



**NEW MEXICO STATE UNIVERSITY
BOARD OF REGENTS
SPECIAL MEETING MINUTES
October 17, 2022 at 1:00 PM**

Regents Room (Room 001)
Educational Services Building
NMSU Las Cruces Campus,
1780 East University Avenue
Las Cruces, NM

Regents of New Mexico State University

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

Non-Voting Advisory Members - ASNMSU President Garrett Moseley, Faculty Senate Chair Gaylene Fasenko, Ph.D., Employee Council Chair Susanne Berger

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

MINUTES

A. Call to Order, *Chairwoman Ammu Devasthali*

Chairwoman Devasthali called the meeting to order at 1:02 P.M.

1. Confirmation of Quorum and Roll Call

The Chief of Staff confirmed the quorum and took the roll call. Regent Ammu Devasthali, Regent Arsenio Romero, Regent Neal Bitsie, Regent Dina Chacón-Reitzel, and Regent Christopher Saucedo were present in the Board room. Chancellor Dan Arvizu, General Counsel Roy Collins, ASNMSU President Garrett Mosley, Faculty Senate Chair Gaylene Fasenko, and Employee Council Chair Susanne Berger were also present in the Board room. Interim Provost Dorothy Campbell was present via Zoom.

B. Approval of Agenda, *Chairwoman Ammu Devasthali*

Regent Saucedo made a motion to approve the agenda as presented. Regent Romero seconded the motion. The Chief of Staff took a roll call vote.

Regent Chacón-Reitzel requested that consent item D-2 be moved to informational items.

The Chief of Staff took a roll call vote to approve the agenda as presented.

Regent Saucedo – Yes

Regent Romero – Yes

Regent Devasthali – Yes

Regent Chacón-Reitzel – No

Regent Bitsie – No

The motion to approve the agenda as presented passed.

The Chief of Staff clarified that traditionally “consent” means the unanimous consent of the Board. If there was an item that was not consented to due to lack of approval, then The Board would remove it from the consent agenda to either informational items or action items.

The Regents explained their vote as follows:

Regent Chacón-Reitzel explained, “The reason I was hoping to move consent item 2 to informational items was because I wanted to hear more from the Chancellor on that item. There was discussion in the context of a future master plan other than main campus properties and so forth in the Regents’ Real Estate Committee. Because of that, in that context we discussed this item and thought that it would be better discussed in that committee in terms of a larger master plan. Also, because of the interest in renewables these days, I do have concern about changing the name from geothermal. That was the reason for wanting to move it. So that we could get more information on it and move it to informational items and act upon it at another time once we’ve had time to study it in Regents’ Real Estate.”

Regent Romero explained, “I did vote yes. I’m in agreement with the agenda as a whole. That includes consent item, D-2. I’m all for it to move forward.”

Regent Bitsie explained, “I voted no. I was also hoping to have a broader discussion on that specific agenda item. Madam Chair, as you know, I’m not in the Real Estate Committee or the Audit and Risk Committee. So, I’m not always at the embryotic stages of how these symbolic namings are brought to the board and I was hoping to at least give some comment or give my insight or get a perspective from the Chancellor before I put my rubber stamp on it.”

Regent Devasthali and Regent Saucedo voted yes on approving the agenda as presented.

Regent Devasthali stated, “I just want to clarify something here. Not every naming comes to the Board from the Real Estate Committee. This is not real estate related. This does not include any kind of fundraising or money attached to it. This was a request that was made by the Chancellor to put this on the agenda. That was the reason that we have brought it to the board. It does not need to go to the Real Estate Committee.”

Regent Chacón-Reitzel responded, “I understand that this does not need to go to the Regents’ Real Estate Committee. I noticed that the Campus Planning Committee moved this forward at the request of the Chancellor. It was brought up by real estate staff at the meeting and we discussed there. But knowing that it didn’t have to come from there. But I do think that because it is involved on the east side of the campus and extends beyond the main campus that it could be included in real estate discussion at a later date and it would be most appropriate to be discussed at that point.”

The Chief of Staff reported that at this point the bylaws stipulate that the consent agenda is there at the consent of the entire board. The Board of Regents can move the item to Informational or to Action. As an informational item there would be no vote. As an action item, the item would be voted on.

Chairwoman Devasthali entertained a motion to move item D-2 to Action. Regent Saucedo seconded the motion.

