

**MINUTES OF REGULAR MEETING  
SAN JUAN COLLEGE BOARD  
June 5, 2018**

**ITEM A. CALL TO ORDER**

Mr. John Thompson called the meeting to order at 7:02 p.m. The following members were present:

R. Shane Chance, Member  
Evelyn B. Benny, Member  
Dr. Joseph Pope, Member  
Joseph Rasor, Member

Absent:       Byron Manning, Secretary  
              Hoskie Benally, Jr., Member

**ITEM B. WELCOME OF GUESTS AND VISITORS**

San Juan College administrators and staff in attendance were: Dr. Toni Pendergrass, Jon Betz, John Boggs, Virgil Caldwell, Gayle Dean, Ed DesPlas, Adrienne Forgette, Sandy Gilpin, Kerri Langoni, Bill Lewis, Michael Ottinger, Brad Purdy, Lorenzo Reyes, Barbara Wickman, Vinny Zicolello, Leslie, Saavedra, Christy Ferrato, Melody Conrad, Lance Myler, Lucy Haber, Amanda Robles, Lori Cheney, and Gerald Williams.

Guests: Cydney Smith

**ITEM C. ADOPTION OF AGENDA**

Mr. Chance and Dr. Pope seconded the motion to adopt the agenda. **MOTION CARRIED** by a unanimous voice vote.

**ITEM D. REPORTS**

**1. Monthly Presentation**

Dr. Michael Ottinger and Ms. Christy Ferrato presented an Accreditation Update.

**2. Association Reports**

Faculty Association (FA) Mr. Lance Myler reported it was his last meeting to report as the FA president. Although he always advocated for faculty concerns, tonight he was speaking for himself. He shared that when he used “we” in his reporting he was including not only faculty, but staff and the board. “We” are changing people’s lives through education. “We” change family trees and futures.

Professional Staff Association (PSA) Mr. John Boggs shared the PSA members are continuing to engage in discussion of the book, Redesigning Community Colleges. The conversation is spreading. On May 18 the PSA and SSA hosted a very successful professional development day. It was both well attended and well received. Currently the PSA is voting for new officers. The results will be known tomorrow.

Support Staff Association (SSA) Ms. Leslie Saavedra reported there were 93 participants at the May 18 professional development, “Increasing Success thorough Fun.” Attendees included support staff, professional staff, and faculty. Ms. Saavedra offered a special thanks to the committee that put the event on. New officers have been elected. They are: Melody Conrad, chair; Paulette Stanley, chair-elect; and Susie Yocum, secretary. Ms. Saavedra shared samples of the tray favors that the SSA is providing the San Juan Regional Medical Center. As it was Ms. Saavedra’s last meeting as chair of the SSA, she read a letter of thanks to the Board of Trustees and Dr. Pendergrass.

Student Association (SA) Ms. Cydney Smith introduced herself as the new president of the SA. Her focus this year will be student driven. Ms. Smith introduced Amanda Robles, the new Director of Student Activities. The SA has had their first summer meeting. They have plans to attend the NACA Student Government Conference at Ft. Lewis College in July. Two movies will be shown this summer – one in June and one in July.

**ITEM E. CITIZEN COMMENT**

None.

**ITEM F. CONSENT AGENDA**

**1. Approval of Minutes of Regular Board Meeting on April 24, 2018**

The April 24, 2018 minutes were presented in the Board packet for approval.

**2. Correspondence**

None.

**3. Financials**

Financial reports for the months ended March 31, 2018 and April 30, 2018 were presented in the Board packet. These reports are unaudited and for management purposes only.

**4. Personnel Report**

The following appointments were made since the last Board meeting: Brandy Wheeler, Cosmetology Aide, School of Trades and Technology, effective April

16, 2018; Brenda Morgan, Instructor of Nursing, School of Health Sciences, effective April 23, 2018; Caleb Chandler, Accounting Technician, Administrative Services, effective April 23, 2018; Lainna Newman, Accounting Technician, Administrative Services, effective May 1, 2018; Katara Dan, Admissions Advisor, Enrollment Services, effective May 7, 2018.

