TOWN OF SILVER CITY

Regular Meeting

April 28, 2026, 6:00 PM

Grant County Administration Center, 1400 Hwy. 180 E.,
Silver City, NM

MISSION STATEMENT
of the TOWN OF SILVER CITY
Silver City is the hub of an inclusive community settled within a small town that through guided growth, honors and preserves its historical, cultural, and natural heritage while facilitating jobs, health, and educational resources such that the residents and visitors may enjoy and protect the recreational opportunities of the area and high quality of life.

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1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE AND SALUTE TO THE NEW MEXICO STATE FLAG

2. CHANGES TO AGENDA

3. CEREMONIES

4. PROCLAMATIONS

5. COUNCIL COMMENTS

6. APPROVAL OF MINUTES

A.

A. Regular Meeting on April 14, 2026.

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7. PUBLIC INPUT

8. REPORTS

A. ***Police Chief*** -

B. **Manager's Report** -

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. **Approval / Disapproval of RESOLUTION 2026-14: A RESOLUTION TO FORM A DOWNTOWN ACTION PLANNING COMMITTEE FOR THE TOWN OF SILVER CITY, NEW MEXICO. -**

B. **Approval / Disapproval of RESOLUTION 2026-15: A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT (“Agreement” or “loan/grant agreement”) BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY (“NMFA,” OR LENDER/GRANTOR”) AND THE Town of Silver City, GRANT COUNTY NEW MEXICO (“BORROWER/GRANTEE”) IN THE TOTAL AMOUNT OF TWO MILLION dollars ($2,000,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF Construction of Swan Street Phase. I, which includes but is not limited TO PAVING, curb & gutter, sidewalks, and ADA improvements, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE administrative fee, interest, and LOAN AMOUNT OF TWO hundred thousand dollars ($200,000) SOLELY FROM THE BORROWER/GRANTEE’S ORDINANCE NO. 671, adopted on August 17, 1981, with an effective date of January 1, 1982 imposing a one-quarter of one percent (0.25%) increment of the municipal gross receipts tax from which the Borrower/Grantee pledges to the payment of the Loan Payments one-eighth of one percent (0.125%), which municipal gross receipts tax has been de-earmarked and is now enforceable under NMSA 1978, § 7-19D-9, as amended; acceptance of a Grant Amount of one million eight hundred thousand dollars ($1,800,000); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. -**

C. **Mayors’ appointments to the Municipal Museum Community Advisory Board. -**

D. **Mayors’ appointments to the Downtown Action Planning Committee. -**

E. **Mayors’ appointment of Councilor Nañez as Ex Officio nonvoting member to the Downtown Action Planning Committee. -**

F. **Mayors’ appointment to the Economic Development & Research Committee. -**

G. **Mayors’ appointment to the Lodgers Tax Committee. -**

H. **Mayors’ reappointments to the Planning and Zoning Commission. -**

12. ADJOURNMENT

Council Members

Name	Elected Position	Telephone	Term of Office
Simon Wheaton-Smith	Mayor	575-313-3990	01/2026 - 12/2030
Angela Salaiz	Councilor, District 1	575-654-0415	01/2024 - 12/2027
Nicholas H. Prince	Councilor, District 2	575-654-0087	01/2026 - 12/2030
Stan Snider	Councilor, District 3	575-342-2535	01/2024 - 12/2027
Victor Nañez	Councilor, District 4	575-654-0148	01/2026 - 12/2030

MISSION STATEMENT OF THE TOWN OF SILVER CITY

MISSION STATEMENT
of the TOWN OF SILVER CITY

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The Council may call an EXECUTIVE SESSION pursuant to NMSA 1978 Section 10-15-1(H) for the following reasons:

1. meetings pertaining to **issuance, suspension, renewal or revocation of a license**, except that a hearing at which evidence is offered or rebutted shall be open;
2. **limited personnel matters** which means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee;
3. meetings for the **discussion of bargaining strategy preliminary to collective bargaining negotiations** between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;
4. that portion of meetings at which a decision concerning **purchases in an amount exceeding $2,500 that can be made only from one source** and that portion of meetings at which the **contents of competitive sealed proposals solicited pursuant to the Procurement Code (13-1-28 NMSA 1978) are discussed during the contract negotiation process**. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
5. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
6. meetings for the **discussion of the purchase, acquisition or disposal of real property**

or water rights by the public body.

Note: NMSA 1978 Section 10-15-1(H) Exceptions (4) relating to students, (9) relating to public hospitals, and (10) relating to the gaming control board were not listed above since they do not apply to the Town of Silver City.

For information on what's happening in local government,
please visit the Town's website (www.townofsilvercity.org).

Town of Silver City, NM

Item #6.A

Item Report

Meeting Date: April 28, 2026

Item:

A. Regular Meeting on April 14, 2026.

Attachments:

1. 2026 04 14 Regular Town Council Meeting Minutes

SILVER CITY
TOWN COUNCIL MEETING MINUTES

GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM

April 14, 2026, 6:00 p.m.

Members Present:
Simon Wheaton-Smith, Mayor
Angela M. Salaiz, Councilor District 1
Nicholas Prince, Councilor District 2
Victor Nañez, Councilor District 4

Others present:
Jacqui Olea, Acting Town Manager
Charles Kretek, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Police Chief
Antonio Carrillo, Police Captain
Milo Lambert, Fire Chief
Ben Beltron, Executive Director, CATS

Members Absent:
Stan Snider, Councilor District 3

1. CALL TO ORDER - Mayor Wheaton-Smith called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO STATE FLAG - Mayor Wheaton-Smith invited the public to recite the Pledge of Allegiance and Salute to the New Mexico State Flag.

2. CHANGES TO AGENDA – Councilor Prince proposed two changes to the meeting agenda. One key item was to discuss amending Resolution 2026-06 related to the Economic Development and Research Committee. The purpose of this amendment is to consider expanding committee membership to include individuals from outside city limits, in response to applications being received from non-residents.

3. CEREMONIES – Employee of the Month for April 2026 – Police Chief Freddie Portillo praised Captain Antonio Carrillo for his strong performance since being hired, highlighting their role in restructuring the department and improving the command staff. He emphasized their dedication and compassion for the community—especially youth—and leadership in organizing an anti-bullying campaign presentation across local school districts. Captain Antonio Carrillo was described as going above and beyond and playing a key role in moving the department in a positive direction.

4. PROCLAMATIONS: NONE

5. COUNCIL COMMENTS – Councilor Nañez recognized Code Enforcement Officer Vickie Toney for her effective work in addressing a major downtown issue and contributing to the city's beautification efforts. He highlighted the positive results of her work, noting increased community praise and a shift from complaints to compliments.

Councilor Salaiz expressed ongoing concerns about “coal rolling” incidents in Silver City, describing repeated harassment of community members—particularly protesters, elderly individuals, and pedestrians—by drivers emitting excessive diesel smoke. She shared that she has documented numerous incidents on video, including occasions involving the Mayor, and is working with the Police Department to address the issue. She plans to propose a coal rolling ordinance focused on protecting vulnerable road users, as well as a noise ordinance, citing the behavior as dangerous, disruptive, and disrespectful to the community.

Councilor Prince encouraged public participation in an upcoming community priorities workshop and planning session scheduled for April 24th at the Murray Hotel. The event is part of updating the Town’s comprehensive plan (last completed in 2017), with a goal of finalizing revisions by June. He emphasized the importance of community input in shaping priorities and allocating resources for the next five years.

