



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

May 8, 2018 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Richard Boss Mayor
Jason Baldwin Mayor Pro-Tem, District 1
Nadia Sikes District 2
Susan Payne District 3
Josh Rardin District 4
Al Hernandez District 5
Dusty Wright District 6

Maggie Paluch City Manager
Petria Schreiber City Attorney
Rachel Hughs 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 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. Presentation on Light Attack Experiment, Phase II exercise events near or over Alamogordo. (Col. Mike Pietrucha)

2. Presentation of OCDEC quarterly report. *(Laurie Anderson, Business Development Director)*

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.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

CONSENT AGENDA (Roll Call Vote Required for an Ordinance or Resolution)

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.

3. Approve the minutes for the April 24, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*
4. Approve the DFA Quarterly Report for the period ending March 31, 2018. *(Julianne Hall, Finance Director)*
5. Approve the Investment Report for the quarter ending March 31, 2018, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Finance Director)*
6. Approve the award of RFP No. 2018-003 Audit Services for the City of Alamogordo, to the overall highest rated proposal, Hinkle + Landers, PC. *(Julianne Hall, Finance Director)*
7. Consider, and act upon, final publication of Ordinance 1565 regarding changes to the registration and cost of keeping bees within City limits. *(Petria Schreiber, City Attorney and Darron Williams, City Planner)* **(Roll Call Vote Required)**
8. Consider, and act upon, Resolution 2018-24 approving the Crisis Intervention Training Model Site grant application to Policy Research Associates, Inc. for the Alamogordo Police Department. *(Debbie Osborne, Grant Coordinator)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

9. Consider, and act upon, granting Brewer Oil Co. DBA 70 West, Application No.1052170 a Transfer of Ownership of Liquor License No. 0112, located at 1445 US HWY 70 W., Alamogordo, NM *(Rachel Hughs, City Clerk)*
10. Consider, and act upon, granting Brewer Oil Co. DBA Midtown Shell, Application No. 1052225 a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd, Alamogordo, NM. *(Rachel Hughs, City Clerk)*

NEW BUSINESS

11. Consider, and act upon, transfer Airport Land Lease E-11A, E-3A and E-3B from Trabon LLC to Rabon Investment Group. *(Jim Talbert, Airport Manager)*
12. Discussion on F-4 Static Display Location. *(Armando Quinones, Airborne Memorial Representative, Brian Cesar, Assistant City Manager and Jim Talbert, Airport Manager)*
13. Consider, and act upon, Change Order No. 3, Public Works Bid No. 2017-009, to Smithco Construction, Inc. related to the Bonito Lake Restoration project, in an amount not to exceed \$71,795.70, including NMGR. *(Bob Johnson, Engineering Manager)*

14. Consider, and act upon, first publication of Ordinance 1569 updating Chapter 13 of the Alamogordo Code of Ordinances to comply with Federal requirements. (*Nancy Beshaler, Project Manager*) **(Roll Call Vote Required)**

15. Consider, and act upon, first publication of Ordinance 1570 updating portions of Chapter 17 of the Alamogordo Code of Ordinances regarding Pawnbrokers and Secondhand Dealers to add reporting procedures. (*Petria Schreiber, City Attorney and Brian Peete, Chief of Police*) **(Roll Call Vote Required)**

16. Consider, and act upon, complaint submitted by Jodie Nichols concerning Commissioner Nadia Sikes. (no cause findings) (*Petria Schreiber, City Attorney*)

17. Consider, and act upon, complaint submitted by Jodie Nichols concerning Commissioner Nadia Sikes. (cause finding) (*Petria Schreiber, City Attorney*)

EXECUTIVE SESSION (Roll Call Vote Required)

18. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss the possible disposal (requested donation) of real property located at Fairgrounds and White Sands Blvd to Otero County.

RECONVENE INTO OPEN SESSION

19. Consider, and act upon, the possible donation of real property located at Fairgrounds and White Sands Blvd to Otero County.

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 1.

Submitted By: Rachel Hughs

Subject: Presentation on Light Attack Experiment, Phase II exercise events near or over Alamogordo. (Col. Mike Pietrucha)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: Introduction to Light Attack Experiment, Phase II. Col Mike Pietrucha will discuss the event objectives, discuss flying operations, and provide an overview of exercise events near or over Alamogordo.



City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 30 APR 18

**Request Date
of Meeting:**

8 MAY 18

Name:

Col Michael Pietrucha

Address:

c/o 586th FLTS, Holloman AFB

ZIP

Phone Number:

703 965 5035

E-Mail Address:

michael.w.pietrucha.mil@mail.mil

Item requested will be for: (Please check one)

☐ Information only

☒ Presentation

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

Introduction to Light Attack Experiment, Phase II. Col Mike Pietrucha will
discuss the event objectives, discuss flying operations, and provide an
overview of exercise events near or over Alamogordo.

Signature: Michael W. Pietrucha, COL, USAF

Please return to:

**Rachel Hughs, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310**

Phone: (575) 439-4205

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

Revised 10/13/2017

INSTRUCTIONS FOR AGENDA REQUEST FORMS

The Alamogordo City Commission normally meets on the second and fourth Tuesdays of each month at 6:30 p.m. in the City Commission Chambers in City Hall. All meetings are open to the public. Public comment is allowed on most scheduled agenda items at the time each item is scheduled on the agenda. An agenda of City Commission Meetings will be posted at City Hall and on the City website <http://ci.alamogordo.nm.us> at least three days before each scheduled meeting, and the yearly schedule of meetings for the City Commission may be found on the City website.

Members of the public desiring to present matters to the Commission on the public agenda must submit a request in writing along with all attachments/presentations to the office of the City Clerk by Tuesday at twelve noon, one week prior to the desired City Commission meeting. Staff will determine which Commission meeting item(s) will be placed on the Agenda. This can be done in person, regular mail, fax or e-mail. The request forms are located in the City Clerk's office and on the City website <http://ci.alamogordo.nm.us/coa/cityclerk/agendasandnotices.htm>. The City Clerk will confirm with the individual that the request was received and notify them of the date when their request will be scheduled on the City Commission agenda.

Unscheduled Communications

No action will be taken relative to items on the Public Comment Section other than referral for information.

Other Agenda Information

- Requests to appear will be placed on a "first-come, first-served" basis.
- The Mayor may set a time limit on comments.
- Members of the public desiring to present matters to the City Commission on the agenda must submit a request in writing to the office of the City Clerk prior to Tuesday at twelve noon one week prior to the City Commission meeting. The request should state the name of the individual(s) desiring to be heard and the matter to be presented.
- This request must be submitted with any documents you plan to present to the Commission. Please submit only one copy, which is one sided and with no staples. We will scan the document for the Agenda Book.
- Item requests may be referred to appropriate staff for mediation prior to being placed on the agenda.
- Matters pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda.
- Decorum is mandatory.

Headquarters Air Combat Command

Light Attack Experiment Phase II



**Col Mike Pietrucha
May 2018**



Issue and Opportunity

- **Restoring readiness to win any fight, any time is a primary objective**
 - **25+ years of continuous combat operations has put an enormous strain on the Air Force**
 - **Aging fleet and aircrew shortages**
- **Opportunity: How could adding a low cost attack aircraft help us improve readiness by:**
 - **Decreasing the demand on our higher end aircraft in a permissive environment?**
 - **Season/experience aircrews in less expensive platform?**
 - **Create security cooperation opportunities with partners?**

“Retaining irregular warfare as a core competency at a lower cost, and strengthening our alliances are key elements of our National Defense Strategy.”

-- Air Force Posture Statement, 2018



Light Attack Experimentation

- **Light Attack Experiment Phase I (August 2017)**
 - **Live fly experiment with 4 models of Light Attack aircraft**
 - **Scenarios and operations confined to range space near base**
 - **Successfully collected experiment data**
- **Light Attack Experiment Phase II (May – July 2018)**
 - **3-month event at Holloman AFB to gather additional needed information to help inform the Air Force about aircraft capabilities prior to a potential procurement**
 - **Scenarios and operations will use both range area and airspace above urban Alamogordo**



The Aircraft

Sierra Nevada / Embraer A-29 Super Tucano



Operations from Coyote
Landing Zone, Cannon
AFB in August 2017

Textron Aviation AT-6B Wolverine

These aircraft have an
ability to takeoff from
and land on dirt strips
with combat load that is
unmatched by modern
Air Force attack aircraft





Experiment

- **Aviators include 17 fighter/attack/special ops pilots, plus 4 test pilots and 4 flight engineers**
 - **Average over 1000 hours and 100 combat missions, all instructors in one or more aircraft**
 - **Air Force, Air Guard, Air Force Reserve, Navy and Marine Corps**
- **Will provide a capability assessment and an operational assessment of the effectiveness of these aircraft**
 - **Precursor to a possible purchase decision**
- **Realistic local training essential to demonstrating suitable capabilities**
 - **Light attack aircraft will extend reach of airpower to support U.S. forces in distant areas of operation**



Experiment Events: Urban Ops

- **Experiment planners think that Alamogordo is an ideal surrogate for urban operations**
- **Scenarios simulate finding hostile forces mixed in among population**
- **Day and night operations, announced in advance**





Safety Precautions & Restrictions

- **Safety measures will be in place prior to flight**
 - **Exercises will be planned in advance with police department**
- **Details:**
 - **No low altitude dive attack profiles**
 - **FAA rules on minimum altitude – 1000 ft above highest obstacle within 2000' horizontal radius around aircraft**
 - **No ordnance of any type on board aircraft**
 - **Radio communications between all involved at all times**
- **Aircraft will make noise similar to a large lawnmower**



Questions

49th Wing Public Affairs

575-572-7381

49WG.PAOffice@us.af.mil



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 2.

Submitted By: Rachel Hughs

Subject: Presentation of OCDEC quarterly report. (*Laurie Anderson, Business Development Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Laurie Anderson will give the quarterly report update on OCDEC.



City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 4.27.18

Request Date
of Meeting:

May 8th

Name:

Otero County Economic Development Council

Address:

2400 N. Scenic Dr.

Alamogordo NM ZIP 88310

Phone Number:

(575) 491-2477 (575) 439-3688

E-Mail Address:

j.anderson@ocedc.com

Item requested will be for: (Please check one)

☐ Information only

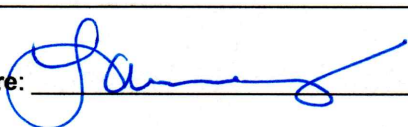
☒ Presentation

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

OCEDC Quarterly update to City Commission.

Signature: 

Please return to:

Rachel Hughs, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4205

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

Revised 10/13/2017

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date:

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the April 24, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
April 24, 2018**

**RICHARD BOSS, MAYOR
AL HERNANDEZ, COMMISSIONER
NADIA SIKES, COMMISSIONER
JOSH RARDIN, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**JASON BALDWIN, MAYOR PRO-TEM
DUSTY WRIGHT, COMMISSIONER
MAGGIE PALUCH, CITY MANAGER
PETRIA SCHREIBER, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the Deputy City Clerk. Commissioner Payne was absent. Deputy City Clerk Barraza announced there was a quorum present. Invocation was given by Mayor Boss and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Assistant City Manager Cesar asked Items 10 and 15 to be pulled from the agenda and to come back to the Commission at a later date.

Commissioner Hernandez moved to amend the agenda.

Mayor Pro-Tem Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

PRESENTATIONS

1. National Thank a Firefighter Day Proclamation.

Mayor Boss asked for Fire Chief LeClair to join him at the podium. He recognized, by Proclamation, the City of Alamogordo Fire Department and proclaimed May 4, 2018 as Thank a Firefighter Day.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She commented on the Green Water Storage Tank Project. She gave an update on some of the work that has been completed and what is still in the process. She said this is a yearlong project, but they are moving a lot quicker than expected.
2. She said the notice to proceed for the 2017 Street Maintenance Program is tentatively scheduled for May 14, 2018.
3. She said the Recreation Center locker rooms are almost completed. The entire inside of the locker rooms was painted white and completely gutted.
4. She said the zoo walking path is complete, so now our citizens can walk all the way through the zoo without having any tripping hazards or any worries about ADA compliance.
5. She said the Washington basketball court is 90 percent done with the design. She said advertising and bidding is expected to go out in approximately the next 30 days.
6. She said staff has reviewed preliminary plans from Downtown Venture Corporation on the enhancements for the inside of the Family Fun Center property. She said we have informed the contractor that he can move forward with construction, drawings including MEP. The plans will be submitted to the Planning and Zoning Department and go through the regular permitting process along with the Internal Technical Review Committee.

7. She reminded everyone about the Managed Growth Workshop on May 1, 2018 at 6:30 p.m. at Fire Station No. 5 on South Florida. She said since the new year, staff has been working on a managed growth plan that details the necessary infrastructure and services needed for the expected growth that the City of Alamogordo is looking forward to in the future. The workshop is open to the public.
8. She said staff received the asbestos report on the Sahara Apartments yesterday and unfortunately the report did not come back favorable. She said the lab indicated that there was asbestos in merely every area of the buildings. She said what this means is that a certified company is going to have to come in to dispose of the asbestos and demolish the building per EPA standards. She said we cannot just go in and abate the asbestos and then have City staff come back in, or hire a contractor, to demolish the building. She said we believe that we'll have to probably hire a certified company that will demolish the buildings, that has the ability to maintain the asbestos during the demolition process. The next step is staff is going to obtain quotes for such type companies and we'll get a cost analysis and bring that back to the Commission and the public. She wanted to make sure that the public is aware that we are moving on this project, unfortunately today we don't have good news, but we will continue to move forward.
9. She said as requested by the Commission with regards to the land swap with the School Department. She said letters were mailed to all the residents within a 250-foot radius of the intersection of Alaska and 13th Street, and 13th Street and Florida, to inform the residents of the potential plan to close the Street permanently. She said to date the City has not received any opposition from residents in the area. She said staff plans to wait several weeks to see if people contact the City with feedback. She said the traffic counters were placed today at 10 a.m. and will run for the next 14 days to count the traffic on 13th Street. Once the data is collected and we wait for a period of time to see if we have any opposition from any of the residents in that location, we'll bring this topic back to the Commission in a future meeting.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Sikes made the following comments:

She asked City Manager Paluch to explain the process regarding the Sahara Apartments. City Manager Paluch said right now we are going to wait and get the quote. We don't know what the cost will be to demolish the building, at this time. She said, as City Attorney Schreiber has spoke about in previous meetings, what would happen is that we would lien the property for the total amount that it will cost the City to demolish those buildings. She said we do not have the cost right now. She said the owner would be held responsible, if they cannot pay that, which may happen, the City would then move forward with foreclosure proceedings on that property. She said we are far away from that, at this point.

Commissioner Sikes said based on what City Manager Paluch has told the Commission with regards to the asbestos, are they fenced off enough to make sure that nobody goes in there. City Manager Paluch said the buildings themselves, right now, are not fenced off. There are "No Trespassing Signs" throughout and we have boarded all the windows and the doors. She said she spoke with the Police Chief and he is aware that there are sometimes vagrants, that try and break into the buildings. She said the Police Department is going to be doing more patrols around the area to ensure that, hopefully, we can dissuade that.

Commissioner Hernandez made the following comments:

He asked if it would be possible to go and clean that property around the apartments. City Manager Paluch said she thinks that the City could clean up the aesthetics of around the property. She said there are multiple liens on the property from weed abatement that the City had been doing. She said she would speak with Assistant City Manager Cesar and the Public Works Department and see what we can do as far as the aesthetics are concerned in the meantime.

City Attorney Schreiber made the following comments:

She said the reason we have not fenced it yet is because there is a stray cat population. She said before anything happens with the buildings and they are demolished we make sure that there are no animals

inside that could get hurt. She said that is something that we are working with Animal Control on. She said they have trapped about 10 cats so far.

City Manager Paluch made the following comments:

She said we want to encourage the public to please stay away from the buildings. She asked if anyone sees someone going in there, to please call the Police Department, so that they can respond.

Commissioner Rardin made the following comments:

He asked if they could burn the building down. He said he does not know the rules with asbestos, but there used to be two building there at one time and the other one had burnt down. City Manager Paluch said the asbestos is the issue. Commissioner Rardin said asbestos doesn't really burn. Mayor Boss said asbestos doesn't burn, but it will be put into the air with the smoke. Commissioner Rardin said he didn't know, and thought it was a cheaper alternative. City Attorney Schreiber said both New Mexico Environmental Department (NMED) and COD will not allow us to do that once we have the finding of asbestos in there.

CONSENT AGENDA

2. Approve the minutes for the April 10, 2018 Regular meeting. (*Rachel Hughs, City Clerk*)

3. Consider, and act upon, final publication of Ordinance 1563 amending Chapter 12 of the Alamogordo Code of Ordinances regarding the Alamogordo Fire Department. (*Petria Schreiber, City Attorney*) (Roll Call Vote Required)

4. Consider, and act upon, award IFB 2018-02 Miscellaneous Foods, Dairy Products & Items for the Alamogordo Senior Center Program to multiple vendors in the amount not exceed \$177,419.52. (*Veronica Ortega, Community Services Director*)

5. Consider, and act upon, Resolution 2018-15 approving the Housing Authority Smoke Free Policy. (*Evelyn Huff, Housing Authority Manager*) (Roll Call Vote Required)

6. Consider, and act upon, Resolution 2018-17 approving the Housing Authority's Admissions and Continued Occupancy Policy. (*Evelyn Huff, Housing Authority Manager*) (Roll Call Vote Required)

7. Consider, and act upon, Resolution 2018-18 approving the Housing Authority's Five-Year Capital Fund Plan, HUD Form 50075.2. (*Evelyn Huff, Housing Authority Manager*) (Roll Call Vote Required)

8. Approve the Lodger's Tax Expenditures for Tourism & Travel. (*Michelle Brideaux, Communications & Marketing Administrator*)

9. Consider, and act upon, Resolution No. 2018-23 supporting the New Mexico Department of Tourism Cooperative Marketing grant application for the Alamogordo Promotions Board. (*Michelle Brideaux, Communications & Marketing Administrator*)

Commissioner Hernandez asked to remove Item 6 from the Consent Calendar.

Commissioner Rardin asked to remove Item 3 from the Consent Calendar.

Commissioner Hernandez moved to approve items 2, 4, 5, 7, 8, 9 of the consent calendar. Commissioner Rardin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

3. Consider, and act upon, final publication of Ordinance 1563 amending Chapter 12 of the Alamogordo Code of Ordinances regarding the Alamogordo Fire Department. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

Fire Chief LeClair said they are bringing this back to the Commission, in regards to the update of Chapter 12 of the City Ordinance. He said basically they have moved anything that has to do with the Fire Department into Chapter 12 and they are also looking at the penalty assessments with regards to fire inspections and re-inspections.

Commissioner Rardin said they might want to add a provision for an appeal process, where citizens can come before the Commission.

Fire Chief LeClair said we have adopted International Fire Code 2003 edition. He said the appeals process is already built in to that code.

Commissioner Rardin asked if that was part of this Ordinance.

City Attorney Schreiber said it is not part of this Ordinance, but we have codified it in our book of Ordinances. She said she would find the exact number where it is codified.

Commissioner Rardin said he was thinking when they get into the fourth and fifth re-inspection, they are getting up to five hundred dollars. He said if that does get abused, they have recourse to appeal that process.

City Attorney Schreiber said to Commission Rardin that it is Ordinance 8-3-80 International Property Maintenance Code adopted. She said we have adopted that already. She said she could reference that in the Ordinance.

Commissioner Rardin asked if it was in the property maintenance code.

Fire Chief LeClair said we are talking about International Fire Code.

Commissioner Rardin moved to approve.
Commissioner Wright seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 6-0-0.

6. Consider, and act upon, Resolution 2018-17 approving the Housing Authority's Admissions and Continued Occupancy Policy. (Evelyn Huff, Housing Authority Manager) (Roll Call Vote Required)

Housing Authority Manager Huff said the Admissions and Continued Occupancy Policy (ACOP) is the main policy document that drives Housing Authority policy. She said Federal Law is developed and then from there it is a guideline and each Housing Authority develops their own ACOP that builds on the federal law that is passed. She said they have not a full review of the ACOP for quite a while. She said they have hired the Nelrod Company to develop a new ACOP and to make sure they were in compliance with all of the changes that have gone on including; the Violence against Women's Act and changes that had been enacted towards rank calculations and other items.

Commissioner Hernandez said the reason he pulled this off Consent is because it is quite a lengthy item. He said he did not have time to read it. He apologized to the citizens and the Commission and said he could not support it because he did not have time to completely read it.

Commissioner Rardin asked if this was time sensitive.

Housing Authority Manager Huff said there is not a deadline on it. She said they would like to have it in place as soon as they can. She said it kind of goes hand in hand with their Smoke Free Policy that was approved on the Consent Agenda. She said they were hoping that the ACOP and the new dwelling lease would be approved tonight so they could develop a schedule to have new lease assigned along with the new Smoke Free Policy signed. She said the smoke free policy has to be in place and signed by August 1, 2018 for every tenant. She said they do have some leeway.

Commissioner Rardin said it is a pretty lengthy document. Mayor Boss asked Commissioner Rardin if he wanted to table it. Commissioner Rardin asked Housing Authority Manager Huff if they could table it until the next meeting. She said it is fine, they are not up against any deadline.

Commissioner Hernandez said because they had a third party do it, that he does not have too much problem with it. He said he does not have any problems either way.

Commissioner Rardin asked Mayor Boss if he had time to read it all. He answered that he did not read the entire document. He said that it was pretty broiler plate.

Housing Authority Manager Huff explained some of the big changes.

Mayor Boss told Commissioner Rardin if he was uncomfortable with it, he could motion to table. Housing Authority Manager Huff said it does not change our Grievance Policy.

Commissioner Sikes asked if at this point, what is our Occupancy rate. Housing Authority Manager Huff said they are 97 percent occupied. Commissioner Sikes asked if this figure consisted of the ones that are available to be rented. Housing Authority Manager Huff said that is total. She said she has 221 units, so 97 percent are occupied. Commissioner Sikes asked if Housing Authority Manager Huff thought that even though we have to abide by the federal smoke free policy, will it affect the occupancy rate. Housing Authority Manager Huff said in some cases it will.

Commissioner Sikes said she understood it to say that you cannot smoke within 25 feet of a property, so there are places. Housing Authority Manager Huff said our properties/buildings are too close together, so there is nowhere on the property that is not within 25 feet of a building. She said there are some very small six by six spaces, but none of them are big enough to designate as a smoking area, because to be designated as a smoking area it has to be fully ADA compliant. She said we do not have an area that is 25 feet away from a building that we can make fully ADA compliant.

Mayor Boss said we can't make exceptions, can we. He asked what's the consequences if we don't enact this as far as the federal funding. Housing Authority Manager Huff said if we do not enact the smoke free policy then we don't get the federal money. She said if we fought that fight for a long time, they would put us in receivership and HUD would come down and run the Housing Authority.

Mayor Boss said we sympathize with the people that are smokers, but the bottom line is it is kind of a no brainer. Housing Authority Manager Huff said it is not a first offense eviction, there is a process as in the smoke free policy, there is a several step process including letters, meetings, notices and trying to work with them to get to a situation to where we can come to some sort of agreement. She said unfortunately, for some people the agreement is going to be to move out.

Commissioner Hernandez asked if the document follows federal law. Housing Authority Manager Huff answered yes. Commissioner Hernandez asked if there were any interpretations. Housing Authority Manager Huff said there is nothing in it that goes against the CFRs. She said the CFRs give the guidelines, they don't necessarily give deadlines, timeframes, or things like that in most cases. She said that is what the ACOP develops, is the process to follow those and gives you the timeframes.

Commissioner Hernandez said the biggest concern he has is public housing is public housing and you are almost better off going and renting at the Ritz, then public housing. He said he does not like that we have gone to that, but if it is federal law than it is federal law.

Mayor Boss said he thinks where we are at, since it is federal law, if we are going to get the funding on it, we are going to have to approve this. He said we are making a decision that if we delay it, we are going to have to make a decision sooner or later. He asked if they want to get rid of public housing in Alamogordo. He said it sounds to him that is what they would do if they did not have this funding, is that correct.

Housing Authority Manager Huff said yes, if it got to a situation where HUD does not feel that you were following, they would start following their policy where either they would sell it off or come into receivership and they would run things.

Mayor Boss said there are things we don't like, because they would be infringement on people's right because they can't smoke. He said but do we want to continue the program.

Commissioner Hernandez said absolutely. He said he wants to make sure that it does not take away from people that actually needed it, to an extent where they couldn't get into it.

Mayor Pro-Tem Baldwin said it is his understanding that we currently operate under NACOB. He said this is an update to it. He said he appreciates the concerns, but this is one of those areas where it is not like we did not have a policy. He said 95 percent of it was basically the same as it was before, with the exception of the few changes. He said under those circumstances he is willing to move forward tonight and vote for it.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

NEW BUSINESS

10. Discussion on F-4 Static Display Location. (Armando Quinones, Airborne Memorial Representative, Brian Cesar, Assistant City Manager and Jim Talbert, Airport Manager)

Item Removed.

11. Consider, and act upon, approval of change order 6 for \$6,741.61, including NMGRT, to White Sands Construction Company related to the Family Recreation Center Locker Room Renovations. (Nancy Beshaler, Project Manager)

Project Manager Beshaler said this is the final change order for the project as we are wrapping it up. She said they swapped out the door that goes from the hallway out to the pool. It was a rotating door and we changed it to a regular metal industrial door. She said this change order is adding a wireless handicap button to open one of the doors automatically. She said that was not included in the design and staff thought that would be a good addition to the project.

Mayor Pro-Tem Baldwin asked if the door and the handicap button was the change. Project Manager Beshaler said the door was included, the change is the handicap opener with wireless and we have a stand on the outside to mount the button. Mayor Pro-Tem Baldwin asked if that was \$6,000. Project Manager Beshaler answered it is.

Commissioner Hernandez asked if that included the operator. Project Manager Beshaler answered it is everything. Commissioner Hernandez said so that includes the operator on top. Project Manager

Beshaler said right. Commissioner Hernandez and Commissioner Rardin said that's where the money is at.

Mayor Pro-Tem Baldwin said they had a couple at the Golf Course, they barely work, but \$6,000.

Commissioner Hernandez said he actually just quoted one and it was about \$8,000 for double doors, and all it is, is just one extra arm.

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

12. Discussion and possible direction to staff on scheduling a joint meeting with the Otero County Commission. (Maggie Paluch, City Manager)

City Manager Paluch said Commissioner Rardin has expressed some interest in meeting with the Otero County Commission about some various items. She announced all the items up for possible discussion. She said what staff is looking for tonight is to see if the City Commission would like staff to schedule a meeting with the County Commissioners, and then specifically because these topics are so broad, specific items within these topics that the City Commission would like to discuss with the County Commissioners so that staff could prepare for such a meeting.

Mayor Pro-Tem Baldwin said he only has a couple of concerns. He thought it would be good to do this twice a year. He said and at least have a State of the City in reference to the County conversation. He said then the County could have a State of the County in reference to the City of Alamogordo conversation. He said the other thing that came to mind was our push to clean up White Sands. He was not sure if they are fully aware of our MainStreet program and our White Sands Beautification Committee and the progress they have been making and the positions they are in, maybe have some people that oversee these programs make short presentations at this joint meeting. He said he understands that it is going to be difficult for us to actually discuss something and vote on something jointly with the County, but it would be a good idea for us to lay it out there and say we have flooding issues that we don't regularly meet with the County on, especially on the north side of town. He said at least we go over some overview topics.

Commissioner Rardin said that was mainly his intent was to sit down, not so much to vote on any issues, but discuss what they are working on and what we are working on and figure out how we can work together because we are essentially Otero County. He said we are the County Seat of Otero County. He said the flooding on the north end of town, he had some ideas on that when he was in office prior, but we need to get the County on board with us because it involves us and them. He said Peace App, he does not know if they will ever come to an agreement on that. He said as far as blight goes, he knows the County is working on some Ordinances that will allow them to push for clean-up. He said the Judicial complex is a big one. He said it needs to be discuss, we should work with them to keep that facility somewhere in the vicinity of where it is now. He said if they move it to the out skirts of town like they originally had planned, then the core of our City starts to die. He said we as City Commissioners need to look at that pretty closely and keeping it downtown. He said the hold harmless tax is another one and he does not know if there's a whole lot that the City Commission can do, but there are some issues with it that he wants to discuss with the County. He said they passed it right after the Legislature gave us the opportunity to do that and then if the City needs to pass it, then we will look like the bad guys when we raise taxes another potential three-eighths of a percent. He said just a few of the things that he would want to discuss with them.

Commissioner Sikes said from conversations that she has had with people in the County and reading various posts and articles, she believes there is a lot of misinformation out there. She said she likes the idea of bringing them up to speed on the some of the things the City is doing. She said there seems to be a lot of confusion about what the Desal Plant. She said it keeps being mistaken, they think that it is

already built and that we are hoarding water. She thinks animal control could be an issue that is overlapping. She said we could be talking to them about maybe combining efforts and having one big Animal Control facility that serves the County better than the two that are doing right now. She said we are also in a campaign season. She said she just gets the idea that if we were to press a meeting right now, even though the election isn't until November that we might not get a lot of positive response. She said they'll be like let's wait until the new Commission gets elected before we really do anything substantial. She really thinks these are issues that need to be talked about.

Commissioner Hernandez said he agreed with Mayor Pro-Tem Baldwin on the two meetings a year for part it and then limit it to three or four items per meeting, so that we are not there all night and so that we also accomplish something. He said if we need to add another meeting that is fine. He said the election will be decided in June. He said either way the County Commission that is sitting is responsible for what is going on between now and then, so if we can get a meeting setup between now and then, that's fine, if not he understands because that has always been an issue.

Mayor Boss recommended that the meeting not be held in May, because there are two City Commission meetings, four budget workshops and the planned growth meeting. He said we are going to have seven-night time meetings. He said it would be better to delay it another month.

Commissioner Hernandez said by that time we will know what the outcome of the election is. He asked if there needs to be a motion.

City Manager Paluch said if the Commission accepts this, she would suggest not until the end of June, if not, the beginning of the fiscal year because staff will be working on the budget until July 1, 2018. She said you are right to wait until after the Primaries, but she would say the end of June, beginning of July is what she can propose to the County.

Mayor Boss asked if there needs to be a motion or is this just discussion. City Manager Paluch said just discussion.

13. Consider, and act upon, Ordinance 1567 for first publication incorporating the New Mexico Uniform Traffic Ordinance into the Alamogordo Code of Ordinances. (Petria Schreiber, City Attorney)

City Attorney Schreiber said this Uniform Traffic Ordinance is something the City has already enacted in that it is already law in the City. She said State law requires that it's available for citizens. She said citizens need to understand when they are charged with a crime, what the elements in the crime are and what the penalties are. She said by putting our code of ordinances in multiple places for citizens, it is a lot easier for the citizens to find those and to understand what our uniform traffic Ordinances say. She said this will not change any laws on the books today, it just moves it into our book of Ordinances.

**Commissioner Hernandez moved to approve.
Mayor Pro-Tem Baldwin seconded the motion.
Roll Call Vote was taken
Motion carried with a vote of 6-0-0.**

14. Consider, and act upon, Resolution 2018-21 approving a GRIP agreement between the City of Alamogordo and Solid Cap Properties for the remodeling of the location for Melrose Family Fashions. (Petria Schreiber, City Attorney)

City Attorney Schreiber said this is the GRIP Agreement for Melrose Family Fashions. She said we have estimated this to be approximately \$5,000, and you can see that we have an amount budgeted of over \$98,000. She said again, this will be based on the receipts that we get, money that was paid locally and all the contracting that was done. She said this was based on a GRT calculation that the City collects.

Commissioner Hernandez said the amount budgeted originally was \$100,000. He asked if \$98,000 is what we have left. City Attorney Schreiber said she believes that is accurate. She said she knows that they have approved several of these, but it does take time because we must have their receipts and packets come through and verified. She said our Finance Department does a great job making sure that it is all legitimate and that it has all been paid and correct.

Commissioner Hernandez recommended that we change to amount budgeted \$100,000 and amount left or whatever. He said that way we kind of have a running total and so it's correct in the language.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken

Motion carried with a vote of 6-0-0.

15. Consider, and act upon, first publication of Ordinance 1569 updating Chapter 13 of the Alamogordo Code of Ordinances to comply with Federal requirements. (Nancy Beshaler, Project Manager)

Item Removed.

moved to approve.

seconded the motion.

Motion carried with a vote of 0-0-0.

16. Consider, and act upon, first publication of Ordinance Number 1568 to amend the official zoning map of the City of Alamogordo and rezoning the property commonly known as 481 Michel Street with legal description of Fambrough Subdivision 2, Replat B, Lot 1-B, Case # Z-2018-0001 (A) from MH-2 Manufactured Housing Park District to R-4 Multiple Family Dwelling District (City Planner, Darron Williams).

Planning and Zoning Administrator Rael explained the rezoning request. She said the application was filed on February 20, 2018 and a legal notice was published on March 11, 2018. She said three letters were mailed by certified return receipt to all property owners of record within 200 feet from the property excluding public right of way of the property for which the zoning is sought. She said as of today there has been one letter returned undeliverable and no phone calls or letters of protest have been received. She said this case was actually taken in front of our Planning and Zoning Board on April 5, 2018 and our Board recommended approval with a vote of three to zero. She said the location is near Ben Archer Clinic. She said it is surrounded by different types of zoning. She said at this point, staff is recommending approval.

Commissioner Hernandez said several years ago, we passed where it was allowed to keep, he did not remember, if it was livestock or just horses. He asked if that changed. Planning and Zoning Administrator Rael said it was for the horses, no that is totally different. Commissioner Hernandez asked if it allowed them to still keep that. Planning and Zoning Administrator Rael answered yes.

Commissioner Rardin asked what they are planning on doing there. Ms. Fambrough said their plan is on the west side of the part to develop rental houses. She said the game plan is, hopefully, in two years the left side which is vacant right now will have houses, and the right side the lots will stay the same but exchange mobile homes for houses.

Mayor Boss asked how many houses she thinks they will have. Ms. Fambrough said on the left side, she believes they were looking at 25 to 26 houses, and on the right side they have 19 mobile home lots. She said on the far east side, which is undeveloped, she does not plan on putting houses there.

Commissioner Hernandez asked what the lot sizes of the mobile homes are. Ms. Fambrough answered 50 by 100. Commissioner Hernandez said that is basically the same issue they had in his neighborhood, where most lots are 50 by 150. He said every time somebody is going to build a house, they had to come back to us. He said we need to make sure that is not the case here. He asked Planning and Zoning Administrator Rael if that is part of this. She answered they have not got to that point yet. She said they might have to work on doing a summary plat to readjust the lot size. She said at this point, in our R-4 Zoning district you have to meet the same lot size requirements as R-1, which is 6,000 square feet, so we are probably going to have to work on some adjustments, but we are not at that point yet. She said the first step is rezoning it to be able to do it.

Commissioner Hernandez said the reason he wants to make sure is because once they re-zone it, then that takes the mobile homes out, right. Planning and Zoning Administrator Real answered yes. Commissioner Hernandez said his concern is that he does not want the Fambrough's to go home and say ok we got this done and then they come back, and we tell them that their 19 lots just turned into 15 lots and then they are upset with us. He said he wants to make sure that everyone understands what the Commission is up against here and that we are all talking the same language and we are all on the same page. He said he understands that is a separate meeting, but as long as everybody understands tonight that this is where it is going to be.

Ms. Fambrough asked Commissioner Hernandez if he is saying that if she re-zones the property and that goes through tonight, then her mobile homes have to be moved immediately. He said no. Ms. Fambrough said she does not have a problem, when they get to that part, restructuring those lot sizes.

Commissioner Hernandez said as long as you understand what all the rules are, that is what he wants to make sure before the Commission approves this. He said he does not know exactly what the rule is as far as how long she has to move them out or if it is as she moves them out that it gets zoned back or whatever. He said he does not want Ms. Fambrough to be upset with us, a year from now, when she is getting ready to do something that she is not ready for.

Commissioner Rardin asked Planning and Zoning Administrator Real if what Commissioner Hernandez is talking about is in the subdivider's Ordinance. She answered yes. He said he remembered that they had some 50-foot wide lots and they needed to be 60.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

Roll Call vote was taken.

Motion carried with a vote of 6-0-0.

17. Consider, and act upon, Resolution 2018-22 affirming support for the White Sands National Park Establishment Act. (Maggie Paluch, City Manager)

Commissioner Payne joined the meeting via cell phone at 7:31 pm.

Commissioner Payne said she received a lot of phone calls about this item. She said personally she does not think the City should not be writing a letter of support for this. She said this went before the County, and the County objects to it and this is really a County issue. She said the best thing the City can do is nothing at all. She said she does not support this at all. She said she is not comfortable with this and she wanted to make sure that this went on the record.

Commissioner Sikes said she does not believe that is true, it is a City issue. She said we are looking at economic development, we are looking at changing the status of White Sands National Monument to a National Park. She said all research has shown and Ms. Parker's presentation last meeting very plainly told us that all research has shown that any time a designation changes from a National Monument to a National Park that the average number of people who visit the newly designated location, it is usually

upward of 13,000. She said we are looking at wanting to increase economic development in Alamogordo, Otero County and the entire State. She said it is really important that we do everything we can to accommodate that increase. She said this has been going on for a number of years, this is not political, this is purely economic development. She said every call she has received and every conversation she has had since this has been on the agenda is that we have to do this, we have to make sure that economic development is addressed. She said she wants to make sure that people know they are doing this for the right reason, we are not buying into any conspiracy theories. She said we are not looking at possibly making this a UNESCO location, even though Carlsbad Caverns became a UNESCO years ago, and all it did was increase economic development for the town.

Mayor Boss said he was concerned about the Worlds Heritage List. He said he got a copy of the actual Bill that the Senator is going to present. He said this cannot be done without Otero County and Dona Ana County supporting it. He said right now the way it stands it would be much easier for that designation to be made, if we make this a park instead of a monument, is that correct.

Ms. Parker, from Senator Heinrich's Office, said that is correct, the bill does state that it is requirement by law, if this passes, that Otero and Dona Ana Counties would have to concur in the nomination before the Secretary of Interior could propose a nomination to the UN for inclusion of White Sands National Monument on the World's Heritage List. She said currently, that is basically the practice because it is so competitive, and many communities would like to see a designation because of the tourism that it brings. She said there basically needs to be unanimous support within the community, but that is not a requirement by law at this time. She said that would be new in this bill.

Mayor Pro-Tem Baldwin asked if anyone knows what the County's issues were on this. He said they actually have not voted on it yet. Commissioner Sikes said they did vote on it. Mayor Boss said they voted not to support it, he believes.

Commissioner Sikes asked Mr. Clarke, in the audience, if the County outlined their issues. He said no they did not. Mr. Clarke approached the podium and introduced himself. He said he has attended all the Commission meetings in regard to this and it seems the argument is ideology against economic development and somehow the people that have the opinion that the UN is going to come in and take this over and dictate to the county what is going to happen there. He said what has happened at Carlsbad, this is contrary to what is going to happen if does eventually becomes a UNESCO site. He said you have one right next to us, in the next county, and it has not been detrimental at all to their economy. He said in fact it raises going to a Park status is estimated that between seven and twenty eight percent of all the monuments that have converted to parks within this Country. He said it is nothing but a positive development that would happen to get that Park status and eventually if you want to go down the UNESCO road it would bring a lot more International visitors.

Mayor Boss said that would not be the choice of the citizens of Alamogordo, that would be the choice Otero County and Dona Ana County. He said that was my point.

Mayor Pro-Tem Baldwin said he was the Chamber Director for Cloudcroft from 2002 to 2010. He said White Sands took one of the biggest hits, visitor wise in a considerable amount of time. He said the increase in percentage over the years was not going up at the rate that it normally would, so there was a time where they were only getting about 310,000 to 320,000 people going out there a year. He said we all know right now it is close to a half of million people if not more. He said the big change was federal funding and the promotion of the Park from 2002 to 2010. He said we were in one of the worst recessions, we were in the start of two separate wars under one umbrella so to speak. He said the money just wasn't there to promote the Park, Internationally and within the States and so we saw a pretty big dip. He said there is some kind of concern about a political agenda going on here, he thinks there is probably a concern about big Government coming in and doing something to the park at a later date because of this new classification, and merely a couple of other reasons that he just does not see. He said we go from being the park with 140 to 150 to this classification where we would be only one of sixty, which is better odds as far as getting people to come here especially Internationally. He said that is his experience with

Promotion and White Sands and its designation and its importance to our area. He said his only and major concern was the airspace and that was addressed at the last presentation. He said as long as that's the case, he does not see why we wouldn't support something that would go in lines with what are goals are, our comprehensive plan is, and our mission statement is for the City of Alamogordo

Mayor Boss said it is his understanding that the military really support this because what it is doing is there are some boundaries out there that were kind of undefined and there were arbitrary rules and what this does is defines those lines. He said also it gives the military better access in some areas that they had before. He asked if he was correct in saying this.

