



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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POPULATION 14,000

CITY COUNCIL SPECIAL MEETING
AGENDA
September 29, 2022
10:00 A.M.

*Those who would like to participate remotely can via GoToMeeting.com with the following credentials:
You may dial in 10-15 minutes before the meeting begins.*

Please join the meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityofDeming>
You can also dial in using your phone.
United States (Toll Free): [1 866 899 4679](tel:18668994679)
United States: [+1 \(312\) 757-3119](tel:+13127573119)

Access Code: 595-334-189
Password: 595334189

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ATTENDANCE ROLL CALL

1. Approval of a Memorandum of Understanding (MOU) Between the City of Deming and the Deming Luna County Economic Development to Administer a Revolving Loan Fund
2. Resolution: To Consider An Approval of the Intent to Authorize A Notice of Sale for the City of Deming Gross Receipts Tax Revenue Bonds
3. Adjourn Meeting

The next regular City Council Meeting is scheduled for October 18, 2022 at 5:30 p.m.

**CITY COUNCIL SPECIAL
MEETING MINUTES
September 29, 2022**

Council Present:

Benny L. Jasso, Mayor	Joe “Butter” Milo, Councilor
Monica Topham, Mayor Pro Tem	Alex Valdespino, Councilor
Irmaisela “Irma” A. Rodriguez, Councilor	

Council Present (telephonically):

Council Absent:

<u>Staff Present:</u> Aaron Sera, Administrator	Laura Holguin, Finance Director/Treasurer
Alexi Jackson, Community Services Director	Jim Massengill, Public Works Director
Azucena Vargas, Asst. Public Works Director	Clint Hogan, Chief of Police
Adrian Coloma, IT	

Staff Present (Telephonically/Virtually): Alexi Jackson, Community Services Director

Recording Secretary: Mary Jo Valdez, Municipal Clerk

Mayor Jasso called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance.

A ROLL CALL was conducted to verify a quorum:

Councilor Milo	Present
Councilor Valdespino	Present
Councilor Rodriguez	Present
Mayor Pro Tem Topham	Present

1. Approval of a Memorandum of Understanding (MOU) Between the City of Deming and The Deming Luna County Economic Development to Administer a Revolving Loan Fund

Mr. Sera explained that the MOU will allow qualifying businesses to apply for loans payable over a period of 7-10 years with a 1.5% interest rate through Economic Development, if funding is available for transactions. Mr. Sera stated that Canna Company is currently looking for loans as well as other businesses;. Mr. Sera disclosed that his son works for the company and that he has no financial interests or conflicts with the transaction.

Mayor Jasso asked Council if they had any questions.

Mayor Pro Tem Topham motioned to approve the MOU, as presented; Councilor Rodriguez second the motion; motion carried by the following roll call vote:

ROLL CALL VOTE	
Mayor Pro Tem Topham	Aye
Councilor Valdespino	Aye
Councilor Milo	Aye
Councilor Rodriguez	Aye

**MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF DEMING
AND
DEMING LUNA COUNTY ECONOMIC DEVELOPMENT**

The purpose of this agreement is to ensure an understanding of partnership and collaboration by and between Deming Luna County Economic Development, Inc. (DLCED) and the City of Deming (Parties) entered on this ____ of _____, 2022.

WHEREAS: The City of Deming and DLCED desire to collaborate on a Business Retention and Expansion Fund, AND

WHEREAS: The collaboration between The City of Deming and DLCED will increase the number of jobs in Deming-Luna County, enhance the quality of life, assist existing businesses, AND

WHEREAS: The City of Deming and DLCED will strategically coordinate their efforts to develop a successful business retention and expansion fund AND

WHEREAS: The City of Deming will provide multiple services for the community, prioritizing those services above any funding availability regarding this revolving loan fund.

NOW, THEREFORE, The City of Deming and DLCED hereto do mutually agree as follows:

ARTICLE I: The City of Deming will support funds based on availability, for the specific purpose of promoting economic development projects in Deming, Luna County. Economic development projects should be pre-approved by the City of Deming and brought before the DLCED Executive Board of Directors.

ARTICLE II: The Parties shall have an application process to review and award the project requests.

ARTICLE III: The term of this agreement will be five years from the date of signature execution by both parties. It is understood that this agreement can be modified in its entirety with 30 day written notice and approval by both parties.

ARTICLE IV: DLCED, Inc., hereby disclaims any and all liability relating to the BRE Fund in any manner whatsoever and the City of Deming hereby acknowledges and accepts any and all liability relating to the BRE Fund and agrees to indemnify DLCED, Inc., from the same.

ARTICLE V: This agreement 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 this written agreement. No prior agreements or understandings, verbal or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this agreement.

ARTICLE VI: The Parties agree to abide by all federal and state laws, rules, and regulations pertaining to equal employment opportunity. In accordance with all such laws, rules, and regulations, Party members agree to ensure that no person in the United States shall on the grounds of race, color, national origin, sex, sexual preference, age, or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program or activity performed under this agreement.

ARTICLE VII: Matters concerning compliance, direction, or negotiation of any changes in the terms or other conditions relative to the performance of this agreement shall be directed to designated and authorized officials of the appropriate agencies.

ARTICLE VIII: The parties to this Agreement agree and stipulate that this Agreement shall be considered jointly drafted by all parties to this Agreement and shall not be terminated prior to the end of the term of this Agreement, unless agreed to in a separate writing signed by both Parties.

