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June 15, 2010

MEMORANDUM

TO: Legislative Education Study Committee

FR: Mr. Peter B. van Moorsel

**RE: STAFF REPORT: PUBLIC SCHOOL CAPITAL OUTLAY PROCEDURES
AND STATUTES**

In New Mexico, public school capital outlay funding is both a local and a state responsibility – both the state and individual school districts must contribute toward facility construction, maintenance, renovation and demolition – and various mechanisms exist by which state and local funds are made available for such projects.

The sections of this staff report review four such mechanisms for funding the capital improvement needs of public schools, as well as the statutes that govern them:

- **Section I:** *Public School Capital Outlay Act*, which provides for the standards-based process, perhaps the most important of the existing mechanisms for public school capital outlay, and other capital outlay programs;
- **Section II:** the *Public School Capital Improvements Act*, which authorizes the local imposition of a property tax to fund capital improvements and provides for matching state funds;
- **Section III:** the *Public School Buildings Act*, which authorizes another local property tax for certain public school capital outlay purposes; and
- **Section IV:** general obligation bonding, where districts raise capital outlay funds by issuing and selling bonds, and imposing a property tax to service the resulting debt.

Background

Although it is currently the most important of the mechanisms for funding public school capital outlay, the standards-based process has only been in existence since 2003. Prior to the establishment of the such a process, school districts qualified for capital outlay by reaching a threshold of bonded indebtedness and demonstrating need.

In 1998, a task force conducted a study of public school facilities and statewide needs. That same year, the constitutionality of the state's process for funding public school capital outlay was challenged when the Zuni public school district filed a lawsuit against the state that resulted in a 1999 court order requiring the state to correct past inequities and to establish and implement a uniform system of funding for future school capital outlay.

To comply with the court order, the first legislatively created task force was established in 2000. Many of its recommendations were adopted by the 2001 Legislature, including the provisions governing the correction of past inequities and the creation of the Public School Capital Outlay Oversight Task Force:

- To correct past inequities, the Public School Capital Outlay Council (PSCOC) was required, no later than September 1, 2001 to define and develop guidelines for school districts to use to identify outstanding serious deficiencies in public school buildings and grounds that may adversely affect the health or safety of students and school personnel. The *Public School Capital Outlay Act* further required that:
 - school districts use these guidelines to complete a self-assessment of the outstanding health or safety deficiencies within the school district and provide cost projections to correct them;
 - the PSCOC develop a methodology for prioritizing projects that will correct the deficiencies; and
 - the PSCOC make allocations from the Public School Capital Outlay Fund (PSCOF) on the established priority basis to correct the deficiencies, provided that any deficiency that may adversely affect the health or safety of students or school personnel be corrected regardless of the local effort or percentage of indebtedness of the school district.

Since 1999, school districts have expended \$274.1 million in PSCOC awards to correct existing deficiencies; and

- To continue the study of statutes governing public school capital outlay, a permanent task force was created. The *Public School Capital Outlay Act* charges the Public School Capital Outlay Oversight Task Force task force with:
 - monitoring the overall progress of bringing all public schools up to the statewide adequacy standards developed pursuant to the *Public School Capital Outlay Act*;
 - monitoring the progress and effectiveness of programs administered pursuant to the *Public School Capital Outlay Act* and the *Public School Capital Improvements Act*;

- monitoring the existing permanent revenue streams to ensure that they remain adequate long-term funding sources for public school capital outlay projects;
- overseeing the work of the PSCOC and the Public School Facilities Authority (PSFA) as they perform functions pursuant to the *Public School Capital Outlay Act*, particularly as they implement the statewide-based process for making grant awards;
- appointing an advisory committee to study the feasibility of implementing a long-range planning process that will facilitate the interaction between charter schools and their school districts on issues relating to facility needs; and
- reporting the results of its analyses and oversight and any recommendations to the governor and the Legislature.

Section I - The *Public School Capital Outlay Act*

The purpose of the *Public School Capital Outlay Act* is to ensure that:

- through a standards-based process for all school districts, the physical condition and capacity, educational suitability and technology infrastructure of all public school facilities in New Mexico meet an adequate level statewide; and
- the design, construction and maintenance of school sites and facilities encourage, promote and maximize safe, functional and durable learning environments.

Among its provisions, the act creates the Public School Capital Outlay Council (PSCOC)¹, and charges the council with implementing the provisions of the act. The act further prescribes council's duties in providing grant assistance, including:

- assisting school districts in identifying critical capital outlay needs and in preparing grant applications;
- assisting school districts in implementing the projects for which grants are made;
- ensuring cost savings and efficiencies for those school districts that are not large enough to maintain their own construction management staff; and
- ensuring that the grants are expended in the most prudent manner possible and consistent with the original purpose for which they were made.

In addition to the PSCOC, the act creates the Public School Facilities Authority (PSFA) the agency charged with administering and overseeing public school capital outlay, whose duties include:

- serving as staff to the PSCOC;
- providing assistance and oversight functions required of the council;
- assisting school districts with the development and implementation of five-year facilities plans and preventive maintenance plans; procurement of architectural and engineering services; management and oversight of construction activities; and training programs;
- accounting for all distributions of grant assistance from the fund;
- maintaining a database of the condition of school facilities and maintenance schedules; and
- ensuring that outstanding deficiencies are corrected.

Other provisions of the act create the non-reverting Public School Capital Outlay Fund (PSCOF), which is supported with supplemental severance tax bond (SSTB) proceeds, which

¹ The *Public School Capital Outlay Act* provides that the PSCOC consist of the following members or their designees: the Secretary of Finance and Administration, the Secretary of Public Education; the Governor, the president of the New Mexico School Boards Association, the director of the Construction Industries Division of the Regulation and Licensing Department, the president of the Public Education Commission; and the directors of the LESC, Legislative Finance Committee, and the Legislative Council Service.

are considered to be a dedicated source of funding for public school capital outlay². The act authorizes the following uses for dollars in the PSCOF:

- Deficiencies Correction – correcting the outstanding deficiencies in public schools and grounds that may adversely affect the health or safety of students and school personnel;
- Portable Classrooms – purchasing portable classrooms to be loaned to school districts to meet a temporary requirement;
- PSFA Core Administrative Functions – up to 5.0 percent of the average grant assistance provided over the previous three years may be used for this purpose;
- Roof Repair and Replacement – allocating up to \$10.0 million for expenditure in FY 10 to FY 12 to repair and replace roofs;
- Lease Assistance³ – making grants to school districts for the purpose of making lease payments for classroom facilities, including facilities leased by charter schools, not to exceed the actual annual lease payments, or \$700 per MEM using the leased classroom facilities, provided that in FY 09 and in each subsequent fiscal year, this amount is to be adjusted for inflation using the Consumer Price Index (CPI);

Charter schools may use lease assistance to make payments due pursuant to lease-purchase arrangements that have been approved by PED pursuant to the *Public School Lease Purchase Act*⁴.

- Permitting and Inspection – 1.0 percent of the average grant assistance provided over the previous three years may be expended to permit and inspect projects funded pursuant to the *Public School Capital Outlay Act*;
- Facility Master Plan Assistance – assisting school districts in developing and updating five-year facilities plans;
- Demolition Assistance – demolishing abandoned school district facilities.

However, the majority of money distributed from the PSCOF is for standards-based grant assistance.

² Pursuant to the *Severance Tax Bonding Act*, “proceeds from supplemental severance tax bonds shall be used only for public school capital outlay projects pursuant to the *Public School Capital Outlay Act*, or the *Public School Capital Improvements Act*.

³ For school year 2009-2010, the PSCOC made approximately \$8.1 million in Lease Assistance Awards to 77 public schools and locally and state-chartered charter schools in 21 school districts, based on \$724.71 per student.

⁴ The act defines a lease purchase arrangement as “an agreement for the leasing of a building or other real property with an option to purchase for a price that is reduced according to the payments made”.

Standards-Based Grant Assistance

Prioritizing Projects

The goal of the standards-based process is to fairly evaluate the relative priority of every school facility need in the state, prioritize and fund public school capital needs and thereby optimize the allocation of limited resources.

This is accomplished through the use of statewide adequacy standards, which establish the acceptable levels for the physical condition and capacity of school buildings, the educational suitability of those facilities and the need for technological infrastructure. However, the PSCOC may grant a variance from any of these adequacy standards if it determines that the intent of the standard can be met by the school district in an alternate manner, or if a variance is required for appropriate programmatic needs.

