. Caldwell if she was aware of NCAA’s allowances and that our teams could have been practicing. She was not. He stated his main concern is to get students back on campus and in practice as to not miss out on any further opportunities.

Regent Othick thanked Mr. Bennett for his comments and concerns. Regent Dan Patterson said no one wants our students back on campus more than the Board of Regents, but NCAA allowances are one thing and state mandates quite another.

REPORT FROM THE PRESIDENT OF THE BOARD

Regent Terry Othick offered his sincere thanks to Dr. Steven Gamble and Mrs. Ronnie Birdsong for their successful efforts on the General Obligation Bond passage this year. The vote was 65% to 35% statewide in favor of issue “C”.

Regent Othick said that he has been closely monitoring the COVID-19 situation across the state and strongly supports the sentiment of Curry County Commissioner, Bobby Sandoval, urging everyone to wear a mask. There is a large percentage of people who are asymptomatic and do not realize they are carriers of the virus. He further stated that wearing a mask has nothing to do with a person’s political affiliation nor is it an infringement on one’s personal freedoms.

REPORT FROM THE ENMU-ROSWELL PRESIDENT

Dr. Shawn Powell reported that eleven staff/administrators and seven students have tested positive for COVID-19. They continue to follow all state protocols.

Dr. Powell said Youth Challenge is planning to have a class in spring 2021. Annemarie Oldfield is leading this collaborative effort.

Dr. Powell said that the campus is in phase one of their return-to-campus plan and continue to follow the public health order. Personnel on campus are limited to staff members required to perform specific tasks for the ongoing hybrid classes.

The groundbreaking for the Maintenance/Physical Plant building is scheduled for November 18, and the virtual commencement ceremony will take place on December 10.

Dr. Powell reported that HED approved the sanitation piping and restroom renovation capital project request, and this will now go before the legislature for approval. They are moving forward with replacing seven cooling towers, which is on the facilities master plan. Renovations to the Performing Arts Center are underway and should be complete in spring 2021.

Facebook Live sessions have moved to a monthly schedule. The next one is November 17, at 11:00 a.m. These sessions provide updates on campus operations and a time to answer general questions. He thanked Donna Oracion and Jason Puckett for making these arrangements.

Dr. Powell said that the development of a five-year campus plan is underway, which will incorporate all of the capital projects from the 2020 – 2025 facility master plan and will establish timelines for other projects. Banner integration and changing from Blackboard to Canvas are among the projects.

REPORT FROM THE ENMU-RUIDOSO PRESIDENT

Mr. Ryan Trosper thanked Dr. Caldwell and Dr. Powell for their support as he learns his role as campus president. In his first 90-days, he has met with community members to better understand the needs of the community.

Mr. Trosper said that Phase 1 of the Nexus project is near completion, and construction for Phase 2 is underway. The Lincoln County Treasurer's Office has reported that the first bond payments will arrive in December.

Mr. Trosper reported two staff members and two students have tested positive for COVID-19 since April. Fall enrollment is down 12% from this time last year, and retention efforts are in full swing.

REPORT FROM THE CHANCELLOR OF THE ENMU SYSTEM

Dr. Patrice Caldwell reported on the successful passage of the GO Bond with 62% in Roosevelt County, 59% in Curry, and 55% in Lincoln and Chaves. She recognized the promotion partnership with Clovis Community College and said that planning for Roosevelt Science Center is underway.

Dr. Caldwell said that long-time community supporter and ENMU alum Jacob Moberly passed on October 22 from a COVID related illness and will be sorely missed. His wife, Janie, is recovering from COVID now.

Dr. Caldwell said the staff and students at KENW provided live election coverage, which was anchored by ENMU alum and staff member Desiree Markham and student Brendon Warren. Virtual Commencement will also be recorded at KENW beginning next week, which will include four honors students.

Dr. Caldwell reported an uptick in COVID positive cases in some of the athletic departments. Mr. Matt Billings has arranged to provide food to students who are quarantined. COVID-19 testing is ongoing at Greyhound Stadium. A local National Guard unit is set up to provide these tests at ENMU and Clovis Community College.

Dr. Caldwell commented on several campus events, including the pumpkin carving contest won by a student graphic designer. Student Government Association held a food drive in October and will hold a second event next week. Dr. Bob Schneider, a faculty member in the College of Business and Army veteran, gave an *ENMU Reads* presentation in recognition of Veterans' Day. The Theatre Department will present *You're on Mute* virtually Nov. 12-15.

