

City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Special Meeting (following Organizational Meeting)
January 3, 2022

Meeting was called to order at 12:21 p.m. via Zoom

Welcome

Present: Mayor Glenda F. Greene, Linda Farnsworth, City Clerk, Martha Salas, Finance Director, Councilor Rodney Plowman, Mayor Pro-tem Caesar Alvarez, Councilor Julie Montenegro, Councilor Alfredo Morelos, Jr., Councilor Manuel D.V. Saucedo and Martin Neave (via telephone).

Attendance: Chief Ricardo Huerta, Bob Hill, Xane Hill, Jason Watkins, Martha Jimenez, Fred LaMarca, D.W. Oliver, Vicky Alvarado and Ethan and various citizens signed in under ZOOM.

Approval of Agenda: Councilor Montenegro moved to approve the Agenda, 2nd by Councilor Plowman. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

Approval of Resolutions and Ordinances:

a). Resolution No. 2022-01 – Open Meetings Act. Councilor Saucedo moved to approve this resolution, 2nd by Councilor Morelos. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

b). Resolution No. 2022-02 – Holiday Schedule. Councilor Morelos moved to approve this Resolution, 2nd by Councilor Plowman. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

c). Resolution No. 2022-03 – Ratification of Council of Governments (COG) Agreement. Councilor Saucedo moved to table this Resolution until the next meeting as quote was for entire year instead of 6 months, 2nd by Councilor Morelos. City Clerk polled the Council. Motion carried to table until the next meeting of 1/14/22.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

d). Resolution No. 2022-04 – Resolution to amend the FY 2023-2027 Infrastructure Capital Improvement Plan (ICIP). Councilor Saucedo voiced concern about whether or not streets are included in this plan. Martha Salas, Finance Director stated that yes, they are included in this amended Resolution, and with that being clarified, Councilor Plowman made a motion to approve this

Resolution, 2nd by Mayor Pro-tem Alvarez. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

e). Resolution No. 2022-05 – Anti-displacement Plan and Certification. Martha Salas, Finance Director stated that this Resolution is also part of CDBC Procurement. Councilor Montenegro made a motion to approve this Resolution, 2nd by Mayor Pro-tem Alvarez. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

f). Resolution No. 2022-06 – Fair Housing. A motion was made by Councilor Saucedo to approve this Resolution, 2nd by Councilor Montenegro. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

g). Resolution No. 2022-07 – City of Lordsburg CDBG Procurement. Motion was made by Councilor Plowman to approve this Resolution, 2nd by Mayor Pro-Tem Alvarez. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

h). Resolution No. 2022-08 – Section 3. Motion was made by Councilor Saucedo to approve this Resolution, 2nd by Mayor Pro-Tem Alvarez. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

i). Resolution No. 2022-09 Budget Adjustment. Martha Salas, Finance Director explained why the budget adjustment was needed. Motion was made by Councilor Morelos to approve this Resolution, 2nd by Councilor Saucedo. City Clerk polled the Council. Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

j). Resolution No. 2022-10 – Premium Pay for Essential Worker. Councilor Saucedo asked if the monies were taxable, whereas, the Finance Officer stated that the monies are taxable. Motion was made by Councilor Plowman to approve

this Resolution, 2nd by Councilor Montenegro. City Clerk polled the Council.
Motion carried.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

k). Ordinance No. 2022-01 – An Ordinance establishing regulations for Medical and Recreational Cannabis. Motion was made by Councilor Saucedo to approve this Ordinance, 2nd by Mayor Pro-tem Alvarez. City Clerk polled the Council.
Motion carried.

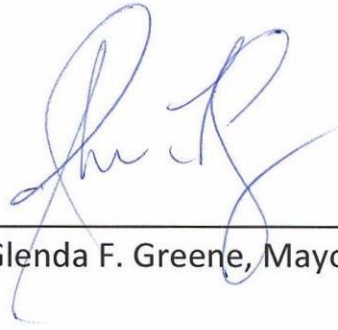
Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

Adjourn:

With nothing further to be discussed, motion was made by Mayor Pro-tem Alvarez, 2nd by Councilor Montenegro to adjourn. City Clerk polled the Council.
Motion carried and the meeting was adjourned at 12:52 p.m.

Councilor Plowman AYE
Mayor Pro-Tem Alvarez AYE
Councilor Montenegro AYE
Councilor Morelos AYE
Councilor Saucedo AYE
Councilor Neave (via telephone) AYE

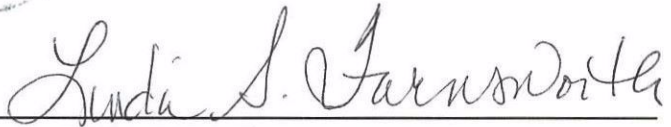
Approved this 14th day of January, 2022.



Glenda F. Greene, Mayor



ATTEST



Linda S. Farnsworth, City Clerk

City of Lordsburg
409 West Wabash – Lordsburg, New Mexico
Special Meeting – following the Organizational Meeting
January 3, 2022 at 12:00 p.m. noon

Public appearance through ZOOM

There will be limited seating in Council Chambers, social distancing will be followed and a mask must be worn in Council Chambers if you would like to attend this meeting in person

<https://us02web.zoom.us/j/89603164083?pwd=c1BZb3NMMNksyU0F0cEU4VHpkOHZwUT09>

Meeting ID: 896 0316 4083

Passcode: 897113

AGENDA

Welcome

a). Approval of Agenda

Approval of Resolutions and Ordinances:

- a). Resolution No. 2022-01 – Governing Body Meetings and Public Notice Required (open meetings act resolution)
- b). Resolution No. 2022-02 – 2022 Holiday Schedule
- c). Resolution No. 2022-03 – Resolution of the City of Lordsburg ratifying a certain agreement between the City of Lordsburg and the Southwest New Mexico Council of Governments (also known as COG)
- d). Resolution No. 2022-04 – Resolution to amend the FY 2023-2027 Infrastructure Capital Improvement Plan (also known as ICIP)
- e). Resolution No. 2022-05 – Residential Anti-displacement and Relocation Plan and Certification
- f). Resolution No. 2022-06 – Fair Housing Policy
- g). Resolution No. 2022-07 – City of Lordsburg CDBG Procurement Policy
- h). Resolution No. 2022-08 – Section 3 Plan
- i). Resolution No. 2022-09 – Budget Adjustment. Carried over from the December 20, 2021 meeting to be approved
- j). Resolution No. 2022-10 – Premium Pay for Essential Workers. Carried over from the December 20, 2021 meeting to be approved
- k). Ordinance No. 2022-01 – An ordinance establishing regulations for Medical and Recreational Cannabis (Cannabis Ordinance)

Adjourn

**RESOLUTION
NO. 2022-01**

Resolution No. 2022-01
City of Lordsburg
Governing Body Meetings and Public Notice Required

Whereas, Section 10-15-1B, NMSA 1978, provides that “all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency, or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business of such board, commission or other public-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provision of the Open Meetings Act”; and

Whereas, Section 10-15-3A, NMSA 1978, provides that “no resolution, rule, regulation, or ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1, NMSA 1978”; and

Whereas, Section 10-15-4, NMSA 1978, provides that “any person violating any of the provisions of Section 10-15-1, NMSA 1978, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense; and

Whereas, Section 10-15-1D, NMSA 1978, requires that “any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or a quorum of the governing body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, hereinafter “City Council” of the City of Lordsburg, New Mexico, that:

1. **Regular Meetings.** Notice shall be given at least five (5) days in advance of any regular meeting of a quorum of the members of the City Council, or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body. All requests for agenda items must be submitted to the Mayor or City Clerk 7 days before the meeting.
2. **Emergency Meetings.** Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety, and property of citizens or to protect the public body from substantial financial loss. Emergency meetings may be called by the mayor or a majority of the members of the City Council upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting.