New Mexico uses the New Mexico Condition Index (NMCI) to rank every public school facility in terms of relative need, from greatest to least. Using the Facility Assessment Database, PSFA tracks the condition of all of New Mexico's 89 school districts, approximately 782 public schools within these districts, and 4,899 individual buildings. In all, the deficiencies of approximately 95,530 separate and distinct systems are weighted according to nine categories to determine a facility's NMCI score, which is calculated as the ratio of the cost of needed repairs to the cost of replacement, as follows:

$$\begin{array}{r} \text{Cost to correct Life-Cycle Deficiencies (\$)} \\ + \\ \text{Cost to correct NM Adequacy Standard Deficiencies (\$)} \\ \hline \text{Replacement Value (\$)} \end{array}$$

Figure 1 on the following page shows these nine categories and their relative weights.

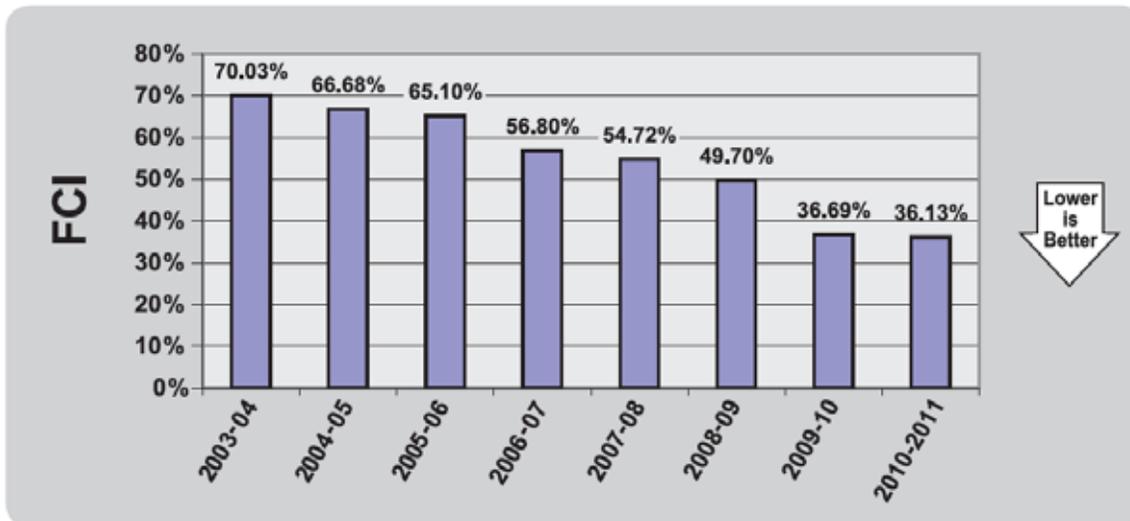
FIGURE 1 (SOURCE: PSFA)

Deficiency Categories and associated Weight Factors

Category Type #	Description	Weight Factor
1	<p>Adequacy – Immediate Code/Life/Health Used only for critical issues that pose immediate threats to the life, health or safety of persons within the facility. Examples include:</p> <ul style="list-style-type: none"> ● Obvious friable asbestos; potential release into the air. ● Unprotected exit corridors. ● Serious code violations such as blocked egress, improper fire detection/warning, electrical hazards, structural failures, emergency lighting, etc. 	3.5
2	<p>Degraded w/ Potential Mission Impact: Assigned to systems or deficiencies that are mission critical and beyond useful life or most systems that are above 200% beyond expected life. Examples include: Fire alarm/detection systems whose age is above 200% of the life cycle. Any system that is in serious disrepair or where failure is imminent Severely damaged walls, floors, and ceilings. Most systems that are greater than 200% of the BOMA life expectancy.</p>	1.5
3	<p>Mitigate Addition Damage: Assigned to systems or deficiencies that should be repaired to mitigate additional damage. Examples include: Roofs that are leaking. Exterior walls, doors, window systems that chronically leak. Inadequate ventilation systems that could result in moisture damage or mold creation.</p>	2.0
4	<p>Beyond Expected Life: Assigned to systems or deficiencies that are 100% -200% beyond expected BOMA life cycle, but exhibit no signs of immediate repair requirements. Examples include: Electrical service equipment that is 110% of the expected BOMA life yet is functioning well. Most interior finishes not severely damaged, torn, etc. Expired portable buildings</p>	0.25
5	<p>Grandfathered or State/District Recommended: Assigned to systems or deficiencies that are code issues that are "grandfathered" or standards specific to the local agency or jurisdiction. Examples include: Fire sprinkler systems, ADA improvements, etc. Finishes, flooring type, architectural standards, etc.</p>	0.50
6	<p>Adequacy – Facility Related: Assigned to systems or deficiencies that are determined to be related to the adequacy standards and are an inherent part of the facility. Examples include: ADA issues (readily achievable). Insufficient parking. Wiring for LAN, CATV or internet. Fixed equipment such as lab stations, etc.</p>	1.0
7	<p>Adequacy – Space Related: Assigned to systems or deficiencies that are determined to be related to the adequacy standards and are inherent part of the facility. Examples include: Additional classroom, career education, lab space, etc. Core support areas needed to support mission critical space.</p>	3.0
8	<p>Adequacy – Equipment: Assigned where schools do not meet state adequacy standards for non-fixed equipment. Examples include: No projection screens. Insufficient number of computers. Playground equipment.</p>	0.50
9	<p>Normal / Within Life Cycle: Assigned to systems by default in the FAD database that is within its projected or estimated useful life cycle and does not need replacement. This category will have money allocated to it as building systems age.</p>	0.25

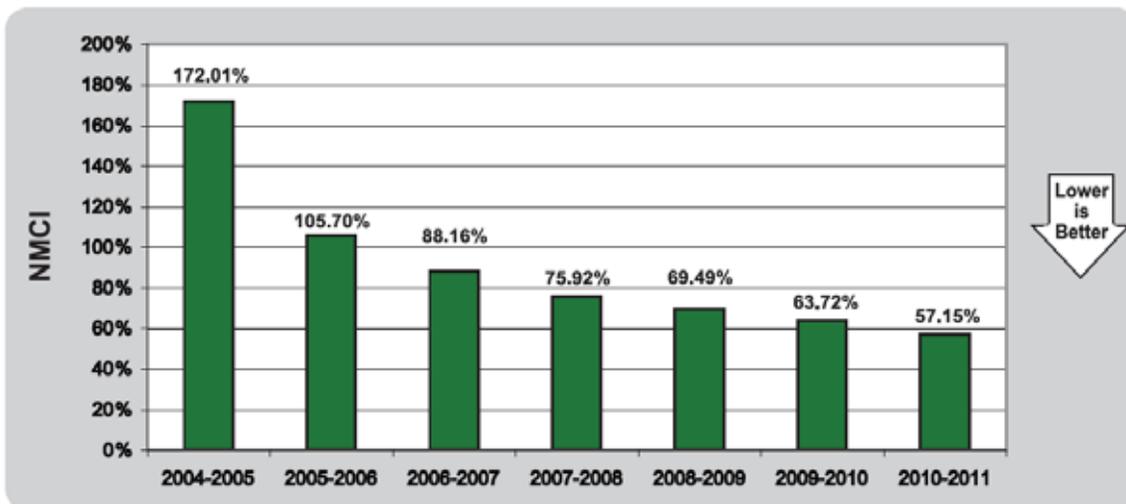
Figure 2 shows the decline in the statewide average NMCI score that has resulted from standards-based funding. Figure 3 shows this same trend for the top 100 ranked projects.

FIGURE 2 – (SOURCE: PSFA)
NEW MEXICO COMBINED FACILITY CONDITION INDEX (FCI) - FOR SCHOOL BUILDINGS (BY YEAR)



The combined Facility Condition Index for New Mexico school buildings continued to improve (decline) during 2009, but the rate of improvement has slowed.

FIGURE 3 (SOURCE: PSFA)
AVERAGE NMCI SCORE FOR THE TOP 100 GREATEST FACILITY NEEDS ON THE RANKED LIST OF ALL SCHOOL FACILITY NEEDS



Since 2004, the year that Standards-Based funding for school facilities was implemented, the average NMCI score for the top 100 projects on the ranked list of school facility needs in New Mexico has improved, from 172.01%* to 57.15%. (*2004-2006 does not include degradation data—if degradation data were included, NMCI scores would be higher than listed.)

