

NEW MEXICO JUNIOR COLLEGE

BOARD MEETING

Thursday, November 18, 2021
Ben Alexander Building – Daniels Room
1:30 pm

AGENDA

- | | |
|--|-----------------|
| A. Welcome | Pat Chappelle |
| B. Adoption of Agenda | Pat Chappelle |
| C. Approval of Minutes of October 21, 2021 | Pat Chappelle |
| D. President's Report | Steve McCleery |
| E. New Business | |
| 1. Monthly Expenditure Report | Josh Morgan |
| 2. Monthly Revenue Report | Josh Morgan |
| 3. Oil and Gas Revenue Report | Josh Morgan |
| 4. Schedule of Investments | Josh Morgan |
| 5. Consideration of Realignment of NMJC Organizational Chart | Steve McCleery |
| 6. Consideration of Realignment of Athletics Funding | Deron Clark |
| | Steve McCleery |
| 7. Consideration of Legislative Agenda Priorities | Steve McCleery |
| 8. Consideration of Reclassification Funding | Steve McCleery |
| 9. Consideration of Dr. Robert Rhodes Contract | Steve McCleery |
| 10. Consideration of OSHA COVID Policy | Scotty Holloman |
| 11. Consideration to Amend Bylaws of New Horizons Foundation (NHF)
to Provide for Staggered Board Terms | Jeff McCool |
| 12. Consideration of Member Appointments to the NHF Board to Staggered Terms | Jeff McCool |
| 13. Consideration of Appointment of New Director to NHF Board | Jeff McCool |
| F. Public Comments | Pat Chappelle |
| • Phone Number (575) 492-2595 | |
| • Fax Number (575) 492-2559 | |
| G. Determination of Next Meeting | Pat Chappelle |
| H. Adjournment | Pat Chappelle |

**NEW MEXICO JUNIOR COLLEGE
BOARD MEETING
OCTOBER 21, 2021
MINUTES**

The New Mexico Junior College Board met on Thursday, October 21, 2021, beginning at 1:30 p.m. in the Ben Alexander Building, Daniels Room. The following members were present: Ms. Patricia Chappelle, Chair; Mr. Travis Glenn, Secretary; Mr. Guy Kesner and Mr. Manny Gomez. Mr. Hector Baeza joined by virtually via Zoom. Mrs. Erica Jones and Ms. Evelyn Rising were absent.

Ms. Chappelle called the meeting to order and welcomed guests attending via Facebook Live due to the current COVID-19 pandemic and the current Public Health Order requiring social distancing. Ms. Chappelle stated in response to the Governor's order, guidelines continue to be followed. Ms. Chappelle encouraged the public to participate and provide public comments at the end of the formal agenda to either (575) 492-2595 or by fax to (575) 492-2559.

Upon a motion, Mr. Gomez, seconded by Mr. Glenn, the agenda was unanimously adopted.

Upon a motion by Mr. Gomez, seconded by Mr. Kesner, the Board unanimously approved the minutes of September 16, 2021 and September 30, 2021.

Under President's Report, Dr. Sharp stated the Association of Community College Trustees (ACCT) conference update was scheduled to be presented under the President's Report, but noted due to the absence of two Board members who attended the conference, the update of will be delayed until the November NMJC Board Meeting.

Dr. Sharp reminded everyone of the upcoming Regular Local Election scheduled for November 2, 2021.

Under New Business, Mr. Josh Morgan joined the meeting to present the September 2021 Financial reports. Upon a motion by Mr. Glenn, seconded by Mr. Kesner, the Board unanimously approved the Expenditure Report for September 2021. In addition, the Revenue Report, Oil and Gas Revenue Report, and Schedule of Investments Report were reviewed.

Mr. Morgan presented the Fiscal Watch Report for September 30, 2021. Upon a motion by Mr. Glenn, seconded by Mr. Baeza, the Board unanimously approved the report as presented.

Mr. Morgan presented a request for consideration of disposition of unused inventory through a public auction. He stated upon approval, a letter will be sent to the Office of the State Auditor (OSA) and the Higher Education Department (HED) notifying them of the intent to dispose the inventory at public auction. NMJC will wait 30 days after the notices are sent to OSA & HED to

hold the public auction. Upon a motion by Mr. Kesner, seconded by Mr. Gomez, the Board unanimously approved this request.

Mr. Deron Clark joined the meeting to provide consideration of an NMJC Women's Golf Team. Mr. Clark expressed his appreciation to Dr. Sharp for his leadership and service to NMJC and the athletic program over the last five years. Mr. Clark distributed a copy of the NMJC Athletic Schedule. He noted updated schedules will be provided in January and will include the 2022 spring sports. He reported approximately 98% of student athletes have been vaccinated and commented this will assist with attending games in restricted areas. Mr. Clark presented a request to add a women's golf team to the NMJC 2022-2023 sport options. He noted adding a women's golf team would demonstrate NMJC's desire and attempt to become more compliant with Title IX. Mr. Clark noted additional women's teams are hopeful in the future but noted NMJC is currently restricted with housing availability. Mr. Clark reported the costs associated with the addition of a women's golf team include the cost of hiring a full-time head coach with a start date of January 15, 2022. Expectations for this position would also be to provide services as the assistant men's golf coach for the spring of 2022. He reported the requirement of both men's and women's coaches will be to earn a CDL to provide driving services for the golf team during the 2022 spring travel. In addition, Mr. Clark noted the budget provided by Mr. Josh Morgan mirrors the men's golf team budget. Mr. Gomez asked how far NMJC is to being fully Title IX compliant. Mr. Clark responded there is a significant gap noting there are currently 112 male athletes and 63 female athletes. He stated adding this team will not correct the non-compliance matter but will demonstrate NMJC's willingness to work on the issue. Upon a motion by Mr. Glenn, seconded by Mr. Gomez, the Board unanimously approved the request as presented.

