

Spaceport America Regional Spaceport District

Thursday, January 9th, 2025

1712 N. Date Street

Truth or Consequences, NM 87901

Zoom Link:

<https://us06web.zoom.us/j/89328183191?pwd=3BptIywfwXNmGFnSUStAabAtIHTrAx.1>

Meeting ID: 893 2818 3191

Passcode: 833264

Call to Order: 1:00 P.M.

Call to Order and Pledge of Allegiance

New Mexico State Flag Pledge-I salute the flag of the State of New Mexico and the Zia symbol of perfect friendship among united cultures.

Roll Call of Members Present and Determination of Quorum

Introduction of Guests

- I. **Approval of Agenda**
- II. **Approval of Minutes**
 - A. September 26th, 2024 Meeting Minutes
 - B. December 4th, 2024 Meeting Minutes
- III. **New Business**
 - A. Open Meetings Act Resolution
 - B. Public Notice Describing Procedures for Requests for Inspection of Public Records Public Comment Resolution
 - C. Creating Depository Account Resolution
 - D. Parliamentary Procedures and Robert's Rules of Order
 - E. Public Participation Resolution
 - F. Reallocation Request - HLA South Access Road and Utilities Extension
 - G. Reallocation Request - HLA Road and Utility Improvements
 - H. Resolution Censuring Commissioner Shannon Reynolds and Requesting His Removal from the Regional Spaceport District
- IV. **Public Input**
- V. **Adjournment**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the Sierra County

Manager, 1712 N. Date Street, Truth or Consequences, New Mexico 87901 phone (575) 894-6215 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Sierra County Manager if a summary or other type of accessible format is needed.

Spaceport America Regional Spaceport District
Virtual Meeting
Thursday, September 26th, 2024

ZOOM LINK:

<https://us05web.zoom.us/j/84256345421?pwd=6xwsEY8OkWNXpW4pssBwLdhEvMJrbu.1>

Meeting Minutes

Roll Call of Members Present and Determination of Quorum

Call to Order

- Meeting called to order by the Chairman Paxon at 10:02 am
- **Roll Call**
 - Conducted by Manager Vaughn.
- **Present:**
 - Travis Day
 - Kim Skinner
 - Eric Enriquez
 - Jim Paxon
- **Not Present:**
 - Manny Sanchez
 - Shannon Reynolds

Quorum confirmed

Introduction of Guests

- Scott McLaughlin; Spaceport America
 - Attorney Dave Pato
 - Melissa Force; Spaceport Attorney
 - Art Trujillo
 - Becky Dean; Chief Procurement Officer Spaceport
-
- **Pledge of Allegiance**

I. Approval of Agenda

- A. Motion to approve the Agenda by Director Day, seconded by Mayor Enriquez.
Motion passed unanimously.

II. Approval of Minutes

- A. Noted that minutes from the March 15th meeting are still needed.
- B. Motion to approve July 11th meeting minutes by Mayor Enriquez, seconded by Director Day. Motion passed unanimously.

III. New Business

- A. Discussion on Joint Powers Agreement (JPA) with the State Investment Council (SIC).
- B. Attorney Pato provided background on the resolution for investment of GRT revenue.
- C. Motion to approve the JPA by Mayor Enriquez, seconded by Director Day. Roll call vote passed unanimously.

IV. Public Input

- A. No public input received.
- B. Discussion on the timeline for project funding and account setup with SIC.
- C. Attorney Force and Art Trujillo to manage account setup and fund transfers.
- D. To be determined with advance notice.

V. Adjournment

- A. Motion to adjourn by Kim Skinner, seconded by Mayor Enriquez. Motion passed unanimously.

Spaceport America Regional Spaceport District
Virtual Meeting
Wednesday, December 4th, 2024

ZOOM LINK:

<https://us06web.zoom.us/j/6944774730?pwd=mbWwJlplTFHzt9pQCjvWAtxCAgKAGIs.1&omn=86337889201>

Meeting ID: 694 477 4730

Passcode: nn1rbW

Meeting Minutes

Call to Order:

- Meeting called to order by Chairman Paxon at 1:00 P.M.

