

NEW MEXICO JUNIOR COLLEGE

BOARD MEETING

Thursday, April 20, 2023
Zia Board Room - Pannell Library
1:30 pm

AGENDA

- | | |
|--|-----------------|
| A. Welcome | Pat Chappelle |
| B. Adoption of Agenda | Pat Chappelle |
| C. Approval of Minutes of February 16, 2023 & March 23, 2023 | Pat Chappelle |
| D. President's Report | Derek Moore |
| E. New Business | |
| 1. Consideration of Retirement Resolutions | Derek Moore |
| 2. Finance Board Committee Update | Guy Kesner |
| 3. Consideration of Salary Study | Guy Kesner |
| 4. Consideration of 2023-2024 Budget Recommendation | Josh Morgan |
| 5. Consideration of Monthly Expenditure Report as a Non-Action Item | Guy Kesner |
| 6. Monthly Expenditure Report | Josh Morgan |
| 7. Monthly Revenue Report | Josh Morgan |
| 8. Oil and Gas Revenue Report | Josh Morgan |
| 9. Schedule of Investments | Josh Morgan |
| 10. Fiscal Watch Report | Josh Morgan |
| 11. Consideration of Disposal of Inventory Through Public Auction | Josh Morgan |
| 12. Student Success Board Committee Meeting Update | Travis Glenn |
| 13. Consideration of Renaming the Larry Hanna Training & Outreach Center | Steve Saucedo |
| 14. Consideration of Potential Radio Station Transfer | Scotty Holloman |
| F. Public Comments | |
| G. Determination of Next Meeting | Pat Chappelle |
| H. Adjournment | Pat Chappelle |

**NEW MEXICO JUNIOR COLLEGE
BOARD MEETING
FEBRUARY 16, 2023
MINUTES**

The New Mexico Junior College Board met on Thursday, February 16, 2023, beginning at 1:32 p.m. in the Pannell Library, Zia Board Room. The following members were present: Ms. Patricia Chappelle, Chair; Mr. Travis Glenn, Secretary; Mr. Hector Baeza; Mr. Manny Gomez; Mr. Guy Kesner; Ms. Evelyn Rising; and Mrs. Erica Jones.

Ms. Chappelle called the meeting to order and welcomed visitors and guests, Ms. Dorothy Fowler, Hobbs News Sun; Mr. Alan D. (A.J.) Bowers and Mr. Paul Garcia, CPA's at Carr, Riggs & Ingram, LLC, joining via Zoom.

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

Upon a motion by Mr. Kesner, seconded by Ms. Rising, the Board unanimously approved the minutes of January 19, 2023.

Under President's Report, Dr. Moore invited Mr. Steve Saucedo, Vice President for Training & Outreach and Mr. Kelley Williams, Professor/Director of the Automotive Technology Program, to provide updates of the Annual Automotive Invitational Competition held on February 2, 2023. Mr. Williams reported, due to COVID, the competition was the first in three years. He reported 37 students from 8 high schools from New Mexico, Texas, and Utah competed in the competition. Students competed for tools and prizes valued at approximately \$6,000. Students placing 1st, 2nd and 3rd received NMJC scholarships valued at \$500 and a toolbox stocked with tools. Prizes were awarded to all winners through 7th place. ENMU/Roswell placed 1st, C-Tech Hobbs placed 2nd, and Seminole High School placed 3rd. He stated approximately 25 volunteers from the NMJC campus, including automotive students, assisted in this event.

Ms. Amy Coombes provided an update of new professional staff.

Dr. Moore provided brief legislative updates. He reported today is the final day for filing of bills. Dr. Moore stated he has attended several hearings, specifically the budget proposal hearings presented by the Higher Education Department and the Legislative Finance Committee. Updates will continue to be provided as the sessions advance forward. Legislative Sessions are scheduled to end on March 18, 2023.

Dr. Moore advised the Board the Association of Community College Trustees Conference is scheduled for October 9, 2023 through October 12, 2023. The theme for the 2023 conference is Building a Legacy - Uplifting Students and Transforming Communities. Dr. Moore stated as required in the NMJC Board Policy Manual regarding out of state travel, Board members interested in attending will be presented for approval in the next board meeting.

Under New Business, Mr. Josh Morgan, Mr. A.J. Bowers and Mr. Paul Garcia with Carr Riggs & Ingram CPA's & Advisors presented the Fiscal Year June 30, 2022 Audit Report. Following a brief presentation, it was reported the audit for NMJC, NMJC Foundation, and New Horizons Foundation were rendered unmodified opinions. In addition, the GAGAS Report/Negative Assurance Report for internal findings had one finding related to the foundation. It was noted opinions are not rendered for this report. The Uniform Guidance Report, for major federal programs, was also rendered an unmodified opinion. Upon a motion by Mr. Glenn, seconded by Mr. Gomez, the Board unanimously approved the Fiscal Year June 30, 2022 Audit Report.

Mr. Morgan presented the January 2023 financial reports. Upon a motion by Mr. Glenn, seconded by Mr. Gomez, the Board unanimously approved the Expenditure Report for January 2023. Mr. Gomez and Mr. Kesner requested further clarification for the C-Tech expense increase in dual credit enrollment. Mr. Morgan responded there was an increase in C-Tech students who are enrolled through NMJC's dual credit at no cost. He stated there is an expense cost associated with waiving tuition and noted the amount waived for this expense did not include the increase in C-Tech students. Mr. Gomez asked for the enrollment numbers. Mr. Morgan responded he would provide the numbers at a later date. In addition, the Revenue Report, Oil and Gas Revenue Report, and Schedule of Investments Report were reviewed.

Mr. Gomez provided an update of a Facilities Board Committee Meeting held on February 6, 2023. Present at the Facilities Board Committee Meeting was Mr. Gomez, Facilities Board Committee Chair, Mr. Baeza, Board Committee Member, Mr. Josh Morgan, Mrs. Cathy Mitchell, Mrs. Sarah Patterson, Mr. Jeff McCool, Mr. Dennis Kelley, Mrs. Norma Faught, and Dr. Steve McCleery, joined via Zoom. The purpose of the meeting was to provide data and discuss the goals and objectives in support of The Hub Project. Mr. Gomez noted the presentation demonstrated a "Hub" concept would be advantageous with the focus on potential recruitment and retention of NMJC students. In addition, he stated it would support NMJC's Strategic Plan for completion of students. An additional benefit of the new facility is that it will be tied to the central plant, which would be a significant savings of 60% in recurring maintenance and in the cost and utilization of energy. He stated no decisions were made in the meeting but noted it would be a WIN/WIN to move forward with placing The Hub Project on NMJC's Campus Master Plan, and in future date, considered to be made a reality. Mr. Baeza noted his appreciation for the "Forward Thinking" of NMJC staff. Significant discussion followed.

Mr. Morgan and Dr. Charley Carroll presented consideration of a Student Hub addition to the NMJC Campus Master Plan. Mr. Morgan stated if Board approved, administration will continue to move forward with a design with DPS Architects. In addition, administration will begin planning to provide a request at the May NMJC Board Meeting to take The HUB Project to Higher Education Department's June Capital Outlay Committee Hearing for approval to begin pursuing bids on the project. Today, administration requested Board approval to add The Hub Project to the NMJC Campus Master Plan. Mr. Glenn asked for clarification of the square footage of the proposed building. Mr. Morgan responded the building will be a 10,800 square foot facility and noted the architect team confirmed this square footage will meet the current and future needs of NMJC students. Mr. Kesner asked if the design was the same design as previously presented. Mr.

Morgan confirmed the design is the same. Upon a motion made by Mr. Gomez, seconded by Mr. Baeza, the Board unanimously approved the addition of The Student Hub Project to the NMJC Campus Master Plan.

Ms. Rising provided an updated of the Equity Board Committee Meeting held on February 8, 2023. Attending the meeting were Ms. Evelyn Rising, Equity Board Committee Chair, Mr. Travis Glenn, Board Committee Member, Mrs. Erica Jones, Board Committee Member (joined via Zoom), Dr. Derek Moore, and Mrs. Norma Faught. She reported the goal of the committee is to provide NMJC with good policies and good equity practices and procedures. She reported discussions at the meeting included the processes at NMJC. Is NMJC offering classes that will meet prospective students' needs and what are the differences in how instructors instruct? She stated NMJC's mission statement must always be followed. Is NMJC measuring goals and is NMJC completely embedded in equity surveys and in "Achieving the Dream". How will NMJC use this information for the accreditation process? Additional discussion included NMJC's hiring processes. Ms. Rising reported the committee plans to create an Equity Mission Statement by first reaching out to other Colleges to get a glimpse of their mission statements. Mr. Glenn noted NMJC must be on solid ground when defining what NMJC will do and not re-define terms. Mrs. Jones noted she looks forward to analyzing data collected and learning the new terminology to best serve the students, faculty, and staff and NMJC. Ms. Rising concluded by stating "Everyone matters and everyone's voice must be heard".

Mr. JoeMike Gomez provided a consideration for RFP #141 - Thunderbird Health Center with a recommendation to award the bid to Nor-Lea Hospital District. Mr. Gomez provided the 3-year contract proposal summary. The proposed cost for the first year is \$521,374, second year is \$547,443, and the third year is \$574,815. Mr. Gomez noted the proposal is for an initial 3 years with the option to renew yearly, not to exceed 8 years total. Mrs. Cathy Mitchell noted the proposed Health Center will be a 40-hour basic care clinic located in the Caster Annex Facility. This will provide health care for students and employees with no requirement for insurance or billings. In addition, Nor-Lea will provide all equipment. Mr. Kesner asked if Caster Annex will need to be remodeled. Dr. Charley Carroll confirmed Caster Annex will require remodeling. Dr. Moore stated an infirmary on campus will demonstrate NMJC is responsive to students and could provide a location for nursing students to work through their clinicals. Mrs. Jones asked if this would also be for use by the community. Mr. Scotty Holloman responded due to restrictions, this service would be for employees and students of NMJC. Mr. Manny Gomez asked for the cost of benefits already provided and the cost for this additional service to students and staff. Mr. Gomez further noted NMJC is a community partner and must be cautious of competing with private care and look at ways to partner with community businesses. At this time, Mrs. Coombes provided discussion of the insurance options offered to staff and stated percentages paid are according to the plans selected by employees. Upon a motion by Mr. Kesner, seconded by Mrs. Jones, the Board approved RFP #141 - Thunderbird Health Center. Mr. Gomez voted nay. The motion passed.

Ms. Chappelle called for comments from the public. There being none, a Special Board Meeting was scheduled for Thursday, March 23, 2023 at 11:30 am in the Larry Hannah Training & Outreach Center in room 122 A/B, an NMJC Board Training was scheduled for Thursday, March

23, 2023 at 12:00 pm in the Larry Hanna Training & Outreach Center in room 122 A/B, an NMJC Board Training was scheduled for Friday, March 24, 2023 at 8:30 am in the Larry Hanna Training & Outreach Center in room 122 A/B, and the next Regular Board Meeting was scheduled for Thursday, April 20, 2023 at 1:30 pm in the Zia Board Room.

Mr. Glenn moved the Board go into closed session for the discussion of Litigation in which New Mexico Junior College is a Defendant, Fromm vs. Mooving, et. al. Fifth Judicial District Court of Lea County Cause No. D-506-CV-2021-0074, and Warner v. Doporto, et. al., Fifth Judicial District Court of Lea County Cause No. D-506-CV-2022-00701 as authorized by NMSA 1978 § 10-15-1 H (7). Mrs. Jones seconded the motion. We will re-convene in open session at the conclusion of the closed session. The roll call was as follows: Mr. Baeza - yes; Ms. Rising - yes; Mr. Glenn - yes; Mrs. Jones - yes; Mr. Kesner - yes; Mr. Gomez - yes; and Ms. Chappelle - yes.

Upon reconvening in open meeting, Ms. Chappelle stated the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Upon a motion by Mr. Kesner, seconded by Mrs. Jones and by unanimous consent, the meeting adjourned at 3:43 pm.

Pat Chappelle, Chair

Travis Glenn, Secretary

**NEW MEXICO JUNIOR COLLEGE
SPECIAL BOARD MEETING
MARCH 23, 2023
MINUTES**

The New Mexico Junior College Board met on Thursday, March 23, 2023, beginning at 11:30 a.m. in the Larry Hanna Training & Outreach Center.

Ms. Chappelle called the meeting to order followed with a roll call of Board members in attendance. The following members were present: Mr. Hector Baeza; Mr. Travis Glenn, Secretary; Mrs. Erica Jones; Mr. Guy Kesner; Mr. Manny Gomez, and Ms. Pat Chappelle, Board Chair. Mrs. Evelyn Rising was absent.

