



BOARD OF REGENTS

AGENDA BOOK

**December 9, 2020
9:00 AM Open Session
Virtual Meeting**



Regular Meeting of
The Board of Regents of the University of New Mexico
December 9, 2020; 9:00 AM
Open Session and Executive Session
Virtual Meeting¹: <https://live.unm.edu/board-of-regents>

Revised AGENDA

TAB

- I. Call to Order and Confirmation of a Quorum *Regent President Douglas M. Brown*
- II. Adoption of the Agenda
- III. Land Acknowledgement Statement, *Doug Brown, Regent President* 1
- IV. Approval of the Minutes of the October 21, 2020 regular meeting..... 2
- Public Comment² [limit 3 mins.]
Comments from Regents
- V. President's Administrative Report, *Garnett S. Stokes* 3
- VI. Regents' Committee Reports

Approval of Consent Docket

Action items on Regent's Committee agendas may be move to the Board of Regents' consent docket; items on the consent docket received unanimous approval in committee; per Regents' Policy 1.2, "Any member of the Board of Regents shall have the right upon request to remove any item from the Board's consent agenda and place the item on the Board's regular agenda for discussion."

- A. [ASAR]* Approval of Parent Association Bylaws and Name Change C-1
- B. [F&F]* Approval of Disposition of Surplus Property for Sept/Oct.2020 C-2
- C. [F&F] Approval of Potential Advanced Refunding of UNM Series 2014A and
2014C Bonds..... C-3
- D. [HSCC]* Approval of the UNM Health Sciences Center Fall 2020 Graduates.... C-4
- E. [HSCC] Approval of HSC Upper Plaza Collaboration Structure C-5
- F. [HSCC] Approval of UNM Hospital Items: C-6
1. Colburn Hill - \$14,250,000
2. Telehealth Platform and Platform Software Support - \$2,250,000
3. Request for Approval of Demolition of the Former Physics & Astronomy
Building (#207)
- G. [HSCC] Approval of Appointments to UNM Sandoval Regional Medical Center,
Inc. Board of Directors:..... C-7
1. Renew Appointment of Donnie Leonard
2. Renew Appointment of Kim Hedrick
- H. [HSCC] Approval of Appointments to the Carrie Tingley Hospital (CTH) Advisory
Board:..... C-8
1. Renew Appointment of Margaret Armstrong
2. Renew Appointment of Sandra Whisler
3. Renew Appointment of Marry Blessing

4. Appointment of Thomas Todd Trautwein as CTH Foundation Board Representative
- I. [HSCC] Approval of Carrie Tingley Hospital Advisory Board Bylaws..... C-9

* [ASAR] Academic/Student Affairs & Research Committee; [F&F] Finance & Facilities Committee; [HSCC] Health Sciences Center Committee

Ad Hoc Governance Committee, Regent Schwartz, Chair

Action Item

- A. Recommendation to revise Regents' Policies, *Loretta Martinez, General Counsel*..... 4
 - RPM: 3.3, 3.4, 3.6, 3.8, 5.3, 5.5, 5.18, 7.6, 7.8, (an additional amendment to be proposed by Chair Schwartz subsequent to committee meeting), 7.9, 7.14 (see attached)

Academic/Student Affairs and Research Committee [ASAR], Regents Henry & Rael, Co-Chairs

Action Items

- A. Fall 2020 Degree Candidates, *Finnie Coleman, Faculty Senate President*..... 5
- B. Posthumous Degree for Felix Rael, *Lisa Lindquist, Dir. LOBORespect Advocacy Center*..... 6
- C. Form D – PhD program in Communication Sciences and Disorders..... 7
Cathy Binger, Professor, Department of Speech and Hearing Sciences
- D. Honorary Degree Candidates, *Rebecca Sanchez, Chair, Honorary Degree Committee* 8
[This item will be discussed in closed session so candidate's names can be kept confidential until approved by the Board and the proposective recipients' have accepted the honorary degree.]

Finance and Facilities Committee [F&F], Regent Begay, Chair

Action Item

- A. Approval of 1st-Qtr Athletics' Enhanced Fiscal Oversight Program Report and Certification through September 30, 2020; and 1st-Qtr Information on Athletics' Report by Sport through September 30, 2020..... 9
Eddie Nunez, AD; Nicole Dopson, Dir., Financial Operations, EVP for AA/Provost's Office

Information Items

[These items are for information only and will not be presented; documentation is provided in the eBook]

- B. Monthly Consolidated Financial Reports for Month Ended September 30, 2020 10
- C. Investment Overview and Introduction to new Investment Advisors – NEPC..... 11

Health Sciences Center Committee [HSCC], Regent Schwartz, Chair

Action Items (see Consent Docket)

Information Item

- A. College of Nursing Proposal to Address Nursing Shortage..... 12
Richard Larson, Exec. Vice Chancellor, HSC; Christine Kasper, Dean, College of Nursing

VII. Business Related to Innovate ABQ, Inc.

- A. Approval of HED Requirements Regarding Conveyance of Real Estate from Innovate, ABQ, Inc., *Tom Neale, Dir. Real Estate* 13

- VIII. Vote to Recess the Board of Regents in order to hold the ‘Meeting of the Member’ for Innovate ABQ, Inc.
- IX. Meeting of the Member – Innovate ABQ, Inc. 14
- A. Vote to Convene the Meeting of the Member, *Regent Doug Brown*
- B. Action Item:
- Approval of Dissolution of the Corporation and Plan of Distribution
Tom Neale, Dir. Real Estate; Randy McDonald, Counsel, Innovate ABQ, Inc.
- C. Vote to Adjourn
- X. Vote to Reconvene the Board of Regents
- XI. Advisors’ Comments [*limit 3 mins.*] 15
- XII. Vote to close the meeting and proceed in Executive Session (Roll Call Vote)
- A. Discussion and Action on Honorary Degree Candidate(s) – [names to be kept confidential until prospective recipients accept the degree]
- B. Discussions, and where appropriate determination, of matters subject to attorney-client privilege pertaining to threatened or pending litigation, as permitted by Section 10-15-1(7), NMSA (1978)
- C. Discussion of personally identifiable information about a student, as permitted by Section 10-15-1.H(4), NMSA (1978), as amended
- D. Discussion of “limited personnel matters” as defined in and permitted by Section 10-15-1.H(2), NMSA (1978) – regarding: President Stokes’ Goals/metrics
- XIII. Vote to re-open the meeting and certification that only those matters described in Agenda Item XII. were discussed in Closed Session, and if necessary, final action with regard to certain matters will be taken in Open Session
- XIV. Adjourn

¹Under the current guidelines from the Governor, and in order to slow the spread of COVID-19, the UNM Regents will meet online on the Zoom platform. Additionally, following the NM Attorney General’s recent guidelines for Open Meetings Act compliance, public access to view or listen to Regent meetings is provided via a livestream of the virtual meeting. To view the livestream, go to the following website: <https://live.unm.edu/board-of-regents>

²Public comment will be heard during the meeting. Due to the nature of online meetings and the logistics of getting speakers connected, anyone wishing to provide public comment during the meeting *must register their intent to speak before noon on Tuesday, December 8, 2020*. In order to sign up for public comment, please email regents@unm.edu, [or call 505-277-7639 and leave a message] with the subject, “Request to provide public comment at 12/9 Regent’s Meeting”, and include the following information:

- 1.First and last name
2. Email address and telephone number
3. Affiliated organization & Professional Title (if applicable)
5. Topic you would like to address

Instructions on steps to follow in order to provide public comment will be emailed to registered speakers.

*Please consider submitting your comments in writing to regents@unm.edu, so that in the case of connection difficulties during the public comment time, your comment can be read aloud during the 3 minute time limit.



Land Acknowledgement Statement

Founded in 1889, The University of New Mexico sits on the traditional homelands of the Pueblo of Sandia. The original peoples of New Mexico – Pueblo, Navajo, and Apache – since time immemorial, have deep connections to the land and have made significant contributions to the broader community statewide. We honor the land itself and those who remain stewards of this land throughout the generations and also acknowledge our committed relationship to Indigenous peoples. We gratefully recognize our history.

**Minutes of the Regular Meeting of
The Board of Regents of the University of New Mexico
October 21, 2020; 9:00 AM
Virtual meeting via Zoom; livestreamed for public viewing**

Members Present

Douglas Brown, President
Kim Sanchez Rael, Vice President
Sandra Begay, Secretary/Treasurer
Melissa Henry
Marron Lee
Robert Schwartz

Members Not Present

Rob Doughty

Administration Present

Garnett S. Stokes, President; James Holloway, Provost and EVP for Academic Affairs; Michael Richards, Interim EVP for Health Sciences Center; Teresa Costantinidis, SVP for Finance and Administration; Loretta Martinez, Chief Legal Counsel; Assata Zerai, VP for Diversity, Equity and Inclusion; Francie Cordova, Chief Compliance Officer; Dorothy Anderson, VP HR; Sanjeev Arora, Director Project ECHO; Kate Becker, CEO, UNM Hospitals; Cheryl Willman, Director and CEO, UNM Comprehensive Cancer Center; Ava Lovell, Sr. Executive Officer for Finance & Administration, HSC; Duane Arruti, CIO; Eddie Nunez, Athletic Director; Cinnamon Blair, Chief University Marketing and Communications Officer; Barbara Damron, Chief Government Relations Officer; Liz Metzger, University Controller; Terry Babbitt, President's Chief of Staff

Advisors Present

Chad Cooper, President, Alumni Association; Kevin Malloy, President, Retiree Association; Randy Velarde, Chair, UNM Foundation Board; Finnie Coleman, Faculty Senate President; Nancy Shane, President, Staff Council; Nikhileshwara 'Nikhil' Reddy Naguru, President, GPSA; Muskan 'Mia' Amin, President, ASUNM

Presenters and Others in Attendance

Angela Catena, Title IX Coordinator; Jeff Todd, Pres.& CEO, UNM Foundation; Randy Velarde, Chair, UNM Foundation Board; Lisa Marbury, Exec. Dir. ISS; Norma Allen, Dir. University Budget Operations; Bill Uher, UNMF VP of Development, HSC; Vojo Deretic, Chair, Molecular Genetics & Microbiology; Bryce Chackerian, Professor, Molecular Genetics & Microbiology; Christine Kasper, Dean, CON; Patricia Ann-Watts Kelley, Professor, CON; Bridget Fahy, Clinician and Professor, Surgical Oncology; Itzhak Nir, Clinician and Asst. Professor, Surgical Oncology; Bill Uher, VP of Development, UNMF; Bruce Cherrin, Chief Procurement Officer; Scot Sauder, Deputy University Counsel

CALL TO ORDER AND CONFIRMATION OF A QUORUM

Regent President Doug Brown called the meeting to order at 9:02 AM and confirmed a quorum with five members attending virtually over Zoom. Regent Marron Lee joined the meeting a couple of minutes after the call to order. Regent Rob Doughty was not in attendance.

VOTE TO ADOPT THE AGENDA

Regent Brown noted one change to the agenda, to place Dr. Arora's ECHO presentation directly after the President's Administrative Report.

The motion to adopt the agenda as modified passed unanimously (1st Rael; 2nd Schwartz; roll call vote – all members voted yes).

APPROVAL OF MINUTES OF THE SEPTEMBER 10, 2020 SPECIAL MEETING

Regent Brown asked if any member had any corrections or changes to the draft minutes. There being none, he asked for a motion to approve.

The motion to approve the minutes of the September 10, 2020 special meeting passed unanimously (1st Rael; 2nd Henry; roll call vote - all members voted yes).

PUBLIC COMMENT

Heidi Honegger Rogers, Family Nurse Practitioner/Advanced Practice Holistic Nurse and Director of Interprofessional Education; also Asst. Prof. in the College of Nursing and Affiliated Faculty member in the UNM Sustainability Studies Program; spoke about the urgency of climate change and submitted a letter to the Board from 28 Health Sciences Center Faculty on the impact this has on the health and well-being of New Mexico Communities. The letter requested that the Regents consider an investment strategy that divests from the fossil fuel industry and invests in energy solutions that will support New Mexican's health for generations to come.

Felina Romero, UNM Leaf (Leaders of Environmental Action & Foresight), spoke in favor of divesting from fossil fuels.

Kineo Memmer, Student affiliated with UNM Leaf, could not attend the meeting because he was in class, so he submitted comments in writing, which were read to the Board. Mr. Memmer addressed climate change and urged UNM to declare a campus-wide climate emergency, divest from fossil fuels, and commit to becoming waste-free by 2030.

Samantha Dicker, Student, Sr. majoring in Earth and Planetary Science, could not attend the meeting because she was in class, so she submitted comments in writing, which were read to the Board. Ms. Dicker addressed the need to care of the environment and protect it for generations to come, and urged UNM as the flagship university to take bold steps in lowering climate impact indirectly by not holding shares in huge companies that burn fossil fuels.

COMMENTS FROM REGENTS

Regent Sandra Begay read a statement, part of which was approved by the UNM Diversity Council in February 2020 and also appears as an acknowledgement of success in President Stokes' accomplishments this year: *"Founded in 1889, the University of New Mexico sits on the traditional homelands of the Pueblo of Sandia. Original peoples of New Mexico, Pueblo, Navajo, and Apache, since time immemorial have deep connections to the land and have made significant contributions to the broader community statewide. We honor the land itself in those who were made stewards of this land throughout the generations and also acknowledge our committed relationship to indigenous peoples. We gratefully recognize this history. Thank you very much."*

PRESIDENT'S ADMINISTRATIVE REPORT

President Stokes organized her report around four "C's": credit, covid, crime, and currency. She opened the credit portion with commendation to Project ECHO for receiving a \$237 million federal award to expand a pilot program to educate nursing homes across the country about COVID-19. President Stokes noted other University successes among faculty as well as sports recognitions. She highlighted recent homecoming activities and Research Grand Challenges accomplishment to date. Another research area of note, the Center for Quantum Information and Control has been selected by the U.S. Department of Energy to play a key role in the new Quantum Systems Accelerator, a 5-year, \$115 million project to create new technological solutions to harness quantum information science. President Stokes congratulated Regent Sandra Begay on her recent AISES (American Indian Science and Engineering Society) Professional of the Year Award - Regent Begay is the 2020 Indigenous

Excellence Award winner! President Stokes also discussed recent Branch updates and gave an overview of UNM leadership positions that have been filled since she became UNM's President, the most recent being the position of EVP for Health Sciences and CEO of Health System, which will be filled by Dr. Douglas Ziedonis MD, MPH, starting December 1. Regarding UNM's enrollment, UNM is a leader in percentage Hispanic and American Indian enrollment as compared to 38 flagship highest research universities. UNM has also taken on understanding why there are achievement gaps among students. A study indicated financial stress to be a significant contributing factor to a disparity in the student experience index. President Stokes thanked the many donors to UNM and highlighted Tom Daulton ('77 UNM), whose parents supported the Presidential Scholars' fund and who himself serves on the UNM Foundation Board and recently made a generous gift for future support of Athletics and the Anderson School of Management.

President Stokes discussed the impact of COVID-19 around the state, at UNM and within the UNM Health System. She commended the work done by UNM leadership, staff and faculty and stressed that UNM continues to make every effort to keep Lobos safe, successful, supported and informed throughout the crisis. Mental health is of primary concern, and the SHAC (Student Health and Counseling) has ramped up its services to meet growing demand. President Stokes discussed the fall semester curriculum. Seventy-seven percent of classes are remote, or online; 19% are a hybrid with face-to-face interaction; and only 4% are 100% face-to-face.

President Stokes reported that crime and campus safety remain a top concern. The addition of approximately 400 cameras in high traffic areas is making a difference, so there are plans to install 375 more. Holding town halls focusing on practices in campus safety and the new Title IX reporting, as well as engaging with law enforcement leaders, are more ways UNM is addressing the area of safety.

President Stokes briefly discussed understanding campus finances. Tuition and fees (T&F) make up only a percentage of total University revenues, and when comparing UNM to its peers, UNM's T&F revenue is only 11% of total revenue, while that percentage is between 33-54% for other universities in the region. For Main Campus only, state appropriations make up the largest part of revenues, followed by grants & contracts, and then T&F. For a consolidated UNM, including the Health System, sales, services and patient care (clinical revenues) make up the lion's share of revenues, followed by grants & contracts, and then state appropriations. Dr. Stokes outlined the 2020-2021 budget approach: 1) it was driven by guiding principles and mission; 2) across-the-board reductions were not given, and reductions ranged from 7-10%; 3) where possible, units with COVID-19 related costs, must fund functions, and smaller units with critical functions were protected; and 4) continuation of support for current strategic priorities including the Research Grand Challenges. President Stokes closed with a reminder that G.O. Bond C on the ballot of the upcoming election pertains to \$51.4 million of funding for higher education projects, including \$8.2 million for branch campus projects, \$13.2 million for academic & research infrastructure upgrades, and \$30 million for a new UNM Colleges of nursing and Population Health building.

The Regents congratulated Regent Begay for her well-deserved honor from AISES and for her contributions, including those to American Indians and to engineering.

The Regents thanked President Stokes for her report, for her outstanding performance goals and successes, and for her leadership during this extraordinary time. There was discussion. Regent Brown said the report was a wonderful record of achievement and to the accomplishments of the President and her talented leadership team. Regent Rob Schwartz thanked President Stokes for including in her report the important issue of educating all on higher education funding.

PROJECT ECHO (information item)

Dr. Sanjeev Arora opened with an overview on ECHO's worldwide presence and talked about how Project ECHO has supported the COVID-19 response in New Mexico. Currently, ECHO addresses over 100 complex issues globally, through 14 ECHO Training Centers (superhubs) and over 384 hubs worldwide in 44 countries. In New Mexico, there are 34 TeleECHO programs offered. In FY2020, 6 new programs were launched specifically to serve New Mexican providers and over 5 new global teleECHO programs specifically to address COVID-19. Dr. Arora discussed why the ECHO model has potential to support emergency preparedness. He discussed the New Mexico Peer Education Project (NMPEP) and its application to COVID response and prisoner health. He discussed the new ECHO for Education program in New Mexico to support and inspire teachers who have to transition to virtual and hybrid classrooms. Dr. Arora gave a brief update on the MacArthur Foundation's 100&Change Competition, for which Project ECHO is a 2021 finalist. Dr. Arora discussed the Agency for Healthcare Research and Quality (AHRQ) ECHO national nursing home COVID-19 Action Network and its approach. Supported by AHRQ and the Institute for Healthcare Improvement (IHI), Project ECHO is launching a National Nursing Home COVID-19 Action Network to advance improvement in COVID-19 preparedness, safety, and infection control. Dr. Arora discussed highlights of the curriculum and why nursing homes should participate. In closing, Dr. Arora thanked the many departments at UNM and others who worked to help support this initiative.

The Regents thanked Dr. Arora for Project ECHO's important work. Regent Kim Sanchez Rael added that ECHO makes UNM and New Mexico proud.

UPDATES ON TITLE IX REGULATIONS (information item)

Francie Cordova opened the presentation and Angela Catena presented more details. In January of this year, UNM was released from DOJ oversight after working long and hard to comport with what the Department of Education was indicating as best practices at the time. On May 6, 2020, changes to Title IX were issued and institutions were given 100 days to comply. Of course, this was right in the middle of the COVID crises, and this has probably been a reason that many universities are barely starting to grapple with the changes, but because UNM was so nimble from already having worked with the DOJ, it was able to pivot quickly to try to comply with the new federal regulations which went into effect in August. Ms. Cordova said the regulations are pretty different from what was in place before, and she asked Ms. Catena to discuss some of the changes in more detail before addressing hearing officer provisions.

Ms. Catena said there were many changes to the Title IX regulations, all focusing on sexual harassment. The jurisdiction has been narrowed to mirror more closely the Clery geography, so the office will now not be able to address something under Title IX that happens off-campus. She discussed why case numbers are likely going to reduce, not only due to the limited geography, but also because the University now cannot move forward without the complainant filing a formal complaint and of the likelihood the investigation will end in a live hearing. Both parties will also be required to have an advisor, each of whom would do the cross-examination of the parties on the other side. Ms. Catena addressed the need for the University to hire a hearing officer and potentially a hearing coordinator. The office has also been working on ways to continue to be able to provide support to impacted individuals, even if the matter does not fall under Title IX anymore, and she discussed some of the details to provide individualized services and resource accommodations so that impacted individuals can continue to be successful in their learning and working environments. The new regulations were 2083 pages long and UNM was able to update its policies and get them approved by the August 14 deadline, which was something that many institutions were not able to do.

Documentation and websites have been updated, re-trainings have been in effect, and a town hall was hosted on August 21 to inform the community of the recent changes.

Francie Cordova introduced UNM's new hearing officer, Elizabeth 'Beth' Williams, who is a UNM alum and has an administrative law background. She has acted as a hearing officer and arbitrator and has been an administrator also, and she will hire the hearing coordinator.

Regent Marron Lee congratulated Ms. Cordova on all the yeoman's work her office has done. She also inquired about the prospects of remote hearings and provisions for cases where a party does not want to come forward, or face the other party, or do a cross-examination. Ms. Cordova said there are provisions in the regulations for modified cross-examinations and for remote hearings if the parties request.

Student Regent Melissa Henry inquired what happens when a person does not want to move forward with a formal investigation. Ms. Catena responded that if it does not fall under Title IX, formal reports can still help identify trends and patterns. There are options for an alternative to a hearing or to address concerns informally. Ms. Cordova added that with partners like the Women's Resource Center and the LGBTQ Resource Center, good supportive measures have been developed for students, but there is still the need to develop similar effective resources for staff and faculty.

UNM FOUNDATION FY20 YEAR-END UPDATE AND STRATEGIC PLAN OVERVIEW (information item)

Jeff Todd and Randy Velarde presented the item. Mr. Todd reported that FY2020 was the second best fundraising year, having raised \$94.5 million. The University's fundraising efforts represent teamwork in the truest sense, and Mr. Todd added that he was grateful for the active engagement of the University's leaders, faculty members, and so many others across UNM who engage with and support the work of the UNM Foundation team. The Changing Worlds Campaign came to a successful conclusion on June 30th with 77,749 donors giving \$1.16 billion in gifts supporting student success and opportunity, faculty support and research programs, and capital projects and facilities. During the campaign, donors created more than 800 new endowments, including 60 new endowed chairs and professorships. The consolidated investment fund ended the fiscal year at \$444.6 million and it distributed a record \$16.5 million of endowment spending to UNM, over half of which was designated for scholarships.

Randy Velarde presented an overview of the Foundation's strategic plan 2020-2025. Mr. Velarde discussed the steering committee members, of which Regent Brown and President Stokes were members, and the timeline to the plan approval in July 2020. He discussed the adopted vision and mission and performance goals.

Regent Rael said, in light of the Regents' ad hoc Governance Committee's subcommittee addressing affiliated entities, she was excited to hear of the long-term interest in having collaborative and aligned efforts between the Foundation's efforts and all of UNM affiliated entities and that she looked forward to working with the Foundation on that.

Regent Brown said he wanted to point out that collaboration is already built between the Foundation and UNM Rainforest Innovations team in the area of seed funding, utilizing a fund set aside and with formal process in place.

The Regents thanked Mr. Todd and Mr. Velarde for the report.

APPROVAL OF CONSENT DOCKET

Regent Brown addressed the docket and asked if any members wished to remove any item for discussion and a separate vote; there being no requests to remove any item, Regent Brown asked for a motion to approve all items on the docket.

- A. [ASAR]* Approval: Summer 2020 Degree Candidates
- B. [F&F]* Approval of Disposition of Surplus Property for July/Aug.2020
- C. [F&F] Approval of Project Construction:
 - a. UNM Reserve Officer Training Corps (ROTC) Renovation
 - b. UNM Popejoy Hall Artist Support Spaces Phase 2 Renovations
 - c. Lomas Chiller #3 Replacement
 - d. Hibben Center for Archaeology Research-Smoke Control Upgrade Project
 - e. Natural History Science Center Re-Approval
 - f. Innovation Discovery & Training Center (IDTC) Roof Replacement
 - g. Artificial Turf Replacement, University Stadium
 - h. UNM Los Alamos Library Renovation
 - i. UNM Valencia Campus Workforce Training Center
- D. [F&F] Approval of Lobo Development Corporation Board of Directors Reappointments of Louis Abruzzo, Stephen Ciepiela, Maria Griego-Raby, and Rick Siegel
- E. [F&F] Approval of Lobo Energy, Incorporated-Revised Management Services Agreement effective November 1, 2020
- F. [HSCC]* Approval of Contract: Elekta Inc. for the Service Maintenance and Repair of Linear Accelerators-Dept. of Radiation Oncology at the UNM Comprehensive Cancer Center
- G. [HSCC] Approval of Capital Project to Renovate an Area in the Med-2 Building for School of Medicine Education Administration
- H. [HSCC] Approval of UNM Hospital Items:
 - 1. Agreement with Kronos Corporation, \$6,983,759
 - 2. Capital Project – BBRP-Radiology-X-Ray Replacement, \$400,000
 - 3. Capital Project – Former Galles Saturn Building Renovation & Site Drainage Improvements, \$2,700,000
 - 4. Capital Project – UH Main – Kewanee Boiler Replacement, \$1,000,000
 - 5. Capital Project – UNMH-BBRP-3 West–Fan Wall HVAC System, \$1,200,000
 - 6. Capital Project – Carrie Tingley Hospital – General X-Ray Room 1 – Equipment Replacement, \$400,000
 - 7. Capital Project – Carrie Tingley Hospital-Radiology – EOS Imaging system Project, \$1,500,000
 - 8. Capital Project – UPC-Replacement Boilers, \$700,000

* [ASAR] Academic/Student Affairs & Research Committee; [A&C] Audit & Compliance Committee; [F&F] Finance & Facilities Committee; [HSCC] Health Sciences Center Committee

The motion to approve the items on the consent docket passed with a unanimous vote in favor (1st Rael; 2nd Schwartz; roll call vote - all members voted yes).

HEALTH SCIENCES CENTER COMMITTEE

APPROVAL OF RE-APPOINTMENT OF MR. TERRY HORN TO THE UNM HOSPITAL BOARD OF TRUSTEES

Kate Becker presented the item. As a member of the UNM Hospitals Board of Trustees, this would be Mr. Horn's second term, and it would go through June 30, 2023. Mr. Horn is a wonderful member of the community and has been an outstanding board member. He retired from PNM about five years ago and he has devoted a lot of energy to helping with quality and safety work and overall administration of the hospital.

The motion to approve the re-appointment of Terry Horn to the UNMH Board of Trustees passed with a unanimous vote in favor (1st Rael; 2nd Schwartz; roll call vote - all members voted yes).

APPROVAL OF NAMING ITEMS (6 Items):

1. Creation of the Jeffrey Michael Gorvetzian Endowed Professorship of Biomedical Research Excellence
2. Name Bryce Chackerian, PhD, as the First Holder of the Jeffrey Michael Gorvetzian Endowed Professorship of Biomedical Research Excellence

Bill Uher asked Dr. Vojo Deretic to present the items, as Martha McGrew, Int. Dean of the School of Medicine could not be in attendance. Dr. Deretic, Chair of Molecular Genetics and Microbiology Department and Director of the Center of Biomedical Research Excellence, thanked Dr. Nancy Croker and Dr. Joseph Gorvetzian for their generous gift of an endowed professorship in memory of Joe's only brother, Jeffrey Michael Gorvetzian. Dr. Croker and Dr. Gorvetzian are long-time residents of New Mexico and have always been generous and supportive of the UNM School of Medicine. Dr. Deretic introduced Dr. Bryce Chackerian, who is nominated to be the first named professor of this endowment, and he spoke of his many accolades. Dr. Chackerian, a full professor and Vice Chair of the department, is an outstanding scholar, elected to the National Academy of Mentors and this year was named a 2019 Fellow of the National Academy of Inventors. Dr. Chackerian has been awarded multiple research fundings and is repeatedly brought up as an exemplary colleague, teacher, and mentor.

The motion to approve the creation of the Jeffrey Michael Gorvetzian Endowed Professorship of Biomedical Research Excellence and the Naming of Bryce Chackerian, PhD, as the first holder of the Jeffrey Michael Gorvetzian Endowed Professorship of Biomedical Research Excellence passed with a unanimous vote in favor (1st Schwartz; 2nd Lee; roll call vote - all members voted yes).

Regent Brown thanked the donors for the enduring legacy they have created.

Dr. Chackerian thanked the donors for establishing the professorship and for their passion and support for doing basic biomedical research. He thanked Dr. Deretic for nominating him to the position.

3. Name Dr. Patricia Ann Watts Kelley as the Holder of the Dr. Patricia Higgins Professorship in Nursing

Christine Kasper presented the item. Dr. Patricia Ann Watts Kelley recently joined the faculty as a tenured professor in the College of Nursing and is now the Associate Dean for Research & Scholarship. She is an internationally known researcher in the area of the care of wounded veterans and their caregivers. She holds a PhD from Catholic University of America, and uniquely for a research scientist, she also is an active clinician where she is a primary care

nurse practitioner and gerontology nurse practitioner. Dr. Kelley retired at the rank of captain for the U.S. Navy where she was serving a number of research leadership positions, including the Deputy Director of Naval Medical Research. Dr. Kelley's joining UNM is valuable to the College of Nursing and will assist it to further increase its national research footprint and promote UNM on the way, as well as strengthen the integration of nursing research into other medical and healthcare research at UNM.

The motion to approve the Naming of Dr. Patricia Ann Watts Kelley as the holder of the Dr. Patricia Higgins Professorship in Nursing passed with a unanimous vote in favor (1st Schwartz; 2nd Lee; roll call vote - all members voted yes).

Dr. Kelley thanked Patricia Higgins for her endowment and thanked Dean Kasper for nominating her. She said her focus is to work with the junior, mid-level, and senior investigators to increase the research portfolio to address the pressing healthcare needs of New Mexicans and others nationally and work with the clinical professors to increase their interdisciplinary scholarship across the organization.

4. Appointment of Dr. Bridget N. Fahy as the Victor and Ruby Hansen Surface Endowed Professor of Complex Surgical Oncology

Cheryl Willman presented the item and opened with acknowledgments to the donor, Victor and Ruby Hansen Surface and imparted some history of the family's generosity starting in 2008 and 2009 when the Surface family gave to UNM, and at the time it was the first and largest gift from a single individual donor of approximately \$10 million, which was really critical for the Cancer Center. Dr. Willman introduced Dr. Bridget Fahy, who is one of the few surgeons in the U.S. to hold three sets of boards - she is boarded in complex surgery, surgical oncology, and in palliative care. Dr. Fahy is the new Chief of the Division of Surgical Oncology, and she has been recognized as an outstanding surgeon, outstanding leader, and outstanding educator.

The motion to approve the appointment of the Dr. Bridget N. Fahy as the Victor and Ruby Hansen Surface Endowed Professor of Complex Surgical Oncology passed with a unanimous vote in favor (1st Schwartz; 2nd Henry; roll call vote - all members voted yes).

Regent Schwartz congratulated Dr. Fahy and thanked the Surface family for their generosity to UNM.

5. Creation of the Elsie P. Barry / Cowboys for Cancer Research Endowed Professor in Hepato-Pancreatico-Biliary & Oncology Surgery
6. Name Dr. Itzhak Nir as the First Holder of the Elsie P. Barry / Cowboys for Cancer Research Endowed Professor in Hepato-Pancreatico-Biliary & Oncology Surgery

Cheryl Willman presented the items. The Cowboys for Cancer Research started 28 years ago in Las Cruces, New Mexico, when a wonderful woman, Mrs. Jackson, was diagnosed with breast cancer and became a Cancer Center patient, and the ranchers and bankers and community members of Las Cruces decided to raise money for cancer. They are now one of the single biggest community fundraising organizations in the state and all funds that are raised are split between UNM Cancer Center and NMSU. Currently, the Cowboys for Cancer Research have raised \$3.5 million over these years, doing team roping events in Las Cruces, and \$2.8 million of those dollars have been endowed. Elise P. Barry was a member of the Cowboys for Cancer team; she made the phenomenal breakfast burritos that one could have if they went to enjoy the roping events. These are the first two endowed chairs established

with the funds; there will ultimately be a second Elise P. Barry chair when the individual to be endowed with the position is identified, but this is the first one, and with Regents' approval, will be going to Dr. Itzhak Nir to be the first holder of the endowed professorship. Dr. Nir is a phenomenal surgical oncologist who is originally from Israel and was trained at the world renowned Hadassah University Hospital in Jerusalem, Israel. He then trained at Mr. Sinai Medical Center in New York and subsequently completed a Surgical Oncology Fellowship at the Memorial Sloan Kettering Cancer Center in New York. Since joining the Division of Surgical Oncology at UNM in 2010, Dr. Nir has been instrumental in building an outstanding clinical program in hepatobiliary and pancreatic diseases, making the UNM Comprehensive Cancer Center the major referral center in the state for these complex surgeries. Dr. Willman spoke of the many ways Dr. Nir has served both within the state and nationally with his special clinical leadership and surgical care in this field.

The motion to approve the creation of the Elsie P. Barry / Cowboys for Cancer Research Endowed Professor in Hepato-Pancreatico-Biliary & Oncology Surgery and the Naming of Dr. Itzhak Nir as the first holder of the endowed professorship passed with a unanimous vote in favor (1st Schwartz; 2nd Lee; roll call vote - all members voted yes).

The Regents expressed appreciation for the endowment and congratulated Dr. Nir.

Dr. Nir thanked Dr. Willman, the Regents, and donors for the great honor and recognition, and said he would continue providing the community with this unique clinical service with excellence and dedication to deserve this prize. Regent Schwartz thanked Dr. Nir.

APPROVAL TO APPOINT DR. BRAD CUSHNYR TO THE BOARD OF DIRECTORS, UNM SANDOVAL REGIONAL MEDICAL CENTER, INC.
(see following item for approval)

APPROVAL TO APPOINT HON. LOUIS P. MCDONALD TO THE BOARD OF DIRECTORS, UNM SANDOVAL REGIONAL MEDICAL CENTER, INC.

Scot Sauder presented both items. The bylaws of the SRMC Board of Directors provides for the Chief of Staff of the medical staff to be a member of the board. Dr. Brad Cushnyr is the current sitting chief of the medical staff, and part of the bylaws are requesting approval for Dr. Cushnyr to be appointed to a Class C director with term ending December 31, 2021. Judge McDonald, is a member of the Sandoval County Community. A number of community members serve on that SRMC board per its bylaws which helps to provide accountability to the community. Judge McDonald has been very involved in the behavioral health issues in the county. The SRMC board is recommending to the Regents that Judge McDonald be appointed to the SRMC Board of Directors as a Class A director with term ending December 31, 2022.

The motion to approve the appointments of Dr. Brad Cushnyr and the Hon. Louis P. McDonald to the SRMC Board of Directors passed with a unanimous vote in favor (1st Schwartz; 2nd Lee; roll call vote - all members voted yes).

CATEGORIZATION OF RESERVES REPORT – FY2020 HSC [PURSUANT TO UAP 7000]
(information item)

Ava Lovell presented the item and referred to slides that were provided in the eBook. Ms. Lovell explained what reserves are and their importance. The HSC Academic unit has about \$100 million in operating reserves and capital initiative reserves of \$28 million. The reserves are largely committed, but a healthy balance of reserves is necessary in order to be able to operate in a volatile environment. Ms. Lovell discussed the target level of operating reserves minimums and the current levels. Currently, the academic reserves are at 14% of total

operating expenses. The total Health System has operating reserves in the amount of \$368 million, which is 23% of operating expenses. Total reserves for HSC are \$774.582 million. This includes the Hospital Capital Initiatives reserve in the amount of \$196.283 million. Ms. Lovell discussed in more detail the categories of reserves and the hospital capital initiatives.

FINANCE AND FACILITIES COMMITTEE

CATEGORIZATION OF RESERVES REPORT – FY2020 MAIN & BRANCH CAMPUSES [PURSUANT TO UAP 7000] (information item)

Norma Allen presented the item and referred to slides that were provided in the eBook. This is to report reserve balances as of end of the fiscal year 2020 (June 30). Ms. Allen discussed the importance of university reserves and the categorization of reserves process. The reserve categories are, committed, dedicated, and discretionary. Operations and plant fund reserves for Main and Branch Campuses totaled \$496.239 million, a 3.28% decrease from prior year. The target for operating reserves as a % of expenditures is between 16% and 50%. Main Campus is at 19% and the branches are at 56%. Ms. Allen discussed the breakdown of reserve categories. Total discretionary reserves are \$22.950 million.

UNM FOUNDATION FUNDRAISING AND FINANCIAL REPORT FOR FY2020/4TH-QTR (information item) This item was not presented; documentation was provided for information only.

APPROVAL OF CONTRACT: ATHLETICS DEPARTMENT – NIKE ALL-SPORT AGREEMENT

Bruce Cherrin presented the item. This is an all-sports agreement with Nike for all the sports and athletics, other than golf. This was posted on the state portal as a sole source to enter into a new Nike All-Sport Agreement for a new three-year term. Other Mountain West School agreements were used as a benchmark.

The motion to approve the Nike All-Sport Agreement passed with a unanimous vote in favor (1st Lee; 2nd Henry; roll call vote - all members voted yes).

APPROVAL OF 1ST-QTR FINANCIAL ACTIONS REPORT AND CERTIFICATION THROUGH SEPT.30 2020; AND 4TH-QTR INFORMATIONAL FINANCIAL REPORT THROUGH JUNE 30, 2020

UNM Controller, Liz Metzger, presented the University's quarterly financial certification report for the first quarter of fiscal year 2021, which ended September 30, 2020. As is required by the Higher Education Department, the report consists of six questions that are essentially related to the University's ability to meet its cash obligations, and there is one question regarding the University's current financial situation as it compares to the original budget and any submitted budget adjustment requests for fiscal year 2021. Answers to the first five questions were a 'no', as in there have been no failures to meet cash obligations, and the answer to the sixth question was a 'yes' due to the unknown impact to the budget that the COVID crisis will have on all auxiliary and athletics budget. Ms. Metzger ensured this will be monitored throughout the fiscal year.

Regarding the informational item, the financial reports are for consolidated financials as of the end of the fiscal year, June 30, 2020. Ms. Metzger said that with regard to the external audit status, the auditors have been underway with the audit but the auditors cannot complete the audit until the federal government provides the compliance audit guidelines for the CARES Act funds that the University and the hospital received. The guidelines are not expected until mid-November, so the usual timeline for completion of the audit, the exit conference and submission to the State Auditor will be extended. Ms. Metzger discussed an overview of the financials in the report.

The motion to approve the 1st Quarter Financial Actions Report and Certification passed with a unanimous vote in favor (1st Begay; 2nd Schwartz; roll call vote - all members voted yes).

APPROVAL OF 4TH-QTR ATHLETICS' ENHANCED FISCAL OVERSIGHT PROGRAM REPORT AND CERTIFICATION THROUGH JUNE 30, 2020; AND 4TH-QTR INFORMATION ON ATHLETICS' REPORT BY SPORT THROUGH JUNE 30, 2020

Eddie Nuñez, presented the report, which was included in the eBook. The request is for the Regents to approve the 4th quarter financials. Mr. Nuñez gave a brief recap of the total year financials for athletics. There was discussion.

The motion to approve the 4th Quarter Athletics' Enhanced Fiscal Oversight Program Report and Certification passed with a unanimous vote in favor (1st Begay; 2nd Lee; roll call vote - all members voted yes).

- Regent Brown announced a 5-minute meeting break.

ACADEMIC/STUDENT AFFAIRS AND RESEARCH COMMITTEE

APPROVAL OF UNM SEAL

Regent Kim Sanchez Rael introduced the item. She thanked the seal committee for their great and hard and long work on this topic. Terry Babbitt opened the presentation. Dr. Assata Zerai did an incredible amount of work, leading the seal committee which was a very inclusive effort. The use of the seal is specifically defined in Regents' Policy 2.7, for use only on diplomas, academic transcripts, enrollment certifications or other official university documents; therefore, it is not a logo. The charge of the committee was to replace the seal, and with the concerns of insensitivity on many factors that have been addressed in prior meetings, the aim was to be inclusive, aspirational, honoring diversity, and defining UNM as an institution of higher education. The committee came forward with recommendations of five design alternatives to the ASAR Committee. The design presented is the recommendation that came out of ASAR Committee as the selection. The Committee asked that University Communications and Marketing (UCAM) modify the design, if needed, so that it could be suitable for the needs of the seal. UCAM came up with 3 designs with slight modifications for functionality that could support embroidery, embossing and so the appearance would appear neatly on documents. VP DEI, Assata Zeria, clarified that the Regents could choose from the 3 modifications put forth by UCAM. Cinnamon Blair, confirmed that the three were the simplest and best options that preserved the detail and smaller elements of the design.

Regent Rael motioned to approve the UCAM modification on the upper-right of the three shown, as the final seal. **[see ATTACHMENT A]**

There was discussion before the vote.

Student Regent Henry said she wanted to point out that ASAR Committee came to the decision to move forward this design. There were five original seal designs, and the seal committee recommended design A. She said she had concerns about the process and that she had received feedback from students who were upset about how the decision was made. Regent Henry said that it was important to acknowledge that design A was the popular vote and was what the seal committee originally put forward.

There was discussion about the polls and the numbers of people who gave input on the original 5 designs. Regent Rael said it was a poll of the population and it was incumbent upon the Regents to choose in their judgment what they think is the best design for the University

going forward. Regent Brown said his concern was that the designs met the test of being ethnically sensitive, representing in a graphic representation, the University. He said that all of the designs met that criteria, but the seal is going to be presented in very small dimensions in most places, like on documents, so a busy, congested graphic would not do.

Regent Begay commented she thought the process was trying to be inclusive of everybody's voice and that a popular vote was a marker, but she thought it was never said that it would be a winner. It was input, because the decision of the seal is for the Regents to decide. And she agreed with Regent Brown about the importance of the scale and sizeability of the seal on a piece of paper, and then on a robe. She thanked everybody for their hard work for years and years on this.

There was further discussion before the vote.

The motion to approve the UNM Seal design at the upper-right of the three modifications suggested as most functional by UCAM passed with a vote of 3-1-1; Regents Begay, Brown, and Rael voted in favor; Regent Henry voted no; Regent Schwartz abstained (1st Rael; 2nd Brown).

- Regent Lee had to leave the meeting briefly and was not able to vote on this item.

AUDIT AND COMPLIANCE COMMITTEE

MEETING SUMMARY REPORTS – AUG.13 & OCT.16 MEETINGS (information item)

Regent Brown addressed the meeting summaries - the Committee approved several internal audits which were listed on the report that was included in the eBook.

ADVISORS' COMMENTS

Chad Cooper spoke about recent Alumni Association's activities, including honoring the tradition of homecoming, raising funds for student scholarships, and involvement is making campus safer. The Association is also working on a strategic plans, a career initiative to connect alumni around the country, and plans for a virtual Veteran's Day celebration and remembrance event.

Kevin Malloy gave special thanks and recognition to Beverly Kloeppel, the Retiree Association's past president who still serves as the interim co-director of UNM Student Health and Counseling. Dr. Kloeppel has led the establishment of the COVID healthcare policies and procedures, protecting UNM students, and she is one example of the many UNM retirees who continue to support UNM through volunteering or part-time employment.

Nancy Shane spoke in support climate change awareness and said Staff Council passed a climate change is global problem resolution in May. Other recent activities of the Council include passage of an anti-racism resolution; addressing questions regarding policing on campus; staff appreciation week; and efforts to deepen relationships with branch faculty and staff. Dr. Shane recognized HR for initiatives to support employees during COVID.

Nikhil Naguru spoke about recent GPSA activities.

Finnie Coleman spoke about recent Faculty Senate activities, including efforts to offer a body of suggestions to address the carbon footprints on all of UNM's campuses; he also expressed appreciation for colleagues who are working to organize the union.

Mia Amin spoke about recent ASUNM activities, including homecoming, participation in community service work, and addressing long-term solutions for funding Lottery Scholarships.

VOTE TO CLOSE THE MEETING AND PROCEED IN EXECUTIVE SESSION

Before closing the meeting, Regent Brown noted items D. and E. on the closed session agenda were removed from the agenda and would not be addressed. (1st Rael ; 2nd Schwartz; all members voted in favor to close the meeting) The meeting closed at 12:59 PM.

- A. Discussion of “limited personnel matters” as defined in and permitted by Section 10-15-1.H(2), NMSA (1978) – regarding: President Stokes’ Performance Evaluation
- B. Discussions of bargaining strategy preliminary to collective bargaining and collective bargaining between a policymaking body and an employee bargaining unit, as permitted by Section 10-15-1.H(5), NMSA (1978)
- C. Discussions, and where appropriate determination, of matters subject to attorney-client privilege pertaining to threatened or pending litigation, as permitted by Section 10-15-1(7), NMSA (1978)
- D. Discussion of potential acquisition of real property rights by the University, as permitted by Section 10-15-1(8), NMSA (1978)
- E. Discussion, and where appropriate determination, relative to strategic and long-range business plans or trade secrets of public hospitals, as permitted by Section 10-15-1(9), NMSA (1978)

VOTE TO RE-OPEN THE MEETING AND CERTIFICATION THAT ONLY THOSE MATTERS DESCRIBED IN THE CLOSED SESSION AGENDA WERE DISCUSSED IN CLOSED SESSION, AND IF NECESSARY, FINAL ACTION WITH REGARD TO CERTAIN MATTERS WILL BE TAKEN IN OPEN SESSION

The meeting re-opened at 1:56PM.

Regent Brown certified that closed session discussions were limited to only those matters described in the closed session agenda. He announced the Board would take action in open session regarding President Stokes’ compensation.

Regent Brown announced the Board’s decisions on the President’s compensation would be back dated to July 1, 2020, from that point going forward. With respect to base salary, in concert with the rest of the University, there would be no change and therefore no action would be required to produce that result. With respect to performance bonus, the enumerated categories added to a total of \$50,000 potential amount, only one metric was missed, and that was only by a little; therefore on those matters, an award of \$49,000 is proposed. Additionally, if there had been any idea at the outset that there would be this challenge of COVID, there certainly would have been a crisis management element, so the proposal is to add a crisis management component with a \$10K bonus, and this would bring the total to a \$59,000 bonus.

The motion to award President Stokes a \$49,000 performance bonus and a \$10,000 payment for crisis management, effective July 1, 2020 passed with a unanimous vote in favor (1st Lee; 2nd Henry; roll call vote - all members voted yes).

Regent Brown said that regarding the matter of deferred compensation, the proposal is to award a total of \$100,000. There was discussion.

Regent Schwartz said he would support the motion, but also expressed his concerns for the decision to pay more to the University’s executive officers and not pay any more for faculty or staff. He commended President Stokes for the extraordinary work she has done during the most difficult of circumstances. She is grossly underpaid by national and New Mexico

standards and so deserving of a great deal more, as are most of the faculty at the University, most of whom went another year without a compensation increase, in spite of it being more difficult to teach virtual classes and the effort involved in figuring out how to be an effective teacher over zoom. He reiterated his concern for the message that is being sent to the impressive faculty and staff of the University.

The motion to award President Stokes' deferred compensation in the amount of \$100,000, effective July 1, 2020 passed with a unanimous vote in favor (1st Rael; 2nd Lee; roll call vote - all members voted yes).

Regent Brown said this reflects the high degree of confidence the Regents have in President Stokes and the high degree of approval in her actions, both inside and outside of the University, especially at a time of daunting challenges. To President Stokes, he said this is a very strong validation for the job she is doing and for everything she has accomplished, and the Regents have confidence in what she will do in the future.

President Stokes thanked the Regents.

ADJOURN

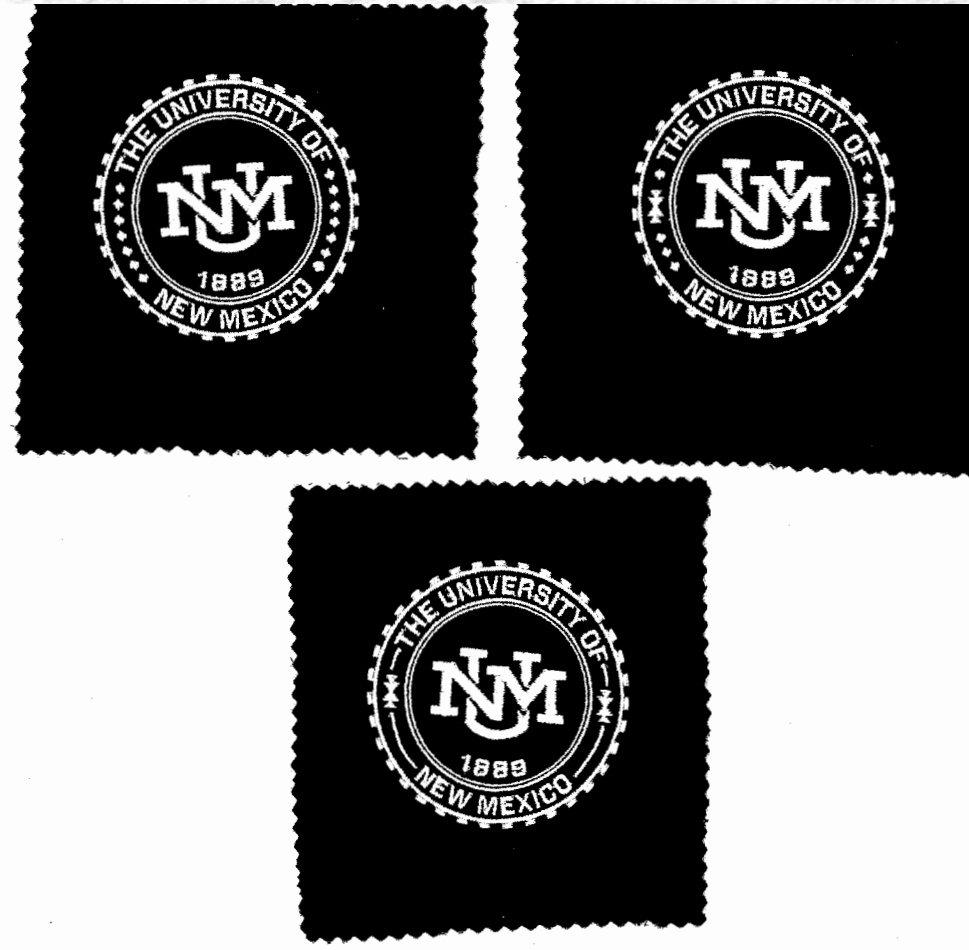
There being no further business, Regent Brown asked for a motion to adjourn: Regent Lee motioned; Regent Henry seconded; all members voted in favor; the meeting adjourned at 2:06 PM.

Approved:

Attest:

Douglas M. Brown, President

Sandra K. Begay, Secretary/Treasurer



UCAM HAS WORKED WITH SEVERAL
ROUNDS OF MODIFICATIONS. THESE ARE
THE MOST FUNCTIONAL

Given alteration from original design, Regents may wish
to decide which of these modifications they would
prefer.



President's Administrative Report

Garnett S. Stokes

President's comments will be delivered at the meeting

Approval of Consent Docket

Action items on Regents' Committee agendas may be move to the Board of Regents' consent docket; items on the consent docket received unanimous approval in committee; per Regents' Policy 1.2, *"Any member of the Board of Regents shall have the right upon request to remove any item from the Board's consent agenda and place the item on the Board's regular agenda for discussion."*

1. [ASAR]* Approval of Parent Association Bylaws and Name Change C-1
2. [F&F]* Approval of Disposition of Surplus Property for Sept/Oct.2020 ... C-2
3. [F&F] Approval of Potential Advanced Refunding of UNM Series 2014A and 2014C Bonds..... C-3
4. [HSCC]* Approval of the UNM Health Sciences Center Fall 2020 Graduates..... C-4
5. [HSCC] Approval of HSC Upper Plaza Collaboration Structure C-5
6. [HSCC] Approval of UNM Hospital Items: C-6
 - a. Colburn Hill - \$14,250,000
 - b. Telehealth Platform and Platform Software Support - \$2,250,000
 - c. Request for Approval of Demolition of the Former Physics & Astronomy Building (#207)
7. [HSCC] Approval of Appointments to UNM Sandoval Regional Medical Center, Inc. Board of Directors: C-7
 - a. Renew Appointment of Donnie Leonard
 - b. Renew Appointment of Kim Hedrick
8. [HSCC] Approval of Appointments to the Carrie Tingley Hospital (CTH) Advisory Board: C-8
 - a. Renew Appointment of Margaret Armstrong
 - b. Renew Appointment of Sandra Whisler
 - c. Renew Appointment of Marry Blessing
 - d. Appointment of Thomas Todd Trautwein as CTH Foundation Board Representative
9. [HSCC] Approval of Carrie Tingley Hospital Advisory Board Bylaws..... C-9

* [ASAR] Academic/Student Affairs & Research Committee; [F&F] Finance & Facilities Committee; [HSCC] Health Sciences Center Committee



PARENT
ASSOCIATION



Mission & Objectives

The UNM Parent Association was established in 2007 to promote student success and academic excellence via:

- **Support** – For parents and families as they embrace the transition of their children into university life and adulthood and to assist parents and families to play a supportive role in student education.
- **Communication** – To help ensure that parents and families have timely and accurate information about UNM through facilitating two-way communication.
- **Connection** – Providing a forum for networking with other UNM parents and families and to the university's vast array of services.
- **Outreach & Engagement** – For parents and families who live both locally and afar to engage in the university's mission and goals
- **Spirit** – That provides parents and families with meaningful, energizing, and enjoyable opportunities to become a vital part of the UNM Community.



UNM Parent Association Scholarship

Eligibility Requirements

- Undergraduate students must be enrolled in 12 credit hours or more as a sophomore, junior or senior
- Graduate students must be enrolled in 9 credit hours or 6 hours in conjunction with an assistantship
- 2.75 cumulative grade point average
- Demonstrate financial need
- Demonstrate community service, involvement, experience, skills, and awards



U N M O F F I C I A L

K E E P S A K E
O R N A M E N T

Proceeds benefit the UNM Parent
Association Scholarship



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THE UNM BOOKSTORE



This year's ornament honors
Scholes Hall

*A great gift for parents, families, and
students to commemorate
their time at UNM!*

Parent & Family Events

- Family Connection Orientation
 - Working with the Office of Parents and Families to put on two days worth of programming for parents and families of incoming students on UNM resources
- Fall Family Tailgate
 - A networking opportunity to connect with other parents and students in a family friendly environment, usually with a catered meal and football game
- Freshman Convocation
 - A networking opportunity for parents and families to come together for UNM's official welcoming to freshman students
- And more!
 - We're looking to expand programming into virtual and regional events

We urge all parents and families to stay connected with us via social media, email, our website, and listserv for a monthly newsletter and important university updates

parenta@unm.edu

parentassociation.unm.edu

Facebook.com/UNMParentAssociation



Requested Bylaw Changes

In order to conduct business in ways that meet our needs, we're wanting to propose a few changes:

1. Association Name Change
2. Officer Structure change
3. Simplifying bylaws

Requested Bylaw Changes

Association Name Change

- UNM Parent Association to **UNM Parent & Family Association**
- This proposed change is inclusive of our population of not only parents, but guardians and families of students who actively participate in their student's success



PARENT & FAMILY
ASSOCIATION

Requested Bylaw Changes

Officer Structure Change

- Pairing down roles from President, President-elect, Treasurer, Secretary, and Immediate Past President to Chairperson, Vice-Chairperson, board members, and university liaisons.
 - This proposed change will help the association run more smoothly, as treasurer and secretary roles have been taken by university liaisons and simplifies the positions filled

Requested Bylaw Changes

Simplifying Bylaws

- Clarifying membership terms at large, board member terms and expectations, simplifying nomination, election, and membership removal procedures
 - This proposed change will help the association run more efficiently with clearer terms and simpler processes

Bylaws of the University of New Mexico Parent & Family Association

Article I – Formation, Name, and Location

The University of New Mexico Board of Regents has established within a Memorandum of Understanding, the recognition of an affiliated organization. The name of the organization is “The University of New Mexico Parent & Family Association”, hereafter called the “Association.” Its principal office shall be located within the Dean of Students Office at the University of New Mexico, Albuquerque, New Mexico.

Article II – Statement of Purpose

The Association is an organization whose purpose is to support and promote the interests of parents and family members of students of the University of New Mexico (UNM).

Article III – Mission

The mission of the Association is to:

Promote student success and academic excellence via

1. Support – for parents as they embrace the transition of their children into university life and adulthood and to assist parents to play a supportive role in student education.
2. Communication – to help ensure that parents have timely and accurate information about UNM through facilitating two-way communication.
3. Connection – Providing a forum for networking with other UNM parents and to the university’s vast array of services.
4. Outreach & Engagement – for parents and families who live both locally and afar to engage in the university’s mission and goals
5. Spirit – that provides parents with meaningful, energizing, and enjoyable opportunities to become a vital part of the UNM Community.

Article IV – Membership

Members - All parents and/or guardians of current and former students of the University of New Mexico are considered non-voting members.

Officers – Shall consist of a Chairperson & Vice Chairperson who are also voting members of the Association as outlined in Article VI.

Board Members – Shall consist of voting members of the Association as outlined in Article V.

Ex-officio members – The following persons shall serve as non-voting ex-officio members in an advisory capacity and may participate at all regular meetings and functions of the Association. Ex-officio members are not required to be the parent or legal guardian of a current or former student of the University of New Mexico.

Dean of Students or staff designate

Additional members at large as needed: Examples include but are not limited to Student Affairs designate, Enrollment Management designate, University Communications and Marketing designee, faculty representatives, etc.

Liaison(s) – The following persons from the Dean of Students staff shall serve as liaisons between the University and the Association as non-voting members to coordinate all efforts of Officers and Board Members. Duties will include:

1. Secretary: note-taking, coordinating meetings, executing events, and other duties as designated by Board Members.
2. Treasurer: Present up-to-date account overview information as provided by the UNM Foundation.

Article V – Board Members

Section 5.1 Number of Board Members: Board Members of the Association shall consist of up to 12 voting members including the Officers. Except as provided herein, the roles and qualifications of these Board Members shall be determined by the Board in its policies.

Section 5.2 Duties & Responsibilities: Board Members will serve the association by maintaining active participation in meetings, either in person or via phone, and respond in a timely manner to business conducted via email. Additional responsibilities will include voting, designates for events/recruitment, fundraising, communication, advisor to the ASAR & Board of Regents, and scholarship review. These responsibilities will be determined by forming committees, Article X.

Section 5.3 Terms of Office: Board Members shall serve a term of at least two (2) years with no more than six (6) years and may continue until their child graduates from or is no longer enrolled at the university. If a Board Member's student graduates before their term ends, members can serve out the rest of their term but will not be eligible for reelection.

Section 5.4 Quorum: A simple majority of the Board shall constitute a quorum for the transaction of business. The act of a majority of the voting members present at a meeting at which a quorum is present shall be the act of the Board.

Section 5.5 Vacancies: Any vacancy occurring in Board Members may be filled by the affirmative vote of the majority of members. Officers elected to fill the vacancy shall be elected for the unexpired term of his/her predecessor in office.

Section 5.6 Removal/Termination of Membership: Board Members may remove any other Board Member or Officer for cause by a majority vote of all Members then in office, at any regular or special Association meeting. Regular meeting attendance and participation by Board Members is vital to the Association's mission and is required. Absence of two (2) consecutive meetings will be reviewed by Board Members and, if deemed appropriate, Board Members may be removed.

This action shall be preceded by the following: 1) no less than five (5) current Board Members must draft a letter or email specifying the cause of proposed removal, 2) this letter or email shall be sent to the Member(s) potentially removed by registered mail no less than ten (10) days prior to a regular or special meeting where action will be taken, 3) the agenda must provide for Member(s) in question to state their defense.

Article VI – Chairperson & Vice Chairperson

Section 6.1 Chairperson, hereafter called "Chair": Shall be responsible to call and preside at board meetings of the Association. The Chair shall represent or can call upon any Board Member to represent the Association at open meetings of the Board of Regents or any other meeting. The Chair shall nominate standing committees with the approval of the Association Board. The Chair shall prepare an annual state of the association report, to be approved by the Association Board, and present at the Association annual membership business meeting and

forward to the president of the university. The Chair shall perform all duties incident of the Office of President and have such powers and duties as assigned by the Board. The chair will serve a regular Board Member two-year term. If a Chair's student graduates before their term ends, the Chair can serve out the rest of their term but will not be eligible for reelection.

Section 6.2 Vice-Chairperson, hereafter called "Vice-Chair": Shall serve as the Chair-Elect for the Association. In the event that the Chair is unavailable the Vice-Chair shall represent the Association at open meetings of the Board of Regents or any other meeting. The Vice-Chair will serve a regular Board Member two-year term. If a Vice Chair's student graduates before their term ends, the Vice-Chair can serve out the rest of their term but will not be eligible for reelection.

Section 6.3 Board Member Designee: In the event that the Chair or Vice-Chair is unable to attend open meetings of the Board of Regents or any other meeting, the Chair can call upon any Board Member to represent the Association as a Board Member Designee.

Article VII – Meetings

Section 7.1 The Board shall meet at least four (4) times per academic year, including a meeting to be held within two months following the start of a new semester. Additional Board meetings can be called as needed by any Board Member provided they have the agreement of two (2) additional Board Members and with a minimum of two (2) weeks' notice.

Section 7.2 The Association shall conduct a meeting of the general membership annually. The meeting date and agenda will be determined at the discretion of the current board and may be held in conjunction with a previously scheduled Association event.

Section 7.3 Notice of Meetings: Written notice of the general membership and other regular meetings of Members shall state the date, time, and place of the meetings and may be sent electronically by the Liaison(s) no less than 7 days before the meeting to each member's provided email address.

Article VIII – Nominations and Elections

Section 8.1 Nominations: Any regular member of the Association may be nominated for election to become a Board Member. Any nominator can nominate themselves or someone else. No nomination shall be made without the consent of the nominee.

Section 8.2 Elections: The Liaison(s) shall present a slate of candidates for Chair and Vice-Chair to the Board Members. The Board Members will vote "For" or "Against" the slated candidate. Board Members shall be elected by a simple majority of the existing Board Members and begin their term at the beginning of the fiscal year.

Article IX – Committees

Section 9.1 Establishment and Operation of Committees: Board Members shall establish such committees and task forces as advisable to assist in fulfilling the mission of the Association without compromising any Board Member's authority and in keeping with the policies established by the Board.

Section 9.2 Standing Committees: Standing committees of Board Members shall be determined by the needs of the Association and can include, but aren't limited to Event Planning, Volunteer Development (Recruitment and Membership) Bylaws, Scholarship, Legislative, and Communication. These committees shall operate in accordance with the roles and policies established by the Board. The Chair shall nominate standing committees with the approval of the Association Board.

Article X – Fiscal Year

The fiscal year of the Association shall extend from July 1 through June 30.

Article XI – Rules of Order

The rules of order in the current edition of Robert's Rules of Order shall govern the conduct of all meetings of the Association except where they may be in conflict with these Bylaws or other policies adopted by the Officers.

Article XII – Amendments

Proposed amendments to these established Bylaws may be made at a regular meeting by a two-thirds vote of all Officers then in office, provided that notice of the proposed amendment(s), together with a copy thereof, shall be distributed to each person at least fifteen (15) days prior to the meeting at which the amendment is to be considered. Any proposed amendment(s) beyond grammar and punctuation shall become effective upon approval by the UNM Board of Regents.

Article XIII – Dissolution

In the event of the dissolution of the Association, for whatever cause, its assets will be distributed to the University of New Mexico Foundation for UNM Student Scholarships.

Article XIV – Miscellaneous

No part of the activities of this organization shall be devoted to participation in any political campaign on behalf of any candidate for public office.

Notwithstanding anything herein, all activities and policies of the Association shall conform to University of New Mexico Policies as approved by the Board of Regents.

The undersigned members of the Executive Committee of the UNM Parent & Family Association certify that these Bylaws of the UNM Parent & Family Association were adopted by the Voting Members at their regularly held meeting on September 17, 2020.

Revised 9/2020

University Services
Marcos Roybal
Associate Director

Business Operations
1128 University Blvd NE
505.277.2366

CRLS
Clark Hall
505.277.5109

Copy Center
Dane Smith Hall
505.277.8267

Mailing Systems
1128 University Blvd NE
505.277.4124

Records Management
1128 University Blvd NE
505.277.1136

Shipping & Receiving
915 Camino de Salud
505.272.6302

Surplus Property
1128 University Blvd NE
505.277.2923

Disposition of Surplus Property Approval September & October 2020

Date: November 17, 2020

To: Bruce Cherrin
Chief Procurement Officer
Purchasing Department

From: Marcos Roybal
Associate Director – Finance & Administration
Purchasing Department
University Services

Attached for your review and submission to the Board of Regents is the Surplus Property Disposition detail list for the month of September 2020 and October 2020.

Consistent with UNM Board of Regents Policy 7.9 and the NM Disposition of Surplus Property Act, 13-6-1, NMSA 1978, and based upon documentation submitted by the UNM departments responsible for the equipment, I certify that the equipment identified on the monthly list is worn-out, unusable or obsolete to the extent that the items are no longer economical or safe for continued use by the University. I recommend that the items be deleted from UNM's inventory and disposed of in accordance with the above noted Regents Policy and NM Surplus Property Act.



UNIVERSITY SERVICES – DISPOSITION OF SURPLUS PROPERTY
SEPTEMBER & OCTOBER 2020

Surplus Property Disposition - September & October FY21

Memo	Asset Tag	Department	Description	Manufacturer	Purchased	Total Cost (\$)	NBV (\$)	Disposal Method
1	209173	Pathology Department	ULTRACENTRIFUGE	Beckman	03/06/1995	\$23,911.00	\$0.00	Beyond Repair
2	N00030761	AS Biology CETI Gen Admin	Freezer	VWR	06/03/2011	\$13,192.19	\$0.00	Beyond Repair
3	N00007813	Physics Astronomy Faculty #102	Crystal-Growing Facility	(Fabricated, multiple suppliers)	06/14/2006	\$11,946.11	\$0.00	Cannibalized
4	N00017991	Physics Astronomy Faculty #119	Assembly #75 - Cassette - One for Mini Clean	Equipment Fabrication	10/02/2008	\$10,396.82	\$0.00	Obsolete
	205965	Electrical Computer Engineering	SPECTROMETER/MASS	Mks	01/24/1995	\$9,093.00	\$0.00	Beyond Repair
	257892	IT Academic Technologies	PROJECTOR	EIKI	09/25/2002	\$8,938.00	\$0.00	Obsolete
	257891	IT Academic Technologies	PROJECTOR	EIKI	09/25/2002	\$8,937.00	\$0.00	Obsolete
	242898	University Press UP	SHRINK WRAPPING MACH	Beseler	07/25/2000	\$5,800.00	\$0.00	Obsolete
	252318	Biochemistry Molecular Biology	FREEZER	VWR	09/21/2001	\$5,693.00	\$0.00	Beyond Repair
	N00022582	CRTC Information Systems	Computer Server	Cisco	09/09/2009	\$5,652.50	\$0.00	Obsolete
	N00022583	CRTC Information Systems	Computer Server	Cisco	09/09/2009	\$5,652.50	\$0.00	Obsolete
	N00022634	CRTC Information Systems	Computer Server	INX	09/09/2009	\$5,355.00	\$0.00	Obsolete
	N00022635	CRTC Information Systems	Computer Server	INX	09/09/2009	\$5,355.00	\$0.00	Obsolete
Total Asset Disposition (#)								13
Total Capitalization (\$)								\$119,922.12
Total Net Book Value (\$)								\$0.00





SCHOOL OF MEDICINE

DEPARTMENT OF PATHOLOGY

August 31st, 2020

University Services

Attention: Surplus Property

CC: Norris Cain

RE: Disposal of Asset# 209173

Hello,

I have a Beckman Optima TL Ultra Centrifuge that is broken beyond repair. For decades, this machine was used for centrifugal separation of samples at extremely high speeds. Unfortunately, the vacuum system in the machine is broken beyond repair and the equipment is no longer operational. This was diagnosed by the Beckman field service technician. The UNM Asset #209173 was obtained in March 6th, 1995 for \$23,911.00. The net book value of the machine is \$0.

The centrifuge is located in the Cancer Research Facility, room 205. It is too large to be removed by one person. **The dimensions are 23d x 21h x 29w inches.** The machine has been cleaned, and the associated rotors and manuals have been placed in a box.

A member of my laboratory can be available at any time during the removal of this equipment.

