AMENDED AGENDA

The following will be considered at the Regular Meeting of the Doña Ana County Board of County Commissioners to be held on November 27, 2018, at 9:00 a.m. in the Doña Ana County Commission Chambers, 1st Floor, Doña Ana County Government Center, 845 North Motel Boulevard, Las Cruces, New Mexico:

• **Invocation**: Captain Michael Evans, Corps Officer, Salvation Army Las Cruces Corps
• **Pledge of Allegiance**
• **Roll Call of Commission Members Present and Determination of Quorum**

COMMISSION CONVENES AS THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY BOARD OF FINANCE IN OPEN SESSION.

• **CHANGES TO THE AGENDA**: Fernando R. Macias, County Manager, will discuss

• **PET SHOWCASE**: ASCMV Staff will present

• **EMPLOYEE RECOGNITION**: The Commission will recognize Doña Ana County employees for their years of service to Doña Ana County — Read by Fernando R. Macias, County Manager, will present.

<table>
<thead>
<tr>
<th>Name</th>
<th>Department</th>
<th>Years of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atilana Herrera</td>
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<td>Raquel Villalobos</td>
<td>Detention Center</td>
<td>5</td>
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<td>Lilia Rascon</td>
<td>Fleet</td>
<td>5</td>
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<tr>
<td>Christina Mendivil</td>
<td>Health and Human Services</td>
<td>5</td>
</tr>
<tr>
<td>John Lovelace</td>
<td>Sheriff's Department</td>
<td>Retirement-22 years</td>
</tr>
<tr>
<td>Vicki Hooser</td>
<td>Detention Center</td>
<td>Retirement-26 years</td>
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• **PUBLIC INPUT**
• **STAFF INPUT**
• **COUNTY ELECTED OFFICIALS' INPUT**
• **COMMISSION INPUT**

**CONSENT AGENDA**: The Board will be asked to approve by one motion the following items of recurring or routine business:

1. Approve Minutes for the Regular Meeting of November 13, 2018 - Clerk’s Office.
2. Approve Award of Bid #19-00017 to Renegade Construction for the Fire and Emergency Services Administration Building Parking Lot Improvements and Delegate Signature Authority to the County Manager for Related Contract Documents—Nicholas Hempel, Fire Chief, will discuss.

3. Approve the Utilization of Sourcewell (Formerly NJPA) Government Purchasing Cooperative to Purchase One 2019 International Heavy Truck with Pothole Patcher Body and Delegate Signature Authority to the County Manager for Related Contract Documents—Gabriel Silva, Fleet Manager, will discuss.

4. Approve Award from New Mexico Department of Homeland Security and Emergency Management (NMDHSEM), Hazard Mitigation Grant for Updating the County’s Existing All Hazards Mitigation Plan and Delegate Signature Authority to the County Manager for all Related Contract and Grant Documents—John Gwynne, Flood Director, will discuss.

5. Approve Grant Resolution, Budget Resolution and Revision to Accept Technical and Financial Assistance from North American Development Bank (NADB) Under the Project Development Assistance Program (PDAP) and Delegate Signature Authority to the County Manager for all Related Documents—Dan Sambrano, Utilities Manager, will discuss.

6. Approve Award of Competitive Sealed Bid #19-0008 to Caliper Construction Inc., for Construction of the Chaparral Wastewater Collection System-Phase 1C, Bid Package #4, and Delegate Signature Authority to the County Manager for Related Contract Documents, Change Orders, and Renewals—Dan Sambrano, Utilities Manager, will discuss.

7. Approve Award of Request for Proposal 19-0010 for Bond Counsel Services and Delegate Signature Authority to the County Manager for Related Contract Documents—Chuck McMahon, Assistant County Manager, will discuss.

PUBLIC HEARING

8. Approve the Preliminary Plat for Las Flores Subdivision, Phase 1—Luis Marmolejo, Senior Planner, will discuss.

9. Approve Amended Preliminary Plat for Vado New Horizons—Luis Marmolejo, Senior Planner, will discuss.

10. Approval of a Small Brewer Liquor License for Public House 28, LLC (Public Hearing)—Amanda López Askin, County Clerk, will discuss.

APPROVALS

11. Approve A Resolution Calling for Timely Reporting on the Status and Performance of the County Fire and Emergency Service—Billy G. Garrett, County Commissioner, District 1, will discuss.

12. Approve Resolution Providing for Increases in the Salaries of the County Commissioners, Treasure, Assessor, Clerk, Sheriff and Probate Judge—Fernando R. Macias, will discuss.
13. Approve Resolution Creating Six New Firefighter and Two New Lieutenant Positions in the Fire and Emergency Services Department to Enable the Creation of 24 Hour Shifts and Approve an Amendment to the Collective Bargaining Agreement Between Doña Ana County and the International Association of Fire Fighters (“IAFF”), Local 5037 Creating a Pay Structure for 24 Hour Shifts—Fernando R. Macías, County Manager, will discuss. [THE COMMISSION MAY CONVENE IN CLOSED SESSION to discuss bargaining strategy preliminary to collective bargaining negotiations pursuant to the Open Meetings Act, section 10-15-1(H)(5), (NMSA 1978)]

14. Discuss and Take Action as May Be Appropriate Related to the Annual Evaluation and Related Issues Regarding the County Manager, Fernando R. Macías—Fernando R. Macías, County Manager, will discuss. [THE COMMISSION MAY CONVENE IN CLOSED SESSION to discuss limited personnel matter related to the annual performance evaluation and related issues regarding the County Manager as authorized by the Open Meetings Act, section 10-15-1(H)(2) (NMSA 1978)]

CORRESPONDENCE

15. Cindy Padilla, County Clerk’s Office, will present to the Commissioner any claims received by Doña Ana County.

THE COMMISSION MAY CONVENE IN OPEN SESSION to take action, if any, on the closed session items.

COMMISSION ADJOURNS AS THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY BOARD OF FINANCE IN OPEN SESSION.

THIS AGENDA IS SUBJECT TO CHANGE

NOTE: Doña Ana County will ensure effective communication with individuals with disabilities and will, upon request, provide auxiliary communication aids and services to afford those individuals equal opportunity for participation in Doña Ana County sponsored meetings, events, or activities. Any request should be made to the Americans with Disabilities Act Coordinator, in writing, or by phone, as soon as possible prior to the event at which accommodation is needed. If you have any questions regarding examples of reasonable accommodations, please contact the ADA Coordinator, at 525-5884 (voice) or 525-2951 (TTY), 845 N. Motel Blvd. Las Cruces, NM 88007.

Spanish language interpretation services are now available upon request for participation in Doña Ana County sponsored meetings, events, or activities. Please contact the Constituent Services Department at 525-6163, at least 48 hours prior to the event. Servicios de interpretación en las juntas será disponible por petición. Por favor en contacto el Departamento de Salud y Servicios Humanos al 525-6163 por lo menos 48 horas por adelantado para pedir este servicio.
TITLE OF AGENDA ITEM TO BE CONSIDERED

Approval of Minutes for the Regular Meeting of November 13, 2018.

SUMMARY OF ITEM TO BE CONSIDERED
INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED

SUMMARY OF FINANCIAL IMPACT

ADMINISTRATIVE REVIEW AND APPROVAL

_____ Finance  _____ Legal  ____ County Manager/Agenda Review

_____ Purchasing  _____ Human Resources  _____ Assistant County Manager/Peer Review

_____ Planning  _____ Other

DOCUMENT CONTROL

Original/s for signature?  ____ Yes  No  For Recording?  ____ Yes  No

Return original/s to: ___________ Name _______ Dept.

Send copy of recorded original/s (resolution and ordinances only) to: ___________ Name _______ Dept.

Deadline for return of document/s?  Yes, return by: _______ or  ____ No
Chair Benjamin L. Rawson called the Regular Meeting of the Doña Ana County Board of Commissioners to order at 9:00 a.m., on Tuesday, November 13, 2018, in the Doña Ana County Commission Chambers, 1st Floor, Doña Ana County Government Center, 845 North Motel Boulevard, Las Cruces.

Time: 09:04:12

District 3 Benjamin L. Rawson Chair – Present
District 4: Isabella Solis, Vice-Chair - Present
District 1: Billy G. Garrett, Commissioner – Present
District 2: Ramon S. Gonzalez, Commissioner – Present
District 5: Kim Hakes, Commissioner – Present

Invocation: Reverend Paul Rydecki, Emmanuel Lutheran Church

Time: 09:04:15

Pledge of Allegiance

Time: 09:06:45

Led by: Chair Benjamin Rawson

Roll Call of Commission Members Present and Determination of Quorum

Time: 09:07:13

Led by: Cindy C. Padilla, Admin. Asst., Clerk’s Office

COMMISSION RECONVENES AS THE COUNTY CANVASSING BOARD IN OPEN SESSION PURSUANT TO THE NEW MEXICO ELECTION CODE, NMSA 1978 SECTION 1–13–1

November 13, 2018, BOCC Regular Meeting Minutes
The Board of County Commissioners will reconvene as the County Canvassing Board to complete the canvass of returns and declare the results of the General Election held Tuesday, November 6, 2018, and certify the election results to the Secretary of State consistent with the provisions of the New Mexico Election Code, §1–13–1 et seq. NMSA 1978.

Time: 09:07:30

Motion to complete the Canvass of returns and declare the results of the General Election held Tuesday, November 6, 2018 and certify the election results to the Secretary of State consistent with the provisions of the NM Election Code, §1–13–1 et seq. NMSA 1978:

Motion: Billy G. Garrett
Second: Ramon S. Gonzalez

Public Input

Time: 09:30:55

Given by: 1) Senator Jeff Steinborn 2) Terry Miller 3) Representative Rick Little and 4) Chris _________.

VOTE ON MOTION:

Kim Hakes, Commissioner - Yes
Ramon S. Gonzalez, Commissioner - Yes
Billy G. Garrett, Commissioner - Yes
Isabella Solis, Vice-Chair - Yes
Benjamin L. Rawson, Chair - Yes

Motion passed

COMMISSION ADJOURNS AS THE COUNTY CANVASSING BOARD AND CONVENES AS THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY BOARD OF FINANCE IN OPEN SESSION.

CHANGES TO THE AGENDA: Fernando R. Macias, County Manager, will discuss

Time: 10:12:03

Changes: Fernando R. Macias, County Manager, stated there were no changes. Chair Benjamin Rawson stated that they have an Amended Agenda and yet on the website they still have an original Agenda that's
not amended and wanted to mention those changes. 1) Changes in the Employee Recognition 2) Item #4, approval of their Minutes the date of the Regular Meeting changed and Special Meeting was added and 3) Item #14 there was a title change, but the subject of the 2020 Census Resolution is the same.

PET SHOWCASE: ASCMV Staff will present

Time: 10:13:44

Pet: A 1 ½ year old female Pit/Heeler mix named Sally and a cat named Jade who are ready for adoption.

EMPLOYEE RECOGNITION: The Commission will recognize Doña Ana County employees for their years of service to Doña Ana County — Read by Fernando R. Macias, County Manager, will present.

Time: 10:15:34

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<td>John Day</td>
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<tr>
<td>Jessie España</td>
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<td>Sheriff’s Department</td>
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</table>

PUBLIC INPUT

Time: 10:22:25


*In order to listen to Public Input comments go to Doña Ana County website: https://donanacounty.org/bocc/video.

STAFF INPUT

Time: 10:40:20

Given by: 1) Rebecca Garcia

*In order to listen to Staff Input comments go to Doña Ana County website: https://donanacounty.org/bocc/video.
COUNTY ELECTED OFFICIALS’ INPUT

Time: 10:41:59

Given by: None was given.

*In order to listen to County Elected Officials’ Input comments go to Doña Ana County website: https://donanacounty.org/bocc/video.

COMMISSION INPUT

Time: 10:42:05

Given by: 1) Isabella Solis 2) Billy G. Garrett and 3) Ramon S. Gonzalez.

*In order to listen to Commission Input comments go to Doña Ana County website: https://donanacounty.org/bocc/video.

PRESENTATIONS/PROCLAMATIONS

1. Presentation and Update on Spaceport America—Dan Hicks, Spaceport Director, will present.

Time: 10:51:58

2. Presentation by Strong Families New Mexico about Medicaid Buy-In Options for New Mexico—Ramon Gonzalez, County Commissioner, District 2, will discuss.

Time: 11:30:55

3. Update on Roads Initiative—Robert Armijo, Engineering-Road Director, will discuss.

Time: 11:47:28

CONSENT AGENDA

Time: 12:11:00

November 13, 2018, BOCC Regular Meeting Minutes 4
Items Removed for Separate Discussion or Separate Vote:

4. Approve Minutes for the Regular Meeting of October 23, 2018 and Special Meeting of November 8, 2018—Clerk’s Office.

5. Accept the Doña Ana County Treasurer’s Financial Report for the Month of September, 2018—Eric L. Rodriguez, County Treasurer, will discuss.

6. Ratify the United States Marshals Service Agreement, 51-99-0117 with the County of Doña Ana, New Mexico for the Period Beginning November 1, 2018 to October 31, 2022 and Delegate Signature Authority to the County Manager on all Related Documents—Vincent S. Pokluda, Assistant County Manager, will discuss.

Time: 12:15:36

7. Approve a Resolution Authorizing a $20,000.00 Expenditure from the Doña Ana County Indigent Fund to Support the New Mexico Mission of Mercy, Which is a Free Dental Clinic Open to the Community—Jamie Michael, Health and Human Services Director, will discuss.

Time: 12:12:23

RESOLUTION NO. 2018-115

8. Approve a Resolution in Support of a Medicaid Buy-In Option for New Mexico—Ramon S. Gonzalez, County Commissioner, District 2, will discuss.

RESOLUTION NO. 2018-116

9. Approve Award of Request for Proposal 19-0012 Roadway, Flood Control and Facilities Construction Price Agreements and Delegate Signature Authority to the County Manager for Related Contract Documents—Robert Armijo, Engineering-Road Director, will discuss.
10. Approve Award of Request for Proposal 19-0015 for Traffic and Criminal Software (TRACS) Support Services and Delegate Signature Authority to the County Manager for Related Contract Documents—Lieutenant John Palmer, will discuss.


Motion to Approve Consent Agenda Items 4-11, to include the following:

Approve Minutes for the Regular Meeting of October 23, 2018 and Special Meeting of November 8 2018.

Accept the Doña Ana County Treasurer’s Financial Report for the Month of September, 2018.

Ratify the United States Marshals Service Agreement, 51-99-0117 with the County of Doña Ana, New Mexico for the Period Beginning November 1, 2018 to October 31, 2022 and Delegate Signature Authority to the County Manager on all Related Documents.

Approve a Resolution Authorizing a $20,000.00 Expenditure from the Doña Ana County Indigent Fund to Support the New Mexico Mission of Mercy, Which is a Free Dental Clinic Open to the Community.

Approve a Resolution in Support of a Medicaid Buy-In Option for New Mexico.

Approve Award of Request for Proposal 19-0012 Roadway, Flood Control and Facilities Construction Price Agreements and Delegate Signature Authority to the County Manager for Related Contract Documents.

Approve Award of Request for Proposal 19-0015 for Traffic and Criminal Software (TRACS) Support Services and Delegate Signature Authority to the County Manager for Related Contract Documents.


Motion: Ramon S. Gonzalez
Second: Isabella Solis
Kim Hakes, Commissioner - Yes
Ramon S. Gonzalez, Commissioner – Yes
Billy G. Garrett, Commissioner – Yes
Isabella Solis, Vice-Chair - Yes
Benjamin L. Rawson, Chair – Yes

Motion passed

November 13, 2018, BOCC Regular Meeting Minutes
BREAK
Time: 12:17:43

BACK FROM BREAK
Time: 12:51:53

APPROVALS


Time: 12:51:55
Motion: Billy G. Garrett
Second: Isabella Solis

Public Input
Time: 13:01:55

VOTE ON MOTION
Kim Hakes, Commissioner - Yes
Ramon S. Gonzalez, Commissioner – Yes
Billy G. Garrett, Commissioner – Yes
Isabella Solis, Vice-Chair - Yes
Benjamin L. Rawson, Chair – No

Motion passed

ORDINANCE NO. 300-2018

13. Approve a Resolution Supporting the Reopening of Union Negotiations with the International Association of Fire Fighters (IAFF), Local 5037 and Supporting Additional Paid Firefighting Positions to Support 24 November 13, 2018, BOCC Regular Meeting Minutes
hours a Day, 7 Days a Week Coverage at two (2) County Fire Stations. [THE COMMISSION MAY CONVENE IN CLOSED SESSION, to discuss a bargaining strategy preliminary to collective bargaining negotiations with International Association of Fire Fighters (IAFF), Local 5037 as authorized by the Open Meetings Act, NMSA 1978, § 10-15-1 (H)(5).]

Time: 14:31:54

Motion: Kim Hakes

Second: Ramon S. Gonzalez

Fernando R. Macias, County Manager, asked the Board if they wanted to go into Closed Session to have a preliminary discussion.

Chair Rawson stated he would feel more comfortable with that and asked what was the will of the Board?

Commissioner Garrett stated that his hope had been, that if they are going to go into Closed Session, that they could take care of Item #14 first so they don’t have to come back to conduct more business. He asked that they withdraw the motion and allow them to handle Item #14.

Chair Rawson asked if there was an interest to go into Closed Session and if there was an interest for a lunch break?

Fernando Macias, County Manager, stated that he didn’t think that the Closed Session would last very long.

Chair Rawson stated that they then they would have no lunch and if everybody was okay with that? The Commission agreed.

Chair Rawson stated that he would like to go into Closed Session so with that, he entertained a Motion to Table Item #13 and that would allow them to go to Item #14 and come back to Item #13 after their Closed Session:

Motion to Table Item #13:

Motion: Kim Hakes

Second: Isabella Solis

Kim Hakes, Commissioner - Yes
Ramon S. Gonzalez, Commissioner – Yes
Billy G. Garrett, Commissioner – Yes
Isabella Solis, Vice-Chair – Yes
Benjamin L. Rawson, Chair – Yes

Motion passed

November 13, 2018, BOCC Regular Meeting Minutes
14. Approve a Resolution Creating a Census 2020 Complete Count Committee to Plan, Identify Additional Census Designated Places and Conduct Local Educational Initiatives. Publicity and Promotional Activities to Increase Community Awareness and Participation in Census 2020—Fernando R. Macias, County Manager, will discuss.

Time: 14:34:35

Motion: Billy G. Garrett

Second: Isabella Solis

Kim Hakes, Commissioner - Yes
Ramon S. Gonzalez, Commissioner – Yes
Billy G. Garrett, Commissioner – Yes
Isabella Solis, Vice-Chair - Yes
Benjamin L. Rawson, Chair – Yes

Motion passed

RESOLUTION NO. 2018-117

CORRESPONDENCE

15. Cindy C. Padilla, County Clerk’s Office, will present to the Commissioner any claims received by Doña Ana County.

Time: 14:43:15

1) R.J. Hernandez vs. DAC
2) George Mendoza & Ron R. Rowlett vs. DAC.

THE COMMISSION CONVENED IN CLOSED SESSION, to discuss a bargaining strategy preliminary to collective bargaining negotiations with International Association of Fire Fighters (IAFF), Local 5037 as authorized by the Open Meetings Act, NMSA 1978, § 10-15-1 (H)(5).

Time: 14:43:32

Motion: Billy G. Garrett
Second: Ramon S. Gonzalez

Kim Hakes, Commissioner - Abstained
Ramon S. Gonzalez, Commissioner – Yes
Billy G. Garrett, Commissioner – Yes
Isabella Solis, Vice-Chair - Yes
Benjamin L. Rawson, Chair – Yes

Motion passed

COMMISSION CONVENED IN OPEN SESSION to take action, if any, on the closed session items.

Time: 15:21:23

To let the Record reflect that nothing was discussed in Closed Session except that which was in the Motion to go into Closed Session.

BACK TO ITEM #13

Approve a Resolution Supporting the Reopening of Union Negotiations with the International Association of Fire Fighters (IAFF), Local 5037 and Supporting Additional Paid Firefighting Positions to Support 24 hours a Day, 7 Days a Week Coverage at two (2) County Fire Stations.

Time: 15:21:31

Motion: Kim Hakes
Second: Billy G. Garrett

Public Input

Time: 15:22:12

Given by: 1) Travis Simpson

VOTE ON MOTION

Kim Hakes, Commissioner - Yes
Ramon S. Gonzalez, Commissioner – Yes
Billy G. Garrett, Commissioner – Yes
Isabella Solis, Vice-Chair - Yes
Benjamin L. Rawson, Chair – Yes

Motion passed

RESOLUTION NO. 2018-118

November 13, 2018, BOCC Regular Meeting Minutes
The Commission Adjourned with no Objection.

BOARD OF COUNTY COMMISSIONERS OF DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson, Chair, District 3 For / Against

Isabella Solis, Vice-Chair, District 4 For / Against

Billy G. Garrett, Commissioner, District 1 For / Against

Ramon S. Gonzalez, Commissioner, District 2 For / Against

Kim Hakes, Commissioner, District 5 For/Against

ATTEST:

Amanda López Askin, County Clerk

November 13, 2018, BOCC Regular Meeting Minutes
TITLE OF AGENDA ITEM TO BE CONSIDERED

APPROVE AWARD OF BID #19-0017 TO RENEGADE CONSTRUCTION FOR THE FIRE AND EMERGENCY SERVICES ADMINISTRATION BUILDING PARKING LOT IMPROVEMENTS AND DELEGATE SIGNATURE AUTHORITY TO THE COUNTY MANAGER FOR RELATED CONTRACT DOCUMENTS

SUMMARY OF ITEM TO BE CONSIDERED
INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED

Invitation to Bid (ITB) #19-0017 for the Fire and Emergency Services Administration building parking lot improvements was issued to solicit interest, was advertised in the local paper, and was sent to potential Offerors. Seven (7) vendors responded. In accordance with 13-1-108 of the Procurement Code, the Fire Chief and the Purchasing Department request approval to award ITB 19-0017 to Renegade Construction. The project cost is $477,345.66 and will be funded using Fire Tax funds, approved by the Fire Tax Board, not to exceed $500,000.00. Additionally, we are requesting authorization for the County Manager to have signature authority over the related contract documents, amendments, and renewals as necessary.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED
Bid Tabulation
Fire Tax Approval

SUMMARY OF FINANCIAL IMPACT
Not to exceed $500,000.00. Budget is currently available in the Fire Protection Expense Fund.

ADMINISTRATIVE REVIEW AND APPROVAL

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DOCUMENT CONTROL

Original/s for signature? Yes X No For Recording? Yes X No
Return original/s to: Donald Bullard Name Purchasing Dept.
Send copy of recorded original/s (resolution and ordinances only) to: Name Dept.
Deadline for return of document/s? Yes, return by: or No
Approve Funding for the revitalization of the parking lot at the Fire Administration Training and Resource Facility for Dona Ana County Fire and Emergency Services.

Meeting – March 5, 2018

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Nicholas Hempel – Fire Chief
Chair

Date: 3/5/18
Fleet Department
Initiating Department
Gabriel Silva, Fleet Manager
Contact Person

November 27, 2018
Meeting Date
3
Agenda Item Number

TITLE OF AGENDA ITEM TO BE CONSIDERED
APPROVE THE UTILIZATION OF SOURCEWELL (FORMERLY NJPA) GOVERNMENT PURCHASING COOPERATIVE TO PURCHASE ONE 2019 INTERNATIONAL HEAVY TRUCK WITH POTHOLE PATCHER BODY AND DELEGATE SIGNATURE AUTHORITY TO THE COUNTY MANAGER FOR RELATED CONTRACT DOCUMENTS.

SUMMARY OF ITEM TO BE CONSIDERED
INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED
Request approval to utilize Government Purchasing Cooperative Sourcewell (formerly NJPA) contract #081716-NVS Border International and #052417-BGK Bergkamp to purchase one 2019 International MV607 Heavy Truck with a Bergkamp FP5 Flameless Pothole Patcher body for Road Department. The vehicle was approved for FY19 budget and meets Doña Ana County Fleet Replacement Guidelines. Additionally, we are requesting authorization for the County Manager to have signature authority over the related contract documents, amendments, and renewals. The new Pothole Patch Truck will efficiently assist the Road Department in maintaining and improving County Roads. The new truck will improve operations, employee morale, operating cost, and operator’s safety.
In accordance with Section 13-1-135 of the State Procurement Code, Cooperative Procurement Authorized.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED

SUMMARY OF FINANCIAL IMPACT
Cost of $239,134.00 is included in the approved FY19 budget and will be paid out of line item 60020-30012-74135-900.

ADMINISTRATIVE REVIEW AND APPROVAL

Finance

Legal

County Manager/ Agenda Review

Purchasing

Human Resources

Assistant County Manager

Planning

Fleet

DOCUMENT CONTROL

Original/s for signature? __ Yes No For Recording? __ Yes No
Return original/s to: ________________Name ________________Dept.
Send copy of recorded original/s (resolution and ordinances only) to: ________________Name ________________Dept.
Deadline for return of document/s? Yes, return by: ________________ or __ No
Date: 10/29/18

To: Dona Ana County

Attn: Gabriel Silva

Thank you for the opportunity to quote you the following truck:

1 – 2019 International MV Crew cab chassis equipped with Bergkamp Pothole Patcher.

*Please see attached specs*

**SALE PRICE PER SOURCEWELL CONTRACT # 081716-NVS**
**BERGKAMP SOURCEWELL CONTRACT # 052417-BGK**

**Chassis price - $96,799.00**
**Body price - $142,335.00**

**Total Unit - $239,134.00**

Quote does not include Title or doc fees.

Thank you,

Josh Gordon
New Truck Sales
Cell 915-216-6726

Ruben Rosencrans
New Truck Sales Manager
Cell 575-644-2741

__________________________
Date

Accepted
**Sourcewell CONTRACT PRICING WORKSHEET**

For Roadway Maintenance Equipment Purchases

**Contract No.:** 052417-BGK  
**Date Prepared:** 10/29/2018

**Buying Agency:** County of Dona Ana  
**Contact Person:** Gabriel Silva  
**Address:** 2033 East Griggs Ave Las Cruces, NM 88001  
**Phone:** 575-647-7319  
**Fax:** 575-625-4269

**Email:** gabrielse@donaanacounty.org  
**Prepared by:** Dale Sisneros  
**Phone:** 575-647-7119  
**Fax:** 575-625-4269

**Email:** sales@berglkampinc.com

**Date:** 10/29/2018

---

**Description:** Bergkamp FP5 Flameless All-In-One Pothole Patcher Body ONLY

**A. Product Item Base Unit Price**

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<tbody>
<tr>
<td>Infave® Telematics Technology, Dual Auger Motor System, Full Length Reversible Agitator, Powered by hydraulically-driven AC electric generator, Live PTO for hydraulic power at all engine or travel speeds, Electric Overide Heating system w/ Cord, 80 gallon Tack Tank, Air/Tack Wand w/ Recirculating Cleanout System, Cleaning Fluid Tank (15 gal.), Mounting on Customers' Chassis at Bergkamp Factory Color: Bergkamp Orange (Standard Color), 12 Month Warranty</td>
<td>$78,638.00</td>
</tr>
</tbody>
</table>

**B. The Patcher Body Options, Delivery and Service Items**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wacker Plate Compactor w/Lift Platform</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>JKII Stanley Model BM67 Pavement Breaker on Retractable Hose Reel</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>BUC Single Back Up Camera w/ Night Vision &amp; Audio</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>360 Camera System &amp; 10&quot; Monitor w/Mobile Digital Recorder WiFi &amp; 4G compatible &amp; Back Chat</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>CHA Cone Holder</td>
<td>$195.00</td>
</tr>
<tr>
<td>Dual Wand Cleaning System (one front &amp; one rear)</td>
<td>$405.00</td>
</tr>
<tr>
<td>Rear Cleaning Fluid System on Hose Reel (P10331)</td>
<td>$0.05</td>
</tr>
<tr>
<td>Rear Swing Auger System</td>
<td>$9,670.00</td>
</tr>
<tr>
<td>AR400 (Abrasion Resistant) Upgrade Main Auger for FP5 and Swing Auger</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Pivot Tack System</td>
<td>$2,795.00</td>
</tr>
<tr>
<td>LED Lighting on Machine (Side/ Rear/ 3 Light Bar) Flash Mount (P10336)</td>
<td>$1,230.00</td>
</tr>
<tr>
<td>Standard Arrow Baer) LED</td>
<td>$985.00</td>
</tr>
<tr>
<td>Stroke Light - Single; LED Behind Cab Mount</td>
<td>$99.00</td>
</tr>
<tr>
<td>Stroke Light - Dual; LED Rear Arrow Board Mount</td>
<td>$815.00</td>
</tr>
<tr>
<td>Sign Storage - Extended Front Platform 28&quot; x 75 3/4&quot; w/ gate on passenger side</td>
<td>$2,424.00</td>
</tr>
<tr>
<td>RPO Delv. Charge at $3.50/mile</td>
<td>$2,653.00</td>
</tr>
<tr>
<td>Mounting Charge is included in Base Price Above</td>
<td>Incl.</td>
</tr>
<tr>
<td>3 Year Extended Warranty</td>
<td>$4,730.00</td>
</tr>
<tr>
<td>Silver B-FIT - 5 Year Program of Inspection &amp; Training - One Visit Per Year/5 Yrs.</td>
<td>$17,225.00</td>
</tr>
</tbody>
</table>

**Subtotal From Additional Sheet(s):** $63,697.00

---

**Cumulative Total Cost before any other applicable Charges, Trade-ins, Allowances, Discounts Etc: (A+B+C)**

<table>
<thead>
<tr>
<th>Quantity Ordered:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subtotal A:</td>
<td>$142,335.00</td>
</tr>
</tbody>
</table>

**Subtotal B: $239,134.00**

---

**Description:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 International MV607 Crew Cab Sourcewell Contract #801736-NY/5</td>
<td>$56,799.00</td>
</tr>
<tr>
<td>County to Purchase from Border International Trucks 12283 Hojas Dr. El Paso, TX 79936</td>
<td>$56,799.00</td>
</tr>
</tbody>
</table>

**Delivery Date:**

Approx. 110 days after PO is received by Bergkamp or 30 days after delivery of chassis to factory whichever is longer

**F. Total Purchase Price (C+D):** $239,134.00
# NJPA VENDOR CONTRACT SUMMARY - Navistar

<table>
<thead>
<tr>
<th>DATE</th>
<th>RFP #</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 15, 2016</td>
<td>081716</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AWARDED CONTRACT NUMBER</th>
<th>NJPA RFP TITLE &amp; CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>081716-NVS</td>
<td>CLASS 6, 7, AND 8 CHASSIS WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONTRACT PERIOD</th>
<th>PRICING MODEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 15, 2016 - November 15, 2020</td>
<td>Percent Discount Off List: 31%-47%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>VENDOR CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 6-8 Chassis</td>
<td>Martin White</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VENDOR NAME AND ADDRESS</th>
<th>VENDOR CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navistar</td>
<td>Martin White</td>
</tr>
<tr>
<td>2701 Navistar Drive</td>
<td>331-332-2370</td>
</tr>
<tr>
<td>Lisle, IL 60532</td>
<td><a href="mailto:martin.white@navistar.com">martin.white@navistar.com</a></td>
</tr>
<tr>
<td><a href="http://www.navistar.com">www.navistar.com</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NJPA CONTRACTS CONSIST OF THE FOLLOWING DOCUMENTS</th>
<th>RELATED CONTRACT DOCUMENTATION</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>RELATED DOCUMENTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Proposal (RFP)</td>
</tr>
<tr>
<td>Contract Acceptance &amp; Award</td>
</tr>
<tr>
<td>Pricing Forms P and C - Available upon request from the NJPA Contract Manager</td>
</tr>
</tbody>
</table>

## NJPA INFORMATION

<table>
<thead>
<tr>
<th>NJPA CONTACT</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andy Campbell</td>
<td>NJPA Contract Administrator</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHONE</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>218-395-4145</td>
<td><a href="mailto:Andy.campbell@njpacoop.org">Andy.campbell@njpacoop.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>WEBSITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>202 12th Street NE, P.O. Box 219, Staples, MN 56479</td>
<td><a href="http://www.njpacoop.org">www.njpacoop.org</a></td>
</tr>
</tbody>
</table>

National Joint Powers Alliance®

Contract Purchasing Department
Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.

