



**NOTICE OF CITY OF ELEPHANT BUTTE
CITY COUNCIL MEETING**
103 Water Avenue, Elephant Butte, NM 87935
Wednesday, September 9, 2026, – 2:00PM

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Holcomb called the meeting to order, and Councilor Arnold led the pledge of allegiance.

2. ROLL CALL

Mayor Richard Holcomb – Present
Mayor Pro Tem Kim Skinner – Present
Councilor Cathy Harmon – Present
Councilor Michael Williams – Present
Councilor Skylar Arnold – Present

City Clerk Cobleigh conducted a roll call and declared a quorum.

3. APPROVAL OF AGENDA – Council Declaration of Conflict of Interest

Councilor Williams made a motion to approve the agenda with the amendment to remove items 9 and 10. Councilor Arnold seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams – Yes

Councilor Arnold – Yes

Motion Carried.

4. PUBLIC COMMENT STATEMENT OF OPEN MEETINGS RESOLUTION & 3 MINUTE LIMIT PER SPEAKER ON ALL ISSUES Public comments can be made in person, by phone or given to the City Clerk by email (l.cobleigh@cityofebnm.gov) before the meeting.

David Brown, 100 Skyline Drive. Expressing opposition for any data centers proposed in Sierra County. Data Centers are extreme polluters, use extreme energy and deplete water supply. Water supply is already at a critically low level and can't afford to put anymore on it. The individuals pushing this are only concerned about investment. They do not care about the people of Elephant Butte or Sierra County. In closed door meetings they referred to individuals as cave people. With one investor threatening to sue. The individuals proposing the data center do not live here. If everything goes south they can go elsewhere. It is disappointing to hear that elected officials are having private secret meetings with these individuals. Are the elected officials really going to choose technology over humanity? The ramification for losing out water supply will be irreversible for generations. Elephant Butte and Sierra County will be ghost communities. Please say no to data centers in Elephant Butte.

Connie Brown, 100 Skyline Drive. Began visiting Elephant Butte in 2001, became a property owner in 2015. Permanent resident since 2022. Retired teacher, published author, and public speaker. Brown stated she used AI for many aspects including marketing, research and other projects. The concern is not fear of change; it comes from caring about the history and culture of this community. Understanding our limited resources. Brown stated she is not convinced of hypothetical extractions of water from the air. We should not gamble with generational resources. Private meetings between public officials and investors is concerning. Especially when investor



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James Prendamano also serves on the Spaceport America Board. That dual role raises conflict of interest concerns and questions. Those of us who live here deserve transparency and an equal voice. There is a moratorium in place as requested by the citizens of the county. My hope was that officials would use this time to create a task force to look at the science. Mayor Holcomb was reported as saying August 19, 2026, was not a secret meeting. So why wasn't the meeting announced? The developer was accommodated over locals. I cast my votes for people in this room because I trusted you to represent our community. Listening to the recording of the meeting and hearing how the community is characterized is deeply concerning.

Alice Hutchins, 408 N. Magnolia. Do our elected officials believe Sierra County data centers will be exempt from the problems plaguing other communities across America. State Rep. Rebecca Dow voiced concerns against Jason Bak and Green Data in Socorro. Rep. Dow states none of her voiced concerns have been resolved. Mayor Holcomb, Mayor Hechler and Commissioner Paxon deemed it appropriate to meet with Mr. Bak on a data center here in Sierra County despite the recently passed 18-month moratorium; which Commissioner Paxon supported. Mayor Holcomb when the presentation on data centers was given Sierra County Residents would have loved a seat at the table. When Commissioner Paxon felt pressure from Mr. Bak and felt he could call on Senator Brantley to bend the ear of the fellow commissioners urging them to alter the moratorium. Thanked Sierra County Sentinel reporter Steve Mull for articulating exactly what Sierra County voters feel. Our elected officials are a fragile fire wall between us and money, greed, and misinformation. You all need to do better.

Steve Sanchez, 404 Skyline Drive. Stated he had read the latest published report by Steve Mull and it appears the narrative is being changed. The transcript does not coincide with what was published today. Sanchez stated he believes it was a secret meeting. The transcript does not reflect an open meeting, that's concerning. In addition to the transcript, undue influence of threatening and suing. Commendable that TorC City Manager challenged that language of being sued. The recording should have been made public hours after to show transparency and create trust. It looks ugly and smells like a cesspool.

