



City of Bayard
CITY COUNCIL REGULAR MEETING

July 08, 2024 at 4:30 PM

Bayard City Hall

MINUTES

CALL TO ORDER: Mayor John L. Ojinaga

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor John L. Ojinaga
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Gilbert Ortiz

ABSENT

Councilor Eloy Gonzales

Other in attendance were Tanya Elliott, Melissa Rackel, Elisha Montoya, Cordell Jones, Dolores, Jesus Perez, Joan Perez, Frank Gomez, Lowell West, George Esqueda, Hector Carrillo, Robert Terrazas, Martha Salas, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Gonzales, Seconded by Councilor Ortiz.
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz

PUBLIC INPUT

Ben Repson from the Common in Silver City he gave an update on what are there plans in the next four years. They would like to make a community garden for the mining district. There will be a salsa contest in the mining district. Who ever win they will have that salsa licensed.

CONSENT AGENDA

Motion made by Councilor Gonzales with corrections on the Regular Meeting Minutes June 24, 2024, Seconded by Councilor Ortiz.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz

1. Approval of the Regular Meeting Minutes June 24, 2024
2. Approval of Special Meeting Minutes from June 20, 2024

3. Approval of Accounts Payable
4. Approval for Jose Diaz, Municipal Judge and Jannel Serrano, Court Clerk to attend the NMML Annual Conference August 13-16, 2024 in Clovis NM
5. Approval for Gary Arellano, Wastewater Operator to attend the NM Water & Wastewater Association in Albuquerque, NM on September 9-12, 2024

NEW BUSINESS

6. Discussion- Property on intersection of Hurley Avenue and Central Avenue- Melissa Rackel

Melissa Rackel had concerns for the drainage issue near her property at the corner of Central Ave. and Hurley Ave. George Esqueda presented what Stantec engineered for the NM 356 project. The council and mayor gave there input. Clerk/Treasure Salas will be calling the DOT for a meeting to review all project plans for the NM356 project.

7. Discussion/Action- Domestic Awareness with El Refugio by Dolores Charon

Dolores Charon would like the police department and the city to be involved in Paint the town purple for Domestic Awareness month in October. She would like to place purple wreaths on the street poles again this year and she will be making purple ribbons to be warn. The police department and city would like to help her with what she needs.

DEPARTMENT HEAD REPORTS

Chief Carrillo stated summer fest is coming July 20 from 9-2. The Bayard PD will have a booth, traffic control and public safety.

Wastewater Director Terrazas stated the plant is running well.

Asst. Fire Chief Gomez stated the fire department will have 5 first responders by the end of the month.

Clerk Treasure stated she received the environmental results from the testing at the library and everything is good, there will be a full report proved at the next meeting. The Bayard Community Center is closed right now. The roof has caved in and Salas is working on finding a contractor to repair the roof.

PLANNING AND ZONING

8. Discussion/Action- Doug Newman's Resignation from Planning and Zoning Committee
9. Discussion/Action- ADA ramp for Leslie Sawyer residence

Motion made by Councilor Medina, Seconded by Councilor Ortiz.
Voting Yea: Mayor Ojinaga, Councilor Medina, Councilor Ortiz
Voting Abstaining: Councilor Gonzales

10. Discussion/Action- Transform existing portable buildings to residential housing at Cobre Administration Building

Motion made by Councilor Medina, Seconded by Councilor Ortiz.
Voting Yea: Mayor Ojinaga, Councilor Medina, Councilor Gonzales, Councilor Ortiz

ORDINANCES/RESOLUTIONS

11. Discussion/Action- Resolution 11-2024 Adopting the FY 2026-2030 Infrastructure Capital Improvements Plan (ICIP)

Motion made by Councilor Gonzales, Seconded by Councilor Ortiz.
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Ortiz

MAYOR AND COUNCILORS REPORTS

Councilor Gonzales stated July 17, there will be a housing meeting at 4 and on July 18 there will be a Planning and Zoning meeting at 4. There will be a water conservation meeting at the open space in Santa Clara.

Mayor Ojinaga stated he would like the flags to be put up on the days that are needed. He thanked the fire department for having 3 fire trucks out on the 4th of July.

NEXT MEETING DATE:

Regular Meeting - July 22, 2024

Special Meeting- July 12, 2024

ADJOURNMENT

6:15 p.m.

John L. Ojinaga
Mayor

ATTEST:

Martha Salas
Clerk Treasurer



City of Bayard
CITY COUNCIL SPECIAL MEETING

July 12, 2024 at 10:00 AM

Bayard City Hall

MINUTES

CALL TO ORDER: Mayor John L. Ojinaga

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor John L. Ojinaga
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Eloy Gonzales
Councilor Gilbert Ortiz

Others in attendance were Michael Paez, Martha Salas and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Medina, Seconded by Councilor E. Gonzales.
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Gonzales, Councilor Ortiz

NEW BUSINESS

1. Discussion/Action- Quotes to repair roof at Community Center

Quote for the community center were from Chavez contraction, Top Tear and CD General Contraction. CD General did contact the state to get a permit, this is a emergency and the state is grant the permit.

Motion made by Councilor Medina, CD General Contraction with 20 year manufacture added on. Cost would be \$42,856.28. Seconded by Councilor E. Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Gonzales, Councilor Ortiz

NEXT MEETING DATE:

Regular Meeting - July 22, 2024

ADJOURNMENT

10:15 a.m.

John L. Ojinaga
Mayor

ATTEST:

Martha Salas
Clerk Treasurer

ACCOUNTS PAYABLES

VENDOR

DESCRIPTION

AMOUNT

P.O.

GENERAL FUND - 10

Silver City Daily Press	Regular Meeting	\$	33.08	
Century Link	Police Monthly Bill	\$	291.65	
Century Link	City Hall Monthly Bill	\$	249.20	
Grant County Beat	City Hall Annual Legal Ads	\$	292.36	
Xfinity	Little League Monthly Bill	\$	214.60	
Xfinity	Police Monthly Bill	\$	99.50	
Ewing Irrigation Products	Mine Mill Project	\$	261.24	
NMSU Cooperative Extension Service	NMP 142& NMP 211 Tanya Ortiz	\$	150.00	
Amazon	City Hall Toner cartridges and american flag	\$	413.03	
Samsara	City Hall Monthly bill	\$	158.20	
Samsara	Police Monthly Bill	\$	158.20	
Garcia Fence Company	Police Department Electric gate	\$	6,000.00	
Xfinity	City Hall Monthly Bill	\$	312.46	
WNM	City Hall Monthly Bill	\$	212.10	
WNM	Police Monthly Bill	\$	106.05	
Grant County Pest Control	City Hall Monthly Bill	\$	38.93	
Grant County Pest Control	Police Monthly Bill	\$	14.55	
Grant County Pest Control	Animal Control Monthly Bill	\$	29.32	
Grant County Pest Control	Parks Monthly Bill	\$	17.51	
TOTAL		\$	9,051.98	

SOLID WASTE FUND - 160

Samsara	Monthly bill	\$	158.20	
TOTAL:		\$	158.20	

JNT WASTEWATER FUND - 170

Century Link	Monthly Charge	\$	281.84
Eurofins	Plant Tests 6/27	\$	291.66
American Linen and Uniform Supply	Uniform Maint	\$	50.71
The UPS Store	Sample shipping	\$	302.10
Samsara	Monthly Bill	\$	158.21
Eurofins	Plant Tests 6/13	\$	291.66
NM Env Dept Ground Water Quality Bureau	Discharge Permit Renewal	\$	4,600.00
WNM	Monthly Bill	\$	70.70
American Linen and Uniform Supply	Uniform Maint	\$	50.71
Grant County Pest Control	Monthly Bill	\$	48.13
TOTAL:		\$	6,145.72

MUNICIPAL COURT FUND - 20

Administrative Office of the Courts	Municipal Monthly court fees	\$	41.22
Century Link	Monthly Charge	\$	74.33
Xfinity	Monthly Charge	\$	111.43
WNM	Monthly Charge	\$	70.70
Grant County Pest Control	Monthly Bill	\$	14.54
TOTAL:		\$	312.22

COMM. CENTER FUND - 200

Century Link	Monthly Charge	\$	234.91
Grant County Pest Control	Monthly Charge	\$	39.32
TOTAL:		\$	274.23

LIBRARY FUND - 210

DC Environmental	Air Quality Assessment	\$	3,408.24
Century Link	Monthly Charge	\$	87.70
Xfinity	Monthly Charge	\$	290.99

WNM	Monthly Charge	\$	70.70
Grant County Pest Control	Monthly Charge	\$	29.32
TOTAL:		\$	3,886.95

