

OPERATING AGREEMENT

BETWEEN

**THE BOARD OF EDUCATION
OF
THE GRANTS CIBOLA COUNTY SCHOOL DISTRICT**

AND

**THE BOARD OF REGENTS
OF
NEW MEXICO STATE UNIVERSITY**

**Effective Dates:
2014 - 2018**

**AGREEMENT
PERTAINING TO THE OPERATION OF THE
NEW MEXICO STATE UNIVERSITY-GRANTS COMMUNITY COLLEGE**

The Board of Regents of New Mexico State University (hereafter called the Regents), of P. O. Box 30001, Las Cruces, New Mexico 87003-8001, and the Board of Education of the Grants/Cibola School District (hereafter called Board of Education), of P. O. Box 8, Grants, New Mexico 87020, hereby enter into the following agreement effective as of the date of the approval by the last board as a party hereto concerning the operation of the New Mexico State University Grants Community College of New Mexico State University (hereafter called NMSU Grants) located in Grants, New Mexico.

This operating agreement between the Regents and the Board of Education is founded on the belief that quality educational services shall be provided in accordance with the needs of the service area through a cooperative and coordinated effort of New Mexico State University (hereafter called NMSU) and NMSU Grants to the extent allowed by applicable law.

In accordance with §§21-14-1 *et seq.* NMSA (1978), Branch Community Colleges Act, the specific duties, and responsibilities of the Board of Education in relation to the operation of NMSU Grants include the following:

1. Act in an advisory capacity to the Regents in all matters pertaining to the conduct of NMSU-Grants.
2. Approve the annual operating budget of NMSU Grants for recommendation to the Regents.
3. Certify to the Board of County Commissioners of Cibola County the tax levy.
4. Conduct the election for tax levies for NMSU Grants. All expenses associated with the election shall be paid by NMSU Grants but not the Regents.
5. Approve and recommend to the Regents for approval the statement of mission and purpose for NMSU Grants.
6. Enter into a written agreement with the Regents, subject to biennial review, and the commentary of the New Mexico Higher Education Department.

The Regents, through appropriate university representatives, shall have full authority and responsibility in relation to all academic and administrative matters of NMSU Grants.

POLICIES

1. NMSU Grants will be operated in accordance with the standards of the North Central Association for the Accreditation of Colleges and Schools, Higher Learning Commission and under applicable NMSU Policies governing the parent institution and branch community colleges.
2. The mission and purpose of NMSU Grants are those generally common to community colleges and include:
 - a. Providing the lower division credit courses necessary for the completion of selected certificates and associate degrees in academic, technical, and occupational fields with courses applicable to baccalaureate degree completion programs at other colleges and universities.

- b. Providing non-credit, continuing education courses, and opportunities for social, recreational, cultural, vocational, and personal enrichment.
 - c. Providing developmental and adult basic education programs.
 - d. Providing other educational services appropriate to the mission of a community college including the establishment of linkages with other organizations and industrial/workforce partners.
3. The instructional programs of NMSU Grants shall be designated to accomplish its stated purposes but shall remain consistent with those of comparable courses at NMSU and shall be implemented in accordance with the academic policies of NMSU.
 4. Admission to NMSU Grants will be open to any resident of the taxing district subject to specific program requirements published in the college catalog. Tuition and fees shall be set by the Regents. Non-residents of the taxing district at the time of admission will be assessed an out-of-district fee. Non-residents of New Mexico will be assessed an out-of-state fee.
 5. All lower division courses offered by NMSU Grants shall carry resident credit as though they were earned on the parent (NMSU) campus and as is required by §§21-14-2(D) (2) NMSA 1978.
 6. In accordance with State law, agreements may be entered into between NMSU Grants and a local school district for the provision of vocational and academic programs for high school students. These courses may carry credit toward high school graduation and be used also in meeting the requirements for earning a certificate or associate degree at NMSU-Grants, otherwise known as 'Dual Credit'.
 7. The associate degree or other appropriate certificates may be awarded to those who complete certain specified curricula.
 8. NMSU Grants will be financed by a State appropriation, tax levies, tuition and fees, and grants and gifts pursuant to §§21-14-1 *et seq.* NMSA 1978. Additional tax levies and general obligation bonds can be used to generate revenues pursuant to §§21-2A-1 *et seq.* NMSA 1978. In accordance with §21-2A-7(A) NMSA 1978 the repayment of district general obligation bonds shall solely be made from funds received from duly authorized levies and taxes and are the obligation of the District. The Regents shall not have any obligation to repay the bonds.
 9. No funds of NMSU shall be allocated for the support of NMSU Grants although indirect administrative costs may be borne by NMSU. No funds of NMSU Grants shall be diverted to the parent campus or to any other branch campus except for the payment of a budgeted institutional support fee as determined by NMSU and assessed annually by NMSU or for other appropriate purchases of goods and services to benefit NMSU-Grants.
 10. Services provided to NMSU Grants by NMSU shall include but not be limited to general administrative and computing services, legal, architectural, library, student services, and others as needed.
 11. As part of NMSU, NMSU Grants shall have available liability insurance under the public liability fund administered to the New Mexico State Risk Management Division. Any liability of NMSU-Grants will be governed by the New Mexico Tort Claims Act, §§41-4-1 *et seq.*, NMSA 1978.
 12. The Regents shall be responsible through their appointed representatives for the financial management of NMSU Grants. The Board of Education acting individually or collectively through a representative Advisory Board may review all procedures and reports related to the financial management of NMSU Grants.
 13. Individuals employed by NMSU Grants shall be selected by the NMSU Grants campus administration and approved for hiring in accordance with the policies of NMSU.

