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POPULATION 14,000

CITY COUNCIL
Special Meeting
February 27, 2013
9:00 A.M.
AGENDA

Call to Order / Pledge of Allegiance

1. Public Hearing to Consider and Ordinance Authorizing the Issuance and Sale of the City of Deming, New Mexico Taxable Industrial Revenue Bonds
2. Resolution to Approve Budget Adjustments for FY 2013
3. Resolution to Support the Southwest New Mexico Regional Water Supply Project, an AWSA Proposal Submitted by the City of Deming to the New Mexico Interstate Stream Commission
4. Resolution Authorizing the Execution and Delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement
5. Resolution to Approve the Submission of an Application to New Mexico Finance Authority Under the Colonias Infrastructure Fund
6. Resolution Approving Participation in Municipal Arterial Program Administered by the New Mexico Department of Transportation
7. Joint Resolution Between The City of Deming and Deming Public Schools Concerning the Issuance of Solar Project Industrial Revenue Bonds
8. Approval of Job Descriptions for Police Lieutenant and Police Sergeant.
9. Approval of Dedication Plaque for Fire Department and Municipal Court renovations
10. Meeting Adjourned

The next regularly scheduled workshop and meeting is March 11, 2013 commencing at 4:00 p.m. and 6:00 p.m.

CITY COUNCIL SPECIAL MEETING MINUTES February 27, 2013

Council Present:

Andres Z. Silva, Mayor
Linda Franklin, Mayor Pro Tem
David Sanchez, Councilor

Joe "Butter" Milo, Councilor
William Shattuck, Councilor

Staff Present:

Richard F. McInturff, Administrator
Wes Hooper, Special Projects Coordinator
Lloyd Valentine, Financial Services Manager
Vicki Engle, HR Coordinator/Asst. Deputy Clerk

Aaron Sera, Assistant City Administrator
Edgar Davalos, Fire Dept. Chief

Recording Secretary: Lila Jasso, Administrative Secretary/Assistant Deputy Clerk

Mayor Silva called the meeting to order and led the pledge of allegiance at 9:00 a.m.

1. Public Hearing to Consider and Ordinance Authorizing the Issuance and Sale of the City of Deming, New Mexico Taxable Industrial Revenue Bonds:

Mr. McInturff explained the proposed resolution and stated to Council that in the title it references the maximum principal amount of \$4 million, but as of this point the actual estimate is at \$2.4 million. He stated that there were four projects originally proposed, and only three of the four projects will be chosen. The one that was not chosen is the well over by the BMX Park, due to the fact that the well is not used on a consistent basis, which is a requirement. Mr. McInturff went on to discuss the form, term and provisions of the Bond documents. Mayor Pro-Tem Franklin noted a typographical error in the title of the ordinance. Mr. McInturff stated that Mr. Foy, the City attorney, has reviewed the ordinance, and has confirmed that the ordinance is a standard format for this type of ordinance. Councilor Milo had a question regarding a default of the bond by the power company, and how that would affect the City. Mr. McInturff stated that if they were to default, that would have nothing to do with the City's credit. The only obligation of the City is to pass on any money received. At the end of the 25-year term the ownership of the property would revert back to the power company. During the term of the bond, the power company would receive a tax exempt credit. Mayor Silva opened the floor for public comment. With no comments received, Mayor Silva closed the public comment session. Councilor Shattuck motioned to approve the ordinance authorizing the issuance and sale of the City of Deming, New Mexico Taxable Industrial Bond not to exceed \$4 million (\$4,000,000). The motion was seconded by Mayor Pro-Tem Franklin, and carried unanimously.

2. Resolution to Approve Budget Adjustments for FY 2013. Mr. McInturff addressed the resolution which is required to make adjustments to the 2012-2013 budget. He explained that at the beginning of the year, there was a \$2,100,000 deficit in the Utilities department budget, and a \$3,921,475 deficit in the General/Special/Trust fund budget. As of the Mid-Year

budget, the \$2.1 million deficit in the Utilities department has decreased to \$105,184 and the General/Special/Trust fund has increased to \$4,574,527. On the Mid-Year Adjustments for the Utilities department, there is an increase in reserves of \$645,085 to the budget. Mr. McInturff noted that the City will still need look at the gas and solid waste rates. Expenses have a large reduction due to the sewer project at the wastewater treatment plant. In the General/Special/Trust fund, the revenues have decreased \$348,166. Mr. McInturff noted that in further discussion, we will see ambulance, court fines, lodger's tax, and EDA grant funds have been pushed back to next year which results in the \$348,166 decrease. He stated that in October 2012, there were some adjustments made to the expenses. A decrease in the amount of \$296,150, due to a lighting conversion project, renovations at the Conference Center, some roof repairs, and a correction to a coding error in the Police Department budget. Mr. McInturff went on to discuss line items in the general and utility budgets reduced from \$(720,000) to \$(640,000) due to collection of older, delinquent accounts. Mr. Sera stated that in the Solid Waste budget, fuel prices are one of the drivers for the increase in expenses. Further discussion was entertained between Mr., McInturff and Mayor Silva. Management requests Council to approve the resolution to approve the budget adjustments for the 2012-2013 Fiscal Year.

Mayor Pro-Tem Franklin motioned to approve the Resolution to Approve Budget Adjustments for 2012-2013 Fiscal Year. Councilor Shattuck seconded the motion, and motion was carried unanimously.

3. **Resolution to Support the Southwest New Mexico Regional Water Supply Project, an AWSA Proposal Submitted by the City of Deming to the New Mexico Interstate Stream Commission.** Mr. McInturff addressed Mayor and Council with the referenced resolution. This resolution has been drafted to address the Deming diversion project, which is one of three diversion projects accepted. There were 13 other local projects, and three diversion projects. In order to build support for one single project, the City is asking that other local government bodies, water associations, and irrigation districts look at adopting the Southwest New Mexico Regional Water Supply Project. Yesterday, Mr. McInturff spoke to officials in Hidalgo County and they had a meeting in Virden to discuss the resolution. Mr. McInturff was advised that Hidalgo County will be supporting the resolution, as well. If enough entities pass this resolution, it will then be forwarded to the Interstate Stream Commission in order to demonstrate some cohesiveness and some consensus as far as supporting a single diversion project. Mr. McInturff read part of the resolution into record. He went on to highlight the project, stating that the project is a pipeline from the Gila River to Deming. It would go through the mining district, therefore, making water available to Silver City, Bayard, Hurley, Hanover, Santa Clara, and all of the surrounding area. The reservoir would create the third largest lake in the state, which would be a huge economic boom for Grant County. Mayor Pro-Tem Franklin asked where in Grant County, would the reservoir be located. Mr. McInturff stated that the primary sight they are looking at is Mangas Creek near Bill Evans Lake. Councilor Sanchez commented that if this reservoir is filled and dammed, Bill Evans Lake would be under water. Mr. McInturff responded that this reservoir would be adjacent to Bill Evans Lake, and that the plan for the reservoir has been engineered to not be that deep as to where it would interfere with Bill Evans Lake. Mr. McInturff stated that the City seems to be building some support amongst the four counties regarding this plan. Due to the response from environmentalists, the City of Deming and Luna County will put out an

opinion editorial to be published within the next couple of days, in order to clarify the project. Mr. McInturff is requesting that Council approve this resolution. Councilor Milo motioned to approve the Resolution to Support the Southwest New Mexico Regional Water Supply Project, an AWSA Proposal Submitted by the City of Deming to the New Mexico Interstate Stream Commission. The motion was seconded by Councilor Sanchez, and carried unanimously.