**Model Profile**  
2019 MV607 SBA (MV907)

<table>
<thead>
<tr>
<th>AXLE CONFIG:</th>
<th>4X2</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICATION:</td>
<td>Utility/Service (Other)</td>
</tr>
<tr>
<td>MISSION:</td>
<td>Requested GVWR: 33000. Calc. GVWR: 35000</td>
</tr>
<tr>
<td>DIMENSION:</td>
<td>Calc. Start / Grade Ability: 24.24% / 2.16% @ 55 MPH</td>
</tr>
<tr>
<td>ENGINE, DIESEL:</td>
<td>Calc. Geared Speed: 87.4 MPH</td>
</tr>
<tr>
<td>TRANSMISSION, AUTOMATIC:</td>
<td>Wheelbase: 238.00, CA: 127.00, Axle to Frame: 45.00</td>
</tr>
<tr>
<td></td>
<td>(Cummins L9 300) EPA 2017, 300 HP @ 2000 RPM, 860 lb-ft Torque @ 1300 RPM, 2200 RPM</td>
</tr>
<tr>
<td></td>
<td>Governed Speed, 300 Peak HP (Max)</td>
</tr>
<tr>
<td></td>
<td>(Allison 3000 RDS) 5th Generation Controls, Close Ratio, 5-Speed with Overdrive, with PTO Provision, Less Retarder, Includes Oil Level Sensor, with 60,000-lb GVW and GCW Max, On/Off Highway</td>
</tr>
<tr>
<td>CLUTCH:</td>
<td>Omit Item (Clutch &amp; Control)</td>
</tr>
<tr>
<td>AXLE, FRONT NON-DRIVING:</td>
<td>(Meritor MFS-12-143A) Wide Track, I-Beam Type, 12,000-lb Capacity</td>
</tr>
<tr>
<td>AXLE, REAR, SINGLE:</td>
<td>(Dana Spicer S23-172) Single Reduction, 23,000-lb Capacity, R Wheel Ends Gear Ratio: 4.10</td>
</tr>
<tr>
<td>CAB:</td>
<td>Conventional 6-Man Crew Cab</td>
</tr>
<tr>
<td>TIRE, FRONT:</td>
<td>(2) 11R22.5 Load Range G HSR2 (CONTINENTAL), 498 rev/mile, 75 MPH, All-Position</td>
</tr>
<tr>
<td>TIRE, REAR:</td>
<td>(4) 11R22.5 Load Range G HDR2 (CONTINENTAL), 491 rev/mile, 75 MPH, Drive</td>
</tr>
<tr>
<td>SUSPENSION, REAR, AIR, SINGLE:</td>
<td>(Hendrickson HAS 230) 23,000-lb Capacity, 9.5&quot; Ride Height, with Shock Absorbers</td>
</tr>
<tr>
<td>PAINT:</td>
<td>Cab schematic 100WP</td>
</tr>
<tr>
<td></td>
<td>Location 1: 9344, White (Prem)</td>
</tr>
<tr>
<td></td>
<td>Chassis schematic N/A</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>MV60700</td>
<td>Base Chassis, Model MV607 SBA with 238.00 Wheelbase, 127.00 CA, and 45.00 Axle to Frame.</td>
</tr>
<tr>
<td>1ANA</td>
<td>AXLE CONFIGURATION [Navistar] 4x2</td>
</tr>
<tr>
<td>1CAE</td>
<td>FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.125&quot; x 3.580&quot; x 0.312&quot; (257.2mm x 90.9mm x 8.0mm); 460.0&quot; (11684mm) Maximum OAL</td>
</tr>
<tr>
<td>1LLD</td>
<td>BUMPER, FRONT Full Width, Aerodynamic, Steel; 0.142&quot; Material Thickness</td>
</tr>
<tr>
<td>1WEJ</td>
<td>WHEELBASE RANGE 199&quot; (505cm) Through and Including 254&quot; (645cm)</td>
</tr>
<tr>
<td>2ARW</td>
<td>AXLE, FRONT NON-DRIVING [Mtor MFS-12-143A] Wide Track, I-Beam Type, 12,000-lb Capacity</td>
</tr>
<tr>
<td>3ADC</td>
<td>SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 12,000-lb Capacity, with Shock Absorbers</td>
</tr>
<tr>
<td>4091</td>
<td>BRAKE SYSTEM, AIR Dual System for Straight Truck Applications</td>
</tr>
<tr>
<td>4106</td>
<td>BRAKES, FRONT, AIR CAM 16.5&quot; x 5&quot;; Includes 24 SqIn Long Stroke Brake Chambers</td>
</tr>
<tr>
<td>4AZA</td>
<td>AIR BRAKE ABS [Bendix AntiLock Brake System] Full Vehicle Wheel Control System (4-Channel)</td>
</tr>
<tr>
<td>4EBT</td>
<td>AIR DRYER [Bendix AD-IP] with Heater</td>
</tr>
<tr>
<td>4EVR</td>
<td>BRAKE CHAMBERS, REAR AXLE [MGM MJS3028ET] 30/28 Piston Spring Brake</td>
</tr>
<tr>
<td>4EXV</td>
<td>BRAKE CHAMBERS, FRONT AXLE [Bendix] 24 SqIn</td>
</tr>
<tr>
<td>4LAA</td>
<td>SLACK ADJUSTERS, FRONT [Haldex] Automatic</td>
</tr>
<tr>
<td>4LGA</td>
<td>SLACK ADJUSTERS, REAR [Haldex] Automatic</td>
</tr>
<tr>
<td>4NCZ</td>
<td>BRAKES, REAR, AIR CAM S-Cam; 16.5&quot; x 7.0&quot;; Includes 30/28 Sq.In. Long Stroke Brake Chambers and Piston-Type Spring Activated Parking Brakes</td>
</tr>
<tr>
<td>4SPA</td>
<td>AIR COMPRESSOR [Cummins] 18.7 CFM Capacity</td>
</tr>
<tr>
<td>4VGA</td>
<td>AIR DRYER LOCATION Mounted Outside Right Rail, Forward of Front Wheel</td>
</tr>
<tr>
<td>4VXX</td>
<td>AIR TANK LOCATION (2) Mounted Under Battery Box, Outside Left Rail, Back of Cab</td>
</tr>
<tr>
<td>5AAA</td>
<td>STEERING COLUMN Stationary</td>
</tr>
<tr>
<td>5CAW</td>
<td>STEERING WHEEL, 4-Spoke; 18&quot; Dia., Black</td>
</tr>
<tr>
<td>5PSM</td>
<td>STEERING GEAR [Sheppard HD94] Power</td>
</tr>
<tr>
<td>7BEV</td>
<td>AFTERTREATMENT COVER Steel, Black</td>
</tr>
<tr>
<td>7BKS</td>
<td>EXHAUST SYSTEM Single Horizontal Aftertreatment Device, Frame Mounted Right Side Under Cab, for Single Vertical Tail Pipe, Frame Mounted Right Side Back of Cab</td>
</tr>
<tr>
<td>7WAZ</td>
<td>TAIL PIPE (1) Turnback Type, Non-Bright, for Single Exhaust</td>
</tr>
<tr>
<td>7WDM</td>
<td>EXHAUST HEIGHT 10'</td>
</tr>
<tr>
<td>7WDN</td>
<td>MUFFLER/TAIL PIPE GUARD (1) Non-Bright Aluminum</td>
</tr>
<tr>
<td>8000</td>
<td>ELECTRICAL SYSTEM 12-Volt, Standard Equipment</td>
</tr>
<tr>
<td>8GXD</td>
<td>ALTERNATOR [Leence-Neville AVI160P2013] Brush Type; 12 Volt 160 Amp. Capacity, Pad Mount, with Remote Sense</td>
</tr>
</tbody>
</table>
Code | Description
---|---
8HAB | BODY BUILDER WIRING Back of Standard or Sleeper Cab at Left Frame or Under Extended or Crew Cab at Left Frame; Includes Sealed Connectors for Tail/Amber Turn/Marker/Backup/Accessory Power/Ground and Sealed Connector for Stop/Turn
8MSG | BATTERY SYSTEM (Fleetrite) Maintenance-Free, (3) 12-Volt 1980CCA Total
8RMX | RADIO Omit; Includes Wiring and Antenna
8RMZ | SPEAKERS (2) 6.5" Dual Cone Mounted in Both Doors, (2) 5.25" Dual Cone Mounted in Both B-Pillars
8THB | BACK-UP ALARM Electric, 102 dBA
8VAY | HORN, ELECTRIC Disc Style
8VUY | BATTERY BOX Steel, with Plastic Cover, 25" Wide, 2 or 3 Battery Capacity, Mounted Left Side Back of Cab
8WTK | STARTING MOTOR (Delco Remy 38MT Type 300) 12 Volt; less Thermal Over-Crank Protection
8WWJ | INDICATOR, LOW COOLANT LEVEL with Audible Alarm
8WZK | HEADLIGHTS Halogen; Composite Aero Design for Two Light System
8XAH | CIRCUIT BREAKERS Manual-Reset (Main Panel!) SAE Type III with Trip Indicators, Replaces All Fuses
9AAB | LOGOS EXTERIOR Model Badges
9AAE | LOGOS EXTERIOR, ENGINE Badges
9HAD | GRILLE Chrome
9WAY | FRONT END Tilting, Fiberglass, with Three Piece Construction
10060 | PAINT SCHEMATIC, PT-1 Single Color, Design 100
Includes:
10761 | PAINT TYPE Base Coat/Clear Coat, 1-2 Tone
10769 | PAINT CLASS Premium Color
11001 | CLUTCH Omit Item (Clutch & Control)
12703 | ANTI-FREEZE Red, Extended Life Coolant; To -40 Degrees F/ -40 Degrees C, Freeze Protection
12EHU | ENGINE, DIESEL (Cummins L9 300) EPA 2017, 300HP @ 2000 RPM, 860 lb-ft Torque @ 1300 RPM, 2200 RPM Governed Speed, 300 Peak HP (Max)
12TSY | FAN DRIVE (Borg-Warner SA85) Viscous Type, Screw On
12UAW | RADIATOR Aluminum; 2-Row, Cross Flow, Over Under System, 1045 SqIn Louvered, with 373 SqIn CAC, with In Tank Oil Cooler
12VBR | AIR CLEANER with Service Protection Element
12VGN | FEDERAL EMISSIONS [Cummins L9] EPA, OBD and GHG Certified for Calendar Year 2018
12VXT | THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel
12VYP | ENGINE CONTROL, REMOTE MOUNTED No Provision Furnished for Remote Mounted Engine Control
12WZE | EMISSION COMPLIANCE Federal, Does Not Comply with California Clean Air Idle Regulations
13AVJ | TRANSMISSION, AUTOMATIC (Allison 3000 RDS) 5th Generation Controls, Close Ratio, 5-Speed with Overdrive, with PTO Provision, Lens Rotater, Includes Oil Level Sensor, with 80,000-lb GVW and GCW Max, On/Off Highway
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13WET</td>
<td>TRANSMISSION OIL Synthetic, 29 thru 42 Pints</td>
</tr>
<tr>
<td>13WLP</td>
<td>ALLISON SPARE INPUT/OUTPUT for Rugged Duty Series (RDS); General Purpose Trucks, Construction</td>
</tr>
<tr>
<td>13WYU</td>
<td>SHIFT CONTROL PARAMETERS Allison 3000 or 4000 Series Transmissions, 5th Generation Controls, Performance Programming</td>
</tr>
<tr>
<td>13XAK</td>
<td>PTO LOCATION Right Side of Transmission</td>
</tr>
<tr>
<td>14AWL</td>
<td>AXLE, REAR, SINGLE (Dana Spicer S23-172) Single Reduction, 23,000-lb Capacity, R Wheel Ends, Gear Ratio: 4.10</td>
</tr>
<tr>
<td>14TAX</td>
<td>SUSPENSION, REAR, AIR, SINGLE (Hendrickson HAS 230) 22,000-lb Capacity, 9.5&quot; Ride Height, with Shock Absorbers</td>
</tr>
<tr>
<td>15DZT</td>
<td>FUEL TANK (2) Top Draw, Non-Polished Aluminum, D-Style, 16&quot; Tank Depth, 40 US Gal (151L) Left Side; 50 US Gal (189L) Right Side, Total Capacity 90 US Gal (340L), with Quick Connect Outlet, Mounted Left Side Under Cab and Right Side Back of Cab</td>
</tr>
<tr>
<td>15LLP</td>
<td>LOCATION FUEL/WATER SEPARATOR Mounted Inside Left Rail, Back of Cab</td>
</tr>
<tr>
<td>15LMN</td>
<td>FUEL/WATER SEPARATOR (Racor 400 Series,) 12 VDC Electric Heater, Includes Pre-Heater, with Primer Pump, Includes Water-in-Fuel Sensor</td>
</tr>
<tr>
<td>15WDG</td>
<td>DEF TANK 7 U.S. Gal. 26.5L Capacity, Frame Mounted Outside Left Rail, Under Cab</td>
</tr>
<tr>
<td>16196</td>
<td>CAB Conventional 6-Man Crew Cab</td>
</tr>
<tr>
<td>16400</td>
<td>SEAT, PASSENGER Omit Item</td>
</tr>
<tr>
<td>16RAM</td>
<td>AIR CONDITIONER with Integral Heater &amp; Defroster</td>
</tr>
<tr>
<td>16GDC</td>
<td>GAUGE CLUSTER Base Level: English with English Speedometer and Tachometer, for Air Brake Chassis, Includes Engine Coolant Temperature, Primary and Secondary Air Pressure, Fuel and DEF Gauges, Oil Pressure Gauge, Includes 3 Inch Monochromatic Text Display</td>
</tr>
<tr>
<td>16HKT</td>
<td>IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster</td>
</tr>
<tr>
<td>16JXG</td>
<td>SEAT, FRONT BENCH (National) Full Width; Vinyl, with Fixed Mid Back</td>
</tr>
<tr>
<td>16SMT</td>
<td>SEAT, REAR (National) BENCH; Full Width; Vinyl, with Fixed Back and Two Integral Outboard Headrests</td>
</tr>
<tr>
<td>16SNL</td>
<td>MIRRORS (2) Black Heads, Brackets and Arms, 7.55&quot; x 14.1&quot; Flat Glass, 7.48&quot; x 6.77&quot; Convex Glass Both Sides</td>
</tr>
<tr>
<td>16VKD</td>
<td>CAB INTERIOR TRIM Classic, for Crew Cab</td>
</tr>
<tr>
<td></td>
<td>Includes CONSOLE, OVERHEAD Molded Plastic with Dual Storage Pockets, Retainer Nets and CB Radio Pocket, Located Above Driver and Passenger</td>
</tr>
<tr>
<td></td>
<td>DOME LIGHT, CAB Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Overhead Console, Center Mounted</td>
</tr>
<tr>
<td></td>
<td>SUN VISOR (2) Padded Vinyl, 2 Moveable (Front-to-Side) Primary Visors, Driver Side with Toll Ticket Strap</td>
</tr>
<tr>
<td>16VLK</td>
<td>CAB REAR SUSPENSION Air Suspension, for Mid Cab Height</td>
</tr>
<tr>
<td>16XCL</td>
<td>WINDOW, MANUAL (4) and Manual Door Locks, Front and Rear Doors, Left and Right</td>
</tr>
<tr>
<td>16XJN</td>
<td>INSTRUMENT PANEL Flat Panel</td>
</tr>
<tr>
<td>16ZBU</td>
<td>ACCESS, CAB Steel, Driver &amp; Passenger Sides, Two Steps Per Door, for use with Crew Cab</td>
</tr>
<tr>
<td>27DTU</td>
<td>WHEELS, FRONT (Accuride 29001) DISC; 22.5x7.50 Rims, Powder Coat Steel, 5-Hand Hole, 10 Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs</td>
</tr>
</tbody>
</table>
Code | Description |
--- | --- |
28DTU | WHEELS, REAR (Accuride 29001) DUAL DISC; 22.5x7.50 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs |
60AAH | BID INTG, REMOTE POWER MODULE (2) Mounted Inside Cab behind Driver Seat; Up to 6 Outputs & 6 Inputs each, Max. 20 amp per Channel, Max. 80 amp Total (Includes 2 Switch Packs with Latched Switches) |
60ABE | BID INTG, PTO ACCOMMODATION for Electric over Hydraulic PTO, Does Not Include Solenoids, with Latched Switch Mounted on Dash Includes Audible Alarm and Indicator Light in Gauge Cluster (Requires 1 Remote Power Module input & 1 output) |
7372135415 | (2) TIRE, FRONT 11R22.5 Load Range G HSR2 (CONTINENTAL), 498 rev/mile, 75 MPH, All-Position |
7372135423 | (4) TIRE, REAR 11R22.5 Load Range G HDR2 (CONTINENTAL), 491 rev/mile, 75 MPH, Drive |
40129 | WARRANTY Standard for MV Series, Effective with Vehicles Built July 1, 2017 or Later, CTS-2020A |
40PEU | SRV CONTRACT, EXT VEH COVERAGE (Navistar) To 36-Month/150,000 Miles (240,000 km), Excludes Extended Warranty for Engine and Transmission |
40SZA | SRV CONTRACT, EXT CMS ENG/AFTR (Cummins) To 36-Month/150,000 Miles (240,000 km), Extended Cummins L9 Engine Coverage, Protection Plan 1 and Aftertreatment |

Services Section:
**DOÑA ANA COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
Doña Ana County Government Center  
845 North Motel Boulevard  
Las Cruces, New Mexico 88007  
Telephone: (575) 647-7200  
Toll-Free: (877) 827-7200

**November 27, 2018**  
**Meeting Date**

**Flood Commission**  
Initiating Department  
John Gwynne, Director  
Contact Person

---

**TITLE OF AGENDA ITEM TO BE CONSIDERED**

APPROVE AWARD FROM NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (NMDHSEM), HAZARD MITIGATION GRANT FOR UPDATING THE COUNTY’S EXISTING ALL HAZARDS MITIGATION PLAN AND DELEGATE SIGNATURE AUTHORITY TO THE COUNTY MANAGER FOR ALL RELATED CONTRACT AND GRANT DOCUMENTS

---

**SUMMARY OF ITEM TO BE CONSIDERED**

INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED

Request for approval of a Hazard Mitigation Grant for the amount of $60,000 with a local match from Flood Commission reserves in the amount of $20,000 for a total project cost of $80,000. The funds will be used for the creation of a multi-jurisdictional All Hazards Mitigation plan for Doña Ana County, City of Las Cruces, Village of Hatch, Town of Mesilla, Elephant Butte Irrigation District (EBID), NMSU and City of Anthony, New Mexico. A contractor will be chosen through the RFP process. The goal of the mitigation planning effort is to reduce or eliminate long term risk to life and property from all hazard events. The development of this mitigation plan will also ensure continued eligibility for non-emergency, federal hazard mitigation grants.

**DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED**

Hazard Mitigation Grant Agreement  
Budget Revision/Resolution

---

**SUMMARY OF FINANCIAL IMPACT**

The Flood Commission, through the Hazard Mitigation Grant Program administered by the New Mexico Department of Homeland Security and Emergency Management, received a grant for a 75/25 match of funds. A Hazard Mitigation Grant for the amount of $60,000 with a local match from Flood Commission budget in the amount of $20,000 for a total project cost of $80,000.

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**ADMINISTRATIVE REVIEW AND APPROVAL**

<table>
<thead>
<tr>
<th>Finance</th>
<th>Legal</th>
<th>County Manager/Agenda Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchasing</td>
<td>Human Resources</td>
<td>Assistant County Manager</td>
</tr>
<tr>
<td>Planning</td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

---

**DOCUMENT CONTROL**

Original/s for signature? X Yes No  
For Recording? X Yes No

Return original/s to: John Gwynne Name Flood Dept.

Send copy of recorded original/s (resolution and ordinances only) to: Amy Perez Name Legal Dept.

Deadline for return of document/s? Yes, return by: ________________ or __ No
DOÑA ANA COUNTY
BUDGET REVISIONS
(STD 1001 - Updated 06/18/18)

Meeting Date: November 27, 2018
FUND/ORGANIZATION: Flood Commission/FEMA-PDMC-PL-06-NM-2017-08

1.) Item was ☐ was not ☑ included in the department's original budget request.

2.) Type of Revenue/Expenditure:
☐ R - Recurring items which will occur more than once
☑ OT - Non-recurring for one-time items that are unlikely to occur again

3.) Type of Adjustment:
☐ A.) Inter-departmental transfer (between funds or different departments)
☑ B.) Supplemental appropriation (new funds requested from new revenue sources)
☐ C.) Use of Cash Reserves (fund request from reserves)
☐ D.) Intra-departmental transfer (within department budget)

4.) The Budget Adjustment Requested Will Require The Following Revisions:

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER/NAME</th>
<th>AVAILABLE BUDGET BALANCE</th>
<th>INCREASE OR &lt;DECREASE&gt;</th>
<th>REVISED AVAILABLE BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>25135-20614-53176-200 Grant Revenues</td>
<td>$0.00</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
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<tr>
<td>Total - Revenues</td>
<td>$0.00</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>TOTAL - REVENUES</td>
<td>$0.00</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>25135-20614-71030-200 Professional Services</td>
<td>$0.00</td>
<td>$80,000.00</td>
<td>$80,000.00</td>
</tr>
<tr>
<td>TOTAL EXPENDITURES</td>
<td>$0.00</td>
<td>($80,000.00)</td>
<td>($80,000.00)</td>
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<tr>
<td>TOTAL - EXPENDITURES</td>
<td>$0.00</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>TOTAL - REVENUE (PLUS)</td>
<td>$0.00</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>GRAND TOTALS (NET EFFECT) -</td>
<td>$0.00</td>
<td>($20,000.00)</td>
<td>($20,000.00)</td>
</tr>
</tbody>
</table>

5.) Reasons For the Budget Adjustment Requests:
A new Grant from the New Mexico Department of Homeland Security & Emergency Management for the amount of $60,000.00 was obtained for updating the All Hazard Mitigation Grant. This grant funding was not included in the original budget. The grant requires a cash match of $20,000.00.

6.) Approval Requested By: ____________________________ Date: 11/9/2015
   (Department Head/Signature Required)

7.) Approved By Budget Office.: ____________________________ Date: 11-9-18

8.) Approved By Finance Director: ____________________________ Date: 

9.) Approved By County Manager: ____________________________ Date: 
   (Resolution Number)
WHEREAS, the governing body in and for the County of Doña Ana, State of New Mexico, has developed a budget revision attached hereto for the fiscal year 2018-2019; and

WHEREAS, said budget revision was developed on the basis of need of the County; and

WHEREAS, it is the majority opinion of this Board that the proposed budget revision meets the requirements as currently determined for the fiscal year 2018-2019.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Doña Ana County, State of New Mexico, hereby adopts this budget revision attached hereto and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

Resolved in the Board session this 27th of November, 2018.

BOARD OF COUNTY COMMISSIONERS OF DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson, Chair, District 3 For / Against

Isabella Solis, Vice-Chair, District 4 For / Against

Billy G. Garrett, District 1 For / Against

Ramon S. Gonzalez, District 2 For / Against

Kim Hakes, District 5 For / Against

ATTEST:

Amanda López Askin, Ph.D.
County Clerk
# Sub-Recipient Grant Agreement

## 2017 Pre-Disaster Mitigation Grant (PDMC)

### 2017 Federal Grant No.: EMT-2018-PC-0006

### CFDA No.: 97.047

<table>
<thead>
<tr>
<th>1. Sub-Grant No.</th>
<th>2. Sub-Recipient Name</th>
<th>3. Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMA-PDMC-PL-06-NM-2017-08</td>
<td>DONA ANA COUNTY</td>
<td>HAZARD MITIGATION PLAN UPDATE</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>4. State DFA Vendor Number</th>
<th>5. EIN Number</th>
<th>6. DUNS Number</th>
<th>7. Cage Code</th>
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<tbody>
<tr>
<td>46539</td>
<td>85-6000281</td>
<td>045612165</td>
<td>4KZ67</td>
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</table>

<table>
<thead>
<tr>
<th>8. Sub-Recipient Physical Address</th>
<th>9. Sub-Recipient Remit Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>845 N MOTEL BLVD</td>
<td>845 N MOTEL BLVD</td>
</tr>
<tr>
<td>LAS CRUCES, NM 88007</td>
<td>LAS CRUCES, NM 88007</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. DHSEM Contact Name:</th>
<th>11. Contact Desk Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATHARINE WATSON</td>
<td>505-476-9626</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12a. Performance Period Start Date</th>
<th>12b. Performance Period End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/19/2018</td>
<td>12/21/2020</td>
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</table>

<table>
<thead>
<tr>
<th>13. Total Award Amount:</th>
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</thead>
<tbody>
<tr>
<td>$80,000.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13a. Federal Share</th>
<th>13b. Local Share</th>
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</thead>
<tbody>
<tr>
<td>$60,000.00</td>
<td>$20,000.00</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>14a. Name of Project Award</th>
<th>14b. Federal Amount Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Contracting</td>
<td>$57,000.00</td>
</tr>
<tr>
<td>2 Travel</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>3</td>
<td>$</td>
</tr>
<tr>
<td>4</td>
<td>$</td>
</tr>
<tr>
<td>5</td>
<td>$</td>
</tr>
<tr>
<td>6</td>
<td>$</td>
</tr>
</tbody>
</table>

| Total Federal Amount of Projects | $60,000.00 |
15. RECITALS, GRANT REQUIREMENTS, ASSURANCES AND AGREEMENTS

RECITALS

WHEREAS, the New Mexico Department of Homeland Security and Emergency Management (DHSEM) has been designated by the Federal Emergency Management Agency (FEMA) to serve as Recipient, and is thereby authorized to issue this agreement to the applicant, Sub-Recipient, DONA ANA COUNTY.

WHEREAS, funding has been obligated from the Federal Emergency Management Agency (FEMA) pursuant to a request by the applicant, Sub-Recipient, DONA ANA COUNTY.

NOW, THEREFORE it is mutually understood and agreed between the Recipient, DHSEM, and Sub-Recipient, DONA ANA COUNTY as follows:

ARTICLE 1: CONTRACT DOCUMENTS

The following additional contract documents are fully incorporated into this agreement and thereby constitute additional terms and conditions of this agreement:

This Agreement:
Attachment I Required Reimbursement Checklist
2017 Pre-Disaster Mitigation Grant Notice of Funding Opportunity (DHS-17-MT-047-00-99)
PDMC Grant Application as approved by FEMA on SEPTEMBER 19, 2018.

Special Conditions:
All payments shall be made upon an actual cost reimbursement basis.
- All contracts must be pre-approved by DHSEM grant and program staff
- The Sub-Recipient shall submit and invoice along with all appropriate supporting financial and programmatic reporting documentation. Back-up for the associated 25% match is also required with each invoice submittal. RFA forms are not required.
- Reimbursements can be requested at a minimum quarterly or as needed. Each request must be accompanied by a breakdown of expenditures, based on the FEMA approved budget and listing each amount remaining per line item.
- Reimbursement requests will be held pending evaluation of financial and performance documentation.
- Final payment of 15% federal share will not be made until FEMA issues the Approval Letter.
- Quarterly Financial and Performance Reports are due on 10/15, 1/15, 4/15 and 7/15 for each year the sub-award is open. Request for reimbursement will not be processed if quarterly financial or performance reports are delinquent.

ARTICLE 2: SCOPE OF WORK

As authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), as amended (42 U.S.C Sections 5121 et. seq.), and Section 662 of the Post Katrina Emergency Reform Act of 2006, as amended (6 U.S.C. Section 762), DONA ANA COUNTY has been awarded funds to update the County Mitigation Plan. Funds shall be utilized as outlined in the approved budget as awarded by FEMA on SEPTEMBER 19, 2018. DONA ANA COUNTY shall match the Federal Award Amount of $60,000.00, with Local Jurisdictional Amount of $20,000.00, for a Total Project Cost of $80,000.00. All work performed pursuant to this agreement must comply with the approved PDMC work plan. All work must be completed with the performance period, between SEPTEMBER 19, 2018 and DECEMBER 21, 2020. DONA ANA COUNTY shall not sub-grant any part of this award to any other entity or organization. Within the first reporting quarter, all awards require confirmation that expenditures in the budget category toward this project will be made. If not, DHSEM may execute a de-obligation of Federal funds, without recourse by DONA ANA COUNTY.

2017 Pre-Disaster Mitigation Grant (PDMC)
2017 Federal Grant No.: EMT-2018-PC-0006 CFDA No.: 97.047
ARTICLE 3: PROJECT IMPLEMENTATION

Approved projects must commence within the first reporting quarter. If a project cannot commence and be operational within the first reporting quarter of the approved award date, the sub-Recipient must submit a written statement to DHSEM, signed by the sub-recipient signatory officials, justifying the delay in implementation, the expected starting date, and a formal request to extend the project start date past the first reporting quarter. At the sole discretion of DHSEM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

ARTICLE 4: REPORTING REQUIREMENTS

The sub recipient, DONA ANA COUNTY shall submit timely quarterly Financial Progress Reports and a quarterly Performance Progress Report to the DHSEM Grant Specialist. Use of outdated forms will not be accepted. Quarterly reports are due: January 15, April 15, July 15, October 15, and within the period of performance beginning after the conclusion of the first quarter of grant activity. The final reports are due 45 days after the end of Period of Performance. Financial Progress Reports shall describe and show the status of the funds, encumbrances, receipts of program income, cash or in-kind contributions to the project, and whether or not a local match is required.

The applicant must immediately report in writing to the DHSEM Sub-Grant Analyst any alleged acts or allegations of fraud or misappropriation of funds for work authorized under this Sub-Grant Agreement. This requirement extends further to an obligation by the sub-recipient to report any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

ARTICLE 5: REIMBURSEMENTS

Submission of a request for reimbursement must be accompanied by a financial report form. Reimbursement shall be based upon authorized and allowable expenditures consistent with the project narrative, grant guidelines, and the submission of timely Financial and Performance Progress Reports. Payments may be withheld by DHSEM pending correction of deficiencies. Reimbursement of expenditures shall be requested at least quarterly for expenditures within the performance period. Expenditures must be supported with source documentation (e.g. copies of proof of payment, invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.). Grant staff will not process reimbursement if quarterly performance and fiscal reports are not timely submitted.

Contracts: All requests for proposals/bids, sole-source procurements, single vendor response to a competitive bid, and contracts require DHSEM pre-approval prior to implementation. Requests for reimbursement for contractual services must be accompanied by the relevant contract.

Local Match: Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.

Travel: All reimbursable travel must be pre-approved by DHSEM 30 days prior to travel date.

Per Diem: Reimbursements for local jurisdictions cannot exceed the rates of the New Mexico Mileage and Per Diem Act.

Non-reimbursable Expenses:
- Transfer of funds between any programs. Contracts, single vendor response to a competitive bid, sole source contracts, and procurements greater than $60,000 not pre-approved by DHSEM.
- Training and related travel costs not pre-approved by DHSEM.
- Indirect costs
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds).

2017 Pre-Disaster Mitigation Grant (PDMC)
2017 Federal Grant No.: EMT-2018-PC-0006 CFDA No.: 97.047
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Weapons and ammunition.
- Entertainment and sporting events.
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel, personal phone calls.
- Travel insurance, visa, and passport charges.
- Lodging costs in excess of State per diem, as appropriate.
- Lunch when travel is wholly within a single day.
- Stand-alone working meals.
- Alcoholic beverages.
- Late fees or interest charges.
- Lobbying, political contributions, legislative liaison activities.
- Organized fund-raising, including salaries of persons while engaged in these activities.
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

ARTICLE 6: PERFORMANCE MEASURES

Quarterly Progress Reports shall demonstrate performance and progress relative to acceptable performance on applicable critical tasks:
1. Progress in achieving project timelines and milestones.
2. Percent measurable progress toward completion of project.
3. How funds have been expended during reporting period, and explaining expenditures related to the project.

ARTICLE 7: SUB-RECIPIENT MONITORING POLICY

Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHSEM reserves the right to periodically monitor, review, and conduct analysis of financial, programmatic, and administrative policies, procedures, and practices. This monitoring may include review of accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting, procurement, records management, payroll, means of allocating staff costs, property and equipment management system, progress of project activities, etc.. Monitoring may include desk and field audits. DHSEM will also conduct sub-recipient monitoring. Technical assistance is available from DHSEM staff.

ARTICLE 8: PROCUREMENT

When procuring property and services under this agreement, the sub-recipient will follow 2 CFR 200.318 through 2 CFR 200.326. The sub-recipient must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 CFR 200. As such, the sub-recipient must use one of the methods of procurement identified in 2 CFR 200.320. The sub-recipient may request that its procurement system be reviewed by FEMA or DHSEM to determine whether its system meets standards in order for its system to be compliant.

Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the
award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.

ARTICLE 9: CONTRACTS

Any contract entered into during this grant period shall comply with local, State and Federal government contracting regulations. Contracts for professional and consultant services must include local, State and Federal government required contract language, a project budget, and require pre-approval by DHSEM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices and time and effort reports are required for consultants.

ARTICLE 10: AUDIT REQUIREMENTS

As the Federal grant recipient, the State of New Mexico requires a sub-recipient expending $750,000 or more in Federal funds in the organization's fiscal year to conduct an organization-wide audit in accordance with 2 CFR 200 Subpart F. DONA ANA COUNTY will permit the State of New Mexico Grant and Program officials and auditors to have access to the sub-recipient's and third-party contractors' records and financial statements as necessary for the State of New Mexico to comply with 2 CFR 200 Subpart F. Copies of audit findings must be submitted to DHSEM within 30 days after DONA ANA COUNTY receives its audit report, or within a 9-month period of the grant closeout date, whichever is earlier, in accordance with 2 AAC 45.010. Include the Federal agency name, program, grant number, and year; the CFDA title and number; and the name of the pass-through agency.

ARTICLE 11: PROPERTY AND EQUIPMENT MANGEMENT

The sub-recipient will follow the property standards articulated in 2 CFR 200.310 through 2 CFR 200.326. The sub-recipient shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A Property Inventory Report shall be submitted to DHSEM annually each January 30 with the Financial Progress Report during the performance period, and continued submission is required annually until final disposition of the equipment. The sub-recipient shall, when practical, prominently display the following on any equipment purchased with award funds: Purchased with funds provided by the Federal Emergency Management Agency. No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHSEM, prior to the jurisdiction's encumbrance or expenditure for that equipment.

ARTICLE 12: NEPA/EHP COMPLIANCE

The sub-recipient must provide information to DHSEM to assist with the legally-required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances.

Recipients shall not undertake any activity from the project that would result in ground disturbance, facility modification, or relates to the use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings that are 50 years old or older, and exercises. Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. An EHP

2017 Pre-Disaster Mitigation Grant (PDMC)
2017 Federal Grant No.: EMT-2018-PC-0006 CFDA No.: 97.047
Screening Form will not need to be provided for those exercises that are planned to take place at previously approved facilities, such as, fire and police academies, search and rescue training facilities, and explosive testing centers. Any type of exercise that requires any type of land, water, or vegetation disturbance or building of temporary structures must undergo an EHP review.

Any change to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Initiation of these activities prior to completion of FEMA’s EHP review will result in a non-compliance finding and may result in ineligibility of grant funding.

ARTICLE 13: PUBLICATIONS

Publications created with funding under this grant shall prominently contain the following statement or a DHSEM pre-approved modification: This Document was prepared under a sub-grant from the Federal Emergency Management Agency, and the New Mexico Department of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the Federal Emergency Management Agency or the State of New Mexico.

ARTICLE 14: RECORDKEEPING

The sub-recipient will follow the record retention and access standards articulated in 2 CFR 200.333 through 2 CFR 200.337. The grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

ARTICLE 15: CHANGES TO AWARD

All change requests must be submitted either in writing or electronically to the designated DHSEM Mitigation Specialist and ASB Sub-Grant Analyst for review and possible approval. All change requests must be accompanied by a justification narrative and a budget and spending plan. All change requests must be consistent with the scope of the project and grant guidelines. Change requests will be considered only if reporting requirements are current, and all other terms and conditions of this agreement have otherwise been met at the time the request. If approved by DHSEM, changes in the programmatic activities, purpose of the project, key personnel specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions, will result in an amendment to this award.

ARTICLE 16: OTHER GENERAL PROVISIONS

A. The performance period for this grant award is SEPTEMBER 19, 2018 through DECEMBER 21, 2020. Further, all personnel related grant activity must be completed between SEPTEMBER 19, 2018 and DECEMBER 21, 2020. Funds may not be obligated outside of these time periods. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the Final Progress and Financial Reports are due.
B. The sub-recipient shall comply with the requirements and restrictions of the DHS Federal NOFO for PDM 2017. By signing this obligating award document, the sub-recipient certifies it has read, understood and accepted these documents as binding.

C. The signatures of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The sub-recipient shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of the Federal Emergency Management Agency.

D. The signature of the signatory officials on this award attests to DONA ANA COUNTY understanding, acceptance, and compliance with Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.

E. DONA ANA COUNTY shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.

F. DONA ANA COUNTY shall comply with Federal Civil Rights Laws and Regulations: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, and Americans with Disabilities Act of 1991. DONA ANA COUNTY will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. Executive Order 13347 Individuals with Disabilities in Emergency Preparedness requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.

G. DONA ANA COUNTY certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (EEOP) (for USDHS/DOJ grants). An EEOP is not required for recipients of less than $25,000.00 or fewer than 50 employees.

H. DONA ANA COUNTY certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

I. It is the responsibility of DONA ANA COUNTY as the recipient of these federal funds to fully understand and comply with the requirements of:

- Assurances, Administrative Requirements, Cost Principles, and Audit Requirements, Application for Federal Assistance (SF-424), OMB #4040-0004; Budget Information for Non-construction Programs (SF-424A), OMB #4040-0006, or Budget Information for Construction Programs (SF-424C), OMB #4040-0008; Assurances for Non Construction Programs (SF-424B), OMB #4040-0007, or Assurances for Construction Programs (SF-424D), OMB #4040-0009; Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements (FEMA Form 20-16C), OMB #1650-0025; and Disclosure of Lobbying Activities (SF-LLL), OMB #4040-0013 (if the Applicant has engaged in or intends to engage in lobbying activities). http://www.grants.gov/web/grants/forms/sf-424-family.html and https://www.fema.gov/media-library/assets/documents/9754
- Whistleblower Protection Act,

2017 Pre-Disaster Mitigation Grant (PDM)
2017 Federal Grant No.: EMT-2018-PC-0006 CFDA No.: 97.047
Use of DHS Seal, Logo and Flags - All recipients must obtain permission from their financial assistance office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags.


SAFECOM, https://www.dhs.gov/safecom


Limited English Proficiency (Civil Rights Act of 1964, Title VI), https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited


2017 Pre-Disaster Mitigation Grant (PDMC)
2017 Federal Grant No.: EMT-2018-PC-0006 CFDA No.: 97.047
https://www.med.upenn.edu/orss/docs/FlyAmericaAct.pdf, Comptroller General Decision B-138942
http://www.gao.gov/products/441704

Best Practices for Collection and Use of Personally Identifiable Information (PII) - DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publicly-available privacy policy that describes standards on the usage and maintenance of PII they collect. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

Americans with Disabilities Act of 1990, 42 U. S. C. Sections 12101, 12213,
https://www.ada.gov/pubs/adastatute08.htm

Age Discrimination Act of 1975, Title 42 U.S. Code section 6101 et
https://www.dol.gov/oasam/regs/statutes/age_act.htm

Activities Conducted Abroad - All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Acknowledgment of Federal Funding from DHS - All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.


Copyright, 17 U.S.C. sections 401 or 402, https://www.gpo.gov/fdsys/granule/USCODE-2010-title17/USCODE-2010-title17-chap4-sec402


DHS Specific Acknowledgements and Assurances
- All recipients, sub-recipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
- Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
- Recipients must give DHS access to and the right to examine and copy, records, accounts, and other documents and sources of information related to the award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS
regulations and other applicable laws or program guidance.

- Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS financial assistance office and the DHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS financial assistance office and the CRCL office by e-mail or mail at the addresses listed above.
- The United States has the right to seek judicial enforcement of these obligations.


ARTICLE 17: PENALTY FOR NON COMPLIANCE

For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHSEM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHSEM shall notify the sub-recipient of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The sub-recipient must respond within 5 days of receipt of notification.

