



# VILLAGE OF CORRALES STATE OF NEW MEXICO

## ORDINANCE NO. 22-05

**AUTHORIZING THE VILLAGE OF CORRALES (“RECIPIENT”) TO ENTER INTO AN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT (“NMED”) FOR THE PURPOSE OF OBTAINING PROJECT FUNDS IN THE AMOUNT OF \$75,000 FOR PROJECT #CWSRF 124 DESIGN OF WASTEWATER SYSTEM, AS APPROVED BY NMED; DECLARING THE NECESSITY FOR THE FUNDS; PRESCRIBING OTHER DETAILS CONCERNING THE FUNDS.**

Capitalized terms used in the following preambles are defined in Section 1 of this Ordinance unless the context requires otherwise.

**WHEREAS**, the Recipient is a legally and regularly created public body organized under the general laws of the State of New Mexico (“State”); and

**WHEREAS**, the Recipient now owns, operates, and maintains a public utility constituting a Wastewater system (“System”), which includes a system for disposing of wastes by surface and underground methods; and

**WHEREAS**, the present System is insufficient and inadequate to meet the needs of the Recipient; and

**WHEREAS**, the funds for this Project will include funds from a one-time federal grant to the NMED from the Environmental Protection Agency (“EPA”); and

**WHEREAS**, the Project is subject to specific requirements of the federal grant; and

**WHEREAS**, the Governing Body of the Recipient has determined that it is in the best interest of the Recipient to accept and enter into the Agreement.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF CORRALES:**

**Section 1. DEFINITIONS.** As used in the Ordinance, the following terms shall have the meanings specified below, unless the context clearly requires otherwise (*such meanings to be equally applicable to both the singular and the plural forms of the terms defined unless the plural form is separately defined*):

45       **ACT.** The general laws of the State, including the Wastewater Facility Construction Loan  
46 Act at sections 74-6A-1 to 74-6A-15 NMSA 1978, as amended; enactments of the governing  
47 Body of the Recipient relating to Agreement made by resolution or ordinance, including this  
48 Ordinance; and the powers of the Recipient as a public body under authority given by the  
49 Constitution and Statutes of the State.

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51       **ANNUAL AUDIT or SINGLE AUDIT.** Financial statements of the Recipient as of the  
52 end of each Fiscal Year, audited by an Independent Accountant, consistent with the federal  
53 Single Audit Act and the State Auditor's rules.

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55       **AUTHORIZED OFFICER.** The Recipient's mayor, chief administrative officer, or  
56 other officer or employee of the Recipient as designated by the Recipient's Resolution Number  
57 22-63 to be adopted by the governing body of the Recipient, as amended.

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59       **RECIPIENT.** The entity requesting funds pursuant to the Act.

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61       **FISCAL YEAR.** The twelve-month period commencing on the first day of July of each  
62 year and ending on the last day of June of the succeeding year, or any other twelve-month period  
63 which the Recipient hereafter may establish as the fiscal year or the System.

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65       **FUNDS.** Loan and or Subsidy Grant funds.

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67       **GOVERNING BODY OF THE RECIPIENT** Village of Corrales Village Council.

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69       **LOAN.** A loan of funds from NMED made pursuant to the Agreement.

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71       **AGREEMENT.** The agreement between the Recipient and the NMED, pursuant to  
72 which funds will be provided to the Recipient to construct the Project and pay eligible costs  
73 relating thereto.

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75       **SUBSIDY GRANT.** A sub-grant of funds to the Recipient from a one-time federal grant  
76 of funds to the NMED by EPA, for the purpose of subsidizing the funding amount provided to  
77 the Recipient under the Agreement.

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79       **NMSA.** New Mexico Statutes Annotated, 1978 Compilation, as amended and  
80 supplemented.

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82       **OPERATION AND MAINTENANCE.** All reasonable and necessary current expenses  
83 of the System, paid or accrued, relating to operating, maintaining, and repairing the System.

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85       **ORDINANCE.** This Ordinance as amended or supplemented from time to time.

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87       **PROJECT.** The most current NMED approved Project Description listed on the Project  
88 Description Form on file with NMED.

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90       **PROJECT COMPLETION DATE.** Means the date that operations of the completed

works are initiated or capable of being initiated, whichever is earlier. This also applies to individual phases or segments.

**REGULATIONS.** Regulations promulgated by the Water Quality Control Commission at 20.7.5 NMAC and New Mexico Environment Department at 20.7.6 – 20.7.7 NMAC.