Call to Order

Roll Call of Members Present and Determination of Quorum

- Conducted by Jessica Pena
- Present:
 - Jim Paxon
 - Manuel Sanchez
 - Kim Skinner
 - Travis Day
 - Eric Enriquez
- Not Present:
 - Shannon Reynolds

Quorum confirmed

Introduction of Guests

- Scott McLaughlin
- Bobby Sachs
- Ronnie Bush
- Art Trujillo
- Celia Villegas
- Dave Pato (Sierra County Attorney)

Pledge of Allegiance

I. Approval of Agenda

- A. Motion to approve the agenda by Eric Enriquez, seconded by Travis Day. Motion passed unanimously.

II. Approval of Minutes

- A. Approval of previous meeting minutes was deferred due to their absence in the meeting packet.

III. New Business

- A. Resolution regarding Investment of Spaceport GRT Revenue in excess of that pledged for 2021 Bond Debt Service, distributed to NMFA, and dedicated to specific Spaceport Capital Projects.

- i. Discussion on directing excess GRT revenue to the State Investment Council for spaceport-related projects. Commissioner Sanchez opposed, advocating for debt repayment over additional improvements. Legal opinion supported using funds for spaceport facilities under the Spaceport Act.
- ii. Motion to approve Eric Enriquez; seconded by Travis Day
- iii. Roll Call vote:

Jim Paxon - Y
Manuel Sanchez - N
Shannon Reynolds - Absent
Travis Day - Y
Kim Skinner - Y
Eric Enriquez – Y
Motion Passed

- B. Resolution Regarding the Adoption of an Investment Policy for the Regional Spaceport District

- i. Motion to approve Eric Enriquez; seconded by Travis Day.
- ii. Roll Call vote:

Jim Paxon - Y
Manuel Sanchez - N
Shannon Reynolds - Absent
Travis Day - Y
Kim Skinner - Y
Eric Enriquez – Y
Motion Passed

IV. Public Input

- V. An inquiry was made regarding the \$13 million investment in capital projects, with clarification provided on the allocation of GRT funds to education and access to related records.

VI. Adjournment

- A. Motion to adjourn by Travis Day, seconded by Mayor Sanchez. Motion passed unanimously.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the Sierra County Manager, 1712 N. Date Street, Truth or Consequences, New Mexico 87901 phone (575) 894-6215 at least one (1) week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Sierra County Manager if a summary or other type of accessible format is needed.

**REGIONAL SPACEPORT DISTRICT
OPEN MEETINGS ACT**

WHEREAS, the Regional Spaceport District met at its organizational meeting on January 9th, 2025, at 1:00 P.M. in the Sierra County Administration Building, 1712 N. Date Street, Truth or Consequences, NM 87901; and,

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Section 10-15-1 to - 4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or their policy-making body of any state or local public agency held for the purpose of formulating public policy, or for the purpose of taking any action within the authority of such body, are declared to be public meetings open to the public at all times; and,

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and,

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires the Regional Spaceport District to determine at least annually what constitutes reasonable notice of its public meetings; and,

NOW, THEREFORE, BE IT RESOLVED, by the Regional Spaceport District that:

1. All meetings shall be held in either Sierra or Dona Ana County, as designated on the meeting notice.
2. Special meeting of the Regional Spaceport District may be called by the Chair or by any Director upon seventy-two (72) hours' notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meeting.
3. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of the citizens or to protect the public body from substantial financial loss. The Regional Spaceport District will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon twenty-four hours' notice, unless protecting the Regional Spaceport District from substantial financial loss or a threat to the health, safety and property of the citizens requires less notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. Within ten (10) days of taking action on an emergency matter, the Regional Spaceport District shall report to the New Mexico Attorney General's office the action taken and the circumstance creating the emergency unless the made pursuant to a declaration of state or national emergency.
4. For the purposes of regular meetings and special meetings described in paragraphs 2 and 3 of this resolution, notice requirements are met if the date, time, place and the agenda is published online on both Dona Ana County's website and Sierra County's website. Copies of the written notice shall also be mailed, faxed or emailed to those broadcast

**REGIONAL SPACEPORT DISTRICT
IPRA RESOLUTION**

**PUBLIC NOTICE DESCRIBING PROCEDURES FOR REQUESTS FOR INSPECTION
OF PUBLIC RECORDS**

WHEREAS, the Regional Spaceport District met at its organizational meeting on January 9th, 2025, at 1:00 P.M. in the Sierra County Administration Building, 1712 S. Date Street, Truth or Consequences, NM 87901; and,