MUNICIPAL STREETS FUND- 240

TOTAL: \$ -

EMS FUND - 320

DACC Workforce Training	First Responder Course	\$	2,750.00
TOTAL:		\$	2,750.00

Maintenance 150

Silver City Daily Press	Notice of intent, Quorum, June Subscription, regular and special	\$	119.66
Grant County Beat	Annual Legal Ads	\$	292.36
Samsara	Monthly Bill	\$	158.20
WNM	Monthly Bill	\$	35.35
Grant County Pest Control	Monthly Bill	\$	17.51
Core and Main	State Service Agreement	\$	1,232.12
Dement Electric	CL2 Injection pump wiring and controls	\$	2,071.78
Dement Electric	CL2 Injection pump wiring and controls	\$	2,930.57
TOTAL:		\$	6,857.55

FIRE FUND- 30

Century Link	Monthly Bill	\$	139.85
Xfinity	Monthly Bill	\$	187.05
Amazon	Misc Supplies	\$	1,579.80

WNM	Monthly Bill	\$	35.35
Gregory Koury MD	EMS Medical Director Services	\$	1,000.00
Grant County Pest Control	Monthly Bill	\$	14.55
TOTAL:		\$	2,956.60

SEWER FUND- 155

TOTAL: \$ -

Law Enforcement Protection Fund 60

TOTAL: \$ -

PROJECTS

TOTAL: \$ -

TOTAL: \$ **32,393.45**

City of Bayard Wastewater Treatment Plant

Monthly Report for June 2024

6-03-2024 Make plant rounds and wash down clarifiers and run plant test, turn drying beds and turn stockpile and check N Hurley lift station,

6-04-2024: Make plant rounds and wash down clarifiers, run plant tests and clean up UV building, wash water building and shop building, haul 2 loads of sludge to silver land fill.

6-05-2024: Make plant rounds and run plant tests and collect all water samples and run samples to UPS in silver, check N Hurley lift station, change out air filter on Backhoe.

6-06-2024 Make plant rounds and wash down clarifiers, run plant tests and check N Hurley lift station and clean up lab building. haul 2 loads of sludge to silver land fill.

6-10-2024: Make plant rounds and wash down clarifiers, run plant tests Turn beds, check N Hurley lift station, check and fill oil on blower.

6-11-2024 Make plant rounds and wash down clarifiers, run plant tests and cut and spray weeds around plant, trouble shoot clarifier.

6-12-2024 Make plant rounds and run plant tests and collect all water samples and run samples to UPS in silver, check N Hurley lift station, clean lab and remove algae from clarifier.

6-13-2024: Make plant rounds and wash down clarifiers, run plant test and turn beds, pull out sludge from #2 drying bed, replace pump at N Hurley lift station and received blower.

6-17-2024: Make plant rounds and wash down clarifiers, run plant test and haul 5 barrels to N Hurley lift station, check N Hurley lift station and turn drying beds.

6-18-2024: Make plant rounds and wash down clarifiers, run plant test and fill up acid tank in UV building.

6-20-2024: Make plant rounds and wash down clarifiers and run plant, check N Hurley lift station and clean up lab building.

6-24-2024: Make plant rounds and wash down clarifiers and run plant test, turn #2 & 3 drying bed and turn stockpile and spread millings on plant road, work on chlorine at rec. plant.

6-25-2024 Make plant rounds and wash down clarifiers, run plant test and haul 2 loads of sludge to silver land fill, go to Ace hardware and purchase a few items, haul barrels to transfer station.

6-26-2024: Make plant rounds and run plant tests and collect all water samples and run samples to UPS in silver, fill up chlorine tank at wash water pump house, take a load of trash to transfer station.

6-27-2024: Make plant rounds and wash down clarifiers and run plant test, check N Hurley lift station, clean up lab building and wash filters, work on tires for bobcat mower.

**BAYARD POLICE DEPARTMENT
MONTHLY REPORT
JUNE, 2024**

Traffic Activity

Accidents	4
TRAFFIC STOPS MADE	77
Citations Issued	30
Municipal 15	
Magistrate 0	
Written warnings: 15	
Stop Sign 0	
DWI	0
Motorist Assists	2
Suspicious Vehicle or person	1
Reckless driver	2
Missing or Stolen vehicle	1
Traffic complaints	3
Hot pursuit	2
Abandoned vehicles	2
Parking violation	1

Criminal Activity

Arrests	4
Burglary/Larceny	3
Criminal damage	2
Domestic calls	2
Inj./Tamp. with vehicle	1
Harassment	5
Unwanted subject	6
Fraud	2
Disturbance	1
Graffiti	2
Fight	2
Battery	2

General Activity

Civil stand by	1
Escorts	1
Welfare check	17
Meetings	4
Follow up investigations	12
Alarm	11
Noise complaints	1
Missing person	1
Shots fired	1
Smoke	2
Civil matter	3
Court	7
Criminal trespass	5
Suspicious activity	15

Illegals	1
Child exchange	5
Request for public service	12
Citizen assist	5
Frequent patrols	20
Citizen assists	8
Found property	2
Attempt to locate	1
Citizen contact	10
Custodial interference	2
<u>Juvenile Activity</u>	
Graffiti	1
Runaway	2
<u>Agency assists</u>	3
<u>Offense/Incident reports generated</u>	25
Larceny	
Obstructing an officer	
Embezzlement	
Aggravated fleeing a law enforcement officer	
Battery	
Aggravated battery; Disorderly conduct	
Harassment	
Criminal damage to property	
Informational	
Informational	
Missing/Runaway	
Burglary	
Codes-Hazardous waste	
Graffiti	
Burglary	
Informational	
Suspicious activity report	
Informational battery	
Informational: Powerline down	
Criminal damage to property	
Injuring/Tampering with motor vehicle	
Warrant arrest	
Agg assault; False imprisonment; Injuring tampering with vehicle	
Fraud	
Criminal damage to property	
<u>Calls in Bayard responded by Grant County Sheriff's Dept.</u>	9
Suspicious activity	4
Criminal trespass (GCSO was requested by PRO)	1
Welfare check	1
Domestic disturbance (Verbal only)	2
Child exchange	1

BAYARD ANIMAL CONTROL/CODE ENFORCEMENT MONTHLY ACTIVITY REPORT

OFFICER: FRANKIE GOMEZ

MONTH OF: JUNE, 2024

DATE	TIME RECEIVED	SORCE OF COMPLAINT	COMPLAINANT, LOCATION, TYPE OF ACTIVITY AND ACTION TAKEN
6/3/24		ANIMAL	200 N. FOY-DOG IN YARD-PICKED UP AND TAKEN TO SHELTER
6/3/24		CODES	802 WATSON-WEEDS & TREES-VERBAL WARNING
6/4/24		CODES	901 EMPIRE ST-TRASH, DEBRIS, OVERGROWN WEEDS ON PROPERTY
6/5/24		CODES	901 EMPIRE ST-MADE CONTACT WITH OWNER-GAVE HIM VERBAL WARNING
6/5/24		ANIMAL	N. FRANEY-DOG RUNNING AT LARGE-FOLLOWED TO RESIDENCE
6/6/24		CODES	S. EAST & CENTRAL AVE-VACANT HOUSE-MADE CONTACT WITH OWNER ABOUT FIXING
6/7/24		ANIMAL	PICKED UP DOG FROM OFFICE
6/10/24		ANIMAL	FOLLOWED BLUE HEELER TO ITS RESDENCE ON N. FOY
6/10/24	1558	CODES	805 STEYSKAL-HAZARDOUS WASTE
6/11/24	0700-1000	CODES FOLLOW UP	FREQUENT PATROL 800 & 802 WATSON & 901 EMPIRE
6/11/24	1430	ANIMAL	203 MAIN-FOLLOW UP ON DOG ISSUE
6/12/24	1212	ANIMAL	625 ERIE-ANIMAL COMPLAINT
6/12/24	1400-1500	CODES	110 COPPER-FOLLOW UP ON BURNED HOUSE-NEG CONTACT WITH OWNERS
6/13/24	0800-0830	SHELTER	CHECKED ON ANIMALS AT SHELTER
6/13/24	1030-1100	CODES FOLLOW UP	406 MAPLE ST-FOLLOW UP ON BURNED HOUSE-NEG CONTACT WITH ANYONE
6/15/24	0115	ANIMAL	BAYARD FOOD BASKET-MED BRO/WHT DOG RUNNING LOOSE-HAS COLAR AND LEASH
6/17/24	0900-1000	ANIMAL	CENTRAL AVE/COFFEE ST-CHASED LOOSE DOG
6/17/24	1000-1100	SHELTER	CHECKED DOGS AT SHELTER
6/18/24	0800-0900	CODES	200 N. FOY
6/18/24	1227	Animal	404 CENTRAL AVE-LOOSE DOG

Vehicle Make: 2018 FORD PICKUP #101

DAY	Place Purchased	Gal	Amount	Quarts	Amount	MILEAGE	Invoice PO#	Purchaser
	NO FUEL ACTIVITY							
TOTALS		0	\$0.00	\$0.00	\$0.00			

Recapitulation

Fuel	
Oil	
Mic	
TOTAL	

Speedometer Reading

End of month mileage	53756
First of month mileage	
Total miles	
Miles per gallon	#DIV/0!