Chairwoman Devasthali – Yes

Regent Saucedo – Yes

Regent Romero – Yes

Regent Chacón-Reitzel – No

Regent Bitsie – No

The motion to approve moving D-2 from the consent agenda to an action item passed.

C. Confirmation of Prior Closed Executive Sessions, *Chairwoman Ammu Devasthali*

1. Confirmation of Prior Closed Executive Session September 15, 2022

The Chief of Staff read the following statement:

“The Board of Regents met in closed executive session at 1:45pm on September 15, 2022. The closed executive meeting was held to discuss limited personnel matters concerning individual NMSU employees in accordance with NMSA section 10-15-1 subsection (H)(2). Those board members who are present please certify that only matters of that nature were discussed.”

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Regent Devasthali – Yes

The confirmation of prior executive session was certified.

2. Confirmation of Prior Closed Executive Session October 12, 2022

The Chief of Staff read the following statement:

“The Board of Regents met in closed executive session at 10:00am on October 12, 2022. The closed executive meeting was held to discuss limited personnel matters concerning individual NMSU employees in accordance with NMSA section 10-15-1 subsection (H)(2). Those board members who are present please certify that only matters of that nature were discussed.”

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Regent Devasthali – Yes

The confirmation of prior executive session was certified.

3. Confirmation of Prior Closed Executive Session October 17, 2022

The Chief of Staff read the following statement:

“The Board of Regents met in closed executive session at 8:00am on October 17, 2022, that’s today. The closed executive session meeting was held to discuss the incentive compensation and evaluation for Chancellor Arvizu as permitted under the personnel matters exemption of the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(2). Those members who are present please certify that only matters of that nature were discussed.”

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie – Yes

Regent Romero – Yes

Regent Devasthali – Yes

The confirmation of prior executive session was certified.

D. Consent Items, Chairwoman Ammu Devasthali

- 1. Acceptance of honorary naming request for Pan American Center thoroughfare, Chancellor Dan Arvizu**
- 2. NMDOT Acquisition – DACC/Gadsden Right of Way, Special Assistant to the President Scott Eschenbrenner**
- 3. Amend 21.17.36 NMAC Pecan Weevil Interior Quarantine, NMDA Secretary Jeff Witte**
- 4. Repeal and replace 21.17.28 NMAC Pecan Weevil Exterior Quarantine, NMDA Secretary Jeff Witte**

Regent Romero motioned to approve the consent agenda as amended. Regent Saucedo seconded the motion. All were in favor and none opposed. The motion passed.

E. Action Items

- 1. Geothermal Drive Renaming to Tortugas Trail, Chancellor Dan Arvizu**

Special Assistant to the President Scott Eschenbrenner stated, “We’re here to bring to you a potential naming request to look at changing the name of Geothermal Drive to Tortugas Trail. This has come about for a few reasons. One being, ‘geothermal.’ When you think about what the reason for the naming was in the 70s and 80s, there were some geothermal wells that were in that area. There’s some work that had been done to try to improve and utilize some geothermal resources for potential heating for the main campus. We drilled some wells and did some work, yet to find that those wells were a challenge to keep going. After about 2-3 years the well casings had disintegrated. It was very toxic. It was a costly proposition time to utilize geothermal resources. The President’s residence that was up there, was actually, at one time, hooked up to it. It didn’t last very long. Currently, nobody is utilizing those geothermal wells. They are capped off and not being used. Some of the thoughts were simple outreach that we’re doing in our community and thinking about what are some opportunities out there. Through further discussions, the idea was raised about renaming the road from Geothermal to Tortugas Trail. It’s more or less a geographic representation of the mountain. When you think about tortugas, it’s “turtle” in Spanish. In viewing from the south, that’s where that mountain got the name. It looks like a turtle slowly moving across the desert. That was one of the reasons from a geographic standpoint. It has recognition as being known as Tortugas Mountain. It’s also how the Bureau of Land Management recognizes that mountain. Another name is obviously “A” Mountain’ for the A that is up there and also has dual purpose there. It came about through talking with some of our community members. We felt that is was an appropriate gesture. It did not have a significant impact on the university from an addressing standpoint. Basically, it’s the real estate and law office that has an address on there, president’s residence, and the golf course clubhouse facility. So really, only three places that have an address related to geothermal. So, with that, we spoke with the Chancellor and Senior Leadership team and with the support of the Chancellor, he asked me to, through the proper protocols with the university, take it to Campus Planning. We submitted a letter, I did, with the support the Chancellor stating the reasons. I think that you have a copy of that letter in your binder. We did take that to Campus Planning. We didn’t have any negative feedback with

respect to that. It was approved unanimously by the Campus Planning Committee. We had discussed about bringing it forward to the Real Estate Committee just as an informational item, but it was pulled from the last meeting. So, we didn't have an opportunity to bring it forward at that time. With guidance of the Chancellor, we brought it before the Regents today for consideration."

