Alamogordo City Commission

NOTICE OF MEETING

Addendum to

Regular Meeting Agenda

Tuesday, August 11, 2015 – 7:00 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Susie Galea .... Mayor, At-Large
Robert Rentschler .... Mayor Pro-Tem, District 3
Jason Baldwin .... District 1
Nadia Sikes .... District 2
Jenny Turnbull .... District 4
Al Hernandez .... District 5
Dr. George Straface .... District 6

Jim Stahle .... City Manager
Stephen Thies .... City Attorney
Renee Cantin .... City Clerk

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside a the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: http://ci.alamogordo.nm.us within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: http://ci.alamogordo.nm.us

The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4205.

Addendum to Regular Meeting Agenda

CONSENT AGENDA

14. Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Carino's Italian for the Cottonwood Festival from September 4th to September 6th, 2015 at Alameda Park. *(Renee Cantin, City Clerk)*

15. Approve the Public Celebration Permits and a Temporary Alcoholic Beverage Dispenser's License for the Tularosa Basin Wine & Nut Fest sponsored by the Alamogordo, Tularosa, and White Sands Rotary Clubs for September 18th and 19th, 2015 at Alameda Park. *(Renee Cantin, City Clerk)*

Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

August 11, 2015 - 7:00 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Susie Galea .... Mayor
Robert Rentschler .... Mayor Pro-Tem, District 3
Jason Baldwin .... District 1
Nadia Sikes .... District 2
Jenny Turnbull .... District 4
Al Hernandez .... District 5
Dr. George Straface .... District 6

Jim Stahle .... City Manager
Stephen Thies .... City Attorney
Renee Cantin .... City Clerk

MISSION STATEMENT as Adopted by the City Commission on March 24, 1995.
The City of Alamogordo is a Municipal Corporation that exists solely for the purpose of providing the best possible services to our customers, the citizens of Alamogordo. We are committed to providing these services with honesty, integrity, compassion, fairness, and a commitment to excellence.

We are committed to the long-term financial stability and responsible growth of the City and all decisions will be driven by our commitment to provide the best services possible in a financially sound and responsible manner given the economic realities facing the City.

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside a the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: http://ci.alamogordo.nm.us within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: http://ci.alamogordo.nm.us

The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4205.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Update on Atari game auction and presentation of final proceeds check to the City of Alamogordo. *(Joe Lewandowski, Operational Consultants)* **WITHDRAWN**

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. Comments are limited to 3 Minutes, and there will be a maximum of 21 Minutes allowed for Public Comment.

CONSENT AGENDA (Roll Call Vote Required for Items No. 4, 5, 6, 7, & 8)

All matters listed under the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2. Approve the Minutes for the July 28, 2015 Regular City Commission Meeting. *(Renee Cantin, City Clerk)*

3. Approve the statement related to the Executive Session held on July 28, 2015. *(Renee Cantin, City Clerk)*

4. Approve Resolution No. 2015-34 approving a Cooperative Agreement between the City of Alamogordo and the New Mexico Department of Transportation for Special Local Government Road Fund Project SP-2-16(909); Control No. L200270 in the amount of $77,483.00 for making improvements to the Abbott Ditch, providing for a 25% match in the amount of $19,371.00 **(Roll call vote required)** *(Ruben Segura, City Planner/Grants Coordinator)*

5. Approve Resolution No 2015-39 authorizing the temporary closing and usage of a portion of the platted 4th Street right-of-way between Bellamah Avenue and Webster Drive. **(Roll call vote required)** *(Stephen Thies, City Attorney)*

6. Approve Resolution No. 2015-36 approving the submission of an application to the New Mexico Department of Transportation, Aviation Division for updating the the Storm Water Pollution Prevention Plan for the White Sands Regional Airport for the amount of $14,436 with a required match of $7,218. **(Roll call vote required)** *(Jim Talbert, Airport Manager)*

7. Approve Resolution No. 2015-37 approving the submission of an application to the New Mexico Department of Transportation, Aviation Division for the annual maintenance grant at the Alamogordo-White Sands Regional Airport, in the amount of $11,110 with a required match of $1,111. **(Roll call vote required)** *(Jim Talbert, Airport Manager)*

8. Approve Resolution 2015-38 approving the DFA Quarterly Report for the period ending June 30, 2015. **(Roll call vote required)** *(LeeAnn Nichols, Finance Director)*

9. Approve an Agreement with Alamogordo Public Schools related to School Resource Officers for the 2015-2016 School Year. *(Robert Duncan, Police Chief)*

10. Approve a Professional Services Agreement between Alamogordo MainStreet and the City of Alamogordo for the MainStreet program. *(Ruben Segura, City Planner)*

11. Approve a request by Wendgord Corp related to a leak adjustment request for 301 S White Sands Blvd. *(LeeAnn Nichols, Finance Director)*

12. Approve the award of Public Works Bid No. 2015-013, Bid Lot #1, to MEVACON, LLC, Inc. related to Family Recreation Center Restroom Remodel ReBid (EN1502) in an amount not to exceed $76,311.51, including NMGRT. *(Edward Balderrama, Project Manager)*

13. Approve the award of IFB No. 2015-12 to _____, related to the Hoses and Fittings for Heavy-Duty Pumps requirement, in an amount not to exceed $_______. *(Brian Cesar, Public Works Director)*

14. Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Carino's Italian for the Cottonwood Festival from September 4th to September 6th, 2015 at Alameda Park. *(Renee Cantin, City Clerk)*

15. Approve the Public Celebration Permits and a Temporary Alcoholic Beverage Dispenser's License for the Tularosa Basin Wine & Nut Fest sponsored by the Alamogordo, Tularosa, and White Sands Rotary Clubs for September 18th and 19th, 2015 at Alameda Park. *(Renee Cantin, City Clerk)*

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

16. Consider, and act upon, a variance request to reduce the side yard setback line from fifteen (15) feet to ten (10) feet on SILVERADO BLK A LT 21, Tax Parcel Number 01-15755 with an address of 800 Silverado. Case Number V-2015-0003(A). *(Ruben Segura, City Planner)*

UNFINISHED BUSINESS

17. Consider, and act upon, the proposed recommendations by the City Charter Committee. *(Jim Talbert, City Charter Review Committee Chair and Renee Cantin, City Clerk)*

18. Approve a leak abatement request by Alice Apelian for the account located at 1105 Mesquite St., Alamogordo, NM. *(Nichole Sierra, Acting Customer Service Manager)*

NEW BUSINESS

19. Consider, and act upon, Resolution No. 2015-33 adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommendations projects for Fiscal Years 2017-2021. **(Roll call vote required)** *(Sue Ashe, Finance & Accounting Projects Analyst)*

20. Discussion, and possible action related to parking issues in the City. *(Robert Duncan, Police Chief; Stephen Thies, City Attorney)*

21. Consider, and act upon, Resolution No. 2015-35 Declaring all the buildings or structures, or the premises located at 2405 Cuba Avenue, Alamogordo, New Mexico, to be ruined, damaged and dilapidated to be a menace to the public comfort, health, peace or safety, and ordering its abatement. **(Roll call vote required)** *(Stephen Thies, City Attorney, Lora Nelson, Code Enforcement Manager)*

22. Consider, and act upon, the first publication of Ordinance No. 1501 Amending Article 19-04 of the City Code to Provide for the Adoption of Park Rules. *(Stephen Thies, City Attorney)*

23. Consider, and act upon, creating a foundation (501c3) for the Alamogordo City of the Future related to multiple technology companies private investment in this project and future applications for grants. *(Susie Galea, Mayor)*

24. Appointments to Boards and Committees.

PUBLIC COMMENT (Continued if needed)...

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

EXECUTIVE SESSION (Roll Call Vote Required)

Adjourn into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement) to discuss Threatened or Pending Litigation (Marrietta Biscuit Co. and David Moon vs. City of Alamogordo & NMSU-A) **(Roll call vote required)**

ADJOURNMENT

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/24/2015 **Report No:** 1.

Submitted By: Renee Cantin, City Clerk

Subject: Update on Atari game auction and presentation of final proceeds check to the City of Alamogordo. *(Joe Lewandowski, Operational Consultants)* **WITHDRAWN**

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: None.

Background: Joe Lewandowski will give a progress report on the Atari game auction, and present a final check to the City for their portion of the sales.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/29/2015 **Report No:** 2

Submitted By: Renee Cantin, City Clerk

Subject: Approve the Minutes for the July 28, 2015 Regular City Commission Meeting. *(Renee Cantin, City Clerk)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required per the Open Meetings Act.

The draft minutes will be included by Friday, August 7th, 2015 for the final agenda packet.

CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
JULY 28, 2015

SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER
ROBERT RENTSCHLER, MAYOR PRO-TEM
DR. GEORGE STRAFACE, COMMISSIONER
JIM STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK

CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Commissioner Baldwin was absent. Clerk Cantin announced there was a quorum present. Invocation was given by Pastor Justin Crispin and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Mayor Pro-Tem Rentschler moved to approve the agenda. Commissioner Hernandez seconded the motion. Motion carried with a vote of 6-0-0.

PRESENTATIONS

1. Presentation related to Smart Meters. ***(David Dewey, Presenter)***

Mr. Dewey gave his presentation. He gave a handout to all the Commission (in Agenda Book). He made a plea for the City to discontinue the Smart Meters because of the signals they emit. These along with all the other electronic signals are detrimental to the health of all people. He went through the information attached to this agenda report as well as the handout.

Mayor Galea thanked him for this information and introduced Mr. David Wertz, Bioenvironmental Engineer from Holloman Air Force Base (HAFB). Mr. Wertz gave his comments in rebuttal to the presentation (see "Electromagnetic Fields – Radiofrequency Radiation [EMF-RF] and Public Health" in Agenda Book). He said they do a lot of testing on experimental systems and EMF-RF effects, both adverse and beneficial.

Mayor Galea asked Mr. Wertz if he would be available to do a measurement survey within the City of Alamogordo regarding the towers in proximity to public use spaces, and he told her he certainly would, as long as he could get approval from HAFB.

Commissioner Hernandez asked what we would do with that study and the mayor told him it would ascertain whether the levels of EMF were low or high, and this would be public information. Commissioner Hernandez understood that, but remarked that drinking a Coke is not good for him, but he was going to drink it anyway. Do we stop living or do we continue to live; we cannot live in fear.

Mr. Wertz said he would welcome anyone watching over his shoulder if he did a measurement survey.

Mayor Pro-Tem Rentschler said he would be opposed to us doing this if any City Staff were to be involved.

Mr. Rich Sanders, President of Zenner Smart Meters called into the meeting to give his comments. (Recording is garbled – I will type what is understood). He said he wanted to put some perspective on the comments made by Mr. Dewey. He said there are a number of technologies out there which emit EMF emissions. A cell phone emits about 2,000 times EMF than a Smart Meter; a microwave emits about 200 times the amount of EMF; an automatic door at a super market emits about 1,000 times more. These fall well below the limit allowed by the FCC and other organizations. He said the Smart Meters typically pulse for a short period of time. The ones you are using today pulse 1/8th of a second at a maximum of every 20 minutes. Mr. Sanders said the dissipation of EMF is a couple of feet and dissipates very quickly. He felt Mr. Dewey hadn't mentioned that the World Health Organization, along with other organizations, had issued a report stating there are not any harmful effects of radiation being emitted by any of today's technologies. If you put things in perspective - your cell phone, your computer and others - fall below the non-ionizing radiation levels. He noted sunlight was a major electromagnetic wave emitter, as well as X-rays and gamma rays that will destroy tissue. He felt many of Mr. Dewey's comments were very misleading and he agreed with Mr. Wertz that there has not been a study that establishes beyond a shadow of a doubt that these low level ultra-magnetic wave spectrum emitters, which are not ionized radiation, have any harmful effects to anyone's health. Mr. Sanders said Mr. Dewey had noted a report that mentioned cell phones in 1970. He remarked he was an old guy who had been using cell phones since their inception, and there was not one made in 1970. He said he had used a cell phone since they first came out and his doctor said he is in good health. He agreed with the council member who said that we can't stop living our lives, and said he could not hide from everything around him and we must live with them. He declared that the scare tactics Mr. Dewey used did not have any foundation, and he had not seen a legitimate agency report saying there were harmful effects from EMF.

Mr. Dewey rebutted the comments by Mr. Sanders. He said he would not argue the point if they don't want to look at the new, available information; the Commission had this information in front of them in the agenda book. Mr. Dewey said you could Google EMF-RF or Stop Smart Meters to find the new information. He encouraged everyone to consider this information whether they believed it or not. He said there is a city in Vermont that has decided to dismantle cell phone towers and everything because they believe the new emerging studies.

Mayor Galea thanked everyone and said the commission will not take any action at this time.

PUBLIC COMMENT

A. Lori Bies commented on the following:
1) Ms. Bies said she respectfully submitted some citizens in the audience who came to witness the formal complaint. She then said she witnessed complaints filed that were not hers and to state for the record she was offended.

B. Marge Scanlon commented on the following:
1) Ms. Scanlon said she was here to witness the complaints that were not hers and she was offended.

C. Darron Williams commented on the following:
1) Mr. Williams said he also confirmed the statements provided in the official complaint are an offense.

D. Elise Barela commented on the following:
1) Ms. Barela said she was here to witness the formal complaint and state she was offended.

E. Richard Merrick commented on the following:
1) Mr. Merrick said he was here to witness the formal complaint, and all formal complaints that were not his, and he was also offended by the op/ed.

F. Paul Sanchez commented on the following:
1) Mr. Sanchez said he echoed every word that was said and the formal complaint that was submitted in regards to the op/ed for the Law Enforcement Banquet, and he was also offended by the

language used. He said there were five false statements in the article, and he discussed the remarks in the article concerning the speaker at the event.

G. Richard Merrick commented on the following:
1) Mr. Merrick spoke concerning agenda item number 8 and the bid award for the Family Recreation Center. He pointed out discrepancies in the numbers on the agenda report and the bid tabulation. He felt there would be cost over-runs, and that the full amount needed for both the first and second parts of the project should be considered at the same time. He asked that this be removed from tonight's agenda.

CONSENT AGENDA

2. **Approve the Minutes for the July 14, 2015 Regular City Commission Meeting. *(Renee Cantin, City Clerk)***

3. **Approve the statement related to the Executive Session held on July 14, 2015. *(Renee Cantin, City Clerk)***

5. **Approve the renewal of the Agreement with Otero County Economic Development Council (OCEDC) for operating in the amount of $30,000. *(Ruben Segura, Grants Coordinator/City Planner)***

6. **Approve an Agreement with the Chamber of Commerce related to Facility Maintenance, Overhead, and Operational Expenses of the Aubrey L. Dunn Sr. Visitor's Center for Tourism Promotion in the amount of $25,000. *(Ruben Segura, Grants Coordinator/City Planner)***

7. **Approve the Agreement for the Chamber of Commerce for Tourism Promotional Services in the amount of $26,000. *(Ruben Segura, Grants Coordinator/City Planner)***

9. **Approve the award of IFB No. 2015-10 for the purchase of 3/8" Minus Crushed Washed Rock to Mesa Verde Enterprise to be used by various City Departments for the City of Alamogordo. *(Brian Cesar, Public Works Director)***

10. **Approve a request from the Otero County United Way to waive the fees at the Convenience Center for anyone to dispose of their unwanted waste on September 3, 2015 for the Day of Caring.**

Item # 4 was removed by Commissioner Straface, and Item #8 was removed by Mayor Galea from the consent calendar.

Commissioner Hernandez moved to approve items # 2, 3, 5, 6, 7, 9, 10 of the consent calendar. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

4. **Approve Resolution No. 2015-32 authorizing the Mayor to execute the Agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). (Roll call vote required) *(Renee Cantin, City Clerk)***

Commissioner Straface commented that during the time he has been on this Committee he found it to be a very positive organization.

Commissioner Sikes asked how much it costs to be a member and was told it cost $9,963.00, and she thought it was well worth it. Mayor Galea and City Manager Stahle agreed.

Commissioner Hernandez moved to approve Resolution No. 2015-32 authorizing the Mayor to execute the Agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). Mayor Pro-Tem Rentschler seconded the motion. Roll call vote was taken by the Clerk. Motion carried with a vote of 6-0-0.

8. Approve the award of Public Works Bid No. 2015-013 to MEVACON, LLC, Inc. related to Family Recreation Center Restroom Remodel ReBid (EN1502) in an amount not to exceed $76,311.51, including NMGRT. *(Matt McNeile, Assistant City Manager)*

City Manager Stahle explained we are unable to build a Family Restroom because we can't afford it, and we will not come back and ask for that to be added.

Assistant City Manager Matt McNeile said he didn't have an answer tonight as to why there was a discrepancy between the report and the attachment. City Manager Stahle said it was simply a mistake and we will fix it.

Commissioner Hernandez asked if MEVACON, LLC are local contractors, and asked if the other closest bid had been considered. City Attorney Thies told them they were an out-of-town business, and these are state funds so we could not apply our local preference.

Assistant City Manager said these funds were from a grant last year of $100,000 - a legislative grant from the state.

Commissioner Straface moved to table the item until staff can correct the document. Commissioner Sikes seconded the motion. Motion carried with a vote of 5-1-0. Mayor Pro-Tem Rentschler voted nay.

NEW BUSINESS

11. Consider, and act upon, Resolution No. 2015-30 amending the Preliminary FY 2015-2016 Budget with carry-over fund balances, and adopting the Final budget for FY 2015-2016. (Roll call vote required) *(LeeAnn Nichols, Finance Director)*

Finance Director Nichols gave an overview to the commission of the 22 revisions to the Final Budget for FY2016 (see Agenda Book). She reminded everyone that DFA required submission of the Final Budget by July 30, 2015 which was this Thursday. Ms. Nichols stated the Final Budget had been adjusted to include the true cash carry-over balances, adjusting the beginning cash balances as of July 1, 2015. That increase for all things combined was a total of, an addition of $20,205,519.

Mayor Galea asked about the increased revenue for Fund 11, Revision #1. Finance Director Nichols said we ended up with more money than projected.

Commissioner Straface asked what the actual General Fund beginning balance was for this past year. Finance Director Nichols told him it was $6,788,917 as of July 1, 2014. He asked her what she anticipated the balance to be as of July 1, 2015. She said $7,501,909. Mr. Straface said the beginning fund balance we carried over had increased by almost a million dollars, not decreased. Finance Director Nichols agreed. He expressed his concern that the work the commission had done to substantially reduce the budget was not accurate. He had understood they had to reduce by several million dollars. City Manager Stahle said that is correct and he pointed out that the budget processes were in preparation for reductions by the Hold Harmless, which over time would have significant effect on the City. He didn't want anyone thinking the staff was trying to fix books or bamboozle the commission; we are as open in our budget process as any he had ever seen. The reality is that when you are dealing with budget preparation, you are basing it on estimates. As you get closer to the end of the year you have more accurate data.

Commissioner Straface said his responsibility as a commissioner was due diligence in the development and approval of this budget. He had not had the opportunity to review the revisions, so was concerned about the development of the budget and about decisions the commission had made that they did not need to make. He felt they had impacted peoples' lives and perhaps they needed to reconsider that with the more accurate projection. He expressed he had major concerns as to whether he would approve this or not.

City Manager Stahle countered that his point was well made, so their decision to have a meeting on August 31, 2015 in order to consider the budget was important. Commissioner Straface asked if they could revise this budget at that time and Mr. Stahle said yes, but pointed out we had to get the budget to DFA this week. He said budgets were a picture in time and things change daily. He said the commission would have up-to-date data at the August 31st meeting in order to do more planning for future years. He reminded all that the Hold Harmless comes off at a greater rate annually, every year for the next 15 years.

Commissioner Straface clarified the time of the August 31st meeting (tentatively 6:30 p.m.), and clarified the commission may make adjustments to the document before them tonight. City Manager Stahle said yes.

Commissioner Straface had concerns of how we projected and, for future years, what we needed to do in the future for this type of thing not to occur as extremely as it had.

Finance Director Nichols pointed out Revision 3 and Revision 4 were projects, expenditures and capital that were projected to be spent, but were not spent in FY 2015. They totaled $987,000. Commissioner Straface asked if these were carried over and she affirmed saying it was in the fund balance. Commissioner Straface asked if that was the General Fund balance, and she said yes. Commissioner Straface thought she had said it was grant money, and Finance Director Nichols said there are some grant monies in there, but the net impact was $987,000 which included the carry over for the General Fund.

Commissioner Sikes asked about some computer software/hardware carry-over under Revision #3 and Finance Director Nichols said those were budgeted projects that were not completed by June 30th. Commissioner Sikes asked about maintenance support for software, and Ms. Nichols said they came back with lower prices. Ms. Sikes asked about the Button Brand situation, and City Manager Stahle told her the provider had not sent any bills for a number of years and then sent them all this year. He said we incurred the expenses and needed to pay, and we are making sure that doesn't happen again. He remarked we should have kept better records of the number of animals sent over and should have contacted the service provider to get the bills. Button Brand is the only service provider we can use for the price we can pay. Commissioner Sikes commented to perhaps raise our prices on adoption. Lori Bies commented from the audience she had paid $125.00 for an adoption from our Animal Control. Commissioner Sikes thought if this was the case, we should have a surplus under the veterinary budget line, and Finance Director Nichols said she would look this up for her.

Mayor Galea didn't think this budget reflected the goals and strategies of the commission, and hoped some things could be changed at the August 31st meeting.

Commissioner Hernandez asked the city manager how we buy quantities, did we pay as it is invoiced and delivered or do we pay the contract amount up front. City Manager Stahle told him we pay after delivery of service, and that was a statutory requirement.

City Manager Stahle said budgeting is difficult, and he wanted everyone to know that the Finance Department - Finance Director Nichols, Budget Analyst Kathy Gilsdorf and Accounting Manager Julianne Hall – had done a great job and he thanked them. Everything is transparent and we have a large number of service levels; we may need to address the service levels at our budget meetings. He also thanked the commissioners for sifting through the large amounts of information in order to make decisions.

Mayor Pro-Tem Rentschler moved to approve Resolution No. 2015-30. Commissioner Sikes seconded the motion. Roll call vote was taken by the Clerk. Motion failed with a vote of 3-3-0. Commissioner Hernandez, Commissioner Straface, and Mayor Galea voted nay.

Mayor Pro-Tem Rentschler asked what the consequences would be for not passing this tonight. He was told by Finance Director Nichols that she wasn't sure. She said the DFA wouldn't give approval on the budget until Sept. 1st, so she didn't see any reason why we couldn't ask for an extension.

City Attorney Thies said we would likely get a letter from DFA stating we had missed our deadline, they would put the City on some type of status where our activities would be watched, and we would be encouraged to submit our Final Budget as soon as possible. They could potentially hold up grants from the State until this issue was resolved. He remarked most grants would not be distributed for another month or so anyway.

Mayor Pro-Tem Rentschler said that was his point; anything concerning DFA would be put on hold and we would be forced to go through a financial agent and not act on our own behalf. He felt it was a mistake to not pass this resolution tonight; we could amend it later.

Finance Director Nichols said the City Commission had the discretion to pass, freeze, or direct staff to a certain level concerning the budget. Mayor Galea said we could pass the budget but freeze it for operating expenses only for the first three months until we could have our budget workshop. Mayor Pro-Tem Rentschler said the problem is that the letter from DFA states the dates for compliance and if we choose to miss these deadlines, the DFA could take a very hard line against Alamogordo.

Commissioner Straface moved to approve the budget as presented with the understanding it may be revised at the August 31, 2015 meeting and subsequent meetings.
Commissioner Straface again expressed his dissatisfaction with the Final Budget, but appreciated what Mayor Pro-Tem Rentschler said.
Mayor Galea seconded the motion.

City Manager Stahle added it would also affect our credit ratings to not approve this tonight. He felt to miss a deadline required by statute would be a mistake. He encouraged the commission to approve the resolution even if they want to change it at the next meeting. He appreciated the new motion and stated that we take your concerns very seriously.

Commissioner Hernandez said being backed up against the wall is not a reason to pass a budget. He said we have a financial responsibility to the citizens, and stated he had been dissatisfied with this budget since day one. He said no one had called him to ask what his issues were, and he understood some staff had not been contacted about how the budget was prepared. Mr. Hernandez said when someone does something wrong, you send a message, and his message was that he would vote no. He did not support the budget in general and he didn't think the hard work was put into it. Some were simple like cutting six positions from DPS, but what did it cost us?

Roll call vote was taken by the Clerk. Motion carried by a vote of 5-1-0. Commissioner Hernandez voted nay.

12. Consider, and act upon, a request related to the City being the Primary Sponsor for the White Sands Balloon Invitational. ***(Susie Galea, Mayor)***

Mayor Galea said the Balloon Committee told her that having the event at White Sands National Monument could cost up to $5,400. They had asked the city to consider hosting the event and being the primary sponsor. It would cost the city $4,500 out of the General Fund.

City Manager Stahle suggested the commission vote no on this request.

Mayor Galea said we just spent $30,000 for July 4th fireworks, and $3,000 for the Shop Small, Shop

Local campaign. The goal would be to cross promote the community and keep people in the city instead of going to Las Cruces or El Paso.

Mayor Pro-Tem Rentschler said this money is primarily to support the White Sands National Monument for the staffing needed to cover the event. The mayor agreed. Commissioner Sikes asked why this didn't take place at our Balloon Park and was told balloonists came for the White Sands experience. Commissioner Sikes said maybe we could encourage businesses in town to support this.

Mayor Galea entertained a motion and no motion was made.

14. Consider, and act upon, selecting a Voting Delegate and Alternate Delegate for the New Mexico Municipal League Annual Conference Business Meeting being held September 1st – 4th, 2015 in Albuquerque, NM. ***(Renee Cantin, City Clerk)***

Commissioner Sikes moved to nominate Mayor Pro-Tem Rentschler as the voting delegate. Commissioner Hernandez seconded the motion. He was selected by acclamation.

Commissioner Hernandez nominated Commissioner Sikes as the alternate delegate. Commissioner Straface seconded the motion. She was selected by acclamation.

13. Consider, and act upon, the approval of out of state travel for the Mayor to Association of the United States Army Conference in Washington, DC on October 10th-15th, 2015. ***(Susie Galea, Mayor)***

Mayor Galea said she knew the budget was limited and would understand if the commission decided to save the funding for this year. She had been invited by the Arms Committee and felt it was important to represent the City as a team member in this organization.

Mr. Rich Merrick asked the mayor a few questions about why she felt she needed to attend. She answered his questions, giving her reasons for going to the event. He didn't think this money should be expended when the city had budget problems.

Mr. Darron Williams commented on the Joint Basing issue. He was familiar with and had participated in Joint Basing. He felt Joint Basing was a failure and cost money.

Mayor Galea reviewed the agenda from last year.

Mr. Paul Sanchez asked the mayor how often she had attended this event, and she told him twice. He asked for one thing she had brought back for the City of Alamogordo from these exchanges. The mayor said this process was juvenile to debate her need for travel. She felt when she went to the event with the Triad – WSMR, HAFB, Ft. Bliss, Las Cruces and El Paso – she represented more than just Alamogordo and there was more legislative opportunity to achieve something within the cooperative group. She felt the Veteran's Employment Center (VEC) defined a way for the community to better hire veterans, and she thought that was something she had brought back to our community. She noted other things the Triad had accomplished.

Commissioner Sikes said in all fairness to Mayor Galea, she decided not to attend the Municipal League meeting this year, hoping to attend this instead. Ms. Sikes said we have groups here in town that specialize in negotiating with the people in Washington. She asked the mayor if she had been asked by these groups to be there with them and if they felt her presence was necessary. If so, then that should end any debate on this issue. Mayor Galea said she had received a letter of invitation from Richard Day, President of the Greater El Paso Chamber of Commerce, and she would get a copy to the commission.

Rich Merrick spoke from the audience. He said invitation or not, you are still spending my taxpayer dollars, the city's taxpayers' dollars.

Commissioner Straface called for the question.

Mayor Galea remarked she was asking for approval to travel as the representative of the City of Alamogordo with the Triad to the Association of the US Army Conference in Washington, D.C. on October 10-15, 2015. No one made a motion or a comment.

Anthony Backy spoke to the commission. He noted that as a combat veteran, he pointed out the City of Alamogordo does not observe Veteran's Day so he is unable to celebrate with any of his brothers and sisters.

Mayor Galea will bring this item back when she has received approval letters from the Committee of 50, the Forum and whoever else they would like to have an approval letter from.

Commissioner Straface said he would not be supporting out-of-state travel. Commissioner Turnbull felt the same and didn't think it would benefit Alamogordo at this time.

15. Notification of Boards and Committees Vacancies. ***(Susie Galea, Mayor)***

Mayor Galea announced there were not any nominations for the Boards and Committees, and she read the current vacancies.

PUBLIC COMMENT

A. Joel Villarreal, staff representative for the public employees commented on the following:

1) He said they were extremely surprised at what happened tonight concerning the budget. In past meetings, there wasn't anything in the minutes and notes that indicated you were going to reduce the bargaining employees from 3% to 1.5%. He saw in the June 23rd meeting that it was clearly stated there was going to be a revision to non-represented employees from 3% to 1.5%, but there wasn't anything there mentioning the bargaining unit employees. He said this is the second year this has happened. With the current labor law here, we are not allowed to bargain the terms and conditions of employment; can't negotiate any kind of disciplinary procedure; can't negotiate a grievance procedure. The one thing we can bargain is our wages, and you need to have enough respect for us to negotiate with us. We already made a tentative agreement with the City.

Mayor Pro-Tem Rentschler asked Mr. Villarreal if he worked for and/or lived in the City of Alamogordo, and Mr. Villarreal told him no.

B. Mr. Paul Sanchez commented on the following:

1) Mr. Sanchez agreed with Mr. Villarreal. He went on to say he had been gone a year a half, and in that time hadn't seen any improvement in the conduct of the two principle representatives on the commission. Mr. Sanchez felt the Commissioners Code of Conduct had not been utilized by this commission, and tonight is the first time the citizens had demanded that you utilize it. He felt that when any member of the commission or the mayor speak, they represent the whole body as well as the citizens of Alamogordo. They can express their opinion as a citizen, but not as a member of the commission. He said he would be invoking the Code of Conduct at the next commission meeting on the part of Mayor Pro-Tem Rentschler who Mr. Sanchez said verbally assaulted him and others with him. He hoped they would seriously consider the requests and complaints stated tonight.

C. Anthony Backy commented on the following:

1) Mr. Backy, President of the AFSCME Local 3818 spoke to the commission. He was disturbed by what he had heard tonight. He said that at a previous meeting Mayor Pro-Tem Rentschler had made comments about the choices made by the commission concerning funds, and Mr. Backy felt they hadn't done anything to prepare for the Hold Harmless that was coming. He asked why the blue collared employees had to bear that burden. He felt cuts needed to be made across the board, for all workers. If the money is there and has been allocated, what is the excuse for not giving us the 3%?

He said it is harder and harder every day to put on the City of Alamogordo shirt, and it is harder to keep his members motivated.

Mayor Galea explained 3% across the board was contingent on the 3/8% GRT being approved; it was not approved so the revenue was not in the budget. Mr. Backy felt the commission never intended to approve the GRT. Commissioner Straface countered Mr. Backy's statements by saying that during the budget workshop he believed they would pass the 3/8 GRT, and he thought others did as well. Mr. Backy replied that the commission chose to accept one part of their agreement, but chose not to accept the other part, without his knowledge.

CITY MANAGER'S REPORT

1) City Manager Stahle noted August 12th would be City Government Day for Leadership Otero.
2) He reminded the commission August 31st would be the day for Budget discussions.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Straface commented on the following:
1) Commissioner Straface asked the city manager for the status of the MOU with Alamogordo Public Schools for the Black & Gold Initiative. City Manager Stahle said it would be discussed in Executive Session, but said the MOU for painting of the fire hydrants had already taken place. The painting of Tiger Paws on First St. and Cuba Ave. was up in the air because of liability concerns. It should begin the end of this week.

Mayor Pro-Tem Rentschler commented on the following:
1) Mayor Pro-Tem Rentschler said he had met with the NMDOT signal guys, and he listed all they accomplished and talked about.
2) He asked if Mayor Galea attended the Water Meeting, and she said she had attended that today. Mayor Pro-Tem Rentschler asked if she used the Power Point from Public Works Director Cesar, and she said no. He questioned if she used the inquiries she had emailed to the commission, and she said yes. He said he had a problem with the inquiries because they made us look like we don't know what's going on with our Desalination Project. He and the mayor exchanged remarks over her comments for a length of time, and he told her he did not want her doing this without taking Public Works Director Cesar with her to answer questions.

Mayor Galea gave a report on the water meeting she attended and remarked some of the questions were not her own but came from other municipalities that are looking to the City of Alamogordo to be the model in the State to achieve desalination.

Commissioner Sikes commented on the following:
1) Commissioner Sikes noted that on Friday at 10:00 a.m. Jim Heckert from Gerald Champion Regional Medical Center would hold a ribbon cutting for the Behavioral Health Center, and the Governor would be there. The Governor will be at the NM Museum of Space History at 1:00 p.m. and she hoped the other commissioners would attend both.
2) She didn't want the public to think the commission wasn't doing anything about public comments, and remarked it takes a lot of courage to voice opinions before the commission. She told the audience everything they say is taken seriously, and she asked for direction with regard to what the commission's options were.

City Attorney Thies responded anyone can make an allegation of a violation of the Code of Conduct and follow the process that had been established. He said there have been several complaints filed and he had started the process of circulating those to the Review Committee. In approximately 45 days the matter would come before the full commission for their consideration. If they find there was a violation, he'd address sanctions they would like to impose. He was trying to keep it as discreet as possible by communicating only with the individuals on the Review Committee and the person subject to the complaint, until it is brought before the full commission. This is when the specifics will be known by the full commission and the public.

EXECUTIVE SESSION

Adjourn into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement) to discuss: 1) Sale, Acquisition, or Disposal of Real Property (9.8 acre tract in the NE 1/4, Section 7, T16S, R10E); and 2) Limited Personnel Matters (City Manager) (Roll call vote required)

Mayor Pro-Tem Rentschler moved to adjourn into Executive Session to discuss Sale, Acquisition, or Disposal of Real Property (9.8 acre tract in the NE ¼, S4ction 7, T16S, R10E); and Limited Personnel Matters (City Manager) at 10:15 p.m. Commissioner Straface seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

ADJOURNMENT

Mayor Susie Galea

ATTEST:

City Clerk Reneé L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on August 11, 2015

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/29/2015 **Report No:** 3

Submitted By: Renee Cantin, City Clerk

Subject: Approve the statement related to the Executive Session held on July 28, 2015. *(Renee Cantin, City Clerk)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the following statement and authorize it to be included in the minutes of August 11, 2015: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on July 28th, 2015 a Closed Executive Session was held during the Regular Meeting and the matters discussed in the closed meeting were limited only to: Purchase, Acquisitions, or Disposal of Real Property (9.8 acre tract in the NE 1/4, Section 7, T16S, R10E); and 2) Limited Personnel Matters (City Manager) as posted on the meeting notice."

Background: This statement is required per the Open Meetings Act.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 4

Submitted By: Ruben Segura, City Planner

Subject: Approve Resolution No. 2015-34 approving a Cooperative Agreement between the City of Alamogordo and the New Mexico Department of Transportation for Special Local Government Road Fund Project SP-2-16(909); Control No. L200270 in the amount of $77,483.00 for making improvements to the Abbott Ditch, providing for a 25% match in the amount of $19,371.00 **(Roll call vote required)** *(Ruben Segura, City Planner/Grants Coordinator)*

Fiscal Impact: $19,371.00
Amount Budgeted: $925,000.00
Fund: 044-9499-990.65-52 Streets Fund, Drainage Project

Additional Fiscal Impact:

Recommendation: Approve the resolution. **(Roll call vote required)**

Background: Abbott Ditch downstream of Bonnell Drive is an earthen channel that has experienced significant erosion. Channel erosion along the north side of 4th Street in the vicinity of Yucca Elementary School has prompted closure of the road. Approval of the Cooperative Agreement will provide funds toward improvements of the channel, specifically to begin design.

RESOLUTION NO. 2015-034

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMOGORDO, NEW MEXICO APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF ALAMOGORDO AND THE NEW MEXICO TRANSPORATION DEPARTMENT FOR SPECIAL LOCAL GOVERNMENT ROAD FUND PROJECT SP-2-16(909); CONTROL NO. L200270 IN THE AMOUNT OF $77,483.00 FOR MAKING IMPROVEMENTS TO THE ABBOTT DITCH, PROVIDING FOR A TWENTY-FIVE PERCENT MATCH IN THE AMOUNT OF $19,371.00.

WHEREAS, New Mexico Department of Transportation (NMDOT) is responsible within the State of New Mexico responsible for administering Local Government Road Funds (LGRF) funds pursuant to Section 67-3-28 and 67-3-28.2 NMSA 1978 and Commission Policy No. 44-12; and,

WHEREAS, NMDOT wishes to award the City of Alamogordo, of Otero County of the State New Mexico LGRF funds to make improvements to the Abbott Ditch in the amount of $58,122.00, provided that the City commits to a twenty-five (25%) percent local share in the amount of $19,317.00, for a total project cost of $77,483.00 to making; and,

WHEREAS, the Board of Commissioners of the City of Alamogordo seeks to enter into a Cooperative Agreement with NMDOT for the LGRF funds, under Project SP-2-16(909), Control No. L200270.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, THAT

Section 1. The City Commission directs and designates the City Manager, James R. Stahle, and Assistant City Manager, Matt McNeile, or their successors to act as official representatives of the City of Alamogordo and are duly authorized to sign, request reimbursement and act as a single points of contact concerning all matters related to the cooperative agreement; and,

Section 2. The City of Alamogordo governing body hereby authorizes staff to prepare and submit the corresponding cooperative agreement documents to NMDOT for Project SP-2-16(909), Control No. L200270.

PASSED, APPROVED AND ADOPTED this ______ of _____________ 2015.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

____
Susie Galea, Mayor

ATTEST:

____
Renee L. Cantin, City Clerk

APPROVED AS TO FORM;

____
Stephen P. Thies, City Attorney

Contract No. ____________________
Vendor No. 54303
Project No. SP-2-16(909)
Control No. L200270

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT entered into this ______ day of ____________, 2015 between the **NEW MEXICO DEPARTMENT OF TRANSPORTATION** ("Department") and the **CITY OF ALAMOGORDO** ("Public Entity").

In consideration of the covenants contained herein and pursuant to Sections 67-3-28 and 67-3-28.2 NMSA 1978 and Commission Policy No. 44-12, THE PARTIES AGREE AS FOLLOWS:

SECTION ONE – PURPOSE:

The purpose of this Agreement is to provide Local Government Road Funds to **THE CITY OF ALAMOGORDO** for the **Plan, design, construction, reconstruction, pavement rehabilitation/improvements, blading & shaping, drainage improvements, as** described in Project No. **SP-2-16(909)**, Control No. **L200270** and the Public Entity's resolution attached as Appendix C ("Project"). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement shall specify and delineate the rights and duties of the Parties hereto.

SECTION TWO – PROJECT FUNDING BY PARTIES:

1. The estimated total cost for the Project is **SEVENTY SEVEN THOUSAND FOUR HUNDRED AND EIGHTY-THREE dollars and no cents ($77,483.00)** to be funded in proportional share by the parties hereto as follows:
   a. **Department's** share shall be **75%** **$58,112.00**
   Plan, design, construction, reconstruction, pavement rehabilitation/improvements, blading & shaping, drainage improvements, misc. on various county roads
   b. The **Public Entity's** required proportional matching
   Share shall be **25%** **$19,371.00**

For purpose stated above

c. **Total Project Cost** **$77,483.00**

2. The **Public Entity** shall pay all Project costs, which exceed the total amount of **SEVENTY SEVEN THOUSAND FOUR HUNDRED AND EIGHTY-THREE dollars and no cents ($77,483.00).**

SECTION THREE – THE PUBLIC ENTITY SHALL:

1. Act in the capacity of lead agency for the purpose as described in Section One.
2. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) days of execution of this Agreement, or as otherwise agreed to in writing by the Parties.
3. Be solely responsible for all local matching funds identified in Section Two. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
4. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section One and the Project estimate approved by the District Engineer.
5. In the event a contractor is hired for the Project, require the contractor to have a general liability insurance policy, with limits of liability of at least $1,000,000 per occurrence. The Department is to be named as an additional insured on the contractor's policy and a certificate of insurance must be provided to the Department and it shall state that coverage provided under the policy is primary over any other valid insurance.
6. Require contractors that the Public Entity hires to perform services to defend, indemnify and hold harmless the Department from and against all suits, actions or claims of any character brought because of injury, including death or damages arising out of contractors' construction or maintenance activities pursuant to this agreement, as memorialized herein and subject to any additional permit that may be required of the contractor to perform said activities.

7. Be responsible, for performing or directing the performance, of all pre-construction activities, including, but not limited to, the following:
    a. Utility Certification,
    b. Drainage and storm drain design,
    c. Geotechnical design,
    d. Pavement design,
    e. Environmental and archaeological clearances Certification,
    f. Right of-way acquisition Certification,
    g. Hazardous substance/waste site(s) contamination,
    h. Railroad Certification,
    i. Intelligent Transportation System (ITS) Certification
8. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
9. Obtain all required written agreements or permits, when applicable, from all public and private entities.
10. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department shall result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
11. Complete the project within 18 months of approval of funding by the State Transportation Commission.
12. Agree that the Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within nine (9) months from the effective date of this agreement.
13. Within thirty (30) days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established

Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the **"Project Certification of Design, Construction, and Cost," form,** which is attached as Exhibit A.

14. Within thirty (30) days of completion, furnish the Department an **"AS BUILT Summary of Costs and Quantities"** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **"Project Certification of Design, Construction, and Cost"** form.
15. Failure to provide the **"Project Certification of Design, Construction, and Cost"** form and an **"AS BUILT Summary of Costs and Quantities"** report within thirty (30) days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this agreement.
16. Maintain all facilities constructed or reconstructed with funds provided by this Agreement.

SECTION FOUR – THE DEPARTMENT SHALL:

Pay project funds as identified in Section Two, Paragraph 1a, to the Public Entity in a single lump sum payment after:

1. Receipt of a Notice of Award and Notice to Proceed and,
2. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section Two, Paragraph 1b.

SECTION FIVE – BOTH PARTIES AGREE:

1. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department shall be accounted for and disposed of by the Public Entity as directed by the Department.
2. That no money in the Local Government Road Fund shall be used by the Department to administer any program, and no entity receiving a distribution pursuant to a program requiring matching funds shall use another distribution made pursuant to NMSA 1978 Section 67-3-28.2, to meet the match required.

3. That the provisions of the Local Government Road Fund Project Handbook (Current Edition) and any amendments thereto, are incorporated herein by reference and shall control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments thereto.

SECTION SIX – THIRD PARTY BENEFICIARY CLAUSE:

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to a person, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

SECTION SEVEN – PROJECT RESPONSIBILITY:

The improvements proposed in Section One of this Agreement shall not be under the jurisdiction and control of the Department.

SECTION EIGHT – JURISDICTION:

By reason of the Department's participation in the funding of this Project, the Department is not incorporating this Project into the state highway system, nor is the Department assuming any maintenance or user responsibility of liability for participation on this project.

SECTION NINE – NEW MEXICO TORT CLAIMS ACT:

Each party shall be responsible for liability arising from personal injury or damage to person and property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act (Section 41-4-1, et seq., NMSA 1978). This paragraph is intended only to define the liabilities between the parties hereto and is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

The Public Entity and its "employees" as defined in the New Mexico Tort Claims Act, and the Department and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and/or do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

SECTION TEN – EQUAL OPPORTUNITY COMPLIANCE:

The Public Entity agrees to abide by all applicable Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the Public Entity agrees to assure that no person in the United States shall, on the grounds of race, color, national origin, sex, sexual preference, age or disability, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If the Public Entity is found to be not in compliance with these requirements during the life of this Agreement, the Public Entity agrees to take appropriate steps to correct these deficiencies.

SECTION ELEVEN –LEGAL COMPLIANCE

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including , but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace, including laws and regulations hereafter enacted. The Public Entity shall ensure that the requirements of this compliance are made a part of each subcontract on this Project at all tiers.

SECTION TWELVE – PUBLIC ENTITY'S PRIOR COSTS:

Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and will not be included in the amount to be disbursed as agreed upon.

SECTION THIRTEEN – ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:

There shall be strict accountability for all receipts and disbursements relating hereto. The Public Entity shall maintain all records and documents relative to the Project for a minimum of five years after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation shall be reimbursed to the Department within thirty days.

SECTION FOURTEEN – DEPARTMENT'S AUTHORIZATION OF EXPENDITURES:

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico, for performance of this Agreement. The Department is expressly not committed to expenditure of any funds until such time as they are budgeted, appropriated by the legislature, and approved for expenditure. The Department's decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

SECTION FIFTEEN – UNEXPENDED, UNENCUMBERED PROJECT BALANCES:

Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this project shall revert to the Department. These balances, if any, shall be reimbursed to the Department within thirty- (30) days of project completion or expiration of this Agreement, whichever occurs first.

SECTION SIXTEEN – TERMS OF THIS AGREEMENT:

This Agreement constitutes the entire Agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Agreement and not enforceable pursuant to this Agreement. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statues, regulations, rules, or ordinances.

SECTION SEVENTEEN – TERM:

This Agreement becomes effective upon signature of all Parties. This Agreement terminates on December 31, 2016.

SECTION EIGHTEEN – TERMINATION:

1. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing 30 days written notice.
2. The Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within nine months from the effective date of this agreement.
3. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.
4. Neither party shall have any obligation after said date of termination, except as stated in Sections Five, Seven and Eight. The Public Entity agrees to reimburse to the Department all unexpended Department funds disbursed in accordance with this Agreement.

SECTION NINETEEN – SCOPE OF AGREEMENT:

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

SECTION TWENTY – SEVERABILITY:

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

SECTION TWENTY-ONE – APPLICABLE LAW:

The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1(G) NMSA 1978.

SECTION TWENTY-TWO – AMENDMENT:

This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties hereto.

IN WITNESS WHEREOF, the Parties have set their hands and seals this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By:______________________________ Date: ___________________

Cabinet Secretary or Designee

APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL

By:________________________ Date: ____________

Assistant General Counsel

CITY OF ALAMOGORDO

By:______________________________ Date: ___________________

Mayor or City Manager

ATTESTED

By:______________________________ Date: ___________________

City Clerk

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. __________________ Control No. ____________________
Joint Powers Agreement No. __________________ Control No. ____________________

Entity: ____

Scope of Work (Including Routes and Termini):
____
____
____
____

I, the undersigned, in my capacity as __________________ of __________________________
state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this agreement and in the Local Government Road Fund Project Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

   ____
   And completed on _____________________, 20_____; and

3. That the total project cost of __________________________, with New Mexico Department of Transportation 75% share of _____________________ and the **Public Entity** share of _________________________ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

_________________________ _________________________
Name Date

____
Print Name

____
Title

EXHIBIT B

AS BUILT SUMMARY
OF COSTS AND QUANTITIES

ENTITY: ______________________ CONTRACT No.: ______________ CN: ______________

PROJECT No.: ______________________

TERMINI: ____

____

SCOPE OF WORK: ____

____

ITEM NO.	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	FINAL QUANTITY	UNIT COST	FINAL COST

City of Alamogordo
Request for Budget Adjustments

Fund Name: Streets (044)

Department: Engineering

Director: Jim Stahle

Item included in department's original budget request: Yes_______ No_______

Type of Expenditure: Recurring________ Non-Recurring_________ **Fiscal Year: 20_15_____**

LINE ITEM NO.	Project No.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	REVISED BUDGET AMOUNT	INCREASE/ (DECREASE)	Un- Encumbered Balance
044-9499-990.65-52		Drainage	$925,000	$0	($925,000)	
044-9499-990.65-52	EN1601	Drainage	$0	$873,112	$873,112	
044-9499-990.57-34	EN1601	Other Svcs / Contract Svcs	$0	$41,888	$41,888	
044-9499-990.57-35	EN1601	Other Svcs / In-House Eng Svcs		$10,000	$10,000	
			$0	$0		
			$0	$0		
			$0	$0		
				$0		
				$0		
				$0		
		TOTAL REVENUES				$0
		TOTAL EXPENDITURES				$0

Reasons for Adjustment Request: Set forth reasons the adjustment is required, the factors involved in arriving at costs, and the status of the account from which transfer is made. ---------------------------

$925,000 was put into FY16 Fund 044 for Abbott Ditch Improvements. This Budget Revision puts the funds into the new project EN1601

Requested By: Nancy Beshaler Nancy Beshaler **Date: July 27, 2015**

Department Director/Manager Approval: JStahle **Date:** 7/27/15

Portion below is for Finance Use Only

_____ Within Division/Category - Requires Finance Approval.

_____ Transfer Budget from one Category to another - Requires Finance and Management Approval.

_____ Any amount effecting the Fund Balance - Requires Finance, Management and Commission Approval.

Approvals

Approved for availability of funds by Finance ______________________ **Date** ______________

Finance Director ______________________ **Date** ______________

City Manager ______________________ **Date** ______________

DOC # ______________________ BATCH # ______________________

DATE ADJUSTED HTE: ______________________

REVISION # ______________________ RESOLUTION # ______________________

Revised 6/5/13

City of Alamogordo
Request for Budget Adjustments

Fund Name: Streets (044)

Department: Engineering

Director: Jim Stahle

Item included in department's original budget request: Yes_______ No_______

Type of Expenditure: Recurring________ Non-Recurring_________

Fiscal Year: 20_15_____

LINE ITEM NO.	Project No.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	REVISED BUDGET AMOUNT	INCREASE/ (DECREASE)	Un- Encumbered Balance
044-0000-317.16-13	EN1601	State Grant		($58,112)	($58,112)	
044-9499-990.57-34	EN1601	Contract Services	$41,888	$100,000	$58,112	
				$0		
				$0		
			$0	$0		
			$0	$0		
			$0	$0		
				$0		
				$0		
				$0		
		TOTAL REVENUES				$0
		TOTAL EXPENDITURES				$0

Reasons for Adjustment Request: Set forth reasons the adjustment is required, the factors involved in arriving at costs, and the status of the account from which transfer is made. -----------------------------

Puts NMDOT Local Government Road Fund Grant Project No. SP-2-16(909) money into the Abbott Ditch Improvements project. Grant and Resolution are on the August 11, 2015 Commisssion Agenda

Requested By: Nancy Beshaler Nancy Beshaler **Date: July 27, 2015**

Department Director/Manager Approval: [signature] **Date:** 7/27/15

Portion below is for Finance Use Only

_____ Within Division/Category - Requires Finance Approval.

_____ Transfer Budget from one Category to another - Requires Finance and Management Approval.

_____ Any amount effecting the Fund Balance - Requires Finance, Management and Commission Approval.

Approvals

Approved for availability of funds by Finance ______________________ **Date** ______________

Finance Director ______________________ **Date** ______________

City Manager ______________________ **Date** ______________

DOC # ______________________ BATCH # ______________________

DATE ADJUSTED HTE: ______________________

REVISION # ______________________ RESOLUTION # ______________________

Revised 6/5/13

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 5

Submitted By: Stephen Thies, City Attorney

Subject: Approve Resolution No 2015-39 authorizing the temporary closing and usage of a portion of the platted 4th Street right-of-way between Bellamah Avenue and Webster Drive. **(Roll call vote required)** *(Stephen Thies, City Attorney)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution. **(Roll call vote required)**

Background: A portion of 4th Street located between Bellamah Avenue and Webster Drive adjacent to the Plaza Hacienda housing complex is being compromised due to erosion caused by the adjacent drainage ditch. Due to safety concerns associated with continued vehicular traffic over this portion of the street until such time the condition of the ditch and street can be addressed, the Commission is being requested to temporary close this part of 4th Street. The street will be reopened whcn the reconstruction work has been completed. A resolution is attached for that purpose.

RESOLUTION NO. 2015-39

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF A PORTION OF THE PLATTED 4TH STREET RIGHT-OF-WAY BETWEEN BELLAMAH AVENUE AND WEBSTER DRIVE

WHEREAS, as the governing body for the City of Alamogordo, the City Commission has the authority pursuant to section 3-49-1, NMSA, to regulate the opening, closing and repair of streets; and

WHEREAS, the City Commission has determined that a portion of the platted 4th Street between Bellamah Avenue and Webster Drive is in need of repair due to erosion; and

WHEREAS, the City Commission finds that continued use of the street for travel in its current condition would be detrimental to the health, safety and welfare of the public; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Alamogordo, New Mexico, that the aforesaid portion of 4th Street shall, be and the same is, hereby temporarily closed to vehicular traffic. Said portion of 4th Street will be fully reopened when the reconstruction of the street is completed.

This resolution shall become effective upon adoption.

PASSED, APPROVED AND ADOPTED, at the regular meeting of the City Commission of the City of Alamogordo, New Mexico, held on the 11th day of August, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: ________________________________
Susie Galea, Mayor

ATTEST:

____
Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

____
Stephen P. Thies, City Attorney

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 6

Submitted By: Renee Cantin, City Clerk

Subject: Approve Resolution No. 2015-36 approving the submission of an application to the New Mexico Department of Transportation, Aviation Division for updating the the Storm Water Pollution Prevention Plan for the White Sands Regional Airport for the amount of $14,436 with a required match of $7,218. **(Roll call vote required)** *(Jim Talbert, Airport Manager)*

Fiscal Impact: $7,218 match
Amount Budgeted: $0.00
Fund: Fund 90 - Airport

Additional Fiscal Impact: A Budget Revision will be included in the next Budget Resolution if the grant is approved.