PSFA reports that current statewide unfunded facilities needs total \$3.8 billion. Because New Mexico does not have the resources to fund all facilities needs at once, the standards-based process attempts to fund the improvement of facilities with the greatest needs first, as available revenues allow. In each funding cycle, the state generally focuses on the top 100 projects according to their ranking on the NMCI. Once a project is funded, the facility's

resulting lower NMCI score causes it to move toward the bottom of the ranked list; and previously lower-ranked projects move up in priority.

Eligibility and Application

To be eligible to receive standards-based grant assistance for a project, the capital improvements made in that project must be in the school district's statutorily required facilities master plan (FMP). The FMP is intended to prioritize a five-year course of action for the improvement of a district's facilities, thereby enabling a district to determine which facility needs are most imminent. A district's FMP includes the district's goals, its existing conditions and projected needs, and a capital improvement plan that identifies the needed funds, the sources of these funds, and a projected timeline. Locally chartered charter schools must be included in the FMP of the district in which they are located, and state-chartered charter schools must develop their own FMP.

The PSCOC may authorize grant assistance to aid all school districts in paying the cost of developing an FMP. The portion of the FMP development costs paid by the state is based on the state/local match formula (see below); however, current law provides that small districts that meet certain criteria may receive grant assistance to pay the full cost of developing their FMP.

Each September, PSFA mails out FMP assistance applications to those districts that may be eligible for an award, and these applications are due in October. The PSFA reports that during the 2009-2010 funding cycle, the PSCOC awarded over \$700,000 in FMP assistance to nine districts and seven state chartered charter schools⁵. Attachment 1 indicates that currently, the FMP's of 73 of New Mexico's 89 districts are up-to-date.

School districts and charter schools must apply to the PSCOC for standards-based grant assistance. Current law and administrative rule provide that that the PSCOC may not approve a district's application unless it determines that:

- the project is needed and is included in the school district's top priorities;
- the district has used its resources in a prudent manner;
- the district has implemented an updated preventive maintenance plan and is effectively utilizing the Facility Information Management System (FIMS);
- the school district is willing and able to pay the local share of the total cost of the project;
- the school district has addressed the capital needs of any charter schools in the district by including them in the application or demonstrating that the charter school's facilities have a smaller deviation from the statewide adequacy standards than other district facilities included in the application; and
- the school district has agreed in writing to comply with any reporting requirements or conditions established by the council.

⁵ Districts: Central, Gadsden, Grants, Los Lunas, Pecos, Peñasco, Roswell, Ruidoso, and West Las Vegas. State-chartered Charter Schools: School of Excellence, Sign Language Academy, New Mexico School of Academics, Art, and Artesania, South Valley Preparatory (All in Albuquerque), Ask Academy (Rio Rancho), The Masters Program Charter (Santa Fe), and Taos Academy (Taos).

In determining potential awards, the council may also consider:

- the timeliness of a district's ability to provide its match;
- phasing possibilities or the ability to totally fund and complete a project;
- the need for additional planning time;
- the inability of a district to be able to effectuate multiple awards in terms of actual construction;
- the impact on its educational program; and
- other factors deemed relevant or appropriate by the council.

Determination of Award: State/Local Share

If the PSCOC approves a district's application and makes a grant award, it determines the size of the award by multiplying the total project cost to adequacy by the state share for that district. Elements of the facility that exceed adequacy standards are not funded by the state, and are the responsibility of the school district. (Attachment 2 shows the 2009-2010 state/local match percentages for each school district.)

The *Public School Capital Outlay Act* provides a formula to determine the portion of a capital outlay project that may be funded with state grant assistance, and the portion that must be funded by the local school district. By law, the state share for any district may not be less than 10 percent, and may not exceed 100 percent. The calculation of the state and local shares considers:

- the district's final prior year net taxable value⁶;
- its membership (MEM - the average full-time-equivalent enrollment on the 40th, 80th, and 120th days of the prior school year); and
- the sum of the property tax mill levies imposed by the district for the prior tax year.

The primary determinant in the state/local match calculation is net taxable value (valuation) per MEM. The formula compares the subject school district's valuation per MEM to those of other districts. Generally, the state share for school districts with a higher valuation per MEM will be a lower that for districts with a low valuation per MEM.

The formula also compares the property tax rates of the subject school district to those of other districts. If a district has a high enough property tax rate compared to other districts, its state share may increase between 2.5 percent up to 5.0 percent.

The PSCOC may adjust a district's local share if it determines that a school district has used all of its local resources, as determined by the following criteria:

- the school district has insufficient bonding capacity over the next four years to provide the local match necessary to complete the project and, for all educational purposes, has a residential property tax rate of at least 10 mills⁷;

⁶ Net taxable property value is 1/3 of the assessed value of a piece of property. Property values are determined by the county assessor.

⁷ A one-mill levy represents a tax of \$1.00 for each \$1,000 of net taxable property value.

- the school district, averaged on the previous year's 80th/120th days, has a membership fewer than 800, has at least 70 percent of its students eligible for free or reduced-fee lunch, has a state share greater than 50 percent, and has a residential property tax rate of at least seven mills; or
- the school district has experienced enrollment growth over the previous school year of at least 2.5 percent, will be building a new school within the next two years, and has a residential property tax rate of at least 10 mills.

To address the difficulties charter schools may experience in securing funding for the local share of approved capital outlay projects, the 2007 Legislature passed legislation creating the Charter School Capital Outlay Fund; and appropriated \$4.0 million into the fund. PSFA reports that, for the 2010-2011 funding cycle, a \$2.1 million balance remains of this appropriation. Money in the fund may be used for:

- making grants to state-chartered charter schools to assist with the local match needed for an approved public school capital outlay project; and
- assisting charter schools to be located in public buildings or in buildings being acquired by charter schools pursuant to a lease purchase agreement. (The *Charter Schools Act* requires that on or after July 1, 2015, a new charter school shall not open and an existing charter shall not be renewed unless the charter school is housed in a public building, or in a building that is subject to an approved lease purchase arrangement.)

The PSCOC may advance a district's local share of a capital outlay project, and recoup the advance either through repayment or by reducing the state share of future awards that otherwise would be made from the PSCOF. The PSCOC may also increase the state share of a district by an additional 5.0 percent if the council finds that the subject school district has been exemplary in implementing and maintaining a preventive maintenance program.

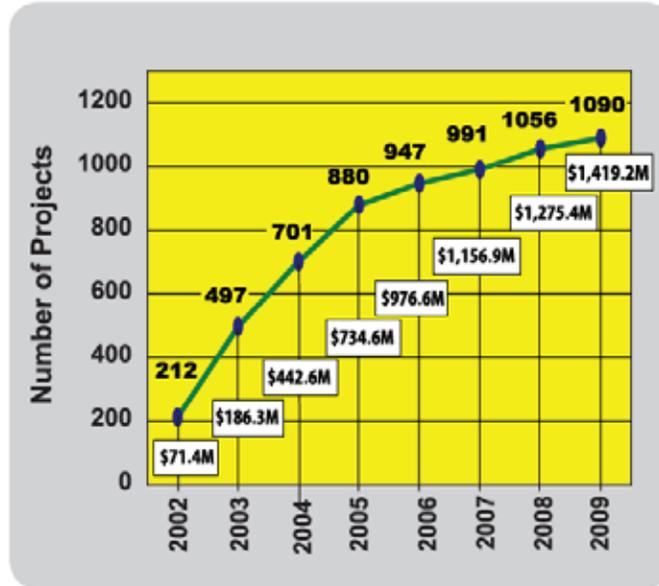
The *Public School Capital Outlay Act* also provides for other adjustments to the state share of an award, including the legislative offset, which reduces the amount of state funding for a project in order to reduce the disequalizing effect of direct legislative capital outlay appropriations to that district. The amount of the offset is calculated by multiplying the local share percentage by the total of all legislative appropriations⁸ made to the district, and the total of all federal money received by the subject school district for non-operating purposes pursuant to Title XIV of the federal *American Recovery and Reinvestment Act of 2009* (ARRA)⁹. The Public Education Department (PED), which is charged with administering the direct legislative appropriations for educational purposes, also calculates the legislative offset for each district, which is shown in Attachment 3.

Figure 4 shows that since 2002, the PSCOC has made standards-based and deficiencies correction awards to 1,090 projects valued at over \$1.4 billion.