Consideration shall be made of the applications of local qualified people before employing teachers of the local school system pursuant to the requirements of §21-14-2(D)(5) NMSA 1978.

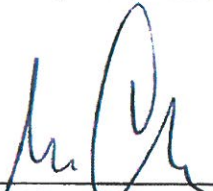
14. All property acquired from the proceeds of a bond issue shall be held in the name of the Regents. In the event an independent public college entity evolves from NMSU Grants, any and all debt and all property so held by the Regents, exclusive of that on loan from the main campus or leased by the Regents, shall be transferred and conveyed to the governing body of the new independent public college entity in accordance with §21-14-14 NMSA 1978. Should any equipment be declared excess, immovable or of no further use to the community college, the property may be transferred to NMSU with the approval and consent of both boards. Facilities of NMSU Grants may be made available for limited use by the community in accordance with the policies of the Regents.
15. The Regents' representative to the Board of Education shall be the Campus President of NMSU Grants who, for the purposes of carrying out the provisions of this Agreement and enhancing communication, shall convene an open and separate meeting of the Board of Education of at least annually.
16. The NMSU Grants Campus President shall prepare and present to the Board of Education the annual budget including the long range plan of the college and the status of all capital outlay projects for review and approval pursuant to §21-14-2(B)(3) NMSA 1978. The long-range plan and annual budget shall be submitted to the Regents for approval following the approval by the Board of Education. No such plan or budget shall be effective until approved by the Regents.
17. No cooperative use of physical facilities or teaching staff currently exists between the two (2) boards. In the event that such a cooperative effort should be undertaken, this Agreement will be amended accordingly as required by §21-14-2 (D)(4) NMSA 1978.
18. This Agreement shall be binding upon the Regents and the Board of Education. This Agreement may be terminated by mutual consent or by either Board upon six months' notice to the other unless there are outstanding tax or revenue bonds. Such bonds must be retired or otherwise provided for in accordance with §21-13-24.1 NMSA 1978, prior to the termination of this Agreement.
19. All rights and responsibilities of the Regents in this Operating Agreement are hereby delegated to the President of the NMSU, who may re-delegate them as appropriate.

TERMS

This Operating Agreement constitutes the entire agreement between the parties, and supersedes any prior agreements, contracts or understandings, expressed or implied, oral or written.

This Agreement shall be effective on date of signature of the parties, and shall be binding upon the Board of Education and the Board of Regents of NMSU.

This Agreement shall remain in force until terminated and shall be subject at a minimum to biennial review by both parties hereto.



Mike Cheney, Chairman
NMSU Board of Regents

1/23/15

Date



William Estevan, President
Grants Cibola County School Board

1/9/15

Date