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P.O.BOX 706 · DEMING, NEW MEXICO 88031  
POPULATION 14,000

**CITY COUNCIL MEETING**  
**AGENDA**  
**January 9, 2017**  
**6:00 P.M.**

**Call to Order/Pledge of Allegiance**

1. Consent Agenda

- A. Minutes – City Council Meeting 12/12/16
- B. Minutes – Airport Commission Meeting 12/13/16
- C. Minutes – Planning & Zoning Commission Meeting 12/19/16
  - a. Recommendation to approve a variance to allow a 6 ft. fence in the front yard setback area at 2121 S. Platinum *(to be heard later in meeting as a Quasi-Judicial Public Hearing)*
  - b. Recommendation for a Zoning Map Amendment to correct zoning according to land use *(to be presented at a later date)*
- D. Resolution Adopting the City Section 3 Plan
- E. Resolution Adopting the City Residential Anti-Displacement and Relocation Assistance Plan
- F. Resolution Adopting the City Citizen Participation Plan
- G. Resolution to Determine What Constitutes Reasonable Notice of Public Meetings as Required by the Open Meetings Act, Section 10-15-1 (D)
- H. Resolution Adopting Regulations Regarding the Procurement Process
- I. Resolution: Adopting Regulations Governing the Per Diem and Mileage Act Pursuant to NMAC 2.42.2

2. Public Forum

- 3. Mayoral Appoint of Third Neutral Member of the Labor-Management Relations Board
- 4. Approval of Purchase Agreement for Purchase of Real Estate from Florida Investments, Inc.
- 5. Approval for Disposal of Used or Obsolete Property with a Fair Market Value (FMV) of greater than \$5,000
- 6. Approval of a Resolution for Commercial Internet Banking at First New Mexico Bank
- 7. Public Hearing to Consider an Ordinance Adopting a Municipal Hold Harmless Gross Receipts Tax

8. Quasi-Judicial Public Hearing to Consider Variance Request for a 6-Foot-High Fence in the Front Yard Set Back at 2121 S. Platinum Avenue
9. Administrator's Report
10. Adjourn Meeting

***The next regular City Council Meeting is scheduled for February 13, 2017 at 6:00 p.m.***

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-01**

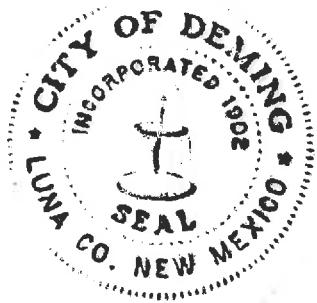
**A RESOLUTION TO ADOPT  
THE CITY OF DEMING SECTION 3 PLAN**

**WHEREAS**, the City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community; and

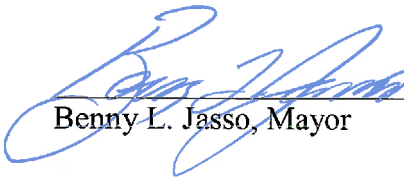
**WHEREAS**, in accordance with CDBG Regulations the City's Section 3 Plan must be updated annually;

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Deming, New Mexico, that it hereby adopt the attached Section 3 Plan.


**PASSED, APPROVED and ADOPTED** this 9<sup>th</sup> day of January, 2017.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Administrator/Clerk

## CITY SECTION 3 PLAN

The City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low-income residents of the community.

The City of Deming has appointed the City Administrator as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point on Section 3 complaints, as the on-site monitoring of prime contractors and sub-contractors to ensure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City. Documentation of City efforts will be retained on file for monitoring by the State.

Therefore, the City of Deming shall:

1. Hiring
  - (a) Advertise for all City positions in local newspapers.
  - (b) List all City job opportunities with the State Employment Service.
  - (c) Give preference in hiring to lower income persons residing in the City. This means that if two equally qualified persons apply and one is a resident of the City and one is not, the resident will be hired.
  - (d) Maintain records of City hiring as specified on this form.

