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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 10-046 Council District: N/A

For Meeting of August 3, 2009
 (Adoption Date)

TITLE: A RESOLUTION ACCEPTING AN AMENDED INTER-GOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND DONA ANA COUNTY RELATED TO THE FYI TRANSITIONAL LIVING FACILITY. THE RESOLUTION INCREASES THE DOLLAR AMOUNT APPROPRIATED FROM THE COUNTY TO THE CITY FOR THE PROJECT. THE RESOLUTION AUTHORIZES THE CITY MANAGER TO ACCEPT ALL AMENDMENTS TO THE AGREEMENT, EXCLUDING ANY CHANGES TO THE BUDGET. THE RESOLUTION AMENDS THE CITY'S FY2009/2010 TO REFLECT THE CHANGES WITHIN THE AMENDED INTER-GOVERNMENTAL AGREEMENT.

PURPOSE(S) OF ACTION: To accept an amended inter-governmental agreement between Dona Ana County and the City of Las Cruces related to increased funding from the County for the FYI Transitional Living Facility.

Name of Drafter: David Dollahon <i>[Signature]</i>		Department: Community Development		Phone: 528-3060	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>[Signature]</i>	528-3067	Budget	<i>[Signature]</i>	541-2281
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The state legislature appropriated funding totaling \$1,274,130.00 to Dona Ana County to purchase, plan, design, equip, and furnish a Transitional Living Facility for Young Adults in Dona Ana County. The New Mexico Mortgage Finance Authority has indicated its approval that, apart from equipping and furnishing the facility, the construction project falls within the scope of the Affordable Housing Act and there is no prohibition to the County's directing the funds from the subject appropriation to the City of Las Cruces. The City of Las Cruces has in place, the required ordinance and affordable housing plan to accept the appropriated funding from Dona Ana County. As such, the City agreed in December 2008 under Resolution 09-154 to serve as fiscal agent with regard to the state appropriations to Dona Ana County to assist in building the facility. The City has taken the necessary steps to date to complete the design and award a construction contract to the Greenhouse, Inc. of Las Cruces.

The County, in their review of expenditures incurred prior to the City's approval of the inter-governmental agreement realized that they failed to transfer all available funds. This Resolution, if approved, would correct the funding amount from the County to the City that can be used for the design and/or construction of the project.

(Continued on Page 2)

The facility will be owned by Resources for Children and Youth Inc. with management and development by Families and Youth Incorporated. The Transitional Living Facility will be located at 1089 W. Amador Avenue and is immediately west of the Community of Hope campus.

The Resolution provides administrative authority to the City Manager to approve any amendments to the agreement, if necessary in the future, and also corrects the City's FY2009/2010 budget to reflect this amendment. The City Manager's authority is limited to any non-budgetary issues within the agreement.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
State Special Projects Fund 2755 27203030-722190-16001	\$22514.00	\$22514.00

1. Proposed Resolution
2. Exhibit "A" - Amended Inter-governmental Agreement between Dona Ana County and the City of Las Cruces
3. Exhibit "B" – Budget Amendment
4. Attachment "C" – Resolution 09-154

OPTIONS / ALTERNATIVES:

1. Vote YES and approve the Resolution amending the Inter-governmental Agreement between Dona Ana County and the City of Las Cruces. This action will allow the City of Las Cruces to continue to serve as fiscal agent with regard to state appropriations to Dona Ana County to assist in building the facility.
2. Vote NO and deny the Resolution denying the Inter-governmental Agreement between Dona Ana County and the City of Las Cruces. Such action would not fully appropriate all funding available to the project and delay its development.
3. Modify the Resolution and vote YES to approve the modified Resolution.
4. Table/Postpone the Resolution and direct staff accordingly.

RESOLUTION NO. 10-046

A RESOLUTION ACCEPTING AN AMENDED INTER-GOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND DONA ANA COUNTY RELATED TO THE FYI TRANSITIONAL LIVING FACILITY. THE RESOLUTION INCREASES THE DOLLAR AMOUNT APPROPRIATED FROM THE COUNTY TO THE CITY FOR THE PROJECT. THE RESOLUTION AUTHORIZES THE CITY MANAGER TO ACCEPT ALL AMENDMENTS TO THE AGREEMENT, EXCLUDING ANY CHANGES TO THE BUDGET. THE RESOLUTION AMENDS THE CITY'S FY2009/2010 TO REFLECT THE CHANGES WITHIN THE AMENDED INTER-GOVERNMENTAL AGREEMENT.