Upon a motion by Mr. Kesner, seconded by Mr. Glenn, item #8, Consideration of Appointment to the New Horizons Foundation Board was tabled.

Dr. Steve McCleery joined the meeting to present consideration of the NMJC Presidential Search Profile. Dr. McCleery reported he had the opportunity to meet with support staff, professional staff, faculty staff, the community, and the public schools, regarding the development of the Presidential Profile. In addition, he reported 121 surveys have been received. He noted 25 people, selected for the Presidential Search Committee, came together in a meeting to create the Presidential Search Profile. The Board continued with significant discussion, review and revisions to the Presidential Search Profile. Following revisions and upon a motion made by Mr. Gomez, seconded by Mr. Glenn, the Board unanimously approved the Presidential Search Profile, as amended.

Dr. McCleery presented consideration of an NMJC Presidential Search Timeline. Following significant discussion, review and revisions and upon a motion made by Mr. Glenn, seconded by Mr. Kesner, the Board unanimously approved the Presidential Search Timeline, as amended.

Dr. McCleery presented consideration of the NMJC Presidential Search Committee consisting of 25 members. The Board expressed their appreciation and gratitude to members serving on the committee. Mr. Kesner recommended a "Thank You" card along with a \$25.00 appreciation gift

card to each of the Search Committee members. Upon a motion by Mr. Kesner, seconded by Mr. Glenn, the Board unanimously approved the Presidential Search Committee and the recommendation made by Mr. Kesner.

Ms. Chappelle called for comments from the public. There being none, the next regular board meeting was scheduled for Thursday, November 18, 2021 beginning at 1:30 pm.

The Board each expressed their appreciation to Dr. Sharp for his quality of leadership and growth of NMJC for the past five plus years.

Upon a motion by Mr. Glenn, seconded by Mr. Gomez, the board meeting adjourned at 3:40 pm.

Pat Chappelle, Chair

Travis Glenn, Secretary

NEW MEXICO JUNIOR COLLEGE

Vice President for Finance

To: **New Mexico Junior College Board Members**

From: Josh Morgan

Date: November 11, 2021

RE: Expenditure and Revenue Reports for October

The October expense report represents month four or 33 percent of the 2021/2022 fiscal year. The expenditure report reflects expenditure totals that include funds expended and encumbered. The total year-to-date funds expended and/or encumbered through October 2021 is \$19,002,942.

Instruction and General had total expenditures of \$6,450,493 through October of 2021, which is 27% of budget. In the other unrestricted funds Internal Services is well above the budget. As it is each year there will be credits posting each month and Internal Services will be within budget by the end of the fiscal year. Institutional Student Aid and Auxiliary Enterprises also are above the 33% budget as of October. All of these areas have expenses that are tied to the beginning of the semester. Total current unrestricted funds expended year-to-date is \$8,742,098, which is 29% of the budget for unrestricted funds. Expenditures are up compared to October 2020 in which total current unrestricted expenditures were \$8,683,787. Expenditures are up slightly as we begin to return to more normal operations that we could not do last year because of the Covid restrictions.

Expenditures year-to-date for grants under the restricted funds is \$317,834, which is 33% of the budget for grants. Restricted student aid has expenditures of \$3,035,382 which is 79% of the budget for student aid. Financial Aid expenditures are up significantly compared to this time in FY 21. This is due to the awarding of HEERF funds. This time last year, we had awarded \$20,500 in HEERF funds. This year, we have awarded \$1,305,500 in HEERF funds. All of the funds that have been awarded this year are from the HEERF III funds which is the last HEERF funds that we have available to spend. We have \$701,099 remaining in HEERF III funds to award.

Expenditures for plant funds include expenses for Institutional projects, BR&R and ER&R. The several major projects that make up most of the expense for FY 21, Technology Upgrades, WHM Storage Building, Fire Alarm Project, WHM Roof Replacement, Dorm/Apartments Breezeway Enclosure, and the Caster Activity Center renovation. There are also several other smaller projects that are ongoing and several

projects not yet started.

Total expenditures for the month of October 2021 was \$532,401, while the year-to-date total of expended and/or encumbered funds is \$6,907,628.

The total current unrestricted revenue at the end of October is \$11,158,312 compared to \$9,656,298 at this time in FY21. Most of the revenue is generated from Tuition and Fees, State Appropriation, Oil and Gas revenue and Auxiliary Enterprises. The College will begin receiving mill levy property tax revenue in December or January.

Restricted funds revenue at the end of October 2021 was \$3,509,002 as compared to \$1,666,990 in October of 2020.

Plant fund revenue at the end of October was 190,440 which is drawdown from STB funds, the State Junior Bill Appropriation funding for Workforce Training, Maddox Foundation revenue for Western Heritage Museum and the interest revenue from the LGIP funds.

Total year-to-date revenue is \$14,857,754. Revenue at the end of October is up by \$3,616,017 as compared to October of 2020. This is due to the Oil and Gas revenue being up due to higher price of oil and the strong production levels.

The Oil and Gas report shows the first month of revenue for this fiscal year. \$4,277,011 was received in October for the month of July 2021. The oil production level is higher than the average for FY 21. The price for oil is almost up \$20.00 per barrel more than the 12-month average in FY 21. The July gas production is considerably higher than the average production for FY 21. The price of gas for July 2021 is \$4.72, up from the \$3.03 average for natural gas price in FY 21. The months of August thru October have the monthly accrual of \$465,000.00 each month. Total Oil and Gas revenue through October including three months of accrual for a total of \$4,910,223, with a small amount of oil and gas equipment revenue.

