

**MINUTES OF
REGULAR
MEETING
OF
9/20/23**

City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Minutes of Regular Meeting
September 20, 2023

Meeting was called to order at 11:58 a.m.

Welcome

Present: Mayor Glenda F. Greene; Martha Salas, Finance Director; Linda S. Farnsworth, City Clerk; Councilor Rodney Plowman; Councilor Roxann Randall; Councilor Julie Montenegro; Councilor Martin Neave; Mayor Pro-Tem Alfredo Morelos, Jr and Councilor Manuel D.V. Saucedo.

Attendance: Tisha Green, County Manager; Bobby Hill, Police Chief Joseph Marquez; Dusti Conover, Code Enforcement/Safety Officer (as of 9/20/23 Community Development Specialist); State Police Officer Oscar Sosa; Amanda Burrola, Shaun Bivens and everyone who attended Via ZOOM.

Approval of Agenda: Councilor Saucedo moved to approve the Agenda as written, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion passed.

Executive Session: To Discuss a). Purchase of land as authorized by 10-15-1(H)(8). Mayor Pro-Tem Morelos moved that they go into Executive Session for the purpose to discuss the Purchase of Land, 2nd by Councilor Montenegro. City Clerk polled all Council Members. Motion passed to go into Executive Session. Mayor Greene announced that the Regular Meeting was adjourned to go into Executive Session at 12:00 p.m.

Councilor Plowman – Aye
Councilor Randall – Aye
Councilor Montenegro – Aye
Councilor Neave – Aye
Mayor Pro-Tem Morelos – Aye
Councilor Saucedo – Aye

At 12:05 p.m. Mayor Pro-Tem Morelos stated “I move that we return to Open Session and affirmatively state that only those matters for which the meeting was closed were discussed in Executive Session”, 2nd by Councilor Montenegro. City Clerk polled the Council. Motion passed.

Councilor Plowman – Aye

Councilor Randall – Aye

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Saucedo – Aye

Minutes

a). Minutes of ICIP Workshop of August 16, 2023

Councilor Saucedo moved to approve the Minutes of the ICIP Workshop of August 16, 2023, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion passed.

b). Minutes of Regular Meeting of August 16, 2023

Councilor Montenegro moved to approve the Minutes of the Regular Meeting of August 16, 2023, 2nd by Councilor Randall. Council were polled. Motion passed.

Finance Department

a). Finance Statement Summary and Bank Statement for August 2023

Ms. Salas went over the City Account balances including all interest earned for the month. Councilor Montenegro moved to accept the Finance and Bank Statement for the Month of July 2023, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion passed.

b). Bills Paid for the Month of August 2023

Councilor Neave questioned tire repair charges on pages 14 and 15 of Bills Paid report. Ms. Salas explained the charges to the Councilor. Councilor Neave also wanted to know who monitors the P-Cards (Purchase Cards). Ms. Salas stated that she is the one who approves them and explained the process. Councilor Neave was satisfied with the information that Ms. Salas provided. Councilor Montenegro moved to approved the bills paid for August 2023, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion carried.

C. Resolution No. 2023-25 Budget Adjustments

Resolution is to cover the increase in salaries approved at last month's Council meeting along with change in insurance amounts that all need to be paid for the year. Councilor Saucedo moved to approve Resolution No. 2023-25, 2nd by Councilor Montenegro. Council were polled. Motion carried.

Councilor Plowman – Aye
Councilor Randall – Aye
Councilor Montenegro – Aye
Councilor Neave – Aye
Mayor Pro-Tem Morelos – Aye
Councilor Saucedo – Aye

New Business

a). Update on Police Policy Handbook

33 Policies were presented to the Council for approval. Dusti Conover, Code Enforcement/Safety Officer answered questions to the best of her knowledge on the information contained in these policies. Two policies were found to have discrepancies and/or errors #LPD 2023-006 and #LPD 2023-007. Mayor Pro-Tem Morelos moved to approve the 33 policies with corrections to be made referenced above, 2nd by Councilor Montenegro. Council were polled. Motion carried.

Councilor Plowman – Aye
Councilor Randall – Aye
Councilor Montenegro – Aye
Councilor Neave – Aye
Mayor Pro-Tem Morelos – Aye
Councilor Saucedo – Aye

b). New Hire – Museum

Heber Richins was hired to run the Museum. Councilor Montenegro moved to approve the hiring of Mr. Richins, 2nd by Councilor Randall. Council were polled. Motion carried.

c). New Hire – Lordsburg Police Department

Jaime Artiaga III was hired to work at the Lordsburg Police Department as an uncertified officer. Mr. Artiaga will be attending the Police Academy in February to become certified. Councilor Saucedo moved to approve the hiring of Mr. Artiaga, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion carried.

d). Lordsburg Little League

Bob Hill addressed the Council about the present condition of the Little League fields. Mr. Hill first asked if there were any grants that Emily Gojkovich, Community Development Specialist could apply for that might help the situation of the fields. Mr. Hill also stated that until the fields are upgraded Lordsburg will not be able to host any All Star games. Little League would like to see the fields turfed with no clay. Councilor Neave stated that turf replacement is very costly. Mayor Greene stated that 15 years is the lifetime of a turf field and that it costs upwards of \$200,000.00 to replace. She also stated that a Recreation Grant has recently been submitted. If the grant is approved that would take care of the turf fields. PNM will help us with any electrical issues that may occur. Councilor Neave wanted to know how much interest Mr. Hill had in this. Mr. Hill explained that it gives kids something to do and a break from hand held devices. Councilor Neave stressed that the age range is from T-ball age to 13 or 14 years old. Mayor Greene discussed the fallen fence and stated that she would discuss this with the Maintenance Department to get repaired. Mayor Pro-Tem Morelos said “lets help them get grants” and Mayor Greene added that it was important to only have one point of contact instead of many.

e). Memorandum of Understanding between Luna County and City of Lordsburg Police Department (HIDTA)

Mayor Greene stated how important it is to be pro-active and that we should move on this. Councilor Saucedo wanted to know if we were going to absorb the additional PERA and FICA costs. Per Chief Marquez – this only a temporary for the 1st six months and 50/50 should be taken out after that. Per Chief Marquez stricter guidelines will need to be followed. Councilor Plowman moved to approve this MOU between Luna County and Lordsburg Police Department, 2nd by Councilor Montenegro. Council were polled. Motion carried.

f). Union Pacific Cleanup Update

Dusti Conover, Code Enforcement/Safety Officer gave an update on Union Pacific Railroad property cleanup. Both exits off of Motel Drive have been cleans and six loads of trash and weeds hauled off. Per Mayor Greene, the fence on "A" Street is all coming down. Per Councilor Saucedo, we still need the fence as a sound barrier from the railroad. Councilor Neave would also like to see the mesquites removed and have it sprayed for weeds at least once a year.

g). Wilson School

Sales price \$10,000.00 for 6 lots that we need for water improvements. Councilor Neave wants it tallied up on how much it is going to be to clean up the property. Mayor Pro-Tem Morelos moved to approve the purchase of Wilson School, 2nd by Councilor Montenegro. Council were polled. Motion carried.

h). Change in Job Description and Job Title – Community Development Specialist

To change Dusti Conover's job description and job title from Code Enforcement/Safety Officer to Community Development Specialist. Councilor Neave asked Ms. Conover if she liked all of her duties or if she was overwhelmed. She said that everything was fine. Councilor Montenegro moved to accept the job description and title change, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion carried.

i). Letter of Support to Department of Transportation and Bureau of Land Management for potential lithium drilling

There is possible Lithium 2 miles north of Steins with some of the concern being the dust control regarding the Interstate. Emily Gojovich, Economic Development Specialist has a meeting in Tempe to tour a lithium mine to see how this works. Councilor Saucedo moved to send the letters of support for potential lithium drilling to both Department of Transportation and Bureau of Land Management, 2nd by Councilor Montenegro. Council were polled. Motion carried.

j). Re-compete Grant

Approval by Council of this grant is needed in order to apply for Grant and once approved then we will need to be invited. This is just a small part and the invitation is much bigger. Councilor Montenegro moved to approve the Re-Compete Grant, 2nd by Councilor Plowman. Council were polled. Motion carried.

Resolutions

a). Resolution No. 2023-26 – Resolution authorizing the assignment of Authorized Officer(s) or Agent(s) for Project No. SAP 23-H4111-GF (reauthorized SAP 19-D2471-GF)

This Resolution is to reauthorize the remaining funds of the 2019 Capital Outlay Grant-water infrastructure project. Councilor Saucedo moved to approve Resolution No. 2023-26, 2nd by Councilor Neave. Council were polled. Motion carried.

Councilor Plowman – Aye
Councilor Randall – Aye
Councilor Montenegro – Aye
Councilor Neave – Aye
Mayor Pro-Tem Morelos – Aye
Councilor Saucedo – Aye

b). Resolution No. 2023-27 – Resolution approving CDBG Federal Requirements

Councilor Saucedo moved to approve Resolution No. 2023-27, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion carried.

Councilor Plowman – Aye
Councilor Randall – Aye
Councilor Montenegro – Aye
Councilor Neave – Aye
Mayor Pro-Tem Morelos – Aye
Councilor Saucedo – Aye

c). Resolution No. 2023-28 Council of Government (COG) Agreement

Councilor Saucedo moved to approve the new Council of Government Agreement, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion carried.

Councilor Plowman – Aye

Councilor Randall – Aye

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Saucedo – Aye

d). Resolution No. 2023-29 – TPF Project #HW2L100561 Administered by Department of Transportation

We are asking for a match waiver on this project. Councilor Montenegro moved to approve Resolution No. 2023-29, 2nd by Councilor Saucedo. Council were polled. Motion carried.

