



34
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 10-004 Council District:

For Meeting of July 6, 2009
 (Adoption Date)

TITLE:

A RESOLUTION TO ACCEPT GRANT AGREEMENT AMENDMENT NO. 1 TO THE 2006 LEGISLATIVE GRANT AGREEMENT FROM THE STATE OF NEW MEXICO, DEPARTMENT OF FINANCE & ADMINISTRATION, LOCAL GOVERNMENT DIVISION CONTRACT ACCEPTED BY RESOLUTION 06-332 DATED MAY 15, 2006. ACCEPTANCE WILL ADJUST THE FY 2009/2010 BUDGET AND RATIFY THE CITY MANAGER'S APPROVAL TO MEET DFA DEADLINE.

PURPOSE(S) OF ACTION:

Acceptance of this Amendment will add an additional project to the Exhibit "A" list on the original 2006 Legislative Grant Agreement.

Name of Drafter: Auguie Henry III		Department: OMB/Grants		Phone: (575) 541-2281	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		(575) 541-2050	Budget		(575) 541-2300
			Assistant City Manager		(575) 541-2271
Legal		(575) 541-2128	City Manager		(575) 541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

1. Project 06-L-G-2493 was not included in the original contract but was approved by the Legislature for allocation.
2. Project is to plan, design, construct a parking lot and walking path at Mesilla Park and Recreation Center in Las Cruces.
3. Amount funded: \$50,000 Expiration Date: June 30, 2010

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
4112 Park/Land Capital Improvements	\$50,000	\$50,000

(Continue on additional sheets as required)

1. Resolution/Ordinance.
2. Exhibit "A" Grant Agreement Amendment No. 1
3. Exhibit "B" Budget Adjustment
4. Exhibit "C" Resolution 6-332
5. Exhibit "D" 2006 Legislative Grant Contract

OPTIONS / ALTERNATIVES:

1. Accept the resolution and approve the budget adjustment allowing the project to be added to the original 2006 Legislative Grant Allocation.
2. Reject the amendment. Project 06-L-G-2493 will not be added to the contract and the project will not be completed. Any funds expended to-date will be at the expense to the City of Las Cruces.
3. Return the CAES/Resolution with recommendations for alternative action.

RESOLUTION NO. 10-004

A RESOLUTION TO ACCEPT GRANT AGREEMENT AMENDMENT NO. 1 TO THE 2006 LEGISLATIVE GRANT AGREEMENT FROM THE STATE OF NEW MEXICO, DEPARTMENT OF FINANCE & ADMINISTRATION, LOCAL GOVERNMENT DIVISION CONTRACT ACCEPTED BY RESOLUTION 06-332 DATED MAY 15, 2006. ACCEPTANCE WILL ADJUST THE FY 2009/2010 BUDGET AND RATIFY THE CITY MANAGER'S APPROVAL TO MEET DFA DEADLINE.

The City Council is informed that:

WHEREAS, the State of New Mexico, Department of Finance & Administration, Local Government Division has elected to amend the 2006 contract with the City of Las Cruces; and

WHEREAS, Amendment 1 as proposed will add an additional project as specified in Exhibit "A" to the 2006 project list in the amount of \$50,000.00; and

WHEREAS, the City Council must accept the amendment and approve the adjustment to the current FY 2009/2010 fiscal budget; and

WHEREAS, the City Council must ratify the City Manager's approval of the funding and project to meet acceptance deadlines in accordance with CMP 2.2.

NOW, THEREFORE, be it resolved by the governing body of the City of Las Cruces, New Mexico:

(I)

THAT, the City of Las Cruces is authorized to accept the funding and project as described in Amendment 1 from the State of New Mexico, Department of Finance & Administration, Local Government Division.

