

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”) in the Counties of Doña Ana and Otero and State of New Mexico, met in regular session, in full conformity with the law and the rules and regulations of the Board, at the Gadsden Administrative Complex, Sunland Park, New Mexico, being a meeting place of the Board, on the 13th day of August, 2015 at the hour of 5:00 p.m. The duly elected officers and members of the Board were as follows:

President:	Maria Saenz
Vice President:	Craig Ford
Secretary:	Jennifer Viramontes
Members:	Daniel Estupiñan Daniel Castillo

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

The following members were found to be absent:

The Superintendent of Schools, Efren Yturralde, was also present.

Superintendent Yturralde thereupon introduced the resolution entitled as follows and recommended its adoption by the Board:

RESOLUTION DETERMINING THE NECESSITY FOR LEASE-PURCHASE OF EDUCATION TECHNOLOGY EQUIPMENT, ESTIMATE OF COST, STATEMENT OF SOURCE OF FUNDS FOR LEASE-PURCHASE PAYMENTS, ESTIMATED TAX RATE AND DIRECTING DISTRICT'S FINANCIAL ADVISOR AND BOND COUNSEL TO PREPARE LEASE-PURCHASE AGREEMENT FOR THE DISTRICT'S ACQUISITION OF CERTAIN EDUCATION TECHNOLOGY EQUIPMENT AND ESTABLISHING DATE FOR MEETING TO CONSIDER A RESOLUTION GRANTING FINAL APPROVAL FOR THE LEASE-PURCHASE OF EDUCATION TECHNOLOGY EQUIPMENT

Member _____ then moved the adoption of said resolution. 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:

There being no other matters for consideration, the meeting was adjourned.

Dated at Sunland Park, New Mexico, this 13th day of August, 2015.

President, Board of Education
Gadsden Independent School District No. 16

[Seal]

Attest:

Secretary, Board of Education
Gadsden Independent School District No. 16

RESOLUTION DETERMINING THE NECESSITY FOR LEASE-PURCHASE OF EDUCATION TECHNOLOGY EQUIPMENT, ESTIMATE OF COST, STATEMENT OF SOURCE OF FUNDS FOR LEASE-PURCHASE PAYMENTS, ESTIMATED TAX RATE AND DIRECTING DISTRICT'S FINANCIAL ADVISOR AND BOND COUNSEL TO PREPARE LEASE-PURCHASE AGREEMENT FOR THE DISTRICT'S ACQUISITION OF CERTAIN EDUCATION TECHNOLOGY EQUIPMENT AND ESTABLISHING DATE FOR MEETING TO CONSIDER A RESOLUTION GRANTING FINAL APPROVAL FOR THE LEASE-PURCHASE OF EDUCATION TECHNOLOGY EQUIPMENT

WHEREAS, on August 13, 2015, the Board of Education of the Gadsden Independent School District No. 16 ("Board" and "District", respectively), Doña Ana and Otero Counties, New Mexico has determined it is in the best interest of the District to acquire education technology equipment by entering into a lease-purchase arrangement under the Education Technology Equipment Act, NMSA 1978, Sections 6-15A-1 to 6-15A-16 ("Act"); and

WHEREAS, the Board has been provided adequate information regarding the necessity to enter into a lease-purchase arrangement, pursuant to the Act, to lease purchase \$2,000,000 of certain education technology equipment and to pay the costs related to the financing of such lease-purchase arrangement; and

WHEREAS, the Board desires to have its Financial Advisor, RBC Capital Markets, LLC, and Co-Special Counsel, Cuddy & McCarthy, LLP and McCall, Parkhurst & Horton, L.L.P., draft and assemble the necessary documentation, including a Lease-Purchase Agreement relating to the proposed lease-purchase arrangement to allow the District to receive the education technology equipment as soon as possible; and

WHEREAS, before initiating any proceedings for the final approval of a lease-purchase arrangement, the District is required to give notice to the School Budget Planning and Finance Analysis Bureau of the New Mexico Public Education Department, pursuant to Section 6-15A-4 of the Act, of the proposed Lease-Purchase Agreement; and

WHEREAS, the Board desires to authorize the appropriate officers, employees and agents of the District and the District's Financial Advisor and Co-Special Counsel to take any action necessary to enable the District to enter into the lease-purchase arrangement on September 10, 2015.

THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE GADSDEN INDEPENDENT SCHOOL DISTRICT NO. 16 THAT:

Section 1. The Board has determined and does determine that there is a necessity to enter into a lease-purchase arrangement for the lease-purchase of education technology equipment at an estimated cost of \$2,000,000 as authorized pursuant to the Act.

Section 2. The District's staff, Financial Advisor and Co-Special Counsel are hereby authorized and directed to take all action necessary so that the action of the Board relating to the Lease-Purchase Agreement may be considered by the Board on September 10, 2015.

Section 3. It is the present intention of the Board that the lease-purchase arrangement contemplated hereby be general obligation lease-purchase certificates of participation be privately placed with the New Mexico State Treasurer, and be structured pursuant to the recommendations of the District's Financial Advisor. The Financial Advisor's preliminary structure is attached hereto as Exhibit A.

Section 4. A summary of the Lease-Purchase Agreement, to be utilized in both alternative lease-purchase arrangements, reviewed by the Board is attached as Exhibit B.

Section 5. The Board determines that all or part of the funds needed for payment of the lease-purchase arrangement requires or anticipates the imposition of a property tax, which the Board estimates will be levied at the rate of 2.378 mils in tax year 2016 (\$2.378 per \$1,000) on the assessed value of all taxable property within the District.

Section 6. A special meeting to consider final approval of the lease-purchase arrangement is called and set for September 10, 2015, being not more than four weeks and not less than three weeks from the date of the adoption of this Resolution.

Section 7. Notice of the Special Meeting on September 10, 2015 will be published once each week for the two weeks immediately preceding September 10, 2015 in a newspaper having general circulation in the District. The Notice will include the information required by Section 6-15A-8B (1)-(6) of the Act.

Section 8. The President of the Board and the Superintendent of the District are hereby authorized to make any filings, notices, applications or take any other action necessary, including notice to the School Budget Planning Bureau of the New Mexico Public Education Department and the approval of any official statement related to any general obligation lease-purchase certificates of participation, if necessary.

Section 9. All recitals and findings contained in the preamble hereof are found to be true and correct and are made a part of this Resolution.

Section 10. This Resolution shall take effect on the date adopted and approved as set forth below.

Adopted and approved on this 13th day of August 2015.

President, Board of Education,
Gadsden Independent School District No. 16

(SEAL)

Attest:

Secretary, Board of Education,
Gadsden Independent School District No. 16

EXHIBIT A

Expected Structure of the
Lease-Purchase Agreement

Dated date: October 14, 2015

Award: Special board meeting on September 10, 2013 at 4:30 p.m.

**Interest Component
Rent Payment:** Beginning February 15, 2016 and semi-annually thereafter on August 15 and February 15.

**Principal Component
Rent Payment:** On August 15 in the following year and amount:

2016	\$2,000,000
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Prepayment: Rent Payment under this Lease-Purchase Agreement may not be prepaid.

Closing: Closing is expected to occur on October 14, 2015 at 9:30 a.m.

EXHIBIT B

Summary of Lease-Purchase Agreement

1. The Lease-Purchase Agreement amount shall be \$2,000,000 payable at closing for the lease-purchase of education technology equipment. Lease-purchase payments ("Rent Payment") constituting the principal component thereof shall be on August 15 in each of the following years and in no event shall the term of the Lease-Purchase Agreement exceed five years:

\$2,000,000	2016
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2. The interest component of Rent Payment shall be paid at a rate to exceed 5% on February 15, 2016.

3. The source of funds for the Rent Payment shall be derived from an annual levy of ad valorem taxes sufficient to meet the payments of principal and interest due, provided that the District may apply any other funds that may be in its general fund or investment income actually received from investments and available for that purpose to the payments due or any prepayment premium payable in connection with such lease purchase arrangements as the same become due; and upon such payments the levy or levies provided for may thereupon to that extent be reduced.

4. The District covenants that the lease-purchase arrangement shall at all time be free from taxation by the State, except for estate or gift taxes and taxes on transfers.

5. The proposed Lease-Purchase Agreement also provides that the District will maintain possession and title to the education technology equipment during the term of said Agreement and the Lessor under said Agreement does not retain a perfected security interest in any equipment.

6. The Lease-Purchase Agreement provides for maintenance of the equipment, insurance, the payment of taxes, if any, remedies in the event of default, and in the event of damage, destruction or condemnation of the education technology equipment, for payment of related costs in the acquisition of the education technology and the funding of the lease-purchase agreement, and contains other provisions relating to notice, choice of law and administration of the Lease-Purchase Agreement required by the Lessor.