The Investment report shows that the College has \$53,000,000 in LGIP funds. There was no activity in the Investments during the month of October. At the end of October, there was \$42,208,172.28 designated for capital projects.

This is the Financial Report for October 2021.

NEW MEXICO JUNIOR COLLEGE
Expenditure Report
October 2021

33% of Year Completed

Fund	2020-21			2021-22			
	Final Budget	Year-to-Date Expended or Encumbered	Percentage of Budget Expended	Budget	Current Expended or Encumbered	Expended or Encumbered	Percentage of Budget Expended
CURRENT UNRESTRICTED FUND							
Instruction and General:							
Instruction	10,267,223	2,664,949	26%	10,728,520	841,331	2,566,058	24%
Academic Support	2,372,925	645,830	27%	2,418,150	188,757	670,898	28%
Student Services	2,121,047	550,807	26%	2,129,202	150,273	509,622	24%
Institutional Support	4,566,506	1,350,126	30%	4,723,286	404,183	1,414,942	30%
Operation & Maintenance of Plant	3,983,813	1,161,762	29%	4,125,265	307,882	1,288,973	31%
Subtotal - Instruction & General	23,311,514	6,373,474	27%	24,124,423	1,892,426	6,450,493	27%
Research	-	39,280		-	6,432	37,610	
Public Service	50,000	10,065	20%	59,300	5,353	15,719	27%
Internal Service Departments	109,089	127,750	117%	100,174	(14,913)	109,247	109%
Student Aid	710,880	381,796	54%	760,880	14,149	360,707	47%
Auxiliary Enterprises	2,160,172	1,067,303	49%	2,216,283	169,305	934,059	42%
Athletics	2,267,001	684,119	30%	2,466,657	111,093	834,263	34%
Total Current Unrestricted Fund	28,608,656	8,683,787	30%	29,727,717	2,183,845	8,742,098	29%
CURRENT RESTRICTED FUND							
Grants	908,797	206,075	23%	972,048	99,214	317,834	33%
Student Aid	3,862,038	1,672,639	43%	3,859,255	119,801	3,035,382	79%
Total Current Restricted Fund	4,770,835	1,878,714	39%	4,831,303	219,015	3,353,216	69%
PLANT FUNDS							
Capital Outlay / Bldg. Renewal & Repl.							
Projects from Institutional Funds	29,729,122	24,946,580	84%	20,063,534	419,556	6,137,336	31%
Projects from State GOB Funds	1,702,500	1,472,460	86%	4,000,000	-	154,315	4%
Projects from State STB Funds	900,000		0%	2,325,000	-	45,561	0%
Projects from General Fund	353,400	212,000	0%	150,000	-	-	0%
Projects from Private Funds	-		0%	-	-	-	0%
Projects from State ER&R	335,000	146,283	44%	335,000	20,000	89,698	27%
Projects from State BR&R	598,000	526,088	88%	598,000	92,845	480,718	80%
Subtotal - Capital and BR&R	33,618,022	27,303,411	81%	27,471,534	532,401	6,907,628	25%
Debt Service							
Revenue Bonds	-	-	0%	-	-	-	0%
Total Plant Funds	33,618,022	27,303,411	81%	27,471,534	532,401	6,907,628	25%
GRAND TOTAL EXPENDITURES	66,997,513	37,865,912	57%	62,030,554	2,935,261	19,002,942	31%

NEW MEXICO JUNIOR COLLEGE
Revenue Report
October 2021

33% of Year Completed

2020-21

2021-22

Fund	2020-21			2021-22			
	Final Budget	Year-to-date Revenue	Percentage of Budget Received	Budget	Current Revenue	Year-to-date Revenue	Percentage of Budget Received
CURRENT UNRESTRICTED FUND							
Instruction and General:							
Tuition and Fees	3,914,806	1,919,261	49%	3,939,025	39,926	1,913,126	49%
State Appropriations	5,747,200	1,956,563	34%	6,404,600	510,717	2,042,867	32%
Advalorem Taxes - Oil and Gas	7,235,000	2,956,568	41%	7,235,000	4,279,407	5,674,407	78%
Advalorem Taxes - Property	9,200,000	-	0%	9,700,000	-	-	0%
Interest Income	9,000	155	2%	9,000	5	20	0%
Other Revenues	196,418	27,952	14%	191,418	-	87,616	46%
Subtotal - Instruction & General	26,302,424	6,860,499	26%	27,479,043	4,830,055	9,718,036	35%
Research	-	-	0%	-	-	-	0%
Public Service	-	-	0%	-	-	-	0%
Internal Service Departments	9,000	-	0%	9,000	-	1,799	20%
Auxiliary Enterprises	2,846,886	1,152,533	40%	2,756,942	47,474	1,265,310	46%
Athletics	535,500	178,500	33%	530,800	43,292	173,167	33%
Total Current Unrestricted	29,693,810	8,191,532	28%	30,775,785	4,920,821	11,158,312	36%
CURRENT RESTRICTED FUND							
Grants	908,797	250,742	28%	972,048	148,793	527,134	54%
Student Aid	3,862,038	1,416,248	37%	3,859,255	264,717	2,981,868	77%
Total Current Restricted	4,770,835	1,666,990	35%	4,831,303	413,510	3,509,002	73%
PLANT FUNDS							
Capital Outlay / Bldg. Renewal & Repl.							
Projects from State GOB Funds	1,702,500	1,357,577	0%	4,000,000	-	-	0%
Projects from State STB Funds	900,000	-	0%	2,325,000	22,369	22,369	0%
Projects from General Fund	353,400	-	0%	150,000	97,600	97,600	65%
Projects from Private Funds	-	-	0%	-	50,048	50,794	0%
Interest Income (LGIP)	120,000	25,638	21%	60,000	4,953	19,677	33%
Total Plant Funds	3,075,900	1,383,215	45%	6,535,000	174,970	190,440	3%
GRAND TOTAL REVENUES	37,540,545	11,241,737	30%	42,142,088	5,509,301	14,857,754	35%