THAT, City staff and officials are authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 6th day of July, 2009

Mayor

ATTEST:

VOTE:

City Clerk

(SEAL)

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

Approved as to Form:

Ray A. (Rita) Lemuel

 Deputy City Attorney

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE & ADMINISTRATION
LOCAL GOVERNMENT DIVISION

Exhibit A

General Fund Projects

GRANT AGREEMENT AMENDMENT NO. 1

Article I Revision	<u>X</u>	Name of Grantee: City of Las Cruces
Article II Revision	—	
Article III Revision	—	Grant No. <u>06-L-G-2493</u>
Article IV Revision	—	
Article V Revision	<u>X</u>	

THE SUBJECT GRANT AGREEMENT IS AMENDED AS FOLLOWS:

Article III –Amendment

(B) Projects can be added to and deleted from Exhibit A by written amendment, Therefore Project Description – Exhibit “A” is amended as follows;

Add to Exhibit “A” the following project in the following amount:
06-L-G-2493 in the amount of **\$50,000.00**.

The revised and attached Exhibit “A” will now govern the following projects:
**06-L-G-1575; 06-L-G-1581; 06-L-G-1582; 06-L-G-1583; 06-L-G-1584; 06-L-G-1585; 06-L-G-1586;
06-L-G-1604; 06-L-G-1608; 06-L-G-1609; 06-L-G-1610; 06-L-G-1612; 06-L-G-1614; 06-L-G-2493.**

Article V – Payment Procedures and Deadlines

Delete the first Paragraph “A” of the original Agreement and replace with the new Paragraph “A” to read:

A. For each project included in this Agreement, the Division shall reimburse the Grantee for qualifying expenditures in a total not to exceed the amount set forth for the project in Exhibit A; provided however, that in the event of a conflict between the amount for a project specified in Exhibit A and the amount of the corresponding appropriation in law, the amount appropriated in law shall control and be the maximum amount available under this Agreement. The total funds available under this Agreement for all projects shall not exceed \$5,263,000.00.

All other Articles of the original Grant Agreement remain the same.

IN WITNESS WHEREOF, the parties have herein below set their hand.

THIS AGREEMENT has been approved by:

GRANTEE

By: 
(Signature) Chief Elected Official

Terrence Moore
(Type or Print Name)

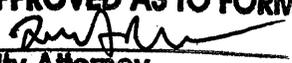
City Manager
(Title)

June 9, 2009
(Date)

**DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION**

By: _____
Dolores Gonzales, Bureau Chief
Local Government Division

Date

APPROVED AS TO FORM:


City Attorney

STATE OF NEW MEXICO
Project Descriptions
EXHIBIT "A"

Name: City of Las Cruces
Total Amount: \$5,263,000.00

- 06-L-G-1575** **\$25,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
Laws of 2006, Chapter 111, Section 52, Paragraph 249, Twenty-Five Thousand Dollars (\$25,000.00) to plan, design and construct improvements at the Club Fusion youth recreational facility in Las Cruces in Dona Ana county.
- 06-L-G-1581** **\$245,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
Laws of 2006, Chapter 111, Section 52, Paragraph 256, Two Hundred Forty-Five Thousand Dollars (\$245,000.00) to acquire land for, plan, design and construct the Mesilla Valley community of hope in Las Cruces less 1% or Two Thousand Four Hundred Fifty Dollars (\$2,450.00) for Arts in Public Places.
- 06-L-G-1582** **\$175,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
Laws of 2006, Chapter 111, Section 52, Paragraph 257, One Hundred Seventy-Five Thousand Dollars (\$175,000.00) to plan, design, construct and equip an addition to La Casa domestic violence shelter in Las Cruces in Dona Ana county less 1% or One Thousand Seven Hundred Fifty Dollars (\$1,750.00) for Arts in Public Places.
- 06-L-G-1583** **\$150,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
Laws of 2006, Chapter 111, Section 52, Paragraph 258, One Hundred Fifty Thousand Dollars (\$150,000.00) to plan, design and construct infrastructure improvements, including gateways and bus stop structures, in the Mesquite historic district of Las Cruces in Dona Ana county.
- 06-L-G-1584** **\$25,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
Laws of 2006, Chapter 111, Section 52, Paragraph 259, Twenty-Five Thousand Dollars (\$25,000.00) to plan, design and construct improvements to the dormitories in fire station 5 in Las Cruces in Dona Ana county.
- 06-L-G-1585** **\$10,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
Laws of 2006, Chapter 111, Section 52, Paragraph 260, Ten Thousand Dollars (\$10,000.00) to plan, design and construct improvements to the dormitories in fire station 4 in Las Cruces in Dona Ana county.