Mayor Wheaton-Smith addressed several topics, including appreciation for documentation of coal rolling incidents and an apology for a communication oversight. He discussed limitations in streamlining the alcohol permit process due to State Law but suggested special meetings as a workaround. He highlighted community engagement efforts, upcoming committee initiatives—particularly a short-term Downtown Action Planning Committee—and noted multiple board and committee vacancies. The Mayor emphasized improving committee reporting, acknowledged community contributors, and encouraged active, results-oriented governance. He also shared updates on local events, training courses, and clarified the Town’s adherence to standard Robert’s Rules of Order over alternative variations.

6. APPROVAL OF MINUTES:

A. March 24, 2026, Regular Meeting. Councilor Nañez moved to approve March 24, 2026, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Salaiz seconded the motion as stated. Motion carried unanimously.

B. April 2, 2026, Special Meeting. Councilor Nañez moved to approve April 2, 2026, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Salaiz seconded the motion as stated. Motion carried unanimously.

C. April 8, 2026, Special Meeting. Councilor Nañez moved to approve April 8, 2026, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Salaiz seconded the motion as stated. Motion carried unanimously.

7. PUBLIC INPUT – Joseph Smith, Secretary of the Hospital Auxiliary announced an upcoming raffle of donated artwork that is no longer displayed due to space or remodeling changes. Starting May 1, two pieces will be raffled at a time in the hospital lobby, with tickets available for purchase. Proceeds will support the hospital, and the community is encouraged to participate and enjoy the opportunity to own artwork, including pieces by local artists.

Paula Geizler raised two questions to the Council: whether a committee will be formed to select a new Town Manager, and what happened to the Town's financial resources, expressing concern about a perceived shift from financial stability to a lack of funds and calling for transparency to the public.

Victoria Reece raised concerns about ongoing coal rolling incidents at Friday rallies, emphasizing their negative health impacts due to toxic emissions and the safety risks caused by reduced visibility, speeding vehicles, and sun glare. She urged stronger enforcement measures, including issuing tickets for coal rolling, speeding, and reckless driving, and called for focused police action to prevent potential accidents and deter the behavior.

8. REPORTS:

A. Reuse and Recycle Committee - David Stone presented on the newly formed Reuse and Recycling Committee, emphasizing that modern recycling has evolved into a more advanced, technology-driven process. He highlighted emerging systems like automated material recovery facilities (MRFs) and the use of AI for sorting materials, encouraging a shift in mindset from "waste" to "resource recovery." He noted that Silver City currently recycles very little compared to the past but outlined the potential to significantly increase diversion from landfills—up to 70% or more—through improved systems, regional models, and possible local recycling initiatives.

Chris Lemme explained that a large portion of landfill waste consists of organic materials such as paper, yard trimmings, and wood, which together make up about 41% of landfill volume. He noted that diverting these materials—primarily through composting—could significantly reduce landfill use, potentially by 20–30% or more. While food waste presents additional challenges, he emphasized that composting offers both environmental benefits and potential economic value through the production of usable compost.

Mayor Wheaton-Smith asked if there were any comments or questions.

Councilor Prince expressed support for recycling and composting initiatives, noting they are timely given rising costs for waste management, fuel, and fertilizers. He highlighted the potential benefits of better processing materials locally, including reducing expenses and supporting community needs, and praised the efforts as valuable for improving sustainability and living standards.

Mayor Wheaton-Smith explained that there are both formal and informal committees working on reuse and recycling efforts. The formal committee includes a Council liaison and follows official procedures, while the informal group operates more flexibly to expedite progress. He expressed appreciation for both groups and emphasized the importance of their work for the future.

B. Manager's Report - Acting Town Manager Jacqui Olea shared community updates, including an upcoming Earth Day cleanup event on April 18 and progress on local projects such as waterworks renovations and the Mills sewer bypass. She also addressed financial concerns, explaining that the Town is currently exceeding its revenues, leading to state-mandated monthly financial reporting and stricter review of non-budgeted or elective expenditures to ensure fiscal responsibility.

Councilor Prince commended Town staff, especially Finance and Business Operations for effectively managing financial challenges while maintaining compliance with state requirements. He acknowledged the difficulties faced but praised their efforts in sustaining operations and supporting essential employees despite external criticism.

Mayor Wheaton-Smith emphasized the seriousness of the Town's financial situation, noting that funds were extremely low at one point. He clarified that cuts have focused on non-budgeted, discretionary spending rather than essential services, stressing the need to prioritize core responsibilities like public safety and infrastructure. He also addressed misconceptions, stating that such funds are not intended to fill budget gaps or serve as guaranteed seed money for recipients. Mayor Wheaton-Smith asked Acting Town Manager Jacqui Olea to correct him if he is wrong.

Acting Town Manager Jacqui Olea clarified that, by law, Lodgers Tax funds can only be used for advertising, event-related sanitation, and tourism promotion, and cannot be used for other purposes.

Mayor Wheaton-Smith expressed disappointment with a recent news article, stating it did not fully represent the situation and noting that neither he nor the Acting Town Manager were consulted for comment to provide additional context.

9. PUBLIC HEARINGS: NONE

10. UNFINISHED BUSINESS: NONE

11. NEW BUSINESS:

A. Approval / Disapproval of EXPENDITURE REPORT FOR PERIOD ENDING MARCH 31, 2026. The Finance Director, Lori Ortiz, presented a financial report for the month of March, divided into three main sections:

1. Expenditure Report (for approval):

- Total expenditures: **$3,376,812.02**
- This includes:
  - **Accounts payable:** about **$2,880,501.62**
  - **Payroll (2 pay periods):** about **$496,310.40**

2. Large Expenditures Summary:

- A spreadsheet highlights all payments **over $10,000**.
- It lists vendors, expense descriptions, and funding sources.
- Example: A payment to **Central Square Technology** for an annual software system cost.

3. Detailed Registers:

- **Check register by fund:** lists all checks issued.
- **Payroll register:** details payroll for the two pay periods in March.

Overall, the report provides a breakdown of monthly spending, highlights major expenses, and includes detailed financial records for transparency and review.

Mayor Wheaton-Smith asked if there were any questions or comments.

Councilor Prince expressed appreciation for the financial report, noting that it was clear, helpful, and made it easier to review how public funds are being used. They emphasized the importance of transparency and responsible use of public funding.

They also raised a privacy concern, cautioning against sharing individual employee payroll details (names and specific pay amounts), especially in communications like email, as this may not be appropriate.

Additionally, they encouraged ongoing review of expenditures to ensure funds are being used effectively framing questions about spending (such as unused subscriptions) as part of due diligence, not criticism. Overall, they stressed careful oversight and accountability in managing public resources.

Councilor Nañez expressed appreciation for the financial information, emphasizing that it is valuable for helping the Council fulfill its oversight responsibilities. They highlighted the importance of transparency and accountability in managing public funds and thanked staff for providing clear information.

Mayor Wheaton-Smith praised staff for their significant effort in preparing the financial reports, acknowledging the hard work of the finance team and leadership, including work done outside regular hours.

The Mayor emphasized that this is the beginning of improved transparency and financial understanding, noting that more progress will come over time. They mentioned plans for a future training session for Council members, led by an expert, to help identify weaknesses in processes and better prepare the council for budget discussions.