NEW MEXICO JUNIOR COLLEGE

Oil and Gas Revenue Report

October 2021

33% of Year Completed

		OIL		GAS		COMBINED		
Sales	Month of	Price per BBL	Lea County BBLs sold	Price per MCF	Lea County MCF sold	Monthly Revenue	2019-20 Original Budget	Variance Over (Under) Budget
	Distribution							
Actual	July	\$68.83	22,898,155	\$4.72	71,628,621	4,277,011	465,000	3,812,011
Actual	August					465,000	465,000	0
Actual	September					465,000	465,000	0
Actual	October					465,000	465,000	0
Actual	November						465,000	(465,000)
Actual	December						465,000	(465,000)
Actual	January						465,000	(465,000)
Actual	February						465,000	(465,000)
Actual	March						465,000	(465,000)
Accrual	April						465,000	(465,000)
Accrual	May						465,000	(465,000)
Accrual	June						465,000	(465,000)
Y.T.D. Production Tax Revenue						5,672,011	5,580,000	92,011
Y.T.D. Equipment Tax Revenue						2,396	1,655,000	(1,652,604)
Total Year-to-Date Oil & Gas and Equipment Tax Revenue						<u>5,674,407</u>	<u>7,235,000</u>	<u>(1,560,593)</u>

Source: New Mexico Taxation and Revenue Department

NEW MEXICO JUNIOR COLLEGE

Schedule of Investments

October 2021

33% of Year Completed

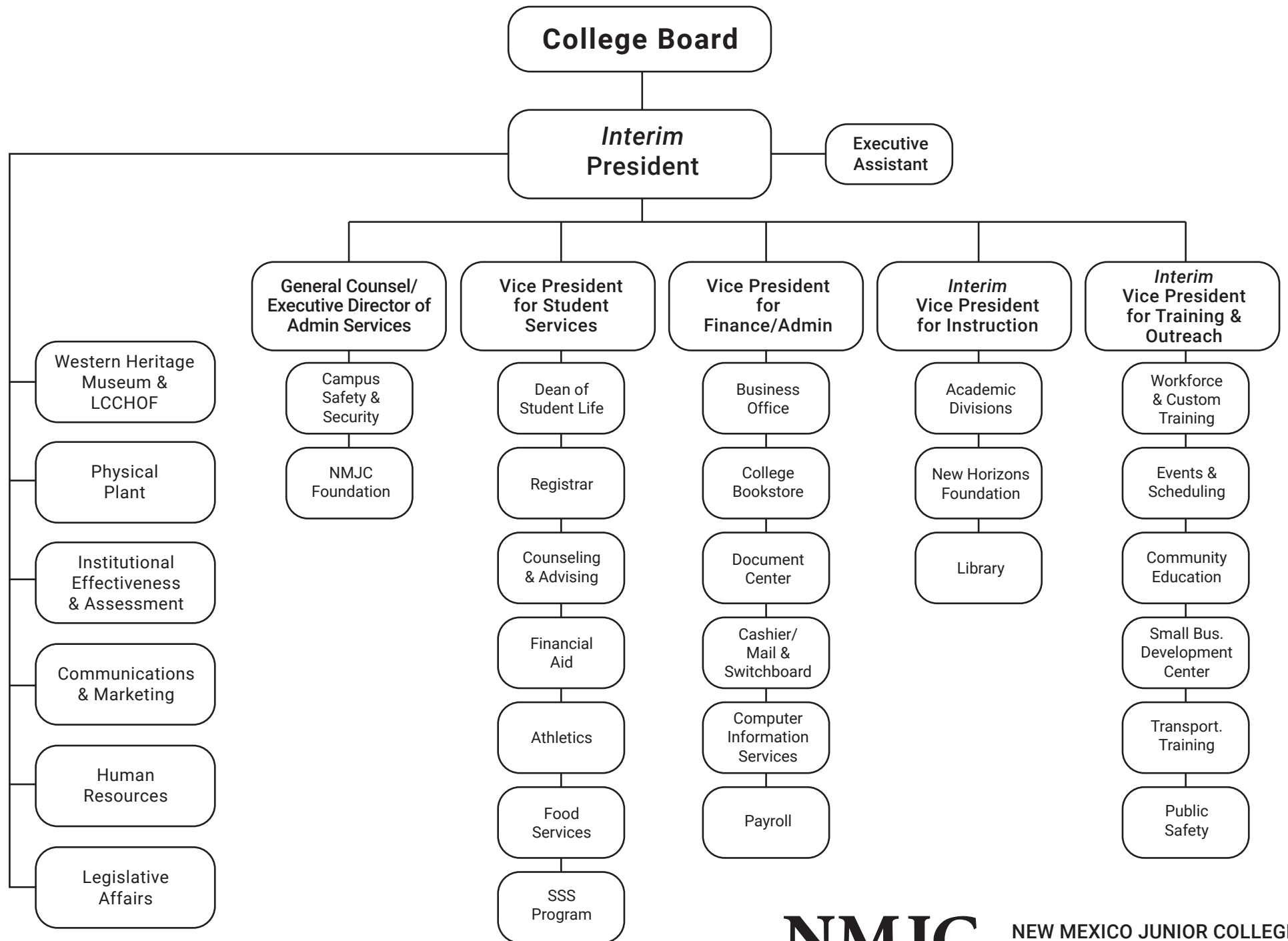
Financial Institution	Amount Invested	Account Number	Interest Rate	Interest Earned
State of New Mexico Local Government Investment Pool	53,000,000	7102-1348	0.060%	4,953
Plus deposits	-			
Less withdrawals	-			
Total LGIP investments	53,000,000			4,953

