

Spaceport America Regional Spaceport District

Thursday, June 5th, 2025

Dona Ana County

845 N. Motel Blvd.

Las Cruces, NM 88007

Zoom Link:

<https://us06web.zoom.us/j/81846733481?pwd=PGOsS29YPqvWdPk8VEYs3rRRhyLb4.1>

Meeting ID: 818 4673 3481

Passcode: 606809

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. March 15th, 2024 Meeting Minutes
 - B. January 9th, 2025 Meeting Minutes
- III. Presentation/reports
 - A. Spaceport America Status Update by Spaceport Director, Scott McLaughlin
 - B. Update on Spaceport America Regional Spaceport District Bank Account and TIN
 - C. Presentation Spaceport Projects
- IV. Old Business
 - A. Resolution Regarding Public Participation at Spaceport America Regional Spaceport District Meetings (Tabled January 9th, 2025)
- V. New Business
 - A. Consideration/Funding of Spaceport Projects
 - B. 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
- VI. Resolutions
 - A. Resolution: Appointment of the Chair and Vice-Chair of Spaceport Regional Spaceport District
- VII. Public Input

VIII. Adjournment

Doña Ana County will ensure effective communication with individuals with disabilities and will, upon request, provide auxiliary communication aids and services to afford those individuals equal opportunity for participation in Doña Ana County sponsored meetings, events, or activities. Any request should be made to the Americans with Disabilities Act Coordinator, in writing, or by phone, at least two business days prior to the event at which accommodation is needed. If you have any questions regarding examples of reasonable accommodations, please contact the ADA Coordinator, at 525-5878 (voice) or 525-2951 (TTY), 845 N. Motel Blvd., Las Cruces, NM 88007.

Spaceport America Regional Spaceport District
Thursday, March 15, 2024
Doña Ana County Government Center

Call to order 1:05:45

Pledge of Allegiance 1:05:55

Chair Reynolds requested a moment of silence for Director, J. Slim Whitlock

Roll Call 1:08:05

Chairperson Shannon Reynolds - Present
Vice Chairperson James Paxon - Present
Director Kim Skinner – Present
Director Travis Day – Present
Director Manuel Sanchez – Present

Introduction of guests 1:08:40

Approval of Agenda 1:09:40

Chairperson Shannon Reynolds- No
Vice James Chairperson Paxon - Yes
Director Kim Skinner - Yes
Director Travis Day - Yes
Director Manuel Sanchez - Yes

Approval of Minutes 1:10:50

Vice Chairperson Paxon name is incorrect in the minutes. He would like for the T to be removed in his last name so is will read, Paxon.

Chairperson Shannon Reynolds- Yes
Vice Chairperson James Paxon - Yes
Director Kim Skinner - Yes
Director Travis Day - Yes
Director Manuel Sanchez – Yes

Item F 1:12:00

Item A 1:57:35

Motion by Chairperson Reynolds
2nd by Director Sanchez

Chairperson Reynolds withdrew his motion
Director Sanchez withdrew his 2nd motion

Item B 2:28:05

Chairperson Shannon Reynolds- Yes
Vice Chairperson James Paxon = Yes
Director Kim Skinner - Yes
Director Travis Day - Yes
Director Manuel Sanchez – Yes

Item C 2:30:15

Motion by Director Day
Second by Director Sanchez

Motion to postpone Director Day
Second by Director Sanchez

Chairperson Shannon Reynolds- Yes
Vice Chairperson James Paxon = Yes
Director Kim Skinner - Yes
Director Travis Day - Yes
Director Manuel Sanchez – Yes

Item D 2:48:35

Item E 3:29:45

Item G 4:25:15

Motion to postpone by Chair Reynolds
Second by Director Sanchez

Chairperson Shannon Reynolds- Yes
Vice Chairperson James Paxon = Yes
Director Kim Skinner - Yes
Director Travis Day - Yes
Director Manuel Sanchez – Yes

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

Meeting Minutes

Call to Order: 1:00 P.M.

Call to Order

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

Pledge of Allegiance

Acknowledgments:

- Recognition of the challenging road conditions on I-25 due to weather.
- Remembrance of fire victims in California.
- Acknowledgment of President Jimmy Carter's funeral.

Roll Call of Members Present and Determination of Quorum

- Conducted by Amber Vaughn
- Present
 - Director Paxon
 - Director Sanchez
 - Director Skinner
 - Director Day
 - Director Enriquez
 - Director Reynolds (later confirmed present)

Quorum Confirmed

Introduction of Guests:

- Scott McLaughlin
- Rod McGillivray
- Melissa Force
- Francisco Pallares
- Celicia Villegas
- Randi Bush
- Justin Garcia
- Art Trujillo

- Jason Lasik
- Charlie Hurley
- Kathleen Sloan
- Dave Pato (Sierra County Attorney)

I. Approval of Agenda;

- A.** Motion to approve by Director Skinner, seconded by Director Day.
Motion passed unanimously.

II. Approval of Minutes

- A.** September 26th, 2024 Meeting Minutes; Motion to approve by Director Day, seconded by Director Sanchez. Motion passed unanimously.
- B.** December 4th, 2024 Meeting Minutes; Motion to approve by Director Sanchez, seconded by Day. Motion passed unanimously.

