



Mayor Javier Perea

Julia T. Brown Esq.
City Manager

SUNLAND PARK CITY COUNCIL
NOTICE OF MEETING
Regular Meeting Agenda
June 5, 2018 - 6:00 PM
City Hall, City Council Chambers
1000 McNutt Rd.

Councilor Jessica Avila, District 1
Councilor Daisy G. Lira, District 2
Councilor Bertha A. Salmon, District 3
Councilor Carolina Renteria, District 4
Councilor Olga Nunez, District 5
Councilor Donald McBride, District 6

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

PLEDGE OF ALLEGIANCE

CONFLICT OF INTEREST

At the opening of each council meeting, the mayor shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.

APPROVAL OF AGENDA

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Council. Comments are limited to 3 Minutes, and there will be a maximum of 30 Minutes allowed for Public Comment.

REMARKS AND INQUIRIES BY THE CITY COUNCIL

PRESENTATIONS

1. **Presentation of Employee Recognitions for 30 to 34 years of service.** (*Gloria Irigoyen, Human Resource Director*)

CONSENT AGENDA

2. **Approve Minutes of the 5/15/18 Meeting of the Sunland Park City Council.** (*Daniel Carranco, City Clerk*)
3. **Approval to correct Resolution 2018-21 related to Fire Truck Loan Payment.** (*Raquel Alarcon, Finance Director*)

NEW BUSINESS/RESOLUTIONS

5. **Approve a Resolution declaring the intent of the City of Sunland Park to issue industrial revenue bonds.** (*Julia T. Brown, City Manager*)

MAYOR'S REPORT

ADJOURNMENT

PLEASE NOTE: If you are an individual with a disability who is in need of a reader, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Office of the City Clerk at (575) 589-7565 at least one week prior to the meeting.

POSTED: City Clerk's Office, Motor Vehicle Division, Public Health Office, Sunland Park Post Office, Sunland Park Library, Santa Teresa Post Office, Sunland Park Grocery, Mercedes Grocery, Carousel Convenience Store and Tierra Madre. Filed in the office of the City Clerk on the 11th day of May 2018.

Daniel Carranco City Clerk

AGENDA ITEM NO. 1
CITY OF SUNLAND PARK
CITY COUNCIL
(FOR INFORMATION ONLY)

Meeting Date: June 5, 2018

Submitted By: Gloria Y. Irigoyen, Human Resources Director

Subject: Presentation of Employee Recognitions for the 30-34 Years of Service

Fiscal Impact:

Amount Budgeted: N/A

Fund: N/A

Amount Available: N/A

Background: Ongoing recognition for employees as part of Awards and Rewards Program started by City Manager.

Recommendation: That everyone clap and cheer! LOL :)

AGENDA ITEM NO. 2
CITY OF SUNLAND PARK
CITY COUNCIL
(FOR INFORMATION ONLY)

Meeting Date: 6/5/2018

Submitted By: Daniel Carranco
City Clerk

Subject: Approve Minutes of the 5/15/18 Sunland Park City Council Meeting.

Fiscal Impact:

Amount Budgeted: N/A

Fund: N/A

Amount Available: N/A

Background:

Recommendation: Approve.



Mayor Javier Perea

Julia T. Brown Esq.
City Manager

Councilor Jessica Avila, District 1
Councilor Daisy G. Lira, District 2
Councilor Bertha A. Salmon, District 3
Councilor Carolina Renteria, District 4
Councilor Olga Nunez, District 5
Councilor Donald McBride, District 6

SUNLAND PARK CITY COUNCIL
NOTICE OF MEETING
Regular Meeting Minutes
May 15, 2018 - 6:00 PM
City Hall, City Council Chambers
1000 McNutt Rd.

CALL TO ORDER & ROLL CALL

Mayor Javier Perea called the meeting to order at 6:05 PM.

Present: Councilor Jessica Avila (arrived at 6:15PM), Councilor Daisy G. Lira, Councilor Bertha A. Salmon (arrived at 6:09PM), Councilor Carolina Renteria, Councilor Donald McBride, Councilor Olga Nuñez

Absent:

Also present: Javier Guerra Police Chief; Peter Ibarbo Public, Information Officer, Concepcion Medina, Housing Authority Director, Daniel Carranco, City Clerk, Hector Rangel, Community Development Director, Gloria Irigoyen, HR Director and Louise Marquez, Community Services Director.