Changes: Kenneth Hibner, from Interim Director, Public Safety to Director, Public Safety, effective May 15, 2018.

Separations: Steven Gerencser, Assistant Professor of Petroleum Production, School of Energy, separation of employment, effective April 27, 2018; Kelly Anderson, Director, Public Safety, separation of employment, effective April 30, 2018; Robert Brooks, HRIS Analyst, Human Resources, separation of employment, effective May 3, 2018; Pamela Johnson, Custodial Crew Leader, Physical Plant, separation of employment, effective May 9, 2018; Theresa Swan, Associate Professor of Sociology, School of Humanities, separation of employment, effective May 12, 2018; Valerie Wheeler, Administrative Assistant, San Juan College West, retirement, effective May 15, 2018; M. Dean Patscheck, Safety Program Coordinator, Associate Professor, School of Energy, retirement, effective May 31, 2018.

**5. Information Report – Catering Activities Through College Food Service**

The report of catering activities by A’viands, LLC for the month of April 2018 is included in the board packet.

**Recommendation**

I recommend the Board accept this information report.

**6. Third Quarter Fiscal Year 2018 Financial Reports**

Financial reports for the quarter ended March 31, 2018 are presented in the Board packet. New Mexico Higher Education Department requires the Board Chairman to sign a transmittal form for submission to the Higher Education Department.

**7. Approval of Renewal of Ellucian Software Maintenance**

Renewal of Ellucian software maintenance for fiscal year 2019 is due on July 1, 2018. Ellucian is the sole source of a large array of software used by San Juan College including: Colleague enterprise resource planning system, web portal, web adviser, Ellucian mobile, server partner, reporting functionalities, application development environment, workflows, intelligent learning platforms, training and subscription library, financial aid self-service and ecommerce. This is the first year of a three-year renewal agreement that limits renewal increases to no more than 5% each year. The total software maintenance renewal cost for 7/1/2018 – 6/30/2019 is \$492,871 plus applicable

taxes. The fiscal year 2019 renewal cost is approximately 4.2% higher (an increase of \$20,049) than the fiscal year 2018 cost. Contingent upon Board approval, Ellucian software maintenance agreements will be renewed.

**Recommendation**

I recommend the Board approve the purchase from Ellucian and that a purchase order be authorized to encumber necessary funds.

**8. Information Report: Fiscal Year 2019 Purchases of Goods and Services Within Previously Approved Multi-Year Agreements**

Presented herein are good and services that will be acquired in Fiscal Year 2019 within the scope of multi-year contracts previously approved by the San Juan College Board of Trustees. In that these acquisitions have already been considered and approved by the Board and the expenditures related thereto are within in Fiscal Year 2019 budget approved by the Board April 24, 2018, these are presented as a matter of information to the Board.

**ANTICIPATED EXPENDITURES FOR PRINT MANAGEMENT:** On March 4, 2014, resulting from RFP #13-27843 the Board approved a four-year contract with ImageNet Consulting, LLC for copier equipment lease, maintenance and usage and print management services. On February 7, 2017, the Board approved a forty-month extension to the copier lease and services portion of the contract, extending the agreement to June 30, 2021. This extension reduced the cost of copier equipment and services. In the second half of fiscal year 2017, College staff have been strategically and deliberately reducing the number of printers under this contract, further reducing the cost of printing. The estimated cost for print management through the ImageNet, LLC contract in fiscal year 2018 is \$340,000, excluding applicable gross receipts taxes. The fiscal year 2018 cost is approximately 24.8% lower (a decrease of \$112,025) than the fiscal year 2017 cost. For fiscal year 2019, the cost is estimated to be \$330,000, a decrease of 2.9% or \$10,000 lower than the current fiscal year.