Thank you,

Rachel Grattan
Associate Scientist
Department of Pathology
Cancer Research Facility Rm 203
989-621-1558
rgrattan@salud.unm.edu

UNM ASSET TAG #	DESCRIPTION	TOTAL COST	ADJUSTED COST	NBV	PURCHASED DATE
209173	TL Ultra Centrifuge	\$23,911.00	\$23,911.00	\$0	03/06/1995



Department of Biology

Disposition of surplus property UNM tag N00030761

August 20, 2020

To: Marcos Roybal
From: Biology
Subject: Freezer Disposition

Dear Mr Roybal:

UNM tag N00030761 (VWR Ultracold freezer, 23 CU FT ULT 2 DR 230V) was purchased on June 6, 2011 (organization code 048H0, grant number 2R94P, Biology department) for \$13192.19 (total and adjusted cost). The freezer was kept in the Biology Department, Castetter Hall room 2429 and used for safe storage of biological samples and reagents at -80C, it has a net book value (NBV) of \$0. The freezer malfunctioned in 2019: it does not maintain a temperature below room temperature and cannot be used to store samples and reagents that require an ultra low temperature. Repair is not cost-efficient.

The decision to surplus this defective freezer will free up space for a replacement ultracold freezer, and allow effective use of Castetter Hall room 2429, a dedicated freezer farm.

Thank you for your consideration.

C.M Adema
Professor

Director Controlled Environments Core, CETI, Biology, UNM

Digitally signed by William
Pockman
Date: 2020.08.20 16:47:22
-06'00'

William Pockman, Chair

August 20, 2020

Date:

UNM Asset Tag #	Description	Total cost	Adjusted cost	NBV	Purchased date
N00030761	VWR Freezer	\$13,192.19	\$13,192.19	\$0.00	June 6, 2011



DEPARTMENT OF PHYSICS & ASTRONOMY

March 17, 2020

To: Marcos Roybal, Associate Director, University Services

Re: Surplus of UNM Assets #'s: N00007813

Dear Mr. Roybal,

UNM Asset # N00007813 purchased 6/14/2006 is a custom fabricated UNM Assembly #41 belonging to Dr. S. Boyd. This item was a Crystal Growing Facility Assembly w/no serial number and no model number because it is a multiple supplier fabricated assembly. This item is not being used because it is outdated/obsolete. We are in the process of making the department lean and would like to leave unused equipment in the old building and have Surplus Property pick up the item directly from there. Although this machine was once valuable equipment, it is of no further use to our department. We would like to send this item to Surplus Property. The original cost of the item amounted to \$11,431.25 but adjusted cost of this item is \$11,946.11 but has a book value of \$0. Please accept this memo and approve disposal to Surplus Property.


Richard Rand

Professor & Chair: rjr@unm.edu

277-1517

UNM Asset Tag #	Description	Total cost	Adjusted cost	NBV	Purchased date	Serial number/VIN	Grant
N00007813	Custom Fabric	\$11,431.25	\$11,946.11	\$0.00	6/14/2006	ASSEMBLY #41	2R115



September 9, 2020

To: Marcos Roybal, Associate Director, University Services

Re: Surplus of UNM Assets #'s: N00017991, Assmb.#75

Dear Mr. Roybal,

UNM Asset # N00017991 purchased on 10/02/2008 is a UNM item belonging to Dr. J. Matthews. This item is a CASSETTE-ONE FOR MINI CLEAN that was fabricated by our UNM Machine Shop. Because this equipment was fabricated there are no visible identifying model or serial numbers. This item is not being used because it is outdated/obsolete. We were in the process of making the department lean in preparation for the move to our new building recently made this year and this item was part of the equipment left in the old building that was picked up early March 20'. Although this equipment was once valuable equipment, it is of no further use to our department. We would like to send this item to Surplus Property. The total cost is \$1,604.29, adjusted cost is \$10,369.82, and NBV \$0. Please accept this memo and approve disposal to Surplus Property.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Richard Rand'.

Richard Rand

Professor & Chair: rjr@unm.edu

277-1517

UNM Asset tag #	Description	Total Cost	Adjusted cost	NBV	Purchased date	S/N	Grant
N00017991	Cassette one for mini clean	\$1,604.29	\$10,369.82	\$0	10/2/2008	Assembly #75	N/A

New Mexico Compilation Commission

13-6-1 . Disposition of obsolete, worn-out or unusable tangible personal property.

A. The governing authority of each state agency, local public body, school district and state educational institution may dispose of any item of tangible personal property belonging to that authority and delete the item from its public inventory upon a specific finding by the authority that the item of property is:

- (1) of a current resale value of five thousand dollars (\$5,000) or less; and
- (2) worn out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use by the body.

B. The governing authority shall, as a prerequisite to the disposition of any items of tangible personal property:

- (1) designate a committee of at least three officials of the governing authority to approve and oversee the disposition; and
- (2) give notification at least thirty days prior to its action making the deletion by sending a copy of its official finding and the proposed disposition of the property to the state auditor and the appropriate approval authority designated in Section 13-6-2 NMSA 1978, duly sworn and subscribed under oath by each member of the authority approving the action.

C. A copy of the official finding and proposed disposition of the property sought to be disposed of shall be made a permanent part of the official minutes of the governing authority and maintained as a public record subject to the Inspection of Public Records Act [Chapter 14, Article 2 NMSA 1978].

D. The governing authority shall dispose of the tangible personal property by negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico or by negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities or through the central purchasing office of the governing authority by means of competitive sealed bid or public auction or, if a state agency, through the surplus property bureau of the transportation services division of the general services department.

E. A state agency shall give the surplus property bureau of the transportation services division of the general services department the right of first refusal when disposing of obsolete, worn-out or unusable tangible personal property of the state agency.

F. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D or E of this section, the governing authority may sell or, if the property has no value, donate the property to any organization described in Section 501(c)(3) of the Internal Revenue Code of 1986.

G. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D, E or F of this section, it may order that the property be destroyed or otherwise permanently disposed of in accordance with applicable laws.

H. If the governing authority determines that the tangible personal property is hazardous or contains hazardous materials and may not be used safely under any circumstances, the property shall be destroyed and disposed of pursuant to Subsection G of this section.

I. No tangible personal property shall be donated to an employee or relative of an employee of a state agency, local public body, school district or state educational institution; provided that nothing in this subsection precludes an employee from participating and bidding for public property at a public auction.

J. This section shall not apply to any property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act [18-10-1 to 18-10-5 NMSA 1978].

K. Notwithstanding the provisions of Subsection A of this section, the department of transportation may sell through public auction or dispose of surplus tangible personal property used to manage, maintain or build roads that exceeds five thousand dollars (\$5,000) in value. Proceeds from sales shall be credited to the state road fund. The department of transportation shall notify the department of finance and administration regarding the disposition of all property.

L. If the secretary of public safety finds that the K-9 dog presents no threat to public safety, the K-9 dog shall be released from public ownership as provided in this subsection. The K-9 dog shall first be offered to its trainer or handler free of charge. If the trainer or handler does not want to accept ownership of the K-9 dog, then the K-9 dog shall be offered to an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 free of charge. If both of the above fail, the K-9 dog shall only be sold to a qualified individual found capable of providing a good home to the animal.

History: 1953 Comp., § 6-1-7.1, enacted by Laws 1961, ch. 100, § 1; 1979, ch. 195, § 2; 1984, ch. 47, § 1; 1987, ch. 15, § 1; 1989, ch. 211, § 6; 1995, ch. 181, § 1; 1998, ch. 16, § 1; 2001, ch. 317, § 1; 2007, ch. 57, § 4; 2012, ch. 10, § 1; 2013, ch. 9, § 1.

MEMORANDUM

TO: Members of the Board of Regents' Finance & Facilities Committee

THRU: Teresa Costantinidis, Senior Vice President, Finance and Administration

FROM: Vahid Staples, Budget Officer, Office of Planning, Budget & Analysis

DATE: November 18, 2020

SUBJECT: Potential Advanced Refunding of UNM Series 2014A and 2014C Bonds

As part of an ongoing evaluation process, the Office of Planning, Budget & Analysis and its Municipal Advisor, Hilltop Securities, monitor refunding (refinancing) opportunities associated with outstanding university bond issues. Even though interest rates have remained near historic lows for several years, some refunding opportunities have not met the university's fiscal threshold of a present value savings of at least 3% due to the fact that the issues have not been callable within a reasonable time period. Although changes due to the 2017 Tax Reform Act now only allow advanced refunding of tax-exempt debt at taxable interest rates, the current spread between taxable and non-taxable remain at attractive levels. Refunding the 2014A&C bonds would be an advanced refunding since the call date on the bonds is June, 2024 and June, 2024, respectively. The refunding is expected to produce annual savings for fiscal years 2022 through 2035 and there would be no extension of the existing debt beyond 2035 which is the current end date. This is very similar to the refunding of the Series 2012 issue, which was completed in early 2020.

As the attached analysis from Hilltop Securities details, the Net Present Value Savings for the 2014A&C series is currently estimated at \$4.7M or 7.38%, representing an extremely attractive savings opportunity. Although the university's administration believes the interest rate environment should likely remain relatively stable, it is important to note that these savings are tied to **current** market rates and cannot be guaranteed months down the line after all required State approvals are secured. A sensitivity analysis performed by Hilltop Securities reveals interest rates would need to increase by more than 40 basis points for the deal to no longer merit being refunded.

With your approval, the administration will proceed with the Parameters Resolution of the Series 2014A and 2014C bonds for approval of the full Board of Regents during their December 2020 meeting. The bonds would most likely be refunded in January 2021 in accordance with the prospective timeline.

Thank you for your consideration.



Prospective Refunding of Series 2014A and Series 2014C Bonds



Financial Advisor to UNM

University of New Mexico
Potential Advance Refunding (Refinancing)
of Series 2014A and 2014C Bond Issues

Callable maturities of Series 2014A and Series 2014C have a 4.97% average interest rate

Call date on Series 2014A - June 1, 2023

Call date on Series 2014C - June 1, 2024

Opportunity to realize significant annual debt service savings from refunding at present time

Refunding issue that closes more than 90 days prior to call date is "advance" refunding

- Tax reform act of 2017 requires advance refundings to be done at taxable interest rates

University of New Mexico
Summary of Bonds to Potentially be Refunded

Subordinate Lien System Refunding Revenue Bonds, Series 2014A

Maturity Date	Par Amount	Interest Rate	Refunded Amount	Call Date *
6/1/2021	\$ -		\$ -	
6/1/2022	-		-	
6/1/2023	-		-	
6/1/2024	45,000	4.000%	45,000	6/1/2023
6/1/2025	335,000	5.000%	335,000	6/1/2023
6/1/2026	350,000	5.000%	350,000	6/1/2023
6/1/2027	370,000	5.000%	370,000	6/1/2023
6/1/2028	390,000	5.000%	390,000	6/1/2023
6/1/2029	405,000	5.000%	405,000	6/1/2023
6/1/2030	430,000	3.000%	430,000	6/1/2023
6/1/2031	440,000	3.130%	440,000	6/1/2023
6/1/2032	455,000	5.000%	455,000	6/1/2023
6/1/2033	475,000	5.000%	475,000	6/1/2023
	\$ 3,695,000		\$ 3,695,000	

* Refunding sooner than March 2023 would have to be **on a taxable basis**.

University of New Mexico
Summary of Bonds to Potentially be Refunded

Subordinate Lien System Refunding Revenue Bonds, Series 2014C

Maturity Date	Par Amount	Interest Rate	Refunded Amount	Call Date *
6/1/2021	\$ 5,210,000	5.000%	\$ -	
6/1/2022	6,140,000	5.000%	-	
6/1/2023	6,770,000	5.000%	-	
6/1/2024	5,230,000	5.000%	-	
6/1/2025	5,500,000	5.000%	5,500,000	6/1/2024
6/1/2026	3,965,000	5.000%	3,965,000	6/1/2024
6/1/2027	5,580,000	5.000%	5,580,000	6/1/2024
6/1/2028	5,855,000	5.000%	5,855,000	6/1/2024
6/1/2029	6,140,000	5.000%	6,140,000	6/1/2024
6/1/2030	6,185,000	5.000%	6,185,000	6/1/2024
6/1/2031	4,570,000	5.000%	4,570,000	6/1/2024
6/1/2032	4,795,000	5.000%	4,795,000	6/1/2024
6/1/2033	5,225,000	5.000%	5,225,000	6/1/2024
6/1/2034	6,235,000	5.000%	6,235,000	6/1/2024
6/1/2035	6,545,000	5.000%	6,545,000	6/1/2024
	\$ 83,945,000		\$ 60,595,000	

* Refunding sooner than March 2024 would have to be **on a taxable basis**.

University of New Mexico
Refund Series 2014A and Series 2014C
Preliminary/Subject to Change

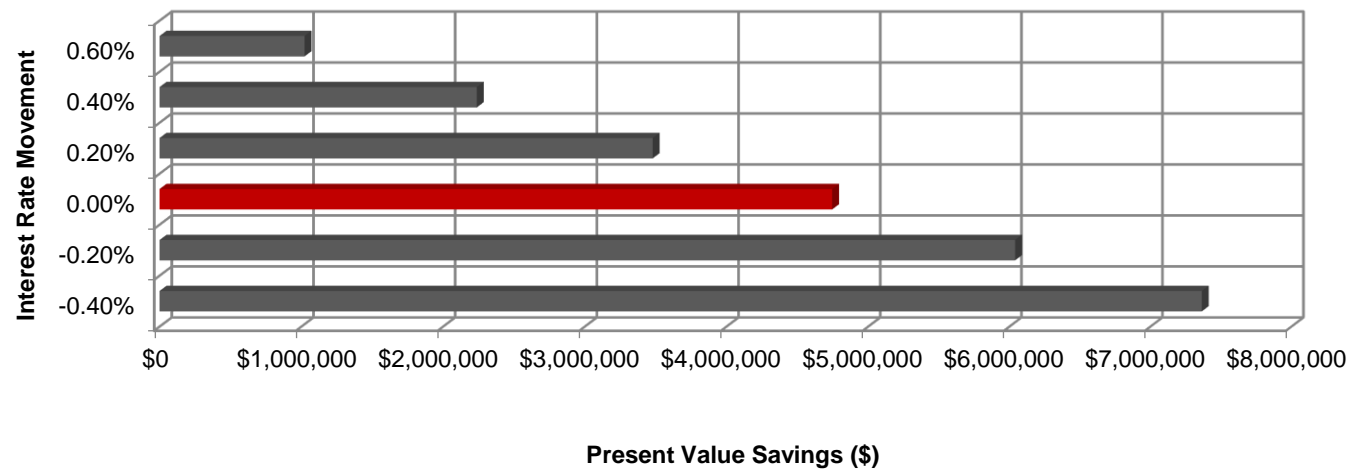
Year	Refunded Debt Service	Unrefunded Debt Service	New Refunding Debt Service	Savings
2021	\$ 9,574,700	\$ 6,377,500	\$ 3,190,445	\$ 6,755
2022	10,244,200	7,047,000	2,801,416	395,785
2023	10,567,200	7,370,000	2,802,056	395,145
2024	8,733,700	5,491,500	2,845,456	396,745
2025	9,030,400	-	8,635,406	394,995
2026	7,218,650	-	6,819,996	398,655
2027	8,637,900	-	8,245,273	392,627
2028	8,635,400	-	8,236,949	398,451
2029	8,623,150	-	8,225,581	397,569
2030	8,365,900	-	7,969,894	396,006
2031	6,438,750	-	6,044,264	394,486
2032	6,436,500	-	6,043,230	393,270
2033	6,624,000	-	6,224,430	399,570
2034	6,874,000	-	6,501,250	372,750
2035	6,872,250	-	6,497,915	374,336
	<u>\$ 122,876,700</u>	<u>\$ 26,286,000</u>	<u>\$ 91,083,558</u>	<u>\$ 5,507,142</u>

Maturities	2024-2035
Refunded Principal	\$ 64,290,000
Average Coupon of Refunded Bonds	4.97%
True Interest Cost (TIC) on Refunding Bonds	2.09%
Net Present Value Savings	\$ 4,746,697

Percentage Savings of Refunded Bonds = 7.38%

SAVINGS SENSITIVITY
University of New Mexico
Refund Series 2014A and Series 2014C
Preliminary / Subject to Change

Interest Rate Change	-0.40%	-0.20%	0.00%	0.20%	0.40%	0.60%
PV Savings (\$)	7,365,419	6,041,346	4,746,697	3,480,058	2,238,727	1,022,842
PV Savings (%)	11.457%	9.397%	7.383%	5.413%	3.482%	1.591%



University of New Mexico
Prospective Timetable

Facilities and Finance Committee meeting	Dec 1, 2020
Regent approval	Dec 9, 2020
HED meeting	Dec 9, 2020
SBOF meeting	Jan 19, 2021
Sale	January 26-28, 2021 or after

Recommended minimum savings parameter - 3% present value savings

RESOLUTION

of

THE REGENTS OF THE UNIVERSITY OF NEW MEXICO

Authorizing the Issuance of its:

Not to Exceed \$80,000,000
Subordinate Lien System Refunding Revenue Bonds
Series 2021

Dated December 9, 2020

TABLE OF CONTENTS

	Page
<u>ARTICLE I - DEFINITIONS</u>	2
<u>ARTICLE II - AUTHORIZATION, RATIFICATION AND FINDINGS</u>	13
<u>Section 2.01 Ratification</u>	14
<u>Section 2.02 Findings</u>	14
<u>Section 2.03 Delegation to Delegate</u>	14
<u>ARTICLE III - THE SERIES 2021 BONDS</u>	15
<u>Section 3.01 Bond Details</u>	15
<u>Section 3.02 Prior Redemption</u>	17
<u>Section 3.03 Redemption Notice</u>	19
<u>Section 3.04 Negotiability</u>	21
<u>Section 3.05 Registration, Transfer and Exchange of Bonds</u>	21
<u>Section 3.06 Custodial Deposit</u>	22
<u>Section 3.07 Execution of Bonds</u>	23
<u>Section 3.08 Use of Predecessors Signature</u>	24
<u>Section 3.09 Bond Execution</u>	24
<u>Section 3.10 Registration</u>	24
<u>Section 3.11 Bond Delivery</u>	24
<u>Section 3.12 Bond Form</u>	24
<u>Section 3.13 Special Limited Obligations</u>	24
<u>ARTICLE IV - APPROVAL OF RELATED DOCUMENTS AND SALE OF BONDS</u>	25
<u>Section 4.01 Approval of Documents; Use of Disclosure Documents</u>	25
<u>Section 4.02 Authorization of Sale of Bonds</u>	26
<u>ARTICLE V - ADMINISTRATION AND ACCOUNTING OF REVENUES</u>	26
<u>Section 5.01 Funds and Accounts</u>	26
<u>Section 5.02 Use of Funds and Deposits into Funds and Accounts on Delivery of Bonds</u>	28
<u>Section 5.03 Flow of Pledged Revenues</u>	28
<u>Section 5.04 Rebate Fund</u>	33
<u>Section 5.05 General Administration of Funds</u>	33
<u>ARTICLE VI - LIENS ON PLEDGED REVENUES AND ADDITIONAL OBLIGATIONS</u>	34
<u>Section 6.01 Lien on Pledged Revenues; Equality of Bonds</u>	34
<u>Section 6.03 Refunding Bonds</u>	37
<u>ARTICLE VII - PROTECTIVE COVENANTS</u>	38
<u>Section 7.01 Resolution to Constitute Contract</u>	38
<u>Section 7.02 Use of Series 2021 Bond Proceeds</u>	39
<u>Section 7.03 Operation and Repair of System; Disposition of Facilities</u>	39
<u>Section 7.04 Rates and Charges</u>	39
<u>Section 7.05 Insurance</u>	40
<u>Section 7.06 Books and Records</u>	40
<u>Section 7.07 Additional Liens</u>	40
<u>Section 7.08 Fiduciary Charges</u>	41
<u>Section 7.09 Debt Service Grants</u>	41
<u>Section 7.10 Undertaking to Provide Ongoing Disclosure</u>	42
<u>ARTICLE VIII - DEFAULTS, RIGHTS AND REMEDIES</u>	42
<u>Section 8.01 Events of Default</u>	42
<u>Section 8.02 Rights and Remedies of Bondowners</u>	42
<u>ARTICLE IX - DEFEASANCE</u>	43
<u>ARTICLE X - AMENDMENT OF RESOLUTION</u>	43
<u>Section 10.01 Limitations upon Amendments</u>	43
<u>Section 10.02 Notice of Amendment</u>	44
<u>Section 10.03 Proof of Instruments</u>	44
<u>ARTICLE XI - MISCELLANEOUS</u>	45
<u>Section 11.01 Delegated Powers</u>	45
<u>Section 11.02 Call for Redemption</u>	45
<u>Section 11.03 Bond Resolution Irrepealable</u>	45
<u>Section 11.04 Approval of State Board of Finance</u>	45
<u>Section 11.05 Finding of Regularity</u>	45

TABLE OF CONTENTS
(continued)

	Page
<u>Section 11.06</u> <u>Severability</u>	45
<u>Section 11.07</u> <u>Repealer Clause</u>	45
<u>Section 11.08</u> <u>Ratification</u>	46
<u>Section 11.09</u> <u>Governing Law</u>	46
<u>Section 11.10</u> <u>Notice of Adoption of Resolution Authorizing the Issuance of Public Securities</u> <u>for Publication and Limitation of Actions</u>	46
<u>Section 11.11</u> <u>Third Party Beneficiary; Notices</u>	47
<u>Section 11.12</u> <u>Effective Date</u>	48

CERTIFICATE AS TO RESOLUTION

I, the duly qualified and acting Secretary and Treasurer of The Regents of the University of New Mexico, hereby certify that attached hereto is a true and correct copy of a resolution duly adopted by The Regents of the University of New Mexico at a regular meeting thereof held on December 9, 2020, notice of which was duly given and at which a quorum was present and acting throughout. I hereby certify that due and proper notice of the meeting has been given as required by Sections 10-15-1 through 10-15-4, NMSA 1978, as amended and as required by the regulations of the Regents.

I further certify that I caused to be published in the *Albuquerque Journal* the Notice of Resolution Authorizing Issuance of Public Securities as evidenced, by an affidavit of publication thereof attached hereto as Exhibit B.

WITNESS my hand and seal this 9th day of December, 2020.

[SEAL]

THE REGENTS OF THE UNIVERSITY
OF NEW MEXICO

By

Sandra K. Begay, Secretary and Treasurer

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.
CITY OF ALBUQUERQUE)

The Regents of the University of New Mexico convened virtually via Zoom on December 9, 2020 at 9:00 a.m.

There were present:

Those absent:

The members present constituting a quorum, the Regents transacted the following business:

Regent _____ moved that the bond resolution be adopted and Regent _____ seconded the motion.

The motion to adopt the bond resolution prevailed upon the following vote:

AYES: —

NAYS: —

The bond resolution as adopted is as follows:

**THE REGENTS OF THE UNIVERSITY OF NEW MEXICO
RESOLUTION**

AUTHORIZING THE ISSUANCE AND SALE OF THE REGENTS OF THE UNIVERSITY OF NEW MEXICO SUBORDINATE LIEN SYSTEM REFUNDING REVENUE BONDS, SERIES 2021 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$80,000,000, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING CERTAIN MATURITIES OF THE REGENTS OF THE UNIVERSITY OF NEW MEXICO, SUBORDINATE LIEN SYSTEM REFUNDING REVENUE BONDS, SERIES 2014A AND THE REGENTS OF THE UNIVERSITY OF NEW MEXICO, SUBORDINATE LIEN SYSTEM REFUNDING REVENUE BONDS, SERIES 2014C, ACQUIRING A RESERVE FUND INSURANCE POLICY TO FUND, OR OTHERWISE FUNDING, A RESERVE FUND FOR SUCH 2021 BONDS, AND PAYING THE COSTS OF ISSUANCE ASSOCIATED THEREWITH; PROVIDING FOR THE PLEDGE OF CERTAIN REVENUES FOR THE PAYMENT OF THE SERIES 2021 BONDS; PROVIDING FOR ENTERING INTO CERTAIN CONTRACTS AND AGREEMENTS IN CONNECTION THEREWITH; DELEGATING AUTHORITY TO THE DELEGATE TO EXECUTE AND DELIVER A PURCHASE CONTRACT FOR THE SALE OF THE BONDS TO THE UNDERWRITER AND TO EXECUTE THE PRICING CERTIFICATE PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PRESCRIBING OTHER DETAILS CONCERNING SUCH BONDS AND THE BOND PROCEEDS; PROVIDING FOR THE APPROVAL AND EXECUTION OF CERTAIN DOCUMENTS OTHERWISE RELATING TO THE FOREGOING; AND PROVIDING FOR THE PUBLICATION OF NOTICE OF ADOPTION OF THIS RESOLUTION.

WHEREAS, the capitalized terms used in the following preambles are defined in Section 1.01 of this Bond Resolution, unless the context requires otherwise; and

WHEREAS, the University of New Mexico, at Albuquerque, New Mexico (the "University"), is declared to be and is confirmed as a state educational institution by Section 11 of Article XII of the Constitution of the State of New Mexico (the "State"), as amended; and

WHEREAS, the Regents of the University of New Mexico (the "Regents") are a body corporate in which is vested the management and control of the University; and

WHEREAS, the Regents are authorized, pursuant to the Act, and desire to issue the Bonds for the purpose of undertaking the Refunding Project, such Bonds to be payable from the Pledged Revenues; and

WHEREAS, the Regents have sold and delivered the 1992A Bonds, being the only outstanding Superior Lien Parity Bonds; and

WHEREAS, the Regents have sold and delivered the following Subordinate Lien Parity Bonds: the 2001 Bonds, the 2002B Bonds, the 2002C Bonds, the 2014A Bonds, the 2014B Bonds, the 2014C Bonds, the 2016A Bonds, the 2016B Bonds, the 2017 Bonds, and the 2019 Bonds; and

WHEREAS, except for the 1992A Bonds, the 2001 Bonds, the 2002B Bonds, the 2002C Bonds, the 2014A Bonds, the 2014B Bonds, the 2014C Bonds, the 2016A Bonds, the 2016B Bonds, the 2017 Bonds, the 2019 Bonds and other obligations relating to those bonds, the Pledged Revenues are not pledged on a senior or subordinate basis to the payment of any bonds or other obligations which are presently outstanding and unpaid except as may otherwise be permitted hereby and except for lease-purchase obligations which are subject to annual appropriation by the Regents and other lease obligations which have a subordinate claim upon the Pledged Revenues relative to the Superior Lien Parity Bonds and the Subordinate Lien Parity Bonds; and

WHEREAS, the Regents have determined to finance the following with the proceeds of the 2021 Bonds and other legally available funds: (a) the defeasance and refunding all or a portion of the 2014A Bonds maturing on and after June 1, 2024 and the 2014C Bonds maturing on and after June 1, 2025 (b) the acquisition of a reserve fund insurance policy to fund or otherwise funding a debt service reserve fund for the 2021 Bonds; and (c) the funding of the costs of issuance associated therewith (collectively, the "Refunding Project") as described on Exhibit C; and

WHEREAS, the Bonds will be issued as fixed rate bonds; and

WHEREAS, the Regents hereby determine that issuance of the Bonds for the purpose of funding the Refunding Project is necessary and desirable and to the advantage of the University, and further that the Pledged Revenues may lawfully be pledged to secure the payment of the Bonds and that it is economically feasible to defray the cost of the Refunding Project by the issuance of the Bonds and that it is necessary that the Bonds be issued in order to finance the Refunding Project; and

WHEREAS, the Regents have determined and hereby determine that the requirements established by the prior resolutions of the Regents for the issuance of the Bonds as Subordinate Lien Parity Bonds have been or will be satisfied prior to the issuance of the Bonds and that it is in the best interest of the University that the Bonds be issued as Subordinate Lien Parity Bonds; and

WHEREAS, the Regents expect the Purchaser to offer to purchase the Bonds pursuant to the Purchase Contract upon the terms and conditions set forth therein and herein, the final terms of which will be established by the Delegate in the Pricing Certificate pursuant to Section 6-14-10.2 NMSA 1978, all within the parameters set forth in this Resolution; and

WHEREAS, all required authorizations, consents or approvals of any state or city, governmental body, agency or authority in connection with the authorization, execution and issuance of the Bonds which are required to be obtained by the date of issuance of the Bonds, will be obtained prior to the date of issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE REGENTS OF THE UNIVERSITY OF NEW MEXICO, AS FOLLOWS:

ARTICLE I

DEFINITIONS

As used herein the following terms shall have the following meanings unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

"Accreted Value" means, with respect to Capital Appreciation Bonds, if any, the amount (per \$5,000 Maturity Amount) to be set forth in the Pricing Certificate as of each June 1 or December 1, which is compounded on a semiannual basis. The Accreted Value with respect to any date other than each June 1 or December 1 shall be the amount to be set forth in the Pricing Certificate with respect to the last preceding June 1 or December 1, as the case may be, plus the portion of the difference between such amount and the amount to be set forth in the Pricing Certificate with respect to the next June 1 or December 1, as the case may be, that the number of days (based on a 360-day year of twelve 30-day months) from such last preceding June 1 or December 1, as the case may be, to the date for which such determination is being calculated bears to the total number of days (based on a 360-day year of twelve 30-day months) from such last preceding June 1 or December 1, as the case may be, to the next succeeding June 1 or December 1, as the case may be.

"Act" means the general laws of the State, including Sections 6-17-1 through 6-17-19 NMSA 1978, as amended, and 6-14-1 through 6-14-12 NMSA 1978, as amended, and the enactments of the Regents relating to the issuance of the Bonds, including the Bond Resolution and the Pricing Certificate.

"Authorized Denominations" means \$5,000 principal amount (\$5,000 Maturity Amount with respect to the Capital Appreciation Bonds) and any integral multiple thereof.

"Authorized Officer" means the President and Vice President of the Regents and the following officers of the University: President, Senior Vice President for Finance and Administration or any other officer of the University when designated by a certificate signed by the President of the Regents from time to time, a certified copy of which shall be delivered to the Paying Agent and the Registrar.

"Bond" or *"Bonds"* or *"2021 Bonds"* or *"Series 2021 Bonds"* means the bonds authorized herein and designated as "The Regents of the University of New Mexico Subordinate Lien System Refunding Revenue Bonds, Series 2021".

"Bond Counsel" means an attorney at law or a firm of attorneys, designated by the Regents, experienced in matters pertaining to the issuance of, and the tax-exempt nature of interest on, bonds issued by states and their political subdivisions.

"Bond Register" means the books maintained by the Registrar for the registration, transfer and exchange of the Bonds.

"Bond Resolution" means this resolution, as amended or supplemented from time to time by the Pricing Certificate or otherwise, but only as may be permitted by this resolution.

"Bond Value" means, as of any date of calculation, a Bond's outstanding principal amount (or its Accreted Value, with respect to Capital Appreciation Bonds).

"1992A Bonds" means the bonds designated as "The Regents of the University of New Mexico, System Revenue Refunding Bonds, Series 1992A" issued in the original principal amount of \$36,790,000.

"*2001 Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Improvement Revenue Bonds, Series 2001" issued in the original principal amount of \$52,625,000.

"*2002B Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Series 2002B" issued in the original principal amount of \$25,475,000.

"*2002C Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Revenue Bonds, Series 2002C" issued in the original principal amount of \$37,840,000.

"*2014A Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Series 2014A" issued in the original principal amount of \$10,980,000.

"*2014B Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Taxable Series 2014B" issued in the original principal amount of \$3,710,000.

"*2014C Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Series 2014C" issued in the original principal amount of \$100,085,000.

"*2016A Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Refunding and Improvement Revenue Bonds, Series 2016A" issued in the original principal amount of \$16,290,000.

"*2016B Bonds*" means the bonds designated as "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Taxable Series 2016B" issued in the original principal amount of \$8,215,000.

"*2017 Bonds*" means the bonds designated as "The Regents of the University of New Mexico Subordinate Lien System Improvement Revenue Bonds, Series 2017" issued in the original principal amount of \$40,900,000.

"*2019 Bonds*" means the bonds designated as "The Regents of the University of New Mexico Taxable Subordinate Lien System Refunding Revenue Bonds, Series 2019" issued in the original principal amount of \$24,150,000.

"*Business Day*" means any day other than (a) a Saturday or Sunday, (b) any day on which the following offices are authorized or required to remain closed: offices of the University and offices of banks located in the cities in which the principal offices of the Fiscal Agent are located or (c) a day on which the New York Stock Exchange is closed.

"*Capital Appreciation Bonds*" means any Series 2021 Bonds designated as Capital Appreciation Bonds in the Pricing Certificate and maturing on the dates to be set forth in the Pricing Certificate.

"*Closing Date*" means the date of the original issuance and delivery to the Purchaser or their designee of the Series 2021 Bonds.

"*Code*" means the Internal Revenue Code of 1986, as amended.

"*Continuing Disclosure Undertaking*" means the written undertaking for the benefit of the registered owners of the Bonds required by Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (17 CFR Part 240, § 240.15c2-12) to provide continuing disclosure.

"*Counsel*" means an attorney or a firm of attorneys admitted to practice law in the highest court of any state in the United States of America or in the District of Columbia.

"*Debt Service*" means for any particular Fiscal Year and for all series of Subordinate Lien Parity Bonds, an amount equal to the sum of (a) all interest payable during such Fiscal Year on all Outstanding Subordinate Lien Parity Bonds, plus (b) the principal installment or installments of Outstanding Subordinate Lien Parity Bonds falling due during such Fiscal Year, calculated on the assumption that Outstanding Subordinate Lien Parity Bonds on the day of calculation cease to be outstanding by reason of payment either upon maturity or by application of any scheduled sinking fund installments as provided for in resolutions now or hereafter adopted authorizing the issuance of Subordinate Lien Parity Bonds, plus (c) any net periodic payments on a notional amount required to be made by the Regents pursuant to a Qualified Exchange Agreement minus (d) any net periodic payments on a notional amount to be received by the Regents pursuant to a Qualified Exchange Agreement.

"*Debt Service Grants*" means, collectively, the aggregate of the payments received or to be received by the Regents, whether as grants or otherwise, pursuant to presently outstanding agreements of the Regents with the United States of America, or any of its agencies, within the meaning of the provisions of Section 6-17-14 NMSA 1978, as amended, which have been specifically pledged or dedicated to specific prior Superior Lien Parity Bonds or other bonds, and only if in compliance with the covenant of Section 7.09 hereof, pursuant to such agreements hereafter entered into by the Regents.

"*Delegate*" means the President of the University or the Senior Vice President for Finance and Administration or such other Authorized Officer of the University delegated the authority to approve the final terms of the bonds.

"*Depository*" means any of the following registered securities depositories: (a) The Depository Trust Company, 55 Water Street, New York, New York 10041; and (b) Philadelphia Depository Trust Company, Inc., 1900 Market Street, Philadelphia, Pennsylvania 19103, Attn: Bond Department, Fax (215) 496-5058; or, in accordance with then-current guidelines of the Securities and Exchange Commission, such other address and/or such other securities depositories as an Authorized Officer of the University may designate.

"*Eligible Investments*" means (a) Permitted Investments, (b) any money market fund whose investments are restricted to Permitted Investments, and (c) to the extent to which they are at the time legal investments for the University, any of the following:

- (a) Obligations of any of the following federal agencies which obligations represent the full faith and credit of the United States of America, including (i) Export-Import Bank, (ii) Farm Credit System Financial Assistance Corporation, (iii) Farmers

Home Administration, (iv) General Services Administration, (v) United States Maritime Administration, (vi) Small Business Administration, (vii) Government National Mortgage Association (GNMA), (viii) United States Department of Housing and Urban Development (PHAs) and (ix) Federal Housing Administration;

(b) (i) Senior debt obligations rated "AAA" by S&P and "Aaa" by Moody's issued by (A) the Federal National Mortgage Association or (B) the Federal Home Loan Mortgage Corporation, or (ii) senior debt obligations of other government sponsored agencies approved by S&P and Moody's;

(c) United States dollar denominated deposit accounts, federal funds and bankers acceptances with domestic commercial banks which have a rating on their short-term certificates of deposit on the date of purchase of "A-1" or "A-1+" by S&P and "P-1" by Moody's and maturing no more than 360 days after the date of purchase (ratings on holding companies are not to be considered as the rating of the bank);

(d) Commercial paper which is rated at the time of purchase in the single highest classification, "A-1+" by S&P and "P-1" by Moody's and which matures not more than 270 days after the date of purchase;

(e) Investments in a money market fund rated "AAAm" or "AAAm-G" or better by Moody's or S&P;

(f) Pre-refunded Municipal Obligations defined as follows: Any bonds or other obligations of any state of the United States of America or of any agency, instrumentality or local government unit of any such state which are not callable at the option of the obligor prior to maturity or as to which irrevocable instructions have been given by the obligor to call on the date specified in the notice; and

(i) which are rated, based on an irrevocable escrow account or fund (the "escrow"), in the highest rating category of S&P and Moody's or any successors thereto; or

(ii) (A) which are fully secured as to principal and interest and redemption premium, if any, by an escrow consisting only of cash or direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, which escrow may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate, and (B) which escrow is sufficient, as verified by a nationally recognized independent certified public accountant, to pay principal of and interest and redemption premium, if any, on the bonds or other obligations described in this paragraph on the maturity date or dates specified in the irrevocable instructions referred to above, as appropriate;

(g) Investment agreements (supported by appropriate opinions of counsel) with notice to S&P and Moody's; and

(h) Other forms of investments (including repurchase agreements) with notice to S&P and Moody's.

The value of the above investments, which shall be determined as of the end of each month, shall be calculated as follows:

(a) As to investments the bid and asked prices of which are published on a regular basis in The Wall Street Journal (or, if not there, then in The New York Times), the average of the bid and asked prices for such investments so published on or most recently prior to such time of determination;

(b) As to investments the bid and asked prices of which are not published on a regular basis in The Wall Street Journal or The New York Times, the average bid price at such time of determination for such investments by any two nationally recognized government securities dealers (selected by the Regents in its absolute discretion) at the time making a market in such investments or the bid price published by a nationally recognized pricing service;

(c) As to certificates of deposit and bankers acceptances, the face amount thereof, plus accrued interest; and

(d) As to any investment not specified above, the value thereof established by prior agreement among the Regents, the Paying Agent, S&P and Moody's.

"EMMA" means the Municipal Securities Rulemaking Board's Electronic Municipal Market Access system located on its website at emma.msrb.org.

"Escrow Agent" means BOKF, NA serving as escrow agent pursuant to the Escrow Agreement.

"Escrow Agreement" means the escrow agreement between the Regents and the Escrow Agent for defeasance of the Refunded 2012 Bonds.

"2021 Escrow Fund" or "Escrow Fund" means the Series 2021 Escrow Fund created herein for the refunding of the Refunded Bonds.

"Expenses" means the reasonable and necessary fees, costs and expenses incurred by the University or the Regents in connection with the issuance of the Bonds and the execution and delivery of the Related Documents, including, without limitation, costs of advertising and publication of the Bond Resolution, cost of printing bonds and any disclosure documents, legal fees and expenses, fees and expenses of the Fiscal Agent, Escrow Agent, the Purchaser (including underwriters discount), any premium payable to a provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond, fees and expenses of any certified public accountant or firm of certified public accountants incurred in connection with the issuance of, and disclosure matters pertaining or allocable to, the Bonds and the Refunding Project and all reasonable fees and administrative costs of the Regents or the University relating to the foregoing.

"Favorable Opinion of Bond Counsel" means an opinion or opinions of Bond Counsel, addressed to the Regents and any other party required by the Bond Resolution or a Related Document to the effect that the action proposed to be taken is authorized or permitted by the laws of the State, the Bond Resolution and applicable Related Document and will not adversely affect any exclusion from gross income for federal income tax purposes of interest on the Series 2021 Bonds, any exemption for the Series 2021 Bonds from federal or state securities laws or any

protection afforded to the Series 2021 Bond owners by applicable federal bankruptcy laws, as the case may be.

"*Federal Securities*" means direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by the United States of America.

"*Fiscal Agent*" means, BOKF, NA serving as the Paying Agent/Registrar, or such other financial institution which shall be an Insured Bank.

"*Fiscal Year*" means the twelve-month period used by the University for its general accounting purposes as the same may be changed from time to time, presently being a period beginning on July 1 of each year and ending on June 30 of the next succeeding year.

"*Income from the Permanent Fund*," "*Income from the Other Lands Fund*" and "*Income from the Land Fund*" shall mean, respectively, the gross income from the Permanent Fund of the University, the gross income of the University derived from the lease or rentals of its lands or its other property, and the gross income of the University derived from the lease or rental of such of the lands or other property, if any, held by the State for the benefit of the University which remain unsold, as established and provided for by Article XII of the New Mexico Constitution, which income may be pledged to the payment of the obligations of the Regents pursuant to Section 6-17-14 NMSA 1978, as amended.

"*Insured Bank*" means a bank or savings and loan association whose deposits are insured by an agency of the United States of America and having a capital and surplus of not less than \$10,000,000 at the time of such appointment.

"*Interest Payment Date*" means each June 1 and December 1 or, if any June 1 or December 1 is not a Business Day, the next succeeding Business Day or such other day designated in the Pricing Certificate.

"*Issuance Expense Fund*" means the fund created in this Bond Resolution for the deposit of a portion of the proceeds of the 2021 Bonds to pay Expenses associated with the issuance of the 2021 Bonds.

"*Letter of Representations*" means the Blanket Issuer Letter of Representations provided to the Depository Trust Company and dated April 24, 1996.

"*Maturity Amount*" means the maximum amount payable, to a registered owner of a Capital Appreciation Bond to be set forth in the Pricing Certificate.

"*Moody's*" means Moody's Investors Service, and, if such corporation is dissolved or liquidated or no longer performs the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the University.

"*NMSA 1978*" means the compilation of the laws of the State known as New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented from time to time.

"*Officer's Certificate*" means a certificate executed by an Authorized Officer.

"*Official Statement*" means a Preliminary Official Statement and a final Official Statement relating to the sale of the Bonds (including the cover page and all summary statements,

appendices and other materials included or incorporated by reference or attached thereto), as amended or supplemented, or any other preliminary or final official statement of the University or prospectus used with respect to the Bonds.

"Operating and Maintenance Expenses" means the reasonable operating and maintenance expenses of the System which shall be deemed to include all costs of heating and lighting the buildings, improvements and facilities comprising the System, insurance, the cost of services of employees operating and maintaining the buildings, improvements or facilities comprising the System, the cost of food, repairs, costs of reasonable replacements of equipment, and any other incidental costs not herein specifically enumerated, but which are reasonably necessary to operate and maintain the buildings, facilities, improvements and equipment comprising the System.

"Outstanding" or *"outstanding"* when used in reference to bonds means, on any particular date, the aggregate of all bonds delivered under the applicable resolution authorizing the issuance of such bonds including, without limiting the generality of the foregoing, the Series 2021 Bonds issued hereunder, excepting:

(a) those paid but not yet cancelled, those cancelled at or prior to such date or those delivered or acquired by the Regents at or prior to such date for cancellation;

(b) those otherwise deemed to be paid in accordance with Article IX hereof or similar section of any resolution of the Regents authorizing the issuance of the applicable bonds;

(c) those in lieu of or in exchange or substitution for which other bonds shall have been delivered, unless proof satisfactory to the Regents and the paying agent for the applicable bonds is presented that any bond for which a new bond was issued or exchanged is held by a bona fide holder or in due course; and

(d) those which have been refunded in accordance with Section 6.03 hereof or similar section of any resolution of the Regents authorizing the issuance of the applicable bonds.

"Overdue Bond" means a Capital Appreciation Bond on which the entire Accreted Value or Maturity Amount, as applicable, shall not have been punctually paid or duly provided for when and as due and payable.

"Owner" means the registered owner of any Bond as shown on the Bond Register.

"Paying Agent Agreement" or *"Series 2021 Paying Agent Agreement"* means the Paying Agent and Fiscal Agent Agreement relating to the Bonds by and between the Regents and the Fiscal Agent, as amended from time to time.

"Paying Agent/Registrar" means BOKF, NA or such other commercial bank or financial institution designated in the Pricing Certificate to serve as paying agent and registrar hereunder, or any successor thereto, as agent of the Regents, for the payment, registration, transfer and exchange of the Bonds, which shall be an Insured Bank.

"Permitted Investments" means direct obligations of the United States of America, or any of its agencies, or obligations fully guaranteed by the United States of America.

"*Person*" means any individual, corporation, partnership (in which case each general partner shall be deemed a Person), joint venture, association, joint-stock company, trust, unincorporated organization, government or any agency or political subdivision of a government.

"*Pledged Revenues*" means:

(a) The gross income and revenues of whatever nature derived from the operation or ownership of the System (except as otherwise excluded under the definition of System).

(b) All gross proceeds of student tuition and fees of every nature collected from students at the University, except (i) the fee now known as "Student Activity Fee" and (ii) fees expressly imposed for the use or availability of buildings, structures or facilities excluded from the System under the definition thereof.

(c) The gross amounts received by the University from the Income from the Permanent Fund, the Income from the Other Lands Fund and the Income from the Land Fund.

(d) With respect to any Superior Lien Parity Bonds to which applicable, the proceeds of Debt Service Grants and the proceeds of any interest subsidy paid for or on account of the Regents or the University by any governmental body or agency.

(e) All other income or revenues received by the University from proprietary activities carried on by the University, but excluding: (i) revenues arising from the operation, ownership or leasing of the University of New Mexico Hospital, other than payments made by the University of New Mexico Hospital, or successor thereto, to the University or the Regents for the use of the ambulatory care center previously financed with the proceeds of bonds issued by the Regents in 1989, (ii) the proceeds of ad valorem taxes, (iii) the proceeds of any University contracts and grants, whether from or with public, private or governmental sources, which are restricted as to use, and (iv) State appropriations. If the pledge of any one or more sources of other income or revenue to the payment of the Bonds shall ever be held by final decision of a court of competent jurisdiction to make the Bonds invalid because of constitutional restrictions on State indebtedness, the income or revenue derived from such other source or sources shall no longer be subject to the pledge herein contained; and provided further, that there shall not be included in the other income or revenue which is the subject of this paragraph any income or revenue excluded under the provisions of paragraphs (a) or (b) of this definition.

"*Pledged Revenues Fund*" means "The Regents of the University of New Mexico System Pledged Revenues Fund" which is contained in Section 5.01 hereof.

"*Pricing Certificate*" means one or more certificates executed by the Delegate dated on or before the date of delivery of the Bonds, setting forth the following final terms of the Bonds including, but not limited to: (i) the interest and principal payment dates; (ii) the principal amount, denominations and maturity amortization of the Bonds, including the series designations; (iii) the sale price; (iv) the Purchaser; (v) the interest rate or rates; (vi) the interest payment periods; (vii) the redemption and tender provisions; (viii) the creation of any capitalized interest fund, including the size and funding of such fund(s); (ix) the amount of Underwriter's discount; (x) the acquisition of and terms related to a bond insurance policy and/or Subordinate Lien Parity

Bonds Reserve Fund Surety Bond, if any, (xi) the maturities of the Series 2014A Bonds and Series 2014C Bonds to be refunded pursuant to the Refunding Project, (xii) the federal tax status of the Bonds, and (xiii) the final terms of Related Documents and agreements, if any, with agents or service providers required for the purchase, sale, issuance and delivery of the Bonds, all subject to the parameters and conditions contained in this Resolution.

"*Principal Office*" means the address for the Regents, the Fiscal Agent and any other party to a Related Document as stated in the Bond Resolution or a Related Document.

"*Purchase Contract*" means the purchase contract or contracts among the Regents and the Purchaser relating to the purchase and sale of the Bonds.

"*Purchaser*" means the purchaser of the Bonds to be designated by the Delegate in the Pricing Certificate.

"*Qualified Counterparty*" or "*Qualified Swap Provider*" means any Person entering into a Qualified Exchange Agreement with the Regents which, at the time of the execution of the Qualified Exchange Agreement, is rated in one of the two highest rating categories by S&P or Moody's and meets all the requirements of the Public Securities Short-Term Rate Act, Sections 6-18-1 through 6-18-16 NMSA 1978, as amended, its successors and assigns, or any substitute Qualified Counterparty or Qualified Swap Provider, appointed or consented to from time to time by an Authorized Officer.

"*Qualified Exchange Agreement*" means any financial arrangement between the Regents and a Qualified Counterparty which satisfies the requirements of the Public Securities Short-Term Interest Rate Act, Sections 6-18-1 through 6-18-16 NMSA 1978, as amended, at the time the agreement is entered into.

"*Rating Agency*" means (a) Moody's and (b) S&P, the successor of either of them, or if either of them no longer exists and has no successor, then any other nationally recognized rating agency requested by the University to maintain a rating on any of the Bonds.

"*Rating Category*" means a generic securities rating category, without regard, unless otherwise stated with respect to any Rating Category in the Bond Resolution, in the case of a long-term rating category, to any refinement or gradation of such long-term rating category by a numerical modifier or otherwise.

"*Rebate Fund*" or "*Series 2021 Rebate Fund*" means the Series 2021 Rebate Fund established pursuant to Section 5.01 hereof to be established only if all or a portion of the Bonds are issued as tax-exempt under the Code.

"*Record Date*" means the fifteenth day immediately preceding an Interest Payment Date.

"*Redemption Account*" means each account of the Subordinate Lien Bond Service Fund for the deposit of money as set forth in Section 5.03 hereof to pay the optional redemption price of a series of Subordinate Lien Parity Bonds.

"*Redemption Price*" means the redemption price set forth herein of the Bonds payable to a Bondholder in connection with a redemption in whole or in part of the Bonds prior to the maturity date thereof expressed as a percentage of the Bond Value of such Bonds, and accrued interest, if any, to the date of redemption.

"*Refunded Bonds*" means those maturities of the 2014A Bonds maturing on and after June 1, 2024 and the 2014C Bonds maturing on and after June 1, 2025 designated by the Delegate in the Pricing Certificate.

"*Refunding Project*" or "*Project*" means (i) the University's advance refunding, refinancing, and defeasing of all of the Refunded Bonds on and until the earliest redemption date with respect to the Refunded Bonds, all as described in Exhibit C attached hereto.

"*The Regents of the University of New Mexico*," "*the Regents*," "*the Board of Regents*" and "*the Board*" mean the body corporate in which is vested the management and control of the University pursuant to Section 21-7-3 NMSA 1978 as amended.

"*Related Documents*" means, collectively, the Purchase Contract, the Escrow Agreement, the Continuing Disclosure Undertaking, the Paying Agent Agreement, and any and all other documents contemplated thereby or as required by the provider of the Subordinate Lien Parity Bonds Reserve Fund Surety Bond.

"*Renewal and Replacement Fund*" means "The Regents of the University of New Mexico System Renewal and Replacement Fund" continued by Section 5.01 hereof.

"*Reserve Requirement*" for (a) cash funded reserve accounts shall mean the average annual Debt Service on all Subordinate Lien Parity Bonds with cash funded reserve accounts as calculated from time to time or as to any particular issue of Subordinate Lien Parity Bonds, if less, the maximum amount of proceeds of such Subordinate Lien Parity Bonds permitted to be placed in a reserve fund by the Code or (b) for a reserve account funded with the purchase of a reserve fund surety bond, the least of the following with respect to the Subordinate Lien Parity Bonds for which the reserve fund surety is obtained (i) 10% of the proceeds (ii) the maximum annual debt service or (iii) 125% of the average annual debt service as permitted by the Code.

"*S&P*" means Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, and, if such entity no longer performs the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the University.

"*Special Record Date*" means a date established for payment of overdue interest on the Bonds by the Paying Agent pursuant to Section 3.01 hereof.

"*State*" means the State of New Mexico.

"*Subordinate Lien Parity Bond Service Fund*" means the fund created in Section 5.01(b) hereof for the payment of principal of and interest on the Bonds, as well as any accounts designated thereunder.

"*Subordinate Lien Parity Bonds*" means all bonds or other obligations, including the outstanding 2001 Bonds, the 2002B Bonds, the 2002C Bonds, the 2014A Bonds, the 2014B Bonds, the 2014C Bonds, the 2016A Bonds, the 2016B Bonds, the 2017 Bonds, the 2019 Bonds, the 2021 Bonds (when and if issued) and any payment obligation under a Qualified Exchange Agreement, now outstanding or hereafter payable from the Pledged Revenues secured by a lien on the Pledged Revenues subordinate to the lien thereon securing Superior Lien Parity Bonds.

"*Subordinate Lien Parity Bonds Reserve Fund*" means "The Regents of the University of New Mexico System Subordinate Lien Parity Bonds Reserve Fund" continued in Section 5.01 hereof.

"*Subordinate Lien Parity Bonds Reserve Fund Surety Bond*" means the policy or policies of insurance or surety bond or bonds issued to the Regents in an amount which is equal to the Reserve Requirement, the proceeds of which shall be used only to prevent deficiencies in the payment of the principal of or interest on Subordinate Lien Parity Bonds for which such policy was obtained resulting from insufficient amounts being on deposit in the Subordinate Lien Parity Bond Service Fund to make such payments of principal and interest as the same become due. Such policy or surety bond shall be written by the provider of the Subordinate Lien Parity Bonds Reserve Fund Surety Bond or by a similar entity experienced in insuring municipal bonds whose policies of insurance would not in and of itself adversely affect the rating on Subordinate Lien Parity Bonds by Moody's or by S&P in effect at the time such policy is initially deposited in or credited to the reserve account of the applicable Subordinate Lien Parity Bonds.

"*Superior Lien Parity Bond Service Fund*" means the Superior Lien Parity Bond Service Fund continued in Section 5.01 hereof.

"*Superior Lien Parity Bonds*" means the outstanding 1992A Bonds.

"*Superior Lien Parity Bonds Reserve Fund*" means "The Regents of the University of New Mexico, System Superior Lien Parity Bonds Reserve Fund" continued by Section 5.01 hereof.

"*System*" means all housing facilities (student, faculty and other) and all other buildings, structures, improvements and facilities located on any campus of the University from the use and availability of which income or revenue (including in the term "income or revenue" the proceeds of student tuition and fees) is produced, present and future, owned or operated by the Regents or the University, including, without limitation, dormitories, student unions, auditoriums, dining halls, book stores, stadiums, golf courses, swimming pools, hospitals or infirmaries, printing plants owned or operated by the University, classroom buildings, administrative buildings, research facilities and development buildings; provided, that as additional housing and other facilities are acquired by the University from time to time hereafter, and as existing facilities in the System are improved or extended, such additional, improved or extended facilities shall become part of the System; provided further, that the Regents retain the right to acquire, construct or operate any one or more such facilities hereafter and to provide by resolution that any such facility so acquired, constructed or operated shall not become a part of the System, and such facilities so excepted shall not become a part of the System and the income and revenues derived therefrom shall not be part of the Pledged Revenues; and provided further, that the University of New Mexico Hospital now or hereafter owned, operated or leased by the University shall not be considered a part of the System for any purposes of the Bond Resolution.

"*The University of New Mexico*" and "*University*" mean the state educational institution designated as the University of New Mexico at Albuquerque and so confirmed by Section 11 of Article XII of the New Mexico Constitution, as amended.

ARTICLE II

AUTHORIZATION, RATIFICATION AND FINDINGS

Section 2.01 Ratification. All action heretofore taken (not inconsistent with the provisions of the Bond Resolution) by the Regents and the officers of the University, directed toward the Refunding Project, the issuance and sale of the Bonds and the Related Documents is hereby ratified, approved and confirmed.

Section 2.02 Findings. The Regents declare that they have considered all relevant information and data in making its findings and hereby find and determine that:

(a) ***Findings Regarding the Bonds and the Refunding Project.***

(i) It is in the best interest of the University to undertake the Refunding Project. The Refunding Project is being undertaken to achieve debt service savings for the University.

(ii) The issuance of the Bonds to finance the Refunding Project is necessary and authorized under the Act. The issuance of the Bonds is hereby approved.

(iii) The sale price of the Bonds, including the underwriter's discount, to be set forth in the Purchase Contract and the Pricing Certificate, will be reasonable.

(iv) The projects financed with proceeds of the 2003A Bonds and the 2003B Bonds (the "2014A Prior Projects") which were refunded with the proceeds of the 2014A Bonds and the projects financed with the proceeds of the 2005 Bonds (the "2014C Prior Projects") which were refunded with the proceeds of the 2014C Bonds comprise parts of the System.

(b) ***Authorization.*** For the purpose of providing funds with which to finance the Refunding Project, and in anticipation of the collection of the Pledged Revenues, there shall be issued negotiable, fully registered revenue bonds, in one or more series, to be designated "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Series 2021" in an aggregate principal amount not to exceed \$80,000,000 to be payable and collectible solely from the Pledged Revenues. It is hereby found and determined that the Pledged Revenues are reasonably expected to produce sufficient moneys to repay the Bonds when due. The 2021 Bonds will be issued with a fixed rate of interest.

Section 2.03 Delegation to Delegate. The sale of the Bonds to the Purchaser at a negotiated sale, and the issuance and delivery of the Bonds within the parameters set forth in this Resolution with the final terms of the Bonds to be accepted in the Pricing Certificate and Purchase Contract is hereby authorized. The Delegate of the University is hereby authorized and delegated the power to determine the final terms of the Bonds within the parameters set forth below:

(a) The principal amount of the 2021 Bonds to be issued in one or more series shall not exceed \$80,000,000.

(b) The final maturity of the 2021 Bonds shall be no later than June 1, 2035.

(c) The proceeds of the 2021 Bonds shall be used for the Refunding Project.

(d) The maximum interest rate on the Bonds shall not exceed 12% per annum.

(e) The Bonds may be subject to optional and/or mandatory sinking fund redemption as set forth in the Pricing Certificate.

(f) The Purchaser's discount shall not exceed 1.0% of the aggregate principal amount of the Bonds.

(g) The final forms of the Related Documents shall be consistent with this Resolution, and the Bonds, the Purchase Contract and the Escrow Agreement shall be in substantially the forms approved by the Regents with the adoption of this Resolution.

(h) The dated date of the 2021 Bonds shall be the Closing Date or such other date as determined by the Delegate.

(i) The Delegate is authorized to determine the amount, if any, to be deposited in the Subordinate Lien Parity Bonds Reserve Fund for the 2021 Bonds to meet the Reserve Requirement, including the determination of whether to deposit a portion of the proceeds from the 2021 Bonds in the form of cash in the 2021 Reserve Account or to acquire a Subordinate Lien Parity Bonds Reserve Fund Surety Bond with proceeds of the 2021 Bonds for deposit in the 2021 Reserve Account.

(j) The present value savings for the Refunding Project shall not be less than 3%. The Delegate is authorized to determine the maturities of the 2014A Bonds maturing on and after June 1, 2024 (if any) and 2014C Bonds maturing on and after June 1, 2025 to be included in the Refunding Project.

(k) The Bonds may be issued as federally tax-exempt or taxable. If changes to the Code are made subsequent to the adoption of this Resolution and prior to the sale of the Bonds to permit the advance refunding of all or a portion of the Refunded Bonds on a tax-exempt basis for federal income tax purposes, some or all of the Bonds may be issued on a tax-exempt basis as set forth in the Pricing Certificate, and the Authorized Officers of the University may execute a Tax Certificate setting forth the Regents' and the University's expectations and obligations related to maintaining the tax-exempt status of the Bonds.

The Delegate is hereby authorized pursuant to this Authorizing Resolution to determine the final terms of the 2021 Bonds as permitted by Section 6-14-10.2 NMSA 1978 and to execute a Pricing Certificate and a Purchase Contract with the Purchaser in conformance with these parameters and to enter into such agreements and execute such documents with a municipal bond insurer for the procurement of insurance on the 2021 Bonds or a Subordinate Lien Parity Bonds Reserve Fund Surety Bond, if any.

ARTICLE III

THE SERIES 2021 BONDS

Section 3.01 Bond Details. The Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest). Except as provided in Section 3.06 hereof, the Bonds

shall be issued in the denomination of \$5,000 principal amount (\$5,000 Maturity Amount with respect to the Capital Appreciation Bonds, if any) and any integral multiples thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued for more than one maturity). The Bonds shall bear interest from their date and shall mature as set forth in the Pricing Certificate. Bonds which are reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date for which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds.

Except as may be provided in the Pricing Certificate, the principal of and redemption premium, if any, on any Bond shall be payable to the registered owner thereof as shown on the registration records kept by the Registrar upon maturity or prior redemption thereof and upon presentation and surrender at the Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full. Except as provided in Section 3.06 hereof, payment of interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent, on or before each Interest Payment Date, to the registered owner thereof at the address as shown on the registration records kept by the Registrar at the close of business on the Record Date for such Interest Payment Date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the registered owner thereof at the close of business on the Record Date and shall be payable to the Person who is the registered owner thereof at the close of business on a Special Record Date for the payment of any defaulted interest. The Paying Agent shall fix such Special Record Date and the date for payment of such interest whenever monies become available for payment of the defaulted interest. Notice of the Special Record Date and the date for payment of such interest shall be given to the registered owners of the Bonds not less than ten days prior thereto by first-class mail to each such registered owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent (provided, however, that the Regents shall not be required to make funds available to the Paying Agent prior to the date on which such funds are due for payment to the registered owners of the Bonds). All such payments shall be made in lawful money of the United States of America.

With respect to Capital Appreciation Bonds, if any:

(a) The Capital Appreciation Bonds will be issued in the Maturity Amount and the original principal amount to be set forth in the Pricing Certificate.

(b) The Maturity Amount of each Capital Appreciation Bond is payable on the maturity date to be set forth in the Pricing Certificate upon presentation and surrender at the Principal Office of the Paying Agent.

(c) The Capital Appreciation Bonds shall be issued only as fully registered bonds in initial denominations of \$5,000 Maturity Amount and integral multiples thereof. The Capital Appreciation Bonds shall mature on the date, at the accretion rate and in the Maturity Amount as set forth on their face.

(d) In the event that the Capital Appreciation Bonds are retired prior to their maturity date due to prior redemption or an acceleration, the amount payable on the

Capital Appreciation Bonds shall be the Accreted Value corresponding to the date fixed for payment of the Capital Appreciation Bonds to be set forth in the Pricing Certificate. The Accreted Value with respect to any date other than a June 1 or December 1 is the amount to be set forth in the Pricing Certificate with respect to the next preceding June 1 or December 1, plus the portion of the difference between such amount and the amount to be set forth in the Pricing Certificate with respect to the next succeeding June 1 or December 1 that the number of days (based on a 360-day year of twelve 30-day months) from such last preceding June 1 or December 1, to the date for which such determination is being calculated, bears to the total number of days (based on a 360-day year of twelve 30-day months) from such last preceding June 1 or December 1, to the next succeeding June 1 or December 1.

(e) Payments of the Maturity Amount of the Capital Appreciation Bonds shall be made pro rata among all outstanding Capital Appreciation Bonds, in proportion to the relative Accreted Value of each Capital Appreciation Bond, without preference or priority of any kind. If the Regents cannot make a strict pro rata payment among all Capital Appreciation Bondholders, the Regents shall pay more or less than a pro rata portion to one or more owners of the Capital Appreciation Bonds in such manner as the Regents in its sole discretion deems fair and reasonable.

(f) Notwithstanding any of the foregoing provisions with respect to payments of the Maturity Amount on the Capital Appreciation Bonds, if the Capital Appreciation Bonds have become or been declared due and payable following an event of default and such acceleration of maturity and its consequences have not been rescinded and annulled, then payments of Accreted Value on such Capital Appreciation Bonds shall be made in accordance with Article VIII hereof.

(g) Any payment of Maturity Amount or Accreted Value which is punctually paid or duly provided for by the Regents shall be paid to the person in whose name such Capital Appreciation Bond is registered at the close of business on the Record Date by check or draft (or wire transfer in immediately available funds to an account designated by such owner of Capital Appreciation Bonds with respect to holders of \$1,000,000 or more in Maturity Amount of Capital Appreciation Bonds). Any installment of interest not punctually paid or duly provided for shall be payable in the manner and to the persons specified in Article VIII hereof.

(h) For Overdue Bonds, interest on the amount not punctually paid or duly provided for shall accrue, from the date such amount was due until paid, at the accrual rate for such Capital Appreciation Bonds (but only to the extent that payment of such interest shall be legally enforceable), and, to the extent funds are available therefor hereunder, shall be payable on a payment date established by the Paying Agent to the person entitled thereto on a Special Record Date, as provided in Section 3.01 of this Resolution. Together with each such payment of interest on any Overdue Bond, the Regents shall also be obligated to pay that portion of any Overdue Bond for the payment of which funds are available hereunder.

Section 3.02 Prior Redemption. The Bonds may be subject to prior optional, mandatory or sinking fund redemption as determined by the Delegate and set forth in the Pricing Certificate.

(a) **Optional Redemption.** Bonds maturing on or before the date determined by the Delegate and set forth in the Pricing Certificate pursuant to Section 2.03 hereof are not subject to prior redemption. Bonds or portions thereof maturing on and after the date determined by the Delegate pursuant to Section 2.03 hereof shall be subject to redemption prior to their respective maturities, at the option of the Regents, on and after the date determined by the Delegate pursuant to Section 2.03 hereof, in whole or in part at any time from such maturities as are selected by the Regents, and if less than all the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot, at a price equal to the principal amount of each Bond or portion thereof so redeemed, accrued interest to the redemption date, plus such premium, if any, determined by the Delegate pursuant to Section 2.03 hereof.

(b) **Mandatory Redemption.** If the Delegate determines that the Bonds shall be subject to mandatory redemption pursuant to Section 2.03 hereof, the Bonds shall be subject to mandatory redemption at a redemption price equal to the principal amount thereof plus accrued interest to the sinking fund redemption date determined by the Delegate and set forth in the Pricing Certificate. As and for a sinking fund for the mandatory redemption of Bonds, the Regents shall cause to be deposited in the Series 2021 Bonds Principal Account prior to each sinking fund redemption date a sum which is sufficient to redeem (after credit as provided below) the principal amounts of the Bonds as determined by the Delegate pursuant to Section 2.03 hereof, plus accrued interest to the sinking fund redemption date. Not more than sixty days nor less than thirty days prior to each sinking fund redemption date, the Registrar shall proceed to select for redemption (by lot in such manner as the Registrar may determine) from all Outstanding Bonds subject to mandatory redemption on such sinking fund redemption date a principal amount of Bonds equal to the aggregate principal amount of Bonds redeemable with the required sinking fund payment, shall call such Bonds or portion thereof (\$5,000 principal amount, or any integral multiple thereof) for such redemption on such sinking fund redemption date, and shall give notice of such call.

(c) **Partial Redemption.** In the case of Bonds of a denomination larger than \$5,000, a portion of such Bond (\$5,000 principal amount or \$5,000 Maturity Amount, with respect to the Capital Appreciation Bonds, if any, or any integral multiple thereof) may be redeemed, in which case the Registrar, except as provided in Section 3.06 hereof, shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity, the Registrar shall select the Bonds to be redeemed by lot at such time as directed by an Authorized Officer (but at least 30 days prior to the Redemption Date), and if such selection is more than 60 days before a Redemption Date, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as is deemed adequate by the Registrar, and any Bond or Bonds issued in exchange for, or to replace, any Bond so called for prior redemption shall likewise be stamped or otherwise identified.

At the option of the Regents to be exercised by delivery of a written certificate to the Registrar on or before the sixtieth day next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Bonds in an aggregate principal amount desired by the Regents, or (ii) specify a principal amount of Bonds subject to mandatory redemption on such sinking fund redemption date which prior to said date

have been redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Registrar at the request of the Regents and not theretofore applied as a credit against any sinking fund redemption obligation for any Bonds maturing on the same date. Each Bond so delivered or previously redeemed shall be credited by the Registrar at the principal amount thereof against the obligation of the Regents on such sinking fund redemption date for the Bonds and any excess over such amount shall be credited against such other sinking fund obligation, if any, for the Bonds of such maturity as designated by the Regents. In the event the Regents shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the Bonds or portions thereof to be cancelled.

Section 3.03 Redemption Notice. The Registrar is required to give notice of mandatory redemption pursuant to Section 3.02(b) hereof without any notice from the Regents. Except for notice of mandatory redemption or unless waived by any registered owner of a Bond to be redeemed, notice of prior redemption shall be given by the Registrar, by first-class, postage prepaid mail, at least 30 days but not more than 60 days prior to the redemption date, to the registered owner of any Bond (initially Cede & Co.) all or a part of which is called for prior redemption at his address as it last appears on the registration records kept by the Registrar. The notice shall identify the Bonds and state that on such date the principal amount thereof and premium, if any, thereon will become due and payable at the Paying Agent (accrued interest to the redemption date being payable by mail or as otherwise provided in this Resolution), and that after such redemption date interest will cease to accrue. After such notice and presentation of said Bonds, the Bonds called for redemption will be paid. Actual receipt of mailed notice by the Purchaser or any registered owner of Bonds shall not be a condition precedent to redemption of such Bonds. Failure to give such notice by mailing to the registered owner of any Bond designated for redemption, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bond. A certificate by the Registrar that notice of call and redemption has been given as provided in this section shall be conclusive as against all parties; and no holder whose Bond is called for redemption or any other holder of any Bond may object thereto or may object to the cessation of interest on the redemption date on the ground that he failed actually to receive such notice of redemption.

