



# Alamogordo City Commission

## NOTICE OF MEETING

### Regular Meeting Agenda

May 22, 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. Proclamation for Military Spouse Appreciation Month. (Mayor Richard Boss)

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**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.*

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**CITY MANAGER'S REPORT**

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**REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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**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.*

2. Approve the minutes for the May 8, 2018 Regular meeting and the May 14 & 15, 2018 Budget Hearings. *(Rachel Hughes, City Clerk)*
3. Consider, and act upon, final publication of Ordinance 1567, incorporating the New Mexico Uniform Traffic Ordinance into the Alamogordo Code of Ordinances. *(Petria Schreiber, City Attorney)* **(Roll Call Vote Required)**
4. Consider, and act upon, final 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)*. **(Roll Call Vote Required)**
5. Consider an act upon full leak abatement for 1118 Paradise Ave. *(Mark Threadgill, Customers Service Manager)*
6. Consider, and act upon, Resolution No. 2018-25 removing uncollectible and unsecured Utility, Library, Recreation Center, Public Housing Authority and other miscellaneous accounts from the City's accounts receivable and returned checks. *(Julianne Hall, Finance Director)* **(Roll Call Vote Required)**
7. Approve Resolution No. 2018-26 requesting interim approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico, to adopt the Preliminary 2018-2019 Budget as of May 22, 2018. *(Julianne Hall, Finance Director)* **(Roll Call vote required)**
8. Approve grant funding from Thrive for Alamo Senior Center Transportation and Home-Delivered Meals programs for FY19. *(Peter McKown, ASC Manager)*
9. Approve the New Mexico Tourism Department (NMTD) Cooperative Marketing Grant Agreement Number 19-418-3002-M01, between the NMTD and City of Alamogordo, for the purpose of tourism advertising. *(Michelle Brideaux, Communications & Marketing Administrator)*

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**ITEMS REMOVED FROM CONSENT AGENDA**

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**UNFINISHED BUSINESS**

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10. Consider, and act upon, Land Exchange Agreement between the City of Alamogordo and Alamogordo Public Schools for the exchange of 13th Street owned by the City for a portion of Playa Azul currently owned by Alamogordo Public Schools. *(Petria Schreiber, City Attorney and Brian Cesar, Assistant City Manager)*

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**NEW BUSINESS**

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11. Consider, and act upon, NMSU-A painting University logos on Scenic Drive. *(Becky Ross, NMSU-A)*

12. Consider, and act upon, second amended Memorandum of Understanding between CAPPED and the City of Alamogordo. (*Petria Schreiber, City Attorney*)
13. Consider, and act upon, funding for the Alamogordo Community Branding Campaign for the FY19 final budget. (*Tom French, PR Task Force*)
14. Consider, and act upon, adding the project of the construction of a bathroom at the North end of the Alamogordo Zoo to the FY19 budget. (*Maggie Paluch, City Manager*)
15. Discussion of Code Enforcement. (*Josh Rardin, Commissioner*)
16. Appointments to Boards and Committees. (*Richard Boss, Mayor*)

## **ADJOURNMENT**

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# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:**

**Report No:** 1.

**Submitted By:** Rachel Hughs

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**Subject:** Proclamation for Military Spouse Appreciation Month. (*Mayor Richard Boss*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:** Proclamation for all the spouses of our Military.



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/18/2018

**Report No:** 2.

**Submitted By:** Rachel Hughs

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**Subject:** Approve the minutes for the May 8, 2018 Regular meeting and the May 14 & 15, 2018 Budget Hearings. *(Rachel Hughs, City Clerk)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve the minutes.

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**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  
May 8, 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**

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Mayor Boss called the meeting to order at 6:31 p.m. Roll Call was taken by the City Clerk. Commissioner Wright was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Swanson and the Pledge of Allegiance was led by Commissioner Hernandez.

**APPROVAL OF AGENDA**

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City Clerk Hughs said the wording on item 18 should read Recess into Executive Session.

**Mayor Pro-Tem Baldwin moved to amend the agenda.**

**Commissioner Rardin seconded the motion. Motion carried with a vote of 6-0-0.**

**PRESENTATIONS**

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

Colonel Pietrucha talked about the Light Attack Experiment, Phase II. He said one of their primary objectives is restoring their readiness. He said they are looking for opportunities to add a low-cost attack aircraft to help improve the readiness. This is a three-month event at Holloman Air Force Base to gather additional information on the capabilities of the aircraft prior to a possible decision to procure a fleet for the Air Force. He said realistic local training is essential to them to demonstrate those capabilities. He said experiment planners think that Alamogordo is an ideal surrogate for urban operations. He talked about the details of the experiment, scheduling times of the operations and safety precautions. He said they would like to plan in advance with the Police Department so that they have the public safety connection.

Commissioner Sikes asked when this exercise would take place. Colonel Pietrucha said this is a June time frame thing with the possibility of the first week in July. He said as they get closer and they can nail down times they'll communicate the specific times.

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

Ms. Anderson explained a little about what she does with Otero County Economic Development Council (OCEDC). She discussed her goals for this year. She gave OCEDC's quarterly report update and discussed some of the challenges they have faced.

Chairman of the PR Task Force, Mr. Martinez said the PR Task Force is there to promote Alamogordo business-wise, getting people to move here and making people want to stay. He gave an update of where the PR Task Force is at. He talked about a branding integration training which is to educate all individuals in companies, in government and everywhere they can so that we all have the same voice, same positive image of Alamogordo.

Mayor Pro-Tem Baldwin commented that G & L Golf Inc. and Desert Lakes Golf Course believe in that branding integration training so much that they are actually signed up for tomorrow afternoon.

Commissioner Rardin asked staff to look at the various funds to try to help these guys.

City Manager Paluch said she has been working with the PR Task Force. She said they have already had preliminary discussions about funding. She said you will see options at the budget hearings next week and the PR Task Force is coming to the budget hearings to give their full presentation.

OCEDC Chairman Buick gave a brief overview of the makeup of OCEDC. He talked about their strategic plan and an RFP for their FY17 Audit.

Commissioner Payne said she knows they have been working hard and she appreciates all their efforts. OCEDC Chairman said another thing they want to focus on is the GRT tax renewal.

Mayor Boss thanked everyone. He specifically thanked Mr. Buick and Tularosa Basin Telephone for providing a grill for the Fireman's Appreciation Day.

## **PUBLIC COMMENT**

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### **Henry Bartenbach commented on the following:**

He had questions on the Kids Kingdom design from the April Commission meeting. He said he liked the disability design but would like to see this design in Alameda Park. He asked the Commission to re-think the design to something similar of the old Kids Kingdom. He asked if the City can put a poll on Facebook for people that do not attend the Commission meetings.

### **Rich Merrick commented on the following:**

He said this is not the first time Commissioner Sikes has had a complaint against her because of the things she has said about our citizens and the things she has done to our citizens in a disparaging way. He said just because you get frustrated does not give you the right to lash out against a citizen. He feels at this point; this Commission no longer wants to hear from a citizen. He said he wants to be heard.

### **Jodi Nichols commented on the following:**

She said she wanted to reiterate to her code of conduct complaint against Commissioner Sikes. She asked the Commission to do something and reconsider the no cause findings.

Commissioner Payne clarified that anyone could sign up to speak on any particular issue.

## **CITY MANAGER'S REPORT**

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### **City Manager Paluch made the following remarks:**

1. She said the New Mexico State Library Bookmobile will be visiting Alamogordo on Monday, May 14<sup>th</sup>. They will have an Open House from 4:00 to 5:00 p.m. on the north side of the City Hall parking lot. She said the public is free to attend.
2. She said the Pupfish season kicks-off on May 18, 2018. She said host families are still needed. If anyone is interested in hosting a Pupfish, please call the City Clerk's Office. She said the Pupfish Booster Club decided that they will be sponsoring special days and one of those days will be an employee day on July 6<sup>th</sup>, where employees of the City of Alamogordo will get into the game at half price at \$3.00.
3. She said there are three new flagpoles that have been ordered for the Civic Center. She said Facility Maintenance will install those poles in a triangle pattern.

4. She said on May 12<sup>th</sup>, from 9:00 a.m. to 4:00 p.m. at the Zoo, is the Red, White and Blue you, Military Appreciation event. She said the bar will be open and there will be a band playing some classic rock tunes. She said it is a free event.
5. She said regarding the Griggs detention basin project, the project was advertised for bidding on April 29, 2018. The Pre-Bid conference is scheduled for May 9, 2018 at 1:30 p.m., and bids are due at 2:00 p.m. on May 31<sup>st</sup>.
6. She announced the City has been awarded two ICIP Grants from the State of New Mexico for FY19. She said the first grant is for \$100,000 for police vehicles, and the second grant is \$240,000 for playground shade structures. She said once the City receives the agreements from the State of New Mexico and those agreements are approved by the City Commission, staff will be able to begin the purchasing process.

#### REMARKS AND INQUIRIES BY THE CITY COMMISSION

**Commissioner Hernandez made the following comments:**

He said in his position with the hospital, they have to pay for trash dumping fees, as do other businesses. He said businesses pay for water, convenience fees and if they opt out of the trash, they must provide their own containers. He said they pay about \$300 to \$1,200 a month for containers. He said what they are finding is a lot of businesses that don't have containers are using their containers. He said it has become a pretty big problem. He would like to see if the City can't do something in that to where businesses are made to either have containers or show how they are disposing of their trash. He said this was his opinion. He said the other thing is he would like to get a realistic updated report for the Sahara Apartments.

#### CONSENT AGENDA

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)

Commissioner Rardin asked to remove Item #7 from the Consent Calendar.

Commissioner Hernandez asked to remove Item #8 from the Consent Calendar.

**Commissioner Hernandez moved to approve items 3, 4, 5, 6 of the consent calendar.**  
**Mayor Pro-Tem Baldwin seconded the motion.**  
**Roll call vote was taken.**  
**Motion carried with a vote of 6-0-0.**

#### ITEMS REMOVED FROM CONSENT AGENDA

**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)**

City Attorney Schreiber said she knows there were some concerns the last time the Commission was here and saw the \$50 fee. She said her department spent a little more time researching this. She said she spoke with Mr. Bleakley, the bee keeper who teaches class. She said they pulled the New Mexico State Bee Act, which has a different fee structure than what we are proposing. She said they propose they charge per apiary. She said an apiary can have any amount of colonies in it, and they charge \$5 per apiary, no more than \$200 in any particular year. They do have an inspection and if your colony is diseased and requires an inspection it is an automatic \$50 fee. She said Mr. Bleakley, in hearing of Mr. Williams's justification for the planning and zoning department's \$50 charge, he thought our thought process was sound. Mr. Bleakley thought we needed to look at is how many visits it will take to check compliance. She said Mr. Bleakley thought that maybe perhaps setting it up the same as our business registrations or \$35 which is set by State Statute would be a good compromise.

Commissioner Rardin said the only reason he pulled this item was to vote against it.

Commissioner Payne asked if they can change the fee to \$35 or do they need to vote first.

City Attorney Schreiber said you would make a motion to approve it with an amendment of changing it to \$35, just make that clear in the motion.

**Commissioner Payne moved to approve as amended.**  
**Commissioner Sikes seconded the motion.**  
**Roll call vote was taken.**  
**Motion failed with a vote of 3-3-0.**  
**Mayor Pro-Tem Baldwin, Commissioners Rardin and Hernandez voted nay.**

Mayor Pro-Tem Baldwin commented he is sure that this reflects everyone that voted nay, it has nothing to do with the bee keeping Ordinance and keeping bees in the city, it's just a fee.

Commissioner Rardin concurred with that statement.

Commissioner Payne asked City Planner Williams what the City has to do that justifies a fee. He answered first of all, it is additional work load on a department that is not designed to handle this workload. He said the task is between 20 and 30 minutes of staff time, and that is without any kind of site visit or any follow up to the applicant. That is strictly to accept the application and process it after we create a new form for it because we don't have one. If what he understood from City Attorney Schreiber, from speaking with the experts, then we are going to have to do site visits, then we are going to have to determine whose office and who is going to be qualified, who is going to pay for that training, etc. He said again we are adding more work load and more tasks that are not currently covered in our current process. He said the original fee was based off of is we are currently using the Ordinance review process which is what we have already established fees on. He said that is based on 45 minutes to an hour worth of time for new construction, new residents and commercial goes a different route, so we chose the residential review process, that fee is currently \$100, but basically that is based off the standard computation for how you come up with the expense of labor. It is normally twice times

the employee doing the work plus 25 percent overhead. He said just using simple math is how we came up with the fee.

Commissioner Sikes asked City Attorney Schreiber if this ordinance is dead. She answered yes. Commissioner Sikes asked what happens to the previous bee Ordinance that we had. City Attorney Schreiber said this was only a change to the ordinance, so the ordinance still stands as was. She said the ordinance reads that fees approved from time to time by Resolution of the City Commission. She said it continues to be ambiguous.

Commissioner Sikes said the continued ambiguity is only going to cause confusion in the future, based on the fact that the gentleman that you spoke with has been training people to maintain apiary/apiaries. She said when we had the discussion initially, the main concern was the potential danger. So, now we have had one person apply, we made sure the ordinance was as safe as possible, guaranteeing that the applicant had to have at least a 2,500 square foot lot and the proper house for bees. She said we have done as much as we can up to that point, but now we have no way to inspect it.

City Attorney Schreiber said we do, the ordinance stands, with the inspection, where it would stay with code enforcement. She said we do have a form that Mr. Bleakley put together himself with the information that he believes we need to be safe about this. She said Mr. Bleakley has been very generous with his time and information with the City. She thanked Mr. Bleakley. She said we will continue to use that application. She said she will work with Code Enforcement to make sure that they understand the parameters and the fee will stay at zero, since the City has never set a fee of it.

Commissioner Payne asked if we still have the one applicant. City Attorney Schreiber said no. Mr. Bleakley taught a class of about 30 and he said that he had about 14 that were in the City limits, but it is still an on-going process, so we are going to continue to get applications and classes will continue to happen.

Commissioner Payne said we have potentially 14 new applicants. City Attorney Schreiber said and maybe more, Mr. Bleakley thinks. Commissioner Payne asked inside the City limits. City Attorney Schreiber answered correct, and most are County residents but there are some inside the City limits.

**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)**

Commissioner Hernandez said the reason he pulled this item off is to thank staff for bringing this forward.

**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.**

**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)**

City Clerk Hughs said this and item 10 are both a transfer of ownership of the liquor license. She said they are both the same owner but different stockholders.

**Commissioner Rardin moved to approve.**  
**Commissioner Hernandez seconded the motion.**  
**Motion carried with a vote of 6-0-0.**

**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*)**

No discussion.

**Commissioner Rardin moved to approve.**  
**Commissioner Hernandez seconded the motion.**  
**Motion carried with a vote of 6-0-0.**

#### NEW BUSINESS

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**11. Consider, and act upon, transfer Airport Land Lease E11A, E3A and E3B from Trabon LLC to Rabon Investment Group. (*Jim Talbert, Airport Manager*)**

Airport Manager Talbert said this is transferring the land lease that is in existence from one company to another.

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

**12. Discussion on F4 Static Display Location. (*Armando Quinones, Airborne Memorial Representative, Brian Cesar, Assistant City Manager and Jim Talbert, Airport Manager*)**

Airborne Memorial Representative Quinones said the issue he was going to discuss, was resolved upon coming to the Commission meeting. He said they are in full support and offer their assistance, those of us who work with the Alamogordo Airborne Monument, to help in any way they can to help the Airport Manager Talbert in his mission to bring an F-4 display for Alamogordo. He said there was never any issue about not helping, it was simply a question of congruity, since that has been resolved, we are done.

**No action taken.**

**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*)**

Engineering Manager Johnson said this change order is for two items, approximately one-third of the change order amount has been requested by the New Mexico Department of Transportation. He said when the design was completed it included a certain amount of traffic signage for the haul route between the lake and the disposal site. He said however, since the award the contractor was required to submit his traffic control plan to NMDOT. He said at that time they decided to increase the amount of signage along the haul route for additional safety. He said the larger of the two items, the design of the temporary coffer dam was that the sheet piles be driven to a depth of 20 feet based upon structural load and based upon the design of a five-year event as far as the amount of water this thing is designed to hold back. He said during the drilling of the coffer dam, they encountered some underground obstructions. He said a lot of the coffer dam elements could not be driven to the design depth of 20 feet, therefore the consultant structural engineering team came up with a series of designed anchors, Deadman anchoring and additional bracing to off-set the fact that the depth could not be achieved.

Mayor Boss asked if we are still within our reserve. Engineering Manager Johnson answered correct, we have a reserve of \$1.169 million remaining. Mayor Boss asked what percentage of completion on that project you would say as far as a timeline. Engineering Manager Johnson said we are on time, we are on schedule. Mayor Boss asked where on the schedule/timeline are we looking at as far as a percentage of completion. Engineering Manager Johnson said it is roughly in the 25 percent range. He said the largest aspect of this is the removal and the hauling and as far as mother nature holds, we anticipate that to happen within about 60 days.

Mayor Boss said we have a dilemma, we need Mother Nature to happen, but we don't need water in the lake.

Commissioner Hernandez asked Engineering Manager Johnson if the Deadman anchoring was temporary or permanent. He said that is a difficult question to answer. He said it is designed temporary at this point. He said staff had initially liked the idea of this being permanent, I'm sorry the coffer dam structure being permanent, however, when we approached the Army Corp of Engineers, who has jurisdiction over this body of water, they indicated in order to make this coffer dam permanent it would result in a substantial cost.

Commissioner Hernandez asked what they are going to use. Engineering Manager Johnson answered it is a combination of cabling, metal bracing and concrete embedment.

Commissioner Hernandez asked if Engineering Manager Johnson if he knew the distance from the tie to anchor. He said he did not have that information. Commissioner Hernandez said the only reason he is asking is because he is concerned about people being around it or getting hung. Engineering Manager Johnson said this is not in any area that the public is going to access.

Commissioner Hernandez asked if it was gated off. Engineering Manager Johnson answered yes.

**Commissioner Hernandez moved to approve.**

**Commissioner Rardin seconded the motion.**

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

**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)**

Project Manager Beshaler said the City of Alamogordo participates in the National Flood Insurance program. She said that makes us eligible for federal disaster assistance and makes us eligible for things like the Corps of Engineers flood control project. She said it also makes flood insurance to the citizens of the community. She said the Federal Emergency Agency oversees our administration of the National Flood Insurance Program. She said Chapter 13 is our flood damage prevention Ordinance which covers how we administer the program. She said we periodically have reviews from FEMA. She said they came in March of this year and they looked over the community and made sure that our process for permitting followed the program. She said they review our ordinance and they have a checklist, there are certain things we have to include in our ordinance based on the CFR and we were missing two items. She said this amendment to the Ordinance adds in those two items. One of them covers what we require for construction in the AE zone, which is one of the designated flood zones, somehow that was left out of the ordinance. There was another stipulation that subdivisions that are developed with 50 lots or over 5 acres, that are in a flood zone that doesn't have base flood elevations determined, the developers are requiring to develop those base flood elevations. We are required to have these in order to be compliant with the program.



**Mayor Pro-Tem Baldwin moved to approve.**  
**Commissioner Hernandez 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 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)**

City Attorney Schreiber said one of the main concerns is that we are going to end up hurting local thrift stores. She said if you look at Section 17-5-120, entitled Exclusions. She said it talks about exclusions for non-profit or charitable, second-hand goods or thrift shops. It also talks about exclusions of consignment stores and garage sales. She pointed out that this right in line with State Law, and the State Law. It also gives us the power to go ahead to adopt rules and regulations as necessary to administer this Act.

Chief Peete explained a program called leads online. He said it's a program that is free for the pawnshop brokers. He said when individual's homes are broken into, bikes are stolen more often than not, the perpetrators are going to go to a pawnshop to pawn the items. He said what this ordinance allows us to do is, electronically the pawn shops can record all the information that comes in. He explained how the program would work and what they are using now. He said because our personnel power is pretty low, that would help us tremendously to moving quickly to apprehend individuals who we suspect.

City Attorney Schreiber said it is important that Commission know that these records are being kept now, the only additional thing that we are adding is that photographs are taken, and it is put in the system. They are required to keep these records now in our Ordinance and in State Law, this is not a new thing that we are requiring, we are adding the photo requirement and that it is uploaded on to this free service. The record keeping has been something that has been law.

Commissioner Rardin asked if these rules just govern pawn shops. City Attorney Schreiber answered correct, that is entitled the Pawnbrokers Act.

Commissioner Rardin said he did not have a problem regulating the pawn shops because that is where a lot of stolen merchandise is pawned for money. He said the problem he has here is thrift stores. He thinks they really should not be regulating our thrift stores. City Attorney Schreiber said they are not. She said that is one of the exclusions in the Ordinance 17-5-120 (F), it says thrift shops specifically. They are absolutely excluded from this.

Commissioner Payne said but that is non-profit thrift stores. City Attorney Schreiber said no, it's or thrift shops.

Commissioner Hernandez said he wanted to make staff aware of page eight, item number one, on how often garage sales can be held. He said he has seen people bringing truckloads of crap and setting it up at the fairgrounds and they are allowed to do that. He said they are just starting to pop up. He said as we are adding and changing Ordinances, we need to make sure that we enforce the ones that we have.

City Attorney Schreiber said sure and that ordinance on garage sales actually is something we declined to touch or edit at that point. She said that is current law, so that is something that she could work with Chief Peete to identify.

Commissioner Hernandez said he thinks that falls under Code Enforcement. Commissioner Payne agreed.

Commissioner Hernandez said the one that was set up at the fairgrounds, there were 3 trucks of stuff. He said he knows that they did not have permission because he knows City Manager Paluch would not have given them permission to do that.

**Commissioner Hernandez moved to approve.**

**Commissioner Rardin seconded the motion.**

**Roll call vote was taken.**

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

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

City Attorney Schreiber said she tried to make this as easy as she could for the sitting Commission, since we have a difference in cause and no cause findings. She said as you know the City did receive a code of conduct complaint from Ms. Jodie Nichols, who spoke earlier, against Commissioner Sikes. She said in the agenda packet is the full complaint, as well as the response. She said we have the three allegations. She said allegation numbered one and three were no cause findings by the preliminary review committee. She said that means that two out of the three members found no cause there. She said on this first agenda item that is all we are going to handle. The Commission, if we look at the agenda book, can now take one of three courses of action tonight. She said the Commission can take no action which will result in the two no cause allegations being concluded this evening, they will be done. She said the Commission could entertain a motion to consider the complaint, which if the Commission does do that, it would take affirmative vote of five commissioners. She said Commissioner Sikes will obviously recuse herself from that vote, or you can entertain a motion to sustain the no cause finding, by the preliminary review committee. She said if you chose to do that it will allow for discussion, but essentially it just takes four Commissioners to just sustain that no cause finding. She said if that no cause finding is sustained, then again, these two allegations are concluded. She said there is a second that we will deal with on the next agenda item, which was a cause finding. She said if the Commission has any questions, she has the Ordinance there and can answer anything they like.

Mayor Boss asked City Attorney Schreiber on two of the items, where there is no cause, unless we decide to change that as a complete body, do we need to do anything.

City Attorney Schreiber said one of the options is the Commission can take no action and you can vote to take no action on it today. Mayor Boss said on the two items that the Senior Commissioners determined there was no cause. He said and then we address this separate one where cause was found.

City Attorney Schreiber said correct, so there are three courses of action on agenda item 16. She said you can vote to take no action, that does not allow for any discussion, so you just take no action and that would be the vote, it just takes a majority vote and it concludes those two matters. She said you can also entertain a motion to sustain the complaint, five commissioners will have to vote yes in order to do that. She said so everyone up there other than Commissioner Sikes, obviously, would have to vote in the affirmative to do that. She said otherwise you can also entertain a motion to sustain the no cause finding and discuss, if you would like to do that.

City Attorney Schreiber said this is very confusing so if there are any questions. She said you are going to see some changes in the ordinance, even just to make the numbers align very quickly.

Commissioner Rardin said it says here, item one is take no action which results in two no cause allegations, or two is entertain a motion to consider the complaint and then entertain a motion to sustain, what does that mean. City Attorney Schreiber said that means essentially you are voting to support the no cause finding. She said you are saying that we are going to go with the no cause finding. Mayor Boss said that would be a motion to that effect. City Attorney Schreiber said right, then

once that motion is made the Commission is free to discuss. Mayor Boss said then we look at the item where the Senior Commissioners found cause. City Attorney Schreiber said correct.

Commissioner Rardin said it has been a while since he read the Ordinance pertaining to this code of conduct. He asked what were, in the actual ordinance itself, the repercussions that we can take as a governing body. City Attorney Schreiber said in Section two it talks about violations. She said you can issue a warning which is the least severe form of action. She said the warning warns the Commissioner that his or her conduct violated the code of conduct. The warning cautions the Commissioner that further violations could lead to a more severe action. She said there is a sanction, this is the next most severe form of action. The sanction would be directed to a particular member of the City Commission based on a particular action or set of actions that is determined to be in violation of the code of conduct but is considered by the Commission to be not sufficiently serious to require censure. A sanction is distinguished from censure in that it is not a punishment. Censure is the most severe form of action contemplated in this policy. Censure is a formal statement of the City Commission officially reprimanding one of its members. It is a punitive action which serves as a penalty and pose for wrong doing. Censure should be used for cases in which the Commission determines that the violation of the code of conduct is a serious offense in order to protect the overriding principle of freedom of speech. The City Commission should not impose censure on any its members for the exercise of his or her first amendment rights, no matter how distasteful the expression was to the Commission and the City, however, nothing herein should be construed to prohibit the City Commission from collectively condemning and expressing their strong misappropriation of such remarks. She said this is quickly become clear why we need to amend this. She said that is in violation of Section 2A, later in the ordinance, it discusses additional things that can be done. She apologized to the Commission and said this is a very confusing Ordinance. She said if you today were to vote to open the complaint with five members and conduct a formal hearing. She said after that formal hearing, if you have found the violation, the next sections say you can issue a warning, even sanction, censure and it gives different option censuring. She said censuring means due to the loss of City related travel privileges for specified time period, a civil fine, a demand for non-monetary restitution, which would be something like a public apology, the return of gifts and/or demand for reimbursement of administrative, legal and/or investigation costs and expenses incurred and investigating, prosecuting the violation of the code of conduct. She said it does say in here that the amount of any civil fine imposed by the Commission shall not exceed the fine which may be imposed for a Municipal Code violation which is \$500. She said again, I apologize for the confusion, it is in two separate sections of this ordinance.

Commissioner Rardin asked City Attorney Schreiber how many times in the past has the Commission actually had to address these kinds of issues. Mayor-Pro-Tem Baldwin said three. Mayor Boss said it was 2014, am I correct. City Attorney Schreiber said she does not know. Commissioner Rardin said okay, Mayor Pro-Tem Baldwin is saying three different times. Mayor Pro-Tem Baldwin said at least three times.

Mayor Pro-Tem Baldwin said not all against Commissioner Sikes. Commissioner Rardin said they were all against the former Mayor, weren't they. Mayor Pro-Tem Baldwin said yes, there were two and another one involving Commissioner Sikes.

Mayor Pro-Tem Baldwin said this is about a serious of a subject as they can probably deal with and that is why it was created. He thanked City Attorney Schreiber for walking the Commission through the process. He said the three Senior members of this Commission reviewed and found no cause for one and three. Commissioner Payne said two of the Senior members did, just to clarify. Mayor Pro-Tem Baldwin said to clarify yes, but as it sits there is no cause for one and three. He made a motion for no action and to move forward to the next item. Commissioner Hernandez seconded the motion.

Commissioner Rardin asked if Mayor Pro-Tem Baldwin's motion of no cause, just addresses items one and three and they still need to address item two. Mayor Boss said yes. City Attorney Schreiber said correct, we will address that in agenda item 17. He asked if the review committee consists of

Commissioner Payne, Baldwin and Hernandez. City Attorney Schreiber answered correct. Commissioner Rardin asked the committee how they came to the conclusion of no cause on those items, for his own personal knowledge.

City Attorney Schreiber said if I could just interrupt for a second, if we are going to entertain a motion to take no action, that actually does not allow for discussion. She said if you look at the agenda report, we would have to entertain a motion to sustain the no cause finding to actually discuss and open up discussion of the complaint itself in the allegations. She said if the motion on the table is to take no action, so that will have to be voted on and then if we want to discuss that it would have to be defeated.

**Mayor Pro-Tem Baldwin moved to take no action.**

**Commissioner Hernandez seconded the motion.**

**Motion carried with a vote of 3-2-1.**

**Commissioner Rardin and Commissioner Payne voted nay. Commissioner Sikes could not vote.**

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

City Attorney Schreiber said this is the one allegation that cause was found on, so now we can consider one of the following course of actions. She said if the commission determines there is no cause, the matter would be concluded, that would be done with a vote, we can entertain a motion to consider the complaint if the motion to consider the complaint passes, the commission has some options at that point. She said the Commission can conduct a formal hearing at a later date, that would mean that you direct the City Manager to open an investigation, she would work with the City Manager on that to appoint special legal counsel to conduct an investigation and they would provide you with a written report. At that formal hearing, Commissioner Sikes could have legal representation. She would be able to file a written answer, appear at the hearing, she can submit testimony and examine and cross-examine any witnesses at that point in time. She said the second option if you decide to entertain a motion to consider the complaint would be to issue her a warning, if a warning is issued she does still retain the right to request that formal hearing, it is a due process right, but if she does not request it, that would conclude the matter. She said again, this is for conduct of members. City Attorney Schreiber said she was asked to read this actual part for the Commission, it is 3(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.

Mayor Pro-Tem Baldwin said the Senior members found cause, and asked City Attorney Schreiber if at this point if he wanted to make a motion, we move to find cause to formally recognize it and then after that we have discussion of potential. She answered what you would want to do is make a motion to consider the complaint, if that motion passes then we will move to discussion and the Commission will have to decide if they want a formal hearing or to issue a warning and that will be a decision we will make tonight. Mayor Pro-Tem Baldwin said he'll make that motion to find cause and then have discussion. Mayor Boss clarified if the motion is to find cause. Commissioner Rardin said your motion is to consider the complaint. City Attorney Schreiber said procedurally the motion is to consider the complaint.

**Mayor Pro-Tem Baldwin moved to consider the complaint.**

**Commissioner Rardin seconded the motion.**

**Motion carried with a vote of 4-1-1.**

**Commissioner Hernandez voted nay. Commissioner Sikes could not vote.**

**Mayor Boss said now we will move. City Attorney Schreiber said we are still on this item Mayor, the Commission will need to make a decision about what the appropriate next step is. She said the Commission will decide whether they like to conduct a formal hearing on the matter at a**

**later date or issue Commissioner Sikes a warning this evening. Mayor Boss said he understands, so we need discussion.**

Mayor Pro-Tem Baldwin said this is obviously not a position for a peer to be in. He recognized Ms. Nichols for bringing this to their attention. He said one of the things he realized going through this process was according to our ordinance, we are not allowed to contact Ms. Nichols ahead of time, so the senior members that had to go through this process, there was a reason why we did not contact you personally. He said in fact he was sitting with the City Attorney and he stated that he was on his way to contact Ms. Nichols and she said please don't, so he feels bad that he did not get to see anything from Ms. Nichols side of the story other than the information that Ms. Nichols provided. He said he understands that there was a lot more to the situation that those texts or files didn't get. He said that being said, he could also not talk to his colleague about what happened, which he felt bad. He said making this decision is not easy, however, we sat down as a Commission and we are dealing with internal problems, one of things that we realized was that trying to keep the Commission under control or not stepping out of our procedural abilities, it opens us up to complaints like this, formal complaints. He said he thinks it was a good thing and he thinks why the Commission went through the process. He said we also wrote it with a caveat and those that will remember the idea was as a Commission, we try to handle these things internal, that if we felt like somebody was doing something wrong, we would do anything we could to talk to them personally and get them to stop doing those things. He said secondly, if that didn't work, then this more formal form of complaint would come forward so that we can open it up to the public. He said the intent there was once the public is aware of what is happening, that should formally make the Commissioner aware of what is going on and hopefully guilt them into or correct those actions based on the public being aware of it. He said the punishments or the potential forms of reprimand and/or censure ship that we have in there, as you can see, do not really have a whole lot of teeth to it because as a Commission we can't do too much to an Elected Official. He said they are in a position, as the City Attorney addressed, their first amendment issues. He said there is really not a lot they can do, it is a difficult process with not a lot of bang to it. He said the idea is that we make it public, we make it to where there is nothing that wouldn't come out in the open, so everybody understood everybody's situation. He said he thinks that is where we are right now. He said he is stumbling on his words because this is really difficult for him because he knows the project for the Sahara Apartments would not have been moved forward if it weren't for Commissioner Sikes effort. He said she and I have had a couple of private conversations about conduct and she knows that my standard for us, as a Commission, is we are never not Commissioners. He said everything we say and do, we are held to a completely different standard. He said it was difficult for him to find cause in this situation, but for item two, he wanted to explain that he did because no matter what happens is what was stated by a couple of our speakers earlier, it is the one thing that we cannot do as a City Commissioner and that's to fight back at the people, who are our constituents, citizens of Alamogordo. He said it is a difficult position, but he also comes from a life of retail, which everyone knows the golden rule of retail, the customer is always right, so my bottom lip has always been pretty fat because he has to bite it quite often. He said it does not mean that the customer is always right, but there are just certain things that we can't do as City Commissioners. He said he has had a conversation in reference to this, prior to this allegation, coming toward Commissioner Sikes and he knows that she truly believes that. He said he just wanted to say his reasoning, a little bit of reasoning behind the ordinance that we have, his frustration with the way it is written, he thinks the City Attorney had addressed some of those issues, the fact that we couldn't visit with the person making the complaint. He just wanted to let everyone know.

Mayor Boss said he can really appreciate both sides. He said Ms. Nichols he understands her feelings and also Commissioner Sikes, probably more so than anybody up here because he just went through an election process, as did Commissioner Sikes. He said there were so many untrue things posted about him, and he did not look at Commissioner Sikes but he suspects it was very much the same with her, in fact there was very few bits of truth in social media regarding his election. He said he did see some where the whole City was being criticized for not moving Sahara Apartments ahead. He said we tried, we did everything we could do, that was purely a legal matter. He said he can tell you that every Commissioner up here has been very concerned, and we recognize the plague we have with Sahara

Apartments, but we can't buck the legal system. He said he has seen Commissioner Sikes and heard her speak to both City Manager Paluch and City Attorney Schreiber specifically, requesting information on that and then being frustrated because of the delay. He said he is just saying that he can understand a state of mind, he is not condoning the remark, but he can understand the state of mind where he could have done that because of the circumstances, the pressures and the mis-statements that were made by so many people on social media during that election. He said it was totally false as far as blaming the City of Alamogordo for that blight over there. He said he knows that we have done all that we can do. He knows in the last two years and he suspects before that too.