Capital Project	10/31/2021
Vehicles	608,554.06
Computer Labs/ITV Upgrade	200,000.00
Campus Vestibules	1,243,734.98
Voc B Airhandler	1,000,000.00
Softball Field	4,790,000.00
National Track Meet	110,577.39
Pi Day	23,487.04
Technology Upgrade	860,490.35
JASI	37,962.93
WHM Storage Building	67,922.20
Baseball Field	530,173.45
Rodeo Arena	131,822.09
Fire Alarm Upgrade	661,975.11
Landscaping	1,136,485.80
Smart Classrooms	313,033.51
Campus Signage	552,142.53
Campus Paving	593,344.98
Roof Replacement	2,000,213.08
Dorm/Apartment Refurbish	307,403.77
Concrete Upgrade	476,196.80
Campus Construction	269,333.57
Oil & Gas Training	88,974.02
Workforce Training & Outreach	250,000.00
Guided Pathways Rob Johnstone	140,000.00
Campus Security	333,414.32
Copier Replacement	73,082.22
Non-Recurring Compensation	1,000,000.00
Athletics	620,037.05
Student Life Programming	20,432.28
Succession Plan	52,014.15
WHM Exhibits	34,806.98
Track Upgrades	204,337.60
Driving Range Upgrades	556,679.32
McLean Hall Renovations	118,502.85
Cafeteria Upgrade	1,556,668.67
Channel 19 Upgrade	2,389.50
Equestrian Center	2,936,700.29
Bob Moran Upgrades	12,260.87
Campus/Hospital Fencing	563,509.84
Turf Replacement	397,527.12
Watson Hall Renovation	2,422,073.60
Facilities Management System	1,249,669.06
Busing Support for Recruiting	5,872.30
Caster Upgrades	3,108,411.33
Workforce Training Center	6,000,000.00
Heidel Hall Renovation	2,000,000.00
Heidel/Hagelstein Air Handlers	400,000.00
Air Handlers	2,000,000.00
Allied Health	144,274.63
Workforce Training Contingency	1,680.64
Total	42,208,172.28

Memorandum

To: New Mexico Junior College Board
From: Steve McCleery, Ed.D., Interim President
RE: Approval of Organizational Chart
Date: November 9, 2021

Please consider approving the Interim Organizational Chart. These changes are necessary to support the Mission of the College, i.e. Interim President, Interim Vice President for Instruction, and Interim Vice President for Training and Outreach.



Memorandum

To: New Mexico Junior College Board
From: Steve McCleery, Ed.D., Interim President
Re: Athletic Fund Reallocation
Date: 11-6-2021

Students in colleges across this nation are asking the following three questions: **Do you see me? Do you hear me? and Do I matter?** When I was on the presidential search listening tour, the NMJC students are asking the same three things:

- **Do you see me?**
- **Do you hear me?**
- **Do I matter?**

Mission

New Mexico Junior College, as a comprehensive community college, **promotes success through learning**. Promoting success through learning is an exceedingly complex issue. The Education Advisory Board provides research and assistance to colleges / universities, and is a national leader for Academic Success modeling. The EAB touts three things that will significantly improve the student academic success:

- **Eliminate barriers to completion**
- **Intervene with off path students**
- **Coordinate across-campus initiatives**

As I listened to our students, I think we may have failed in all three of these above-mentioned student success strategies.

At the October 21, 2021 Board meeting, the NMJC Board approved a budget of \$180,000 for the initial cost for starting a Women's Golf Program. After much thought and several campus discussions, I would like for you to consider reallocating these funds toward the development of an Academic Success Center. The reallocated funds would be utilized to provide 2 Academic Success Coaches. These Academic Success Coaches would be housed in the student learning space in Caster/SMAC. **All students are welcome.**

I realize that we need to add women's sports programs. However, I also recognize that Student Academic Success rates have dropped significantly. If we add another sport prior to addressing the need to develop a more robust Student Academic Success model, we are not fulfilling our mission of promoting success through learning.

Additionally, for us to make significant progress towards adding more women's sports to our athletic program, we must remodel and enlarge the kitchen area and build more student housing. We are currently planning to bring the cafeteria remodel and campus housing project to you at the December Board Meeting.

Memorandum

To: New Mexico Junior College Board
From: Steve McCleery, EdD., Interim President
RE: Approval of 2022 Legislative Agenda
Date: 11-9-2021

Please consider approving the following 2022 Legislative Priorities.

Capital Projects

1. \$3,000,000 for the Technology Center
2. \$400,000 for Equipping the Technology Center

Recurring Funding Projects

3. \$200,000 dollars from the appropriate funding sources in the New Mexico 2022 budget. These funds would be used to hire and maintain two career and life skills coaches for the NMJC Student Academic Success Centers. The individuals will provide Career and Academic support, Advising, Academics, and Tutoring Services for New Mexico Junior College students.

