ADMINISTRATION
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OTERO COUNTY
BOARD OF COUNTY COMMISSIONERS
EMERGENCY MEETING NOTICE
AND AGENDA

Issued Pursuant to Resolution No. 01-08-26/114-41, ¶¶ 4 and 7
NMSA 1978, § 10-15-1(F)

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Otero County, New Mexico, will convene an
EMERGENCY SPECIAL MEETING at the following time and place:

Date: Friday, March 13, 2026
Time: 6:00 p.m.
Location: Commission Chambers, Otero County Administration Building
1101 New York Avenue, Alamogordo, New Mexico 88310

BASIS FOR EMERGENCY MEETING

The Board of County Commissioners of Otero County, New Mexico, hereby FINDS and DECLARES that an emergency exists within the meaning of the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1(F), and the County's Open Meetings Resolution No. 01-08-26/114-41, ¶ 4. In support of this finding, the Board states as follows:

The County's current Intergovernmental Service Agreement ("IGSA") with U.S. Immigration and Customs Enforcement for operation of the Otero County Processing Center will expire by its terms on March 15, 2026. The IGSA is the sole source of pledged Net Revenues securing the County's Jail Project Revenue Bonds, Series 2007 (Ordinance No. 07-04, as amended by Ordinance No. 17-06; CUSIPs 688824AJ0 and 688824AK7), which remain outstanding with total remaining debt service of $21,500,225 through final maturity on April 1, 2028. Although the County's Debt Service Reserve Fund held a balance of $5,450,303.66 as of February 28, 2026, drawing that reserve to cover the $4,986,825 payment due April 1, 2026 would deplete it to approximately $463,478 -- an amount insufficient to cover the October 1, 2026 interest payment of $644,850 and triggering the County's mandatory reserve replenishment obligation under the Bond Ordinance, an obligation the County cannot satisfy without IGSA revenues. Absent Board authorization of a replacement IGSA, default on the October 1, 2026 interest payment and the April 1, 2028 balloon payment of $10,376,850 is mathematically certain, which would constitute a default under the Bond Ordinance, acceleration of all outstanding principal, potential trustee enforcement action and loss of operational control of the Otero County Processing Center, and the elimination of approximately 284 local jobs and substantial gross receipts tax revenues that support essential County services. These consequences constitute severe and irreparable financial loss and damage

to County property and fiscal integrity within the meaning of the Open Meetings Act emergency standard.

The circumstances requiring emergency action were not foreseeable in time to permit convening a regular or duly noticed special meeting. The replacement IGSA (Contract No. 70CDCR26DIG000010) was transmitted to the County on March 12, 2026, leaving fewer than four days before expiration of the existing agreement. The regular meeting schedule of the Board does not provide for a meeting within that period, and the minimum 72-hour notice requirement for a special meeting cannot be satisfied before the existing IGSA expires on March 15, 2026. Immediate Board action is therefore necessary to protect County property, preserve the security of the County's outstanding bonds, and prevent substantial financial loss to the public body and the residents of Otero County.

AGENDA

1. Call to Order

2. Roll Call and Confirmation of Quorum

3. Emergency Findings — Declaration of Emergency Pursuant to NMSA § 10-15-1(F) and Open Meetings Resolution 01-08-26/114-41, Paragraph 4¶

4. Consideration and Action: Resolution No. 03-13-26/114-62 - A Resolution Authorizing Execution of Intergovernmental Service Agreement No. 70CDCR26DIG000010 with U.S. Immigration and Customs Enforcement for the Otero County Processing Center; Authorizing Litigation to Protect the County's Outstanding Revenue Bonds; Authorizing Engagement of Outside Litigation Counsel; and Providing for Related Matters

5. Adjournment

This Notice and Agenda is issued this 13th day of March, 2026, at 3:00 p.m., in accordance with Resolution No. 01-08-26/114-41, ¶¶ 4 and 7. Notice is being provided simultaneously by telephone to all media organizations designated in Paragraph 7 of the Open Meetings Resolution and by posting in the lobby of the Otero County Administration Building, 1101 New York Avenue, Alamogordo, New Mexico.

IRW

IRW Otero County Attorney
On behalf of the Board of County Commissioners

CERTIFICATE OF TELEPHONIC NOTICE

I, IRW hereby certify that on the 13th day of March, 2026, at approximately 2:50 p.m., I provided telephonic notice of the above-described Emergency Meeting to the following media organizations, as required by Resolution No. 01-08-26/114-41, ¶ 7:

1. Alamogordo Daily News — Time: 2:43 p.m. Contact: IRW
2. Television Station Channel 63 — Time: N/A Contact: N/A
3. Radio Station KPSA — Time:2:47 p.m. Contact: voicemail

4. Radio Station KINN — Time: 2:52 p.m. Contact: IRW
5. Radio Station KYEE — Time: 2:52 p.m. Contact: IRW
6. Radio Station KZZX — Time: 2:52 p.m. Contact: IRW
7. Radio Station KALH — Time: 2:57 p.m. Contact: IRW
8. The Mountain Monthly — Time: 2:53p.m. Contact: IRW
9. Tularosa Basin — Time: N/A Contact: N/A
10. Holloman Sunburst — Time: 2:54 Contact: IRW

I further certify that a copy of this Notice and Agenda was posted in the lobby of the Otero County Administration Building, 1101 New York Avenue, Alamogordo, New Mexico, on the 13th day of March, 2026, at 3:00 p.m.

IRW

Signature

3/13/2026
Date/Time

County Attorney
Title