⁸ The offset applies to only half of an appropriation made to a project ranked in the top 150 projects statewide; excludes the proportionate share of any appropriation made after January 1, 2008 for a project that will be jointly used by a governmental entity other than the subject school district; and excludes appropriations made after January 1, 2007 for non-operating purposes of a state-chartered charter school.

⁹ The offset does not apply if the grant award is made to a state-chartered charter school, if the federal money received was previously used to calculate an offset, or if the federal funds were distributed through the PSCOF as grant awards pursuant to the *Public School Capital Outlay Act*.

FIGURE 4 (SOURCE: PSFA)
CUMULATIVE PSCOC/PSFA PROJECTS & FUNDING



The PSCOC and PSFA have provided funding and project assistance to 1,090 projects and facilities throughout NM since the Deficiencies Correction Unit was established in late 2001. Corresponding total project value is \$1,419.2 million.*
*(*Deficiencies Correction and Standards-Based funding only.)*

The total in Figure 4 includes the following awards made in the 2009-2010 award cycle:

- approximately \$131.1 million in standards-based state match awards (\$96.8 for five previously funded projects, and \$34.3 million in new awards); and
- approximately \$48.6 million in awards reserved for possible out-of-cycle standards-based awards.

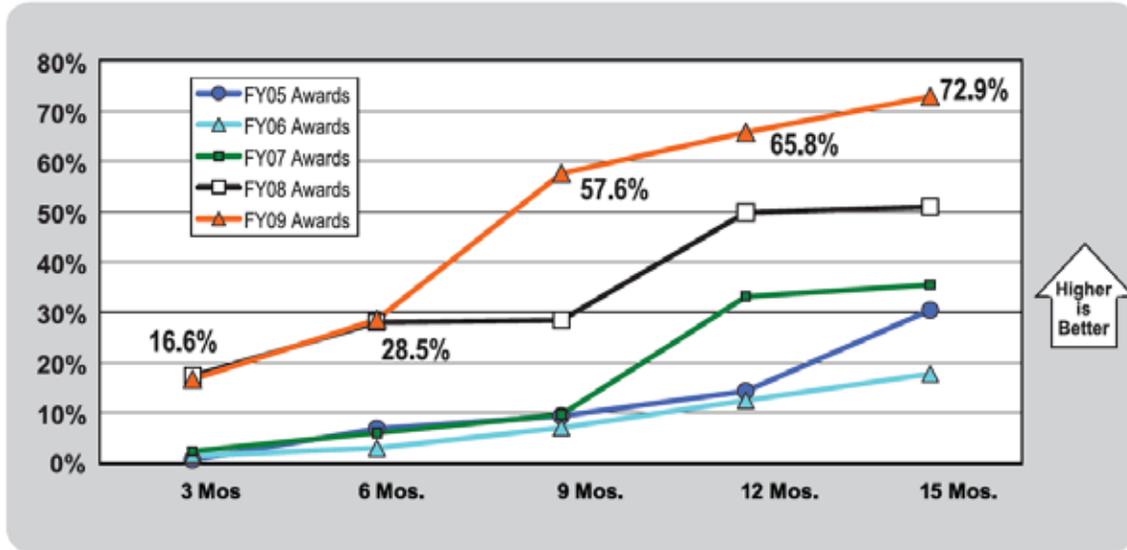
In recent award cycles, the council has transitioned toward “just-in-time” funding – making funds available when a school district is ready to expend them – to more efficiently use state funds, and to enable more accurate cost projections. The council has supported just-in-time funding by using two methods:

- funding projects in phases by making planning and design awards in one funding cycle, followed by phased construction funding in later funding cycles; and
- making out-of-cycle awards, which flow funding to a district only when it is ready to begin expending the funds, rather than making the awards in the summer (when awards are normally announced), regardless of a district’s readiness to expend the funds.

Figure 5 shows the effects of the transition to just-in-time funding on the percentage of award dollars under contract from the time the award was made:

FIGURE 5 (SOURCE: PSFA)

PERCENT OF AWARD DOLLARS UNDER CONTRACT FROM TIME OF AWARD



73 percent of PSCOC award dollars are currently under contract within 15 months—a 43% improvement over FY 2008. Reduction in project cycle times maximizes funds that go to brick and mortar by reducing losses to construction inflation and to the cost of capital.

The PSCOC has announced that, due to the economic conditions in New Mexico, and the corresponding uncertainty in availability of funding, the council will not accept applications for *new* standards-based capital outlay projects for the 2010-2011 award cycle. In addition, the PSCOC has directed the PSFA not to release an official 2010-2011 NMCI Ranking. PSFA will maintain and continue to update a list of district and charter school facilities' 2010-2011 status on its website.

However, projects that have previously received a standards-based award for planning and design, an initial construction phase or have a deferred award with out-of-cycle consideration pending completion of specified conditions will be eligible to apply for additional funding in the school year 2010-2011.

Section II – The Public School Capital Improvements Act

Commonly referred to as SB-9 or the “two-mill levy,” the funding mechanism authorized by the *Public School Capital Improvements Act* allows school districts to ask local voters to approve a property levy of up to two mills for a maximum of six years to generate funds for capital improvements. (Attachment 4 indicates, by district, the election status of SB-9 levies as of elections held in 2009.) In order to be able to expend SB-9 proceeds for a certain purpose, that purpose must be included in the school district’s resolution to impose the tax. Beginning in FY 10, statute requires that a resolution to impose the two-mill levy include funding for a locally chartered or state-chartered charter school located within the school district if the charter school provides the school district with the necessary information that identifies the capital improvements of the charter school for which the revenue will be used. Authorized purposes for the use of SB-9 funds include:

- erecting, remodeling, making additions to, providing equipment for, or furnishing public school buildings;
- purchasing or improving public school grounds;
- maintaining public school buildings or public school grounds, including purchasing or repairing maintenance equipment, participating in the Facility Information Management System (FIMS) as required by the *Public School Capital Outlay Act*, and making payments under contract with regional education cooperatives (RECs) for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;
- purchasing activity vehicles for transporting students to extracurricular activities; and
- purchasing computer software and hardware for student use in classrooms.

Provisions in the act guarantee a minimum level of matching state funding to districts that have imposed the two-mill levy. To determine the minimum level of funding, PED calculates a “program guarantee” for each district that has imposed the two-mill levy by multiplying that district’s 40th day total program units by a per-unit matching dollar amount¹⁰ (currently \$74.69), and further multiplying by the imposed millage, as follows:

Program Guarantee = 40th day total program units X \$74.69 X 2 (mills)

PED also calculates a “minimum guarantee” by multiplying that district’s 40th day total program units by a per-unit matching dollar amount¹¹ (currently \$5.80), and further multiplying by the imposed millage, as follows:

Minimum Guarantee = 40th day total program units X \$5.80 X 2 (mills)

¹⁰ In each subsequent fiscal year the dollar amount is adjusted by the percentage increase between the next preceding year and the preceding calendar year of the consumer price index (CPI).

¹¹ In each subsequent fiscal year the dollar amount is adjusted by the percentage increase between the next preceding year and the preceding calendar year of the consumer price index (CPI).

The SB-9 state match is then calculated as the greater of:

- the “minimum guarantee;” or
- the amount by which the local revenue generated falls short of the “program guarantee.”

According to the PSFA financial plan, an estimated \$18.8 million is budgeted for FY 11 to pay the SB-9 state match. This match is funded by SSTB proceeds.

Section III – The *Public School Buildings Act*

Commonly referred to as HB-33, the *Public School Buildings Act* allows districts to impose a tax not to exceed 10 mills for a maximum of six years on the net taxable value of property upon approval of qualified voters. (Attachment 4 indicates, by district, the election status of HB-33 levies as of elections held in 2009.) Authorized uses of SB-9 funds include:

- erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings;
- making lease-purchase arrangement payments;
- purchasing or improving public school grounds;
- purchasing activity vehicles for transporting students to and from extracurricular activities (excepting school districts with membership greater than 60,000); or
- expending up to 5.0 percent of the total project costs on project administration, including expenditures for facility maintenance software, project management software, project oversight and district personnel specifically related to administration of projects funded by proceeds of the HB-33 levy.

The act provides that the authorized tax rate made under the *Public School Buildings Act*, when added to the tax rates for servicing the debt of the school district and the rate authorized under the *Public School Capital Improvements Act*, cannot exceed 15 mills. If a district's total tax rate does exceed this statutory limit, the HB-33 tax rate must be adjusted downward to compensate.

