

**NORTHERN NEW MEXICO COLLEGE  
BOARD OF REGENTS MEETING  
JULY 12, 2019**

A Special Meeting of the Board of Regents of Northern New Mexico College was held on Friday, July 12, 2019, in the Board Room of Northern New Mexico College, Espanola Campus. Regents Present (Roll Call was taken): Michael A. Martin, Porter Swentzell, Ph.D., Erica Rita Velarde (Via Conference Call), Damian L. Martinez, Esq. (Via Conference Call – 3:09PM) and Tomás A. Rodriguez. The Board of Regents meeting was called to order at 3:04PM.

Northern New Mexico College Staff Present: President Richard J. Bailey, Jr., Ph.D.; Ricky Bejarano (Via Zoom), Vice President for Finance & Administration; Ivan Lopez Hurtado, Ph.D., Provost & Vice President for Academic Affairs; Vince Lithgow, Comptroller; Chris Trujillo, IT; Sandy Krolick, Creative Director Communications and Marketing; Evette Abeyta, Budget Analyst; Andy Romero, Director, Facilities; and Amy Pena, Executive Assistant to the President/Board Secretary.

Faculty Present: Ajit Hira; Ellen Trabka; and Lori Baca, Ph.D.

Others Present: Kyle Land, Rio Grande Sun; and Jake Arnold

**I. CALL TO ORDER**

Board President Martin called the meeting to order at 3:04PM.

**II. APPROVAL OF AGENDA**

Regent Martin stated the first item on the Agenda is Approval of Agenda and requested a motion to approve the motion

**Regent Swentzell moved to approve the Agenda as amended. Second - Regent Rodriguez. Motion passed unanimously.**

**III. RATIFICATION OF CBA FOR FULL TIME FACULTY**

Dr. Ivan Lopez Hurtado, Provost & Vice President for Academic Affairs stated negotiations were finalized a couple of weeks ago with the Full Time Faculty Union and the documents they discussed were ratified by the Union. Dr. Lopez stated Tim Crone who is present at the Board of Regents Meeting is the representative of the Union was present at the Board of Regents Meeting and asked Mr. Crone when the document was ratified. Mr. Crone stated all three were ratified the last week of June. Dr. Lopez stated with the full-time faculty CBA this document was fully negotiated one year ago. This year the College was required by law to negotiate salaries. However, they decided to open four more articles. The main changes negotiated were:

1. Full time faculty was going to be paid bi-weekly instead of monthly;
2. Workload. They institutionalized a practice that the institution has for several years in terms of prorated pay when a course does not have enough numbers of students. Typically, the College has 10 students for a course to make and when this does not happen the class is cancelled or the rate of pay is prorated. This offers more protection to faculty and administration.

3. Salaries were negotiated. Every faculty member at the level of assistant professor will receive the 4% increase that came through the legislative session. However, traditionally, the associate professors, when a faculty member receives tenure and is promoted from assistant professor to associate professor they never receive a salary increase. They were promoted with no salary increases. Therefore, when you review the different faculty members, the College is not competitive with the market especially the associate professors and this creates problems with professors. With this particular CBA, they addressed this partially, they have not met the target that they want as an institution, they are giving different raises to associate professors. Some are getting 6%, 10%, 14% and 18%. This is for the set of associate professors. These are the main changes for the full-time faculty CBA accepted by the Union and agreed upon.

Board President Martin asked if the Board of Regents had any questions for Dr. Lopez. Board President Martin entertained a motion to approve the CBA for full time faculty.

**Regent Swentzell moved to ratify the CBA for full time faculty. Regent Velarde – Second. Motion passed unanimously.**

Regent Martinez joined the meeting at 3:09PM.

#### **IV. RATIFICATION OF CBA FOR ADJUNCT FACULTY**

Dr. Lopez stated the second CBA worked on with the Union is the CBA for Adjunct Faculty. This is a document that has not been negotiated for at least the last 10 years. The last ratification was 2007 or 2008. This is a document that was fully reviewed. The 33 Articles were negotiated and what they did in this case is adopt the same language when applicable of the Full Time Faculty CBA that was negotiated last year because both faculty and management and the lawyers have agreed on specific language. They basically copied and pasted everything that makes sense. In terms of compensation, they proposed an 11% salary increase for Adjunct Faculty. This was very important because Adjunct Faculty have not received a salary increase in at least the last 12 years. This makes it very hard for the institution to keep the talent and in some cases, it is impossible to recruit good talent. It was important to address salaries. The College is not where it wants to go and there is still a way to go. They believe just to compensate for inflation probably the College needs to reach 20% but the College did the best it could as an institution. The College needs to remind everyone that through the Legislative Session, the College did not receive one cent for Adjunct Faculty, it was only for full time faculty and staff. This increase is coming from scraping money from the rest of the budget, by eliminating certain positions, the bookstore, payroll, etc. (spreadsheet attached), the different changes in the budget for the College to offer the 11% and this is the most important change of salaries.

