

New Mexico Highlands University  
Special Board of Regents Meeting  
President's Conference Room  
Rogers Administration Building  
NMHU Main Campus  
Las Vegas, NM 87701  
February 18, 2013 at 1:30 pm

1. Call to Order – Chairman Leveo V. Sanchez
2. Roll Call
3. Approval of Agenda for February 18, 2013
4. Legal Services Contract (Cuddy & McCarthy Law Firm) – Action Item
5. Legal Services Contract (Sutin, Thayer & Browne Law Firm) – Action Item
6. President's Report
7. Executive Session – (1) limited personnel matters related to the hiring, promotion, demotion, dismissal, assignment, resignation, or investigation or consideration of complaints or charges against an employee; (2) bargaining strategy preliminary to collective bargaining; (3) threatened or pending litigation subject to the attorney-client privilege in which the University may become a participant; and (4) real estate acquisition or disposal. Pursuant to provisions of NMSA 1978, §10-15-1(H)(2)(5)(7)&(8)
8. Adjournment

New Mexico Highlands University  
Board of Regents Special Meeting  
President's Conference Room  
NMHU Main Campus  
Las Vegas, NM 87701  
February 18, 2013 at 1:30 p.m.

The New Mexico Highlands University Board of Regents held a special meeting on February 18, 2013 in President's Conference Room in the Rogers Administration Building on the New Mexico Highlands University main campus in Las Vegas, New Mexico. Chairman Sanchez called the meeting to order at 1:39 p.m.

**Attendance**

Board Members Present: Mr. Leveo V. Sanchez, Ms. Nancy R. Long, Mr. Jesus L. López, and Mr. Frank Marchi.

Board Members Absent: Ms. Caitlin Syner

Administrative Personnel Present: Dr. James Fries, President; Dr. Gilbert Rivera, Vice President for Academic Affairs; and Dr. Fidel Trujillo, Dean of Student Affairs.

Others Present: Ms. Carolina Martínez, Executive Administrative Assistant; and numerous other individuals in the audience, including faculty, staff, students, community representatives, and media.

**Approval of Meeting Agenda for February 18, 2013**

President Fries recommended moving items #4 and #5 after Executive Session allowing the items to be discussed during executive session.

Regent López moved to approve the February 18, 2013 agenda as recommended by President Fries. Regent Long seconded. Voting in favor were: Chairman Sanchez, Regent Long, Regent López, and Regent Marchi. Motion passed unanimously.

**President's Report**

President Fries reported the following:

- The joint NMHU/LCC College Night was held on February 12<sup>th</sup>, students from several area schools attended. As a result of the successful college night, the State Senate passed a proclamation recognizing Highlands for its part in hosting the event where students learn about college, financial aid, and various programs.
- Mr. Joe Staley, NMHU Foundation Board member and Yale University alum, is very active with the Yale Alumni organization. He has been working with an advancement team that travels to different countries to provide advice on building alumni programs, fund raising programs, and advancement programs. Yale is prepared to send a team to NMHU in May to evaluate NMHU's Alumni and Advancement Programs.
- Another institutional advancement program opportunity includes the KLVF/KFUN radio station. There a one-hour time slot on Tuesday's available to NMHU for \$350/month.

- We are 58.3% through the fiscal year. To date total revenues are 69% and total expenditures are 53% of the projected budget.
- The 2013 Legislative session is at the half way mark. He and Max Baca have been meeting with key legislators and Legislative Finance Committee staff. President Fries commented that Mr. Baca has been doing an excellent job lobbying for the university.
  - NMHU is hopeful of seeing increased funding to cover the increased expenses for the Educational Retirement Board employer contribution. It is likely NMHU will otherwise receive a flat budget for FY14 so full funding for ERB increases is critical.
  - The Legislative budget still includes a 1% compensation package.
  - The \$2.3 million in additional funding for the Trolley Building continues to hold.
  - There are 2 one-time \$20 million funding allocations to be used for an endowment challenge and the other for infrastructure.
  - The State's SHARE accounting problem beginning in 2006 has not been properly reconciled. It is likely the Legislature will approve a budget to solve the resulting deficit.
  - The university is seeking one-time funding for the Athletic Department.
  - Several Lottery Scholarship bills have been introduced; it is not likely they will pass.
- Las Vegas Night at the Legislature is scheduled for February 21, 2013 at 6pm at the La Fonda Hotel in Santa Fe.
- The university is sponsoring a table for 8 at the Hispano Round Table Legislative Dinner; it is scheduled for 6pm on February 21, 2013 at the Sweeney Convention Center in Santa Fe.