Unless money sufficient to pay the principal of and premium, if any, on the Bonds to be redeemed pursuant to this Section is received by the Paying Agent prior to the giving of notice of redemption in accordance hereof, that notice shall state that the redemption is conditional upon the receipt of that money by the Paying Agent by 2:00 p.m. on the redemption date. If an amount sufficient to redeem all Bonds called for redemption is not received by that time (i) the Paying Agent shall redeem only those Bonds for which the redemption price was received, (ii) the Bonds to be redeemed shall be selected in the manner set forth in Section 3.02(c) hereof and (iii) the redemption notice shall have no effect with respect to those Bonds for which the redemption price was not received and those Bonds shall not be redeemed. The Registrar shall give notice to the owners of the Bonds previously called for redemption which will not be redeemed in the manner in which the notice of redemption was given, identifying the Bonds which will not be redeemed, stating that the redemption did not take place with respect to those Bonds and shall promptly return any Bonds previously delivered by the owners of those Bonds. Moneys received by the Paying Agent pursuant to this paragraph shall be invested by the Paying Agent in Permitted Investments which mature on the earlier of (A) 30 days or (B) the date on which such moneys are needed.

The official notice of redemption to owners shall be dated and shall state:

- (a) the redemption date;
 - (b) the redemption price;
 - (c) if less than all Outstanding Bonds are to be redeemed, the identification and CUSIP numbers (and, in the case of partial redemption, the principal amount or the Maturity Amount with respect to the Capital Appreciation Bonds), of the Bonds to be redeemed;
 - (d) that, subject to the provisions of Section 3.03 hereof, on the redemption date, the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date;
 - (e) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the Principal Office of the Paying Agent, the name of a contact person (if the previously described book-entry system is in effect), and the phone number at the office of the Paying Agent;
 - (f) if the redemption is pursuant to Section 3.03 hereof, that the redemption is conditional, if applicable, stating the conditions set forth in Section 3.03 hereof;
 - (g) such other information as the Paying Agent deems necessary or appropriate in order to conform to the prevailing industry standards and customs at the time such notice is to be mailed, including, but not limited to Securities and Exchange Commission Release No. 34-23856; and
 - (h) each additional notice of redemption shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of the Bonds to be redeemed, (ii) the date of issuance of the Bonds being redeemed; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to accurately identify the Bonds being redeemed.
- No defect in the additional notices shall be the basis of any claim against the Paying Agent or the Regents for any incorrect information in that notice, nor shall any failure to give all or any part of such additional notice affect the effectiveness of a call for redemption if the official notice described above in this Section is given;
- (i) The additional notice shall be delivered two Business Days before the publication date by Electronic Means or overnight delivery service to all Depositories and, on the publication date, to EMMA; and
 - (j) At the option of the Regents, the additional notice may, be published in The Bond Buyer, New York, New York, or in another financial newspaper or journal which regularly carries notices of redemption of bonds at least 30 days prior to the date fixed for redemption. If notice is not published pursuant to this paragraph, the publication date for purposes of subparagraph (i) shall be deemed to be the date the official notice of redemption is mailed to the registered owners of the Bonds.

The Paying Agent shall comply with any other terms regarding redemption and notice of redemption, as are required by any agreement with a Depository.

The Paying Agent shall give a second notice of redemption within 60 days after the redemption date in the manner required above to the owners of the Bonds redeemed which have not been presented for payment.

Section 3.04 Negotiability. Subject to Section 3.06 hereof and to the registration and payment provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purposes of the Uniform Commercial Code-Investment Securities, and each registered owner shall possess all rights enjoyed by a registered owner of negotiable instruments under the Uniform Commercial Code-Investment Securities.

Section 3.05 Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 3.06 hereof, the Bonds shall be subject to registration, transfer and exchange as follows:

(a) Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 3.01 hereof. The Registrar shall authenticate and deliver a Bond or Bonds, which the registered owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the registered owner thereof, the Regents or the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating each new Bond. No such charge shall be levied in the case of an exchange resulting from an optional or mandatory redemption.

(b) The Registrar shall not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning at the opening of business 15 days before the day of the mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the day of such mailing, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption as herein provided.

(c) The person in whose name any Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute owner thereof for the purpose of making payments thereof (except to the extent otherwise provided in Section 3.01 hereof with respect to overdue interest payments) and for all other purposes; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

(d) If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the Regents may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated Bond shall have matured or shall have been called for redemption, the Registrar may direct that such Bond, be paid by the Paying Agent in lieu of replacement.

(e) Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar.

Section 3.06 Custodial Deposit.

(a) Notwithstanding the foregoing provisions of Sections 3.01 to 3.05 hereof, to the extent that all or any portion of the Bonds is eligible for book-entry only deposit with The Depository Trust Company, such Bonds which are eligible shall initially be evidenced by one Bond for each year in which the Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year (or the Maturity Amount, with respect to the Capital Appreciation Bonds). Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. Such Bonds may not thereafter be transferred or exchanged except:

(i) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in § 55-8-102(3), NMSA 1978, as amended, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(ii) upon the resignation of The Depository Trust Company or a successor or new depository under clause (i) or this clause (ii) of this subsection (a), or a determination by the Regents that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Regents of another depository institution acceptable to the Regents and to the depository then holding the Bonds, which new depository institution must be both a "clearing corporation" as defined in § 55-8-102(3), NMSA 1978, as amended, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository; or

(iii) upon the resignation of The Depository Trust Company or a successor or new depository under clause (i) or clause (ii) of this subsection (a), or a determination of the Regents that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the Regents, after reasonable investigation, to locate another qualified depository institution under clause (ii) to carry out such depository functions.

(b) In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (i) of subsection (a) hereof or designation of a new depository pursuant to clause (ii) of subsection (a) hereof, upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity of the Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (iii) of subsection (a) hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (iii) of subsection (a) hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 (\$5,000 Maturity Amount with respect to the Capital Appreciation Bonds) or any integral multiple thereof, as provided in and subject to the limitations of Section 3.01 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

(c) The Regents, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Regents, the Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to subsection (a) hereof.

(d) The Regents, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (i) or (ii) of subsection (a) hereof in effectuating payment of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

(e) Upon any partial redemption of any maturity of the Bonds, Cede & Co., (or its successor) in its discretion may request the Regents to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

Section 3.07 Execution of Bonds. The Bonds shall be executed as follows:

(a) ***Filings with Secretary of State.*** Pursuant to Sections 6-9-1 and 6-9-6 NMSA 1978, as amended, and prior to the execution of any Bonds in which facsimile signatures are used, the President of the Regents and the Secretary and Treasurer of the Regents shall each file with the Secretary of State his or her manual signature certified by him or her under oath.

(b) ***Manner of Execution.*** Each Bond shall be signed and executed in the name of and on behalf of the Regents with the manual or facsimile of the signature of the President; and shall be signed, executed and attested with such a manual or facsimile of the signature of the Secretary and Treasurer.

(c) **Authentication.** No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form herein below provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds delivered pursuant to this Resolution, the Registrar shall be deemed to have assented to all of the provisions of this Resolution.

Section 3.08 Use of Predecessors Signature. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the Regents, notwithstanding that any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The President and Secretary and Treasurer, at the time of the execution of the Bonds and of a signature certificate pertaining thereto, may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds.

Section 3.09 Bond Execution. The President and Secretary and Treasurer are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

Section 3.10 Registration. The Registrar shall maintain the registration records of the Regents for the Bonds showing the name and address of the registered owner of each Bond authenticated and delivered, the date of authentication, the maturity/of the Bond and its interest rate, principal amount and Bond number.

Section 3.11 Bond Delivery. After registration of the Bonds pursuant to Section 3.10 hereof and after their execution pursuant to Section 3.07 hereof, the Regents shall cause the Bonds to be delivered to the Purchaser thereof, upon payment being made therefor.

Section 3.12 Bond Form. Subject to the provisions of this Resolution, including without limitation Section 2.03 hereof, each Bond shall be in the form attached hereto as Exhibit A, with such omissions, insertions, endorsements, legends and such other variations as may be required by the circumstances, be required or permitted by this Resolution, be set forth in the Pricing Certificate or be consistent with this Resolution and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto.

Section 3.13 Special Limited Obligations. The Bonds and all payments of principal, premium, if any, and interest thereon (whether at maturity or on a redemption date) and the obligations of the Regents for all other payments, fees, costs, interest and expenses hereunder and under the Related Documents, shall be special limited obligations of the Regents payable solely from the Pledged Revenues, which revenues are hereby pledged and are payable as set forth herein. However, the Bonds are also payable from accrued interest, if any, payable on the Bonds on the date of delivery thereof. The 2021 Bonds are payable from amounts on deposit in the Series 2021 Interest Account, Series 2021 Principal Account and Subordinate Lien Parity Bonds Reserve Account for the 2021 Bonds.

Owners and the parties under the Related Documents may not look to any general or other fund of the University for the payment of the principal of or interest on the Bonds or any obligation relating thereto, or the fees, costs and expenses relating to, such obligations, except the designated special funds pledged therefor. Neither the Bonds nor the obligations of the

University under the Related Documents shall constitute an indebtedness of the State or the Regents or the University within the meaning of any constitutional or statutory prohibition or limitation, nor shall they be considered or held to be general obligations of the State or the Regents or the University, and the Bonds shall recite that they are payable and collectable solely out of the Pledged Revenues and from any other sources stated in the Bond Resolution and that the Owners may not look to any general or other fund for the payment of the principal or interest, as applicable, on the Bonds or for the payment of any amounts owed under the Related Documents. No obligation hereunder or under the Bonds or the obligations of the Regents or the University under the Related Documents shall ever be or become a charge or debt against the State or a pledge of the faith and credit of the State, or shall be payable from the proceeds of ad valorem taxes, or State appropriations. Neither the full faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the Bonds or the obligations of the Regents or the University under the Related Documents. The Regents do not have taxing power.

ARTICLE IV

APPROVAL OF RELATED DOCUMENTS AND SALE OF BONDS

Section 4.01 Approval of Documents; Use of Disclosure Documents.

(a) ***Approval of Documents.*** Final versions of the Related Documents shall be approved by the Delegate.

(b) ***Execution of Related Documents.*** The President of the Regents and Vice President of the Regents, on behalf of the Regents, are hereby authorized and directed to execute and deliver the Related Documents and any extension of or amendments to any of the Related Documents with such changes as are not inconsistent with the Bond Resolution as are approved by the President of the Regents and Vice President of the Regents, whose execution of the Related Documents, or any extensions thereof or substitutions therefor, in their final forms, or the acceptance of the delivery by an Authorized Officer of any such Related Document which is not required to be signed by the Regents, shall constitute conclusive evidence of the approval of that document and compliance with this Section. The Secretary and Treasurer of the Regents, or his or her designee, is authorized to affix the seal of the Regents to and to attest the Related Documents as necessary. From and after the execution and delivery of the Purchase Contract, the officers, agents and employees of the University are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Bond Resolution , the Pricing Certificate and the Related Documents.

(c) ***Disclosure Document.*** Prior to the issuance of the Bonds, the Official Statement with respect to the Bonds, with terms which are not inconsistent with the terms hereof and the Related Documents, shall be executed and delivered by one or more Authorized Officers, whose execution of such Official Statement in its final form shall constitute conclusive evidence of the approval of such Official Statement and compliance with this Section. The use and distribution of the Official Statement with respect to the Bonds, with terms which are not inconsistent with the terms and Related Documents by the Purchasers in connection with the sale and issuance of the Bonds are hereby approved.

Section 4.02 Authorization of Sale of Bonds. The sale of the Bonds at a negotiated sale to the Purchaser at the prices to be established by the Delegate in the Pricing Certificate within the parameters of this Resolution and set forth in the Purchase Contract is approved. When the Bonds have been duly executed and authenticated, they shall be delivered to the Depository on behalf of the Purchaser, or at the direction of the Purchaser, on receipt of payment for the Bonds by the Regents.

ARTICLE V

ADMINISTRATION AND ACCOUNTING OF REVENUES

Section 5.01 Funds and Accounts.

(a) **Funds Continued.** The Regents hereby continue the following special and separate funds which were created pursuant to prior bond resolutions of the Regents:

(i) *Superior Lien Parity Bond Service Fund.* "The Regents of the University of New Mexico System Bond Service Interest and Retirement Fund" to be maintained with the Fiscal Agent. The Regents may establish any account or accounts in the Superior Lien Parity Bond Service Fund for payments of principal of and interest on the Superior Lien Parity Bonds as may be deemed necessary or desirable.

(ii) *Pledged Revenues Fund.* "The Regents of the University of New Mexico System Pledged Revenues Fund" for the deposit of Pledged Revenues in an account or accounts in one or more regular depositories of the University.

(iii) *Renewal and Replacement Fund.* "The Regents of the University of New Mexico System Renewal and Replacement Fund" to be maintained with the Fiscal Agent.

(iv) *Superior Lien Parity Bonds Reserve Fund.* "The Regents of the University of New Mexico System Superior Lien Parity Bonds Reserve Fund" to be maintained with the Fiscal Agent.

(v) *Subordinate Lien Parity Bond Service Fund.* "The Regents of the University of New Mexico, Subordinate Lien System Improvement Revenue Bonds, Series 2001 Bond Service Fund", "The Regents of the University of New Mexico, Subordinate Lien System Improvement Revenue Bonds, Series 2002 Bond Service Fund", "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Series 2014A Bond Service Fund", "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Taxable Series 2014B Bond Service Fund", "The Regents of the University of New Mexico Subordinate Lien System Refunding Revenue Bonds, Series 2014C Bond Service Fund", "The Regents of the University of New Mexico Subordinate Lien System Refunding and Improvement Revenue Bonds, Series 2016A Bond Service Fund", "The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Taxable Series 2016B Bond Service Fund", "The Regents of the University of New Mexico Subordinate Lien System Improvement Revenue Bonds, Series 2017 Bond Service Fund", and "The Regents of the University of

New Mexico Taxable Subordinate Lien System Refunding Revenue Bonds, Series 2019 Bond Service Fund” to be maintained with the Fiscal Agent. Within the Subordinate Lien Parity Bond Service Fund there is maintained for each Outstanding Series of Subordinate Lien Parity Bonds a Bonds Interest Account, Principal Account, Redemption Account and Additional Payments Account.

(vi) *Subordinate Lien Parity Bonds Reserve Fund.* "The Regents of the University of New Mexico System Subordinate Lien Parity Bonds Reserve Fund" to be maintained with the Fiscal Agent. Within the Subordinate Lien Parity Bonds Reserve Fund there is maintained the Series 2001 Reserve Account, the Series 2002 Reserve Account, the Series 2014A Reserve Account, the Series 2014B Reserve Account, the Series 2014C Reserve Account, the Series 2016A Reserve Account, the Series 2016B Reserve Account, the Series 2017 Reserve Account and the Series 2019 Reserve Account.

(vii) *Bond Purchase Fund.* The Series 2001 Bond Purchase Fund to be maintained by the Tender Agent. Separate accounts designated as the Series 2001 Remarketing Account, Facility Provider Account and University Purchase Account (and any other necessary accounts) shall be created and maintained by the Tender Agent as part of the Series 2001 Bond Purchase Fund. The Series 2002 Bond Purchase Fund to be maintained by the Tender Agent. Separate accounts designated as the Series 2002 Remarketing Account, Facility Provider Account and University Purchase Account (and any other necessary accounts) shall be created and maintained by the Tender Agent as part of the Series 2002 Bond Purchase Fund.

(viii) *Rebate Fund.* The Series 2001 Rebate Fund, the Series 2002 Rebate Fund, the Series 2014A Rebate Fund, the Series 2014C Rebate Fund, the Series 2016A Rebate Fund, and the Series 2017 Rebate Fund to be maintained with the Fiscal Agent.

(b) *New Funds.* The Regents hereby establish the following special and separate funds with respect to the Series 2021 Bonds:

(i) *Subordinate Lien Parity Bond Service Fund.* "The Regents of the University of New Mexico, Subordinate Lien System Refunding Bonds, Series 2021 Bond Service Fund" to be maintained with the Fiscal Agent. Within such Subordinate Lien Parity Bond Service Fund there is hereby created the following accounts: the 2021 Interest Account, 2021 Principal Account, 2021 Redemption Account and 2021 Additional Payments Account.

(ii) *Subordinate Lien Parity Bonds Reserve Fund.* Within the Subordinate Lien Parity Bonds Reserve Fund there is hereby created the Series 2021 Reserve Account.

(iii) *Escrow Fund.* "The Regents of the University of New Mexico Subordinate Lien System Refunding Revenue Bonds, Series 2021 Escrow Fund" to be maintained with an Insured Bank for the refunding of the Refunded Bonds.

(iv) *Issuance Expense Fund.* “The Regents of the University of New Mexico, Subordinate Lien System Refunding Bonds, Series 2021 Issuance Expense Fund” to be maintained with the University.

(v) *Rebate Fund.* “The Regents of the University of New Mexico Subordinate Lien System Refunding Bonds, Series 2021 Rebate Fund” to be maintained with the Fiscal Agent. The 2021 Rebate Fund shall only be created and maintained if all or a portion of the Bonds are issued on a tax-exempt basis under the Code.

In addition, the Delegate is hereby authorized to create any additional funds in the Pricing Certificate for the Bonds and to incorporate such additional funds into the flow of Pledged Revenues described in Section 5.03 hereunder.

Section 5.02 Use of Funds and Deposits into Funds and Accounts on Delivery of Bonds. On the Closing Date with respect to the Series 2021 Bonds, the proceeds from the sale of the Series 2021 Bonds and other amounts stated in this Section, shall be deposited or used as follows:

(a) Any accrued interest or any capitalized interest received from the issuance and sale of the Series 2021 Bonds shall be credited to the Series 2021 Bonds Interest Account.

(b) Proceeds of the Series 2021 Bonds or a Subordinate Lien Parity Bonds Reserve Fund Surety Bond, in an amount specified by the Delegate in the Pricing Certificate, shall be deposited in the Series 2021 Reserve Account to satisfy the Reserve Requirement for the Series 2021 Bonds.

(c) Proceeds of the Series 2021 Bonds, in an amount to be specified by the Delegate in the Pricing Certificate shall be deposited into the 2021 Escrow Fund for the refunding and defeasance of the Refunded Bonds.

(d) Proceeds of the Series 2021 Bonds in an amount to be specified by the Delegate in the Pricing Certificate shall be deposited in the 2021 Issuance Expense Fund. Such moneys shall be used and paid out by the Regents to defray the Expenses associated with the issuance of the Series 2021 Bonds.

(f) The Purchaser shall not be responsible for the application or disposal by the Regents of the proceeds derived from the sale of the Bonds or any other funds herein designated.

Section 5.03 Flow of Pledged Revenues. So long as any of the Bonds or any Subordinate Lien Parity Bonds are outstanding, either as to principal or interest, or both, the Regents shall cause the Pledged Revenues to be collected and deposited as received on a daily basis in the Pledged Revenues Fund and to make the payments from the Pledged Revenues Fund into the Superior Lien Parity Bond Service Fund, the Superior Lien Parity Bonds Reserve Fund, the Renewal and Replacement Fund, the Subordinate Lien Parity Bond Service Fund and the Subordinate Lien Parity Bonds Reserve Fund and as otherwise required or permitted by this Section.

As a first charge on the moneys deposited in the Pledged Revenues Fund, there shall be paid, from time to time, the Operating and Maintenance Expenses as they become due and payable. After the payment of the Operating and Maintenance Expenses of the System, which are then due, the following payments shall be made from the Pledged Revenues Fund:

(a) ***Superior Lien Parity Bond Service Fund, Superior Lien Parity Bonds Reserve Fund and Certain Payments to Superior Lien Parity Bonds Reserve Fund Surety Bond Provider.*** First, while any Superior Lien Parity Bonds are outstanding, Pledged Revenues shall be deposited into the Superior Lien Parity Bond Service Fund in each Fiscal Year to pay the principal of and interest on Superior Lien Parity Bonds coming due in such Fiscal Year. Second, the Regents shall make any deposits to the Superior Lien Parity Bonds Reserve Fund required by the resolutions authorizing the issuance of outstanding Superior Lien Parity Bonds. After such payments have been made, the Regents shall cause to be paid to the provider of the Superior Lien Parity Bonds Reserve Fund Surety Bond all unpaid moneys owed by the Regents corresponding to the amount of proceeds paid under the Superior Lien Parity Bonds Reserve Fund Surety Bond to restore the Superior Lien Parity Bonds Reserve Fund to the reserve requirement applicable to Superior Lien Parity Bonds.

(b) ***Renewal and Replacement Fund.*** The Regents are current in making the required semiannual deposits of \$50,000 into the Renewal and Replacement Fund as required by the resolutions authorizing the Superior Lien Parity Bonds presently outstanding on the date of adoption of this Bond Resolution. Therefore no funds need be deposited therein upon issuance of the Bonds. There shall be accumulated in the Renewal and Replacement Fund the greater of (i) \$10,000,000 or (ii) four percent (4%) of the original cost of the buildings, equipment, and furnishings constituting the System as determined at the end of each Fiscal Year (the "Renewal and Replacement Requirement"). On or before the end of each Fiscal Year, the Senior Vice President for Finance and Administration of the University, or his or her successor in function, shall file with the Fiscal Agent a certificate setting forth the original cost of all buildings, equipment and furnishings added to the System in the preceding Fiscal Year, the original cost of all additions and extensions added to buildings, equipment, or furnishings which are a part of the System and the original cost of any buildings, equipment, or furnishings which were removed from the System during such preceding Fiscal Year, together with the resulting original cost of the buildings, equipment and furnishings constituting the System as of the end of such preceding Fiscal Year. If the amount on deposit in the Renewal and Replacement Fund is, at any time, less than the Renewal and Replacement Requirement, payments shall be made from Pledged Revenues, but after and subject to the payments required in provisions contained in paragraph (a) of this Section, in semiannual installments on or before each May 20 and November 20 on which there is a deficiency, in amounts not less than \$50,000. Moneys on deposit in the Renewal and Replacement Fund shall be first used to pay currently maturing installments of principal of and interest on Superior Lien Parity Bonds for the payment of which there is insufficient money in the Superior Lien Parity Bond Service Fund and Superior Lien Parity Bonds Reserve Fund (including any surety bond coverage); second, shall be used to pay currently maturing installments of principal of and interest on Subordinate Lien Parity Bonds for the payment of which there is insufficient money in the Subordinate Lien Parity Bond Service Fund and Subordinate Lien Parity Bonds Reserve Fund (including any surety bond coverage) and, finally, shall be used or reserved at the request of the Regents for the purpose of making improvements, extensions, repairs and replacements to the facilities of the University constituting the System.

(c) ***Subordinate Lien Parity Bond Payments.*** After and subject to the payments hereinabove required to be made under this section, while any Subordinate Lien Parity Bonds are Outstanding, Pledged Revenues shall be deposited into the Subordinate Lien Parity Bond Service Fund and shall be used to pay the principal of and interest on Subordinate Lien Parity Bonds coming due in each Fiscal Year pursuant to the terms hereof and of the resolutions under which such Subordinate Lien Parity Bonds were issued.

(i) ***Interest Account.*** Prior to each Interest Payment Date, the amount necessary to pay the next maturing installment of interest on each series of Outstanding Subordinate Lien Parity Bonds and the Series 2021 Bonds shall be credited to the Interest Account for that series of bonds.

(ii) ***Principal Account and Redemption Account.*** Prior to each principal payment date, redemption date, or maturity date with respect to the Capital Appreciation Bonds, the amount necessary to pay the next regularly scheduled installment of principal, whether at maturity, prior redemption or on a mandatory sinking fund redemption date, on each series of Outstanding Subordinate Lien Parity Bonds shall be credited to the Principal Account or Redemption Account, as the case may be, for that series of Subordinate Lien Parity Bonds. Deposits to the Principal Accounts for the Subordinate Lien Parity Bonds of each series for the next installment of principal becoming due shall be made in substantially equal semiannual deposits commencing on May 20th or November 20th which is less than 7 months prior to the month in which the first installment of principal (or Maturity Amount with respect to the Capital Appreciation Bonds) on each series of Bonds is due. Deposits to the Redemption Accounts for the Bonds of each series shall be made in compliance with Section 3.03 hereof.

(iii) ***Payments and Reimbursements to Facility Provider and Qualified Counterparty.*** The following amounts required to be paid by the Regents shall be deposited in the Principal Account and Interest Account for the 2001 Bonds, for the 2002B Bonds and for the 2002C Bonds or other sinking fund which shall be a subaccount of such respective Principal Account or Interest Account, and paid from the Pledged Revenues with the same priority as other payments of Debt Service on Subordinate Lien Parity Bonds:

(A) on or prior to the date when due, amounts to pay or reimburse a Facility Provider (as such term is defined in the resolution for the 2001 Bonds, the resolution for the 2002B Bonds or the resolution for the 2002C Bonds) for payments of Debt Service (but not the Tender Price as such term is defined in the resolution for the 2001 Bonds, the resolution for the 2002B Bonds or the resolution for the 2002C Bonds) made by that Facility Provider; and

(B) no later than the Business Day prior to the date when due, amounts that are payable to a Qualified Counterparty under a Qualified Exchange Agreement if such payments are designated in the resolution of the Regents relating to that Qualified Exchange Agreement as being secured by a lien on Pledged Revenues on a parity with the lien

thereon securing Subordinate Lien Parity Bonds; the lien of exchange termination payments payable pursuant to a Qualified Exchange Agreement on Pledged Revenues shall be subordinate to the lien of Subordinate Lien Parity Bonds on Pledged Revenues.

(iv) *Transfer of Money.* Each payment of principal and interest coming due on the Bonds shall be transferred from the applicable sinking fund account or subaccount by the Paying Agent and payment obligations shall be made directly to the Qualified Counterparty or Facility Provider entitled to receive payments of Subordinate Lien Parity Bonds, on or before the due date of such payment.

(v) *Subordinate Lien Parity Bonds Reserve Fund.* After and subject to the payments required by subparagraphs (i), (ii) and (iii) above, and except as provided in this subparagraph (v) and subparagraph (vi) hereof, any money required to be credited or transferred from the Pledged Revenues Fund to the Series 2001 Reserve Account, Series 2002B Reserve Account, Series 2002C Reserve Account, Series 2014A Reserve Account, Series 2014B Reserve Account, Series 2014C Reserve Account, Series 2016A Reserve Account, Series 2016B Reserve Account, Series 2017 Reserve Account, Series 2019 Reserve Account, or Series 2021 Reserve Account of the Subordinate Lien Parity Bonds Reserve Fund shall be so deposited or credited.

The Reserve Requirement for a series of Subordinate Lien Parity Bonds may be satisfied by a deposit of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond in the Subordinate Lien Parity Bonds Reserve Fund or the deposit of bond proceeds or Pledged Revenues in the Subordinate Lien Parity Bonds Reserve Fund. Commencing upon the date of delivery of the Bonds, the Regents shall deposit or cause to be deposited Bond proceeds or other funds in the Subordinate Lien Parity Bonds Reserve Fund to satisfy the Reserve Requirement. Any form of such deposit may be exchanged for any other permitted form of deposit of an equivalent amount; provided, however, (A) if the Regents desire to substitute a Subordinate Lien Parity Bonds Reserve Fund Surety Bond for a reserve account initially funded with cash, it must obtain a policy covering all of the common cash reserve accounts for the Subordinate Lien Parity Bonds with cash funded reserves to draw on the Subordinate Lien Parity Bonds Reserve Fund Surety Bond; (B) that the Subordinate Lien Parity Bonds Reserve Fund Surety Bond policy shall be written by an entity experienced in insuring municipal bonds whose policies of insurance would not in and of itself adversely affect the rating on Subordinate Lien Parity Bonds by Moody's or by S&P in effect at the time such policy is initially deposited in or credited to the reserve account of the applicable Subordinate Lien Parity Bonds; (C) that prior to the expiration of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond in any account, another Subordinate Lien Parity Bonds Reserve Fund Surety Bond of equivalent credit quality is provided, and, if such replacement Subordinate Lien Parity Bonds Reserve Fund Surety Bond is unavailable, the Reserve Requirement will be funded on a scheduled basis or at one time prior to the expiration of the existing Subordinate Lien Parity Bonds Reserve Fund Surety Bond; (D) if the terms of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond prohibit replenishment after draw-down, the Regents shall provide an additional Subordinate Lien Parity Bonds Reserve Fund Surety Bond or sufficient funds to

ensure satisfaction of the Reserve Requirement; and (F) if a Subordinate Lien Parity Bonds Reserve Fund Surety Bond permits premature termination without payment, the conditions for such premature termination will be limited to a default on any Subordinate Lien Parity Bonds.

If the full amount necessary to pay the Debt Service on a series of Subordinate Lien Parity Bonds is not on deposit in the related Interest Account or Principal Account, when due, the amount necessary to pay the deficiency shall be transferred to that Principal Account or Interest Account (a) from money on deposit in the Subordinate Lien Parity Bonds Reserve Fund, if the Reserve Requirement for the Subordinate Lien Parity Bonds with the deficiency was funded or satisfied with moneys or investments on deposit or credited to the Subordinate Lien Parity Bonds Reserve Fund, or (b) from a draw on the respective Subordinate Lien Parity Bonds Reserve Fund Surety Bond if the Reserve Requirement for the Subordinate Lien Parity Bonds with the deficiency was funded with the purchase of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond. Deficiencies in the Interest Accounts or Principal Accounts for Subordinate Lien Parity Bonds with reserve accounts funded with the purchase of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond can only be satisfied with draws on the respective Subordinate Lien Parity Bonds Reserve Fund Surety Bonds and not from moneys or investments on deposit in the Subordinate Lien Parity Bonds Reserve Fund. The amount transferred from the Subordinate Lien Parity Bonds Reserve Fund and amounts required to be reimbursed on a Subordinate Lien Parity Bonds Reserve Fund Surety Bond to pay Debt Service on the Subordinate Lien parity Bonds shall be reimbursed on a pro-rata basis to the Subordinate Lien Parity Bonds Reserve Fund and the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond from the first amounts available therefor in the Pledged Revenues Fund no later than the end of the next full Fiscal Year or such other period of time as set forth in the Regents resolution authorizing the issuance of the applicable Subordinate Lien Parity Bonds.

The amount of money and, to the extent the coverage of such surety bond will permit, the proceeds of any Subordinate Lien Parity Bonds Reserve Fund Surety Bond on deposit in the Series 2001, Series 2002B, Series 2002C, Series 2014A, Series 2014B, Series 2014C, Series 2016A, Series 2016B, Series 2017, Series 2019, or Series 2021 Reserve Accounts shall be used first to pay any deficiency in the amount available to pay Debt Service on the 2001 Bonds, 2002B Bonds, 2002C Bonds, Series 2014A Bonds, Series 2014B Bonds, Series 2014C Bonds, Series 2016A Bonds, Series 2016B Bonds, Series 2017 Bonds, Series 2019 Bonds or Series 2021 Bonds, respectively, as the case may be, and second, to pay any deficiency in the amount available to pay amounts owing under the applicable Qualified Exchange Agreement; provided, however, that the use of such moneys or proceeds of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond to pay amounts owing under the applicable Qualified Exchange Agreement shall only be made with the Insurer's consent so long as the Insurer is rated "A" or above by S&P and Moody's.

(vi) *Termination Upon Deposits to Maturity.* No payment need be made into the Subordinate Lien Parity Bond Service Fund if all proceeds paid under a Subordinate Lien Parity Bonds Reserve Fund Surety Bond have been reimbursed and the amounts in the Subordinate Lien Parity Bond Service Fund,

together with moneys on deposit in the Subordinate Lien Parity Bonds Reserve Fund, total a sum at least equal to the entire amount of principal and interest due on the Outstanding Subordinate Lien Parity Bonds to their respective maturities, both accrued and not accrued. In such case, moneys in the Subordinate Lien Parity Bond Service Fund and Subordinate Lien Parity Bonds Reserve Fund shall be used solely to pay such principal and interest as the same shall become due, and any moneys in excess thereof in such Funds and any other Pledged Revenues may be used as provided below in this Section.

(vii) *Payment of Certain Interest, Fees and Expenses; Additional Payments Account.* Any balance of Pledged Revenues after making the payments hereinabove provided shall be used by the Regents for payment to the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond under a Subordinate Lien Parity Bonds Reserve Fund Surety Bond of all unpaid moneys owed by the Regents to such provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond including interest on the amount of the proceeds paid with respect to Subordinate Lien Parity Bonds pursuant to any such Subordinate Lien Parity Bonds Reserve Fund Surety Bond and expenses of such provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond. The amount of insurance proceeds used to pay principal and interest on the Bonds pursuant to a Subordinate Lien Parity Bonds Reserve Fund Surety Bond shall be payable in the manner and with the priority set forth in paragraph 5.04(c)(v) of this Section.

After making or crediting the payments required by the foregoing subparagraphs of this paragraph (c), amounts on deposit in the Pledged Revenues Fund shall be used as necessary to pay, first, all amounts, including payments owed to any Facility Provider for a series of Subordinate Lien Parity Bonds or relating to a Qualified Exchange Agreement which are not payable pursuant to the terms of any preceding paragraph of this Section and second, expenses, fees, rebate payments and the tender price of Subordinate Lien Parity Bonds purchased by the Regents. Pledged Revenues used to pay amounts pursuant to this paragraph shall be deposited by the Regents into the Additional Payments Account on or before the due date thereof.

(d) *Use of Surplus Pledged Revenues.* After making the payments hereinabove required to be made under this Section, the remaining Pledged Revenues, if any, may be applied as determined by the Regents to any other lawful purpose or purposes authorized by the Constitution and laws of the State as the Regents may direct.

Section 5.04 Rebate Fund. Any provision hereof to the contrary notwithstanding, amounts required to be credited to the Rebate Fund in accordance with the provisions of Section 7.10 hereof shall be free and clear of any lien hereunder or of any other resolution authorizing the issuance of bonds of the Regents and shall not constitute Pledged Revenues. Amounts in the Rebate Fund will be used as provided in Section 7.10 hereof. The provisions of this Section and any references to the 2021 Rebate Fund in this Resolution shall only be applicable if any portion of the Bonds is issued on a tax-exempt basis under the Code.

Section 5.05 General Administration of Funds. The funds and accounts designated in Sections 5.01, 5.02, 5.03 and 5.04 hereof shall be administered as follows:

(a) *Investment of Money.* Money in the Pledged Revenues Fund may be invested in any manner allowed for money of the University or the Regents by the laws

of the State and money in the Subordinate Lien Parity Bond Service Fund, Subordinate Lien Parity Bonds Reserve Fund, Issuance Expense Fund and Rebate Fund may be invested in Eligible Investments, maturing prior to the date on which the money so invested will be needed for the payment of principal of or interest on Subordinate Lien Parity Bonds, for the payment of Expenses or for rebate to the government of the United States of America as applicable. Money in the Renewal and Replacement Fund may be invested in such Eligible Investments as may hereafter be permitted by the laws of the State and with the advice and consent of the State Board of Finance if required by State law. The obligations so purchased as an investment of moneys in any such Fund shall be deemed at all times to be part of such Fund, and the interest accruing thereon and any profit realized therefrom shall be credited to such Fund (subject to withdrawal and use at any time as permitted by Section 5.04 hereof, as applicable), and any loss resulting from such investment shall be charged to the Fund. Any obligations so purchased as an investment of moneys in any Fund shall be presented for redemption or sale on the prevailing market whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such Fund.

(b) ***Deposits of Funds.*** The moneys and investments comprising the funds designated in Sections 5.01, 5.02, 5.03 and 5.04 of the Bond Resolution shall be maintained and kept in an Insured Bank or Banks. Each payment shall be made into and credited to the proper fund at the designated time, except that when the designated time shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on the next succeeding business day. Nothing herein shall prevent the establishment of one or more such accounts in Insured Banks for all of the funds and accounts in Sections 5.01, 5.02, 5.03 and 5.04 of the Bond Resolution or shall prevent the combination of such funds with any other Insured Bank account or accounts for other funds and accounts of the Regents; provided that the Rebate Fund (to be created only if any portion of the Bonds are issued on a tax-exempt basis under the Code) shall not be combined with any other fund or account. The moneys in funds which are not invested shall be secured at all times in a manner required by the laws of the State for the securing of public moneys. The Fiscal Agent shall make such credit arrangements with any other bank or banks at which the Bonds are payable as will assure prompt payment of the principal of, premium, if any, and interest on the Bonds as set forth herein.

ARTICLE VI

LIENS ON PLEDGED REVENUES AND ADDITIONAL OBLIGATIONS

Section 6.01 Lien on Pledged Revenues; Equality of Bonds.

(a) The Bonds, together with all other Outstanding Subordinate Lien Parity Bonds are secured by an irrevocable subordinate and junior lien (but not necessarily an exclusively subordinate and junior lien) on the Pledged Revenues after payment of Operating and Maintenance Expenses and payments with respect to outstanding Superior Lien Parity Bonds. The Regents hereby pledge and grant to the owners of the Bonds a security interest in the Pledged Revenues and in the moneys and securities on deposit in the Subordinate Lien Parity Bond Service Fund, the Subordinate Lien Parity Bonds Reserve Fund and the Renewal and Replacement Fund for the payment of the principal of, premium, if any, and interest on the Bonds. The Regents hereby pledge and grant to any provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond a security interest, subordinate to the security interest to the owners of Bonds stated above, in the

Pledged Revenues and in the money and securities on deposit in the Subordinate Lien Parity Bonds Reserve Fund for the repayments of amounts owed to any provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond. The pledges made pursuant to this Section are subject to the uses of the moneys in such Funds permitted by Section 5.03 hereof and shall have the priority set forth in Section 5.03 hereof. The Bonds from time to time Outstanding shall not be entitled to any priority one over the other in the application of the Pledged Revenues, regardless of the time or times of their issuance.

(b) ***Other Related Documents.*** Payments under any other Related Documents are secured by an irrevocable, subordinate lien on, and the Regents hereby grants to the parties entitled to payments thereunder a security interest in, the Pledged Revenues for those payments. The priority of the payments on Pledged Revenues referred to in this paragraph (b) shall be as set forth in Section 5.03.

Section 6.02 Parity Bonds.

(a) ***Limitations Upon Issuance of Subordinate Lien Parity Bonds.*** Nothing in the Bond Resolution shall be construed in such a manner as to prevent the issuance by the Regents of Subordinate Lien Parity Bonds payable from the Pledged Revenues and constituting a lien upon the Pledged Revenues on a parity with the lien of the Bonds, nor to prevent the issuance of bonds or other obligations refunding all or a part of the Bonds. Before any such additional Subordinate Lien Parity Bonds are issued (excluding refunding bonds or refunding obligations which refund Subordinate Lien Parity Bonds) all of the following conditions shall be met:

(i) the Pledged Revenues received by the University in each of the two completed Fiscal Years immediately preceding the issuance of the additional bonds must be at least 200% of the highest Debt Service requirement for any succeeding Fiscal Year measured from the date of computation on all Outstanding Subordinate Lien Parity Bonds and Superior Lien Parity Bonds, but excluding the bonds proposed to be issued. A written certification, opinion, verification or other determination by the Senior Vice President for Finance and Administration of the University, or his or her successor in function, that the annual Pledged Revenues for such preceding Fiscal Years are at least equal to such amounts and the determinations of such amounts shall be conclusively presumed to be accurate in determining the right of the University to authorize, issue, sell and deliver the additional Subordinate Lien Parity Bonds; and

(ii) the Pledged Revenues received by the University in each of the two completed Fiscal Years immediately preceding the issuance of the additional bonds must be at least 175% of the highest Debt Service requirement for any succeeding Fiscal Year measured from the date of computation on all Outstanding Subordinate Lien Parity Bonds and Superior Lien Parity Bonds and on the issue of bonds then proposed to be issued. A written certification, opinion, verification or other determination by the Senior Vice President for Finance and Administration of the University, or his or her successor in function, that the annual Pledged Revenues for such preceding Fiscal Years are at least equal to such amounts and the determinations of such amounts shall be conclusively presumed to be accurate in determining the right of the University to authorize, issue, sell and deliver the additional Subordinate Lien Parity Bonds. The Senior Vice President for Finance and Administration of the University, or

his or her successor in function, may take into account the adjustments hereafter provided in this subparagraph (ii). If the proceedings authorizing the additional bonds pledge and provide for payment into the applicable Bond Service Fund of income or revenues in addition to the Pledged Revenues, the amount received from such additional pledged source of income or revenue by the University for payment into the applicable Bond Service Fund in each of the two completed Fiscal Years immediately preceding the issuance of the additional bonds may be taken into consideration and added to the Pledged Revenues received in each such Fiscal Year for purposes of the computation required to be made under the provisions of this subparagraph (ii). There shall also be taken into consideration and added to the Pledged Revenues received in each such completed Fiscal Year for the purposes of such computation the smallest amount of gross income or revenues estimated by the Senior Vice President for Finance and Administration of the University, or his or her successor in function, to be produced in any future Fiscal Year from the operation of the additional facilities to be acquired with the proceeds of the additional bonds, which estimate in the case of housing facilities shall be based on a presumed eighty percent (80%) occupancy of such facilities at rentals equivalent to those charged by the University for similar facilities during the Fiscal Year immediately preceding the issuance of the additional bonds. If in the proceedings authorizing the additional bonds there is an agreement or covenant to increase student fees included as part of the Pledged Revenues beyond the amount imposed during each of the two preceding Fiscal Years, the additional income or revenues which would have been received in such preceding Fiscal Years if the increased fees had been in effect may also be taken into consideration and added to the Pledged Revenues received in each such Fiscal Year for the purposes of such computation. Such estimate shall be made by the Senior Vice President for Finance and Administration of the University, or his or her successor in function, and shall be predicated on the number of students actually paying the increased fees in such Fiscal Year; and

(iii) payments into the respective bond service funds, the Superior Lien Parity Bonds Reserve Fund and the Subordinate Lien Parity Bonds Reserve Fund required by Section 5.03 shall be current.

(iv) So long as the 2001 Bonds, the 2002B Bonds, the 2002C Bonds are outstanding, if, after delivery of the Subordinate Lien Parity Bonds, the Reserve Requirement for any succeeding Fiscal Year on all Subordinate Lien Parity Bonds then Outstanding with a cash funded Reserve Requirement and the Subordinate Lien Parity Bonds proposed to be issued will be in excess of the money or investments on deposit in the Subordinate Lien Parity Bonds Reserve Fund, the proceedings authorizing the issuance of the Subordinate Lien Parity Bonds must provide for the deposit in the Subordinate Lien Parity Bonds Reserve Fund, of 75% of the additional Reserve Requirement at or prior to issuance of the Subordinate Lien Parity Bonds and within two years after the delivery of the Subordinate Lien Parity Bonds, through approximately equal semiannual payments into the Subordinate Lien Parity Bonds Reserve Fund, of that amount which, together with the moneys and investments then on deposit in the Subordinate Lien Parity Bonds Reserve Fund will equal the Reserve Requirement. The Regents may choose to purchase a Reserve Fund Surety Bond for the proposed Subordinate Lien Parity Bonds in lieu of making cash deposits in the Subordinate Lien Parity Bonds Reserve Fund; and

(v) if there is a Superior Lien Parity Bonds Reserve Fund Surety Bond or a Subordinate Lien Parity Bonds Reserve Fund Surety Bond still in effect, the Senior Vice President for Finance and Administration of the University, or his or her successor in function, on behalf of the Regents shall certify to the provider of the Superior Lien Parity Bonds Reserve Fund Surety Bond or Subordinate Lien Parity Bonds Reserve Fund Surety Bond that the conditions in subparagraphs (i) through (iv) of this Section have been satisfied; and

(vi) After the 2001 Bonds, the 2002B Bonds, and the 2002C Bonds have been paid in full, defeased or are no longer Outstanding, the Subsections (iv) and (v) above shall no longer apply, and the Regents will not be required to fund a reserve account for the proposed Subordinate Lien Parity Bonds.

(vii) In making the computations required by subparagraphs (i) and (ii) of this Section to determine if Subordinate Lien Parity Bonds may be issued (A) Subordinate Lien Parity Bonds which bear a variable or fluctuating interest rate (including any Subordinate Lien Parity Bonds proposed to be issued) shall be deemed to bear the average interest rate borne by outstanding Subordinate Lien Parity Bonds which bear a variable or fluctuating interest rate during the immediately preceding Fiscal Year, and (B) the variable interest rate used to determine the net payments under any Qualified Exchange Agreement shall be deemed to be the rate referred to in clause (A) above. For purposes of this subparagraph (vii), in the event that there are no outstanding Subordinate Lien Parity Bonds which bear a variable rate, the rate in clauses (A) and (B) above shall be the average interest rate that Subordinate Lien Parity Bonds would have borne during the immediately preceding Fiscal Year in the opinion of the Senior Vice President for Finance and Administration of the University, or his or her successor in function.

(b) ***Junior Lien Obligations Permitted; Certain Obligations Prohibited.***

Nothing herein contained shall be construed to prevent the Regents from issuing obligations with a lien junior and subordinate to the lien on Pledged Revenues of Subordinate Lien Parity Bonds. The Regents shall not be permitted to issue obligations with a lien prior and superior to the lien on Pledged Revenues of Subordinate Lien Parity Bonds.

Section 6.03 Refunding Bonds. The provisions of Section 6.02 hereof are subject to these exceptions:

(a) ***Issuance of Refunding Obligations.*** If at any time the Regents shall find it desirable to refund Subordinate Lien Parity Bonds or other obligations payable from and constituting a subordinate and junior lien upon Pledged Revenues, the Subordinate Lien Parity Bonds or other obligations, or any part thereof, may be refunded (but only with the consent of the owner or owners thereof, unless the Subordinate Lien Parity Bonds or other obligations, at the time or times of their required surrender for payment shall then mature, or shall then be callable for prior redemption at the Regents option upon proper call), regardless of whether the priority of the lien for the payment of the refunding obligations on the Pledged Revenues is changed, except as provided in paragraphs (b) and (c) of this Section.

(b) ***Limitations Upon Issuance of Subordinate Lien Parity Refunding Obligations.*** No refunding bonds or other refunding obligations payable from Pledged Revenues shall be issued on a parity with the Bonds unless:

(i) the outstanding obligations so refunded are Subordinate Lien Parity Bonds and the refunding bonds or other refunding obligations do not increase annual principal and interest obligations evidenced by such refunded obligations, or

(ii) the refunding bonds or other refunding obligations are issued in compliance with Section 6.02 hereof.

(c) ***Refunding Part of an Issue.*** The refunding bonds or other refunding obligations issued shall enjoy complete equality of lien on the Pledged Revenues with the portion of any bonds or other obligations of the same issue which are not refunded, if any; and the owner or owners of such refunding bonds or other refunding obligations shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the same issue refunded thereby.

(d) ***Limitations Upon Issuance of Any Refunding Obligations.*** Any refunding bonds or other refunding obligations payable from Pledged Revenues shall be issued with such terms, conditions, and details as the Regents may by resolution provide, subject to the inclusion of any such rights and privileges designated in paragraph (c) of this Section but without impairment of any contractual obligation imposed upon the Regents by any proceedings authorizing the issuance of any unrefunded portion of such outstanding obligations of any one or more issues (including but not necessarily limited to the Bonds). If only a part of the outstanding bonds and any other outstanding obligations of any issue or issues payable from the Pledged Revenues is refunded, then such obligations may not be refunded without the consent of the owner or owners of the unrefunded portion of such obligations, unless:

(i) the refunding bonds or other refunding obligations do not increase any aggregate annual principal and interest requirements for any Fiscal Year evidenced by such refunded obligations and by the then outstanding obligations not refunded; or

(ii) the refunding bonds or other refunding obligations are issued in compliance with Section 6.02(a) hereof.

(e) ***Treatment of Variable Rate Subordinate Lien Parity Bonds.*** In determining the annual interest obligation under paragraph (b)(i) or (d)(i) of this Section, Subordinate Lien Parity Bonds which bear a variable or fluctuating interest rate (including any bonds proposed to be issued to refund such bonds) shall be treated as provided in Section 6.02(a)(vi) hereof.

ARTICLE VII

PROTECTIVE COVENANTS

Section 7.01 Resolution to Constitute Contract. In consideration of the purchase and acceptance of any or all of the Bonds by those who will own the same from time to time, the

provisions of this Bond Resolution shall be part of the contract between the Regents and the owners from time to time of the Bonds, to the effect and with the purpose set forth in the following Sections (subject in all cases to the limitations, if any, imposed by the constitution and laws of the State).

Section 7.02 Use of Series 2021 Bond Proceeds. The Regents will proceed without delay to apply the proceeds of the Series 2021 Bonds as set forth in Section 5.02 hereof.

Section 7.03 Operation and Repair of System; Disposition of Facilities. The Regents will at all times keep the System in operation while the University is in session, and will at all times keep the System in reasonable repair and efficient operating condition. This covenant shall not be construed to prevent the Regents from permanently abandoning the use of or selling at fair market value any of the facilities comprising the System, provided that:

(a) the Regents are in substantial compliance with all covenants and undertakings contained in the resolutions of the Regents with respect to all the Superior Lien Parity Bonds and Subordinate Lien Parity Bonds then Outstanding;

(b) the Regents will apply all proceeds from such sale to either (i) redemption of Outstanding Superior Lien Parity Bonds and Subordinate Lien Parity Bonds in accordance with the provisions governing repayment or redemption of Superior Lien Parity Bonds and Subordinate Lien Parity Bonds in advance of maturity, (ii) replacement of the facility disposed of by another facility which shall be incorporated as part of the System, or (iii) depositing such proceeds in the Superior Lien Bond Service Fund or the Subordinate Lien Parity Bond Service Fund for payment of the next ensuing payments of principal of, premium, if any, and interest on Superior Lien Parity Bonds and Subordinate Lien Parity Bonds; and

(c) the Senior Vice President for Finance and Administration of the University, or his or her successor in function, certifies prior to disposition, either (i) that the facility to be abandoned or sold is no longer economically capable of producing Pledged Revenues sufficient to make retention of the facility economically feasible, or (ii) that (A) the estimated Pledged Revenues of the System to be received in the next succeeding Fiscal Year after taking into account such abandonment or sale, together with any other funds herein pledged as security for the Superior Lien Parity Bonds and Subordinate Lien Parity Bonds, plus any additional gross Pledged Revenues, if any, will be sufficient to meet all principal, interest and Superior Lien Parity Bonds Reserve Fund and Subordinate Lien Parity Bonds Reserve Fund payments required to be made under the provisions of the resolutions authorizing the issuance of Outstanding Superior Lien Parity Bonds and Subordinate Lien Parity Bonds and (B) the Pledged Revenues as received by the University in each of the two completed Fiscal Years immediately preceding the abandonment or sale of such facilities from sources other than appropriations, if any, from the State Legislature were equal to one hundred seventy-five percent (175%) of the highest Debt Service requirement for any succeeding Fiscal Year on all Outstanding Superior Lien Parity Bonds and Subordinate Lien Parity Bonds.

Section 7.04 Rates and Charges. The Regents will at all times impose and collect rates and charges for the use of all buildings and facilities comprising the System and for all commodities and services sold or supplied therein or furnished thereby, and will impose and collect such student tuition and fees for the use and availability of the System, as will be fully sufficient, together with the other income and revenues of the University received from sources

other than (a) sources excluded from the System, (b) the proceeds of ad valorem taxation, (c) appropriations from the State, or (d) the proceeds of any University contracts and grants, whether from or with public, private or governmental sources, which are restricted as to use, to permit the performance of all the covenants in and requirements of the Bond Resolution, including the prompt payments required by Section 5.03 to be made into the respective bond service funds, the Superior Lien Parity Bonds Reserve Fund, the Subordinate Lien Parity Bonds Reserve Fund, the Renewal and Replacement Fund, the required reimbursements of proceeds of any Superior Lien Parity Bonds Reserve Fund Surety Bond, Subordinate Lien Parity Bonds Reserve Fund Surety Bond, payment of amounts owed to any provider of a Superior Lien Parity Bonds Reserve Fund Surety Bond or provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond, payments of amounts owed to a Qualified Swap Provider, other payments required under the Related Documents and the payment of the reasonable and necessary cost of efficiently maintaining and operating the buildings, structures, improvements and facilities comprising the System.

Section 7.05 Insurance. The Regents will keep the System, including its furniture and equipment, insured against fire and other hazards in amounts at least sufficient to provide for not less than full recovery whenever the loss from perils insured against, does not exceed ninety percent (90%) of the full insurable value of the System, including its furniture and equipment. In case of loss, the proceeds of such insurance may in the discretion of the Regents be (a) applied to the repair or restoration of the damaged building or facility and the contents thereof to their former condition, or in such other manner as will make said building or facility tenantable or usable, provided, however, that if funds received from insurance policies shall be insufficient to make any building or facility suffering such loss tenantable or usable, then the Regents may supplement the insurance proceeds from revenues not required to be paid into the bond service funds so as to make the insurance proceeds sufficient for their required use; (b) applied to the replacement of the damaged building or facility by another facility which shall be included as part of the System; or (c) deposited into the respective bond service funds for the redemption or other payment of Superior Lien Parity Bonds and Subordinate Lien Parity Bonds if the Regents determine to abandon the damaged building or facility.

Section 7.06 Books and Records. The University will maintain and keep proper books of record and account in which shall be made full and correct entries of the receipt of all Pledged Revenues, of all payments made into the respective bond service funds, the Superior Lien Parity Bonds Reserve Fund, the Subordinate Lien Parity Bonds Reserve Fund, and the Renewal and Replacement Fund and of all payments disbursed therefrom. Such books of record and account shall be audited annually by a state auditing official or by a certified public accountant or firm of such accountants in the same manner as are the other records of the University, and as promptly as possible after the making of each such annual audit, the Regents will cause copies of the portion of its general audit which covers the above matters to be delivered to the Fiscal Agent and to the owners of any of the Bonds who may have so requested in writing. The books of record and account and the general audit of the University shall be open to examination at all reasonable times by the Fiscal Agent and by the owners of any of the Bonds to the extent permitted by law.

Section 7.07 Additional Liens. The Regents will issue no other bonds or obligations of any kind or nature in the future other than the Bonds payable from or enjoying a lien on the Pledged Revenues or having a lien on the Pledged Revenues except as provided in Sections 6.02 and 6.03 hereof.

Section 7.08 Fiduciary Charges. All charges made by the Paying Agent/Registrar or Fiscal Agent will be paid by the University and shall not be payable by the owner of any Bond. The previous sentence shall not apply to transfer fees which may be imposed by the Paying Agent/Registrar.

Section 7.09 Debt Service Grants. Pursuant to the provisions of Section 6-17-14 NMSA 1978 and in order to reduce the debt service on bonds to which Debt Service Grants are applicable and thereby relieve students and other users of the System from the obligation of paying rates, fees and charges represented by the amount of the debt service on bonds attributable to Debt Service Grants, the Regents may enter into grants or other agreements with the United States of America or any of its agencies or any other governmental entity for the payment of Debt Service Grants or interest subsidies and such Grants and interest subsidies will, as received, be deposited into the Superior Lien Parity Bond Service Fund; provided, however, the Regents will not violate the provisions of Section 7.10 hereof or any Debt Service Grant agreement, including the terms and conditions and special conditions, if any, attached thereto. Annually or semiannually, as applicable, following the date of the initial occupancy of a project acquired with the proceeds of bonds as to which there is such a Debt Service Grant, the Senior Vice President for Finance and Administration of the University, or his or her successor in function, will file with the designated authority of the United States of America a requisition, in form satisfactory to the government, for the next annual or semiannual payment of such Debt Service Grant, together with all necessary recitals.

Section 7.10 Tax Covenant. The Bonds may be issued as federally tax-exempt or taxable as determined in the Pricing Certificate. If issued as federally tax-exempt bonds, the Regents and the University covenant for the benefit of the owners of the Bonds that they will not take any action or omit to take any action with respect to the Bonds intended to be tax-exempt under the Code, the proceeds thereof, any other funds of the Regents and the University or any facilities financed or refinanced with the proceeds of such Bonds if such action or omission (a) would cause the interest on such Bonds or any other tax-exempt obligations of the Regents to lose their exclusion from gross income for federal income tax purposes under Section 103 of the Code; (b) would cause interest on such Bonds or any other tax-exempt obligations of the Regents to lose their exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income; (c) would cause such Bonds or any other tax-exempt obligations of the Regents to become "arbitrage bonds" within the meaning of Section 148 of the Code or would otherwise subject the Regents or the University to any penalties under Section 148 of the Code; or (d) would cause interest on such Bonds, or any other tax-exempt obligations of the Regents to lose their exclusion from state taxes under present State law. In addition, the Regents covenant to comply with all information-reporting requirements applicable to such Bonds pursuant to Section 149(e) of the Code and the regulations promulgated thereunder. The Regents agree to establish and maintain the Rebate Fund pursuant to the provisions of the Tax Compliance Certificate. The foregoing covenants shall remain in full force and effect notwithstanding the payment in full or defeasance of such Bonds until the date on which all obligations of the Regents and the University in fulfilling the above covenant under the Code have been met.

The provisions of this Section 7.10 shall apply only if all or a portion of the Bonds are issued on a federally tax-exempt basis pursuant to amendments to the Code.

Section 7.11 Undertaking to Provide Ongoing Disclosure. The Regents shall enter into a written undertaking for the benefit of the registered owners of the Bonds required by Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (17 CFR Part 240, § 240. 15c2-12) (the "Rule") to provide continuing disclosure.

ARTICLE VIII

DEFAULTS, RIGHTS AND REMEDIES

Section 8.01 Events of Default. Each of the following events is hereby declared to be an "event of default":

(a) ***Nonpayment.*** The failure to make any payment of principal of, premium, if any, or interest on any Subordinate Lien Parity Bond on the date the same becomes due and payable.

(b) ***Default of Any Provision.*** Default in the due and punctual observance or performance of any of the covenants, conditions and agreements on the part of the Regents in the Subordinate Lien Parity Bonds or in the Bond Resolution, other than as specified in paragraph (a) of this Section, and failure to remedy such default for a period of sixty (60) days after written notice thereof specifying such failure and requiring the same to be remedied shall have been given to the Regents by the owners of not less than twenty-five percent (25%) in aggregate principal amount of the Subordinate Lien Parity Bonds at the time Outstanding.

(c) ***Bankruptcy.*** The Regents shall file a petition seeking relief or a petition shall be filed against the Regents seeking relief, which shall not be stayed or dismissed within sixty (60) days, under any bankruptcy law or similar law for relief of debtors.

(d) ***Failure to Maintain Reserve Requirement.*** The Regents shall fail to maintain the Reserve Requirement after written notice thereof, specifying such failure and requiring the same to be remedied, shall have been given to the Regents by a Subordinate Lien Parity Bonds Reserve Fund Surety Bond Provider and the Regents shall not have taken action to correct such failure within sixty (60) days from the receipt of such notice.

Section 8.02 Rights and Remedies of Bondowners. Upon the occurrence of any event of default, the Owners of not less than twenty-five percent (25%) in aggregate principal amount of the Subordinate Lien Parity Bonds then Outstanding, including a trustee or trustees for the owners of Subordinate Lien Parity Bonds, shall, in addition to all other remedies and rights of Owners of any of the Subordinate Lien Parity Bonds, have the right and power for the equal benefit and protection of all Owners of the Subordinate Lien Parity Bonds similarly situated, by suit, action, mandamus or proceeding, at law or in equity, to protect, enforce and compel performance by the Regents and any of the officers, agents and employees of the Regents, to perform and carry out its and their duties and obligations under the Bond Resolution or the law pursuant to which the Subordinate Lien Parity Bonds have been issued, including, but not limited to the appointment of a receiver for the collection and disbursement of the Pledged Revenues as described in Section 5.03 hereof, or to enforce the covenants and agreements of the Regents with the Owners of the Subordinate Lien Parity Bonds. Nothing in this Section shall be construed to authorize any action by or on behalf of such owners which is contrary to any presently existing

law, nor to require the Regents to perform any act or to do anything which shall require the expenditure in any manner or for any purpose of any funds by the Regents other than the Pledged Revenues.

ARTICLE IX

DEFEASANCE

When all principal, interest, and prior redemption premiums, if any, in connection with the Bonds have been duly paid, the pledge and lien and all obligations hereunder shall thereby be discharged and the Bonds shall no longer be deemed to be Outstanding within the meaning of the Bond Resolution. There shall be deemed to be such payment as to the Bonds when the Regents have caused to be placed in escrow and in trust with a bank doing business in the State which is a member of the Federal Deposit Insurance Corporation (or any successor federal agency) and exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities in which such amount may be initially invested) to meet all requirements of principal, interest and prior redemption premium, if any, on such Bonds as the same become due to maturity or upon any designated prior redemption date or dates. The Federal Securities shall become due at or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the Regents and such bank at the time of the creation of the escrow, or the Federal Securities shall be subject to redemption at the option of the owners thereof to assure such availability as needed to meet such schedule. If any such Bond is to be redeemed prior to maturity, notice of redemption shall have been given or arrangements satisfactory to the Paying Agent/Registrar shall have been made for the giving of such notice. No Bonds may be refunded unless they mature or are callable for prior redemption under their terms as set forth in the Pricing Certificate within 15 years, or such longer period as may then be allowed by the laws of the State, from the date of issuance of the refunding bonds or unless the owners thereof voluntarily surrender them for exchange or payment.

ARTICLE X

AMENDMENT OF RESOLUTION

Section 10.01 Limitations upon Amendments. This Bond Resolution, as supplemented by the Pricing Certificate, may be amended without the consent of the owners of Subordinate Lien Parity Bonds or the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond to cure any ambiguity, or to cure, correct, or supplement any defect or inconsistent provision contained herein or, if applicable, to preserve the exclusion of interest on any Subordinate Lien Parity Bonds from gross income for federal income tax purposes, or to comply with securities laws, or to make any changes that, in the judgment of the Regents, in reliance upon an opinion of nationally recognized bond counsel, does not have a material adverse effect on the rights of the owners of Subordinate Lien Parity Bonds. Except as provided above, the Bond Resolution, as supplemented by the Pricing Certificate, may only be amended or supplemented by resolutions adopted by the Regents in accordance with the laws of the State, with the written consent of the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond while such Subordinate Lien Parity Bonds Reserve Fund Surety Bond is in effect and the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond is not in default thereunder and with the consent of the owners of sixty percent (60%) of all Subordinate Lien Parity Bonds then outstanding or in the event that any such amendment affects less than all of the Subordinate Lien Parity Bonds outstanding, of the owners of sixty percent (60%) of just the affected Subordinate Lien Parity Bonds then outstanding, not including in any case any

Subordinate Lien Parity Bonds which may then be held or owned for the account of the Regents, but including such refunding bonds as may be issued for the purpose of refunding any of the Subordinate Lien Parity Bonds if such refunding bonds are not owned by the Regents; provided, however, that, unless the requirements listed above are met and the consent of the owners of one hundred percent (100%) of all Subordinate Lien Parity Bonds then outstanding is obtained, no such resolutions shall have the effect of permitting:

- (a) an extension of the maturity of any Subordinate Lien Parity Bond; or
- (b) a reduction in the principal amount of any Subordinate Lien Parity Bond, the rate of interest thereon, or the redemption premium payable thereon; or
- (c) a reduction of the principal amount of Subordinate Lien Parity Bonds required for consent to such amendatory or supplemental resolution; or
- (d) the establishment of priorities as between all Outstanding Subordinate Lien Parity Bonds issued and outstanding under the provisions of the Bond Resolution; or
- (e) the modification of, or otherwise affecting, the rights of the owners of less than all of the Subordinate Lien Parity Bonds then outstanding (other than as originally permitted hereby); or
- (f) the modification of the terms of payment of principal of or interest on the Subordinate Lien Parity Bonds or the imposition of any conditions with respect to such payment.

Section 10.02 Notice of Amendment. Notice of a proposed amendment requiring the consent of the owners of Subordinate Lien Parity Bonds shall be mailed to the owners of the Subordinate Lien Parity Bonds then Outstanding affected by the amendment at their addresses as the same last appear in the registration books kept by the Paying Agent/Registrar and to the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies of the resolution pertaining to such amendment are on file at the principal corporate office of the Paying Agent/Registrar for inspection by all owners of Subordinate Lien Parity Bonds. If, within sixty (60) days or such longer period as shall be prescribed by the Regents following the giving of such notice, the requisite owners of the Subordinate Lien Parity Bonds Outstanding affected by the amendment shall have consented to and approved the amendment as herein provided, the amendment shall become effective and no owner of any Subordinate Lien Parity Bond shall have any right to object to such amendment, or the operation thereof.

Section 10.03 Proof of Instruments. The fact and date of the execution of any instrument under the provisions of this Section may be proved by the certificate of any officer in any jurisdiction who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction, that the person signing such instrument acknowledged before him or her the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer. The amount and numbers of the Subordinate Lien Parity Bonds owned by any person executing such instrument and the date of his or her holding the same shall be proved by the registration books maintained by the Paying Agent/Registrar.

ARTICLE XI

MISCELLANEOUS

Section 11.01 Delegated Powers. The Authorized Officers of the Regents and the University be, and they hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of the Bond Resolution, including, without limiting the generality of the foregoing, the publication of the Notice of Adoption of Resolution Authorizing the Issuance of Public Securities set out in Section 11.10 hereof (with or without such changes, additions and deletions not inconsistent herewith as they may determine), the distribution of material relating to the Bonds, the execution of the Purchase Contract, the Escrow Agreement, and the Related Documents, the acquisition of Eligible Investments for the Escrow Fund, the printing of the Bonds, the printing and distribution of the Preliminary Official Statement and the Official Statement and the execution of such certificates and agreements as may be required by the Purchaser. Pursuant to Section 6-14-10.2 NMSA 1978 and the provisions of this Bond Resolution, the Delegate is delegated the authority to approve the final terms of the Bonds and to execute the Pricing Certificate, Escrow Agreement, Purchase Contract, and Related Documents all within the parameters set forth in this Bond Resolution.

Section 11.02 Call for Redemption. The Delegate is authorized to enter into the Escrow Agreement which shall provide for the appropriate notices of defeasance and redemption which set forth the Regents' call for redemption of the Refunded Bonds.

Section 11.03 Bond Resolution Irrepealable. Except with respect to amendments as provided in Section 10.01 hereof, after any of the Bonds are issued the Bond Resolution shall be and remain irrepealable until the Bonds, the interest thereon and amounts due to the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond shall be fully paid, canceled and discharged, as herein provided, or there has been defeasance as herein provided.

Section 11.04 Approval of State Board of Finance. Prior to the delivery of the Bonds, an Authorized Officer shall give written notice of the intention of the Regents to issue the Bonds to the State Board of Finance, together with a copy of this resolution and any supplemental showings or materials which may be required by the State Board of Finance, and none of the Bonds shall be delivered until the State Board of Finance shall have issued such approvals as are required by law.

Section 11.05 Finding of Regularity. The Regents hereby expressly find and determine that all conditions of Chapter 6, Article 17, NMSA 1978, as amended, for the issuance of the Bonds have been met and fulfilled or will have been met and fulfilled prior to the issuance thereof.

Section 11.06 Severability. If any one or more provisions of the Bond Resolution or the application thereof to any set of circumstances or the pledge of any one or more sources of revenue hereunder shall ever be held by final decision of a court of competent jurisdiction to be invalid or ineffective for any reason, such holding shall not affect the validity and enforceability of the remaining provisions and pledges of the Bond Resolution or the application of such remaining provisions to other circumstances.

Section 11.07 Repealer Clause. All bylaws, orders and resolutions of the Regents or the University, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 11.08 Ratification. All action heretofore taken (not inconsistent with the express provisions of this Bond Resolution) by the Regents or the University directed toward the Refunding Project and toward the authorization, sale and issuance of the Bonds to the Purchaser herein authorized be, and the same hereby is ratified, approved and confirmed.

Section 11.09 Governing Law. This Bond Resolution shall be governed by the laws of the State without reference to choice of law principles thereof.