Ms. Parker said that is correct and we also do have a very specific and very clear language in the bill text about the protection of the jurisdiction of the Department of Defense over the restricted airspace, which overlies the Monument.

Commissioner Rardin said he is not real sure of who actually owns, and actually the federal government does not own it, but they have the authority to manage it. He asked by switching to this classification from a monument to a park, what kind of authority does that give the federal government over the monument. He asked if that would be exactly the same that we have now.

Mayor Boss said it is his understanding that it is the same we have now. Ms. Parker said that is correct, there is no change. She said the only change is management by different parts of the Federal government, but in terms of overall Federal government jurisdiction there is no change. She said the park status doesn't change any claim to ownership or anything like that.

Commissioner Rardin said as far as the land swap, he doesn't have a problem with that. He said when you all start mentioning UN, and maybe it is me just not understanding it, he does not quite understand while they would even be involved in it.

Ms. Parker said there is no involvement of the UN in this bill or any of the changes that this bill would bring about. She said one of the thoughts that came up, at the County, was that a National Park status, even though it is completely independent of status on the World's Heritage list, that might make it more likely for the United States because it is a more prestigious designation as a Park, but the US might take a closer look at nominating White Sands as a National Park. She said they are two totally separate Processes and in order to address the concerns that were expressed by the Otero County Commission early on. That is actually why we have addressed that in the bill directly to put that in the control of the Counties whether a nomination would occur, but becoming a park has nothing to do with the criteria for nomination or is not in any way part of that process.

Commissioner Rardin said you may have answered this in the last meeting, but as far as the amount of visitors per year going from a Monument to a Park. He asked how many additional visitors we are talking about.

Ms. Parker said on average, the best study that is out there right now, has shown that there is an average of 13,000 new visitors per year. She said that study was done by the federal reserve looking at eight new designations through the year 2000. She said since then there have been three National Monuments to Park conversions and she has been talking with Community leaders out there to see what they have experienced. She said in some cases their visitation took a little while to go up and in other cases, certainly in recent years things have certainly improved as the economy has improved, but what they have noticed in addition to kind of more people they have actually seen a lot more traffic, more people in restaurants. She said they are at capacity in some places near Pinnacles National Park in California that hadn't been before they became a Park. She said they are actually widening some of the roads to make room for more vehicles coming in. She said in other cases up in Colorado, for example, they saw increases in overnight stays by a couple of thousand on average per year with and after the designation. She said White Sands right now, she thinks Mayor Pro-Tem Baldwin that mentioned that White Sands had 555,000 visitors in 2016. She said the numbers for 2017 should actually come out by the end of the

month. She said we would expect a certain percentage of that increase as well. She said there is a natural increase in attention and if the region is smart about sharing information about other attractions at the park after it's designated they can maximize that as well.

Mayor Boss said when you get the park designation versus a Monument it is more attractive Internationally. He said you get more foreigners that come into the United States and they actually go to Parks then they'll go to Monuments. He asked if that is correct.

Ms. Parker said yes, that seems to be a very clear observation by all the communities that she has talked to. She said there are a lot of folks Internationally that will plan their trips around National Parks. She said there is also quite a bit more inclusion on various travel publications of National Parks, the Monuments. She said if you do a google search certain things come up, some top 10 lists for example, include all kind of National Park service units and others really stick just to National Parks, so to be on that rather smaller list is very helpful.

Commissioner Rardin said on this particular deal, it has been attempted several times in the past, is that correct. Ms. Parker said no the bill has never been introduced, the discussion has been ongoing for a number of years, but there hasn't been, frankly in some cases, the bandwidth to move that forward. She said there were some discussions when Senator Bingaman was Senator. She said that happened not too long before he retired and so nothing was moved forward. She said there was mainly discussions with the military on that, with all of the success of Commanders that came in, but the bill wasn't purely developed the way it is today. She said so now we have the complete draft with all of the updated land exchange, parcels and also a lot more language covering everybody's input.

Commissioner Payne asked how this letter would help, does it help, and does it make a difference. Ms. Parker said in many ways it does help. She said she thinks it is important. This idea started with a conversation locally and it is important that in Washington when Senator Heinrich brings this forward and talks to his colleagues about it, that the voices of the local community be heard in that. She said that is where this Resolution would be very helpful to the Senator. She said this started with Senator Griggs. She said he also looked at the potential economic opportunity here. She said they worked on it based on that conversation. She said being able to share the interest of the community and the new designation and taking advantage of that is very important to us.

Commissioner Payne said her concern is that the County did not support this, and she is not suggesting to we sign a letter of non-support. She is suggesting, this is just her personal perspective, that they do nothing at all. She just does not feel like we should be going against something that is really a County issue. She said she understands it is a City issue, but she just thinks from her perspective to do nothing at all is a better alternative.

Commissioner Sikes thanked Ms. Parker for answering all the questions, but she feels like they should have asked her to do her presentation from the last meeting. She said there were a few things in her presentation that really kicked her interest and thought were really important for example the gate fees aren't going to change. If the gate fees change it will not be a result of the new designation. She said secondly, the archaeological, the paleontological, the entomological protections that change in the designation will give the park a really important, because in the last few years there have been a lot of discoveries made out at White Sands National Monument as it stands now. She said to protect the things that they are discovering is so important. She said in the past 10 to 15 years, 60 different moth species have been found out there that occurred no place else on the planet and to be able to offer better protections for those types of things, not only to Alamogordo, Otero County, New Mexico but the planet. She thinks it is very important that we look at things like that also.

Ms. Parker said there is already, once the Park service becomes aware of a resource, a new species, or what have you, they take actions to study that more and provide appropriate protections. She said what is really important here is that we are changing the purpose statement. She said the Management differences between Parks and monuments are the same except for the Airshed, as we talked about last

time, although this bill makes sure there is no change in the airshed management. She said we are also doing, in addition to what Commissioner Sikes is mentioning, is actually providing that legal recognition of the vast variety of resources that are frankly Nationally significant in the many cases globally significant in the monument that are not currently recognized in law.

City Manager Paluch mentioned that Commissioner Payne can vote this evening because she has called in.

Mayor Pro-Tem Baldwin moved to approve.
Commissioner Hernandez seconded the motion.
Roll Call vote was taken.
Motion carried with a vote of 5-2-0.
Commissioners Rardin and Payne voted nay.

Commissioner Payne left the meeting at 7:56 pm.

18. Appointments to Boards and Committees. (Richard Boss, Mayor)

Mayor Boss read the openings and appointed Carol Smith to the Mayor's Committee on Aging. No one was opposed.

Commissioner Sikes said she neglected to speak up during Commissioner Comments. She gave a report on the Southern New Mexico Economic Development District Council Governments meeting.

Commissioner Rardin moved to adjourn at 8:02 p.m.
Commissioner Wright seconded the motion.
Motion carried with a vote of 6-0-0.

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on May 8, 2018.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 05/03/2018

Report No: 4.

Submitted By: Julianne Hall

Subject: Approve the DFA Quarterly Report for the period ending March 31, 2018. *(Julianne Hall, Finance Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Accept the DFA Quarterly Report for the period ending March 31, 2018.

Background:

Reports included with the DFA Quarterly Report for the period ending March 31, 2018 are as follows:

- 1) DFA Quarterly Report
- 2) Municipal Quarterly Report Adjustment Schedule
- 3) Quarterly Financial Review
 - A) Statement of Cash Flows
 - B) Crosswalk between DFA and COA Funds

Not Included: The three financial statements: Balance Sheet, Revenue Report, and Detail Budget Report. These reports are prepared on our Detail Trial Balance and number 388 pages. These financial statements are available for review in the Finance Department.

CITY OF ALAMOGORDO		DEPARTMENT OF FINANCE AND ADMINISTRATION					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:				
Period Ending: 3/31/2018		LOCAL GOVERNMENT DIVISION									
Prepared By: Stella Bracamonte		SUBMIT TO LOCAL GOVERNMENT DIVISION NO LATER THAN 30 DAYS AFTER THE CLOSE OF EACH QUARTER.					4.26.18				
		YEAR-TO-DATE TRANSACTIONS					Signature _____ Date _____				
Fund #	FUND NAME	BEGINNING CASH BALANCE CURRENT FY (1)	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)	\$3,302,540	12,819,490	(4,624,512)	7,901,184	2,982,547	\$6,578,881	3,059,009	\$9,637,890	658,432	\$8,979,458
201	CORRECTION	\$36,528	141,465	276,701	465,864	30,626	\$19,455	10,284	\$29,740		\$29,740
202	ENVIRONMENTAL GRT	\$802,719	330,477	(250,000)	23,198	(728,159)	\$131,839	1,987,886	\$2,119,725		\$2,119,725
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	\$289,732	824,416	(170,562)	202,230	(585,119)	\$156,237	926,512	\$1,082,748		\$1,082,748
211	LEPF	\$0	61,800	0	47,351	(2,169)	\$12,281	0	\$12,281		\$12,281
214	LODGERS' TAX	\$104,917	480,960	96,817	550,174	(46,379)	\$86,141	306,481	\$392,623		\$392,623
216	MUNICIPAL STREET	\$35,851	1,891,315	(155,499)	1,763,475	108,950	\$117,142	3,511,541	\$3,628,683		\$3,628,683
217	RECREATION	\$1,775	436,675	2,383,851	2,839,650	24,480	\$7,130	0	\$7,130		\$7,130
218	INTERGOVERNMENTAL GRANTS	\$0	0	0	0	0	\$0	0	\$0		\$0
219	SENIOR CITIZEN	\$530	601,073	372,984	996,460	22,403	\$530	0	\$530		\$530
223	DWI PROGRAM	\$0	0	0	0	0	\$0	0	\$0		\$0
299	OTHER	\$799,396	1,423,282	(588,754)	584,085	(859,879)	\$189,961	3,891,617	\$4,081,577		\$4,081,577
300	CAPITAL PROJECT FUNDS	\$2,807,278	9,252,280	(1,597,364)	12,980,810	2,736,455	\$217,840	32,591,329	\$32,809,169		\$32,809,169
401	G. O. BONDS	\$192,662	6,369,928	0	6,606,946	127,279	\$82,922	450,249	\$533,171		\$533,171
402	REVENUE BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
403	DEBT SERVICE OTHER	(\$68,621)	16,319	1,482,201	570,740	(830,088)	\$29,071	2,178,190	\$2,207,261		\$2,207,261
500	ENTERPRISE FUNDS										
	Water Fund	\$395,829	7,839,488	485,859	8,801,814	81,596	\$959	13,530,460	\$13,531,419		\$13,531,419
	Solid Waste	\$236,492	1,614,631	(120,088)	1,448,548	(223,330)	\$59,157	450,128	\$509,285		\$509,285
	Waste Water	\$0	0	0	0	0	\$0		\$0		\$0
	Airport	\$53,747	153,759	215,404	508,338	85,428	\$0	10,144	\$10,144		\$10,144
	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)	\$235,568	66,891	0	0	(200,719)	\$101,740	276,406	\$378,146		\$378,146
	Golf Course (90)	\$0	1,114,502	127,660	1,244,624	2,462	\$0	0	\$0		\$0
	Other Enterprise (enter fund)	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund)	\$0	0	0	0	0	\$0	0	\$0		\$0
600	INTERNAL SERVICE FUNDS	\$0	288,555	2,093,020	2,313,273	98	\$68,399	0	\$68,399		\$68,399
700	TRUST AND AGENCY FUNDS	\$3,718,804	2,079,517	(27,718)	1,370,599	(866,715)	\$3,533,289	7,132,101	\$10,665,390		\$10,665,390
GRAND TOTAL		\$12,945,747	\$47,806,822	(\$0)	\$51,219,363	\$1,859,767	\$11,392,974	\$70,312,337	\$81,705,312	\$658,432	\$81,046,879
FORM MODIFIED 12/09/08		LAST UPDATE: 4/30/18 9:42 AM									

Municipal QUARTERLY REPORT ADJUSTMENT SCHEDULE

FUND	TOTAL Adjustment AMOUNT	Detailed adjustment	Explanation
GENERAL FUND - Operating (GF)	2,982,546.64	2,982,546.64	Adjustment for modified accrual
CORRECTION	30,625.52	30,625.52	Adjustment for modified accrual
ENVIRONMENTAL GRT	(728,158.64)	(728,158.64)	Adjustment for modified accrual
EMS			
ENHANCED 911			
FIRE PROTECTION FUND	(585,118.67)	(585,118.67)	Adjustment for modified accrual
LEPF	(2,168.51)	(2,168.51)	Adjustment for modified accrual
LODGERS' TAX	(46,378.54)	(46,378.54)	Adjustment for modified accrual
MUNICIPAL STREET	108,949.94	108,949.94	Adjustment for modified accrual
RECREATION	24,480.08	24,480.08	Adjustment for modified accrual
INTERGOVERNMENTAL GRANTS			
SENIOR CITIZEN	22,403.24	22,403.24	Adjustment for modified accrual
DWI PROGRAM			
OTHER	(859,879.32)	(859,879.32)	Adjustment for modified accrual
CAPITAL PROJECT FUNDS	2,736,454.89	2,736,454.89	Adjustment for modified accrual
G. O. BONDS	127,278.72	127,278.72	Adjustment for modified accrual
REVENUE BONDS	-	-	Adjustment for modified accrual
DEBT SERVICE OTHER	(830,087.90)	(830,087.90)	Adjustment for modified accrual
ENTERPRISE FUNDS			
Water Fund	81,596.27	81,596.27	Adjustment for modified accrual
Solid Waste	(223,330.43)	(223,330.43)	Adjustment for modified accrual
Waste Water			
Airport	85,427.97	85,427.97	Adjustment for modified accrual
Ambulance			
Cemetery			
Housing			
Parking			
Bonito Lake	(200,718.75)	(200,718.75)	Adjustment for modified accrual
Golf Course	2,461.87	2,461.87	Adjustment for modified accrual
INTERNAL SERVICE FUNDS	98.21	98.21	Adjustment for modified accrual
TRUST AND AGENCY FUNDS	(866,715.10)	2,000,000.00	Held for City portion for US Corp of Engineers for Flood Control
		(2,866,715.10)	Adjustment for modified accrual

City of Alamogordo
Finance Department
FISCAL YEAR 2018
Quarterly Financial Review
Period Ending
March 31, 2018

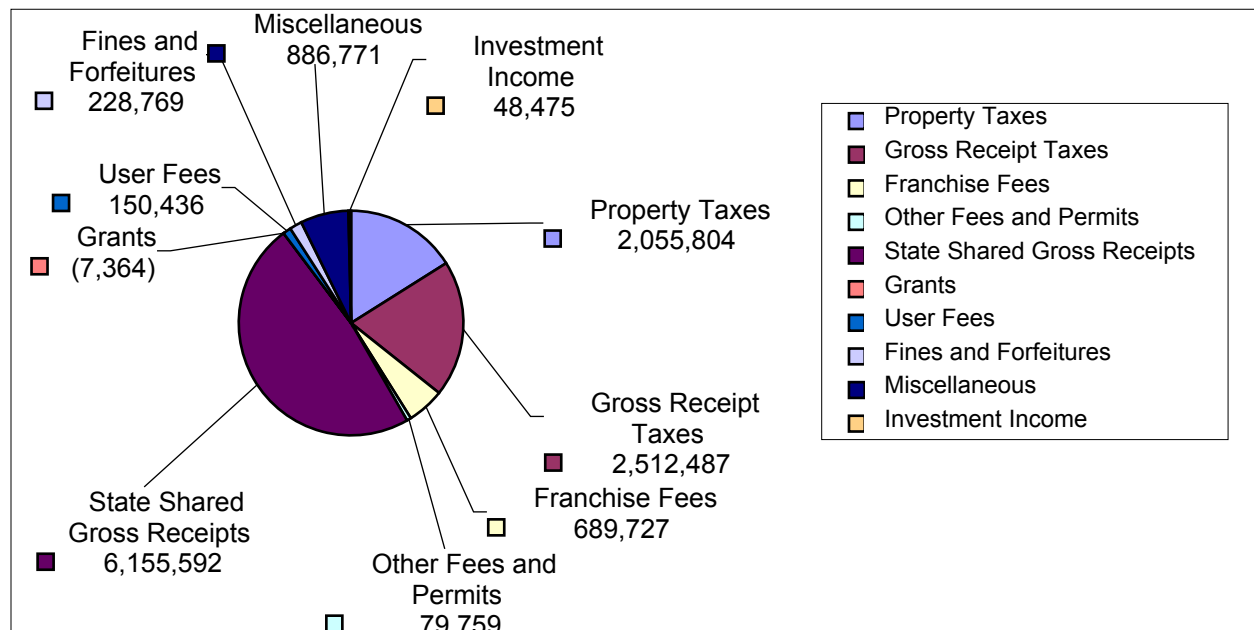
The quarterly financial report of budget versus actual is attached. This summarizes the City's financial information from July 1, 2017 through March 31, 2018. This period represents **75%** of the fiscal year. This summary reflects accounts that are either above or below 10% of the projected 75%. A summary of the report is as follows:

GENERAL FUND:

Revenues	73.83 %
Transfers In	19.02 %
Transfers Out	69.00 %
Expenditures	53.64 %

Through March 31, 2018, the City has collected \$12,819,490.30 in General Fund Revenues, which represents approximately 73.83% of the total General Fund revenue budget for the third quarter. The General Fund Revenue came in slightly below budget by \$202,534.70 or 1.17%.

Below shows the City's top ten (10) General Fund Revenue Sources.



Expenditures for the third quarter of the fiscal year came in at 53.64% of budget. Overall operating expenses for the General Fund are slightly below the budgetary estimates.

SPECIAL REVENUE FUNDS:

Revenues	54.06%
Transfers In	72.39%
Transfers Out	36.18%
Expenditures	49.08%

As seen on the report total revenues are at 20.94% below the third quarter budget and the expenditures are at 25.92% below for the third quarter. These funds will vary in collection and receipts as Court Automation, Corrections, and Police Contingency Fees are based on activity of the courts and police department. Other funds include Grants that are received after expenditures are made and submitted for reimbursement. Funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes.

Fund 15 Correction - Jail Fund was created to maintain separate accounting for the jail expense outside of any court administration operations. Revenues are at 82.91% the third quarter and expenditures are at 64.10%. Revenues are above for this quarter and operating expenses slightly below for this quarter.

Fund 16 Tourism and Promotions – Lodger’s Tax was created to act as point of contact for tourist-related information by promoting the City of Alamogordo. Revenues are at 77.20% the third quarter and expenditures are at 44.35%. Overall revenues are in line with the third quarter budget. Operating expenses are 30.65% below the budget for the third quarter. There has not been any activity in training, travel, audit accounts, or promotional materials.

Fund 19 Court Automation Fund accounts for a court automation fee mandated by the State Legislature to be collected for all violations of municipal ordinances. The fees are used to develop a statewide computer system for all municipal courts. The revenues are at 68.05% as of the third quarter and expenditures are at 66.21%. Overall revenue and operating expenses for the fund are in line with the budgetary estimates.

Fund 20 Lodger’s Tax – City’s Share Fund is created to account for the City’s portion of Lodger’s Tax receipts and for the revenues earned through rentals and other miscellaneous services provided at the Civic Center. Revenues are at 73.97% and expenditures are at 61.74% for the third quarter. Revenues for the fund are in line with the budgetary estimates. Expenditures are lower due to no activity in audit, and July 4th Special Events.

Fund 21 D.A.R.E. Fund accounts for receipts and disbursements of monies donated by individuals through court order or contribution. Revenues are 111.09% for the third quarter and expenditures are at 52.02%. Revenues are above due to donations received. Expenditures are below estimates due to no activity in special projects.

Fund 27 Municipal Court Fund accounts for fees imposed on individuals convicted of any offense relating to the operation of a motor vehicle. Revenues are at 84.85% for the third quarter and expenditures are at 72.81%. Overall revenue and operating expenses for the fund are in line with the budgetary estimates.

Fund 28 Police Contingency Fund was created to account for the revenue and disbursement of confiscated items and the expense of confidential criminal investigations. Revenues are at 77.21% for the third quarter and expenditures are 62.48%. Revenues are in line with budgetary estimates. Expenditures are under due to minimal activity in cellular phone service.

Fund 33 Fire Protection Fund was created by revenues accumulated by the state from taxes on fire and vehicle insurance companies. These monies are used for the operation, betterment, and maintenance of fire services. The revenues are at 100.02% and expenditures are 15.43% of the budget. Revenues funds are 25.02% over budgetary estimates. Operating expenses are 59.57% below budget due to no activity on CER equipment replacement and the loan principal not being due until May 2018.

Fund 36 Law Enforcement Grant Fund was created to account for the revenue and disbursement of monies received from fees, licenses, penalties and taxes from life, general casualty and title insurances, and convictions of DWI offenders. The revenues are at 77.00% and expenditures are 59.02% of the budget. Revenues are 2.00% over the budget due to receiving 100.00% of the State Grant. Operating expenses for the fund are at 15.98% below budget due to there being no expense in equipment or equipment maintenance.

Fund 37 Keep Alamogordo Beautiful Fund was created to account for the City's litter eradication, beautification, waste reduction and community education program. Funding is made possible from an annual grant through New Mexico Clean and Beautiful, a division of the State of New Mexico Tourism Department. Revenues are at 62.22% and expenditures are 17.56% of the budget. Revenues funds are below budgetary estimates due to receiving 33.86% of Keep Alamogordo Beautiful Grant. Expenditures are 57.44% below budget due to graffiti eradication being 23.56% below the budget and no expenses in training, travel and conferences or landscape beautification.

Fund 38 Traffic Safety Fund was created to account for the revenue and disbursement of a penalty assessment and traffic conviction. Revenues are at 87.89% for the third quarter and expenditures are at 69.36% for the quarter. Traffic Safety Fees are 88.00% above the revenue budget. Expenditures are in line with budgetary estimates.

Fund 44 Transportation Fund accounts for the one cent gasoline tax revenues earmarked for local street, drainage and bridge capital improvements. All operations relative to transportation are accounted for in this fund. Revenues are at 15.13% and expenditures are at 33.98% of the budget. Revenues are 59.87% below budget due to state and federal grants below budgetary estimates. Expenditures are 41.02% below budget due to ICIP being at 1.83%.

Fund 63 Community Development Fund accounts for the operational cost of maintaining and developing plans, specifications and records of public works projects within the City. Revenues are at 34.89% and the expenditures are 65.58% of the budget. Revenues are 40.11% below budget due to no activity in engineering fees. Expenditures are in line with the budgetary estimates.

Fund 75 Retired & Senior Volunteer program recruits, trains and places senior volunteers in meaningful volunteer services in Alamogordo and throughout Otero County to positively impact community needs. Revenues are 57.57% and expenditures are at 61.95% of their budget. Revenues are under due to Foster Grandparent Grant is at 36.42%. Expenditures are under due to no activity in training, travel and conferences and fleet commercial parts.

Fund 89 Environmental GRT Fund accounts for a 1/16 of 1 percent gross receipts tax dedication to be used for the acquisition, construction, operations of solid waste, water facilities sewer systems, and related regional solid waste projects. Revenues are at 77.08% and the expenditures are 8.43% of the quarter budget. Expenditures are 66.57% below budget due to no expenditures from Contract services and 1.33% of budget spent from post closure reserve costs.

Fund 96 Self Insured Fund was established to provide the City of Alamogordo with funds used toward self-paid claims and comprehensive claims on City-owned trucks and automotive equipment. Revenues are at 79.27% and expenditures are at 45.28% of the budgetary estimates. The activity of this fund is contingent on claims.

Fund 107 Liability/Deductibles provides the City with an accounting of self-paid claims, NM unemployment security, and the deductibles for general liability. This fund is also used for charges for outside legal services related to claims that are not anticipated or directly involving a specific enterprise fund. Revenues are at 95.47% and expenditures are 47.90%.

CAPITAL PROJECTS:

Revenues	82.66%
Transfers In	12.68%
Transfers Out	24.41%
Expenditures	32.91%

Capital Improvement revenues are 7.66% above budget for the third quarter and expenditures are 42.09% below third quarter budget.

Fund 24 Grant Improvements was created to account for miscellaneous projects that do not fit within any other specific fund, but must be accounted for in the budget. Revenues are at 27.11% and the expenditures are at 64.56% of their budget. The activity in this fund is contingent on the progress of each project.

Fund 49 1986 Gross Receipts accounts for ¼ of the 1% Gross Receipts tax dedicated to the repair, upgrading, rehabilitation, replacement and installation of facilities for the collection and treatment of water facilities outside of the city limits. The revenues are at 76.38% and expenditures are at 9.76% of the budget.

Fund 54 Reverse Osmosis Project Reserve accounts for the proceeds from Federal and State grants and local funds for the purpose of financing the reverse osmosis project. Revenues for this account are 99.98% and the expenditures are at 53.18%. This fund is used in conjunction with Fund 49.

Fund 56 Alamogordo Flood Control Fund was created to account for the bond proceeds for the purpose of providing flood protection to the City. Revenues are 383.96% and the expenditures are at 0.10%. This flood control project is currently on hold per the Corps of Engineers.

Fund 105 Economic Development Fund accounts for 1/8 of 1% Gross Receipts Tax dedicated to the economic development of the City of Alamogordo. Revenues for this fund are 65.14% and the expenditures are 19.95%.

Fund 109 2004 GRT Capital Outlay Fund accounts for a ¼ of 1% gross receipts tax dedication adopted in 2004 to be used for construction, reconstruction or improvement of municipal streets, alleys, roads or bridges, including acquisition of rights-of-way. Revenues are at 76.33% and the expenditures are at 12.84%.

Fund 119 2012 GRT Revenue Bond accounts for the purpose of providing funds for the acquisition, construction, improving, furnishing, and equipping, rehabilitating, making additions to various buildings, streets, parks, recreational facilities and open space. Revenues are at 78.57% and the expenditures are at 13.26%.

Fund 121 Fun Center 2014A GO Bonds were issued to provide funds for the purpose of beautifying, improving, acquiring, constructing, equipping and improving land and buildings for public parks and related recreational facilities. The revenues are at 52.87% and the expenditures are 99.33%.

Fund 122 Streets 2014B GO Bonds were issued to provide funds for the purpose of constructing, repair and otherwise improving streets and bridges. The revenues are at 59.46% and the expenditures are 86.48%.

DEBT SERVICE:

Revenues	94.83%
Transfers In	28.73%
Transfers Out	0.00%
Expenditures	64.34%

The primary purpose of the Debt Service Funds is to provide for the payment of principal and interest on long-term debt. Expenditures of Debt Service Funds are strictly based on the debt obligation due dates and will not be consistent in a monthly allocation basis.

Fund 53 General Obligation Principal and Interest Fund accounts for the servicing of principal and interest payments for the General Obligation Bonds. Major property tax distributions occur in December and January. Revenues are at 94.86% and expenditures are at 99.94%.

Fund 59 Revenue Bond Principal and Interest Fund accounts for the servicing of principal and interest payments for debt pledged with Gross Receipts Tax revenues. Revenues are at 106.68% and expenditures are at 10.99%. The revenues are higher than expected due to budget of \$3,907 for the year and actual received is \$4,168.

Fund 82 Jt. Water/Sewer Principal and Interest Fund accounts for the servicing of principal and interest requirements on debt pledged with water/sewer system revenues. Revenues are at 94.83% and expenditures are at 64.34%

ENTERPRISE:

Revenues	57.41%
Transfers In	44.26%
Transfer Out	38.24%
Expenditures	38.36%

Revenues are 17.59% below the third quarter for all Enterprise funds combined and expenditures are 11.64% below the third quarter mark.

Fund 81 Water/Sewer Fund accounts for the operations and maintenance of the water and sewer services. Revenues are at 54.13% and the expenditures are 33.21%.

Fund 91 Airport was established to account for the daily operations and maintenance of the municipal airport. Revenues are at 20.23% and the expenditures are at 45.51%. Airport revenues are 54.77% below budget due to City Lease Commitments with a budget of \$65,583 and Lease of Land having a budget of \$52,000 and no actual revenues being received. Operating expenses are 11.64% below budget.

INTERNAL SERVICE:

Revenues	58.67%
Transfers In	71.78%
Transfers Out	0.0%
Expenditures	70.03%

The Internal Service Fund was established to provide financing for activities of goods and services provided by service departments of the City to other departments within the city. The fund also accounts for all the Risk Management associated with City operations. The City currently provides central services for personnel, safety, fleet, MIS (management information systems), and facility maintenance. These expenses are collected through a prorated share that is allocated each month. Also, the primary insurance for liability, auto and other insurance protection is recorded within the Internal Service Fund.

TRUST & AGENCY FUND:

Revenues	72.46%
Transfers In	0.00%
Transfers Out	99.33%
Expenditures	28.14%

Trust & Agency funds include funds that are held in trust for others. These funds vary upon the activity provided for each different fund. A fee is charged to external users for goods or services.

Fund 39 State Judicial Fund accounts for the State's share of fines from persons convicted of traffic violations and traffic violations of operating motor vehicles under the influence of alcohol or drugs. The City collects these fines on behalf of the State and remits them on a monthly basis. Revenues are at 54.24% for the third quarter and the expenditures are at 76.96%.

Fund 74 Alamo Senior Center Gift Fund was created to account for donations and proceeds from fund raising events. Expenditures are restricted to building improvements or special event. Revenues are at 53.19% and expenditures are at 10.80% for the third quarter.

Fund 94 Otero/Lincoln County Regional Landfill was established to account for the daily operations and maintenance of the solid waste facility designed to dispose of residential, commercial and construction waste. Revenues are at 89.89% and expenditures are at 18.19% for the third quarter. Revenues are 14.89% above the budget due to refunds & collection being at 106.04% and sale of scrap being at 100.00% of the third quarter budget.

Fund 903 Housing Homeownership Operating assists income eligible families with housing needs with the guidelines set forth by Housing and Urban Development. Revenues are at 97.49% and expenditures are at 17.21%.

Fund 904 Housing Capital Fund Projects fund are reserved for improvements on the investment of 220 public housing units. Revenues are at 0.00% and expenditures are at 0.00%.

OVERALL COMBINED FUNDS:

Revenues	69.39%
Transfers In	39.32%
Transfers Out	39.32%
Expenditures	42.67%

Overall, combined funds are in line with the quarter mark in revenues and expenditures. We will continue to monitor our revenues and expenditures closely. Gross Receipts taxes (GRT) for the third quarter were budgeted at \$15,864,984 the actual GRT received for the third quarter came in at \$16,519,599.

**STATEMENT OF CASH FLOWS
ACTUALS FY 2017-2018**

Mar 2018 Actuals

FUND NO.	3/31/18 FUND DESCRIPTION	UNAUDITED BEGINNING CASH & PC BALANCE	ACTUAL REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	ACTUAL EXPENDITURES	ADJUSTMENT	QTR ENDING CASH BALANCE	INVESTMENTS	CASH & INVESTMENTS
11	GENERAL OPERATING FUND	3,095,256.29	12,819,490.30	199,047.00	4,823,558.66	(4,624,511.66)	7,901,184.38	2,973,329.10	6,362,379.65	3,059,009.18	9,421,388.83
12	INTERNAL SERVICE FUND	0.00	288,554.51	2,093,019.84	0.00	2,093,019.84	2,313,273.44	98.21	68,399.12	0.00	68,399.12
15	CORRECTIONS-CITY EXP	20,022.79	77,459.00	9,717.47	1,147.50	8,569.97	122,415.84	30,280.40	13,916.32	0.00	13,916.32
16	LODGER'S TAX-PROMOTIONAL	62,623.64	178,405.27	0.00	3,438.00	(3,438.00)	133,783.91	(46,085.75)	57,721.25	143,434.16	201,155.41
17	POLICE COURT BOND	10,738.00	0.00	0.00	0.00	0.00	0.00	(2,800.00)	7,938.00	0.00	7,938.00
19	COURT AUTOMATION FUND	16,505.42	55,520.57	0.00	21,977.28	(21,977.28)	43,345.85	(1,163.88)	5,538.98	10,284.44	15,823.42
20	LODGER'S TAX-CITY SHARE	42,292.95	302,554.43	134,768.88	34,513.75	100,255.13	416,389.96	(292.79)	28,419.76	163,047.33	191,467.09
21	D.A.R.E. DONATIONS FUND	12,327.05	5,684.53	0.00	0.00	0.00	6,923.48	(5,139.46)	5,948.64	15,471.70	21,420.34
22	DESIGNATED GIFT FUND	0.00	0.00	0.00	25,432.23	(25,432.23)	0.00	25,432.23	0.00	0.00	0.00
24	GRANT - CAPITAL IMPROVEMENT	0.00	72,438.19	0.00	0.00	0.00	111,543.59	39,105.40	0.00	0.00	0.00
27	MUNICIPAL COURT	0.00	8,485.00	295,341.52	5,232.78	290,108.74	300,102.74	1,509.00	0.00	0.00	0.00
28	POLICE CONTINGENCY	21,786.93	8,776.03	0.00	0.00	0.00	4,686.37	(17,723.27)	8,153.32	51,489.42	59,642.74
31	CEMETERY - PERPETUAL CARE	1,750.00	19,809.07	0.00	0.00	0.00	0.00	(21,557.07)	2.00	827,921.59	827,923.59
32	COMMUNITY SERVICES	1,775.00	436,674.68	2,777,626.90	393,776.28	2,383,850.62	2,839,650.38	24,480.08	7,130.00	0.00	7,130.00
33	FIRE PROTECTION	217,984.88	825,029.34	170,562.38	170,562.38	0.00	206,074.98	(682,632.63)	154,306.61	1,024,025.75	1,178,332.36
36	LAW ENFORCEMENT FUND	0.00	84,336.74	0.00	0.00	0.00	64,640.76	(2,168.51)	17,527.47	0.00	17,527.47
37	STATE HIGHWAY FUND	35,851.08	23,490.30	0.00	564.03	(564.03)	4,952.48	(23,213.22)	30,611.65	109,453.08	140,064.73
38	TRAFFIC SAFETY FUND	17,806.99	20,639.00	0.00	0.00	0.00	19,421.93	(7,394.11)	11,629.95	46,067.95	57,697.90
39	STATE JUDICIAL	21,037.33	40,950.00	0.00	0.00	0.00	58,102.50	0.00	3,884.83	0.00	3,884.83
40	AIRPORT IMPROVEMENT PROJECT	12,763.22	0.00	0.00	0.00	0.00	0.00	0.00	12,763.22	0.00	12,763.22
42	1984 GROSS RECEIPTS TAX	0.00	1,287,320.25	0.00	1,260,323.41	(1,260,323.41)	0.00	59,533.91	86,530.75	3,402,087.89	3,488,618.64
44	TRANSPORTATION FUND	0.00	580,504.59	1,230,153.30	124,764.94	1,105,388.36	1,758,522.20	72,629.25	0.00	0.00	0.00
48	NEW MEXICO C.D.B.G.	0.00	170,511.77	0.00	170,511.77	(170,511.77)	0.00	0.00	0.00	0.00	0.00
49	1986 GROSS RECEIPTS TAX	226,028.17	1,367,483.44	0.00	2,280,404.11	(2,280,404.11)	55,945.23	743,646.92	809.19	8,599,036.60	8,599,845.79
50	PROPERTY ACQUISITION	24,718.69	0.00	0.00	0.00	0.00	0.00	8,101.47	32,820.16	52,189.40	85,009.56
53	GENERAL OBLIGATION	192,661.64	6,369,928.21	0.00	0.00	0.00	6,606,946.12	127,278.72	82,922.45	450,248.58	533,171.03
54	REVERSE OSMOSIS PROJECT RSV	0.00	3,906,116.49	1,344,550.02	0.00	1,344,550.02	5,093,636.69	(157,029.82)	0.00	157,029.82	157,029.82
56	99 GRT FLOOD CONTROL	230,841.79	875.44	0.00	0.00	0.00	4,204.78	(177,058.83)	50,453.62	177,058.83	227,512.45
59	GRT P & I	0.00	4,167.92	986,486.12	0.00	986,486.12	293,686.25	(667,480.19)	29,487.60	819,167.01	848,654.61
61	GRT INFRASTRUCTURE .0625%	24,305.19	318,385.91	0.00	357,273.64	(357,273.64)	0.00	79,635.45	65,052.91	457,912.67	522,965.58
63	COMMUNITY DEVELOPMENT	0.00	29,825.57	275,789.20	39,672.72	236,116.48	266,055.88	113.83	0.00	0.00	0.00
69	1994 GROSS RECEIPTS	34,600.10	1,277,234.62	0.00	950,510.10	(950,510.10)	0.00	(333,034.24)	28,290.38	2,457,016.04	2,485,306.42
71	ALAMO SENIOR CENTER	430.00	457,499.70	357,957.02	0.00	357,957.02	835,653.46	20,196.74	430.00	0.00	430.00
74	ALAMO SENIOR CENTER GIFT	1,476.79	15,555.06	0.00	565.47	(565.47)	5,269.30	(803.61)	10,393.47	85,427.38	95,820.85
75	RETIRED & SENIOR VOL. PROGRAM	100.00	143,573.20	29,721.82	14,694.66	15,027.16	160,806.86	2,206.50	100.00	0.00	100.00
81	WATER/SEWER OPERATING	395,829.19	7,839,488.34	1,163,413.00	677,554.05	485,858.95	8,801,813.96	81,596.27	958.79	13,530,460.46	13,531,419.25
82	98 JT WATER/SEWER BOND P&I	3,126.05	11,536.99	325,152.32	0.00	325,152.32	273,208.06	(65,093.75)	1,513.55	1,261,509.32	1,263,022.87
86	SOLID WASTE COLLECTION SYS.	236,491.95	1,614,631.01	0.00	120,088.25	(120,088.25)	1,448,547.50	(223,330.43)	59,156.78	450,127.76	509,284.54
88	BONITO CAMPGROUND	235,567.87	66,890.75	0.00	0.00	0.00	0.00	(200,718.75)	101,739.87	276,405.84	378,145.71
89	ESGRT .0625%	802,719.07	330,477.23	0.00	250,000.00	(250,000.00)	23,198.23	(728,158.64)	131,839.43	1,987,885.63	2,119,725.06
90	GOLF COURSE	0.00	1,114,502.42	166,452.85	38,793.25	127,659.60	1,244,623.89	2,461.87	0.00	0.00	0.00
91	AIRPORT	53,747.10	153,758.72	240,622.59	25,218.72	215,403.87	508,337.66	85,427.97	0.00	10,144.20	10,144.20
94	OTERO/LINCOLN REGIONAL LANDF	120,815.99	1,331,636.34	0.00	1,720.00	(1,720.00)	614,947.19	(784,695.46)	51,089.68	5,308,128.70	5,359,218.38
96	SELF-INSURED FUND	102,972.06	51,852.12	0.00	15,000.00	(15,000.00)	27,809.57	(3,583.22)	108,431.39	380,919.43	489,350.82
98	PAYROLL CLEARING	207,283.32	0.00	0.00	0.00	0.00	0.00	9,217.54	216,500.86	0.00	216,500.86
104	UTILITY DEPOSITS	30,542.71	0.00	0.00	0.00	0.00	0.00	(23,960.19)	6,582.52	703,099.39	709,681.91
105	ECONOMIC DEVELOPMENT	716,725.67	695,132.32	0.00	0.00	0.00	852,305.59	(559,552.40)	0.00	6,803,455.94	6,803,455.94
107	SELF INSURED/LIABILITY	609,903.23	6,733.73	140,640.00	0.00	140,640.00	241,897.68	(493,118.85)	22,260.43	940,652.06	962,912.49
109	2004 CAPITAL OUTLAY GRT	1,435,108.47	2,668,625.76	0.00	133,724.25	(133,724.25)	1,554,558.23	(2,377,153.89)	38,297.86	12,900,178.00	12,938,475.86
113	SEWER PLANT	7,703.97	0.00	0.00	0.00	0.00	0.00	0.00	7,703.97	0.00	7,703.97
114	SIDE WALK REVOLVING LOANS	0.00	1,305.50	0.00	0.00	0.00	0.00	(1,305.50)	0.00	136,091.49	136,091.49

115	CORP ESCROW ACCOUNT	2,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00	0.00	2,000,000.00
116	REGIONAL WATER SUPPLY TRANS	2,885.59	0.00	0.00	0.00	0.00	0.00	0.00	2,885.59	0.00	2,885.59
117	2011 JT W/S REF/IMP REVBD	7,053.19	0.00	0.00	0.00	0.00	0.00	0.00	7,053.19	0.00	7,053.19
118	11 NMFA ST GRT STREET #15	0.00	27,600.77	0.00	0.00	0.00	469,588.19	322,843.19	0.00	2,811,429.54	2,811,429.54
119	2012 GRT REF/IMP BOND	119,144.23	11,671.14	0.00	0.00	0.00	3,140,083.39	3,128,412.25	0.00	85,715.13	85,715.13
121	2015 GO BOND - FUN CENTER	0.00	12,133.53	0.00	0.00	0.00	1,698,944.18	1,686,810.65	0.00	411,232.00	411,232.00
122	2015 GO BOND - STREETS	0.00	654,825.77	0.00	0.00	0.00	677,692.89	(57,576.48)	799,201.41	96,489.84	895,691.25
901	HOUSING LOW RENT OPERATING	879,645.01	16,740.87	0.00	0.00	0.00	14,587.31	(754.52)	654,197.48	111,033.86	765,231.34
903	HOUSING HOMEOWNERSHIP OPR	652,798.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
904	HOUSING CAPITAL FUND PRJ	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS FY2017		12,945,747.05	47,806,822.44	11,941,022.23	11,941,022.23	0.00	51,219,362.88	1,859,767.49	11,392,974.10	70,312,337.41	81,705,311.51

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 (less Debt Service portion)
211	LEPF	36	LAW ENFORCEMENT 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
		69	1994 GROSS RECEIPTS
		96	SELF-INSURED FUND
		107	SELF INSURED/LIABILITY
		21	D.A.R.E. DONATIONS FUND
		28	POLICE CONTINGENCY
		36	LAW ENFORCEMENT FUND
		38	TRAFFIC SAFETY FUND
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%
		105	ECONOMIC DEVELOPMENT
		109	2004 CAPITAL OUTLAY GRT
		113	SEWER PLANT

CROSSWALK BETWEEN DFA FUNDS AND COA FUNDS

DFA FUND AND NAME		CITY OF ALAMOGORDO FUND AND NAME	
		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	33	FIRE PROTECTION (Debt Service portion only)
		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 33 Debt Service portion moved from DFA Fund 209 to DFA Fund 403 in FY17			
Fund 36 - portion moved from DFA Fund 211 to DFA Fund 299 in FY18			

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 5.