III. New Business

- A.** Open Meetings Act Resolution; Motion by Director Day, seconded by Director Skinner. Motion passed unanimously.
- B.** Public Notice Describing Procedures for Requests for Inspection of Public Records Public Comment Resolution;
- i. Attorney Pato explained that this resolution is a standard annual organizational requirement. It outlines the processes the board will follow for receiving Inspection of Public Records Act (IPRA) requests and the designation of a custodian to handle them. Attorney Pato highlighted the importance of designating a specific position to ensure timely responses to these requests, as noted in the meeting packet. Chairman Paxon recalled previous discussions about designating Dona Ana County to retain all records on behalf of the board. However, he noted that it remained unclear whether this arrangement had been finalized. Director or Vice-Chair Sanchez contributed to the discussion, but no final decision was reached during the meeting.
 - ii. Motion to Table by Director Sanchez, seconded by Director Enriquez; Motion to table passed unanimously.
- C.** Creating Depository Account Resolution; - The Spaceport District Act permits investment of funds with the SIC, but a depository account is required. A resolution was proposed to establish this account at Citizens Bank. Signatories named: Jim Paxon, Manuel Sanchez, Eric Enriquez
Motion to approve by Director Sanchez, seconded by Director Day
- i. Roll Call Vote:
 - Director Day - Yes
 - Director Skinner - Yes
 - Director Enriquez - Yes

Director Sanchez – Yes
Director Reynolds - abstain
Director Paxon – Yes
Motion Passed

D. Parliamentary Procedures and Robert's Rules of Order; - The procedures were included in the packet, and there was no discussion. Motion to approve by Director Day moved to approve, seconded by Director Sanchez. The motion passed unanimously.

E. Public Participation Resolution;

- **Initial Motion and Discussion:**

- Director Sanchez moved for approval of the public participation resolution.
- A second was provided by Director Day, leading to a roll call for approval.
- Director Reynolds raised a concern regarding the timing of public comments, questioning if public input should be allowed during the discussion of agenda items.

- **Current Practice:**

- Traditionally, public comments are allowed only once during the meeting, not during the discussion of each agenda item.
- The rationale is to ensure public input is considered before the board discusses an item.

- **Proposed Amendments and Suggestions:**

- Director Reynolds made a motion to amend and Director Sanchez seconded the motion the resolution to allow public comments after board discussions on each agenda item.
- Director Day proposed moving the public input section to immediately follow the approval of the minutes, allowing comments on agenda items before they are discussed.

- **Procedural Clarifications:**

- Attorney Pato clarified the procedure for amending motions, stating that amendments require a separate motion and second before being debated and voted on.
- The board must first address the amendment proposed by Director Reynolds before considering any new motions.

Voting on Director Reynolds' Amendment

- **Discussion on Voting Process**

- Either Chair Paxon or Director Paxon suggested voting on Director Reynolds' motion for clarity.
- It was agreed to vote on the amendment before any further motions.
- Motion by Director Reynolds, seconded by Director Sanchez, proposed allowing public comment on each business item.

- **Roll Call Vote Results**
 - Director Day: No
 - Director Skinner: No
 - Director Enriquez: Yes
 - Director Sanchez: Yes
 - Director Reynolds: Yes
 - Director Paxson: No
 - **Outcome:** The vote resulted in a tie.
- **Handling a Tie Vote**
 - Discussion on how to proceed with a tie vote.
 - Director Reynolds mentioned a rule about flipping a coin, but it was clarified that legally, the motion dies with a tie.
 - Attorney Pato confirmed that the bylaws state, In the event of a deadlock, the motion will not pass.

Bylaws and Amendments

- **Clarification on Bylaws Amendment Process**
 - Director Reynolds questioned the process for changing bylaws, suggesting it required unanimous board approval.
 - Attorney Pato clarified that the bylaws can be altered by a majority vote, not requiring unanimity.
 - The formation agreement requires unanimous approval for amendments, but this does not extend to the bylaws.
- **Further Discussion on Bylaws**
 - Director Reynolds and Attorney Pato discussed the relationship between the formation agreement and the bylaws.
 - It was clarified that the bylaws have a separate amendment provision allowing changes by a majority vote.

Director Skinner's Motion

- **Proposal for Public Participation Resolution**
 - Director Skinner proposed placing public comments on the agenda after the minutes at the front of the meeting.
 - Motion seconded by Director Day.
- **Invitation for Discussion**
 - Mr. Chairman Paxson invited discussion on Director Skinner's motion before proceeding to a vote.

Discussion on Voting Procedures and Formation Document

- **Formation Document and Bylaws**
 - **Game of Chance Requirement:** The formation document specifies that voting requires a game of chance in the event of a deadlock. This requirement is debated as to whether it should be included in the bylaws.
 - **Director Reynolds' View:** The formation agreement is the organic document, and its stipulations, including the

game of chance, cannot be changed by the board alone. Any changes would require approval from Sierra County, Dona Ana County, and the state of New Mexico.