Our goal is to empower students for high-skilled, high wage, and high demand careers, while developing the professional skills, technical knowledge, academic foundation, and real-world experiences to assure their success upon graduation.

4. \$200,000 dollars from the appropriate funding sources in the New Mexico 2022 budget. These funds would be used to hire and maintain two Career and Life Skills Coaches for the NMJC Career and Technical Education Center (CTECH). NMJC is expanding the Training and Outreach center to provide additional resources for the Career and Technical Education Center (CTECH). These positions would also be utilized to enhance articulation from the public schools to the NMJC CTECH.

This request closely aligns with New Mexico Junior College's Mission and Strategic Plan.

Memorandum

To: New Mexico Junior College Board

From: Steve McCleery, Ed.D., Interim President
Josh Morgan, Vice President for Finance

Re: Position Reclassification Funding

Date: November 8, 2021

Please consider moving \$600,000 from reserves into the NMJC Succession Planning line item account. The funding will be utilized to cover the cost of the necessary funding for potential position reclassifications or making necessary market driven decisions for positions that are critical to serving students but we can't fill. Currently, we have not been able to fill our counselor position or a key maintenance position.

Additionally, with the retirement of Dr. Sharp, the Succession Planning line item needs additional funding to cover the cost incurred with the Interim President's salary and benefits and the cost associated with the Presidential Search.

Memorandum

To: New Mexico Junior College Board
From: Steve McCleery, Ed.D., Interim President
Date: November 10, 2021
Re: Contract – Robert Rhodes

Clayton Abbey has accepted another position at NMSU. It is a great opportunity for Clayton. Although I hate to lose him, I applaud and celebrate his success. Dr. Sharp hit a Grand Slam home run when he hired Clayton. Clayton's last day with NMJC is November 16th.

With the Legislative Session fast approaching and the need to file our capital project and Junior Bill requests, etc., it is extremely vital to get someone on board in Santa Fe immediately. I reached out to Robert Rhodes and asked him if he would consider serving in the role for November, December, January and February. Robert did this role for us in the past, and I was always exceedingly happy with his work.

Enclosed is Robert's contract to provide Legislative Liaison services for NMJC for the month of November, December, January and February. Scotty Holloman reviewed and amended the document.

Please consider approving Dr. Rhodes contract.

PROFESSIONAL SERVICES AGREEMENT

Under this agreement, Robert L. Rhodes (Contractor) will provide the following services to New Mexico Junior College (College).

SCOPE OF WORK & DELIVERABLES

Contractor will provide these services to the College:

- Tracking, interpreting, and reporting on the College's budget appropriations, capital outlay requests, and the content and status of proposed policies or legislation of concern to the College.
- Keeping the President apprised of hearing schedules and progress on legislation affecting the College's policies, operations, budget, and capital outlay projects.
- Facilitating College communication with legislators and legislative/agency staff.

Specifically, the Contractor will do the following:

Prior to the 2022 Regular Legislative Session:

- Confer with NMJC President, LFC staff or others on upcoming Higher Ed issues
- Attend/monitor LFC, HAFC, SFC & other meetings with relevant agenda items.
- Assist NMJC in developing any necessary materials and/or documentation.

During the 2022 Regular Legislative Session:

- Track, monitor and report on the status of the College's budget appropriations, capital outlay requests, and proposed policies or legislation of concern.
- Notify the College President of scheduled hearings and assist in preparation of talking points and handouts/documentation.
- Communicate with the College President as frequently as required to keep him apprised of developments on legislative issues.
- Represent the College President, as needed, in conversations with legislators and Executive, Legislative and Agency staff.
- Provide testimony at legislative hearings, as needed.
- Arrange for and assist the President in meetings with legislators and legislative/agency staff.
- Provide written reports at least weekly during the regular legislative session.
- Provide a final written report for the session, summarizing final legislative and executive action (to date) on College appropriations and other key issues.

Following the 2022 Regular Legislative Session (20-21 days after the session ends)

- Provide a written report summarizing final legislative and final executive action on College appropriations, specific legislation, and other issues.

COMPENSATION

- College shall pay Contractor \$5,000 for work done prior to the 2022 Regular Legislative Session and \$20,000 for work done during and immediately following the Session.
- Contract amount is intended to cover professional services as defined in the Scope of Work and Deliverables. (above)

EXPENSE REIMBURSEMENT

- Contractor will submit appropriate expenses required for the execution of the duties of the contract. These expenses are primarily limited to lodging, per diem, and travel.
- All reimbursed expenses must conform to the NMJC and New Mexico Procurement Code.
- No expenses will be billed without prior approval of the President.
- Contract does not cover legislative entertainment or other extraordinary expenses.

PAYMENT SCHEDULE:

- Dec. 1, 2022: \$5,000 plus NM GRT: = \$5,256.25
- Jan. 1, 2022: \$5,000 plus NM GRT: = \$5,256.25
- Feb. 1, 2022: \$5,000 plus NM CRT: = \$5,256.25
- Mar. 1, 2022: \$5,000 plus NM GRT: = \$5,256.25
- April 1, 2022: \$5,000 plus NM GRT: = \$5,256.25

Any other invoices would be due within 14 days of receipt.

Contractor is responsible for the payment of the NMGRT

INDEPENDENT CONTRACTOR:

Contractor is an independent contractor, and Contractor shall not be College's employee. In its capacity as an independent contractor, Contractor agrees and represents, and College agrees, Contractor has the right to perform services for others during the term of this agreement and Contractor has the sole right to control and direct the means, manner, and method by which the services required by this agreement will be performed.