Dr. Caldwell pointed out that relative to five years ago, an increasing share of degree-seeking undergrads have received some form of grant or scholarship aid at ENMU, which is up by 4.5%. In the same time period, the numbers of undergraduates needing loans to complete their degrees has decreased, down by 10.9%.

Dr. Caldwell commended Communication Services for their marketing efforts, recruiting support, and mentioned the billboards that can be seen on I-40.

BUSINESS MATTERS

Consent Agenda

1. Proposed Holiday Schedule 2020 – 2021 (Dr. Patrice Caldwell, Action)
2. Budget Adjustment Request – Carl D. Perkins Grant, Ruidoso (*Mr. Ryan Trosper, Action*)

Regent Pyle moved to approve the consent agenda as presented, with the date correction on the Ruidoso BAR request. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

Other Items

1. Amendments to Policies (Dr. Marshall Swafford, Action)

Dr. Caldwell stated that Dr. Swafford was ill and unable to make this presentation. She proceeded with an explanation of proposed amendments.

- 45-15 – System language, title corrections, and the addition of “maternity/paternity” and the catastrophic illness, injury, or impairment of a qualified family member.”
- 70-2 – The addition of a Judicial Appeals Officer and the word “paraphernalia.”
- Staff Handbook – System language to suit the reformat of this handbook to cover personnel policies that pertain to both Professional and Support Staff at Portales and Ruidoso.

Regent Dan Patterson commented that it is likely the New Mexico Legislature will legalize the use of marijuana for persons over the age of 21 and asked how this might

affect ENMU students. Dr. Caldwell said that this topic has been discussed by the Housing staff and considerations are being made on how we will police this.

Dr. Jeff Long stated that if this substance is not legalized at the Federal level, then it will remain illegal on campus. He also said that housing waivers are issued to students who have medical documentation for the use of medicinal marijuana. Dr. Caldwell said this is a topic she will discuss with the Council of University Presidents.

Regent Pyle moved to approve the amendments to policies and staff handbook as presented. Regent Tatum seconded the motion. Vote: 5-0-0. Motion approved.

2. Approval of Architect Selection for Roosevelt Hall Renovation, Portales
Mr. Scott Smart said that an appointed committee, went through the RFP process to select an architect for the Roosevelt Hall project. Once that was complete, a contract was created that he signed. After doing so, he became aware of University Policy 55-2, which requires architect contracts to be approved by the board. He commented that the previously mentioned practice has been followed all the years he has been at the University. He admitted that ENMU has not been in compliance with this policy as a System.

Mr. Smart directed the board's attention to the architect's contract and asked that they approve the award to Dekker, Perich, & Sabatini for the renovation of Roosevelt Hall.

Regent Othick asked about the process of getting preliminary cost estimates from architects for big projects. Mr. Smart responded that they have used DPS for several projects and in this case, they began preliminary work back in 2016. Regent Lance Pyle asked specifically how we work to keep the procurement process fair. Mr. Smart said that we hire an architectural firm to do preliminary planning but let them know that this does not ensure they will get the contract. He further stated that it seems unnecessary to look for another firm when this architect has done a great job. Regent Pyle said his concern is with the procurement code and the message portrayed with the same firm is consistently awarded projects. He also said that since the contract is over \$1 million, there should be a requirement for the President or Board of Regents to approve.

Mr. Smart said that his interpretation was that once the board approves a project, he was authorized to sign the contract. Regent Joseph Gergel mentioned that Policy 55-1 was reviewed in the past few months specifically to clarify contract approval. Ms. Jessica Small spoke to explain that any contract over \$500K must be approved by the Regents and signed by the Chief Procurement Officer. Mr. Smart said that in addition to the architect contract, there would be the need to hire a contract manager at risk (CMAR). Following the guidelines being discussed, there would be a need to hold a special board meeting to get approval. He will attempt to move this forward to get this on the December 11 agenda.

Regent Patterson commented that his concern is not necessarily about the signing of every contract over a certain amount of money, but rather the process of how architects and CMARs are selected. It is important for this to remain a fair and open process.

Regent Patterson moved to approve the architect selection for the Roosevelt Hall renovation as presented. Regent Othick seconded the motion. Vote: Tatum – No, Pyle- No, Gergel – No, Patterson – Yes, Othick – Yes Vote: 3-2-0. Motion failed.