Submitted By: Julianne Hall

Subject: Approve the Investment Report for the quarter ending March 31, 2018, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Finance Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Accept the Quarterly Investment Report for the period ending March 31, 2018.

Background:

The City of Alamogordo ended the quarter with an investment portfolio totaling \$64,514,032. The portfolio was made up of:

State Investment Pool	\$ 4,649,560	or	7.21%
Short Term Investments	\$ 1,554,901	or	2.41%
US Treasury Notes / Agency Bonds	\$ 37,757,232	or	58.52%
Certificates of Deposit	\$ 20,552,339	or	31.86%
Total Investments	\$ 64,514,032	or	100.00%

Total gains (losses) for the quarter ended March 31, 2018, on maturities and/or called agency notes were \$0. Interest earned during the quarter on a cash basis was \$215,927.

Interest Income Budget Comparison for all Funds is as follows:

Interest Earned Budget	\$ 895,338	
Interest Earned to Date	\$ 623,312	69.62% of Budget

Note: The investments mature at different times throughout the year and 54% of the investments mature within three years. They are reinvested as they mature, so that they continue to roll over to be available for projects when needed. The difference between the above total and of the Investment Summary is accrued interest of \$2,729.

INVESTMENT SUMMARY AS OF
March 31, 2018

CITY OF ALAMOGORDO INVESTMENT REPORT

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
ST. INVESTMENT POOL - COA	ST. INVEST POOL-COA		\$4,649,559.72	\$4,649,559.72	0	1.503%	DAILY	N/A	36,828
Western Bank (CD# 81186796)	CD		\$265,965.08	265,965.08	0	1.250%	02/07/23	02/07/18	2,478
Western Bank (CD# 81186879)	CD		-	-	0	1.250%	03/11/18	03/11/13	2,452
Western Bank (CD# 81186944)	CD		\$796,305.87	796,305.87	0	1.200%	03/22/23	03/22/18	7,105
Western Bank (CD# 81187231)	CD		\$535,105.53	535,105.53	0	1.710%	02/10/19	02/10/14	6,820
Western Bank (CD# 81187926)	CD		\$265,965.07	265,965.07	0	1.250%	03/15/23	03/12/18	-
First Savings Bank (CD#13312297)	CD		\$265,974.08	265,974.08	0	1.000%	02/07/23	02/07/18	2,478
First Savings Bank (CD# 13401520)	CD		\$1,051,234.22	1,051,234.22	0	1.000%	03/12/23	03/12/18	7,824
Bank '34 (CD#0101004984)	CD		\$250,000.00	250,000.00	0	1.650%	02/08/23	02/08/18	2,845
First American Bank (CD#603372527)	CD		\$264,709.45	264,709.45	0	1.150%	02/26/23	02/26/18	3,010
First American Bank (CD# 603372528)	CD		\$1,053,614.13	1,053,614.13	0	1.150%	03/22/23	03/22/18	10,948
Pioneer Bank (CD#30100640)	CD		\$263,328.66	263,328.66	0	1.600%	02/12/23	02/12/18	2,169
Bank of the West (CD#029771907)	CD		\$262,336.52	262,336.52	0	1.600%	03/20/23	03/20/18	1,883
Washington Federal (CD# 172-200282-9)	CD		\$270,090.16	270,090.16	0	2.050%	03/22/23	03/22/18	3,138
Washington Federal (CD# 172-200283-7)	CD		\$1,063,832.24	1,063,832.24	0	1.250%	04/09/18	04/09/13	9,880
Wells Fargo (Bank Holland Mich)	CD	062649XS2	\$250,000.00	\$248,757.50	(1,243)	1.250%	12/27/18	06/27/12	2,337
Wells Fargo (World Finl Cap Bk)	CD	98146QDJ7	\$250,000.00	\$247,697.50	(2,303)	1.600%	08/26/19	08/24/12	2,992
Wells Fargo (BMW Bank of NA)	CD	05568P3M7	\$250,000.00	\$249,817.50	(183)	1.350%	06/28/18	06/28/13	1,692
Wells Fargo (Belmont Svgs Bk)	CD	080515BH1	-	-	0	1.100%	03/06/18	03/12/15	2,750
Wells Fargo (JPMorgan Chase Bk)	CD	48125T3D5	-	-	0	1.300%	03/13/18	03/13/15	2,431
Wells Fargo (Landmark Cmnty Bk)	CD	51507LAT1	\$250,000.00	\$249,952.50	(48)	1.050%	04/16/18	04/16/15	1,963
Wells Fargo (Washington County Bk)	CD	93754PAK3	\$250,000.00	\$249,910.00	(90)	1.250%	09/24/18	09/23/15	2,337
Wells Fargo (Mercantil CommerceBA)	CD	58733ABZ1	-	-	0	1.450%	03/26/18	09/25/15	3,635
Wells Fargo (First General Bank)	CD	320337BJ6	\$250,000.00	\$249,900.00	(100)	1.200%	09/28/18	09/30/15	1,997
Wells Fargo (United Bankers Bank)	CD	909557EW6	\$250,000.00	\$249,887.50	(113)	1.300%	09/28/18	09/30/15	2,164
Wells Fargo (Webbank)	CD	947547HR9	\$250,000.00	\$249,997.50	(3)	1.300%	04/02/18	10/01/15	2,431
Wells Fargo (National Cooperative Bk)	CD	635573AB4	\$250,000.00	\$250,000.00	0	1.200%	04/02/18	10/02/15	1,504
Wells Fargo (Lincoln Savings Bk)	CD	534732AE2	\$250,000.00	\$250,010.00	10	1.150%	05/09/18	10/09/15	2,150
Wells Fargo (TCF Natl Bk)	CD	872278QB5	-	-	0	0.950%	10/16/17	10/14/15	1,204
Wells Fargo (Gorham Svgs Bk ME)	CD	383052DJ3	\$250,000.00	\$249,855.00	(145)	1.200%	10/15/18	10/14/15	2,244
Wells Fargo (Synovus Bk Columbus GA)	CD	87164DHF0	-	-	0	1.000%	10/16/17	10/15/15	1,260
Wells Fargo (Enerbank USA UT)	CD	29266NS24	\$250,000.00	\$246,845.00	(3,155)	1.500%	10/16/19	10/16/15	2,805
Wells Fargo (First Finl Northwest Bk)	CD	32022MAC2	\$250,000.00	\$246,275.00	(3,725)	1.350%	10/16/19	10/16/15	2,524
Wells Fargo (Aimbank)	CD	00889WAU9	\$250,000.00	\$249,797.50	(203)	1.150%	10/29/18	10/28/15	2,150
Wells Fargo (Preferred Bk LA CA)	CD	740367EJ2	-	-	0	0.750%	10/30/17	10/30/15	627
Wells Fargo (First Texoma Natl Bk)	CD	33717WAA2	-	-	0	0.850%	10/27/17	10/29/15	699
Wells Fargo (HSBC Bk)	CD	40434AC72	\$250,000.00	\$250,005.00	5	1.600%	11/17/20	11/17/15	2,016
Moreton (Goldman Sachs Bk USA N Y)	CD	38148PGR2	\$250,000.00	\$246,067.50	(3,933)	1.100%	08/12/19	08/10/16	2,750
Moreton (Discover Bk)	CD	254672E87	\$250,000.00	\$246,302.50	(3,698)	1.150%	08/12/19	08/10/16	2,875
Moreton (Apple Bk for Svgs N Y)	CD	03784JRH9	-	-	0	0.750%	02/12/18	08/10/16	1,885
Moreton (Oriental Bk)	CD	68621KAB7	\$250,000.00	\$249,295.00	(705)	1.100%	08/10/18	08/10/16	2,079

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
Moreton (Sallie Mae Mk Murray Utah)	CD	795450YQ2	\$250,000.00	\$242,447.50	(7,553)	1.350%	08/10/20	08/10/16	3,375
Moreton (Capital One Bk)	CD	140420B33	\$250,000.00	\$242,447.50	(7,553)	1.350%	08/10/20	08/10/16	3,375
Moreton (Ally Bk Midvale Utah)	CD	02006LJ53	\$250,000.00	\$246,070.00	(3,930)	1.200%	08/12/19	08/11/16	3,000
Moreton (Wex Bk Midvale Utah)	CD	92937CEJ3	\$250,000.00	\$249,265.00	(735)	0.950%	08/13/18	08/12/16	2,375
Moreton (First Natl Bk Omaha Neb)	CD	332135GM8	-	0	0.900%	02/16/18	08/16/16	1,510	
Moreton (Farm Bur Bk FSB NV)	CD	307660KJ8	\$250,000.00	\$247,840.00	(2,160)	1.000%	02/19/19	08/17/16	1,870
Moreton (Comenity Cap Br Utah)	CD	20033ARW8	\$250,000.00	\$239,857.50	(10,143)	1.500%	09/07/21	09/14/16	2,805
Moreton (Everbank Jacksonville Fl)	CD	29976DT42	\$250,000.00	\$240,595.00	(9,405)	1.550%	09/15/21	09/16/16	3,875
Moreton (Bank Hapoalim B M New York)	CD	06251AN22	\$250,000.00	\$247,735.00	(2,265)	1.051%	03/04/19	09/27/16	1,963
Moreton (Bank Leumi USA New York NY)	CD	063248FY9	\$250,000.00	\$245,500.00	(4,500)	1.250%	09/27/19	09/27/16	3,125
Moreton (Iroquois Fed Svgs & Ln Assn)	CD	46355PB3	\$250,000.00	\$245,545.00	(4,455)	1.250%	09/27/19	09/29/16	2,337
Moreton (Firstbank PR Santurce)	CD	33767AF97	\$250,000.00	\$249,215.00	(785)	1.150%	09/28/18	09/30/16	1,914
Moreton (Synchrony Bk)	CD	87165ELA3	\$250,000.00	\$242,232.50	(7,768)	1.800%	11/18/21	11/18/16	2,268
Moreton (State Bk India New York NY)	CD	8562846E9	\$250,000.00	\$245,710.00	(4,290)	2.250%	02/09/22	02/09/17	5,625
Moreton (Merrick Bk South Jordan Utah)	CD	59013JWF2	\$200,000.00	\$198,776.00	(1,224)	1.300%	02/15/19	02/15/17	1,945
Moreton (Morton Cmnty Bk Ill)	CD	619165HB2	\$250,000.00	\$244,450.00	(5,550)	1.850%	02/26/21	02/27/17	3,459
Moreton (Wells Fargo Bank Natl Assn)	CD	949763FX9	\$250,000.00	\$244,535.00	(5,465)	2.400%	03/29/22	03/20/17	4,488
Moreton (American Express Centurion Bk)	CD	02587DN38	\$250,000.00	\$245,035.00	(4,965)	2.450%	04/05/22	03/27/17	3,071
Moreton (Exchange Bk Gibbon Neb)	CD	301074CL2	\$250,000.00	\$243,370.00	(6,630)	2.050%	04/26/22	04/26/17	3,833
Moreton (BMO Harris Bk Natl Assn)	CD	05581WNY7	\$250,000.00	\$244,060.00	(5,940)	2.250%	10/28/22	04/28/17	4,238
Moreton (Capital One Natl Assn)	CD	14042RFL0	\$250,000.00	\$245,692.50	(4,308)	2.300%	05/10/22	05/10/17	2,899
Moreton (Barclays Bk)	CD	06740KKJ5	\$250,000.00	\$244,240.00	(5,760)	2.200%	07/19/22	07/21/17	2,669
Moreton (First Business Bk Madison Wis)	CD	31938QZQ0	\$247,977.82	\$246,011.04	(1,967)	1.306%	04/11/19	08/21/17	427
Moreton (KS Statebank Manhattan KS)	CD	50116CAQ2	\$248,438.28	\$239,350.00	(9,088)	1.631%	10/29/21	08/21/17	2,142
Moreton (Verus Bk Comm Ft Collins Colo)	CD	92535LBU7	\$247,794.38	\$239,340.00	(8,454)	1.656%	10/29/21	08/21/17	2,187
Moreton (American Express Fed Svgs Bk)	CD	02587CFU9	\$250,000.00	\$244,520.00	(5,480)	2.400%	08/29/22	08/25/17	3,025
Moreton (Celtic Bk Salt Lake City Utah)	CD	15118RNB9	\$250,000.00	\$242,925.00	(7,075)	2.100%	08/31/22	09/01/17	2,603
Moreton (Bank Baroda NY)	CD	06062QWG5	\$249,667.62	\$241,647.50	(8,020)	1.450%	10/30/20	08/31/17	615
Moreton (East Boston Svgs Bk MA)	CD	27113PCC3	\$250,000.00	\$242,125.00	(7,875)	2.050%	09/28/22	09/28/17	2,541
Moreton (Third Fed Svgs & Ln Assn)	CD	88413QBQ0	\$250,000.00	\$245,875.00	(4,125)	1.900%	09/15/20	09/29/17	2,173
Moreton (South Ottumwa Svgs Bk Iowa)	CD	839145AA7	\$250,000.00	\$242,117.50	(7,883)	2.050%	09/29/22	09/29/17	2,541
Moreton (Stearns Bk NA St Cloud MN)	CD	857894UN7	\$250,000.00	\$242,117.50	(7,883)	2.050%	09/29/22	09/29/17	2,541
Moreton (TBK Bk SSB Dallas Tex)	CD	87219RBQ6	\$250,000.00	\$243,697.50	(6,303)	2.200%	09/29/22	10/02/17	2,682
Moreton (First KY Bk Inc Mayfield)	CD	32065TAW1	\$250,000.00	\$242,590.00	(7,410)	2.100%	10/06/22	10/06/17	2,172
Moreton (Marlin Business Bk Salt Lake)	CD	57116APV4	\$250,000.00	\$244,142.50	(5,858)	2.000%	10/13/21	10/13/17	2,069
Moreton (Beneficial BK Philadelphia PA)	CD	08173QBX3	\$250,000.00	\$243,062.50	(6,938)	2.150%	10/18/22	10/18/17	-
Moreton (Continental Bk Utah)	CD	211163GS3	\$250,000.00	\$242,865.00	(7,135)	1.850%	10/20/21	10/20/17	-
Moreton (First Natl Bk Damariscotta ME)	CD	32117BBL1	\$250,000.00	\$250,000.00	0	1.350%	05/21/18	12/21/17	832
Moreton (Morgan Stanley Bk)	CD	61747MF63	\$250,000.00	\$247,955.00	(2,045)	2.650%	01/11/23	01/11/18	-
Wells Fargo (N Mexico Dona Ana Brh Cmnty)	N Mexico Dona Ana B	257578DV3	\$107,468.88	\$104,968.00	(2,501)	4.000%	08/01/22	08/13/12	2,312
Wells Fargo (Central N Mexico Cmnty Co)	Central N Mexico Cm	154625BA4	\$133,865.35	\$133,127.80	(738)	3.500%	08/15/19	09/07/12	1,906
Wells Fargo (University N Mex Gallup Br)	University N Mex Gall	914684DT9	\$152,542.78	\$150,225.00	(2,318)	2.000%	10/15/20	11/21/12	1,011
Wells Fargo (Fannie Mae Unsecdnt Call)	Fannie Mae Unsecdnt	3135G0TP8	\$500,000.00	\$496,585.00	(3,415)	1.250%	01/30/19	02/22/13	6,250

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
Wells Fargo (Rio Rancho NM Wtr & Wstm)	Rio Rancho NM Wtr & Wstm	767175FZ0	\$108,810.29	\$103,610.00	(5,200)	5.000%	05/15/22	03/12/13	1,510
Wells Fargo (Rio Rancho N Mex Pub Sch)	Rio Rancho N Mex Pub Sch	767171JZ5	\$98,043.37	\$95,759.05	(2,284)	4.000%	08/01/19	03/25/13	1,659
Wells Fargo (Federal Home Loan Bank)	Fed Home Loan Bank	313383BM2	\$853,928.58	\$853,717.50	(211)	1.050%	06/13/18	02/05/14	5,691
Wells Fargo (Fannie Mae)	Fannie Mae	3136G1KD0	\$997,955.02	\$999,450.00	1,495	1.000%	04/30/18	03/30/14	6,729
Wells Fargo (Federal Home Loan Bank)	Fed Home Loan Bank	3130A5ML0	\$0.00		0	0.850%	08/28/17	06/15/15	4,086
Wells Fargo (Federal Home Loan Bank)	Fed Home Loan Bank	3130A5FR5	-		0	0.875%	11/28/17	06/15/15	6,896
Wells Fargo (Fannie Mae)	Fannie Mae	3135G0VC4	\$0.00		0	1.130%	02/28/18	06/15/15	10,255
Wells Fargo (Fannie Mae)	Fannie Mae	3136G15Q8	1,500,854.46	\$1,496,880.00	(3,974)	0.920%	06/26/18	10/19/15	6,012
Wells Fargo (Fannie Mae)	Fannie Mae	3136G2P84	500,224.58	\$496,435.00	(3,790)	1.200%	01/28/19	10/28/15	5,774
Wells Fargo (Fannie Mae)	Fannie Mae	3136G0L33	\$0.00		0	0.900%	10/03/17	02/23/16	7,469
Wells Fargo (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EFYM3	\$0.00		0	0.800%	12/11/17	02/23/16	7,584
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EGFP5	2,004,087.81	\$1,930,620.00	(73,468)	1.776%	06/15/22	07/27/16	17,786
Moreton (Federal National Mtg Assn)	Fed Natl Mtg Assn	3136G3F59	1,001,816.58	\$988,210.00	(13,607)	0.967%	04/26/19	08/05/16	4,838
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3W35	1,505,163.13	\$1,446,690.00	(58,473)	1.550%	08/17/21	08/17/16	21,761
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3V85	1,002,151.74	\$980,250.00	(21,902)	1.250%	02/24/20	08/24/16	11,418
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3Y82	1,101,748.25	\$1,066,054.00	(35,694)	1.200%	11/24/20	08/24/16	12,562
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3U94	1,505,051.29	\$1,452,270.00	(52,781)	1.400%	05/25/21	08/25/16	19,440
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G32A2	1,001,214.09	\$984,420.00	(16,794)	1.100%	08/23/19	08/30/16	10,181
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G32E4	1,001,725.47	\$979,280.00	(22,445)	1.111%	02/25/20	09/12/16	11,134
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G35L5	1,000,000.00	\$969,200.00	(30,800)	1.250%	12/23/20	09/23/16	6,250
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G35U5	1,504,233.11	\$1,443,630.00	(60,603)	1.419%	12/28/21	09/28/16	21,371
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4BG7	561,543.56	\$526,394.40	(35,149)	1.750%	12/30/22	10/05/16	4,715
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EGXX8	1,002,200.00	\$969,540.00	(32,660)	1.340%	10/13/20	10/13/16	6,324
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4DC4	1,001,794.64	\$976,756.53	(25,038)	1.300%	06/30/20	10/20/16	6,061
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4EU3	1,002,758.38	\$955,520.00	(47,238)	1.600%	10/28/21	10/28/16	7,652
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4DC4	500,902.66	\$488,383.47	(12,519)	1.300%	06/30/20	10/31/16	3,030
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4GG2	799,076.03	\$774,896.00	(24,180)	1.500%	05/25/21	11/23/16	6,133
Moreton (Federal Home Loan Mtg Corp)	Fed Home Loan Mtg Corp	3134GAVN1	1,000,000.00	\$981,890.00	(18,110)	1.250%	11/27/20	11/30/16	6,250
Moreton (Federal National Mtg Assn)	Fed Natl Mtg Assn	3136G4JU8	1,498,356.88	\$1,477,045.05	(21,312)	1.459%	12/30/19	01/09/17	10,777
Moreton (Federal National Mtg Assn)	Fed Natl Mtg Assn	3136G4JN4	640,833.48	\$629,619.48	(11,214)	1.581%	06/29/20	01/09/17	5,061
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EF4D6	520,288.06	\$509,631.92	(10,656)	1.833%	04/20/21	01/09/17	4,783
Moreton (Federal Home Loan Bank)	Fed Home Loan Bank	3130AAB56	1,115,222.79	\$1,085,448.00	(29,775)	2.101%	05/25/22	01/09/17	11,734
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EGS71	\$0.00		0	2.243%	09/06/22	01/09/17	19,121
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHAB9	\$0.00		0	2.375%	08/22/22	03/06/17	5,191
Moreton (Federal Home Loan Mtg Corp)	Fed Home Loan Mtg Corp	3134GA4F8	528,509.26	\$516,352.50	(12,157)	2.000%	02/28/22	03/10/17	10,611
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EF2K2	498,030.98	\$484,330.00	(13,701)	1.968%	04/12/22	04/07/17	4,911
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHPV9	501,281.03	\$488,760.00	(12,521)	1.641%	12/29/20	06/29/17	4,106
Moreton (Federal Home Loan Mtg Corp)	Fed Home Loan Mtg Corp	3134GBWH1	1,503,070.71	\$1,479,870.00	(23,201)	1.372%	09/27/19	06/30/17	10,158
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHGS6	501,857.06	\$484,450.00	(17,407)	1.942%	04/25/22	06/30/17	3,099
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHPD9	501,450.05	\$492,965.00	(8,485)	1.549%	06/22/20	06/30/17	3,689
Moreton (Federal Home Loan Banks)	Fed Home Loan Banks	3130ABHV1	501,121.64	\$491,560.00	(9,562)	2.411%	06/22/22	06/30/17	3,455
Moreton (Federal Home Loan Banks)	Fed Home Loan Banks	3130AA5Y0	500,000.00	\$488,605.00	(11,395)	2.829%	11/25/22	06/30/17	2,769

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G33W3	992,960.00	\$968,410.00	(24,550)	1.709%	05/28/21	10/03/17	2,612
Moreton (Federal Home Loan Banks)	Fed Home Loan Bank	3130A7RB3	749,071.43	\$728,235.00	(20,836)	1.800%	10/25/21	10/17/17	309
Moreton (Federal Home Loan Mtg Corp)	Fed Home Loan Mtg	3134GBE99	757,468.09	\$732,518.40	(24,950)	2.000%	09/28/22	10/25/17	6,702
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EFYK7	999,760.46	\$982,860.00	(16,900)	2.290%	02/08/23	12/11/17	3,636
Moreton (Federal Home Loan Banks)	Fed Home Loan Bank	3130ADFH0	998,790.00	\$985,650.00	(13,140)	2.586%	01/23/23	02/13/18	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EJBY4	500,000.00	\$497,655.00	(2,345)	2.780%	02/07/23	02/26/18	-
Moreton (Federal Home Loan Banks)	Fed Home Loan Bank	3134GSCQ6	500,000.00	\$496,115.00	(3,885)	2.750%	02/23/23	02/28/18	-
									-
RBC (FNMA GTD. REMIC)	FNMA GTD REMIC	3136A8G38	(0.00)		0	1.246%	08/25/17	09/28/12	(122)
RBC (FHLB DEB)	FHLB DEB	3133XNCA5	-		0	5.250%	09/15/17	12/27/12	1,628
					0				
Wells Fargo BS securities transferred to Moreton Capital Markets May 20, 2016									
Moreton Capital Markets Money Market and Cash			1,096,731.20	\$1,096,731.20	0	varies	N/A	N/A	6,469
Wells Fargo ST Money Market 6810881786 - changed to Checking Oct			250,646.67	\$250,646.67	0	varies	N/A	N/A	586
Wells Fargo - PHA account transferred to interest bearing account 1/26			207,523.70	\$207,523.70	0	varies	N/A	N/A	47
TOTAL			64,514,032	63,393,096	(1,120,935.93)				623,312.05
US Treasury Notes/Agency Bonds - WF / RBC			\$37,757,231.97	58.53%					
State Investment Pool			\$4,649,559.72	7.21%					
Certificate of Deposits			\$20,552,339.11	31.86%					
Money Market Accounts			1,554,901.57	2.41%					
			\$64,514,032.37	100.00%					

Investment Abbreviations

CD = Certificate of Deposit

FHLMC = Federal Home Loan Mortgage Corporation (Freddie Mac)

FNMA = Federal National Mortgage Association (Fannie Mae)

FHLB = Federal Home Loan Banks

CITY OF ALAMOGORDO

COLLATERALIZATION SUMMARY REPORT

MONTH CLOSING:

March 31, 2018

<u>Financial Institution</u>	<u>Amount of City Funds</u>	<u>FDIC Amount</u>	<u>Amount Uninsured</u>	<u>Required Collateral per NMSA 1978 6-10-17</u>	<u>Amount to be Collateralized</u>	<u>Collateral Pledged by Financial Institutions</u>	<u>Over/(Under) Pledged</u>	<u>At Risk</u>
1) State Treasurer's Pool - COA	\$ 4,649,560	n/a						-
2) Wells Fargo	\$ 8,145,431							
Wells Fargo - PHA	\$ 207,524	-						
	\$ 8,352,954	250,000	\$ 8,102,954	50.00%	4,051,477	7,854,748	3,803,271	248,206
3) Moreton Capital Markets								
a. Cash and Money Market	\$ 1,096,731	250,000						
Certificates of Deposit	\$ 13,943,878	13,943,878	\$ -					
b. Securities	\$ 37,757,232	n/a						
	\$ 52,797,841.27							
First National - Alamogordo	\$ 2,038,586	250,000	\$ 1,788,586	50.00%	894,293	3,280,570	2,386,277	(1,491,984)
First National - Alamogordo - PHA	\$ 1,453,199	-	\$ 1,453,199	50.00%	726,599	1,817,780	1,091,180	(364,581)
Western Bank	\$ 1,863,342	250,000	\$ 1,613,342	50.00%	806,671	1,700,505	893,834	(87,163)
First Savings Bank	\$ 1,317,208	250,000	\$ 1,067,208	50.00%	533,604	544,351	10,747	522,857
Bank '34	\$ 250,000	250,000	\$ -	50.00%	0		-	-
First American Bank	\$ 1,318,324	250,000	\$ 1,068,324	50.00%	534,162	654,658	120,497	413,665
Pioneer Bank	\$ 263,329	250,000	\$ 13,329	50.00%	6,664	33,520	26,855	(20,191)
Bank of the West	\$ 262,337	250,000	\$ 12,337	50.00%	6,168	19,397	13,229	(7,060)
Washington Federal	\$ 1,333,922	250,000	\$ 1,083,922	50.00%	541,961	1,183,511	641,550	(99,589)
4) New Mexico Finance Authority	\$ 5,795,576	n/a						
Bank of Albuquerque	\$ -	n/a						
TOTAL	\$ 81,696,178		\$ 16,203,200		\$ 8,101,600	\$ 17,089,040	\$ 8,987,440	\$ (885,840)

- 1) These funds are invested in 7-day and 14 day Treasury bills and fully-collateralized bank deposits; per NM STO correspondence Feb. 27, 2009. Per State Treasurer's Investment Policy authorized investments are U.S. Govt. Obligations, Investment Grade commercial paper, AA rated or better Corporate bonds, asset-backed obligations, and etc. (pages 4-8). - Per LGIP statements - New MexiGROW LGIP deposits are not guaranteed or insured by any bank, the State of New Mexico, the Federal Deposit Insurance Corporation, the Federal Reserve Board, or any other agency. New MexiGROW LGIP deposits involve certain investment risks. Yield and total return may fluctuate and are not guaranteed.
- 2) a. Wells Fargo Sweep is collateralized at 102%
- 3) Moreton Capital Markets - transferred on May 2016 from WFBS, which included RBC
- a. Securities and cash are protected up to \$500,000 (including a \$250,000 limit for cash only)
- b. Federal Home Loan Notes, Freddie Mac, Fannie Mae, etc. are backed by the full faith and credit of the U.S. government.
- 4) NMFA is a governmental agency which must itself comply with state investment policies

**CITY OF ALAMOGORDO
ANALYSIS OF INVESTMENT AND YIELDS
TWELVE MONTHS ENDED**

MONTH	(1) TOTAL INVESTMENTS	(2) RETURN ON INVESTMENTS	(3) YIELDS ON INVESTMENTS	TOTAL RETURN ON INVESTMENTS
APRIL 2017	68,838,002	46,096	0.804%	46,096
MAY 2017	68,903,138	65,136	1.134%	65,136
JUNE 2017	67,023,418	120,280	2.154%	120,280
JULY 2017	67,041,200	17,782	0.318%	17,782
AUGUST 2017	67,134,859	93,659	1.674%	93,659
SEPTEMBER 2017	67,196,080	61,221	1.093%	61,221
OCTOBER 2017	66,468,092	72,012	1.300%	72,012
NOVEMBER 2017	66,532,493	64,401	1.162%	64,401
DECEMBER 2017	64,630,803	98,310	1.825%	98,310
JANUARY 2018	64,682,565	51,762	0.960%	51,762
FEBRUARY 2018	64,779,765	97,200	1.801%	97,200
MARCH 2018	64,516,761	66,965	1.246%	66,965
ANNUAL AVERAGE	66,478,931	71,235	1.2892%	\$71,235
12 MONTH TOTALS		854,824	1.2859%	854,824
			This Quarter	247,272

(1) AVERAGE TOTAL INVESTMENTS (BOOK VALUE)

(2) ALL RETURNS AND YIELDS ARE CALCULATED ON A CASH BASIS

(3) AVERAGE YIELD ON INVESTMENTS

CITY OF ALAMOGORDO
INVESTMENT SUMMARY
BY FUND
March 31, 2018

FUND NO.	FUND DESCRIPTION	PER FUND INVESTMENT
11	GENERAL OPERATING	3,059,009.18
16	LODGER'S TAX-PROMOTIONS	143,434.16
19	COURT AUTOMATION	10,284.44
20	LODGER'S TAX-CITY SHARE	163,047.33
21	D.A.R.E. DONATIONS	15,471.70
28	POLICE CONTINGENCY	51,489.42
31	CEMETERY-PERPETUAL CARE	827,921.59
33	FIRE PROTECTION FUND	926,511.79
37	ST HIGHWAY CLEANUP	109,453.08
38	TRAFFIC SAFETY	46,067.95
42	84 GRT	3,402,087.89
49	86 GRT	8,599,036.60
50	PROPERTY ACQUISITION	52,189.40
53	GO BOND P&I	450,248.36
54	REVERSE OSMOSIS PRJ RSV	157,029.82
56	99 GRT FLOOD CONTROL	(1,432,688.69)
59	GRT P & I	126.27
61	91 GRT INFRASTRUCTURE	457,912.67
69	94 GROSS RECEIPTS TAX	2,457,016.04
74	SENIOR GIFT FUND	85,427.38
81	WATER/SEWER OPERATIONS	13,530,460.46
82	1998 JT. WATER/SEWER BOND P&I	37,970.91
86	SOLID WASTE	450,127.76
88	BONITO LAKE	276,405.84
89	ESGRT .0625%	1,987,885.63
91	AIRPORT	10,144.20
94	LANDFILL OPERATIONS	5,308,128.70
96	FLEET COLLISION	380,919.43
104	UTILITY DEPOSITS	703,099.39
105	ECONOMIC DEVELOPMENT GRT	6,803,455.94
107	LIABILITY/DEDUCTABLE INSURANCE	940,652.06
109	2004 CAPITAL OUTLAY GRT	12,900,178.00
114	SIDEWALK REVOLVING LOANS	136,091.49
119	11 GRT REF/IMP REV BOND	765,694.10
121	2015 GO BONDS-FUN CENTER	85,715.13
122	2015 GO BONDS - STREETS	411,232.00
901	HOUSING LOW RENT OPER	96,489.84
903	HOUSING HOMEOWNERSHIP OPR	111,033.86
TOTAL:		64,516,761.12

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 6.

Submitted By: Julianne Hall

Subject: Approve the award of RFP No. 2018-003 Audit Services for the City of Alamogordo, to the overall highest rated proposal, Hinkle + Landers, PC. *(Julianne Hall, Finance Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

011-2102-415.57-15	\$ 35,925
016-0001-419.57-15	\$ 1,353
020-0006-454.57-15	\$ 1,353
081-1803-461.57-15	\$ 23,990
901-0007-463.57-15	\$ 7,698
903-0007-463.57-15	\$ 855
Total Budgeted FY19	\$ 71,134

Recommendation: Approve award of RFP 2018-003 Audit Services for the City of Alamogordo to Hinkle + Landers, PC.

Background: The City of Alamogordo requested proposals from the approved Office of the State Auditor listing of auditors for the financial and compliance audit of the City's fiscal operations for the fiscal year ended June 30, 2018.

RFP was advertised on March 25, 2018. The City received 8 responsive proposals on April 23, 2018. Axiom CPA and Business Advisors, LLC; Beasley, Mitchell & Co. LLP; Carr, Riggs & Ingram, LLC; Harshwal & Company, LLP; Hinkle + Landers, PC; Kriegel/Gray/Shaw & Co. PC; Patillo, Brown, & Hill, LLP; and REDW, LLC.

Evaluations were conducted in accordance with State Audit Rule 2.2.2 NMAC. As a result of the evaluation process, Hinkle + Landers, PC was selected for award. The initial contract will be awarded for a one-year term, with the option of two additional one-year terms, upon approval of the City Commission and the Office of the State Auditor.

New Mexico State Auditor's Office

Audit Contract Proposal Evaluation Form Detail

			Hinkle & Landers					REDW					CRI					Kriegel/Gray/Shaw				
			1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
	Evaluation Criteria	Max Pts																				
	Section I: Capability of IPA Firm																					
	Resources of IPA to preform audit	100	95	100	90	95	95	100	100	85	95	95	100	100	80	95	90	90	100	50	90	85
	Results of most recent external quality review	50	50	50	50	45	40	45	50	50	45	45	50	25	30	30	50	40	50	50	40	50
	Organization and completeness of proposal or bid.	150	150	143	145	145	140	150	145	140	140	140	150	140	145	140	130	140	150	75	135	140
	Section II: Work Requirements & Audit Approach																					
	IPA's knowledge of agency's need and product	125	125	125	120	120	120	125	115	100	120	120	125	125	120	120	110	120	125	60	120	115
	Soundness of technical plan and estimates for completion	125	125	125	115	120	120	125	125	100	115	110	125	100	115	115	110	125	125	60	115	110
	plans for using agency staff	50	50	50	45	45	40	50	50	40	40	35	50	50	45	35	40	25	50	25	40	40
	Plans for subsequent years approach and word effort	50	50	50	45	45	40	50	50	40	40	40	50	50	40	40	40	40	50	25	40	40
	Section III: Technical Expertise																					
	Governmental audit experience and specialization	150	140	150	145	145	140	130	140	115	145	140	140	150	140	145	130	125	140	100	145	135
	Continuing professional education	50	50	50	40	45	50	50	50	50	45	50	50	50	50	45	50	50	50	30	45	50
	References	50	40	38	50	45	50	20	20	50	40	50	20	50	50	40	50	45	50	50	40	50
	Cost Evaluation Score	100	80	80	80	80	80	69	69	69	69	69	66	66	66	66	66	87	87	87	87	87
	Totals	1000	955	961	925	930	915	914	914	839	894	894	926	906	881	871	866	887	977	612	897	902
			4686					4455					4450					4275				
	Total with Preferences Applied		4920.3					4677.75					4672.5					4488.75				
			State Resident Preference					State Resident Preference					State Resident Preference					State Resident Preference				

New Mexico State Auditor's Office

Audit Contract Proposal Evaluation Form Detail

			Pattillo					Axiom					Harshwal & Company					Beasley				
		Max Pts	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
	Evaluation Criteria																					
	Section I: Capability of IPA Firm																					
	Resources of IPA to preform audit	100	100	100	80	95	65	100	75	75	90	75	90	75	70	90	60	85	75	70	90	65
	Results of most recent external quality review	50	50	50	50	45	30	50	25	25	30	40	30	0	0	0	0	50	25	15	30	30
	Organization and completeness of proposal or bid.	150	150	145	125	140	70	145	140	125	130	80	110	110	75	120	70	120	125	100	130	75
	Section II: Work Requirements & Audit Approach																					
	IPA's knowledge of agency's need and product	125	125	120	115	120	80	125	120	90	120	80	105	120	90	110	80	100	120	90	120	80
	Soundness of technical plan and estimates for completion	125	125	125	100	115	75	125	125	75	110	80	125	100	90	110	70	115	125	75	120	75
	plans for using agency staff	50	50	50	40	40	40	50	50	30	35	40	20	50	25	30	40	20	50	40	40	40
	Plans for subsequent years approach and word effort	50	50	50	35	45	0	50	50	30	40	40	0	50	25	30	40	0	50	0	30	30
	Section III: Technical Expertise																					
	Governmental audit experience and specilization	150	130	150	125	145	100	135	110	100	140	100	115	110	90	140	100	120	125	80	130	100
	Continuing professional education	50	25	50	50	30	0	50	50	40	45	40	50	0	0	35	0	25	0	5	30	5
	References	50	40	25	50	30	40	35	20	50	40	40	25	33	50	40	30	40	30	50	40	40
	Cost Evaluation Score	100	87	87	87	87	87	71	71	71	71	71	100	100	100	100	100	79	79	79	79	79
	Totals	1000	932	952	857	892	587	936	836	711	851	686	770	748	615	805	590	754	804	604	839	619
			4220					4020					3528					3620				
	Total with Preferences Applied		4431					4422					3880.8					3620				
			State Resident Preference					State Resident Preference					State Resident Preference					N/A				

ATTACHMENT NO. 2

Cost/Hour Breakdown

Multi – Year Proposal Y ☒ (_____ year of _____ year proposal) **N** ☐

	☐	☐	☐			
	1 st Year Hours <u>FYE 6/30/18</u>	1 st Year Cost <u>FYE 6/30/18</u>	2 nd Year Hours <u>FYE 6/30/19</u>	2 nd Year Cost <u>FYE 6/30/19</u>	3 rd Year Hours <u>FYE 6/30/20</u>	3 rd Year Cost <u>FYE 6/30/20</u>
Financial Statement Audit	<u>264</u>	<u>29,000</u>	<u>272</u>	<u>29,870</u>	<u>280</u>	<u>30,766</u>
Federal Single Audit	<u>50</u>	<u>5,500</u>	<u>52</u>	<u>5,665</u>	<u>53</u>	<u>5,835</u>
Financial Statement Preparation	<u>109</u>	<u>12,000</u>	<u>112</u>	<u>12,360</u>	<u>116</u>	<u>12,731</u>
New GASB Implementation	<u>included in fees above</u>					
Other:						
Housing Authority	<u>91</u>	<u>10,000</u>	<u>94</u>	<u>10,300</u>	<u>96</u>	<u>10,609</u>
Lodger's Tax	<u>14</u>	<u>1,500</u>	<u>14</u>	<u>1,545</u>	<u>14</u>	<u>1,591</u>
SUB-TOTAL	<u>528</u>	<u>58,000</u>	<u>544</u>	<u>59,740</u>	<u>559</u>	<u>61,532</u>
Gross Receipts Tax		<u>4,568</u>		<u>4,705</u>		<u>4,846</u>
TOTAL COMPENSATION		<u>62,568</u>		<u>64,445</u>		<u>66,378</u>
		\$170/hour Partner				
		\$115/hour Manager				
Hourly Rate for Other Services:	\$	\$90/hour Staff				

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 7.

Submitted By: Kitty Williams

Subject: Consider, and act upon, final publication of Ordinance 1565 regarding changes to the registration and cost of keeping bees within City limits. (*Petria Schreiber, City Attorney and Darron Williams, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for final publication.