- **Attorney Pato's Input:** Suggested using a simple method like a coin toss to resolve deadlocks, as per the formation document.
- **Bylaws and Amendments:** The bylaws are separate and relate back to state law. The last amendment in April 2023 eliminated the game of chance, but the document remains unsigned.
 - **Need for Reconciliation:** There is a need to revisit the bylaws and the original formation document to ensure consistency and legality.
- **Concerns and Suggestions**
 - **Governance Concerns:** There is a consensus that deciding matters by chance is not a good governance practice.
 - **Director's Concerns:** Flipping a coin for decisions, especially significant ones, is seen as dangerous and a poor form of governance.
 - **Proposal for Future Review:** Suggestion to review and possibly amend the documents to remove the game of chance requirement.
- **Procedural Considerations**
 - **Motion to Table:** A motion was made to table the issue for further research and discussion in the June meeting.
 - **Robert's Rules of Order:** Discussion on whether a new motion can be entertained without resolving the current one. Attorney Pato advised that the board could consider tabling the issue.
 - **Re-vote Proposal:** According to the original bylaws, in the event of a deadlock, a motion can be re-voted on before resorting to a game of chance.
 - **Board's Agreement:** There is agreement among board members to take another vote or table the issue, emphasizing the importance of public participation.

Public Participation and Voting Procedures

- **Motion for Public Comment Timing**
 - **Resolution Proposal:** Director Skinner made a motion to amend the resolution stating that public comment should occur after the minutes and before individual items are discussed.
 - **Voting Outcome:** The motion was seconded by Director Day and passed with a roll call vote:

- Director Day – Yes
- Director Skinner – Yes
- Director Enriquez – Yes
- Director Sanchez –Yes
- Director Reynolds – No
- either Chairman or Director Paxon – Yes

Motion Passed 5-1

- **Protest by. Director Reynolds:** expressed concerns about the procedures not being correctly followed and intended to file a protest.
- **Clarification on Voting:** There was confusion regarding whether the vote was on the amendment or the entire resolution. It was clarified that the vote was on the amendment to move public input to the beginning of the meeting.
- **Resolution of Protest:** Director Reynolds agreed to withdraw his protest if the issue of bylaw changes and parliamentary procedure adherence is revisited in the June meeting.

F. Reallocation Request - HLA South Access Road and Utilities Extension;

- i. Presentation – Request to reallocation \$2.5 million from the HLA South Access Road and Utilities Extension project to the HLA South Hangar and Taxiway project. The HLA South Access Road was initially approved for \$2.5 million. Due to delays in setting up accounts for GRT funds, a reallocation of funds is necessary. Requestion reallocation of \$2.5M to the fabric hangar payload facility
 - ii. Motion to approve by Director Day; seconded by Director Enriquez
 - iii. Roll Call Vote:
 - Director Day – Yes
 - Director Skinner – Yes
 - Director Enriquez – Yes
 - Director Sanchez –No
 - Director Reynolds – No
 - either Chairman or Director Paxon – Yes
- Motion passed 4-2

G. Reallocation Request - HLA Road and Utility Improvements

- i. Presentation on the reallocation of \$500K from the HLA N/NE Road and Utility Improvement project to the South HLA Fabric Hangar payload facility project to start engineering preparation. Funding will be used to make the project shovel ready.
- ii. Motion to approve by Motion to approve by Director Skinner, seconded by Director Enriquez

- iii. Roll Call Vote:
 - Director Day – Yes
 - Director Skinner – Yes
 - Director Enriquez – Yes
 - Director Sanchez –No
 - Director Reynolds – No
 - either Chairman or Director Paxon – YesMotion passed 4-2

H. Resolution Censuring Director Reynolds and Requesting His Removal from the Regional Spaceport District

- i. A resolution was proposed to censure Director Reynolds and request his removal from the Regional Spaceport District.
- ii. Legal Clarification Request: Director Reynolds requested legal guidelines for censorship, which Attorney Pato was unable to provide.
- iii. Director Reynolds motioned to table indefinitely; Seconded by Director Sanchez
- iv. Roll Call Vote:
 - Director Day – No
 - Director Skinner – Yes
 - Director Enriquez – No
 - Director Sanchez –Yes
 - Director Reynolds – Yes
 - either Chairman or Director Paxon – NoMotion tied
- v. Second Roll Call Vote:
 - Director Day – Yes
 - Director Skinner – Yes
 - Director Enriquez – No
 - Director Sanchez –absent
 - Director Reynolds – Yes
 - either Chairman or Director Paxon – NoMotion to table passed 3-2

IV. Public Input

- A. No public input

V. Adjournment

- A. Adjourned by Chairman Jim Paxon at 2:42 P.M.

The **GATEWAY TO SPACE**®

RSD Funded Projects Regional Spaceport District



SPACEPORTAMERICA

THE SPACE TO BE...