Section 11.10 Notice of Adoption of Resolution Authorizing the Issuance of Public Securities for Publication and Limitation of Actions. In accordance with the provisions of Section 6-14-6 NMSA 1978, as amended, the Regents shall cause the following "Notice of Adoption of Resolution Authorizing the Issuance of Public Securities" to be published once in the *Albuquerque Journal* or other newspaper of general statewide circulation, and cause a copy of this resolution to be kept on file in the office of the Senior Vice President for Finance and Administration of the University of New Mexico for public examination during regular business hours until at least thirty (30) days from and after the date of publication thereof. The "Notice of Adoption of Resolution Authorizing the Issuance of Public Securities" shall be in substantially the following form:

[FORM OF NOTICE]

**NOTICE OF ADOPTION OF RESOLUTION AUTHORIZING THE
ISSUANCE OF PUBLIC SECURITIES**

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 6-14-6 NMSA 1978, as amended, that on December 9, 2020, The Regents of the University of New Mexico (the "Regents") adopted a resolution (the "Resolution") authorizing the issuance of The Regents of the University of New Mexico Subordinate Lien System Refunding Revenue Bonds, Series 2021 in an amount not to exceed \$80,000,000.

The title of the Resolution is as follows:

AUTHORIZING THE ISSUANCE AND SALE OF THE REGENTS OF THE UNIVERSITY OF NEW MEXICO SUBORDINATE LIEN SYSTEM REFUNDING REVENUE BONDS, SERIES 2021 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$80,000,000, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING CERTAIN MATURITIES OF THE REGENTS OF THE UNIVERSITY OF NEW MEXICO, SUBORDINATE LIEN SYSTEM REFUNDING REVENUE BONDS, SERIES 2014A AND THE REGENTS OF THE UNIVERSITY OF NEW MEXICO , SUBORDINATE LIEN SYSTEM REFUNDING REVENUE BONDS, SERIES 2014C, ACQUIRING A RESERVE FUND INSURANCE POLICY TO FUND, OR OTHERWISE FUNDING, A RESERVE FUND FOR SUCH 2021 BONDS, AND PAYING THE COSTS OF ISSUANCE ASSOCIATED THEREWITH; PROVIDING FOR THE PLEDGE OF CERTAIN REVENUES FOR THE PAYMENT OF THE SERIES 2021 BONDS; PROVIDING FOR ENTERING INTO CERTAIN CONTRACTS AND AGREEMENTS IN CONNECTION THEREWITH; DELEGATING AUTHORITY TO THE DELEGATE TO EXECUTE AND DELIVER A PURCHASE CONTRACT FOR THE SALE OF THE BONDS TO THE UNDERWRITER AND TO EXECUTE THE PRICING CERTIFICATE PURSUANT TO THE SUPPLEMENTAL PUBLIC

SECURITIES ACT; PRESCRIBING OTHER DETAILS CONCERNING SUCH BONDS AND THE BOND PROCEEDS; PROVIDING FOR THE APPROVAL AND EXECUTION OF CERTAIN DOCUMENTS OTHERWISE RELATING TO THE FOREGOING; AND PROVIDING FOR THE PUBLICATION OF NOTICE OF ADOPTION OF THIS RESOLUTION.

A general summary of the resolution appears in its title.

A copy of the Resolution is on file in the office of the Senior Vice President for Finance and Administration of the University of New Mexico, Scholes Hall at the University of New Mexico, in Albuquerque, New Mexico, where it may be examined during regular business hours of the Senior Vice President for Finance and Administration from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. The Resolution shall be available for inspection for a period of at least thirty (30) days from and after the date of the publication of this notice.

This notice is given pursuant to the Public Securities Limitation of Action Act, Sections 6-14-4 to 6-14-7 NMSA 1978, as amended.

DATED this 9th day of December, 2020.

THE REGENTS OF THE UNIVERSITY OF
NEW MEXICO

[END OF FORM OF NOTICE]

Section 11.11 Third Party Beneficiary; Notices. Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the University, the Regents, the Paying Agent, the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond, and the Owners of the Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the University shall be for the sole and exclusive benefit of the University, the Regents, the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond, the Paying Agent and the Owners of the Bonds.

All notices to the Regents or the University, the Paying Agent, the provider of a Subordinate Lien Parity Bonds Reserve Fund Surety Bond, Moody's and S&P shall be sufficiently given and shall be deemed given when delivered or mailed by registered or certified mail, postage prepaid, or sent by telegram, telecopy or telex or other similar communication, or when given by telephone, confirmed in writing, sent by any of the above methods on the same day addressed as follows:

If to the Fiscal Agent:

BOKF, N.A.
Attn: Corporate Trust Department
100 Sun Avenue NE, Suite 500
Albuquerque, New Mexico 87109
Telephone Number: (505) 222-8458

If to the Regents or the University:

University of New Mexico

Scholes Hall
Albuquerque, New Mexico 87131
Attention: Senior Vice President for Finance and
Administration or his or her successor in
function
Telephone: (505) 277-6465
Fax: (505) 277-7577

If to Moody's:

Moody's Investor Services
99 Church Street
New York, New York 10007
Attention: Municipal Department
Telephone: (212) 553-0300
Fax: (212)553-7450

If to S&P:

Standard & Poor's Ratings Services
55 Water Street
New York, New York 10041
Attention: Municipal Structured Surveillance
Telephone: (212) 208-1723
Fax: (212) 412-0462

The above parties may, by notice given hereunder, designate any further or different addresses to which subsequent notices shall be sent.

Section 11.12 Effective Date. This resolution shall take immediate effect.

ADOPTED AND APPROVED this 9th day of December, 2020.

THE REGENTS OF THE UNIVERSITY OF
NEW MEXICO

[SEAL]

By _____
Douglas M. Brown, President

Attest:

By

Sandra K. Begay, Secretary

[Signature Page to Bond Resolution]

EXHIBIT A
(FORM OF BOND)

UNITED STATES OF AMERICA
STATE OF NEW MEXICO **COUNTY OF BERNALILLO**

**THE REGENTS OF THE UNIVERSITY OF NEW MEXICO
SUBORDINATE LIEN SYSTEM REFUNDING REVENUE BOND
SERIES 2021**

NO. R-1	\$ _____	CUSIP 914692 _____
Maturity Date	Interest Rate	Dated as of
June 1, _____	_____ %	_____, 2021
REGISTERED OWNER:	Cede & Co. Tax Identification Number: 13-2555119	
PRINCIPAL AMOUNT:		DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS, that The Regents of the University of New Mexico (the "Regents"), being a body corporate under the constitution and laws of the State of New Mexico (the "State"), for value received, hereby promises to pay to the Registered Owner specified above (the "Owner" or "Registered Owner") or registered assigns solely from the special funds provided therefor, the Principal Amount specified above, on the Maturity Date specified above (unless called for earlier redemption), and to pay from such special funds interest thereon on June 1 and December 1 of each year commencing _____, at the Interest Rate per annum specified above, until the Principal Amount specified above is paid or duly provided for. This bond will bear interest from the most recent interest payment date to which interest has been paid, or, if no interest has been paid, from the date of this bond. The principal of and premium, if any, on this bond is payable upon presentation and surrender hereof at the principal office of BOKF, NA, Albuquerque, New Mexico, as paying agent (the "Paying Agent" or "Fiscal Agent"). Interest on this bond will be paid on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered (the "Owner") in the registration records of the Regents maintained by the Paying Agent and at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such interest payment date (the "Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Owner hereof at the close of business on the Record Date and shall be payable to the person who is the Owner hereof at the close of business on a Special Record Date, as described in the resolution of the Regents adopted on December 9, 2020 and the Pricing Certificate executed on _____, 2021 authorizing the issuance of and relating to this bond, respectively (collectively, the "Bond Resolution"), for the payment of any defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the Owners of the bonds of the series of which this is one (the "Series 2021 Bonds") not

less than ten (10) days prior thereto. Alternative means of payment of interest may be used if mutually agreed to in writing between the Owner of any Series 2021 Bond and the Paying Agent, as provided in the Bond Resolution. All such payments shall be made in lawful money of the United States of America.

Capitalized terms used in this bond and not specifically defined herein shall have the same meanings ascribed thereto in the Bond Resolution unless the context shall otherwise clearly require.

The Series 2021 Bonds are issuable as fully registered bonds in denominations of \$5,000 and any integral multiple thereof or \$5,000 Maturity Amount with respect to the Capital Appreciation Bonds (provided that no Series 2021 Bond may be in a denomination which exceeds the principal coming due on any Maturity Date, and no individual Series 2021 Bond may be issued for more than one maturity) and are exchangeable for fully registered Series 2021 Bonds of the same maturity in equal aggregate principal amounts and in authorized denominations at the aforesaid office of the Paying Agent, but only in the manner, subject to the limitations, and on payment of the charges provided in the Bond Resolution.

The Series 2021 Bonds are initially to be registered in the name of "Cede & Co.," as nominee for The Depository Trust Company ("DTC"), as securities depository for the Series 2021 Bonds. Purchases by beneficial owners are to be made in book-entry form. Beneficial owners are not to receive certificates evidencing their interest in the Series 2021 Bonds.

Series 2021 Bonds (with the exception of the Capital Appreciation Bonds) maturing on and after June 1, __, are subject to prior redemption, at the option of the Regents, in whole at any time or in part on any interest payment date on or after June 1, ____, in integral multiples of \$5,000, from any maturities or any portions of maturities selected by the Regents and by lot within a maturity (giving proportionate weight to Series 2021 Bonds in denominations larger than \$5,000), in such manner as the Paying Agent may determine, at the respective redemption prices (expressed as percentages of the principal amount of each Series 2021 Bond or portion thereof so redeemed) set forth below, plus accrued interest to the redemption date.

Redemption Dates	Redemption Price
June 1, ____ through May 31, ____	%
June 1, ____ and thereafter	

The Series 2021 Bonds maturing on June 1, ____, are subject to mandatory sinking fund redemption by lot in such manner as the Paying Agent may determine (giving proportionate weight to Series 2021 Bonds in denominations larger than \$5,000 principal amount), on June 1 in each of the following years and in each of the designated amounts of principal, at a price equal to the principal amount of each Series 2021 Bond or portion thereof so redeemed plus accrued interest to the redemption date.

Redemption Dates (June 1)	Principal to be Redeemed
	\$

*

***Final Maturity**

The Series 2021 Bonds maturing on June 1, ____, are subject to mandatory sinking fund redemption by lot in such manner as the Paying Agent may determine (giving proportionate weight to Series 2021 Bonds in denominations larger than \$5,000), on June 1 in each of the following years and in each of the designated amounts of principal, at a price equal to the principal amount of each Series 2021 Bond or portion thereof so redeemed plus accrued interest to the redemption date.

**Redemption Dates
(June 1)**

**Principal to
be Redeemed**

\$

*

***Final Maturity**

The principal amount of Series 2021 Bonds maturing on June 1, ____ and on June 1, ____ required to be redeemed on any particular date will be reduced in such order as the Regents determines by an amount equal to the par value of any such Series 2021 Bonds previously paid or redeemed at the Regents option not less than 60 days prior to the redemption date fixed for the mandatory sinking fund redemption.

In the case of a Series 2021 Bond of a denomination larger than \$5,000, a portion of such Series 2021 Bond (\$5,000 principal amount or \$5,000 Maturity Amount with respect to the Capital Appreciation Bonds or any integral multiple thereof) may be redeemed, in which case the Paying Agent shall, without charge to the Owner of such Series 2021 Bond, authenticate and issue a replacement Series 2021 Bond or Bonds for the unredeemed portion thereof. Money sufficient to provide for the redemption price due in connection with any redemption of Series 2021 Bonds as provided herein shall be credited to the Series 2021 Bonds Principal Account for such purpose prior to the redemption date set for such Series 2021 Bonds. Redemption shall be made upon not less than thirty (30) days but not more than sixty (60) days prior mailed notice to the Owner of any Series 2021 Bond all or a part of which is called for prior redemption, at such Owners address as it last appears on the registration records kept by the Paying Agent, subject to the terms and otherwise as provided in the Bond Resolution.

The Paying Agent will not be required to transfer or exchange: (i) any Series 2021 Bond or portion thereof subject to redemption during a period beginning at the opening of business fifteen (15) days before the day of the mailing by the Paying Agent of a notice of redemption and ending at the close of business on the day of such mailing; or (ii) any Series 2021 Bond or any portion thereof after the mailing of notice calling such Series 2021 Bond or any portion thereof for redemption.

This bond is fully transferable by the Owner hereof, in person or by his duly authorized attorney, upon surrender of this bond together with a duly executed written instrument of transfer satisfactory to the Paying Agent. Upon such transfer, a new fully registered Series 2021 Bond or Bonds of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this bond, subject to such terms and conditions as set forth in the Bond Resolution. The Regents and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute Owner hereof for the

purpose of making payments (except to the extent otherwise provided hereinabove and in the Bond Resolution with respect to Record Dates and Special Record Dates for the payment of interest) and for all other purposes, and the Regents and Paying Agent shall be not be affected by notice to the contrary.

THE SERIES 2021 BONDS AND THE INTEREST THEREON ARE SPECIAL LIMITED OBLIGATIONS OF THE REGENTS, ARE PAYABLE SOLELY FROM THE PLEDGED REVENUES DESCRIBED BELOW AND AMOUNTS ON DEPOSIT IN THE SUBORDINATE LIEN PARITY BONDS RESERVE FUND, AND SHALL NOT BE DEEMED TO CONSTITUTE AN INDEBTEDNESS OR GENERAL OBLIGATION OR A PLEDGE OF THE FAITH AND CREDIT OF THE REGENTS OF THE UNIVERSITY OF NEW MEXICO, THE UNIVERSITY OF NEW MEXICO OR THE STATE OR ANY POLITICAL SUBDIVISION THEREOF. THE OWNERS OF BONDS MAY NOT LOOK TO ANY GENERAL OR OTHER FUND OTHER THAN THE PLEDGED REVENUES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2021 BONDS OR OTHER COSTS INCIDENT THERETO. THE REGENTS HAVE NO TAXING POWER.

The Series 2021 Bonds are issued in full compliance with the laws of the State, including Sections 6-17-1 to 6-17-19 NMSA 1978, as amended, and Sections 6-14-1 to 6-14-12 NMSA 1978, as amended, and all enactments of the Regents relating to the Series 2021 Bonds, all as amended.

The Regents are issuing the Series 2021 Bonds in order to provide funds for the (i) refunding of certain indebtedness previously incurred by the Regents, (ii) acquiring a reserve fund insurance policy to fund, or otherwise fund, a reserve fund for the Series 2021 Bonds, and (iii) paying the costs of issuance associated therewith (collectively, the "Refunding Project")

The Series 2021 Bonds are equally and ratably secured by a pledge under the Bond Resolution of the Pledged Revenues. Pledged Revenues are defined in this bond to mean the net revenues derived directly or indirectly by the Regents from the operation or ownership of the System, all as more fully defined in the Bond Resolution. Pledged Revenues do not include any money received from ad valorem taxes, State appropriations or restricted contracts and gifts.

Reference is made to the Bond Resolution on file with the Senior Vice President for Finance and Administration of the University for a description of the Pledged Revenues, the rights, duties and obligations of the Owners, the Fiscal Agent and the Regents, and the conditions under which the Series 2021 Bonds are issued and secured. The acceptance of the terms and conditions of the Bond Resolution is an explicit and material part of the consideration of the Regents issuance of this bond, and each owner, by acceptance of this bond, agrees and assents to all such terms and conditions as if fully set forth herein.

The Regents and the Fiscal Agent may deem and treat the person in whose name this bond is registered on the registration books of the Regents maintained by the Fiscal Agent as the absolute owner of this bond for all purposes, whether or not this Bond is overdue, and neither the Regents nor the Fiscal Agent shall be affected by any notice to the contrary.

The transfer and exchange of this bond will be registered upon the registration books kept at the principal corporate trust office of the Fiscal Agent, upon surrender of this bond at that office, together with the attached instrument of transfer duly executed by the Registered Owner or his duly authorized attorney.

The Registered Owner of this bond has no right to enforce the provisions of the Bond Resolution or to institute action to enforce the covenants therein or to take any action with respect to any default under the Bond Resolution or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Bond Resolution.

The Bond Resolution may be modified or amended as set forth in the Bond Resolution.

No covenant or agreement contained in this bond or the Bond Resolution will be deemed to be the covenant or agreement of any elected or appointed Regent, officer, agent, servant or employee of the University in his individual capacity, and no member of the Regents or any official executing this bond will be liable personally on this bond or be subject to any personal liability or accountability by reason of the issuance of this bond.

If sufficient funds are deposited with the Fiscal Agent to pay the principal or redemption price of any Series 2021 Bonds becoming due at maturity, by call for redemption or otherwise, together with interest accrued to the due date, interest on such Series 2021 Bonds will cease to accrue on the due date, and thereafter the owners will be restricted to the funds deposited as provided in the Bond Resolution.

It is certified that all acts and conditions necessary to be done or performed by the Regents and the University to have happened precedent to the issuance of the Series 2021 Bonds to make them legal, valid and binding limited and special obligations of the Regents and the University have been performed and have happened, as required by law, and that the Series 2021 Bonds do not exceed or violate any constitutional or statutory limitation. This Series 2021 Bond will not be entitled to any benefit under the Bond Resolution or become valid or obligatory for any purpose until the Fiscal Agent, as authenticating agent, has signed the Certificate of Authentication.

IN WITNESS WHEREOF, the Regents have caused this bond to be signed by the manual or facsimile signature of the President of the Regents and attested by the manual or facsimile signature of the Secretary and Treasurer of the Regents and a manual impression or the facsimile of the corporate seal of the Regents to be printed thereon, all as of _____, 2021.

THE REGENTS OF THE UNIVERSITY OF
NEW MEXICO

[SEAL]

By _____
President

Attest:

By _____
Secretary and Treasurer

CERTIFICATE OF AUTHENTICATION

This is one of the Series 2021 Bonds described in the within-mentioned Bond Resolution of The Regents of the University of New Mexico, and this bond has been registered on the registration books kept by the undersigned as Fiscal Agent for such Series 2021 Bonds.

as Paying Agent/Registrar

By _____
Authorized Officer

Date of Authentication:

_____, 2021

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto

SOCIAL SECURITY OR FEDERAL EMPLOYER
IDENTIFICATION NUMBER OF ASSIGNEE

(Name and Address of Assignee)

the within bond and does hereby irrevocably constitute and appoint _____
attorney, to transfer said bond on
the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature of Registered Owner:

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Signature guaranteed:

(Bank, Trust Company, or Firm)

TRANSFER FEE MAY BE REQUIRED

DTC FAST RIDER

This bond shall remain in the Custodian's custody subject to the provisions of the FAST Balance Certificate Agreement currently in effect between the Custodian and DTC.

EXHIBIT B

**(AFFIDAVIT OF PUBLICATION OF NOTICE
OF ADOPTION OF THE RESOLUTION)**

EXHIBIT C

THE 2021 REFUNDING PROJECT

2021 Refunding Project Description

Defeasance and Refunding of certain maturities* of The Regents of the University of New Mexico, Subordinate Lien System Refunding Revenue Bonds, Series 2014A maturing on and after June 1, 2024 and Series 2014C maturing on and after June 1, 2025	\$80,000,000*
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***To be finally determined in Pricing Certificate by Delegate**

November 24, 2020

University of New Mexico
Health Sciences Center Committee
Albuquerque, New Mexico 87131

Dear Members of the HSC Committee:

Please find attached the list of UNM Health Sciences Degree Candidates for the fall 2020 term for your approval.

Degree Candidate Summary

College/School	Count
College of Nursing	103
RN-BSN in Nursing	70
BS in Nursing	28
Doctor of Nursing Practice	5
College of Pharmacy	29
BS Pharmaceutical Sciences	28
Doctor of Pharmacy	1
College of Population Health	2
BS in Population Health	2
Graduate Programs	71
Graduate Certificate	1
Master in Occupational Therapy	23
Master of Public Health	2
Master of Science – Biomedical Science	3
Master of Science – Dental Hygiene	1
Master of Science – Physician Assistant Studies	17
Master of Science – Pharmaceutical Sciences	1
Master of Science – Nursing	14
Doctor of Philosophy – BioMedical Science	7
Doctor of Philosophy – Nursing	2
School of Medicine	37
BS Emergency Medical Services	5
BS Radiologic Sciences	3
BS Dental Hygiene	4
BS in Medical Laboratory Sciences	13
Doctor of Medicine	12
Grand Total	242

Sincerely,



Amy Levi, Ph.D., CNM, WHNP-BC
Vice Chancellor HSC Academic Affairs
Albers Endowed Professor of Midwifery

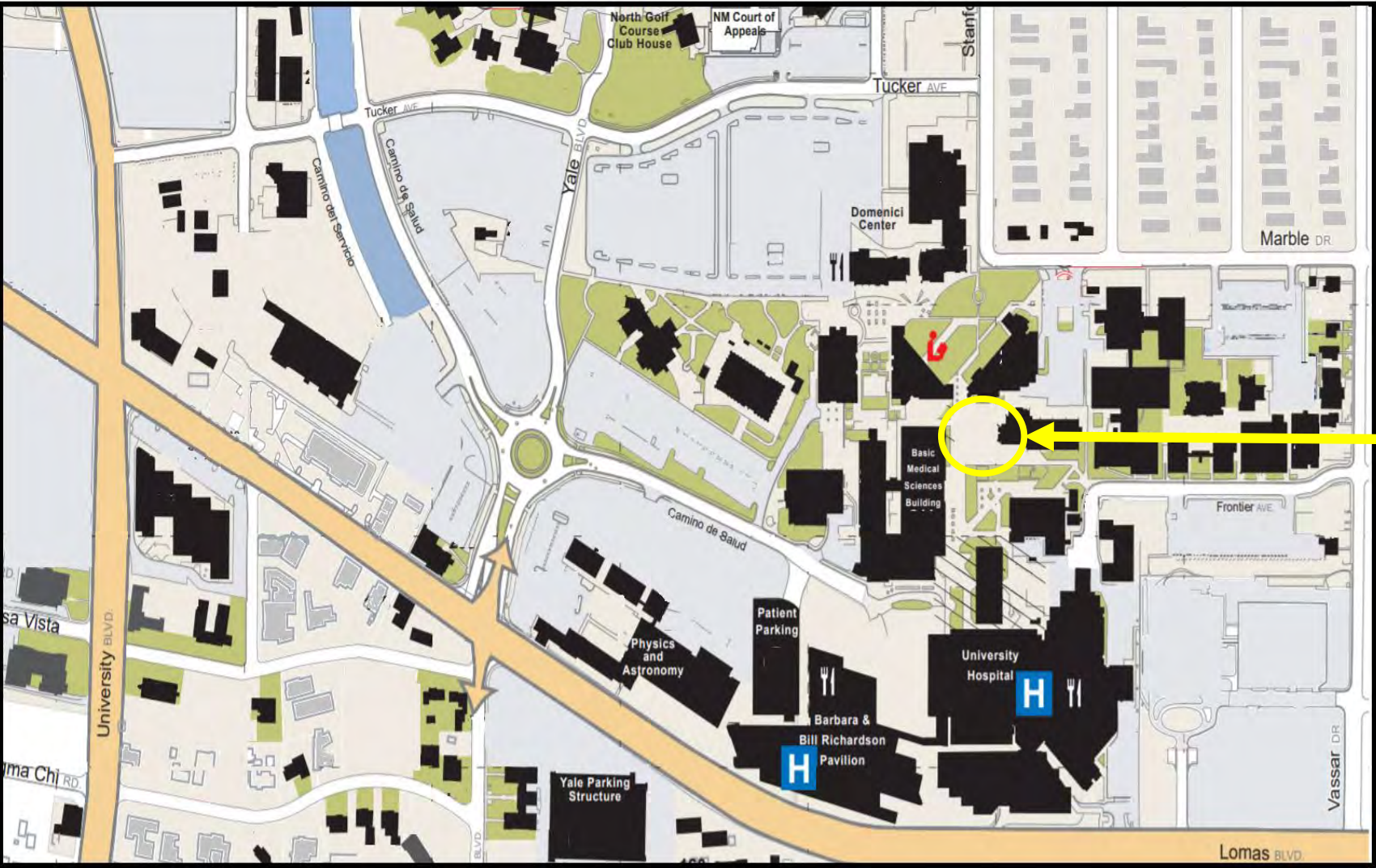


HSC UPPER PLAZA COLLABORATIVE OUTDOOR STRUCTURE

UNM REGENTS FINANCE & FACILITIES COMMITTEE

HSC Upper Plaza Collaborative Outdoor Structure

Location



Project Location



2502 Marble Ave,
Albuquerque, NM 87106

HSC Upper Plaza Collaborative Outdoor Structure

Location

PROJECT SNAPSHOT

- Square Footage: 3,130 SF
- Project Cost: \$585,650
- Schedule: March 2021 to August 2021

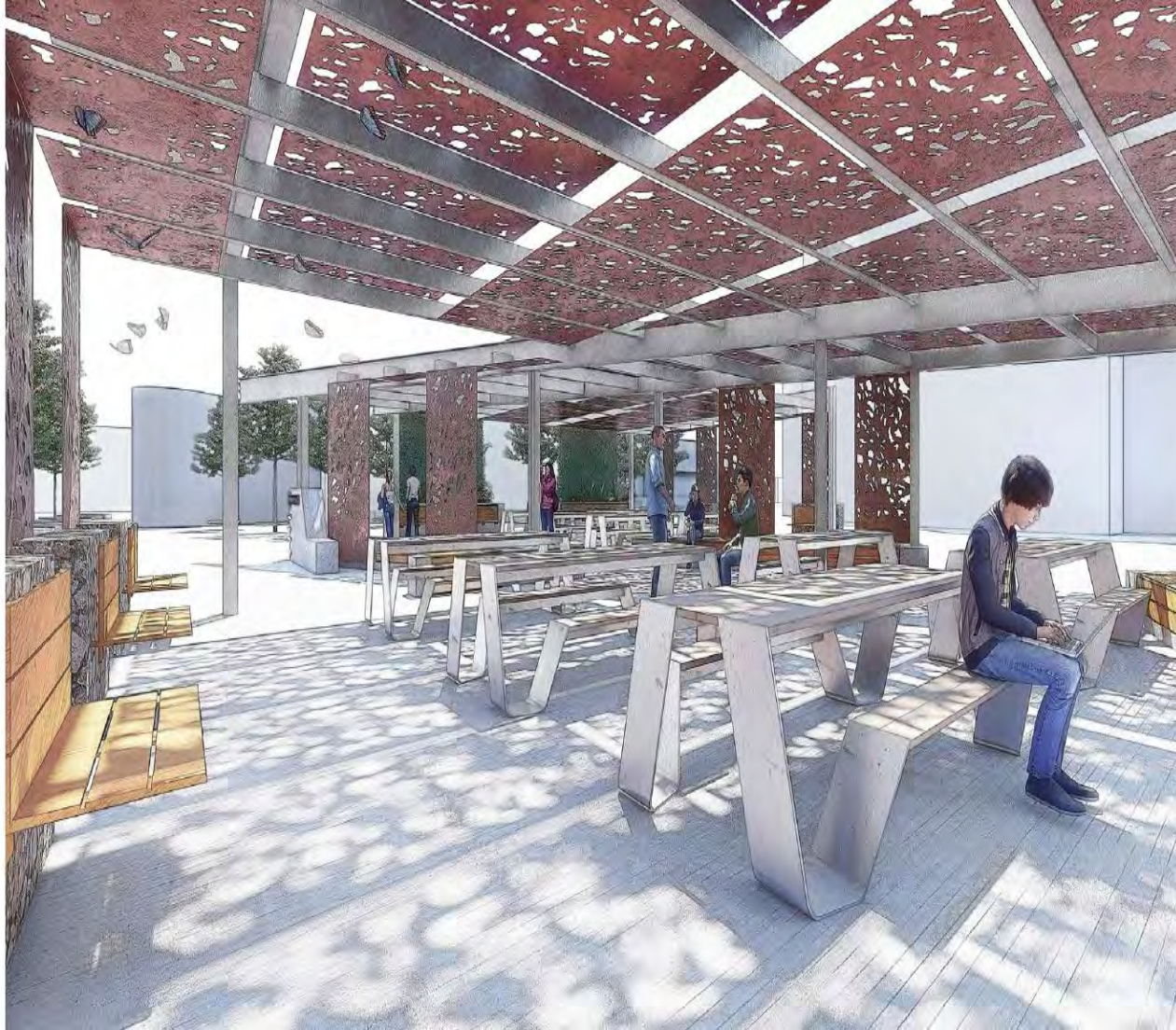


PROJECT OUTLINE

- The project will also include demolition of existing pergolas and possible relocation and repair of existing utilities.
- **The new structure will provide visual continuity across our campus by duplicating the look of 'rusted steel' that has been used on Smith Plaza** and will be more resilient vs the existing wood structure. The exterior panels will be pre-finished (powder coated) aluminum that will require little to no maintenance.
- The project will maximize the use outdoor space, and will include installation of new LED lighting to increase visibility in this area for student safety and security.
- There are also plans to incorporate power into the structure for events and charging electrical devices.
- Due to the location and pedestrian traffic, it is an ideal time to run project with current campus populations.

HSC Upper Plaza Collaborative Outdoor Structure

Needs

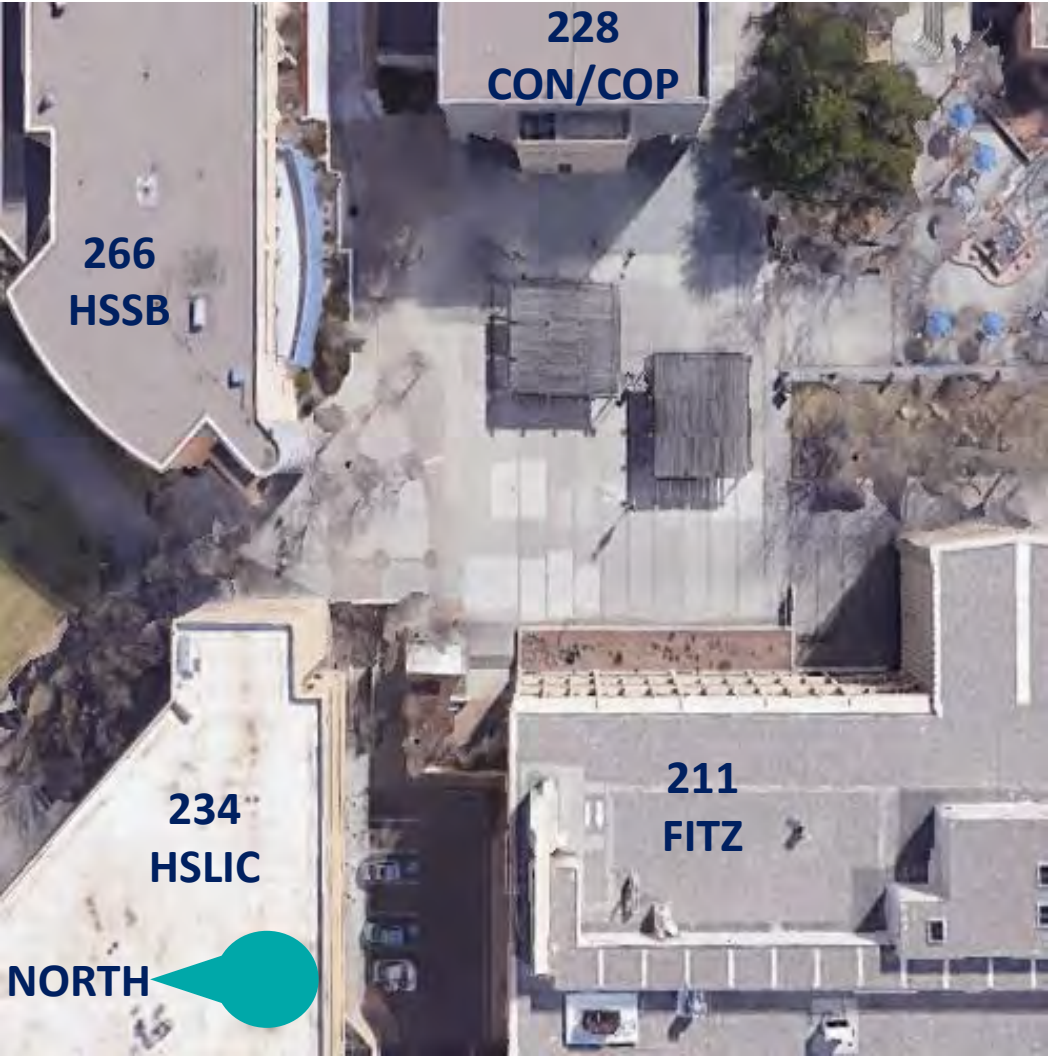


PROJECT RATIONALE

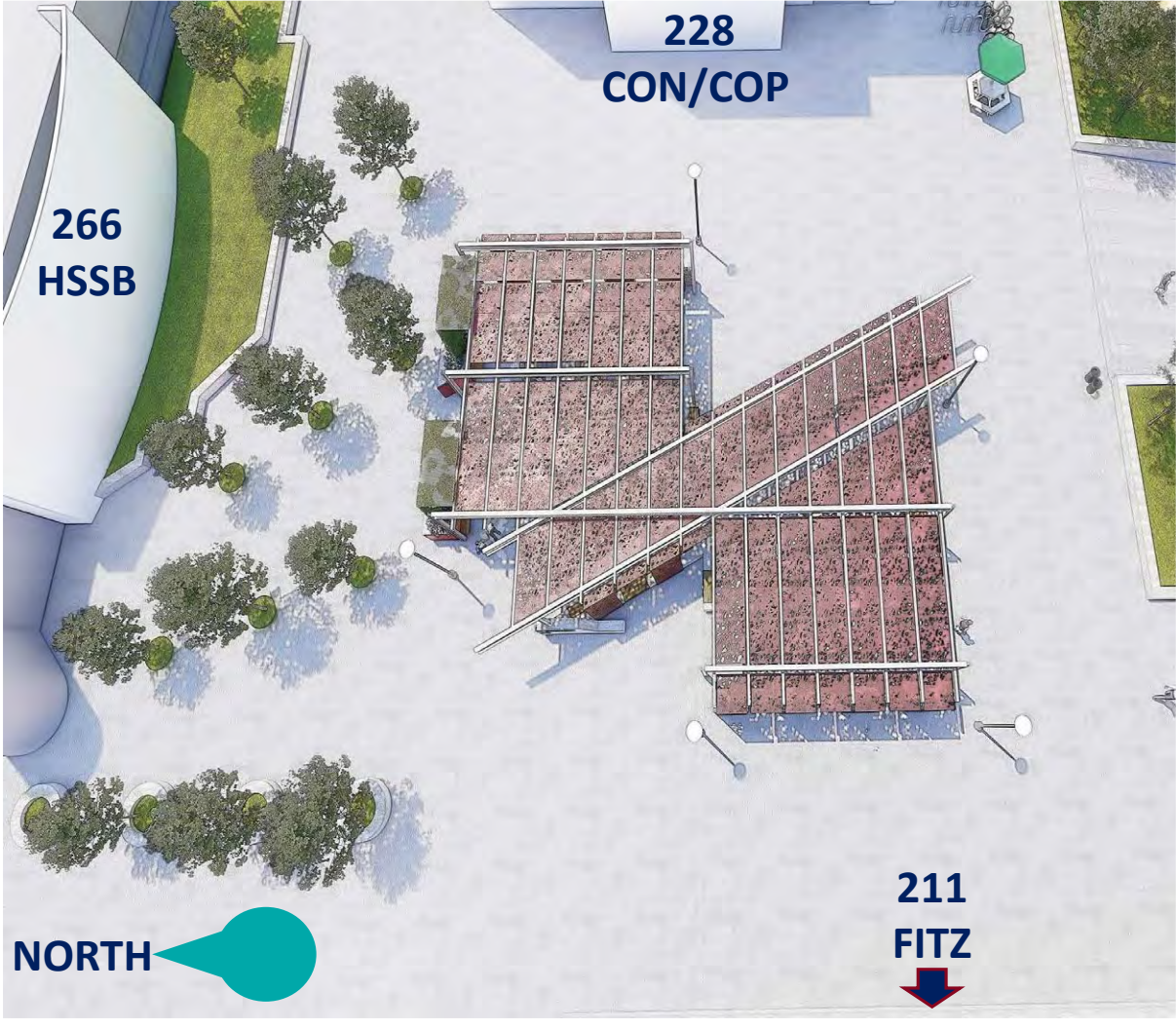
- The current structures that occupy this space are deteriorating and present a safety concern.
- The project would offer outdoor opportunities for faculty, staff, and students to collaborate, study, and learn in an open-air and outdoor environment.
- Transforming this area into an outdoor collaborative space will allow for flexible alternative meeting opportunities.
- The area and current structure is heavily utilized for a majority of events at the Health Sciences.
- This project would maximize the area to provide more seating and shaded outdoor space for our staff, faculty, and students.

HSC Upper Plaza Collaborative Outdoor Structure

New Proposed Floor Plan



Existing Floor Plan



New Proposed Floor Plan

HSC Upper Plaza Collaborative Outdoor Structure

Schedule

SCHEDULE

- Construction: March 2020
- Completion: August 2021

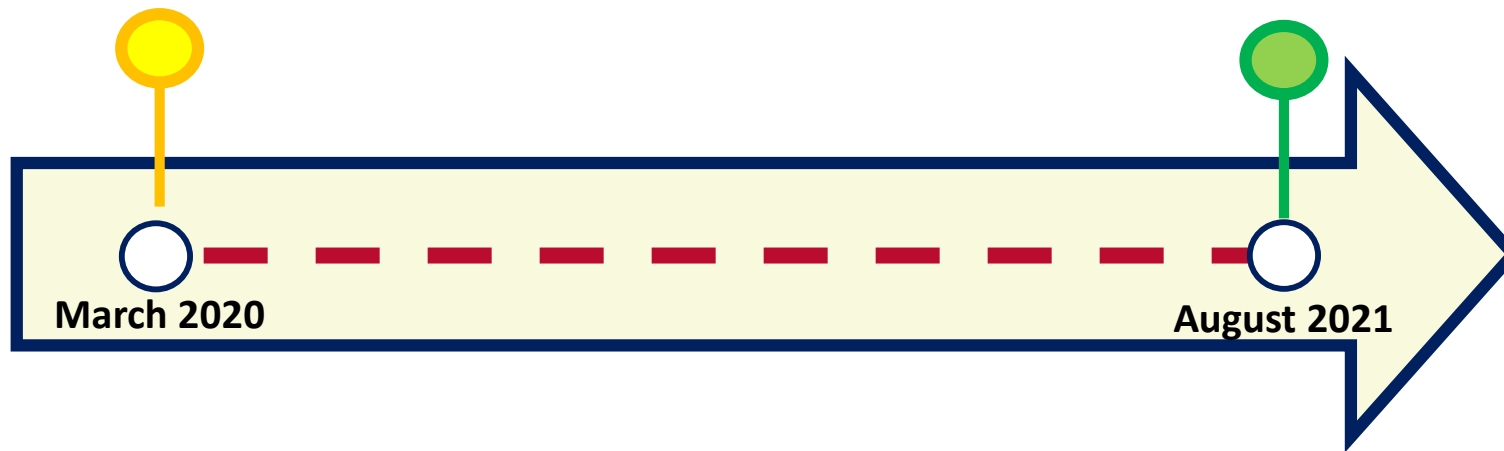
FINANCIALS

\$TOTAL PROJECT BUDGET
\$585,600

HSC Capital Funds

Construction
6 Months

Completion





Questions?

REQUEST FOR CAPITAL PROJECT APPROVAL for

HSC Upper Plaza Collaborative Outdoor Structure

UNIVERSITY OF NEW MEXICO

December 1, 2020

REQUESTED ACTION:

In accordance with Section 7.12 of the Board of Regent Policy Manual and as required by the New Mexico Higher Education Department and New Mexico State Board of Finance, project approval is requested for

HSC Upper Plaza Collaborative Outdoor Structure

PROJECT DESCRIPTION:

This project that is located on the North Upper Plaza of UNM North Campus and will involve construction of a 3,130 SF outdoor structure.

The project will also include demolition of existing pergolas and possible relocation and repair of existing utilities.

With the use of structural steel, the new structure will be more resilient vs the existing wood structure, also the exterior panels will be pre-finished (powder coated) aluminum that will require little to no maintenance.

The project will maximize the use outdoor space, and will include installation of new LED lighting to increase visibility in this area for student safety and security.

There are also plans to incorporate power into the structure for events and charging electrical devices.

Though there is existing Wi-Fi from surrounding buildings, we are also looking into exploring options for better Wi-Fi coverage.

PROJECT RATIONALE:

The current structures that occupy this space are deteriorating and present a safety concern.

The project would offer outdoor opportunities for faculty, staff, and students to collaborate, study, and learn in an open-air and outdoor environment.

Transforming this area into an outdoor collaborative space will allow for flexible alternative meeting opportunities.

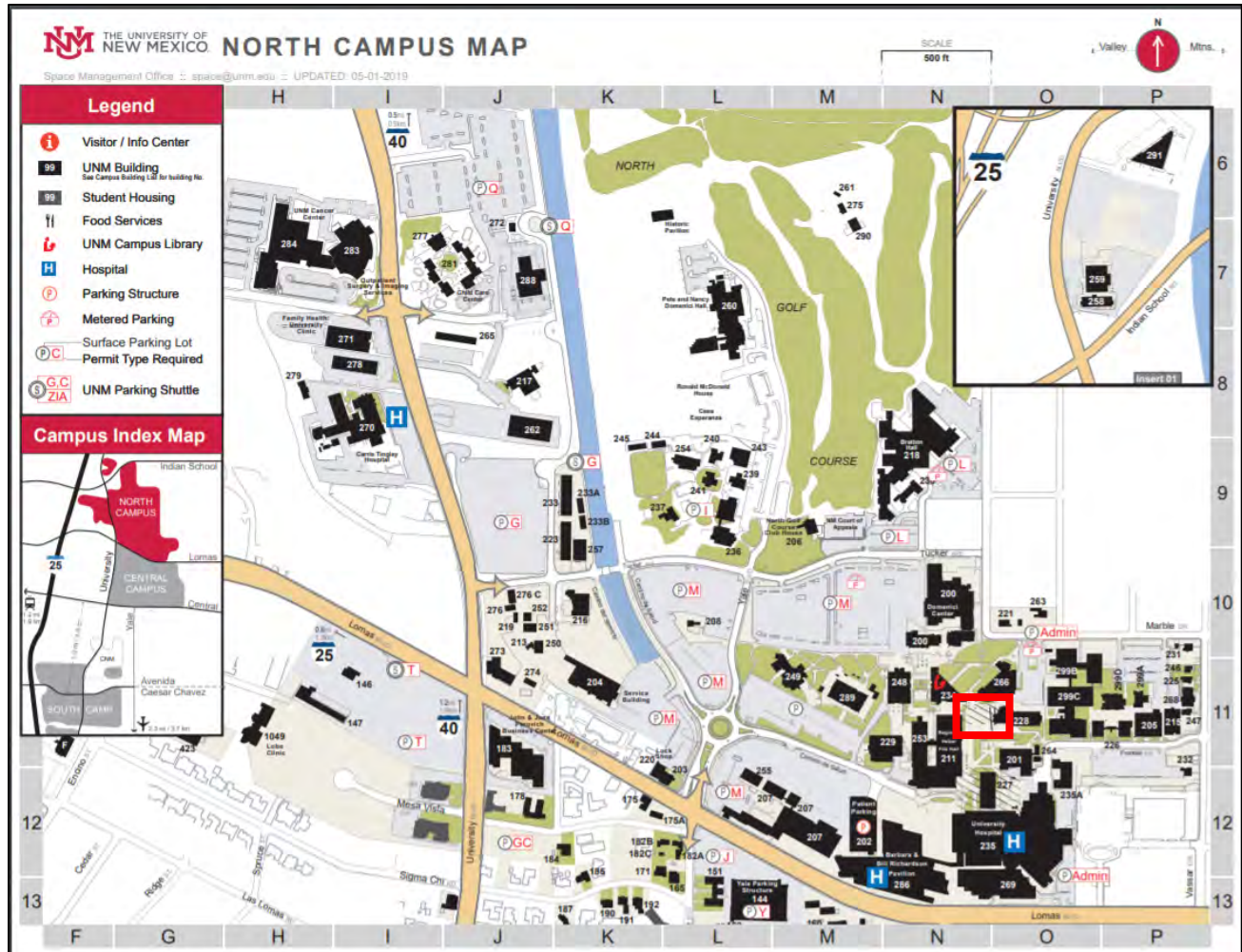
The area and current structure is heavily utilized for a majority of events at the Health Sciences.

This project would maximize the area to provide more seating and shaded outdoor space for our staff, faculty, and students.

Due to the location and pedestrian traffic, it is an ideal time to run project with current campus populations.

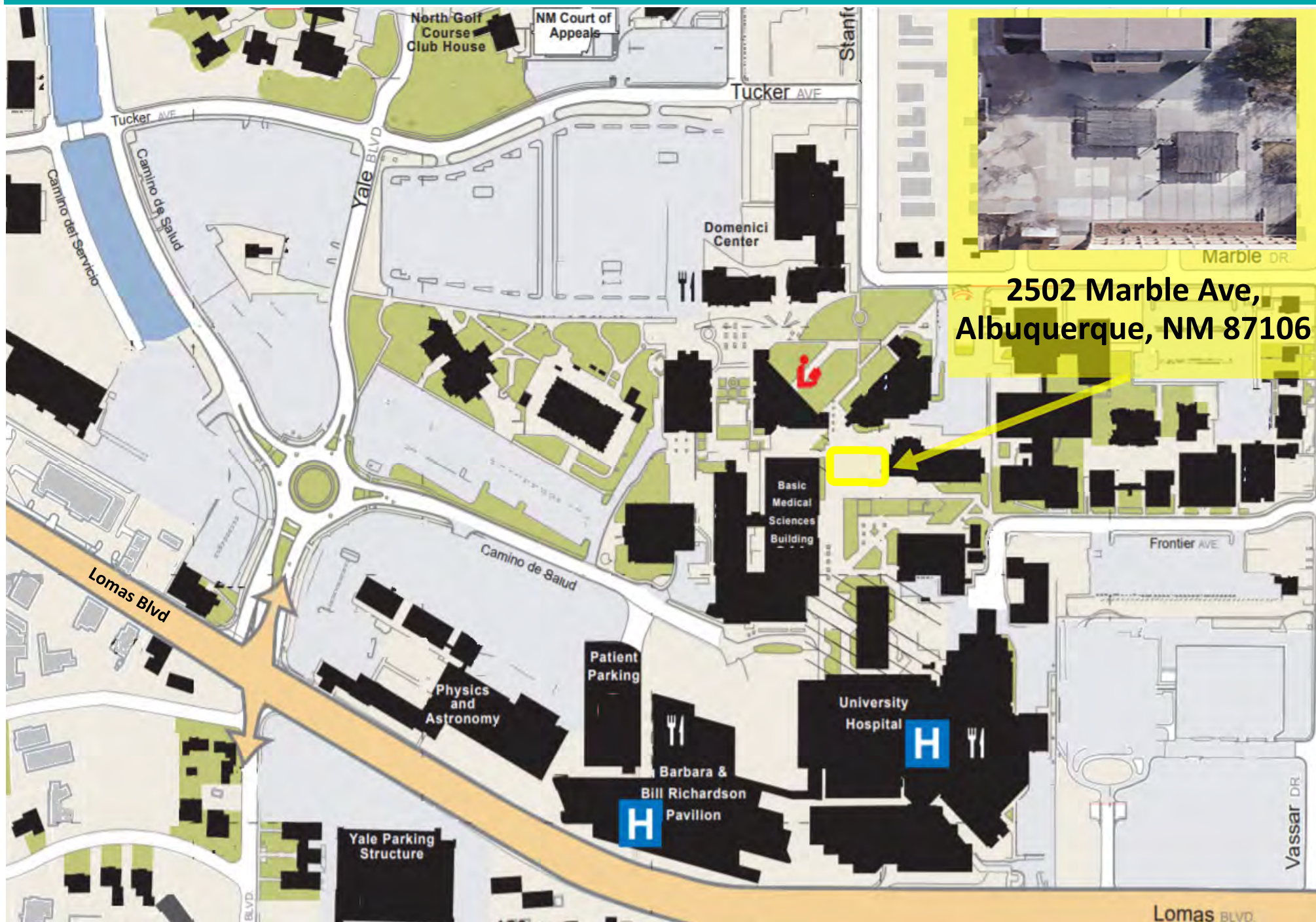
FUNDING:

The total estimated project budget for the HSC Upper Plaza Collaborative Outdoor Structure is \$585,650.00

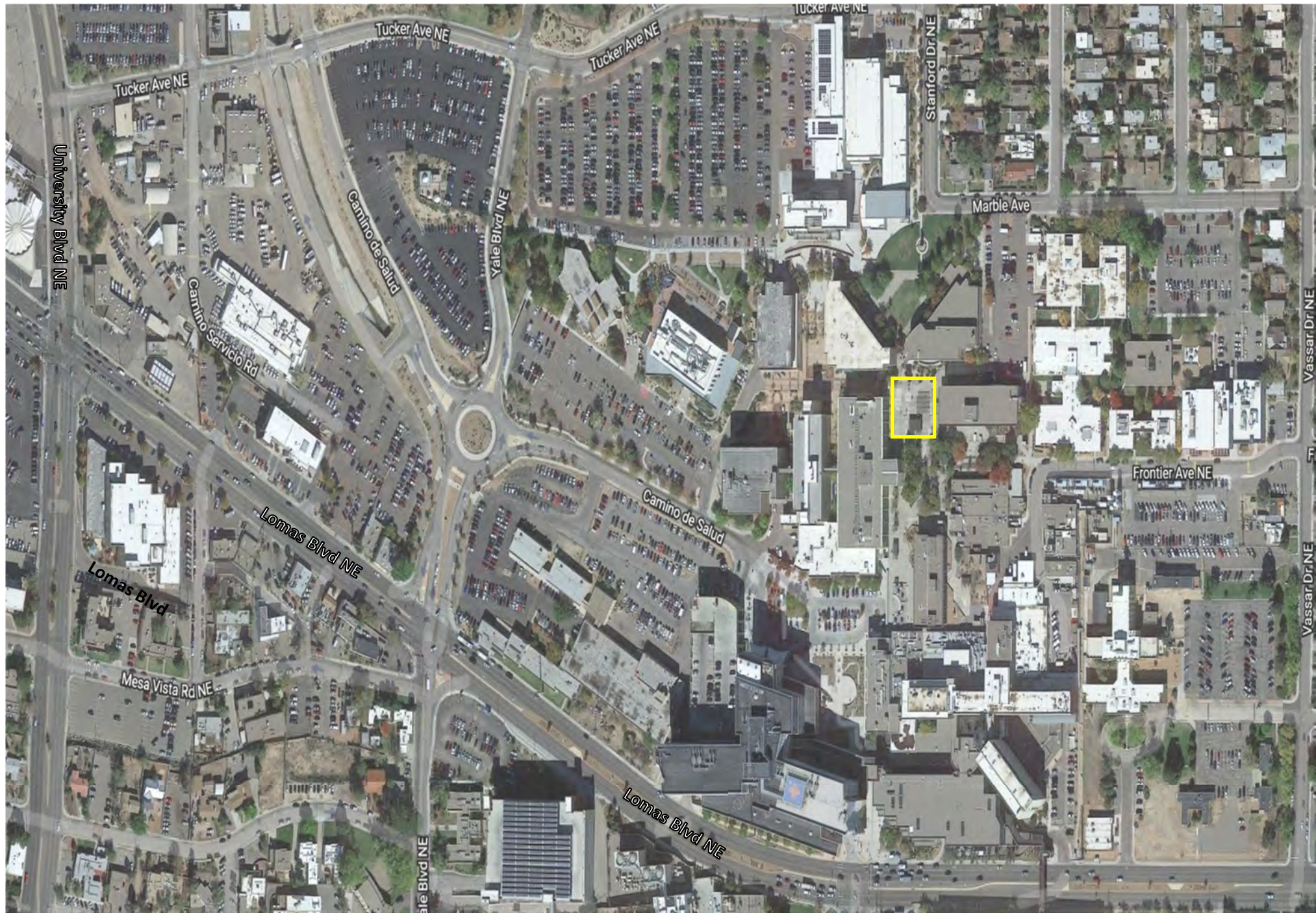


 Project Site

PROJECT SITE PLAN- (Map View)



PROJECT SITE PLAN-(SATELLITE VIEW)



PROJECT SITE STREET VIEW





**UNM Hospital Board of Trustees
Recommendation to HSC Committee
November 2020**

Approval

(1) Colburn Hill Group is a d/b/a for Advance Revenue Cycle, Inc.

Ownership:

10S180 Madison St.
Burr Ridge, IL 60527

Officers Information:

Jeff Means, CEO

Source of Funds: UNM Hospital Operating Budget for UNMH and Cancer Center / Sandoval Regional Operating Budget for SRMC

Description: Request approval to purchase accounts receivables insurance follow up services ("AR Services") which includes, but is not limited to, the management of high volume, low dollar insured accounts receivables for facility and professional billing, collections, denials, account follow-up and account clean-up to ensure claims are paid. UNMH parties will place daily with the vendor accounts with insurance that are greater than 60 days from bill date and for UNMH are less than \$1,000, for CRTC are less than \$300, and for SRMC are less than \$500. Vendor will provide billing of secondary insurances. Vendor will work denials related to these small dollar claims. Payments will be made to the vendor on contingency based on collections made.

Process: Request for Proposal; RFP # P411-20

Previous Contract: nThrive Revenue Systems, LLC

Previous Term: For UNMH only, as per the Twenty-First Amendment to the Master Agreement, new term commenced October 1, 2019 for 12 months with a 12-month auto extension. SOW can be terminated with 120 days prior written notice following the initial 12 month term. For SRMC only, as per the Fourth Amendment to the Agreement, term commenced October 1, 2019 for 18 months with a 12-month auto extension.

Previous Contract Amount: UNMH: rate of 24.7% for all collections / SRMC: rate of 25.1% for all collections

Contract Term: Five (5) year term

Termination Provision: Either party may terminate this Agreement by delivering written notice to the other party at least 30 day advance notice of proposed date of termination

Contract Amount: Rate of 15% for all collections. Estimated annual cost of \$2,850,000 based on prior year receivables; \$14,250,000 for the five year term. Additionally, Cancer Center has been added to the scope of accounts to be worked for UNMH. Contract reflects a rate reduction of 9.7% for UNMH and a rate reduction of 10.1% for SRMC.



**UNM Hospital Board of Trustees
Recommendation to HSC Committee
November 2020**

Approval

Telehealth Platform and Platform Software Support

Requested action: As required by Section 7 of the Board or Regents Policy Manual, consent item approval is requested. For the project described below, UNM Hospitals requests the following actions, with action requested upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendations of approval to the UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendations of approval to the UNM Board of Regents.
- UNM Board of Regents approval.

Source of Funds: UNM Hospitals Operating and Capital Budget

Description: Request a three (3) year contract with RFP awarded vendor for integrated telehealth delivery platform and software support, which includes Equipment, Software Licenses, Professional and Educational Services and Maintenance for the UNM Hospitals (“UNMH”). This system will support health delivery via telehealth to improve access to care for our patients and improved quality outcomes while ensuring the platform integrates with the current clinical systems and processes.

Process: RFP 421-20 TELEHEALTH PLATFORM AND PLATFORM SOFTWARE SUPPPORT SERVICES

Previous Contract: None

Previous Term: N/A

Previous Contract Amount: N/A

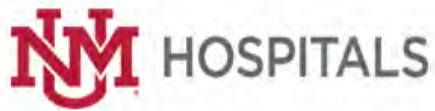
RFP Respondents: There were respondents to the RFP:

1. VeeMed
2. MDS Global
3. Teladoc
4. Acetiam Corp
5. NetMedical Xpress
6. Tiger Connect
7. Cerner
8. MD Live

Selection Criteria:

Selection was based upon highest scores for the following characteristics: Organization Experience, Quality and Stability, Technical Approach, Integration and Implementation Work Plan, Services, and Ongoing Support Model, IT Security Requirements, and Cost Proposal. Based upon above criteria, the RFP committee members are reviewing and scoring all vendors, completed vendor oral presentation, interview and product/software / service demonstration of written proposal submittals and will select via highest score the vendor that brought the best value to UNM Hospitals.

Total Cost: Estimated total cost per year \$750,000; total 3 year amount \$2,250,000



**UNM Hospital Board of Trustees
Recommendation to HSC Committee
November 2020**

Approval

Demolition of the former UNM Physics and Astronomy Building (#207)

Requested Action: As required by Section 7 of the Board or Regents Policy Manual, consent item approval is requested. For the project described below, UNM Hospitals requests the following actions, with action requested upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendations of approval to the
- UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of
- Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendations of approval to the UNM
- Board of Regents.
- UNM Board of Regents approval.

Source of Funds: UNM Hospitals Capital Initiatives

Description: The demolition of the unoccupied former physics and astronomy building is required to proceed in the building of the new hospital tower. The demolition is incorporated in the new hospital tower project scope to include the funding necessary for hazardous material abatement and physical demolition. UNM Hospitals has partnered with the UNM Historic Preservation Committee (HPC) and the State of NM Department of Cultural Affairs to address mitigation measures related to the historic nature of the building. The HPC report is included in the Committee packet.

UNM Historic Preservation Committee (HPC) Report
UNM Physics and Astronomy Building Proposal Review
November 15, 2020

Physics and Astronomy Building #207, original name: Physics and Meteoritics Building

Date original: 1953

Architect attribution: John Gaw Meem, principle Meem, Zehner, Holien and Associates.

Client/owner: Board of Regents of the University of New Mexico

Brief building description:

The UNM Physics and Astronomy Building is a mid-century Spanish Pueblo-style education building located on the corner of Yale and Lomas Blvd. on the University of New Mexico's Health Science's campus, immediately north of the main campus. The structure is an extensive one-story, flat-roofed building, comprising a primary structure completed in 1953, attributed to the firm of iconic New Mexican architect John Gaw Meem; a 1964 addition by Albuquerque architect George Pearl of SMPC Architects; with further additions in 1997, 2003, 2004. The primary structure designed by Meem contains many of the traditional characteristics of the Spanish Pueblo style including battered walls, a portal with wooden posts, and projecting vigas. Elements common to Meem's postwar campus constructions include steel framed windows and doors, and exposed concrete interior walls. The structure retains its original floor plan and massing. The 1964 Pearl addition also retains its floor double-loaded corridor plan with classrooms and laboratories.

The primary Meem structure is determined historically and architecturally significant by the State of New Mexico Historic Preservation Division (HPD) and it is eligible for the National Register of Historic Places for its high level of historic integrity and as an outstanding example of the evolution and modernization of the Spanish Pueblo style as it appears on the UNM campus. The secondary Pearl structure is also determined historically and architecturally significant and eligible for the National Register by HPD. The 1997, 2003, 2004 additions are determined of no historic integrity and are considered non-contributing structures.

The UNM Physics and Astronomy Building is part of a set of important campus buildings designed by the Meem firm from 1933-1959, which established the UNM as the singular Spanish Pueblo Revival-style campus in the United States. Meem's significance is noted in the National Register of Historic Places' thematic registration report *The Buildings of John Gaw Meem* (www.nmhistoricpreservation.org/assests/files_BLDGS-Designed-by-John-Gaw-Meem.pdf).

Observations and Recommendations:

The UNM Historic Preservation Committee appreciates the historic and architectural significance of the Physics and Astronomy Building and deeply regrets its proposed demolition. Unaware of the demolition plans for the building until after the final drawings were prepared and contractors engaged, the HPC assisted in its review by the HPD and in its mitigation, including documentation through photography, measured drawings, archival research, and reporting through the federal Historic American Buildings Survey (HABS) repository in the Library of Congress and locally in the Center for Southwest Research/John Gaw Meem Archives of Southwestern Architecture. The Meem Archives is the official repository for HABS documentation in New Mexico. All modifications to buildings listed on the National Register of Historic Places, or determined to be eligible for the National Register, are legally mandated for review by its State Historic Preservation Officer (SHPO), in this case SHPO lies within the New Mexico Historic Preservation Division, Department of Cultural Affairs.

In the future, the HPC respectfully requests to collaborate in the planning process to prevent similar losses to UNM's precious material and landscape resources. Many creative solutions are available to moderate the loss of historic buildings such as re-siting proposed new construction, saving portions of historic structures, incorporating portions of old structures into new structures, adaptive re-use of structures, or moving all or portions of historic structures to a new site. With adequate foresight and planning, we can build the modern

and magnificent, while saving and cherishing the historic fabric of our unique campus. A successful campus both values progress and respects the past.

Timeline and process for Proposed Physics and Astronomy Demolition Review

- ! November 2019-NM State Historic Preservation Office (SHPO) requests HPC engagement on a proposal for demolition of the Physics and Astronomy Building on the UNM Albuquerque campus submitted to SHPO in the fall 2019.
- ! December 10, 2019 HPC monthly meeting. Discussion of HPC review proposal to demolish Physics and Astronomy Building. HPC outlines process for review by UNM HPC and State of New Mexico, Department of Cultural Affairs, State Historic Preservation Office
- ! December 16, 2019-Meeting with SHPO representative, National Register of Historic Places Coordinator Steven Moffson, and SHPO historian Karla McWilliams, who outline process for formal determination of historic status and review of demolition proposal to HSC Chief Operating Officer Michael Chicarelli. These items include hiring a consultant, approved by SHPO and creating a historic narrative report for the building, which will be used in creating a formal proposal for review by UNM HPC and SHPO.
- ! Spring/summer semester 2020-Preservation consultant Kristin Johnson for Broadus and Associates, compiles report, "Historic Building Survey for the University of New Mexico Hospitals Project, Albuquerque, Bernalillo County, New Mexico," for HSC.
- ! June 2020-Kristine Johnson's HSC report is submitted to the HPC, according to UNM/ HPC Guidelines for Proposals.
- ! July 2020 HPC monthly meeting. Proposal review by UNM HPC. Proposal is determined ready for submittal to SHPO for determination on historic status and review of proposal to demolish.
- ! Letter- SHPO to UNM (PDF is attached). Physics and Astronomy Building is determined to be of historic Status and eligible for National Register of Historic Places. This determination triggers a Section 106 Review of the proposal to demolish.
- ! Section 106 Review precipitates a Mitigation Plan arranged between HSC and SHPO, before site can be cleared for construction.
- ! As part of agreed Mitigation Plan a MOU with University Libraries/Center for Southwest Research/John Gaw Meem Archives of Southwestern Architecture, agreeing to archival documentation as part of Mitigation Plan with SHPO (PDF is attached). Also required is Historic American Buildings Survey (HABS) level photography of the site.
- ! HABS-level photography is completed by SHPO approved photographer Martin Stupich in November 2020. Photographic documentation is deposited in CSWR/ Meem Archives.
- ! November 11, 2020-SHPO accepts MOA/Mitigation Plan with HSC.
- ! January 2021-CSWR will begin the archival documentation project (oral history interviews, photos, original and current drawings, manuscript files related to site arranged in an on-line and open-access research guide. SHPO agreed the archival documentation portion of the Mitigation Plan may commence after clearing of the building site, allowing for timely construction of the new hospital.

With approval of the UNM/HPC this report was compiled by:

Audra Bellmore, PhD
Chair, UNM Board of Regents Historic Preservation Committee
Associate Professor, University Libraries and Learning Sciences
Instructor, Museum Studies Program
1 University of New Mexico
Albuquerque, NM 87131
abellmor@unm.edu

UNIVERSITY OF NEW MEXICO BOARD OF REGENTS

RESOLUTION ELECTING UNM SANDOVAL REGIONAL MEDICAL CENTER, INC., DIRECTOR

WHEREAS, UNM Sandoval Regional Medical Center, Inc. (“SRMC”) seeks the election and appointment of certain Directors in accordance with its Fourth Amended and Restated Bylaws (“SRMC Bylaws”);

WHEREAS, pursuant to the requirements of the University Research Park and Economic Development Act, Section 21-28-1 et seq., NMSA 1978, and the SRMC Bylaws, the Board of Regents must appoint and elect the Board of Directors of SRMC and, therefore, pursuant to Regents Policy 3.5, nominees to the Board of Directors of SRMC must be presented for consideration to the Board of Regents with a recommendation for approval;

WHEREAS, the Board of Regents, having considered the nominee and the presentation made to the HSC Committee in respect of the nominee to SRMC Board of Directors, finds and concludes that such nomination and nominee are reasonable and approval of the same is in the best interest of the SRMC;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Regents hereby elects the following individual as a Director of SRMC, effective as of the dates indicated, to serve in the capacity indicated and for the term indicated:

Effective immediately, Donnie Leonard is appointed to the SRMC Board of Directors pursuant to Section 8(g) of the SRMC Bylaws. Mr. Leonard is appointed as a Class B Director with a term ending December 31, 2022.

ADOPTED BY VOTE OF THE BOARD OF REGENTS AT A MEETING HELD ON
DECEMBER 9, 2020.

By: _____
Douglas M. Brown
President

UNIVERSITY OF NEW MEXICO BOARD OF REGENTS

RESOLUTION ELECTING UNM SANDOVAL REGIONAL MEDICAL CENTER, INC., DIRECTOR

WHEREAS, UNM Sandoval Regional Medical Center, Inc. (“SRMC”) seeks the election and appointment of certain Directors in accordance with its Fourth Amended and Restated Bylaws (“SRMC Bylaws”);

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WHEREAS, the Board of Regents, having considered the nominee and the presentation made to the HSC Committee in respect of the nominee to SRMC Board of Directors, finds and concludes that such nomination and nominee are reasonable and approval of the same is in the best interest of the SRMC;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Regents hereby elects the following individual as a Director of SRMC, effective as of the dates indicated, to serve in the capacity indicated and for the term indicated:

Effective immediately, Kim Hedrick is appointed to the SRMC Board of Directors pursuant to Section 8(g) of the SRMC Bylaws. Ms. Hedrick is appointed as a Class B Director with a term ending December 31, 2022.

ADOPTED BY VOTE OF THE BOARD OF REGENTS AT A MEETING HELD ON
DECEMBER 9, 2020.

By: _____
Douglas M. Brown
President

Memorandum

To: UNM Hospitals Board of Trustees
From: Carrie Tingley Hospital Advisory Board
Date: October 7, 2020
Re: September meeting action items

Below are the actions taken and approved by the Carrie Tingley Hospital Advisory Board in the regular September 28, 2020 board meeting.

Action Item One:

Second term assignments for the following:

- Margaret Armstrong as Healthcare Member
- Sandra Whisler as Healthcare Member
- Mary Blessing as Parent Member

Action Item Two:

Approval of nomination for Thomas Todd Trautwein, member of the Carrie Tingley Hospital Foundation Board, to serve as the Foundation representative.

Action Item Three:

Approval of the revised Carrie Tingley Hospital Advisory Board Bylaws.

We respectfully request approval of the above action items by the UNM Hospitals Board of Trustees.

Sincerely,



Doris Tinagero, DNP, RN, NEA-BC
Executive Director, CTH & Pediatric Ambulatory
CTH Advisory Board Ex-Officio

**BOARD OF DIRECTORS
EXECUTIVE COMMITTEE**

Andres Sisneros
President

Todd Trautwein
Vice President

Lori Steward
Treasurer

Dan Westbrook
Secretary

Erika Swan
Past President

DIRECTORS

Allen Bassett

Buzz Biernacki

Justine Deshayes

Brent Franken

Stan E. Hubbard

Will Martinez

Tony Ramirez

Mario Sanchez

Paul Sanchez

Kevin Shannon

Ex-Officio

Doris Tinagero, RN, MSN

Executive Director

Connie Chavez

August 20, 2020

Doris Tinagero
Executive Director
Carrie Tingley Hospital
1127 University Blvd NE
Albuquerque, NM 87106

Dear Doris,

The Carrie Tingley Hospital Foundation (CTHF) Board and Executive Director are recommending Todd Trautwein to be CTHF's representative on the CTH Advisory Board. I respectfully request that you present Todd's resume to the UNM Board of Regents for review and approval.

We are grateful to Todd for agreeing to have his name put forward as a candidate. Todd brings a wealth of knowledge, experience, and passion to our organization, and know he will bring the same energy and experience to the CTH Advisory Board.

If you need additional information, please do not hesitate to contact me via email at andres@sisnerosbros.com or by phone at (505) 859-9811. You may also reach CTHF Executive Director, Connie Chavez at (505) 321-2844 or via email at cchavez@cthf.net.