Recommendation: Approve the resolution. **(Roll call vote required)**

Background: Storm Water Pollution Prevention Plans (SWPPPs) are a requirement of the National Pollutant Discharge Elimination System (NPDES) that regulates water quality when associated with construction or industrial activities. The SWPPP addresses all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity and controlled through the implementation of Best Management Practices (BMPs). The update is required for the runway extension project.

A Budget Revision will be included in the next Budget Resolution if the grant is approved.

RESOLUTION NO. 2015-36

APPROVING A GRANT APPLICATION THROUGH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION – AVIATION DIVISION, TO UPDATE THE STORM WATER POLLUTION PREVENTION PLAN FOR THE ALAMOGORDO-WHITE SANDS REGIONAL AIRPORT AND DESIGNATING THE CITY MANAGER AS THE SIGNATORY AUTHORITY FOR THE PROJECT

WHEREAS, the City of Alamogordo is the owner and operator of the Alamogordo/ White Sands Regional Airport; and,

WHEREAS, the New Mexico Department of Transportation – Aviation Division has offered a grant application to update the Storm Water Pollution Prevention Plan for the Alamogordo White Sands Regional Airport; and,

WHEREAS, the City Commission of the City of Alamogordo deems it to be in the best interest of the City to approve the grant application to make the improvements at the Airport.

BE IT THEREFORE RESOLVED that James Stahle, City Manager is authorized to sign any agreement related to this project.

BE IT FURTHER RESOLVED by the City Commission of the City of Alamogordo, New Mexico that the New Mexico Department of Transportation – Aviation Division grant application to update the Storm Water Pollution Prevention Plan at the Alamogordo-White Sands Regional Airport is hereby accepted.

DONE this _11th__ day of _August_, 2014.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By:_________________________________
Susie Galea, Mayor

ATTEST:

____
Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

____
Stephen P. Thies, City Attorney

Date Jul 22, 2015

AVIATION GRANT AGREEMENT

Project Location: ALM - ALAMOGORDO MUNICIPAL AIRPORT

Sponsor: ALAMOGORDO, CITY OF

Address: 1376 EAST 9TH ST

City: ALAMOGORDO NM Zip Code: 88310

The Sponsor must print and mail (3) three copies all with original signatures to:

NMDOT - AVIATION DIVISION
PO BOX 9830
ALBUQUERQUE, NM 87119

Participation STATE ONLY

Funding Breakdown 50-50

Contract No._______________

Project No. ALM-16-02

Vendor No. 0000054303-5

Expiration Date_____________

Purchase Order No:________________________________

AVIATION GRANT AGREEMENT

This Agreement is between the New Mexico Department of Transportation, acting through its Aviation Division (Department), and the Sponsor. This Agreement is effective as of the date of the last party to sign on the signature page below.

Now Therefore, pursuant to the New Mexico Aviation Act, NMSA 1978, Section 64-1-11 et seq., and the New Mexico Municipal Airport Law, NMSA 1978 Sections 3-39-1 et seq., the parties agree as follows:

1. Purpose.
The purpose of this Agreement is to provide funding, authorized in Section 64-1-13, NMSA 1978, to the Sponsor to assist in financing an aviation project.

a. Project Description:

Storm water Pollution Prevention Plan Update

b. Site of Development.The site of development is identified on the property map, attached as Exhibit A.

c. Funding.Below is the funding for the Project. The State's contribution is the maximum amount that the Department will contribute. Attached as Exhibit B is the engineer's cost estimate.

State	Sponsor	Other	Total
$ 7,218	$ 7,218	$	$ 14,436

2. The Sponsor Shall:

a. Pay all costs, perform all labor, and supply all material, except as described in the Engineers Estimate attached as EXHIBIT B.

b. Provide a representative from its organization who shall serve as the single point of contact for the Department.

c. Establish and maintain a resolution by which the Sponsor agrees to establish an airport maintenance program and appoint an individual to be responsible for management of the program.

d. Initiate engineering, survey, and all other design activities, inspect Project construction and, coordinate all meetings.

e. Be responsible for all design and pre-construction activities.

f. Initiate and cause to be prepared all necessary documents including plans, specifications, estimates (PS&E), and reports for this Project.

g. Assure that all design and PS&E are performed under the direct supervision of a Registered New Mexico Professional Engineer.

h. Design the Project in accordance with State and Federal guidelines and/or advisory circulars, hereby incorporated into this Agreement. Construction projects will be accomplished in accordance with the Federal Aviation Administration's Standards for Specifying Construction of Airports (Advisory Circular 150/5370-10, current edition).

i. Notify the Department when the plans and specifications are sufficiently complete for review.
j. Make no changes in design or scope of work without documented approval of the Department.
k. Advertise for and contract for the construction of the Project in accordance with federal and state laws or local ordinances.
l. Require the Engineer to prepare a final detailed estimate of the work, indicating the bid items, the quantity in each item, the unit bid price and cost of the items based on low acceptable bid prices. Progress estimates shall be submitted to the Department in acceptable form so that details of quantities allowed on various items of work shall be shown on each progress payment.
m. The Sponsor shall submit to the Department one complete set of plans and specifications which incorporate all comments and recommendations received during pre-bid activities and which have been fully executed by all involved parties.
n. The Sponsor shall take all steps, including litigation if necessary, to recover State funds spent in violation of state laws and rules. The Sponsor shall return any recovered state funds to the Department. It shall furnish to the Department, upon request, all documents and records pertaining to the determination of the amount of the state's share of any settlement, litigation, negotiation, or the efforts taken to recover such funds. All settlements or other final dispositions by the Sponsor, in court or otherwise, involving the recovery of such state funds shall be approved in advance by the Department.
o. The Sponsor shall, upon reasonable notice, allow the Department the right to inspect the Project for the purposes of determining if it is being constructed in a good and workmanlike manner, and if the approved plans and specifications are being complied with satisfactorily. If an inspection discloses a failure to substantially meet such requirements and standards the Department may terminate payment or payments until a mutually satisfactory remedy is reached.

3. The Department Shall:

a. Assign a contact person for this project.
b. Provide timely reviews of all submittals of scopes, plans, specifications, investigations or other documents.
c. The Department shall not provide an extensive check of any plans submitted by the Sponsor. The Department's concurrence of the Project plans does not relieve the Sponsor or its Consultant of their responsibility for errors and omissions.

4. Both Parties Agree:

a. The allowable costs of this Project shall not include costs determined by the Department to be ineligible for consideration under the Aviation Act.
b. The expenditure of any State money is subject to approval by the Department.
c. Funds granted under the Local Governments Road Fund, NMSA 1978 Section 67-3-28.2, shall not be used to administer this Project or used to meet the local match.

5. Method of Payment - Reimbursement.

The Department shall reimburse the Sponsor in accordance with the terms of this agreement. Claims for reimbursement shall be completed on form A-1159, Request for Reimbursement. Each request for reimbursement shall contain proof of payment for valid expenditures for services rendered by a third party or items of tangible property received by the Sponsor for the implementation of the Project. The Department reserves the right to withhold reimbursement on requests that are incorrect and/or incomplete. The Final reimbursement request must be received no later than thirty (30) days after completion of the project or the expiration of this Agreement.

The Sponsor shall not be reimbursed for any costs incurred prior to the full execution of the Agreement, after the expiration of the Agreement or in excess of the maximum dollar amount of the agreement unless the maximum dollar amount is duly amended prior to incurring the service or deliverable. Any unexpended portion of funds subject to this Agreement shall revert to the State Aviation Fund.

6. Accountability of Receipts and Disbursements.

There shall be strict accountability for all receipts and disbursements. The Sponsor shall maintain all records and documents relative to the Project for a minimum of three (3) years after completion of said Project. The Sponsor shall furnish the Department or State Auditor, upon demand, all records which support the terms of this Agreement.

7. Term.
The Agreement becomes effective upon signatures of all parties. The effective date is the date when the last party signed the Agreement on the signature page below. This agreement shall expire two (2) years from the effective date, unless terminated pursuant to Sections 8 and 17, below.

8. Termination for Cause.
The Department has the option to terminate this Agreement if the Sponsor fails to comply with any provision of this Agreement. A written notice of termination shall be given at least thirty (30) days prior to the intended date of termination and shall identify all of the Sponsor's breaches on which the termination is based.

The Department may provide the Sponsor a reasonable opportunity to correct the breach. If within ten (10) days after receipt of a written notice of termination, the Sponsor has not corrected the breach or, in the case of a breach which cannot be corrected in ten (10) days, the Sponsor has not begun and proceeded in good faith to correct the breach, the Department may declare the Sponsor in default and terminate the Agreement. The Department shall retain any and all other remedies available to it under the law.

By such termination neither party may nullify obligations already incurred for performance or failure to perform for the work rendered prior to the date of termination. However, neither party shall have any obligation to perform services or make payment for services rendered after such date of termination.

9. Disposition of Property.

a. Upon termination of this Agreement, the Sponsor shall account for any remaining property, materials or equipment belonging to the Department and dispose of them as directed by the Department.
b. Any equipment, materials or supplies procured under this Agreement shall be used solely for aviation purposes maintained according to the manufacturers guidelines and stored at the airport.

10. Representations and Certification.
The Sponsor, by signing this Agreement, represents and certifies the following:

a. Legal Authority - The Sponsor has the legal power and authority to: (1) do all things necessary in order to undertake and carry out the Project in conformity with the provisions stated in the New Mexico Aviation Act and Rules and Regulations pursuant thereto; (2) accept, receive and disburse grant funds from the State of New Mexico in aid of the Project; and (3) carry out all provisions stated in this Aviation Grant Agreement.

b. Defaults - The Sponsor is not in default on any obligation to the State of New Mexico relative to the development, operation or maintenance of any airport or aviation project.

c. Possible Disabilities - The Sponsor states, by execution of this Agreement, there are no facts or circumstance (including the existence of effective or proposed leases, use agreements, or other legal instruments affecting use of the airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project.

d. Land - The Sponsor holds the property interest in the areas of land which are to be developed or used as part of or in connection with the Project and is identified in a current Airport Property Map. The Sponsor further certifies that the aforementioned is based on a title examination by a qualified attorney or title company who has determined that the Sponsor holds the stated property interests.

11. Assurances.
The Sponsor, by signing this Agreement, covenants and agrees to the following Assurances:

a. That it will operate the airport for the use and benefit of the public on fair and reasonable terms and without unjust discrimination.
b. That it will keep the airport open to all types, kinds and classes of aeronautical use without discrimination between such types, kinds, and classes. The Sponsor shall establish fair, equal and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation.

c. Neither it nor any person or organization occupying space at the airport will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of the facility and, further that any person, firm or corporation rendering service to the public on the airport will do so on a fair, equal and not unjustly discriminatory basis.
d. Operate and maintain in a safe and serviceable condition the airport and all facilities which are necessary to serve the aeronautical users and will not permit any activity which would interfere with its use for airport purposes.
e. By acquisition of land interest, acquisition of easements, airspace zoning, or other accepted means, protect the runway approaches and the airspace in the immediate vicinity of the airport from the construction, alteration, erection or growth of any structure which would interfere with the use or operation of the airport.
f. That an airport facility that receives funds under the Aviation Act shall not charge landing fees for aircraft, except for aircraft used in commercial activities for compensation.
g. Comply with the New Mexico Aviation Act and associated provisions, NMSA 1978 Sections 64-1-1 to 64-5-4 and the New Mexico Municipal Airport Law, NMSA 1978 Sections 3-39-1 et seq.
h. That it shall not award the contract nor give bidding documents to any contractor who is subject to suspension or debarment by the U.S. Department of Transportation or the Department at the time of the bidding or award of the contract. Violation of this provision shall void this Agreement.

12. Third Party Beneficiaries.
It is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

13. New Mexico Tort Claims Act.
As between the Department and the Sponsor, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, *et seq*. This paragraph is intended only to define the liabilities between the parties and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

14. Scope of Agreement.
This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. Terms of this Agreement.
The terms of this Agreement are lawful; performance of all duties and obligations shall conform with and do not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

16. Equal Opportunity Compliance.
The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States shall, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

17. Appropriations and Authorizations of State and Federal Funds.
The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Sponsor, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Sponsor, Legislature or the Congress of the United States if federal funds are involved, this Agreement shall terminate upon written notice being given by one party to the other. The Department and the Sponsor are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

18. Severability.
In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

19. Applicable Law.
The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

20. Principal Contacts and Notices.
The principal contacts for this Agreement are listed below. Except as otherwise specified, all notices shall be in writing (including notice by facsimile or E-mail) and shall be given to the principal contacts listed below.

Name:	Daniel R. Moran
Title:	Grants Administrator
Address:	New Mexico Department of Transportation - Aviation Division PO Box 9830 Albuquerque, NM 87119
Office:	(505) 244-1788 ext. 9112
Fax:	(505) 244-1790
E-mail:	dan.moran@state.nm.us

Name	Jim Talbert		
Title	Airport Manager		
Sponsor	ALAMOGORDO, CITY OF		
Address	1376 EAST 9TH ST		
City	ALAMOGORDO	NM Zip Code	88310
Office Phone	+1 (575) 439-4110	Fax	
E-Mail	jtairportmanager@ci.alamogordo.nm.us		

21. Amendment.
This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties.

In witness whereof, each party is signing this Agreement on the date stated opposite of that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By:________________________________ Date: _______________
Cabinet Secretary or Designee

Recommended by:

By:________________________________ Date: ________________
Aviation Division Director
or Designee

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By:________________________________ Date: _________________
Assistant General Counsel

SPONSOR

Print Name:________________________________

By:____ Date:________________

Title: ____________________________________

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 7

Submitted By: Renee Cantin, City Clerk

Subject: Approve Resolution No. 2015-37 approving the submission of an application to the New Mexico Department of Transportation, Aviation Division for the annual maintenance grant at the Alamogordo-White Sands Regional Airport, in the amount of $11,110 with a required match of $1,111. **(Roll call vote required)** *(Jim Talbert, Airport Manager)*

Fiscal Impact: $1,111
Amount Budgeted: $1,111.00
Fund: Airport 091-0006-459.33-05 AP1601

Additional Fiscal Impact: Match Available in 91-0006-459.33-05 AP1601

Recommendation: Approve the resolution. **(Roll call vote required)**

Background: The New Mexico Department of Transportation, Aviation Division provides fudning for an annual maintenance grant that can be utililzed for consumable items such as herbicide and runway lights as well as maintaining the Automated Weather Observing Station (AWOS).

RESOLUTION NO. 2015-37

APPROVING A GRANT APPLICATION THROUGH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION – AVIATION DIVISION, FOR THE ANNUAL MAINTENANCE GRANT FOR THE ALAMOGORDO-WHITE SANDS REGIONAL AIRPORT AND DESIGNATING THE CITY MANAGER AS THE SIGNATORY AUTHORITY FOR THE PROJECT

WHEREAS, the City of Alamogordo is the owner and operator of the Alamogordo/ White Sands Regional Airport; and,

WHEREAS, the New Mexico Department of Transportation – Aviation Division has offered a grant application to purchase consumable maintenance items for the Alamogordo White Sands Regional Airport; and,

WHEREAS, the City Commission of the City of Alamogordo deems it to be in the best interest of the City to approve the grant application to make the improvements at the Airport.

BE IT THEREFORE RESOLVED that James Stahle, City Manager is authorized to sign any agreement related to this project.

BE IT FURTHER RESOLVED by the City Commission of the City of Alamogordo, New Mexico that the New Mexico Department of Transportation – Aviation Division grant application to purchase consumable maintenance supplies at the Alamogordo-White Sands Regional Airport is hereby accepted.

DONE this _11th__ day of _August_, 2014.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By:_________________________________
Susie Galea, Mayor

ATTEST:

____
Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

____
Stephen P. Thies, City Attorney

NEW MEXICO DEPARTMENT OF TRANSPORTATION

Date Jul 22, 2015

AVIATION GRANT AGREEMENT

Project Location: ALM - ALAMOGORDO MUNICIPAL AIRPORT

Sponsor: ALAMOGORDO, CITY OF

Address: 1376 EAST 9TH ST

City: ALAMOGORDO NM Zip Code: 88310

The Sponsor must print and mail (3) three copies all with original signatures to:

NMDOT - AVIATION DIVISION
PO BOX 9830
ALBUQUERQUE, NM 87119

Participation STATE ONLY **Funding Breakdown** 90-10

Contract No.______________ **Project No.** ALM-16-01

Vendor No. 0000054303-5 **Expiration Date**____________

Purchase Order No:______________________________

AVIATION GRANT AGREEMENT

This Agreement is between the New Mexico Department of Transportation, acting through its Aviation Division (Department), and the Sponsor. This Agreement is effective as of the date of the last party to sign on the signature page below.

Now Therefore, pursuant to the New Mexico Aviation Act, NMSA 1978, Section 64-1-11 et seq., and the New Mexico Municipal Airport Law, NMSA 1978 Sections 3-39-1 et seq., the parties agree as follows:

1. Purpose.
The purpose of this Agreement is to provide funding, authorized in Section 64-1-13, NMSA 1978, to the Sponsor to assist in financing an aviation project.

a. Project Description:

Annual Maintenance Grant

b. Site of Development.The site of development is identified on the property map, attached as Exhibit A.
c. Funding.Below is the funding for the Project. The State's contribution is the maximum amount that the Department will contribute. Attached as Exhibit B is the engineer's cost estimate.

State	Sponsor	Other	Total
$ 9,999	$ 1,111	$	$ 11,110

2. The Sponsor Shall:

a. Pay all costs, perform all labor, and supply all material, except as described in the Engineers Estimate attached as EXHIBIT B.
b. Provide a representative from its organization who shall serve as the single point of contact for the Department.
c. Establish and maintain a resolution by which the Sponsor agrees to establish an airport maintenance program and appoint an individual to be responsible for management of the program.
d. Initiate engineering, survey, and all other design activities, inspect Project construction and, coordinate all meetings.
e. Be responsible for all design and pre-construction activities.
f. Initiate and cause to be prepared all necessary documents including plans, specifications, estimates (PS&E), and reports for this Project.
g. Assure that all design and PS&E are performed under the direct supervision of a Registered New Mexico Professional Engineer.
h. Design the Project in accordance with State and Federal guidelines and/or advisory circulars, hereby incorporated into this Agreement. Construction projects will be accomplished in accordance with the Federal Aviation Administration's Standards for Specifying Construction of Airports (Advisory Circular 150/5370-10, current edition).

i. Notify the Department when the plans and specifications are sufficiently complete for review.
j. Make no changes in design or scope of work without documented approval of the Department.
k. Advertise for and contract for the construction of the Project in accordance with federal and state laws or local ordinances.
l. Require the Engineer to prepare a final detailed estimate of the work, indicating the bid items, the quantity in each item, the unit bid price and cost of the items based on low acceptable bid prices. Progress estimates shall be submitted to the Department in acceptable form so that details of quantities allowed on various items of work shall be shown on each progress payment.
m. The Sponsor shall submit to the Department one complete set of plans and specifications which incorporate all comments and recommendations received during pre-bid activities and which have been fully executed by all involved parties.
n. The Sponsor shall take all steps, including litigation if necessary, to recover State funds spent in violation of state laws and rules. The Sponsor shall return any recovered state funds to the Department. It shall furnish to the Department, upon request, all documents and records pertaining to the determination of the amount of the state's share of any settlement, litigation, negotiation, or the efforts taken to recover such funds. All settlements or other final dispositions by the Sponsor, in court or otherwise, involving the recovery of such state funds shall be approved in advance by the Department.
o. The Sponsor shall, upon reasonable notice, allow the Department the right to inspect the Project for the purposes of determining if it is being constructed in a good and workmanlike manner, and if the approved plans and specifications are being complied with satisfactorily. If an inspection discloses a failure to substantially meet such requirements and standards the Department may terminate payment or payments until a mutually satisfactory remedy is reached.

3. The Department Shall:

a. Assign a contact person for this project.
b. Provide timely reviews of all submittals of scopes, plans, specifications, investigations or other documents.
c. The Department shall not provide an extensive check of any plans submitted by the Sponsor. The Department's concurrence of the Project plans does not relieve the Sponsor or its Consultant of their responsibility for errors and omissions.

4. Both Parties Agree:

a. The allowable costs of this Project shall not include costs determined by the Department to be ineligible for consideration under the Aviation Act.
b. The expenditure of any State money is subject to approval by the Department.
c. Funds granted under the Local Governments Road Fund, NMSA 1978 Section 67-3-28.2, shall not be used to administer this Project or used to meet the local match.

5. Method of Payment - Reimbursement.

The Department shall reimburse the Sponsor in accordance with the terms of this agreement. Claims for reimbursement shall be completed on form A-1159, Request for Reimbursement. Each request for reimbursement shall contain proof of payment for valid expenditures for services rendered by a third party or items of tangible property received by the Sponsor for the implementation of the Project. The Department reserves the right to withhold reimbursement on requests that are incorrect and/or incomplete. The Final reimbursement request must be received no later than thirty (30) days after completion of the project or the expiration of this Agreement.

The Sponsor shall not be reimbursed for any costs incurred prior to the full execution of the Agreement, after the expiration of the Agreement or in excess of the maximum dollar amount of the agreement unless the maximum dollar amount is duly amended prior to incurring the service or deliverable. Any unexpended portion of funds subject to this Agreement shall revert to the State Aviation Fund.

6. Accountability of Receipts and Disbursements.

There shall be strict accountability for all receipts and disbursements. The Sponsor shall maintain all records and documents relative to the Project for a minimum of three (3) years after completion of said Project. The Sponsor shall furnish the Department or State Auditor, upon demand, all records which support the terms of this Agreement.

The Agreement becomes effective upon signatures of all parties. The effective date is the date when the last party signed the Agreement on the signature page below. This agreement shall expire two (2) years from the effective date, unless terminated pursuant to Sections 8 and 17, below.

8. Termination for Cause.
The Department has the option to terminate this Agreement if the Sponsor fails to comply with any provision of this Agreement. A written notice of termination shall be given at least thirty (30) days prior to the intended date of termination and shall identify all of the Sponsor's breaches on which the termination is based.

The Department may provide the Sponsor a reasonable opportunity to correct the breach. If within ten (10) days after receipt of a written notice of termination, the Sponsor has not corrected the breach or, in the case of a breach which cannot be corrected in ten (10) days, the Sponsor has not begun and proceeded in good faith to correct the breach, the Department may declare the Sponsor in default and terminate the Agreement. The Department shall retain any and all other remedies available to it under the law.

By such termination neither party may nullify obligations already incurred for performance or failure to perform for the work rendered prior to the date of termination. However, neither party shall have any obligation to perform services or make payment for services rendered after such date of termination.

9. Disposition of Property.

a. Upon termination of this Agreement, the Sponsor shall account for any remaining property, materials or equipment belonging to the Department and dispose of them as directed by the Department.
b. Any equipment, materials or supplies procured under this Agreement shall be used solely for aviation purposes maintained according to the manufacturers guidelines and stored at the airport.

10. Representations and Certification.
The Sponsor, by signing this Agreement, represents and certifies the following:

a. Legal Authority - The Sponsor has the legal power and authority to: (1) do all things necessary in order to undertake and carry out the Project in conformity with the provisions stated in the New Mexico Aviation Act and Rules and Regulations pursuant thereto; (2) accept, receive and disburse grant funds from the State of New Mexico in aid of the Project; and (3) carry out all provisions stated in this Aviation Grant Agreement.

b. Defaults - The Sponsor is not in default on any obligation to the State of New Mexico relative to the development, operation or maintenance of any airport or aviation project.

c. Possible Disabilities - The Sponsor states, by execution of this Agreement, there are no facts or circumstance (including the existence of effective or proposed leases, use agreements, or other legal instruments affecting use of the airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project.

d. Land - The Sponsor holds the property interest in the areas of land which are to be developed or used as part of or in connection with the Project and is identified in a current Airport Property Map. The Sponsor further certifies that the aforementioned is based on a title examination by a qualified attorney or title company who has determined that the Sponsor holds the stated property interests.

11. Assurances.
The Sponsor, by signing this Agreement, covenants and agrees to the following Assurances:

a. That it will operate the airport for the use and benefit of the public on fair and reasonable terms and without unjust discrimination.
b. That it will keep the airport open to all types, kinds and classes of aeronautical use without discrimination between such types, kinds, and classes. The Sponsor shall establish fair, equal and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation.

c. Neither it nor any person or organization occupying space at the airport will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of the facility and, further that any person, firm or corporation rendering service to the public on the airport will do so on a fair, equal and not unjustly discriminatory basis.
d. Operate and maintain in a safe and serviceable condition the airport and all facilities which are necessary to serve the aeronautical users and will not permit any activity which would interfere with its use for airport purposes.
e. By acquisition of land interest, acquisition of easements, airspace zoning, or other accepted means, protect the runway approaches and the airspace in the immediate vicinity of the airport from the construction, alteration, erection or growth of any structure which would interfere with the use or operation of the airport.
f. That an airport facility that receives funds under the Aviation Act shall not charge landing fees for aircraft, except for aircraft used in commercial activities for compensation.
g. Comply with the New Mexico Aviation Act and associated provisions, NMSA 1978 Sections 64-1-1 to 64-5-4 and the New Mexico Municipal Airport Law, NMSA 1978 Sections 3-39-1 et seq.
h. That it shall not award the contract nor give bidding documents to any contractor who is subject to suspension or debarment by the U.S. Department of Transportation or the Department at the time of the bidding or award of the contract. Violation of this provision shall void this Agreement.

12. Third Party Beneficiaries.
It is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

13. New Mexico Tort Claims Act.
As between the Department and the Sponsor, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, *et seq*. This paragraph is intended only to define the liabilities between the parties and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

14. Scope of Agreement.
This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. Terms of this Agreement.
The terms of this Agreement are lawful; performance of all duties and obligations shall conform with and do not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

16. Equal Opportunity Compliance.
The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States shall, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

17. Appropriations and Authorizations of State and Federal Funds.
The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Sponsor, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Sponsor, Legislature or the Congress of the United States if federal funds are involved, this Agreement shall terminate upon written notice being given by one party to the other. The Department and the Sponsor are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

18. Severability.
In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

19. Applicable Law.
The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

20. Principal Contacts and Notices.
The principal contacts for this Agreement are listed below. Except as otherwise specified, all notices shall be in writing (including notice by facsimile or E-mail) and shall be given to the principal contacts listed below.

Name:	Daniel R. Moran
Title:	Grants Administrator
Address:	New Mexico Department of Transportation - Aviation Division PO Box 9830 Albuquerque, NM 87119
Office:	(505) 244-1788 ext. 9112
Fax:	(505) 244-1790
E-mail:	dan.moran@state.nm.us

Name	Jim Talbert
Title	Airport Manager
Sponsor	ALAMOGORDO, CITY OF
Address	1376 EAST 9TH ST
City	ALAMOGORDO NM Zip Code 88310
Office Phone	+1 (575) 439-4110 Fax
E-Mail	jtairportmanager@ci.alamogordo.nm.us

21. Amendment.
This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties.

In witness whereof, each party is signing this Agreement on the date stated opposite of that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By:________________________________ Date: _______________
Cabinet Secretary or Designee

Recommended by:

By:________________________________ Date: ________________
Aviation Division Director
or Designee

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By:________________________________ Date: _________________
Assistant General Counsel

SPONSOR

Print Name:________________________________

By:____ Date:________________

Title: ____________________________________

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 8

Submitted By: Julianne Hall, Accounting Manager

Subject: Approve Resolution 2015-38 approving the DFA Quarterly Report for the period ending June 30, 2015. **(Roll call vote required)** *(LeeAnn Nichols, Finance Director)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution. **(Roll call vote required)**

Background:

The State of New Mexico, Department of Finance and Administration, Local Government Division issued Memorandum #BFB-13-01 dated April 10, 2013. This memorandum created a new requirement that the Quarterly Report must be approved by the governing body. Previously, the Finance Department submitted the Quarterly Report to DFA without Legislative approval. In addition, unaudited internal financial statements prepared on a cash basis must also be sent in with every quarterly report beginning with the FY13 fourth quarter financial report ending June 30, 2013.

Reports included with the DFA Quarterly Report for the period ending June 30, 2015 are as follows: 1) Summary by Fund Categories provided by Finance as a supplement to explain the status of the Quarter; 2) The three financial statements (Balance Sheet, Revenue Report and Detail Budget Report) are prepared based on our detail trial balance and number 387 pages, which are available for review in the Finance Department; 3) The fourth financial statement (Statement of Cash Flows) is attached as Exhibit A; and 4) the Crosswalk between DFA Funds and COA Funds is attached as Exhibit B.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: Aug 11, 2015 **Report Date:** July 29, 2015 **Report No:** ________

Submitted By: Julianne Hall, **Approved For Agenda:** ______________________-
Accounting Manager

Subject: **Consider, and act upon, Resolution 2015-38 approving the DFA Quarterly Report for the period ending June 30, 2015.**

Fiscal Impact: N/A
Amount Budgeted: N/A
Fund: N/A

Recommendation: Approve the resolution. **[Roll call vote required]**

Background: The State of New Mexico, Department of Finance and Administration, Local Government Division issued Memorandum #BFB-13-01 dated April 10, 2013. This memorandum created a new requirement that the Quarterly Report must be approved by the governing body. Previously, the Finance Department submitted the Quarterly Report to DFA without Legislative approval. In addition, unaudited internal financial statements prepared on a cash basis must also be sent in with every quarterly report beginning with the FY13 fourth quarter financial report ending June 30, 2013.

Reports included with the DFA Quarterly Report for the period ending June 30, 2015 are as follows: 1) Summary by Fund Categories provided by Finance as a supplement to explain the status of the Quarter; 2) The three financial statements (Balance Sheet, Revenue Report and Detail Budget Report) are prepared based on our detail trial balance and number 387 pages, which are available for review in the Finance Department; 3) The fourth financial statement (Statement of Cash Flows) is attached as Exhibit A; and 4) the Crosswalk between DFA Funds and COA Funds is attached as Exhibit B.

Reviewed By:

City Attorney ________City Clerk ________Community Development_______Community Services________
Finance_______Housing Authority_________Planning _________Personnel ________Public Safety ________
Public Works _________Purchasing ________Assistant City Manager _________

RESOLUTION NO. 2015-38

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE THE QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2015.

WHEREAS, the City of Alamogordo, New Mexico has developed a budget for fiscal year 2014-2015; and

WHEREAS, the third quarterly report has been reviewed and approved to ensure the accuracy of the beginning balances used on the FY2015 budget; and

WHEREAS, it is herby certified that the contents in this report are true and correct to the best of our knowledge and that this report depicts all funds for the fourth quarter of fiscal year 2015

NOW, THEREFORE, BE IT RESOLVED THAT THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, hereby approves the fourth quarterly report for FY2015 hereinafter described as Attachment "A" and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 11th day of August 2015.

CITY OF ALAMOGORDO, NEW MEXICO,
A NEW MEXICO MUNICIPAL CORPORATION

By: ______________________________
Susie Galea, Mayor

ATTEST:

____
Renee Cantin, City Clerk

APPROVED AS TO FORM:

____
Stephen Thies, City Attorney

CITY OF ALAMOGORDO

Period Ending: 6/30/2015

Prepared By: Stella Bracamonte

DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION

SUBMIT TO LOCAL GOVERNMENT DIVISION NO LATER THAN 30 DAYS AFTER THE CLOSE OF EACH QUARTER.

I HEREBY CERTIFY THAT THE CONTENTS IN THIS REPORT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT THIS REPORT DEPICTS ALL FUNDS:

Signature	Date
	7/27/2015

Fund #	FUND NAME	BEGINNING CASH BALANCE CURRENT FY (1)	YEAR-TO-DATE TRANSACTIONS: REVENUES TO DATE (2)	TRANSFERS TO DATE (3)	EXPENDITURES TO DATE (4)	ADJUSTMENTS (5)	QTR ENDING CASH BALANCE (1)+(2)-(3)+(4)+(5) (6)	INVESTMENTS (7)	CASH + INVESTMENTS (8)	REQUIRED RESERVES (9)	AVAILABLE CASH (8) - (9)
101	GENERAL FUND (GF)	$6,982,584	16,037,633	(4,972,030)	10,299,852	(42,166)	$7,706,171	0	$7,706,171	858,321	$6,847,850
201	CORRECTION	$183,243	185,905	267,196	554,335	(140)	$81,870	0	$81,870		$81,870
202	ENVIRONMENTAL GRT	$1,779,290	400,822	0	6,138	0	$2,173,974	0	$2,173,974		$2,173,974
206	EMS	$0	0	0	0	0	$0	0	$0		$0
207	ENHANCED 911	$0	0	0	0	0	$0	0	$0		$0
209	FIRE PROTECTION FUND	$310,346	627,047	0	364,231	0	$573,162	0	$573,162		$573,162
211	LEPF	$100,225	157,014	0	135,354	(2,948)	$118,937	0	$118,937		$118,937
214	LODGERS' TAX	$280,614	633,029	(39,327)	551,515	0	$322,801	0	$322,801		$322,801
216	MUNICIPAL STREET	$3,831,733	2,761,459	(1,920,080)	1,592,622	1,449	$3,081,939	0	$3,081,939		$3,081,939
217	RECREATION	$491,724	506,058	2,307,703	3,309,947	11,136	$6,675	0	$6,675		$6,675
218	INTERGOVERNMENTAL GRANTS	$0	0	0	0	0	$0	0	$0		$0
219	SENIOR CITIZEN	$249,985	842,643	466,016	1,680,352	(82)	($121,791)	0	($121,791)		($121,791)
223	DWI PROGRAM	$0	0	0	0	0	$0	0	$0		$0
299	OTHER	$2,541,583	1,754,747	(956,683)	479,014	379	$2,861,012	0	$2,861,012		$2,861,012
300	CAPITAL PROJECT FUNDS	$28,115,797	20,552,422	(333,609)	10,560,512	33,862	$37,807,960	0	$37,807,960		$37,807,960
401	G. O. BONDS	$633,216	1,020,198	7,589	738,285	0	$922,718	0	$922,718		$922,718
402	REVENUE BONDS	$1,124,245	5,139	163,475	839,338	0	$453,521	0	$453,521		$453,521
403	DEBT SERVICE OTHER	$461,442	9,268	4,526,402	3,855,634	0	$1,141,478	0	$1,141,478		$1,141,478
500	ENTERPRISE FUNDS										
	Water Fund	$11,936,526	9,457,792	(1,734,324)	8,406,595	(154,574)	$11,098,825	0	$11,098,825		$11,098,825
	Solid Waste	$239,945	1,992,822	(125,013)	1,801,198	(23,379)	$283,177	0	$283,177		$283,177
	Waste Water	$0	0	0	0	0	$0	0	$0		$0
	Airport	$273,237	167,026	(28,845)	165,184	(8,225)	$238,009	0	$238,009		$238,009
	Ambulance	$0	0	0	0	0	$0	0	$0		$0
	Cemetery	$0	0	0	0	0	$0	0	$0		$0
	Housing	$0	0	0	0	0	$0	0	$0		$0
	Parking	$0	0	0	0	0	$0	0	$0		$0
	Bonito Lake (88)	$90,234	3,756,810	0	51,376	355	$3,796,024	0	$3,796,024		$3,796,024
	Golf Course (90)	$125,810	1,282,935	181,567	1,418,224	254	$172,343	0	$172,343		$172,343
	Other Enterprise (enter fund name)	$0	0	0	0	0	$0	0	$0		$0
	Other Enterprise (enter fund name)	$0	0	0	0	0	$0	0	$0		$0
600	INTERNAL SERVICE FUNDS	$420,687	358,387	2,192,256	2,614,697	53,109	$409,741	0	$409,741		$409,741
700	TRUST AND AGENCY FUNDS	$6,562,297	2,436,791	(2,293)	2,074,565	143,279	$7,065,509	0	$7,065,509		$7,065,509
GRAND TOTAL		$66,734,761	$64,945,949	$0	$51,498,965	$12,310	$80,194,054	$0	$80,194,054	$858,321	$79,335,733

FORM MODIFIED 12/09/08 LAST UPDATE: 7/29/15 10:12 AM

8:46 AM 7/30/2015

CITY OF ALAMOGORDO
Period Ending: 6/30/2015

GENERAL FUND - MUNICIPALITY

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS Approved Budget	Budget Adjustments	Adjusted Budget	ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative) $	%
REVENUES							
Taxes:							
Property Tax - Current Year	$2,855,519	$0	$2,855,519	2,781,733.62		($73,785)	97.42%
Property Tax - Delinquent	$0	$0	$0	96,006.07		$96,006	n/a
Property Tax - Penalty & Interest	$0	$0	$0	-		$0	n/a
Oil and Gas - Equipment	$0	$0	$0	-		$0	n/a
Oil and Gas - Production	$0	$0	$0	-		$0	n/a
Franchise Fees	$991,882	$0	$991,882	975,047.90		($16,834)	98.30%
Gross receipts - Local Option	$2,921,680	$0	$2,921,680	3,026,559.63		$104,880	103.59%
Gross Receipts - Infrastructure	$0	$0	$0	-		$0	n/a
Gross Receipts - Environment	$0	$0	$0	-		$0	n/a
Gross Receipts - Other Dedication	$0	$0	$0	-		$0	n/a
Intergovenmental -State Shared:							
Gross receipts	$7,281,655	$0	$7,281,655	7,415,071.11		$133,416	101.83%
Cigarette Tax	$0	$0	$0	-		$0	n/a
Gas Tax [1 cent]	$0	$0	$0	-		$0	n/a
Gas Tax [2 cent]	$0	$0	$0	-		$0	n/a
Motor Vehicle	$0	$0	$0	-		$0	n/a
Grants - Federal	$0	$93,936	$93,936	3,200.00		($90,736)	3.41%
Grants - State	$200,000	$28,367	$228,367	9,669.38		($218,698)	4.23%
Grants - Local	$0	$0	$0	-		$0	n/a
Legislative Appropriations	$0	$0	$0	-		$0	n/a
Small Counties Assistance	$0	$0	$0	-		$0	n/a
Licenses and Permits	$83,000	$0	$83,000	82,766.00		($234)	99.72%
Charges for Services	$305,360	($11,683)	$293,677	312,314.73		$18,638	106.35%
Fines and Forfeits	$370,500	$0	$370,500	269,930.52		($100,569)	72.86%
Interest on Investments	$35,375	$0	$35,375	55,424.23		$20,049	156.68%
Miscellaneous	$947,088	$159	$947,247	1,009,910.12		$62,663	106.62%
TOTAL GENERAL FUND REVENUES	$15,992,059	$110,779	$16,102,838	$16,037,633		($65,205)	99.60%
EXPENDITURES							
Executive-Legislative	$388,221	$0	$388,221	352,057.24	-	$36,164	90.68%
Judicial	$0	$0	$0	-	-	$0	n/a
Elections	$232,807	$11,904	$244,711	233,238.30	-	$11,473	95.31%
Finance & Administration	$953,825	$6,041	$959,866	858,557.66	-	$101,308	89.45%
Public Safety	$10,059,668	$138,685	$10,198,353	8,036,503.76	330,679.09	$1,831,170	78.80%
Highways & Streets	$0	$0	$0	-	-	$0	n/a
Senior Citizens	$0	$0	$0	-	-	$0	n/a
Sanitation	$0	$0	$0	-	-	$0	n/a
Health and Welfare	$0	$0	$0	-	-	$0	n/a
Culture and Recreation	$0	$0	$0	-	-	$0	n/a
Economic Development & Housing	$0	$0	$0	-	-	$0	n/a
Airport	$0	$0	$0	-	-	$0	n/a
Other - Miscellaneous	$1,623,507	$17,974	$1,641,481	819,494.60	85,550.00	$736,436	49.92%
TOTAL GENERAL FUND EXPENDITURES	$13,258,028	$174,604	$13,432,632	$10,299,852	$416,229	$2,716,551	76.68%
OTHER FINANCING SOURCES							
Transfers In	-	$0	$0	-		$0	n/a
Transfers (Out)	($6,514,996)	($203,040)	($6,718,036)	(4,972,029.64)		$1,746,006	74.01%
TOTAL - OTHER FINANCING SOURCES	($6,514,996)	($203,040)	($6,718,036)	($4,972,030)		$1,746,006	74.01%
Excess (deficiency) of revenues over expenditures				$765,752			

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET Approved Budget	BUDGET Resolutions Adj. Budget	BUDGET Adjusted Budget	ACTUALS Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
CORRECTIONS	**201**							
REVENUES								
Correction Fees	201	130,666	0	130,666	91,656		(39,010)	70.15%
Miscellaneous	201	95,446	0	95,446	94,249		(1,197)	98.75%
TOTAL Revenues		226,112	0	226,112	185,905		(40,207)	82.22%
EXPENDITURES	201	660,395	0	660,395	554,335	0	106,060	83.94%
OTHER FINANCING SOURCES								
Transfers In	201	454,642	0	454,642	293,950		(160,692)	64.66%
Transfers (Out)	201	(27,399)	(5,754)	(33,153)	(26,754)		6,399	80.70%
TOTAL - OTHER FINANCING SOURCES		427,243	(5,754)	421,489	267,196		(154,293)	63.39%
Excess (deficiency) of revenues over expend	201				(101,233)			
ENVIRONMENTAL	**202**							
REVENUES								
GRT - Environmental	202	366,371	0	366,371	378,320		11,949	103.26%
Miscellaneous	202	654,124	0	654,124	22,502		(631,622)	3.44%
TOTAL Revenues		1,020,495	0	1,020,495	400,822		(619,673)	39.28%
EXPENDITURES	202	631,159	0	631,159	6,138	47,087	577,933	0.97%
OTHER FINANCING SOURCES								
Transfers In	202	0	0	0	0		0	n/a
Transfers (Out)	202	(988,408)	0	(988,408)	0		988,408	0.00%
TOTAL - OTHER FINANCING SOURCES		(988,408)	0	(988,408)	0		988,408	0.00%
Excess (deficiency) of revenues over expend	202				394,684			
EMS	**206**							
REVENUES								
State EMS Grant	206	0	0	0	0		0	n/a
Miscellaneous	206	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	206	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	206	0	0	0	0		0	n/a
Transfers (Out)	206	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expend	206				0			
E911	**207**							
REVENUES								
State-E-911 Enhancement	207	0	0	0	0		0	n/a
Network & Data Base Grant	207	0	0	0	0		0	n/a
Miscellaneous	207	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	207	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	207	0	0	0	0		0	n/a
Transfers (Out)	207	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expend	207				0			
FIRE PROTECTION	**209**							
REVENUES								
State - Fire Marshall Allotment	209	499,437	22,334	521,771	521,771		0	100.00%
Miscellaneous	209	1,997	100,000	101,997	105,276		3,279	103.21%
TOTAL Revenues		501,434	122,334	623,768	627,047		3,279	100.53%
EXPENDITURES	209	738,851	143,040	881,891	364,231	337,331	180,329	41.30%
OTHER FINANCING SOURCES								
Transfers In	209	0	0	0	0		0	n/a
Transfers (Out)	209	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expend	209				262,817			

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET Approved Budget	Resolutions Adj. Budget	Adjusted Budget	ACTUALS Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
LAW ENFORCEMENT PROTECTION	**211**							
REVENUES								
State-Law Enforcement Protection	211	64,800	0	64,800	64,200		(600)	99.07%
Miscellaneous	211	106,523	13,911	120,434	92,814		(27,620)	77.07%
TOTAL Revenues		171,323	13,911	185,234	157,014		(28,220)	84.77%
EXPENDITURES	211	175,767	13,911	189,678	135,354	0	54,324	71.36%
OTHER FINANCING SOURCES								
Transfers In	211	0	0	0	0		0	n/a
Transfers (Out)	211	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expend	211				21,660			
LODGERS' TAX	**214**							
REVENUES								
Lodgers' Tax	214	492,864	0	492,864	500,800		7,936	101.61%
Miscellaneous	214	241,820	(1,833)	239,987	132,229		(107,758)	55.10%
TOTAL Revenues		734,684	(1,833)	732,851	633,029		(99,822)	86.38%
EXPENDITURES	214	871,927	(43,333)	828,594	551,515	14,096	262,983	66.56%
OTHER FINANCING SOURCES								
Transfers In	214	0	0	0	0		0	n/a
Transfers (Out)	214	(41,344)	(2,123)	(43,467)	(39,327)		4,140	90.48%
TOTAL - OTHER FINANCING SOURCES		(41,344)	(2,123)	(43,467)	(39,327)		4,140	90.48%
Excess (deficiency) of revenues over expend	214				42,187			
MUNICIPAL STREET	**216**							
REVENUES								
GRT - Infrastructure (1/8 cent)	216	366,402	0	366,402	378,320		11,918	103.25%
GRT - Municipal	216	1,465,294	0	1,465,294	1,513,280		47,986	103.27%
Gasoline Tax - (1 cent / 2 cent)	216	489,146	0	489,146	473,229		(15,917)	96.75%
Motor Vehicle - Registration (all)	216	155,625	0	155,625	153,958		(1,667)	98.93%
State Grants	216	189,441	(8,000)	181,441	179,577		(1,864)	98.97%
Federal Grants	216	0	0	0	0		0	n/a
Miscellaneous	216	44,707	0	44,707	63,096		18,389	141.13%
TOTAL Revenues		2,710,615	(8,000)	2,702,615	2,761,459		58,844	102.18%
EXPENDITURES	216	2,426,460	(145,971)	2,280,489	1,592,622	112,550	575,317	69.84%
OTHER FINANCING SOURCES								
Transfers In	216	601,028	0	601,028	170,490		(430,538)	28.37%
Transfers (Out)	216	(2,583,550)	7,444	(2,576,106)	(2,090,570)		485,536	81.15%
TOTAL - OTHER FINANCING SOURCES		(1,982,522)	7,444	(1,975,078)	(1,920,080)		54,998	97.22%
Excess (deficiency) of revenues over expend	216				(751,243)			
RECREATION	**217**							
REVENUES								
Cigarette Tax - (1 cent)	217	0	0	0	0		0	n/a
Miscellaneous	217	682,453	21,700	704,153	506,058		(198,095)	71.87%
TOTAL Revenues		682,453	21,700	704,153	506,058		(198,095)	71.87%
EXPENDITURES	217	3,713,576	50,498	3,764,074	3,309,947	11,562	442,565	87.94%
OTHER FINANCING SOURCES								
Transfers In	217	3,218,058	0	3,218,058	2,717,986		(500,072)	84.46%
Transfers (Out)	217	(448,481)	(42,094)	(490,575)	(410,283)		80,293	83.63%
TOTAL - OTHER FINANCING SOURCES		2,769,577	(42,094)	2,727,483	2,307,703		(419,780)	84.61%
Excess (deficiency) of revenues over expend	217				(496,185)			
INTERGOVERNMENTAL GRANTS	**218**							
REVENUES								
State Grants	218	0	0	0	0		0	n/a
Federal Grants	218	0	0	0	0		0	n/a
Miscellaneous	218	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	218	0	0	0	0	0	0	n/a

SPECIAL REVENUES - MUNICIPALITY - QUARTERLY REPORT

SPECIAL REVENUES - RESOURCES	Fund	BUDGET Approved Budget	Resolutions Adj. Budget	Adjusted Budget	ACTUALS Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
OTHER FINANCING SOURCES								
Transfers In	218	0	0	0	0		0	n/a
Transfers (Out)	218	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expend	218				0			
SENIOR CITIZENS	**219**							
REVENUES								
State Grants	219	824,677	60,388	885,065	393,722		(491,343)	44.49%
Federal Grants	219	259,994	25,729	285,723	224,818		(60,905)	78.68%
Miscellaneous	219	224,792	17,295	242,087	224,103		(17,984)	92.57%
TOTAL Revenues		1,309,463	103,412	1,412,875	842,643		(570,232)	59.64%
EXPENDITURES	219	1,730,294	276,525	2,006,819	1,680,352	28,893	297,574	83.73%
OTHER FINANCING SOURCES								
Transfers In	219	409,345	80,142	489,487	478,725		(10,762)	97.80%
Transfers (Out)	219	(109,301)	93,163	(16,138)	(12,709)		3,429	78.75%
TOTAL - OTHER FINANCING SOURCES		300,044	173,305	473,349	466,016		(7,333)	98.45%
Excess (deficiency) of revenues over expend	219				(371,694)			
DWI	**223**							
REVENUES								
State - Formula Distribution (DFA)	223	0	0	0	0		0	n/a
State - Local Grant (DFA)	223	0	0	0	0		0	n/a
State Other	223	0	0	0	0		0	n/a
Federal Grants	223	0	0	0	0		0	n/a
Miscellaneous	223	0	0	0	0		0	n/a
TOTAL Revenues		0	0	0	0		0	n/a
EXPENDITURES	223	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES								
Transfers In	223	0	0	0	0		0	n/a
Transfers (Out)	223	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES		0	0	0	0		0	n/a
Excess (deficiency) of revenues over expend	223				0			
OTHER - SPECIAL	**299**							
REVENUES	299	1,704,215	10,772	1,714,987	1,754,747		39,760	102.32%
EXPENDITURES	299	755,650	(4,852)	750,798	479,014	17,920	253,864	63.80%
TOTAL -OTHER FINANCING SOURCES	299	(994,057)	112,445	(881,612)	(956,683)		(75,071)	108.52%
Excess (deficiency) of revenues over expend	299				319,050			

CITY OF ALAMOGORDO
Period Ending: 6/30/2015

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET Approved Budget	Resolutions Adj. Budget	Adjusted Budget	ACTUALS Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
ENGINEERING (63)							
REVENUES	141,000	0	141,000	104,457		(36,543)	74.08%
EXPENDITURES	369,718	(45,653)	324,065	231,886	17,920	74,259	71.56%
OTHER FINANCING SOURCES							
Transfers In	128,721	0	128,721	0		(128,721)	0.00%
Transfers (Out)	(41,860)	(2,298)	(44,158)	(35,736)		8,422	80.93%
TOTAL - OTHER FINANCING SOURCES	86,861	(2,298)	84,563	(35,736)		(120,299)	(42.26%)
Excess (deficiency) of revenues over expenditures				(163,165)			
BUILDING CODES (65)							
REVENUES	33,200	0	33,200	41,646		8,446	125.44%
EXPENDITURES	133,932	674	134,606	111,070	0	23,536	82.51%
OTHER FINANCING SOURCES							
Transfers In	103,107	0	103,107	54,186		(48,921)	52.55%
Transfers (Out)	(11,277)	(1,058)	(12,335)	(9,707)		2,628	78.70%
TOTAL - OTHER FINANCING SOURCES	91,830	(1,058)	90,772	44,478		(46,294)	49.00%
Excess (deficiency) of revenues over expenditures				(24,946)			
94 GROSS RECEIPTS (69)							
REVENUES	1,474,597	0	1,474,597	1,532,950		58,353	103.96%
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	(1,344,748)	115,801	(1,228,947)	(1,137,426)		91,521	92.55%
TOTAL - OTHER FINANCING SOURCES	(1,344,748)	115,801	(1,228,947)	(1,137,426)		91,521	92.55%
Excess (deficiency) of revenues over expenditures				395,524			
SELF INSURED (96)							
REVENUES	53,395	10,772	64,167	70,829		6,662	110.38%
EXPENDITURES	25,000	22,127	47,127	18,800	0	28,327	39.89%
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				52,029			
LIABILITY/DEDUCTIBLES (107)							
REVENUES	2,023	0	2,023	4,865		2,842	240.49%
EXPENDITURES	227,000	18,000	245,000	117,258	0	127,742	47.86%
OTHER FINANCING SOURCES							
Transfers In	172,000	0	172,000	172,000		0	100.00%
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	172,000	0	172,000	172,000		0	100.00%
Excess (deficiency) of revenues over expenditures				59,608			
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			

CITY OF ALAMOGORDO
Period Ending: 6/30/2015

OTHER MISC. (FUND 299) DETAIL LIST

	BUDGET			ACTUALS			
SPECIAL REVENUES	**Approved Budget**	**Resolutions Adj. Budget**	**Adjusted Budget**	**Year to Date Total**	**Encumbrances (expend line only)**	**Budget Balance**	**Budget Variance %**
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			

CITY OF ALAMOGORDO
Period Ending: 6/30/2015

OTHER MISC. (FUND 299) DETAIL LIST

SPECIAL REVENUES	BUDGET Approved Budget	Resolutions Adj. Budget	Adjusted Budget	ACTUALS Year to Date Total	Encumbrances (expend line only)	Budget Balance	Budget Variance %
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
(enter fund name here)							
REVENUES	0	0	0	0		0	n/a
EXPENDITURES	0	0	0	0	0	0	n/a
OTHER FINANCING SOURCES							
Transfers In	0	0	0	0		0	n/a
Transfers (Out)	0	0	0	0		0	n/a
TOTAL - OTHER FINANCING SOURCES	0	0	0	0		0	n/a
Excess (deficiency) of revenues over expenditures				0			
FUND 299 SUMMARY							
Revenue - TOTAL	$1,704,215	$10,772	$1,714,987	$1,754,747		39,760	102.32%
Expenditures - TOTAL	$755,650	($4,852)	$750,798	$479,014	$17,920	253,864	63.80%
TOTAL - OTHER FINANCING SOURCES	($994,057)	$112,445	($881,612)	($956,683)		($75,071)	108.52%

