

STATE OF NEW MEXICO           §  
  §  
COUNTIES OF DOÑA ANA       §  
AND OTERO                           §  
  §  
GADSDEN INDEPENDENT       §  
SCHOOL DISTRICT NO. 16       §

The Board of Education of the Gadsden Independent School District No. 16 ("Board"), Counties of Doña Ana and Otero, State of New Mexico, met in regular session, in full conformity with law and the rules and regulations of the Board at the Vado Elementary School Cafeteria, 330 Holguin, Vado, New Mexico, on November 9, 2017, at the hour of 5:00 p.m. The duly elected officers and members of the Board were as follows:

President:	Jennifer Viramontes
Vice President:	Daniel Castillo
Secretary:	Daniel Estupiñan
Members:	Maria Saenz
	Laura Salazar Flores

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, Travis Dempsey, was also present.

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

AMENDED RESOLUTION AND PROCLAMATION OF SPECIAL SCHOOL BOND ELECTION AND SPECIAL 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 Dempsey 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 Vado, New Mexico, this 9<sup>th</sup> day of November, 2017.

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President, Board of Education

[District Seal]

Attest:

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Secretary, Board of Education

AMENDED RESOLUTION AND PROCLAMATION OF SPECIAL  
SCHOOL BOND ELECTION, AND SPECIAL PUBLIC SCHOOL CAPITAL  
IMPROVEMENTS TAX ELECTION

WHEREAS, the Board of Education of the Gadsden Independent School District No. 16 (“Board” and “District,” respectively), in the Counties of Doña Ana and Otero and the State of New Mexico, has determined that a special school bond election and a special public school capital improvements tax election (“Election”) be held on the 6<sup>th</sup> day of February, 2018, pursuant to the School Election Law, NMSA 1978, §§ 1-22-1 through 1-22-19, NMSA 1978, §§ 22-18-1 through 22-18-8 of the Public School Code, NMSA 1978, Chapter 22 [except Article 5A], and the Public School Capital Improvements Tax Act, NMSA 1978, §§ 22-25-1 through 22-25-11;

WHEREAS, the Board has determined upon its own initiative to submit to vote at the Election, the question of the issuance of its general obligation bonds in the maximum amount and for the purpose hereinafter specified, as permitted by NMSA 1978, § 22-18-2(B), and the Bond Election Act;

WHEREAS, neither the bond question herein submitted, nor any other school bond question has been defeated by the voters of the District at a school bond election held within a period of two years prior to the date of the Election;

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 2018, 2019, 2020, 2021, 2022, and 2023, for the purpose of capital improvements in the District; and

WHEREAS, pursuant to NMSA 1978, § 22-25-3, the Anthony Charter School, has timely provided to the District the following proposed capital improvements of the charter school to be made with the revenue proposed to be produced from the Capital Improvements tax, if authorized by a majority of the qualified registered electors at the Election: paving of the school entryway and parking lot; campus beautification including the completion of shade structures with sheet metal; acquisition of an outdoor self-contained bathroom trailer; installation of four outdoor water fountains; and enclosing the school basketball court with chain-link fence.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE GADSDEN INDEPENDENT SCHOOL DISTRICT NO. 16, CONSTITUTING THE GOVERNING BODY OF SAID DISTRICT, IN THE COUNTIES OF DOÑA ANA AND OTERO AND THE STATE OF NEW MEXICO:

Section 1. On the 6<sup>th</sup> day of February, 2018, there will be held in the Gadsden Independent School District No. 16, Doña Ana and Otero Counties, New Mexico, a special school bond election for the purpose of submitting to the qualified registered electors of the District the question of creating debt by the issuing of general obligation bonds, and a special public school capital improvements tax election for the purpose of submitting to the qualified registered electors of the District the question of whether a property tax should be imposed for the purpose of capital improvements in the District and to the Anthony Charter School.

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

GENERAL OBLIGATION SCHOOL BOND QUESTION

Shall the Board of Education of the Gadsden Independent School District No. 16, Counties of Doña Ana and Otero, State of New Mexico, be authorized to issue general obligation bonds of the District, in one series or more, in the aggregate principal amount not exceeding \$38,000,000, for the purpose of erecting, remodeling, making additions to and furnishing school buildings, purchasing or improving school grounds, purchasing computer software and hardware for student use in public schools, providing matching funds for capital outlay projects funded pursuant to the Public School Capital Outlay Act; or any combination of these purposes, said bonds to be payable from general (*ad valorem*) taxes and to be issued and sold at such time or times upon such terms and conditions as the Board may determine?