Councilor Plowman – Aye

Councilor Randall – Aye

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Saucedo – Aye

Ordinances

a). Ordinance No. 2023-04 – Fire Ordinance

Councilor Neave wanted to know how this worked with contractors and Dusti Conover, now Community Development Specialist explained to Councilor that the rules apply to the entire state. Councilor Saucedo moved to approve Ordinance No. 2023-04, 2nd by Councilor Neave. Council were polled. Motion carried.

Councilor Plowman – Aye

Councilor Randall – Aye

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Saucedo – Aye

b). Adopt Ordinance No. 2023-05 Authorizing the Execution and Delivery of a Bond Anticipation Note/Loan Agreement between the City of Lordsburg and Rural Community Assistance Corporation (RCAC)

Ms. Salas presented this Ordinance to the Council explaining that this is for funding through RCAC that we receive from USDA. Councilor Saucedo moved to adopt Ordinance No. 2023-05, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion carried.

Councilor Plowman – Aye

Councilor Randall – Aye

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Saucedo – Aye

c). Intent to Amend Ordinance No. 2020-04 Utility Ordinance to include Requirements for Utility Connections to include Requirements for Utility Connections

Ms. Salas presented the amendment to the current Utility Ordinance. USDA requires all municipalities to have a requirement which all Utility customers are within 100' of City Limits which must be connected to City Utility connections (sewer). Councilor Neave wanted to know what would happen if they were at 101'feet. Councilor Saucedo moved to accept the Amendment to Ordinance No. 2020-04, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion carried.

Councilor Plowman – Aye

Councilor Randall – Aye

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Saucedo – Aye

d). Notice of Intent – Ordinance No. 2023-06 Littering

Councilor Saucedo asked Dusti Conover, now Community Development Specialist “why are we adding another Ordinance when we are not enforcing them”? Mayor Pro-Tem Morelos moved to accept the Notice of Intent on Ordinance No. 2023-06,

2nd by Councilor Saucedo, who also stated “we need to enforce”. Council were polled. Motion carried.

Councilor Plowman – Aye
Councilor Randall – Aye
Councilor Montenegro – Aye
Councilor Neave – Aye
Mayor Pro-Tem Morelos – Aye
Councilor Saucedo – Aye

Adjourn

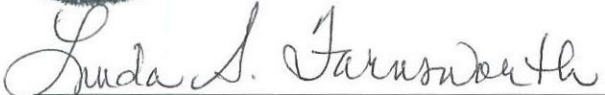
With nothing further to be discussed, a motion was made by Mayor Pro-Tem Morelos to adjourn, 2nd by Councilor Montenegro. City Clerk polled the Council. Motion carried and meeting was adjourned at 1:30 p.m.

Approved this 18th day of October, 2023





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**MINUTES
OF
ICIP
WORKSHOP
AUGUST 16,
2023**

City of Lordsburg
409 West Wabash Street
Lordsburg, New Mexico 88045
ICIP Workshop
August 16, 2023

Meeting was called to order at 11:45 a.m.

Welcome

Present: Mayor Glenda F. Greene; Martha Salas, Finance Director; Linda S. Farnsworth, City Clerk; Councilor Rodney Plowman; Councilor Roxann Randall; Councilor Julie Montenegro; Councilor Martin Neave; Mayor Pro-Tem Alfredo Morelos, Jr. and Councilor Manuel D.V. Saucedo.

Attendance: Frank Madrid, City Superintendent; Tisha Greene, County Manager; Bob Hill and all who viewed on ZOOM

Approval of Agenda: Mayor Pro-Tem Morelos moved to approve the Agenda as written, 2nd by Councilor Neave. Council were polled. Motion passed.

a). Discussion of Infrastructure Capital Improvement Plan (ICIP) Projects for FY 2025-2029:

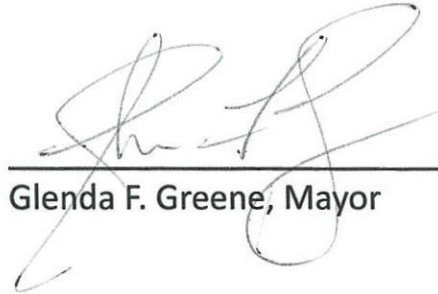
Mayor Greene presented the list to the Council and stated that we will go with the Colonias next year to drill the new well listed on the plan. Councilor Saucedo had some questions on why the rehab of the wells is at \$475,000.00 but a walking path is for almost \$1,000,000.00. Councilor Neave questioned the gas utilities relocation. Frank Madrid, City Superintendent explained that we have to move the utilities as the blow stack is under a PNM powerline. The following changes were made to the ICIP 1). 2025-006: Street and drainage improvements – added cemetery streets to scope of work. Year 2025 changed amount of \$600,000.00 to \$1,000,000.00. 2). 2025-11: Beautification project – added lighting to scope of work. Year 2025 change amount from \$100,000.00 to \$200,000.00. 3). 2025-13: Gas Utility Relocation Project – change from Relocation to Rehabilitation – Could not change the title, but it will change to scope of work. 4). 2025-17: Industrial Park Project: New Project added by the Mayor.

Adjourn

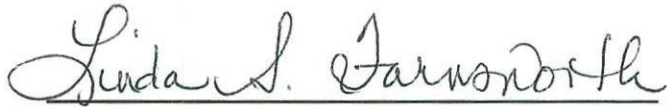
With nothing further to be discussed on this matter, a motion was by Councilor Montenegro to adjourn this portion of the meeting, 2nd by Mayor Pro-Tem Morelos. Council was polled and motion passed with this portion of the meeting adjourning at 12:00 noon.

Approved this 20th day of September, 2023





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

Here are the updates to the ICIP and the final summary

Changes were as follows:

2025-006 Street and Drainage Improvements- added cemetery streets to scope of work. Year 2025 changed amount from \$600,000 to \$1,000,000

2025-11 Beautification Project- added lighting to the scope of work. Year 2025 change amount from \$100,000 to \$200,000

2025-13 Gas Utility Relocation Project- Change from Relocation to Rehabilitation- Could not change title but changed in scope of work. Year 2025 changed from \$744,104 to \$500,000

2025-17 Industrial Park Project – added by Mayor (New project)

Infrastructure Capital Improvement Plan FY 2025-2029

**Lordsburg
Project Summary**

ID	Year	Rank	Project Title	Category	Funded to date						Total Project Cost	Amount Not Yet Funded	Phases?
						2025	2026	2027	2028	2029			
29926	2025	001	Rehab Wells and Drill New Well	Water - Water Supply	0	475,000	1,250,000	1,250,000	1,250,000	1,250,000	5,475,000	5,475,000	Yes
40041	2025	002	Solid Waste Truck	Facilities - Administrative Facilities	0	450,000	0	0	0	0	450,000	450,000	No
36800	2025	003	Purchase New Utility and Maintenance Vehicles	Equipment - Other	0	500,000	0	0	0	0	500,000	500,000	No
29066	2025	004	Animal Shelter Improvements	Facilities - Administrative Facilities	0	300,000	300,000	0	0	0	600,000	600,000	Yes
40043	2025	005	Short Park Improvements	Facilities - Administrative Facilities	574,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	7,574,000	7,000,000	No
39238	2025	006	Street and Drainage Improvements	Transportation - Highways/Roads/Bridges	0	1,000,000	1,000,000	1,000,000	1,000,000	0	4,000,000	4,000,000	Yes
29068	2025	007	Special Events Center Improvements	Facilities - Administrative Facilities	1,136,000	200,000	500,000	200,000	0	0	2,036,000	900,000	Yes
40044	2025	008	Public Safety Building Improvements	Facilities - Administrative Facilities	0	750,000	0	0	0	0	750,000	750,000	No
25926	2025	009	Sewer system Improvements	Water - Wastewater	0	960,000	300,000	300,000	300,000	300,000	2,160,000	2,160,000	Yes
29065	2025	010	Water System Improvements	Water - Wastewater	13,469,600	2,000,000	0	0	0	0	15,469,600	2,000,000	Yes
41435	2025	011	Beautification Project	Other - Other	0	200,000	100,000	100,000	100,000	100,000	600,000	600,000	No
39244	2025	012	Airport Improvements	Other - Other	0	600,000	600,000	0	0	0	1,200,000	1,200,000	No
11700	2025	013	Gas Utility relocation	Facilities - Administrative Facilities	0	744,104	100,000	100,000	0	0	944,104	944,104	No
12430	2025	014	Walking and Bike trail	Transportation - Bike/Pedestrian/Equestrian	0	920,000	200,000	100,000	0	0	1,220,000	1,220,000	Yes
32460	2025	015	ADA Compliance	Facilities - Other	0	75,000	200,000	200,000	200,000	0	675,000	675,000	Yes

Infrastructure Capital Improvement Plan FY 2025-2029

20180	2025	016	Purchase Police Vehicles	Equipment - Public Safety Equipment	0	200,000	200,000	200,000	200,000	0	800,000	800,000	No
41854	2025	017	Develop a new industrial park	Economic Development	0	2,500,000	2,500,000	2,500,000	2,500,000	25,000,000	35,000,000	35,000,000	No
36532	2026	001	Generators for City Hall, Public Safety & Fire De	Facilities - Other	0	0	235,000	235,000	0	0	470,000	470,000	No

Number of projects:	18												
	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:						Total Not Yet Funded:
Grand Totals	15,179,600	13,274,104	8,885,000	7,585,000	6,950,000	28,050,000	79,923,704						64,744,104

**MINUTES
OF
REGULAR
MEETING
AUGUST 16,
2023**

**City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Minutes of Regular Meeting
August 16, 2023**

Meeting was called to order at 12:01 p.m.