PLEDGE OF ALLEGIANCE

Councilor Olga Nuñez

CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

Councilor Donald McBride **moved** to approve agenda. **Seconded** by Councilor Jessica Avila.

All those in favor said "aye." Motion passed unanimously.

Vote: Motion (**summary:** Yes 4, No 0, Abstained 0)

AYE: Councilor Daisy G. Lira, Councilor Carolina Renteria, Councilor Olga Nuñez, Councilor Donald McBride

NAY:

PUBLIC COMMENT

Raul Facio, Jose Portillo and Isabel Santos requested Council look into possibility of contract violations by New Mexico Family Services related to Senior Center.

Raul Telles Jr. requested City Staff address speeding vehicles and semi-trailer traffic in

Villa Valencia Community.

Lorenzo Villescas and Maria Burciaga requested City Staff spray for mosquitos in Anapra Community.

REMARKS AND INQUIRIES BY THE CITY COUNCIL

PRESENTATION

1. **Recognition of Employees 25-29 years of Service.** *(Gloria Irigoyen, Human Resource Director)*
2. **A Report of the 2018 City of Sunland Park Earth Day Event.** *(Estephania Cazale, City Planner)*
3. **Senior Center Presentation.** *(Julia T. Brown, City Manager)*
4. **Anapra Pump Presentation.** *(Julia T. Brown, City Manager)*
5. **West Retail Presentation.** *(Julia T. Brown, City Manager)*
6. **Community Development Block Grant Presentation.** *(Julia T. Brown, City Manager).*

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

7. **Approve Minutes of the 5/1/18 Meeting of the Sunland Park City Council.** *(Daniel Carranco, City Clerk)*
8. **Acceptance of Sunland Park Municipal Court Monthly State Fees Report.** *(Maria Rubio, Court Administrator)*
9. **Acceptance of the Sunland Park Housing Authority Financial Status Report Ending April 2018.** *(Concepcion Medina, Housing Authority Director)*

Councilor Donald McBride **moved** to approve the consent agenda. **Seconded** by Councilor Jessica Avila.

A roll call vote was made. Motion passed unanimously.

Vote: Motion (summary: Yes 6, No 0, Abstained 0)

AYE: Councilor Daisy G. Lira, Councilor Bertha A. Salmon, Councilor Carolina Renteria, Councilor Jessica Avila, Councilor Donald McBride, Councilor Olga Nuñez.

NAY:

NEW BUSINESS/RESOLUTIONS

10. **Approve a resolution to adopt the Preliminary budget for FY2018-2019.** *(Raquel Alarcon, Finance Director)*

Councilor Donald McBride **moved** to approve Item 10. **Seconded** by Councilor Bertha Salmon.

Council discussed Budget and was not able to reach a vote.

Councilor Donald McBride moved to postpone Item 10 to a Special Meeting on 5/22/18 and 5/24/18 at 6:00PM in Council Chamber. **Seconded** by5 Councilor Jessica Avila.

All those in favor said "aye." Motion passed unanimously.

Vote: Motion (**summary:** Yes 6, No 0, Abstained 0)

AYE: Councilor Daisy G. Lira, Councilor Bertha A. Salmon, Councilor Carolina Renteria, Councilor Jessica Avila, Councilor Donald McBride, Councilor Olga Nuñez.

NAY:

MAYOR'S REPORT

ADJOURNMENT

Mayor Javier Perea adjourned the meeting without objection at 8:42PM.

ATTEST

Daniel Carranco, City Clerk

Mayor Javier Perea

AGENDA ITEM NO. 3
CITY OF SUNLAND PARK
CITY COUNCIL
(FOR INFORMATION ONLY)

Meeting Date: 06/5/2018

Submitted By: Raquel Alarcon
Finance Director

Subject: Approve correction of Resolution 2018-21 for Budget Adjustment FY2017-2018; related to fire trucks loan payment.

002-1-00-98200 TR	\$ 33,640	Fire trucks loan payment
002-1-00-98100 TR	\$ -33,640	Fire trucks loan payment
001-1-00-98200 TR	\$ - 33,640	Fire trucks loan payment

Background: DFA identified an error in resolution wording and a missing line on Resolution 2018-21: related to the fire trucks loan payment. Staff requests approval to correct Resolution 2018-21. The correction will not affect: loan total, payment or the City Budget. Approval will only correct error in resolution wording and include required missing line.

