

**MESALANDS COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
MINUTES OF THE SPECIAL BOARD MEETING**

**February 9, 2023**

The Mesalands Community College Board of Trustees met in special session on Thursday, February 9, 2023, at 5:30 p.m. via Google Meet in Tucumcari, New Mexico.

**CALL TO ORDER**

Mr. Streetman, Chair, called the meeting to order at 5:30 p.m.

Mr. Streetman announced those in attendance at the meeting, are the following:

- Mr. James Streetman
- Ms. Teresa Stephenson
- Mr. Jimmy Sandoval
- Mr. Phillip Box
- Mr. Tom Sidwell
- Mr. Joel Kiser
- Mr. Josh McVey
- Dr. Duane Brooks
- Dr. Denise Hackett
- Ms. Blanca Pauliukevicius
- Mr. Julio Galindo
- Mr. Jason Nemrow
- Mr. Mark Martinez
- Ms. Janet Griffiths
- Ms. Kim Enriquez
- Ms. Margaret Ragland
- Institutional Computing – Justin Hatterman

**I. ROLL CALL**

The following board members were present: Mr. Phillip Box, Mr. Jimmy Sandoval, Mr. James Streetman, Mr. Tom Sidwell and Ms. Teresa Stephenson.

**LIST OF ACTION ITEMS**

- 1) Approval of Agenda
- 2) Approval for Executive Session
- 3) Approval to Reconvene from the Executive Session
- 4) Action if needed after Executive Session
- 5) Approval of Emergency Solvency Plan to HED

## **II. APPROVAL OF AGENDA (Exhibit 1) – ACTION**

**ACTION** – Mr. Box made the motion to approve the updated agenda adding Comments from the Public and moving section IIV (APPROVAL OF THE EMERGENCY SOLVENCY PLAN TO HED) to section IX. Mr. Sidwell seconded the motion. A roll call vote was taken with members voting: Mr. Streetman, yes; Mr. Box, yes; Mr. Sandoval, yes; Mr. Sidwell, yes; and Ms. Stephenson, yes. The motion carried.

## **III. COMMENTS BY THE PUBLIC ON ITEMS ON THIS AGENDA**

As per Board Policy 2.3 Procedures for Addressing the Board: Any person wishing to speak to the agenda must register prior to the meeting and their comments are limited to five (5) minutes.

Mr. Streetman asked Ms. Ragland if she received any Public Comments. There were several comments from:

1. Juan Martínez, Former Student Body President - Subject: Grievance:  
The board only allowing online comments and not the ability to voice an opinion directly in the meeting really shows their true colors of corruption and how they must be involved with the money issue at Mesalands, this is a sad attempt at defending Gregg bush, someone who has ruined Mesalands. If bush isn't fired it will truly show how corrupt the board is. If Gregg was a MAN he wouldn't be hiding out he would be facing everything like a MAN and take responsibility. There should be criminal charges placed against him for what he's done.
2. Dr. Gregory Busch - Subject: HED Report and Recommendations

Mr. Chairman and Members of the Board,  
As you are aware I am confined and quite ill under physician's care and on approved medical leave and for COVID and complications from Parkinson's Disease. I am currently out of town receiving medical treatment and unable to attend tonight. Regretfully, my attorney is also out of town and unable to represent me tonight. Therefore, let me reiterate my steadfast commitment to support a solvency plan acceptable to HED and LFC and it only impact the mid-range employees minimally (if at all), the entry level employees none, and heaviest weight is carried by the chief officer's level while preserving the culture of the region. The plan I propose (which was kept out and not permitted to be integrated) recommends an adjustment differing from what is presented, establishes a more fiscally sound approach, and presents less personal financial impact on the mid-range and entry level employees. I would have appreciated having been given the opportunity to present and integrate for better fiscal health of the College. With regard to the false allegations made toward me, I ask that I be given the right to respond and that no action will be taken in my absence and, without my legal counsel, that would adversely affect my interests.