College will not withhold any FICA (Social Security and Medicare taxes) from Contractor's payments or make FICA payments on Contractor's behalf, make state or federal unemployment compensation contributions on Contractor's behalf, or withhold state or federal income tax from Contractor's payments.

Contractor understands and agrees Contractor is not eligible to participate in unemployment compensation, worker's compensation or any employee pension, health, vacation pay, sick pay, or other fringe benefit plan of College. College is not making any contributions to the New Mexico Educational Retirement Board as a result of this agreement. Contractor is solely responsible for any payments to NMERB or any reduction in benefits to Contractor from NMERB as a result of this Agreement.

X

Robert L. Rhodes Ed. D.
Contractor

Date __/__/__

X

Steve McCleery Ed. D
Interim President, NMJC

Date __/__/__

memo

New Mexico Junior College

To: New Mexico Junior College Board of Directors

From: Scotty Holloman

Date: November 11, 2021

Re: OSHA COVID-19 Policy

On November 5, 2021, at the direction of the Biden Administration, OSHA published its much anticipated COVID-19 regulation. This regulation requires all employers which employ more than 100 employees to adopt a policy mandating employee to be vaccinated or submit to testing and face covering.

NMJC, as an employer of over 100 employees is subject to the requirement to adopt a policy in accordance with the OSHA COVID-19 regulation.

The attached is the proposed COVID-19 vaccinating, testing and face covering policy.

This policy was developed from a template provided by OSHA.

NEW MEXICO JUNIOR COLLEGE'S VACCINATION, TESTING, and FACE COVERING POLICY

Purpose:

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. New Mexico Junior College ("NMJC") encourages all employees, including but not limited to, student workers to receive a COVID-19 vaccination to protect themselves, other employees and NMJC students. However, should an employee, including, but not limited to student workers, choose not to be vaccinated, this policy's sections on testing and face coverings will apply. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Scope:

This COVID-19 Policy on vaccination, testing, and face covering applies to all employees of NMJC, except for employees who do not report to a workplace where other individuals (such as students, coworkers or customers) are present; employees while working from home, when allowed; and adjunct faculty who teach solely on-line courses.

All employees are encouraged to be fully vaccinated. Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine, such as Johnson & Johnson's vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing and wear a face covering at the workplace.

All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results. Employees not in compliance with this policy will be subject to discipline, which includes, but is not limited to, verbal or written warning, suspension, placed on unpaid administrative leave and/or termination.

Employees may request an exception from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or

wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by going to the NMJC website (www.nmjc.edu) on the “COVID-19” page and requesting accommodation or by contacting the NMJC Human Resources office. All such requests will be handled in accordance with applicable laws and regulations.

Procedures:

Overview and General Information

Vaccination

Any NMJC employee that chooses to be vaccinated against COVID-19 must be fully vaccinated no later than January 4, 2022. Any employee not fully vaccinated by January 4, 2022 will be subject to the regular testing and face covering requirements of the policy. If an employee becomes fully vaccinated after January 4, 2022, that employee will not be subject to the regular testing and face covering requirements of this policy.

To be fully vaccinated by January 4, 2022, an employee must:

- Obtain the first dose of the Moderna two-dose vaccine no later than November 23, 2021; and the second dose no later than December 21, 2021; or
- Obtain the first dose of the Pfizer two-dose vaccine no later than November 30, 2021; and the second dose no later than December 21, 2021; or
- Obtain one dose of the Johnson & Johnson single dose vaccine no later than December 21, 2021.

Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine as stated above. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

Testing and Face Coverings

All employees who are not fully vaccinated as of January 4, 2022 will be required to undergo regular COVID-19 testing and wear a face covering under this policy when in the workplace. An employee who becomes fully vaccinated after January 4, 2022 will not have to undergo regular COVID-19 testing or wear a face covering under this policy when in the workplace, unless otherwise required by rule, law, public health order or other NMJC policy. Policies and procedures for testing and face coverings are described in the relevant sections of this policy.

Vaccination Status and Acceptable Forms of Proof of Vaccination

Vaccinated Employees

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted via the NMJC website (www.nmjc.edu) on the “COVID-19” page or in person at the NMJC Human Resources office. If prior to the adoption of this policy, an employee has submitted proof of vaccination status to the NMJC Human Resources office, such employee does not have to resubmit proof of vaccination.

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
3. A copy of medical records documenting the vaccination;
4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee’s name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances NMJC will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

“I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.”

An employee who attests to their vaccination status in this way should to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.

All Employees

All employees, both vaccinated and unvaccinated, must inform NMJC of their vaccination status. The following table outlines the requirements for submitting vaccination status documentation.

Vaccination Status	Instructions	Deadline(s)
Employees who are fully vaccinated.	Submit proof of vaccination that indicates full vaccination.	December 3, 2021
Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).	Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained.	December 3, 2021
Employees who are not vaccinated.	Submit statement that you are unvaccinated, but are planning to receive a vaccination by the deadline.	December 3, 2021
	Submit statement that you are unvaccinated and not planning to receive a vaccination.	December 3, 2021

If an employee does not submit proof of vaccination status, the employee will be deemed to be not vaccinated for all purposes of this policy.

Supporting COVID-19 Vaccination

An employee may take up to four hours of paid time per dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of paid time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of paid time will be granted. Employees who take longer than four hours to get the vaccine must send their supervisor an email documenting the reason for the additional time. Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved work hours they will not be compensated.

Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to one day of additional sick leave immediately following each dose if necessary if they have side effects from the COVID-19 vaccination that prevent them from working.