Commissioner Payne told Mayor Boss she does not disagree with him very often and she has the upmost respect for him, but this had nothing to do with the Sahara Apartments. She said this has to do with conduct. Mayor Boss said he recognizes that. Commissioner Payne said she really does like Commissioner Sikes and if you worked with her you would understand, we all get along great. She said this about choosing your battles and her issue is, she will tell you right now she voted for cause on all three of them, because her issue is you have to choose your battles. She said you can't get baited by every person out there that is going to do their best to bait you and we have been in this position before. She said this is not the first time we've been in this position and she remembers when she was first elected, and we talked about this, and she told Commissioner Sikes that she understands Commissioner Sikes' passion. Commissioner Payne said she understands her passion, because she is a very passionate person, but her heart sunk when she heard Ms. Nichols say "When you say those things, you represent all of us". Commissioner Payne wanted to make it clear that she does not look down on anybody, she does not care where they live, she does not care what neighborhood they live in, her whole reason for being, the last nine years, is to help those regardless of what socio economic class they are in and she is pretty disturbed by the comments because it shouldn't matter, that shouldn't make a difference where you bought your house and whether you said those things because you meant them or you said them out of frustration. She said the fact is you said them. She said that is heart breaking, that is distressing to her because that is not how we should be acting as Commissioners. She said we do represent all people. She said she got an email today from someone that actually lives in Commissioner Hernandez's district and she was polite and respectful, and she got an answer and she got back to them. She said she doesn't care what district they are in or who they are and when we start saying those kinds of things to people, we are not building them up, we are tearing them down. She said whether we are doing it out of frustration or not and she was equally disappointed at Commissioner Sikes' response. Commissioner Payne said of all things Facebook and private messaging, she thinks that we should have all learned a lesson, she learned a lesson before she was even elected. She said you just don't do it and you know that. Commissioner Payne said I know that you know that, and I know that you did it out of frustration, I understand that, but nonetheless this is the second time we have been here, and she cannot get passed that. She said she cannot get passed how many more times are we going to do this, how many more times are we going to go down this road because you get frustrated. She said you cannot let people suck you in like that, you've got to ignore that and it was election time and she read that post over and over again, and all she read was somebody that was supporting your opponent and she can't get past it and that it's a tough one for her because really we all do get along, we seem to, so she wants to be clear about that. She said she does not think this about the Sahara Apartments, this is about conduct and how we should act as Commissioners. She said she has been frustrated, there are a few people that really frustrate her. She said she has even typed out posts, and she has looked at it and she has said forget it and she has erased it because you just got to breath and you've got to let it go because if you don't, you are representing all of us and you did represent all of us when you said that, and she is sorry, but she just can't get past that. She said that is just her feelings on it.

Commissioner Hernandez said he knows that one of their past constituents brought up a thing as a private citizen. He asked so if as a private citizen, can he talk all the crap he wants, say anything he wants, do anything he wants. City Attorney Schreiber asked if he was asking her. Commissioner Hernandez said yes. City Attorney Schreiber said she does not file code of conduct complaints because they come through her office, but she believes that even if you put as a private citizen you could be brought up on a code of conduct complaint, whether or not the preliminary review committee

would find cause would be up to you all, she certainly does not pretend to know how the Commission is going to vote before you vote.

Mayor Boss said that challenges Freedom of Speech in my opinion. He said if he speaks as an individual and he makes it very clear that it is him talking and no other Commissioner, he could say what he wants. He said the United States Government gives him that right, not the City of Alamogordo. He said if he tells you and speaks with you, he says he is one of seven, but he's not speaking for anybody other than himself, don't look at me as a Commissioner. He said if you tell me that he cannot do that, you are breaking my freedom of speech. City Attorney Schreiber said she would never tell you not to do that, she would just tell you that anyone other than herself, can file a code of conduct complaint. Mayor Boss said they could file it, but. City Attorney Schreiber said again, it would be up to the preliminary review committee to find cause or no cause. Mayor Boss said then he would bring his Attorney.

Commissioner Hernandez said basically what he is saying is that they are elected officials, he does not know that your opinion would be different as an elected official or a private citizen. He said so we have to be very careful in what we say and what we do, especially when we say it in public and it is recorded or on Facebook or whatever, and that is one of the reasons he does not do Facebook. He said it is very easy for me to be lured into something like that. He said he has several instances where constituents have come to him, kind of like this one, where they call him every day. He said he did everything he could, talked to staff, did whatever he could, and it became harassment. He said at the same time he did not call the police and file harassment charges, he just blew it off. He said it is very difficult and he agrees with Commissioner Payne that this is the second time, but again sitting in this seat is a lot different than sitting in the audience. He said it is very difficult, at sometimes it is very challenging.

Mayor Pro-Tem Baldwin said he wanted to make something clear to the Commission. He said it is the second time, but the first time was no cause so it should not be a check two. He said this is the first-time cause has been found against Commissioner Sikes. He said it was written up that way to address allegations that if we did not find merit, we did not find merit period then they are done and off the books, so it is not a check two, this is the first-time cause has been found so we are addressing it as the first time that we found cause with the situation.

City Attorney Schreiber said our ordinance actually speaks to that Mayor Pro-Tem, it says that no cause is found but the matter should be concluded and finalized and done.

Commissioner Rardin said they are elected officials and they are held to a higher standard, it is just like our police department. He said we would probably reprimand them for doing something similar to that because of the fact of who they are and the position they are in. He said he does not condone this type of behavior and he has had constituents, for a lack of a better word, that have pissed him off, but you kind of ignore them, you cool off and you try to help them the best you can but sometimes you can't. He said there are sometimes it is not in the best interest of the City or the people to do certain things. He said he was going to ask the question, but Mayor Pro-Tem Baldwin answered it and said the first time around there was no cause.

Mayor Pro-Tem Baldwin told Ms. Nichols by no way are they insinuating that she baited or harassed. He said he has been listening to the comments and watching the body language a little bit. He said they are not implying that she did anything wrong in this situation except were the recipient of what happened. He apologized for that.

Mayor Pro-Tem Baldwin said so we have a couple of options in front of them. City Attorney Schreiber said correct, you can either issue a warning or request a formal hearing to be held at a later date.

**Mayor Pro-Tem Baldwin motioned to issue a warning.  
Commissioner Hernandez seconded the motion**

**Motion carried with a vote 4-1-1.****Commissioner Payne voted nay. Commissioner Sikes could not vote.**

Commissioner Sikes asked City Attorney Schreiber if the warning will be in writing. City Attorney Schreiber said that will have to be determined as our ordinance isn't specific, but she can take a look at it tomorrow, in addition, Commissioner Sikes you do still retain the due process right to request a formal hearing at this point if you like. Commissioner Sikes asked with a time limit or not. City Attorney Schreiber said she would ask, just for her own office, that she notify her within fourteen days, if everyone feels that's fair.

Commissioner Sikes said under any circumstances when somebody is elected to an office, we like to use the words, we are above reproach. She said the fact of the matter is when you are harassed consistently and when disingenuous things are said about any of us, about the City, a department, an employee she does believe it needs to be defended. She said she does not think in this day and age you should allow things to be out there that are incorrect. She said we are trying to be transparent. She said if all somebody does is follow social media, then all they see about a person is negativity, that isn't fair. She thinks we all have first amendment rights, she thinks they should be allowed to defend ourselves. She said they are not elected to become doormats. She understands being above reproach, but you reach a limit where she thinks things need to be corrected.

Mayor Pro-Tem Baldwin asked Commissioner Sikes because you felt the need to say that, can he ask just one question. She said certainly. Mayor Pro-Tem Baldwin asked if she thought it was defended properly.

Commissioner Sikes said in the event that she would have the opportunity to do it over, she would do it more publicly. She said and second, they are elected, Commissioner Hernandez brought this point forward, we are all elected, and people know they are elected. She said whether they say they are speaking as a private citizen or not, we are elected. She said in her response when she said it has no significance for her to claim private citizen, because we know she is a Commissioner, so it doesn't matter. She said whatever she says is going to be examined as a Commissioner. She said throughout the past, she felt she had to deal with a little bit of harassment through the past few years, and she has seen things on social media about her colleagues or her colleagues saying they are private citizens, but at least she respects them enough to not come forward with a complaint when she knows they are defending the truth. She said if they are defending the truth and they are speaking as a private citizen she is not going to call it a complaint because she respects their first amendment rights period.

Mayor Boss asked Commissioner Sikes, if she was able to do it over again, you would certainly not use the same terminology though. She said she thinks she threw language back at people, but she probably wouldn't, she probably would have cut off the relationship much more quickly. She said three years of her parroting the same thing over and over without somebody understanding what she was saying. She said she should have cut it off earlier, you are correct.

Mayor Boss said some of things said were not really appropriate. Commissioner Sikes said they were a little harsh. She apologized for harsh language and said but at the same time she will stand behind bringing the truth forward. She said it is all part of transparency.

Commissioner Payne said her argument to that would be, if you were trying to be transparent you probably should have posted it instead private messaging. She said that is her thoughts on that. She said second, she knows what Commissioner Sikes is getting at, because she does this. She said she puts personal thoughts, private citizen. She said you know the private citizen she is really kind of joking to be honest with you. She said she does make sure that she puts her personal thoughts, and she makes sure people understand that it is her personal thoughts. She said it is not about defending yourself, because you are right she has defended herself plenty of times. She said it is about calling a particular neighborhood in your district deplorable. She said it is telling a constituent lose my number. She said those are the things that, we can't do that. She said you represent everybody in your district,



it doesn't matter who it is. She said do they harass you, I don't know so much about that. She said she has a guy in her district that calls her just about every other day about his street. She said she picks up the phone every single time and she hears the same story over and over and she still keeps picking up the phone. She said she does not know what to do for him other than, because I can't get his street fixed. She said to be perfectly honest if we are talking about transparency, you had a choice to send a private or to not send a private message and you chose to do it. She said and how you could not have anticipated that would end up on Facebook, she has no idea. She said she thinks we need to be a little real about it. She said it's not for me about you defending yourself. Mayor Boss said he thinks that they do not need to discuss this all night. Commissioner Payne said you defending yourself is fine. She said it is things you said, the disparaging comments you made about a neighborhood and why somebody would choose to live there. She said she has a real hard time with that.

Commissioner Rardin asked the City Clerk and City Attorney that the minutes be put in some sort of a file, so if this happens again that we have record of it. He said there is no process of all this. He said he doesn't know if she has an employee file that we can put these minutes with these remarks in there so that we could come back to them in the future if this happens again.

City Attorney Schreiber said the minutes are always kept and maintained pursuant to State Law. She said so we have them forever. Commissioner Rardin asked if there is a file specifically for this issue. City Attorney Schreiber said she does not know, and she does not know if it would be appropriate for a personnel file or something that would expose the City to some liability, but she will look into it and she assured Commissioner Rardin that the minutes will be maintained by the City Clerk's Office as they are. Commissioner Rardin said this is his personal opinion, based off the remarks that were made after the issue was discussed, if it happens again, he would be more in favor a little stricter punishment. He told Commissioner Sikes that they should talk to constituents that way. He said he knows they get frustrated and they get mad, but they should not talk to constituent that way.

#### EXECUTIVE SESSION

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**18. Recess 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.**

**Mayor Pro-Tem Baldwin moved to recess into Executive Session at 8:43 pm.**

**Commissioner Rardin seconded the motion.**

**Roll call vote was taken.**

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

#### RECONVENE INTO OPEN SESSION

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**Mayor Pro-Tem Baldwin made the motion to reconvene at 8:58 pm.**

**Commissioner Hernandez seconded the motion.**

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

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

**Mayor Pro-Tem Baldwin moved to deny the request.**

**Commissioner Rardin seconded the motion.**

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

Mayor Pro-Tem Baldwin said he wanted to make sure on the record that the City Commission is interested in talking to the County about doing something productive with this piece of property. He said however, with the value of the land, it seemed like an unreasonable request from the County. He

said hopefully we can talk to them and work something out for the better good of our communities.

**Commissioner Rardin moved to adjourn at 9:00 p.m.**

**Commissioner Payne seconded the motion.**

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

## ADJOURNMENT

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*Mayor Richard Boss*

*ATTEST:*

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*City Clerk Rachel Hughs*

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on May 22, 2018.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION BUDGET HEARING MINUTES  
6:30 P.M., Fire Station 5  
May 14, 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 /**

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Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present.

**APPROVAL OF AGENDA**

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Mayor Pro-Tem Baldwin moved to approve the agenda.  
Commissioner Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

**PRESENTATIONS**

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**1. The Finance staff will present the preliminary FY 18-19 City of Alamogordo Budget. (*Julianne Hall, Finance Director*)**

City Manager Paluch gave a brief overview of the budget process. She said you can expect the budget to be adopted at the end of May. She said these numbers are not inflated. She said they asked the departments to start at ground zero and to not just roll the numbers over. She described the agenda for the hearings.

Finance Director Hall started to present the budget.

Mayor Pro-Tem Baldwin asked if City Manager Paluch could give the Commission an idea what is going to happen tonight, Tuesday, Wednesday and Thursday night. She said they scheduled multiple days in case the Commission had a lot of questions. She said basically we are going to run through the budget and if they get done early then those additional days will not be needed. She said tonight they are going to go through the general overview and then they will continue to the Directors and see how far we can get this evening. She said it is scheduled till 9:30 p.m. She said the outside agencies know that they are schedule for tomorrow to talk about any funding request they may have.

Finance Director Hall said there is no action item this evening, it will be approved at the next regular meeting on May 22<sup>nd</sup>, 2018.

City Manager Paluch said if the Commission has some questions that staff cannot answer or there are some things that may need to be researched, staff will take note of that and will get back to you with plenty of time for the meeting that this needs to be approved

Mayor Pro-Tem Baldwin said upon the request of Commissioners can staff put it on the agenda so that the Commission can decide at that time what process we would like to go through. He said only because we've kind of had it every way possible. He said he thinks it is a little confusing for staff if they are heading in one direction and we decide to go a different direction. He kind of expected this process to happen like it did last year. He would really prefer that conditional decision as opposed to changing it then.

Commissioner Rardin said when he was in Office before, they had an agenda and it stated out what sections of the budget they would be talking about. He said they knew exactly what sections that they needed to look at and read up on. He said it was a little easier for the Commissioners instead of having to read up on so many pages. He agreed with Mayor Pro-Tem Baldwin.

Finance Director Hall said you will notice this power point presentation is very similar to the format used last year.

Mayor Pro-Tem Baldwin and Commissioner Rardin explained that they would not be available if the hearings continue to certain days.

Finance Director Hall went over the budget adoption process and timeline. She said the final budget adoption will be on the July 24<sup>th</sup>, 2018 Commission meeting. The final budget is due to the Department of Finance and Administration on July 31<sup>st</sup>, 2018.

Finance Director Hall went over all funds combined and showed a comparison of FY 17 actuals, FY 18 adjusted budget and FY 19 budget. She explained the numbers on the power point.

Commissioner Hernandez asked if we collect those franchise fees from all the different vendors in town. He said like Tularosa Basin is now using those right of ways. Finance Director Hall said anyone who has services in Alamogordo.

Commissioner Hernandez asked when they want to do work do they have to do permits.

Assistant City Manager Cesar said it depends on their agreement. Commissioner Hernandez said he was thinking more of TBTC because they fired their original vendor, and now they are back, and they are doing the same stuff. Assistant City Manager Cesar said they should be notifying us that work is being performed, but there is not a fee associated because it is all wrapped in the franchise fees. Commissioner Hernandez said what he is saying is that somebody has got to go back and fix at some point, and if we are collecting from them, how much are we collecting. Assistant City Manager Cesar said we the City, do not need to go back in and repair, we require the contractor or the utility to come back in and fix damage.

Mayor Pro-Tem Baldwin said historically haven't we been, in our receptions, about two percent increase. He asked why one percent this year on our Gross Receipt Taxes. Finance Director Hall said it is just one of those things, because of the fact that the hold harmless is going up. She said this this year actually, because we are getting some more businesses in town, we haven't started to see a whole lot of an increase yet, but we will start seeing more of an increase. She said at the time we started working on this we weren't sure which businesses would be open. She said we will not be seeing most of those increases until next year. She said one percent overall based upon the fact that we are increasing our hold harmless, as well. She said this year we are running about a little between two and three percent. It is more than last year which is, the department of taxation and revenue there have been a lot of inquiries and comments amongst a lot of the Municipalities and Counties because they don't seem to be very transparent with their reporting process. She said so what we have to do is take the net amounts that we receive and we have to gross it back up to adjust for how much they are telling us for FY19 which is 24 percent. She said she would much rather budget a little more conservative revenues and end up getting more than the other way around.

Finance Director Hall said like Harbor Freight, you have to remember is only gross receipts taxes, they were the first business, and their first full month was February. She said they will send their money into the State in March, and we will not see any increase from that until April. She said there is always a two month lag on it. She said Hobby Lobby, we will not see anything from them until July. She said she is hoping it will be much more than that, but she is kind of loath to go much higher than one percent for this next year.

Finance Director continued the power point presentation.

Commissioner Hernandez asked about the miscellaneous revenues. He said he knows that we sell a lot of stuff online now. Finance Director Hall said yes, when we sell things by auction than that money received goes back to the department that sold the scrap. She said that can increase their budget so that they can purchase new equipment or whatever they want. The only time we restrict them on what they can purchase is if they actually sold something on our fixed asset listing, then that money needs to go back in to a replacement program.

Commissioner Rardin asked if in salaries and benefits, the seven percent increase in the \$1.4 million for raises this year. Finance Director Hall said that would across for all departments, and that is for some departments there were some reorganizations, some reclassifications. She said that is something each of the individual Directors can address for you.

City Manager Paluch said some of the biggest ones was for an increase in the City's portion of health insurance and all insurances across the board. She said there is also another large increase because the Fire Chief is asking for 24 hour pay for the firefighters, which is a standard for a twenty four hour schedule across the State.

Mayor Pro-Tem Baldwin asked if salaries and benefits is roughly 41 percent of our projected budget. Finance Director Hall said it is 37 percent. She said lets don't forget that is not only the salaries paid out to the employees, but the City's portion of what the City has to pay for the health insurances, the taxes and all that. Mayor Pro-Tem Baldwin said that is lower than what he thought it would be. City Manager Paluch said remember this is just for budget, it is not the actual expenditure for the end of the year. She said we have a certain amount of budgeted positions, but throughout the year not all those positions are filled.

Mayor Pro-Tem Baldwin asked what our employee count is at now. City Manager Paluch answered about 370. Finance Director Hall said as Commissioner Payne mentioned we do budget for full insurance because we don't know on vacant positions if whoever comes in and takes full family insurance we need to have the ability to pay for that. She said not everyone does, some don't take any at all, so that is built into this as well.

Commissioner Hernandez asked about the insurance premiums on the pie chart. Finance Director Hall said that is total insurance premiums across the entire City. She said that is insurance for property, fleet, public official bonds, etc. She said health insurance would be under salaries and benefits.

Commissioner Payne asked back on miscellaneous revenues, how is sell or scrap is tracked. City Manager Paluch said it is tracked by the Purchasing department. She said any department that wants to sell something has to inform the Purchasing department and they will handle the entire process. She said right now, either we will do an auction on site at the City yard or we have been using EBay, quite frankly we have been getting a lot more money on EBay. Commissioner Payne said so everything, regardless of the department, has to go through one person. Finance Director Hall said yes.

City Manager Paluch clarified that it is the government version of EBay.

Commissioner Hernandez asked if they do disposal forms. City Manager Paluch and Finance Director Hall both answered yes. Commissioner Hernandez said so there is tracking serial numbers and stuff. Finance Director Hall said yes, in Finance we have a fixed asset Clerk and she tracks everything. She said we do our disposals, we do our depreciation every year.

Commissioner Hernandez said a few years ago, one of our piece of equipment ended up at a place of business and we were able to track it back to the City by its serial number. City Manager Paluch said that is all tracked and it has to be reported to the Auditor at the end of the year.

Commissioner Rardin said he sees City crews come from the Convenience Center down to the recycling place, he asked what they are selling there. He said in the past it was an issue because it is a cash transaction. Assistant City Manager Cesar said the only thing you see them taking down to the recycling area are the batteries, cartridges that come in. He said any scrap metal, refrigerators, if you to the area in the rear, there is a company from Mexico that has a contract with the City, and pays the City something like \$150 a month. He said this keeps our tipping fees down. He said we don't need to haul it 30 miles out of town and dispose of it. He said it is a nominal fee and they remove all the material for us. Commissioner Rardin said okay, he just remembers seeing them down there periodically at the recycle place.

Finance Director Hall moved on to present the General Fund.

Mayor Boss made a comment about other expenditures. Finance Director Hall said that is going to be the items that are mostly between \$250 and \$5000. She said every department, within the general fund, can give you a little more detail on that.

Finance Director Hall said our operating and general government, operating public safety transfers out, that is to subsidize other departments that don't have enough revenue on their own to pay for themselves. She said it is a steady increase, costs keep going up and our revenues remain flat. She said granted, these are preliminary numbers. She said it always looks worse in the preliminary budget, it just always does than what it ends up being once we roll over into the actual FY19 budget.

Commissioner Payne asked if they will find out what departments those are. City Manager Paluch said again those departments don't receive funding unless they need it, but it is places like the golf course, the zoo, the Rec center that receive a transfer.

City Manager Paluch reminded the Commission that there are a lot of things that need to be rolled into the final budget.

Commissioner Rardin asked about the Capital Outlay under the non-recurring for the general government public safety. Finance Director Hall said there is a complete capital listing in the back of the small book that is broken out by fund and department. She said there is also a summary of the capital. She said they will be going over that more towards the end that will give you more of a breakdown for what exactly that is.

Finance Director Hall moved on to the Gross Receipts Tax. She also explained the Hold Harmless Gross Receipts Tax.

Commissioner Rardin said when we originally started talking about hold harmless, they estimated us at \$2.7 million over the 15-year period, he asked so it really has gone up over a million dollars. Finance Director Hall said it depends on the municipality, and also this is a calculated number based upon the percentage that we know is being deducted this year. She said we take the net we received, we have to gross it back up by that 24 percent to come out with a total deduction. She said it is a large frustration for Finance Directors all across the State, between Counties and Municipalities, trying to understand what that deduction is. She said what we would really like is for them to tell us this is the gross amount that you would have received, this is your 24 percent deduction, and this is your net amount.

Commissioner Rardin said even when businesses report what we got to send in, they do not give us a breakdown of where it all comes from, so we don't know if they are giving us our fair share or not.

Mayor Pro-Tem Baldwin asked if you would implement the whole three-eighths percent that would not make us whole, in reference to the hold harmless. Finance Director Hall said no, because of the fact that eventually that money is going away. She said the original purpose for implementing this hold

harmless gross receipts tax was to make up for the amount that we are losing by them taking it back, however, we don't have to use it just for that specific purpose. She said is essentially it is a municipal gross receipt tax increment that can dedicated for pretty anything that we want or need to.

City Manager Paluch said Albuquerque just instituted this, but they were able to institute it July 1, 2018. She said they did institute the full three-eighths and the majority of that is going to Public Safety.

Mayor Pro-Tem Baldwin said the State gave us the ability to levy that tax. He said Alamogordo was in a completely different situation and it didn't make us whole. He said some communities it did, but our community it did not.

Finance Director Hall said the County decided to implement the full amount and it would not have impacted them the same way it does the City.

Commissioner Rardin asked if the Legislators talked about fixing the issue they have created with this. He said when they gave Otero County the ability to do this, and City the ability to do it, our tax rate can conceivably go up three-quarters of a percent. He said when the former County Commissioners did what they did and raised it, they were affected \$250,000 or \$270,000 over 15 years and they have generated over 10 million dollars since they passed it to fund their jail. Finance Director Hall said they talk about it every year, it really doesn't seem to go anywhere. She said she knows they stated that if you implement the full amount, that essentially they would take away, instead of parceling it out over 15 years and slowly decreasing the amount that you receive, they would just take it all at once. City Manager Paluch said they have put that on the floor, and every single year it never goes anywhere. Commissioner Rardin said he remembers it was a pretty big issue when they did what they did, and then it allowed Otero County to do it, but they didn't draw the boundaries. He said when we do our reports, we have our different codes we put in, whichever one it is the City or the County or whatever district it maybe. He said they didn't put a limitation on that. He said we've got to be the bad guys now if we raise it. He said that was part of his reasoning in wanting to meet with the County. He said he was going to ask them if they would repeal one-eighth of theirs, so that we could pass an eighth in our taxes. He said you can see the full effect, they have generated over 10 million dollars that is sitting in an account for their two-eighths that they passed the second time around. He said just to do a bunch of cut projects that his Uncle and Mr. Herrell want to do, just for the first eighth. He said the second two-eighths that they get is for the Judicial complex. Mayor Boss said they are still short on the Judicial Complex. Commissioner Rardin said they are, but were only losing \$270,000 over 15 years, where we were losing over \$2.7 million and they really had no business passing it, they were robbing Peter to pay Paul by passing that tax.

Commissioner Payne asked what would be the point in that if they were to repeal an eighth. Commissioner Rardin said if we could talk them into repealing an eighth, then we could pass an eighth and then the tax rate does not go up for the citizens. He said in theory it would just offset.

Finance Director Hall said in FY17, the Commission approved a transferring 35 percent of \$561,948 from fund 49 to fund 11, the only portion that was used was \$300,000 for litigation expenses. She said for FY18 the Commission approved transferring 40 percent or \$647,505 and to date none of the current transfer has been used. She said this transfer will only be used if needed and just to balance the budget.

City Manager Paluch said she wanted to make a note that this transfer is set up as project in fund 11. She said it is just sitting there, it is set up specifically as a project. She said the fact that we have not used any of it, this is a testament not only to good budgeting but to fiscal responsibility.

Commissioner Rardin asked what we used fund 49 for. Finance Director Hall answered that is used for outside water fund for like flood control projects, its not internal within the City, it is for water from the outside. Assistant City Manager Cesar said we used for drilling of the wells, used it for the parallel

pipeline, for the RO Plant, the westside infrastructure, Prather Wells, etc. Commissioner Rardin said now, it's like a savings account. Assistant City Manager Cesar explained what they will use it for.

City Manager Paluch said if the money is not used it is rolled right back into fund 49.

Mayor Boss asked Assistant City Manager Cesar what percentage of pipeline do we have completed from the Snake Tank, what percentage are we lacking as a percentage. He said it is approximately nine and a half miles and we have two and half miles complete, so we have seven miles left.

Commissioner Rardin asked if we weren't all the way from the Plant to La Luz Gate Road. Assistant City Manager Cesar said yes.

Finance Director Hall presented the budgets for the individual departments. She started with the City Manager's Office.

Commissioner Rardin asked they were looking to create an additional position under the City Manager for Communications and Marketing assistant. City Manager Paluch said we are looking for an assistant for the Communications and Marketing Manager. She described what this person would be responsible for doing. Commissioner Rardin said staff had mentioned that there were 370 employees and when he was in Office before they were at 350 employees, so there has only been 20 employees added over four years. City Manager Paluch explained that over those years how staff had been cut and now they are just trying to catch up. Commissioner Rardin said he is a little concerned because they are spending \$43,000 to \$44,000 and they are showing that they need to take \$2.6 million of the general fund money to balance the budget. Commissioner Rardin asked if there is any way to track the performance of specific employees, nothing against that specific employee but since we are investing another \$44,000 in an employee, we need to see if we are getting out money's worth. City Manager Paluch answered sure.

Commissioner Rardin asked if they looking to create an additional position underneath the communications marketing assistant. City Manager Paluch said they have right now a communication and marketing manager, Michelle B. She said they are looking for an assistant for her for \$43,358.82 at \$12.44 an hour. Commissioner Rardin said the trying to grow in government, they mentioned 370 employees and when he was in office they had 350 so they have grown 20 employees over the last four years. Commissioner Rardin said he is still a little concerned because they looking into spending \$44,000 and you show we need to take \$2.6 million of their general fund to balance the budget. City Manager Paluch said there is \$1.4 million dollar in savings because of the way employment fluctuates. Commissioner Rardin asked if there was any way of tracking the performance of those specific employees to see if they are getting their money's worth. City Manager Paluch said it comes through by how many hits they have on their website and the Facebook page. Mayor Pro-Tem Baldwin cautioned the commission that if Maggie wants to hire an employee for whatever position she wants she can do that, it is not their job to tell her she cannot create a position and if it is a success or failure that is how the judge her in her position.

Finance Director Hall said one of the simplest ways to track whether this is success or not is simply by the amount of revenue increasing annually.

Mayor Pro-Tem Baldwin said getting some analytics is kind of a tricky subject. He said if you do it for that one person then you need to do it all employees.

Finance Director Hall moved on the Assistant City Manager and the departments that fall under him.

Mayor Pro-Tem Baldwin asked if they have decided they were not going to bring in a City Engineer. City Manager Paluch said they have tried in the past to hire one and she and Assistant City Manager Cesar are still working on that. The last 2-3 times that they interviewed people they did not get many applicants and the people did not want to draw. They need someone that will draw so they do not have



to spend the money on the engineering for it. The other issue is salary for that position is very expensive. Mayor Pro-Tem Baldwin asked how much they were paying, she said it was a director position and was paid \$90,000 and people want 120 to 150. Mayor Pro-Tem Baldwin how much were they paying a contractor, Assistant City Manager Cesar said it was project specific but the SMP was about \$430,000. Commissioner Hernandez said the problem with paying an engineer what he is asking, then you have to raise everybody's salary because you can't have a director making more than the City Manager. City Manager Paluch said she did not think they could hire anyone for under 120. Mayor Pro-Tem Baldwin said as long as they are on top of it because it seems like they are spending stupid amounts of money. City Manager Paluch said they just can't pay someone enough money to do it. Commissioner Hernandez said they could just go to elected mayor who runs the city and City Manager Paluch said you could and you could get rid of your city manager and go to elected mayor. Commissioner Hernandez said an elected mayor that would run the city then you can hire a \$200-300,000 engineer because then an elected mayor would get \$70-80,000. City Manager Paluch said yup you can do that. Mayor Boss said that is a whole lot more than what he is making now.

Finance Director Hall went on to talk about Engineering and Planning and Zoning and mentioned they are adding a part-time enforcement officer. Commissioner Rardin asked what does this position entail, what area they enforcing. Assistant City Manager Cesar said when a person turns in their permit, this person will be the one going out in the field to ensure the road way has been closed up correctly. Commissioner Rardin asked if that what public works inspectors already do, he said no but they have filled in. Commissioner Hernandez asked if this person will also work to check if some of these companies are licensed with the City.

Finance Director Hall presented the legal department. Commissioner Rardin said in salaries and benefits, they have an increase of \$26,654, what is that. City Manager Paluch said she believes that is they are contemplating a raise of one of the paralegals. They added a new paralegal, last year when they originally hired the position they contemplated being an administrative position that ended up being a paralegal and in addition they had changes to health insurance in the department. Commissioner Rardin asked if they were only giving one paralegal an increase in pay and not the other, she said they gave Dorothy a raise two years ago. Commissioner Rardin said more salaries more government.

Finance Director Hall moved on to the City Clerk's Department. Commissioner Hernandez said they are not preparing for an election but they could have one. Hall said they could potentially have one yes. He asked if they knew where they are with that right now. City Clerk Hughs answered, there has been no one come forward and he asked when cut of date is, she said the first day in July and they have 90 days to bring that petition forward. City Clerk Hughs said in FY18 they used \$22,000 of the budgeted \$42,000 that included the special election. Commissioner Hernandez asked if it could be around \$22,000 and she answered probably not that much because it is only going to be done different. He said so it could be between \$10,000 and \$20,000 and if the recall does succeed it is another \$10,000-20,000. She said yes, he said ok so between \$20,000 and \$40,000.

Finance Director Hall spoke and said the only changes Legislative is in the group health insurance.

Finance Director Hall moved on to her Finance department. She said the large increase in Customer Service and Utility Billing is for software support fees of \$30,500 for a billing portal in FY19, this is what is going to make their meter readers really useful the way they were originally planned to be used. It is going to allow for a much friendlier user process, detailed customer account information and show the customer when there is an increase in water consumption. Commissioner Hernandez asked her if they will still charge a fee to pay online to pay with a credit card, she answered yes and that is something she would like to reduce.

Finance Director Hall continued with the Human Resources Department.

Commissioner Payne asked about the reclassification from part-time to full-time. HR Director Josselyn said that position was full time and that long term employee is retiring. They want to reclassify that

position, to add 10 hours per week. She spoke about how difficult it has been because of all the things going on in HR.

Commissioner Hernandez asked HR Director Josselyn if the .25 increase was a one time after 10 years, she said right and in their department they have two people that will meet that in FY 19 and FY20. He said anytime you can give something to keep people with us for longevity, especially in the lower pay side of it.

Commissioner Rardin how much of the family does the City cover for insurance, HR Director Josselyn said it is 60/40 for any employee making over \$26,000 a year, with the City covering 60 percent. This is for the employee and their dependents. If an employee makes less than \$26,000, the City pays for 75 percent of the employee only and for their dependents the City pays 53 percent.

Commissioner Hernandez asked HR Director Josselyn how many hours are donated yearly for donated leave time, she said she has not measured that. He asked if when it is donated, is it one to one, she answered that is correct. He stated that is where he would have a concern, because if they have an employee that is making \$7 an hour donating to a person making \$20 an hour. She said it is almost always the other way around. He asked if they can track that to see where they are with this.

Finance Director Hall said the next department was the Alamogordo Fire Department.

Commissioner Rardin asked what the salary is for the new firefighter position. Fire Chief LeClair said it is around \$51,000.