Vehicle Make: 2018 FORD EXPLORER #102

DAY	Place Purchased	Gal	Amount	Quarts	Amount	MILEAGE	Invoice PO#	Purchaser
7-Jun	BUTTERMILKS	15.004	52.5			48252	523290	HC-941
18-Jun	BSNAPPY	16.361	55.94			48457	678542	HC-941
TOTALS		31.365	\$108.44	\$0.00	\$0.00			

Recapitulation

Fuel	\$108.44
Oil	
Mic	
TOTAL	\$108.44

Speedometer Reading

End of month mileage	48457
First of month mileage	48387
Total miles	70
Miles per gallon	12.599

Vehicle Make: 2016 FORD TAURUS #80

DAY	Place Purchased	Gal	Amount	Quarts	Amount	MILEAGE	Invoice PO#	Purchaser
2-Jun	BUTTERMILKS	13.563	47.32			72455	449508	IV-947
5-Jun	BUTTERMILKS	13.561	47.31			72603	453559	IV-947
10-Jun	BUTTERMILKS	13.095	45.69			72736	459528	IV-947
12-Jun	BUTTERMILKS	14.791	51.61			72862	462183	IV-947
14-Jun	BUTTERMILKS	13.808	47.21			73003	464941	IV-947
16-Jun	BUTTERMILKS	13.307	44.96			73164	466942	IV-947
18-Jun	BUTTERMILKS	16.534	55.87			73316	469785	IV-947
20-Jun	BUTTERMILKS	14.505	14.01			73451	472494	IV-947
24-Jun	BUTTERMILKS	14.325	48.40			73598	477453	IV-947
30-Jun	BUTTERMILKS	11.567	39.08			73703	485138	IV-947
TOTALS		139.056	\$441.46	\$0.00	\$0.00			

Recapitulation

Fuel	\$441.46
Oil	
Mic	
TOTAL	\$441.46

Speedometer Reading

End of month mileage	73703
First of month mileage	72319
Total miles	1384
Miles per gallon	9.953

Vehicle Make: 2016 FORD TAURUS #100

DAY	Place Purchased	Gal	Amount	Quarts	Amount	MILEAGE	Invoice PO#	Purchaser
	NO FUEL ACTIVITY							
TOTALS		0	\$0.00	\$0.00	\$0.00			

Recapitulation

Fuel	
Oil	
Mic	
TOTAL	

Speedometer Reading

End of month mileage	70102
First of month mileage	
Total miles	
Miles per gallon	#DIV/0!

Vehicle Make: ACO UNIT-2020 F-250

DAY	Place Purchased	Gal	Amount	Quarts	Amount	MILEAGE	Invoice PO#	Purchaser
10-Jun	BUTTERMILKS	26.657	93.01			24985	458749	LG-946
21-Jun	BUTTERMILKS	29.596	100.00			25270	473103	LG-946
TOTALS			\$100.22	\$0.00	\$0.00			

Recapitulation

Fuel	\$100.22
Oil	
Mic	
TOTAL	\$100.22

Speedometer Reading

End of month mileage	25270
First of month mileage	24748
Total miles	522
Miles per gallon	5.209

Vehicle Make:

DAY	Place Purchased	Gal	Amount	Quarts	Amount	MILEAGE	Invoice PO#	Purchaser
TOTALS		0	\$0.00	\$0.00	\$0.00			

Recapitulation

Fuel	
Oil	
Mic	
TOTAL	

Speedometer Reading

End of month mileage	
First of month mileage	
Total miles	0
Miles per gallon	#DIV/0!



NM Water & Wastewater Association

2024 "Fred Ragsdale Memorial" Central School

PRE-REGISTRATION FORM

September 9-12, 2024 (30) credits

NMWWA CENTRAL SCHOOL
 September 9-12, 2024
 Marriott Pyramid North Hotel
 5151 San Francisco Rd. NE
 Albuquerque, NM

Payment in full must accompany this registration form or it will NOT be processed. Please call 505-753-8840 for payment arrangements.

NAME: ENRIQUE QUINTEROS **OPERATOR ID# (No SSN#):** _____

ADDRESS: PO Box 728 **CITY:** BAYARD **STATE:** NM **ZIP:** 88023

EMPLOYED BY: CITY OF BAYARD **OPERATOR CELL PHONE#:** 575-956-7539

E-MAIL ADDRESS (REQUIRED, PRINT CLEARLY): bayardmaint@cityofbayardnm.com

Are you a member of NMWWA: YES NO **CURRENTLY CERTIFIED:** YES NO

NOTE: Call (505) 753-8840 to confirm registration or email Caroline Sanchez at csmartinez@windstream.net or Rose at rmtz.nmwwa@gmail.com Note: Study Guides will not be provided at the school. If you already have a water and / or wastewater study guide, please bring it with you to the school. Study guides are available online on the www.nmwwa.org website Refunds apply ONLY if cancellations are received one week before the specified school (Refunds do NOT apply to credit card payments) \$25 processing fee for all cancellations. (Classes: 7:30 – 5:00 Monday-Thursday). (30 Credits)

REGISTRATION FEES: (✓ what you are paying)

Member Fee: \$400

Non-Member Fee: \$450 _____

CLASSES:
 You MUST ✓ the category of classes that you will be attending in order for this form to be complete. You may attend 1 or 2 categories of classes.

NMWWA State & Section Dues: (if not yet paid):

✓ Form of payment: Active \$80 _____

Check: _____ Corporate \$78 _____

P.O.: _____ Associate \$75 _____

Credit Card: _____ TOTAL: _____

ENROLLMENT:

60 people	Basic Water (I – II & SS)	<input checked="" type="checkbox"/>
60 people	Basic Wastewater (I – II & SS)	_____
40 people	Advanced Water (III – IV & SS)	_____
40 people	Adv. Wastewater (III – IV & SS)	_____
30 people	Workshops (III-IV)	_____
	(30 credits for the school)	

Make check payable to:
 N.M. Water & Wastewater Association
 or pay online on the NMWWA website
 (fees apply)

Accommodation Information
 Albuquerque Marriott Pyramid North
 Mention you're with NMWWA to get this

Mail form & check to:
 N.M. Water & Wastewater Association
 P. O. Box 819
 Espanola, NM 87532

special rate for \$129 per night
 Click on the link below or call 1-505-821-3333
Book your group rate for NM Water & Waste Water

Pre-Registration Deadline:
 September 6, 2024
E-mail registration form to:
rmtz.nmwwa@gmail.com

Visit the nmwwa website for all training information: nmwwa.org

RESOLUTION NO. 12-2024

RESOLUTION OF THE CITY OF BAYARD RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF BAYARD AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JULY 22, 2024, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE CITY OF BAYARD.

WHEREAS, the City of Bayard is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary that an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for the City of Bayard 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 Bayard to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

WHEREAS, it is the desire of the City of Bayard to accomplish these purposes:

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

1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses the desires and intent of the City of Bayard.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of the City of Bayard 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 22nd day of July, 2024 in Regular Council Meeting,

At 4:30 p.m.

John L. Ojinaga, Mayor

ATTEST:

Martha Salas, Clerk Treasurer

City of Bayard

RESOLUTION 13-2024

WHEREAS, the Bayard City Council in regular session on July 22, 2024 did propose to make certain budgetary adjustments; and

WHEREAS, the Council does hereby authorize the attached listing of budgetary adjustments for the June 30, 2024 financial statements as listed in Exhibit A.

WHEREAS, the Council does hereby approve the June 30, 2024 budget adjustments as presented.

NOW THEREFORE, the Council does hereby accept and approve the budgetary adjustments for the period ending June 30, 2024.

Done at Bayard, New Mexico, this 22nd^h day of July 2024.

John L. Ojinaga
Mayor

Eloy Medina
Mayor Pro Tem

Frances Gonzales
Councilor

Gilbert Ortiz
Councilor

Eloy Gonzales

ATTEST:

Martha Salas
Clerk-Treasurer

City of Bayard

Resolution 15-2024

WHEREAS, the governing body of the City of Bayard, State of New Mexico has developed a final operating budget for the fiscal year 2024-2025; and

WHEREAS, said final budget was developed on the basis of need and through cooperation of all departments, elected officials and department supervisor's; and

WHEREAS, the official meeting for the public input and review of the proposed budget requirements were held on May 23, 2024 in compliance with the requirements of the state open meeting law, and it is the majority opinion of this governing board that the proposed budget meets the requirements as currently determined for the 2024-2025 fiscal year.

NOW THEREFORE, be it resolved by the City Council of the City of Bayard, State of New Mexico, that this 2024-2025 Final Budget, July 22, 2024 Financial Statements and year end budget adjustments are **PASSED, APPROVED AND ADOPTED** this 22nd day of July, 2024.