06-L-G-1586 **\$265,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 111, Section 52, Paragraph 261, Two Hundred Sixty-Five Thousand Dollars (\$265,000.00) to plan, design and construct an expansion to the Branigan library in Las Cruces in Dona Ana county less 1% or Two Thousand Six Hundred Fifty Dollars (\$2,650.00) for Arts in Public Places.

06-L-G-1604 **\$75,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 111, Section 52, Paragraph 289, Seventy-Five Thousand Dollars (\$75,000.00) to plan, design and construct a housing development for persons with mental illness in Las Cruces in Dona Ana county.

06-L-G-1608 **\$3,740,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 111, Section 52, Paragraph 293, Three Million Seven Hundred Forty Thousand Dollars (\$3,740,000.00) to acquire land for, plan, design, construct, equip and furnish an aquatic and family recreation center in Las Cruces in Dona Ana county; provided that the facility is not named after any person living or dead and that the location of the facility is determined by the respective legislators from house districts 33, 34, 35, 36, 37, 52 and 53 and senate districts 31, 36, 37 and 38 less 1% or Thirty-Seven Thousand Four Hundred Dollars (\$37,400.00) for Arts in Public Places.

06-L-G-1609 **\$100,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 111, Section 52, Paragraph 294, One Hundred Thousand Dollars (\$100,000.00) to plan, design and construct a parking lot and equipment shelter for fire station 1 in Las Cruces in Dona Ana county.

06-L-G-1610 **\$300,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 111, Section 52, Paragraph 295, Three Hundred Thousand Dollars (\$300,000.00) to plan, design and construct improvements to the downtown plaza in Las Cruces in Dona Ana county.

06-L-G-1612 **\$50,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 111, Section 52, Paragraph 297, Fifty Thousand Dollars (\$50,000.00) to plan, design and construct the renovation and expansion, including a parking lot and walking paths, of the Mesilla Park community center in Las Cruces in Dona Ana county.

06-L-G-1614 **\$53,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 111, Section 52, Paragraph 300, Fifty-Three Thousand Dollars (\$53,000.00) to construct, purchase and install a drainage pond, landscaping and an irrigation system at a housing facility in Las Cruces in Dona Ana county.

06-L-G-2493 **\$50,000.00** **PROJECT EXPIRATION DATE: 30-JUN-10**
 Laws of 2006, Chapter 107, Section 57, Fifty Thousand Dollars (\$50,000.00) Plan design, construct a parking lot and walking path at the Mesilla park and recreation center in Las Cruces.

EXHIBIT "B"