CITY OF ALAMOGORDO
Period Ending: 6/30/2015

CAPITAL PROJECTS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS		Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget	Y-T-D	ENCUMBRANCES Y-T-D	$	%
REVENUES							
GRT- Dedication	$5,129,561	$0	$5,129,561	5,296,479.40		$166,918	103.25%
GRT- Infrastructure	$366,402	$0	$366,402	378,319.95		$11,918	103.25%
Bond Proceeds	$12,421,645	$0	$12,421,645	10,816,202.73		($1,605,442)	87.08%
State Grants	$0	$0	$0	-		$0	n/a
CDBG funding	$500,000	$0	$500,000	-		($500,000)	0.00%
State Grants	$2,405,309	$911,221	$3,316,530	1,395,874.43		($1,920,656)	42.09%
Federal Grants (other)	$854,091	$5,910,961	$6,765,052	1,804,618.00		($4,960,434)	26.68%
Legislative Appropriations	$4,000,000	$0	$4,000,000	-		($4,000,000)	0.00%
Investment Income	$185,982	$0	$185,982	301,785.79		$115,804	162.27%
Miscellaneous	$121,625	$522,411	$644,036	559,141.79		($84,894)	86.82%
TOTAL CAPITAL PROJECTS REVENUES	$25,984,615	$7,344,593	$33,329,208	$20,552,422		($12,776,786)	61.66%
EXPENDITURES							
Parks/Recreation	$1,577,093	$0	$1,577,093	267,555.98	-	$1,309,537	16.97%
Housing	$0	$0	$0	-	-	$0	n/a
Equipment & Buildings	$530,665	$34,000	$564,665	407,283.03	-	$157,382	72.13%
Facilities	$5,880,000	$0	$5,880,000	10,272.38	394,336.34	$5,475,391	0.17%
Transit	$0	$0	$0	-	-	$0	n/a
Utilities	$7,142,792	$103,695	$7,246,487	592,822.28	4,903,747.14	$1,749,918	8.18%
Airports	$17,237	$6,636,915	$6,654,152	2,036,938.95	439,709.80	$4,177,503	30.61%
Infrastructure	$22,911,506	($1,268,191)	$21,643,315	5,904,029.87	960,437.42	$14,778,848	27.28%
Debt Service Payments (P&I)-GO Bonds	$0	$0	$0	-	-	$0	n/a
Debt Service Payments (P&I)-Rev. Bonds	$0	$0	$0	-	-	$0	n/a
Other	$2,227,790	$1,401,061	$3,628,851	1,341,609.01	359,055.07	$1,928,187	36.97%
TOTAL CAPITAL PROJECTS EXPENDITURES	$40,287,083	$6,907,480	$47,194,563	$10,560,512	$7,057,286	$29,576,766	22.38%
OTHER FINANCING SOURCES							
Transfers In	$4,252,378	$619,670	$4,872,048	1,412,557.77		($3,459,490)	28.99%
Transfers (Out)	($3,123,742)	($542,052)	($3,665,794)	(1,746,167.05)		$1,919,627	47.63%
TOTAL - OTHER FINANCING SOURCES	$1,128,636	$77,618	$1,206,254	($333,609)		($1,539,863)	(27.66%)
Excess (deficiency) of revenues over expenditures				$9,658,301			

DEBT SERVICE

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS Approved Budget	Budget Adjustments	Adjusted Budget	ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative) $	%
GENERAL OBLIGATION BONDS [FUND 401]							
REVENUES:							
General Obligation - (Property tax)	$713,760	$0	$713,760	1,016,195.18		$302,435	142.37%
Investment Income	$332	$0	$332	4,002.50		$3,671	1205.57%
Other - Misc	$0	$0	$0	-		$0	n/a
TOTAL REVENUES	$714,092	$0	$714,092	$1,020,198		$306,106	142.87%
EXPENDITURES							
General Obligation - Principal	$460,000	$0	$460,000	460,000.00	-	$0	100.00%
General Obligation - Interest	$278,285	$0	$278,285	278,284.81	-	$0	100.00%
Other Costs (Fiscal Agent Fees/Other Fees/Misc)	$0	$0	$0	-	-	$0	n/a
TOTAL EXPENDITURES	$738,285	$0	$738,285	$738,285	$0	$0	100.00%
OTHER FINANCING SOURCES							
Transfers In	$0	$7,589	$7,589	7,589.24		$0	100.00%
Transfers (Out)	$0	$0	$0	-		$0	n/a
TOTAL - OTHER FINANCING SOURCES	$0	$7,589	$7,589	$7,589		$0	100.00%
Excess (deficiency) of revenues over expenditures [401]				$289,502			
REVENUE BONDS [FUND 402]							
REVENUES:							
Bond Proceeds	$0	$0	$0	-		$0	n/a
Revenue Bonds - GRT	$0	$0	$0	-		$0	n/a
Investment Income	$10,497	$0	$10,497	5,138.73		$5,358	48.95%
Revenue Bonds - Other	$0	$0	$0	-		$0	n/a
REVENUE BOND REVENUE - TOTAL	$10,497	$0	$10,497	$5,139		$5,358	48.95%
EXPENDITURES							
Revenue Bonds - Principal	$1,567,284	$0	$1,567,284	575,000.00	-	$992,284	36.69%
Revenue Bonds - Interest	$655,475	$0	$655,475	264,337.50	-	$391,138	40.33%
Other Revenue Bond Payments	$0	$0	$0	-	-	$0	n/a
Other Costs (Fiscal Agent Fees/Other Fees/Misc)	$0	$0	$0	-	-	$0	n/a
TOTAL DEBT SERVICE FUND EXPENDITURES	$2,222,759	$0	$2,222,759	$839,338	$0	$1,383,422	37.76%
OTHER FINANCING SOURCES							
Transfers In	$2,222,759	$0	$2,222,759	163,475.42		($2,059,284)	7.35%
Transfers (Out)	$0	$0	$0	-		$0	n/a
TOTAL - OTHER FINANCING SOURCES	$2,222,759	$0	$2,222,759	$163,475		($2,059,284)	7.35%
Excess (deficiency) of revenues over expenditures [402]				($670,723)			
OTHER DEBT SERVICE [FUND 403]							
REVENUES:							
Investment Income	$0	$0	$0	9,268.37		$9,268	n/a
Loan Revenue	$0	$0	$0	-		$0	n/a
OTHER DEBT SERVICE REVENUE - TOTAL	$0	$0	$0	$9,268		$9,268	n/a
EXPENDITURES							
NMFA Loan Payments	$2,492,824	$6	$2,492,830	3,840,257.70	-	$1,347,428	154.05%
Board of Finance Loan Payments	$0	$0	$0	-	-	$0	n/a
Other Debt Service - Misc	$14,827	$0	$14,827	15,376.66	-	$550	103.71%
TOTAL DEBT SERVICE FUND EXPENDITURES	$2,507,651	$6	$2,507,657	$3,855,634	$0	$1,347,977	153.75%
OTHER FINANCING SOURCES							
Transfers In	$2,507,651	$0	$2,507,651	4,526,401.72		$2,018,751	180.50%
Transfers (Out)	$0	$0	$0	-		$0	n/a
TOTAL - OTHER FINANCING SOURCES	$2,507,651	$0	$2,507,651	$4,526,402		$2,018,751	180.50%
Excess (deficiency) of revenues over expenditures [403]				$680,036			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS Approved Budget	Budget Adjustments	Adjusted Budget	ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative) $	%
REVENUES **Water Fund**							
Charges for Services	$9,606,896	$15,000	$9,621,896	9,295,694.08		($326,202)	96.61%
Interest on Investments	$66,642	$0	$66,642	137,640.56		$70,999	206.54%
Gross Receipts - dedicated	$0	$0	$0	-		$0	n/a
Grants - Federal	$0	$0	$0	-		$0	n/a
Grants - State	$0	$0	$0	-		$0	n/a
Legislative Appropriation	$0	$0	$0	-		$0	n/a
Other	$0	$0	$0	24,457.67		$24,458	n/a
TOTAL REVENUES - Water Fund	$9,673,538	$15,000	$9,688,538	$9,457,792		($230,746)	97.62%
EXPENDITURES							
Water Fund	$13,132,986	$374,460	$13,507,446	8,406,594.84	1,409,902.36	$3,690,949	62.24%
OTHER FINANCING SOURCES							
Transfers In	$98,413	$0	$98,413	98,413.00		$0	100.00%
Transfers (Out)	($4,028,145)	($49,588)	($4,077,733)	(1,832,737.31)		$2,244,996	44.95%
TOTAL-OTHER FINANCING SOURCES	($3,929,732)	($49,588)	($3,979,320)	($1,734,324)		$2,244,996	43.58%
Excess (deficiency) of revenues over expenditures				($683,127)			
REVENUES **Solid Waste**							
Charges for Services	$2,027,400	$0	$2,027,400	1,987,648.93		($39,751)	98.04%
Interest on Investments	$152	$0	$152	1,448.96		$1,297	953.26%
Gross Receipts - dedicated	$0	$0	$0	-		$0	n/a
Grants - Federal	$0	$0	$0	-		$0	n/a
Grants - State	$0	$0	$0	-		$0	n/a
Legislative Appropriation	$0	$0	$0	-		$0	n/a
Other	$10	$0	$10	3,723.95		$3,714	37239.50%
TOTAL REVENUES - Solid Waste Fund	$2,027,562	$0	$2,027,562	$1,992,822		($34,740)	98.29%
EXPENDITURES							
Solid Waste	$1,879,955	$16,000	$1,895,955	1,801,197.53	-	$94,757	95.00%
OTHER FINANCING SOURCES							
Transfers In	$188,408	$0	$188,408	-		($188,408)	0.00%
Transfers (Out)	($131,511)	($1,792)	($133,303)	(125,012.67)		$8,290	93.78%
TOTAL-OTHER FINANCING SOURCES	$56,897	($1,792)	$55,105	($125,013)		($180,118)	(226.86%)
Excess (deficiency) of revenues over expenditures				$66,612			
REVENUES **Waste Water**							
Charges for Services	$0	$0	$0	$0		$0	n/a
Interest on Investments	$0	$0	$0	$0		$0	n/a
Gross Receipts - dedicated	$0	$0	$0	$0		$0	n/a
Grants - Federal	$0	$0	$0	$0		$0	n/a
Grants - State	$0	$0	$0	$0		$0	n/a
Legislative Appropriation	$0	$0	$0	$0		$0	n/a
Other	$0	$0	$0	$0		$0	n/a
TOTAL REVENUES - Waste Water Fund	$0	$0	$0	$0		$0	n/a
EXPENDITURES							
Waste Water	$0	$0	$0	$0	$0	$0	n/a
OTHER FINANCING SOURCES							
Transfers In	$0	$0	$0	$0		$0	n/a
Transfers (Out)	$0	$0	$0	$0		$0	n/a
TOTAL-OTHER FINANCING SOURCES	$0	$0	$0	$0		$0	n/a
Excess (deficiency) of revenues over expenditures				$0			

CITY OF ALAMOGORDO
Period Ending: 6/30/2015

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS		Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget	Y-T-D	ENCUMBRANCES Y-T-D	$	%
REVENUES **Airport**							
Charges for Services	$151,920	$0	$151,920	146,330.60		($5,589)	96.32%
Interest on Investments	$493	$0	$493	1,548.70		$1,056	314.14%
Gross Receipts - dedicated	$0	$0	$0	-		$0	n/a
Grants - Federal	$0	$0	$0	-		$0	n/a
Grants - State	$8,283	$91,351	$99,634	8,031.00		($91,603)	8.06%
Legislative Appropriation	$0	$0	$0	-		$0	n/a
Other	$0	$0	$0	11,115.36		$11,115	n/a
TOTAL REVENUES - Airport Fund	$160,696	$91,351	$252,047	$167,026		($85,021)	66.27%
EXPENDITURES							
Airport	$276,902	$98,706	$375,608	165,183.89	35,161.54	$175,263	43.98%
OTHER FINANCING SOURCES							
Transfers In	$25,000	$0	$25,000	-		($25,000)	0.00%
Transfers (Out)	($34,501)	($52,026)	($86,527)	(28,845.40)		$57,682	33.34%
TOTAL-OTHER FINANCING SOURCES	($9,501)	($52,026)	($61,527)	($28,845)		$32,682	46.88%
Excess (deficiency) of revenues over expenditures				($27,004)			
REVENUES **Ambulance**							
Charges for Services	$0	$0	$0	$0		$0	n/a
Interest on Investments	$0	$0	$0	$0		$0	n/a
Gross Receipts - dedicated	$0	$0	$0	$0		$0	n/a
Grants - Federal	$0	$0	$0	$0		$0	n/a
Grants - State	$0	$0	$0	$0		$0	n/a
Legislative Appropriation	$0	$0	$0	$0		$0	n/a
Other	$0	$0	$0	$0		$0	n/a
TOTAL REVENUES - Ambulance Fund	$0	$0	$0	$0		$0	n/a
EXPENDITURES							
Ambulance	$0	$0	$0	$0	$0	$0	n/a
OTHER FINANCING SOURCES							
Transfers In	$0	$0	$0	$0		$0	n/a
Transfers (Out)	$0	$0	$0	$0		$0	n/a
TOTAL-OTHER FINANCING SOURCES	$0	$0	$0	$0		$0	n/a
Excess (deficiency) of revenues over expenditures				$0			
REVENUES **Cemetery**							
Charges for Services	$0	$0	$0	$0		$0	n/a
Interest on Investments	$0	$0	$0	$0		$0	n/a
Gross Receipts - dedicated	$0	$0	$0	$0		$0	n/a
Grants - Federal	$0	$0	$0	$0		$0	n/a
Grants - State	$0	$0	$0	$0		$0	n/a
Legislative Appropriation	$0	$0	$0	$0		$0	n/a
Other	$0	$0	$0	$0		$0	n/a
TOTAL REVENUES - Cemetery Fund	$0	$0	$0	$0		$0	n/a
EXPENDITURES							
Cemetery	$0	$0	$0	$0	$0	$0	n/a
OTHER FINANCING SOURCES							
Transfers In	$0	$0	$0	$0		$0	n/a
Transfers (Out)	$0	$0	$0	$0		$0	n/a
TOTAL-OTHER FINANCING SOURCES	$0	$0	$0	$0		$0	n/a
Excess (deficiency) of revenues over expenditures				$0			

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS Approved Budget	Budget Adjustments	Adjusted Budget	ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative) $	%
REVENUES							
Housing							
Charges for Services	$0	$0	$0	-		$0	n/a
Interest on Investments	$0	$0	$0	-		$0	n/a
Gross Receipts - dedicated	$0	$0	$0	-		$0	n/a
Grants - Federal	$0	$0	$0	-		$0	n/a
Grants - State	$0	$0	$0	-		$0	n/a
Legislative Appropriation	$0	$0	$0	-		$0	n/a
Other	$0	$0	$0	-		$0	n/a
TOTAL REVENUES - Housing Fund	$0	$0	$0	$0		$0	n/a
EXPENDITURES							
Housing	$0	$0	$0	-	-	$0	n/a
OTHER FINANCING SOURCES							
Transfers In	$0	$0	$0	-		$0	n/a
Transfers (Out)	$0	$0	$0	-		$0	n/a
TOTAL-OTHER FINANCING SOURCES	$0	$0	$0	$0		$0	n/a
Excess (deficiency) of revenues over expenditures				$0			
REVENUES							
Parking Facilities							
Charges for Services	$0	$0	$0	$0		$0	n/a
Interest on Investments	$0	$0	$0	$0		$0	n/a
Gross Receipts - dedicated	$0	$0	$0	$0		$0	n/a
Grants - Federal	$0	$0	$0	$0		$0	n/a
Grants - State	$0	$0	$0	$0		$0	n/a
Legislative Appropriation	$0	$0	$0	$0		$0	n/a
Other	$0	$0	$0	$0		$0	n/a
TOTAL REVENUES - Parking Facilities	$0	$0	$0	$0		$0	n/a
EXPENDITURES							
Parking Facilities	$0	$0	$0	$0	$0	$0	n/a
OTHER FINANCING SOURCES							
Transfers In	$0	$0	$0	$0		$0	n/a
Transfers (Out)	$0	$0	$0	$0		$0	n/a
TOTAL-OTHER FINANCING SOURCES	$0	$0	$0	$0		$0	n/a
Excess (deficiency) of revenues over expenditures				$0			
REVENUES							
Bonito Lake (88)							
Charges for Services	$0	$0	$0	-		$0	n/a
Interest on Investments	$2,584	$0	$2,584	777.85		($1,806)	30.10%
Gross Receipts - dedicated	$0	$0	$0	-		$0	n/a
Grants - Federal	$6,254,191	$0	$6,254,191	3,212,616.05		($3,041,575)	51.37%
Grants - State	$1,051,578	$0	$1,051,578	540,041.70		($511,536)	51.36%
Legislative Appropriation	$0	$0	$0	-		$0	n/a
Other	$0	$0	$0	3,374.70		$3,375	n/a
TOTAL REV. - Other Enterprise Fund	$7,308,353	$0	$7,308,353	$3,756,810		($3,551,543)	51.40%
EXPENDITURES							
Other Enterprise Fund	$8,544,594	$0	$8,544,594	51,375.88	1,314,335.86	$7,178,882	0.60%
OTHER FINANCING SOURCES							
Transfers In	$1,416,768	$0	$1,416,768	-		($1,416,768)	0.00%
Transfers (Out)	$0	$0	$0	-		$0	n/a
TOTAL-OTHER FINANCING SOURCES	$1,416,768	$0	$1,416,768	$0		($1,416,768)	0.00%
Excess (deficiency) of revenues over expenditures				$3,705,434			

CITY OF ALAMOGORDO
Period Ending: 6/30/2015

ENTERPRISE FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS Approved Budget	Budget Adjustments	Adjusted Budget	ACTUALS Y-T-D	ENCUMBRANCES Y-T-D	Variance With Adjusted Budget Positive (Negative) $	%
REVENUES **Golf Course (90)**							
Charges for Services	$1,276,968	$0	$1,276,968	1,280,533.39		$3,565	100.28%
Interest on Investments	$573	$0	$573	1,001.72		$429	174.82%
Gross Receipts - dedicated	$0	$0	$0	-		$0	n/a
Grants - Federal	$0	$0	$0	-		$0	n/a
Grants - State	$300,000	$0	$300,000	-		($300,000)	0.00%
Legislative Appropriation	$0	$0	$0	-		$0	n/a
Other	$1,650	$0	$1,650	1,400.00		($250)	84.85%
TOTAL REV. - Other Enterprise Fund	$1,579,191	$0	$1,579,191	$1,282,935		($296,256)	81.24%
EXPENDITURES							
Other Enterprise Fund	$1,534,697	$244,782	$1,779,479	1,418,223.85	-	$361,255	79.70%
OTHER FINANCING SOURCES							
Transfers In	$234,052	$0	$234,052	234,052.00		$0	100.00%
Transfers (Out)	($53,579)	($3,864)	($57,443)	(52,484.95)		$4,958	91.37%
TOTAL-OTHER FINANCING SOURCES	$180,473	($3,864)	$176,609	$181,567		$4,958	102.81%
Excess (deficiency) of revenues over expenditures				$46,278			
REVENUES **Other Enterprise (enter fund name)**							
Charges for Services	$0	$0	$0	$0		$0	n/a
Interest on Investments	$0	$0	$0	$0		$0	n/a
Gross Receipts - dedicated	$0	$0	$0	$0		$0	n/a
Grants - Federal	$0	$0	$0	$0		$0	n/a
Grants - State	$0	$0	$0	$0		$0	n/a
Legislative Appropriation	$0	$0	$0	$0		$0	n/a
Other	$0	$0	$0	$0		$0	n/a
TOTAL REV. - Other Enterprise Fund	$0	$0	$0	$0		$0	n/a
EXPENDITURES							
Other Enterprise Fund	$0	$0	$0	$0	$0	$0	n/a
OTHER FINANCING SOURCES							
Transfers In	$0	$0	$0	$0		$0	n/a
Transfers (Out)	$0	$0	$0	$0		$0	n/a
TOTAL-OTHER FINANCING SOURCES	$0	$0	$0	$0		$0	n/a
Excess (deficiency) of revenues over expenditures				$0			

INTERNAL SERVICE / TRUST & AGENCY FUNDS

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES	BUDGETED AMOUNTS			ACTUALS	ENCUMBRANCES	Variance With Adjusted Budget Positive (Negative)	
	Approved Budget	Budget Adjustments	Adjusted Budget	Y-T-D	Y-T-D	$	%
INTERNAL SERVICE FUNDS [600]							
REVENUES							
Charges for Services	$85,000	$0	$85,000	38,192.31		($46,808)	44.93%
Interest on Investments	$0	$0	$0	4,362.80		$4,363	n/a
Miscellaneous revenues	$221,840	$123,185	$345,025	315,831.82		($29,193)	91.54%
TOTAL REVENUES	$306,840	$123,185	$430,025	$358,387		($71,638)	83.34%
EXPENDITURES							
Operating Expenditures	$3,932,871	($93,525)	$3,839,346	2,413,981.24	546,991.88	$878,373	62.87%
Miscellaneous	$230,900	$0	$230,900	200,715.76	-	$30,184	86.93%
TOTAL EXPENDITURES	$4,163,771	($93,525)	$4,070,246	$2,614,697	$546,992	$908,557	#REF!
OTHER FINANCING SOURCES							
Transfers In	$3,452,877	($18,131)	$3,434,746	2,192,255.85		$1,242,490	63.83%
Transfers (Out)	$0	$0	$0	-		$0	n/a
TOTAL - OTHER FINANCING SOURCES	$3,452,877	($18,131)	$3,434,746	$2,192,256		($1,242,490)	n/a
Excess (deficiency) of revenues over expenditures				($64,054)			
TRUST AND AGENCY FUNDS [700]							
REVENUES							
Investments	$0	$0	$0	0.00		$0	n/a
Interest on Investments	$30,019	$0	$30,019	51,319.57		$21,301	170.96%
Tax Revenues	$0	$0	$0	0.00		$0	n/a
Miscellaneous revenues	$2,513,942	$0	$2,513,942	2,385,471.81		($128,470)	94.89%
TOTAL REVENUES	$2,543,961	$0	$2,543,961	$2,436,791		($107,170)	95.79%
EXPENDITURES							
General Governmnent/Benefits	$0	$0	$0	-	-	$0	n/a
Capital Outlay	$1,034,719	$132,007	$1,166,726	257,531.17	155,851.68	$753,343	22.07%
Debt Service	$0	$0	$0	-	-	$0	n/a
Miscellaneous	$2,348,027	$48,814	$2,396,841	1,817,033.97	11,725.56	$568,081	75.81%
TOTAL EXPENDITURES	$3,382,746	$180,821	$3,563,567	$2,074,565	$167,577	$1,321,425	58.22%
OTHER FINANCING SOURCES							
Transfers In	$0	$0	$0	-		$0	n/a
Transfers (Out)	($2,365)	$11	($2,354)	(2,292.61)		($61)	97.39%
TOTAL - OTHER FINANCING SOURCES	($2,365)	$11	($2,354)	($2,293)		$61	97.39%
Excess (deficiency) of revenues over expenditures				$359,934			

DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMMENT DIVISION
QUARTERLY REPORT

CITY OF ALAMOGORDO

Period Ending: 6/30/2015

Schedule of Investments:

Type of Investment	Fund Number	Investment Date	Maturity Date	Source (Bank or Fiscal Agent)	Book Value	Market Value
Local Government Investment Pool	Cons	N/A	DAILY	ST. INVESTMENT POOL - COA	4,858.56	4,858.56
Local Government Investment Pool - Housing Authority	Cons	N/A	DAILY	ST. INVESTMENT POOL - PHA	7.77	7.77
Certificate of Deposit	Cons	02/06/13	02/06/18	Western Bank (CD# 81186796)	257,042.53	257,042.53
Certificate of Deposit	Cons	03/11/13	03/11/18	Western Bank (CD# 81186879)	257,068.65	257,068.65
Certificate of Deposit	Cons	03/22/13	03/22/18	Western Bank (CD# 81186944)	770,513.64	770,513.64
Certificate of Deposit	Cons	02/10/14	02/10/19	Western Bank (CD# 81187231)	510,662.40	510,662.40
Certificate of Deposit	Cons	02/07/13	02/07/18	First Savings Bank (CD#13312297)	257,042.53	257,042.53
Certificate of Deposit	Cons	03/12/13	03/12/18	First Savings Bank (CD# 13401520)	1,022,747.28	1,022,747.28
Certificate of Deposit	Cons	02/08/13	02/08/18	Bank '34 (CD#0101004984)	250,000.00	250,000.00
Certificate of Deposit	Cons	02/12/13	02/12/18	First American Bank (CD#603372527)	255,783.06	255,783.06
Certificate of Deposit	Cons	03/22/13	03/22/18	First American Bank (CD# 603372528)	1,021,110.25	1,021,110.25
Certificate of Deposit	Cons	02/12/13	02/12/18	Pioneer Bank (CD#30100640)	255,987.98	255,987.98
Certificate of Deposit	Cons	03/20/13	03/20/18	Bank of the West (CD#029771907)	255,479.92	255,479.92
Certificate of Deposit	Cons	03/27/13	03/22/18	Washington Federal (CD# 172-200282-9)	258,860.06	258,860.06
Certificate of Deposit	Cons	04/09/13	04/09/18	Washington Federal (CD# 172-200283-7)	1,028,073.05	1,028,073.05
Certificate of Deposit	Cons	09/16/11	09/15/17	Wells Fargo (Camden Natl Bank)	250,000.00	257,941.75
Certificate of Deposit	Cons	10/05/11	10/05/16	Wells Fargo (Luana Savings Bank)	250,000.00	251,685.50
Certificate of Deposit	Cons	11/09/11	11/09/15	Wells Fargo (Ally Bank UT)	250,000.00	251,068.25
Certificate of Deposit	Cons	11/16/11	11/16/16	Wells Fargo (GE Capital Financial Int)	250,000.00	254,733.00
Certificate of Deposit	Cons	05/18/12	05/18/17	Wells Fargo (GE Capital Retail)	250,000.00	253,735.25
Certificate of Deposit	Cons	06/12/12	06/12/17	Wells Fargo (Peapack Gladstone Bk)	250,000.00	254,218.25
Certificate of Deposit	Cons	06/27/12	12/27/18	Wells Fargo (Bank Holland Mich)	250,000.00	246,229.25
Certificate of Deposit	Cons	06/29/12	06/26/16	Wells Fargo (Mbank)	250,000.00	252,230.75
Certificate of Deposit	Cons	07/17/12	07/17/15	Wells Fargo (First Business Bank)	250,000.00	250,037.75
Certificate of Deposit	Cons	07/27/12	07/27/15	Wells Fargo (Flushing SB)	250,000.00	250,086.25
Certificate of Deposit	Cons	08/22/12	08/22/17	Wells Fargo (Sallie Mae Bk)	250,000.00	253,793.25
Certificate of Deposit	Cons	08/24/12	08/26/19	Wells Fargo (World Finl Cap Bk)	250,000.00	246,478.50
Certificate of Deposit	Cons	03/06/13	03/07/16	Wells Fargo (Banco Popular North Amer)	125,000.00	125,073.50
Certificate of Deposit	Cons	03/06/13	03/06/17	Wells Fargo (Banco Popular North Amer New York)	125,000.00	125,661.13
Certificate of Deposit	Cons	06/28/13	06/28/18	Wells Fargo (BMW Bank of NA)	250,000.00	248,925.00
Certificate of Deposit	Cons	08/08/13	08/08/18	Wells Fargo (American Express)	250,000.00	252,909.25
Certificate of Deposit	Cons	08/14/13	08/14/18	Wells Fargo (Citi Bank)	250,000.00	250,323.50
Certificate of Deposit	Cons	10/08/13	10/09/18	Wells Fargo (Bank of Baroda)	250,000.00	252,995.50
Certificate of Deposit	Cons	11/27/13	11/27/18	Wells Fargo (First Bank of Highland)	250,000.00	252,599.75

Certificate of Deposit	Cons	12/04/13	12/04/18	Wells Fargo (Marlin Business Bank)	250,000.00	250,326.00
Certificate of Deposit	Cons	02/26/14	11/26/18	Wells Fargo (Third Federal S&L Assn)	250,000.00	252,037.00
Certificate of Deposit	Cons	07/11/14	07/11/16	Wells Fargo (Oriental Bank)	160,000.00	160,140.96
Certificate of Deposit	Cons	07/18/14	07/18/16	Wells Fargo (Merrick Bk South Jordan Utah)	250,000.00	250,127.25
Certificate of Deposit	Cons	07/23/14	07/25/16	Wells Fargo (Customers Bank)	250,000.00	250,135.50
Certificate of Deposit	Cons	07/25/14	07/25/16	Wells Fargo (Americanwest Bk)	250,000.00	250,135.50
Certificate of Deposit	Cons	07/25/14	07/26/16	Wells Fargo (Town North Bk)	90,000.00	90,058.23
Certificate of Deposit	Cons	10/08/14	10/11/16	Wells Fargo (Capital One Bk)	250,000.00	250,900.50
Certificate of Deposit	Cons	10/08/14	10/11/16	Wells Fargo (Peoples Utd Bk)	250,000.00	250,586.00
Certificate of Deposit	Cons	10/09/14	04/10/17	Wells Fargo (Bk of Clarke Cnty Berryville VA)	250,000.00	250,078.25
Certificate of Deposit	Cons	10/14/14	04/13/17	Wells Fargo (United Cmnty Bk Chatham IL)	250,000.00	250,070.50
Certificate of Deposit	Cons	10/17/14	10/17/16	Wells Fargo (Community Finl Svcs Bk KY)	250,000.00	250,477.25
Certificate of Deposit	Cons	10/17/14	10/17/19	Wells Fargo (State Bk India NY)	250,000.00	250,459.00
Certificate of Deposit	Cons	01/28/15	01/28/20	Wells Fargo (Goldman Sachs Bank)	250,000.00	247,163.25
Certificate of Deposit	Cons	01/30/15	04/28/16	Wells Fargo (Investors Bank)	250,000.00	250,164.25
Certificate of Deposit	Cons	01/30/15	01/27/16	Wells Fargo (Bank of India)	250,000.00	250,043.00
Certificate of Deposit	Cons	01/30/15	01/29/16	Wells Fargo (Everbank)	250,000.00	250,112.25
Certificate of Deposit	Cons	01/30/15	01/29/16	Wells Fargo (Mahopac Bank)	250,000.00	249,971.00
Certificate of Deposit	Cons	01/30/15	08/01/16	Wells Fargo (First Mo St Bk)	250,000.00	250,358.25
Certificate of Deposit	Cons	01/30/15	08/01/16	Wells Fargo (First Niagara Bk)	250,000.00	250,357.75
Certificate of Deposit	Cons	02/04/15	08/04/15	Wells Fargo (Mizuho Bank)	250,000.00	250,015.75
Certificate of Deposit	Cons	02/04/15	08/04/15	Wells Fargo (Santander Bk Natl Assn)	250,000.00	250,038.25
Certificate of Deposit	Cons	02/04/15	02/04/16	Wells Fargo (Apple Bank)	250,000.00	250,034.25
Certificate of Deposit	Cons	02/04/15	02/04/16	Wells Fargo (Bank of China)	250,000.00	250,034.25
Certificate of Deposit	Cons	02/04/15	02/04/16	Wells Fargo (USAmeribank)	250,000.00	249,990.75
Certificate of Deposit	Cons	02/05/15	08/05/15	Wells Fargo (Plains Comm Bk)	250,000.00	250,018.75
Certificate of Deposit	Cons	02/09/15	02/09/16	Wells Fargo (Bank Hapoalim B M)	250,000.00	250,102.00
Certificate of Deposit	Cons	02/20/15	08/20/15	Wells Fargo (First Svgs Bk)	250,000.00	250,020.25
Certificate of Deposit	Cons	03/11/15	03/10/17	Wells Fargo (Franklin Synergy Bk)	250,000.00	250,288.75
Certificate of Deposit	Cons	03/12/15	03/06/18	Wells Fargo (Belmont Svgs Bk)	250,000.00	250,174.75
Certificate of Deposit	Cons	03/13/15	03/11/16	Wells Fargo (Dollar Bank FSB)	250,000.00	250,052.00
Certificate of Deposit	Cons	03/13/15	03/13/18	Wells Fargo (JPMorgan Chase Bk)	250,000.00	250,163.00
Certificate of Deposit	Cons	03/16/15	03/16/16	Wells Fargo (Safra National Bank)	250,000.00	250,127.00
Certificate of Deposit	Cons	03/18/15	09/19/16	Wells Fargo (Capital Bank Miami)	250,000.00	250,271.25
Certificate of Deposit	Cons	03/20/15	03/20/17	Wells Fargo (Bankunited)	250,000.00	250,461.00
Certificate of Deposit	Cons	03/31/15	09/30/16	Wells Fargo (Berkshire Bk)	250,000.00	250,302.75
Certificate of Deposit	Cons	04/15/15	04/15/16	Wells Fargo (Avidbank)	250,000.00	250,240.50
Certificate of Deposit	Cons	04/15/15	04/15/20	Wells Fargo (Discover Bank)	250,000.00	247,982.00
Certificate of Deposit	Cons	04/16/15	04/16/18	Wells Fargo (Landmark Cmnty Bk)	250,000.00	249,125.00
Certificate of Deposit	Cons	05/01/17	05/01/15	Wells Fargo (Conestoga Bank)	250,000.00	250,187.50
Note	Cons	08/13/12	08/01/22	Wells Fargo (N Mexico Dona Ana Brh Cmnty College GO $	112,537.54	109,234.00
Note	Cons	08/21/12	08/01/16	Wells Fargo (San Juan Cnty N Mex Cent Consindpt S/D G	258,323.94	256,777.50
Note	Cons	09/07/12	08/15/19	Wells Fargo (Central N Mexico Cmnty Coll GO Series 200(	141,805.16	141,512.80

Note	Cons	09/10/12	08/01/16	Wells Fargo (New Mexico St Hosp Equip Rev Ser 2008 A)	5,314.74	5,270.15
Note	Cons	09/10/12	08/01/16	Wells Fargo (New Mexico St Hosp Equip Rev Ser 2008 A)	111,672.80	110,731.95
Note	Cons	09/27/12	08/01/15	Wells Fargo (Los Alamos NM Public Sch Dist Ref)	251,618.02	250,305.00
Note	Cons	11/21/12	10/15/20	Wells Fargo (University N Mex Gallup Branch Cmnty Colle	154,976.44	152,925.00
Note	Cons	01/30/13	01/30/18	Wells Fargo (Fannie Mae)	1,000,000.00	997,533.00
Note	Cons	02/08/13	07/25/18	Wells Fargo (Fed Home Loan Bk Bond)	1,000,000.00	994,754.00
Note	Cons	02/15/13	01/15/19	Wells Fargo (Fannie Mae Unsecrdnt Call)	500,000.00	498,778.50
Note	Cons	02/20/13	02/20/18	Wells Fargo (Fannie Mae)	500,000.00	499,331.00
Note	Cons	02/22/13	01/30/19	Wells Fargo (Fannie Mae Unsecrdnt Call)	500,000.00	499,660.00
Note	Cons	03/12/13	05/15/22	Wells Fargo (Rio Rancho NM Wtr & Wstwtr Sys Rev Ref)	113,757.43	113,313.00
Note	Cons	03/25/13	08/15/17	Wells Fargo (San Juan County NM Junior College District	54,232.12	53,182.50
Note	Cons	03/25/13	08/01/19	Wells Fargo (Rio Rancho N Mex Pub Sch Distno 94 Ult G.	104,473.40	103,292.55
Note	Cons	04/23/13	10/02/18	Wells Fargo (Federal Farm Credit Banks Funding Corp Bn	150,000.00	149,791.50
Note	Cons	02/05/14	06/13/18	Wells Fargo (Federal Home Loan Bank)	847,950.70	846,909.99
Note	Cons	02/05/14	07/11/19	Wells Fargo (Fed Home Loan Bk Bond)	831,707.97	840,088.02
Note	Cons	02/05/14	11/21/19	Wells Fargo (Federal Home Loan Bank)	510,351.03	515,093.80
Note	Cons	03/20/14	07/24/20	Wells Fargo (Federal Farm Credit Bank)	2,026,532.71	2,045,699.48
Note	Cons	03/20/14	03/06/17	Wells Fargo (Federal Farm Credit Banks Funding Corp Bn	893,241.61	895,059.97
Note	Cons	03/30/14	04/30/18	Wells Fargo (Fannie Mae)	987,617.10	993,514.00
Note	Cons	03/30/14	08/28/19	Wells Fargo (Fannie Mae)	991,632.85	997,854.00
Note	Cons	03/20/14	02/21/20	Wells Fargo (Fannie Mae)	983,919.84	992,929.00
Note	Cons	04/17/14	08/16/17	Wells Fargo (Federal Home Loan Bank)	998,520.95	999,731.00
Note	Cons	04/17/14	06/04/18	Wells Fargo (Federal Farm Credit Bank)	994,965.54	997,912.00
Note	Cons	04/17/14	10/04/19	Wells Fargo (Fannie Mae)	991,942.43	999,879.00
Note	Cons	04/17/14	12/04/20	Wells Fargo (Federal Farm Credit Bank)	992,147.51	990,645.00
Note	Cons	06/02/14	12/27/19	Wells Fargo (Fannie Mae)	990,203.95	985,790.00
Note	Cons	06/02/14	05/20/20	Wells Fargo (Federal Home Loan Bank)	1,002,198.37	997,656.90
Note	Cons	06/02/14	02/22/21	Wells Fargo (Fannie Mae)	992,517.84	992,890.00
Note	Cons	06/02/14	08/20/21	Wells Fargo (Federal Home Loan Bank)	540,506.84	543,179.45
Note	Cons	06/26/14	04/17/18	Wells Fargo (Freddie Mac)	995,596.42	1,000,458.00
Note	Cons	06/26/14	11/15/17	Wells Fargo (Fannie Mae)	1,164,391.37	1,164,907.97
Note	Cons	01/27/15	07/01/20	Wells Fargo (Federal Farm Credit Bank)	1,327,650.00	1,312,136.90
Note	Cons	02/06/15	02/05/19	Wells Fargo (Federal Farm Credit Bank)	1,003,000.00	1,000,881.00
Note	Cons	03/10/15	01/27/17	Wells Fargo (Freddie Mac)	399,412.00	399,530.40
Note	Cons	03/10/15	04/04/17	Wells Fargo (Federal Home Loan Bank)	500,400.46	500,759.00
Note	Cons	03/10/15	01/30/18	Wells Fargo (Fannie Mae)	499,395.00	500,395.00
Note	Cons	03/10/15	04/18/18	Wells Fargo (Fannie Mae)	500,000.00	499,902.00
Note	Cons	06/15/15	09/28/16	Wells Fargo (Federal Home Loan Bank)	1,000,700.00	1,000,237.00
Note	Cons	06/15/15	11/15/16	Wells Fargo (Fannie Mae)	1,517,895.00	1,517,640.00
Note	Cons	06/15/15	12/28/16	Wells Fargo (Federal Home Loan Bank)	1,001,210.18	1,001,187.00
Note	Cons	06/15/15	05/30/17	Wells Fargo (Federal Home Loan Bank)	1,997,660.00	1,995,918.00
Note	Cons	06/15/15	08/28/17	Wells Fargo (Federal Home Loan Bank)	1,000,730.00	1,000,488.00
Note	Cons	06/15/15	11/28/17	Wells Fargo (Federal Home Loan Bank)	1,497,765.00	1,497,103.50

Note	Cons	06/15/15	02/28/18	Wells Fargo (Fannie Mae)	1,002,840.00	1,003,517.00
Note	Cons	06/17/15	12/17/18	Wells Fargo (Freddie Mac)	850,000.00	849,887.80
Note	Cons	06/29/15	06/29/18	Wells Fargo (Federal Home Loan Bank)	2,000,000.00	1,999,358.00
Note	Cons	06/30/15	06/28/19	Wells Fargo (Freddie Mac)	2,000,000.00	2,003,172.00
Note	Cons	07/29/11	10/15/15	RBC (FNMA MTN)	758,329.77	759,031.50
Note	Cons	04/23/12	04/01/17	RBC (FNMA)	25,090.98	25,303.12
Note	Cons	05/21/12	07/02/15	RBC (FNMA DEB)	149,934.26	150,001.65
Note	Cons	08/23/12	11/20/15	RBC (FHLB DEB)	249,990.43	250,304.50
Note	Cons	09/28/12	08/25/17	RBC (FNMA GTD. REMIC)	387,777.11	387,643.69
Note	Cons	10/30/12	02/25/17	RBC (FANNIEMAE ACES)	161,170.25	161,309.29
Note	Cons	12/18/12	03/15/16	RBC (FNMA MTN)	1,121,229.17	1,110,677.10
Note	Cons	12/27/12	09/15/17	RBC (FHLB DEB)	458,828.86	467,064.21
Note	Cons	01/07/13	09/01/16	RBC (FNMA #468957)	304,448.67	303,305.64
Note	Cons	01/08/13	12/01/16	RBC (FNMA #469817)	166,400.72	166,488.18
Note	Cons	01/11/13	12/01/16	RBC (FNMA #469673)	246,292.15	246,678.47
Note	Cons	01/15/13	08/01/17	RBC (FNMA #AM0254)	469,614.94	467,198.68
Note	Cons	01/30/13	11/25/16	RBC (FNMA GTD. REMIC)	174,454.05	174,179.06
Money Market	Cons			Wells Fargo Brokerage Money Market	1,036,553.30	1,036,553.30
Money Market	Cons			Wells Fargo ST Money Market	12,591.09	12,591.09
Money Market	Cons			Wells Fargo PHA	207,442.59	207,442.59
Moved from Cash acct to Inv acct on books Feb07	Cons			New Mexico Finance Authority	648.44	648.44
Moved from Cash acct to Inv acct on books Feb07	Cons			Bank of New York Mellon	1,188,415.09	1,188,415.09

Exhibit B

CROSSWALK BETWEEN DFA FUNDS AND COA FUNDS

DFA FUND AND NAME		CITY OF ALAMOGORDO FUND AND NAME		
101	**General Fund**	11	GENERAL OPERATING FUND	
		98	PAYROLL CLEARING	
200	**Special Funds**			
201	Correction	15	CORRECTIONS-CITY EXP	
		19	COURT AUTOMATION FUND	
		27	MUNICIPAL COURT	
202	Environmental GRT	89	ESGRT .0625%	
209	Fire Protection	33	FIRE PROTECTION	
211	LEPF	21	D.A.R.E. DONATIONS FUND	
		28	POLICE CONTINGENCY	
		36	LAW ENFORCEMENT FUND	
		38	TRAFFIC SAFETY FUND	
214	Lodger's Tax	16	LODGER'S TAX-PROMOTIONAL	
		20	LODGER'S TAX-CITY SHARE	
216	Municipal Street	37	STATE HIGHWAY FUND	
		42	1984 GROSS RECEIPTS TAX	
		44	TRANSPORTATION FUND	
217	Recreation	32	COMMUNITY SERVICES	
219	Senior Citizens	71	ALAMO SENIOR CENTER	
		75	RETIRED & SENIOR VOL. PROGRAM	
299	Other	63	ENGINEERING	
		65	INSPECTIONS	
		69	1994 GROSS RECEIPTS	
		96	SELF-INSURED FUND	
		107	SELF INSURED/LIABILITY	
300	**Capital Projects**			
300	Capital Projects	24	GRANT - CAPITAL IMPROVEMENT	
		40	AIRPORT IMPROVEMENT PROJECTS	
		48	NEW MEXICO C.D.B.G.	
		49	1986 GROSS RECEIPTS TAX	
		50	PROPERTY ACQUISITION	
		54	REVERSE OSMOSIS PROJECT RSV	
		56	99 GRT FLOOD CONTROL	
		61	GRT INFRASTRUCTURE .0625%	
		103	2000 FIRE SERVICES BOND	

Exhibit B

CROSSWALK BETWEEN DFA FUNDS AND COA FUNDS

DFA FUND AND NAME		CITY OF ALAMOGORDO FUND AND NAME		
		105	ECONOMIC DEVELOPMENT	
		109	2004 CAPITAL OUTLAY GRT	
		113	SEWER PLANT	
		114	SIDE WALK REVOLVING LOANS	
		116	REGIONAL WATER SUPPLY TRANS	
		117	2011 JT W/S REF/IMP REVBD	
		118	11 NMFA ST GRT STREET #15	
		119	2012 GRT REF/IMP BOND	
		121	2015 GO BONDS-FUN CENTER	
		122	2015 GO BONDS - STREETS	
400	**Debt Service**			
401	GO Bonds	53	GENERAL OBLIGATION	
402	Revenue Bonds	59	GRT P & I	
		82	98 JT WATER/SEWER BOND P&I	
403	Debt Service Other	59	GRT P & I	
		82	98 JT WATER/SEWER BOND P&I	
500	**Enterprise**			
500	Enterprise			
	Water Fund	81	WATER/SEWER OPERATING	
	Solid Waste	86	SOLID WASTE COLLECTION SYS.	
	Airport	91	AIRPORT	
	Other Enterprise	88	BONITO	
		90	GOLF COURSE	
600	**Internal Service**			
600	Internal Service	12	INTERNAL SERVICE FUND	
700	**Trust & Agency**			
700	Trust & Agency	17	POLICE COURT BOND	
		22	DESIGNATED GIFT FUND	
		31	CEMETERY - PERPETUAL CARE	
		39	STATE JUDICIAL	
		74	ALAMO SENIOR CENTER GIFT	
		94	LANDFILL OPERATING	
		104	UTILITY DEPOSITS	
		115	CORP ESCROW ACCOUNT	
		901	HOUSING LOW RENT OPER	
		903	HOUSING HOMEOWNERSHIP OPR	
		904	HOUSING CAPITAL FUND PRJ	
Funds 901 and 903 were included with DFA Fund 500 in FY14, and changed to DFA Fund 700 in FY15				
Fund 904 was included with DFA Fund 300 in FY14, and changed to DFA Fund 700 in FY15				

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 9

Submitted By: Robert Duncan, Police Chief

Subject: Approve an Agreement with Alamogordo Public Schools related to School Resource Officers for the 2015-2016 School Year. *(Robert Duncan, Police Chief)*

Fiscal Impact: $119,073.58
Amount Budgeted: $119,073.58
Fund: General Fund (0114704) School Resource Officer Expense Budget = $320,010 / Revenue 011-0000-314.13-57 $139,869

Additional Fiscal Impact:

Recommendation: Approve the Agreement.

Background:
The professional service contract for security and safety services at APS is the agreement between the City of Alamogordo and APS for the School Resource Program.
The City shall provide three full-time certified, experienced, uniformed Police Officers to be stationed at the secondary schools during the upcoming 2015-2016 school year. These officers are assigned and shall be supervised by the Community Relations Supervisor of the Alamogordo Police Department.

These uniformed officers are law enforcement personnel who will provide safety, security and other law enforcement related duties during the school year. The intent is not to be policy enforcement officers for the Alamogordo Public Schools. It is intended to provide a positive atmosphere in the spirit of the community-policing concept.

This agreement shows APS paying 50% of three school officers' expenses, which include salary and benefits and other costs funded in Fund 11 (0114704). The total cost of this program is $238,147.15 which is expended from Fund 1147 (SRO program).
The total revenues to be received from APS are $119,073.58 which will be receipted into Fund 11 (011-0000-314.13-57). Total net impact to the City is $119,073.58. This is to be billed in quarterly increments.

Alamogordo Public Schools
1211 Hawaii
Alamogordo, NM 88310
Phone #575-812-6000

PROFESSIONAL SERVICES CONTRACT

THIS CONTRACT is entered into on the first day of July, 2015, by and between the CITY OF ALAMOGORDO, a New Mexico municipal corporation (City), and the ALAMOGORDO PUBLIC SCHOOL DISTRICT (District), through the ALAMOGORDO SCHOOLS' BOARD OF EDUCATION.

WHEREAS, THE City and District desire to enter into an agreement for the purpose of providing safety and security at the secondary schools and other law enforcement related functions and school activities.

IT IS THEREFORE AGREED BY THE PARTIES:

1. The City shall provide three full-time, certified, experienced, uniformed Police Department Officers to be stationed at the secondary schools during the upcoming 2015-2016 school year. These officers are assigned and shall be supervised by the Community Relations Supervisor of the Alamogordo Police Department. These officers are herein referred to as School Resource Officers (SRO).

2. During the time period that the regular school year is not ongoing, these officers will perform other law enforcement related duties.

3. The District may still request additional uniformed services from the City when the need arises. The request for these events needs to originate from the APS Superintendent, APS Chief of Staff, APS Athletic Director, APS Safety Assistant, or other Superintendent designee. These additional requests are for special activities and functions, including but not limited to the following:

   A. Sporting Events
   B. Graduation

4. These uniformed SROs are law enforcement personnel who will provide safety, security and other law enforcement related duties during the school year. The SROs intent is not to be policy enforcement officers for the District. It is intended to provide a positive atmosphere in the spirit of the community-policing concept. This agreement does not limit the District, at any time, from hiring other personnel for the purpose of security.

5. The District will provide office space at all secondary schools for the sole use of the assigned SRO's. Said office space shall contain adequate amenities to include heating, cooling, dedicated telephone(s) and access to District server for purpose of access to Alamogordo Police Department reporting and/or e-mail systems.

6. The compensation of these SRO positions is to be paid mutually and reflects approximately 50% of the total costs for the City of Alamogordo and the Alamogordo Public School District. The City shall, prior to July 1, 2015, determine the three officers' annual salaries, benefits and any other agreed upon costs; i.e., overtime. In the event a workman's compensation claim is made, the workman's compensation will be solely the responsibility of the City of Alamogordo.

   For this contract period, the District will reimburse the City in the amount of $119,073.58. The costs will initially be paid by the City, and reimbursement shall be in quarterly installments from the District on September 1, 2015; December 1, 2015; March 1, 2016 and June 1, 2016.

7. Should the need arise for specialized training, special days off, or leave during the school year, the SRO will be responsible for notifying their respective school administration and the Community Relations Unit Supervisor. During these absences, a substitute SRO may be provided, if staffing levels allow. When a substitute SRO is not provided the school shall contact APD for assistance.

8. The Alamogordo Police Department shall provide a monthly SRO activity report by school site where SROs are assigned. The report is a statistical report obtained from crimes reported, arrests, juvenile referrals, accidents, traffic and non traffic citations issued, school requested overtime assignments and any other information the Department would deem worthy of reporting. The report will not include information not to be released under current legal guidelines. The report will be submitted to the APS Chief of Staff no later than the 15th of each month.

9. The School shall provide SRO's access to the District video surveillance system as permitted by law. Currently, District shall allow officers to view law enforcement related incidents on the system and obtain copies of those incidents for investigational purposes by a duly authorized subpoena or court order.

10. The terms of this contract and any subsequent renewal thereof, are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico and the New Mexico Department of Education for the performance of this Contract. If sufficient appropriations and authorizations are not made by the Legislature, this Contract shall terminate, without any penalty or damages whatsoever against the District, upon written notice being given by the District to Contractor. The District's decision as to whether sufficient appropriations and authorizations are available shall be accepted by Contractor and shall be final.

11. If any term or condition of this Contract shall be held invalid or unenforceable, the remainder of this Contract shall not be affected and shall be valid and enforceable. Should any part of this Contract be rendered or declared invalid by a court of competent jurisdiction, such invalidation of such part or portion of this Contract should not invalidate the remaining portions thereof, and they shall remain in full force and effect.

12. The District and the City are the only parties to this Contract. Nothing in this Contract provides any benefit or right, directly or indirectly, to third parties. The Parties shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, protection, release, or other consideration under this Contract.

13. As between the parties, each party will be solely responsible for liability arising from personal injury, including death, or damage to property arising from the act or failure to action of the respective party or of its officials, agents and employees pursuant to this Agreement. Any and all claims by third parties resulting from this Agreement are subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1 et seq., NMSA 1978, as amended.

14. Within 60 days after the effective date of this agreement, the school administration or representative and the Community Relations Supervisor shall meet to outline work duties of the SROs of the 2015-2016 school year.

15. This Agreement for Services shall become effective on July 1, 2015 and continue through June 30, 2016.

Alamogordo Public School District	**City of Alamogordo**
Timothy C Wolfe	
Board of Education President	Mayor
Date: 7-15-15	Date:
ATTEST:	ATTEST:
Board of Education Secretary	Renee Cantin, City Clerk
Date: 7-15-15	Date:

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 8/7/2015 **Report No:** 10

Submitted By: Ruben Segura, City Planner

Subject: Approve a Professional Services Agreement between Alamogordo MainStreet and the City of Alamogordo for the MainStreet program. *(Ruben Segura, City Planner)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends the approval of the Alamogordo MainStreet Professional Service Agreement.