Commissioner Rardin asked how the 24 hour pay works. Fire Chief LeClair said currently they are getting paid 16.25 hours for working a 24 hour shift and the Fair Labor Standard Act states that if you work someone more than 24 hours you don't have to pay them for sleep time, we are the only department that pays their staff that way. His goal is to pay his staff for the time they are at work. Commissioner Rardin asked if they are on 24 hours they get paid whether they are sleeping or working, he answered yes. Commissioner Hernandez asked if it was at the full rate, Fire Chief LeClair said at their full rate. Commissioner Rardin asked him if that would increase their salaries \$250,000 a year, he answered yes sir. Commissioner Payne asked if they are on shift they are required to be at the firehouse, he said yes ma'am they can't leave and when he says they can't leave he means they can't get in their POV and go home. Commissioner Wright asked if it changes the structure of their schedule, Fire Chief LeClair answered it would stay the same they just won't be required to work as many shifts to accumulate those hours. Commissioner Hernandez asked if his drivers are DOT licensed, he said no. Commissioner Sikes asked if they provide a place to sleep, he said yes. She asked how they fire fighters felt about the alternant form of pay verses increasing their hourly pay to equal what people make in Hobby Lobby. Fire Chief LeClair said they would like to operate like a traditional fire department. Commissioner Hernandez stated when they split the police and fire department it was at minimal cost and they have seen that cost ten times over. He asked how come that was over looked Commissioner Hernandez told Fire Chief LeClair he was not there at the time and does not blame him but that goes back to management that they did not have a full plan and they knew it at the time. He asked Fire Chief LeClair what was the true amount that he needs, he answered about two thirds more than what he has right now. Commissioner Hernandez asked him why he was not asking for that for that said he would love to make that happen right now. Commissioner Hernandez said he did not want to see another \$150,000 increase next year because they did not do enough last year and asked would it give them more benefit to have another firefighter or a promotions person. Fire Chief LeClair said when he took over he proposed doing away with a deputy chief slot so he could hire more people, his current deputy chief and he observed the responsibilities of the other deputy chief position. Commissioner Hernandez asked him if he could possibly give them a 5 year plan to fully staff the fire department, Fire Chief LeClair said he sure could. Commissioner Hernandez said this was going to take a lot of people's budgets do prepare for that. Commissioner Hernandez said the fire department is the only department that is majorly understaffed, City Manager Paluch said and police as well.

Commissioner Hernandez said no that is a recruitment issue, she said right but we are working on that real hard.

Next Finance Director Hall presented the Police Department.

Commissioner Hernandez told Police Chief Peete that a few years ago some officer's wives come to a commission meeting and accused the commission of not allowing the police officers what they needed and said in the police budget he only saw some replacement for some tasers. He asked Police Chief Peete if that is all he needed. He answered, in this particular point and time we are there are several big ticket items that they are looking at to modernize the police department to include an increase in man power, but at this particular point in time he is still trying to make an assessment what they need and prioritize them then come up with a strategic outline for what they would like to have. Commissioner Hernandez said that one got pretty ugly because they as the commission, they ask for something and they either approve in or deny it and as you can see they hardly ever deny something. Commissioner Hernandez said they not know what the police department needs and wants to make sure that does not happen again. He said it was not fair to the commission to get blindsided like that and it is his responsibility to make sure they are aware of what they need, which is why he is going to be working on that strategic plan. Commissioner Hernandez told Police Chief Peete that his preference is that his troops know that he is working on that so their wives don't go to them. Police Chief Peete responded, he has been meeting one on one with each of the members of the police department and he actually asked their spouses to come and got their concerns and ideas. Commissioner Hernandez said they go off of what he tells them as they do not what his department needs.

Commissioner Sikes said as far as pets go people should have a license for their pet and it is a minimal fee, it is \$5. It would be a significant amount of revenue. Finance Director Hall said the software they purchased this year can track annually that their license fees are coming up. Commissioner Hernandez said another job for the PIO, they can put out information about the licensing and donations and they can also publish ordinances like garage sales.

Commissioner Rardin asked Police Chief Peete about a NARC unit and said they need it in Alamogordo. He asked him if they are looking into putting money aside for it. Police Chief Peete answered yes, the increase in the training budget is one of the things that is within their proposed budget. City Manager Paluch told Police Chief Peete that he has his letter coming out to the public. He said yes, that one was published in Sunday's Alamogordo Daily News letting the public know what their new mission statement is and the core values that were based from the officers, sergeants, and supervisors.

Finance Director Hall presented the Community Services Department.

City Manager Paluch said staff needs some input on where commission wants the marquee sign. Commissioner Hernandez asked they could check on LED lights to see if they could get rebates.

Mayor Pro-Tem Baldwin said in references to the parks and community services, they City manager and him have had conversations about what they can effect in reference to the outcry form the community to make sure we get this bed down with Holloman with the branding they mentioned. He asked what they can do as a municipality to really do that, well parks and recreation. Those are the things they can do right now and he was disappointed they did not see anything else being requested and everyone knows the parks look bad at no fault of Erik's or his crew but what can the City do to check that box off and making their green spaces green is one of them. He said when it comes time to make decisions about these parks, he stated he wants this to be on record because this conversation has happened so many times he is blue in the face. He said he has said for the past five years, parks and promotion. We have people in our parks every day, let's get it to look good.

Finance Director Hall said the last department tonight is the Housing Authority.

Mayor Boss said he noticed there is a decrease in maintenance, are they cutting back on the maintenance they do. Finance Director Hall said they are replacing vehicles with newer vehicles so there will be a decrease in the cost.

Commissioner Hernandez said on the lawnmower, didn't we put sheds so everyone can have their own lawnmower. City Manager Paluch said no there are sheds at plaza, they put their regular household belongings in there. Housing has been in charge of mowing their own lawns there. He said he thought that when they put this sheds there that was it was for. Housing Manager Huff stated that may have been but that was 20 years ago so she that policy was lost somewhere in the shuffled. He said if it is a policy and it's not, (Housing Manager interrupted). She said it is not a written policy, there is nothing written down and City Manager Paluch agreed.

Commissioner Hernandez said they do recurring projects and he wants to make sure they keep up with the warranty and he knows some of those projects they could have done under that. Housing Manager said the newer roofs at Alta Vista have a longer warranty, and he said as long as they keep track of those.

**Commissioner Rardin moved to adjourn at 10: p.m.**  
**Mayor Pro-Tem Baldwin seconded the motion.**  
**Motion carried with a vote of 7-0-0.**

## **ADJOURNMENT**

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*Mayor Richard Boss*

ATTEST:

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*City Clerk Rachel Hughs*

(Prepared by Eric Barraza, Deputy Clerk and City Clerk Hughs)  
Approved at the Regular Meeting held on May 22, 2018.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION BUDGET HEARING MINUTES  
6:30 P.M., FIRE STATION5  
May 15, 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 /**

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. Commissioner Baldwin and City Attorney Schreiber were absent. City Clerk Hughs announced there was a quorum present.

**APPROVAL OF AGENDA**

Commissioner Hernandez moved to approve the agenda.  
Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

**PRESENTATIONS**

**1. The Finance staff will present the preliminary FY 18-19 City of Alamogordo Budget.  
(Julianne Hall, Finance Director)**

Finance Director Hall started the presentation with the Public Works Department.

Public Works Director Garner said he forgot to add in Fleet a diesel mechanic to the presentation. Commissioner Rardin asked him how much the position was a year, he answered it was at \$46,218. Assistant City Manager Cesar said it was a position that they had funded a number of years ago but do to some of the restrictions that were put at the time, they were never able to fill it. Public Works Director Garner said it will be partly funded by Fund 81. City Manager Paluch said it was a split position.

Finance Director Hall continued with Major Changes in Street Maintenance. Assistant City Manager Cesar said the street sweeper is the one that is used on a daily basis and the plan is to replace the street sweeper and take the existing sweeper to the airport.

Commissioner Sikes asked where the solar crosswalks will be. Assistant City Manager Cesar said they had a request to have one on Ninth Street between Washington and Oregon. He said with the replacement of Heights Elementary and increased traffic he is expecting to be more of a demand for those on Scenic and Tenth. He would like to have those in stock so they do not have the 4-6 week wait. Public Works Director Garner said they need to install one at the Rec Center because they have had problems with speeders. City Manager Paluch said they budget for one solar crosswalk set each year. Commissioner Sikes said the Griggs field to the dog park location has been suggested as has on Fernwood and Scenic. Commissioner Wright said he had one requested from the High School and Arapaho on Frist Street.

Finance Director Hall spoke about the changes to Bonito Lake. Mayor Boss asked when we they have the remaining water will be out and removing the silt. Public Works Director Garner said the beginning of June, there should be enough water to start and it will have to be dry before it is take off to the quarry.

Finance Director Hall continued with Utility Maintenance and Waste Water Plant and what they were requesting. Commissioner Hernandez asked how old the backhoe they are replacing was. Public Works Director Garner said it is a 1990.

Finance Director Hall went over Utility Construction and the Solid Waste Collection Center. Commissioner Rardin asked how old the Mack roll-off truck was. Public Works Director Garner said it is a 2003. Commissioner Payne asked what they do with the old equipment. Assistant City Manager Cesar said the equipment that is no longer serviceable or too expensive to service gets auctioned off.

Commissioner Wright asked what the five Utility Construction positions were for. City Manager Paluch said they would go over that during the Street Maintenance portion.

Finance Director Hall gave a brief overview on other funds outside the General Fund. She said Fund 12 is the internal service fund. She went over the FY19 Revenues and Transfers in Internal Service Fund. She explained how the FY19 Expenditures Internal Service Fund splits out with a total of \$3 million dollars in Expenditures.

She went on to talk about the Special Revenue Funds and mentioned that the largest portion of their revenue was the gross receipt taxes. She also spoke on Capital Project Funds and said the grant funds were moved into this fund. Finance Director Hall said they will be able to apply for CDBG grant in FY20.

City Manager Paluch said when they apply for CGBG, there will be public hearings on the projects and the community picks the CDBG projects.

Mayor Boss asked about if the City charges an interest rate on the sidewalk revolving loans. Finance Director Hall said she did not have that information with her, and said it has not been utilized. Assistant City Manager Cesar said he does not think anyone has ever used it. Mayor Boss said they may have a situation on the one that Steve told them about and Assistant City Manager Cesar asked if it was the one on Indiana, Mayor Boss said yes. Commissioner Rardin said he was there when they set it up originally and was set up to their water bill and it takes monthly payments, like two years with a small interest rate while they were doing a lot of street projects. Assistant City Manager Cesar said it was the Street Maintenance plan. Commissioner Rardin said it was the 7.5 million, they did two 15 million. Assistant City Manager Cesar said yes, they started a couple of years prior to that because there were people that came before the Commission and said they do not have the money to do this and this was set up and no one took advantage of it. Commissioner Rardin said originally it was \$50,000 in there so some of it has been taken out or someone has used some of it. Mayor Boss asked how often they have someone that has to repair a sidewalk that is the first one he had seen. Assistant City Manager Cesar answered it happens quite often, probably about 5-6 calls a week. Mayor Boss asked if they do not do the repair in a certain amount of time what does the City do. He answered if it is complaint driven, they are given a certain amount of time to address the issue, they are given a notice again with an additional amount of time and if they still don't comply staff has to take it before Commission, then Commission will either authorize staff to do the repair and access the cost to

the property or they contract it out. There is a lien against the property, it is a long process but the issues are normally addressed.

Finance Director Hall continued with changes in Capital Projects Funds. She said there are small balances that roll over to FY19, the Fun Center and the Florida realignment and by the end of FY19 they will be able to close those two funds as well.

Commissioner Rardin asked if there is a balance left in those two, where does it go. Finance Director Hall said there is currently a balance and there may still be a payment app on left on First. Assistant City Manager Cesar said on First and Florida there was approximately \$40,000 left remaining and they are using most of that money to repave road Miami between Florida and Alaska.

Commissioner Rardin asked what about the Fun Center, is there any excess revenue from the bond, where does it go if you close that bond up. Finance Director Hall answered the bond its self is mostly used up, most of the revenue is going to be from investment income. She said she will work with the financial advisers to ensure there will not be any sort of future arbitrage costs that will have to fund in the future. Commissioner Rardin asked how much money they are talking about, he said they could not take substantial, he remembers from a meeting they had they could not \$90,000 in interest income of a bond, we just paid it back to the bond in a form of a payment. Finance Director Hall said exactly, that might be exactly what happens to pay of a portion of the bond to use it for debt service so it is possible that it is transferred to debit service. City Manager Paluch said as soon as Finance Director Hall talks to the bond council, they will let the Commission know what is going on with that funding.

Finance Director Hall spoke about three Debt Service Funds which are the General Obligation Bond, the Revenue Bond, and the Joint Water Sewer Bond. She said in FY18 they refinanced the General Obligation Bond and saved over \$488,000 in interest.

Commissioner Rardin asked if that was the first half of the \$15 million. Finance Director Hall said she will that up. He asked if they already refinanced the first phase. She said she will get that information. He said he did not know if it was to the point where they could refinance one and barrow additional money for road projects they may need to do. She said for the GO Bond they do have a debt service capacity that they are held to and they have to keep an eye on it and in a Go Bond, the property tax bonds there is a specific debt levy they are held to by state statute.

Mayor Boss asked how they determine their bond limit. Finance Director Hall answered that by the state statute, there a formula. It is a no levy on the tax rate for the city of Alamogordo and the debt that they have. He asked what their limit was. Commissioner Rardin said they are close. Commissioner Hernandez said he thinks they have 2 or 3 million.

Finance Director Hall spoke of FY19 Expenditures Debt Service Funds. She also talked about Enterprise Funds of which user fees are the largest at 93 percent. She explained the five Trust and Agency Funds.

Public Works Director Garner spoke on the Street Maintenance Program (SMP) and what they have completed. Assistant City Manager Cesar said this is where they took multiple streets, put them into one fiscal year for the bidding process so these are under construction. Commissioner Payne asked them to be more specific, what part of Ridgecrest is it. Assistant City Manager Cesar said it will be from McKinley to Scenic. She asked him if he is telling her that Ridgecrest

and McKinley is included in this year. City Manager Paluch said yes, it is on the street right now, General Hydronics was awarded. Assistant City Manager Cesar said the part Commissioner Payne is asking about is not on the listing. Commissioner Payne said the man that has been calling her about the road is going to ask why they stopped at part of the road and didn't do our street. She said the street is horrible. Assistant City Manager Cesar said they will see what they can do. Public Works Director Garner said this project is scheduled to start at the end of May/beginning of June.

Public Works Director Garner said staff is recommending the addition of five positions needed for Equipment and Utility Construction crew. He said they are trying to speed up the process of the SMP and will save money in the long run.

Commissioner Sikes asked Assistant City Manager Cesar if logically the first year it will be 1.2 million but years down the road they will be going back to the \$800,000. He said years down they would be going back to the \$800,000, it could be just \$600,000 but they are looking at the gross tax receipts money for the pavement and the concrete work, everything above ground they have significant fund balance for that. What is limiting them is the utility money, if they budget \$800,000 for materials they are able to do more streets and that will exhilarate the five year plan.

Commissioner Wright asked if there was going to be any issues, with the schools trying to do that as well they ran into issues with permitting and licensing prevailing wage stuff. Assistant City Manager Cesar said they have not run into that, they do have city staff that have the proper licensing. He asked if there is going to be a threshold if the City exceeds. Assistant City Manager Cesar said with a five man crew there is a limit, they could not do 50 miles in a year. City Manager Paluch said they are just looking to speed up the process. Commissioner Wright said with the schools, they were technically supposed to pay their guys. Commissioner Hernandez said this is a little different, because we own the water system, but at the same time an 8 hour work day verses a 10 hour work day, if you work 8 hours you basically have 2 hours wasted do you have 6 hours of actual production. Assistant City Manager Cesar said in Utility Construction depending on what they are doing at the time, now this will totally if the change is approved where they transition those employees from an 8 hour day to a 10 hour day because they are going around behind Utility Maintenance doing other work. Assistant City Manager Cesar said these positions will be dedicated full time to the SMP.

Commissioner Rardin said the Oregon Ave to Charlotte in 2018 and in the 2019 you have Oregon Ave to Indian Wells and knows 10<sup>th</sup> to Indian Wells has not been touched since 1985-87. That road is horrible and asked if the two can switched. Assistant City Manager Cesar said they can't because has already been sent out to the public and Commission approved it, can Commission decided yes we are going to shift a street, but he would not recommend it. He said the reason why the segment of Oregon/10<sup>th</sup>, 10<sup>th</sup> to Charlotte is ahead of 10<sup>th</sup> to Indian Wells is it also ties in with all the work the Corp is going to be doing.

Commissioner Rardin asked what happened to the fancy machine we bought for crack sealing. Assistant City Manager Cesar said they did not get all the equipment that they needed to pull it and the personnel to operate it so they auctioned it 2 or 3 years ago. Commissioner Payne asked if that was that the one that was never used, City Manager Paluch said yes. City Manager Paluch said they will stop here because they have the outside agencies that need to present.

Finance Director Hall said they currently have contract with Zia Therapy is for Z-Transportation public transportation for \$110,000. The contract is for eight years in it will terminate in 2022.



Director Joe Hardin gave an overview of Z-Trans. He said this year they are looking at 17,000 riders and next year 120,000. He said they made improvements to their busses, like video and Wi-Fi. He said they run two routes in town and one to the base. They added tracking to see where the buses are at in the route.

Commissioner Hernandez asked if they have received any money from Las Cruces. Mr. Hardin said they used to get through the City of Las Cruces, they now go to the South Central RTD and the Z-Trans gets it from them.

Sharron Gilsdorf with Z-Trans said they have a middle of the day gap, where buses shut down for two hours a day on all three routes. Their goal in the 19-20 year is to fill that gap and hopes to approach it to the City in the 19-20 year.

They are doing buses for Maingate and Mayor Boss thanked him for doing that. Commissioner Sikes asked Mr. Hardin how many riders they had in the previous month, he said in April they had 10,358 and mentioned this year they instituted Veterans riding free and dropped the price to Las Cruces to \$1.

Finance Director Hall said they have two contracts with the Alamogordo Chamber of Commerce, an operating expense agreement that is \$25,000 annually. The other contract agreement is the Tourism agreement for \$26,000. The Promotion Board recommends the Commission approve these agreements. City Manager Paluch said the Chamber did not request any changes for FY19.

Finance Director Hall said the Economic Marketing Agreement is 10 percent of the marketing revenue that is received and is approximately \$80,000 annually. She said they had the Public Relations Committee here for the Otero County advertising campaign, for FY19 it is not budgeted.

Tom French presented marketing Alamogordo by branding Alamogordo using place making. He said they are rebuilding OCDEC and making Alamogordo a better place. He stated branding is our reputation. He said OCEC \$100,000 and the Chamber kicked in \$25,000 and believed and tied it to the F-16 Mission because he truly believed, incorrectly that they could tie that project to LEDA funds and if they tied it to the F-16 Mission that they would have a project they could tie it to. So their focus has shifted to brand. Their goal is to keep the F-16 Mission and other towns are trying to get this Mission. The other goal is they want to attract businesses to create higher paying jobs than the average. He said they hired HK Advertising and Once a Day Marketing and they have been helping us to start the branding initiative. He showed the logo that is part of the branding. He said the budget is \$450,000 annually. He said this is an investment.

Mayor Boss stated this is a regional thing and said he County and other communities and asked Mr. French if he has made any effort to contact them for any help with the funding, \$150,000 is a lot of money for Alamogordo. He said on their budget this year the expenditures are greater their revenues, so they have to dip into fund balance to budget and that is without adding anything. He asked Mr. French again if they have considered taking with the County, Cloudcroft, Ruidoso, or Mescalero, he thought every one of these regional locations will benefit from this. He answered no we haven't yet, but we will. Mr. French said they started with the big dog then they go to the other places as well.

Mr. French said staff asked him if the City can do matching funds and he said the problem with that is that if they do that, they just turned this PR Task Force into a fund raising committee and he did not believe that is the right answer. Bobby Martinez said they must get competitive with the other cities in New Mexico and this is a small amount

Commissioner Payne asked how realistic this budget is. Mr. French said they can spend twice as much but they can start here and yes this is realistic.

City Manager Paluch said Finance Julianne, Brian, and her they have been discussing other funding sources, not sources cause this has to come from the general fund but some other creative ideas to come up with creative ideas in the case the commission would like to fund the full amount or close to the full amount.

Commissioner Rardin asked City Manager Paluch what ideas. She said they did receive the rebate from Otero County Green Tree and that rebate was shy of \$500,000. That money was put directly into the general fund and they feel that if the commission desires to fund this entire project they would set it up as a project from within the general fund but they do not get a rebate from the Landfill on a yearly basis, there have only been two and the last one was in 2014. She said they could fund the project for the next year but they would be in a different position next year.

Commissioner Rardin when they first introduced Fund 11 they would be pulling like 2.6 million out of the fund balance to balance the budget so they would essentially be pulling 3.1 out with this. Finance Director Hall said that \$500,000 is already included in that number the 2.6 million.

Commissioner Sikes asked Finance Director Hall if they have done any projections as to how much GRT we are probably expecting down the road for example through the Fun Center and the Ultra Health Marijuana. She answered they have no idea how much they will receive and until these companies actually get up and running it is a two month delay before the City receives any portion of that. Commissioner Sikes asked if LEDA is out of the question. City Manager Paluch said no they cannot use LEDA for this and not only that, she had the City attorney do some research, there was a couple of questions on whether or not they could rewrite the ballot question. The problem with that is that the question would go directly against the state's ordinance for local economic development money and they are home ruled so they could possibly do that too but she does not recommend this and neither does Petria. She said but then they come to the issue of how do they secure the money, the other thing with that is they are in a little bit of a state of flux with their economic development firm because that is out on the street right now the bid for economic development so their recommendation is if the Commission would like to fund this that it is actually funded they fund it through the Chamber of Commerce. She said this project ties very closely to Maingate so the money would be given to the Chamber of Commerce but they would have the same reportable requirements but move it over to the Chamber of Commerce also because the original money that was given to this program was LEDA funding and now that is not LEDA funding this is just basic general fund.

Commissioner Payne asked if HK Advertising gave them any indication of what they could expect from this the first year, would there be anything noticeable. Mr. French asked her if as far as GRT. She said yes, what they could expect to get out of this. Michelle Brideaux said HK has been their firm for the past four years and what they have seen that in lodger's tax has gone up by 5-7 percent every year for the past four years. She said when they decide to brand something they have seen success and lodger's tax goes up, and it will bring money into the community.

Commissioner Payne said if they decide to do this, it is a perception thing and they spend \$450,000 and don't see anything the first year what people are going to say is they just wasted. Commissioner Payne said she wants to show something measurable that will justify. Mr. French said he cannot guarantee that the GRT will go up

Mayor Boss asked if they will be able to maintain this for the next three years. City Manager Paluch said she thought that at this point it is really an unknown and if this year GRT skyrockets than it is very possible that they could afford this next year and if it does not skyrocket they are going to be in a different situation. Mayor Boss said you also have to keep in mind that as GRT increases they get bigger and have to get more police officers, firemen, a lot of that is going to be taken out by that so they have to factor in that also, it's is not like it is going to be clear income.

Commissioner Payne said they have not done anything in the past to promote growth. Mayor Boss said they support OCDEC and have done it for many years, for economic development. Commissioner Payne said she is not hesitant and sometimes they have to spend money to make money.

Mayor Boss asked how much does Farmington is spending and some of other communities. Mr. French said they spend over \$400,000 a year and Las Alamos over \$600,000 a year, Las Lunas was \$354,000.

Commissioner Hernandez said the question is not if they can afford to this, it is can they afford not to do this. The biggest fear is if Hollman closes down or goes smaller, all this talk about Target will not be issue, they will be lucky if they have or or two dollar stores. When someone googles Alamogordo, what do they see.

Mayor Boss said he agrees too but even if they do this they need to contact these other communities because it is not guaranteed they can do this every year.

Commissioner Sikes said this is the most exciting time to be in Alamogordo. She said \$450,000 sounds like a lot of money and asked if they will be invoices or will they be picking up this big chunk and giving it to the Chamber. City Manager Paluch said, no it is going to be done through invoices. Commissioner Sikes told Mayor Boss once this continues to roll the County will come in and the other communities and want to be part of this.

Commissioner Payne said the reason she asked about the first year is how will they justify the second year.

Commissioner Wright said to tag on to the mayor deal, they have the ability with this rebate to fund the first year and these other cities see the City grow over the next year, then these guys might come back to them saying they need \$200,000. Mayor Boss said don't count on that. Commissioner Hernandez said he can see Cloudcroft jumping in and possibly Tularosa and thought if they can talk Tularosa into charging Ultra Health some kind of a fee just to be out there cause that is going to be millions of dollars.

Commissioner Rardin suggested they take the \$500,000 from Greentree and give them \$250,000 this year and guarantee them \$250,000 next year. It would get then half way there with this rebate and would guarantee two years of funding. He asked Mr. French if they are associate with the Chamber or through OCDEC, he said the two are the same. Commissioner Rardin said that Maggie had stated that they had to run it through the Chamber and he was wondering why.

City Manager Paluch told Commissioner Rardin that the reason for that is they are in the middle of a bidding process for the economic development and they don't know if someone other than OCDEC was going to bid on it.

Commissioner Rardin asked how was the consensus of the Commission as far as splitting the rebate and doing the 250/250. Mr. Martinez said a great example of this is New Mexico True, Alamogordo was one of the first cities to jump on and now other cities want to jump in because they have done a great job. Mayor Boss asked Mr. Martinez if he knew how much other cities were paying, is the municipality paying every bit of it or do they have a formula. Mr. Martinez said he can't answer that he did not know what the number is.

Mr. French said they have spent 132,000 and OCDEC up the first 100,000 which was private money. Payne asked if this would be a year starting in September. Mr. French answered yes.

Mr. French said to answer Commissioner Rardin, could they live with \$250,000, beggars can't be choosers. He said if they approve the \$500,000, then they could work with City staff and say what is the plan and how can we make that work, they have to influence the Air Force in this up front chunk of time because one thing they have to keep their eye on is that we have to make this F-16 Mission permanent.

City Manager Paluch said the upfront cost of this will probably be more expensive than the cost down the road. She said why don't they do this if is agreeable to the Commission, of this topic they can put both options of 250 this year and 250 next year or the option of \$450,000 on the next agenda which is the agenda to approve this budget and the Commission can vote on that item which direction they want to go to at the Commission meeting. Commissioner Rardin said what they can do a 350 this year and 150 next year, because they have roughly you said half a million. City Manager Paluch said they have \$499, 845. Commissioner Rardin said they can do 350 this year and 150 next year so they can guarantee them a chunk of money for two years in a row because it is not all going to happen in one year. Mr. French said they will think about this and put forth a recommendation act and get back to Maggie on their opinion on that subject. City Manager Paluch said they will go ahead and put this in the agenda for next Tuesday.

Commissioner Hernandez said they have one shot at this F-16 and it is his opinion that is where he would put it. Commissioner Sikes said it is a one shot and if they cut his budget in half, what if it is wrong half. City Manager Paluch said what they will put it in the budget is the question of how you will fund it.

Garner went over the Vehicle Replacement program. Commissioner Hernandez asked if they maintain service records. Public Works Director Garner said yes they do. He asked if it paper or electronic, Public Works Director Garner answered they do both.

Commissioner Payne asked when they do their budget for the year they not taking into consideration any money they might get because the vehicle was auctioned off right. Assistant City Manager Cesar said the money they get from auctioning those vehicles goes back into that capital line and if it is not enough to purchase a vehicle that year then they get into the next budget cycle that money would go toward the next vehicle. City Manager Paluch said it rolls. Finance Director Hall said there is no easy way to budget for that, it is hard to know how much something is going to bring. Nadia asked how many vehicles they have in his fleet. Finance Director Hall said it is in the back of your budget books in the section called other along with the draft policy.

City Manager Paluch and Assistant City Manager Cesar talked about the FY19 Capital Summary. Finance Director Hall said it is more detailed in the Budget books.

Commissioner Rardin asked to add bathrooms at the zoo to the list and asked the commission how they felt about that. Assistant City Manager Cesar said so they can add it to Tuesday night, this is what staff is recommending. City Manager Paluch said why don't they start with bathrooms and if there is a consensus about bathrooms at the zoo they can put it. Commissioner Rardin asked if they had a dollar amount. Brain said it would be around \$75,000. Commissioner Rardin said it is about a half mile to the bathroom from the north end to the south end of the zoo. Commissioner Sikes asked why they needed to rent porta potties if they build restrooms. Assistant City Manager Cesar said it so when they have large events.

Commissioner Hernandez asked if they use the truck with the lift on it. Public Works Director Garner said they use it quite often with traffic signals.

City Manager Paluch asked for a consensus on the bathrooms to put it on the commission meeting for the zoo. Mayor Boss said yes. Finance Director Hall said she needed to make a point as far as timing is concerned especially with the PR campaign, if they are going to have an item on the agenda and if they approve that item they are going to need to make it for the final budget because the preliminary budget is going to be finalized; it's an agenda item and they cannot change an agenda item they are going to be voting on to approve the resolution for the preliminary budget. City Manager Paluch said that is fine. Finance Director Hall stated she just wanted to make that point because they do not have enough time to make changes to the preliminary budget, City Manager Paluch said ok. City Manager Paluch said zoo bathroom is going on the Agenda item to discuss to vote for \$75,000.

Rardin said the remodel of dispatch for \$150,000 and asked what all does that entail that is a lot of money. City Manager Paluch said they have had a lot of personnel issues in dispatch and a lot of those issues is related to the space of dispatch so HR Director Josselyn can talk about their working environment and the complaint HR has been getting. Commissioner Rardin said he didn't think the dispatch room is that big, HR Director Josselyn said that is the problem. Assistant City Manager Cesar said they are looking at relocating, right across the hallway is the records area so they want to shift the hallway more into the records area and enlarge the dispatch area. They are looking at other options, possibly relocating dispatch into the state police building since they moved their dispatch out and they said no, there just wasn't anywhere else to put them. Commissioner Rardin said they can resolve the PSAO issue and move them out to the Pepsi plant. City Manager Paluch said, Josh here is the problem is that the current dispatchers have been told for over eight years they are going to get PSAP so for the year they are not getting anything within their department, so when you finally get that pinnacle when people get so disgruntled that they do not want to get to work. They are leaving in droves, they are down to the bare bone minimum people just to operate dispatch. They are at that point where it is tough for staff, the three of us to determine do we spend this \$150,000 to help out the current employees because they are ready to jump ship or do they say there is a new sheriff and hold off another six months. HR Director Josselyn said the cost for employee investigation for about 18 months and it has been one right after another and potential lawsuits because of situations. City Manager Paluch said suicide attempts. HR Director Josselyn said the constant fighting because they are on top of each other, just the turnover is costly. Commissioner Payne said even if they do remodel this and they do get PSAP, they can do something else with the area. Public Works Director Garner said even if they agree to PSAP it will not happen by July it will take a while.

Commissioner Rardin said \$155,000 is a lot of money. City Manager Paluch said the money includes new chairs and desks. Hernandez asked if they got this estimate from an engineer or did Brian pull this out of his back pocket. Brain said it came from PD and they spoke to some contractors.

Commissioner Rardin asked what the \$250,000 Radio Voting was for. Public Works Director Garner said it is the second phase of the two way radio communication that the commission allowed them to fix the radio problems for phase one and now they are adding the system with the Fire radio system.

Commissioner Wright asked what all is entailed in the Pup Fish field lights. Public Works Director Garner said they are looking to replace the lighting fixtures with LED lighting out there because that field generates more money.

Hernandez asked how much funding for the Pupfish was this year. Assistant City Manager Cesar and City Manager Paluch said they did not remember. Commissioner Hernandez said they do nothing for the City, they come out and play but they do not want to promote themselves. City Manager Paluch said the will do an employee night, where the employee get s in for half price. Commissioner Hernandez said they can show up to a fourth Friday and participate. City Manager Paluch said the coaches are changing every single year and she has talked to the coaches before to participate. Commissioner Hernandez stated if they promote it they would grow and bring people to the games.

Mayor Boss asked about Baxter, City Manager Paluch said he has not asked for any additional funding for FY19.

Assistant City Manager Cesar said they do have \$150,000 set aside from Fund 89 for improvements on the parks system.

**Commissioner Hernandez moved to adjourn at 9:55 p.m.**

**Commissioner Rardin seconded the motion.**

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

## **ADJOURNMENT**

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*Mayor Richard Boss*

*ATTEST:*

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*City Clerk Rachel Hughs*

(Prepared by Rachel Hughs, City Clerk)

Approved at the Regular Meeting held on May 22, 2018.



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/16/2018

**Report No:** 3.

**Submitted By:** Petria Schreiber

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**Subject:** Consider, and act upon, final publication of Ordinance 1567, incorporating the New Mexico Uniform Traffic Ordinance into the Alamogordo Code of Ordinances. (*Petria Schreiber, City Attorney*) (**Roll Call Vote Required**)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve for final publication.

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**Background:** To ease public access to the Uniform Traffic Ordinance and associated fees, the Uniform Traffic Ordinance, as previously adopted will be incorporated directly into the Code of Ordinances.



## ORDINANCE NO. 1567

### AN ORDINANCE AMENDING CHAPTER 24 TO ESTABLISH THE ALAMOGORDO UNIFORM TRAFFIC ORDINANCE

**WHEREAS**, The City of Alamogordo adopted Chapter 24 of its Code of Ordinances first in 1991 and have amended and updated it in order to maintain its accuracy with the New Mexico Uniform Traffic Ordinance; and

**WHEREAS**, the government of the City of Alamogordo wishes to ensure that all citizens have the most effective access to the Uniform Traffic Ordinance as adopted and as such wishes to incorporate the entire Uniform Traffic Ordinance by ordinance;

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Alamogordo that Chapter 24 of the Code of Ordinances of the City of Alamogordo, New Mexico is hereby amended to read as follows:

#### Chapter 24 – TRAFFIC AND PUBLIC WAYS

##### 24-01. Penalties

##### 24-01-010. - ~~Uniform Traffic Ordinance—Adopted.~~

~~Except as otherwise provided in this chapter the 2010 New Mexico Uniform Traffic Ordinance, a traffic code, with its amendments through 2014 is adopted by reference pursuant to Section 3-17-6, NMSA 1978 (2009 Cum. Supp.).~~

Schedule of penalty assessments.