Sincerely,



Andres Sisneros
Board President
Carrie Tingley Hospital Foundation



Carrie Tingley Hospital Foundation is a 501(c)3 nonprofit organization. EIN 85-6012236

PO Box 25424, Albuquerque, NM 87125 ★ info@carrietingleyhospitalfoundation.org ★ P: 505-243-6626 ★ F: 505-243-7323
www.carrietingleyhospitalfoundation.org

Our Mission: To enhance the lives of Carrie Tingley Hospital patients and special needs children and their families throughout New Mexico.

Thomas Todd Trautwein

1817 Indiana St. NE, Albuquerque, NM 87110/ 505-620-3515 / tttraut@gmail.com

OBJECTIVE

A MBA level leadership position to provide overall direction to make gainful contribution toward achieving the mission and vision of your organization.

EDUCATION

Master of Business Administration, GPA 3.94, [July 2005]

University of New Mexico/ Albuquerque, New Mexico

Bachelor of Arts in Biology and Psychology, [1991]

University of California/ Santa Cruz, California

PROFILE

Creation and oversight of multimillion dollar budgets
Strategic positioning of departments to make meaningful contributions to organizations
Director level leader over Revenue/Financial operations and Clinical operations
Compliance and Regulatory oversight over medical billing operations including Sarbanes Oxley controls
Management over joint venture vendor contracts
Process optimization leading to improved operations, improved revenue
Seasoned leadership over 100 staff including up to 6 managers/supervisors
Seasoned working relationship with C – Suite leaders
Sophisticated analysis of relative data to aid in strategic decision making.

PROFESSIONAL EXPERIENCE.

Intermountain Healthcare of Nevada, Las Vegas NV [March 2017 – Present]

Director of Revenue Cycle Management

Reporting to the Market COO and Market President, coordinate all functions of market's \$110-million-dollar central billing office department of over 100 employees. Oversight over benefit and eligibility functions, service coding, claim submission, payment posting, denials management and resolution, and payer interactions, of multispecialty medical practice, including PCP, Pediatrics, OB, Anesthesia, Cardiology, Oncology, Endocrinology and Urgent Care. Responsible for the leadership and the direction of the department, evaluating cost savings opportunities, vendor management and joint ventures with internal and external customers. Responsible for exceeding company set KPI metrics and correcting areas that fall short. Responsible for oversight of compliance programs including maintenance of Sarbanes-Oxley financial controls.

Key Success

- Data Integrity, led initiative to validate billing and financial data, leading to increase accuracy of A/R reporting and increased allocation accuracy
- Fine tune Denials reporting leading to actionable clinical activities. Led to reduction of overall denial rate from 15% to 9% and increase use of metrics by clinical operations
- Successful outsourcing of benefit and eligibility functions leading to cost savings of over 800K over one year (projected).
- Partner with Clinical Operations to deliver a Point of Service initiative, leading to better cash collections, increased compliance with payment of patient balances and increased compliance with co-payments and co-insurance resulting in an increase of 20% cash collected.
- Successful participation in National initiatives with Revenue Cycle projects, Research projects, Coding projects.
- Active engagement with payers to resolve billing issues, comply with data requirements, contract oversight.

- Successful integration of second billing department through acquisition.

**New Mexico Heart Institute, Albuquerque NM [Nov 2015 – March 2016]
Service Line Director MSA, (lay off, completed work)**

Reporting to the COO, act as liaison between NMHI and Lovelace Health System, and to facilitate the functions of a formal Management Service Agreement. Oversight of contract incentive metrics including development and execution of action plans to meet stated goals. Manages all aspects of the company's service contract functions. Prepares proposals, negotiates contracts and ensures that the company fulfills all obligations and conditions of the management contract. Familiar with a variety of healthcare industry's concepts, practices, and procedures. Relies on extensive experience and judgment to plan and accomplish goals. Performs a variety of tasks, to ensure success of both NMHI as well as key business partners.

Key Successes

- Implemented process to ensure timely documentation and billing of claims
- Implemented a data review process and appeal function to insure data integrity
- Standardized process for onsite / hands on physician training.

**Presbyterian Healthcare Services, Albuquerque, NM [Dec 2013 – Jan 2015]
Director PMG Practice Operations – Heart Group (Completed assigned work)**

Matrix model reporting to COO and Service line Administrator, responsible for assisting with the analysis, planning, implementation and evaluation of new business models and processes involved in clinic operations in the Presbyterian Health Services system. Responsible for leading and participating in cross functional, strategic, tactical and performance improvement planning. Oversees implementation and ongoing measures of the same improvement plans. Provide support to the Service Line operation model. Oversee a clinic staff of over 120, provide support to over 23 practicing Cardiologists, Interventional Cardiologists, Thoracic and Vascular Surgeons and Mid – Level Practitioners. Creating and maintaining operational budgets.

Key Successes:

- Implemented clinic structure that increase patient access by 25%
- Settlements of A/P accounts at 50% discount
- Physician Manpower assessment and retirement succession plan

**Steward Health System. Boston, MA, [Jan 2013 – June 2013]
Corporate Director – Revenue Management, Denials Management**

Reporting to the VP of Revenue Operations provided overall direction and leadership for denial management and prevention of 10 hospital system, seeking to address current denials and implement sustainable programs to prevent denials. Served as direct liaison between central business office, corporate headquarters and hospital leaders. Directed all RAC activities and Audit and Appeal functions, including vendor management. Directed and published all denial related metrics for the organization.

Key Successes:

- Improvements in data integrity, leading to elimination of reporting of false denials, this lead to overall reduction of 4% of overall denials
- Through data analysis and operational root cause analysis, developed pilot to reduce/eliminate level of service denials, projected 3% reduction in level of care denials, reduction in RAC exposure, increased compliance with billing regulations.

**Albuquerque Health Partners LLC. Albuquerque, NM, [March 2009 – Dec 2012]
Director Revenue Cycle**

Reporting to the CFO, responsible for the improvement of key revenue cycle performance indicators and improving cash collection by of a 300+ provider multi-specialty physician owned practice by: improving the clean

claim rate, increasing gross collection rate, improving bad debt ratio, reducing days in Accounts receivable, improving data entry and edit resolution lags, reducing accounts receivable greater than 90 days, identify and resolve unbilled claims and reduce denials from payers. Maintain and foster strong relationships with third party billers and adhere to vendor service level agreements. Recommendation and implementation of processes that support the strategic initiatives of ABQ HP which include improvement of patient satisfaction, implementation of Electronic Medical Record, improve physician and midlevel productivity and coding, and maximize revenue. Perform complex and comprehensive financial and operating analysis to be used directly in senior management decision making, and providing appropriate recommendations and conclusions. Participation in strategic planning process for new lines of business. Develops, implements, directs and evaluates revenue cycle practices, providing direction for improvement and coordination in the formulation, interpretation, and administration of current and long range policies, procedures and programs. Development of revenue cycle goals for clinical services and track progress against goal. Interact with clinical operations concerning revenue cycle activities and strategies. Creation and maintenance of multimillion dollar operational budget, including weekly budget variance reporting to Chief Financial Officer.

Key Successes:

- Outsourcing of multimillion dollar Bad Debt accounts and oversees vendor management of Extended Business Office and Bad Debt collections, monitored and developed performance metrics of over 5M of AR accounts, leading to increased recovery rates of over 14% (2009) and 8.5% (2010.)
- Implemented revised time of service collection process resulting in excess of 2 Million of self-pay balances collected an increase of over 20% in one year.
Redesigned billing statements following patient friendly billing principals in concert with the creation of in-house self-pay follow up team, successfully collected over 1.5 M dollars in 2010
- Worked closely with business units to increase efficiencies within their operations from increasing accuracy of charge capture to decrease 'wasteful' work involved in patient access of services leading to first pay rate of over 94% and Gross collection Rate of 53.6%
- Negotiation of acquisition of Customer Service Center, and Credit Balance Resolution team from fortune 500 company.
- Developed and participated in ongoing joint operation meeting with payers to quickly identify and resolve billing issues. Adapt at working with multidiscipline groups of professional to achieve overall success of organizational goals.
- Leveraged GE Centricity Business for trending analysis and workflow optimization.

University of New Mexico Health Science Center/ Albuquerque, New Mexico. March 1993 – March 2008

Financial Analyst – Revenue Initiatives, Financial Planning and Analysis, [Feb 2007 – March 2009]

With central focus on Revenue Cycle Initiatives, provide overall project management to identified opportunities that will have positive financial results for the organization. Prepares, compiles, analysis and reports financial data of clinical operations using multiple database sources. Links financial performance with clinical processes, provides financial analysis and long term projections, using ratio, graphic and profitability reviews. Provide recommendations to senior management.

Key Successes:

- Introduction and implementation of new technologies to better manage communications from payer, reduced appeal turnaround time from 3 months to 2 weeks, increased compliance with timely claim filing.
- Full reengineering of patient admission process resulted in recovery of 1.3 Million dollars in lost patient days. Was awarded project of year (2008).

Senior Consultant – Customer Service / Process Improvement, [Sept 2005 – Feb 2007.]

Provide overall coordination and implementation of the Hospitals customer/patient/employee and physician satisfaction programs, in effort to build customer service as a source of competitive advantage. Consult with all levels of management and leadership within the organization. Research, design and implement best practice process throughout the organization. Administer satisfaction measurements with a detail and focus on protecting the integrity of the data gathered and the confidentiality of the participants. Market best practices and facilitate customer focused approach in patient areas. Upon request, investigate, map, analyze, and recommend improvements to senior leadership. Utilization of Quality/Process Improvement methodologies, such as Lean, Six Sigma, PDSA, with ultimate goal of improving quality care for customers. Investigate Cash cycles, and Patient through- put times to

recover lost revenue by elimination of idle and wasteful time/work. Business Development and Implementation through exploration of new business practices in Academic Hospital settings. Experienced in delivering multimedia presentations. Ability to work with wide range of professionals from all aspects of healthcare toward the achievement of organizational goals.

Key Successes:

- Press Ganey satisfaction score increase of 4 points, significant at the alpha .99 level. Successful in gaining a customer focused orientation from multidiscipline throughout an academic hospital setting. Adept in translating statistical data into clear messages, and helpful tools toward process change.

Manager, Residential Treatment [Feb 1998 – Sept 2005]

Developed Community based treatment program to assist teenagers and their families with psychological problems. Oversee fiscal responsibilities of a 10 bed multidisciplinary unit, supervised 12 staff and coordinated efforts of a multi-specialty treatment team. Provided Leadership through organizational redesign focusing on employee involvement and employee ownership of assignments. Managed Information and Services using Continuous Quality Improvement protocols. Interfaced successfully with federal and state regulatory agencies, CYFD, Joint Commission. Successfully developed, trained and supervised, treatment teams with the goal of delivering excellent service. Increased efficiency of admission process. Development of Certification program for child care workers. Developed and Researched Milieu and Individual Acuity with the UNM department of Psychiatry and presented at the 2001 American Psychological Association national conference.

Key Successes:

- Through detailed analysis of organizational and financial processes able to recover over \$100,000 per year in lost revenue.
- Unit occupancy rates in excess of 90%.
- Ability to negotiate and find creative solutions to meet the demanding needs of healthcare delivery team and aligning this with the needs of the client, this reduced client length of stay from 120 days down to 60 days

Program Coordinator / Recreation Therapist [July 1994 – Sept 1998]

Facilitated and Supervised staff in providing Experiential, Recreational, and Leisure Therapy, including High Ropes Course initiatives. Provided team building hospital units to increase job satisfaction and productivity. Planned, organized and implemented special events, in conjunction with city businesses and community organizations. Developed leadership seminar for Anderson Schools of Management, UNM. Lead Department through Joint Commission surveys and State Certification processes.

Evening Supervisor [March 1993 – July 1994]

Development of evening programs. Maintained consistency of milieu. Fostered teamwork in workplace. Staff development, and direct Supervisor of 8 staff mental health associates and mental health technicians and coordinated with clinical staff. Relief administrative center wide supervisor over six units.

Emergency Room Technician/Mental Health Worker [June 1990 – Jan 1993]

Dominican Santa Cruz Hospital, Santa Cruz, CA

Provided direct patient care with Emergency Room and Psychiatric units under direction of charge RN. Maintained par levels of supplies, Maintained proper documentation of patient charts, logs and check sheets.

Professional and Volunteer Affiliations

Member of Board of Directors, Carrie Tingly Hospital Foundation
Member of HFMA professional organization
Member of MGMA professional organization
Member and Coach of AYSO Challenge United Soccer Club

**BYLAWS OF THE
ADVISORY BOARD
Overview of changes from 2014 to 2020 Bylaws
09-28-2020**

Preamble

- No Changes

Article One

- No Changes

Article Two

- Section 4- Reports to UNMH BOT: frequency of presenting to the UNMH Board of Trustees was changed from quarterly to annually since Advisory written reports are made available to the BOT's bimonthly.

Article Three

- No Changes

Article Four

- No Changes

Article Five

- No Changes

Article Six

- No Changes

Article Seven

- No Changes

Officers' Certificate

- Updated with current year and CTH Advisory Board Chairperson

UNM CARRIE TINGLEY HOSPITAL
AMENDED AND RESTATED
BYLAWS OF THE ADVISORY BOARD

PREAMBLE

UNM Carrie Tingley Hospital (“CTH”) is established as a state institution by Article XIV, Section 1 of the New Mexico Constitution. The Regents of the University of New Mexico (the “Regents” or the “University”) are authorized by statute to administer CTH, and to manage, control and govern CTH under rules, regulations or other directives and policies as the Regents may from time to time prescribe, including the full power to enter into contracts or other agreements as the Regents deem necessary or desirable for the operation and management of CTH. Sections 23-2-1 *et seq.* NMSA 1978, as amended. The statutes also require the Regents to appoint and consult with an advisory board consisting of at least three parents of children with a chronic impairment and two health professionals. Section 23-2-2 NMSA 1978, as amended.

Under the terms of a lease agreement (the “Lease Agreement”) with an effective date of July 1, 1999, between the Regents and the County Commissioners of the County of Bernalillo for operation by the Regents of University of New Mexico Hospital and the UNM Mental Health Center, and pursuant to Regents’ Policy Manual Section 3.4 Health Sciences Center and Services, the Regents operate all the clinical facilities of the University’s Health Sciences Center (the “HSC Clinical Facilities”) as an integrated healthcare delivery system. The HSC Clinical Facilities include CTH and all other hospitals and outpatient clinical facilities operated by the HSC (“HSC Clinical Facilities”). Regents’ Policy Manual Section 3.4 Health Sciences Center and Services provides for the delegation of certain powers and authority by the Regents to UNM Hospitals Board of Trustees (“UNMH BOT”). The powers and authorities delegated to

the UNMH BOT include, among other powers, (i) coordination with and oversight of any advisory/advocacy boards of the UNM Hospitals for other than research and education purposes, (ii) establishment of reporting mechanisms between those advisory/advocacy boards and the UNMH BOT, and (iii) review of the bylaws of those advisory/advocacy boards, recommendation for approvals, and submission of the bylaws of those advisory/advocacy boards to the Regents for review and approval in accordance with Regents' policy.

The UNM Hospitals, including CTH, are accredited on a system wide basis by The Joint Commission (“TJC”) and have a single unified Medical Staff. All Medical Staff members are subject to credentialing, privileging, peer review and other quality assurance provisions of the Medical Staff Bylaws and Rules and Regulations and applicable Regents’ policies, and are required to have appointments in the University’s School of Medicine.

Day-to-day administration of CTH is conducted by an Executive Director, who reports to the Chief Nursing Officer of UNM Hospitals (who, in turn, reports to the Chief Executive Officer of UNM Hospitals). The Executive Director is responsible for the direction, coordination and day-to-day management of CTH, and for administering and managing all clinical operations of CTH in support of delivery of health care at CTH. The Executive Director is appointed by, and may be removed by, the Chief Executive Officer of UNM Hospitals as designee of the Chancellor for Health Sciences, pursuant to Regents' Policy Manual Section 3.4 Health Sciences Center and Services.

The CTH Medical Director is responsible for medical affairs of CTH and for ensuring Medical Staff compliance at CTH with the UNMH Medical Staff Bylaws, Rules and Regulations and applicable and applicable Regents’ Policies, University Business Policies and Procedures, HSC and UNM Hospitals policies and procedures. The UNMH Chief Medical Officer will appoint the CTH Medical Director after consulting with the

Chairpersons of the Department of Orthopaedics and the Department of Pediatrics. The CTH Medical Director will report to the UNMH Chief Medical Officer, or designee.

The Advisory Board, duly appointed by the Regents, hereby adopts these Bylaws of the Advisory Board, consistent with applicable Regents' policies, subject to approval by the UNMH BOT and the Regents, and effective on the date of approval of these Bylaws by the Regents.

ARTICLE ONE

NAME

The name of this body is the Advisory Board of Carrie Tingley Hospital (the “Advisory Board”).

ARTICLE TWO

PURPOSE AND AUTHORITY

Section 1. Authority. The Advisory Board is authorized to govern itself in accordance with reasonable Bylaws to be adopted by the Advisory Board, and approved by the UNMH BOT and the Regents, and will have all powers reasonably necessary to carry out its express responsibilities. Consistent with constitutional and statutory responsibilities of the Regents, the right is reserved unto the Regents to consider and determine, if in the exercise of sound discretion, it is deemed necessary, any matter relating to CTH. The Advisory Board will exercise its authority consistent with:

- a. Applicable state and federal laws and regulations;
- b. Applicable standards of TJC, CMS Conditions of Participation, the Liaison Committee for Medical Education of the American Medical Association and the American Association of Medical Colleges for so long

as resources are reasonably available to make compliance with such standards possible;

- c. The Regents' Delegation, as set forth in Exhibit A to the UNMH BOT Bylaws, as such delegation may be amended and/or restated from time to time;
- d. Applicable policies and other determinations of the UNMH BOT and the Regents, as they may be amended and supplemented from time to time;
- e. The Medical Staff Bylaws, Rules and Regulations.
- f. Applicable policies of the HSC; and
- g. Operational policies specific to CTH as authorized by the Chief Executive Officer of UNM Hospitals.

Section 2. Purpose. The purposes of the Advisory Board are to:

- a. Articulate the uniqueness and value of CTH to the HSC, the University, the community and the state.
- b. Advise the CTH administrative staff regarding such issues as strategic planning, financial management, service delivery, and quality of care, related to the CTH as articulated in the CTH mission statement, and consistent with the articulated HSC mission statement, to ensure that the philosophy of care espoused by CTH and the HSC is achieved.
- c. Advocate in the best interests of families served statewide by CTH.

Section 3. Conflict of Interest. No member of the Advisory Board will use his or her position on the Advisory Board for the purpose of obtaining undue advantage or personal advantage for the Advisory Board member or for any person or organization in or with which the Advisory Board member is interested or associated. Advisory Board

members will exercise their best judgment for and on behalf of the UNM Hospital, to the exclusion of any personal interest.

Section 4. Reports to UNMH BOT. Representatives of the Advisory Board designated by the Chairperson will make reports to the UNMH BOT at least annually regarding matters of concern to the Advisory Board within its scope of responsibility. In addition, the Advisory Board will provide minutes of its meetings to the UNMH BOT.

ARTICLE THREE MEMBERSHIP AND APPOINTMENTS

Section 1. Appointment. The Advisory Board is composed of up to nine (9) members, at least three of whom are parents of children with disabilities and/or special chronic health care needs and at least two of whom are health professionals. One (1) ex-officio member shall be a member of the Regents and one (1) member shall be a member of the UNM Carrie Tingley Hospital Foundation Board of Directors appointed by the Board of Regents. All members of the Advisory Board are appointed, and may be removed, by the Regents with cause or as provided in Section 5 of this Article.

Advisory Board members will be appointed for staggered terms of three years or less, and will be appointed in such a manner that the terms of not more than three members expire on June 30 of each year. Advisory Board members who have served one full three-year term may be reappointed for not more than one additional consecutive three-year term. Each member of the Advisory Board will serve until his or her successor is duly appointed and qualified. Vacancies on the Advisory Board will be filled by appointment by the Regents, upon recommendation of the UNMH BOT. A person appointed to fill a vacancy on the Advisory Board will serve for the remainder of the term of the Advisory Board member whose position has become vacant and until his or her successor is duly appointed and qualified.

Section 2. Ex-Officio Members. The CTH Medical Director, the CTH Executive Director, the Executive Medical Director of UNM Children's Hospital, the

Chief Executive Officer of UNM Hospitals, and the Chair of the Department of Pediatrics of UNM Hospitals will serve as ex-officio members of the Advisory Board without vote.

Section 3. Meetings. The Advisory Board will meet at least quarterly at the time and place established by the Advisory Board for regular meetings. Special meetings may be called by the Chairperson of the Advisory Board or at the request of a majority of the Advisory Board members then in office, upon written notice of the time, date, place and purpose of the meeting, delivered to the Advisory Board members at least three business days in advance of the meeting. Meetings will be publicized, conducted, and documented by minutes in compliance with the New Mexico Open Meetings Act, Sections 10-15-1 *et seq.* NMSA (the “Open Meetings Act”), and consistent with an annual resolution adopted by the Advisory Board pursuant to the Open Meetings Act.

Section 4. Attendance and Removal. Advisory Board members are expected to attend regularly all meetings of the Advisory Board and of their respective assigned committees. If an Advisory Board member has three consecutive unexcused absences, the Advisory Board will recommend in writing the removal of that Advisory Board member to the Regents, and will so notify the Advisory Board member.

Section 5. Quorum, Voting. A majority of the members of the Advisory Board then in office will constitute a quorum at Advisory Board meetings. A quorum once attained continues until adjournment despite voluntary withdrawal of enough Advisory Board members to leave less than a quorum. The Advisory Board members may act only as an Advisory Board with each member having one vote. The act of a majority of the Advisory Board members present at a meeting at which a quorum is present will be the act of the Advisory Board.

Section 6. Orientation. All new Advisory Board members will receive an initial orientation to CTH, and will be provided additional educational programs on the operation of CTH by the Administrator, the Medical Director, and other CTH staff, as indicated.

Section 7. Performance. The Advisory Board will periodically evaluate its performance and provide a report on its evaluation to the UNMH BOT, who will, in turn, report the same to the Regents.

ARTICLE FOUR

OFFICERS

Section 1. Number, Tenure, Qualification, Election. The Officers of the Advisory Board will be a Chairperson, a Vice Chairperson, and a Secretary, who will be elected annually by the Advisory Board at the regular meeting in July of each year, to begin their term of office upon election and to serve until their successors are elected and qualified. Vacancies will be filled by the Advisory Board. Officers may serve no more than three (3) terms in succession.

Section 2. Chairperson. The Chairperson will preside at all meetings of the Advisory Board. With the approval of the Advisory Board by a majority vote of a quorum of those members present at a meeting, the Chairperson will have the power to appoint committees and committee chairpersons of the Advisory Board as necessary and appropriate. The Chairperson will represent the Advisory Board in its relations with officials of CTH and the HSC, the UNMH BOT, and with governmental and civic organizations and agencies.

Section 3. Vice Chairperson. The Vice Chairperson will serve in the absence of the Chairperson and perform other duties as assigned by the Chairperson.

Section 4. Secretary. The Secretary will supervise the recording of minutes and perform other duties as assigned by the Chairperson.

ARTICLE FIVE

COMMITTEES

Section 1. Ad Hoc Committees. With the approval of the Advisory Board by a majority vote of a quorum of those members present at a meeting, the Chairperson will have the power to appoint members and chairpersons of ad hoc committees of the Advisory Board as necessary and appropriate, at any time for special purposes, including, but not limited to, committees to evaluate the performance of the Advisory Board and to evaluate and resolve conflict of interest issues.

ARTICLE SIX

TELEPHONIC PARTICIPATION AT MEETINGS

Members of the Advisory Board or any committee designated by the Advisory Board may participate in a meeting of the Advisory Board or committee by means of a conference phone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time, and participation by such means will constitute presence in person at the meeting.

ARTICLE SEVEN

ADOPTION; AMENDMENT

Section 1. Adoption. These Bylaws will become effective upon approval of a majority of the members then in office of the Advisory Board, the UNMH BOT, and the Regents.

Section 2. Amendments. These Bylaws may be altered, amended, or repealed or new Bylaws may be adopted by an affirmative vote of a majority of the members of the Advisory Board then in office, provided that notice of such alteration, amendment or

repeal is included in the notice of such meeting. Any proposed repeal, amendment or alteration will not become effective until approval by the UNMH BOT and the Regents.

Section 3. Review. These Bylaws will be reviewed by the Advisory Board at least three years from the date of enactment or revision.

OFFICERS' CERTIFICATE

The undersigned Officers of the Advisory Board certify that these Bylaws of the Advisory Board were adopted by the affirmative vote of a majority of the Advisory Board at a meeting held on _____, 2020, at which a quorum was present, and were approved by affirmative vote of a majority of the UNMH BOT at a meeting held on _____, 2020, at which a quorum was present, and by affirmative vote of a majority of the Regents at a meeting held on _____, 2020, at which a quorum was present.

By: _____
Mary Blessing
CHAIRPERSON

MEMORANDUM

To: Board of Regents

From: Loretta Martinez, General Counsel

Date: December 4, 2020

Subject: Request for approval of revisions to Regents' Policies 3.3, 3.4, 3.6, 3.8, 5.3, 5.5, 5.18, 7.6, 7.8, 7.9, and 7.14

The UNM Regents' Policy Manual, adopted in 1996, states that periodically, the Board shall review all policies in the Regents' Policy Manual, and all policies adopted or revised since the previous review, and make any changes it deems appropriate. Any Regents' policy may be modified by a majority vote of the Board of Regents at any of its meetings. The President will submit proposed revisions along with background information to the Regents for consideration.

On August 13, 2019, an ad hoc Governance Committee of the Board of Regents was formed. Part of its charge is to review Regent policies, and this review is ongoing.

Several Regent policies pertaining to the Health Sciences Center, the personnel authority of the President, the position of Executive Vice President of Health Sciences and Chief Executive Officer for the UNM Health System (EVP & CEO HSC) and the Health Sciences Committee require timely consideration due to the HSC leadership transition beginning December 1, 2020.

On behalf of President Stokes, the following policies with attached revisions were discussed by the ad hoc Governance Committee at its meeting on November 30, 2020, and following discussion, the Committee recommended approval by the Board of Regents:

- 3.3 Appointment and Termination of Key Administrators
- 3.4 Health Sciences Center and Services
- 3.6 UNM Hospital Board of Trustees
- 3.8 Institutional HIPAA Compliance Program
- 5.3 Employment of UNM Graduates
- 5.5 Outside Employment
- 5.18 Endowed Faculty Chairs
- 7.6 University Enterprise Business Activities
- 7.8 Signature Authority for Contracts**
- 7.9 Property Management
- 7.14 Risk Management and Insurance

In summary, these policy revisions are necessary to conform Regent policies with the personnel authority of the President and the employment contract of the EVP & CEO HSC; to change references to the Chancellor for Health Sciences to EVP & CEO HSC; to change references to the HSC Board of Directors to the HSC Committee; to increase the settlement authority of the President and to otherwise make minor changes and delete obsolete references.

RPM 3.3: Revises the position titles for which the President shall inform the Board of Regents prior to appointing, dismissing, setting compensation, amending or not renewing employment contracts. Deletes the

provision that a majority of the Board must consent to and approve the dismissal of the Chancellor for Health Sciences.

RPM 3.4: Adds the College of Population Health and the UNM Clinical and Translational Sciences Center to the list of component units of the UNM Health Science Center. Adds “Comprehensive” to the title of the UNM Cancer. Changes references to “Chancellor for Health Sciences” to “Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System.” Deletes references to the President establishing the annual goals and evaluating the EVP & CEO HSC regarding those goals “in consultation” with the Board. Requires the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System and the Executive Vice President for Academic Affairs and Provost to collaborate in coordinating, developing and improving educational and research programs at the HSC. Requires the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System to consult with the President in exercising emergency powers or issuing new policies or procedures.

RPM 3.6, 3.8, 5.3, 5.5, 5.18, 7.6: Change references to Chancellor for Health Sciences to Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System. RPM 3.8 also deletes an obsolete linked reference to a HIPAA compliance policy for certain health plans offered by the University.

RPM 7.8: Deletes contracts “between the Chancellor for Health Sciences and the University” as a contract the Board must approve and sign. Changes references to Chancellor for Health Sciences to Executive Vice President of Health Sciences and Chief Executive Officer for the UNM Health System. Changes references to Executive Vice President for Administration to Senior Vice President for Finance & Administration. Increases authority of President to enter into financial settlements without Board approval from \$400,000 to \$1,000,000 and makes other changes regarding settlements made on behalf of UNM by the Risk Management Division, settlements involving UNM funds and regular reports to the Board regarding all settlements and judgments.

** Since the November 30, 2020 ad hoc Governance committee meeting, the President has made an additional request to change certain language relating to settlement authority procedures that Chair Schwartz has agreed to ask the Board to consider as an amendment to the committee’s previous recommendation, as follows:

The revised language recommended to the Board by the ad hoc Governance Committee on November 30 was as follows:

The University shall not agree to ~~pay a~~ a financial settlement paid on its behalf without (1~~a~~) an appropriate risk assessment of the case, and (2~~b~~) written approval by the Executive Vice President for Chancellor for Health Sciences and Chief Executive Officer for of the UNM Health System for medical malpractice cases or the President for all other cases, ~~Provost, or the Executive Vice President for Administration, and (c) final approval by the President.~~

The President’s language substitution request is as follows:

The University shall not agree to ~~pay a~~ a financial settlement paid on its behalf without an (~~a~~) appropriate risk assessment of the case and adherence to internal approval procedures established by the President. (~~b~~) ~~written approval by the Chancellor for Health Sciences, Provost or Executive Vice President for Administration, and (c) final approval by the President.~~

RPM 7.9 and 7.14: Changes references from HSC Board of Directors to HSC Committee. RPM 7.14 also changes a reference to Chancellor for Health Sciences to Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System and changes word “insurance” to “coverage.”



OFFICE of UNIVERSITY COUNSEL

Copies of the recommended revisions are attached in both track-changes and clean-copy versions. Should the Board of Regents approve, the changes will be made as soon as practicable and as well as conforming changes to any related University Administrative Policies.

Thank you for your consideration of this request.

Proposed Policy Revisions - Red-Lined

Regents' Policy Manual - Section 3.3: Appointment and Termination of Key Administrators

Adopted Date: 09-12-1996

Amended: 12-14-2004

Amended: 12-14-2010

Amended: 03-14-2016

Applicability

This policy applies to the appointment, dismissal, compensation, and contract amendment or non-renewal of all executive vice presidents, [senior vice presidents](#), ~~vice presidents~~, [director of intercollegiate athletics](#), and the University's [general](#) counsel.

Policy

In addition to following the applicable administrative policies and procedures, the President shall inform the Board of Regents prior to appointing, dismissing, setting compensation, and amending or not renewing the contract of all executive vice presidents, [senior vice presidents](#), ~~vice presidents~~, [director of intercollegiate athletics](#), and the university's [general](#) counsel. The President shall also inform the Board of Regents in connection with the appointment, termination, and compensation of other senior or key administrative positions as appropriate, depending on the circumstances surrounding the appointment, termination or change in compensation. ~~In the case of the Chancellor for Health Sciences, the President has authority to dismiss him or her only with the consent and approval of a majority of the Board of Regents.~~

With regard to the recruitment and hiring of all executive vice presidents, [senior vice presidents](#), ~~vice presidents~~, [director of intercollegiate athletics](#), and the University's [general](#) counsel, the following guidelines shall be observed, consistent with University policies and procedures:

- A national search shall be conducted unless there are exceptional circumstances and the Regents have been consulted;
- A broadly-representative search committee shall be used; [and](#)
- Finalists in a competitive process for the position shall participate in interviews which include an open forum on campus for the general University or Health Sciences Center, as the case may be, community and interested members of the public.

References

Employment Contracts, [RPM 6.9](#).

Implementation

The President shall adopt administrative policies and procedures for the recruitment and hiring of key administrative positions, including but not limited to the positions specified in this policy. Dismissal or contract non-renewal shall be in accordance with University policies and procedures.

Regents' Policy Manual - Section 3.4: Health Sciences Center and Services

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces RPM 2.13)

Applicability

This policy applies to the academic and clinical programs, facilities and services operating as part of the UNM Health Sciences Center (HSC) and, as provided more fully below, to certain subsidiary corporations of the University. This policy also applies to those operations of the University that are deemed to be "health care components" of the University as set forth below.

Policy

The health care related education, research, and clinical programs and services offered by the University and/or provided in the University's facilities and those of certain of its University Research Park and Economic Development Act ("URPEDA") subsidiaries as described in this Policy are hereby designated as the "UNM Health Sciences Center" which is and shall be a component unit of the University. The clinical elements of the HSC are intended to be a fully integrated, academic health center and health care delivery system and will be collectively administered as the "UNM Health System."

Component Units of UNM Health Sciences Center

The HSC consists of the School of Medicine, the College of Nursing, the College of Pharmacy, and the College of Population Health; the Health Sciences Center Library & Informatics Center; the UNM Comprehensive Cancer Center, the UNM Clinical and Translational Sciences Center, UNM Medical Group, Inc., ("UNMMG") a New Mexico non-profit and URPEDA corporation organized and formed by the University, UNM Sandoval Regional Medical Center, Inc., ("UNM SRMC") a New Mexico non-profit and URPEDA corporation organized and formed by the University and several research and public service programs related to health sciences. The HSC also includes the University of New Mexico Hospital ("UNMH"), the University of New Mexico Children's Hospital (the "Children's Hospital"), the University of New Mexico Adult Psychiatric Center formerly known as the Mental Health Center ("Adult Psychiatric Center"), the UNM Children's Psychiatric Hospital ("CPH"), the Carrie Tingley Hospital ("CTH") and the outpatient facilities and clinics operated under the license(s) of the foregoing. In this Policy, UNMH, Children's Hospital, Adult Psychiatric Center, CPH, CTH and the outpatient facilities and clinics thereof shall be referred to collectively as the "UNM Hospital." The HSC will also include such other and further clinics, centers, and programs developed and/or to be developed and operated by the HSC or any of the component units currently comprising the HSC or those added to the HSC at a future date.

UNM Health Sciences Center Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System~~Chancellor~~

The Executive Vice President for Health Sciences and Chancellor~~Chief Executive Officer for the UNM Health System Sciences~~ (EVP & CEO~~Chancellor~~ Health Sciences Center") shall provide leadership and have administrative responsibility for all activities, operations, and programs of the HSC, and the UNM Health System, consistent with University policies, recognizing that teaching, research, service, and patient care are the foundations of an academic health center in accordance with Regent Policies and University Administrative Policies and Procedures."

~~RPM 3.3~~

The President of the University shall, ~~in consultation with the Board of Regents~~, set the annual goals to be established for the EVP & CEO~~Chancellor~~ for Health Sciences in performing his or her job duties. The President of the University shall perform an evaluation of the EVP & CEO~~Chancellor~~ for Health Sciences' performance in respect of such goals ~~in consultation with the Board of Regents~~.

Subject to RPM 3.1, the EVP & CEO for Health Sciences shall have general supervision over the affairs, property, personnel, and financial resources of the HSC. With respect to the Institutional Compliance Programs identified more fully in RPM 3.7, the

Chancellor for Health Sciences shall be designated and shall be the “institutional official” or “designated official,” as the case may be for each Institutional Compliance Program at the HSC requiring the designation of such an official. In this regard, the EVP & CEO for Health Sciences shall have such additional powers, duties, and authorities as may from time to time be assigned to him/her by the President of the University.

Additionally, the Chancellor for Health Sciences shall serve as the chief academic officer relative to colleges, schools, programs, and centers at the HSC and ~~together with the~~ shall work in mutual collaboration with the Executive Vice President for Academic Affairs and Provost, in coordinating, developing, and improving the educational and research programs at the HSC, subject to any limitations imposed in his/her employment contract and/or by the President of the University in accordance with RPM 3.1. The Chancellor for Health Sciences will ensure that all HSC educational and research programs meet the standards of the State of New Mexico and all relevant and applicable accreditation bodies. The Chancellor for Health Sciences will oversee the deans of the respective colleges and schools comprising the HSC and the work of the faculty in the colleges, schools, programs, and centers at the HSC. Moreover, with respect to faculty matters at the HSC, all references in Faculty Handbook Policies to the Provost or the Provost’s Office shall mean or shall be interpreted to mean the Chancellor for Health Sciences or to the Office of Chancellor for Health Sciences.

1. Authority in an Emergency

In the event of an emergency declared by the President as described in RPM 3.2, the Chancellor for Health Sciences, in the exercise of reasonable judgment under the circumstances and in consultation with the University President, is authorized to approve actions as are necessary to safeguard persons or property or to maintain the HSC’s educational, research and clinical functions. Such actions shall remain in effect during the state of emergency, unless cancelled sooner by the President.

2. Appointment of Additional Officers for the UNM Health Sciences Center

Upon the approval of the President of the University, the Chancellor for Health Sciences may appoint such additional deans of the component colleges and schools of the HSC and/or officers of the HSC or the UNM Health System and such agents and employees as the Chancellor for Health Sciences may deem necessary, appropriate and advisable and may delegate to such deans and/or officers as is consistent with Regent policies and policies of the University that are applicable to the HSC.

3. Policies and Procedures for the UNM Health Sciences Center

The Chancellor for Health Sciences in consultation with the University President may issue administrative policies and procedures related to HSC matters for the HSC and for the UNM Health System as long as the policies are not in conflict with policies in the Regents’ Policy Manual, Faculty Handbook, or the University Administrative Policies and Procedures Manual.

References

University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, as amended); RPM 3.2 “Authority in an Emergency”; RPM 3.5 “Health Sciences Center Board of Directors”; RPM 3.6 “UNM Hospital Board of Trustees”; RPM 3.7 “Institutional Compliance Program.”

Regents' Policy Manual - Section 3.6: UNM Hospital Board of Trustees

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces portions of [RPM 2.13](#))

Applicability

This policy applies to the oversight and governance of the clinical, operational and financial affairs of the UNM Hospital.

Policy

Under that certain Lease Agreement for Operation and Lease of County Healthcare Facilities between the Regents and the Board of County Commissioners of the County of Bernalillo (the "County" or the "County Commissioners"), dated as of July 1, 1999, and approved by the New Mexico Board of Finance on August 12, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), the Regents are responsible for operation and maintenance of UNMH and the Mental Health Center. The Lease is effective as of October 8, 1999, the effective date of the Agreement Regarding Consent to Lease Agreement entered into between the Regents and the Indian Health Service which was amended by that certain First Amended Agreement Regarding Consent to Lease Agreement dated as of November 18, 2004 (as amended, the "Consent"). The Lease provides for appointment of a combined nine-member governing board, which shall be known as the "UNM Hospital's Board of Trustees" (hereinafter, the "UNMH BOT") for the non-research, non-educational operations of the UNM Hospital, with such authority and powers as are delegated to the UNMH BOT by Regents' policy and consistent with applicable federal and state laws and regulations and accreditation standards. The current delegation of authority and powers by the Regents to the UNMH BOT is set forth in [Exhibit A](#) to this policy (corresponding to Exhibit F to the Lease).

The Regents will have authority to appoint seven of the UNMH BOT members, and the County Commissioners will have authority to appoint two of the UNMH BOT members. At least one Regent-appointed member of the UNMH BOT will be a Pueblo Indian, as required by the contract between the County and the federal government for provision of care to Native Americans. Voting Board members will not include either County Commissioners or Regent members.

Relationship to the Board of Regents and to the UNM Health Sciences Center Committee

The Regents may, but are not obligated to, by and through the HSC Committee, designate a member of the Regents to attend meetings of the UNMH BOT and/or committee meetings of delegated committees of the UNMH BOT, for liaison purposes, but not as a voting member of the UNMH BOT.

Representatives of the UNMH BOT, as designated by the Chairperson of the UNMH BOT, will make periodic reports to the HSC Committee, at least semi-annually, on matters within the UNMH BOT's delegated responsibility and will report for ratification, all matters required to be ratified and approved by the governing body under applicable laws, regulations, or accreditation standards and Regents' policies.

Actions by the UNMH BOT pursuant to this delegation are subject to approval or ratification by the HSC Committee and the Board of Regents as required by applicable federal and state laws and regulations, accreditation standards, and provisions of the Lease. As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital in a manner consistent with this Policy. However, neither the HSC Committee nor the Regents will modify nor decline to ratify actions by the UNMH BOT, within the scope of the authority and powers delegated by the Regents to the UNMH BOT, except after consultation, with one or more representatives of the UNMH BOT designated by the Chairperson of the UNMH BOT.

References

Hospital Funding Act, N.M.STAT.ANN. §§4-48B-7 and -12 (1978); statutes applicable to Regents' responsibility for the operation of Carrie Tingley Hospital, N.M.STAT.ANN. §§ 23-2-1 et seq (1978), and the Children's Psychiatric Hospital N.M.STAT.ANN. § 23-8-1 (1978); 1999 Lease Agreement between Regents and County Commissioners of Bernalillo County as amended by the 2004 First Amendment to Lease Agreement; and the 1999 Agreement Regarding Consent to Lease Agreement between the Regents and the Indian Health Service, and the All-Indian Pueblo Council as amended by the 2004 First Amendment to the 1999 Agreement Regarding Consent to Lease Agreement. (Supersedes: 1996 Resolution Concerning Health Sciences Center; 1998 Supplemental Resolution Regarding the University of New Mexico Hospital Board of Trustees.) (Copies maintained by Office of the ~~Chancellor-Executive Vice President~~ for Health Sciences ~~and Chief Executive Officer foref the UNM Health System~~, and the Office of University Counsel.); [RPM 3.4](#) "Health Sciences Center and Services" [RPM 3.5](#) "Health Sciences Center Committee."

EXHIBIT A

AMENDED AND RESTATED DELEGATION OF AUTHORITY AND POWERS BY REGENTS TO THE UNIVERSITY OF NEW MEXICO HOSPITAL BOARD OF TRUSTEES

Delegation

The authority and powers listed below are delegated by the Regents of the University of New Mexico (the "Regents") to the University of New Mexico Hospital Board of Trustees, (the "UNMH BOT"), pursuant to Section V of that certain Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of July 1, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), effective as of January 1, 2011 (the "Delegation Effective Date"). This delegation shall continue in effect unless revised as provided in Section V of the Lease. This delegation amends, restates, and supersedes any and all previous delegations and/or conflicting or inconsistent provisions in Regents' policies existing on the Delegation Effective Date, except for Regents' policies revising this delegation in accordance with the provisions of Section V of the Lease.^[1] As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital and, subject thereto, the Regents hereby delegate the following authority and responsibility to the UNMH BOT it being the intention of the Regents to designate, for licensure, accreditation, and governance purposes, the UNMH BOT as the "governing body" for the UNM Hospital:

1. Oversight and management of the non-research, non-educational operations of the UNM Hospital in a proper and responsible manner so as to enable the UNM Hospital to provide or arrange for provision of high quality healthcare services to patients of the UNM Hospital and to support the teaching and clinical research missions of the HSC; provided, however, that nothing contained in this delegation shall be construed to be a delegation of authority to the UNMH BOT of any matter covered and addressed by the University of New Mexico Labor Management Relations Resolution adopted by the Regents on May 9, 2006 (the "Labor Resolution").
2. Review and recommend for approval to the UNM Health Sciences Center Committee ("HSC Committee") in accordance with applicable Regent or University policy, the UNM Hospital's operating and capital budgets.
3. Review and approve, or in appropriate circumstances recommend for approval in accordance with applicable Regent or University policy, the following:
 - a. the procurement by the UNM Hospital of equipment (whether by purchase, lease, or other forms of acquisition[s]);
 - b. execution by the UNM Hospital of contracts for services with third parties; or
 - c. lease by the UNM Hospital of real estate.

In this connection, the HSC Committee shall establish by resolution, the level of approval authority for the UNMH BOT with respect to Vendor Contracts, leases of real property, Trade Transactions, Third Party Payor Contracts and/or Strategic Transactions within the parameters of what are Approvable Transactions as set forth in [RPM 3.4](#).

4. Review and approval, in coordination with the HSC Committee, of the UNM Hospital's operating plan and strategic plan.

5. Review and approval of policies of the UNM Hospital that require review and approval by the governing body under applicable laws, regulations or accreditation standards; subject to ratification by the HSC Committee and the Board of Regents, other than policies that are covered by the Labor Resolution.
6. Review and approval, in accordance with applicable Regent or University policy and/or applicable accreditation standards, the Medical Staff Bylaws and the HSC Medical Staff Rules and Regulations and amendments thereto.
7. Assurance that the Medical Staff has reasonable policies and procedures in place regarding credentialing of physicians and ancillary providers who practice at the UNM Hospital.
8. Receipt of and action upon recommendations of the Medical Staff related to appointment and reappointment of members of the Medical Staff and the granting of privileges to physicians and ancillary providers who practice at the UNM Hospital or at other patient care facilities as assigned by the HSC. In this connection, all action by the UNMH BOT related to the appointment and reappointment of members of the Medical Staff shall be fully effective at the time of such action, even if the affected medical staff member may have the ability to appeal the same to the Regents under Regents' Policy [1.5](#). With respect to "Professional Review Actions" as defined in the Medical Staff Bylaws and related manuals and in applicable federal and state laws, rules, regulations, and accreditation standards, the affected member or members of the Medical Staff shall have such appellate rights as are specified in the Medical Staff Bylaws and related manuals.
9. Receipt of and action upon, as appropriate, periodic reports and recommendations of the Medical Staff and administrators of the UNM Hospital related to quality assurance for patient care delivered at the UNM Hospital.
10. Coordination with and oversight of any advisory/advocacy boards existing or created for UNM Hospital for other than research and education purposes, and establishment of reporting mechanisms between those advisory/advocacy boards and the UNMH BOT.
11. Review and recommendation as to the bylaws of advisory/advocacy boards of UNM Hospital and submission of the bylaws of those advisory/advocacy boards to the Regents for review and approval in accordance with applicable Regents' policy.
12. Subject to [RPM 7.8](#) (with respect to financial settlements) oversight of claims and/or lawsuits involving the UNM Hospital and, in coordination with the HSC Committee, the development of a loss control program with respect thereto.
13. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, billing issues, anti-kickback statute issues, Stark law issues, and other regulatory requirements and with the HSC Institutional Compliance Program as contemplated in [RPM 3.7](#).
14. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, compliance with HIPAA, HITECH and the regulations and with the University's HIPAA compliance program as contemplated in [RPM 3.7](#).

[1] Capitalized terms not otherwise defined in this [Exhibit A](#) shall have the meanings ascribed to such terms in Regents' Policy [3.4](#).

Regents' Policy Manual - Section 3.8: Institutional HIPAA Compliance Program

Adopted Date: 06-17-2019

Applicability

This policy applies to the "health care components" of the University's Health Sciences Center (HSC), to other health care components of the University, and to the University's organized health care arrangement (OHCA).

The University is considered a "hybrid covered entity" because it consists of both health care components and non-health care components. The health care components of the hybrid covered entity are identified in Exhibit A to this policy.

HIPAA and HITECH

It is the policy of the health care components of the University to establish reasonable administrative, technical, and physical safeguards in an effort to protect the privacy of "protected health information" and "electronic protected health information" that the health care components create, obtain, or maintain, as required by the:

- Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA),
- Health Information Technology for Economic and Clinical Health Act, contained in the American Recovery and Reinvestment Act of 2009 (HITECH), and
- regulations issued by the Department of Health and Human Services with respect to HIPAA (collectively with HIPAA and HITECH, the "HIPAA Standards").

Self-Insured Health Plans

The University and University Hospitals may sponsor self-insured health plans for the benefit of their respective employees and their dependents, including the UNM Self-Insured Health Plan, the Self-Insured Resident Physician Health Plan, and the Self-Insured Student Health Plan (each, a "Self-Insured Benefit Plan," and, collectively, the "Self-Insured Benefit Plans"). The Self-Insured Benefit Plans shall each be considered a "covered entity" within the meaning of the HIPAA Standards.

HIPAA Privacy Officer

The University President has delegated to the [Chancellor-Executive Vice President](#) for Health Sciences and [Chief Executive Officer](#) for [the UNM Health System](#) responsibility for assuring that the University's health care components identified in Exhibit A comply with the HIPAA Standards. As part of that responsibility, the [Chancellor for Health Sciences-Executive Vice President for Health Sciences and Chief Executive Officer](#) for [the UNM Health System](#) designates an individual to serve as the HIPAA Privacy Officer for the University's health care components.

The responsibilities of the HIPAA Privacy Officer include assuring that Exhibit A accurately reflects the University's health care components. The HIPAA Privacy Officer must notify the UNM Policy Office when Exhibit A should be amended. The UNM Policy Office has authority to amend Exhibit A at the request of the HIPAA Privacy Officer.

Affiliated Corporations

Two affiliated University Research Park and Economic Development Act (URPEDA) corporations that are components of HSC's clinical arm are separate legal entities and, therefore, their own covered entities within the meaning of the HIPAA Standards. These URPEDA corporations are integral members of the UNM Health System, as defined in [RPM 3.4](#), and have adopted and implemented their own policies in respect to the HIPAA Standards, consistent with this policy.

More specifically, UNM Medical Group, Inc. (UNMMG) and any and all clinics operated and/or managed by UNMMG are a covered entity separate from the University, including, without limitation, UNMMG's provision of third-party administration, medical management, clinical management, network management, and related services in relation to any of the Self-Insured Benefit Plans.

In addition, UNM Sandoval Regional Medical Center, Inc. (SRMC) and any and all clinics operated and/or managed by SRMC are a covered entity separate from the University. At the same time, any self-insured group health benefit

plan sponsored by SRMC for the benefit of SRMC employees and their dependents (the "SRMC Self-Insured Benefit Plan") is also considered a separate covered entity.

Organized Health Care Arrangement

The HSC, the Self-Insured Benefit Plans, UNMMG, SRMC, the SRMC Self-Insured Benefit Plan, and the health care components listed in Exhibit A shall take the steps necessary to be considered an OHCA within the meaning of the HIPAA Standards when the parties mutually agree and benefit from joint activities. All components of the OHCA will undertake the steps necessary to comply with the HIPAA Standards.

References

- NMSA 1978, § 21-28-1 et seq. ("University Research Park and Economic Development Act")
- 42 U.S.C. § 1320d, and as amended by the HIPAA Omnibus rule, effective March 26, 2013 ("The Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996")
- Regulations pursuant to HIPAA: 45 CFR, Parts 160, 162, and 164; American Recovery and Reinvestment Act of 2009; Title XIII; Health Information Technology for Economic and Clinical Health Act
- RPM 3.4 ("Health Sciences Center")
- UNM's HIPAA Compliance Policy for Certain Health Plans Offered by the University

EXHIBIT A

Amended: 06-19-2020

The University of New Mexico, as a hybrid covered entity under 42 CFR Part 164.504, hereby designates the following operations as health care components for purposes of complying with the HIPAA Standards:

- HSC and its academic and clinical arms (as defined in RPM 3.4, except for UNMMG and SRMC)
- Telemedicine, telehealth, and teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses, hospitals, and clinics
- Counseling Assistance and Referral Services
- Speech and Hearing Sciences
- Any and all Lobo Clinics
- Student Health and Counseling, excluding those activities thereof covered by the Family Education Rights and Privacy Act, 20 USC. § 1232g, as amended
- Office of the University Counsel when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Safety and Risk Services Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Internal Audit Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Office of Equal Opportunity and the Office of the Title IX Coordinator, when providing services and/or conducting investigations in respect to any of the health care components identified in this Exhibit A
- Applicable Human Resources Departments as follows:
 - of the University, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan
 - of UNM Hospitals, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan

- Information Technologies Department of the University, and the HSC, respectively, when accessing or providing mission support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A

Regents' Policy Manual - Section 5.3: Employment of UNM Graduates

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to regular members of the University faculty.

Policy

As a general policy, no persons who have received degrees from the University of New Mexico shall hereafter be employed as regular members of the faculty in positions which may lead to permanent tenure unless subsequent to their last degree received at the University of New Mexico, they have taken at least one academic year of advanced work at another reputable institution or have established themselves professionally elsewhere. Such work or professional experience must be in their teaching field.

At the discretion of the Provost/Executive Vice President for Academic Affairs, or for Health Sciences faculty the ~~Chancellor/Executive Vice President~~ for Health Sciences and Chief Executive Officer for the UNM Health System, an exception may be made to this general policy.

Reference

"Employment of UNM Graduates," Faculty Handbook C20.

Regents' Policy Manual - Section 5.5: Outside Employment

Adopted Date: 09-12-1996

Applicability

This policy applies to full-time faculty members of the University.

Policy

Full-time members of the University faculty are encouraged to engage in outside professional activities such as writing, consulting, lecturing, or activities of similar nature which will enhance their professional growth or reputation, subject to the following restrictions:

- Since the faculty member's primary responsibility is to the University, all outside employment is considered secondary. The time spent in outside employment or in additional work done within the University for extra compensation, or in both of these together, may not exceed the equivalent of one work day per week during the contract period.
- Outside professional activities will not significantly conflict with classes, office hours, or other assigned duties and commitments.
- Except in cases specifically approved in writing by the President authorizing official University involvement, the faculty member in undertaking such employment shall act as an individual and not as an agent of the University and shall not use the name of the University or official University stationery in connection with such work.
- Great care should be taken to avoid a conflict of interest or appearance of a conflict of interest situation in carrying out any type of consultant or research activity.
- When exceptions to this policy are necessary in the interest of the University, they must have the advance written approval of the [Associate-Senior Vice](#) Provost for Academic Affairs.
- Deans are to report to the [Associate-Senior Vice](#) Provost for Academic Affairs at the end of each semester and summer session summaries of the number of days spent by each faculty member on outside employment.

Implementation

The full policy, previously adopted by the faculty and approved by the Regents, is printed in the [Faculty Handbook](#).

The Provost has interpreted the "one work day per week" language to mean 39 days for the contract period (9 months). The 39 days can be arranged in various ways (e.g., one day a week, all at one time); Saturdays and Sundays are counted toward the 39 days. Extra compensation paid through the University (see [RPM Policy 5.6](#)) and outside employment both count toward the 39 days.

For the Health Sciences Center, the reporting by the dean (last item in policy above) is made to the [Executive Vice President for Health Sciences](#) [and Chief Executive Officer](#) for [the UNM Health System](#).

Reference

[Faculty Handbook](#) [1990 ed.] pages B-25 -- B-26.

Regents' Policy Manual - Section 5.18: Endowed Faculty Chairs

Adopted Date: 06-14-2005

Amended: 01-09-2015

Applicability

This policy applies to the faculty of the University of New Mexico.

Policy

The quality of the faculty is one of the enduring hallmarks of a great institution. The University of New Mexico will have made great strides toward being a world-class institution when a large number of eminent scholars across many different areas of study are members of our faculty.

An endowed chair is an honor that can be bestowed on a scholar of distinction. This honor will allow an individual to conduct meaningful inquiry that will expand the frontiers of knowledge and instruct generations; as a result, the reputation of the University will be enhanced. An endowed chair is a singular opportunity to recognize and sustain innovative intellectual work. The income derived from such an endowment can be used to provide salary support or to fund specific laboratory or other scholarly expenses.

The Role of the University of New Mexico Foundation

An endowed chair may be established by a gift or conferred pledge of \$1.5 million. When the University of New Mexico Foundation (UNM Foundation) becomes aware of a donor's wish to establish an endowed chair, the UNM Foundation will communicate the intent of the donor to the President of the University, the Provost and Executive Vice President for Academic Affairs, and the [Executive Vice President Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System](#). Upon approval by the President, the UNM Foundation will oversee the details of the gift pledge and will ensure that a fundamental agreement is drafted containing terms consistent with the intentions of the donor. A resolution proposal by the UNM Foundation will be forwarded to the Board of Regents' Academic, Student Affairs, and Research Committee. Appropriate University offices will receive copies of fundamental agreements and resolutions. The Board of Regents' Academic, Student Affairs, and Research Committee will, if approved, forward the resolution to the Board of Regents for action.

The Role of the Regents of the University of New Mexico

The Board of Regents, as the governing body of the University, will act to approve both the establishment of a chair and its holder. In both cases their action will be preceded by review and approval by the Board of Regents' Academic, Student Affairs, and Research Committee.

Once the candidate to hold the chair has been approved by the Board of Regents, the University will take steps to invest in that individual and the chair. This ceremonial occasion would bring together the donors responsible for creating the chair, other donors and friends of the University, friends and family of the chair holder, friends and board members of the University and, if appropriate, invited guests who share scholarly interests with the chair holder to celebrate with members of the academic community. Venues for such an event may vary; possible examples include the Alumni Memorial Chapel, the Student Union Building, or on some occasions the outdoors. The UNM Foundation will be responsible for planning and executing the event.

Role of the Provost and Executive Vice President for Academic Affairs and the [Executive Vice President Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System](#)

The Provost and Executive Vice President for Academic Affairs or the [Executive Vice President Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System](#), depending on the academic role of the chair holder, should ensure that chair holders provide a report of their activity during the course of an academic year. This ensures the academic integrity of the chair and also provides the donor with information on the positive outcomes of his or her gift.

References

RPM 2.11 ("Naming University Facilities, Spaces, Endowments, and Programs"); RPM 7.13 ("Receipt and Investment of Gifts to the University"); and Faculty Handbook Policy C170 ("Endowed Chairs and Named Professorships").

Regents' Policy Manual - Section 7.6: University Enterprise Business Activities

Adopted Date: 09-12-1996

Amended: 12-14-2010

Applicability

This policy applies to all activities conducted by the University of New Mexico and its affiliated units where fees are charged for providing goods or services to the general public.

Policy

All University business enterprise activities shall be related to the University's mission of providing instruction, research, scholarship, cultural innovation, public service, patient care, and campus support. Some activities within this mission may be organized as separate and distinct business cost centers, with fees charged for providing goods and services that enhance, promote or support the University's mission and meet the needs of students, faculty, staff and patients. Some of these business activities may also be available to the general public. The University shall comply with all applicable laws and regulations concerning its business activities. The governance of business enterprise activities in respect of the Health Sciences Center shall be as set forth in [RPM 3.4](#).

Implementation

The President shall establish administrative policies and procedures to ensure that all business activities are related to the University's mission. Exceptions to the policy may be authorized by the President when clearly in the best interest of the University and the public.

Delegation of Authority

The Executive Vice President for Administration/CFO/COO and the ~~Chancellor~~[Executive Vice President](#) for Health Sciences ~~and Chief Executive Officer for the UNM Health System~~ (in respect of Health Sciences Center activities) shall be responsible for oversight and review of University business activities, including periodic review of all University business enterprise activities.

References

University Business Activities, [UBPPM Policy 6010](#).

Regents' Policy Manual - Section 7.8: Signature Authority for Contracts

Adopted Date: 09-12-1996

Amended: 03-10-1997

Amended: 12-06-2007

Amended: 08-12-2008

Amended: 12-14-2010

Amended: 04-08-2014

Amended: 03-14-2016

Applicability

This policy applies to all members of the Board of Regents, faculty, staff and students.

Policy

The Board of Regents must approve and an officer of the Board of Regents must sign the following types of contracts and documents, after due authorization by the Regents:

1. Contracts between the President and the University;
- ~~2. Contracts between the Chancellor for Health Sciences and the University;~~
- ~~3-2.~~ Bond resolution, notification and certification documents, including certification of bond sale; and
- ~~4-3.~~ Any contracts or other documents required by law to be signed by an officer of the Board of Regents.

The Chief Procurement Officer or designee must sign contracts for the purchase of goods and services, and the authority to do so is hereby delegated.

The President shall have the authority to sign all other contracts and documents (other than contracts or agreements for the purchase of goods and services) for the operation of the University and may delegate this authority. The President's signature authority as set forth above includes the authority to execute certificates representing stocks, bonds, or other securities in order to buy, sell, assign, or endorse for transfer such securities. The President shall also have authority to require additional signatures on contracts for the purchase of goods and services.

It is the official policy of the University to avoid financial settlements of claims and lawsuits against the University except when appropriate. The Risk Management Division of the State of New Mexico provides coverage of certain liabilities of the University and has the authority to settle claims and lawsuits on the University's behalf in consultation with University officials. The University shall not agree to ~~pay a~~ financial settlement ~~paid on its behalf involving a payment by the University~~ without (1~~a~~) an appropriate risk assessment of the case, ~~and~~ (2~~b~~) written approval by the ~~Executive Vice President for Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System for medical malpractice cases or the President for all other cases, the Provost and the Executive Vice President for Academic Affairs, or the Senior Executive Vice President for Finance & Administration, and (c) final approval by the President.~~ A financial settlement ~~or contract buy-out~~ payment by the University ~~with its own funds can be authorized by the President up to of \$400,000-\$1,000,000. Payments of university funds in excess of this amount or more~~ must also be approved by the Board of Regents. The Board shall receive regular reports of all settlement payments and judgments paid on its behalf or paid from University funds.

After fully advising the President, the ~~Chancellor for Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System~~ is authorized to enter into affiliation agreements with other patient care facilities to provide educational opportunities.

The signature authority delegated in this policy must be exercised in accordance with other Regents' policies, some of which may require approval of the contract or other document by the Board of Regents.

References

RPM 1.4 ("Appointment of the President of the University"); RPM 7.10 ("Borrowing and Bonding Authority"); RPM 3.4 ("Health Sciences Center and Services"); and UAP 2010 ("Contract Signature Authority and Review").

Regents' Policy Manual - Section 7.9: Property Management

Adopted Date: 09-12-1996

Amended: 04-08-2014

Applicability

This policy applies to all property owned, used, loaned, or leased to the University.

Policy

The University may acquire, maintain, protect, use, and dispose of property required to perform its mission. University property shall be managed according to University policies and applicable state and federal law.

University property includes all equipment purchased by University departments, regardless of the source of funds used to purchase the equipment; U.S. Government-owned equipment used by University departments; components and materials used to make equipment, whether furnished to, acquired by, or fabricated by the University; property donated to the University; and property loaned or leased to the University by outside organizations.

The following types of property management transactions must be approved by the Board of Regents:

1. Purchase, sale, or transfer of real property.
2. Leases of real property, the annual cost of which is \$1,000,000 or more. (Note: If the lease contains an option to purchase the real property, Regents must approve exercising the option.)
3. The Finance and Facilities Committee or the Health Sciences ~~Board of Directors Committee~~, as appropriate, must approve the disposition of surplus property, in accordance with NMSA 1978, § 13-6-1 et seq. Such dispositions are not approved by the full Board.

Implementation

The President shall adopt administrative policies and procedures to implement this policy.

References

By statute, purchase of real property must also be approved by the Higher Education Department and the State Board of Finance.

Disposition of Surplus Property Act, § 13-6-1, NMSA 1978.

UAP 7710 ("Property Management and Control).

RPM 7.13 ("Development, Receipt, and Investment of Gifts to the University).

Regents' Policy Manual - Section 7.14: Risk Management and Insurance

Adopted Date: 09-12-1996

Amended: 12-14-2010

Amended: 08-14-2015

Applicability

This policy applies to all members of the University community and to all property owned or controlled by the University.

Policy

1. Safety and Loss Prevention Program

It is the policy of the University to take reasonable steps to avoid accidents or other incidents that could result in injury or death to students, faculty, staff, and visitors, and to protect the physical resources of the University against loss or damage. The University, therefore, will have an active safety and loss prevention program. Because of the unique and distinct manner in which the Health Sciences Center operates and the unique nature of the risks of loss with respect thereto, the governance and oversight of the safety and loss prevention program for the Health Sciences Center (and each of its component colleges, schools, centers, units, and subsidiary corporations as described in Section 1 of [RPM 3.4](#)) shall be as described in Section 3i of [RPM 3.5](#) for the Health Sciences [Board of Directors Committee](#) and Exhibit A Section 12 of [RPM 3.6](#) for the UNM Hospital Board of Trustees. The program will also provide for the proper handling and disposition of hazardous materials, pursuant to applicable laws.

Liability ~~insurance coverage for covering~~ the University and its "public employees," as defined in the New Mexico Tort Claims Act, property and casualty insurance, workers' compensation insurance, and health care liability coverage for health care students are provided by the Risk Management Division, General Services Department, of the State of New Mexico.

Recognizing that the University's and its "public employees" tort liability to third parties is subject to the immunities and limitations set forth in the New Mexico Tort Claims Act and the Eleventh Amendment to the U.S. Constitution, in cooperation with the Risk Management Division of the New Mexico General Services Department under and pursuant to the New Mexico Tort Claims Act, the University will carry (a) fire and extended coverage insurance on its buildings, heating and cooling systems, and major equipment; (b) workers' compensation and unemployment compensation as required by applicable law, (c) medical malpractice, professional liability, and comprehensive general liability insurance under the Public Liability Fund administered by the Risk Management Division to protect itself and its "public employees," as defined in and consistent with the New Mexico Tort Claims Act; (d) such other and further insurance coverage as may be necessary and appropriate under the circumstances of a particular situation.

2. Insurance for Employees and Students

The University will provide opportunities for its students and employees to purchase medical insurance.

The Board must approve the establishment or elimination of any alternative insurance or self-insurance program. In 2009, the Board approved a self-funded employee health plan.

The University will offer to all its active permanent faculty and staff employees, and certain retirees, group health insurance coverage which the University co-pays in accordance with state law. University employees may also purchase group life insurance, accidental death and dismemberment insurance, and short- and long-term disability insurance coverage for themselves and their families through the University.

The University will offer one or more health insurance policies to its students each year.

2.1. Reserve Fund Maintained for Self-Insurance Plan

The University maintains a reserve fund for its self-insured health, prescription drug, and dental benefits covering active employees and eligible retirees. Third Party Administrators (TPA) are contracted to process claims and

perform certain administrative functions. In addition to claims payments and TPA administrative fees, the three components of the reserve fund (discussed below) may be used, as appropriate, for medical and non-medical costs such as stop-loss premiums, wellness initiatives, onsite clinic costs, telemedicine services, disease management services, and outside consulting fees.

The reserve fund has three distinct components: an Incurred But Not Reported (IBNR) reserve, a Claims Fluctuation Reserve (CFR), and a general reserve.

- The IBNR reserve is maintained to fund terminal liabilities in the event that the self-funded plan, or any subset of it, were to cease. The amount of the IBNR reserve is calculated and certified annually by an independent credentialed healthcare actuary.
- The CFR reserve provides budget certainty to any given fiscal year should actual costs exceed the expected amounts. The amount is calculated to reflect a percentage of budget certainty between 50% and 100%.
- The general reserve represents any funds that exceed the combined IBNR and CFR reserves, and may include earnings created by the reserve.

2.2. Use of the General Reserve Component of the Self-Insurance Reserve Fund

The Board in its discretion may approve the allocation of funds from the general reserve component for other University purposes. The premium amounts paid by covered employees constitute assets of the self-insurance plan, and can be used for no other purpose. Any interest paid on the employees' premiums, and other monies that exceed participant contributions and form the basis of the general reserve component, however, are considered general assets of the University and may be used for purposes unrelated to the self-insurance plan.

3. Reports to the Board

The President shall report annually to the Board on the status and financial condition of the University's risk management and insurance programs. In this regard, the ~~Chancellor for~~[Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System](#) shall coordinate reporting for the Health Sciences Center's safety and loss prevention program with the President of the University.

References

Tort Claims Act, § 41-4-1 et seq., NMSA 1978; Workers' Compensation Act, § 52-1-1, et seq.; Group Benefits Act, § 10-7B-1, et seq.

CLEAN COPIES OF REVISIONS:

Regents' Policy Manual - Section 3.3: Appointment and Termination of Key Administrators

Adopted Date: 09-12-1996

Amended: 12-14-2004

Amended: 12-14-2010

Amended: 03-14-2016

Applicability

This policy applies to the appointment, dismissal, compensation, and contract amendment or non-renewal of all executive vice presidents, senior vice president, director of intercollegiate athletics, and the University's general counsel.

Policy

In addition to following the applicable administrative policies and procedures, the President shall inform the Board of Regents prior to appointing, dismissing, setting compensation, amending or not renewing the contract of all executive vice presidents, senior vice presidents, director of intercollegiate athletics, and the university's general counsel. The President shall also inform the Board of Regents in connection with the appointment, termination, and compensation of other senior or key administrative positions as appropriate, depending on the circumstances surrounding the appointment, termination or change in compensation.

