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6 **MINUTES OF A REGULAR MEETING**  
7 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**  
8 **HELD AT THE TOWN HALL**  
9 **APRIL 23, 2007**

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11 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules  
12 of the Town on April 23, 2007, at 6:30 P.M.

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14 Upon Roll call the following members were found to be present:

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16 **PRESENT:**

17 Mayor Chávez  
18 Councilor Torres  
19 Councilor Sisneros  
20 Councilor Montoya  
21 Councilor Jaramillo

16 **ALSO PRESENT:**

17 Stephen Jerge  
18 Ida Fierro  
19 Santiago Chavez  
20 Mary Kwapich  
21 Fred Radosevich  
22 Chris Muirhead

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24 **ABSENT:**

24 **Others Present Not Identified**

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26 **APPROVAL OF AGENDA: 4a)**

27 Councilor Torres moved to approve the agenda as presented. The motion was seconded by  
28 Councilor Sisneros and carried unanimously.

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30 **PUBLIC HEARINGS: 5a) Discussion, Consideration and Action on Approval of**  
31 **Ordinance 229 Loan Agreement by and Between the Town of Bernalillo and the New**  
32 **Mexico Finance Authority, to Construct a New Arsenic Removal System. Presenter:**  
33 **Stephen Jerge**

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35 TOWN OF BERNALILLO, NEW MEXICO  
36 ORDINANCE NO. 229

37  
38 AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN  
39 AGREEMENT BY AND BETWEEN THE TOWN OF BERNALILLO, NEW  
40 MEXICO (THE "TOWN") AND THE NEW MEXICO FINANCE  
41 AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE  
42 TOWN TO PAY A PRINCIPAL AMOUNT OF \$3,796,678, TOGETHER WITH  
43 ADMINISTRATIVE FEES AND INTEREST THEREON, FOR THE PURPOSE  
44 OF DEFRAYING THE COST OF DESIGNING, PLANNING, EQUIPPING  
45 AND CONSTRUCTING A NEW ARSENIC REMOVAL SYSTEM AND A  
46 PIPELINE FOR THE TOWN'S JOINT WATER AND SEWER SYSTEM;

47 PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF,  
48 ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN  
49 AGREEMENT SOLELY FROM THE NET SYSTEM REVENUES RECEIVED  
50 BY THE TOWN FROM THE OPERATION OF ITS JOINT WATER AND  
51 SEWER SYSTEM; APPROVING THE FORM OF AND OTHER DETAILS  
52 CONCERNING THE LOAN AGREEMENT; PROVIDING FOR A RATE OF  
53 INTEREST ON THE LOAN AGREEMENT; RATIFYING ACTIONS  
54 HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH  
55 THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER  
56 ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF  
57 THE LOAN AGREEMENT  
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59 Capitalized terms used in the following preambles have the same definitions as are set  
60 forth in Section 1, unless the content provides otherwise.  
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62 WHEREAS, the Governmental Unit is a legally and regularly created, established,  
63 organized and existing municipality under the general laws of the State of New Mexico; and  
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65 WHEREAS, the Governing Body has determined and hereby determines that the Project  
66 may be financed with amounts borrowed under the Loan Agreement and that it is in the best  
67 interest of the Governmental Unit and its residents that the Loan Agreement be executed and  
68 delivered and that the financing of the acquisition and construction of the Project take place by  
69 executing and delivering the Loan Agreement; and  
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71 WHEREAS, the Governing Body has determined that it may lawfully pledge the Pledged  
72 Revenues for the payment of amounts due under the Loan Agreement; and  
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74 WHEREAS, the 2006 Ordinance provides for the adoption of subsequent ordinances to  
75 authorize the issuance of additional debt payable through Net Revenues of the System, as well as  
76 the approval of specific terms and documents relating to the issuance of the additional debt; and  
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78 WHEREAS, this Ordinance is adopted in order to authorize the Governmental Unit to  
79 enter into the Loan Agreement with the NMFA as a parity debt payable from Net Revenues of  
80 the System; and  
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82 WHEREAS, other than as described in Exhibit "A" to the Loan Agreement, the Pledged  
83 Revenues have not heretofore been pledged to secure the payment of any obligation; and  
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85 WHEREAS, the Loan Agreement shall be a special, limited obligation of the  
86 Governmental Unit, payable solely from the Pledged Revenues and shall not constitute a general  
87 obligation of the Governmental Unit, or a debt or pledge of the faith and credit of the  
88 Governmental Unit or the State; and

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

WHEREAS, the Governing Body hereby determines that the Project to be financed by the Loan is to be used for governmental purposes of the Governmental Unit and will not be used for purposes which would cause the Loan Agreement to be deemed a "private activity bond" as defined by the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Governing Body intends by this Ordinance to authorize the execution and delivery of the Loan Agreement in the amount and for the purposes set forth herein; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use and pledge of the Pledged Revenues to the NMFA (or its assigns) for the payment of the Loan Agreement, (ii) the use of the proceeds of the Loan Agreement to finance the Project, and (iii) the authorization, execution and delivery of the Loan Agreement which are required to have been obtained by the date of this Ordinance, have been obtained or are reasonably expected to be obtained.

Councilor Jaramillo moved to approve Ordinance 229 Loan Agreement by and Between the Town of Bernalillo and the New Mexico Finance Authority, to construct a New Arsenic Removal System. The motion was seconded by Councilor Sisneros .

Roll Call Vote      Yea

**APPROVAL OF MINUTES: 6a) Regular Meeting of April 23, 2007.**

Councilor Jaramillo stated that on line 59 should read "two instead of tow."

Mayor Chávez stated that on line 41 add "Village Academy Charter School."

Councilor Torres moved to approve the minutes of April 23, 2007 as amended. The motion was seconded by Councilor Montoya and carried unanimously.

**PERSONNEL: 8a) Housing Director (1): Stephen Jerge.**

Stephen Jerge stated that it was his recommendation to hire Richard Bela as Housing Director.

Councilor Torres moved to approve hiring Richard Bela as Housing Director. The motion was seconded by Councilor Montoya and carried unanimously.

**PERSONNEL: 8b) Administrative Assistant (1): Stephen Jerge.**

Stephen Jerge stated that it was his recommendation to hire Teresa Garcia as Administrative

131 Assistant.

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133 Councilor Torres moved to approve hiring Teresa Garcia as Administrative Assistant. The  
134 motion was seconded by Councilor Jaramillo and carried unanimously.

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137 **MISCELLANEOUS: 10) Update Administration Items – Presenter Stephen Jerge.**

138 Mr. Jerge informed the Council of the items that he thought the Council should be aware of but  
139 did not need action taken as of this time.

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142 **FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #31242-**  
143 **#31309.**

144 Councilor Jaramillo moved to approve the General Fund Vouchers 31242 - #31309 as presented.  
145 The motion was seconded by Councilor Torres and carried unanimously.

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147 **FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #62381 - #62421.**

148 Councilor Torres moved to approve the Utility Fund Vouchers #62381 - #62421 as presented.

149 The motion was seconded by Councilor Jaramillo and carried unanimously.

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151 **FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66341 - #66352.**

152 Councilor Sisneros moved to approve the MVD Fund Vouchers #66327 - # 66352 as presented.

153 The motion was seconded by Councilor Montoya and carried unanimously.

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155 **FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5121LR-**  
156 **#5131LR.**

157 Councilor Jaramillo moved to approve the Housing Low Rent Vouchers #5121LR - #5131LR as  
158 presented. The motion was seconded by Councilor Torres and carried unanimously.

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160 There being no further business the meeting was adjourned at 7:09 P.M.

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162 Done this 23rd day of April 2007.

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164 ATTEST:

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Town Clerk

168 (seal)

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Patricia A. Chávez, Mayor