Regent Othick suggested that there is a need for further discussion on this matter. Mr. Smart said that this decision would push the project back for several months. The contract has been signed and would have to be rescinded, and the project will then have to be rebid.

Regent Patterson said with the delays and issues that have been discussed and the possible ramifications of rescinding a contract that been signed, we would be remiss not to approve the architect selection as presented. In the future it will be necessary to make sure that proper protocol is followed.

Regent Patterson moved to approve the architect selection for the Roosevelt Hall renovation with the understanding that Mr. Smart and the administration look into a new process to allow other bids to be considered and that the board approves that process. Motion failed – no second.

Regent Othick commented that this same discussion has taken place recently regarding the approval and signing of contracts. Regent Patterson reiterated the necessity for training on these matters so that we do not repeat these errors. Mr. Smart commented that possibly the misinterpretation came from his past practice of selecting architects through CES and the board's decision not to use this service any longer. Regent Pyle said that he agrees with Regent Patterson and does not want to prolong the project any longer. He stressed that this is not the first contract the board has had this discussion over in the two years that he has been on the board. He commented that there are policies and procedures in place, and it is important that we comply with them. Having said that, he did not want to see the project prolonged or the University face any liabilities. With that, he agreed to ratify the contract that Mr. Smart signed. Regent Edwin Tatum commented that since Mr. Smart signed without the proper authority, it may not be a valid signature. He suggested that the procurement code be investigated to ensure the contract is valid and a special meeting be held to discuss the matter further and approve the architect's contract.

Regent Othick drew attention to the motion on the floor. No second was made to the motion. Regent Tatum offered an amendment. He recommended the board reconsider this matter at a special meeting within the necessary time limit and would like to hear an opinion from our procurement counsel.

Regent Pyle offered to second the motion made by Regent Patterson with the addition of language that assures that there are no liabilities incurred with awarding the contract to DPS with them doing work on the project prior to going out for architectural services. Regent Tatum agreed to this language.

Regent Othick amended the motion that Mr. Smart and Dr. Caldwell research procurement code and the prohibition of a person doing pre-bid work on a project and then bidding on the project. A meeting will be convened at a future date to approve or

disapprove the architect selection for Roosevelt Hall. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

3. Discussion of 2021 – 2022 Tuition and Fee Rates, Portales

Mr. Smart stated that ENMU's tuition and fee rates are the lowest in New Mexico among four-year schools. At this time, a 5% tuition and fees increase is under consideration, which would translate to a \$163-course increase per semester. This increase would bring \$1 million in new revenue for FY22 and would be necessary in light of cuts in state appropriations.

Mr. Smart further stated that in addition to the June 2020 budget cuts, we could expect further sanding on Instructional and General funds. With the probable enrollment decline, an increase will be necessary.

Regent Othick asked if COVID has changed the expenses on campus. Mr. Smart responded that the auxiliaries stand to lose approximately \$2 million; however, we have an operating surplus from last year that will be used to balance this year's books.

Mr. Smart stated that he expects to bring a formal action item to the board in December.

4. Emeritus Status – Mike Martinez, retired Vice President for Student Affairs, Roswell

Dr. Shawn Powell said that the Community College Board has approved this request, and it is an honor to bring this before the Regents.

Dr. Powell stated that Mike Martinez received his undergraduate and master's degrees from ENMU and began his career with the University in 1980. He last served as Vice President for Student Affairs.

Regent Pyle moved to approve the Emeritus Status of Mike Martinez as presented. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

5. Architectural Services, Roswell

Mr. Tony Major gave an update on upcoming capital projects for the Roswell campus. These include the electrical panel upgrade funded by Severance Tax Bonds, and the exterior lighting and video surveillance project funded by GO Bond C. Both projects are listed on the facility master plan, and architectural services are being sought for final planning.

REGENT MATTERS
Information Only

Mr. Matt Billings

Update on Athletic Programs

Mr. Matt Billings said that on October 20, Athletics began bringing teams back, beginning with both men's and women's basketball. At this point, they have conducted 266 COVID tests with

ten positive results. The remainder of the sport's members returned on November 1, and have all been tested. Every student-athlete that has been on campus for any type of activity has been through an educational session with the Sports Medicine staff. Daily temperature checks and symptom questionnaires are required. He said that he feels good with where they are, but they must continually pivot, adapt, and educate. The staff and student-athletes are understanding the importance of taking personal responsibility for their actions.