Chancellor Arvizu added by saying, "I think that it's important that you hear the origin of this. We've been in discussions regarding how we as an institution can take the necessary administrative positions around a number of expectations of some of the community engagement that we've been involved in, which has encouraged our being more respectful and acknowledging things that we have been in discussions for a long time. Very clearly, we're about all things that relate to equity, inclusion, and diversity. Our new Vice President, Dr. Scholz, has been actively engaged with all of the various communities. There are a number of things that we can do. Some of them symbolic. Some of them are much more impactful in terms of outcomes and we have agreed with our colleagues and our partners that we should be about things that relate to action. Things that relate to improving our student profiles in terms of demographics, student outcomes in terms of retention and graduation rates. Whether you're talking about any of our underserved communities, both ethnicity and other ways in which they affiliate with each other, we are focused on the metrics that help our students be successful. One of those metrics has to do with inclusion and has to do with how much are we, as an institution, making certain that we both acknowledge where people have expressed their interest as well as what we, as an institution, can support in terms of helping them be more successful in their own pursuits. As a consequence of that, we got a lot of our initiatives around things that relate to social transformation, understanding that they serve a demographic that is very challenged. We have to do some things that are even more aggressive than other institutions who don't serve the same population and demographic that we do. So, lots of wraparound services. Lots of things that relate to belonging and inclusion. Our students have told us, 'that's what we need,' 'that's what we like,' and 'that's what we're interested in.' In listening to our employees, faculty, and students, it became very clear to me that one symbolic gesture could be to acknowledge the Tortugas Way. Not so much as it relates to individual populations or tribes, but the mountain itself, which is something that's symbolic and of great importance to NMSU. It's for us. It's "A" Mountain. For those who went before, it's Tortugas Mountain. We want to be respectful of that. And this seemed like a reasonable way to acknowledge that. Recognize that we are [in] partnerships with people in our land and that we, as an institution, want to be respectful of both the past and the future. It's not permanent necessarily. The Planning Committee can make changes. The Naming Committee looks for ways in which we can generate revenue. This was not one that seemed to be in alignment with that. It seemed like an important thing for us to do. Our suggestion and thought process on this is that it is an important thing for us to be associated with that we would be in a measure of engagement and support for our community that is focused on these matters. It seemed like a good gesture to be in concert with their approach to how they want to be recognized."

Regent Bitsie asked, "In terms of this, have we thought into the long-term implications of the naming in terms of the long-term master plan for Aggie Uptown, which is that the current golf course will become Aggie Uptown and the rest of the golf course will be relocated to the other side of the clubhouse? So, this Tortugas Way will be going straight through where the golf course will tentatively be in 10-15 years. Have you factored into the long-term implications about how that might create some issues?"

Special Assistant to the President Eschenbrenner stated, "We have looked at this through the master plan. It's just always been laid out as Geothermal, the road. But, the road has always been there. The pilgrimage route, more or less. We've always been respectful of it. So, in the future plans for the golf course development, the golf course development, the work that we've had, shows that road going through there and being laid out on either side. So, I'm not seeing an issue with the name on that road and certainly we're not going to be changing the location of where that road goes through the

property at this time.”

Chancellor Arvizu added, “The master plan is not yet fully developed, first of all. Early thinking on the master plan was that four holes would be moved. Even that’s embryonic because that was something that we had discussed with the previous developer. That developer is no longer the one we’re working with. We’re working with a new developer. So, all of those things could be revised as conditions warrant. The main thing is that, I don’t see a plan yet that changes the configuration of the golf course sufficiently that would affect Geothermal Drive that we’re talking about here. I don’t see a plan that is aggressive enough that would in any way change the way in which that road would otherwise operate or would be perceived because I think the golf course would still be around the Pres Res where obviously is part of that road. The President’s residence is right there and then it goes all the way down to where the loop road connects Las Alturas. That section of road should not be altered significantly with any of the master plans. So, the short answer is we’ll be attentive to it, but it doesn’t seem to affect it so far.”