Melanie VonFange, 626 Joffre Street. Wants to talk about James Prendamano and the August 19, 2026, meeting. Less than one month prior all Sierra County Commissioners voted for an 18-month moratorium on data centers. Stated that Green Data and Aetherion are one in the same. The discussion changed to wanting to change the decision of the moratorium. At approximately 19 minutes Commissioner Paxon states he is contacting Crystal Brantley to contact the other commissioners as he can't because it would be a quorum issue. Senator Brantley denies contacting Commissioner Sandy Jones or Commissioner Hank Hopkins about the moratorium. James Prendamano, who was in the room while the unanimous vote for the moratorium was places, frequently speaks about radical transparency. Stated she is taking James Prendamano's Academy Course. Stated that Prendamano states it is important that your actions match your words. In what capacity was Prendamano at this meeting? Private citizen, CEO of PreReal or Spaceport Board Member? Requested Mayor Holcomb and or James Prendamano to properly state what took place in this meeting.



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Rebekah Parr, 222 Calle del Norte. Wasn't planning on speaking, came to listen to James Prendamano as a genuine curiosity. States she has never encountered Prendamano and figured this to be a great opportunity to listen and learn. Parr stated she is a small business owner and land steward. Currently sits on numerous non-profit boards in New Mexico as well as being a part of Project Consequences. Listened to the August 19, 2026, meeting audio and was disappointed to say the least. Had questions regarding what capacity Prendamano was serving in during the meeting. Project Consequence has not changed their mind on data centers and hopes to see everyone on September 29, 2026 at the civic center for a data center discussion hosted by Project Consequences.

Julianne Stroup, 103 La Senda. Came today with concerns of a secret meeting. It's been said today in the newspaper that it wasn't a secret meeting, but that was how it was perceived. She is disappointed and concerned. Concerned about our elected officials. Discussing work arounds on a county placed moratorium. Looks bad and smells bad. Would like the public to be invited and included in these types of meetings and discussions. Will be submitting her own IPRAs to the County, City of TorC and City of Elephant Butte. Stated she had voted for the mayor and trusted him and hopes to sit down with him someday and talk about this.

Nate Stephens, 1000 Locust. Stated he presented recently to the county. Your citizens are not lazy, you have to find a pathway to get passed where we're at right now. The lake is empty, tourism is down and that sucks. Let's find solutions. Asking city council to please take the lead on one of his two ideas. Concert venue at Elephant Butte Lake. UTV Poker Run/Scavenger Hunt. Provided packets to all members of the council. Let's do what we need to do a Americans and stand up.

Cristal Jones, 510 N. Foch. Good afternoon, Mayor Holcomb, and city council. Jones stated her deep concern about what is happening in Elephant Butte. More concerned about the disconnect between what elected officials are telling the public and what happened behind the scenes. Concerned about the statement in the Sierra County Sentinel calling the August 19, 2026, meeting a fact gathering meeting. Jones went on to describe the meaning of a fact gathering. If this meeting was purely fact gathering why was there a call for action to overturn the County Moratorium? Why was a state senator brought into the process to speak on your behalf to other commissioners? This is not simply fact gathering, this is advocacy. Our elected officials work for the people not corporations or investors. The people. Asked the council to live up to the promise of transparency and conduct meetings in the open.

5. PRESENTATIONS

- a. **Sierra County Sheriff's Office – Sheriff Joshua Baker**

Captain Apodaca was present on behalf of the Sierra County Sheriff's Department. Captain Apodaca stated that due to increase in workload the reports had not been processed and sent to the clerk for the meeting. City Clerk Cobleigh offered they could send the reports for the September 23, 2026, meeting if they would like.



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- b. Sierra County Government Office – Amber Vaughn – GRT & Tourism

Amber Vaughn, County Manager, presented a PowerPoint to the city council regarding the GRT and Tourism for the entire county. Vaughn went over the GRT and Lodgers' Tax for the City of Elephant Butte and how it has changed over the years. The presentation Vaughn shared showed data from 2023-2026. Elephant Butte's Lodgers' Tax is down by 60.4% from 2024 but remains steady with the reports from 2025. Vaughn mentioned that the GRT is two months behind with the reporting. The next report will show the summer GRT collections. Vaughn stated that as she receives updates, she will update the numbers and either present them to council or email it over.