Background: Consider and act upon final publication of Ordinance 1565 regarding changes to the registration and cost of keeping bees within City limits.

ORDINANCE NO. 1565

TO AMEND §7-01-020 OF THE ALAMOGORDO CODE OF ORDINANCES REGARDING THE KEEPING OF BEES

WHEREAS, Section 7-01-202(d) of the Alamogordo Code of Ordinances regarding the keeping of bees was adopted on October 22, 2013; and

WHEREAS, it is necessary to clarify fees for registration to own or maintain an apiary within City limits and department responsible for registration;

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that the Code of Ordinances of the City of Alamogordo, New Mexico is hereby amended as follows:

7-01-020. - Keeping restrictions.

- (a) Except as otherwise provided in this section, it is unlawful to keep any livestock, poultry, or exotic animals in the city.
- (b) Subsection (a) shall not apply to:
 - (1) The keeping of Vietnamese miniature potbelly pigs or pygmy goats weighing fifty (50) pounds or less or poultry, or the operation of pet stores, veterinary offices or hospitals, commercial kennels, or livestock in zoning districts where the use or keeping is specifically permitted.
 - (2) Public zoos, or carnivals and circuses licensed as such.
 - (3) Fairs, petting zoos or other special events lasting less than two (2) weeks.
 - (4) The keeping of any animal at an approved research institution.
- (c) *Vicious animals.* It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal may use reasonable force to repel the attack. After a judicial determination that an animal is vicious, the owner or keeper of such vicious animal shall destroy it humanely or release such animal to the animal control center for destruction.
- (d) *Restrictions on the keeping of bees.* Except as otherwise provided in this article, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep bees on any lot or parcel of land keep within the city. The authorized keeping of bees, and associated beehives, shall be governed by the following regulations.
 - (1) *General regulations.*
 - a. *Apiary registration.* No person may own or maintain an apiary within the city without first registering all apiaries with the city. Registration shall be made in writing and upon such form or in such format as established by the city, and shall be accompanied by the prescribed registration fee of fifty dollars (\$50.00). ~~in the amount established from time to time by resolution of the city commission.~~ Non-property owners that wish to own or maintain an apiary on property that the non-property owner is renting, or otherwise occupying with the permission of the

property owner, must include written permission from the property owner or landlord that explicitly indicates that the non-property owner has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the city as part of the apiary registration.

- b. *Hive type.* No beekeeper shall keep or maintain bees in any hive other than a modern movable frame hive which permits thorough examination of every comb.
 - c. *Fencing of flyways.* In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.
 - d. *Water.* Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.
 - e. *General maintenance.* Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
 - f. *Queens.* All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and nonswarming characteristics.
 - g. *Prohibitions.* No Africanized bees may be kept on a property under the regulations of this section unless kept for the purpose of propagating beneficial bees.
 - h. *Marking hives.* The beekeeper shall conspicuously post a sign setting forth his name and telephone number.
 - i. *Application to ~~code enforcement~~ planning and zoning.* Anyone proposing to keep bees on a property in the city or to expand such use shall apply for approval from the ~~code enforcement~~ planning and zoning department, which shall determine if the application is in compliance with regulations regarding permitted placement of beehives, flyway barriers, and other structures used in the keeping of bees and whether the property is occupied by a condemned building.
- (2) *In residential districts.* In residential districts, the following regulations shall apply.
- a. *Notification required.* Any person proposing to keep an apiary on any property located in the city, or to expand any such use, shall first provide, by mail or personal delivery, written notice to the owner of all adjoining lots or parcels of land

prior to registering the apiary as required by section 7-01-020(c)(1)A of this article and shall certify the same to the city at the time of registration.

- b. *Colony densities.* It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
1. Less than two thousand four hundred (2,400) square feet in area—no colonies.
 2. One-quarter ($\frac{1}{4}$) acre or less tract size—two (2) colonies.
 3. More than one-quarter ($\frac{1}{4}$) acre but less than one-half ($\frac{1}{2}$) acre tract size—four (4) colonies.
 4. More than one-half ($\frac{1}{2}$) acre but less than one (1) acre tract size—six (6) colonies.
 5. One (1) acre or larger tract size—eight (8) colonies.
 6. Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

For each two (2) colonies authorized under this section, colony densities there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) ten-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date is acquired.

- c. *Location and setbacks.* No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- d. *Lots without a primary residence.* Notwithstanding the provisions of chapter 29 of the Alamogordo Code of Ordinances regarding accessory uses, bee keeping is a permitted accessory use and may be kept on a lot that is vacant or has no occupied residence.
- e. *Written permission; revocation.*
1. Written permission required by section 7-01-020(c)(1)a is revoked under any of the following circumstances:
 - i. The occupant who has given written permission gives up legal possession of the residence or property.
 - ii. The owner of property who has given written permission transfers or is otherwise divested of all interest in the property.
 - iii. The owner or occupant of property who has given written permission files a signed revocation of written permission with the code enforcement department.

- (3) *In non-residential districts.* In zoning districts other than residential districts, all regulations applicable in residential districts shall apply except that the number of beehives shall be limited to one (1) for each one thousand (1,000) square feet of lot area unless the non-residentially zoned lot is located within two hundred (200) feet from any residentially zoned lot in which case the density restrictions for residential districts shall apply.
- (e) *Variances.* The board of appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this section.

DONE this _____ day of _____, 2018

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 05/04/2018

Report No: 8.

Submitted By: Debbie Osborne

Subject: Consider, and act upon, Resolution 2018-24 approving the Crisis Intervention Training Model Site grant application to Policy Research Associates, Inc. for the Alamogordo Police Department. (*Debbie Osborne, Grant Coordinator*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: This grant does not provide funding. It provides intensive technical assistance, resources, training, and expertise from a national pool of subject experts in order to adopt and operationalize a CIT strategy agency-wide.

Recommendation: Approve Resolution 2018-24.

Background: The Crisis Intervention Training Model project is part of a larger program with the Bureau of Justice Assistance's Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability Initiative. The Crisis Intervention Training Model Program delivers Crisis Intervention Team (CIT) training within law enforcement agencies to assist in the implementation of a comprehensive and sustainable CIT strategy for those agencies. Through this program agencies will improve their response to and interaction with persons with mental illness.

APD's Chief and Deputy Police Chief are CIT trained and enthusiastically support this training for all officers. They have strong support from the City's Mental Health Professionals in seeking this grant opportunity.

Law Enforcement and Community: Crisis Intervention Training Model

SOLICITATION FOR APPLICATIONS

PLEASE COMPLETE THE ATTACHED APPLICATION IN ITS ENTIRETY TO ENSURE THAT WE HAVE ACCURATE BACKGROUND INFORMATION ON YOUR COMMUNITY AND THAT THE APPROPRIATE LEVEL OF COMMITMENT AMONG AGENCIES IS DEMONSTRATED. ADDITIONAL ATTACHMENTS ARE REQUIRED (LETTERS OF SUPPORT AND COMMITMENT).

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.

APPLICATIONS DUE NO LATER THAN APRIL 20, 2018

PLEASE DIRECT ANY QUESTIONS AND RETURN APPLICATIONS VIA POSTAL MAIL OR E-MAIL TO:

Policy Research Associates, Inc.
345 Delaware Avenue
Delmar, NY 12054
Attn: Colette Scott

Phone: 518.439.7415

E-mail: cscott@prainc.com



For additional information on the VALOR Initiative please visit [BJA's VALOR Initiative page](#).

This solicitation seeks applications from law enforcement agencies to participate in the Crisis Intervention Training Model Program (see program number 5 above). A total of four (4) agencies will be selected and will work directly with PRA and its partners to strategically implement BJA's CIT (*Effective Community Responses to Mental Health Crisis*) Training Model as the agency's CIT strategy and program. Agencies will also receive training and participate in an evaluation of the program. It is anticipated that agency participation in this project will be from June 2018 to May 2019. The implementation of this CIT program will 1) assist agencies in creating and adopting a complete CIT strategy and program; 2) enhance knowledge and skills in responding to community members with mental illness; 3) directly impact officer safety; 4) build positive community relations and trust; 5) enhance officer knowledge or mental health resources and diversion opportunities; and 6) result in safer communities.

Selected agencies will not receive any funding but will receive intensive technical assistance, resources, training, and expertise from a national pool of subject experts in order to adopt and operationalize a CIT strategy agency-wide. Selected agencies will engage in comprehensive strategic planning for program rollout, including program design, implementation, and partnership-building to promote effective and safer responses to persons experiencing a mental health crisis. Agencies participating in this project will assist BJA and PRA to develop a model CIT implementation program and guide that other law enforcement (LE) agencies and communities may use to create their own CIT strategies and programs.

CIT is a law enforcement-based model of specialized response to people experiencing a mental health crisis in the community. CIT programs comprise a volunteer cadre of officers who have completed a 40-hour training on recognizing the signs and symptoms of psychiatric disability, identifying a mental health crisis situation and managing and resolving difficult encounters. Crisis Intervention Team (CIT) programs are a form of community partnership among local law enforcement agencies, local mental health agencies, mental health advocacy groups, mental health consumers and families.ⁱ

The Issue:

Law enforcement agencies are called to protect and serve the communities they reside in, and frequently, that means more than enforcing the laws that apply in their jurisdiction. Citizens often expect LE Officers (LEOs), by default, to serve in community support, public health, and social work, or whatever other role is needed when a call for service is placed. Perhaps the most difficult calls LEOs must respond to are those that involve persons in a crisis or affected by mental illness (MI). Since LEOs may be first to arrive on-scene and to initiate contact with the person(s) with MI, scenarios like this require partnerships among LE, the corrections system, mental health (MH) professionals, the courts, and community members.ⁱⁱ

The number of interactions involving LEOs and people with MI has been increasing in recent years. These difficult situations require LEOs to use their discretion in how to apply the law. Their agency's policies may require them to arrest persons with mental illness in spite of the MI, or their level of training may lead them to use less-lethal or lethal force. *The Washington Post* notes that roughly 25% of civilians killed in officer-involved shootings in 2015 had a MI or were in crisis, while a separate study states that persons with MI were 16 times more prone to be killed by LEOs than other civilians.ⁱⁱⁱ In some tragic situations, these fatal officer-involved shootings were initiated by people seeking that exact end result, commonly known as "suicide by cop."^{iv}

When LEOs arrest people with MI and proper treatment and diversion are not administered, people may face a cycle of incarceration, release, and recidivism due to the lack of attention to their emotional crisis or mental state. In fact, a 2014 report revealed that 10 times more people affected by MI were incarcerated in correctional facilities than were in psychiatric hospital beds.^v Without proper partnerships in place to divert people with MI or emotional crises to treatment, or proper training for LEOs to recognize signs of mental/emotional distress in civilians they encounter and fully understand the resources to divert such persons, these statistics will not improve.

Chief executives and command staff must form policies and train LEOs for when their first-line officers encounter people with MI during their calls for service. Split-second decisions made on the part of LEOs that lead to injury or death can have lasting impacts on the lives of people affected by MI, their families, surrounding community members, and the officers and agencies themselves.^{vi} Promising and evidence-based practices such as the CIT response model provide LE leaders the opportunity to train their officers to recognize the signs of MI or emotional crisis in people, manage difficult encounters, and partner with MH experts to successfully divert people to the necessary and most appropriate care.

This program seeks to help agencies and their community stakeholders build positive partnerships, create an agency culture that is savvy regarding MI issues, and develop and implement a comprehensive CIT program strategy for agency adoption based on the specific needs of the agency. A law enforcement agency with excellent training but lacking in partnerships with mental health providers and community organizations representing people with MI and their families, faces significant challenges with community trust, diverting people to needed mental health services, and identifying successful approaches to long-term change.

Project Overview:

This project is designed to deliver BJA's CIT Training Model to four (4) law enforcement agencies within the United States and its territories. The goal is to form a new culture of CIT within the selected agencies. Those agencies will receive:

1. Comprehensive technical assistance to implement and sustain a CIT program.
2. A plan for, and the execution of, a consecutive 5-day, 40-hour CIT training covering 26 modules of varying lengths for a variety of learning styles.
3. Delivery of a CIT train-the-trainer course to further develop and build CIT program sustainment.
4. A variety of resources including materials for the 40-hour training and the Train-the-Trainer course (companion Instructor Guide, Participant Guide, and pre/post evaluation forms).
5. Follow-on technical assistance in the delivery and implementation of the CIT strategy within each agency including a long-term sustainability plan.

The 40-hour curriculum was developed after the Memphis Model Crisis Intervention Team (CIT) approach, with the capability to be customized to local community resources and special topic areas. The training helps responding officers build community and mental health partnerships, gain a better understanding of the types of challenges persons with MI face, and manage difficult encounters and situations involving people with MI in crisis to include redirecting them from the justice system to a health care setting.

Additionally, this project is designed to provide a follow-up CIT train-the-trainer (TTT) delivery focused on further developing and building local expertise to implement and then deliver subsequent CIT trainings within the agency's jurisdiction. This assists in expanding the number of law enforcement officers who are CIT trained and better prepared to offer community responses to persons who are experiencing a mental health crisis.

Demonstration Site Eligibility and Selection:

Applicants must be U.S. law enforcement agencies (municipal, county, or tribal) with the capacity and commitment to participate in this comprehensive program. Written support of commitment must be provided from the agency executive, proposed community partners, and the city/county manager, mayor, or equivalent. Agencies selected for CIT implementation and training must be able to provide appropriate facilities and audio visual (AV) equipment to comfortably accommodate up to 40-45 people (25-30 law enforcement participants plus additional trainers and support staff) for trainings and meetings. Further details will be provided to agencies selected to participate. To be considered, all applications must be received by Friday, April 20, 2018. It is anticipated that selected agencies will be notified approximately on or before Tuesday, May 22, 2018.

PRA seeks to choose agencies that demonstrate strong commitment and capacity to meet, or exceed, the project requirements. PRA and its partners will base agency selection on several factors, including data-driven analysis of need and agency agreement to full participation and commitment. The selection evaluation team and PRA will strive for maximum objectivity. The selection process, by its nature, is subjective; and therefore, professional judgment is implicit throughout the entire process.

Application and Participation Requirements and Additional Support:

It is required that each agency submitting an application (**see attached *Crisis Intervention Training Model Site Application form***) for consideration identify leaders in their organization and in the community that can support the implementation and training responsibilities of the CIT Program. Similarly, these leaders must be dedicated to allocating ample staff time to participate in the CIT implementation and training. This will include the identification of a dedicated on-site agency coordinator who will identify and bring together all necessary collaborating partners/stakeholders. See the below list of partners and stakeholders. Each application must include letters of support and commitment from the applying agency (Chief, Sheriff, etc.) as well as lead administrators of the collaborating partners and stakeholders to include, but not limited to:

- Law enforcement,
- Mental health authority,
- Substance abuse, housing, and other wrap around service agencies, and
- Advocacy/community organizations representing people with MI and their families.

In addition, agencies selected must agree to participate in the following:

- Pre-training kick-off video conference.
- Significant pre-work and strategic planning to design, develop, and implement comprehensive CIT strategies. This includes the development of a CIT implementation strategy and assistance in determining the number of CIT-trained officers needed.

- A review of existing policies and procedures with careful consideration given to recommended modifications for adoption.
- One or two CIT trainings (the 5 consecutive day, 40 hour training) dependent upon agency need. The agency must be able to provide a training space that comfortably accommodates 40-45 people (25-30 law enforcement and stakeholder participants, agency trainers, CIT program instructors, and other critical staff (e.g. 911 call takers/dispatchers, etc.)
- Follow-on CIT TTT course (2-3 days) to build agency training capacity for future deliveries of the CIT training program within selected communities. This TTT course will include detailed instruction on pre-planning steps/requirements needed in order to deliver and implement the CIT training model in a community. CIT TTT will require that all necessary stakeholders – including non-law enforcement stakeholders – attend the training together. TTT will be delivered to each participating agency as part of the strategic CIT implementation plan.
- Ongoing technical assistance throughout CIT program implementation, including intensive strategic planning, implementation support, training deliveries, program sustainability planning and implementation, and an on-site follow-up consultation approximately 60 days following the CIT TTT event.
- Training evaluations pre- and post-CIT training delivery(ies), as well as pre- and post-CIT TTT delivery.
- An impact/outcome evaluation (training outcomes, partnerships, use of force, person level outcomes, etc.) which will include on-site focus groups.

Estimated Timeline of Events:

April 20, 2018—Solicitation responses due to Policy Research Associates, Inc.

May 22, 2018—Agencies notified of selection

June 2018—Site kickoff meetings

July-August 2018—Pre-CIT implementation and training Strategic Planning Site Visits

July 2018-May 2019—Technical assistance provided to sites regarding CIT program implementation

September-December 2018—CIT training(s) delivered to each selected agency

January-February 2019—CIT TTT events delivered to each selected agency

March-April 2019—Technical assistance site visits

April-May 2019—Follow-up evaluations and on-site focus groups

ⁱ “3 Part Series on Supporting the Recovery of Justice-Involved Consumers”, *STAR Center* accessed March 12, 2018, <http://www.consumerstar.org/site/?q=node%2F41>

ⁱⁱ “Improving Police Response to Persons Affected by MI,” *International Association of Chiefs of Police*, accessed February 24, 2017, <http://www.iacp.org/Portals/0/documents/pdfs/ImprovingPoliceResponseToPersonsWithMentalIllnessSymposiumReport.pdf>.

ⁱⁱⁱ “Mentally Ill Are 16 Times More Likely to Be Killed by Police,” *Sott.net* (Signs of the Times), <http://www.sott.net/article/308250-Report-Mentally-ill-are-16-times-more-likely-to-be-killed-by-police>.

^{iv} *Ibid.* *International Association of Chiefs of Police*.

^v *Ibid.* *International Association of Chiefs of Police*.

^{vi} *Ibid.*

Crisis Intervention Training Model Site Application

PLEASE COMPLETE THIS APPLICATION IN ITS ENTIRETY TO ENSURE THAT WE HAVE ACCURATE BACKGROUND INFORMATION ON YOUR COMMUNITY AND THAT THE APPROPRIATE LEVEL OF COMMITMENT AMONG AGENCIES IS DEMONSTRATED.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.

APPLICANT JURISDICTION: **ALAMOGORDO, NM – OTERO COUNTY**

NAME OF PERSON COMPLETING THIS FORM:	DEBORAH OSBORNE
TITLE/RANK:	GRANT COORDINATOR
ADDRESS:	1376 E. NINTH ST, ALAMOGORDO NM 88310
PHONE:	575-439-4257
EMAIL:	DOSBORNE@CI.ALAMOGORDO.NM.US

I. Agency Description

Head of agency/agency executive: **BRIAN PEETE**

Address: **700 VIRGINIA AVE, ALAMOGORDO NM 88310**

Telephone: **575-439-4325 EXT. 159**

Email: **BPEETE@CI.ALAMOGORDO.NM.US**

How did you learn about this Crisis Intervention Team (CIT) Implementation and Training?

Alamogordo Police Department's Chief Brian Peete expressed a strong desire to have all of our City's police officers crisis intervention training. He asked the grant coordinator to explore funding options for this training. While searching on line for opportunities she found the Policy Research Associates' solicitation announcement for applications for the Law Enforcement and Community: Crisis Intervention Training Model.

Agency Personnel:

Total number of sworn personnel: **59**

Total number of civilian staff: **24**

Currently, what percentage of your workforce is represented in the following racial/ethnic categories? (Total should equal 100%)

- a. White 55%
- b. Hispanic or Latino 36%
- c. Black or African American 4%
- d. Native American/American Indian 0%
- e. Asian/Pacific Islander 0%
- f. Other 2%

Currently, what percentage of your workforce is represented as:

- a. Male 66%
- b. Female 44%

Approximately what percentage of your agency personnel live in your jurisdiction? 85%

Does your agency currently have a CIT model/training program in place? YES NO

If yes, percentage of sworn patrol who are CIT trained? _____%

If yes, percentage of sworn patrol who are CIT trained across all three shifts? _____%

Number/percentage of calls for service (in the most recent fiscal or calendar year) that are known upfront (as determined by the 911 operator) to be mental health calls? An Approximation of 15%. It should be noted after the initial response, officers realize one or more of the individuals they encounter in dispatched calls may be suffering from a mental disorder or may be in crisis, therefore it should be inferred that APD experiences a much higher call volume in dealing with those with mental illnesses. Because of this, there is no true data available to capture this number.

How are these data collected/determined? Based on Initial Coding of the Calls. What is the tracking system? CAD (Computer Assisted Dispatch)

Number/percentage of calls for service (in the most recent fiscal or calendar year) at the time of disposition (as determined by the on-scene officer/deputy) that are determined to be mental health calls? 415

How are these data collected/determined? Adding all mental illness-related and ambulance transport (mental-illness) service calls What is the tracking system? Via CAD system. It should be noted our CAD system is antiquated and it is believed the numbers in responding to mental-illness calls is significantly higher. These number also do not consider the calls officers were dispatched to service/disturbance calls and encountered consumers suffering from mental illnesses.

Does the 911 operator have the ability to dispatch a CIT-trained officer to the scene if the operator determines it is a mental health call for service? YES NO

Is your agency currently pledged to the IACP "One Mind Campaign?" YES NO

At the time of the submission of your response to this solicitation, is your agency and jurisdiction prepared to commit the resources and people needed to participate in this initiative? YES NO

If no, please describe what is needed from your agency and/or jurisdiction to make this commitment?

Is your agency's training calendar finalized for the 2018 calendar year? YES **NO**

If yes, will your agency have the flexibility to participate in an on-site strategic planning site visit and one to two CIT training deliveries during the 2018 calendar year? **YES** NO

Please describe any information you believe is relevant to your response to the previous question regarding your agency's training calendar **We are building a new training plan and strategic initiatives which include having each of our officers CIT trained**

II. Jurisdiction Description

Population of Jurisdiction: **~32,000**

Square mileage of jurisdiction: **20**

Describe your jurisdiction (check all that apply):

- ☒ **Urban**
- ☒ **Suburban**
- ☒ **Rural**
- ☐ Tribal
- ☐ **Campus** (within jurisdiction)
- ☐ Other: **NOTE While our jurisdiction is not tribal, our City borders a tribal community, and APD officers have significant interaction with members of the Mescalero community.**

Approximately what percentage of the population that you service fall into the following age groups? (Total should equal 100%)

11 % Under 12 years old

12 % 12-17 years old

12 % 18-24 years old

14 % 25-34 years old

13 % 35-44 years old

10 % 45-54 years old

11 % 55-64 years old

10 % 65-74 years old

7 % 75 years or older

Approximately what percentage of the population that you serve fall in the following household income brackets? (Total should equal 100%)

12 _____ % \$70,000+

8 _____ % \$60,000-\$69,999

10 _____ % \$45,000- \$59,999

11 _____ % \$35,000- \$44,999

59 _____ % Less than \$35,000

III. COMMUNITY PARTNERSHIPS

Please indicate how your agency works with partners. Check all that apply.

Mental Health advocacy groups (representing people living with mental illness and their families):

- ☒ Do not work directly with a mental health provider
- ☒ Provide families with referral information
- ☐ Respond jointly on scene with mental health provider
- ☐ Conduct joint follow-up visits with provider
- ☐ Have an established MOU with a mental health provider
- ☐ Mental health provider on staff within law enforcement agency
- ☐ Other: Please specify _____

Substance abuse treatment provider(s):

- ☒ Do not work directly with a substance abuse treatment provider
- ☒ Provide families with referral information
- ☐ Respond jointly on scene with substance abuse treatment provider
- ☐ Conduct joint follow-up visits with provider
- ☐ Have an established MOU with a substance abuse treatment provider
- ☐ Substance abuse treatment provider on staff within law enforcement agency
- ☐ Other: Please specify _____

Victim Service Provider(s) (other than mental health provider):

- ☒ Do not work directly with a victim service provider
- ☒ Provide families with referral information
- ☐ Law enforcement make the referral to victim service provider
- ☐ Respond jointly on scene with victim service provider

- ☐ Conduct joint follow-up visits with provider
- ☐ Have an established MOU with a victim service provider
- ☐ Victim service provider on staff with agency
- ☐ Other: Please specify _____

Community-based violence prevention group(s):

- ☒ Do not work directly with community-based violence prevention groups
- ☒ Connect families with violence prevention groups
- ☐ Meet with violence prevention groups
- ☐ Have an established MOU with a violence prevention group
- ☐ Other: Please specify _____

Local government social service(s):

- ☒ Law enforcement make referrals to social services
- ☐ Respond jointly on scene with social services
- ☐ Meet with social services to discuss cases together
- ☐ Conduct joint follow-up visits with social services
- ☐ Have an established MOU with social services
- ☒ Other: Please specify **APD works jointly with the City's Children's Youth and Families Department**

Faith-based group(s):

- ☐ Do not work directly with faith-based groups
- ☐ Connect families with faith communities
- ☐ Make referral to faith communities
- ☐ Meet with faith-based groups
- ☐ Conduct joint community follow-up with faith-based groups
- ☐ Have an established MOU with faith-based groups
- ☒ Other: Please specify **APD has provided information and community training upon request**

Culturally-specific community organizations/advocacy group(s):

- ☐ Do not work directly with culturally-specific community organizations/advocacy groups
- ☐ Connect families with culturally-specific community organizations
- ☐ Make referral to culturally-specific community organizations

- ☐ Meet with culturally-specific community organizations/advocacy groups
- ☐ Conduct joint community follow-up with culturally-specific community organizations
- ☐ Have an established MOU with culturally-specific community organizations/advocacy groups
- ☒ Other: Please specify **APD is in the process of connecting with cultural-specific groups**

Other advocacy groups for specific populations (i.e. youth, LGBTQ, Intellectually/Developmentally-Disabled Persons, etc.):

- ☐ Do not work directly with special population advocacy groups
- ☐ Connect families with special population advocacy groups
- ☐ Make referral to special population advocacy groups
- ☐ Meet with special population advocacy groups
- ☐ Conduct joint community follow-up with special population advocacy groups
- ☐ Have an established MOU with special population advocacy groups
- ☒ Other: Please specify **APD is in the process of connecting with specific populations**

Crime watch group(s)

- ☐ Do not work directly with crime watch groups
- ☐ Connect families with crime watch groups
- ☐ Make referral to crime watch groups
- ☐ Meet with crime watch groups
- ☐ Conduct joint community follow-up with crime watch groups
- ☐ Have an established MOU with crime watch groups
- ☒ Other: Please specify **The City has no established crime watch groups**

Community Teams/Task Forces

Is your agency actively represented on any of the following? (Check if yes)

- ☐ Mental Health and/or CIT Committee or similar
- ☐ Local Victim Services Committee or similar
- ☐ Criminal Justice Coordinating Council or similar
- ☐ Community Faith Based Council or similar
- ☐ Task Force on Hate Crimes or similar
- ☐ Family Justice Center or similar
- ☐ Reentry Council or similar
- ☒ Other **APD is in the process of connecting with all community stakeholders**

IV. Agency Essay Questions

1. Please describe how your agency and community partners plan to dedicate resources, time, and energy to ensure the immediate implementation of this initiative. Explain how your agency will immediately staff the effort utilizing current agency staff members.

All stakeholders are enthusiastic to implement this initiative! The Alamogordo Police Department's Chief and Deputy Police Chief are CIT trained and therefore understand the level of continued commitment required to maintain the initiative. APD has three training officers and will mandate all patrol officers receive the training (scheduling officers as soon as the curricula is in place), and officers will complete all required refresher training.

2. Please describe some ways that community input has changed departmental policies and procedures. How have you worked collaboratively with community members to evaluate and assess the success of these changes?

APD and the City's Mental Health Professionals have identified a long-standing need to implement a CIT program due to officers continuously encountering individuals in crisis. While there has not been a large public push from the community where input was given to the department regarding responding to those in crisis, the Chief of Police has solicited for feedback from various citizens who have expressed strong interest in City officers having the tools needed to respond to mental health consumers. Additionally, APD Officers have expressed a strong desire to receive CIT training.

3. How will you incorporate people with lived experience related to mental health, substance use, and justice-system involvement, or their family members or advocacy organizations, into your training on mental health crisis?

NAMI Dona Ana County and the Psychosocial Rehabilitation Association of New Mexico can identify individuals in recovery as well as family to share their lived experiences as part of the training. This has been a highly reviewed component of many CIT program trainings. There are also several APD officers with dependents/family members who are or have suffered from mental illnesses who are vested in ensuring responding officers understand the unique needs of those who call on them for help when loved ones are in crisis.

4. What makes this the right time for your department to implement this specific CIT implementation and training initiative? What is your self-identified need for this and what do you anticipate achieving over the next five years post implementation?

APD has a new Chief who is a staunch advocate of transparency, training, and community-based policing. Due to the high rate (and repeat rate) of mental illness-related calls for service, it is imperative that officers can recognize people in crisis so to avoid injury for all involved, and for APD to reduce the arrest rate for those who are mentally ill. In doing so, mental health consumers can be identified more effectively so our teams can get them the help they need.

In five years, we offer that Alamogordo will be the model of cooperation between law enforcement and mental health professionals and organizations for others to use as a benchmark. It is also our goal to be the CIT training provider for all southern New Mexico.

5. Crisis intervention team programs require ongoing partnerships and commitment. How do you plan to work with partners in your community to ensure that improved crisis response is sustained over the long term?

By seeking out the input, ideas, and opinions of all our partners, we will forge relationships based on mutual respect and understanding. APD strongly recognizes the vital role mental health professionals provide in public safety and believes it takes a concerted effort to improve the quality of life and service for the citizens of Alamogordo. Coupled with meetings, active participation in events, training, and social/fundraising activities, the alliance between APD and the City's mental health professionals will be unbreakable.

6. Would your agency be willing to revise policy and procedures to facilitate better response, and work with mental health and health system partners to revise their policies? What challenges do you face that might be addressed in part through changes in policy?

Absolutely! APD is already in the process of reviewing and updating its policies based on modern policing strategies and with input from community stakeholders. The State of New Mexico only requires officers receive a few hours of training in understanding those in crisis (with annual refresher training), APD and Alamogordo is not satisfied with maintaining a status quo. Our entire team is in the planning stage of creating policies and procedures in responding to those in crisis, and in the sharing of knowledge and experience (additional training in mental health services and procedures for officers, and ride-a-longs for our mental health professionals), we will ensure our policies are uniquely suited for the people of our City.

We foresee no challenges in formulating new policies and/or changing existing ones as all stakeholders are onboard in this endeavor.

7. Please describe any work you have engaged in or relationships you have with:

- a) The International Association of Chiefs of Police

APD is an active member of the IACP and uses IACP research and recommendations in updating its policies and procedures.

- b) Crisis Intervention Team International

Because APD has no existing CIT program, the department does not have a relationship with CIT International. However, we are in the early stages of joining CITI, and plan to take advantage of the wealth of knowledge and contacts the organization brings to bear.

- c) National Alliance on Mental Illness (NAMI) or your local NAMI affiliate

The State president for NAMI New Mexico and Vice President for NAMI Dona Ana County, the closest affiliate that provides NAMI Programs, both reside in Alamogordo and both the state and local affiliate are willing partners in assisting APD in creating a strong CIT program.

V. Proposed Community Partners

Please identify the community partners you will be engaging in order to successfully implement this Law Enforcement and Community: Crisis Intervention Team Training Model. Describe what their responsibilities/contributions will be.

We have received enthusiastic support from the following mental health providers in our community. These community partners have agreed to work with APD in instituting an agency-wide CIT program and are committed to working with APD in training and maintaining a collaborative relationship. Each partner has conveyed a strong willingness to contribute to the success of a CIT program by offering their support to APD.

Although specific responsibilities/contributions are not identified at this time, they have offered to provide any assistance and/or guidance needed. APD will meet with these partners on a regular basis and will form a strong, on-going relationship with a common goal of providing optimal services to our community.

Kimmie Jordan, CPRP, LMFT, LADAC - Executive Director, Psychosocial Rehabilitation Association of New Mexico

Jean Borunda, LCSW - Director of Clinical Services, Gerald Champion Regional Medical Center

Holly Mata, PhD, CHES, CPH – Member and Vice President, Otero County Community Health Council

Otero County Community Health Council

Jim Kerlin, CEO – The Counseling Center Inc.

Local Behavioral Health Collaborative 12

VI. Signature and Additional Required Documents

I hereby certify that the statements and responses provided above and on the attachments to this application are true and complete to the best of my knowledge and that I have completed this application myself.

Signature of Individual Completing Application Deborah Osborne Date 4-20-18

Attachments that are required with this application:

- Agency's mission statement, vision, goals, and objectives
- Agency's organizational chart
- A statement/letter of support by the agency's leader
 - ✓ verifying information in the application
 - ✓ describing agency and community needs
 - ✓ dedicating an on-site coordinator and law enforcement officers to the implementation and training of the Crisis Intervention Training Model Program
 - ✓ indicating a willingness to review policy and procedures and make suggested modifications
- One letter of support from city manager, mayor, or similar individual with administrative authority of grants, contracts, etc., if applicable
- Letters of support from community agencies committed to delivering training in their respective content expertise

Incomplete applications and/or missing attachments will not be considered.

PLEASE DIRECT ANY QUESTIONS AND RETURN APPLICATIONS VIA POSTAL MAIL OR E-MAIL TO:

Policy Research Associates, Inc.
345 Delaware Avenue
Delmar, NY 12054
Attn: Colette Scott

Phone: 518.439.7415
E-mail: cscott@prainc.com

RESOLUTION NO. 2018-24

APPROVAL OF THE CRISIS INTERVENTION TRAINING MODEL SITE GRANT APPLICATION TO POLICY RESEARCH ASSOCIATES, INC., FOR THE ALAMOGORDO POLICE DEPARTMENT

WHEREAS, the Policy Research Associates, Inc., is soliciting grant applications for the Crisis Intervention Training Model Site project,

WHEREAS, the Alamogordo Police Department recognizes the importance of Crisis Intervention Training for all department officers,

WHEREAS, the Alamogordo Police Department City has strong support from the City's Mental Health Professionals in this project and are willing to provide any assistance or guidance needed,

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Alamogordo that the Crisis Intervention Training Model Site grant application is hereby supported and endorsed,

BE IT FURTHER RESOLVED the City Commission directs and designates the Debbie Osborne, Grant Coordinator, to submit this grant application on behalf of the Alamogordo Police Department and act as the point of contact concerning all matters related to the grant.

PASSED, APPROVED AND ADOPTED this 8th day of May, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 9.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, granting Brewer Oil Co. DBA 70 West, Application No.1052170 a Transfer of Ownership of Liquor License No. 0112, located at 1445 US HWY 70 W., Alamogordo, NM
(*Rachel Hughs, City Clerk*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Application No.1052170.

Background: The Alcohol and Gaming Division of the NM Regulation and Licensing Department has given this application preliminary approval. In accordance with Section 60-6B-4 NMSA of the Liquor Control Act, the Division must refer the application to the Governing Body for approval or disapproval. This public hearing is for the purpose of considering the application. A Notice of Public Hearing was published in the Alamogordo Daily News on Sunday, April 8, 2018 and April 29, 2018. These publications meet the State regulations of publishing a notice twice prior to the hearing.

The applicant, Brewer Oil Co. DBA 70 West, Application No.1052170 is seeking a Transfer of Ownership of Liquor License No. 0112, located at 1445 US HWY 70 W., Alamogordo, NM 88310. The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Pat McMurray
DEPUTY
SUPERINTENDENT

Claudia Armijo
DEPUTY GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87504
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

RECEIVED

MAR 26 2018

CITY CLERK

March 22, 2018

Certified Mail No.: 9171 9690 0935 0155 1934 25

City of Alamogordo
Rachel Hughs, City Clerk
1376 E. Ninth St.
Alamogordo, NM 88310

Re: Lic. No. /Appl. No.: License No. 0112 / Application No. 1052170
Name of Applicant: Brewer Oil Co.
Doing Business As: 70 West
Proposed Location: 1445 US Hwy 70 W.
Alamogordo, New Mexico 88310

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made of the hearing.**

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0112. THE APPLICANT CURRENTLY OWNS THIS LICENSE AT THIS LOCATION BUT HAS HAD A CHANGE TO THE STOCKHOLDERS (OWNERSHIP) OF THE COMPANY.

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Sincerely,



Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures:

1. Original Page 1 of the Application **(must be signed and returned).**
2. Copy of Page 2 of the Application (only for a new applicant or a transfer of location).
3. Copy of Zoning Statement (only for a new applicant or a transfer of location).



New Mexico Regulation and Licensing Department | Alcohol and Gaming Division
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595



AGD USE ONLY: Payment| Application Fee \$ 10- Received on: 2-9-18 Receipt No. _____
Application Number: 1052170 Local Option District: _____

TRANSFER OF DISPENSER-TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 0112 Type of License: DISPENSER

Check appropriate boxes:

Application is for: ☒ Transfer of Ownership ☐ Transfer of Ownership and Location ☐ Transfer of Location Only

Record Owner of Existing License: BREWER OIL COMPANY

Current D/B/A Name: 70 WEST

Current Premises Address: 1445 US HWY 70 W., Alamogordo, NM

Current LOD: ALAMOGORDO Is License moving out of Local Option District? ☐ Yes ☒ No

APPLICANT IS: ☐ Individual ☐ Limited Liability Company ☒ Corporation ☐ Partnership (General/Limited)

NAME of Individual/Company: _____ ADDRESS (including city, state, zip) _____

BREWER OIL CO.

2701 CANDELARIA RD., NE, ALBUQUERQUE NM 87107

D/B/A Name to be used: 70 WEST Business Phone #: 505-884-2040

Email Address (required): THENNESSY@BREWEROIL.COM

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

1445 US HWY 70 W., ALAMOGORDO NM 88310

County of: BERNALILLO ~~BONA ANA~~ OTERO

Mailing Address: 2701 CANDELARIA NE, ALBUQUERQUE NM 87107

Are alcoholic beverages currently being dispensed at the proposed location? ☒ Yes ☐ No If Yes, License # / Type: 112

Agent/Contact Person: TOM HENNESSY Phone#: 505-884-2040 X 3010 Email: THENNESSY@BREWEROIL.COM

I, (print name) JAY LAMBERTH, as (title) VP/CFO

being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Sign before a Notary Public: Jay Lambirth

Signature of Applicant: _____ Date: July 31, 2017

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Bernalillo)

SUBSCRIBED AND SWORN TO before me this 31st day of July, 2017

By: Jay Lambirth Notary Public: Maria D. Carrillo

My Commission Expires: December 12, 2019

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: _____ Date: _____



City of Alamogordo

OFFICE OF THE CITY CLERK

1376 E. NINTH STREET • ALAMOGORDO, NEW MEXICO 88310-5838 • (575) 439-4205 FAX (575) 439-4396

April 30, 2018

VIA CERTIFIED MAIL

Brewer Oil Co. DBA 70 West
1445 US HWY 70 W., Alamogordo, NM 88310
Alamogordo, Nm 88310

Re: Application No.1052170 a Transfer of Ownership of Liquor License No. 0112, located at 1445 US HWY 70 W, Alamogordo, NM 88310

Mr. Tom Hennessy,

The City of Alamogordo will hold a Public Hearing on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant **Brewer Oil Co. DBA 70 West, Application No.1052170 a Transfer of Ownership of Liquor License No. 0112, located at 1445 US HWY 70 W., Alamogordo, NM 88310.** The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.

The Public Hearing will be on May 8, 2018 at 6:30 pm at the Commission Chambers during the regular Commission meeting, located at City Hall, 1376 E. Ninth Street in Alamogordo, New Mexico, 88310.

If you have any questions, please contact me at (575) 439-4205.

Sincerely,

Rachel Hughes,
City Clerk

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.92
Postmark Here	
Sent to <u>Brewer Oil Co. DBA 70 West</u>	
Attn: <u>Tom Hennessy</u>	
Street, Apt. No., or PO Box No. <u>2701 Candelaria NE</u>	
City, State, ZIP+4 [®] <u>Alamogordo NM 87107</u>	

PS Form 3800, August 2006

Legal Notices 152

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a **PUBLIC HEARING** on Tuesday, May 8, 2018 at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant Brewer Oil Co. DBA Midtown Shell, Application No. 1052225 a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd, Alamogordo, NM 88310. The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.

Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughs, City Clerk
Legal #1241180
Run Date: 4/8,
4/29/2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a **PUBLIC HEARING** on Tuesday, May 8, 2018 at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant Brewer Oil Co. DBA 70 West, Application No. 1052170 a Transfer of Ownership of Liquor License No. 0112, located at 1445 US HWY 70 W., Alamogordo, NM 88310. The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.

Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughs, City Clerk
Legal # 1241179
Run Date: 4/8,
4/29/2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a PUBLIC HEARING on Tuesday, May 8, 2018 at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant Brewer Oil Co. DBA Midtown Shell, Application No. 1052225 a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd, Alamogordo, NM 88310. The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.

Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughes, City
Clerk
Legal #1241180
Run Date: 4/8,
4/29/2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a PUBLIC HEARING on Tuesday, May 8, 2018 at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant Brewer Oil Co. DBA 70 West, Application No. 1052170 a Transfer of Ownership of Liquor License No. 0112, located at 1445 US HWY 70 W, Alamogordo, NM 88310. The applicant currently owns this li-

cense at this location but has had a change to the stockholders (ownership) of the company.

Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughes, City
Clerk
Legal # 1241179
Run Date: 4/8,
4/29/2018

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 10.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, granting Brewer Oil Co. DBA Midtown Shell, Application No. 1052225 a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd, Alamogordo, NM. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Application No.1052225.

Background: The Alcohol and Gaming Division of the NM Regulation and Licensing Department has given this application preliminary approval. In accordance with Section 60-6B-4 NMSA of the Liquor Control Act, the Division must refer the application to the Governing Body for approval or disapproval. This public hearing is for the purpose of considering the application. A Notice of Public Hearing was published in the Alamogordo Daily News on Sunday, April 8, 2018 and April 29, 2018. These publications meet the State regulations of publishing a notice twice prior to the hearing.

The applicant, Brewer Oil Co. DBA Midtown Shell, Application No. 1052225 is seeking a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd, Alamogordo, NM 88310. The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Pat McMurray
DEPUTY
SUPERINTENDENT

Claudia Armijo
DEPUTY GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87504
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

March 22, 2018

Certified Mail No.: 9171 9690 0935 0155 1934 32

City of Alamogordo
Rachel Hughs, City Clerk
1376 E. Ninth St.
Alamogordo, NM 88310

RECEIVED

MAR 26 2018

CITY CLERK

Re: Lic. No. /Appl. No.: License No. 0862 / Application No. 1052225
Name of Applicant: Brewer Oil Co.
Doing Business As: Midtown Shell
Proposed Location: 723 White Sands Blvd., N.
Alamogordo, New Mexico 88310

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made of the hearing.**

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0862. THE APPLICANT CURRENTLY OWNS THIS LICENSE AT THIS LOCATION BUT HAS HAD A CHANGE TO THE STOCKHOLDERS (OWNERSHIP) OF THE COMPANY.

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Sincerely,



Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures:

1. Original Page 1 of the Application **(must be signed and returned).**
2. Copy of Page 2 of the Application (only for a new applicant or a transfer of location).
3. Copy of Zoning Statement (only for a new applicant or a transfer of location).



New Mexico Regulation and Licensing Department | Alcohol and Gaming Division
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

RECEIVED

FEB 09 2018

Page 1 Revised 5/16
ALCOHOL & GAMING DIVISION

AGD USE ONLY: Payment| Application Fee \$ 10- Received on: 2-9-18 Receipt No. 2049764
Application Number: 1052225 Local Option District: _____

TRANSFER OF DISPENSER-TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 0862 Type of License: DISPENSER

Check appropriate boxes:

Application is for: ☒ Transfer of Ownership ☐ Transfer of Ownership and Location ☐ Transfer of Location Only

Record Owner of Existing License: BREWER OIL COMPANY

Current D/B/A Name: MIDTOWN SHELL

Current Premises Address: 723 N. WHITE SANDS BLVD., ALAMOGORDO NM

Current LOD: ALAMOGORDO Is License moving out of Local Option District? ☐ Yes ☒ No

APPLICANT IS: ☐ Individual ☐ Limited Liability Company ☒ Corporation ☐ Partnership (General/Limited)

NAME of Individual/Company: _____ ADDRESS (including city, state, zip) _____

BREWER OIL CO.

2701 CANDELARIA RD., NE, ALBUQUERQUE NM 87107

D/B/A Name to be used: MIDTOWN SHELL Business Phone #: 505-884-2040

Email Address (required): THENNESSY@BREWEROIL.COM

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

723 WHITE SANDS BLVD. N, ALAMORGORDO NM 88310

County of: OTERO

Mailing Address: 2701 CANDELARIA NE, ALBUQUERQUE NM 87107

Are alcoholic beverages currently being dispensed at the proposed location? ☒ Yes ☐ No If Yes, License # / Type: 862

Agent/Contact Person: TOM HENNESSY Phone#: 505-884-2040 X 3010 Email: THENNESSY@BREWEROIL.COM

I, (print name) JAY LAMBERTH, as (title) VP/CFO

being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Sign before a Notary Public:

Signature of Applicant: Jay Lambirth Date: July 31, 2017

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Bernalillo)

SUBSCRIBED AND SWORN TO before me this 31st day of July, 2017

By: Jay Lambirth Notary Public: Maria D. Carrillo

My Commission Expires: December 12, 2019

SEAL

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: _____ Date: _____



City of Alamogordo

OFFICE OF THE CITY CLERK

1376 E. NINTH STREET • ALAMOGORDO, NEW MEXICO 88310-5838 • (575) 439-4205 FAX (575) 439-4396

April 30, 2018

VIA CERTIFIED MAIL

Brewer Oil Co. DBA Midtown Shell
723 N. White Sands Blvd
Alamogordo, NM 88310

Re: Application No. 1052225 a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd

Mr. Tom Hennessy,

The City of Alamogordo will hold a Public Hearing on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant **Brewer Oil Co. DBA Midtown Shell, Application No. 1052225 a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd, Alamogordo, NM, 88310. The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.**

The Public Hearing will be on May 8, 2018 at 6:30 pm at the Commission Chambers during the regular Commission meeting, located at City Hall, 1376 E. Ninth Street in Alamogordo, New Mexico, 88310.

If you have any questions, please contact me at (575) 439-4205.

Sincerely,

Rachel Hughes
Rachel Hughes,
City Clerk

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.92
Postmark Here	
Sent to <i>Brewer Oil Co. DBA Midtown Shell</i>	
Attn: <i>Tom Hennessy</i>	
Street, Apt. No.:	
or PO Box No. <i>2201</i>	
City, State, ZIP+4 <i>Alamogordo NM 87107</i>	
PS Form 3800, August 2006	

Legal Notices 152

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a PUBLIC HEARING on Tuesday, May 8, 2018 at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant Brewer Oil Co. DBA Midtown Shell, Application No. 1052225 a Transfer of Ownership of Liquor License No. 0862, located at 723 N. White Sands Blvd, Alamogordo, NM 88310. The applicant currently owns this license at this location but has had a change to the stockholders (ownership) of the company.

Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughs, City
Clerk
Legal #1241180
Run Date: 4/8,
4/29/2018

NOTICE OF PUBLIC HEARING

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Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughs, City
Clerk
Legal # 1241179
Run Date: 4/8,
4/29/2018

**NOTICE OF PUBLIC
HEARING**

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Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughes, City
Clerk
Legal #1241180
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**NOTICE OF PUBLIC
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cense at this location but has had a change to the stockholders (ownership) of the company.

Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 3/28/2017
City of Alamogordo,
New Mexico
By: Rachel Hughes, City
Clerk
Legal # 1241179
Run Date: 4/8,
4/29/2018

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 05/03/2018

Report No: 11.

Submitted By: Jim Talbert

Subject: Consider, and act upon, transfer Airport Land Lease E-11A, E-3A and E-3B from Trabon LLC to Rabon Investment Group. (*Jim Talbert, Airport Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: None

Recommendation: Approve the lease transfer of E11A, E3A and E3B from Trabon LLC to Rabon Investment Group.

Background: Rabon Investment Group, owned by Jeff Rabon has purchased the hangars E11A, E3A and E3B from Trabon LLC owned by Tim Rabon, his brother. Jeff Rabon is requesting the city to transfer the existing land leases from Trabon LLC to Rabon Investment Group. This transfer will not effect the amount of lease payments.

CITY OF ALAMOGORDO
ALAMOGORDO-WHITE SANDS REGIONAL AIRPORT

APPLICATION FOR ASSIGNMENT OF LEASE

The undersigned hereby applies to the City of Alamogordo for the assignment of that land lease governing the area of the Alamogordo-White Sands Regional Airport known as _____ Area E11A, E3B, E3A.

The current holder of this lease is TIM RABON ^{DBA TRABON}. By my signature below, I state to the City of Alamogordo that I approve of and request the authority to transfer all of my right, title and interest in this lease to JEFF RABON DBA ^{RABON INVESTMENT GROUP}. I understand that if the City approves this assignment of lease, I will be relieved of any further responsibility under this lease other than undetected or undisclosed environmental issues.

Both parties to this request for assignment state that they are requesting the City of Alamogordo to accept the Assignee in the stead of the current lessee.

Assignee agrees that the rental for the area pursuant to the Lease agreement will be \$ \$651.21, \$22.39, \$1504.12 per year and will increase by the City determined CPI each year thereafter, and that any amounts due and owing must be paid at the time this assignment is approved by the City.

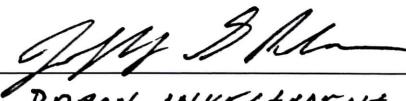
ASSIGNOR:

Date: 4-10-2018



ASSIGNEE:

Date: 10 APRIL 2018



RADON INVESTMENT GROUP

The City of Alamogordo hereby agrees to the assignment of the Lease governing the
area at the Alamogordo-White Sands Regional Airport known as _____
from _____ to _____.

This assignment is effective on the _____ day of _____, 2014.

CITY OF ALAMOGORDO, NEW MEXICO

Date: _____

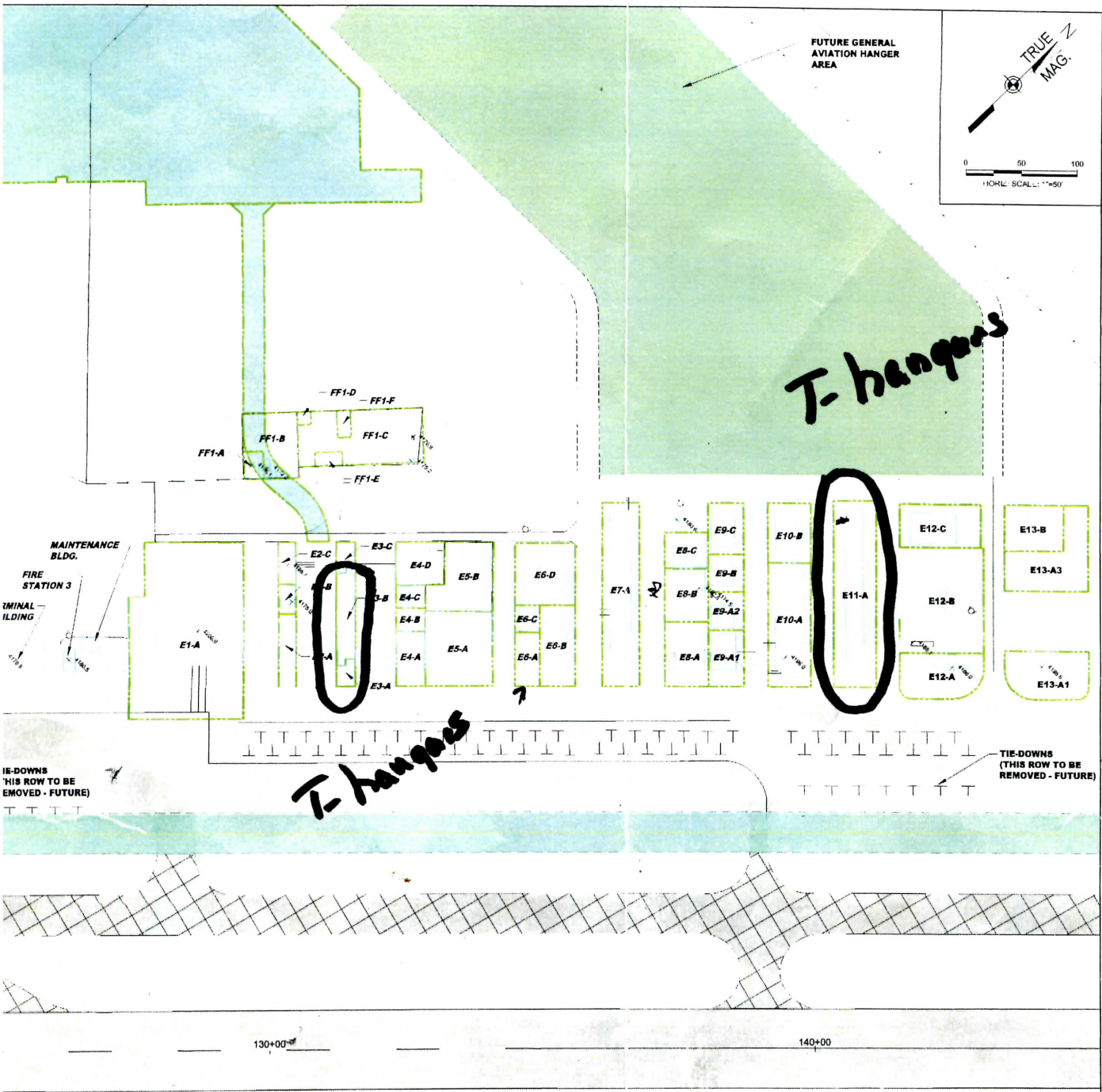
By: _____
Maggie Paluch, City Manager

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney



LEGEND			
DESCRIPTION	EXISTING	FUTURE	ULTIMATE
LEASE LINE		N/A	N/A
AIRPORT BEACON		N/A	N/A
AIRFIELD PAVEMENT			SAME
AIRFIELD PAVEMENT SHOULDER			SAME
AIRPORT PROPERTY LINE			SAME
AIRPORT REFERENCE POINT (ARP)			SAME
BUILDING RESTRICTION LINE (BRL)			SAME
RUNWAY PAVEMENT REMOVAL			SAME
DRAINAGE, CRIPK			N/A
CRITICAL AREA (LOC, GS)			N/A
FENCING			N/A
GLIDE SLOPE ANTENNA AND EQUIP. SHELTER			N/A
LOCALIZER ANTENNA			N/A
OBJECT FREE AREA			SAME
OBSTACLE FREE ZONE			SAME
PRECISION APPROACH PATH INDICATOR (PAPI)		PROPOSED	RECOGNIZED
RUNWAY HIGH-INTENSITY		PROPOSED	RECOGNIZED
RUNWAY END IDENTIFICATION LIGHT (HEL)		PROPOSED	RECOGNIZED
RUNWAY PROTECTION ZONE		PROPOSED	RECOGNIZED
RUNWAY SAFETY AREA		PROPOSED	SAME
RUNWAY THRESHOLD LIGHTS		SAME	SAME
SEGMENTED CIRCLEWIND INDICATOR		SAME	SAME
TAXIWAY EDGE LIGHT		SAME	SAME
TAXIWAY SAFETY AREA		PROPOSED	SAME
TOPOGRAPHIC CONTOURS		SAME	SAME
TREES / SHRUBS		N/A	N/A
VISUAL APPROACH SLOPE INDICATOR (VASI)		SAME	SAME
WINDCONE		SAME	SAME
MALSR		SAME	SAME
RUNWAY VISIBILITY ZONE (RVZ)		SAME	SAME
GENERAL AVIATION HANGER AREA		N/A	N/A

APPROVALS				
FAA				
Name: _____ Date: _____				
ALAMOGORDO - WHITE SANDS REGIONAL AIRPORT				
Name: _____ Date: _____				
REVISIONS	DESCRIPTION		DATE	
ALAMOGORDO - WHITE SANDS REGIONAL AIRPORT				
ALAMOGORDO, NEW MEXICO				
AIRPORT LAYOUT PLANS				
TERMINAL AREA				
DESIGNED A.R.D.	DRAWN S.L.S.	CHECKED E.B.B.	APPROVED W.G.G.	SITE NO. XXXXXX *X
SCALE AS SHOWN			A.C.P. NO.	
DATE AUGUST 2013			SHEET 5	

T.C. FSC

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 12.

Submitted By: Rachel Hughs

Subject: Discussion on F-4 Static Display Location. *(Armando Quinones, Airborne Memorial Representative, Brian Cesar, Assistant City Manager and Jim Talbert, Airport Manager)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Armando Quinones the representative from the Airborne Park, Brian Cesar Assistant City Manager and Jim Talbert Airport Manager will be giving information regarding the plans for the F-4 display. From the time that the City of Alamogordo takes possession of the aircraft we have one year to display it in the permanent location.



RECEIVED
MAR 28 2018
CITY CLERK

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

6 2

Date: 3/28/18

Date of Meeting: 4/10/18

Name: Charles Gonzales On behalf of Armando Quinones

Address: 2300 Pecan Dr
Alamogordo, New Mexico ZIP 88310

Phone Number: (575) 495-8229

E-Mail Address: _____

Item requested will be for: (Please check one)

- | | | |
|--|--------------------------------------|---|
| ☒ Information only | ☐ Action Item | ☒ Discussion/Action |
| ☐ Public Hearing | ☐ Report | ☐ Other: _____ |

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

Discussion will be on the type of aircraft
that is going to be displayed by the Alamogordo
Airberne Memorial

Signature: Charles A Gonzales

Please return to: Rachel Hughs, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4205

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 05/01/2018

Report No: 13.

Submitted By: Bob Johnson

Subject: Consider, and act upon, Change Order No. 3, Public Works Bid No. 2017-009, to Smithco Construction, Inc. related to the Bonito Lake Restoration project, in an amount not to exceed \$71,795.70, including NMGRT. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$71,795.70

Amount Budgeted: \$10,219,425.00

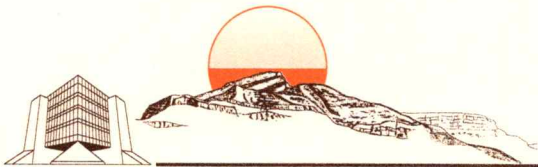
Fund: 081-0008-461.60-79 PW1501

Additional Fiscal Impact:

Recommendation: Approve the Change Order.

Background: This Change Order incorporates the following:

1. Additional traffic control signage mandated by NMDOT during the hauling of material from Bonito Lake to the disposal site.
2. Addition of concrete deadmen anchoring system and bracing, and modifications to the south end of the coffer dam, required for structural support and integrity. Portions of the sheet piling cannot be driven to the specified depth of 20 feet due to underground obstructions.



City of Alamogordo



Engineering Dept. • 1376 East Ninth St. • Alamogordo, NM 88310 • (575) 439-4337 • FAX (575) 439-4343

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 3

BONITO LAKE RESTORATION

PUBLIC WORKS PROJECT NO. 2017-009

DATE: APRIL 23, 2018

CONTRACTOR: SMITHCO CONSTRUCTION, INC.
P.O. BOX 45
CABALLO, NM 87931

OWNER: CITY OF ALAMOGORDO
1376 E. NINTH ST.
ALAMOGORDO, NM 88310

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

1. Additional traffic control requirements mandated by NMDOT.
2. Modifications and additional anchoring to coffer dam configuration due to refusal of sheet piling to designed depth of 20'.

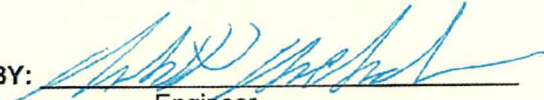
REVISED CONTRACT AMOUNT

- | | |
|--|-----------------|
| 1. Original Contract Amount | \$8,197,500.00* |
| 2. Total Contract Amount Including Previously
Approved Change Orders..... | \$8,230,621.10* |
| 3. Amount of this Change Order (increase)..... | \$ 68,052.80* |
| 4. Total Revised Contract Amount to Date..... | \$8,298,673.90* |

* excludes New Mexico Gross Receipts Tax.

The contract performance period is hereby increased by ninety (90) calendar days. The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

CHANGE ORDER RECOMMENDATION FOR APPROVAL:

BY: 
Engineer

4-30-18
Date

CHANGE ORDER ACCEPTED AND APPROVED:

BY: 
Contractor

4-30-18
Date

CHANGE ORDER APPROVED BY CITY MANAGER/CITY COMMISSION:

BY: _____
City Manager

Date

BY: _____
City Attorney

Date

Change Order Request

Revision 1

COR #3



6 King Canyon Loop
Caballo, NM 87931

Project:

City of Alamogordo
Bonito Lake Restoration Project

Submitted: Monday, April 23, 2018

Location	Sheet	Date of Occurance	RFI
HWY 37 & HWY 48	TC-01R2	Future	N/A

Inquiry: Price includes labor, material, & equipment for additional traffic control required by revised sheet TC-01R2 (Attached).
Additional work items not included in original bid are listed below:
1) 2ea = Portable Variable Message Boards (*To be provided by City of Alamogordo, delivered to jobsite*)
2) Additional labor hours to program, alter, and check message boards as shown on notes 1-6 on sheet TC-01R2
3) Advanced Truck Turning Signage. Total of 8 additional signs w/ posts.

Bid Item	Description	Unit	Quantity	Unit Price	Extended Price
8	Traffic Control during debris excavation	MONTH	18	\$1,188.18	\$ 21,387.28

COMMENTS:

This change will require 30 Additional Calendar Days

EXHIBIT A

DESCRIPTION			COR #3
	Rate	HOURS	TOTAL
Project Manager	\$ 33.00		\$ -
Superintendent (1 hr/week to alter sign)	\$ 36.25	72	\$ 2,610.00
Foreman	\$ 32.02		\$ -
Carpenter/Lather	\$ 32.02		\$ -
Cement Mason	\$ 29.74		\$ -
Ironworker	\$ 40.18		\$ -
Plumber/Pipefitter	\$ 42.69		\$ -
Operator Group I	\$ 23.50		\$ -
Operator Group II	\$ 24.59		\$ -
Operator Group III	\$ 25.24		\$ -
Operator Group IV	\$ 25.45		\$ -
Operator Group V	\$ 25.51		\$ -
Laborer I (0.5 hr/day to check signs)	\$ 23.05	144	\$ 3,319.20
Subtotal			\$ 5,929.20
Labor Burden @ 45.83%			\$ 2,717.35
Labor Total		216	\$ 8,646.55
Travel/Perdiem	\$ 3.50	216	\$ 756.00
420 Cat Hoe	\$40.93		\$ -
Cat 345 Excavator	\$194.74		\$ -
Welding Truck	\$40.14		\$ -
Cat D6K Dozer	\$77.51		\$ -
320 Cat Excavator	\$89.11		\$ -
Supt/Fore Truck	\$25.14	72	\$ 1,810.08
Crew Truck	\$25.14	144	\$ 3,620.16
Blade	\$85.32		\$ -
Bonding Tools	\$75.00		\$ -
Portable Solar Message Board (COA)	\$0.00	18	\$ -
Portable Solar Message Board (COA)	\$0.00	18	\$ -
Equipment Total			\$ 5,430.24
Materials Total:			\$ 3,490.00
Advanced Truck Turning Signage (SF)	\$ 17.00	128	\$ 2,176.00
Add. Steel Posts & Base Posts (LF)	\$ 9.50	112	\$ 1,064.00
Message Board Delivery & Pickup (COA)	\$ -	1	\$ -
Misc. materials (LS)	\$ 250.00	1	\$ 250.00
Sub Contract:			\$ -
Profit & Overhead @ 5%			\$ -
Subtotal Labor, Equipment & Materials			\$ 18,322.79
Profit & Overhead @ 15%			\$ 2,748.42
Sub Contract:			\$ -
Subtotal			\$ 21,071.21
Bond			\$ 316.07
TOTAL			\$ 21,387.28

Change Order Request

COR #4



6 King Canyon Loop
Caballo, NM 87931

Project:

City of Alamogordo
Bonito Lake Restoration Project

Submitted: Tuesday, April 10, 2018

Location	Sheet	Date of Occurrence	RFI
Coffer Dam	S-02	1/18 thru 3/13	6 & 10

Inquiry: This cost proposal request covers additional costs as a result of the lack of depth that could be achieved driving the steel sheet piling. The Geotechnical engineering report for the coffer dam conducted on 12/1/16 by Terracon does not indicate the presence of any material that would cause refusal of the sheet piling above the designed depth of 20'. Direction was provided by the engineer through RFI's #6 and #10 and site visits to create an equivalent system based on contractor provided record drawings of sheet pile recorded depths.

The addition of concrete deadmen as bracing as well as modifications to the south end of the cofferdam (modifications to the north end were covered in CO#1) resulted in 6 days of additional labor with a full crew. Coordination of these efforts along with the 5" rain in 5 days resulted in a project delay of approximately 60 days.

1	Direct Labor	\$	12,075.00
2	Indirect Cost	\$	5,533.97
3	Travel	\$	1,697.50
4	Equipment	\$	15,300.00
5	Materials	\$	5,372.55
6	Subcontracts	\$	-
7	Other (Bond)	\$	689.64
8	S-Total	\$	40,668.66
9	Profit & Overhead	\$	5,996.85
10	Total	\$	46,665.52

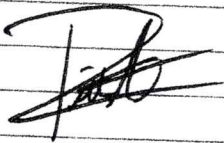
COMMENTS:

This change will require 60 Additional Calendar Days

DESCRIPTION			COR #4
	Rate	HOURS	TOTAL
Project Manager	\$ 33.00	5	\$ 165.00
Superintendent	\$ 36.25	60	\$ 2,175.00
Foreman	\$ 32.02		\$ -
Carpenter/Lather	\$ 32.02		\$ -
Cement Mason	\$ 29.74		\$ -
Ironworker	\$ 40.18		\$ -
Plumber/Pipefitter	\$ 42.69		\$ -
Operator Group I	\$ 23.50	120	\$ 2,820.00
Operator Group II	\$ 24.59		\$ -
Operator Group III	\$ 25.24		\$ -
Operator Group IV	\$ 25.45		\$ -
Operator Group V	\$ 25.51		\$ -
Laborer I	\$ 23.05	300	\$ 6,915.00
Subtotal			\$ 12,075.00
Labor Burden @ 45.83%			\$ 5,533.97
Labor Total		485	\$ 17,608.97
Travel/Perdiem	\$ 3.50	485	\$ 1,697.50
420 Cat Hoe (WK)	\$1,200.00	1.5	\$ 1,800.00
Cat 345 Excavator (WK)	\$6,500.00	0.5	\$ 3,250.00
Welding Truck	\$40.14		\$ -
Cat D6K Dozer	\$77.51		\$ -
320 Cat Excavator	\$89.11		\$ -
Supt/Fore Truck (WK)	\$750.00	1.5	\$ 1,125.00
Crew Truck (WK)	\$750.00	1.5	\$ 1,125.00
Blade	\$85.32		\$ -
JD 350G Excavator w/ Vibratory Driver (WK)	\$8,000.00	1	\$ 8,000.00
Forklift	\$1,200.00		\$ -
950H Wheel Loader	\$69.96		\$ -
Equipment Total			\$ 15,300.00
Materials Total:			\$ 5,372.55
Roper Const.: 4000 PSI Concrete (CY)	\$ 142.00	28	\$ 3,976.00
MPF: #6 Rebar (LS)	\$ 188.00	1	\$ 188.00
US Cargo: 1/2" Wire Rope (FT)	\$ 0.93	400	\$ 372.00
US Cargo: 1/2" Wire Rope Clips (EA)	\$ 1.95	50	\$ 97.50
Fastenal: 3/4" x 6" Eyebolts w/ nuts (LS)	\$ 739.05	1	\$ 739.05
Sub Contract:			\$ -
Profit & Overhead @ 5%			\$ -
Subtotal Labor, Equipment & Materials			\$ 39,979.02
Profit & Overhead @ 15%			\$ 5,996.85
Sub Contract:			\$ -
Subtotal			\$ 45,975.88
Bond			\$ 689.64
TOTAL			\$ 46,665.52

810085

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE 3-19-18	
NAME Smith Co					
ADDRESS Bonito					
CITY, STATE, ZIP					
SOLD BY		CASH	C.O.D.	CHARGE	ON. ACCT.
					MDSE. RETD.
					PAID OUT

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1 28	yds 4000 w/air	142.00	3976.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
RECEIVED BY 		Arturo	3976.00
		3/19/18	

A-5805
T-46320/46360

KEEP THIS SLIP FOR REFERENCE

01-11

MPF, Inc.

PO Box 1000
Mesilla Park, NM 88047

Invoice

RECEIVED

MAR 19 2018

Date	Invoice #
3/16/2018	27385

Bill To
SmithCo PO Box 2 Caballo, NM 87931-0002

P.O. No.	Terms	Project
Bryce	Net 30	

Quantity	Description	Rate	Amount
	(20) #6 x 6; (3' x 3')	188.00	188.00
		<i>Bonito 5/15</i>	
		Total	\$188.00

Thank You for Your Recent Order, 794106!

US Cargo Control [CustomerService@USCargoControl.com]

Sent: 3/15/2018 3:46 PM

To: bryce@smithco.cc

We are processing your order now and will send confirmation when it ships.

[View this message in your browser.](#)



Thank you for your order.

Order reference #794106

We've received your order and are working to process it quickly. We'll email you again to let you know once your order has shipped.

ORDER SUMMARY & SHIPPING INFO:

ORDER SUMMARY:

Ref PO#:

Order #: 794106

Date: 3/15/2018

Name: SmithCo Construction

SHIPPING ADDRESS:

SmithCo Construction

501 Lavelle Road

Alamogordo, NM 88310

US

ITEMS ORDERED:



Item Name: LF12EIB619
QTY Ordered: 400
Item Price: \$0.93

Subtotal:	\$ 372.00
Discount:	\$ 0.00
Shipping:	\$ 0.00
Tax:	\$ 0.00
Total:	\$ 372.00

Login to MyAccount

Log into your MyAccount to access your order details, reorder products, and print receipts.
Need a login? Call our service team at 888-794-0964.



We thought you'd also like:



Thank You for Your Recent Order, 799129!

US Cargo Control [CustomerService@USCargoControl.com]

Sent: 3/28/2018 2:17 PM

To: bryce@smithco.cc

We are processing your order now and will send confirmation when it ships.

[View this message in your browser.](#)



Thank you for your order.

Order reference #799129

We've received your order and are working to process it quickly. We'll email you again to let you know once your order has shipped.

ORDER SUMMARY & SHIPPING INFO:

ORDER SUMMARY:

Ref PO#:

Order #: 799129

Date: 3/28/2018

Name: SmithCo Construction

SHIPPING ADDRESS:

SmithCo Construction
501 Lavelle Road
Alamogordo, NM 88310
US

ITEMS ORDERED:



Item Name: GDFWRC12

QTY Ordered: 50

Item Price: \$1.95

Subtotal:	\$ 97.50
Discount:	\$ 0.00
Shipping:	\$ 19.99
Tax:	\$ 0.00
Total:	\$ 117.49

Login to MyAccount

Log into your MyAccount to access your order details, reorder products, and print receipts.
Need a login? Call our service team at 888-794-0964.



We thought you'd also like:



FASTENAL®

Order No. NMLAS0235
Ship To P.O. banito lake
Contract No.

Remit to
Fastenal Company
P.O. Box 978
Winona, MN 55987-0978

For billing questions
2185 West Amador Suite #4
LAS CRUCES, NM 88005

Phone (575)541-1933
Fax (575)541-1934

INVOICE

Page 1 of 1

Invoice Date
03/08/2018

Invoice No.
NMLAS98620

Invoice Total
739.05 USD

Due Date
04/15/2018

Sold To

0015744 02 MB 0.421 **AUTO TO 0 1018 87931-0-15759

SMITHCO CONSTRUCTION, INC.
PO BOX 2
CABALLO, NM 87931-0002



Ship To
SMITHCO CONSTRUCTION, INC.
1010 KING CANYON LOOP
CABALLO, NM 87931-0002

MAR 22 2018

RECEIVED

This Order and Document is subject to the "Terms of Purchase" posted on www.fastenal.com.

Line No	Quantity Ordered	Quantity Shipped	Quantity Backordered	Description	Control No.	Part No.	Price / Hundred	Amount
1	40	40	0	FRGE EYE BLT 3/4 X 6	220024925	42473	1,513.8000	605.52 T
2	20	20	0	3/4 USS F/W GALV	180117745	1133186	26.0700	5.21
3	20	20	0	3/4 USS F/W GALV	180130480	1133186	26.0700	5.21
4	40	40	0	3/4"-10 HX NUT GALV	180127757	1136715	32.0100	12.80

Bonito 575

Received By

Tax Exemption

Comments

Contact: bryce smith

Subtotal	628.74
Shipping & Handling	55.38
NM State Tax	33.87
County Tax	8.26
City Tax	12.80
Total	739.05

Reasonable collection and attorneys fees will be assessed to all accounts placed for collection.

No materials accepted for return without our permission.
All discrepancies must be reported within 10 days.

If you re-package or re-sell this product, you are required to maintain integrity of Country of Origin to the consumer of this product.

Please pay from this invoice.

Invoice: NMLAS98620 Cust: NMLAS0235

0015744-001-0047809

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 05/03/2018

Report No: 14.

Submitted By: Nancy Beshaler

Subject: Consider, and act upon, first publication of Ordinance 1569 updating Chapter 13 of the Alamogordo Code of Ordinances to comply with Federal requirements. *(Nancy Beshaler, Project Manager)*
(Roll Call Vote Required)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Ordinance 1569 for first publication

Background:

The city participates in the National Flood Insurance Program (NFIP) which makes federally backed flood insurance and federal disaster assistance available to participating communities. The program is administered through the Federal Emergency Management Agency (FEMA). As part of the NFIP, the city's administration of the floodplain is periodically reviewed by FEMA. In March 2018, FEMA performed this review via a Community Assistance Visit (CAV).

FEMA has directed the city to update Chapter 13 Flood Damage Prevention Ordinance to meet the minimum NFIP regulations. The attached ordinance is updated to meet minimum NFIP regulations. The key changes are:

- Replace Article 13-03-020 with the FEMA model ordinance language to include flood zone AE elevation requirements per 44 CFR 60.3(c)(2), which were missing from the existing ordinance.
- Add an item to Article 13-03-100 requiring development of base flood elevation data in subdivisions that greater than 50 lots or 5 acres in zone A, as required by 44 CFR 60.3(b)(3).

Adoption of the Ordinance will keep the city in compliance with the National Flood Insurance Program.

ORDINANCE NO. 1569

AMENDING SECTIONS OF CHAPTER 13, FLOOD DAMAGE PREVENTION IN ORDER TO MEET FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MINIMUM REQUIREMENTS AND TO REMAIN COMPLAINT WITH THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, on December 7, 2010, the City Commission approved Ordinance No. 1388 updating Chapter 133; and,

WHEREAS, City staff has been advised by the National Flood Insurance Program and FEMA that updates are necessary to keep the City in compliance,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that the following sections of Chapter 13, of the Alamogordo Code of Ordinances, are hereby amended as follows.

ARTICLE 13-01 - IN GENERAL

13-01-005. - Statutory authorization.

The state legislature has in NMSA 1978, § 3-18-7 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses, and it is determined to be in the public interest and in the best interest of the health, welfare and morals of the community to establish the flood control damage prevention regulations in this article.

13-01-010. - Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

13-01-020. - Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

13-01-030. - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Accessory structure, low-cost and small means a building that is four hundred (400) square feet or less, that has two (2) or more exterior rigid walls and a fully secured roof and that is affixed to a permanent site, including modular buildings, and which has a value less than three thousand dollars (\$3,000.00), that are used for parking of no more than two (2) cars, limited storage of low cost items (items with a value of two hundred fifty dollars (\$250.00) or less) or other ancillary use.

Anchored means a series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces.

Appeal means a request for a review of the flood plain administrator's interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1—99, VO, V1—V30, VE or V or These areas are designated as Zone A, AO, A1-30, AE, A99, AH or E on the FIRM.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base flood depth (BFD) means the depth shown on the flood insurance rate map for zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one (1) percent chance of equaling or exceeding that level in any given year.

Base flood elevation (BFE) is the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1—A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one (1) percent chance of equaling or exceeding that level in any given year - also called the base flood.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Construction. See *Development*.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Designated floodway. See *Regulatory floodway*.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a non-basement building which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood elevation determination means a determination of the water surface elevations of the base flood hazards by the floodplain administrator and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway. See *Regulatory floodway*.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation (natural grade) of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Letter of map amendment (LOMA) is an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area. A LOMA is only issued by FEMA.

Letter of map revision (LOMR) is an official amendment to the currently effective FEMA map which changes flood zones, delineations, and elevations. A LOMR is only issued by FEMA.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of this chapter.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle", except that any recreational vehicle placed on a site for a period exceeding one hundred eighty (180) consecutive days shall be considered a manufactured home for the purposes of this chapter.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Modular building is a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured home.

Natural grade means the grade unaffected by construction techniques such as fill, landscaping or berming.

New construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this chapter, **and includes any subsequent improvements to such structures.**

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

Non-residential includes, but is not limited to: small businesses, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than six (6) months' duration.

Recreational vehicle is a vehicle which is:

- (1) Built on a single chassis;

- (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Residential means "of or pertaining to a place of personal residence or to a location for such places, as compared to non-residential".

Sheet flow area. See *Area of shallow flooding*.

Special flood hazard area (SFHA). See *Area of special flood hazard*.

Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places provided that the alteration will not preclude the building's continued designation as a historic building.

Variance is a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Violation means the failure of a structure or other development to be fully compliant with the regulations of this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Walled and roofed means a building that has two (2) or more exterior rigid walls and a fully secured roof and that is affixed to a permanent site.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Zone is a geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.

13-01-040. - Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

13-01-050. - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Otero County, New Mexico, and Incorporated Areas," dated December 17, 2010, with accompanying flood insurance rate maps (FIRM) dated December 17, 2010. The FIS, FIRMs and FBFMs are on file at the Alamogordo City Hall.

13-01-070. - Compliance.

All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this chapter and other applicable regulations.

13-01-080. - Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13-01-090. - Interpretation.

In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

13-01-100. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

13-01-110. - Declaration of public nuisance.

Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after October 3, 1983 in violation of this chapter is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

13-01-120. - Abatement of violations.

Within thirty (30) days of discovery of a violation of this chapter, the floodplain administrator shall submit a report to the governing body which shall include all information available to the floodplain administrator which is pertinent to said violation. Within thirty (30) days of receipt of this report, the governing body shall either:

- (1) Take any necessary action to effect the abatement of such violation; or
- (2) Issue a variance to this chapter in accordance with the provisions of section 13-02-040 herein; or
- (3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the floodplain administrator within thirty (30) days of such order and the floodplain administrator shall submit an amended report to the governing body within twenty (20) days. At the next regularly scheduled public meeting, the governing body shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of section 13-02-050 herein; or
- (4) Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

13-01-130. - Unlawful acts.

- (a) It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the governing body. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the floodplain administrator.
- (b) Any person violating the provisions of this chapter shall be guilty of a misdemeanor.

13-01-140. - Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE 13-02 - ADMINISTRATION

13-02-005. - Establishment of development permit.

A floodplain development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 13-01-050.

Cross reference— Subdivision regulations, ch. 22.

13-02-010. - Designation of the floodplain administrator.

The city engineer, or his/her designated representative, is hereby appointed the floodplain administrator to administer, implement and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions. Only a person who is certified pursuant to the state-certified flood plain manager program may be designated as a representative of the city engineer.

13-02-020. - Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review floodplain development permit applications to determine that:
 - a. The permit requirements of this chapter have been satisfied;
 - b. All other required state and federal permits have been obtained;
 - c. The site will be reasonably safe from flooding; and

- d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- (3) Review all subdivision and other proposed new development, including manufactured home and recreational vehicle parks to determine whether the proposed development site will be reasonably safe from flooding. When the proposed building site is located in the special flood hazard area, all new construction and substantial improvements will meet the applicable standards of ~~section 13-03-010 and Section 13-03-100~~ this Chapter.
- (4) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- (5) Whenever a watercourse is to be altered or relocated:
- Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the state coordinating agency which is the New Mexico Department of Homeland Security and Emergency Management (DHSEM);
 - Require that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; and
 - when the alteration or relocation of a watercourse causes a rise in the base flood elevation, or inundation of areas not previously in the special flood hazard area, as soon as practicable, but not later than six (6) months after the date such information becomes available, the floodplain administrator shall require those doing the watercourse alteration or relocation to notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- (6) When base flood elevations are not available, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this chapter. This information shall be submitted to the city commission for adoption.
- (7) Take actions on violations of this chapter as required in section 13-01-120 herein.
- (8) Notify the Federal Emergency Management Agency of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

13-02-030. - Permit procedures.

- (a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of

the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures using the same vertical datum as the effective flood insurance rate map (FIRM) for the community and documented on the current form FEMA 81-31, Elevation Certificate. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
 - (2) Elevation in relation to mean sea level to which any new or substantially improved non-residential structure will be flood-proofed;
 - (3) A certificate from a registered professional engineer or architect, licensed in the state, that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of section 13-03-020(b);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - (5) Certification by a registered professional engineer, licensed in the State of New Mexico, that the cumulative effect of proposed development within zones A1—30 and AE on the community's FIRM, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community, along with the technical data to support the certification.
- (b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Cross reference— Buildings and building regulations, ch. 8; civil defense, ch. 10; health and sanitation, ch. 15; planning, ch. 20; trailers, mobile homes and recreational vehicles, ch. 25; water, sewers and sewage disposal, ch. 28; zoning, ch. 29.