RSD APPROVED PROJECT FUNDS SUMMARY

FUNDED SPACEPORT PROJECTS

DESCRIPTION	AMOUNT
STARC	\$8,000,000.00
NMSA Hangar Facility & Taxiway	\$3,000,000.00
HLA NE. Road & Utilities Expansion	\$2,900,000.00
<u>TOTAL:</u>	<u>\$13,900,000.00</u>

STARC PROJECT

SCIENCE, TECHNOLOGY AND RECEPTION CENTER (DESIGN-BUILD)

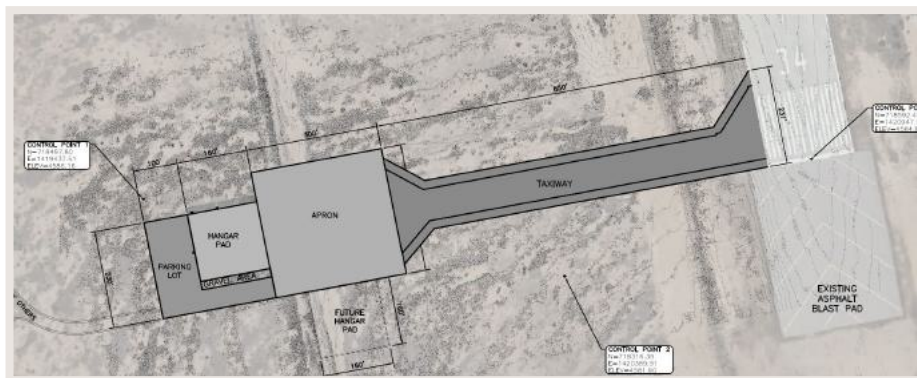


RSD Committed Funds: \$8 Million

- Scope significantly reduced from the original concept illustrated.
- Total Project Cost Estimated: \$16M
- RFP Complete Awaiting Award From State Purchasing
- Pending availability of funds

NMSA FABRIC HANGAR FACILITY & TAXIWAY

SOUTHWEST HLA INFRASTRUCTURE DEVELOPMENT

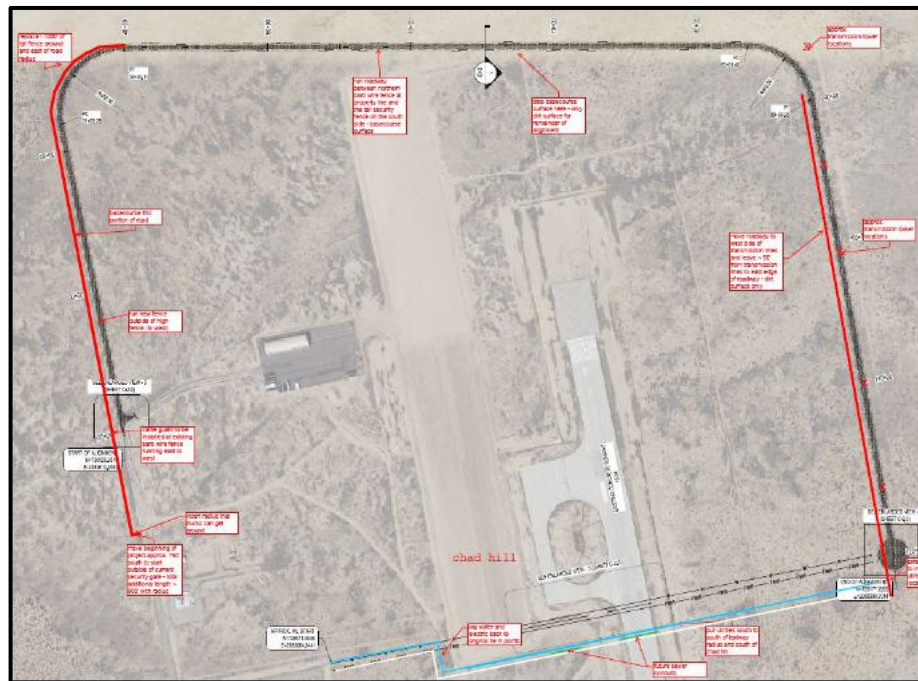


RSD Committed Funds: \$3 Million

- Procurement: Invitation to Bid (Re-issuance) Is Underway
- Original project cost: \$13.9M
- Total project cost with anticipated overruns: \$18.9M
- Shortfall amount required to complete project: \$5M

NORTH HLA ROAD AND UTILITY EXPANSION

INFRASTRUCTURE SUPPORT FOR NORTH SITE DEVELOPMENT



RSD Committed Funds: \$2.9 Million

- Scope: New Gravel Roadway, Boring Utilities to NE of Runway (Water, Electric, Fiber)
- Design Engineering/Surveying is Underway
- Project is anticipated to be complete within budget

PROJECT FUNDING REQUEST

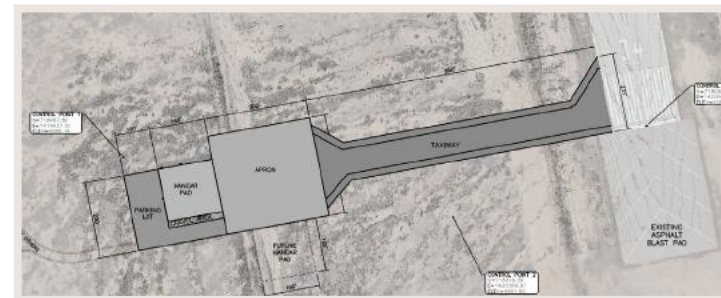
DESCRIPTION	AMOUNT
S HLA Fabric Hangar Shortfall	\$5,000,000.00
Environmental Impact Study	\$1,500,000.00
<u>TOTAL:</u>	<u>\$6,500,000.00</u>

NMSA FABRIC HANGAR FACILITY SHORTFALL REQUEST

• Mechanical/Plumbing Shortfall

Unanticipated budget gap caused by critical building system requirements.