The City Council is informed that:

WHEREAS, the City Council approved Resolution 09-154 on December 15, 2008 accepting and entering into an intergovernmental agreement with Dona Ana County; and

WHEREAS, the Inter-governmental Agreement with the County was for the design and construction of a youth transitional living facility by Families and Youth, Incorporated (FYI); and

WHEREAS, the City has the capacity and capability to serve as the fiscal agent for State appropriations made to the County for the construction of the FYI transitional living facility because the City has adopted an "Affordable Housing General Oversight Ordinance" that complies with the State's Affordable Housing Act and the State of New Mexico Constitution provision related to anti-donation; and

WHEREAS, the City staff and staff from Dona Ana County have determined that not all the State appropriation for the project made to the County was included in the original intergovernmental agreement between the two parties and both the City and County have the authority to amend the original Inter-governmental Agreement.

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

(I)

THAT the Amended Intergovernmental Agreement between the City of Las Cruces and Dona Ana County, as shown in Exhibit "A," attached hereto and made part of this Resolution, is hereby approved and adopted.

(II)

THAT the City Manager is hereby authorized to accept and approve those future amendments, as may be necessary, excluding those that require amendment to the City's adopted budget, as it relates to the Inter-governmental Agreement with Dona Ana County related to this project.

THAT the City's adopted FY2009/2010 budget, as shown in Exhibit "B," attached hereto and made part of this Resolution, is hereby amended and approved.

(IV)

THAT City staff is hereby authorized to do all deeds necessary to the accomplishment of the herein above.

DONE and APPROVED this _____ day of _____, 2009.

APPROVED:

(SEAL)

Mayor

ATTEST:

VOTE:

City Clerk

Mayor Miyagishima: _____

Councillor Silva: _____

Moved by: _____

Councillor Connor: _____

Councillor Archuleta: _____

Seconded by: _____

Councillor Small: _____

Councillor Jones: _____

Councillor Thomas: _____

Approved as to Form:

ASST Yanua Lopez
City Attorney

Contract No. 09-044 – A-1

**Amendment # 1
Inter-Governmental Agreement Between Doña Ana County
And The City of Las Cruces**

THIS FIRST AMENDMENT TO CONTRACT 09-044 for coordination of services to purchase, plan, design, construct, equip and furnish a Transitional Living Facility (hereinafter "Facility") for young adults in Dona Ana County (hereinafter the "Amendment"), is made by and between Dona Ana County (hereinafter the "County") and The City of Las Cruces., (hereinafter "City")

WHEREAS, the City and the County entered into an Intergovernmental Agreement the Facility on December 18, 2008 (hereinafter the "Agreement"), by which the City assumed the responsibilities for coordination of all A&E and Construction activities for the Facility; and

WHEREAS, the County wishes to clarify expenditure amounts that will be made available from the County to the City to continue services under this project; and

WHEREAS, the City and County wish to clarify invoicing procedures for the drawdown and payment for services; and

WHEREAS, the City and the County desire to amend the Agreement to effectuate the following changes:

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed upon as follows:

1. This Amendment shall be effective once it is fully executed by authorized representatives of the City and the County.
2. Of the full grant amount of \$1,274,130.00, allocated by the state legislature to the County, there is an unexpended balance of \$1,177,588.96, which is hereby allocated to the City for activities approved under the grant awards.
3. The County will assign a Purchase Order to the City in the amount of \$1,177,588.96.
4. The City will provide invoices to the County listing purchase order number and expenditures for payment and supporting documentation; including checks issued to vendors and related invoices.
5. Upon receipt and approval of the invoice and supporting documentation, the County shall promptly issue payment to the City for invoiced expenditures.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment in their official capacity and with legal authority to do so. This agreement shall be effective when signed by both parties below or in counterpart, and photocopy, facsimile, electronic or other copies shall have the same effect for all purposes as an ink-signed original.