4. **Resolution Authorizing the Execution and Delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement.** Mr. Sera read key points regarding this resolution to Mayor Silva and Council. He added that the subject area, in which these funds would be utilized, would be for the purpose of financing the costs of design and construction to replace failed clay piping that is causing failures and backup of sewage in certain areas of the City. This being the Bell School area. Mr. Sera stated from the resolution that the City, as Borrower/Grantee will enter into agreement to borrow \$54,789 from the Lenders/Grantors and to accept a grant in the amount of \$493,105. The total of these two amounts will be used to finance the cost of design and construction phase of a city wastewater project. Mr. Sera stated that staff is asking council to approve the City of Deming to enter into the Loan/Grant execution of the agreement. Mr. McInturff commented on the publication requirement for the resolution. Mr. McInturff stated that the summarized resolution, which is found on page 13 of this document, would be published upon approval of the resolution. Mayor Silva asked what the City's required match amount is for this grant. Mr. Sera stated that our match is 10% of the grant there is a 10% loan component. Prior to receiving notification of the grant award, the City had spent the 10% developing the project and was allowed to deduct this from the total match requirement. Mayor Pro-Tem Franklin asked for clarification regarding the loan amount. Mr. McInturff stated that the City had previously passed a resolution which only addressed the grant. Now the New Mexico Finance Authority has asked the City to address both the grant and the loan. Mayor Pro-Tem Franklin motioned to approve the resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement with the amount being \$547, 894 and the 10% match for the City being \$54,789. A friendly amendment was made by Councilor Shattuck to the grant amount being \$493,105. The friendly amendment was accepted by Mayor Pro-Tem Franklin. The motion and friendly amendment were seconded by Councilor Sanchez, and motion carried unanimously.

5. **Resolution to Approve the Submission of an Application to New Mexico Finance Authority Under the Colonias Infrastructure Fund.** Mr. Sera presented the resolution and read it into record. Mr. Sera summarized this resolution by stating that the City would be submitting five applications in an attempt to obtain funds for sewer line replacement, water line replacement, and road repairs. He went on to explain that all three types of project would fall in together, due to the sewer line running underneath the road. The road would have to be done as well, because it would have to be torn out in order to do the sewer and/or water line repairs. While in the area of Pear Street, from Eighth Street east to Tin Street, if budget allows, the City would like to replace the existing water lines. He stated that the expansion and closure of the new landfill would be included in this project. Discussion was entertained regarding the date for the decision. Mr. Sera stated that the applications are due by March 15, 2013. The applications will be reviewed by April 15, 2013 and in June there

should be a decision made regarding the appropriations of funds per projects awarded. Mr. Sera stated that Priscilla Lucero of the SWCOG is the local representative for the colonias fund. Council Milo motioned the approve the resolution for the Submission of an Application to the New Mexico Finance Authority Under the Colonias Infrastructure Fund. The motion was seconded by Councilor Sanchez, and carried unanimously.

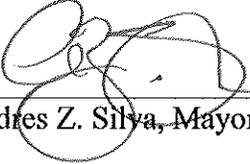
6. **Resolution Approving Participation in Municipal Arterial Program Administered by the New Mexico Department of Transportation.** Mr. Sera presented this item to Council. He read the resolution into record. Mr. Sera stated that the City currently has MAP funding, as well as LGRF, to do drainage improvement on the north side of Florida Street, from Suncrest to Mallery. The next phase will be from Mallery to San Miguel Street, to alleviate some of the drainage issues on the north side of Florida intersections. Mr. Sera stated that, for several years, the City has contacted the NMDOT regarding this project and that the new District Engineer is on board with this project. Mayor Pro-Tem Franklin motioned to Approve Participation in Municipal Arterial Program Administered by the New Mexico Department of Transportation. Councilor Sanchez seconded the motion and motion was carried unanimously.

7. **Joint Resolution Between The City of Deming and Deming Public Schools Concerning the Issuance of Solar Project Industrial Revenue Bonds.** Mr. McInturff explained that this joint resolution is a companion item to the Industrial Revenue Bond Ordinance. He further explained that according to state statute, whenever an Industrial Revenue Bond which is associated with renewable energy is considered, the consent of the local school board must be obtained regarding payment in lieu of tax arrangement. The arrangement that the City of Deming requested is to have a zero payment in lieu of taxes. Deming Public Schools passed their portion of this joint resolution on February 25, 2013. The City's portion was read into record by Mr. McInturff. In this portion, it stated that the City of Deming will reciprocate and commit to sponsor a similar solar project Industrial Revenue Bond on behalf of Deming Public Schools within a 12 mile radius of the city limits; with no provision for payment in lieu of taxes due back to the City. Management recommends to Council the adoption of this Joint Resolution Between the City of Deming and Deming Public Schools concerning the issuance of Solar Project Industrial Revenue Bonds. Councilor Shattuck motioned to approve the Joint Resolution Between the City of Deming and Deming Public Schools concerning the issuance of Solar Project Industrial Revenue Bonds. The motion was seconded by Councilor Milo, motion carried unanimously.

8. **Approval of Job Descriptions for Police Lieutenant and Police Sergeant.** Ms. Engle stated that both the Police Lieutenant and Police Sergeant positions are established within the City; however, no job descriptions were established. Therefore, the job descriptions have been established and staff is requesting Council's approval of the descriptions. Ms. Engle stated that the positions are currently filled, and that the job descriptions have been reviewed and by the Chief and Asst. Chief of the Police Department. Councilor Milo motioned for the approval of the job descriptions for Police Lieutenant and Police Sergeant. The motion was seconded by Councilor Sanchez, and carried unamously.

