

STATE OF NEW MEXICO §
 §
COUNTY OF LINCOLN §
 §
CAPITAN MUNICIPAL §
SCHOOL DISTRICT NO. 28 §

The Board of Education of the Capitan Municipal School District No. 28 (“Board”), County of Lincoln and State of New Mexico, met in regular session at High School Media Center via Google Meet, in full conformity with law and the rules and regulations of the Board, at Capitan, New Mexico, on the 15th day of February, 2021, at the hour of 6:00 p.m. The duly elected officers and members of the Board were as follows:

President:	Daryl Lindsay
Vice President:	Dennis Rich
Secretary:	Gary Tregembo
Members:	Ben Hazen
	Craig Westbrook

Upon roll call, the following members of the Board were found to be present:

The following members of the Board were found to be absent:

The Superintendent of Schools, Mark Driskell, was also present.

Superintendent Driskell thereupon introduced and recommended the Board adopt a resolution entitled:

RESOLUTION AND PROCLAMATION OF
SPECIAL PUBLIC SCHOOL CAPITAL IMPROVEMENTS TAX ELECTION

Member _____ then moved the adoption of said resolution. Member _____ seconded such motion. The motion to adopt said resolution was thereupon put to a vote and was passed and adopted on the following recorded vote:

Those voting aye:

Those voting nay:

Those abstaining:

Superintendent Driskell then introduced and recommended the Board adopt a resolution entitled:

RESOLUTION AUTHORIZING AND DIRECTING
SPECIAL SCHOOL ELECTION PROCEDURES

Member _____ moved the adoption of said resolution, which motion was duly seconded by Member _____, and upon being put to a vote was passed and adopted on the following recorded vote:

Those voting aye:

Those voting nay:

Those abstaining:

After consideration of other business not related hereto, on motion duly made, seconded, and carried, the meeting was adjourned.

Dated at Capitan, New Mexico, this 15th day of February, 2021.

President, Board of Education

[District Seal]

Attest:

Secretary, Board of Education

RESOLUTION AND PROCLAMATION OF SPECIAL
PUBLIC SCHOOL CAPITAL IMPROVEMENTS TAX ELECTION

WHEREAS, the Board of Education of the Capitan Municipal School District No. 28 (“Board” and “District,” respectively), in the County of Lincoln and the State of New Mexico, has determined that a special public school capital improvements tax election (“Election”) be held on the 8th day of June, 2021, pursuant to the Election Code, Chapter 1, NMSA 1978, the Local Election Act, NMSA 1978, Chapter 1, Article 22; the Special Election Act, NMSA 1978, Chapter 1, Article 24; and the Public School Capital Improvements Act, NMSA 1978, §§ 22-25-1 through 22-25-11; and

WHEREAS, pursuant to NMSA 1978, § 22-25-3, the Board has determined and does hereby determine that there should be submitted to the electorate at the Election the question of whether a property tax of \$2.00 on each \$1,000.00 of net taxable value of property allocated to the District under the Property Tax Code, NMSA 1978, Chapter 7, Articles 35 through 38, should be imposed for the property tax years 2021, 2022, 2023, 2024, and 2025 for the purpose of capital improvements in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CAPITAN MUNICIPAL SCHOOL DISTRICT NO. 28, CONSTITUTING THE GOVERNING BODY OF SAID DISTRICT, IN THE COUNTY OF LINCOLN AND THE STATE OF NEW MEXICO:

Section 1. On the 8th day of June, 2021, there will be held in the Capitan Municipal School District No. 28, Lincoln County, New Mexico, a special public school capital improvements tax election for the purpose of submitting to the registered qualified electors of the District the question of whether a property tax should be imposed for the purpose of capital improvements in the District.

Section 2. At the Election, the following question shall be submitted to the registered qualified electors of the District:

PUBLIC SCHOOL CAPITAL IMPROVEMENTS (2 MILL) TAX QUESTION

“Shall the Board of Education of the Capitan Municipal School District No. 28, County of Lincoln, State of New Mexico, be authorized to impose a property tax of \$2.00 on each \$1,000.00 of net taxable value of the property allocated to the District under the Property Tax Code for the property tax years 2021, 2022, 2023, 2024, and 2025 for capital improvements in the District including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act Chapter 6, Article 15A NMSA 1978, or the Public School Lease Purchase Act, Chapter 22, Article 26A NMSA 1978, but excluding any other debt service expenses, for: (1) erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings and pre-kindergarten classroom facilities; (2) purchasing or