As used in the New Mexico Uniform Traffic Ordinance adopted by the city, "penalty assessment misdemeanor" means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

##### Speeding 24-12-6-1.2:

- (1) Up to and including ten miles an hour over speed limit ..... \$25.00
- (2) From eleven up to and including fifteen miles an hour over speed limit ..... 40.00
- (3) From sixteen up to and including twenty miles an hour over speed limit ..... 70.00
- (4) From twenty-one up to and including twenty-five miles an hour over the speed limit ..... 110.00
- (5) From twenty-six up to and including thirty miles an hour over the speed limit ..... 210.00
- (6) From thirty-one and up to and including thirty-five miles an hour over the speed limit ..... 310.00
- (7) More than thirty-five miles an hour over the speed limit ..... 410.00

Speeding in construction zones 24-12-6-1.2 A. (4):

- (1) Up to and including ten miles an hour over speed limit ..... 46.00
- (2) From eleven up to and including fifteen miles an hour over speed limit ..... 76.00
- (3) From sixteen up to and including twenty miles an hour over speed limit ..... 136.00
- (4) From twenty-one up to and including twenty-five miles an hour over the speed limit ..... 216.00
- (5) From twenty-six up to and including thirty miles an hour over the speed limit ..... 416.00
- (6) More than thirty-one miles over the speed limit ..... 500.00

School zones 24-12-6-2.7:

- (1) Up to and including ten miles an hour over speed limit ..... 50.00
- (2) From eleven up to and including nineteen miles an hour over speed limit ..... 65.00
- (3) From 20 up to and including 30 miles an hour over the speed limit ..... 90.00

Flashing signals 24-12-5-8 ..... 35.00

Passing vehicles proceeding in opposite direction 24-12-6-2.2 ..... 35.00

Limits on overtaking on the left 24-12-6-2.4 ..... 35.00

Further limits on driving left of center 24-12-6-2.5 ..... 35.00

When overtaking on right permitted 24-12-6-2.6 ..... 35.00

No passing zones (incl. school zones) 24-12-6-2.7 ..... 35.00

Driving on divided streets 24-12-6-2.14 ..... 35.00

Vehicle entering stop/yield intersection 24-12-6-4.3 ..... 35.00

Required position, method of turning 24-12-6-5.1 ..... 35.00

Obedience to no U-turn signs 24-12-6-5.4 ..... 35.00

Limitations on turning around 24-12-6-5.5 ..... 35.00

Starting parked vehicle 24-12-6-5.7 ..... 35.00

Stopping/standing parking 24-12-6-6.1 ..... 15.00

Parking regulations 24-12-6-6.2 ..... 15.00

Parking not to obstruct traffic 24-12-6-6.3 ..... 15.00

Standing/parking on one-way streets 24-12-6-6.9 ..... 15.00

Standing/parking on divided streets 24-12-6-6.10 ..... 15.00

Stopping/standing/parking 24-12-6-6.11 ..... 15.00  
 Angle parking 24-12-6-6.13 ..... 15.00  
 Stopping for school buses 24-12-6-7.3 ..... 110.00  
 Stop when traffic obstructed 24-12-6-7.2 ..... 35.00  
 Eye protection or windshields 24-12-7-5 ..... 25.00  
 School crossings 24-12-6-10 ..... 35.00  
 Driving through safety zone 24-12-6-12.15 ..... 35.00  
 Driving on sidewalk 24-12-6-12.28,17 ..... 35.00  
 Unhitched trailer 24-12-6-13.3 ..... 10.00  
 Child restraints 24-12-6-13.12 ..... 35.00  
 Seat belts 24-12-6-13.13 ..... 35.00  
 Pedestrians right-of-way 24-12-6-14.2 ..... 35.00  
 Crossing at other than crosswalks 24-12-6-14.4 ..... 35.00  
~~Operation of off highway vehicles~~ Operating Motorcycles on Streets Laned for Traffic 24-12-7-2 ..... 35.00  
 Carrying articles 24-12-8-6 ..... 35.00  
 Dimming of lights 24-12-10-1.6 ..... 35.00  
 Stop lamps 24-12-10-1.9 ..... 20.00  
 Display current valid registration plate 24-12-10-4 ..... 25.00  
 Evidence of registration 24-12-10-05 ..... 25.00  
 Driving on streets laned for traffic 24-12-6-2.12 ..... 35.00  
 Obedience to traffic control devices 24-12-5-3 ..... 35.00  
 Open container of alcoholic beverage 24-12-6-13.14 ..... 85.00  
 Operator to be licensed 24-12-6-12.5 ..... 55.00  
 Careless driving 24-12-6-12.4 ..... 105.00  
 Following too closely 24-12-6-2.13 ..... 35.00  
 Basic rule 24-12-6-1.1 ..... 35.00  
 Tail lamps required 24-12-10-1.7 ..... 20.00

Permitting unauthorized person to drive 24-12-6-12.23 ..... 35.00  
 Parking in alleys 24-12-6-6.4 ..... 10.00  
 Parking for certain purposes 24-12-6-6.5 ..... 10.00  
 Parking adjacent to schools 24-12-6-6.7 ..... 10.00  
 Prohibited activities while driving 24-12-6-12.18 ..... 35.00  
 Residential parking 24-01-080 24-13-010..... 10.00  
 Stopping/standing/parking 24-12-6-6.1 and 24-12-6-6.11 ..... 10.00  
 Unattended motor vehicle 24-12-6-12.8 ..... 35.00  
 Unlawful riding 24-12-6-13.2 ..... 35.00  
 Vehicle approach/entering intersection 24-12-6-4.1 ..... 35.00  
 Vehicle to be in safe condition 24-12-10-1.12 ..... 35.00  
 When lighted lamps are required 24-12-10-1.3 ..... 35.00  
 Windshield to be unobstructed 24-12-10-1.2 ..... 35.00  
 Drive on right side of street 24-12-6-2.1 ..... 35.00  
 Emerging from alleyways/driveways 24-12-6-7.1 ..... 35.00  
 Headlamps on motor vehicle 24-12-10-1.5 ..... 20.00  
 Obedience to signs designate one-way streets 24-12-6-2.9 ..... 35.00  
 Mufflers/prevention of noise 24-12-10-1.10 ..... 10.00  
 Processions 24-12-6-12.20 ..... 35.00  
 Limits on backing 24-12-6-12.9 ..... 35.00  
 Vehicle turning left at intersection 24-12-6-4.2 ..... 35.00  
 Turning and stopping movements and required signals 24-12-6-5.8 ..... 35.00  
 Texting while driving 24-12-6-18 - first violation ..... 25.00  
     Second or subsequent violation ..... 50.00

The penalty assessments shall be deposited in the city treasury.

~~24-01-020. - Same—Provisions not adopted.~~

Sections 12-6-6.5, 12-6-13.11, 12-8-13 through 12-8-23 and subparagraph A(16) of Section 12-6-6.1, paragraph B of Section 12-6-12.3 and 12-6-17.1—12-6-17.10 of the 2004 New Mexico Uniform Traffic Ordinance are not adopted.

Penalty assessment misdemeanors; additional fees.

In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed a fee to be deposited in the city treasury which is calculated as follows:

- (1) A court automation fee of thirteen dollars (\$13.00); and
- (2) A traffic safety fee of eight dollars (\$8.00) which shall be credited to the traffic safety education and enforcement fund to be established and used exclusively for traffic safety education and enforcement purposes.
- (3) A municipal administration fee of ten dollars (\$10.00);
- (4) All fees established in §24-12-12-1.3;
- (5) These increases shall take place immediately upon the ordinance from which this section derives becoming effective.

24-01-030. - Same—Amendments.

The following amendments to the 2010 New Mexico Uniform Traffic Ordinance are adopted:

- (a) ~~12-1-2.1 Access Aisle.~~ "Access Aisle" means a space designed to allow a person with a significant mobility limitation to safely exit and enter a motor vehicle that is immediately adjacent to a designated parking space for persons with significant mobility limitations and that may be common to two such parking spaces of at least sixty inches in width or, if the parking space is designed for van accessibility, ninety-six inches in width, and clearly marked and maintained with blue striping, and after January 1, 2011 the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the access aisle so as to be close to where an adjacent vehicle's rear tires would be placed (66-1-4.1 NMSA 1978).
- (b) ~~12-6-5.5 Limitations on Turning Around.~~ The driver of any vehicle may turn the vehicle so as to proceed in the opposite direction provided that the movement can be made safely and without interfering with other traffic and further provided that authorized signs disallowing U-turns have not been erected in the area; such turn shall not be made if to do so would violate any other traffic ordinance or statute.
- (c) ~~12-6-12.6 Unlawful Use of License; Driving When Privilege To Do So Has Been Suspended or Revoked~~
  - A. No person shall:
    - (1) display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit;
    - (2) lend his driver's license or permit to any other person or knowingly permit the use thereof by another;

- ~~(3) — display or represent as one's own any driver's license or permit not issued to him;~~
- ~~(4) — fail or refuse to surrender to the court upon its lawful demand any driver's license or permit which has been suspended, revoked, or canceled;~~
- ~~(5) — permit any unlawful use of driver's license or permit issued to him; (66-5-37)~~
- ~~(6) — drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended and who knows or should have known that his license was suspended. Upon conviction, the person shall be punished by imprisonment for not less than four days nor more than ninety days or participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than five hundred dollars (\$500.00). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court;~~
- ~~(7) — drive a motor vehicle on a highway of this state at a time when the person's privilege to do so is revoked and who knows or should have known that the person's license was revoked is guilty of a misdemeanor and shall be charged with a violation of this section. Upon conviction, the person shall be punished, notwithstanding the provisions of Sec. 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than ninety days or by participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than \$500. When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court; and~~
- ~~(8) — notwithstanding any other provision of law for suspension or deferment of execution of a sentence, if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act. (66-5-39.1 NMSA 1978)~~

~~B. — In addition to any other penalties imposed pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section, the motor vehicle the person was driving shall be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted~~

~~person shall bear the cost of immobilizing the motor vehicle. (66-5-39 NMSA 1978)~~

~~(d) — Section 12-8-5(C), which reads as follows:~~

~~(C) — Wherever a usable path for bicycles has been provided adjacent to a street, bicycle riders shall use such path and shall not use the street.~~

~~is hereby deleted. The remaining language of section 12-8-5 (C) shall continue in full force and effect.~~

~~(e) — Section 12-12-1.3 is amended:~~

~~A. — There is imposed upon any person convicted of violating any municipal ordinance the penalty for which carries a potential jail term of any ordinance relating to the operation of a motor vehicle the following mandatory fees:~~

~~(1) — a corrections fee of twenty dollars (20.00);~~

~~(2) — a judicial education fee of three dollars (\$3.00);~~

~~(3) — a court automation fee of six dollars (\$6.00).~~

~~(f) — 12-12-3 Conduct of Arresting Officer — Notices by Citation.~~

~~A. — Except as provided in Section 12-12-5, unless a penalty assessment or warning notice is given, whenever a person is arrested for any violation of this ordinance or other law relating to motor vehicles punishable as a misdemeanor, the arresting officer, using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare a notice to appear in court, specifying the time and place to appear, have the arrested person sign the agreement to appear as specified, give a copy of the citation to the arrested person and release him from custody.~~

~~B. — Whenever a person is arrested for violation of a penalty assessment misdemeanor and elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare the penalty assessment notice indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay the amount prescribed, give a copy of the citation along with a business reply envelope addressed to the municipal court with jurisdiction and release him from custody. No officer shall accept custody or payment of any penalty assessment notice, the officer shall issue a notice to appear. (66-8-123 B NMSA 1978)~~

~~C. — The arresting officer may issue a warning notice, but shall fill in the information section of the uniform traffic citation in paper or electronic form and give a copy to the arrested person after requiring his signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of suspension or revocation of license under Section 66-5-30 NMSA 1978.~~

~~D. — In order to secure his release, the arrested person must give his written promise to appear in court, or to pay the penalty assessment prescribed or acknowledge receipt of a warning notice.~~

E.—Any officer violating this section is guilty of misconduct in office and is subject to removal. (66-8-123 NMSA 1978)

F.—An electronic traffic citation, prescribed by Section 12-12-3.1, is an electronic version of the uniform traffic citation. For the purposes of this section, an electronic citation may be completed instead of a uniform traffic citation; provided, however, that where this section requires a copy of a citation to be given to an arrested person, a physical copy of the citation shall be provided whether a uniform traffic citation or an electronic form of the uniform traffic citation was used. An electronic form of the uniform traffic citation may be signed electronically.

(g)—*12-12-3.1 Electronic Uniform Traffic Citation.*

A.—An electronic version of the uniform traffic citation shall include the same information required to be included in a uniform traffic citation. An electric version of a uniform traffic citation may be signed electronically and a law enforcement officer may submit or file with a court an electronic version of a uniform traffic citation if prior permission of the department has been secured. There the law requires a law enforcement officer to provide a copy of a citation to the person cited or arrested, a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

(h)—*12-12-11 Abstract of Traffic Cases—Report on Convictions.*

A.—Every municipal judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court. The court shall notify the Department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles.

B.—Within ten days of the later of entry of a final disposition of a conviction for violation of this ordinance or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every municipal judge, including the children's court judges, or the clerk of the court in which the entry of the final disposition occurred shall prepare and forward to the department an abstract of the record containing the name and address of the defendant; the specific section number and common name of the provision of the local law, ordinance or regulation under which the defendant was tried; the plea, finding of the court and disposition of the charge, including fine or jail sentence or both; total costs assessed to the defendant; the date of the hearing; the court's name and address; whether defendant was a first or subsequent offender; and whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.

C.—The abstract of record prepared and forwarded under Subsection B of this section shall be certified as correct by the person required to prepare it. With the prior approval of the department, the information required in Subsection B of this



~~Section may be transmitted electronically to the department. Report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.~~

~~D.—When the uniform traffic citation is used, the court shall provide the information required in Subsection B of this Section in the manner prescribed by the director. A copy of each penalty assessment processed shall be forwarded to the division within ten (10) days of completion of local processing for posting to the driver's record. With the prior approval of the director, the required information may be submitted to the division by electronic means in lieu of forwarding copies of the penalty assessments.~~

~~E.—The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal. (66-8-135 NMSA 1978)~~

~~(i) —12-6-18 Texting While Driving.~~

~~A.—A person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle except to summon medical or other emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission.~~

~~B.—The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communications device. Unless otherwise provided by law, the handheld mobile communications device used in the violation of the provisions of this section is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this section.~~

~~C.—As used in this section:~~

~~(1) —" driving " means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but "driving" excludes operating a motor vehicle when the vehicle has pulled over to the side of or off an active roadway and has stopped at a location in which it can remain safely stationary;~~

~~(2) —" handheld mobile communications device " means a wireless communications device that is designed to receive and transmit text or image messages, but "handheld mobile communications device" excludes global positioning or navigation systems, devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands free devices that allow the user to compose, send, or read a text message without the use of a hand expect to activate, deactivate or initiate a feature or function; and~~

~~(3) —" text message " means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but "text message" excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel.~~

D. ~~A violation of provisions of this section is punishable by a fine of \$25 for a first violation and \$50 for a second or subsequent violation. Violations of provisions of this section may be included in a local penalty assessment ordinance.~~

~~(j) 12-6-12.3 Reckless Driving.~~

A. ~~Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.~~

B. ~~Every person convicted of reckless driving shall be punished by imprisonment for not less than five days, or by a fine not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or both.~~

~~(k) 12-7-9 Off-Highway Motor Vehicles~~

~~As used in this Article, the following definitions shall apply:~~

A. ~~"Off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:~~

~~(1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;~~

~~(2) "off-highway motorcycle", which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control;~~

~~(3) "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:~~

~~(a) a steering wheel for steering control;~~

~~(b) non-straddle seating;~~

~~(c) maximum speed capability greater than thirty-five miles per hour;~~

~~(d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;~~

~~(e) less than eighty inches in overall width, exclusive of accessories;~~

~~(f) engine displacement of less than one thousand cubic centimeters; and~~

~~(g) identification by means of a seventeen-character vehicle identification number; or~~

~~(4) By rule of the New Mexico Department of Game and Fish, any other vehicles that may enter the market and fit the general profile of vehicles operated off the highway for recreational purposes.~~

~~(l) 12-7-9.2 Operation of off-highway motor vehicles on streets or highways—prohibited areas.~~

~~A.— A person shall not operate an off-highway motor vehicle on any:~~

- ~~(1)— limited access highway or freeway at any time;~~
- ~~(2)— paved street or highway except as provided in Subsections B. or C. of this section;~~
- ~~(3)— walking trails; or~~
- ~~(4)— city parks.~~

~~B.— Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular as possible.~~

~~C.— An off-highway vehicle may be operated on a paved street or highway owned and controlled by the City of Alamogordo if:~~

- ~~(1)— the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;~~
- ~~(2)— the vehicle has brakes, mirrors, and mufflers;~~
- ~~(3)— the operator has a valid driver's license, instruction permit, or provisional license and an off-highway motor vehicle safety permit;~~
- ~~(4)— the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec. 66-5-201 through 66-5-248, NMSA 1978; and~~
- ~~(5)— the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.~~

~~D.— Any person operating an off-highway motor vehicle within the city limits shall obey all traffic laws, rules, and regulations, including the speed limit as posted and vehicle equipment requirements under Section 12-7-9.9 of the New Mexico Uniform Traffic Ordinance.~~

Penalty assessment misdemeanors; option; payment.

(a) Unless the alleged violator has been involved in a motor vehicle accident involving injury or death or unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice and an agreement to pay the penalty assessment and penalty assessment fee.

(b) Payment of any penalty assessment and penalty assessment fee must be made by mail to, or in person at, the city finance department within thirty (30) days from the date of arrest.

24-01-040. - ~~Schedule of penalty assessments.~~

~~As used in the New Mexico Uniform Traffic Ordinance adopted by the city, "penalty assessment misdemeanor" means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:~~

~~Speeding 12-6-1.2:~~

- ~~(1) Up to and including ten miles an hour over speed limit ..... \$25.00~~
- ~~(2) From eleven up to and including fifteen miles an hour over speed limit ..... 40.00~~
- ~~(3) From sixteen up to and including twenty miles an hour over speed limit ..... 70.00~~
- ~~(4) From twenty-one up to and including twenty-five miles an hour over the speed limit ..... 110.00~~
- ~~(5) From twenty-six up to and including thirty miles an hour over the speed limit ..... 210.00~~
- ~~(6) From thirty-one and up to and including thirty-five miles an hour over the speed limit ..... 310.00~~
- ~~(7) More than thirty-five miles an hour over the speed limit ..... 410.00~~

~~Speeding in construction zones 12-6-1.2 A. (4):~~

- ~~(1) Up to and including ten miles an hour over speed limit ..... 46.00~~
- ~~(2) From eleven up to and including fifteen miles an hour over speed limit ..... 76.00~~
- ~~(3) From sixteen up to and including twenty miles an hour over speed limit ..... 136.00~~
- ~~(4) From twenty-one up to and including twenty-five miles an hour over the speed limit ..... 216.00~~
- ~~(5) From twenty-six up to and including thirty miles an hour over the speed limit ..... 416.00~~
- ~~(6) More than thirty-one miles over the speed limit ..... 500.00~~

~~School zones 12-6-2.7:~~

- ~~(1) Up to and including ten miles an hour over speed limit ..... 50.00~~
- ~~(2) From eleven up to and including nineteen miles an hour over speed limit ..... 65.00~~
- ~~(3) From 20 up to and including 30 miles an hour over the speed limit ..... 90.00~~

~~Flashing signals 12-5-8 ..... 35.00~~

~~Passing vehicles proceeding in opposite direction 12-6-2.2 ..... 35.00~~

~~Limits on overtaking on the left 12-6-2.4 ..... 35.00~~

~~Further limits on driving left of center 12-6-2.5 ..... 35.00~~

~~When overtaking on right permitted 12-6-2.6 ..... 35.00~~

~~No passing zones (incl. school zones) 12-6-2.7 ..... 35.00~~

Driving on divided streets 12-6-2.14 ..... 35.00

Vehicle entering stop/yield intersection 12-6-4.3 ..... 35.00

Required position, method of turning 12-6-5.1 ..... 35.00

Obedience to no U-turn signs 12-6-5.4 ..... 35.00

Limitations on turning around 12-6-5.5 ..... 35.00

Starting parked vehicle 12-6-5.7 ..... 35.00

Stopping/standing parking 12-6-6.1 ..... 15.00

Parking regulations 12-6-6.2 ..... 15.00

Parking not to obstruct traffic 12-6-6.3 ..... 15.00

Standing/parking on one-way streets 12-6-6.9 ..... 15.00

Standing/parking on divided streets 12-6-6.10 ..... 15.00

Stopping/standing/parking 12-6-6.11 ..... 15.00

Angle parking 12-6-6.13 ..... 15.00

Stopping for school buses 12-6-7.3 ..... 110.00

Stop when traffic obstructed 12-6-7.2 ..... 35.00

Eye protection or windshields 12-7-5 ..... 25.00

School crossings 12-6-10 ..... 35.00

Driving through safety zone 12-6-12.15 ..... 35.00

Driving on sidewalk 12-6-12.28 ..... 35.00

Unhitched trailer 12-6-13.3 ..... 10.00

Child restraints 12-6-13.12 ..... 35.00

Seat belts 12-6-13.13 ..... 35.00

Pedestrians right-of-way 12-6-14.2 ..... 35.00

Crossing at other than crosswalks 12-6-14.4 ..... 35.00

Operation of off-highway vehicles 12-7-2 ..... 35.00

Carrying articles 12-8-6 ..... 35.00

Dimming of lights 12-10-1.6 ..... 35.00

Stop lamps 12-10-1.9 ..... 20.00

Display current valid registration plate 12-10-4 ..... 25.00

Evidence of registration 12-10-05 ..... 25.00

Driving on streets laned for traffic 12-6-2.12 ..... 35.00

Obedience to traffic control devices 12-5-3 ..... 35.00

Open container of alcoholic beverage 12-6-13.14 ..... 85.00

Operator to be licensed 12-6-12.5 ..... 55.00

Careless driving 12-6-12.4 ..... 105.00

Following too closely 12-6-2.13 ..... 35.00

Basic rule 12-6-1.1 ..... 35.00

Tail lamps required 12-10-1.7 ..... 20.00

Permitting unauthorized person to drive 12-6-12.23 ..... 35.00

Parking in alleys 12-6-6.4 ..... 10.00

Parking for certain purposes 12-6-6.5 ..... 10.00

Parking adjacent to schools 12-6-6.7 ..... 10.00

Prohibited activities while driving 12-6-12.18 ..... 35.00

Residential parking 24-01-080 ..... 10.00

Stopping/standing/parking 12-6-6.1 and 12-6-6.11 ..... 10.00

Unattended motor vehicle 12-6-12.8 ..... 35.00

Unlawful riding 12-6-13.2 ..... 35.00

Vehicle approach/entering intersection 12-6-4.1 ..... 35.00

Vehicle to be in safe condition 12-10-1.2 ..... 35.00

When lighted lamps are required 12-10-1.3 ..... 35.00

Windshield to be unobstructed 12-10-1.2 ..... 35.00

Drive on right side of street 12-6-2.1 ..... 35.00

Emerging from alleyways/driveways 12-6-7.1 ..... 35.00

Headlamps on motor vehicle 12-10-1.5 ..... 20.00

~~Obedience to signs designate one-way streets 12-6-2.9 ..... 35.00~~

~~Mufflers/prevention of noise 12-10-1.10 ..... 10.00~~

~~Processions 12-6-12.20 ..... 35.00~~

~~Limits on backing 12-6-12.9 ..... 35.00~~

~~Vehicle turning left at intersection 12-6-4.2 ..... 35.00~~

~~Turning and stopping movements and required signals 12-6-5.8 ..... 35.00~~

~~Texting while driving 12-6-18 -- first violation ..... 25.00~~

~~Second or subsequent violation ..... 50.00~~

~~The penalty assessments shall be deposited in the city treasury.~~

~~Reserved~~

~~24-01-050. - Penalty assessment misdemeanors; additional fees.~~

~~In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed a fee to be deposited in the city treasury which is calculated as follows:~~

~~(1) — A court automation fee of thirteen dollars (\$13.00); and~~

~~(2) — A traffic safety fee of eight dollars (\$8.00) which shall be credited to the traffic safety education and enforcement fund to be established and used exclusively for traffic safety education and enforcement purposes.~~

~~(3) — A municipal administration fee of ten dollars (\$10.00);~~

~~(4) — These increases shall take place immediately upon the ordinance from which this section derives becoming effective.~~

~~24-01-060. - Penalty assessment misdemeanors; option; payment.~~

~~(a) — Unless the alleged violator has been involved in a motor vehicle accident involving injury or death or unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice and an agreement to pay the penalty assessment and penalty assessment fee.~~

~~(b) — Payment of any penalty assessment and penalty assessment fee must be made by mail to, or in person at, the city finance department within thirty (30) days from the date of arrest.~~

~~Reserved~~

~~24-01-070. - Definitions.~~

~~The definitions in the remaining provisions of this chapter shall be those of the Uniform Traffic Ordinance as currently adopted, unless a different definition is specified.~~

Reserved

24-01-080. - Residential parking restricted.

- (a) ~~Except when necessary to avoid conflict with other traffic, or in compliance with this section or the directions of a police officer or official traffic control device, no person shall stop, stand or park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, at any place where an official sign reads "Residential Parking Only," and along the curb within ten feet of either side of such sign, unless given permission by the resident living directly behind the sign. Except upon the conditions listed in this section, it shall be unlawful to place a vehicle, occupied or not, along the curb within ten feet of a "Designated Mobility Disabled Resident Parking Only" sign unless the vehicle has the requisite handicapped placard and the resident living directly behind the sign has given permission for the vehicle to occupy the space. A citation for violation of this section shall be written only upon complaint of such resident.~~
- (b) ~~The determination to post a residence with "Residential Parking Only" signs shall be made by the city commission, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant. No residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.~~
- (c) ~~A fee of one hundred dollars (\$100.00) shall be paid to the city treasurer upon approval of each application.~~
- (d) ~~The determination to post a residence with "Designated Mobility Disabled Resident Parking Only" signs shall be made administratively by a designee of the city manager, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant.~~
- (e) ~~At the first meeting in January each year, city manager shall prepare a list of the locations of all "Residential Parking Only" signs and all "Designated Mobility Disability Resident Parking Only" signs in the city. The city manager shall recommend continuance or discontinuance of each location; if discontinuance is recommended, the resident(s) shall be notified by first class mail not less than seven (7) days before the meeting. The commission shall direct the discontinuance and removal of signs at any location deemed advisable.~~
- (f) ~~The city manager shall have the authority to direct the removal of "Residential Parking Only" or "Designated Mobility Disabled Resident Parking Only" signs at any location not identified on the list of such signs approved by the city commission.~~
- (g) ~~Existing signs with wording approved under previous versions of this section remain effective and enforceable, but shall not be replaced except with signs containing the currently approved wording.~~

Reserved

24-01-085. - Parking at businesses for persons with mobility disabilities.

- (a) ~~The determination to post the curb area adjacent to a business with "Parking Designated for Persons with Mobility Disability" signs shall be made by the city commission, after good~~



~~cause is shown by the applicant. Good cause must include a statement that the applicant's business does not have off-street parking available or an off-street parking space that could be used for parking for persons with mobility disabilities.~~

- ~~(b) The application will be accompanied by an application fee of fifty dollars (\$50.00) to defray the costs of investigating the application and giving notice in accordance with this ordinance.~~
- ~~(c) In determining whether or not to authorize a sign in accordance with this section, the commission will consider the likelihood that the parking space will serve more than one person and whether the need of the business for the space is likely to be on-going.~~
- ~~(d) Before an application to post a sign according to this section can be considered by the city commission, the planning division will give notice of the application to all property owners within a 200-foot radius of the requesting business at least ten days prior to the meeting.~~
- ~~(e) A fee of one hundred dollars (\$100.00) for the sign shall be paid to the city treasurer upon approval of each application.~~
- ~~(f) The city commission will review signs placed in connection with this ordinance at the same time and in the same manner with which it reviews signs placed in accordance with section 24-01-080.~~

Reserved

24-01-090. ~~-Additional parking restrictions.~~

- ~~(a) No person shall park a vehicle on a street that has been posted with No Parking signs.~~
- ~~(b) No vehicle shall be parked within three (3) feet behind a curb adjacent to a street.~~
- ~~(c) No person shall park a truck tractor, road tractor, or combination of any such tractor and trailer or semitrailer, on a street in a residence district except when necessary for loading or unloading of property. In any event, parking of any such vehicle shall not obstruct traffic to any greater degree than is strictly necessary.~~
- ~~(d) No person shall park any vehicle in an area that is designated as a fire lane by a posted sign or by a curb painted red.~~

Reserved

24-01-100. - Reserved.

**Editor's note**— Ord. No. 1213, § 10, adopted August 24, 2004, amended the Code by repealing former § 24-01-100 in its entirety. Former § 24-01-100 pertained to open containers of alcoholic beverages; and derived from Ord. No. 668, adopted November 22, 1983.

24-01-110. ~~—Jogging, etc., at night.~~

~~Every person who jogs or runs in any roadway at night shall wear or carry reflective clothing, tape or equipment, or lights, or a combination thereof, so that he or she is visible from a~~

~~distance of five hundred (500) feet, from any angle, when illuminated by the low beam headlights of an automobile.~~

**Reserved**

~~24-01-120. –Use of public ways.~~

~~The public streets, sidewalks and adjoining rights-of ways are for the purposes of vehicular, pedestrian and similar traffic, for parking, and for open space appropriate to adjoining land uses.~~

**Reserved**

24-01-130. - Reserved.

**Editor's note**— Ord. No. 1213, § 12, adopted August 24, 2004, amended the Code by repealing former § 24-01-130 in its entirety. Former § 24-01-130 pertained to fines in construction zones; and derived from Ord. No. 1143, adopted April 9, 2002.

**24-02 through 24-11. – Reserved**

**24-12. Uniform Traffic Ordinance**

**ARTICLE ONE**

**24-12-1-1. – Definition of Words and Phrases.**

A. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in Sections 12-1-1 through 12-1-89. (\*)

B. When in a specific section of this ordinance a different meaning is given for a term defined for general purposes in this section, the specific section's meaning and application of the term shall control. (66-1-4 NMSA 1978)

**24-12-1-2. - ABANDONED VEHICLE.**

"Abandoned Vehicle" means a vehicle or motor vehicle which has been determined by a New Mexico law enforcement agency:

(1) to have been left unattended on either public or private property for at least thirty days;

(2) not to have been reported stolen;

(3) not to have been claimed by any person asserting ownership; and

(4) not to have shown by normal record checking procedures to be owned by any person. (66-1-4.1 NMSA 1978)

#### 24-12-1-2.1. - ACCESS AISLE.

“Access Aisle” means a space designed to allow a person with a significant mobility limitation to safely exit and enter a motor vehicle that is immediately adjacent to a designated parking space for persons with significant mobility limitations and that may be common to two such parking spaces of at least sixty inches in width or, if the parking space is designed for van accessibility, ninety-six inches in width, and clearly marked and maintained with blue striping, and after January 1, 2011 the words “NO PARKING” in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the access aisle so as to be close to where an adjacent vehicle’s rear tires would be placed (66-1-4.1 NMSA 1978).

#### 24-12-1-3. - ADMINISTRATOR.

"Administrator" means the chief executive employee of the municipality; including but not limited to the manager, clerk or administrator, or his designated representative. (\*)

#### 24-12-1-4. - ALLEY.

"Alley" means a street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (\*)

#### 24-12-1-5. - AUTHORIZED EMERGENCY VEHICLE.

"Authorized Emergency Vehicle" means any vehicle of the fire department, police vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of the New Mexico state police or the administrator. (66-1-4.1 NMSA 1978)

#### 24-12-1-5.1. - AUTOCYCLE.

“Autocycle” means a three-wheeled motorcycle on which the driver and all passengers ride in a completely or partially enclosed, seating area and is manufactured to comply with all applicable federal standards, regulations and laws and is equipped with:

- (1) non-straddle seating;
- (2) rollover protection;
- (3) safety belts for all occupants;
- (4) antilock brakes;
- (5) a steering wheel; and
- (6) pedals. (66-1-4.1 NMSA 1978)

#### 24-12-1-6. - BICYCLE.

"Bicycle" means every device propelled by human power, upon which any person may ride, having two tandem wheels, except scooters and similar devices. (66-1-4.2 NMSA 1978)

#### 24-12-1-7. - BUS.

"Bus" means every motor vehicle designed and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (66-1-4.2 NMSA 1978)

#### 24-12-1-8. - BUSINESS DISTRICT.

"Business District" means the territory contiguous to and including a street and within three hundred feet from the street where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least fifty percent of the frontage on one side or fifty percent of the frontage collectively on both sides of the street. (66-1-4.2 NMSA 1978)

#### 24-12-1-9. - CANCELLATION.

"Cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation. (66-1-4.3 NMSA 1978)

#### 24-12-1-10 COMBINATION.

"Combination" means any connected assemblage of a motor vehicle and one or more semitrailers, trailers, or semitrailers converted to trailers by means of a converter gear. (66-1-4.3 NMSA 1978)

#### 24-12-1-10.1. - COMMERCIAL MOTOR VEHICLE.

"Commercial motor vehicle" means a self-propelled or towed vehicle, other than special mobile equipment, used on public highways in commerce to transport passengers or property when the vehicle: is operated interstate and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of four thousand five hundred thirty-six kilograms, or ten thousand one pounds or more; or is operated only in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of twenty-six thousand one or more pounds; (66-1-4.3 J NMSA 1978)

#### 24-12-1-11. - CONTROLLED ACCESS STREET.

"Controlled Access Street" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway. (66-1-4.3 NMSA 1978)

#### 24-12-1-12. - CONVERTER GEAR.

"Converter Gear" means any assemblage of one or more axles with a fifth wheel mounted thereon, designed for use in a combination to support the front end of a semitrailer but not permanently attached thereto. A converter gear shall not be considered a vehicle, as that term is used in Chapter 66 NMSA 1978, but weight attributable thereto shall be included in declared gross weight. (66-1-4.3 NMSA 1978)

#### 24-12-1-13. - CROSSWALK. "Crosswalk" means:

- A. That part of a street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- B. Any portion of a street at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (66-1-4.3 NMSA 1978)

#### 24-12-1-14. - CURB LOADING ZONE.

"Curb Loading Zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (\*)

#### 24-12-1-15. - DAYTIME.

"Daytime" means from a half hour before sunrise to a half hour after sunset. (\*)

#### 24-12-1-16. - DEALER.

"Dealer" means any person who sells or solicits or advertises the sale of new or used motor vehicles, house trailers or trailers subject to registration in this state. Dealer shall not include:

- A. receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court;
- B. public officers while performing their duties as such officers;
- C. persons making casual sales of their own vehicles duly registered and licensed to them by the state of New Mexico;

D. finance companies, banks and other lending institutions covering sales of repossessed vehicles; or

E. licensed brokers under the Manufactured Housing Act who for a fee, commission or valuable consideration engage in brokerage activities related to the sale, exchange or lease-purchase of pre-owned manufactured homes on a site installed for a consumer. (66-1-4.4 NMSA 1978)

#### 24-12-1-17. - DIRECTOR.

"Director" means the secretary of the state taxation and revenue department. (66-1-4.4 NMSA 1978)

#### 24-12-1-18. - DIVIDED STREET.

"Divided Street" means any street containing a physical barrier, intervening space or clearly indicated dividing section so construed to impede vehicular traffic and separating vehicular traffic traveling in opposite directions. (\*)

#### 24-12-1-19. - DIVISION.

"Division" without further specification, "division of motor vehicles" or motor vehicle division means the department. (66-1-4.4 NMSA 1978)

#### 24-12-1-20. – DRIVEAWAY/TOWAWAY OPERATION.

"Driveaway/Towaway Operation" means any operation in which any motor vehicle, new or used, constitutes the commodity being transported, when one set or more of wheels of any such motor vehicle is on the street during the course of transportation, whether or not the motor vehicle furnishes the motive power. (66-1-4.4 NMSA 1978)

#### 24-12-1-21. DRIVER.

"Driver" means every person who drives or is in actual physical control of a motor vehicle, including a motor-driven cycle, upon a street or who is exercising control over, or steering, a vehicle being towed by a motor vehicle or who operates or is in actual physical control of an off-highway motor vehicle. (66-1-4.4 K NMSA 1978)

#### 24-12-1-22. - DRIVER'S LICENSE.

"Driver's License" means a license or a class of license issued by a State or other jurisdiction to an individual that authorizes the individual to drive a motor vehicle. (66-1-4.4 NMSA 1978)

#### 24-12-1-23. - EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. A further definition of explosives is contained in Section 66-3-861 NMSA 1978. (66-1-4.5 NMSA 1978)

#### 24-12-1-24. - FARM TRACTOR.

"Farm Tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry. (66-1-4.6 NMSA 1978)

#### 24-12-1-25. - FIRST OFFENDER.

"First Offender" means a person who for the first time under state or federal law or municipal ordinance has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug which renders him incapable of safely driving a motor vehicle regardless of whether the person's sentence was suspended or deferred. (66-1-4.6 NMSA 1978)

#### 24-12-1-26. - FLAMMABLE LIQUID.

"Flammable Liquid" means any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-up test device. (66-1-4.6 NMSA 1978)

#### 24-12-1-27. - FREIGHT CURB LOADING ZONE.

"Freight Curb Loading Zone" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight. (\*)

#### 24-12-1-28. - HOUSE TRAILER.

"House Trailer" means a manufactured home. (66-1-4.8 NMSA 1978)

#### 24-12-1-29. - IMPLEMENT OF HUSBANDRY.

"Implement of Husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations. (66-1-4.9 NMSA 1978)

#### 24-12-1-30 INTERSECTION.

A. "Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways or two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

(2) Where a street includes two roadways thirty feet or more apart, every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event the intersecting street also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. (66-1-4.9 NMSA 1978)

B. The junction of an alley with a roadway shall not constitute an intersection. (\*)

#### 24-12-1-31. - INTERSTATE HIGHWAY.

"Interstate Highway" means any public highway which has been designated as an interstate highway by the government of the United States. (\*)

#### 24-12-1-32. - LANED ROADWAY.

"Laned Roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic. (66-1-4.10 NMSA 1978)

#### 24-12-1-33. - LICENSE OR LICENSE TO OPERATE A MOTOR VEHICLE.

"License or License to Operate a Motor Vehicle" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state including:

(1) any temporary license or instruction permit;

(2) the privilege of any person to drive a motor vehicle whether or not the person holds a valid license; and

(3) any nonresident's operating privilege as defined herein. (\*)

#### 24-12-1-34. - METAL TIRE.

"Metal Tire" means every tire the surface of which in contact with the street is wholly or partly of metal or other hard nonresilient material, except that for the purposes of this ordinance a snow tire with metal studs designed to increase traction on ice or snow shall not be considered a metal tire. (66-1-4.11 NMSA 1978)



24-12-1-35. - MOBILE HOME.