ARTICLE IX: This Agreement shall not be assignable by either Party without written consent in advance. This Agreement shall inure to the benefit of and be binding upon the agents, employees, servants, successors and assigns of the Parties hereto.

ARTICLE X: Should any term, part, portion, or provision of this Agreement be decided or declared by the Courts to be, or otherwise is found to be, illegal or in conflict with any law of the State of New Mexico or the United States of America, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining terms, parts, portions and provisions shall be deemed severable and shall not be affected thereby, provided such remaining terms, parts, portions, or provisions can be construed in their substance to constitute the Agreement that the parties intended to enter into in the first instance.

IN WITNESS THEREOF, the Parties have caused these presents to be executed or caused them to be executed by their duly authorized office, in duplicate, on the dates indicated below.

By an Authorized Official of

By an Authorized Official of

THE CITY OF DEMING

**DEMING LUNA COUNTY ECONOMIC
DEVELOPMENT, INC.**



Aaron Sera, City of Deming
City Administrator

Kenneth Leupold, DLCED
Board President

Date: September 29, 2022

Date: _____

2. Resolution: To Consider An Approval of the Intent to Authorize A Notice of Sale for the City of Deming Gross Receipts Tax Revenue Bonds

Mr. Sera explained that the resolution is to notify the Mayor and Councilors of an ordinance coming before Council next month to sell revenue bonds. This is the first step to notify the governing body of the intent. The funds will be used for a broad range of projects, including updating the SCADA system; energy efficiency; WWTP; well refurbishment and other needed projects that qualify for the use of the funds. Mr. Sera explained that there is a \$4 million cap resulting in an approximate 6 year payoff for solar projects; 8 year pay off for SCADA; and 6 year pay off on well projects.

Mayor Jasso asked Council if they had any questions.

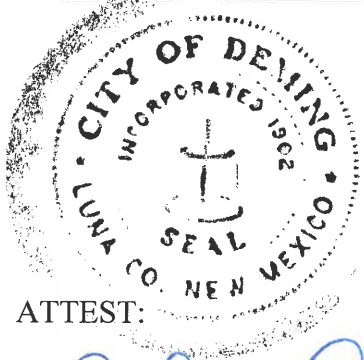
Councilor Rodriguez motioned to approve the resolution, as presented; Mayor Pro Tem Topham second the motion; motion carried by the following roll call vote:

ROLL CALL VOTE	
Councilor Valdespino	Aye
Councilor Rodriguez	Aye
Mayor Pro Tem Topham	Aye
Councilor Milo	Aye

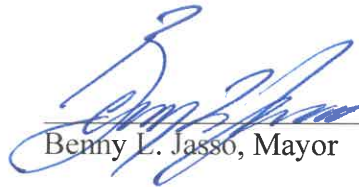
3. Adjourn Meeting

With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting.

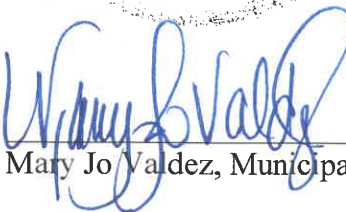
Councilor Milo motioned to adjourn the meeting; Councilor Valdespino second the motion; motion carried unanimously. The meeting adjourned at 10:14 a.m.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal Clerk

RESOLUTION NO. 22-37

AUTHORIZING NOTICE OF SALE

WHEREAS, the City Council of the City of Deming, County of Luna, State of New Mexico, (respectively, the “Council” and the “City”) authorized the City to contract bonded indebtedness in the amount not to exceed \$4,000,000 to be issued in this sale, on behalf of the City and upon the credit thereof by issuing gross receipts tax revenue bonds of the City;

WHEREAS, the Council has authorized the Mayor to issue a Notice of Sale of Municipal Gross Receipts Tax Revenue Bonds and it is hereby determined that it is necessary and in the best interest of the City and the residents thereof that gross receipts tax revenue bonds be issued in accordance with this Notice of Sale; and

NOW, THEREFORE, the following Notice of Sale is issued as follows:

Section 1. The Mayor or other authorized officers or employees of the City are hereby authorized to do all things necessary for the sale of the City’s gross receipts tax revenue bonds, including submission of an application to the New Mexico Finance Authority, and by means of a negotiated sale should that be advantageous to the City.

Section 2. The Mayor or other authorized officers or employees of the City are hereby authorized to determine the date, time and place (1) to receive bids for sale of bonds, including the series, the dated date, the principal amount maturing in each year, maturity and interest payment dates, redemption provisions, and any other terms related to the bonds; or (2) to enter into negotiations for the sale of the bonds with a bank or other purchaser. The Mayor or other authorized officers or employees of the City are hereby further authorized and directed to have published a notice of sale of authorized bonds, after determination of the details of the authorized bonds, in the *Deming Headlight*, or other newspaper of general and local circulation in the City, once, at least one week prior to the date of the sale. The mayor, or other authorized officers or employees of the City are hereby authorized and directed to give such other notice of the bond sale including the publication of the notice in financial papers and periodicals and the distribution among investment bankers and others of a Preliminary Official Statement relating to the bonds, where necessary.

PASSED, APPROVED, AND ADOPTED this 29th day of September 2022.



CITY OF DEMING, NEW MEXICO


Benny L. Jasso, Mayor

ATTEST:


Mary Jo Valdez, Municipal City Clerk