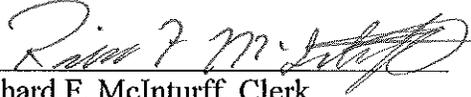
9. **Approval of Dedication Plaque for Fire Department and Municipal Court renovations.** Chief Davalos presented to Council, the proof of what will be on the plaque. Councilor Sanchez asked what the size of the plaque will be. Chief Davalos stated that he believes the plaque will be 20" X 20". A discussion was entertained between Chief Davalos, Council members, and City administration regarding the date of completion. Chief Davalos stated that the completion date would more likely be April 2013. Mayor Pro-Tem Franklin requested that her name read Linda Enis Franklin, on the plaque. Councilor Sanchez motioned to approve the dedication plaque for the Fire Department and Municipal Court renovations with the changes requested and discussed. The motion was seconded by Councilor Milo, and carried unanimously.
10. **Adjourn Meeting.** Councilor Sanchez motioned to adjourn the meeting. Councilor Franklin seconded the motion. Motion carried unanimously. Meeting adjourned at 10:06 a.m.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Clerk

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF DEMING

RESOLUTION NO. 13-14

2012-2013 Fiscal Year

WHEREAS, the City of Deming, New Mexico proposes to make certain budget increases and decreases; and,

WHEREAS, due to cash reserves being sufficient to cover the proposed increases and decreases; and

WHEREAS, said monies and expenditures were not included in the 2012-2013 budget; and

WHEREAS, the City Council does request that authorization for the following budget increases and decreases be granted.

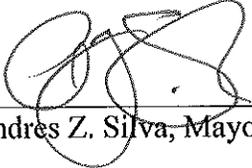
THEREFORE IT IS, respectfully requested that authorization to make the listed increases and transfers be granted by the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED, AND APPROVED this 27th day of February, 2013.

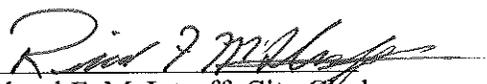
CITY OF DEMING, NEW MEXICO



ATTEST:



Andres Z. Silva, Mayor



Richard F. McInturff, City Clerk

RESOLUTION NO. 13-15

**A RESOLUTION OF THE CITY OF DEMING DECLARING SUPPORT OF
THE SOUTHWEST NEW MEXICO REGIONAL WATER SUPPLY PROJECT, AN
AWSA PROPOSAL SUBMITTED BY THE CITY OF DEMING TO THE
NEW MEXICO INTERSTATE STREAM COMMISSION**

WHEREAS, the State of New Mexico is entitled to divert up to 14,000 acre-feet of water from the Gila and San Francisco Rivers under the Arizona Water Settlements Act (AWSA) for the benefit of the four-county Southwest New Mexico Water Planning Region (Catron, Grant, Hidalgo, and Luna Counties) and receives federal funds to finance local projects to develop these water resources; and

WHEREAS, the AWSA water is the only source of new water supply to the four-county region; and

WHEREAS, the City of Deming submitted an application for a water diversion project to the New Mexico Interstate Stream Commission (ISC) pursuant to the AWSA, which was accepted for further evaluation in February 2012; and

WHEREAS, on January 18, 2013, the ISC invited applicants to amend their applications to incorporate elements of other similar applications or otherwise improve the clarity and scope of the application; and

WHEREAS, the cities of Deming, Silver City, Hurley, Bayard, and Santa Clara, and Luna and Grant counties met on February 12, 2013 to provide direction to the City of Deming in amending its application; and

WHEREAS, the goal of the Southwest New Mexico Regional Water Supply Project is to divert, store, and convey through a pipeline the AWSA water available to New Mexico for the benefit of citizens of the four-county region, including the municipal, agricultural, recreational, environmental, and industrial sectors, to assure long-term sustainable water supplies and economic vitality of this region; and

WHEREAS, Four thousand of the fourteen thousand acre feet of diversion under the ASWA is reserved for the San Francisco watershed in Catron County and is separate and aside from the ten thousand acre feet being advanced in the Southwest Regional Water Supply Project; and

WHEREAS, most public and domestic water supplies in the region are provided by groundwater, which is a finite and declining resource in Luna and Grant counties; and

WHEREAS, a reliable surface water supply to augment and enhance mined groundwater sources will ensure that long-term water supplies are available to the region through a conjunctive management system that relies on groundwater in times of drought and on surface water when supplies area available; and

WHEREAS, the City of Deming, New Mexico supports the design and construction of multiple diversion storage facilities, with at least one large water storage facility that would contain the majority of the storage allotment maximum of 60,000 acre feet; and

WHEREAS, the City of Deming, New Mexico supports the use of water rights exchange mechanisms that allow use of AWSA water for the benefit of the four-county region and may result in significant cost savings by avoiding expensive conveyance structures; and

WHEREAS, the City of Deming, New Mexico supports the creation of an entity that will oversee and manage the project and will enter into contracts to sell water to eligible water users; and

WHEREAS, the City of Deming, New Mexico supports funding for Catron County's four thousand acre feet of ASWA allocation; and

WHEREAS, the City of Deming, New Mexico supports the operational release of water from ASWA diversion storage facilities for downstream agricultural, industrial, and municipal use in Hidalgo County; and

WHEREAS, it is the firm resolution and desire that the benefits of the AWSA remain within the four-county region, and the City of Deming, New Mexico objects to any efforts to transfer or sell the AWSA water resources outside the region; and

WHEREAS, the communities, water users, and stakeholders in the Southwest New Mexico Water Planning Region, including Catron, Grant, Hidalgo, and Luna Counties, wish to work cooperatively to protect and conserve the water resources of the planning region and to ensure that the water supplies assured to New Mexico under the AWSA are utilized for the benefit of the planning region.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO that:

1. The City of Deming supports the revised application for the Southwest New Mexico Regional Water Supply Project; and
2. The City of Deming supports intergovernmental cooperation on development of this project and protection of this water supply for the benefit of the region; and
3. The City of Deming requests that all technical work provided by the U.S. Bureau of Reclamation be consistent with the conceptual framework presented by the applicants for funding under the AWSA and approved by the ISC; and
4. The City of Deming opposes the exportation or conveyance of AWSA water outside the four-county region.

PASSED, ADOPTED, AND APPROVED THIS 27th DAY OF FEBRUARY, 2013.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor



Richard F. McInturff, Clerk

Thereupon, there were officially filed with the City Clerk copies of a proposed Resolution and Colonias Infrastructure Project Fund Loan/Grant Agreement in final form, the proposed Resolution being as hereinafter set forth:

[Remainder of page intentionally left blank.]

