Public Education Commission

School Relocation or Additional Square Footage Amendment Form

The Charter Contract was entered into by and between the New Mexico [SAMS Academy], hereafter "the School" effective [1st] of [July	
approved for a [5 year] Charter Contract.	
The school requests consideration from the Public Education Commission	n (PEC) to change the terms of its
Contract as follows:	, ,
Charter Contract currently states:	
SCHOOL NAME: Southwest Aeronautics, Mathematics and Science (SAMS) Academy	
ORIGINAL ADDRESS: 4100 Aerospace Pkwy NW, Albuquerque NM 87120 505-338-8601 fax 505-212-6180	
AUTHORIZED GRADE LEVELS: 6-12	
The School requests the Public Education Commission approve Section	4 of the School's contract to read
EFFECTIVE DATE OF CHANGE: 12/15/2022	
SCHOOL NAME: Southwest Aeronautics, Mathematics and Science (SAMS) Aca	ademy
NEW PHYSICAL ADDRESS: 6441 Ventana Rd NW, Albuquerque NM 87114 phone 8	fax TBD
AUTHORIZED GRADE LEVELS: 6-12	
ADDITIONAL SQUARE FOOT AMENDMENT: N/A	
Submit this form and all supporting documents to charter.schools@sta The School's School Relocation or Additional Square Footage Amendment [Amanda Catanzaro] on [9/16/2022], and affirms the school meets the	nt is hereby submitted by
☐ Amendment must be submitted and approved by the PEC <u>pri</u> and	<u>ior</u> to the physical move;
☐ The School's governing board is in compliance with all reporti	ng requirements.
Hong Kennely	9-16-22
Charter School Representative Signature	Date
The School's School Relocation or Additional Square Footage Amendmen	t was:
☐ Approved ☐ Denied	
Chair, Public Education Commission Date	§



GOVERNING COUNCIL

Special Meeting of the SAMS Academy Governing Council on Friday, September 16, 2022

In Person and via Zoom.us

BOARD MEMBERS PRESENT

Larry Kennedy, Farrah Nickerson, Brandy Bond, Alex Carothers (late), Roland Dewing, Laura Kohr,
Mike Deveraux

BOARD MEMBERS ABSENT

Mike Romo

ALSO IN ATTENDANCE

Bridget Barrett, Amanda Catanzaro, Sean Fry and Lauren Chavez

PUBLIC

Kelly Callahan, Steve Nakamura via phone

			S	ecretary
			P	resident
By a vote of _	yes	no	absent _	abstained
These minutes	were ap	proved	on	

I. Call to Order

Larry Kennedy called to order the Special Meeting of the Governing Council for the Southwest Aeronautics, Mathematics, and Science Academy on September 16, 2022 at 2:04 p.m. on Zoom.us and in person at SAMS Academy.

A. Roll Call

Larry Kennedy asked Amanda Catanzaro to call roll. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy.

B. Adoption of the Agenda*

Larry Kennedy asked for a motion to approve the agenda. Farrah Nickerson made a motion to approve the agenda. Brandy Bond seconded the motion. Larry Kennedy called for a roll call vote to approve the agenda. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

C. Review/Approval of Minutes from August 19, 2022 Special Meeting*

Larry Kennedy asked for a motion to approve the minutes from the August 19, 2022 Special Meeting. Farrah Nickerson made a motion to approve the minutes from the August 19, 2022 Special Meeting. Brandy Bond seconded the motion. Larry Kennedy called for a roll call vote to approve the agenda. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

II. Public Comment

Larry Kennedy asked Bridget Barrett and Amanda Catanzaro if there was any public comment. There were no public comments.

III. Ongoing Business Matters

A. Aviation Program Update

Dr. Lauren Chavez presented. 13 hours of flight time since last meeting. 2 additional students have passed knowledge exam. At the Young Eagles event the previous weekend, Doc was able to fly 12 SAMS students to get experience in the plane. When there are extra seats, staff members have been invited to fly with students. This has been very successful and gets staff excited about our mission around aviation.

There are currently no maintenance needs on the plane!

A few hours in the SIM this month. A family is donating a virtual reality simulator package to the school for students to use.

6 additional students have received the ground school scholarship for drones.

CAP update. Roland Dewing says we should wait until we get in the new building to get it going.

Air Traffic Control internship program will be starting soon. One student at a time, a week long program of 40 hours with ATC. The first student will begin on October 3, 2022 and will have a chance to work with the Balloon Fiesta as well to see how ATC works with that type of events.

Doc is still in discussion with Luna College regarding dual credit program they are trying to create.

Doc reviewed the expenses of the flight program over the last month.

B. Facility Update

Alex Carothers enters the meeting via Zoom.

Steve Nakamura spoke to the governing council via phone. Shared that the new building site has all the sheetrock hung and they are starting to tape and texture. The grid ceiling has started to be hung and painting will be starting soon. Tile will begin to be laid in the wet areas such as bathrooms soon. The building has been wrapped in the chicken wire and first layer of stucco will start on 9/26/2022. EB builders did give us some bad news regarding the hanging of the plane in the lobby. Too much of a liability, not because of the structure but the stability of the plane itself. There is a site lunch happening next Thursday that Governing Council members are invited to attend. Larry Kennedy reminded the board that if there is a large group that would like to attend and potential quorum could take place, we must post notice. Governing Council members need to let Amanda know if they are attending to coordinate.