With regard to the recruitment and hiring of all executive vice presidents, senior vice presidents, director of intercollegiate athletics, and the University's general counsel, the following guidelines shall be observed, consistent with University policies and procedures:

- A national search shall be conducted unless there are exceptional circumstances and the Regents have been consulted;
- A broadly-representative search committee shall be used; and
- Finalists in a competitive process for the position shall participate in interviews which include an open forum on campus for the general University or Health Sciences Center, as the case may be, community and interested members of the public.

References

Employment Contracts, RPM 6.9.

Implementation

The President shall adopt administrative policies and procedures for the recruitment and hiring of key administrative positions, including but not limited to the positions specified in this policy. Dismissal or contract non-renewal shall be in accordance with University policies and procedures.

Regents' Policy Manual - Section 3.4: Health Sciences Center and Services

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces RPM 2.13)

Applicability

This policy applies to the academic and clinical programs, facilities and services operating as part of the UNM Health Sciences Center (HSC) and, as provided more fully below, to certain subsidiary corporations of the University. This policy also applies to those operations of the University that are deemed to be "health care components" of the University as set forth below.

Policy

The health care related education, research, and clinical programs and services offered by the University and/or provided in the University's facilities and those of certain of its University Research Park and Economic Development Act ("URPEDA") subsidiaries as described in this Policy are hereby designated as the "UNM Health Sciences Center" which is and shall be a component unit of the University. The clinical elements of the HSC are intended to be a fully integrated, academic health center and health care delivery system and will be collectively administered as the "UNM Health System."

Component Units of UNM Health Sciences Center

The HSC consists of the School of Medicine, the College of Nursing, the College of Pharmacy, and the College of Population Health; the Health Sciences Center Library & Informatics Center; the UNM Comprehensive Cancer Center, the UNM Clinical and Translational Sciences Center, UNM Medical Group, Inc., ("UNMMG") a New Mexico non-profit and URPEDA corporation organized and formed by the University, UNM Sandoval Regional Medical Center, Inc., ("UNM SRMC") a New Mexico non-profit and URPEDA corporation organized and formed by the University and several research and public service programs related to health sciences. The HSC also includes the University of New Mexico Hospital ("UNMH"), the University of New Mexico Children's Hospital (the "Children's Hospital"), the University of New Mexico Adult Psychiatric Center formerly known as the Mental Health Center ("Adult Psychiatric Center"), the UNM Children's Psychiatric Hospital ("CPH"), the Carrie Tingley Hospital ("CTH") and the outpatient facilities and clinics operated under the license(s) of the foregoing. In this Policy, UNMH, Children's Hospital, Adult Psychiatric Center, CPH, CTH and the outpatient facilities and clinics thereof shall be referred to collectively as the "UNM Hospital." The HSC will also include such other and further clinics, centers, and programs developed and/or to be developed and operated by the HSC or any of the component units currently comprising the HSC or those added to the HSC at a future date.

Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System

The Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System (EVP & CEO Health Sciences Center") shall provide leadership and have administrative responsibility for all activities, operations, and programs of the HSC, and the UNM Health System, consistent with University policies, recognizing that teaching, research, service, and patient care are the foundations of an academic health center in accordance with Regent Policies and University Administrative Policies and Procedures."

The President of the University shall set the annual goals to be established for the EVP & CEO for Health Sciences in performing his or her job duties. The President of the University shall perform an evaluation of the EVP & CEO for Health Sciences' performance in respect of such goals.

Subject to RPM 3.1, the EVP & CEO for Health Sciences shall have general supervision over the affairs, property, personnel, and financial resources of the HSC. With respect to the Institutional Compliance Programs identified more fully in RPM 3.7, the EVP & CEO for Health Sciences shall be designated and shall be the “institutional official” or “designated official,” as the case may be for each Institutional Compliance Program at the HSC requiring the designation of such an official. In this regard, the EVP & CEO for Health Sciences shall have such additional powers, duties, and authorities as may from time to time be assigned to him/her by the President of the University.

Additionally, the EVP & CEO for Health Sciences shall serve as the chief academic officer relative to colleges, schools, programs, and centers at the HSC and shall work in mutual collaboration with the Executive Vice President for Academic Affairs and Provost, in coordinating, developing, and improving the educational and research programs at the HSC, subject to any limitations imposed in his/her employment contract and/or by the President of the University in accordance with RPM 3.1. The EVP & CEO for Health Sciences will ensure that all HSC educational and research programs meet the standards of the State of New Mexico and all relevant and applicable accreditation bodies. The EVP & CEO for Health Sciences will oversee the deans of the respective colleges and schools comprising the HSC and the work of the faculty in the colleges, schools, programs, and centers at the HSC. Moreover, with respect to faculty matters at the HSC, all references in Faculty Handbook Policies to the Provost or the Provost’s Office shall mean or shall be interpreted to mean the EVP & CEO for Health Sciences or to the Office of EVP & CEO for Health Sciences.

1. Authority in an Emergency

In the event of an emergency declared by the President as described in RPM 3.2, the EVP & CEO for Health Sciences, in the exercise of reasonable judgment under the circumstances and in consultation with the University President, is authorized to approve actions as are necessary to safeguard persons or property or to maintain the HSC’s educational, research and clinical functions. Such actions shall remain in effect during the state of emergency, unless cancelled sooner by the President.

2. Appointment of Additional Officers for the UNM Health Sciences Center

Upon the approval of the President of the University, the EVP & CEO for Health Sciences may appoint such additional deans of the component colleges and schools of the HSC and/or officers of the HSC or the UNM Health System and such agents and employees as the EVP & CEO for Health Sciences may deem necessary, appropriate and advisable and may delegate to such deans and/or officers as is consistent with Regent policies and policies of the University that are applicable to the HSC.

3. Policies and Procedures for the UNM Health Sciences Center

The EVP & CEO for Health Sciences in consultation with the University President may issue administrative policies and procedures related to HSC matters for the HSC and for the UNM Health System as long as the policies are not in conflict with policies in the Regents’ Policy Manual, Faculty Handbook, or the University Administrative Policies and Procedures Manual.

References

University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, as amended); RPM 3.2 “Authority in an Emergency”; RPM 3.5 “Health Sciences Center Board of Directors”; RPM 3.6 “UNM Hospital Board of Trustees”; RPM 3.7 “Institutional Compliance Program.”

Regents' Policy Manual - Section 3.6: UNM Hospital Board of Trustees

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces portions of RPM 2.13)

Applicability

This policy applies to the oversight and governance of the clinical, operational and financial affairs of the UNM Hospital.

Policy

Under that certain Lease Agreement for Operation and Lease of County Healthcare Facilities between the Regents and the Board of County Commissioners of the County of Bernalillo (the "County" or the "County Commissioners"), dated as of July 1, 1999, and approved by the New Mexico Board of Finance on August 12, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), the Regents are responsible for operation and maintenance of UNMH and the Mental Health Center. The Lease is effective as of October 8, 1999, the effective date of the Agreement Regarding Consent to Lease Agreement entered into between the Regents and the Indian Health Service which was amended by that certain First Amended Agreement Regarding Consent to Lease Agreement dated as of November 18, 2004 (as amended, the "Consent"). The Lease provides for appointment of a combined nine-member governing board, which shall be known as the "UNM Hospital's Board of Trustees" (hereinafter, the "UNMH BOT") for the non-research, non-educational operations of the UNM Hospital, with such authority and powers as are delegated to the UNMH BOT by Regents' policy and consistent with applicable federal and state laws and regulations and accreditation standards. The current delegation of authority and powers by the Regents to the UNMH BOT is set forth in Exhibit A to this policy (corresponding to Exhibit F to the Lease).

The Regents will have authority to appoint seven of the UNMH BOT members, and the County Commissioners will have authority to appoint two of the UNMH BOT members. At least one Regent-appointed member of the UNMH BOT will be a Pueblo Indian, as required by the contract between the County and the federal government for provision of care to Native Americans. Voting Board members will not include either County Commissioners or Regent members.

Relationship to the Board of Regents and to the UNM Health Sciences Center Committee

The Regents may, but are not obligated to, by and through the HSC Committee, designate a member of the Regents to attend meetings of the UNMH BOT and/or committee meetings of delegated committees of the UNMH BOT, for liaison purposes, but not as a voting member of the UNMH BOT.

Representatives of the UNMH BOT, as designated by the Chairperson of the UNMH BOT, will make periodic reports to the HSC Committee, at least semi-annually, on matters within the UNMH BOT's delegated responsibility and will report for ratification, all matters required to be ratified and approved by the governing body under applicable laws, regulations, or accreditation standards and Regents' policies.

Actions by the UNMH BOT pursuant to this delegation are subject to approval or ratification by the HSC Committee and the Board of Regents as required by applicable federal and state laws and regulations, accreditation standards, and provisions of the Lease. As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital in a manner consistent with this Policy. However, neither the HSC Committee nor the Regents will modify nor decline to ratify actions by the UNMH BOT, within the scope of the authority and powers delegated by the Regents to the UNMH BOT, except after consultation, with one or more representatives of the UNMH BOT designated by the Chairperson of the UNMH BOT.

References

Hospital Funding Act, N.M.STAT.ANN. §§4-48B-7 and -12 (1978); statutes applicable to Regents' responsibility for the operation of Carrie Tingley Hospital, N.M.STAT.ANN. §§ 23-2-1 et seq (1978), and the Children's Psychiatric Hospital N.M.STAT.ANN. § 23-8-1 (1978); 1999 Lease Agreement between Regents and County Commissioners of Bernalillo County as amended by the 2004 First Amendment to Lease Agreement; and the 1999 Agreement Regarding Consent to Lease Agreement between the Regents and the Indian Health Service, and the All-Indian Pueblo Council as amended by the 2004 First Amendment to the 1999 Agreement Regarding Consent to Lease Agreement. (Supersedes: 1996 Resolution Concerning Health Sciences Center; 1998 Supplemental Resolution Regarding the University of New Mexico Hospital Board of Trustees.) (Copies maintained by Office of the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System, and the Office of University Counsel.); RPM 3.4 "Health Sciences Center and Services" RPM 3.5 "Health Sciences Center Committee."

EXHIBIT A

AMENDED AND RESTATED DELEGATION OF AUTHORITY AND POWERS BY REGENTS TO THE UNIVERSITY OF NEW MEXICO HOSPITAL BOARD OF TRUSTEES

Delegation

The authority and powers listed below are delegated by the Regents of the University of New Mexico (the "Regents") to the University of New Mexico Hospital Board of Trustees, (the "UNMH BOT"), pursuant to Section V of that certain Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of July 1, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), effective as of January 1, 2011 (the "Delegation Effective Date"). This delegation shall continue in effect unless revised as provided in Section V of the Lease. This delegation amends, restates, and supersedes any and all previous delegations and/or conflicting or inconsistent provisions in Regents' policies existing on the Delegation Effective Date, except for Regents' policies revising this delegation in accordance with the provisions of Section V of the Lease.^[1] As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital and, subject thereto, the Regents hereby delegate the following authority and responsibility to the UNMH BOT it being the intention of the Regents to designate, for licensure, accreditation, and governance purposes, the UNMH BOT as the "governing body" for the UNM Hospital:

1. Oversight and management of the non-research, non-educational operations of the UNM Hospital in a proper and responsible manner so as to enable the UNM Hospital to provide or arrange for provision of high quality healthcare services to patients of the UNM Hospital and to support the teaching and clinical research missions of the HSC; provided, however, that nothing contained in this delegation shall be construed to be a delegation of authority to the UNMH BOT of any matter covered and addressed by the University of New Mexico Labor Management Relations Resolution adopted by the Regents on May 9, 2006 (the "Labor Resolution").
2. Review and recommend for approval to the UNM Health Sciences Center Committee ("HSC Committee") in accordance with applicable Regent or University policy, the UNM Hospital's operating and capital budgets.
3. Review and approve, or in appropriate circumstances recommend for approval in accordance with applicable Regent or University policy, the following:
 - a. the procurement by the UNM Hospital of equipment (whether by purchase, lease, or other forms of acquisition[s]);
 - b. execution by the UNM Hospital of contracts for services with third parties; or
 - c. lease by the UNM Hospital of real estate.

In this connection, the HSC Committee shall establish by resolution, the level of approval authority for the UNMH BOT with respect to Vendor Contracts, leases of real property, Trade Transactions, Third Party Payor Contracts and/or Strategic Transactions within the parameters of what are Approvable Transactions as set forth in RPM 3.4.

4. Review and approval, in coordination with the HSC Committee, of the UNM Hospital's operating plan and strategic plan.

5. Review and approval of policies of the UNM Hospital that require review and approval by the governing body under applicable laws, regulations or accreditation standards; subject to ratification by the HSC Committee and the Board of Regents, other than policies that are covered by the Labor Resolution.
 6. Review and approval, in accordance with applicable Regent or University policy and/or applicable accreditation standards, the Medical Staff Bylaws and the HSC Medical Staff Rules and Regulations and amendments thereto.
 7. Assurance that the Medical Staff has reasonable policies and procedures in place regarding credentialing of physicians and ancillary providers who practice at the UNM Hospital.
 8. Receipt of and action upon recommendations of the Medical Staff related to appointment and reappointment of members of the Medical Staff and the granting of privileges to physicians and ancillary providers who practice at the UNM Hospital or at other patient care facilities as assigned by the HSC. In this connection, all action by the UNMH BOT related to the appointment and reappointment of members of the Medical Staff shall be fully effective at the time of such action, even if the affected medical staff member may have the ability to appeal the same to the Regents under Regents' Policy 1.5. With respect to "Professional Review Actions" as defined in the Medical Staff Bylaws and related manuals and in applicable federal and state laws, rules, regulations, and accreditation standards, the affected member or members of the Medical Staff shall have such appellate rights as are specified in the Medical Staff Bylaws and related manuals.
 9. Receipt of and action upon, as appropriate, periodic reports and recommendations of the Medical Staff and administrators of the UNM Hospital related to quality assurance for patient care delivered at the UNM Hospital.
 10. Coordination with and oversight of any advisory/advocacy boards existing or created for UNM Hospital for other than research and education purposes, and establishment of reporting mechanisms between those advisory/advocacy boards and the UNMH BOT.
 11. Review and recommendation as to the bylaws of advisory/advocacy boards of UNM Hospital and submission of the bylaws of those advisory/advocacy boards to the Regents for review and approval in accordance with applicable Regents' policy.
 12. Subject to RPM 7.8 (with respect to financial settlements) oversight of claims and/or lawsuits involving the UNM Hospital and, in coordination with the HSC Committee, the development of a loss control program with respect thereto.
 13. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, billing issues, anti-kickback statute issues, Stark law issues, and other regulatory requirements and with the HSC Institutional Compliance Program as contemplated in RPM 3.7.
 14. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, compliance with HIPAA, HITECH and the regulations and with the University's HIPAA compliance program as contemplated in RPM 3.7.
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Regents' Policy Manual - Section 3.8: Institutional HIPAA Compliance Program

Adopted Date: 06-17-2019

Applicability

This policy applies to the "health care components" of the University's Health Sciences Center (HSC), to other health care components of the University, and to the University's organized health care arrangement (OHCA).

The University is considered a "hybrid covered entity" because it consists of both health care components and non-health care components. The health care components of the hybrid covered entity are identified in Exhibit A to this policy.

HIPAA and HITECH

It is the policy of the health care components of the University to establish reasonable administrative, technical, and physical safeguards in an effort to protect the privacy of "protected health information" and "electronic protected health information" that the health care components create, obtain, or maintain, as required by the:

- Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA),
- Health Information Technology for Economic and Clinical Health Act, contained in the American Recovery and Reinvestment Act of 2009 (HITECH), and
- regulations issued by the Department of Health and Human Services with respect to HIPAA (collectively with HIPAA and HITECH, the "HIPAA Standards").

Self-Insured Health Plans

The University and University Hospitals may sponsor self-insured health plans for the benefit of their respective employees and their dependents, including the UNM Self-Insured Health Plan, the Self-Insured Resident Physician Health Plan, and the Self-Insured Student Health Plan (each, a "Self-Insured Benefit Plan," and, collectively, the "Self-Insured Benefit Plans"). The Self-Insured Benefit Plans shall each be considered a "covered entity" within the meaning of the HIPAA Standards.

HIPAA Privacy Officer

The University President has delegated to the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System responsibility for assuring that the University's health care components identified in Exhibit A comply with the HIPAA Standards. As part of that responsibility, the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System designates an individual to serve as the HIPAA Privacy Officer for the University's health care components.

The responsibilities of the HIPAA Privacy Officer include assuring that Exhibit A accurately reflects the University's health care components. The HIPAA Privacy Officer must notify the UNM Policy Office when Exhibit A should be amended. The UNM Policy Office has authority to amend Exhibit A at the request of the HIPAA Privacy Officer.

Affiliated Corporations

Two affiliated University Research Park and Economic Development Act (URPEDA) corporations that are components of HSC's clinical arm are separate legal entities and, therefore, their own covered entities within the meaning of the HIPAA Standards. These URPEDA corporations are integral members of the UNM Health System, as defined in [RPM 3.4](#), and have adopted and implemented their own policies in respect to the HIPAA Standards, consistent with this policy.

More specifically, UNM Medical Group, Inc. (UNMMG) and any and all clinics operated and/or managed by UNMMG are a covered entity separate from the University, including, without limitation, UNMMG's provision of third-party administration, medical management, clinical management, network management, and related services in relation to any of the Self-Insured Benefit Plans.

In addition, UNM Sandoval Regional Medical Center, Inc. (SRMC) and any and all clinics operated and/or managed by SRMC are a covered entity separate from the University. At the same time, any self-insured group health benefit

plan sponsored by SRMC for the benefit of SRMC employees and their dependents (the "SRMC Self-Insured Benefit Plan") is also considered a separate covered entity.

Organized Health Care Arrangement

The HSC, the Self-Insured Benefit Plans, UNMMG, SRMC, the SRMC Self-Insured Benefit Plan, and the health care components listed in Exhibit A shall take the steps necessary to be considered an OHCA within the meaning of the HIPAA Standards when the parties mutually agree and benefit from joint activities. All components of the OHCA will undertake the steps necessary to comply with the HIPAA Standards.

References

- NMSA 1978, § 21-28-1 et seq. ("University Research Park and Economic Development Act")
- 42 U.S.C. § 1320d, and as amended by the HIPAA Omnibus rule, effective March 26, 2013 ("The Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996")
- Regulations pursuant to HIPAA: 45 CFR, Parts 160, 162, and 164; American Recovery and Reinvestment Act of 2009; Title XIII; Health Information Technology for Economic and Clinical Health Act
- RPM 3.4 ("Health Sciences Center")
- UNM's HIPAA Compliance Policy for Certain Health Plans Offered by the University

EXHIBIT A

Amended: 06-19-2020

The University of New Mexico, as a hybrid covered entity under 42 CFR Part 164.504, hereby designates the following operations as health care components for purposes of complying with the HIPAA Standards:

- HSC and its academic and clinical arms (as defined in RPM 3.4, except for UNMMG and SRMC)
- Telemedicine, telehealth, and teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses, hospitals, and clinics
- Counseling Assistance and Referral Services
- Speech and Hearing Sciences
- Any and all Lobo Clinics
- Student Health and Counseling, excluding those activities thereof covered by the Family Education Rights and Privacy Act, 20 USC. § 1232g, as amended
- Office of the University Counsel when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Safety and Risk Services Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Internal Audit Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Office of Equal Opportunity and the Office of the Title IX Coordinator, when providing services and/or conducting investigations in respect to any of the health care components identified in this Exhibit A
- Applicable Human Resources Departments as follows:
 - of the University, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan
 - of UNM Hospitals, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan

- Information Technologies Department of the University, and the HSC, respectively, when accessing or providing mission support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A

Regents' Policy Manual - Section 5.3: Employment of UNM Graduates

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to regular members of the University faculty.

Policy

As a general policy, no persons who have received degrees from the University of New Mexico shall hereafter be employed as regular members of the faculty in positions which may lead to permanent tenure unless subsequent to their last degree received at the University of New Mexico, they have taken at least one academic year of advanced work at another reputable institution or have established themselves professionally elsewhere. Such work or professional experience must be in their teaching field.

At the discretion of the Provost/Executive Vice President for Academic Affairs, or for Health Sciences faculty the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System, an exception may be made to this general policy.

Reference

"Employment of UNM Graduates," **Faculty Handbook C20**.

Regents' Policy Manual - Section 5.5: Outside Employment

Adopted Date: 09-12-1996

Applicability

This policy applies to full-time faculty members of the University.

Policy

Full-time members of the University faculty are encouraged to engage in outside professional activities such as writing, consulting, lecturing, or activities of similar nature which will enhance their professional growth or reputation, subject to the following restrictions:

- Since the faculty member's primary responsibility is to the University, all outside employment is considered secondary. The time spent in outside employment or in additional work done within the University for extra compensation, or in both of these together, may not exceed the equivalent of one work day per week during the contract period.
- Outside professional activities will not significantly conflict with classes, office hours, or other assigned duties and commitments.
- Except in cases specifically approved in writing by the President authorizing official University involvement, the faculty member in undertaking such employment shall act as an individual and not as an agent of the University and shall not use the name of the University or official University stationery in connection with such work.
- Great care should be taken to avoid a conflict of interest or appearance of a conflict of interest situation in carrying out any type of consultant or research activity.
- When exceptions to this policy are necessary in the interest of the University, they must have the advance written approval of the Senior Vice Provost for Academic Affairs.
- Deans are to report to the Senior Vice Provost for Academic Affairs at the end of each semester and summer session summaries of the number of days spent by each faculty member on outside employment.

Implementation

The full policy, previously adopted by the faculty and approved by the Regents, is printed in the Faculty Handbook.

The Provost has interpreted the "one work day per week" language to mean 39 days for the contract period (9 months). The 39 days can be arranged in various ways (e.g., one day a week, all at one time); Saturdays and Sundays are counted toward the 39 days. Extra compensation paid through the University (see RPM Policy 5.6) and outside employment both count toward the 39 days.

For the Health Sciences Center, the reporting by the dean (last item in policy above) is made to the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System.

Reference

Faculty Handbook [1990 ed.] pages B-25 -- B-26.

Regents' Policy Manual - Section 5.18: Endowed Faculty Chairs

Adopted Date: 06-14-2005

Amended: 01-09-2015

Applicability

This policy applies to the faculty of the University of New Mexico.

Policy

The quality of the faculty is one of the enduring hallmarks of a great institution. The University of New Mexico will have made great strides toward being a world-class institution when a large number of eminent scholars across many different areas of study are members of our faculty.

An endowed chair is an honor that can be bestowed on a scholar of distinction. This honor will allow an individual to conduct meaningful inquiry that will expand the frontiers of knowledge and instruct generations; as a result, the reputation of the University will be enhanced. An endowed chair is a singular opportunity to recognize and sustain innovative intellectual work. The income derived from such an endowment can be used to provide salary support or to fund specific laboratory or other scholarly expenses.

The Role of the University of New Mexico Foundation

An endowed chair may be established by a gift or conferred pledge of \$1.5 million. When the University of New Mexico Foundation (UNM Foundation) becomes aware of a donor's wish to establish an endowed chair, the UNM Foundation will communicate the intent of the donor to the President of the University, the Provost and Executive Vice President for Academic Affairs, and the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System. Upon approval by the President, the UNM Foundation will oversee the details of the gift pledge and will ensure that a fundamental agreement is drafted containing terms consistent with the intentions of the donor. A resolution proposal by the UNM Foundation will be forwarded to the Board of Regents' Academic, Student Affairs, and Research Committee. Appropriate University offices will receive copies of fundamental agreements and resolutions. The Board of Regents' Academic, Student Affairs, and Research Committee will, if approved, forward the resolution to the Board of Regents for action.

The Role of the Regents of the University of New Mexico

The Board of Regents, as the governing body of the University, will act to approve both the establishment of a chair and its holder. In both cases their action will be preceded by review and approval by the Board of Regents' Academic, Student Affairs, and Research Committee.

Once the candidate to hold the chair has been approved by the Board of Regents, the University will take steps to invest in that individual and the chair. This ceremonial occasion would bring together the donors responsible for creating the chair, other donors and friends of the University, friends and family of the chair holder, friends and board members of the University and, if appropriate, invited guests who share scholarly interests with the chair holder to celebrate with members of the academic community. Venues for such an event may vary; possible examples include the Alumni Memorial Chapel, the Student Union Building, or on some occasions the outdoors. The UNM Foundation will be responsible for planning and executing the event.

Role of the Provost and Executive Vice President for Academic Affairs and the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System

The Provost and Executive Vice President for Academic Affairs or the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System, depending on the academic role of the chair holder, should ensure that chair holders provide a report of their activity during the course of an academic year. This ensures the academic integrity of the chair and also provides the donor with information on the positive outcomes of his or her gift.

References

RPM 2.11 ("Naming University Facilities, Spaces, Endowments, and Programs"); RPM 7.13 ("Receipt and Investment of Gifts to the University"); and Faculty Handbook Policy C170 ("Endowed Chairs and Named Professorships").

Regents' Policy Manual - Section 7.6: University Enterprise Business Activities

Adopted Date: 09-12-1996

Amended: 12-14-2010

Applicability

This policy applies to all activities conducted by the University of New Mexico and its affiliated units where fees are charged for providing goods or services to the general public.

Policy

All University business enterprise activities shall be related to the University's mission of providing instruction, research, scholarship, cultural innovation, public service, patient care, and campus support. Some activities within this mission may be organized as separate and distinct business cost centers, with fees charged for providing goods and services that enhance, promote or support the University's mission and meet the needs of students, faculty, staff and patients. Some of these business activities may also be available to the general public. The University shall comply with all applicable laws and regulations concerning its business activities. The governance of business enterprise activities in respect of the Health Sciences Center shall be as set forth in RPM 3.4.

Implementation

The President shall establish administrative policies and procedures to ensure that all business activities are related to the University's mission. Exceptions to the policy may be authorized by the President when clearly in the best interest of the University and the public.

Delegation of Authority

The Senior Vice President of Finance and Administration, and the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System (in respect of Health Sciences Center activities) shall be responsible for oversight and review of University business activities, including periodic review of all University business enterprise activities.

References

University Business Activities, UBPPM Policy 6010.

Regents' Policy Manual - Section 7.8: Signature Authority for Contracts

Adopted Date: 09-12-1996

Amended: 03-10-1997

Amended: 12-06-2007

Amended: 08-12-2008

Amended: 12-14-2010

Amended: 04-08-2014

Amended: 03-14-2016

Applicability

This policy applies to all members of the Board of Regents, faculty, staff and students.

Policy

The Board of Regents must approve and an officer of the Board of Regents must sign the following types of contracts and documents, after due authorization by the Regents:

1. Contracts between the President and the University;
2. Bond resolution, notification and certification documents, including certification of bond sale; and
3. Any contracts or other documents required by law to be signed by an officer of the Board of Regents.

The Chief Procurement Officer or designee must sign contracts for the purchase of goods and services, and the authority to do so is hereby delegated.

The President shall have the authority to sign all other contracts and documents (other than contracts or agreements for the purchase of goods and services) for the operation of the University and may delegate this authority. The President's signature authority as set forth above includes the authority to execute certificates representing stocks, bonds, or other securities in order to buy, sell, assign, or endorse for transfer such securities. The President shall also have authority to require additional signatures on contracts for the purchase of goods and services.

It is the official policy of the University to avoid financial settlements of claims and lawsuits against the University except when appropriate. The Risk Management Division of the State of New Mexico provides coverage of certain liabilities of the University and has the authority to settle claims and lawsuits on the University's behalf in consultation with University officials. The University shall not agree to a financial settlement paid on its behalf without (1) an appropriate risk assessment of the case, and (2) written approval by the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System for medical malpractice cases or the President for all other cases. A financial settlement or contract buy-out payment by the University with its own funds can be authorized by the President up to \$1,000,000. Payments of university funds in excess of this amount must also be approved by the Board of Regents. The Board shall receive regular reports of all settlement payments and judgments paid on its behalf or paid from University funds.

After fully advising the President, the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System is authorized to enter into affiliation agreements with other patient care facilities to provide educational opportunities.

The signature authority delegated in this policy must be exercised in accordance with other Regents' policies, some of which may require approval of the contract or other document by the Board of Regents.

References

RPM 1.4 ("Appointment of the President of the University"); RPM 7.10 ("Borrowing and Bonding Authority"); RPM 3.4 ("Health Sciences Center and Services"); and UAP 2010 ("Contract Signature Authority and Review")

Regents' Policy Manual - Section 7.9: Property Management

Adopted Date: 09-12-1996

Amended: 04-08-2014

Applicability

This policy applies to all property owned, used, loaned, or leased to the University.

Policy

The University may acquire, maintain, protect, use, and dispose of property required to perform its mission. University property shall be managed according to University policies and applicable state and federal law.

University property includes all equipment purchased by University departments, regardless of the source of funds used to purchase the equipment; U.S. Government-owned equipment used by University departments; components and materials used to make equipment, whether furnished to, acquired by, or fabricated by the University; property donated to the University; and property loaned or leased to the University by outside organizations.

The following types of property management transactions must be approved by the Board of Regents:

1. Purchase, sale, or transfer of real property.
2. Leases of real property, the annual cost of which is \$1,000,000 or more. (Note: If the lease contains an option to purchase the real property, Regents must approve exercising the option.)
3. The Finance and Facilities Committee or the Health Sciences Committee, as appropriate, must approve the disposition of surplus property, in accordance with NMSA 1978, § 13-6-1 et seq. Such dispositions are not approved by the full Board.

Implementation

The President shall adopt administrative policies and procedures to implement this policy.

References

By statute, purchase of real property must also be approved by the Higher Education Department and the State Board of Finance.

Disposition of Surplus Property Act, § 13-6-1, NMSA 1978.

UAP 7710 ("Property Management and Control).

RPM 7.13 ("Development, Receipt, and Investment of Gifts to the University).

Regents' Policy Manual - Section 7.14: Risk Management and Insurance

Adopted Date: 09-12-1996

Amended: 12-14-2010

Amended: 08-14-2015

Applicability

This policy applies to all members of the University community and to all property owned or controlled by the University.

Policy

1. Safety and Loss Prevention Program

It is the policy of the University to take reasonable steps to avoid accidents or other incidents that could result in injury or death to students, faculty, staff, and visitors, and to protect the physical resources of the University against loss or damage. The University, therefore, will have an active safety and loss prevention program. Because of the unique and distinct manner in which the Health Sciences Center operates and the unique nature of the risks of loss with respect thereto, the governance and oversight of the safety and loss prevention program for the Health Sciences Center (and each of its component colleges, schools, centers, units, and subsidiary corporations as described in Section 1 of [RPM 3.4](#)) shall be as described in Section 3i of [RPM 3.5](#) for the Health Sciences Committee and Exhibit A Section 12 of [RPM 3.6](#) for the UNM Hospital Board of Trustees. The program will also provide for the proper handling and disposition of hazardous materials, pursuant to applicable laws.

Liability coverage for the University and its "public employees," as defined in the New Mexico Tort Claims Act, property and casualty insurance, workers' compensation insurance, and health care liability coverage for health care students are provided by the Risk Management Division, General Services Department, of the State of New Mexico.

Recognizing that the University's and its "public employees" tort liability to third parties is subject to the immunities and limitations set forth in the New Mexico Tort Claims Act and the Eleventh Amendment to the U.S. Constitution, in cooperation with the Risk Management Division of the New Mexico General Services Department under and pursuant to the New Mexico Tort Claims Act, the University will carry (a) fire and extended coverage insurance on its buildings, heating and cooling systems, and major equipment; (b) workers' compensation and unemployment compensation as required by applicable law, (c) medical malpractice, professional liability, and comprehensive general liability insurance under the Public Liability Fund administered by the Risk Management Division to protect itself and its "public employees," as defined in and consistent with the New Mexico Tort Claims Act; (d) such other and further insurance coverage as may be necessary and appropriate under the circumstances of a particular situation.

2. Insurance for Employees and Students

The University will provide opportunities for its students and employees to purchase medical insurance.

The Board must approve the establishment or elimination of any alternative insurance or self-insurance program. In 2009, the Board approved a self-funded employee health plan.

The University will offer to all its active permanent faculty and staff employees, and certain retirees, group health insurance coverage which the University co-pays in accordance with state law. University employees may also purchase group life insurance, accidental death and dismemberment insurance, and short- and long-term disability insurance coverage for themselves and their families through the University.

The University will offer one or more health insurance policies to its students each year.

2.1. Reserve Fund Maintained for Self-Insurance Plan

The University maintains a reserve fund for its self-insured health, prescription drug, and dental benefits covering active employees and eligible retirees. Third Party Administrators (TPA) are contracted to process claims and perform certain administrative functions. In addition to claims payments and TPA administrative fees, the three

components of the reserve fund (discussed below) may be used, as appropriate, for medical and non-medical costs such as stop-loss premiums, wellness initiatives, onsite clinic costs, telemedicine services, disease management services, and outside consulting fees.

The reserve fund has three distinct components: an Incurred But Not Reported (IBNR) reserve, a Claims Fluctuation Reserve (CFR), and a general reserve.

- The IBNR reserve is maintained to fund terminal liabilities in the event that the self-funded plan, or any subset of it, were to cease. The amount of the IBNR reserve is calculated and certified annually by an independent credentialed healthcare actuary.
- The CFR reserve provides budget certainty to any given fiscal year should actual costs exceed the expected amounts. The amount is calculated to reflect a percentage of budget certainty between 50% and 100%.
- The general reserve represents any funds that exceed the combined IBNR and CFR reserves, and may include earnings created by the reserve.

2.2. Use of the General Reserve Component of the Self-Insurance Reserve Fund

The Board in its discretion may approve the allocation of funds from the general reserve component for other University purposes. The premium amounts paid by covered employees constitute assets of the self-insurance plan, and can be used for no other purpose. Any interest paid on the employees' premiums, and other monies that exceed participant contributions and form the basis of the general reserve component, however, are considered general assets of the University and may be used for purposes unrelated to the self-insurance plan.

3. Reports to the Board

The President shall report annually to the Board on the status and financial condition of the University's risk management and insurance programs. In this regard, the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System shall coordinate reporting for the Health Sciences Center's safety and loss prevention program with the President of the University.

References

Tort Claims Act, § 41-4-1 et seq., NMSA 1978; Workers' Compensation Act, § 52-1-1, et seq.; Group Benefits Act, § 10-7B-1, et seq.



Board of Regents

Resolution Amending Regent Policies 3.3, 3.4, 3.6, 3.8, 5.3, 5.5, 5.18, 7.6, 7.8, 7.9 and 7.14

WHEREAS, the Regents' Policy Manual provides for amendment of Regent policy stating "any Regents' policy, including the policies contained in this Regents' Policy Manual, may be modified by a majority vote of the Board of Regents at any of its meetings"; and

WHEREAS, the Manual provides that "periodically, the Board shall review all policies in the Regents' Policy Manual, and all policies adopted or revised since the previous review, and make any changes it deems appropriate"; and

WHEREAS, the Manual also provides that the President "will submit proposed policies, together with any appropriate background information and administrative recommendations, to the Board for consideration"; and

WHEREAS, per its charge and the Regents' Policy Manual, the ad hoc Governance Committee of the Board of Regents is undertaking a global review of Regent Policies for needed changes and updates; and

WHEREAS, upon recommendation of the President, the Committee has determined that certain Regent policies related to the Health Science Center (HSC) require timely revision in order to be consistent with the upcoming transition in HSC leadership on December 1, 2020; and

WHEREAS, the ad hoc Governance Committee recommended adoption of certain revisions to Regent policies at its November 30, 2020 Committee; and now

THEREFORE, BE IT RESOLVED, that Regent Policies 3.3, 3.4, 3.6, 3.8, 5.3, 5.5, 5.18, 7.6, 7.8, 7.9 and 7.14 are amended as indicated in the documents accompanying this resolution and Regent Policy 7.8 is further amended as requested by the Chair of the ad hoc Governance Committee; and

BE IT FURTHER RESOLVED that the Regents' Policy Manual and University Administrative Policies shall be updated as soon as practicable to reflect these amendments.

ADOPTED BY THE BOARD OF REGENTS on this day, DECEMBER 9TH, 2020

Attest:

Sandra K. Begay, Secretary/Treasurer

November 24, 2020

TO: Board of Regents Academic Student Affairs and Research Committee

FROM: Nancy D. Middlebrook, University Secretary



SUBJECT: Fall 2020 Degree Candidates

The Faculty Senate approved the Fall 2020 Degree Candidates at their November 24, 2020 Faculty Senate meeting. Please place this item on the next Board of Regents ASAR Committee meeting agenda for consideration.

Attached are two lists of the Fall 2020 Degree Candidates. The names of candidates that are on the privacy flag list should not be published.

Campus	Degree	Number
ABQ	Baccalaureate Degree	1315
ABQ	Doctoral Degree	128
ABQ	First-Professional Degree (Medicine)	5
ABQ	Masters Degree	346
ABQ	Post Second. Cert/Dipl <1 yr.	2
ABQ	Post Second. Cert/Dipl >1 < 2 (Ugrad)	11
ABQ	Post-Masters Cert	12
GA	Associate Degree	100
GA	Post Second. Cert/Dipl <1 yr.	2
GA	Post Second. Cert/Dipl >1 < 2	34
TA	Associate Degree	8
TA	Post Second. Cert/Dipl <1 yr.	4
VA	Associate Degree	15
Total		1982*

**Final number of conferred degrees will be slightly lower due to changes in student degree status that occur until the end of the semester.*

If the committee needs any additional information, please feel free to contact me at ndm@unm.edu.

Attachments



Posthumous Degree Request Form

Request Initiator: James D. Stone Contact: jstone@unm.edu

Relationship to student or UNM: Chair, Film and Digital Arts

Would you like the Dean of Students to contact the family regarding this request? ☒ Yes ☐ No

Dean of Students Notification: Patrick Rael (father), patrick.rael@transcoretech.com

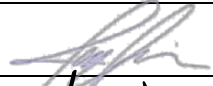


Student Name:	Felix Rael		
Student ID:	101352250		
College:	College of Fine Arts	Degree: BFA	
Major(s):	Interdisciplinary Film and Digital Media		
Concentration(s):	Production		
Minor(s):			

The University of New Mexico recognizes that earning an academic degree is a matter of legitimate pride in achievement not only for students themselves but also for the family members and friends who provide students with vitally important support and encouragement during the course of their studies. UNM also recognizes that not only the degree, but also significant progress in an academic program is, under certain circumstances, an achievement which warrants special recognition.

Accordingly, the University of New Mexico will make available "posthumous degrees" of appropriate type and level to be bestowed upon a student who dies before s/he is able to complete his/her program.

These degrees may be granted under the following circumstances and terms:

1. The student must be in degree status and either currently enrolled or enrolled in the academic year previous to his/her death;
2. The student must have completed a minimum of half of the credits required for the degree;
3. Requests for posthumous degrees may be initiated by the student's family, the faculty of the department and/or college, or a UNM administrator;
4. The department, the college and the Faculty Senate must approve requests for posthumous degrees. The Senate Graduate Committee must also review and provide recommendation on requests for graduate level posthumous degrees;
5. The degree will be noted as "posthumous" on both the diploma and the transcript.

Approvals	Name	Signature	Date
Department :	James D. Stone		08/26/20
College :	Harris D Smith		8/26/20
Grad. Committee (if necessary):			
Faculty Senate:	Nancy D. Middlebrook		11/24/2020



To: Faculty Senate; Regents of the University of New Mexico
From: James D. Stone, Chair, Department of Film and Digital Arts
Date: September 1, 2020
Re: Posthumous Degree Request for Felix Rael

On recommendation of the Faculty of the Department of Film and Digital Arts, I hereby request the posthumous award of a Bachelor of Fine Arts degree in Interdisciplinary Film and Digital Media, Concentration in Production, to Felix Rael, 101352250.

Mr. Rael was a senior in good standing and maintained a 3.71 GPA in the major and a 3.61 GPA overall, despite struggling with health problems during his time at UNM. Before his death in May 2020, he had earned 167 hours towards the BFA, with only requirements in the major to complete. The Faculty ask that we honor his memory with a posthumous degree.

A handwritten signature in blue ink, appearing to read 'James D. Stone', written over a light blue rectangular background.

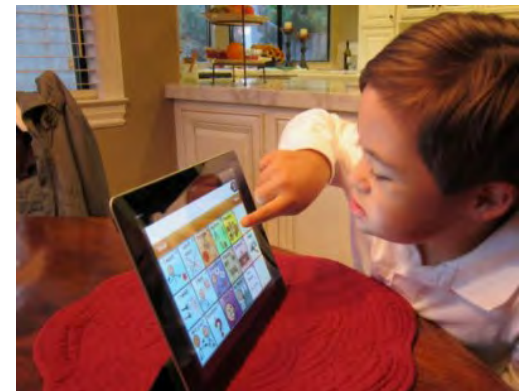
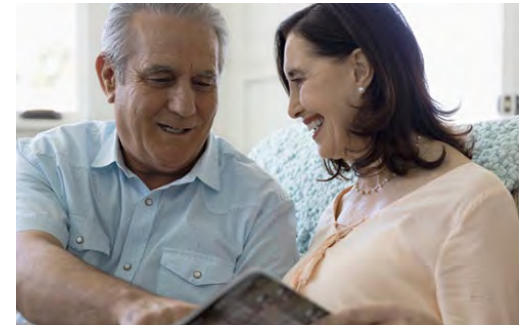
Dr. James D. Stone
Chair, Film and Digital Arts
University of New Mexico

PhD
in
Communication
Sciences & Disorders



Communication Sciences & Disorders

- Communication disorders have a profound impact on life
 - Approximately **40 million Americans** have communication disorders, costing the U.S. an estimated \$154 billion to \$186 billion annually (ASHA, 2020)
 - Professionals improve outcomes for individuals with have speech, language, communication, cognitive, and swallowing disorders
- Populations
 - *Children* with autism, Down syndrome, cerebral palsy, primary language disorders, hearing impairments, etc.
 - *Adults* with strokes, traumatic brain injuries, dementia, ALS, Parkinson's, developmental disabilities, etc.
- Clinical service provision training at UNM
 - Speech-language pathologists (SLPs): Focus of our M.S. program



National Shortages and Workforce Needs: *PhDs*

CSD PHD WORKFORCE NEEDS IN THE U.S.

Year	No. Faculty Searches	No. SHS PhD Grads	No. Unfilled %
2015-2016	385	158	101 26%
2016-2017	261	151	59 23%
2017-2018	263	132	78 30%



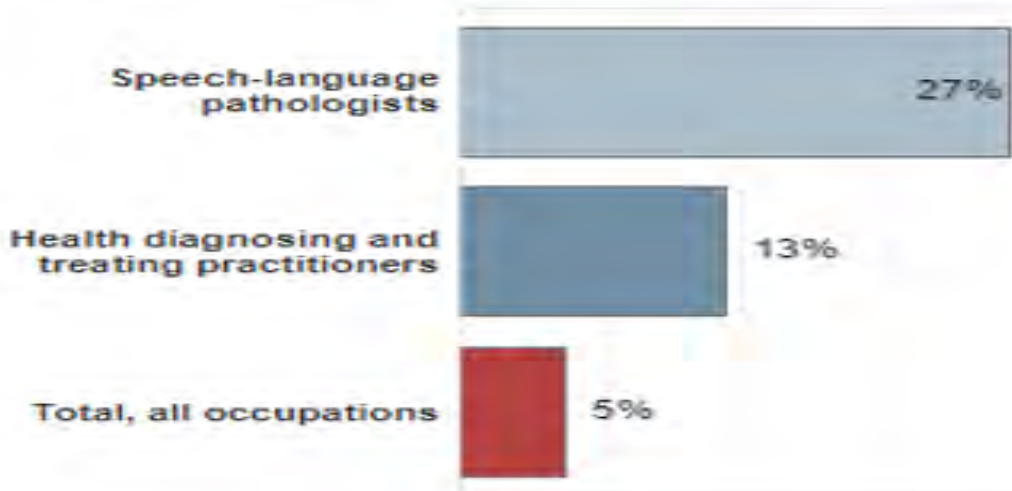
Hands-on clinical training for primary progressive aphasia group led by PI and doctoral student

National Shortages and Workforce Needs: *Master's Level Clinicians*

PHD PROGRAM ADDRESSES ACADEMIC & CLINICAL WORKFORCE NEEDS

Speech-Language Pathologists

Percent change in employment, projected 2018-28



Note: All Occupations includes all occupations in the U.S. Economy.
Source: U.S. Bureau of Labor Statistics, Employment Projections program

<https://www.bls.gov/ooh/healthcare/mobile/speech-language-pathologists.htm>

More academic
faculty & PhD
students



Higher number of
master's admissions



More certified
speech-language
pathologists



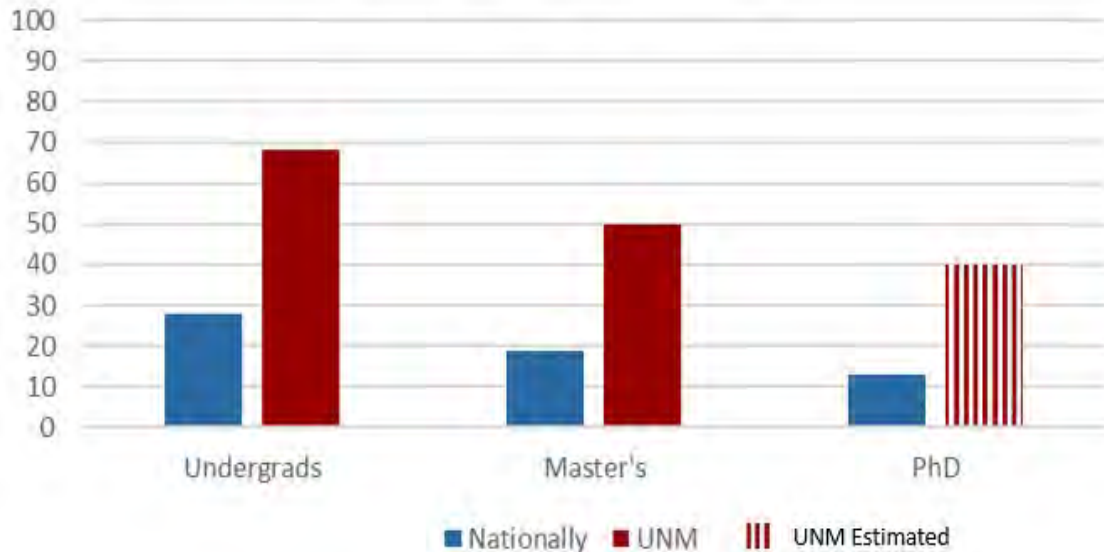
*Speech-language
pathologists treat
everything from hearing
impairments to ALS*



Need for PhD Program *in New Mexico*



Percentage of SLPs who are
Racial/Ethnic Minorities



- **No** CSD PhD program in NM
- UNM uniquely suited
 - R1 HSI institution
 - Productive, motivated faculty
 - Many opportunities to recruit UNM main campus & health sciences students



*Our amazing students
in neuroanatomy lab,
led by faculty and a
doctoral student*



Students in the PhD Program

From New Mexico



- Master's level CSD programs in NM
- Other programs at UNM
 - Main campus
 - Health Sciences

Throughout the U.S. & around the globe



- Faculty have strong reputations
 - Multiple faculty members have been contacted by interested students
 - Several students 'waiting in the wings'



Student Enrollment

Two new TT faculty lines

- Committed by Dean Peceny
- Funded by the College of Arts & Sciences

New faculty lines

Additional PhD student enrollment

Additional MS student enrollment

No new TT faculty lines

Current budget situation may necessitate waiting to fill these positions

No new faculty lines

Fewer PhD students

No additional MS student enrollment

Revenue, Costs, & Sustainability of the PhD Program **by Year 5**



Item	Two new TT positions	No new TT positions
Graduates in Year 5	3 PhD + 2 MS	1 PhD
Selected Annual Revenues		
Tuition *Includes tuition paid by research grants	\$182,379*	\$44,382*
Clinic-generated revenues	\$10,800	\$0
Selected Annual Expenses		
Two new TT faculty positions (salary + fringe)	\$250,000	\$0
Potential Revenue **From Form D budget; includes grant funding per Form D budget instructions	\$565,481**	\$222,422**

Take home messages:

1. No funding requested beyond the college level
2. We are ready to start the program with current resources
3. We are on track to continue increasing our external funding profile

*Will bring in
~\$800,000 in grant
funding next year
(direct costs)*



THE UNIVERSITY OF NEW MEXICO



TAB 8

Honorary Degree Candidates

Rebecca Sanchez, Chair, Honorary Degree Committee

[This item will be discussed in closed session so candidate's names can be kept confidential until approved by the Board and the proposective recipients' have accepted the honorary degree.]

New Mexico Higher Education Department
Institutional Finance Division
University of New Mexico Athletics Department
Quarterly Enhanced Fiscal Oversight Program (EFOP) Report

Please certify the following EFOP report and submit with the Quarterly Financial Certification and Financial Action Reports.

To the best of my knowledge, I certify that the information provided in the attached EFOP report for the:

1st X 2nd _____ 3rd _____ 4th _____ Quarter, FY 2021

is correct as of the signature dates noted below:

The University of New Mexico

Sandra Begay, Chair, Board of Regents – Finance and Facilities Committee	Date
--	------

Garnett S. Stokes, President	Date
------------------------------	------

Teresa Costantinidis, SVP for Administration	Date
--	------



To: Members of the Board of Regents

From: Eddie Nunez, Director of Athletics

Nicole Dopson, Director of Financial Operations for Academic Affairs

Date: December 1, 2020

Re: Approval of the FY21 First Quarter Submission to Higher Education Department for the Enhanced Fiscal Oversight Program (EFOP)

In order to respond to concerns brought by the New Mexico Higher Education Department (NMHED), the University has agreed to provide the attached Enhanced Fiscal Oversight Program (EFOP) Report. This report will be provided in addition to the Quarterly Financial Actions Report and Certification that are already required for all higher education institutions.

The report will provide Athletics financial status through reporting templates provided by the Higher Education Department for the Athletics budget exhibits as well as a template for the plan associated with resolving the overall deficit within Athletics budget.

The EFOP report will accompany the report submitted by the Controller's Office until NMHED is satisfied with the University's progress on these issues.

Thank you for your consideration.

Exhibit 21 - UNM MAIN Campus
Summary of InterCollegiate Athletics

	Original Approved Budget Budget 2021				Actuals Quarter 1 - FY21				Actuals Quarter 2 - FY21				Actuals Quarter 3 - FY21				Actuals Quarter 4 - FY21				Increase / Decrease YTD			
	FTE	Unrestricted	FTE	Restricted	FTE	Unrestricted	FTE	Restricted	FTE	Unrestricted	FTE	Restricted	FTE	Unrestricted	FTE	Restricted	FTE	Unrestricted	FTE	Restricted	FTE	Unrestricted	FTE	Restricted
Tuition and Fees		3,285,556		-		1,697,536		-														1,588,020		-
State Appropriations		4,063,600		-		960,800		-														3,102,800		-
Federal Grants and Contracts		-		30,601		-		-														-		30,601
State Grants and Contracts		-		25,500		-		-														-		25,500
Private Gifts Grants and Contracts		800,000		-		-		-														800,000		-
Sales and Services		9,704,400		-		469,635		-														9,234,765		-
Other Sources		14,189,846		-		3,383,504		-														10,806,342		-
		32,043,402		56,101		6,511,475		-		0		0		0		0		0		0		25,531,927		56,101
Beginning Balance		(3,464,380)		-		(1,627,657)		-														(1,836,723)		-
										0		0		0		0		0		0		23,695,204		56,101
Administrative Professional	89	9,100,029		-		2,275,784		-													89.00	6,824,245	0.00	0
Federal Workstudy Salaries		-	2	30,601		915		-													0.00	(915)	2.00	30,601
GA TA RA PA Salary	9	223,934		-		59,924		-													9.00	164,010	0.00	0
Other Salaries	28	1,255,355		-		2,937		-													28.00	1,252,418	0.00	0
State Workstudy Salaries		-	1	25,500		(872)		-													0.00	872	1.00	25,500
Student Salaries	6	110,300		-		1,084		-													6.00	109,216	0.00	0
Support Staff Salary	2	52,312		-		10,664		-													2.00	41,648	0.00	0
Technician Salary	6	234,714		-		51,817		-													6.00	182,897	0.00	0
Accrued Annual Leave		-		-		-		-														0		0
Fica		712,775		-		127,062		-														585,713		0
Group Insurance		575,710		-		163,080		-														412,630		0
Other Staff Benefits		502,359		-		98,441		-														403,918		0
Retirement		1,192,636		-		259,052		-														933,584		0
Tuition Waivers		97,644		-		44,817		-														52,827		0
Unemployment Compensation		8,387		-		2,107		-														6,280		0
Workers Compensation		6,758		-		2,042		-														4,716		0
Contract Services		1,085,636		-		23,333		-														1,062,303		0
Cost of Good Sold		550		-		-		-														550		0
Electricity		312,264		-		4,175		-														308,089		0
Equipment		118,035		-		25,557		-														92,478		0
Fuel_Heat_Cool		61,200		-		522		-														60,678		0
Officials Expense 63T3		597,750		-		(13,885)		-														611,635		0
Sewer_Other		201,200		-		52,348		-														148,852		0
Student Awards and Aid		4,590,180		-		2,484,907		-														2,105,273		0
Supplies_Expense		8,321,950		-		1,073,821		-														7,248,129		0
Travel		136,700		-		7,165		-														129,535		0
Travel-Group		2,840,838		-		15,599		-														2,825,239		0
Travel-Recruiting		592,150		-		50		-														592,100		0
Internal Service Ctr																								
Internal Sales		(281,000)		-		-		-														(281,000)		0
	140.00	32,650,366	3.00	56,101		6,772,445		-		0	0	0	0	0	0	0	0	0	0	0	140	25,877,921	3	56,101
Transfers (IN) or OUT		(606,964)		0		(541,823)		0														(65,141)		
Ending Balance		(3,464,380)		0		(1,346,804)		0		0			0			0		0				(2,117,576)		

Exhibit 21a - UNM MAIN Campus - Detail of InterCollegiate Athletics

Budget Unit 350 - Administration

		Actuals 2020 PERIOD 14		Original Budget 2021		Actuals Quarter 1 - FY21		Actuals Quarter 2 - FY20		Actuals Quarter 3 - FY20		Actuals Quarter 4 - FY20		Increase / Decrease YTD	
		FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted
Revenues	Tuition and Fees		3,571,257		3,285,556		1,697,536								1,588,020
	State Appropriations		3,793,000		4,063,600		960,800								3,102,800
	Federal Grants and Contracts		2,046,871		-		-								-
	Private Gifts Grants and Contracts		704,204		800,000		-								800,000
	Sales and Services		1,874,556		3,342,900		169,702								3,173,198
	Other Sources		(3,900,517)		3,853,704		(6,753,697)								10,607,401
Total Revenues			8,089,371		15,345,760		(3,925,659)	-	-	-	-	-	-		19,271,419
Beginning Balance			(4,547,810)		(3,464,380)		(1,644,384)								(1,819,996)
Total Available			3,541,561		11,881,380		(5,570,044)	-	-	-	-	-	-		17,451,423
Expenditures	Administrative Professional	32	2,354,201	33	2,499,548		561,808							33.00	1,937,740
	Faculty Salaries		-		-		-							-	-
	Federal Workstudy Salaries	0	4,901		-		915							-	(915)
	GA TA RA PA Salary	5	139,921	5	146,934		25,978							5.04	120,956
	Other Salaries	16	243,882	19	626,583		2,937							19.01	623,646
	State Workstudy Salaries	0	4,643		-		(872)							-	872
	Student Salaries	5	102,835	6	110,300		1,084							5.73	109,216
	Support Staff Salary	0	623		-		-							-	-
	Technician Salary	6	265,302	6	234,714		51,817							6.00	182,897
	Accrued Annual Leave		28,580		-		-							-	-
	Fica		190,388		220,995		39,810							-	181,185
	Group Insurance		288,403		195,536		63,526							-	132,010
	Other Staff Benefits		112,353		209,251		28,435							-	180,816
	Retirement		358,681		371,979		87,102							-	284,877
	Tuition Waivers		57,868		59,644		21,963							-	37,681
	Unemployment Compensation		2,000		2,600		555							-	2,045
	Workers Compensation		2,828		2,203		536							-	1,667
	Contract Services		540,218		703,544		22,308							-	681,236
	Cost of Good Sold		309		550		-							-	550
	Equipment		58,949		24,800		14,263							-	10,537
	Officials Expense 63T3		209,281		195,000		(13,431)							-	208,431
	Sewer_Other		4,756		1,200		-							-	1,200
	Student Awards and Aid		501,057		4,537,180		2,484,907							-	2,052,273
	Supplies_Expense		4,365,433		5,936,606		719,939							-	5,216,667
	Travel		60,847		66,000		7,165							-	58,835
	Travel-Group		245,067		(176,443)		18,000							-	(194,443)
	Internal Service Ctr Internal Sales		(9,129)		(16,000)		-							-	(16,000)
Total Expenditures		66	10,134,197	69	15,952,724		4,138,745	-	-	-	-	-	-	68.78	11,813,979
Transfers (IN) or OUT	Trsfr From Auxiliaries		(250,000)		(250,000)		-							-	(250,000)
	Trsfr From I G		(9,020)		(625,000)		(670,583)							-	45,583
	Trsfr From Plant Fund Minor		(4,841,607)		(411,200)		(411,200)							-	-
	Trsfr From Public Service		(534,133)		-		-							-	-
	Trsfr To Debt Service		60,086		78,121		19,530							-	58,591
	Trsfr To I G		9,020		51,641		51,641							-	-
	Trsfr To Internal Services		23,800		-		-							-	-
	Trsfr To Public Service		247,275		452,062		452,062							-	-
	Trsfr To Student Social Cultural		146,384		97,412		-							-	97,412
	Total Transfers (IN) or OUT		(5,148,195)		(606,964)		(558,550)	-	-	-	-	-	-		(48,414)
Ending Balance			(1,444,442)		(3,464,380)		(9,150,238)	-	-	-	-	-	-		5,685,858
Budget Unit 351 - Basketball															
		FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted		
Revenues	Tuition and Fees		-		-		-								-

	Sales and Services		3,376,314		3,050,000		-						3,050,000
	Other Sources		(214,844)		(125,000)		(170,675)						45,675
Total Revenues			3,161,470		2,925,000		(170,675)		-	-	-	-	3,095,675
Beginning Balance			54,778		-		-		-	-	-	-	-
Total Available			3,216,248		2,925,000		(170,675)		-	-	-	-	3,095,675
Expenditures	Administrative Professional	8.96	1,470,972	7.77	1,515,594		353,349					7.77	1,162,245
	GA TA RA PA Salary		0		-		-					-	-
	Other Salaries	.01	9,554	.74	15,000		-					0.74	15,000
	Student Salaries		0		-		-					-	-
	Support Staff Salary		1,985		-		-					-	-
	Technician Salary		6,893		-		-					-	-
	Accrued Annual Leave		400		-		-					-	-
	Fica		71,031		80,753		14,563					-	66,190
	Group Insurance		60,114		65,349		18,070					-	47,279
	Other Staff Benefits		46,844		49,532		11,167					-	38,365
	Retirement		142,638		147,244		22,583					-	124,661
	Unemployment Compensation		1,031		951		318					-	633
	Workers Compensation		954		739		268					-	471
	Contract Services		55,823		50,000		793					-	49,207
	Equipment		4,765		2,650		1,272					-	1,378
	Officials Expense 63T3		0		-		-					-	-
	Sewer_Other		3,280		-		-					-	-
	Student Awards and Aid		270,169		18,000		-					-	18,000
	Supplies_Expense		770,829		634,688		68,736					-	565,952
	Travel		2,627		14,500		-					-	14,500
	Travel-Group		470,749		410,000		-					-	410,000
	Travel-Recruiting		109,146		120,000		-					-	120,000
	Internal Service Ctr Internal Sales		(145,980)		(200,000)		-					-	(200,000)
Total Expenditures		8.97	3,353,824	8.51	2,925,000		491,119		-	-	-	-	8.51 2,433,881
Transfers (IN) or OUT			0		-		-						-
Ending Balance			-137,575		-		(661,795)		-	-	-	-	661,794
Budget Unit 352 - Football													
		FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted
Revenues	Sales and Services		1,929,492		2,960,000		299,933						2,660,067
	Other Sources		5,830,365		4,008,115		3,969,037						39,078
Total Revenues			7,759,857		6,968,115		4,268,970		-	-	-	-	2,699,145
Beginning Balance			0		-		-		-	-	-	-	-
Total Available			7,759,857		6,968,115		4,268,970		-	-	-	-	2,699,145
Expenditures	Administrative Professional	14.46	2,859,645	14.00	2,442,693		735,409					14.00	1,707,284
	GA TA RA PA Salary	2.63	71,160	3.00	60,000		17,669					3.00	42,331
	Other Salaries	.03	30,762	3.44	523,772		-					3.44	523,772
	Student Salaries		72		-		-					-	-
	Technician Salary		2,112		-		-					-	-
	Accrued Annual Leave		4,757		-		-					-	-
	Fica		161,590		203,985		32,560					-	171,425
	Group Insurance		120,201		146,993		26,359					-	120,634
	Other Staff Benefits		105,593		119,034		29,539					-	89,495
	Retirement		277,381		303,191		59,505					-	243,686
	Tuition Waivers		26,250		30,000		15,533					-	14,467
	Unemployment Compensation		2,017		2,399		662					-	1,737
	Workers Compensation		2,846		1,909		702					-	1,207
	Contract Services		126,703		209,633		91					-	209,542
	Cost of Good Sold		0		-		-					-	-
	Equipment		17,757		13,400		256					-	13,144
	Officials Expense 63T3		150,470		162,000		-					-	162,000
	Sewer_Other		24,527		25,000		-					-	25,000

	Student Awards and Aid	1,766,535		25,000	-							-	25,000
	Supplies_Expense	1,132,918		1,238,106	199,892							-	1,038,214
	Travel	13,174		36,000	-							-	36,000
	Travel-Group	1,185,450		1,200,000	-							-	1,200,000
	Travel-Recruiting	172,897		265,000	-							-	265,000
	Internal Service Ctr Internal Sales	(29,137)		(40,000)	-							-	(40,000)
Total Expenditures		17.12	8,225,680	20.44	6,968,115	1,118,177	-	-	-	-	-	20.44	5,849,938
Transfers (IN) or OUT		0		-	-	-	-	-	-	-	-		-
Ending Balance			-465,824		-	3,150,794	-	-	-	-	-		(3,150,793)
Budget Unit 353 - Other Mens Sports													
		FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted
Revenues	Sales and Services		24,973		15,500	-							15,500
	Other Sources		1,553,114		1,346,250	1,301,590							44,660
Total Revenues			1,578,087		1,361,750	1,301,590	-	-	-	-	-		60,160
Beginning Balance			0		-	-	-	-	-	-	-		-
Total Available			1,578,087		1,361,750	1,301,590	-	-	-	-	-		60,160
Expenditures	Administrative Professional	5.90	590,341	6.87	640,172	150,542						6.87	489,630
	GA TA RA PA Salary	.80	41,600	-	-	5,000						-	(5,000)
	Other Salaries		6,399	1.28	26,000	-						1.28	26,000
	Technician Salary		1,300	-	-	-						-	-
	Accrued Annual Leave		535	-	-	-						-	-
	Fica		37,993		46,900	8,152						-	38,748
	Group Insurance		44,870		36,868	12,692						-	24,176
	Other Staff Benefits		24,201		27,945	6,534						-	21,411
	Retirement		83,808		83,071	21,302						-	61,769
	Tuition Waivers		8,267	-	-	2,440						-	(2,440)
	Unemployment Compensation		418		552	136						-	416
	Workers Compensation		461		429	122						-	307
	Contract Services		5,778		14,600	141						-	14,459
	Equipment		39,235		32,500	4,064						-	28,436
	Fuel_Heat_Cool		604		600	63						-	537
	Officials Expense 63T3		40,375		56,500	-						-	56,500
	Sewer_Other		0	-	-	-						-	-
	Student Awards and Aid		245,019	-	-	-						-	-
	Supplies_Expense		113,843		91,670	20,903						-	70,767
	Travel		1,624	-	-	-						-	-
	Travel-Group		219,781		278,068	(2,401)						-	280,469
	Travel-Recruiting		34,267		25,875	-						-	25,875
	Internal Service Ctr Internal Sales		(280)	-	-	-						-	-
Total Expenditures		6.70	1,540,439	8.15	1,361,750	229,690	-	-	-	-	-	8.15	1,132,060
Transfers (IN) or OUT		0		-	-	-	-	-	-	-	-		-
Ending Balance			37,650		-	1,071,900	-	-	-	-	-		(1,071,900)
Budget Unit 354 - Other Womens Sports													
		FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted
Revenues	Sales and Services		419,293		336,000	-							336,000
	Other Sources		6,140,995		4,556,777	4,487,249							69,528
Total Revenues			6,560,288		4,892,777	4,487,249	-	-	-	-	-		405,528
Beginning Balance			117,200		-	16,727							(16,727)
Total Available			6,677,488		4,892,777	4,503,976	-	-	-	-	-		388,801
Expenditures	Administrative Professional	26.40	1,928,058	27.82	2,002,022	474,676						27.82	1,527,346
	GA TA RA PA Salary	1.10	39,950	1.06	17,000	11,277						1.06	5,723
	Other Salaries	.02	49,100	3.14	64,000	-						3.14	64,000
	Student Salaries		459	-	-	-						-	-

	Support Staff Salary	1.46	52,517	2.00	52,312		10,664					2.00	41,648
	Technician Salary		6,016		-		-					-	-
	Accrued Annual Leave		(2,354)		-		-					-	-
	Fica		141,197		160,142		31,976					-	128,166
	Group Insurance		185,468		130,964		42,433					-	88,531
	Other Staff Benefits		88,410		96,597		22,766					-	73,831
	Retirement		276,591		287,151		68,560					-	218,591
	Tuition Waivers		12,928		8,000		4,881					-	3,119
	Unemployment Compensation		1,416		1,885		437					-	1,448
	Workers Compensation		1,585		1,478		414					-	1,064
	Contract Services		82,663		107,859		-					-	107,859
	Equipment		68,699		44,685		5,702					-	38,983
	Fuel_Heat_Cool		604		600		63					-	537
	Officials Expense 63T3		203,975		184,250		(454)					-	184,704
	Sewer_Other		3,345		-		-					-	-
	Student Awards and Aid		1,697,338		10,000		-					-	10,000
	Supplies_Expense		374,644		418,144		64,067					-	354,077
	Travel		146,150		20,200		-					-	20,200
	Travel-Group		918,953		1,129,213		-					-	1,129,213
	Travel-Recruiting		192,404		181,275		50					-	181,225
	Internal Service Ctr Internal Sales		(17,375)		(25,000)		-					-	(25,000)
Total Expenditures		28.98	6,452,741	34.02	4,892,777		737,512	-	-	-	-	34.02	4,155,265
Transfers (IN) or OUT			0		-		16,727						(16,727)
Ending Balance			224,747		-		3,749,738	-	-	-	-		(3,749,737)
Budget Unit 409 - Utilities													
		FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted
Revenues	Other Sources		550,000		550,000		550,000						-
Total Revenues			550,000		550,000		550,000	-	-	-	-		-
Beginning Balance			0		-		-	-	-	-	-		-
Total Available			550,000		550,000		550,000	-	-	-	-		-
Expenditures	Electricity		144,384		312,264		4,175					-	308,089
	Fuel_Heat_Cool		61,473		60,000		395					-	59,605
	Sewer_Other		183,916		175,000		52,348					-	122,652
	Supplies_Expense		2,439		2,736		285					-	2,451
Total Expenditures			392,212		550,000		57,203	-	-	-	-		492,797
Transfers (IN) or OUT			0		-		-	-	-	-	-		-
Ending Balance			157,789		-		492,797	-	-	-	-		(492,797)
Budget Unit 437 - Miscellaneous													
		FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted	FTE	Unrestricted
Revenues	Federal Grants and Contracts		-		-		-					-	-
	State Grants and Contracts		-		-		-					-	-
Total Revenues			-		-		-	-	-	-	-		-
Beginning Balance			-		-		-						-
Total Available			-		-		-	-	-	-	-		-
Expenditures	Federal Workstudy Salaries		-		-		-					-	-
	State Workstudy Salaries		-		-		-					-	-
Total Expenditures			-		-		-	-	-	-	-		-
Transfers (IN) or OUT			-		-		-						-
Ending Balance			-		-		-	-	-	-	-		-

UNM- Department of Athletics Deficit Reduction Plan

	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Beginning Fund Balance (Deficit)	(4,713,999)	(4,492,380)	(4,375,833)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)
Recurring Fund Balance (Deficit)												
Net Balance (Deficit) (1)	(4,713,999)	(4,492,380)	(4,375,833)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)
Revenues	32,944,217	31,669,259	27,699,073	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402
Other Sources	814,207	789,039										
Subtotal Revenues	33,758,424	32,458,298	27,699,073	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402	32,043,402
Expenses	33,541,301	33,829,147	33,570,560	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366
Cost containment (reduction in expenses)	(4,496)	(737,396)	(2,496,467)									
Grant-aid subsidies (reduction in expenses)		(750,000)	(975,000)									
Subtotal Expenses	33,536,805	32,341,751	30,099,092	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366	32,650,366
Transfers												
Transfer for Accumulated Deficit (2)			4,520,857									
Other Transfers	0	0	627,338	606,964	606,964	606,964	606,964	606,964	606,964	606,964	606,964	606,964
Subtotal Transfers	0	0	5,148,195	606,964	606,964	606,964	606,964	606,964	606,964	606,964	606,964	606,964
Net Annual Balance	221,619	116,547	2,748,175	0	0	0	0	0	0	0	0	0
Ending Fund Balance (Deficit) (3)	(4,492,380)	(4,375,833)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)	(1,627,658)

(1) Net balance does not include use of reserves for sport expenses already committed in FY20, total accumulated deficit for FY20 was (\$4.5M)

(2) Transfer to eliminate the accumulated deficit

(3) FY20 ending balance was (\$1.6M), which reflects the fiscal impact of COVID-19



THE UNIVERSITY OF
NEW MEXICO



Athletics' FY21 Budget and Actuals (Exhibit P21)

Updated through September 30, 2020 (YTD)

Schedule A: (FY21 Budget and Actuals)- This schedule details out pooled revenues and directed revenues by sport for FY21 budget and actuals year-to-date through September 30, 2020. Please note that a majority of revenues are pooled centrally into Athletics and are not distributed by sport, however ticket sales and game guarantees are distributed by sport.