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 13-16**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT BY AND AMONG THE NEW MEXICO COLONIAS INFRASTRUCTURE BOARD (“COLONIAS INFRASTRUCTURE BOARD”) AND THE NEW MEXICO FINANCE AUTHORITY (“FINANCE AUTHORITY”, AND COLLECTIVELY WITH THE COLONIAS INFRASTRUCTURE BOARD, THE “LENDERS/GRANTORS”) AND THE CITY OF DEMING, NEW MEXICO (THE “BORROWER/GRANTEE”), IN THE TOTAL AMOUNT OF FIVE HUNDRED FORTY-SEVEN THOUSAND, EIGHT HUNDRED NINETY-FOUR DOLLARS (\$547,894), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN AND CONSTRUCTION TO REPLACE FAILED CLAY PIPING THAT IS CAUSING FAILURES AND BACKUP OF SEWAGE IN CERTAIN AREAS OF THE CITY, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

Capitalized terms used in the following preambles have the same meaning as defined in this Resolution unless the context requires otherwise.

WHEREAS, the CIB is a public body duly organized and created under and pursuant to the laws of the State of New Mexico (the “State”), particularly the Colonias Infrastructure Act, NMSA 1978, §§ 6-30-1 through 6-30-8, (2012, as amended through 2012) (the “Colonias Infrastructure Act” or the “Act”); and

WHEREAS, the Finance Authority is a public body politic and corporate, separate and apart from the State of New Mexico, constituting a governmental instrumentality, duly organized and created under and pursuant to the laws of the State, particularly NMSA 1978 §§ Sections 6-21-1, through 6-21-31, (2005 as amended and through 2012) (the “New Mexico Finance Authority Act”); and

WHEREAS, the Borrower/Grantee is a Qualified Entity pursuant to the Act; and

WHEREAS, the Act creates the Colonias Infrastructure Trust Fund in the state treasury consisting of money that is appropriated by the Legislature, donated or otherwise allocated to it; and

WHEREAS, the Act creates the Colonias Infrastructure Project Fund in the Finance Authority, consisting of distributions from the Colonias Infrastructure Trust Fund, payments of principal and interest, if any, on loans for qualified projects, and other monies appropriated to it by the Legislature of the State or distributed or otherwise allocated to it for the purpose of supporting qualified projects, proceeds of severance tax bonds appropriated to it, and income from investment of amounts in the Colonias Infrastructure Project Fund; and

WHEREAS, the Colonias Infrastructure Project Fund is to be administered by the Finance Authority to originate grants and loans to qualified entities for qualified projects recommended by the CIB; and

WHEREAS, The Borrower/Grantee is a community that is a "Colonia" within the meaning of the Colonias Infrastructure Act; and

WHEREAS, the Borrower/Grantee has determined that it is in the best interests of the Borrower/Grantee that the Borrower/Grantee enter into an Agreement with the Lenders/Grantors to borrow Fifty-Four Thousand, Seven Hundred Eighty-Nine Dollars (\$54,789) from the Lenders/Grantors and to accept a grant in the amount of Four Hundred Ninety-Three Thousand, One Hundred Five Dollars (\$493,105) from the Lenders/Grantors to finance the costs of design and construction phase of a city wastewater project. The city is replacing failed clay piping that is causing failures and backup of sewage in certain areas of the city, this project being more particularly described in the Term Sheet; and

WHEREAS, the Governing Body has determined and hereby determines that the Project may be financed with amounts granted and loaned pursuant to the Loan/Grant Agreement, that the Loan/Grant Amount, together with the Additional Funding Amount and other moneys available to the Borrower/Grantee, is sufficient to complete the Project, and that it is in the best interest of the Borrower/Grantee and the public it represents that the Loan/Grant Agreement be executed and delivered and that the funding of the Project take place by executing and delivering the Loan/Grant Agreement; and

WHEREAS, the Governing Body has determined that it may lawfully enter into the Loan/Grant Agreement, accept the Loan/Grant Amount, and be bound to the obligations and by the restrictions thereunder; and

WHEREAS, the Loan/Grant Agreement shall not constitute a general obligation of the Borrower/Grantee, the Colonias Infrastructure Board or the Finance Authority or a debt or pledge of the general credit or *ad valorem* taxing power of the Borrower/Grantee, the Colonias Infrastructure Board, the Finance Authority or the State; and

WHEREAS, there have been presented to the Governing Body and there presently are on file with the City Clerk this Resolution and the form of the Loan/Grant Agreement; and

WHEREAS, the Governing Body hereby determines that (i) the Additional Funding Amount is now available to the Borrower/Grantee to complete the Project; or (ii) that the Governing Body will take such steps as are necessary to obtain the Additional Funding Amount within six (6) months after the Closing Date; and

WHEREAS, the Borrower/Grantee acknowledges that, in the event that it is unable to provide the Additional Funding Amount within six (6) months after the Closing Date, the Loan/Grant Agreement shall, at the option of the Colonias Infrastructure Board and the Finance Authority, terminate and be of no further force or effect; and

WHEREAS, all required authorizations, consents and approvals in connection with: (i) the use of the Loan/Grant Amount for the purposes described, and according to the restrictions set forth, in the Loan/Grant Agreement; (ii) the availability of other moneys necessary and sufficient, together with the Loan/Grant Amount, to complete the Project; and (iii) the authorization, execution and delivery of the Loan/Grant Agreement which are required to have been obtained by the date of this Resolution, have been obtained or are reasonably expected to be obtained.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF CITY OF DEMING, NEW MEXICO:

Section 1. Definitions. As used in this Resolution, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

“Additional Funding Amount” or “Local Match” means the local match component equal to at least 10% of the Loan/Grant amount. The local match component can be provided as a hard match consisting of actual dollars expended on the Project other than CIB funds for the specified scope of work. The hard match may be provided in the form of non-Colonias Infrastructure Board loans, local cash contributions, private donations or federal funds. The local match component can also be provided as a Soft Match. The value of the Local Match is Fifty-Four Thousand, Seven Hundred Eighty-Nine Dollars (\$54,789).

“Agreement” or “Loan/Grant Agreement” means the Loan/Grant Agreement and any amendments or supplements thereto, including the Exhibits attached thereto.

“Authorized Officers” means, with respect to the Borrower/Grantee, any one or more of the Mayor, Administrator/Treasurer/City Clerk, and Assistant Administrator thereof; with respect to the Finance Authority, the Chairperson, Vice-Chairperson, Secretary and Chief Executive Officer of the Finance Authority; and with respect to the CIB, the Chairperson or the Vice-Chairperson, Secretary and the Treasurer thereof, and any other officer or employee of the Finance Authority or of the CIB designated in writing by an Authorized Officer thereof.