Background: On August 25, 2014 the Commission of the City of Alamogordo authorized and supported the submission of the 2014 Emerging Community Application to the New Mexico Department of Economic Development (NMEDD), through the approval of Resolution 2014-41. As a result, NMEDD approved the application and worked with an organizing committee to establish the Alamogordo MainStreet Program, as a fully recognized as a member of the New Mexico MainStreet (NMMS) Program with a 501c3 tax exempt nonprofit organization status.

Now that the Alamogordo MainStreet Program successfully established, it seeks to partner with the City of Alamogordo and enter into a professional service agreement in order to assist in improving the historic downtown area in order to help current businesses grow and attract new businesses in the area.

The term of the agreement is for fiscal year FY2016 and the scope of services include the management and coordination of revitalization and economic development activities, develop and update a consistent promotion and marketing program, develop and engage stakeholders in design and implementation projects, and strengthen existing economic assets while diversifying the economic base in, and for the central business district of Alamogordo.

Agreement has been sent to Terry Marquardt, President, Alamogordo MainStreet Board of Directors and will be included in the final agenda packet.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 11

Submitted By: LeeAnn Nichols, Finance Director

Subject: Approve a request by Wendgord Corp related to a leak adjustment request for 301 S White Sands Blvd. *(LeeAnn Nichols, Finance Director)*

Fiscal Impact: $2,719.53 (Proposed adjustment based on Extraordinary Circumstances Leak Abatement Policy)
Amount Budgeted: $0.00
Fund: Water & Sewer (81)

Additional Fiscal Impact:

Recommendation: Approve leak adjustment request for 301 S White Sands Blvd.

Background: On April 1, 2015 during a radio read maintenance service order a City Meter Reader noted that there was a leak in the meter can. Staff notified the Utility Maintenance Department on April 8, 2015 of the leak. This is a commercial location site inside city limits known as Wendy's Restaurant.

The work order performed by Utility Maintenance on April 21, 2015 notes that the Riser was replaced and that it was a City leak that also caused consumption through the meter, which the customer was billed for. City Crews repaired it on April 21, 2015.

The customer submitted a leak abatement request (attached) on June 23, 2015. The extraordinary circumstances leak abatement policy allows for the adjustment over the average consumption for the occurrence. Although the request meets all requirements of the policy, the calculated adjustment exceeds $2,500 which is the maximum amount City Staff is approved to process under this policy. Therefore, this adjustment request must be approved by the City Commission prior to processing.

CITY OF ALAMOGORDO
UTILITY BILLING DEPARTMENT
LEAK ADJUSTMENT WORK SHEET

To: Assistant Finance Director
From: Nichole Sierra, Utility Billing Supervisor
Date: June 26, 2015

Customer #	Location #	Name	Service Address	Cycle/Route
12639	9360	Corp, Wendgord 17-001	301 White Sands Blvd	03/50

Billing Date:	5/13/15		**Actual Billed Consumption:**	**37364**
Billing Period:	3/23-4/22/15		**Bill Amount:**	$2,481.69

$2,481.69

Average Consumption:	**8435**
Average Bill:	**$210.23**
	$210.23
Credit Memo #	

Total Average Bill $210.23

Total Billed	$2,481.69
Minus Average	$210.23
Water Adjustment	$2,271.46
Sewer Adjustment	$318.57
Tax on Adjusted	129.50
Total Adjusted	**$2,719.53**

The leak was on a city maintained riser, therefore the City is responsible for high water consumption on this bill. Please see attached work order from Water Maintenance.

This customer is requesting relief on his water bill for the month of May 2015
Any help will be greatly appreciated.
If you have any questions, please call Nichole Sierra @ ext 4261

____
Assistant Finance Director

Approve SM______ **Disapprove**________

Prepared by: Wendy Romero

UT470I07 CITY OF ALAMOGORDO, NEW MEXICO 6/24/15

es 11:48:20

Charge Summary

Code	Description	Amount
CC	CONVENIENCE CTR FEE	2.00
SW	SEWER	405.87
WA	WATER	2481.69
	TAXES	144.48
	Total Actual Charges	3034.04

Bottom

ENTER=Exit F8=Print F10=Reprint Bill
F14=Send as EMAIL

Customer ID
Location ID
Cycle/route
Bill date .
Due date .
Type option
5=Display

es : 3034.04
amt: 5092.10

Opt	Svc Type	Ty	ter Number	Est Cd	Cmt Cd
_	WA	RE	0610257		

Opt	Svc	Rate Group	S/W
	GT	AL/I/C	
_	CC	AL/I/C	
_	SW	AL/I/C	
_	SW	AL/I/C	
_	WA	AL/I/C	
_	WA	AL/I/C	

F3=Exit F6=Date F9=Summary F10=Budget charges F11=Consumption F12=Cancel +

8435 @ Tier 3

Mar '15

3/23 - 4/22/15

4500 x 1.40 = 63.00
3000 x 2.25 = 67.50
935 x 3.50 = 32.73
47.00
210.23

8435/100 x 90% x 1.15 = 87.30

405.87
-87.30
(SC) 318.57

C (100)

[illegible]

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO

Account History - Consumption and Actual Charges

6/24/15
11:48:12

Customer ID: 12639 Name: CORP., WENDGORD 17-001
Location ID: 9360 Addr: 301 S WHITE SANDS BLVD
Cycle/route . : 03 50 Bill type . : CYCLE BILL
Bill date . . : 5/13/15 Prev balance: 2058.06 Charges : 3034.04
Due date . . : 5/28/15 Adj/Pmts . : .00 Bill amt: 5092.10
Type options, press Enter.
5=Display

Opt	Svc Type	Reading Type	Date	Actual Consumption	Demand Consumption	Days	Meter Number	Est Cd	Cmt Cd
_	WA	REG	4/22/15	37364.00	.00	30	D00610257		

Opt	Svc	Comp	Description	Billed Consumption	Amount	Rate Group	S/W
_	GT		GOV GROSS RECPTS TAX	.00	144.48	AL/I/C	
_	CC		CONVENIENCE CTR FEE	.00	2.00	AL/I/C	
_	SW	BASE	BASE RATE	.00	19.15	AL/I/C	
_	SW	CONS	CONSUMPTION CHARGES	33627.60	386.72	AL/I/C	
_	WA	BASE	BASE RATE	.00	47.00	AL/I/C	
_	WA	CON1	TIER 1	4500.00	63.00	AL/I/C	

+

F3=Exit F6=Date F9=Summary F10=Budget charges F11=Consumption F12=Cancel

7,364.+
6,958.+
7,287.+
7,233.+
7,578.+
11,700.+
8,900.+
10,300.+
9,700.+
7,900.+
9,300.+
7,000.+

012

101,220.*

101,220.÷
12.=
8,435.*

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO
Account History - Consumption and Actual Charges

6/24/15
11:48:12

Customer ID: 12639 Name: CORP., WENDGORD 17-001
Location ID: 9360 Addr: 301 S WHITE SANDS BLVD
Cycle/route . : 03 50 Bill type . : CYCLE BILL
Bill date . . : 5/13/15 Prev balance: 2058.06 Charges : 3034.04
Due date . . : 5/28/15 Adj/Pmts . : .00 Bill amt: 5092.10

Type options, press Enter.
5=Display

Opt	Svc Type	Reading Type	Date	Actual Consumption	Demand Consumption	Days	Meter Number	Est Cd	Cmt Cd
_	WA	REG	4/22/15	37364.00	.00	30	D00610257		

Opt	Svc	Comp	Description	Billed Consumption	Amount	Rate Group	S/W
_	WA	CON2	TIER 2	3000.00	67.50	AL/I/C	
_	WA	CON3	TIER 3	1000.00	35.00	AL/I/C	
_	WA	CON4	TIER 4	1000.00	53.00	AL/I/C	
_	WA	CON5	TIER 5	27864.00	2215.19	AL/I/C	
_	WA	CAP	CAPITAL SURCHARGE 81	.00	1.00	AL/I/C	

F3=Exit F6=Date F9=Summary F10=Budget charges F11=Consumption F12=Cancel

ALAMOGORDO, NEW MEXICO

UT500L

** S E R V I C E   O R D E R **

CYCLE/ROUTE: 03 50

** R A D I O   R E A D   M A I N T E N A N C E **

CREW CODE: MR METER READING CREW
SECTION: AL ALAMOGORDO
LOCATION ID: 9360 CLASS: COMMERCIAL/NONRESIDENTIAL
ADDRESS: 301 S WHITE SANDS BLVD
CITY: ALAMOGORDO
CUSTOMER ID: 12639 NAME: CORP., WENDGORD 17-001

SVC ORDER NO.: 143434
ISSUE DATE: 3/24/15
ISSUE TIME: 11:22:19
REQUEST DATE: 3/27/15
USER ID: ESQUEROF
PHONE:

SERVICE/SEQ: WA 000 WATER

	-- CURRENT --		-- NEW --
METER NUMBER :	Z00610257		
MAKE :	Z	ZENNER METER	
SIZE :	100	1 INCH	
STYLE :	DIAL	DIAL TYPE	
SPECIFIC LOC:			
READING SEQ :	18060		

ASSOCIATED DEVICES: TYPE SERIAL NUMBER
1 : RR 2034594
2 :

DS

PREVIOUS- 3/23/15
CF 67603.00

CURRENT READING:
CF

NEW READINGS
78847

---------------- C O M P L E T I O N   I N F O R M A T I O N ----------------

DATE: 4/1/15 MISC CHARGE: AMT:

ACTION: R/C COMPLETION METHOD: SVC ORDER MAINTENANCE

METER IS LEAKING - WC

Zimbra **nsierra@ci.alamogordo.nm.us**

Water in can

From : Fabian Esquero <fesquero@ci.alamogordo.nm.us> Wed, Apr 08, 2015 12:53 PM
Subject : Water in can
To : Sharis Lyons <slyons@ci.alamogordo.nm.us>
Cc : Ron Borunda <rnborunda@ci.alamogordo.nm.us>, Nichole Sierra <nsierra@ci.alamogordo.nm.us>

Hello,

Cycle 3-50
Water in can
301 S White Sands Blvd

Thank you!

03150
60C9360

DEPARTMENT OF PUBLIC UTILITIES

Utility Maintenance Work Order

~~Arby's~~ Wendys WO #

Address: 301 S White Sands Date: 4/8/15

Called by / Per. Fabian @ UB Phone:

Nature of Problem	Code	Crew	Date	Comments
Water Main Break	001			Size:
Water Break Service	01			Size:
Leak in Meter Can	02	1567, 1499, 942	4-21-15	
Line Locate	03			
Curb Stop Riser	05	1567, 1499, 942	4-21-15	Replaced Riser
Replace Meter	06			Size: Brand:
Install Meter	07			
Meter Can	08			
Valve Box	10			
Cement Prep	39			
Cement Pour	11			
Pull Forms	30			
Welder Assistance	12			
Saw Cut	14			
Sink Hole	15			
Barricade	16			
Pressure Check	17			
Water Quality	18			
Backfill / Excavation	19			
Water On/Off	20	1567, 1499, 942	4-21-15	
Valve Exercise	21			
Valve Install	22			Size:
Repair Sewer Main	23			Size:
Miscellaneous	24			
Relocate Meter	27			
Camel Truck	28			
Replace Service Line	29			Size:
Exposure	31			
Wet Tap	32			
Hydrant Repair	33			
Install Hydrant	34			
Manhole Ring / Lid	36			
Replace Meter Lid	37			
Vermeer/Pothole	38			
New Mexico One Call	811 From Cell Phone or 1-800-321-2537		I. D. # 15068	
CONFIRMATION #	7-10am with ~~Arby's~~ Wendy's to fix Leak			

4/30/15
8??

City Leak ☒ City Leak Caused Consumption Y ☒ N ☐ Customer Leak ☐ Cust Notified Y☐ N☐

City of Alamogordo
Utility Billing Division

Leak Abatement Request

Date: 10-23-15

I, Wenkelys (Joy Lopez), account number 12639-9360 have had a water leak at 301 S White Sands.

Description/Cause of Leak: City leak caused consumption

The leak has been repaired and I am requesting an adjustment on my water bill. I have provided proof of repair: either an invoice from a plumber or receipts for parts that were purchased and used to repair the leak.

I also understand that in order to qualify for an adjustment the water charges on the bill in question must be at least $125.00 over the average water charges on the monthly bill.

Joy Lopez
Customer's Name (print)

Joy Lopez
Customer's Signature

575-777-5221
Phone Number

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 12

Submitted By: Edward Balderrama,
Project Manager

Subject: Approve the award of Public Works Bid No. 2015-013, Bid Lot #1, to MEVACON, LLC, Inc. related to Family Recreation Center Restroom Remodel ReBid (EN1502) in an amount not to exceed $76,311.51, including NMGRT. *(Edward Balderrama, Project Manager)*

Fiscal Impact: $76,311.51, including NMGRT
Amount Budgeted: $89,053.00
Fund: 32-6199-990.63-91 $89,053.27 Carry Over from FY15 to FY16 to be included in final budget resolution.

Additional Fiscal Impact:

Recommendation: Award, Public Works Bid No. 2015-013, Bid Lot #1, to MEVACON, LLC, Inc. related to Family Recreation Center Restroom Remodel ReBid (EN1502) in an amount not to exceed $76,311.51, including NMGRT.

Background: The work will consist of: Construction of new ADA accessible men's, women's and family restroom facilities, within the existing building. The new construction will include architectural, structural, plumbing, mechanic and electrical systems, appurtenances, as specified and/or shown on the construction documents, complete, in place, all within the city limits of Alamogordo, New Mexico. On May 28, 2015, the project was bid and the city received four (4) bids. All bids received exceeded the project budget, please see attached Bid Tab. The project scope of work was revised and the project was Re-Bid.

The re-bid scope of work included two bid lots. Bid Lot #1: Construction of new ADA accessible men's and women's restroom facilities and janitor's closet. Bid Lot #2: Construction of new ADA accessible family restroom facility and janitor's closet.

The city received five (5) bids on July 7, 2015. Please see attach Bid Tab

Family Recreation Center Restroom Remodel ReBid Public Works Bid No. 2015-013 EN1502 July 7, 2015 2:00 pm (MST)								
BASE BID	UNIT	DESCRIPTION	Architect's Opinion of Probable Construction Cost	CDR Construction, Inc.	C&E Industrial Services, Inc.	J. Carrizal General Construction, Inc.	Southwest Construction and Landscaping LLC	MEVACON LLC
Bid Lot #1	LS	Construction of new ADA accessible men's and women's restroom facilities and janitor closet.	$ 66,047.73	$ 76,938.00	$ 87,182.00	$ 143,741.88	$ 80,000.00	$ 70,740.68
		NMGRT (7.875%)	$ 5,201.26	$ 6,058.87	$ 6,865.58	$ 11,319.67	$ 6,300.00	$ 5,570.83
		BASE BID TOTAL	$ 71,248.99	$ 82,996.87	$ 94,047.58	$ 155,061.55	$ 86,300.00	$ 76,311.51
Bid Lot #2	LS	Construction of new ADA accessible family restroom facility and janitor closet.		$ 14,894.00	$ 25,872.00	$ 11,506.59	$ 45,000.00	$ 35,917.81
		NMGRT (7.875%)	$ -	$ 1,172.90	$ 2,037.42	$ 906.14	$ 3,543.75	$ 2,828.53
		BASE BID TOTAL	$ -	$ 16,066.90	$ 27,909.42	$ 12,412.73	$ 48,543.75	$ 38,746.34

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/31/2015 **Report No:** 13

Submitted By: Bob Johnson, Contracts Coordinator

Subject: Approve the award of IFB No. 2015-12 to _____, related to the Hoses and Fittings for Heavy-Duty Pumps requirement, in an amount not to exceed $_______. *(Brian Cesar, Public Works Director)*

Fiscal Impact:
Amount Budgeted: $247,301.00
Fund: 088-0099-990.60-79 EM1302

Additional Fiscal Impact:

Recommendation: Approve the award of IFB No. 2015-12 to _____, related to the Hoses and Fittings for Heavy-Duty Pumps requirement, in an amount not to exceed $___.

Background: Bids are due to be opened at 2:00 p.m. on August 11, 2015. Therefore, the final amount and apparent low bidder will be presented at the August 11th Commission Meeting for approval.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 8/5/2015 **Report No:** 14

Submitted By: Renee Cantin, City Clerk

Subject: Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Carino's Italian for the Cottonwood Festival from September 4th to September 6th, 2015 at Alameda Park. *(Renee Cantin, City Clerk)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the Special permit and temporary license.

Background: According to Ordinance No. 1303, Section 5-01-035(a) states: The governing body of the city has deemed it advisable to allow and license limited public sale of alcoholic beverages at retail and consumption on the sale premises of alcoholic beverages approved by the city commission in specific areas of the public parks of said city, and, during community-wide celebrations, on certain other public places. Such sale shall be by responsible persons duly licensed under the Code of Ordinances, and shall be allowed for limited periods of time, as hereinafter specifically provided.

Carino's Italian does hold a current liquor license with the City and is asking for approval for this temporary license for the Cottonwood Festival to be held at Alameda Park between September 4th and September 6th, 2015.

The fee of $50.00 per temporary location has been paid for this license. The attached application has been sent for investigation to the P & Z Coordinator, Assistant City Manager, Police Chief, and Fire Chief.

RECEIVED
JUL 27 2015
CITY CLERK

RECEIPT NO. 9405
DATE PAID: JUL 27 2015

City of Alamogordo

City Clerk's Office / 1376 E. Ninth Street / Alamogordo, NM 88310 / (575) 439-4205 / (575) 439-4396 FAX

APPLICATION FOR TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSE

FEE: $50.00 PER TEMPORARY LOCATION

LIQUOR LICENSE HOLDER INFORMATION:

NAME OF LICENSEE: Sasxc Alamo LLC

BUSINESS NAME: Carinos Italian

BUSINESS ADDRESS: 260 Panorama Blvd Alamogordo NM 88310 TELEPHONE NO.: 575-434-2615

STATE LIQUOR LICENSE NO.: 28048 CITY BUSINESS LICENSE NO.: ____________

SOCIAL SECURITY NO.: on file DATE OF BIRTH: on file

EVENT INFORMATION:

NAME OF EVENT UTILIZING TEMPORARY LICENSE: Cottonwood Festival

SPONSOR(S) OF EVENT: Alamogordo Chamber of Commerce

PHYSICAL LOCATION OF EVENT: 1447 N. White Sands Blvd. Alamogordo NM 88310

AREA WHERE ALCOHOLIC BEVERAGES WILL BE DISPENSED; IF AVAILABLE, ATTACH MAP (SPECIFY AREA TO BE USED FOR THE PURPOSES OF THIS LICENSE. DESIGNATE SPECIFICALLY THE AREA IN A CITY PARK, OR ALTERNATIVELY, OTHER PUBLIC GROUNDS IN THE CITY): ____________

DATE(S) OF EVENT: 9/4/15 - 9/6/15

TIME TEMPORARY LICENSE WILL BE OPERATIONAL: 10 A.M./P.M. THROUGH 9 A.M./P.M.

I hereby certify that I have read and understand the following statements and will comply will all applicable laws and Ordinances:

-No alcoholic beverages may be sold at retail or consumed in any City park of the City, or on any other public grounds of said City, whether in the central business district or otherwise, except that a Temporary Alcoholic Beverage Dispenser's Licensee may use the area designated on the License for purposes of retail sale, and consumption by adult consumers of alcoholic beverages on the premises of the designated area.

-Any sale and consumption of alcoholic beverages shall be limited to the designated area.

DATE: 7/27/15 LIQUOR LICENSEE'S SIGNATURE: [signature]

ALL TEMPORARY LICENSES SHALL NOT EXCEED THREE DAYS. NO PERSON SHALL BE ISSUED MORE THAN THREE TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSES DURING ANY CALENDAR MONTH. THESE LICENSES ARE NON-TRANSFERABLE.

ALCOHOL & GAMING DIVISION
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS
(60-6A-11 / 60-6A-26.1 NMSA)
FEES ARE $10 PER DAY -- Fees are Non-Refundable

LICENSE HOLDER INFORMATION:

Business Name (DBA) Carinos Italian Owner Name SWXC Alamo LLC Liquor License # 28048
Mailing Address 760 Rinconada City, State & Zip El Paso TX 79922
Contact Telephone # 575-434-2615 Fax # 575-434-2644 Email Address C3103@swcarinos.com

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta X Cultural/Artistic Performance___ Athletic ___

Circle those that apply – ***All Age Event/ Wrist Bands and/or Stamps – Beer Garden – Indoor / Outdoor*** Event Begin Time 10 AM End Time 9 PM
Description and Name of Event Cottonwood festival Date(s) of Event 9/4/15-9/6/15 Alcohol Service Begin Time 12 PM End Time 9 PM
Physical Address of Event & Name of Building or Business 1442 N. White Sands Alamogordo NM 88310 Number of Persons expected to Drink 100/day
Description of Security Alamogordo Sheriff Reserve Number of Security 8 Security Contact Name Daren Sylling Contact Telephone # 575-437-2210

SPONSOR INFORMATION

Sponsor of Event Alamogordo Chamber of Commerce Contact Name Lenora Stevens Contact Telephone # 575-437-6120

BUILDING/PROPERTY OWNER APPROVAL

Name (print) ____________ Signature ____________ Telephone # ____________ Date ________

LICENSE HOLDER & SERVER CERTIFICATION: I, David Roukey (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) David Roukey Signature [signature] Date 7/27/15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

Subscribed and Sworn before me this 27th day of July, 20 15 Notary Public Rachel Hughs Exp 11-16-16

RACHEL HUGHS NOTARY PUBLIC STATE OF NEW MEXICO

LOCAL GOVERNING BODY APPROVAL

Print Name ____________ Title ____________ Date ________ Signature ____________ Phone ________ Fax ________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ____________ Date ____________ Permit Number ____________
Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

****

FOR CITY CLERK'S USE ONLY

DATE TEMPORARY LICENSE APPROVED BY THE CITY COMMISSION:

August 11, 2015

ALCOHOLIC BEVERAGES APPROVED BY THE CITY COMMISSION: [X] Beer [X] Wine [X] Distilled Spirits [ ]

***Other*___________________**

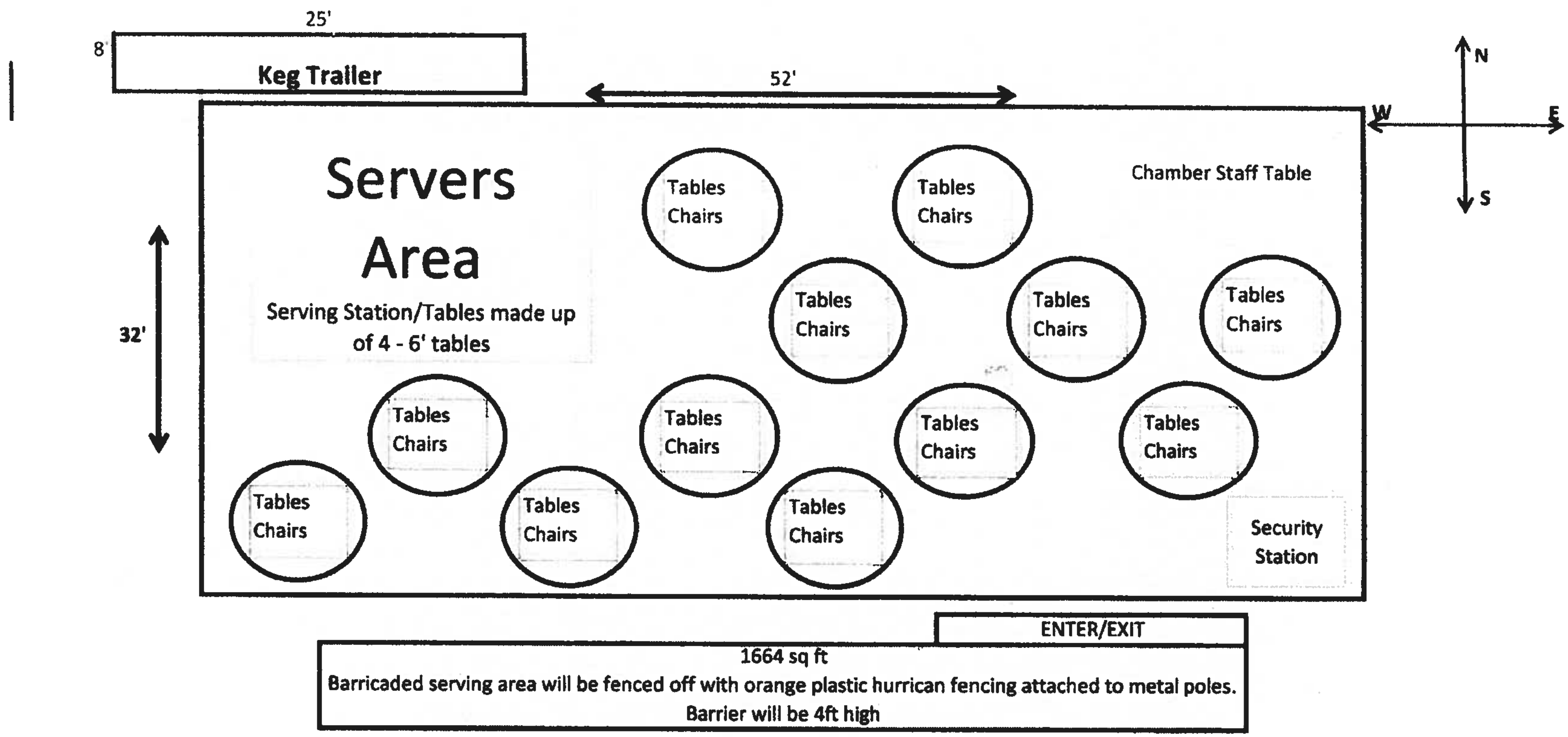
TEMPORARY LICENSE NO.____________ DATE FEE PAID: 7/27/15

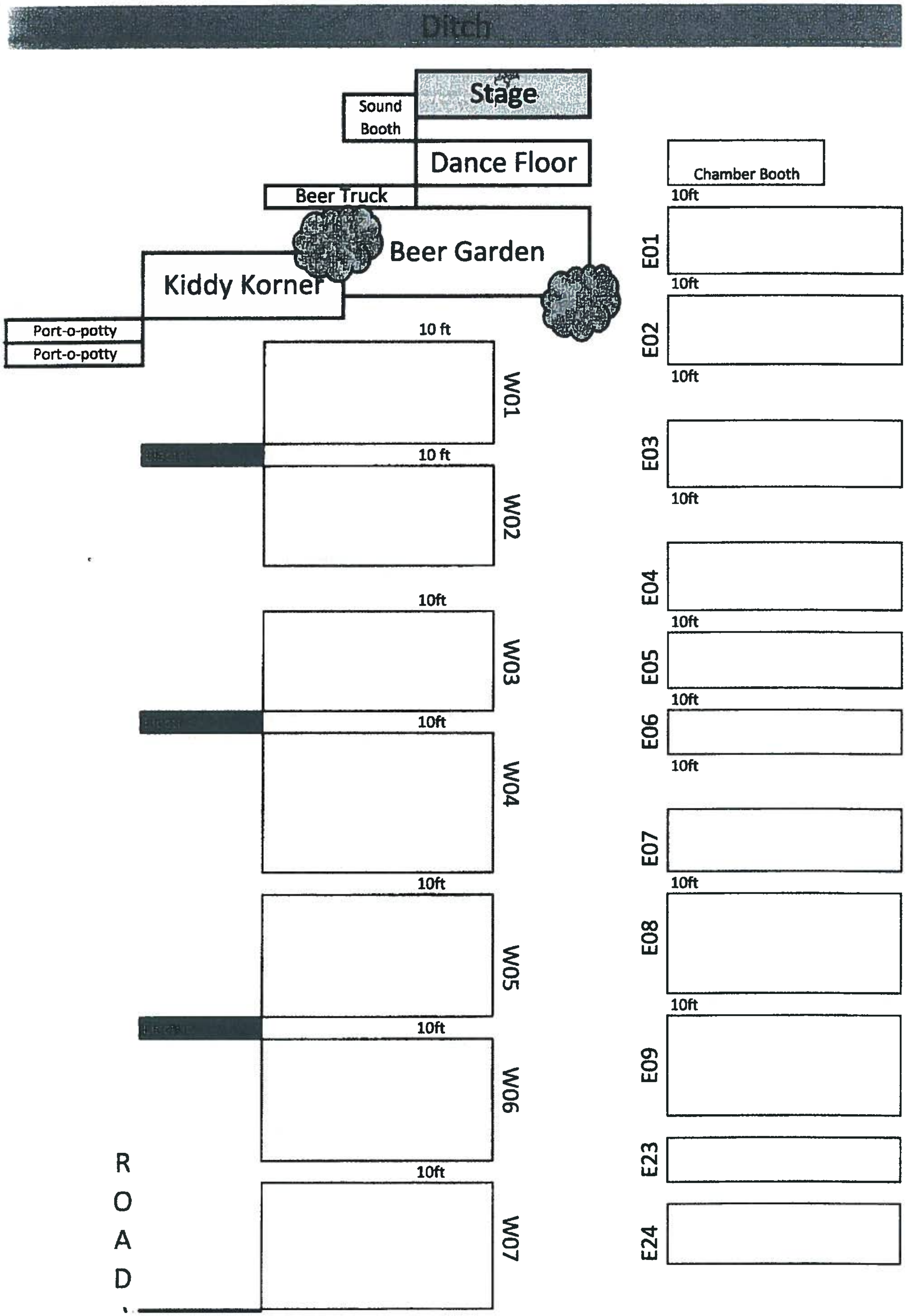
CALENDAR MONTH: Sept ***[X] FIRST [ ] SECOND [ ] THIRD***

***DATE SPECIAL DISPENSER'S PERMIT or PUBLIC CELEBRATION PERMT APPROVAL VERIFIED WITH ALCOHOL & GAMING:*____________________**

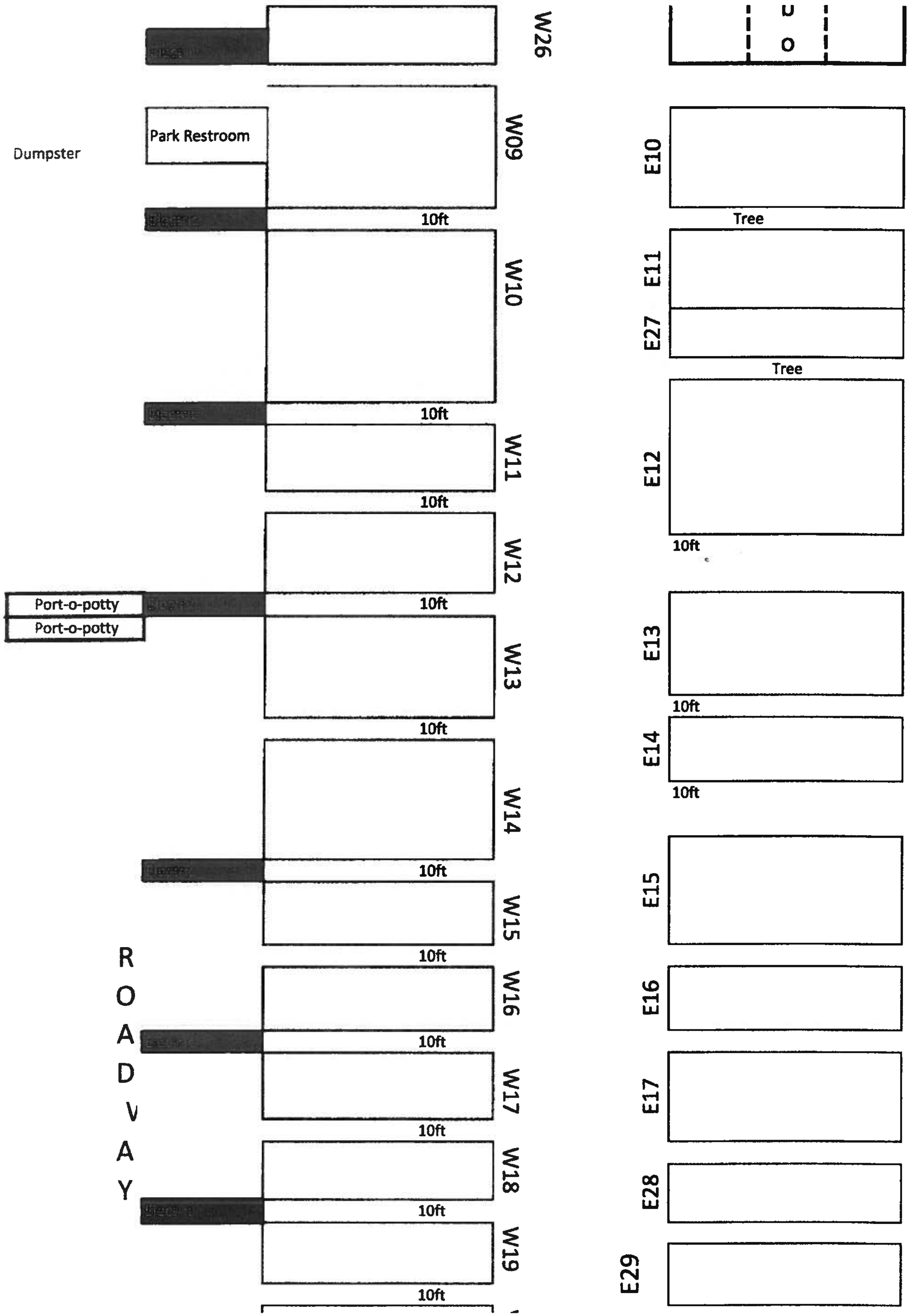
****

[01/2008]


25'
8'
Keg Trailer
52'
N
W
E
S
Servers
Area
Serving Station/Tables made up of 4 - 6' tables
32'
Chamber Staff Table
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Tables Chairs
Security Station
ENTER/EXIT
1664 sq ft
Barricaded serving area will be fenced off with orange plastic hurrican fencing attached to metal poles.
Barrier will be 4ft high



Ditch
Stage
Sound Booth
Dance Floor
Chamber Booth
Beer Truck
Beer Garden
Kiddy Korner
Port-o-potty
Port-o-potty
10 ft
W01
10 ft
W02
10ft
W03
10ft
W04
10ft
W05
10ft
W06
10ft
W07
10ft
E01
10ft
E02
10ft
E03
10ft
E04
10ft
E05
10ft
E06
10ft
E07
10ft
E08
10ft
E09
E23
E24
ROAD


W26
Dumpster
Park Restroom
W09
E10
10ft
Tree
W10
E11
E27
Tree
10ft
W11
E12
10ft
W12
10ft
Port-o-potty
Port-o-potty
10ft
W13
E13
10ft
10ft
E14
W14
10ft
10ft
W15
E15
R
O
A
D
W
A
Y
10ft
W16
E16
10ft
W17
E17
10ft
W18
E28
10ft
W19
E29
10ft

Toy Train Stop

Ambassador Pancake Breakfast Table

Tables & Chairs for Pancake Breakfast Eating Area

Electric

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 8/5/2015 **Report No:** 15

Submitted By: Renee Cantin, City Clerk

Subject: Approve the Public Celebration Permits and a Temporary Alcoholic Beverage Dispenser's License for the Tularosa Basin Wine & Nut Fest sponsored by the Alamogordo, Tularosa, and White Sands Rotary Clubs for September 18th and 19th, 2015 at Alameda Park. *(Renee Cantin, City Clerk)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the Public Celebration Permits and the Temporary Alcoholic Beverage Dispenser's License.

Background: According to Ordinance No. 1303, Section 5-01-035(a) states: The governing body of the city has deemed it advisable to allow and license limited public sale of alcoholic beverages at retail and consumption on the sale premises of alcoholic beverages approved by the city commission in specific areas of the public parks of said city, and, during community-wide celebrations, on certain other public places. Such sale shall be by responsible persons duly licensed under the Code of Ordinances, and shall be allowed for limited periods of time, as hereinafter specifically provided.

Each winery that will be involved does hold a current liquor license with the City and is asking for approval for these public celebration permits and the temporary license for the event to be held at the Alameda Park for September 18th & 19th, 2015. This event will be held during the White Sands Balloon Invitational weekend. This will be the Eighth year of the festival and the proceeds raised will be split between the three local Rotary Clubs that are sponsoring the event.

The fee of $50.00 per temporary location has been paid for this license. The attached application has been sent to the City Planner, Police Chief & Fire Chief for investigation.

RECEIPT NO.__________
DATE PAID:__________

City of Alamogordo

City Clerk's Office / 1376 E. Ninth Street / Alamogordo, NM 88310 / (575) 439-4205 / (575) 439-4396 FAX

APPLICATION FOR TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSE

FEE: $50.00 PER TEMPORARY LOCATION

LIQUOR LICENSE HOLDER INFORMATION:

NAME OF LICENSEE: Local Rotary Clubs

BUSINESS NAME: Tularosa Vineyards

BUSINESS ADDRESS: 23 Coyote Canyon Rd. **TELEPHONE NO.:** 575-585-2260

STATE LIQUOR LICENSE NO.: 6035 **CITY BUSINESS LICENSE NO.:** COA6035

SOCIAL SECURITY NO.: On file **DATE OF BIRTH:** On File

EVENT INFORMATION:

NAME OF EVENT UTILIZING TEMPORARY LICENSE: Tularosa Basin Wine & Nut Fest

SPONSOR(S) OF EVENT: Alamogordo, Tularosa, & White Sands Rotary Clubs

PHYSICAL LOCATION OF EVENT: Alameda Park

AREA WHERE ALCOHOLIC BEVERAGES WILL BE DISPENSED; IF AVAILABLE, ATTACH MAP (SPECIFY AREA TO BE USED FOR THE PURPOSES OF THIS LICENSE. DESIGNATE SPECIFICALLY THE AREA IN A CITY PARK, OR ALTERNATIVELY, OTHER PUBLIC GROUNDS IN THE CITY): Alameda Park Area will be fenced.

DATE(S) OF EVENT: September 18 (4:00 pm – 10:00 pm) & September 19, 2015 (11:00 am – 6:00 pm)

TIME TEMPORARY LICENSE WILL BE OPERATIONAL: 11:00 **A.M. /P.M. THROUGH** 6:00 **A.M./P.M.**

I hereby certify that I have read and understand the following statements and will comply will all applicable laws and Ordinances:

-No alcoholic beverages may be sold at retail or consumed in any City park of the City, or on any other public grounds of said City, whether in the central business district or otherwise, except that a Temporary Alcoholic Beverage Dispenser's Licensee may use the area designated on the License for purposes of retail sale, and consumption by adult consumers of alcoholic beverages on the premises of the designated area.

-Any sale and consumption of alcoholic beverages shall be limited to the designated area.

DATE: 08/05/2015 **LIQUOR LICENSEE'S SIGNATURE:** /s/ David Wickham

ALL TEMPORARY LICENSES SHALL NOT EXCEED THREE DAYS. NO PERSON SHALL BE ISSUED MORE THAN THREE TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSES DURING ANY CALENDAR MONTH. THESE LICENSES ARE NON-TRANSFERABLE.

****

<u>FOR CITY CLERK'S USE ONLY</u>

DATE TEMPORARY LICENSE APPROVED BY THE CITY COMMISSION: ___________________________________

ALCOHOLIC BEVERAGES APPROVED BY THE CITY COMMISSION: [ ] Beer [ ] Wine [ ] Distilled Spirits [ ] Other_______________

TEMPORARY LICENSE NO.___________DATE FEE PAID: ____________________

CALENDAR MONTH: ___________ [ ] FIRST [ ] SECOND [ ] THIRD

DATE SPECIAL DISPENSER'S PERMIT or PUBLIC CELEBRATION PERMT APPROVAL VERIFIED WITH ALCOHOL & GAMING:__________________

****

[01/2008]

ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA) **FEES ARE $10 PER DAY -- Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) Amaro Winery Owner Name Amaro Winery LLC Liquor License # 6151
Mailing Address 402 S. Melendres St City, State & Zip Las Cruces NM 88005
Contact Telephone # 575 312-3168 Fax # 575-525-9405 Email Address wines@amarowinerynm.com

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _X_ Cultural/Artistic Performance___ Athletic ___
Circle those that apply – All Age Event / Wrist Bands and/or Stamps – Beer Garden – Indoor / Outdoor Event Begin Time __**4pm Fri & 12pm Sat**___ End Time__**11pm Fri & 7pm Sat**___
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**__ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**______________________ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name **Renee Cantin**____
Contact Telephone **#575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
X Name (print) ______________________ Signature ______________________ Telephone # ______________ Date ________

LICENSE HOLDER & SERVER CERTIFICATION: I, Harold G. Denton (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
X Licensee Name (print) Harold G. Denton Signature [signature] Date 7/29/15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this 29TH day of JULY, 2015 Notary Public Juanita L Stein Exp. 9/20/2018

OFFICIAL SEAL
JUANITA L STEIN
NOTARY PUBLIC - STATE OF
My commission expires: 9/20/2018

LOCAL GOVERNING BODY APPROVAL
X Print Name ______________ Title ______________ Date ________ Signature ______________ Phone ________
Fax ________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ______________________ Date ______________ Permit Number ______________

Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA) **FEES ARE $10 PER DAY – Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) _Cottonwood Wine And Brewing_______ Owner Name _Michael and Susan Mahan___ Liquor License # __60018____________
Mailing Address _1 E Cottonwood Road___________ City, State & Zip__ __Artesia, NM 88210 ____________________
Contact Telephone # __575-308-1567_______ Fax # __575-365-3206____ Email Address___cwwine@pvtn.net___________

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _X__ Cultural/Artistic Performance___ Athletic ___
Circle those that apply – ***All Age Event / Wrist Bands*** **and/or Stamps** – ***Beer Garden – Indoor / Outdoor*** Event Begin Time __**4pm Fri & 12pm Sat**___ End Time__**11pm Fri & 7pm Sat**___
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**__ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**______________________ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name _**Renee Cantin**____
Contact Telephone **#575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
Name (print) ____________________________ Signature____________________________ Telephone # ________________ Date _________

LICENSE HOLDER & SERVER CERTIFICATION: I, __Susan Mahan_______________ (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
Licensee Name (print)_Susan Mahan_______________________ Signature_____________________ Date_7-22-2015
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this _22nd_day of _July_______, 20_15_Notary Public_____________ Exp. 02/27/2019

LOCAL GOVERNING BODY APPROVAL
Print Name ___________________________ Title _______________________Date _________Signature _______________________ Phone _________
Fax ___________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ____Date ____________________________Permit Number _______________
Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA) **FEES ARE $10 PER DAY – Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) **Dos Viejos Winery** Owner Name **Robert E. Dann** Liquor License # **6124**
Mailing Address **69 Pecos Rd** City, State & Zip **Tularosa, NM 87120**
Contact Telephone # **303-748-1381** Fax # **575-585-2647** Email Address **r_dann@msn.com**

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _X__ Cultural/Artistic Performance___ Athletic ___
*Circle those that apply – **All Age Event** / **Wrist Bands** and/or **Stamps** – **Beer Garden** – **Indoor** / **Outdoor*** Event Begin Time __**4pm Fri & 12pm Sat**___ End Time__**11pm Fri & 7pm Sat**___
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**__ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**________ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name **Renee Cantin**
Contact Telephone **#575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
Name (print) [illegible] Signature ____________ Telephone # ____________ Date ________

LICENSE HOLDER & SERVER CERTIFICATION: I, Robert E Dann (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
Licensee Name (print) Robert E Dann Signature Robert E Dann Date 6/13/2015
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this 13 day of June, 20 15 Notary Public [signature] Exp. 3/27/17

LOCAL GOVERNING BODY APPROVAL
Print Name ____________ Title ____________ Date Signature ____________ Phone ________
Fax ________

OFFICIAL SEAL
Vincent H. Richerson
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 3/27/17

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ____________ Date ____________ Permit Number ____________

Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA) **FEES ARE $10 PER DAY – Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) Heart of the Desert Owner Name Marianne Schweers Liquor License # 6087
Mailing Address 7288 Hwy. 54 70 City, State & Zip Alamogordo, NM 88310
Contact Telephone # (575) 434-0035 Fax # (575) 434-2132 Email Address store@heartofthedesert.com

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _**X**__ Cultural/Artistic Performance___ Athletic ___
Circle those that apply – ***All Age Event*** / **Wrist Bands and/or Stamps** – ***Beer Garden*** – ***Indoor*** / ***Outdoor*** Event Begin Time __**4pm Fri & 12pm Sat**__ End Time__**11pm Fri & 7pm Sat**___
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**__ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**______________________ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name **Renee Cantin**
Contact Telephone **#575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
Name (print) ____________________ Signature ____________________ Telephone # ______________ Date ________

LICENSE HOLDER & SERVER CERTIFICATION: I, Marianne Schweers (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that All the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
Licensee Name (print) Marianne Schweers Signature Marianne Schweers Date 7-14-15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

OFFICIAL SEAL
DONNA D. GREENE
Notary Public State of New Mexico
My Commission Expires 7.10.18

NOTARY INFORMATION
Subscribed and Sworn before me this 14th day of July, 2015 Notary Public [signature] Exp. 7.10.18

LOCAL GOVERNING BODY APPROVAL
Print Name ____________________ Title ________________ Date _________ Signature ________________ Phone ________
Fax __________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ______________________________ Date ____________________ Permit Number ____________

Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA) **FEES ARE $10 PER DAY – Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) La Esperanza Vineyard, LLC Owner Name La Esperanza Vineyard, LLC Liquor License # 6148
Mailing Address 100 De La O City, State & Zip San Lorenzo, NM 88041
Contact Telephone # 505-259-9523 Fax # ______ Email Address dgurule1027@gmail.com

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _X__ Cultural/Artistic Performance___ Athletic ___
*Circle those that apply – **All Age Event** / **Wrist Bands** and/or Stamps – Beer Garden – Indoor / **Outdoor*** Event Begin Time __**4pm Fri & 12pm Sat**___ End Time__**11pm Fri & 7pm Sat**___
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**__ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**______ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name _**Renee Cantin**___
Contact Telephone **#575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
Name (print) ______ Signature ______ Telephone # ______ Date ______

LICENSE HOLDER & SERVER CERTIFICATION: I, David A. Gurule (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
Licensee Name (print) David A. Gurule Signature David A. Gurule Date 7/21/15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this 21st day of July, 20 15 Notary Public [signature] Exp. Aug 19, 201[illegible]

LOCAL GOVERNING BODY APPROVAL
Print Name ______ Title ______ Date ______ Signature ______ Phone ______
Fax ______

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ______ Date ______ Permit Number ______

Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA) **FEES ARE $10 PER DAY – Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) Luna Rossa Winery Owner Name Sylvia D'Andrea Liquor License # 6091
Mailing Address 3710 W. Pine Street City, State & Zip Deming, NM 88030
Contact Telephone # 575-544-1160 Fax # — Email Address lunarossa@hughes.net

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _X__ Cultural/Artistic Performance___ Athletic ___
Circle those that apply – ***All Age Event*** / **Wrist Bands and/or Stamps** – ***Beer Garden*** – ***Indoor*** / ***Outdoor*** Event Begin Time __**4pm Fri & 12pm Sat**___ End Time__**11pm Fri & 7pm Sat**___
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**__ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**_______________ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name _**Renee Cantin**___
Contact Telephone **#575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
Name (print) ________________ Signature ________________ Telephone # ____________ Date ________

LICENSE HOLDER & SERVER CERTIFICATION: I, Sylvia D'Andrea (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
Licensee Name (print) Sylvia D'Andrea Signature [signature] Date 6-16-15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this 16th day of June, 20 15 Notary Public Lucy Quillen Exp. 12-10-2017

LOCAL GOVERNING BODY APPROVAL
Print Name ________________ Title ________________ Date ________ Signature ________________ Phone ________
Fax ________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ________________________ Date ________________ Permit Number ____________
Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA) **FEES ARE $10 PER DAY -- Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) Noisy water winery Owner Name Jasper Riddle Liquor License # 46521
Mailing Address 2342 Sudderth dr. City, State & Zip Ruidoso nm 88345
Contact Telephone # 575 937 1296 / 575 257 9335 Fax # ________ Email Address admin @ noisywaterwinery.com

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _X__ Cultural/Artistic Performance___ Athletic ___
Circle those that apply – ***All Age Event*** / **Wrist Bands and/or Stamps** – ***Beer Garden*** – ***Indoor / Outdoor*** Event Begin Time __**4pm Fri & 12pm Sat**___ End Time__**11pm Fri & 7pm Sat**__
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_ Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_ End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**_ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**________ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name _**Renee Cantin**___
Contact Telephone **#575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
Name (print) ________ Signature ________ Telephone # ________ Date ________

LICENSE HOLDER & SERVER CERTIFICATION: I, Jasper Riddle ________ (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
Licensee Name (print) Jasper Riddle ________ Signature Jasper Riddle ________ Date 6-29-15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this 29 day of June, 2015 Notary Public Marian Taylor Exp. 7/15/16

LOCAL GOVERNING BODY APPROVAL
Print Name ________ Title ________ Date ________ Signature ________ Phone ________
Fax ________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ________ Date ________ Permit Number ________

Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

ALCOHOL & GAMING DIVISION
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS
(60-6A-11 / 60-6A-26.1 NMSA)
FEES ARE $10 PER DAY – Fees are Non-Refundable

LICENSE HOLDER INFORMATION:

Business Name (DBA) St Clair Winery + Tasting Room Owner Name St Clair Winery + Tasting Room Liquor License # 6130
Mailing Address 3836 Hawkins St. NE City, State & Zip Albuquerque, NM 87109
Contact Telephone # 575.644.0283 Fax # —— Email Address events@swwines.com

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta ___ Cultural/Artistic Performance___ Athletic ___

Circle those that apply – **All Age Event** **Wrist Band** and/or Stamps – *Beer Garden – Indoor* **Outdoor** Event Begin Time 4pm Fri 12pm Sat End Time 11pm Fri 7pm Sat
Description and Name of Event Tularosa Wine + Nut Festival Date(s) of Event 9/18-9/19,15 Alcohol Service Begin Time 4pm Fri 12pm Sat End Time 11pm Fri 7pm Sat
Physical Address of Event & Name of Building or Business Alameda Park 1021 S. White Sands Blvd. Number of Persons expected to Drink 2500
Description of Security Las Cruces Security Number of Security 6 Security Contact Name Pete Hampton Contact Telephone # 575.526.1294

SPONSOR INFORMATION

Sponsor of Event Rotary Clubs of NM - Alamogordo, White Sands + Tularosa Contact Name Renee Cantin Contact Telephone # 575-489.4205

BUILDING/PROPERTY OWNER APPROVAL

Name (print) ________ Signature ________ Telephone # ________ Date ________

LICENSE HOLDER & SERVER CERTIFICATION: I, Florent Lescombes (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) Florent Lescombes Signature ________ Date 06 16 15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

Subscribed and Sworn before me this 16 day of June, 2015 Notary Public ________ Exp. 04/01/2017

LOCAL GOVERNING BODY APPROVAL

Print Name ________ Title ________ Date ________ Signature ________ Phone ________ Fax ________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ________ Date ________ Permit Number ________
Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

***ALCOHOL & GAMING DIVISION PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS (60-6A-11 / 60-6A-26.1 NMSA)* FEES ARE $10 PER DAY -- Fees are Non-Refundable LICENSE HOLDER INFORMATION:**

Business Name (DBA) TULAROSA VINEYARDS Owner Name DAVID L. WICKHAM Liquor License # 6035
Mailing Address 23 COYOTE CANYON ROAD City, State & Zip TULAROSA, NM 88352
Contact Telephone # 575 5852260 Fax # 5755852260 Email Address WINE@...COM

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta _X__ Cultural/Artistic Performance___ Athletic ___
Circle those that apply – All Age Event / Wrist Bands and/or Stamps – *Beer Garden – Indoor / Outdoor* Event Begin Time __**4pm Fri & 12pm Sat**___ End Time__**11pm Fri & 7pm Sat**___
Description and Name of Event _**Tularosa Basin Wine and Nut Festival**___ Date(s) of Event _**9/18-9/19 2015**_Alcohol Service Begin Time _**4pm Fri & 12pm Sat**_End Time_**11pm Fri & 7pm Sat**_
Physical Address of Event & Name of Building or Business _**Alameda Park, 1021 S White Sands Blvd.**__ Number of Persons expected to Drink _**approx. 2500 over the 2 days**_____
Description of Security _**Las Cruces Security will be onsite for the entire event monitoring entry/exit gates and roaming the event grounds.**__
Number of Security_**6**__ Security Contact Name ___**Pete Hampton**___ ____________________ Contact Telephone # _**575-526-1294**____

SPONSOR INFORMATION
Sponsor of Event __**Rotary Clubs of NM Alamogordo, White Sands, and Tularosa**____ Contact Name _**Renee Cantin**___
Contact Telephone #**575- 439-4205**

BUILDING/PROPERTY OWNER APPROVAL
Name (print) ______________________ Signature ______________________ Telephone # ______________ Date _________

LICENSE HOLDER & SERVER CERTIFICATION: I, David L. Wickham (Licensee) *hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body.* I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.
NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.
Licensee Name (print) DAVID L WICKHAM Signature ____________________ Date 07/31/2015
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this 31st day of July, 20 15 Notary Public Elizabeth L Chavez

OFFICIAL SEAL
ELIZABETH L. CHAVEZ
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 6/24/18

LOCAL GOVERNING BODY APPROVAL
Print Name ______________________ Title ______________________ Date __________ Signature ______________________ Phone __________
Fax __________

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: ______________________ Date ______________________ Permit Number ______________

Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: August 11, 2015 **Report Date:** July 29, 2015 **Report No:** 16

Submitted By: Ruben Segura **Approved For Agenda:** ______________
City Planner

Subject: Consider and act upon Variance Request Case Number V-2015-0003(A) to reduce the side yard setback line from fifteen (15) feet to ten (10) feet on SILVERADO BLK A LT 21, Tax Parcel Number 01-15755 with an address of 800 Silverado.