Mr. Billings said that two programs are on hold for the next two weeks per NCAA guidelines. There are currently two students in quarantine, and food is being provided to them and their health status is being closely monitored.

Mr. Billings reported that we are not able to meet the required three-per-week PCR testing during competition; we are only providing antigen tests.

Regent Pyle commented that the test positivity in Roosevelt County is currently at 15.9% and needs to be at or below 5%. He commended Mr. Billings's careful approach.

Regent Dan Patterson

Update on Higher Education Regents Council (HERC)

Regent Patterson said that HERC is involved in an effort to provide internet connectivity and broadband availability for students throughout the state. Regent Othick is supporting this initiative with the Public Education Department and has been tasked with identifying students who do not have access to these services.

Regent Othick said that he has been working through CES to identify needs throughout the state. Once these needs have been determined, he will go back to PED with a dollar amount and a list of priorities to help students get online. There are literally tens of thousands of these students; therefore, this has become an extremely complicated project.

Dr. Patrice Caldwell

Update on Council of University Presidents (CUP)

Dr. Caldwell said the focus of CUP has been partly on athletics, but primarily on the relationship between higher education and the Legislative Finance Committee. There is a change in leadership at the LFC and a great deal of conversation about right-sizing in higher education institutions, with a perception that equates enrollment declines with reductions in appropriations. The current task is the issue of keeping higher education, its benefits to the state, and economic development firmly in the visual field of LFC members.

Update on COVID-19 Status

Dr. Caldwell said there has been an uptick in positive cases this week and many of these involve student athletes' return to practice. Each case is being traced, and a reality is being seen that no one can deny. Our students live in the community, and they interact with community members. ENMU's containment efforts are intricately connected with our local community to protect people and conduct good social distancing and masking.

Mr. Scott Smart

Update on University House

Mr. Smart said the University House plan was submitted to HED for inclusion in their December meeting agenda. This will be the final approval due to the project size; it does not require approval by the State Board of Finance. All related contracts will be in place so that after December 10, work can begin. It is expected that this project can be completed in Summer of 2021.

Update on the Sale of Blackwater Draw Football Stadium

Mr. Smart reported that the sale closed on November 3. There was a small issue at the end of the process pertaining to subdivision rules in the county. Documentation had to be provided to the county to explain the proposed sale. The property was sold for \$25,500, with \$660 in closing costs. The University netted \$24,800.

Update on Solar Project

Mr. Smart said that Affordable Solar has taken the project and split it in half. We could do the first phase without the mandated study by Excel and phase two could be done at a later date. The final financial amounts have not been developed since the project is being split, and the financial dynamics have completely changed. Before we proceed, a letter will be sent to the PRC to request what the rules are for this project.

OTHER ITEMS

1. Proposed Board of Regents Meeting Calendar for 2021 (Regent Dan Patterson, Action)
Dr. Patterson discussed several changes that may need to be made to next year's meeting schedule and also changes with commencement ceremonies. It was suggested that further review of the calendar be made and that this matter be revisited at a future meeting.

Regent Patterson moved to have staff review the Regents Meeting Calendar for efficiency. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

1. Election of Board of Regent Officers for 2021 (Regent Terry Othick, Action)
Regent Othick opened the floor for nominations for Regent President and Vice President and stated that the student Regent position traditionally assumes the role of secretary/treasurer.

Regent Tatum nominated Dan Patterson for the position of President and Lance Pyle for the position of Vice President.

Regent Tatum moved to elect Dan Patterson as president of the Board of Regents, Lance Pyle as vice president. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

Regent Othick deferred subcommittee and alumni/foundation appointments for incoming President Patterson.

EXECUTIVE SESSION

Regent Tatum moved to enter executive session at 12:40 p.m. to discuss one limited personnel matter related to Board of Regent-related projects and priorities pursuant to Section 10-15-1(H)(2), NMSA (1978). Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

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

Regent Patterson moved to return to open session at 1:35 p.m. Regent Tatum seconded the motion. Vote: 5-0-0. Motion approved.

Regent Othick reported that one personnel matter was discussed, and no actions were taken.

ADJOURNMENT

Regent Patterson moved to adjourn the meeting at 1:37 p.m. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.



President of the Board

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



Secretary of the Board