Recommendation: Staff recommends the approval of the budget

**CITY OF SUNLAND PARK
RESOLUTION 2018- ____**

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO FISCAL YEAR 2017-2018
BUDGET.**

The City council is informed that:

WHEREAS, Authorization to reduce the **Fiscal Year 2017-2018 FP FUND 002 Transfer In** for \$33,640, and increase the **Transfer Out** for 33,340, and decrease **General FUND 001** transfer out for 33,640 and;

WHEREAS, the City of Sunland Park requests this correction due to an error found by DFA and;

WHEREAS, a resolution demonstrating approval of correction by the City Council is required by the State's Department of Finance and administration.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Sunland Park on behalf of the City of Sunland Park hereby approves the above budget adjustment and DFA's budget form attached as attachment (A)

PASSED, ADOPTED AND APPROVED this 5th day of June 2018.

ATTEST BY:

Daniel Carranco, City Clerk

Javier Perea, Mayor

Roll Call Vote:

Councilor Jessica Avila _____

Councilor Daisy G. Lira _____

Councilor Donald Mc Bride _____

Councilor Olga Nunez _____

Councilor Carolina Renteria _____

Councilor Bertha Salmon _____

For Local Government Division use only:

ENTITY NAME:

City of Sunland Park Resolution #2018 -19

FISCAL YEAR:

FY 17-18

DFA Resolution Number:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2017-	209	002-9-00-98100 TR	-69,973	33,640	-36,333	Fire vehicle loans correction
2017-	209	002-9-00-98200 TR	-36,333	-33,640	-69,973	Fire vehicle loans correction
2017-	101	001-9-00-98200 TR	-870,722	33,640	-837,082	Fire vehicle loans correction
2017-						

ATTEST:

Daniel Carranco City Clerk (Date)

Mayor Javier Perea

(Date)

Column A: Enter the Resolution Number;
 Column B: Enter the DFA FUND Number affected;
 Column C: Enter REVENUE, EXPENDITURE or TRANSFER TO or TRANSFER FROM;
 Column D: Enter APPROVED BUDGET;
 Column E: Enter ADJUSTMENT *(enter decreases as a negative)*;
 Column F: ADJUSTED BUDGET is Column D plus Column E;
 Column G: Enter PURPOSE.

Back UP

RESOLUTION NO. 2018-21

A RESOLUTION TO APPROVE A BUDGET INCREASE TO FISCAL YEAR 2017-2018 BUDGET TO THE GENERAL FUND.

The City Council is informed that:

should say "Transfer out"

WHEREAS, authorization to increase the Fiscal Year 2017-2018 GF 001 expenditures for \$52,000 and FP FUND 002 Expenditures for \$6,645 Revenues for \$40,299 and Transfer in \$33,640 and NM Clean and Beautiful FUND 021 revenues and expenditures for \$12,400 FUND 063 increase Revenues and Expenditures for 2,500. FUND 019 appropriation of revenues for -\$32,711 expenditures for -\$43615 and transfers for -\$10904, FUND 089 increase of Revenues for \$32,711, expenditures for \$43,615 and transfer for \$10,904, FUND 074 expenditures for \$49,416 and;

WHEREAS, the City of Sunland Park requests this budget increase due to unforeseen events that occurred through the quarter and;

WHEREAS, a resolution demonstrating budgetary approval by the City Council is required by the State's Department of Finance and Administration.

NOW, THEREFORE, be it resolved by the governing body of the City of Sunland Park;

THAT, City Council hereby approves the above budget adjustment and DFA's budget form attached as attachment (A).

DONE AND APPROVED this 1st day of May 2018.

ATTEST:

Daniel Carranco City Clerk

Donald McBride, Mayor Pro Tem

SEAL



Roll Call:

- Councilor Jessica Avila Aye
Councilor Olga Nunez Absent
Councilor Donald McBride Aye
Councilor Bertha A. Salmon Aye
Councilor Daisy G. Lira Aye
Councilor Carolina Renteria Aye

Back UP

ENTITY NAME:
FISCAL YEAR:
DFA Resolution Number:

City of Sunland Park Resolution #2018 -21
FY 17-18

For Local Government Division use only:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2018-	101	001-5-16-62200 EX	8,917,853	52,000	8,969,853	legal fees
2018-	209	002-9-00-98200 TR	36,333	33,640	69,973	transfer to fire trucks loan
2018-	209	002-4-00-48400 REV	216,000	40,299	256,299	FPF Revenue received
2018-	209	002-5-22-33300 EX	179,684	4,645	184,329	FPF to match revenue received
2018-	209	002-5-22-62900 EX	184,329	2,000	186,329	FPF to match revenue received
2018-	218	021-4-00-48800 REV	618,336	12,400	630,736	clean and beautiful grant revenues
2018-	218	021-5-24-71800 EX	667,286	12,400	679,686	clean and beautiful grant expenditures
2018-	218	063-5-00-58930 EX	679,686	2,500	682,186	zika grant
2018-	218	063-4-00-48930 Rev	630,736	2,500	633,236	zika grant
2018-	218	019-4-00-48400 REV	633,236	-32,711	600,525	reappropriation L100320
2018-	218	019-5-13-91100 EX	682,186	-43,615	638,571	reappropriation L100320
2018-	218	019-9-00-91200 TR	48,990	-10,904	38,086	reappropriation L100320
2018-	300	089-4-00-48601 REV	1,503,920	32,711	1,536,631	reappropriation L100320
2018-	300	089-5-13-68600 EX	1,840,799	43,615	1,884,414	reappropriation L100320
2018-	300	089-9-00-91200 TR	336,879	10,904	347,783	reappropriation L100320
2018-	500	074-5-23-62400 EX	98,345	48,416	146,761	Souther NIM beautification project pilot and 2nd project
2018-	500	074-5-23-63100 EX	146,761	1,000	147,761	Souther NIM beautification project pilot and 2nd project

Daniel Carrasco City Clerk

Daniel Carrasco

5/14/18 (Date)

Mayor Pro-Tem Donald McGhee

Donald McGhee

(Date)

4/11/18

Column A: Enter the Resolution Number;
Column B: Enter the DFA FUND Number affected;
Column C: Enter REVENUE, EXPENDITURE or TRANSFER TO or TRANSFER FROM;
Column D: Enter APPROVED BUDGET;
Column E: Enter ADJUSTMENT (enter decreases as a negative);
Column F: ADJUSTED BUDGET is Column D plus Column E;
Column G: Enter PURPOSE.

AGENDA ITEM NO. 4
CITY OF SUNLAND PARK
CITY COUNCIL
(FOR INFORMATION ONLY)

Meeting Date: June 5, 2018

Submitted By: Julia T. Brown
City Manager

Subject: Approve a resolution declaring the intent of the City of Sunland Park to issue industrial revenue bonds for the purpose of inducing Project Butcher.

Fiscal Impact:

Amount Budgeted: N/A

Fund: N/A

Amount Available: N/A

Background: Project Butcher, Project Series 2018, in an aggregate principal amount of up to \$22,000,000 in one or more series in connection with a proposed project to be located within the corporate limits of the City of Sunland Park, New Mexico for the purpose of inducing Project Butcher or its successors or assigns, to acquire, construct, renovate, refurbish and equip the project and to reimburse temporary advances made for capital expenditures from proceeds of the bonds and related matters.

Recommendation: Staff recommends approval of the resolution

RESOLUTION NO. ____

A RESOLUTION DECLARING THE INTENT OF THE CITY OF SUNLAND PARK, NEW MEXICO TO ISSUE INDUSTRIAL REVENUE BONDS ENTITLED CITY OF SUNLAND PARK, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BONDS (PROJECT BUTCHER PROJECT) SERIES 2018, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$22,000,000 IN ONE OR MORE SERIES IN CONNECTION WITH A PROPOSED PROJECT TO BE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SUNLAND PARK, NEW MEXICO FOR THE PURPOSE OF INDUCING PROJECT BUTCHER OR ITS SUCCESSORS OR ASSIGNS, TO ACQUIRE, CONSTRUCT, RENOVATE, REFURBISH AND EQUIP THE PROJECT AND TO REIMBURSE TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FROM PROCEEDS OF THE BONDS AND RELATED MATTERS.