Fiscal Impact: None
Amount Budgeted: $ 0
Fund: N/A

Recommendation: Staff recommends the approval of V-2015-0003(A).

Background: Property owner requests a variance to Alamogordo Municipal Code §29-03-030 to reduce the side yard setback line from fifteen (15) feet to ten (10) feet to allow for the construction of a new single family dwelling on a corner lot located at 800 Silverado. If approved, applicant, French Brothers, will construct a new family dwelling on set lot.

Staff recommendation for approval is based on the following Findings of Fact (please see attached staff report):

1. The property is located at 800 Silverado and is 0.28 acres in an R1 (Single Family Dwelling) zone; more specifically identified as Tax Parcel # 01-157155.

The request is for a relief of Section 29-03-030 of the City of Alamogordo Municipal Code to reduce the side setback from fifteen feet to ten feet to allow the construction of a new single family dwelling on lot 21, BLK A, Silverado Subdivision better know 800 Silverado.

2. The application was filed on June 30, 2015.
3. The adjoining property owners were notified on, July 23, 2015.
4. The legal notice was run on July 12, 2015.
5. Nine (9) letters were mailed by first class mail to all property owners of record within two hundred (200) feet, excluding public right-of-way, of the property for which the variance is sought.

Reviewed By:

City Attorney ________ City Clerk ________ Community Development _______ Community Services ________
Finance _______ Housing Authority _________ Planning ________ Personnel ________ Public Safety ________
Public Works _________ Purchasing ________ Assistant City Manager _________

6. No letters were returned undeliverable.
7. The Planning and Zoning Commission recommended approval of the requested variance to the City Commission.

City of Alamogordo
City Commission

Variance Request

Case: V-2015-0003(A)

Ruben Segura, City Planner
August 6, 2015

Variance Request Case: V-2015-0003(A)

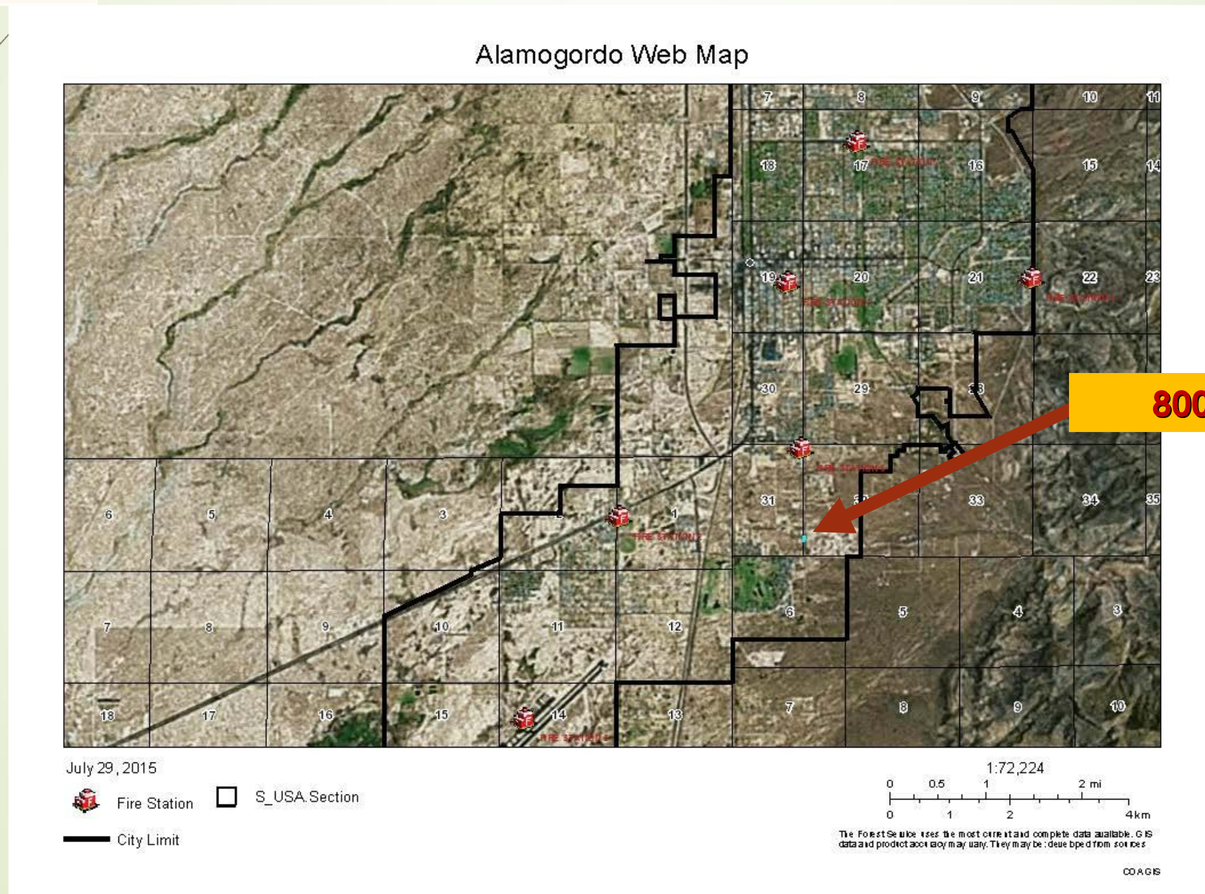
Owner(s)/Applicant:

French Brothers
1010 Zuni Road
Alamogordo, NM 88310

Request:

The applicant is requesting a variance relief from Section 29-03-030 of the City of Alamogordo Municipal Code to reduce the side yard setback line from fifteen (15) feet to ten (10) feet to allow for the construction of a new single family dwelling on a corner lot located at 800 Silverado.

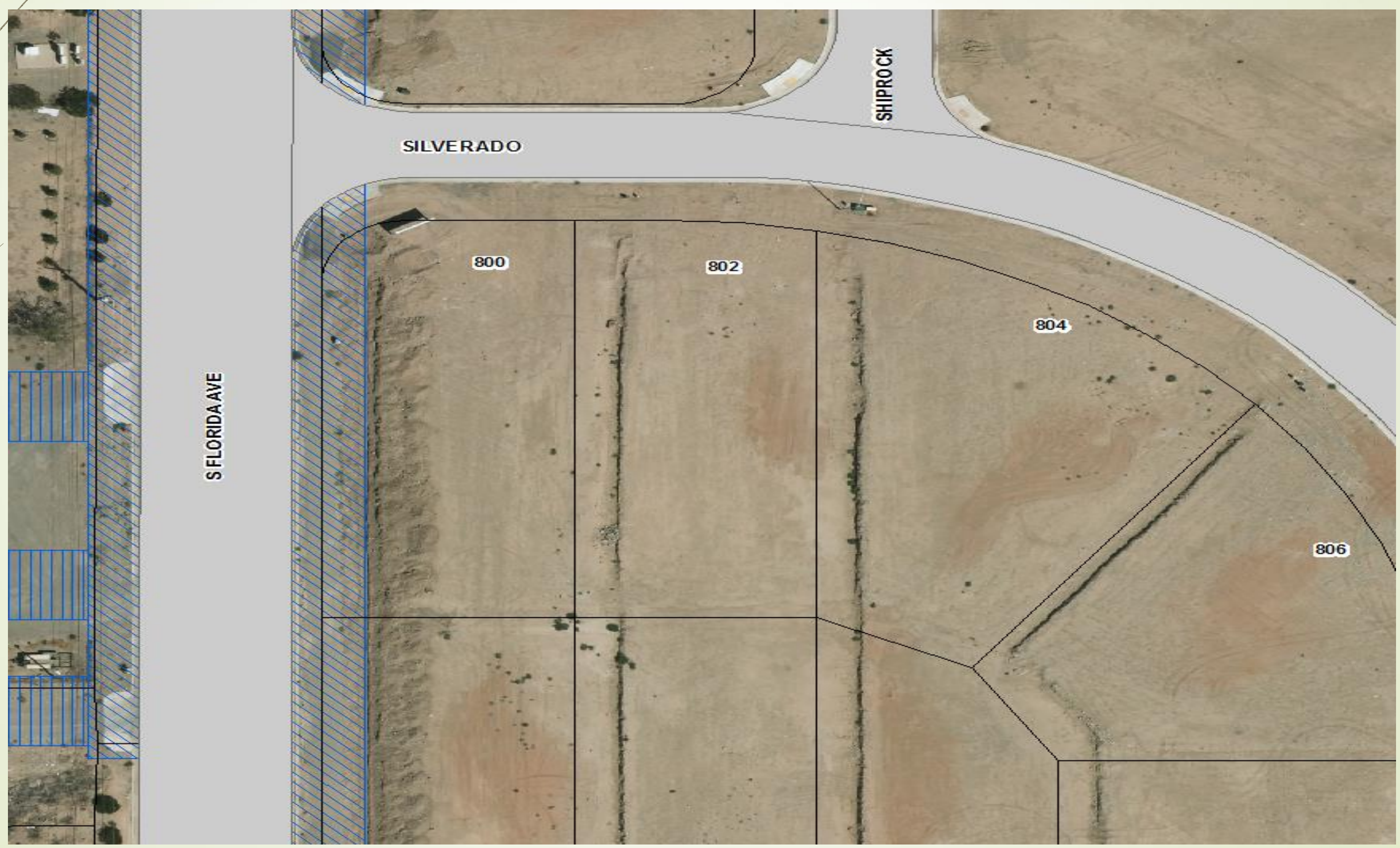
Variance Request Case: V-2015-0003(A)



Location

800 Silverado

Variance Request Case: V-2015-0003(A)



Aerial Photo

Variance Request Case: V-2015-0003(A)

Section 29-03-070 – Side Yards – District R-1

There shall be a side yard on each side of the one-story portions of buildings having a width of not less than five (5) feet and a side yard on each side of the two-story portions of buildings having a width of not less than seven and one-half (7½) feet. **The side yard on the street side of a corner lot shall be not less than fifteen (15) feet in width**.

Variance Request Case: V-2015-0003(A)

Variance Request Case: V-2015-0003(A)

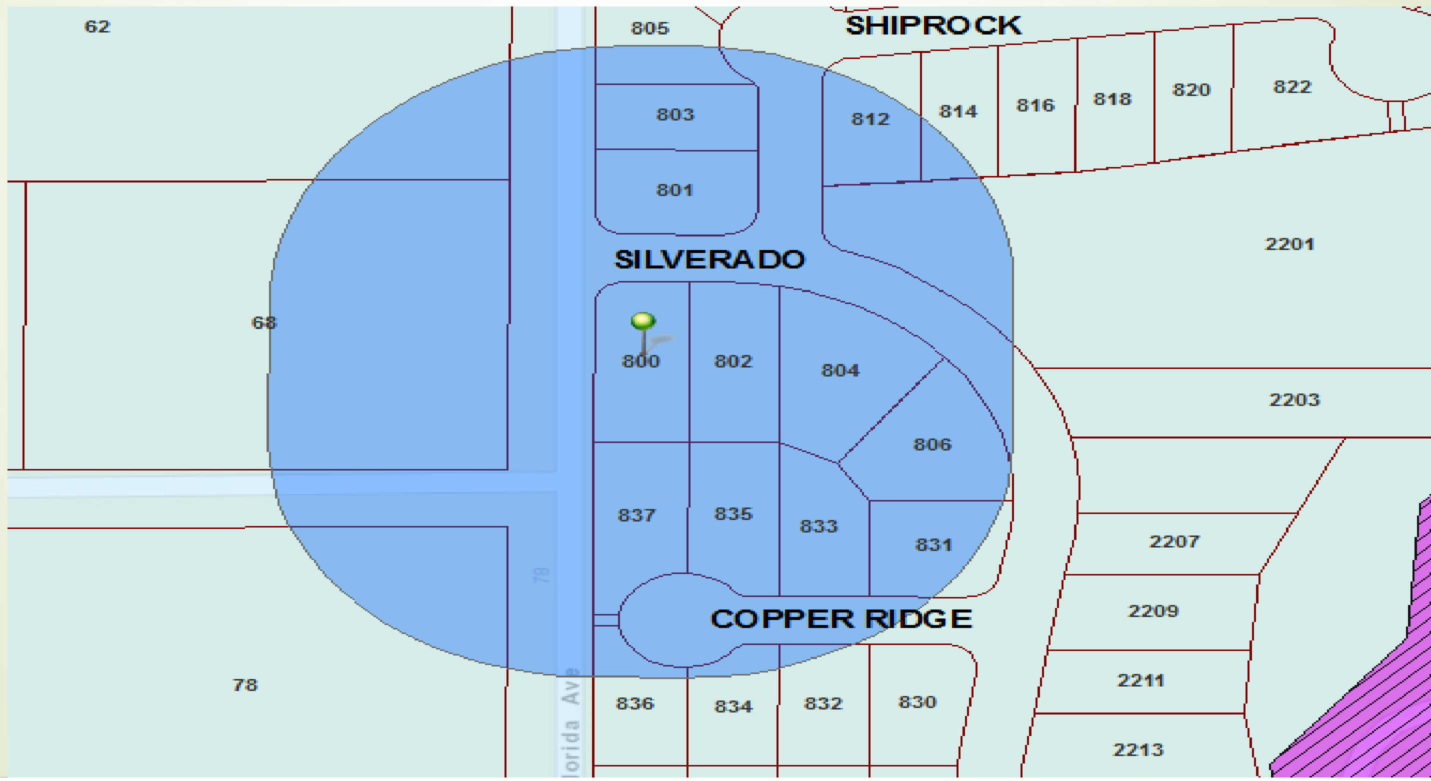
Section 29-01-070 – Variances

a.Definition. A variance is a dispensation permitted by the City of Alamogordo of the dimensional regulations of the "Code of Ordinances of the City of Alamogordo, New Mexico," where:

1. Such action will not be materially detrimental to the public interest; and,
2. Such action will not grant a discriminatory benefit to the land owner and/or harm neighboring properties; and,
3. Such action, owing to conditions peculiar to the property or the neighborhood and not the result of actions or the situation of the applicant, a literal enforcement of the Code of Ordinances of the City of Alamogordo, New Mexico, and not in conflict with any other adopted code, would result in practical difficulties or unnecessary hardship.

Variance Request Case: V-2015-0003(A)

200 Ft. Radius Protest Area



Variance Request Case: V-2015-0003(A)

Findings of Facts:

1.The property is located at 800 Silverado and is 0.28 acres in an R1 (Single Family Dwelling) zone; more specifically identified as Tax Parcel # 01-157155.

2. The request is for a relief of Section 29-03-030 of the City of Alamogordo Municipal Code to reduce the side setback from fifteen feet to ten feet to allow the construction of a new single family dwelling on lot 21, BLK A , Silverado Subdivision better know 800 Silverado.
3. The application was filed on June 30, 2015.
4. The adjoining property owners were notified on, July 23, 2015.
5. The legal notice was run on July 12, 2015.
6. Nine (9) letters were mailed by first class mail to all property owners of record within two hundred (200) feet, excluding public right-of-way, of the property for which the variance is sought.
7. No letters were returned undeliverable.

8.On August 6, 2015 the Planning and Zoning Commission recommended approval of the requested variance to the City Commission.

Variance Request Case: V-2015-0003(A)

Site Photo

Variance Request Case: V-2015-0003(A)

- **Staff Recommendation:**

  Staff recommends the approval of V-2015-0003(A) to allow a ten (10) foot side yard setback at 800 Silverado.

City of Alamogordo
New Mexico
Community Development Department
1376 E. Ninth Street
Alamogordo, NM 88310
Phone: (575) 439-4202

Variance Staff Report

Case: V-2015-0003 (A) 800 Silverado		
Reference Name	800 Silverado	
Proposed Request	Variance Relief from Section: * §29-03-030 – Side Yards—District R-1.	
Existing Site Characteristics	**Existing Zoning**	R1-Single Family Dwelling
	Existing Use	Vacant Lot
	Site Acreage	0.28 Acres
Applicant	James French, French Brothers Owner	
PNZ Hearing Date	August 6, 2015	
Location	800 Silverado	
Tax Parcel Number(s)	01-15755	
Plan Consistency	**Designation**	SILVERADO BLK A LT 21
	Consistency with Request	Complies

A. Variance Request

Request: The applicant is requesting a variance from Section 29-03-030 of the City of Alamogordo Municipal Code to reduce the side yard setback line from fifteen (15) feet to ten (10) feet to allow for the construction of a new single family dwelling on a corner lot located at 800 Silverado.

B. Owner/Applicant

Owner(s): French Brothers
1010 Zuni Road
Alamogordo, NM 88310

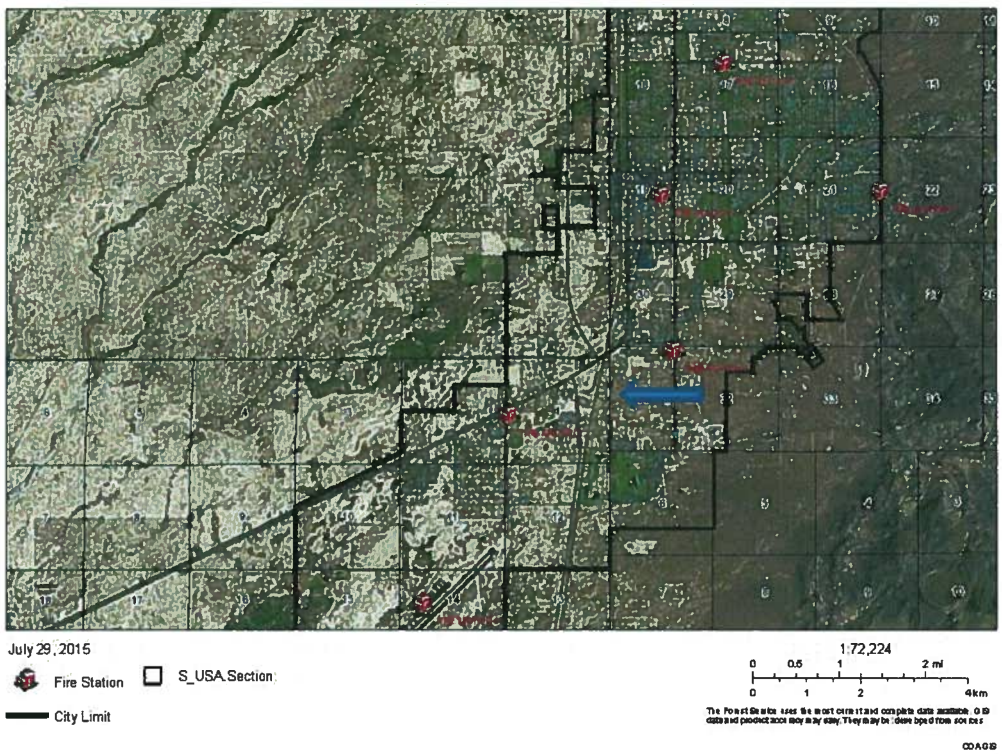
Applicant: James French/French Brothers
1010 Zuni Road
Alamogordo, NM 88310

C. Background

Petitioner is seeking to build a new single family dwelling on the subject lot in at 800 Silverado in the Silverado Subdivision. The lot is located on the southern corner of the intersection of South Florida Avenue and Silverado. Given that the lot is a corner lot and zoned R1- Single Family Dwelling, petitioner is required under Section 29-03-030 of the City of Alamogordo Municipal Code to provide a fifteen (15) foot side yard setback. Petitioner was under the assumption that a

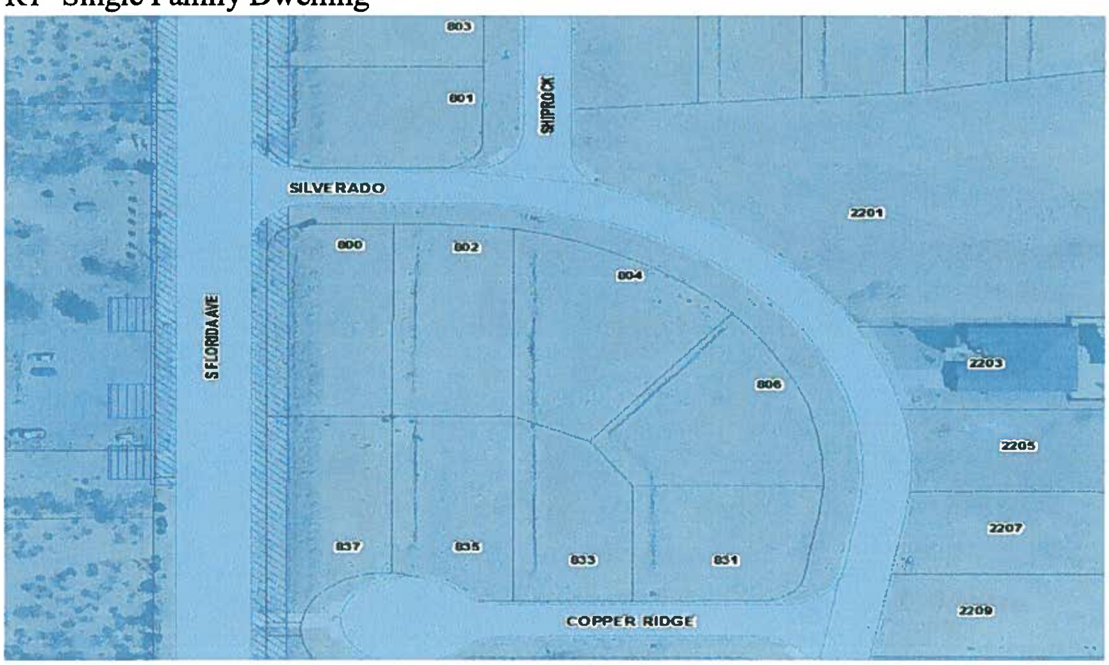
10 foot side yard setback was allowable since the City Commission approved the final plat with five (5) foot side yard setbacks. During a staff meeting with the applicant and the City Manager, the City acknowledge the technical error with final plat, but made it clear that Section 29-03-030 needed to be adhered to. Staff also informed the petitioner that given the circumstances that they would have to apply for a variance request if they wanted to have a ten (10) foot side setback at a corner lot. As a result, petitioner is requesting a variance.

Alamogordo Web Map



Zoning

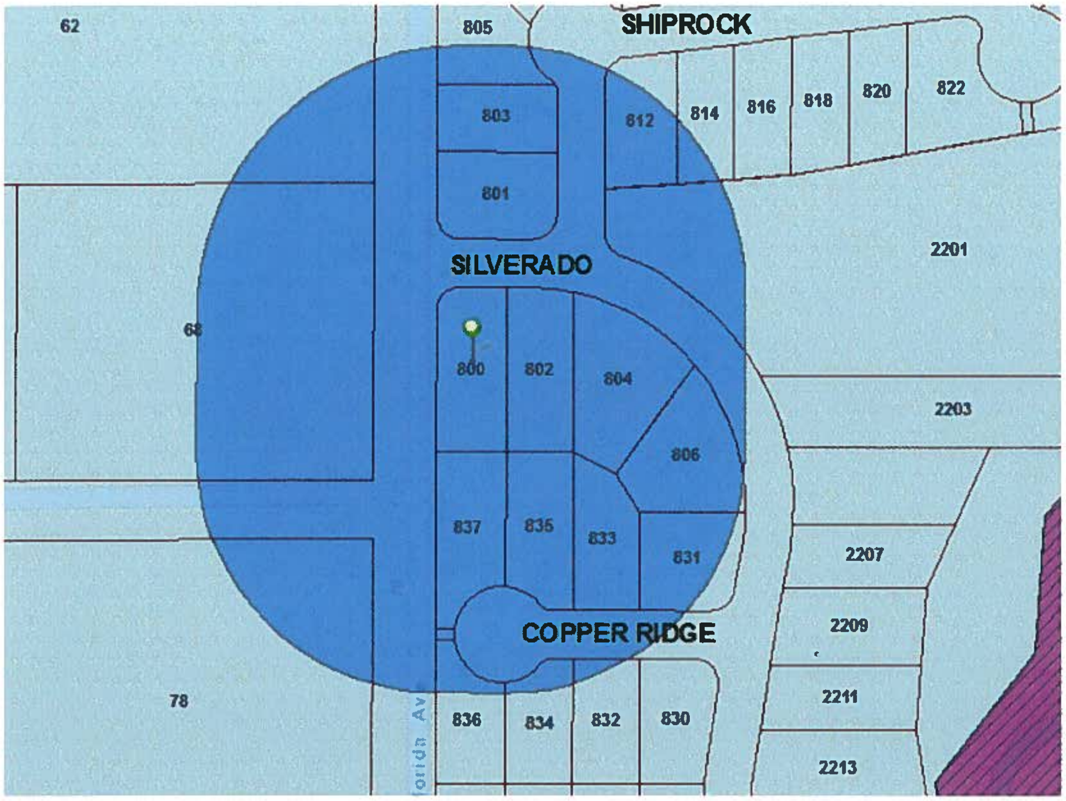
R1- Single Family Dwelling



Aerial

Site Photo

Protest Area



D. Alamogordo Municipal Code

a. Section 29-03-030. Side Yards – District R-1

There shall be a side yard on each side of the one-story portions of buildings having a width of not less than five (5) feet and a side yard on each side of the two-story portions of buildings having a width of not less than seven and one-half (7½) feet. The side yard on the street side of a corner lot shall be not less than fifteen (15) feet in width.

b. Section 29-01-070 Variances.

(a) Definition. A variance is a dispensation permitted by the City of Alamogordo of the dimensional regulations of the "Code of Ordinances of the City of Alamogordo, New Mexico," where:

(1) Such action will not be materially detrimental to the public interest; and

(2) Such action will not grant a discriminatory benefit to the land owner and/or harm neighboring properties; and

(3) Such action, owing to conditions peculiar to the property or the neighborhood and not the result of actions or the situation of the applicant, a literal enforcement of the Code of Ordinances of the City of Alamogordo, New Mexico, and not in conflict with any other adopted code, would result in practical difficulties or unnecessary hardship.

E. Applicant's Responses to Section -29-01-070 Variance Requirements

1. **Construction or other activity authorized by the requested variance will not be materially detrimental to the public interest because:** Final approved plat shows 5' side setback. Proposed building has 10' side setback. Ordinance requires 15' setback. There is approx. 20' between property line and Florida street curb.
2. **Construction or other activity authorized by the requested variance will not grant a discriminatory benefit to the land owner and/or harm neighboring properties because:** left blank
3. **This variance request is owing to conditions peculiar to the property or the neighborhood is not the result of actions or the situation of the applicant because:** Approved final plat provides 5' setback
4. **Owing to the above conditions peculiar to the property or the neighborhood a literal enforcement of the Code of Ordinance of the City of Alamogordo, New Mexico would result in a practical difficulties or unnecessary hardship because:** N/A
5. **Applicant affirms that to the best of his knowledge that construction or other activity authorized by the requested variance will not be in conflict with any other adopted code, ordinance, statute, regulation, or other restrictions, including covenants or deed restrictions that may limit the applicants use of the subject property.** True
6. **The City, after public notice and hearing, may approve variances and may require conditions as will secure substantially the objectives of the regulations varied. Please indicate conditions, if any, that you can suggest that would allow the City to grant your requested variance while at the same time securing substantially the objectives of the regulations.** Adequate distance currently exists between property line and existing street.

F. Staff Analysis

In order to make a staff recommendation on the applicant's variance request, staff analyzed the applicant's responses in the application and the particulars of case number V-2015-0003(A) with Section: 29-03-030.

In reviewing the particulars, staff considered a number of factors; one of which was of significant importance: traffic impact. Staff considered if driver visibility would be affected at the intersection of South Florida Avenue and Silverado, if staff would grant the applicant's variance request. In its analysis, Staff determined that there is ample distance to provide drivers adequate visibility to effectively turn at the intersection. The site in question already an existing twenty (20) foot distance from the street curb to the lot line that is served with a side walk landscaping. Therefore, a ten (10) foot yard side setback would be ample distance to provide drivers the necessary site visibility to effectively turn at the intersection, since the distance from the street curb and the yard side setback on the corner west section of the lot would be thirty (30) feet.

Staff concluded that granting a side setback variance relief at 800 Silverado:

1. will not be materially detrimental to the public interest;
2. does not grant a discriminatory benefit to the land owner and/or harm the neighboring properties;
3. the variance request is owing to conditions particular to the property and neighborhood and not the result of the actions or situation of the application;
4. the literal enforcement of the Code of Ordinance of the City of Alamogordo, New Mexico would result in practical difficulties or unnecessary hardship to the property owner; and,
5. the variance is not in conflict with any other adopted code.

The basis for such conclusion is founded on the distinctive set of fact(s):

1. that adequate distance currently exists between the property line and existing street.

2. that granting a ten (10) foot yard side setback variance, instead of the required fifteen (15) foot yard setback, is sufficient to ensure the proposed single family dwelling will not obstruct turning traffic visibility, since the property lot line at 800 Silverado is approximately twenty (20) feet in distance from the street curb;

6. that, since the aggregate space between the proposed ten (10) foot side yard setback and the twenty (20) foot distance from the street curb to the lot is comparable the fifteen (15) foot yard setback requirement set in Section 29-03-030 of the City of Alamogordo Municipal Code; and,

7. that given the petitioner relied on the five (5) foot setback requirement identified in the final plat, a technical error on the part of the City when the final plat was approved, granting a ten (10) foot variance is a reasonable compromise.

F. Staff Recommendation

Staff recommends the approval of V-2015-0003(A) to allow a ten (10) foot side setback at 800 Silverado.

G. Findings of Fact

1. The property is located at 800 Silverado and is 0.28 acres in an R1 (Single Family Dwelling) zone; more specifically identified as Tax Parcel # 01-157155.
2. The request is for a relief of Section 29-03-030 of the City of Alamogordo Municipal Code to reduce the side setback from fifteen feet to ten feet to allow the construction of a new single family dwelling on lot 21, BLK A , Silverado Subdivision better know 800 Silverado.
3. The application was filed on June 30, 2015.
4. The adjoining property owners were notified on, July 23, 2015.
5. The legal notice was run on July 12, 2015.
6. Nine (9) letters were mailed by first class mail to all property owners of record within two hundred (200) feet, excluding public right-of-way, of the property for which the variance is sought.
7. No letters were returned undeliverable.
8. The Planning and Zoning Commission recommended approval of the requested variance to the City Commission.

G. Motions

MOTION TO **APPROVE** THE **VARIANCE** REQUEST:

I move to approve the request for variance at 800 Silverado, Case # V-2015-0003(A): The applicant is requesting a variance from Section 29-03-030 of the City of Alamogordo Municipal Code to reduce the side yard setback line from fifteen feet (15) to ten feet (10) to allow the construction of a new single family dwelling on the existing lot located at 800 Silverado

The testimony presented in this public hearing has shown that the granting of the variance will not be materially detrimental to the public interest; and, will not grant a discriminatory benefit to the land owner and/or harm neighboring properties; and, that such action is owing to conditions peculiar to 800 Silverado (or to neighborhood) and not the result of actions or the situation of the applicant, a literal enforcement of the Code of Ordinances of the City of Alamogordo, New Mexico, and not in conflict with any other adopted code, which will result in practical difficulties or unnecessary hardship.

OR

MOTION TO **DENY** THE **VARIANCE** REQUEST:

I move to deny the request for variance at 800 Silverado, Case # V-2015-0003(A): The applicant is requesting a variance from Section 29-03-030 of the City of Alamogordo Municipal Code to reduce the side yard setback line from fifteen (15) feet to ten (10) feet to allow the construction of a new single family dwelling on the existing lot located at 800 Silverado

Sufficient testimony has **not** be presented in the this public hearing that the requested variance meet the criteria in Section **29-01-070** entitled "Variances" of the City of Alamogordo Municipal Code as:

(Choose one or more appropriate finding(s) and specific items)

1. Such action will be materially detrimental to the public interest;

2. Such action will grant a discriminatory benefit to the land owner and/or harm neighboring properties; and

3. Such action, owing to conditions peculiar to the property or the neighborhood and not the result of actions or the situation of the applicant, a literal enforcement of the Code of Ordinances of the City of Alamogordo, New Mexico, and not in conflict with any other adopted code, would result in practical difficulties or unnecessary hardship.

H. Exhibits

Exhibit 1.	Variance Application
Exhibit 2.	Adjoining Owners and Zone Map
Exhibit 3.	2012 Aerial Map

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 17

Submitted By: Renee Cantin, City Clerk

Subject: Consider, and act upon, the proposed recommendations by the City Charter Committee. *(Jim Talbert, City Charter Review Committee Chair and Renee Cantin, City Clerk)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the proposed recommendations.

Background: At the July 14th Regular Meeting the Commission requested the City Charter Committee to meet one more time to review the residency requirements and some proposed recommendations submitted by a citizen. They met on July 21st and the attached proposed changes were made by the committee. Some typographical errors have been corrected and the following section was amended to remove the 90 day requirement as follows:

ARTICLE V. - QUALIFICATIONS FOR CANDIDACY
Candidates for elective office in the City shall be qualified electors with the following additional qualifications:
Section 1. - Candidates-at-Large.
Candidates-at-Large must reside within the city.

Section 2. - Candidates for District Offices.
Candidates for District Offices must reside in the District they seek to represent.

The following was presented to the Commission at the July 14th meeting:

The City's Charter mandates that every ten (10) years the Commission shall appoint a committee to review the effectiveness of the Charter and make written recommendations to the City Commission within sixty (60) days of its appointment.

On February 23rd, 2015, the Commission passed Resolution No. 2015-09 establishing a City Charter Committee for the City of Alamogordo, New to complete the 10 year review of the City Charter.

On April 28th, 2015, the following members were appointed to the Committee: Jim Talbert, Pamela Lee, Robert M. Doughty II, John Gordon, Johnny Helmstetler, Inez Moncada, and Ruben Segura. The Committee had 60 days from the time they were appointed to submit recommendations to the City Commission.

At their first meeting on May 13th, 2015, Jim Talbert was selected as the Chair and Pamela Lee was selected as Vice-Chair.

Other meetings were held on May 27th; June 8th; and June 16th, 2015. They also held a Public Hearing on June 15th where a few members of the public attended.

Some of the recommended changes were just to clean up the city charter and to make sure the Mayor's position was added in where it should be. References to the first Mayor-at-large election were removed because it referenced the 2014 election.

ARTICLE IX. - THE MUNICIPAL JUDGE
The section relating to the Terms of Office for the Municipal Judge was amended due that section being unconstitutional.

The other section they are recommending to change is the following:

ARTICLE VI. - ELECTIONS (Adding Section B related to Runoff Elections)
Section 2. - Elections.

A. In the regular City election for Commissioners representing districts, the candidate receiving the greatest number of votes in each district represented is elected.
B. In the regular City Election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a special run-off election between the two candidates receiving the greatest number of votes. The run-off election shall be held within 45 days after the date that the final canvass is completed. The city commission shall by resolution set the date of the run off election and specify the names of the candidates. The resolution shall be published once at least seven days prior to the run off election.
B. C. If a tie exists after the certification of the results of any election, the determination as to which of the tied candidates is elected shall be decided by lot.

NMSA §3-15-16 requires that all amendments to a Charter must go before the voters for approval. Once approved or amended by the Commission, the proposed amendments could either be taken to the voters at a Special Election or they can be added to the ballot for the March 2016 Regular Election.

Attached are the final recommendations by the Committee; minutes from all of the meetings including the Public Hearing held on Monday, June 15, 2015; and comments received by citizens.

PROPOSED RECOMMENDATIONS BY THE CITY CHARTER COMMITTEE – 07/21/2015

PART I - CITY CHARTER

PREAMBLE

We, the citizens of Alamogordo, New Mexico, under the Constitution and Laws of New Mexico, ordain and establish this Charter for the City of Alamogordo, New Mexico.

ARTICLE I. - INCORPORATION AND POWERS

The incorporated municipality known as Alamogordo, (hereinafter "City") existing within its present or future boundaries, shall exercise all powers and perform all functions not expressly denied.

ARTICLE II. - FORM OF GOVERNMENT

The form of government for the City of Alamogordo is the Commission-Manager form of government.

ARTICLE III. - ELECTORS

Any registered, qualified elector of the City may vote in any City election and may be a candidate for any City office for which he or she is qualified.

ARTICLE IV. - ELECTED OFFICERS

The elected officers of the City are six (6) Commissioners, one (1) Mayor, and one (1) Municipal Judge.

(Amd. of 3-6-12)

ARTICLE V. - QUALIFICATIONS FOR CANDIDACY

Candidates for elective office in the City shall be qualified electors with the following additional qualifications:

Section 1. - Candidates-at-Large.

~~Must have resided within the City for a period of not less than ninety (90) days immediately prior to the date of filing.~~ Candidates-at-Large must reside within the city.

Section 2. - Candidates for District Offices.

~~Must have resided within the district they seek to represent for a period of not less than ninety (90) days immediately prior to the date of filing.~~ Candidates for District Offices must reside in the District they seek to represent.

Section 3. - Disclosure.

Each candidate for City office shall file a disclosure statement with the City Clerk, at the time of filing for the office. This statement shall identify all real property and businesses in New Mexico in which the candidate has a financial interest.

ARTICLE VI. - ELECTIONS

Section 1. - Regular City Elections.

A. Regular City elections to elect City officers, as required, shall be held on the first Tuesday in March of even-numbered years.

B. Unless specifically inconsistent with this Charter, New Mexico law governing the manner of conducting City elections shall govern elections in the City.

Section 2. - Elections.

A. In the regular City election for Commissioners ~~representing districts~~, the candidate receiving the greatest number of votes in each district represented is elected.

B. In the regular City Election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a special run-off election between the two candidates receiving the greatest number of votes. The run-off election shall be held within 45 days after the date that the final canvass is completed. The city commission shall by resolution set the date of the run off election and specify the names of the candidates. The resolution shall be published once at least seven days prior to the run off election.

~~B.~~ C. If a tie exists after the certification of the results of any election, the determination as to which of the tied candidates is elected shall be decided by lot.

(Amd. of 3-7-00)

Section 3. - Vacancies.

A. A vacancy occurs upon an elected officer's death, recall, resignation, or, as to Commissioners, upon termination of residency in the district represented, or upon absence from Commission meetings for a consecutive period exceeding sixty (60) days, unless a majority of the remaining incumbent City Commissioners vote to retain the absent Commissioner or the absent Mayor for an additional sixty (60) days, which vote must take place at the next following regular meeting.

B. A vacancy in the commission, including the office of mayor, occurring after completion of one-half of that commissioner's term, shall be filled by appointment of the commission of a person qualified under Article V. In all other cases a special election must be called to fill the vacancy. The Commission must declare by resolution that a vacancy exists. The resolution declaring the vacancy must be adopted by the Commission within fifteen days of the vacancy. The Commission must appoint an eligible person by majority vote to fill the vacant office at the first regular meeting following the expiration of thirty days after the adoption of the resolution. If the Commission fails to make the appointment at that meeting, the Mayor must, within fifteen days, appoint an eligible person to fill the vacancy. The Commission may by ordinance establish the specific procedures for selecting an eligible person to fill a vacancy. The commissioner or mayor appointed or elected shall serve for the remainder of the unexpired term for which the commissioner or mayor who vacated the position was elected.

C. If the entire Commission is vacated simultaneously, the Municipal Judge shall perform the function of the Commission only as concerns the calling of a special election to fill the vacancies.

D. Special elections shall be called at the next regular meeting after the occurrence of the vacancies, the date of special elections to be proclaimed in accordance with state law.

(Amd. of 3-7-00; Amd. of 3-2-10; Amd. of 3-6-12)

Section 4. - Non-Partisan Elections.

Elections for City officers shall be non-partisan. The party affiliation of candidates shall not appear on the ballot nor on any official document relating to the candidate or to the election.

ARTICLE VII. - THE GOVERNING BODY

Section 1. - Equality of Commissioners.

All Commissioners, including the Mayor, except as otherwise provided by this Charter, shall have equal voting power, privileges and prerogatives.

(Amd. of 3-6-12)

Section 2. - Composition.

~~Commencing after the March 2014 regular City election,~~ The governing body shall be comprised of six (6) members to be known as commissioners and one (1) member to be known as mayor. The six (6) commissioners shall be elected by the qualified voters of each of the six (6) single-member districts. The mayor shall be elected at large.

(Amd. of 3-6-12)

Section 3. - Term of Office.

The term of office for all commissioners, including the mayor, shall be four (4) years. Elections shall be on a staggered basis. Two (2) commissioners shall be elected in 2014. The remaining four (4) commissioners shall be elected in 2016. Any incumbent whose four (4) year term would expire in 2014 shall stand for re-election. The term of office for all commissioners, including the mayor, shall begin upon certification of the election.

(Amd. of 6-20-95; Amd. of 3-18-97; Amd. of 3-6-12)

Section 4. - Districts.

~~Prior to the 2014 regular City election,~~ The Commission shall be divided ~~the City~~ into six (6) districts. ~~For the 2014 regular City election only, to the extent possible, consideration may be given to avoiding contests between incumbents or the shortening of an unexpired term of an incumbent. Redistricting for the 2014 regular City election shall not result in the extension of the unexpired term of any incumbent beyond four (4) years. Each district shall be compact in area and as nearly equal in population as is possible.~~ The boundaries of each district shall be established by ordinance. Within one year after publication of each National Census, the Commission shall reaffirm that the City is divided into six (6) Districts that are compact in area and as nearly equal in population as possible.

(Amd. of 3-18-97; Amd. of 3-6-12)

Section 5. - Meetings.

All City Commission meetings are open to the public and the official records open to inspection, except for closed executive sessions held in accordance with the State Open Meetings Act. A quorum consists of a majority of incumbent Commissioners and the Mayor.

A. Regular meetings shall take place twice monthly at a place, time and day determined by ordinance. Regular meetings shall not occur on legal holidays.

B. Special meetings shall be called by the Mayor or any two (2) Commissioners, for the purpose of discussing or acting on any City business.

C. Emergency meetings shall be called by the Mayor or any Commissioner, to resolve emergency matters involving clear and present danger to the health, safety or welfare of the citizens of Alamogordo.

Section 6. - Compensation.

Upon implementation of this Charter, Commissioners shall receive fifty dollars ($50.00) compensation for expenses for each regular meeting attended and for each regular meeting not attended by reason of official City business. This minimum compensation shall not be changed unless the proposed change is submitted to, and approved by, the electorate at a regular City election. Any additional compensation shall be established by ordinance.

Section 7. - Incompatibility of Offices.

No member of the Commission or the Mayor may hold any other local, state, or federal elected office. Acceptance of the second elected office constitutes an automatic resignation from the position of Alamogordo City Commissioner or Mayor, and the vacancy thereby created shall be filled in the same manner as other vacancies on the City Commission are filled.

(Amd. of 3-2-10)

ARTICLE VIII. - MAYOR AND MAYOR PRO-TEM

Section 1. - Selection; Term; Removal.

A. An organizational meeting shall be held as soon as practicable after each Regular City election in which Commissioners are elected.

B. The Commission and Mayor shall elect one of its members to serve as Mayor Pro-Tem. The term of office for the Mayor Pro-Tem shall be until the next organizational meeting of the Commission.

C. An organizational meeting shall also be held if the office of the Mayor Pro-Tem becomes vacant. Said office becomes vacant in the manner specified in Article VI, Section 3.

D. A motion for removal of the Mayor Pro-Tem shall be made at a regular meeting, and must be seconded by two (2) Commissioners or one (1) Commissioner and the Mayor. The motion for removal shall be voted upon at the next regular meeting and shall require the affirmative votes of no fewer than five (5) Commissioners for passage.

(Amd. of 3-2-10; Amd. of 3-6-12)

Section 2. - Powers and Duties of Mayor.

The Mayor shall preside at all meetings of the Commission and shall perform such duties as are imposed by the Commission. The Mayor has all the powers and duties of a Commissioner, including the right to vote upon all questions under consideration.

The Mayor is the official head of the City for all ceremonial and military purposes. With the advice, and subject to the approval of a majority of the Commission, the Mayor shall appoint and may remove, if necessary, members of the public boards, commissions and committees of the City. The Mayor shall lead, guide and develop with the City Commission, City Manager, and other appropriate individuals, short and long range plans and goals for the City concerning its growth and development. The Mayor shall present an annual state of the City message ~~or report to the City Commission.~~ at a Public Meeting determined by the Mayor.

(Amd. of 3-6-12)

Section 3. - Powers and Duties of Mayor Pro-Tem.

In the absence of the Mayor, the Mayor Pro-Tem shall perform the duties of the Mayor.

ARTICLE IX. - THE MUNICIPAL JUDGE

There shall be one Municipal Judge elected at-Large for a four-year term, who shall serve in accordance with applicable state law.

~~Notwithstanding any other provision of the law to the contrary, no person shall be eligible to be elected to or serve in the office of Municipal Judge if that person shall previously have held such office for two (2) or more full consecutive terms. For the purpose of this article, terms shall be deemed consecutive unless more than four (4) years apart, and a term shall be deemed full if a person has served at least half of the time allotted for the term. Service as Municipal Judge prior to the adoption of this section shall not count in determining length of service. The provisions of this section are hereby held severable and if any should be held invalid, the remainder shall stand.~~

(Amd. of 6-20-95)

ARTICLE X. - INITIATIVE, REFERENDUM, AND RECALL

Section 1. - Initiative.

A. Upon petition, signed by the qualified electors in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, whichever is the greater, any measure may be proposed to the Commission for enactment within thirty (30) days of the date of filing the petition. If the Commission: (1) fails to act, (2) acts adversely, or (3) amends the proposed measure, the Commission shall call a special election in not less than thirty (30) days nor more than sixty (60) days for the purpose of submitting the measure to the electorate.

B. The ballot shall contain the proposed measure and the measure as amended, if the Commission amends the proposed measure. After each measure there shall be printed the words:

    "for" and

    "against,"

with spaces for crosses after each word.

C. The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

Section 2. - Referendum.

A. If within thirty (30) days following the adoption of an ordinance or resolution by the Commission, a petition, signed by the qualified electors, in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, whichever is greater, is presented to the Commission asking that the ordinance or resolution in question be submitted to a special election for its adoption or rejection, the ordinance or resolution shall become ineffective and the Commission shall provide for an election on the measure within sixty (60) days of the filing of the petition.

B. The ballot shall contain the text of the ordinance or resolution in question. Below the text shall be the phrases:

"for" and

"against,"

with spaces for crosses after each word.

If a majority of the votes cast favor the measure, it shall take effect immediately. If a majority of the votes cast are against the measure, it shall not take effect.

C. If an ordinance or resolution is an emergency measure, it shall go into effect immediately, but it shall be subject to repeal by an adverse majority at a referendum election.

D. The referendum procedure of this section shall not be available for any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election.

Section 3. - Recall.

Any City Commissioner, including the Mayor, is subject to a recall election. Upon petition seeking a recall of a Commissioner or Mayor, the Commission shall call a special election within sixty (60) days, unless the regular City election occurs within ninety (90) days.

Notice of Intent to circulate a petition for recall must be dated and filed with the City Clerk and shall include a statement of the reason for the recall. Each page of a recall petition, before any signatures are signed to it, must be endorsed by the manual or facsimile signature of the City Clerk and the date of filing of Notice of Intent; the City Clerk shall provide this without charge. The recall petition must be submitted to the City Clerk with the requisite number of signatures, within one hundred and twenty (120) days of the date of filing the Notice of Intent.

The petition shall be signed by no less than twenty (20) percent of the number of registered voters in that Commissioner's district at the time the Commissioner was elected. If the petition seeks to recall the Mayor, the petition shall be signed by no less than twenty (20) percent of the number of registered voters residing in the City at the time the Mayor was elected. The special recall election of a Commissioner shall be held only in that Commissioner's district. The special recall election of a Mayor shall be citywide.

If a majority favors recall and this majority equals or exceeds the number of votes the Commissioner or the Mayor received when elected, the office shall be declared vacated, and the office shall be filled as are other vacancies. A Commissioner or Mayor who is recalled shall not be eligible for re-election until the term for which the Commissioner was originally elected has expired.

If a recall election results in a failure to secure the votes necessary to recall, the Commissioner or Mayor who is the subject of the election shall not again be subject to recall until after six (6) months from the date of the recall election.

(Amd. of 3-18-97; Amd. of 3-6-12)

ARTICLE XI. - THE CITY MANAGER

Section 1. - Qualifications; Appointment.

A City Manager shall be appointed, solely on the basis of his or her qualifications, for an indefinite term. His or her selection shall not be limited by reason of former residence. His or her salary shall be fixed by the Commission. The appointment or removal of a City Manager shall require the affirmative votes of no fewer than four (4) Commissioners or three (3) Commissioners and the Mayor.

Section 2. - Duties.

The City Manager is the chief executive officer of the City. He or she shall have a seat, but no vote, at every meeting of the Commission. The City Manager:

(a) Shall enforce and carry out all ordinances, rules and regulations adopted by the Commission;

(b) Shall employ and discharge employees of the City;

(c) Shall prepare and submit an annual budget to the Commission;

(d) Shall make recommendations to the Commission concerning the welfare of the City;

(e) Or his or her designated agent, shall be the person for the purpose of civil process.

ARTICLE XII. - THE CHARTER

Section 1. - Saving Clause.

All bylaws, ordinances and resolutions in force in the City before the adoption of this Charter shall remain in full force and effect until amended or repealed. All rights and property which were vested in the City shall remain so vested under this Charter. No existing contract or franchise and no existing right or liability and no pending litigation of any kind shall be affected by the adoption of this Charter.

Section 2. - Severance Clause.

The provisions of this Charter are severable, and if any provision or part thereof is held to be illegal or unconstitutional as applied to any person or situation, the remainder of this Charter or its applicability to other persons or situations shall not be affected.

Section 3. - Amendment or Repeal; Periodic Review.

City Charter Committee Meeting Minutes

May 13, 2015 – 5:30 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Chairman Jim Talbert
Robert M. Doughty II
John Gordon
Johnny Helmstetler
Vice Chair Pamela Lee
Inez Moncada
Ruben Segura
Reneé Cantin, Staff Liaison

CALL TO ORDER & ROLL CALL

City Manager Stahle called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Robert M. Doughty II and Inez Moncada were absent.

ORDER OF BUSINESS

1. Presentation related to the history and responsibilities of the Committee.

City Manager Stahle remarked that this committee meets every ten years. He asked City Clerk Cantin to give a brief history of the Committee. The City Charter was approved in 1994 and stated a committee would meet every ten years to review the Charter. The first City Charter Committee met in 2003 and there was an Ad Hoc Charter Committee that Pam Lee and Robert Doughty II served on. The only thing they reviewed at that point was whether to go to a Mayor At Large and whether to change the number of districts. The whole Charter was not reviewed at that time. We should have reviewed the Charter in 2013, but we are now doing so. The Committee members responsibilities are to review the City Charter and give recommendations to the City Commission for their consideration. The City Charter can only be amended by election.

Jim Talbert asked how changes are made by election. City Clerk Cantin stated City Charter amendments can only be made by election. City Manager Stahle said any changes would be on the ballot in March 2016, unless the Commission decided to hold a Special Election.

2.a Consider, and act upon, on the selection of a Chairperson.

Each of the committee members introduced themselves and gave a short bio.

Mr. Doughty arrived at 5:43 p.m.

City Manager Stahle explained that the Chairperson's responsibilities were to essentially manage the agenda – work with staff as to the preparation of each agenda, and also to run each meeting.

Mr. Doughty nominated Jim Talbert for Chairman and Johnny Helmstetler seconded. Motion carried by a vote of 7-0-0.

2.b Consider, and act upon, on the selection of a Vice-Chairperson.

Bob Doughty nominated Pamela Lee for Vice Chairman. Johnny Helmstetler seconded the motion. Motion carried by a vote of 7-0-0.

3. Briefing on the Open Meetings Act by the City Clerk.

City Clerk Cantin and City Manager Stahle explained the Open Meetings Act to the Committee. City Clerk Cantin told the Committee that the first ten year Review Committee only met three times.

Vice Chair Lee asked if there would be any recommendations from Staff or any organization or group for us to consider. City Clerk Cantin said we will discuss that in a few minutes.

John Gordon asked if the past Ad Hoc Committee had been the one to discuss the election of a Mayor At Large, and the Clerk told him yes. She remarked that the Ad Hoc Committee had met a few more times because there were many issues to decide.

4. Distribution and review of the current City Charter.

Chairman Talbert said everyone should have a copy of the City Charter.

5. Discussion related to any thoughts on the changes.

City Clerk Cantin notified them of Page 4, Section 3. Article IX. – The Municipal Judge. It is unconstitutional to have term limits for a municipal judge. This is the only area in the Charter that we feel is not correct and shouldn't be in there.

Mr. Doughty asked if the NM Supreme Court had ruled on this, and she told them the NM Constitution, Article VII, Section 2A, listed the eligibility requirements for holding any elective office in the state. It preempts a Home Rule municipality's power to adopt additional qualifications of an elected office within the state beyond those set forth in the Constitution.

Vice Chair Lee clarified that the Clerk's recommendation was for Article IX to remain the same with the exception that the last paragraph be deleted in total. City Clerk Cantin said that was correct. City Attorney Thies agreed. Vice Chair Lee said we would leave only the first paragraph and City Attorney Thies agreed.

Chairman Talbert asked the Clerk if this was all that needed to be considered and she told him yes.

Bob Doughty asked if this Committee would have a meeting for the public to express their thoughts. He was told by the Clerk that it was not required nor had been scheduled, but they could hold a separate meeting if they wished. City Manager Stahle felt it would be appropriate to hold a Public Hearing after they had prepared and/or acted on any thoughts concerning the Charter. He felt the public should be made aware of what this committee was considering. He reminded them they are an advisory body and any recommendations would go before the City Commission for consideration before anything went on the ballot. He reminded the group that Alamogordo is a Commission/Manager form of local government.

City Clerk Cantin interjected that this Committee had 60 days to take care of the review.
Chairman Talbert said the June 23, 2015 City Commission meeting would be the one for which they would need to have recommendations. City Clerk Cantin said she would check on that.

Chairman Talbert wanted to know if the Charter stated that an elected official could not be a city employee. City Attorney Thies said that is in the COA Personnel Manual. Chairman Talbert asked about the statement that each candidate for a city office shall give a statement to the City Clerk, and he asked if she enforces this statement. She told him yes, and explained the statement is requested when they file to be a candidate.

Chairman Talbert asked about Page 3, Section 5 - Meetings. He said now that we have changed the make-up of the City Commission, it says here that a quorum consists of a majority of incumbent commissioners. He asked if the intent was to include the Mayor, and should it be changed since we now have an elected Mayor At Large. Mr. Doughty felt that if you went back to Article IV and wrote "one mayor and put (commissioner at large)" that should take care of it. Mr. Talbert said the Mayor is not a Commissioner. Mr. Doughty suggested "(commission member at large)". He explained there are other forms of city government that have the Commission elect the Mayor.

Mr. Gordon said we could say the Elected Officers of the City are Six (6) Commissioners and One (1) Mayor, and then include the Mayor as part of the Commission. That would take care of the problem.

Vice Chair Lee said it depends on what we are trying to accomplish. If we want to only change that section without changing elected officers, and that includes the Municipal Judge, then we could add to the statement, "a quorum consists of a majority of incumbent Commissioners **and the Mayor.**" She proposed that for consideration.

Vice Chair Lee remarked on the wording the Ad Hoc Committee had created concerning an At Large Mayor. Some of the wording was dated and she noted that on Page 3, Section 2 – Composition, it says "commencing after the March 2015 Regular City Election the governing body shall be comprised of". She felt they could delete "commencing after the March 2015 Regular City Election" and simply state "the governing body shall be comprised of six members and one member known as the Mayor".

Mr. Doughty asked if the general public voted on any changes the Commission decided to make. City Attorney Thies said all Charter Amendments would go to the voters. Mr. Doughty said we need to be careful what we change, but he agreed the wording should be cleaned up.

Vice Chair Lee noted Section 3 – Term of Office, but then remarked this section sets up the staggered terms.

Chairman Talbert said Section 4 could be reworded.

Vice Chair Lee asked the city attorney to look at all this and recommend any updates, because we have gone through the transition to Mayor At Large.

Chairman Talbert questioned Article VIII, Section 2, paragraph 2, Page 4 – "The Mayor is the official head of the City for ceremonial with the advice and approval of the majority of the Commission. The Mayor shall appoint and may remove, if necessary, members of public boards". He said he hadn't seen the Commission vote, only the Mayor appoint. Is this correct? City Clerk Cantin clarified that the Mayor asks the Commission if there are any objections to appointments. When anyone objects it is open for discussion.

Chairman Talbert then questioned the last sentence, "The Mayor shall present an annual State of the City message or report to the City Commission". He thought that was intended to be a Public Meeting, not just to the City Commission. City Clerk Cantin said it was and we just had the very first one. That was the only additional duty the Ad Hoc Committee gave to the Mayor. Chairman Talbert asked if it should be stated differently. Ruben Segura said a Public Meeting can be held at different locations as long as it follows the Open Meetings Act. Vice Chair Lee disputed the language and thought it should be changed. It was discussed by various members of the Commission. City Manager Stahle remarked the State of the City event had been properly published. Vice Chair Lee felt the language should be changed to read, "The Mayor shall present an annual State of the City message,(comma) or report to the City Commission". Mr. Doughty said there's no doubt it was meant to be a Public Meeting. Mr. Helmstetler thought we should refer to the Open Meetings Act (OMA) to see if it gives us any guidance. City Clerk Cantin said you could reference the OMA, but since there was no action to be taken, we published it as a Notice of Potential Quorum. City Attorney Thies said there is some ambiguity in the statement, but you need to decide if the message will be verbal or a written report, a written report submitted to whom, a Regular Meeting or a Special Meeting. These are things you need to decide. Vice Chair Lee remembered she had advocated for this to be put in the Charter because she was concerned the Mayor was not given enough power. We needed something to distinguish the Mayor from the Commissioners. This was intended to be the Mayor giving a report to the City Commission. It would do two things: 1) give the report, and 2) signal that the Mayor is not part of the City Commission and has an independent role. It was debated quite a bit by the Ad Hoc Committee. It was debated whether to set a date and it was decided that annually would be sufficient. Bob Doughty said the third option would be the words "message or report", and he thought the way it was done this year was a good way to communicate to the public. Ruben Segura agreed it was intended to be presented to the public by a figurehead. Chairman Talbert said this discussion stimulates some thought for our next meeting.

City Manager Stahle said there was a lot to consider in this. The Commission should have a good feel of the state of the City. A State of the City Address is a conveyance to the constituents, and it is current and not necessarily projected. Vice Chair Lee suggested, "The Mayor shall present an annual State of the City message at a Public Meeting determined by the Mayor". City Manager Stahle talked about what was meant by Public. Mr. Doughty said he intended it as an opportunity for the constituency to hear. Chairman Talbert said we can all think about this for the next meeting.

Ruben said the Article VIII heading says Mayor and Mayor Pro-Tem, and felt that now it was only intended for the Mayor Pro-Tem. Vice Chair Lee and Chairman Talbert agreed. City Attorney Thies stated they might want to read other City Charters before the next meeting in order to see if there were other provisions that might be beneficial to us.

6. Selection of dates and times for future committee meetings.

Mr. Doughty was not available on Wednesdays, and specifically not available on May 27th or June 3rd because he would be out of town. He noted he might need to be replaced if Wednesdays were decided upon.

Chairman Talbert said Mr. Doughty could always send his ideas to him.

The meetings were scheduled for: **Wednesday, May 27th at 5:30 p.m.**
Monday, June 8th at 5:30 p.m.

Vice Chair Lee said her view was that unless there was a strong recommendation from Staff or someone else, we don't need to go too far afield of what we have in front of us. She didn't plan on looking at any other city charters.

Mr. Doughty said someone from the State and Local Government Division came down and gave the Ad Hoc Committee a presentation of the statutory basis of each form of local government, and that took a lot of time to study all of those. He didn't think we would want to change our form of government so soon without seeing how this one works. One of the biggest problems the Ad Hoc Committee had to overcome was that there had been a period of local government without the difficulties we had during those periods of recall elections. There was a big part of the Committee that kept saying if it isn't broken, don't fix it. He thought we ought to give this form of government a while to see how it works before changing it. Chairman Talbert agreed.

Mr. Helmstetler asked if there had been any major problems as far as functionality of technicalities within this verbiage that could be fixed. He was told no by the City Clerk. Vice Chair Lee reiterated we needed to rely on Staff to give their concerns, if any.

Ruben Segura said Compensation for Elected Officials was his concern; elected officials take a lot of time and money to do their job. Chairman Talbert said the Mayor receives $750 and the Commissioners receive $500 plus $50 per meeting. City Clerk Cantin said that in the City Charter it only says $50 per regular meeting; there is a separate ordinance that allows $750 for the Mayor and $500 for Commissioners per month. Chairman Talbert said that usually covered his expenses when he was a commissioner. Vice Chair Lee said the Ad Hoc Committee had recommended an increase in these amounts and had taken it to the Commission. Raising the amounts would not be in the Charter because it doesn't belong there. Ruben Segura asked if this needed to be in the Charter, and Vice Chair Lee said anything in the Charter was very difficult to change.

City Attorney Thies told the Committee other charters provide some mechanism for compensation for the governing body, and then you flesh out the details by ordinance. Thus, the voters have made a provision to provide some compensation and then they allow the elected officials to determine the level of compensation. Our current structure goes back many years when there was constantly a Charter Amendment presented to the voters to increase higher levels of compensation to the governing body, and was repeatedly voted down. We looked at an alternative which said it is not compensation, it is reimbursement for expenses. We determined an appropriate level of reimbursement for expenses for commissioners would be $500 and for the Mayor, who had more functions, $750. City Manager Stahle added that the ordinance can be referred. If a commission sets salaries that are upsetting to the voters, the decision can be referred to a vote of the people.

Mr. Gordon said the County Commission can't vote for raises for themselves. City Attorney Thies said that applies locally and no raise becomes effective during a current term. If they are reelected they will receive that increase in compensation.

Mr. Gordon addressed the Initiatives, Referendums and Recalls section, and felt the 'registered voters' part should be deleted. He felt the registered voter rolls were very inaccurate in the State. In the past, he had lost an election by 305 votes and chose to get return of mail from places and over 300 of the returns were deceased, and the rest had moved – about 500 of them. He wanted to clarify the language between the three sections so it is the same. City Attorney Thies said Alamogordo had a history, about 20-30 years ago, where they were constantly recalling elected officials, so they made it more difficult to recall an elected official; that is why the term 'registered voter' is used. If you aren't a registered voter, you cannot sign the recall petition. Mr. Gordon remarked that it says, "upon the petition signed by qualified electors". He felt a qualified elector means you are registered with the County Clerk and you reside in a particular place. Chairman Talbert noted this was under Section 3 – Recall, third paragraph, first sentence, last line, "The petition shall be signed by no less than 20% of the number of registered voters in the commissioner's district at the time the commissioner was elected." That could be three years ago. Mr. Gordon thought the wording was inconsistent. Mr. Doughty remarked there had been a lot of recalls about 20-30 years ago that cost us a lot of money and were very divisive to the community. It was a black period in our history.

City Clerk Cantin gave an election history. 1978 was the first recall of four commissioners that was successful, 1989 there was a recall in District 2 and District 4 that were not successful, and there were numerous others. In 1993, three recalls were not successful. Chairman Talbert asked if there was an unsuccessful recall where they tried to recall again, and the Clerk said no. She noted there had been many petitions turned in that were not successful.

Vice Chair Lee noted the first paragraph of Section 3 – Recall – "Any City Commissioner including the Mayor is subject to a recall election. Upon petition seeking a recall of a Commissioner, (she noted it doesn't say Mayor), the Commission shall call a Special Election within 60 days." She hoped there was something about the Mayor. Mr. Doughty said the paragraph handling the number of registered voters is in there twice – once for Commissioners and once for the Mayor. Vice Chair Lee said it doesn't say how quickly you have to do the Special Election for a Mayor recall. She thought this might need to be addressed.

City Clerk Cantin said she would prepare a list from these minutes of the topics they would like to look into, and include it right after the OMA item on the next agenda. Chairman Talbert agreed.

The schedule of meetings was noted again: May 27th and June 8th. Further dates would be discussed as needed.

ADJOURNMENT

Vice Chair Lee moved to adjourn the meeting at 6:54 p.m. Bob Doughty seconded the motion. Motion carried by a vote of 7-0-0.

____
Chairman Jim Talbert

ATTEST:

____
City Clerk Reneé L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the City Charter Committee Meeting held on May 27, 2015.

City Charter Review Committee Minutes
May 27, 2015 – 5:30 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Jim Talbert, Chair
Robert M. Doughty II
John Gordon
Johnny Helmstetler

Pamela Lee, Vice-Chair
Inez Moncada
Ruben Segura

CALL TO ORDER & ROLL CALL (Jim Talbert, Chair)

Chairman Jim Talbert called the meeting to order at 5:35 p.m. Roll call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Vice-Chair Pam Lee, Bob Doughty, and Johnny Helmstetler were absent.

ORDER OF BUSINESS

1. **Approve the Minutes of the May 13th meeting.** *(City Clerk)*

Ruben Segura moved to approve the minutes. John Gordon seconded the motion. Motion carried by a vote of 3-0-1. Inez Moncada abstained.

2. **Approve the Open Meetings Act Resolution.** *(City Clerk)*

Inez Moncada moved to approve the Open Meetings Act Resolution. Ruben Segura seconded the motion. Motion carried by a vote of 4-0-0.

3. **Review & Discuss checklist of previous recommendations.**

City Clerk Cantin explained the page City Attorney Thies prepared related to removing some of the wording concerning the Mayor At Large, at the request of Vice-Chair Lee from the previous meeting.

Chairman Talbert didn't see where it states that you stagger the election of the commissioners. City Attorney Thies noted Section 3 says "Elections shall be on a staggered basis". He said the problem with this particular version is there isn't an easy way to incorporate how we are staggering elections. In the upcoming March 2016 Election, we have the odd numbered districts and District 6, and two years after that we have District 2 and District 4 as well as the Mayor At Large. Ideally, we would have odd districts and even districts in staggered elections. He would have to give this some more thought. One possibility was to renumber one of the districts.

Chairman Talbert said we are four and two, and we should be three and three. City Clerk Cantin said the reason for that was when two commissioners are elected, the Mayor and Municipal Judge would also be elected – two open positions that are city-wide. That way the other staggered would only be the other four districts. This is so the city-wide election would have the Mayor At Large and the Municipal Judge on the same election.

Chairman Talbert requested this document be sent for review to those members who were absent. City Clerk Cantin said she would send the entire packet for review.

Chairman Talbert told the city attorney that he liked the wording and felt the fewer words, the better.

Chairman Talbert referenced the Recommendations List in the packet. He began with the first item on the list, Article IX – The Municipal Judge, to eliminate the entire second paragraph concerning the Municipal Judge. According to the NM Constitution, we cannot have a term limit on a judge.

Next, Article VII, Section 5 "A quorum consists of a majority of Commissioners **and the Mayor.**" Everyone agreed to add the wording **"and the Mayor"**.

Article IV – they all agreed to not change the current wording except, to be consistent, put a number one in brackets **(1)** in front of Municipal Judge.

Article VII, Section2 – Leave the previous wording ("Commencing after the March 2014 regular City election,") off and begin with, "The governing body shall be comprised of six members and one member known as the Mayor".

Article VII, Section 4 - Chairman Talbert suggested deleting "Prior to the 2014 regular City election". He thought the sentence should begin with "The City shall be divided into six (6) districts". City Attorney Thies told him the reason for the direction for the City Commission to be divided is because the redistricting wasn't scheduled until a later date. In order to merge towards six commissioners and one mayor at large, the commission was directed to re-divide the city into six districts. After that, the redistricting will be done after the ten year census. He pointed this out towards the bottom of that paragraph – "Within one year after publication of each National Census, the Commission shall reaffirm that the City is divided into six (6) Districts that are compact in area and as nearly equal in population as is possible". Chairman Talbert asked about eliminating all of the wording up to that point. City Attorney Thies said we could delete the last provision or reword the last sentence. They felt City Attorney Thies' wording was good. The final wording decided on was, **"The Commission shall be divided into six (6) districts. The boundaries of each district shall be established by ordinance. Within one year after publication of each National Census, the Commission shall reaffirm that the City is divided into six (6) Districts that are compact in area and as nearly equal in population as is possible.**

Article VIII, Section 2 – It was decided to change, "The Mayor shall present an annual state of the City message or report to the City Commission" to **"The Mayor shall present an annual state of the City message at a public meeting determined by the Mayor"**. Everyone agreed to this.

Article VIII, Section 2 – "With the advice, and subject to the approval of a majority of the Commission, the Mayor shall appoint and may remove, if necessary, members of the public boards, commissions and committees of the City." It was decided to not change this sentence.

Article VIII – Mayor and Mayor Pro-Tem. No changes were made.

Chairman Talbert went to Article VII, Section 6 – Compensation (bottom of page 3). Mr. Segura had brought this up, but asked to put it on the next agenda so he could prepare all his information for the other members. He referred to the City Charter for Las Cruces. Chairman Talbert didn't want to put their compensation in the Charter because it is difficult to change, whereas an Ordinance is easier to change. Ms. Moncada thought the amount had gone up and Chairman Talbert explained they get $50 per meeting plus $500 per month. City Clerk Cantin explained the City has an ordinance in place stating that commissioners can submit their expenses; the $500 for commissioners and $750 for mayor is an expense reimbursement. She said in that compensation, if they were to use city facilities such as the golf course, they could submit any amount they paid for reimbursement. City Attorney Thies said it is also for traveling expenses if they go out of town. It was decided to move this item to the next meeting.

Article X under Referendum and Recall - John Gordon said that under Initiative, there is a difference between determining the number of petition signatures you have to have and felt it was punishing the people who are going to complain. Mr. Segura said we wanted to make sure there was an attainable bar people could achieve, but that it not be too easy so that it disrupts the process of governments. In the past it has been used too much. Ms. Moncada said she had been through it three times. City Clerk Cantin explained an initiative petition or referendum petition caters to the ones who regularly vote, thus the 20% of those who voted previously. For an initiative petition, if you had a 13% turnout like we used to and a 19% like we had at the last election, you would average those out to determine how many signatures were needed. If the voters don't agree with an ordinance that is passed, they would start a referendum petition following the adoption of that ordinance. In Section 3 – Recall has to do with the individual elected official and the mayor would be a percentage of all of the registered voters, and a commissioner would be only a percentage of those in their district.

Mr. Gordon said the problem he had was the number of registered voters because of the poor track record in New Mexico of diluting voter rolls. City Clerk Cantin said she has gone through every voter registration card with the County Clerk for the last nine years. She felt they were very accurate. She thought they needed to have a guideline, such as 'registered voter', in order to determine that person is an actual resident. Mr. Segura felt the standard needed to be high, but not too high so as to restrict voters. Mr. Gordon said he had run a petition for Grand Jury in Bernalillo Co., and that was a bunch of signatures. He went through the voter rolls to match every signature. Ms. Moncado thought this was good. She explained the first time she had been recalled, she was a commissioner at-large so that took in all of Alamogordo; it was difficult to get enough signatures. Mr. Gordon thought this could be left as is.

They next addressed Section 3 – Recall (page 6) – the second sentence says, "Upon petition seeking a recall of a Commissioner **(add OR MAYOR),** the Commission shall call a special election within sixty (60) days, unless the regular City election occurs within ninety (90) days". The words **"or Mayor"** were added.

4. Items to include on next agenda.

Chairman Talbert said to put Article VII. Section 6. – Compensation on the next agenda.

Mr. Gordon said he hadn't figured out where Replacement Vacancies is. Chairman Talbert told him to look on page 2 – Article VI, Section 3B.

5. Discuss the possibility of holding a public hearing.

Chairman Talbert said he was in favor of a Public Hearing and Mr. Segura agreed. City Clerk Cantin noted she needed 10 days in advance of a meeting to publish the meeting notice.

Chairman Talbert remarked that the next committee meeting would be on Monday, June 8, 2015, and he hoped to have everything done then. If they had a Public Meeting the following week, it would give them enough time to have their findings ready for the City Commission meeting on June 23, 2015.

Everyone in attendance decided on Monday, June 15, 2015 at 6:00 p.m. for the Public Hearing in the City Commission Chambers. It was decided comments would be limited to three minutes per person.

6. Future Dates & Times.
a. Monday, June 8th at 5:30 p.m.
b. Selection of additional meeting dates
c. Any dates for the week of June 15th?

The commission members discussed having a final committee meeting immediately after the June 15th Public Hearing, but decided against it.

Mr. Gordon asked about campaign reporting in the Charter, and the city clerk told him that was covered by an ordinance passed right after the last election.

ADJOURNMENT

John Gordon moved to adjourn at 6:29 p.m. Ruben Segura seconded the motion. Motion carried with a vote of 4-0-0.

Chairman Jim Talbert

City Clerk Reneé L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the City Charter Review Committee Meeting held on June 8, 2015.

City Charter Committee Meeting Minutes
June 8, 2015 – 5:30 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Jim Talbert, Chair
Robert M. Doughty II
John Gordon
Johnny Helmstetler

Pamela Lee, Vice Chair
Inez Moncada
Ruben Segura

CALL TO ORDER & ROLL CALL

Chairman Jim Talbert called the meeting to order. Roll call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Ruben Segura was absent.

ORDER OF BUSINESS

1. Approve the Minutes of the May 27th Meeting.

Inez Moncada moved to approve the minutes. John Gordon seconded the motion. Motion carried by a vote of 6-0-0.

Ruben Segura joined the meeting at 5:32 p.m.

2. Review Article VII, Section 6 related to Compensation.

Chairman Talbert noted the only addition he thought should be made was to add the wording, ***"Any other compensation shall be established by ordinance"***, to the end of Section 6. Pam Lee felt this statement was inconsistent with the previous sentence. Chairman Talbert said the proposed statement referred to additional compensation. Johnny Helmstetler suggested adding the word ***minimum*** to the proceeding sentence so it would say, "This ***minimum*** compensation shall not be changed unless the proposed change is submitted to, and approved by, the electorate at a regular City election." This might help to avoid any confusion. All agreed to these additions.

Pamela Lee referred to another handout sent to the members. It began with PART 1 – CITY CHARTER, PREAMBLE, under ARTICLE VI. – ELECTIONS, Section 2A. – ***"The candidate receiving the greatest number of votes in each district represented is elected."*** She felt there should be something about the election of Mayor which also occurs during a City election. Under ELECTIONS, Section 2B, it talks about how a tie vote would be determined by lot. City Clerk Cantin noted this was in the Election Code and said she would check to find out if it was mandatory.

Ms. Lee would like to consider that in the Mayor's race, the successful candidate should be the result of more than 50% of the voters. The two with the most votes within the plurality but not the absolute majority, should be in a run-off. She asked for comment from the other members.

Mr. Doughty said she was talking about the system in Texas where if one candidate does not get greater than 50% of the votes, the two with the highest vote count have a run-off, and Ms. Lee agreed. She asked if they wanted the mayor elected by plurality or whether the voters should pick between the top two candidates. Chairman Talbert mentioned the cost of doing this and Ms. Moncada agreed. Ruben Segura liked the concept, but thought it should be applicable to the other elected officials, not just the mayor. Ms. Lee thought a city-wide Mayor was the more important position and should be elected by more than 50%. John Gordon said there had been some past elections that had been decided by lot; drawing a card from the deck.

Chairman Talbert said if you had five candidates with 20% of the vote, whoever got 20.05% would be elected by 20.05% of the electorate. Mr. Gordon said when there are two candidates, 50% is achievable. Chairman Talbert noted if we think it is worth the cost, then we should add the language. Mr. Segura thought whatever we do should be consistent throughout. Ms. Lee said if we do this it could almost be guaranteed that every election would have a subsequent election because of the six districts. She didn't want to see this with the Commissioner elections.

City Attorney Thies read from the NM Election Code and said you could provide a different mechanism in the Charter other than state law provides, and you have to do it in the Charter. If you wanted to flip a coin or some other process, you could do it by Charter.

Ms. Moncada asked if this item would have to be presented to the public for a vote. Chairman Talbert said the public would have the opportunity to voice their concerns at the Public Meeting on June 15th.

Mayor Pro-Tem Rentschler addressed the Committee to say he was here to see what they were discussing. He remarked he had been one of four candidates in the Mayor's race and there had been a clear winner, but no one received 50%. He thought the Mayor's position was too important to be decided by less than 50%, and a tie should be decided by lot. He asked the Clerk how much the elections would cost, and she told him the Regular Election would cost $30,000 and the Run-off Election for Mayor would also cost $30,000, because it would be city wide. Mayor Pro-Tem Rentschler said that to use this same system for Commissioners every year would be costly, but the Mayor's race is every four years.

City Clerk Cantin pulled up the canvas of the last election showing the Mayor had received 1,600 votes, and half of the voters who voted in that last election would have been 1,765. There were four candidates running and the Mayor was about 100 votes under 50%. She felt that nine times out of ten there would be a run-off election every four years.

Ms. Lee read the language she had prepared for Article VI. Section 2. – Elections B.- ***"In the regular City election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a Special Run-Off Election between the two candidates receiving the greatest number of votes."***, and place the ***"If a tie exists after the certification of the results......" as C.*** Mr. Doughty suggested it state the run-off election be held within X number of days. Ms. Lee suggested it continue by saying, ***"The Run-Off Election shall be held within 30 days of the initial election."*** She didn't see anything else to be changed.

Chairman Talbert asked what would happen if there was a candidate ahead and candidates two and three were tied, would 'C' take over? Mr. Doughty thought 'C' applied to any election. He asked the clerk if an election could be redone in 30 days and she said it could be done in 30 days. Chairman Talbert asked if everyone was happy with that wording and they were. They all agreed it should be for the Mayor position only. Mr. Gordon thought it should be 28 days so that it falls on a Tuesday. Mr. Doughty remarked it states within 30 days, and you could state the Tuesday closest to 30 days after the initial election. City Clerk Cantin said she would research other municipalities to ascertain how many days they state for a run-off. She said if there is a petition, an election has to be called within 60 days. It would be hard to meet the publishing requirements, and she would research all the regulations before the upcoming Public Hearing.

3. Review the proposed recommendations and make final changes for the Public Hearing.

Chairman Talbert reminded everyone that the Public Hearing would be on Monday, June 15, 2015, 6:00 p.m. in the Chambers. Public comment will be limited to three minutes per person.

4. Discuss and decide if an additional meeting is needed from June 16th-20th for final recommendation to the Commission for the June 23rd meeting.

Chairman Talbert said we should decide that after the Public Meeting to see if it is needed. City Clerk Cantin said she would need plenty of time in order to prepare and release the agenda.

Mr. Doughty moved to approve holding the last meeting on Tuesday, June 16th at 5:30 p.m. Mr. Helmstetler seconded the motion. Motion carried by a vote of 7-0-0.

5. Public Hearing is set and published for Monday, June 15th, 2015 at 6 p.m. (Commission Chambers)

Mr. Gordon said the Term of Office (Article VII, Section 3) was not established. Chairman Talbert said that section noted the beginning of the stagger and needed to remain. City Clerk Cantin said if she was no longer available, it would be a good tool for the current Clerk to reference in order to see which districts were staggered. Everyone decided to leave the wording as is.

ADJOURNMENT

Mr. Segura moved to adjourn at 6:15 p.m. Ms. Moncada seconded the motion. Motion carried by a vote of 7-0-0.

Minutes respectfully prepared by Nancy E. Jacobs, Deputy City Clerk, to be presented for approval at the June 16, 2015 Charter Review Committee Meeting.

City Charter Committee Public Hearing

June 15, 2015 – 6:00 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Jim Talbert, Chair
Robert M. Doughty II
John Gordon
Johnny Helmstetler

Pamela Lee, Vice Chair
Inez Moncada
Ruben Segura

WELCOME & INTRODUCTIONS

Pam Lee, Vice Chair called the meeting to order at 6:00 p.m. Pam Lee, John Gordon, Ruben Segura, and Johnny Helmstetler were the committee members in attendance. The City Clerk announced there was a quorum present. Robert Doughty was absent. Chairman Talbert and Inez Moncada were absent but arrived shortly after the meeting began.

Vice-Chairman Lee called for those who would like to make public comment to come forward. When no one came forward she gave a synopsis of the proposed changes to the City Charter that the committee had come up with.

Jim Talbert joined the meeting at 6:01 p.m.

1. Review of the proposed recommendations and additional information related to runoff elections.

Jim Talbert also covered some of the proposed changes. He agreed with Ms. Lee that they were trying to keep the Charter as simple and understandable as possible.

Inez Moncada joined the meeting at 6:07 p.m.

Mr. Gordon pointed out whatever we do here will be presented to the Commission for review and approval/disapproval. Chairman Talbert said the Charter Committee's recommendations would be presented to the City Commission on July 14, 2015 at their regular meeting. He reminded all in attendance that no changes would be made tonight because this was a Public Hearing. Everything would be taken under advisement and considered at the Charter Review Committee meeting tomorrow night at 5:30 p.m., where they hoped to establish the final document.

2. Public Comment.

Chairman Talbert read a written statement by Harv Hamilton who could not be in attendance tonight. The statement said Mr. Hamilton wanted to submit for their consideration a rewrite of portions of the current Charter, but did not specify what these would be. He also wanted some clarification on some items, but would attend the next City Commission meeting on June 23, 2015 to present his ideas. Chairman Talbert reminded those in attendance that their comments would be limited to three minutes each, and that tonight's meeting was being broadcast live on the radio.

David McElroy felt that the Mayor At-Large should receive at least 50% of the vote. He supported the recall item and hoped it wouldn't be too difficult for a citizen to work with. He also wanted the Committee to be more specific on the steps to be taken for a recall, and asked Chairman Talbert to explain. Chairman Talbert told him the way it is written now is that a certain percentage of eligible voter signatures are needed, depending on what type of recall it is. The percentage is 20% of the registered voters. Mr. McElroy asked how long is given to obtain the signatures, and Chairman Talbert said there was not a time limit except in the case of how close it is to the next election.

Mayor Susie Galea commented about the runoff for the Mayor At-Large election. She thought the cost of $30,000 for an election was a hardship for our small community. When she was elected as mayor in the 2014 Election she was about 170 votes shy of 50%, and she didn't think that justified a runoff. If there is a small margin between candidates, maybe a percentage of votes should be considered for a runoff, but not 50%.

Chairman Talbert responded that the Committee had looked at other cities using the 40% mark as opposed to 50%, for the very reason she talked about. They were also considering what to do if the gap between the two front runners was 20%.

Mayor Galea stated in order to get more people to run in the 2018 race, perhaps there needed to be a greater financial incentive. Chairman Talbert pointed out one of the proposed additions to the Charter states any further compensation would be established by ordinance, so the Charter would not have to be changed if it was decided to alter the compensation amount, making it much easier to do. Mayor Galea asked if the Charter Committee had a recommendation for an increase, and it was decided to talk about it at their meeting tomorrow.

Mr. Segura reminded everyone the Charter Committee had not voted on any of the recommendations to date.

Lori Armstrong asked for clarification on the 20% requirement of registered voters for a recall. She asked what the voter turnout had been for the last few elections, and City Clerk Cantin said the 2014 Election had a 19% voter turnout, and in 2012 there had been about 13%. The average is about 13%. Ms. Armstrong thought the 20% requirement was extraordinarily high. Chairman Talbert explained ARTICLE IX, Section 3, - Recall. Ms. Armstrong thought it would be hard to get 20% of the voters when we can't get 20% to vote in the general elections. She suggested a percentage of the last election instead of a percentage of the overall. Chairman Talbert and Mr. Helmstetler said these comments would be considered.

Margaret Scanlon came forward to ask if the amount paid to the Commissioners and Mayor was taken out of the General Fund, and was told yes. She felt their salaries should be frozen while the City was going through budgetary problems. Chairman Talbert explained that is why they were proposing any additional compensation shall be established by ordinance, and when a commission voted to change compensation by ordinance it would not begin until after the next election. The public would have an opportunity to add input during this process. She said they had been told by the City Commissioners that the Mayor and Commissioners would not be speaking tonight. Chairman Talbert remarked that any citizen could speak at this meeting.

Vice-Chairman Lee commented if you put the pay amount in the Charter, it remains fixed until a vote on the Charter. If it is done through ordinance it gives greater flexibility in establishing the rates and gives the voter the ability to sanction the commissioners if they vote for a pay raise that is deemed inappropriate. Ruben Segura noted we wanted to tie in wording to be consistent with what is in place.

Lori Armstrong said that if the voters are voting every two years and approve changes to the pay scale, why does there need to be any additional compensation. Chairman Talbert explained the commissioners get $50.00 per meeting which can be voted on by the electorate, and the additional compensation is $500 per commissioner a month and $750 a month for the mayor.

Lori Bies asked about ARTICLE IX. – THE MUNICIPAL JUDGE, second paragraph on page 5, related to Municipal Judge. Chairman Talbert replied this was being removed because it violates the New Mexico Constitution – no term limits for Municipal Judges. Ms. Bies noted the numbers from the last election and how many signatures it would take to get a recall. If the number was 20% of those who voted as opposed to 20% of registered voters in the City at the time of the election, the amount would be less. She suggested changing the percentage to 10%. Vice-Chairman Lee understood there had been a period in the City's history when the recall process had run wild, and Ms. Bies agreed and said she didn't want to go back to what we had before.

David McElroy wondered why there was such a low voter turnout. He felt it was because the voters didn't think the City was responsive to them and their vote wouldn't count.

Mr. Gordon said Lori made a comment about ordinances. He felt that fell under the referendum and initiative petitions that had lesser requirements – 20% of the last four elections.

Lori Bies said the Charter states it would either be 20% of the average who voted at the previous four elections or 20% of the number of voters who voted at the previous regular city election. She felt it was hard enough getting people to vote, and would be even harder to get signatures. It is a national situation and is unfortunate; there are not many here tonight.

Mr. Helmstetler remarked the Committee had tried to keep the Charter as simple as possible in order to make it flexible.

3. Other comments.

Mr. Gordon thanked the members of the public who showed up tonight. Chairman Talbert thanked those serving on the Charter Review Committee.

ADJOURN

The meeting was adjourned at 6:37 p.m.

Minutes respectfully prepared by Nancy E. Jacobs, Deputy City Clerk.

City Charter Committee Meeting Minutes

June 16, 2015 – 5:30 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Jim Talbert, Chair
Robert M. Doughty II
John Gordon
Johnny Helmstetler

Pamela Lee, Vice Chair
Inez Moncada
Ruben Segura

CALL TO ORDER & ROLL CALL

Chairman Jim Talbert called the meeting to order. Roll call was taken by the City Clerk. Clerk Cantin announced there was a quorum present.

1. Approve the Minutes of the June 8th Meeting.

Inez moved to approve the Minutes of the June 8th meeting. Pam seconded the motion. Motion carried by a vote of 7-0-0.

Chairman Talbert asked to add to the June 15th Public Hearing Minutes that Bob Doughty was absent.

Ruben moved to approve the Minutes of the June 15th Public Hearing as amended. Pam seconded the motion. Motion carried by a vote of 7-0-0.

Chairman Talbert noted Harv Hamilton had submitted some ideas that he wanted to cover first. They concerned items that were the adjustments for separating the Commission from seven (7) to six (6) with the Mayor.

The first was ARTICLE VI, Section 3 – Vacancies – to add "**if the Mayor terminates residency in the City**" to the end of paragraph A. City Attorney Thies said if they move out of the city limits they automatically forfeit their office. Ruben said it is already applicable by state law and the Committee agreed not to add the language.

The next was to add to ARTICLE VII, Section 5 – Meetings – at the end of the second sentence with **"and the Mayor."** ("A quorum consists of a majority of incumbent Commissioners **and the Mayor**.)

The third suggested change was, ARTICLE VII, Section 7- Incompatibility of Offices. "No member of the Commission **or the Mayor** may hold any other local, state, or federal elected office."

Vice-Chairman Lee suggested adding to the next sentence "Acceptance of the second elected office constitutes an automatic resignation from the position of Alamogordo City Commissioner **or the Mayor**…"

All the Committee members were satisfied with these changes.

2. Review comments & suggestions from the Public Hearing.

Chairman Talbert said the majority of discussion at last night's Public Hearing was concerning how many people need to be on a petition to establish a recall election, and also the issue of runoffs. The current Charter did not mention runoff and we have looked at adding this. He referred the members to the information from other cities explaining how they carry out a runoff. Some state 40% as opposed to 50%, and if there is 20% difference between the two top candidates then a runoff would not be necessary. Chairman Talbert suggested the wording **"If a person receives more than 40% of the vote, and there is less than 20% difference between the top two candidates, then we would look at a runoff."**

Vice-Chairman Lee didn't think this would help the situation. She felt the majority of the voters who vote in the election should vote for the Mayor. That majority would only be a majority if over 50% of the vote, so she didn't want to make the change.

Ruben said whatever we do must be consistent throughout, and both positions should have the same standard.

Inez stated it's very difficult to run in an election; you have to get out there and do your very best. She wanted to leave it as it is presently. If the candidate didn't get out there to get the votes the first time, they probably wouldn't have any luck a second time. She mentioned it would entail money on both sides.

Johnny didn't think many would turn out for a runoff.

Pam said we operate on the assumption that Alamogordo only generates a voter turnout of less than 19%. One reason that is true is because we hold our elections in March while other major elections are in November, so if we hold our elections in November people will come out to vote. City Clerk Cantin stated this is because of state statute. Vice-Chairman Lee said the public should be pushing to change that law. She felt it better to have a runoff so one person would get the majority.

Johnny asked if anyone had thought about ranked balloting/instant runoff balloting. It would accomplish the same thing without having a Special Election and he felt was worth considering.

Inez wondered what additional responsibilities were given to the Mayor At-Large to warrant a runoff. Chairman Talbert told her the Mayor At-Large was responsible for the whole city and not simply one district. City Clerk Cantin said the only additional responsibilities added were the State of the City address and the long range plans and goals.

Vice-Chairman Lee said our mayor's position is a 'weak mayor' approach which largely means the City Commission is in charge, so the mayor doesn't have any more authority that the commissioners. She said the original Charter Committee discussed this quite a bit.

Bob felt it needed to be made as simple as possible and was in favor of the highlighted wording under ARTICLE VI, Section 2.B In the regular City Election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a special run-off election between the two candidates receiving the greatest number of votes. The run-off election shall be held within 30 days after the date that the final canvass is completed.

John agreed. Johnny Helmstetler also thought it should read 50%.

Chairman Talbert said there will probably be a runoff in all the elections if we do this. City Clerk Cantin told the committee the two clerks she had talked to said they potentially have one every election. Ruben said it is a political strategy.

Bob felt our experience with electing a Mayor At-Large is new and we deserve to have one elected with more than a non-plurality vote.

City Clerk Cantin said there was a discussion about the 30 days, and from the other clerks she had talked to, she suggested not less than 35 days and not more than 45 days to call the runoff election.

Other clerks said it gave more leeway to pick an election day and not be as rushed. After that comment, the Committee decided to change the wording to "**within 45 days of the initial election**".

Ruben asked when the count would begin and City Clerk Cantin said it would be after the canvas of the election which is done two days after the election, and no more than three days after the election. The wording was discussed and it was decided to change "**30 days of the initial election**" to "**45 days after the date that the final canvass is completed**".

Chairman Talbert asked whether those candidates would have to re-file. Bob Doughty said the two candidates receiving the greatest number of votes was defined so the wording did not need to be included.

City Clerk Cantin said there was another thing in some of the sample wording from other municipalities about the publication requirement for an election resolution. A Special Election would be four consecutive weeks of publication, and almost all of the other municipalities said something to the effect that at least one resolution shall be published at least seven days prior to the runoff election. This would be beneficial to have in the Charter, or she would have to publish four times. Bob asked if this requirement was state law and City Clerk Cantin told him it was part of the State Election Code – Special Election is four publications and a Regular Election is two publications for the Election Resolution. The Committee decided to add this wording to the end of the paragraph – "**The city commission shall by resolution set the date of the runoff election and specify the names of the candidates. The resolution shall be published once at least seven days prior to the runoff election**".

Bob moved to approve ARTICLE VI. Section 2. Elections. Changing section B to state:
In the regular City Election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a special run-off election between the two candidates receiving the greatest number of votes. The run-off election shall be held within 45 days after the date that the final canvass is completed. The city commission shall by resolution set the date of the run off election and specify the names of the candidates. The resolution shall be published once at least seven days prior to the run off election.

John Gordon seconded the motion.

Motion failed by a vote of 3-4-0. Jim, Inez, Ruben, and Johnny Helmstetler voted nay.

Chairman Talbert said he voted nay because he would rather have 40% in order to not force a run off at every mayoral election. Johnny thought it should be 50% and didn't think it merited a run off election; he was in favor of eliminating the entire paragraph. Ruben felt we should not include it, or include it for all elected officials. Inez felt the same as Ruben and didn't believe there should be a runoff.

Bob Doughty moved to approve making no changes to the entire Charter and disband the committee.

He felt we shouldn't vote on changing all these little things.

Pam Lee seconded the motion.

Johnny said there are some things to clean up and the question is whether the document is still working, and it is.

Pam Lee said we need to recognize we have a responsibility to clean things up. There is one significant thing that needs to be cleaned up and that is the majority of the people in the town vote for the Mayor. She urged one of the members who voted against the last changes to the section on Elections to bring it back for vote.

Johnny Helmstetler moved to approve reconsidering that motion she was speaking of.

Chairman Talbert noted that Bob's motion needed to be voted on first, and asked for a roll call.

A vote was taken on Bob's motion. Motion failed with a vote of 1-6-0. Bob Doughty voted yes.

Johnny would like to reconsider Bob's original motion to for Article VI. Section.2, Elections.

He explained the reason he wanted to reconsider the motion was because this committee is making recommendations to the City Commission. He said he is sitting on the fence with this recommendation; however we are simply making recommendations to the City Commission for their consideration.

Ruben seconded the motion. Motion carried by a vote of 7-0-0.

Johnny moved to approve the wording as is with the 50% - Changing section B to state:
In the regular City Election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a special run-off election between the two candidates receiving the greatest number of votes. The run-off election shall be held within 45 days after the date that the final canvass is completed. The city commission shall by resolution set the date of the run off election and specify the names of the candidates. The resolution shall be published once at least seven days prior to the run off election.

Ruben seconded the motion. Motion carried by a vote of 6-1-0. Inez Moncada voted nay.

Chairman Talbert said the next item, subject to some emails he had received today, was ARTICLE X. Section 3. – Recall. Paragraph 3 – **"The petition shall be signed by no less than 20% of the registered voters….."** The people who had emailed him wondered whether the percentage should be changed.

Ruben moved to approve leaving the ARTICLE X, Section 3. Recall section as it is. Inez seconded the motion.

He felt signatures could be obtained if people are mad enough. Chairman Talbert suggested 10%.

Bob Doughty asked if Chairman Talbert was referring to 10% of registered voters instead of 20% of the average of those who voted in the last four elections. Chairman Talbert said the current wording was **"no less than 20% of the number of registered voters residing in the city at the time the Mayor was elected".**

Vice-Chairman Lee said a recall should not be frivolous and should be done because there is overwhelming support by the public for it. She said 20% seems a little high, but 10% is too low. We need to decide how we feel about recalls. Ruben agreed with Vice-Chairman Lee. Inez also agreed. Johnny agreed it would be hard to say what an effective number would be.

City Clerk Cantin said each committee member had a handout of what other municipalities were doing.

Bob said we have experienced government by recall and he was not in favor of making recall elections any easier than our Charter has already established.
The Motion carried by a vote of 6-1-0. John Gordon voted nay.

Ruben moved to approve accepting the other correction changes. Johnny seconded the motion. Motion carried by a vote of 7-0-0.

3. Review the proposed recommendations and make final changes for recommendations to the City Commission on July 14th, 2015.

Chairman Talbert asked the Committee if this was the addition they wanted to send to the City Commission, and he said he would like to go through all the changes before voting. All agreed and they went through them all. City Clerk Cantin read through them all:

Page 1 - ARTICLE IV - Elected Officers: The elected officers of the City are six (6) Commissioners, one (1) Mayor, and one (1) Municipal Judge.

Page 2 – ARTICLE VI. -Elections **B: In the regular City Election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a special run-off election between the two candidates receiving the greatest number of votes. The run-off election shall be held within 45 days after the date that the final canvass is completed. The city commission shall by resolution set the date of the run off election and specify the names of the candidates. The resolution shall be published once at least seven days prior to the run off election.**

Page 2 – ARTICLE VI. – Elections: B C. **If a tie exists after the certification of the results of any election, the determination as to which of the tied candidates is elected shall be decided by lot.**

Page 3 – ARTICLE VII.- Section 2. – Composition: ~~**Commencing after the March 2014 regular City election,**~~ **The governing body shall be comprised of six (6) members to be known as commissioners and one (1) member to be known as mayor. The six (6) commissioners shall be elected by the qualified voters of each of the six (6) single-member districts. The mayor shall be elected at large.**

Page 3 – ARTICLE VII, - Section 4. – Districts: ~~**Prior to the 2014 regular City election,**~~ **The Commission shall be divided** ~~**the City**~~ **into six (6) districts.** ~~**For the 2014 regular City election only, to the extent possible, consideration may be given to avoiding contests between incumbents or the shortening of an unexpired term of an incumbent. Redistricting for the 2014 regular City election shall not result in the extension of the unexpired term of any incumbent beyond four (4) years. Each district shall be compact in area and as nearly equal in population as is possible.**~~ **The boundaries of each district shall be established by ordinance. Within one year after publication of each National Census, the Commission shall reaffirm that the City is divided into six (6) Districts that are compact in area and as nearly equal in population as is possible.**

Page 3 – ARTICLE VII. – Section 5. – Meetings: **All City Commission meetings are open to the public and the official records open to inspection, except for closed executive sessions held in accordance with the State Open Meetings Act. A quorum consists of a majority of incumbent Commissioners and the Mayor.**

Page 4 – ARTICLE VII, - Section 6. – Compensation: **Upon implementation of this Charter, Commissioners shall receive fifty dollars ($50.00) compensation for expenses for each regular meeting attended and for each regular meeting not attended by reason of official City business. This minimum compensation shall not be changed unless the proposed change is submitted to, and approved by, the electorate at a regular City election. Any additional compensation shall be established by ordinance.**

Page 4 – ARTICLE VII. – Section 7. – Incompatibility of Offices: **No member of the Commission or the Mayor may hold any other local, state, or federal elected office. Acceptance of the second elected office constitutes an automatic resignation from the position of Alamogordo City Commissioner or Mayor, and the vacancy thereby created shall be filled in the same manner as other vacancies on the City Commission are filled.**

Page 4 – ARTICLE VIII. – Section 2. – [Powers and Duties of Mayor.], second paragraph: **The Mayor is the official head of the City for all ceremonial and military purposes. With the advice,**

and subject to the approval of a majority of the Commission, the Mayor shall appoint and may remove, if necessary, members of the public boards, commissions and committees of the City. The Mayor shall lead, guide and develop with the City Commission, City Manager, and other appropriate individuals, short and long range plans and goals for the City concerning its growth and development. The Mayor shall present an annual state of the City message ~~or report to the City Commission.~~ at a Public Meeting determined by the Mayor.

Page 5 – ARTICLE IX. – The Municipal Judge, second paragraph: **~~Notwithstanding any other provision of the law to the contrary, no person shall be eligible to be elected to or serve in the office of Municipal Judge if that person shall previously have held such office for two (2) or more full consecutive terms. For the purpose of this article, terms shall be deemed consecutive unless more than four (4) years apart, and a term shall be deemed full if a person has served at least half of the time allotted for the term. Service as Municipal Judge prior to the adoption of this section shall not count in determining length of service. The provisions of this section are hereby held severable and if any should be held invalid, the remainder shall stand.~~**

Page 6 – ARTICLE X. – Section 3. – Recall, first paragraph: **Any City Commissioner, including the Mayor, is subject to a recall election. Upon petition seeking a recall of a Commissioner or Mayor, the Commission shall call a special election within sixty (60) days, unless the regular City election occurs within ninety (90) days.**

Bob asked the City Clerk to email all of these changes to each Committee member tomorrow.

Bob Doughty moved to approve accepting the whole document and instructed the clerk to give it to the City Commission at their July 14, 2015 Regular meeting. Ruben seconded the motion. Motion carried by a vote of 7-0-0.

4. Discuss the presentation of the recommendations to the City Commission.

Chairman Talbert said he would attend the July 14, 2015 City Commission meeting to answer any questions, and he invited all the other members to attend.

Ruben stated it has been an honor to be a part of this and to be a part of democracy.

ADJOURNMENT

Ruben Segura moved to adjourn at 6:45 p.m. Bob Doughty seconded the motion. Motion carried by a vote of 7-0-0.

Minutes respectfully prepared by Nancy E. Jacobs, Deputy City Clerk.

City Charter Committee Meeting Minutes
July 21, 2015 – 5:30 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Jim Talbert, Chair
Robert M. Doughty II
John Gordon
Johnny Helmstetler

Pamela Lee, Vice Chair
Inez Moncada
Ruben Segura

CALL TO ORDER & ROLL CALL

Chairman Jim Talbert called the meeting to order at 5:30 p.m. Roll call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Inez Moncada was absent.

ORDER OF BUSINESS

1. **Approve the Minutes of the June 16th, 2015 Meeting.**

Mr. Doughty moved to approve the minutes. Mr. Helmstetler seconded the motion. Motion carried by a vote of 6-0-0.

2. **Review the proposed recommendations by Harv Hamilton and the City Commission and make final changes for recommendations to the City Commission on August 11, 2015.**

Chairman Talbert said Mr. Hamilton had submitted suggestions earlier that would be considered tonight, and Commissioner Hernandez had asked them to review the section on how to determine the residency of a candidate. Chairman Talbert pointed out **Article V, Section 2 – Candidates for District Offices. Must have resided within the district they seek to represent for a period of not less than ninety (90) days immediately prior to the date of filing.** He had been told by the City Clerk that the voter registration was used to determine where the candidate lived, and the registrations are not always updated. His suggestion was as follows: *The candidate residence will be confirmed by voter registration and utility bill presented at the time of filing. If another candidate, a city official or a member of the electorate challenges the residency, a member of the Alamogordo Police Department will go to the residence and verify that the candidate lives there, and is his or her main home.*

Vice-Chairman Lee commented that individuals may live in an apartment or other residence and not have a utility bill.

City Clerk Cantin interjected the Declaration of Candidacy is a sworn statement. The situation in the past was a candidate had a bed at a store in the district and so that qualified him/her. She reminded all it was not up to the City to be the investigators.

City Attorney Thies said we take the voter registration card at face value, and the burden to challenge that is generally put upon a resident of that particular district. He suggested the committee leave this provision alone. The State Constitution requires you to be a resident in the district you represent and that is what we have to follow. City Clerk Cantin remarked if someone had a question concerning residency, they could file a complaint with the District Court.

Mr. Doughty agreed with the city attorney that we had to rely on the Election Code, and if some candidate or resident in a particular district wanted to challenge it, they could do so in a relatively short period of time. It would be perjury to lie on a sworn Declaration of Candidacy, so that should be enough. Mr. Doughty thought Commissioner Hernandez wanted to make sure the residency law was enforced. He thought the District Attorney could investigate the Declaration of Candidacy and one of the voters or the candidate's opponent could challenge the residence in the District Court.

City Clerk Cantin read Section 13 of the New Mexico Constitution that stated: *All district and municipal officers, county commissioners, school board members, and municipal governing body members shall be residents of the political subdivision or district from which they are elected or for which they are appointed.* It also says: *...includes county, school districts, and municipalities may be divided by their governing body into districts, etc.*

City Planner Segura felt the law had the procedure and recourse for people to take.

Mr. Doughty said the definition of residency in the Election Code trumped anything we might say. City Clerk Cantin said they define a Qualified Elector as one who lives there or plans to return there. Mr. Doughty said that is a domicile – to reach a certain place with the intent of making it your permanent residence, and that is an issue when you use the Election Code.

The committee went over the Declaration of Candidacy and City Clerk Cantin noted the part saying, ***Has been a resident of Alamogordo since _____ of _____*** needed to be removed because of the 90 days. The Declaration also affirms their name and resident address as stated in this are identical to their name and residence address as stated in their Affidavit of Registration on file with the Otero County Clerk; it all refers back to the Voter Registration. The Declaration of Candidacy has to be signed in front of a notary in the Clerk's office.

Ms. Cantin said the committee needed to address the *not less than 90 days* that Commissioner Hernandez had brought up. This is unconstitutional and the city attorney had recommended that it be deleted, or simply say *must be a qualified elector.* She also suggested *must reside within the city.* or *must reside within the district.*

City Clerk Cantin made the changes to the residency Article V. Section 1 & 2 and all agreed. Removed all current wording and added, "Candidates-at-Large must reside within the city." to section 1 and "Candidates for District Offices must reside in the District they seek to represent." for Section 2.

Mr. Doughty moved to straighten out the 90 day residency requirement with these two changes to Section 1 and Section 2. Vice-Chairman Lee seconded the motion. Motion carried by a vote of 6-0-0.

Chairman Talbert referred to Harv Hamilton's suggestions. The first was to change **Article VI – Elections, Section 2. – Elections, A. – In the regular City election for Commissioners ~~representing districts~~, the candidate receiving the greatest number of votes in each district represented is elected.**
Another was **Article VIII. – Mayor and Mayor Pro-Tem, Section 1. – ~~[~~Selection; Term; Removal.~~]~~ –** Also, remove the brackets on **Section 2 – ~~[~~Powers and Duties of Mayor.~~]~~& Section 3 – ~~[~~Powers and Duties of Mayor Pro-Tem.~~]~~** remove the brackets.
Add to **Article VIII, Section 1. B. – The Commission and Mayor shall elect one of its members to serve as Mayor Pro-Tem.**
Add to **Article VIII, Section 1. D. – A motion for removal of the Mayor Pro-Tem shall be made at a regular meeting, and must be seconded by two (2) Commissioners or one (1) Commissioner and the Mayor.**

Next they went through some grammar changes and discussed to change all **his** to **his or her** and change all he to he or she when it fits throughout the whole document. It was decided not to make the changes and leave this section as is.