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

Under New Business, Mr. Josh Morgan presented consideration of the Watson Hall Renovation, previously approved by the NMJC Board for presentation to the Higher Education Department (HED) at the November 2022 NMJC Board Meeting and approved by the HED on January 11, 2023. Administration requested approval for construction costs for the Watson Hall Project provided by Bradbury Stamm Construction in the amount of \$5,579,509, Guaranteed Maximum Price (GMP). This includes the direct construction costs, construction contingency, general conditions, overhead and profit, preconstruction fee, and an allowance for theatrical equipment. NMJC has allocated \$6,500,000 for the overall project. Mr. Gomez asked for clarification of the equipment allowance. Mr. Morgan responded Dekker Perich Sabatini (DPS) included an allowance due to pending bids and noted DPS priced them high to ensure coverage. Mr. Gomez requested clarification for change orders. Mr. Morgan responded any changes from the project scopes or work originally agreed to in the construction documents will require change orders. He further added estimates are provided based on 100% construction documents, therefore minimizing potential change orders. Mr. Gomez asked for a timeline. Mr. Morgan responded this will be a ten-month construction and is anticipated to begin on March 27. Upon a motion by Mr. Kesner, seconded by Mr. Gomez, the Board unanimously approved the Watson Hall Project request as presented.

Mr. Morgan presented consideration of the Vestibule & Safety Project, previously approved for presentation to the HED at the November 2022 NMJC Board Meeting and approved by the HED on January 11, 2023. Administration requested approval of the construction costs for the Vestibule & Safety Project provided by Bradbury Stamm Construction in the amount of \$2,469,734, GMP. This includes the direct construction costs, construction contingency, general conditions, overhead and profit, and preconstruction fee. NMJC has allocated \$5,000,000 for the overall project. It was also noted this project will assist with the number one priority of NMJC, campus safety. Significant discussion followed. Upon a motion made by Mr. Glenn, seconded by Mrs. Jones, the Board unanimously approved the Vestibule & Safety Project as requested.

Ms. Chappelle requested consideration for travel of NMJC Board Members to attend the Association of Community College Trustees 2023 Conference scheduled for October 9-12, 2023 in Las Vegas, Nevada. Upon a motion by Mr. Glenn, seconded by Mr. Baeza, the Board unanimously approved this request as presented.

Upon a motion by Mr. Baeza, seconded by Mr. Gomez and by unanimous consent, the meeting adjourned at 11:52 am.

Pat Chappelle, Chair

Travis Glenn, Secretary

RESOLUTION

Johnny R. Cash

- WHEREAS,** **Johnny R. Cash**, being one of the Staff Members of New Mexico Junior College, has faithfully served the College for eight years and three months; and
- WHEREAS,** **Johnny R. Cash** has served as a General Maintenance Worker from 2014-2022; and
- WHEREAS,** **Johnny R. Cash** has served on various committees at New Mexico Junior College and in the community; and
- WHEREAS,** **Johnny R. Cash** has been devoted, enthusiastic and loyal staff member at New Mexico Junior College; and
- WHEREAS,** **Johnny R. Cash** has always reflected a favorable image for New Mexico Junior College; and
- WHEREAS,** **Johnny R. Cash** has elected to retire the 1st of November 2022.

NOW, THEREFORE BE IT RESOLVED that New Mexico Junior College desires to give special recognition and appreciation to **Johnny R. Cash** for his service and dedication to New Mexico Junior College.

APPROVED THIS 20th DAY OF APRIL 2023.



New Mexico Junior College Board Chair

New Mexico Junior College Board Secretary

RESOLUTION

KIMBERLY K. LATIMER

- WHEREAS,** **Kimberly K. Latimer**, being one of the Staff Members of New Mexico Junior College, has faithfully served the College for twenty years; and
- WHEREAS,** **Kimberly K. Latimer** has served as Administrative Secretary for Institutional Development/Foundation from 2002-2014; and
- WHEREAS,** **Kimberly K. Latimer** has served as Administrative Secretary for College Relations from 2014-2016; and
- WHEREAS,** **Kimberly K. Latimer** has served as Program Planner for Continuing Education from 2016-2022; and
- WHEREAS,** **Kimberly K. Latimer** has served on various committees at New Mexico Junior College and in the community; and
- WHEREAS,** **Kimberly K. Latimer** has been devoted, enthusiastic and loyal staff member at New Mexico Junior College; and
- WHEREAS,** **Kimberly K. Latimer** has always reflected a favorable image for New Mexico Junior College; and
- WHEREAS,** **Kimberly K. Latimer** has elected to retire the 1st of August 2022.

NOW, THEREFORE BE IT RESOLVED that New Mexico Junior College desires to give special recognition and appreciation to **Kimberly K. Latimer** for her service and dedication to New Mexico Junior College.

APPROVED THIS 20th DAY OF APRIL 2023.



RESOLUTION

Jerry J. Sierra

WHEREAS, **Jerry J. Sierra**, being one of the Staff Members of New Mexico Junior College, has faithfully served the College for five years; and

WHEREAS, **Jerry J. Sierra** has served as Commercial Driver's License Instructor from 2017-2022; and

WHEREAS, **Jerry J. Sierra** has served on various committees at New Mexico Junior College and in the community; and

WHEREAS, **Jerry J. Sierra** has been devoted, enthusiastic and loyal staff member at New Mexico Junior College; and

WHEREAS, **Jerry J. Sierra** has always reflected a favorable image for New Mexico Junior College; and

WHEREAS, **Jerry J. Sierra** has elected to retire the 1st of October 2022.

NOW, THEREFORE BE IT RESOLVED that New Mexico Junior College desires to give special recognition and appreciation to **Jerry J. Sierra** for his service and dedication to New Mexico Junior College.

APPROVED THIS 20th DAY OF APRIL 2023.



RESOLUTION

OSCAR R. VIGIL

- WHEREAS,** **Oscar R. Vigil**, being one of the Staff Members of New Mexico Junior College, has faithfully served the College for twenty-two years and seven months; and
- WHEREAS,** **Oscar R. Vigil** has served as Personal Computer Specialist from 1999-2000; and
- WHEREAS,** **Oscar R. Vigil** has served as Coordinator of Network Systems; from 2000-2022; and
- WHEREAS,** **Oscar R. Vigil** has served on various committees at New Mexico Junior College and in the community; and
- WHEREAS,** **Oscar R. Vigil** has been devoted, enthusiastic and loyal staff member at New Mexico Junior College; and
- WHEREAS,** **Oscar R. Vigil** has always reflected a favorable image for New Mexico Junior College; and
- WHEREAS,** **Oscar R. Vigil** has elected to retire the 1st of August 2022.

NOW, THEREFORE BE IT RESOLVED that New Mexico Junior College desires to give special recognition and appreciation to **Oscar R. Vigil** for his service and dedication to New Mexico Junior College.

APPROVED THIS 20th DAY OF APRIL 2023.



NEW MEXICO JUNIOR COLLEGE

Vice President for Finance

5317 Lovington Highway
Hobbs, NM 88240
Phone: (575)492-2770
Fax: (575)492-2768

To: New Mexico Junior College Board
From: Josh Morgan
RE: FY 24 Budget
Date: April 14, 2023

Board Members,

The administration is asking for your approval of the FY 24 Operating Budget in the amount of \$42,045,939, which includes a 6% salary increase to staff that will become effective on July 1, 2023 and the implementation of the Board approved compensation study conducted by Public Sector. The administration is also asking for your approval of the Capital Projects in the amount of \$64,945,000 and the transfer of \$4,955,844 Capital funds into the Master Landscaping Project from the Landscaping, Campus Signage, Campus Paving, Concrete Upgrade, Campus/Hospital Fencing, and Turf Replacement.

We very much appreciate your support of New Mexico Junior College.

Respectfully,



Josh Morgan

NEW MEXICO JUNIOR COLLEGE

Vice President for Finance

To: **New Mexico Junior College Board Members**
From: Josh Morgan
Date: March 11, 2023
RE: Expenditure and Revenue Reports for February 2023

February is month eight or 66% of the budget for the 2022/2023 fiscal year. The Expenditure Report represents expenditure totals that include funds expended and encumbered. The total year-to-date funds expended and/or encumbered through the month of February is \$37,618,870.

The total current unrestricted fund expenditures through February are \$21,394,869, which is 66% of the projected budget. Expenses for Instruction and General are up as compared to FY 22 for the first eight months of the fiscal year. This is due to an increase in salaries and benefits and utilities. In other Current Unrestricted Funds, expenses are also up as compared to FY 22 due to an increase in salaries and benefits and increase in athletics. Internal Services which consists of the Computer Services, Motor Pool, and the Document Center continue to receive monthly credits from Instruction & General to cover the operating costs. Over all, expenditures are up as compared to February 2022.

In the Restricted Funds, the expenditures in the Grant area is tracking along as expected. The Business Office continues to monitor the expenditures in the Grants and request the drawdown from the state and federal agencies. The year-to-date Restricted Student Aid is lower as compared to February 2022. This is mainly related to HEERF awards awarded last year that are not being awarded in FY 23. Total amount of restricted funds expended through February 2023 is \$4,447,970.

Plant fund expenditures for February were \$487,073; the total year-to-date including encumbrances is \$11,776,031. Projects with on-going major expenses and encumbrances include Tech Upgrade, Fire Alarm Upgrade, Campus Wide Site Project, Watson Hall Renovation, Vestibule & Safety Project, Campus Paving, Facilities Management System Upgrade, Vocational Training Facility, Campus Housing Unit, Cafeteria Construction, Campus Security Upgrades, WHM Storage Building, Track Upgrades, and Campus Wide Access Control. Building renewal and replacement expenditures were \$12,055 and equipment renewal and replacement expenditures were \$12,060.

Total expenditures and or encumbrances through February 2023 were \$37,618,870.

Total current unrestricted revenue received in February 2023 was \$8,630,118, with the year-to-date total of \$71,766,624. This mostly consists of the tuition and fees, the monthly allocation from the state, the oil and gas production tax income, oil and gas equipment tax income, and property tax revenue. Oil and gas mill levy for the month of February was \$6,686,257 and the equipment tax revenue for February was \$179,382. The property tax revenue received in February was \$857,605. Looking at the past trends in property tax payout, the College should receive additional property tax revenue in June. In FY 22, the total for mill levy property tax was \$16,308,747.

Total current restricted revenue received in February 2023 was \$231,871. Grants drawn down was \$190,430 and student aid drawn down during February was \$41,441. Total current restricted fund revenue for the year is \$4,125,453.

In plant funds, the College received \$184,452 in GOB draws, \$34,146 is General Fund Revenue, and \$614,700 in LGIP interest.

Total revenue for the month of February 2023 is \$9,695,287, with year-to-date revenue of \$79,247,367.

The oil and gas revenues continue to be strong. Oil and Gas production revenue received during the month is \$6,686,257. The total oil and gas production and oil and gas equipment tax revenue received through February of 2023 including the accrual of \$625,000 for each of the three months of December, January, and February is \$48,561,902.

The Investment Report shows a beginning balance in LGIP funds of \$165,000,000. Funds were sent to LGIP during February in the amount of 14,000,000 leaving an ending balance in LGIP funds at the end of February of \$179,000,000. At the end of February, there was \$128,177,861 in allocated capital projects.

This concludes the Financial Report for February 2023.

NEW MEXICO JUNIOR COLLEGE

Expenditure Report

February 2023

66% of Year Completed

Fund	2021-22			2022-23			
	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	11,759,080	5,566,134	47%	11,425,267	760,969	6,457,613	57%
Academic Support	2,552,885	1,311,505	51%	2,751,554	259,296	1,565,647	57%
Student Services	2,186,039	1,071,735	49%	2,557,559	153,389	1,597,822	62%
Institutional Support	5,117,287	3,013,662	59%	5,458,378	414,398	3,740,382	69%
Operation & Maintenance of Plant	4,395,892	2,532,602	58%	4,615,295	381,069	2,988,078	65%
Subtotal - Instruction & General	26,011,183	13,495,638	52%	26,808,053	1,969,121	16,349,542	61%
Research	-	68,911		-		-	0%
Public Service	70,000	39,304	56%	59,300	2,664	16,938	29%
Internal Service Departments	258,365	177,193	69%	97,992	45,498	154,833	158%
Student Aid	785,880	506,828	64%	760,880	15,533	719,133	95%
Auxiliary Enterprises	2,803,560	1,971,887	70%	2,348,323	251,603	1,921,392	82%
Athletics	2,772,294	1,714,222	62%	2,536,794	317,592	2,233,031	88%
Total Current Unrestricted Fund	32,701,282	17,973,983	55%	32,611,342	2,602,011	21,394,869	66%
CURRENT RESTRICTED FUND							
Grants	5,112,076	1,314,720	26%	2,104,644	79,993	715,127	34%
Student Aid	5,915,395	5,107,218	86%	3,895,816	51,848	3,732,843	96%
Total Current Restricted Fund	11,027,471	6,421,938	58%	6,000,460	131,841	4,447,970	74%
PLANT FUNDS							
Capital Outlay / Bldg. Renewal & Repl.							
Projects from Institutional Funds	9,442,296	103,585	1%	69,675,330	460,226	9,993,118	14%
Projects from State GOB Funds	213,387	-	0%	3,825,685	-	391,365	10%
Projects from State STB Funds	170,870	-	0%	1,979,214	-	84,251	4%
Projects from General Fund	-	-	0%	353,400	2,732	103,661	29%
Projects from Private Funds	-	-	0%	-	-	-	0%
Projects from State ER&R	500,000	49,477	10%	335,000	12,060	348,456	104%
Projects from State BR&R	1,000,000	47,346	5%	663,671	12,055	855,180	129%
Subtotal - Capital and BR&R	11,326,553	200,408	2%	76,832,300	487,073	11,776,031	15%
Debt Service							
Revenue Bonds	-	-	0%	-	-	-	0%
Total Plant Funds	11,326,553	200,408	2%	76,832,300	487,073	11,776,031	15%
GRAND TOTAL EXPENDITURES	55,055,306	24,596,329	45%	115,444,102	3,220,925	37,618,870	33%