**EXPENDITURES FOR LEARNING MANAGEMENT SYSTEM SERVICE:** At the June 7, 2016 meeting of the Board of Trustees, San Juan College was approved to access contract pricing for Canvas learning management system through New Mexico State University’s agreement with Instructure. Canvas is the system that enables on-line instruction for distance learning as well as on-line support for on-ground classes. The functionalities and support for Canvas are delivered through cloud-hosted services. This three-year agreement was priced as follows:

10/1/2016 – 9/30/2017	\$112,000
10/1/2017 – 9/30/2018	\$117,500
<b>10/1/2018 – 10/1/2019</b>	<b><u>\$123,300</u></b>
Total – three years	\$352,800

The College will expend \$123,300 plus applicable gross receipts taxes in Fiscal Year 2019 for the Canvas Learning Management System.

**Recommendation**

I recommend that the Board accept and ratify this information.

**9. Approval of Open Meeting Notice Resolution**

Section 10-15-01(C) NMSA of the Open Meetings Act requires the Board to determine annually what notice for a public meeting is reasonable.

**SAN JUAN COLLEGE  
OPEN MEETING NOTICE RESOLUTION**

**WHEREAS**, the SAN JUAN COLLEGE BOARD met in regular session at San Juan College on June 5, 2018 at 7:00 p.m. as required by law; and

**WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

**WHEREAS**, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

**WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the San Juan College Board to determine annually what constitutes reasonable notice of its public meetings,

**NOW, THEREFORE, BE IT RESOLVED** by the San Juan College Board that:

1. All meetings shall be held at San Juan College, 4601 College Boulevard, Farmington, New Mexico, at 7:00 p.m. or as indicated in the meeting notice. Work sessions shall be held at San Juan College, 4601 College Boulevard, Farmington, New Mexico, at 5:00 p.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the first Tuesday. The agenda will be available at least seventy-two (72) hours prior to the meeting from the Board Recorder, whose office is located at San Juan College, 4601 College Boulevard, Farmington, New Mexico and on the

San Juan College website. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.

3. Special meetings may be called by the Chairman or a majority of the members upon three (3) days notice. The notice shall include a draft agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The draft agenda shall be available to the public at least seventy-two (72) hours before any special meeting with a final agenda available thirty-six (36) hours before any special meeting.

4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The San Juan College Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

The San Juan College Board will send a report to the Attorney General stating the emergency actions taken by the Board and the circumstances creating the emergency.

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted throughout San Juan County. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings. Copies of the written notice shall also be posted on the San Juan College website.

6. For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the offices of San Juan College. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. Copies of the written notice shall also be posted on the San Juan College website.

7. In addition to the information specified above, all notices shall include the following language: Individuals with a disability or who are in need of special services for a public hearing or meeting, should contact the President's Office at [\(505\) 566-3209](tel:5055663209) at least one (1) week prior to the meeting or as soon as possible.

8. The San Juan College Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the San Juan College Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If the decision to hold a closed meeting is made when the San Juan College Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the San Juan College Board in an open public meeting.

Passed by the San Juan College Board this 5th day of June 2018.

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John Thompson, Chairman  
San Juan College Board

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Dr. Joseph Pope, Vice Chairman  
San Juan College Board

**Approval**

Dr. Pope moved and Mr. Chance seconded the motion to take the recommended actions as presented on the Consent Agenda. **MOTION CARRIED** by unanimous voice vote.

**ITEM G. OLD BUSINESS**

None.

**ITEM H. INDIVIDUAL ITEMS/NEW BUSINESS**

**1. EXTENSION OF FOOD SERVICE AND DINING OPERATIONS CONTRACT WITH A'VIANDS, LLC**

At the April 26, 2016 Board of Trustees meeting, A'viands, LLC was approved to be the College's food service and dining operations provider for two years, with an option to extend, upon mutual agreement, for four additional one-year periods, not to exceed a total of six years. The contract began July 1, 2016. In the first two years of the contract, the College has paid A'viands, LLC a base management fee of \$48,000 (\$4,000 per month or 4.8%, whichever is greater) and has subsidized operations that do not reach break-even point. Financial performance within the second year of the contract has so well exceeded expectations such that it is anticipated that the incentive clause wherein the College and A'viands will split (50%/50%) net operating improvements exceeding the contractual target will be activated by June 30, 2018.