This report also compares FY21 budget to quarterly actuals, and FY21 year-to-date actuals to prior year-to-date actuals. Major variances are due to timing on when revenue accruals and expenses were posted in the prior year and differences in institutional transfers.

Schedule B: (Expenses by Sports)- This schedule details out the FY21 expense budget and year-to-date expense actuals through September 31, 2020. Please note grant-in-aid expenses have been budgeted centrally and then reallocated based on FY21 year-to-date actuals, which will be allocated to individual sports as expenses post throughout the fiscal year.



Schedule A

FY21 Budget and Actuals by Exhibit P21

Revenue/Expense Description (2)	FY21 Original Budget	FY21 Revised Budget	Fiscal Year 2020-21 (FY21)				FY21 YTD	FY21 Budget to Projected Actuals Variance	Actuals % of Revised Budget	FY20 YTD Actuals	FY21 YTD vs. FY20 YTD Actuals
			Quarter 1 (7/1-9/30/20)	Quarter 2 (10/1-12/31/20)	Quarter 3 (1/1-3/31/21)	Quarter 4 (4/1-6/30/21)					
Pooled Revenues											
NCAA/Mountain West Conference	6,364,846	6,364,846	1,594,556				1,594,556	(4,770,290)	25.1%	1,205,886	388,670
Media Rights/Sponsorship/Licensing	3,400,000	3,400,000	861,681				861,681	(2,538,319)	25.3%	1,000,002	(138,321)
Commissions	680,000	680,000	169,997				169,997	(510,003)	25.0%	203,333	(33,336)
Naming Rights	800,000	800,000	-				-	(800,000)	0.0%	175,000	(175,000)
Student Fees	3,285,556	2,682,377	1,697,536				1,697,536	(984,841)	63.3%	1,969,952	(272,417)
Scholarship Fund (Fundraising)	2,200,000	2,200,000	549,999				549,999	(1,650,001)	25.0%	549,999	-
State Appropriation	4,063,600	3,776,900	960,800				960,800	(2,816,100)	25.4%	986,800	(26,000)
Facility Rental/Merchandise/GIK	1,716,900	1,716,900	375,000				375,000	(1,341,900)	21.8%	473,070	(98,070)
Special Events and Other Revenues	3,193,500	3,193,500	1,972				1,972	(3,191,528)	0.1%	360,230	(358,258)
CARES Act Distribution	-	-	-				-	-	0.0%	-	-
Transfers to/from Campus	606,964	635,820	541,823				541,823	(93,997)	85.2%	(15,022)	556,845
Budgeted Use of Reserves		16,727	-				-	(16,727)	0.0%	-	-
Sub-total	26,311,366	25,467,070	6,753,365	-	-	-	6,753,365	(18,713,705)	26.5%	6,909,251	(155,886)
Directed Revenues (by Sports)											
Men's Basketball Tickets	3,250,000	3,250,000	-				-	(3,250,000)	0.0%	2,219,523	(2,219,523)
Football Tickets	800,000	800,000	299,933				299,933	(500,067)	37.5%	694,175	(394,242)
Women's Basketball Tickets	350,000	350,000	-				-	(350,000)	0.0%	236,360	(236,360)
Other Sports Tickets (1)	20,000	20,000	-				-	(20,000)	0.0%	12,506	(12,506)
Football Game Guarantees	2,200,000	2,200,000	-				-	(2,200,000)	0.0%	-	-
Sub-total	6,620,000	6,620,000	299,933	-	-	-	299,933	(6,320,067)	4.5%	3,162,565	(2,862,631)
Total	32,931,366	32,087,070	7,053,298	-	-	-	7,053,298	(25,033,772)	22.0%	10,071,816	(3,018,518)
Expenses											
Salaries	10,976,644	10,976,644	2,402,252				2,402,252	(8,574,392)	21.9%	2,538,263	(136,011)
Payroll Benefits	3,096,269	3,096,269	696,601				696,601	(2,399,668)	22.5%	732,274	(35,673)
Communication Charges	86,768	86,768	13,768				13,768	(73,000)	15.9%	19,114	(5,346)
Other Expense	2,876,677	2,026,881	432,118				432,118	(1,594,763)	21.3%	696,258	(264,140)
Patient Care Costs	179,861	179,861	8,713				8,713	(171,148)	4.8%	54,768	(46,056)
Plant Maintenance	214,849	214,849	29,429				29,429	(185,420)	13.7%	71,923	(42,494)
Services	4,138,925	4,138,925	141,332				141,332	(3,997,593)	3.4%	669,696	(528,363)
Student Costs (includes Grant-in-Aid)	5,397,328	5,397,328	2,797,922				2,797,922	(2,599,406)	51.8%	2,428,752	369,170
Supplies	1,819,693	1,825,193	170,451				170,451	(1,654,742)	9.3%	586,647	(416,197)
Travel	3,569,688	3,569,688	22,814				22,814	(3,546,874)	0.6%	1,298,592	(1,275,778)
Utilities	574,664	574,664	57,045				57,045	(517,619)	9.9%	115,251	(58,206)
Total	32,931,366	32,087,070	6,772,445	-	-	-	6,772,445	(25,314,625)	21.1%	9,211,539	(2,439,094)
Net	-	-	280,853	-	-	-	280,853	280,853	0.9%	860,277	(579,423)

(1) Other sports tickets include women's soccer, track, baseball, softball, and volleyball

(2) Actuals through September 30, 2020



Schedule B

FY21 Budgeted Expenses and Actuals by Sport Exhibit P21 (1)

Football			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	2,572,693	613,200	1,959,493
Payroll Benefits	755,029	154,374	600,655
Communication Charges	25,050	2,302	22,748
Other Expense	72,847	5,468	67,379
Patient Care Costs	18,000	1,993	16,007
Plant Maintenance	35,300	2,563	32,737
Services	984,733	13,484	971,249
Student Costs/Grant-in-Aid (2)	380,000	148,201	231,799
Supplies	90,600	25,475	65,125
Travel	1,501,000	-	1,501,000
Utilities	25,000	-	25,000
Total	6,460,252	967,061	5,493,191

Men's Baseball			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	394,672	92,167	302,505
Payroll Benefits	106,168	25,597	80,571
Communication Charges	-	135	(135)
Other Expense	7,379	865	6,514
Patient Care Costs	-	-	-
Plant Maintenance	3,900	-	3,900
Services	51,200	15,000	36,200
Student Costs/Grant-in-Aid (2)	5,000	-	5,000
Supplies	35,155	3,246	31,909
Travel	185,675	-	185,675
Utilities	-	-	-
Total	789,149	137,009	652,140

Women's Softball			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	183,000	37,414	145,586
Payroll Benefits	58,376	13,214	45,162
Communication Charges	540	203	338
Other Expense	4,209	348	3,861
Patient Care Costs	-	-	-
Plant Maintenance	2,422	-	2,422
Services	29,360	386	28,974
Student Costs/Grant-in-Aid (2)	2,000	-	2,000
Supplies	19,016	5,759	13,257
Travel	146,900	-	146,900
Utilities	-	-	-
Total	445,823	57,324	388,499

Men's Basketball			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	1,582,594	353,349	1,229,245
Payroll Benefits	348,629	66,970	281,659
Communication Charges	12,750	1,214	11,536
Other Expense	32,284	2,901	29,383
Patient Care Costs	5,000	293	4,707
Plant Maintenance	39,140	75	39,065
Services	724,790	22,565	702,225
Student Costs/Grant-in-Aid (2)	105,500	19,623	85,877
Supplies	58,550	24,130	34,420
Travel	544,500	-	544,500
Utilities	-	-	-
Total	3,453,737	491,120	2,962,617

Women's Basketball			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	804,741	179,583	625,159
Payroll Benefits	244,723	55,844	188,879
Communication Charges	1,550	383	1,168
Other Expense	17,927	1,543	16,384
Patient Care Costs	-	-	-
Plant Maintenance	15,700	75	15,625
Services	288,852	16,992	271,860
Student Costs/Grant-in-Aid (2)	42,000	4,562	37,438
Supplies	44,941	5,364	39,577
Travel	452,375	50	452,325
Utilities	-	-	-
Total	1,912,809	264,394	1,648,415

Women's Soccer			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	201,900	46,363	155,537
Payroll Benefits	65,115	15,902	49,213
Communication Charges	1,060	150	910
Other Expense	3,599	383	3,216
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	9,600	-	9,600
Student Costs/Grant-in-Aid (2)	6,500	8,325	(1,825)
Supplies	6,650	1,847	4,803
Travel	127,100	-	127,100
Utilities	-	-	-
Total	421,524	72,969	348,555

Men's Golf			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	168,500	42,125	126,375
Payroll Benefits	55,606	17,001	38,605
Communication Charges	-	68	(68)
Other Expense	2,182	358	1,824
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	2,680	141	2,539
Student Costs/Grant-in-Aid (2)	-	410	(410)
Supplies	(2,000)	3,801	(5,801)
Travel	69,568	-	69,568
Utilities	600	63	537
Total	297,136	63,967	233,169

Women's Golf			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	151,726	37,931	113,795
Payroll Benefits	50,069	15,567	34,502
Communication Charges	-	-	-
Other Expense	3,137	296	2,841
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	12,600	-	12,600
Student Costs/Grant-in-Aid (2)	568	-	568
Supplies	3,150	1,905	1,245
Travel	51,850	-	51,850
Utilities	600	63	537
Total	273,700	55,764	217,936

Men's Tennis			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	103,000	21,250	81,750
Payroll Benefits	33,991	8,780	25,211
Communication Charges	290	68	223
Other Expense	3,214	128	3,086
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	18,810	389	18,421
Student Costs/Grant-in-Aid (2)	3,000	-	3,000
Supplies	13,300	500	12,800
Travel	48,700	(2,401)	51,101
Utilities	-	-	-
Total	224,305	28,713	195,592

Women's Tennis			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	103,000	23,450	79,550
Payroll Benefits	33,991	6,790	27,201
Communication Charges	610	-	610
Other Expense	1,924	162	1,762
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	17,910	237	17,673
Student Costs/Grant-in-Aid (2)	2,000	-	2,000
Supplies	11,615	500	11,115
Travel	50,500	-	50,500
Utilities	-	-	-
Total	221,550	31,139	190,411

Cross Country (M/W) (3)			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	110,325	27,581	82,744
Payroll Benefits	36,406	9,493	26,913
Communication Charges	-	-	-
Other Expense	1,648	185	1,463
Patient Care Costs	111	-	111
Plant Maintenance	487	-	487
Services	3,314	-	3,314
Student Costs/Grant-in-Aid (2)	55	-	55
Supplies	1,855	-	1,855
Travel	55,060	-	55,060
Utilities	-	-	-
Total	209,261	37,260	172,001

Track (M/W) (3)			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	196,825	49,034	147,791
Payroll Benefits	70,877	19,634	51,243
Communication Charges	560	68	493
Other Expense	4,864	374	4,490
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	725	-	725
Student Costs/Grant-in-Aid (2)	8,000	24	7,976
Supplies	(2,187)	1,808	(3,995)
Travel	227,950	-	227,950
Utilities	-	-	-
Total	507,614	70,940	436,674

Women's Volleyball			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	237,007	58,559	178,448
Payroll Benefits	78,212	21,714	56,498
Communication Charges	330	83	248
Other Expense	4,646	538	4,108
Patient Care Costs	-	-	-
Plant Maintenance	23,300	-	23,300
Services	38,100	-	38,100
Student Costs/Grant-in-Aid (2)	3,200	5,242	(2,042)
Supplies	28,437	7,291	21,146
Travel	111,253	-	111,253
Utilities	-	-	-
Total	524,485	93,428	431,057

Swimming/Diving			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	146,810	36,703	110,107
Payroll Benefits	48,448	13,307	35,141
Communication Charges	-	-	-
Other Expense	2,975	306	2,669
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	500	-	500
Student Costs/Grant-in-Aid (2)	2,325	360	1,965
Supplies	22,725	3,616	19,109
Travel	107,700	-	107,700
Utilities	-	-	-
Total	331,483	54,292	277,191

Spirit			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	-	-	-
Payroll Benefits	-	-	-
Communication Charges	-	-	-
Other Expense	508	30	478
Patient Care Costs	-	-	-
Plant Maintenance	-	-	-
Services	-	-	-
Student Costs/Grant-in-Aid (2)	-	6,000	(6,000)
Supplies	33,900	-	33,900
Travel	-	-	-
Utilities	-	-	-
Total	34,408	6,030	28,378

Administration/Events/Other Operating (4)			
Expense Description	FY21 Revised Budget	FY21 YTD Actuals	FY21 Budget to Actuals Variance
Salaries	4,019,851	783,543	3,236,308
Payroll Benefits	1,110,629	252,413	858,216
Communication Charges	44,028	9,097	34,931
Other Expense	1,863,538	418,231	1,445,307
Patient Care Costs	156,750	6,427	150,323
Plant Maintenance	94,600	26,715	67,885
Services	1,955,751	72,139	1,883,612
Student Costs/Grant-in-Aid (2)	4,837,180	2,605,175	2,232,005
Supplies	1,459,486	85,208	1,374,278
Travel	(110,443)	25,165	(135,608)
Utilities	548,464	56,918	491,546
Total	15,979,834	4,341,032	11,638,802

Total	32,087,070	6,772,445	25,314,625
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(1) Does not include special events and bowl games

(2) FY21 Grant-in-Aid actuals will be allocated to individual sports as expenses post

(3) MW track and cross-country coaches salaries split 50/50 between sports.

(4) Includes Events Management, Special Events, Bowl Games, Championships, Gifts-in-Kind, Parking, Concessions, Ticket Office, Administration, Business Office, Leagues and Clubs, Compliance, Advisement, Facility Rentals, Sports Camps, Utilities, Student Assistance Funds, Life skills, Pre Season Training, Athletic Vans, Insurance, Marketing and Media Relations



University Controller
Financial Services, Main Campus
Phone: (505) 277-5111
FAX: (505) 277-7662

MEMORANDUM

DATE: November 18, 2020

TO: Teresa Costantinidis
Senior Vice President for Finance and Administration

FROM: Elizabeth Metzger, CPA *ejm*
University Controller

RE: Information Item for Board of Regents' Finance & Facilities Committee Meeting

The Monthly Consolidated Financial Reports for the month ended September 30, 2020 will be presented at the *December 1, 2020* Finance & Facilities Committee meeting.



Monthly Financial Report

Consolidated Total Operations Current Funds

Fiscal Year to Date as of September 30, 2020

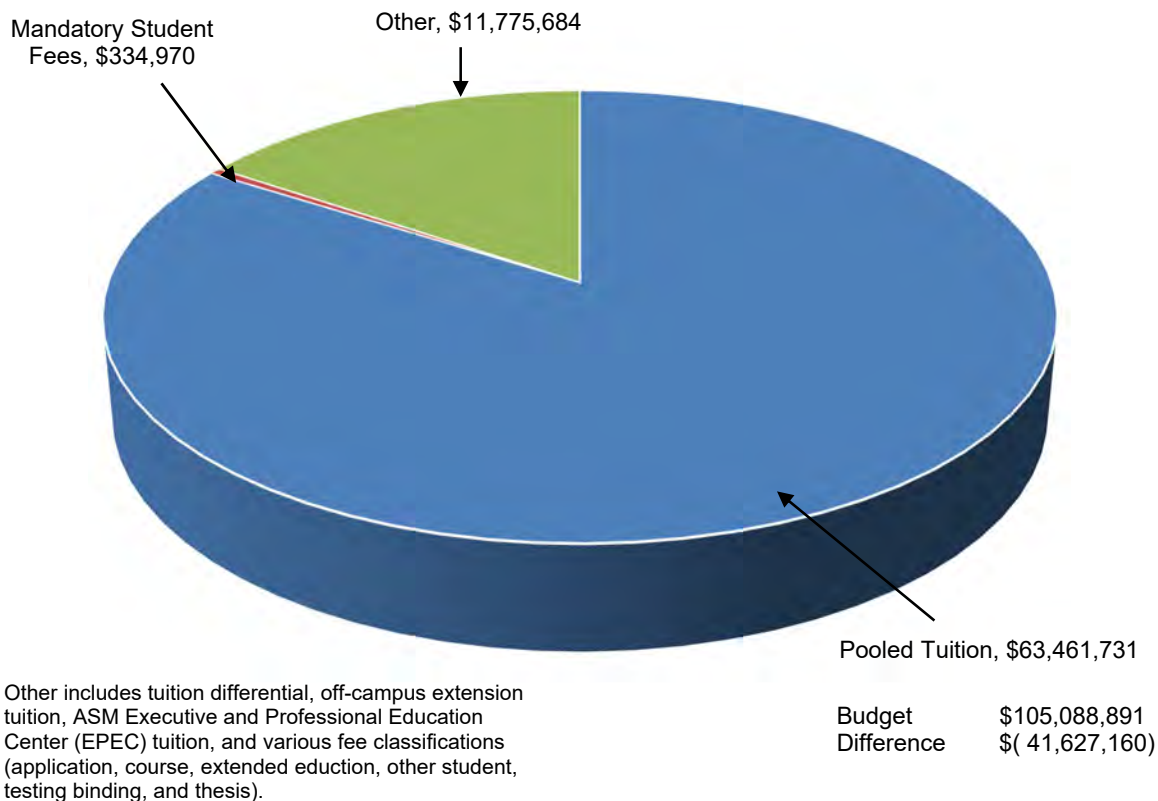
Contents

Consolidated Total Operations – 3-Year Net Revenue	5
Executive Budget Summary	6
Financial Reports	
Consolidated - Total Operations Current Funds	8
Main Campus - Athletics and Auxiliary Operations	11
Main Campus – Total Operations Current Funds	14
Branch Campuses – Total Operations Current Funds	17
Appropriations Schedules	
Consolidated – Total Operations Current Funds	19

Summary of Items in the Consolidated Financial Report As of September 30, 2020

- Instruction and General (Consolidated page 8, Main Campus page 14): Tuition and Fees - The graph below indicates the portion of Main Campuses I&G Tuition and Fee revenue that is pooled and allocated to the departments. The remainder of I&G Tuition and Fee revenue is distributed directly to the units, EX: tuition differential, course fees.

**Main Campus Tuition and Fees
as of September 30, 2020**



- HSC Clinical and Academic Operations (Consolidated page 10): Effective in FY20, HSC information was not presented as a separate report in the Consolidated Financial Report. HSC is presented in the Clinical Operations section that also includes UNM Hospitals, UNM Medical Group, and SRMC. (These actuals do not include intercompany eliminations.) Actuals for the current year and prior year through September are as follows:

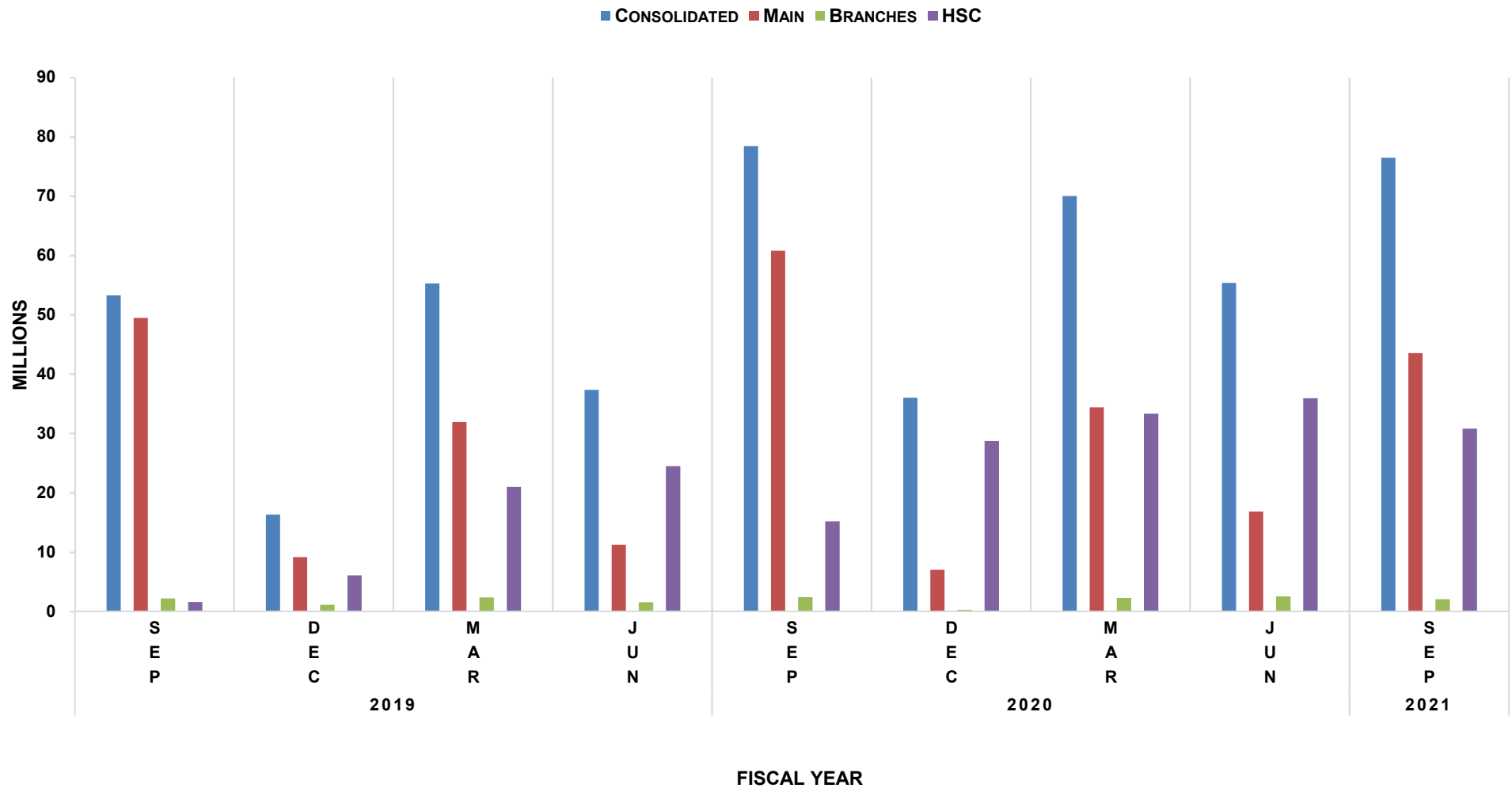
Clinical Operations		FY21 – as of 09/30/20		FY20 – as of 09/30/19		Variance between FY2021 and FY2020
UNM HSC Academic Enterprise	\$	3,380,343	\$	3,436,394	\$	-56,051
UNM Hospitals Operations	\$	24,624,810	\$	7,953,816	\$	16,670,994
UNM Medical Group	\$	2,812,710	\$	3,773,778	\$	-961,068
SRMC	\$	503	\$	38,120	\$	-37,617
Total	\$	30,818,366	\$	15,202,108	\$	15,616,258

- COVID-19 CARE Funding Received in Fiscal Year 20-21 as of September 30, 2020:

Clinical Operations \$8,464,886



CONSOLIDATED TOTAL OPERATIONS - 3 YEAR NET REVENUE (EXPENSE) **FISCAL YEAR TO DATE AS OF SEPTEMBER 30, 2020**



Executive Budget Summary

University of New Mexico Consolidated Financial Report

Fiscal Year 2021 UNM Operating Budget with Revisions

This report covers current fund operations for the University, including Main Campus, Branch Campuses, and Clinical Operations including the HSC Campus.

Instruction and General's operations projects a use of reserves of \$4.0M for the Fiscal Year 2021 UNM Operating Budget with Revisions; \$2.1M use of reserves at the Main Campus and a \$1.9M use of reserves at the Branch Campuses. HSC's revised budget for I&G is now included in the Clinical Operations budget.

Unrestricted Research operations projects a use of reserves of \$2.8M for the Fiscal Year 2021 UNM Operating Budget with Revisions-all at the Main Campus. HSC's revised budget for research is now included in the Clinical Operations budget.

Unrestricted Public Service operations projects a use of reserves of \$2.7M for the Fiscal Year 2021 UNM Operating Budget with Revisions; \$2.6M use of reserves is at the Main Campus and a \$61K use of reserves is at the Branch Campuses. HSC's revised budget for Unrestricted Public Service is now included in the Clinical Operations budget.

Student Aid operations projects a use of reserves of \$9.9M for the Fiscal Year 2021 UNM Operating Budget with Revisions; \$9.9M use of reserves is at the Main Campus and a \$18K use of reserves is at the Branch Campuses. HSC's revised budget for Student Aid is now included in the Clinical Operations budget.

Student Activities are the operations of Student Government and Student organizations. The FY 2021 UNM Operating Budget with Revisions projects a positive net margin of \$118K. HSC's revised budget for Student Activities is now included in the Clinical Operations budget.

Auxiliaries and Athletics

The FY 2021 UNM Operating Budget with Revisions for Auxiliaries and Athletics projects a positive net margin of \$1.6M. This includes \$(416K) for any contingencies.

Sponsored Programs operations are our contract and grant research and public service projects funded by outside agencies and companies. These operations will always record a zero net revenue over expense by the nature of their funding. The agency pays for a service or research project, and normally any unspent funds must be returned to the agency.

Clinical Operations now includes HSC (UNM HSC Academic Enterprises), UNM Hospital, UNM Medical Group, and SRMC. The FY 2021 UNM Operating Budget with Revisions for Clinical Operations totals \$23,860,126 and is listed by unit below:

- UNM HSC Academic Enterprise as a budgeted net margin of \$(3,082,178)
- UNM Hospitals operations has a budgeted net margin of \$18,757,408
- UNM Medical Group operations has a budgeted net margin of \$8,180,158
- SRMC has a budgeted net margin of \$4,738

Statements of Revenues, Expenses and Changes in Net Position
For the three month ended September 30, 2020
Preliminary and Unaudited

University of New Mexico - Consolidated Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Instruction and General						
Tuition and Fees Revenues***						
Main Campus	127,246,269	75,572,385	(51,673,884)	59%	76,727,022	(1,154,637)
Branch Campuses	6,175,183	3,181,316	(2,993,867)	52%	3,567,271	(385,955)
Total Tuition and Fees Revenues	133,421,452	78,753,701	(54,667,751)	59%	80,294,293	(1,540,592)
State/Local Appropriations	216,629,067	54,157,269	(162,471,798)	25%	56,555,595	(2,398,326)
COVID-19 CARE Funding	-	-	-	N/A	-	-
F & A Revenues	20,745,000	5,098,239	(15,646,761)	25%	5,601,704	(503,465)
Transfers	(53,151,906)	(15,078,548)	38,073,358	28%	(7,044,137)	(8,034,411)
Other Revenues	18,715,599	4,320,619	(14,394,980)	23%	3,761,105	559,514
Total Instruction and General Revenues	336,359,212	127,251,280	(209,107,932)	38%	139,168,560	(11,917,280)
Salaries	207,767,148	46,221,865	161,545,283	22%	47,362,746	1,140,881
Benefits	69,838,989	18,393,475	51,445,514	26%	18,192,951	(200,524)
Other Expenses	62,783,372	14,337,753	48,445,619	23%	16,247,035	1,909,282
Total Instruction and General Expenses	340,389,509	78,953,093	261,436,416	23%	81,802,732	2,849,639
Net Instruction and General Revenue (Expense)	(4,030,297)	48,298,187	52,328,484		57,365,828	(9,067,641)
Research						
State/Local Appropriations	1,805,950	451,488	(1,354,462)	25%	517,763	(66,275)
Transfers	15,812,779	1,565,546	(14,247,233)	10%	1,841,506	(275,960)
Other Revenues	264,110	35,560	(228,550)	13%	37,217	(1,657)
Total Research Revenues	17,882,839	2,052,594	(15,830,245)	11%	2,396,486	(343,892)
Salaries and Benefits	9,626,628	3,015,692	6,610,936	31%	3,191,427	175,735
Other Expenses	11,068,148	1,814,628	9,253,520	16%	1,704,472	(110,156)
Total Research Expenses	20,694,776	4,830,320	15,864,456	23%	4,895,899	65,579
Net Research Revenue (Expense)	(2,811,937)	(2,777,726)	34,211		(2,499,413)	(278,313)
Public Service						
State/Local Appropriations	5,253,250	1,313,313	(3,939,937)	25%	1,034,963	278,350
Sales and Services Revenues	4,329,111	1,447,273	(2,881,838)	33%	2,038,139	(590,866)
Gifts	8,432,938	2,174,308	(6,258,630)	26%	2,082,614	91,694
Transfers	(638,414)	(190,878)	447,536	30%	361,791	(552,669)
Other Revenues	4,728,661	663,239	(4,065,422)	14%	1,011,952	(348,713)
Total Public Service Revenues	22,105,546	5,407,255	(16,698,291)	24%	6,529,459	(1,122,204)
Salaries and Benefits	12,156,426	2,638,885	9,517,541	22%	2,742,892	104,007
Other Expenses	12,606,126	2,113,728	10,492,398	17%	2,428,679	314,951
Total Public Service Expenses	24,762,552	4,752,613	20,009,939	19%	5,171,571	418,958
Net Public Service Revenue (Expense)	(2,657,006)	654,642	3,311,648		1,357,888	(703,246)

Statements of Revenues, Expenses and Changes in Net Position
For the three month ended September 30, 2020
Preliminary and Unaudited

University of New Mexico - Consolidated Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Student Aid						
Gifts	6,419,137	1,649,071	(4,770,066)	26%	203,214	1,445,857
State Lottery Scholarship***	23,450,000	11,725,000	(11,725,000)	50%	11,864,497	(139,497)
Transfers	18,905,796	4,510,637	(14,395,159)	24%	4,163,093	347,544
Other Revenues	632,034	10,125	(621,909)	2%	1,722,584	(1,712,459)
Total Student Aid Revenues	49,406,967	17,894,833	(31,512,134)	36%	17,953,388	(58,555)
Salaries and Benefits	1,861,660	532,844	1,328,816	29%	463,256	(69,588)
Other Expenses	57,440,169	22,377,722	35,062,447	39%	19,017,047	(3,360,675)
Total Student Aid Expenses	59,301,829	22,910,566	36,391,263	39%	19,480,303	(3,430,263)
Net Student Aid Revenue (Expense)	(9,894,862)	(5,015,733)	4,879,129		(1,526,915)	(3,488,818)
Student Social & Cultural Programs						
Fee Revenues***	7,422,767	3,374,682	(4,048,085)	45%	2,667,055	707,627
Sales and Services Revenues	912,907	104,369	(808,538)	11%	249,163	(144,794)
Transfers	570,873	196,210	(374,663)	34%	151,778	44,432
Other Revenues	51,472	4,422	(47,050)	9%	19,523	(15,101)
Total Student Social & Cultural Programs Revenues	8,958,019	3,679,683	(5,278,336)	41%	3,087,519	592,164
Salaries and Benefits	5,836,122	1,091,151	4,744,971	19%	1,261,101	169,950
Other Expenses	3,003,553	617,765	2,385,788	21%	1,455,988	838,223
Total Student Social & Cultural Programs Expenses	8,839,675	1,708,916	7,130,759	19%	2,717,089	1,008,173
Net Student Social & Cultural Programs Revenue (Expense)	118,344	1,970,767	1,852,423		370,430	1,600,337
Auxiliaries and Athletics						
Branch Campuses Auxiliary Revenues	1,838,085	241,866	(1,596,219)	13%	622,822	(380,956)
Main Campus Auxiliaries Revenues	45,693,288	12,637,682	(33,055,606)	28%	17,590,020	(4,952,338)
Athletics Revenues	31,858,487	7,053,298	(24,805,189)	22%	10,071,816	(3,018,518)
Total Auxiliaries and Athletics Revenues	79,389,860	19,932,846	(59,457,014)	25%	28,284,658	(8,351,812)
Branch Campuses Auxiliary Expenses	2,138,085	506,554	1,631,531	24%	638,952	132,398
Main Campus Auxiliaries Expenses	43,840,434	10,127,158	33,713,276	23%	10,252,611	125,453
Athletics Expenses	31,858,487	6,772,445	25,086,042	21%	9,211,539	2,439,094
Total Auxiliaries and Athletics Expenses	77,837,006	17,406,157	60,430,849	22%	20,103,102	2,696,945
Net Auxiliaries and Athletics Revenue (Expense)	1,552,854	2,526,689	973,835		8,181,556	(5,654,867)

Statements of Revenues, Expenses and Changes in Net Position
For the three month ended September 30, 2020
Preliminary and Unaudited

University of New Mexico - Consolidated Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Sponsored Programs						
Federal Grants and Contracts Revenues	152,824,718	40,310,938	(112,513,780)	26%	43,619,470	(3,308,532)
State and Local Grants and Contracts Revenues	18,948,148	3,404,868	(15,543,280)	18%	4,308,107	(903,239)
Non-Governmental Grants and Contracts Revenues	12,800,000	2,560,318	(10,239,682)	20%	3,801,513	(1,241,195)
Gifts	50,000	-	(50,000)	0%	-	-
Transfers	-	348,903	348,903	N/A	484,489	(135,586)
Other Revenues	-	(180,636)	(180,636)	N/A	(176,702)	(3,934)
Total Sponsored Programs Revenues	184,622,866	46,444,391	(138,178,475)	25%	52,036,877	(5,592,486)
Salaries and Benefits	74,500,832	15,070,057	59,430,775	20%	15,380,897	310,840
Other Expenses	110,122,034	31,374,334	78,747,700	28%	36,655,980	5,281,646
Total Sponsored Programs Expenses	184,622,866	46,444,391	138,178,475	25%	52,036,877	5,592,486
Net Sponsored Programs Revenue (Expense)	-	-	-		-	-
HSC Clinical and Academic Operations*						
State/Local Appropriations	104,799,431	26,485,972	(78,313,459)	25%	27,390,075	(904,103)
Capital Appropriations	-	-	-	N/A	33,588,918	(33,588,918)
UNM Medical Group Revenues	439,945,555	102,876,728	(337,068,827)	23%	103,864,982	(988,254)
UNM Hospitals Revenues	1,328,034,201	346,885,368	(981,148,833)	26%	316,838,213	30,047,155
SRMC Revenues	108,876,818	23,045,962	(85,830,856)	21%	23,014,661	31,301
Tuition and Fees Revenue (Earned Only)	30,612,386	7,653,097	(22,959,289)	25%	7,664,027	(10,930)
F&A Revenues	25,500,000	6,132,490	(19,367,510)	24%	5,947,063	185,427
Mil Levy (Sandoval & Bernalillo Counties)	116,983,023	28,229,739	(88,753,284)	24%	28,116,739	113,000
Contract and Grant Revenues	180,662,420	38,063,521	(142,598,899)	21%	37,312,632	750,889
Transfers	6,925,853	(350)	(6,926,203)	0%	500,863	(501,213)
CARES ACT Funding	-	8,464,886	8,464,886	N/A	-	8,464,886
Other Revenues	102,512,570	27,754,595	(74,757,975)	27%	26,361,431	1,393,164
Total Clinical Operations Revenues	2,444,852,257	615,592,008	(1,829,260,249)	25%	610,599,604	4,992,404
Salaries and Benefits	1,165,076,761	287,050,734	878,026,027	25%	265,113,727	(21,937,007)
Contract and Grant Expenses	164,121,671	33,645,612	130,476,059	21%	33,461,837	(183,775)
Committed for Capital Projects	30,000,000	7,500,000	22,500,000	25%	33,588,918	26,088,918
Other Expenses	1,061,793,699	256,577,296	805,216,403	24%	263,233,014	6,655,718
Total Clinical Operations Expenses	2,420,992,131	584,773,642	1,836,218,489	24%	595,397,496	10,623,854
Net Clinical Operations Revenue (Expense)	23,860,126	30,818,366	6,958,240		15,202,108	15,616,258
Net Current Revenue (Expense)	6,137,222	76,475,192	70,337,970		78,451,482	(1,976,290)

* Does not include intercompany eliminations

** Prior year actuals may have been reclassified in order to be consistent with the 2021 presentation

*** Tuition/Fees, Lottery Scholarship, and Student Fees have a benchmark of 50%

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

University of New Mexico - Main Campus Athletics & Auxiliary Operations

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Results of Athletics Operations:						
Athletics Revenues	31,251,523	6,511,475	(24,740,048)	21%	10,086,837	(3,575,362)
Athletics Transfers	606,964	541,823	(65,141)	89%	(15,021)	556,844
Total Athletics Revenues	31,858,487	7,053,298	(24,805,189)	22%	10,071,816	(3,018,518)
Athletics Expenses						
Salaries and Benefits	14,137,567	3,098,853	11,038,714	22%	3,270,537	171,684
Grant-in-Aid	-	2,098,427	(2,098,427)	N/A	1,794,912	(303,515)
Other Expenses	17,720,920	1,575,165	16,145,755	9%	4,146,090	2,570,925
Total Athletics Expenses	31,858,487	6,772,445	25,086,042	21%	9,211,539	2,439,094
Total Net Athletics Revenue (Expense)	-	280,853	280,853		860,277	(579,424)
Results of Auxiliary Operations:						
VP for Institutional Support Services						
Bookstore Revenues	9,512,702	3,316,695	(6,196,007)	35%	4,059,802	(743,107)
Bookstore Transfers	(341,281)	(85,320)	255,961	25%	(87,500)	2,180
Total Bookstore Revenues	9,171,421	3,231,375	(5,940,046)	35%	3,972,302	(740,927)
Total Bookstore Expenses	8,565,099	3,937,152	4,627,947	46%	3,736,326	(200,826)
Net Bookstore Revenue (Expense)	606,322	(705,777)	(1,312,099)		235,976	(941,753)
University Club Revenues	68,000	6,714	(61,286)	10%	12,615	(5,901)
University Club Expenses	68,000	12,604	55,396	19%	15,291	2,687
Net Faculty & Staff Club Revenue (Expense)	-	(5,890)	(5,890)		(2,676)	(3,214)
Food Service/Dining Revenues	1,425,434	512,786	(912,648)	36%	715,741	(202,955)
Food Service/Dining Transfers	(130,559)	-	130,559	0%	(12,500)	12,500
Total Food Service/Dining Revenues	1,294,875	512,786	(782,089)	40%	703,241	(190,455)
Total Food Service/Dining Expenses	1,294,875	290,128	1,004,747	22%	224,890	(65,238)
Net Food Service/Dining Revenue (Expense)	-	222,658	222,658		478,351	(255,693)
Golf Courses Revenues	2,513,305	648,036	(1,865,269)	26%	688,670	(40,634)
Golf Courses Transfers	(39,252)	(9,813)	29,439	25%	(9,813)	-
Total Golf Courses Revenues	2,474,053	638,223	(1,835,830)	26%	678,857	(40,634)
Total Golf Courses Expenses	2,345,491	611,947	1,733,544	26%	614,789	2,842
Net Golf Courses Revenue (Expense)	128,562	26,276	(102,286)		64,068	(37,792)
Housing Revenues	9,501,000	3,152,867	(6,348,133)	33%	5,153,847	(2,000,980)
Housing Transfers	(1,497,001)	(384,501)	1,112,500	26%	(626,088)	241,587
Total Housing Revenues	8,003,999	2,768,366	(5,235,633)	35%	4,527,759	(1,759,393)
Total Housing Expense	7,127,639	1,625,326	5,502,313	23%	1,595,438	(29,888)
Net Housing Revenue (Expense)	876,360	1,143,040	266,680		2,932,321	(1,789,281)

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

University of New Mexico - Main Campus Athletics & Auxiliary Operations

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Lobo Cash Revenues	69,000	48,263	(20,737)	70%	41,910	6,353
Lobo Cash Expenses	69,000	14,855	(54,145)	22%	15,820	965
Net Lobo Cash Revenue (Expense)	-	33,408	33,408		26,090	7,318
Other Revenues	1,906,000	146,667	(1,759,333)	8%	144,333	2,334
Other Transfers	(2,457,000)	(457,500)	1,999,500	19%	(457,500)	-
Total Other Revenues	(551,000)	(310,833)	240,167	56%	(313,167)	2,334
Total Other Expense	(478,271)	-	(478,271)	0%	-	-
Net Other Revenue (Expense)	(72,729)	(310,833)	(238,104)		(313,167)	2,334
Parking and Transportation Revenues	6,617,888	2,015,288	(4,602,600)	30%	3,796,957	(1,781,669)
Parking and Trans Transfers	(1,645,195)	(449,293)	1,195,902	27%	(531,580)	82,287
Total Parking and Trans Revenues	4,972,693	1,565,995	(3,406,698)	31%	3,265,377	(1,699,382)
Total Parking and Trans Expenses	4,688,002	1,119,905	3,568,097	24%	1,035,743	(84,162)
Net Parking and Trans Revenue (Expense)	284,691	446,090	161,399		2,229,634	(1,783,544)
Popejoy Events Revenues	9,627,030	34,094	(9,592,936)	0%	77,284	(43,190)
Popejoy Events Transfers	422,460	-	(422,460)	0%	-	-
Total Popejoy Events Revenues	10,049,490	34,094	(10,015,396)	0%	77,284	(43,190)
Total Popejoy Events Expenses	9,603,338	366,023	9,237,315	4%	669,032	303,009
Net Popejoy Events Revenue (Expense)	446,152	(331,929)	(778,081)		(591,748)	259,819
Taos & Lawrence Ranch Revenues	55,000	55,000	-	100%	55,000	-
Taos & Lawrence Ranch Expenses	55,000	10,064	44,936	18%	9,426	(638)
Net Taos & Lawrence Ranch Revenue (Expense)	-	44,936	44,936		45,574	(638)
Ticketing Services Revenues	540,000	(4,260)	(544,260)	-1%	71,539	(75,799)
Ticketing Services Transfers	-	-	-	N/A	-	-
Total Ticketing Services Revenues	540,000	(4,260)	(544,260)	-1%	71,539	(75,799)
Total Ticketing Services Expenses	540,000	83,706	456,294	16%	89,766	6,060
Net Ticketing Services Revenue (Expense)	-	(87,966)	(87,966)		(18,227)	(69,739)
Total VP for Institutional Support Services Revenues	36,147,531	8,545,723	(27,601,808)	24%	13,092,717	(4,546,994)
Total VP for Institutional Support Services Expenses	33,878,173	8,071,710	25,806,463	24%	8,006,521	(65,189)
Net VP for Institutional Support Services Revenue (Expense)	2,269,358	474,013	(1,795,345)		5,086,196	(4,612,183)

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

University of New Mexico - Main Campus Athletics & Auxiliary Operations

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
VP for Student Affairs						
Student Health Center Revenues	6,922,416	3,022,431	(3,899,985)	44%	3,157,549	(135,118)
Student Health Center Expenses	6,922,416	1,630,687	5,291,729	24%	1,721,515	90,828
Net Student Health Center Revenue (Expense)	-	1,391,744	1,391,744		1,436,034	(44,290)
Student Union Revenues	2,172,775	1,065,106	(1,107,669)	49%	1,343,763	(278,657)
Student Union Expenses	2,172,775	395,067	1,777,708	18%	492,542	97,475
Net Student Union Revenue (Expense)	-	670,039	670,039		851,221	(181,182)
Total VP for Student Affairs Revenues	9,095,191	4,087,537	(5,007,654)	45%	4,501,312	(413,775)
Total VP for Student Affairs Expenses	9,095,191	2,025,754	7,069,437	22%	2,214,057	188,303
Net VP for Student Affairs Revenue (Expense)	-	2,061,783	2,061,783		2,287,255	(225,472)
Provost and Other Units						
Art Museum Revenues	300	-	(300)	0%	211	(211)
Art Museum Expenses	300	-	300	0%	1,170	1,170
Net Art Museum Revenue (Expense)	-	-	-		(959)	959
CE Conference Ctr Revenues	140,000	3,164	(136,836)	2%	43,619	(40,455)
CE Conference Ctr Transfers	(66,218)	803	67,021	-1%	(74,015)	74,818
Total CE Conference Ctr Revenues	73,782	3,967	(69,815)	5%	(30,396)	34,363
Total CE Conference Ctr Expenses	73,782	13,824	59,958	19%	16,434	2,610
Net CE Conference Ctr Revenue (Expense)	-	(9,857)	(9,857)		(46,830)	36,973
Maxwell Museum Revenues	40,121	184	(39,937)	0%	3,578	(3,394)
Maxwell Museum Expenses	40,121	1,399	38,722	3%	1,402	3
Net Maxwell Museum Revenue (Expense)	-	(1,215)	(1,215)		2,176	(3,391)
Other Revenues	44,330	271	(44,059)	1%	22,598	(22,327)
Other Expenses	44,464	14,471	29,993	33%	13,027	(1,444)
Net Other Revenue (Expense)	(134)	(14,200)	(14,066)		9,571	(23,771)
Total Provost and Other Units Revenues	158,533	4,422	(154,111)	3%	(4,009)	8,431
Total Provost and Other Units Expenses	158,667	29,694	128,973	19%	32,033	2,339
Net Provost and Other Units Revenue (Expense)	(134)	(25,272)	(25,138)		(36,042)	10,770
Auxiliary Totals						
Total Auxiliary Revenues	45,693,288	12,637,682	(33,055,606)	28%	17,590,020	(4,952,338)
Total Auxiliary Expenses	43,840,434	10,127,158	33,713,276	23%	10,252,611	125,453
Net Auxiliary Revenue (Expense)	1,852,854	2,510,524	657,670		7,337,409	(4,826,885)
Net Athletics Revenue (Expense)	-	280,853	280,853		860,277	(579,424)
Net Auxiliary and Athletics Revenue (Expense)	1,852,854	2,791,377	938,523		8,197,686	(5,406,309)
Net Branch Campuses Aux Revenue (Expense)	(300,000)	(264,688)	35,312		(16,130)	(248,558)
Net All Auxiliary and Athletics Revenue (Expense)	1,552,854	2,526,689	973,835		8,181,556	(5,654,867)

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

Main Campus - Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Instruction and General						
Tuition and Fees Revenues***	127,246,269	75,572,385	(51,673,884)	59%	76,727,022	(1,154,637)
State/Local Appropriations	187,238,162	46,809,541	(140,428,621)	25%	49,034,550	(2,225,009)
F & A Revenues	20,745,000	5,098,239	(15,646,761)	25%	5,601,704	(503,465)
Transfers	(51,992,189)	(14,100,041)	37,892,148	27%	(5,888,762)	(8,211,279)
Other Revenues	17,797,428	4,021,585	(13,775,843)	23%	3,442,062	579,523
Total Instruction and General Revenues	301,034,670	117,401,709	(183,632,961)	39%	128,916,576	(11,514,867)
Salaries	186,042,647	41,693,306	144,349,341	22%	42,796,683	1,103,377
Benefits	62,800,914	16,819,985	45,980,929	27%	16,666,651	(153,334)
Other Expenses	54,277,504	13,108,969	41,168,535	24%	14,625,715	1,516,746
Total Instruction and General Expenses	303,121,065	71,622,260	231,498,805	24%	74,089,049	2,466,789
Net Instruction and General Revenue (Expense)	(2,086,395)	45,779,449	47,865,844		54,827,527	(9,048,078)
Research						
State/Local Appropriations	1,805,950	451,488	(1,354,462)	25%	517,763	(66,275)
Transfers	15,812,779	1,565,546	(14,247,233)	10%	1,841,506	(275,960)
Other Revenues	264,110	35,560	(228,550)	13%	37,217	(1,657)
Total Research Revenues	17,882,839	2,052,594	(15,830,245)	11%	2,396,486	(343,892)
Salaries and Benefits	9,626,628	3,015,692	6,610,936	31%	3,191,427	175,735
Other Expenses	11,068,148	1,814,628	9,253,520	16%	1,704,472	(110,156)
Total Research Expenses	20,694,776	4,830,320	15,864,456	23%	4,895,899	65,579
Net Research Revenue (Expense)	(2,811,937)	(2,777,726)	34,211		(2,499,413)	(278,313)
Public Service						
State/Local Appropriations	5,253,250	1,313,313	(3,939,937)	25%	1,034,963	278,350
Sales and Services Revenues	4,087,811	1,422,501	(2,665,310)	35%	1,983,021	(560,520)
Gifts	8,312,530	2,118,718	(6,193,812)	25%	1,992,200	126,518
Transfers	(638,414)	(140,504)	497,910	22%	361,791	(502,295)
Other Revenues	4,568,184	635,870	(3,932,314)	14%	977,217	(341,347)
Total Public Service Revenues	21,583,361	5,349,898	(16,233,463)	25%	6,349,192	(999,294)
Salaries and Benefits	11,810,044	2,540,622	9,269,422	22%	2,642,730	102,108
Other Expenses	12,369,290	2,051,099	10,318,191	17%	2,350,742	299,643
Total Public Service Expenses	24,179,334	4,591,721	19,587,613	19%	4,993,472	401,751
Net Public Service Revenue (Expense)	(2,595,973)	758,177	3,354,150		1,355,720	(597,543)

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

Main Campus - Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Student Aid						
Private Grants/Gifts	6,334,587	1,608,519	(4,726,068)	25%	151,948	1,456,571
State Lottery Scholarships***	23,450,000	11,725,000	(11,725,000)	50%	11,864,497	(139,497)
Transfers	18,512,536	4,466,034	(14,046,502)	24%	4,108,007	358,027
Other Revenues	615,034	4,718	(610,316)	1%	1,715,131	(1,710,413)
Total Student Aid Revenues	48,912,157	17,804,271	(31,107,886)	36%	17,839,583	(35,312)
Salaries and Benefits	1,861,660	532,844	1,328,816	29%	463,256	(69,588)
Other Expenses	56,927,772	22,190,405	34,737,367	39%	18,785,815	(3,404,590)
Total Student Aid Expenses	58,789,432	22,723,249	36,066,183	39%	19,249,071	(3,474,178)
Net Student Aid Revenue (Expense)	(9,877,275)	(4,918,978)	4,958,297		(1,409,488)	(3,509,490)
Student Social & Cultural Programs						
Fee Revenues***	7,214,397	3,285,126	(3,929,271)	46%	2,566,760	718,366
Sales and Services Revenues	908,907	104,043	(804,864)	11%	248,037	(143,994)
Transfers	610,873	236,210	(374,663)	39%	191,778	44,432
Other Revenues	47,772	4,422	(43,350)	9%	19,523	(15,101)
Total Student Social & Cultural Programs Revenues	8,781,949	3,629,801	(5,152,148)	41%	3,026,098	603,703
Salaries and Benefits	5,828,283	1,091,151	4,737,132	19%	1,261,101	169,950
Other Expenses	2,832,422	612,908	2,219,514	22%	1,422,109	809,201
Total Student Social & Cultural Programs Expenses	8,660,705	1,704,059	6,956,646	20%	2,683,210	979,151
Net Student Social & Cultural Programs Revenue (Expense)	121,244	1,925,742	1,804,498		342,888	1,582,854
Auxiliaries						
Auxiliaries Revenues	45,693,288	12,637,682	(33,055,606)	28%	17,590,020	(4,952,338)
Athletics Revenues	31,858,487	7,053,298	(24,805,189)	22%	10,071,816	(3,018,518)
Total Auxiliaries Revenues	77,551,775	19,690,980	(57,860,795)	25%	27,661,836	(7,970,856)
Auxiliaries Expenses	43,840,434	10,127,158	33,713,276	23%	10,252,611	125,453
Athletics Expenses	31,858,487	6,772,445	25,086,042	21%	9,211,539	2,439,094
Total Auxiliaries Expenses	75,698,921	16,899,603	58,799,318	22%	19,464,150	2,564,547
Net Auxiliaries and Athletics Revenue (Expense)	1,852,854	2,791,377	938,523		8,197,686	(5,406,309)

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

Main Campus - Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Sponsored Programs						
Federal Grants and Contracts Revenues	144,466,888	38,669,064	(105,797,824)	27%	42,001,330	(3,332,266)
State and Local Grants and Contracts Revenues	17,087,338	3,196,506	(13,890,832)	19%	4,067,001	(870,495)
Non-Governmental Grants and Contracts Revenues	12,600,000	2,451,235	(10,148,765)	19%	3,713,193	(1,261,958)
COVID-19 Cares	-	-	-	N/A	-	-
Transfers	-	348,903	348,903	N/A	484,489	(135,586)
Other Revenues	-	(180,636)	(180,636)	N/A	(176,702)	(3,934)
Total Sponsored Programs Revenues	174,154,226	44,485,072	(129,669,154)	26%	50,089,311	(5,604,239)
Salaries and Benefits	67,960,226	13,865,324	54,094,902	20%	14,185,546	320,222
Other Expenses	106,194,000	30,619,748	75,574,252	29%	35,903,765	5,284,017
Total Sponsored Programs Expenses	174,154,226	44,485,072	129,669,154	26%	50,089,311	5,604,239
Net Sponsored Programs Revenue (Expense)	-	-	-		-	-
Net Current Revenue (Expense)	(15,397,482)	43,558,041	58,955,523		60,814,920	(17,256,879)

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

Branch Campuses - Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Instruction and General						
Tuition and Fees Revenues***	6,175,183	3,181,316	(2,993,867)	52%	3,567,271	(385,955)
State/Local Appropriations	29,390,905	7,347,728	(22,043,177)	25%	7,521,045	(173,317)
Transfers	(1,159,717)	(978,507)	181,210	84%	(1,155,375)	176,868
Other Revenues	918,171	299,034	(619,137)	33%	319,043	(20,009)
Total Instruction and General Revenues	35,324,542	9,849,571	(25,474,971)	28%	10,251,984	(402,413)
Salaries	21,724,501	4,528,559	17,195,942	21%	4,566,063	37,504
Benefits	7,038,075	1,573,490	5,464,585	22%	1,526,300	(47,190)
Other Expenses	8,505,868	1,228,784	7,277,084	14%	1,621,320	392,536
Total Instruction and General Expenses	37,268,444	7,330,833	29,937,611	20%	7,713,683	382,850
Net Instruction and General Revenue (Expense)	(1,943,902)	2,518,738	4,462,640		2,538,301	(19,563)
Public Service						
State/Local Appropriations	-	-	-	N/A	-	-
Sales and Services Revenues	241,300	24,772	(216,528)	10%	55,118	(30,346)
Gifts	120,408	55,590	(64,818)	46%	90,414	(34,824)
Transfers	-	(50,374)	(50,374)	N/A	-	(50,374)
Other Revenues	160,477	27,369	(133,108)	17%	34,735	(7,366)
Total Public Service Revenues	522,185	57,357	(464,828)	11%	180,267	(122,910)
Salaries and Benefits	346,382	98,263	248,119	28%	100,162	1,899
Other Expenses	236,836	62,629	174,207	26%	77,937	15,308
Total Public Service Expenses	583,218	160,892	422,326	28%	178,099	17,207
Net Public Service Revenue (Expense)	(61,033)	(103,535)	(42,502)		2,168	(105,703)
Student Aid						
Private Grants/Gifts	84,550	40,552	(43,998)	48%	51,266	(10,714)
Transfers	393,260	44,603	(348,657)	11%	55,086	(10,483)
Other Revenues	17,000	5,407	(11,593)	32%	7,453	(2,046)
Total Student Aid Revenues	494,810	90,562	(404,248)	18%	113,805	(23,243)
Salaries and Benefits	-	-	-	N/A	-	-
Other Expenses	512,397	187,317	325,080	37%	231,232	43,915
Total Student Aid Expenses	512,397	187,317	325,080	37%	231,232	43,915
Net Student Aid Revenue (Expense)	(17,587)	(96,755)	(79,168)		(117,427)	20,672

Statements of Revenues, Expenses and Changes in Net Position - UNM Regents Format
For the three month ended September 30, 2020
Preliminary and Unaudited

Branch Campuses - Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%	FY 2020 Year-to-Date Actual**	FY 2021 YTD Actual Change From FY 2020 YTD Actual
Student Social & Cultural Programs						
Fee Revenues***	208,370	89,556	(118,814)	43%	100,295	(10,739)
Sales and Services Revenues	4,000	326	(3,674)	8%	1,126	(800)
Transfers	(40,000)	(40,000)	-	100%	(40,000)	-
Other Revenues	3,700	-	(3,700)	0%	-	-
Total Student Social & Cultural Programs Revenues	176,070	49,882	(126,188)	28%	61,421	(11,539)
Salaries and Benefits	7,839	-	7,839	0%	-	-
Other Expenses	171,131	4,857	166,274	3%	33,879	29,022
Total Student Social & Cultural Programs Expenses	178,970	4,857	174,113	3%	33,879	29,022
Net Student Social & Cultural Programs Revenue (Expense)	(2,900)	45,025	47,925		27,542	17,483
Auxiliaries						
Bookstore Revenues	1,698,163	235,293	(1,462,870)	14%	584,666	(349,373)
Housing and Food Service Revenues	13,235	8,851	(4,384)	67%	34,103	(25,252)
Transfers	(40,000)	(5,000)	35,000	13%	-	(5,000)
Other Auxiliaries Revenues	166,687	2,722	(163,965)	2%	4,053	(1,331)
Total Auxiliaries Revenues	1,838,085	241,866	(1,596,219)	13%	622,822	(380,956)
Bookstore Expenses	1,224,303	492,547	731,756	40%	602,159	109,612
Housing and Food Service Expenses	-	12,378	(12,378)	N/A	22,018	9,640
Other Auxiliaries Expenses	913,782	1,629	912,153	0%	14,775	13,146
Total Auxiliaries Expenses	2,138,085	506,554	1,631,531	24%	638,952	132,398
Net Auxiliaries Revenue (Expense)	(300,000)	(264,688)	35,312		(16,130)	(248,558)
Sponsored Programs						
Federal Grants and Contracts Revenues	8,357,830	1,641,874	(6,715,956)	20%	1,618,140	23,734
State and Local Grants and Contracts Revenues	1,860,810	208,362	(1,652,448)	11%	241,106	(32,744)
Non-Governmental Grants and Contracts Revenues	200,000	109,083	(90,917)	55%	88,320	20,763
Gifts	50,000	-	(50,000)	0%	-	-
Transfers	-	-	-	N/A	-	-
Other Revenues	-	-	-	N/A	-	-
Total Sponsored Programs Revenues	10,468,640	1,959,319	(8,509,321)	19%	1,947,566	11,753
Salaries and Benefits	6,540,606	1,204,733	5,335,873	18%	1,195,351	(9,382)
Other Expenses	3,928,034	754,586	3,173,448	19%	752,215	(2,371)
Total Sponsored Programs Expenses	10,468,640	1,959,319	8,509,321	19%	1,947,566	(11,753)
Net Sponsored Programs Revenue (Expense)	-	-	-		-	-
Net Current Revenue (Expense)	(2,325,422)	2,098,785	4,424,207		2,434,454	(335,669)

Statements of Revenues, Expenses and Changes in Net Assets
For the three month period ended September 30 , 2020
Preliminary and Unaudited

Detail of State/Local Appropriations
Consolidated - Total Operations Current Funds

	FY 2021 Full Year Operating Budget with Revisions	FY 2021 Year-to-Date Actual	Fiscal YTD Favorable/(Unfavorable) Compared to Budget	Actual to Budget Benchmark Rate 25%
Instruction and General				
Instruction & General Appropriations	206,355,900	51,588,977	(154,766,923)	25%
State Special Project Appropriations	1,064,700	266,175	(798,525)	25%
Mill Levy	9,208,467	2,302,117	(6,906,350)	25%
Total Instruction and General Appropriations	<u>216,629,067</u>	<u>54,157,269</u>	<u>(162,471,798)</u>	<u>25%</u>
Research				
State Special Project Appropriations	1,805,950	451,488	(1,354,462)	25%
Total Research Appropriations	<u>1,805,950</u>	<u>451,488</u>	<u>(1,354,462)</u>	<u>25%</u>
Public Service				
State Special Project Appropriations	5,253,250	1,313,313	(3,939,937)	25%
Total Public Service Appropriations	<u>5,253,250</u>	<u>1,313,313</u>	<u>(3,939,937)</u>	<u>25%</u>
Clinical Operations				
Instruction & General Appropriations	62,246,300	15,831,624	(46,414,676)	25%
Research Appropriations	1,705,315	473,683	(1,231,632)	28%
Public Service Appropriations	245,600	62,900	(182,700)	26%
Student Aid Appropriations	188,000	47,600	(140,400)	25%
State Special Project Appropriations	36,450,000	9,131,283	(27,318,717)	25%
Tobacco Settlement Appropriations	840,200	210,055	(630,145)	25%
Cigarette Tax Revenues	3,124,016	728,827	(2,395,189)	23%
Total Clinical Operations Appropriations	<u>104,799,431</u>	<u>26,485,972</u>	<u>(78,313,459)</u>	<u>25%</u>
Total - All Appropriations	<u>328,487,698</u>	<u>82,408,042</u>	<u>(246,079,656)</u>	<u>25%</u>

UNIVERSITY OF NEW MEXICO

BOARD OF REGENTS

December 2020

Kristi Hanson, Partner

Daniel Hennessy, Sr. Consultant



BOSTON | ATLANTA | CHARLOTTE | CHICAGO | DETROIT | LAS VEGAS | PORTLAND | SAN FRANCISCO

INTRODUCTION



**KRISTI
HANSON, CFA**

PARTNER

T: 971.271.5147

KHANSON@NEPC.COM

Kristi joined NEPC in 2017 as a Partner and member of the Research Group. Kristi works out of our Portland, OR office serving Endowment and private wealth clients. She has twenty-nine years of investment research and advisory experience with a specialty in alternative investments, investment research, and portfolio management.

Kristi has partnered with a variety of organizations in selecting appropriate investments customized to meet their needs. Her background includes directing and managing the research activities at another consulting firm prior to joining NEPC as well as managing several hedge fund of funds offered by advisor. Kristi serves as the volunteer chair of the University of Idaho Foundation Investment Committee as well as a member of the University's Foundation Board. She is also an Advisory Board member for Women's Venture Capital Fund II and is a member of the Endowment Committee of The International School in Portland. Within NEPC, she serves on the Discretionary Committee, Alternative Assets Committee and the Due Diligence Committee.

Kristi holds the Chartered Financial Analyst (CFA) designation and is a member of the CFA Society of Portland, Oregon. Kristi earned her B.S. from the University of Idaho.



**DANIEL HENNESSY,
CFA, CAIA**

SENIOR CONSULTANT

T: 650.362.6699

DHENNESSY@NEPC.COM

Dan joined NEPC in 2014 and his investment experience dates back to 2000. Dan works out of our Redwood City, CA office serving endowment and pension clients.

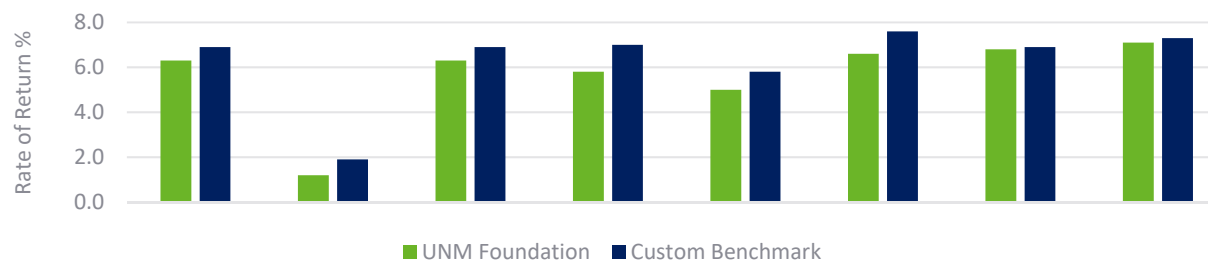
Dan joined NEPC from Alan Biller and Associates, where he had worked since 2011 as a senior investment consultant. Prior to joining Allan Biller, Dan was Founder and Principal of Accretive Research & Management LLC, where he was responsible for equity research for a \$1 billion small/mid-cap investment firm based in San Francisco, CA. Prior to that, Dan was a Vice President at Franklin Templeton Investments where he managed a team of investment professionals and was a Co- Portfolio Manager of a long/short fund. Before joining Franklin Templeton he worked at Fidelity Investments and at McKinsey & Co.

Dan holds both the Chartered Financial Analyst (CFA) and Chartered Alternative Investment Analyst (CAIA) designations. Dan holds a B.A. degree in Mathematical Economics from Pomona College and a M.B.A. in Finance from The Wharton School, University of Pennsylvania.