Additionally, the Mayor highlighted their own detailed review of the fiscal year 2026 budget and stressed the importance of realistic budget assumptions and thorough evaluation. Overall, the message focused on appreciation, ongoing improvement, and strengthening financial oversight.

Mayor Wheaton-Smith asked if there were any additional questions or comments. Hearing none, Mayor Wheaton-Smith asked for a motion.

Councilor Prince moved to approve the **EXPENDITURE REPORT FOR PERIOD ENDING MARCH 31, 2026.** Councilor Salaiz seconded the motion as stated.

Mayor Wheaton-Smith asked for a roll call vote Town Clerk, Alfred Sedillo did a roll call vote. Councilor Salaiz voted aye; Councilor Prince voted aye; and Councilor Nañez voted aye. Motion carried unanimously.

B. Approval / Disapproval of RESOLUTION 2026-11: A RESOLUTION APPROVING REVISIONS TO THE COMMUNITY DEVELOPMENT DEPARTMENT FEE SCHEDULE. Community Development Director Susan Mittelstadt explained that after starting in December 2025, she discovered that planning and zoning fees had not been updated since 2012. After researching comparable cities and towns, she found Silver City's fees were about half of what others charge.

She proposed a new fee schedule to align with similar municipalities in New Mexico, aiming to better recover service costs. Business license fees will remain unchanged, as they are already in line with others. Overall, the update is intended to match regional standards, not exceed them, and mainly affects services used by a smaller portion of the population.

Mayor Wheaton-Smith asked if there were any questions or comments.

Councilor Prince stated that the proposed fee schedule is reasonable compared to similar communities. He noted that previously, general taxpayers were effectively subsidizing specialized services (such as engineering reviews, legal work, and zoning-related requests).

He supported the update, emphasizing that the changes ensure costs are paid by those who use the services, rather than being borne by the broader public, and commended the effort to make the system more fair.

Mayor Wheaton-Smith thanked staff for their work on the fee schedules and noted that other departments are also reviewing and updating their fees, such as the Recreation Center.

He mentioned receiving many questions on the topic and clarified that their role is oversight, not day-to-day management, emphasizing that detailed questions should be directed to the appropriate department directors.

Mayor Wheaton-Smith asked for a motion.

Councilor Salaiz moved to approve **RESOLUTION 2026-11: A RESOLUTION APPROVING REVISIONS TO THE COMMUNITY DEVELOPMENT DEPARTMENT FEE.** Councilor Prince seconded the motion as stated.

Mayor Wheaton-Smith asked for a roll call vote Town Clerk, Alfred Sedillo did a roll call vote. Councilor Salaiz voted aye; Councilor Prince voted aye; and Councilor Nañez voted aye. Motion carried unanimously.

C. Approval / Disapproval of RESOLUTION 2026-13: A RESOLUTION TO FORM A REUSE AND RECYCLE COMMITTEE FOR THE TOWN OF SILVER CITY, NEW MEXICO AND RESCINDING RESOLUTION 2026-07 PREVIOUSLY ADOPTED. Mayor Wheaton-Smith explained a proposal on behalf of Councilor Snider to change the composition of a board or committee, allowing two members from outside town limits instead of one. He noted that multiple options were considered for making this change, including amending an existing resolution**.**

Mayor Wheaton-Smith asked for a motion.

Councilor Prince moved to approve **RESOLUTION 2026-13: A RESOLUTION TO FORM A REUSE AND RECYCLE COMMITTEE FOR THE TOWN OF SILVER CITY, NEW MEXICO AND RESCINDING RESOLUTION 2026-07 PREVIOUSLY ADOPTED.** Councilor Nañez seconded the motion as stated.

Mayor Wheaton-Smith asked for a roll call vote Town Clerk, Alfred Sedillo did a roll call vote. Councilor Salaiz voted aye; Councilor Prince voted aye; and Councilor Nañez voted aye. Motion carried unanimously.

D. Approval / Disapproval of a Public Celebration Permit Application for Live Music Pop-Up for April 28, 2026, with alcohol served from 2:00 pm to 10:00 pm at 214 W. Yankie Silver City, New Mexico. Liquor License Holder: 1). Open Space Brewing, License #SBL-000112, P. O. Box 2369, Silver City, NM 88062. Alexa Tubbs, representing Open Space Brewing, spoke in support of continuing community events held at the Seedboat Collective. She noted that these events have been successful and well-received by the community. Tubbs expressed a desire to keep hosting them periodically and mentioned that they have applied for an additional off-site location license, which will be submitted for consideration soon.

Councilor Prince expressed support for the events and appreciation for businesses participating, including those coming from Albuquerque. He emphasized the importance of supporting local businesses and keeping spending within the community and said he looks forward to seeing more activity at Seedboat Collective in the future.

Mayor Wheaton-Smith expressed support for holding special meetings when needed to address time-sensitive matters, particularly to help businesses move forward. The Mayor emphasized that supporting business development is a key responsibility of the Council.

Mayor Wheaton-Smith asked for a motion.

Councilor Prince moved to approve a **Public Celebration Permit Application for Live Music Pop-Up for April 28, 2026, with alcohol served from 2:00 pm to 10:00 pm at 214 W. Yankie Silver City, New Mexico. Liquor License Holder: 1). Open Space Brewing, License #SBL-000112, P. O. Box 2369, Silver City, NM 88062.** Councilor Nañez seconded the motion as stated.

Mayor Wheaton-Smith asked for a roll call vote Town Clerk, Alfred Sedillo did a roll call vote. Councilor Salaiz voted aye; Councilor Prince voted aye; and Councilor Nañez voted aye. Motion carried unanimously.

E. Approval / Disapproval of a Public Celebration Permit Application for Tour of the Gila After-Party for May 2, 2026, with alcohol served from 11:00 am to 10:00 pm at 214 W. Yankie Silver City, New Mexico. Liquor License Holder: 1). Open Space Brewing, License #SBL-000112, P. O. Box 2369, Silver City, NM 88062. Alexa Tubbs discussed plans to host a beer garden at the same downtown location during the Tour of the Gila. She noted strong community interest in their presence at the event and extended an invitation for others to attend and be part of one of the Town's most popular events.

Mayor Wheaton-Smith asked if there were any questions or comments.

Councilor Prince discussed the possibility of using Microsoft Teams to allow remote participation in meetings. The idea was supported as a way to make it easier for individuals, particularly those in outlying areas like the mining district, to engage in Silver City events. Councilor Prince indicated he would follow up with City IT and administration to explore implementation.

Mayor Wheaton-Smith asked if there were any more questions or comments. Hearing none, Mayor Wheaton-Smith asked for a motion.

Councilor Nañez moved to approve a **Public Celebration Permit Application for Tour of the Gila After-Party for May 2, 2026, with alcohol served from 11:00 am to 10:00 pm at 214 W. Yankie Silver City, New Mexico. Liquor License Holder: 1). Open Space Brewing, License #SBL-000112, P. O. Box 2369, Silver City, NM 88062.** Councilor Salaiz seconded the motion as stated.

Mayor Wheaton-Smith asked for a roll call vote Town Clerk, Alfred Sedillo did a roll call vote. Councilor Salaiz voted aye; Councilor Prince voted aye; and Councilor Nañez voted aye. Motion carried unanimously.