John L. Ojinaga
Mayor

Eloy Medina
Mayor Pro Tem

Frances Gonzales
Councilor

Gilbert Ortiz
Councilor

Eloy Gonzales
Councilor

ATTEST:

Martha Salas
Clerk Treasurer

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

Ordinance No. 1-2024

AN ORDINANCE AMENDING PART OF CHAPTER 42, CODE OF ORDINANCES OF CITY OF BAYARD CODE BY ENACTING A NEW ARTICLE VIII, SEC. 42-410 ESTABLISHING THE BAYARD AFFORDABLE HOUSING LAWS IN ACCORDANCE WITH THE NEW MEXICO AFFORDABLE HOUSING ACT, NMSA 1978, SECTIONS 6-27-1 THROUGH 6-27-9 (2004, AS AMENDED THROUGH 2015)

Whereas, in accordance with the New Mexico Constitution, Article IX, Sec 14: the Affordable Housing Act, NMSA 1978, §§6-27-1 through 6-27-9 (2004, as amended through 2015); and the New Mexico Mortgage Finance Authority Act, NMSA 1978, §§58-18-1 through 58-18-27 (1975, amended through 2007), the City now proposes to adopt an ordinance as Chapter 42, Article VIII, Sec. 42-410, to accomplish the purposes of the Affordable Housing Act, which will provide for more inclusive housing developments throughout the City residential zoning districts:

NOW, THEREFORE, BE IT ENACTED BY THE GOVERNING BODY OF THE CITY OF BAYARD, GRANT COUNTY, NEW MEXICO, ORDINANCE 1- 2024 TITLED "CITYOF BAYARD AFFORDABLE HOUSING ORDINANCE AS FOLLOWS:

Section 1. SHORT TITLE.

This article may be cited as the "Affordable Housing Ordinance." (Ord. No. 1-2024)

Section 2. PURPOSE.

This ordinance is adopted to implement the City's Affordable Housing Plan. In accordance with the N.M. Constitution, Article IX, §14, the Affordable Housing Act, NMSA 1978, §6-27-1 et seq. (the "Act"), NMMFA Rules, the purpose of the Affordable Housing Ordinance is to:

1. Establish procedures to ensure that local housing assistance grantees are Qualifying Grantees who meet the requirements of the Act and the Rules promulgated pursuant to the Act both at the time of the award and throughout the term of any grant or loan under the Program;
2. Establish an application and award timetable for local housing assistance grants or loans to permit the selection of the Qualifying Grantee(s) by.
3. In conjunction with the MFA, create an evaluation process to determine:
 - a. The financial and management stability of the Applicant;
 - b. The demonstrated commitment of the Applicant to the community;
 - c. A cost-benefit analysis of the project proposed by the Applicant;
 - d. The benefits to the community of a proposed project;
 - e. The type or amount of assistance to be provided;
 - f. The scope of the Affordable Housing Project;
 - g. Any substantive or matching contribution by the Applicant to the proposed project;
 - h. A performance schedule for the Qualifying Grantee with performance criteria; and
 - i. Any other rules or procedures the City believes are necessary for a full review and evaluation of the Applicant and the Application or which the MFA believes is necessary for a full review of the City's evaluation of the Applicant;
4. Require long-term affordability of the City's Affordable Housing Projects so that a project cannot be sold shortly after completion and taken out of the affordable housing market;
5. Require that a grant or loan for a project must impose a contractual obligation on the Qualifying Grantee that the affordable housing units in any project be occupied by persons of low or moderate income as defined in this Ordinance;
6. Provide for adequate security against the loss of public funds or property in the event that the Qualifying Grantee abandons or otherwise fails to complete the project;
7. Require review and approval of a housing grant project budget by the City and/or the MFA before any expenditure of grant funds or transfer of granted property;
8. Require that a condition of grant or loan approval be proof of compliance with all applicable State and local laws, rules and ordinances;
9. Provide definitions for "low-income" and "moderate-income" and set out requirements for verification of income levels;
10. Provide the city with a valid affordable housing program; and
11. Require that the City enter into a contract with the Qualifying Grantee consistent with the Act, which contract shall include remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee and which contract shall be subject to the review of the MFA in its discretion.

Section 3. DEFINITIONS.

The following words and terms shall have the following meanings.

"Act" shall mean the Affordable Housing Act, NMSA 1978, §6-27-1 et seq.

"Affordable" shall mean consistent with minimum rent and/or income limitations set forth in the MFA Act and in guidelines established by MFA.

"Affordable Housing" means residential housing primarily for persons or households of low or moderate income.

"Affordable Housing Funds" shall mean any or all funds awarded or to be awarded, loaned or otherwise distributed under the Act.

"Affordable Housing Plan" or "Plan" shall mean a plan pursuant to detailed research and analysis of the community and housing profile, including a review of land use and policy regarding land use, which produces a housing needs assessment for low- and moderate-income households in that locality.

"Affordable Housing Program" or "Program" shall mean any programs the City establishes pursuant to the Act.

"Affordable Housing Project" or "Project" shall mean any work or undertaking, whether new construction, acquisition of existing Residential Housing, remodeling, improvement, rehabilitation or conversion, which may be developed in one or more phases, as approved by the City and/or the MFA for the primary purposes as allowed by the Act.

"Affordability Period" shall mean:

1. If the fair market value of any housing assistance grant or the total amount of affordable housing funds that have been awarded, loaned, donated, or otherwise conveyed to the qualifying grantee is from one dollar (\$1.00) to fourteen thousand nine hundred ninety-nine dollars and ninety-nine cents (\$14,999.99), then the affordability period shall be not less than five (5) years.
2. If the fair market value of any housing assistance grant or the total amount of affordable housing funds is from fifteen thousand dollars (\$15,000.00) up to and including forty thousand dollars (\$40,000.00), then the affordability period shall be not less than ten (10) years.
3. If the fair market value of any housing assistance grant or the total amount of affordable housing funds is greater than forty thousand dollars (\$40,000.00) up to and including one hundred thousand dollars (\$100,000.00), then the affordability period shall be not less than fifteen (15) years.
4. If the fair market value of any housing assistance grant or the total amount of affordable housing funds is greater than one hundred thousand dollars (\$100,000.00), then the affordability period shall be not less than twenty (20) years.

"Applicant" shall mean, an individual, a governmental housing agency, regional housing authority, a non-profit organization or a for-profit organization, including a corporation, limited liability company; partnership, joint venture, syndicate, or association meeting the appropriate criteria set by the City and/or the MFA.

"Application" shall mean an application to participate in one or more Affordable Housing Projects or Programs under the Act submitted by an Applicant to the City.

"Builder" shall mean an individual or entity licensed as a general contractor to construct Residential Housing in the State that satisfies the requirements of a Qualifying Grantee and has been approved by the City and/or the MFA to participate in an Affordable Housing Program. The term "Builder" shall also include an individual or entity that satisfies the requirements of a Qualifying Grantee and has been approved by the City and/or the MFA to participate in an Affordable Housing Program, who is not licensed as a general contractor in the State, provided such individual or entity contracts with a general contractor licensed in the State to construct Residential Housing.

"Building" shall mean a structure capable of being renovated or converted into Affordable Housing or a structure that is to be demolished and is located on land donated for use in connection with an Affordable Housing Project.

"City" shall mean City of Bayard, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.

"Congregate Housing Facility" shall mean Residential Housing designed for occupancy by more than four Persons of Low- or Moderate-Income living independently of each other. The facility may contain group dining, recreational, health care or other communal living facilities and each unit in a Congregate Housing Facility shall contain at least its own living, sleeping, and bathing facilities.

"City" shall mean City of Bayard, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.

"Federal Government" shall mean the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.

"Household" shall mean one or more persons occupying a housing unit.

"Housing Assistance Grant" means the donation, provision or payment by the City of:

1. Land upon which affordable housing will be constructed; or
2. An existing Building that will be renovated, converted or demolished and reconstructed as Affordable Housing; or
3. The costs acquisition, development, construction, financing, and operating or owning Affordable housing; or
4. The costs of financing or infrastructure necessary to support Affordable Housing.

"HUD" shall mean the United States Department of Housing and Urban Development.

"Infrastructure" shall mean Infrastructure Improvements and Infrastructure Purposes.

"Infrastructure Improvement" includes, but is not limited to:

1. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
2. Drainage and flood control systems, including collection, transport, diversion, storage, detention,

- retention, dispersal, use and discharge;
3. Water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
 4. Areas for motor vehicle use for road access, ingress, egress and parking;
 5. Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for access, ingress, egress and parking;
 6. Parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
 7. Landscaping, including earthworks, structures, plants, trees and related water delivery systems;
 8. Electrical transmission and distribution facilities;
 9. Natural gas distribution facilities;
 10. Lighting systems;
 11. Cable or other telecommunications lines and related equipment;
 12. Traffic control systems and devices, including signals, controls, markings and signs;
 13. Inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; and
 14. Heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property.

"Infrastructure Purpose" shall mean:

1. Planning, design, engineering, construction, acquisition or installation of Infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of the Infrastructure, provided the City may determine it appropriate to reduce or waive building permit fees, sewer and water hook-up fees and other fees with respect to an Affordable Housing Project for which Affordable Housing Funds and/or Housing Assistance Grants are awarded, loaned, donated or otherwise distributed under the Act;
2. Acquiring, converting, renovating or improving existing facilities for Infrastructure, including facilities owned, leased or installed by the owner;
3. Acquiring interests in real property or water rights for infrastructure, including interests of the owner; and
4. Incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.