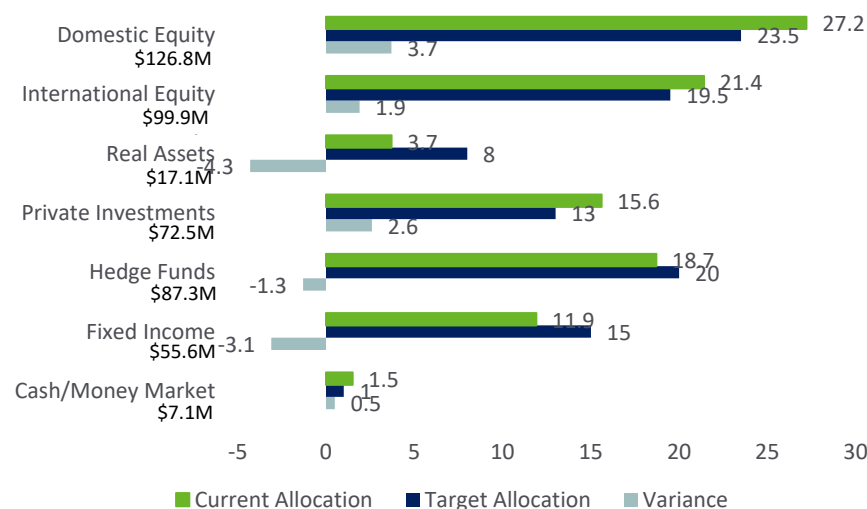


PERFORMANCE SUMMARY

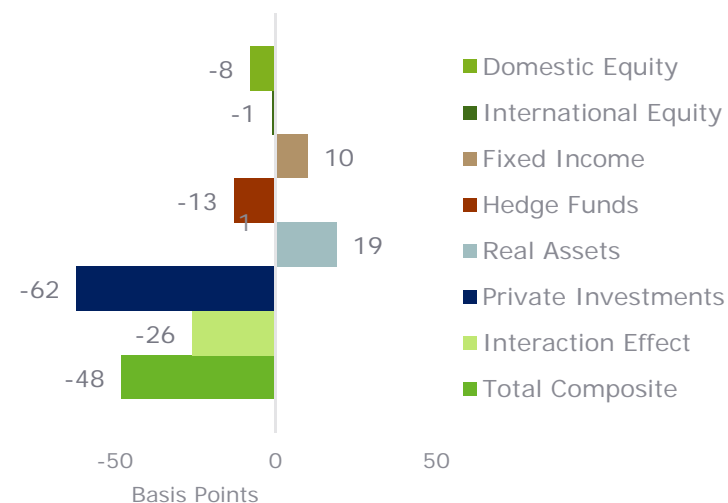
	Market Value (\$)	3 Mo (%)	Calendar YTD (%)	Fiscal YTD (%)	1 Yr (%)	3 Yrs (%)	5 Yrs (%)	10 Yrs (%)	Inception (%)	Inception Date
UNM Foundation	466,431,888	6.3	1.2	6.3	5.8	5.0	6.6	6.8	7.1	7/1/1989
Custom Benchmark		6.9	1.9	6.9	7.0	5.8	7.6	6.9	7.3	7/1/1989



Asset Allocation

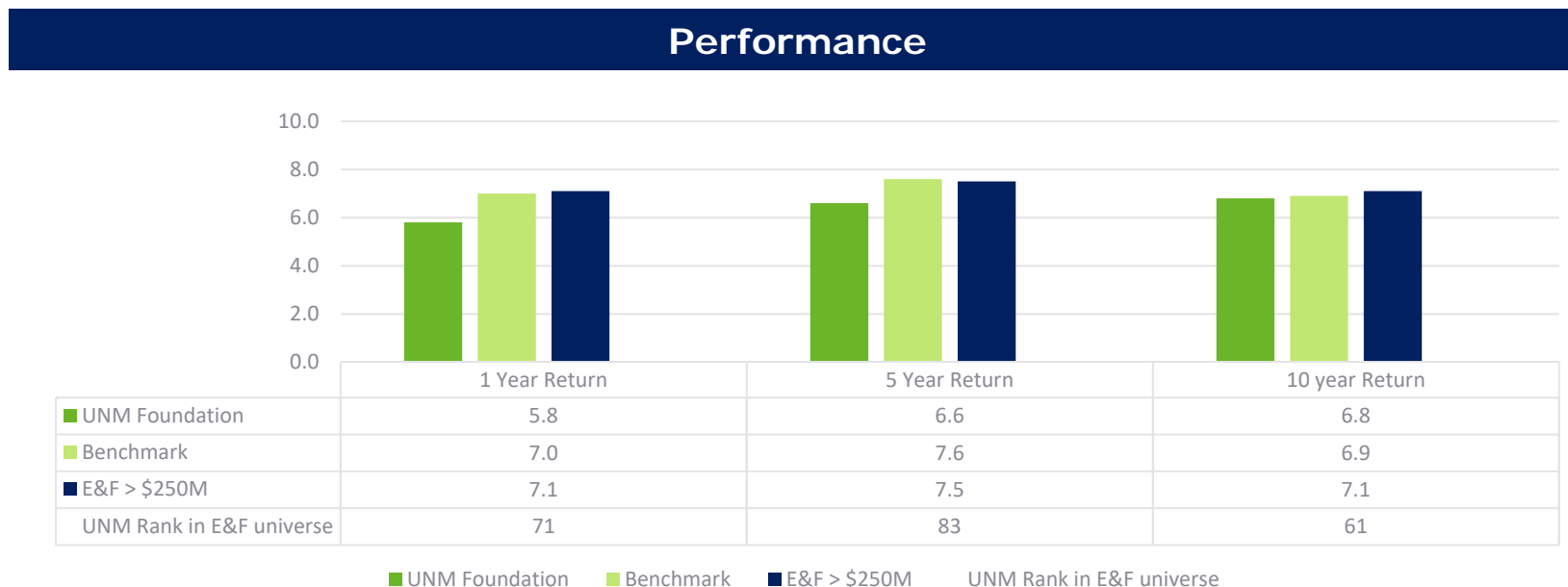


Attribution Analysis – 3 months ending Sept 30, 2020



Data as of 9/30/2020

PERFORMANCE VS PEERS



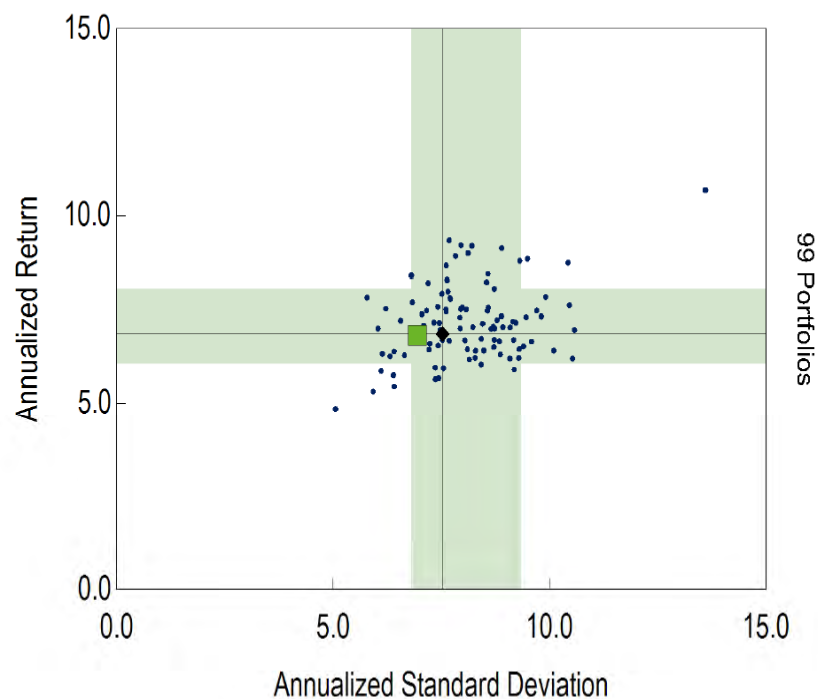
- **Performance has lagged peer group**
- **Asset allocation differences have impacted results**
 - Higher hedge fund allocations vs peers in a market rewarding long equity
 - Hedge fund allocations favored lower volatility, diversifying strategies rather than niche sector exposures
 - Policy change curtailing Private Investments from 2010 to 2014 created headwind versus peer returns
- **Implementation and investment execution has challenged returns versus peers**
 - Lower venture capital allocations in the private portfolio in a market rewarding the growth through venture
 - Peers have taken factor bets whereas UNM's are neutral to factors through passive exposures



Data as of 9/30/2020: "E&F > \$250M" represents E&F clients reporting to Investment Metrics with over \$250M in assets reported

RISK STATISTICS

Annualized Return vs. Annualized Standard Deviation
10 Years Ending September 30, 2020

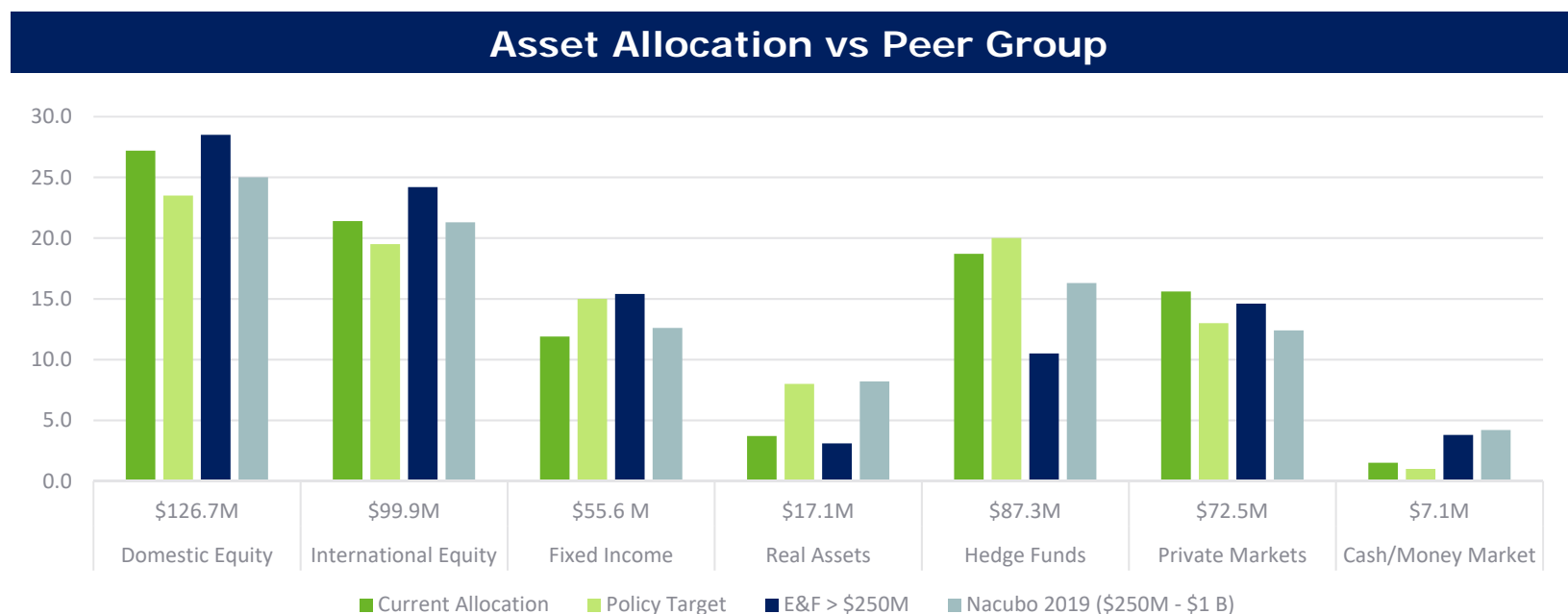


- Total Composite
- ◆ Custom Benchmark
- 68% Confidence Interval
- InvMetrics All E&F > \$250mm Net

	Portfolio	Benchmark
10 year Annualized Return	6.8%	6.9%
Annualized Standard Deviation	6.9%	7.5%
Sharpe Ratio	0.90	0.83



ASSET ALLOCATION



- Asset Classes have specific purpose in the portfolio. Please see following page
- UNM Foundation has a higher level of marketable alternative investments at the expense of more traditional exposures by the peer group
- Growth assets have appreciated versus policy, whereas defensive assets are below policy
- Cash levels are above policy at year-end

Portfolio and benchmark data as of 9/30/2020

E&F > \$250 M represent 67 Endowments & Foundations reporting to Investment Metrics with greater than \$250 M in reported assets and are as of 9/30/20

Nacubo 2019 are from the NACUBO-TIAA Study of Endowments, 2019



ASSET CLASS OBJECTIVES

Asset Class	Portfolio Role	Target Allocation
Return Seeking		
US and Non-US Public Equity	<ul style="list-style-type: none"> • Passive implementation – low cost option • Capital appreciation • Capture global growth 	43%
Private Investments	<ul style="list-style-type: none"> • Skill-based active management • Higher return expectations than public equity • Includes growth-oriented investments 	13%
Opportunistic Fixed Income	<ul style="list-style-type: none"> • Higher return expectations than investment grade bonds • Adds diversification to portfolio 	4%
Diversifying Assets		
Real Assets (Private Real Estate and Energy)	<ul style="list-style-type: none"> • Inflation hedge • Income production potential • Adds diversification 	8%
Hedge Funds	<ul style="list-style-type: none"> • Skill-based active management • Low correlation to traditional stocks and bonds • Targeted exposure or absolute return based strategies 	20%
Capital Preservation		
Core Fixed Income & Cash	<ul style="list-style-type: none"> • Downside protection • Risk reduction 	12%



WORKPLAN SUMMARY



All meetings : Manager Approvals, Performance Review, Special Projects

DISCLOSURES

NEPC, LLC

Information Disclaimer

- Past performance is no guarantee of future results.
- All investments carry some level of risk. Diversification and other asset allocation techniques are not guaranteed to ensure profit or protect against losses.
- NEPC's source for portfolio pricing, calculation of accruals, and transaction information is the plan's custodian bank. Information on market indices and security characteristics is received from other sources external to NEPC. While NEPC has exercised reasonable professional care in preparing this report, we cannot guarantee the accuracy of all source information contained within.
- Some index returns displayed in this report or used in calculation of a policy, allocation or custom benchmark may be preliminary and subject to change.
- This report is provided as a management aid for the client's internal use only. Information contained in this report does not constitute a recommendation by NEPC.
- This report may contain confidential or proprietary information and may not be copied or redistributed to any party not legally entitled to receive it.

Reporting Methodology

- The client's custodian bank is NEPC's preferred data source unless otherwise directed. NEPC generally reconciles custodian data to manager data. If the custodian cannot provide accurate data, manager data may be used.
- Trailing time period returns are determined by geometrically linking the holding period returns, from the first full month after inception to the report date. Rates of return are annualized when the time period is longer than a year. Performance is presented gross and/or net of manager fees as indicated on each page.
- For managers funded in the middle of a month, the "since inception" return will start with the first full month, although actual inception dates and cash flows are taken into account in all Composite calculations.
- This report may contain forward-looking statements that are based on NEPC's estimates, opinions and beliefs, but NEPC cannot guarantee that any plan will achieve its targeted return or meet other goals.





Regents' Meeting: Nursing Workforce Shortage

9 DECEMBER 2020

RICHARD LARSON, MD, PHD
EXECUTIVE VICE CHANCELLOR
VICE CHANCELLOR FOR RESEARCH

Background

In 2012 HB19 – the Health Care Work Force Data Collection, Analysis and Policy Act – became law and the following occurred:

- Licensure boards are required to develop surveys on practice characteristics.
- Licensure data was directed to UNM HSC for stewardship and storage.
- The establishment of the New Mexico Health Workforce Committee, to include state-wide constituents.
- The Committee is required to evaluate workforce needs and make recommendations.

Source: Health Care Work Force Data Collection, Analysis and Policy Act. Vol NM Stat, 24-145C-1.; 2011

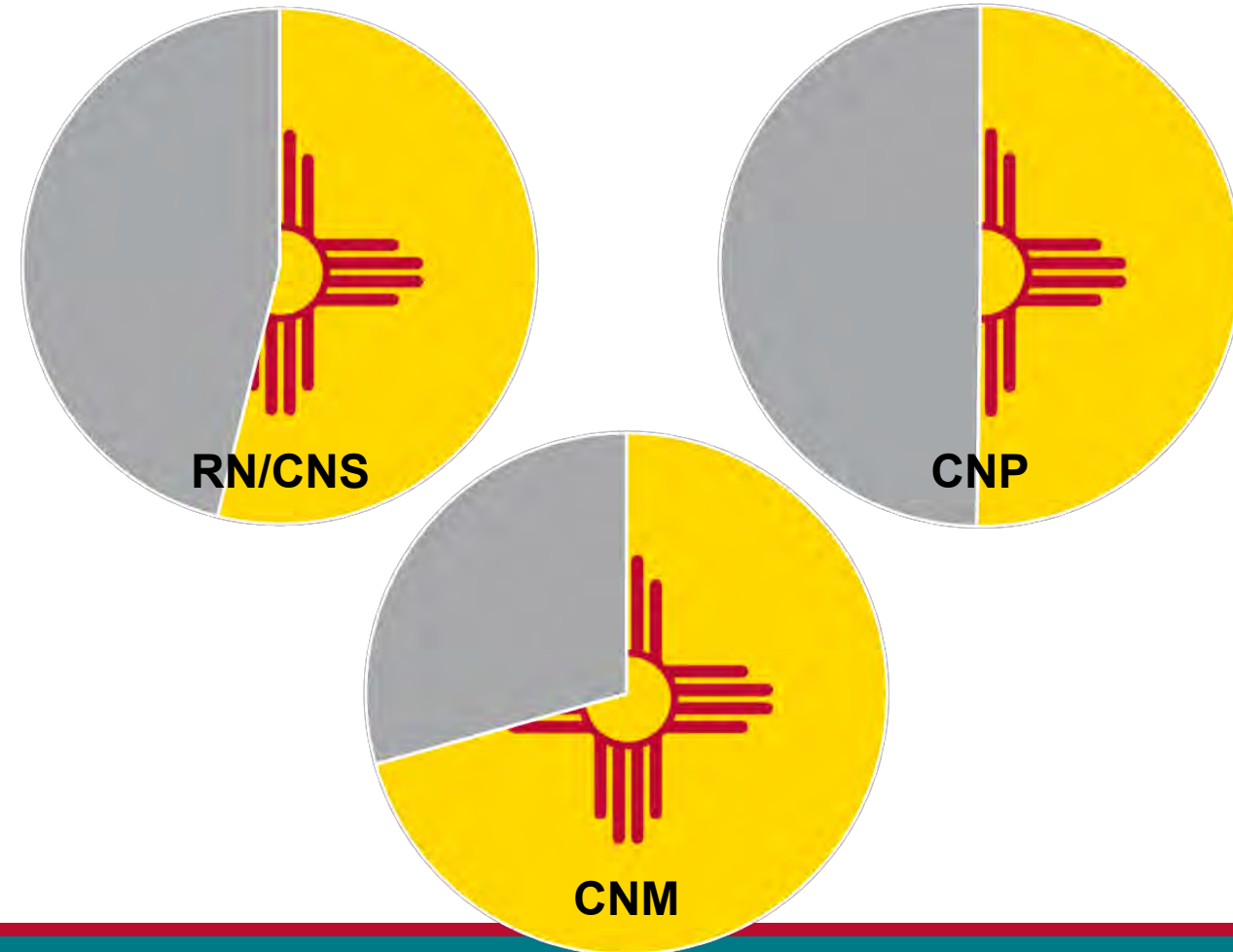
Background

Nursing Professions

- *Registered Nurses (RN)* are trained at the associate or baccalaureate level.
- *Clinical Nurse Specialists (CNS)* are trained at the masters or doctorate level. Their training and work commonly emphasize case management.
- *Certified Nurse Practitioners (CNP)* are trained at the masters or doctorate level. Their training and work commonly emphasize patient care.
- *Certified Nurse Midwives (CNM)* are trained at the masters level in midwifery.
- *Licensed Practical Nurses (LPNs)* are trained at the certificate or associate level. They are not currently analyzed by the NM Health Care Workforce Committee.

Source: Health Care Work Force Data Collection, Analysis and Policy Act. Vol NM Stat, 24-145C-1.; 2011

Benchmark Analysis



As of 31 December 2019, New Mexico has:

- 28,829 Registered Nurses and Clinical Nurse Specialists
 - 15,539 Practice in New Mexico (54%)
- 2,856 Certified Nurse Practitioners
 - 1,434 Practice in New Mexico (50%)
- 218 Certified Nurse Midwives
 - 154 Practice in New Mexico (71%)

Source: New Mexico Health Care Workforce Committee. *2020 Annual Report*. Albuquerque NM: University of New Mexico Health Sciences Center; 2020

Hiring Demand for Health Care Workforce

The ***NM Department of Workforce Solutions*** contributed analysis of the current and projected hiring demand for selected health professions.

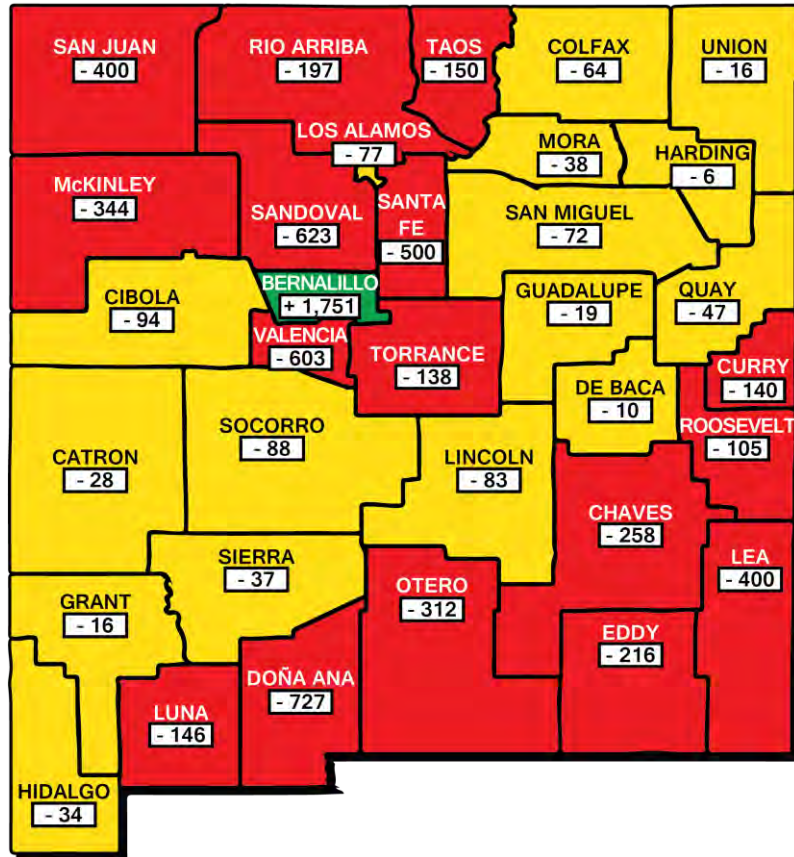
Profession	Employed in NM	Monthly Job Postings	Projected Growth
Registered Nurses	17,350	4,507	2,080
Nurse Practitioners	1,110	268	290
Pharmacists	1,500	108	40
PCPs: Family Medicine	710	166	50
PCPs: General Internal Medicine*	130*	46	< 5*
PCPs: General Pediatrics*	140*	41	< 5*

* Bureau of Labor Statistics data are suppressed for some physicians to maintain confidentiality

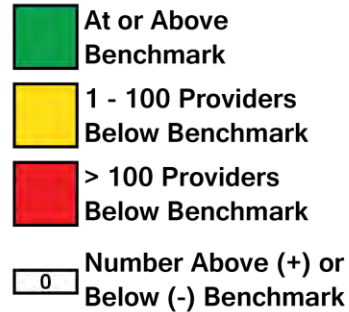
Sources: Occupational Employment Statistics and Projections Program
Workforce Connection Online System

Registered Nurses & CNSs

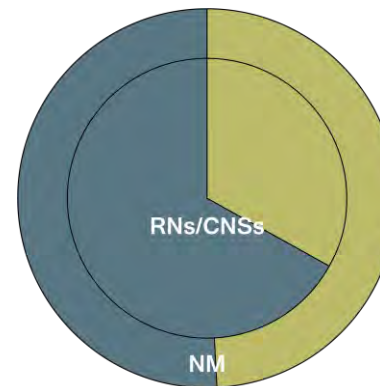
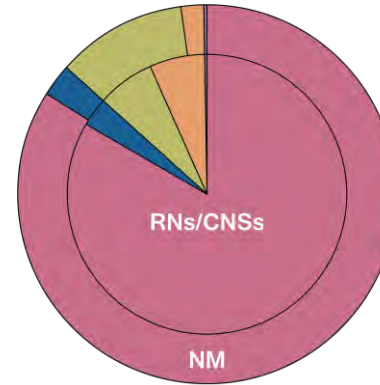
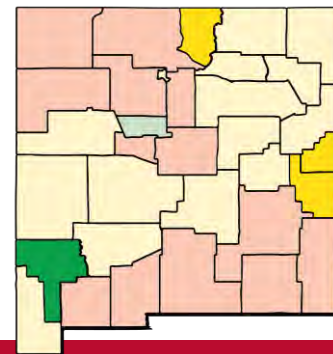
RNs and CNSs Compared to Benchmark, 2019



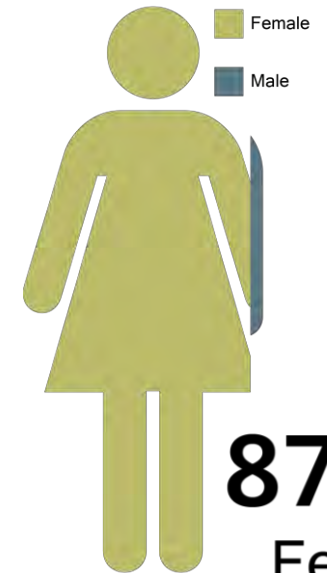
Comparison
to Benchmark
(94.3 per 10,000
Population)



2018



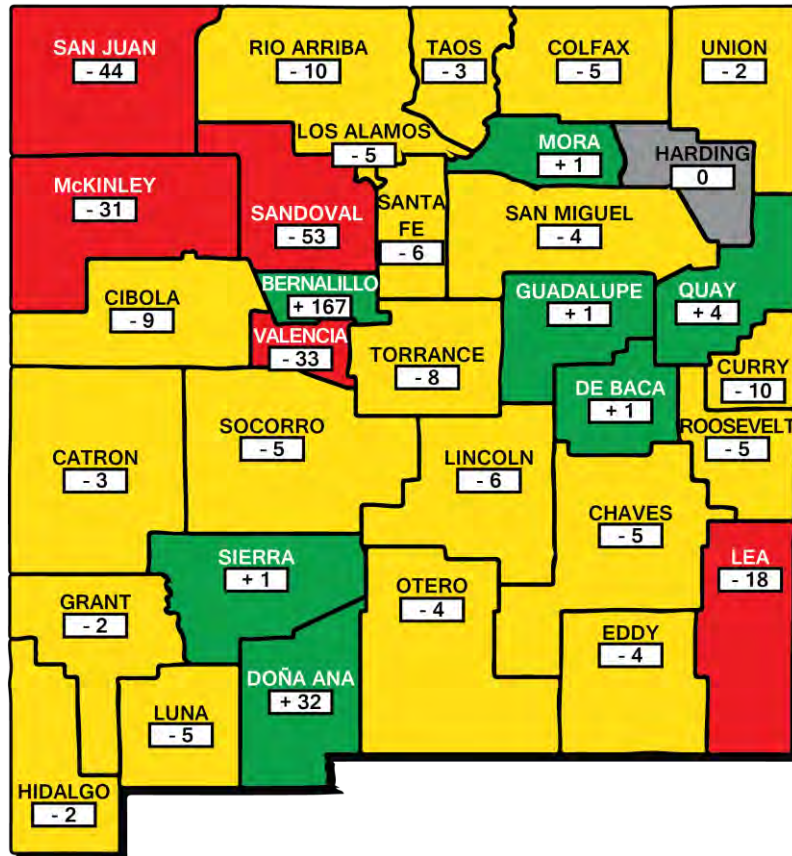
Average Age
46.6



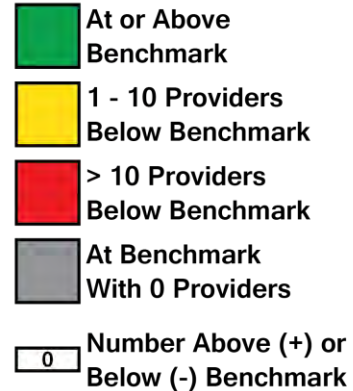
87.7%
Female

Certified Nurse Practitioners

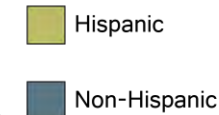
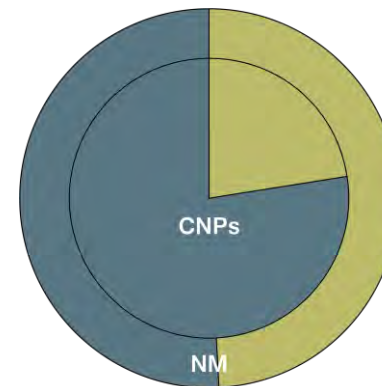
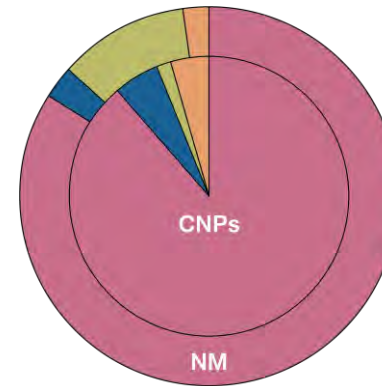
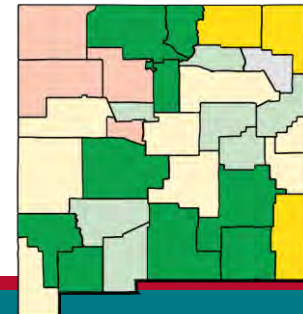
CNPs Compared to Benchmark, 2019



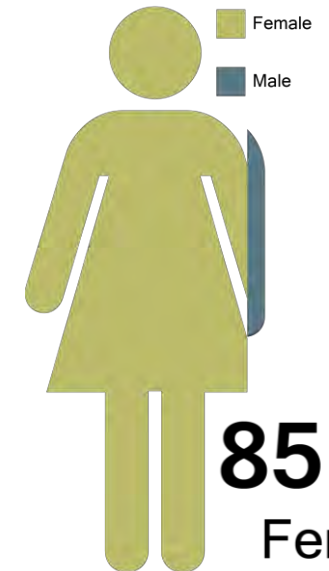
Comparison to Benchmark (7.2 per 10,000 Population)



2018



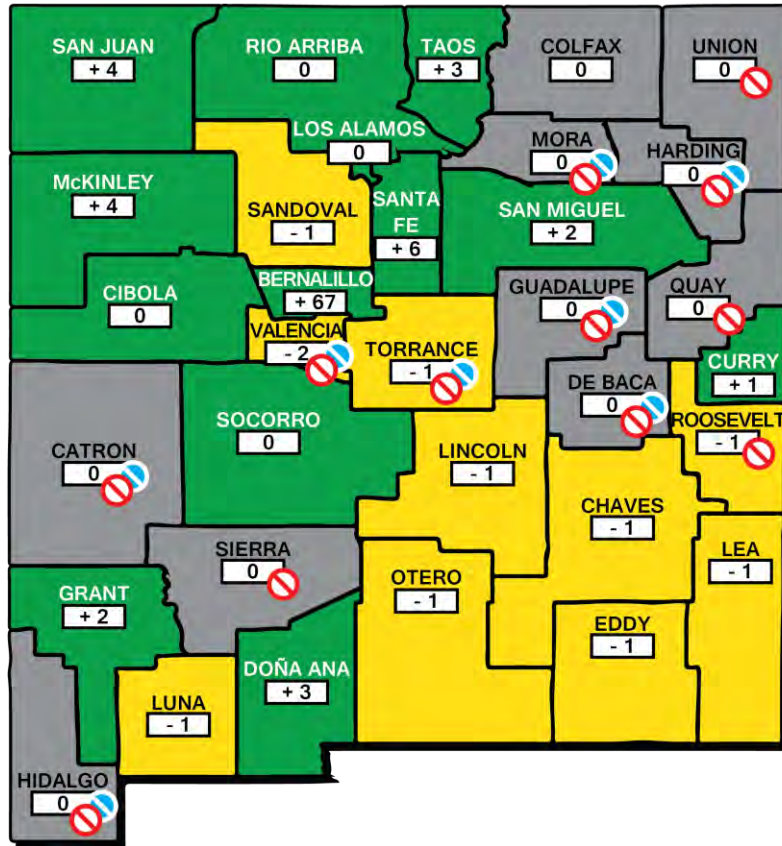
Average Age
49.3



85.6%
Female

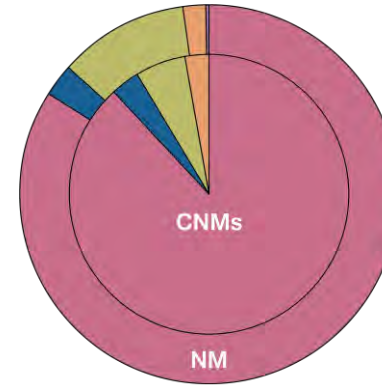
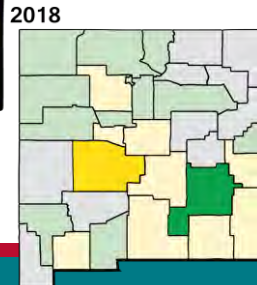
Certified Nurse Midwives

CNMs Compared to Benchmark, 2019

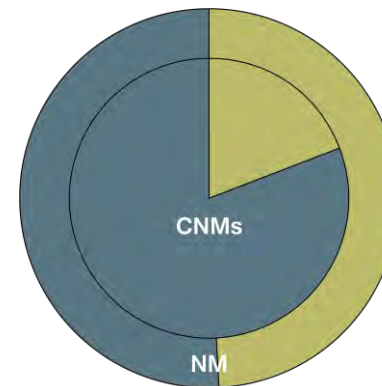


Comparison to Benchmark (0.71 per 10,000 Female Population)

- At or Above Benchmark
- 1 - 5 Providers Below Benchmark
- > 5 Providers Below Benchmark
- At Benchmark With 0 CNMs
- No Surgical Facility in County
- No Inpatient Maternity Service in County

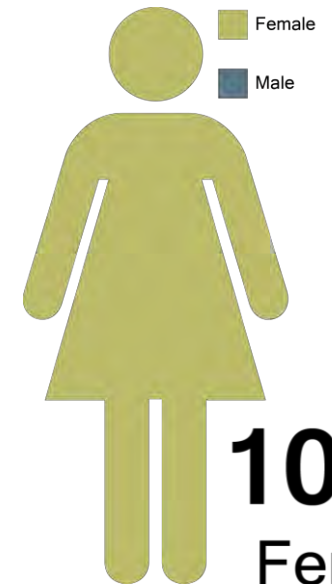


- White or Caucasian
- Black or African American
- Native American and Alaska Native
- Asian, Native Hawaiian and Other Pacific Islander



- Hispanic
- Non-Hispanic

Average Age
49.2



100%
Female

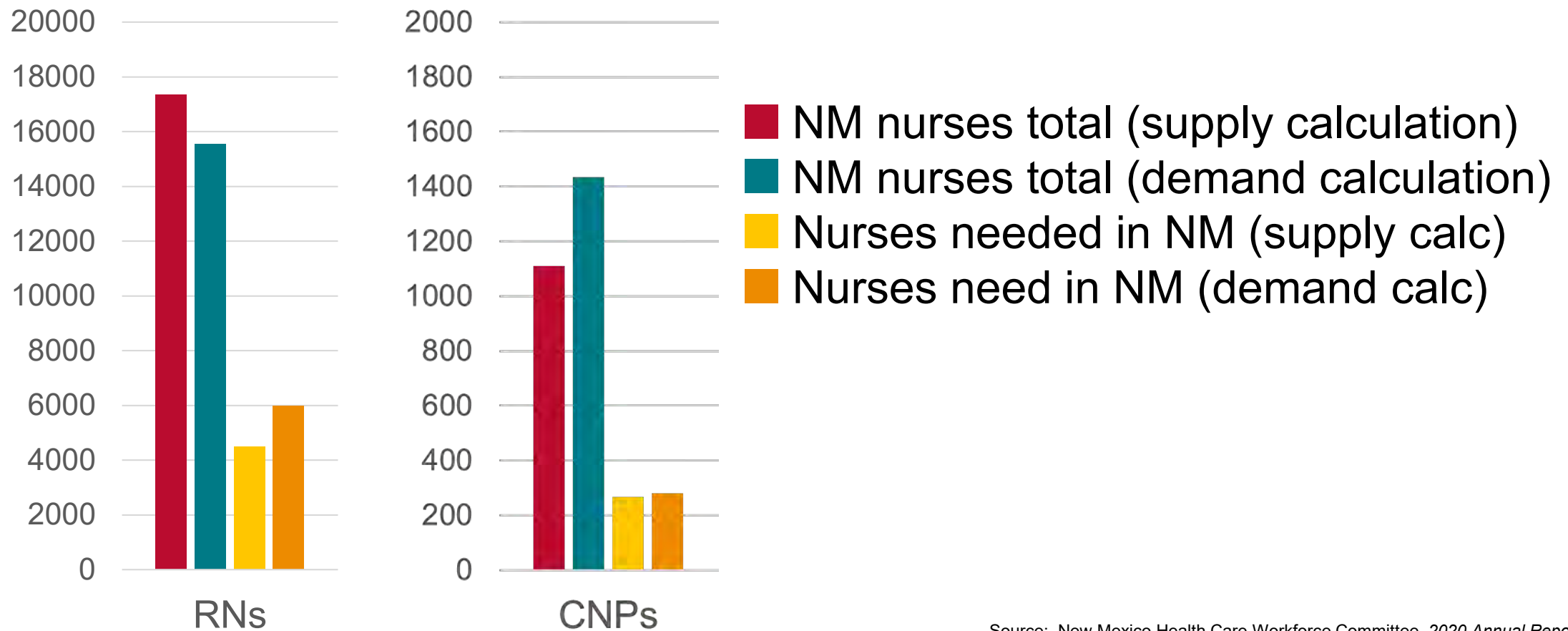
Shortages By Supply Calculations

As of 31 December 2019¹:

- Shortages are most severe in less-populated counties
- *Without redistributing* the current workforce, New Mexico needs:
 - 5,985 RNs/CNSs
 - 282 CNPs
 - 13 CNMs

1. New Mexico Health Care Workforce Committee. *2020 Annual Report*. Albuquerque NM: University of New Mexico Health Sciences Center; 2020

Shortages Compared to Hiring Demand



Source: New Mexico Health Care Workforce Committee. 2020 Annual Report.
Albuquerque NM: University of New Mexico Health Sciences Center; 2020.

Questions?



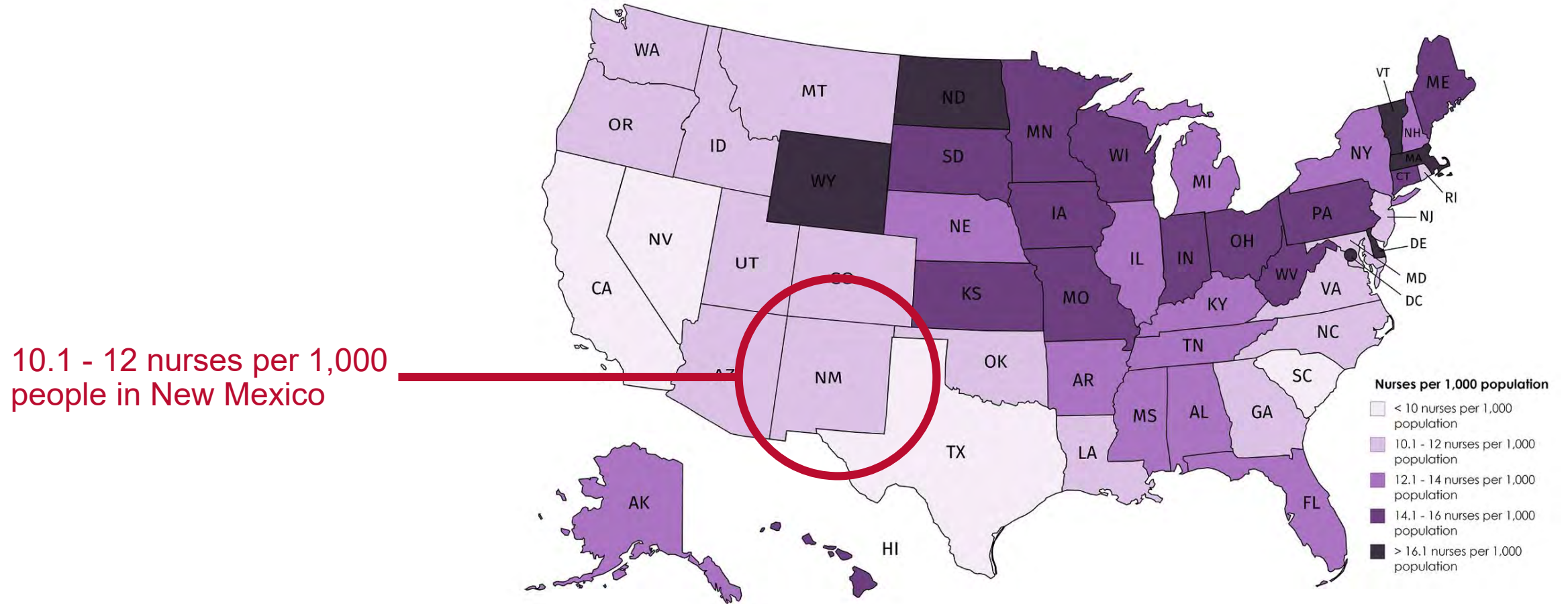
Richard S Larson, MD, PhD
Executive Vice Chancellor
Vice Chancellor for Research
<http://hsc.unm.edu/research/>

Proposed Expansion Pre-Licensure Programs

Christine E Kasper, PhD, RN, FAAN, FACSM
Dean and Professor

Shortage of Registered Nurses by State

US Bureau of Labor Statistics, 2020



Undergraduate Programs

Pre-Licensure HSC & Rio Rancho Campus	246
Pre-Licensure Direct Entry	15
Pre-Licensure Dual Degree	306
Pre-Licensure RN to BSN	331
Total Enrolled	898

Graduate Programs

Adult-Gerontology Acute Care NP	18
Family NP	35
Nurse-Midwifery	14
Pediatric NP – Primary Care	10
Psychiatric Mental Health NP	20
Nursing Administration	30
Nursing Education	10
DNP	40
PhD	24
Total Enrolled	201

ALL CON Total: 1,099



- Clinical Rotation and Preceptorships
- Clinical Faculty
 - Conflict of Interest (COI) & Conflict of Commitment (COM)
 - Limited pool of MSN and DNP/PhD prepared Faculty
- Qualified New Mexico students
 - Applied Stem-Science
- Facilities

Spring 2020 Clinical Placements

Undergraduate HSC/Rio Rancho Enrollment Total: **294** w/o Direct Entry



Clinical Site	Number of Rotations Per Site
UNM Hospital	378
Genesis Health Care Facilities	96
GEHM Clinic	64
Raymond G. Murphy VA Medical Center	61
Presbyterian Hospital	50
Presbyterian Rust Medical Center	19
Sandoval Regional Medical Center	17
Bernalillo High School	16
Lovelace Westside Hospital	15
Lovelace Rehabilitation Hospital	8
Albuquerque Public Schools**	7
Chinle Comprehensive Care Facility**	7
Lovelace Women's Hospital	6
Dar A Luz Birth & Health Center	1

Average of 3 Clinical Rotations Per Pre-Licensure Undergraduate Student. Rotation cancelled prior to rotation start due to COVID-19**

Fall 2020 Clinical Placements

Undergraduate HSC/Rio Rancho Enrollment Total: **246** w/o Direct Entry



Clinical Site	Number of Rotations Per Site
UNM Hospital	506 <small>34% Increase from Spring 2020, thank you UNMH!!</small>
GEHM Clinic	89
Presbyterian Rust Medical Center	46
NMDOH Care Calls	44
Sandoval Regional Medical Center	36
Heart Hospital of New Mexico	31
UNM Student Health & Counseling	14
Raymond G. Murphy VA Medical Center	3
Total Rotations	769

Average of 3 Clinical Rotations Per Pre-Licensure Undergraduate Student

Opportunities/Challenges for Program Expansion

Opportunities

- Increase Pre-licensure Enrollment via:
 - HSC
 - HSRR
 - Freshman Direct Entry
- Opportunities to transfer HSC-CON Waitlist to Branch Campuses:
 - UNM Taos
 - UNM Gallup
 - UNM Valencia
- Opportunities to attract out of state BSN students
- Begin 2nd Degree BSN program

Challenges

- Clinical Rotations
- National Faculty Recruitment
- Conflict of Interest/Conflict of Commitment
- Identifying Qualified Student Applicants
- Funding
- In State vs. Out of State Tuition



UG Admissions Increase by AY Proposal

College of Nursing Pre-Licensure Expansion:								
Academic Year	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
HSC-Main/HSRR BSN	176	192	192	256	288	320	320	320
Direct Entry BSN	15	24	24	24	24	24	24	24
2nd Degree BSN	0	0	24	48	64	64	64	64
Total	191	216	240	328	376	408	408	408
Percent Increase Yr Over Yr	NA	13.09%	11.11%	36.67%	14.63%	8.51%	0.00%	0.00%
Percent Increase AY20/21 to AY25/26: 114% or 217 Students								

Academic Year 2025/26 UG Maximum Enrollment: 408

Clinical Rotations Required for Expansion

Additional Students Results in:

- Additional students at program capacity require an average of 3 rotations per term
 - Expansion $217 \times 3 = 651$
 - Existing Students $191 \times 3 = 573$
 - **Grant Total of 1,224 Clinical Rotations per term**
- Program expansion requires unified effort regarding clinical placements across the (3) hospital systems
 - UNMH
 - Presbyterian
 - Lovelace
- Proposal includes a clinical placement hospital consortium initiative similar to that of the New Mexico Nursing Education Consortium (NMNEC)

Traditional BSN Financial Need Net of Tuition Revenue

Traditional BSN Increase Proposal	Year 1 AY23/24	Year 2 AY24/25	Year 3 AY25/26	Year 4 AY26/27	Year 5 AY27/28
Revenue					
UG Net Tuition	378,758	1,023,932	1,441,208	1,669,105	1,669,105
Tuition Differential	349,280	944,240	1,329,040	1,539,200	1,539,200
Total Revenues	728,038	1,968,172	2,770,248	3,208,305	3,208,305
Expenses					
Faculty Salaries (19 New FTEs Over 5 Yrs)	1,359,797	1,722,125	2,060,149	2,301,572	2,329,370
PT Clinical Instructors and GA/TAs	107,388	161,082	214,776	214,776	214,776
Staff Salaries (11 New FTEs Over 5 Yrs)	325,314	438,090	553,088	614,481	620,625
Fringe	546,611	686,147	826,384	917,174	928,141
GA/TA Tuition Waivers	67,032	100,548	134,064	134,064	134,064
Total Compensation Expenses	2,406,142	3,107,991	3,788,461	4,182,067	4,226,977
Simulation and Lab Expense	120,000	120,000	120,000	120,000	120,000
Telecommunications	12,180	12,180	12,180	12,180	12,180
Bad Debt	3,640	9,841	13,851	16,042	16,042
Banner Tax	1,322	1,322	1,322	1,322	1,322
Total Non-Salary Expense	137,142	143,343	147,353	149,543	149,543
Total Operating Expenses	2,543,284	3,251,334	3,935,814	4,331,610	4,376,520
Net Margin	(1,815,246)	(1,283,162)	(1,165,566)	(1,123,305)	(1,168,215)

2nd Degree BSN Financial Need Net of Tuition Revenue

2nd Degree BSN Increase Proposal	Year 1 AY22/23	Year 2 AY23/24	Year 3 AY24/25	Year 4 AY25/26	Year 5 AY26/27
Revenue					
UG Net Tuition	180,763	361,525	482,033	482,033	482,033
Tuition Differential	213,120	426,240	568,320	568,320	568,320
Total Revenues	393,883	787,765	1,050,353	1,050,353	1,050,353
Expenses					
Faculty Salaries (4 New FTEs Over 5 Yrs)	379,256	438,241	439,603	443,999	448,439
Staff Salaries (3 New FTEs Over 5 Yrs)	178,969	180,758	182,566	184,391	186,235
Fringe	179,050	191,420	191,383	193,297	195,230
Total Compensation Expenses	737,274	810,419	813,551	821,687	829,903
Marketing Expense	30,000	30,000	30,000	30,000	30,000
Simulation and Lab Expense	3,000	3,000	3,000	3,000	3,000
Telecommunications	3,360	3,360	3,360	3,360	3,360
Bad Debt	1,969	3,939	5,252	5,252	5,252
Banner Tax	364	364	364	364	364
Total Non-Salary Expense	38,693	40,662	41,975	41,975	41,975
Total Operating Expenses	775,967	851,082	855,526	863,662	871,879
Net Margin	(382,085)	(63,317)	194,827	186,691	178,475

- Total Average Unfunded Financial Need Traditional BSN Expansion:
\$1,311,099
- Total Average Unfunded Financial Need 2nd Degree BSN Yr 1 and Yr 2:
\$222,701
- Additional 217 students at program capacity will require on average of 3 rotations per term of 651 for a grand total of **1,224 clinical rotations per term**
- **Additional Clinical Simulation Hours of 26,496** hours during program maximum in the Spring term beginning in AY24-25
 - Assumes a 1:8 faculty to student ratio
 - Represents an approximate 92% increase in simulation over current base

Average In-State Total Tuition & Fees Per Student by Program


Traditional Bachelor of Science in Nursing	
Tuition	28,159.36
Mandatory Fees	8,278.92
Course Fees	1,643.00
Tuition Differential	13,320.00
Program Total	\$51,401.28

Master of Science in Nursing Advance Practice Registered Nurse	
Tuition	16,163.40
Mandatory Fees	4,281.20
Course Fees	2,695.00
Tuition Differential	13,695.00
Program Total	\$36,834.60

Master of Science in Nursing Education/Administration	
Tuition	9,991.92
Mandatory Fees	2,646.56
Course Fees	840.00
Tuition Differential	8,466.00
Program Total	\$21,944.48

Memo

To: Teresa A. Costantinidis, Senior Vice President for Finance and Administration

From: Thomas M. Neale, Director of Real Estate 

Date: December 2, 2020

Re: Approval of New Mexico Higher Education Department Requirements Regarding Conveyance of Real Estate from Innovate ABQ

The conveyance of the real property interest of Innovate ABQ to the Regents of the University of New Mexico was approved in May 2020 by the Board of Directors of Innovate ABQ and by the Regents in July 2020. The conveyance was presented to the New Mexico Capital Projects Committee of the New Mexico Higher Education Department (NMED) on November 12, 2020. NMED approved the conveyance subject to the following contingency:

“Letter from UNM Board of Regents outlining how they anticipate managing this project going forward, specifically how they will utilize the current space and property as a business incubator, their intended path of enter into ground leases to further develop the property going forward, and a commitment to not use state funds for this project, all of which were outlined in this presentation.”

The Real Estate Department is requesting approval by the Board of Regents of the University of New Mexico of this contingency. Attached is the overview of conveyance of the real property interests of Innovate ABQ that was provided to NMED and was the basis of our presentation.

Memorandum

**To: Gerald M. Hoehne, HED Director of Capital Projects
Mark Valenzuela, Legislative Finance Committee
Steve Olsen, Legislative Finance Committee**

From: Thomas M. Neale, UNM Director of Real Estate

Date: September 24, 2020

**Re: Overview of Conveyance of Real Property Interests of Innovate AB to the
Regents of the University of New Mexico**

Thank you for your questions concerning the rationale, financial impact, and environmental issues concerning the proposed conveyance of the Innovate ABQ project to the Regents of the University of New Mexico. In response, we are providing the following information detailing our rationale, financial pro forma, and environmental conditions. We believe the attached information clearly demonstrates that protective arrangements that have been made to mitigate financial risks and address any subsequent negative environmental impacts.

We are confident that the interests of the University of New Mexico Board of Regents are well protected. Please let us know if you have any questions or need additional information

Rationale for the Conveyance of Real Property Interests from Innovate ABQ to the Regents of the University of New Mexico.

The former First Baptist Church was acquired by UNM Rainforest Innovations (formerly UNM.STC) in 2013 for the purpose of creating Innovate ABQ, an innovation district that would provide facilities and resources to support the entrepreneurial community to assist with technology transfer from public institutions and national laboratories within the state, the creation of new business enterprises, and support existing start-up and established companies within the State of New Mexico. The goal is to develop a highly effective support network for job creation that promotes a business environment and retention of the jobs in New Mexico.

In support of this initiative, a partnership of private and public entities was formed to guide these efforts. Innovate ABQ, a New Mexico non-profit was incorporated under the University Research and Economic Development Act and was incorporated in 2014. The 14-member Board of Directors for Innovate ABQ includes members from the private sector, governmental entities, CNM, and UNM.

The first phase of development included the UNM Lobo Rainforest Building and the CNM Ingenuity's Fuse Makerspace. The 160,000-square-foot mixed-use Lobo Rainforest Building includes 310 student housing beds on floors two through six and the ground floor houses Sandia Labs C3 Downtown, Air Force Research Labs New Mexico Tech Engagement Office, UNM Rainforest Innovations, and UNM Innovation Academy. The 15,000-square-foot Fuse Makerspace is a community center with tools that allow members to design, prototype, and create manufactured works. The projects were completed in 2017 and 2018. Both projects are in direct alignment with the goals of establishing a vibrant innovation district.

To reinvigorate the project and create operational economies of scale, the Innovate Board of Directors approved the conveyance of the real property interest to the Regents of the University of New Mexico in May 2020. The Regents accepted the conveyance in July 2020. The primary components of the conveyance include the fee interest in the seven-acre site at the northwest corner of Central Avenue and Broadway Boulevard in Downtown Albuquerque, the fee interest in the former church sanctuary and the adjoining five-story tower and education wing. The conveyance also includes the leased fee interest in the CNM Fuse Makerspace, and the long-term ground lease to Signet Enterprises, the developer of the Lobo Rainforest Building.

There is not a fee or price associated with this conveyance. Upon completion of the conveyance, the Regents of the University of New Mexico will be responsible for operational and management control of the ownership. It is the intent of the Regents to place the property under management by Lobo Development Corporation, who will have financial and management responsibility for the day-to-day operations. This activity will be supported by UNM Rainforest Innovations, the UNM Real Estate Department, and other University Institutional Support Services Departments.

The benefit of this structure will be the elimination of redundant administrative costs that will result in lower operational expenses for the project, provide property management, project development and construction management expertise, and leverage the wide range of support services available at the University of New Mexico. UNM Rainforest Innovations will take a lead role in expanding the current on-

site partnerships and facilitating growth in technology transfer, new business formation, and furthering the economic development goals of private and public partners.

The operational costs associated with this conveyance will be born by Lobo Development Corporation. As new facilities are developed on the site, the net income will be used for long-term management of the project and furtherance of the goals established by Innovate ABQ.

Financial Proforma

If approved, the real property interests of Innovate ABQ will be transferred to the Regents of the University of New Mexico. The Regents will enter into an operating agreement with Lobo Development Corporation for day-to-day management of the property. The property interests to be conveyed include the fee simple interest in the undeveloped land and unimproved church buildings, an occupancy lease for the CNM Fuse makerspace, a ground lease for the building footprint supporting the Lobo Rainforest Building, and a development agreement with the Regents of the University of New Mexico that provides for parking for the improvements.

Following is a brief description of the real property interests.

Fee Simple Interest in the Undeveloped Land and Improvements: The fee simple component includes 6.2366 acres of land and the existing buildings that have not been renovated containing the former church sanctuary, adjoining five-story tower, and classroom wing containing approximately 75,000 square feet.

Leased Fee Interest in the Occupancy Agreement for CNM Ingenuity's Fuse Makerspace: On September 28, 2017, Innovate ABQ entered into a lease with CNM Ingenuity for the 13,578-square foot former gymnasium building located in the southwest corner of the Innovate ABQ site. The term of the lease is five years with an expiration date of September 28, 2022. Rent for the first three years is \$1.00 per month. After the third year, the parties will negotiate a base rental rate that will not exceed market rates for comparable properties. CNM is responsible for paying all operating expense for the term of the lease.

Leased Fee Interest in the Lobo Rainforest Ground Lease: In July 2016, Innovate ABQ entered into a ground lease agreement with Signet IABQ LLC, an Ohio limited liability company (aka Signet Enterprises). The ground lease is for the footprint of the Lobo Rainforest Building and contains 31,538 square feet. The term of the ground lease is 30 years with payments commencing on August 15, 2017 in the amount of \$2,933 per month, or \$35,196 annually. Rent increases every five years by 10% over the then current rent. Signet was the selected master developer for the site and entered into a separate master lease with the University of New Mexico for the design and construction of the Lobo Rainforest Building.

Development Agreement between Innovate ABQ and UNM: On May 15, 2017, Innovate ABQ entered into a Development Agreement with UNM. The purpose of the Development Agreement was to address parking, future extension of the ground lease for an additional 30 years, a residential use restriction, and payment of common area operating expenses. The agreement provides for 218 parking spaces at an annual cost of \$37.22 per space per month, or \$97,368 per year. The parking is for use by occupants of

the Lobo Rainforest Building with 155 spaces dedicated to the student housing component and the balance used to support the office occupants on the ground floor of the building.

Revenue Projections: Revenue estimates are based on existing lease agreements, projections for future development, parking revenue, and common area expense reimbursement. Assumptions are as follows:

Rental Revenue:

- Ground rent for the Lobo Rainforest Building is projected based on the scheduled income pursuant to the ground lease agreement between Innovate ABQ and Signet.
- The lease to CNM Ingenuity for the Fuse Makerspace calls for the rent to be renegotiated after year three of the five-year lease. The rent is not to exceed market value for similar properties. The projections assume the space is leased at \$7.50 per square foot with CNM responsible for all building operating expenses, parking fees, and its proportionate share of common area expenses. The lease rate is escalated by 10% in the third year of our financial proforma.
- It is projected that the former classroom addition will be developed with the Bio Labs at Innovate ABQ. The method of development will be a ground lease for the building footprint to a third-party developer or the Lobo Development Corporation. The ground lease will be the building footprint of approximately 16,000 square feet and leased at a rate of \$1.50 per square foot per year, or \$24,000. This revenue stream is projected to commence in the third year of our proforma. The developer will be responsible for raising all capital and securing all financing for redevelopment of this portion of the building.
- The former church sanctuary and adjoining five-story tower represent the most difficult portion of the property to redevelop and timing is speculative. We have estimated that redevelopment of this portion will occur in year five. We have assumed a lease of the building footprint of approximately 32,000 square feet with a lease rate of \$1.50 per square foot per year, or \$48,000. The developer will be responsible for raising all capital and securing all financing for redevelopment of this portion of the building.

Parking Revenue: The Innovate ABQ has a total of 431 parking spaces. UNM currently pays a parking fee of \$37.22 per month per space for 218 parking spaces. It is projected that all tenants on the site will pay for parking. Parking is allocated at 40 spaces for the CNM Fusemaker space, 70 spaces for the proposed Bio Lab redevelopment project, and 103 spaces for the former church sanctuary and five-story tower. Parking revenue is modeled at \$37.22 per month per space and revenues are received as occupancy occurs.

Common Area Maintenance (CAM) Reimbursement Revenue: All buildings on the Innovate Site will be assessed CAM charges based on their proportionate share of the total building area on the site. The building owner or developer shall reimburse UNM for common area maintenance expenses including utilities, landscaping, repairs and maintenance, and security.

Operating Expenses: Operating Expenses include common area maintenance which are reimbursed by the building owner/developer based on their proportionate share of the development. Estimates for utilities, landscaping, site maintenance and repair, and security are based on a combination of actual expenses and market data. Non-reimbursable operating expenses include real estate taxes, insurance, property management, professional services, building services, and a capital replacement reserve. UNM as a state entity is not subject to ad valorem taxes. Any taxes imposed by the assessor will likely be attributable to the leasehold interest held by the non-governmental building owners/developers and are not a project financial responsibility. Total operating expense are estimated at \$179,986 for CY 2021.

Net Operating Income: The net operating income in the first year of the project period is \$119,728 and is anticipated to decrease slightly in the second year and fourth year as operating expenses increase and no new rental revenue for those years is projected. Increases in years three and five are a result of new projects being completed which results in higher ground rent, parking, and CAM revenue.

Conclusions: The transfer of ownership to UNM will stabilize operations and have a positive financial impact. The guidance from leadership is to further economic development as envisioned from the outset with continued development of public-private partnerships to facilitate expansion of the innovation district. The approach will be to facilitate projects through the creation of long-term ground leases to the public, private, or non-profit developer. This approach provides modest returns on land value, but mitigates risk and the need for institutional capital investment.

Innovate ABQ Proforma: Assumes Ownership Vested in the Regents of UNM and Managed by Lobo Development

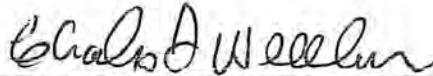
	CY 2021	CY 2022	CY2023	CY2024	CY2025
Gross Income					
Rental Revenue					
Lobo Rainforest Ground Rent	\$35,196	\$35,196	\$38,716	\$38,716	\$38,716
CNM Ingenuity Fuse Makerspace Building Lease	\$101,835	\$101,835	\$112,019	\$112,019	\$112,019
Bio Labs at Innovate Ground Lease			\$24,000	\$24,000	\$24,000
Church Sanctuary and Tower Ground Rent					\$48,000
Total Rental Revenue	\$137,031	\$137,031	\$174,735	\$174,735	\$222,735
Parking Revenue					
Lobo Rainforest Ground Rent	\$97,368	\$97,368	\$97,368	\$97,368	\$97,368
CNM Ingenuity Fuse Makerspace Building Lease	\$17,866	\$17,866	\$17,866	\$17,866	\$17,866
Bio Labs at Innovate Ground Lease			\$33,600	\$33,600	\$33,600
Church Sanctuary and Tower Ground Rent					\$46,004
Total Parking Revenue	\$115,234	\$115,234	\$148,834	\$148,834	\$194,838
CAM Reimbursement					
Lobo Rainforest Ground Rent	\$43,550	\$44,421	\$45,309	\$46,216	\$47,140
CNM Ingenuity Fuse Makerspace Building Lease	\$3,900	\$3,978	\$4,058	\$4,139	\$4,221
Bio Labs at Innovate Ground Lease			\$6,763	\$6,898	\$7,036
Church Sanctuary and Tower Ground Rent					\$11,961
Total CAM Reimbursement	\$47,450	\$48,399	\$56,130	\$57,252	\$70,358
Total Effective Gross Income	\$299,715	\$300,664	\$379,699	\$380,821	\$487,931
Operating Expenses					
Common Area Maintenance (CAM)					
Site Utilities	\$10,000	\$10,200	\$10,404	\$10,612	\$10,824
Landscaping	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
Site Maintenance and Repair	\$5,000	\$5,100	\$5,202	\$5,306	\$5,412
Site Security	\$45,000	\$45,900	\$46,818	\$47,754	\$48,709
Total Common Area Maintenance	\$65,000	\$66,300	\$67,626	\$68,979	\$70,358
Non-Reimbursable Expenses					
Real Estate Taxes	\$0	\$0	\$0	\$0	\$0
Property Management @ 5% of EGI	\$14,986	\$15,033	\$18,985	\$19,041	\$24,397
Insurance	\$25,000	\$25,500	\$26,010	\$26,530	\$27,061
Professional Services (consulting, planning, legal)	\$40,000	\$40,800	\$41,616	\$42,448	\$43,297
Interim Building Maintenance	\$10,000	\$10,200	\$10,404	\$10,612	\$10,824
Reserves for Capital Replacement	<u>\$25,000</u>	<u>\$25,500</u>	<u>\$26,010</u>	<u>\$26,530</u>	<u>\$27,061</u>
Total Non-Reimbursable Expenses	\$114,986	\$117,033	\$123,025	\$125,162	\$132,640
Total Operating Expenses	\$179,986	\$183,333	\$190,651	\$194,140	\$202,998
Net Operating Income	\$119,729	\$117,331	\$189,048	\$186,681	\$284,933

Source: UNM Real Estate.TMN.08.26.20

**CERTIFICATE OF ADOPTION
OF
DISSOLUTION RESOLUTIONS AND PLAN OF DISTRIBUTION**

I hereby certify that I am the Secretary of INNOVATE ABQ, INC., a New Mexico nonprofit research park corporation (the "**Corporation**"), and that the attached resolutions for the dissolution of the Corporation and the accompanying Plan of Distribution were duly approved and adopted by the board of directors of the Corporation on August 24, 2020.

IN WITNESS WHEREOF, I have signed my name as of the date set forth below.



Charles I. Wellborn, Secretary

Date: 8-24-2020

Form of Resolutions
Dissolution of Innovate ABQ, Inc.

RESOLVED, That the Board of Directors (the "Board") of Innovate ABQ, Inc. (the "Corporation") has determined that it is deemed advisable and in the best interests of the Corporation that the Corporation should be dissolved in accordance with the provisions of the New Mexico Nonprofit Corporation Act (the "Nonprofit Corporation Act"), §21-28-21 of the New Mexico University Research Park and Economic Development Act ("URPEDA"), and Article IX of the Articles of Incorporation of the Corporation; and it is further

RESOLVED, That the Board recommends that the Corporation be dissolved; and it is further

RESOLVED, That the Board approves and hereby adopts the attached Plan of Distribution for the dissolution and liquidation of the Corporation (the "Plan"); and it is further

RESOLVED, That the question of the dissolution and liquidation of the Corporation and approval of the Plan be submitted to a vote at a meeting of Regents of the University of New Mexico (the "University") in its capacity as the sole member of the Corporation; and it is further

RESOLVED, That upon the adoption by the University of a resolution to dissolve the Corporation and approving the Plan, the officers of the corporation be and hereby are authorized and directed to take such actions, and execute, deliver, and file such forms, instruments, applications, and documents as may be required or advisable to effect the dissolution of the Corporation under the laws of the State of New Mexico and to implement the Plan; and it is further

RESOLVED, that the following individuals are confirmed as the officers of the Corporation:

Chair and President:	Carlos Perea
Secretary:	Charles I. Wellborn

**PLAN OF DISTRIBUTION
OF
INNOVATE ABQ, INC.**

This Plan Distribution (the "Plan") is intended to constitute a plan of distribution under §53-8-49 of the New Mexico Nonprofit Corporation Act (the "Nonprofit Corporation Act") and §21-28-21 of the New Mexico University Research Park and Economic Development Act ("URPEDA") to accomplish the dissolution and complete liquidation of INNOVATE ABQ, INC, a New Mexico nonprofit research park corporation (the "Corporation").

1. **Approval of Plan.** This Plan is being presented for approval by the Board of Directors of the Corporation (the "Board") and the Corporation's sole member, the University of New Mexico, a New Mexico educational institution named in Article 12, Section 11 of the constitution of New Mexico (the "University"). If the Plan is adopted by the Board and the University, the Plan shall constitute the adopted Plan for the dissolution and liquidation of the Corporation.

2. **Cessation of Business Activities.** As of the time that the University adopts one or more resolutions to dissolve the Corporation and to adopt this Plan (the "Effective Time"), the Corporation shall cease to conduct its affairs except so far as may be necessary for the winding up thereof, and the Corporation shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the Corporation, and shall proceed to collect its assets and apply and distribute them in accordance with URPEDA, the Nonprofit Corporation Act, and this Plan.

3. **Continuing Officers.** For the purpose of effecting the dissolution and liquidation of the Corporation, the Board and officers of the Corporation are authorized and directed to take all actions necessary to accomplish the dissolution and winding up of the Corporation.

4. **Dissolution Process.** From and after the Effective Time, the Corporation shall complete the following corporate actions: (a) all liabilities and obligations of the Corporation shall be paid and discharged, or adequate provision shall be made therefor; and, (b) assets held by the Corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred and conveyed in accordance with such requirements, and specifically, in accordance with URPEDA §21-28-21 and Article IX of the Corporation's Articles of Incorporation, all rights and properties of the Corporation shall pass to and be vested in the University, subject to the rights of any bondholders, lienholders, creditors or ownership interests in the Corporation.

5. **Articles of Dissolution.** When all debts, liabilities and obligations of the Corporation are paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the Corporation are transferred, conveyed, or distributed in accordance with the provisions of URPEDA, the Nonprofit Corporation Act, and this Plan, articles of dissolution shall be executed by the Corporation by two authorized officers and filed with the New Mexico Secretary of State in accordance with the Nonprofit Corporation Act.

6. **Survival of Remedy After Dissolution.** As provided in the Nonprofit Corporation Act, the dissolution of the Corporation shall not take away or impair any remedy available to or against the Corporation, its directors, officers or members, for any right or claim existing, or any

liability incurred, prior to the dissolution if action or other proceeding thereon is commenced within two years after the date of dissolution. Any such action or proceeding by or against the Corporation may be prosecuted or defended by the Corporation in its corporate name. The members, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. The Board is authorized to obtain and maintain insurance as may be necessary to cover the Corporation's obligations, including but not limited to the purchase of extended reporting period or "tail" directors' and officers' insurance.

7. **Expenses of Dissolution.** In connection with and for the purposes of implementing and assuring completion of this Plan, the Corporation may, in the absolute discretion of the Board, pay or authorize the payment of any brokerage, agency, professional and other fees and expenses of persons rendering services or insurance to the Corporation in connection with the collection, sale, exchange or other disposition of the Corporation's property and assets and the implementation of this Plan.

8. **Authorization.** The Board is hereby authorized, without further action by the University to do and perform or cause the officers of the Corporation, to do and perform, any and all acts, and to make, execute, deliver or adopt any and all agreements, resolutions, conveyances, certificates and other documents of every kind that are deemed necessary, appropriate or desirable, in the absolute discretion of the Board, to implement this Plan and the transaction contemplated hereby, including, without limiting the foregoing, all filings or acts required by any state or federal law or regulation to wind up its affairs.



Regent Advisors' Comments

List of 2020-2021 Regent Advisors:

Finnie Coleman, President, Faculty Senate

Nancy Shane, President, Staff Council

Muskan 'Mia' Amin, President, ASUNM

Nikhileswara 'Nikhil' Naguru, President, GPSA

Kevin Malloy, President, Retiree Association

Chad Cooper, President, UNM Alumni Association Board of Directors

Randy Velarde, Chair, UNM Foundation Board of Trustees