



SPECIAL SINGLE/ADVISORY BOARD
MEETING AGENDA
Monday, December 19, 2022
5:30 PM
DAEM 207 & via Zoom

DACC Advisory Board Meeting

Call to Order Roll Call Approval of Agenda	Ms. Laura Salazar Flores
1. Resolution supplementing and amending the Board's resolution adopted September 1, 2022	Dr. Mónica Torres
2. Board Announcements and Comments Next DACC Advisory Board Meetings: <ul style="list-style-type: none"> • Thursday, March 2, 2023 	
Adjournment	

MISSION STATEMENT

DACC is a responsive and accessible learning-centered community college that provides educational opportunities for a diverse community of learners in support of academic interests, workforce development, and economic growth.

VISION STATEMENT

DACC will be a premier, inclusive college that is grounded in academic excellence and committed to fostering lifelong learning and active, responsible citizenship within the community.

EXCERPT FROM THE SPECIAL MEETING
OF THE GOVERNING BOARD OF THE NEW MEXICO STATE UNIVERSITY –
DOÑA ANA COMMUNITY COLLEGE DISTRICT

The governing board (the "Board") of New Mexico State University Doña Ana Community College District (the "District"), in the Counties of Doña Ana and Otero, and State of New Mexico, met in special open session in full conformity with law and the rules and regulations of the Board, via Zoom videoconference, on December 19, 2022, at the hour of 5:30 p.m., at which meeting there were present and answering the roll call the following:

Present: President: Laura Salazar Flores

Secretary: Merlinda Hinojos

Members: Ray Jaramillo

Teresa Tenorio

Robert Wofford

Daniel Castillo

Arlean Murillo

Lupe Castillo

Elva Garay

Absent: Carol Cooper

Pamela Cort

Armando Cano

Claudia I. Rodriguez

Greg Mitchell

Christopher Montez

Also Present: Dr. Mónica Torres

Kelly Brooks, Vice President for
Business and Finance

The following resolution was then introduced for consideration by the Board:

NMSU - DOÑA ANA COMMUNITY COLLEGE DISTRICT

A RESOLUTION AMENDING AND SUPPLEMENTING THE RESOLUTION ADOPTED BY THE BOARD OF NMSU - DOÑA ANA COMMUNITY COLLEGE DISTRICT ON SEPTEMBER 1, 2022 RELATING TO THE ISSUANCE AND SALE OF THE DOÑA ANA COMMUNITY COLLEGE DISTRICT, DOÑA ANA AND OTERO COUNTIES, NEW MEXICO, TAXABLE GENERAL OBLIGATION (LIMITED TAX) EDUCATION TECHNOLOGY NOTE, SERIES 2022 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000; REAUTHORIZING THE DELEGATION OF AUTHORITY TO THE DELEGATE TO EXECUTE AND DELIVER A NOTE PURCHASE AGREEMENT FOR THE SALE OF THE BONDS TO THE PURCHASER PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; AMENDING THE BOARD'S RESOLUTION ADOPTED ON SEPTEMBER 1, 2022 TO RE-DESIGNATE THE NOTE AS THE DISTRICT'S TAXABLE GENERAL OBLIGATION (LIMITED TAX) EDUCATION TECHNOLOGY NOTE, SERIES 2023; RATIFYING AND CONFIRMING ALL OTHER TERMS OF THE DISTRICT'S RESOLUTION ADOPTED ON SEPTEMBER 1, 2022; AND AUTHORIZING ANY OTHER NECESSARY ACTION TO EFFECT THE ISSUANCE AND DELIVERY OF THE NOTE.

WHEREAS, the Governing Board (the "Board") of NMSU – Doña Ana Community College District, (the "District") is authorized to contract indebtedness on behalf of and upon the credit thereof by entering into a lease purchase arrangement pursuant to the College District Tax Act, Sections 21-2A-1 through 21-2A-10, NMSA 1978, as amended, and Sections 21-2A-13 through 21-2A-17 (collectively with the College District Tax Act, the "Act") for the purpose of acquiring educational technology equipment as defined in Section 21-2A-2(E) (the "Property");

WHEREAS, on September 1, 2022, the Board adopted a note authorizing resolution (the "Note Authorizing Resolution") in compliance with Section 21-2A-13(D) authorizing the issuance of the Doña Ana Community College District, Doña Ana and Otero Counties, New Mexico Taxable General Obligation (Limited Tax) Education Technology Note, Series 2022 (the "Note") in an aggregate principal amount not to exceed \$3,750,000; and

WHEREAS, pursuant to the Bond Authorizing Resolution and Section 6-14-10.2 NMSA 1978, the Board delegated authority to the President of the Board, the President of the District, and Vice President for Business and Finance (collectively, the "Delegate") to determine the final terms of the Bonds within the parameters set forth in the Bond Authorizing Resolution; and