Additional mechanical and plumbing items were identified as being required to meet code and operational needs. These items were not fully accounted for in the original budget. (\$476k)



•Concrete Price Escalation

First Round of project bidding identified concrete cost escalation in excess of \$2.5M

Geopolitical volatility have significantly increased the overall construction budget.



•Hangar Cost Increase

Cost increase due to material inflation. (\$400k)

•Fire Suppression Foam Containment Tank

A foam containment tank had to be added to comply with NFPA fire safety and hazardous material handling standards, which was not part of the original scope. (575K)

ENVIRONMENTAL IMPACT STUDY (EIS) SUSTAINABLE

DEVELOPMENT AND REGULATIONS

- Comprehensive Review**

Evaluates the environmental impact of proposed infrastructure projects at Spaceport America.

- Regulatory Compliance**

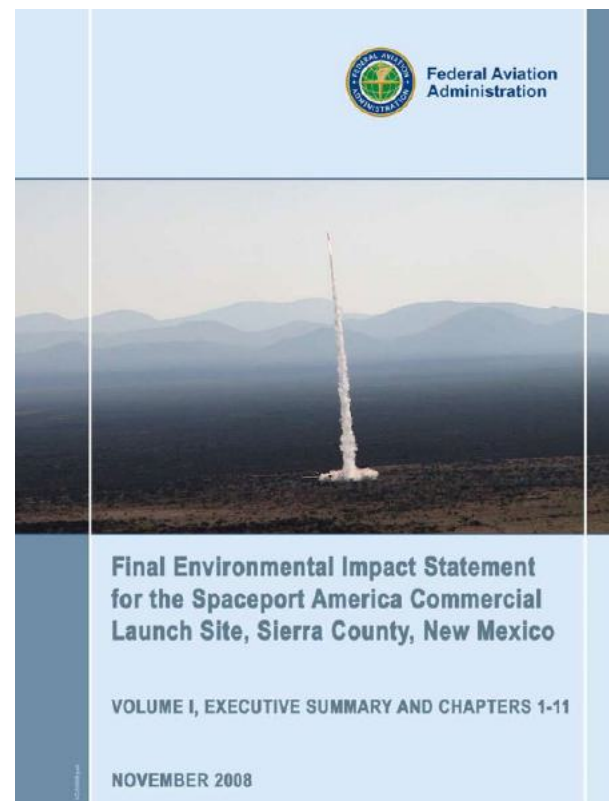
Ensures adherence to all applicable FAA, state, and local environmental regulations.

- Mitigation Strategies**

Identifies and outlines measures to reduce ecological disturbances and promote long-term sustainability.

- Operational Requirement**

Completion of the EIS is mandatory for Spaceport America to proceed with development and maintain ongoing operations.



UPDATE ON INFRASTRUCTURE PROJECTS

ELECTRICAL SITE DEVELOPMENT FOR STARC

•**Vendor:** Lynco Electric

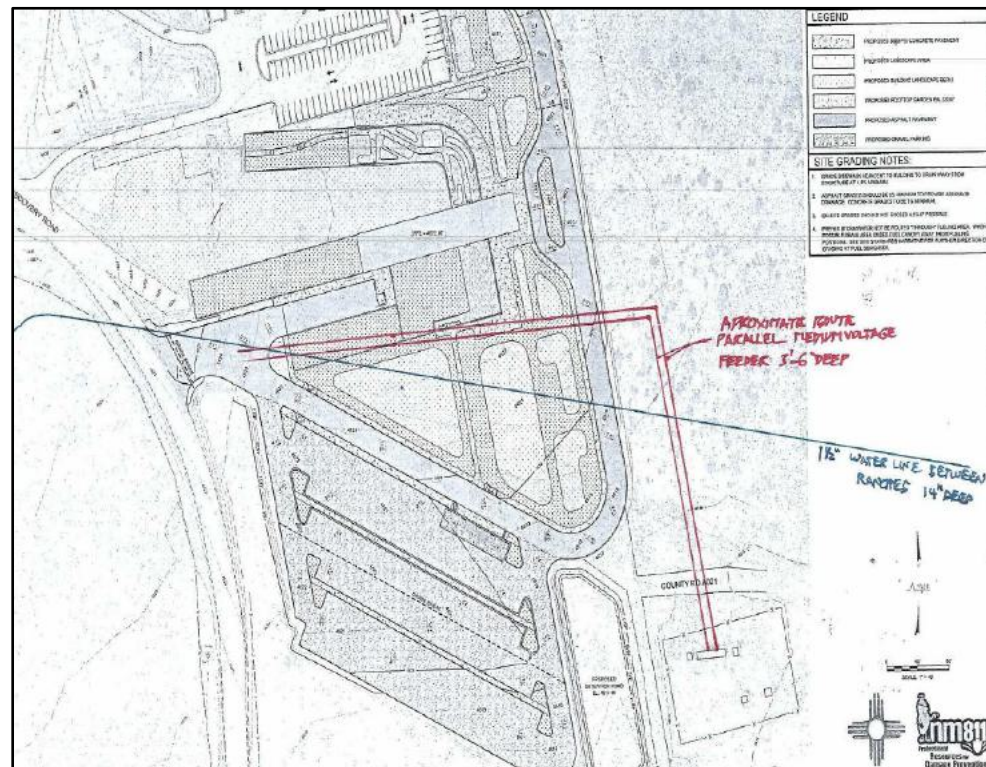
•**Contract Amount:** \$366,000

•**Purpose:**

- To support overall site development for the STARC building
- To enable procurement of long lead-time electrical components necessary for system integration