12. Approval / Disapproval of Closed Executive Session pursuant to NMSA 1978 10-15-1(H)(6), meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant. Mayor Wheaton-Smith explains that during an executive session, discussions must be strictly limited to the specific topic stated—namely pending or threatened litigation. No formal decisions are typically made in these sessions, and all discussions are confidential and not subject to disclosure. After the session, the Mayor will confirm that the conversation stayed within the legally permitted scope.

Mayor Wheaton-Smith asked for a motion to enter Closed Executive Session.

Councilor Prince moved to approve **Closed Executive Session pursuant to NMSA 1978 10-15-1(H)(6),** meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant. After a five-minute recess.

Councilor Nanez seconded the motion as stated.

Mayor Wheaton-Smith asked for a roll call vote Town Clerk, Alfred Sedillo did a roll call vote. Councilor Salaiz voted aye; Councilor Prince voted aye; and Councilor Nañez voted aye. Motion carried unanimously. Council entered Closed Executive Session at 7:21 pm.

After returning from the executive session, the Mayor reconvened the meeting at and confirms that the discussion was properly limited to pending or threatened litigation under attorney-client privilege. A roll call is conducted to verify that all participants adhered to those restrictions.

Town Clerk, Alfred Sedillo did a roll call vote. Councilor Salaiz voted aye; Councilor Prince voted aye; and Councilor Nañez voted aye. Motion carried unanimously.

13. ADJOURNMENT - Mayor Wheaton-Smith entertained a motion to adjourn. Councilor Prince moved to adjourn. Councilor Salaiz seconded the motion as stated. Motion carried unanimously. Meeting adjourned at 8:15 p.m.

____
Simon Wheaton-Smith, Mayor

Attest:

____
Alfred Sedillo, Town Clerk

Town of Silver City, NM

Item #8.A

Item Report

Meeting Date: April 28, 2026

Item: ***Police Chief***

Attachments:
1. SCPD Downtown Activity Report-March 2026 2026

SILVER CITY POLICE DEPARTMENT
P.O. Box 997 • 1011 Hudson
SILVER CITY, NEW MEXICO 88062
(575) 538-3723
FAX (575) 538-3726

March 2026
SCPD Downtown Activity Report

Frequent Patrols – 93
Downtown Foot Patrols –21
Big Ditch Foot Patrols – 7
Citizen Contacts – 12
Traffic Stops – 8
Traffic Citations – 14
Code Enforcement Citations - 4
Arrests – 1

Calls for Service – 37

Suspicious Person - 5
Parking Complaint – 3
Reckless Driver – 1
Animal Complaint – 1
Welfare Checks – 5
Unwanted Subject –3
Suspicious Activity – 1
Suspicious Vehicle -1
Code Enforcement – 2
Citizen Assist – 4
Alarm – 2
Found Property – 1
Domestic Disturbance – 1
Battery – 1
Medical – 1
Civil Mater – 1
Abandoned Vehicle – 1
Vehicle Accident – 2
Suicide Threat - 1
Noise complaint – 0
Odor complaint – 0

Citations Noise Complaints – 0
Citations Odor – 0

Note: All activity is documented through Grant County Regional Dispatch Authority and inputted into our Computer Aided Dispatching (CAD).

Town of Silver City, NM

Item #8.B

Item Report

Meeting Date: April 28, 2026

Item: **Manager's Report**

Attachments:
None

Town of Silver City, NM

Item #11.A

Item Report

Meeting Date: April 28, 2026

Item: **Approval / Disapproval of RESOLUTION 2026-14: A RESOLUTION TO FORM A DOWNTOWN ACTION PLANNING COMMITTEE FOR THE TOWN OF SILVER CITY, NEW MEXICO.**

Attachments:
1. Res 2026-14 Downtown Action Planning Committee

RESOLUTION 2026-14

A RESOLUTION
TO FORM A DOWNTOWN ACTION PLANNING COMMITTEE FOR THE TOWN OF SILVER CITY, NEW MEXICO.

SPONSORED BY: Simon Wheaton-Smith, Mayor

WHEREAS, The Silver City Downtown area is a focus for visitors, tourists, citizens, and university students; and

WHEREAS, The Silver City Downtown area is the primary economic center for local small businesses within the Town; and

WHEREAS, certain factors may be inhibiting Downtown from prospering; and

WHEREAS, solutions developed for Downtown may be applicable elsewhere;

NOW, THEREFORE, BE IT *RESOLVED* by The Town of Silver City that:

1. The Town of Silver City shall form a committee called the Downtown Action Planning Committee to make timely recommendations to the Town Council.

2. The Committee shall have seven members appointed by the Mayor with the advice and consent of the Council. The Mayor shall strive to solicit members from

   The Silver City Mainstreet Program,
   The Planning and Zoning Commission,
   Lodger's Tax Advisory Board members under Sec. 44-125(a)(1) or (2)
   The Economic Development & Research Committee,
   WNMU, and in addition,
   Two members who own an operating business in the Downtown area.

   b) No more than three members may reside outside of the Town limits.

3. The mayor shall appoint one Town Councilor as a non-voting ex-officio member.

4. The Committee member terms shall be for three years, and

   a) a vacancy in the membership shall be filled for the remainder of the unexpired term, and

b) a member whose term has expired may be re-appointed, or may continue until a replacement has been appointed.

5. The Committee shall sunset in May of 2029 unless extended by the Town Council.

6. The committee shall use an established problem-solving model such as below to:

a) determine presenting problems,

b) for each problem, determine any sub issues,

b) then for each sub issue shall identify underlying critical causes and aggravating as well as mitigating factors,

c) for each sub issue and its causes and factors, it shall then identify one or more solutions.

7, The committee shall develop means and methods to:

a) evaluate proposed solutions when implemented and

b) develop refinements as required.

8. The committee shall use the Comprehensive Plan, the Downtown Action Plan, and other relevant plans during its analysis and deliberations.

9. The Committee shall consider time to be of the essence and shall meet at least once per month to identify problems impacting the Downtown area to be addressed using a well-established problem-solving model such as specified in (6) and (7) above to result in potential solutions, and for recommendations to be made to the Town Council.

9. The Committee shall elect its chair, vice chair, and secretary from among its members for a term of one year with eligibility for re-election.

10. The members of the Committee shall be expected to attend more than 75 percent of all regular meetings held during each year of a member's term. Failure to attend any three of twelve meetings may be considered a resignation and that member may be replaced.

11. The quorum of the Committee shall be any four members.

12. In between monthly meetings, members may split into groups of two or three to work specific issues, however in no case may a quorum of the membership exist on any specific topic unless the appropriate Legal Notice has been published.

13. All published meetings shall provide for Public Input.

14. The Committee shall abide by the Open Meetings Act, Inspection of Public Records Act, the Town's Code of Conduct, and any other statutes, ordinances, or policies.

15. The Committee may not encumber any Town resource, nor may the Committee ask any Town Employee for assistance except by means of a request to the Town Manager.

16. The Committee shall initially focus on critical issues such as, but not limited to, crime, noise, homeless concerns, as well as small business development and retention.

17. The Chair, or the Ex-Officio Council member shall report its recent deliberations or discussions monthly to the Town Council under COMMITTEE REPORTS, or in Council Comments as appropriate.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Silver City, Grant County, New Mexico, at its regular meeting of April 28, 2026.