WHEREAS, pursuant to Section 6-14-10.2 NMSA 1978, the delegation of authority under the Note Authorizing Resolution expires on December 30, 2022, and the Board wishes to extend the delegation to the Delegate for an additional 120 days from the date of adoption of this Resolution (the "Supplemental Resolution", and together with the Note Authorizing Resolution, the "Resolution") ; and

WHEREAS, the Board anticipates receiving an offer to purchase the Note in a negotiated sale with the New Mexico State Treasurer's Office (the "Purchaser") pursuant to a Note Purchase Agreement within 120 days of adoption of this Supplemental Resolution;

WHEREAS, the Note is expected to be issued in calendar year 2023 rather than calendar year 2022, and the Board wishes to amend the Note Authorizing Resolution to designate the Note as Series 2023; and

WHEREAS, the Board is adopting this Supplemental Resolution to supplement and amend the provisions of the Note Authorizing Resolution to (a) affirm the provisions of the Note Authorizing Resolution, (b) extend the delegation of authority to determine the final terms of the Note and (b) re-designate the Note as Series 2023 rather than Series 2022 to reflect its expected issuance in calendar year 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF DOÑA ANA COMMUNITY COLLEGE DISTRICT:

Section 1. Reauthorization of Delegation to Determine the Final Terms of the Bonds. Pursuant to Section 6-14-10.2 NMSA 1978 and the provisions of this Supplemental Resolution and the Note Authorizing Resolution, the Delegate is delegated the authority to approve the final terms of the Note and to execute the Sale Certificate and Bond Purchase Agreement all within the parameters set forth in the Bond Authorizing Resolution. Such delegation shall be effective for 120 days from the date of adoption of this Supplemental Resolution. Authorized Officers of the District are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Supplemental Resolution including, but not limited to, publication of notices of adoption of this Supplemental Resolution or such other notices as required by law.

Section 2. Re-Designation of the Note. The Note shall be re-designated as Series 2023 Bonds rather than Series 2022 to reflect its issuance in calendar year 2023. All references in the Note Resolution to the Note as Series 2022 shall be deemed to refer to the Note as Series 2023.

Section 3. Confirming the Determinations, Findings and Delegation Parameters in the Note Authorizing Resolution; Ratifying all other Terms of the Note Authorizing Resolution. The Board confirms its findings and determinations in the Note Resolution and the parameters within with the Delegate may approve the final terms of the Note as set forth in the Note Resolution. Except as set forth in this Supplemental Resolution, all other terms of the Note Authorizing Resolution are hereby confirmed and remain in full force and effect.

Section 4. Resolution Irrepealable. After the Note is issued, this Supplemental Resolution shall be and remain irrepealable until the Note and interest thereon shall be fully paid, cancelled and discharged as therein provided, or there has been defeasance as provided in the Note Authorizing Resolution.

Section 5. Severability. If any section, paragraph, clause or provision of this Supplemental Resolution shall be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Supplemental Resolution.

Section 6. Repealer Clause. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. Effective Date. This Supplemental Resolution, upon its passage by at least a majority of all members of the Board, shall be recorded in the book of resolutions of the Board. This resolution shall become effective immediately upon adoption and passage by the Board and upon authentication by the signatures of the Chair and Secretary of the Board.

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PASSED AND APPROVED this 19th day of December, 2022.

GOVERNING BOARD
DOÑA ANA COMMUNITY
COLLEGE DISTRICT

By Laura S. Flores
Laura Salazar Flores, President of the Board

[SEAL]

ATTEST:

Merlinda Hinojos
Merlinda Hinojos, Secretary

Ray Jaramillo moved adoption of the resolution, and Daniel Castillo seconded the motion. The motion to adopt the resolution upon being put to a vote was passed and adopted on the following recorded vote:

Those Voting Aye:	<u>Laura Salazar Flores</u>
	<u>Merlinda Hinojos</u>
	<u>Ray Jaramillo</u>
	<u>Teresa Tenorio</u>
	<u>Robert Wofford</u>
	<u>Daniel Castillo</u>
	<u>Arlean Murillo</u>
	<u>Lupe Castillo</u>
	<u>Elva Garay</u>
Those Voting Nay:	<u>None</u>
Those Absent:	<u>Carol Cooper</u>
	<u>Pamela Cort</u>
	<u>Armando Cano</u>
	<u>Claudia I. Rodriguez</u>
	<u>Greg Mitchell</u>
	<u>Christopher Montez</u>

Nine (9) members of the Board having voted in favor of the motion, the presiding officer declared the motion carried and the resolution adopted, whereupon the President of the Board and Secretary signed the resolution. The Secretary was directed to enter the foregoing proceedings and resolution upon the records of the minutes of the Board.