The act further provides that a resolution for the imposition of an HB-33 levy submitted to voters include capital improvements funding for a locally chartered or state-chartered charter school located within the school district if:

- the charter school timely provides the necessary information to the school district for inclusion on the resolution that identifies the capital improvements of the charter school for which the revenue proposed to be produced will be used; and
- the capital improvements are included in the school district's¹² or the charter school's¹³ five-year facilities plan.

¹² For locally chartered charter schools.

¹³ For state-chartered charter schools.

Section IV – General Obligation Bonding

Local school districts may issue general obligation (GO) bonds 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.

PED reports that, prior to the bond election, school districts must work with the department's School Budget Planning Unit to determine the district's available bonding capacity. If sufficient bonding capacity exists, the school board may adopt a resolution to submit to the voters the question of whether create a debt by issuing GO bonds and to impose a property tax to service the debt. If the bond election is successful, the local school board may, subject to the approval of the Attorney General, issue the bonds valued up to 6.0 percent of the district's assessed valuation.

Current law authorizes two types of special designations for school district GO bonds that meet certain criteria – Qualified Zone Academy Bonds (QZABs), and Qualified School Construction Bonds (QSCBs):

- QZABs provide federal tax credits for bond holders in lieu of interest in order to reduce an issuer's cost of borrowing for public school construction projects. To qualify for QZABs, the bond proceeds must be used for a project that is either located in an Empowerment Zone or Enterprise Community; or have at least 35 percent of the school's students eligible for free or reduced-price lunch under the federal lunch program.

The QZAB funds must benefit an academic program such as enhancing the academic curriculum, increasing graduation and employment rates, or preparing students for college and the work force. In addition, the each school must enter into a partnership with a private entity or entities, who must contribute at least 10 percent of the net present value of the amount of money borrowed.

PED reports that it has approved two applications for the designation of a total of approximately \$19.5 million as QZABs; but adds that the department has not received any QZAB applications since 2004.

- QSCBs are authorized by the ARRA, and like QSCBs, they provide federal tax credits for bond holders in lieu of interest in order to reduce an issuer's cost of borrowing for public school construction projects.

ARRA provides for an allocation to each state, along with separate allocations for large school districts. The statewide allocation was \$64.6 million for 2009, and approximately \$62.0 million for 2010. Qualifying as one of the large districts in the country,

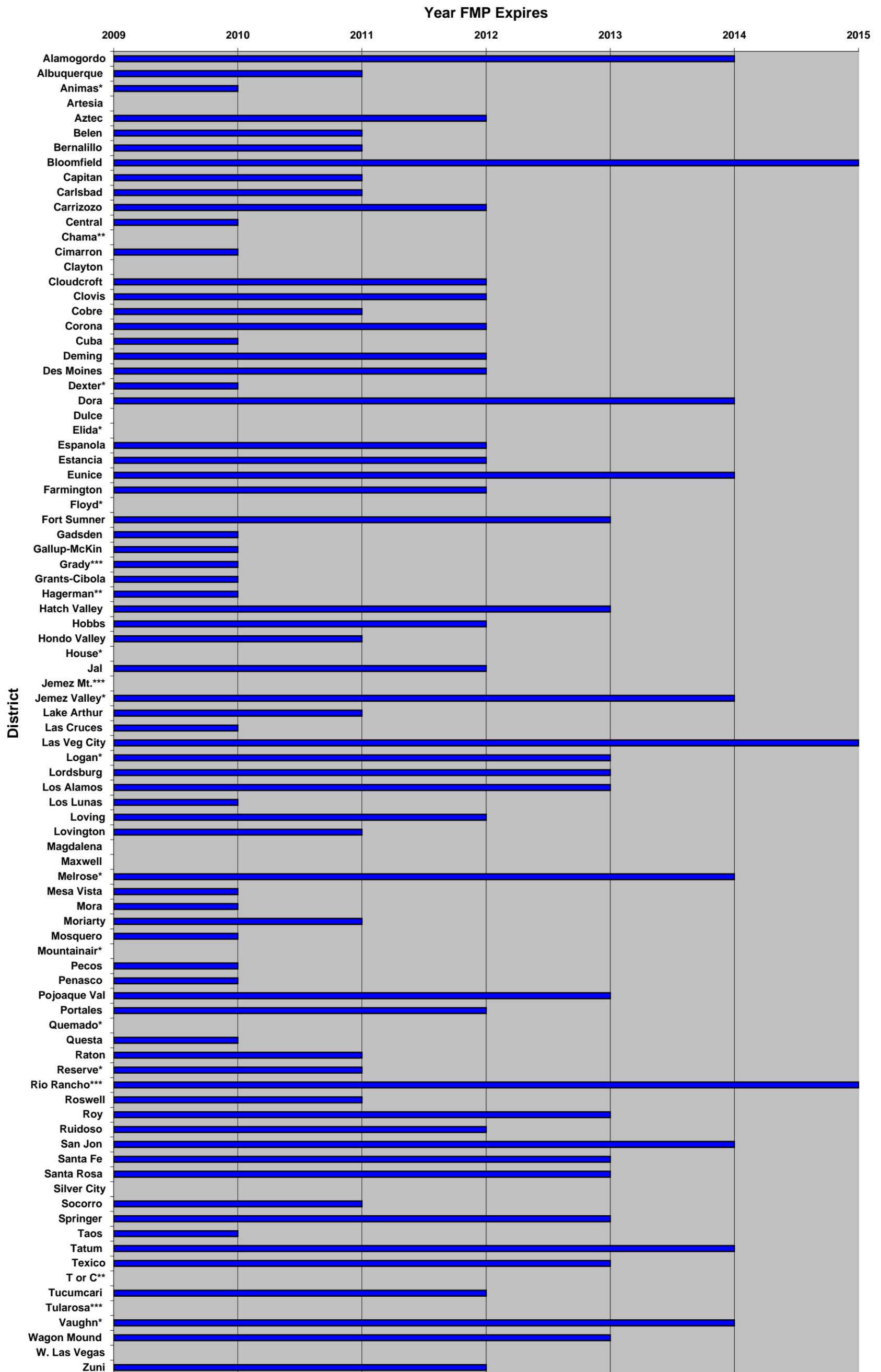
Albuquerque Public Schools received an allocation of approximately \$22.0 million in 2009, and approximately \$25.0 million in 2010.

After the passage of ARRA, the New Mexico Legislature passed the *Qualified School Construction Bonds Act*, which provides for the distribution of the state's QSCB allocation. PED has developed an application for the QSCB designation, and current law provides that, in determining the distribution to applicant school districts of the state's QSCB allocation, the PSCOC must consider:

- the dates anticipated for the initial expenditure of bond proceeds and for completion of the project;
- the percent of the bond proceeds that are likely to be expended within three years of the date of the issuance of the bonds;
- whether the bond proceeds, together with all other money available for the project, are sufficient to complete the project; and
- the priority ranking of the project, as determined by applying the deviation from the statewide adequacy standards.

Using these criteria, the PSCOC allocated the \$64.6 million in QSCB designations to 11 projects in seven school districts, as is shown in Attachment 5.

New Mexico's Public School Facility Master Plans



NOTES: [* Received 2006-07 FMP Award-Not Complete] [** Received 2007-08 FMP Award-Not Complete] [*** Received 2008-09 Award-Not Complete]

**2009-2010 PERCENTAGE OF PARTICIPATION
FOR PSCOC PROJECTS**

DISTRICT	3 YEAR AVERAGE	
	STATE SHARE	DISTRICT SHARE
Alamogordo	70%	30%
Albuquerque	54%	46%
Animas	62%	38%
Artesia	10%	90%
Aztec	10%	90%
Belen	73%	27%
Bernalillo	50%	50%
Bloomfield	10%	90%
Capitan	10%	90%
Carlsbad	20%	80%
Carrizozo	40%	60%
Central	67%	33%
Chama	11%	89%
Cimarron	10%	90%
Clayton	35%	65%
Cloudcroft	10%	90%
Clovis	80%	20%
Cobre	59%	41%
Corona	10%	90%
Cuba	80%	20%
Deming	74%	26%
Des Moines	28%	72%
Dexter	85%	15%
Dora	56%	44%
Dulce	10%	90%
Elida	35%	65%
Espanola	65%	35%
Estancia	73%	27%
Eunice	10%	90%
Farmington	59%	41%
Floyd	80%	20%
Fort Sumner	53%	47%
Gadsden	90%	10%
Gallup	84%	16%
Grady	83%	17%
Grants	81%	19%
Hagerman	81%	19%
Hatch	89%	11%
Hobbs	56%	44%
Hondo	39%	61%
House	72%	28%
Jal	10%	90%
Jemez Mountain	10%	90%
Jemez Valley	54%	46%
Lake Arthur	48%	52%
Las Cruces	67%	33%
Las Vegas City	68%	32%
Las Vegas West	77%	23%
Logan	33%	67%
Lordsburg	49%	51%
Los Alamos	28%	72%
Los Lunas	81%	19%
Loving	15%	85%
Lovington	26%	74%
Magdalena	86%	14%
Maxwell	67%	33%