Welcome

Present: Mayor Glenda F. Greene; Martha Salas, Finance Director; Linda S. Farnsworth, City Clerk; Councilor Rodney Plowman; Councilor Roxann Randall; Councilor Julie Montenegro; Councilor Martin Neave; Mayor Pro-Tem Alfredo Morelos, Jr. and Councilor Manuel D.V. Saucedo.

Attendance: Tisha Green, County Manager; Bob Hill; Frank Madrid, City Superintendent and all who viewed on ZOOM.

Approval of Agenda: Mayor Greene asked that item (H) under New Business be removed from the Agenda – Wilson School. Mayor Pro-Tem Morelos moved to approve the Agenda with the change to Agenda to remove New Business (H) , 2nd by Councilor Randall. Council present were polled. Motion passed with change.

Minutes

a). Minutes of Zoning Commission Meeting of July 26, 2023

Councilor Saucedo moved to approve the Minutes of the Zoning Commission Meeting of August 16, 2023, 2nd by Councilor Randall. Council were polled. Motion passed.

b). Minutes of Regular Meeting of July 26, 2023

Mayor Pro-Tem Morelos moved to approve the Minutes of the Regular Meeting of August 16, 2023, 2nd by Councilor Neave. Council were polled. Motion passed.

Finance Department

a) Finance Statement Summary and Bank Statement for July 2023

Ms. Salas went over the City Account balances including all interest earned for the month. Councilor Saucedo moved to accept the Finance and Bank Statement for the month of July 2023, 2nd by Councilor Montenegro. Council were polled. Motion passed.

b). Bills Paid for the Month of July 2023

Councilor Saucedo moved to approve the bills paid for the Month of July, 2023, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion passed.

New Business

a). Update on NALEO Conference – Mayor Pro-Tem Morelos

Mayor Pro-Tem Morelos thanked the Council for the vote of confidence for allowing him to attend the latest NALEO (National Association of Latino Elected and Appointed Officials) Conference in NY City. He gave a brief talk on what he learned at the conference and stated that at this time NALEO has 1200+ members.

b). Police Department Policy Update

Code Enforcement Officer, Dusti Conover will be assisting the new Chief of Police Joseph Marquez with a new Policy and Procedure Manual to bring it up to date. This item was changed from discussion/action to a discussion only item per Mayor Greene's request.

c). Approval of Salary Increases for City Employees

Ms. Salas presented a salary schedule to the Council for possible salary increases – one at 7% increase and the other at a 10% increase. Ms. Salas stated that looking at the budgets and the funds, she felt that there was enough to provide a 10% raise. Councilor Neave moved to approve the 10% increase across the board. Councilor Plowman interjected that he felt that all City Supervisors should be making that same and that since the Chief of Police, Joseph Marquez was making \$85,000.00 that Martha Salas, Finance Director and Frank Madrid, City Superintendent should be making the same amount as they are doing the same amount of work. Councilor Neave moved to approve the 10% increase and to bring both Ms. Salas and Frank Madrid up to \$85,000.00, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion passed.

d). Economic Development Report for July 2023 – Emily Gojkovich, Economic Development Specialist

Ms. Gojkovich approached the Council with the projects she is presently working on. She told the Council that she is so happy to be here as an employee and that Hidalgo County and the City of Lordsburg have always held a special place in her heart. She also stated that she is moving forward with the Main Street Initiatives that include a mural at Exit 22 underpass, which they are currently looking for a muralist. She is also working on rebranding of the City, creation of a historic walking tour and getting certified with the New Mexico True program. She also stated that New Mexico True photographers were coming to Hidalgo County to take photos of Desert Museum in Rodeo, Shakespeare Ghost Town, Veteran's Park and Virden Valley. Councilor Neave questioned how all this would benefit the City of Lordsburg. Ms. Gojkovich explained that the New Mexico True program focuses on tourism with the goal being day trips to each of these places in the County in hopes that the travelers would end up staying in Lordsburg. Ms. Gojkovich insists that her overall priority is promoting the City of Lordsburg in her endeavors. A New Mexico Clean and Beautiful Grant in the amount of \$9,205.00 was received but will be used primarily at the Truck stops on both sides of town for signage, clean ups and receptacles. Councilor Saucedo stated that since we are the Western entrance into New Mexico – Exit 22 is trashy and he would like to see something done. Ms. Gojkovich told Councilor Saucedo that the Department of Transportation is responsible for that exit and that they do have money for landscaping and that we need to have a design plan and that the City will work with the DOT to get a design plan. Dusti Conover, Code Enforcement Officer interjected that all owners of abandoned properties along Motel Drive have received their letters and that Union Pacific Railroad is working with the City to clean up their property in the near future.

e). LEAP Branding Campaign – Emily Gojkovich, Economic Development Specialist

Ms. Gojkovich presented the new Lordsburg Mainstreet logo to the Council. Said rebranding was done by Dog, Cat and Mouse Media which is familiar with rural communities. This is what the proposed rebranding looks like:



With the tagline “Trails of the Past meet the Highways of Today”. Ms. Gojkovich also discussed with the Council the possibility of including the Chamber of Commerce and the Museum along a historical tour. These two buildings are the only ones that belong to the City on this tour. It would involve brass plaques being placed along the tour once everything was in place.

f). Safety Training – Dusti Conover, Code Enforcement Officer

Ms. Conover gave her Quarterly Safety Update to the Council listing all trainings that have been done this quarter and what safety practices have been put into place. She also gave a list of the reported accidents that took place during this period.

g). Lodger’s Tax Request LHS 60’s Reunion

Mayor Greene stated that the reason that this request did not go before the Lodger’s Tax Committee is because of time restraints. A letter from Peggy Morales requesting \$1,611.00 for the 60’s Class Reunion was presented. Mayor Pro-Tem Morelos moved to accept the Lodger’s Tax allotment to the 60’s Class Reunion in the amount of \$1,611.00, 2nd by Councilor Plowman. Council were polled. Motion passed.

Resolutions

a). Resolution № 2023-23 Adopting the FY 2025-29 ICIP

Councilor Neave moved to approve Resolution № 2023-23 with the changes listed below, 2nd by Mayor Pro-Tem Morelos. Council were polled. Motion passed. The following changes were made to the ICIP 1). 2025-006: Street and drainage improvements – added cemetery streets to scope of work. Year 2025 changed amount of \$600,000.00 to \$1,000,000.00. 2). 2025-11: Beautification project – added lighting to scope of work. Year 2025 change amount from \$100,000.00 to \$200,000.00. 3). 2025-13: Gas Utility Relocation Project – change from Relocation to Rehabilitation – Could not change the title, but it will change to scope of work. 4). 2025-17: Industrial Park Project: New Project added by the Mayor.

Councilor Plowman – AYE
Councilor Randall – AYE
Councilor Montenegro – AYE
Councilor Neave – AYE
Mayor Pro-Tem Morelos – AYE
Councilor Saucedo – AYE

b). Resolution № 2023-24 – Declaring the Intent to Consider for Adoption of an Ordinance Authorizing the Execution and Delivery of a Bond Anticipation Note/Loan Agreement between the City and RCAC (Rural Community Assistance Corporation)

This Resolution is for the USDA Project for Phase II and going through RCAC will provide up to \$90,000.00 giving the City an okay to move forward. Mayor Pro-Tem Morelos moved to approve Resolution № 2023-24, 2nd by Councilor Montenegro. Council were polled. Motion passed.

Councilor Plowman – AYE
Councilor Randall – AYE
Councilor Montenegro – AYE
Councilor Neave – AYE
Mayor Pro-Tem Morelos – AYE
Councilor Saucedo – AYE

Ordinances

a). Notice of Intent to adopt Ordinance № 2023-04 (Fire Ordinance)

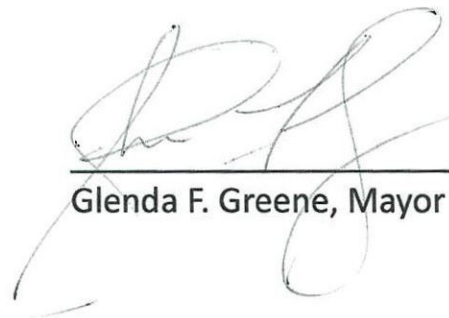
This Ordinance is required by the NM Fire Marshall and will be enforced by the Lordsburg Volunteer Fire Department. Councilor Montenegro moved to approve the Notice of Intent for Ordinance № 2023-04, 2nd by Councilor Plowman. Council were polled. Motion carried.

Councilor Plowman – AYE
Councilor Randall – AYE
Councilor Montenegro – AYE
Councilor Neave – AYE
Mayor Pro-Tem Morelos – AYE
Councilor Saucedo – AYE

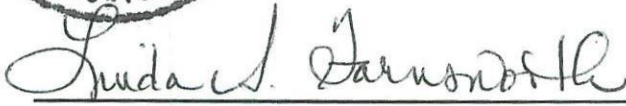
Adjourn

With nothing further to be discussed, a motion was made by Mayor Pro-Tem Morelos to adjourn, 2nd by Councilor Montenegro. Council present were polled. Motion passed and meeting was adjourned at 12:57 p.m.

Approved this 20th day of September, 2023



Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**RESOLUTION
NO.
2023-25
BUDGET
ADJUSTMENT**

**City of Lordsburg
Resolution No. 2023-25**

**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 20th day of September 2023 requests the following budget changes be approved by the Department of Finance and Administration - Local Government Division for fiscal year 2023-2024; and

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

Council & DFA Approval

"Attachment A"


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 20th day of September 2023.