“Board,” “Colonias Infrastructure Board,” or “CIB” means the Colonias Infrastructure Board created by the Colonias Infrastructure Act.

“Board Rules” or “Rules” means Review and Selection of Colonias Infrastructure Projects, New Mexico Colonias Infrastructure Board, 2.91.2.1 through 2.91.2.18 NMAC.

“Borrower/Grantee” means the City of Deming, in Luna County, New Mexico.

“Closing Date” means the date of execution, delivery and funding of the Loan/Grant Agreement by the Borrower/Grantee, the CIB and the Finance Authority.

“Colonia” or “Colonias” means a Colonia as defined in the Colonias Infrastructure Act, and more particularly in NMSA 1978, § 6-30-3(C); and particularly the City of Deming, in Luna County, New Mexico.

“Colonias Infrastructure Act” means NMSA 1978, §6-30-1 through §6-30-8 (2012 as amended through 2012).

“Colonias Infrastructure Board” or “CIB” means the Colonias infrastructure board created and established pursuant to the Act.

“Colonias Infrastructure Project Fund” means the fund of the same name created pursuant to the Act and held and administered by the Finance Authority.

“Colonias Infrastructure Trust Fund” means the fund of that name created in the state treasury pursuant to the Act.

“Conditions” means the conditions to be satisfied prior to the disbursement of the Loan/Grant Amount or which otherwise apply to the performance of this Agreement and which are set forth in the Term Sheet.

“Completion Date” means the date of final payment of the cost of the Project.

“Eligible Items” means eligible Project costs for which grants and loans may be made pursuant to 2.92.2.10, NMAC and includes costs of acquiring and constructing the Project, plus Expenses.

“Expenses” means the costs of the Lenders/Grantors of originating and administering the Loan/Grant, and includes Borrower/Grantee’s professional and other fees related to the Project to the extent allowed under the Act, the Board Rules, other applicable statutes and rules, and the Policies. The capitalized terms in this item are defined in the Agreement.

“Finance Authority” means the New Mexico Finance Authority.

“Finance Authority Act” means the New Mexico Finance Authority Act, NMSA 1978, §6-21-1 through §6-21-31 (2005 as amended through 2012).

“Generally Accepted Accounting Principles” means the officially established accounting principles applicable to the Borrower/Grantee consisting of the statements, determinations and other official pronouncements of the Government Accounting Standards Board, Financial Accounting Standards Board, Federal Accounting Standards Board or other principle-setting body acceptable to the Lenders/Grantors establishing accounting principles applicable to the Borrower/Grantee.

“Governing Body” means the City Council of the Borrower/Grantee, or any future successor governing body of the Borrower/Grantee.

“Grant” or “Grant Amount” means the amount provided to the Borrower/Grantee as a grant pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and is Four Hundred Ninety-Three Thousand, One Hundred Five Dollars (\$493,105).

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to this entire Resolution and not solely to the particular section or paragraph of this Resolution in which such word is used.

“Lenders/Grantors” means the Colonias Infrastructure Board and the Finance Authority.

“Loan” or “Loan Amount” means the amount provided to the Borrower/Grantee as a loan pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and is Fifty-Four Thousand, Seven Hundred Eighty-Nine Dollars (\$54,789).

“Loan/Grant” or “Loan/Grant Amount” means the combined amount partially provided to the Borrower/Grantee as the Grant Amount and partially borrowed by the Borrower/Grantee as the Loan Amount pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and is Five Hundred Forty-Seven Thousand, Eight Hundred Ninety-Four Dollars (\$547,894).

“Loan/Grant Agreement” means the Colonias Infrastructure Project Fund Loan/Grant Agreement entered into by and between the Borrower/Grantee, the Colonias Infrastructure Board and the Finance Authority as authorized by this Resolution.

“Net System Revenues” means the gross revenues of the water and wastewater utility system owned and operated by the Borrower/Grantee minus operation and maintenance expenses, indirect charges, amounts expended for capital replacement and repairs, required set asides for debt and replacement requirements, and any other payments from the gross revenues reasonably required for operation of the water and wastewater utility system.

“NMAC” means the New Mexico Administrative Code.

“NMSA 1978” means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented from time to time.

“Pledged Revenues” means the revenues of the Borrower/Grantee pledged to the payment of the Loan Amount pursuant to this Resolution and the Loan/Grant Agreement and described in the Term Sheet.

“Policy” or “Policies” means the Colonias Infrastructure Project Fund Project Selection and Management Policies.

“Project” means the project described in the Term Sheet attached to the Agreement. (Exhibit “A”).

“Project Account” means the book account established by the Finance Authority in the name of the Borrower/Grantee documenting the Loan/Grant Amount, as shown in the Term Sheet, which shall be kept separate and apart from all other accounts of the Finance Authority.

“Qualified Entity” means a county means a county, municipality, or other entity recognized as a Political Sub-Division Of The State pursuant to NMSA 1978, §6-30-3 (F) (2012 as amended through 2012).

“Qualified Project” means a capital outlay project selected by the CIB for financial assistance that is a water system, a wastewater system, solid waste disposal facilities, flood and drainage control, roads or housing infrastructure pursuant to NMSA 1978, §6-30-3 (G) (2012 as amended through 2012).

“Resolution” means this Resolution as supplemented or amended from time to time.

“State” means the State of New Mexico.

“Term Sheet” means Exhibit “A” attached to the Loan/Grant Agreement.

“Useful Life” means the period during which the Project is expected to be usable for the purpose for which it was acquired and constructed.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Borrower/Grantee and officers of the Borrower/Grantee directed toward the acquisition and completion of the Project and the execution and delivery of the Loan/Grant Agreement shall be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project and the Loan/Grant Agreement. The acquisition and completion of the Project and the method of funding the Project through execution and delivery of the Loan/Grant Agreement are hereby authorized and ordered. The Project is for the benefit and use of the Borrower/Grantee and the public whom it serves.

Section 4. Findings. The Governing Body hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The Project is needed to meet the needs of the Borrower/Grantee and the public whom it serves.

B. Moneys available and on hand for the Project from all sources other than the Loan/Grant are not sufficient to defray the cost of acquiring the Project but, together with the Loan/Grant Amount, are sufficient to complete the Project.

C. The Project, and the execution and delivery of the Loan/Grant Agreement pursuant to the Colonias Infrastructure Act to provide funds for the financing of the Project, are necessary and in the interest of the public health, safety, and welfare of the public served by the Borrower/Grantee.