### Anticipated City Hiring 2017

| <b>Job Classification</b> | <b>Planned</b>                                   |  | <b>Actual</b>                           |   |
|---------------------------|--|--|---|---|
|                           | <b># of Positions to be Filled (Incl. Temps)</b> | <b># of Positions to be Filled by Lower Income City (Inc. Temps)</b> | <b># Positions Filled (Incl. Temps)</b> | <b># of Positions Filled by Lower Income City</b> |
| <b>Laborer</b>            | 18   | 18   | 18                                      | 18  |
| <b>Skilled Craft</b>      | 20   | 20   | 21                                      | 21  |
| <b>Clerical</b>           | 3  | 3  | 3                                       | 2   |

2. Contracting
  - (a) The City will compile a list of businesses, suppliers and contractors located in the City.
  - (b) These vendors will be contacted for bid or quotes whenever the City requires supplies, services or construction.
  - (c) Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City and one from outside the City, the contract will be

awarded to the business located within the community.

3. Training

The City shall maintain a list of all training programs operated by the City and its agencies and will direct them to give preference to City residents. The City will also direct all CDBG sponsored training to provide preference to City residents.

4. CDBG Contracts

All CDBG bid packages and contracts shall include the following Section 3 language:

- (a) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower residents of the project areas and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- (b) The parties to this contract will comply with the provision as said Section 3 and the regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability, which would prevent them from complying with these requirements.
- (c) The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- (d) The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of, Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- (e) Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued there under prior to the execution of the

contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City shall require each contractor to prepare a written Section 3 Plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 Plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and maintained in said office for monitoring by the State.

The City of Deming will maintain all necessary reports and will ensure that all contractors and subcontractors submit required reports.

#### **LOWER INCOME CLARIFICATION**

A family who resides in Deming, New Mexico and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Luna County. Information contained in our Section 3 Plan reflects the status of the City employees regarding lower income considerations based on their salary paid by the City.

As approved by City Council, January 9, 2017 by resolution.

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO: 17-02**

**A RESOLUTION TO ADOPT  
THE RESIDENTIAL ANTI-DISPLACEMENT  
AND RELOCATION ASSISTANCE PLAN**

**WHEREAS**, the prepared Anti-displacement and Relocation Assistance Plan represents the effort of the City of Deming to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974 as amended.

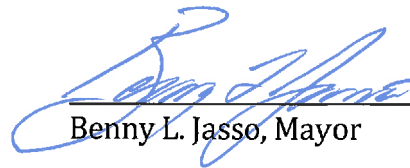
**WHEREAS**, the U.S. Department of Housing and Urban Development has advised that all recipients of CDBG funds, must certify that the entity is following or hereafter will be following a Residential Anti-Displacement and Relocation Assistance Plan; and

**NOW, THEREFORE BE IT RESOLVED THAT** the City of Deming does hereby adopt the attached Residential Anti-displacement and Relocation Assistance Plan.

**PASSED, APPROVED, and ADOPTED** this 9<sup>th</sup> day of January, 2017 by the City Council of Deming, New Mexico.

**CITY OF DEMING, NEW MEXICO**



  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Administrator/Clerk

## **RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN & CERTIFICATION**

Section 104(d) of the Housing and Community  
Development Act of 1974, as Amended

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended Section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under Section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a "residential antidisplacement and relocation plan."

Local governments, recipients under the State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds from awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the City of Deming to comply with the requirements of Section 104L(d) of the Act and is certified herewith:

### **PLAN AND CERTIFICATION**

The City of Deming herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Deming will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source(s) of funding and a time schedule for the provision of replacement units; and



6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The City of Deming will provide relocation assistance, as described in 570.496-a to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To other extent which the City of Deming participates in Federal Assistance Programs wherein the following antidisplacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the City of Deming will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive):

### **DISPLACEMENTS STRATEGY**

#### **A. Steps to Minimize or Prevent Displacement:**

1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the greatest convenience, safe and economically sound rehabilitation effort possible.
2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long established owners or on tenants of multi-family buildings.
4. Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

#### **B. Actions to Assist Displaced Persons to Remain in Their Present Neighborhoods:**

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units; or construct housing units.

2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.
3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displaced to find alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement:

1. Use of public funds, such as CDBG, to pay moving costs and provide relocation payments or, to extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.
2. Give displaced priority in obtaining subsidized housing.
3. Provide counseling and referral service to assist displaced to locate elsewhere in the community.