Glenda F. Greene, Mayor




Alfredo Morelos, Mayor Pro Tem




Rodney Plowman, Councilor



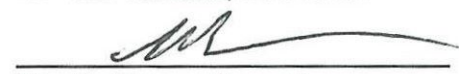
Mamiel B.V. Saucedo, Councilor



Julie Montenegro, Councilor



Roxann Randall, Councilor



Martin Neave, Councilor


ATTEST:



Linda Farnsworth, City Clerk

Lordsburg GL #	DFA- GL #'s	INCREASE	DECREASE
General Fund-Executive- Insurance 010-401-6240	11000-1001-57999	14,067.00	
General Fund-Executive- Per Diem 010-401-6270	11000-1001-53050	1,000.00	
General Fund- Judicial- Personnel Services- 010-402-5100	11000-1009-51020	3,539.00	
General Fund- Judicial- FICA Expense- 010-402-5120	11000-1009-52010	271.00	
General Fund- Judicial- PERA Expense- 010-402-5130	11000-1009-52020	307.00	
General Fund- Judicial-Insurance- 010-402-6240	11000-1009-57070	1,333.00	
General Fund- Finance- Personnel Services- 010-403-5100	11000-2004-51020	16,791.00	
General Fund- Finance-FICA Expense- 010-403-5120	11000-2004-52010	1,635.00	
General Fund-Finance- PERA Expenses - 010-403-5130	11000-2004-52020	1,926.00	
General Fund-Finance- DUES 010-403-6190	11000-2004-57150	50.00	
General Fund- Finance- Insurance- 010-403-6240	11000-2004-57070	2,648.00	
General Fund- Public Safety- Personnel Services- 010-404-5100	11000-3001-51020	57,454.00	
General Fund- Public Safety- FICA Expenses- 010-404-5120	11000-3001-52010	4,396.00	
General Fund- Public Safety- PERA Expenses- 010-404-5130	11000-3001-52020	11,577.00	
General Fund- Public Safety- Insurance- 010-404-6240	11000-3001-52080	20,783.00	
General Fund- Highway & Streets- Personnel Services 010-406-5100	11000-5104-51020	16,001.00	
General Fund- Highway & Streets- FICA Expenses 010-406-5120	11000-5104-52010	1,151.00	
General Fund- Highway & Streets- PERA Expenses 010-406-5130	11000-5104-52020	1,820.00	
General Fund- Highway & Streets- DUES- 010-406-6190	11000-5104-57150	20.00	
General Fund- Parks- Personnel Services 010-407-5100	11000-4003-51020	3,069.00	
General Fund- Parks- FICA Expenses 010-407-5120	11000-4003-52010	237.00	
General Fund- Parks- PERA Expense 010-407-5130	11000-4003-52020	1,453.00	
General Fund- Parks-Insurance 010-407-6240	11000-4003-52080	1,026.00	
General Fund- Code Enforcement- Personnel Services 010-409-5100	11000-2012-51020	2,080.00	
General Fund- Code Enforcement- FICA Expense 010-409-5120	11000-2012-52010	191.00	
General Fund- Code Enforcement- PERA Expense 010-409-5130	11000-2012-52020	1,360.00	
General Fund- Code Enforcement- Insurance 010-409-6240	11000-2012-52080	1,323.00	
General Fund- Code Enforcement- Printing, Publication & Legals	11000-2012-55030	300.00	
General Fund- Health & Welfare- Personnel Services 010-410-5100	11000-4101-51020	3,744.00	
General Fund- Health & Welfare- FICA Expense 010-410-5120	11000-4101-52010	377.00	
General Fund- Health & Welfare- PERA Expense 010-410-5130	11000-4101-52020	392.00	
General Fund- Health & Welfare- Insurance 010-410-6240	11000-4101-52080	186.00	
General Fund- Municipal Bldg.- Personnel Services 010-411-5100	11000-4007-51020	1560.00	
General Fund- Municipal Bldg.- FICA Expense 010-411-5120	11000-4007-52010	120.00	
General Fund- Municipal Bldg.- Insurance 010-411-6240	11000-4007-52080	3,414.00	
General Fund- Airport- Personnel Services 010-421-5100	11000-2006-51020	4513.00	
General Fund- Airport- FICA Expense 010-421-5120	11000-2006-52010	346.00	
General Fund- Airport- PERA Expense 010-421-5130	11000-2006-52020	391.00	
General Fund- Airport- Insurance 010-421-6240	11000-2006-57070	1578.00	
.01 Gas Tax- Personnel Services 018-415-5100	21600-2002-51020	4,794.00	
.01 Gas Tax- FICA Expense- 018-415-5120	21600-2002-52010	350.00	
.01 Gas Tax- PERA Expense- 018-415-5130	21600-2002-52020	372.00	
.01 Gas Tax- Insurance 018-415-6240	21600-2002-57070	1,336.00	
Water Fund- Personnel Services 021-415-5100	50100-6003-51020	12,494.00	
Water Fund- FICA Expense- 021-415-5120	50100-6003-52010	956.00	
Water Fund- PERA Expense- 021-415-5130	50100-6003-52020	1,081.00	
Water Fund- Insurance- 021-415-6240	50100-6003-57070	5,668.00	

Gas Fund- Personnel Services- 022-415-5100	51700-6002-50120	6612.00
Gas Fund- FICA Expense- 022-415-5120	51700-6002-52010	506.00
Gas Fund- PERA Expense- 022-415-5130	51700-6002-52020	572.00
Sewer Fund- Personnel Services- 023-415-5100	50300-6005-51020	12,843.00
Sewer Fund-FICA Expense- 023-415-5120	50300-6005-52010	869.00
Sewer Fund-PERA Expense- 023-415-5130	50300-6005-52020	982.00
Sewer Fund- DUES- 023-415-6190	50300-6005-57150	20.00
Sewer Fund- Insurance- 023-415-6240	50300-6005-57070	3795.00
Solid Waste Fund- Personnel Services- 024-415-5100	50200-6004-51020	6,643.00
Solid Waste Fund- FICA Expense- 024-415-5120	50200-6004-52010	508.00
Solid Waste Fund- PERA Expense- 024-415-5130	50200-6004-52020	575.00
Solid Waste Fund- Insurance- 024-415-6240	50200-6004-56020	<u>1466.00</u>
TOTAL		246,871.00

RESOLUTION

No

2023-26

ASSIGNMENT OF

AUTHORIZED

OFFICER(S) AND

AGENT(S)

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF AUTHORIZED OFFICER(S) AND AGENT(S)

Resolution Number 2023-26

Whereas, the Council of City of Lordsburg of Hidalgo County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

Whereas, the Agreement is identified as **Project Number SAP 23-H4111-GFR**

NOW THEREFORE, BE IT RESOLVED by the named applicant that:

Glenda F. Greene, Mayor, or successor is authorized to sign the Grant Agreement for this project, and **Martha Salas, Finance Officer**, or successor is the OFFICAL REPRESENTATIVE(S) who is authorized to sign all other documents necessary to fulfill the Grant Agreement and the requirements (Disbursements and Notice of Obligations (NOO)) and to act as the project contact, and

Martha Salas, Finance Officer, or successor is the Capital Projects Monitoring System (CPMS) contact who is designated to update the DFA database quarterly per Article VIII. A. of the Intergovernmental Grant Agreement.

PASSED, APPROVED, AND ADOPTED: September 20, 2023.

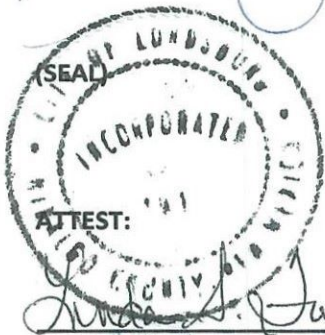
Glenda F. Greene, Mayor



(Signature)

9-20-23

Date



Linda Farnsworth, City Clerk

RESOLUTION
No
2023-27
CDBG
FEDERAL
REQUIREMENTS

Resolution 2023-27
EXHIBIT 1-Z
CDBG FEDERAL REQUIREMENTS

CITIZEN PARTICIPATION REQUIRED ELEMENTS

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

Objective A

 City of Lordsburg will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

 City of Lordsburg will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

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

Objective C

 City of Lordsburg will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the county/municipality. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

City of Lordsburg will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

City of Lordsburg will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

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

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

FAIR HOUSING REQUIRED ELEMENTS

A resolution of the _____ City Council _____ of the _____ City _____ of _____ Lordsburg _____, adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all applicant for Community Development Block Grants funds certify that they shall affirmatively further fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT the _____ City Council _____ of the _____ City _____ of _____ Lordsburg _____ hereby wish all persons living, working, doing business in or traveling through this _____ City _____ to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the _____ City _____ of _____ Lordsburg _____ to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the _____ City _____ of _____ Lordsburg _____ will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the _____ City _____ of _____ Lordsburg _____ shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the _____ City _____ of _____ Lordsburg _____ shall undertake the following actions to affirmatively further fair housing:

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

The City of Lordsburg will post copies at the city hall, local bank, post office, local grocery store and county offices.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a “residential Anti-displacement and relocation assistance plan” (Plan). As a CDBG grantee, City of Lordsburg must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps City of Lordsburg will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. City of Lordsburg's Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within City of Lordsburg to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless City of Lordsburg has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between City of Lordsburg and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before City of Lordsburg enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, City of Lordsburg must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within _____ City of Lordsburg _____. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in _____ City of Lordsburg _____ and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program.

Where Section 8 assistance is provided to the displaced person,

City of Lordsburg must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within City of Lordsburg.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to City of Lordsburg for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if City of Lordsburg or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the City of Lordsburg determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. City of Lordsburg determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. **Screening of Applications** All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. **Acquisition of Property** Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
 - 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by City of Lordsburg covering the rehabilitation or demolition.

IX. Grievances

The City of Lordsburg will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

SECTION 3 PLAN REQUIRED ELEMENTS

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 09/20/2023 as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as 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 their 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. List all City of Lordsburg job opportunities with the State Employment Service
 - c. 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
 - d. Maintain records of City of Lordsburg hiring as specified in the CDBG Resolution to Adopt CDBG Requirements (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated with a CDBG grant agreement.

