



Phone (575) 546-8848 • Fax (575) 546-6442  
E-MAIL: deming@cityofdeming.org • Website: www.cityofdeming.org  
P.O. BOX 706 • DEMING, NEW MEXICO 88031  
POPULATION 14,000

# CITY COUNCIL MEETING

## April 9, 2012

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

## AGENDA

Call to Order / Pledge of Allegiance

1. Consent Agenda
  - A. Minutes - City Council Workshop and Regular Meeting 3/12/12
  - B. Minutes - Special City Council Meeting 2/24/12
  - C. Minutes - Tourism Development Commission 3/14/12
  - D. Minutes - Planning and Zoning Commission 3/19/12  
*(No meeting due to lack of applications)*
  - E. Minutes - Parks Commission 3/13/12  
*(No meeting due to lack of quorum)*
  - F. Minutes - Historic Landmark Commission 3/22/12
    - a. Recommendation to send a member of staff or a member of the HLC to the New Mexico Heritage Preservation Alliance Annual Conference.
  - G. Minutes – Marshall Memorial Library 3/27/12
2. Public Forum
3. Proclamation Declaring the 14<sup>th</sup> Day Through the 22<sup>nd</sup> Day of April as “Individual Personal Planning Week”
4. Proclamation Sexual Assault Awareness Month
5. Ratification of Proclamation Declaring April as National Child abuse Prevention Month
6. Adoption of City Organizational Chart
7. Approval of Amendments to Bargaining Unit Agreements with Fire and Police Departments
8. AR DM-08-05 An Administrative Regulation Governing Leave
9. Adoption of Amended City of Deming Personnel Policies and Procedures Manuel
10. Resolution Authorizing the City of Deming to enter into a Commercial Internet Banking Agreement with First New Mexico Bank
11. Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund
12. Quasi-Judicial Public Hearing to consider an Rezoning Request for Jaime Munoz
13. Bids
  - a. Bid #12-12 Professional Legislative Services

14. Closed Session to discuss the purchase of industrial real estate and personnel matters for discussion of appointed and competitive employee performance reviews pursuant to NMSA 1978, Sections 10-15-1 (H)(8) and Sections 10-15-1(H)(2), of the Open Meetings Act.
15. Adjourn Meeting

*The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., May14, 2012.*

# CITY COUNCIL WORKSHOP MINUTES April 9, 2012

**Council Present:**

**Andres Z. Silva, Mayor**

**Council Absent:**

**David Sanchez, Councilor**

**William Shattuck, Councilor**

**Joe "Butter" Milo, Councilor**

**Linda Enis, Mayor Pro Tem**

**Staff Present:**

**Richard McInturff, City Administrator**

**Lawrence Brookey, Public Works Director**

**Michael Carrillo, Police Chief**

**Vicki Engle, HR/Safety Coordinator**

**Aaron Sera, Assistant City Administrator**

**Edgar Davalos, Fire Chief**

**Rick Kocab, Assistant Treasurer**

**Recording Secretary: Berenda McWright, Assistant Deputy Clerk**

Mayor Silva and the City Council of Deming, New Mexico held a Council Workshop on April 9, 2012 at 4:00 p.m. to discuss items on the agenda of the City Council regular meeting scheduled for 6:00 p.m. the same day.

Mr. McInturff pointed out a couple of corrections that were made to the minutes of the Council Workshop and the Library Board meetings. The corrected minutes were provided for packet replacements. Mayor Silva pointed out a typographical error on page six of the Council minutes. Ms. McWright offered to make the corrections prior to the regular meeting.

Mayor Silva stated that he planned to read the Proclamation declaring the 14<sup>th</sup> day through the 22<sup>nd</sup> day of April as "Individual Personal Planning Week" and have Chief Davalos give further explanation.

Mayor Silva stated that the Proclamation for Sexual Assault Awareness Month would be presented by Angela, Lawrence or Nancy as it pertains to their leadership project. Mr. Brookey explained the project includes preparing kits for rape victims, which include clothing and other necessities.

The Ratification of the Proclamation declaring April as National Child Abuse Prevention Month will be presented by Mayor Silva.