"Mobile Home" means a house trailer, other than one held as inventory for sale or resale, that exceeds either a width of eight feet or a length of forty feet, when equipped for the road. (\*)

24-12-1-36. - MOPED.

"Moped" means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, which is capable of propelling the vehicle at a maximum speed of not more than thirty miles an hour on level ground at sea level. (66-1-4.11 NMSA 1978)

24-12-1-37. - MOTORCYCLES.

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles and excluding a tractor. (66-1-4.11 NMSA 1978)

24-12-1-38. - MOTOR DRIVEN CYCLE.

"Motor Driven Cycle" means every motorcycle, motor scooter and moped having an engine with less than one hundred cubic centimeters displacement. (\*)

24-12-1-39 MOTOR SCOOTER.

"Motor Scooter" means a motor-driven cycle as defined in this section. (\*)

24-12-1-40. - MOTOR VEHICLE.

"Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from batteries or from overhead trolley wires, but not operated upon rails; but for the purposes of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], "motor vehicle" does not include "special mobile equipment." (66-1-4.11 NMSA 1978)

24-12-1-41. - NIGHTTIME.

"Nighttime" means the hours from a half hour after sunset to a half hour before sunrise. (\*)

24-12-1-42. - NONRESIDENT.

"Nonresident" means every person who is not a resident of this state. (66-1-4.12 NMSA 1978)

24-12-1-43. - OFFICIAL TIME STANDARD.

"Official Time Standard" means whenever certain hours are named in this ordinance they shall mean standard time or daylight-saving time as may be in current use in this municipality. (\*)

#### 24-12-1-44. - OFFICIAL TRAFFIC-CONTROL DEVICES.

"Official Traffic-Control Devices" means all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (66-1-14.13 NMSA 1978)

#### 24-12-1-45. - OPERATOR.

"Operator" means driver, as defined in Section 12-1-21. (66-1-4.13 NMSA 1978)

#### 24-12-1-46. - OWNER.

"Owner" means a person who holds the legal title of a vehicle and may include a conservator, guardian, personal representative, executor or similar fiduciary or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or, in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor. (66-1-4.13 NMSA 1978)

#### 24-12-1-47. - PARK OR PARKING.

"Park or Parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading and unloading. (66-1-4.14 NMSA 1978)

#### 24-12-1-48. - PASSENGER CURB LOADING ZONE.

"Passenger Curb Loading Zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (\*)

#### 24-12-1-49. - PEDESTRIAN.

"Pedestrian" means any natural person on foot. (66-1-4.14 NMSA)

#### 24-12-1-50. - PERSON.

"Person" means every natural person, firm, copartnership, association, corporation, or other legal entity. (66-1-4.14 NMSA 1978)

#### 24-12-1-51. - POLE TRAILER.

"Pole Trailer" means any vehicle without motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise

secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, structures, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections. (66-1-4.14 NMSA 1978)

#### 24-12-1-52. - POLICE OR PEACE OFFICER.

"Police or Peace Officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of this ordinance. (66-1-4.14 NMSA 1978)

#### 24-12-1-53. - PRIVATE ROAD OR DRIVEWAY.

"Private Road or Driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. (66-1-4.14 NMSA 1978)

#### 24-12-1-54. - PUBLIC HOLIDAYS.

"Public Holidays" means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, or any other day designated a holiday by the governing body of this municipality. (\*)

#### 24-12-1-55. - RAILROAD.

"Railroad" means a carrier of persons or property upon cars operated upon stationary rails. (66-1-4.15 NMSA 1978)

#### 24-12-1-56. - RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (66-1-4.15 NMSA 1978)

#### 24-12-1-57. - RAILROAD TRAIN.

"Railroad Train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails. (66-1-4.15 NMSA 1978)

#### 24-12-1-58. - RECREATIONAL VEHICLE.

"Recreational Vehicle" means a vehicle with a camping body that has its own motive power, is affixed to or is drawn by another vehicle and includes motor homes, travel trailers and truck campers. (66-1-4.15 NMSA 1978)

#### 24-12-1-59. - REGISTRATION NUMBER.

"Registration Number" means the number assigned by the motor vehicle division to the owner of a vehicle or motor vehicle required to be registered by the Motor Vehicle Code. (66-1-4.15 NMSA 1978)

#### 24-12-1-60. - REGISTRATION PLATE.

"Registration Plate" means the plate, marker, sticker or tag assigned by the motor vehicle division for the identification of the registered vehicle. (66-1-4.15 NMSA 1978)

#### 24-12-1-61. - RESIDENCE DISTRICT.

"Residence District" means the territory contiguous to and including a street not comprising a business district when the property on the street for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business. (66-1-4.15 NMSA 1978)

#### 24-12-1-62. - REVOCATION.

"Revocation" means that the driver's license and privilege to drive a motor vehicle on the public streets are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the division after the expiration of at least one year after date of revocation. (66-1-4.15 NMSA 1978)

#### 24-12-1-63. - RIGHT OF WAY.

"Right of Way" means the privilege of the immediate use of the roadway. (66-1-4.15 NMSA 1978)

#### 24-12-1-64. - ROAD TRACTOR.

"Road Tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn. (66-1-4.15 NMSA 1978)

#### 24-12-1-65. - ROADWAY.

"Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two or more separate roadways, the term "roadway" as used in this ordinance refers to any such roadway separately but not to all such roadways collectively. (66-1-4.15 NMSA 1978)

#### 24-12-1-66. - SAFETY ZONE.

"Safety Zone" means the area or space officially set apart within a street for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (66-1-4.16 NMSA 1978)

#### 24-12-1-67. - SCHOOL BUS.

"School Bus" means any motor vehicle operating under the jurisdiction of the state board of education or private school or parochial school interests which is used to transport children, students or teachers to and from schools or to and from any school activity, but not including any vehicle:

- (1) operated by a common carrier, subject to and meeting all requirements of the state corporation commission but not used exclusively for the transportation of students;
- (2) operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the state corporation commission but is not used exclusively for transportation of students; or
- (3) operated as a per capita feeder as defined in Section 22-16-6 NMSA 1978; or
- (4) that is a minimum six-passenger, full-size, extended-length, sport utility vehicle operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA 1978. (66-1-4.16 NMSA 1978)

#### 24-12-1-68. - SEMITRAILER.

"Semitrailer" means any vehicle, without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. (66-1-4.16 NMSA 1978)

#### 24-12-1-69. - SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (66-1-4.16 NMSA 1978)

#### 24-12-1-70. - SOLID TIRE.

"Solid Tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. (66-1-4.16 NMSA 1978)

#### 24-12-1-71. - STAND OR STANDING.

"Stand or Standing" means the halting of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (\*)

24-12-1-72. - STATE.

"State" means a state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada. (66-1-4.16 NMSA 1978)

24-12-1-73. - STATE HIGHWAY.

"State Highway" means any public highway which has been designated as a state highway by the legislature, the state transportation commission or the secretary of the state transportation department. (66-1-4.16 NMSA 1978)

24-12-1-74. - STOP.

"Stop", when required, means complete cessation from movement. (66-1-4.16 NMSA 1978)

24-12-1-75. - STOP, STOPPING OR STANDING.

"Stop, Stopping or Standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (66-1-4.16 NMSA 1978)

24-12-1-76. - STREET OR HIGHWAY.

"Street or Highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction. (66-1-4.16 NMSA 1978)

24-12-1-77. - SUBSEQUENT OFFENDER.

"Subsequent Offender" means a person who was previously a first offender and who again, under state law, federal law, or municipal ordinance, has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug which rendered the person incapable of safely driving a motor vehicle regardless of whether the person's sentence is suspended or deferred. (66-1-4.16 NMSA 1978)

24-12-1-78. - SUSPENSION.

"Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn. (66-1-4.16 NMSA 1978)

#### 24-12-1-79. - TAXICAB.

"Taxicab" means a motor vehicle used in the transportation of persons for hire, having a normal seating capacity of not more than seven persons. (66-1-4.17 NMSA 1978)

#### 24-12-1-80. - THROUGH STREET.

"Through Street" means every street or portion thereof at the entrance to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same when stop signs are erected as provided in this ordinance. (66-1-4.17 NMSA 1978)

#### 24-12-1-81. - TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together using any street for purposes of travel. (66-1-4.17 NMSA 1978)

#### 24-12-1-82. - TRAFFIC-CONTROL SIGNAL.

"Traffic-Control Signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (66-1-4.17 NMSA 1978)

#### 24-12-1-83. - TRAILER.

"Trailer" means any vehicle, without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle. (66-1-4.17 NMSA 1978)

#### 24-12-1-84. - TRIAL COURT.

"Trial Court" means the magistrate, municipal or district court which tries the case concerning an alleged violation of a provision of the Uniform Traffic Ordinance and the Motor Vehicle Code. (66-1-4.17 NMSA 1978)

#### 24-12-1-84.1. - TRIBE.

"Tribe" means an Indian nation, tribe or pueblo that is located wholly or partially in New Mexico. For purposes of violations resulting in suspension or revocation of licenses and for DWI offenses (66-5-25, 26, 30 and 66-8-102), "tribe" is further defined as one that has executed an intergovernmental agreement with the state pursuant to Section 66-5-27.1 NMSA 1978. (66-1-4.17 and 66-5-1.2 NMSA 1978) (\*)

**24-12-1-85. - TRUCK.**

"Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property. (66-1-4.17 NMSA 1978)

**24-12-1-86. - TRUCK TRACTOR.**

"Truck Tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. (66-1-4.17 NMSA 1978)

**24-12-1-87. - VALIDATING STICKER.**

"Validating Sticker" means the tab or sticker issued by the division to signify, upon a registration plate, renewed registration. (66-1-4.19 NMSA 1978)

**24-12-1-88. - VEHICLE.**

"Vehicle" means every device in, upon, or by which, any person or property is or may be transported or drawn upon a street, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved by human power or used exclusively upon stationary rails or tracks. (66-1-4.19 NMSA 1978)

**24-12-1-89. - ANY OTHER TERM.**

"Any Other Term" used in this ordinance is used in its commonly accepted meaning except where such term has been defined elsewhere in this ordinance or defined in Sections 66-1-4.1 through 66-1-4.21 NMSA 1978. (\*)

**ARTICLE TWO**

**24-12-2-1. - TRAFFIC DIVISION ESTABLISHED.**

A traffic division within the municipal police department is established. (\*)

**24-12-2-2. - ADMINISTRATION OF TRAFFIC DIVISION.**

The traffic division shall be under the control of an officer of the police department, and this officer shall be appointed by and directly responsible to the chief of police or a person designated by the chief of police. (\*)

**24-12-2-3. - DUTIES OF TRAFFIC DIVISION.**

The traffic division, with such assistance as may be rendered by the other divisions within the police department, shall:



- (1) enforce traffic regulations applicable to street traffic;
- (2) make arrests for traffic violations;
- (3) investigate accidents;
- (4) cooperate with the traffic engineer and other city officials in the administration of traffic conditions; and
- (5) carry out those duties imposed on it by this ordinance. (\*)

#### 24-12-2-4. - RECORDS OF TRAFFIC DIVISION.

- A. The traffic division or the police department shall keep a record of traffic accidents, warnings, arrests, convictions, complaints and alleged violations of this ordinance or state vehicle laws reported for each person within its jurisdiction.
- B. The records shall be filed alphabetically under the name of the person concerned.
- C. Each person's record shall:
  - (1) include a record of the final disposition of all alleged violations of this ordinance or state vehicle laws;
  - (2) show all types of violations and the total of each type; and
  - (3) accumulate during at least a five-year period and shall be maintained complete for at least the most recent five-year period. (\*)

#### 24-12-2-5. - TRAFFIC ACCIDENT REPORTS MAINTAINED BY TRAFFIC DIVISION.

- A. The traffic division shall maintain a suitable system of filing traffic accident reports.
- B. Accident reports or cards referring to them shall be filed alphabetically by location. (\*).
- C. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this ordinance either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four hours after completing such investigation, forward a written report of such accident to the division.
- D. The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars

(\$500) or more shall within five days after the accident forward a written report of the accident to the division. (66-7-207 NMSA 1978)

#### 24-12-2-6. - TRAFFIC ACCIDENT STUDIES BY TRAFFIC DIVISION.

Whenever accidents at particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and determining remedial measures. (\*)

#### 24-12-2-7. - ANNUAL TRAFFIC SAFETY REPORT BY TRAFFIC DIVISION.

The traffic division shall prepare an annual traffic report which shall be filed with the administrator. The report shall contain, but not be limited to, the following information:

- (1) number of traffic accidents, number of persons killed, number of persons injured and other pertinent traffic accident data;
- (2) safety activities of the police; and
- (3) plans and recommendations of the traffic division for future traffic safety activities. (\*)

#### 24-12-2-8. - TRAFFIC ENGINEER AND TRAFFIC ENGINEERING DEPARTMENT ESTABLISHED.

The traffic engineering department is established. The department shall be under the control of the traffic engineer who shall be appointed by the administrator and who shall exercise the powers and duties provided in this ordinance. (\*)

#### 24-12-2-9. - DUTIES OF TRAFFIC ENGINEER.

The traffic engineer shall:

- (1) determine the installation and proper timing and maintenance of traffic control devices;
- (2) conduct engineering analyses of traffic accidents and devise remedial measures;
- (3) conduct engineering investigations of traffic conditions;
- (4) cooperate with other officials in the development of methods to improve traffic conditions; and

(5) carry out such additional powers and duties as are imposed by municipal ordinances. (\*)

#### 24-12-2-10. - EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The administrator may make and enforce temporary or experimental regulations to cover emergencies or special conditions, but no such temporary or experimental regulation shall remain in effect for more than 90 days.

B. The administrator may test traffic-control devices under actual traffic conditions.  
(\*)

### ARTICLE THREE

#### 24-12-3-1. - OBEDIENCE TO TRAFFIC ORDINANCE.

It is unlawful and, unless otherwise declared in this ordinance with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance. (66-7-3 NMSA 1978)

#### 24-12-3-2. - OBEDIENCE TO OFFICERS.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fire department officer invested by this ordinance with authority to direct, control, or regulate traffic. (66-7-4 NMSA 1978)

#### 24-12-3-3. - AUTHORITY OF POLICE AND FIRE DEPARTMENTS.

A. It is the duty of police officers, or such officers as may be assigned by the chief of police, to enforce all traffic regulations of this municipality and all applicable state vehicle laws.

B. Police officers, or such officers as may be assigned by the chief of police, are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws and regulations. However, in the event of a fire or other emergency, they may direct as conditions require, notwithstanding provisions of the traffic laws and regulations, in order to expedite traffic or to safeguard pedestrians.

C. Officers of the fire department may direct or assist police in directing traffic at the scene of a fire or in its immediate vicinity. (\*)

#### 24-12-3-4. - AUTHORIZED EMERGENCY VEHICLE.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to

but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The chief of the New Mexico state police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles.

B. The driver of an authorized emergency vehicle may:

(1) park or stand, irrespective of the provisions of this ordinance;

(2) proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;

(3) exceed the maximum speed limits so long as he does not endanger life or property; and

(4) disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others. (66-7-6 NMSA 1978)

#### 24-12-3-5. - APPLICATION OF TRAFFIC ORDINANCE TO PERSONS PROPELLING PUSH CARTS, RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES.

Every person riding an animal, driving any animal-drawn vehicle, or propelling a push cart upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application, and except where otherwise specifically provided in this ordinance. (66-7-7 NMSA 1978)

#### 24-12-3-6. - USE OF COASTER WAGONS, ROLLER SKATES, SKATEBOARDS, AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster wagon, skateboard, toy vehicle, or similar device, shall go upon any street except while crossing a street on a crosswalk

and when so crossing, the person shall be granted all of the rights and be subject to all of the duties applicable to pedestrians as provided for in this ordinance. (\*)

#### 24-12-3-7. - PUBLIC OFFICERS AND EMPLOYEES TO OBEY ORDINANCE-- EXCEPTIONS.

A. The provisions of this ordinance, applicable to the drivers of vehicles upon the streets, shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this ordinance, with reference to authorized emergency vehicles.

B. Unless specifically made applicable, the provisions of this ordinance shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work. (66-7-5 NMSA 1978)

### ARTICLE FOUR

#### 24-12-4-1. - ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY.

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then immediately return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 12-4-3. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person failing to stop or comply with the requirements of Section 12-4-3, where the accident does not result in great bodily harm or death, shall be sentenced to a definite term of not more than ninety days in jail, or a fine of not more than three hundred dollars (\$300), or both. (66-7-201 NMSA 1978)

#### 24-12-4-2. - ACCIDENTS INVOLVING DAMAGE TO VEHICLE.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 12-4-3. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor. (66-7-202 NMSA 1978)

#### 24-12-4-3. - DUTY TO GIVE INFORMATION AND RENDER AID.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request exhibit his driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (66-7-203 NMSA 1978)

#### 24-12-4-4. - DUTY UPON STRIKING UNATTENDED VEHICLE.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. (66-7-204 NMSA 1978)

#### 24-12-4-5. - DUTY UPON STRIKING FIXTURES OR OTHER PROPERTY UPON A STREET.

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his driver's license and shall make report of such accident when and as required in Section 12-4-7. (66-7-205 NMSA 1978)

#### 24-12-4-6. - IMMEDIATE NOTICE OF ACCIDENTS.

A. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or property damage to an apparent extent of five hundred dollars (\$500) or more, shall immediately, by the quickest means of communication, give notice of such accident to the police department if the accident occurs within a municipality; otherwise to the office of the county sheriff or the nearest office of the New Mexico state police. (66-7-206 NMSA 1978)

B. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection A and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver. (66-7-208)

#### 24-12-4-7. - WRITTEN REPORTS OF ACCIDENTS.

A. The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500) or more shall, within five days after such accident, forward a written report of such accident to the police department and state department of transportation. (66-7-207 NMSA 1978)

B. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while the driver was present.

C. The provisions of this section may be met by submission to the police department of a copy of any accident report required under state law. (\*)

D. Whenever the driver is physically incapable of making a written report of an accident as required in this ordinance and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after learning of the accident make such report not made by the driver. (66-7-208 NMSA 1978)

E. The police department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports concerning the accident to the department.

F. Every police officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four hours after completing such investigation, forward a written report of such accident to the police department and state department of transportation. (66-7-207 NMSA 1978)

#### 24-12-4-8. - GARAGES, DEALERS AND WRECKERS OF VEHICLES TO REPORT.

The person in charge of any garage or repair shop, dealers, or wreckers of vehicles, to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in this ordinance, or struck by any bullet, shall report to the police department within twenty-four hours after such motor vehicle is received, giving such vehicle identification number, registration number, and the name and address of the owner or operator of such vehicle. (66-7-212 NMSA 1978)

#### 24-12-4-9. - FALSE REPORTS.

No person shall give information to the police department in oral or written reports of accidents, knowing or having reason to believe that the information is false. (\*)

#### 24-12-4-10. - WRITTEN ACCIDENT REPORTS CONFIDENTIAL--EXCEPTIONS.

A. All accident reports made by persons involved in accidents or by persons in charge of garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department and state department of transportation or state agencies having use for the records for accident prevention purposes or for the administration of the laws of this state relating to the deposits of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the police department and state department of transportation may disclose:

- (1) the identity of a person involved in an accident when his identity is not otherwise known or when the person denies his presence at the accident; or
- (2) the fact that the owner or operator of a motor vehicle involved in the accident is or is not insured and if he is insured, the name and address of his insurance carrier.

B. Except as otherwise provided in this section, no accident report shall be used as evidence in any trial, civil or criminal, arising out of an accident.

C. The police department and state department of transportation shall furnish upon demand of any person who has or claims to have made a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the police department and state department of transportation solely to prove a compliance or a failure to comply with the requirement that a report be made to the police department.

D. A certified copy of the investigating officer's accident report may be introduced into evidence in any arbitration or civil action involving the insurer's liability under a motor vehicle or automobile liability policy containing uninsured motorist coverage as required by Section 66-5-301 NMSA 1978 to prove that the owner or operator of the other motor vehicle involved in the accident is either insured or uninsured. The police department and investigating agency shall furnish a certified copy of the investigating officer's accident report to either party to the arbitration or civil action or to the court on request. The certified copy of the investigating officer's report is prima facie evidence that the owner or operator of the other motor vehicle is either insured or uninsured. (66-7-213 NMSA 1978)

#### ARTICLE FIVE



#### 24-12-5-1. - AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.

The administrator shall place and maintain such traffic-control devices as necessary to carry out the provisions of this ordinance and to regulate, warn or guide traffic. (\*)

#### 24-12-5-2. - MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.

The administrator shall place and maintain such traffic-control devices upon streets under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this ordinance or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. (66-7-103 NMSA 1978)

#### 24-12-5-3. - OBEDIENCE TO REQUIRED TRAFFIC-CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance. (66-7-104 NMSA 1978)

#### 24-12-5-4. - WHEN OFFICIAL TRAFFIC-CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (66-7-104 NMSA 1978)

#### 24-12-5-5. - OFFICIAL TRAFFIC-CONTROL DEVICES--PRESUMPTION OF LEGALITY.

A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence. (\*)

#### 24-12-5-6. - LIGHTS AND THEIR APPLICATION TO VEHICLES AND PEDESTRIANS.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green,

yellow and red shall be used, except for special pedestrian control signals carrying a word legend, and the lights indicate and apply to drivers of vehicles and pedestrians:

A. Green alone:

(1) vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and

(2) pedestrians facing the signal may proceed across the street within any marked or unmarked crosswalk.

B. Yellow alone when shown following the green signal:

(1) vehicular traffic facing the signal is warned that the red signal will be exhibited immediately thereafter and the vehicular traffic shall not enter the intersection when the red signal is exhibited except to turn right as hereinafter provided; and

(2) no pedestrian facing the signal shall enter the street until the green is shown alone unless authorized to do so by a pedestrian "walk" signal.

C. Red alone:

(1) vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection (66-7-105 NMSA 1978), and shall remain stopped until permitted to proceed by a green light or arrow (\*), or may then turn right after standing until the intersection may be entered safely, provided that such vehicular traffic shall yield the right of way to all pedestrians and vehicles lawfully in or approaching the intersection; and

(2) vehicular traffic on a one-way street facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection, and if a left turn onto a one-way street in the proper direction is intended, may turn left after stopping until the intersection may be entered safely, provided that such vehicular traffic shall yield the right of way to all pedestrians and vehicles lawfully in or approaching the intersection;

(3) whenever the administrator determines on the basis of an engineering and traffic investigation that a turn as hereinabove provided should be prohibited at a particular intersection, such turn may be prohibited by the posting of signs at the intersection indicating that such a turn is prohibited; and

(4) no pedestrian facing the signal shall enter the street until the green is shown alone unless authorized to do so by a pedestrian "walk" signal.

D. Red with green arrow:

(1) vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection; and

(2) no pedestrian facing the signal shall enter the street unless he can do so safely and without interfering with any vehicular traffic.

E. If an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

F. When a sign is in place permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by the sign after stopping as required by Subsection C (1). Vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (66-7-105 NMSA 1978)

24-12-5-7. - PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place:

(1) "walk" indicates that pedestrians facing the signal may proceed across the street in the direction of the signal and shall be given the right of way by drivers of all vehicles; and

(2) "don't walk" indicates that no pedestrian shall start to cross the street in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing. (66-7-106 NMSA 1978)

24-12-5-8. - FLASHING SIGNALS.

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) flashing red (stop signal)--when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

(2) flashing yellow (caution signal)--when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Sections 12-6-7.5 - 12-6-7.8 of this ordinance. (66-7-107 NMSA 1978)

#### 24-12-5-9. - LANE-DIRECTION-CONTROL SIGNALS.

When lane-direction-control signals are placed over the individual lanes of a street, vehicular traffic may travel in any lane over which a green signal is shown, but a vehicle shall not enter or travel in any lane over which a red signal is shown. (\*)

#### 24-12-5-10. - DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

A. No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movements of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

B. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the administrator is hereby empowered to remove the same or cause it to be removed without notice. (66-7-108 NMSA 1978)

C. The provisions of this section shall not prohibit the erection of signs upon private property adjacent to streets if the signs give useful directional information and are of a type that cannot be mistaken for official signs. (\*)

#### 24-12-5-11. - INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNALS.

A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or

signal or any inscription, shield, or insignia thereon, or any other part thereof. (66-7-109 NMSA 1978)

B. No person shall hide or obscure any official traffic-control device or railroad sign or signals by parking a vehicle or erecting any object or by allowing bushes, hedges, trees or other vegetation to grow so as to obscure traffic-control devices or railroad signals. An obstruction includes, but is not limited to, any sign, fence, ornament, hedge, shrub, tree or display, but it does not include a building.

C. Unobstructed vision for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the zone classification. No obstruction between three and eight feet above the street level shall be placed or maintained within a triangular area bounded by the street property lines of the corner lot and a line connecting the points 25 feet distant from the intersection of the property lines of such lot.

D. Every obstruction interfering with official traffic-control devices or railroad signals is a public nuisance, and the administrator may remove the obstruction or cause it to be removed without notice and assess costs involved to the violator. (\*)

#### 24-12-5-12. - PLAY STREETS.

A. The administrator has authority to declare any street or part of a street a temporary play street and to place appropriate signs or devices in the street to indicate and help protect the street.

B. Whenever authorized signs are erected to indicate a play street, no person shall drive on the street except drivers of vehicles whose residences are within the closed area. Such drivers shall exercise the greatest care in driving on the play street. (\*)

#### 24-12-5-13. - CROSSWALKS AND SAFETY ZONES.

The administrator, upon the basis of engineering and traffic study investigations, may:

(1) designate and maintain crosswalks by appropriate devices, marks or lines on the surface of the street where, in his opinion, there is particular danger to pedestrians crossing the street; and

(2) establish safety zones of the kind and character and at places he deems necessary for the protection of pedestrians. (\*)

#### 24-12-5-14. - TRAFFIC LANES.

A. The administrator, upon the basis of engineering and traffic study investigations, may mark traffic lanes upon any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of a vehicle to fail to keep the vehicle within the boundaries of the lane except when lawfully passing another vehicle or when making a lawful turning movement. (\*)

## ARTICLE SIX

### 24-12-6-1 SPEED REGULATIONS.

#### 24-12-6-1.1 BASIC RULE.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding street and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (\*)

#### 24-12-6-1.2 SPEED LIMITS.

A. No person shall drive a vehicle on a street or detour at a speed greater than:

(1) fifteen (15) miles per hour on all streets when passing a school while children are going to, or leaving school, and when the school zone is properly posted;

(2) thirty (30) miles per hour in any business or residence district (66-7-301 NMSA 1978); or

(3) the lawfully posted speed limit when signs are erected giving notice of the speed limit. (\*)

(4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the municipality or highway and transportation department, provided that the posted speed limit be determined by an engineering study performed by the state highway and transportation department.

B. In every event, speed shall be so controlled as may be necessary:

(1) to avoid colliding with any person, vehicle or other conveyance on, or entering, the street;

(2) to comply with legal requirements as may be established by the municipality, the state highway department or the New Mexico state police, and the duty of all persons to use due care; and

(3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the municipality or highway and transportation department. (66-7-301 NMSA 1978)

#### 24-12-6-1.3. - ESTABLISHMENT OF SPEED ZONES.

A. Whenever the administrator determines, upon the basis of an engineering survey and traffic investigation, that any speed limit permitted under state law or local ordinance is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street within his jurisdiction, he may declare a speed limit for that part which is effective at times determined, when appropriate signs giving notice thereof are erected at the particular part of the street.

B. Alteration of speed limits on state highways by the administrator are not effective until approved by the state highway commission. (66-7-303 NMSA 1978)

C. The administrator shall adhere to and abide by all applicable state statutes in making his determination of speed limits in the municipality.

D. Whenever the administrator declares a speed limit, he shall submit a schedule of the speed limit to the police department, the municipal judge, the municipal clerk and the municipal attorney. (\*)

E. Speed zones may be marked by a sign containing a flashing yellow light and, when the light is in operation, the speed limit, instructions or regulations on the sign are in effect.

F. The provisions of Subsection A of this section shall not apply to changes of speed limit in construction zones authorized pursuant to 12-6-1.3 G through K of this section.

G. When construction, repair or reconstruction of any street or highway is being done, the administrator or other governmental authority with jurisdiction over that street or highway is authorized to designate as a construction zone that portion of the street or highway where construction, reconstruction or repair is being done and to close the construction zone to traffic or to provide for a single lane of traffic on any two-lane or four-lane highway in the construction zone. (66-7-303.1 NMSA 1978)

H. The administrator or other governmental authority closing all or a portion of a street or highway or providing for a single lane of traffic on any two-lane or four-lane

street or highway pursuant to Subsection G of this section shall erect or cause to be erected traffic-control devices or barricades to warn and notify the public of any change in speed limit and that such street or highway is closed or limited to a single lane of traffic. (66-7-303.1 NMSA 1978)

I. Every pedestrian or person who operates a vehicle on any street or highway shall obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to regulate, control and guide traffic through a construction zone.

J. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any street or highway pursuant to this section.

K. Any person who violates any provision of Subsection I or J of this section is guilty of a petty misdemeanor and upon conviction shall be sentenced in accordance with this code. (66-7-303.1 NMSA 1978)

#### 24-12-6-1.4. - REGULATION OF SPEED BY TRAFFIC SIGNALS.

The administrator is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. (\*)

#### 24-12-6-1.5. - MINIMUM SPEED REGULATION.

A. No person shall drive a motor vehicle at such slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with this ordinance.

B. Whenever the administrator determines on the basis of an engineering and traffic investigation that slow speeds on any part of a street consistently impede the normal and reasonable movement of traffic, the administrator may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with this ordinance. (66-7-305 NMSA 1978)

C. Police officers may enforce this section by directions to drivers. In the event of apparent willful disobedience to this section and refusal to comply with directions of an officer in accordance herewith, the continued slow operation by a driver is a violation of this section. (\*)

#### 24-12-6-1.6. - CHARGING VIOLATIONS.



A. In every charge of violation of any speed regulation under this ordinance, the complaint and the uniform traffic citation shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

B. Provisions of this ordinance for maximum speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident. (66-7-307 NMSA 1978)

#### 24-12-6-1.7. - SPECIAL SPEED LIMITATIONS.

A. Subject to the requirements of Section 12-10-1.15 E of this ordinance, no person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour. (66-7-306 NMSA 1978)

B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in Section 66-7-306 (B) NMSA 1978.

#### 24-12-6-2. - DRIVING ON RIGHT SIDE OF STREET--OVERTAKING AND PASSING--USE OF STREET.

##### 24-12-6-2.1. - DRIVE ON RIGHT SIDE OF STREET--EXCEPTIONS.

A. Upon all streets of sufficient width, a vehicle shall be driven upon the right half of the street, and where practicable, entirely to the right of the center thereof, except as follows:

(1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement (66-7-308 NMSA 1978);

(2) when an obstruction exists making it necessary to drive to the left of the center of the street, provided that any person driving to the left shall yield the right of way to all vehicles traveling in the proper direction on the unobstructed portion of the street (\*);

(3) when the right half of the street is closed to traffic while under construction or repair (66-7-308 NMSA 1978)

(4) upon a street divided into three marked lanes for traffic under the rules applicable thereon; or

(5) upon a street designated and signposted for one-way traffic.

B. Upon all streets any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the street except when overtaking and passing another car proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (66-7-308 NMSA 1978)

C. Upon any street having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the street, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the street for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection 12-6-2.1A(2). However, this section shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (\*)

#### 24-12-6-2.2. - PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTION.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon streets having width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the street as nearly as possible. (66-7-309 NMSA 1978).