2. Contracting

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

3. Training

The City of Lordsburg shall maintain a list of all training programs operated by the City of Lordsburg and its 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.

4. 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 3 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 there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued 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 a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and 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 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 City of Lordsburg. 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.

Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The City of Lordsburg herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution once throughout the term of the CDBG grant agreement.

PASSED AND ADOPTED BY THE City Council of the City
of Lordsburg on this 20 day of September.



[Signature]
Clerk

APPROVED AS TO FOR:
[Signature]
City Attorney

Plan Adoption Date: 09/20/2023

Adoption Instrument: Resolution 2023-27

Certified By: [Signature]
Chief Official Name
Official Title Mayor

9.20.23
Date

Copy to Local Government Division with attachments

RESOLUTION

No

2023-28

COG

AGREEMENT

RESOLUTION NO. 2023-28

RESOLUTION OF THE CITY OF LORDSBURG RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF LORDSBURG AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED AUGUST 20, 2023, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF CITY OF LORDSBURG.

WHEREAS, The CITY OF LORDSBURG is a member 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 the 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 the CITY OF LORDSBURG to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY THE CITY OF LORDSBURG THAT:

1. The AGREEMENT referred to in the caption of this Resolution (a copy which is attached hereto and made a part hereof) expresses the desires and intent of the CITY OF LORDSBURG
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of the 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 20th day of September 2023 in Regular Session, at City of Lordsburg Council Chambers.



Glenda F. Greene, Mayor

Linda S. Farnsworth, City Clerk

**SWNM COUNCIL OF GOVERNMENTS
2023-2024 GENERAL MEMBER AGREEMENT**

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

1. SWNMCOG agrees to furnish the following services to Member for a flat annual rate of \$2,331.19, as REQUESTED by the Member:
 - (a) Provide an updated federal and state statistical data.
 - (b) Furnish technical assistance in planning efforts of infrastructure, housing, legislative, transportation, and economic development.
 - (c) Coordinate planning efforts with either/all, other Members of SWNMCOG and/or various local, state, and federal agencies.
 - (d) Advise with assistance implementing plans to Member.
 - (e) Advise the development of clearinghouse and environmental review materials of all projects of Member.
 - (f) Advise and assist Member in developing Infrastructure Capital Improvement Plan (ICIP), Capital Outlay, and Community Development Block Grant (CDBG).
 - (g) Advise the development, monitoring, and compliance of Community Development Block Grant applications and awards.
 - (h) Advise Member in the preparation of applications for funding under various State and Federal grants.
 - (i) Advise and represent Member with economic development, housing, transportation, community development, and legislative initiatives and programs.
 - (k) Advise Member with Capital Outlay process.
 - (l) Provide trainings, meeting, and other events that will benefit the membership.

2. Member agrees to furnish the following:

- (a) Designate a voting member to the Southwest New Mexico Council of Governments and participate in policy development and administration.
- (b) Will designate to be a member of the:

Committee	Name & Email	Alternate Name & Email
COG Board Member		
Economic Development		
RTPO		

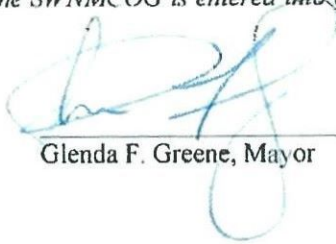
- (c) To pay the flat annual dues of \$2,331.19 to the treasury SWNMCOG in one lump sum as payment for general services.

(d) All payments will be made for services rendered to the Member by the SWNMCOG during fiscal year 2023-2024 invoices will be monthly; shall be expended by the SWNMCOG as budgeted and may be amended following laws and regulations.

This Agreement between the City of Lordsburg and the SWNMCOG is entered into on the 20th day of September, 2023 in Lordsburg, New Mexico.



Linda S. Farnsworth
Linda S. Farnsworth, City Clerk



Glenda F. Greene, Mayor

(SEAL)

SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS



Aaron Sera, Chairman



Priscilla C. Lucero, Secretary/Treasurer

**RESOLUTION
No. 2023-29
PARTICIPATION
IN TPF
PROGRAM
ADMINISTERED
BY NMDOT**

RESOLUTION 2023-29
City of Lordsburg

**PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM AND REQUEST FOR
MATCH WAIVERS ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Lordsburg and the New Mexico Department of Transportation enter into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$289,000.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or \$274,550.00

and

- b. City of Lordsburg's proportional matching share shall be 5% or \$14,450.00, if Hardship for Match Waiver is not deemed to be present by Department of Finance and Administration and the Department of Transportation.

TOTAL PROJECT COST IS \$289,000.00

City of Lordsburg shall pay all costs, which exceed the total amount of \$289,000.00

WHEREAS, the City of Lordsburg has a limited tax base, which limits the funding for Meeting the proportional matching share; and a fund exists in the NMDOT appropriated By the New Mexico State Legislature for Public Entities in need of "hardship" match Money and City of Lordsburg requests participation in this Match Waiver Program in the Amount of \$14,450.00.

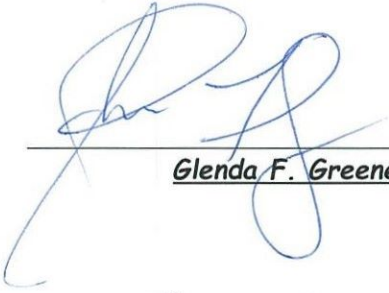
Now therefore, be it resolved in official session that City of Lordsburg determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on **June 30, 2026**, and the City of Lordsburg incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the City of Lordsburg to enter into Cooperative Agreement Control Number LP10054 with the New Mexico Department of Transportation for TPF Project for year 2024 to "Design of Various Streets within northern portion of City of Lordsburg Planning and design for Roadway, Drainage, ADA & Sidewalk Improvements on (1) West Street- A St. to E St., (2) Center Street- A St. to H St., (3) East Street- A St. to D St., (4) Silver Street- A St. to H St., (5) A Street- Gold Street to Silver Street, (6) B Street- Gold St. to Silver St., (7) C Street- Gold St. to Silver St., and (8) D Street- West St. to Silver St. Proposed improvements will consist of roadway construction with subgrade prep, 4" of base course and approx. 2" of new asphalt; construction of new curb and gutter, ADA ramps at intersections, valley gutters and possible sidewalks within the control of the City of Lordsburg in Hidalgo County, New Mexico.

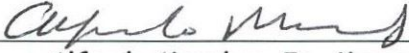
(8) D Street - West St to Silver St within the control of the City of Lordsburg in Hidalgo County, New Mexico.



Glenda F. Greene, Mayor

September 20, 2023

DATE



Alfredo Morelos, Jr. Mayor Pro Tem

September 20, 2023

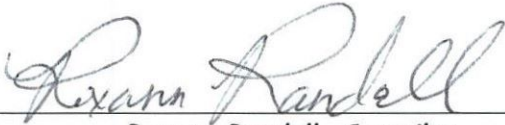
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Rodney Plowman, Councilor

September 20, 2023


DATE



Roxann Randall, Councilor

September 20, 2023

DATE



Julie Montenegro, Councilor

September 20, 2023

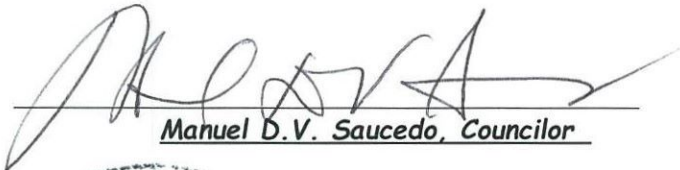
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Martin Neave, Councilor

September 20, 2023

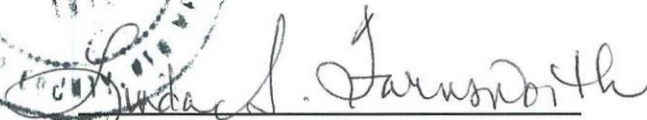
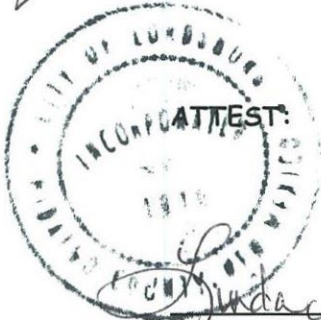
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Manuel D.V. Saucedo, Councilor

September 20, 2023

DATE



Linda S. Farnsworth, City Clerk



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

September 8, 2023

Glenda Greene, Mayor
City of Lordsburg
409 W. Wabash St
Lordsburg, New Mexico 88045

Dear Glenda Greene:

We are pleased to inform you that your application for the Transportation Project Fund (TPF) for the project: **Design of Various Streets within northern portion of City of Lordsburg Planning and design for Roadway, Drainage, ADA & Sidewalk Improvements on (1) West Street – A St to E St, (2) Center Street – A St to H St, (3) East Street – A St to D St, (4) Silver Street – A St to H St, (5) A Street – Gold St to Silver St, (6) B Street – Gold St to Silver St, (7) C Street – Gold St to Silver St, and (8) D Street – West St to Silver St. Proposed improvements will consist of roadway reconstruction with subgrade prep, 4" of base course and approx 2" of new asphalt; construction of new curb and gutter, ADA ramps at intersections, valley gutters and possible sidewalks.** was approved by the State Transportation Commission on August 24, 2023 and will be included in the New Mexico Department of Transportation's FY24 TPF Program.

The total estimated cost for your project is \$289,000.00 the Department has allocated \$274,550.00 in TPF funds, with a local match requirement of \$14,450.00.

The Project Oversight Division will develop a project agreement and forward to you for signature.

If your application indicated that you would be interested in applying for Match Waiver funds, please submit a cover letter and resolution to my office no later than 5:00 pm on September 30, 2023.