Add to the same section, **The appointment or removal of a City Manager shall require the affirmative votes of no fewer than four (4) Commissioners or three (3) Commissioners and the Mayor.**

Article XI. Section 2. – Duties

City Clerk asked the City Attorney if each typographical change has to be voted on by the voters. City Attorney Thies told the committee typographical changes could be made without voter approval.

Vice-Chairman Lee moved to approve the above recommended changes to the Charter subject to the following: the City Attorney and City Clerk's offices have the opportunity to make typographical and/or other minor modifications. Anything deemed to be of substance will be given to the Charter Review Committee's chairman for determination whether or not another meeting should be held. Mr. Segura seconded the motion. Motion carried by a vote of 6-0-0.

ADJOURNMENT

Vice-Chairman Lee moved to adjourn at 6:09 p.m. Mr. Helmstetler seconded the motion. Motion carried by a vote of 6-0-0.

Minutes respectfully prepared by Nancy E. Jacobs, Deputy City Clerk.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 18

Submitted By: LeeAnn Nichols, Finance Director

Subject: Approve a leak abatement request by Alice Apelian for the account located at 1105 Mesquite St., Alamogordo, NM. *(Nichole Sierra, Acting Customer Service Manager)*

Fiscal Impact: $21840.85
Amount Budgeted: $0.00
Fund: Water & Sewer (81)

Additional Fiscal Impact: (Proposed adjustment based on Leak Abatement Policy)

Recommendation: Approve leak adjustment request for 1105 Mesquite St.

Background: This item was brought to the City Commission at the regular meeting of June 23, 2015 and tabled to the July 14th meeting where discussion took place and the commission requested this item be tabled to the August 11, 2015 meeting to give the customer a chance to submit the repair bill or invoice for fixing the leak.

Two invoices are attached:
1) Dated 1/9/2015 - same date as the meter read re-check on the high consumption, for $1,020.23.
2) Dated 2/9/2015 for $656.29.

The customer who received the large bill terminated service on January 8, 2015. The owner of the property took possession and signed up for service on 1/9/2015.

The leak was detected by the City Staff on the re-check on 1/9/2015 for the billing that was bring prepared for 1/8/2015. At the time of that recheck, the owner of the property told the meter reader he was aware of the leak and he was fixing it. The invoices are dated for that date.

Previous Information provided:
On January 16, 2015 a City Meter reader was sent out to recheck the January 9, 2015 final reading as the consumption was high for this location. The consumption was 401,377 cubic feet. The Meter Reader performed a leak test and spoke with the owner regarding the high consumption and a possible leak. The owner indicated he was aware of the leak.

The termination date of this account was January 8, 2015. The customer was unaware of the leak on property until the balance was transferred to their active account on March 16, 2015. The leak was not disclosed to them by the owner at that the time of repossession of property.

The customer submitted a leak abatement request on March 18, 2015. The documentation indicates the leak has been repaired by the owner. Although the request meets all requirements of the policy, the calculated adjustment exceeds $2,500 which is the maximum amount City Staff is approved to process under this policy. Therefore, this adjustment request must be approved by the City Commission prior to processing.

CITY OF ALAMOGORDO
UTILITY BILLING DEPARTMENT
LEAK ABATEMENT PROGRAM
POLICY STATEMENT

Eligibility:

It is the policy of the City of Alamogordo to grant relief from extraordinary water bills only when the applicant qualifies for relief by meeting the following conditions.

1. The monthly water bill in question must exceed $125 over the customers average water charges;

2. The applicant must furnish proof that;

    a. the leak or break was beyond his/her control,

    b. that he/she did not and could not have reasonably detected the problem earlier, and

    c. that the customer took immediate action to correct the problem as soon as he/she became aware of it; and

3. The applicant must prove that repairs have been completed satisfactorily.

Calculation:

To determine leak abatement credit, the average consumption will be estimated by using consumption for the previous twelve months. Any consumption over the average shall be calculated by using last years average Tier. If the customer averaged Tier 2, IE; then his consumption over the average consumption will be calculated using Tier 2 Rates. If the applicant has had service at the address for less than one year, then by determining the average consumption for the period of service of at least three months. If the customer has had less than three months of service, 1500 cubic feet will be used to calculate the abatement.

The City of Alamogordo will allow only one leak per calendar year to be adjusted. If leak affects more than one billing period, a maximum of two consecutive months may be adjusted.

Determination:

The City Manager or Finance Director shall have the authority to determine eligibility for abatement under these guidelines and shall grant abatement as set forth in this policy statement up to $2,500. Any amount over $2,500 will require Commission approval.

Adopted 12/15/2009

CITY OF ALAMOGORDO
UTILITY BILLING DEPARTMENT
LEAK ADJUSTMENT WORK SHEET

To: Assistant Finance Director
From: Nichole Sierra, Utility Billing Supervisor
Date: March 23, 2015

Customer #	Location #	Name	Service Address	Cycle/Route
74705	11232	Apelian, Alice	1105 Mesquite St	04/40

Billing Date:	01/21/15
Billing Period:	11/28/14-1/8/15

Actual Billed Consumption:	**401,377**
Bill Amount:	$26,637.69
	$26,637.69

Average Consumption:	**24,000**
Average Bill:	**$553.60**
	$553.60
Credit Memo #	21105

Difference Billed-Average	377377
Difference Billed @ Tier 1	$5,283.28
Total Difference	**$5,283.28**
Total Average	$553.60
Total Billed over Average	$5,283.28
Total	**$5,836.88**
Total Billed	$26,637.69
Minus Adjustment	$5,836.88
Water	$20,800.81
Tax on Adjusted	1,040.04
Total Adjusted	**$21,840.85**

Difference of Average and Actual
Must Exceed $125.00
$26,084.09

Meets Qualifications X

Does not meet qualifications ____

This customer is requesting relief on his/her water bill for the month of January 2015
Any help will be greatly appreciated.
If you have any questions, please call Nichole Sierra @ ext 4261

Approve_______ **Disapprove**________

____
Assistant Finance Director

Prepared by: Wendy Romero

UT470I07 CITY OF ALAMOGORDO, NEW MEXICO 5/06/15

es 15:56:32

Charge Summary

Customer ID
Location ID
Cycle/route
Bill date .
Due date .
Type option
5=Display

Code	Description	Amount
CC	CONVENIENCE CTR FEE	2.00
SW	SEWER	95.52
WA	WATER	26637.69
	TAXES	1336.76
	Total Actual Charges	28071.97

es : 28071.97
amt: 28519.82

Svc
Opt Type Ty
_ WA FI

Est Cmt
ter Number Cd Cd
956930

Opt Svc
_ WA
_ WA
_ WA
_ WA
_ WA
_

Rate Group S/W
AL/I/T1
AL/I/T1
AL/I/T1
AL/I/T1
AL/I/T1

Bottom

ENTER=Exit F8=Print F10=Reprint Bill
F14=Send as EMAIL

F3=Exit F6=Date F9=Summary F10=Budget charges F11=Consumption F12=Cancel

< 6 months

1500 x 1.40 = 21.00
x 16.00
336.00
217.60
553.60

Jan '15

11/28/14 - 1/8/15

217.60÷
13.60=
16.00*

0.*

1,500.x
16.=
24,000.00*

0.*

0.*

0.*

T1 (100)

no previous adj

UT300I01 CITY OF ALAMOGORDO, NEW MEXICO 6/09/15
Customer/Location Consumption History Inquiry 09:55:27

Customer ID: 74705 Name: APELIAN, ALICE
Location ID: 11232 Addr: 1105 MESQUITE ST
Cycle/Route: 04 40 Amount due: $.00
Initiation date : 10/14/14 Pending : $.00
Termination date: 1/08/15 Customer status: A Customer/Location status: F

Type options, press Enter.
1=Select 5=View detail 6=Display comment codes

Opt	Svc	Type	Reading Date	Actual Consumption	Actual Demand	CF Reading
_	WA	FIN	1/08/15	401377.00	.00	420800.00
_	WA	REG	11/28/14	10100.00	.00	19423.00
_	WA	INT	10/14/14	.00	.00	9323.00

F3=Exit F5=Print history F6=Meter inventory F7=Meter svc info
F8=Pending/history trans F9=Budget trans F24=More keys

UT300I01 CITY OF ALAMOGORDO, NEW MEXICO 6/09/15
Customer/Location Consumption History Inquiry 15:54:36

Customer ID: 15305 Name: MARTINEZ RENTALS
Location ID: 11232 Addr: 1105 MESQUITE ST
Cycle/Route: 04 40 Amount due: $.00
Initiation date : 1/08/15 Pending : $.00
Termination date: 0/00/00 Customer status: A Customer/Location status: A
Type options, press Enter.
1=Select 5=View detail 6=Display comment codes

Opt	Svc	Type	Reading Date	Actual Consumption	Actual Demand	CF Reading
_	WA	REG	4/30/15	29361.00	.00	501488.00
_	WA	REG	3/30/15	20244.00	.00	472127.00
_	WA	REG	2/28/15	18214.00	.00	451883.00
_	WA	REG	1/29/15	12869.00	.00	433669.00
_	WA	INT	1/08/15	.00	.00	420800.00
_	WA	ADJ	10/14/14	9323.00	.00	9323.00
_	WA	FIN	10/14/14	9323.00	.00	9323.00
_	WA	SET	10/13/14	.00	.00	.00

+

F3=Exit F5=Print history F6=Meter inventory F7=Meter svc info
F8=Pending/history trans F9=Budget trans F24=More keys

City of Alamogordo
Utility Billing Division
1376 E. Ninth Street
Alamogordo, New Mexico 88310
(575) 439-4260

Bills are due fifteen (15) days from the billing date and are considered delinquent (10) days from the due date. A late fee of $10.00 will appear on your next bill.

Billing Date	Due Date	ENTER AMOUNT PAID
01/21/2015	02/05/2015	

5

ALICE APELIAN
16952 ITASCA ST
NORTHRIDGE CA 91343

ACCOUNT NUMBER 74705-11232

PREVIOUS BALANCE 597.85

CURRENT CHARGES 27,921.97

TOTAL AMOUNT NOW DUE 28,519.82

000074705000011232000028519882

Please write your account number on your check, detach here and return this portion with your payment.

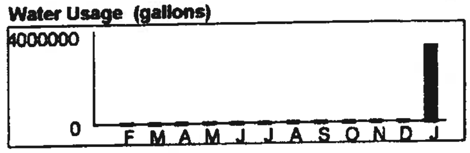
Customer Name	Service Address	Meter Size	Account Number	Due Date	Last Payment Date	Last Payment Amount
ALICE APELIAN	1105 MESQUITE ST	100	74705-11232	02/05/2015		0.00

BILLING DATE 01/21/2015 | SERVICE PROVIDED FROM 11/28/2014 | TO 01/08/2015 | DAYS THIS BILLING 41 | CYCLE ROUTE 04-40

DESCRIPTION	PREVIOUS READING	PRESENT READING	CLS	USAGE Cubic feet	USAGE Gallons	CHARGES	SUBTOTAL
WA BASE RATE	19423	420800	T			297.39	
WA Total Consumption				401377	3002508		
WA CAPITAL SURCHARGE 81				0	0	1.37	
WA TIER 1				32800	245361	459.20	
WA TIER 2				32800	245361	738.00	
WA TIER 3				21867	163574	765.33	
WA TIER 4				21867	163574	1,158.93	
WA TIER 5				292044	2184638	23,217.47	
WA Service Total							26,637.69
SW BASE RATE				0	0	26.17	
SW CONSUMPTION CHARGES				6030	45108	69.35	
SW Service Total							95.52
CC CONVENIENCE CTR FEE						2.00	2.00
GOV GROSS RECPTS TAX						1,336.76	1,336.76
FINAL BILL							
Total Current Charges							27,921.97
Past Due Amount (Previous Balance)							597.85
Total Amount Due							**28,519.82**

ATTENTION CUSTOMERS: Per City Ordinance No. 1467, all water and sewer base rates have increased effective July 1, 2014 which includes $1.00 capital surcharge fee. This fee will be used for future water and sewer capital improvement projects. Per City Resolution No. 2014-18, garbage rates have increased effective May 1, 2014. For detail information please go to our website at ci.alamogordo.nm.us or call us at (575) 439-4260. Thank you.

Water Usage (gallons)



CONVENIENCE CENTER HOURS
Mon - Thurs 8AM to 4PM
Fri - Sun 8AM to 5PM

The Convenience Center does not accept hazardous material such as liquid paint. An easy way to dispose of paint is to allow it to dry before taking it to the Convenience Center. Customers can add cat litter to the paint can to speed the drying process.

ALAMO1-12/13/2002

CITY OF ALAMOGORDO, NEW MEXICO UT500L

** S E R V I C E   O R D E R ** CYCLE/ROUTE: 04 40

** F I N A L   R E A D **

W CODE: MR METER READING CREW

SVC ORDER NO.: 139811

SECTION: AL ALAMOGORDO

ISSUE DATE: 1/08/15

LOCATION ID: 11232 CLASS: MOBILE HOME PER UNIT

ISSUE TIME: 11:42:49

ADDRESS: 1105 MESQUITE ST

REQUEST DATE: 1/08/15

CITY: ALAMOGORDO

USER ID: BAKERC

CUSTOMER ID: 74705 NAME: APELIAN, ALICE

PHONE: 818 701-1356

ACTIVE ID: 15305 NAME: MARTINEZ RENTALS

SERVICE/SEQ: WA 000 WATER

-- CURRENT -- -- NEW --

METER NUMBER : 11956930 ________

LOCATION : ________

SPECIFIC LOC: ________

HAZARD :

READING SEQ : 2400

Please verify reading wt

PREVIEWS-11/28/14 CURRENT READING: NEW READINGS:

CF 19423.00 CF ________ 4208.00

4260.00

1/16/15

C O M P L E T I O N   I N F O R M A T I O N

DATE: 1/9/15 MISC CHARGE: AMT:

ACTION: Read COMPLETION METHOD: SVC ORDER MAINTENANCE

L/T

Owner has Leak @ T/C

NOTES ON THIS WORKORD OWNER TAKING OVER SERVICE...COB

Water was on

Derick Valentine 1/12/15

Att. Wendy
From. Alice

City of Alamogordo
Utility Billing Division

Leak Abatement Request

Date: 3/18/2015

Alice Apelian

I, ~~[illegible]~~, account number 74705-11232 have had a water leak at 1105 Mesquite Street.

Description/Cause of Leak: Below Grade Main Pipe Burst. See Next Page For Clarification

The leak has been repaired and I am requesting an adjustment on my water bill. I have provided proof of repair; either an invoice from a plumber or receipts for parts that were purchased and used to repair the leak.

I also understand that in order to qualify for an adjustment the water charges on the bill in question must be at least $125.00 over the average water charges on the monthly bill.

Alice Apelian
~~[illegible]~~
Customer's Name (print)

~~[illegible]~~ Alice Apel
Customer's Signature

818 701 1356
Phone Number

TO CITY OF ALAMOGORDO
UTILILTY BILLING DIVISION

Effective October 1, 2014, we took over the property located at 1105 and 1105 Mesquite Street, located in Alamogordo, New Mexico.

We paid the water bill as usual fee which was about 400.00 dollars a month. In December, there was a leak underground which we were not aware of. On January 1, when the previous owner repossessed the property from us, he found the leak and he repaired the leak.

Our management was not aware of the leak either, the only reason the previous owner found out about it ahead of us, because we understand he was billed for 4000 dollars prior to transfer, which he never disclosed to us.

Anyhow, we did not do the repair, and we do not have any invoices for the repair. We are asking you to wave the fee associated with the billing. Your assistance in this matter is greatly appreciated.

Movses Anserlian
President

Alice Apelia
Alice Apel

Ponderosa Plumbing Co.
Alamogordo, NM 88310
101 Alamotero
(575) 434-0487 Office
(575) 434-0488 Fax
kdy@tularosa.net

Invoice

Date	Invoice #
1/9/15	53201

PAID
01/15/15

Bill To

Victory Mobile Home Park
Jose Martinez
P.O. Box 1377
Alamogordo, NM 88310

Project

Quantity	Description	Rate	Amount
7	Dig Up & Locate Water Leak; Pump Water From Hole; Repair Leak: Run New Water Line To Trailer 13	75.00	525.00T
2	Backhoe Work Required For Project	100.00	200.00T
	Materials For Project	220.75	220.75T

Subtotal	$945.75
Sales Tax (7.875%)	$74.48
Payments/Credits	-$1,020.23
Balance Due	$0.00

Please remit payment upon receipt. Thank you! We appreciate your business!

Ponderosa Plumbing Co.
Alamogordo, NM 88310
101 Alamotero
(575) 434-0487 Office
(575) 434-0488 Fax
kdy@tularosa.net

Invoice

Date	Invoice #
2/9/15	53235

PAID 02/18/15

Bill To

Victory Mobile Home Park
Jose Martinez
P.O. Box 1377
Alamogordo, NM 88310

Project

Quantity	Description	Rate	Amount
2	Repair Water Leak	75.00	150.00T
2	Backhoe Work	95.00	190.00T
	Materials Needed For Project	268.38	268.38T

Please remit payment upon receipt. Thank you! We appreciate your business!

Subtotal	$608.38
Sales Tax (7.875%)	$47.91
Payments/Credits	-$656.29
Balance Due	$0.00

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 19

Submitted By: LeeAnn Nichols, Finance Director

Subject: Consider, and act upon, Resolution No. 2015-33 adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommendations projects for Fiscal Years 2017-2021. **(Roll call vote required)** *(Sue Ashe, Finance & Accounting Projects Analyst)*

Fiscal Impact: N/A
Amount Budgeted: $0.00
Fund: $0.00

Additional Fiscal Impact:

Recommendation: Approve the Resolution. **(Roll call vote required)**

Background: In January of each year the City provides our legislature with a prioritized list of Capital Improvement Projects for possible legislative funding.

As a result, the Office of the City Manager and staff initiated the annual ICIP process by requesting City departments to submit feasible projects for consideration. In addition, the City conducted a public meeting at the Sergeant Willie Estrada Civic Center on June 24, 2015 at 6:00 p.m. for public input.

Thus, staff advises that the City Commission approve the ICIP project list as recommended and that the top five ICIP projects be presented for the January 2016 Legislative Capital Outlay Request for possible funding.

The top five (5) projects recommended by City staff are:

911 Wireless Upgrade Police Department - $500,000 – Sponsor by Chief Robert Duncan
Police Department Vehicles & Equipment - $200,000 - Sponsor by Chief Robert Duncan
Recreation Center Locker Rooms Renovation - $300,000 - Sponsor by Matt McNeile
Washington Park Amphitheater Restoration - $300,000 - Sponsor by Matt McNeile
Fire Fighting Training Center with Burn Building - $325,000 - Sponsor by Chief Mikel Ward

RESOLUTION NO. 2015-33

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) AND IDENTIFYING THE TOP FIVE (5) RECOMMENDED PROJECTS FOR FISCAL YEAR: 2016 – 2020

WHEREAS, the City of Alamogordo, New Mexico, a municipal corporation, recognizes the financing of public capital projects has become a major concern in the State of New Mexico, and nationally; and,

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and,

WHEREAS, this process contributes to local and regional efforts in project identification and selection to achieve necessary project development; and

WHEREAS, this process contributes to the local and regional efforts in project identification and selection in short and long-range capital planning efforts.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Alamogordo, New Mexico:

Section 1. That the City of Alamogordo has adopted the attached infrastructure Capital Improvements Plan for FY2016-FY2020; and,

Section 2. That the City of Alamogordo has identified the top five (5) recommendations for Capital Outlay projects for the Infrastructure Capital Improvements Plan for FY2016-2020, and;

Section 3. That it is intended that the Plan be a working document and that it be the first of many steps towards improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.

PASSED APPROVED AND ADOPTED this _______ of _______ 2015.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

Susie Galea, Mayor

ATTEST:

Renee L. Cantin, City Clerk

APPROVED AS TO FORM;

Stephen P. Thies, City Attorney

FY 2017 through FY 2021 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN PROJECT SUMMARY (ICIP)													
Number		Department	Priority	Project Title	Category	Fund Sources	Funded to Date	2017	2018	2019	2020	2021	Project Grand Total
1		Alamogordo Police Department	2017-01	Public Safety Equipment	911 Wireless Upgrade for Police Department	CAPITAL OUTLAY	$ -	$ 500,000	$ -	$ -	$ -	$ -	$ 500,000
2		Alamogordo Police Department	2017-02	Police Department Vehicles & Equipment	Public Safety Vehicles	CAPITAL OUTLAY	$ 200,000	$ 200,000	$ 150,000	$ 150,000	$ 200,000	$ -	$ 900,000
3		Community Services	2017-03	Family Recreation Center Locker Rooms Renovation	Cultural Facilities	r	$ -	$ 300,000	$ -	$ -	$ -	$ -	$ 300,000
4		Community Services	2017-04	Washington Park Amphitheater Restoration	Public Parks (local)	CAPITAL OUTLAY LOCAL FUND	$ -	$ 300,000	$ -	$ -	$ -	$ -	$ 300,000
5		Alamogordo Fire Department	2017-05	Fire Fighting Training Center with Burn Building	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUNDS	$ -	$ 325,000	$ -	$ -	$ -		$ 325,000
6		Public Works	2017-06	City Hall Interior Rehab	Admin/Service Facilities	LOCAL FUNDS LOCAL BONDS	$ -	$ 250,000	$ -	$ -	$ -	$ -	$ 250,000
7		Public Works	2017-07	City Hall HVAC Replacement	Admin/Service Facilities	LOCAL FUNDS LOCAL BONDS	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
8		Public Works	2017-08	City Hall Exterior Rehab	Admin/Service Facilities	LOCAL FUNDS LOCAL BONDS	$ -	$ 75,000	$ -	$ -	$ -	$ -	$ 75,000
9		Engineering	2017-09	Griggs Field Detention Basin/ Storm Drain	Storm/Surface Water Control	LOCAL FUNDS LOCAL BOND NMED GRANT CAPITAL OUTLAY NMED LOAN	$ -	$ 900,000	$ 800,000	$ 2,900,000	$ 2,000,000	$ -	$ 6,600,000
10		Engineering	2017-10	Facilities for ADA Compliance	Other	LOCAL FUNDS CAPITAL OUTLAY CDBG GRANT	$ -	$ 300,000	$ -	$ -	$ -	$ -	$ 300,000
11		Engineering	2017-11	South Florida Avenue Extension - Desert Lakes Road to Dr. Martin Luther King Jr. Drive	Highways/Roads/Bridges	NMDOT GRANT CAPITAL OUTLAY LOCAL FUND FEDERAL GRANT LEGISLATIVE GRANT	$ -	$ 296,000	$ 120,000	$ 300,000	$ 1,000,000	$ 2,740,000	$ 4,456,000
12		Engineering	2017-12	Dr. Martin Luther King Jr Drive West-Hamilton Road to Hwy 70	Highways/Roads/Bridges	LEGISLATIVE GRANT NMDOT GRANT FEDERAL GRANT LOCAL FUNDS CAPITAL OUTLAY	$ -	$ 330,000	$ 670,000	$ 1,000,000	$ 5,000,000	$ 4,050,000	$ 11,050,000
13		Engineering	2017-13	Scenic Drive Extension - White Sands Boulevard to Charlie T. Lee Memorial Relief Route	Highways/Roads/Bridges	LEGISLATIVE GRANT NMDOT GRANT FEDERAL GRANT LOCAL FUNDS CAPITAL OUTLAY	$ -	$ 330,000	$ 102,000	$ 2,000,000	$ 1,208,000		$ 3,640,000
14		Community Services	2017-14	Multi-Purpose Recreational Trail	Public Parks (local)	CAPITAL OUTLAY LOCAL FUND	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
15		Alamogordo Police Department	2017-15	Animal Control Vehicles	Public Safety Vehicles	CAPITAL OUTLAY	$ -	$ 55,000	$ -	$ -	$ -	$ -	$ 55,000
16		Alamogordo Police Department	2017-16	Public Safety Equipment/Bldgs.	Police Department Land Acquisition	CAPITAL OUTLAY	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000

FY 2017 through FY 2021 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN

PROJECT SUMMARY (ICIP)

Number		Department	Priority	Project Title	Category	Fund Sources	Funded to Date	2017	2018	2019	2020	2021	Project Grand Total
17		Alamogordo Fire Department	2017-17	Purchase New Fire Engine Station #1	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUNDS	$ -	$ 625,000	$ -	$ -	$ -		$ 625,000
18		Alamogordo Fire Department	2017-18	ARFF Training Facility at White Sands Regional Airport	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUNDS	$ -	$ 75,000	$ 1,000,000	$ 925,000	$ -	$ -	$ 2,000,000
19		Alamogordo Fire Department	2017-19	ARFF Truck for Fire Station #3	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUNDS	$ -	$ 1,200,000	$ -	$ -	$ -	$ -	$ 1,200,000
20		Alamogordo Fire Department	2017-20	Construct & Equip New Main Fire Station on North End of Town	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUNDS	$ -	$ 360,000	$ 3,000,000	$ 80,000	$ -	$ -	$ 3,440,000
21		Alamogordo Fire Department	2017-21	Whitesands Regional Airport/District 2 Fire Station	Fire	CAPITAL OUTLAY NMFA LOAN	$ -	$ 1,380,000	$ -	$ -	$ -		$ 1,380,000
22		Alamogordo Fire Department	2017-22	Fire Station #7 Improvements	Fire	CAPITAL OUTLAY NMFA LOAN LOCAL FUNDS	$ 7,319	$ 490,000	$ -	$ -	$ -	$ -	$ 497,319
23		Alamogordo Fire Department	2017-23	Rescue Firefighting Apparatus for Fire District #1	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUND	$ 38,281	$ 50,000	$ -	$ -	$ -		$ 88,281
24		Public Works	2017-24	Reclaim Water Storage Pond Renovation	Wastewater	NMFA GRANT CAPITAL OUTLAY NMED GRANT NMED LOAN	$ 300,000	$ 300,000	$ 250,000	$ 250,000	$ 250,000	$ -	$ 1,350,000
25		Public Works	2017-25	Snake Tank Transmission Line	Water Supply	LOCAL FUNDS LOCAL BOND NMED GRANT CAPITAL OUTLAY NMED LOAN	$ 1,200,000	$ 2,000,000	$ 2,000,000	$ 2,000,000	$ 2,000,000	$ -	$ 9,200,000
26		Public Works	2017-26	Fresnal Canyon Pipeline Replacement. Diversion 5 to Snow Smith Springs	Water Supply	LOCAL FUNDS LOCAL BOND NMED GRANT CAPITAL OUTLAY NMED LOAN	$ -	$ 675,000	$ -	$ -	$ -	$ -	$ 675,000
27		Utility Billing	2017-27	Realignment of Water Meter Cans	Utilities	Capital Outlay/Local Funds	$ -	$ 500,000	$ 500,000	$ 500,000	$ 500,000	$ 500,000	$ 2,500,000
28		Finance	2017-28	GIS Information & Services	Adm./Service Facilities (Local)	CAPITAL OUTLAY. LOCAL FUNDING	$ -	$ 50,000	$ 50,000	$ -	$ -	$ -	$ 100,000
29		Engineering	2017-29	La Luz Water Treatment Plant Access Road	Storm/Surface Water Control	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	$ -	$ 10,000	$ 45,000	$ 450,000	$ -	$ -	$ 505,000
30		Engineering	2017-30	Flood Control Project - McKinley Channel & Debris Basin	Storm/Surface Water Control	LOCAL FUND CAPITAL OUTLAY LEGISLATIVE GRANT NMFA LOAN OTHER STATE LOAN	$ -	$ 2,500,000	$ -	$ -	$ -	$ -	$ 2,500,000

FY 2017 through FY 2021 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN

PROJECT SUMMARY (ICIP)

Number		Department	Priority	Project Title	Category	Fund Sources	Funded to Date	2017	2018	2019	2020	2021	Project Grand Total
31		Engineering	2017-31	Abbott Ditch Improvements	Water Supply	LOCAL FUNDS LOCAL BOND NMED GRANT CAPITAL OUTLAY NMED LOAN	$ -	$ 925,000	$ -	$ -	$ -	$ -	$ 925,000

FY 2017 through FY 2021 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN

PROJECT SUMMARY (ICIP)

Number		Department	Priority	Project Title	Category	Fund Sources	Funded to Date	2017	2018	2019	2020	2021	Project Grand Total
32		Engineering/ Community Service	2017-32	Blight Eradication	Other	COMMUNITY DEVELOPMENT BLOCK GRANT LEGISLATIVE GRANT FEDERAL GRANT	$ -	$ 450,000	$ 100,000	$ -	$ -	$ -	$ 550,000
33		Community Services	2017-33	Runway Strengthening & Design	Airports	CAPITAL OUTLAY FEDERAL GRANT	$ -	$ 8,000,000	$ -	$ -	$ -	$ -	$ 8,000,000
34		Community Services	2017-34	Wildlife Hazard Assessment	Airports	CAPITAL OUTLAY FEDERAL GRANT	$ -	$ 90,000	$ -	$ -	$ -	$ -	$ 90,000
35		Community Services	2017-35	ASC Exercise Facility Roof Replacement	Senior Center	OTHER (NMALTSD)	$ -	$ 18,880	$ -	$ -	$ -	$ -	$ 18,880
36		Community Services	2017-36	Kitchen Flooring Replacement	Senior Center	OTHER (NMALTSD)	$ -	$ 22,600	$ -	$ -	$ -	$ -	$ 22,600
37		Community Services	2017-37	Bus ASC	Senior Center	OTHER (NMALTSD)	$ -	$ 62,050				$ -	$ 62,050
38		PHA	2017-38	Replacement of Windows at Alta Vista & Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ 827,000					$ 827,000
38		PHA	2017-39	Upgrade Housing Unit Plumbing at Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ 50,000	$ 50,000	$ 50,000			$ 150,000
40		Engineering	2018-01	Washington Avenue Reconstruction - Tenth Street to Indian Wells Road	Highways/Roads/Bridges	LOCAL FUNDS CAPITAL OUTLAY NMDOT GRANT LEGISLATIVE GRANT	$ -	$ -	$ 175,000	$ 2,225,000	$ -	$ -	$ 2,400,000
41		Community Services	2018-02	Runway 3-21 Lighting Rehabilitation	Airports	CAPITAL OUTLAY FEDERAL GRANT			$ 945,000				$ 945,000
42		PHA	2018-03	Remove & Replace Sidewalks, Curbs & Gutters at Alta Vista	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ -	$ 300,000				$ 300,000
43		PHA	2018-04	Design & Develop Laundry Facility at Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ -	$ 120,000				$ 120,000
44		PHA	2018-05	Replacement of Storm Doors at Alta Vista & Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ -	$ 25,000				$ 25,000
45		PHA	2018-06	Repair Spalling at Alta Vista	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ -	$ 25,000				$ 25,000
46		Community Services	2019-01	Expand Large Aircraft Parking & Taxiway Apron Construct	Airports	CAPITAL OUTLAY FEDERAL GRANT				$ 900,000			$ 900,000
47		Engineering	2019-02	La Velle Road Improvements - Zuni Road to City Limits	Highways/Roads/Bridges	LOCAL FUND CAPITAL OUTLAY NMDOT GRANT LEGISLATIVE GRANT FEDERAL GRANT	$ -	$ -	$ -	$ 115,000	$ 93,000	$ 2,000,000	$ 2,208,000
48		Engineering	2019-03	First Street - White Sands Boulevard to UPRR	Highways/Roads/Bridges	LOCAL FUNDS CAPITAL OUTLAY NMDOT GRANT LEGISLATIVE GRANT FEDERAL GRANT	$ -	$ -	$ -	$ -	$ 85,000	$ 1,781,000	$ 1,866,000
49		PHA	2019-04	Upgrade HVAC Systems at Alta Vista	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ -	$ -	$ 300,000			$ 300,000
50		PHA	2019-05	Design & Remodel Kitchens at Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	$ -	$ -	$ -	$ 300,000			$ 300,000

FY 2017 through FY 2021 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN PROJECT SUMMARY (ICIP)													
Number		Department	Priority	Project Title	Category	Fund Sources	Funded to Date	2017	2018	2019	2020	2021	Project Grand Total
51		Community Services	2020-01	Construct South Side Perimeter Drainage Improvements Phase IV	Airports	CAPITAL OUTLAY FEDERAL GRANT	$ -	$ -	$ -	$ -	$ 360,000		$ 360,000
52		Community Services	2021-01	Construct New Civic Center	Cultural Facilities	CAPITAL OUTLAY FEDERAL GRANT	$ -	$ -	$ -	$ -	$ -	$ 10,000,000	$ 10,000,000
					Grand Total		$ 1,745,600	$ 25,121,530	$ 10,427,000	$ 14,445,000	$ 12,696,000	$ 21,071,000	$ 85,506,130
													$ 85,506,130

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 20

Submitted By: Stephen Thies, City Attorney

Subject: Discussion, and possible action related to parking issues in the City. *(Robert Duncan, Police Chief; Stephen Thies, City Attorney)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Provide Direction to staff.

Background: A resident in the 700 block of Alaska has raised the issue of vehicles parked on both sides of a narrow residential street. As he correctly points out, section 12-6-6.8 of the Uniform Traffic Code, which the city has adopted, allows the administrator (city manager) to direct the installation no parking signs on any street when the width of the street does not exceed 24 feet or no parking upon one side of the street when the width of the street does not exceed 32. The resident questions why parking on one side of Alaska is not prohibited since the street is less than 32 feet when parking on both sides of the street presents a safety issue. The police department has reviewed its records and found 2 accidents and 10 citations were issued between the 700 to 900 blocks of Alaska in the past year.

The City Commission is requested to provide direction on this issue.

RECEIVED
JUL 20 2015
CITY CLERK

Date: 7,20,15 This letter is being used for documenting purposes

From: Alan Theriault
704 Alaska ave
Alamogordo, NM 88310
Phone: (575) 434-5995

To: ATTN: Mayor Galea, 1376 E. 9th street, Alamogordo, NM 88310

As you are aware, I have contacted you and our area commissioner Al Hernandez about parking issues that appear to endanger school kids and or the public throughout the community. This is because the city seems to refuse to consider that individual streets require individual concern and considerations, and where and how people park is one of these needs for individual consideration. And according to the city and Mr Hernandez, there are no parking codes, and one rule fits all. They appear to say that cars can park anywhere they chose, regardless of weather it endangers the community or not. It appears parking rights trump public safety. And I guess you feel the same way, because you refuse to even respond to my letters and concerns.

But there does seem to be codes. In the Alamogordo code of ordinances it says otherwise. Under the code " 12-6-6-8 under, parking prohibited on narrow streets, " The administrator may erect signs indicating no parking on any street when the width of the street does not exceed 24 feet or no parking on one side of a street as indicated by such signs, when the width of the street does not exceed 32 feet." My street is under 30 feet so it could qualify as parking on one side of the street, and since the endangerment seems to come from the other side of the street, and if this code was enforced, there should be no parking on that side of the street.

You may try to say the ordinance says that these signs "may" be posted, so it is at your desecration and you don't see a need to do so, but public opinion says otherwise. It may be your choice but since these parking issues have been brought to your attention, and it seems you have turned your backs to them. We believe this could open the city up to a possible lawsuit, if someone gets seriously hurt or killed. We also believe the city management, the city council, and the mayor could also be held personally liable, because we believe their behavior is reckless and irresponsible. These parking issues are not just my concern, they are the concerns and talk of the community.

After reading the city ordinances, there appears to be some parking violations that the city has not been enforcing. When I mentioned the parking of the Budweiser trucks that started the parking issues between me and the neighbors, MR. Hernandez said they could park a semi on the street if they wanted to. But under section B of code 12-6-6-5 under, Night Parking Prohibited. It says that no trailer or tandem in excess of a width of 7 feet can be parked in a residential area from the hours of one half hour after sundown to one half hour before sunrise, unless engaged in the process of loading and unloading. Some of these Budweiser vehicles had trailers that I believe were over 7 feet wide, and they stayed all night and past sunrise.

Also, MR. Hernandez told me in our conversation that vehicles couldn't park between the street and the sidewalk, within 30 feet of an access road. But one of these Budweiser vehicles parked up close to the easement a lot of the time. The reason I mentioned this is because this vehicle was illegally parked that way the night the policeman came over and threatened me with a possible felony harassment, for contacting Budweiser again

I would also like to point out that the police came twice to my house over my contacting Budweiser. The first time the policeman told me the neighbors said that I contacted Budweiser over them parking their private vehicles on the street. But when I explained to him that I contacted Budweiser about my concerns that these Budweiser trucks were parking in an area I felt where endangering kids, and the public, he apologize. He said I had a right to contact Budweiser involving their vehicles. And the second time when the policeman threatened me with a possible felony harassment, because I contacted Budweiser again, Budweiser had told me to feel free to contact them anytime I had a concern involving their vehicles. And I do not like that an unfavorable report was made out and put in my file both times, involving this parking issue, when I feel I did nothing wrong to even get the attention of the police. And I also feel that the police took the neighbors side, which encouraged them to make the parking situation worse, not better. They are suppose to keep the peace, not stir things up and make it worse. "So can you see why I feel I am the one that has been harassed and bullied?"

Also, it is my understanding that vehicles are only allowed to park on the street for 72 hours without being moved. The Budweiser truck that I first complained to Budweiser about, that cause me to almost hit a carload of kids, was parked for over a week without being moved. And on many of these narrow roads that are well used and only about 26 feet wide, cars park on both sides of the street. And to make it worse, they park up close to stop signs causing cars on the same side of the street to go in the opposite lane to get around them. So if they get hit by a car turning onto that road, they are at fault, because they are in the wrong lane.

It is my understanding according to ordnance 12-6-6-1, that a car can't park within 30 feet of a stop sign. But the city code manager told me that it was legal to park within 3 feet of a stop sign, and since many of these streets are color coded within just a few feet of stop signs, that seems to be what the city goes by. It certainly is what the people parking go by. And what is the deal with not repainting the white lines on roads you have repaired or repaved? For example, about half of the road from 10th street to scenic, you cant tell were the road is from one lane to the other or where the side parking starts. And what is with that dip on Texas street that you cant see until you are on top of it, that could wipe out the underneath of some cars going the proper speed limit?

Again, you seem to show no concern for children or the public involving what we believe to be dangerous and irresponsible parking rules throughout the city. I have lived in small towns to large cities, and I have never seen such backwards and dangerous parking laws. As you are aware, my letters have become long and detailed, but this is because they are no longer written for all of you, We gave up a long time ago on thinking that you might be reasonable, and take these parking concerns seriously. These letters are written as documents to be turned over to any residents attorney if they are involved in an accident where someone gets hurt or killed, and they feel it happened due to unreasonable parking conditions. And I am sure you know by now that if this happens to me, I would try my best to hold you all legally liable. There are other reasons we are documenting, but I have been advised not to discuss them right now.

Sincerely,
Alan Theriault
Alan Theriault

State of NM County of Otero
Subscribed and sworn before me on 7/20/15
(Date)
Natalie Rollerson
(Notary Signature)

OFFICIAL SEAL
Natalie Rollerson
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 7/29/2017

CC: City Manager
Legal
Mayor + Commission
M. Ward
J. Duncan

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 8/7/2015 **Report No:** 21

Submitted By: Stephen Thies, City Attorney

Subject: Consider, and act upon, Resolution No. 2015-35 Declaring all the buildings or structures, or the premises located at 2405 Cuba Avenue, Alamogordo, New Mexico, to be ruined, damaged and dilapidated to be a menace to the public comfort, health, peace or safety, and ordering its abatement. **(Roll call vote required)** *(Stephen Thies, City Attorney, Lora Nelson, Code Enforcement Manager)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution. **(Roll call vote required)**

Background:
The property consists of five full lots and 2 partial lots on the west side of Cuba Avenue between 23rd and 25th Street. Located on the property are four two-story, four-unit apartment buildings and a small accessory structure in the rear utilized for storage. The property is currently zoned R-1 (Single Family Dwelling). The property has been vacant since July 11, 2010. The city currently has five liens for weed abatement and utility charges on the property totaling approximately $15,300.00.

On July 11, 2010 the Sahara Apartments were flooded during a heavy rainstorm and emergency personnel on site evacuated the tenants. On July 14, 2010 an inspection of the apartments was performed and found to be in violation of nine (9) sections of the 2006 International Property Maintenance Code (IPMC). Notification of violation was sent to the owner as required by the IPMC, as well as posted on the property. Based upon the findings from the inspection, the structures have been declared unfit for human occupancy as defined in Section 108.1.3 of the IPMC. The structures since this time have been a target of vandalism and have become a known area for transients. One of the structures has experienced two separate fires, one in December 2014 and again recently on July 4, 2015.

Code Enforcement has worked with the owner at every opportunity in the last five years to gain compliance on the identified violations with no significant result. The property owner makes a small effort at compliance occasionally, and any proposals submitted by the owner for full compliance have never come to fruition. On July 21, 2014 a final notice was sent to the owners indicating that the condition of the structures has declined so severely that they constitute a considerable health and safety hazard to the public that can no longer be tolerated and that the City will be moving forward with action on the structures.

The structures are unfit for human occupancy and are a considerable blight to the area. The structures and condition of the property continue to decline with no indication that the owner will address these issues responsibly. Repair of the structures will require that all work performed and new systems, such as electrical and mechanical, be up to current code as well as be performed by licensed contractors. The estimated cost to repair at this point exceeds the estimated current value of the property. It is imperative that this issue be addressed with urgency as the structures continue to decline while the risk to neighboring properties and residents increases both physically and financially. The City has attempted for five years to assist the property owner with compliance at every opportunity and has only been mislead. It is recommended that the Commission move forward aggressively by approving this resolution.

Estimated Costs to the City:

In the event that the property owner fails to respond to the resolution, the city may then move forward with the demolition of the structures. The following costs have been estimated:

Cost Breakdown:

Asbestos Survey		$7,000
Asbestos Abatement (Estimated)		
Linoleum and mastic (400sf/bldg x 4 bldgs)	$6,400	
Roofing Material (2400sf/bldg x 4 bldg)	$48,000	$54,400
Demolition		
Outside firm ($6,500 per bldg.)	$45,000	
Disposal (Mesa Verde Landfill)	$72,000	
In-house equipment and labor	$12,500	$130,000
Total Estimated Cost		**$191,400**

Alternative Outcomes:

No asbestos identified, no in-house charges	$124,500
Asbestos identified, no in-house charges	$178,900

RESOLUTION NO. 2015-35

A RESOLUTION DECLARING ALL THE BUILDINGS OR STRUCTURES, OR THE PREMISES LOCATED AT 2405 CUBA AVENUE ALAMOGORDO, NEW MEXICO, TO BE RUINED, DAMAGED AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City certain buildings, structures or premises at 2405 Cuba Avenue, as more particularly described as on the attached Exhibit 1 (the "Property"); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged and dilapidated, or covered with ruins, rubbish, wreckage or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Karen Monica Kreiger, record owner of the Property is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property, and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED, this ________ day of _____________, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By:________________________________
Susie Galea, Mayor

ATTEST:

____
Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

____
Stephen P. Thies, City Attorney

Sahara Apartments
2405 Cuba Avenue
Case # 14-01

Report and Reasoning

Lora Nelson, Code Enforcement Manager
August 5, 2015

Table of Contents

Sahara Apartments
2405 Cuba Avenue

NORTH

1 inch = 100 feet

0 0.0075 0.015 0.03

Report Narrative

Sahara Apartments is located on Cuba Avenue between 23rd and 25th Street. The property consists of five full lots and 2 partial lots beginning on the southwest corner of Cuba and 25th Street and running south along the west side of the Cuba, less the small southern parcel at the turn in the street. On it are four two-story wood framed structures housing four apartments each, and a small accessory structure in the rear utilized for storage. The property is currently zoned R-1 (Single Family Dwelling) and has been vacant since July 11, 2010. The city currently has five liens for both weed abatement utility service on the property totaling approximately $15,300.00.

Background:
On July 11, 2010 the Sahara Apartments were flooded during a heavy rainstorm where emergency personnel on site had to evacuate the residents. On July 13, 2010 the apartment manager submitted photos of the damaged apartments to the city and requested an inspection of the structures to determine if the flooding had rendered the apartments unsafe to occupy. On July 14, 2010 an inspection of the apartments was performed utilizing the provisions of the 2006 International Property Maintenance Code. The manager, Mr. Richard Ross, accompanied me on the inspection of apartments A, B, C and D of each of the four buildings (2405, 2403, 2401 and 2309 Cuba) and gave permission for photographs to be taken.

The property was found to be in violation of nine (9) sections of the 2006 International Property Maintenance Code as listed in this report. Based upon the findings from the inspection the structures have been declared unfit for human occupancy as defined in Section 108.1.3 of the 2006 International Property Maintenance Code (IPMC). Section 107.1 of the IPMC requires the code official to give notice to the property owner of the violations, including a correction order allowing a reasonable time to make repairs. On August 2, 2010 a 10-day notice was sent to the property owner. The property owner responded requesting a 30-day extension that was subsequently granted. The 30-day period passed with no contact from the owner or work performed to abate the violations. Attempts to contact the owner by telephone and e-mail were unsuccessful. A second 10-day notice was sent to the owner ordering the vacant structures secured. The property was declared uninhabitable and posted along with an order to close the vacant structures. On October 26, 2010 the second notice letter was returned as unclaimed. On November 1, 2010 documentation was filed by the mortgage holder to foreclose on the property.

On November 18, 2010 the property owner called indicating he was in Alamogordo and would like to meet in person. During the meeting he indicated that he will be receiving a settlement from the insurance company in the next 4-6 weeks and at that point would begin repairs to the structures. If the settlement was not enough to cover the repairs, his intention was to demolish the structures. By the following day the structures were secured and the second case on the property closed. No further response was received from the owner until September 22, 2011 when the attorney's office received a Notice of Intent to file suit claiming the City was responsible for the flood damage and loss of income from the property. At this point all contact with the owner was to go through the City Attorneys office.

In December of 2013 complaints began coming in from neighbors concerning the condition of the property including, odors, roach and rodent infestation, vagrant population and a deterioration of the entire neighborhood due the condition of the apartments. On January 2, 2014 photographs were taken of the property and another case was started on the property for violations of the IMPC. A 10-day notice was sent to the owner of record both certified and first class. The notice was returned with a new forwarding address and notices to the new address were mailed four days later on January 13, 2014. On February 5, 2014 I received a call from the property owner requesting a 14-day extension as he had been hospitalized for the last week. He indicated in conversation that he may be interested in selling the property, yet repeatedly mentioned that he still wants to pursue litigation for the flood damage and income loss. His extension was granted.

On February 19, 2014 the property owner was on site to secure the structures. I inquired of his intent for the property and discussed several options with him. He indicated that he was attempting to obtain a construction loan to reopen the apartments and would be meeting with his banker on February 28th and would be in touch with me by March 3 with the details. I reached out again to the owner on March 7th with no success. On March 10th I received a request for another 30-45 day extension to prepare cost estimates for his construction loan. His request for extension was granted and he was gently reminded that the property needs to remain in compliance as far as weeds and structure security during this period. I attempted contact again on May 2, 2014 with no success.

Since this time contact has continued with the property owner by mail regarding the maintenance of the weeds and growth on the property and the need to continue maintain the security of the structures as vandalism continues.

Recent Issues:
In December 2014 and again in July 2015, the structure at 2401 Cuba has caught fire causing further damage to the property. The December 2014 fire was found to be caused by transients squatting in the structure and the July 2015 fire was caused by vandalism. On August 4, 2015 a search warrant was executed and the premises were reinspected. The inspection shows the violations cited back in 2010 still exist and the structures continue to deteriorate with the passage of time and lack of maintenance. The structures continue to show evidence of transient occupation as windows and doors continue to be broken into and left unsecured. Graffiti now marks the interior of several units. Surrounding property owners feel a mounting and continued threat posed by the condition of the structures.

The structures remain declared unfit for human occupancy as defined in Section 108.1.3. The structures and condition of the property continue to decline with little to no indication that the owner will address these issues responsibly. The City has attempted for five years to assist the property owner with compliance at every opportunity. It is my recommendation that the City Commission move forward with approval of the resolution.

Reasoning

Unless specifically cited, all sections are of the 2006 International Property Maintenance Code.

Section 8-03-080 of the Code of Ordinances adopts the 2006 International Property Maintenance Code. (IPMC)
Section 104.1 compels the Code Official to enforce the provisions of the Code.
Section 104.3 compels the Code Official to make the necessary inspections to determine compliance with the Code.
Section 104.4 grants authority to enter property.
Section 106.1 states that it is unlawful to violate the Code.
Section 108.1.3 Conditions of a structure unfit for human occupancy.
Section 108.2 grants authority to placard vacant structure unfit for human occupancy
Section 108.3 Notice of condemnation.
Section 108.2 Closing of vacant structures. If property is vacant, unfit and not in danger of structural collapse, the Code Official shall placard and order structure to be closed up so not to be an attractive nuisance. If no compliance, Code Official may close up property and lien.
Sections 301.2 , 501.2 and 701.2 state that unless otherwise provided in the Code, the property owner is responsible for compliance.
Section 110.1 compels the Code Official to order the owner to repair and make safe and sanitary the structure. At the owner's option, the structure may be demolished in lieu of the repairs.
Section 110.2 states that all notices and orders shall comply with Section 107 of the Code.
Section 107.1 Notice to person responsible for violations, in this case the owner.
Section 107.2 Form. Shall be in writing, include description of real estate, statement of violation, correction order, reasonable amount of time to make repairs, right of appeal, and a statement of the right to file a lien in accordance with 106.3.
Section 107.3 Method of service. Shall be delivered personally, certified or first-class mail. If returned, posted on the property.
Section 107.4 and 106.4 cover violation penalties. Persons shall be prosecuted within the limits provided by state or local laws.

Violations - 2010

It has been determined that the property is in violation of the following sections of the 2006 IPMC:

301.3 Vacant structures and land. *All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.*

Photos 1-12 show the dilapidated, vacant structures and condition of the property are blight to the neighborhood and to the community.

304.1 Exterior Structure-General. *The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.* The structure shall perform four primary functions: be in good repair, structurally sound, sanitary condition and capable of preventing the elements and rodents from entering the interior areas.

- **Photo 6** shows the deteriorated condition of the fascîa, drip edge, shingles.
- **Photo 2 and 4** show the gable vent in disrepair and open to elements and birds.
- **Photo 28** shows the stairway, swamp cooler, windows, screens and fascia all in disrepair along with pigeon feces accumulating on the second story window.
- **Photos 9, 11 and 7** shows the deteriorated condition of the stairway, hand rails and roof decking on the porch.
- **Photos 3, 5 and 7** show broken windows, open swamp coolers and deteriorated stairways.

302.5 Rodent Harborage. *All structures and exterior shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.*

- **Photo 28** shows the accumulation of pigeon feces on the building and window from the nesting birds above.
- **Photos 18 and 24** show the interior of the storage/utility room with holes in the walls and ceiling allow free travel of rodents throughout the structures.

302.7 Accessory Structures. *All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.*

- **Photo 10** shows the exterior of the accessory structure with deteriorated shingles, deteriorated stucco and trim. Windows are broken.

304.2 Protective Treatment. *All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.*

As shown in photos 3, 4, 6, 7, 8, 9, 11 and 12 the exterior of the structures, especially the decks and stairs have peeling paint, decayed members and unprotected and rotting decks. The wood trim and stucco have not been maintained and are damaged by the elements.

304.7 Roofs and Drainage. *The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.*

Several units show stains from roof leakage while others have considerable damage where the wall and ceiling sheetrock has collapsed from water leaking from the roof when it rains. The shingles on the roof are well past their useful or expected life and have curled and deteriorated in the sun.

- **Photos 25 and 27** show interior damage from roof leaks.
- **Photos 6 and 12** show deteriorated shingles, rotted decking, ruined and missing drip edge and no gutter system.

304.10 Stairways, decks, porches and balconies. *Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.*

- **Photos 8, 9, 11 and 12** shows evidence that the porches are in serious disrepair with failing structural members. The deck surfaces of the porches are exposed and rotting from moisture

305.1 Interior Structure-General *The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition...*

- **Photos 13-23 and 25-27** show the condition of disrepair of the interior of the structures from a lack of maintenance, including dangerous structural issues after the fires.

305.3 Interior Surfaces. *All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.*

- **Photos 13, 19 and 30** are representative of all lower unit floors. The photos show the interior of the units were found in an unsanitary condition due to flood waters and debris. With the temperatures experienced since the floods, this is a breeding ground for mold both in the carpet and the walls. Units were also found littered with animal feces and urine where animals were kept in vacant units.
- **Photo 13 and 22** are an examples of the majority of units containing foodstuff on the kitchen and appliance surfaces.
- **Photos 25, 27, 29 and 31** show damage to the sheetrock on both the wall and ceiling surfaces caused by tenants or damage from the leaking roof.

502.1 Dwelling units. *Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.*

- **Photo 32** is an example of units found lacking the proper plumbing fixtures.

505.4 Water heating facilities. *Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.*

- **Photos 17 and 20** show the gas fired water heaters were flooded well above the burners and thermostat and respectively the improper and unsupported ventilation of the water heaters. Until the heaters have been tested by a licensed plumber, it cannot be determined if they are operable or safe.