•**Current Status:**

- **Design and Permitting:** Completed
- **Construction:** Completed
- **Installation:** Electrical equipment installation is currently in progress



SOUTH HLA ACCESS ROADWAY & UTILITIES

- **Vendor:** Highland Enterprises
- **Contract Amount:** \$2,414,474.79

- **Purpose:**

- To provide Construction services to establish a new roadway and utility corridor that will provide access and service to the south Horizontal Launch Area (HLA) of Spaceport America.

- **Current Status:**

- **Design and Permitting:** Completed
 - **Construction:** Ongoing



PAVEMENT ENGINEERING MAINTENANCE PLAN

•**Vendor:** Molzen Corbin

•**Contract Amount:** \$110K

•**Purpose:**

- To develop a comprehensive pavement maintenance and management plan for Spaceport America
- Establish a prioritized, data-driven approach to deferred maintenance and repair activities
- Optimize use of maintenance funds by reducing costly emergency repairs and extending pavement lifespan



•**Current Status:**

- Engineering Services and Assessment: In progress

REVERSE OSMOSIS SYSTEM

•**Vendor:** Pure Ops

•**Contract Amount:** \$1.3M

•**Purpose:**

- Capital investment in new water treatment infrastructure to address system-wide corrosion
- Designed to extend the lifespan of water system components and all connected equipment
- Protects critical assets, including emergency response vehicles that rely on the water system

•**Current Status:**

- **Design and Permitting:** Completed
- **Construction:** Currently in progress



GTS ROOF REPLACEMENT

•**Vendor:** Molzen Corbin

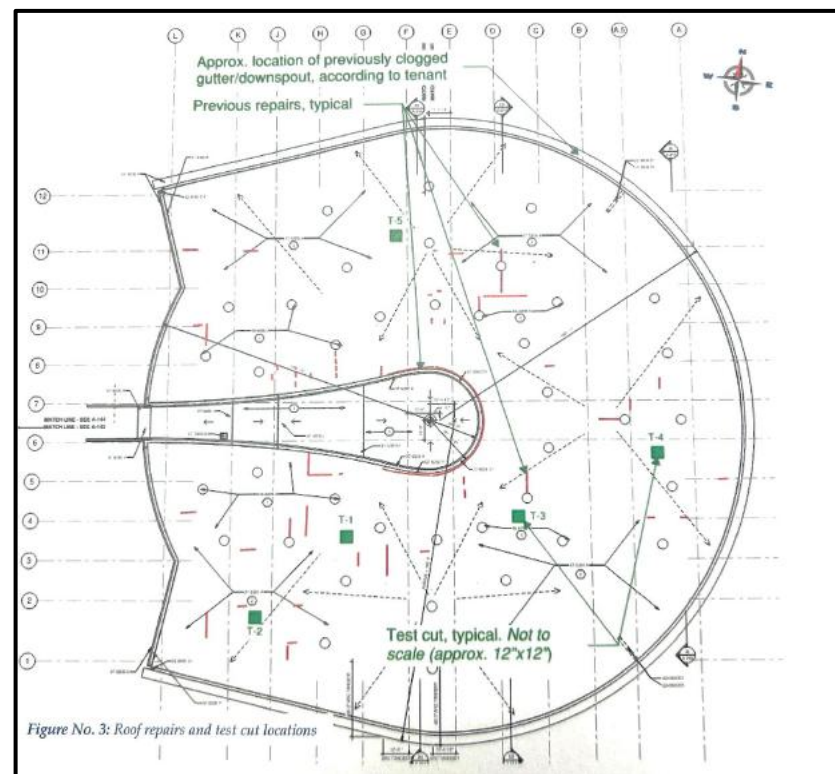
•**Contract Amount:** \$110K

•**Purpose:**

- Design services were procured to ensure proper engineering and specification prior to construction
- Replacement is critical to maintain the integrity and weatherproofing of the facility
- Ensures the tenant can continue uninterrupted operations in New Mexico, supporting local economic activity