NEW MEXICO JUNIOR COLLEGE

Revenue Report

February 2023

66% of Year Completed

2021-22

2022-23

Fund	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	3,420,600	3,357,021	98%	3,805,562	188,080	3,609,760	95%
State Appropriations	6,420,500	3,707,117	58%	7,295,000	547,583	5,550,165	76%
Advalorem Taxes - Oil and Gas	58,900,000	29,727,351	50%	9,155,000	6,865,639	48,561,902	530%
Advalorem Taxes - Property	13,000,000	10,931,210	84%	10,221,168	857,605	10,975,221	107%
Interest Income	-	39	0%	-	-	-	0%
Other Revenues	1,006,500	855,333	85%	157,869	32,020	225,962	143%
Subtotal - Instruction & General	82,747,600	48,578,071	59%	30,634,599	8,490,927	68,923,010	225%
Research	-	-	0%	-	-	-	0%
Public Service	-	-	0%	-	-	-	0%
Internal Service Departments	20,800	2,911	14%	60,800	2,992	56,181	92%
Auxiliary Enterprises	2,530,762	2,210,708	87%	2,756,942	91,965	2,403,766	87%
Athletics	533,700	347,702	65%	558,600	44,234	383,667	69%
774							
Total Current Unrestricted	85,833,636	51,139,392	60%	34,010,941	8,630,118	71,766,624	211%
CURRENT RESTRICTED FUND							
Grants	5,112,076	3,714,901	73%	2,104,644	190,430	680,920	32%
Student Aid	5,915,395	5,008,369	85%	3,895,816	41,441	3,444,533	88%
Total Current Restricted	11,027,471	8,723,270	79%	6,000,460	231,871	4,125,453	69%
PLANT FUNDS							
Capital Outlay / Bldg. Renewal & Repl.							
Projects from State GOB Funds	154,315	113,036	73%	3,825,685	184,452	184,452	5%
Projects from State STB Funds	170,870	22,369	13%	1,979,214	-	84,251	4%
Projects from General Fund	70,511	168,111	238%	353,400	34,146	65,671	19%
Projects from BR&R	-	-	0%	65,671	-	-	0%
Projects from Private Funds	-	58,177	0%	-	-	-	0%
Interest Income (LGIP)	85,000	47,449	56%	60,000	614,700	3,020,916	5035%
Total Plant Funds	480,696	409,142	85%	6,283,970	833,298	3,355,290	53%
GRAND TOTAL REVENUES	97,341,803	60,271,804	62%	46,295,371	9,695,287	79,247,367	171%

NEW MEXICO JUNIOR COLLEGE

Oil and Gas Revenue Report

February 2023

66% of Year Completed

		OIL		GAS		COMBINED		
Month of	Sales	Price per BBL	Lea County BBLs sold	Price per MCF	Lea County MCF sold	Monthly Revenue	2022-23 Original Budget	Variance Over (Under) Budget
Actual	July	\$100.13	29,161,904	\$6.38	89,385,817	8,010,212	625,000	7,385,212
Actual	August	\$93.67	29,231,332	\$6.94	88,894,987	7,702,512	625,000	7,077,512
Actual	September	\$83.81	30,023,954	\$6.00	100,786,354	7,057,025	625,000	6,432,025
Actual	October	\$85.20	31,926,012	\$3.99	102,167,618	7,073,856	625,000	6,448,856
Actual	November	\$83.45	30,710,559	\$3.83	97,976,968	6,686,257	625,000	6,061,257
Actual	December					625,000	625,000	0
Actual	January					625,000	625,000	0
Actual	February					625,000	625,000	0
Actual	March						625,000	(625,000)
Accrual	April						625,000	(625,000)
Accrual	May						625,000	(625,000)
Accrual	June						625,000	(625,000)
Y.T.D. Production Tax Revenue						38,404,862	7,500,000	30,904,862
Y.T.D. Equipment Tax Revenue						10,157,040	1,655,000	8,502,040
Total Year-to-Date Oil & Gas and Equipment Tax Revenue						<u>48,561,902</u>	<u>9,155,000</u>	<u>39,406,902</u>

Source: New Mexico Taxation and Revenue Department

NEW MEXICO JUNIOR COLLEGE

Schedule of Investments

February 2023

66% of Year Completed

Financial Institution	Amount Invested	Account Number	Interest Rate	Interest Earned
State of New Mexico Local Government Investment Pool	165,000,000	7102-1348	4.427%	614,700
Plus deposits	14,000,000			
Less withdrawals	-			
Total LGIP investments	179,000,000			614,700

Capital Project	2/28/2023
Vehicles	519,936.00
Campus Facilities Master Plan	1,046,090.20
Chrome River	2,044.00
WHM North Gallery Renovation	655,817.00
Campus Vestibules	1,218,288.59
Voc B Airhandler	1,500,000.00
Softball Field	5,790,000.00
National Track Meet	110,577.39
Pi Day	23,487.04
Technology Upgrade	396,216.00
JASI	71,764.00
WHM Storage Building	1,042,953.00
Baseball Field	1,530,173.45
Rodeo Arena	119,434.75
Fire Alarm Upgrade	415,257.88
Landscaping	518,111.37
Smart Classrooms	513,033.51
Campus Signage	537,566.81
Campus Paving	1,145,984.91
Std Ctr & Bob Moran Roof Replacement	650,000.00
Master Landscaping Project	8,882,053.92
Dorm/Apartment Refurbish	1,630,647.02
Concrete Upgrade	1,379,714.04
Campus Construction	196,051.35
Workforce Training & Outreach	250,000.00
Higher Learning Commission	126,515.62
Public Sector	980,000.00
Campus Security	95,572.56
Copier Replacement	84,155.22
Non-Recurring Compensation	1,500,000.00
Athletics	100,582.17
Student Life Programming	20,432.28
Succession Plan	620,056.15
WHM Exhibits	102,945.05
Track Upgrades	982,611.32
Driving Range Upgrades	908,561.02
McLean Hall Renovations	66,424.22
Cafeteria Upgrade	92,906.38
Equestrian Center	2,933,949.87
Campus/Hospital Fencing	563,509.84
Turf Replacement	997,527.12
Watson Hall Renovation	3,915,773.70
Facilities Management System	610,278.25
Caster Upgrades	2,624,882.14
Vocational Training Facility	14,391,876.71
Heidel Hall Renovation	20,000,000.00
Heidel/Hagelstein Air Handlers	393,371.89
Air Handlers	2,985,247.70
Campus Housing Unit	15,361,244.77
Cafeteria Construction	10,573,313.13
Mansur Hall Remodel	4,000,000.00
Mary Hagelstein Remodel	4,000,000.00
Campus Wide Access Control	3,000,000.00
Dorm/Apartment Furniture Replacement	1,000,000.00
Roof Replacement	1,500,000.00
CORE	500,000.00
SOAR Caster Annex Remodel	500,000.00
NMJC/Lea County Quality of Life	2,500,000.00
Workforce Training Contingency	921.97
Total	128,177,861.31

NEW MEXICO JUNIOR COLLEGE

Vice President for Finance

To: **New Mexico Junior College Board Members**
From: Josh Morgan
Date: April 14, 2023
RE: Expenditure and Revenue Reports for March 2023

March is month nine or 75% of the budget for the 2022/2023 fiscal year. The Expenditure Report represents expenditure totals that include funds expended and encumbered. The total year-to-date funds expended and/or encumbered through the month of February is \$41,526,321.

The total current unrestricted fund expenditures through March are \$23,721,483, which is 73% of the projected budget. Expenses for Instruction and General are up as compared to FY 22 for the first nine months of the fiscal year. This is due to an increase in salaries and benefits and utilities. In other Current Unrestricted Funds, expenses are also up as compared to FY 22 due to an increase in salaries and benefits and increase in athletics. Internal Services which consists of the Computer Services, Motor Pool, and the Document Center continue to receive monthly credits from Instruction & General to cover the operating costs. Over all, expenditures are up as compared to March 2022.

In the Restricted Funds, the expenditures in the Grant area is tracking along as expected. The Business Office continues to monitor the expenditures in the Grants and request the drawdown from the state and federal agencies. The year-to-date Restricted Student Aid is lower as compared to March 2022. This is mainly related to HEERF awards awarded last year that are not being awarded in FY 23. Total amount of restricted funds expended through March 2023 is \$4,800,667.

Plant fund expenditures for March were \$1,228,140; the total year-to-date including encumbrances is \$13,004,171. Projects with on-going major expenses and encumbrances include Tech Upgrade, Fire Alarm Upgrade, Campus Wide Site Project, Watson Hall Renovation, Vestibule & Safety Project, Campus Paving, Facilities Management System Upgrade, Vocational Training Facility, Campus Housing Unit, Cafeteria Construction, Campus Security Upgrades, WHM Storage Building, Track Upgrades, and Campus Wide Access Control. Building renewal and replacement expenditures were \$187,444 and equipment renewal and replacement expenditures were \$45,075.

Total expenditures and or encumbrances through March 2023 were \$41,526,321.

Total current unrestricted revenue received in March 2023 was \$7,575,616, with the year-to-date total of \$79,342,240. This mostly consists of the monthly allocation from the state, the oil and gas production tax income, and property tax revenue. Oil and gas mill levy for the month of March was \$6,588,970. The property tax revenue received in March was \$159,738. Looking at the past trends in property tax payout, the College should receive additional property tax revenue in June. In FY 22, the total for mill levy property tax was \$16,308,747.

Total current restricted revenue received in March 2023 was \$190,634. Grants drawn down was \$100,989 and student aid drawn down during March was \$89,645. Total current restricted fund revenue for the year is \$4,316,087.

In plant funds, the College received \$174,117 in GOB draws and \$702,286 in LGIP interest.

Total revenue for the month of March 2023 is \$8,642,653, with year-to-date revenue of \$87,890,019.

The oil and gas revenues continue to be strong. Oil and Gas production revenue received during the month is \$6,588,970. The total oil and gas production and oil and gas equipment tax revenue received through March of 2023 including the accrual of \$625,000 for each of the three months of January, February, and March is \$55,152,066.

The Investment Report shows a beginning balance in LGIP funds of \$179,000,000. Funds were sent to LGIP during March in the amount of 9,000,000 leaving an ending balance in LGIP funds at the end of March of \$188,000,000. At the end of March, there was \$128,959,811 in allocated capital projects.

This concludes the Financial Report for March 2023.

NEW MEXICO JUNIOR COLLEGE

Expenditure Report

March 2023

75% of Year Completed

Fund	2021-22			2022-23			
	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	11,759,080	6,307,914	54%	11,425,267	816,250	7,273,863	64%
Academic Support	2,552,885	1,444,426	57%	2,751,554	165,016	1,730,663	63%
Student Services	2,186,039	1,217,278	56%	2,557,559	142,406	1,740,228	68%
Institutional Support	5,117,287	3,359,830	66%	5,458,378	475,139	4,215,521	77%
Operation & Maintenance of Plant	4,395,892	2,768,020	63%	4,615,295	348,765	3,336,843	72%
Subtotal - Instruction & General	26,011,183	15,097,468	58%	26,808,053	1,947,576	18,297,118	68%
Research	-	76,962		-	-	-	0%
Public Service	70,000	40,294	58%	59,300	6,624	23,562	40%
Internal Service Departments	258,365	160,466	62%	97,992	-	152,606	156%
Student Aid	785,880	685,637	87%	760,880	14,047	733,180	96%
Auxiliary Enterprises	2,803,560	2,141,994	76%	2,348,323	214,105	2,135,497	91%
Athletics	2,772,294	1,823,808	66%	2,536,794	146,489	2,379,520	94%
Total Current Unrestricted Fund	32,701,282	20,026,629	61%	32,611,342	2,328,841	23,721,483	73%
CURRENT RESTRICTED FUND							
Grants	5,112,076	1,397,584	27%	2,104,644	232,225	947,352	45%
Student Aid	5,915,395	5,168,023	87%	3,895,816	120,472	3,853,315	99%
Total Current Restricted Fund	11,027,471	6,565,607	60%	6,000,460	352,697	4,800,667	80%
PLANT FUNDS							
Capital Outlay / Bldg. Renewal & Repl.							
Projects from Institutional Funds	9,442,296	7,574,867	80%	69,675,330	945,054	10,938,172	16%
Projects from State GOB Funds	213,387	154,315	72%	3,825,685	-	391,365	10%
Projects from State STB Funds	170,870	174,104	102%	1,979,214	-	84,251	4%
Projects from General Fund	-	-	0%	353,400	50,567	154,228	44%
Projects from Private Funds	-	-	0%	-	-	-	0%
Projects from State ER&R	500,000	323,180	65%	335,000	45,075	393,531	117%
Projects from State BR&R	1,000,000	838,141	84%	663,671	187,444	1,042,624	157%
Subtotal - Capital and BR&R	11,326,553	9,064,607	80%	76,832,300	1,228,140	13,004,171	17%
Debt Service							
Revenue Bonds	-	-	0%	-	-	-	0%
Total Plant Funds	11,326,553	9,064,607	80%	76,832,300	1,228,140	13,004,171	17%
GRAND TOTAL EXPENDITURES	55,055,306	35,656,843	65%	115,444,102	3,909,678	41,526,321	36%

