



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

### September 14, 2015

### 6:00 P.M.

### AGENDA

#### Call to Order/Pledge of Allegiance

1. Consent Agenda
  - A. Minutes – City Council Regular Meeting 08/10/15
  - B. Minutes – Airport Commission Meeting 08/11/15
    - a. Recommendation for City staff to invite the Visitor’s Center and the event coordinator to next Airport Commission Meeting
  - C. Minutes – Planning and Zoning Commission Meeting 08/17/15
    - a. Recommendation for approval of the variance request for an off-premise sign for IHOP  
*(to be presented later as Quasi-Judicial Public Hearing)*
  - D. Minutes – Marshall Memorial Library Board Meeting 08/25/15
  - E. Bids:
    - a. RFP #15-14 Domestic Water General Engineering Services (State)
    - b. RFP #15-15 Domestic Water General Engineering Services (Federal)
2. Public Forum
3. Approval of Proclamation-Domestic Violence Awareness Month 2015
4. Deming Luna County Economic Development Corporation-Update
5. Approval/Denial of the Partnership Agreement between the Southwest New Mexico Energy Task Force Stakeholder Board and the City of Deming (Local Government Partner)
6. Approval/Denial of a List of Assets to be Considered as Excess and Allow Disposal by Auction.
7. Approval/Denial of a Resolution for the City of Deming to Become the 2<sup>nd</sup> Fiscal Agent for the NMCAP Entity.
8. Approval/Denial of a Resolution for Participation in State of New Mexico Interstate Stream Commission (ISC) City of Deming Effluent Reuse Funding Agreement Administered by the Interstate Stream Commission
9. Bids:
  - a. Bid #15-07 Low Bid Recommendation for Florida Street Widening Project
  - b. Bid #16-04 Low Bid Recommendation for Liner Construction at Butterfield Trail Regional Landfill Cell 1B *(information available at meeting)*

10. Quasi-Judicial Public Hearing to Consider a Variance Request for an Off-Premise Sign for IHOP
11. Administrator's Report
12. Adjourn Meeting

***The next regular City Council Meeting is scheduled for October 12, 2015 at 6:00 p.m.***

# CITY COUNCIL MEETING MINUTES September 14, 2015

**Council Present:** Benny L. Jasso, Mayor  
David L. Sanchez, Councilor  
Roxana Rincon, Councilor

Joe "Butter" Milo, Mayor Pro Tem  
Dr. Victor Cruz, Councilor

**Council/Staff Absent:** Aaron Sera, City Administrator

**Staff Present:** Jim Massengill, Public Works Director  
Wesley Hooper, Community Svcs. Dir.  
Laura Holguin, Treasurer  
Jim Foy, City Attorney  
Mary Corral, Receptionist

Raul Mercado, Fire Chief  
Gina Gentile, City Planner  
Brandon Gigante, Police Chief  
Cassie Arias, Economic Dev. Coord.

**Recording Secretary:** Lila Jasso, Administrative Secretary/Asst. Deputy Clerk

Mayor Jasso called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

## 1. Consent Agenda

Mr. Massengill called attention to Item C. Minutes—Planning and Zoning Commission Meeting 8/17/15. He noted that the recommendation listed in this item will be presented later as a Quasi-Judicial Public Hearing later in the meeting.

He went on to mention item E. Bids RFP# 15-14 and 15-15 Domestic Water General Engineering Services, in which he stated that the RFPs for Engineering Services for both State and Federal projects were ranked and rated by staff. Mr. Massengill noted that 3 firms were selected for each, RFP 15-14 and 15-15.

Mayor Pro Tem Milo asked about the possibility of another engineering firm coming in to the area and trying to get City projects. Mr. Massengill stated that these RFPs are for water projects and that if that possibility came up, they would be able to try for other projects. Mr. Massengill noted that the term for the chosen engineers is an annually renewable contract for up to four years.

Councilor Cruz stated that he appreciates the monthly reports and minutes and that are included in the meeting packet. He gave kudos to all those who submit the reports. A brief discussion was entertained between Mayor Pro Tem Milo and Councilor Cruz pertaining to the Consent Agenda.

Mayor Pro Tem Milo moved to approve the Consent Agenda, as presented. Councilor Cruz seconded the motion; motion carried unanimously.