Regent Chacón-Reitzel said, “I have a question or comment, both. One of the issues that I have with this particular item is that this and other items that have come mainly through the Real Estate Committee is that this is kind of the piecemeal approach that comes forward. To me, some of these things that have been asked of us, especially in terms of a trail. Prior to this, as a trail association that was brought to the Real Estate Committee. All in all, those things quite frankly, cause me discomfort because when I think about this, I think we’re allowing people access to the properties of New Mexico State University that we have a duty of care for Board of Regents as a State Board of Agriculture. Whenever we’re allowing people to come across our property we need to be aware of it. This is maybe the second or third request or so that I’ve seen that allows that kind of access. We do have problems at the College Ranch because of access of trespassers that have caused damage on the property. So, I raise these concerns mainly because I’m quite concerned about our Ag mission. Our Ag mission and our charge for these properties is that they are for agriculture, education and scientific research. So, anything that might interrupt our core mission concerns me. I do think that this is a nice goodwill gesture. I understand that. The university, we’re nice folks, and we like to do things for the communities that are important and do good things for us. So, I understand that request. But, I do think that this could be a problem later on. That is why I had asked if we could consider the master plan for our Ag properties because we had not developed those assets and have this part of that bigger question and this part of that bigger plan. How are we going to treat these requests? I see these piecemeal gestures and piecemeal items coming through and they concern me. I feel like they need to be considered in the context of a master plan for all the Ag properties. That’s why I raise this concern. The other concern, as I mentioned earlier briefly, is that there is renewed interest in renewables. You all know that, in renewable energy. NMSU could play a big part of that. We have the largest footprint in the country of agricultural properties and lands that we have not at all addressed as a base of assets. I think that geothermal is part of that discussion on renewables. This is an important asset to the university. Scott explained that there are some issues. I wonder what’s on the water master plan with the state. When you negate a water designation or a water source designation, which is a huge asset for the university, all of our water rights and so forth, I’m concerned about that. So, while I think it’s a nice gesture, I do think we need to be concerned about access to our properties because we’ve seen already the degradation to our research mission in some of those properties. We’ve had some discussion about that. I also am concerned about acknowledging this as Tortugas Trail. To the university it’s “A” Mountain and our students value “A” Mountain as our alumni have all expressed as well in the past. I also understand that we are cooperative with the Tortugas community. Each year when they do their pilgrimage we give them access and that is a separate agreement that we have. It’s a long-term agreement that they have all access to “A” Mountain for their ceremonial rituals come Christmas time. They clear it with us. We open the gates, if I’m not mistaken and they have access to it. So, we’re not impeding any of their ceremonial rituals and so forth. So, all of these I bring forward because I don’t think it’s just as easy as

saying, 'let's do this.' I think we have to look at the broader context. If this happens, I would like to have this as part of the minutes that if we move forward on this, we should include this in the naming, on my behalf or as per my feelings, that we expressly state that the name is solely in recognition of a unique community in this area and that this is not in any way any acknowledgement, past or present, in any of NMSU's real property interest. That's my thoughts."

Chairwoman Devasthali said, "I have a question for you Scott. When we talk about the Tortugas Trail, are we talking about that section of the road that runs from under the bridge up to Wemberly drive?"

Special Assistant to the President Eschenbrenner said, "That road, right now, starts from Interstate 25 and does proceed past Herb Wemberly. It turns into a dirt road. It's recognized as Geothermal all the way up to the base of the mountain."

Regent Saucedo said, "Scott, just to clarify, I want to make sure we know what we're voting on. Would this, in any way, change the ownership or access to the road?"

Special Assistant to the President Eschenbrenner said, "No. It's still the Regents New Mexico State University on that land."

Regent Saucedo said, "Thank you."