NEW MEXICO JUNIOR COLLEGE

Revenue Report

March 2023

75% of Year Completed

2021-22

2022-23

Fund	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	3,420,600	3,442,016	101%	3,805,562	98,862	3,708,622	97%
State Appropriations	6,420,500	4,797,550	75%	7,295,000	547,584	6,097,749	84%
Advalorem Taxes - Oil and Gas	58,900,000	34,678,606	59%	9,155,000	6,590,164	55,152,066	602%
Advalorem Taxes - Property	13,000,000	11,102,872	85%	10,221,168	159,738	11,134,959	109%
Interest Income	-	39	0%	-	-	-	0%
Other Revenues	1,006,500	881,491	88%	157,869	79,753	305,715	194%
Subtotal - Instruction & General	82,747,600	54,902,574	66%	30,634,599	7,476,101	76,399,111	249%
Research	-	-	0%	-	-	-	0%
Public Service	-	-	0%	-	-	-	0%
Internal Service Departments	20,800	2,911	14%	60,800	905	57,086	94%
Auxiliary Enterprises	2,530,762	2,247,174	89%	2,756,942	54,377	2,458,143	89%
Athletics	533,700	390,993	73%	558,600	44,233	427,900	77%
774							
Total Current Unrestricted	85,833,636	57,543,652	67%	34,010,941	7,575,616	79,342,240	233%
CURRENT RESTRICTED FUND							
Grants	5,112,076	3,256,589	64%	2,104,644	100,989	781,909	37%
Student Aid	5,915,395	5,081,166	86%	3,895,816	89,645	3,534,178	91%
Total Current Restricted	11,027,471	8,337,755	76%	6,000,460	190,634	4,316,087	72%
PLANT FUNDS							
Capital Outlay / Bldg. Renewal & Repl.							
Projects from State GOB Funds	154,315	117,665	76%	3,825,685	174,117	358,569	9%
Projects from State STB Funds	170,870	22,369	13%	1,979,214	-	84,251	4%
Projects from General Fund	70,511	168,111	238%	353,400	-	65,671	19%
Projects from BR&R	-	-	0%	65,671	-	-	0%
Projects from Private Funds	-	59,725	0%	-	-	-	0%
Interest Income (LGIP)	85,000	60,072	71%	60,000	702,286	3,723,201	6205%
Total Plant Funds	480,696	427,942	89%	6,283,970	876,403	4,231,692	67%
GRAND TOTAL REVENUES							
	97,341,803	66,309,349	68%	46,295,371	8,642,653	87,890,019	190%

NEW MEXICO JUNIOR COLLEGE

Oil and Gas Revenue Report

March 2023

75% of Year Completed

		OIL		GAS		COMBINED		
Month of	Sales	Price per BBL	Lea County BBLs sold	Price per MCF	Lea County MCF sold	Monthly Revenue	2022-23 Original Budget	Variance Over (Under) Budget
Distribution								
Actual	July	\$100.13	29,161,904	\$6.38	89,385,817	8,010,212	625,000	7,385,212
Actual	August	\$93.67	29,231,332	\$6.94	88,894,987	7,702,512	625,000	7,077,512
Actual	September	\$83.81	30,023,954	\$6.00	100,786,354	7,057,025	625,000	6,432,025
Actual	October	\$85.20	31,926,012	\$3.99	102,167,618	7,073,856	625,000	6,448,856
Actual	November	\$83.45	30,710,559	\$3.83	97,976,968	6,686,257	625,000	6,061,257
Actual	December	\$75.74	32,444,974	\$3.74	64,805,756	6,588,970	625,000	5,963,970
Actual	January					625,000	625,000	0
Actual	February					625,000	625,000	0
Actual	March					625,000	625,000	0
Accrual	April						625,000	(625,000)
Accrual	May						625,000	(625,000)
Accrual	June						625,000	(625,000)
Y.T.D. Production Tax Revenue						44,993,832	7,500,000	37,493,832
Y.T.D. Equipment Tax Revenue						10,158,234	1,655,000	8,503,234
Total Year-to-Date Oil & Gas and Equipment Tax Revenue						<u>55,152,066</u>	<u>9,155,000</u>	<u>45,997,066</u>

Source: New Mexico Taxation and Revenue Department

NEW MEXICO JUNIOR COLLEGE

Schedule of Investments

March 2023

66% of Year Completed

Financial Institution	Amount Invested	Account Number	Interest Rate	Interest Earned
State of New Mexico Local Government Investment Pool	179,000,000	7102-1348	4.558%	614,700
Plus deposits	9,000,000			
Less withdrawals	-			
Total LGIP investments	188,000,000			614,700

Capital Project	3/31/2023
Vehicles	206,287.00
Campus Facilities Master Plan	1,044,543.00
Chrome River	2,044.00
WHM North Gallery Renovation	655,817.00
Campus Vestibules	1,218,288.59
Voc B Airhandler	1,500,000.00
Softball Field	5,790,000.00
National Track Meet	110,577.39
Pi Day	23,487.04
Technology Upgrade	261,009.67
JASI	61,709.22
WHM Storage Building	1,040,622.57
Baseball Field	1,520,073.45
Rodeo Arena	113,503.82
Fire Alarm Upgrade	415,257.88
Landscaping	518,111.37
Smart Classrooms	513,033.51
Campus Signage	533,820.81
Campus Paving	974,796.84
Std Ctr & Bob Moran Roof Replacement	650,000.00
Master Landscaping Project	8,740,445.52
Dorm/Apartment Refurbish	1,622,840.18
Concrete Upgrade	1,379,714.04
Campus Construction	150,115.16
Workforce Training & Outreach	250,000.00
Higher Learning Commission	122,515.62
Public Sector	955,000.00
Campus Security	92,572.56
Copier Replacement	84,155.22
Non-Recurring Compensation	920,002.00
Athletics	81,454.46
Student Life Programming	20,432.28
Succession Plan	620,056.15
WHM Exhibits	42,945.05
Track Upgrades	1,479,216.82
Driving Range Upgrades	908,561.02
McLean Hall Renovations	66,424.22
Cafeteria Upgrade	87,295.18
Equestrian Center	2,933,949.87
Campus/Hospital Fencing	563,509.84
Turf Replacement	997,527.12
Watson Hall Renovation	3,893,817.60
Facilities Management System	478,168.04
Caster Upgrades	2,624,882.14
Vocational Training Facility	14,336,235.60
Heidel Hall Renovation	20,000,000.00
Heidel/Hagelstein Air Handlers	393,371.89
Air Handlers	2,985,247.70
Campus Housing Unit	15,361,244.77
Cafeteria Construction	12,904,046.13
Mansur Hall Remodel	4,000,000.00
Mary Hagelstein Remodel	4,000,000.00
Campus Wide Access Control	3,000,000.00
Dorm/Apartment Furniture Replacement	710,617.44
Roof Replacement	1,500,000.00
CORE	500,000.00
SOAR Caster Annex Remodel	500,000.00
NMJC/Lea County Quality of Life	2,500,000.00
Workforce Training Contingency	464.61
Total	128,959,811.39

NEW MEXICO JUNIOR COLLEGE

Vice President for Finance

5317 Lovington Highway
Hobbs, NM 88240
Phone: (575) 492-2770
Fax: (575) 492-2768

To: Board Members
From: Josh Morgan
RE: Quarterly Financial Action Report
Date: April 14, 2023

To comply with the HED (Higher Education Department) mandate that each College Board approve a quarterly financial action statement, attached is the Quarterly Action Statement for the quarter ending on March 31, 2023. This disclosure notifies you as the NMJC Board as well as the HED to any financial problems that might not be evident with an income and expense report. The College has made all required payments, payroll, and scheduled payments to vendors. Please approve the Quarterly Financial Action Report as of March 31, 2023.

Respectfully,



Josh Morgan

QUARTERLY FINANCIAL ACTION REPORT

Fiscal Year 23

Today's Date: 04-14-2023

Period (check one)

1st quarter _____ 2nd quarter _____ 3rd quarter X 4th quarter _____

Institution: New Mexico Junior College

DURING THE TIME PERIOD COVERED BY THIS REPORT, DID YOUR INSTITUTION:

(1) Request an advance of state subsidy? Yes: _____ No: X

(2) Fail to make its required payments, as scheduled, to appropriate retirement system(s)?

Yes: _____ No: X

(3) Fail to make its payroll payments, as scheduled?

Yes: _____ No: X

(4) Fail to make its scheduled debt service payments?

Yes: _____ No: X

(5) Fail to make payments to vendors, as scheduled, due to a cash deficiency or a substantial deficiency in the payment processing system?

Yes: _____ No: X

(6) Relative to its original budget for the fiscal year, experience any actual or anticipate any projected financial changes (such as unbudgeted decreases in revenues or unbudgeted increases in expenditures) that will result in a substantially reduced year-end fund balance or larger deficit this fiscal year?

Yes: _____ No: X

If the answer to any of the above is "Yes," please describe in a separate document: (i) the reason for the occurrence, (ii) the actions taken by your institution to resolve this particular occurrence, and (iii) the actions taken by your institution to prevent events such as this from occurring again.

In addition, if the answer to number 6 is "Yes," please describe in a separate document the nature of the financial changes and describe and assess the impact that the changes will have on your institution's planned year-end financial position.

New Mexico Higher Education Department
Institutional Finance Division
Quarterly Financial Certification Template

Please complete and sign the following certification form and submit with Quarterly Financial Statements and Quarterly Financial Actions Report.

I certify that I believe the information provided in the attached (a) Financial Statements, and (b) Financial Actions Report, for the:

1st _____ 2nd _____ 3rd X 4th _____ Quarter, FY 23

are correct as of the date indicated below, and that

New Mexico Junior College

has a functioning financial accounting system that captures assets, liabilities, revenues, and expenditures on a timely basis, and the Governing Board receives timely notification of any significant actual or projected variances between budgeted and actual revenues and expenditures.

Pat Chappelle, Board Chair

Dr. Derek Moore, President


Josh Morgan, Vice President for Finance

NEW MEXICO JUNIOR COLLEGE BUSINESS OFFICE

5317 Lovington Highway
Hobbs, NM 88240
Phone: (575) 492-2770
Fax: (575) 492-2768

To: NMJC Board Members
From: Josh Morgan
RE: Disposition of Inventory
Date: April 14, 2023

Pursuant to Article 6 ("Sale of Public Property") Section 13-6-1, New Mexico Junior College is requesting to sell at public auction unused inventory. Upon approval by the NMJC Board of Directors, a letter will be sent to the Office of the State Auditor (OSA) and the Higher Education Department (HED) notifying of our intentions to dispose of such inventory at public auction. Pursuant to Paragraph B of Section 13-6-1, New Mexico Junior College will wait 30 days from the notice to OSA and HED to hold the public auction.

Attached is a list of items which will be sent to public auction.

In accordance with State Statute 13-6-1, we hereby approved the disposition of New Mexico Junior College public inventory through sell at public auction.

Pat Chappelle
Board Chair
New Mexico Junior College



Josh Morgan
VP for Finance
New Mexico Junior College

<u>Inventory #</u>	<u>Description</u>	<u>Location Code</u>	<u>Serial Number or VIN</u>	<u>Acquisition Date</u>	<u>Acquired Value</u>
N11964	Three Gang Ball Picker	WARHOU	NULL	5/1/1995	\$1,643.33
N11973	EZ Go Golf Cart	WARHOU	ULA35410	6/1/1995	\$4,767.66
N12324	Clarke Floor Machine	WARHOU	TH3490	10/1/1995	\$1,665.00
N12341	Refrigerator - 23 Cubic Ft.	WARHOU		1/1/1996	\$1,938.99
N12811	High Speed Burnisher/Buffer	WARHOU	525234A	11/1/1996	\$1,513.20
N15219	1999 Chevy S-10 Truck	WMPORT	1GCCS1440X8103165	11/6/1998	\$14,400.00
N15273	Duraline High Speed Buffer	WARHOU		3/1/1999	\$1,406.00
N15419	Polaroid Projector	DW207		9/17/1999	\$3,595.00
N15528	HP LaserJet 4050N	WARHOU	US7B025278	10/19/1999	\$1,299.00
N16276	Lateral File Cabinet	WARHOU	NULL	1/8/2001	\$1,003.38
N16699	HP LaserJet 4100N	MC106	USJNJ02034	9/19/2001	\$1,429.00
N16707	John Deere Greensmower	WMPORT	M02653B070316	10/15/2001	\$16,062.45
N16815	Thermal Label Printer	WARHOU		3/8/2002	\$3,109.96
N16862	CAT 2950 48PT	WARHOU	FHK0616Z03C	5/30/2002	\$4,043.79
N16886	CAT 2950 48PT	WARHOU	FHK0614X0VQ	5/30/2002	\$3,957.93
G31765	HP LaserJet 4200N	MH128	CNBX405579	1/27/2003	\$1,439.00
N17265	HP LaserJet 4200/4300	MH105	SCNBX322045	5/2/2003	\$1,375.36
N17269	HP LaserJet 4200/4300	MH102	SCNBX322044	5/2/2003	\$1,375.36
N17648	Mobo Confeti Cannon	WM102	No Serial #	7/22/2003	\$1,499.00
N17793	Popcorn Machine	WARHOU	1-302	7/28/2004	\$1,485.00
N17994	InFocus Projector	BA153	ANQN44001273	4/6/2005	\$1,999.00
N18149	Custom Techline Podium	WARHOU	NULL	8/19/2005	\$2,150.00
N18150	Samsung Document Camera	WARHOU	T5400140	8/19/2005	\$2,050.00
N18423	Desk	WARHOU	NULL	8/31/2005	\$958.00
N18242	Workstation 72" Desk	WARHOU	NULL	11/14/2005	\$902.59
G31933	Extron Media Link	WARHOU	MLC226IPAAP	1/9/2006	\$2,655.00
N18206	Extron Media Link	WARHOU	MLC226IPAAP	1/9/2006	\$2,655.00
N18480	Extron Media Link	MC130	MLC226IPAAP	5/25/2006	\$1,416.80
N18482	Custom Techline Podium	MC130	No Serial #	5/25/2006	\$3,350.00
N18483	Extron Media Link	MC127	MLC226IPAAP	5/25/2006	\$1,416.80
N18510	125 Gateway E-4500	PL237		7/31/2006	\$1,097.60
N18530	125 Gateway E-4500	BM156		7/31/2006	\$1,097.60
N18588	125 Gateway E-4500	BM156		7/31/2006	\$1,097.60
N18643	125 Gateway E-4500	BM156		7/31/2006	\$1,097.60
N18650	125 Gateway E-4500	BM156		7/31/2006	\$1,097.60
N18622	Toro Mower	WMPORT		9/1/2006	\$43,777.49
G31957	Mac Pro	MC105A	G86354KHUPZ	9/26/2006	\$2,029.00
N18794	Samsung Document Camera	MC130	T6800953	10/9/2006	\$2,185.00
N18795	Samsung Document Camera	MC127	T6800965	10/9/2006	\$2,185.00
G50016	Panasonic Computer	DW239	CF-18NHHZXBM	10/31/2006	\$9,799.00
N18814	HON Valido 60" Desk	WARHOU	CDXTRA	12/2/2006	\$1,357.50
N18859	Gateway M465E	OC100		4/4/2007	\$1,354.71
N18884	Workstation 72" Desk	WARHOU	NULL	7/1/2007	\$2,056.37
N18887	2007 Chevrolet Impala	WMPORT	2GIWB58K579273919	8/10/2007	\$17,300.00
N18888	2007 Chevrolet Impala	WMPORT	2G1WB58K479240782	8/10/2007	\$17,300.00
N18892	Gateway E475M	DW239		8/27/2007	\$1,639.29
N19065	Basic Keri Manikin	AUC100	LF4021-1001	5/26/2008	\$1,087.75
H10004	HP LaserJet P4015N	WARHOU	CNDY123539	7/23/2008	\$1,378.53
H10352	Lockwood Foodwarmer	WARHOU	CA67-PF34-CD-R	8/13/2008	\$2,210.41
G50029	XPS Desktop	WARHOU	9HNKDD1	12/3/2008	\$1,297.00
G50030	XPS Desktop	WARHOU	2NMKDD1	12/3/2008	\$1,297.00
H10247	Dell OptiPlex 760	WARHOU	B7MKWH1	1/12/2009	\$1,022.69
H10248	Dell OptiPlex 760	WARHOU	70MKWH1	1/12/2009	\$1,022.69
H10249	Dell OptiPlex 760	WARHOU	70MKWH1	1/12/2009	\$1,022.69
H10641	Extron Media Link	MC138A	MLC226IPDV	9/14/2009	\$1,717.70
H10643	Samsung Document Camera	MC138A	PH088012540	9/14/2009	\$2,165.00
H10659	Dell Latitude D830	DW239	B5GLZK1	10/9/2009	\$1,322.98
N19136	CAT 2960 48PT	WARHOU	FOC1345V1CW	3/8/2010	\$9,342.03

H10782	Smart Sympodium	WARHOU	OAFP02281		6/4/2010	\$2,279.00
H10862	HP ProBook 6550b	BA119	CNU03129RV		8/12/2010	\$1,163.70
H10867	HP ProBook 6550b	BA119	CNU03129SD		8/12/2010	\$1,163.70
H11108	Sony Vaio Desktop	WF155	C6UIJW6F		10/11/2010	\$1,199.97
N19192	ITV Dist. Ed. Equip.	PL237		5189445	11/5/2010	\$36,321.88
N19193	ITV Dist. Ed. Equip.	PL204		5189354	11/5/2010	\$44,493.12
D00074	HP Laptop	WF155	2CE05007LX		11/8/2010	\$688.00
D00075	HP Laptop	WF155	2CE05007LJ		11/8/2010	\$688.00
D00076	HP Laptop	WF155	2CE05007LW		11/8/2010	\$688.00
D00077	HP Laptop	WF155	2CE05007LL		11/8/2010	\$688.00
D00078	HP Laptop	WF155	2CE05007LM		11/8/2010	\$688.00
D00079	HP Laptop	WF155	2CE05007LS		11/8/2010	\$688.00
D00080	HP Laptop	WF155	2CE05007LK		11/8/2010	\$688.00
D00081	HP Laptop	WF155	2CE05007LH		11/8/2010	\$688.00
D00082	HP Laptop	WF155	2CE05007LV		11/8/2010	\$688.00
D00083	HP Laptop	WF155	2CE05007LP		11/8/2010	\$688.00
D00084	HP Laptop	WF155	2CED05007LT		11/8/2010	\$688.00
D00085	HP Laptop	WF155	2CE05007LG		11/8/2010	\$688.00
D00086	HP Laptop	WF155	2CE05007LR		11/8/2010	\$688.00
D00087	HP Laptop	WF155	2CE05007LQ		11/8/2010	\$688.00
D00088	HP Laptop	WF155	2CE05007LN		11/8/2010	\$688.00
H11090	HP Compaq 8000 Elite	WARHOU	MXL10328H0		3/9/2011	\$1,150.00
H11096	HP Compaq 8000 Elite	WARHOU	MXL10328HC		3/9/2011	\$1,150.00
H11161	HP LaserJet P4015X	WARHOU	CNDYC09935		5/26/2011	\$1,834.41
H11224	HP LaserJet P4015DN	BA108B	CNDY946447		8/17/2011	\$1,416.75
H11436	HON Valido 72" Desk	CA144	35DE7H		12/6/2011	\$1,397.29
H11433	Smart Sympodium	WARHOU	K012DW41A0039		12/13/2011	\$2,306.50
H11491	Mac Pro	WARHOU	H020505MEUH		2/20/2012	\$4,572.00
H11485	HP LaserJet P4015DN	BA108	CNDY956889		2/21/2012	\$1,416.97
H11486	HP LaserJet P4015DN	BA108	CNDYC47783		2/21/2012	\$1,416.97
H11495	Lenovo ThinkPad L520	BA119	LR-OEMRH		2/23/2012	\$1,489.39
H11497	Lenovo ThinkPad L520	BA119	LR-OEMRW		2/23/2012	\$1,489.39
H11507	Lenovo ThinkPad 2640M	PL237	R9-LPGBW		2/23/2012	\$2,276.49
N19251	Roadster 22K-J Projector	WARHOU		290385009	5/8/2012	\$91,766.23
H11673	Dell Latitude E5520	MC127	6V29BT1		9/18/2012	\$1,082.58
H11697	Dell Latitude E5520	BA119	6V6BBT1		9/18/2012	\$1,082.58
H11700	Dell Latitude E5520	BA119	6V70BT1		9/18/2012	\$1,082.58
H11702	Dell Latitude E5520	BA119	6V0W9T1		9/18/2012	\$1,082.58
H11708	Dell Latitude E5520	BA119	6V6Z9T1		9/18/2012	\$1,082.58
H11712	Dell Latitude E5520	BA119	6V10BT1		9/18/2012	\$1,082.58
H11771	HP Compaq 8200 Elite	WARHOU	2UA2351DP1		10/25/2012	\$1,012.01
H11772	HP Compaq 8200 Elite	WARHOU	2UA2351DP4		10/25/2012	\$1,012.01
H11773	HP Compaq 8200 Elite	WARHOU	2UA2351DQG		10/25/2012	\$1,012.01
H11774	HP Compaq 8200 Elite	WARHOU	2UA2351DPW		10/25/2012	\$1,012.01
H11775	HP Compaq 8200 Elite	WARHOU	2UA2351DPG		10/25/2012	\$1,012.01
H11776	HP Compaq 8200 Elite	WARHOU	2UA2351DR4		10/25/2012	\$1,012.01
H11777	HP Compaq 8200 Elite	WARHOU	2UA2351DPF		10/25/2012	\$1,012.01
H11778	HP Compaq 8200 Elite	WARHOU	2UA2351DPR		10/25/2012	\$1,012.01
H11779	HP Compaq 8200 Elite	WARHOU	2UA2351DPO		10/25/2012	\$1,012.01
H11780	HP Compaq 8200 Elite	WARHOU	2UA2351DP2		10/25/2012	\$1,012.01
H11781	HP Compaq 8200 Elite	WARHOU	2UA2351DPT		10/25/2012	\$1,012.01
H11782	HP Compaq 8200 Elite	WARHOU	2UA2351DPL		10/25/2012	\$1,012.01
H11783	HP Compaq 8200 Elite	WARHOU	2UA2351DP55		10/25/2012	\$1,012.01
H11784	HP Compaq 8200 Elite	WARHOU	2UA2351DNY		10/25/2012	\$1,012.01
H11785	HP Compaq 8200 Elite	WARHOU	2UA2351DQV		10/25/2012	\$1,012.01
H11786	HP Compaq 8200 Elite	WARHOU	2UA2351DQH		10/25/2012	\$1,012.01
H11787	HP Compaq 8200 Elite	WARHOU	2UA2351DQJ		10/25/2012	\$1,012.01
H11788	HP Compaq 8200 Elite	WARHOU	2UA2351DNX		10/25/2012	\$1,012.01
H11789	HP Compaq 8200 Elite	WARHOU	2UA2351DQT		10/25/2012	\$1,012.01

H11790	HP Compaq 8200 Elite	WARHOU	2UA2351DPQ		10/25/2012	\$1,012.01
H11800	Ice Machine	WARHOU	807560D		10/25/2012	\$1,999.99
H11824	HP Compaq 8300 Elite	WARHOU	2UA2381XSD		11/15/2012	\$1,013.25
H11831	HP Compaq 8300 Elite	WARHOU	2UA2381XSM		11/15/2012	\$1,013.25
N19280	The Arm Machine	WARHOU		96238	11/27/2012	\$6,500.00
H11868	Lenovo ThinkPad L530	WARHOU	R9-WCDVF		1/14/2013	\$1,405.00
H12019	HP Compaq 8300 Elite	WARHOU	MXL3350LH1		9/12/2013	\$1,029.81
H12038	HP Compaq 8300 Elite	CA145	MXL3370MBX		9/17/2013	\$1,029.81
H12039	HP Compaq 8300 Elite	MC105A	MXL3370MC3		9/17/2013	\$1,029.81
H12048	HP Compaq 8300 Elite	WARHOU	MXL3370MC8		9/17/2013	\$1,029.81
H12050	HP Compaq 8300 Elite	WARHOU	MXL3370MBZ		9/17/2013	\$1,029.81
H12052	HP Compaq 8300 Elite	BA106	MXL3370MCD		9/17/2013	\$1,029.81
H12057	Surface Mount Letter Board	WARHOU	NULL		10/2/2013	\$2,472.84
H12006	HP Compaq 8300 Elite	WARHOU	MXL3340CI0		10/24/2013	\$1,065.89
H12092	HP ProBook 6570b	WARHOU	5CB33209L6		10/24/2013	\$1,218.66
H12093	HP ProBook 6570b	WF119	5CB33209L4		10/24/2013	\$1,218.66
H12129	HP ProBook 6570b	WARHOU	5CB33707TV		10/24/2013	\$1,342.03
H12152	Epson 1835 Projector	WARHOU	PAVK3500156		11/13/2013	\$1,177.00
H12155	LACie 4 Big Quadra	WARHOU	16041309050119UHB		11/14/2013	\$1,119.75
D00002	iPad Air Wi-Fi 32GB	PL111	DMQM4NLLFK11		3/17/2014	\$579.00
D00013	iPad Air Wi-Fi 32GB	OC100	DMPMG5FFFK11		4/16/2014	\$599.00
H12232	HP EliteOne 800 G1 (11)	WARHOU	MXL4131029		4/29/2014	\$1,136.55
H12233	HP EliteOne 800 G1 (12)	WARHOU	MXL4131069		4/29/2014	\$1,136.55
H12254	HP EliteOne 800 G1 (01)	WARHOU	MXL413105G		4/29/2014	\$1,136.55
H12255	HP EliteOne 800 G1 (02)	WARHOU	MXL413104K		4/29/2014	\$1,136.55
H12256	HP EliteOne 800 G1 (03)	WARHOU	MXL413105V		4/29/2014	\$1,136.55
H12257	HP EliteOne 800 G1 (04)	WARHOU	MXL4131028		4/29/2014	\$1,136.55
H12258	HP EliteOne 800 G1 (05)	WARHOU	MXL413101P		4/29/2014	\$1,136.55
H12259	HP EliteOne 800 G1 (06)	WARHOU	MXL4131011		4/29/2014	\$1,136.55
H12260	HP EliteOne 800 G1 (07)	WARHOU	MXL413105Y		4/29/2014	\$1,136.55
H12261	HP EliteOne 800 G1 (08)	WARHOU	MXL413105B		4/29/2014	\$1,136.55
H12262	HP EliteOne 800 G1 (09)	WARHOU	MXL4131042		4/29/2014	\$1,136.55
H12264	HP EliteOne 800 G1 (17)	WARHOU	MXL4131065		4/29/2014	\$1,136.55
H12265	HP EliteOne 800 G1 (18)	WARHOU	MXL413105T		4/29/2014	\$1,136.55
H12266	HP EliteOne 800 G1 (19)	WARHOU	MXL413101G		4/29/2014	\$1,136.55
H12267	HP EliteOne 800 G1 (20)	WARHOU	MXL4131062		4/29/2014	\$1,136.55
H12268	HP EliteOne 800 G1 (21)	WARHOU	MXL413100Y		4/29/2014	\$1,136.55
H12270	HP EliteOne 800 G1 (16)	WARHOU	MXL413101Q		4/29/2014	\$1,136.55
H12271	HP EliteOne 800 G1 (15)	WARHOU	MXL413102J		4/29/2014	\$1,136.55
H12272	HP EliteOne 800 G1 (14)	WARHOU	MXL413105K		4/29/2014	\$1,136.55
H12273	HP EliteOne 800 G1 (13)	WARHOU	MXL4131059		4/29/2014	\$1,136.55
H12284	HP EliteOne 800 G1 (11)	WARHOU	MXL4131049		4/29/2014	\$1,136.55
H12285	HP EliteOne 800 G1 (12)	WARHOU	MXL413106V		4/29/2014	\$1,136.55
H12286	HP EliteOne 800 G1 (06)	WARHOU	MXL4131012		4/29/2014	\$1,136.55
H12287	HP EliteOne 800 G1 (05)	WARHOU	MXL4131041		4/29/2014	\$1,136.55
H12288	HP EliteOne 800 G1 (04)	WARHOU	MXL413103W		4/29/2014	\$1,136.55
H12290	HP EliteOne 800 G1 (02)	WARHOU	MXL4131026		4/29/2014	\$1,136.55
H12291	HP EliteOne 800 G1 (01)	WARHOU	MXL413106P		4/29/2014	\$1,136.55
H12299	HP EliteOne 800 G1 (18)	WARHOU	MXL413101F		4/29/2014	\$1,136.55
H12300	HP EliteOne 800 G1 (10)	WARHOU	MXL413102K		4/29/2014	\$1,136.55
H12301	HP EliteOne 800 G1 (09)	WARHOU	MXL413104G		4/29/2014	\$1,136.55
H12302	HP EliteOne 800 G1 (08)	WARHOU	MXL413106Q		4/29/2014	\$1,136.55
H12347	HP EliteOne 800 G1 (26)	WARHOU	MXL4131013		4/29/2014	\$1,136.55
H12348	HP EliteOne 800 G1 (27)	WARHOU	MXL4131010		4/29/2014	\$1,136.55
H12350	HP EliteOne 800 G1 (29)	WARHOU	MXL413102T		4/29/2014	\$1,136.55
H12352	HP EliteOne 800 G1 (24)	WARHOU	MXL413103S		4/29/2014	\$1,136.55
H12353	HP EliteOne 800 G1 (23)	WARHOU	MXL413104B		4/29/2014	\$1,136.55
H12355	HP EliteOne 800 G1 (21)	WARHOU	MXL413101B		4/29/2014	\$1,136.55
H12359	HP EliteOne 800 G1 (17)	WARHOU	MXL413106T		4/29/2014	\$1,136.55

H12360	HP EliteOne 800 G1 (16)	WARHOU	MXL413106C		4/29/2014	\$1,136.55
H12361	HP EliteOne 800 G1 (15)	WARHOU	MXL413106N		4/29/2014	\$1,136.55
H12363	HP EliteOne 800 G1 (13)	WARHOU	MXL4131057		4/29/2014	\$1,136.55
H12364	HP EliteOne 800 G1 (19)	WARHOU	MXL4131014		4/29/2014	\$1,136.55
H12365	HP EliteOne 800 G1 (20)	WARHOU	MXL413103Y		4/29/2014	\$1,136.55
H12406	HP EliteOne 800 G1 (32)	WARHOU	MXL413103K		4/29/2014	\$1,136.55
H12407	HP EliteOne 800 G1 (31)	WARHOU	MXL413100N		4/29/2014	\$1,136.55
H12408	HP EliteOne 800 G1 (30)	WARHOU	MXL413103X		4/29/2014	\$1,136.55
H12409	HP EliteOne 800 G1 (29)	WARHOU	MXL4131056		4/29/2014	\$1,136.55
H12410	HP EliteOne 800 G1 (23)	WARHOU	MXL4131022		4/29/2014	\$1,136.55
H12411	HP EliteOne 800 G1 (24)	WARHOU	MXL413104J		4/29/2014	\$1,136.55
H12416	HP EliteOne 800 G1 (33)	WARHOU	MXL413102M		4/29/2014	\$1,136.55
H12417	HP EliteOne 800 G1 (34)	WARHOU	MXL413103H		4/29/2014	\$1,136.55
H12509	HP EliteOne 800 AIO	WARHOU	MXL4320FC4		8/20/2014	\$1,120.89
H12510	HP EliteOne 800 AIO	WARHOU	MXL4320FCS		8/20/2014	\$1,120.89
H12511	HP EliteOne 800 AIO	WARHOU	MXL4320FCC		8/20/2014	\$1,120.89
H12512	HP EliteOne 800 AIO	WARHOU	MXL4320FDI		8/20/2014	\$1,120.89
H12513	HP EliteOne 800 AIO	WARHOU	MXL4320FCH		8/20/2014	\$1,120.89
H12514	HP EliteOne 800 AIO	WARHOU	MXL4320FCB		8/20/2014	\$1,120.89
H12515	HP EliteOne 800 AIO	WARHOU	MXL4320FCR		8/20/2014	\$1,120.89
H12516	HP EliteOne 800 AIO	WARHOU	MXL4320FC8		8/20/2014	\$1,120.89
H12517	HP EliteOne 800 AIO	WARHOU	MXL4320FCK		8/20/2014	\$1,120.89
H12524	HP EliteOne 800 AIO	WARHOU	MXL4320FC9		8/20/2014	\$1,120.89
H12525	HP EliteOne 800 AIO	WARHOU	MXL4320FCN		8/20/2014	\$1,120.89
H12526	HP EliteOne 800 AIO	WARHOU	MXL4320FDO		8/20/2014	\$1,120.89
H12527	HP EliteOne 800 AIO	WARHOU	MXL4320FC7		8/20/2014	\$1,120.89
H12528	HP EliteOne 800 AIO	WARHOU	MXL4320FCG		8/20/2014	\$1,120.89
H12532	Epson 1930 Projector	WARHOU	RM5F440017L		8/25/2014	\$1,100.00
H12533	Epson 1930 Projector	WARHOU	RM5F440096L		8/25/2014	\$1,100.00
H12557	HP EliteOne 800 AIO	WARHOU	MXL4350YCP		9/11/2014	\$1,120.89
H12585	HP EliteOne 800 AIO	WARHOU	MXL43924ZZ		10/9/2014	\$1,126.21
H12594	HP ProBook 650 G1	MC105A	5CG4411QNL		10/21/2014	\$1,567.30
N19363	Tomcat 255 Burnishing Machine	WM101		79648	12/15/2014	\$13,780.50
H12644	HP Z1 Workstation AIO	WARHOU	2UA45012G1		1/12/2015	\$2,666.63
H12669	CAT 2960 24PT	WARHOU	FCW1901A5TM		3/12/2015	\$2,104.90
D00116	HP Color Printer	WARHOU	CN88GCF2N		3/17/2015	\$413.52
H12671	Proofer Holding Cabinet	WARHOU	NULL		3/24/2015	\$1,955.00
H12707	Epson 1930 Projector	WARHOU	RM5F440790L		6/8/2015	\$1,058.00
H12764	Lenovo ThinkPad	BA150	MP-08AT74		10/26/2015	\$1,928.29
H12767	Studio Desk	WARHOU	NULL		10/29/2015	\$1,750.00
H12770	HP EliteOne 800 AIO	CA146A	MXL5431LFL		11/5/2015	\$1,209.09
H12784	HP EliteOne 800 AIO	CA114	MXL5431LFP		11/5/2015	\$1,209.09
H12801	Microsoft Surface Book	MC105A		1744560357	3/1/2016	\$3,192.97
H12806	Canon High Speed Scanner	WARHOU	FB332132		3/15/2016	\$2,619.50
H12812	HP EliteOne 800 AIO	BA143	MCL6112BDT		4/26/2016	\$1,193.89
D00110	Double Sided Sign Trailer	DORMLO	No Serial #		5/3/2016	\$0.00
D00230	Double Sided Sign Trailer	DORMLO	No Serial #		5/3/2016	\$0.00
H12822	HP ProBook 650 G2	MC105A	5CG61503KZ		5/12/2016	\$1,489.64
H12825	HP ProBook 650 G2	MC105A	5CG61503LC		5/12/2016	\$1,489.64
H12811	Microsoft Surface Book	MC105A	072066760254 / 011245161257		5/19/2016	\$3,609.85
H12839	HP EliteOne 800 AIO	WARHOU	MXL6170QT4		5/19/2016	\$1,189.00
H12840	HP EliteOne 800 AIO	WARHOU	MXL6170QT5		5/19/2016	\$1,189.00
N19417	Retail Pro POS System	HC106	87L8JB2		5/27/2016	\$16,732.10
H12843	HP Z1 G2 Workstation	WF155	2UA6201S4W		6/8/2016	\$2,479.00
H12950	NCR Terminal Register	BA159	83-487-84878		8/31/2016	\$2,530.52
H12951	NCR Terminal Register	BA157	83-487-86127		8/31/2016	\$2,530.51
H12955	Epson 1980 Projector	HH108	V5XF670044L		9/29/2016	\$1,458.66
H12956	Application Server	MC107	DCGKQD2		9/29/2016	\$4,632.00
N19435	Dell Database Server	MC107	DL1KQD2		9/29/2016	\$10,774.00

H12965	HP ProBook 650	MC105A	5CG6380FNL	10/13/2016	\$1,386.79
H12976	HP EliteOne 800 AIO	JS119	MXL6342D57	10/24/2016	\$1,170.00
H12977	HP EliteOne 800 AIO	WARHOU	MXL6342D51	10/24/2016	\$1,170.00
H12978	HP EliteOne 800 AIO	WARHOU	MXL6342D5J	10/24/2016	\$1,170.00
H12979	HP EliteOne 800 AIO	WARHOU	MXL6342 D5T	10/24/2016	\$1,170.00
H12980	HP EliteOne 800 AIO	WARHOU	MXL6342D54	10/24/2016	\$1,170.00
H12981	HP EliteOne 800 AIO	WARHOU	MXL6342D5H	10/24/2016	\$1,170.00
H12982	HP EliteOne 800 AIO	WARHOU	MXL6342D5K	10/24/2016	\$1,170.00
H12983	HP EliteOne 800 AIO	WARHOU	MXL6342D64	10/24/2016	\$1,170.00
H12986	HP EliteOne 800 AIO	WARHOU	MXL6342D5P	10/24/2016	\$1,170.00
H12988	HP EliteOne 800 AIO	WARHOU	MXL6342D5L	10/24/2016	\$1,170.00
H12989	HP EliteOne 800 AIO	WARHOU	MXL6342D69	10/24/2016	\$1,170.00
H12990	HP EliteOne 800 AIO	WARHOU	MXL6342D5R	10/24/2016	\$1,170.00
H12993	HP EliteOne 800 AIO	WARHOU	MXL6342D60	10/24/2016	\$1,170.00
H12995	HP EliteOne 800 AIO	WARHOU	MXL6440Y18	10/24/2016	\$1,170.00
H12996	HP EliteOne 800 AIO	WARHOU	MXL6342D5Q	10/24/2016	\$1,170.00
H12997	HP EliteOne 800 AIO	WARHOU	MXL6342D5M	10/24/2016	\$1,170.00
H12998	HP EliteOne 800 AIO	WARHOU	MXL6342D5Y	10/24/2016	\$1,170.00
H12999	HP EliteOne 800 AIO	WARHOU	MXL6342D61	10/24/2016	\$1,170.00
H13000	HP EliteOne 800 AIO	WARHOU	MXL6342D5V	10/24/2016	\$1,166.14
H13001	HP EliteOne 800 AIO	WARHOU	MXL6342D5X	10/24/2016	\$1,166.14
H13002	HP EliteOne 800 AIO	WARHOU	MXL6342D65	10/24/2016	\$1,166.14
H13003	HP EliteOne 800 AIO	WARHOU	MXL6342D62	10/24/2016	\$1,166.14
H13004	HP EliteOne 800 AIO	WARHOU	MXL6342D5C	10/24/2016	\$1,166.14
H13005	HP EliteOne 800 AIO	WARHOU	MXL6342D4Y	10/24/2016	\$1,166.14
H13006	HP EliteOne 800 AIO	WARHOU	MXL6342D4Z	10/24/2016	\$1,166.14
H13007	HP EliteOne 800 AIO	WARHOU	MXL6342D58	10/24/2016	\$1,166.14
H13008	HP EliteOne 800 AIO	WARHOU	MXL6342D68	10/24/2016	\$1,166.14
H13009	HP EliteOne 800 AIO	WARHOU	MXL6342D59	10/24/2016	\$1,166.14
H13010	HP EliteOne 800 AIO	WARHOU	MXL6342D4W	10/24/2016	\$1,166.14
H13011	HP EliteOne 800 AIO	WARHOU	MXL6342D52	10/24/2016	\$1,166.14
H13012	HP EliteOne 800 AIO	WARHOU	MXL6342D5Z	10/24/2016	\$1,166.14
H13013	HP EliteOne 800 AIO	WARHOU	MXL6342D4X	10/24/2016	\$1,166.14
H13015	HP EliteOne 800 AIO	WARHOU	MXL6342D56	10/24/2016	\$1,166.14
H13016	HP EliteOne 800 AIO	WARHOU	MXL6342D5S	10/24/2016	\$1,166.14
H13017	HP EliteOne 800 AIO	WARHOU	MXL6342D66	10/24/2016	\$1,166.14
H13018	HP EliteOne 800 AIO	WARHOU	MXL6342D53	10/24/2016	\$1,166.14
H13019	HP EliteOne 800 AIO	WARHOU	MXL6342D50	10/24/2016	\$1,166.14
H13020	HP EliteOne 800 AIO	WARHOU	MXL6342D5F	10/24/2016	\$1,166.14
H12959	Epson 1980 Projector	WARHOU	V5XF670147L	11/16/2016	\$1,458.66
N19439	SimMan 3G Manikin	AH135	8C06360271	12/15/2016	\$102,097.21
H13077	HP EliteOne 800 G2	MC105A	MXL7107VN7	5/11/2017	\$1,200.44
H13097	HP ProBook 650 G2	CL105	5CG7261KJ4	7/12/2017	\$1,632.00
D00299	Vizio 43" HDTV	WARHOU	LTT7VNBT1901516	9/4/2017	\$278.00
H13150	HP EliteBook 840 G4	WARHOU	5CG73934TJ	10/12/2017	\$1,565.58
H13151	HP EliteBook 840 G4	OC100	5CG73934VW	10/12/2017	\$1,565.58
H13152	HP EliteBook 840 G4	MC105A	5CG739350R	10/12/2017	\$1,565.58
H13160	HP EliteBook 840 G4	WARHOU	5CG7393ZJ	10/12/2017	\$1,565.58
H13161	HP EliteBook 840 G4	OC100	5CG73934Y3	10/12/2017	\$1,565.58
H13171	HP EliteBook 840 G4	OC100	5CG73934WL	10/12/2017	\$1,565.58
H13172	HP EliteBook 840 G4	MC121	5CG73934YR	10/12/2017	\$1,565.58
H13175	HP EliteBook 840 G4	MC105A	5CG73934W8	10/12/2017	\$1,565.58
H13268	Epson 5000 Projector	MH130	X3NL810493L	2/14/2018	\$1,379.00
H13281	Hill-Rom Hospital Bed	WARHOU	A214PH0165	2/14/2018	\$2,302.48
H13282	Hill-Rom Hospital Bed	WARHOU	B208AB4779	2/14/2018	\$2,302.48
D00777	HP EliteBook 840 G1	MC105A	CNU420BCWN	9/4/2018	\$0.00
D01049	Wall Mount Laptop Station	WARHOU	No Serial #	2/27/2019	\$594.75
D01050	Wall Mount Laptop Station	AH142	No Serial #	2/27/2019	\$594.75
D01051	Wall Mount Laptop Station	WARHOU	No Serial #	2/27/2019	\$594.75

D01052	Wall Mount Laptop Station	WARHOU	No Serial #	2/27/2019	\$594.75
D00847	Welch Allyn Vital Signs (27)	AH159	NULL	3/5/2019	\$0.00
D01095	PrepPal Meat Slicer	BA162	PPSL-12HD1801092	4/12/2019	\$899.99
H14254	Electric Floor Fryer	BA162	NULL	11/20/2019	\$1,862.17
H14799	HON Credenza	BA145	NULL	10/5/2021	\$1,300.50

MEMO

Date: March 30, 2023

To: New Mexico Junior College Board Members

From: Steve Saucedo

Subject: Naming of Facility

On December 13, 2010 the NMJC Board approved our current training facility to be named the Larry Hanna Training and Outreach Center. Earlier this year, the Executive Team at NMJC agreed upon a divisional name change from Training & Outreach to Workforce Development to better encapsulate who we are as a division and a more industry recognized name. I am requesting the board approve the renaming of our building to be the Larry Hanna Workforce Development Facility.

Thank you for your consideration.

MEMO

To: NMJC Board
From: Scotty Holloman
Date: April 13, 2023
Re: Donation of Radio Station

In 2015 New Mexico Junior College Foundation (NMJC Foundation) received the donation of a radio station known as KPER, Eunice New Mexico (now known as KNMJ) from Five Star Media Corporation. The radio station was subsequently transferred to New Mexico Junior College (NMJC).

KNMJ (Radio Station) operated on the campus of NMJC until the middle of 2022. Over time it became evident the Radio Station would need a significant upgrade in equipment to properly operate. In mid-2022 it further became evident NMJC did not have adequate personnel or class curriculum developed to adequately utilize the Radio Station or to justify the expenditures needed to upgrade equipment. An analysis was also done regarding the costs and expenses of operating the Radio Station along with the benefits of having the Radio Station. It was determined that the best course of action would be to shut the Radio Station down and to transfer the Radio Station to another entity that could adequately utilize the Radio Station while still providing educational opportunities in the radio broadcasting fields.

NMJC contacted Eastern New Mexico University (ENMU) concerning the possible donation of the Radio Station to ENMU. ENMU operates KENW, which covers Lea County with a translator in Maljamar. After discussions with the appropriate personnel with KENW, ENMU has agreed to accept the donation of the Radio Station. The donation of the Radio Station would allow better coverage for KENW (which broadcasts NPR) over Eastern New Mexico and West Texas.

Is also possible for NMJC to work with ENMU to develop pathways involving radio broadcasting, radio engineering, and related fields. This arrangement would be in alignment with SB-77 to provide pathways and the ability of students to begin work on degrees at NMJC and transfer to ENMU for completion.

The attached Donation Agreement and Programming Agreement have been prepared with assistance of Scott Pippin, outside FCC counsel for NMJC, and Ernest Sanchez outside FCC counsel for ENMU and ENMU personnel. The administrations of NMJC and ENMU agree with the attached agreements.

The Programming Agreement would allow ENMU to begin broadcasting over KNMJ's frequency until the FCC can approve the transfer of the Radio Station to ENMU. NMJC suspended operations

of the Radio Station in July 2022. Broadcasting must begin again no later than July 1, 2023 or the frequency will be lost. The Programming Agreement would fulfill the need to begin broadcasting prior to July 1, 2023.

The contemplated approval of the transfer of the Radio Station from NMJC to ENMU through the FCC process should take place over the next three to four months, if the proposed transfer is approved.

The Board's approval of the attached Donation Agreement and Programming Agreement is requested.

DONATION AGREEMENT

THIS DONATION AGREEMENT (“Agreement”) is made and entered into as of the ___ day of April 2023, by and between New Mexico Junior College, a public junior college (hereinafter “**Donor**”) and Eastern New Mexico University, a public university (hereinafter “**Donee**”).

WITNESSETH

WHEREAS, Donor and Donee are public post-secondary educational institutions located in the southeastern region of New Mexico; and

WHEREAS, Donee has expertise and experience in operating a radio station and has the necessary personnel to operate a radio station and to provide courses and educational opportunities associated with running and operating a radio station; and

WHEREAS, Donor and Donee agree to discuss opportunities for graduates of Donor to transition to Donee to complete degrees associated with running and operating a radio station; and

WHEREAS, Donor is the Federal Communications Commission (“**FCC**”) licensee of broadcast radio station KNMJ(FM), Eunice, New Mexico (FCC Facility ID No. 40206) (the “**Station**”); and

WHEREAS, Donor desires to convey all rights, title, and interest in and to the Station and related assets, as described herein, to Donee; and

WHEREAS, Donee desires to receive and own the Station and its related assets under the terms and conditions stated herein; and

WHEREAS, Donee is the licensee of noncommercial educational broadcast radio station KENW-FM; and

WHEREAS, the consummation of this Agreement is subject to the prior approval of the FCC;

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, it is hereby agreed as follows:

1. **ASSETS**. Donor agrees to transfer, assign, convey, and deliver to Donee, and Donee agrees to receive and accept, free and clear of all liabilities, debts, liens, charges, assessments and encumbrances of any kind, the following (collectively, the “**Donated Assets**”):

- (a) all licenses, authorizations or other rights of any kind issued or granted by the FCC to Donor with respect to the Station (collectively the “**FCC License**”) listed in **Schedule A**;
- (b) certain tangible personal property used by Donor in the operation of the Station, as described in **Schedule B** (the “**Tangible Personal Property**”);
- (c) the contracts and other agreements to which Donor is a party and which are related to the Donated Assets, as listed in **Schedule C** (the “**Assumed Contracts**”).

This donation excludes from the Donated Assets any assets or liabilities of Donor not specifically described herein.

Donee understands and acknowledges that the Station is currently off the air since July 1, 2022 pursuant to an FCC grant of Silent Special Temporary Authority dated September 8, 2022 (FCC File No. 0000194501) and that the Station must return to licensed broadcast operation no later than July 1, 2023 or the FCC License will permanently expire. Pursuant to the Radio Program Rebroadcast Consent Agreement and Programming Agreement signed of even date herewith, Donor and Donee agree to work together to ensure that the Station returns to licensed operation no later than July 1, 2023 and that the FCC License does not expire.

2. **GIFT.** Subject to the prior approval and consent of the FCC, Donor agrees to convey the Donated Assets and a onetime payment of \$15,000.00 to Donee as a gift and, as such, will not require any form of monetary payment from Donee in exchange for said gifts, provided that Donee performs the covenants and obligations contained herein including the Post-Closing Obligations.

3. **FCC ASSIGNMENT APPLICATION.** Within five (5) business days after the the parties hereto fully execute this Agreement, the parties will file an application with the FCC for its consent to the assignment of the FCC License from Donor to Donee (the “**FCC Application**”). The parties will vigorously prosecute the FCC Application and do all things reasonably necessary and/or appropriate to obtain a grant thereof.

4. **CLOSING.** Within ten (10) days after the FCC issues an order granting its consent to the transactions contemplated by this Agreement (the “**FCC Consent**”), a Closing will take place by exchange of documents using a nationally recognized overnight courier service, or e-mail or fax. At the Closing, the parties will exchange any and all documents required to carry out the terms of this Agreement, including but not limited to, an assignment of the Station’s license from Donor to Donee.

5. **POST-CLOSING OBLIGATIONS.** For so long as Donee is the licensee of the Station, Donee shall use the Station (i) to present the highest quality public radio programming

for the Hobbs, New Mexico area and surrounding communities; and (ii) to serve the needs and interests of the community of license, Eunice, New Mexico, and surrounding areas within the Station's coverage area. For a period of five (5) years after the Closing, Donee will acknowledge, in appropriate ways, including on-air acknowledgements, Donor and its collaboration with Donee that made possible the programming service provided on the Station, as set forth in more detail in **Schedule D – Acknowledgements**. At the end of the five (5) year period, Donee may continue to offer these acknowledgements but will be under no legal obligation to do so.

6. **WARRANTIES**. Because this transaction is a donation, Donor warrants only that (a) it is duly organized and validly existing under the laws of the State of New Mexico; (b) it has the requisite power and authority to execute and deliver this Agreement, to consummate the transactions contemplated hereby, and to comply with the terms, conditions and provisions hereof, and (c) the FCC License is validly issued by the FCC and in full force and effect in accordance with its terms. Other than the foregoing, Donor makes no representations or warranties of any kind with respect to the Donated Assets to be conveyed hereunder. Donee warrants that it is duly organized and validly existing under the laws of the State of New Mexico and that it is qualified to receive the Donated Assets, including the FCC License, and it has the requisite power and authority to execute and deliver this Agreement, to consummate the transactions contemplated hereby, and to comply with the terms, conditions and provisions hereof.

7. **LEGAL EXPENSES, CLOSING COSTS AND FILING FEES**. Each party shall be responsible for all costs and expenses incurred by it in connection with the negotiation, preparation, and performance of and compliance with the terms of this Agreement.

8. **GOVERNING LAW**. This Agreement shall be governed, construed and enforced in accordance with the laws of the State of New Mexico.

9. **COUNTERPARTS**. This Agreement may be executed in counterparts with the same effect as if the signature on each counterpart were upon the same instrument.

10. **NOTICES**. Any notice pursuant to this Agreement shall be in writing and shall be deemed delivered on the date of personal delivery or electronic mail transmission or confirmed delivery by a nationally recognized overnight courier service, or on the third (3rd) day after prepaid mailing by certified U.S. mail, return receipt requested, and shall be addressed as follows (or to such other address as any party may request by written notice):

If to Donor:
New Mexico Junior College
Attention: Scotty Holloman, General Counsel
1 Thunderbird Circle
Hobbs, NM 88240

With a copy, which shall not constitute Notice, to

F. Scott Pippin, Esq.
Lerman Senter PLLC
2001 L Street, NW, Suite 400
Washington, DC 20036

If to Donee:

Eastern New Mexico University
Attention: Duane Ryan
1500 S Avenue K
Portales, New Mexico 88130

With a copy, which shall not constitute Notice, to:

Ernest T. Sanchez, Esq.
The Sanchez Law Firm, P. C.
1629 K Street N.W., Suite 300
Washington, DC 20006

11. **COVENANTS.** Donor and Donee hereby covenant and agree that between the execution date of this Agreement and the Closing, each party shall cooperate fully with one another in taking any commercially reasonable actions (including to obtain the required consent of the FCC) necessary to accomplish the transactions contemplated by this Agreement. Donor and Donee shall notify each other of all documents filed with or received from any governmental agency (including the FCC) with respect to the FCC Application, this Agreement, or the transactions contemplated hereby. Donor and Donee shall cooperate with the FCC in connection with obtaining the FCC Consent, and shall promptly provide all information and documents requested by the FCC in connection therewith. If either Donor or Donee becomes aware of any fact relating to it that would prevent or delay the FCC Consent, such party shall promptly notify the other party thereof and the parties shall use commercially reasonable efforts to remove any such impediment.

12. **CONTROL.** Donee shall not, directly or indirectly, control, supervise or direct the operations of the Station prior to the Closing. Such operations, including complete control and supervision of all programs, employees, finances, and policies, shall be the sole responsibility of Donor until the Closing.

13. **PUBLIC ANNOUNCEMENT.** Donor shall broadcast a public notice concerning the filing of the application for assignment of the FCC Licenses in accordance with the requirements of Section 73.3580 of the FCC's Rules. As to any other announcements, neither party shall issue any press release or public announcement or otherwise divulge the existence of this Agreement or the transactions contemplated hereby without prior approval of the other party hereto.

14. **TERMINATION.** This Agreement may be terminated by either party, by written notice to the other party, if the transactions contemplated herein have not closed by 12:00 p.m., December 31, 2023.

15. **FURTHER ASSURANCES.** After the Closing, each party shall from time to time, at the request of and without further cost or expense to, the other, execute and deliver such other instruments and take such other actions as may reasonably be requested in order to more effectively consummate the transactions contemplated hereby.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set above.

NEW MEXICO JUNIOR COLLEGE

By: _____
Name: Dr. Derek Moore
Title: President

EASTERN NEW MEXICO UNIVERSITY

By: _____
Name:
Title:

Schedule A – FCC License

Station Call Sign:	KNMJ(FM)
Facility ID No.:	40206
Community of License:	Eunice, New Mexico

Schedule B – Tangible Personal Property

- 1** STL Antenna
- 2** 300 Ft 1/2 in. Coax
- 3** Mart STL Transmitter
- 4** SWR 12 Bay FM Antenna
- 5** 340 Ft Andrew 1 5/8 Coax W/Fittings
- 6** Gabriel 4 Ft. Parabolic STL antenna
- 7** 200 Ft. Andrew 1/2" Coax
- 8** SWR Six Bay FM Antenna
- 9** 200 Ft. Andrew 1 5/8 Coax W/Fittings
- 10** Marti STL15C Receiver
- 11** Invonics Audio Processor
- 12** Continental 816A Transmitter with 802 exciter

Schedule C – Assumed Contracts

Communications lease Agreement dated November 24, 2020, by and between Vanguard Wireless, LLC, a Delaware limited liability company, as Lessor and New Mexico Junior College Foundation dated November 24, 2020, for lessor Site NM092 Eunice 2CC, Lessee Site ASR:126008/JKNMJ-FM as assigned to New Mexico Junior College as Lessee by Assignment and Assumption of Lease dated as of January 20, 2022

Schedule D - Acknowledgments

Following the Closing, Donee will air underwriting announcements on its noncommercial educational radio station KENW-FM at an average of twenty (20) per week for a total of one thousand forty (1040) announcements per year for five (5) consecutive years. Valuation for these announcements as of the date of execution of this Agreement is \$15,600.00 per year. The current five (5) year total value of these announcements is \$78,000.00.

Underwriting announcements will follow KENW-FM and FCC rules governing such messages. The copy for the announcements may be changed by giving a one week notice to KENW-FM.

PROGRAMMING AGREEMENT

THIS PROGRAMMING AGREEMENT (this “**Agreement**”) is made and entered into as of April ___, 2023 between New Mexico Junior College, a New Mexico public junior college (“**Licensee**”), and Eastern New Mexico University, a New Mexico public university (hereinafter (“**Programmer**”).

Recitals

A. Licensee is the licensee of the broadcast radio station KNMJ(FM), Eunice, New Mexico (Facility ID #40206) (the “**Station**”) pursuant to a license issued by the Federal Communications Commission (“**FCC**”):

B. Programmer is an experienced public radio broadcaster and the licensee of KENW-FM, Portales, New Mexico, and various other radio stations that rebroadcast KENW-FM.

C. Licensee desires to obtain programming for the Station, and Programmer desires to provide programming for broadcast on the Station on the terms set forth in this Agreement.

D. Licensee (as Donor) and Programmer (as Donee) are parties to a Donation Agreement dated as of April ___, 2023 (the “**Donation Agreement**”) with respect to the Station.

Agreement

NOW, THEREFORE, taking the foregoing recitals into account, and in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

1. **Term**. The term of this Agreement (the “**Term**”) will begin on April ___, 2023 (the “**Commencement Date**”), and will continue from the Commencement Date until the earlier of: (a) the closing date under the Donation Agreement; and (b) one year from the Commencement Date, unless earlier terminated in accordance with the terms of this Agreement (or extended by mutual written agreement).

2. **Programming**. During the Term, Licensee shall make available to Programmer all of the airtime on the Station for programming provided by Programmer (the “**Programs**”) for broadcast twenty-four (24) hours per day, seven (7) days per week. During the Term, Programmer will transmit the Programs to the Station’s transmitting facilities and Licensee will broadcast the Programs on the Station, subject to the provisions of **Section 5** below.

3. **Consideration**. As stated in the Recitals, the parties have entered into a Donation Agreement. The parties agree that their respective undertakings which will result in the

provision of high-quality public radio programming to the KNMJ service area, including Eunice and Hobbs, New Mexico, and Programmer's ability to reach listeners in those same areas, constitute sufficient consideration for this Agreement. Programmer understands and acknowledges that the Station is currently off the air since July 1, 2022 pursuant to an FCC grant of Silent Special Temporary Authority dated September 8, 2022 (FCC File No. 0000194501) and that the Station must return to licensed broadcast operation no later than July 1, 2023 or the FCC License will permanently expire. Programmer and Licensee agree to work together to ensure that the Station returns to licensed operation no later than July 1, 2023 and that the FCC License does not expire.

4. Control. Notwithstanding anything to the contrary in this Agreement, Licensee shall have full authority, power and control over the operation of the Station, including its programming, at all times during the Term, and shall bear responsibility for the Station's compliance with the rules, regulations and policies of the FCC and all other applicable laws. Without limiting the generality of the foregoing, Licensee will retain control over the policies and operations of the Station. Licensee may reject, refuse, or preempt Programs which Licensee believes to be contrary to the public interest, and may preempt any Program in the event of a local, state, or national emergency.

5. Programs. Licensee acknowledges that it is familiar with the type of programming Programmer intends to provide and has determined that the broadcast of such programming on the Station would serve the public interest. Programmer shall ensure that the contents of the Programs conform to all FCC rules, regulations and policies. All rights in and to the Programs will remain vested in Programmer. Licensee shall air the Programming in its entirety and without any additions, deletions or modifications, subject to **Section 4** above.

6. Expenses. Licensee will pay for maintenance of all studio and transmitter equipment and all other operating costs required to be paid to maintain the Station's broadcast operations in accordance with FCC rules and policies and applicable law, and all utilities supplied to its main studio and transmitter sites. Licensee will provide personnel necessary for the broadcast transmission of the Programs (once received at its transmitter site) and will be responsible for the salaries, taxes, insurance and related costs for all such personnel.

7. Call Letters. During the Term, Licensee will retain all rights to the current call letters of the Station and will ensure that proper station identification announcements are made with such call letters in accordance with FCC rules and regulations. Programmer shall include in the Programs an announcement at the beginning of each hour to identify such call letters, as well as any other legal identification announcements required by the rules and regulations of the FCC. Programmer is authorized to use such call letters in its Programs and in any promotional material in any media used in connection with the Programs.

8. Facilities. During the Term, if requested by Programmer, Licensee shall provide Programmer access to and use of Licensee's transmission facilities for purposes of performing this Agreement. When on Licensee's premises, Programmer shall not act contrary to the terms of

any lease for such premises or interfere with the business and operation of Licensee's use of such premises.

9. Representations. Programmer and Licensee each represent and warrant to the other that: (i) it has the power and authority to enter into this Agreement and to consummate the transactions contemplated hereby; (ii) it is duly organized and validly existing under the laws of the State of New Mexico (iii) it has duly authorized this Agreement, and this Agreement is binding upon it.

10. Donation Agreement. This Agreement shall terminate automatically upon Closing under the Donation Agreement. This Agreement may be terminated by either party by written notice to the other in the event of any expiration or termination of the Donation Agreement.

11. Events of Default; Termination.

(a) The occurrence the following will be deemed an Event of Default by Programmer under this Agreement: (i) Programmer fails to observe or perform any obligation contained in this Agreement in any material respect; or (ii) Programmer breaches any representation or warranty made by it under this Agreement in any material respect.

(b) The occurrence of the following will be deemed an Event of Default by Licensee under this Agreement: (i) Licensee fails to observe or perform any obligation contained in this Agreement in any material respect; or (ii) Licensee breaches any representation or warranty made by it under this Agreement in any material respect.

(c) Notwithstanding the foregoing, an Event of Default will not be deemed to have occurred until fifteen (15) calendar days after the non-defaulting party has provided the defaulting party with written notice specifying the Event of Default and such Event of Default remains uncured, and an opportunity to cure.

12. Assignment. Neither party may assign this Agreement without the prior written consent of the other party hereto which consent cannot be unreasonably withheld.

13. Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement. If any provision of this Agreement is determined to be invalid or unenforceable, such provision shall be deemed restated, in accordance with applicable law, to reflect as nearly as possible the original intentions of the parties, and the remainder of the Agreement shall be in full force and effect.

14. Notices. Any notice pursuant to this Agreement shall be in writing and shall be deemed delivered on the date of personal delivery or electronic mail transmission or confirmed

Final Agreement

delivery by a nationally recognized overnight courier service, or on the third (3rd) day after prepaid mailing by certified U.S. mail, return receipt requested, and shall be addressed as follows (or to such other address as any party may request by written notice):

if to Licensee, then to:

New Mexico Junior College
1 Thunderbird Circle
Hobbs, NM 88240
Attn: Scotty Holloman, General Counsel
Email: sholloman@nmjc.edu

with a copy (which shall not constitute notice) to:

Lerman Senter PLLC
2001 L Street, N.W., Suite 400
Washington, DC 20036
Attention: F. Scott Pippin
E-mail: spippin@lermansenter.com

if to Programmer, then to:

Eastern New Mexico University
1500 S Avenue K
Portales, New Mexico 88130
Attention: Duane Ryan
E-Mail: duane.ryan@enmu.edu

with a copy (which shall not constitute notice) to:

The Sanchez Law Firm P.C.
1629 K Street N.W., Suite 300
Washington, D.C. 20006
Phone: 202-237-2814
Fax: 202-540-9311
Attention: Ernest Sanchez
E-Mail: ernestsanchez2348@gmail.com

15. Miscellaneous. This Agreement may be executed in separate counterparts, each of which will be deemed an original and all of which together will constitute one and the same agreement. No amendment or waiver of compliance with any provision hereof or consent pursuant to this Agreement shall be effective unless evidenced by an instrument in writing signed by the party against whom enforcement of such amendment, waiver, or consent is sought. This Agreement is not intended to be, and shall not be construed as, an agreement to form a partnership, agency relationship, or joint venture between the parties. Neither party shall be authorized to act as an agent of or otherwise to represent the other party. The construction and performance of this Agreement shall be governed by the laws of the State of New Mexico

without giving effect to the choice of law provisions thereof. This Agreement (including the Schedule hereto) constitutes the entire agreement and understanding among the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings with respect to the subject matter hereof.

SIGNATURE PAGE TO PROGRAMMING AGREEMENT

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the date first set forth above.

LICENSEE: **NEW MEXICO JUNIOR COLLEGE**

By: _____
Dr. Derek Moore, President

PROGRAMMER: **EASTERN NEW MEXICO UNIVERSITY**

By: _____
Name:
Title: