

**RESOLUTION NO. 2015-27**

**TO SUPPORT AN APPLICATION TO BE FILED BY SILVER CITY MAINSTREET WITH THE STATE OF NEW MEXICO DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING FUNDING FOR IMPROVEMENTS TO THE MAIN STREET PLAZA AND, FURTHER AUTHORIZING THE MAYOR TO EXECUTE A STATEMENT OF ASSURANCES IN CONNECTION THEREWITH.**

**WHEREAS**, Silver City MainStreet, 501(c)(3) non-profit organization incorporated in the State of New Mexico, was organized and established, among other purposes, to revitalize and strengthen downtown Silver City as the center of our community, and to help maintain the core business district of Silver City as an economically viable and active area, where by making it attractive and pedestrian-friendly, people will want to live, visit, shop, work, invest and do business; and

**WHEREAS**, Silver City MainStreet, Inc., in partnership with other local agencies and with public input, completed a “Silver City Greenways and Big Ditch Master Plan ” in 2013 that encompassed the overall vision for improvements to the Big Ditch Park and connecting trails was approved by the Town Council of the Town of Silver City in December of that year; and

**WHEREAS**, the Greenways and Big Ditch Master Plan recommends, among other things, improvements to MainStreet Plaza; and

**WHEREAS**, Silver City MainStreet, wishes to submit a 2016 New Mexico MainStreet Grant application to the State of New Mexico, Department of Economic Development, New Mexico MainStreet Program, to fund public rest rooms, landscaping and lighting at the Main Street Plaza; and

**WHEREAS**, the Mayor and the Town Council of the Town of Silver City desire to express their support of Silver City MainStreet and the proposed project, and to encourage the submission of this grant application;

**NOW, THEREFORE IT BE RESOLVED** by the Town Council of the Town of Silver City, New Mexico, that it supports, encourages and desires Silver City MainStreet to obtain funding for improvements to the Main Street Plaza in the amount of \$100,000.

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Silver City, that it will contribute to the required match both monetarily in the amount of \$16,000 and through in-kind services in the amount of \$4,000, resulting in a twenty (20) percent match.

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Silver City that the Town of Silver City shall serve as fiscal agent for the grant if awarded.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to sign the attached Statement of Assurances, which will be included in the grant application package.

**PASSED, ADOPTED AND APPROVED** by the Town Council of the Town of Silver City,  
New Mexico on this 22nd day of September, 2015.

(Seal)

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Michael S. Morones, Mayor

Attest:

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Ann L. Mackie, Town Clerk

## STATEMENT OF ASSURANCES

The offeror hereby assures and certifies compliance with the following statutes, rules, regulations, and guidelines associated with the acceptance and use of funds under the MainStreet Capital Outlay Fund:

1. The offeror has the responsibility and legal authority to receive and expend funds as described in the project description, as well as to finance its share of costs of the project, including all project overruns.
2. Compliance with the New Mexico State Procurement Code and submission of all related procurement documents to the New Mexico MainStreet Program for administrative review and approval, prior to execution including, but not limited to: requests for professional services (RFPs); advertisements; minutes of pertinent meetings; grant agreement selection and award criteria. All project-related services and activities performed through a service provider must be implemented through professional services contracts. Any project related contract, subcontract, or agreement and related amendments, providing services to the contractor must be submitted for administrative review by the NMMS prior to execution.
3. Adherence to all financial and accounting requirements of EDD, including policy and procedures set forth by DFA in accordance with Executive Order 2013-006 with regards to annual audit, budget and financial reporting requirements of State of New Mexico capital outlay grantees (fiscal agents).
4. Compliance with the requirement to not expend any grant funds awarded pursuant to a successful proposal to this RFP prior to a fully executed grant agreement.
5. Compliance with the requirement to not budget or expend any of the grant funds awarded pursuant to a successful proposal to this RFP on administrative costs.
6. Compliance with all required reports, including but not limited to, progress reports due on November 30 and May 30 of each year; and the final report due at the end of the project.
7. Any under run amount for the project must be returned to NMMS. Failure to remit an under run to the NMMS will cause suspension of future distribution until the remittance is made.
8. Compliance with all applicable conditions and requirements prescribed by NMMS in relation to receipt/accountability of state funds.

9. The offeror will follow the scope of work for the project, as negotiated with the NMMS. The offeror will submit any proposed modifications/amendments to this proposal to NMMS for its written approval, prior to execution of changes to project.
10. Compliance with conflict of interest prohibitions whereby no member, officer, or employee of the program, or its designee or agents, no voting member of the local MainStreet governing body of the locality in which the project is situated, and no other public official of such locality who exercises any functions or responsibilities with respect to the project during his/her tenure (or for one year thereafter) shall have any interest, direct or indirect, in any contract or subcontract for work to be performed in the project. The grant agreement shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of these stated provisions.
11. Compliance with the maintenance of records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the grant agreement period, the purpose of undertaking for which such funds were used and the amount and nature of all contributions from other sources, and such other records as the NMMS shall prescribe. Such records shall be preserved for a period of not less than six (6) years following completion of all the conditions of the grant agreement and the administrative guidelines.
12. The offeror will provide access to authorized State official and representatives of all books, accounts, records, report, files, and other papers, things, or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.
13. If awarded, the offeror will secure a binding obligation to a third party to expend at least thirty percent (40%) of the grant award by September 31, 2016.
14. If awarded, the offeror will ensure that all contracts with a third party to utilize these funds include the following wording: "The contractor is responsible for working with the state's Historic Preservation Division of the Department of Cultural Affairs to ensure all design, planning, permitting, licensing and construction conform to appropriate, corresponding state and federal statutes guiding historic and cultural properties and state and nationally registered historic districts, including Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act. "
15. If awarded, the offeror will ensure that all contracts with a third party to utilize these funds include the following wording: "The contractor is responsible for working with the state's Department of Transportation to ensure all design, planning, permitting, licensing and construction conform to appropriate, corresponding state and federal statutes guiding transportation projects, including the National Environmental Policy Act (NEPA)."

16. The offeror will complete all work on the project and expend all grant funds no later than December 4, 2017.

Accepted and Agreed:

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Silver City MainStreet Board President, Patrick Hoskins      Signature      Date

Fiscal Agent Town of Silver City: \_\_\_\_\_

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Signature on behalf of the Town of Silver City      Date

Name and Title: \_\_\_\_\_