3. Matthew Benavidez- Subject: No confidence vote for Board of Trustees.

With staff and faculty senates passing a vote of no confidence for the Board of Trustees, what is the boarding going to do to regain the trust and confidence of the staff and faculty members?

4. Carla Benavidez - Subject: "No Confidence" Vote for Board of Trustees  
the unanimous decision of a "no confidence" vote for the Board of Trustees made by both the Faculty Senate and Staff Senate. What is the board going to do to gain the trust of all MCC faculty and staff?
5. Joanna Gutierrez - Subject: Solvency Plan  
The proposed plan states "share the pain". It needs to say "take responsibility". I have been questioning how MCC could continue to operate becoming so top heavy. MCC needs to revert back to the staff that was on board at the beginning of 2022. Any needed positions need to be advertised and hired appropriately. The Board and Executive Staff states they were unaware, how can that be when they were in constant contact with Dr. Busch and had access to all reports?

**IV. Report from Executive Staff - Dr. Duane Brooks, Chief of Staff –**  
The Chief Executive Staff made up of myself, Duane Brooks, Blanca Pauliukevicius, Denise Hackett, Joel Kiser, Josh McVey, Jason Nemrow, Julio Galindo, and Mark Martinez overwhelming voted no confidence in Mesalands Community College President Greg Busch. This vote took place on Sunday, February 5, 2023. The vote was 8 to 0 in favor of no confidence in the leadership of President Busch. The Chief Executive staff recommends the removal or resignation of Dr. Busch from his role as president. The reasons for the no confidence vote include the following: The President unilaterally implemented salaries increases back in January 2022, and did not communicate with HED or LFC or obtain approval from either, also blatantly exceeded the state appropriation budget which contributed to the financial situation that we currently have. The President continued hiring employees at multiple levels without consideration to the appropriation budget or the operating budget of the college throughout 2022. The President was notified multiple times from July 2022 through December 2022 that the college was in a declining financial position. He refused to share this information with all members of the college. He also stated that if any members of the executive staff mentioned the financial condition of the college to anyone outside the executive staff, they would be fired. The President was directed by HED to hold an emergency Board meeting in order to present an emergency solvency plan, he did not comply. The President was directed to share the HED letter to all Mesalands employees that notified the college it was being placed on fiscal oversight, fiscal watch, he did not comply. The President was directed by LFC to hold an emergency Board meeting in order to present and get approval for an emergency solvency plan, he did not comply. The President told us that confidentiality was an issue, we as the executive staff had to keep everything confidential, and we would not tell anyone the financial situation of the college, even though we had received a letter by HED to share their fiscal oversight letter that was dated January 18<sup>th</sup>. The President created a hostile work environment for not only the chief executive staff members, but also many other employees in the college. The President has yelled at many staff members and made effort to bully others and threatened with firing. The

President was notified back in December 2022 that the financial situation was dire, we even visited HED to explain the situation, however the President refused to take action due to a lack of fiscal sense of urgency. The President told everyone they could not contact Board members directly, or they would be fired, a hostile work environment being threatened to be fired was the case. The President failed to support the core mission of the college in every aspect to serve the students and serve the community. The President directly disregarded the advice of at least three CFO's and the entire chief executive staff. For these reasons the chief executive staff voted unanimously a vote of no confidence for President Busch to remain president.