Chancellor Arvizu said, "There might be a couple of people who you want to call on for additional clarification of some of the points that have been made. I certainly agree with Regent Chacón-Reitzel on renewable energy and the value that it brings. We are actually doing a study right now on what our campus can actually do on geothermal. There are two types of geothermal. There's hydro geothermal that's the kind we're talking about, which is deep wells to get a high temperature of water. What we've done in the past, and Pat Chavez is on the line and he could probably add some color commentary if you want more, but what I'm understanding is that the temperatures that we achieve at the depths of what we've drilled are not sufficient to maintain the kind of energy production that we want to have. So, we've got some ways that we can delve deeper. We can do a variety of different things and we're going to evaluate that. There's another way, which is ground couple geothermal, which is actually good practice on any green field that you have. So, there's a couple of ways in which geothermal actually fits into our overall strategy on renewable energy. So, I just want to make that particular point also. I'm not sure if Dr. Fasenko from Faculty Senate would like to say a word or two about your perspective on this particular topic."

Faculty Chair Fasenko said, "This is a very timely topic. I just received an e-mail this morning from some folks who are very concerned regarding the fact that there doesn't seem to be and I'm just quoting, there doesn't seem to be a substantive response from leadership to the local tribal members regarding Aggie Uptown. I don't know, but I wanted to bring that forth. From the perspective of working at a university where we are striving for inclusion, equity, and diversity, I think that anytime we can align with and reach out to local community members it's a good thing. Yes, it takes time. Yes, it can be awkward. But, I think it's incumbent upon us when we have those values to do so. I'm not asking for an answer right now, but I would appreciate hearing how things are going so I can let folks know."

Chairwoman Devasthali said, "We will have, Dr. Fasenko, some information at another time."

Regent Romero said, "I've been a part of this community the better part of thirty years now. As part of that community, one of the first opportunities that I had in this community was to be introduced to the Tortugas tribe. When I think about naming of roads and parts of our community, it always reflects our community. Through that, Tortugas tribe is definitely a part of this community. So, with that I think to better the relationship with them and continue our relationship with our community partners, this is something that we would do in a number of different areas. So, I don't see this as

being any different. I want to thank Regent Saucedo for clarifying that this in no way changes ownership or anything like that other than the naming. So, I'm glad that this up for action today."

Regent Saucedo moved to approve the naming. Regent Romero seconded the motion.

Regent Saucedo – Yes

Regent Romero – Yes

Chairwoman Devasthali – Yes

Regent Chacón-Reitzel – No

Regent Bitsie – No

Motion passed with three votes.

F. Closed (Executive) Session

1. **Close meeting to discuss the performance evaluation and objective statement for the 2022 – 2023 Academic Year for Chancellor Arvizu as permitted under the personnel matters exemption the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(2).**
 - a. **Quantitative Performance Targets and Goals (Objective Statement) for Chancellor Dan Arvizu for Academic Year 2022 – 2023**

Chairwoman moved that the Board of Regents go into closed executive session to discuss the performance evaluation and objective statement for 2022 and 2023 academic year for Chancellor Arvizu as permitted per the personnel matters exemption of the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(2). Regent Bitsie seconded the motion. All were in favor and none opposed. Motion passed. The Board of Regents convened into closed session at 1:38pm.

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.**

The Board of Regents reconvened at 3:18

The Chief of Staff confirmed the closed executive meeting.

The Chief of Staff read the following statement:

"The Board met in closed executive session at 1:38pm on October 17, 2022. The closed executive meeting was held to discuss the incentive compensation and evaluation for Chancellor Arvizu as permitted under the personnel matters exemption of the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(2). Those board members who are present please certify that only matters of that nature were discussed."

Regent Saucedo – Yes

Regent Chacón-Reitzel – Yes

Regent Bitsie was not present.

Regent Romero – Yes

Regent Devasthali – Yes

The confirmation of prior executive session was certified.

Chairwoman Devasthali moved to postpone the approval of the executive performance incentive plan for FY22-23 to the next Board of Regents meeting.

Regent Romero seconded the motion. All were in favor. None opposed. Motion passed.

G. Informational Items, Chairwoman Ammu Devasthali

1. None.

H. Adjournment, Chairwoman Ammu Devasthali

Regent Chacón-Reitzel motioned to adjourn the meeting. Regent Saucedo seconded the motion. Motion passed. The Board of Regents meeting adjourned at 3:19pm.

Meeting Minutes Approved on December 8, 2022 by the New Mexico State University Board of Regents.



Ammu Devasthali
Board of Regents Chair



Neal Bitsie
Board of Regents Secretary/Treasurer