



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

## December 8, 2014

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 10/13/14
  - B. Minutes – Parks Commission Meeting 11/12/14
    - a. Recommendation to move forward with a study of installing a public restroom somewhere.
    - b. Recommendation for approval of the irrigation system, and that the trees obtained or donated must be within the Healthy Kids project plan.
  - C. Minutes – Planning & Zoning Commission Meeting 11/17/14 (*cancelled-no meeting*)
  - D. Minutes – Tourism Development Committee 11/04/14
    - a. Recommendation for acceptance of the proposed changes to the website, to include adding a picture of the location to the hotel & motel proposed listing.
    - b. Recommendation for Mr. Binkley get more information on the digital advertising and present it to the Committee for review.
    - c. Recommendation for Mr. Binkley look into the possibility of getting out of the contract with El Paso Visitor's Guide.
2. Public Forum
3. Ratification of Labor Management Relations Board Appointments
4. Approval/Denial of Resolution Authorizing an Amendment to the Loan Agreement by and between the City of Deming and the New Mexico Finance Authority to Provide Funding for the Remodel and Addition of Living Quarters to the Deming Fire Substation
5. Approval/Denial of Resolution Supporting Interest and Fee Caps On Non-Bank Lending Institutions in New Mexico
6. Approval/Denial of Resolution Pertaining to the Adoption of the Luna County/City of Deming/Village of Columbus Hazard Mitigation Plan

7. Approval/Denial of the Donation of Real Property to the New Mexico Department of Transportation
8. Administrator's Report
9. Closed Session: To discuss limited personnel matters regarding Fire Chief's leave sell back, Pending Litigation regarding the Extra Territorial Zoning and the Purchase, Acquisition or Disposal of real property at 219 E. Maple Street, Pine Street and a Road Transfer, pursuant to NMSA 1978, Section 10-15-1(H)(2), (7), and (8) of the Open Meetings Act.
10. Adjourn Meeting

*The next regularly scheduled Council Meeting is on January 12, 2015 at 4:00 p.m. and 6:00 p.m.*

# CITY COUNCIL WORKSHOP MINUTES December 8, 2014

**Council Present:** Benny Jasso, Mayor

**Council Absent:** Joe "Butter Milo, Councilor  
Dr. Victor Cruz, Councilor

David L. Sanchez, Councilor  
Linda Franklin, Mayor Pro Tem

**Staff Present:** Aaron Sera, City Administrator  
Jim Massengill, Public Works Director  
Wesley Hooper, Community Svcs. Dir.

Brandon Gigante, Police Chief  
Raul Mercado, Asst. Fire Chief  
Heather Sosa, Battalion Fire Chief

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

Mayor Jasso and staff members of the City of Deming, New Mexico held a workshop on December 8, 2014 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed:

**Consent Agenda:** Mr. Sera went over the Consent Agenda. He noted that in the minutes for the Parks 11/12/14, he stated that the recommendation to move forward with the study of installing a public restroom somewhere will be done by Mr. Hooper to determine the costs involved. Mr. Sera stated that the City has been planning to install a restroom at each park, but it is quite costly and they are trying to budget a couple per year. Mr. Sera went on to talk about the recommendation for approval of the irrigation system, and that the trees obtained must be within the Healthy Kids project plan. Mr. Sera asked if the irrigation system had already been paid by the Healthy Kids Program. Mr. Hooper confirmed that the system had not been paid yet, however, an estimate was obtained and they are supposed to purchase the system for the City to install.

Mr. Sera went on to speak about the Tourism Development Committee (TDC) Minutes of 11-04-14 and the recommendation for acceptance of the proposed changes to the website, to include adding a picture of the location to the hotel and motel proposed listing. He stated that basically what the Committee would like to see is for the City of Deming website to be tabbed, in order to make it easier to use. Mr. Sera stated that there is approximate \$4,000 allocated in the budget for maintenance of the website. The next recommendation Mr. Sera discussed was for Mr. Binkley to get more information on the digital advertising to present to the Committee for review. Mr. Sera stated that digital advertising is a new concept to the TDC Committee, so they are requesting a Request for Qualifications (RFQ) for an advertising package in order to obtain more information. The other recommendation for Mr. Binkley to look into the possibility of getting out of the contract with the El Paso Visitor's Guide was discussed. Mr. Sera stated that the yearly contract is \$3,000.00 per year and that they are not sure what the City gets in return for this fee.

**Ratification of Labor Management Relations Board Appointments:** Mr. Sera explained that by ordinance this board consist of a union represented appointment, a labor represented appointment and a joint appointed third person. If the joint parties cannot come to an agreement for the third person, the Mayor would then appoint that person. He explained that the board would meet in the event that there is a conflict between management and the union personnel. He stated he is recommending the ratification of the appointment of Mr. Edward Apodaca as the Labor Representative and the approval of the appointment of Mr. Jarod Hofacket as the Management Representative.

**Approval/Denial of Resolution Authorizing an Amendment to the Loan Agreement by and between the City of Deming and the New Mexico Finance Authority to Provide Funding for the Remodel and Addition of Living Quarters to the Deming Fire Substation:** Mr. Sera stated that the City has submitted a change of scope to the original loan to allow the City to use the extra funds available to expand the fire substation near the airport. He stated that all funding must be used and that Chief Davalos and Assistant Chief Mercado have worked on the change of scope for that project. Asst. Chief Mercado will present this item to Council.

**Approval/Denial of Resolution Supporting Interest and Fee Caps On Non-Bank Lending Institutions in New Mexico:** Mr. Sera stated that Steven Fishman will present this resolution to Council. He stated that this resolution of support, if passed, will be taken to the legislators to impose a cap on the interest rates of these non-bank loans.

**Approval/Denial of Resolution Pertaining to the Adoption of the Luna County/City of Deming/ Village of Columbus Hazard Mitigation Plan:** Mr. Sera stated that he believed that last time this plan was approved was in 2007, which was an update to the original plan. He stated that this latest update would need to be adopted by all governmental agencies within Luna County, in order to receive FEMA funding. He noted that Asst. Chief Mercado will present this item to Mayor and Council.

**Approval/Denial of the Donation of Real Property to the New Mexico Department of Transportation:** Mr. Sera stated that the NMDOT, in the middle of working on the Cambray Bridge project, realized that the subject property did not belong to them and is needed to complete the project. He stated that the approximate 2 acres is valued at approximately \$105,000. Mr. Sera stated that the City would like to approve the donation of this real property pending the final approval from Department of Finance Authority (DFA). Mr. Hooper stated that he had just received a phone call from the NMDOT regarding a form, to grant the NMDOT access to the property during the time of final approval from DFA.

**Administrator's Report:** Mr. Sera stated that he will give a summary of items he has been working on.

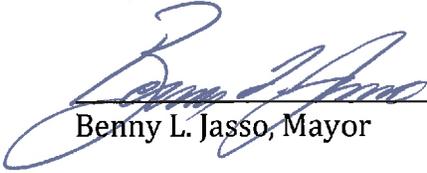
**Closed Session:** To discuss limited personnel matters regarding Fire Chief's leave sell back, Pending Litigation regarding the Extra Territorial Zoning and the Purchase, Acquisition or Disposal of real property at 219 E. Maple Street, Pine Street and a Road Transfer, pursuant to NMSA 1978, Section 10-15-1(H)(2), (7), and (8) of

**the Open Meetings Act:** Mr. Sera stated that the mentioned items will be discussed in closed session.

**Adjourn Meeting:** With no further business to discuss, the meeting was adjourned at 4:13 p.m.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Clerk

# CITY COUNCIL MEETING MINUTES December 8, 2014

**Council Present:** Mayor Benny L. Jasso  
Joe "Butter" Milo, Councilor  
Linda Franklin, Mayor Pro Tem  
David L. Sanchez, Councilor  
Dr. Victor Cruz, Councilor

**Council Absent:** None

**Staff Present:** Aaron Sera, City Administrator  
Jim Massengill, Public Works Director  
Wesley Hooper, Community Svcs. Dir.  
Jim Foy, City Attorney  
Raul Mercado, Asst. Fire Chief  
Heather Sosa, Battalion Fire Chief  
Brandon Gigante, Police Chief

**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. Sera presented the Consent Agenda to Mayor Jasso and Council. He called attention to item B. Minutes Parks Commission Meeting 11/12/14; (a) recommendation to move forward with a study of installing a public restroom somewhere. He mentioned that Mr. Hooper will look at getting a cost analysis and location for this request. Mr. Sera stated that the City has been looking at putting a restroom at each park and Mr. Hooper's study will tie into this option. (b) Recommendation for approval of the irrigation system, and that the trees obtained or donated must be within the Healthy Kids project plan. He stated that this is for John T. Waits Park. He mentioned that according to Mr. Hooper the quotes for the irrigation supplies have been obtained and that the Healthy Kids group will purchase the supplies and the City will install them. As monies are available more trees will be purchased as long as they follow the plan guidelines.

Mr. Sera also called attention to item D. Tourism Development Committee Minutes 11/04/14; (a) recommendation for acceptance of the proposed changes to the website, to include adding a picture of the location to the hotel and motel proposed listing. He stated that basically the website is not very clear and easy to navigate and that the Committee would like to see tabs added in order to make it easier to navigate. He went on to say that in item (b); recommendation for Mr. Binkley to get more information on the digital advertising and present it to the Committee for review. Mr. Sera explained that digital advertising is fairly new to the committee so the TDC Committee asked for more information to determine if they would like to explore that advertising option. Mr. Sera called attention to item (c) Recommendation for Mr. Binkley to look into the possibility of getting out of the contract with the El Paso Visitor's Guide. He stated that this is a yearly publication that cost approximately \$3,000.00 and that the TDC Committee did not feel this was a good

investment of that money and they would like to get out of the contract. He stated that Mr. Binkley will be looking into that for the Committee.

Councilor Milo asked if the new sign for John T. Waits Park has been completed. Mr. Sera stated that the minutes of the Parks Meeting mention that it is almost ready to be installed.

Councilor Milo moved to approve the consent agenda. Mayor Pro Tem Franklin seconded the motion, motion carried unanimously.

## **2. Public Forum**

Mayor Jasso opened the public forum session for comment. The following persons' comments were noted:

- Arsen Khanbabaian, 1721 E. Pine Street
- Edward Khanbaban, 1721 E. Pine Street
- Larry Caldwell, 711 N. Zinc Street

## **3. Ratification of Labor Management Relations Board Appointments**

Mr. Sera presented this item to Mayor and Council. He stated that in accordance with Ordinance 1182, Section 1-8A-14-A, City Labor-Management Relations Board, the Deming Firefighters Association Local 4251 and the Deming Police Officers Association/Fraternal Order of Police Lodge #16, have mutually agreed upon Mr. Edward Apodaca as their Labor-Management Relations Board representative. He stated that additionally, he recommends the appointment of Mr. Jarod Hofacket as the Management representative. Mr. Sera requested that Council ratify the appointments of Mr. Edward Apodaca as the Labor Representative and the Mayoral appointment of Mr. Jarod Hofacket as the Management Representative to serve as members of the Labor-Management Relations Board. He noted that the members serve for a period of one year commencing January 1, 2015. Mr. Sera briefly described the function of the Labor-Management Relations Board.

Councilor Cruz moved to ratify the appointment of Mr. Edward Apodaca as the Labor Representative and approve the Mayoral appointment of Mr. Jarod Hofacket as the Management Representative to the Labor-Management Relations Board. Councilor Milo seconded the motion; motion carried unanimously.

## **4. Approval/Denial of Resolution Authorizing an Amendment to the Loan Agreement by and between the City of Deming and the New Mexico Finance Authority to Provide Funding for the Remodel and Addition of Living Quarters to the Deming Fire Substation**

Asst. Chief Mercado presented the resolution to Mayor and Council. He stated that this resolution is authorizing the amendment to the original loan agreement for the left over funds from the remodel of the main fire station. He stated that there was \$152,725.22 left over that could not be used for anything else. He stated that the Fire Department is proposing adding living quarters and revitalizing the sub-station which would give the Department more

flexibility. Asst. Chief Mercado noted that once the sub-station is manned, it would lower the ISO rating, which would lower the cost of homeowners insurance for the citizens, at the same time this would increase fire fund money if the sub-station is manned. He stated that it is a win-win all around. He noted that due to the location of the sub-station at 221 Airport Road, the response time to the airport would be decreased, as well as the response time to areas east of the County, and decreased response times to I-10. Mr. Mercado asked Council if they had any questions.

Councilor Sanchez asked how much space they would be adding to the facility. Asst. Chief Mercado responded that they would like to add 1400 sq. ft. He stated that they would have to do some extra work to the apparatus area and that within the addition area would have 5 sleeping quarters. He noted that in the event that the Fire Department expands, the sub-station would be fully manned, it would be beneficial for the whole county. Mr. Sera interjected and stated that it is not clear about how far this money will carry the project, but that a change of scope is pending approval of this resolution in order to use up the funds. He noted that the building is already in place, this money would be for the expansion of square footage with living quarters and upgrades to the apparatus room.

Councilor Milo asked if this is the best location for the sub-station. Asst. Chief Mercado stated that due to the fact that the City already owns this property, it was the best option. Mr. Sera stated that we would just be adding on to the existing building for living quarters which could open up the option to lease out the building.

Mayor Pro Tem Franklin moved to approve the Resolution Authorizing an Amendment to the Loan Agreement by and between the City of Deming and the New Mexico Finance Authority to Provide Funding for the Remodel and Addition of Living Quarters to the Deming Fire Substation. Councilor Sanchez seconded the motion; motion carried unanimously.

#### **5. Approval/Denial of Resolution Supporting Interest and Fee Caps On Non-Bank Lending Institutions in New Mexico**

Mr. Sera stated that Mr. Steven Fishman will present this item to Mayor and Council. Mr. Fishman stated that the resolution as written is self-explanatory. He noted that the figures used were from 2012, but the 2013 data shows that the industry has grown by 12% and that the industry now shows 685 small loan stores licensed in New Mexico. He stated some of the increases and mentioned that when he served on the New Mexico State Senate, this was an issue that had a huge disconnect between the Legislature and everyone else. He discussed some examples of how these loans hurt the economy and the consumers. Mr. Fishman stated that the legislature is out of touch with the whole situation due to the 22 lobbyist who are all part of this industry and are bending the ears of the legislators. He stated that in 2007, Congress passed a law, at the behest of the US Military where there is a 36% interest rate cap on any loans made to military members. He noted other municipalities in New Mexico that have adopted this resolution for the interest rate cap in New Mexico. He noted that in an effort to make the legislature understand the importance of this cap, their group will propose the issue to the Legislature this upcoming year.

Mayor Pro Tem Franklin thanked Mr. Fishman for his efforts to try to get this passed. She noted that she spends a lot of time volunteering, counseling and helping people and many times this is the issue they face.

Councilor Milo asked if there was a bill which will be introduced in this next Legislative session. Mr. Fishman stated that Senator Bill Soules will be introducing in the Senate and Rep. Gail Chasey will introducing it in the house, and this resolution is to support them in their efforts.

Councilor Cruz asked Mr. Fishman what organization he is affiliated with. Mr. Fishman stated that his is a retired State Senator for District 37 in Las Cruces and he is currently the Chair for the New Mexico Fair Lending Coalition.

A lengthy discussion was entertained between Councilors and Mr. Fishman regarding the nature of this industry.

Councilor Sanchez moved to approve the Resolution Supporting Interest and Fee Caps on Non-Banking Lending Institutions in New Mexico, as presented. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

**6. Approval/Denial of Resolution Pertaining to the Adoption of the Luna County/City of Deming/Village of Columbus Hazard Mitigation Plan**

Asst. Chief Mercado presented this item to Mayor and Council. He mentioned that latest version of this plan was last updated and adopted in 2007. He noted that the major update for 2014 is that the Village of Columbus is being included in the plan. He stated that the plan ranks the potential for natural disasters in Luna County and is meant to protect lives and property and provide safety by reducing the potential of future damages and economic losses that result from the hazards. Asst. Chief Mercado noted that the two major points are that by adopting the plan, the area qualifies for mitigation grant funding for both pre-and post-disaster environments, and to be in compliance with the State and Federal legislative requirements for a hazard mitigation plan. He went on to explain areas of the plan.

Mr. Sera explained that if the plan is not adopted, and the Governor declares a state-of-emergency, the area would not be eligible for any funding in the event of a disaster.

Mr. Foy noted that the word resolved was misspelled. Secretary Jasso noted the mistake.

Mayor Pro Tem Franklin moved to approve the resolution pertaining to the adoption of the Luna County/City of Deming/Village of Columbus Hazard Mitigation Plan. Councilor Cruz seconded the motion; motion carried unanimously.

**7. Approval/Denial of the Donation of Real Property to the New Mexico Department of Transportation**

Mr. Hooper presented this item to Mayor and Council. Mr. Hooper stated that this donation of Parcel 2-QCD-1, will enable the NMDOT to complete the reconstruction of Cambray Bridge. He noted that approximately one year ago, the City donated another small parcel to

the NMDOT for the same reason. He went on to say that the reason this parcel was not included with the previous donations is due to incorrect information, and that the NMDOT thought they owned this parcel. Mr. Hooper stated that after further research the NMDOT found that the parcel was owned by the City of Deming. He stated that this donation will not affect any access points to other city properties and staff recommends approval of the donation of parcel 2-QCD-1 to the NMDOT for this project, pending approval from Department of Finance (DFA).

Mr. Sera stated that in order to complete this transaction, if Council approves, additional approval of the DFA would be required. Mr. Sera noted that this would be a safety issue for the Cambray Bridge due to the fact that the bridge is very narrow and in need of repairs. He stated that the cost of the parcel of approximately 2 acres is valued at approximately \$105.00. The road is mostly used by the local residents in the area and for railroad access.

Mr. Foy stated that Council is being asked to approve this transaction, subject to ratification of the transaction by DFA.

Councilor Milo moved to approve the donation of real property to the New Mexico Department of Transportation, subject to approval of the DFA. Councilor Sanchez seconded the motion; motion carried unanimously.

## **8. Administrator's Report**

Mr. Sera presented his report to Mayor and Council. He mentioned that main focus has been on the audit. He noted that the audit has been completed and submitted on time. He stated that there were only a few minor findings and no material findings. Mr. Sera stated that one of the minor findings was regarding grant reimbursement requests.

Mr. Sera stated that he has been working on budget for the January mid-year adjustments. He stated that the latest figures show that the GRT has gone down \$238,000.00 from last year's figures. He stated that they have requested documents from the Taxation and Revenue Department to compare with figures from last year.

Mr. Sera mentioned that he attended the EDA Meeting in San Antonio to discuss the \$1.5 million grant to do improvements on Arrowhead Drive to the industrial park. The EDA was threatening to take funds back, but after meeting with EDA they have agreed to give the funds back and are in agreement with the plans.

Mr. Sera mentioned that the Employee Pay-Plan study by the Mercer Group will be ready for review by December 18. This will help determine if the City is on track.

Mr. Sera announced that a new Payroll Clerk has been hired. Diana Diaz, who currently works at the MVD and has been with the City for approximately 20 years, was hired.

Councilor Milo asked about the Gas tax figures. Mr. Sera stated that those figures are also down according to a study received from the state.

Mr. Sera stated that he and Mr. Massengill are working on informing the public about the automatic water meters that are being changed out.

9. **Closed Session: To discuss limited personnel matters regarding Fire Chief's leave sell back, Pending Litigation regarding the Extra Territorial Zoning and the Purchase, Acquisition or Disposal of real property at 219 E. Maple Street, Pine Street and a Road Transfer, pursuant to NMSA 1978, Section 10-15-1(H)(2), (7), and (8) of the Open Meetings Act.**

Mayor Jasso entertained a motion to go into closed session.

Councilor Milo moved to go into closed session. Councilor Sanchez seconded the motion; motion carried unanimously by the following roll call vote:

**ROLL CALL VOTE**

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

Mayor Jasso entertained a motion to go back into open session.

Councilor Sanchez moved to go back into open session. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

**ROLL CALL VOTE**

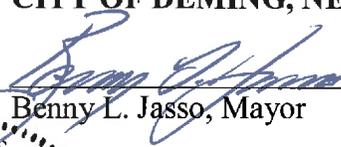
Councilor Milo	Aye
Councilor Cruz	Aye
Mayor Pro Tem Franklin	Aye
Councilor Sanchez	Aye

Councilor Sanchez moved to allow Fire Chief Edgar Davalos to rollover sick and annual leave in the amount of \$34,610.00 into his ICMA account. Mayor Pro Tem Franklin seconded the motion; motion carried unanimously.

**10. Adjourn Meeting**

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Milo seconded the motion; motion carried unanimously. Meeting adjourned at 8:40 p.m.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Clerk



CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 14-32

RELATING TO THE \$1,000,000 LOAN AGREEMENT DATED JUNE 24, 2011 (THE "LOAN AGREEMENT") BY AND BETWEEN THE CITY OF DEMING, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), ENTERED INTO FOR THE PURPOSE OF FINANCING THE EXPANSION AND RENOVATION OF THE GOVERNMENTAL UNIT'S MAIN FIRE STATION; AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT TO PROVIDE FUNDING FOR THE REMODEL AND ADDITION OF LIVING QUARTERS TO THE GOVERNMENTAL UNIT'S FIRE SUBSTATION AT 221 AIRPORT ROAD IN DEMING; EXTENDING THE TIME TO EXPEND PROCEEDS OF THE LOAN 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 AMENDMENT TO THE LOAN AGREEMENT.

Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of the Loan Agreement unless otherwise defined in the preambles or Section 1 of this Resolution, or unless the context requires a different meaning.

WHEREAS, the Governmental Unit is a legally and regularly created, established, organized and existing municipality under the general laws of the State of New Mexico; and

WHEREAS, the Governmental Unit executed and delivered to the Finance Authority a Loan Agreement dated June 24, 2011, in the aggregate principal amount of \$1,000,000 (the "Loan Agreement") for the purpose of financing the expansion and renovation of the Governmental Unit's main fire station (the "Original Project"); and

WHEREAS, the proceeds of the Loan Agreement are in excess of the amount required to construct the Original Project; and

WHEREAS, the Governing body has determined and hereby determines that it is in the best interests of the Governmental Unit and its residents that the Loan Agreement be amended to provide that the proceeds of the Loan Agreement may instead be used to finance the remodel and addition of living quarters to the Governmental Unit's fire substation at 221 Airport Road, Deming, New Mexico (the "New Project"); and

WHEREAS, it is necessary and appropriate to amend the provisions of the Loan Agreement as set forth below to provide that the purpose of the Loan Agreement shall be to provide funding for the New Project; and

WHEREAS, it is necessary and appropriate to request an extension of time from the Finance Authority to expend the unspent proceeds of the Loan Agreement for the New Project; and

WHEREAS, the Governing Body intends that all other provisions of the Loan Agreement remain effective.

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

Section 1. Definitions.

“Loan Agreement Amendment” means the Amendment to the Loan Agreement authorized by this Resolution, which Amendment shall be dated as of January 16, 2015.

“New Project” means the costs of the remodel and addition of living quarters to the Governmental Unit’s fire substation at 221 Airport Road, Deming, New Mexico, and for any other governmental purpose for which the Pledged Revenues may lawfully be used.

“Resolution” means this resolution adopted by the Governing Body on December 8, 2014 approving the Loan Agreement Amendment.

Section 2. Ratification. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Governing Body and officers of the Governmental Unit directed toward the execution and delivery of the Loan Agreement Amendment is hereby ratified, approved and confirmed.

Section 3. Loan Agreement Amendment – Authorization and Detail.

A. Authorization. This Resolution has been adopted by the affirmative vote of at least a majority of all of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the citizens of the Governmental Unit, it is hereby declared necessary that the Governmental Unit, pursuant to the Act, enter into the Loan Agreement Amendment, and the execution and delivery of the Loan Agreement Amendment is hereby authorized.

B. Detail. The Loan Agreement Amendment shall be in the form presented to the Governing Body at the meeting of the Governing Body at which this Resolution was adopted. The Loan Agreement Amendment shall provide in substance that the Loan proceeds shall be used for the New Project instead of the Original Project and all other provisions of the Loan Agreement shall remain effective.

C. Approval of Bond Counsel. The Loan Agreement Amendment, the use of the Loan Agreement proceeds for the New Project and the extension of the three-year time period in which the Governmental Unit was to expend the Proceeds of the Loan Agreement, have been approved by Bond Counsel.

Section 4. Approval of Loan Agreement Amendment. The form of the Loan Agreement Amendment as presented at the meeting of the Governing Body at which this Resolution was adopted is hereby approved. Authorized Officers are hereby authorized to execute, acknowledge and deliver the Loan Agreement Amendment with such changes, insertions and omissions as may be approved by such Authorized Officers, and the City Clerk is hereby authorized to affix the seal of the Governmental Unit on the Loan Agreement Amendment and attest the same, and the execution of the Loan Agreement Amendment by Authorized Officers shall be conclusive evidence

of such approval. Authorized Officers are further authorized to execute such other documents as may be required by the Finance Authority, including, without limitation, closing certificates.

Section 5. Resolution Irrepealable. After the Loan Agreement Amendment has been executed and delivered, this Resolution shall be and remain irrepealable until the Loan shall be fully paid, canceled and discharged, as provided in the Loan Agreement.

Section 6. 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 7. Repealer Clause. All bylaws, orders, resolutions, and ordinances, 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 8. Effective Date. Upon due adoption of this Resolution, it shall be authenticated by the signatures of the Mayor and the City Clerk of the Governmental Unit, and the title and general summary of the subject matter contained in this Resolution (set out in Section 9 below) shall be published in a newspaper which maintains an office and is of general circulation in the Governmental Unit, or posted in accordance with law, and said Resolution shall be in full force and effect thereafter, in accordance with law.

Section 9. 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:

(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. 14-32, duly adopted and approved by the Governing Body of the City of Deming, New Mexico, on December 8, 2014. A complete copy of the Resolution is available for public inspection during the normal and regular business hours of the City Clerk, 309 S. Gold Avenue, in Deming, New Mexico. The title of the Resolution is:

CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 14-32

RELATING TO THE \$1,000,000 LOAN AGREEMENT DATED JUNE 24, 2011 (THE "LOAN AGREEMENT") BY AND BETWEEN THE CITY OF DEMING, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), ENTERED INTO FOR THE PURPOSE OF FINANCING THE EXPANSION AND RENOVATION OF THE

GOVERNMENTAL UNIT'S MAIN FIRE STATION; AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT TO PROVIDE FUNDING FOR THE REMODEL AND ADDITION OF LIVING QUARTERS TO THE GOVERNMENTAL UNIT'S FIRE SUBSTATION AT 221 AIRPORT ROAD IN DEMING; EXTENDING THE TIME TO EXPEND PROCEEDS OF THE LOAN 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 AMENDMENT TO THE LOAN AGREEMENT.

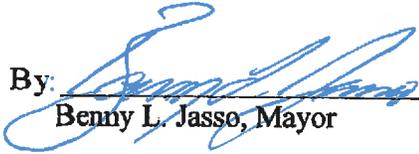
A general summary of the subject matter of the Resolution is contained in its title. This notice constitutes compliance with Section 6-14-6, NMSA 1978.

(End of Form of Summary for Publication)

PASSED, APPROVED AND ADOPTED THIS 8th OF DECEMBER, 2014.



CITY OF DEMING, NEW MEXICO

By:   
Benny L. Jasso, Mayor

ATTEST:

By:   
Aaron Sera, Administrator/Clerk

City Council Member FRANKLIN then moved adoption of the foregoing Resolution, duly seconded by City Council Member SANCHEZ.

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

Those Voting Aye: MAYOR PRO TEM FRANKLIN  
DAVID L. SANCHEZ  
VICTOR CRUZ  
JOE F. MILO

Those Voting Nay: NONE

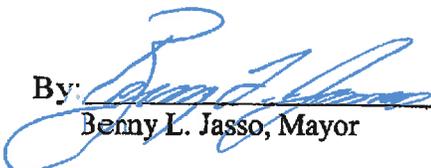
Those Absent: N/A

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

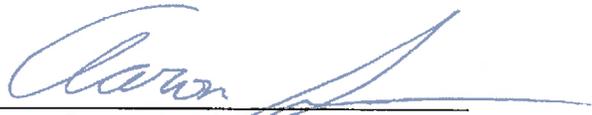
After consideration of matters not relating to the Resolution, the meeting on the motion duly made, seconded and unanimously carried, was adjourned.

CITY OF DEMING, NEW MEXICO



By:   
Benny L. Jasso, Mayor

ATTEST:

By:   
Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION NO. 14-33**

**SUPPORTING INTEREST AND FEE CAPS ON NON-BANK  
LENDING INSTITUTIONS IN NEW MEXICO**

**WHEREAS**, Deming had eight licensed small loan companies routinely charging 100% to 700% interest on loans rolled over for unlimited time frames at the beginning of 2014; and,

**WHEREAS**, Deming small loan companies issued about 4,900 loans with interest rates over 175% during 2012 according to New Mexico's Department of Regulation and Licensing statistics; and,

**WHEREAS**, Consumer Finance Protection Agency, Center for Responsible Lending and Pew Charitable Trust studies have all shown high interest lending traps borrowers and their families in crippling cycles of debt and ongoing poverty; and,

**WHEREAS**, studies conducted by the Consumer Financial Protection Bureau and others show high cost loans take money out of consumer's pockets damaging local businesses and reducing jobs in local economies; and,

**WHEREAS**, the victims of high interest loans are primarily the poor, single moms, veterans, and the elderly, and these borrowers are seldom adequately vetted for ability to repay; and,

**WHEREAS**, the US Department of Defense has determined that high cost lending puts dangerous stresses on the families of active military personnel and harms military readiness, and has proposed rules to expand its 36% rate cap on short term loans to cover all categories of loans; and,

**WHEREAS**, 18 states have implemented interest rate caps ranging from 17% to 36% and have not reported any decreases in available credit; and,

**WHEREAS**, Pew Charitable Trust surveys indicate that borrowers who lose access to expensive credit as a result of interest rate caps report that they are better off by a two to one margin; and,

**WHEREAS**, measures other than across the board interest rate caps have proven ineffective at limiting lending abuses because lenders modify their products to evade the law; and,

**WHEREAS**, recent polling shows 86% of New Mexicans support interest rate caps of 36% or less; and,

**WHEREAS**, New Mexico Department of Regulation and Licensing statistics show consumers were charged \$99 million in interest and fees on 175% APR and higher small loans in 2012, and the amount of additional fees charged for loans between 40% and 175% APR is unknown; and,

**WHEREAS**, the number of high interest small loan licensees in New Mexico has grown from 582 at the end of 2011 to 656 at the end of 2013; and,

**WHEREAS**, the City of Deming favors straightforward regulation allowing reputable operators the most flexibility possible in offering safe small loan products; and,

**WHEREAS**, the federal Consumer Financial Protection Bureau and the City of Deming have no authority to regulate interest rates; and,

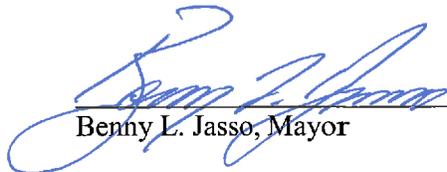
**NOW THEREFORE BE IT RESOLVED**, that the City of Deming urges the New Mexico Legislature and the Governor to stop the high cost lending epidemic by enacting inflation indexed interest and fee caps of 36% or less across all loan products offered by small loan companies and non-chartered lenders.

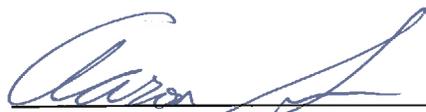
**BE IT FURTHER RESOLVED**, that we urge the Director of the New Mexico Department of Regulation and Licensing to exercise its full rule making powers under the Unfair Trade Practices Act and the Small Loan Act to end high cost lending abuses.

**PASSED, ADOPTED AND APPROVED** this 8<sup>th</sup> day of December, 2014.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 14-34**

**PERTAINING TO THE ADOPTION OF THE LUNA COUNTY/CITY OF  
DEMING/VILLAGE OF COLUMBUS HAZARD MITIGATION PLAN**

**WHEREAS**, natural and man-made hazards exist within the Luna County, City of Deming, and Village of Columbus and these hazards have the potential of causing harm to the citizens, property, economy, and environment within Luna County; and

**WHEREAS**, the hazards identified for immediate consideration include drought, flooding, and hazardous material transport; and

**WHEREAS**, a Luna County/City of Deming/Village of Columbus Hazard Mitigation Plan is the result of a cooperative effort of governmental agencies and community input, and

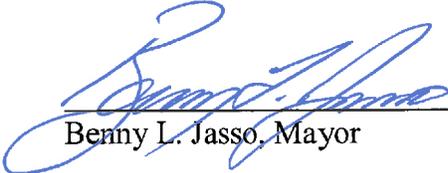
**WHEREAS**, this Hazard Mitigation Plan updates and replaces all previously adopted plan approved by the Luna County Board of County Commissioners.

**NOW THEREFORE, BE IT RESOLVED** that the Luna County Board of Commissioners adopts the Luna County/City of Deming/Village of Columbus Hazard Mitigation Plan as Luna County's official plan. An official hard copy and electronic copy of the Luna County/City of Deming/ Village of Columbus Hazard Mitigation Plan will be available at the County Manager's Office.

**PASSED, ADPOTED AND APPROVED** this 8<sup>th</sup> day of December, 2014



**CITY OF DEMING, NEW MEXICO**

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

ATTEST:

  
\_\_\_\_\_  
Aaron Sera, Administrator/Clerk