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010

FUND	FUND TYPE		FUND TYPE	
Park/Land Capital Improvements Fund 4112	Capital Project		Capital Project	
	Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
RESOURCES				
Beginning Balance	\$ 0	0	0	0
REVENUES				
60801 Downtown Plaza	\$ 0	0	0	0
60802 Downtown Revitalization	7,864	0		0
60804 Downtown Revitalization	0	0		0
60808 Downtown Plaza	0	0		0
60809 Downtown Plaza	32,463	0		0
60810 Downtown Plaza	27,491	196,096		196,096
60812 Downtown Construction Panels	0	0		0
60813 Downtown Plaza	0	830,000		830,000
60815 La Placita - Phase I	0	298,270		298,270
60816 La Placita - Phase II	33,536	16,464		16,464
60814 Downtown Plaza	0	295,000		295,000
60E05 Community of Hope	0	30,000		30,000
60F06 Mesquite Historical District	0	370,000		370,000
60T07 Veteran's Memorial Wall	0	5,837		5,837
60T08 Veteran's Memorial Wall	0	858		858
61R03 Burn Lake	75,000	0		0
62304 High Noon Soccer Fields	0	50,000		50,000
62305 High Noon Soccer Fields	0	85,000		85,000
63801 Alternative Recreation Facility/Park (Dog Park)	50,000	0		0
63802 Dog Park	100,000	0		0
60304 Burn Lake/Esslinger Park (2008)	0	30,000		30,000
60E12 Mesquite Hist Dist Community Garden (2008)	0	50,000		50,000
23007 Skeet & Trap Range (2008)	0	65,000		65,000
XXXXX Mesilla Park Rec Garden/Pathway Improvements	0	0	50,000	50,000
Total Revenues	\$ 326,354	2,322,525	0	2,372,525
Total Resources	\$ 326,354	2,322,525	0	2,372,525
EXPENDITURES				
60801 Downtown Plaza	\$ 0	0		0
60802 Downtown Revitalization	7,864	0		0
60804 Downtown Revitalization	0	0		0
60809 Downtown Plaza	32,463	0		0
60810 Downtown Plaza	27,491	196,096		196,096
60812 Downtown Construction Panels	0	0		0
60813 Downtown Plaza	0	830,000		830,000
60815 La Placita - Phase I	0	298,270		298,270
60816 La Placita - Phase II	33,536	16,464		16,464
60814 Downtown Plaza	0	295,000		295,000
60304 Burn Lake/Esslinger Park (2008)	0	30,000		30,000
60E12 Mesquite Hist Dist Community Garden (2008)	0	50,000		50,000
23007 Skeet & Trap Range (2008)	0	65,000		65,000

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010

FUND	FUND TYPE		FUND TYPE	
Park/Land Capital Improvements Fund 4112	Capital Project		Capital Project	
	Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
60E05 Community of Hope	0	30,000		30,000
60F06 Mesquite Historical District	0	370,000		370,000
60T07 Veteran's Memorial Wall	0	5,837		5,837
60T08 Veteran's Memorial Wall	0	858		858
61R03 Burn Lake	75,000	0		0
62304 High Noon Soccer Fields	0	50,000		50,000
62305 High Noon Soccer Fields	0	85,000		85,000
63801 Alternative Recreation Facility/Park (Dog Park)	50,000	0		0
63802 Dog Park	100,000	0		0
XXXXX Mesilla Park Rec Garden/Pathway Improvements	0	0	50,000	50,000
Total Expenditures	\$ 326,354	2,322,525	0	2,372,525
ENDING BALANCE	\$ 0	0	0	0

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

RESOLUTION NO. 06-332

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES TO ACCEPT A STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION, 2006 LEGISLATIVE GRANT AGREEMENT TO FUND VARIOUS PROJECTS IN THE AMOUNT OF \$5,213,000 MINUS \$44,250 FOR ART IN PUBLIC PLACES AND TO ADJUST THE CITY OF LAS CRUCES ADOPTED FY 2005/06 BUDGET.

The City Council is informed that:

WHEREAS, the 2006 New Mexico Legislature appropriated in part \$5,213,000 to the City of Las Cruces to fund various City capital projects, and;

WHEREAS, the projects and their respective funding amount are as follows:

1. Project 06-1575, \$25,000 to plan, design and construct improvements at the Club Fusion youth recreational facility in Las Cruces in Doña Ana County.
2. Project 06-1581, \$245,000 to acquire land for, plan, design and construct the Mesilla Valley Community of Hope in Las Cruces minus 1% or \$2,450 for Art in Public Places.
3. Project 06-1582, \$175,000 to plan, design, construct and equip an addition to La Casa domestic violence shelter in Las Cruces in Doña Ana County minus 1% or \$1,750 for Art in Public Places.
4. Project 06-1583, \$150,000 to plan, design and construct infrastructure improvements, including gateways and bus stop structures, in the Mesquite Historic District of Las Cruces in Doña Ana County.
5. Project 06-1584, \$25,000 to plan, design and construct improvements to the dormitories in Fire Station 5 in Las Cruces in Doña Ana County.
6. Project 06-1585, \$10,000 to plan, design and construct improvements to the dormitories in Fire Station 4 in Las Cruces in Doña Ana County.