**Section 2. RATIFICATION.** All action heretofore taken (not inconsistent with the provisions of the Ordinance) by the Board, the officers, and employees of the Recipient, directed toward the Agreement, is hereby ratified, approved, and confirmed.

**Section 3. FINDINGS.** The Governing Body of the Recipient hereby declares that it has considered all necessary and relevant information and data and hereby makes the following findings:

(A) The execution and delivery of the Agreement pursuant to the Act to provide funds to finance the Project, is necessary and in the interest of the public health, safety, and welfare of the residents of the Recipient and will result in savings of finance costs to the Recipient.

(B) The money available for the Project from all sources other than the Agreement is not sufficient to pay when due the cost of the Project.

(C) The Project is and will be part of the System.

**Section 4. SYSTEM.** The System shall continue to constitute a Wastewater system and shall be operated and maintained as such.

**Section 5. AUTHORIZATION OF PROJECT.** The acquisition and construction of the Project and payment of eligible items as set forth in the Regulations from proceeds of the Agreement is hereby authorized at a cost not to exceed the amount of **\$75,000** excluding any cost of the Project to be paid from any source other than the proceeds of the Agreement.

**Section 6. AUTHORIZATION OF AGREEMENT.**

(A) For the purpose of protecting the public health, conserving the property, and protecting the general welfare of the residents of the Recipient and acquiring the Project, it is hereby declared necessary that the Recipient, pursuant to the Act and the Regulations execute and deliver the Agreement, and the Recipient is hereby authorized to execute and deliver the Agreement. The NMED has agreed to disburse the proceeds according to the terms of the Agreement to the Recipient over the construction period of the Project.

(B) The form of the Agreement is approved. An Authorized Officer is hereby authorized and directed to execute and deliver the Agreement and any extensions of or amendments to any such document to be executed after completion of the Project, or any substitution therefore, with such changes therein consistent with the Ordinance and as shall be approved by an Authorized Officer whose execution thereof, or any extension thereof, or substitution therefore, in their final forms shall constitute conclusive evidence of their approval and compliance with this section.

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138 (C) From and after the date of the initial execution and delivery of the Agreement,  
139 Authorized Officers, agents, and employees of the Recipient are authorized, empowered, and  
140 directed to do all such acts and things and to execute all such documents as may be necessary to  
141 carry out and comply with the provisions of this Ordinance and the Agreement.  
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143 **Section 7. OPERATION OF PROJECT.** The Recipient will operate and maintain the  
144 Project so that it will function properly over its structural and material design life.  
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146 **Section 8. USE OF PROCEEDS.** The NMED shall disburse Funds pursuant to the  
147 Agreement for NMED approved costs incurred by the Recipient for the Project.  
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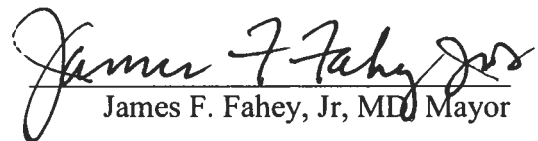
149 **Section 9. ENFORCEMENT; VENUE.** The NMED retains the right to seek  
150 enforcement of the terms of the Agreement. If the NMED and the Recipient cannot reach  
151 agreement regarding disputes as to the terms and conditions of this Agreement, such disputes are  
152 to be resolved promptly and expeditiously in the district court of Santa Fe County. The Recipient  
153 agrees that the district court for Santa Fe County shall have exclusive jurisdiction over the  
154 Recipient and the subject matter of this Agreement and waives the right to challenge such  
155 jurisdiction.  
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157 **Section 10. AMENDMENT OF ORDINANCE.** This Ordinance may be amended with  
158 the prior written consent of the NMED.  
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160 **Section 11. SEVERABILITY CLAUSE.** If any section, paragraph, clause, or provision  
161 of the Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or  
162 unenforceability of such section, paragraph, clause, or provision shall not affect any of the  
163 remaining provisions of the Ordinance.  
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165 **Section 12. REPEALER CLAUSE.** All bylaws, orders, Ordinances and Ordinances, or  
166 parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency.  
167 This repealer shall not be construed to revive any bylaw, order, Ordinance or Ordinance, or part  
168 thereof, heretofore repealed.  
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170 **PASSED, APPROVED, AND ADOPTED** by the Governing Body of the Village of Corrales  
171 this 15th day of November, 2022.  
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174 James F. Fahey, Jr, MD Mayor  
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176 **ATTEST:**

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178 Melanie L. Romero Village Clerk  
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182 (SEAL)