Requests for time off for vaccination and/or recovery from side effects of COVID-19 vaccination side effects must be submitted to an employee's supervisor.

Employee Notification of COVID-19 and Removal from the Workplace

NMJC requires employees to immediately notify, by email or telephone, their supervisor and the Vice President for Student Services, or their designees when the employee has tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

Any employee removed from the workplace after diagnosis for COVID-19 will utilize leave for such time out of the workplace. The use of leave is set forth in the NMJC Employee Handbook.

Medical Removal from the Workplace

NMJC will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).

Return to Work Criteria

For any employee removed because they are COVID-19 positive, NMJC will keep them removed from the workplace until the employee; meets the return to work criteria in CDC's "Isolation Guidance"; or receives a recommendation to return to work from a licensed healthcare provider.

If an employee has severe COVID-19 or an immune disease, NMJC will follow the guidance of a licensed healthcare provider regarding return to work.

Return to work must be approved by the Vice President for Student Services, or their designee.

COVID-19 Testing

All employees who are not fully vaccinated will be required to comply with this policy for testing.

Employees who report to the workplace at least once every seven days:

- (A) must be tested for COVID-19 at least once every seven days; and
- (B) must provide documentation of the most recent COVID-19 test result to NMJC Human Resources no later than the seventh day following the date on which the employee last provided a test result.

Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

- (A) must be tested for COVID-19 within seven days prior to returning to the workplace; and
- (B) must provide documentation of that test result to NMJC Human Resources upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result. Any employee removed from the workplace under this policy will be charged leave (if available) and if not will be placed on unpaid leave.

Employees who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

NMJC may provide testing opportunities on campus. Any tests performed on campus will be at the cost of NMJC. Any cost for any other testing will be the responsibility of the employee.

Face Coverings

NMJC will require all employees who are not fully vaccinated to wear a face covering. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

Employees who are not fully vaccinated must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

NMJC, at its cost, will provide face coverings to all employees. An employee may provide their own face covering, at the employee's cost.

The following are exceptions to NMJC's requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or facemask.
4. Where NMJC has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).

Other policies, health orders, laws, rules or regulations may require those who are fully vaccinated to wear a face covering.

New Hires:

All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment. New hires must submit proof of their vaccination by their first day of work or if not vaccinated must provide proof of a negative COVID-19 test during the first week of employment with NMJC.

Confidentiality and Privacy:

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

Questions:

Please direct any questions regarding this policy to Director for Human Resources.

memo

New Mexico Junior College

To: Board of Directors
From: Dennis Holmberg/Jeff McCool/Scotty Holloman
Date: November 11, 2021
Re: New Horizons Foundation- Amendment of Bylaws, Appointment of Directors and Assignment of Directors to Terms

All members of the Board of Directors of New Horizon Foundation (“New Horizon”) must be appointed by the New Mexico Junior College Board of Trustees. The bylaws of New Horizon provide the board will be at least five but no more than seven members. The term of office for each member is three years. If a New Horizons director position is vacant a person may be elected as a director to fill a vacancy either for a full three-year term or for the remainder of the term of the director being replaced.

The New Horizons board is currently composed of Dr. Steve McCleery, Guy Kesner, Gregg Fulfer, Tres Hicks, and Gary Eidson.

The New Horizons board would like to amend its bylaws to provide the New Horizons board would serve staggered three-year terms. To accomplish staggered terms, the New Horizons bylaws need to be amended. The paragraph of the Bylaws concerning terms of directors can only be amended by the Board of New Mexico Junior College.

After the bylaws are amended, the New Horizons board would need to be assigned an initial term on the board of directors (initially some would serve 3 years, some would serve 2 years and some would serve 1 year) after the first cycle of elections, member of the board would serve staggered 3-year terms.

Next, after the bylaws are amended, the current directors are assigned staggered 3-year terms, it is requested that the New Mexico Junior College Board appoint one new director to the New Horizons board. This would bring the total number of the directors to 6. It is anticipated a request to appoint another New Horizons director would be brought before the New Mexico Junior College Board in the near future.

The following three suggested resolutions are submitted for consideration to accomplish the requested actions:

1. Resolved Article II, Section 3 paragraph (a) of the By-Laws of New Horizons Foundation is repealed in its entirety and the following is adopted in lieu thereof, so that Article II, Section 3, paragraph (a) of the By-Laws of New Horizons Foundation read in its entirety as follows:

“(a) Directors shall be elected to the Board of Directors by the affirmative vote of a majority of the Board of New Mexico Junior College. The term of office of a Director shall be three (3) years, except as otherwise provided in these by-laws. Approximately one-third of the directors shall be elected every three years to serve for three (3) year terms, such that the terms of approximately one-third of the directors shall expire each year, except that in the event of a vacancy, or in the case of a newly-elected director, the Director may be elected to a shorter term as may be appropriate to maintain the balance of staggered terms. Directors shall hold office until their successors are elected and qualified. A Director who is an official of New Mexico Junior College shall be eligible to serve as Director only as long as that person continues to be employed by New Mexico Junior College.”

2. Concerning the appointment of Directors of New Horizons Foundation to staggered terms the following are appointed directors of New Horizons Foundation and their terms of office are as follows:

<u>Director:</u>	<u>Term Expires:</u>
Guy Kesner	November 1, 2024
Gregg Fulfer	November 1, 2024
Tres Hicks	November 1, 2024
Gary Eidson	November 1, 2023
Dr. Steve McCleery	November 1, 2022

3. Concerning the appointment of an additional Director to the Board of New Horizons Foundation:
Philip Ingram is appointed as a Director of New Horizons Foundation with this term to expire November 1, 2023.