It shall be the policy of the City of Deming that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

As approved by City Council, January 9, 2017 by resolution.

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-03**

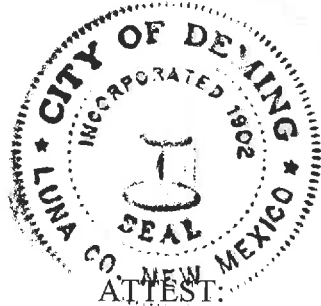
**A RESOLUTION TO ADOPT  
THE CITIZEN PARTICIPATION PLAN**

**WHEREAS**, in accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared a Citizen Participation Plan.

**WHEREAS**, in accordance with the CDBG Regulations the City of Deming's Citizen's Participation Plan must be updated annually;

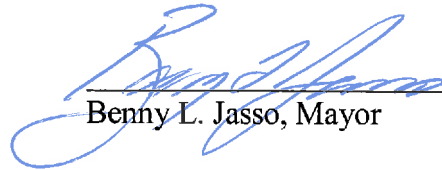
**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Deming, New Mexico that it hereby adopts the attached Citizen Participation Plan.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of January, 2017.



ATTEST:

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk

**COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM  
CITIZEN PARTICIPATION PLAN**

**Introduction**

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared and adopted this Citizen Participation Plan.

**Objective A**

The City of Deming will provide for and encourage citizen participation within their areas of jurisdiction with particular emphasis on participation by persons of low and moderate income.

1. Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of City upcoming meetings, actions, functions.
2. Develop press releases on City meetings, actions and hearings and circulate to newspapers, radio and televisions media.
3. Develop and maintain listings of groups and representatives of low and moderate income persons and include on mailing lists for announcements, notices press releases, etc.

**Objective B**

The City of Deming will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds.

1. Public notices, press releases, etc., should allow for a maximum length of notice to citizens.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from this requirement.
3. Meetings, hearings, etc., should be conducted at times and locations conducive to public attendance, i.e., evenings, Saturdays.

**Objective C**

The City of Deming will provide for technical assistance to groups and representatives of low and moderate-income persons that request assistance in developing proposals. (Special note: the level and type of assistance is to be determined by the City.)

1. Low/moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the City of Deming upon request.
2. The City of Deming will document all technical assistance provided to such groups and have documentation available for review.

**Objective D**

The City of Deming will provide for public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program.

1. The City of Deming will advise citizens of the CDBG Program objectives, range of activities that can be applied for and other pertinent information.
2. The City of Deming will conduct a minimum of two public hearings:
  - a. One public meeting will be held for the purpose of obtaining the views of citizens on community development and housing needs to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the State for CDBG funding assistance.
  - b. A second public hearing will be held for the purpose of gaining citizen input on the particular application to be submitted to the State for CDBG funding consideration.
3. The City of Deming will review program performance, past use of CDBG funds and make available to the public its community development and housing needs including the needs of low and moderate-income families and the activities to be undertaken to meet such needs.
4. Public hearing notices will be published in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice, minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goal, objectives and applications are also subject to public participation.

**Objective E**

The City of Deming will provide for timely written answers to written complaints and grievances within 15 working days where practicable.

1. The City of Deming will adopt complaint-handling procedures of policies to insure that complaints or grievances are responded to within 15 days, if possible.
2. Procedures will allow for appeal of a decision to a neutral authority.

3. A detailed record of all complaints/grievances and responses will be filed in one central location with easy public access provided.

**Objective F**

The City of Deming will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

1. The City of Deming will identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and/or having briefing materials available in the appropriate language.
2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

As approved by City Council, January 9, 2017 by resolution.

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-04**

**AN ANNUAL RESOLUTION DETERMINING WHAT CONSTITUTES  
REASONABLE NOTICE OF PUBLIC MEETINGS HELD BY THE  
GOVERNING BODY OF THE CITY OF DEMING  
PER SECTION 10-15-1 (D) OF THE OPEN MEETINGS ACT**

**WHEREAS**, the City of Deming met in Regular session at Deming, New Mexico on January 9, 2017 at 6:00 p.m. as per law; and

**WHEREAS**, Section 10-15-1(B) of the Open Meeting Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum or members of any board, council, commission or other policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

**WHEREAS**, any meetings subject to the Open Meetings Act which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

**WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the City of Deming to determine annually what constitutes reasonable notice of its public meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Deming that:

1. Notice shall be given at least ten (10) days in advance of any regular meeting of a quorum of the members of the governing body held for the purpose of discussion of public business or where any formal action within the authority of the governing body will take place.
2. All regular meetings shall be held at the John Strand Municipal Building, 309 S. Gold Avenue, at 6:00 p.m. or as indicated on the meeting notice.
3. Regular meeting shall be held each month on the second Monday. A proposed agenda will be available the at least seventy-two (72) hours prior to the meeting from the John Strand Municipal Building, 309 South Gold Avenue, Deming, New Mexico.
4. Special meetings may be called by the Mayor or a majority of the Council members upon three (3) days notice.
5. Emergency meetings will be called only under circumstances, which demand immediate action to protect the health, safety and property of citizens. The City of Deming will avoid emergency meetings whenever possible.

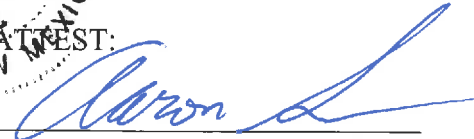
Emergency meetings may be called by the Mayor or a majority of the Council members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice.

6. For the purpose of regular meetings described in paragraph 3 of this resolution, notice requirements are met if notice of the date, time, place, and general subject matter to be discussed is placed in newspapers of general circulation in the state.
7. For the purposes of special meetings and emergency meetings described in paragraphs 4 and 5 of this resolution, notice requirements shall be met by posting notices in the Municipal Building.
8. The City Council may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.
  - a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting; and
  - b. If the decision to hold a closed meeting is made when the City Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting and the subjects to be discussed, is given to the members and to the general public; and
  - c. Except as provided in Section 10-15-1 (E), any action taken as a result of discussions in a closed meeting shall be made by vote of the City Council in an open public meeting.

**PASSED, APPROVED AND ADOPTED** by the City Council this 9<sup>th</sup> day of January 2017.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk





**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-05**

**A RESOLUTION ADOPTING REGULATIONS REGARDING  
THE PROCUREMENT PROCESS OF THE MUNICIPALITY  
PURSUANT TO THE REQUIREMENTS OF THE PROCUREMENT CODE  
(BEING SECTIONS 13-1-28 TO 13-1-199 NMSA 1978, AS AMENDED) AND  
PUBLIC WORKS CONTRACTS (BEING SECTIONS 13-4-1 TO 13-4-42 NMSA  
1978, AS AMENDED)**

**WHEREAS**, the purpose of this Resolution is to adopt regulations to translate or define the general and specific requirements of the Procurement code; and

**WHEREAS**, the purpose of the Procurement Code is to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity; and

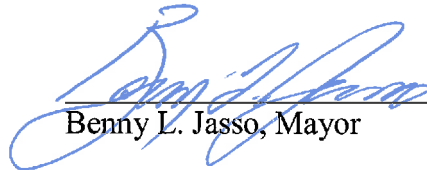
**WHEREAS**, the governing body may adopt regulations through resolution or ordinance to effect the powers and duties granted the municipality by state law;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DEMING** that the regulations cited above are the purchasing processes to be utilized by all officers and employees of the municipality through the Central Purchasing office in the procurement of tangible personal property, services and construction.


This Resolution supersedes any and all previous procurement guidelines in their entirety.

**PASSED, APPROVED AND ADOPTED** by City Council at its meeting on this 9<sup>th</sup> day of January, 2017.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor



  
Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-06**

**TRAVEL & PER DIEM  
ADOPTION OF NMAC 2.42.2 PURSUANT TO  
10-8-5 and 9-6-5 NMSA 1978**

**WHEREAS**, the Travel and Per Diem Regulation governing the Per Diem and Mileage Act are promulgated in the New Mexico Administrative Code 2.42.2 which is in accordance with 10-8-1 thru 10-8-8 NMSA 1978; and,

**WHEREAS**, the Administrative Code pursuant to authority granted in Section 10-8-5(A) and 9-6-5(E) NMSA 1978 governs the payment of per diem rates and mileage and the reimbursement of expenses for salaried and non-salaried public officers and employees of state agencies and local public bodies.

**NOW THEREFORE BE IT RESOLVED**, that public officers and employees of the City of Deming shall be reimbursed for per diem and mileage and the reimbursable expenses in accordance with NMAC 2.42.2.1 thru 2.42.2.14 including appendices: and,

**BE IT FURTHER RESOLVED**, that adoption of Regulation 2.42.2 NMAC shall include subsequent amendments.

**NOW THEREFORE BE IT FURTHER RESOLVED BY AND CERTIFIED BY THE UNDERSIGNED FOR AND ON BEHALF OF THE CITY.**

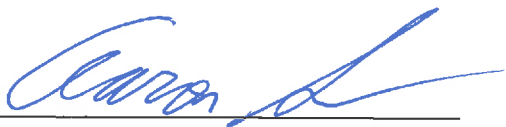
**PASSED, APPROVED and ADOPTED** this 9<sup>th</sup> day of January, 2017.



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Aaron Sera, Administrator/Clerk

**CITY OF DEMING, NEW MEXICO  
RESOLUTION NO. 17-07**

**A RESOLUTION TO ADOPT THE COMMERCIAL INTERNET  
BANKING RESOLUTION FOR FIRST NEW MEXICO BANK**

**WHEREAS**, the undersigned, hereby certifies to First New Mexico Bank (the Bank) that, Laura Holguin, is the Finance Director/Treasurer of the City of Deming (customer) unless otherwise designated, Secretary or Assistant Secretary and designated keeper of the records and minutes of the Commercial Customer identified above, and

**WHEREAS**, Ms. Holguin, as the Finance Director/ Treasurer, has full authority to make representations set forth in this resolution on behalf of the Commercial Customer; and that the following is a true and correct copy of the resolution duly adopted by the Governing Body of the City of Deming, New Mexico; and

**WHEREAS**, the Governing Body, at a meeting held on the 9<sup>th</sup> day of January, 2017, at which a quorum was present and acting throughout, or adopted by the written consent of a majority of those entitles to or required to act to bind the Commercial Customer, and that such resolution is in full force and effect and has not been amended or rescinded:

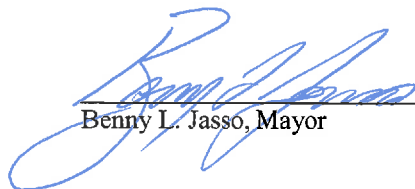
**NOW THEREFORE BE IT RESOLVED**, that:

1. The person executing the attached Agreement and Enrollment Form is hereby authorized, on behalf of this Commercial Customer an in its name, to execute and deliver said forms, and to thereby bind the Commercial Customer to First New Mexico Bank Internet Business Banking Agreement, as amended from time to time, for the purpose of enabling representatives of this Commercial Customer to obtain account information, perform fund transfers between Commercial Customer's account(s), and/or to make payments from Commercial Customer's account(s) through the use of one or more passcodes; and
2. Each person named on the attached Enrollment Form, acting alone, is hereby authorized to act on the Commercial Customer's behalf in all matters relative to Commercial Customer's passcodes, including but not limited to the right to (i) establish additional passcode IDs on the Commercial Customer's behalf, (ii) terminate or cancel any/all existing passcodes; (iii) change the Commercial Customer's account(s) associated with the passcode ID, (iv) change the activity level of an account associated with any passcode, (v) name additional persons who will have maintenance authority over Commercial Customer's passcodes, or terminate the authority of any person with maintenance authority over Commercial Customer's passcode.
3. 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
4. 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 sue a passcode must specifically state that it related to passcodes and must specifically describe the termination or change requested.

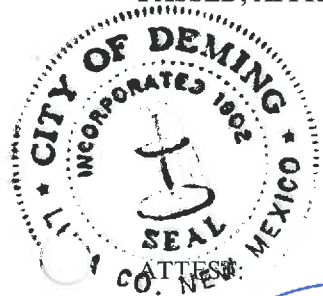
**IN WITNESS WHEREOF**, I Benny L. Jasso, and intending to bind the Commercial Customer, City of Deming, New Mexico, I have hereunto subscribed my name as of the date set for below.

**PASSED, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of January, 2017.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

  
Aaron Sera, City Clerk



CITY OF DEMING, NEW MEXICO  
ORDINANCE NO. 1263

ADOPTING A MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DEMING

**Section 1. Imposition of Tax.** There is imposed on any person engaging in business in this municipality for the privilege of engaging in business in this municipality an excise tax equal to three-eighths of one percent (.375%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The Tax imposed under this ordinance is pursuant to the Municipal Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "municipal hold harmless gross receipts tax."

**Section 2. General Provisions.** This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it no exists or as it may be amended.

**Section 3. Specific Exemptions.** No municipal hold harmless gross receipts tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the municipality to another point outside the municipality;
- B. a business located outside the boundaries of a municipality on land owned by that municipality for which a state gross receipts tax distribution is made pursuant to Subsection C of Section 7-1-6.4 of NMSA 1978; or
- C. direct broadcast satellite services.

**Section 4. Dedication.** Revenue from the municipal hold harmless gross receipts tax will be used for the purpose(s) listed below:

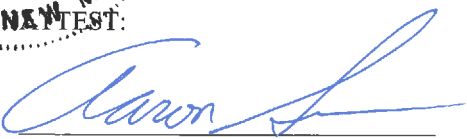
- Public Safety
- Public Transportation
- Street repair and maintenance
- Recreation
- Public Facilities
- Parks
- Equipment repair or replacement
- Water infrastructure
- Waste Water infrastructure
- Other municipal government services

**Section 5. Effective Date.** The effective date of the municipal hold harmless gross receipts tax shall be January 1, or July 1, whichever date occurs first after the expiration of three months from the date this ordinance is adopted.

PASSED, ADOPTED, AND APPROVED, this 9<sup>th</sup> day of January, 2017, by the City Council of the City of Deming, New Mexico.

CITY OF DEMING, NEW MEXICO

  
Benny L. Jasso, Mayor

  
Aaron Sera, Administrator/Clerk





BENNY JASSO, MAYOR

AARON SERA, ADMINISTRATOR

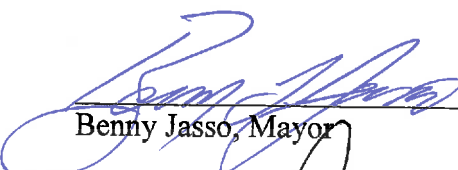
Phone (575) 546-8848 - Fax (575) 546-8442  
E-MAIL: [deming@cityofdeming.org](mailto:deming@cityofdeming.org) - Website: [www.cityofdeming.org](http://www.cityofdeming.org)  
P.O. BOX 706. DEMING, NEW MEXICO 88031  
POPULATION 14,000

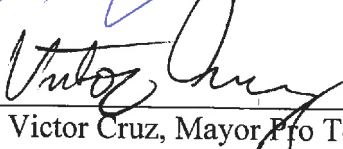
January 9, 2017


We, officials of the City of Deming, do hereby authorize the disposal of the used or obsolete property with a FMV of greater than \$5,000, listed below.

|                |                         |                        |
|----------------|-------------------------|------------------------|
| Asset #9858-00 | 2009 Miles Electric ZX4 | VIN #LECPT22B89T000323 |
| Asset #9858-01 | 2009 Miles Electric ZX4 | VIN #LECPT22B89T000337 |
| Asset #9765-00 | HP LaserJet 9050N       | Serial #JPDL68Q02H     |

Signed this 9th day of January 2017.

  
Benny Jasso, Mayor

  
Dr. Victor Cruz, Mayor Pro Tem

  
Aaron Sera, Administrator



BENNY 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  
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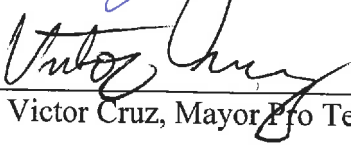
January 9, 2017

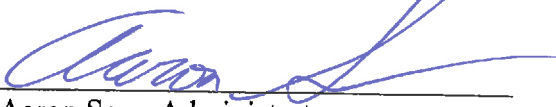
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Signed this 9th day of January 2017.

  
Benny Jasso, Mayor

  
Dr. Victor Cruz, Mayor Pro Tem

  
Aaron Sera, Administrator