WHEREAS, the New Mexico legislature has passed the “Industrial Revenue Bond Act” (the “Act”), Sections 3-32-1 to 3-32-16 inclusive, NMSA 1978, as amended, which authorizes the City of Sunland Park, New Mexico (the “City”) to issue industrial development bonds and to acquire projects as defined in the Act; and

WHEREAS, the City desires to promote industry and develop trade or other economic activity to secure and maintain a balanced and stable economy in the City and to promote public health, welfare, safety, convenience and prosperity; and

WHEREAS, a company considering the proposed project under the name “Project Butcher” (together with its successors and assigns, the “Company”) is currently considering the acquisition of land, buildings and equipment located (the “Project Assets”) within the corporate

limits of the City (the “**Proposed Acquisition**”) which, if acquired by the Company, would be used by the Company or one of its affiliates for its manufacturing operations;

WHEREAS, the Company has made a proposal to the City (the “**Proposal**”) whereby, if the Company elects to proceed with the Proposed Acquisition, the City would acquire the Project Assets under an industrial revenue bond transaction for use by the Company or one of its affiliates for its manufacturing and processing operations; and

WHEREAS, the Company has requested that the Project be considered by the Council and that the Council indicate its intent to proceed with the issuance of taxable industrial revenue bonds (the “**Bonds**”) for the financing of the Project by adopting an Inducement Resolution; and

WHEREAS, the Proposal requests the issuance of Bonds in an amount of up to \$22,000,000; and

WHEREAS, the issuance of Bonds in one or more series by the City to finance all or a part of the Project, will constitute one of the inducements whereby the Company will determine to acquire land and acquire, construct, renovate, refurbish and equip a manufacturing and processing facility in the City (the “**Project**”); and

WHEREAS, the City’s City Council (the “**Council**”) constitutes the governing body of the City within the meaning of the Act; and

WHEREAS, the Project has been considered by the Council and it has been determined by the Council that the Proposal and Project will promote the local health, general welfare, safety, convenience and prosperity of the inhabitants of the City, and the Council desires to indicate its intent to proceed with the issuance of the Bonds for the financing of the Project; and

WHEREAS, concurrently with the issuance of the Bonds, the Company will enter into a leasing or other financing agreement with the City (the “**Lease**”) providing for the payment of

lease rentals or other payments on the Project sufficient to pay the debt service on the Bonds, subject to the prior adoption by the Council of an ordinance approving such agreement and authorizing issuance of the Bonds (the “**Bond Ordinance**”); and

WHEREAS, the City and the Company understand that the adoption of this Resolution shall not obligate the City to issue the Bonds or obligate the Company to proceed with the Project, except pursuant to the terms of a Bond Ordinance to be adopted by the City and related bond documents in form and substance satisfactory to the City prior to the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNLAND PARK, NEW MEXICO THE GOVERNING BODY OF THE CITY OF SUNLAND PARK, NEW MEXICO:

Section 1. All actions (not inconsistent with the provisions hereof) heretofore taken by the Council and the officers and employees of the City, related to the Proposal, the acquisition of the Project, and the sale and issuance of the Bonds therefor, be and the same hereby are ratified, approved and confirmed.

Section 2. The Council has been informed by the Company that:

(A) The Project will consist land, buildings and equipment to be used by the Company for its manufacturing operations.

(B) The maximum aggregate face amount of obligations to be issued with respect to the Project is \$22,000,000.

(C) The initial developer of the land and buildings for the Project will be the Company.

(D) The initial operator of the Project will be the Company.

(E) The location of the Project is within the corporate limits of the City.

Section 3. In order to promote the local health and general welfare, safety, convenience and prosperity of the inhabitants of the City, it is the Council's intent to take all necessary and advisable steps to effect the issuance of the Bonds in an aggregate principal amount up to \$22,000,000 in one or more series in order to defray part or all of the costs of the Project. The Bonds are to be entitled substantially as follows "City of Sunland Park, New Mexico Taxable Industrial Revenue Bonds (Project Butcher Project) Series 2018." This expression of the Council's intent is conditioned upon the issuance of the Bonds on or before one year from the date of the adoption of this Resolution.

Section 4. The Bonds shall be payable from the revenues of the Project or other moneys payable by the Company, with respect thereto, and shall not constitute a debt or indebtedness of the City within the meaning of any provision or limitation of the Constitution or statutes of the State of New Mexico. In addition, if the Bonds are issued, the Company shall indemnify and hold harmless the City, the Council and their respective officers, employees, designated representatives and agents (collectively, the "**Indemnified Persons**") from and against any liability to the Company, or to any third parties that may be asserted against the City with respect to the City's ownership of or leasehold interest in the Project or the issuance of the Bonds. Nothing contained in this Resolution or in any other instrument shall be considered as obligating the City to any pecuniary liability or a charge upon the general credit of the City or against its taxing power, it being understood that no costs are to be borne by the City and that all costs incurred by the City in connection with the Bonds are to be promptly paid or reimbursed by the Company. The City's adoption of this Resolution shall not be deemed a conclusion or expression of approval by the City or any Indemnified Person of the Company, its affiliates, or the Project.