Board President Martin asked if Regent Martinez could hear the Board of Regents. No response. Ricky Bejarano, Vice President for Finance & Administration stated Regent Martinez was having trouble unmuting.

Dr. Lopez asked if the Board of Regents had any questions. Regent Swentzell stated he served as an adjunct faculty member from 2011-2013 and his understanding is that adjunct has not received a raise in at least 12 years. In 2011, adjunct faculty pay was not good for them and he cannot imagine that it has gotten any better. For the record, he would like to add it is very important to increase the compensation in a small way that does not keep in pace with inflation but it is a small token and he appreciates this move.

**Regent Swentzell moved to ratify the CBA for Adjunct Faculty. Regent Rodriguez - second. Motion passed unanimously.**

Regent Velarde's phone call cutoff at this time.

**V. RATIFICATION OF CBA FOR NON-EXEMPT STAFF**

Dr. Lopez asked Mr. Bejarano to address the ratification of the CBA for Non-Exempt Staff. Dr. Lopez stated he was not part of the negotiation for the Staff CBA, he was the chair for the Faculty and Adjunct CBAs. Mr. Bejarano stated one of the issues of the negotiation was to be able to set a four-day work week for the Bookstore. Primarily they revolved around conditions as the 4% increase was already there. The fact that the Bookstore has on Fridays maybe \$100-\$150 worth of business, they expected it both for the Bookstore and Cafeteria. Essentially that was probably one of the more major changes. Mr. Bejarano asked if Ken Lucero was in the audience. Board President Martin stated he was not. Aside from this, Mr. Bejarano did not know if there were any significant changes other than the salary increase. Board President Martin asked if there were questions for Vice President Bejarano. As there were no questions, Board President Martin entertained a motion to ratify the CBA

**Regent Swentzell moved to ratify the CBA for non-exempt staff. Second – Regent Martinez. Motion passed unanimously.**

**VI. EXECUTIVE SESSION**

Board President Martin entertained a motion to enter into Executive Session. Regent Swentzell asked if the Board of Regents needed to go into Executive Session. Regent Swentzell was wondering if this was superfluous. Regent Martinez agreed as everything was ratified that the Board of Regents was going to talk about in Executive Session.

Mr. Crone asked if he could address the Board of Regents. Board President Martin stated he could. Mr. Crone stated he would like to thank the administration for their cordial relationship and the three teams that represented the institution. As Dr. Lopez noted they negotiated full time faculty and staff last year. They were thrown a curve ball with the 4%, no average, just 4%. Last year in the staff negotiations, they had worked out, primarily Donna Castro, whereby there was a big gap between the highest paid and lowest paid. They negotiated an agreement whereby the lowest paid staff received the highest increase. Even though they were not able to negotiate further, still what was done last year was everybody got 4%. They will come back next year. There were some good adjustments in terms, like if you retire, how much hours you get counted towards retirement. In full time faculty, Dr. Lopez had developed part of the plan. On Mr. Crone's were Claudia Aprea and Ana Vasilic, the latter two who were mathematicians and he is internally grateful to those three as he has trouble with arithmetic. All of them together, created a good plan and it is a foundation. They didn't say a five-year plan but it is expansive enough that they can negotiate around that. This negotiation took longer than it should have because of limitations. They had a plan and that plan got jinxed. As noted, the adjunct had not been tracked in many years. The salary increase was the most important part. There was another additional thing that incorporates the adjunct in terms of shared governance, which they accomplished some compensation for a certain segment of faculty and certain committees. There were a number of things that they said didn't exist in the previous contract because they played out the other three that they were able to get in the adjunct contract. Mr. Crone thanked the whole group for a very important and productive relationship.