## 2. Public Forum

Comments were made by the following person:

- o Christie Ann Harvey,  
With no further comments, Mayor Jasso closed the public forum session.

**3. Approval of Proclamation-Domestic Violence Awareness Month 2015**

Mayor Jasso presented this proclamation to Council and read it into record.

Councilor Sanchez moved to ratify the proclamation for Domestic Violence Awareness Month 2015, as presented. Councilor Rincon seconded the motion; motion carried unanimously.

Councilor Cruz announced that the Friends of the Healing House, the local domestic violence shelter, will be having a fundraiser with a free concert and vendors this Friday from 7:00 p.m. to 12:00 a.m.

**4. Deming Luna County Economic Development Corporation-Update**

Cassie Arias, Economic Development Coordinator, gave an insight as to what Deming Luna County Economic Development Corporation (DLCEDC) is and does. She stated that in June they had their annual meeting in which the executive board were elected. Ms. Arias stated that Bruce Ashburn, PNM, was elected as Chair, Justin Alonso, Vice Chair and Business Retention and Expansion Committee Chair, Mary Lou Cameron, Treasurer, and DJ Nelson as Secretary. She stated that other member serving in perpetuity are Dr. Dan Lere, DPS, Jessica Etcheverry, Luna County, Joe “Butter” Milo, City of Deming. Ms. Arias noted that other members are Kenneth Leupold, Chair of Workforce Development Committee, Barbara Reedy, Chair of the Retirement Committee, Arsen Khanbabain, Chair of Internal Operations Committee, and Teresa McLane who is another board member.

Ms. Arias stated that prior to a year ago, the organization did not have a mission statement, which she stressed can be harmful to an organization because there is not anything to reach for. She read the Mission Statement, “Our mission is to build & maintain a flourishing community by growing from within. Creating opportunities from our diverse population is our priority.” She noted that the little things the organization is doing today are worthwhile. She stated that DLCEDC needs to be the leader in recognizing the needs and strengths of the community. She stated that the organization and its members need to be leaders, analyst, catalyst, advocates, and educators for the people the community, outside the community and ourselves in order to better promote Deming.

Ms. Arias went on to note the different committees within the DLCEDC which were developed to focus on the different areas of the community. She stated that the Internal Operations Committee will ensure that the organization is operated as a business and all necessary paperwork is maintained.

Ms. Arias listed the following as current initiatives that DLCEDC is working on:

- Energy Project with Ruben Torres Elementary School

- CDL Classes
- Billy the Kid Expansion
- Business Plan Competitions-support the entrepreneurial spirit among students within DPS. She stated that she has been communicating with Mr. Mike Chavez in regards to the Schools developing career paths in certain fields. Mr. Chavez briefly commented on the different programs the schools is working on implementing.

Councilor Cruz mentioned that he is on the board of Cesar Chavez Charter High School and that they have started an entrepreneurial program, and invited Ms. Arias to visit them and give her input.

A discussion was entertained regarding the Retirement Committee of the DLCEDC; and on the border expansion in Columbus.

A discussion was entertained regarding selling Deming to people who may be looking at moving here due to higher level jobs at local manufacturing companies.

**5. Approval/Denial of the Partnership Agreement between the Southwest New Mexico Energy Task Force Stakeholder Board and the City of Deming (Local Government Partner)**

Ms. Arias presented this item to Mayor and Council. Ms. Arias stated that she has been selected as the primary member representative for the City and Mary Mackey is the alternate for the Southwest New Mexico Energy Task Force Stakeholder Board. She stated that this has been an initiative that recently received grant funding through the SWNMCOG to create jobs in the sustainable energy realm. She noted that the partnership agreement outlines the different responsibilities of the stakeholder board, according to the grant agreement.

Councilor Cruz asked what the role of the group is. Ms. Arias stated that the partnership will create, retain, or fill local jobs, according to the agreement. Councilor Sanchez stated that this goes back to recruiting people for higher level jobs into Deming. Ms. Arias went on to read the goals listed on the Partnership Agreement. She stated that her role as representative for the City of Deming will be to give input on what is going on in Deming. Councilor Sanchez asked how this will be funded. Ms. Arias stated that to start off, it will be funded by an EDA grant in which the SWNMCOG is the fiscal agent.