**2009-2010 PERCENTAGE OF PARTICIPATION
FOR PSCOC PROJECTS**

FINAL

DISTRICT	3 YEAR AVERAGE	
	STATE SHARE	DISTRICT SHARE
Melrose	68%	32%
Mesa Vista	58%	42%
Mora	66%	34%
Moriarty	63%	37%
Mosquero	10%	90%
Mountainair	56%	44%
Pecos	56%	44%
Penasco	76%	24%
Pojoaque	77%	23%
Portales	81%	19%
Quemado	10%	90%
Questa	10%	90%
Raton	68%	32%
Reserve	29%	71%
Rio Rancho	63%	37%
Roswell	72%	28%
Roy	64%	36%
Ruidoso	30%	70%
San Jon	77%	23%
Santa Fe	10%	90%
Santa Rosa	62%	38%
Silver	53%	47%
Socorro	78%	22%
Springer	53%	47%
Taos	13%	87%
Tatum	10%	90%
Texico	63%	37%
Truth or Consequences	45%	55%
Tucumcari	79%	21%
Tularosa	82%	18%
Vaughn	10%	90%
Wagon Mound	57%	43%
Zuni	100%	0%

**TOTAL OFFSETS FOR 2010-2011
AWARD CYCLE**

FINAL

SOURCE: Capital Outlay Bureau, Public Education Department

	DISTRICT	2010 DISTRICT SHARE	TOTAL OFFSET FOR 2009-2010	TOTAL OFFSET USED FOR 09-10 AWARD CYCLE	OFFSET BALANCE	PROJECTS REAUTHORIZED TO OTHER RECIPIENTS & REJECTIONS	TOTAL OFFSET FOR 2010-2011
1	ALAMOGORDO	30%	\$ 133,800	\$ -	\$ 133,800	\$ -	\$ 133,800
2	ALBUQUERQUE	46%	\$ 3,738,740	\$ -	\$ 3,738,740	\$ 185,175	\$ 3,553,565
3	ANIMAS	38%	\$ -	\$ -	\$ -	\$ -	\$ -
4	ARTESIA	90%	\$ 698,382	\$ -	\$ 698,382	\$ -	\$ 698,382
5	AZTEC	90%	\$ 638,100	\$ -	\$ 638,100	\$ -	\$ 638,100
6	BELEN	27%	\$ 1,123,683	\$ -	\$ 1,123,683	\$ 46,035	\$ 1,077,648
7	BERNALILLO	50%	\$ -	\$ -	\$ -	\$ -	\$ -
8	BLOOMFIELD	90%	\$ 1,256,064	\$ -	\$ 1,256,064	\$ -	\$ 1,256,064
9	CAPITAN	90%	\$ 1,051,650	\$ -	\$ 1,051,650	\$ -	\$ 1,051,650
10	CARLSBAD	80%	\$ 1,060,948	\$ -	\$ 1,060,948	\$ -	\$ 1,060,948
11	CARRIZOZO	60%	\$ 198,182	\$ -	\$ 198,182	\$ -	\$ 198,182
12	CENTRAL	33%	\$ -	\$ -	\$ -	\$ -	\$ -
13	CHAMA	89%	\$ 158,420	\$ -	\$ 158,420	\$ -	\$ 158,420
14	CIMARRON	90%	\$ 214,750	\$ -	\$ 214,750	\$ -	\$ 214,750
15	CLAYTON	65%	\$ 17,250	\$ -	\$ 17,250	\$ -	\$ 17,250
16	CLOUDCROFT	90%	\$ 1,218,600	\$ -	\$ 1,218,600	\$ -	\$ 1,218,600
17	CLOVIS	20%	\$ -	\$ -	\$ -	\$ -	\$ -
18	COBRE	41%	\$ 10,250	\$ -	\$ 10,250	\$ -	\$ 10,250
19	CORONA	90%	\$ 68,880	\$ -	\$ 68,880	\$ -	\$ 68,880
20	CUBA	20%	\$ -	\$ -	\$ -	\$ -	\$ -
21	DEMING	26%	\$ 18,250	\$ -	\$ 18,250	\$ -	\$ 18,250
22	DES MOINES	72%	\$ 70,000	\$ -	\$ 70,000	\$ -	\$ 70,000
23	DEXTER	15%	\$ 89,132	\$ -	\$ 89,132	\$ -	\$ 89,132
24	DORA	44%	\$ 77,400	\$ -	\$ 77,400	\$ -	\$ 77,400
25	DULCE	90%	\$ -	\$ -	\$ -	\$ -	\$ -
26	ELIDA	65%	\$ 247,207	\$ -	\$ 247,207	\$ -	\$ 247,207
27	ESPANOLA	35%	\$ 578,905	\$ -	\$ 578,905	\$ -	\$ 578,905
28	ESTANCIA	27%	\$ -	\$ -	\$ -	\$ -	\$ -
29	EUNICE	90%	\$ 225,000	\$ 215,000	\$ 10,000	\$ -	\$ 10,000
30	FARMINGTON	41%	\$ -	\$ -	\$ -	\$ -	\$ -
31	FLOYD	20%	\$ 29,175	\$ -	\$ 29,175	\$ -	\$ 29,175
32	FORT SUMNER	47%	\$ 61,250	\$ -	\$ 61,250	\$ -	\$ 61,250
33	GADSDEN	10%	\$ (14,191)	\$ -	\$ (14,191)	\$ 23,760	\$ (37,951)
34	GALLUP	16%	\$ -	\$ -	\$ -	\$ -	\$ -
35	GRADY	17%	\$ -	\$ -	\$ -	\$ -	\$ -
36	GRANTS	19%	\$ -	\$ -	\$ -	\$ -	\$ -
37	HAGERMAN	19%	\$ 128,770	\$ -	\$ 128,770	\$ -	\$ 128,770
38	HATCH	11%	\$ -	\$ -	\$ -	\$ -	\$ -
39	HOBBS	44%	\$ 834,518	\$ 834,518	\$ -	\$ -	\$ -
40	HONDO	61%	\$ 100,500	\$ -	\$ 100,500	\$ -	\$ 100,500
41	HOUSE	28%	\$ 8,625	\$ -	\$ 8,625	\$ -	\$ 8,625
42	JAL	90%	\$ 1,017,887	\$ -	\$ 1,017,887	\$ -	\$ 1,017,887
43	JEMEZ MOUNTAIN	90%	\$ 135,000	\$ -	\$ 135,000	\$ -	\$ 135,000
44	JEMEZ VALLEY	46%	\$ 22,500	\$ -	\$ 22,500	\$ -	\$ 22,500
45	LAKE ARTHUR	52%	\$ 246,953	\$ -	\$ 246,953	\$ -	\$ 246,953
46	LAS CRUCES	33%	\$ 59,895	\$ 59,895	\$ -	\$ -	\$ -
47	LAS VEGAS CITY	32%	\$ 822,331	\$ -	\$ 822,331	\$ -	\$ 822,331
48	LAS VEGAS WEST	23%	\$ 43,550	\$ -	\$ 43,550	\$ -	\$ 43,550