TOWN OF SILVER CITY

____
Simon Wheaton-Smith, Mayor

(Seal)

Attest:

____
Alfred Sedillo, Town Clerk

Town of Silver City, NM **Item #11.B**

Item Report

Meeting Date: April 28, 2026

Item: **Approval / Disapproval of RESOLUTION 2026-15: A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT ("Agreement" or "loan/grant agreement") BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY ("NMFA," OR LENDER/GRANTOR") AND THE Town of Silver City, GRANT COUNTY NEW MEXICO ("BORROWER/GRANTEE") IN THE TOTAL AMOUNT OF TWO MILLION dollars ($2,000,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF Construction of Swan Street Phase. I, which includes but is not limited TO PAVING, curb & gutter, sidewalks, and ADA improvements, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE administrative fee, interest, and LOAN AMOUNT OF TWO hundred thousand dollars ($200,000) SOLELY FROM THE BORROWER/GRANTEE'S ORDINANCE NO. 671, adopted on August 17, 1981, with an effective date of January 1, 1982 imposing a one-quarter of one percent (0.25%) increment of the municipal gross receipts tax from which the Borrower/Grantee pledges to the payment of the Loan Payments one-eighth of one percent (0.125%), which municipal gross receipts tax has been de-earmarked and is now enforceable under NMSA 1978, § 7-19D-9, as amended; acceptance of a Grant Amount of one million eight hundred thousand dollars ($1,800,000); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.**

Attachments:

1. CIF-6733. Resolution Final. 04.21.26

RECORD OF PROCEEDINGS RELATING TO THE
ADOPTION OF RESOLUTION NO. 2026-15
OF THE TOWN COUNCIL OF THE TOWN OF SILVER CITY,
GRANT COUNTY, NEW MEXICO
APRIL 28, 2026

STATE OF NEW MEXICO)
) ss.
COUNTY OF GRANT)

The Town Council (the "Governing Body") of the Town of Silver City (the "Borrower/Grantee") met in a regular session in full conformity with the law and the rules and regulations of the Governing Body at the Grant County Administrative Center, 1400 Highway 180 E., Silver City, New Mexico, being the meeting place of the Governing Body for the meeting held on the 28th day of April, 2026 at the hour of 6:00 p.m. Upon roll call, the following members were found to be present:

Present:

Mayor: ______________________________________

Councilors: ______________________________________

____

____

____

____

____

Absent:

____

____

Also Present:

____

____

____

Thereupon, there were officially filed with the Town Clerk copies of a proposed Resolution and Colonias Infrastructure Project Fund Loan/Grant Agreement in final form, the proposed Resolution being as hereinafter set forth:

[*Remainder of page intentionally left blank.*]

TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO
RESOLUTION NO. 2026-15

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT ("AGREEMENT" OR "LOAN/GRANT AGREEMENT") BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY ("NMFA," OR "LENDER/GRANTOR") AND THE TOWN OF SILVER CITY, GRANT COUNTY NEW MEXICO ("BORROWER/GRANTEE") IN THE TOTAL AMOUNT OF TWO MILLION DOLLARS ($2,000,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION OF SWAN STREET PHASE. I, WHICH INCLUDES BUT IS NOT LIMITED TO PAVING, CURB & GUTTER, SIDEWALKS, AND ADA IMPROVEMENTS, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE ADMINISTRATIVE FEE, INTEREST, AND LOAN AMOUNT OF TWO HUNDRED THOUSAND DOLLARS ($200,000) SOLELY FROM THE BORROWER/GRANTEE'S ORDINANCE NO. 671, ADOPTED ON AUGUST 17, 1981, WITH AN EFFECTIVE DATE OF JANUARY 1, 1982 IMPOSING A ONE-QUARTER OF ONE PERCENT (0.25%) INCREMENT OF THE MUNICIPAL GROSS RECEIPTS TAX FROM WHICH THE BORROWER/GRANTEE PLEDGES TO THE PAYMENT OF THE LOAN PAYMENTS ONE-EIGHTH OF ONE PERCENT (0.125%), WHICH MUNICIPAL GROSS RECEIPTS TAX HAS BEEN DE-EARMARKED AND IS NOW ENFORCEABLE UNDER NMSA 1978, § 7-19D-9, AS AMENDED; ACCEPTANCE OF A GRANT AMOUNT OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS ($1,800,000); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

Capitalized terms used in the following preambles have the same meaning as defined in this Resolution unless the context requires otherwise.

WHEREAS, the Colonias Infrastructure Board ("CIB") is a public body duly organized and created under and pursuant to the laws of the State of New Mexico (the "State"), particularly the Colonias Infrastructure Act, NMSA 1978, §§ 6-30-1 through 6-30-8, as amended, (the "Colonias Infrastructure Act" or the "Act"); and

WHEREAS, the NMFA is a public body politic and corporate, separate and apart from the State, constituting a governmental instrumentality, duly organized and created under and pursuant to the laws of the State, particularly NMSA 1978, §§ 6-21-1, through 6-21-31, as amended (the "NMFA Act"); and

WHEREAS, the Borrower/Grantee is a Political Subdivision of the State, being a legally and regularly created, established, organized and existing municipality under the general laws of the State and more specifically, the Municipal Code, NMSA 1978, §§ 3-1-1 through 3-66-11, and its Territorial Charter; and

WHEREAS, the Act creates the Colonias Infrastructure Project Fund (the "Fund") in the NMFA, to be administered by the NMFA to originate grants or loans to Qualified Entities for Qualified Projects recommended by the CIB; and

WHEREAS, the Borrower/Grantee is a community that is a Colonia within the meaning of Act; and

WHEREAS, the Borrower/Grantee submitted an application dated March 4, 2025, for the Project; and

WHEREAS, the CIB has determined that the Project is a Qualified Project and that the Borrower/Grantee is a Qualified Entity under the Board Rules; and

WHEREAS, the CIB on May 15, 2025, recommended to the NMFA that the Borrower/Grantee receive financial assistance from the Fund in the form of the Loan/Grant, and the CIB has recommended that the NMFA enter into and administer the Loan/Grant Agreement; and

WHEREAS, the NMFA approved the Loan/Grant Amount from the Fund to the Borrower/Grantee on June 26, 2025; and

WHEREAS, the NMFA's Chief Executive Officer granted extensions for the required ready-to-proceed items on November 4, 2026, and February 2, 2026; and

WHEREAS, the Borrower/Grantee has determined that it is in the best interests of the Borrower/Grantee that the Borrower/Grantee enter into an Agreement with the Lender/Grantor to borrow two hundred thousand dollars ($200,000) from the Lender/Grantor and to accept a grant in the amount of one million eight hundred thousand dollars ($1,800,000) from the Lender/Grantor to finance the costs of the Project, more particularly described in the Term Sheet; and

WHEREAS, the Governing Body has determined and hereby determines that the Project may be financed with amounts granted and loaned pursuant to the Loan/Grant Agreement, that the Loan/Grant Amount, together with the Local Match, as provided by the Borrower/Grantee's Resolution No. 2025-07 adopted on 2025-07 and other moneys available to the Borrower/Grantee, is sufficient to complete the Project, and that it is in the best interest of the Borrower/Grantee and the constituent public they serve that the Loan/Grant Agreement be executed and delivered and that the funding of the Project take place by executing and delivering the Loan/Grant Agreement; and

WHEREAS, the Governing Body has determined that it may lawfully enter into the Loan/Grant Agreement, accept the Loan/Grant Amount and be bound to the obligations and by the restrictions thereunder; and

WHEREAS, the Loan/Grant Agreement shall not constitute a general obligation of the Borrower/Grantee, the CIB or the NMFA or a debt or pledge of the full faith and credit of the Borrower/Grantee, the CIB, the NMFA or the State; and

WHEREAS, there have been presented to the Governing Body and there presently are on file with the Town Clerk this Resolution and the form of the Loan/Grant Agreement which is incorporated by reference and considered to be a part hereof; and

WHEREAS, the Governing Body hereby determines that the Local Match is now available to the Borrower/Grantee to complete the Project; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use of the Loan/Grant Amount for the purposes described, and according to the restrictions set forth, in the Loan/Grant Agreement; (ii) the availability of other moneys necessary and sufficient, together with the Loan/Grant Amount, to complete the Project; and (iii) the authorization, execution and delivery of the Loan/Grant Agreement which are required to have been obtained by the date of this Resolution, have been obtained or are reasonably expected to be obtained.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO:

Section 1. Definitions. Capitalized terms defined in the foregoing recitals shall have the same meaning when used in this Resolution unless the context clearly requires otherwise. Capitalized terms not defined in the recitals and defined in this Article I shall have the same meaning when used in this Resolution including the foregoing recitals, unless the context clearly requires otherwise. Capitalized terms not defined herein shall have the meaning given them by the Loan/Grant Agreement.

"Administrative Fee" or "Administrative Fee Component" means the 0.25% annual fee payable to the NMFA calculated on the amount of the outstanding principal balance, as shown on Exhibit C attached hereto.

"Agreement" or "Loan/Grant Agreement" means the Loan/Grant Agreement and any amendments or supplements thereto, including the Exhibits attached thereto.

"Authorized Officers" means, any one or more of the Mayor, Mayor Pro Tem, Town Manager and, and the Town Clerk of the Borrower/Grantee.

"Closing Date" means the date of execution of the Loan/Grant Agreement by the Borrower/Grantee and the NMFA.

"Colonia" or "Colonias" means a Colonia as defined in the Act, and more particularly in NMSA 1978, § 6-30-3(C), as amended, and particularly the Colonia of Town of Silver City.

“Colonias Infrastructure Project Fund” or “Fund” means the fund of the same name created pursuant to the Act and held and administered by the NMFA.

“Conditions” has the meaning given to that term in the Loan/Grant Agreement.

“Completion Date” means the date of final payment of the cost of the Project.

“Eligible Fiscal Agent Fees” means fees and costs incurred by a fiscal agent for the administration of Project funds, including the collection and reporting of Project information as required by the Loan/Grant Agreement, in an amount not exceeding five percent (5%) of the Loan/Grant Amount.

“Eligible Items” means eligible Project costs for which loans/grants may be made pursuant to Title 2, Chapter 91, Part 2 NMAC, the Board Rules and applicable Policies, and includes costs of acquiring and completing the Project, and, without limitation, Eligible Legal Costs, Eligible Fiscal Agent Fees and Eligible Project Management Fees.

“Eligible Legal Costs” means legal fees and costs for services rendered by legal counsel on behalf of the Borrower/Grantee for transaction of the Project and those directly associated with the qualified project, in an amount not exceeding ten percent (10%) of the Loan/Grant Amount, but does not include adjudication services.

“Eligible Project Management Fees” means the fees and costs associated with the planning, implementation and technical oversight of the project management costs for services rendered to the Borrower/Grantee for the transaction of the Project and those directly associated with the Project, in an amount up to ten percent (10%) of the Loan/Grant Amount.

“Fiscal Year” means the period commencing on July 1 of each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the Borrower/Grantee as its fiscal year.

“Generally Accepted Accounting Principles” means the officially established accounting principles applicable to the Borrower/Grantee consisting of the statements, determinations and other official pronouncements of the Government Accounting Standards Board, Financial Accounting Standards Board, Federal Accounting Standards Board or other principle-setting body acceptable to the NMFA establishing accounting principles applicable to the Borrower/Grantee.

“Governing Body” means the Town Council of the Borrower/Grantee, or any future successor governing body of the Borrower/Grantee.

“Grant” or “Grant Amount” means the amount provided to the Borrower/Grantee as a grant pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and shall equal 90% of the amount disbursed during the Interim Period not to exceed one million eight hundred thousand dollars ($1,800,000).

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

“Loan” or “Loan Amount” means 10% of the amount disbursed to the Borrower/Grantee during the Interim Period for the purpose of funding the Project, and shall not equal more than two hundred thousand dollars ($200,000).

“Loan/Grant” or “Loan/Grant Amount” means the combined amount distributed to the Borrower/Grantee during the Interim Period as the Grant Amount and borrowed by the Borrower/Grantee as the Loan Amount pursuant to the Loan/Grant Agreement for the purpose of funding the Project and shall not equal more than two million dollars ($2,000,000).

“Loan Payments” means, collectively, the Principal Component (defined in the Loan/Grant Agreement), Administrative Fee and interest, if any, to be paid by the Borrower/Grantee as payment of the Loan/Grant Agreement as shown on <u>Exhibit “C”</u> to the Loan/Grant Agreement.

“Local Match” means the amount determined pursuant to the Policies to be provided by the Borrower/Grantee which includes the total value of the soft or hard match (each as defined in the Policies) which, in combination with the Loan/Grant Amount and other monies available to the Borrower/Grantee, is sufficient to complete the Project. The Local Match is two hundred thousand dollars ($200,000).

“NMAC” means the New Mexico Administrative Code.

“NMSA 1978” means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented from time to time.

“Pledged Revenues” means one-half of the one-fourth of one percent (0.25%) the revenues received by the Borrower/Grantee pursuant to the Tax Ordinance one-eighth of one-percent (0.125%) of which the Borrower/Grantee pledges to the payment of the Loan Payments pursuant to this Resolution and the Loan/Grant Agreement and described in the Term Sheet.

“Policies” means the Colonias Infrastructure Project Fund Project Selection and Management Policies, approved by the CIB.

“Political Subdivision of the State” means a municipality, a county, water and sanitation district, an association organized and existing pursuant to the Sanitary Projects Act, NMSA 1978, § 3-29-1 through § 3-29-21, as amended, or any other entity recognized by statute as a political subdivision of the State.

“Project” means the project described in the Term Sheet.

“Project Account” means the book account, if any, established by the NMFA in the name of the Borrower/Grantee for purposes of tracking expenditure of the Loan/Grant Amount by the Borrower/Grantee to pay for the costs of the Project, as shown in the Term Sheet, which account shall be kept separate and apart from all other accounts of the NMFA.

“Qualified Entity” means a county, municipality, or other entity recognized as a Political Subdivision of the State pursuant to NMSA 1978, § 6-30-3(F), as amended.

"Qualified Project" means a capital outlay project recommended by the CIB to the NMFA for financial assistance that is primarily intended to develop Colonias infrastructure. A Qualified Project may include a water system, a wastewater system, solid waste disposal facilities, flood and drainage control, roads or housing infrastructure pursuant to NMSA 1978, § 6-30-3(G), as amended, but does not include general operation and maintenance, equipment, housing allowance payments or mortgage subsidies.

"Resolution" means this Resolution as it may be supplemented or amended from time to time.

"Rules" means Review and Selection of Colonias Infrastructure Projects, New Mexico Colonias Infrastructure Board, Sections 2.91.2.1 through 2.91.2.18 NMAC.

"State" means the State of New Mexico.

"Tax Ordinance" means the Borrower/Grantee's Ordinance No. 671 passed and approved by the Borrower/Grantee on August 17, 1981, with an effective date of January 1, 1982, which imposes a one-fourth of one percent (0.25%) increment of the Municipal Gross Receipts Tax on the gross receipts of persons engaging in business within the Borrower/Grantee, from which the Borrower/Grantee hereby pledges to the payment of the Loan Payments, pursuant to this Loan/Grant Agreement and the Resolution, a one-eight of one percent (0.125%) increment. The Municipal Gross Receipts Tax has been de-earmarked and is now enforceable under NMSA 1978, § 7-19D-9, as amended.

"Term Sheet" means Exhibit "A" attached to the Loan/Grant Agreement.

"Useful Life" means the period during which the Project is expected to be usable for the purpose for which it was acquired, which is twenty (20) years.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Borrower/Grantee and officers of the Borrower/Grantee directed toward the acquisition and completion of the Project, the pledge of the Pledged Revenues to payment of amounts due under the Loan/Grant Agreement, and the execution and delivery of the Loan/Grant Agreement shall be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project and the Loan/Grant Agreement. The acquisition and completion of the Project and the method of funding the Project through execution and delivery of the Loan/Grant Agreement and the other documents related to the transaction are hereby authorized and ordered. The Project is for the benefit and use of the Borrower/Grantee and the public it serves.

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

A. The Project is needed to meet the needs of the Borrower/Grantee and the public it serves.

B. Moneys available and on hand for the Project from all sources other than the Loan/Grant are not sufficient to defray the cost of acquiring and completing the Project but, together with the Loan/Grant Amount, are sufficient to complete the Project.

C. The Project and the execution and delivery of the Loan/Grant Agreement pursuant to the Act to provide funds for the financing of the Project are necessary, convenient and in furtherance of the governmental purposes of the Borrower/Grantee, and in the interest of the public health, safety, and welfare of the constituent public served by the Borrower/Grantee.

D. The Borrower/Grantee will acquire and complete the Project with the proceeds of the Loan/Grant, the Local Match and other amounts available to the Borrower/Grantee, and except as otherwise expressly provided by the Loan/Grant Agreement, will utilize, operate and maintain the Project for the duration of its Useful Life.

E. Together with the Loan/Grant Amount, and other amounts available to the Borrower/Grantee, the Local Match is now available to the Borrower/Grantee, and in combination with the Loan/Grant Amount, will be sufficient to complete the Project.

F. The Lender/Grantor shall maintain on behalf of the Borrower/Grantee a separate Project Account as a book account only on behalf of the Borrower/Grantee and financial records in accordance with Generally Accepted Accounting Principles during the construction or implementation of the Project.

G. The Borrower/Grantee has acquired , proper title to, easements, rights-of-way, permits or the requisite access needed by legal conveyances such as right-of-way, easements, deeds, permits on the real property upon or through which the Project will be conducted, or will acquire any necessary titles or access rights by exercise of its power of eminent domain if it is determined that additional right-of-way is needed.

Section 5. Loan/Grant Agreement—Authorization and Detail.

A. Authorization. This Resolution has been adopted by the affirmative vote of at least a majority of all of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, and protecting the general welfare and prosperity of the public served by the Borrower/Grantee and acquiring and completing the Project, it is hereby declared necessary that the Borrower/Grantee execute and deliver the Loan/Grant Agreement evidencing the Borrower/Grantee's acceptance of the Grant Amount of one million eight hundred thousand dollars ($1,800,000) and borrowing the Loan Amount of two hundred thousand dollars ($200,000) to be utilized solely for Eligible Items necessary to complete the Project, and solely in the manner and according to the restrictions set forth in the Loan/Grant Agreement, the execution and delivery of which is hereby authorized. The Borrower/Grantee shall use the Loan/Grant Amount to finance the acquisition and completion of the Project.

B. Detail. The Loan/Grant Agreement shall be in substantially the form of the Loan/Grant Agreement presented at the meeting of the Governing Body at which this Resolution was adopted. The Grant shall be in the amount of one million eight hundred thousand dollars ($1,800,000) and the Loan shall be in the amount of two hundred thousand dollars ($200,000).

Interest on the Loan Amount shall be zero percent (0%) per annum of the unpaid principal balance of the Loan Amount.

Section 6. Approval of Loan/Grant Agreement. The form of the Loan/Grant Agreement as presented at the meeting of the Governing Body, at which this Resolution was adopted, is hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Loan/Grant Agreement with such changes, insertions and omissions as may be approved by such individual Authorized Officers, and the Town Clerk is hereby authorized to attest the Loan/Grant Agreement. The execution of the Loan/Grant Agreement shall be conclusive evidence of such approval.

Section 7. Security. The Loan Amount and Administrative Fee shall be solely secured by the pledge of the Pledged Revenues herein made and as set forth in the Loan/Grant Agreement.

Section 8. Disposition of Proceeds; Completion of the Project.

A. Project Account. The Borrower/Grantee hereby consents to creation of the Project Account by the NMFA and further approves of the deposit or crediting of a portion of the Loan/Grant Amount to pay expenses. Until the Completion Date, the amount of the Loan/Grant credited to the Project Account shall be used and paid out solely for Eligible Items necessary to acquire and complete the Project in compliance with applicable law and the provisions of the Loan/Grant Agreement.

B. Completion of the Project. The Borrower/Grantee shall proceed to complete the Project with all due diligence. Upon the Completion Date, the Borrower/Grantee shall execute a certificate stating that completion of and payment for the Project has been completed. Following the Completion Date or the earlier expiration of the time allowed for disbursement of Loan/Grant funds as provided in the Loan/Grant Agreement, any balance remaining in the Project Account shall be transferred and deposited into the Colonias Infrastructure Project Fund or otherwise distributed as provided in the Loan/Grant Agreement.

C. CIB and NMFA Not Responsible. Borrower/Grantee shall apply the funds derived from the Loan/Grant Agreement as provided therein, and in particular Article V of the Loan/Grant Agreement. Neither the CIB nor the NMFA shall in any manner be responsible for the application or disposal by the Borrower/Grantee or by its officers of the funds derived from the Loan/Grant Agreement or of any other funds held by or made available to the Borrower/Grantee in connection with the Project. Lender/Grantor shall not be liable for the refusal or failure of any other agency of the State to transfer any portion of the Loan/Grant Amount in its possession, custody and control to the NMFA for disbursement to the Borrower/Grantee, or to honor any request for such transfer or disbursement of the Loan/Grant Amount

Section 9. Payment of Loan Amount and Administrative Fee. Pursuant to the Loan/Grant Agreement, the Borrower/Grantee shall pay the Loan Amount and Administrative Fee directly from the Pledged Revenues to the NMFA as provided in the Loan/Grant Agreement in an amount sufficient to pay principal and other amounts due under the Loan/Grant Agreement and to cure any deficiencies in the payment of the Loan Amount, the Administrative Fee and any other amounts due under the Loan/Grant Agreement.

Section 10. Lien on Pledged Revenues. Pursuant to the Loan/Grant Agreement, the Loan/Grant Agreement constitutes an irrevocable lien (but not an exclusive lien) upon the Pledged Revenues to the extent of the Loan Amount and Administrative Fee, the priority of which is consistent with that shown on the Term Sheet.

Section 11. Authorized Officers. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution, the Loan/Grant Agreement and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Resolution and the Loan/Grant Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Resolution and the Loan/Grant Agreement including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Loan/Grant Agreement.

Section 12. Amendment of Resolution. This Resolution after its adoption may be amended without receipt by the Borrower/Grantee of any additional consideration, but only with the prior written consent of the NMFA.

Section 13. Resolution Irrepealable. After the Loan/Grant Agreement has been executed and delivered, this Resolution shall be and remain irrepealable until all obligations due under the Loan/Grant Agreement shall be fully discharged, as herein provided.

Section 14. Severability Clause. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 15. Repealer Clause. All bylaws, orders, ordinances, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 16. Effective Date. Upon due adoption of this Resolution, it shall be recorded in the book of the Borrower/Grantee kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk of the Borrower/Grantee, and this Resolution shall be in full force and effect thereafter, in accordance with law; provided, however, that if recording is not required for the effectiveness of this Resolution, this Resolution shall be effective upon adoption of this Resolution by the Governing Body.

Section 17. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Resolution shall be published in substantially the following form:

[*Remainder of page intentionally left blank.*]

[*Form of Notice of Adoption of Resolution for Publication*]

TOWN OF SILVER CITY, NEW MEXICO
Notice of Adoption of Resolution

Notice is hereby given of the title and of a general summary of the subject matter contained in Resolution No. 2026-15, duly adopted and approved by the Town Council of Town of Silver City on April 28, 2026. A complete copy of the Resolution is available for public inspection during normal and regular business hours in the office of the Town Clerk, at 101 W. Broadway, Silver City, New Mexico 88061.

The title of the Resolution is:

TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO
RESOLUTION NO. 2026-15

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT ("AGREEMENT" OR "LOAN/GRANT AGREEMENT") BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY ("NMFA," OR "LENDER/GRANTOR") AND THE TOWN OF SILVER CITY, GRANT COUNTY NEW MEXICO ("BORROWER/GRANTEE") IN THE TOTAL AMOUNT OF TWO MILLION DOLLARS ($2,000,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION OF SWAN STREET PHASE. I, WHICH INCLUDES BUT IS NOT LIMITED TO PAVING, CURB & GUTTER, SIDEWALKS, AND ADA IMPROVEMENTS, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE ADMINISTRATIVE FEE, INTEREST, AND LOAN AMOUNT OF TWO HUNDRED THOUSAND DOLLARS ($200,000) SOLELY FROM THE BORROWER/GRANTEE'S ORDINANCE NO. 671, ADOPTED ON AUGUST 17, 1981, WITH AN EFFECTIVE DATE OF JANUARY 1, 1982 IMPOSING A ONE-QUARTER OF ONE PERCENT (0.25%) INCREMENT OF THE MUNICIPAL GROSS RECEIPTS TAX FROM WHICH THE BORROWER/GRANTEE PLEDGES TO THE PAYMENT OF THE LOAN PAYMENTS ONE-EIGHTH OF ONE PERCENT (0.125%), WHICH MUNICIPAL GROSS RECEIPTS TAX HAS BEEN DE-EARMARKED AND IS NOW ENFORCEABLE UNDER NMSA 1978, § 7-19D-9, AS AMENDED; ACCEPTANCE OF A GRANT AMOUNT OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS ($1,800,000); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE

TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

A general summary of the subject matter of the Resolution is contained in its title. This notice constitutes compliance with NMSA 1978, § 6-14-6, as amended.

[*End of Form of Notice of Adoption for Publication*]

PASSED, APPROVED AND ADOPTED THIS 5TH DAY OF JUNE, 2026.

TOWN OF SILVER CITY,
GRANT COUNTY, NEW MEXICO

By______________________________
Simon Wheaton-Smith, Mayor

(SEAL)

ATTEST:

By______________________________
Alfred Sedillo, Town Clerk

[*Remainder of page intentionally left blank.*]

Governing Body Member ___________________________ then moved adoption of the foregoing Resolution, duly seconded by Governing Body Member _________________________

The motion to adopt the Resolution, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye: ____________________________________

____

____

____

____

____

Those Voting Nay: ____________________________________

____

____

Those Absent: ____________________________________

____

_________ (__) Members of the Governing Body having voted in favor of the motion, the Mayor declared the motion carried and the Resolution adopted, whereupon the Mayor and Town Clerk signed the Resolution upon the records of the minutes of the Governing Body.

[*Remainder of page intentionally left blank.*]

After consideration of matters not relating to the Resolution, the meeting upon motion duly made, seconded and carried, was adjourned.

TOWN OF SILVER CITY,
GRANT COUNTY, NEW MEXICO

By__________________________________
Simon Wheaton-Smith, Mayor

(SEAL)

ATTEST:

By__________________________________
Alfred Sedillo, Town Clerk

STATE OF NEW MEXICO)
) ss.
COUNTY OF GRANT)

I, Alfred Sedillo, the duly qualified and acting Town Clerk of the Town of Silver City, New Mexico (the "Borrower/Grantee"), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the Town Council of the Borrower/Grantee (the "Governing Body"), had and taken at a duly called regular meeting held at the Grant County Administrative Center, 1400 Highway 180 E., Silver City, New Mexico, on April 28, 2026 at the hour of 6:00 p.m., insofar as the same relate to the adoption of Resolution No. 2026-15 and the execution and delivery of the proposed Loan/Grant Agreement, a copy of which is set forth in the official records of the proceedings of the Governing Body kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. The proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of the meeting was given in compliance with the permitted methods of giving notice of meetings of the Governing Body as required by the State Open Meetings Act, NMSA 1978, § 10-15-1, as amended, including the Borrower/Grantee's open meetings Resolution No. 2026-01, adopted and approved on January 13, 2026 in effect on the date of the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of June 2026.

TOWN OF SILVER CITY,
GRANT COUNTY, NEW MEXICO

By___________________________________
Alfred Sedillo, Town Clerk

[SEAL]

EXHIBIT "A"

Notice of Meeting, Meeting Agenda, Minutes and
Affidavit of Publication of Notice of Adoption of Resolution

Town of Silver City, NM

Item #11.C

Item Report

Meeting Date: April 28, 2026

Item: **Mayors' appointments to the Municipal Museum Community Advisory Board.**

Attachments:
None

Town of Silver City, NM

Item #11.D

Item Report

Meeting Date: April 28, 2026

Item: **Mayors' appointments to the Downtown Action Planning Committee.**

Attachments:
None

Town of Silver City, NM

Item #11.E

Item Report

Meeting Date: April 28, 2026

Item: **Mayors' appointment of Councilor Nañez as Ex Officio nonvoting member to the Downtown Action Planning Committee.**

Attachments:
None

Town of Silver City, NM

Item #11.F

Item Report

Meeting Date: April 28, 2026

Item: **Mayors' appointment to the Economic Development & Research Committee.**

Attachments:
None

Town of Silver City, NM

Item #11.G

Item Report

Meeting Date: April 28, 2026

Item: **Mayors' appointment to the Lodgers Tax Committee.**

Attachments:
None

Town of Silver City, NM

Item #11.H

Item Report

Meeting Date: April 28, 2026

Item: **Mayors' reappointments to the Planning and Zoning Commission.**

Attachments:
None