3. **Work Sessions.** A “work session” is any meeting of a quorum of the City Council which does not involve any formal action by the governing body. Notice will be posted 72 hours prior to work session. Such sessions include, but are not limited to:

- a. Discussion related to the formulation of public policy prior to the formal discussion or adoption of any resolution or ordinance pending before the City Council; and
- b. Discussion of internal administrative actions concerning the operations of the City Council; and
- c. Discussion, to gather information, between staff and the City Council in preparation for formal discussion or action;

Any person wishing to attend a work session of the City Council which has not been closed pursuant to NMSA 1978 Section 10-15-1(H) and 10-15-1(1) and this Open Meetings Act Policy shall be allowed to attend and listen to the discussions.

4. **Closed Meetings.** Pursuant to NMSA 1978, Section 10-15-1(H) and (1), the City Council upon its own motion may close a meeting to the public if the subject matter of such discussion or action is included in Subsection H of the Open Meetings act, NMSA 1978, Section 10-15-1, or if the need to close the meeting is required by other laws which specifically preserve the confidentiality of certain information that is to be considered at a closed meeting. If any meeting is closed pursuant to the exclusions contained in Subsection H of NMSA 1978, Section 10-15-1, and such closure:

- a. If made in an open meeting, shall be approved by a majority vote of the quorum of the City Council and the specific statutory or other authority for such closure, and the subject to discussed, shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting, and such vote shall be taken in an open meeting and the vote of each Councilor shall be recorded in the minutes;
- b. If called when the City Council is not in an open meeting, such closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the general public.

Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting, if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in the closed meeting shall be made by vote of the City Council in an open public meeting.

5. **Special Meetings** Special meetings may be called by the Mayor or a majority of the members of the City Council upon three (3) days notice by publication or posting. The notice shall include the subject matter to be discussed. The agenda for the meeting will be available twenty-four (24) hours prior to the meeting.

6. The regularly scheduled meetings of the City Council will be held at **12:00 p.m. (noon) on the 2nd Friday of each month in the Council Chambers at 409 West Wabash Street, Lordsburg, New Mexico.** In the event that the regular meeting date falls on a legal holiday, the City Council shall designate an alternate meeting date and/or change the meeting date and/or time to be published or posted as provided in this Resolution. In the event that a regular meeting of the City Council is changed to a different location, advance notice of the meeting shall be published or posted as provided in the Resolution.

7. The notice requirements of Sections 1, 2, 3, 4, 5, and 6 of this Resolution are complied with if notice of the date, time, and place of any regular or special meeting are published or posted. Additionally, the notice shall contain information on how the public may obtain a copy of the agenda, said agenda to be available at least seventy-two (72) hours prior to the meeting. "Publish" means printing in a newspaper that is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, "publish" shall mean posting in five places within the municipality, and one of the public places where posting shall be made is the Office of the Municipal Clerk, who shall maintain the posting for public inspection within the time limits specified. The five places notice shall be posted are:

- The Office of the City Clerk
- United States Post Office
- Hidalgo County Courthouse
- Lordsburg Housing Authority
- City of Lordsburg Website - cityoflordsburg.org

8. Pursuant to NMSA 1978, Section 10-15-1, a council member may participate in any open meeting called to take formal action by means of a conference telephone or other similar communications equipment. When it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

a). In the event it becomes necessary in order to achieve a quorum for a City Council meeting, a member of the Council who is not available to be present at the meeting shall be permitted to appear by telephone conference with compliance of all safeguards provided herein.

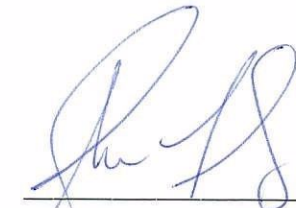
9. The City Council hereby authorizes the publication of the schedule of the regular meetings once or twice if required as a legal advertisement in a newspaper of general circulation in the City of Lordsburg.

10. In addition to the information specified above, all notices shall include the following language:

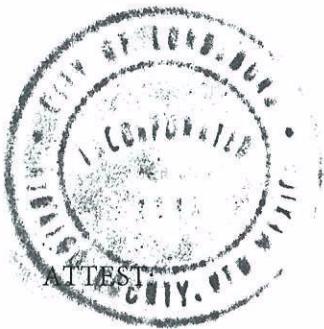
“If you are an individual with a disability who is in need of a reader, amplifier, qualified sign , language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-542-3421 at least one (1) week prior to the meeting or as soon as possible. Public documents, including agendas and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-542-3421 if a summary or other type of accessible format is needed.”

11. Notwithstanding any other provision of this Resolution, meeting locations, in-person meeting, posting requirements and any other deviation made necessary or advisable by any public health emergency or conditions, may be made while taking into account guidance provided by the New Mexico Attorney General’s Office for Public Meetings during public health emergencies.

DONE AND PASSED this 3rd day of January, 2022



Glenda F. Greene, Mayor



Linda S. Farnsworth

Linda S. Farnsworth , City Clerk

**RESOLUTION
NO. 2022-02**

Resolution No. 2022-02
City of Lordsburg
2022 Holiday Schedule

Whereas, the Governing Body of the City of Lordsburg, New Mexico have set the following date for authorized **Holidays** for the calendar year 2022 and New Year's Day 2023:

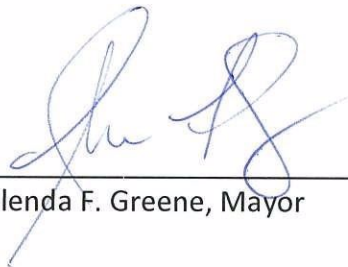
Martin Luther King, Jr. Day	Will be observed	Monday, January 17, 2022
President's Day	Will be observed	Monday, February 21, 2022
Memorial Day	Will be observed	Monday, May 30, 2022
Independence Day	Will be observed	Monday, July 4, 2022
Labor Day	Will be observed	Monday, September 5, 2022
Veteran's Day	Will be observed	Friday, November 25, 2022
Thanksgiving Day	Will be observed	Thursday, November 24, 2022
Christmas Eve	Will be observed	Friday, December 23, 2022
Christmas Day	Will be observed	Monday, December 26, 2022
New Year's Day 2023	Will be observed	Monday, January 2, 2023
Personal Holiday (in lieu of Columbus Day)	Will be observed	At employee's request

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Lordsburg that: "All services provided by the City of Lordsburg will be closed on these days"

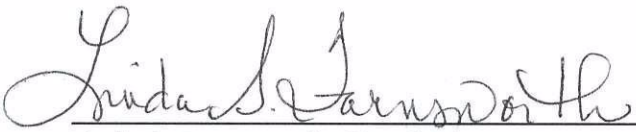
PASSED, APPROVED AND ADOPTED, this 3rd day of January, 2022.



ATTEST



Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**RESOLUTION
NO. 2022-03**

RESOLUTION NO. 2022-03

RESOLUTION OF THE CITY OF LORDSBURG RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF LORDSBURG AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JANUARY 3, 2022, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE CITY OF LORDSBURG.

WHEREAS, the CITY OF LORDSBURG is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary that an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for CITY OF LORDSBURG be entered into and it is a requirement of the New Mexico State Laws; and

WHEREAS, it is necessary to set forth the sum to be paid by the CITY OF LORDSBURG to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

WHEREAS, it is the desire of CITY OF LORDSBURG to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY CITY OF LORDSBURG THAT:

1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses the desires and intent of CITY OF LORDSBURG.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of CITY OF LORDSBURG and is hereby authorized and instructed to affix their signature thereto.
3. A Certified copy of this Resolution (together with the Agreement) shall be filed at the Southwest New Mexico Council of Governments.

Done this the 3rd day of January 3, 2022 in Special Session, at Lordsburg, New Mexico





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

AGREEMENT

This AGREEMENT, entered into by and between the Southwest New Mexico Council of Governments (hereinafter known as COG), and the City of Lordsburg a Member of said Southwest New Mexico Council of Governments (hereinafter known as Member) is as follows:

1. COG agrees to furnish the following services to Member:
 - (a) Provide an updated statistical data base of federal and state statistics.
 - (b) Furnish technical assistance to Member as requested by Member in planning development.
 - (c) Coordination of planning with other Members of COG and various other State of New Mexico and local agencies.
 - (d) Furnish management, advice and assistance to Member as Member requests in implementing their plans.
 - (e) Furnish clearinghouse and environmental review of all projects of Member and where requested by Member, assist in the development of material for clearinghouse review.
 - (f) Assist Member in developing Infrastructure Capital Improvement Plan.
 - (g) Assist Member, when requested, in the development of Community Development Block Grant applications, as well as, assistance in monitoring and compliance.
 - (h) Assist Member in the preparation of applications for funding under various State and Federal grants.
 - (i) Represent Member with economic development activities.
 - (j) Assist Member with economic development activities.
 - (k) Assist Member, with the development of housing initiatives and programs.
 - (l) Assist Member in the preparation of applications under Department of Transportation.
 - (m) Represent membership, when requested, under NM Department of Transportation for program funding.
 - (n) Assist Member with Capital Outlay process.
 - (o) Provide training that will benefit the membership.

2. Member agrees to furnish the following:

- (a) To remain a voting member of the Southwest New Mexico Council of Governments and to participate in its policy development and administration.
- (b) Will designate _____ (name), to be the Member of (email address) _____.
- (c) To pay, in one lump sum, annual dues in the amount of \$1,031.00 into the treasury of COG as payment for these services.

Total Assessment for Fiscal Year 2021-2022 is \$1,031.00

- (d) Such payment shall be for all services rendered to Member, by COG, for the period beginning January 1, 2022 and ending June 30, 2022. Such sum shall be expended by COG of which Member is a voting member, or as such budget may be amended following laws and regulations.

This Agreement is entered into on the 14th day of January, 2022
Lordsburg, New Mexico.



Name of Local Unit of Government: City of Lordsburg

Hinda S. Farnsworth
Clerk or other Authorized Official

[Signature]
Signature of Authorized Official

(SEAL)

=====

SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

Priscilla C. Lucero
Priscilla C. Lucero, Secretary/Treasurer

[Signature]
Aaron Sera, Chairman

SOUTHWEST NEW MEXICO
 COUNCIL OF GOVERNMENTS
 PO Box 2157, Silver City, NM 88062

Invoice No.

1

INVOICE

Customer

Name City of Lordsburg
 Address 409 W. Wabash
 City Lordsburg State NM ZIP 88045
 Phone _____

Misc

Date 12/6/2021
 Order No. _____
 Rep _____
 FOB _____

Qty	Description	Unit Price	TOTAL
1	FY 2021-2022 Member's Dues	\$ 2,063.00	\$ 2,063.00

SubTotal	\$ 2,063.00
Shipping	
TOTAL	\$ 2,063.00

Payment

Check

Tax Rate(s)

Comments _____
 Name _____
 CC # _____
 Expires _____

Office Use Only

Please remit to: SWNM Council of Governments, PO Box 2157, Silver City, NM 88062

**RESOLUTION
NO. 2022-04**

Municipality of Hidalgo County
of

LORDSBURG

Resolution No. 2022-04

A RESOLUTION
TO AMEND THE FY 2023-2027 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)

- WHEREAS, the municipality of Lordsburg of Hidalgo County recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and
- WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and
- WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and
- WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long-range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY, CITY OF LORDSBURG that:

1. The municipality has amended the attached FY 2023-2027 Infrastructure Capital Improvement Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution No. 2021-20.

PASSED, APPROVED and ADOPTED by the governing body at its meeting of January 3, 2022.



Glenda E. Greene, Mayor

ATTEST:



Linda S. Farnsworth, City Clerk

Infrastructure Capital Improvement Plan FY 2023-2027

Lordsburg Project Summary

ID	Year	Rank	Project Title	Category	Funded to date	2023	2024	2025	2026	2027	Total	Amount	Phases?
											Project Cost	Not Yet Funded	
12198	2023	001	Purchase Jetter	Equipment - Other	0	0	300,000	0	0	0	300,000	300,000	No
29065	2023	002	Water and Wastewater Line Improvements	Water - Wastewater	1,000,000	1,075,000	4,000,000	0	0	0	6,075,000	5,075,000	Yes
25926	2023	003	Sewer Line Replacement	Water - Wastewater	0	160,000	800,000	0	0	0	960,000	960,000	Yes
29926	2023	004	Rehab Wells and Drill New Well	Water - Water Supply	0	5,475,000	0	0	0	0	5,475,000	5,475,000	Yes
11700	2023	005	Utility Extension Exit 24 - Phase II	Facilities - Administrative Facilities	0	190,000	800,000	800,000	0	0	1,790,000	1,790,000	Yes
20180	2023	006	Purchase Police Vehicles	Equipment - Public Safety Equipment	0	400,000	0	0	0	0	400,000	400,000	No
36800	2023	007	Purchase New Utility and Maintenance Vehicles	Equipment - Other	500,000	0	0	0	0	0	500,000	0	No
39321	2023	008	2nd Street from Main Street to Mary Kip	Transportation - Highways/Roads/Bridges	0	50,000	2,950,000	0	0	0	3,000,000	3,000,000	No
32460	2024	001	ADA Compliance	Facilities - Other	0	0	0	275,000	2,500,000	0	2,775,000	2,775,000	Yes
36782	2024	002	High Street Roadway & Drainage Reconstruction	Transportation - Highways/Roads/Bridges	0	0	200,000	2,500,000	0	0	2,700,000	2,700,000	Yes
39238	2024	003	3rd to 8th, Chester Street Roadway and Drainage	Transportation - Highways/Roads/Bridges	0	100,000	400,000	4,500,000	0	0	5,000,000	5,000,000	Yes
36532	2024	004	Generators for City Hall, Public Safety & Fire De	Facilities - Other	0	285,000	0	0	0	0	285,000	285,000	No
29066	2024	005	Animal Shelter Improvements	Facilities - Administrative Facilities	0	0	27,500	200,000	0	0	227,500	227,500	Yes

Infrastructure Capital Improvement Plan FY 2023-2027

20172	2025	001	Extension of Lordsburg Municipal Airport Runway	Transportation - Airports	0	0	0	120,000	0	0	120,000	120,000	No
39244	2025	002	Airport Fence	Other - Other	0	0	0	200,000	0	0	200,000	200,000	No
35180	2026	001	Street Signs Replacement	Transportation - Other	0	0	0	60,000	0	0	60,000	60,000	No
12430	2027	001	Walking and Bike trail	Transportation - Bike/Pedestrian/Equestrian	0	0	0	0	0	920,000	920,000	920,000	Yes

Number of projects:	17												
Grand Totals	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:						Total Not Yet Funded:
	1,500,000	7,735,000	9,477,500	8,655,000	2,500,000	920,000	30,787,500						29,287,500

**RESOLUTION
NO. 2022-05**

RESOLUTION NO. 2022-05

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN AND CERTIFICATION

Section 104(d) of the Housing & 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 anti-displacement and relocation plan".

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

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

PLAN AND CERTIFICATION

The City of Lordsburg herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as 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 Lordsburg 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 (10) years from the date of initial occupancy.

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

DISPLACEMENT 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 advice 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 individuals find alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

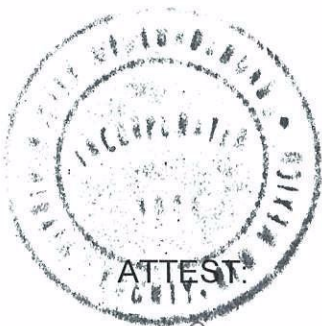
C. Actions to Otherwise Mitigate Adverse Effects of Displacement

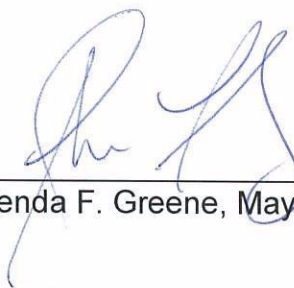
1. Use of public funds, such as CDBG, to pay moving costs and provide relocation payments, or, to the extent permissible by local or state law requiring private developers to provide compensation to persons displaced by development activities.
2. Give displaced individuals' priority in obtaining subsidized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

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

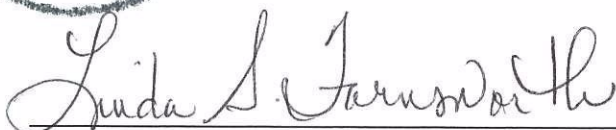
- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

NOW THEREFORE BE IT RESOLVED that the City of Lordsburg, passed, and adopted the Anti-Displacement and Relocation Plan this 3rd day of January 2022.





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**RESOLUTION
NO. 2022-06**

RESOLUTION NO. 2022-06
Fair Housing Policy

Section 1. POLICY

It is the policy of City of Lordsburg to provide, within constitutional limitations, for fair housing throughout the City of Lordsburg.

Section 2. DEFINITIONS

1. "Aggrieved Person" includes any person who
 - a. claims to have been injured by a discriminatory housing practice; or
 - b. believes that they will be injured by a discriminatory housing practice that is about to occur.

2. "Chief Elected Official" means the person who holds the highest elected position of the local unit of government and who is signatory to the Small Cities Community Development Block Grant agreement with the Local Government Division.

3. "Complainant" means the person (including the chief elected official) who files a complaint under Section 10.

4. "Discriminatory housing practice" means an act that is unlawful under Section 4, 5 or 6 of this policy.

5. "Dwelling" means any building, structure or portion thereof which is occupied as, designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

6. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with--
 - a. A parent or another person having legal custody of such individual or individuals; or
 - b. the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections

afforded against discrimination on the basis of familial status shall apply to any person who is pregnant, or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

7. "Family" includes a single individual.
8. "Handicap" means, with respect to a person
 - a. a physical or mental impairment which substantially limits one or more of such person's major life activities;
 - b. a record of having such an impairment; or
 - c. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to, a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. , 802]).
9. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
10. "Respondent" means
 - a. the person or other entity accused in a complaint of an unfair housing practice; and
 - b. any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under Section 10.
11. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

Section 3. UNLAWFUL PRACTICE

Subject to the provisions of subsection (b) and Section 7, the prohibitions against discrimination in the sale or rental of housing set forth in Section 3 shall apply to:

1. All dwellings except as exempted by subsection (b).
2. Nothing in Section 4 shall apply to:

- a. Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at anyone time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale, or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at anyone time: Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this policy only if such house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson or person, and
 - a. without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 4(c) of this policy, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
 - b. rooms or units in dwellings contained living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as their residence.
3. For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
 - a. they have, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or
 - b. they have, within the preceding twelve months, participated as agent, other than in the sale of their own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

- c. they are the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Section 4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by Section 3 and except as exempted by Sections 3(b) and 7, it shall be unlawful:

To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.

To refuse rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.

3. To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination
4. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

Section 5. DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS

1. In general -- It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status or national origin.
2. Definition--As used in this Section, the term "residential real estate-related transaction" means any of the following:
 - a. The making or purchasing of loans or providing other financial assistance

§ for purchasing, constructing, improving, repairing or maintaining a dwelling; or

§ secured by residential real estate.

b. The selling, brokering or appraising of residential real property

3. Appraisal Exemption--Nothing in this policy prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, handicap, familial status or national origin.

Section 6. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against them in the terms or conditions of such access, membership or participation because of race, color, religion, sex, handicap, familial status or national origin.

Section 7. EXEMPTION

Nothing in this policy shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by, or in conjunction with, a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or handicap. Nor shall anything in this policy prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 8. ADMINISTRATION

1. The authority and responsibility for administering this policy shall be in the chief elected official of the City of Lordsburg.

2. The chief elected official may delegate any of these functions, duties and powers to employees of the City of Lordsburg or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining ordering, certifying, reporting or otherwise acting as to any work, business or matter under this policy. The chief elected official shall by rule prescribe such rights of

appeal from the decisions of their hearing examiners, to other hearing examiners or to other offices in the City of Lordsburg, to boards of officers or to themselves, as shall be appropriate and in accordance with law.

3. All City of Lordsburg departments and agencies shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this policy and shall cooperate with the chief elected official to further such purposes.

Section 9. EDUCATION AND CONCILIATION

Immediately after the enactment of this policy, the chief elected official shall commence such educational conciliatory activities as will further the purposes of this policy. They shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this policy and the suggested means of implementing it and shall endeavor with their advice to work out programs of voluntary compliance and enforcement.

Section 10. ENFORCEMENT

1. Any person who claims to have been injured by a discriminatory housing practice or who believes that they will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "aggrieved person") may file a complaint with the chief elected official. Complaints shall be in writing and shall contain such information and be in such form as the chief elected official requires. Upon receipt of such a complaint, the chief elected official shall furnish a copy of the same to the person or persons who have committed, or are about to commit, the alleged discriminatory housing practice. Within thirty days after receiving a complaint or within thirty days after the expiration of any period reference under subsection (c), the chief elected official shall investigate the complaint and give notice in writing to the aggrieved person whether they intend to resolve it. If the chief elected official decides to resolve the complaints, they shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this policy without the written consent of the persons concerned. Any employee of the chief elected official who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be [med not more than \$1 ,000 or imprisoned not more than one year.
2. A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief elected official, which

shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

3. If within thirty days after a complaint is filed with the chief elected official, the chief elected official has been unable to obtain voluntary compliance with this policy, the aggrieved person may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The chief elected official will assist in this filing.
4. If the chief elected official has been unable to obtain voluntary compliance within thirty days of the complaint, the aggrieved person may, within thirty days thereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this policy, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
5. In any proceeding brought pursuant to this Section, the burden of proof shall be on the complainant.
6. Whenever an action filed by an individual comes to trial, the chief elected official shall immediately terminate all efforts to obtain voluntary compliance.

Section 11. INVESTIGATIONS/SUBPOENAS/GIVING OF EVIDENCE

1. In conducting an investigation, the chief elected official shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance or the investigation: Provided, however, that the chief elected official first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief elected official may issue subpoenas to compel their access to, or the production of, such materials, or the appearance of such persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The chief elected official may administer oaths.
2. Upon written application to the chief elected official, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief elected official to the same extent and subject to the same limitations as subpoenas issued by the chief elected official. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at their request.

3. Witnesses summoned by subpoena of the chief elected official shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.
4. Within five days after service of a subpoena upon any person, such person may petition the chief elected official to revoke or modify the subpoena. The chief elected official shall grant the petition if they find that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
5. In case of contumacy or refusal to obey a subpoena the chief elected official, or other person at whose request it was issued, may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.
6. Any person who willfully fails or neglects to attend and testify, or to answer any lawful inquiry, or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief elected official shall be fined not more than \$1,000 or imprisoned not more than one year or both. Any person who, with intent thereby to mislead the chief elected official, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the chief elected official pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct. entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.
7. The City of Lordsburg attorney shall conduct all litigation in which the chief elected official participates as a party or as amicus pursuant to this policy.

Section 12. ENFORCEMENT BY PRIVATE PERSONS

1. The rights granted by Sections 3, 4, 5 and 6 may be enforced by civil actions in the appropriate United States district, state or local court. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this Section or Section 10 (d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief elected official are likely to result in satisfactory settlement of the alleged discriminatory housing practice complained of in the complaint made to the chief elected official and which practice forms the basis for the action

in court: And provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this policy and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the filing of a complaint or civil action under the provisions of this policy shall not be affected.

2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

Section 13. INTERFERENCE, COERCION OR INTIMIDATION

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5, or 6 of this policy. This Section may be enforced by appropriate civil action.

Section 14. SEPARABILITY OF PROVISIONS

If any provision of this policy or the application thereof to any person or circumstances is held invalid, the remainder of the policy and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 15. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

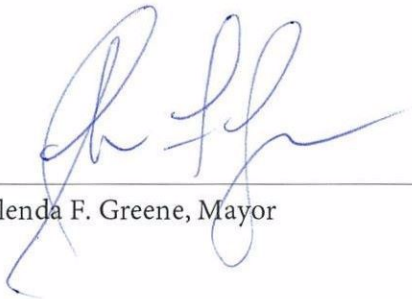
Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. any person because of their race, color, religion, sex, handicap, familial status, or national origin and because they are or have been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service organization or facility relating to the business of selling or renting dwellings; or
2. Any person because they are or have been, or in order to intimidate such person or any other person or any class of persons from:
 - a. participating, without discrimination because of race, color, religion, sex, handicap, familial status or national origin, or in any of the activities, services organizations, or facilities described in subsection 15(a); or
 - b. affording another person or class of persons opportunity or protection so

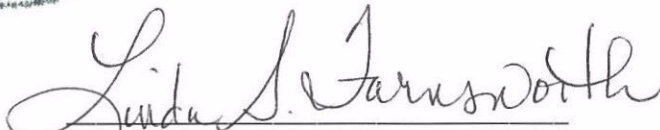
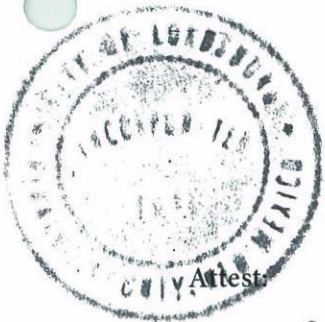
to participate; or

3. Any citizen because they are or have been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate -- shall be fined not more than \$1,000, or imprisoned not more than one year or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years or both; and if death results shall be subject to imprisonment for any term of years or for life and/or to other applicable local/state/federal laws.

Approved on this 3rd day of January, 2022



Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**RESOLUTION
NO. 2022-07**

RESOLUTION NO. 2022-07

CITY OF LORDSBURG CDBG PROCUREMENT POLICY

A. CODE OF CONDUCT

No employee, officer, or agent of the grantee shall participate in the selection or in the award or administration of a contract supported by CDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award.

No officer, employee, or grantee shall solicit or accept gratuities, favors or anything of monetary value from the contractors, potential contractors, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the District Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to: dismissal or transfer; when violations or infractions appear to be substantial in nature, the matter may be referred to appropriate officials for criminal investigation and possible prosecution.

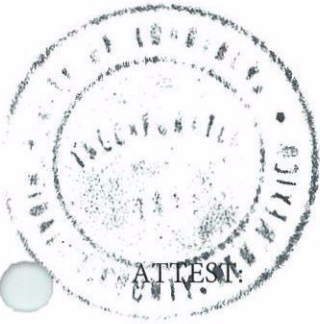
B. PROCUREMENT PROCEDURES

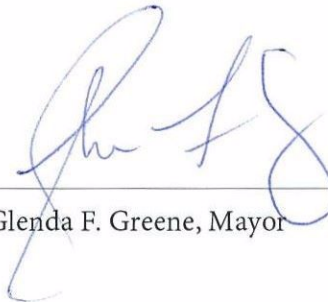
The grantee designated purchasing officer responsible for procurement of services, supplies, equipment or construction obtained with CDBG funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the grantee, an analysis to determine which approach would be the most economical shall be undertaken. Procurement requirements, however, may not be divided so as to constitute a small purchase.

The purchasing officer shall take affirmative steps to assure that small and minority firms, and women's business enterprises, are solicited whenever they are potential qualified

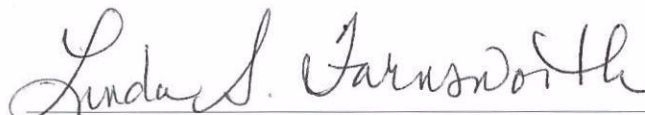
sources. The purchasing officer shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms, and women's business enterprises. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses. Where possible, evaluation criteria will include a factor with an appropriate weight for these firms.

NOW THEREFORE BE IT RESOLVED that the City of Lordsburg approved, passed, and adopted the CDBG Procurement Policy this 3rd day of January, 2022.





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**RESOLUTION
NO. 2022-08**

CITY OF LORDSBURG
RESOLUTION NO. 2022-08
SECTION 3 PLAN

The City of Lordsburg 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 Lordsburg has appointed Linda S. Farnsworth, City Clerk, as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as a focal point for Section 3 complaints, and as the on -site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of the Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City of Lordsburg. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the City of Lordsburg shall:

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

CITY OF LORDSBURG				
Planned			Actual	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income Residents	# of Positions Filled	Positions Filled by Lower Income Residents
Street Maintenance				
Code Enforcement				
Utility Department				

2. Contracting

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

2. Training

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

3. CDBG Contracts

All CDBG bid proposals 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 and Urban Development and is subject to the requirements of Section of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income 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 of said Section 3 and the regulations 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 thereunder 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 the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants of 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 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 subcontractor 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 thereunder 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.

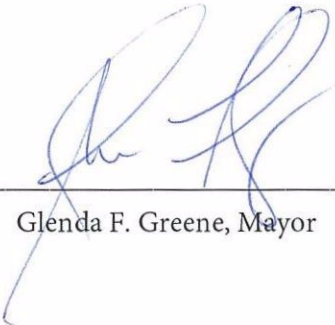
The City of Lordsburg shall require each contractor to prepare a written Section 3 plan as part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City of Lordsburg Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The City of Lordsburg will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

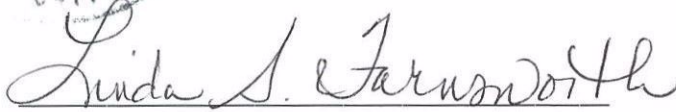
LOWER INCOME CLARIFICATION

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

Approved, Passed and Adopted on this 3rd day of January, 2022



Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**RESOLUTION
NO. 2022-09**

**City of Lordsburg
Resolution No. 2022- 09**

**A RESOLUTION MAKING BUDGET ADJUSTMENTS AND REQUESTING APPROVAL FROM THE
DEPARTMENT OF FINANCE AND ADMINISTRATION – LOCAL GOVERNMENT DIVISION**

WHEREAS, the City Council of the City of Lordsburg, New Mexico meeting in regular session on the 3rd day of January 2022 requests the following budget changes be approved by the Department of Finance and Administration – Local Government Division for fiscal year 2021-2022; and

WHEREAS, the following changes are requested for the continued operations of the City:

Council and DFA Approval

General Fund- Judicial- Maint-Computer 010-402-6420 (11000-1009-54020)	500
General Fund- Municipal Bldg.- Exterminator 010-411-6220 (11000-4007-55030)	500


WHEREAS, such changes will in no way affect the financial position of the City of Lordsburg.

NOW, THEREFORE, BE IT RESOLVED that a copy of this Resolution be transmitted to the State of New Mexico – Department of Finance and Administration – Local Government Division and it is respectfully requested herewith, that authorization from said agency be provided to this budget change.

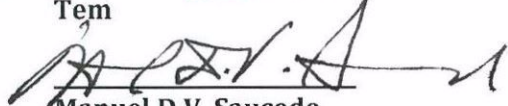
DONE this 3rd day of January 2022.




Glenda F. Greene, Mayor



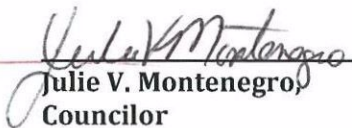
**Caesar Alvarez, Mayor Pro
Tem**



**Manuel D.V. Saucedo,
Councilor**



Rodney Plowman, Councilor



**Julie V. Montenegro,
Councilor**

Martin L. Neave Councilor



Alfredo Morelos, Councilor



ATTEST:

Linda S. Farnsworth

Linda S. Farnsworth, City Clerk

**RESOLUTION
NO. 2022-10**

CITY OF LORDSBURG

RESOLUTION № 2022-10

**DISTRIBUTING CORONAVIRUS STATE & LOCAL AMERICAN RESCUE PLAN RECOVERY FUNDS
TO PAY PREMIUM PAY FOR ESSENTIAL WORKERS**

WHEREAS, the City of Lordsburg Mayor and Councilors (“Governing Body”) met in a regular meeting on January 3, 2022 at 12:00 p.m. noon in the City of Lordsburg Council Chambers, 409 W. Wabash Street, Lordsburg NM 88045; and,

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 3-17-1 *et seq.* (1990) provides that municipalities may adopt laws not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and,

WHEREAS, the 10th Amendment to the Constitution for the United States is clear when stating, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people []"; and,

WHEREAS, the states and their political subdivisions, the municipalities, have derived specific and reserved powers from the 10th Amendment of the Constitution for the United States, referred to as police powers of the State; and,

WHEREAS, under the 10th Amendment and subsequent state authorization, the municipalities have the duty to pass laws and regulations to protect the safety, health, welfare and morals for the benefit of their communities; and,

WHEREAS, the Governing Body, has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents, and the City reserves the right to take whatever actions necessary to do so; and,

WHEREAS, The American Rescue Plan has made available \$350 billion for eligible state, local, territorial and tribal governments to respond to the COVID-19 emergency and bring back jobs; and,

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds (“Fiscal Recovery Funds”) provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and,

WHEREAS, Article IV, Section 27; [n]o law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except otherwise provided in this constitution; and,

WHEREAS, the Governing Body affirms that all eligible persons employed by City of Lordsburg (“City employees”), due to the small size of labor force, regularly engage in a wide variety of job duties, cross training and back-up other City employees, so the end result is all eligible City employees are deemed essential workers; and,

WHEREAS, the Governing Body desires to utilize the Fiscal Recovery Funds to distribute premium pay to all eligible City employees to pay these essential workers for the elevated health risks they face and continue to face during the public health emergency; and,

WHEREAS, all eligible City employees work in person, engaging in daily interactions with the public involving public utilities, maintenance or repair of public works, police and fire protection, and therefore each are deemed critical to protect the health and well-being of residents of the City of Lordsburg; and,

WHEREAS, the interim Final rule states: “(c) *Providing Premium Pay to Eligible Workers*. A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID-19 public health emergency if it prioritizes low-and moderate-income persons. The recipient must provide, whether for themselves or on behalf of a grantee, a written justification to the Secretary of how the premium pay or grant provided under this paragraph (c) responds to eligible workers performing essential work if the premium pay or grant would increase an eligible worker’s total wages and remuneration above 150 percent of such eligible worker’s residing State’s average annual wage for all occupations or their residing county’s average annual wage, **whichever is higher**; and,

WHEREAS, the Governing Body has approved a fixed budget amount of \$ 35,524.50 from ARP funds for premium pay; and,

NOW THEREFORE, be it resolved by the Governing Body of the City of Lordsburg that the following program rules shall apply:

1. Ineligible Employees – Elected officials are exempt for premium pay. Volunteer Fire Fighters and any City employee hired after December 1, 2021 is exempt from this premium pay distribution.

2. Defining of Essential Worker - That all full-time and part-time City of Lordsburg employees are defined as essential workers for the purpose of distributing Fiscal Recovery Funds as set forth below.

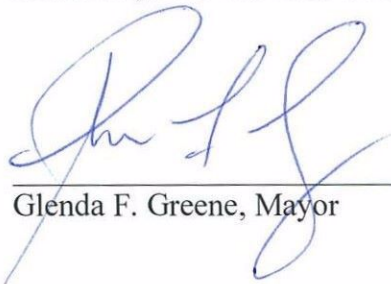
3. Award of Premium Pay – Subject to availability of Fiscal Recovery Funds in the budgeted amount of \$35,524.50, each full-time and employee shall receive a One-Time, Non-Recurring lump sum payment that is based on anticipated direct and indirect exposure to COVID-19, as well as their existing base pay. To be eligible employees must work over 80 hours (full-time employees, non-probationary), over 40 hours (part-time employees and probationary status), from January 3, 2022 through January 14, 2022. No payments distributed pursuant to this resolution shall be for services already provided to a City employee nor shall anything contained herein be construed as giving retroactive effect to the distribution of Fiscal Recovery Funds, as it is the express intent of this resolution to issue premium pay for services to be provided to City of Lordsburg in the future. There shall be no deduction of employment benefits, from any award of premium pay, but applicable taxes will be withheld.

4. Any employee who is separated from employment prior to his/her completion of the designated hours shall be ineligible for premium pay.


5. Premium Pay Shall be Distributed as Follows on the January 19, 2022 payroll distribution.

Position	Premium Pay Hourly Rate	Lump Sum Amount (Maximum)
Full Time / Non-Probationary	\$12.50 Per Hour	\$1,000.00
Part-Time / Probationary	\$12.50 Per Hour	\$500.00

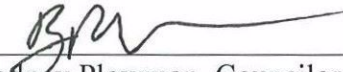
PASSED, AND APPROVED AND ADOPTED THIS 3rd DAY OF January, 2022



Glenda F. Greene, Mayor

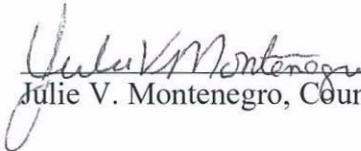


Caesar Alvarez, Mayor Pro-Tem

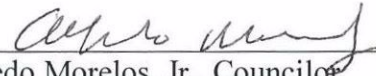


Rodney Plowman, Councilor

Martin L. Neave, Councilor



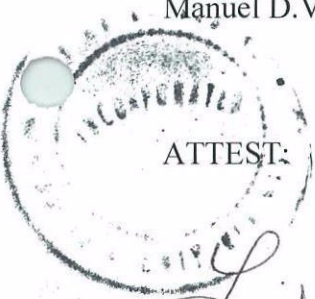
Julie V. Montenegro, Councilor

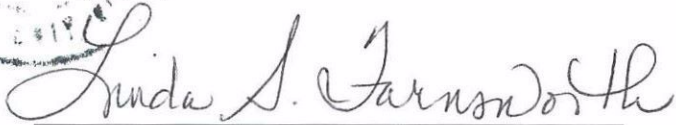


Alfredo Morelos, Jr., Councilor



Manuel D.V. Saucedo, Councilor





Linda S. Farnsworth, City Clerk

**ORDINANCE
NO. 2022-01**

CITY OF LORDSBURG
ORDINANCE No. 2022-01
AN ORDINANCE ESTABLISHING REGULATIONS FOR MEDICAL AND
RECREATIONAL CANNABIS

WHEREAS, the New Mexico Legislature passed the Cannabis Regulation Act (the “Act”), which went into effect on June 29, 2021; and

WHEREAS, the Act has authorized a variety of uses of medical and recreational commercial cannabis activities, which legalization has the potential to greatly expand the legal cannabis market; and

WHEREAS, cannabis is an intoxicating substance, making it appropriate to regulate the hours during which cannabis products may be sold and the areas in which cannabis products may be consumed;

WHEREAS, cannabis contains tetrahydrocannabinol (“THC”), which remains on Schedule 1 of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841; and

WHEREAS, the smoking of cannabis products may create health risks due to exposure to secondhand smoke and vaporized cannabis concentrates;

WHEREAS, cannabis cultivation, production, and manufacturing creates strong odors, can involve the use of significant amounts of energy and water, and requires security and other measures to reduce the risk of theft or other diversion to the illegal cannabis market, including possession and use by persons under the age of twenty-one; and

WHEREAS, the Act authorizes local jurisdictions to adopt rules regulating the time, place, and manner of cannabis businesses, so long as they do not conflict with the Act or the Dee Johnson Clean Indoor Air Act, including rules that reasonably limit the density of licenses and operating times that are consistent with neighborhood uses; and

WHEREAS, the City of Lordsburg (the “City”) desires to adopt such rules regulating the time, place, and manner of cannabis businesses, and other restrictions related to cannabis establishments as provided by applicable law, and

WHEREAS,

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lordsburg as follows:

1. Definitions

- a. “Cannabis” means all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted

from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and does not include:

- i. the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or
 - ii. the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product.
- b. “Cannabis consumption area” means an area, licensed by the New Mexico Cannabis Control Division, where cannabis products may be served and consumed;
- c. “Cannabis courier” means a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.
- d. “Cannabis establishment” means:
 - i. a cannabis testing laboratory;
 - ii. a cannabis manufacturer;
 - iii. a cannabis producer;
 - iv. a cannabis retailer;
 - v. a cannabis research laboratory;
 - vi. a vertically integrated cannabis establishment;
 - vii. a cannabis producer microbusiness; or
 - viii. an integrated cannabis microbusiness
- e. “Cannabis manufacturer” means a person that:
 - i. manufactures cannabis products;
 - ii. packages cannabis products;
 - iii. has cannabis products tested by a cannabis testing laboratory; or
 - iv. purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments
- f. “Cannabis producer” means a person that:
 - i. cultivates cannabis plants;
 - ii. has unprocessed cannabis products tested by a cannabis testing laboratory;
 - iii. transports unprocessed cannabis products only to other cannabis establishments; or
 - iv. sells cannabis products wholesale.

- g. “Cannabis producer microbusiness” means a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time.
- h. “Cannabis product” means a product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients.
- i. “Cannabis research laboratory” means a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses.
- j. “Cannabis retailer” means a person that sells cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.
- k. “Cannabis testing laboratory” means a person that samples, collects and tests cannabis products and transports cannabis products for the purpose of testing.
- l. “Daycare” means a facility required to be licensed by the State of New Mexico that provides care, services, and supervision for less than 24-hours a day to children.
- m. “Integrated cannabis microbusiness” means a person that is authorized to conduct one or more of the following:
 - i. production of cannabis at a single licensed premises; provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;
 - ii. manufacture of cannabis products at a single licensed premises;
 - iii. sales and transportation of only cannabis products produced or manufactured by that person;
 - iv. operation of only one retail establishment; and
 - v. couriating of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.
- n. “School” means that part of a school district that is a single attendance center in which instruction is offered by one or more teachers and is discernible as a building or group of buildings generally recognized as either an elementary, middle, junior high, high school, or any combination of those and includes a charter school.

o. “Vertically integrated cannabis establishment” means a person that is authorized to act as any of the following:

- i. a cannabis courier;
- ii. a cannabis manufacturer;
- iii. a cannabis producer; and
- iv. a cannabis retailer.

2. Business Registration. All businesses operating within City limits are required to apply for a business registration with the City and to pay a business registration fee. Business registrations shall not be issued to any cannabis establishment, cannabis consumption area, or cannabis courier unless the applicant has a license issued by the New Mexico Cannabis Control Division.

3. Cannabis Establishments.

- a. Cannabis establishments shall only be located in an area zoned as commercial or industrial.
- b. Cannabis establishments may not display products, engage consumers, or consummate sales outside of a fully enclosed building or structure.
- c. Cannabis establishments must provide for off-site disposal of cannabis products and other solid waste in compliance with state, federal, and local law.
- d. Cannabis establishments shall not provide drive-thru services for delivery of cannabis products.
- e. Cannabis establishments shall provide and maintain at each premises a digital video surveillance system with a minimum camera resolution of 1280 x 720 pixels.

(1) The digital video surveillance system shall further comply with the following requirements:

- a. the digital video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance;
- b. each camera shall be permanently mounted and in a fixed location;
- c. cameras shall be placed in a location that allows the camera to clearly record activity occurring on the licensed premises that digital video

surveillance is required, and shall provide a clear and certain identification of any person and activities in those areas.

(2) Areas of digital video surveillance: Areas that shall be recorded on the digital video surveillance system include the following:

- a. areas where cannabis and cannabis products are cultivated, produced, manufactured, weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises;
- b. limited-access areas;
- c. areas storing a digital video surveillance-system storage device.
- d. entrances and exits to the licensed premises; and
- e. all point of sale (POS) locations to capture sale transactions.

(3) Digital Video Surveillance Recording: Licensees shall comply with the following digital video surveillance recording requirements:

- a. cameras shall record continuously 24 hours per day, or may be motion activated, and at a minimum of 15 frames per second (FPS);
- b. the physical media or storage device on which digital video surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft;
- c. digital video surveillance recordings shall be kept for a minimum of 30 days and recordings of theft or security incidents as set forth in 16.8.2.8(N) NMAC shall be kept for a minimum of 12 months;
- d. digital video surveillance recordings are subject to inspection by the division, and shall be kept in a manner that allows the division to view and obtain copies of the recordings at the licensed premises immediately upon request;
- e. upon request, licensees shall send or otherwise provide copies of the recordings to the division within 48 hours;
- f. recorded images shall clearly and accurately display the time and date of the recording; and

g. time shall be measured in accordance with the United States national institute standards and technology standards.

4. Cannabis Consumption Areas.

- a. The smoking of cannabis in public is prohibited within City limits, except in cannabis consumption areas.
- b. A cannabis consumption area may be located inside any cannabis establishment; provided, however, that smoking of cannabis products in such consumption areas is only allowed if the cannabis consumption area occupies a standalone building from which smoke does not infiltrate other indoor workplaces or other indoor public places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act, NMSA 1978, Chapter 24, Article 16.
- c. Unless licensed pursuant to the Lynn and Erin Compassionate Use Act, cannabis consumption areas shall be restricted to persons twenty-one years of age and older.

5. Retail.

- a. The City shall allow cannabis retail establishments to operate pursuant to the Act and all applicable rules and regulations adopted by the Cannabis Control Division of the New Mexico Regulation & Licensing Department. All cannabis retail establishments shall be properly licensed by the state of New Mexico.

6. Minimum Distances from Schools and Daycare Centers.

- a. No cannabis establishment or cannabis consumption area may be located within 300 feet of a school or daycare center in existence at the time the cannabis establishment, integrated cannabis microbusiness or cannabis consumption area was licensed.
- b. For purpose of this section, all measurements for determining the location of a cannabis establishment or cannabis consumption area, in relation to schools or daycare centers, shall be the shortest direct line between the actual limits of the real property of the school or daycare center and the actual limits of the real property of the proposed cannabis establishment or cannabis consumption area.
- c. Any cannabis establishment or cannabis consumption area legally existing within the City by virtue of a license issued by the New Mexico Cannabis

Control Division prior to the effective date of this Ordinance shall not be required to comply with these minimum distance requirements.

7. Hours of Operation.

- a. Cannabis products may only be served and consumed within cannabis consumption areas between the hours of 7:00 a.m. and 12:00 a.m. Monday through Saturday and 12:00 p.m. to 12:00 a.m. on Sundays.
- b. Cannabis retailers, including vertically integrated cannabis establishments and integrated cannabis microbusinesses involved in retail, may only sell cannabis products between the hours of 7:00 a.m. and 12:00 a.m. Monday through Saturday and 12:00 p.m. to 12:00 a.m. on Sundays.

8. Personal Use Cultivation and Production. Cannabis cultivation and production for personal use in quantities and as permitted by the Cannabis Regulation Act and Lynn and Erin Compassionate Use Act is allowed anywhere in the City not zoned for residential use, provided that production for personal use must be conducted inside an enclosed and locked dwelling unit or an appropriate accessory structure (e.g., a controlled-environment agricultural structure).

9. Enforcement. The provisions of this Ordinance shall be enforced by the City's Code Enforcement Officer or a law enforcement officer tasked with enforcing the City's Code.

10. Penalties.

- a. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture, store, or transport cannabis or cannabis products, if the person fails to meet all requirements in this ordinance, the Act, and the rules adopted by the Cannabis Control Division.
- b. The sale of homegrown or homemade cannabis and cannabis products without a valid license issued by the State of New Mexico is prohibited.
- c. Any violation of this Ordinance may be enforced in any court of competent jurisdiction. The maximum penalty per violation of this Ordinance, unless otherwise indicated, shall be \$500 or ninety (90) days in jail or both. Each day during the time in which a violation occurs shall be deemed a separate violation. Nothing herein shall prevent the City from seeking injunctive relief, if appropriate.

11. Repealer:

- a. Any provisions of any City ordinance inconsistent with the Cannabis Regulation Act and this ordinance are hereby rescinded.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Lordsburg, New Mexico, this 3rd day of January, 2022



A handwritten signature in blue ink, appearing to read "Glenda F. Greene". The signature is written in a cursive style and is positioned above a horizontal line.

Glenda F. Greene
Mayor

A handwritten signature in black ink, appearing to read "Linda S. Farnsworth". The signature is written in a cursive style and is positioned above a horizontal line.

Linda S. Farnsworth
City Clerk