ATTACHMENT 3

**TOTAL OFFSETS FOR 2010-2011
AWARD CYCLE**

FINAL

	DISTRICT	2010 DISTRICT SHARE	TOTAL OFFSET FOR 2009-2010	TOTAL OFFSET USED FOR 09-10 AWARD CYCLE	OFFSET BALANCE	PROJECTS REAUTHORIZED TO OTHER RECIPIENTS & REJECTIONS	TOTAL OFFSET FOR 2010-2011
49	LOGAN	67%	\$ 29,500	\$ -	\$ 29,500	\$ -	\$ 29,500
50	LORDSBURG	51%	\$ -	\$ -	\$ -	\$ -	\$ -
51	LOS ALAMOS	72%	\$ -	\$ -	\$ -	\$ -	\$ -
52	LOS LUNAS	19%	\$ 81,000	\$ 81,000	\$ -	\$ -	\$ -
53	LOVING	85%	\$ 492,235	\$ -	\$ 492,235	\$ -	\$ 492,235
54	LOVINGTON	74%	\$ 2,687,556	\$ -	\$ 2,687,556	\$ -	\$ 2,687,556
55	MAGDALENA	14%	\$ 52,800	\$ -	\$ 52,800	\$ -	\$ 52,800
56	MAXWELL	33%	\$ 71,606	\$ -	\$ 71,606	\$ -	\$ 71,606
57	MELROSE	32%	\$ 131,042	\$ -	\$ 131,042	\$ -	\$ 131,042
58	MESA VISTA	42%	\$ -	\$ -	\$ -	\$ -	\$ -
59	MORA	34%	\$ 593,364	\$ -	\$ 593,364	\$ -	\$ 593,364
60	MORIARTY	37%	\$ 680,000	\$ -	\$ 680,000	\$ -	\$ 680,000
61	MOSQUERO	90%	\$ 22,500	\$ -	\$ 22,500	\$ -	\$ 22,500
62	MOUNTAINAIR	44%	\$ 70,600	\$ -	\$ 70,600	\$ -	\$ 70,600
63	PECOS	44%	\$ 131,513	\$ -	\$ 131,513	\$ -	\$ 131,513
64	PENASCO	24%	\$ -	\$ -	\$ -	\$ -	\$ -
65	POJOAQUE	23%	\$ 273,884	\$ -	\$ 273,884	\$ -	\$ 273,884
66	PORTALES	19%	\$ -	\$ -	\$ -	\$ -	\$ -
67	QUEMADO	90%	\$ 108,000	\$ -	\$ 108,000	\$ -	\$ 108,000
68	QUESTA	90%	\$ 786,109	\$ -	\$ 786,109	\$ -	\$ 786,109
69	RATON	32%	\$ -	\$ -	\$ -	\$ -	\$ -
70	RESERVE	71%	\$ 204,750	\$ -	\$ 204,750	\$ -	\$ 204,750
71	RIO RANCHO	37%	\$ 375,139	\$ -	\$ 375,139	\$ -	\$ 375,139
72	ROSWELL	28%	\$ 308,966	\$ 312,475	\$ (3,509)	\$ -	\$ (3,509)
73	ROY	36%	\$ 8,750	\$ -	\$ 8,750	\$ -	\$ 8,750
74	RUIDOSO	70%	\$ 420,000	\$ -	\$ 420,000	\$ -	\$ 420,000
75	SAN JON	23%	\$ 13,200	\$ -	\$ 13,200	\$ -	\$ 13,200
76	SANTA FE	90%	\$ 2,381,987	\$ -	\$ 2,381,987	\$ -	\$ 2,381,987
77	SANTA ROSA	38%	\$ 187,782	\$ -	\$ 187,782	\$ -	\$ 187,782
78	SILVER	47%	\$ -	\$ -	\$ -	\$ -	\$ -
79	SOCORRO	22%	\$ -	\$ -	\$ -	\$ -	\$ -
80	SPRINGER	47%	\$ 86,857	\$ -	\$ 86,857	\$ -	\$ 86,857
81	TAOS	87%	\$ 527,832	\$ -	\$ 527,832	\$ -	\$ 527,832
82	TATUM	90%	\$ 354,600	\$ -	\$ 354,600	\$ -	\$ 354,600
83	TEXICO	37%	\$ 141,349	\$ 141,349	\$ -	\$ -	\$ -
84	T or C	55%	\$ -	\$ -	\$ -	\$ -	\$ -
85	TUCUMCARI	21%	\$ -	\$ -	\$ -	\$ -	\$ -
86	TULAROSA	18%	\$ 128,150	\$ -	\$ 128,150	\$ -	\$ 128,150
87	VAUGHN	90%	\$ 414,000	\$ -	\$ 414,000	\$ -	\$ 414,000
88	WAGON MOUND	43%	\$ 225,880	\$ -	\$ 225,880	\$ -	\$ 225,880
89	ZUNI	0%	\$ -	\$ -	\$ -	\$ -	\$ -
1	MEDIA ARTS COLLABORATIVE	46%	\$ 222,020	\$ -	\$ 222,020	\$ -	\$ 222,020
	TOTALS		\$ 28,603,328	\$ 1,644,237	\$ 26,959,091	\$ 254,970	\$ 26,704,121

**CAPITAL IMPROVEMENTS ACT (SB-9) AND PUBLIC SCHOOL BUILDINGS ACT (HB-33)
STATUS AFTER 2009 ELECTIONS - SORTED BY SCHOOL DISTRICT**

FINAL

SOURCE: Capital Outlay Bureau, Public Education Department

DISTRICTS	SUCCESSFUL ELECTION DATE	MILLS							APPROVED USES							
			2009	2010	2011	2012	2013	2014	Erecting, remodeling, equipment, furniture	Purchasing or Improving School Grounds	Maintenance of Facilities, Training	Activity Vehicles	Computer Hardware/ Software	Payments made for leasing with option to purchase	Administration of Projects	NEXT ELECTION
Public School Capital Improvements Act (SB-9)																
ALAMOGORDO	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
ALBUQUERQUE	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
ANIMAS	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
ARTESIA	2/7/2006	2.000	XX	XX	XX				X	X	X	X	X			2012
AZTEC	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
BELEN	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
BERNALILLO	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
BLOOMFIELD	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
CAPITAN	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
CARLSBAD	2/7/2006	2.000	XX	XX	XX				X	X	X	X	X			2012
CARRIZOZO	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
CENTRAL	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
CHAMA	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
CIMARRON	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
CLAYTON	2/5/2008	2.000	XX	XX					X		X	X	X			2011
CLOUDCROFT	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
CLOVIS	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
COBRE	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
CORONA	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
CUBA	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
DEMING	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
DES MOINES	2/7/2006	2.000	XX	XX	XX				X	X	X	X	X			2012
DEXTER	2/3/2004	2.000	XX						X	X	X	X	X			2010
DORA	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
DULCE	6/2/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
ELIDA	6/23/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
ESPANOLA	Failed															Unknown
ESTANCIA	2/3/2004	2.000	XX						X	X	X	X	X			2010
EUNICE	2/1/2005	2.000	XX						X	X	X	X	X			2010
FARMINGTON	2/7/2006	2.000	XX	XX	XX				X	X	X	X	X			2012
FLOYD	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
FT. SUMNER	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
GADSDEN	2/7/2006	2.000	XX	XX	XX				X	X	X	X	X			2012
GALLUP	2/3/2004	2.000	XX						X	X	X	X	X			2010

ATTACHMENT 4

**CAPITAL IMPROVEMENTS ACT (SB-9) AND PUBLIC SCHOOL BUILDINGS ACT (HB-33)
STATUS AFTER 2009 ELECTIONS - SORTED BY SCHOOL DISTRICT**

FINAL

DISTRICTS	SUCCESSFUL ELECTION DATE	MILLS							APPROVED USES							
			2009	2010	2011	2012	2013	2014	Erecting, remodeling, equipment, furniture	Purchasing or Improving School Grounds	Maintenance of Facilities, Training	Activity Vehicles	Computer Hardware/ Software	Payments made for leasing with option to purchase	Administration of Projects	NEXT ELECTION
Public School Capital Improvements Act (SB-9)																
GRADY	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
GRANTS	2/3/2004	2.000	XX						X	X	X	X				2010
HAGERMAN	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
HATCH	2/5/2008	2.000	XX	XX	XX	XX	XX		X	X	X	X	X	X		2014
HOBBS	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
HONDO	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
HOUSE	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
JAL	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
JEMEZ MOUNTAIN	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
JEMEZ VALLEY	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
LAKE ARTHUR	2/28/2006	2.000	XX	XX					X	X	X	X	X			2011
LAS CRUCES	2/7/2006	2.000	XX						X	X	X	X	X			2010
LAS VEGAS CITY	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
LAS VEGAS WEST	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
LOGAN	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
LORDSBURG	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
LOS ALAMOS	No Election															Unknown
LOS LUNAS	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
LOVING	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
LOVINGTON	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
MAGDALENA	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
MAXWELL	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
MELROSE	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
MESA VISTA	6/26/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
MORA	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
MORIARTY	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
MOSQUERO	2/3/2004	2.000	XX						X	X	X	X	X			2010
MOUNTAINAIR	2/3/2004	2.000	XX						X	X	X	X	X			2010
PECOS	5/10/2005	2.000	XX	XX					X	X	X	X	X			2011
PENASCO	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
POJOAQUE	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
PORTALES	2/7/2006	2.000	XX	XX					X	X	X	X	X			2011
QUEMADO	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
QUESTA	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013