Mayor Jasso entertained a motion from Council.

Councilor Cruz moved to approve the Partnership Agreement between the Southwest New Mexico Energy Task Force Stakeholder Board and the City of Deming, as presented. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

**6. Approval/Denial of a List of Assets to be Considered as Excess and Allow Disposal by Auction.**

Mr. Massengill presented this item to Mayor and Council. He stated that staff is recommending approval to dispose of excess and obsolete equipment via a public auction

through Dickerson, Inc. on October 31, 2015. He noted that an approval page in which a previously appointed committee of three staff member has to approve the equipment list, after which will be sent to the NM Office of the State Auditor for approval. Mr. Massengill went on to explain the items on the first list which are well beyond their useful life. After explaining the first list, he asked Chief Gigante to explain the inventory on the second list. Chief Gigante noted that the second list is a list of firearms in which the Police Department would like disposed of their inventory to be traded towards new firearms. He stressed that these firearms will not be auctioned at the Service Center and wanted to clarify that to Council. Chief Gigante stated that they have found a federally licensed firearms dealer that will take in the used firearms as trade, and they are license to only resell to law enforcement agencies.

Councilor Sanchez asked if the funds from the auction will go into the General Fund. Mr. Massengill stated that they will go to the respective departments from which the equipment came from and confirmed this with Ms. Holguin.

Councilor Sanchez moved to approve the disposal of excess and obsolete equipment, as presented. Councilor Cruz seconded the motion; motion carried unanimously.

**7. Approval/Denial of a Resolution for the City of Deming to Become the 2<sup>nd</sup> Fiscal Agent for the NMCAP Entity.**

Mr. Massengill presented this resolution to Mayor and Council. He read the resolution into record. Mr. Massengill stated that Mr. Sera presented at the last NMCAP Entity meeting, that the City of Deming could be the second fiscal agent contingent to Council approval. Mr. Massengill stated that Mr. Sera stated that they would do it only with the condition that the City of Deming would not give up its sovereign immunity.

Mr. Foy stated that the NMCAP entity has sent the unit agreement to the Bureau of Reclamation for approval, which has not been approved. He stated that if the Bureau of Reclamation does not approve the condition of the City not giving up its sovereign immunity, the City will not participate.

Mayor Jasso asked if this resolution is needed to continue the process of the NMCAP Entity Unit. Mr. Foy stated that this resolution is necessary to proceed with the process.

Mr. Foy stated that the fact of the costs of the project is \$99 million, in which the 2<sup>nd</sup> fiscal agent will control the funds to pay for the project. Mr. Foy stated that a year budget has been agreed upon and will be presented to the Interstate Stream Commission. After this point, if all goes in favor of what is presented, the City will have to go into agreement with the Interstate Stream Commission to be the 2<sup>nd</sup> fiscal agent. Mr. Foy clarified the importance of this resolution and a discussion was entertained regarding the NMCAP Entity budget. A discussion was entertained between Council and Staff regarding the payment/reimbursement process of the 2<sup>nd</sup> Fiscal Agent. Mr. Foy stated that he does not believe that the City would be the 2<sup>nd</sup> Fiscal Agent in perpetuity.

Councilor Sanchez moved to approve the resolution agreement for the City of Deming to act as the Second Fiscal Agent for the New Mexico Central Arizona Project Entity-New Mexico

Unit Fund, as presented. Councilor Rincon seconded the motion; motion carried unanimously.

**8. Approval/Denial of a Resolution for Participation in State of New Mexico Interstate Stream Commission (ISC) City of Deming Effluent Reuse Funding Agreement Administered by the Interstate Stream Commission**

Mr. Massengill presented this item to Mayor Jasso and Council. He stated that the City of Deming submitted an application for the City of Deming Effluent Reuse Project in which this resolution is needed as part of the application. He stated that the funding will be used to install a trunk line along Poplar to Buckeye Street, near the football field to supply effluent water supply for irrigation. Mr. Massengill stated that this project will also upgrade the effluent water to Class 1A, which gives the City the ability to pump the water next to residential areas, such as parks.

Mr. Massengill read the resolution into record.

Councilor Cruz moved to approve the resolution for participation in State of New Mexico Interstate Stream Commission (ISC) City of Deming Effluent Reuse Funding Agreement Administered by the Interstate Stream Commission. Mayor Pro Tem Milo seconded the motion; motion carried unanimously.

**9. Bids:**

**a. Bid #15-07 Low Bid Recommendation for Florida Street Widening Project**

Mr. Massengill presented this item to Mayor and Council. He stated that this project came before Council last month and was tabled until today. He stated that the project was reviewed and Mr. Sera recommended that the additional funding would be provided as the project is a safety project.

Mr. Massengill stated that four bids were received for the bid and opened on August 7, 2015. He went on to say that Deming Excavating, Inc. submitted the lowest base bid package in the amount of \$235,465.90 excluding NMGRT. Mr. Massengill stated that a summary of the proposals received, the City's letter of recommendation, and the NMDOT concurrence letter are attached. He stated that due to it being Federal funds, the NMDOT had to confirm that Deming Excavating's documents were in line with the requirements. He stated that that staff recommends awarding the construction bid to Deming Excavating, Inc. for the base bid portion only. He went on to say that staff requests authorization for the Public Works Director and/or City Administrator to enter into an agreement with Deming Excavating, Inc. and execute any documents related to this project.

Councilor Cruz asked what the additional amount for the project will be. Mr. Massengill stated that it is roughly \$40,000.

Councilor Cruz moved to approve Bid No. 15-07 Low Bid Recommendation for Florida Street Widening Project to Deming Excavating, Inc. in the amount of \$235,465.90 excluding NMGRT for a total of \$254,008.84. Mayor Pro Tem Milo seconded the

motion; motion carried unanimously.

**b. Bid #16-04 Low Bid Recommendation for Liner Construction at Butterfield Trail Regional Landfill Cell 1B**

Mr. Massengill presented this item to Mayor and Council. He stated that the City needs an extension on the current cell at the landfill due to it filling up. This extension includes the required dirt work required to do so. He stated that seven bids were received for the above mentioned Bid Number and opened on September 11, 2015 in which Caliper Construction, Inc. submitted the lowest base bid and additive alternate package in the amount of \$332,433.09 excluding NMGRT. He noted that the bid submitted is within the Legislative funding available. He went on to say that a summary of the proposals received and the engineer's recommendation letter are attached. Mr. Massengill stated that staff recommends awarding the construction bid to Caliper Construction, Inc. for the combined base bid and additive alternate. He stated that staff requests authorization for the Public Works Director and/or City Administrator to enter into an agreement with Caliper Construction, Inc. and execute any documents related to this project.

Councilor Sanchez moved to approve Bid #16-04 Low Bid Recommendation for Line Construction at Butterfield Trail Regional Landfill Cell 1B to Caliper Construction, Inc. in the amount of \$332,433.09 excluding NMGRT. Councilor Cruz seconded the motion; motion carried unanimously.

**10. Quasi-Judicial Public Hearing to Consider a Variance Request for an Off-Premise Sign for IHOP**

Mayor Jasso called to order the public hearing to consider a variance request for and off-premise sign for IHOP. He confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest; that the legal notices were properly posted by the secretary and swore in all parties who would be giving testimony.

Ms. Gentile, City Planner, stated that this variance is for a sign that the applicant would like to place on Lot 5 of the Walmart Supercenter subdivision, behind the strip of stores-Shoe Dept., Cash Store, Cato, Little Caesars and Dollar Tree. She went on to say that this sign will be next to the off-premise Wendy's sign. Ms. Gentile noted that the variance is regarding the section in the code in 11-1-2 that stated that "No off-premise signs shall be allowed in the City of Deming." She stated that section of the code describes the areas where an off-premise sign is allowed, even with a variance, but this location is not one of those prohibited areas, and therefore, at the discretion of the City Council, a variance could be granted in this location.

Mayor Jasso asked if there were any questions of Staff by any Council Member.

Mayor Pro Tem Milo asked who would be constructing the sign. Ms. Gentile stated that the representative for IHOP is Pete Sainz. Mayor Pro Tem Milo stated his concern for continuing to grant off-premise sign variances and that the signs are going to overtake the area.

Councilor Cruz stated that this type of variance was granted in the previous meeting and due to the previous variance being granted; he feels that Council would have to have a very good reason not to grant this request. Mr. Foy concurred with Councilor Cruz.

Councilor Sanchez also expressed his concern with granting variances for off-premise signs. Ms. Gentile stated that the City's off-premise sign ordinance is vague and Council may consider looking at revising the ordinance. She stated that she would like to clarify the sign ordinance.

Mayor Jasso asked if the applicant or agent was present. They were not.

Mayor Jasso asked if any affected parties would like to speak. There was no response.

Mayor Jasso asked if any other persons would like to speak. There was no response.

Mayor Jasso closed the public comments and brought the hearing back to the Council. He asked Council if they were prepared to make a motion or if they would like to go into closed session under NMSA 1978 10-15-1 (H)(3).

Councilor Cruz moved to approve the variance request for an off-premise sign for IHOP. Mayor Pro Tem Milo seconded the motion. Motion carried by the following roll call vote:

**ROLL CALL VOTE**

Mayor Pro Tem Milo	Aye
Councilor Rincon	Aye
Councilor Cruz	Aye
Councilor Sanchez	Aye

Mayor Jasso announced that the decision by the authority will be effective after the written order is executed and filed with both the Municipal and County Clerks. He went on to say 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.

## **11. Administrator's Report**

Mayor Jasso read the Administrator's Report in Mr. Sera's absence.

He noted the following:

- o He has been working on analyzing the City's financial position regarding current revenues, expenses, forecasted revenues and expenses as well as options to ensure stability within the City of Deming. He and Ms. Laura Holguin are planning a public meeting finance workshop on October 20<sup>th</sup> at 4:00 p.m. to discuss the issues and strategies. In addition, Erik Harrigan from RBC Capital Markets will be presenting bond options. RBC is a municipal financial advisor that Mr. Sera has asked to assist the Council in understanding the bond market.

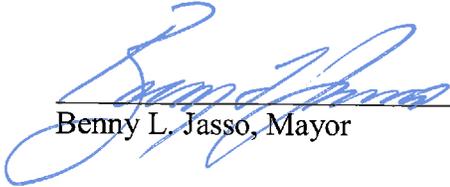
- o Gold Street reconstruction project is getting ready to kick off the week of September 21<sup>st</sup>.

**12. Adjourn Meeting**

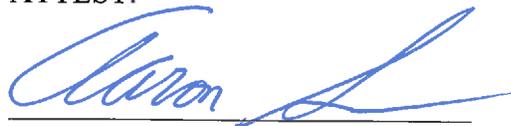
With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Cruz seconded the motion; motion carried unanimously. Meeting adjourned at 7:55 p.m.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Clerk

# *Proclamation*

## **DOMESTIC VIOLENCE AWARENESS MONTH 2015**

**WHEREAS**, one in four women will experience severe domestic violence during her lifetime; and

**WHEREAS**, the Violence Against Women Act (VAWA) was passed twenty years ago; and

**WHEREAS**, children who experience domestic violence are at higher risk for failure in school, emotional disorders, substance abuse and perpetuating violent behavior later in life; and

**WHEREAS**, it is important for law enforcement, the justice system, businesses, faith and community leaders, educators, health care providers, and human services professionals, as well as all citizens of Deming, to work together to end domestic violence; and

**WHEREAS**, by working together we can end domestic violence.

**NOW THEREFORE**, I, Benny L. Jasso, Mayor of the City of Deming, do hereby proclaim the month of October, 2015 as

### ***DOMESTIC VIOLENCE AWARENESS MONTH***

Signed this 14<sup>th</sup> day of September, 2015, witness my hand and the great seal of the City of Deming, New Mexico.



*Lila Jasso*

Lila Jasso, Assistant Deputy Clerk

*Benny L. Jasso*

Benny L. Jasso, Mayor



## MEMORANDUM

Date: August 27, 2015  
To: Council Members  
From: Jim Massengill, Public Works Director  
Re: Disposal of Excess and Obsolete Equipment

---

Staff is recommending approval to dispose of excess and obsolete equipment via a public auction through Dickerson Inc. (International Auctioneers) on October 31, 2015. A previously appointed committee of three staff members have approved of the attached equipment list. Upon Council approval, Staff will request disposal of said equipment from the NM Office of the State Auditor.

Equipment will be relocated to the Transfer Station for the public auction process.



BENNY L. JASSO, MAYOR

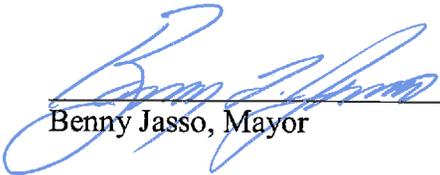
AARON SERA, ADMINISTRATOR

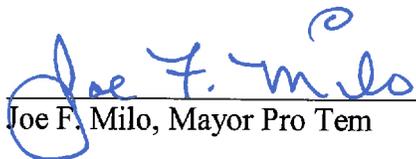
Phone (575) 546-8848 - Fax (575) 546-6442  
E-MAIL: [deming@cityofdeming.org](mailto:deming@cityofdeming.org) - Website: [www.cityofdeming.org](http://www.cityofdeming.org)  
P.O. BOX 706. DEMING, NEW MEXICO 88031  
POPULATION 14,000

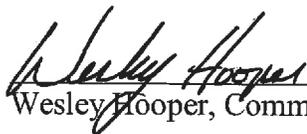
August 28, 2015

We, officials of the City of Deming, do hereby authorize the disposal of the used or obsolete property. Please see attached list.

Signed this 14<sup>th</sup> day of September 2015.

  
Benny Jasso, Mayor

  
Joe F. Milo, Mayor Pro Tem

  
Wesley Hooper, Community Services Director



Inventory#	Department	Desc 1	Model	Serial #
9633-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136090
9634-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136005
9635-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136071
9636-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136001
9637-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136073
9638-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136056
9639-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136230
9640-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136062
9641-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136033
9642-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136282
9643-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136006
9644-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136008
9645-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136093
9646-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136043
9647-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136049
9648-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136025
9649-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136011
9650-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136050
9651-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136037
9652-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136004
9653-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136003
9654-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136089
9655-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136074
9656-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136075
9657-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136091
9658-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136239
9659-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136031
9660-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136273
9661-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136285
9662-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136284
9663-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136300
9664-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136299
9665-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136272
9666-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136271
9667-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136260
9668-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136275
9669-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136134
9670-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136144
9671-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136178
9672-00	POLICE DEPARTMENT	GUN	SPRINGFIELD XDM .40 CAL	MG136139

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 15-31**

**CONCERNING AN AGREEMENT FOR THE CITY OF DEMING  
TO ACT AS SECOND FISCAL AGENT OF THE NEW MEXICO CENTRAL ARIZONA PROJECT  
ENTITY-NEW MEXICO UNIT FUND**

**WHEREAS**, the Arizona Water Settlement Act (AWSA) of 2004 allocated 14,000 acre feet of water to the four County region of Catron, Hidalgo, Grant, and Luna, and

**WHEREAS**, the New Mexico Central Arizona Project (NMCAP) Entity was established and is comprised of 14 entities in the four county region, and

**WHEREAS**, the goal of developing the 14,000 acre feet of water is to divert, store, and convey water for the benefit of the citizens in the four county region, including municipal, agricultural, recreational, environmental , and industrial sectors, and

**WHEREAS**, the NMCAP Entity is in need of a second fiscal agent to manage the funds of the New Mexico Unit, and

**WHEREAS**, The New Mexico Unit Fund is administered by the first fiscal agent, the Interstate Stream Commission (ISC), and

**WHEREAS**, The second fiscal agent shall receive and manage all AWSA-related revenues generated by the second fiscal agent or by the New Mexico CAP Entity; reference section 5(p) of the Joint Powers Agreement for New Mexico CAP Entity, and

**WHEREAS**, the NM CAP Entity is negotiating with the Bureau of Reclamation in executing a New Mexico Cap Entity Agreement and terms of said agreement have not been completed and finally negotiated between the Bureau of Reclamation, the New Mexico Cap Entity and the individual members who participate and comprise the New Mexico CAP Entity; and

**WHEREAS**, in said agreement issues involving sovereign immunity, indemnification and liability have not been fully resolved between the parties at this time; and

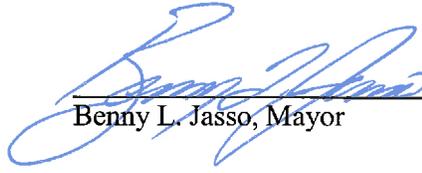
**NOW THEREFORE BE IT RESOLVED**, The City of Deming may act as the second fiscal agent for the NMCAP Entity and enter into a written agreement outlining the duties and responsibilities of the parties, conditioned upon the NM CAP Entity Agreement with the Bureau of Reclamation not requiring the City of Deming as second fiscal agent or as an individual member of the NM CAP Entity to waive its sovereign immunity or agree to any indemnification contrary to New Mexico law or any liability or damages in any amounts contrary to New Mexico law, and

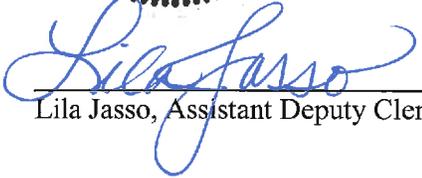
**BE IT FURTHER RESOLVED**, that management is authorized to negotiate and execute the agreement with the NMCAP Entity and/or the Interstate Stream Commission and do all things necessary to complete the intent of this action. This approval is contingent and conditioned upon an assurance in the language in the NM CAP Entity Agreement with and from the Bureau of Reclamation that clearly evidences an intent of the parties that the City of Deming as second fiscal agent or as an individual member of the NM CAP Entity shall not be required to waive its sovereign immunity or agree to any indemnification contrary to New Mexico law or any liability or damages in any amounts contrary to New Mexico law.

PASSED, ADOPTED AND APPROVED this 14<sup>th</sup> day of September, 2015.



CITY OF DEMING, NEW MEXICO

  
Benny L. Jasso, Mayor

  
Lila Jasso, Assistant Deputy Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 15-32**

**A RESOLUTION FOR PARTICIPATION IN STATE OF NEW MEXICO  
INTERSTATE STREAM COMMISSION (ISC) CITY OF DEMING  
EFFLUENT REUSE FUNDING AGREEMENT ADMINISTERED BY THE  
INTERSTATE STREAM COMMISSION**

**WHEREAS**, the City of Deming, of Luna County, of the State of New Mexico, shall enter into a Funding Agreement with the State of New Mexico ISC, and

**WHEREAS**, the agreement is identified as State of New Mexico Interstate Stream Commission City of Deming Effluent Re-use Funding Agreement.

**WHEREAS**, the Governing Body intends to undertake design, construction and improvements of the City of Deming Effluent Reuse Project (Project) as described in the funding agreement, for the benefit of the Governmental unit and its citizens; and

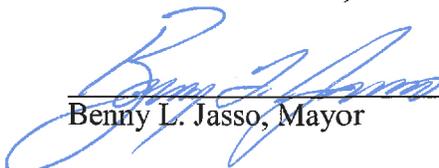
**NOW THEREFORE, BE IT RESOLVED** in official session that City of Deming determines, resolves, and orders as follows:

- That the Project for this Funding Agreement is adopted and has priority standing,
- Authorizing the taking of other actions in connection with the execution and delivery of the Funding Agreement,
- That the Public Works Director or City Administrator are authorized to sign the agreement for this project, including any related Exhibits such as Project Budget, Scope of Work, periodic and final reports.
- That the Public Works Director or Finance Director are Official Representatives authorized to sign and submit reimbursement request packages.
- The Public Works Director will act as a single point of contact concerning all matters related to the Funding Agreement.

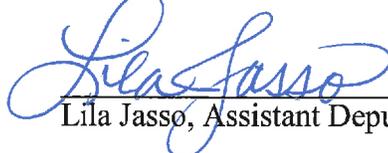
**PASSED, ADOPTED, AND APPROVED** this 14<sup>th</sup> day of September, 2015.



**CITY OF DEMING, NEW MEXICO**

  
\_\_\_\_\_  
Benny L. Jasso, Mayor

ATTEST

  
\_\_\_\_\_  
Lila Jasso, Assistant Deputy Clerk