- c. PreReal Investments – James Prendamano

James Prendamano presented a PowerPoint presentation to the council and members of the public on getting water back into Elephant Butte Lake. The presentation was called "A Deep Dive into a Shallow Pool." Prendamano went over the importance of clearing and maintaining our water ways and removing invasive species of vegetation. Prendamano shared two drone footage videos as well that highlighted the water levels of Rio Grande north of Elephant Butte near the San Acacia Dam location. Prendamano stated that by clearing out invasive species such as the salt cedar it would recover an estimated 37,500 – 45,000-acre feet of water per year; this more than what is currently in the lake at 1.4% capacity.

Melanie VonFange, Project Consequences, stated that she has additional documents to counter against James Prendamano. VonFange stated that Prendamano had updated the presentation and changed the mapping and pictures.

Mayor Holcomb asked James Prendamano if he had heard anything from the Governor's Office regarding the lake levels and restoring the water to Elephant Butte Lake. Prendamano stated that he has received an overwhelming amount of support and response to this effort.

Edna Trager thanked James Prendamano for his efforts and all he is doing.

- d. Jornada Resource Conservation – Merry Jo Fahl

Merry Jo Fahl went over the Turtleback trails project with the mayor and council and members of the public. Fahl also added information to James Prendamano on his presentation regarding funding available to aid in the removal of invasive species of vegetation as Prendamano had spoken about.

6. CONSENT ITEMS

- a. Regular City Council Minutes August 12, 2026

Councilor Williams made a motion to approve the Regular Meeting Minutes from August 12, 2026, as submitted. Mayor Pro Tem Skinner seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams – Yes

Councilor Arnold – Yes

Motion Carried.



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7. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. Discussion/Possible Action: Ordinance 229 Business Registration Amendment-*Approval for Publication*

City Clerk Cobleigh introduced this proposed ordinance amendment to the Mayor and Council. Cobleigh went over the proposed amendments, noting the blue type is additions to the code, black is existing, and red with the strike is being requested to be removed. Cobleigh stated this amendment would repeal the short-term rental ordinance and add the short-term rentals under the business registration ordinance with the other business regulations. Cobleigh advised the council that this item is for approval of publication and would come back before the council in October for the public hearing for adoption.

Councilor Williams made a motion to approve Ordinance 229 Business Registration Amendment for publication. Mayor Pro Tem Skinner seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams – Yes

Councilor Arnold – Yes

Motion Carried.

- b. Discussion/Possible Action: Ordinance 230 Lodgers Tax Repeal of Ordinance 209 -*Approval for Publication*

City Clerk Cobleigh introduced this proposed ordinance repeal to the Mayor and Council. Cobleigh explained that this repeal is for the previously adopted ordinance 209 which was allowing a third-party booking agent to submit the lodgers' tax to the City of Elephant Butte for short-term rentals. Cobleigh stated that with this repeal it will remain the property owner's responsibility to remit the lodgers' tax to the city as set in state statute as well as city code. Cobleigh stated no other changes or amendments.

Councilor Williams made a motion to approve Ordinance 230 Lodgers' Tax Repeal of Ordinance 209 for publication. Mayor Pro Tem Skinner seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams – Yes

Councilor Arnold – Yes

Motion Carried.

- c. Discussion/Possible Action: Ordinance 231 Adopting the 2021 International Fire Code-*Approval for Publication*

Chief Long introduced this item to the council for their review and approval for publication. Chief Long stated that recently while doing business fire inspections he had run into the issue that the businesses do not have a certificate of occupancy. Most were built prior to the city becoming a city in 1998. Chief Long went on to explain that the current adopted fire code by the city is the Uniform Fire Code which was last updated in 1997, this code is now considered a legacy code as it no longer exists. The International Fire Code was first produced in 2000. Yet in 2003 the City of Elephant Butte went on to adopt the UFC rather than the IFC. Chief Long stated that the state has adopted IFC 2021 for their standards. Chief Long stated that this update