**V. Report from Faculty Senate - Ms. Janet Griffiths** – I have been asked to represent the faculty at this board meeting. We were initially informed of the dire condition of the college the morning of February 6<sup>th</sup>. We keep getting the question, “how is the faculty doing?” I’m sure it is no surprise to you that we are hurt, worried, frustrated, angry and a multitude of emotions. A month ago we set through a three day all employee convocation and were told everything great and Mesalands was the best college in the state, the nation, and practically the whole world, then this week we were told there was only enough money for two more weeks. We have new faculty that have recently quit other jobs moved to Tucumcari and bought homes. They are greatly disappointed and fearful. Several faculty members have drafted a statement: Several faculty members would like to acknowledge that they are not particularly surprised that the college is experience a deficit in funding, but they are appalled at the magnitude of the financial crisis. They are particularly dismayed by the apparent lack of the appropriate oversight from the Board of Trustees. We hope that Board members are not going to claim as somehow being in the dark or otherwise not aware of the colleges fiscal position, to do so is to amount to an admission of incompetence. The Board has a fiduciary responsibility to monitor and ensure the financial health of the college, in fact we regard it as their primary responsibility. We are unable to understand this lack of appropriate oversight of the college’s finances. It is for this reason that a near unanimity of the faculty voted to censure both the President and the Board of Trustees by a vote of confidence. The employees of this college expect and deserve better and are appalled that we have been betrayed. The actions of the President and lack of appropriate oversight from the Board that have resulted in this financial crisis are a disgrace to the college and the community. With that being said; the faculty is committed to continuing to fight to provide a meaningful education to our students. We are hoping that you will step-in and work on the finances so that we can do what we do best, and that is teach. The biggest heartbreak to me came when one of my students came to me with tears in her eyes and asked “is the college going to close, are we going to have to leave?” I assured her that we were going through a bumpy road right now, but we were doing everything we could to keep things going. I hope I told her the truth, I don’t want to mislead her like we have been misled. We are asking for your help to make sure this does not happen.

**VI. Report from Staff Senate - Ms. Kim Enriquez** – We held an emergency staff senate meeting on Monday afternoon. We are concerned by the state of the college, we are committed to doing what we need to do to help save the college.

The floor was opened for discussion and comments: Some employees stated that they were confident that funds would be located in order for us to make it through the end of the fiscal year, it was stated that it should not be released to Dr. Busch, and that it should be restricted. Another staff member asked what it would be like if we were to merge with another institution, which is unknown. Concern about payroll that will end in two pay periods, Ms. Gonzales did share there was a solvency plan, but Dr. Busch had prevented anything from moving forward. Again, the executive staff was threatened with losing their jobs if the HED letter has shared with any of us. An employee mentioned the monthly expense reports and why the Board had not been concerned about the lack of funding before, it was stated that most of the meetings was conducted in executive session so no one externally is made aware of the happenings of the college, HED wants to change that. We had a concern that Dr. Busch's limit of approving purchase requisitions was raised from \$25 thousand to \$40 thousand. There was another employee had a concern that this was done after the Board extended Dr. Busch's contract to four years, it was explained that Dr. Busch's contract had not been signed. I reiterated to the entire staff senate that their votes would by no means come with retaliation from President Busch or the Board. The vote was taken with 29 voting no confidence in Dr. Busch, 2 abstained. Another vote was taken with 30 voting no confidence in the Board of Trustees. My fellow employees are scared, frightened, worried, so many of us have felt like we had a target on our backs, not knowing how Dr. Busch will react, one day he will talk to you and the next not, never knowing where you stand. Again, we are committed to helping the college all that we can.

## **VII. EXECUTIVE SESSION - ACTION**

**ACTION** – Mr. Box moved that the Board enter Executive Session for limited personnel matters as allowed for in NMSA 1978, Section 10-15-1 (H) (2), for litigation as allowed for in NMSA 1978, Section 10-15-1 (H) (7), and for real property and water rights as allowed for in NMSA 1978, Section 10-15-1 (H) (8). Mr. Sidwell seconded the motion. A roll call vote was taken with members voting: Mr. Sidwell, yes; Mr. Streetman, yes; Mr. Box, yes; Mr. Sandoval, yes; and Ms. Stephenson, yes. The motion carried.