College Leadership and A'viands leadership have negotiated a contract amendment, effective July 1, 2018, that provides for:

- A four-year extension to the initial contract, replacing the four one-year extensions in the original contract. The contractual relationship with A'viands LLC will remain in effect until June 30, 2022.
- Rescission of the incentive clause that causes the College and A'viands to share on a 50%/50% basis any net operating improvements beyond the originally contracted target.
- A base monthly management fee of \$4,200 per month or 5.1%, whichever is greater.
- All other terms and conditions of the original agreement shall remain in full force and effect unless otherwise amended.

Mr. Chance moved and Ms. Benny seconded the motion to approve the contract amendment with A'viands, LLC as herein described. **MOTION CARRIED** by unanimous voice vote.

**2. EXTENSION OF INFORMATION TECHNOLOGY LEADERSHIP AND MANAGEMENT SERVICES CONTRACT**

At the March 1, 2016 meeting of the Board of Trustees, CampusWorks was approved as the College's provider of information technology leadership and management services. The original and initial agreement runs from April 1, 2016 and will end on June 30, 2018 for a two-year total investment of \$2,764,812 with the option of annual extensions for two additional years for an additional agreed upon annual fee. Net of applicable gross receipts taxes, the cost for these services in Fiscal Year 2018 was set at \$1,098,810, a decrease in cost of \$567,192 from Fiscal Year 2017.



At the October 2017 Board meeting, a one-year extension of CampusWorks' on-site CIO services for January 1, 2018 through December 31, 2018 was approved at an additional cost of \$333,216.

The Fiscal Year 2018 – 2019 extension of the CampusWorks contract includes remote support for strategic Chief Information Officer services for January 2019 – June 2019, remote Strategic Information Security Officer services for July 2018 – June 2019 and a remote pool of technical and functional resources for July 2018 – June 2019. Initially quoted at \$568,199, the cost of this Fiscal Year 2018 – 2019 contract extension has been reduced to \$515,268 plus applicable taxes.

Mr. Rasor moved and Dr. Pope seconded the motion to approve the Fiscal Year 2018-2019 extension of the CampusWorks and that staff be directed to create a blanket purchase order for this agreement as herein described. **MOTION CARRIED** by unanimous voice vote.

**3. APPROVAL OF CITY OF FARMINGTON ANNUAL PURCHASE REQUISITION FOR UTILITIES FOR 2018-2019**

The College obtains utilities (electricity, water, sewage, sanitation) from the City of Farmington. For the 2018 - 2019 fiscal year, utilities from the City of Farmington are estimated to not exceed \$790,000 including applicable gross receipts taxes. Because of the energy savings guarantee in the in energy performance contract, the FY 2019 estimate is \$229,000 lower than the estimate for FY 2018. The expenses have been included in the 2018 - 2019 operating budget.

Dr. Pope moved and Mr. Rasor seconded the motion to approve the purchase requisition for the annual utilities from the City of Farmington, for FY2019, at an amount not to exceed \$790,000. **MOTION CARRIED** by unanimous voice vote.

**4. PURCHASE APPROVAL OF A FACULTY MARKET DISPARITY STIPEND - NURSING**

San Juan College's Nursing program continues to experience higher-than-desired turnover in the faculty ranks. Difficulties in recruiting and retaining nursing instructors with a Master of Science – Nursing degree, the credential required by the special accrediting body for nursing programs, jeopardize the College's ability to maintain the program size required to train nurses for area hospitals. Pay that is not competitive with San Juan College's market competitors has been cited as the leading cause for turnover and recruiting difficulties. This concern was discussed in the April 24, 2017 Board of Trustees work session. At the June 6, 2017 Board of Trustees meeting, a \$2,500 annual market disparity stipend was approved for Nursing faculty.

A market study was completed in spring 2018 to verify the stipend was still consistent with prevailing market conditions. Market conditions are unchanged

and continue to support a market disparity stipend. It is the College Leadership's recommendation that San Juan College full time Nursing faculty (regular and temporary) continue to each be granted a \$2,500 annual stipend for the 2018-2019 academic year, effective August 2018. The stipend will be prorated across pay periods. The stipend will not increase base contract pay. The College president will promulgate other procedural aspects necessary to implement and manage this recommendation. The cost to grant this stipend in fiscal year 2019 is estimated to be \$35,000.

Mr. Chance moved and Dr. Pope seconded the motion to approve the continuation of the Faculty Market Disparity stipend for Nursing Instructors in FY2018-2019 as herein described. **MOTION CARRIED** by unanimous voice vote.

##### **5. RESOLUTION TO RATIFY JOINT DEFENSE AGREEMENT**

With respect to the resolution below, the agreements and representation letter have been distributed to the Trustees prior to this meeting.

###### Resolution

Whereas the Board of Trustees (the Board) for San Juan College is concerned about the negative impact to the economy and quality of life in San Juan County that is anticipated to result from the closure of the San Juan Generating Station by PNM,

Whereas the Board shares these aforementioned concerns with other governmental agencies, municipalities and public educational institutions within San Juan County,

Whereas the Board intends to seek and work toward mutually beneficial solutions for all parties impacted by the PNM-intended closure of the San Juan Generating Station,

Whereas the Board wishes to be informed by and consulted by legal representation of the legislative and other matters associated with the closure of the San Juan Generating Station,

The Board hereby ratifies the Joinder of Joint Defense Agreement executed by San Juan College President Toni Pendergrass and thereby ratifies participation in the Privileged and Confidential Joint Defense Agreement and the engagement of legal services of, and joint representation by, Chappelle Law, LLC.

Mr. Chance commented: "As I've stated before, when we've talked about it, PNM has brought us a long way too and we've been a recipient of their taxes and things of that nature. We don't want to forget that they are a part of this too. It's not by their choice that they are having to close and everything as well. As long it's not going into a punitive measure against them I am for it. Looking out

for our best interests, but fully want to recognize they have given us a lot over the past years as they have tried to fulfill those things as well.”

Dr. Pope moved and Mr. Chance seconded the motion to approve the resolution as stated herein. **MOTION CARRIED** by unanimous voice vote.

**ITEM H. ANNOUNCEMENT OF NEXT MEETING**

The next regular meeting will be held on **Tuesday, July 10, 2018 at 7:00 p.m.** in the San Juan College Board Room.

**ITEM I. CLOSED SESSION**

A motion was made at 8:07 p.m. by Mr. Chance and seconded by Ms. Benny for the Board to meet in executive session to discuss:

- Acquisition of real property pursuant to Section 10-15-1(H)(8) of the Open Meetings Act;
- Employee discipline matters regarding San Juan College employees pursuant to Section 10-15-1(H)(2) of the Open Meetings Act

**MOTION CARRIED** by a unanimous roll call vote. The Executive Session concluded at 9:32 p.m. and the matters discussed in the closed meeting were limited only to those specified in the motion for closure. Mr. Chance moved and Dr. Pope seconded the motion to return to the regular meeting. **MOTION CARRIED** by unanimous voice vote.

**ITEM J. ADJOURNMENT**

Ms. Benny moved and Dr. Pope seconded the motion to adjourn. Mr. Thompson adjourned the meeting at 9:33 p.m.

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Mr. John Thompson, Chairman  
San Juan College Board

ATTEST:

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Byron Manning, Board Secretary  
San Juan College Board

Date: July 10, 2018