If you have any questions or comments, please contact me at (505) 699-9946 or Clarissa.Martinez@dot.nm.gov.

Sincerely,

Clarissa Martinez
Project Oversight Division, State Grants Manager

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Gary Tonjes
Commissioner
District 2

Hilma E. Chynoweth
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

ORDINANCE

No

2023-04

FIRE

ORDINANCE

Ordinance. 2023-04 - Adoption of Fire Codes.

ORDINANCE TO ADOPT FIRE CODE ORDINANCE FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE, THE ENVIRONMENT, AND PROPERTY FROM FIRE OR EXPLOSION, THOSE CERTAIN CODES KNOWN AS "THE INTERNATIONAL FIRE CODE".

There are adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life, the environment, and property from fire or explosion, those certain codes known as:(1)The International Fire Code, being particularly the 2021 editions excepting Section 108 of Chapter 1 regarding the board of appeals together with such other amendments are set forth herein. The adoption of this code shall include appendix chapters B, C, D, E, F, H, I and N (see International Fire Code Section 101.2.1, 20121 edition), as published by the International Code Council is hereby adopted and designated as the Fire Code of the City to serve as a general standard for purposes of regulating and governing the safeguarding of life and property from fire, explosion or other hazardous conditions created through the operation or use of a space, structure or property.(2)The provisions of such codes shall be controlling within the limits of the City, except as may be otherwise provided by law. A copy of the codes adopted by reference in this section shall be maintained in the office of the City clerk and shall be made available for review by the public upon request. The following sections, paragraphs, and sentences of the 2021 International Fire Code are amended as follows:(1)Global meanings in adopted code. Wherever any reference to "ICC Electrical Code" appears, it shall be replaced with the phrase "2017 National Electrical Code (NEC)". Wherever any reference to "International Energy Conservation Code (IECC)" appears, it shall be replaced with the phrase "2009 New Mexico Energy Conservation Code (NMECC), as may be amended from time to time by the State of New Mexico." Passim. Wherever any reference to "ICC Plumbing Code" appears, it shall be replaced with the phrase "2015 Uniform Plumbing Code and all appendices". Passim. Wherever any reference to "International Mechanical Code" appears, it shall be replaced with the phrase "2015 Uniform Mechanical Code (UMC)".(2)City IFC specific amendments. SECTION 101.1 of the IFC is amended as follows: 101.1 Title. These regulations shall be known as the Fire Code of the City, hereinafter referred to as either "IFC" or "this code." SECTION 102.4 of the IFC is amended as follows: 102.4 Application of other codes. The design and construction of new structures shall comply with this code, and other codes as applicable, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope International Building Code, shall be made in accordance therewith. Section 102.7.3 of the IFC is added as follows: 102.7.3 Specifically referenced editions of National Fire Protection Association codes and standards. The National Fire Protection Association standards and specific editions not referenced within Chapter 80 of this code may be considered as part of this code when determined by the Fire Code Official as necessary to protect life and property. Any conflicts of these referenced codes or standards with the provisions of this code shall comply with 102.7.1.d.Section 105.1 of the IFC is amended as follows: Section 105.1. General. Permits shall be in accordance with Section 105.1.1 through 105.7.24 unless provided for by the State of New Mexico or sub-division thereof, and when required by the fire code official. Section 105.5

of the IFC is amended as follows: Section 105.5. Required operational permits. The fire code official is authorized to issue operational permits to conduct an operation or a business as set forth in sections 105.5.2 through 105.5.52 unless provided for by the State of New Mexico or sub-division thereof. Operational permit fees shall be established by policy of the fire code official as adopted by the governing body. Section 105.6 of the IFC is amended as follows: Section 105.6. Required construction permits. The fire code official is authorized to issue construction permits for the installation and modification for construction work set forth in sections 105.6.1 through 105.6.24 unless provided for by the State of New Mexico or sub-division thereof. Construction permit fees shall be established by policy of the fire code official as adopted by the governing body. There is hereby added to the IFC a new section to read as follows: 105.5.53 Food booth. The operation of food cooking or heating equipment under a tent or canopy shall require an operational permit from the Fire Code Official. A separate permit is not required if the operation is included within a Special Event Permit or Temporary Use Permit issued by the Lordsburg City Community Development. Section 107 of the IFC is amended as follows: 107 Fees. Fees shall comply with the Lordsburg City, New Mexico—Code of Ordinances Chapter 22 - FIRE PREVENTION AND PROTECTION ARTICLE IV. DIVISION 2.—PERMIT FEES AND DAMAGE OBLIGATIONS. There is hereby added to the IFC a new section to read as follows: 108.2.3 Inspection fees applicability. The Fire Chief or Fire Marshal, or his or her designated representative shall inspect all buildings, premises, or portions thereof as often as may be necessary. Inspection fees shall be in accordance with Section 107 and assessed based on the schedule of fees as adopted by the City council. Section 111 of the IFC is deleted in its entirety. Section 310.1 of the IFC is hereby amended as follows: 310.1 General. Smoking requirements under this section of the 2021 IFC shall comply with Chapter 18 of the City codes. Section 504 of the IFC is amended as follows: 504.1 Required Access. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. Fire apparatus access roads shall extend to within 50 feet (15 240 mm) of a required exterior door or opening. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official. Section 504.1 of the IFC shall be further amended to add the following "Exceptions" as follows:

The fire code official is authorized to increase the dimension of 50 feet (15, 240 mm) where the following condition occurs:

- a. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.n. Sections 505.1 and Section 505.2 are hereby deleted in its entirety. There is hereby added a section 505.1 as follows: Section 505.1 Address identification shall comply with the chapter 34 of the City codes. Section 507.3 of the IFC is Amended as follows: 507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined as outlined in Appendix B of this code excepting any requirement or reference of the International Wildland Urban Interface Code (IWUI-15). Section 507.5 of the IFC is amended as follows: 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6, and Appendix C. Section 3013.2 of the IFC is amended as follows: 3103.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m²) or any tent or membrane structure under which cooking or heating equipment is operated shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official. Section 5608.2 of the

IFC is amended as follows: 5608.2. Permit application. Permit application for a fireworks display, pyrotechnics special effects shall not be made less than 14 days prior to the scheduled date of display. Prior to issuing permits, site plans and plans for the fireworks display, pyrotechnics special effects, inspections of the display and effects site and demonstrations of the display or effects operation shall be approved. A plan establishing procedure to follow and actions to be taken in the event a shell fails to ignite in, or discharge from, a mortar or effect fails to function over the fallout area, or other malfunctions shall be provided to the fire code official. At the time of permit application, the Fire Marshal or his/her designee shall be consulted regarding requirements for standby fire apparatus. Additional fees for standby personnel may apply as approved by the Fire Chief and established by policy of the fire code official as adopted by the governing body. Section 65609.1 of the IFC is amended as follows: 5609.1 General. The use, storage, transportation, sale possession, handling and display of 1.4G consumer fireworks shall comply with the Lordsburg City Code of Ordinances 2023.04. – Fireworks. Section 5609.2 of the IFC is amended as follows: 5609.2 The fire code official shall have the authority to promulgate rules, regulations, and policies associated with the use, storage, transportation, sale possession, handling and display of aerial devices and ground audible devices. Appendix A of the IFC is hereby deleted in its entirety.

Sec. 22-32. - Definitions.

The following words, terms and phrases, when used in the code adopted in section 22-31 or within the rules, regulations or policies promulgated by the fire code official, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adopted codes means the codes adopted in ordinance 2023-04

Authority having jurisdiction (AHJ) or code official means the fire chief or his or her designee.

Jurisdiction means the area within the incorporated limits of the City or exterior portions of the City as may be allowed by law.

Governing authority means the City Council of the City.

Fire code official means the fire marshal of the City fire department or his or her designee.

Building official means the building official for the City.

Food booth means a tent, canopy or membrane structures having an area of less than 400 square feet under which food cooking or heating equipment is operated.

Mobile food vending unit means an operation that cooks or heats food within a transportation vehicle (food truck or trailer) regardless of whether the vehicle is mobile, stationary, temporary or permanent and shall comply with Section 319 of the IFC.

Standby personnel means a qualified fire service personnel approved by the fire chief. When utilized, the number required shall be directed by the fire chief. Charges for utilization shall be as normally calculated by City and as published in the schedule of fees.

Self-storage facility means a real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

International Fire Code or "IFC" shall mean the 2021 International Fire Code as adopted by reference herein.

Duties and powers of the authority having jurisdiction (AHJ); fire code official, (fire marshal).

(a)The adopted codes including all inspections and permits authorized thereunder, and the provisions of this chapter of the City code shall be enforced by the AHJ through its fire code official (fire marshal).(b)Authority to enter premises. The AHJ and Fire Code Official shall have the power to enter all property within the City for purposes of enforcing this code and shall be for the purposes of fire and life safety. Entry into a building or structure shall be at a reasonable time for inspections. The authority to enter shall not include inspection of interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the party responsible therefore in the event the premises are unoccupied. The provisions of this section do not apply in the event of explosion, fire or emergency. The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to potential fire hazards within the City. The AHJ shall have the authority to ensure duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public. The AHJ may issue the permits provided for in the adopted codes but is granted discretion to determine the necessity of said permits. Nothing herein is intended to create a duty to issue permits or to require that the AHJ exercise the authority conferred by the adopted codes.

Conflicting provisions of adopted codes.

Generally, the provisions of the City Code, the adopted codes and the referenced documents shall be read together and interpreted as complimentary provisions to the maximum extent possible. However, where the provisions of this chapter, the adopted codes and the referenced document cannot be interpreted as compatible and are clearly in conflict, conflicts shall be resolved in favor of the express provisions of this chapter.

Appeals.

Any person aggrieved of a decision by the AHJ regarding the interpretation or application of this chapter of the City code, or aggrieved within the meaning of the adopted codes, may file an appeal pursuant to the provisions of the adopted codes. However, notwithstanding any provision of the adopted codes to the contrary, such appeals shall be made as follows: an appeal board consisting of the fire chief or his designee, the community development director, or his designee, and the public works department director, or his designee. Appeals shall be decided by a vote of a simple majority. Appeals shall be administered in a manner which accords the due process required for quasi-judicial proceedings under New Mexico law including the right to reasonable notice, an evidentiary hearing, the right to call witnesses, the right to have witnesses sworn and the right to confront and cross-examine all witnesses giving testimony. Decisions of the appeal board may be appealed to the City council. Decisions of the City council may be appealed to the state district court.

Violations; penalties.

Whenever the Fire Code Official determines that there has been a violation of this chapter, or the adopted codes a written notice shall be issued to the alleged violator. Any notice served shall comply with the requirements of the adopted codes and shall also set forth the specific provision of law which has been violated. Enforcement shall be pursuant to the powers, authorities, penalties and provisions prescribed in the general provisions of the City Code.

DIVISION 2. - PERMIT FEES AND DAMAGE OBLIGATIONS

Permit fees.

A permit shall not be issued until the permit fee has been paid, nor shall an amendment to a permit be released until the additional fee has been paid, if any, as required by the schedule of fees as adopted by the City council.

Inspection fees.

Inspection fees. Inspection or re-inspection fees shall be assessed as required by the schedule of fees as adopted by the City council.

Refunds.

Refunds. The City council is authorized to establish a refund policy.

FIREWORKS

Fireworks temporary storage, sale and use of consumer fireworks.

The permitting use, storage, transportation, sale, possession, storage, handling and use of 1.4G consumer fireworks shall comply with IFC Chapter 56, NFPA 1124, and NMSA 1978, Chapter 60, Article 2C, the "Fireworks Licensing and Safety Act", except for the following fireworks, as listed and defined in NMSA 1978, § 60-2C-1 et seq. of that act shall be determined by the City Fire Official and Council for the possession, storage, sale and use in the City of Lordsburg of:

(1) Aerial devices:a.Aerial spinners;b.Helicopters;c.Mines;d.Missile type rockets;e.Roman candles;f.Shells; andg.Stick-type rockets.(2)Ground audible devices:a.Chasers; andb.Firecrackers.

ARTICLE IV. - URBAN-WILDLAND INTERFACE AREAS

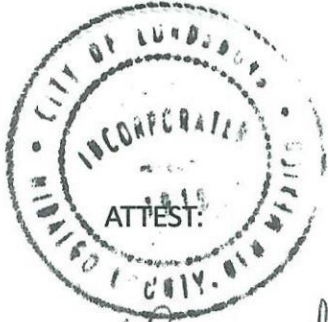
Wildland urban interface and fuels management.

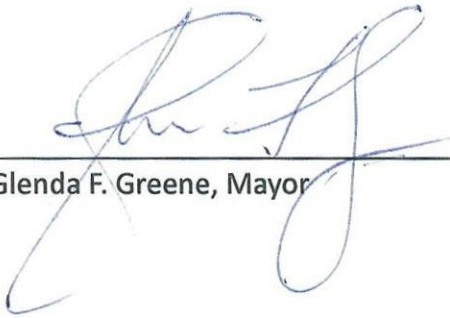
The fire code official shall have the authority to promulgate rules, regulations, policies, guidelines, fee schedules, forms and processes to supplement the City's fire codes to provide for mitigation of the fire and life safety hazards associated with the wildland urban interface areas.

Application of requirements.

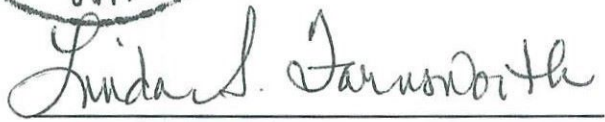
Any rules, regulations, policies, guidelines, fee schedules, forms and processes by the fire code official related to the enforcement of wildland urban interface requirements herein, shall have the force of law as adopted by the City council.

Passed, approved and adopted by the City of Lordsburg on this 20th day of September, 2023 in Regular Session at Lordsburg, Hidalgo County, New Mexico.





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

ORDINANCE

No. 2023-05

AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND ANTICIPATION NOTE/LOAN AGREEMENT BY AND BETWEEN THE CITY OF LORDSBURG, NEW MEXICO (THE "CITY") AND THE RURAL COMMUNITY ASSISTANCE CORPORATION, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF \$824,307 FOR THE BOND ANTICIPATION NOTE/LOAN AGREEMENT, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF ACQUIRING, EXTENDING, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE CITY'S WATER SYSTEM; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND ANTICIPATION NOTE/LOAN AGREEMENT SOLELY FROM NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY'S WATER SYSTEM; APPROVING THE FORMS OF THE BOND ANTICIPATION NOTE/LOAN AGREEMENT AND OTHER DETAILS AND CLOSING DOCUMENTS CONCERNING THE BOND ANTICIPATION NOTE/LOAN AGREEMENT; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE BOND ANTICIPATION NOTE/LOAN AGREEMENT.

CITY OF LORDSBURG, NEW MEXICO
ORDINANCE NO. 2023-05

AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND ANTICIPATION NOTE/LOAN AGREEMENT BY AND BETWEEN THE CITY OF LORDSBURG, NEW MEXICO (THE "CITY") AND THE RURAL COMMUNITY ASSISTANCE CORPORATION, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF \$824,307 FOR THE BOND ANTICIPATION NOTE/LOAN AGREEMENT, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF ACQUIRING, EXTENDING, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE CITY'S WATER SYSTEM; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND ANTICIPATION NOTE/LOAN AGREEMENT SOLELY FROM NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY'S WATER SYSTEM; APPROVING THE FORMS OF THE BOND ANTICIPATION NOTE/LOAN AGREEMENT AND OTHER DETAILS AND CLOSING DOCUMENTS CONCERNING THE BOND ANTICIPATION NOTE/LOAN AGREEMENT; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE BOND ANTICIPATION NOTE/LOAN AGREEMENT.

Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the City of Lordsburg, Hidalgo County, New Mexico, is a legally and regularly created, established, organized and existing municipal corporation under the general laws of the State of New Mexico; and

WHEREAS, the City now owns, operates and maintains a public joint utility comprised of water services, and which the City hereby declares shall be continued to be operated as a public utility; and

WHEREAS, the City has heretofore provided for the imposition of rates and charges against users of the System; and

WHEREAS, the City Council has determined and hereby determines that the Project may be financed with amounts borrowed under the Bond Anticipation Note/Loan Agreement and that it is in the best interest of the City and its residents that the Bond Anticipation Note/Loan Agreement be executed and delivered and that the financing of the Project take place by executing and delivering the Bond Anticipation Note/Loan Agreement; and

WHEREAS, it is in the best interest of the City that the Bond Anticipation Note/Loan Agreement be issued with a lien on the Net Revenues of the System; and

WHEREAS, the City Council has determined that it may lawfully pledge the Net Revenues for the payment of amounts due under the Bond Anticipation Note/Loan Agreement; and

WHEREAS, the Bond Anticipation Note/Loan Agreement shall be a special, limited obligation of the City, payable solely from the Net Revenues and shall not constitute a general obligation of the City, or a debt or pledge of the faith and credit of the City or the State; and

WHEREAS, the City Council intends by this Ordinance to authorize the execution and delivery of the Bond Anticipation Note/Loan Agreement in the amount and for the purposes set forth herein; and

WHEREAS, there have been presented to the City Council and there presently are on file with the City Clerk this Ordinance and the forms of the Bond Anticipation Note/Loan Agreement, which are incorporated by reference and considered to be a part hereof; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use and pledge of the Net Revenues to RCAC (or its assigns) for the payment of amounts due under the Bond Anticipation Note/Loan Agreement, (ii) the use of the proceeds of the Bond Anticipation Note/Loan Agreement to finance the Project, and (iii) the authorization, execution and delivery of the Bond Anticipation Note/Loan Agreement which are required to have been obtained by the date of this Ordinance, have been obtained or are reasonably expected to be obtained.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LORDSBURG THAT:

Section 1. Definitions. As used in the Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

“Act” means the powers of the City under the authority given by the provisions of Sections 3-31-1 through 3-31-12 NMSA 1978, as amended and supplemented, and all enactments of the Council relating to the Bond Anticipation Note/Loan Agreement.

“Authorized Officers” means the Mayor, Clerk and Finance Director of the City.

“Bond Anticipation Note/Loan Agreement” means the Bond Anticipation Note/Loan Agreement dated the Closing Date between RCAC and the City which provides for the financing of the Project and requires payments by or on behalf of the City to RCAC and any amendments or supplements thereto.

“City” means the City of Lordsburg, New Mexico.

“City Council” means the City Council of the City, and any future successor City Council of the City.

“Closing Date” means the date of execution, delivery and funding of the Bond Anticipation Note/Loan Agreement.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to the entire Ordinance and not solely to the particular section or paragraph of the Ordinance in which such word is used.

“Interest Reserve” means the interest reserve account in the name of the City established under the Bond Anticipation Note/Loan Agreement, funded from the proceeds of the Bond Anticipation Note/Loan Agreement, and administered by RCAC pursuant to the Bond Anticipation Note/Loan Agreement.

“Loan” means the funds to be loaned to the City by RCAC pursuant to the Bond Anticipation Note/Loan Agreement.

“Net Revenues” means the Gross Revenues of the System less Operation and Maintenance Expenses, which net revenues are pledged to the payment of the Bond Anticipation Note/Loan Agreement as provided herein.

“NMSA 1978” means the New Mexico Statutes Annotated, 1978 compilation, as amended and supplemented.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the City, paid or accrued, of operating, maintaining and repairing the System, and shall include without limiting the generality of the foregoing, insurance premiums, reasonable charges of depository banks, paying agents and bond registrars, contractual services, professional services required by this Ordinance, salaries and System administrative expenses, labor, cost of materials and supplies used for current operations, legal and overhead expenses of the various City departments directly related and reasonably allocable to the administration of the System, any payments made to the City's general fund as payments in lieu of franchise taxes or fees or other City taxes or fees or other similar payments or transfers to other funds of the City, but shall not include any allowance for depreciation, liabilities incurred by the City as the result of negligence in the operation of the System, costs of improvements, extensions, enlargements or betterments, or any charges for the accumulation of reserves for capital replacements.

“Ordinance” means this Ordinance as adopted by the City Council on September 20, 2023, approving the Bond Anticipation Note/Loan Agreement and pledging the Net Revenues to the payment of the Bond Anticipation Note/Loan Agreement, as amended from time to time.

“Parity Obligations” means the Bond Anticipation Note/Loan Agreement and any other obligations, now outstanding or hereafter issued or incurred, payable from or secured by a lien or pledge of the Net Revenues and issued with a lien on the Net Revenues on parity with the Bond Anticipation Note/Loan Agreement, if any.

“Project” means acquiring, extending, enlarging, bettering, repairing or otherwise improving the City's water system.

“RCAC” means the Rural Community Assistance Corporation, a California nonprofit public benefit corporation.

“Revenues” or “Gross Revenues” from, or of, the System means all income and revenues (including but not limited to interest income from the investment of System revenues) derived by the City from the operation of the System, or any part thereof, whether resulting from improvements, extensions, enlargements, repairs or betterments to the System, or otherwise, and includes all revenues derived by the City or any municipal corporation succeeding to the rights of the City, from the System and from the sale and use of water service and facilities, or any combination thereof, to the residents of what is now the City (including all territorial annexations which may be made while the Bond Anticipation Note/Loan Agreement or any part thereof are outstanding), or from the sale and use of water service and facilities, by means of the System owned and operated by the City as the same may at any time exist to serve customers outside the City limits as well as customers within the City limits.

“State” means the State of New Mexico.

“System” means the municipally owned joint public utility designated as the City's water system, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City through purchase, construction or otherwise, and used in connection with said water system of the City, and in anywise appertaining thereto, whether situated within or without the limits of the City.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council and officers of the City directed toward the Project and the execution and delivery of the Bond Anticipation Note/Loan Agreement be, and the same hereby are, ratified, approved and confirmed.

Section 3. Authorization of the Project and the Bond Anticipation Note/Loan Agreement. The Project and the method of financing the Project through execution and delivery of the Bond Anticipation Note/Loan Agreement are hereby authorized and ordered. The Project is for the benefit of the City.

Section 4. Findings. The City hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The Project is needed to meet the needs of the City and its residents and the issuance, execution and delivery of the Bond Anticipation Note/Loan Agreement are necessary and advisable.

B. Moneys available and on hand for the Project from all sources other than the Loan are not sufficient to defray the cost of the Project.

C. The Net Revenues may lawfully be pledged to secure the payment of amounts due under the Bond Anticipation Note/Loan Agreement.

D. It is economically feasible to defray, in whole or in part, the costs of the Project by the execution and delivery of the Bond Anticipation Note/Loan Agreement.

E. The net effective interest rates on the Loan does not exceed twelve percent (12.0%) per annum, which is the maximum rate permitted by State law.

Section 5. Bond Anticipation Note/Loan Agreement - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of a three-fourths majority of all of the members of the City Council. For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the residents of the City and completing the Project, it is hereby declared necessary that the City, pursuant to the Act, execute and deliver the Bond Anticipation Note/Loan Agreement evidencing a special, limited obligation of the City to pay principal amounts of \$824,307, plus interest, and the execution and delivery of the Bond Anticipation Note/Loan Agreement are hereby authorized. The City shall use the proceeds of the Loan to (i) finance the Project, (ii) fund the Interest Reserve, and (iii) pay the RCAC origination fee.

B. Detail. The Bond Anticipation Note/Loan Agreement shall be in substantially the forms presented at the meeting of the City Council at which this Ordinance was adopted. The Loan shall be in an aggregate principal amount of \$824,307, shall be payable as provided in the Bond Anticipation Note/Loan Agreement and shall bear interest at the rate of 5.0% per annum and have a term of twelve (12) months.

Section 6. Approval of Bond Anticipation Note/Loan Agreement. The forms of the Bond Anticipation Note/Loan Agreement as presented at the meeting of the City Council at which this Ordinance was adopted are hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Bond Anticipation Note/Loan Agreement with such changes, insertions and omissions as are consistent with this Ordinance and as may be approved by such individual Authorized Officers. The execution of the Bond Anticipation Note/Loan Agreement by an Authorized Officer shall be conclusive evidence of such approval.

Section 7. Special Limited Obligation. The Bond Anticipation Note/Loan Agreement shall be secured by the pledge of the Net Revenues and shall be payable solely from the Net Revenues. The Bond Anticipation Note/Loan Agreement, together with interest thereon and other obligations of the City thereunder, shall be a special, limited obligation of the City, payable solely from the Net Revenues as provided in this Ordinance and the Bond Anticipation Note/Loan Agreement shall not constitute a general obligation of the City or the State, and the holders of the Bond Anticipation Note/Loan Agreement may not look to any general or other fund of the City for payment of the obligations thereunder. Nothing contained in this Ordinance or in the Bond Anticipation Note/Loan Agreement, or any other instruments, shall be construed as obligating the City (except with respect to the application of the Net Revenues), as incurring a pecuniary liability or a charge upon the general credit of the City or against its taxing power, nor shall a breach of any agreement contained in this Ordinance, the Bond Anticipation Note/Loan Agreement, or any other instrument impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power. The Bond Anticipation Note/Loan Agreement shall never constitute an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing power. Nothing herein shall prevent the City from applying other funds of the City legally available therefore to payments required by the Bond Anticipation Note/Loan Agreement, in its sole and absolute discretion.

Section 8. Lien on Net Revenues. Pursuant to this Ordinance and the Bond Anticipation Note/Loan Agreement, the Net Revenues are hereby authorized to be pledged to, and are hereby

pledged, and the City grants a security interest therein for, the payment of the principal, interest, and any other amounts due under the Bond Anticipation Note/Loan Agreement subject to the uses thereof permitted by and the priorities set forth in this Ordinance. The Bond Anticipation Note/Loan Agreement constitutes an irrevocable and first lien, but not necessarily an exclusive first lien, on the Net Revenues with the lien thereon of any Parity Obligations.

Section 9. Authorized Officers; Delegation. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Ordinance, the Bond Anticipation Note/Loan Agreement and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Ordinance and the Bond Anticipation Note/Loan Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Ordinance and the Bond Anticipation Note/Loan Agreement, including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Bond Anticipation Note/Loan Agreement, and the publication of the summary of this Ordinance set out in Section 15 of this Ordinance (with such changes, additions and deletions as may be necessary).

Section 10. Amendment of Ordinance. Prior to the date of the initial delivery of the Bond Anticipation Note/Loan Agreement to RCAC, the provisions of this Ordinance may be supplemented or amended by ordinance or resolution of the City Council with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance.

Section 11. Ordinance Irrepealable. After the Bond Anticipation Note/Loan Agreement have been executed and delivered, this Ordinance shall be and remain irrepealable until all obligations due under the Bond Anticipation Note/Loan Agreement shall be fully paid, canceled and discharged, as provided therein.

Section 12. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 13. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 14. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of the City kept for that purpose, authenticated by the signatures of the Mayor and the Clerk of the City, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 15 below) shall be published in a newspaper which maintains an office and is of general circulation in the City, or posted in accordance with law, and such Ordinance shall be in full force and effect thereafter, in accordance with law.

Section 15. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

City of Lordsburg, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. 2023-05 duly adopted and approved by the City Council of the City of Lordsburg, New Mexico, on September 20, 2023. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the City Clerk, 409 West Wabash Street, Lordsburg, New Mexico.

The title of the Ordinance is:

CITY OF LORDSBURG, NEW MEXICO
ORDINANCE NO. 2023-05

AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND ANTICIPATION NOTE/LOAN AGREEMENT BY AND BETWEEN THE CITY OF LORDSBURG, NEW MEXICO (THE "CITY") AND THE RURAL COMMUNITY ASSISTANCE CORPORATION, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF \$824,307 FOR THE BOND ANTICIPATION NOTE/LOAN AGREEMENT, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF ACQUIRING, EXTENDING, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE CITY'S WATER SYSTEM; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND ANTICIPATION NOTE/LOAN AGREEMENT SOLELY FROM NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY'S WATER SYSTEM; APPROVING THE FORMS OF THE BOND ANTICIPATION NOTE/LOAN AGREEMENT AND OTHER DETAILS AND CLOSING DOCUMENTS CONCERNING THE BOND ANTICIPATION NOTE/LOAN AGREEMENT; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE BOND ANTICIPATION NOTE/LOAN AGREEMENT.

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

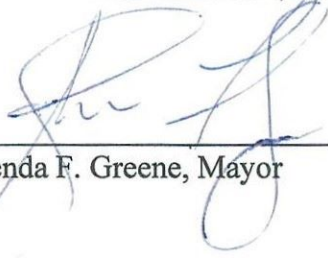
(End of Form of Summary for Publication)

PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF SEPTEMBER, 2023.

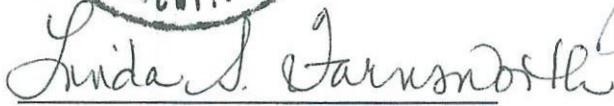


ATTEST:

CITY OF LORDSBURG, NEW MEXICO



Glenda F. Greene, Mayor



Linda Farnsworth, City Clerk