improving public school or pre-kindergarten grounds; (3) maintenance of public school or pre-kindergarten grounds, including the purchasing or repairing of maintenance equipment and participating in the facility information management systems as required by the Public School Capital Outlay Act, NMSA 1978, Sections 22-24-1, et seq., and including payments under contracts with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of District employees; (4) purchasing activity vehicles for transporting students to extracurricular school activities;; (5) purchasing computer software and hardware for student use in public school classrooms; and (6) purchasing and installing education technology improvements, excluding salary expenses of District employees, but including tools used in the educational process that constitute learning and administrative resources, and that may also include: (a) satellite, copper and fiber-optic transmission; computer and network connection devices; digital communication equipment, including voice, video and data equipment; servers; switches; portable media devices, such as discs and drives to contain data for electronic storage and playback; and the purchase or lease of software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and (b) improvements, alterations and modifications to, or expansions of, existing buildings or tangible personal property necessary or advisable to house or otherwise accommodate any of the tools listed in this paragraph?”

Section 3. The tax contemplated by the special public school capital improvements tax question shall be in addition to any tax imposed to pay debt service on any outstanding bonds or for any other purpose. Such tax shall be authorized pursuant to the Public School Capital Improvements Act.

Section 4. A person is a qualified elector of the District if on the day of the Election he or she is a citizen of the United States, at least 18 years of age, and a resident of the District. In order to vote, qualified electors of the District must have previously registered with the Lincoln County Clerk, or any voter registration agent in accordance with law. Any qualified elector of the District who is not now registered and who wishes to vote at the Election should register prior to 5:00 p.m. on May 11, 2021, being the twenty-eighth (28th) day immediately preceding the Election, during regular business hours and days of business, at the office of the Lincoln County Clerk at the Lincoln County Courthouse, in Carrizozo, New Mexico, or by any voter registration agent at a designated agency as provided in NMSA 1978, §§ 1-4-48 and 1-4-49. The registration books shall close at the end of the day on May 11, 2021, pursuant to NMSA 1978, § 1-4-8(A).

Section 5. Pursuant to NMSA 1978, § 1-24-3(C), voting shall be by mail ballot only. There will be no polling places for the Election.

Section 6. Pursuant to NMSA 1978, §§ 1-24-3(B) and 1-24-3(D), the Lincoln County Clerk shall send each registered voter a ballot along with a statement that there will be no polling place for the Election. The return envelope for the ballot shall be postage-paid.

PASSED AND ADOPTED this 15th day of February, 2021.

President, Board of Education

[District Seal]

Attest:

Secretary, Board of Education

RESOLUTION AUTHORIZING AND DIRECTING SPECIAL SCHOOL ELECTION PROCEDURES

WHEREAS, the Board of Education of the Capitan Municipal School District No. 28 (“Board” and “District,” respectively), on its own motion, has by its Resolution and Proclamation of Special Public School Capital Improvements Tax Election (“Resolution and Proclamation of Special Election”) adopted this 15th day of February, 2021 ordered that at the election to be held within the District, Lincoln County, New Mexico, on the 8th day of June, 2021 (“Election”), there shall be submitted to the qualified registered electors of the District the question of whether to impose a public school capital improvements tax. The Election shall be conducted exclusively by mailed ballot pursuant to Section 1-24-3(C) of the Special Election Act, NMSA 1978, § 1-24-through 1-24-4.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CAPITAN MUNICIPAL SCHOOL DISTRICT NO. 28, CONSTITUTING THE GOVERNING BODY OF SAID DISTRICT IN THE COUNTY OF LINCOLN AND THE STATE OF NEW MEXICO:

Section 1. The Resolution and Proclamation of Special Election shall be published twice in public proclamation form, in full, in English and Spanish, in the *Lincoln County News*, Carrizozo, New Mexico, being a newspaper having general circulation within the District and in such other languages as have been designated by the U.S. Census Bureau according to the last decennial census for publication pursuant to federal laws. The publications shall be made once a week for two consecutive weeks before April 6, 2021, which is sixty-three (63) days before the date of the Election.

Section 2. The Superintendent of Schools of the District (“Superintendent”) shall file the Resolution and Proclamation of Special Election with the Lincoln County Clerk who shall conduct the Election, pursuant to NMSA 1978, § 1-24-23, and who shall be responsible for publishing the proclamation as described in NMSA 1978, § 1-24-2(D). The Superintendent shall also obtain from the Lincoln County Clerk executed copies of the Certificate of Filing of Resolution and Proclamation of Special Election.