506.1 General. *All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.*

- **Photo 21** is an example of units where the sinks are not connected to the plumbing, tail pieces or traps are missing.

506.2 Maintenance. *Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.*

- **Photos 24** shows the sewer cleanouts have been damaged and left open. This not only causes an odor issue but is a means for the sewage to flow on the ground if there is an obstruction in the plumbing. This can also be a hazard for the small children in the area.

703.1 Fire-resistance-rated assemblies. *The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.*

- **Photos 17, 18, 20 and 26** show years of repair and maintenance on the plumbing and electrical systems of the building have left the sheetrock riddled with large penetrations and entire sections of sheetrock missing. The sheetrock is intended to serve as the fire/smoke barrier between the laundry/furnace room and the apartments. This is a safety issue as there is no protection of the concealed areas (walls, second story floor assembly and roof/attic areas) from fire. If a fire would start in the laundry/furnace room, it could spread undetected into the floors and walls of the apartments leaving tenants unaware and severely limiting escape and rescue times.

Violations Observed – 2015

301.3 Vacant structures and land. *All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.*

2309, 2401, 2403 and 2405 remain vacant and unsecured. The blighting conditions noted in 2010 still remain today.

304.1 Exterior Structure-General. *The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.* The structure shall perform four primary functions: be in good repair, structurally sound, sanitary condition and capable of preventing the elements and rodents from entering the interior areas.

There has been no repair or maintenance performed to the exterior of 2309, 2401, 2403 or 2405 Cuba since the initial 2010 violations. The fires in 2401 Cuba have caused further damage to the exterior of the structure. The remaining structures continue to decline with continued exposure to the elements.

302.5 Rodent Harborage. *All structures and exterior shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.*

The evidence of infestation is apparent with accumulations of bird nests, accumulation of feces on the exteriors and wasp nests both inside and out of all four structures. I have witnessed cats coming in and out of the structures and paw prints can be seen throughout the structures.

302.7 Accessory Structures. *All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.*

The accessory structure remains secure, and the exterior continues to deteriorate from exposure to the elements.

304.2 Protective Treatment. *All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.*

2309, 2401, 2403 and 2405 Cuba have had no repair or maintenance performed to the exterior surfaces. The exterior stairways continue to rot from exposure and structural members in the porches are deteriorating. Window frames in all the structures are peeling, rotting and failing from exposure and lack of maintenance. The vegetation around the structures has broken through the unprotected window frames and is now growing inside the structures.

304.7 Roofs and Drainage. *The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.*
2309, 2403 and 2405 still show the same indicators of roof leaks that have with time and lack of repair have become worse, increasing the damage caused. 2401 Cuba is difficult to determine evidence of any new roof leaks since the fires. All four structures continue to have deteriorating shingles and roof decking. Pieces of trim, fascia and decking have rotted and fallen off several areas on each structure.

304.10 Stairways, decks, porches and balconies. *Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.*

The exterior wooden stairway and porches have continued to deteriorate on all four structures. The wood is unprotected and structural members are rotting and compromised. No visible maintenance has been performed on the stairs on decks on any of the structures since 2010.

305.1 Interior Structure-General. *The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition...*

The interior of the structure at 2401 Cuba has been substantially damaged by the fires. 2309, 2403 and 2405 continue to deteriorate from vandalism, theft and lack of maintenance. The structures have been broken into and tagged with graffiti and damage has been done to the walls where they have been kicked in breaking the sheetrock. The copper piping and wiring has been stolen. Lack of repair to the water and mud soaked carpet after the flooding has caused the first story floors to decay to the point of collapse and separation from the exterior walls. Coupled with the exposure to the elements, water has continued to make its way under the structures causing damage to the foundations evidenced by large cracks in the walls and ceiling of the structures.

305.3 Interior Surfaces. *All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.*

The interior surfaces in 2401 Cuba have been significantly damaged by the fires. 2309, 2403 and 2405 continue to deteriorate without repair and maintenance. Roof leaks continue to damage ceilings and walls. Continued exposure to the elements through unsecured windows and vandalism has furthered the deterioration of all surfaces in the units. Food and dirty dishes remain in the apartments since 2010.

502.1 Dwelling units. *Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.*

The theft of the copper piping has rendered the plumbing in all four structures inoperable. Showers, tubs and lavatories have been ripped from the walls to obtain the copper. All four units have been vandalized in this way.

505.4 Water heating facilities. *Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.*

Since 2010 all four buildings have been vandalized for copper and the water heaters have been damaged or removed. Tempered water can no longer be provided to any to of the plumbing fixtures.

506.1 General. *All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.*

No further work has been performed on the plumbing system since 2010, the same lack of connection exists and has increased with the vandalism and theft of the copper piping.

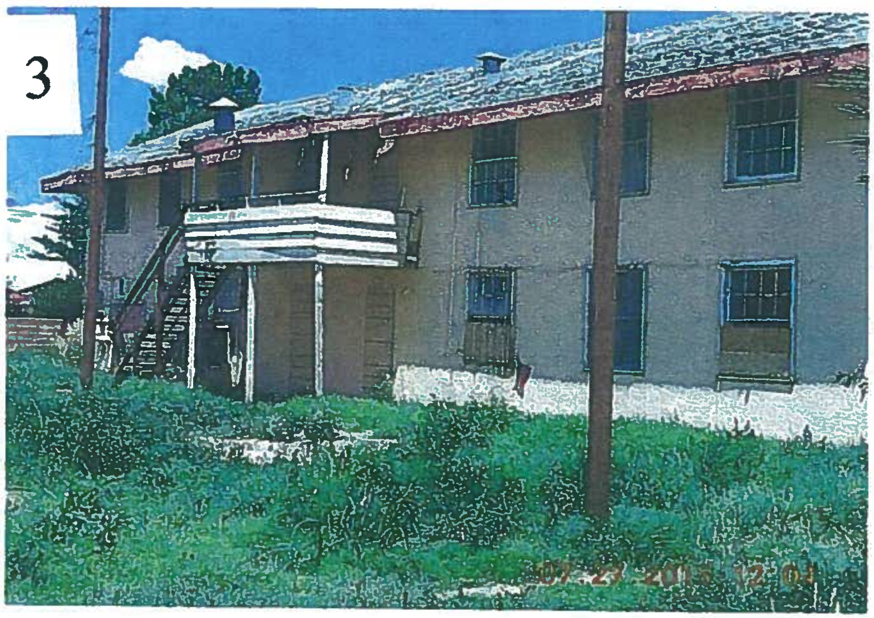
506.2 Maintenance. *Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.*

No further repair or maintenance has been performed on the sewer cleanouts to the structures.

703.1 Fire-resistance-rated assemblies. *The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.*

Due to the fires in 2401 Cuba, the fire resistant assemblies and means to contain a fire to allow for rescue and egress is gone. The structures at 2309, 2403 and 2405 have seen deterioration of fire safety measures with the sheetrock damage by vandals, plumbing walls and floor-ceiling assemblies exposed by the theft of the copper and the structures remaining unsecured posing an attractive nuisance attracting further vandalism that may result in fire. With no power to the structures, any means of detection or alarm of fire are not present. The rotting floors and walls that have separated from the floors and ceilings allow fire to spread faster undetected and pose considerable risk to emergency personnel responding to the call.

I



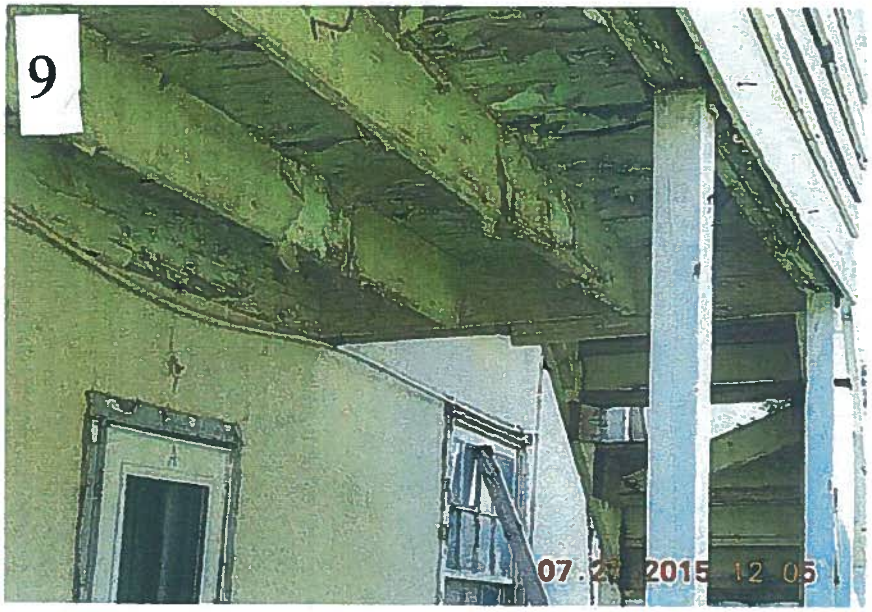
5

6

7

8

21


9
07.27.2015 12:05


10
07.27.2015 12:14


11
07.27.2015 12:15


12
07.27.2015

13

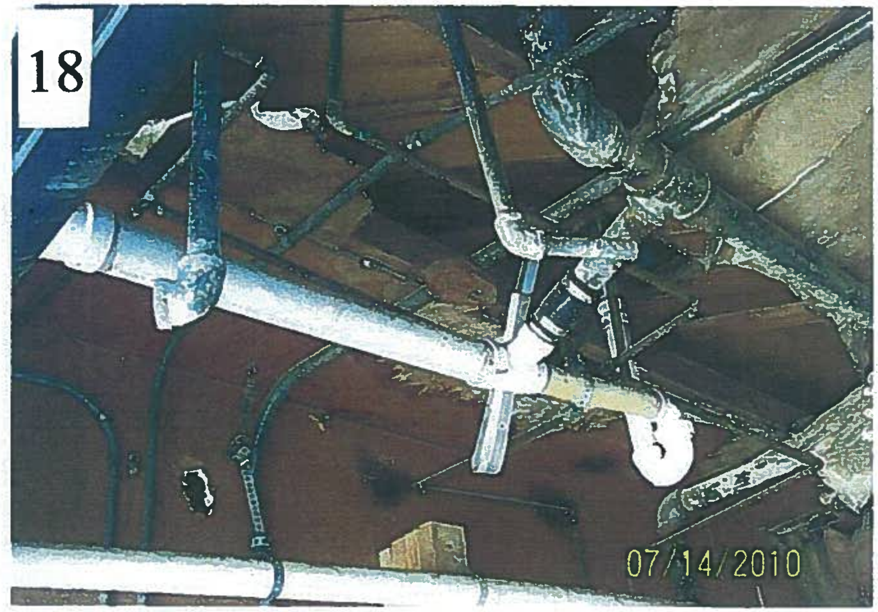
14

15

16

18

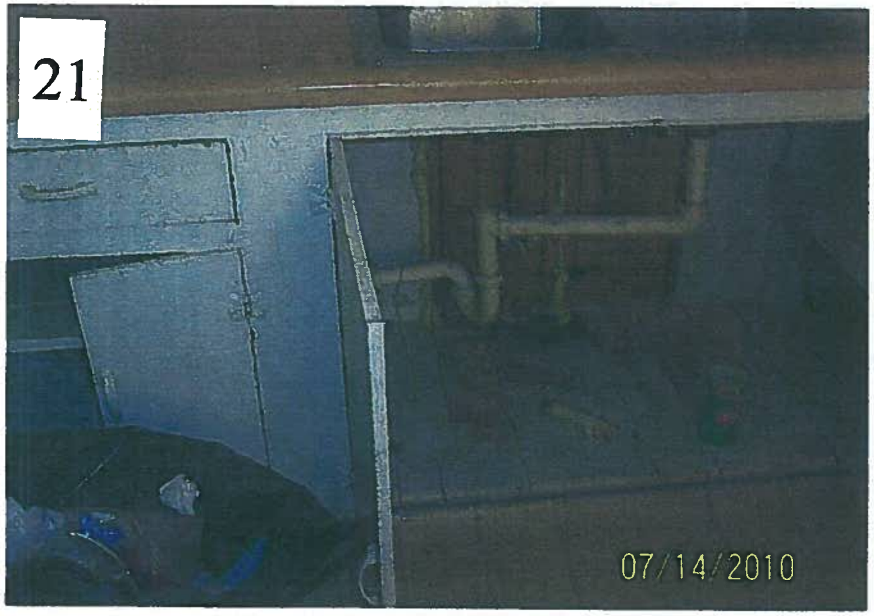
17



18

19

20


21
07/14/2010


22
07/14/2010


23
07/14/2010


24
07/14/2010


25
07/14/2010


26
07/14/2010


27
07/14/2010


28
08 06 2014 10 56

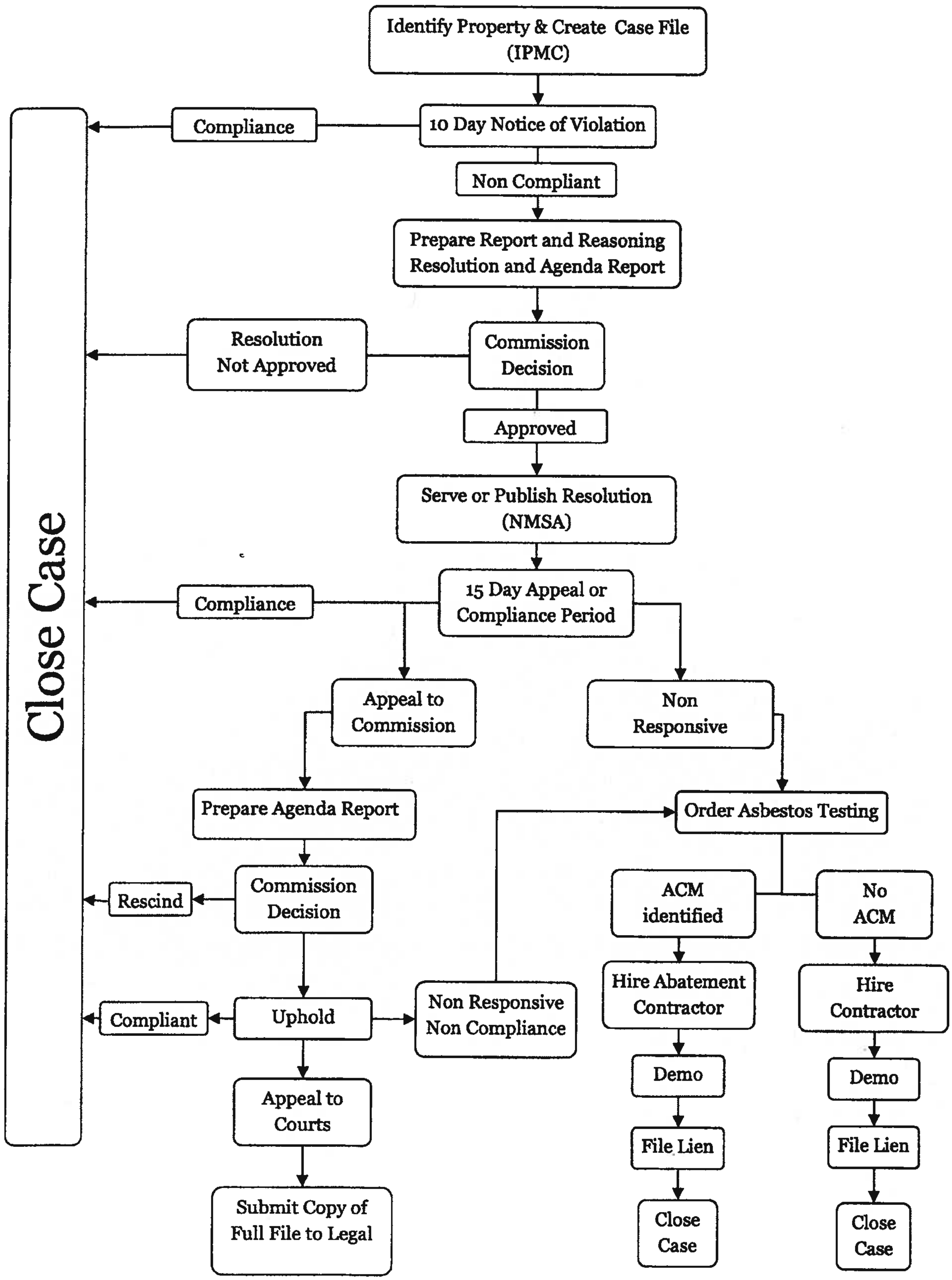

29
07/14/2010


30
07/14/2010


31
07/14/2010


32
07/14/2010

Dilapidated Structure Abatement Process



SAHARA APARTMENTS
2405 Cuba Avenue
Haynes Addition, Block 14, Lot 1, 2, 3, 4, 5, Pt of Lot 6, Pt of Lot 7

Lien #	Lien Type	Account #	Date Filed	Service Date	Amount	Admin Fee	Lien Total	Interest	Filing Fee	TOTAL
1074	Weed	10-9552	11/29/2010	11/11/2010	$ 4,500.00	$ 200.00	$ 4,700.00	$1,693.55	$ 34.00	$ **6,393.55**
1116	Weed	11-7702	11/30/2011	10/26/2011	$ 2,400.00	$ 200.00	$ 2,600.00	$ 728.28	$ 34.00	$ **3,328.28**
1204	Weed	12-8561	12/19/2012	11/11/2012	$ 1,921.11	$ 200.00	$ 2,121.11	$ 415.16	$ 50.00	$ **2,536.27**
1350	Utility	72269-31130	10/23/2014	4/22/10 - 8/25/10	$ 1,555.41	$ 200.00	$ 1,755.41	$ 126.97	$ 50.00	$ **1,882.38**
1443	Weed	14-4641	2/11/2015	10/29/2014	$ 949.71	$ 200.00	$ 1,149.71	$ 27.47	$ 50.00	$ **1,177.18**

TOTAL AMOUNT DUE: **$ 15,317.66**

Payoff amounts as of 5/14/2015

Property Tax Inquiry

Accounts

Limit to 50 Results

Click for Instructions

2405 cuba

Go!

KRIEGER, KAREN MONICA

Properties

Account #	Parcel ID	Owner Name	Owner Address	Property Address	LegalDescript
R014632	01-05134	KRIEGER, KAREN MONICA	1440 E ANDY DEVINE AVE KINGMAN, AZ, 86401	2405 CUBA AVE	Subd: HAYNES ADDITION Lot: 1, 2, 3, 4, 5, LT 6 PT OF, LT 7 PT OF Block: 14

Tax Summary (yearly doesn't include P&I)

Year	Charged	Paid	Due
2005	$1,769.33	$1,769.33	$0.00
2006	$1,859.34	$1,859.34	$0.00
2007	$1,913.80	$1,913.80	$0.00
2008	$1,875.17	$1,875.17	$0.00
2009	$1,870.48	$1,870.48	$0.00
2010	$1,905.86	$1,905.86	$0.00
2011	$1,927.13	$1,927.13	$0.00
2012	$1,973.56	$1,973.56	$0.00
2013	$2,019.73	$2,019.73	$0.00
2014	$2,045.40	$2,024.94	$20.46
Total:	$19,159.80	$19,139.34	$20.46
P&I Total:	$261.76	$261.76	$0.00
Grand Total:	$19,421.55	$19,401.10	$20.46

Transactions

Area ID	Date	Type	Amount
01_NR	2014-09-23	TC	$4.44
01_R	2014-09-23	TC	$2,040.96
01_NR	2015-02-04	PC	$20.45
01_NR	2015-02-04	IC	$0.04
01_R	2015-02-04	IC	$20.41
01_R	2015-02-04	TCP	$1,020.48
01_NR	2015-02-04	TCP	$2.22
01_R	2015-02-04	ICP	$20.41
01_NR	2015-02-04	ICP	$0.04
01_NR	2015-02-04	PCP	$20.45
01_NR	2015-07-27	PC	$30.68
01_NR	2015-07-27	IC	$0.07
01_R	2015-07-27	IC	$30.61
01_NR	2015-07-27	ICP	$0.07
01_NR	2015-07-27	TCP	$2.22
01_R	2015-07-27	ICP	$30.61
01_NR	2015-07-27	PCP	$30.68

Owner Information

Owner Name	KRIEGER, KAREN MONICA
Mailing Address1	1440 E ANDY DEVINE AVE
Mailing Address2	
City	KINGMAN
State	AZ
Zip	86401
Owner ID	C013920
Owner Number	86650
Account Number	R014632

Property Description

Property Address	2405 CUBA AVE
Legal Descript	Subd: HAYNES ADDITION Lot: 1, 2, 3, 4, 5, LT 6 PT OF, LT 7 PT OF Block: 14
Neighborhood	A5
Account Number	R014632
Previous ID	01-05134

Deeds

Description
BK 394 PG 848 - CLENDENEN
BK 690 PG 981-CLENDENEN & MELT
BK 394 PG 848-CLENDENEN
BK 762 PG 571-COOK
BK 977 PG 476-COOPER
BK 1049 PG 0905-SAHARA
BK 1049 PG 0908-CONTR
BK 1214 PG 0055-COVARRUBIAS
201012087-KELLEY
201202380-SSAG

Parcel Summary

Land Value
$56,463.00
Impr Value
$192,828.00
Full Value
$249,291.00
Taxable Value
$83,097.00

Mobile Summary

PropValue
$0.00
Mobile Taxable
$0.00

Exemptions

ExemptionType	Amount

Total Full Value

Taxable
Total Exemptions
$0.00
Net Taxable Value
$83,097.00

Taxes

Bill #	13029161
Year	13
Original Amount	$2,019.73
Total Due	$2,019.73

Land Segments

SegNo	Description	Size	TaxYear
0	Multi-Family Res Lot	1.973 Acres	2015

Residential Buildings

Build No	Description	Year Built	Stories	Gross Living Area	Baths	Beds	Construction	Roof Cover	Heating	Cooling	Quality	TotalRooms
1	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0
2	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0
3	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0
4	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0

Other Improvements

Item No	Description	Length	Width	Area Units	Impr Value

Commercial Buildings

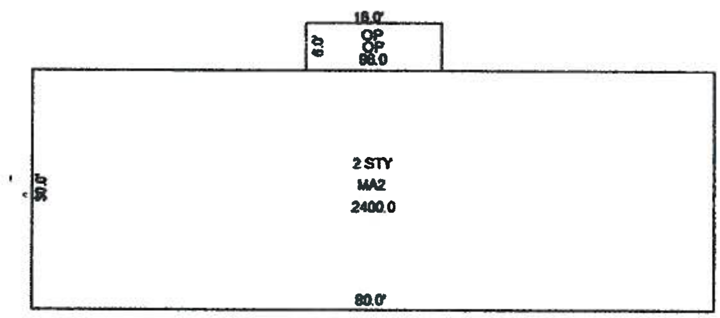
Build No	Description	Year Built	Stories	Gross Area	Class	Quality	Story Height	HVAC	Extr Walls	DBA	Tax year

Mobile Homes

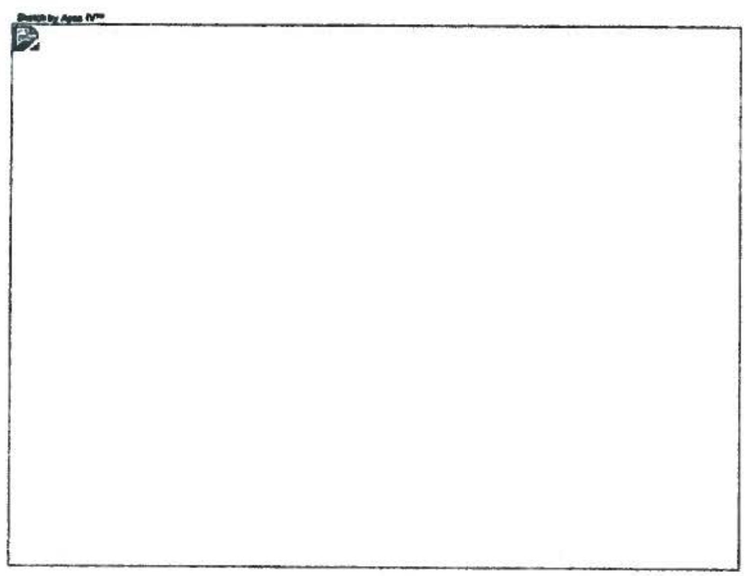
Licence Plate	Serial No	Make	Year Built	Length	Width	Area	Size

Photograph:

Sketch:



Maps:



Estimated Demolition Costs
Sahara Apts
2405 Cuba Ave
July 2015

Cost Breakdown:

Asbestos Survey (Terracon)		$ 7,000.00
Asbestos Abatement (Estimated)*		
Linoleum and mastic (400sf/bldg x 4bldgs)	$ 6,400.00	
Roofing Material (2400sf/bldg x 4 bldg)	$ 48,000.00	$ 54,400.00
Demolition		
Outside firm ($6,500 per bldg)	$ 45,000.00	
Disposal (Mesa Verde Landfill)	$ 72,500.00	
In-house equipment and labor	$ 12,500.00	$ 130,000.00
Total Estimated Cost		$ 191,400.00

Alternative Outcomes:

No asbestos identified, no in-house charges	$ 124,500.00
Asbestos identified, no in-house charges	$ 178,900.00

*Asbestos abatement cost/sf:

Stucco/Exterior material		$5.00/sf
Carpet Glue		$1.00/sf
Lineloum		$4.00/sf
Sheet rock/texture	walls	$3.50/sf
	ceiling	$4.00/sf

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 22

Submitted By: Stephen Thies, City Attorney

Subject: Consider, and act upon, the first publication of Ordinance No. 1501 Amending Article 19-04 of the City Code to Provide for the Adoption of Park Rules. *(Stephen Thies, City Attorney)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve Ordinance No. 1501 for first publication.

Background:
A recent incident which occurred at the zoo has prompted management to consider means by which to address misconduct at the zoo and other recreational facilities operated by the City. At the current time, City Code does not contain an effective means to address misconduct which does not rise to the level of criminal behavior. As a result, the attached ordinance has been prepared that allows the Director of Community Services to develop rules and regulations applicable to the city's many recreational facilities and programs. Once such rules and regulations are developed, they would then be presented to the City Commission for formal approval. Provided the Commission approves the rules and regulations, they would be posted at the facilities. The enforcement mechanism created by the ordinance is to temporary, or in certain situations, permanently revoke the offending party's privileges to use the facility. If the person returns during the revocation period, they could be charged with criminal trespass. The ordinance creates an appeal mechanism in the event the individuals desires to challenge the revocation of their use of the facility.

Commission is requested to approve the ordinance for first publication.

ORDINANCE NO. 1501

AN ORDINANCE AMENDING ARTICLE 19-04 OF THE CITY CODE TO PROVIDE FOR THE ADOPTION OF PARK RULES

BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Article 19-04 of the *Code of Ordinances of the City of Alamogordo, New Mexico, Parks, Playgrounds and Recreation* is amended to add the following:

19-05-020. Certain conduct and activities in public parks prohibited; establishment and enforcement of rules and regulations in parks and other recreational facilities; suspension/revocation of park privileges.

(a) "Park" shall mean and refer to any park, open space, arena, golf course, recreation centers, special-use area, trail corridor or any other area owned, improved, maintained, operated or otherwise controlled by the City for recreation or natural resource preservation purposes.

(b) Establishment and Enforcement of Park Rules and Regulations.

(1) Establishment of park rules and regulations: The Director of Community Services (hereinafter referred to as the "Director"), subject to the approval of the City Commission, is hereby authorized and directed to adopt any and all rules and regulations reasonable and necessary for the proper and orderly use of all city parks and other recreational facilities and shall post all duly adopted rules and regulations applicable to each city park or facility upon an appropriate sign conspicuously placed at each entrance thereto. In addition, a copy of said rules and regulations, may be amended from time to time, shall be lodged of record in the office of the city clerk, and shall be made available for public inspection during normal business hours at city hall, upon request. All rules and regulations pertaining to the use of city parks and other recreational facilities, duly adopted and promulgated as required herein, and as may be amended from time to time, are hereby adopted and incorporated herein by reference thereto.

(2) Enforcement of park rules and regulations: The Director of Community Services, or his designee, in charge of the city's parks and recreational facilities shall enforce all park rules and regulations, and are hereby authorized, in their individual discretion, to temporarily suspend the privilege of any person or persons to use any one (1) or more of the city's parks or recreational facilities upon his or her determination, based on observation, reliable information or other probative evidence that said person or persons have violated one (1) or more laws, rules or regulations for the authorized use of city parks and recreational facilities. The suspension of the privilege to enter upon and use city parks and recreational facilities shall be effective immediately from and after oral

notification to the person or persons involved by the Director, or his designee, and shall remain in effect for a maximum period of forty-eight (48) hours following the notice of suspension unless the privilege is further suspended or revoked as provided herein below. Any person or persons temporarily suspended under this section shall upon notification of suspension, immediately leave the premises of any city park and shall not return until said privilege has been reinstated as provided herein. Any person suspended under this section who refuses to leave a city park or other recreational facility shall be deemed to have committed a trespass and may be forcibly removed from the premises by a law enforcement officer and arrested, if necessary.

(e) Unlawful Conduct or Violation of Rules and Regulations in City Parks; Authority of City Manager Regarding Suspension/Revocation of Privileges.

(1) Authority of city manager; suspension/revocation: The city manager, upon the recommendation of the Director, is authorized, in his sole discretion, to suspend and/or revoke temporarily (indefinitely) or permanently, the privilege of any person or persons to use any one (1) or more of the city's parks or recreational facilities if, upon review of all evidence relevant thereto, he finds by a preponderance of the evidence, that a person or persons have, while in a city park or other recreational facility, violated one (1) or more state or local laws or violated any rules or regulations governing the proper use thereof and determines that it is in the best interest of the city to suspend or revoke that person or persons' privileges.

(2) Suspension/revocation; notice requirements; factors considered: Prior to consideration of any recommendation regarding suspension or revocation in excess of forty-eight (48) hours, temporary or permanent, the city manager shall attempt to notify in writing the person or persons whose privileges may be suspended or revoked, if the identity and address of the person or persons are known or may be reasonably ascertained. The notice shall advise said person that a recommendation has been submitted to the city manager to suspend or revoke his or her privilege to enter upon and use a city park and/or other recreational facility, and shall advise said person that he or she has ten (10) days to "show cause" in writing why his or her park privileges should not be suspended or revoked as recommended. In rendering his decision, the city manager shall consider all relevant evidence, including any statements or evidence submitted by the person or persons whose privileges may be suspended or revoked. Within three (3) days of receipt of the parks and recreation manager or public works director's recommendation, the city manager shall accept, reject or modify the recommendation regarding suspension or revocation, as he deems necessary and appropriate, and shall notify the Director and the person or persons whose privileges are subject to suspension or revocation, of his decision in writing. The suspension or revocation of the privilege to

use city parks or recreational facilities shall be effective immediately from and after oral notification to the person involved by the city manager, or any other designated employee of the city, or the mailing of the notice of suspension or revocation to the last known address of the person or persons thus offending, whichever occurs first. Notice of suspension or revocation shall include information and instructions regarding the appeal process set forth in subsection (d) of this section.

(3) The city police department shall be notified of any and all suspensions or revocations under subsections (b) and (c) of this section.

(c) Appeal Procedure. Any person aggrieved by a decision of the city manager under subsection (c)(1) of this section may appeal same to the City Commission by filing a written notice of appeal with the city clerk within ten (10) days after the decision is rendered. The appeal shall be heard within twenty (20) days after the notice of appeal is filed. The appeal shall be based solely on the record of evidence considered by the city manager in rendering his decision, except when the City Commission, in its sole discretion, requests additional evidence from interested parties or other witnesses.

(d) Law Enforcement Authority; Penalties.

(1) The police power of the city shall extend over and apply to all city parks and recreational facilities, now owned and hereafter acquired. In addition to any other criminal offenses and penalties provided by state law, it shall be unlawful for any person to violate any provision in this section or any rules and regulations governing the proper use of city parks and recreational facilities. Any person found to be in violation thereof, shall upon conviction, shall be punished as provided in section 1-01-100 of this Code.

(2) It shall be unlawful for any person to enter upon, use or remain within any city park or other recreational facility in violation of any order of suspension or revocation issued under the provisions of this section to said person. Any person found to be in violation of a suspension or revocation shall, upon conviction thereof, shall be punished as provided in section 1-01-100 of this Code. In addition, violation of any order of suspension or revocation by any person thus offending shall constitute a trespass, and any and all members of local law enforcement agencies with proper jurisdiction are hereby authorized to forcibly remove from city parks or recreational facilities and arrest, if necessary, any person who violates any such suspension or revocation order and commits a criminal trespass.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect upon its adoption and publication.

DONE this ____________ day of ______________, 2015

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By: ______________________________
Susie Galea, Mayor

ATTEST:

____
Renee L. Cantin, City Clerk

APPROVED AS TO FORM:

____
Stephen P. Thies, City Attorney

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 23

Submitted By: Susie Galea, Mayor

Subject: Consider, and act upon, creating a foundation (501c3) for the Alamogordo City of the Future related to multiple technology companies private investment in this project and future applications for grants. *(Susie Galea, Mayor)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Provide direction to staff.

Background: Email with related information is attached.

Zimbra **rcantin@ci.alamogordo.nm.us**

Fwd: Green City Water Project - American Ground Water Trust

From : Susie Galea <sgalea@ci.alamogordo.nm.us> Thu, Jul 30, 2015 01:15 AM

Subject : Fwd: Green City Water Project - American Ground Water Trust 2 attachments

To : 'Commission' <commission@ci.alamogordo.nm.us>

Cc : "Stephen Thies" <sthies@ci.alamogordo.nm.us>, ocedc@alamogordo.com

Commissioners,

The email chain below and the attachments detail an up and coming project moving here soon.
They haven't asked for any incentives or resources from the City outside of a partnership in the form a foundation. They would like for the Commission to consider, on a future agenda, to allow the city to be the face of the futuristic project by creating a 501c3. Steve has already spoken to them.
Other city's have done this, and it brings credibility to a project while also allowing the principal agents to apply for grant funding and sponsorships.

Please see below, and feel free to call with any questions.

Susie

----- Forwarded Message -----
From: Aubrey Howard <aubrey@miningfracking.com>
To: Tom blaine <Tom.blaine@state.nm.us>
Cc: sgalea@ci.alamogordo.nm.us, jwhite@co.otero.nm.us
Sent: Wed, 29 Jul 2015 15:49:26 -0600 (MDT)
Subject: Green City Water Project - American Ground Water Trust

Dear Mr Blaine,

Thank you for speaking with me at the American Ground Water Trust conference. As I mentioned in our conversation, we convert the salts found in brackish ground water into fertilizers with a commercial value. The process is known as the KNeW process. The sale of the produced fertilizers allows us to supply water to farmers and municipalities at competitive rates. We do not create a concentrate brine that needs to be managed or disposed of.

We will be demonstrating our process at the Brackish Groundwater National Desalination Research Facility (BGNDRF), Alamogordo. We intend to start the building of our US plant next month. Once we have demonstrated that we can supply the Ag industry with competitive water, we then intend to initiate our Green City Water Project. Please note that we are currently producing fertilizers from water high in total dissolved solids (over 15,000 PPM). We have completed the R&D phase.

Operation zero, we are going to install the KNEW technology desalination process at BGNDRF. We plan on working closely with academia and institutions such as NSF. It is important that all the data collected from operation zero is will accurate, transparent and third party vetted by more than one reputable institution. Once we have demonstrated that we can supply agriculture with water at prices that allow for competitive food production we will only then move onto phase 2. Hence putting all the risk upfront.
Phase 2 Smart farming. We know we can secure 100 plus acres within close proximity of BGNDRF. On this land we want to install and demonstrate farming techniques that are best suited for the SW climate and terrain. The purpose of phase 2 is to produce food at competitive prices using new water. There are new and ever evolving farming techniques, from hydroponics, aeroponics, and aquaponics to vertical farming. We want to try and test all current and new farming technologies. Advanced data will be collected noting facts such as the effects on crops during summer and winter. Or if plants are susceptible to pest or fungi. Or how scaling up effects crop production and costs. Not only will the farms be producing food but valuable data as well. The data collected needs to be intelligent enough to help facilitate feeding communities of the future.
Phase 3, the smart city phase. On the same land we plan on building smart buildings. Smart buildings lead to smart cities and smart cities will change everything. All technologies will be considered from digital roads for hands free cars to air space design for drone deliveries. Intelligent energy efficient technologies and materials will be used in all construction. The layout of every building will be taken into consideration for the purpose of integrating technology with the terrain and climate. All water grey or sewage will be reused or recycled as will all trash or waste. The idea is to be as close to a zero carbon footprint city as possible.
The idea of the green city water project is not to only demonstrate and research the viability of the different technologies in a real world setting but to also collect accurate and transparent data that will have a value to the world as a whole. We want the Green City Water Project to be a one stop shop for city planners, engineers, researchers, students and industry. We want to create an open portal with target rich data that will have real value to the creation of global sustainable urban development.
Why Alamogordo? Alamogordo has BGNDRF and its partners. The facilities, expertise and credibility offered at BGNDRF are priceless. Second,

Alamogordo's climate, terrain and groundwater properties are a great representative of the SW. This combination makes Alamogordo a perfect location.

We know that without a collaboration of the minds the Green City Water Project is not possible. We need from local, state to federal government support. We need business and academia to join hands. We all need to be on the same dance floor dancing the same dance in. There are countries such as the UAE, China and Japan already doing something similar. We need to catch up. The difference between the other countries green city projects and ours is that ours we will be a water and food sustainable city of the future. The Green City Water Project will ultimately be run as a not for profit operation directed by an independent board who's sole function is the creating of sustainable urban development.

Once we are producing fertilizers at BGNDRF we would welcome any and all help you have to offer.

Thanking you in advance

Aubrey Howard
CEO Mining and Fracking Eco Solutions
www.miningfracking.com<http://www.miningfracking.com>
619-723-3973

GJC_presentation_brochure_lores.pdf
3 MB

The KNEW process for brackish water recovery.doc
30 KB

Green City Water Project

Introducing a ground water desalination process that will change everything

GOOD SCIENCE.
IN GOOD CONSCIENCE.

Drinkable, usable water is one of our most precious commodities. Yet in some corners of the world, it's fast becoming one of our scarcest, including right here in the U.S. The good news: there are trillions of gallons of brackish ground water here. But brackish ground water is only usable after it's been purified by the costly process of current desalination methods.

Until now.

The Green City Water Project will provide a way to make brackish water drinkable, usable and plentiful—at a fraction of the cost of current desalination processes. What's more, just as our process takes water out of the earth, it also gives back. The process actually converts the by-product of brackish water—brine—into another valuable, usable commodity: fertilizers. So rather than harming the earth, we're helping it to thrive. We're helping people, too. Through the project, farmers and municipalities will have a ready source of pure water with little impact on the environment.

The Green City Water Project. It's good science that means good business, cleaner water and a better world for all of us.

Green City Water Project

Introducing a ground water desalination process that will change everything

BY THE NUMBERS

Current Desalination Processes vs. KNeW Process

It's true that sea water and brackish water near a coastline may be less costly to convert to pure water using current desalination processes, because the brine from that water can be returned to the sea. However, this process is extremely costly and harmful to the environment in locations that are further inland. Instead of going back to the sea, the brine needs to be disposed of and treated. This process has an adverse effect on ground water composition and water tables.

Trailblazer Technologies' KNeW process changes all that. It's a patent-pending method involving ion exchange. The KNeW process recovers water and converts the brine to potassium nitrate and ammonium sulfate fertilizers. The sale of these fertilizers allows the KNeW process to sell water at competitive rates and offsets the cost of desalination.

About Our Process

1 Brackish water from rivers or underground aquifers is filtered to remove coarse particles.

2 The water is pumped through an ion exchange battery to remove all the dissolved ions.

3 The process removes the substance most damaging to the earth's crust—sodium.

4 Residual nitrates are recycled or treated to create useful products for agricultural, chemical and other industries.

5 The revenue generated from by-products of the process covers operation costs and can even generate a reasonable profit.

6 The process creates jobs for low-skilled workers in economically depressed regions.

Cost Comparison

The cost to treat an acre-foot of water (325,851 gallons) using current desalination methods: $357 - $782 per acre foot.

The cost to treat an acre-foot of water using our method: Just a fraction of these costs.

Harmful Sodium

Na

Harmful concentrated brine generated by current desalination technologies is an environmental concern.

Amount of harmful sodium that is returned to the soil using our method: 0

Greatest Impact

A study was done to determine factors affecting, water, food, energy. 100 influences were determined. The top two were:

1. Resource pricing and emissions controls and;
2. Quality of urban development

The Stress Nexus of Life

By 2030 population growth and urbanization will increase the demand for water, food and energy by 40%.

Feeding the World Population

Using current farming techniques we will be food stressed by 2050.

MORE THAN A CONCEPT

It's happening right now.

If this technology sounds too good to be true, proof that it works is available right now. Trailblazer Technologies has already launched a Proof-of-Scalability Plant in Johannesburg, South Africa. The equipment is in place and our South African partners are producing fertilizers and water.

Eco-cities are more than a utopian dream. They're already a reality in places such as Ahu Dhabi, UAE, and in Tianjin, China. Eco-cities are being created to unite people in a whole new way of living. The goal: to create the best possible cities while improving—not destroying—the planet.

We share that vision by planning our own eco-city, which will be located in Alamogordo, NM. Like other eco-cities, we will eliminate virtually all carbon waste. We'll produce energy through renewable sources. And we'll incorporate the environment into the city. But our city will have one huge point of difference.

With our Internationally recognized, award-winning and now proven process, we will become the only eco-city in the world to produce sustainable water while enhancing the earth—This will put inhabitants even closer to the true notion of an eco-city: to stimulate economic growth, to reduce strain on global resources, create high efficiency and better living standards for all.

Water is one part of the story. Our eco-city will be a collaboration among many industries and SMART technologies, including:

- Farming technology (vertical, underground, hydroponic and aquaponic)
- Digital roads
- Gray water & sewage management
- Indigenous landscaping and advanced irrigation systems
- Intelligent building design and management
- Energy efficiencies, lighting, cooling, heating
- Renewable energy technology

THE TEAM

Including some of the world's leading authorities in energy, water, oil and gas, and civil engineering.

Executive Team

Glenn Howard
President & CEO

John Bewsey
Co-founder, MAFES

Kim Teichman
COO, Legal Counsel

Aubrey Howard
CEO, Mining Fracking Eco Solutions

Advisory Board

Dr. Martin Foote
Technical Advisor

Hugh James
Technical Advisor

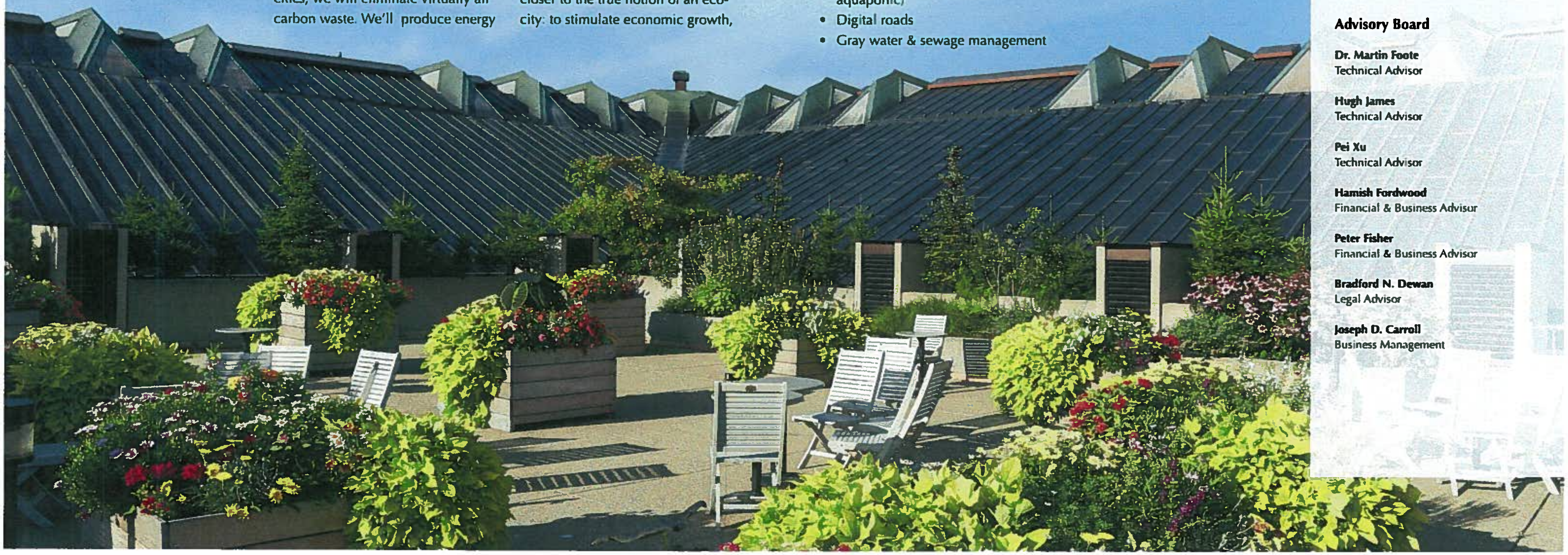
Pei Xu
Technical Advisor

Hamish Fordwood
Financial & Business Advisor

Peter Fisher
Financial & Business Advisor

Bradford N. Dewan
Legal Advisor

Joseph D. Carroll
Business Management



The Green City Water Project is the key.

Water is the foundation of all life. And that's why our now proven desalination technology of purifying it will be key to the success of our eco-city at Alamogordo. And to the world at large. Learn more about how you can be part of this project by filling out the enclosed form or contacting us directly at 619.723.3973 or emailing to aubrey@miningfracking.com.

THE KNEW PROCESS – THE RECOVERY OF Brackish WATER USING ION EXCHANGE

J.A.Bewsey

Brackish water is a massive resource in many dry parts of the world which has now been made usable due to the KNEW process being able to extract the dissolved salts at an affordable cost. Seawater and brackish water near the coasts may be economically converted to pristine water by using reverse osmosis because the concentrated brine may be returned to the sea but inland this luxury does not exist so any process to remove the dissolved solids will have to convert these salts into usable products to avoid the very costly storage of these troublesome brines.

In the KNEW process the brackish water from rivers or underground aquifers is filtered to remove coarse particles and pumped through an ion exchange battery to remove all the dissolved ions leaving a purified water for agricultural or household use.

The ionex battery is regenerated with dilute nitric acid for the cation resin bank and ammonia solution for the anion resin bank. The nitrate blend is treated with sodium carbonate to cause all the multi-charged cations to precipitate and to be separated for use in agriculture as a soil ameliorant. The residual sodium nitrate solution is mixed with an equimolal amount of potassium chloride and evaporated with the result that the least soluble salt – sodium chloride – crystallizes out and is separated pure and dried for supply to the chlor-alkali industry. The residual liquor is cooled to produce a pure crystalline potassium nitrate which is separated and dried for supply to horticulture as a primary fertilizer. Another option is to use vegetable ash which has a very high potassium carbonate content as a raw material to precipitate out the multi-charged elements giving an even more economic route to the formation of this potassium nitrate.

The anion regenerant solution is treated with methanol to precipitate out most of the ammonium sulfate almost chloride free and is separated, dried and supplied to agriculture as a fertilizer. The residual liquor is treated with sodium hydroxide to recover the ammonia content for recycling and the remaining sodium chloride is recovered by evaporation and added to the cation arisings for supply to industry.

The overall economic picture of the process reveals that the sale of the potassium nitrate pays for the purchase of all the raw materials and the costs of operating the process and even leaves a reasonable profit. If the water produced can be sold -and this is not often the case – then an additional profit can be realized.

The KNEW process is one of the few processes that can beneficially remove the worst and most difficult to deal with pollutant, namely, sodium. As over 60% of the world's fresh water is used in agriculture and as most of this water evaporates on the soil to which it is applied this cation causes more devastation to the soil than all other dissolved solids together and must be removed from the environment. The KNEW process also removes all other dissolved ions beneficially and creates a lot of less skilled jobs in the chemical processing plants.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/29/2015 **Report No:** 24

Submitted By: Rachel Hughs, Admin.
Assistant

Subject: Appointments to Boards and Committees.

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Appoint Thomas F. Rich to the Mayor's Committee on Aging and Michael Grove to the Senior Volunteer Programs Advisory Council.

Background:

Airport Zoning Board. Two (2) vacancies. Staff Liaison - Jan Wafful
(Opening due to the resignation of Fran Nelson and Paul Vigneault.)
No nominations received.

Alamogordo Disability Council. Five (5) vacancies. Staff Liaison - Edward Balderrama
(Openings due to the expiring terms of Rita Martinez, Suzanne Bertrand and Larry Chapman and the resignation of Bradley Mauger.)
No nominations received.

Cemetery Board. One (1) vacancy. Staff Liaison - Jan Wafful
(Opening due to the expiring term Larry T. Rachel)
No nominations received.

Community Development Advisory Committee. Five (5) vacancies. Staff Liaison - Ruben Segura
(Opening due to the expiring term of Bruce Knee, Susan Payne, Tony Alger and Melanie Hall and the resignation of Arthur Alterson.)
No nominations received.

Mayor's Committee on Aging. One (1) vacancy. Staff Liaison - Britney Coutier
(Opening due to the resignation of Sharon Hodges)
The following individual is interested in being appointed:

Thomas F. Rich - if appointed this will be his first term.

Housing Authority Advisory Board. One (1) vacancy. Staff Liaison - Maggie Paluch
One of the members appointed on December 3rd has not returned his acceptance letter; therefore another person needs to be appointed.
No nominations received.

Promotion Board. Two (2) vacancies. Staff Liaison - Jan Wafful
(Opening due expiring term of Tony Mandalia and the resignation of Kathleen Beall)
No nominations received.

Public Library Board. One (1) vacancy. Staff Liaison – Melissa Garcia
(Opening due to the expiring term of Joann Reynolds)
No nominations received.

Senior Volunteer Programs Advisory Council. Four (4) vacancies. Staff Liaison - Maria Roque
(Openings due to the expiring term of, Angela Axtolis and the resignations of William Whitley and Thomas Rich V.)
The following individual is interested in being appointed:
Michael Grove - if appointed this will be his first term.

MAYOR'S COMMITTEE ON AGING

RECEIVED
JUL 2 0 2015
CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE

Name: Thomas F. Rich

Home Phone: (575) 434-1620 Work Phone: —

Cell Phone: — Fax No: —

e-mail address: frank2ok@Tularosa.Net

Physical Address: 521 Lincoln Ave

Is the above address within City limits? Yes ✓ No ____

Mailing Address: 521 Lincoln Ave

Present Employer: — Job Title: —

Board/Committee you wish to serve on:

First choice: Mayor's Committee on Aging

Second choice: ____

Are you related to anyone who is presently employed by the City of Alamogordo:

Yes ~~✓~~ No ✓ If so, what is their relation to you? ____

Are you related to any Elected Official of the City of Alamogordo?

Yes ____ No ✓ If so, what is their relation to you? ____

Experience and education relating to the Board/Committee: College Associate Degree in Art and Sciences, Non Destructive Testing, 50 years as a photographer, Married to an understanding woman. I enjoy the history of this area.

Please indicate your interest in serving on a City Board/ Committee: I have found in my 40 years of living in Alamogordo That I should be giving more to help those that surround me on a daily basis.

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396

SENIOR VOLUNTEER PROGRAMS ADVISORY COUNCIL

RECEIVED
JUL 28 2015
CITY CLERK

CITY OF ALMOGORDO
APPLICATION FOR
SENIOR ADVISORY COUNCIL

Name: MICHAEL GROVES Birth Date: 3 / 21 / 48

Home Phone: 575 439 5609 Cellular or Work Phone: 921 8000

Home Address: 8 ESCOPETA CT ALAMOGORDO NM 88310

Do you live within City limits? YES

Present Employer: RETIRED Job Title: NA

Board/committee you wish to serve on is: Senior Advisory Council for the Senior Volunteer Programs. Are you currently serving on any other City of Alamogordo boards? NO

Are you related to anyone who is presently employed by the City of Alamogordo? YES

If yes, their name and relationship to you: KAREN GROVES, wife

Are you related to any Elected Official of the City of Alamogordo? NO

If yes, their name and relationship to you: ______

Experience and education relating to the Board /Committee: has an AS in HVAC Worked with seniors on the job.

Please indicate your interest in serving on a City Board/Committee: I would like to make a difference in the Quality of Life of our seniors in the community.

Please return or mail to: City Clerk
City of Alamogordo
1376 E. Ninth Street
Alamogordo, New Mexico 88310

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 08/11/2015 **Report Date:** 7/30/2015 **Report No:** 25

Submitted By: Stephen Thies, City Attorney

Subject: Adjourn into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement) to discuss Threatened or Pending Litigation (Marrietta Biscuit Co. and David Moon vs. City of Alamogordo & NMSU-A) **(Roll call vote required)**

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation: Approve to adjourn into Executive Session to discuss Threatened or Pending Litigation (Marrietta Biscuit Co.and David Moon vs. City of Alamogordo & NMSU-A) **(Roll call vote required)**

Background: