

NOTICE FOR VIOLATION OF THE OPEN MEETINGS ACT

Date: Sunday, June 26, 2016

TO: Debra Hicks, Chair,
NMSU Board of Regents
MSC 3RCS PO Box 30001
Las Cruces, NM 88003
(575) 397-9207

FROM: Nicholas Maxwell,
Inspector
2200 N Alto Dr #1064
Hobbs, NM 88240
(575) 441-3560

NOTICE

Re: Open Meetings Act Violation:
Meeting notice for closed executive session at 8:00 AM on June 27, 2016.

Inspector hereby gives written notice to NMSU Board of Regents ("Board") for an alleged violation of the Open Meetings Act ("Act") pursuant to NMSA 1978 § 10-15-3(B).

CAUSE: Violation of NMSA 1978 § 10-15-1(F)

Inspector claims the Board has violated NMSA 1978 § 10-15-1(F).

The Board released to the public a meeting notice for a closed executive session at 8:00 AM on June 27, 2016 which contains four (4) agenda items that are not reasonably specific ("Agenda").

Agenda is included in this notice as "Addendum A".

NMSA 1978 § 15-15-1(F) declares that meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting.

The following agenda items, as found in Agenda, are not specific:

"...to discuss

- 1) personnel matters;
- 2) real estate matters;
- 3) water rights matters; and,
- 4) threatened or pending litigation matters

in accordance with sections 10-15-1(H) (2) (7) and (8) of the Act."

Pursuant to Section 10-15-4 of the Open Meetings Act, any person violating any of the provisions of NMSA 1978, Section 10-15-1 or 10-15-2 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.

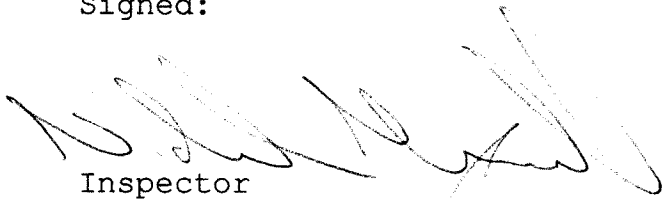
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WHEREFORE, Inspector demands that the Board cancel the closed executive session for 8:00 AM on June 27, 2016 because the Agenda is not substantially compliant with the Act. The Agenda does not include a list of specific items of business to be discussed during the closed executive session. The Board may not convene in closed executive session on June 27 because the Agenda violates the Act.

If the Board wishes to have a closed executive session, then the Board shall release a meeting notice that is substantially compliant with the Act. The meeting notice must include reasonably specific agenda items. A correct meeting notice must be posted in the proper locations at least seventy-two (72) hours prior to any executive closed session that the Board holds in the future.

Should the Board refuse to reconsider its actions in a lawful manner or otherwise indicate its intention to continue violating the Act, then nothing in the Act shall preclude Inspector from remedy pursuant to NMSA 1978 § 10-15-3(C), including, but not limited to, filing criminal charges on any or all counts or other action in the appropriate District Court against the Board or those person(s) allegedly in violation of the Act.

Signed:



Inspector

June 26, 2016
Date of Signature

END NOTICE

Pursuant to Section 10-15-4 of the Open Meetings Act, any person violating any of the provisions of NMSA 1978, Section 10-15-1 or 10-15-2 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.

NMSU Board of Regents to Meet

The Board of Regents of New Mexico State University will hold a regular meeting at 12:00 pm on Monday, June 27, 2016 in the Hadley Hall Conference Room #130 in the Hadley Hall on the main NMSU campus in Las Cruces, NM.

A closed executive session will be held at 8:00 am on Monday, June 27, 2016 in Room 251, Domenici Hall on the Las Cruces campus to discuss personnel, real estate, water rights and threatened or pending litigation matters in accordance with sections 10-15-1 H (2), (7), and (8) of the New Mexico Open Meetings Act.

Copies of the agenda for this meeting will be available at NMSU's Zuhl Library (Las Cruces campus) not less than 72 hours prior to the meeting and will also be posted on the university website at <http://regents.nmsu.edu/agenda>.

This meeting of the Board of Regents will not be available through webcast.

Persons with disabilities who may need a reader, amplifier, qualified language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the Office of the Board of Regents' Chief of Staff at (575) 646-2227 at least three (3) days prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes, will be made available in various accessible formats upon request. Please contact the Office of the Board of Regents at (575) 646-2227 if a summary or other type of accessible format is needed.

**NEW MEXICO STATE UNIVERSITY
BOARD OF REGENTS MEETING**

Monday, June 27, 2016

Hadley Hall, Conference Room 130

NMSU Main Campus

Las Cruces, New Mexico

12:00 pm

Regents of New Mexico State University

Debra Hicks, Chair	Hobbs, New Mexico
Mike Cheney, Vice Chair	Las Cruces, New Mexico
Jerean Hutchinson, Sect, /Treas.	Las Cruces, New Mexico
Amanda López Askin, Member	Las Cruces, New Mexico
Kari Mitchell, Member	Las Cruces, New Mexico

Ex officio Members of the Board of Regents:

The Honorable Susana Martinez, Governor

Chris Brown, Ph. D., Chair, Faculty Senate

Matt Bose, President ASNMSU

Monica Dunivan, Chair, Employee Council

Officers of the University:

Garrey Carruthers, Ph. D., Chancellor & President, NMSU

Dan Howard, Ph. D, Executive Vice President & Provost, NMSU

AGENDA

June 27th, 2016

12:00 noon

1. CALL TO ORDER, Chair Debra Hicks, NMSU Board of Regents
2. INTRODUCTIONS, (Telephonic participants will identify themselves and their location)

Introduction of Media Representatives, Associate Vice President Maureen Howard

3. APPROVAL OF THE AGENDA-Chair Debra Hicks

4. APPROVAL OF MINUTES-Chair Debra Hicks

- April 11th Special Meeting
- May 13th Regular meeting

12:10 pm

5. PUBLIC COMMENT-Associate Vice President Maureen Howard

12:20 pm

6. CONSENT AGENDA-Chancellor Garrey Carruthers

a. Policy-

1. Ratification of Memorandum of Understanding No. 3 Between New Mexico State University and AFSCME LOCAL 2393, signed by the Parties on May 25, 2016.
2. Approval of Reductions in Employee Benefits
3. Approval of Amended Regents Policy 3.25, Equal Opportunity and Prohibition of Unlawful Discrimination
4. Ratification of Provisionally Revised Policy 6.86, Adjustment of Copy of Transcript Fee
5. Approval of New Regents Policy 18.00, Advancement, repealing Policies 2.50-Naming, 2.75-University Advancement Gift Income, NMSU Endowments and NMSU Foundation; and 6.75 Honorary Degrees.

b. Administrative-

1. Approval of the Water Settlement Agreement Memorandum of Understanding (MOU)
2. Approval of First Amendment to the lease Agreement between Central New Mexico Community College (CNM) and NMSU

12:30 pm

7. ACTION ITEMS-Chair Debra Hicks

a.

1. Approval of First-Year Residency Requirement Exemptions.

A list of exemptions are prepared to allow certain students to be allowed to not live on campus during their freshman year.

NMSU Associate Vice President for Administration and Finance D'Anne Stuart

2. NMSU-Alamogordo: Student Union Building Kitchen Renovation.

Proposal is to renovate the existing kitchen and sale areas in Student Union Building (292J) to provide a more space efficient for food preparation and sale areas. The Student Union Building Kitchen Renovation was presented to the Board of Regents in March 2015 and Higher Education Department in April 2015. The project was canceled due to lack of complete funding.

NMSU Associate Vice President for Facilities and Services Glen Haubold

3. NMSU-Carlsbad: Environmental Monitoring and Research Center (CEMRC) – Labs 150 and 158 equipment replacement.

Proposal is to renovate Labs 150 & 158 (radiochemical laboratories) in the CEMRC facility in building number 548, Light Hall. The combination of age, heat, and acid use has degraded much of the laboratory ventilation components, fume hoods, and rooftop exhaust components.

NMSU Associate Vice President for Facilities and Services Glen Haubold

4. Approval of a New Degree, M.S. in Psychopharmacology-College of Education

NMSU Executive Vice President and Provost Dan Howard

5. Approval of lease between NMSU and Aggie development, Inc. for Phase 1 of East Campus Development

President of Aggie Development, Inc. Scott Eschenbrenner

1:00 pm

7. Updates from NMSU Chancellor Garrey Carruthers

8. Confirmation of Prior Executive Sessions-Chair Debra Hicks

Regents' Student Success Committee Retreat, July 17-19, Las Cruces main Campus (Invitation Only)

Upcoming Meetings-Next Regular Meeting of the NMSU Board of Regents, Wednesday, August 10, 2016, 1:00 pm to 3:30 pm, NMSU Main Campus, Regents Room in the Educational Services Building, Las Cruces, NM.

1:15 pm

9. ADJOURNMENT-Chair Debra Hicks