

Resolution # 002

RESOLUTION OF THE GOVERNANCE BOARD OF THE
MCCURDY CHARTER SCHOOL DISTRICT NO. 547 SUPPORTING A PROPOSAL
FOR A COUNTY EDUCATION GROSS RECEIPTS TAX

WHEREAS, the Governance Board (the "Board") of the McCurdy Charter School (the "School") is the duly elected governing body of the School; and

WHEREAS, the Board and the School are in constant need to build, renovate and equip learning facilities and with the reduction of available funding, the Board and the School endeavor to identify, implement and obtain funding from various sources; and

WHEREAS, in the best interest of the Rio Arriba County students, the Board and the School are requesting that New Mexico legislators introduce and adopt legislation that would allow Rio Arriba County to impose a $\frac{3}{4}$ of 1% gross receipts tax (county-wide) and to dedicate the tax revenue only for the payment of county education gross receipts tax bonds for public school and charter school equipment and capital projects.


NOW, THEREFORE, BE IT RESOLVED that the Governance Board of the McCurdy Charter School as follows:

Section 1. The Board hereby finds the need for capital projects within the School exceeds available funding sources.

Section 2. The Board supports and recommends adoption of legislation in the form attached as Exhibit A to provide needed funding for capital projects.

Section 3. This resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this 3rd day of September, 2014.



Deborah Bennett-Anderson
Governance Board President
McCurdy Charter School

(SEAL)

ATTEST: _____
Secretary

expires - 12-5-2015

 Notary

EXHIBIT A

AN ACT

RELATING TO TAXATION; EXPANDING AUTHORITY TO IMPOSE THE COUNTY EDUCATION GROSS RECEIPTS TAX.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO;

SECTION 1. [NEW MATERIAL] COUNTY EDUCATION GROSS RECEIPTS TAX; AUTHORITY TO IMPOSE; RATE; ELECTION; USE OF REVENUE.

A. Upon submission of resolutions to the governing body pursuant to Subsection D of this section, the governing body of a county shall enact an ordinance imposing an excise tax at a rate of three-fourths of one percent on any person engaging in business in the county for the privilege of engaging in business in the county. The tax imposed pursuant to this section may be referred to as the "county education gross receipts tax".

B. The governing body, at the time of enacting an ordinance imposing a county education gross receipts tax pursuant to this section shall dedicate the revenue only for the payment of county education gross receipts tax bonds for capital projects for public schools, charter schools and state-chartered charter schools. The tax shall be imposed for the period necessary for payment of the principal and interest on the county education gross receipts tax revenue bonds issued to accomplish the purpose for which the revenue is dedicated, but the period shall not exceed twenty years from the effective date of the ordinance imposing the tax.

C. The governing body may impose a county education gross receipts tax by following the procedures set forth in this section.

D. Upon a finding of need, the boards of every school district, charter school and state-chartered charter school in a county that is either located wholly within the exterior boundaries of the county or that has a student membership no more than [fifty] percent of whom reside outside the exterior boundaries of the county may submit a resolution to the governing body of the county requiring the governing body to impose a county education gross receipts tax and to issue county education gross receipts tax revenue bonds for funding capital projects for public schools, charter schools and state-chartered charter schools. The bond proceeds shall be distributed proportionately to each school district, charter school and state-chartered charter school for capital projects, based on the ratio of the fortieth day enrollment of the school year, as submitted by each school district, charter school and state-chartered charter school to the Student Teacher Accountability Reporting System (STARS), to the total student enrollment in all of the school districts, charter schools and state-chartered charter schools in the county.

E. An ordinance imposing the county education gross receipts tax shall not go into effect until after an election is held and a majority of the voters in the county voting in the election votes in favor of imposing the tax. The governing body shall adopt a resolution calling for an election within sixty days of the date the ordinance is adopted on the question of imposing the tax. The question shall be submitted to the voters of the county as a separate question at a general election or at a special election called for that purpose by the governing body. A special election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. If a majority of the voters voting on the question approves the ordinance imposing the county education gross receipts tax, then the ordinance shall become effective in accordance with the provisions of the County Local Option Gross Receipts Taxes Act. If the question of imposing the county education gross receipts tax fails, resolutions from

the boards of school districts, charter schools and state-chartered charter schools in the county may not again be proposed to the governing body requesting imposition of the tax for a period of one year from the date of the election.

F. The proceeds from county education gross receipts tax revenue bonds shall be administered and disbursed to the respective school districts, charter schools and state-chartered charter schools, in the amounts and for the purposes authorized in this section.

G. As used in this section:

(1) "board" means the governing body of a school district, charter school or the state-chartered charter school;

(2) "capital projects" means the designing, constructing and equipping of new buildings; the purchasing and installation of equipment used in the education process; the remodeling, renovating or making additions to and equipping existing buildings; or the improving or equipping of the grounds surrounding buildings;

(3) "county" means a Class B county with a population of less than _____ thousand according to the 2010 federal decennial census and a net taxable value for property tax purposes for the 2013 property tax year of more than _____ million dollars (\$_____).