Section 5. The Company as agent for the City and consistent with Taxation and Revenue Department Regulation 3.2.212.22 NMAC Renumbered, will acquire the Project. The Company will as agent for the City, consistent with New Mexico State Law, request delivery of Type 9 Nontaxable Transaction Certificates (“Certificates”) for the Project from the Taxation and Revenue Department. The Company will deliver a Certificate to each person selling tangible personal property to the Company for the Project as applicable under the New Mexico Gross Receipts and Compensating Tax Act. For the purpose of acquiring the Project Assets, by adoption of this Resolution, the City authorizes the Company to act as agent for the City. The Company shall not use the Certificates other than for the purchase of capital equipment and other tangible personal property, nor shall the Company use such Certificates after the completion of the Project. Prior to the use of such Certificates by the Company as agent for the City, the mayor of the City and the Company will agree to certain procedures regarding the use of the Certificates and protection of the City from any unfunded tax liability.

Section 6. The City intends to enter into an agreement with the Company pursuant to which the Company will pay to the City certain annual payments in lieu of ad valorem taxes levied on the Project property and such agreement shall be included in the Lease to be entered into by the City and the Company.

Section 7. The Council and other appropriate City officials and employees are hereby authorized and empowered to take such steps and to do such things as may be necessary to achieve the purposes of this Resolution; provided, however, the issuance of the Bonds and the execution and delivery of any documents to which the City is a party in connection therewith shall be subject to the approval and authorization of the Council pursuant to the Bond Ordinance, to be adopted following public notice of the Council’s intent to adopt such Ordinance at fourteen

(14) days prior to the consideration of the Ordinance by the Council at a public meeting, such public notice to specify the time, date and place of the Council's meeting. In particular, no provision of this Resolution shall in any way obligate the City or any other person to issue the Bonds, any other bonds or in any way finance the Project; and the City retains full and complete discretion with respect thereto.

Section 8. This Resolution shall not give rise to a pecuniary liability of the City and shall not give rise to a charge against its general credit or taxing powers.

Section 9. The issuance of the Bonds and the execution and delivery of any documents to which the City is a party in connection therewith shall be subject to the approval and authorization by the Council pursuant to the Bond Ordinance following reasonable public notice of the time, date and place of the public hearing to be held on the proposed adoption of the Bond Ordinance. The City Clerk is hereby authorized to publish notice of the title and a general summary of the subject matter of the Bond Ordinance, at least two weeks before the meeting of the Council at which the Bond Ordinance is to be adopted. The City Clerk may undertake such publication upon his own initiative, following receipt by the City of a draft Bond Ordinance and the necessary documents thereto. In connection with this Resolution, the Council understands that the Company is not obligated to proceed with the Project and additionally, the Council has been informed that a failure or refusal of the Council, however arising, to adopt the Bond Ordinance will have the effect of voiding any benefits to the Company under the Act, including revoking the authority of the Company to act as agent for the City in connection with the solicitation of nontaxable transaction certificates for the Project from Taxation and Revenue, voiding the nontaxable transaction certificates issued to the Company for Project purchases and

making such purchases subject to whatever tax would be due if such certificates had not been issued.

Section 10. Before the adoption of the Bond Ordinance, the City acknowledges that the Company may assign the rights afforded to the Company hereunder (including but not limited to the right to act as agent for the City and to obtain the Certificates under Section 5 hereunder) to any affiliate of the Company provided that the Company provides the City with copies of any assignment documents and such other documents as the City may reasonably request in connection with such assignment.

Section 11. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 12. All orders and resolutions, or parts thereof, in conflict with this Resolution are hereby repealed; this repealer shall not be construed to revive any order, resolution or part thereof, heretofore repealed.

PASSED, ADOPTED, SIGNED AND APPROVED this 5th day of June, 2018.

CITY COUNCIL OF THE CITY OF
SUNLAND PARK, NEW MEXICO

[SEAL]

ATTEST:

City Clerk