CITY OF LAS CRUCES

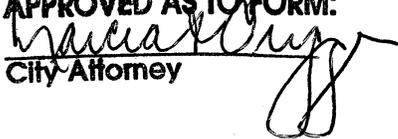
By: _____
Terrance Moore, City Manager

Date

DONA ANA COUNTY

By: _____
Brian D. Haines, County Manager

Date

ASST
APPROVED AS TO FORM:

City Attorney

**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010**

FUND	DIVISION		FUND TYPE	
State Special Projects Fund 2755	Finance		Special Revenue	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
RESOURCES				
Beginning Balance	\$ 0	0		0
REVENUES				
552003-16001 Transitional Youth Facility FYI 05	\$ 35,000	113,500	(90,986)	22,514
552003-16002 Transitional Youth Facility FYI 06	0	321,750		321,750
552003-16003 Transitional Youth Facility FYI 07	0	358,380		358,380
552003-16004 Transitional Youth Facility FYI 08	0	445,500		445,500
Total Revenues	\$ 35,000	1,239,130	(90,986)	1,148,144
Total Resources	\$ 35,000	1,239,130	(90,986)	1,148,144
EXPENDITURES				
552003-16001 Transitional Youth Facility FYI 05	\$ 35,000	113,500	(90,986)	22,514
552003-16002 Transitional Youth Facility FYI 06	0	321,750		321,750
552003-16003 Transitional Youth Facility FYI 07	0	358,380		358,380
552003-16004 Transitional Youth Facility FYI 08	0	445,500		445,500
Total Expenditures	\$ 35,000	1,239,130	(90,986)	1,148,144
ENDING BALANCE	\$ 0	0	0	0

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

RESOLUTION NO. 09-154

A RESOLUTION APPROVING THE INTER-GOVERNMENTAL AGREEMENT BETWEEN DONA ANA COUNTY AND THE CITY OF LAS CRUCES FOR STATE LEGISLATURE APPROPRIATED FUNDING TO PURCHASE, PLAN, AND DESIGN A TRANSITIONAL LIVING FACILITY FOR YOUNG ADULTS IN DONA ANA COUNTY. THIS RESOLUTION ALSO APPROVES A BUDGET ADJUSTMENT TO THE CITY'S ADOPTED FY 2009 BUDGET TO REFLECT THIS AGREEMENT ACCEPTANCE.

The City Council is informed that:

WHEREAS, the state legislature appropriated funding totaling \$1,274,130.00 to Dona Ana County to purchase, plan, and design a Transitional Living Facility for young adults in Dona Ana County; and

WHEREAS, the New Mexico Mortgage Finance Authority has indicated its approval in principal that, apart from equipping and furnishing the facility, the construction project falls within the scope of the Affordable Housing Act and there is no constitutional, statutory or regulatory prohibition to the County's directing the appropriation to the City of Las Cruces; and

WHEREAS, the City of Las Cruces has the required ordinance and affordable housing plan in place, and as the process unfolds, the New Mexico Mortgage Finance Authority will provide review and oversight functions as necessary; and

WHEREAS, the development of a new Transitional Living Facility, which will allow the program to serve additional clients, will be monitored by the City of Las Cruces; and

WHEREAS, it is expedient and cost effective for Dona Ana County to partner with the City of Las Cruces to coordinate these expenditures.

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

(I)

THAT the Inter-governmental agreement between Dona Ana County and the City of Las Cruces as shown in Exhibit "A," attached hereto and made part of this Resolution, is hereby approved.

(II)

THAT the Budget Adjustment to the City's FY2009 adopted Budget, as shown in Exhibit "B," attached hereto and made part of this Resolution, is hereby approved.

(III)

THAT the City Manager, as the official representative of the City, is hereby authorized to sign the Agreement on the City's behalf.

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this 15th day of December, 2008.