Regent Long asked if there was any effort being made to abolish the tuition credit this session. President Fries responded that there was no tuition credit last year and the legislature thus far has not included a tuition credit and no tuition cap has been discussed.

President Fries provided an update regarding the hydrazine remediation patents informing the Board that discussion with the Ameren Corporation power plant is ongoing. A team from NMHU will travel to Missouri to test the process with an actual contaminated water sample. Assuming the tests go well, Ameren is planning to shut down plant operations in April and use NMHU's process to treat their 18,000 gallon tanks of hydrazine contaminated water. If the remediation works as it should, then they are clearly interested in licensing the technology. The chemical involved in the process is produced in the United States but in smaller quantities than might be needed. The most inexpensive source for the chemical is a Chinese company who is interested in working with the university and would provide a \$2 referral fee for each kilogram of the chemical the university sells for them to Ameren or other companies. Millennium Enterprises, Inc. in Georgia has expressed an interest in creating absorbent

pads soaked in a neutralizing solution and sealed in air-tight packages to treat small amounts of hydrazine in actual or potential leaks/spills.

Regent Marchi asked for a contract status. President Fries indicated that there is currently no signed contract with Ameren Corp. The university suggested an annual licensing fee of \$10,000. Ameren has counter proposed a \$5,000 up-front fee with an additional \$5,000 if the remediation works. If the remediation does not work, Ameren has requested the return of the \$5,000 up-front fee.

President Fries informed the Board that the student union building project continues to move forward. Einstein's Bagels has been setting up their own shop and it is nearly completed. The building will be open for use in mid-March.

**Executive Session – (1) limited personnel matters related to the hiring, promotion, demotion, dismissal, assignment, resignation, or investigation or consideration of complaints or charges against an employee; (2) bargaining strategy preliminary to collective bargaining; (3) threatened or pending litigation subject to the attorney-client privilege in which the University may become a participant; and (4) real estate acquisition or disposal. Pursuant to provisions of NMSA 1978, §10-15-1(H)(2)(5)(7)&(8).** Regent López moved to enter into executive session for the sole purpose of discussing the items listed excluding items #4 real estate acquisition or disposal. Regent Long seconded. President Fries indicated that there were no real estate acquisition or disposal items to discuss in executive session. A roll call was taken and voting in favor were: Chairman Sanchez, Regent Long, Regent López, and Regent Marchi. Motion carried and the Board went into executive session at 2:15 p.m.

Regent López moved to come out of executive session into open session. Regent Long seconded. Regent López stated for the record that only those items specified in the motion to enter into executive session item were discussed and no action was taken. Regents present confirmed. A roll call was taken and voting in favor of coming out of executive session into regular session were: Chairman Sanchez, Regent Long, Regent López, and Regent Marchi. Motion carried unanimously and the meeting was called back to order at 1:05 p.m.

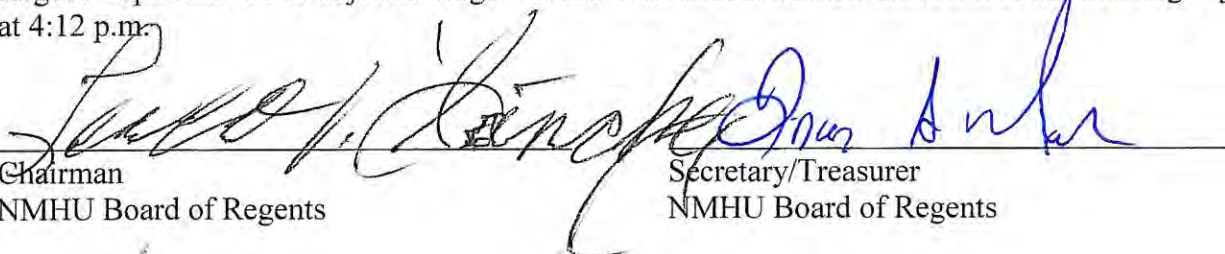
**Legal Services Contract (Cuddy & McCarthy Law Firm) – Action Item**

**Legal Services Contract (Sutin, Thayer & Browne Law Firm) – Action Item**

Regent Long moved to authorize President Fries to negotiation final terms and execute the legal services contracts with the Cuddy & McCarthy Law Firm and the Sutin, Thayer & Browne Law Firm. Regent Marchi seconded. Voting in favor were: Chairman Sanchez, Regent Long, Regent López, and Regent Marchi. Motion passed unanimously.

**Adjournment**

Regent López moved to adjourn. Regent Marchi seconded. Motion carried and the meeting adjourned at 4:12 p.m.

  
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Chairman  
NMHU Board of Regents

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Secretary/Treasurer  
NMHU Board of Regents