(a) Unwillingness or inability to attain project goals
(b) Unwillingness or inability to adhere to Article 19, Special Conditions.
(c) Failure or inability to adhere to grant guidelines and federal compliance requirements
(d) Improper procedures regarding contracts and procurements
(e) Inability to submit reliable and/or timely reports
(f) Management systems which do not meet federal required management standards
(g) Failure or inability to adhere to the terms and conditions of this agreement

ARTICLE 18: TERMINATION

For Cause: If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHSEM will provide notice of five (5) days to the sub-recipient stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHSEM will reimburse the sub-recipient only for acceptable work or deliverables,
necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHSEM until completion of a final DHSEM review. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

For Convenience: This Agreement may be terminated without cause by either of the parties upon written notice delivered to the other party at least 30 days prior to the intended date of termination. A termination pursuant to this provision does not nullify a party’s obligations for performance or liabilities for failure to perform already incurred prior to the date of termination. Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Homeland Security (USDHS) and the DHSEM, by written notice, may terminate this grant, in whole or in part, when it is in the Government’s interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

This space has been intentionally left blank.
ARTICLE 19: SPECIAL CONDITIONS
* Grant funds cannot be expended until these conditions have been met.

1) **PDMC Notice of Funding Opportunity Requirements** - All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the terms and conditions of your award. All recipients must comply with any such requirements set forth in the program NOFO.

2) The grant award amount is a funding allocation, and is not to be interpreted as expenditure authorizations or approvals. Pre-approval from DHSEM’s Mitigation Unit and Administrative Service Bureau (ASB) is required for applicable purchases regardless of any application review.

3) All awarded projects must be planned for, conducted, budgeted and expended within the designated performance period.

4) All PDMC performance activities will be monitored by the Mitigation Unit and ASB on a quarterly basis or as needed to ensure sub-recipients are conducting progressive activities to ensure project completion within the specified performance period.

5) Quarterly financial and progress reports are due on April 15, July 15, October 15, January 15 for each calendar year the award is open and submits to: Catherine.watson@state.nm.us.

6) All Budget Revisions must be reviewed and approved by the Mitigation Unit and ASB to ensure that the proposed project meets all federal and state eligibility requirements. Budget Revisions must meet the original scope of the project.

7) If a revision of the project(s) scope of work is requested, it must be pre-approved by the Mitigation Unit and FEMA.

8) The beneficiary of this award is solely responsible for all expenditures that are incurred outside of the award performance period.

9) All expenditures that are incurred above and beyond the amount of this sub-grant agreement are the sole responsibility of the sub-recipient of this award.

10) Procurement from Minority Owned and Women Owned Business is encouraged, and must be tracked and reported to DHSEM on the quarterly reports.

11) Annual external audit reports must be submitted to DHSEM within 30 days of receipt by sub-recipients.

12) All Contracts for goods and services, to include the project scope of work, must be reviewed and approved the Mitigation Unit and ASB before execution, to include signing of contract between parties.

13) All requests for Sub-grant award extensions must be received at DHSEM prior to the 90-day grant award termination date. Requests for sub-grant award extensions will only be considered for documented extenuating circumstances and will be reviewed by the Mitigation Unit on a case-by-case basis.

14) Upon completion of all awarded projects, any remaining funds will be de-obligated and reverted back to NMDHSEM.
The acceptance of a grant from the United States and the State of New Mexico creates a legal duty and obligation on the part of the Sub-Recipient DONA ANA COUNTY to use the funds or property made available in accordance with the conditions of the grant as administered by and through the New Mexico Department of Homeland Security and Emergency Management.

**SIGNATURE OF ACCEPTANCE**

<table>
<thead>
<tr>
<th>JURISDICTION SIGNATURES</th>
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<tbody>
<tr>
<td>Signature of Program Manager</td>
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<tr>
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<td></td>
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<td>e-Mail Address:</td>
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<tr>
<td>Signature of Jurisdiction Chief Financial Officer</td>
<td>DATE</td>
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<td>Printed Name:</td>
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<td>Contact Number:</td>
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<tr>
<td>e-Mail Address:</td>
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<tr>
<th>NM DHSEM SIGNATURES</th>
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<tbody>
<tr>
<td>Signature of DHSEM Grants Unit Manager</td>
<td>DATE</td>
</tr>
<tr>
<td>Print Name: Juanita Abeyta</td>
<td></td>
</tr>
<tr>
<td>Signature of DHSEM Chief Financial Officer</td>
<td>DATE</td>
</tr>
<tr>
<td>Print Name: Sarah J. Peterson</td>
<td></td>
</tr>
<tr>
<td>Signature of DHSEM Cabinet Secretary</td>
<td>DATE</td>
</tr>
<tr>
<td>Print Name: M. Jay Mitchell</td>
<td></td>
</tr>
</tbody>
</table>

Please print two (2) originals, sign both and mail to:
P.O. Box 27111, Santa Fe, NM 87502
Attn: Catherine Watson
Attachment I

Required Reimbursement Checklist

Please Note: DHSEM reserves the right to update this check list throughout the life of the Sub-grant to ensure compliance with applicable federal and state rules and regulations. Please only check the categories that apply to the reimbursement you are currently requesting.

EQUIPMENT
- □ Have all invoices been included?
- □ Has proof of payment been included? (e.g., canceled check, Electronic Funds Transfer (EFT) confirmation, or P-Card back up documentation which will include receipt with vendor, copy of credit card statement showing expense charged, and payment to credit card Company for that statement)

CONSULTANTS/CONTRACTORS
- □ Does the amount billed by consultant add up correctly?
- □ Has all appropriate documentation to denote hours worked been properly signed?
- □ Have copies of all planning materials and work product (e.g., meeting documents, copies of plans) been included? (If a meeting was held by recipient or contractor/consultant of recipient, an agenda and signup sheet with meeting date must be included).
- □ Has the invoice from consultant/contractor been included?
- □ Has proof of payment been included? (e.g., canceled check, Electronic Funds Transfer (EFT) confirmation, or P-Card back up documentation which will include receipt with vendor, copy of credit card statement showing expense charged, and payment to credit card Company for that statement).

SALARY POSITIONS (Note: this applies to positions billed under M&A)
- □ Have the following been provided: signed time sheet by employee and supervisor and proof that employee was paid for time worked (statement of earnings, copy of payroll check or payroll register)?
- □ Has a time period summary sheet been included for total claimed amount?
- □ Has a general ledger payroll report been included for total claimed amount? Ensure this report includes both employee and employer payroll information (i.e. benefits/contributions).
- □ Does the back-up documentation include a copy of the check stub per employee for the time period covered?
- □ Does the back-up documentation provided match the time period for which reimbursement is being requested?

MATCHING FUNDS (IF APPLICABLE)
- □ Contributions are from Non Federal funding sources.
- □ Contributions are from cash or in-kind contributions which may include training investments.
- □ Contributions are not from salary, overtime or other operational costs unrelated to the approved scope of work.
Utilities staff requests Board approval to accept Technical and Financial assistance that is for the purpose of planning, environmental analysis and design for the Rehabilitation of Vado lift station #7 and extension of the wastewater system to the Sleepy Fams area. The PDAP funds will cover the 100% of planning/environmental documentation and 50% of final design cost, with the remaining 50% as Doña Ana County match. The estimated cost is $337,935 that includes the final design cost of $324,938, with $162,469 as Doña Ana County match. Upon design completion NADB will perform a financial analysis to determine debt capacity during its certification process. The certification will identify potential grant/loans for construction from sources such as Border Environment Infrastructure funds, United State Department of Agriculture Rural Development funds, and Colonias Infrastructure funds.

**SUMMARY OF FINANCIAL IMPACT**
Increase grant revenue by $337,935 and capital budget by $500,404 in South Central fund. A cash transfer will be made from the Hold Harmless Capital fund reserves to South Central fund to cover the $162,469 of the cash match.
DOÑA ANA COUNTY
NEW MEXICO

RESOLUTION NUMBER

WHEREAS, the Doña Ana County Board of County Commissioners recognizes the need for wastewater facilities in the communities throughout the County; and

WHEREAS, the Vado lift station number 7 and existing components are in need of rehabilitation to allow for the extension of the wastewater collection system to the Sleepy Farms area of Vado; and

WHEREAS, technical assistance from North American Development Bank (NADB) is necessary to complete the certification process and to provide professional services for planning and design for the rehabilitation of Vado lift station number 7 and existing components and the Sleepy Farms collection system; and

WHEREAS, NADB certification creates the opportunity to access additional funding sources from NADB funding programs.

NOW THEREFORE, BE IT RESOLVED by the Doña Ana County Board of County Commissioners that:

1. The County Manager is hereby directed to seek technical and financial assistance from NADB for the project development for Vado lift station number 7 improvements and the connection of wastewater services to the Sleepy Farms area. The project development includes an update to Preliminary Engineering Report and Environment Documents, and Public Participation and other actions required to access resources for needed infrastructure projects.

2. The estimated design cost is $337,935 of which $324,938 is for final design. The County will be required to match 50% of the final design of an estimated cost of $162,469.

3. The County Manager shall proceed with actions required by these funding agencies and any other federal, state, and local agencies to secure design and construction funding for the wastewater projects for the south central region of Doña Ana County including but not limited to the following funding sources: Border Environmental Infrastructure Funds, United States Department of Agriculture Rural Development and Colonias Infrastructure Fund.

4. The County Manager is authorized as the signatory authority for those agreements which funds said wastewater projects upon presentation and approval by the Board of County Commissioners.

Resolved in the Board session this 27th day of November 2018.

BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson, Chair, District 3 For / Against

Isabella Solis, Vice-Chair, District 4 For / Against
<table>
<thead>
<tr>
<th>Name</th>
<th>District</th>
<th>For / Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Billy G. Garrett, District 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ramon S. Gonzalez, District 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kim Hakes, District 5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ATTEST:

Amanda López Askin, Ph.D.
County Clerk
WHEREAS, the governing body in and for the County of Doña Ana, State of New Mexico, has developed a budget revision attached hereto for the fiscal year 2018–2019; and

WHEREAS, said budget revision was developed on the basis of need of the County; and

WHEREAS, it is the majority opinion of this Board that the proposed budget revision meets the requirements as currently determined for the fiscal year 2018–2019.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Doña Ana County, State of New Mexico, hereby adopts this budget revision attached hereto and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

Resolved in the Board session this 27th of November, 2018.

BOARD OF COUNTY COMMISSIONERS OF DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson, Chair, District 3  For / Against

Isabella Solis, Vice-Chair, District 4  For / Against

Billy G. Garrett, District 1  For / Against

Ramon S. Gonzalez, District 2  For / Against

Kim Hakes, District 5  For / Against

ATTEST:

Amanda López Askin, Ph.D., County Clerk
Meeting Date: November 27, 2018

FUND/ORGANIZATION: Vado LS #7 & Sleepy Farms/Hold Harmless Capital

1. Item was [ ] was not [ ] included in the department's original budget request.

2. Type of Revenue/Expenditure:
   - R - Recurring items which will occur more than once
   - OT - Non-recurring for one-time items that are unlikely to occur again

3. Type of Adjustment:
   - A.) Inter-departmental transfer (between funds or different departments)
   - B.) Supplemental appropriation (new funds requested from new revenue sources)
   - C.) Use of Cash Reserves (fund request from reserves)
   - D.) Intra-departmental transfer (within department budget)

4. The Budget Adjustment Requested Will Require The Following Revisions:

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<tr>
<th>ACCOUNT NUMBER/NAME</th>
<th>AVAILABLE BUDGET BALANCE</th>
<th>INCREASE OR &lt;DECREASE&gt;</th>
<th>REVISED AVAILABLE BALANCE</th>
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<tr>
<td>50044-40742-53176-400</td>
<td>$0.00</td>
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<td>Total - Revenues</td>
<td>$0.00</td>
<td>$337,935.00</td>
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**TRANSFERS IN:**

FROM (In): MINUS - FUND/ACCT. #: 81011

| 50044-00000-81011-400 | $0.00                     | $162,469.00            | $162,469.00               |
| Transfer Into Fund    |                           |                        |                           |
| Total - Transfers In  | $0.00                     | $162,469.00            | $162,469.00               |
| TOTAL - REVENUES      | $0.00                     | $500,404.00            | $500,404.00               |

| 50044-40742-74118-900 | $0.00                     | $500,404.00            | $500,404.00               |
| Architectural Services|                           |                        |                           |
| TOTAL EXPENDITURES    | $0.00                     | $500,404.00            | $500,404.00               |

**TRANSFERS OUT:**

To (Out): PLUS - FUND/ACCT. #: 82012

| 45070-00000-82012-100 | $404,158.71               | $162,469.00            | $566,627.71               |
| Transfer Out of Fund  |                           |                        |                           |
| TOTAL - TRANSFERS OUT | $404,158.71               | $162,469.00            | $566,627.71               |
| TOTAL - EXPENDITURES  | ($404,158.71)             | ($662,873.00)          | ($1,067,031.71)           |
| TOTAL - REVENUE (PLUS)| $0.00                     | $500,404.00            | $500,404.00               |

**GRAND TOTALS (NET EFFECT):**

|                | ($404,158.71)             | ($1,067,031.71)        | ($566,627.71)             |

5. Reasons For the Budget Adjustment Requests:
   
   Increase the capital budget in South Central as per grant of technical and financial assistance and cash match to North Development Bank Project Development Assistance Program funds for the rehabilitation of Vado lift station #7 and extension of the wastewater system to the Sleepy Farms area. A cash transfer will be made from cash reserves in the Hold Harmless Capital Fund.

6. Approval Requested By: (Department Head Signature Required)

7. Approved By Budget Office: Date: 11-21-18

8. Approved By Finance Director:

9. Approved By County Manager:

(Resolution Number)
DOÑA ANA COUNTY
BOARD OF COUNTY COMMISSIONERS
Doña Ana County Government Center
845 North Motel Boulevard
Las Cruces, New Mexico 88007
Telephone: (575) 647-7200
Toll-Free: (877) 827-7200

Utilities Department
Initiating Department

Dan Sambrano, Utilities Manager
Contact Person

November 27, 2017
Meeting Date

6
Agenda Item Number

TITLE OF AGENDA ITEM TO BE CONSIDERED
APPROVE AWARD OF COMPETITIVE SEALED BID 19-0008 TO CALIPER CONSTRUCTION INC., FOR CONSTRUCTION OF THE CHAPARRAL WASTEWATER COLLECTION SYSTEM - PHASE 1C, BID PACKAGE #4, AND DELEGATE SIGNATURE AUTHORITY TO THE COUNTY MANAGER FOR RELATED CONTRACT DOCUMENTS, CHANGE ORDERS, AND RENEWALS.

SUMMARY OF ITEM TO BE CONSIDERED
INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED
Request for Proposal sealed bid # 19-0008 was issued to solicit interest, was advertised in the local paper, and sent to interested contractors. Nine (9) contractors responded. Approve award to Caliper Construction for the construction of the Chaparral Wastewater Collection System – Phase 1C, Bid Package #4. The cost for the construction is $840,440.40 plus GRT will be paid from Colonias Infrastructure Project grant/loan # 4642-CIF18 with the County’s match as accepted by the BOCC on Oct 9, 2018, and the State Capital Appropriation Project 16-A2254-STB grant accepted by the BOCC on September 13, 2016. Additionally, we are requesting authorization for the County Manager to have signature authority over the related contract documents, amendments, and renewals. Any cost savings from the construction of this project will be given back to the Colonia’s Board. Our match will be used first in payment to the contractor then the loan and grant money to complete the cost of the project.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED
Bid Tabulation
Engineer’s recommendation

SUMMARY OF FINANCIAL IMPACT
The funding structures consists of Colonias 4642-CIF18 loan for $96,546 and grant of $868,917, State Appropriation grant 16-A2254-STB of $137,488 and a cash match $92,066. Hold Harmless GRT proceeds have been provided to cover the match component.

ADMINISTRATIVE REVIEW AND APPROVAL

<table>
<thead>
<tr>
<th>Finance</th>
<th>Legal</th>
<th>County Manager/Agenda Review</th>
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<tr>
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<th>Human Resources</th>
<th>Assistant County Manager</th>
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<table>
<thead>
<tr>
<th>Planning</th>
<th>Public Works</th>
</tr>
</thead>
</table>

DOCUMENT CONTROL

Original/s for signature? _ Yes _ X No For Recording? _ Yes _ X No
Return original/s to: _ Don Bullard _ Name _ Purchasing _ Dept.
Send copy of recorded original/s (resolution and ordinances only) to: _ Name _ Dept.
Deadline for return of document/s? _ Yes, return by: _ or _ No
October 24, 2018

Don Bullard, Purchasing Manager
Dona Ana County
845 N. Motel Blvd.
Las Cruces, NM 88007

Re: Chaparral Wastewater Collection System – Phase 1C, Bid package #4
Bid Award Recommendation
BHI Project No. 20190152
DAC BID NO. 19-0008

Dear Mr. Bullard:

Bids were opened for the above-referenced project on Tuesday, October 23, 2018 at 2:00 p.m. The project consists of construction of approximately 5,800 LF of 8" gravity sewer collection line including manholes, service stub outs, and pavement removal and replacement on Golden Eagle Trail in Chaparral, NM.

The project was bid on a lump sum and unit price bid schedule. Final quantities may vary from those estimated in the Bid Schedule. A total of nine bids were received before the scheduled Bid Opening. The bid documents were to include Resident Contractor Certification and Resident Veteran Contractor Certification. Those contractors that qualify for a discounted preference, by providing the pertinent certification documentation, are indicated in the bid tabulation form attached to this letter. The project award amount would be the total base bid of the project. The bid from Spartan Construction contain mathematical errors which had no impact to the bid results as shown in the attached bid tabulation. A tabulation of the bids and the engineer's estimate of probable cost are attached. A summary of the three lowest bids is shown below:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
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</thead>
<tbody>
<tr>
<td>Caliper Construction Inc.</td>
<td>$840,440.40</td>
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<tr>
<td>Las Cruces, NM</td>
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<tr>
<td>J29 Enterprises, LLC</td>
<td>$903,068.40</td>
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<tr>
<td>Las Cruces, NM</td>
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<tr>
<td>Morrow Enterprises Inc.</td>
<td>$980,806.00</td>
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<td>Las Cruces, NM</td>
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<tr>
<td>Engineer Estimate</td>
<td>$1,008,790.00</td>
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</table>

These figures do NOT include New Mexico Gross Receipts Tax at a rate of 6.750%
The apparent low bidder is:

Caliper Construction Inc.  
NM Contractor License No. 88225  
Expires 2/28/2021

P.O. Box 1719  
Las Cruces, NM 88004  
575.524.3924

The apparent low bidder's licenses have been verified with Contractors Licensing Services, Inc., are valid for the type of work to be accomplished and are in active status. We have worked with Caliper Construction Inc. on previous projects with satisfactory results.

The contract documents require that bidders hold the bid prices for a period of sixty (60) days after the bid opening to allow the owner to evaluate the bid proposals. Based on the attached funding analysis, it is our understanding that the Doña Ana County has adequate grant funding to award the total base bid of the project. On the basis of the above, I recommend that the Doña Ana County Board of Commissioners award the project to Caliper Construction Inc. for the base bid in the amount of $840,440.40.

The County should take action (in the form of a vote) to accept or revise this recommendation in accordance with the County's objectives for award of the construction contract. It is my understanding that consideration of the award will take place at a regular commission meeting on November 27, 2018 contingent upon NMED-CPB approval. Please do not hesitate to contact me if you have any questions or need further assistance with this prior to that time.

Sincerely,

[Signature]

David M. Shields, CET  
Project Manager

DMS/dg  
Enclosure(s)

cc: Caliper Construction Inc.
<table>
<thead>
<tr>
<th>ENGINEERING SERVICES</th>
<th>Amount</th>
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</thead>
<tbody>
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<td>041 -- Bidding Assistance</td>
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<tr>
<td>051 -- Construction Administration</td>
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<td>052 -- Close Out &amp; Record Drawings</td>
<td>$3,000</td>
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<tr>
<td>061 -- Construction Observation</td>
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<td>24</td>
<td>ManholeConstruction</td>
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<td>Storm Water Pollution Prevention Plan</td>
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<td>26</td>
<td>Traffic Control Plan</td>
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<td>New 4&quot; Diameter Precast Manhole, 12-14 ft</td>
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<td>Shoulder Replacement</td>
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<td>Gravel Driveway Replacement</td>
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<td>Existing Pavement, Asphalt Concrete, Replacement and Removal</td>
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<td>Service Service Pipes (ch. 8)</td>
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**Total Base Bid (Items C1-C3, C19):** $1,082,621.23

**Amount of Preference (Max(10%| N/A 5% 5% 5% 0% 5% 5% 10%):** N/A

**Resident Contractor Preference:** Yes

**Amount of Preference (15%):** N/A

**Amount of Preference (20%):** N/A

**Opposition of Preference:** Yes

Page 53 of 211
Title of Agenda Item to Be Considered

Approve Award of Request for Proposal 19-0010 for Bond Counsel Services and Delegate Signature Authority to the County Manager for Related Contract Documents

Summary of Item to Be Considered
Including Presentation of Options for Action and Action Requested

Request for Proposal (RFP) #18-0049 Bond Counsel Services was issued to solicit interest, was advertised in the local paper, and was sent to potential Offerors. Three (3) firms responded. In accordance with 13-1-117 of the Procurement Code, the Manager’s Office and the Purchasing Department request approval to award RFP 19-0010 to Modrall Sperling. Additionally, we are requesting authorization for the County Manager to have signature authority over the related contract documents, amendments, and renewals.

Description of Supporting Documentation Attached

Evaluation Summary Sheet
Cost Proposal

Summary of Financial Impact

Bond Counsel services will be on a task order basis.

Administrative Review and Approval

Finance

Legal

Purchasing

Human Resources

Planning

Assistant County Manager

Other

Document Control

Original/s for signature? ___ Yes X No

For Recording? ___ Yes X No

Return original/s to: Donald Bullard Name Purchasing Dept.

Send copy of recorded original/s (resolution and ordinances only) to: Name Dept.

Deadline for return of document/s? Yes, return by: _____________ or ___ No
<table>
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<th>Offeror Name</th>
<th>Evaluator</th>
<th>Experience - General Obligation Bonds</th>
<th>Experience Local Gov. Revenue Bond Issues</th>
<th>Experience with Other Bond Types</th>
<th>Knowledge and Experience with County Gov.</th>
<th>Experience with Innovations in Bond Issuance</th>
<th>Fees</th>
<th>Resident Business Certification</th>
<th>Total Score</th>
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Cost Proposal

Organization Name: Modrall, Sperling, Roehl, Harris & Sisk, P.A.

Date: September 19, 2018

I. TOTAL AMOUNT REQUESTING $ varies depending on transaction frequency and type

II. PAYMENT SCHEDULE

Payments will be made in accordance with Article 5 – Section I of this Agreement. (Purchasing Department must approve any other financial agreements in advance)

III. COST PER UNIT OF SERVICE OR GOOD(S) PROCURED:

A. GENERAL OBLIGATION BONDS:

1. $1.75 per $1,000.00 face amount of the bonds.

2. Any minimum fee or other costs, please indicate and describe:

   minimum fee of $22,500 per issue

B. REVENUE BONDS:

1. $2.00 per $1,000.00 face amount of the bonds.

2. Any minimum fee or other costs, please indicate and describe:

   minimum fee of $25,000 per issue

C. SPECIAL ASSESSMENT DISTRICT:

1. $10.00 per $1,000.00 face amount of the bonds.

2. Any minimum fee or other costs, please indicate and describe:

   minimum fee of $45,000 per issue

RFP # 19-0010 Bond Counsel Services
D. LEASE-PURCHASE FINANCING:

1. $2.00 per $1,000.00 face amount of the certificates of participation.

2. Any minimum fee or other costs, please indicate and describe:
   minimum fee of $18,000 per issue

E. CONDUIT FINANCING:

1. $0.35 per $1,000.00 face amount of the bonds.

2. Any minimum fee or other costs, please indicate and describe:
   minimum fee of $25,000 per issue

F. REQUEST FOR INFORMATION:

Requests for information or opinions regarding prior and present bond issues as well as other requests for supplemental services or advice not related to the issuance of bonds or notes at $275 per hour.

G. REIMBURSABLE EXPENSES:

Out-of-pocket expenses that may include photocopies, long-distance telephone calls, mailings, travel and other similar expenses with prior written approval by the County shall be reimbursed at actual costs upon actual certified receipts provided. The payment shall be made at the receipt amount with no additional mark up.

H. ARBITRAGE REBATE DETERMINATION:

The fee for Arbitrage rebate determination will be charged at $2,500 per bond issue per year that the services are required.
I. DISCLOSURE COUNSEL SERVICES:

The fee for any additional service such as the preparation of the preliminary official statement, the official statement and the 10b-5 opinion shall be at the following:

1. General Obligation Bonds: $ 80% of Bond Counsel Fee with $17,500 minimum

2. Revenue Bonds: $ 80% of Bond Counsel Fee with $20,000 minimum

J. PLEASE INDICATE ANY FEES, COSTS, OR EXPENSES NOT LISTED ABOVE THAT MAY BE CHARGED TO THE COUNTY IN PROVIDING THE REQUESTED SCOPE OF SERVICES:

_________________________________________________________________________________

Signature ___________________________ Date 9/19/18

RFP # 19-0010 Bond Counsel Services
DOÑA ANA COUNTY
BOARD OF COUNTY COMMISSIONERS
Doña Ana County Government Center
845 North Motel Boulevard
Las Cruces, New Mexico 88007
Telephone: (575) 647-7200
Toll-Free: (877) 827-7200

Community Development
Initiating Department
Luis Marmolejo, Senior Planner
Contact Person

November 27, 2018
Meeting Date

Agenda Item Number
8

TITLE OF AGENDA ITEM TO BE CONSIDERED
APPROVE THE PRELIMINARY PLAT FOR LAS FLORES SUBDIVISION, PHASE 1

SUMMARY OF ITEM TO BE CONSIDERED
INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED

On November 8, 2018, the Planning and Zoning Commission (P&Z) recommended Approval of Case # SD17-002, Phase 1 of a Type II Subdivision to be known as Las Flores Subdivision, comprised of 65 lots on 16,500 acres and ranging in size from 0.138 acres to 0.657 acres. The subdivision is located on the northern edge of the colonia known as Berito. The preliminary plat for this subdivision is part of a 79-acre re-development master plan known as Las Cruces Community Farms LLP covering an area that includes the former McNally Egg Farm. The master plan proposes a three phase mixed use of 65 residential lots on 16,500 acres for Phase 1, 32 lots on 6,080 acres for Phase 2, and a collector roadway of 3,373 acres for Phase 3, and the remaining 53.45 acres is mixed use for agriculture and nurseries. Notice requirements have been met, and the data requirements were reviewed by the appropriate agencies. All infrastructure improvements, such as drainage, ponding and roadways will be inspected to insure County standards are met. Wastewater services will be provided by Doña Ana County Utilities, and water will be provided by the Lower Rio Grande Public Works Authority. The preliminary plat application meets the standards of the Unified Development Code, Article IV (Subdivisions). Staff recommends approval of Case No. Case # SD17-002.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED
1) Case summary 2) P&Z Case Analysis 3) Preliminary Plat and Disclosure Statement
4) Minutes of the November 8, 2018 P&Z meeting

SUMMARY OF FINANCIAL IMPACT
Periodic maintenance of dedicated internal roadways upon acceptance by the BOCC, $800 per mile per year @ 0.418 miles for an annual cost of $334.

ADMINISTRATIVE REVIEW AND APPROVAL

Finance
Legal
County Manager/Agenda Review

Purchasing
Human Resources
Assistant County Manager

Planning
Other

DOCUMENT CONTROL

Original/s for signature? Yes No For Recording? Yes No

Return original/s to: Name Dept.

Send copy of recorded original/s (resolution and ordinances only) to: Name Dept.

Deadline for return of document/s? Yes, return by: or No
CASE SUMMARY

Las Flores Subdivision, Phase 1
On November 8, 2018, the Planning and Zoning Commission (P&Z) recommended Approval of Case # SD17-002, Phase 1 of a Type II Subdivision to be known as Las Flores Subdivision, comprised of 65 lots on 16.500 acres and ranging in size from 0.138 acres to 0.657 acres. The subdivision is located on the northern edge of the colonia known as Berilio. The preliminary plat for this subdivision is part of a 79-acre re-development master plan known as Las Cruces Community Farms LLP covering an area that includes the former McNally Egg Farm. The master plan proposes a three phase mixed use of 65 residential lots on 16.500 acres for Phase 1, 32 lots on 6.080 acres for Phase 2, and a collector roadway of 3.373 acres for Phase 3, and the remaining 53.45 acres is mixed use for agriculture and nurseries. Notice requirements have been met, and the data requirements were reviewed by the appropriate agencies. All infrastructure improvements, such as drainage, ponding and roadways will be inspected to insure County standards are met. Wastewater services will be provided by Doña Ana County Utilities, and water will be provided by the Lower Rio Grande Public Works Authority. The preliminary plat application meets the standards of the Unified Development Code, Article IV (Subdivisions). Staff recommends approval of Case No. Case # SD17-002.

PUBLIC NOTICE / NOTIFICATION

- Seventy three (73) letters of notification were mailed to the property owners within the area of notice on November 5, 2018.
- Legal Ads were placed in the Las Cruces Sun-News on November 6, 2018.
- Signs were placed on the property in a timely manner.
- Agenda was posted on the County Web site.

APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL

Chapter 350 Unified Development Code Article IV Subdivisions
§ 350-104.C.9 Duties of the Planning and Zoning Commission
§ 350-212 Subdivision Procedures:
§ 350-212.A General Rule
§ 350-212.B Pre-application Conference
§ 350-212.C Pre-engineering Conference
§ 350-212.D Agency Review
§ 350-212.E General Notice Requirements
§ 350-212.G Preliminary Plat Review
§ 350-212.I(1) Final Plat Review and BOCC Action

Article IV Subdivisions
§ 350-401 P&Z Review
§ 350-402 Development Review Committee
§ 350-407 Subdivision Data Requirements
STAFF RECOMMENDATION

Based on the recommendation by the P&Z and the following findings of fact, staff recommends Approval of Case # SD17-002 for the proposed Type II Subdivision to be known as Las Flores Subdivision.

FINDINGS

Pursuant to UDC §350-104(D), the BOCC shall make a final decision on the Preliminary Plat application. This decision should consider the following:

1. Pursuant to UDC §350-401, on November 8, 2018, the Planning and Zoning Commission (P&Z) recommended Approval for Case # SD17-002 a Phase 1 Preliminary Plat approval for a Type II Subdivision to be known as Las Flores Subdivision.
2. The Preliminary Plat for Las Flores Subdivision is part of a 79 acre re-development Master Plan to be known as Las Cruces Community Farms LLP Master Plan.
3. Pursuant to § 350-407 Subdivision Data Requirement: Approval of Phase 1 for the Las Flores Subdivision ensures the following:
   a. Water quantity is sufficient to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, per the Office of the State Engineer.
   b. Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination, per NMED requirements.
   c. There is a means of liquid waste disposal for the subdivision, per NMED requirements.
   d. There is a means of solid waste disposal for the subdivision, per NMED requirements.
   e. There are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel, per DAC Fire Marshal’s Office and DAC Engineering.
   f. Terrain management protects against flooding, inadequate drainage, erosion and meets the requirements of the Article 6 Development Construction Standards, per DAC Flood Commission and the Doña Ana Soil and Water Conservation District.
   g. There are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act, per New Mexico SHPO.
   h. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision.
   i. The subdivision will conform to the New Mexico Subdivision Act and the UDC.

3. The Preliminary Plat Application is consistent with the UDC:
   Chapter 350 Unified Development Code Article IV Subdivisions
   § 350-104.C.9 Duties of the Planning and Zoning Commission
   § 350-212 Subdivision Procedures:
   § 350-212.A General Rule
   § 350-212.B Pre-application Conference
   § 350-212.C Pre-engineering Conference
   § 350-212.D Agency Review
   § 350-212.E General Notice Requirements
§ 350-212.G Preliminary Plat Review
§ 350-212.1(1) Final Plat Review and BOCC Action
Article IV Subdivisions
§ 350-401 P&Z Review
§ 350-402 Development Review Committee
§ 350-407 Subdivision Data Requirements
MEETING DATE:  November 8, 2018

CASE No:  SD17-002

REQUEST:  Phase 1 Preliminary Plat Approval for Las Flores Subdivision

PURPOSE:  Development of a 65 lot residential subdivision.

PROPERTY OWNER:  Las Cruces Community Farms LLP

APPLICANT / AGENT:  Pillar Engineering LLC

LOCATION:  Berino, NM

EXISTING ZONING:  T3 Neighborhood Edge

PROPERTY SIZE:  16.50 acres of 79.646 acres

PARCEL ID NO:  R1705141

RECOMMENDATION:  Conditional Approval

CASE MANAGER:  Luis Marmolejo
Senior Planner

Case #SD17-002:  Submitted by Randy McMillan in conjunction with the Las Cruces Community Farms LLP Master Plan, a Type II Subdivision to be named Las Flores Subdivision to create 63 lots on 16.500 acres ranging in size from 0.138 acres to 0.657 acres. The property is the former McNally Farm in Berino and is located within Section 3, Township 23 South, Range 3 East. The deeds were recorded in the Office of the Doña Ana County Clerk on March 9, 2016 with Instrument #1605003 and can be further identified by Parcel ID #R1705141.

SURROUNDING ZONING / LAND USES

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<td>South</td>
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<tr>
<td>East</td>
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<td>Vacant</td>
</tr>
<tr>
<td>West</td>
<td>T3 Neighborhood Edge</td>
<td>Former Chicken Housing</td>
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BACKGROUND
Exiting Conditions:

The Proposed Preliminary Plat for Las Flores Subdivision is part of the 79 acre Master Plan to be known as Las Cruces Community Farms LLP Master Plan. The Master Plan proposes a Three Phase mixed use development of: 65 residential lots on 16.500 acres for Phase 1, and 32 lots on 6.080 acres for Phase 2, and a Collector Roadway of 3.373 acres for Phase 3, the remainder 53.45 acres is mix use for agriculture and nurseries. The Las Flores Subdivision is located on the northern edge of the Berino Town Site, a recognized Colonia. The 16.634 acres for Phase 1 is vacant, sewer and water is available to the site. Access is proposed by means of 3 roads; Vargas St, Vista St, and Otero St. Pillar Engineering and Las Cruces Community Farms hosted a Community Meeting to present the Cruces Community Farms LLP Master Plan and Phase 1 of the Las Flores Subdivision. The community meeting was held at the Immaculate Conception Parish Hall located at 205 San Benito Street in Berino, NM at 6:00 p.m. on Thursday, August 31, 2017. Changes to the proposal of the Master Plan and Phase 1 are reflected in this submittal.

The request: An application for the approval of a Type II Subdivision submitted by Pillar Engineering LLC. The applicant is proposing 65 lots on 16.500 acres that range in size from 0.657 acres to 0.138 acres.

APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL

Chapter 350 Unified Development Code Article IV Subdivisions
§ 350-104.C.9 Duties of the Planning and Zoning Commission
§ 350-212 Subdivision Procedures:
§ 350-212.A General Rule
§ 350-212.B Pre-application Conference
§ 350-212.C Pre-engineering Conference
§ 350-212.D Agency Review
AGENCY COMMENTS:

Community Development Department: Staff recommends all outstanding comments from the reviewing agencies will be satisfied prior to Final Plat APPROVAL submittal as a Condition for Approval.

Development Review Committee: On October 5, 2018, the DRC recommended approval of the Las Cruces Community Farms LLP Master Plan and Phase 1 of the Las Flores Subdivision.

County Fire Administration: Satisfactory recommendation is given for the Master Plan and Phase 1

County Engineering Department: The applicant is addressing minor details to the plat that will be finalized prior to the Final Plat. A variance is being required for road design (construction drawings) to street capacity collected flows that do not affect the Plat.

County Flood Commission: The applicant is addressing minor details to the plat that will be finalized prior to the Final Plat. A variance is being required for road design (construction drawings) to street capacity collected flows that do not affect the Plat.

Mesilla Valley Metropolitan Organization: Yes, McNally and Thomson are both local roads.

Office of State Engineer: A positive opinion is issued.

NMED, Santa Fe: A positive opinion is issued.

NMDOT, Santa Fe: A positive opinion is issued. When the area develops north of the subdivision a new traffic analysis will be required.

SHPO, Santa Fe: SHPO reports no concerns.

Doña Ana S&WCD: The applicant is finalizing comments, staff is making this a condition prior to BOCC hearing.