Section 3. At the Election, the following question also shall be submitted to the qualified registered electors of the District:

PUBLIC SCHOOL CAPITAL IMPROVEMENTS (2 MILL) TAX QUESTION

Shall the Board of Education of the Gadsden Independent School District No. 16 Counties of Doña Ana and Otero, 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 2018, 2019, 2020, 2021, 2022 and 2023, for capital improvements in the District and to the Anthony Charter School 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: erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings; purchasing or improving public school grounds; maintenance of public school buildings or public school grounds, including the purchasing or repairing of maintenance equipment and participating in

the facility information management system as required by the Public School Capital Outlay Act 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; purchasing activity vehicles for transporting students to extracurricular school activities; purchasing computer software and hardware for student use in public school classrooms; and purchasing and installing education technology improvements, excluding salary expenses of school district employees, but including tools used in the educational process that constitute learning and administrative resources, and which may also include: 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 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 4. The taxes contemplated by the 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 taxes shall be authorized pursuant to the Public School Capital Improvements Act. The taxes contemplated by the general obligation school bond question shall be in addition to any tax imposed to pay debt service on any outstanding bonds or for any other purpose and shall be authorized pursuant to the Bond Election Act.

Section 5. 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 Doña Ana County Clerk, the Otero 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 January 9, 2018, being the twenty-eighth (28<sup>th</sup>) day immediately preceding the Election, during regular business hours and days of business, at the office of the Doña Ana County Clerk at the Doña Ana County Government Center, in Las Cruces, New Mexico, at the office of the Otero County Clerk at the Otero County Courthouse, in Alamogordo, New Mexico, or by any voter registration agent at a designated agency, as provided in NMSA 1978, §§ 1-4-48 and 1-4-49.

Section 6. The polls for the Election will be open between 7:00 a.m. and 7:00 p.m. on the day of the Election.

Section 7. The Voting Districts and voting centers for the Election shall be as follows:

<u>Voting District</u>	<u>Election Precinct</u>	<u>Voting Center</u>
1	Precinct 13 and 97	Desert View Elementary 1105 Valle Vista Sunland Park, NM 88063
2	Precinct 14	Santa Teresa Middle School 4800 McNutt Road Sunland Park, NM
	Precincts 15, 16, and 81	La Union Elementary School 875 Mercantile Avenue La Union, NM
3	For voters who vote in Gadsden District part of Precinct 19, and part of Precinct 82	North Valley Elementary School 300 Cascade Avenue San Miguel, NM
	For voters who vote in Gadsden District part of Precinct 82, and Precinct 17	Northern On Track Pre-K Center 253 E. Chimuri Street La Mesa, NM
	Precincts 9 and 10	Berino Elementary School 92 Shrode Road Anthony, NM
	For voters who vote in Gadsden District part of Precinct 6, 74, 79, 96, and part of 120. Precinct 8	Mesquite Elementary School 205 NM Hwy 228 Mesquite, NM
4	Precincts 11, 12, and 80	Anthony Elementary School 600 N. Fourth Street Anthony, NM
5	For voters who vote in Gadsden District part of Precinct 6 and part of 74; Precincts 75 and 76; Otero Precinct 1, Precinct 41, and part of 35 within the Gadsden District	Chaparral Middle School 290 E. Lisa Dr. Chaparral, NM

Electors may vote at any of the Voting Center Locations on Election Day.

The Absentee Voters Precinct will be as described in Section 9 herein.

Section 8. Voting on the day of the Election shall be by a voting system defined in NMSA 1978, Section 1-9-1(B). At least one voting system shall be used at the polling place for each Voting District.