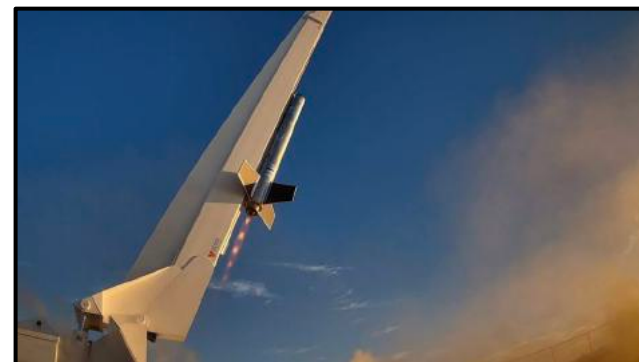
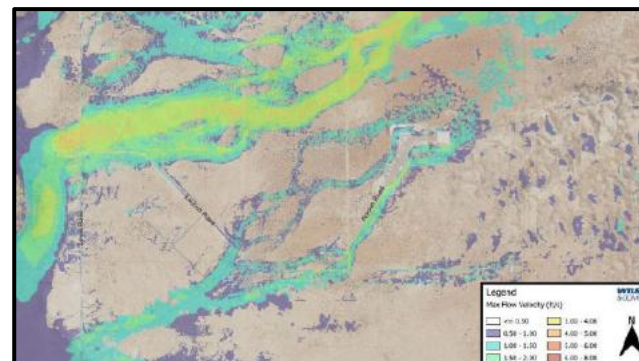
•**Current Status:**

- Engineered Drawings: Complete
- Bid Package: Complete
- Construction Procurement: In process



COMPLETED PROJECT LIST

- PUBLIC VIEWING LOT (STARC SITE PREP)
- LAUNCH COMPLEX 4 - LAUNCH RAIL
- VLA COMPREHENSIVE DRAINAGE ANALYSIS
- SITE WIDE FIBER OPTIC NETWORK EXTENSION
- WIRELESS NETWORK CORE INSTALL



Thank you for your time.

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 June 5th, at 1:00 p.m. in the Dona Ana County 845 N. Motel Blvd Las Cruces, NM 8807, 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 5th day of June, 2025.

REGIONAL SPACEPORT DISTRICT

Jim Paxon, Chair

Manuel A. Sanchez, Vice-Chair

Susana Chaparro, Director

Travis Day, Director

Kim Skinner, Director

Eric Enriquez, Director

**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**

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 July 11, 2024, at 2:00 p.m. in the Sierra County Administration Building, 1712 North Date Street, T or C, NM 87901; 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**”) through a combination of Sierra County, New Mexico (“**Sierra County**”) and Doña Ana County, New Mexico (“**Doña Ana County**”) (hereafter, Sierra County and Doña Ana County are each referred to as a “**Participating County**” and are together referred to as the “**Participating Counties**”); and

WHEREAS, each of the Participating Counties is authorized under the County Local Option Gross Receipts and Compensating Tax Act, NMSA Sections 7-19D-1 et seq. (the “**Tax Act**”; the Spaceport Development Act, the Spaceport District Act and the Tax Act are sometimes collectively referred to as the “**Spaceport Acts**”) 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 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 (i.e., a facility in New Mexico at which space vehicles may be launched or landed, including all facilities and support infrastructure related to launch, landing or payload processing) 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; no more than twenty-five percent (25%) of the revenues of the County Spaceport GRT received by each of the Participating Counties may be retained and used by the Participating Counties for spaceport-related projects as approved by resolution of the Participating County; and

WHEREAS, under Section 5-16-6 of the Spaceport District Act, the District has the power to pledge all or a portion of the revenues of the County Spaceport GRT to the payment of revenue bonds issued by the Authority; and

WHEREAS, each of the Participating Counties has by ordinance imposed a County Spaceport GRT and dedicated seventy-five percent (75%) of the revenues thereof for the purposes of financing, planning, designing, engineering and construction of a regional spaceport, as required by the Spaceport Acts; and

WHEREAS, pursuant to a resolution of the District adopted on March 24, 2021, seventy-five percent (75%) of the revenues of the County Spaceport GRT (the “**Pledged Revenues**”) are pledged for the payment of the Authority’s Taxable Gross Receipts Tax Refunding Revenue Bonds, Series 2021 (the “**Series 2021 Bonds**”); and

WHEREAS, under the resolution of the New Mexico Spaceport Authority (the “**Authority**”) adopted on February 1, 2021, authorizing the issuance of and governing the terms of the Series 2021

Bonds (the “**Bond Resolution**”) and the related Intercept Agreement dated as of June 25, 2021 (as amended, the “**Intercept Agreement**”; the Bond Resolution, Intercept Agreement, and any related documents executed, approved and/or delivered in connection with the issuance of the Series 2021 Bonds are collectively referred to as the (“**Series 2021 Bond Documents**”), a portion of the Pledged Revenues sufficient to pay amounts due from time to time on the Series 2021 Bonds (“**2021 Bond Debt Service**”) is distributed by the New Mexico Taxation and Revenue Department (“**Tax & Rev**”) directly to the New Mexico Finance Authority (the “**Finance Authority**”), the sole holder of the Series 2021 Bonds, to be applied against 2021 Bond Debt Service; and

WHEREAS, any Pledged Revenues in excess of 2021 Bond Debt Service and not distributed by Tax & Rev directly to the Finance Authority (“**Excess Pledged Revenues**”) are distributed by Tax & Rev to the Participating Counties to which such Excess Pledged Revenues are attributable; and

WHEREAS, Sierra County has authorized the transfer of these funds to the Authority to be held in a segregated account on behalf of the District; and

WHEREAS, Doña Ana County has maintained a segregated account within Doña Ana County for the District’s Excess Pledged Revenues; and