(SEAL)

APPROVED: 

Mayor

ATTEST:


City Clerk

Moved by: Archuleta

Seconded by: Silva

APPROVED AS TO FORM:



City Attorney

VOTE:
Mayor Miyagishima: Aye
Councillor Silva: Aye
Councillor Connor: Aye
Councillor Archuleta: Aye
Councillor Small: Aye
Councillor Jones: Aye
Councillor Thomas: Aye

09 - 044

DAC CONTRACT NO. _____

**INTER-GOVERNMENTAL AGREEMENT BETWEEN
DOÑA ANA COUNTY AND THE CITY OF LAS CRUCES**

WHEREAS, the state legislature appropriated funding totaling \$1,274,130.00 to Doña Ana County, (Grant # 05-L-G-1441- \$148,500.00, 06-L-G-1577- \$321,750.00, 07-L-G- 5166 \$358,380.00 and 08-L-G-4264- \$ 445,500.00) to purchase, plan, design, equip, and furnish a Transitional Living Facility for young adults in Doña Ana County; and

WHEREAS, Doña Ana County has a contract with Studio D Architects to provide architectural and engineering services for this project for a contracted amount of \$126,353.93. Payments for these services were made from grant # 05-L-G- 1441 leaving a sub-balance of \$22,146.07 in that grant, and a total balance of \$1,147,776.07 for all grants; and

WHEREAS, the New Mexico Mortgage Finance Authority has indicated its approval in principal that, apart from equipping and furnishing the facility, the construction project falls within the scope of the Affordable Housing Act and there is no constitutional, statutory or regulatory prohibition to the County's directing the funds from the subject appropriation to the City of Las Cruces; and

WHEREAS, the City of Las Cruces has the required ordinance and affordable housing plan in place, and as the process unfolds, the Mortgage Finance Authority will provide review and oversight functions as necessary; and

WHEREAS, the development of a new Transitional Living Facility, which will allow the program to serve additional clients, will monitored by the City of Las Cruces; and

WHEREAS, it is expedient and cost effective for Doña Ana County to partner with the City of Las Cruces and coordinate these expenditures;

NOW, THEREFORE, Doña Ana County and the City of Las Cruces, (collectively referred to as the Parties) hereby mutually agree as follows:

1. The City of Las Cruces shall serve as fiscal agent with regard to the remaining balance(s) of the above-mentioned state appropriations to Doña Ana County to assist in building the facility.
2. The term of this Agreement shall be from the date of execution through September 30, 2008, or the deadline date of the Grant's whichever occurs later. Either party may terminate this Agreement upon fifteen (15) business days advance written notice.
3. The City of Las Cruces will provide quarterly updates to Doña Ana County, or as requested by the County representative, regarding the status of the state appropriation.
4. All correspondence relating to this Agreement shall be sent to:

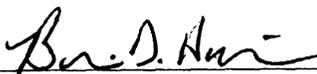
Brian D. Haines, Manager	Terrance Moore, Manager
Doña Ana County	City of Las Cruces
845 N. Motel Blvd.	P.O. Box 2000
Las Cruces, NM 88007	Las Cruces, NM 88004

With copy to:

Armando Cordero, Doña Ana County Facilities and Parks Manager and,
Jan Lauterbach, City Neighborhood Services Program Specialist for Affordable Housing

5. This Agreement shall not be altered, changed or amended except by written instrument signed by both parties.
6. By entering into this Agreement, neither party nor their respective "public employees," as defined in the New Mexico Tort Claims Act, waive sovereign immunity or any defense, or limitations of liability pursuant to law.
7. This Agreement incorporates all agreements and/or understandings of the parties concerning the subject matter of this contract which may pre-date the signing of this agreement. No prior condition, agreement or understanding, orally or otherwise, shall be valid or enforceable unless embodied into the Agreement.
8. It is agreed between the parties executing this Agreement that it is not intended by any of the provisions of the Agreement to create on behalf of the public or any member thereof the status of third-party beneficiary or to authorize anyone not a party to the Agreement to maintain a suite based upon this Agreement.
9. This Agreement shall be construed pursuant to the laws of the State of New Mexico. Both parties shall comply with all applicable federal, state and local laws, and specifically the New Mexico Procurement Code and any time limitations imposed by the state relative to the expenditures of the funds allocated for this project.
10. If a dispute arises concerning the provisions contained in this Agreement, written notice outlining the complaint shall be provided by the aggrieved party. If the matter has not been informally resolved within ten (10) business days, the services of a mediator shall be mutually enlisted within the next five (5) business days. If a mediator is not agreed upon within this five (5) day period, the contract is to be deemed terminated. Each party is responsible for its costs.
11. This document shall be executed in no less than two (2) counterparts, each of which shall be deemed an original.

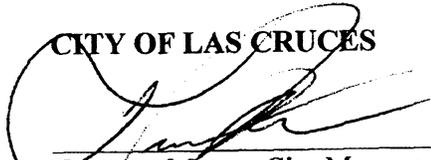
DOÑA ANA COUNTY



Brian D. Haines, County Manager

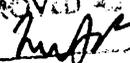
Date: 7/10/08

CITY OF LAS CRUCES



Terrance Moore, City Manager

Date: 12/18/08

APPROVED AS TO FORM


City Attorney

EXHIBIT "B"

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2008/2009

FUND	DIVISION		FUND TYPE	
State Special Projects Fund 2755	Finance		Special Revenue	
	FY 2007/08 Actual	FY 2008/09 Adopted	Adjustments	FY 2008/09 Adjusted
RESOURCES				
Beginning Balance	\$ 0	0		0
REVENUES				
552003-16001 Transitional Youth Facility FYI 05	\$ 0	0	148,500	148,500
552003-16002 Transitional Youth Facility FYI 06	0	0	321,750	321,750
552003-16003 Transitional Youth Facility FYI 07	0	0	358,380	358,380
552003-16004 Transitional Youth Facility FYI 08	0	0	445,500	445,500
Total Revenues	\$ 0	0	1,274,130	1,274,130
Total Resources	\$ 0	0	1,274,130	1,274,130
EXPENDITURES				
552003-16001 Transitional Youth Facility FYI 05	\$ 0	0	148,500	148,500
552003-16002 Transitional Youth Facility FYI 06	0	0	321,750	321,750
552003-16003 Transitional Youth Facility FYI 07	0	0	358,380	358,380
552003-16004 Transitional Youth Facility FYI 08	0	0	445,500	445,500
Total Expenditures	\$ 0	0	1,274,130	1,274,130
ENDING BALANCE	\$ 0	0	0	0



June 23, 2008

Fred Kennon
Asst. County Attorney
County of Doña Ana
845 N. Motel Blvd.
Las Cruces, NM 88007

Re: Affordable Housing Act; transitional living facility appropriation

Dear Mr. Kennon:

This letter is in response to your inquiry as to whether the state appropriation in 2007 SB#827, §68, Para. 297 for "three hundred sixty-two thousand dollars (\$362,000) to purchase, plan, design, construct, equip and furnish a transitional living facility for youth in Dona Ana county" falls within the scope of the Affordable Housing Act, as well as the affordable housing exception to the anti-donation provision of the New Mexico Constitution.

The Affordable Housing Act, NMSA §§6-27-1 thru 8, serves as the legislative authority required by the New Mexico Constitution to permit a county such as Doña Ana to "provide or pay all or a portion of the costs of acquisition, development, construction, financing, operating or owning affordable housing." NMSA §6-27-5(D). The Act and the Rules promulgated by this agency, which are established to "effectuate...the general purposes of the Act," do not require any explicit reference to the Act or the use of the term "affordable housing" in the language of the legislation for certain funds to qualify for the above-mentioned exception.

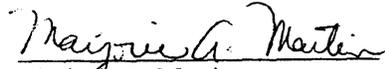
Instead, the controlling principle is whether the funds are spent for a purpose within the meaning of affordable housing as that term is defined by the Act, as well as whether the process by which those funds are expended comports with the procedures prescribed by the Act and the pertinent Rules. The Act and the Rules require a local government to create an affordable housing plan or include housing elements in the county's general plan; to pass an ordinance in accordance with the plan to authorize the provision of housing assistance grants and/or affordable housing funds; and to provide within the ordinance the requirements and purpose of the donation.

The above-mentioned appropriation clearly falls within the scope of the affordable housing exception to the anti-donation clause because it includes language regarding construction of a transitional living facility, which is specifically included within the definition of "residential housing," which in turn is included within the definition of "affordable housing" in both the Act and the Rules.