WHEREAS, as provided by law, the Regional Spaceport District seeks to describe the procedures for requests for inspections of public records and to establish the fees attendant thereto; and,

WHEREAS, the Regional Spaceport District expresses its strong commitment to not only the statutory access granted pursuant to the Inspection of Public Records Act, NMSA 1978, Section 14-2-1 to -12, but also to the public's common law right to inspect and copy public records; and,

WHEREAS, pursuant to Section 14-2-7 of the Inspection of Public Records Act (NMSA 1978, Section 14-2-1 to -12), the Regional Spaceport District has designated [insert position] as the custodian of the Spaceport District's records to receive and respond to requests to inspect public records, provide proper and reasonable opportunities to inspect public records, and provide reasonable facilities to make or furnish copies of the Public Records during usual business hours.

NOW, THEREFORE, BE IT RESOLVED by the Regional Spaceport District that it adopts this Inspection of Public Records Act Resolution to establish the fees associated with Inspection of Public Records Act, as set forth below.

Section I. Designation of Custodian of Public Records

The Regional Spaceport District designates [insert position] as its custodian of public records.

Section II. Duties of the Public Records Custodian.

The Custodian of Public Records shall:

- A. Receive and respond to requests to inspect public records maintained by the Regional Spaceport District;
- B. Provide proper and reasonable opportunities to inspect Regional Spaceport District public records; and
- C. Provide reasonable facilities to make or furnish copies of Regional Spaceport District public records during usual business hours.

Section III. Submission of Public Records Requests

- A. Requests to inspect public records should be submitted to the records custodian, [name, title, address, phone number, e-mail address].
- B. In accordance with the Inspection of Public Records Act, a person desiring to inspect public records may submit a request to the records custodian orally or in writing, though the procedures and penalties prescribed by the Act apply only to written requests.
- C. In accordance with the Inspection of Public Records Act, a person desiring to inspect public records may submit a request to the records custodian orally or in writing, though the procedures and penalties prescribed by the Act apply only to written requests.
- D. A written request must contain the name, address and telephone number of the person making the request.
- E. Written requests may be submitted in person or sent via US mail or e-mail.
- F. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

Section IV. Procedures for Inspection

- A. The records custodian must permit inspection immediately or as soon as practicable, but no later than fifteen calendar days after the records custodian receives the inspection request.
- B. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request.
- C. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen calendar days after the records custodian received the request for inspection.

Section V. Inspection Fees

If a person requesting inspection would like a copy (paper or electronic) of a public record, a reasonable fee may be charged, as detailed in the list below. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies. The records custodian shall request advance payment of the applicable copying fees be paid in advance. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies. There shall be no charge assessed to any Governmental member entity for copies. There is no charge to request to inspect a public record of the Regional Spaceport District.

Item	One Side Page
Photo Copies	\$1.00
Reader/Printer Copies	\$1.00
Newspaper	\$1.00
Ordinances & Resolutions	\$1.00 (per page)
Electronic Data	\$0.35/CD and \$0.45/DVD
Notary Public	\$3.00

Section VI. Application

This Resolution applies to all records of the Regional Spaceport District for which fees and/or procedures have not been set by statute.

APPROVED, ADOPTED, AND PASSED on this ____ day of January, 2025.

REGIONAL SPACEPORT DISTRICT

Jim Paxon, Chair

Manuel A. Sanchez, Vice-Chair

Shannon Reynolds, Director

Travis Day, Director

Kim Skinner, Director

Eric Enriquez, Director

**RESOLUTION REGARDING ESTABLISHMENT OF DEPOSIT ACCOUNT AND
DISBURSEMENT OF EXCESS SPACEPORT GRT REVENUE**

WHEREAS, the Spaceport America Regional Spaceport District (the “District”) of the State of New Mexico (the “State”) convened a special meeting on January 9th, 2025 at 1:00 p.m. in the Sierra County Administration Office, 1712 N. Date Street, Truth or Consequences, NM 87901, with notice duly published; and

WHEREAS, the District is a political subdivision of the State, organized and existing under the New Mexico Regional Spaceport District Act, NMSA Sections 5-16-1 et seq., as amended (the “Spaceport District Act”), and includes the Participating Counties of Sierra County and Doña Ana County (hereafter, collectively referred to as the “Participating Counties”); and