7. Project 06-1586, \$265,000 to plan, design and construct an expansion to the Branigan Library in Las Cruces in Doña Ana County minus 1% or \$2,650 for Art in Public Places.
8. Project 06-1604, \$75,000 to plan, design and construct a housing development for persons with mental illness in Las Cruces in Doña Ana County.
9. Project 06-1608, \$3,740,000 to acquire land for, plan, design, construct, equip and furnish an aquatic and family recreation center in Las Cruces in Doña Ana County; provided that the facility is not named after any person living or dead and that the location of the facility is determined by the respective legislators from house districts 33, 34, 35, 36, 37, 52, and 53 and senate districts 31, 36 and 38 minus 1% or \$37,400 for Art in Public Places.
10. Project 06-1609, \$100,000 to plan, design and construct a parking lot and equipment shelter for Fire Station 1 in Las Cruces in Doña Ana County.
11. Project 06-1610, \$300,000 to plan, design and construct improvements to the downtown plaza in Las Cruces in Doña Ana County.
12. Project 06-1612, \$50,000 to plan, design and construct the renovation and expansion, including a parking lot and walking paths, of the Mesilla Park Community Center in Las Cruces in Doña Ana County.
13. Project 06-1614, \$53,000 to construct, purchase and install a drainage pond, landscaping and an irrigation system at a housing facility in Las Cruces in Doña Ana County.

WHEREAS, the New Mexico Department of Finance and Administration, Local Government Division, requires that the City enter into a Grant Agreement to facilitate the receipt and expenditure of these funds.

NOW, THEREFORE, be it resolved by the governing body of the City of Las Cruces:

(I)

THAT an agreement for a 2006 Legislative Appropriation Grant between the City of Las Cruces and the New Mexico Department of Finance and Administration, Local Government Division, to fund various construction projects in the amount of \$5,213,000 minus \$44,250 for Art in Public Places be authorized.

(II)

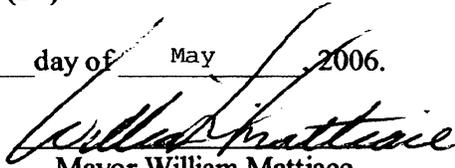
THAT the City of Las Cruces Adopted FY 2005/06 BUDGET be adjusted in accordance with attached Exhibit "B".

(III)

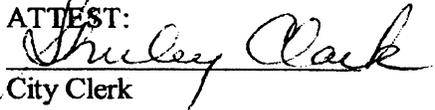
THAT City staff and officials are authorized to do all deeds necessary in the accomplishment of the herein above.

(IV)

DONE AND APPROVED this 15 day of May 2006.


Mayor William Mattiace

ATTEST:


City Clerk
(SEAL)

Moved by: Connor

Seconded by: Frieze

VOTE:

Mayor Mattiace:	<u>Aye</u>
Councillor Frieze:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Archuleta:	<u>Aye</u>
Councillor Trowbridge:	<u>Aye</u>
Councillor Jones:	<u>Aye</u>
Councillor Miyagishima:	<u>Aye</u>

APPROVED AS TO FORM:


City Attorney

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
GENERAL FUND PROJECTS

Laws of 2006

GRANT AGREEMENT

THIS AGREEMENT made and entered into as of this 31st day of May, 2006, by and between the Department of Finance and Administration, State of New Mexico, acting through the Local Government Division, Bataan Memorial Building, Room 201, Santa Fe, New Mexico, 87501, hereinafter called the **DIVISION**, and City of Las Cruces, hereinafter called the Grantee.

WHEREAS in the Laws of 2006, Chapter 111, of the Legislature appropriated a total sum of \$5,213,000.00 to the Division for the purposes as described in Exhibit "A".

NOW, THEREFORE, the parties hereto do mutually agree that the method by which this purpose shall be accomplished is as follows;

ARTICLE I - SCOPE OF WORK

- A. The Grantee agrees that it will implement, in all respects, the activities outlined for the **Thirteen (13)** Project Descriptions, attached hereto as Exhibit "A" and made a part of this Agreement. The Grantee shall provide all the necessary qualified personnel, material and facilities to implement the activities described therein.
- B. If project funds are not sufficient to complete all the activities included in the project description, project funds may be expended for any portion of the purposes specified in the description. Project funds shall not be used for purposes other than those specified in the Project Description.

ARTICLE II - LENGTH OF AGREEMENT

- A. Subject to the provisions in Article V, Paragraph B regarding the expiration date of each particular project, this Agreement shall not become effective until approved by the Division and shall terminate on the expiration **June 30, 2010**, which is the latest date of all projects listed herein

ARTICLE III - AMENDMENT

- A. This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto and signed by the Division and the Grantee.

ARTICLE IV REPORTS

A. Biannual Reports

1. In order that the Division may adequately evaluate the progress of the Agreement, the Grantee shall be required to make Biannual Reports for each particular project designated in Exhibit "A" to the Division. Said reports shall contain a description of accomplishments to date, the methods and procedures used, a statement of the impact of the projects, a detailed budget breakdown of expenditures to date, a description of any problems or delays encountered, and such other information as may be of assistance to the Division in its evaluation.
2. One (1) copy of said Report shall be submitted to the Division not later than, May 31st and November 30th of each year of the term of this agreement for review and approval.

B. Final Report

1. The Grantee shall submit to the Division one (1) copy of the Final Report for each particular project designated in Exhibit "A". The report shall include all of the information called for in Article IV, Paragraph A.1.

ARTICLE V - METHOD OF PAYMENT

- A. For the Thirteen (13) General Fund Projects included in this Agreement, the Division shall pay the Grantee funds in a total amount not to exceed \$5,213,000.00. The following documentation shall be provided by the Grantee to the Division to support the draw request.

1. One draw request form for each project (one original and two copies) per draw period, unless specified on the form that a draw has previously been made on the project during the same draw period. See, Exhibit "C".
2. Proof of payment--this requires a notarized certification from an authorized signatory that the expenditures are valid or actual receipts. See, Exhibit "C".

- B. Draw requests will be processed upon receipt of pay request. The minimum draw request amount per project shall be \$1,500 unless it is the final draw request.

It is understood and agreed that each particular project's total funds must be expended in the amounts, purposes and by the expiration date for each particular project as designated in Exhibit "A". It is not sufficient to encumber the funds by the expiration date for each particular project designated in Exhibit "A". All drawdowns for the purposes set forth in Exhibit "A" shall be received by the Division no later than 25 days after the expiration date for each particular project. Unexpended balances remaining in each particular project on August 1st following the expiration date for that particular project shall automatically revert to the Division for disposition. No extensions shall be authorized. Any funds spent on items or services outside the scope, amount and purpose of the projects set forth in Exhibit "A" shall be immediately returned to the Division.

ARTICLE VI - CERTIFICATION

- A. The Grantee hereby assures and certifies that it will comply with State laws, regulations, policies, guidelines and requirements with respect to the acceptance and use of State funds. Also, the Grantee gives assurances and certifies that:
1. It has the legal authority to receive and expend the funds.
 2. It will finance its share (if any) of the costs of the project s, including all project overruns
 3. It will comply with the State Procurement Code (or local procurement code where applicable) and will keep files of all related procurement documents, including but not limited to: requests for professional services; advertisements; minutes of pertinent meetings; selection and award criteria; contracts; subcontracts and agreements.
 4. It shall not at any time convert any property acquired or developed pursuant to this Agreement to uses other than those specified in the scope of work as defined in Exhibit "A".
 5. No member, officer, or employee of the Grantee (or its designees or agents); no member of the governing body of the locality in which the program is situated; and no other public official who exercises any functions or responsibilities with respect to the program during his/her tenure (or for one year thereafter) shall have any interest (direct or indirect) in any contract or subcontract (or the process thereof) for work to be performed in connection with the program assisted under the Agreement. The Grantee shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to this certification.

ARTICLE VII - STRICT ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS

- A. The Grantee shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the project, the purpose for which such funds were used and such other records as the Division shall prescribe. The Grantee shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to the Department of Finance and Administration and the New Mexico State Auditor upon request, and shall maintain all such records for a period of six (6) years following completion of all the Records and Audits.

**ARTICLE VIII - DISPOSITION, DIVISION OR DISTRIBUTION OF PROPERTY;
RETURN OF SURPLUS FUNDS**

- A. If, upon the expiration date of each particular project designated in Exhibit "A" or the termination date of this Agreement, any surplus funds are possessed by the Grantee, the Grantee shall return said funds to the Division for disposition in accordance with law.

ARTICLE IX - LIABILITY

- A. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act.

ARTICLE IX - GRANTEE REPRESENTATIVE

The Grantee hereby designates the person listed below as the official representative responsible for overall supervision of the project s.

Name: Eric Martin Address: 1501 E. Hadley
 Title: Project Mgmt. Administrator P.O. Box 20000
 Telephone: 505-541-2616 Las Cruces, NM 88004

IN WITNESS WHEREOF, the parties have herein below set their hand.

THIS AGREEMENT has been approved by:

GRANTEE

By: *William M. Mattiace*
(Signature) Chief Elected Official

William M. Mattiace
(Type or Print Name)

MAYOR
Title

5-19-06
Date

**DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION**

By: *Robert Apodaca*
Robert Apodaca, Director
Local Government Division

5-31-06
Date

APPROVED AS TO FORM:
[Signature]
City Attorney

06-L-G-1586\$265,000.00PROJECT EXPIRATION DATE: 30-JUN-10

Laws of 2006, Chapter 111, Section 52, Paragraph 261, Two Hundred Sixty-Five Thousand Dollars (\$265,000.00) to plan, design and construct an expansion to the Branigan library in Las Cruces in Dona Ana county minus 1% or \$2,650.00 for Arts in Public Places.

06-L-G-1604\$75,000.00PROJECT EXPIRATION DATE: 30-JUN-10

Laws of 2006, Chapter 111, Section 52, Paragraph 289, Seventy-Five Thousand Dollars (\$75,000.00) to plan, design and construct a housing development for persons with mental illness in Las Cruces in Dona Ana county.

06-L-G-1608\$3,740,000.00PROJECT EXPIRATION DATE: 30-JUN-10

Laws of 2006, Chapter 111, Section 52, Paragraph 293, Three Million Seven Hundred Forty Thousand Dollars (\$3,740,000.00) to acquire land for, plan, design, construct, equip and furnish an aquatic and family recreation center in Las Cruces in Dona Ana county; provided that the facility is not named after any person living or dead and that the location of the facility is determined by the respective legislators from house districts 33, 34, 35, 36, 37, 52 and 53 and senate districts 31, 36, 37 and 38 minus 1% or \$37,400.00 for Arts in Public Places.

06-L-G-1609\$100,000.00PROJECT EXPIRATION DATE: 30-JUN-10

Laws of 2006, Chapter 111, Section 52, Paragraph 294, One Hundred Thousand Dollars (\$100,000.00) to plan, design and construct a parking lot and equipment shelter for fire station 1 in Las Cruces in Dona Ana county.

06-L-G-1610\$300,000.00PROJECT EXPIRATION DATE: 30-JUN-10

Laws of 2006, Chapter 111, Section 52, Paragraph 295, Three Hundred Thousand Dollars (\$300,000.00) to plan, design and construct improvements to the downtown plaza in Las Cruces in Dona Ana county.

06-L-G-1612\$50,000.00PROJECT EXPIRATION DATE: 30-JUN-10

Laws of 2006, Chapter 111, Section 52, Paragraph 297, Fifty Thousand Dollars (\$50,000.00) to plan, design and construct the renovation and expansion, including a parking lot and walking paths, of the Mesilla Park community center in Las Cruces in Dona Ana county.

06-L-G-1614\$53,000.00PROJECT EXPIRATION DATE: 30-JUN-10

Laws of 2006, Chapter 111, Section 52, Paragraph 300, Fifty-Three Thousand Dollars (\$53,000.00) to construct, purchase and install a drainage pond, landscaping and an irrigation system at a housing facility in Las Cruces in Dona Ana county.