## **VIII. RECONVENE FROM EXECUTIVE SESSION – ACTION**

**ACTION** – Mr. Sandoval moved that the Board Reconvene from Executive Session which was limited to discussions as stipulated above for limited personnel matters as allowed for in NMSA 1978, Section 10-15-1 (H) (2), for litigation as allowed for in NMSA 1978, Section 10-15-1 (H) (7), and for real property and water rights as allowed for in NMSA 1978, Section 10-15-1 (H) (8). Ms. Stephenson seconded the motion. A roll call vote was taken with members voting: Mr. Box, yes; Mr. Sandoval, yes; Ms. Stephenson, yes; Mr. Streetman, yes; and Mr. Sidwell, yes. The motion carried.

## **IX. ACTION, IF NEEDED BASED ON EXECUTIVE SESSION**

Mr. Streetman stated there was one action that is needed, based on Executive Session.

Mr. Sidwell made the motion to call a special meeting next Tuesday, February 14<sup>th</sup> at 5:30 pm (Google Meet). Mr. Sandoval seconded the motion. A roll call vote was taken with members voting: Mr. Box, yes; Mr. Sandoval, yes; Mr. Sidwell, yes; Ms. Stephenson, yes; and Mr. Streetman, yes. The motion carried.

## **X. APPROVAL OF THE EMERGENCY SOLVENCY PLAN TO HED – ACTION**

**Update Emergency Solvency Plan - HED - Dr. Duane Brooks & Ms. Blanca Pauliukevicius:**

Dr. Brooks went over the purposed Emergency Solvency Plan (Exhibit 5) and the reporting requirements to HED:

Enhanced Fiscal Oversight Plan (EFOP) Requirements:

Weekly EFOP Reporting Requirements – First report due February 11, 2023

1. Unrestricted Funds Available
2. Revenues and Expenditures
3. Status of Upcoming Scheduled Payrolls
4. Status of Supplemental Funding Request
5. New or Significant Fiscal Developments or Impacts

II. Monthly EFOP Reporting Requirements -First report due March 1, 2023

1. Copy of Wells Fargo Operating Account Balance Statement
2. Copy of Certificate of Deposit Account Balance Statement
3. FY21 and FY22 Annual Audit Status
4. Restricted Endowment Funds Investment Transfer Status
5. Status of Savings of Emergency Fiscal Solvency Plan
6. Status of Supplemental Funding Request

- We only have one more payroll period left.
- On Wednesday, January 25, 2023, Dr. Busch, and the chief executive staff met with LFC and HED for the purpose of developing an emergency solvency plan based on the outline provided.

**ACTION** – Ms. Stephenson moved to approve the Emergency Solvency Plan to HED with the removal of paragraph 2.2. Foundation Funds, section 13 since it was not included in the packet. The Board suggested no cuts for those making less than \$49,999 and leave the 5% cuts for those making \$50,000 - \$79,999 and leave the 10% cuts for those making \$80,000-\$109.999 and leave the 15% cuts for those making \$110,000 and up. Mr. Sandoval seconded the motion. A roll call vote was taken with members voting: Mr. Sandoval, yes; Mr. Sidwell, yes w/reservation; Ms. Stephenson, yes; Mr. Streetman, yes w/reservation; and Mr. Box, yes w/reservation. The motion carried.

Ms. Stephenson made the motion to amend the motion to include as part of the emergency solvency plan to approve staff from Mesalands to attend the Emergency Funding meeting at the Department of Finance and Administration Board of Finance on Tuesday, February 21, 2023, to request a one-time funding of 4.7 million dollars for emergency funds. Mr. Sidwell seconded the motion. A roll call vote was taken with

members voting: Mr. Sandoval, yes; Mr. Sidwell, yes; Ms. Stephenson, yes; Mr. Streetman, yes; and Mr. Box, yes. The motion carried.

## **INFORMATIONAL ITEMS**

### **XI. Announcements**

- A. Mesalands Community College Board of Trustees Special Board Meeting  
Tuesday, February 14, 2023, at 5:30 pm

### **XI. ADJOURN**

Mr. Streetman stated there was no further business and the meeting adjourned. The meeting adjourned at 7:48 p.m.

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James P. Streetman  
Chair

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Thomas Sidwell  
Secretary/Clerk