Section 9. Pursuant to the Absent Voter Act, NMSA 1978, §§ 1-6-1 through 1-6-18, the Absent Voter Precinct Act, NMSA 1978, §§ 1-6-19 through 1-6-23, and NMSA 1978, § 1-22-19, qualified registered electors may also vote absentee at the office of the Doña Ana County Clerk during regular hours and days of business, from 8:00 a.m. on January 12, 2018, being the twenty-fifth (25<sup>th</sup>) day preceding the Election, until 5:00 p.m. on February 2, 2018, being the Friday immediately prior to the Election. Pursuant to the Uniform Military and Overseas Voters Act, NMSA 1978, §§ 1-6B-1 through 1-6B-17, a federal qualified voter or overseas voter may vote absentee as provided in that law. Absentee voting shall be by paper ballot, pursuant to NMSA 1978, §§ 1-6-8, 1-6-9, and 1-22-19, or by the procedures authorized by the Uniform Military and Overseas Voters Act.

PASSED AND ADOPTED this 9<sup>th</sup> day of November, 2017.

\_\_\_\_\_  
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 Gadsden Independent School District No. 16 (“Board” and “District,” respectively), on its own motion, has by its Resolution and Proclamation of School Bond Special Election and Public School Capital Improvements Tax Special Election (“Resolution and Proclamation of Special Election”) adopted this 9<sup>th</sup> day of November, 2017 ordered that at the election to be held within the District, Doña Ana and Otero Counties, New Mexico, on the 6<sup>th</sup> day of February, 2018 (“Election”), there shall be submitted to the qualified registered electors of the District the question of issuing the District’s general obligation bonds in an amount not exceeding \$38,000,000 for the purpose of erecting, remodeling, making additions to and furnishing school buildings, purchasing or improving school grounds, purchasing computer software and hardware for student use in public schools, providing matching funds for capital outlay projects funded pursuant to the Public School Capital Outlay Act or any combination of these purposes, and the question of whether to impose a public school capital improvements tax for the purpose of making capital improvements in the District and to the Anthony Charter School.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE GADSDEN INDEPENDENT SCHOOL DISTRICT NO. 16, CONSTITUTING THE GOVERNING BODY OF SAID DISTRICT IN THE COUNTIES OF DOÑA ANA AND OTERO AND THE STATE OF NEW MEXICO:

Section 1. The Resolution and Proclamation of Election shall be published twice in public proclamation form, in full, in English and Spanish, in the *Las Cruces Sun News*, Las Cruces, New Mexico, or the *Las Cruces Bulletin*, Las Cruces, New Mexico, being newspapers 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 December 18, 2017, which is fifty (50) days before the date of the Election. In addition, there shall be published a school election notice meeting the requirements of NMSA 1978, § 1-22-11 of the School Election Law, NMSA 1978, §§ 1-22-1 through 1-22-19, made once each week for two successive weeks, with the last publication being made within seven (7) days, but not later than two (2) days before the date of the Election. The proper filing officer shall include the questions to be submitted to the voters of the District and the names of the precinct board members of the District.

Section 2. Pursuant to NMSA 1978, § 1-22-5, the Superintendent of Schools of the District (“Superintendent”) shall file the Resolution and Proclamation of Special Election with the County Clerk of Doña Ana County as the County Clerk of Record (“County Clerk of Record”), who also shall serve as administrator of the Election, pursuant to NMSA 1978, § 1-22-12, and who shall be responsible for publishing the proclamation as described above. The Superintendent shall also

obtain from the County Clerk of Record executed copies of the Certificate of Filing of Resolution and Proclamation of Special Election.

Section 3. Pursuant to NMSA 1978, § 1-22-10, the County Clerk of Record shall prepare the ballots for the Election, which shall be printed by the thirtieth (30<sup>th</sup>) day preceding the Election. The printed ballots shall contain the question(s) to be submitted to the qualified registered electors of the District, as more fully described in Section 5 below. The ballots shall be printed in a form in substantial compliance with the provisions of NMSA 1978, § 1-22-10, and in compliance with the provisions of the federal Voting Rights Act of 1965, as amended. The cost of printing the ballots shall be paid by the District.

Section 4. The bond question and the tax question shall be submitted to all registered electors on a single ballot, except as provided herein.