13-02-040. - Variance procedures.

- (a) Board of appeals.
 - (1) The city commission shall hear and render judgment on requests for variances from the requirements of this chapter.
 - (2) The city commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
 - (3) Any person or persons aggrieved by the decision of the city commission may appeal such decision in the courts of competent jurisdiction.
 - (4) In passing upon such applications, the city commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger of life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.
- (b) Any applicant to whom a variance is granted shall be given written notice that ~~(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and (ii) such construction below the base flood level increases risks to life and property commensurate with the increased risks.~~
- ~~(e)~~ The floodplain administrator shall:

- (1)—Maintain a record of all variance actions, including justification for their issuance; and
- (2)—Report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

13-02-050. - Conditions for variances.

- (a) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the relevant factors in section 13-02-0530(db) have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation of historical structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure
- (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposed, but only to that elevation which the city commission believes will both provide relief and preserve the integrity of the local chapter.
- (e) Variances shall only be issued upon
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (f) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria outlined in this section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (g) Upon consideration of the factors noted above and the intent of this chapter, the city commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

ARTICLE 13-03 - FLOOD HAZARD REDUCTION PROVISIONS

13-03-010. - Standards of construction.

In all areas of special flood hazards the following standards are required:

- (a) Anchoring.
 - (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) All manufactured homes shall meet the anchoring standards of section 13-03-040 070.
- (b) Construction materials and methods.
 - (1) All new construction or substantial improvements shall be constructed using methods and practices that minimize flood damage;
 - (2) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - (3) All new construction and substantial improvements and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (4) Within zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.
 - (5) When a regulatory floodway has not been designated, construction, substantial improvements, or other development (including fill) shall not be permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

13-03-020. - Elevation and floodproofing.

- (a) ~~Residential construction. Residential construction, new or substantial improvements, shall have the lowest floor (including basement), be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one (1) foot, or elevated at least three (3) feet above the highest adjacent grade if no depth number is specified. Upon completion of the structure, a registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.~~
- (b) ~~Nonresidential construction. Nonresidential construction, new or substantial improvements shall be elevated to or above the regulatory flood elevation, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified, or together with attendant utility and sanitary facilities, and:~~

- (1) — Be flood-proofed below the elevation recommended under section 13-03-020(a) so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) — Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) — Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the floodplain administrator.
- (c) — Areas of shallow flooding (AO/AH zones):
- (1) — All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
 - (2) — All new construction and substantial improvements of nonresidential structures shall:
 - a. — Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified); or
 - b. — Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - (3) — A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 13-02-030(a), are satisfied.
 - (4) — Require, within zones AH or AO, adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- (a) Located within the areas of special flood hazards where base flood elevation data has been provided (AE/AH zones), the following provisions apply:
- (1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevation to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in 13-02-030 (a) (1), is satisfied.
 - (2) Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy (floodproofed). A registered professional engineer or architect shall develop and/or review structural design, specification, and plans for the

construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(b) Located within the areas of special flood hazard established in 13-01-050 are areas designated as shallow flooding (AO/AH Zones). These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number in feet on the community's FIRM (at least three (3) feet if no depth number is specified), or

(2) All new construction and substantial improvements of non-residential structures;

(a) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or

(b) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy (floodproofed).

(c) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in 13-03-020 (c) are satisfied.

(d) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

13-03-030. - Flood openings.

All new construction and substantial improvements, with fully enclosed areas below the lowest floor (excluding basements), that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

(1) A minimum of two (2) openings, on different sides of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers,

valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

(2) If it is not feasible or desirable to meet the openings criteria stated above, a registered engineer or architect may design and certify the openings.

13-03-040. - Detached garages and accessory structures.

(a) "Accessory structure" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in section 13-01-040 ~~030~~, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

- (1) Use of the accessory structure must be limited to parking or limited storage;
- (2) The portions of the accessory structure located below the regulatory flood elevation must be built using flood-resistant materials;
- (3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- (4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the regulatory flood elevation;
- (5) The accessory structure must comply with floodplain encroachment provisions in section 13-03-80 ~~090~~; and

(b) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 13-03-030

(c) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in section 13-03-010.

13-03-050. - Standards for storage of materials and equipment.

(a) The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

(b) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning

13-03-060. - Standards for utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

13-03-070. - Manufactured homes.

All manufactured homes that are placed on site or substantially improved shall:

- (1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation;
- (2) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces; and
- (3) Meet the standards in section 13-03-010.

13-03-080. - Standards for recreational vehicles.

All recreational vehicles placed on site shall:

- (1) Be on the site for fewer than one hundred eighty (180) consecutive days; or
- (2) Be fully licensed and ready for highway use; or
- (3) Meet the permit requirements of subsection 13-02-030(a), and the elevation and anchoring requirements for "manufactured homes" in subsection 13-03-010(a) 070 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

13-03-090. - Floodways.

Located within areas of special flood hazard established in section 13-01-050 are areas such as arroyos and other channels which may be designated as floodways. Since the floodway is an extremely hazardous area, due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (2) If section 13-03-030(1), above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections (13-03-020 and 13-03-0310 provisions for flood hazard reduction).

13-03-100. - Standards for subdivision proposals.

- (a) All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), shall:
 - (1) Identify the area of the special flood hazard area and the elevation of the base flood
 - (2) Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and

grade elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

(3) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(d) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to other sections of this ordinance.

DONE this _____ day of _____, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 05/03/2018

Report No: 15.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, first publication of Ordinance 1570 updating portions of Chapter 17 of the Alamogordo Code of Ordinances regarding Pawnbrokers and Secondhand Dealers to add reporting procedures. (*Petria Schreiber, City Attorney and Brian Peete, Chief of Police*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication

Background: The Ordinance will replace most of the current sections of Chapter 17 regarding pawnbrokers and secondhand dealers with new language more clearly encompassing the distinctions between the two and the requirements for reporting and monitoring. Additionally, it adds requirements to the reporting standard which will allow for tracking of stolen property.

ORDINANCE NO. 1570**AMENDING SECTIONS OF CHAPTER 17 REGARDING PAWNBROKERS
AND SECONDHAND DEALERS**

WHEREAS, Alamogordo Code of Ordinances 1960 established sections regarding pawnbrokers and secondhand dealers; and,

WHEREAS, Ordinance 370, adopted on September 14, 1965; Ordinance 485, adopted on November 14, 1972, Ordinance 760, adopted on June 13, 1989, and Ordinance 1003, adopted on March 25, 1997 amended portions of Chapter 17, Article 05; and,

WHEREAS, an update of the ordinance to clarify license and reporting procedures is necessary,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that the following sections of Chapter 17, of the Alamogordo Code of Ordinances, are hereby amended as follows.

SECTION ONE:**ARTICLE 17-05. - PAWNBROKERS AND SECONDHAND DEALERS****17-05-010. -~~License required.~~ Short Title.**

~~No pawnbroker, person, firm or corporation whose business it is to trade or receive by way of pledge or pawn, any kind of personal property as security for the repayment of money loaned or advance, shall engage in business within the city without having paid the required occupation license fee and having obtained the license required by the provisions of this article.~~

~~This article shall be known as and may be cited as the "Pawnbrokers and Secondhand Dealers Ordinance".~~

17-05-020. -~~Bond.~~ Purpose.

~~No person shall engage in the business of a pawnbroker without having executed and delivered to the city a bond to be approved by the council in the penal sum of ten thousand dollars (\$10,000.00) with a corporate surety authorized by the laws of the state to write surety bonds therein, and conditioned for the conduct of such pawnbrokers business according to law and for the due and faithful observance of each and every provision of this article. Such bond shall be for the benefit of the city and of each and every person damaged by breach of any condition thereof.~~

~~The purpose of this article is to regulate those businesses which primarily purchase or receive through pawn transaction merchandise from the general public for the purpose of resale.~~

17-05-030. -~~Records.~~ Definitions

~~It shall be the duty of every person engaged in the business of a pawnbroker in the city to provide a well bound book or ledger, to be kept at his place of business, in which a record of all transactions had by such person shall be kept. Such record shall contain an accurate and complete description of each and every article taken in as a pledge, or purchased by him and shall list any identifying serial numbers or other identifying marks or numbers found on each article, together with an accurate and complete description of the parties from whom such goods are received or purchased, together with the name of such person or persons, his or their addresses, giving the house or street number of same, which book shall be open at all times to the inspection of the director of public safety, or any member of the police department, any member of the city commission, or any person who shall be authorized by the director of public safety or the mayor, and there shall also be entered in such book the amount of the loan or purchase price of all such articles or things pawned or bought, the rate of interest to be paid on the loan, if the transaction is a loan; and such other information as may from time to time be required by the director of public safety. The book and record above required to be kept shall be written in the English language in a clear and legible manner.~~

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Firearm as defined in 18 United States Code Section 921.

Item, in addition to meaning an individual item, shall include a coherent unit, such as a tool set with a tool box, for purposes of the reporting requirements of this article, provided that the contents of such units are reasonably described therein.

Pawnbroker shall mean a person who:

- (A) Engages in the business of lending money on the deposit or pledge of personal property;
- (B) Purchases personal property with the expressed or implied agreement or understanding to sell it back at a stipulated price; or
- (C) Engages in the business of purchasing items of gold, silver, platinum or other precious metal or gems and reselling the product.

Secondhand dealer shall mean a person engaged in the business of purchasing, trading, bartering or exchanging secondhand goods.

Secondhand goods shall mean any item of personal property which is not purchased or sold as new. Secondhand goods do not include property purchased by one license holder in the normal course of business from another license holder. Secondhand goods include, but are not limited to the following items:

- (A) Jewelry of any kind and of any metal;
- (B) Gold, silver, and/or other precious metals in whatever form except coins or bullion;

(C) Any precious stone;

(D) Consumer electronics intended for everyday use, most often in the entertainment, communications and office productivity area to include personal computers, telephones, MP3 players, audio equipment, televisions, calculators, GPS automotive electronics, digital cameras and recorders using video media such as DVDs, VCRs or camcorders, and;

(E) Hand tools, power tools and gardening tools.

License holder shall mean a person to whom a license has been issued pursuant to this article including such person's agents and employees.

Person shall mean any individual, partnership, corporation, firm or association.

17-05-040. ~~--Reports.~~ Licenses Required; Revocation; Provisions; Penalty.

It shall be the duty of every person engaged in the business of a pawnbroker to furnish daily, an accurate and complete report, before 12:00 noon of each business day, to the director of public safety, on blanks to be furnished by such director, which report shall show all property of every kind, received or purchased by him, together with the description of such property, including any identifying serial numbers or other identifying marks or numbers found on each article, and the description of the person's address. The report shall give the age, complexion, sex and approximate height of the person delivering such property to such pawnbroker, together with the time at which such property was received and such report shall contain any other information which from time to time may be required by the director.

The business license requirements, revocations, provisions and penalties shall be as set forth in Chapter 17, Article 01, General Provisions and Business Registration and Chapter 17, Article 01A, Businesses to be Licensed.

17-05-050. ~~--Transactions with juveniles, etc.~~ Applicability of other laws.

It shall be unlawful for any person engaged in the business of pawnbroker in the city, to buy, or accept property as a pledge from any juvenile without the written consent of the parent or guardian of such juvenile to so deliver or dispose of such property, or to buy or accept property as a pledge from any person who is at the time intoxicated, or from a habitual drunkard, or from any person known by him to be a thief or an associate of thieves or a receiver of stolen property.

The license provided for in this article does not constitute a waiver of any requirement or provision contained in any other city ordinance or state or federal law.

17-05-060. ~~--Evidence of ownership prerequisite to certain transactions.~~ Bond required

It shall be unlawful for any person engaged in the business of a pawnbroker, to buy any property of any kind, or receive the same as a pledge, which property is distinctly and plainly marked as being the property of any person other than the party offering to sell or pledge the same, unless the party offering to sell or pledge the same shall show satisfactory evidence, in writing,

~~that he is the legal and lawful owner of such property. Failure to require such written evidence shall be prima facie evidence of guilty knowledge on the part of such pawnbroker, his agents or employees, that the party offering to pledge or sell the same is not the rightful owner thereof, and shall be sufficient cause for the revocation of the license of such pawnbroker by the city commission after a public hearing.~~

No person shall engage in the business of being a pawnbroker without having executed and delivered a bond to the City, in the sum of ten thousand dollars (\$10,000), with a corporate surety qualified to do business in the state. The bond shall be in a form approved by the City Attorney's office and shall be conditioned upon the conduct of such pawnbroker's business according to the provisions of this article, and other City ordinances and state and federal law. Such bond shall be for the benefit of each and every person damaged by a breach of any condition set forth in the bond. Every pawnbroker shall provide the City Attorney's office with 30 days written notice of cancellation of bond.

17-05-070. ~~-Compliance required.~~ Reporting requirements; Violation.

~~It shall be unlawful for any person to act as the agent, servant or employee of any person engaged in the business of a pawnbroker who does not keep a record book as required by the provisions of this article, and who does not make reports to the director of public safety as herein required.~~

(A) Every pawnbroker/secondhand dealer shall each day accurately complete a report of all used property of every kind received or purchased during the preceding business day on a form approved by the Alamogordo Police Department. A photo identification card shall be required of each person pawning or selling merchandise to a pawnbroker or secondhand dealer. Each item received shall be listed on a separate report form. The report shall include the following:

(1) Name of item.

(2) Descriptions and photographs of item including make, model number and serial number, if any.

(3) Date, time and type of transaction.

(4) Name and address of person offering form.

(5) Description of the person offering the item including sex, complexion, hair color, approximate height and weight, and date of birth.

(6) Type of identification used by person offering item and identifying number of the identification. If the person presents a driver's license, the report shall also indicate the state of issuance.

- (B) All reports required by this article shall be completed accurately and be made available by 12:00 noon of the day following the day that the property was received or purchased and said reports shall be made available for pickup by the Alamogordo Police Department within three days of the receipt or purchase of the property.
- (C) Used personal property purchased directly from another license holder regulated by this article who has already reported the item pursuant to this section is exempt from the requirements of this section.
- (D) Persistent or frequent erroneous or incomplete entries in or delays in submitting the above required reports shall constitute a violation of this section.
- (E) All persons required to file reports as provided for in this article shall maintain a copy of each report for at least six months from the date the reported transaction occurred.
- (F) All required reports shall be submitted daily by the license holder to LeadsOnline, an online investigative system that links law enforcement agencies and businesses through web based electronic reporting.

17-05-080. - Hours of business. ~~Inspection.~~

~~It shall be unlawful for any person engaged in the business of pawnbroker, to keep such place of business, or to transact any business at such place of business, between the hours of 7:30 p.m. and 6:00 a.m., on the following day, and it shall be the duty of such person so engaged in business to keep such place of business closed between the hours above mentioned.~~

The reports of the license holder required by this article shall be available for inspection by the Chief of Police or any sworn member of the Alamogordo Police Department at all reasonable time.

17-05-090. – Disposition of pawned property and secondhand goods.

- (A) Pawned property shall not be sold or disposed of, except by redemption, by a pawnbroker within 120 days from the date said personal property was pawned with the pawnbroker or within 90 days after the indebtedness becomes due, whichever is later.
- (B) Secondhand goods shall not be sold or disposed of by a secondhand dealer within 15 days from the date said item was received by the license holder.

17-05-100. – Used merchandise tags.

Each item pawned or purchased or received by the license holder for which a report is required shall have attached thereto a tag with an alphabetic and/or numeric identification system matching the item with a corresponding report and record.

17-05-110. – Purchase and receipt limitations.

No license holder shall purchase or receive any item from the following:

(A) Any person under the age of 18; or

(B) Any person under the apparent influence of intoxicating liquor or drugs.

17-05-120. – Exclusions.

This article does not apply to persons who are exclusively involved in the following businesses or transactions:

(A) Junk dealer who deals in old metal, glass, paper, cordage, rags, rubber or other waste which may be treated so as to be used again in some form; vehicles or machines which are worn out and intended for scrapping; or any item considered to be junk for the purpose of trade. Junk does not include secondhand items or parts of secondhand items which are still usable for the purpose for which they were originally intended and are sold with a view to such further original use;

(B) Used motor vehicle dealers;

(C) Antique dealers who deal in paintings, furniture, china or other item painted or made more than fifty years ago and which are valuable primarily by reason of age, scarcity or the skill and craftsmanship of the artists or artisans. Antiques shall not include family heirlooms made of gold and silver or other precious metals;

(D) Coin and bullion collectors and dealers. This exclusion does not exempt such collectors or dealers from compliance with the regulations as herein provided in relation to any gold, silver, platinum or other precious metal or jewelry which they may purchase, trade, barter or exchange in addition to the coin and bullion operations;

(E) Individuals who sell and purchase items at neighborhood garage sales and who are not in the business of reselling these items;

(F) Nonprofit or charitable secondhand goods or thrift shops;

(G) Licensed gun dealers. This exclusion does not exempt such dealers from compliance with the regulations as herein provided in relation to any gold, silver, platinum, or other precious metal or jewelry which they may purchase, sell, trade, barter or exchange in addition to their gun business;

(H) Consignment stores where a consignor transfers possession of personal property but not ownership to a consignee for sale with the understanding that the consignee pays the consignor a portion of the sale proceeds.

17-05-130. – Unlawful transactions.

No license holder shall purchase or receive any item:

- (A) From which the manufacturer's name plate, serial number or distinguishing number or identification mark has been obviously defaced, altered, covered or destroyed; or
- (B) Which the license holder knows or should have known is not lawfully owned by the person offering the same.

*State law reference – Used Merchandise Act, NMSA 1978, §57-9-1 through §57-9-5

SECTION TWO

ARTICLE 17-06. --~~SECONDHAND DEALERS~~^[5] Garage and yard sales~~17-06-010. -- Definition.~~

~~Any person who shall engage in the business of purchase, sale, barter, trade, consignment or exchange of secondhand goods, wares or merchandise, whether in a fixed and established location of business or otherwise shall hereby be defined as a "secondhand dealer;" provided that, transactions involving a trade in of goods, wares or merchandise on the purchase of other goods, wares or merchandise where no cash is paid to the person making such trade in shall not be defined as the business of a secondhand dealer.~~

~~17-06-020. -- Records required.~~

~~Every secondhand dealer shall keep a permanent record on forms provided by the director of public safety providing the following information:~~

- ~~(1) — The date and hour of purchase of all secondhand goods, wares or merchandise.~~
- ~~(2) — The name, age, address and physical description of the vendor.~~
- ~~(3) — The amount of money paid in any such transaction.~~
- ~~(4) — A complete and accurate description of the goods, wares or merchandise purchased.~~

~~17-06-030. -- Inspection permitted.~~

~~The records required by the provisions of this article, as well as all merchandise or articles purchased, shall at all times be open and available to inspection by the director of public safety or any properly designated police officer.~~

~~17-06-040. -- Garage and yard sales.~~

- (a) *Applicability of chapter.* Garage and yard sales, as defined below, need not be licensed or registered under the provisions of this chapter, but shall be subject to the enforcement provisions of section 17-01-100.
- (b) *Definition; conduct of sales.* Garage or yard sales are sales in which personal property and or used merchandise is offered for sale, which are conducted on residential premises by one

or more members of the family or families who live there, and to which the public is invited. Garage and yard sales are permitted within the city provided that:

- (1) Garage and yard sales shall only be held between the hours of 8:00 a.m. and 8:00 p.m. and shall not exceed three consecutive days' duration. No more than three (3) sales shall be held at a given residence in any twelve-month period. No more than two (2) garage or yard sales shall be conducted at the same location within ninety (90) days of another such sale at such location by the same person(s).
 - (2) Garage and yard sales are intended for the sale of items normally accumulated by a household. No items shall be sold at a garage or yard sale which were specifically purchased for the purpose of resale.
 - (3) Signs may be erected no earlier than 6:00 a.m. on the first day of the sale and shall be removed by 9:00 p.m. on the last day upon which the sale is held. Signs may not be placed in the city's right-of-way or attached to utility poles as provided in sections 3-01-15 and 11-06-200 of these ordinances.
 - (4) No garage or yard sale shall be conducted in such a manner as to create a nuisance or hazard.
- (c) *Exemptions.* These provisions shall not apply to or affect the following:
- (1) Persons acting pursuant to an order or process of a court of competent jurisdiction.
 - (2) Persons acting in accordance with their powers and duties as public officials.

DONE this _____ day of _____, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 16.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, complaint submitted by Jodie Nichols concerning Commissioner Nadia Sikes. (no cause findings) (*Petria Schreiber, City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

The Commission adopted by ordinance a "Code of Conduct for Elected Officials" in late 2014. The ordinance contains eleven different codes of conduct. The individual commissioners are expected to comply with these codes when acting in their capacity as an elected Commissioner. In the event another member of the Commission, a member of the public, or others believe that a Commissioner has violated any one or more of the codes, that person or group of people can file a complaint specifying the reasons they believe a violation occurred. Provided the complaint complies with the requirements of the ordinance as to form, the complaint is initially referred to a Preliminary Review committee consisting of the three most senior members of the Commission. A copy is also provided to the subject of the complaint to allow that elected official the opportunity to submit any response or other documentation they want considered by the Review Committee. After the members of the Preliminary Review Committee review the complaint, they are required to either make a finding of cause exists to conclude that the elected official violated the Code of Conduct or a finding of no-cause, which means they have concluded that based upon the facts of the matter the commissioner did not violate the Code of Conduct. That preliminary finding is then forwarded to the full Commission for its consideration.

Ms. Jodie Nichols filed a complaint against Commissioner Sikes alleging three separate violations of the Code of Conduct. A copy of the complaint is attached along with Commissioner Sikes' response. The complaint was forwarded to the Preliminary Review Committee, which found that two of the allegations were without cause, and one of the allegations had cause. As required by the ordinance, these findings are being forwarded to the full commission for their consideration.

The findings are as follows:

Allegation 1: Acting in the Public Interest = no cause

Allegation 2: Conduct of Members = cause

Allegation 3: Representing an Official City Position = no cause

On this agenda item, we will handle the two no cause allegations, numbers 1 and 3.

The full commission can now consider one of the following courses of action:

1. Take no action, which results in the two no cause allegations being concluded;
2. Entertain a motion to consider the complaint, which will require an affirmative vote of 5 commissioners to pass; or
3. Entertain a motion to sustain the no-cause finding by the Preliminary Review Committee. A motion to sustain does allow for discussion.

When considering this matter, the Commission should remain mindful that the stated intent of the ordinance is to educate, and where necessary, discipline the elected official.

MAR 20 2018

ORDINANCE #1479 CODE OF CONDUCT VIOLATION OFFICIAL COMPLAINT FILING ON ~~NADIA SIKES~~
SIKES, MARCH 2018

I, Jodie Nichols, do hereby file this formal complaint of Code of Conduct Violation on Nadia Sikes, Commissioner for District 2 as of this date of March 19, 2018.

Specifically, for Nadia Sikes electronic message to myself on February 26, 2018 at 11:48 a. m. and March 6, 2018 as follows:

"My question to you and the other home owners is why in the world did you ever make the conscious choice to rent or buy in such a deplorable area." "Bad choices on your part."

"I listened to you way more than I actually wanted to."

"You might want to work on your methods of rectifying situations."

"....posting disingenuous comments on FB..., at this point, based on your attitude and lies, please lose my number and consider yourself blocked."

CITY OF ALAMOGORDO, N.M. ORDINANCE #1479

Code of conduct. Each member of the city commission has a duty to:

- a. *Act in the public interest.* Recognizing that stewardship of the public interest must be their primary concern, the commissioners will work for the common good of the people of Alamogordo and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

Statement in writing by Nadia Sikes does not depict stewardship (a person who acts as the surrogate of another or others) to and for ALL constituents living in District 2. Working for the common good of the people of Alamogordo does not include insulting or judging them based on where they choose to live. Nadia Sikes statements were not fair and left a feeling of discrimination against lower income constituents in like areas of the Sahara Apartments.

- c. *Conduct of members.* The professional and personal conduct of commissioners must be above reproach and avoid even the appearance of impropriety. Commissioners shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the commission, city staff or the public.

Nadia Sikes describing the neighborhood surrounding the Sahara Apartments located in the 2400 block of Cuba as deplorable is a discredit to many like neighborhoods in Alamogordo and her comment that residents of this area and like areas making the conscious choice to buy or rent in this type of area is definitely an unsuitable, unacceptable and violates the general standards of good taste or propriety.

As a Commissioner who is supposed to be representing the whole District 2, she has conveyed a strong vehement expression of disapproval to the owners and renters in or near the 2400 block of Cuba or like neighborhoods.

In addition, Nadia Sikes, in her comments did not refrain from abusive conduct, personal charges and clearly a written attack upon myself. Nadia Sikes responded to a simple post to another person which included my opinion, of which any citizen has a right in their freedom of speech.

- h. Representing an official city position. Commissioners may use their title only when conducting official city business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority. Once the commission has taken a position on an issue, all official city correspondence regarding that issue will reflect the commission's adopted position. If a member of the commission appears before another governmental agency organization to give a statement on an issue affecting the city, the commissioner should indicate the majority position and opinion of the commission. Personal opinions and comments may be expressed only if the commissioner clarifies that these statements do not reflect the official position of the city commission.*

Nadia Sikes, in her written comments, did not clarify that the statements made did not reflect the official position of the city commission. By not making clarification, Nadia Sikes has indicated to all Alamogordo residents that there may be bias of the Commission for all residents not living in newer or \$200,000 home neighborhoods. This is a bad taste of discrimination reflecting on the whole commission. Nadia has previously received code of conduct complaints relating to this type of ethic violation. Nadia Sikes statement quoted below indicates she was speaking to me as a City Commissioner.

"My responsibility is to my district, to the city of Alamogordo and my constituents."

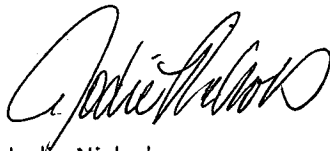
Copies of documents are included with the filing of this complaint to the City Clerk of the City of Alamogordo.

TO: THE ALAMOGORDO CITY COMMISSION

FROM: JODIE R NICHOLS

SUBJECT: AFFIDAVIT IN REFERENCE TO THE ATTACHED CODE OF CONDUCT COMPLAINT AGAINST
DISTRICT 2 COMMISSIONER NADIA SIKES

I, JODIE R NICHOLS, hereby swear that all of the information contained in this Code of Conduct
Complaint against District 2 Commissioner Nadia Sikes is true to the best of my knowledge based upon
the information gathered and evidence presented, under penalty of perjury.



Jodie Nichols

2400 Cuba Ave

Alamogordo, NM 88310

(575)415-5363

jodiero09@gmail.com

STATE OF NEW MEXICO)

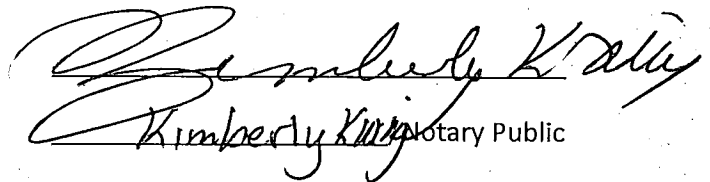
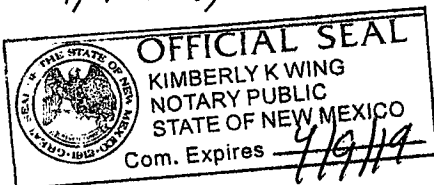
COUNTY OF OTERO)ss.

SUBSCRIBED AND SWORN TO before me this 20th day of March, 2018, by

Jodie R Nichols

My commission expires:

April 9, 2019


Kimberly K Wing, Notary Public



Jodie Rochelle Nichols ▶ Republican
Party of Otero County, New Mexico
February 26 at 8:33 AM

Good Morning

I had the opportunity to visit with our future District 2 City Commissioner **Eddie Kemp** at the republican party meeting Thursday evening. We spoke about the Sahara apartments and how something needs to be done. I have had this conversation before with our current commissioner and feel it fell on deaf ears. NOT THIS TIME!! I personally saw Mr. **Kemp** in my neighborhood Saturday morning checking out the apartments and spoke with him. It's very reassuring to know that someone is listening and looking out for our residents.



Like



Comment



Share

Debra Jo Garcia and 14 others

15 shares



David Quinlan

That's great and exactly what that district needs. I was passing through that neighborhood about a month or 2 ago and I stopped to check out the apartments. The health risk it poses to the kids in that neighborhood is shocking. I don't live in that neighborhood and had honestly forgot about it until I drove by :/. Great work **Eddie Kemp** **Eddie Kemp** for Alamogordo City



Write a comment...



< Home

Nadia Sikes >



Nadia Sikes

Member of Lost and Found Pets of
Alamogordo and 2 other groups

Works at City Of Alamogordo

Lives in Alamogordo, New Mexico

You added Nadia on March 8, 2018

FEB 26, 11:48 AM



Jodie: you are well aware that after
you and I spoke originally

That the city did everything to take
the owners to court and that the
case has been held up all this time
by delay after delay. Very
disappointed in your disingenuous
comment. Every phone call
returned, every message returned,
your help and the help of your
neighbors got this case to where it
is. Why would you say it fell on
deaf ears? I and this commission
were able to get the funds
allocated for tear-down and those
funds will still be available when
the case is out of court. Our hands
are tied right now. Our city



Aa



< Home

Nadia Sikes >



attorney has been pushing for a court date and will hear something in March.



10:36 AM

PUBLIC SERVICE ANNOUNCEMENT

Public Information Office
City of Alamogordo
1376 E. 9th Street, Alamogordo, NM 88310
Office: 575-439-4284
Email: publicinfo@alamogordo.net

CITY OF ALAMOGORDO

PUBLIC SERVICE ANNOUNCEMENT

City of Alamogordo Sahara Apartments Update

Alamogordo, NM Thursday, March 08, 2018. City Attorney Paula Schrader and Assistant City Attorney Duane Johnson appeared before Judge Steven Blackenship today for a planned scheduling conference regarding the case to enforce the resolution declaring the Sahara Apartments a nuisance to public health, safety, peace or safety and ordering their abatement and removal. The resolution was passed by the City Commission on August 11, 2015 and upheld at a public hearing on September 22, 2015. Immediately following, the owners of Sahara Apartments, who reside in Arizona, filed an appeal with the Twelfth Judicial District Court which has been ongoing with no action since October 9, 2015.

At the hearing March 8, 2018 Schrader verbally moved for the Court to resolve the case based upon a failure to prosecute by the owners of the building who have taken no significant action in the matter in over two years. Twelfth Judicial District Court Judge Steven Blackenship agreed and granted the motion to dismiss.

City Staff is eager and excited to move forward with this long involved project and once a signed Court Order has been received, will immediately begin taking the necessary steps to abate the nuisance and other hazards prior to the destruction of the buildings. The safety of the citizens of Alamogordo will be greatly improved by this project.

Contact for this Release
Paula Schrader
City Attorney
575-439-4146
pschrader@alamogordo.net

Learn more about the City of Alamogordo, services, happenings and other information at www.alamogordo.net or by calling 575-439-4284.



You accepted Nadia's request.

Nadia,

Every phone call was not returned. I had left several messages before I finally received a call back from you. I appreciate the work that the city has



Aa



< Home

Nadia Sikes >



You accepted Nadia's request.

Nadia,

Every phone call was not returned. I had left several messages before I finally received a call back from you. I appreciate the work that the city has done to rectify this situation. I am very relieved by the letter from the City of Alamogordo as you definitely would have heard from me every day regarding this situation. While I appreciate you're efforts in this, I did feel as though you weren't listening to myself and the other homeowners in our area. When I was able to actually speak with you, you continuously cut me off from what I was saying. Not necessarily the way to represent people in your district. I am aware that you are still our City Commissioner for District 2 so maybe that is something you can work on for the future.

Kindest Regards, Jodie



Aa



< Home

Nadia Sikes >
Messenger

12:25 PM

Jodie: I beg to differ. I have saved every call, every text, every message. As far as I Am concerned, the effort I put out to rectify this situation actually went above and beyond- from working with code enforcement to bringing the situation before the commission to bird-dogging the court case on an almost weekly basis- including insisting that weeds get cut, etc. Further, I am not in the habit of 'cutting people off'. My question to you and the other home owners is why in the world did you ever make the conscious choice to rent or buy in such a deplorable area. The apartments have been in absolute disgusting condition for years longer than you've lived there. Bad choices on your part. I listened to you way more than I actually wanted to. You might want to work on your methods of rectifying situations. Threatening to call the media even though you were well



Aa



< Home

Nadia Sikes >
Messenger

not in the habit of 'cutting people off'. My question to you and the other home owners is why in the world did you ever make the conscious choice to rent or buy in such a deplorable area. The apartments have been in absolute disgusting condition for years longer than you've lived there. Bad choices on your part. I listened to you way more than I actually wanted to. You might want to work on your methods of rectifying situations. Threatening to call the media even though you were well aware of where we stood with regard to the court case, posting disingenuous comments on FB..... AT this point, based on your attitude and lies, please lose my number and consider yourself blocked. My responsibility is to my district, to the city of Alamogordo and my constituents. No where am I obligated to deal with rudeness.

Oh, and 'kindest regards'.



Aa



RECEIVED

APR - 4 2018

City of Alamogordo
City Attorney's
Office

Nadia Sikes
400 Cottonwood Drive
Alamogordo, NM 88310
575/491-7910

April 4, 2018

RE: Code of Conduct Complaint

The attached complaint from Jodie R. Nichols outlines the events resulting in this Code of Conduct Complaint. The non-disputed Facebook posts (attached) are screen shots from the *Republican Party of Otero County, New Mexico* page and my *personal* Facebook page.

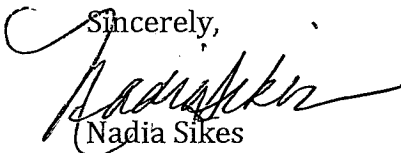
My reaction to the February 26th post (see attachment) on the *Republican Party of Otero County, New Mexico* Facebook page was one of astonishment and disappointment. To see the City and me disparaged with false accusations was discouraging; I was in contact with Ms. Nichols for well over three years and *always* explained where the City stood with regard to the Sahara Apartments, updating her with all information available to me. Often, my explanations were met with "if something isn't done soon, I will contact the media." Local media was well aware of the Sahara Apartments situation.

Reading the disingenuous statements posted by Ms. Nichols about the Sahara Apartments in which she says her complaints were 'falling on deaf ears' and seeing one of my *four* opponents in the recent *non-partisan municipal election* turning this long-time issue into a campaign issue (on the *Republican Party of Otero County, New Mexico* Facebook page) was very frustrating, to say the least.

I responded via Private Message on my personal Facebook page. I was speaking for myself. Whether stated that I am 'speaking for myself' or as a City Commissioner is inconsequential - I *am* a City Commissioner on *any* page on which I post. Ms. Nichols chose to screen-shoot and widely publish my private response.

I will not continue this Facebook drama. I have disengaged myself from local social media. My apologies to those offended by my spontaneous response.

Sincerely,



Nadia Sikes

RECORD

APR 1 1964

1964



City of Alamogordo

1376 E. NINTH STREET • ALAMOGORDO, NEW MEXICO 88310-5838 • CITY ATTORNEY'S OFFICE
(575) 439-4210 FAX (575) 439-4396

March 21, 2018

Nadia Sikes
400 Cottonwood Dr.
Alamogordo, NM 88310

Re: Code of conduct complaint

Dear Commissioner Sikes:

This letter is to notify you that my office received a Code of Conduct complaint against you on March 20, 2018. The complaint alleges violations of sections:

- A. Acting in the Public Interest
- C. Conduct of Members
- H. Representing an Official City Position .

As ordinance 2-03-052 (2)(f) provides, you have fourteen (14) days, from today's date (March 21, 2018), to respond to the complaint. I have included a copy of the complaint, as well as a copy of the Code of Conduct ordinance referenced above, for your perusal.

Please let me know if you have any questions.

Thank you,

Petria Schreiber

RECEIVED

MAR 20 2018

ORDINANCE #1479 CODE OF CONDUCT VIOLATION OFFICIAL COMPLAINT FILING ON ~~OFFICIAL~~ ^{City of Alamogordo}

SIKES, MARCH 2018

I, Jodie Nichols, do hereby file this formal complaint of Code of Conduct Violation on Nadia Sikes, Commissioner for District 2 as of this date of March 19, 2018.

Specifically, for Nadia Sikes electronic message to myself on February 26, 2018 at 11:48 a. m. and March 6, 2018 as follows:

"My question to you and the other home owners is why in the world did you ever make the conscious choice to rent or buy in such a deplorable area." "Bad choices on your part."

"I listened to you way more than I actually wanted to."

"You might want to work on your methods of rectifying situations."

"...posting disingenuous comments on FB..., at this point, based on your attitude and lies, please lose my number and consider yourself blocked."

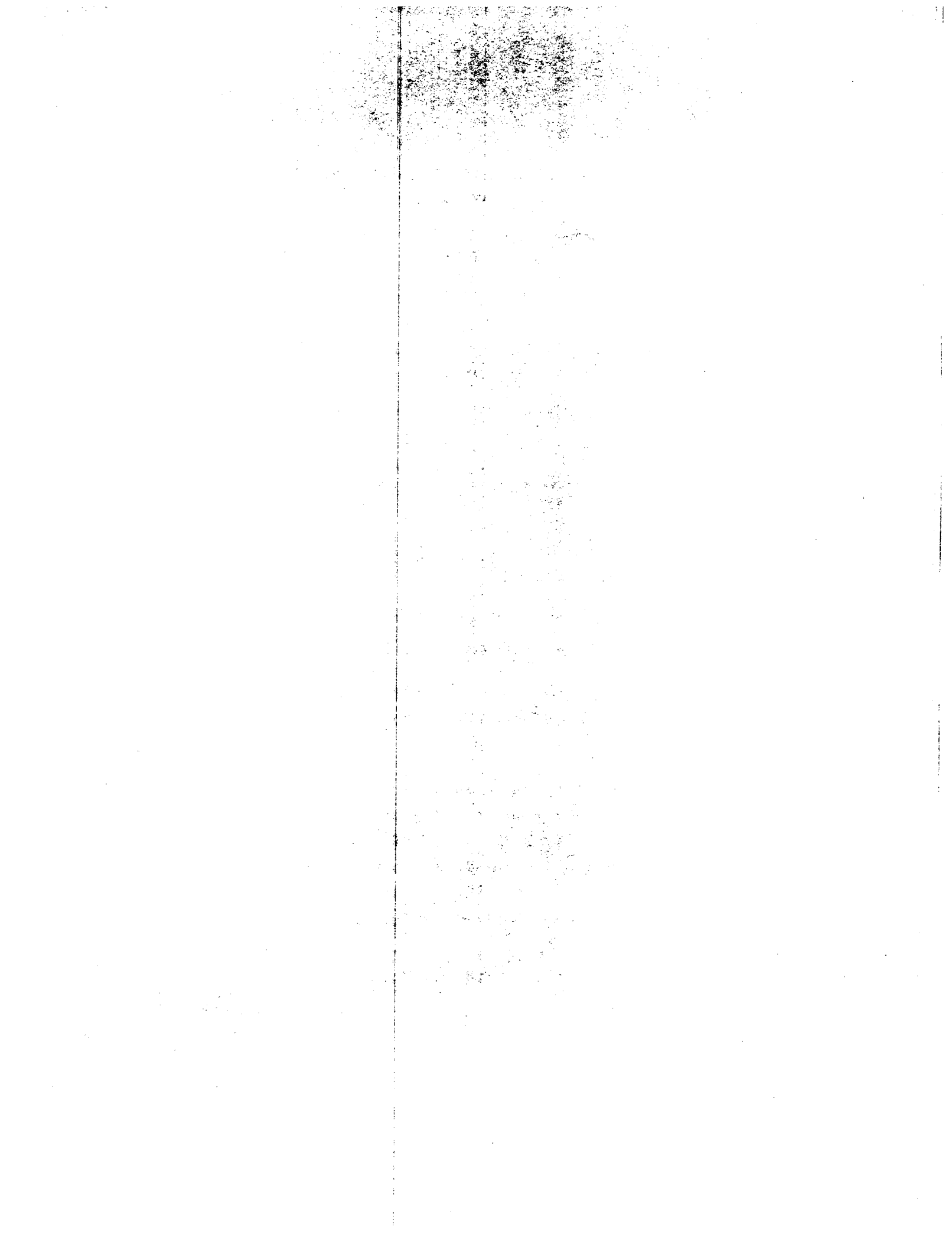
CITY OF ALAMOGORDO, N.M. ORDINANCE #1479

Code of conduct. Each member of the city commission has a duty to:

- a. *Act in the public interest.* Recognizing that stewardship of the public interest must be their primary concern, the commissioners will work for the common good of the people of Alamogordo and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

Statement in writing by Nadia Sikes does not depict stewardship (a person who acts as the surrogate of another or others) to and for ALL constituents living in District 2. Working for the common good of the people of Alamogordo does not include insulting or judging them based on where they choose to live. Nadia Sikes statements were not fair and left a feeling of discrimination against lower income constituents in like areas of the Sahara Apartments.