D. The Borrower/Grantee will acquire and complete the Project with the proceeds of the Loan/Grant and the Additional Funding Amount, and except as otherwise expressly provided by the Loan/Grant Agreement, will utilize, operate and maintain the Project for the duration of its Useful Life. The term of the loan will not exceed the Useful Life of the Project, and in any event will not exceed thirty (30) years, as required by the Policies.

E. Together with the Loan/Grant Amount, the Additional Funding Amount is now available to the Borrower/Grantee, or is expected to become available to the Borrower/Grantee within six (6) months after the Closing Date, and, in combination with the Loan/Grant Amount and other monies available to the Borrower/Grantee for the Project, will be sufficient to complete the Project and pay Expenses.

F. The Lenders/Grantors shall maintain on behalf of the Borrower/Grantee a separate Project account or Project accounts and financial records in accordance with Generally Accepted Accounting Principles during the construction or implementation of the Project.

G. The Borrower/Grantee has or will acquire title to or easements or rights of way on the real property upon which the Project is being constructed or located.

Section 5. Loan/Grant Agreement—Authorization and Detail.

A. Authorization. This Resolution has been adopted by the affirmative vote of at least a majority of a quorum of the Governing Body. For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the constituent public served by the Borrower/Grantee and by the other qualifying entities involved in the Project and acquiring and completing the Project, it is hereby declared necessary that the Borrower/Grantee execute and deliver the Loan/Grant Agreement evidencing the Borrower/Grantee's acceptance of the Grant Amount of Four Hundred Ninety-Three Thousand, One Hundred Five Dollars (\$493,105) and borrowing the Loan Amount of Fifty-Four Thousand, Seven Hundred Eighty-Nine Dollars (\$54,789) to be utilized solely for the purpose of completing the Project and paying Expenses, and solely in the manner and according to the restrictions set forth in the Loan/Grant Agreement, the execution and delivery of which is hereby authorized. The Borrower/Grantee shall use the Loan/Grant Amount to finance the acquisition and completion of the Project and to pay Expenses.

B. Detail. The Loan/Grant Agreement shall be in substantially the form of the Loan/Grant Agreement presented at the meeting of the Governing Body at which this Resolution was adopted. The Grant shall be in the amount of Four Hundred Ninety-Three Thousand, One Hundred Five Dollars (\$493,105) and the Loan shall be in the amount of Fifty-Four Thousand, Seven Hundred Eighty-Nine Dollars (\$54,789). Interest on the Loan Amount shall be zero percent (0%) per annum of the unpaid principal balance of the Loan Amount, taking into account both payments made by the Borrower/Grantee and hardship waivers of payments granted to the Borrower/Grantee.

Section 6. Approval of Loan/Grant Agreement. The form of the Loan/Grant Agreement as presented at the meeting of the Governing Body, at which this Resolution was adopted, is hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Loan/Grant Agreement with such changes, insertions and omissions as may be approved by such individual Authorized Officers, and the City Clerk is hereby authorized to attest the Loan/Grant Agreement. The execution of the Loan/Grant Agreement shall be conclusive evidence of such approval.

Section 7. Security. The Loan Amount shall be solely secured by the pledge of the Pledged Revenues herein made and as set forth in the Loan/Grant Agreement.

Section 8. Disposition of Proceeds: Completion of the Project.

A. Project Account. The Borrower/Grantee hereby consents to creation of the Project Account by the Finance Authority. Until the Completion Date, the Loan/Grant Amount shall be used and paid out solely for the purpose of acquiring the Project in compliance with applicable law and the provisions of the Loan/Grant Agreement.

B. Completion of the Project. The Borrower/Grantee shall proceed to complete the Project with all due diligence. Upon the Completion Date, the Borrower/Grantee shall execute a certificate stating that completion of and payment for the Project has been completed. Following the Completion Date, any balance reflected in the Project Account as not having been distributed to the Borrower/Grantee shall be appropriate to or transferred and deposited into the Colonias Infrastructure Project Fund or otherwise distributed as provided in the Loan/Grant Agreement.

C. Colonias Infrastructure Board and Finance Authority Not Responsible. Neither the Colonias Infrastructure Board nor the Finance Authority shall in any manner be responsible for the application or disposal by the Borrower/Grantee or by its officers of the funds derived from the Loan/Grant Agreement or of any other funds held by or made available to the Borrower/Grantee in connection with the Project.

Section 9. Payment of Loan Amount. Pursuant to the Loan/Grant Agreement, the Borrower/Grantee shall pay the Loan Amount directly from the Pledged Revenues to the Finance Authority as provided in the Loan/Grant Agreement in an amount sufficient to pay principal and other amounts due under the Loan/Grant Agreement and to cure any deficiencies in the payment of the Loan Amount or other amounts due under the Loan/Grant Agreement.

Section 10. Lien on Pledged Revenues. Pursuant to the Loan/Grant Agreement, the Loan/Grant Agreement constitutes an irrevocable lien (but not an exclusive lien) upon the Pledged Revenues to the extent of the Loan Amount, which lien shall be subordinate to any lien on the Pledged Revenues existing on the Closing Date and, further, shall be subordinate to all other indebtedness secured or that may in the future be secured by the Pledged Revenues, except, however that any future loans from the Lenders/Grantors to the Borrower/Grantee pursuant to the Colonias Infrastructure Act or the Water Project Finance Act, NMSA 1978, §§ 72-4A-1 through 72-4A-10 (2001, as amended through 2011), shall be on a parity with this Loan/Grant; and

Section 11. Authorized Officers. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution, the Loan/Grant Agreement and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Resolution and the Loan/Grant Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Resolution and the Loan/Grant Agreement including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Loan/Grant Agreement.

Section 12. Amendment of Resolution. This Resolution after its adoption may be amended without receipt by the Borrower/Grantee of any additional consideration, but only with the prior written consent of the Colonias Infrastructure Board and the Finance Authority.

Section 13. Resolution Irrepealable. After the Loan/Grant Agreement has been executed and delivered, this Resolution shall be and remain irrepealable until all obligations due under the Loan/Grant Agreement shall be fully discharged, as herein provided.

Section 14. Severability Clause. If any section, paragraph, clause or provision of this Resolution shall for any reason 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 Resolution.

Section 15. Repealer Clause. All bylaws, orders, ordinances, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 16. Effective Date. Upon due adoption of this Resolution, it shall be recorded in the book of the Borrower/Grantee kept for that purpose, authenticated by the signatures of the Mayor and City Clerk of the Borrower/Grantee, and this Resolution shall be in full force and effect thereafter, in accordance with law; provided, however, that if recording is not required for the effectiveness of this Resolution, this Resolution shall be effective upon adoption of this Resolution by the Governing Body.