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to the code will aid in new development, both residential and commercial as well as new subdivision development. Chief Long stated that this updated code would aid in the fire preplans of businesses to aid in case of emergencies. Chief Long stated he has found some issues with the drafted proposed ordinance 231. Chief Long stated that with this draft it was stated that the entire chapter 92 would be repealed but his suggestion was to maintain the portion related to fireworks. Chief Long read a portion of chapter 92 regarding the appointment of the fire chief. Mayor Pro Tem Skinner asked when that code was adopted, Chief Long stated 2003. Mayor Pro Tem Skinner stated that in 2003 the city did not have a paid fire chief that was during the time when they only had a volunteer chief. Mayor Pro Tem Skinner suggested having the attorney look at this ordinance specifically that portion to make certain the city had the proper terms for hiring of a fire chief. City Clerk Cobleigh added in that she agrees that it does need to be reviewed by the attorney in that sense. Cobleigh suggested removing the hiring portion from the fire code itself and placing it with the other job hiring descriptions within the code. Cobleigh stated that while making this amendment the council can review and make sure all the processes for hiring and appointing staff are accurate. Chief Long stated that he had already provided a full complete copy of the IFC 2021 to the city clerk for review if any member of council would like a copy. Mayor Pro Tem Skinner stated that the council needs to correct the hiring process for fire chief as by state code a municipality should only be appointing a city manager, city clerk, city treasurer and police chief if applicable. Councilor Harmon clarified that this proposed ordinance is repealing ordinance 60 and amending chapter 92. Councilor Harmon asked if the IFC 2021 would cover the fireworks concerns? Chief Long stated no that is why he would like to add that portion to the drafted proposed ordinance. Councilor Williams brought up the portion of the ordinance that references a fire code official, why was it not stated as fire chief. City Clerk Cobleigh suggested using the term Fire Chief or designee that way the current codes and the new ones will be tied together. Councilor Williams stated that the fire chief does not have the authority to expend funds on a designee when he has a volunteer fire department.

Councilor Williams made a motion to postpone this ordinance until October 14, 2026, meeting pending legal review and staff review. Mayor Pro Tem Skinner seconded the motion. 3-1.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – No

Councilor Williams – Yes

Councilor Arnold – Yes

Motion Carried.

- d. Discussion/Possible Action: Resolution 26-27-112 Business Registration Fee Schedule

City Clerk Cobleigh introduced this proposed resolution to the Mayor and Council. Cobleigh explained that with the business registration ordinance amendment she also prepared a resolution to pull all registration fees out of the ordinance and into a resolution for ease of amending in the future if needed. Cobleigh stated that there was only one fee added and that is an annual fee for a Cannabis business of \$250.00 on top of the business registration of \$35.00. Cobleigh stated that this mirrors the process of the alcohol registration process.

Councilor Williams made a motion to approve Resolution 26-27-112 Business Registration Fee Schedule. Mayor Pro Tem Skinner seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.



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Mayor Pro Tem Skinner – Yes
Councilor Harmon – Yes
Councilor Williams – Yes
Councilor Arnold – Yes
Motion Carried.

- e. Discussion/Possible Action: Resolution 26-27-113 Fire Department Fee Schedule
Chief Long introduced this resolution to the council for review and approval. Chief Long stated that performing these fire inspections does take quite a bit of time. Chief Long went over each proposed fee. City Clerk Cobleigh stated that her and Chief Long had researched across New Mexico to establish these fees as a baseline. Councilor Williams asked what “pot” these funds will go into and be used for. Chief Long stated that there is a fund referred to as non-fire revenue as they are monies earned. Councilor Williams stated that the revenue should be going back to the general fund to offset the salary of the fire chief that the city is already paying for. David Smith, City Manager, stated that the fire department has recently inherited a water tank at Champagne Hills. Fire protection funds cannot be used to maintain this water tank and additional revenue such as from the proposed fees would help with these types of projects. Smith stated that this is a good start for a fund that the department can use when they cannot use fire protection funds for maintenance, upgrades, etc.

Councilor Williams made a motion to approve Resolution 26-27-113 Fire Department Fee Schedule. Councilor Arnold seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes
Councilor Harmon – Yes
Councilor Williams – Yes
Councilor Arnold – Yes
Motion Carried.

****City Council took a ten-minute intermission/break 3:59pm – 4:09pm****

8. CITY STAFF REPORTS

- a. Discussion of Department Reports

City Clerk

Lindsey Cobleigh presented her written report to the council for their review. Cobleigh stated that IPRAs have increased over the past few weeks. Cobleigh stated she has been working on the credit deposits on inactive accounts and reaching out to these individuals to help clear off these accounts. Cobleigh stated she is working on moving records to the records shed and preparing records for destruction. Currently there are 29 boxes in need of destruction. Cobleigh spoke about the asset management and some concerns she has on the registering of assets through the state. Cobleigh stated that she has been working with the MVD for approximately 8 months to obtain titles. What used to take 4-6 weeks is taking months.