- c. *Conduct of members.* The professional and personal conduct of commissioners must be above reproach and avoid even the appearance of impropriety. Commissioners shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the commission, city staff or the public.



Nadia Sikes describing the neighborhood surrounding the Sahara Apartments located in the 2400 block of Cuba as deplorable is a discredit to many like neighborhoods in Alamogordo and her comment that residents of this area and like areas making the conscious choice to buy or rent in this type of area is definitely an unsuitable, unacceptable and violates the general standards of good taste or propriety.

As a Commissioner who is supposed to be representing the whole District 2, she has conveyed a strong vehement expression of disapproval to the owners and renters in or near the 2400 block of Cuba or like neighborhoods.

In addition, Nadia Sikes, in her comments did not refrain from abusive conduct, personal charges and clearly a written attack upon myself. Nadia Sikes responded to a simple post to another person which included my opinion, of which any citizen has a right in their freedom of speech.

- h. Representing an official city position.* Commissioners may use their title only when conducting official city business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority. Once the commission has taken a position on an issue, all official city correspondence regarding that issue will reflect the commission's adopted position. If a member of the commission appears before another governmental agency organization to give a statement on an issue affecting the city, the commissioner should indicate the majority position and opinion of the commission. Personal opinions and comments may be expressed only if the commissioner clarifies that these statements do not reflect the official position of the city commission.

Nadia Sikes, in her written comments, did not clarify that the statements made did not reflect the official position of the city commission. By not making clarification, Nadia Sikes has indicated to all Alamogordo residents that there may be bias of the Commission for all residents not living in newer or \$200,000 home neighborhoods. This is a bad taste of discrimination reflecting on the whole commission. Nadia has previously received code of conduct complaints relating to this type of ethic violation. Nadia Sikes statement quoted below indicates she was speaking to me as a City Commissioner.

"My responsibility is to my district, to the city of Alamogordo and my constituents."

Copies of documents are included with the filing of this complaint to the City Clerk of the City of Alamogordo.

TO: THE ALAMOGORDO CITY COMMISSION

FROM: JODIE R NICHOLS

SUBJECT: AFFIDAVIT IN REFERENCE TO THE ATTACHED CODE OF CONDUCT COMPLAINT AGAINST
DISTRICT 2 COMMISSIONER NADIA SIKES

I, JODIE R NICHOLS, hereby swear that all of the information contained in this Code of Conduct
Complaint against District 2 Commissioner Nadia Sikes is true to the best of my knowledge based upon
the information gathered and evidence presented, under penalty of perjury.



Jodie Nichols

2400 Cuba Ave

Alamogordo, NM 88310

(575)415-5363

jodiero09@gmail.com

STATE OF NEW MEXICO)

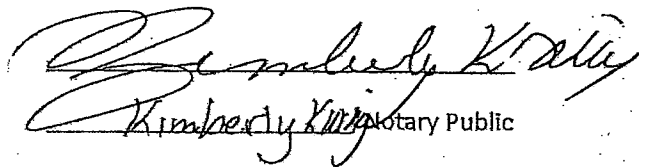
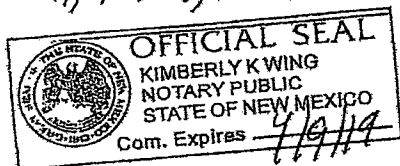
COUNTY OF OTERO)ss.

SUBSCRIBED AND SWORN TO before me this 20th day of March, 2018, by

Jodie R Nichols

My commission expires:

April 9, 2019


Kimberly K Wing, Notary Public



Jodie Rochelle Nichols • Republican
Party of Otero County, New Mexico
February 26 at 8:33 AM • 3

Good Morning

I had the opportunity to visit with our future District 2 City Commissioner Eddie Kemp at the republican party meeting Thursday evening. We spoke about the Sahara apartments and how something needs to be done. I have had this conversation before with our current commissioner and feel it fall on deaf ears. NOT THIS TIME!! I personally saw Mr. Kemp in my neighborhood Saturday morning checking out the apartments and spoke with him. It's very reassuring to know that someone is listening and looking out for our residents.



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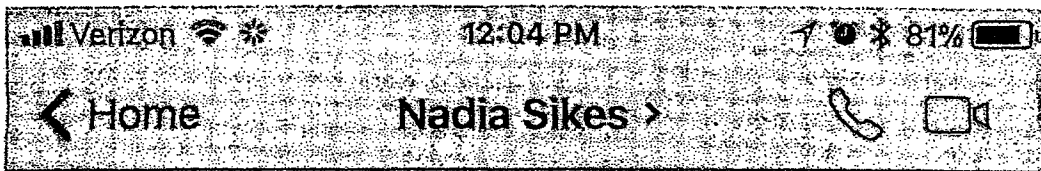
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That's great and exactly what that district needs. I was passing through that neighborhood about a month or 2 ago and I stopped to check out the apartments. The health risk it poses to the kids in that neighborhood is shocking. I don't live in that neighborhood and had honestly forgot about it until I drove by :/. Great work Eddie Kemp Eddie Kemp for Alamogordo City



Write a comment...





Nadia Sikes

Member of Lost and Found Pets of Alamogordo and 2 other groups

Works at City Of Alamogordo

Lives in Alamogordo, New Mexico

You added Nadia on March 8, 2018

FEB 26, 11:48 AM



Jodie: you are well aware that after you and I spoke originally

That the city did everything to take the owners to court and that the case has been held up all this time by delay after delay. Very disappointed in your disingenuous comment. Every phone call returned, every message returned, your help and the help of your neighbors got this case to where it is. Why would you say it fell on deaf ears? I and this commission were able to get the funds allocated for tear-down and those funds will still be available when the case is out of court. Our hands are tied right now. Our city



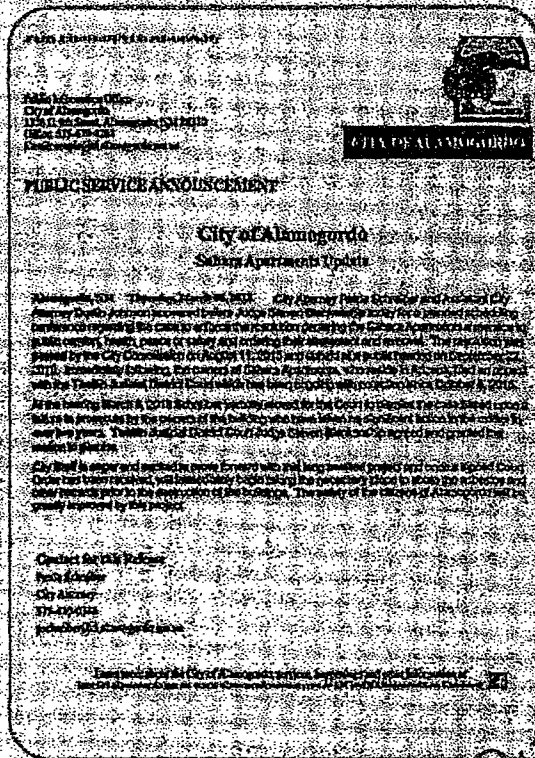
Aa



Nadia Sikes >



10:36 AM



You accepted Nadia's request.

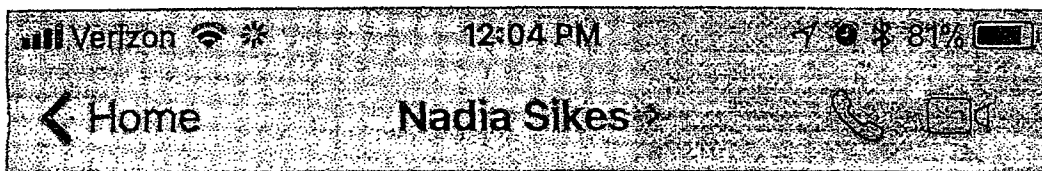
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100





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Kindest Regards, Jodie





Home

Nadja Silkes >

Messenger



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Aa



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Oh, and 'kindest regards' 😊



Aa



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/30/2018

Report No: 17.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, complaint submitted by Jodie Nichols concerning Commissioner Nadia Sikes. (cause finding) (*Petria Schreiber, City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

The Commission adopted by ordinance a "Code of Conduct for Elected Officials" in late 2014. The ordinance contains eleven different codes of conduct. The individual commissioners are expected to comply with these codes when acting in their capacity as an elected Commissioner. In the event another member of the Commission, a member of the public, or others believe that a Commissioner has violated any one or more of the codes, that person or group of people can file a complaint specifying the reasons they believe a violation occurred. Provided the complaint complies with the requirements of the ordinance as to form, the complaint is initially referred to a Preliminary Review committee consisting of the three most senior members of the Commission. A copy is also provided to the subject of the complaint to allow that elected official the opportunity to submit any response or other documentation they want considered by the Review Committee. After the members of the Preliminary Review Committee review the complaint, they are required to either make a finding of cause exists to conclude that the elected official violated the Code of Conduct or a finding of no-cause, which means they have concluded that based upon the facts of the matter the commissioner did not violate the Code of Conduct. That preliminary finding is then forwarded to the full Commission for its consideration.

Ms. Jodie Nichols filed a complaint against Commissioner Sikes alleging three separate violations of the Code of Conduct. A copy of the complaint is attached along with Commissioner Sikes' response. The complaint was forwarded to the Preliminary Review Committee, which found that two of the allegations were without cause, and one of the allegations had cause. As required by the ordinance, these findings are being forwarded to the full commission for their consideration.

The findings are as follows:

Allegation 1: Acting in the Public Interest = no cause

Allegation 2: Conduct of Members = cause

Allegation 3: Representing an Official City Position = no cause

On this agenda item, we will handle the one allegation where the Preliminary Review Committee found cause (Allegation 2). The full commission can now consider one of the following courses of action:

1. If the commission determines that there is no cause, then this matter will be concluded.
2. Entertain a motion to consider the complaint. If the motion to consider the complaint passes, then the commission may do one of the following:
 - a. Conduct a formal hearing on the matter at a later date. Should the commission wish to conduct a formal hearing, the commission may direct the City Manager with the concurrence of the City Attorney to appoint a special legal counsel to conduct a further investigation and to provide a written report to the commission. The affected commissioner will have the right to file a written answer to the charge, to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.
 - b. Issue Commissioner Sikes a warning. If a warning is issued, Commissioner Sikes retains the right to request a full and complete hearing before the city commission.

When considering this matter, the Commission should remain mindful that the stated intent of the ordinance is to educate, and where necessary, discipline the elected official.

MAR 20 2018

ORDINANCE #1479 CODE OF CONDUCT VIOLATION OFFICIAL COMPLAINT FILING ON ^{City of Alamogordo} ~~NADIA SIKES~~
SIKES, MARCH 2018

I, Jodie Nichols, do hereby file this formal complaint of Code of Conduct Violation on Nadia Sikes, Commissioner for District 2 as of this date of March 19, 2018.

Specifically, for Nadia Sikes electronic message to myself on February 26, 2018 at 11:48 a. m. and March 6, 2018 as follows:

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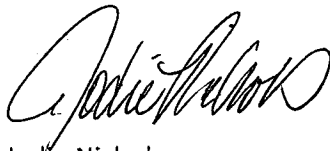
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Jodie Nichols

2400 Cuba Ave

Alamogordo, NM 88310

(575)415-5363

jodiero09@gmail.com

STATE OF NEW MEXICO)

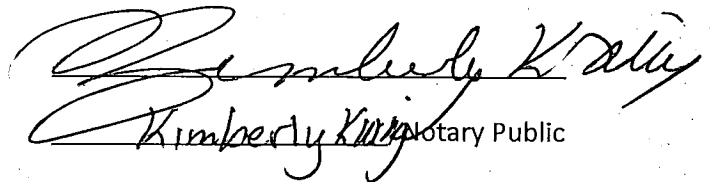
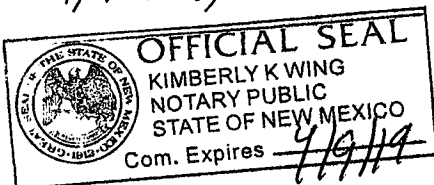
COUNTY OF OTERO)ss.

SUBSCRIBED AND SWORN TO before me this 20th day of March, 2018, by

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My commission expires:

April 9, 2019

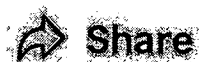

Kimberly K Wing, Notary Public



Jodie Rochelle Nichols ► Republican
Party of Otero County, New Mexico
February 26 at 8:33 AM

Good Morning

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Write a comment...



< Home

Nadia Sikes >



Nadia Sikes

Member of Lost and Found Pets of
Alamogordo and 2 other groups

Works at City Of Alamogordo

Lives in Alamogordo, New Mexico

You added Nadia on March 8, 2018

FEB 26, 11:48 AM



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the case is out of court. Our hands
are tied right now. Our city



Aa



< Home

Nadia Sikes >



attorney has been pushing for a court date and will hear something in March.



10:36 AM

PUBLIC SERVICE ANNOUNCEMENT

Public Information Office
City of Alamogordo
1376 E. 9th Street, Alamogordo, NM 86310
Office: 575-439-4284
Email: publicinfo@alamogordo.net

CITY OF ALAMOGORDO

PUBLIC SERVICE ANNOUNCEMENT

City of Alamogordo Sahara Apartments Update

Alamogordo, NM Thursday, March 08, 2018. City Attorney Paula Schrader and Assistant City Attorney Duane Johnson appeared before Judge Steven Blackenship today for a planned scheduling conference regarding the case to enforce the resolution declaring the Sahara Apartments a nuisance to public health, safety, peace or safety and ordering their abatement and removal. The resolution was passed by the City Commission on August 11, 2015 and upheld at a public hearing on September 22, 2015. Immediately following, the owners of Sahara Apartments, who reside in Arizona, filed an appeal with the Twelfth Judicial District Court which has been ongoing with no action since October 9, 2015.

At the hearing March 8, 2018 Schrader verbally moved for the Court to resolve the case based upon a failure to prosecute by the owners of the building who have taken no significant action in the matter in over two years. Twelfth Judicial District Court Judge Steven Blackenship agreed and granted the motion to dismiss.

City Staff is eager and excited to move forward with this long-awaited project and once a signed Court Order has been received, will immediately begin taking the necessary steps to abate the nuisance and other hazards prior to the destruction of the buildings. The safety of the citizens of Alamogordo will be greatly improved by this project.

Contact for this Release
Paula Schrader
City Attorney
575-439-4146
pschrader@alamogordo.net

Learn more about the City of Alamogordo, services, happenings and other information at www.alamogordo.net or by calling 575-439-4146.



You accepted Nadia's request.

Nadia,

Every phone call was not returned. I had left several messages before I finally received a call back from you. I appreciate the work that the city has



Aa



< Home

Nadia Sikes >



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Kindest Regards, Jodie



Aa



< Home

Nadia Sikes >
Messenger

12:25 PM

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Oh, and 'kindest regards'.



Aa



RECEIVED

APR - 4 2018

City of Alamogordo
City Attorney's
Office

Nadia Sikes
400 Cottonwood Drive
Alamogordo, NM 88310
575/491-7910

April 4, 2018

RE: Code of Conduct Complaint

The attached complaint from Jodie R. Nichols outlines the events resulting in this Code of Conduct Complaint. The non-disputed Facebook posts (attached) are screen shots from the *Republican Party of Otero County, New Mexico* page and my *personal* Facebook page.

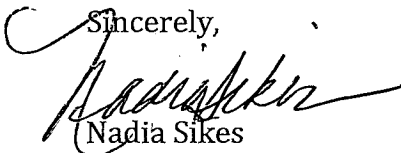
My reaction to the February 26th post (see attachment) on the *Republican Party of Otero County, New Mexico* Facebook page was one of astonishment and disappointment. To see the City and me disparaged with false accusations was discouraging; I was in contact with Ms. Nichols for well over three years and *always* explained where the City stood with regard to the Sahara Apartments, updating her with all information available to me. Often, my explanations were met with "if something isn't done soon, I will contact the media." Local media was well aware of the Sahara Apartments situation.

Reading the disingenuous statements posted by Ms. Nichols about the Sahara Apartments in which she says her complaints were 'falling on deaf ears' and seeing one of my *four* opponents in the recent *non-partisan municipal election* turning this long-time issue into a campaign issue (on the *Republican Party of Otero County, New Mexico* Facebook page) was very frustrating, to say the least.

I responded via Private Message on my personal Facebook page. I was speaking for myself. Whether stated that I am 'speaking for myself' or as a City Commissioner is inconsequential - I *am* a City Commissioner on *any* page on which I post. Ms. Nichols chose to screen-shoot and widely publish my private response.

I will not continue this Facebook drama. I have disengaged myself from local social media. My apologies to those offended by my spontaneous response.

Sincerely,



Nadia Sikes

RECORD

APR 1 1964

1964



City of Alamogordo

1376 E. NINTH STREET • ALAMOGORDO, NEW MEXICO 88310-5838 • CITY ATTORNEY'S OFFICE
(575) 439-4210 FAX (575) 439-4396

March 21, 2018

Nadia Sikes
400 Cottonwood Dr.
Alamogordo, NM 88310

Re: Code of conduct complaint

Dear Commissioner Sikes:

This letter is to notify you that my office received a Code of Conduct complaint against you on March 20, 2018. The complaint alleges violations of sections:

- A. Acting in the Public Interest
- C. Conduct of Members
- H. Representing an Official City Position .

As ordinance 2-03-052 (2)(f) provides, you have fourteen (14) days, from today's date (March 21, 2018), to respond to the complaint. I have included a copy of the complaint, as well as a copy of the Code of Conduct ordinance referenced above, for your perusal.

Please let me know if you have any questions.

Thank you,

Petria Schreiber

RECEIVED

MAR 20 2018

ORDINANCE #1479 CODE OF CONDUCT VIOLATION OFFICIAL COMPLAINT FILING ON ~~ORDINANCE~~

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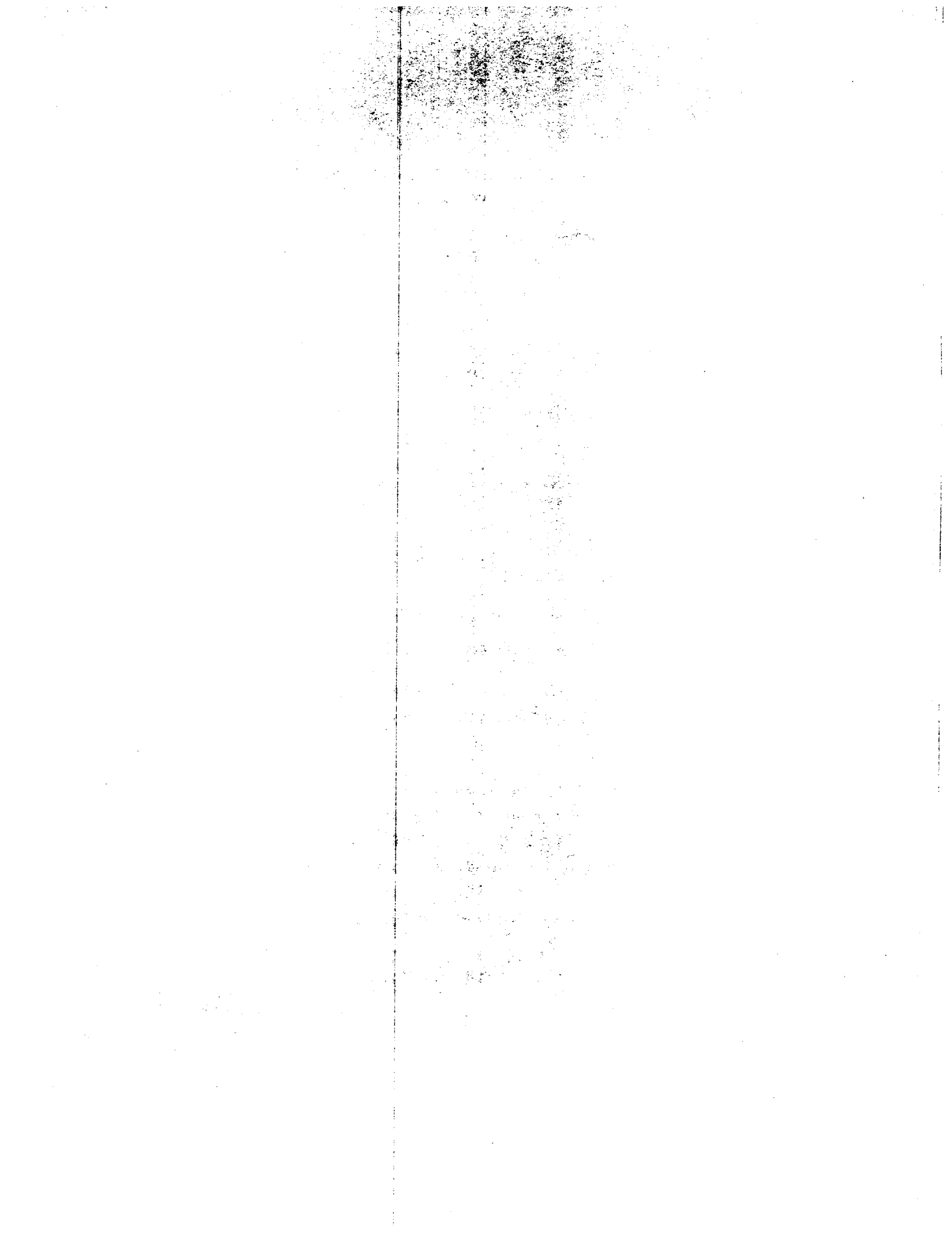
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Statement in writing by Nadia Sikes does not depict stewardship (a person who acts as the surrogate of another or others) to and for ALL constituents living in District 2. Working for the common good of the people of Alamogordo does not include insulting or judging them based on where they choose to live. Nadia Sikes statements were not fair and left a feeling of discrimination against lower income constituents in like areas of the Sahara Apartments.

- c. *Conduct of members.* The professional and personal conduct of commissioners must be above reproach and avoid even the appearance of impropriety. Commissioners shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the commission, city staff or the public.



Nadia Sikes describing the neighborhood surrounding the Sahara Apartments located in the 2400 block of Cuba as deplorable is a discredit to many like neighborhoods in Alamogordo and her comment that residents of this area and like areas making the conscious choice to buy or rent in this type of area is definitely an unsuitable, unacceptable and violates the general standards of good taste or propriety.

As a Commissioner who is supposed to be representing the whole District 2, she has conveyed a strong vehement expression of disapproval to the owners and renters in or near the 2400 block of Cuba or like neighborhoods.

In addition, Nadia Sikes, in her comments did not refrain from abusive conduct, personal charges and clearly a written attack upon myself. Nadia Sikes responded to a simple post to another person which included my opinion, of which any citizen has a right in their freedom of speech.

- h. Representing an official city position.* Commissioners may use their title only when conducting official city business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority. Once the commission has taken a position on an issue, all official city correspondence regarding that issue will reflect the commission's adopted position. If a member of the commission appears before another governmental agency organization to give a statement on an issue affecting the city, the commissioner should indicate the majority position and opinion of the commission. Personal opinions and comments may be expressed only if the commissioner clarifies that these statements do not reflect the official position of the city commission.

Nadia Sikes, in her written comments, did not clarify that the statements made did not reflect the official position of the city commission. By not making clarification, Nadia Sikes has indicated to all Alamogordo residents that there may be bias of the Commission for all residents not living in newer or \$200,000 home neighborhoods. This is a bad taste of discrimination reflecting on the whole commission. Nadia has previously received code of conduct complaints relating to this type of ethic violation. Nadia Sikes statement quoted below indicates she was speaking to me as a City Commissioner.

"My responsibility is to my district, to the city of Alamogordo and my constituents."

Copies of documents are included with the filing of this complaint to the City Clerk of the City of Alamogordo.

TO: THE ALAMOGORDO CITY COMMISSION

FROM: JODIE R NICHOLS

SUBJECT: AFFIDAVIT IN REFERENCE TO THE ATTACHED CODE OF CONDUCT COMPLAINT AGAINST
DISTRICT 2 COMMISSIONER NADIA SIKES

I, JODIE R NICHOLS, hereby swear that all of the information contained in this Code of Conduct
Complaint against District 2 Commissioner Nadia Sikes is true to the best of my knowledge based upon
the information gathered and evidence presented, under penalty of perjury.



Jodie Nichols

2400 Cuba Ave

Alamogordo, NM 88310

(575)415-5363

jodiero09@gmail.com

STATE OF NEW MEXICO)

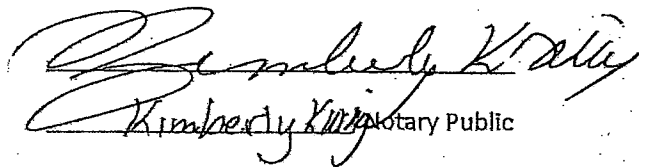
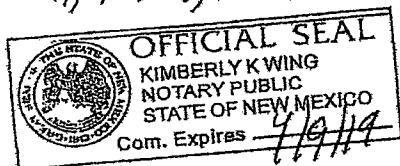
COUNTY OF OTERO)ss.

SUBSCRIBED AND SWORN TO before me this 20th day of March, 2018, by

Jodie R Nichols

My commission expires:

April 9, 2019


Kimberly K Wing, Notary Public



Jodie Rochelle Nichols • Republican
Party of Otero County, New Mexico
February 26 at 8:33 AM • 3

Good Morning

I had the opportunity to visit with our future District 2 City Commissioner Eddie Kemp at the republican party meeting Thursday evening. We spoke about the Sahara apartments and how something needs to be done. I have had this conversation before with our current commissioner and feel it fall on deaf ears. NOT THIS TIME!! I personally saw Mr. Kemp in my neighborhood Saturday morning checking out the apartments and spoke with him. It's very reassuring to know that someone is listening and looking out for our residents.



Debra Jo Garcia and 14 others

15 shares



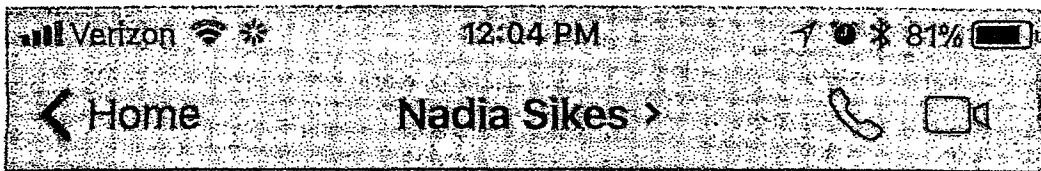
David Quinlan

That's great and exactly what that district needs. I was passing through that neighborhood about a month or 2 ago and I stopped to check out the apartments. The health risk it poses to the kids in that neighborhood is shocking. I don't live in that neighborhood and had honestly forgot about it until I drove by :/. Great work Eddie Kemp Eddie Kemp for Alamogordo City



Write a comment...





Nadia Sikes

Member of Lost and Found Pets of Alamogordo and 2 other groups

Works at City Of Alamogordo

Lives in Alamogordo, New Mexico

You added Nadia on March 8, 2018

FEB 26, 11:48 AM



Jodie: you are well aware that after you and I spoke originally

That the city did everything to take the owners to court and that the case has been held up all this time by delay after delay. Very disappointed in your disingenuous comment. Every phone call returned, every message returned, your help and the help of your neighbors got this case to where it is. Why would you say it fell on deaf ears? I and this commission were able to get the funds allocated for tear-down and those funds will still be available when the case is out of court. Our hands are tied right now. Our city



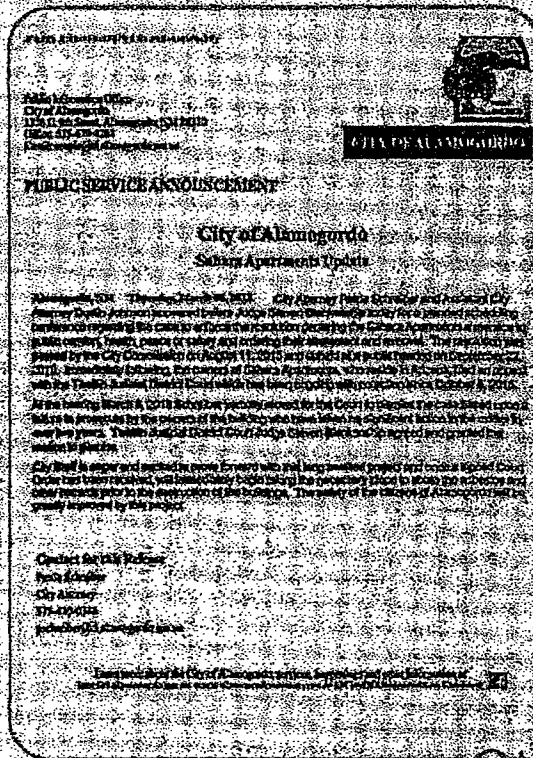
Aa



Nadia Sikes >



10:36 AM



You accepted Nadia's request.

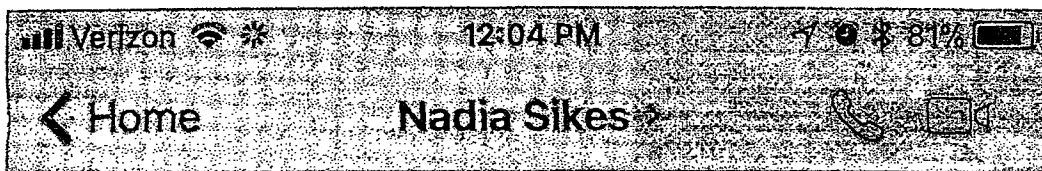
Nadia,

Every phone call was not returned. I had left several messages before I finally received a call back from you. I appreciate the work that the city has



100



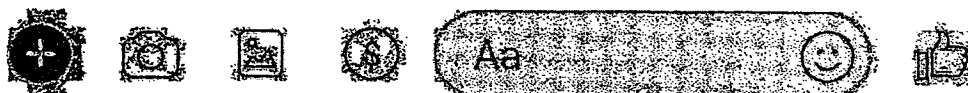


You accepted Nadia's request.

Nadia,

Every phone call was not returned. I had left several messages before I finally received a call back from you. I appreciate the work that the city has done to rectify this situation. I am very relieved by the letter from the City of Alamogordo as you definitely would have heard from me every day regarding this situation. While I appreciate you're efforts in this, I did feel as though you weren't listening to myself and the other homeowners in our area. When I was able to actually speak with you, you continuously cut me off from what I was saying. Not necessarily the way to represent people in your district. I am aware that you are still our City Commissioner for District 2 so maybe that is something you can work on for the future.

Kindest Regards, Jodie



Nadja Silkes >
Messenger

12:25 PM

Jodie: I beg to differ. I have saved every call, every text, every message. As far as I Am concerned, the effort I put out to rectify this situation actually went above and beyond- from working with code enforcement to bringing the situation before the commission to bird-dogging the court case on an almost weekly basis- including insisting that weeds get cut, etc. Further, I am not in the habit of 'cutting people off'. My question to you and the other home owners is why in the world did you ever make the conscious choice to rent or buy in such a deplorable area. The apartments have been in absolute disgusting condition for years longer than you've lived there. Bad choices on your part. I listened to you way more than I actually wanted to. You might want to work on your methods of rectifying situations. Threatening to call the media even though you were well



Aa



Nadia Sikes
Messenger

not in the habit of 'cutting people off'. My question to you and the other home owners is why in the world did you ever make the conscious choice to rent or buy in such a deplorable area. The apartments have been in absolute disgusting condition for years longer than you've lived there. Bad choices on your part. I listened to you way more than I actually wanted to. You might want to work on your methods of rectifying situations. Threatening to call the media even though you were well aware of where we stood with regard to the court case, posting disingenuous comments on FB..... At this point, based on your attitude and lies, please lose my number and consider yourself blocked. My responsibility is to my district, to the city of Alamogordo and my constituents. No where am I obligated to deal with rudeness.

Oh, and 'kindest regards' 😊



Aa



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 04/13/2018

Report No: 18.

Submitted By:

Subject: Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss the possible disposal (requested donation) of real property located at Fairgrounds and White Sands Blvd to Otero County.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 05/08/2018

Report Date: 05/03/2018

Report No: 19.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, the possible donation of real property located at Fairgrounds and White Sands Blvd to Otero County.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Deny the request and enter into lease negotiations with Otero County.

Background: The County Attorney sent an email April 13, 2018 requesting that the City of Alamogordo donate the 7.81 acre tract of land located at Fairgrounds and White Sands to the county. The County previously had leased the parking lot from the City, but the current lease expired. The City obtained an appraisal on the property in March of 2016, which valued the property at \$561,000.

Petria Schreiber

From: Michael Eshleman <meshleman@co.otero.nm.us>
Sent: Friday, April 13, 2018 9:03 AM
To: Petria Schreiber
Subject: Request to donate the Fairgrounds parking lot

Dear Petria,

I appreciate the information you've given me about the parking lot at the county fairgrounds. After reviewing it with the Otero County Manager, I have been directed to formally request that the City Commission of the City of Alamogordo donate to the Board of County Commissioners of Otero County the seven-acre parcel adjacent to the county fairgrounds presently used as a parking lot. Would you please pass this request along to your city manager and commission?

I'd be happy to talk with you about request. My direct number is 575-439-2604.

As always, thank you, counselor.

Ave,
Michael

Michael Eshleman,
Otero County Attorney
Otero County Building
1101 North New York Avenue
Alamogordo, New Mexico 88310
575-437-7427 (phone)
575-443-2928 (fax)

C260101B

APPRAISAL OF A PARCEL OF 7.81± ACRES

SITUATED on WHITE SANDS BLVD AND FAIRGROUNDS STREETS in

ALAMOGORDO, OTERO COUNTY, NEW MEXICO

PREPARED FOR the CITY OF ALAMOGORDO.

BY

KEN ODENHEIM, IFAS, NM 380-G

RIO BRAVO APPRAISERS DIVISION

HOUSING SUPPORT, INC.

MARCH 2016

INTRODUCTION

rio bravo appraisers @ housing support, inc.

715 Sundown Ct. Las Cruces, NM 88011 * 575-522-4474 * Fax 775-361-0895

Ken Odenheim * State Certified General Appraiser* New Mexico

March 15, 2016

Stephen Thies
City of Alamogordo
1376 E. 9th St.
Alamogordo, NM 88310

Ref: Water Storage Tank Site A, City Fair Parking Lot B, Mobile Home Park Acreage C

Dear Mr. Thies:

In the contents of this report you will find our opinions of market value for the parcels as identified in the above-caption.

If you have questions, please give me a call at the number on the letterhead or by email to riobravoappraisers@gmail.com. I will be away from 3/20 through 3/29 but available in email.

We appreciate the selection of our appraisal division to undertake this assignment.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ken Odenheim', with a long horizontal flourish extending to the right.

Ken Odenheim, NM #380-G

SUMMARY OF DATA AND CONCLUSIONS C260101B

PURPOSE OF THE APPRAISAL: Give an opinion of market value of a city-owned 7.81± acre parking lot situated on White Sands Blvd. in the City of Alamogordo, NM

PROPERTY RIGHTS APPRAISED: Fee simple ownership

CITY: Alamogordo, Otero County, New Mexico (Northeastern quadrant)

NEIGHBORHOOD: Scenic Dr.(N), Cuba Ave.(E), 10th St.(S) and RR Tracks(W).

SUBJECT SITE SIZE: 7.81± Acres (340,204 sf)

FLOOD ZONE: X – Panel 0937D-12/10, Areas of 500 year flood and 100 year flood w/depth of less than 1' and drainage areas of less than 1 square mile and areas protected by levee from 100 year flood

ASSESSMENTS: None

TAXES: **Tax Exempt**

AGE OF IMPROVEMENTS: None. Appraised as unimproved land parcel ready for development to its highest & best use although site has street lights and is paved with worn asphalt

EFFECTIVE AGE: N/A

VALUE ESTIMATE:

* SALES COMPARISON APPROACH:

Value of Land \$561,000 or \$1.65 SF

* INCOME APPROACH: Not applied; dearth of information on rented or leased vacant small acreage parcels in the Alamogordo market.

FINAL OPINION OF VALUE: \$561,000

DATE OF VALUE OPINION: January 20, 2016

C260101B Certificate of Appraisal

I/We certify that, to the best of my/our knowledge and belief:

1. I/We have personally inspected the subject property as indicated by my/our signature(s) below;
2. I/We have neither any present nor contemplated future interest in the real estate that is the subject of this appraisal report;
3. We have neither any personal interest nor bias with respect to the subject property nor those who may be affected by its conclusions;
4. To the best of my/our knowledge and belief, the statements of fact expressed in this report which serve as the foundation for its analyses, opinions, and conclusions are true and correct;
5. The reported analyses, opinions, and conclusions are limited by the reported assumptions and limiting conditions, and are my/our personal, impartial, and unbiased professional analyses, opinions, and conclusions;
6. My/our analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and Code of Ethics of the Natl. Asso. of Independent Fee Appraisers. Ron Smith, NM Certified Residential Appraiser and John Lazaruk, PhD mathematician, performed research, Statistical analyses and data gathering in the performance of the report.
7. Neither my/our selection nor compensation is contingent upon the valuation determined nor was the assignment based on a requested minimum valuation, a specific valuation, the reporting of a predetermined value direction that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the use of this report;
8. No one other than the undersigned appraiser(s) rendered the analyses, conclusions and/or opinions concerning the subject real estate that are set forth in this **appraisal report**;
9. The State of New Mexico conducts a MANDATORY program of continuing education for certified appraisers. I have successfully completed this program for the cycle ending April 30, 2017.
10. The appraisal report to which this certification is attached is prepared for the sole and exclusive use of the appraiser's original client, who is identified in the report cover and cover letter, and is for the intended use and users as described heretofore. No second, third or later parties are authorized to rely upon this report and such reliance is specifically disclaimed by the appraiser without his express written consent. Any such use will be at the user's sole risk.

We are of the opinion that the market value of the property that is the subject of this appraisal report, is

Value Land	\$561,000 or \$1.65 SF
------------	------------------------



Ken Odenheim, IFAS, NM Certified General #380G
Date: March 18, 2016

Ronald Smith. NM Certified #03084R

ASSUMPTIONS AND LIMITING CONDITIONS

The Certificate of Appraisal appearing in this report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the appraisers in this report.

- 1.) The appraisers assume no responsibility for matters of a legal character affecting the property appraised or the title thereto, **nor do the appraisers render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.**
- 2.) The various maps, plats and/or other exhibits used in this report are for illustration purposes to aid the reader; and should not be construed to be precise. The appraisers have made no survey of the property.
- 3.) The appraisers, by reason of this report, are not required to give testimony or appear in court unless prior arrangements for such testimony or appearance have been made.
- 4.) Any distribution of the value in this report between land and improvements applies only to the existing program of use. The valuation for either, if used independently, may not be correct and is consequently invalid if so used.
- 5.) The appraisers assume that there are no hidden or unapparent conditions of the property, subsoil, infrastructure, or structures which would render it more or less valuable. The appraisers assume no responsibility for such conditions or for engineering or other technical assistance which might be required to discover such factors.
- 6.) Information, estimates, and opinions furnished to the appraisers and included in this report were obtained from sources considered reliable and believed to be true and correct. No responsibility for the accuracy of such items can be assumed by the appraisers, however.
- 7.) Flood hazard data for the subject was obtained from FEMA Map panel 518F dated 9/95 and showing the subject located in Zone X, areas outside 500 year flood plain.
- 8.) Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute.
- 9.) The appraisers reserve the unlimited right to alter, amend, revise or rescind any statement, finding or conclusion herein, when in possession of data impacting on the appraisal which becomes subsequently known.
- 10.) The possession of this report does not carry with it the right of publication.
- 11.) Neither all nor any of the contents of this report shall be disseminated to the public by any means, without prior written consent of the appraisers.
- 12.) The appraisers assume no responsibility for the operability of any mechanical or electrical equipment or component, sewage disposal system, or any other system or component.
- 13.) The existence of hazardous materials which may or may not be present on the property appraised was not observed by the appraiser. The appraisers have no knowledge of the existence of such materials and are not qualified to detect them. No responsibility is assumed for any such conditions or hazards or for any expertise required to discover or dispose of them.
- 14.) The acceptance and/or use of this report constitutes full acceptance of the above conditions by the client.

Appraisal Methods & Procedures

An appraisal is an opinion of value as of a specific date.

The appraisal process¹ is spelled out in the Uniform Standards of Professional Appraisal Practice (USPAP). The process consists of:

Identifying the appraisal problem to be solved;

Conducting both general and specific *surveys* designed to identify community-wide as well as site specific attributes of the subject property(ies);

Analysis of collected general and specific data;

Application of the three approaches to value i.e. cost, market comparison, and income except if one or more is not applicable, or limited at the client's request as permitted;

Correlation or reconciliation of the approaches to value into an opinion of value as of a specific date.