Section 3. Pursuant to NMSA 1978, § 1-6B-7, the Lincoln County Clerk shall transmit ballots to federal qualified electors no later than April 24, 2021, which is the forty-fifth (45th) day preceding the Election. Pursuant to NMSA 1978, §§ 1-24-3(B) and (D), the Lincoln County Clerk shall mail ballots to all other voters between May 12, 2021 (the twenty-seventh day before the election) and May 14, 2021 (the twenty-fifth day before the election). The printed ballots shall contain the question to be submitted to the qualified registered electors of the District, as more fully described in Section 5 below.

Section 4. The tax question shall be submitted to all registered electors on a single ballot.

Section 5. The tax question on the ballot shall be in substantially the following form:

PUBLIC SCHOOL CAPITAL IMPROVEMENTS (2 MILL) TAX QUESTION

☐ FOR THE PUBLIC
SCHOOL CAPITAL
IMPROVEMENTS TAX

☐ AGAINST THE PUBLIC
SCHOOL CAPITAL
IMPROVEMENTS TAX

“Shall the Board of Education of the Capitan Municipal School District No. 28, County of Lincoln, State of New Mexico, be authorized to impose a property tax of \$2.00 on each \$1,000.00 of net taxable value of the property allocated to the District under the Property Tax Code for the property tax years 2021, 2022, 2023, 2024, and 2025 for capital improvements in the District including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act Chapter 6, Article 15A NMSA 1978, or the Public School Lease Purchase Act, Chapter 22, Article 26A NMSA 1978, but excluding any other debt service expenses, for: (1) erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings and pre-kindergarten classroom facilities; (2) purchasing or improving public school or pre-kindergarten grounds; (3) maintenance of public school or pre-kindergarten grounds, including the purchasing or repairing of maintenance equipment and participating in the facility information management systems as required by the Public School Capital Outlay Act, NMSA 1978, Sections 22-24-1, et seq., and including payments under contracts with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of District employees; (4) purchasing activity vehicles for transporting students to extracurricular school activities;; (5) purchasing computer software and hardware for student use in public school classrooms; and (6) purchasing and installing education technology improvements, excluding salary expenses of District employees, but including tools used in the educational process that constitute learning and administrative resources, and that may also include: (a) satellite, copper and fiber-optic transmission; computer and network connection devices; digital communication equipment, including voice, video and data equipment; servers; switches; portable media devices, such as discs and drives to contain data for electronic storage and playback; and the purchase or lease of software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and (b) improvements, alterations and modifications to, or expansions of, existing buildings or tangible personal property necessary or advisable to house or otherwise accommodate any of the tools listed in this paragraph?”

Section 6. Except as otherwise provided herein, the manner of conducting the Election and all other election procedures relating thereto shall be as provided by

the Election Code, the Local Election Act, the Special Election Act, and the federal Voting Rights Act of 1965, as amended.

Section 7. The Superintendent and the officers of the District shall be and they hereby are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution and the Resolution and Proclamation of Special Election.

Section 8. All action heretofore taken by the Board, the Superintendent and the officers of the District not inconsistent with the provisions of this resolution and the Resolution and Proclamation of Special Election directed toward the calling and conducting of the Election shall be, and the same hereby is ratified, approved and confirmed.

Section 9. All acts, motions or resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency.

PASSED AND ADOPTED this 15th day of February, 2021.

President, Board of Education

[District Seal]

Attest:

Secretary, Board of Education

STATE OF NEW MEXICO

COUNTY OF LINCOLN

CAPITAN MUNICIPAL
SCHOOL DISTRICT NO. 28

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SECRETARY'S CERTIFICATE

The undersigned duly qualified and acting Secretary of the Board of Education of the Capitan Municipal School District No. 28 ("Board" and "District," respectively), in Lincoln County, New Mexico, does hereby certify that the foregoing pages are a true and complete copy of the record of the proceedings of the Board, constituting the governing body of the District, had and taken at a duly called regular meeting of the Board held at High School Media Center via Google Meet on the 15th day of February, 2021, convening at the hour of 6:00 p.m., insofar as they concern the Resolution and Proclamation of Special Public School Capital Improvements Tax Election and the Resolution Authorizing and Directing Special School Election Procedures, copies of each being therein set forth, as recorded in the book of official records of the proceedings of the District, kept in the office of the Superintendent of Schools, and that the meeting therein shown was duly held, the persons therein named were present at the meeting as shown, and the proceedings were duly had and taken as therein shown.

WITNESS my hand and seal of the District, affixed this 15th day of February, 2021.

Secretary, Board of Education

[District Seal]