Section 17. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Resolution shall be published in substantially the following form:

[Remainder of page intentionally left blank.]

[Form of Summary of Resolution for Publication]

**CITY OF DEMING, NEW MEXICO
NOTICE OF ADOPTION OF RESOLUTION**

Notice is hereby given of the title and of a general summary of the subject matter contained in Resolution No. 13-16, duly adopted and approved by the City Council of City of Deming, New Mexico on February 27, 2013. A complete copy of the Resolution is available for public inspection during normal and regular business hours in the office of the City Clerk, at 309 South Gold Avenue, Deming, New Mexico 88030.

The title of the Resolution is:

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 13-16**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT BY AND AMONG THE NEW MEXICO COLONIAS INFRASTRUCTURE BOARD (“COLONIAS INFRASTRUCTURE BOARD”) AND THE NEW MEXICO FINANCE AUTHORITY (“FINANCE AUTHORITY”, AND COLLECTIVELY WITH THE COLONIAS INFRASTRUCTURE BOARD, THE “LENDERS/GRANTORS”) AND THE CITY OF DEMING, NEW MEXICO (THE “BORROWER/GRANTEE”), IN THE TOTAL AMOUNT OF FIVE HUNDRED FORTY-SEVEN THOUSAND, EIGHT HUNDRED NINETY-FOUR DOLLARS (\$547,894), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN AND CONSTRUCTION TO REPLACE FAILED CLAY PIPING THAT IS CAUSING FAILURES AND BACKUP OF SEWAGE IN CERTAIN AREAS OF THE CITY, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

A general summary of the subject matter of the Resolution is contained in its title. This notice constitutes compliance with NMSA 1978, § 6-14-6.

[End of Form of Summary for Publication]

PASSED, APPROVED AND ADOPTED THIS 27TH DAY OF FEBRUARY, 2013.



CITY OF DEMING, NEW MEXICO

By  _____
ANDRES Z. SILVA, MAYOR

BY  _____
RICHARD F. MCINTURFF, CITY CLERK

[Remainder of page intentionally left blank.]

Governing Body Member, Mayor Pro Tem Linda Franklin then moved adoption of the foregoing Resolution, duly seconded by Governing Body Member, Councilor David Sanchez.

The motion to adopt the Resolution, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye:

Councilor David Sanchez

Councilor William Shattuck

Councilor Joe Milo

Mayor Pro Tem Linda Franklin

Those Voting Nay:

Those Absent:

Four (4) Members of the Governing Body having voted in favor of the motion, the Mayor declared the motion carried and the Resolution adopted, whereupon the Mayor and City Clerk signed the Resolution upon the records of the minutes of the Governing Body.

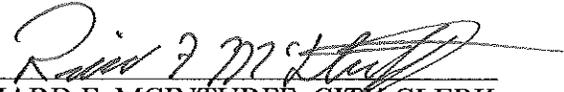
After consideration of matters not relating to the Resolution, the meeting upon motion duly made, seconded and carried, was adjourned.



CITY OF DEMING, NEW MEXICO

By 
ANDRÉS Z. SILVA, MAYOR

ATTEST:

BY 
RICHARD F. MCINTURFF, CITY CLERK

[Remainder of page intentionally left blank.]

STATE OF NEW MEXICO

)

) ss.

COUNTY OF LUNA

)

I, Richard F. McInturff, the duly qualified and acting City Clerk of the City of Deming, New Mexico (the "Borrower/Grantee"), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the City Council of the Borrower/Grantee (the "Governing Body"), had and taken at a duly called Special meeting held at 309 South Gold Avenue, Deming, New Mexico 88030, on February 27, 2013 at the hour of 9 a.m., insofar as the same relate to the adoption of Resolution No. 13-16 and the execution and delivery of the proposed Loan/Grant Agreement, a copy of which is set forth in the official records of the proceedings of the Governing Body kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of the meeting was given in compliance with the permitted methods of giving notice of meetings of the Governing Body as required by the State Open Meetings Act, NMSA 1978, § 10-15-1 (1999), including the Borrower/Grantee's open meetings standards in effect on the date of the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April 2013.

CITY OF DEMING, NEW MEXICO

By 
RICHARD F. MCINTURFF, CITY CLERK

LEGAL NOTICE

CERTIFICATE OF PUBLICATION

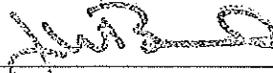
STATE OF NEW MEXICO
COUNTY OF LUNA

I, Wayne Barnard do solemnly swear that I am the General Manager of the Deming Headlight and the Silver City Sun News, and that the article, a copy of which is hereto attached, has been published in the Deming Headlight, a newspaper published daily in the county of Luna, State of New Mexico, for 1 time.

Publication being on the 20th day of February 2013.

Deponent further states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of 1937 N.M. Laws, Ch. 167, Secs 1 – 5 (See, N.M.S.A. 1978, sec 14-11-1 et seq.)

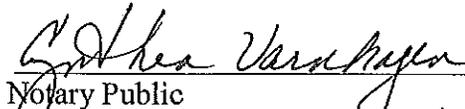
DEMING HEADLIGHT



Wayne Barnard, General Manager

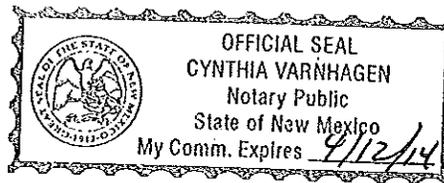
State of New Mexico

Sworn to and subscribed before me the 20th day of February 2013.



Notary Public

Commission Expires: 4/12/14



LEGAL NOTICE

The City Council of the City of Deming will hold a Special Meeting on Wednesday, February 27, 2013 at 9:00 a.m. in the City Council Chambers located at 309 South Gold Avenue to discuss the intent to adopt an Industrial Revenue Bond Ordinance and any other business that may properly come before the Council.

Richard F. McInturff
Administrator/Clerk

No 6719 11(02-20)

EXHIBIT "A"

Notice of Meeting

RESOLUTION NO. 13-17

**CITY OF DEMING
APPROVING AN APPLICATION TO NEW MEXICO FINANCE
AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND**

WHEREAS, City of Deming was designated a Colonia on January 14, 2013 and

WHEREAS, City of Deming is in need of undertaking sewer and water line upgrades and associated road repairs on Pear Street, expansion of the new regional landfill, and closure of the old landfill, to include design and construction for the benefit of its citizens; and

WHEREAS, the proposed projects will improve the quality of life for its residents by improving the potable water supply, sanitary sewer lines, and road improvement on Pear Street and expansion of the new landfill and closure of old landfill.

WHEREAS, the City of Deming assures and certifies that it will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of colonias infrastructure program,

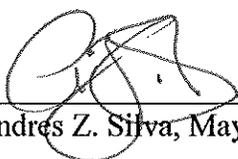
WHEREAS, it is the majority opinion of the Governing Body in and for the City of Deming that the proposed grant will be in the best interest of the residents of the community,

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY of the City of Deming in regular session on February 27, 2013, that

1. Mayor Andres Z. Silva of the City of Deming is hereby directed to prepare and submit an application on behalf of the City of Deming for design and construction of sewer and water line upgrades and associated road improvement on Pear Street, expansion of the new regional landfill and closure of the old landfill, requesting funding assistance from the NMFA Colonias Infrastructure Fund.
2. That the City Council directs and designates Aaron Sera, Assistant City Administrator and or Jim Massengill, Public Works Director as the authorized representatives to act in all matters in connection with this application.
3. The City of Deming officials and staff are directed to do any and all acts necessary to carry out the intent of the Resolution.

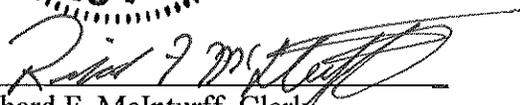
PASSED, ADOPTED AND APPROVED 27th day of February, 2013

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor





Richard F. McInturff, Clerk

RESOLUTION NO. 13-18

A RESOLUTION APPROVING APPLICATION AND ANY SUBSEQUENT AGREEMENT BETWEEN THE CITY OF DEMING AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO PROVIDE MUNICIPAL ARTERIAL PROGRAM (MAP) FUNDS FOR FLORIDA STREET DRAINAGE AND STREET IMPROVEMENTS PHASE II.

WHEREAS, the City of Deming is applying for Municipal Arterial Program (MAP) Funding from the New Mexico Department of Transportation for project development, design, construction, and construction services for Florida Street Drainage and Street Improvements Phase II; and

WHEREAS, the project is within the City of Deming's jurisdiction, necessary for the public good and convenience, and to serve the public of the City of Deming; and

WHEREAS, the New Mexico Department of Transportation is soliciting proposals for its FY 2013 / 2014 Local Government Program that requires at least a 25% local funding match; and

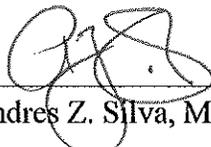
WHEREAS, the New Mexico Department of Transportation requires approval of an agreement for the City to obtain MAP Funds for this project.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the City of Deming does hereby determine and resolve as follows:

1. That the project application for MAP funding be prepared and submitted for the project development, design, construction, and construction services for Florida Street Drainage and Street Improvements Phase II.
2. That the Mayor is authorized to execute any subsequent agreement.
3. That staff is directed to take such other actions and execute other documents as may be necessary to implement this Resolution.

PASSED, ADOPTED, AND APPROVED THIS 27th day of February, 2013.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor





Richard F. McInturff, Clerk

RESOLUTION NO. 13-19

**JOINT RESOLUTION BETWEEN THE CITY OF DEMING AND
DEMING PUBLIC SCHOOLS CONCERNING THE ISSUANCE
OF SOLAR PROJECT INDUSTRIAL REVENUE BONDS**

This Resolution is made and adopted by the Board of Education (the "Board") constituting the governing board of the Deming Public School District (the "District") at its regular meeting on February 25, 2013, and by the City of Deming at a special meeting of the City of Deming Council on February 27, 2013.

WHEREAS, Affordable Solar Installation, Inc. ("Affordable Solar") has requested that the City Council of the City of Deming (the "City") approve the issuance by the City of an Industrial Revenue Bond (the "IRB") to support development of a solar photovoltaic power electrical generation project (the "Project") for the benefit of the City and its inhabitants; and

WHEREAS, the Project is anticipated to provide electricity to the City's Water and Wastewater Utility facilities (the "Utility") at significantly lower rates than those charged by the current electric utility company, which is anticipated to result in twenty-five years of energy cost savings to the City and its inhabitants, and to benefit the District; and

WHEREAS, the Utility serves the District, among other customers; and

WHEREAS, the City has asked that the District accept, as a payment in lieu of taxes (a "PILOT") the long-term economic benefit expected to result from the reduced electricity rates for wastewater treatment due to the operation of in the operation of the Utility resulting from the Project; and

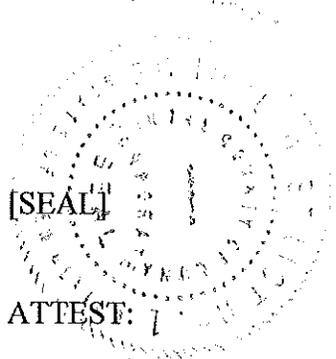
WHEREAS, acceptance by the District of the PILOT as described above is a significant condition to the City's approval of the IRB issuance on behalf of Affordable Solar.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board hereby approves, adopts, and ratifies the District's acceptance of the PILOT offered herein, specifically acknowledging the long-term economic benefit to the District anticipated to result from the reduced electricity rates in the operation of the Utility resulting from the Project.
2. As provided by Section 3-32-6(A)(2) NMSA 1978, the Board approves and ratifies the acquisition by the City of the Project and related facilities in connection with the issuance of the IRB.
3. The Board hereby designates the District's Superintendent as its authorized representative to take all actions on behalf of the Board necessary to complete the proposed acceptance of the City's offer, including the execution of any necessary documents therefor.

4. The Board hereby directs the Superintendent to provide Affordable Solar (or its assignee, as the case may be) and the City with a certified copy of the minutes of the meeting on February 21, 2013 at which the acceptance of the offer was approved and this Resolution was adopted.

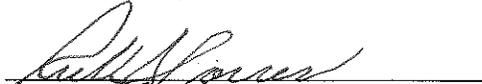
PASSED, ADOPTED AND APPROVED this 25th day of February, 2013.



**BOARD OF EDUCATION OF
DEMING PUBLIC SCHOOL DISTRICT**



William B. Anderson, Board President



Ruben S. Torres, Board Secretary

AND BE IT FURTHER RESOLVED that the City of Deming will reciprocate and commit to sponsor a similar future Solar Project Industrial Revenue Bond on behalf of Deming Public Schools, within a 12 mile radius of the city limits, with no provision for payment in lieu of taxes back to the City.

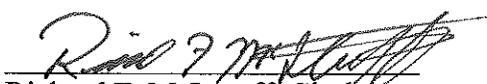
PASSED, ADOPTED AND APPROVED this 27th day of February, 2013.



CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:


Richard F. McInturff, Clerk