Land Use

Rachel Black provided her written report to the council for their review. Black stated there was a total of four permits issued and that it is slowing down. Black updated the council on the process and success with getting a portion of the short-term rentals registered. Black stated she



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is working on another project with the city manager, and she hopes to bring that to the council next month.

Code Enforcement

Lindsey Cobleigh stated that this past month code enforcement has been on the slower side, which worked out due to the clerk's side being a lot busier than normal. Cobleigh stated she will be out most of the day tomorrow doing follow up inspections throughout the city. Council urged staff to go forward with advertising the position of code enforcement to then bring the applicant before the council for final approval and appointment. Council asked about how re-writing of the ordinances are going and if NMML is assisting. Cobleigh stated that no, the NMML does not have a process in house to help with this, it would be them sending it out to an attorney. Cobleigh stated that herself, city manager and Rachel have been reviewing them together.

City Treasurer

Laura Whiteside was absent from the meeting. The written report was provided to council in their meeting packets before the meeting. Councilor Williams asked what "First Due Holdings" was for. City Clerk Cobleigh confirmed that purchase was for the communication app for the fire department and is an annual subscription cost. Councilor Williams asked if Rescue Tactics was also a fire department related expense. City Clerk Cobleigh confirmed it was. Councilor Williams questioned a payable to NMED and what it was for. Rachel Black said it was a payment on a loan but would need to look into it further on what it was for.

City Manager

David Smith started his report with a report on public works. They are currently working on removing old pothole patches on Country Club Blvd. in preparation of the new slurry rehab project. This is through an NMDOT project that will cover several roadways; Country Club, Cimarron, Chama, and Brazos. City Manager Smith brought up the Elephant Butte Chamber of Commerce had provided an amended contract. Mayor Pro Tem Skinner stated that this will need to be an action item on the next meeting. Mayor Pro Tem Skinner stated that the Chamber of Commerce is currently asking for \$12,000.00 annually and that will not happen. Councilor Williams asked City Manager if he had met with Chief Long and Eugene McPeck on writing standard operating procedures. Smith stated that yes, they had met and it is currently in the works. Mayor Pro Tem Skinner stated more on the Chamber Contract. City Clerk Cobleigh interjected that the discussion of this item needed to hold off until it was an action item.

Fire Department

Chief Long had to unexpectedly leave the council meeting due to an emergency fire call. The written report was provided to the council in their meeting packets. Councilor Williams requested that Chief Long provide the SCRDA report in his fire reports monthly.

9. EXECUTIVE SESSION

- a. ~~Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property.~~
Removed by approval of agenda.



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10. ACTION

- a. ~~Action required following discussion closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property~~
Removed by approval of agenda.

11. MAYOR AND COUNCIL REPORTS/COMMENTS

Mayor Pro Tem Skinner – No Report

Councilor Harmon stated she had attended a geothermal workshop in Socorro. Councilor Harmon stated it was very interesting and she learned a lot. On September 19th, 2026, there is an RTPD meeting. On September 25th, 2026, is the SCCOG meeting in Socorro.

Councilor Williams reported there was no SCRDA meeting this month.

Councilor Arnold reported she attended the NMML conference in Las Cruces and learned a lot.

Mayor Holcomb – No Report

12. DISCUSSION OF TOPICS FOR NEXT MEETING

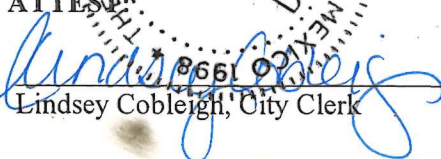
Councilor Williams stated the council had provided enough information throughout the meeting for this topic.

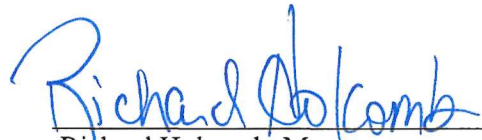
13. ADJOURNMENT

Mayor Holcomb adjourned the meeting at 4:37pm.

Minutes approved and adopted at the City Council meeting on October 14, 2026

ATTEST:


Lindsey Cobleigh, City Clerk


Richard Holcomb, Mayor