WHEREAS, each of the Participating Counties is authorized to impose a county regional spaceport gross receipts tax (the “County Spaceport GRT”) for the purposes described in the Spaceport District Act; and

WHEREAS, under Section 5-16-13 of the Spaceport District Act and Section 7-19D-15(B) of the Tax Act, at least seventy-five percent (75%) of the County Spaceport GRT revenues shall be dedicated to and must be used by the District for financing, planning, designing, engineering, and constructing a regional spaceport; and

WHEREAS, the District has pledged seventy-five percent (75%) of the County Spaceport GRT revenues for the payment of revenue bonds issued by the New Mexico Spaceport Authority (the “Authority”), specifically for the 2021 Taxable Gross Receipts Tax Refunding Revenue Bonds (the “Series 2021 Bonds”); and

WHEREAS, any excess pledged revenues (the “Excess Pledged Revenues”) above the 2021 Bond Debt Service and not directly distributed by the New Mexico Taxation and Revenue Department to the New Mexico Finance Authority (“NMFA”) are held by the Participating Counties, including Sierra County and Doña Ana County; and

WHEREAS, the Authority has developed, owns, and operates a southwest regional spaceport known as “Spaceport America” (the “Spaceport”) and has the operational knowledge and ongoing responsibility and capability to develop, improve and finance improvements to and other capital projects for the Spaceport (each, a “Spaceport Capital Project”); and

WHEREAS, the District seeks to provide instruction regarding the deposit of Excess Pledged Revenues for purposes permitted under the Regional Spaceport District Act; and

WHEREAS, the District is statutorily authorized to invest or deposit funds in accordance with the prudent investor rule set forth in the Uniform Prudent Investor Act, and is statutorily required to employ the State Investment Council to invest the funds and to pay reasonable compensation for investment management services from the assets of the applicable funds pursuant to the Regional Spaceport District Act; and,

WHEREAS, at its meeting in July, this Board approved a resolution authorizing the transfer of the excess pledged revenue to the State Investment Council; and,

WHEREAS, pursuant to NMSA 1978, Section 5-16-6(A)(3) (2006), and among other things, the District is statutorily authorized to enter into contracts and agreements affecting the affairs of the district;

WHEREAS, the District has been advised by the State Investment Council that the Spaceport District must deposit its funds into a central account, from which it may make investments pursuant to NMSA 1978, Section 5-16-8 (2006);

WHEREAS, the District desires to establish a deposit account for these Excess Pledged Revenues at Citizens Bank, which maintains branches in both Dona Ana and Sierra Counties, and to direct the immediate deposit of all such funds into this account upon receipt of the necessary account information; and

WHEREAS, the District also seeks to establish signatories for this account and directs that the Excess Pledged Revenues be deposited into this account upon transfer from Sierra County and Doña Ana County, as applicable; and

WHEREAS, the District wishes to ensure that any spaceport-related approved projects are funded promptly by disbursing available funds in the new deposit account as they are received.

NOW, THEREFORE, BE IT RESOLVED that the District directs the establishment of a deposit account at Citizens Bank for the purpose of receiving and holding Excess Pledged Revenues, and authorizes the following individuals to serve as signatories on this account:

1. Jim Paxon, Chair
2. Manuel A. Sanchez, Vice-Chair
3. _____, Director

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Sierra County Treasurer and Doña Ana County Treasurer are hereby directed to immediately deposit all Excess Pledged Revenues, including interest, held on behalf of the District, into the designated deposit account at Citizens Bank upon receipt of the account information.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, upon deposit of such funds, the District directs the immediate disbursement of funds from the new deposit account for spaceport-related approved projects previously approved by the District to ensure the timely execution of such projects.

Adopted, Approved and Resolved on this ____ **day of January** by the Spaceport Tax District Board.

REGIONAL SPACEPORT DISTRICT

Jim Paxon, Chair

Manuel A. Sanchez, Vice-Chair

Shannon Reynolds, Director

Travis Day, Director

Kim Skinner, Director

Eric Enriquez, Director

PARLIAMENTARY PROCEDURES AND ROBERT'S RULES OF ORDER

WHEREAS, the Spaceport America Regional Spaceport District (the "District") of the State of New Mexico (the "State") convened a special meeting on January 9, 2025, at 1:00 p.m. in the Sierra County Administration Office, 1712 N. Date Street, Truth or Consequences, NM 87901, with notice duly published; and

WHEREAS, the District will conduct its meetings using Robert's Rules of Order (10th ed.) as a guide to parliamentary authority, except as modified by this document; and,

WHEREAS, the District has deemed it appropriate to adopt special rules modifying Robert's Rules of Order to reflect that, under JPA establishing the District, the District members are equal in their authority.