"MFA" shall mean the New Mexico Mortgage Finance Authority.

"MFA Act" shall mean the Mortgage Finance Authority Act, enacted as Chapter 303 of the Laws of 1975 of the State of New Mexico, as amended (being Sections 58-18-1 through 58- 18-27, inclusive, N.M.S.A (1978), as amended).

"Mortgage" shall mean a mortgage, mortgage deed, deed of trust or other instrument creating a lien, subject only to title exceptions as may be acceptable to the City and/or the MFA, on a fee interest in real property located within the State or on a leasehold interest that has a remaining term at the time of computation that exceeds or is renewable at the option of the lessee until after the maturity day of the Mortgage Loan.

"Mortgage Lender" shall mean any bank or trust company, mortgage company, mortgage banker, national banking association, savings bank, savings and loan association, credit union, building and loan association and any other lending institution; provided that the mortgage lender maintains an office in the State, is

authorized to make mortgage loans in the State of New Mexico and is approved by the City and/or the MFA and either the Federal Housing Authority, Veterans' Affairs, Federal National Mortgage Association (now known as Fannie Mae), or Federal Home Loan Mortgage Corporation (now known as Freddie Mac).

"Mortgage Loan" shall mean a financial obligation secured by a Mortgage, including a Mortgage Loan for a Project.

"Multiple Family Housing Project" shall mean Residential Housing that is designed for occupancy by more than four persons or families living independently of each other or living in a Congregate Housing Facility, at least sixty percent (60%) of whom are Persons of Low- or Moderate-Income, including without limitation Persons of Low- or Moderate-Income who are seniors and/or disabled as determined by the City and/or the MFA, provided that the percentage of low-income persons and families shall be at least the minimum, if any, required by federal tax law.

"Multi-Family Housing Program" shall mean a program involving a Congregate Housing Facility, a Multiple Family Housing Project, a Transitional Housing Facility or a Shelter used to provide emergency or transitional housing opportunities to Low-Income or Moderate-Income families who are or are at risk of becoming homeless.

"Ordinance" shall mean this ordinance No.1-2024

"Persons of Low- or Moderate-Income" shall mean persons and families who are determined to lack sufficient income to pay enough to cause private enterprise to build an adequate supply of decent, safe and sanitary residential housing in the City and whose incomes are below the income levels established by the MFA and the Plan to be in need of the assistance made available by the Act, taking into consideration, without limitation, such factors as defined under the Act. For purposes of this definition, the word "families" shall mean a group of persons consisting of, but not limited to, the head of a Household; his or her spouse, if any; and children, if any, who are allowable as personal exemptions for Federal income tax purposes. In accordance with the Plan, persons of low- and moderate-income who are eligible for assistance in accordance with the plan are as follows:

1. Persons of low-income shall mean persons in Households with annual gross incomes below 80% of Area Median Income for the City as approved and published each year by MFA and verified by the City.
2. Persons of Moderate Income shall mean persons in Households with annual gross incomes between 80% and 120% of Area Median Income for City as approved and published each year by MFA and verified by the City.
3. For purposes of this definition, "annual gross income" shall mean the annual anticipated income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, as defined in 24 CFR Section 5.609.

"Policies and Procedures" shall mean Policies and Procedures of the MFA, including but not limited to, Mortgage Loan purchasing, selling, servicing and reservation procedures, which the MFA may update and revise from time to time as the MFA deems appropriate.

"Public Service Agencies" shall include, but are not limited to, any entities that support Affordable Housing and which believe that the program or project proposed by the Applicant is worthy and advisable, but which are not involved, either directly or indirectly, in the Affordable Housing Program or Project for which the Applicant is applying.

"Qualifying Grantee" means:

1. An individual who is qualified to receive assistance pursuant to the Act , the Rules and this Ordinance and is approved by the City and MFA, as applicable; and
2. A governmental housing agency, regional housing authority, corporation, a limited liability company, partnership, joint venture, syndicate, association or a non-profit organization that:
 - a. Is organized under State or local laws and can provide proof of such organization;
 - b. If a non-profit organization, has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
 - c. Is qualified to receive assistance pursuant to the Act, the Rules, and this Ordinance; and
 - d. Is approved by the City and MFA, as applicable.

"Recertification" shall mean the recertification of Applicants and/or Qualifying Grantees participating in any Affordable Housing Programs or in any programs under the Act as determined necessary from time to time by the City and/or the MFA.

"Rehabilitation" shall mean the substantial renovation or reconstruction of an existing single-family residence or a Multi-Family Housing Project, which complies with requirements established by the MFA. Rehabilitation shall not include routine or ordinary repairs, improvements or maintenance, such as interior decorating, remodeling or exterior painting, except in conjunction with other substantial renovation or reconstruction.

"Residential Housing" shall mean any Building or portion thereof that is primarily occupied, or designed or intended primarily for occupancy, as a residence by one or more Households and any real property that is offered for sale or lease for the construction or location thereon of such a Building or portion thereof. "Residential Housing" includes congregate housing, manufactured homes and housing intended to provide or providing transitional or temporary housing for homeless persons.

"Residential Use" shall mean that the Building or the portion of the Building to benefit from the Affordable Housing Funds or Housing Assistance Grant is designed primarily for use as the principal residence of the occupant or occupants and shall exclude vacation or recreational homes.

"RFP" shall mean any request for proposals made by the City to solicit proposals for Affordable Housing Projects and related services.

"Rules" shall mean the New Mexico Mortgage Finance Authority Affordable Housing Rules adopted pursuant to Section 6-27-8(B) NMSA 1978.

"State" shall mean the State of New Mexico.

"City" shall mean City of Bayard, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.

"Transitional Housing Facility" shall mean residential housing that is designed for temporary or transitional occupancy by Persons of Low- or Moderate-Income, or with special needs.

“City” shall mean City of Bayard, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.

Section 4. GENERAL REQUIREMENTS.

The following requirements shall apply to all Housing Assistance Grants and/or Affordable Housing Funds awarded, loaned or otherwise distributed by the City under the Act to a Qualifying Grantee.

1. Request for Proposals. The City, in its discretion, may issue one or more RFPs to solicit applications from Applicants or shall otherwise identify a Qualifying Grantee for the use of any Affordable Housing Funds or Housing Assistance Grants to be awarded, loaned, donated or otherwise distributed under the Act.
2. Applicant Eligibility. The following Applicants are eligible under the Act to apply for Affordable Housing Funds or a Housing Assistance Grant to provide housing or related services to Persons of Low- or Moderate-Income in the community:
 - a. All individuals who are qualified to receive assistance pursuant to the Act, the Rules, and this Ordinance that are approved by the City and MFA, as applicable;
 - b. All regional housing authorities and any governmental housing agencies;
 - c. All for-profit organizations, including any corporation, limited liability company, partnership, joint venture, syndicate or association;
 - d. All non-profit organizations meeting the following requirements:
 - i. A primary mission of the non-profit organization must be to provide housing or housing-related services to Persons of Low- or Moderate-Income;
 - ii. The non-profit organization must have received its 501(c)(3) designation prior to submitting an application;
 - iii. Have no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
 - e. All non-individual Applicants must:
 - i. Be organized under State or local laws and can provide proof of such organization and be approved by the City;
 - ii. Have a functioning accounting system that is operated in accordance with generally accepted accounting principles (“GAAP”) or has designated an entity that will maintain such an accounting system consistent with GAAP;
 - iii. Have among its purposes significant activities related to providing housing or services to Persons or Households of Low or Moderate Income; and
 - iv. Have no significant outstanding or unresolved monitoring findings from the City, the MFA, or its most recent independent financial audit, or if it has any such findings, it has a certified letter from the City, the MFA, or auditor stating that the findings are in the process of being resolved.
3. Applications.
 - a. Process for Applying. Applicants wishing to apply for a Housing Assistance Grant, including the use of any Affordable Housing Funds, or to participate in any Affordable Housing Program are required to submit to the City the following (as applicable):
 - i. One original Application together with all required schedules, documents, or such other information which may be required by the City or in any RFP which may have been issued by the City;
 - ii. A proposal describing the nature and scope of the Affordable Housing Project proposed by the Applicant and for which the Applicant is applying for funds or a grant under the Act, and which documents the need for the requested funds or

- grant, describes the type and/or amount of assistance which the Applicant proposes to provide to Persons of Low- or Moderate-Income and documents the consistency of the proposal with the City's Affordable Housing Plan;
- iii. Executive summary and project narrative(s) that address the evaluation criteria set forth in any RFP issued by the City for the Affordable Housing Funds or the Housing Assistance Grant for which the Applicant is applying;
 - iv. A proposed budget for the Affordable Housing Project for which the Applicant is applying for Affordable Housing Funds or for a Housing Assistance Grant;
 - v. A copy of its most recent independent financial audit;
 - vi. If the Applicant is a non-profit organization:
 1. Proof of 501(c)(3) tax status;
 2. Documentation that confirms that no part of its net earnings inures to the benefit of any member, founder, contributor or individual;
 - vii. If an Applicant is a legal entity, including a non-profit organization:
 1. A current annual budget for the Applicant, including all sources and uses of funds not just those related to relevant programs and/or a current annual budget only for the program for which the Applicant is applying for a Housing Assistance Grant, or as otherwise may be required by the City and/or the MFA in its discretion;
 2. An approved mission statement that the Applicant has among its purposes significant activities related to providing housing or housing related services to Persons or Households of Low or Moderate Income;
 3. A list of members of the Applicant's current board of directors or other governing body, including designated homeless participation, where required by the City;
 4. Evidence (or a certification as may be allowed by the City) that the Applicant has a functioning accounting system that is operated in accordance with GAAP or has a designated entity that will maintain such an accounting system consistent with GAAP;
 5. Evidence that the Applicant has no significant outstanding or unresolved monitoring findings from the City, the MFA, or its most recent independent financial audit; or if it has any significant outstanding or unresolved monitoring findings from the City, the MFA or its most recent independent financial audit, it has a certified letter from the City, the MFA or the auditor stating that the findings are in the process of being resolved;
 6. An organizational chart, including job titles and qualifications for the Applicant's employees or as otherwise may be required by the City and/or the MFA in its discretion. Job descriptions may be submitted as appropriate;
 7. Documentation that the Applicant is duly organized under State or local law and certification that the Applicant is in good standing with any State authorities, including the Public Regulation Commission and the Secretary of State;
 - viii. Information as may be required by the City and/or the MFA in order for it to determine the financial and management stability of the Applicant;
 - ix. Information as may be required by the City and/or the MFA in order for it to determine the demonstrated commitment of the Applicant to the community;

- x. A completed cost-benefit analysis of the Affordable Housing Project proposed by the Applicant. Any cost-benefit analysis must include documentation that clearly evidences that there is a need for the Housing Assistance Grant being requested from the City, that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act, and that the Affordable Housing Project will meet the needs and affordability criteria defined in the City 's Affordable Housing Plan;
 - xi. Information supporting the benefits to the community of the Affordable Housing Project proposed by the Applicant;
 - xii. Proof of substantive or matching funds or contributions and/or in-kind donations to the proposed Affordable Housing Project in connection with the Application for funds under the Act. Nothing contained herein shall prevent or preclude an Applicant from matching or using local, private, or federal funds in connection with a specific Housing Assistance Grant or a grant of Affordable Housing Funds under the Act;
 - xiii. Any certifications or other proof which the City may require in order for the City to confirm that the Applicant is in compliance with all applicable federal, State and local laws, rules and ordinances;
 - xiv. A verification signed by the Applicant before a notary public that the information provided, upon penalty of perjury, is true and correct to the best of the Applicant's information, knowledge and belief;
 - xv. Certifications as may be required by the City and signed by the chief executive officer, board president, or another authorized official of the Applicant;
 - xvi. Applicant shall submit adequate information, as required by the City and/or MFA, of the Affordable Housing Project proposed by the Applicant. The information provided must clearly evidence the need for the subsidy, that the value of the housing assistance grant reduces the housing costs to Persons of Low- or Moderate-Income, and that there will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act, the Rules, and this Ordinance.
- b. Additional Requirements for Multi-Family Housing Projects Applicants who are submitting Applications in connection with a Multi-Family Housing Program. The Applicant must also submit to the City following additional information:
- i. A verified certificate that, among other things:
 - 1. Identifies every Multi-Family Housing Program, including every assisted or insured project of HUD, RHS, FHA and any other state or local government housing finance agency in which such Applicant has been or is a principal;
 - 2. States that, except as shown on such certificate:
 - a. No mortgage on a project listed on such certificate has ever been in default, assigned to the Federal Government or foreclosed, nor has any mortgage relief by the mortgagee been given;
 - b. There has not been a suspension or termination of payments under any HUD assistance contract in which the Applicant has had a legal or beneficial interest;
 - c. Such Applicant has not been suspended, debarred or otherwise

restricted by any department or agency of the Federal Government or any state government from doing business with such department or agency because of misconduct or alleged misconduct; and

- d. The Applicant has not defaulted on an obligation covered by a surety or performance bond.

If such Applicant cannot certify to each of the above, such Applicant shall submit a signed statement to explain the facts and circumstances that such Applicant believes will explain the lack of certification. The City may then determine if such Applicant is or is not qualified.

- ii. The experience of the Applicant in developing, financing and managing Multiple-Family Housing Projects; and
 - iii. Whether the Applicant has been found by the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Commission to be in noncompliance with any applicable civil rights laws.
- c. Additional Requirements for Mortgage Lenders. If the Applicant is a Mortgage lender, the City shall consider, among other things:
- i. The financial condition of the Applicant;
 - ii. The terms and conditions of any loans to be made;
 - iii. The aggregate principal balances of any loans to be made to each Applicant compared with the aggregate principal balances of the loans to be made to all other Applicants;
 - iv. The City's assessment of the ability of the Applicant or its designated servicer to act as originator and servicer of Mortgage Loans for any Multi-Family Housing Programs or other programs to be financed; and
 - v. Previous participation by the Applicant in the programs administered by the MFA, HUD, Federal Housing Authority or Rural Housing Service programs.
- d. Submission Procedure.
- i. Time, Place and Method of Submission Delivery.
 - 1. If the City has issued an RFP, all Applications must be received by the City no later than the deadline set forth in the RFP; otherwise, all Applications must be received by the City by the deadline the City has established in connection with the respective award or grant. So that any Qualifying Grantees may be selected prior to January of the year in which any Housing Assistance Grant would be made, the City shall issue any RFP's, solicit any Applications, or otherwise identify any Qualifying Grantees no later than October 15 of any year in order to allow sufficient time for prospective applicants to respond to any such RFP, solicitation, or otherwise, and further to allow the MFA not less than forty-five (45) days in which to review any such Applications or otherwise determine or confirm that an Applicant is a Qualifying Grantee under the Act and consistent with the Rules.
 - 2. Applications shall be submitted by Applicants to the City in the form required by the City and shall contain all information which is required by this Ordinance and any RFP which may have been issued.
 - ii. Additional Factors.

1. Timely completion and submission to the City of an Application or other appropriate response to any solicitation by the City;
 2. Timely submission of all other information and documentation related to the program required by the City as set forth in this Ordinance or as set forth in the Rules;
 3. Timely payment of any fees required to be paid to the City at the time of submission of the Application; and
 4. Compliance with program eligibility requirements as set forth in the Act, the Rules and this Ordinance.
- iii. Submission Format.
1. City forms or MFA forms (if available) must be used when provided and no substitutions will be accepted; however, attachments may be provided as necessary.
 2. An Applicant's failure to provide or complete any element of an application, including all requirements of the City or as may be listed on any RFP, may result in the rejection of the Application prior to review.
 3. Illegible information, information inconsistent with other information provided in the application, and/or incomplete forms will be treated as missing information and evaluated accordingly.
 4. City and the MFA reserve the right to request further information from any Applicant so long as the request is done fairly and does not provide any Applicant an undue advantage over another Applicant.
 5. The City in its discretion may cancel any RFP or reject any or all proposals in whole or part submitted by any Applicant.
 6. The Applicant shall be responsible for any expenses incurred in preparing and submitting an Application. However, the City or the MFA, as applicable, may establish and collect fees from Applicants who file Applications. Notice that fees will be charged and the amount of any such fees shall be included by the City or the MFA, as applicable, in any RFP or otherwise shall be advertised as part of the Application solicitation process.
- e. Review by the City. On receipt of an application, the City shall:
- i. Determine whether the application submitted by the Applicant is complete and responsive;
 - ii. Determine whether the Applicant is a Qualifying Grantee as defined herein and in the Act;
 - iii. Review and analyze whether the Applicant has shown a demonstrated need for activities to promote and provide affordable housing and related services to Persons of Low- or Moderate-Income and that the proposal is consistent with the City's adopted Affordable Housing Plan;
 - iv. Determine whether the Applicant has demonstrated experience related to providing housing or services to Persons of Low- or Moderate-Income; as well as experience and/or the capacity of the Applicant to administer the Affordable Housing Program or Project for which the Applicant has applied;
 - v. Determine whether the Applicant's proposal provides a plan for coordinating with other service providers in the community; whether the Applicant's proposal addresses how Persons of Low-Income or Moderate-Income in need of housing and/or housing related services can receive supportive services and referrals to

federal, State and local resources; and, whether the Applicant's proposal addresses outreach efforts to reach the population to be served as identified by the City in any RFP, in the Affordable Housing Plan or otherwise;

- vi. Determine whether the Applicant has support from Public Service Agencies, or such other support as may be required by the City and/or the MFA in its discretion, for its proposed services in the community;
 - vii. Ascertain the amount of any matching funds or in-kind services specific to the program that may be utilized by the Applicant in connection with the program;
 - viii. Ascertain whether any local, private, or federal funds will be used by the Applicant in connection with the specific grant for which the Applicant is applying;
 - ix. Ascertain whether the Applicant has and can demonstrate the capability to manage the implementation of the Program for which the Applicant is applying;
 - x. If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable Housing Funds and/or other Program funds, confirm that the Applicant had no outstanding findings or matters of non-compliance with program requirements from the City or the MFA, as applicable or if it has any such findings, it has a certified letter from the City, the MFA, or auditor stating that the findings are in the process of being resolved;
 - xi. If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable Housing Funds and/or other Program funds, confirm that the Applicant reasonably committed and expended the funds under the prior Program and/or met anticipated production levels as set forth in any contract with the City or the MFA, as applicable, for those prior Program funds;
 - xii. Evaluate the Applicant's proposal in part based upon the Applicant's current financial audit;
 - xiii. Evaluate the Applicant's proposed budget for the Project for which the Applicant is applying for Affordable Housing Funds or a Housing Assistance Grant which proposed budget must be approved by the City before the Applicant can be approved as a Qualifying Grantee and any expenditure of grant funds under the Act or granted property is transferred to the Applicant;
 - xiv. On receipt of an Application from a Builder, the City will analyze the Builder's ability to construct and sell sufficient Residential Housing units to Persons of Low- or Moderate- Income within the time or times as may be required by the City.
 - xv. Consider other factors it deems appropriate to ensure a reasonable geographic allocation for all Affordable Housing Programs.
- f. Certification by the City to the MFA. The City shall certify an Application to the MFA in writing upon:
- i. Completion of its review of the Application;
 - ii. Determination that the Application is complete;
 - iii. Determination that the requirements of the Act, the Rules and this Ordinance have been satisfied; and
 - iv. Determination that the Applicant is a Qualifying Grantee.
- g. Discretionary Review by the MFA for Completeness. The MFA upon its receipt of the certification from the City may, in its discretion, review the application and any of the materials submitted by the Applicant to the City. The MFA may also request any additional information from the Applicant, which it may require in order to determine whether the Applicant is a Qualifying Grantee under the Act and the application is complete. The MFA will then notify the City of its determination of whether or not the application is complete

and that the requirements of the Act and the Rules have been satisfied and the Applicant is a Qualifying Grantee. Unless the period is extended for good cause shown, the MFA shall act on an application within forty-five (45) days of its receipt of any application, which the MFA deems to be complete, and, if not acted upon by the MFA, the application shall be deemed to be approved.

- h. Notification of Acceptance. The City, upon completion of its review of the Application and an evaluation of the criteria for approval of the Application as set forth in the this Ordinance and in any RFP issued by the City and upon its determination that the Applicant is a Qualifying Grantee, and upon its receipt of notification from the MFA that it agrees that the Application is complete and that the Act and Rules have been satisfied and the Applicant is a Qualifying Grantee, by written notice, shall notify each Applicant which has submitted an Application of the approval or disapproval of its Application. Upon approval of its Application, the Applicant shall be considered approved to participate in the Affordable Housing Program. The City's and the MFA's determination of any Application shall be conclusive.
4. Additional Requirements. Upon acceptance, the following additional requirements shall apply to any Applicant who is a Qualifying Grantee:
 - a. Contractual Requirements. The Qualifying Grantee shall enter into one or more contracts with the City, which contract(s) shall be consistent with the Act and subject to the review of the MFA, in its discretion, and which contract(s) shall include remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee.
 - b. Security Provisions; Collateral Requirements. In accordance with the Act, the Rules and this Ordinance, the City shall require the Qualifying Grantee to execute documents, which will provide adequate security against the loss of public funds or property in the event the Qualifying Grantee abandons or fails to complete the Affordable Housing Project, and which shall further provide, as may be permitted by law, for the recovery of any attorneys' fees and costs which the City and/or the MFA may incur in enforcing the provisions of this Ordinance, the Rules, the Act and/or any agreement entered into by the City and the Qualifying Grantee, and which documents may include, but are not limited to the following: note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the City may require in order to allow for any funds which the Qualifying Grantee may receive under a Housing Assistance Grant or Affordable Housing Funds to be adequately secured and to allow the City and the MFA to ensure that such funds shall be used by the Qualifying Grantee in accordance with the Act, the Rules and this Ordinance.
 - c. Performance Schedule and Criteria. The Qualifying Grantee shall be required to abide by a reasonable performance schedule and performance criteria that the City, in its discretion, may establish.
 - d. Examination of Books and Records. The Qualifying Grantee shall submit to and the City shall cause to be made such examinations of the books and records of each Qualifying Grantee as the City and/or the MFA deems necessary or appropriate to determine the Qualifying Grantee's compliance with the terms of the Act, the Rules, this Ordinance and any contracts between the Qualifying Grantee and the City. The City and/or the MFA may require each Qualifying Grantee to pay the costs of any such examination
 - e. Infrastructure Cost Reimbursement Contracts.
 - i. Cost Reimbursements. Payment to a Qualifying Grantee under cost reimbursable contract provisions shall be made upon the City's receipt from the Qualifying Grantee of certified and documented invoices for actual expenditures allowable

- under the terms of any agreement between the Qualifying Grantee and the City.
- ii. **Cost Reimbursements for Units of Service.** Payment under any unit cost contract provisions shall be made upon the City's receipt from the Qualifying Grantee of a certified and documented invoice showing the number of units of service provided during the billing period.
 - iii. **Rate at which Costs Incurred.** Under unit cost or cost reimbursable contracts, it is anticipated that costs will be incurred by the Qualifying Grantee at an approximate level rate during the term of any agreement between the Qualifying Grantee and the City. If the City determines that the Qualifying Grantee is underspending or overspending, then the City may reduce the budget and/or exercise such other budgetary fiscal controls it deems appropriate.
 - iv. **Invoices.** Qualifying Grantees shall not submit invoices more than once a month, unless written approval is obtained in advance from the City. Failure to submit invoices within twenty (20) calendar days of the close of the month for which payment is sought may result in the non-availability of funds for reimbursement.
 - v. **No Dual Application of Costs.** The Qualifying Grantee shall certify that any direct or indirect costs claimed by the Qualifying Grantee will not be allocable to or included as a cost of any other program, project, contract, or activity operated by the Qualifying Grantee and which has not been approved by the City in advance, in writing.
 - vi. **Prohibition of Substitution of Funds.** Any Affordable Housing Funds or other amounts received by Qualifying Grantee may not be used by Qualifying Grantee to replace other amounts made available or designated by the State or local governments through appropriations for use for the purposes of the Act.
 - vii. **Cost Allocation.** The Qualifying Grantee shall clearly identify and distribute all costs incurred pertaining to the Affordable Housing Project by a methodology and cost allocation plan at times and in a manner prescribed by, or acceptable to the City.
 - viii. **Additional Information.** Qualifying Grantees shall provide the City with any and all information which the City may reasonably require in order for it to confirm that the Qualifying Grantees continue to satisfy the requirements of the Act, the Rules and this Ordinance throughout the term of any contract and/or any Affordability Period or otherwise as may be required by the City or the MFA in its discretion. At a minimum, on an annual basis, the City shall certify to the MFA in writing that to the best of its knowledge the Qualifying Grantee is in compliance with applicable provisions of the Act, the Rules and this Ordinance.
5. **Affordable Housing Requirements.** All Affordable Housing Funds or Housing Assistance Grants awarded under the Act are to be used by Qualifying Grantees for the benefit of Persons of Low- or Moderate-Income subject to the provisions of the Act and with particular regard to their housing related needs.
- a. **Single-Family Property.**
 - i. Qualifying Grantees shall agree that they shall maintain any single-family property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefited from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, as Affordable Housing for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise

conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.

- ii. If any single-family properties are to be rehabilitated, weatherized, converted, leased, repaired, constructed or otherwise are to benefit from Affordable Housing Funds, and if the Qualifying Grantee intends to rent the single-family property out, those single-family properties shall be leased to Persons of Low- or Moderate-Income at the time of any such award. Grantees also shall agree that the Persons of Low- or Moderate-Income, who are tenants of those apartments, shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases which must be compliant to the New Mexico Uniform Owner- Resident Relations Act (NMSA 1978 Sections 47-8-1 through 47- 8-52) -- and provided that there is no just cause (as outlined in Section 47-8-33 NMSA 1978) for the landlord to terminate any lease agreement with those tenants.

b. Multi-Family Property.

- i. Single Apartment within a Multi-Family Property. Qualifying Grantees shall agree that, if any single apartments are to be rehabilitated, weatherized, converted, leased, repaired, constructed or otherwise are to benefit from Affordable Housing Funds, those apartments shall be leased to Persons of Low- or Moderate-Income at the time of any such award. Qualifying Grantees, who are the landlords and/or owners of such properties, shall further agree to contribute at least sixty percent (60%) of the cost of the rehabilitation, weatherization, conversion, lease, repair, and/or construction. Qualifying Grantees also shall agree that the Persons of Low- or Moderate- Income, who are tenants of those apartments, shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases -- which must be compliant to the New Mexico Uniform Owner-Resident Relations Act (NMSA 1978 Sections 47-8-1 through 47-8-52) and provided that there is no just cause (as outlined in Section 47-8-33 NMSA 1978) for the landlord to terminate any lease agreement with those tenants.

- ii. Multiple Apartments. Qualifying Grantees shall agree that, if multiple apartments or an entire multi-family property are to be acquired, rehabilitated, weatherized, converted, leased, repaired, constructed or otherwise are to benefit from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, they shall maintain not less than sixty percent (60%) of the housing units as Affordable Housing for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.

- c. Non-Residential Property. Qualifying Grantees shall agree that they shall maintain any non-residential property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefitted from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, as a facility which provides housing related-services to Persons of Low- or Moderate-Income for so long as any or all of the Affordable Housing Funds which have

been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.

- d. **Housing Assistance Grant Affordability Requirements.** Qualifying Grantees shall agree that they shall maintain any land or buildings received as a Housing Assistance Grant either as either single-family or multi-family Affordable Housing in accordance with Sections 4.E.(i) and (ii) of this Ordinance or as a facility which provides housing related-services to Persons of low- or Moderate-Income in accordance with Section 4.E.(iii) of this Ordinance (as applicable) for the duration of the Affordability Period. Qualifying Grantees shall agree that they shall maintain any land or buildings for which they have received the costs of Infrastructure as a Housing Assistance Grant either as either single- family or multi-family Affordable Housing or as a facility which provides housing related-services to Persons of low- or Moderate-Income (as applicable) for the duration of the Affordability Period. In calculating the Affordability Period for Housing Assistance Grants of either land or buildings, the fair market value of the land or buildings or the costs of Infrastructure at the time of the donation by the City shall apply.
 - e. **Affordability Period.** The City, in its discretion, may increase the Affordability Period in any contract, note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the City may enter into with any Qualifying Grantee or beneficiary of the Affordable Housing Funds or of the Housing Assistance Grant. (See definition of Affordability Period in Section 3.C. of this Ordinance.) Notwithstanding the foregoing, in the discretion of the MFA, weatherization funds conveyed from the State to the MFA and/or any other similar conveyances where an Affordability Period is not practical, shall not be subject to the Affordability Period requirements of this Section 4.E.; but nevertheless, any such conveyances may be subject to recapture on some pro-rated basis as determined by the City and/or the MFA.
6. **Consent to Jurisdiction.** Each Qualifying Grantee shall consent to the jurisdiction of the courts of the State over any proceeding to enforce compliance with the terms of the Act, the Rules and this Ordinance and any agreement between the Qualifying Grantee and the City and/or the MFA.
 7. **Recertification Procedures.**
 - a. The Qualifying Grantee must meet the requirements of the Act, the Rules and this Ordinance both at the time of any award and throughout the term of any grant and contract related thereto.
 - b. The City may establish procedures for recertifying Qualifying Grantees from time to time.
 - c. Qualifying Grantees that fail to satisfy the requirements for Recertification shall cease to be eligible and shall be denied further participation in Affordable Housing programs until the requirements of the City and the MFA are satisfied.
 8. **Compliance with the Law.** Qualifying Grantee shall provide the City with any certifications or other proof that it may require in order for the City and the MFA to confirm that the Qualifying Grantee and the Qualifying Grantee's proposed Project are in compliance with all applicable federal, State and local laws, rules and ordinances. At a minimum, on an annual basis, the Qualifying Grantee shall provide the City with certifications and proof of compliance, and the City shall certify to the MFA in writing that the Qualifying Grantee is still in compliance with the Act and the Rules.
 9. **Extension of Affordable Housing Programs.** The MFA shall have the power to create variations or extensions of affordable housing programs, or additional programs that comply with the Act and the rules.
 10. **City Grant Requirements.**
 - a. The City is authorized to make Housing Assistance Grants under the Act. Upon determination that the City will make a Housing Assistance Grant, including the use of any

Affordable Housing Funds, the City shall provide the MFA with the following:

- i. Documentation that confirms that the City has an existing valid Affordable Housing Plan;
 - ii. Documentation that confirms that the City has an existing valid Affordable Housing Ordinance which provides for the authorization of the Housing Assistance Grant, including the use of any Affordable Housing Funds;
 - iii. Written certification that the proposed grantee is in compliance with Act and the Rules so that the MFA may confirm that the Application is complete, and that the proposed grantee is a Qualifying Grantee under the Act and the Rules.
- b. Prior to the submission of the application and project authorization to the Commission, the Commission must approve the budget submitted by the Applicant.
 - c. An action authorizing the City to make a Housing Assistance Grant and/or distribute Affordable Housing Funds:
 - i. Must authorize the grant, including use of Affordable Housing Funds, if any;
 - ii. Must state the requirements and purpose of the grant;
 - iii. Must authorize the transfer or disbursement to the Qualifying Grantee only after a budget is submitted to and approved by the Commission;
 - iv. Must comply with the Rules, as amended; and
 - v. May provide for matching or using local, private or federal funds either through direct participation with a federal agency pursuant to federal law or through indirect participation through the MFA.
 - d. The MFA shall act to approve the proposed Housing Assistance Grant authorized by the City within forty-five(45) days of its receipt of the documentation required above in Section 4.J.(i), (ii) and (iii) of this Ordinance.
 - e. The City, in its discretion, may also hold any award of Affordable Housing Funds or any Housing Assistance Grant made by the City in suspense pending the issuance by the City of any RFP or pending the award of the Affordable Housing Funds or of the Housing Assistance Grant by the City to the Qualifying Grantee without the issuance of an RFP by the City. Any award of Affordable Housing Funds or a Housing Assistance Grant by the City shall subject the Qualifying Grantee of the award or grant to the oversight of the City and the MFA under this Ordinance and the Rules.
11. School District and Public Post-Secondary Educational Institution Donations for Housing Projects. If a school district or a public post-secondary education institution intends to transfer land to the City to be further granted to a Qualifying Grantee as part or all of an Affordable Housing project, this transfer shall be subject to the limitations contained in the Act that the school district and the Commission enter into a contract that provides the school district with a negotiated number of affordable housing units that will be reserved for employees of the school district. Any transfer of land by a public post-secondary educational institution shall be subject to the additional limitations contained in the Act that:
- a. The property transferred shall be granted to a Qualifying Grantee by the City as part of a grant for an Affordable Housing project; and
 - b. The governing board of the public post-secondary educational institution and the Commission enter into a contract that provides the public post-secondary educational institution with Affordable Housing units.

As used in this section, "public post-secondary educational institution" means a state university or a public community college. The City, in its discretion, may also hold any Housing Assistance Grant made by any school district or public post-secondary educational institution in suspense pending the issuance by the City of any RFP or pending the award of the Housing Assistance Grant

by the City to the Qualifying Grantee without the issuance of an RFP by the City. Any award of a Housing Assistance Grant by a school district or a public post-secondary educational institution shall subject the Qualifying Grantee of the grant to the oversight of the City and the MFA under the Rules.

Section 5. DISCRIMINATION PROHIBITED.

The development, construction, occupancy and operation of an Affordable Housing Program or an Affordable Housing Project financed or assisted under the Act shall be undertaken in a manner consistent with principles of non-discrimination and equal opportunity, and the City shall require compliance by all Qualifying Grantees with all applicable federal and State laws and regulations relating to affirmative action, non-discrimination and equal opportunity.

Section 6. ADMINISTRATION.

The City shall administer any Affordable Housing programs in accordance with provisions of the Act, the Rules, this Ordinance, any applicable state and federal laws and regulations as each of which may be amended or supplemented from time to time. The City, in establishing, funding and administering the Affordable Housing Programs and by making, executing, delivering and performing any award, contract, grant or any other activity or transaction contemplated by the Act, shall not violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment, determination or award and will not contravene the provisions of or otherwise cause a default under any of its agreements, indentures, or other instruments to which it may be bound. Any proposed amendment to this ordinance shall be submitted to MFA for review prior to adoption by the Commission.

Section 7. TERMINATION.

The Commission may repeal this Ordinance and terminate the City's Affordable Housing Program and any or all contracts undertaken in its authority. Termination shall be by ordinance at a public hearing or in accordance with the terms of the contract. If an ordinance or a contract is repealed or terminated, all contract provisions of the contract regarding termination shall be satisfied.

Section 8. REPEALER.

All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Ordinance are repealed by this Ordinance but only to the extent of that inconsistency. This repealed shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, previously repealed.

Section 9. SEVERABILITY.

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 that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10. EFFECTIVE DATE.

This Ordinance shall be in full force and effect thirty (30) days after it is recorded with the City Clerk in accordance with Section 4-37-9 NMSA, 1978.

PASSED, ADOPTED, SIGNED AND APPROVED ON THIS 22ND DAY OF July, 2024.

John L. Ojinaga
Mayor

ATTEST:

Martha Salas,
Clerk Treasurer