

New Mexico Highlands University
Special Board of Regents Meeting
November 15, 2021

The New Mexico Highlands University Board of Regents held a virtual special meeting on November 15, 2021. The university made every effort to accommodate members of the public as stated in the November 12, 2021 meeting announcement. The meeting was livestreamed via Zoom Platform. Members of the public were able to access the livestream through the following link:

<https://nmhu.zoom.us/j/99373471046>

Meeting ID: 993 7347 1046

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Call to Order – Chairman Marchi called the meeting to order at 3:33 p.m.

Roll Call - Board Members Present Via Zoom: Mr. William Garcia, Mr. Frank Marchi, Ms. Danelle Smith, Dr. Frank Sanchez and Mr. Christopher Ulibarri.

Administrative Personnel Present Via Zoom: Dr. Sam Minner, President; Dr. Roxanne Gonzales, Provost/Vice President of Academic Affairs; Mr. Max Baca, Vice President for Finance & Administration; and Dr. Kimberly Blea, Dean of Students.

Others Present Via Zoom: Dr. Elisabeth Massaro, Faculty Senate Chair and Ms. Maria Sena, Senior Executive Administrative Assistant. Numerous faculty, staff, students, community members, and the general public participated in the meeting as it was streamed via ZOOM.

Approval of the November 15, 2021 Agenda

Regent Garcia moved to approve the Board's virtual meeting agenda for November 15, 2021. Regent Ulibarri seconded. A roll call vote was taken, voting in favor: Regent Garcia, Regent Sanchez, Regent Smith, Regent Ulibarri, and Chairman Marchi. Motion carried.

October 22, 2021 Gene Torres Golf Course Resolution, memorandum of understanding/ agreement, and approval process

Chairman Marchi stated that this meeting was to provide next steps to the resolution that was approved in the October 22, 2021 Board meeting. A draft Memorandum of Agreement has been provided to the Regents for their review and feedback. The action today is to approve President Sam Minner's ability to negotiate on behalf of the University with the City of Las Vegas (City) and San Miguel County (County).

Regent Garcia indicated that after last Board of Regents meeting a resolution passed that essentially states that Highlands will commit to \$70,000.00 for next two years to open the golf course. The City and County

have also committed to this amount. He indicated that he has worked with the University Attorney to develop a Memorandum of Agreement (MOA). In the agreement, President Minner will be responsible for the negotiations. This draft can be used as a guideline for the meetings with the City and County. The terms and conditions can be reviewed by all parties and if they don't agree, they can submit changes.

Regent Sanchez indicated that he has visited with both City and County and they are awaiting the draft MOA for review. He also stated that East Las Vegas Schools would contribute \$10,000.00. West Las Vegas Schools has not committed but he will continue to work with them.

Regent Smith indicated she had some issues with the proposed MOA. The concerns are as follows:

- . HU has agreed to pay \$70k in accordance with the previous authorization, and no more. All language which would allow overages should be deleted.
- . The language that provides for "free or reduced fees" should be removed or modified. She believes allowing play for free or reduced fees may be a violation of the New Mexico Anti-Donation clause.
- . She questioned the language in the MOA calling for "the salary of the Golf Pro/Manager" of \$150k given that the total budget for the Golf Course is to be \$210,000 from all three entities. She questioned whether a Golf Pro is needed. She expressed concern about other costs that would be paid by Highlands (utilities, golf course maintenance and the like) and how these costs were included in the \$70,000 total budget for Highlands.
- . She also was concerned about how the merchandise sales, fees for golf lessons, green fees and the renting of golf carts would be accounted for: who would purchase the merchandise, how the sales and fee income would be tracked, how Highlands would confirm that GRT would be paid over to the State for these items; how FICA and other state and federal taxes would be paid by the appropriate persons and how wages and insurances for employees of the Golf Pro (including work study students) would be covered.
- . She asked what are Bulk Rate Purchases?
- . She questioned the language in Paragraph C #3 that the Golf Pro manages all Golf Course Staff - what exactly does that include? How many staff members are envisioned?
- . Regent Smith asked for an explanation of what a "medium level" golf course is and why this was included in the Agreement.
- . Regent Smith was concerned about who would manage the MOA and its requirements and how these expenses would be budgeted.

Regent Garcia said that Regent Smith's concerns were legitimate but addressed in the overall agreement. He addressed her concerns as follows:

- . He agreed that the \$70k is the maximum amount to be provided by all three principals. This change would be provided to our Attorney Ms. Ives.
- . "Free and reduced charges" were intended to provide the 3-person Management Committee with flexibility to address requests for bulk services that may be provided. He agreed that this could be eliminated.
- . With respect to the \$150k "salary for the golf pro". Regent Garcia suggested that the final MOA would require the Pro/Manager to hire enough staff to ensure a 7:00am-7pm, 7 days a week operation. It is anticipated that the Pro/Manager would have to hire at least two additional people to ensure the operations requirement that the RFP would provide for. The person selected would have to be a certified golf pro or with experience in managing a golf course and hire personnel from the \$150,000 which is identified in the current version of the MOA as the "salary of the Golf Pro/Manager". Regent Garcia

assured the Board that this contract would provide the group with the most efficient way to manage the golf course operations, and cost much less than what it would cost if a pro were hired to this position.

Golf Course "maintenance" will vary according to season, weather and play. Current HU golf course maintenance people have experience in adapting to these variables. Thus, the language gives needed flexibility to the 3-person Management Committee to address these variables.

The 3-person Management Committee would be required to manage the golf course within the requirements established in the Budget Addendum that was provided with the proposed MOA. HU employee would not have to administer.

Regent Garcia suggested that Regent Smith provide her list of concerns so that they could be addressed by the HU Attorney, Ms. Ives and incorporated into the MOA, which Dr. Minner would then use in negotiations with the City/County. The negotiated agreement with the City/County would have to come back for final approval by the HU Board of Regents.

Regent Smith indicated that she supported President Minner being the negotiator, but did not agree to everything that it is in the MOU. She stated that a lot of changes need to be made to the MOU.

Regent Ulibarri stated he had the same concerns as what has been stated.

President Minner indicated that goal is to open the golf course at no risk to the University. He stated that the Memorandum of Agreement will need to clearly state who has management abilities and decision making capabilities. Regent Garcia indicated that the three entities will each appoint a member on a committee that will have authority and responsibility. Once the MOA is signed, the management responsibility will be transferred to the three-person committee. Regent Garcia indicated that corrections and adjustments should be made to the Memorandum of Agreement incorporating Regent Smith's concerns. Once these changes are made, the document can be shared with the City and County for their review. The final MOA will be shared with the Board at the next Regular Board meeting.

President Minner indicated that he is comfortable negotiating with both the City and County regarding the terms of this agreement.


Regent Smith moved to appoint Dr. Minner as the negotiator on behalf of Highlands to meet with the City, County, and the school districts. Regent Garcia seconded. A roll call vote was taken, voting in favor: Regent Garcia, Regent Sanchez, Regent Smith, Regent Ulibarri, and Chairman Marchi. Motion carried.

Follow up Items


1. Regent Smith to provide her list of concerns.
2. Update Memorandum of Agreement to include Regent Smith's concerns.

Adjournment

With no further business, the meeting adjourned at 4:54 p.m.



Chairman
NMHU Board of Regents



Secretary/Treasurer
NMHU Board of Regents