

NEW MEXICO SCHOOL BOARDS ASSOCIATION Thirty-Seventh Annual School Law Conference

2017 REGULAR SCHOOL ELECTIONS

June 4, 2016 Presented by: Patricia Salazar Ives, Esq. Laura Sanchez-Rivét, Esq.



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Regular Elections Include:☑ Board Member Elections*Can Include:*

- General Obligation Bonds
- ☑ 2 Mill (SB9) Tax
- ☑ 10 Mill (HB33) Tax



Board Member Elections

At Large vs. Districted
Elections

Position

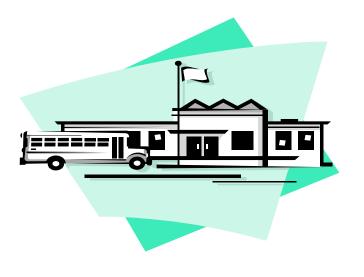
Vacant Position

Complete a Term



OTHER QUESTIONS ON BALLOT?

General Obligation Bonds Capital Improvements (SB9) Taxes School Building Act (HB33) Taxes





General Obligation Bonds

What are they?

- Promissory notes between the taxpayers of the District and the providers of revenue
- Paid from a tax on all taxable property in the District





Bond Proceeds



Can Be Used For:

- Erecting, remodeling, making additions to and furnishing school grounds
- 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

■*Any combination of these purposes*





BOND PROCEEDS



Can <u>NOT</u> Be Used For: Salaries or benefits

- Activity buses
- Administrative computer equipment/network





CONSIDERING A BOND QUESTION?

×

Determine size of bonding Capacity





N.M. Constitution, Article IX, § 11





Bonding Capacity

District's assessed valuation

District's taxable value x .06

Outstanding Debt







Capital Improvements Act SB9 Tax What is an SB9 Tax?

- A tax of up to 2 mills of the District's total assessed value
- A mill is 1/10th of a cent or 1/1000th of a dollar
- Levied for capital improvements in the District



Capital Improvements Act SB9 Tax / 2-Mill Levy

- **EXAMPLE Tax can be levied for up to 6** years
- **EXAMPLE Tax is assessed on property** within District







What can SB9 Proceeds Be Used For?



X

Erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings

X

Purchasing or improving public school grounds





X

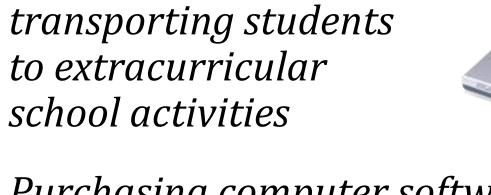
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school activities Purchasing computer software and hardware for student use in public school classrooms

Maintenance of public school

buildings or public school

grounds, including



Purchasing activity

vehicles for





- Purchasing or repairing maintenance equipment
 - Participating in the facility information management system as required by the Public School Capital Outlay Act
- X

Payments under contracts with regional education cooperatives for maintenance support services



Expenditures for technical training and certification for maintenance and facilities management personnel

But <u>NOT</u> salary expenses of District employees



SCHOOL BUILDINGS ACT HB33 Tax / 10-Mill Levy What is it?

- A tax of up to 10-mills of the District's total assessed value
- Levied for capital improvements in the District





What Can HB 33 Proceeds Be Used For?

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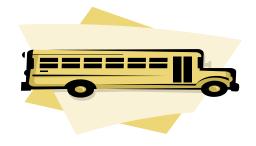
- Erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings
- Payments made pursuant to a financing agreement entered into by the District for the leasing of a building or other real property with an option to purchase for a price that is reduced according to payments made



Purchasing or improving public school grounds

 Purchasing activity vehicles for transporting students to and from extracurricular school activities







Or Administering projects:

- a. Expenditures for facility maintenance software, project oversight, and
- b. District personnel specifically related to administration of projects funded by the Public School Buildings Act provided that expenditures shall not exceed 5% of the total project costs





WHICH QUESTION?

☑ Needs

Use of the proceeds







Community Involvement

School Community

Blue Ribbon Community



New Mexico Public School Facilities Authority





 Timing

 ∑Impact on community

 ∑Economy

 ∑Other elections

 ∑Prior district elections



Deadlines to Note:



- ×
- Board Resolution must be filed on <u>November 22, 2016</u> with the County Clerk
- ×

X

Candidate Declaration: Filed 9am to 5pm on **December 20, 2016** Election Day: **February 7, 2017**

Co MC

Publications - *Proclamation* -



One Time before <u>December 19, 2016</u> (County Clerk's Responsibility)

Example 2 Publications –

Canvass – must be done as soon as possible after certifying the election, but no later than February 10, 2017

(County Clerk's Responsibility)



Open Meetings Issues ➢ Annual Open Meetings Policy ➢ Notices

- Special vs. Regular
- Time
- Publication/Postings





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After the Election Attorney General Approval for Bond Sales Election Contests





 Elections with Tax question Deliver documents to PED
 Elections with Bond question Deliver documents to PED, and when selling, to the Attorney General



ADDITIONAL RESOURCES

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Checklists and Step-by-Step Instructions for Successful Bond Elections in New Mexico



New Mexico Public School Facilities Authority <u>www.nmpsfa.org</u>





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