NOW, THEREFORE BE IT RESOLVED by the District that it adopts the following "Special Rules" modifying Robert's Rules of Order for the purpose of conducting business during the meetings of the District:

1. The Chairperson may make motions and shall have the same voting rights, no less and no more, as any other member of the District.
2. The Chairperson shall not have any administrative, procedural, contractual or similar authority different than any other member of the Board, except as provided by statute.
3. Should the Chairperson vacate the office of Chairperson, the Vice-Chairperson shall serve the remainder of the term, and a new Vice-Chairperson shall be selected by a simple majority of a quorum of the District.
4. Members of the District are required to obtain the floor (i.e., must be recognized by the Chairperson) before making motions or speaking.
5. Any and all motions need to have a second before a vote may be taken.
6. Items appearing on the agenda of meetings of the District shall be those necessary for the proper consideration and management of District business. Additionally, any individual member of the District may request an item be placed on the agenda for the next meeting of the board.
7. Items may only be reconsidered or placed again on the agenda by a District Member who voted on the prevailing side.
8. Each matter voted on by the District will be by "aye" or "nay" unless a member of the District requests a roll call vote or if clarification is needed. In the case of a roll call vote, the Chairperson will be called upon to vote last.

APPROVED, ADOPTED, AND PASSED on this 9th day of January, 2025.

REGIONAL SPACEPORT DISTRICT

Jim Paxon, Chair

Manuel A. Sanchez, Vice-Chair

Shannon Reynolds, Director

Travis Day, Director

Kim Skinner, Director

Eric Enriquez, Director

PUBLIC PARTICIPATION AT SPACEPORT AMERICA REGIONAL SPACEPORT DISTRICT MEETINGS

WHEREAS, the Spaceport America Regional Spaceport District (the “District”) of the State of New Mexico (the “State”) convened a special meeting on January 9, 2025, at 1:00 p.m. in the Sierra County Administration Office, 1712 N. Date Street, Truth or Consequences, NM 87901, with notice duly published; and

WHEREAS, the District is a political subdivision of the State, organized and existing under the New Mexico Regional Spaceport District Act, NMSA Sections 5-16-1 et seq., as amended (the “Spaceport District Act”), and includes the Participating Counties of District and Doña Ana County (hereafter, collectively referred to as the “Participating Counties”); and

WHEREAS, the District recognizes that public access to the proceedings and decision-making processes of the meetings of the District is crucial to the functioning of democracy; and

WHEREAS, the District further recognizes that meetings held by the District to discuss public business, particularly when conducted with the public taxpayers' money, are the taxpayers' business; and

WHEREAS, the District recognizes that, with limited exceptions, the Open Meetings Act generally prohibits a public body from conducting public business in secret or in closed meetings, and requires that such business be conducted by the public body acting as a whole at meetings open to all persons who wish to attend and listen; and

WHEREAS, Article 2 Section 17 of the New Mexico Constitution guarantees that “[e]very person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press;” and,

WHEREAS, the District welcomes public comment at its regular meetings in order to encourage freedom of speech in the District and as a valued tool to communicate with its constituents even though the Courts have held that the New Mexico Open Meetings Act “[] does not require the commissioners to allow the public to speak at its meetings, but instead, only requires them to allow the public to attend and listen.” *See, Mesa v. White*, 197 F.3d 1041, 1046 (10th Cir. 1999); and,

WHEREAS, the District has traditionally reserved a public comment period as a designated public forum at a selected time during the District Meeting, a non-public forum held to manage the business of the District; and,

WHEREAS, the District must balance the desire to afford members of the public a full and complete opportunity to address the District with the District's need to conduct the people's business in an orderly and efficient manner; and,

WHEREAS, there is a need for the District to set content neutral rules for the public comment period that will allow individuals the ability to make their comments in a meeting environment

that fosters respect for the time and views of all attendees, while also being narrowly tailored to promote orderly and efficient meetings of the District; and,

NOW, THEREFORE, BE IT RESOLVED by the District that each member of the public wishing to address the District shall be given an opportunity to address the District during the public comment period at regular meetings.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the District that it hereby adopts the following rules for its public comment period:

- I. So that freedom of speech is unrestricted:
 - A. Except as provided herein, anyone will be allowed an opportunity to speak during the public comment period at the beginning of the District's regular meetings prior to the commencement of action items.
 - B. Speakers may discuss any subject during the public comment period.
- II. In order to promote orderly efficient meetings respectful of everyone's time:
 - A. All individuals will be limited to a three (3) minute comment period.
 - B. No individual will be permitted to speak more than one (1) time; no rebuttals to the comments of others will be permitted.
 - C. Individuals desiring to speak during public comment must sign in on the public comment sign in sheet prior to the commencement of the public comment period.
 - E. Comments, applause and other interruptions from the audience are not allowed.
- III. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:
 - A. Threatening/abusive comments that disrupt the meeting will not be allowed.
 - B. All speakers must address the District Board and speak from the podium.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution does not in any way diminish the Chair's authority to conduct meetings consistent with the rules and powers granted to the Chair.

APPROVED, ADOPTED, AND PASSED on this 9th day of January, 2025.

REGIONAL SPACEPORT DISTRICT

Jim Paxon, Chair

Manuel A. Sanchez, Vice-Chair

Shannon Reynolds, Director

Travis Day, Director

Kim Skinner, Director

Eric Enriquez, Director

Project Funding Reallocation Request **[HLA South Access Road and Utilities Extension]**



Date: 12/30/2024

Request: The NMSA Capital Improvement Team is requesting approval to reallocate \$2,500,000.00 from the previously approved HLA South Access Road and Utilities Extension project to the South HLA Fabric Hangar and Taxiway Project. This reallocation is necessary due to unforeseen time constraints that prevented NMSA from utilizing GRT funds, which in turn delayed the start of the project. To proceed with engineering and construction, NMSA utilized bond # A19D3267 and A22G3080. This adjustment will ensure the recovery of expended costs and reimburse the alternate funding source.

Name of Project: HLA South Access Road and Utilities Extension

Project Number: 24-C18

Approved Funding Amount: \$2.5 million

Adjusted Project Budget After Reallocation: \$0.00

Description: The New Mexico Spaceport Authority is developing a Capital Improvements project to enhance and expand infrastructure within Spaceport America Horizontal Launch Area (HLA). This project includes the development of a 1.6-mile-long South Access Road that will provide safe, all-weather access to the southwest side of the runway. Additionally, it involves the extension of critical utilities such as water, fiber, and electricity, which are essential for facilitating future leasable developments.



Request for Reallocation:

Amount: \$2.5 million

To Project: Fabric Hangar/ Payload Facility Including Apron & Taxiway

Project Number: 24-C12

Description: This request allocates available funds for constructing a Premanufactured Fabric Hangar in the southwest area of the HLA. The hangar's construction aligns with NMSA's long-term expansion objectives and operational requirements while enhancing operational capacity and expanding leasable facilities.



Project Funding Reallocation Request **[HLA N/NE Road and Utility Improvements]**



Date: 12/30/2024

Request: The NMSA Capital Improvement Team is requesting approval to reallocate \$500,000 from the previously approved HLA N/NE Road and Utility Improvements project to the South HLA Fabric Hangar and Taxiway Project. This reallocation is necessary due to unforeseen time constraints that prevented NMSA from utilizing GRT funds, which in turn delayed the start of the project. To proceed with engineering, NMSA utilized bond # A22G3080. This adjustment will ensure the recovery of expended costs and reimburse the alternate funding source.

Name of Project: HLA N/NE Road and Utility Improvements

Project Number: 25-C06

Approved Funding Amount: \$3.4 million

Adjusted Project Budget After Reallocation: \$2.9 million

Description: The New Mexico Spaceport Authority is developing a Capital Improvements project to enhance and expand infrastructure within Spaceport America's N/NE Horizontal Launch Area (HLA). This project includes the development of a 2.5-mile-long N/NE HLA Road that will provide safe, all-weather access to the east side of the runway. Additionally, it involves the extension of critical utilities such as water, fiber, and electricity, which are essential for facilitating future developments.



Request for Reallocation:

Amount: \$500,000

To Project: Fabric Hangar/ Payload Facility Including Apron & Taxiway

Project Number: 24-C12

Description: This request allocates available funds for constructing a Premanufactured Fabric Hangar in the southwest area of the HLA. The hangar's construction aligns with NMSA's long-term expansion objectives and operational requirements while enhancing operational capacity and expanding leasable facilities.



Resolution Censuring Commissioner Shannon Reynolds and Requesting His Removal from the Regional Spaceport District

WHEREAS, the Spaceport America Regional Spaceport District (the “District”) of the State of New Mexico (the “State”) met upon notice of meeting duly published at a special meeting on January 9th, 2025 at 1:00 P.M. in the Sierra County Administration Building, 1712 North Date Street, Truth or Consequences, NM 87901; and

WHEREAS, the District was created under the Regional Spaceport District Act, Section 5-16-1 et seq., NMSA 1978 (the “Spaceport District Act”); and

WHEREAS, Sierra and Doña Ana Counties established the Regional Spaceport District to serve the public, allow multi-jurisdictional cooperation, and foster economic development by providing for the development and promotion of Spaceport America, formerly the Southwest Regional Spaceport; and

WHEREAS, the stated purposes of the District are to serve the public by providing for the development of a southwest regional spaceport, i.e., Spaceport America, to allow multi-jurisdictional cooperation in the creation of a southwest regional spaceport, provide for the promotion of the southwest regional spaceport, and foster tourism in the cities and counties comprising the District; and

WHEREAS, pursuant to Section 5-16-13 of the Spaceport District Act and Section 7-19D-15(B) of the Tax Act, at least seventy-five percent (75%) of the revenues of the County Spaceport GRT received by each of the Participating Counties shall be dedicated to and must be used by the District for the financing, planning, designing, engineering, and construction of a regional spaceport; and under Section 7-19D-15(D) of the Tax Act, each of the Participating Counties is obligated to transfer a minimum of seventy-five percent (75%) of all proceeds from the County Spaceport GRT to the District;

WHEREAS, pursuant to the Regional Spaceport District Formation Agreement, each participating County and the State are entitled to appoint two Directors to serve on the District; and

WHEREAS, Dona Ana County has appointed Commissioner Shannon Reynolds to serve as a Director of the District; and

WHEREAS, Commissioner Shannon Reynolds has taken an oath of office to, among other things, support the Constitution and laws of the State of New Mexico, and to faithfully and impartially discharge the duties of his office; and

WHEREAS, Commissioner Reynolds has failed to attend or otherwise participate in any official Regional Spaceport District meetings for nearly a year, neglecting his responsibilities as a director, thus failing to fulfill his duty to support the operations of the District; and

WHEREAS, Commissioner Reynolds has engaged in conduct detrimental to both the operations and integrity of the Spaceport Tax District, including:

- Presenting resolutions inconsistent with those properly advertised at the meeting of March 15, 2024, thereby undermining transparency and public notice as required by the Open Meetings Act;
- Submitting District packets containing proposed resolutions on the day of the meeting, which hindered adequate review and deliberation by fellow Board members;
- Failing to fulfill his statutory and contractual obligations, including his responsibility to facilitate the transfer of revenue collected to support the spaceport and related activities as mandated by the Spaceport District Formation Agreement;
- Misrepresenting the permissible uses of the spaceport Gross Receipts Tax (GRT) in contravention of the Spaceport District Act and the Formation Agreement, which has impaired the District's operational efficiency and success;
- Soliciting the removal of Director Wayne Savage from the Spaceport District after being unsuccessful in securing his opposition to the establishment of an account to receive Spaceport District funds, thus engaging in divisive and disruptive behavior.

NOW, THEREFORE, BE IT RESOLVED that the Spaceport Tax District hereby censures Commissioner Shannon Reynolds for his failure to fulfill his duties as a Director and for his conduct detrimental to the District's operations, its financial stability, and its objectives; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Spaceport Tax District requests the Dona Ana County Commission to remove Commissioner Shannon Reynolds from his position on the Regional Spaceport District Board due to his persistent failure to attend meetings, neglect of responsibilities, and violation of trust and fiduciary duties; and

Resolved on this ____ day of January, 2025, by the Regional Spaceport Tax District Board.

REGIONAL SPACEPORT DISTRICT

Jim Paxon, Chair

Manuel A. Sanchez, Vice-Chair

Shannon Reynolds, Director

Travis Day, Director

Kim Skinner, Director

Eric Enriquez, Director