GISD: A positive opinion is issued.

PUBLIC NOTICE / NOTIFICATION

- Seventy three (73) letters of notification were mailed to the property owners within the area of notice on October 16, 2018.
- Legal Ads were placed in the Las Cruces Sun-News on October 17, 2018.
- Signs were placed on the property in a timely manner.
- Agenda was posted on the County Web site.

**STAFF ANALYSIS**

The proposed Phase 1 Preliminary Plat for Las Flores Subdivision is a development of 65 residential lots on 16,500 acres. It is part of the three phase 79 acre Master Plan to be known as Las Cruces Community Farms LLP Master Plan. All the lots meet the zoning requirements for T3 (Neighborhood Edge) Zone consists of low-density single-family residential dwelling areas, with some mix of uses, home occupations and outbuildings. The General Notice Requirements for Public Hearings on Preliminary Plats have been met. The Data Requirements were reviewed by the appropriate agencies, any remaining outstanding comments from the reviewing agencies will be addressed prior to the submittal of the Final Plat. All infrastructure improvements such as drainage, ponding and roadways will be inspected to insure County standards. Water is provided by the Lower Rio Grande Public Works Authority. The Preliminary Plat Application is consistent with the UDC standards of Chapter 350 of the Unified Development Code, Article IV Subdivisions.

**FINDINGS:**

1. Pursuant to UDC §350-401 “[t]he Planning and Zoning Commission is authorized to… review and make recommendations for approval, approval with conditions or denial of preliminary plats to the Board of County Commissioners.”. The property is located outside of any incorporated municipal zoning authority and is within Doña Ana County.

2. Pursuant to § 350-407 Subdivision Data Requirement: Approval of Phase 1 for the Las Flores Subdivision ensures the following:
   a. Water quantity is sufficient to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, per the Office of the State Engineer.
   b. Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination, per NMED requirements.
   c. There is a means of liquid waste disposal for the subdivision, per NMED requirements.
   d. There is a means of solid waste disposal for the subdivision, per NMED requirements.
   e. There are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel, per DAC Fire Marshal’s Office and DAC Engineering.
   f. Terrain management protects against flooding, inadequate drainage, erosion and meets the requirements of the Article 6 Development Construction Standards, per DAC Flood Commission and the Doña Ana Soil and Water Conservation District.
   g. There are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act, per New Mexico SHPO.
   h. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision.
   i. The subdivision will conform to the New Mexico Subdivision Act and the UDC.

3. The Preliminary Plat Application is consistent with the UDC:
   Chapter 350 Unified Development Code Article IV Subdivisions
Chapter 350 Unified Development Code Article IV Subdivisions
§ 350-104.C.9 Duties of the Planning and Zoning Commission
§ 350-212 Subdivision Procedures:
§ 350-212.A General Rule
§ 350-212.B Preapplication Conference
§ 350-212.C Pre-engineering Conference
§ 350-212.D Agency Review
§ 350-212.E General Notice Requirements
§ 350-212.G Preliminary Plat Review
§ 350-212.I(1) Final Plat Review and BOCC Action

Article IV Subdivisions
§ 350-401 P&Z Review
§ 350-402 Development Review Committee
§ 350-407 Subdivision Data Requirements

STAFF RECOMMENDATION
Staff recommends all outstanding comments from the reviewing agencies will be satisfied prior to Final Plat Approval submittal as a condition for approval for Case # SD17-002, the Preliminary plat for Phase 1 of the Las Flores subdivision.
LAS FLORES SUBDIVISION

A 15.509 ACRE TRACT BEING PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 3 EAST, IN N.W. 1/4 OF THE S.W. 1/4 OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 3 EAST, DONA ANA COUNTY, NEW MEXICO.

DATE OF SURVEY: NOVEMBER 25, 2016

PLANNING AND ZONING COMMISSION
SD17-002 * 11/9/18
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PLANNING AND ZONING COMMISSION
SD17-002 * 11/9/18

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DISCLOSURE STATEMENT

For

LAS FLORES SUBDIVISION

Located near Berino
In Dona Ana County, New Mexico
August 2018

Prepared by:

Pillar Engineering, LLC

280 E. Foster Suite B
Las Cruces, New Mexico 88005
575-647-1927
YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.
1. NAME OF SUBDIVISION

Las Flores Subdivision Phase 1

2. NAME AND ADDRESS OF SUBDIVIDER

Las Cruces Community Farms, LLLP
Randy McMillan
1155 S. Telshor Suite 100
Las Cruces, New Mexico 88011

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO

Las Cruces Community Farms, LLLP
Randy McMillan
1155 S. Telshor Suite 100
Las Cruces, New Mexico 88011
(575) 521-1535

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

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5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

The size of the largest parcel is 0.657 acres.

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

The size of the smallest parcel is 0.138 acres.

7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES

Lowest Amount: $30,000 for a 0.138 acre parcel

Highest Amount: $35,000 for a 0.206 acre parcel
8. FINANCING TERMS
N/A

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE
Las Cruces Community Farms, LLLP
1155 S. Telshor Suite 100
Las Cruces, New Mexico 88011

NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE
Las Cruces Community Farms, LLLP
1155 S. Telshor Suite 100
Las Cruces, New Mexico 88011

NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

11. CONDITION OF TITLE
Mortgage 1:
AG New Mexico Farm Credit Services
1310 Picacho Hills Dr, Suite #1
Las Cruces, New Mexico 88007

Amount Owed on Mortgage #1 - $1,214,110 – due October 1, 2030

There are no real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser.

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY.

There are no known restrictions or reservations of record other than those shown on the subdivision plat for this development and the Restrictive Covenants for Residential Lots Las Flores subdivision below.
RESTRICTIVE COVENANTS FOR RESIDENTIAL LOTS
LAS FLORES SUBDIVISION

I. PREAMBLE
A. Property

There are hereby imposed upon the following described tract of land which are covenants running with the land and consistent with that area, that private land in the Las Flores Subdivision, located north of McAnally Road, at the northern extension of Otero Street and Vargas Street in Berino, New Mexico, owned by Las Cruces Community Farms, LLLP.

B. Term Section

These covenants supersede all previously filed documents and shall run with the land for a period of ten (10) years from the date hereof. These covenants shall be automatically extended for additional ten-year periods of time after the expiration, as above provided, unless amended or modified as hereafter provided.

C. Purpose

The purpose of these restrictive covenants is to maintain a high standard of living conditions on this land and make it a desirable residential area.

D. Administrative Control Committee

To allow some flexibility in these covenants the Administrative Control Committee is hereby designated as Las Cruces Community Farms, the Board of Directors of Tierra Del Sol Housing Corporation, with a third party appointed by the other two.

II. COVENANTS

A. Land Use and Building Type

1. Site-built homes shall not be less than two (2) bedrooms and shall contain a minimum of 1,000 square feet of living area. Construction to be performed by currently licensed New Mexico contractor or homeowner and shall be substantially completed within twelve (12) months after obtaining a building permit to locate on lot. Dona Ana County will decide what is substantially complete.

2. Building setbacks from front, rear and side property lines, shall conform to Dona Ana County regulations.

3. There shall not be located on any parcel more than one site-built, single family residential dwelling, together with a garage and such outbuilding as may be approved by Dona Ana County regulations and the Administrative Control Committee. Any approved outbuilding must be of the same architectural design as the family dwelling.

4. Individual lots may not be further divided.

B. Dwelling Quality and Size
1. A two-story house, where allowed, shall be a minimum of 1,200 square feet of living area. Any accessory building shall not exceed 50% of the size of the principle dwelling. Accessory buildings shall obtain a building permit from Dona Ana County, if required, due to size of the structure. The term “living area floor space” is exclusive of floor space in non-heated areas such as porches, garages, carports and similar unheated areas.

2. All buildings shall be constructed in compliance with the applicable building codes and other codes pertaining to the building, heating, plumbing, electrical work and which codes are those codes in effect that cover the above described property at the time construction commences; provided further, however, that all exterior walls of all dwellings, buildings or improvements on the property shall be of stucco, brick or adobe and be of earth tone colors. The roof of the main entrance or dwelling unit shall be surfaced with tile, gravel or shingles or other permanent type construction but shall not have reflective surfaces.

3. All buildings shall be of ranch style, Spanish style or Southwest motif design and shall be approved by the Administrative Control Committee.

4. Foam sprayed on pitched roofs shall not be allowed. Shingles or roof tiles shall not be painted.

5. On homes with pitched roofs, the air conditioners shall be installed on the rear of the house so that no more than fifty percent (50%) of the units are visible from the front of the dwelling at a line of sight beginning at a point six (6) feet above the curb in front of the dwelling. On flat roofs, HVAC equipment shall be at least twenty (20) percent hidden by perimeter parapet walls from a line of sight beginning at a point six (6) feet above the curb line in front of the residence.

C. Site Construction

All single family residences constructed on the lots shall be site-constructed. It being the intention of the undersigned that no manufactured homes, modular homes, prefabricated houses, trailers, mobile homes, moved houses or other residential structures of any kind or nature shall be moved upon any lot to be used as a single-family residences shall be constructed on the lot without using any pre-built structure.

D. Location of Structure/Timely Construction

1. In connection with each Owner’s construction of a private residence upon each such Owner’s Lot, each such Owner and/or its Contractors shall:

   a) Comply with and observe all governmental authority exercising jurisdiction;

   b) Comply with these Protective Covenants, Conditions, Reservations and Restrictions made applicable to each Lot and/or construction thereon.

   c) Maintain adequate drainage upon each Lot so as not to cause drainage to abutting Lots, or construct adequate drainage facilities to prevent any such damage, except for retaining wall weep holes required by engineering design.
d) Cause any work to be performed so as not to in any way damage, hinder or delay the construction and development activities of others within the Property; and

e) Maintain each such Lot so as not to permit or commit any waste upon each such Lot or impair the value thereof, including, but not limited to, periodically taking such action necessary for weed control and, during construction of private residences, to take such action as may be required to control and remove construction debris, dust and dirt; it being understood and agreed that should any such Owner and/or its contractors fail to so properly maintain and police each Lot as herein required, Subdivision Developer may take such action as may be deemed necessary by Subdivision Developer for the proper maintenance thereof as aforesaid, and each such Lot Owner hereby expressly agrees to pay Subdivision Developer, upon demand, any and all disbursements made under the provisions of this section together with interest thereon at the rate of fifteen (15) percent per annum from and after the date of making thereof filling which Subdivision Developer shall and is hereby granted a Lien covering each such Owner’s Lot subject to foreclosure as provided by law.

E. Maintenance of Property

1. Property shall be maintained in such a manner as to ensure property values are not devalued.

2. Grounds and landscaping shall be kept neat and free from weeds at all times.

F. Garbage and Refuse Disposal

No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste material shall not be kept on any Lot, except insanitary containers, screened from view from all streets and other Lots within the property. Refuse placed on the curb or sidewalk shall not be placed in open view more than twenty-four (24) hours before the scheduled pickup time.

G. Animals

No noxious or offensive activity shall be carried on or upon any Lot, nor shall anything be done therein which may be or may become an annoyance or nuisance to any Owner of a Lot within the property. No more than two (2) dogs and/or two (2) cats shall be permanently kept on any Lot. Excessively barking dogs shall be considered a noxious and offensive activity. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept on any Lot, providing that they are not kept, bred or maintained for any commercial purpose. When allowed to be kept, all pets must be kept within a fenced or bounded area upon the Owner’s Lot or must be on a leash and within the direct control of a responsible person when outside the fenced or bounded area.

H. Wall, Fences and Gates

1. All party walls built on the common property line between two (2) Lots shall be built at the joint and equal expense of the two Builders. In the event a Builder builds at its own expense a party wall between his Lot and unsold Lot, one-half (1/2) of the cost of said wall shall be chargeable to the purchaser of the unsold Lot at the closing of the transaction to purchaser of the unsold Lot from...
Subdivision Developer. In the event a Builder builds at his own expense a party wall between his Lot and a sold but un-improved Lot, then the Owner of the unimproved Lot (other than the Subdivision Developer) shall pay one-half (1/2) of the cost of said party wall upon completion of said wall. If the owner (other than the Subdivision Developer) of the unimproved Lot does not reimburse the Builders of the party walls for one-half (1/2) the cost of the party walls within two (2) months of being invoiced, then the unpaid balance, together with interest accruing at a rate of fifteen (15) percent annum shall become a lien against the Lot until paid. A Lot Owner shall not allow water to pond against a retaining or party wall.

2. All gates shall be made of wrought iron or wood. Chain link fences and gates are specifically prohibited.

3. Front yards shall not have any fencing other than a garden wall not to exceed 14 inches in height of approved material.

I. Landscaping

1. Landscaping in front yards and in side yards facing streets on corner lots shall be established within ninety (90) days of completion of a residential building on each Lot. The intent here is to provide for the enhancement, protection, and preservation of individual property values and to ensure the overall attractiveness of the subdivision.

2. Typical desert environment and drought resistant landscaping is encouraged. A sufficiently visible amount of foliage must be present on each Lot to comply with landscape requirements. Bermuda grass shall not exceed 800 square feet and landscaping must comply with irrigation restrictions. The Administrative Review Committee shall be the final authority as to the acceptability of the guidelines for required landscapes.

J. Easement/Utilities/Antennas

1. Utility services will be underground and identified at the property line.

2. Easements for utilities shall be specified in the Las Flores Subdivision plat and shall be specified in plot plan and individual survey plots.

3. No antennas other than commercial TV antennas that provide service for the individual lot shall be allowed.

K. Signs

No signs, advertisements, billboards or other advertising structure of any kind may be erected or maintained in any of the above property nor shall any other unsightly or objectionable object be installed or maintained in the above land except that small conservative signs for the sale or advertisement for sale or rent of the Lot or dwelling may be placed on the subject property. Signs will be allowed during the marketing period no to exceed 32 square feet and per subdivision ordinance.
L. Outbuildings

No outbuilding may be built prior to the approval of the dwelling plans and start of the construction of the house. All equipment and mechanical equipment shall be walled in. Boats, campers, other trailers, recreational vehicles and similar equipment, or vehicles under extensive repair, clothesline, storage piles and construction materials shall be concealed. Outbuilding may be metal. They must be no larger in square footage than the principle dwelling and be the same color as the principle dwelling. No outbuilding may exceed 12’ – 6” in height.

III. CERTIFICATION/ENFORCEMENT

A. Applicability

At the time that each of the extension would go into effect the owners of the above described land by eighty-five (85) percent affirmative vote be amended by said eighty-five (85) percent duly filing an amendment of said covenants in the office of the County Clerk of Dona Ana County, New Mexico.

B. Enforcement

1. Any part of the above described land shall be subject to these restrictive covenants and be subject to the same for the above period of time and subject to the terms and conditions set forth herein and shall be valid and binding upon the respective grantees.

2. Invalidation of one or more of these covenants, by judgement or court order or otherwise, shall in no way affect any other covenants, restrictions and conditions shall continue and remain in full force and effect.

3. Enforcement shall be by proceeding at law or in equity against any person or person violating or attempting to violate any covenants, either to restrain or prevent such violation or proposed violation by an injunction, either prohibitive or mandatory, or obtain any other relief authorized by law.

C. Changes

1. Non liability. Neither the original owner, the Administrative Review Committee or their representative shall incur liability to anyone submitting plans for approval to any owner or owners of land subject to the covenants by reason of mistake in judgement, negligence or nonfeasance of itself, its agents or employees, arising out of or in connection with the approval, or disapproval, or failure to approve any such plans; anyone submitting plans for approval, by submitting of such plans and by acquiring any of the property convert hereby, waives claim for any such damages.
I have read, reviewed and approved the Restrictive Covenants for Las Flores Subdivision.

Effective this ______________ day of ______________________, 2018

OWNER:

Randy McMillan
Managing Member Las Cruces Community Farms, LLLP

STATE OF NEW MEXICO
COUNTY OF DONA ANA

The foregoing instrument was acknowledged before me this ______________ day of
__________________________, 2018 by Randy McMillan, Managing Member.

NOTARY PUBLIC

My Commission expires:
13. ESCROW AGENT

Escrow Agent for the Las Flores Subdivision is Carl Hunter,
Las Cruces Abstract and Title Company
119 S. Campo Street
Las Cruces, New Mexico 88001

The subdivider does not have any interest in or financial ties to the escrow agent.

14. UTILITIES

Individual lot Buyer to make arrangements for service to these utility services; Call for
pricing.

Electric service provided by El Paso Electric Company.

Gas Service to be provided by New Mexico Gas Company

Water Service to be provided by Lower Rio Grande Public Water Works Authority.

Telephone Service to be provided by Qwest Corporation, d/b/a/ CenturyLink QC.

Liquid Waste service to be provided by Dona Ana County - South Central Wastewater Utility

Solid Waste to be provided by a private Disposal Company, Chaparral Disposal Services or
Southwest Disposal Service

15. INSTALLATION OF UTILITIES

The following utilities will be available for service at completion of the subdivision
construction improvements.

Electricity, purchaser to make arrangements for service.

Gas, purchaser to make arrangements for service.

Water, purchaser to make arrangements for service.

Telephone, purchaser to make arrangements for service.

Liquid waste disposal, purchaser to make arrangements for service.

Solid Waste Disposal, purchaser to make arrangements for service.
16. UTILITY LOCATION

All utilities will be available to all Lots in the subdivision. Buyer to make arrangements for service to these utilities.

<table>
<thead>
<tr>
<th>Utility</th>
<th>Above Ground</th>
<th>Below Ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Gas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Water</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Liquid Waste Disposal</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Solid Waste Disposal</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

17. WATER AVAILABILITY

Water service is provided by:
Lower Rio Grande Public Water Works Authority,
521 St. Valentine
La Mesa, New Mexico 88044
FAX: 575 233-0050
Office: 575 233-5742

See Appendix 17A for attached Letter of Commitment to Provide Water Service to Las Flores Subdivision Phase 1 from Lower Rio Grande Public Water Works Authority.

The maximum annual water requirement for the 65 lot subdivision is estimated to be 29.4 acre-feet, based on the following water use analysis.

Water delivery within the subdivision is by 8" PVC C900 with ¾" service lines to each lot. The water delivery system will be operated and maintained by Lower Rio Grande Public Water Works Authority. Outdoor water use is limited to 30 gallons per day average.

Water use restrictions shall be outlined in the Lower Rio Grande Public Water Works Authority policies and the following water conservation Measures for Las Flores Subdivision:

**Indoor Plumbing**
1. Toilets are required to use not more than 1.6 gallons per flush.
2. Showerhead shall have a maximum flow rate of 2.5 gallons per minute.
3. Kitchen and bathroom faucets shall have a maximum flow rate of 2.5 gallons per minute.

**Appliances**
1. Low-water use dishwashers are required.
2. Low-water use washing machines are required.
Outdoor Landscaping
1. Typical desert environment and drought resistant landscaping is encouraged. A sufficiently visible amount of foliage must be present on each Lot to comply with landscape requirements. Bermuda grass shall not exceed 800 square feet and landscaping must comply with irrigation restrictions. The Administrative Review Committee shall be the final authority as to the acceptability of the guidelines for required landscapes.

*Landscaping will not be provided at the time of subdivision improvements. Landscaping will be the responsibility of the home owner at the time of building permit following the requirements listed above.

Water Use Analysis for Las Flores Subdivision

Indoor Water Use:

<table>
<thead>
<tr>
<th>Description</th>
<th>GPCD</th>
<th>At</th>
<th>6</th>
<th>Flashes/capita day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toilets</td>
<td>1.6</td>
<td></td>
<td>6</td>
<td>9.6</td>
</tr>
<tr>
<td>Toilet Leaks</td>
<td>0.17</td>
<td></td>
<td>24</td>
<td>4.1</td>
</tr>
<tr>
<td>Showers</td>
<td>2.5</td>
<td></td>
<td>4.8</td>
<td>12.0</td>
</tr>
<tr>
<td>Baths</td>
<td>50</td>
<td></td>
<td>0.14</td>
<td>7.0</td>
</tr>
<tr>
<td>Dishwasher</td>
<td>13</td>
<td></td>
<td>0.17</td>
<td>2.2</td>
</tr>
<tr>
<td>Washing Machine</td>
<td>50</td>
<td></td>
<td>0.3</td>
<td>15.0</td>
</tr>
<tr>
<td>Faucets</td>
<td>Estimated</td>
<td></td>
<td></td>
<td>9.0</td>
</tr>
<tr>
<td>Evap. Coolers</td>
<td>Calculated as per SEO Report 48, Appendix B</td>
<td></td>
<td></td>
<td>10.3</td>
</tr>
</tbody>
</table>

| Total Indoor Water Use Per Capita Per Day: | 69.2 |

Estimated Population Equivalent for the development (persons/dwelling)*

W1 = (X persons per dwelling unit)(Total Indoor GPCD)(365 days/yr)

*2000 US Census Data

3.84

96,991 gallons/yr

0.298 AC FT/YR

Outdoor Water Use (does not include surface water irrigation use)

Typical Landscape Irrigation Characteristics:

<table>
<thead>
<tr>
<th>Landscape Type</th>
<th>Acres/sq.ft</th>
<th>gallons/yr/sq.ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bermuda Grass</td>
<td>800</td>
<td>42.52</td>
</tr>
<tr>
<td>Trees and Shrubs</td>
<td>0</td>
<td>31.63</td>
</tr>
<tr>
<td>Garden Use</td>
<td>0</td>
<td>27.88</td>
</tr>
</tbody>
</table>

W2 = 34,016 gallons/yr

0.104 AC FT/YR

Other Outdoor Use Characteristics:

W3 = 0 gallons/yr

0 AC FT/YR

Total Maximum Allowable Water per Dwelling Unit

W4 = W1 + W2 + W3 = 131,007 gallons/yr

0.402 AC FT/YR
Total Maximum Allowable Water for All Dwelling Units
Number of Dwelling Units (NDU) = 65

\[ W_5 = (NDU)(W_4) = 8,515,455 \text{ gallons/yr} \]
\[ 26.129 \text{ AC FT/YR} \]

Fire Fighting Water Requirements

<table>
<thead>
<tr>
<th>Needed Fire Flow</th>
<th>1000 gpm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration</td>
<td>120 minutes</td>
</tr>
</tbody>
</table>

\[ W_6 = (NFF)(T) = 120,000 \text{ gallons} \]
\[ 0.368 \text{ AC FT/YR} \]

Maximum Annual Water Requirement for the Subdivision

\[ Ec = 90\% \]

\[ W_7 = (W_5/Ec) + W_6 = 9,581,617 \text{ gallons} \]
\[ 29.400 \text{ AC FT/YR} \]

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

Water for subdivision to be provided by:
Lower Rio Grande Public Water Works Authority,
521 St. Valentine
La Mesa, New Mexico 88044
FAX: 575 233-0050
Office: 575 233-5742

The source of water for the subdivision is a community water system which provides water via underground pipes to each lot.

There are no legal restrictions on either indoor or outdoor water usage. See Section 17 above for limitations imposed by this disclosure statement.

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

Individual wells are prohibited in the subdivision.

20. LIFE EXPECTANCY OF WATER SUPPLY

The life expectancy of water supply system may be obtained from Lower Rio Grande Public Water Works Authority.

21. SURFACE WATER

No surface water is provided to the subdivision.
22. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY

A favorable opinion for this subdivision from the Office of the State Engineer (OSE) is attached. The OSE has indicated that the subdivider through the Lower Rio Grande Public Water Works Authority can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, as well as fulfill the proposals in this disclosure statement concerning water, excepting water quality.

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding:

The Office of the Engineer has issued a favorable opinion, see attached letter.

23. WATER QUALITY

Lab results for regular water quality testing may be obtained from Lower Rio Grande Public Water Works Authority. See Appendix 23A for a copy of the July 2015 lab results for the Lower Rio Grande Public Water Works Authority water system.

NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

The New Mexico Environment Department has issued a favorable opinion. See attached letter.

25. LIQUID WASTE DISPOSAL

No individual liquid waste disposal systems will be utilized in this subdivision. All lots will receive liquid waste disposal by connections to the public sewer system provided by Dona Ana County Wastewater Utility System. See Appendix 25A for Wastewater Utility Letter of Intent from Dona Ana County Utilities Department. The sewer system is installed beneath subdivision streets and conveys wastewater from each Lot to a regional treatment plant.

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS. PRIOR TO OCCUPANCY, ALL LOTS MUST HAVE EVIDENCE OF A FUNCTIONING LIQUID WASTE DISPOSAL SYSTEM INSTALLED BY A LICENSED CONTRACTOR OR PLUMBER IN ACCORDANCE WITH PERMITS ISSUED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT, INSPECTED BY THE CONSTRUCTION INDUSTRIES DIVISION, AND VERIFIED BY THE OFFICE OF BUILDING INSPECTION.

26. N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

The New Mexico Environment Department has issued a favorable / non-favorable opinion. See attached letter.
27. SOLID WASTE DISPOSAL

Solid waste disposal can be provided by a private contractor or the individual property owner can dispose of the solid waste at designated convenience station in Dona Ana County. Disposal of solid waste must meet the requirements of Chapter 287 Solid Waste of the Dona Ana County Ordinances.

Private Collectors currently serving the Berino area include Chaparral Disposal Services and Southwest Disposal Service.

NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

The New Mexico Environment Department has issued a favorable / non-favorable opinion. See attached letter.

29. TERRAIN MANAGEMENT

The soils in the subdivision are identified as a small amount of Adelino clay loam and Bluepoint loamy sand 0 to 5 percent slopes MLRA 42. The Adelino clay loam is located at the southern end of the subdivision, no residential structures will be constructed within this soil area. The south end of the subdivision will be a retention pond (lowest point of the subdivision). The Bluepoint series can be used for residential construction with the limitations of the soil overcome or minimized by special planning and design during construction. The Bluepoint series is listed as a good road fill material in the Soil Survey of Dona Ana County Area New Mexico. The developer will implement construction efforts to provide a suitable building pad with the construction of the subdivision improvements. The individual home builder will be responsible to check their building pad to ensure that the proper compaction and water content are maintained in the building pad during construction and final stabilization of the building site to ensure proper drainage away from all building structures.

No parcels in the Las Flores Subdivision are located in an area that has existing or proposed grades that are in excess of 4%. All lots will be graded to provide a minimum slope towards streets of 1%. All lots will drain to a regional ponding area that will accommodate the increased runoff due to development of the site. The proposed retention pond is designed to retain 125% of the increase in storm water runoff due to development of the subdivision for the 100 year storm event. Once the lots, streets and storm water retention ponds are constructed according to the grading and drainage plans, there will be no parcels within the subdivision subject to flooding from a 100 year storm event.

This subdivision is not located in a Special Flood Hazard Area as shown on FEMA Flood Insurance Rate Map FIRM 35103C1550G, map revised July 6, 2016.

30. NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:
1. The subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion.

2. The subdivider can satisfy the terrain management proposals made in the disclosure statement.

3. The subdivider's terrain management proposals conform to the County's regulations on terrain management.

31. SUBDIVISION ACCESS

The Las Flores subdivision is located in Berino, NM.

Otero Street and Vargas Street provide access to the subdivision. Both of these streets are paved and provide year round access by conventional vehicles. Individual lots are accessible from paved streets within the subdivision, which provide year round access by conventional vehicles.

The roads within the subdivision will consist of thirty four (34) feet from back of curb to back of curb roadway with a pavement section of plant mix bituminous material (asphalt pavement) over compacted base course and sub-grade preparation, concrete curb & gutter and a five foot sidewalk on each side of the roadway. The roadway section is located in a dedicated Right-of-Way with a width of fifty (52) feet.

Roads within the subdivision are to be dedicated to Dona Ana County and are designed to comply with Dona Ana County road standards. Upon successful completion of a 1-year warranty of improvements by the developer (UDC 356-407 H.9), the internal roads may be accepted for maintenance by Dona Ana County. Acceptance of offers of dedication on a final plat shall not be effective until the plat is filed in the Office of the County Clerk or a resolution of acceptance by the BOCC is filed in that Office. Lot owners will bear no responsibility for road maintenance.

32. MAINTENANCE

The roads within the subdivision will be maintained by Dona Ana County.
Tract A will be maintained by Las Cruces Community Farms LLLP.
Tract B and Tract C will be maintained by Las Cruces Community Farms LLLP.
Tract D and Tract E, The walking paths located between lots 7/8 and 21/22 of Block 2 and lots 7/8 Block 3 will be maintained by DAC.
Tract F, The ponding area will be maintained by Tierra Del Sol Housing.

33. STATE HIGHWAY DEPARTMENT’S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

1. The subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations.

2. The subdivider can satisfy the access proposal made in this disclosure statement.

3. The subdivider's access proposals conform to the County's regulations on access.
1. The subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion.

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3. The subdivider’s terrain management proposals conform to the County’s regulations on terrain management.

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Roads within the subdivision are to be dedicated to Dona Ana County and are designed to comply with Dona Ana County road standards. Upon successful completion of a 1-year warranty of improvements by the developer (UDC 350-407 H.N(9)), the internal roads may be accepted for maintenance by Dona Ana County. Acceptance of offers of dedication on a final plat shall not be effective until the plat is filed in the Office of the County Clerk or a resolution of acceptance by the BOCC is filed in that Office. Lot owners will bear no responsibility for road maintenance.

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2. The subdivider can satisfy the access proposal made in this disclosure statement.

3. The subdivider’s access proposals conform to the County’s regulations on access.
34. CONSTRUCTION GUARANTEES

All subdivision improvements will be installed prior to filing of the subdivision plat. Issuance of individual Lot building permits may occur after filing of the Las Flores Subdivision plat with the Dona Ana County Clerk.

35. ADVERSE OR UNUSUAL CONDITIONS

No wells are permitted within the subdivision. The subdivision is located adjacent to existing agricultural/farming activities. No other adverse or unusual conditions are known to exist within the subdivision boundaries.

Lot 1, Block 1 has a monitoring well located on the lot. This monitoring well shall remain functional and shall not be disturbed by the lot owner.

Lots 15 and 16, Block 1 have capped monitoring wells that are no longer in use. The lot owner shall comply with Environment Department regulations concerning removing or building on top of these capped wells.

36. RECREATIONAL FACILITIES

A proposed recreational park area will be provided in a tract of land within the proposed subdivision along the eastern side of the subdivision.

37. FIRE PROTECTION

The nearest fire station to the subdivision is located on West O’Hara Road, approximately 5.42 miles from the proposed Las Flores subdivision.

The route from the fire station is as follows:
   East on O’Hara road to New Mexico 460
   Then north on New Mexico 460 to Stern Drive
   Then North on Stern Drive to Berino Road
   Then West on Berino Road to either Otero Street or Vargas Street
   Then North on either Otero Street or Vargas Street to the subdivision

This fire department is volunteer operated.

A Dona Ana County Department is located on NM 28 in La Mesa, approximately 7.3 miles from the proposed Las Flores Subdivision.

The route from the fire station is as follows:
   South/East on NM 28 (NM 189) to NM 478
   Then south on NM 478 to Berino Road (NM 226)
   Then East on Berino Road (NM 226) to Otero Street or Vargas Street
   Then North on either Otero Street or Vargas Street to the subdivision

38. POLICE PROTECTION

The Dona Ana County Sheriff’s Office provides police protection to the Las Flores Subdivision, the community of Berino and nearby neighborhoods.
39. PUBLIC SCHOOLS

The nearest elementary school to the subdivision is Berino Elementary School, located at 92 Shrode Road, approximately 2.65 miles away.

The nearest middle school to the subdivision is Gadsden Middle School, located at 1301 W. Washington Street, approximately 7.65 miles away.

The nearest high school to the subdivision is Gadsden High School, located at 6301 Highway 28, approximately 9.25 miles away.

40. HOSPITALS

The nearest hospital to the subdivision is the Memorial Medical Center (286 beds), located at 2450 S. Telshor Blvd, in Las Cruces, NM.

The hospital is approximately 18.1 miles from the subdivision measured over the following route:
From the subdivision south on either Vargas Street or Otero Street to Berino Road (NM226)
   East on Berino Road (NM 226) to Stern Drive
   North on Stern Drive to NM 227
   East on NM 227 to on-ramp to Interstate 10
   North on Interstate 10 to Interstate 25
   North on Interstate 25 to University Avenue
   East on University Avenue to Telshor Blvd
   North on Telshor Blvd to hospital

41. SHOPPING FACILITIES

The nearest shopping facilities that includes a major supermarket are located in Anthony, Texas. The facilities in the area of the supermarket include a laundry and dry cleaners, video store, ladies clothing, hardware, variety store, furniture store and various restaurants, including fast food.

It is approximately 6.6 miles from the Las Flores Subdivision along the following route:
From the subdivision south on either Vargas Street or Otero Street to Berino Road (NM226)
   West on Berino Road (NM 226) to NM 478
   South on NM 478 (NM 460) to shopping in Anthony, Texas

42. PUBLIC TRANSPORTATION

N/A

43. AGRICULTURE

New Mexico law includes statute (NMSA 47-9) cited as the “Right to Farm Act.” According to this law, “any agricultural operation or facility is not, nor shall it become, a private or public nuisance by any changed condition in or about the locality of the operation or facility, if the operation was not a nuisance at the time it began and has been in existence for more than a year.” The Right to Farm Act includes, but is not limited to, operations and facilities within the farm or ranch such as: chemical application, field preparation, irrigation, cultivation, conservation practices, pruning, plowing, planting, roadside market or any other use of the land for the production of plants, crops, trees, forest products, orchard crops, livestock, poultry or fish.
44. CULTURAL AND HISTORIC PROPERTIES PROTECTION

There are/near not any properties within the boundary of this subdivision that have been entered into the New Mexico Register of Cultural Properties. Any such properties entered in the Register must comply with the requirements of the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978 and all applicable laws regarding cultural properties and archaeological sites.

No investigation into unmarked burials has been made. During construction, it is the buyer’s responsibility to report any unmarked burials that are discovered to the State Medical Investigator or the State Historic Preservation Office.

45. CERTIFICATION AND NOTARY

I certify that the information provided by me in this disclosure statement is true and correct.

______________________________
Signature

______________________________
Print your name here

______________________________
Address

______________________________
City, state and zip code

______________________________
Telephone number(s)

SUBSCRIBED AND SWORN to before me this __ day of ____________, 20__.

______________________________
Notary Public

My commission expires:

______________________________
State of New Mexico

______________________________
County of Doña Ana
April 17, 2018

Mr. Greg McPhie
Managing Member
Las Cruces Community Farms LLLP
1155 S. Telshor Suite B-1
Las Cruces, NM 88011

RE: Letter of Commitment to Provide Water Service to Las Flores Subdivision Phase I: 65 Residential Lots

Dear Mr. McPhie:

The Authority is ready, willing, and able to provide residential water service, as well as fire flows to the residential subdivision as necessary, subject to the following conditions:

1) Applicant shall provide a final plat with easements and a final set of construction drawings to be approved by the Authority’s engineer and operations staff, and only after approval may the water system improvements be installed. The Authority’s engineer and operations staff shall be provided prior to construction, copies of all permits, easements, and other documents required by regulatory agencies, for review by the Authority’s attorney.

2) Applicant shall construct at its own cost all necessary on-site and off-site facilities to connect to the subdivision to the Authority’s existing infrastructure and to upgrade any portion of the Authority’s system to accommodate the water demands of the Applicant’s subdivision, including storage tanks for fire flow protection if required. All valves, fire hydrants, meter yokes assemblies, meters, and other materials utilized shall be of the same quality as those used by the Authority and must be approved by the Authority’s engineer and operations staff prior to installation.

3) Applicant agrees that all related distribution water lines, including services lines, fire hydrants, valves and related fittings, and meter yoke assemblies, excluding meters with the subdivision, hydrant, etc. are to be constructed and installed by a licensed utility contractor, to meet the Authority’s specifications. The meters shall be delivered to the Authority. Any contractor hired by the Applicant is also responsible for coordinating the inspection, pressure test, and microbiological tests with the Authority.
4) The Applicant will be responsible for all maintenance or repair on the distribution water lines, including service lines, fire hydrants, valves and related fittings, meter yoke assemblies, and the meters within the distribution system, for a warranty period of one (1) year after acceptance of the water facilities construction by the Authority. During this one year period, the Applicant shall perform all maintenance and repairs promptly on the water facilities and be responsible for insuring against any liability. Should the Authority be required to perform any repairs due to failure of the Applicant to do so within a reasonable time, the Applicant shall be required to reimburse the Authority for any costs incurred for any time, equipment, and materials expended.