#### 24-12-6-2.3. - OVERTAKING A VEHICLE ON THE LEFT.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle; and

(2) except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (66-7-310 NMSA 1978)

#### 24-12-6-2.4. - LIMITATIONS ON OVERTAKING ON THE LEFT.

No vehicle shall be driven to the left side of the center of the street in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the

opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the street before coming within one hundred feet of any vehicle approaching from the opposite direction. (66-7-312 NMSA 1978)

#### 24-12-6-2.5. - FURTHER LIMITATIONS ON DRIVING ON LEFT OF CENTER OF STREET.

A. No vehicle shall at any time be driven to the left side of the street under the following conditions:

- (1) when approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (2) when approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or
- (3) when the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel. (66-7-313 NMSA 1978)

B. The foregoing limitations shall not apply:

- (1) upon a one-way street;
- (2) under the conditions described in 12-6-2.1A(2); nor
- (3) to the driver of a vehicle turning left into or from an alley, private road or driveway. (\*)

#### 24-12-6-2.6. - WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) when the vehicle overtaken is making or about to make a left turn;
- (2) upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or
- (3) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the street is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement

be made by driving off the pavement or main-traveled portion of the street. (66-7-311 NMSA 1978)

#### 24-12-6-2.7. - NO PASSING ZONES AND RESTRICTIONS ON PASSING.

A. The administrator may determine those portions of any street or highway under his jurisdiction where overtaking and passing or driving on the left of the street would be especially hazardous and may, by appropriate signs or markings on the street indicate the beginning and end of such zones. When the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the direction thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this section, no driver shall at any time drive on the left side of the street within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length. This section does not apply under the conditions described in Section 12-6-2.1A(3) or to the driver of a vehicle turning left into or from an alley, private road or driveway. (66-7-315 NMSA 1978)

C. When double yellow lines are painted on a pavement, no driver shall drive any vehicle across the lines except the driver of a vehicle turning left into or from an alley, private road or driveway.

D. No driver shall overtake and pass any other vehicle proceeding in the same direction in a school zone when the school zone signs are in place.

E. Whenever a vehicle is stopped at a marked crosswalk or an unmarked crosswalk at an intersection to permit a pedestrian to cross the street, the driver of the vehicle approaching from the rear shall not overtake and pass the stopped vehicle. (\*)

#### 24-12-6-2.8. - AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS.

A. The administrator may designate and sign streets and alleys as one-way streets and alleys. The designation shall be made only upon the basis of engineering and traffic investigation.

B. Signs indicating the direction of lawful traffic movement shall be placed at every intersection, where movement of traffic in the opposite direction is prohibited. No regulation as to one-way traffic shall be effective unless signs are in place indicating the direction of the flow of traffic.

C. The administrator shall maintain a schedule of all streets and alleys which have been established as one-way and shall provide copies of the schedule to the police department, municipal clerk, municipal judge and municipal attorney. (\*)

24-12-6-2.9. - OBEDIENCE TO SIGNS DESIGNATING ONE-WAY STREETS AND ALLEYS.

A. Upon those streets and parts of streets and in those alleys restricted to movement in one direction, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

B. Failure to comply with such signs is a violation of this ordinance. (\*)

24-12-6-2.10. - ROTARY TRAFFIC ISLANDS.

A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (66-7-316 NMSA 1978)

24-12-6-2.11. - RESTRICTED DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS.

A. The administrator may determine and designate streets, parts of streets or specific lanes upon which vehicular traffic shall proceed in one direction during one period of the day and the opposite direction during another period of the day. This designation shall be made only upon the basis of engineering and traffic investigation.

B. Appropriate markings, signs, barriers or other devices shall be placed to give notice of the restricted movement.

C. Signs may be placed temporarily designating lanes to be used by traffic moving in particular direction, regardless of the center line of the street. (\*)

24-12-6-2.12. - DRIVING ON STREETS LANED FOR TRAFFIC.

Whenever any street has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) upon a street which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the street is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation;

(3) official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street and drivers of vehicles shall obey the directions of every such sign (66-7-317 NMSA 1978); and

(4) official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device. (\*)

#### 24-12-6-2.13. - FOLLOWING TOO CLOSELY.

A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

B. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district shall not follow another motor truck or motor vehicle drawing another vehicle within three hundred (300) feet, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

C. Motor vehicles being driven upon any street outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall not follow the preceding vehicle closer than three hundred (300) feet. This provision shall not apply to funeral processions, nor shall it apply within or outside of a business or residence district to motor vehicle escort vehicles of a motor vehicle escort service, which may, if necessary to maintain the continuity of the escorted unit or units, precede or follow at a distance closer than three hundred (300) feet to the escorted unit or units. (66-7-318 NMSA 1978)

#### 24-12-6-2.14. - DRIVING ON DIVIDED STREETS.

A. Whenever any street has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand segment of the divided street (66-7-319 NMSA 1978), unless directed or permitted to use another segment by official traffic-control devices or police officers. (\*)

B. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority. (66-7-319 NMSA 1978)

C. Where recessed cut-outs are provided in dividers to facilitate left turns, all vehicles, except those having a turning radius precluding use of such recessed cut-outs,

shall execute a left turn by occupying the recess or cut-out prior to entering the intersection. (\*)

#### 24-12-6-2.15. - CONTROLLED ACCESS.

No person shall drive a vehicle onto or from any controlled-access street except at such entrances and exits as are established by public authority. (66-7-320 NMSA 1978)

#### 24-12-6-2.16. - RESTRICTIONS ON USE OF CONTROLLED-ACCESS STREETS.

A. No pedestrian, bicycle or other non-motorized traffic shall use any controlled-access street, but notwithstanding this provision, drivers of vehicles using the controlled-access street are not relieved of responsibility for exercising due care.

B. In addition to the provisions of paragraph A, the local governing body may, by ordinance, regulate or prohibit the use of any controlled-access street within its jurisdiction by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. (66-7-321 NMSA 1978)

C. No driver shall stop a vehicle upon any controlled-access street for the purpose of taking on or discharging passengers, freight or merchandise.

D. The administrator has the authority to erect and maintain official traffic-control devices on the controlled-access street on which the restrictions are applicable, and when such traffic-control devices are in place, no person shall disobey the restrictions stated on the devices. (66-7-321 NMSA 1978)

#### 24-12-6-3. - DESIGNATING STOP AND YIELD INTERSECTIONS.

##### 24-12-6-3.1. - THROUGH STREETS DESIGNATED.

A. The administrator, upon traffic and engineering study and investigation, may designate which streets shall be through streets.

B. A schedule of the through streets shall be prepared by the administrator with copies furnished to the police department, municipal clerk, municipal judge and municipal attorney. (\*)

##### 24-12-6-3.2. - AUTHORITY TO ERECT STOP AND YIELD SIGNS AT THROUGH STREETS.

A. Whenever the administrator designates and describes a through street, the city traffic engineer shall place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting

the through street unless traffic at any such intersection is controlled at all times by traffic-control signals.

B. However, at the intersection of two through streets or at the intersection of a through street and heavy traffic street not so designated, stop signs shall be erected at the approaches to both of said streets in a manner determined by the administrator upon the basis of an engineering and traffic study. (\*)

#### 24-12-6-3.3 AUTHORITY TO ERECT STOP OR YIELD SIGNS AT OTHER INTERSECTIONS.

The administrator may determine and designate intersections other than through streets where particular hazards exist and determine:

(1) whether vehicles shall stop at one or more entrances to the intersection, in which event he shall have erected a stop sign at every place where a stop is required; or

(2) whether vehicles shall yield the right of way to vehicles on a different street at the intersection, in which event he shall have erected a yield sign at every place where obedience thereto is required. (\*)

#### 12-6-4 . - RIGHT OF WAY.

##### 12-6-4.1. - VEHICLE APPROACHING OR ENTERING INTERSECTION.

A. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street.

B. When two vehicles enter an intersection from different streets at approximately the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

C. The right of way rules declared in Subsections A and B are modified at through streets and otherwise as provided in this ordinance. (66-7-328 NMSA 1978)

D. The driver of a vehicle approaching or entering an interstate highway shall yield the right of way to the vehicles on the interstate highway. (\*)

##### 24-12-6-4.2. - VEHICLES TURNING LEFT AT INTERSECTION.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having



given a signal when and as required by this ordinance, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn. (66-7-329 NMSA 1978)

#### 24-12-6-4.3 VEHICLE ENTERING STOP OR YIELD INTERSECTION.

A. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in this ordinance.

B. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Section 12-6-4.3(D) and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

C. The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and shall yield the right of way to any vehicle in the intersection or approaching on another street so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If the driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right of way. (66-7-330 NMSA 1978)

D. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop completely before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting street before entering the intersection.

E. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street. (66-7-345 NMSA 1978)

#### 24-12-6-5. - TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING.

##### 24-12-6-5.1. - REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

A. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the street.

B. At any intersection where traffic is permitted to move in both directions on each street entering the intersection, an approach for a left turn, except where left-turn provisions are made, shall be made in that portion of the right half of the street nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the street being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

C. Upon a street with two (2) or more lanes for through traffic in each direction, where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicle shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. Any maneuver other than a left turn from this center lane will be deemed a violation of this section.

D. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the streets, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the street being entered. (66-7-322 NMSA 1978)

E. No person shall drive across any private or public property, including but not limited to parking areas, driveways and service station areas, for the purpose of avoiding any traffic control device or sign. (\*)

#### 24-12-6-5.2. - AUTHORITY TO PLACE DEVICES ALTERING NORMAL COURSE FOR TURNS.

The administrator may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in Section 12-6-5.1 be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons or signs. (66-7-322 NMSA 1978)

#### 24-12-6-5.3 AUTHORITY TO PLACE RESTRICTED TURN SIGNS.

A. The administrator may determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at the intersections.

B. The making of the turns may be prohibited between certain hours of the day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when the turns are permitted. (\*)

#### 24-12-6-5.4. - OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of the sign. (\*)

#### 24-12-6-5.5. - LIMITATIONS ON TURNING AROUND.

The driver of any vehicle may turn the vehicle so as to proceed in the opposite direction provided that the movement can be made safely and without interfering with other traffic and further provided that authorized signs disallowing U-turns have not been erected in the area; such turn shall not be made if to do so would violate any other traffic ordinance or statute.

#### 24-12-6-5.6. - TURNING ON CURVE OR CREST OF GRADE PROHIBITED.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within one thousand feet. (66-7-323 NMSA 1978)

#### 24-12-6-5.7. - STARTING PARKED VEHICLE.

A. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (66-7-324 NMSA 1978)

B. No person shall move any parked vehicle without giving appropriate signals as prescribed in Sections 12-6-5.8 through 12-6-5.10. (\*)

#### 24-12-6-5.8. - TURNING AND STOPPING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the street as required in Section 12-6-5.1 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a street unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. (66-7-325 NMSA 1978)

D. The signals provided for in this section shall be used to indicate an intention to turn, change lanes or start from a parked position and shall not be flashed on one side only on a parked or disabled car or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. (\*)

#### 24-12-6-5.9. - SIGNALS BY HAND AND ARM OR SIGNAL DEVICE.

A. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamp or lamps or mechanical signal device except as otherwise provided in Subsection B.

B. Any motor vehicle in use on a street shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (66-7-326 NMSA 1978)

#### 24-12-6-5.10. - METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signal shall indicate as follows:

- (1) left turn: hand and arm extended horizontally;
- (2) right turn: hand and arm extended upward; and
- (3) stop or decrease speed: hand and arm extended downward. (66-7-327 NMSA 1978)

#### 24-12-6-6. - STOPPING, STANDING AND PARKING.

24-12-6-6.1. - STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) on a sidewalk;
- (2) in front of a public or private driveway;
- (3) within an intersection;
- (4) within fifteen feet of a fire hydrant;
- (5) on a crosswalk;
- (6) within twenty feet of a crosswalk at an intersection;
- (7) within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a street;
- (8) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (9) within fifty feet of the nearest rail of a railroad crossing;
- (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance, when properly signposted;
- (11) alongside or opposite any excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) on the street side of any vehicle stopped or parked at the edge or curb of a street;
- (13) upon any bridge or other elevated structure upon a street or within a street tunnel;
- (14) at any place where official signs prohibit stopping (66-7-351 NMSA 1978);
- (15) on any railroad track; or

(16) NOT ADOPTED – Per Ordinance 1364

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (66-7-351 NMSA 1978)

C. The foregoing provisions may be modified by the administrator or his designated representative upon the basis of an engineering and traffic investigation study by the use of appropriate markings, signs or parking meters. (\*)

#### 24-12-6-6.2 ADDITIONAL PARKING REGULATIONS.

A. Except as otherwise provided in this ordinance every vehicle stopped or parked upon a street where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. (66-7-352 NMSA 1978)

B. Except when otherwise provided in this ordinance, every vehicle stopped or parked on a one-way street shall be so stopped or parked parallel to the curb or edge of the street with its right-hand wheels within 18 inches of the right-hand curb or edge of the street or its left-hand wheels within 18 inches of the left-hand curb or edge of the street. (\*)

#### 24-12-6-6.3. - STOPPED OR PARKED VEHICLES NOT TO INTERFERE WITH OTHER TRAFFIC.

No motor vehicle shall be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of any street outside of a business or residence district, when it is practicable to stop, park, or leave such vehicle off the traveled portion of the street. In the event that conditions make it impracticable to move such motor vehicle from the traveled portion of the street, the driver shall make every effort to leave all possible width of the highway opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicles as far as possible to the front and rear. (66-3-852 NMSA 1978)

#### 24-12-6-6.4. - PARKING IN ALLEYS.

No person shall park a vehicle within an alley. Amended by Ordinance 1382

#### 24-12-6-6.5. – NOT ADOPTED – Per Ordinance 1364

#### 24-12-6-6.6. - PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle on any street for the principal purpose of:

- (1) displaying the vehicle for sale; or
- (2) washing, greasing or repairing the vehicle except repairs necessitated by an emergency. (\*)

#### 24-12-6-6.7. - PARKING ADJACENT TO SCHOOLS PROHIBITED.

A. The administrator may erect signs indicating no parking on either or both sides of any street adjacent to any school property when parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking on either side of a street adjacent to any school property as authorized in this section, no person shall park a vehicle in any such designated place. (\*)

#### 24-12-6-6.8. - PARKING PROHIBITED ON NARROW STREETS.

A. The administrator may erect signs indicating no parking on any street when the width of the street does not exceed 24 feet or no parking upon one side of a street as indicated by such signs when the width of the street does not exceed 32 feet.

B. When official signs prohibiting parking are erected on narrow streets as authorized in this section, no person shall park a vehicle on any such street in violation of the sign. (\*)

#### 24-12-6-6.9. - STANDING OR PARKING ON ONE-WAY STREETS.

A. The administrator may erect signs on the left-hand side of any one-way street to prohibit the standing or parking of vehicles.

B. When such signs are in place, no person shall stand or park a vehicle on such left-hand side in violation of any such sign. (\*)

#### 24-12-6-6.10. - STANDING OR PARKING ON DIVIDED STREETS.

A. In the event a divided street includes two or more segments for vehicular traffic, and traffic is restricted to one direction on any such segment, no person shall stand or park a vehicle on the left-hand side of the one-way segment unless signs are erected to permit such standing or parking.

B. The administrator may determine where standing or parking may be permitted on the left-hand side of any such one-way portion of a divided street and to erect signs giving notice thereof. (\*)

#### 24-12-6-6.11. - NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

A. The administrator may determine and designate by proper signs, places at intervals not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized in paragraph A, no person shall stop, stand or park a vehicle in any such designated place.  
(\*)

24-12-6-6.12. - STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS.

A. The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

C. The administrator may impose restrictions or prohibitions on standing, stopping or parking and they shall apply as follows:

(1) when signs are erected prohibiting parking at all times on certain streets, no person shall park a vehicle at any time upon any of the streets so designated;

(2) when signs are erected in each block giving notice that stopping, standing or parking is prohibited during certain hours on certain streets, no person shall stop, stand or park a vehicle between the hours specified on the sign on any day, except Sundays and public holidays, within the district or on any of the streets so designated; or

(3) when signs are erected in each block giving notice that parking time is limited on certain streets, no person shall park a vehicle for longer than the time indicated on such signs between the hours of 8:00 A.M. and 6:00 P.M. of any day, except Sundays and public holidays, within the district or on any of the streets so designated.

D. Whenever by this or any other ordinance of this municipality, any parking time limit is imposed or parking is prohibited on designated streets, it is the duty of the administrator to erect appropriate signs giving notice of the restrictions or limitations.



E. No regulation authorized in this section shall be effective unless signs giving notice of prohibitions or limitations are erected and in place at the time of any alleged offense. (\*)

24-12-6-6.13. - ANGLE PARKING AND PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB.

A. The administrator may determine upon what streets angle parking is permitted and shall mark or sign such streets:

(1) any designation of angle parking shall be made on the basis of engineering and traffic study and investigation; (\*)

(2) the administrator may permit angle parking on any street, except that angle parking shall not be permitted on any federal-aid or state highway unless the state highway commission has determined by resolution or order entered in its minutes that the street is of sufficient width to permit angle parking without interfering with the free movement of traffic; (66-7-352 NMSA 1978)

(3) angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive on the left side of the street; and

(4) on those streets which have been signed or marked by the administrator for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the street indicated by signs or markings. (\*)

B. The administrator may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit:

(1) the permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the permit holder the privilege stated in the permit and authorized in this ordinance; and

(2) no permittee or other person shall violate any of the special terms or conditions of a permit. (\*)

24-12-6-6.14. - STOPPING, STANDING OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICTS.

A. Upon any street outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practicable to stop, park, or leave such vehicle off such part of said street, but in every event an unobstructed width of the street opposite

a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such street.

B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (66-7-349 NMSA 1978)

C. The state department of transportation, unless otherwise directed by an investigating police officer, or a police officer may remove or cause to be removed a vehicle or other obstruction from the paved or main-traveled part of a highway to the nearest place of safety if the vehicle or other obstruction obstructs traffic or poses a traffic hazard. (66-7-349 C NMSA 1978)

#### 24-12-6-7. - SPECIAL STOPS REQUIRED.

##### 24-12-6-7.1. - EMERGING FROM ALLEY, BUILDING, DRIVEWAY OR PRIVATE ROAD.

A. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the street shall yield the right of way to all vehicles approaching on said street. (66-7-346 NMSA 1978)

B. The driver of a vehicle about to enter or cross a street from a private road or driveway shall yield the right of way to all vehicles approaching on said street. (66-7-331 NMSA 1978)

##### 24-12-6-7.2. - STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (\*)

##### 24-12-6-7.3. - STOPPING FOR SCHOOL BUS.

A. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the street, with special school bus signals in operation, for the purpose of receiving or discharging any school children, shall stop the vehicle at least ten feet before reaching the school bus and shall not proceed until the special school

bus signals are turned off, the school bus resumes motion or until signaled by the driver to proceed.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height.

C. The driver of a vehicle upon a street with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access street and the school bus is stopped in a loading zone which is a part of or adjacent to such street and where pedestrians are not permitted to cross the roadway. (66-7-347 NMSA 1978)

D. It is unlawful to operate any flashing warning signal light on any school bus on any street except when the school bus is stopped or is about to stop on a street for the purpose of permitting school children to board or alight from the school bus. (66-7-348 NMSA 1978)

#### 24-12-6-7.4. - OPERATION OF VEHICLE ON APPROACH OF MOVING AUTHORIZED EMERGENCY VEHICLE; OF ONCOMING VEHICLE--YIELD RIGHT OF WAY.

A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection and shall stop and remain in that position, until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (66-7-332 NMSA 1978)

B. Upon approaching a stationary authorized emergency vehicle or a recovery or repair vehicle displaying flashing emergency or hazard lights, unless otherwise directed, the driver of the vehicle shall:

(1) if reasonably safe to do so, drive in a lane not adjacent to the stationary vehicle, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and proceed with caution; or

(2) if it is not reasonably safe to drive in a lane not adjacent to the stationary vehicle [is stopped], decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop. (66-7-332 NMSA 1978)

C. Upon the immediate approach of an oncoming vehicle overtaking or attempting to overtake a vehicle proceeding in the same direction, the driver of that vehicle shall yield the right of way and shall drive to a position to and as close as possible to the right hand edge or curb of the roadway and shall remain as close as possible to the right hand edge or curb of the roadway until the oncoming vehicle has passed. (66-7-332.1 NMSA 1978)

D. This section shall not operate to relieve the driver of an authorized emergency vehicle or the driver of any other vehicle from the duty to drive with due regard for the safety of all persons using the highway. (66-7-322 and 66-7-322.1 NMSA 1978)

#### 24-12-6-7.5. - RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--ALL DRIVERS.

A. A person driving a vehicle approaching a railroad-highway grade crossing shall:

(1) obey traffic control devices, crossing gates or barriers or the directions of an enforcement official at the crossing;

(2) stop not more than fifty feet and not less than fifteen feet from the nearest rail of a crossing if:

(a) a train is moving through or blocking the crossing;

(b) a train is plainly visible and approaching the crossing within hazardous proximity to the crossing;

(c) the sound of a train's warning signal can be heard; or

(d) a traffic control device, crossing gate, barrier or light or an enforcement official signals the driver to stop; and

(3) proceed through the railroad-highway grade crossing only if it is safe to completely pass through the entire railroad-highway grade crossing without stopping.

B. A person shall not:

(1) drive a vehicle through, around or under a crossing gate or barrier at a railroad-highway grade crossing while the gate or barrier is closed or being opened or closed;

(2) drive onto the railroad-highway grade crossing and stop; or

(3) enter a crossing if the vehicle being driven has insufficient undercarriage clearance to pass over the crossing.

C. The penalty assessment for violation of this section is included in the penalty assessment schedule.

**24-12-6-7.6. - ALL VEHICLES MUST STOP AT CERTAIN RAILROAD GRADE CROSSINGS.**

The administrator, with the approval of the state highway commission, may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care. (66-7-342 NMSA 1978)

**24-12-6-7.7. - RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--CERTAIN VEHICLES REQUIRED TO ALWAYS STOP--EXCEPTIONS**

A. Except as set forth in Subsection D of this section, a driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo, before entering a railroad-highway grade crossing, is required to stop no more than fifty feet and no less than fifteen feet from the nearest rail of the railroad.

B. While stopped, the driver shall:

(1) look and listen in both directions along the track for an approaching train and for signals indicating that a train is approaching;

(2) determine it is safe to proceed completely through the railroad-highway grade crossing before entering it; and

(3) set the vehicle in a gear sufficiently low that gears will not need to be shifted before exiting the railroad-highway grade crossing.

C. A driver shall not shift gears while in a railroad-highway grade crossing.

D. A driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo is not required to stop at:

(1) a railroad-highway grade crossing where a police officer directs traffic to proceed;

(2) a railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;

(3) a railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-1-4.2 NMSA 1978;

(4) a railroad-highway grade crossing where use of the railroad has been abandoned and there is a sign indicating that the railroad has been abandoned; or

(5) an industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.

E. Penalties for violation of this section are included in the penalty assessment schedule. (66-7-343 NMSA 1978)

#### 24-12-6-7.8. - MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSINGS.

A. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a street, upon or across any tracks at a railroad grade crossing without first complying with this section.

B. Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

C. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

D. No such crossing shall be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

E. This section shall not apply to the normal movement of farm equipment in the regular course of farm operation. (66-7-344 NMSA 1978)

#### 24-12-6-8. - PASSENGER AND FREIGHT CURB LOADING ZONES.

##### 24-12-6-8.1. - AUTHORITY TO DESIGNATE CURB LOADING ZONES.

The administrator may determine the location of passenger and freight curb loading zones, and he shall place and maintain appropriate signs indicating the zones and stating the hours during which the provisions of sections 12-6-8.1 through 12-6-8.4 are applicable. (\*)

#### 24-12-6-8.2. - PERMITS FOR CURB LOADING ZONES.

A. The administrator shall not designate or sign any curb loading zone upon special request of any person unless the person makes application for a permit for the zone and for two signs to indicate the ends of each zone.

B. After the administrator has granted a permit and before signs and markings as may be necessary are installed, the applicant shall pay to the city treasurer a service fee of twenty-five dollars (\$25) per 22-foot stall plus twenty-five cents (\$.25) per foot for additional space per year or fraction thereof.

C. The administrator may impose conditions and general regulations for the use of the signs and for reimbursement of the city for the value thereof in the event of loss or damage and their return in the event of misuse or upon expiration of permit.

D. Every permit shall expire at the end of each calendar year. (\*)

#### 24-12-6-8.3. - STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to the curb loading zone are effective and then only for a period not to exceed three minutes. (\*)

#### 24-12-6-8.4. - STOPPING, STANDING OR PARKING IN FREIGHT CURB LOADING ZONES.

A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to freight curb loading zones are in effect. In no case shall the stop for loading and unloading of material exceed 30 minutes.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone. (\*)

## 24-12-6-9. - PUBLIC CARRIER STOPS AND STANDS.

### 24-12-6-9.1. - AUTHORITY TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS.

A. The administrator may establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public.

B. Every designated bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. (\*)

### 24-12-6-9.2. - FEES AND PERMITS FOR PUBLIC CARRIER STOPS AND STANDS.

The following fees shall be charged to each person, firm or corporation for the use of taxicab stands, and permits for the stands shall expire at the end of each calendar year:

(1) one hundred dollars (\$100.00) per year or fraction thereof for each stand located within the central business district; and

(2) twenty-five dollars (\$25.00) per year or fraction thereof for each stall located in any area outside the central business district. (\*)

### 24-12-6-9.3. - STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED.

The stopping, standing and parking of buses and taxicabs is regulated as follows:

A. The operator of a bus shall not stand or park the vehicle on any street at any place other than a bus stand so designated as provided in this ordinance.

B. The operator of a bus shall not stop the vehicle on any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in cases of emergency.

C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of the vehicle not farther than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park the vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other



stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (\*)

#### 24-12-6-9.4. - RESTRICTED USE OF BUS AND TAXICAB STANDS.

A. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed.

B. However, the driver of a passenger vehicle may temporarily stop in a bus stop or taxicab stand for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (\*)

#### 24-12-6-10. - SCHOOL CROSSINGS.

A. Crosswalks may be established over streets abutting a school or the grounds adjacent thereto, and all children crossing the streets shall be required to do so within the marked crosswalks. The administrator, with advice of the local superintendent of schools, shall establish and mark, or cause to be marked, these street crossings.

B. Crosswalks over streets not abutting on school grounds may be established by the administrator, with advice of the local superintendent of schools and after adequate assurance has been given that proper safety precautions, pursuant to regulations of the administrator, will be maintained at the crossings by the school authorities to enforce their use by children.

C. At all school crossings except as provided in this section, appropriate signs shall be provided as prescribed by the administrator indicating the crossings and regulating traffic movement within the school zones.

D. School crossings are not required to be specifically posted when they are located:

(1) at a signalized intersection;

(2) at an intersection where traffic is controlled by a stop sign; or

(3) at a point where a pedestrian tunnel or overhead crossing is provided. (66-7-336 NMSA 1978)

#### 24-12-6-11. - EXCESSIVE SIZE AND WEIGHT, SLOW-MOVING AND HAZARDOUS VEHICLES.

##### 24-12-6-11.1. - PERMIT FOR EXCESSIVE SIZE AND WEIGHT---SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.

A. The department and local highway authorities may, in their discretion, upon application in writing and good cause being shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or load of a size or weight exceeding the maximum specified in Sections 66-7-401 through 66-7-416 NMSA 1978 on any highway under the jurisdiction of the state transportation commission or local authorities. Except for the movement of manufactured homes, a permit may be granted, in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year, and the permit shall contain the route to be traversed, the type of load to be transported and any other restrictions or conditions deemed necessary by the body granting the permit. In every other case, the permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit shall be carried in the vehicle to which it refers and shall be opened for inspection by any peace officer. It is a misdemeanor for any person to violate any of the conditions or terms of the special permit.

B. The department shall charge and collect, when the movement consists of any load of a width of twenty feet or greater for a distance of five miles or more, the sum of three hundred dollars (\$300) a day or fraction thereof to defray the cost of state or local police escort. The permit issued and the fee charged shall be based upon the entire movement at one time requiring police escort and not upon the number of vehicles involved.

C. The department shall promulgate regulations in accordance with the State Rules Act pertaining to safety practices, liability insurance and equipment for escort vehicles provided by the motor carrier himself and for escort vehicles provided by a private business in this state.

(1) If a motor carrier provides his own escort vehicles and personnel, the department shall not charge an escort fee but shall provide the motor carrier escort personnel with a copy of applicable regulations and shall inspect the escort vehicles for the safety equipment required by the regulations. If the escort vehicles and personnel meet the requirements set forth in the regulations and if the motor carrier holds a valid certificate of public convenience and necessity or permit, as applicable, issued pursuant to Chapter 65, Article 2 NMSA 1978, the department shall issue the special permit.

(2) If the escort service is a private business, the business shall have applied to the public regulation commission for and been issued a permit or certificate to operate as a contract or common motor carrier pursuant to Chapter 65, Article 2 NMSA 1978. The public regulation commission shall supply copies of applicable regulations to the business by mail and shall supply additional copies upon request. If the escort vehicles and personnel meet the requirements set forth in the

regulations and if the escort service holds a certificate, the special permit shall be issued and the department shall not charge an escort fee.

(3) The movement of vehicles upon the highways of this state requiring a special permit and required to use an escort of the type noted in Paragraphs (1) and (2) of this subsection is subject to department authority and inspection at all times.

(4) The state transportation department shall conduct engineering investigations and engineering inspections to determine which four-lane highways are safe for the operation or movement of manufactured homes without an escort. After making that determination, the state transportation department shall hold public hearings in the area of the state affected by the determination, after which it may adopt regulations designating those four-lane highways as being safe for the operation or movement of manufactured homes without an escort. If any portion of such a four-lane highway lies within the boundaries of a municipality, the state highway and transportation department, after obtaining the approval of the municipal governing body, shall include such portions in its regulations.

D. Except for the movement of manufactured homes, special permits may be issued for a single vehicle or combination of vehicles by the department for a period not to exceed one year for a fee of sixty dollars (\$60). The permits may allow excessive height, length and width for a vehicle or combination of vehicles or load thereon and may include a provision for excessive weight if the operation is to be within the vicinity of a municipality. Utility service vehicles, operating with special permits pursuant to this subsection, shall be exempt from prohibitions or restrictions relating to hours or days of operation or restrictions on movement because of poor weather conditions. (66-7-413 D NMSA 1978)

E. Special permits for a single trip for a vehicle or combination of vehicles or load thereon of excessive weight, width, length and height may be issued for a single vehicle for a fee of fifteen dollars (\$15).

F. If the vehicle for which a permit is issued under this section is a manufactured home, the department or local highway authority issuing the permit shall furnish the following information to the property tax division of the department, which shall forward the information:

(1) to the county assessor of any county from which a manufactured home is being moved, the date the permit was issued, the location being moved from, the location being moved to if within the same county, the name of the owner of the manufactured home and the identification and registration numbers of the manufactured home;

(2) to the county assessor of any county in this state to which a manufactured home is being moved, the date the permit was issued, the location being moved from, the location being moved to, the name of the owner of the manufactured home and the registration and identification numbers of the manufactured home; and

(3) to the owner of a manufactured home having a destination in this state, notification that the information required in Paragraphs (1) and (2) of this subsection is being given to the respective county assessors and that manufactured homes are subject to property tax.

G. Except as provided in Subsection H of this section, if the movement of a manufactured home originates in this state, no permit shall be issued under Subsection F of this section until the owner of the manufactured home or his authorized agent obtains and presents to the department proof that a certificate has been issued by the county assessor or treasurer of the county in which the manufactured home movement originates showing that either:

(1) all property taxes due or to become due on the manufactured home for the current tax year or any past tax years have been paid, except for manufactured homes located on an Indian reservation; or

(2) no liability for property taxes on the manufactured home exists for the current tax year or any past tax years, except for manufactured homes located on an Indian reservation.

H. The movement of a manufactured home from the lot or business location of a manufactured home dealer to its destination designated by an owner-purchaser is not subject to the requirements of Subsection G of this section if the manufactured home movement originates from the lot or business location of the dealer and the manufactured home was part of his inventory prior to the sale to the owner-purchaser; however, the movement of a manufactured home by a dealer or his authorized agent as a result of a sale or trade-in from a nondealer-owner is subject to the requirements of Subsection G of this section whether the destination is the business location of a dealer or some other destination.

I. No permit shall be issued under this section for movement of a manufactured home whose width exceeds eighteen feet with no more than a six-inch roof overhang on the left side or twelve inches on the right side in addition to the eighteen-foot width of the manufactured home. Manufactured homes exceeding the limitations of this section shall only be moved on dollies placed on the front and the rear of the structure.

J. The secretary may by regulation provide for movers of manufactured homes to self-issue permits for certain sizes of manufactured homes over specific routes; however, in no case may the cost of each permit be less than fifteen dollars (\$15.00).

K. The secretary may provide by regulation for dealers of implements of husbandry to self-issue permits for the movement of certain sizes of implements of husbandry from the lot or business location of the dealer over specific routes with specific escort requirements, if necessary, to a destination designated by an owner-purchaser or for purposes of a working demonstration on the property of a proposed owner-purchaser. The department shall charge a fee for each self-issued permit not to exceed fifteen dollars (\$15.00).

L. Any private motor carrier requesting an oversize or overweight permit shall provide proof of insurance in at least the following amounts:

(1) bodily injury liability, providing;

(a) fifty thousand dollars (\$50,000) for each person; and

(b) one hundred thousand dollars (\$100,000) for each accident; and

(2) property damage liability, providing twenty-five thousand dollars (\$25,000) for each accident.

M. Any common motor carrier requesting an oversize permit shall produce a copy of a form "e" or other acceptable evidence that the common motor carrier maintains the insurance minimums prescribed by the public regulation commission. (66-7-413 NMSA 1978)

N. Farm carriers, as defined in Sections 65-2-82 and 65-1-116 NMSA 1978, may transport loads up to twelve feet in width on highways that are not national network highways without acquiring permits or escorts only if the load consists of hay tied in bales over five feet in either length or width and the load is not transported for any distance greater than fifty miles; provided that the farm carriers display a sign across the front and rear stating "WIDE LOAD" in large visible letters. (66-7-413.1 NMSA 1978)

O. No permit or fee required under this section is necessary for implements of husbandry, including farm tractors and farm trailers when not more than two such farm trailers are towed in tandem, being moved during daylight hours within a county or an adjacent county for a total distance, one way, of not more than fifty miles on any highway:

(1) crossing the farm property of the owner; or

(2) running between separate farm property of the owner. Any person responsible for the movement of implements of husbandry under the provisions of this section shall comply with all safety precautions set forth in this ordinance and in regulations of the state highway commission. (66-7-414 NMSA 1978)

#### 24-12-6-11.2. - SLOW-MOVING VEHICLE IDENTIFICATION.

A. As used in this section, "slow-moving vehicle" means any vehicle which is ordinarily moved, operated or driven at a speed less than twenty-five miles an hour.