Letter to Fred Kennon
Page 2

All that said, I must note that the affordable housing exception does not include “equipping” or “furnishing” residential housing. Aside from those two exceptions, the balance of the appropriation language falls within the scope of the Affordable Housing Act and there is no constitutional, statutory or regulatory bar to the County’s intention of directing the funds from the subject appropriation to the City of Las Cruces, its project partner who already has the required ordinance and affordable housing plan in place. As the process unfolds, the Mortgage Finance Authority will be happy to provide review and oversight.

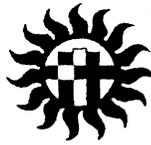
Respectfully submitted,



Marjorie A. Martin

Attorney

NM Mortgage Finance Authority



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 Ordinance/Resolution# 09-154 Council District: 4

For Meeting of December 15, 2008

(Adoption Date)

TITLE: A RESOLUTION APPROVING THE INTER-GOVERNMENTAL AGREEMENT BETWEEN DONA AND COUNTY AND THE CITY OF LAS CRUCES FOR STATE LEGISLATURE APPROPRIATED FUNDING TO PURCHASE, PLAN, AND DESIGN A TRANSITIONAL LIVING FACILITY FOR YOUNG ADULTS IN DONA ANA COUNTY. THIS RESOLUTION ALSO APPROVES A BUDGET ADJUSTMENT TO THE CITY'S ADOPTED FY 2009 BUDGET TO REFLECT THIS AGREEMENT ACCEPTANCE.

PURPOSE(S) OF ACTION: Approve Inter-Governmental Agreement between Dona Ana County and the City of Las Cruces.

Name of Drafter: Jan Lauterbach <i>SL</i>		Department: Community Development <i>DPD</i>		Phone: 528-3134	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>WU</i>	528-3060	Budget	<i>[Signature]</i>	541-2300
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The state legislature appropriated funding totaling \$1,274,130.00 to Dona Ana County to purchase, plan, and design a Transitional Living Facility for Young Adults in Dona Ana County. The New Mexico Mortgage Finance Authority has indicated its approval, that the construction project falls within the scope of the Affordable Housing Act and there is no prohibition to the County's directing the subject appropriation to the City of Las Cruces. The City of Las Cruces has in place the required ordinance and affordable housing plan to accept the appropriated funding from Dona Ana County and to comply with all the Affordable Housing Act requirements, unlike the County. The City shall serve as fiscal agent with regard to the state appropriations to Dona Ana County to assist in building the facility.

Through the 2007 Action Plan, the City of Las Cruces has also allocated \$375,000.00 of Program Year 2007 HOME Investment Partnerships Act (HOME) funds to the same project for development and construction costs. The Neighborhood Services Department staff will be bringing forth a resolution and agreement to commit the HOME funds to the project in the near future.

The facility will be owned by Resources for Children and Youth Inc. with management and development by Families and Youth Incorporated. The Transitional Living Facility will be located

(Continued on Page 2)

on property west of the Community of Hope campus on property owned by Resources for Children and Youth Inc.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
State Special Projects 2755		
27203030-722190-16001	\$148,500.00	\$148,500.00
27203030-722190-16002	\$321,750.00	\$321,750.00
27203030-722190-16003	\$358,380.00	\$358,380.00
27203030-722190-16004	\$445,500.00	\$445,500.00
TOTAL	\$1,274,130.00	\$1,274,130.00

1. Proposed Resolution
2. Exhibit "A" - Inter-governmental Agreement between Dona Ana County and the City of Las Cruces
3. Exhibit "B" - Budget Adjustment
4. Attachment "A" - Letter from MFA to Dona Ana County

OPTIONS / ALTERNATIVES:

1. Vote YES and approve the Resolution authorizing the Inter-governmental Agreement between Dona Ana County and the City of Las Cruces. This action will allow the City of Las Cruces to serve as fiscal agent with regard to state appropriations to Dona Ana County to assist in building the facility.
2. Vote NO and deny the Resolution authorizing the Inter-governmental Agreement between Dona Ana County and the City of Las Cruces. Such action would delay the development of the project.
3. Modify the Resolution and vote YES to approve the modified Resolution.
4. Table/Postpone the Resolution and direct staff accordingly.