In this report, **only the Sales Comparison Approach is employed** because the subject is a vacant, unimproved land parcel that is not typically held for income production in the Alamogordo market. The appraisers were not able to gather land/lease data because it is not publically available and also because the numerous real estate and leasing agents contacted were unwilling to share data in their possession or even return phone calls or emails. Properties competing with the subject are predominantly small acreage sites suitable for development. There are a small number of such sites that have sold and they are included in this report. A larger acreage C-3 sale to Walmart was included when it was found. The small number of sites precluded authoritative regression analysis from which adjustments in the Sales Comparison Grid are obtained when there are larger samples.

1

A systematic procedure employed to provide the answer to a client's question about the value of real property. The Dictionary of Real Estate Appraisal, 3rd Edition, Appraisal Institute, Chicago, IL. 1993. Page 384

C260101B SCOPE OF APPRAISAL

The scope of this assignment is to estimate the market value of a vacant land parcel situated in the Northeast quadrant of the City of Alamogordo, New Mexico in an **Appraisal Report**. It is identified as a vacant land tract improved with a number of street lights and worn pavement. The Appraisal Report is prepared under Standard 2-2(b) of the Uniform Standards of Professional Appraisal Practice (USPAP). Properties competing with the subject are small acreage sites predominantly on City arterials within the City of Alamogordo. This required an in-depth research of the site's market area, especially to the few commercially-zoned acreage sales "competing" with the subject. In performance of the appraisal, FEMA Maps, City planning & development staff, GIS, and Assessor's staff and data as well as realtors, and other appraisers were consulted.

Vacant Land Property

Land valuation efforts consist of estimating the value by the sales comparison approach². Sales comparisons are applied using sales as similar, recent, and proximate as the appraiser could locate and adjusting sales for dissimilarities when compared to the subject. A dearth of centrally-situated, commercially-zoned acreage properties approximating the size of the subject required the inclusion of smaller acreage parcels. Sales were confirmed with parties to the transactions and/or public records.

Land value is estimated by comparison with sales of vacant properties with comparable City locations offering the same zoning, and as many of the subject's site characteristics as data could support for traffic, access, utilities, and flood hazard. Sales data were obtained from appraiser files, courthouse, other appraisers, realtors, city, county and other public records.

Adjustments in sf values of comparable sales were based upon consultation with knowledgeable real estate professionals, including appraisers, as well as analyses of specific groupings of vacant land sales tempered with regression analysis and appraiser data and experience. One **paired sale*** was found and applied to develop a time adjustment.

Maps are included to provide visual aids to the reader in understanding matters of location, topography, access, easements, zoning, and water drainage. Some comparables, while vacant sites when sold, have been developed and/or improved since.

**paired sales are...*"a quantitative technique used to identify and measure adjustments to the sales prices or rents of comparable properties; to apply this technique, sales or rental data on nearly identical properties are analyzed to isolate a single characteristic's effect on value or rent."

2 *A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison, and making adjustments to the sales prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when comparable sales data are available. The Dictionary of Real Estate Appraisal, 3rd addition, Appraisal Institute, Chicago, IL. Page 318.*

AREA ANALYSIS

OTERO COUNTY, NEW MEXICO

GENERAL DESCRIPTION:

South central New Mexico is an area experiencing steady growth and development. Rich in agriculture (Pistachios, Apples, Cherries, Pecans, Cotton, Alfalfa, and Livestock), it is also the home of White Sands National Monument, White Sands Missile Range, Holloman Air Force base, Sunspot Solar Laboratory and the Space Museum. Recognized as one of the best Astronomy Zones in the Continental United States, its clear skies, clean air, and consistent sunny weather have encouraged its selection as the site of space, missile, solar & thermal energy, and other scientific experimentation.

Otero County was established in 1899 and carved from the adjacent counties of Lincoln and Doña Ana. It is bordered by Lincoln County (N), Chavez, Lincoln, and Eddy Counties (E), Doña Ana and Sierra Counties (W), and the state of Texas (S). It comprises three incorporated municipalities – Alamogordo, Tularosa, and Cloudcroft – as well as the communities of Bent, High Rolls- Mountain Park, Holloman Air Force Base, La Luz, Mayhill, Mescalero, Oro Grande, Piñon, Sacramento, Sunspot, Timberon, and Weed. The County encompasses approximately 4.3 million acres 78% owned by federal and state governments and only 11% owned by non-governmental entities. The 2006 Census Bureau estimates for Otero County show 62,744 residents with a median household income of \$32,400. This is below the UNM Bureau of Business and Economic Research projections for the county which state that the county should reach a population of 67,018 by 2010 and have a growth rate of .73% per year.

U.S. Routes 54, 70, 82, and NM 24 are the principal roadways that serve the county and the main public airport is in Alamogordo although Timberon has a small airstrip owned by the county. The nearest metropolitan areas are Las Cruces, 68 miles SE and El Paso, 85 miles south.

CITY DATA:

Alamogordo, the Otero county seat, had a 2012 Census population figure estimate of 31,500. The U.S. Census Bureau estimates the 2010 population at 30,400, a 1.2% increase. Assuming the City is growing at that same rate, the 2016 population would be approximately 32,650.

DEFINITION OF MARKET VALUE

13-711 Fair market value; definition.

Fair market value is considered to be the highest amount of cash a willing seller would take, and a willing buyer would offer, for the property if it were offered for sale in the open market for a reasonable time to find a purchaser, buying with knowledge of all the uses to which the property is suitable or adaptable; the seller not being required to sell nor the purchaser being required to purchase.

INTENDED USE AND USERS

It is anticipated that this appraisal will be used by the City of Alamogordo as the basis for ensuring that it can establish a fair market rent value for the site. There are no other intended users anticipated by the appraiser.

HISTORY OF SUBJECT PROPERTY C260101B

The subject property was acquired by its present owner, the City of Alamogordo on September 18, 1940 and is described in Book 113 Page 298. There have been no sales of the subject since that time. This property is commonly referred to as the City Property @ Fairgrounds Parking Lot as it has been leased to the county as a parking lot for its annual County Fair and occasionally to private businesses.

MARKETING TIME

Gauged from all closed sales observed, vacant commercial land of small acreage, with sufficiency of access, and utilities taken from our comparable sales, a range of 148-847 days with an average of 450 days were required to sell the vacant land. Four small site sales skewed the average, but the remaining sites sold on average in **227 days**. **Exposure time** is projected to be 270-300 days.

SITE DESCRIPTION – C260101B

Site Characteristics

The subject of this section of this report is a 7.81± acre(340,204sf) vacant, level land parcel, triangular in shape, situated in the Northeast quadrant of Alamogordo on the east side of White Sands Blvd. North of where it intersects with Fairgrounds Rd. **It is zoned C-3, Business District.** This zoning facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market, whose use generally serves a population of over 15,000. It is surrounded by a restaurant and retirement nursing facility (N), the Otero County fairgrounds (E) a church (S) across Fairgrounds Rd and vacant land, a bank and a restaurant (W) across White Sands Blvd.

White Sands Blvd. is the major North-South artery of Alamogordo and Fairgrounds Rd. is a major East-West artery running from White Sands Blvd. East to Scenic Dr. Banks, equipment rentals, restaurants, car dealers, professional offices, convenience store(s), White Sands Mall, Doughnut shops, retail stores, and parks are among those types of properties accessed from White Sands Blvd.

Neighborhood Boundaries are US 82 (N), Florida Ave.(E), 10th St.(S) and RR tracks (W).

HIGHEST AND BEST USE

Highest & best use is defined as the reasonably probable and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.

Highest & best use of the land ***as vacant***, is its present use as a parking lot for the current county fairgrounds during that season and as a venue for small fairs, carnivals, and or car sales as it has been used in the past. This is undoubtedly the most probable, economically feasible, profitable, and legal use of the site as vacant.

Highest & Best Use Improved would be those uses stipulated in the Zoning Addenda attached to the report. Zoning is C-3 **Business District** and includes uses such as multiple housing, retail shops, offices, repair shops, restaurants, motels, etc. (33 uses are detailed in the zoning addenda attached. Given its location and site size, the subject is a likely candidate for a shopping center, hotel with stand-alone restaurant and convenience store, or another intensive use that can amortize its strong location and large site.

C260101B PROPERTY DATA

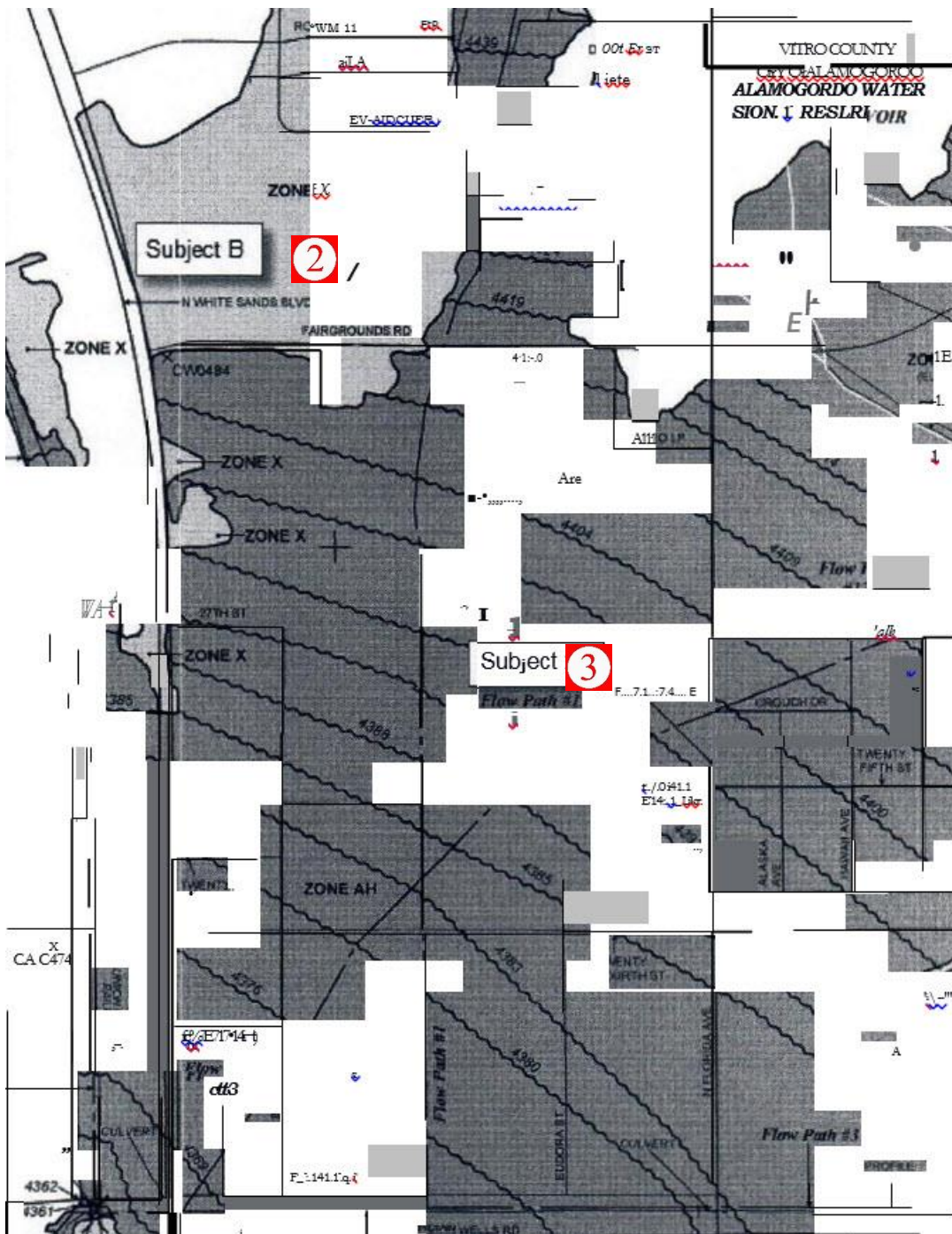
LEGAL DESCRIPTION: Section 7, T 16S, R 10E; a Tract in SW 1/4 NE 1/ 4 NMPM

LAND SIZE: 7.81± acres or 340,204 sf±. Subject is shown in the County Clerk's files as a 9.8 acre site (from its old warranty deed) which probably includes rights of way on both White Sands Blvd. and Fairgrounds Rd. Both roads have been widened since the deed was filed. The 7.81± acre size is used in this appraisal as it is the City's best estimate (City Attorney) of the actual land area that could be rented, developed or sold.

LAND PHYSICAL DESCRIPTION AND LOCATION: The subject of this report is a 7.81± acre, vacant, level land parcel, triangular in shape, situated in the Northeast quadrant of Alamogordo on the East side of White Sands Blvd. at its intersection with Fairgrounds Rd with all city utilities nearby.

FLOOD ZONE: Zone X, Areas of 500 year flood; Panel 937D-12/10.

PRESENT USE: Vacant land parcel being used as a parking lot for the county fair and for other short-term uses such as circuses and temporary car sales lot.



Flood Hazard Map - City Parking Lot - Panel 937D 12/17/10

DATA ANALYSIS

Sales Comparison Approach

Land valuation efforts consist of estimating the value by the sales comparison approach³. Sales comparisons were applied using sales as similar, recent, and proximate as the appraiser could locate and adjusting sales for dissimilarities when compared to the subject, if supported. A scarcity of similar, centrally-situated, commercially zoned lots required the use of some smaller acreage vacant lots with arterial locations.

Land value is estimated by comparison with sales of vacant properties with comparable City locations offering, where possible, similar zoning, and when supported by data, traffic, access, size, utilities, and flood hazard. Sales data were obtained from appraiser files, assessor data, other appraisers, realtors, City, and public records.

Adjustments in sf values of comparable sales were based upon consultation with knowledgeable real estate professionals, as well as other appraisers, collected data and experience. One paired sale was found. Specific adjustment(s) were made to comparable sales to allow for the date of sale.

Maps are included to provide visual aids to the reader in understanding matters of location, topography, access, easements, zoning, and water drainage. Some comparable sales, which were vacant sites when sold, have since been developed and improved.

SUBJECT B	COMP 1	COMP 2	COMP 3	COMP 4	COMP 5
LOCATION	2002 Cuba Ave	1810 Indian Wells Rd	810 S White Sands Blvd	1810 Indian Wells Rd	2401 Indian Wells Rd
SALES PRICE	\$160,000	\$130,000	\$112,000	\$200,000	\$372,000
\$/ACRES	\$73,059	\$89,655	\$85,496	\$71,942	\$55,539
\$/SF	\$1.6772	\$2.0582	\$1.9627	\$1.6516	\$2.1470
Adj for Time	\$0.34	\$0.34	\$0.08	\$0.42	\$0.08
Adj Value	\$2.01	\$2.39	\$2.05	\$2.07	\$1.27
Sales Date	Aug-12	Nov-12	Mar-15	Feb-11	Oct-15
Deeded Acres	2.19	1.45	1.31	2.78	6.69
Total SF	95,396	63,162	57,064	121,097	291,765
Improvements	None	None	None	None	None
Hwy Frontage	Indian Wells	Indian Wells	S White Sands Blvd	Indian Wells	Indian Wells
Zoning	C-3	C-3	C-3	C-3	C-3
Parcel ID	01-01036	01-07104/&5	01-15017	01-07104&5	
Account Number	01-15724				
	R024094	R016532	R023409	R016532/3/43	R016532

Year of Sale	\$/SF	Adjusted Value	Weighted Average (3@10%,15%,55%)	
2012	\$1.68	\$2.01	\$0.20	
2012	\$2.06	\$2.39	\$0.24	
2015	\$1.96	\$2.05	\$0.21	
2011	\$1.65	\$2.07	\$0.31	
2013	<u>\$1.27</u>	<u>\$1.27</u>	<u>\$0.70</u>	
Average	\$1.72	\$1.96	Sum \$1.65	Per square foot

Total Adjusted Value 340,204 sf

\$561,335	\$561,000	Rounded
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Land Sale No. 1

Property Identification

Record ID	530
Property Type	Commercial
Property Name	Cuba
Address	2002 Cuba Ave. , Alamogordo, Otero County, New Mexico 88310
Location	08 States N of 8 th
Tax ID	01-15724/01-07104

Sale Data

Grantor	Robert Malooly
Grantee	Allsup's Convenience Store Inc.
Sale Date	September 21, 2012
Deed Book/Page	MLS 144104
Property Rights	Fee Simple
Marketing Time	204
Conditions of Sale	Arm's Length
Verification	MLS; February 02, 2016

Sale Price	\$160,000
Cash Equivalent	\$160,000

Land Data

Zoning	Alamogordo, C-3 Commercial
Shape	Irregular

Land Size Information

Gross Land Size	2.190 Acres or 95,396 SF
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Indicators

Sale Price/Gross Acre	\$73,059
Sale Price/Gross SF	\$1.68

Remarks

Used to be a mobile home park on well and septic. Seller makes no warranties or guarantees. Can be turned into Townhouses/multi-family/duplex.

Land Sale No. 2

Property Identification

Record ID	531
Property Type	Commercial
Property Name	Indian Wells
Address	1810 Indian Wells, Alamogordo, Otero County, New Mexico 88310
Location	12 25th Pecan
Tax ID	01-07105/01-4444

Sale Data

Grantor	Manuel Renteria
Grantee	Alamogordo DNMP, VII, LLC
Sale Date	November 15, 2012
Deed Book/Page	MLS 144268
Property Rights	Fee Simple
Marketing Time	261
Conditions of Sale	Arm's Length
Verification	MLS; February 02, 2016

Sale Price	\$130,000
Cash Equivalent	\$130,000

Land Data

Zoning	Alamogordo, C-3 Business District
Topography	Level
Utilities	All City Utilities
Shape	Rectangular
Flood Info	X & AE/ 35035C0937D

Land Size Information

Gross Land Size	1.450 Acres or 63,162 SF
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Indicators

Sale Price/Gross Acre	\$89,655
Sale Price/Gross SF	\$2.06

Remarks

Great commercial location, high volume traffic. It is located on the main arterial in Alamogordo going to the hospital and medical offices.

Land Sale No. 3

Property Identification

Record ID	538
Property Type	Commercial
Property Name	White Sands
Address	810 S White Sands Blvd, Alamogordo, Otero County, New Mexico 88310
Location	22 Planets
Tax ID	01-15017

Sale Data

Grantor	Huband Trust
Grantee	Red Shamrock 10, LLC
Sale Date	March 17, 2015
Deed Book/Page	MLS 151106
Property Rights	Fee Simple
Marketing Time	127
Conditions of Sale	Arm's length
Verification	MLS ; February 02, 2016

Sale Price	\$112,000
Cash Equivalent	\$112,000

Land Data

Zoning	Alamogordo, C-3 Commercial
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Land Size Information

Gross Land Size	1.310 Acres or 57,064 SF
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Indicators

Sale Price/Gross Acre	\$85,496
Sale Price/Gross SF	\$1.96

Land Sale No. 4

Property Identification

Record ID	549
Property Type	Commercial
Property Name	Indian Wells Road Lot 4,5,6, and 7
Address	1810 Indian Wells Rd. Lot 4,5,6, and 7, Alamogordo, Otero County, New Mexico
Location	#2 Replat
Tax ID	01-07104, 01-07105, 01-07106, 01-07107

Sale Data

Grantor	Cookson, Jones, and H&M, LLC
Grantee	Manuel Renteria
Sale Date	February 25, 2011
Deed Book/Page	201103147
Property Rights	Fee Simple
Conditions of Sale	Real Estate Contract

Sale Price	\$200,000
Cash Equivalent	\$200,000

Land Data

Zoning	Alamogordo, C-3 Business District
Topography	Level
Utilities	All City Utilities
Dimensions	400 X 303
Shape	Rectangular
Flood Info	X & AE 35035C0937D

Land Size Information

Gross Land Size	2.780 Acres or 121,097 SF
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Indicators

Sale Price/Gross Acre	\$71,942
Sale Price/Gross SF	\$1.65

Remarks

Lots 4, 5, 6, and 7 on the property were purchased between 2/2011 and 4/2011. Lots were purchased for speculative purpose.

Land Sale No. 5

Property Identification

Record ID	561
Property Type	Commercial District
Property Name	Walmart
Address	2401 Indian Wells, Alamogordo, Otero County, New Mexico 88310
Location	Indian Wells & Scenicat Crescent
Tax ID	R01-8100

Sale Data

Grantor	Patillo & Sofia, LLc
Grantee	Wal Mart Stores
Sale Date	October 09, 2015
Verification	Public Records; March 17, 2016; Other sources: Assessors Office , Confirmed by Database Administrator

Sale Price	\$372,000
Cash Equivalent	\$372,000
Adjusted Price	\$372,000

Land Data

Zoning	City Alamogordo, C-3 Business District
Topography	Gentle slope to SW
Utilities	All public
Dimensions	475.3 X 566.71
Shape	Rectangular
Landscaping	Raw desert Land
Flood Info	Panel 941D 12/17/10
Depth	567

Land Size Information

Gross Land Size	6.698 Acres or 291,765 SF
Front Footage	475 ft Total Frontage: 475 ft Indian Wells

Indicators

Sale Price/Gross Acre	\$55,539
Sale Price/Gross SF	\$1.27
Sale Price/Front Foot	\$783

Remarks

This was tract was sold in two parcels; one by Patillo and the second by Sofia, LLc., Reported date is 10/03/2015. Both incorporated into new Plat of 10/29/15

ADJUSTMENTS TO COMPARABLE SALES

Readers' note: *The number of small acreage sales in the Alamogordo market during the last five years precluded statistical analyses such as regression analyses from which adjustments for date of sale, location, site size, zoning, access, traffic, etc. can be made when there is a sample sufficiency of about 30 sales. In this report, other mathematical techniques have been employed where the appraiser could formulate an alternative but appropriate method. Sales were researched back to 1997.*

Date of sale: adjustment(s) for sales date are isolated by mathematical modeling of the available comparable C-3 properties. . A paired sale* was available to give a base for this adjustment.

Location: no adjustments for location were made because all comparable sales used were situated on two of the City's principal arterials.

Site size: no adjustment for site size is made due to the dearth of similar large- sized tracts.

Functional inutility: *is reflected* in an on-site characteristic which negatively impacts the utility of the site. No adjustments are necessary for the comparables used.

Zoning: adjustments for zoning are not necessary as the subject and all comparables are zoned C-3.

Access: comparable sales are all situated on Alamogordo's arterials and are considered similar enough to need no adjustment for this amenity.

**paired sales are..."a quantitative technique used to identify and measure adjustments to the sales prices or rents of comparable properties; to apply this technique, sales or rental data on nearly identical properties are analyzed to isolate a single characteristic's effect on value or rent."*

Reconciliation

The subject valuation is \$1.65/sf by sales comparison. Five sales, as recent and comparable as the appraisers could find are used out of a total of 18 (the rest of which were rejected for very small site sizes as well as off-arterial locations; All comparables used have C-3 zoning and have frontage on either White Sands Blvd. or Indian Wells Rd.

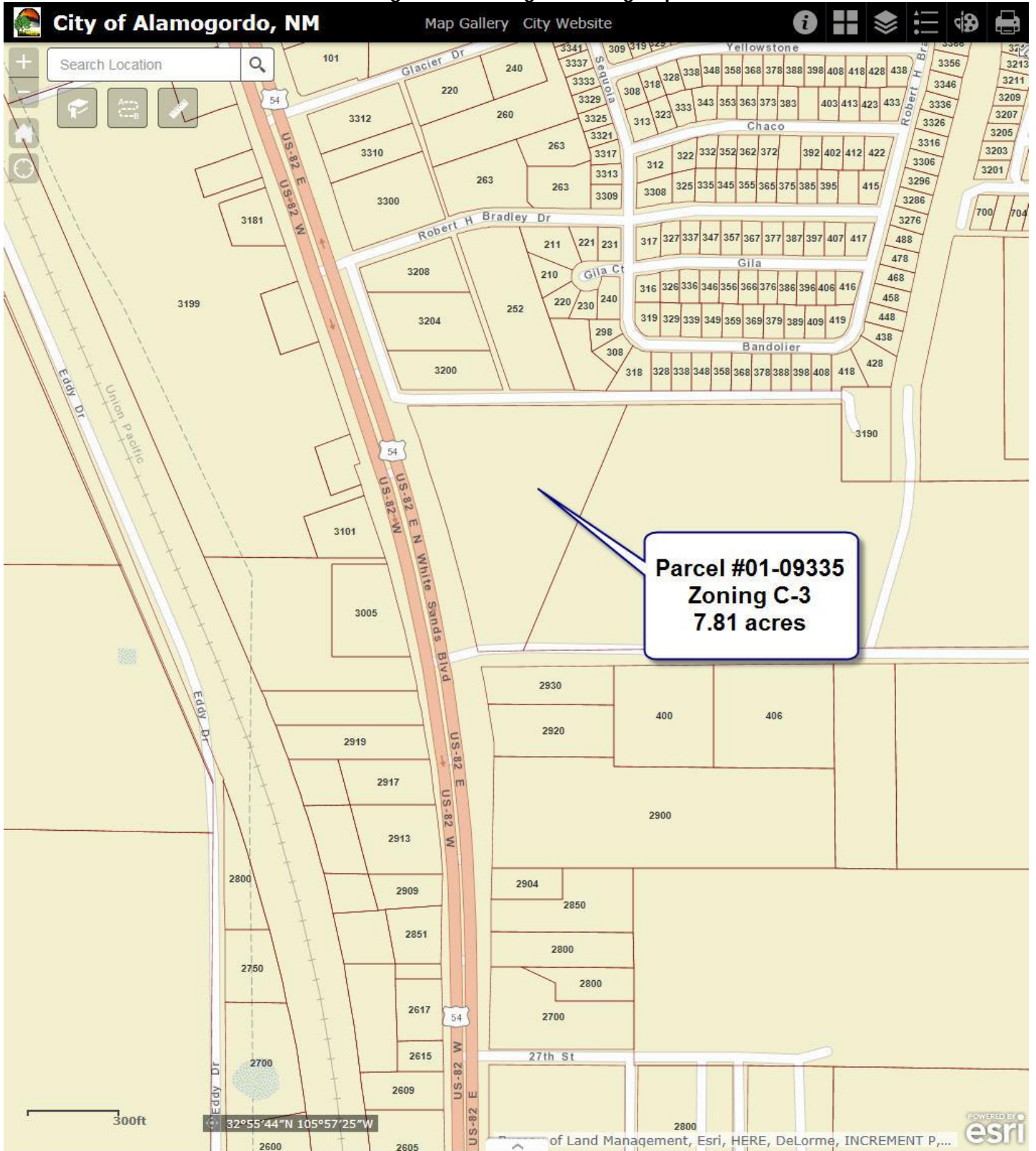
Value of 7.81± acres of Land on White Sands Blvd. is \$561,000 or \$1.65 SF.

ADDENDA



Fairgrounds Parking Lot Aerial View

Fairgrounds Parking Lot Zoning Map



Fairgrounds Parking Lot Zoning Details

Parcels_ETJ: ALAMOGORDO CITY OF

Property Address	
PC Number	01-09335
Map Code	01N4055092083228
Owner Name	ALAMOGORDO CITY OF
Owner ID	C010192
Owner Number	276
Owner Address	1376 E 9TH ST
Owner Address 2	
Owner City	ALAMOGORDO
Owner State	NM
Owner Zip	88310
Legal Desc	S: 7 T: 16 R: 10 7-16-10 TR IN SW1/4NE1/4
Neighborhood	C32
Land Value	645,656.00
Improvements Value	0.00
Total Property Value	645,656.00
Sec-Town-Range	16-10-7
Subdivision No	
Subdivision Name	
Lot	
Block	
Flood Zone	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
Flood Zone Date	December 16, 2010
Zoning Use	C-3
Acres	7.81
Other Use	
Comments	

ZONING REQUIREMENTS

(Code 1960, §11-4-1; Ord. No. 719, §1, 4-14-87; Ord. No. 980, §4, 7-23-96)

29-03-250. Yards-- District R-4.

The yard regulations shall be the same as in the single-family dwelling district (sections 29-03-020 through 29-03-040).

(Code 1960, §11-4-2; Ord. No. 980, §5, 7-23-96)

29-03-260. Interior courts-- District R-4.

All interior courts shall have a width at least equal to the height of the highest part of the building forming the court, said court being defined as an open space that is more than one-half surrounded by a single building.

(Code 1960, §11-4-3)

29-03-270. Lot width and areas-- District R-4.

Every lot shall have a width of at least sixty (60) feet at the building setback line and shall contain an area of not less than six thousand (6,000) square feet or two thousand (2,000) square feet per dwelling unit, whichever amount is greater.

(Code 1960, §11-4-4; Ord. No. 457, 4-27-71; Ord. No. 802, §5, 10-23-90; Ord. No. 865 §2)

29-03-280. Heights; fences-- District R-4.

The regulations pertaining to height of buildings and of fences and other solid enclosures shall be the same as those pertaining to the single-family dwelling district (sections 29-03-060 through 29-03-080); provided, however, that the height of a dwelling or other building may exceed two and one-half (2 1/2) stories if the building is of fireproof construction and further provided that any building exceeding such height regulations shall be set back from all street lines and required yard lines one foot for each foot of its height exceeding such limit.

(Code 1960, §11-4-5; Ord. No. 980, §6, 7-23-96)

29-03-290. Use regulations-- District C-3.

(a) In District "C-3," Business District, a building or premises shall be used only for the following purposes:

1. Multiple dwellings, row dwellings, apartment houses, boarding and lodging houses, dwelling units attached to a commercial building.
2. Amusement places or theaters.
3. Bakery employing not more than twenty-five (25) persons.
4. Bank.
5. Barber shop or beauty parlor.
6. Dyeing and cleaning works employing not more than twenty-five (25) persons.
7. Electric repair shop.
8. Filling station.
9. Florist shop.
10. Hotel.
11. Laundry employing not more than twenty-five (25) persons on the premises.
12. Lodge or fraternal organization hall or meeting place.
13. Messenger or telegraph service station.
14. Newspaper and job printing establishments employing not more than twenty-five (25) persons.
15. Offices.
16. Parking lot.
17. Plumbing shop.

18. Public garage and automobile sales room.
19. Restaurant.
20. Sales and show room.
21. Store and shop for the conduct of any retail business.
22. Jewelry shop.
23. Tailor shop.
24. Tinsmith shop.
25. Tire repair shop.
26. Tourist courts.
27. Undertaking establishment, to include the placement of columbarium within the main building.
28. Used car sales or storage lot.
29. Self-service laundry.
30. Wholesale sales office or sample room.
31. Ice delivery station.
32. Any retail business that is ordinarily conducted in the section of a town or city commonly referred to as the business district; provided, however, that such use is not noxious or offensive by reason of the emission of odors, dust, fumes, noise or vibrations, and further provided that such business is not in any way a menace to the health and safety of the adjacent and surrounding buildings and structures.
33. Accessory buildings for uses customarily incident to the above uses when located on the same lot.

(Code 1960, §11-5-1; Ord. No. 980, §7, 7-23-96; Ord. No. 981, §3, 8-26-96)

29-03-300. Lot areas-- District C-3.

For any two-family, or multiple-family dwelling located within the business district, the same requirements as to lot area shall apply as that governing the respective two-family, and multiple-family areas. (Code 1960, §11-5-2)

29-03-310. Yards-- District C-3.

The rear yard and side yard regulations for dwellings within this district are the same as in the single-family district. In the case of business buildings, the yard requirements shall not apply except:

- (a) On the side of a lot adjoining a dwelling district; in which case, there shall be a side yard of not less than five (5) feet; and
- (b) On any street sides of a corner lot, there shall be a setback of not less than five (5) feet in width; and
- (c) On the boundary of a lot adjoining an alley, there shall be a yard setback of not less than eight (8) feet if electric lines exist on the side of the alley abutting the property. No application for variance from the requirement set forth in this subsection (c) shall be accepted or considered without written concurrence of every public utility company providing electrical service within the corporate limits of the city.
- (d) If electric lines do not exist on either side of the alley abutting the property, written concurrence on the proposed plans shall be required from every public utility company providing electrical service within the corporate limits of the city prior to the issuance of any building permit by the city.

Except as otherwise specified, there are no other yard regulations for business buildings. However, no building shall be built on White Sands Boulevard within ten (10) feet of the front lot line. The city manager shall not issue a permit for the construction of any permanent structure within the ten-foot setback. (Code 1960 §11-5-3; Ord. No. 783, §5, 2-13-90; Ord. No. 804, §1, 12-11-90)

29-03-320. Living facilities above stores-- District C-3.

In the case of the existence of living facilities above stores or other commercial uses, every lot shall provide an area of not less than one thousand (1,000) square feet per family.
(Code 1960, §11-5-4)

29-03-330. Off-street parking-- District C-3.

(a) Off-street parking for automobiles shall be provided within a distance of five hundred (500) feet for all business buildings erected in the business district, in a proportion of not less than three (3) square feet for each square foot of area inside any such business building. Plans showing the proposed off-street parking shall be submitted to the building inspector, together with the application for the building permit; and no building permit shall be issued by the building inspector until such plans for off-street parking have been submitted and approved by the building inspector.

(b) Where property has been zoned Class "C-3" and improved before the effective date of Ordinance No. 661, adopted September 13, 1983, then that property is exempt from the off-street parking provisions of this section so long as the existing improvements remain on the premises and there is no addition to, or expansion of, such improvements so as to occupy a greater portion of the premises. In all other cases, parking must be provided as set forth in subsection (a) of this section.

(c) For motels and hotels there shall be a minimum of one off-street parking space of at least nine (9) feet by twenty (20) feet for each guest room or apartment, plus one for each one and one-fourth employees. Areas devoted to accessory uses (including but not limited to restaurants, lounges, and meeting rooms) shall comply with the requirements of subsection (a). Parking spaces shall not be directly accessible from a public right-of-way, nor require backing across a sidewalk for egress.
(Code 1960, §11-5-5; Ord. No. 518, 10-22-74; Ord. No. 661, 9-13-83; Ord. No. 717, 1-13-87)

29-03-340. Area; height-- District C-1.

There is hereby created a zoning district to be known as "C-1," or "Neighborhood Retail Business," which shall have the same area and height regulations as provided for in sections 29-03-300 through 29-03-320.
(Code 1960, §11-6-1; Ord. No. 980, §8, 7-23-96)

29-03-350. Restrictions-- District C-1.

Buildings and premises in the neighborhood retail business district shall be subject to the following restrictions:

- (a) Reserved.
- (b) Commercial uses restricted to closed buildings, except automobile service stations and parking lots.
- (c) Outdoor listings and displays prohibited in any yard.
- (d) Noise broadcasting beyond building prohibited.
- (e) Wholesaling prohibited.
- (f) Outside storage of materials or supplies prohibited.
- (g) Any lighting must be so placed to reflect the light away from lots in residential districts.
- (h) Signs shall not be intermittent, flashing or scintillating and shall be non-animated.

(Code 1960, §11-6-2; Ord. No. 636-81, §1, 10-16-81)

29-03-360. Off-street parking-- District C-1.

Off-street parking for automobiles shall be provided within a distance of five hundred (500) feet for all business buildings erected in the neighborhood retail business district, in a proportion of not less than three (3) square feet for each square foot of area inside any such business building. Plans showing the proposed off-street parking shall be submitted to the building inspector, together with the application for building permit;

rio bravo appraisers @ housing support, inc.

housing and valuation consultants

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KENNETH S. ODENHEIM EDUCATION: * B.A., MEXICO CITY COLLEGE, 1962

* M.S.W., WAYNE STATE UNIVERSITY, 1967

POST MASTERS COURSEWORK: PRINCIPLES REAL ESTATE APPRAISAL; RESIDENTIAL CASE STUDIES; IS THE COMPARABLE COMPARABLE; CAPITALIZATION THEORY & TECHNIQUES; REPORT WRITING & VALUATION ANALYSIS; CONSTRUCTION & DEVELOPMENT VALUATION; LITIGATION VALUATION; CONDEMNATION VALUATION; MANUFACTURED HOUSING APPRAISAL; SMALL INCOME PROPERTY APPRAISAL; N.M. WATER RIGHTS; FARM & RANCH APPRAISAL; ENVIRONMENTAL HAZARDS; SOLAR IMPROVEMENTS VALUATION; APPRAISAL OFFICE MANAGEMENT; CONDOMINIUM APPRAISAL; OFFICE BLDG. APPRAISAL; APPRAISING SPECIAL PURPOSE PROPERTIES; STANDARDS OF PROFESSIONAL PRACTICE; GIS APPLICATIONS; APPRAISAL CONCEPTS, TERMINOLOGY & METHODS; SUBDIVISION APPRAISAL; DETRIMENTAL CONDITIONS; APPRAISAL CONSULTING; RESIDENTIAL DESIGN; OFFICE BLDG. DESIGN; SMALL HOTEL/MOTEL APPRAISAL; HIGHEST & BEST USE; APPRAISAL OF CONSERVATION EASEMENTS; DEFENDING AND ATTACKING AN APPRAISAL IN LITIGATION.

PROFESSIONAL EXPERIENCE:

- * PRESIDENT, HOUSING SUPPORT, INC.(RIO BRAVO APPRAISERS DIVISION)
- * FORMER ASSISTANT PROFESSOR, NEW MEXICO STATE UNIVERSITY (1979-2005)
- * FORMER DOÑA ANA COUNTY TAX PROTEST BOARD (PROFESSIONAL MEMBER)
- * FORMER INSTRUCTOR, ANDERSON GRADUATE SCHOOL UNIVERSITY OF PUERTO RICO
- * FORMER CERTIFIED APPRAISAL INSTRUCTOR, NATL. ASSO. INDEPENDENT FEE APPRAISERS (1985-2002)
- * FORMER EXECUTIVE DIRECTOR, AFL-CIO HOUSING DEVELOPMENT INSTITUTE
- * FORMER VICE PRESIDENT & REGIONAL DIRECTOR, CHF & MULTI FAMILY HOUSING SERVICES, INC.
- * FORMER CONSUMER AFFAIRS COMMISSIONER, CITY OF ALEXANDRIA, VA
- * FORMER COMPREHENSIVE PLAN COMMISSIONER, CITY OF LAS CRUCES, NM

PROFESSIONAL MEMBERSHIPS & AFFILIATIONS:

- * CERTIFIED GENERAL REAL ESTATE APPRAISER #380G; STATE OF NEW MEXICO
- * FORMER CERTIFIED GENERAL REAL ESTATE APPRAISER #TX-1327610-G; STATE OF TEXAS
- * NATIONAL ASSO. OF INDEPENDENT FEE APPRAISERS; IFAS DESIGNATION (1994), IFA DESIGNATION (1979)
- * APPRAISAL INSTITUTE; FORMER ASSOCIATE MEMBER (1988-2012)
- * HABITAT FOR HUMANITY, FORMER MEMBER BOARD OF DIRECTORS
- * NATIONAL ASSOCIATION OF HOUSING COOPERATIVES, FORMER MEMBER BOARD OF DIRECTORS

CROSS SECTION OF CLIENTS SERVED:

- * SUNWEST BANK, ALBUQUERQUE & LAS CRUCES, NM
- * 1ST NATIONAL BANK OF DONA ANA COUNTY, LAS CRUCES, NM (Wells Fargo Bank)
- * CITIZENS BANK, LAS CRUCES, NM
- * FIRST FEDERAL SAVINGS BANK, LAS CRUCES, NM
- * SIERRA BANK, LAS CRUCES, NM (State National Bank/Compass Bank)
- * WHITE SANDS FEDERAL CREDIT UNION, LAS CRUCES, NM
- * BANK OF THE RIO GRANDE
- * WEXLER, BISHOP & LEES CPA'S, ALBUQUERQUE, NM
- * KELEHER & McLEOD, ATTORNEYS, ALBUQUERQUE, NM
- * DIAMOND RASH GORDON & JACKSON, ATTORNEYS, EL PASO, TX
- * WOODROW BEAN ATTORNEYS, EL PASO, TX
- * RANDY BURROUGHS ATTORNEY, ALAMOGORDO, NM
- * DONALD T. CHEATHAM ATTORNEY, ALEXANDRIA, VA
- * HOUSING AUTHORITY OF LAS CRUCES, NM
- * CITY OF DALLAS, TX
- * CITY OF LAS CRUCES, NM
- * DOÑA ANA COUNTY, NM
- * STATE OF NEW MEXICO DOT
- * AMERICAN MEDICAL INTERNATIONAL, HOUSTON, TX
- * CENTURY DEVELOPMENT CORPORATION, HOUSTON, TX
- * URBAN INSTITUTE, WASHINGTON, D.C.
- * RURAL HOUSING SERVICES, WASHINGTON, D.C.
- * HOUSING ASSISTANCE COUNCIL, WASHINGTON, D.C.
- * PHH HOMEEQUITY, CONCORD, CA
- * US MORTGAGE, CHERRY HILL, NJ
- * NEW MEXICO TECH UNIVERSITY
- * U.S. MARSHALL SERVICE
- * ASSOCIATES RELOCATION MANAGEMENT, WASH., D.C. & DALLAS, TX