C. SAMS Wellness Committee Update

Brandy Bond presented that the committee has met and we will be voting on new name of school later in the agenda. Discussion regarding exit survey for families if they are leaving SAMS Academy. A family check in survey, similar to the survey sent to families last Spring is being worked on and will be sent out October 14, 2022. Shared the idea of the new URL because Albuquerque is misspelled so often. Current idea is yourkidcanfly.com. Wellness Committee has also started working on the vision and mission statements. So far, vision statement of Above and Beyond is liked. Wellness Committee will be meeting on the Tuesday prior to the Governing Council meetings each month.

IV. Administrative Update

Bridget Barrett presented her Administrative Report which included an academic update on student progress in Edgenuity. Shared what has been happening including short cycle assessments were started this week, discussion on lifting restrictions on the Chromebooks, and sponsor communications. Ms. Barrett gave an update on

current enrollment numbers. Jolene Herring, the social worker, will be attending training on Equity Council in the next few weeks. Update on COVID policy information and shared a quote from a teacher who went up in the plane for mission minute.

Roland Dewing asked about the results of the short cycle assessments. Those will be shared at the next Governing Council meeting.

V. New Business Matters

A. 2022 Open Meetings Resolution Revisions*

Larry Kennedy presented the 2022 Open Meetings Resolution Revisions moving monthly regular meetings to 3rd Friday at 2:00 PM and asked for a motion to approve the 2022 Open Meetings Resolution Revisions. Farrah Nickerson made a motion to approve the 2022 Open Meetings Resolution Revisions. Alex Carothers seconded the motion. Larry Kennedy called for a roll call vote to approve the agenda. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

B. Workers Compensation Policy*

Bridget Barrett presented the Worker Compensation Policy with POMS as the choice of coverage. Worker's would get to decide which doctor to see initially in the event of a workplace injury. After 30 days, the school could request a change of doctors per the new policy. Staff is able to use their leave to cover absences while on workers compensation. Farrah Nickerson made the motion to approve the Workers Compensation Policy. Brandy Bond seconded the motion. Larry Kennedy called for a roll call vote to approve the agenda. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

C. School Relocation or Additional Square Footage Amendment Form*

Amanda Catanzaro shared the form and supporting documentation that will be submitted to PEC so that SAMS Academy can be put on the October PEC meeting agenda for approval to move into the new building. Alex Carothers made the motion to approve the School Relocation or Additional Square Footage Amendment Form and supporting documentation. Farrah Nickerson seconded the motion. Larry Kennedy called for a roll call vote. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

D. School Name Change*

Brandy Bond shared that the Wellness Committee has decided on Albuquerque Aviation Academy as the new name for the school. The new name change can take effect in July 2023 after PEC and PED approval. Farrah Nickerson motioned to approve the name change to Albuquerque Aviation Academy. Alex Carothers seconded the motion. Larry Kennedy called for a roll call vote. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

E. School Name Change Amendment Form*

Amanda Catanzaro shared that since the Governing Council has now approved the changing of the school name to Albuquerque Aviation Academy, the school must submit the School Name Change Amendment Form to the PEC to add to the February PEC meeting. Roland Dewing made a motion to approve the School name Change Amendment Form. Brandy Bond seconded the motion. Larry Kennedy called for a roll call vote. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

F. Business Manager or Procurement Officer Amendment Form*

Amanda Catanzaro shared that the Chief Procurement Officer has changed for the school and this form must be submitted to the PEC. Amanda Catanzaro is the new CPO for SAMS Academy. Brandy Bond made a motion to approve the Business Manager or Procurement Officer Amendment Form. Laura Kohr seconded the motion. Larry Kennedy called for a roll call vote. Amanda Catanzaro called Farrah Nickerson, Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Larry Kennedy; all voted yes. The motion carried unanimously.

Larry Kennedy leaves the meeting. Farrah Nickerson takes over leading the Governing Council meeting.

G. Updated COVID Policy*

Bridget Barrett presents the new COVID policy that has been submitted to the attorney but final version has not yet been sent back. This is due to the PED by 9/30/2022 and must be on our website. Alex Carothers made a motion to approve the Updated COVID Policy pending any non-substantive revisions or edits by the attorney. Roland Dewing seconded the motion. Farrah Nickerson called for a roll call vote. Amanda Catanzaro called Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Farrah Nickerson; all voted yes. The motion carried unanimously.

VI. Governing Council Development

A. Discussion with Kelly Callahan

Kelly Callahan discussed with the board about this year's training hour requirements. Mike Deveraux and Laura Kohr completed the new board training last year so they have the same training hour requirements as the other members of the board.

B. Strategic Planning Discussion

Kelly Callahan shared that the Governing Council is doing a fabulous job, especially with Wellness Committee taking the lead on the goals set during the Strategic Planning. Kelly Callahan stated that "our school is best practice for other schools," praising that the Governing Council is incorporating the Strategic Planning into the monthly meeting agendas. Kelly Callahan asked if there was anything specifically the Governing Council would like training to focus on this year? Kelly Callahan shared that she will be providing technical support as well.

1. New Facility Construction

Discussed previously in meeting

2. Mission Statement Revision

Discussion previously in meeting

3. Aerospace Curriculum Implementation to Align with New Mission Statement No specific discussion

VII. Finance Report

A. Business Office Operations Update

Sean Fry presented that the Finance Committee met prior to this meeting.

B. Voucher Approvals*

After reviewing the vouchers and finance packet, Sean Fry asked for consideration for approval of the voucher report for the month of August. Farrah Nickerson called for a motion to approve the vouchers. Brandy Bond made a motion to approve the August vouchers. Mike Deveraux seconded the motion. Farrah Nickerson called for a roll call vote. Amanda Catanzaro called Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Farrah Nickerson; all voted yes. The motion carried unanimously.

Sean Fry said that the Governing Council should add action item of Bank Reconciliations Approval each month.

C. Budget Adjustment Requests*

Sean Fry presented BAR 22232-001-IB which is an Initial Budget for COVID testing in the amount of \$77,830.00. SAMS Academy is using the funds to help cover a part-time (less than 12 hours a week) Health Assistant for COVID testing, and

medical waste disposal by Stericycle. SAMS Academy only has this year to spend these funds. Farrah Nickerson called for a motion to approve BAR 22232-001-IB. Roland Dewing made a motion to approve BAR 22232-001-IB. Mike Deveraux seconded the motion. Farrah Nickerson called for a roll call vote. Amanda Catanzaro called Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Farrah Nickerson; all voted yes. The motion carried unanimously.

VIII. Announcements

The next meeting of the governing council is scheduled for October 21, 2022 at 2:00 p.m.

IX. Adjournment

Farrah Nickerson called for a motion to adjourn. Mike Deveraux made a motion to adjourn. Brandy Bond seconded the motion. Farrah Nickerson called for a roll call vote to approve the agenda. Amanda Catanzaro called Brandy Bond, Alex Carothers, Roland Dewing, Laura Kohr, Mike Deveraux, and Farrah Nickerson; all voted yes. The motion carried unanimously.

The regular meeting of the Governing Council for the Southwest Aeronautics, Mathematics and Science Academy adjourned on September 16, 2022 on zoom.us at 3:27 p.m.



4100 Aerospace Pkwy. NW Albuquerque, NM 87120-8792 MAIN (505) 338-8601 FAX (505) 923-3091

September 16, 2022

New Mexico Public Education Commission and Charter School Division;

Southwest Aeronautics, Mathematics and Science (SAMS) Academy is in the process of building and completing a new building facility that will be located at 6441 Ventana Road NW, Albuquerque, NM 87114. This facility is being built and purchased through a Lease Purchase Agreement with Rachel Matthew Development.

As the building is still currently under construction, a Certificate of Occupancy has not yet been issued. SAMS Academy will not occupy any space of the facility until a Certificate of Occupancy is in possession and we will provide proof of said Certificate of Occupancy to the PEC and CSD prior to occupancy.

The capacity load of the facility is 1099. The builder will provide documentation of this capacity load. SAMS Academy will not occupy any space that does not have a sufficient capacity load to sustain the enrollment requested and has provided documentation of the capacity load to the PEC.

SAMS Academy has included a copy of the Lease Purchase Agreement with Rachel Matthew Development with the submission of this School Relocation or Additional Square Footage Amendment and SAMS Academy is in compliance with legal requirements of Section 22-8B-4.2 NMSA 1978.

Bridget Barrett, Head Administrator

Amanda Catanzaro, Director of Operations

Larry Kennedy, Governing Council President



4100 Aerospace Pkwy. NW Albuquerque, NM 87120-8792 MAIN (505) 338-8601 FAX (505) 923-3091

September 16, 2022

Re: Narrative Rationale for Moving the School to a New Location

Southwest Aeronautics, Mathematics and Science (SAMS) Academy is currently located at 4100 Aerospace Pkwy, Albuquerque, NM 87120. A facility that is owned by the City of Albuquerque in which the school pays monthly rent for its use. The City of Albuquerque cannot sell SAMS Academy the current facility. To be in compliance with 2016 New Mexico Statute 22-8B-4.2 — Charter, SAMS Academy will be entering into a PSFA approved Lease Purchase Agreement with Rachel Matthew Development. The facility is currently under construction at 6441 Ventana Road NW, Albuquerque, NM 87114. Its anticipated completion is December 15, 2022.

This new facility allows SAMS Academy to own a facility rather than renting a facility. It is approximately 39,000 square foot building that will adequately support students in their learning. It was designed with aviation and STEM in mind. It houses a large classroom for aviation that includes flight simulator training and aircraft (drone) training as well as a large SMART Lab where students perform collaborative, hands-on group work in science, math, art, engineering and technology.

Students will not be displaced by this move, and in fact, we have already seen an increased enrollment from students who live in close proximity to the new location. The school offers and will continue to offer multiple bus pickups throughout the city of Albuquerque. Moving closer into the city will allow for easier transportation of students by either bus or private transportation.

Bridget Barrett, Head Administrator

Amanda Catanzaro, Director of Operations

Larry Kennedy, Governing Council President

Public School Facilities Authority

Martica Casias | Executive Director Ryan Parks | Deputy Director



1312 Basehart SE, Suite 200 Albuquerque, NM 87106

> (505) 843-6272 https://www.nmpsfa.org/

September 12, 2022 Amanda Catanzaro, Director of Operations Southwest Aeronautics, Mathematics, and Science Academy 4100 Aerospace Parkway NW Albuquerque, NM 87120

RE: Proposed New Facility for the Southwest Aeronautics, Mathematics, and Science Academy

VIA E-MAIL

Ms. Catanzaro.

The Public School Facilities Authority (PSFA) has reviewed the submitted construction drawings for the proposed new school facility for the Southwest Aeronautics, Mathematics, and Science Academy. The proposed new facility will be located at 6441 Ventana Ranch Road NW. PSFA understands that the charter school plans to obtain a lease purchase agreement for the land and proposed building to be constructed, and relocate to this facility.

The purpose of this plan review was to determine if the proposed facility is in concurrence with the requirements for a Lease Purchase Agreement, pursuant to 22-8B-4.2 NMSA 1978 and 22-20-1 NMSA 1978. The proposed building must have a weighted New Mexico Condition Index (wNMCI) score equal to or better than the current statewide average, meet the statewide adequacy standards, and meet Educational Occupancy standards.

The PSFA is pleased to advise you that the assumed wNMCI score for this new facility will be 0.0%. This score is better (lower is better) than the current wNMCI statewide average of 23.4%, as required by statute.

Analysis of the planned classroom space, for an assumed enrollment cap of 400, indicates the facility will meet the Statewide Adequacy Standards requirements issued by the PSCOC and set forth within 6.27.30 NMAC.

The construction drawings reflect an Educational Occupancy.

This letter confirms that the proposed facility for the Southwest Aeronautics, Mathematics, and Science Academy fulfils the required criteria for a charter school entering a Lease Purchase Agreement.

Please keep the PSFA apprised of the construction and relocation progress. The PSFA will conduct an assessment of the facility once construction is complete.

Please feel free to contact me if you have any questions or concerns regarding this correspondence.

Respectfully,

Alyce Ramos, Programs Manager Public School Facilities Authority

Alyce Ramos

SOUTHWEST AERONAUTICS, MATHEMATICS AND SCIENCE ACADEMY GOVERNING COUNCIL

Resolution No. 2021-22-002

Resolution Re: Second Addendum Lease Purchase Agreement with Option to Purchase Approval Pursuant to NMSA 1978, §22-26A-6.

WHEREAS, the Southwest Aeronautics, Mathematics, and Science Academy Governing Council ("Council"), the governing body of Southwest Aeronautics, Mathematics, and Science Academy, a public charter school ("School") authorized by the New Mexico Public Education Commission, held a special public meeting via the virtual platform Zoom Video Conferencing on January 14, 2022 at 8:30 a.m.; notice of the meeting was published as provided by law;

WHEREAS, at a special public meeting held on August 10, 2021, the Council approved Resolution No. 2021-22-001, authorizing the School's acquisition from RM SAMS, LLC ("Owner"), of a five (5)-acre+/- parcel of land with a completed public school facility of approximately 36,800 square feet located at the Southwest Corner of Irving Blvd. and Ventana Road, in the City of Albuquerque, County of Bernalillo, New Mexico ("Property"), through a lease purchase arrangement ("Agreement") as defined by the New Mexico Public School Lease Purchase Act ("Act"), NMSA 1978, §§22-26A-1, et seq.;

WHEREAS, the New Mexico Public Education Department approved the Agreement by letter dated September 8, 2021.

WHEREAS, the Council determines that it is in the School's best interest to enter into a Second Addendum to Lease Purchase Agreement, as shown on Exhibit A hereto, with the Owner prior to executing the Agreement.

WHEREAS, the Council will, prior to executing the Second Addendum, submit it to the Department for approval, pursuant to the requirements of the Department, the terms of the Act, and the Charter Schools Act, NMSA 1978, §§22-8B-1, et seq.; and

NOW, THEREFORE, be it resolved by the Southwest Aeronautics, Mathematics, and Science Academy Governing Council that:

- (1) It is in the School's best interest enter into the Second Addendum to Lease Purchase Agreement attached hereto as Exhibit A.
- (2) The Second Addendum, along with all required documentation, shall be forwarded to the Department for consideration and approval prior to its execution;
- (3) The Council authorizes the School's Executive Director, with the support of the Council President, to respond to any additional requests for documents or information from the Department, to make all revisions required by the Department or as advised by School's legal counsel that do not change the material terms of Second Addendum or Agreement, and to take such other necessary steps to finalize the draft Agreement and Second Addendum in consultation with the School's legal counsel; and
- (4) The President of the Council shall have the authority to execute the Agreement, Second Addendum and other documents necessary to close the transaction if the required approvals are obtained from the Department and the Public School Facilities Authority.

- (5) Resolution No. 2021-22-001 remains in full force and effect.
- (6) Other than as expressed in the Second Addendum, there is no intent to amend or modify the Agreement as previously approved by the Council and Department.

The undersigned certifies that s/he is the duly elected President of the Southwest Aeronautics, Mathematics, and Science Academy Governing Council and that the above is a true and correct statement of the Resolution that was duly adopted at a meeting of the Council, which was held in accordance with State laws and bylaws of the Southwest Aeronautics, Mathematics, and Science Academy Governing Council.

The motion was duly made, seconded, and \underline{b} voted in favor, $\underline{\phi}$ against and $\underline{\phi}$ abstained; the motion carried.

By my signature below I certify that the foregoing Resolution constitutes a true and complete copy of the Resolution adopted by the Southwest Aeronautics, Mathematics, and Science Academy Governing Council, at its January 14, 2022 special meeting held over the virtual platform Zoom Virtual Conferencing.

SOUTHWEST AERONAUTICS, MATHEMATICS AND SCIENCE ACADEMY GOVERNING COUNCIL

President (Signature)

Date

LARRY KENNEDY

Printed Name

SECOND ADDENDUM TO LEASE PURCHASE AGREEMENT

THIS SECOND ADDENDUM TO LEASE PURCHASE ARRANGEMENT, dated as of _______, ____ 2022 ("Second Addendum"), is made and executed by and between RM SAMS, LLC, a New Mexico limited liability company as Lessor ("Lessor"), and Southwest Aeronautics, Mathematics & Science Academy, a New Mexico public school as Lessee ("School").

- 1. On or about the date of this Second Addendum, Lessor and School entered into a Lease Purchase Arrangement ("LPA"), pursuant to the Public School Lease Purchase Act, NMSA 1978, §22-26A- 1, *et seq.*, related to property located at the Southwest Corner of Irving Blvd. and Ventana Road, in the City of Albuquerque, County of Bernalillo, New Mexico ("Land").
- 2. On or about the date of this Second Addendum, and as part of the LPA, Lessor and School entered into an Addendum to Lease Purchase Agreement ("Addendum").
- 3. The Addendum required Lessor, as a condition precedent to the School Closing on the LPA and thereafter, to, among other things, take certain steps to ensure that the Land was not encumbered by or subject to any recorded documents indicating that the Land and School Site are subject to any covenants, restrictions, assessments, charges, servitudes, liens, reservations and easements for Ventana Ranch or related to the Ventana Ranch subdivision.
- 4. Lessor was unable to engage the Ventana Ranch Community Association ("Association") in its attempt to amend the Declaration and rescind the Supplemental Declaration as set forth in the Addendum.
- 5. On December 20, 2021, pursuant to the Addendum, Lessor filed a Complaint to Quiet Title, for Declaratory Judgment, or, in the Alternative, for Equitable Estoppel related to the Land, in the Second Judicial District Court, Bernalillo County, State of New Mexico ("Quiet Title Suit"), naming the Association as the sole defendant.
- 6. On December 28, 2021, Lessor filed a First Amended Complaint ("Amended Complaint") in the Quiet Title Suit, which added "all unknown property owners of Ventana Ranch and any claimants of interest in the premises adverse to plaintiff" as defendants in the Quiet Title Suit.
- 7. All other conditions precedent to the School entering into the LPA have been satisfied.
- 8. Without waiving any of its rights under the LPA, including the Addendum, School agrees to proceed to Closing on the LPA.
- 9. Lessor agrees that if, at the conclusion of the Quiet Title Suit, it receives a judgment for the relief requested in the Amended Complaint, but the title insurance company will not issue a new or revised leasehold title policy to the School free of exceptions related to the Declaration, the Supplemental Declaration, or other documents related to the Ventana Ranch subdivision or the Association for the reason that all owners in the subdivision were not individually named in the suit or personally served, Lessor shall, unless expressly waived in writing by School, file a new or amended quiet title suit to individually name all owners in the subdivision and serve same in the manner provided by law, and pursue the new or amended quiet title suit to conclusion.
- 10. Whether or not a title insurance company issues a leasehold title policy to the School free of exceptions related to the Declaration, the Supplemental Declaration, or other

documents related to the Ventana Ranch subdivision or the Association, Lessor shall, throughout the Term of the LPA, indemnify and hold harmless School from any liability, loss or damage it may suffer as a result of claims, demands, costs or judgments that the School or Land or School Site incurs, including but not limited to reasonable attorneys' fees, related in any way to any covenants, restrictions, assessments, charges, servitudes, liens, reservations and easements associated with the Land.

- 11. With respect to Section 5.01(b) of the LPA, Lessor agrees that any Interest Rate Adjustments to Lessor's Loan that do not comply with the provisions of Section 5.01(b) shall not operate to increase Base Rent.
- 12. Except as expressly modified by this Second Addendum, the terms of the LPA, including the Addendum, shall remain in full force and effect.
- 13. This Second Addendum must be approved by the Public Education Department to be effective

LESSOR RM SAMS, LLC	
By:	
Printed Name: <u>Steven Nakamura</u> Title: <u>Managing Member</u>	
ACKNOWLE	EDGEMENTS
STATE OF NEW MEXICO)) ss COUNTY OF BERNALILLO)	
The foregoing SECOND ADDENDUM TO acknowledged before me this	LEASE PURCHASE ARRANGEMENT was day of, 2022, by <u>Steven Nakamura</u> , as Mexico limited liability company, on behalf of
(Seal)	Notary Public
My Commission Expires:	

SCHOOL

My Commission Expires:

SOUTHWEST AERONAUTICS, MATHEMATICS & SCIENCE ACADEMY

A New Mexico Public School, By: By: _______Printed Name: _______ **ACKNOWLEDGEMENTS** STATE OF NEW MEXICO) ss

COUNTY OF I	BERNALILL	.O)					
acknowledged	before 1	ne this	TO LEASE PO	day	of	, 2022,	by
			nool, on behalf of				
(Seal)							
			Notary I	Public			

AFFIDAVIT OF BRIDGET BARRETT

- I, Bridget Barrett, ("Affiant"), do hereby declare under penalty of perjury that the information given in this statement is true and correct to the best of my knowledge.
- 1. I am over the age of eighteen (18) and give this affidavit based on my personal knowledge.
- 2. My full name is Bridget Barrett. I am employed as the head administrator of Southwest Aeronautics, Mathematics & Science Academy ("School"), a New Mexico public charter school. The business address of the School is 4100 Aerospace Parkway NW, in the City of Albuquerque, County of Bernalillo, New Mexico 87120.
- 3. My statement was prepared and executed in conformance with NMSA 1978, §22-26A-6(A)(2015).
- 4. I am the head administrator of the School, as the term is defined in NMSA 1978, §22-1-2(N) and 6.80.4.7(K) NMAC [6/30/09]. My responsibilities as head administrator include posting notices and agendas of the governing body of the School for regular and special meetings in accordance with the Open Meetings Act, specifically at NMSA 1978, §10-15-1(D) and (F) (2015).
- 5. I have personal knowledge that notice of a special meeting of the governing body of the School, known as the "Governing Council", that was held at 8:30 a.m. on January 14, 2022 via Zoom, along with the agenda were posted on or before 8:30 a.m. on January 11, 2022 on the door of the school. The notice for that meeting was also posted on the School website, https://www.samsacademy.com/about-us/governing-council, before 8:30 a.m. on January 11, 2022.
- 6. The scheduled special meeting included agenda items specifically for the purpose of considering a Second Addendum to a lease purchase arrangement as defined by the Public School Lease Purchase Act. See NMSA 1978, Section 22-26A-6(B) (2015).
- 7. During this meeting the required resolution was duly approved and met all the notice requirements of the Open Meetings Act.
- 8. Pursuant to NMSA 1978, §10-15-1(F)(2013), the notice and agenda for the special meeting described in paragraph five (5) was available at least seventy-two (72) hours in advance at the administrative offices and online at the School's website.
- 9. Pursuant to NMSA 1978, §10-15-1(D)(2013) and the School's Open Meeting Resolution, notice shall be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings to School. No broadcast stations or newspapers of general circulation requested such notice, so none was provided.
- 10. My affidavit is being submitted as part of the request by School for approval from the New Mexico Public Education Department of the Second Addendum to a previously approved lease purchase arrangement between RM SAMS, LLC. and the School under NMSA 1978, §22-26A-4 (2015).
- 11. My statements in this Affidavit are based upon my personal knowledge, or knowledge obtained directly from an examination of the official records of the School's Governing Council, which are retained by the School's record custodian and that pertain to the public meeting of the Governing Council that occurred on January 14, 2022.

The foregoing statements are true and correct to the best of my knowledge.

	Bidort South
	BRIDGET BARRETT
STATE OF NEW MEXICO))ss.
COUNTY OF BERNALILLO)
Signed and sworn to before n	
Official Seal PAULA GONZALE Notary Public State of New Mexi My Comm. Expires	
My commission expires: $6/8/2$	D22



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 9/22/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

certificate holder in lieu of such endor				luorsei	ment. A State	ement on this	s certificate does	iot cou	iier rig	nts to the
PRODUCER		. ,		CONTA NAME:	CT R	Risk Services				
Poms & Associates Insurance Brokers					e, Ext): (8	800) 578-8802		FAX (A/C, No):	(818)	149-9449
CA License #0814733 5700 Canoga Avenue				E-MAIL ADDRE	ss: rse	rvices@pomsass		NO):		
Woodland Hills, CA 91367						SURER(S) AFFOR	RDING COVERAGE			NAIC #
				INSUR		. ,	Is Insurance Authority	,		N/A
INSURED					ER B: Safety Na		io modrance Authority	•		
New Mexico Public Schools Insurance Authority				INSUR		wollai				
Member: Southwest Aeronautics, Mathematics and S	cience	Acade	emy	INSUR						
4110 Old Taos Highway Santa Fe, NM 87501				INSUR						
,				INSUR						
COVERAGES CER	TIFIC	CATE	NUMBER:				REVISION NUM	BER:		
THIS IS TO CERTIFY THAT THE POLICIES	S OF I	INSUF	RANCE LISTED BELOW HA			THE INSURI	ED NAMED ABOVE	FOR TH		
INDICATED. NOTWITHSTANDING ANY RI CERTIFICATE MAY BE ISSUED OR MAY										
EXCLUSIONS AND CONDITIONS OF SUC	H POL	ICIES	S. LIMITS SHOWN MAY HAV		N REDUCED E	BY PAID CLAIN			/ ALL	IIIL ILKIVIO,
INSR LTR TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)		LIMITS	3	
COMMERCIAL GENERAL LIABILITY							EACH OCCURRENCE		\$ Tort L	
CLAIMS- MADE X OCCUR							DAMAGE TO RENTE PREMISES (Ea occur	D rence)	\$ Tort L	
A X Owners Contractors Protective Liability			MOC NO L0025		07/01/2022	07/01/2023	MED EXP (Any one p	erson)	\$ Tort L	
							PERSONAL & ADV IN	NJURT	\$ Tort L	
GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGA	AIE	\$ Tort L	
X POLICY PRO- JECT LOC							PRODUCTS - COMP/	OF AGG	\$ Tort L	
AUTOMORIU E LIARII ITV							Maximum Liability COMBINED SINGLE		\$ 1,050),000
AUTOMOBILE LIABILITY							COMBINED SINGLE (Ea accident)			
ANY AUTO ALL OWNED SCHEDULED							BODILY INJURY (Per BODILY INJURY (Per			
AUTOS AUTOS NON-OWNED							PROPERTY DAMAGE (Per accident)	E		
HIRED AUTOS AUTOS							Maximum Liability			
UMBRELLA LIAB OCCUR							EACH OCCURRENCE	E		
EXCESS LIAB CLAIMS-MADE							AGGREGATE			
DED RETENTION \$										
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N							PER STATUTE	OTH- ER		
AND EMPLOYERS LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	N/A						E.L. EACH ACCIDEN	Т		
(Mandatory in NH) If yes, describe under	^						E.L. DISEASE - EA EI	MPLOYEE		
DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLI	CY LIMIT		
							Each Occurrence			
							Maximum Liability	7		
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHI	CLES ((ACORI	D 101, Additional Remarks Sched	lule, may	be attached if m	ore space is req	uired)			
See attached New Mexico Tort Claims A Re: New Charter School location - 644			· · · · · · · · · · · · · · · · · · ·		mary. Gener	al Liability Re	tention=\$750K.			
CERTIFICATE HOLDER				CANO	CELLATION					
Public Education Commission ,				THI AC	E EXPIRATIO	N DATE TH	DESCRIBED POLICE IEREOF, NOTICE CY PROVISIONS.			

AGENCY CUSTOMER ID:	
LOC#:	



AGENCY

ADDITIONAL REMARKS SCHEDULE

NAMED INSURED

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ADDITIONAL REMARKS THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM, FORM NUMBER: FORM TITLE: Notes Summary of New Mexico Tort Claims Act Section 41-4-19: Maximum Liability Governmental entities and agencies, including public schools, public charter schools and community colleges and universities are granted immunity from liability. Commercial General Liability Products and Completed Operations Professional Liability Contractual Liability Imposed by New Mexico Tort Claims Act [NMSA 1975 §41-4-1 through 41-4-29] \$400,000 Bodily Injury Per Person \$200,000 Property Damage Per Property Address \$300,000 Medical	Poms & Associates Insurance Bro	okers		New Mexico Public Schools Insurance Authority
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	Summary of New Mexico T Maximum Liability Govern public schools, public cha and universities are grante Commercial General Liability Products and Completed Operations Professional Liability Contractual Liability Imposed by New Mexico T \$400,000 Bodily Injury Per \$200,000 Property Damage \$300,000 Medical \$750,000 Per Occurrence	Fort Claims Act Section 41-4-7 mental entities and agencies rter schools and community ed immunity from liability. Fort Claims Act [NMSA 1975 § Person e Per Property Address	, including colleges	igh 41-4-29]



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certificate holder in lieu o				oncies may require an en	u01361	noni. A state	ment on thi	3 certificate due	3 1101 601	inei ilg	into to tile
PRODUCER					CONTAC NAME:	CT R	isk Services				
Poms & Associates Insurance Broke	ers				PHONE (A/C, No	o, Ext): (8	300) 578-8802		FAX (A/C, No):	(818)	149-9449
CA License #0814733				E-MAIL ADDRES	rser	vices@pomsass	oc.com	itoj.			
5700 Canoga Avenue Woodland Hills, CA 91367				ADDRES		HIDED(S) AEEOI	RDING COVERAGE			NAIC #	
					INCLIDE		, ,		4		N/A
INSURED								ols Insurance Authori	ty		
New Mexico Public Schools Insuran	ce Authority					RB: Safety Nat	lionai				
Member: Southwest Aeronautics, N	lathematics and So	cience	Acade	my	INSURE						
4110 Old Taos Highway Santa Fe, NM 87501					INSURE						
Januare, Nill 07001					INSURE						
COVERAGES	CER	TIFIC	ΔTF	NUMBER:	INSURE	KF.		REVISION NUI	MRER.		
THIS IS TO CERTIFY THAT					VE BEE	N ISSUED TO	THE INSUR			HE POL	ICY PERIOD
INDICATED. NOTWITHSTAI CERTIFICATE MAY BE ISS EXCLUSIONS AND CONDIT	NDING ANY REUED OR MAY	QUIF	REMEN	NT, TERM OR CONDITION THE INSURANCE AFFORD	OF AN' ED BY	Y CONTRACT THE POLICIE	OR OTHER S DESCRIBE	DOCUMENT WIT	H RESPE	CT TO	WHICH THIS
INSR LTR TYPE OF INSURA		ADDL	SUBR	POLICY NUMBER	C DEEN	POLICY EFF (MM/DD/YYYY)	POLICY EXP	IVIS.	LIMIT	·s	
COMMERCIAL GENERA		INSD	WVD	TOLIOT NOMBER		(WINDD/TTTT)	(WINNI/DD/1111)	EACH OCCURREN		\$ Tort L	imit
CLAIMS- MADE X	OCCUR							DAMAGE TO RENT PREMISES (Ea occ		\$ Tort L	imit
A X Owners Contractors Prote	ective Liability			MOC NO L0025		07/01/2022	07/01/2023	MED EXP (Any one	person)	\$ Tort L	
								PERSONAL & ADV	INJURY	\$ Tort L	
GEN'L AGGREGATE LIMIT AP								GENERAL AGGREG		\$ Tort L	
X POLICY PRO- JECT	LOC							PRODUCTS - COM Maximum Liability	P/OP AGG		
AUTOMOBILE LIABILITY		<u> </u>						COMBINED SINGLE (Ea accident)	E LIMIT	\$ 1,050	0,000
								(Ea accident) BODILY INJURY (P			
	SCHEDULED							BODILY INJURY (P			
	AUTOS NON-OWNED AUTOS							PROPERTY DAMAG (Per accident) Maximum Liability	GE ′		
UMBRELLA LIAB	1							EACH OCCURREN	05		
EXCESS LIAB	OCCUR							AGGREGATE	OE .		
DED RETENTION	CLAIMS-MADE							7.OOREO/RE			
WORKERS COMPENSATION	ι φ							X PER STATUTE	OTH- ER		
AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EX	ECUTIVE Y/N							E.L. EACH ACCIDE		\$1,000	000
B OFFICER/MEMBER EXCLUDED?		N/A		SP406664		07/01/2022	07/01/2023	E.L. DISEASE - EA			
If yes, describe under DESCRIPTION OF OPERATION	NS below							E.L. DISEASE - POI		\$1,000	
								Each Occurrence	;		
								Maximum Liabili	ty		
DESCRIPTION OF OPERATIONS / L	OCATIONS / VEHIC	CLES (ACORE	D 101, Additional Remarks Sched	ule, may	be attached if m	ore space is req	juired)			
See attached New Mexico	Tort Claims A	ct Se	ection	41-4-19: Maximum Liability	/ Sumn	nary Cert Ho	older is additi	onal insured if re	auired by	written	contract
General Liability Retention					,				q		
Re: 6441 Ventana Rd., Al	buquerque, NN	1871	14. E	Building valued at \$10.9M.							
CERTIFICATE HOLDER					CANC	ELLATION					
RM SAMS, LLC.					THE	EXPIRATIO	N DATE TH	DESCRIBED POLI HEREOF, NOTICI ICY PROVISIONS.			
,						ORIZED REPRES		#			

AGENCY CUSTOMER ID:	
LOC#:	



AGENCY

ADDITIONAL REMARKS SCHEDULE

NAMED INSURED

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If this certificate is being prepared for a party who has an insurable interest in the property, do not use this form. Use ACORD 27 or ACORD 28. CONTACT NAME: PRODUCER Risk Services PHONE (A/C, No, Ext): (800)578-8802 (818) 449 9449 Poms & Associates Insurance Brokers E-MAIL ADDRESS: CA License #0814733 rservices@pomsassoc.com PRODUCER CUSTOMER ID #: 5700 Canoga Ave. #400 00016280 Woodland Hills, Ca 91367 INSURER(S) AFFORDING COVERAGE NAIC # N/A INSURED INSURER A: New Mexico Public Schools Insurance Authority **INSURER B: Hanover Insurance Company New Mexico Public Schools Insurance Authority** INSURER C: Member: Southwest Aeronautics, Mathematics and Science Academy 410 Old Taos Highway INSURER D: Santa Fe, NM 87501 INSURER E : INSURER F: **COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:**

LOCATION OF PREMISES / DESCRIPTION OF PROPERTY (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR		TYPE OF IN		POLICY NUMBER	POLICY EFFECTIVE	POLICY EXPIRATION DATE (MM/DD/YYYY)		COVERED PROPERTY	LIMITS
A		PROPERTY					Х	BUILDING	\$ Per Schedule
	CAI	JSES OF LOSS	DEDUCTIBLES					PERSONAL PROPERTY	\$ On File
		BASIC	BUILDING					BUSINESS INCOME	\$
		BROAD	CONTENTS				Х	EXTRA EXPENSE	\$ Per Schedule
	Х	SPECIAL		MOC NO. P0025	07/01/2022	07/01/2023		RENTAL VALUE	\$ On File
	X	EARTHQUAKE						BLANKET BUILDING	\$
	Х	WIND						BLANKET PERS PROP	\$
	Х	FLOOD						BLANKET BLDG & PP	\$
							Х	CONTENTS	\$ Per Schedule
								CONTENTS	\$ On File
		INLAND MARINI	E	TYPE OF POLICY					\$
	CAI	JSES OF LOSS							\$
		NAMED PERILS		POLICY NUMBER					\$
									\$
		CRIME						Employee Theft	\$
	TYPE OF POLICY							Forgery or Altercation	\$
								Faithful Performance	\$
	BOILER & MACHINERY / EQUIPMENT BREAKDOWN								\$
		, =====							\$
								Deductible Comp \$750 Deductible Coll \$750	\$
								Deductible Coll \$750	\$

SPECIAL CONDITIONS / OTHER COVERAGES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: 6441 Ventana Rd., Albuquerque, NM 87114. Building valued at \$10.9M.Certholder is named as loss payee if required by written contract.

CERTIFICATE HOLDER	CANCELLATION
RM SAMS, LLC.	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
,	AUTHORIZED REPRESENTATIVE