

RESOLUTION AND PROCLAMATION OF REGULAR  
SCHOOL DISTRICT ELECTION AND 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 regular school district election and a public school capital improvements tax election ("Election") be held on February 3, 2009, pursuant to the School Election Law, NMSA 1978, §§ 1-22-1 through 1-22-19 and the Public School Capital Improvements Act, NMSA 1978, §§ 22-25-1 through 22-25-10;

WHEREAS the Board has determined that two (2) positions on the Board are to be filled at the Election by submitting to the qualified electors of the District the names of the candidates qualified to appear on the ballot for election to such positions;

WHEREAS the persons who desire to fill such positions on the Board shall be required to file declarations of candidacy or declarations to be a write-in candidate, all in accordance with the School Election Law; and

WHEREAS, pursuant to Section 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 or not a property tax of \$2.00 per each \$1,000.00 of net taxable value of property allocated to the District under the Property Tax Code should be imposed for the property tax years 2009, 2010, 2011, 2012, 2013 and 2014, 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 3rd day of February 2009, there will be held in the Capitan Municipal School District No. 28, Lincoln County, New Mexico, a regular school district election for the purpose of submitting to the qualified, registered electors of the District the names of the candidates for the two (2) positions to be filled on the Board and a public school capital improvements tax election for the purpose of submitting to the qualified, registered electors of the District the question of whether or not a property tax should be imposed for the purpose of capital improvements in the District.

Section 2. At the Election, the following at-large positions on the Board shall be determined by the qualified, registered electors of the District:



Position 1: for a four-year term commencing March 1, 2009, and

Position 2: for a four-year term commencing March 1, 2009.

Section 3. A declaration of candidacy for a position on the Board to be filled at the Election shall be filed with the Lincoln County Clerk, the proper filing officer, during the period commencing at 9:00 a.m. on December 16, 2008, being the third Tuesday in December and ending at 5:00 p.m. on the same day, pursuant to Section 1-22-7.

Section 4. In making a declaration of candidacy, each candidate for a position on the Board to be filled at the Election shall submit a sworn statement of intent in substantially the form provided in Section 1-22-8.

Section 5. A person who desires to be a write-in candidate for a position on the Board to be filled at the Election shall file with the Lincoln County Clerk, a declaration of intent to be a write-in candidate before 5:00 p.m. on December 30, 2008, being the thirty-fifth day preceding the date of the Election, pursuant to Section 1-22-18(c).

Section 6. At the Election, the following question also shall be submitted to the qualified, registered electors of the District:

PUBLIC SCHOOL CAPITAL IMPROVEMENTS (2 MIL) 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 per 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 2009, 2010, 2011, 2012, 2013 and 2014, for the purpose of the following capital improvements in the District: 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 or a charter school 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; maintenance of public school buildings or public school grounds, including payments under contracts 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, and purchasing computer software and hardware for student use in public school classrooms?

Section 7. The tax contemplated by the 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 capital improvements tax shall be authorized pursuant to the Public School Capital Improvements Act.

Section 8. 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 January 6, 2009, being the twenty-eighth 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.

Section 9. 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 10. The voting districts for the Election shall be as follows:

<u>Voting District</u>	<u>Election Precinct</u>	<u>Polling Place</u>
1	1, 2A, 2B, 3A, 3B, 4, 5, 6, 7A, 10, 12A, 12B, and 12C within the District	Cummins Gymnasium Foyer Capitan, NM

Absentee voting will be as described in Section 12 herein.

Section 11. Voting on the day of the Election shall be by a voting system defined in NMSA 1978, § 1-9-1(B). At least one voting system shall be used at the polling place for each Voting District.

Section 12. Pursuant to the Absent Voter Act, NMSA 1978, §§ 1-6-1 through 1-6-18 (except 1-6-4.2 and 1-6-10.2), the Absent Voter Precinct Act, NMSA 1978, §§ 1-6-19, 1-6-20, 1-6-22, 1-6-24 and 1-6-25, and Section 1-22-19, qualified, registered electors may also vote absentee at the office of the Lincoln County Clerk during regular hours and days of business, from 8:00 a.m. on January 9, 2009, being the twenty-fifth (25<sup>th</sup>) day preceding the Election, until 5:00 p.m. on January 30, 2009, being the Friday immediately prior to the Election. Absentee voting shall be by paper ballot, pursuant to Sections 1-6-7, 1-6-9 and 1-22-19.



PASSED AND ADOPTED this 13th day of November, 2008.

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James Fields  
President, Board of Education  
Capitan Municipal School District No. 28

[District Seal]

Attest:

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Robin Parks  
Secretary, Board of Education  
Capitan Municipal School District No. 28

**Canvass Results for the  
Capitan Regular School Board  
Election held on February 3, 2009**

<b>Total Registered Voters:</b>	<b>4064</b>
<b>Total Provisional:</b>	<b>0</b>
<b>Total Provisional Counted:</b>	<b>0</b>
<b>Total Absentee:</b>	<b>20</b>
<b>Total In Person:</b>	<b>371</b>
<b>Total Voted:</b>	<b>391</b>

	<u>VOTES</u>	<u>PROV</u>	<u>ABSENTEE</u>	<u>= TOTAL</u>
Position 1 - 4 Year Term				
James H Fields	301	0	20	321
Position 2 - 4 Year Term				
Brian Allen Newell	118	0	6	124
Edward L Vinson	225	0	12	237
Tax Question				
For	319	0	11	330
Against	49	0	9	58

We, the Undersigned Canvassing Board of the Capitan School Board Election, hereby certify that the following questions and candidates received the majority of votes cast.

Position 1 - 4 year term	James H Fields	<u>114</u>
Position 2 - 4 year term	Edward L Vinson	<u>129</u>
Tax Question	For	<u>330</u>

We, the Undersigned acting as a Board of Canvassers to canvass the returns of the Capitan Regular School Board Election held in said district on February 3, 2009, certify that this is a correct canvass of the returns of said election. WITNESS this Board, February 6, 2009.

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Martha McKnight Proctor, Magistrate Judge

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Tammie J. Maddox, Lincoln County Clerk

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Capitan Schools