Section 5. The voting tabulators shall use a ballot for the submission clause for the bond question and the tax question set forth in the form demonstrated in Sections 2 and 3 of the Resolution and Proclamation of Special Election. The ballot shall be printed in English and Spanish with plain, clear type in black ink on white material. The County Clerk of Record is requested to provide the required quantity of paper ballots for use in the Election, pursuant to law. The complete bond question and the complete tax question shall be placed in plain view of registered voters so that the complete questions may be examined before they vote. The ballot for the bond question and the tax question shall be in substantially the following form:

### GENERAL OBLIGATION SCHOOL BOND QUESTION

FOR THE SCHOOL DISTRICT BONDS

Shall the Board of Education of the Gadsden Independent School District No. 16, Counties of Doña Ana and Otero, State of New Mexico, be authorized to issue general obligation bonds of the District, in one series or more, in the aggregate principal amount not exceeding \$38,000,000, for the purpose of erecting, remodeling, making additions to and furnishing school buildings, purchasing or improving school grounds, purchasing computer software and hardware for student use in public schools, providing matching funds for capital outlay projects funded pursuant to the Public School Capital Outlay Act; or any combination of these purposes, said bonds to be payable from general (*ad valorem*) taxes and to be issued and sold at such time or times upon such terms and conditions as the Board may determine?

AGAINST THE SCHOOL DISTRICT BONDS

### PUBLIC SCHOOL CAPITAL IMPROVEMENTS (2 MILL) TAX QUESTION

FOR THE PUBLIC SCHOOL CAPITAL IMPROVEMENTS TAX

Shall the Board of Education of the Gadsden Independent School District No. 16, Counties of Doña Ana and Otero, 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 2018, 2019, 2020, 2021, 2022, and 2023, for Capital

○ AGAINST THE PUBLIC  
SCHOOL CAPITAL  
IMPROVEMENTS TAX

improvements in the District and to the Anthony Charter School 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: erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings; purchasing or improving public school grounds; maintenance of public school buildings or public school grounds, including the purchasing or repairing of maintenance equipment and participating in the facility information management system as required by the Public School Capital Outlay Act 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; purchasing activity vehicles for transporting students to extracurricular school activities; purchasing computer software and hardware for student use in public school classrooms; and purchasing and installing education technology improvements, excluding salary expenses of school district employees, but including tools used in the educational process that constitute learning and administrative resources, and which may also include: 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 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. Pursuant to the Absent Voter Act, NMSA 1978, §§ 1-6-1 through 1-6-18, the Absent Voter Precinct Act, NMSA 1978, §§ 1-6-19 through 1-6-23, and NMSA 1978, § 1-22-19, qualified registered electors may also vote absentee at the office of the Doña Ana County Clerk during regular hours and days of business, from 8:00 a.m. on January 12, 2018, being the twenty-fifth (25<sup>th</sup>) day preceding the Election, until 5:00 p.m. on February 2, 2018, being the Friday immediately prior to the Election. Pursuant to the Uniform Military and Overseas Voters Act, NMSA 1978, §§ 1-6B-1 through 1-6B-17, a federal qualified voter or overseas voter may vote absentee as provided in that law. Absentee voting shall be by paper ballot, pursuant to NMSA 1978, §§ 1-6-8, 1-6-9, and 1-22-19, or by the procedures authorized by the Uniform Military and Overseas Voters Act.

Section 7. Except as otherwise provided herein or in NMSA 1978, §§ 22-18-1 through 22-18-13, the manner of conducting the Election and all other election procedures relating thereto shall be as provided by the Bond Election Act and the

federal Voting Rights Act of 1965, as amended. The County Clerk of Record is requested to provide the quantity of paper ballots for use in the Election, pursuant to law.

Section 8. 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 9. 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 10. All acts, motions or resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency.

PASSED AND ADOPTED this 9<sup>th</sup> day of November, 2017.

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President, Board of Education

[District Seal]

Attest:

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Secretary, Board of Education

STATE OF NEW MEXICO

COUNTIES OF DOÑA ANA  
AND OTERO

GADSDEN INDEPENDENT  
SCHOOL DISTRICT NO. 16

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SECRETARY'S CERTIFICATE

The undersigned duly qualified and acting Secretary of the Board of Education of the Gadsden Independent School District No. 16 ("Board" and "District," respectively), in Doña Ana and Otero Counties, 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 the Vado Elementary School Cafeteria, 330 Holguin, Vado, New Mexico, on November 9, 2017, at the hour of 5:00 p.m., insofar as they concern the Amended Resolution and Proclamation of Special School Bond Election, and 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 9<sup>th</sup> day of November, 2017.

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Secretary, Board of Education

[District Seal]