**CAPITAL IMPROVEMENTS ACT (SB-9) AND PUBLIC SCHOOL BUILDINGS ACT (HB-33)
STATUS AFTER 2009 ELECTIONS - SORTED BY SCHOOL DISTRICT**

FINAL

DISTRICTS	SUCCESSFUL ELECTION DATE	MILLS							APPROVED USES							
			2009	2010	2011	2012	2013	2014	Erecting, remodeling, equipment, furniture	Purchasing or Improving School Grounds	Maintenance of Facilities, Training	Activity Vehicles	Computer Hardware/ Software	Payments made for leasing with option to purchase	Administration of Projects	NEXT ELECTION
Public School Capital Improvements Act (SB-9)																
RATON	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
RESERVE	Failed															Unknown
RIO RANCHO	2/7/2006	2.000	XX	XX	XX				X	X	X	X	X			2012
ROSWELL	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
ROY	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
RUIDOSO	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
SAN JON	2/1/2005	2.000	XX	XX					X	X	X	X	X			2011
SANTA FE	2/7/2006	2.000	XX	XX	XX				X	X	X					2012
SANTA ROSA	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
SILVER CITY	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
SOCORRO	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
SPRINGER	2/3/2004	2.000	XX						X	X	X	X	X			2010
TAOS	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
TATUM	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
TEXICO	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
T OR C	2/7/2006	2.000	XX						X	X	X	X	X			2010
TUCUMCARI	2/6/2007	2.000	XX	XX	XX	XX			X	X	X	X	X			2013
TULAROSA	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
VAUGHN	2/3/2009	2.000	XX	XX	XX	XX	XX	XX	X	X	X	X	X	X		2015
WAGON MOUND	2/5/2008	2.000	XX	XX	XX	XX	XX		X	X	X	X	X			2014
ZUNI	2/6/2007	2.000	XX	XX	XX				X	X	X	X	X			2012

**CAPITAL IMPROVEMENTS ACT (SB-9) AND PUBLIC SCHOOL BUILDINGS ACT (HB-33)
STATUS AFTER 2009 ELECTIONS - SORTED BY SCHOOL DISTRICT**

FINAL

DISTRICTS	SUCCESSFUL ELECTION DATE	MILLS							APPROVED USES							
			2009	2010	2011	2012	2013	2014	Erecting, remodeling, equipment, furniture	Purchasing or Improving School Grounds	Maintenance of Facilities, Training	Activity Vehicles	Computer Hardware/ Software	Payments made for leasing with option to purchase	Administration of Projects	NEXT ELECTION
Public School Buildings Act (HB-33)																
ALBUQUERQUE*	2/1/2005	3.874	XX						X	X	dna	dna	dna			2010
ALBUQUERQUE*		4.344														
ARTESIA **	2/1/2005	5.000	XX						X	X	dna		dna			2010
CARLSBAD	2/1/2005	2.000	XX						X	X	dna		dna			2010
CIMARRON	4/11/2006	3.000	XX	XX					X	X	dna		dna			2011
DULCE***	3/25/2008	2.000	XX	XX	XX	XX	XX		X	X	dna		dna	X	X	2014
EUNICE	2/1/2005	2.000	XX						X	X	dna		dna			2010
HOBBS	2/3/2009	4.000	XX	XX	XX	XX	XX	XX	X	X	dna		dna	X	X	2015
LAS CRUCES****	4/1/2008	3.000	XX	XX	XX	XX	XX		X	X	dna		dna	X	X	2014
LOS ALAMOS	6/17/2005	3.246	XX						X	X	dna		dna			2010
LOS LUNAS	2/6/2007	3.000	XX	XX	XX				X	X	dna		dna			2012
LOVINGTON	2/3/2009	2.000	XX	XX	XX	XX			X	X	dna		dna		X	2013
SANTA FE	2/3/2009	1.500	XX	XX	XX	XX	XX	XX	X	X	dna		dna		X	2015

* Albuquerque Public Schools has a tax rate of \$3.874 per each \$1,000.00 for residential property value and a tax rate of \$4.344 per each \$1,000.00 for non-residential property value.

** Now therefore be it resolved by the board of education of Artesia Public School District no. 16 counties of Eddy and Chavez, New Mexico, that the School Budget Planning Unit of the Public Education Department adjust the Public School Build downward for the duration of the current authorization (i.e. property tax years 2005, 2006, 2007, 2008, and 2009) so that the combined tax rate for both bond debt service and Public School Buildings Tax is equal to \$5.00/\$1,000.00 of assessed value.

DISTRICT	NMCI RANK	SCHOOL	DESCRIPTION	REQUESTED AMOUNT	AWARD AMOUNT	PROJECT BEGIN DATE	ANTICIPATED COMPLETION DATE	ANTICIPATED BOND SALE DATE	CUMULATIVE
Clovis	18*	La Casita Elementary	Additions and renovations to existing facility	2,300,000	2,300,000	9/1/2010	12/31/2011	6/1/2010	\$ 2,300,000
Clovis	85*	The Arts Academy at Bella Vista Elementary	Additions and renovations to existing facility	3,140,000	3,140,000	12/1/2010	2/1/2012	6/1/2010	\$ 5,440,000
Clovis	73*	Marshall Middle School	Renovations and improvements to existing facility.	560,000	560,000	8/1/2010	12/1/2011	6/1/2010	\$ 6,000,000
Los Alamos	23*	High School	Demolition of B, C, and D wings; constructing a new building and other renovations and improvements.	20,000,000	20,000,000	6/1/2010	11/1/2011	7/1/2010	\$ 26,000,000
Bloomfield	259	Bloomfield High School	Continuation of high school.	6,000,000	6,000,000	7/1/2009	12/1/2011	7/13/2010	\$ 32,000,000
Rio Rancho	8	Lincoln Middle School	Renovations and improvements to existing facility.	1,090,000	1,090,000	6/1/2010	4/1/2011	10/1/2010	\$ 33,090,000
Socorro	208	Socorro High School	Construct a career technical building.	1,500,000	1,500,000	6/1/2010	1/1/2011	10/1/2010	\$ 34,590,000
Rio Rancho	466	Eagle Ridge & Mountain View Middle Schools	Renovations and improvements to existing facility.	2,080,000	2,080,000	6/1/2010	4/1/2011	10/1/2010	\$ 36,670,000
Taos	375	Enos Garcia Elementary	Additions and remodel, playgrounds, asbestos abatement, demolition of west wing	14,100,000	14,100,000	7/1/2010	9/1/2011	7/1/2010	\$ 50,770,000
Aztec	563	Koogler Middle School	Construct a new classroom wing and remodel existing buildings, demo buildings, remodel gym and add cooling and energy conservation measures.	13,000,000	12,200,000	8/1/2010	8/1/2011	7/1/2010	\$ 62,970,000
Rio Rancho	483	Rio Rancho High School	Black box, culinary arts improvements, stadium expansion, bleacher improvements, wrestling expansion and training center.	2,850,000	1,632,000	8/1/2010	4/1/2011	10/1/2010	\$ 64,602,000
Rio Rancho	999**	District wide	53 miscellaneous projects on 15 different campuses.	14,172,000		8/1/2010	10/1/2011	10/1/2010	\$ 64,602,000
Lordsburg	61	Lordsburg High School	Construct baseball and softball facilities	1,000,000		1/1/2011	6/1/2011	12/1/2010	\$ 64,602,000
Alamogordo	191	New Elementary School	Construct a new elementary school	6,300,000		8/1/2011	2/1/2013	7/1/2011	\$ 64,602,000
Lordsburg	61	Lordsburg High School	Construct an automotive shop facility	1,000,000		1/1/2012	6/1/2012	12/2/2011	\$ 64,602,000
Alamogordo	191	Sacramento Elementary School	Renovate Sacramento Elementary School into a secondary school and house part of student body from Chaparral Middle School while that building is undergoing renovations	3,300,000		8/1/2012	8/1/2013	7/1/2011	\$ 64,602,000
				\$ 92,392,000.00	\$ 64,602,000.00				

* Current PSCOC Awarded Project - NMCI Rank reflects school rank in the year awarded.

** NMCI Rank is associated with individual schools