Vicki Engle discussed some of the updates that were made to the City Organizational Chart which she would be presenting for the Council meeting.

Ms. Engle provided a written summary and an explanation of the tentatively agreed upon changes to the Bargaining Unit Agreements with Fire and Police Departments which she will be presenting to Council.

Ms. Engle also provided a detailed written summary and an explanation of the amendments to AR DM-08-05 an Administrative Regulation Governing Leave as well as the amendments to City of Deming Personnel Policies and Procedures Manuel, which she will be presenting for Council approval. An additional change to the wording on page 13 of the policy manual was suggested and agreed upon during the workshop and would be presented as a packet replacement at the meeting.

The Resolution authorizing the City of Deming to enter into a Commercial Internet Banking Agreement with First New Mexico Bank will be presented by Mr. Kocab. Mr. Kocab explained the Resolution is needed for the City to utilize the online banking feature as opposed to delivering a floppy disc to the back for payroll.

The Resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund will be presented by Mr. Sera. Mr. Sera stated the application is due next week.

The Quasi-Judicial Public Hearing to consider a Rezoning Request for Jaime Munoz will be presented by Nancy White.

The Bid #12-12 Professional Legislative Services will be presented by Mr. McInturff. Mr. McInturff stated that JNC and Associates submitted a proposal at \$36,000 and David Kimble's Firm submitted a proposal for \$30,000. The Kimble proposal covers both the Democrat and the Republican sides of the aisle.

There will be a Closed Session to discuss the purchase of industrial real estate and personnel matters including appointed and competitive employee performance reviews.

With no further business to conduct the workshop was adjourned at 4:55 p.m.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk



# CITY COUNCIL MEETING MINUTES

April 9, 2012

## Council Present:

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

William Shattuck, Councilor  
Joe "Butter" Milo, Councilor

## Staff Present:

Richard McInturff, City Administrator  
Aaron Sera, Assistant City Administrator  
Vicki Engle, Human Resource Coordinator  
Lawrence Brookey, Public Works Director  
Nancy White, Community Planner Technician

Jim Foy, City Attorney  
Michael Carillo, Police Chief  
Edgar Davalos, Fire Chief  
Richard Kocab, Assistant Treasurer

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

Mayor Silva led the pledge of allegiance and called the meeting to order at 6:00 p.m.

## 1. Consent Agenda:

- A. Minutes - City Council Workshop and Regular Meeting 3/12/12
- B. Minutes - Special City Council Meeting 2/24/12
- C. Minutes - Tourism Development Commission 3/14/12
- D. Minutes - Planning and Zoning Commission 3/19/12  
(No meeting due to lack of applications)
- E. Minutes - Parks Commission 3/13/12  
(No meeting due to lack of quorum)
- F. Minutes - Historic Landmark Commission 3/22/12
  - i. Recommendation to send a member of staff or a member of the HLC to the New Mexico Heritage Preservation Alliance Annual Conference.
- G. Minutes - Marshall Memorial Library 3/27/12

Councilor Shattuck motioned to approve the Consent Agenda as presented. The motion was seconded by Councilor Milo and was approved unanimously.

2. **Public Forum:** A public comment period was entertained by the Council.

3. **Proclamation declaring the 14<sup>th</sup> Day Through the 22<sup>nd</sup> Day of April as "Individual Personal Planning Week":** Mayor Andres Z. Silva read the proclamation for the record. Fire Chief Edgar Davalos explained the proclamation is part of an effort to educate the public regarding preparation for emergency type situations. Citizens are being encouraged to prepare informational packets which include their medical history, current medications, medical cards, copy of DNR and legal documents. Mayor Pro Tem Enis motioned to adopt

the Proclamation declaring the 14<sup>th</sup> day through the 22<sup>nd</sup> day of April as "Individual Personal Week". The motion was seconded by Councilor Sanchez and was approved unanimously.

4. **Proclamation Sexual Assault Awareness Month:** Mayor Silva read the Proclamation for the record. Public Works Director Lawrence Brookey announced that he along with Angela Wilder and Nancy White are working on "Project Care" as part of their 2012 Southwestern New Mexico Leadership Program. The purpose of their project is to help victims of sexual assault by assembling kits containing clothing and necessities that can be used after a rape victim is processed at the hospital. Councilor Milo motioned to adopt the Proclamation declaring April as Sexual Assault Awareness Month. The motion was seconded by Councilor Sanchez and was approved unanimously.
  
5. **Ratification of Proclamation Declaring April as National Child Abuse Prevention Month:** Mayor Silva read the Proclamation for the record. Mayor Silva stated the proclamation was a result of a child who participated in the Mayor's Round Table and opened up to the group about their own personal experiences. Mayor Pro Tem Enis motioned to approve the ratification of the Proclamation declaring April as National Child Abuse Prevention Month. The motion was seconded by Councilor Milo and was approved unanimously.
  
6. **Adoption of City Organizational Chart:** Human Resource Coordinator Vickie Engle pointed out some of the changes to the organizational chart which included the addition of new employees and changes in job titles. Some of the changes included the following employees; Archie Heddleston, Diana Tarango, Wesley Hooper, Berenda McWright, Efen Rivera, Javier Reyes, Nancy White, Richard McBride, Frank Ganung and Aaron Sera. Councilor Shattuck motioned to adopt the City Organizational Chart as presented. The motion was seconded by Councilor Milo and was approved unanimously.
  
7. **Approval of Amendments to Bargaining Unit Agreements with Fire and Police Departments:** Ms. Engle stated that negotiations with the fire and police departments were completed and provided a written summary of tentatively agreed upon changes to the Bargaining Unit Agreements. Ms. Engle discussed some of the changes to the language in fire department agreement as follows:
  - Bargaining unit employees may be eligible for merit increases based on employee's evaluation, job performance, and disciplinary history, among other factors as determined by the City. Merit Increases are subject to sufficient appropriation by the City Council and shall be based on City Policy.
  - References to longevity increases and anniversary dates were removed.
  - Union requested an increase in their incentive pay for EMT intermediate certification from \$.6525 to \$.77 cents per hour.
  - Union requested an increase in EMT paramedic certification incentive from \$1.30 to \$1.53.
  - The limits of the number of EMT I positions were temporarily extended to eight positions until June of 2013.

Councilor Milo motioned to adopt the amendments negotiated by management and the Deming Firefighters Association as presented. The motion was seconded by Mayor Pro Tem Enis and was approved unanimously.

Ms. Engle provided a written summary of the tentatively agreed upon changes to the agreement with the Police Officers Association/Fraternal Order of Police. She discussed some of the language changes as follows:

- Upon satisfactory completion of the probationary period, a bargaining unit employee will be provided a uniform allowance of \$400 per year. Uniformed officers will receive an additional \$200. The officer may draw against the allowance to purchase equipment, uniforms, and other police work clothing as approved by the Chief of Police.
- Special Team members will be provided an annual clothing allowance. Bike Patrol will receive \$200 annually and SRT members will receive \$400 annually.
- Bargaining Unit employees who are eligible may receive a merit increase within the pay plan based on their most recent evaluation. Employees will move from a Range 17 to a Range 20 upon certification by the New Mexico Law Enforcement Academy. Due to budget constraints, the City Administrator may freeze all merit increases at his discretion.
- Payment of 3.5% for certification or degree for Firefighter Level 1, EMS basic, Bachelor Degree and Masters. One point seven five percent (1.75%) will be given for an Associate's Degree.
- All employees assigned to patrol shifts covered under this contract will be given eight hours holiday pay for the holidays listed if they work on the day of the holiday or not. Employees will receive the day off with pay, unless on suspension or under disciplinary action. Detectives called out during a holiday will be paid 1½ times their regular rate for the hours actually worked on the holiday.
- The City offers group insurance plans through the State of New Mexico for permanent full-time employees who have completed on month of continuous active service with the City. An employee which coverage is desired. Specific details of the plan and cost to an employee are available in the City Administration Offices. The current established co-pay for medical insurance for all employees is 65% and 35% for a base pay over \$30,000 based on the lowest plan premium.
- During the first six months of the employee receiving Worker's Compensation benefits, the City will pay the 35% employee contribution for an employee participating in the City's offered health insurance coverage.

Mayor Pro Tem Enis motioned to adopt the amendments negotiated by management and The Deming Police Officers Association Fraternal Order of Police as presented. The motion was seconded by Councilor Sanchez and was approved unanimously.

8. **AR DM-08-05 An Administrative Regulation Governing Leave:** Ms. Engle provided an itemized written sheet showing all of the changes within the regulation which mostly included clarification of the language and renumbering (See Attached). The following new paragraphs were inserted:

- In instances of chronic absenteeism, and when an employee's employment record reveals a history of absences that demonstrate an obvious problem, the employee may be subject to disciplinary action, up to and including termination.
- Employees will identify situations that fall under the Family and Medical Leave Act (FMLA) when requesting leave. Requests for any leave that fall under the FMLA program (such as caring for a family member with a serious medical health condition or military entitlements), will comply with documentation requirements under that program.
- No employee will request more annual leave than will be accrued for that date. Any time taken over an employee's annual leave balance will be deemed unauthorized, will be unpaid, charged as AWOL and subject to disciplinary action up to and including termination. It is the employee's responsibility to monitor their personal leave balances.
- In order to qualify for un-worked holiday pay an employee must work the last scheduled shift prior to and the first scheduled shift following a holiday, unless he/she is on previously scheduled and approved paid leave. An employee who does not work before and after a holiday due to taking unscheduled leave, an unauthorized absence without leave or authorized leave without pay shall not be entitled to un-worked holiday pay.
- At the time of the donation, employees may designate a currently eligible recipient of their donated leave, if a request from another employee has been approved and is in an active status. Unused designated leave will revert to the Humanitarian Pool for future use and will not be returned to the donor.

Councilor Shattuck motioned to approve amendments presented to AR DM-08-05, an Administrative Regulation Governing Leave. The motion was seconded by Councilor Milo and was approved unanimously.

- 9. Adoption of Amended City of Deming Personnel Policies and Procedures Manuel:** Ms. Engle presented an itemized list of the changes to the Personnel Policies and Procedures Manuel (See Attached) and provided a brief explanation of the content changes as follows:
- The position of Municipal Clerk was added to the list of noncompetitive positions.
  - Service credit is calculated from the most recent hire date and does not include previous service.
  - Re-employed annuitants do not accrue service credit for the purpose of seniority.
  - As a condition of employment, all candidates tentatively offered a position will be required to successfully pass a pre-employment drug test, a pre-employment medical examination, and a background check
  - The City recognizes that employees may need time away from work to rest and relax or time away from the job to take care of emergencies or personal business that cannot be taken care of during non-working hours.

Mayor Pro Tem Enis motioned to adopt the Amended City of Deming Personnel Policies and Procedure Manuel. The motion was seconded by Councilor Sanchez and was approved unanimously.

10. **Resolution Authorizing the City of Deming to enter into a Commercial Internet Banking Agreement with First New Mexico Bank:** Assistant Treasurer Rick Kocab recommended approval of the Resolution which will allow for payroll to be completed using online banking as opposed to transporting a floppy disk. Councilor Milo motioned to approve the Resolution authorizing the City of Deming to enter into a Commercial Internet Banking Agreement with First New Mexico Bank. The motion was seconded by Councilor Shattuck and carried unanimously.
11. **Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund:** Assistant City Administrator Aaron Sera recommended approval of the Resolution authorizing and approving the submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund. Mr. Sera explained the project includes the design, construction and improvements to the sewer system in the Bell School area. Mayor Pro Tem Enis motioned to approve the Resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority from the Colonias Infrastructure Fund. The motion was seconded by Councilor Sanchez and was approved unanimously.
12. **Quasi-Judicial Public Hearing to consider a Rezoning Request for Jaime Munoz:** Mayor Silva conducted a quasi-judicial public hearing to consider a rezoning request for Jaime Munoz. Mayor Silva confirmed that Council had no conflict of interest; that the public notices were legally posted; and swore in all parties who would be giving testimony. Mayor Silva asked staff to present the case. Community Planning Technician Nancy White presented the application from Jaime Munoz for the property located to 124 W. Winston Street to be rezoned from "C" Commercial to "B-1" Multi-family dwelling. The applicant has already purchased and placed a double-wide manufactured home on the property which he is purchasing from Frank and Robyn Callo-Calandriello. Ms. White recommended approval of the rezoning of Lot 1, Block 6, of the Pleyte Plat, which would be contiguous with the zoning west of the subject property. Mr. McInturff explained the nexus for the request had to do with some theft on the adjoining commercial property across the alley that faces Gold Street. The adjoining property consists of a used car lot that has suffered from vandalism and theft, causing hardship to the property owner. Security will be provided by having a residence close to the premise. Councilor Milo spoke in favor of allowing the property to be rezoned due to the security issues. The applicant was not present. Councilor Shattuck motioned to approve the rezoning request from "B1" – Multi-Family Dwelling to "C" Commercial for Lot 1 Block 6 of the Pleyte Plat. The motion was seconded by Mayor Pro Tem Enis and was approved unanimously following a roll call vote.

**ROLL CALL VOTE:**

Councilor Sanchez	Aye
Mayor Pro Tem Enis	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Silva announced that any action of the City Council in approving, conditionally approving or denying this application may be appealed to the District Court, 15 calendar days after the date of this action by the applicant, any aggrieved person, by any member of the City Council or by the City Administrator.

13. **Bid #12-12 Professional Legislative Services:** Mr. McInturff stated that two proposals were received to provide Professional Legislative Services to the City of Deming; one from JNC & Associates and one from Kimble & Associates. The proposals were evaluated based on the criteria of costs and qualifications by a three member committee consisting of Richard McInturff, Aaron Sera and Vickie Engle. The committee recommended the selection of Kimble and Associates. Councilor Shattuck motioned to award Bid #12-12 Professional Legislative Services to Kimble & Associates for \$30,000 per year plus gross receipts tax for one year and renewable annual extensions for three years. The motion was seconded by Mayor Pro Tem Enis and carried unanimously.
14. **Closed Session to Discuss the Purchase of Industrial Real Estate and Personnel Matters for Discussion of Appointed and Competitive Employee Performance Reviews Pursuant to NMSA 1978, Sections 10-15-1 (H)(8) and Sections 10-15-1(H)(2), of the Open Meetings Act:** Mayor Silva requested a motion to go into closed session to discuss the purchase of industrial real estate and personnel matters for discussion of appointed and competitive employee performance reviews pursuant to NMSA 1978, Sections 10-15-1 (H)(8) and Sections 10-15-1(H)(2), of the Open Meetings Act. Councilor Sanchez motioned to go into closed session. The motion was seconded by Councilor Milo and was approved unanimously by a roll call vote.

**ROLL CALL VOTE:**

Councilor Shattuck	Aye
Councilor Sanchez	Aye
Mayor Pro Tem Enis	Aye
Councilor Milo	Aye

A motion was made by Councilor Milo to come back into open session; seconded by Councilor Sanchez and approved unanimously by a roll call vote.

**ROLL CALL VOTE:**

Councilor Sanchez	Aye
Mayor Pro Tem Enis	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Silva noted for the record that only those items that listed in the motion for closed session were discussed and no motions were made in closed session.

Mayor Pro Tem Enis motioned to authorize management to negotiate and the Mayor to execute closing documents for two properties in Section 17, Township 23 South, Range 9 West, NMPM. The two parcels include a 19 acre tract owned by Gallegos and a 20 acre tract owned by Martinez for appraised value. The purchase is to be transacted with the owners of record. The motion was seconded by Councilor Sanchez and carried unanimously.

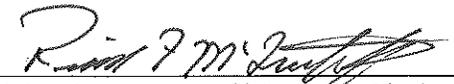
15. **Adjourn Meeting:** The meeting was adjourned at 8:25 p.m. upon a motion by Councilor Shattuck, seconded by Mayor Pro Tem Enis and carried unanimously.

*The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., May 14, 2012.*

CITY OF DEMING

  
\_\_\_\_\_  
Andries Z. Silva, Mayor

ATTEST:

  
\_\_\_\_\_  
Richard F. McInturff, Deputy Clerk



# Proclamation

*WHEREAS*, WE VALUE OUR FAMILY MEMBERS, FRIENDS, COMMUNITIES, AND OURSELVES; AND

*WHEREAS*, EVERYONE IS ENCOURAGED TO PLAN AHEAD IF WE WANT TO KEEP SOME CONTROL OVER WHAT HAPPENS TO US RELATED TO FUTURE HEALTHCARE DECISIONS AND TO OUR FINANCIAL MATTERS; AND

*WHEREAS*, WE MAY BE FACED WITH TEMPORARY INCAPACITY AT THE TIME INFORMED CONSENT IS REQUIRED FOR MEDICAL TREATMENT, OR RELATED TO FINANCIAL OR OTHER MATTERS; AND

*WHEREAS*, PREPARATIONS ARE AS IMPORTANT FOR YOUNGER INDIVIDUALS AS IT IS FOR THE ELDERLY FOR THE POSSIBLE EVENT OF OUR HAVING LIMITED CAPACITY TO MAKE OR COMMUNICATE DECISIONS FOR OUR OWN WELL-BEING; AND

*WHEREAS*, INDIVIDUALS CAN AVOID THE COURT'S APPOINTING A GUARDIAN OR CONSERVATOR BY DESIGNATING SOMEONE IN ADVANCE TO MAKE DECISIONS FOR THEM; AND

*WHEREAS*, ASSISTANCE IS AVAILABLE IN ORDER TO COMPLETE THE APPROPRIATE FORMS, IN THE UNFORTUNATE EVENT WE ARE UNABLE TO MAKE DECISIONS FOR OURSELVES; AND

*WHEREAS*, WE STRONGLY ENCOURAGE DISCUSSING OUR PERSONAL CHOICES WITH ADULT FAMILY MEMBERS, TRUSTED FRIENDS, AND PROFESSIONALS, THIS IS A GIFT YOU CAN GIVE YOUR LOVED ONES TO MAKE THEIR LIFE SO MUCH EASIER IN CARING FOR YOU AND YOUR FINANCIAL AFFAIRS; AND

*WHEREAS*, WE MUST ALL REMEMBER THIS MUST BE COMPLETELY VOLUNTARY ON THE PART OF EACH INDIVIDUAL, WHERE EACH INDIVIDUAL DECIDES FREELY UNDER NO UNDUE INFLUENCE; AND

*WHEREAS*, EVERYONE IS ENCOURAGED TO REVIEW THEIR ARRANGEMENTS PERHAPS EVERY YEAR, AT LEAST WITH SIGNIFICANT CHANGES IN OUR LIFE AND UPON DIAGNOSIS OF A MAJOR MEDICAL CONDITION, TO MAKE SURE THEY REMAIN CURRENT; AND

*WHEREAS*, NEW MEXICO IS FORTUNATE WITH MANY PROFESSIONALS, RELIGIOUS, SOCIAL AND OTHER STATE-WIDE AND COMMUNITY ORGANIZATIONS WHO CAN ARRANGE FOR BROAD EDUCATION AND TRAINING OF OUR COMMUNITIES; AND

*WHEREAS*, WE NEED OUR COMMUNITY LEADERS AND OTHERS TO ORGANIZE FORUMS AND CAMPAIGNS ACROSS THE STATE;

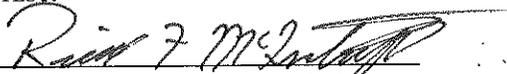
*WHEREAS*, SUSANA MARTINEZ, GOVERNOR OF THE STATE OF NEW MEXICO, PROUDLY PROCLAIMED THE 14<sup>TH</sup> DAY THROUGH THE 22<sup>ND</sup> DAY OF APRIL, 2012 AS "INDIVIDUAL PERSONAL PLANNING WEEK"

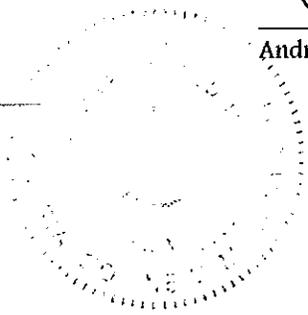
*NOW THEREFORE*, WE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DEMING, DO HEREBY PROUDLY PROCLAIM THE 14<sup>TH</sup> DAY THROUGH THE 22<sup>ND</sup> DAY OF APRIL, 2012 AS

**"INDIVIDUAL PERSONAL PLANNING WEEK"**

DONE THIS 9<sup>th</sup>, DAY OF APRIL, 2012 IN THE CITY OF DEMING, NEW MEXICO.

ATTEST:

  
Richard F. McInturff, Deputy Clerk



  
Andrés Z. Silva, Mayor

**PROCLAMATION**  
**National Sexual Assault Awareness Month Proclamation**

*April 9<sup>th</sup>, 2012*

Whereas, National Sexual Assault Awareness Month was initiated in the month of April 2001 by a group of public and private organizations dedicated to raising awareness of sexual assault issues;

Whereas, from that day forward National Sexual Assault Awareness Month has occurred in April with events to educate the public about sexual assault and to fund aid projects for victims of Sexual Assault;

Whereas, National Sexual Assault Month is an effort to raise awareness of sexual assault issues through greater knowledge and understanding;

Whereas, National Sexual Assault Month recognizes the efforts of national and community organizations working with partners and volunteers to improve awareness of key sexual assault issues;

Whereas, **SWNM Leadership Programs class for 2012 in partnership with Sexual Assault Support Service** has chosen **Deming, New Mexico** to officially launch our local efforts.

In the **City of Deming**, I urge all citizens to participate in **SWNM Leadership Program's Project Care in conjunction with Sexual Assault Support Services** planned hereforth.

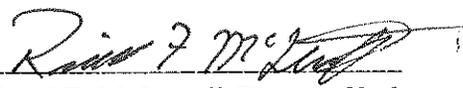
**NOW, THEREFORE**, the Mayor and City Council of the City of Deming, do hereby proclaim April as:

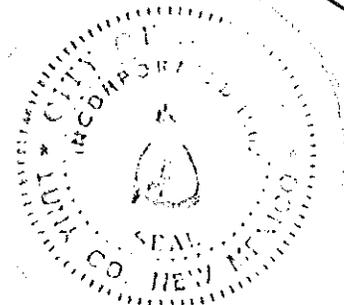
***"SEXUAL ASSAULT AWARENESS MONTH"***

Done this 9<sup>th</sup>, day of April, 2012 in the City of Deming, New Mexico.

  
\_\_\_\_\_  
Andres Z. Silva, Mayor

ATTEST:

  
\_\_\_\_\_  
Richard F. McInturff, Deputy Clerk



# Proclamation

## National Child Abuse Prevention Month

**Whereas:** child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Luna County; and

**Whereas:** every child is entitled to be loved, cared for, nurtured, and to feel secure and free from verbal, sexual, emotional & physical abuse and neglect; and

**Whereas:** approximately 3 million children are reported abused and neglected in this country each year. Most physical abuse or neglect occurs among children under the age of two, during a critical period of brain development; and

**Whereas:** the effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

**Whereas:** warning signs of child abuse or neglect include nervousness, aggression, inability to concentrate for long periods of time, sudden dramatic changes in personality, acting out sexually, frequent or unexplained injuries, low self-esteem, and poor hygiene; and

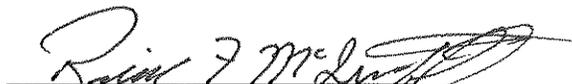
**Whereas:** all citizens, community agencies, faith organizations, and businesses will work to increase their efforts to support families

**THEREFORE BE IT RESOLVED** that I, **Andres Z. Silva, Mayor of the City of Deming**, do hereby proclaim the month of **April 2012 Child Abuse Prevention Month**. AND BE IT FURTHER RESOLVED that the City of Deming enthusiastically endorses *Child Abuse Prevention Month* and encourages fellow residents in the City to support our young people by protecting and providing them a safe environment free from physical, sexual, and emotional abuse

**Done** this 3<sup>rd</sup> day of April of 2012 in the City of Deming, New Mexico.

  
\_\_\_\_\_  
Andres Z. Silva, Mayor

ATTEST:

  
\_\_\_\_\_  
Richard F. McInturff, Deputy Clerk

RESOLUTION NO. 12-17

**A RESOLUTION AUTHORIZING THE CITY OF DEMING  
TO ENTER INTO A COMMERCIAL INTERNET BANKING  
AGREEMENT WITH FIRST NEW MEXICO BANK**

The undersigned, hereby certifies to First New Mexico Bank that Richard F. McInturff is the Administrator/Treasurer/Deputy Clerk of the City of Deming unless otherwise designated, Secretary or Assistant Secretary and designated keeper of the records and minutes of the City of Deming identified above. I have full authority to make representations set forth in these Resolutions on behalf of the City of Deming; and that the following is a true and correct copy of Resolutions duly adopted by the City Council at a meeting held on 9<sup>th</sup> day of April, 2012, at which a quorum was present and acting through, or adopted by the written consent of a majority of those entitled to or required to act to bind the City of Deming, and that such Resolution are in full force and effect and have not been amended or rescinded:

**WHEREAS**, the person executing the attached Agreement and Enrollment Form is hereby authorized on behalf of the City of Deming an in its name, to execute and deliver said forms, and to thereby bind the City of Deming to First New Mexico bank Internet Business Banking Agreement, as amended from time to time, for the purpose of enabling representatives of the City of Deming to obtain account information, perform fund transfers between City of Deming and/or to make payments from City of Deming accounts through the use of one or more passcodes.

**WHEREAS**, each person named on the attached Enrollment Form, acting alone, is hereby authorized to act on the City of Deming's behalf in all matters relative to City of Deming passcodes, including but not limited to the right to (i) establish additional passcode IDs on the City of Deming's behalf, (ii) terminate or cancel any/all existing passcodes; (iii) change the City of Deming's account(s) associated with passcode ID, (iv) change the activity level of an account associated with any passcode, (v) name additional persons who will have maintenance authority over City of Deming passcodes, or terminate the authority of any person with maintenance authority over City of Deming's passcode.

**WHEREAS**, the foregoing Resolutions shall remain in full force and effect and the authority herein given to all of said persons shall remain irrevocable as far as the Bank is concerned until after the Bank is notified in writing of the revocation of such authority and the receipt of such notice shall not affect any action taken by the Bank prior thereto; and

**NOW THEREFORE BE IT RESOLVED**, this authorization shall remain in force and effect notwithstanding any subsequent change in such specific or general account resolution, signature card or related documentation. Any notice of a termination or change with respect to the identity of a Primary Administrator or the authority of any

person to use a passcode must specifically state that it related to passcodes and must specifically describe the termination or change requested.

**PASSED, ADOPTED, AND APPROVED** this 9<sup>th</sup> day of April, 2012.

**CITY OF DEMING**



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Andres Z. Silva

**ATTEST:**



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Richard F. McInturff, Deputy Clerk



**RESOLUTION NO. 12-18**

**CITY OF DEMING  
AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED  
APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO  
THE NEW MEXICO FINANCE AUTHORITY FOR THE  
COLONIAS INFRASTRUCTURE FUND**

WHEREAS, the City of Deming ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and the City of Deming ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Colonias Infrastructure fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake design, construction and improvements of the Bell School Sewer System Improvements Project ("Project") for the benefit of the Governmental unit and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

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

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

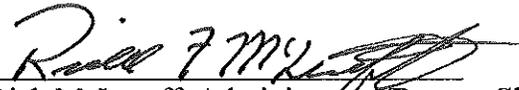
Section 5. This resolution shall take effect immediately upon its adoption.

PASSED APPROVED AND ADOPTED this 9th day of April, 2012.

CITY OF DEMING

By   
\_\_\_\_\_  
Andres Z. Silva, Mayor



  
\_\_\_\_\_  
Rick McInturff, Administrator /Deputy Clerk