B. Each slow-moving vehicle moved, operated or driven on a highway which is open for vehicular travel shall display a slow-moving vehicle emblem or flashing amber light as required by Section 66-3-887 NMSA 1978.

C. Use of the emblem is confined to slow-moving vehicles, and its use on any other type of vehicle or on any stationary object is prohibited. This section does not prohibit the use on slow-moving vehicles of red flags or lawful lighting devices in addition to the slow-moving vehicle emblem.

D. No person shall sell, lease, rent or operate any slow-moving vehicle unless the slow-moving vehicle is equipped with a slow-moving vehicle emblem. (66-3-887 NMSA 1978)

#### 24-12-6-11.3. - ESCORT TO BE FURNISHED FOR MOVEMENT OF HAZARDOUS VEHICLES.

A. When, in the judgment of the administrator, the movement of any vehicle is deemed a hazard to traffic upon a street over which the vehicle is to travel, the granting of permission for the movement thereof may be conditioned upon a special escort accompanying the hazardous vehicle.

B. The special police car escort to safeguard traffic during the movement of the hazardous vehicle shall conform to the provisions of Section 66-7-314 NMSA 1978. (66-7-314 NMSA 1978)

#### 24-12-6-12. - DRIVING REGULATIONS AND OFFENSES.

##### 24- 12-6-12.1. - OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; CHEMICAL TESTING; OFFICER TO FILE STATEMENT; IMMEDIATE LICENSE REVOCATION.

A. It is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within this municipality.

B. It is unlawful for:

(1) a person to drive a vehicle in this state if the person has an alcohol concentration of eight one-hundredths or more in the person's blood or breath within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle; or

(2) a person to drive a commercial motor vehicle in this state if the person has an alcohol concentration of four one hundredths or more in the person's blood or breath within three hours of driving the commercial motor vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle.

C. It is unlawful for a person who is under the influence of any drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this municipality. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state is not a defense against the charge.

D. Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:

(1) drives a vehicle in this state and has an alcohol concentration of sixteen one-hundredths or more in the person's blood or breath within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle;

(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or

(3) refused to submit to chemical testing, as provided for in the Implied Consent Act (66-8-105 to 66-8-112 NMSA 1978), and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs. (66-8-102 NMSA 1978).

E. Any person who operates a motor vehicle within this municipality shall be deemed to have given consent, subject to the provisions of the Implied Consent Act, to chemical tests of his breath or blood or both, approved by the scientific laboratory division of the Department of Health pursuant to the provision of Section 24-1-22 NMSA 1978 as determined by a law enforcement officer, or for the purpose of determining the drug or alcoholic content of his blood, if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or any drug.

F. A test of blood or breath or both, approved by the scientific laboratory division of the department of health pursuant to Section 24-1-22 NMSA 1978, shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this municipality, while under the influence of intoxicating liquor or drug. (66-8-107 NMSA 1978)

G. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by Section 12-6-12.1E, and the test or tests designated by the law enforcement officer may be administered. (66-8-108 NMSA 1978)

H. Only the persons authorized by Section 66-8-103 NMSA 1978 shall withdraw blood from any person for the purpose of determining its drug or alcoholic content. This limitation does not apply to the taking of samples of breath.

I. The person tested shall be advised by the law enforcement officer of the person's right to be given an opportunity to arrange for a physician, licensed professional or practical nurse, or laboratory technician or technologist who is employed by a hospital or physician, of his own choosing to perform a chemical test in addition to any test performed at the direction of a law enforcement officer.

J. Upon the request of the person tested, full information concerning the test or tests performed at the direction of the law enforcement officer shall be made available to him as soon as it is available from the person performing the test.

K. The law enforcement agency represented by the law enforcement officer at whose direction the chemical test is performed shall pay for the chemical test.

L. If a person exercises his right under Subsection I to have a chemical test performed upon him by a person of his own choosing, then the cost of that test shall be paid by the law enforcement agency represented by the law enforcement officer at whose direction a chemical test was administered under Subsection E. (66-8-109 NMSA 1978)

M. The results of a test performed pursuant to the Implied Consent Act may be introduced into evidence in any civil action or criminal action arising out of the acts alleged to have been committed by the person tested for driving a motor vehicle while under the influence of intoxicating liquor or drug.

N. When the blood or breath of the person tested contains:

- (1) an alcohol concentration of less than four one-hundredths or less, it shall be presumed that the person was not under the influence of intoxicating liquor;



(2) an alcohol concentration of at least four one-hundredths but less than eight one-hundredths, no presumption shall be made that the person either was or was not under the influence of intoxicating liquor unless the person is driving a commercial vehicle and the amount of alcohol in the person's blood or breath may be considered with other competent evidence in determining whether or not the person was under the influence of intoxicating liquor;

(3) an alcohol concentration of eight one-hundredths or more, the arresting officer shall charge him with a violation of this section; or

(4) an alcohol concentration of four one-hundredths or more and the person is driving a commercial vehicle, it shall be presumed that the person is under the influence of intoxicating liquor. (66-8-110 NMSA 1978)

O. If the test performed pursuant to the Implied Consent Act is administered more than three hours after the person was driving a vehicle, the test result may be introduced as evidence of the alcohol concentration in the person's blood or breath at the time of the test and the trier of fact shall determine what weight to give the test result for the purpose of determining a violation of Sec. 12-6-12.1. (66-8-110 NMSA 1978)

P. The determination of alcohol concentration shall be based on the grams of alcohol in one hundred milliliters of blood or the grams of alcohol in two hundred ten liters of breath.

Q. The presumptions in Subsection N of this section do not limit the introduction of other competent evidence concerning whether or not a person was under the influence of intoxicating liquor. (66-8-110 NMSA 1978)

R. Nothing in this section is intended to authorize any police officer, or any judicial or probation officer, to make any arrest or to direct the performance of a blood-alcohol test, except in the performance of his official duties and as otherwise authorized by law. (66-8-104 NMSA 1978)

S. If a person under arrest for violation of an offense enumerated in the Motor Vehicle Code refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 12-6-12.1 E and F, none shall be administered, except when a municipal judge, magistrate or district judge issues a search warrant authorizing chemical tests as provided in Section 12-6-12.1 E and F, upon his finding in a law enforcement officer's written affidavit that there is probable cause to believe that the person has driven a motor vehicle while under the influence of intoxicating alcohol or drug thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of intoxicating alcohol or drug and that chemical tests as provided in

Section 12-6-12.1 E and F will produce material evidence in a felony prosecution. (66-8-111 NMSA 1978)

T. If a law enforcement officer has reasonable grounds to believe that a person arrested for violation of Subsections A, B, C or D of this section had been driving a motor vehicle within this municipality while under the influence of intoxicating liquor or drug and that upon his request, the person refused to submit to a chemical test, after being advised that failure to submit could result in revocation of his privilege to drive, then the law enforcement officer shall transmit to the director a statement signed under penalty of perjury stating what such reasonable grounds were and stating that the person refused to submit to a chemical test after being advised of the consequences of such refusal.

U. On behalf of the director, a law enforcement officer requesting a chemical test or directing the administration of a chemical test pursuant to Section 12-6-12.1 E and F shall serve immediate written notice of revocation and of right to a hearing on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration in the person's blood or breath of eight one-hundredths or more if the person is twenty-one years of age or older, four one-hundredths or more if the person is driving a commercial vehicle or two one-hundredths or more if the person is less than twenty-one years of age. Upon serving notice of revocation, the law enforcement officer shall take the license or permit of the driver, if any, and issue a temporary license valid for twenty days or, if the driver requests a hearing pursuant to Section 66-8-112 NMSA 1978, valid until the date the department issues the order following that hearing; provided that a temporary license shall not be issued to a driver without a valid license or permit. The law enforcement officer shall send the person's driver's license to the director along with the signed statement required pursuant to Subsection S of this section. (66-8-111.1 NMSA 1978)

24-12-6-12.2. - OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PENALTIES; SENTENCING; FEES. Amended June, 2010

A. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor or drug (12-6-12.1A through D) the trial judge shall be required to inquire into the past driving record of the person before sentence is entered in the matter. (66-8-110 NMSA 1978)

B. When a person is charged with a violation of 12-6-12.1A through D, any plea of guilty thereafter entered in satisfaction of the charges shall include at least a plea of guilty to violation 12-6-12.1A, B, C or D and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized if:

(1) the results of a test performed pursuant to the Implied Consent Act discloses that the blood of the person charged contains an alcohol concentration of eight one-hundredths or more; (66-8-102 NMSA 1978 as amended)

(2) four one-hundredths or more if the person is driving a commercial vehicle; or

(3) the defendant has refused to submit to a chemical test or tests of his breath or blood. (66-8-102 NMSA 1978)

C. A person under first conviction pursuant to this section shall be punished by imprisonment for not more than ninety days or by a fine of not more than nine hundred ninety-nine dollars (\$999.00), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. Upon a first conviction pursuant to this section, an offender shall be sentenced to not less than twenty-four hours of community service. In addition, the offender may be required to pay a fine of three hundred dollars (\$300.00). The offender shall be ordered by the court to participate in and complete a screening program described in Subsection F of this section and to attend a driver rehabilitation program for alcohol or drugs, also known as a "DWI school," approved by the traffic safety bureau of the state transportation department and also may be required to participate in other rehabilitative services as the court shall determine to be necessary. In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail. If an offender fails to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or fails to comply with any other condition of parole, the offender shall be sentenced to not less than an additional forty-eight consecutive hours in jail. Any jail sentence imposed pursuant to this section for failure to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or for aggravated driving while under the influence of intoxicating liquor or drugs shall not be suspended, deferred or taken under advisement. On a first conviction pursuant to this section, time spent in jail for the offense prior to the conviction for that offense shall be credited to any to any term of imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

D. A second or third conviction pursuant to this section shall be punished by imprisonment for not more than one hundred seventy-nine days or by a fine of not more than nine hundred ninety-nine dollars (\$999.00), or both; provided that if the sentence is suspended in whole or part, the period of probation may extend beyond one hundred seventy-nine days but shall not exceed one year. Notwithstanding any provision of law to the contrary for suspension or deferment of execution of a sentence:

(1) upon a second conviction, each offender shall be sentenced to a jail term of not less than ninety-six consecutive hours, not less than forty-eight hours of community service and a fine of five hundred dollars (\$500.00). In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than ninety-six consecutive hours. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional seven consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement; and

(2) upon a third conviction, an offender shall be sentenced to a jail term of not less than thirty consecutive days, not less than ninety-six hours of community service and a fine of nine hundred ninety-nine dollars (\$999.00). In addition to those penalties, when an offender commits aggravated driving under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than sixty consecutive days. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional sixty consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement.

E. Fourth and subsequent offenses shall be prosecuted under state law in magistrate or district court. (66-8-102 NMSA 1978)

F. Upon any conviction pursuant to this section, an offender shall be required to participate in and complete, with a time specified by the court, an alcohol or drug abuse screening program approved by the Department of Finance and Administration and if necessary, a treatment program approved by the court. The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

G. Upon a second or third conviction pursuant to this section, an offender shall be required to participate in and complete, within a time specified by the court:

(1) not less than a twenty-eight-day inpatient, residential or in-custody substance abuse program approved by the court;

(2) not less than a ninety-day outpatient treatment program approved by the court;

(3) a drug court program approved by the court; or

(4) any other substance abuse treatment approved by the court.

The requirement imposed pursuant to this section shall not be suspended, deferred or taken under advisement. (66-8-102 NMSA 1978)

H. Upon a conviction pursuant to section 12-6-12.1, an offender shall be required to obtain an ignition interlock license and have an ignition interlock device installed and operating on all motor vehicles driven by the offender, pursuant to rules adopted by the Traffic Safety Bureau of the Department of Transportation. Unless determined by the Traffic Safety Bureau to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. The offender shall operate only those vehicles equipped with ignition interlock devices for:

(1) a period of one year, for a first offender;

(2) a period of two years, for a second conviction pursuant to this section;

(3) a period of three years, for a third conviction pursuant to this section; or

(4) the remainder of the offender's life, for a fourth or subsequent conviction pursuant to this section.

I. A person who is issued an ignition interlock license and operates a vehicle that is not equipped with an ignition interlock device is driving with a license that was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act and may be subject to the penalties provided in section 12-6-12.6.

J. A person who is issued an ignition interlock license and who knowingly and deliberately tampers or interferes or causes another to tamper or interfere with the proper and intended operation of an ignition interlock device may be subject to the penalties for driving with a license that was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act as provided in Section 12-6-12.6. (66-5-504 NMSA 1978)

K. Five years from the date of conviction and every five years thereafter, a fourth or subsequent offender may apply to a district court for removal of the ignition interlock device requirement provided in this section and for restoration of a driver's license. A district court may, for good cause shown, remove the ignition interlock device requirement and order restoration of the license; provided that the offender has not been subsequently convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs. Good cause may include an alcohol screening and proof from the interlock vendor that the person has not had violations of the interlock device. (66-8-102 NMSA 1978)

L. An offender who obtains an ignition interlock license and installs an ignition interlock device prior to conviction shall be given credit at sentencing for the time period the ignition interlock device has been in use. (66-8-102 NMSA 1978)

M. Except as otherwise prohibited in this section, a municipal judge may suspend in whole or in part the execution of sentence or place the defendant on probation for a period not exceeding one year on terms and conditions that municipal judge deems best, or both, or defer sentence. If the municipal judge decides to defer the execution of a sentence, such deferral shall be granted only as allowed in Subsection N of this section. A suspension of execution of sentence or probation, or both, as allowed pursuant to this section, shall be granted only when the municipal judge is satisfied it will serve the ends of justice and of the public, and that the defendant's liability for any fine or other punishment imposed is fully discharged upon successful completion of the terms and conditions of probation.

N. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of 12-6-12.1A, B, C or D, a first offender, at the discretion of a trial court after a presentence investigation, including an inquiry to the motor vehicle division of the transportation department concerning the driver's driving record, may receive a deferred sentence on the condition that the driver attend a driver rehabilitation program, also known as the "driving-while-intoxicated-school," approved by the court and the division and such other rehabilitative services as the court may determine to be necessary; however, imposition of a deferred sentence shall classify the person as a first offender. The municipal court shall forward to the division the abstract of all proceedings and the report of the disposition of the case. For the purpose of this subsection, marijuana, as defined in the Controlled Substance Act, shall be classified as a drug. (\*)

O. A person convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of 12-6-12.1A, B, C or D shall be assessed, in addition to any other fee or fine, a fee of eighty-five dollars (\$85.00) to defray the cost of chemical and other tests used to determine the influence of alcohol or drugs. Additionally, the person shall be assessed a fee of seventy-five dollars (\$75.00) to fund comprehensive community programs for the prevention of driving while under the influence of intoxicating liquor or drugs or for other traffic safety purposes. The municipal court shall collect the fees and maintain the fees in separate funds and transfer the fees along with other funds collected by the court per 35-14-7 NMSA 1978. The municipality shall maintain the fees pursuant to this subsection in separate funds and transfer the fees collected pursuant to this subsection to the administrative office of the courts for credit to the crime laboratory fund and the traffic safety fund. (31-12-7 through 31-12-9 NMSA 1978)

P. With respect to this section and notwithstanding any provision of law to the contrary, if an offender's sentence was suspended or deferred in whole or in part and the offender violates any condition of probation, the court may impose any sentence that the court could have originally imposed and credit shall not be given for time served by the offender on probation. (66-8-102 NMSA 1978)

Q. As used in this section and in 12-6-12.1:

(1) "bodily injury" means an injury to a person not likely to cause death or great bodily harm to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person's body; and

(2) "conviction" means adjudication of guilt and does not include imposition of a sentence.

(3) "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) has a gross combination weight rating of more than twenty-six thousand pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds;

(b) has a gross vehicle weight rating of more than twenty-six thousand pounds;

(c) is designed to transport sixteen or more passengers, including the driver; or

(d) is of any size and is used in the transportation of hazardous materials, which requires the motor vehicle to be placarded under applicable law.

R. A conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory, or possession of the United States or of a tribe where that ordinance is equivalent to New Mexico law for driving while under the influence of intoxicating liquor or drugs, prescribing penalties for driving while under the influence of intoxicating liquor or drugs shall be deemed to be a conviction pursuant to this section for purposes of determining whether a conviction is a second or subsequent conviction. (66-8-102. NMSA 1978)

S. A law enforcement officer making an arrest for a violation of the provisions of 12-6-12.2 or of similar municipal or county ordinances shall use standard arrest reports

and procedures developed and approved by the Department of Public Safety in accordance with Section 8 of Laws of 2005, Chapter 269.

#### 24-12-6-12.3. - RECKLESS DRIVING.

A. Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.

B. NOT ADOPTED

#### 24-12-6-12.4. - CARELESS DRIVING.

A. Any person operating a vehicle on the street shall give his full time and entire attention to the operation of the vehicle.

B. Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade curves, corners, traffic, weather and road conditions and all other attendant circumstances is guilty of careless driving. (66-8-114 NMSA 1978)

#### 24-12-6-12.5. - OPERATORS AND CHAUFFEURS MUST BE LICENSED.

A. Except those expressly exempted by Section 66-5-4 NMSA 1978, no person shall drive any motor vehicle or moped upon a street in this municipality unless he holds a valid license issued under the provisions of the New Mexico Motor Vehicle Code.

B. Any person licensed under the provisions of the New Mexico Motor Vehicle Code, or expressly exempted from licensure, may exercise the privilege granted upon all streets and highways in this municipality. (66-5-2 NMSA 1978)

C. No person, whether a resident or non-resident of the State of New Mexico, shall operate a motor vehicle or moped upon a street in this municipality in violation of any restrictions with respect to the type of, or special mechanical devices required on, a motor vehicle which the licensee may operate or any other restrictions applicable to the licensee. (\*)

D. Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle or moped, and shall display the same upon demand of a magistrate or police officer. However, no person charged with violating this section shall be convicted if he produces in court a driver's license theretofore issued to him and valid at the time of his arrest. (66-5-16 NMSA 1978)



24-12-6-12.6. - UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE TO DO SO HAS BEEN SUSPENDED OR REVOKED.

No person shall:

A.

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit;

(2) lend his driver's license or permit to any other person or knowingly permit the use thereof by another;

(3) display or represent as one's own any driver's license or permit not issued to him;

(4) fail or refuse to surrender to the court upon its lawful demand any driver's license or permit which has been suspended, revoked or canceled;

(5) permit any unlawful use of driver's license or permit issued to him; (66-5-37 NMSA 1978)

(6) drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended and who knows or should have known that his license was suspended . Upon conviction, the person shall be punished by imprisonment for not less than four days nor more than ninety days or participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than five hundred dollars (\$500.00). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. (66-5-39 NMSA 1978)

(7) drive a motor vehicle on a highway of this state at a time when the person's privilege to do so is revoked and who knows or should have known that the person's license was revoked is guilty of a misdemeanor and shall be charged with a violation of this section. Upon conviction, the person shall be punished, notwithstanding the provisions of Sec. 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than ninety days or by participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than \$500. When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court; and

(8) notwithstanding any other provision of law for suspension or deferment of execution of a sentence, if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300) and not more than five hundred dollars (\$500) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act. (66-5-39.1 NMSA 1978)

B. In addition to any other penalties imposed pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section, the motor vehicle the person was driving shall be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle. (66-5-39.1 NMSA 1978)

#### 24-12-6-12.7. - FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER.

No driver of a motor vehicle shall willfully fail or refuse to bring his vehicle to a stop, or otherwise flee or attempt to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop.

A. The signal given by the police officer may be by hand, voice, emergency light or siren.

B. The officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle. (\*)

#### 24-12-6-12.8. - UNATTENDED MOTOR VEHICLE.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake, or placing the transmission in parking position, thereon and, when standing upon any grade, turning the front wheels in such a manner that the vehicle will be held by the curb or will leave the street if the brake fails. (66-7-353 NMSA 1978)

#### 24-12-6-12.9. - LIMITATIONS ON BACKING.

A. The driver of a vehicle shall not back it:

- (1) unless the movement can be made with reasonable safety and without interfering with other traffic;
- (2) upon any shoulder or roadway of any controlled-access street, or upon the exit or entry road of any controlled-access street; (66-7-354 NMSA 1978)
- (3) into an intersection or around a corner unless preceded by an observer to safely direct the movement; or
- (4) from a private driveway into any street unless the movement can be made with safety and without interfering with other traffic on the street. (\*)

B. In no case shall a vehicle be backed more than 60 feet unless preceded by an observer to safely direct the movement. (\*)

#### 24-12-6-12.10. - OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM.

A. No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (66-7-357 NMSA 1978)

#### 24-12-6-12.11. - RESTRICTION ON USE OF TELEVISION IN MOTOR VEHICLES.

It is unlawful to operate in this municipality any motor vehicle equipped with a television screen, of whatever type, upon which images may be projected or shown, if the screen is within the normal view of the driver of the motor vehicle unless the television is solely used as an aid to the driver in the operation of the vehicle. As used in this section "television screen" does not include closed circuit monitors or computer terminal monitors used by law enforcement agencies in law enforcement motor vehicles. (66-7-358 NMSA 1978)

#### 24-12-6-12.12. - COASTING PROHIBITED.

The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged. (66-7-360 NMSA 1978)

#### 24-12-6-12.13. - FOLLOWING FIRE APPARATUS PROHIBITED.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet, or drive into or park such

vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (66-7-361 NMSA 1978)

24-12-6-12.14. - CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, without the consent of the fire department official in command. (66-7-362 NMSA 1978)

24-12-6-12.15. - DRIVING THROUGH SAFETY ZONES PROHIBITED.

No vehicle shall at any time be driven through or within a safety zone. (66-7-361 NMSA 1978)

24-12-6-12.16. - VEHICLES SHALL BE DRIVEN ONLY ON STREETS, PRIVATE ROADS AND DRIVEWAYS.

No driver of a vehicle shall operate or be in control of a vehicle on other than the portions of streets improved, designed and ordinarily used for vehicular traffic, private roads, driveways or alleys in this municipality, except as otherwise provided by this ordinance or as otherwise authorized or designated by the administrator or his designated representative. (\*)

24-12-6-12.17. - DRIVING ON SIDEWALK AND PRIVATE PROPERTY.

A. No person shall drive any vehicle on, or across a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

B. No person shall drive on private property, except upon a permanent or authorized temporary driveway or parking area, without the express authorization of the owner, lessee or other person authorized by the owner to control the use of the private property. (\*)

24-12-6-12.18. - PROHIBITED ACTIVITIES WHILE DRIVING.

No person shall:

- (1) drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle;
- (2) drive while having in his lap any person, adult or minor, or any animal;
- (3) drive while seated in the lap of another person while the vehicle is in motion;
- (4) drive a vehicle while having either arm around another person; or

(5) operate a motor vehicle's equipment, including but not limited to the vehicle horn or lights, in such manner as to distract other motorists on the public way or in such a manner as to disturb the peace. (\*)

24-12-6-12.19. - RACING ON STREETS. Amended July, 2007

A. Unless written permission setting out pertinent conditions is obtained from the chief of the municipal police, and then only in accordance with such conditions (\*) no person shall drive a vehicle on a street in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, whether or not the speed is in excess of the maximum speed prescribed by law, and no person shall in any manner participate in any such race, drag race, competition, contest, test or exhibition.

B. As used in this section:

(1) "drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit;

(2) "race" means the use of one (1) or more vehicles in a manner to outgain or outdistance another vehicle, prevent another vehicle from passing, arrive at a given destination ahead of another vehicle or test the physical stamina or endurance of drivers over long-distance routes. (66-8-115 NMSA 1978)

(3) "exhibition driving" consists of intentionally fish-tailing, peeling-out, losing traction, and burning of rubber while operating a motorcycle or motor-driven vehicle,, includes intentionally operating the vehicle on a single tire (commonly known as a "wheelie"); operating a vehicle from a standing position; or operating the vehicle without at least one hand gripping the handlebars. (\*)

24-12-6-12.20. - PROCESSIONS.

A. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the procession is in motion and when the vehicles in the procession are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by police officers.

B. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the street as practicable and shall follow the vehicle ahead as closely as is practicable and safe.

C. A funeral composed of a procession of vehicles shall be identified by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.

D. No funeral, procession or parade containing 200 or more persons or 50 or more vehicles, except the Armed Forces of the United States, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. (\*)

#### 24-12-6-12.21. - DRIVER TO TAKE PRECAUTIONS APPROACHING THE BLIND.

A. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to the blind pedestrian. Any driver who fails to take necessary precautions shall be liable in damages for any injury caused to the pedestrian.

B. A totally blind or partially blind pedestrian not carrying a cane or using a guide dog shall have all the rights and privileges conferred by law on other persons, and the failure of a totally blind pedestrian to carry a cane or to use a guide dog shall not be held to constitute nor be evidence of contributory negligence. (28-7-4 NMSA 1978)

#### 24-12-6-12.22. - OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or to permit the operation of such vehicle upon a street in this municipality in any manner contrary to this ordinance. (66-8-121 NMSA 1978)

#### 24-12-6-12.23. - PERMITTING UNAUTHORIZED PERSONS TO DRIVE.

A. No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any street when such minor is not authorized under state law or is in violation of any of the provisions of the New Mexico Motor Vehicle Code. (66-5-40 NMSA 1978)

B. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street by any person who is not authorized under state law or is in violation of any of the provisions of the New Mexico Motor Vehicle Code. (66-5-41 NMSA 1978)

#### 24-12-6-12.24. - PARTIES TO UNLAWFUL ACTS.

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection

with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance or of the Motor Vehicle Code is likewise guilty of such offense. (66-8-120 NMSA 1978)

#### 24-12-6-13. - MISCELLANEOUS TRAFFIC REGULATIONS.

##### 24-12-6-13.1. - OFFENSES RELATING TO DRIVING UNDER THE INFLUENCE.

A. No owner or person in control of a motor vehicle shall permit it to be driven or operated by any person who is a habitual user of narcotic drugs or by any person who is under the influence of intoxicating liquor, narcotic drugs or any other drug to a degree which renders him incapable of safely driving the vehicle.

B. No person under the influence of intoxicating liquor, narcotic drug or other drug to a degree which renders him incapable of driving safely shall start or attempt to operate a vehicle. (\*)

##### 24-12-6-13.2. - UNLAWFUL RIDING.

A. No person shall ride or permit another person to ride in or on any portion of a vehicle not designated or intended for the use of passengers.

B. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise. (\*)

##### 24-12-6-13.3. - UNHITCHED TRAILER ON STREET.

No person shall leave any type of trailer unhitched upon a street. (\*)

##### 24-12-6-13.4. - MOVING OR MOLESTING UNATTENDED VEHICLES.

A. No person shall individually or in association with one or more others do any of the following:

(1) purposely, and without authority from the owner, start or cause to be started the engine of any motor vehicle;

(2) purposely and maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which they were left by the owner or driver of said motor vehicle;

(3) purposely scratch or damage the chassis, running gear, body, sides, tip covering or upholstering of a motor vehicle which is the property of another;

(4) purposely destroy any part of a motor vehicle or purposely cut, mash, mark, or in any other way, destroy or damage any part, attachment, fastening or appurtenance of a motor vehicle, without the permission of the owner;

(5) purposely drain or start the drainage of any radiator, oil tank or gas tank upon a motor vehicle, without the permission of the owner;

(6) purposely put any metallic or other substance or liquid in the radiator, carburetor, oil tank, grease cup, oilers, lamps, gas tanks or machinery of the motor vehicle with the intent to injure or damage the same or impede the working of the machinery thereof;

(7) maliciously tighten or loosen any bracket, bolt, wire, nut, screw or other fastening on a motor vehicle; or

(8) purposely release the brake upon a standing motor vehicle with the intent to injure said machine. (66-3-506 NMSA 1978)

B. The foregoing provisions shall not apply to a police officer or member of the fire department or street maintenance department who in discharge of his duty legally moves or causes to be moved any unattended vehicle, nor to any person who moves the vehicle at the direction of or in compliance with orders from a police officer or member of the fire department or street maintenance department who in the discharge of his duties legally orders or directs the moving of the unattended vehicle. (\*)

#### 24-12-6-13.5. - DESTRUCTIVE OR INJURIOUS MATERIAL ON ROADWAY.

A. No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street.

B. Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle. (66-7-364 NMSA 1978)

D. No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a street in cleaning or maintaining such street.



E. No person shall operate on any street any vehicle or combination of vehicles with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the street. (66-7-407 NMSA 1978)

#### 24-12-6-13.6. - TRAINS AND BUSES NOT TO OBSTRUCT STREETS.

No person or corporation shall direct the operation of or operate any railroad train or bus in such manner to prevent the use of any street for purposes of travel for a period of time longer than five minutes. (\*)

#### 24-12-6-13.7. - BOARDING OR ALIGHTING FROM VEHICLES.

A. No person shall board or alight from any moving vehicle or any vehicle which is stopped in traffic.

B. No person shall alight or enter a vehicle except when it is stopped at a curb or in a passenger loading zone. (\*)

#### 24-12-6-13.8. - IMPROPER OPENING OF DOORS.

No person shall:

(1) open the door of a vehicle on the side near moving traffic unless it is reasonably safe to do so, and the door can be opened without interfering with the movement of traffic; or

(2) leave a door of a vehicle open on the side of the vehicle near moving traffic for a period of time longer than necessary to load or unload passengers. (66-7-367 NMSA 1978)

#### 24-12-6-13.9. - OCCUPIED MOVING HOUSE TRAILER.

No person shall:

(1) occupy a house trailer while it is being towed upon a street; or

(2) tow a house trailer on any street when the house trailer is occupied by any person. (66-7-366 NMSA 1978)

#### 24-12-6-13.10. - ANIMALS ON STREET.

A. It is unlawful for any person, during the hours of darkness to ride a horse or other animal upon the traveled portion of any street which is normally used by motor vehicles.

B. It is unlawful for any person negligently to permit livestock to wander or graze upon any fenced street at any time or, during the hours of darkness, to drive livestock along or upon any street which is normally used by motor vehicles.

C. Owners of livestock ranging in pastures through which unfenced roadways pass shall not be liable for damages by reason of injury or damage to persons or property occasioned by collisions of vehicles using said roadways and livestock or animals ranging in said pastures unless such owner of livestock is guilty of specific negligence other than allowing his animals to range in said pasture. (66-7-363 NMSA 1978)

24-12-6-13.11. – NOT ADOPTED – Per Ordinance 1390

24-12-6-13.12. - CHILD PASSENGER RESTRAINT; PENALTY; ENFORCEMENT.

A. A person shall not operate a passenger car, van or pickup truck in this state except for an authorized emergency vehicle, public transportation or school bus unless all passengers less than eighteen years of age are properly restrained.

B. Each person less than eighteen years of age shall be properly secured in a child passenger restraint device or by a seat belt, unless all seating positions equipped with seat belts are occupied, as follows:

(1) children less than one year of age shall be properly secured in a rear-facing child passenger restraint device that meets federal standards, in the rear seat of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle if the passenger-side air bag is deactivated or if the vehicle is not equipped with a deactivation switch for the passenger-side air bag:

(2) children one year of age through four years of age, regardless of weight, or children who weigh less than forty pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards;

(3) children five years of age through six years of age, regardless of weight, or children who weigh less than sixty pounds, regardless of age, shall be properly secured in either a child booster seat or an appropriate child passenger restraint device that meets federal standards; and

(4) children seven years of age through twelve years of age shall be properly secured in a child passenger device or by a seat belt.

C. A child is properly secured in an adult seat belt when the lap belt properly fits across the child's thighs and hips and not the abdomen. The shoulder strap shall cross the

center of the child's chest and not the neck, allowing the child to sit all the way back against the vehicle seat with knees bent over the seat edge.

D. Failure to be secured by a child passenger restraint device or by a safety belt as required by this section shall not in any instance constitute fault or negligence and shall not limit or apportion damages. (66-7-369 NMSA 1978)

E. Failure to be secured by a child passenger restraint device or by a safety belt as required by this section shall not in any instance constitute fault or negligence and shall not limit or apportion damages. (66-7-369 NMSA 1978)

#### 24-12-6-13.13 MANDATORY USE OF SEATBELTS.

A. Except as provided by Section 12-6-13.12 and in Subsection B of this section, each occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway.

B. This section shall not apply to an occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt or to a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier. (66-7-372 NMSA 1978)

C. Each person violating Subsection A of Section 12-6-13.13 shall be fined an amount not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) including court costs.

D. Failure to be secured by a child passenger restraint device or by a safety belt as required in this Section shall not in any instance constitute fault or negligence and shall not limit or apportion damages.

E. The provisions of this Section shall be enforced whether or not associated with the enforcement of any other statute. (66-7-373 NMSA 1978)

#### 24-12-6-13.14. - CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS IN A MOTOR VEHICLE PROHIBITED--EXCEPTIONS.

A. No person shall knowingly drink any alcoholic beverage while in a motor vehicle upon any street within this municipality.

B. No person shall have in his possession on his person, while in a motor vehicle upon any street within this municipality, any bottle, can or other receptacle containing

any alcoholic beverage which has been opened or had its seal broken or the contents of which have been partially removed.

C. It is unlawful for the registered owner of any motor vehicle, to knowingly keep or allow to be kept in a motor vehicle, when the vehicle is upon any street within this municipality, any bottle, can or other receptacle containing any alcoholic beverage which has been opened or had its seal broken or the contents of which have been partially removed, unless the container is kept in:

- (1) the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk;
- (2) the living quarters of a motor home or recreational vehicle;
- (3) a truck camper;
- (4) the bed of a pick-up truck when the bed is occupied by passengers.

A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers. This section does not apply to the driver or owner of or any passenger in a bus, taxicab or limousine for hire licensed to transport passengers pursuant to the Motor Carrier Act or proper legal authority.