WHEREAS, as provided in the Spaceport Development Act, the Authority is given the responsibility, among other things, to initiate, develop, acquire, own, construct, maintain and lease space-related projects, and to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers and duties, and has the power to operate spaceport facilities, including acquisition of real property necessary for spaceport facilities; and

WHEREAS, as provided in the Spaceport District Act, the District has the power to construct, in connection with the Authority, a regional spaceport within the boundaries of the District; and

WHEREAS, under the express purposes of the Spaceport Acts, and in connection with the issuance of the Series 2021 Bonds and the proceedings related thereto, the District recognizes the need to cooperate and collaborate with respect to the development of a southwest regional spaceport, and the use and application of Excess Pledged Revenues, in order to carry out the purposes and responsibilities of the District under the Spaceport Acts; and

WHEREAS, under Section 5-16-10 of the Spaceport District Act, the District has the express power to enter into agreements with the Authority concerning the financing, planning, designing, engineering and construction of a regional spaceport; 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, in furtherance of the principles expressed in the Spaceport Acts and the Series 2021 Bond Documents, the District seeks to provide instruction regarding the investment of Excess Pledged Revenues for purposes permitted under the Spaceport Acts; and

WHEREAS, as provided in the Tax Act and the Spaceport District Act, the remaining twenty-five percent (25%) of the revenues of the County Spaceport GRT which are not Pledged Revenues (the “**Retained Revenues**”) are to be retained by the respective Participating County to which such Retained

Revenues are attributable, to be used and applied for purposes permitted by the Spaceport District Act and the Tax Act as determined from time to time by resolutions of the respective governing bodies of the Participating Counties, and are not intended to be subject to this Resolution; 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.

NOW, THEREFORE, BE IT RESOLVED by the District in furtherance of the stated purposes of the Spaceport Acts and the other matters recited above, the District hereby approves and adopts this Resolution directing that pledged revenue in excess of the 2021 bond debt service and not distributed to NMFA and not otherwise dedicated to specific Spaceport Capital projects be invested with the State Investment Council in accordance with NMSA 1978, Section 5-16-8 (2006), and authorizing the payment of reasonable compensation for investment management services from the assets of the applicable funds pursuant to the Regional Spaceport District Act.

NOW, THEREFORE BE IT FURTHER RESOLVED by the District that it hereby requests that the Doña Ana County Treasurer and the Authority direct the Excess Pledged Revenue presently held on behalf of the District in excess of the 2021 bond debt service and not distributed to NMFA and not otherwise dedicated to specific Spaceport Capital projects, along with all interest that has accrued thereon, be transferred to the State Investment Council.

Adopted, Approved and Resolved on this 11th day of July, 2024, by the Spaceport Tax District Board.

REGIONAL SPACEPORT DISTRICT

James E. Paxon

James E. Paxon (Nov 25, 2024 15:32 MST)

Jim Paxon, Chair

Absent

Manuel A. Sanchez, Vice-Chair

Absent

Shannon Reynolds, Director

Travis Day

Travis Day (Nov 25, 2024 16:01 MST)

Travis Day, Director

Kim Skinner, Director

Director

RESOLUTION

A RESOLUTION APPOINTING THE CHAIR AND VICE-CHAIR OF THE SPACEPORT AMERICA REGIONAL SPACEPORT DISTRICT BOARD

WHEREAS, the Spaceport America Regional Spaceport District (the “District”) of the State of New Mexico (the “State”) convened a duly noticed meeting on June 5, 2025, at 1:00 p.m. in the Doña Ana County Administration Office, 845 N. Motel Boulevard, Las Cruces, NM 88007; and

WHEREAS, the District is a political subdivision of the State, organized and existing under the New Mexico Regional Spaceport District Act, NMSA 1978, Sections 5-16-1 et seq., as amended; and

WHEREAS, pursuant to the bylaws of the District and in accordance with the applicable provisions of the Regional Spaceport District Act, the Board is authorized to elect from its members a Chair and Vice-Chair to serve in such capacities and to perform the duties as set forth in the bylaws and under New Mexico law; and

WHEREAS, the Board has considered nominations and desires to formally appoint a Chair and Vice-Chair for the upcoming term.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Regional Spaceport District that the following individuals are hereby appointed to serve in the capacities indicated, effective immediately:

- Chair: [Insert Name of Chair]

- Vice-Chair: [Insert Name of Vice-Chair]

BE IT FURTHER RESOLVED that the individuals so appointed shall serve in these roles until their successors are duly appointed, or until such time as they resign or are otherwise lawfully removed in accordance with the bylaws of the District.

BE IT FURTHER RESOLVED that the Chair shall preside over meetings of the District, execute documents on behalf of the District as required, and perform such other duties as may be delegated by the Board; and that the Vice-Chair shall assume the duties of the Chair in the Chair’s absence or incapacity, and perform such other duties as may be assigned by the Board.

APPROVED, ADOPTED, AND PASSED on this 5th day of June, 2025.

Jim Paxon, Chair

Manuel A. Sanchez, Director

Susana Chaparro, Director

Travis Day, Director

Kim Skinner, Director

Eric Enriquez, Director