**VII. NORTHERN NEW MEXICO COLLEGE AND NORTHERN NEW MEXICO COLLEGE BRANCH COMMUNITY COLLEGE OPERATING AGREEMENT**

Regent Martinez asked when this document was sent to him when this document was sent to the Board of Regents, his packet did not appear to have it. Board President Martin stated the packet he has is 268 pages or something like that but for some reason that portion is not on there or at least when it was printed for him it was not on there. It might be error on his part. Board President Martin stated it is page 264 through 268. Regent Martinez stated he is on and the Board of Regents does not need to wait on him.

Dr. Lopez stated this document is the one that basically discusses the duties and responsibilities of the Branch Community College Board that was formed last week. This is the advisory board for the Community College Branch that was approved by the legislation. This document discusses the agreement between the Board of Regents and that new Board in terms of duties and responsibilities for the Community College Branch. The document was signed by this advisory Board yesterday and they now need the Board of Regents approval so they can proceed with the next steps in the Mill Levy. Board President Martin asked if there were any questions for Dr. Lopez. Regent Martinez asked for a couple of minutes to review the document. Regent Swentzell stated he has a question in terms of the language in terms of the operation. He sees that the five individuals that comprise this Board are nominated by the School Districts and asked if that was the extent of the process. Were they just nominated and they exist at that point or is the Board of Regents themselves approves of this. Is that the extent of the selection process? Dr. Lopez stated President Bailey joined the meeting on the phone. Regent Swentzell stated he is talking about the election of the NNMC Branch Community College Board and in the description is says that each of the individuals is nominated by the five public school districts and asked if this is the extent of the selection process that the School Districts nominate or the Board of Regents approve that nomination, is that the extent of the process. President Bailey stated the way it works is because the Senate Bill allows the College to create a Community College and a Community College to petition the voter for Mill Levy funding. But, because the Board of Regents is appointed by the Governor, because they are not elected officials, the Board of Regents does not have authority to authorize a local pact. We have two options in creation of the Community College Board. One was to have individual elections, at large, the other is to have public school board members from those districts that make up our Community College District because they are already elected officials. They can serve in that capacity and authorize Mill Levy funding. Those individuals who are on the Community College Board went through two processes; (1) they were elected by their own community for school board positions; and (2) within those public school boards, within each of those five-member boards, those boards made a decision about which of them would represent their school district on the Community College Board.

Regent Martinez stated he has a couple of question. The first one is the super one, who crafted this agreement. President Bailey stated it was Cuddy & McCarthy. Regent Martinez stated his second question is this MOU indicates that the Board of Regents is going to be the fiscal agent for the Community College, correct? President Bailey stated yes. Regent Martinez asked if the Board of Regents is going to have any, another document drafted to say exactly what that entails? The reason he asks this is because he represents government entities who act as fiscal agents for entities created under a Joint Powers Act and the stuff those entities have to do is way more specific than this overview of the Board of Regents being a fiscal agent. They track stuff like FMLA, leave for anybody working for that Community College, he does not know if anybody thought about that but has anybody contemplated that. Finally, it is kind of disheartening when the Board of Regents gets a document, at least Regent Martinez on the Regents, when they get a document that has already been signed by the Branch Community College Board, whoever those people are, he hasn't even

met them, and it is presented to the Board of Regents to approve. This is the first time he has ever read this thing. That process needs to be fixed, what if there is something in there that the Board of Regents would fine that is so outrageous that they would not want to approve it.

President Bailey stated two answers to this. First of all, the term fiscal agent and he understands the frustration with this, there is nothing else like this in the State. Even though it is a Community College it is embedded within the architecture of the College. It is not like there is a separate, there is not a separate Business Office, there is not a separate President, there is not a separate administrative structure. All it is saying is that we, as the College, it is our Human Resources, it is our Ricky Bejarano, it is our Evette, it is our Vince, it is our team that is managing, it our facilities, it is the College's structure that organizes this.

Regent Martinez stated he got that and it should have been explained better than just handing the Board of Regents something that has already been executed by a (inaudible). President Bailey asked Regent Martinez to repeat his statement. Regent Martinez stated he got that now that President Bailey told him but the Board of Regents is still just handed something that has already been executed. Maybe it has been talked about in some Committee meeting, when he can't remember any Committee he has been involved in that the language of this MOU was talked about or a draft was provided. Regent Martinez asked if a draft was ever provided. President Bailey stated no and he will accept responsibility for this, the issue, there is time to work this out and to discuss it and have the Board of Regents to come together and all of that. The reason why President Bailey wanted the Board to do something early is because the deadline to get the Mill Levy issue on the ballot is July 15th and President Bailey wanted to have something in place, even if it is something that is edited and picked down the road. President Bailey wanted to have something that established a bare minimum a relationship between the College's Governor appointed Board of Regents and this Community College Board. President Bailey stated he accepts full responsibility for it but he did not want to go have July 15th and not have something in place so that someone down the road could have an issue with it. Regent Martinez stated he understands the need for speed as President Bailey and his fellow compatriots would say after Top Gun came out when he was a pilot. There is not even, the College hires attorneys to vet all this stuff for us so the Board of Regents doesn't have to ask questions and asked why there is not a sentence in there that says this can be modified by agreement of the parties which is the standard contractual sentence in MOUs. President Bailey stated this is a fair critique and it should have been in there. Regent Martinez stated these are his only questions that he had.

Board President Martin asked Regent Swentzell if his question was answered.

Regent Swentzell stated in going back to his question, perhaps everything President Bailey explained is included in Section 21-14-2.V.I NMSA 1978. Regent Swentzell stated it might be better to include these are elected officials. There is nothing that indicates that these are elected officials. It sounds to Regent Swentzell that the School Districts could nominate whoever they felt like to that Board. Perhaps that is covered in the Statutes. President Bailey stated that Statute covers the election of School Board Members. President Bailey will base this on Regent Swentzell and Regent Martinez comments. President Bailey will talk to the Community College Board and tell them contingent upon the Board of Regents approval of this document is an addition of a line that says that the Agreement can be modified upon agreement of both parties and a line that explains the Statute. A line that clarifies that the Community College Board Members are elected Board Members from their Public School Districts and then nominated by those Boards to serve on the Community College Board. President Bailey asked if this captures both their questions. Regent Martinez stated yes to the first part and the Board of Regents could have understood it if the

Appendix A was included in the packet. Regent Martinez asked if the Board of Regents has to vote on this. President Bailey stated he wanted to make sure the College has something in place. If the College does not want not to have something in place. If someone wanted the Community College to fail they could say this is not a legitimate agreement because there is not a legitimate operating agreement between the two Boards. President Bailey stated he does not see this happening necessarily so it could be accepted to wait on this making sure it is exactly what the Board of Regents wants and having the parties resign this. President Bailey stated the college may leave itself vulnerable to that issue. Regent Velarde asked why it could not be approved contingent upon what is needed. If it is just a line and just a small portion to be added, perhaps it could be approved contingent upon the changes and it could be worded. Regent Velarde stated she agrees with Regent Martinez, in the future, when statutes are referenced it would be helpful to have the Statutes as well.

President Bailey asked if the Board of Regents today adopts this resolution contingent on the changes, would the document serve in its contingent form serve its role? Could President Bailey go back at a future Community College Board Meeting and say it was approved with changes and have them resign the resolution with the change. Regent Martinez stated he does not think this is one of those things the Board of Regents and the Branch College Board is getting in crossways with each other. They are not in the honeymoon stage, they are working together. He thinks they could approve as written, that actual section cited is kind of long but in the first paragraph it is one of those rare statutes that tries to cover everything. He thinks this could be approved right now with the letter saying it is approved to get the Mill Levy going but they need to sit down so everybody needs to know what the rules are and everybody knows what is going on and that Amendment superseded. They can go forward and clarify those things with questions where maybe a committee from the branch and ad hoc committee of the Board of Regents hash those things out to cover everyone. President Bailey stated this sounds fantastic. Regent Swentzell stated it is really important to get it in with the Mill Levy and if the Board of Regents could proceed he thinks it would be best. Regent Velarde stated she is in. Regent Rodriguez

Board President Martin entertained a motion to approve the Operating Agreement.

**Regent Martinez moved to approve the Operating Agreement. Second – Regent Velarde. Motion passed unanimously.**

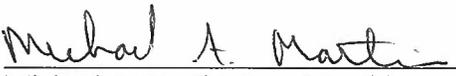
### **VIII. ADJOURNMENT**

Regent Martin entertained a motion to adjourn.

**Regent Swentzell moved to adjourn. Second - Regent Velarde. Motion passed unanimously.**

The Board of Regents adjourned at 3:44PM

APPROVED:

  
Michael A. Martin, Board President

  
Erica Velarde, Vice President