5) One (1) calendar year from acceptance by the Authority of the construction of the water facilities, the water distribution infrastructure system, including storage tanks if required, but excluding that portion on the user side of the meter, shall be transferred by the Applicant and become the property of the Authority, at which time maintenance on the water infrastructure up to and including the meter shall become the responsibility of the Authority.

6) Payments under the customer policies of the Authority, such as connections fees, assessments, membership fees, and other charges or impact fees shall be determined at a later date based on the then existing rates, charges, and necessary assessments of the Authority shall include such information in the subdivision’s disclosure statement.

7) Both Applicant and the Authority acknowledge that connecting the subdivision to the Authority’s system to enable the Authority to sell water to the residential lot owners will require the Applicant to construct and/or pay for all off-site improvements, if any, which have not yet been identified.

8) The commitment becomes void six (6) months from the date of this approval, if County approval for subdivision has not been obtained by Applicant within the six month period.

9) The entitlement of the residential lots to receive domestic water from the Authority shall terminate if there is any attempt to place non-residential uses on the lots or any portion of the subdivision presently identified as open spaces, parks, agriculture, or used for other purposes apart from placement of a residence.

10) Applicant acknowledges and agrees that it shall comply with the Authority’s Water Rights Acquisition Policy, which will require the Applicant to acquire and transfer ownership of groundwater rights sufficient to serve the residential lots, or in whatever amount the Office of State Engineer determines is required to serve the residential subdivision or payment in lieu of water rights transfer. Applicant will meet this requirement at the time of entering into a formal Agreement to Provide Water Service after the subdivision has received County approval. At that time, Applicant agrees it will provide and transfer sufficient water rights to the Authority to comply with the required acre feet of water right per lot. The Applicant has selected the option for payment in lieu of transferred water rights.
11) Upon approval of the Applicant’s proposed subdivision by the County and after acquiring all other required governmental approvals, if any, the Authority and Applicant shall enter into a formal Agreement to Provide Water Service.

Regards,

Martin G. Lopez, GM
LRGPWWA
07/11/2018

To: County Fire Marshalls Office.

The Lower Rio Grande PWWA Operations Manager along with the Distribution Crew leader performed a fire flow test at the fire hydrant on 324 McAnally Rd hydrant #60. The results are as follows, we recorded a flow of 1203 GPM with an operating pressure of 42 psi, and a static pressure of 76 PSI. we recorded a residual of 50 PSI at 1094 McAnally on hydrant # 61. that area is served by Four water tanks totaling 1.6 Million gallons of water.

Please call me if you need additional information.

Thank you

Michael P. Lopez
Operations Manager
Lower Rio Grande PWWA
(575)635-3921
Appendix 23A
Lower Rio Grande Public Water Works Authority
Copy of CCR 2015
Lower Rio Grande PWWA South Valley
CCR 2015

Spanish (Espanol)

Este informe contiene información muy importante sobre la calidad de su agua beber. Tradúscalo o hable con alguien que lo entienda bien.

Is my water safe?

We are pleased to present this year’s Annual Water Quality Report (Consumer Confidence Report) as required by the Safe Drinking Water Act (SDWA). This report is designed to provide details about where your water comes from, what it contains, and how it compares to standards set by regulatory agencies. This report is a snapshot of last year’s water quality. We are committed to providing you with information because informed customers are our best allies.

Do I need to take special precautions?

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Water Drinking Hotline (800-426-4791).

Where does my water come from?

Your ground water comes from eight deep, good producing Wells located in the Lower Rio Grande Basin

Source water assessment and its availability

information can be found at www.lrgauthority.org
Why are there contaminants in my drinking water?

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's (EPA) Safe Drinking Water Hotline (800-426-4791). The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity: microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife; inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial, or domestic wastewater discharges, oil and gas production, mining, or farming; pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses; organic Chemical Contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities. In order to ensure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

How can I get involved?

The Lower Rio Grande PWWA Board meets every third Wednesday of every month. Either at the La Mesa or the Butterfield Park Offices. Information can be found at www.lrgauthority.org

Water Conservation Tips

Did you know that the average U.S. household uses approximately 400 gallons of water per day or 100 gallons per person per day? Luckily, there are many low-cost and no-cost ways to conserve water. Small changes can make a big difference - try one today and soon it will become second nature.
• Take short showers - a 5 minute shower uses 4 to 5 gallons of water compared to up to 50 gallons for a bath.
• Shut off water while brushing your teeth, washing your hair and shaving and save up to 500 gallons a month.
• Use a water-efficient showerhead. They're inexpensive, easy to install, and can save you up to 750 gallons a month.
• Run your clothes washer and dishwasher only when they are full. You can save up to 1,000 gallons a month.
• Water plants only when necessary.
• Fix leaky toilets and faucets. Faucet washers are inexpensive and take only a few minutes to replace. To check your toilet for a leak, place a few drops of food coloring in the tank and wait. If it seeps into the toilet bowl without flushing, you have a leak. Fixing it or replacing it with a new, more efficient model can save up to 1,000 gallons a month.
• Adjust sprinklers so only your lawn is watered. Apply water only as fast as the soil can absorb it and during the cooler parts of the day to reduce evaporation.
• Teach your kids about water conservation to ensure a future generation that uses water wisely. Make it a family effort to reduce next month's water bill!
• Visit [www.epa.gov/watersense](http://www.epa.gov/watersense) for more information.

Cross Connection Control Survey

The purpose of this survey is to determine whether a cross-connection may exist at your home or business. A cross-connection is an unprotected or improper connection to a public water distribution system that may cause contamination or pollution to enter the system. We are responsible for enforcing cross-connection control regulations and insuring that no contaminants can, under any flow conditions, enter the distribution system. If you have any of the devices listed below please contact us so that we can discuss the issue, and if needed, survey your connection and assist you in isolating it if that is necessary.

- Boiler/ Radiant heater (water heaters not included)
- Underground lawn sprinkler system
- Pool or hot tub (whirlpool tubs not included)
- Additional source(s) of water on the property
- Decorative pond
- Watering trough

Source Water Protection Tips
Protection of drinking water is everyone's responsibility. You can help protect your community's drinking water source in several ways:

- Eliminate excess use of lawn and garden fertilizers and pesticides - they contain hazardous chemicals that can reach your drinking water source.
- Pick up after your pets.
- If you have your own septic system, properly maintain your system to reduce leaching to water sources or consider connecting to a public water system.
- Dispose of chemicals properly; take used motor oil to a recycling center.
- Volunteer in your community. Find a watershed or wellhead protection organization in your community and volunteer to help. If there are no active groups, consider starting one. Use EPA's Adopt Your Watershed to locate groups in your community, or visit the Watershed Information Network's How to Start a Watershed Team.
- Organize a storm drain stenciling project with your local government or water supplier. Stencil a message next to the street drain reminding people "Dump No Waste - Drains to River" or "Protect Your Water." Produce and distribute a flyer for households to remind residents that storm drains dump directly into your local water body.

Additional Information for Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. Lower Rio Grande PWWA South Valley is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at http://www.epa.gov/safewater/lead.

Additional Information for Arsenic

While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.
Water Quality Data Table

In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of contaminants in water provided by public water systems. The table below lists all of the drinking water contaminants that we detected during the calendar year of this report. Although many more contaminants were tested, only those substances listed below were found in your water. All sources of drinking water contain some naturally occurring contaminants. At low levels, these substances are generally not harmful in our drinking water. Removing all contaminants would be extremely expensive, and in most cases, would not provide increased protection of public health. A few naturally occurring minerals may actually improve the taste of drinking water and have nutritional value at low levels. Unless otherwise noted, the data presented in this table is from testing done in the calendar year of the report. The EPA or the State requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants do not vary significantly from year to year, or the system is not considered vulnerable to this type of contamination. As such, some of our data, though representative, may be more than one year old. In this table you will find terms and abbreviations that might not be familiar to you. To help you better understand these terms, we have provided the definitions below the table.

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCLG or MCL</th>
<th>MCL, TTHM, or MCRD</th>
<th>Year</th>
<th>Range Low</th>
<th>Range High</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disinfectants &amp; Disinfection By-Products</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chlorine (as Cl2) (ppm)</td>
<td>4</td>
<td>4</td>
<td>.78</td>
<td>.487</td>
<td>.78</td>
<td>2015</td>
<td>No</td>
<td>Water additive used to control microbes</td>
</tr>
<tr>
<td>Haloacetic Acids (HAA5) (ppb)</td>
<td>NA</td>
<td>60</td>
<td>11</td>
<td>5.7</td>
<td>11</td>
<td>2015</td>
<td>No</td>
<td>By-product of drinking water chlorination</td>
</tr>
<tr>
<td>TTHMs [Total Trihalomethanes] (ppb)</td>
<td>NA</td>
<td>80</td>
<td>51</td>
<td>39</td>
<td>51</td>
<td>2015</td>
<td>No</td>
<td>By-product of drinking water disinfection</td>
</tr>
<tr>
<td>Inorganic Contaminants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arsenic (ppb)</td>
<td>0</td>
<td>10</td>
<td>7.6</td>
<td>6.4</td>
<td>7.6</td>
<td>2015</td>
<td>No</td>
<td>Erosion of natural deposits; Runoff from orchards;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Runoff from glass and electronics production wastes</td>
</tr>
<tr>
<td>Barium (ppm)</td>
<td>2</td>
<td>2</td>
<td>.255</td>
<td>.04</td>
<td>.55</td>
<td>2014</td>
<td>No</td>
<td>Discharge of drilling wastes; Discharge from metal</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>refineries; Erosion of natural deposits</td>
</tr>
<tr>
<td>Fluoride (ppm)</td>
<td>4</td>
<td>4</td>
<td>2.5</td>
<td>.3</td>
<td>2.5</td>
<td>2014</td>
<td>No</td>
<td>Erosion of natural deposits; Water additive which</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>promotes strong teeth; Discharge from fertilizer</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>and aluminum factories</td>
</tr>
<tr>
<td>Nitrate [measured as]</td>
<td>10</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2015</td>
<td>No</td>
<td>Runoff from fertilizer use;</td>
</tr>
</tbody>
</table>
### Contaminants

<table>
<thead>
<tr>
<th>MCLG or MRDLG</th>
<th>Your Water</th>
<th>Range Low</th>
<th>Range High</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nitrogen (ppm)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Leaching from septic tanks, sewage; Erosion of natural deposits</td>
</tr>
<tr>
<td><strong>Selenium (ppb)</strong></td>
<td>50</td>
<td>50</td>
<td>7.6</td>
<td>0</td>
<td>2014</td>
<td>No</td>
</tr>
<tr>
<td><strong>Microbiological Contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fecal coliform/E. coli - in the distribution system (positive samples)</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>NA</td>
<td>2015</td>
<td>No</td>
</tr>
<tr>
<td><strong>Total Coliform (positive samples/month)</strong></td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>NA</td>
<td>2015</td>
<td>No</td>
</tr>
<tr>
<td><strong>Radioactive Contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Alpha emitters (pCi/L)</strong></td>
<td>0</td>
<td>15</td>
<td>3.2</td>
<td>NA</td>
<td>3.2</td>
<td>2014</td>
</tr>
<tr>
<td><strong>Radium (combined 226/228) (pCi/L)</strong></td>
<td>0</td>
<td>5</td>
<td>.5</td>
<td>NA</td>
<td>.5</td>
<td>2014</td>
</tr>
<tr>
<td><strong>Uranium (ug/L)</strong></td>
<td>0</td>
<td>30</td>
<td>2</td>
<td>NA</td>
<td>2</td>
<td>2014</td>
</tr>
<tr>
<td><strong>Volatile Organic Contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Xylenes (ppm)</strong></td>
<td>10</td>
<td>10</td>
<td>00005</td>
<td>NA</td>
<td>00005</td>
<td>2014</td>
</tr>
</tbody>
</table>

### Undetected Contaminants

The following contaminants were monitored for, but not detected, in your water.

---

**Plan and Zoning Commission**

SD17-002 * 11/9/18
<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCLG (ppb)</th>
<th>MRLG (ppb)</th>
<th>MCL (ppb)</th>
<th>MRL (ppb)</th>
<th>Year Water Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>6</td>
<td>6</td>
<td>ND</td>
<td>No</td>
<td>Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder; test addition.</td>
<td></td>
</tr>
<tr>
<td>Cyanide</td>
<td>200</td>
<td>200</td>
<td>ND</td>
<td>No</td>
<td>Discharge from plastic and fertilizer factories; Discharge from steel/metal factories</td>
<td></td>
</tr>
</tbody>
</table>

## Unit Descriptions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ug/L</td>
<td>Number of micrograms of substance in one liter of water</td>
</tr>
<tr>
<td>ppm</td>
<td>Parts per million, or milligrams per liter (mg/L)</td>
</tr>
<tr>
<td>ppb</td>
<td>Parts per billion, or micrograms per liter (pg/L)</td>
</tr>
<tr>
<td>pCi/L</td>
<td>Picocuries per liter (a measure of radioactivity)</td>
</tr>
<tr>
<td>positive samples/month</td>
<td>Number of samples taken monthly that were found to be positive</td>
</tr>
<tr>
<td>NA</td>
<td>NA: not applicable</td>
</tr>
<tr>
<td>ND</td>
<td>ND: Not detected</td>
</tr>
<tr>
<td>NR</td>
<td>NR: Monitoring not required, but recommended.</td>
</tr>
<tr>
<td>positive samples</td>
<td>positive samples/yr: The number of positive samples taken that year</td>
</tr>
</tbody>
</table>

## Important Drinking Water Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCLG</td>
<td>MCLG: Maximum Contaminant Level Goal: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.</td>
</tr>
<tr>
<td>MCL</td>
<td>MCL: Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.</td>
</tr>
<tr>
<td>TT</td>
<td>TT: Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.</td>
</tr>
<tr>
<td>AL</td>
<td>AL: Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.</td>
</tr>
<tr>
<td>Variances and Exemptions</td>
<td>Variances and Exemptions: State or EPA permission not to meet an MCL or a treatment technique under certain circumstances.</td>
</tr>
<tr>
<td>MRDLG</td>
<td>MRDLG: Maximum residual disinfection level goal. The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.</td>
</tr>
<tr>
<td>MRDL</td>
<td>MRDL: Maximum residual disinfectant level. The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.</td>
</tr>
<tr>
<td>MNR</td>
<td>MNR: Monitored Not Regulated.</td>
</tr>
<tr>
<td>MPL</td>
<td>MPL: State Assigned Maximum Permissible Level</td>
</tr>
</tbody>
</table>
WO DAMS LOCATED WITHIN THE 3 MILE RADIUS PROPOSED LAS FLORES SUBDIVISION WERE DESIGNED OR BUILT TO PROTECT H... SERIES.

U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

PRICE-WOOD DAM

3 MILE RADIUS AROUND THE PROPOSED DEVELOPMENT LAS FLORES SUBDIVISION BERNAL, NEW MEXICO

ANTHONY QUADRANGLE
NEW MEXICO-TEXAS
7.5 MINUTE SERIES

280 Foster, Suite B
Las Cruces, New Mexico 88005
Phone: (575) 647-1927

PLANNING AND ZONING COMMISSION
SD17-002 * 11/9/18
Appendix 25A
Dona Ana County Utilities Department
Wastewater Utility Letter of Intent
January 26th, 2017

Tierra Del Sol Housing Corp.
Rose Garcia
210 E. Idaho Ave.
Las Cruces, NM 88005
(575) 541-0477

RE: Vado, New Horizon, Phase 1 & Berino, Las Flores Subdivisions
Wastewater Utility Letter of Intent

Dear Ms. Garcia:

At the request of Tierra Del Sol Housing Corp., (TDS) we have reviewed your request for the development of two proposed subdivisions in southern Dona Ana County for the availability of sewer service and any additional impacts the proposed subdivisions may have on the wastewater utility. Based on the information provided by TDS for a 52-unit residential subdivision in Vado, New Horizons Phase 1, the existing Vado Lift Stations #4 and #5 currently have the capacity for the additional flows; however they will be near their maximum capacity upon complete build-out of Phase 1 of the new subdivision. The proposed Las Flores 64-unit residential subdivision in Berino will also have the capacity for the additional flows generated by the proposed subdivision with an undetermined amount of capacity remaining for future development in the area. It should be noted that both of the proposed subdivisions currently discharge to a main lift station located in Vado, Vado Lift Station #7, which will also be at capacity upon complete build out of the two proposed subdivisions consisting of 116 total residential units. Increased operations and maintenance costs are expected for the four pump stations impacted by the proposed developments.

Please regard this correspondence as a Letter of Intent and final approval for connection to the Dona Ana County Wastewater Utility system. This letter only applies to Phase 1 of the Vado, New Mexico proposed 52-Unit subdivision New Horizons and the proposed 64-Unit Berino, New Mexico subdivision Las Flores. I will also be submitting with this letter any comments I may have concerning design of this subdivision. Also all applicable Dona Ana County Utility connection fees, rates and charges will apply for sewer service connections. Thank you for the opportunity to be of assistance in the subdivision process and we look forward to continued growth and success in Dona Ana County. If you have any questions or need further
assistance with this matter, do not hesitate to contact me at (575) 621-5084 or mireyac@donaanacounty.org.

Sincerely,
Dona Ana County
Utilities Department

Mireya Carnero
Assistant Operations Manager

Cc: Nora Oliver, DAC
Chuck McMahan, DAC
Luis Marmolejo, DAC
Rose Garcia, Tierra Del Sol Housing Corp.
David Shields, Bohannan Huston, Inc.
April 10, 2017

Luis Marmolejo
Dona Ana County Development Department
845 N. Motel Blvd.
Las Cruces, NM 88007

Re: SD 17-002 Type II Subdivision by Randy McMillan Doña Ana, New Mexico MK049EM

Dear Mr. Marmolejo:

This letter is in response to the above referenced subdivision permit application received at the Historic Preservation Division (HPD) on March 17, 2017. According to the application, the proposed project is within Township 23 South, Range 3 East, Section 3.

I reviewed our records to determine if cemeteries, burial grounds or cultural resources listed on the State Register of Cultural Properties or the National Register of Historic Places exist within or near the permit area. Our records show that there are no cultural resources listed on the National Register or State Register within or near the proposed subdivision area and no known cemeteries or burial grounds.

Although our records show that there are no archaeological sites, a survey of the area has not been conducted. Surveys conducted in adjacent sections of land identified significant archaeological sites, therefore there is a potential for unknown archaeological sites to exist within the permit area. Even though a cultural resources survey is not required, the land owner is encouraged to have a cultural resources survey conducted by a professional archaeologist to ensure that significant archaeological sites are not inadvertently damaged or destroyed.

Please do not hesitate to contact me if you have any questions regarding these comments. I can be reached by telephone at (505) 827-4225 or by email at bob.estes@state.nm.us.

Sincerely,

Bob Estes Ph.D.
HPD Staff Archaeologist
(HPD log 105474)
REQUEST FOR A SUBDIVISION REVIEW

Please review and return within 30 days from date of receipt

To: Gadsden School District

From: Marmolejo Luis, luism@donananccount.org, 575-525-6128

Date: May 8, 2017

Case: # SD17-002: A Type II Subdivision submitted by Randy Mc Millan. The applicant is proposing 63 lots on 15.474 acres. The lots range in size from 0.181 acres to 0.227 acres. The property is identified as being in Section 3, Township 23 South, Range 3E, Property Identification Number R1705141.

Attachments: One copy of all pertinent documents for Review #

NOTE: Please specifically address comments required of your particular agency as noted in the Doña Ana County Unified Development Code “The affected school district to review the Plat and state whether a school site is proposed in or adjacent to the subdivision.”

Approved as presented (circle one): **YES**

CONDITIONAL YES

COMMENTS (Attach additional sheets if necessary):

Signature: Rafael Gallegos Date: 5/9/2018

Printed Name: Rafael Gallegos Title: Executive Director

GADSDEN INDEPENDENT SCHOOL DISTRICT

Rafael "Ralph" Gallegos
Executive Director
Energy Management & Construction
PO Drawer 70
Anthony, NM 88021
Email: rgallegos@gadsdend.org
Office: (575) 882-6921
Cell: (575) 650-9095
Fax: (575) 882-2508
Re: Las Flores Subdivision

Dear Mr. Marmolejo:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Doña Ana County Unified Development Code and the New Mexico Subdivision Act.

Based on the information provided, this office has determined that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and fulfill the proposals in the disclosure statement. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Matt Nelson at 505-827-6755.

Sincerely,

Molly Magnuson, P.E.
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Las Cruces Office
REQUEST FOR A SUBDIVISION REVIEW

Please review and return within 30 days from date of receipt

To: New Mexico State Historic Preservation Office

From: Marmolejo Luis, luism@donananacounty.org, 575-525-6128

Date: February 10, 2017

Case: # SD17-002: A Type II Subdivision submitted by Randy Mc Millan. The applicant is proposing 63 lots on 15.474 acres. The lots range in size from 0.181 acres to 0.227 acres. The property is identified as being in Section 3, Township 23 South, Range 3E, Property Identification Number R1705141.

Attachments: One copy of all pertinent documents for Review # 1

NOTE: Please specifically address comments required of your particular agency as noted in the Article 4 & 6 of the Unified Development Code of Doña Ana County: "State Historic Preservation Division to determine that cultural properties directly affected by the subdivision are identified and protected, as required by the Cultural Properties Act, NMSA § 18-6-8.1."

Approved as presented (circle one): YES NO CONDITIONAL YES

COMMENTS (Attach additional sheets if necessary):

RECEIVED

MAR 19 2017
HISTORIC PRESERVATION DIVISION

Signature: Date: April 10, 2017

Printed Name: Title: Archaeologist
April 25, 2018

Louis Marmolejo
Dona Ana County
Community Development Department
845 N. Motel Blvd
Las Cruces, NM 88007
By email to: luism@donaanacounty.org

Dear Mr. Marmolejo,

The New Mexico Environment Department (NMED) has reviewed the April 5, 2018 scoping letter for the proposed Dona Ana County Las Flores Subdivision Review and offers the following comments:

**NMED Drinking Water Bureau Comments**

Please submit an application as described at https://www.env.nm.gov/drinking_water/water-system-projects/ for construction of new water system facilities. The application must be approved by the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB) prior to construction.

Lower Rio Grande Public WWA, NM3502407 (Authority), is a public water system that is regulated by the NMED DWB. On April 19, 2018, the water system had no active violations of any enforceable health based standard. NMED DWB has determined that the Authority can provide water of an acceptable quality for human consumption. NMED DWB has also determined that the Authority and the subdivider — Las Cruces Community Farms, LLLP — have barriers in place to protect the water supply from contamination. An example of a barrier to protect the water supply from contamination is the prohibition of individual wells in Item 19 of the Subdivision Disclosure Statement. Additionally, the subdivision will be served by central sewer (Doña Ana County Central Wastewater Utility) and waste disposal will be provided by Chaparral Disposal Services or Southwest Disposal Service. The Authority will approve the final plant and construction drawings prior to installation of the facilities. The Authority requires pressure testing and disinfection after installation of facilities.

There may be typographical errors in the entries for barium and xylenes in the 2015 Water Quality Report (Appendix 23A).
The site map included in the Disclosure Statement shows two dams (Price-Woodward and BreedLove) at higher elevations than the elevation of the proposed subdivision. The site map contains the following note: “The two dams located within the 3 mile radius of the proposed Las Flores Subdivision were not designed or built to protect housing or residential areas. They are not maintained to the current standard for that purpose.” The actions that the Authority would take in case of flooding would be included in the Authority’s emergency response plan.

**NMED Ground Water Quality Bureau Comments**
Doña Ana County received an application for the proposed subdivision of a 22.16-acre parcel of land into several lots ranging from 0.657-acres to 0.138-acres. The application proposes the discharge of liquid waste to individual liquid waste systems for disposal.

If domestic wastewater is to be discharged to multiple on-site wastewater disposal systems, depending on the volume of the discharge (i.e., more or less than 5000 gallons per day), the systems would be regulated by either the NMED GWQB or the NMED Liquid Waste Program within the Environmental Health Bureau. If domestic wastewater is to be discharged to a single on-site wastewater disposal system (e.g., a package plant), the system would require a ground water discharge permit issued pursuant to 20.6.2 NMAC. The developer is encouraged to contact NMED’s Liquid Waste Program Hobbs Office at (575) 391-0464 for assistance in determining the appropriate permit for the proposed project. If domestic wastewater is to be delivered offsite to a municipal or regional wastewater treatment system, a permit for the discharge domestic wastewater will not be required.

Implementation of the project may involve the use of heavy equipment leading to a possibility of contaminant releases associated with equipment malfunctions (e.g., fuel, hydraulic fluid, etc.). The GWQB advises all parties involved in the project to be aware of notification requirements for accidental discharges as specified at 20.6.2.1203 NMAC.

**NMED Petroleum Storage Tank Bureau Comments**
A database search shows three sites where tanks leaked listed in Berino. Border Cowboy Truckstop’s location, which is not indicated on GoNM, is closest to the proposed subdivision. According to the project manager for this site, Tim Noger, Border Cowboy is east of and across Interstate 10 from the proposed subdivision location. The address we have on record for Border Cowboy is 20201 Las Alturas, Anthony; however, this address is of limited use in locating the site. The site’s status is “cleanup, responsible party,” however, the project manager says the site does not pose a threat to the proposed subdivision due to the depth to groundwater, the direction of groundwater flow, and the localization of the contamination. The MCANALLY Enterprises site is the site next closest to the subdivision but has been listed as having a “no further action” status. That means no further action is currently required to clean up or monitor the site. It’s possible but unlikely for further action to be required in the future for any site where tanks have leaked and no further action has been deemed necessary. See map below for approximate location of site.

The Berino Mini Mart is located further South West of the subdivision and is currently a release site. The site is located far enough that it does not pose a direct problem to the subdivision. See map below. A map of the latest groundwater plume is also included below. The Berino Mini Mart had three underground storage tanks; it appears from our records that the three tanks have been manifolded together into one tank. Reports for the Berino Mini Mart can be obtained from the GoNM link; instructions are included at the end of this document.
If you need further information, please contact NMED’s Petroleum Storage Tank Bureau at 505-476-4397.

Four underground storage tanks have been removed from the MCANALLY Enterprises site.
LEGEND

+ Groundwater Monitoring Well Location
X Destroyed Well Location

16.40 (M) Measured in ppb

Concentration Of Benzene In Groundwater
Line Of Equal Concentration Of Benzene In
Groundwater Measured In ppb; Dashed Where
Inferred

(NO) Not Detected
(NS) Not Sampled

Approximate Scale
1 inch = 50 feet
Instructions for Go NM PSTB facility and site map tool:
Go to https://www.env.nm.gov/ust/lists.html. Click on the GoNM link at the bottom left of the page. Documents may download more easily if you use Internet Explorer. When you are in the GoNM Mapper, you can use the zoom slider at the upper left of the map to zoom in. Colored and white shapes represent facilities that have or had tanks and/or have been involved in a release. To find out more about a facility, click on the white i inside the blue circle at top of the screen and then click on the shape that represents that facility. When the dialog box pops up, you can click on either the Report or the link under Documents, if any. If it is a leaking site, there will usually be a link under Documents. Many No Further Action letters and other documents are accessible and downloadable this way. If you click on the icon under Report at the left of the dialogue box, there is also quite a bit of information there. If there is a triangle (like a “play” symbol on a media player) at the top right of the dialog box, click on it, and a second page of information will open.

Instructions for other online resources about petroleum storage tanks:
Please review the lists on the webpage, https://www.env.nm.gov/ust/lists.html. Click on the Active Leaking and NFA Sites link. The first document lists NFA sites (sites for which no further action is currently required) by county and city. The third document lists active sites alphabetically by priority (the second and fourth documents are pdfs). Click on the document you need, then click Download for the option you choose in the window that opens. You can search the Active Leaking or NFA Sites spreadsheets (or any other spreadsheet) by holding down the ctrl key on your keyboard and then hitting the F key, or by going to Find & Select (all the way to the right) on the Home tab of the spreadsheet, selecting Find, and entering an address or part of an address, a name, or any information you’d like to search on and then clicking on Find Next repeatedly to find all records that fit your search. You can download the No Further Action letter for many of these records by clicking the link in the last column of the NFA spreadsheet. If the No Further Action letter is not online and you need it or any other information, let us know.

If you are looking for information about the presence of underground or aboveground storage tanks at an address, please download the All Storage Tank list, also at https://www.env.nm.gov/ust/lists.html. This lists all storage tanks in the state that fall or fell under our regulations and have been registered with us, whether they are still present or not. This spreadsheet can be searched the same way as the above ones. If you only need to know about tanks that are currently in use or temporarily out of use, download the Active Storage Tank list.

Please let us know if you need further information.

All owners and operators of petroleum storage tanks (and other tanks that contain regulated substances) must comply with the NM Petroleum Storage Tank regulations. New Mexico is in the process of revising our petroleum storage tank regulations. NM’s current regulations for petroleum storage tanks are at http://164.64.110.239/nmac/_title20/T20C005.htm. The proposed regulations, which the Environmental Improvement Board is considering, are here: https://www.env.nm.gov/ust/draftregs.html. If you have any questions, please contact the bureau at: 505-476-4397 or visit our website at https://www.env.nm.gov/ust/ustbtop.html.

NMED Surface Water Quality Bureau Comments
The Las Flores Subdivision is approximately 81 acres. Although the lot sizes will be below the 1-acre threshold, because this is a common plan of development, the owner/operator will be required to file a Notice of Intent and follow the requirements of the CGP. CGP coverage includes the following:
A SWPPP should be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 10.C.1.b).

Please be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications, and the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The Construction General Permit can be found at:
https://www.epa.gov/epawatershed-construction-general-permit-cgp-and-related-documents

Thank you for providing NMED with the opportunity to review and comment on this proposed project.

Sincerely,

Michaelene Kyrala
Director of Policy
New Mexico Environment Department
Office: 505.827.2892
E-mail: michaelene.kyrala@state.nm.us
DOÑA ANA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
845 N. Motel Blvd. Las Cruces, New Mexico 88007
575-647-7237 Toll Free: 877-627-7200 ext 6103
Fax: 575-525-6131 www.donaanacounty.org

REQUEST FOR A SUBDIVISION REVIEW
Please review and return within 30 days from date of receipt

To: Maria Hinojos

From: Manmolejo Luis, luism@danananacounty.org, 575-525-8126

Date: October 10, 2018

Case: # SD17-002. A Type II Subdivision submitted by Randy McMillan. The applicant is proposing 63 lots on 15.474 acres. The lots range in size from 0.181 acres to 0.227 acres. The property is identified as being in Section 3, Township 23 South, Range 3E, Property Identification Number R1705141.

Attachments: Six (6) copies of all pertinent documents for Review # 1.

NOTE: Please specifically address comments required of your particular agency as noted in the Article 4 & 6 of the Unified Development Code of Doña Ana County. “New Mexico Department of Transportation to determine whether the subdivider can fulfill the state highway access in conformity with state regulations promulgated pursuant to NMSA § 67-3-16.”

Approved as presented (circle one): YES NO CONDITIONAL

COMMENTS (Attach additional sheets if necessary):

The NMDOT has no other issues or concerns. However, as the area develops north of this subdivision a new traffic analysis will be required.

Signature: 

Date: 10/19/18

Printed Name: Maria Hinojos

Title: 

PLANNING AND ZONING COMMISSION
SD17-002 * 11/9/18

Page 124 of 211
TITLE OF AGENDA ITEM TO BE CONSIDERED

APPROVE AMENDED PRELIMINARY PLAT FOR VADO NEW HORIZONS

SUMMARY OF ITEM TO BE CONSIDERED
INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED

On November 8, 2018, the Planning and Zoning Commission (P&Z) recommended Approval by a vote of 4-0-0 for Case # SD16-001 submitted by Tierra Del Sol Housing Corporation, an Amendment to the previously-approved preliminary plat known as Vado New Horizons. Previously, on April 11, 2017, the BOCC approved the Vado New Horizons preliminary plat. This proposed amended preliminary plat consists of Phase 1 (42 lots on 10.170 acres), Phase 2 (38 lots on 8.353 acres), and Phase 3 (17 lots on 5.022 acres). The previously-approved preliminary plat consists of Phase 1 (51 lots on 12.020 acres), Phase 2 (29 lots on 6.503 acres), and Phase 3 (17 lots on 23 acres). Ingress and egress to the subdivision will remain the same with two 50' roadways intersecting Vado Drive. The roadways within the subdivision are Highline Road, Arroyo Vista Loop, Calle Entrada, Camino Azul, and Arroyo Bueno—all built to County standards. The proposed amended preliminary plat for the Vado New Horizons Subdivision meets the requirements of the UDC. Staff recommends approval of the amended preliminary plat of Vado New Horizons.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED
1) Case summary 2) P&Z Case Analysis 3) Amended Preliminary Plat and Disclosure Statement 4) Minutes of the November 8, 2018 P&Z meeting

SUMMARY OF FINANCIAL IMPACT
Periodic maintenance of dedicated internal roadways upon acceptance by the BOCC will cost approximately $800 per mile per year.

ADMINISTRATIVE REVIEW AND APPROVAL

DOCUMENT CONTROL

Original/s for signature? __Yes__ No For Recording? __Yes__ No

Deadline for return of document/s? Yes, return by: ____________ or __No
CASE SUMMARY
Amended Preliminary Plat for Vado New Horizons

On November 8, 2018, the Planning and Zoning Commission (P&Z) recommended Approval by a vote of 4-0-0 for Case # SD16-001 submitted by Tierra Del Sol Housing Corporation, an Amendment to the previously-approved preliminary plat known as Vado New Horizons. Previously, on April 11, 2017, the BOCC approved the Vado New Horizons preliminary plat. This proposed amended preliminary plat consists of Phase 1 (42 lots on 10.170 acres), Phase 2 (38 lots on 8.353 acres), and Phase 3 (17 lots on 5.022 acres). The previously-approved preliminary plat consists of Phase 1 (51 lots on 12.020 acres), Phase 2 (29 lots on 6.503 acres), and Phase 3 (17 lots on 23 acres). Ingress and egress to the subdivision will remain the same with two 50’ roadways intersecting Vado Drive. The roadways within the subdivision are Highline Road, Arroyo Vista Loop, Calle Entrada, Camino Azul, and Arroyo Bueno—all built to County standards. The proposed amended preliminary plat for the Vado New Horizons Subdivision meets the requirements of the UDC. Staff recommends approval of the amended preliminary plat of Vado New Horizons.

PUBLIC NOTICE / NOTIFICATION

- 34 letters of notification were mailed to the property owners within the area of notice on November 6, 2018.
- Legal Ads were placed in the Las Cruces Sun-News on October 17, 2018.
- Signs were placed on the property in a timely manner.
- Agenda was posted on the County Web site.

APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL

Chapter 350 Unified Development Code Article IV Subdivisions
- § 350-104.C.9 Duties of the Planning and Zoning Commission
- § 350-212 Subdivision Procedures:
  - § 350-212.A General Rule
  - § 350-212.B Pre-application Conference
  - § 350-212.C Pre-engineering Conference
  - § 350-212.D Agency Review
  - § 350-212.E General Notice Requirements
  - § 350-212.G Preliminary Plat Review
  - § 350-212.Q (3) Amendment Plats and Re-plats

Article IV Subdivisions
- § 350-401 P&Z Review
- § 350-402 Development Review Committee
- § 350-407 Subdivision Data Requirements

STAFF RECOMMENDATION
Based on the recommendation by the P&Z and the following findings of fact, staff recommends Approval of Case # SD16-001-002 for the Phasing Amendments to the Vado New Horizons Preliminary Plat.
FINDINGS
Pursuant to UDC §350-104(D), the BOCC shall make a final decision on the Preliminary Plat Amendment. This decision should consider the following:

1. Pursuant to UDC §350-401, on November 8, 2018, the Planning and Zoning Commission (P&Z) recommended Approval for Case # SD16-001, Phase Amendment to the Vado New Horizons Preliminary Plat.

2. Pursuant to § 350-407 Subdivision Data Requirement: Approval of the Preliminary Plat Amendment to the Vado New Horizons Preliminary Plat maintains and insures the following:
   a. Water quantity is sufficient to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, per the Office of the State Engineer.
   b. Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination, per NMED requirements.
   c. There is a means of liquid waste disposal for the subdivision, per NMED requirements.
   d. There is a means of solid waste disposal for the subdivision, per NMED requirements.
   e. There are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel, per DAC Fire Marshal’s Office and DAC Engineering.
   f. Terrain management protects against flooding, inadequate drainage, erosion and meets the requirements of the Article 6 Development Construction Standards, per DAC Flood Commission and the Doña Ana Soil and Water Conservation District.
   g. There are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act, per New Mexico SHPO.
   h. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision.
   i. The subdivision will conform to the New Mexico Subdivision Act and the UDC.

3. The Preliminary Plat Application is consistent with the UDC:
   - Chapter 350 Unified Development Code Article IV Subdivisions
     - § 350-104.C.9 Duties of the Planning and Zoning Commission
     - § 350-212 Subdivision Procedures:
       - § 350-212.A General Rule
       - § 350-212.B Pre-application Conference
       - § 350-212.C Pre-engineering Conference
       - § 350-212.D Agency Review
       - § 350-212.E General Notice Requirements
       - § 350-212.G Preliminary Plat Review
       - § 350-212.J(1) Final Plat Review and BOCC Action
   - Article IV Subdivisions
     - § 350-401 P&Z Review
     - § 350-402 Development Review Committee
     - § 350-407 Subdivision Data Requirements
MEETING DATE: November 8, 2018
REQUEST: Amend the Phases of the Vado New Horizons Preliminary Plat
CASE #: SD16-001
PURPOSE: Change the acreage and number of lots within each previously approve phase
PROPERTY OWNER / APPLICANT: Tierra Del Sol Housing Corporation
LOCATION: NM 227, Vado N.M.
PROPERTY SIZE: 12.2-acres
PARCEL ID NO.: R1902247
RECOMMENDATION: Approval
CASE MANAGER: Luis Marmolejo Senior Planner

Case # SD16-001: Submitted by Tierra Del Sol Housing Corporation, an Amendment to the previously approved Preliminary Plat to change the acreage and number of lots within each Phase for a Type Two Subdivision known as Vado New Horizons. A three phase residential subdivision located on 23 acres. Phase 1 consisted of 51 lots, Phase 2, 29 lots and Phase 3, 17 lots. The amendment will consist of 42 lots on Phase 1. The property is identified as being within the NW1/4 of Section 21, Township 25 South, Range 3 East, in the community of Vado, NM. As recorded in the Office of the Doña Ana County Clerk on December 26, 2017 with Instrument #1729946. The subject parcel can be further identified by Parcel Acct. # R1902247.

SURROUNDING ZONING / LAND USE

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<thead>
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<th>LAND USE</th>
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<td>North</td>
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<td>Residential, site-built &amp; mobile homes</td>
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<td>C1</td>
<td>Vacant</td>
</tr>
<tr>
<td>East</td>
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<tr>
<td>West</td>
<td>C1</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

BACKGROUND
Existing Conditions and Zoning

On March 9, 2017, the Planning and Zoning Commission (P&Z) recommended Approval to the Board of County Commissioners (BOCC) for a three phase Type Two Subdivision Preliminary Plat known as Vado New Horizons, submitted by Tierra Del Sol Housing Corporation. On April 11, 2017 the BOCC approved the Vado New Horizons Preliminary Plat. On July 12, 2016 the BOCC, under the previous Code, Chapter 250, approved a Zone Change Case # CZ16-001 from CC-1 (Community Commercial: Neighborhood Commercial) to CR-1 (Community Residential: Single - family residential) and recognized a thirty-five (35) acre development concept to be known as Vado New Horizons Master Plan, Case # MP16-001. The Vado New Horizons Master Plan consists of 25 acres for CR-1, and 10 acres zoned CC-1. All lots within the subdivision range in size from 0.138 to 0.301 acres. The Preliminary Plat for Vado New Horizons Subdivision and the Phase amendments conforms to the previously recognized Master Plan and Preliminary Plat. This Preliminary Plat amendment is meeting the requirements of the UDC.

In keeping with the previously approved Preliminary Plat, ingress and egress to the subdivision will remain the same, it consists of two 50’ roadways intersecting Vado Drive. The roadways within the subdivision Highline Road, Arroyo Vista Loop, Calle Entrada, Camino Azul, and Arroyo Bueno will be built to County standards and dedicated to Doña Ana County except for a portion of Highline Road and Arroyo Vista Loop. Those roadway portions will be within Phase 2 and will be maintained and remain as private easements until submittal of the Final Plat for Phase 2 to be approved by the BOCC.

The Request:
Submitted by Tierra Del Sol Housing corporation to change acres and number of lots within each phase of a Type Two Subdivision Preliminary Plat known as Vado New Horizons. The proposal for Vado New Horizons Preliminary Plat Amendment consist of: Phase 1: 42 lots on 10.170 acres, Phase 2: 38 lots on 8.353 acres, Phase 3:17 lots on 5.022 acres. The previously approved Preliminary Plat is: Phase 1
consisted of 51 lots on 12.020 acres, Phase 2: 29 lots on 6.503 acres, and Phase 3: 17 lots on 23 acres. Approval of the request will meet financial obligations.

**BOCC APPROVAL**
On April 11, 2018 the Board of County Commissioners approved the Preliminary Plat for Vado New Horizons, the Preliminary Plat has not expired, and therefore the following applicable plans, policies, criteria and agency comments for approval are current:

**APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL**

Chapter 350 Unified Development Code Article IV Subdivisions
§ 350-104.C.9 Duties of the Planning and Zoning Commission
§ 350-212 Subdivision Procedures:
§ 350-212.A General Rule
§ 350-212.B Pre-application Conference
§ 350-212.C Pre-engineering Conference
§ 350-212.D Agency Review
§ 350-212.E General Notice Requirements
§ 350-212.G Preliminary Plat Review
§ 350-212.Q (3) Amendment Plats and Re-plats

Article IV Subdivisions
§ 350-401 P&Z Review
§ 350-402 Development Review Committee
§ 350-407 Subdivision Data Requirements

**AGENCY COMMENTS:**

**Development Review Committee:** Recommendation to approve the Preliminary Plat Amendment with the understanding that only Phase 1 will be started at this point.

**County Fire Marshall:** The fire protection plans shall be submitted along with the final plat and shall be stamped by a registered engineer indicating the fire plans meet the specifications of 1,000 G.P.M for a duration of 2 hours.

**County Engineering Department:** A positive recommendation is provided. It is understood all internal and offsite improvements will be depicted in future final plat submittals based on sewer availability for approximately 52 lots per DAC Utilities.

**County Flood Commission:** Construction design details will be addressed during approval of final construction drawings.

**DAC Utilities:** Final Plat approval to connect to the County waste system has been approved for Phase 1 of the Preliminary Plat.

**State Engineer, Santa Fe:** A positive opinion is issued.
NMED, Santa Fe: Comments from Air Quality, Drinking Water, Ground Water Quality, Liquid Waste Program, Solid Waste and Water Quality Bureaus, reported no negative commentary.

NMDOT, Santa Fe: The NMDOT does not have any issues with the proposed development and obtaining an access permit for the two proposed access points. NMDOT has comments on the proposed Traffic Impact Analysis that will be addressed prior to the issuing of an access permit.

SHPO, Santa Fe: There are no cultural properties listed in the state register of cultural properties within the proposed subdivision area.


Lower Rio Grande Public Works Authority: A letter of commitment to provide water services is within Item 17 of the Disclosure Statement.


El Paso Electric: Positive opinion issued.

DAC Addressing: No comments.

NOTICE/NOTIFICATION

- 34 letters of notification were mailed to the property owners within the area of notice on October 17, 2018.
- Legal Ads were placed in the Las Cruces Sun-News on October 17, 2018.
- Signs were placed on the property in a timely manner.
- Agenda was posted on the County Web site.

STAFF ANALYSIS

The proposal for Vado New Horizons Preliminary Plat Amendment, a three phase residential subdivision located on 23 acres will consist of: Phase 1: 42 lots on 10.170 acres, Phase 2: 38 lots on 8.353 acres, Phase 3:17 lots on 5.022 acres. The previously approved Preliminary Plat is: Phase 1 consisted of 51 lots on 12.020 acres, Phase 2: 29 lots on 6.503 acres, and Phase 3: 17 lots on 23 acres. The phase amendments do not increase or decrease the number of lots, the amendments do not change the proposed internal roadway configuration, but simply change the number of lots and acreage within each phase. Total acreage remains the same. In addition, the previously approved Preliminary Plat has not expired, therefore all applicable plans, policies and criteria under Chapter 350 Unified Development Code Article IV Subdivisions are current. Approval of the request will meet financial obligations.
FINDINGS:

Pursuant to UDC §1.4.3.i, the Planning and Zoning Commission being duly authorized to make recommendations for approval, approval with conditions or denial of Preliminary Plats to the Board of County Commissioners.”

1. The Planning and Zoning Commission has jurisdiction to review this application. The property is located outside of any incorporated municipal zoning authority and is within Doña Ana County.
2. The previously approved Preliminary Plat approved the Board of County Commissioners on April 11, 2017 has not expired, therefore all applicable plans, policies and criteria under Chapter 350 Unified Development Code Article IV Subdivisions are current.
3. The phase amendments do not increase or decrease the number of lots, the amendments do not change the proposed internal roadway configuration, but simply change the number of lots and acreage within each phase. Total acreage remains the same.
4. Approval of the Preliminary Plat Amendment for Vado New Horizons Subdivision maintains and does not affect the following:
   a. Water quantity is sufficient to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, per the Office of the State Engineer.
   b. Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination, per NMED requirements.
   c. There is a means of liquid waste disposal for the subdivision, per NMED requirements.
   d. There is a means of solid waste disposal for the subdivision, per NMED requirements.
   e. There are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel, per DAC Fire Marshal’s Office and DAC Engineering.
   f. Terrain management protects against flooding, inadequate drainage, erosion and meets the requirements of the Design and Construction Standards, per DAC Flood Commission and the Doña Ana Soil and Water Conservation District.
   g. There are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act, per New Mexico SHPO.
   h. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision.
   i. The subdivision will conform to the New Mexico Subdivision Act and these Regulations.

3. The Preliminary Plat Application is consistent with the UDC:
   a. § 1.4.3 Duties of the Planning and Zoning Commission.
   b. § 2.12 Subdivision Procedures of the Unified Development Code.
   c. § 2.12.7 Preliminary Plat Review.
   d. § 2.2.2 General Notice Requirements and Section 2.12.5 Public Hearings on Preliminary Plats and Finals Plats.
   e. § 4.1 P&Z Review.
   f. § 4.7 Subdivision Data Requirements.
   g. § 4.2 Development Review Committee.
STAFF RECOMMENDATIONS: Staff recommends approval of the amendments to the Preliminary Plat as the Preliminary Plat has not expired. In addition, the phase amendments do not increase or decrease the number of lots, the amendments do not change the proposed internal roadway configuration, but simply change the number of lots and acreage within each phase and total acreage remains the same.
PROPOSED PHASE AMENDMENTS
VADO NEW HORIZONS
SUBDIVISION, PHASE 1, AMENDED

A 10.18± ACRE RESIDENTIAL TYPE 2 SUBDIVISION ZONED CR-1
LOCATED IN THE NW¼ OF SECTION 21, T25S, R3E, NMPM,
NEAR VADO, DOÑA ANA COUNTY, NEW MEXICO

SCALE: 1"=60' OCTOBER 10, 2018

VICTINITY MAP
PROPERTY NOTIFICATION
<table>
<thead>
<tr>
<th>CODE ACCOUNT</th>
<th>OWNERNAME</th>
<th>MAILADDR</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
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<tr>
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<td>TIERRA DEL SOL HOUSING CORPORATION</td>
<td>210E IDAHO</td>
<td>LAS CRUCES</td>
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<td>FLORES REBECCA &amp; VERONICA</td>
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<td>VADO</td>
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<td>5 R 1718815</td>
<td>FLORES JOSU &amp; MARIA D</td>
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<td>ALBUQUERQUE</td>
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<td>219 S ASCARATE</td>
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<td>N M</td>
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<td>ANTHONY</td>
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<td>GONZALEZ FRAHIO BOREGO</td>
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<td>NM STATE HWY DEPT.</td>
<td>8070 BATAAN MEMORIAL EAST</td>
<td>LAS CRUCES</td>
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</table>
Disclosure Statement

For

Vado New Horizons

A Type 2 Subdivision

Located Near Vado
In Doña Ana County, New Mexico

October 4, 2018

Presented by:

Tierra del Sol Housing Corporation,
A New Mexico Non-Profit Corporation
210 E. Idaho Avenue
Las Cruces, New Mexico 88005

Prepared by:

UNDERWOOD ENGINEERING
1430 W. Amador Avenue Las Cruces, NM
88005 Phone: (575) 647-4329
Project No. 1857
Disclosure Statement for Subdivisions Containing Six Parcels or More

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six months from the time of purchase, lease or other acquisition so personally inspect the property. After inspecting the parcel within the six months period, you have three days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three days after the date of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.
1. NAME OF SUBDIVISION (name of subdivision)
   Vado New Horizons.

2. NAME AND ADDRESS OF SUBDIVIDER (name of subdivider) (address of subdivider)
   Tierra Del Sol Housing Corporation, A New Mexico Non-Profit Corporation
   210 E. Idaho Avenue
   Las Cruces, NM 88005

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO (name of person in charge of sales, leasing or other conveyance) (address of person in charge of sales, leasing or other conveyance) (telephone number of person in charge of sales, leasing or other conveyance)
   Rose Garcia, Executive Director
   Tierra Del Sol Housing Corporation
   210 E. Idaho Avenue
   Las Cruces, NM 88005
   (575) 541-0477

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED
   Present (Phase 1) Anticipated (Phase 2 and Phase 3)
   42 Lots 97 Lots
   10.19 Acres 23.546 Acres

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION (size of largest parcel in acres)
   The size of the largest parcel is 0.251 acres.

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION (size of smallest parcel in acres)
   The size of the smallest parcel is 0.138 acres.

7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES
   Lowest amount: $31,000.00 for a 0.138 acre parcel.
   Highest amount: $34,000.00 for a 0.251 acre parcel

8. FINANCING TERMS (interest rate) (term of loan or contract) (minimum down payment) (service charges and/or escrow fees) (premium for credit life or other insurance if it is a condition for giving credit) (closing costs) (any other information required by the Truth in Lending Act and Regulation Z if not set forth above)
   To be determined at time of sale.

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE (name of person who is recorded as having legal title) (address of person who is recorded as having legal title)
   Rose Garcia, Executive Director
   Tierra del Sol Housing Corporation, A New Mexico Non-Profit Corporation
   210 E. Idaho Avenue
   Las Cruces, NM 88005
NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE (name of person who is recorded as having equitable title) (address of person who is recorded as having equitable title)

This Item 10 is not applicable to this development.

NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

11. CONDITION OF TITLE include at least the following information where applicable (number of mortgages) (name and address of each mortgagee) (balance owing on each mortgage) (summary of release provisions of each mortgage) (number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser) (name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser) (balance owing on each real estate contract) (summary of default provisions of each real estate contract) (statement of any other encumbrances on the land) (statement of any other conditions relevant to the state of title)

Mortgage 1: Rural Community Assistance Corporation (RCAC)
3120 Freeboard Drive, Suite 201
West Sacramento, California 95691
Balance owing on Mortgage 1: $300,100.00
Release per lot: $6,253.00

Proposed Mortgage 2: New Mexico Mortgage Finance Authority
344th 4th St. SW
Albuquerque, NM 87102
Proposed Balance on Mortgage 2: $500,000.00

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY (state here all deed and plat restrictions affecting the subdivided land)

There are no known restrictions or reservations of record other than those shown on the subdivision plat for this development.

13. ESCROW AGENT (name of escrow agent) (address) (statement of whether or not the subdivider has any interest in or financial ties to the escrow agent)

To be determined at time of sale.

14. UTILITIES (name of entity providing electricity, if available) (name of entity providing gas service, if available) (name of entity providing water, if available) (name of entity providing telephone, if available) (name of entity providing liquid waste disposal, if available) (name of entity providing solid waste disposal, if available)

Buyer to make arrangements for service to these utility services; Call for pricing

Electric service provided by El Paso Electric Company.
Gas service provided by Zin Natural Gas.
Water service provided by Lower Rio Grande Public Water Works Authority.
Telephone service provided by Qwest Corporation, d/b/a CenturyLink QC.
Liquid waste disposal provided by Doña Ana County.
Solid Waste Disposal provided by Mesilla Valley Disposal.
15. INSTALLATION OF UTILITIES

The following utilities are available on site.

Electricity, purchaser to make arrangements for service.
Gas, purchaser to make arrangements for service.
Water, purchaser to make arrangements for service.
Telephone, purchaser to make arrangements for service.
Liquid waste disposal, purchaser to make arrangements for service.
Solid waste disposal, purchaser to make arrangements for service.

16. UTILITY LOCATION

(if all utilities are to be provided to each parcel in the subdivision, please state here) (if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel) (state whether each utility will be above ground or underground)

The developer is obligated to make the following utilities available to all Lots in the subdivision. Each of the following utilities will be provided either above ground or below ground as indicated.

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<thead>
<tr>
<th>Proposed Above-ground</th>
<th>Proposed Underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
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<td>X</td>
</tr>
<tr>
<td>Liquid waste disposal</td>
<td>X</td>
</tr>
<tr>
<td>Solid waste disposal</td>
<td>X</td>
</tr>
</tbody>
</table>

17. WATER AVAILABILITY

(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses) (describe the availability and sources of water to meet the subdivision’s maximum annual water requirements) (describe the means of water delivery within the subdivision) (describe any limitations and restrictions on water use in the subdivision) (summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures) (describe what measures, if any, will be employed to monitor or restrict water use in the subdivision)

Water is provided by the Lower Rio Grande Public Water Works Authority.

325 Holguin Road
Vado, NM 88072
Office: 575-233-5742
Monday - Friday
08:00 a.m. - 05:00 p.m.

See Attachment 17 for Letter of Commitment by LRGPWWA. See Attachment 17-2 for the maximum annual domestic water requirements. Water delivery within the subdivision is by water utilities infrastructure serving the property.

Outdoor water use is limited to 30 gallons per day to an irrigated area not to exceed 800 square feet per parcel. The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, grasses, and garden. Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged whenever possible. Water will not be provided for other outdoor uses such as swimming pools, hot tubs, water fountains, and decorative ponds.
18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (name and address of entity providing water) (source of water and means of delivery) (summary of any legal restrictions on either indoor or outdoor usage) (statement that individual wells are prohibited, if such is the case)

See Item 17.

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS (state whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee) (if wells are provided by purchaser/lessee/conveyed, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities) (if wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyed) (summary of legal restrictions on either indoor or outdoor usage) (average depth to groundwater and the minimum and maximum well depths to be reasonably expected) (recommended total depth of well) (estimated yield in gallons per minute of wells completed to recommended total depth)

This Item 19 is not applicable to this development.

20. LIFE EXPECTANCY OF WATER SUPPLY (state the life expectancy of each source of water supply for the subdivision under full development of the subdivision)

The life expectancy of water supply is 40 years. See Attachment 20.

21. SURFACE WATER*

This Item 21 is not applicable to this development.

*Not applicable where subdivider intends to provide water for domestic use. (provide a detailed statement the source and yield of the surface water supply and any restrictions to which the surface water supply is subject)

22. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding: (whether or not the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses) (whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality)

The Office of the State Engineer has issued a favorable opinion. See Attachment 22.

23. WATER QUALITY (describe the quality of water in the subdivision available for human consumption) (describe any quality that would make the water unsuitable for use within the subdivision) (state each maximum allowable water quality parameter that has been exceeded with the approval of the Board of County Commissioners and the name of the element, compound or standard that has exceeded that parameter)

See Attachment 23 (Water Quality Report).

24. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on: (whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations) (whether or not the subdivider's proposal for water quality conforms to the County's water quality regulations)

The Environmental Department issued a favorable opinion. See Attachment 24.

25. LIQUID WASTE DISPOSAL (describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County Commissioners for use within the subdivision)

There are no new liquid waste disposal systems proposed. This property is to be served by the existing
NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS. PRIOR TO OCCUPANCY, ALL LOTS MUST HAVE EVIDENCE OF A FUNCTIONING LIQUID WASTE DISPOSAL SYSTEM INSTALLED BY A LICENSED CONTRACTOR OR PLUMBER IN ACCORDANCE WITH PERMITS ISSUED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT, INSPECTED BY THE CONSTRUCTION INDUSTRIES DIVISION, AND VERIFIED BY THE OFFICE OF BUILDING INSPECTION.

26. N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL
Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on: (whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations) (whether or not the subdivider can fulfill the liquid waste proposals made in this disclosure statement) (whether or not the subdivider’s proposal for liquid waste disposal conforms to the County’s liquid waste disposal regulations)

The NM Environment Department has issued a favorable opinion. See Attachment 24.

27. SOLID WASTE DISPOSAL (describe the means of solid waste disposal that is proposed for use within the subdivision)

Solid waste will be collected by a private contractor and delivered to the Las Cruces-Doña Ana County Solid Waste Facility. Company providing service on site is:

Mesilla Valley Disposal Ltd. Co.
1200 Ft. Fillmore Road
Mesilla Park, NM 88047 Phone: (575) 647-9094

28. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL
Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on: (whether or not there are sufficient solid waste disposal facilities to fulfill the needs of the subdivision in conformity with state regulations) (whether or not the subdivider can fulfill the solid waste proposals made in this disclosure statement) (whether or not the subdivider’s proposal for solid waste disposal conforms to the County’s regulations on solid waste disposal)

The NM Environment Department has issued a favorable opinion. See Attachment 24.

29. TERRAIN MANAGEMENT (describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation District’s soil survey for Doña Ana County) (describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures) (identify by lot and block numbers all parcels within the subdivision that are subject to flooding) (identify by lot and block number all parcels within the subdivision located in whole or in part on slopes in excess of 8%) (describe the surface drainage for all lots in the subdivision) (describe the subsurface drainage for all lots in the subdivision) (describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision)

The soil in this subdivision is identified as Bm and Bn; Bluepoint loamy sand. See Attachment 29. These soils are very similar and consist of a “loamy sand for the top 18 inches and below that is a loamy fine sand”. They are so sandy in nature that they have “severe limitations” for dwellings and small commercial buildings, however if the dwellings and small commercial buildings are constructed according to the County specified building code there will be no problem. These soils have severe limitations for use as sewage Lagoon areas and they have “moderate limitations” for septic tank leach fields, however there is no need to construct either of these facilities in this subdivision. Because of the excess sodium and the fast rate of percolation, these soils are poor as topsoil as it is, however if the owner blends this soil with other soils and/or supplements, this soil can become a good topsoil. The surface drainage inside this development is moderate and is suitable for dwellings.
This subdivision is located in Zone ‘X’ (unshaded), areas determined to be outside the 500-YR floodplain, as shown on FEMA FIRM No. 35013C1525G, effective July 6, 2016. Parcels are outside the 500-year flood zone. See Attachment 29-2. Prospective buyers should check with the Dona Ana Flood Commission Office for the latest flood information for this area. There are no areas within this subdivision that are in the FEMA Flood Zone A.

This subdivision is not located in an area in which there are slopes in excess of 8%. The surface drainage for this subdivision shall be collected by the access streets and conveyed to the regional pond. The site is relatively flat. Construction of a regional drainage pond is proposed for this subdivision. This regional pond is for lot and street runoff. On-lot ponds are not proposed for residential lots. Tracts E1 & D1 will have ponding and shall retain on-lot runoff.

Tierra Del Sol Corporation is the responsible maintenance party for Tracts ‘A’, ‘B’, ‘C’, ‘D1’, ‘D2’, ‘E1’, ‘E2’, ‘F’, the regional pond and the 10-foot drainage easement that is located along the south line of Lots 1-13, Block F of Phase 2. The drainage pond embankments will be seeded with a New Mexico native grass for erosion protection.

There is a short storm sewer proposed which will be constructed during Phase 1 of this project.

This development will be constructed in three phases and between Phases 1 and 2 as well as between Phases 2 and 3 there will be constructed temporary drainage interceptor berms and ditches which will protect Phases 1 and 2 from upstream storm water from causing damage to Phases 1 and 2. For each phase an Erosion Protection Plan will be designed according to Dona Ana County requirements and be included along with the construction drawings.

30. NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on: (whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion) whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement) (whether or not the subdivider's terrain management proposals conform to the County's regulations on terrain management)

The Natural Resource Conservation District issued a favorable opinion. See Attachment 30.

31. SUBDIVISION ACCESS (name of town nearest to subdivision) (distance from nearest town to subdivision and the route over which that distance is computed) (describe access roads to subdivision) (state whether or not subdivision is accessible by conventional vehicle) (state whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions) (describe the width and surfacing of all roads within the subdivision) (state whether the roads within the subdivision have been accepted for maintenance by the County) (if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owners' responsibilities and obligations with respect to road maintenance)

The nearest town to the subdivision is Anthony, NM, which is located approximately 10 miles south along Vado Drive, Interstate 10 and NMSR 460 (Anthony Drive).

Access to the subdivision is from Vado Drive which is a paved road maintained by the NMDOT. The subdivision is ordinarily accessible by conventional vehicle at all times of the year and under all weather conditions. Vado Drive is an improved road consisting of two 12’ wide drive lanes. When complete, a portion of Vado Drive will have a 16’ median turn lane. Phase 1 will have two paved road accesses to Vado Drive and subsequent phases will continue to use this dual access.

The phasing of this development is such that Phase 1 will include the drainage pond and the lowest roads draining into the drainage pond. Subsequent phases will merely extend the road system upgrade so that no generated drainage will have to drain onto the sandy soil.
All roads are designed to comply with all County standards for vehicular use as well as for a storm drain system. See revised drainage report.

32. **MAINTENANCE** (state whether the roads and other improvements within the subdivision will be maintained by the county, the subdivider or an association of lot owners, and what measures have been taken to make sure that maintenance takes place)

The access streets are proposed to be offered for dedication to the public. After successful completion of the warranty period the Board of County Commissioners shall accept the dedication and maintenance of these roads.

33. **STATE HIGHWAY DEPARTMENTS OPINION ON ACCESS** Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:
   - (whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformance with state regulations)
   - (whether or not the subdivider can satisfy the access proposal made in this disclosure statement)
   - (whether or not the subdivider's access proposals conform to the County's regulations on access)

The NMDOT has issued a favorable opinion. See Attachment 33.

34. **CONSTRUCTION GUARANTEES** (describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale) (describe all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement)

   **NOTE:** UNLESS THERE IS A SUFFICIENT BOND, LETTER OF CREDIT OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED, CAUTION IS ADVISED.

   The developer shall complete all infrastructure improvements for substantial completion prior to the sale of any lot.

35. **ADVERSE OR UNUSUAL CONDITIONS** (state any activities or conditions adjacent to or nearby the subdivision, such as feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)

   This Item 35 is not applicable to this development. Although a truck stop to the east and dairy to the southeast exist near the proposed subdivision there are no known adverse or unusual conditions regarding this property subjecting the land to any negative or unusual conditions for the area.

36. **RECREATIONAL FACILITIES** (describe all recreational facilities, actual and proposed in the subdivision) (state the estimated date of completion of each proposed recreational facility) (state whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral)

   There is a 0.456 acre open space area (Tracts ‘E1’ & ‘E2’) that has been left in its natural state as open space for recreational use. See the development site plan. There are no recreational facilities such as buildings or other structures proposed on the open space area. The open space area is for the preservation of natural habitat for native animal and plant life to provide residents and their pets an area in which to walk and enjoy.

37. **FIRE PROTECTION** (distance to nearest fire station from subdivision) (route over which that distance is computed) (state whether the fire department is full-time or volunteer)

   Fire protection will be provided by the La Mesa Volunteer Fire Department located west of the subdivision at 117 East San Miguel St, La Mesa, NM 88044, phone (575) 233-3535.

   From the intersection of Vado Drive (NMSR 227) and Highline Road proceed southwest on Vado Drive approximately 1.1 miles to Esquina Road; thence turn south (left) onto Holguin Road and proceed.
approximately 0.3 miles to NMSR 189; thence proceed west on NMSR 189 approximately 1.2 miles to NMSR 28; thence proceed on NMSR 28 approximately 1.8 miles to San Miguel Street; Thence turn east (right) onto San Miguel Street and proceed approximately 250 feet to the fire station.

38. POLICE PROTECTION List the various police units that patrol the subdivision, (sheriff’s department, if applicable) (municipal police, if applicable) (state police, if applicable)

The subdivision is served by the Doña Ana County Sheriff’s Department and the New Mexico State Police.

39. PUBLIC SCHOOLS (name of and distance to nearest public elementary school serving the subdivision) (name of and distance to nearest public junior high or middle school serving the subdivision) (name of and distance to nearest public high school serving the subdivision)

Vado Elementary School is located approximately 1.1 miles from the subdivision.
Gadsden Middle School is located approximately 11.4 miles from the subdivision.
Desert Pride Academy (High School) is located approximately 7.4 miles from the subdivision.
Gadsden High School is located approximately 10.8 miles from the subdivision.

40. HOSPITALS (name of nearest hospital) (distance to nearest hospital and route over which that distance is computed) (number of beds in nearest hospital)

Memorial Medical Center, at 2450 South Telshor Boulevard, Las Cruces, NM 88011, (575) 522-8641, has 298 beds (as posted in [http://www.lifepointhealth.net/serving-communities/our-communities/memorial-medical-center](http://www.lifepointhealth.net/serving-communities/our-communities/memorial-medical-center)) is located approximately 13.8 miles from the subdivision.

From the intersection of Vado Drive (NMSR 227) and Highline Road proceed east on Vado Drive approximately 0.9 miles and proceed north on Interstate 10 (west) for approximately 11.4 miles to the Interstate 25 Junction; Thence proceed approximately 1 mile to the University Avenue exit; thence proceed east (right) on University exit approximately 0.4 miles; thence proceed north (left) on Telshor Blvd. Memorial Medical center is on the left.

41. SHOPPING FACILITIES (description of nearest shopping facilities including number of stores) (distance to nearest shopping facilities and route over which that distance is computed)

There is a Dollar General located near the subdivision. From the intersection of Vado Drive (NMSR 227) and Highline Road proceed east on Vado Drive approximately 0.2 miles, Dollar General is located to the right. There are also numerous shopping facilities in Anthony, NM located approximately 9 miles south of the subdivision; from the intersection of Vado Drive and Stern Drive proceed south on Stern Drive approximately 5.5 miles to Anthony Drive; thence proceed south on Anthony Drive approximately 3.5 miles. Also, there are numerous shopping facilities in Las Cruces, NM located approximately 12.9 miles north of the subdivision; from the intersection of Vado Drive and Stern Drive proceed north on Stern Drive approximately 12.9 miles to Union Avenue.

42. PUBLIC TRANSPORTATION (describe all public transportation that serves the subdivision on a regular basis)

South Central Regional Transit provides public transportation near the proposed subdivision. Information can be obtained at [http://www.scrtd.org/Routes-Schedules/Schedules](http://www.scrtd.org/Routes-Schedules/Schedules). See Attachments 42 and 42-2.

43. AGRICULTURE New Mexico law includes statute (NMSA 47-9) cited as the "Right to Farm Act." According to this law, "any agricultural operation or facility is not, nor shall it become, a private or public nuisance by any changed condition in or about the locality of the operation or facility, if the operation was not a nuisance at the time it began and has been in existence for more than a year." The Right to Farm Act includes, but is not limited to, operations and facilities within the farm or ranch such as: chemical application, field preparation, irrigation, cultivation, conservation practices, pruning, plowing, planting, roadside market or any other use of the land for the production of plants, crops, trees, forest products, orchard crops, livestock, poultry or fish.
The land is not being farmed. The soil is not farm-compatible.

44. CULTURAL AND HISTORIC PROPERTIES PROTECTION

There are no known properties within the boundary of this subdivision that have been entered into the New Mexico Register of Cultural Properties. Any such properties entered in the Register must comply with the requirements of the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978 and all applicable laws regarding cultural properties and archaeological sites. No investigation into unmarked burials has been made. During construction, it is the buyer's responsibility to report any unmarked burials that are discovered to the State Medical Investigator or to the State Historic Preservation Office.

See Attachment 44

CERTIFICATION AND NOTARY

I certify that the information provided by me in this disclosure statement is true and correct.

_________________________  ____________________________
Signature                  Print your name here

_________________________  ____________________________
Address                    City, state, and zip code

_________________________  ____________________________
Telephone number(s)        Corporation or Partnership

ACKNOWLEDGEMENT

State of New Mexico)  
) ss
County of Doña Ana )

SUBSCRIBED AND SWORN to before me this _______day of ________________________, 20________.

_________________________
Notary Public

My commission expires:____________________________
Ms. Rose Garcia  
Executive Director  
Tierra Del Sol Housing Corp.  
P.O. Box 2626  
Anthony, NM 88021

RE: Letter of Commitment to Provide Water Service to Vado New Horizons Subdivision Phase I

Dear Ms. Garcia:

The Authority is ready, willing, and able to provide residential water service, as well as fire flows to the residential subdivision as necessary, subject to the following conditions:

1) Applicant shall provide a final plat with easements and a final set of construction drawings to be approved by the Authority’s engineer and operations staff, and only after approval may the water system improvements be installed. The Authority’s engineer and operations staff shall be provided prior to construction, copies of all permits, easements, and other documents required by regulatory agencies, for review by the Authority’s attorney.

2) Applicant shall construct at its own cost all necessary on-site and off-site facilities to connect to the subdivision to the Authority’s existing infrastructure and to upgrade any portion of the Authority’s system to accommodate the water demands of the Applicant’s subdivision, including storage tanks for fire flow protection if required. All valves, fire hydrants, meter setters, meters, and other materials utilized shall be of the same quality as those used by the Authority and must be approved by the Authority’s engineer and operations staff prior to installation.

3) Applicant agrees that all related distribution water lines, including service lines, fire hydrants, valves and related fittings, and meter yoke assemblies, excluding metering devices with the subdivision, hydrant, etc. are to be constructed and installed by a licensed utility contractor, to meet the Authority’s specifications. Any contractor hired by the Applicant is also responsible for coordinating the inspection, pressure test, and microbiological tests with the Authority.

4) The Applicant will be responsible for all maintenance or repair on the distribution water lines, including service lines, fire hydrants, valves and related fittings, and meter yoke assemblies, excluding the metering device within the distribution system, for a warranty period of one (1) year after
acceptance of the water facilities construction by the Authority. During this one year period, the Applicant shall perform all maintenance and repairs promptly on the water facilities and be responsible for insuring against any liability. Should the Authority be required to perform any repairs due to failure of the Applicant to do so within a reasonable time, the Applicant shall be required to reimburse the Authority for any costs incurred for any time, equipment, and materials expended.

5) One (1) calendar year from acceptance by the Authority of the construction of the water facilities, the water distribution infrastructure system, including storage tanks if required, but excluding that portion on the user side of the meter, shall be transferred by the Applicant and become the property of the Authority, at which time maintenance on the water infrastructure up to and including the water meter shall become the responsibility of the Authority.

6) Payments under the customer policies of the Authority, such as hook-up fees, assessments, membership fees, and other charges or impact fees shall be determined at a later date based on the then existing rates, charges, and necessary assessments of the Authority shall include such information in the subdivision’s disclosure statement.

7) Both Applicant and the Authority acknowledge that connecting the subdivision to the Authority’s system to enable the Authority to sell water to the residential lot owners will require the Applicant to construct and/or pay for all off-site improvements, if any, which have not yet been identified.

8) The commitment becomes void six (6) months from the date of this approval, if County approval for subdivision has not been obtained by Applicant within the six month period.

9) The entitlement of the residential lots to receive domestic water from the Authority shall terminate if there is any attempt to place non-residential uses on the lots or any portion of the subdivision presently identified as open spaces, parks, agriculture, or used for other purposes apart from placement of a residence.

10) Applicant acknowledges and agrees that it shall comply with the Authority’s Water Rights Acquisition Policy, which will require the Applicant to acquire and transfer ownership of groundwater rights sufficient to serve the residential lots, or in whatever amount the Office of State Engineer determines is required to serve the residential subdivision or payment in lieu of water rights transfer. Applicant will meet this requirement at the time of entering into a formal Agreement to Provide Water Service after the subdivision has received County approval. At that time, Applicant agrees it will provide and transfer sufficient water rights to the Authority to comply with the required acre feet of water right per lot. The Applicant has selected the payment option.
11) Upon approval of the Applicant’s proposed subdivision by the County and after acquiring all other required governmental approvals, if any, the Authority and Applicant shall enter into a formal Agreement to Provide Water Service.

Regards,

Martin G. Lopez, GM
LRGPWWA
The domestic need for this development is based on Table 1, Indoor Water Use For Single and Multi-family Dwelling Units, page 22 of New Mexico State Engineer Office Technical Report 48 dated February 1996 for Subdivisions, by Brian C. Wilson, P.E.

\[ W = (CPU) \times (GCDP) \times 365 \text{ days/year} \]

CPU = the number of capita per dwelling unit

GCDP = gallons per capita per day

\[ W = (97 \text{ Lots}) \times (3 \text{ capita per dwelling unit}) \times (75 \text{ gallons}) \times (365 \text{ days}) = 7,966,125 \text{ gallons/year} \]

\[ \frac{7,966,125 \text{ gallons}}{7.48 \text{ gallons/CF}} \times \frac{43,560 \text{ CF/AF}}{} = 24.4 \text{ AF} \]

24.4 AF is for the additional lots being created or 0.252 AF per lot.

* This 75 gallons per day per capita is limited to the following uses. Any water use not included in this table is not permissible.

<table>
<thead>
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<th>Item and Assumptions</th>
<th>GPCD</th>
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<td>Toilets (1.6 gal/flush x 6 flush capita day)</td>
<td>9.6</td>
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<tr>
<td>Toilet leakage (0.17 x 24 gal/capita day)</td>
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<tr>
<td>Showers (2.5 gpm x 4.8 minute)</td>
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<tr>
<td>Baths (50 gal/bath x .14 bath/capita day)</td>
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<tr>
<td>Faucets (Estimated)</td>
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<tr>
<td>Dishwasher (13 gal/load x .17 load/capita day)</td>
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<tr>
<td>Washing machine (50 gal/load x .30 load/capita day)</td>
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<td>Evaporative cooling (statistically)</td>
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<tr>
<td>Water softening</td>
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</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
</tbody>
</table>
RE: Vado New Horizons

Martin Lopez <martin.lopez@lrgauthority.org>

Wed 12/14/2016 4:49 PM
Inbox
To: 'Sergio Suarez' <sergio@underwoodengineering.com>
Categories: sergio@underwoodengineering.com

Sergio,

It would be perpetual, but for accounting purposes it is 40 years. As you make improvements to different components you can extend it.

Martin G. Lopez, GM
Lower Rio Grande PWWA
575.571.3628
martin.lopez@lrgauthority.org

Sergio Suarez
Underwood Engineering
PO BOX 646
Doña Ana, New Mexico 88032
575-647-4329 (o)
575-523-5286 (f)
Re: Vado Horizons Subdivision Submittal

Dear Mr. Marmolejo:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Dona Ana County Subdivision Regulations and the New Mexico Subdivision Act.

Based on the information provided, this office has determined that the subdivider is capable of furnishing water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Chuck Lawler at 505-827-6664.

Sincerely,

Molly Magnuson, P.E.
Water Use and Conservation Bureau Chief

cc: OSE Water Rights Division, Las Cruces Office
DATE: October 17, 2016
TO: Molly Magnuson, P.E., Water Use and Conservation Bureau Chief
FROM: Chuck Lawler, Senior Water Resource Specialist
SUBJECT: Vado New Horizons Subdivision, Dona Ana County

SUMMARY

On September 23, 2016 the Office of the State Engineer (OSE) received a request to review the application for the Vado New Horizons Subdivision, a Type Two subdivision. The submittal received was incomplete and Disclosure Statement Attachment 17-2 detailing indoor water use was subsequently received on October 11, 2016.

The proposal is a request to subdivide a 23.546 acre parcel into 97 lots with sizes ranging between 0.138 acres and 0.301 acres. The water supply is to be provided by the Lower Rio Grande Public Works Water Authority (LRGPWWA). The subject property is located on the southeast edge of Vado, adjacent to and southeast of State Road 227 within Section 21, Township 25 South, Range 3 East, NMPM.

The water supply documents submitted to this office consist of a Disclosure Statement, Plat Maps, a Water Budget and a Commitment Letter.

The proposal was reviewed pursuant to the Dona Ana County Subdivision Regulations - Ordinance No. 166-96 (Regulations) and the New Mexico Subdivision Act (Act). The County requirements are specified in Section 14.3 of the Regulations. The water supply proposal is in compliance with the requirements of the Regulations and the Act. Accordingly, a positive opinion should be issued.

WATER DEMAND ANALYSIS AND CONSERVATION

Section 14.3.2 (B) of the Regulations state “The subdivider, may at his/her option, prepare a detailed water demand analysis using the step by step computational procedure presented in the relevant State Engineer Technical Report”. The developer quantified the maximum water demand as 27.7 acre-feet per year (afy) for the entire subdivision or 0.286 afy per lot assuming 3 persons per dwelling (at 75 gpcd) and an outdoor water use limit of 30 gallons per day.

No requirements for water conservation measures are identified in the Disclosure Statement although Item No. 17 limits outdoor use to 30 gallons per day and Attachment 17-2 specifies that “Any water use not included in this table is not permissible.”

With regard to outdoor use, this office recommends that the subdivider limit the total irrigated area to 800 square feet per parcel. This restriction may be stated as follows: “The 800 square feet...
may be planted in any combination of trees, shrubs, annuals and perennials, grasses, and garden. Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged whenever possible. Water will not be provided for other outdoor uses such as swimming pools, hot tubs, water fountains, and decorative ponds.

**WATER AVAILABILITY ASSESSMENT**

The proposed water supply for this subdivision is the LRGPWWA. A letter from the utility, stating that the utility is ready, willing, and able to provide water service for the subdivision is included in the proposal as required by Section 14.3.5.A.2 of the Regulations. The commitment extends six (6) months from the date of the approval letter but is then voided if approval for the subdivision has not been obtained by the Applicant.

Section 47-6-11.F (1) of the Act requires that the developer provide documents demonstrating that water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision is available. The OSE reviews the water rights and the physical water availability when issuing an opinion. Based on OSE records, the LRGPWWA currently holds sufficient water rights to provide service to the proposed development.

Based on the information provided, this office has determined that the subdivider can fulfill the proposals in the Disclosure Statement concerning water availability at this time.
Lower Rio Grande PWWA South Valley
CCR 2015

Spanish (Espanol)

Este informe contiene información muy importante sobre la calidad de su agua beber. Tradúscalo o hable con alguien que lo entienda bien.

Is my water safe?

We are pleased to present this year's Annual Water Quality Report (Consumer Confidence Report) as required by the Safe Drinking Water Act (SDWA). This report is designed to provide details about where your water comes from, what it contains, and how it compares to standards set by regulatory agencies. This report is a snapshot of last year's water quality. We are committed to providing you with information because informed customers are our best allies.

Do I need to take special precautions?

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Water Drinking Hotline (800-426-4791).

Where does my water come from?

Your ground water comes from eight deep, good producing Wells located in the Lower Rio Grande Basin

Source water assessment and its availability

information can be found at www.lrgauthority.org
Why are there contaminants in my drinking water?

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's (EPA) Safe Drinking Water Hotline (800-426-4791). The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity:

- microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;
- inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial, or domestic wastewater discharges, oil and gas production, mining, or farming;
- pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;
- organic Chemical Contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems;
- and radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities. In order to ensure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

How can I get involved?

The Lower Rio Grande PWWA Board meets every third Wednesday of every month. Either at the La Mesa or the Butterfield Park Offices. Information can be found at www.lrgauthority.org

Water Conservation Tips

Did you know that the average U.S. household uses approximately 400 gallons of water per day or 100 gallons per person per day? Luckily, there are many low-cost and no-cost ways to conserve water. Small changes can make a big difference - try one today and soon it will become second nature.
• Take short showers - a 5 minute shower uses 4 to 5 gallons of water compared to up to 50 gallons for a bath.
• Shut off water while brushing your teeth, washing your hair and shaving and save up to 500 gallons a month.
• Use a water-efficient showerhead. They're inexpensive, easy to install, and can save you up to 750 gallons a month.
• Run your clothes washer and dishwasher only when they are full. You can save up to 1,000 gallons a month.
• Water plants only when necessary.
• Fix leaky toilets and faucets. Faucet washers are inexpensive and take only a few minutes to replace. To check your toilet for a leak, place a few drops of food coloring in the tank and wait. If it seeps into the toilet bowl without flushing, you have a leak. Fixing it or replacing it with a new, more efficient model can save up to 1,000 gallons a month.
• Adjust sprinklers so only your lawn is watered. Apply water only as fast as the soil can absorb it and during the cooler parts of the day to reduce evaporation.
• Teach your kids about water conservation to ensure a future generation that uses water wisely. Make it a family effort to reduce next month's water bill!
• Visit www.epa.gov/watersense for more information.

Cross Connection Control Survey

The purpose of this survey is to determine whether a cross-connection may exist at your home or business. A cross connection is an unprotected or improper connection to a public water distribution system that may cause contamination or pollution to enter the system. We are responsible for enforcing cross-connection control regulations and ensuring that no contaminants can, under any flow conditions, enter the distribution system. If you have any of the devices listed below please contact us so that we can discuss the issue, and if needed, survey your connection and assist you in isolating it if that is necessary.

• Boiler/ Radiant heater (water heaters not included)
• Underground lawn sprinkler system
• Pool or hot tub (whirlpool tubs not included)
• Additional source(s) of water on the property
• Decorative pond
• Watering trough

Source Water Protection Tips
Protection of drinking water is everyone's responsibility. You can help protect your community's drinking water source in several ways:

- Eliminate excess use of lawn and garden fertilizers and pesticides - they contain hazardous chemicals that can reach your drinking water source.
- Pick up after your pets.
- If you have your own septic system, properly maintain your system to reduce leaching to water sources or consider connecting to a public water system.
- Dispose of chemicals properly; take used motor oil to a recycling center.
- Volunteer in your community. Find a watershed or wellhead protection organization in your community and volunteer to help. If there are no active groups, consider starting one. Use EPA's Adopt Your Watershed to locate groups in your community, or visit the Watershed Information Network's How to Start a Watershed Team.
- Organize a storm drain stenciling project with your local government or water supplier. Stencil a message next to the street drain reminding people "Dump No Waste - Drains to River" or "Protect Your Water." Produce and distribute a flyer for households to remind residents that storm drains dump directly into your local water body.

Additional Information for Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. Lower Rio Grande PWWA South Valley is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at http://www.epa.gov/safewater/lead.

Additional Information for Arsenic

While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.
In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of contaminants in water provided by public water systems. The table below lists all of the drinking water contaminants that we detected during the calendar year of this report. Although many more contaminants were tested, only those substances listed below were found in your water. All sources of drinking water contain some naturally occurring contaminants. At low levels, these substances are generally not harmful in our drinking water. Removing all contaminants would be extremely expensive, and in most cases, would not provide increased protection of public health. A few naturally occurring minerals may actually improve the taste of drinking water and have nutritional value at low levels. Unless otherwise noted, the data presented in this table is from testing done in the calendar year of the report. The EPA or the State requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants do not vary significantly from year to year, or the system is not considered vulnerable to this type of contamination. As such, some of our data, though representative, may be more than one year old. In this table you will find terms and abbreviations that might not be familiar to you. To help you better understand these terms, we have provided the definitions below the table.

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCL or MRL (ppb)</th>
<th>MCL, TT, or MRDL (ppb)</th>
<th>Range Low (ppb)</th>
<th>Range High (ppb)</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disinfectants &amp; Disinfection By-Products</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chlorine (as Cl₂) (ppm)</td>
<td>4</td>
<td>.78</td>
<td>.487</td>
<td>.78</td>
<td>2015</td>
<td>No</td>
<td>Water additive used to control microbes</td>
</tr>
<tr>
<td>Haloacetic Acids (HAA5) (ppb)</td>
<td>NA</td>
<td>11</td>
<td>5.7</td>
<td>11</td>
<td>2015</td>
<td>No</td>
<td>By-product of drinking water chlorination</td>
</tr>
<tr>
<td>TTHMs [Total Trihalomethanes (ppb)]</td>
<td>NA</td>
<td>51</td>
<td>39</td>
<td>51</td>
<td>2015</td>
<td>No</td>
<td>By-product of drinking water disinfection</td>
</tr>
<tr>
<td><strong>Inorganic Contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arsenic (ppb)</td>
<td>0</td>
<td>7.6</td>
<td>6.4</td>
<td>7.6</td>
<td>2015</td>
<td>No</td>
<td>Erosion of natural deposits; Runoff from orchards;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Runoff from glass and electronics production wastes</td>
</tr>
<tr>
<td>Barium (ppm)</td>
<td>2</td>
<td>.055</td>
<td>.04</td>
<td>.055</td>
<td>2014</td>
<td>No</td>
<td>Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits</td>
</tr>
<tr>
<td>Fluoride (ppm)</td>
<td>4</td>
<td>2.5</td>
<td>.3</td>
<td>2.5</td>
<td>2014</td>
<td>No</td>
<td>Erosion of natural deposits; Water additive which promotes strong teeth;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Discharge from fertilizer and aluminum factories</td>
</tr>
<tr>
<td>Nitrate (measured as)</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2015</td>
<td>No</td>
<td>Runoff from fertilizer use;</td>
</tr>
</tbody>
</table>
## Contaminants

### Microbiological Contaminants

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCL or MRDL</th>
<th>YT</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fecal coliform/E. coli - in the distribution system (positive samples)</td>
<td>0</td>
<td>0</td>
<td>NA</td>
<td>2015</td>
<td>No Human and animal fecal waste</td>
</tr>
</tbody>
</table>

A violation occurs when a routine sample and a repeat sample, in any given month, are total coliform positive, and one is also fecal coliform or E. coli positive.

### Total Coliform (positive samples/month)

<table>
<thead>
<tr>
<th>Year</th>
<th># Samples Exceeding AL</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>No</td>
<td>Naturally present in the environment</td>
</tr>
</tbody>
</table>

### Radioactive Contaminants

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCL (pCi/L)</th>
<th>YT</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha emitters (pCi/L)</td>
<td>0</td>
<td>15</td>
<td>NA</td>
<td>2014</td>
<td>No Erosion of natural deposits</td>
</tr>
<tr>
<td>Radium (combined 226/228) (pCi/L)</td>
<td>0</td>
<td>5</td>
<td>NA</td>
<td>2014</td>
<td>No Erosion of natural deposits</td>
</tr>
<tr>
<td>Uranium (ug/L)</td>
<td>0</td>
<td>30</td>
<td>2</td>
<td>2014</td>
<td>No Erosion of natural deposits</td>
</tr>
</tbody>
</table>

### Volatile Organic Contaminants

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCL (ppm)</th>
<th>YT</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xylenes (ppm)</td>
<td>10</td>
<td>10</td>
<td>.00005</td>
<td>2014</td>
<td>No Discharge from petroleum factories; Discharge from chemical factories</td>
</tr>
</tbody>
</table>

### Inorganic Contaminants

#### Copper - action level at consumer taps (ppm)

<table>
<thead>
<tr>
<th>Year</th>
<th># Samples Exceeding AL</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>0</td>
<td>Corrosion of household plumbing systems; Erosion of natural deposits</td>
</tr>
</tbody>
</table>

#### Lead - action level at consumer taps (ppb)

<table>
<thead>
<tr>
<th>Year</th>
<th># Samples Exceeding AL</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>0</td>
<td>Corrosion of household plumbing systems; Erosion of natural deposits</td>
</tr>
</tbody>
</table>

---

### Undetected Contaminants

The following contaminants were monitored for, but not detected, in your water.

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCL or MRDL</th>
<th>YT</th>
<th>Sample Date</th>
<th>Exceeds AL</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen (ppm)</td>
<td>Leaching from septic tanks, sewage; Erosion of natural deposits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Selenium (ppb)</td>
<td>Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microbiological Contaminants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fecal coliform/E. coli - in the distribution system (positive samples)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Coliform (positive samples/month)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radioactive Contaminants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alpha emitters (pCi/L)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radium (combined 226/228) (pCi/L)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uranium (ug/L)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volatile Organic Contaminants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Xylenes (ppm)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copper - action level at consumer taps (ppm)</td>
<td>1.3</td>
<td>1.3</td>
<td>.065</td>
<td>2014</td>
<td>No</td>
</tr>
<tr>
<td>Lead - action level at consumer taps (ppb)</td>
<td>0</td>
<td>15</td>
<td>2.4</td>
<td>2014</td>
<td>No</td>
</tr>
</tbody>
</table>
### Contaminants

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCLG or MRDLG</th>
<th>MCL TT or MRDL</th>
<th>Year Water</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony (ppb)</td>
<td>6</td>
<td>6</td>
<td>ND</td>
<td>No</td>
<td>Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder; test addition.</td>
</tr>
<tr>
<td>Cyanide (ppb)</td>
<td>200</td>
<td>200</td>
<td>ND</td>
<td>No</td>
<td>Discharge from plastic and fertilizer factories; Discharge from steel/metal factories</td>
</tr>
</tbody>
</table>

### Unit Descriptions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ug/L</td>
<td>ug/L: Number of micrograms of substance in one liter of water</td>
</tr>
<tr>
<td>ppm</td>
<td>ppm: parts per million, or milligrams per liter (mg/L)</td>
</tr>
<tr>
<td>ppb</td>
<td>ppb: parts per billion, or micrograms per liter (µg/L)</td>
</tr>
<tr>
<td>pCi/L</td>
<td>pCi/L: picocuries per liter (a measure of radioactivity)</td>
</tr>
<tr>
<td>positive samples/month</td>
<td>positive samples/month: Number of samples taken monthly that were found to be positive</td>
</tr>
<tr>
<td>NA</td>
<td>NA: not applicable</td>
</tr>
<tr>
<td>ND</td>
<td>ND: Not detected</td>
</tr>
<tr>
<td>NR</td>
<td>NR: Monitoring not required, but recommended.</td>
</tr>
</tbody>
</table>

### Important Drinking Water Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCLG</td>
<td>MCLG: Maximum Contaminant Level Goal: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.</td>
</tr>
<tr>
<td>MCL</td>
<td>MCL: Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close as feasible using the best available treatment technology.</td>
</tr>
<tr>
<td>TT</td>
<td>TT: Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.</td>
</tr>
<tr>
<td>AL</td>
<td>AL: Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.</td>
</tr>
<tr>
<td>MRDLG</td>
<td>MRDLG: Maximum residual disinfection level goal. The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.</td>
</tr>
<tr>
<td>MRDL</td>
<td>MRDL: Maximum residual disinfectant level. The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.</td>
</tr>
<tr>
<td>MNR</td>
<td>MNR: Monitored Not Regulated</td>
</tr>
<tr>
<td>MPL</td>
<td>MPL: State Assigned Maximum Permissible Level</td>
</tr>
</tbody>
</table>
For more information please contact:

Contact Name: Michael P. Lopez
Address: P.O. Box 2646
Anthony, NM 88021
Phone: (575) 233-5742
Attachment 24

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary

February 15, 2017
Email: luism@donaanacounty.org

Mr. Luis Marmolejo
Dona Ana County
Community Development Department
845 N. Motel Blvd.
Las Cruces, NM 88007

RE: Tierra del Sol Housing Corporation; Vado New Horizons Subdivision
NMED EIR 5399

Mr. Marmolejo:

Your letter regarding the above named project was received by the New Mexico Environment Department (NMED) and comments were provided by the Air Quality, Drinking Water, Ground Water Quality, Liquid Waste program, Solid Waste, and Surface Water Quality Bureaus.

Tierra del Sol Housing Corporation proposes to develop a three phase residential subdivision located on 23 acres in the community of Vado, New Mexico. Phase 1 will consist of 51 lots, Phase 2, 29 lots, and Phase 3, 17 lots.

Air Quality
The NMED Air Quality Bureau has evaluated the information submitted with the subdivision disclosure statement and provides comment that the use of Federal funds for the project in New Mexico will likely require that an air quality analysis and evaluation must be performed by the Environment Department. Please check with the funding source to ascertain whether an environmental report is needed and what types of analyses will be required.

In general, construction activities identified in this proposal will create temporary increases in pollutant emissions due to combustion-related construction equipment usage, demolition, debris removal and earth excavation and movement. Care should be taken to minimize fugitive dust and equipment emissions.

To further ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed; if none are in effect, controlling construction-related
air quality impacts during projects should be considered to reduce the impact of fugitive dust and/or noise on community members.

All asphalt, concrete, quarrying, crushing, and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

If air quality permits are required for the proposed action, permits will need to be administered by the New Mexico Environment Department (NMED).

Drinking Water Bureau

The Drinking Water Bureau (DWB) provides comment that Item 14 of the Subdivision Disclosure Statement shows that drinking water will be provided by the Lower Rio Grande Public Water Works Authority (Lower Rio Grande). The Lower Rio Grande Public Water Works Authority is a public water system that is regulated by the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB). NMED DWB records show no active violations of any health based drinking water standard. The attached letter of commitment from Lower Rio Grande was referenced in Item 17 of the Disclosure Statement, but not included. The letter requires facilities to be constructed by a licensed contractor to the Lower Rio Grande Public Water Works Authority standards. Item 23 of the Disclosure Statement referenced a water quality report that was not included. These items should be attached to the statement.

The Disclosure Statement, Letter of Commitment and NMED DWB water quality records support a determination that the project can provide water of an acceptable quality for human consumption and that measures will be taken to protect the water supply from contamination.

Groundwater Quality

Ground Water Quality Bureau (GWQB) staff reviewed the above-referenced project focusing specifically on the potential to affect groundwater resources in the area.

Implementation of the project will involve the use of heavy equipment, thereby leading to a possibility of contaminant releases (e.g., fuel, hydraulic fluid, etc.) associated with equipment malfunctions. The GWQB advises all parties involved in the project to be aware of notification requirements for accidental discharges contained in 20.6.2.1203 NMAC. Compliance with the notification and response requirements will further ensure the protection of groundwater quality in the vicinity of the project.


Liquid Waste Disposal

The District III Liquid Waste program has evaluated the action submitted by Tierra Del Sol Housing Corporation regarding the development of the Vado New Horizons Subdivision. The subdivision area can be identified by the uniform property code 4-015-148-196-200 and is
located in Township 25S Range 3 East and Section 21. The lots range in size from 0.138 to 0.301 acres. The subdivision is within a sewer service area provided by the County of Doña Ana and the homes will be required to connect to the sanitary sewer system at the time of construction. No septic system will be allowed within the subdivision as per Sections 201 and 301 C of 20.7.3 NMAC.

Solid Waste
The Solid Waste Bureau provides comment that any excavated solid waste, including any special waste such as regulated asbestos waste, must be properly managed, containerized, transported and disposed in accordance with the New Mexico Solid Waste Rules 20.9.2 – 20.9.10 NMAC. Upon discovery of any single area requiring excavation of more than 120 cubic yards of solid waste, excavation shall cease and a Waste Excavation Plan in accordance with 20.9.2.10(A) NMAC shall be prepared and submitted to the SWB for review and approval prior to continuing with excavation operations.

Excavation or maintenance activities sometimes result in the knowing or inadvertent generation of regulated asbestos waste as there is the potential to excavate or otherwise impact asbestos cement pipes (sewer, water, or conduit). Suspect pipes, fragments or soils contaminated with related fragments or fines shall be sampled and analyzed by Polarized Light Microscopy ("PLM") to determine if the material contains greater than one percent (1%) asbestos. If so, the pipes, fragments, and/or contaminated soils require management as regulated asbestos waste, in accordance with the New Mexico Solid Waste Rules, 20.9.2-10 NMAC, including proper containerization, labeling, manifesting, transport by an approved commercial hauler, and disposal at a permitted solid waste facility.

Surface Water Quality
The Surface Water Quality Bureau provides comment that the U.S. Environmental Protection Agency (EPA) requires all "operators" (see Federal Register/Vol. 63, No. 128/Monday, July 6, 1998 pg. 36509) to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for storm water discharges from construction projects that will result in the disturbance or re-disturbance of one or more acres, or smaller sites that are part of a larger common plan of development. The total area of disturbed soil and the area where the material removed is placed are included in the total disturbed soil footprint.

EPA requires that all operators (see Appendix A of the 2012 CGP) obtain NPDES permit coverage by submitting a Notice of Intent (NOI) for construction projects. Generally, this means that at least two parties will require permit coverage: the owner/developer of the construction project who has operational control over project specifications; the general contractor who has day-to-day operational control of those activities at the site which are necessary to ensure compliance with the SWPPP and other permit conditions; and, possibly other operators.

Part 9 of the 2012 CGP includes permit conditions applicable to specific states, Indian country lands, or territories. In the State of New Mexico, except on tribal land, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both
during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 9.4.1.1 of the 2012 CGP).

The CGP was re-issued effective February 16, 2012. The CGP, NOI, deadlines for submitting an NOI, Fact Sheet, and Federal Register notice is available at:

http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

The NPDES Storm Water permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil and grease and construction materials from construction sites) in storm water runoff from entering waters of the United States (U.S.). This permit also requires that permanent stabilization measures (revegetation, paving, etc.) and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters.

If construction activity or disturbances are to take place in a river, including river banks and wetlands, a 404 dredge and fill permit issued by the U.S. Army Corps of Engineers (USACE) is required.

If you have any questions, please contact me at (505) 222-9552 or by email at thomas.skibitski@state.nm.us

Sincerely,

Thomas Skibitski

Environmental Impact Review Coordinator
NMED File Number: EIR # 5399

Email: luism@donaanacounty.org
### Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ag</td>
<td>Agua silt loam, 0 to 2 percent slopes MLRA 42.2</td>
<td>20.5</td>
<td>1.1%</td>
</tr>
<tr>
<td>Ao</td>
<td>Anapra clay loam</td>
<td>3.9</td>
<td>0.2%</td>
</tr>
<tr>
<td>Ap</td>
<td>Anthony-Vinton fine sandy loams</td>
<td>5.1</td>
<td>0.3%</td>
</tr>
<tr>
<td>Ar</td>
<td>Anthony-Vinton loams, 0 to 1 percent slopes MLRA 42.2</td>
<td>15.0</td>
<td>0.8%</td>
</tr>
<tr>
<td>As</td>
<td>Anthony-Vinton clay loams</td>
<td>9.9</td>
<td>0.5%</td>
</tr>
<tr>
<td>Aw</td>
<td>Armijo clay loam</td>
<td>9.0</td>
<td>0.5%</td>
</tr>
<tr>
<td>Ax</td>
<td>Armijo clay</td>
<td>0.3</td>
<td>0.0%</td>
</tr>
<tr>
<td>Bf</td>
<td>Belen clay loam, 0 to 1 percent slopes MLRA 42.2</td>
<td>1.6</td>
<td>0.1%</td>
</tr>
<tr>
<td>Bg</td>
<td>Delen clay</td>
<td>38.5</td>
<td>1.6%</td>
</tr>
<tr>
<td>Bm</td>
<td>Bluepoint loamy sand, 0 to 5 percent slopes MLRA 42</td>
<td>600.5</td>
<td>31.2%</td>
</tr>
<tr>
<td>Bn</td>
<td>Bluepoint loamy sand, 5 to 15 percent slopes MLRA 42</td>
<td>387.3</td>
<td>19.1%</td>
</tr>
<tr>
<td>BO</td>
<td>Bluepoint loamy sand, 1 to 15 percent slopes MLRA 42</td>
<td>89.1</td>
<td>4.6%</td>
</tr>
<tr>
<td>BP</td>
<td>Bluepoint-Caliza-Yturbiite complex</td>
<td>104.5</td>
<td>0.4%</td>
</tr>
<tr>
<td>Bs</td>
<td>Brazito very fine sandy loam, thick surface</td>
<td>6.6</td>
<td>0.3%</td>
</tr>
<tr>
<td>Ge</td>
<td>Glendale loam</td>
<td>50.5</td>
<td>2.6%</td>
</tr>
<tr>
<td>GF</td>
<td>Glendale clay loam, 0 to 1 percent slopes MLRA 42.2</td>
<td>5.5</td>
<td>0.3%</td>
</tr>
<tr>
<td>Gg</td>
<td>Glendale clay loam, alkali</td>
<td>288.8</td>
<td>15.0%</td>
</tr>
<tr>
<td>Hg</td>
<td>Harkey loam</td>
<td>51.3</td>
<td>2.7%</td>
</tr>
<tr>
<td>Hh</td>
<td>Harkey loam, saline-alkali</td>
<td>158.7</td>
<td>8.3%</td>
</tr>
<tr>
<td>Hk</td>
<td>Harkey clay loam</td>
<td>17.5</td>
<td>0.9%</td>
</tr>
<tr>
<td>RF</td>
<td>Riverwash-Arizo complex</td>
<td>48.2</td>
<td>2.5%</td>
</tr>
<tr>
<td>RL</td>
<td>Rock outcrop-Lozier association</td>
<td>37.9</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

**Totals for Area of Interest**

|                      | 1,922.3 | 100.0% |

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**PLANNING AND ZONING COMMISSION**  
SD16-001 PHASE AMENMENTS * 11/8/18
February 3, 2017

Luis Marmolejo
Community Development Department
Doña Ana County
845 N. Motel Boulevard
Las Cruces, NM 88007

Re: #SD16-001 Vado New Horizons, Review #2

Dear Mr. Marmolejo:

The Doña Ana Soil and Water Conservation District (SWCD) has conducted a second review of the revised terrain management plan and revised disclosure statement for the above-named subdivision. The attached checklist summarizes our review.

Based on this review, Doña Ana SWCD does approve of the plan contingent upon further improvements to the drainage plans as noted in the checklist.

Please contact our office if you have any questions.

Sincerely,

Joe Delk
Chairman

Attachment: Review #2 Worksheet
February 24, 2017

Mr. Luis Marmolejo
845 N. Motel Blvd.
Las Cruces, NM 88007

RE: VADO NEW HORIZONS SUBDIVISION

Dear Mr. Marmolejo,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

**Environmental Bureau:** When the developer is ready to apply for an access permit, they will need to contact Gary Funkhouser in our Environmental Bureau at 505-827-8592 for an environmental review and clearance of the NM 227 driveway access(es) as part of the permitting process.

**Drainage Design Bureau:** They need to include some real build note information on that plan for those culverts. It also needs to reference our standard drawings. D1 would need to tell you if the culverts fall within the clear-zone. If so, they need slope blankets; if not, pipe end sections would be sufficient.

**District 1 Traffic Engineer:** The developer has not submitted the access permit application and all the required documents to the District. We will review the culvert section as part the construction drawings and will determine if a slope blanket or end section will be required at that time. We will also review that all of drainage sections concerns are addressed in the plans.

**South Region Design:** Please ensure that the Developer acknowledges that construction activities, including traffic control, will be coordinated with any ongoing NMDOT projects at the time of construction. I did not see it addressed in the re-submittal package.

If there are any questions you may contact me at (505) 827-5249 or by email at Jeremy.Lujan@state.nm.us.

Sincerely,

Jeremy Lujan
Property Management Agent

FILE#: 1783
### South Bound Route

**Las Cruces-MVITT® <-> Anthony via Stern Dr.**

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</thead>
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<td>1</td>
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<td>4</td>
<td>NM Dornald Thomas Hof®</td>
<td>7:40</td>
</tr>
<tr>
<td>5</td>
<td>Union Oak (B chewing gum)</td>
<td>7:42</td>
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<tr>
<td>6</td>
<td>Anthony Dr. (Stern Dr. &amp; Hwy)</td>
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<td>7</td>
<td>Main st/ Union Ave.</td>
<td>7:34</td>
</tr>
<tr>
<td>8</td>
<td>Mesquite School (Starr St.)</td>
<td>7:30</td>
</tr>
<tr>
<td>9</td>
<td>Mesquite - Fire Station #3</td>
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<tr>
<td>11</td>
<td>Cross Street at 1st Ave.</td>
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<td>Anthony Dr. at Del Oro Lane</td>
<td>6:30</td>
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<tr>
<td>14</td>
<td>Anthony Dr. Terminal</td>
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**North Bound Route**

**Las Cruces-MVITT® <-> Anthony via Stern Dr.**

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<tr>
<td>2</td>
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<td>El Paso County Sheriff</td>
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**Notes:**
- No Stops
- Transfer to Roadrunner buses

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**The cost is $1 a ride for adults, 50 cents for kids, students, seniors and those with disabilities. FREE bus transfers.**

**Tarifas en Efectivo Adulso: $1.00 Niños, Jóvenes, personas incapacitadas, cuidadores mayores de 65 años. Transferencias son gratis.**

**All routes are subject to change.**

(575) 323-1620 • www.scrtd.org • Schedules effective February 2017.
September 19, 2016

Luis Marmolejo  
Senior Planner  
Community Development Department  
Dona Ana County  
845 N. Motel Blvd  
Las Cruces, New Mexico 88007  

Re: #SD16-001/Vado New Horizons, a Type Two Subdivision, Submitted by Tierra Del Sol Corporation, A Three-Phase Residential Subdivision Located on 23 Acres. (HPD Log No. 104353)

Dear Mr. Marmolejo:

I am writing in response to your request for review and comment on the above referenced project. According to our files, there are no cultural resources listed on the State Register of Cultural Properties or the National Register of Historic Places. In addition, a review of our archaeological records database shows that there are no known archaeological sites within the permit area.

Although our records show that there are no archaeological sites within the planned subdivision area, a complete archaeological survey of the area has not been conducted and there is a potential for unknown archaeological sites to exist within the permit area. Although a cultural resources survey is not required, the developer is encouraged to have a cultural resources survey conducted by a professional archaeologist to ensure that significant archaeological sites are not inadvertently damaged or destroyed.

If you have any questions, please do not hesitate to contact me. I can be reached by email at andy.wakefield@state.nm.us or by telephone at (505) 827-6162.

Sincerely,

Archaeologist

Andy Wakefield

Attachment 44
A 23.546 ACRE RESIDENTIAL TYPE 2 SUBDIVISION
LOCATED IN THE NW 1/4 OF SECTION 21, T25S, R3E, NMPM,
NEAR VADO, DONA ANA COUNTY, NEW MEXICO
SCALE: 1" = 60' FEBRUARY 27, 2017
MET ALL THE REQUIREMENTS FOR APPROVAL THIS PLAT IS HEREBY
OF DORA ANA COUNTY, NEW MEXICO
IN DORA ANA COUNTY
TRACT IS LOCATED IN THE NW 1/4 OF SECTION 21. T25S, R3E, NMPM
TRACT IS LOCATED IN DONA ANA COUNTY, NEW MEXICO
ALL RIGHTS-OF-WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO DORA ANA COUNTY, UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO DORA ANA COUNTY. ALL RULES AND REGULATIONS OF SIGNATORY TO THIS DORA ANA COUNTY AND TO DORA ANA COUNTY. ALL RULES AND REGULATIONS WILL APPLY TO THESE EASEMENTS. ALL OTHERS WILL APPLY TO THESE EASEMENTS. NO ENCROACHMENT WILL INTERFERE WITH THE USE OR RIGHTS OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.
THIS PLAT IS MADE WITH THE FREE CONSENT AND IS IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNERS AND PROPRIETORS OF THE TRACT OF LAND SHOWN HEREON. IN WITNESS WHEREOF SAID OWNERS HAVE SET THEIR HAND AND SEAL AS FOLLOWS
WITNESS OF THE UNDERSIGNED OWNERS AND PROPRIETORS OF THE TRACT OF LAND SHOWN HEREON. IN WITNESS WHEREOF SAID OWNERS HAVE SET THEIR HAND AND SEAL AS FOLLOWS
UTILITY APPROVALS
THIS PLAT IS APPROVED FOR EASEMENT PURPOSES ONLY. THE STANDING OF THE PLAT IS NOT IN ANY WAY GUARANTEED UTILITY SERVICE BY THE UNDERSIGNED UTILITY COMPANIES TO THE SUBDIVISION.
This plat is approved for easement purposes only. The standing of the plat is not in any way guaranteed utility service by any of the companies named herein.
EASEMENTS SHOWN HEREON. COPIES OF WHICH HAVE BEEN PRESENTED TO THE CABLE TV COMPANY. ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION AND MAINTENANCE OF (UNDERGROUND OR OVERHEAD) CABLE TV COMPANY UTILITIES.
EASEMENTS SHOWN HEREON. COPIES OF WHICH HAVE BEEN PRESENTED TO THE ABOVE TELEPHONE COMPANY. ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION AND MAINTENANCE OF (UNDERGROUND OR OVERHEAD) TELEPHONE COMPANY UTILITIES.
EASEMENTS SHOWN HEREON. COPIES OF WHICH HAVE BEEN PRESENTED TO LOWER RIO GRANDE. ARE SATISFACTORY TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF (UNDERGROUND OR OVERHEAD) GAS UTILITIES.
EASEMENTS SHOWN HEREON. COPIES OF WHICH HAVE BEEN PRESENTED TO ZIA NATURAL GAS COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR INSTALLATION AND MAINTENANCE OF (UNDERGROUND OR OVERHEAD) GAS UTILITIES.
PREVIOUSLY APPROVED PRELIMINARY PLAT

PLANNING AND ZONING COMMISSION
SD16-001 PHASE AMENMENTS * 11/8/18
**TITLE OF AGENDA ITEM TO BE CONSIDERED**

**APPROVAL OF A SMALL BREWER LIQUOR LICENSE FOR PUBLIC HOUSE 28, LLC**

**(PUBLIC HEARING)**

**SUMMARY OF ITEM TO BE CONSIDERED**

This Application (Liquor License Application # 1101452) to the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division, requests approval of a Small Brewer License. The applicant is Public House 28, LLC, 10108 S. Highway 28, Anthony, NM 88021, doing business as Public House 28, 10092 S. Highway 28, Anthony, NM 88021. Preliminary Approval has been granted by the Division. The property’s zoning designation allows for the manufacturing of beer and wine. No protests to the application have been received. Pursuant to NMSA 1978 Section 60-6B-4, the Board must hold a public hearing on the application within 45 days of receipt of the application; however, the Division has granted a waiver/extension of the 45 day hearing requirement in order to meet the notice requirement for the hearing. The attached Notice of Public Hearing has been published in the Sun News. The proposed location is not within 300 feet of a church or school. The BOCC may disapprove the application if the transfer would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the BOCC on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee.

**DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED**

Letter of Preliminary Approval from the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division, copies of application and Premises, Ownership and Description, publication notice, notice to the applicant, memo from DAC Planning Department, Site Map, proof of publication and governing statutes NMSA 1978 Section 60-6B-4.

**SUMMARY OF FINANCIAL IMPACT**

If approved, as per Resolution No. 2018-02 the annual revenue will be $250.00 for the cost of the liquor permit.

**ADMINISTRATIVE REVIEW AND APPROVAL**

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<table>
<thead>
<tr>
<th>Planning</th>
<th>Other</th>
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**DOCUMENT CONTROL**

Original/s for signature? Yes No For Recording? Yes No

Return original/s to: _______________ Name _______________ Dept.

Send copy of recorded original/s (resolution and ordinances only) to: _______________ Name _______________ Dept.

Deadline for return of document/s? Yes, return by: _______________ or No
Ms. Padilla,

Per our conversation, I will grant the waiver to conduct the public hearing on November 27, 2018 as the original publication listed the incorrect address. We wish to give adequate notice to the public.

Debra A. Lopez
PO Box 25101
2550 Cerrillos Road
Santa Fe, NM 87504-5101
(505) 476-4551

The application was received at Doña Ana County, we are shooting to hear at the BOCC Meeting of November 27.

Thanks,

Cindy C. Padilla
Administrative Assistant

Doña Ana County Clerk's Office
845 N. Motel Blvd.
Las Cruces, NM 88007
(575) 525-6135
cindyp@donaanacounty.org
Ms. Padilla,

I need more information in order to make a decision. When was the application received by the City? When will the public hearing be held? How many days of re-publication can you accomplish before the hearing? How many days will it take to conduct the hearing?

Debra A. Lopez
PO Box 25101
2550 Cerrillos Road
Santa Fe, NM 87504-5101
(505) 476-4551

From: Cindy Padilla [mailto:cindyp@donaanacounty.org]
Sent: Tuesday, October 23, 2018 3:39 PM
To: Koroneos-Martinez, Charmaine, RLD <Charmaine.Martinez2@state.nm.us>
Subject: [EXT] Application No. 1101452
Importance: High

We are requesting for a Waiver/Extension on this application to Public House 28, LLC. We somehow got the addresses mixed up on the mailing address and the location address and the Notice of Public Hearing was published that way. So, we need to republish and prepare the documentation to hold the hearing for approval or disapproval of this application.

Thank you,

Cindy C. Padilla
Administrative Assistant

Doña Ana County Clerk's Office
845 N. Motel Blvd.
Las Cruces, NM 88007
(575) 525-6135
cindyp@donaanacounty.org
September 20, 2018

Doña Ana County
Scott Krahling
845 N. Motel Blvd
Las Cruces, NM 88007

RE: Lie. No./Appl. No.:
Applicant No. 1101452
Name of Applicant: Public House 28, LLC
Doing Business As: Public House 28
Proposed Location: 10092 S. Highway 28, Anthony, NM 88021

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted Preliminary Approval. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted. The notice shall include:

(A) Name and address of the Applicant/Licensee;
(B) The action proposed to be taken by the Alcohol & Gaming Division;
(C) The location of the licensed premises.

In addition, if the Local Option District has a website, the Notice shall also be published on the website.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A SMALL BREWER LIQUOR LICENSE, WITH ON PREMISES CONSUMPTION AND PACKAGE SALES WITH PATIO SERVICE.
Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (Page 1 of the Application, noting disapproval).

Respectfully,

Daniel Rubin  
New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division  
Phone: (505) 476-4547  Fax: (505) 476-4595  Email: charmaine.martinez2@state.nm.us

Enclosures:  
1. Original Page 1 of the Application (must be signed and returned w/notices of publication)  
2. Copy of Page 2 of the Application  
3. Copy of Zoning Statement
New Mexico Regulation and Licensing Department  Alcohol and Gaming Division  Page 1
AGID USE ONLY: Payment Application Fee $200.00 Application Fee, non-refundable.
License Fee $______
Received on 7-11-18 Receipt No. 9103001
Application # 1101452 Local Option District:
SMALL BREWER LIQUOR LICENSE APPLICATION
$200.00 Application Fee, non-refundable.
Check appropriate boxes:
Application is for: ☑ New License  ☐ Off-Site Location - 1st, 2nd, 3rd Master License No.
Applicant is: ☑ Individual ☐ Limited Liability Company ☐ Corporation ☐ Partnership (General Limited)
NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER
Public House 28, LLC 10108 Highway 28, Anthony, NM 88021
W/Copy to: NM Liquor Licenses, LLC 6739 Academy Rd NE Ste 110, Albuquerque, NM 87109
D/B/A Name to be used: Public House 28
Email Address (required): johnbrucer@yahoo.com
Physical location where license is to be used: (Include street number, highway number, state road, city and county, state, and zip code)
10092 S. Highway 28, Anthony, NM 88021
Dona Ana County
Are alcoholic beverages currently being dispensed at the proposed location? ☑ Yes ☐ No If Yes, License # Type:
Mailing Address: 10108 S. Highway 28, Anthony, NM 88021
Agent/Contact Person: New Mexico Liquor Licenses, LLC c/o Kyle Storer 505-980-5614 Email: nmliquorlicense@yahoo.com
I, (print name) John Bruker, as (title) member
being first duly sworn upon oath deposes and says: that he she is the applicant or is authorized by the applicant to make this application:
that he she has read the same, knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations
herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.
You must sign and date before a Notary Public.
Signature of Applicant: John Bruker Date: 6-7-18
NOTARY PUBLIC USE ONLY: (State of New Mexico County of Dona Ana)
SUBSCRIBED AND SWORN TO before me this 7th day of June 2018
By: John Bruker
Notary Public
My Commission Expires: 11-30-21
OFFICIAL SEAL
GERARDO BARRERA
NOTARY PUBLIC - STATE OF NEW MEXICO
FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of:
Public Hearing held on 6-20
Check one: Approved Disapproved
Signature and Title of City/County Official:
FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved
Signed by Director: Date:
PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

1. The land and building which is proposed to be the licensed premises is:

☐ Owned by Applicant, copy of deed document attached ☑ Leased by Applicant, copy of lease document attached

☐ Other (provide details):

2. If the land and building are not owned by Applicant, indicate the following:

A. Owners:

Twenty Eight Properties, LLC

B. Date and Term of Lease:

Lease date June 1, 2018, term five (5) years from opening

3. Premises location is Zoned (example C: see Zoning Statement).

☒ Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address. Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises: shortest distance)

Name of Church: St. Luke's Episcopal Church

Address/location of Church: 7050 McNutt Rd, Anthony, NM 88021

Miles/feet: CA, 8 mi.

5. Distance* from nearest School: (Property line of school to closest point of licensed premises: shortest distance)

Name of School: Gadsden High School

Address/location of School: 6301 NM-28, Anthony, NM 88021

Miles/feet: CA, 3 mi

6. Distance from military installation: (Property line of military installation to closest point of licensed premises: shortest distance)

Name of Military Installation:

Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation:

☐ Hotel ☐ Lounge ☐ Package Grocery ☐ Restaurant ☐ Racetrack

☑ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler

☐ Other (specify):

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.
NOTICE OF PUBLIC HEARING

A Public Hearing will be held during a Regular Meeting of the Board of County Commissioners of Doña Ana County at 9:00 a.m. on Tuesday, November 27, 2018, in the Commission Chambers on the 1st floor of the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces NM, on Liquor License Application Number 1101452, requesting approval of the issuance of a Small Brewer Liquor License to Applicant Public House 28, LLC, 10108 S. Highway 28, Anthony, NM 88021, doing business as Public House 28, 10092 S. Highway 28, Anthony, NM 88021, which has received Preliminary Approval by the Director of the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department.
January 30, 2018

John Bruker
10108 S. Highway 28
Anthony, NM 88021

Re: ZV17-015, Zoning Verification Letter for 10108 & 10092 S. Highway 28, Account #’s R1710269 & R1719326

Dear Mr. Bruker,

This correspondence confirms that the parcels owned by John Bruker and Twenty Eight Properties LLC, located at 10108 & 10092 S. Highway 28, Anthony, NM, 88021, within Section 18, Township 26 South, and Range 3 East, identified by Account #’s R1710269 & R1719326, are zoned T4 (General Neighborhood) which consists of a mix of uses but is primarily mixed density residential. It contains a wide range of building types: houses, compounds, townhouses, duplexes, small apartment buildings and live-work units.

Pursuant to Table 5.1 Land Use Classification Matrix: Zoning Districts of the Unified Development Code (Ord. # 287-2016) Bar, Pub, Tavern (Retail Services) and Room (Agriculture) including the manufacturing of beer and wine are permitted on properties zoned T4 with conditions. Table 5.2 Conditions for Transect Zones requires a 12,000 sq. ft. building footprint maximum and shall seat no more than 40 for alcohol and food service establishments (Retail Services). The condition for a Wine Tasting Room (Agricultural) is 20 parking spaces maximum. Attached is a copy of Table 5.1 and Table 5.2 of the UDC.

A complete listing of permitted land uses and development standards can be found at www.donaanacounty.org. Copies of the County Code can be obtained for $25.00 at the Doña Ana County Community Development Department located at 845 N. Motel Blvd. in the Doña Ana County Government Building. You may also visit the Doña Ana County website at www.donaanacounty.org to view and print a copy of the Ordinance.

Please email me at albertc@donaanacounty.org or call 575-525-6117 if I can be of any further assistance.

Respectfully,

Albert Casillas
Planner
60-6B-4. Issuance or transfer of license; approval of appropriate governing body.

A. Prior to the approval of the issuance of a new license, and prior to the approval of a transfer permitted by Section 60-6B-3 or 60-6B-12 NMSA 1978, the director shall notify the governing body of the director's preliminary approval of the issuance or transfer of the license. Notice to the governing body shall be by certified mail.

B. A governing body that has received a notice of preliminary approval of the issuance or transfer of a license from the department may approve or disapprove the issuance or transfer of the license in accordance with the provisions of this section.

C. Within forty-five days after receipt of a notice of preliminary approval from the department, the governing body shall hold a public hearing on the question of whether the department should approve the proposed issuance or transfer.

D. The governing body shall give notice of the public hearing, as required by Subsection C of this section, and the notice shall:

(1) be published at least twice, with the initial notice published at least thirty days before the hearing, in a newspaper of general circulation within the territorial limits of the governing body;

(2) in addition to required print publication, be published on a local option district's web site, if the district has a web site;

(3) set forth:

(a) the date, time and place of the hearing;
(b) the name and address of the licensee;
(c) the action proposed to be taken by the department;
(d) the location of the licensee's premises; and
(e) such other information as may be required by the department; and

(4) be sent by certified mail to the applicant.

E. The governing body may designate a hearing officer to conduct the hearing. A record shall be made of the hearing.

F. The governing body may disapprove the issuance or transfer of the license if:

(1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico;

(2) the issuance or transfer would be in violation of a zoning or other ordinance of the governing body; or

(3) the issuance or transfer would be detrimental to the public health, safety or morals of the residents of the local option district.

G. Within thirty days after the public hearing, the governing body shall notify the department as to whether the governing body has approved or disapproved the proposed issuance or transfer of the license. If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.

H. If the governing body disapproves the issuance or transfer of the license, it shall notify the department within the time required by Subsection G of this section setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the department by the governing body with the notice of disapproval. If the governing body disapproves the issuance or transfer of the license, the director shall disapprove the issuance or transfer of the license.

I. If the governing body approves the issuance or transfer of the license, it shall notify the department within the time required by Subsection G of this section of its approval. If the governing body approves of the issuance or transfer of the license, the director shall approve the issuance or transfer of the license.

NOTICE OF PUBLIC HEARING

A Public Hearing will be held during a Regular Meeting of the Board of County Commissioners of Doña Ana County at 9:00 a.m. on Tuesday, November 27, 2018, in the Commission Chambers on the 1st floor of the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces NM, on Liquor License Application Number 1101452, requesting approval of the issuance of a Small Brewer Liquor License to Applicant Public House 28, LLC, 10108 S. Highway 28, Anthony, NM 88021, doing business as Public House 28 located at 10092 S. Highway 28, Anthony, NM 88021, which has received Preliminary Approval by the Director of the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department.

Pub#1266340 Run Dates: Oct. 26, Nov. 2, 2018

Tara Mondloch
Classified Manager- Commercial & Public Notices
Office: 866-431-8665
Gannett Regional Sales Center- West Region

USA TODAY NETWORK
tmondloch@gannett.com

From: Cindy Padilla <cindyp@donaanacounty.org>
Sent: Wednesday, October 24, 2018 5:11 PM
To: GRSC-West-Legals mbx <GRSC-West-Legals@gannett.com>
Subject: RE: 1266340 FW: Notice of Public Hearing.doc

Then can you advertise this Friday and next Friday and add the S.?
## APPROVE A RESOLUTION CALLING FOR TIMELY REPORTING ON THE STATUS AND PERFORMANCE OF THE COUNTY FIRE AND EMERGENCY SERVICE

**SUMMARY OF ITEM TO BE CONSIDERED**

Recent events have highlighted the interest of the public and the County Commission in better understanding the status and performance of the Fire and Emergency Services Department—specifically regarding matters of staffing, response times, and conformance with ISO standards. Timely reporting on the status and performance of the county Fire and Emergency Services will help the BOCC and the public understand the services being provided to the residents of Doña Ana County.

**DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED**

Proposed Resolution

**SUMMARY OF FINANCIAL IMPACT**

**ADMINISTRATIVE REVIEW AND APPROVAL**

<table>
<thead>
<tr>
<th>Finance</th>
<th>Legal</th>
<th>County Manager/Agenda Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchasing</td>
<td>Human Resources</td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td>Other</td>
<td>Assistant County Manager</td>
</tr>
</tbody>
</table>

**DOCUMENT CONTROL**

Original/s for signature?: [ ] Yes [ ] No  For Recording?: [ ] Yes [ ] No

Return original/s to: Name: ___________________ Dept.: ___________________  
Send copy of recorded original/s (resolution and ordinances only) to: Name: N/A Dept.: N/A

Deadline for return of document/s?: [ ] Yes, return by: ___________________ [ ] No
Resolution of Doña Ana County

Resolution No.__________

A RESOLUTION CALLING FOR TIMELY REPORTING ON THE STATUS AND PERFORMANCE OF THE COUNTY FIRE AND EMERGENCY SERVICE

WHEREAS, Doña Ana County government exists is to enhance the health, safety, and quality of life for all residents as determined by law and community interests; and

WHEREAS, the County's Fire and Emergency Service Department protects lives and property through fire prevention and education, firefighting and Emergency Medical Services response, fire investigations, building-plan reviews, occupancy inspections, ambulance service contract administration, and oversight of the Office of Emergency Management; and

WHEREAS, the Department consists of approximately 275 volunteer firefighters and additional career fire staff organized into four districts; and

WHEREAS, successful execution of their mission requires that the Fire and Emergency Services Department maintain appropriate levels of trained firefighters, equipment, and facilities, and that the system as a whole responds in a timely and efficient manner to every call for assistance; and

WHEREAS, the ability of the Department to meet performance standards established by the Insurance Services Organization (ISO) can affect fire insurance rates paid by residents and businesses in the county; and

WHEREAS, recent events have highlighted the interest of the public and the County Commission in better understanding the status and performance of the Fire and Emergency Services Department—specifically regarding matters of staffing, response times, and conformance with ISO standards.

NOW, THEREFORE, BE IT RESOLVED that the Doña Ana County Board of County Commissioners does direct the County Manager to report on the status and performance of the Fire and Emergency Services Department at regularly scheduled meeting of the Commission on not less than a quarterly basis or at such times as the Commission may need to consider actions essential to improved protection of life and property within the county.

BE IT FURTHER RESOLVED that the reports shall include, at a minimum, information regarding:

a. Staffing levels at all stations
b. Response levels by all stations to structure fires and EMS calls within their respective area of responsibility
c. Response times for all structure and EMS calls by geographic location
d. Any performance metric—by any station—that could adversely affect the overall ISO rating within each of the County’s fire districts.

RESOLVED this 27th day of November 2018

BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson, District 3, Chair    For / Against

Isabella A. Solis, Vice-Chair, District 3    For / Against

Billy G. Garrett, District 1    For / Against

Ramon S. Gonzalez, District 2    For / Against

Kim Hakes, District 5    For / Against

ATTEST:

Amanda López Askin, Ph.D
County Clerk
APPROVE RESOLUTION PROVIDING FOR INCREASES IN THE SALARIES OF THE COUNTY COMMISSIONERS, TREASURER, ASSESSOR, CLERK, SHERIFF AND PROBATE JUDGE

SUMMARY OF ITEM TO BE CONSIDERED
During the 2018 legislative session, the legislature passed House Bill 69 that approved up to a fifteen percent (15%) increase for county elected officials. The increases are subject to the approval of the Board of County Commissioners and can only take on the first day of the term of an elected official who takes office after the date the salary increase is approved. If the Board of County Commissioners approved the increases the increases will take place on January 1, 2019 for County Commissioners District 1 and 3, Sheriff, Assessor and Probate Judge, Increases would be effective January 1, 2021 for County Commissioner District 2, 4 and 5, Treasurer and Clerk.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED
Executive Summary
Summary of Budget Impact
House Bill 69 (2018 Regular Session)
Proposed Resolution

SUMMARY OF FINANCIAL IMPACT

ADMINISTRATIVE REVIEW AND APPROVAL

<table>
<thead>
<tr>
<th>Department</th>
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<td>Planning</td>
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</table>

COUNTY MANAGER/AGENDA REVIEW

Assistant County Manager

DOCUMENT CONTROL

Original/s for signature?: ☐ Yes ☐ No
For Recording?: ☐ Yes ☐ No
Return original/s to: Name: _______ Dept.: Legal
Send copy of recorded original/s (resolution and ordinances only) to: Name: N/A Dept.: N/A
Deadline for return of document/s?: ☐ Yes, return by: _______ ☐ No
Executive Summary

Approve Resolution Providing for Increases in the Salaries of the County Commissioners, Treasurer, Assessor, Clerk, Sheriff and Probate Judge

The Board of County Commissioners is authorized by statute to set the salaries of the elected officials within the county subject to the maximum authorized by the legislature. During the 2018 legislative session, the legislature passed House Bill 69 that approved pay increases for county elected officials.

The increases are subject to the approval of the Board of County Commissioners. The increases can only take on the first day of the term of an elected official who takes office after the date the salary increase is approved (§§ 4-44-12.3, NMSA 1978).

If the Board of County Commissioners approved the increases the increases will take place on January 1, 2019 for the following elected officials:

- County Commissioner District 1
- County Commissioner District 3
- Sheriff
- Assessor
- Probate Judge

Increases would be effective January 1, 2021 for the following elected officials:

- County Commissioner District 2
- County Commissioner District 4
- County Commissioner District 5
- Treasurer
- Clerk

The current salaries and the increase authorized by the legislature are as follows:

<table>
<thead>
<tr>
<th>Official</th>
<th>Current Salary</th>
<th>Effective Date</th>
<th>Maximum Salary</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>Commissioner Dist 1</td>
<td>29,556.80</td>
<td>January 1, 2015</td>
<td>$39,106.00</td>
<td>January 1, 2019</td>
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<tr>
<td>Commissioner Dist 2</td>
<td>33,990.32</td>
<td>January 1, 2017</td>
<td>$39,106.00</td>
<td>January 1, 2021</td>
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<tr>
<td>Commissioner Dist 3</td>
<td>29,556.80</td>
<td>January 1, 2015</td>
<td>$39,106.00</td>
<td>January 1, 2019</td>
</tr>
<tr>
<td>Commissioner Dist 4</td>
<td>33,990.32</td>
<td>January 1, 2017</td>
<td>$39,106.00</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Commissioner Dist 5</td>
<td>33,990.32</td>
<td>January 1, 2017</td>
<td>$39,106.00</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Probate Judge</td>
<td>33,143.00</td>
<td>January 1, 2015</td>
<td>$38,114.00</td>
<td>January 1, 2019</td>
</tr>
<tr>
<td>Treasurer</td>
<td>75,237.00</td>
<td>January 1, 2017</td>
<td>$86,626.00</td>
<td>January 1, 2021</td>
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<tr>
<td>Assessor</td>
<td>75,324.08</td>
<td>January 1, 2015</td>
<td>$86,626.00</td>
<td>January 1, 2019</td>
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<tr>
<td>Sheriff</td>
<td>78,554.53</td>
<td>January 1, 2015</td>
<td>$90,338.00</td>
<td>January 1, 2019</td>
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<tr>
<td>Clerk</td>
<td>75,237.00</td>
<td>January 1, 2017</td>
<td>$86,626.00</td>
<td>January 1, 2021</td>
</tr>
</tbody>
</table>

The fiscal impact for the remainder of fiscal year 2019 is attached.

---

1 Even though Commissioner Elect Trujillo was just elected and will take office on January 1, 2019 the salary increase will not be effective for her until January 1, 2021 as she is filling an expired term which will end on December 31, 2020 and therefore she is not entitled to the increase at this time.
## Budget Impact

<table>
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<tr>
<th></th>
<th>Current</th>
<th>Increase</th>
<th>Difference</th>
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<tr>
<td>County Commissioner District 1</td>
<td>$29,557</td>
<td>$39,106</td>
<td>$9,549</td>
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<tr>
<td>County Commissioner District 3</td>
<td>29,557</td>
<td>39,106</td>
<td>9,549</td>
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<tr>
<td>Sheriff</td>
<td>$78,555</td>
<td>$90,338</td>
<td>$11,783</td>
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<tr>
<td>Assessor</td>
<td>75,324</td>
<td>86,626</td>
<td>11,302</td>
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<td>Probate Judge</td>
<td>33,143</td>
<td>38,114</td>
<td>4,971</td>
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<td><strong>Salaries</strong></td>
<td>$246,135</td>
<td>$293,290</td>
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<td><strong>Benefits</strong></td>
<td>27.06%</td>
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<td><strong>Total</strong></td>
<td>$312,739</td>
<td>$372,654</td>
<td>$59,915</td>
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### 1/2 Year Impact

$29,957
AN ACT

RELATING TO COUNTIES; ADJUSTING THE SALARY CAPS APPLICABLE TO ELECTED COUNTY OFFICIALS; ELIMINATING THE CLASS "C" COUNTY CLASSIFICATION; REPEALING SECTION 4-44-6 NMSA 1978 (BEING LAWS 1957, CHAPTER 196, SECTION 4, AS AMENDED).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 4-44-1 NMSA 1978 (being Laws 1957, Chapter 196, Section 1, as amended) is amended to read:

"4-44-1. CLASSIFICATION FOR SALARY PURPOSES.--

A. For the purpose of fixing salaries of county officers, the several counties of the state, except "H" class counties, are classified as follows:

(1) those having a final, full assessed valuation of over seventy-five million dollars ($75,000,000) and a population of one hundred thousand persons or more as determined by the most current annual population data or estimate available from the United States census bureau, as class "A" counties; and

(2) those having a final, full assessed valuation of over seventy-five million dollars ($75,000,000) and a population of less than one hundred thousand persons as determined by the most current annual population data or estimate available from the United States census bureau, as class "B" counties."
B. The assessed valuation for each year is the full valuation as finally fixed for that year."

SECTION 2. Section 4-44-4 NMSA 1978 (being Laws 1957, Chapter 196, Section 2, as amended) is amended to read:

"4-44-4. CLASS A COUNTIES--SALARIES.--The annual salaries of elected officers of a class A county shall not exceed, for:

A. county commissioners, thirty-nine thousand one hundred six dollars ($39,106) each;

B. treasurer, eighty-six thousand six hundred twenty-six dollars ($86,626);

C. assessor, eighty-six thousand six hundred twenty-six dollars ($86,626);

D. sheriff, ninety thousand three hundred thirty-eight dollars ($90,338);

E. county clerk, eighty-six thousand six hundred twenty-six dollars ($86,626); and

F. probate judge, thirty-eight thousand one hundred fourteen dollars ($38,114)."

SECTION 3. Section 4-44-4.1 NMSA 1978 (being Laws 1986, Chapter 67, Section 2, as amended) is amended to read:

"4-44-4.1. CLASS B COUNTIES--HIGH VALUATION--SALARIES.--The annual salaries of elected officers of a class B county with an assessed valuation of over three hundred million dollars ($300,000,000) shall not exceed, for:"
A. county commissioners, thirty thousand one
hundred ninety-six dollars ($30,196) each;
B. treasurer, seventy-five thousand seven hundred
thirty-three dollars ($75,733);
C. assessor, seventy-five thousand seven hundred
thirty-three dollars ($75,733);
D. sheriff, seventy-eight thousand nine hundred
fifty-two dollars ($78,952);
E. county clerk, seventy-five thousand seven
hundred thirty-three dollars ($75,733); and
F. probate judge, twenty-six thousand four hundred
eighty-two dollars ($26,482)."

SECTION 4. Section 4-44-5 NMSA 1978 (being Laws 1957,
Chapter 196, Section 3, as amended) is amended to read:
"4-44-5. CLASS B COUNTIES--INTERMEDIATE VALUATION--
SALARIES.--The annual salaries of elected officers of a class
B county with an assessed valuation of over seventy-five
million dollars ($75,000,000) but under three hundred million
dollars ($300,000,000) shall not exceed, for:
A. county commissioners, twenty-one thousand five
hundred thirty-four dollars ($21,534) each;
B. treasurer, sixty-four thousand eight hundred
forty-four dollars ($64,844);
C. assessor, sixty-four thousand eight hundred
forty-four dollars ($64,844);
E. county clerk, sixty-four thousand eight hundred forty-four dollars ($64,844); and

F. probate judge, fifteen thousand ninety-eight dollars ($15,098)."

SECTION 5. Section 4-44-12.3 NMSA 1978 (being Laws 1991, Chapter 91, Section 1, as amended) is amended to read:

"4-44-12.3. LEGISLATIVE INTENT--UNIFORM SALARY CHANGES.--

A. The intent of the legislature when increasing the maximum salaries of elected county officials is to provide for equitable salary increases.

B. The majority of a board of county commissioners may provide for salary increases for elected county officials; however, a salary increase shall not take effect until the first day of the term of an elected county official who takes office after the date that salary increase is approved."

SECTION 6. Section 4-44-14 NMSA 1978 (being Laws 1955, Chapter 4, Section 2, as amended) is amended to read:

"4-44-14. H CLASS COUNTIES--SALARIES.--

A. The annual salaries of elected or appointed part-time officers of an H class county shall not exceed,
(1) county commissioners, fifteen thousand eight hundred forty-four dollars ($15,844) each;
(2) treasurer, seven thousand nine hundred twenty-two dollars ($7,922);
(3) assessor, seven thousand nine hundred twenty-two dollars ($7,922);
(4) sheriff, seven thousand nine hundred twenty-two dollars ($7,922);
(5) county clerk, seven thousand nine hundred twenty-two dollars ($7,922); and
(6) probate judge, four thousand six hundred thirty-six dollars ($4,636).

B. The annual salaries of elected or appointed full-time officers of an H class county shall not exceed, for:
(1) treasurer, seventy-five thousand seven hundred thirty-three dollars ($75,733);
(2) assessor, seventy-five thousand seven hundred thirty-three dollars ($75,733);
(3) sheriff, seventy-eight thousand nine hundred fifty-two dollars ($78,952); and
(4) county clerk, seventy-five thousand seven hundred thirty-three dollars ($75,733).

C. The governing body of an H class county shall designate whether each of the offices of treasurer, assessor,
sheriff and county clerk is part time or full time; however,
a change in that designation shall not take effect until the
first day of the term of an elected county official who takes
office after the change in designation is approved.

SECTION 7. REPEAL.--Section 4-44-6 NMSA 1978 (being
Laws 1957, Chapter 196, Section 4, as amended) is repealed.
DOÑA ANA COUNTY
RESOLUTION NO. 2018-____

A RESOLUTION PROVIDING FOR INCREASES IN THE SALARIES OF COUNTY COMMISSIONERS, TREASURER, ASSESSOR, CLERK, SHERIFF AND PROBATE JUDGE

WHEREAS, the New Mexico Legislature, during the 2018 Regular Session, passed House Bill 69 approving new maximum salaries for county elected officials, and

WHEREAS, it is in the best interest of Doña Ana County to increase the salaries for these positions to reflect increased cost of living; and

WHEREAS, budgetary impacts and constraints have been due consideration; and

WHEREAS, salary increases may only take effect on the first day of the term of an elected official who takes office after the date that the salary increase is approved.

WHEREAS, The United States Court of Federal Claims has certified the Kane County lawsuit as a Class Action Lawsuit; and

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Doña Ana County that the following elected official’s salaries will be increased to the amount indicated effective January 1, 2019:

A. County Commissioner District 1, thirty-nine thousand one hundred six dollars ($39,106);
B. County Commissioner District 3, thirty-nine thousand one hundred six dollars ($39,106);
C. Sheriff, ninety thousand, three hundred thirty-eight dollars ($90,338);
D. Assessor, eight-six thousand six hundred twenty-six dollars ($86,626);
E. Probate Judge, thirty eight thousand one hundred fourteen dollars ($38,114).

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Doña Ana County that the following elected official’s salaries will be increased to the amount indicated effective January 1, 2021:

A. County Commissioner District 2, thirty-nine thousand one hundred six dollars ($39,106);
B. County Commissioner District 4, thirty-nine thousand one hundred six dollars ($39,106);
C. County Commissioner District 5, thirty-nine thousand one hundred six dollars ($39,106);

D. Treasurer, eight-six thousand six hundred twenty-six dollars ($86,626);

D. Clerk, eight-six thousand six hundred twenty-six dollars ($86,626);

RESOLVED this 27th day of November, 2018.

BOARD OF COUNTY COMMISSIONERS OF DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson, Chair, District 3  For/Against

Isabella A. Solis, Vice Chair, District 4  For/Against

Billy G. Garrett, District 1  For/Against

Ramon S. Gonzalez, District 2  For/Against

Kim Hakes, District 5  For/Against

ATTEST:

Amanda López-Askin, Ph. D.
County Clerk
DOÑA ANA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
Doña Ana County Government Center  
845 North Motel Boulevard  
Las Cruces, New Mexico 88007  
Telephone: (575) 647-7200  
Toll-Free: (877) 827-7200

County Manager __________________ November 27, 2018  
Initiating Department __________________  
Fernando R. Macias, County Manager  
Contact Person __________________  

<table>
<thead>
<tr>
<th>Agenda Item Number</th>
<th>13</th>
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</thead>
</table>

**TITLE OF AGENDA ITEM TO BE CONSIDERED**

APPROVE RESOLUTION CREATING SIX NEW FIREFIGHTER AND TWO NEW LIEUTENANT POSITIONS IN THE FIRE AND EMERGENCY SERVICES DEPARTMENT TO ENABLE THE CREATION OF 24 HOUR SHIFTS AND APPROVE AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN DOÑA ANA COUNTY AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (“IAFF”), LOCAL 5037 CREATING A PAY STRUCTURE FOR 24 HOUR SHIFTS

**SUMMARY OF ITEM TO BE CONSIDERED**

On November 6, 2018, the Board of County Commissioners adopted Ordinance No. 300-2018 which, among other things, consolidated various Fire Districts within Doña Ana County. This consolidation was done to attempt to address concerns with the ISO ratings within Doña Ana County. During discussion related to Ordinance 300-2018, it was proposed that two of the fire stations be staffed on a twenty-four hour basis. This resolution would create the additional positions necessary to meet a twenty-four hour a day staffing. The current collective bargaining agreement call for sixteen hours shifts five days a week. The collective bargaining agreement needs to be amended to change the shifts and to address the pay structure that will be associated with the change in the shifts.

**DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED**

- Proposed Resolution

**SUMMARY OF FINANCIAL IMPACT**

To be determined.

**ADMINISTRATIVE REVIEW AND APPROVAL**

- **Finance**
- **Purchasing**
- **Planning**
- **Legal**
- **Human Resources**
- **County Manager/Agenda Review**
- **Assistant County Manager**

**DOCUMENT CONTROL**

- Original/s for signature?: □ Yes □ No  
  For Recording?: □ Yes □ No
- Return original/s to: Name: _______________________ Dept.: Legal
- Send copy of recorded original/s (resolution and ordinances only) to: Name: N/A Dept.: N/A
- Deadline for return of document/s?: □ Yes, return by: □ No
A RESOLUTION CREATING SIX NEW FIREFIGHTER AND TWO NEW
LIEUTENANT POSITIONS IN THE FIRE AND EMERGENCY SERVICES
DEPARTMENT TO ENABLE THE CREATION OF 24 HOUR SHIFTS

WHEREAS, the Doña Ana County Board of County Commissioners exercises the
powers of the county as a body politic and corporate (section 4-38-1, NMSA 1978)); and

WHEREAS, the Board of County Commissioners has been desirous of expanding and
improving the services provided by the County Fire and Emergency Services Department to the
citizens of Doña Ana County; and

WHEREAS, on November 6, 2018 the Board of County Commissioners adopted
Ordinance No. 300-2018 which, among other things, consolidated various the Fire District
within Doña Ana County; and

WHEREAS, the Board of County Commissioner desires to increase the availability of
career Fire and Emergency Services staff to provide for round the clock availability to assist and
supplement the volunteer staff of the Fire and Emergency Services Department.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners
authorizes the creation of six new firefighter and two new lieutenant positions within the Fire
and Emergency Services Department of Doña Ana County.

RESOLVED this ____ day of November 2018.

BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson, Chair, District 3 For/Against

Isabella A. Solis, Vice Chair, District 4 For/Against
ATTEST:

Billy G. Garrett, District 1  
Ramon S. Gonzalez, District 2  
Kim Hakes, District 5  

For/Against  
For/Against  
For/Against

ATTEST:

Amanda Lopez-Askin, Ph. D.  
County Clerk
TITLE OF AGENDA ITEM TO BE CONSIDERED
DISCUSS AND TAKE ACTION AS MAY BE APPROPRIATE RELATED TO THE ANNUAL EVALUATION AND RELATED ISSUES REGARDING THE COUNTY MANAGER, FERNANDO MACIAS

SUMMARY OF ITEM TO BE CONSIDERED
The employment contract between Doña Ana County and County Manager Fernando Macias provides that the County Manager’s performance will be reviewed and evaluated by the Board on an annual basis. As set forth on the Agenda, the BOCC may convene in closed session, as authorized by the Open Meetings Act, as it relates to this item, however, any action related to this item will take place in open session.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED
None

SUMMARY OF FINANCIAL IMPACT

ADMINISTRATIVE REVIEW AND APPROVAL

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<tr>
<th>Finance</th>
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Deadline for return of document/s?: □ Yes, return by: □ No