D. The provisions of this section do not apply to:

- (1) any person who, upon the recommendation of a doctor, carries alcoholic beverages in that persons motor vehicle for medicinal purposes;
- (2) any clergyman or his agent who carries alcoholic beverages for religious purposes in the clergyman's or his agent's motor vehicle; or
- (3) any person who is employed by a person licensed by the Alcoholic Beverage Control Act, while discharging his duties as an employee (66-8-138)

E. Penalties

- (1) Whoever is guilty of a second or subsequent violation of any provision of this ordinance shall be sentenced pursuant to this code.
- (2) In addition to any other penalty or disposition ordered pursuant to law, upon conviction for a second or subsequent violation of the provisions of Section 12-6-13.14, the convicted person shall have his driver's license revoked for a period of three months upon a second violation and for one year upon a third or subsequent violation. (66-8-139 NMSA 1978)

F. "Alcoholic Beverages" Defined. As used in this ordinance "alcoholic beverages" means distilled or rectified spirits, potable alcohol, brandy, whisky, rum, gin, aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including all blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half of one percent alcohol but excluding medicinal bitters. (66-1-4.1 NMSA 1978)

#### 24-12-6-13.15. - LITTERING

A. Littering consists of discarding refuse:

(1) on public property in any manner other than by placing the refuse in a receptacle provided for the purpose by the responsible governmental authorities, or otherwise in accordance with lawful direction; or

(2) on private property not owned or lawfully occupied or controlled by the person, except with the consent of the owner, lessee or occupant thereof. (30-8-4 NMSA 1978).

B. Whoever commits littering is guilty of a petty misdemeanor. The use of uniform traffic citations is authorized for the enforcement of this section. The court may to the extent permitted by law, as a condition to suspension of any other penalty provided by law, require a person who commits littering to pick up and remove from any public place or any private property, with prior permission of the legal owner, any litter deposited thereon.

C. Any jail sentence imposed pursuant to Subsection B of this section may be suspended, in the discretion of the magistrate or judge, upon conditions that the offender assist in litter clean-up in the jurisdiction for a period not to exceed the length of the suspended sentence. (\*)

#### 24-12-6-14. - PEDESTRIANS' RIGHTS AND DUTIES.

##### 24-12-6-14.1. - PEDESTRIAN OBEDIENCE TO TRAFFIC-CONTROL DEVICES AND TRAFFIC REGULATIONS.

Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 12-5-6, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions provided in this ordinance. (66-7-333 NMSA 1978)

##### 24-12-6-14.2. - PEDESTRIANS RIGHT OF WAY IN CROSSWALKS. Amended July, 2007

A. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the street within a crosswalk when the pedestrian is in the crosswalk.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection A shall not apply under the conditions stated in Section 12-6-14.4.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the street, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (66-7-334 NMSA 1978)

#### 24-12-6-14.3. - PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (66-7-338 NMSA 1978)

#### 24-12-6-14.4. - CROSSING AT OTHER THAN CROSSWALKS.

A. Every pedestrian crossing a street at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the street.

B. Any pedestrian crossing a street at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the street.

C. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. (66-7-335 NMSA 1978)

D. No pedestrian shall cross a street intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (\*)

#### 24-12-6-14.5. - PEDESTRIANS ON STREETS.

A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

B. Where sidewalks are not provided any pedestrian walking along and upon a street shall when practicable walk only on the left side of the street or its shoulder facing traffic which may approach from the opposite direction. (66-7-339 NMSA 1978)

#### 24-12-6-14.6. - PEDESTRIANS SOLICITING RIDES OR BUSINESS.

A. No person shall stand in a street for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

B. No person shall stand on or in proximity to a street for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street. (66-7-340 NMSA 1978)

#### 24-12-6-14.7. - OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS.

A. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

B. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed. (\*)

#### 24-12-6-14.8. - DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this ordinance every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street. (66-7-337 NMSA 1978)

#### 24-12-6-15. - REFERENCE TO VEHICLES UPON THE STREETS.

A. The provisions of Article 6 of this ordinance relating to the operation of vehicles, refer exclusively to the operation of vehicles upon the streets or highways, except where a different place is specifically referred to in a given section.

B. The provisions of Article 4 of this ordinance and Sections 12-6-12.1 through 12-6-12.3 of this ordinance shall apply upon the streets and highways and elsewhere throughout this municipality. (66-7-2 NMSA 1978)

#### 24-12-6-16. - ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES Amended July, 2007

A. As used in this section, "electric personal assistive mobility device" means a self-balancing device having two non-tandem wheels designed to transport a single person by means of an electric propulsion system with an average power of one horsepower and with a maximum speed on a paved level surface of less than twenty miles per hour when powered solely by its propulsion system and while being ridden by an operator who weighs one hundred seventy pounds.

B. An electric personal assistive mobility device shall be equipped with:

(1) front, rear and side reflectors;

(2) a braking system that enables the operator to bring the device to a controlled stop; and

(3) if operated at any time from one-half hour after sunset to one-half hour before sunrise, a lamp that emits a white light that sufficiently illuminates the area in front of the device.

C. The secretary of the state department of transportation shall by rule prescribe motor vehicle safety standards applicable to electric personal assistive mobility devices.

D. An operator of an electric personal assistive mobility device traveling on a sidewalk, roadway or bicycle path shall have the rights and duties of a pedestrian, and shall exercise due care to avoid colliding with pedestrians. An operator shall yield the right of way to pedestrians.

E. Except as provided in this section, no other provisions of the Uniform Traffic Ordinance shall apply to electric personal assistive mobility devices.

F. An operator who violates a provision of Subsection B, C or D of this section shall receive a warning for the first offense. For a second offense, the operator shall be punished by a fine of ten dollars (\$10.00). For a third or subsequent offense, in addition to the fine, the electric personal assistive mobility device shall be impounded for up to thirty days.

G. This section does not apply to personal assistive mobility devices used by persons with disabilities." (66-3-1102 NMSA 1978)

#### 24-12-6-16.1 NEIGHBORHOOD ELECTRIC CARS Added July, 2007

A. A neighborhood electric car means a four-wheeled electric motor vehicle that has a maximum speed of more than twenty miles per hour but less than twenty-five miles per hour, complies with the federal requirements specified in 49 CFR 571.500 and shall be equipped with head lamps, stop lamps, front and rear turn signals lamps, tail lamps, reflex reflectors, a parking brake, at least one interior and one exterior rear view mirror, a windshield, windshield wipers, a speedometer, an odometer, braking for each wheel, seat belts and a vehicle identification number.

B. Except as provided for in Subsection C or D of this section, a neighborhood electric car, properly registered pursuant to provisions of the Motor Vehicle Code, in compliance with the Mandatory Financial Responsibility Act and driven by an individual with a valid driver's license, may be operated on any street, roadway or highway under the jurisdiction of either the state or a local authority if the posted maximum speed limit



is thirty-five miles per hour or less; provided, a neighborhood electric car may cross at an intersection or permitted crossing point at any street, roadway or highway that has a maximum speed limit higher than thirty-five miles an hour.

C. A local authority may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if the governing body of the local authority determines that the prohibition is necessary in the interest of safety.

D. The department of transportation may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of safety.

E. Neighborhood electric cars are exempt from the following provisions:

(1) the emblems or flashing light requirements for slow-moving vehicles in Section 66-3-887 NMSA 1987;

(2) any requirement for vehicle emission inspections adopted by a local authority pursuant to Subsection C of Section 74-2-4 NMSA 1978; and

(3) the minimum motor displacement requirements of Paragraph (2) of Subsection A of Section 66-7-405 NMSA 1978. (66-3-1103 NMSA 1978)

24-12-6-17 BOATING REGULATIONS AND OFFENSES, BOATING WHILE INTOXICATED ACT – Entire Section not adopted per Ordinance 1364

24-12-6-17.1. NOT ADOPTED

24-12-6-17.2. – NOT ADOPTED

24-12-6-17.3. – NOT ADOPTED

24-12-6-17.4. – NOT ADOPTED

24-12-6-17.5. – NOT ADOPTED

24-12-6-17.6. – NOT ADOPTED

24-12-6-17.7. – NOT ADOPTED

24-12-6-17.8. – NOT ADOPTED

24-12-6-17.9. – NOT ADOPTED

24-12-6-17.10. – NOT ADOPTED

## 24-12-6-18. - TEXTING WHILE DRIVING

A. A person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle, except to summon medical or other emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission.

B. The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communications device. Unless otherwise provided by law, the handheld mobile communication device used in the violation of the provisions of this section is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this section.

C. As used in this section:

(1) “driving” means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but “driving” excludes operating a motor vehicle when the vehicle has pulled over to the side of or off an active roadway and has stopped at a location in which it can remain safely stationary;

(2) “handheld mobile communication device” means a wireless communications device that is designed to receive and transmit text or image messages, but “handheld mobile communications device” excludes global positioning or navigation systems, devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to compose, send or read a text message without the use of a hand except to activate, deactivate or initiate a feature or function; and

(3) “text message” means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but “text message” excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel.

D. A violation of provisions of this section is punishable by a fine of \$25 for a first violation and \$50 for a second or subsequent violation. Violations of provisions of this section may be included in a local penalty assessment ordinance.

## ARTICLE SEVEN

### 24-12-7-1. - TRAFFIC REGULATIONS APPLY TO PERSONS OPERATING MOTORCYCLES.

Every person operating a motorcycle shall be granted all the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this ordinance, except as to special regulations in Sections 12-7-1 through 12-7-8 and except as to those provisions of this ordinance which by their nature can have no application. (\*)

#### 24-12-7-2. - OPERATING MOTORCYCLES ON STREETS LANED FOR TRAFFIC.

A. All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This section shall not apply to motorcycles operated two abreast in a single lane.

B. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken, except that this provision shall not apply to police officers in the performance of their official duties.

C. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles, except that this provision shall not apply to police officers in the performance of their official duties.

D. Motorcycles shall not be operated more than two abreast in a single lane. (\*)

#### 24-12-7-3. - CLINGING TO OTHER VEHICLES.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a street. (\*)

#### 24-12-7-4. - RIDING ON MOTORCYCLES.

A. A person operating a motorcycle, motor scooter or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and shall have his feet upon the footrests provided on the machine.

B. The operator shall not carry any other person nor shall any other person ride on a motorcycle, motor scooter or motor-driven cycle unless it is designed to carry more than one person. If a motorcycle, motor scooter or motor-driven cycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the motorcycle, motor scooter or motor-driven cycle. The passenger shall have his feet upon the footrests attached for passenger use. (66-7-355 NMSA 1978)

C. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

D. No operator of a motorcycle shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator. (\*)

#### 24-12-7-5. - EYE-PROTECTIVE DEVICES OR WINDSHIELDS.

Any person operating a motorcycle, motor scooter or motor-driven cycle, not having a fixed windshield of a type approved by regulation of the secretary, shall wear an eye-protective device which may be a faceshield attached to a safety helmet, goggles or safety eyeglasses. All eye-protective devices or windshields shall be of a type approved by regulations authorized by 66-7-355 NMSA 1978. (66-7-355 NMSA 1978)

#### 24-12-7-6. - MANDATORY USE OF PROTECTIVE HELMET.

A. No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards authorized by 66-7-356 NMSA 1978. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid operator's license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the director.

B. Failure to wear a safety helmet as required in this section shall not constitute contributory negligence.

C. Autocycles are exempted from the helmet provisions of this section. . (66-7-356 NMSA 1978)

#### 24-12-7-7. - FOOTRESTS AND HANDLEBARS.

A. Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger. (\*)

#### 24-12-7-8. - MOTORCYCLE MANEUVERABILITY.

A. No motorcycle shall be equipped in a manner such that it is incapable of turning a ninety-degree angle with a circle having a radius of not more than fourteen feet. Evidence of a motorcycle being unable to turn a ninety degree angle within a circle having a radius of not more than fourteen feet shall be prima facie evidence of an unsafe vehicle as described in Section 12-10-1.1.

B. For the purposes of this section, a police officer may require the driver of a motorcycle to demonstrate the ability of any motorcycle to be ridden as described in

Subsection A of this section. Failure or refusal of any operator to demonstrate the ability of any motorcycle being operated upon the highways shall be prima facie evidence of an unsafe vehicle as described in Section 12-10-1.1. (66-3-842 NMSA 1978)

#### 24-12-7-8.1. - MOTORCYCLE ENDORSEMENT NOT REQUIRED FOR AUTOCYCLE OPERATION.

Autocycles shall be registered as motorcycles and proof of financial responsibility may characterize them as motorcycles, but a driver shall not be required to have a motorcycle endorsement to operate an autocycle. (66-3-1.4 NMSA 1978)

#### 24-12-7-9. - OFF-HIGHWAY MOTOR VEHICLES – DEFINITIONS – Amended by Ordinance 1529

As used in this section:

A. “off-highway motor vehicle” means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

- (1) “all-terrain vehicle,” which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
- (2) “off-highway motorcycle,” which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control; or
- (3) “recreational off-highway vehicle,” which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons and having;
  - (a) a steering wheel for steering control;
  - (b) non-straddle seating;
  - (c) maximum speed capability greater than 35 miles per hour;
  - (d) gross vehicle weight rating no greater than 1,750 pounds;
  - (e) less than 80 inches in overall width, exclusive of accessories;
  - (f) engine displacement of less than 1,000 cubic centimeters; and
  - (g) identification by means of a 17-character vehicle identification number;

- (4) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off-highway for recreational purposes;

24-12-7-9.1. – NOT ADOPTED – Per Ordinance 1529

24-12-7-9.2. - OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR HIGHWAYS -- PROHIBITED AREAS.

A. No person shall operate an off-highway motor vehicle on any limited access street at any time or any paved street or highway except as provided in Subsection B, C, D or E of this section.

B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

C. If authorized by ordinance or resolution of a local authority or the State Transportation Commission, a recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street or highway owned and controlled by the authorizing authority if:

- (1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;
- (2) the vehicle has brakes, mirrors and mufflers;
- (3) the operator has valid driver's licenses or permits as required under the Motor Vehicle Code and off-highway motor vehicle safety permits as required under the Off-Highway Motor Vehicle Act;
- (4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act; and
- (5) the operator of the vehicle is using eye protection that comply with the Off-Highway Motor Vehicle Act; and
- (6) if the operator is under eighteen years of age, the operator is wearing a safety helmet that complies with the Off-Highway Motor Vehicle Act.

D. Except for sections of the Motor Vehicle Code that are in conflict with the licensing and equipment requirements of the Off-Highway Motor Vehicle Act, any operator using an off-highway motor vehicle on a paved street or highway shall be

subject to the requirements and penalties for operators of moving or parked vehicles under the Motor Vehicle Code.

E. NOT ADOPTED – Per Ordinance 1529

F. NOT ADOPTED – Per Ordinance 1529

G. NOT ADOPTED – Per Ordinance 1529

H. NOT ADOPTED – Per Ordinance 1529

24-12-7-9.3. – NOT ADOPTED – Per Ordinance 1529

24-12-7-9.4. – NOT ADOPTED – Per Ordinance 1529

24-9-9.5.1.1. - NOT ADOPTED – Per Ordinance 1529

24-12-7-9.6. – NOT ADOPTED – Per Ordinance 1529

24-12-7-9.7. – NOT ADOPTED – Per Ordinance 1529

24-12-7-9.7. – NOT ADOPTED – Per Ordinance 1529

## 12-7-9.9. - OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS

A. A person shall not operate an off-highway motor vehicle:

(1) in a careless, reckless or negligent manner so as to endanger the person or property of another;

(2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA 1978;

(3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;

(4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition;

(5) on or within an earthen tank or other structure meant to water livestock or wildlife, unless the off-highway motor vehicle is on a route designated by the landowner or land management agency as an off-highway motor vehicle route;

(6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;

(7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling, unless the person operates the vehicle on a closed course or track or a public roadway;

(8) unless in possession of the person's registration certificate or nonresident permit;

(9) unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;

(10) when conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:

(a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and

(b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions; or

(11) that produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or

(12) where off-highway motor vehicle traffic is prohibited under local, state or federal rules or regulations.

B. A person under the age of eighteen shall not operate an off-highway motor vehicle

(1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department ;

(2) without an off-highway motor vehicle safety permit; or

(3) while carrying a passenger.

C. A person under the age of eighteen but at least ten years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen who has a valid driver's license. This subsection shall not apply to a person who is at least:

(1) thirteen years of age and has a valid motorcycle license and off-highway motor vehicle safety permit; or



(2) fifteen years of age and has a valid driver's license, instructional permit or provisional license and off-highway motor vehicle safety permit.

D. A person under the age of ten shall not operate an off-highway motor vehicle unless:

(1) the all-terrain vehicle or recreational off-highway vehicle is an age-appropriate size-fit vehicle established by rule of the department ; and

(2) the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the department .

E. An off-highway motor vehicle may not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition. (66-3-1010.3 NMSA 1978)

24-12-7-9.10. – NOT ADOPTED – Per Ordinance 1529

24-12-7-10. - MOPEDS--STANDARDS--OPERATOR REQUIREMENTS-APPLICATION OF MOTOR VEHICLE CODE.

A. Mopeds shall comply with those motor vehicle safety standards deemed necessary and prescribed by the director of motor vehicles.

B. Operators of mopeds shall have in their possession while operating a moped a valid operator's or restricted operator's license of any class issued to them.

C. Except as provided in Subsections A and B of this section, none of the provisions of the New Mexico Motor Vehicle Code or of this ordinance relating to motor vehicles or motor-driven cycles as defined in these codes shall apply to a moped. (66-3-1101 NMSA 1978).

## ARTICLE EIGHT

24-12-8-1. - EFFECT OF REGULATIONS.

A. The parent of any child and the guardian of any ward shall not authorize or permit any such child or ward to violate any of the provisions of this ordinance.

B. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. (66-3-701 NMSA 1978)

24-12-8-2. - TRAFFIC ORDINANCE APPLIES TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to the special regulations within Sections 12-8-1 through 12-8-23. (66-3-702 NMSA 1978)

#### 24-12-8-3. - RIDING BICYCLES.

A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (66-3-703 NMSA 1978)

#### 24-12-8-4. - CLINGING TO VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a street. (66-3-704 NMSA 1978)

#### 24-12-8-5. - RIDING ON STREETS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a street shall ride as near to the right side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. (66-3-705 NMSA 1978) It shall not be considered practicable to ride as near to the right side of the street under the following circumstances:

(1) when overtaking and passing another bicycle or vehicle proceeding in the same direction;

(2) when preparing for a left turn at an intersection or into a private road or roadway;

(3) when reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and vehicle to travel safely side by side within the lane;

(4) when operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.(\*).

B. Persons riding bicycles upon a street shall not ride more than two abreast except on paths or parts of streets set aside for the exclusive use of bicycles.

#### 24-12-8-6. - CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebar. (66-3-706 NMSA 1978)

#### 24-12-8-7. - LAMPS AND OTHER EQUIPMENT ON BICYCLES.

A. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren or whistle.

C. Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement. (66-3-707 NMSA 1978)

#### 24-12-8-8. - OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

A. Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians. (\*)

#### 24-12-8-9. - PARKING.

No person shall park a bicycle upon a street other than upon the street against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (\*)

#### 24-12-8-10. - SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (\*)

#### 24-12-8-11. - EMERGING FROM ALLEY, DRIVEWAY, PRIVATE ROAD OR BUILDING.

A. The operator of a bicycle emerging from an alley, private road, driveway or building shall yield the right of way to all pedestrians on the sidewalk or sidewalk area.

B. Upon entering the street, the driver of a bicycle shall yield the right of way to all vehicles approaching on the street.(\*)

#### 24-12-8-12 RIDING ON SIDEWALKS.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. No person shall ride a bicycle on any sidewalk or street when signs are posted prohibiting bicycles on the sidewalk or street.

C. When signs are posted requiring bicycles to use sidewalks or paths adjacent to a street, no person shall ride a bicycle on the street adjacent to the sidewalks or paths.

D. Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian.(\*)

24-12-8-13. – NOT ADOPTED – Per Ordinance 1364

24-12-8-14. – NOT ADOPTED – Per Ordinance 1364

24-12-8-15. – NOT ADOPTED – Per Ordinance 1364

24-12-8-16. – NOT ADOPTED – Per Ordinance 1364

24-12-8-17. – NOT ADOPTED – Per Ordinance 1364

24-12-8-18. – NOT ADOPTED – Per Ordinance 1364

24-12-8-20. – NOT ADOPTED – Per Ordinance 1364

24-12-8-21. – NOT ADOPTED – Per Ordinance 1364

24-12-8-22. – NOT ADOPTED – Per Ordinance 1364

24-12-8-23. – NOT ADOPTED – Per Ordinance 1364

#### ARTICLE NINE

24-12-9-1. - AUTHORITY TO ESTABLISH PARKING METER ZONES.

A. The administrator may establish parking meter zones in which the parking of vehicles upon streets or parts of streets shall be regulated by parking meters between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sunday and public holidays.

B. The administrator may limit the period of time for which parking is lawfully permitted in any parking meter zone in which meters are located regardless of the number of coins deposited in a meter.

C. The parking meter zone may be diminished or extended and enlarged, or other parking meter zones may be created.(\*)

#### 24-12-9-2 INSTALLATION OF PARKING METERS.

A. The administrator shall install parking meters in established parking meter zones.

B. Parking meters shall be placed on the curb immediately adjacent to each designated parking space.

C. Parking meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of a twenty-five cent coin, ten-cent coin, five-cent coin or one penny coin of United States currency as provided in this ordinance.

D. Each parking meter shall be designed, constructed, installed and set so that an appropriate signal will indicate expiration of the lawful parking meter period which was registered by the deposit of one or more coins as provided herein.

E. During the lawful parking meter period registered by the deposit of a coin or coins and prior to the expiration of the lawful parking meter period, the meter shall indicate the interval of time which remains of such period.

F. Each parking meter shall bear a legend indicating the days and hours when the requirement to deposit coins shall apply, the value of the coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.(\*)

#### 24-12-9-3. - PARKING METER SPACES.

A. The administrator shall designate the parking space adjacent to each parking meter for which the meter is to be used by appropriate markings upon the curb or the pavement of the street or both.

B. Designated parking meter spaces shall be of appropriate length and width so as to be accessible from the traffic lanes of the street.

C. No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating the space. However, a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins of the appropriate denominations have been deposited in the parking meter for each space so occupied.(\*)

#### 24-12-9-4. - PARKING TIME LIMITS.

Parking or standing a vehicle in a designated space in parking meter zones shall be lawful upon the deposit of legal coins as indicated on each parking meter.(\*)

#### 24-12-9-5. - DEPOSIT OF COINS.

A. No person shall park a vehicle in any parking space regulated by a parking meter between the hours 8:00 a.m. and 6:00 p.m. on any day except Sundays and public holidays unless a coin or coins of the appropriate denomination as provided in this ordinance have been deposited therein and the meter has been placed in operation.

B. No person shall permit a vehicle within his control to be parked in any space regulated by a parking meter between the hours of 8 a.m. and 6 p.m. on any day except Sundays and public holidays while the parking meter for the space indicates by signal that the lawful parking time in the space has expired. This provision does not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in the meter.

C. No person shall park a vehicle in any parking meter space for a consecutive period of time longer than the limited period of time for which parking is lawfully permitted in the parking meter zone in which the meter is located, irrespective of the number or amounts of coins deposited in the meter.

D. Failure to deposit proper coin or coins constitutes a violation of this ordinance.

E. Upon expiration of the legal parking time, it is the duty of the owner or driver of the vehicle to remove the vehicle from the parking space.

F. It is unlawful for any person to cause, allow, permit or suffer a vehicle registered in his name to be parked or to stand overtime or remain in the parking space beyond the specified parking time limit.

G. The provisions of this section shall not apply in a period of emergency determined by an officer of the fire department or the police department or in compliance with the directions of a police officer or traffic-control device.

H. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this ordinance prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.(\*)

#### 24-12-9-6. - USE OF SLUGS PROHIBITED.

No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency.(\*)

#### 24-12-9-7. - TAMPERING WITH METER.

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.(\*)

#### 24-12-9-8. - PRESUMPTION OF UNLAWFUL PARKING.

A. When the "violation" indicator is showing on a parking meter to indicate the expiration of the lawful parking meter period for which coins have been deposited, it shall be presumptive evidence that any vehicle found in a regulated parking space is parked in violation.

B. It is unlawful and an offense for any person to deposit or cause to be deposited in a parking meter covering a metered parking stall which he has already occupied for the meter specified time limit any coins for the purpose of extending parking time beyond the total lawful parking period designated for the parking meter zone in which the meter is located.(\*)

#### 24-12-9-9. - PARKING IN DESIGNATED DISABLED PARKING SPACES.

A. It is unlawful for any person to park a motor vehicle not carrying registration plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 in a designated accessible parking space for persons with significant mobility limitation or in such a manner as to block access to any part of a curb cut designed for access by persons with significant mobility limitations. Any person who violates this section shall be subject to a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A of this section. (66-7-352.5 NMSA 1978)

B. As used in this section, "designated disabled parking space" means any space, including an access aisle, marked and reserved for the parking of a passenger vehicle that carries registration plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978, and designated by a conspicuously posted sign bearing the

international disabled symbol of a wheelchair and if paved, by a clearly visible depiction of this symbol painted in blue on the pavement of the space. "Curb cut" means a short ramp through a curb or built up to the curb designed for access by the handicapped.

C. A vehicle parked in violation of Subsection A of this section is subject to being towed at the expense of the vehicle owner upon authorization by law enforcement personnel or by the property owner or manager of a parking lot. (66-1-4.4E and 66-7-352.5 NMSA 1978).

D. State, county and municipal law enforcement personnel may issue citations for violations of §12-9-9 in their respective jurisdictions, whether the violation occurs on public property or private property. (\*)

E. Parking enforcement personnel of each of the state educational institutions designated in Article 12, Section 11 of the Constitution of New Mexico may issue citations for violations of Subsection A of this section within the exterior boundaries of lands under the control of their respective institutions, except portions of those lands that are public highways or streets. (66-7-352.6 NMSA 1987).

F. A law enforcement officer may issue a citation or authorize towing of a vehicle for a violation of Section A of this section regardless of the presence of the driver (66-7-352.5 NMSA 1978).

#### 24-12-9-10. - PARKING LOTS – STANDARDS

A. Every parking lot coming under the provisions of the Accessible Parking Standards and Enforcement Act (66-7-352.1 NMSA 1978) shall have designated and maintained accessible parking spaces for persons with significant mobility limitation as provided in Subsection B of this section. No building permit shall be issued by any local government for the construction or substantial renovation of a commercial building inviting public access unless the parking lot has designated accessible parking spaces for persons with significant mobility limitation as delineated in Subsection B of this section.

B. The minimum number of designated accessible parking spaces for persons with significant mobility limitation are as follows:

| TOTAL PARKING SPACES IN LOT | REQUIRED MINIMUM NUMBER<br>OF PARKING SPACES FOR<br>PERSONS WITH SIGNIFICANT<br>MOBILITY LIMITATIONS |
|-----------------------------|------------------------------------------------------------------------------------------------------|
|-----------------------------|------------------------------------------------------------------------------------------------------|

|         |   |
|---------|---|
| 1 to 25 | 1 |
|---------|---|

|          |   |
|----------|---|
| 26 to 35 | 2 |
|----------|---|



|                 |                                     |
|-----------------|-------------------------------------|
| 36 to 50        | 3                                   |
| 51 to 100       | 4                                   |
| 101 to 300      | 8                                   |
| 301 to 500      | 12                                  |
| 501 to 800      | 16                                  |
| 801 to 1,000    | 20                                  |
| More than 1,000 | 20, plus 1 for each 100 over 1,000. |

The designated accessible parking spaces for persons with significant mobility limitation shall be located so as to provide the most convenient access to entranceways or to the nearest curb cut. Every parking lot shall have at least one designated accessible parking space for persons with significant mobility limitation designed to accommodate a motor vehicle passenger van, and there shall be a minimum of one such space for every eight designated accessible parking spaces for persons with significant mobility limitations.

C. A sign or other designation posted after July 1, 2010 at an accessible parking space pursuant to this section shall include the language “Violators are subject to a fine and/or towing.” (66-7-352.4 NMSA 1978)

## ARTICLE TEN

### 24-12-10-1. - EQUIPMENT.

#### 24-12-10-1.1. - PROHIBITED ACTS.

A. Except as otherwise provided in this section, it is a misdemeanor for any person to drive or move, or for the owner to cause or permit to be driven or moved, on any street, any vehicle, or combination of vehicles, which is in such unsafe condition as to endanger any person, or which does not contain those parts, or is not at all times equipped with such lamps and other equipment, in proper condition and adjustment, as is required by Sections 12-10-1.1 through 12-10-1.51, or which is equipped in any manner that is in violation of those sections, or for any person to do any act forbidden, or fail to perform any act required under those sections.

B. Nothing contained in Sections 12-10-1.1 through 12-10-1.51 shall be construed to prohibit the use of additional parts and accessories on any vehicle which are not inconsistent with the provisions of such sections.

C. The provisions of Sections 12-10-1.1 through 12-10-1.51, with respect to equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as made applicable in those sections. (66-3-801 NMSA 1978)

#### 24-12-10-1.2. - VEHICLES TO BE IN SAFE CONDITION.

A. No person shall drive or move on any street any motor vehicle, trailer, semi-trailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this ordinance, and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the street. (66-3-901 NMSA 1978)

B. Any police officer may at any time when having reasonable cause to believe that any vehicle is unsafe, or not equipped as required by this ordinance, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to inspection and tests as may be appropriate and reasonable.(\*).

#### 24-12-10-1.3. - WHEN LIGHTED LAMPS ARE REQUIRED.

Every vehicle upon a street within this municipality at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. (66-3-802 NMSA 1978)

#### 24-12-10-1.4. - VISIBILITY DISTANCE AND MOUNTED HEIGHT OF LAMPS.

A. Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in Section 12-10-1.3 in respect to a vehicle without load when upon a straight, level, unlighted street under normal atmospheric conditions unless a different time or condition is expressly stated.

B. Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. (66-3-803 NMSA 1978)

#### 12-10-1.5 HEAD LAMPS ON MOTOR VEHICLES.

A. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of the

motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this ordinance.

B. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this ordinance.

C. Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty inches to be measured as set forth in Section 12-10-1.4B. The provisions of this paragraph shall apply only to new motor vehicles sold after July 1, 1953. (66-3-804 NMSA 1978)

D. For the purposes of Sections 12-10-1.1 through 12-10-1.5 parking lamps shall not be used in lieu of head lamps.(\*)

E. No headlight shall emit a glaring or dazzling light. (66-3-828 NMSA 1978)

#### 24-12-10-1.6. - DIMMING OF LIGHTS.

A. Whenever a motor vehicle meets another motor vehicle on any street during nighttime when headlights are in use, the driver of the vehicle shall, when within 500 feet of the other vehicle, dim or tilt the beams of the headlights downward.

B. The driver of any motor vehicle in any business district at nighttime when headlights are required shall keep headlights dimmed.

C. Whenever the driver of a motor vehicle overtakes another vehicle proceeding in the same direction or follows another vehicle proceeding in the same direction or follows another vehicle proceeding in the same direction within 200 feet at nighttime when headlights are required, the driver shall dim or tilt the beam of the headlights downward.(\*).

#### 24-12-10-1.7. - TAIL LAMPS.

A. Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear; provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after July 1, 1953, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required shall comply with the provisions of this section.

B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

C. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted. (66-3-805 NMSA 1978)

D. No tail lamp shall emit a glaring or dazzling light. (66-3-828 NMSA 1978)

#### 24-12-10-1.8. - VEHICLES TO BE EQUIPPED WITH REFLECTORS.

A. Every new motor vehicle hereafter sold and operated upon a street, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section.

B. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in Section 12-10-1.4B, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle when directly in front of lawful upper beams of headlamps. (66-3-806 NMSA 1978)

#### 24-12-10-1.9. - STOP LAMPS, SIGNAL LAMPS AND SIGNAL DEVICES.

A. From and after January 1, 1954, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this municipality or for any person to drive such vehicle on the streets unless it is equipped with at least one stop lamp meeting the requirements of Subsection C(1).

B. No person shall sell or offer for sale or operate on the streets any motor vehicle, trailer, semi-trailer or house trailer registered in this state which was manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electric turn signals meeting the requirements of Subsection C(2). This subsection shall not apply to any motorcycle or motor-driven cycle. (66-3-807 NMSA 1978)

C. Any motor vehicle, trailer, semi-trailer and house trailer may be equipped and when required under this ordinance shall be equipped with the following stop lamps, signal lamps, or signal devices:

- (1) stop lamp or stop lamps on the rear which shall emit a red, amber or yellow light and which shall be actuated upon application of the service brakes

and which may but need not be incorporated with one or more other rear lamps;  
and

(2) lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

D. Every stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

E. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in Section 12-10-1.3 of this ordinance. (66-3-828 NMSA 1978)

#### 24-12-10-1.10. - MUFFLERS--PREVENTION OF NOISE--EMISSION CONTROL DEVICES.

A. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street in this municipality.

B. The muffler, emission control equipment or device, engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

C. Every registered gasoline-fueled motor vehicle manufactured or assembled, commencing with the 1968 models, shall at all times be equipped and maintained in good working order with the factory-installed devices and equipment or their replacements designed to prevent, reduce or control exhaust emissions or air pollution. (66-3-844 NMSA 1978)

#### 24-12-10-1.11. - LAMP OR FLAG ON PROJECTING LOAD.

A. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 12-10-1.3 hereof, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such

load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

B. If any part of a vehicle, or any load thereon, or any mechanical device, whether a temporary or permanent part of the vehicle, extends beyond the front bumpers thereof the extreme front corners of such projection shall at the times specified in Section 12-10-1.3 be indicated by amber lights or lanterns visible from a distance of at least five hundred feet to the sides and front. (66-3-824 NMSA 1978)

**24-12-10-1.12. - WINDSHIELD MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS; WINDOWS MUST BE TRANSPARENT; EXCEPTIONS.**

A. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon or in the front windshield, windows to the immediate right and left of the driver or in the rear-most window if the latter is used for driving visibility except as provided in Section 12-10-1.12A. The rear-most window is not necessary for driving visibility where outside rear-view mirrors are attached to the vehicle.

B. The windshield on every motor vehicle, except a motorcycle, shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

C. Every windshield wiper upon a motor vehicle shall be maintained in good working order. (66-3-846 NMSA 1978)

**24-12-10-1.12A. - SUN SCREENING MATERIAL ON WINDSHIELDS AND WINDOWS; REQUIREMENTS; VIOLATION; PENALTY.**

A. A person shall not operate on any street or highway a motor vehicle that is registered or required to be registered in this state if that motor vehicle has a sun screening material on the windshield or any window that does not comply with the requirements of this section.

B. Except as otherwise provided in this section, a sun screening material:

(1) when used in conjunction with the windshield, shall be nonreflective, shall not be red, yellow or amber in color and shall be used only along the top of the windshield, not extending downward beyond the ASI line or more than five inches from the top of the windshield, whichever is closer to the top of the windshield; and

(2) when used in conjunction with the safety glazing materials of the side wings or the side windows located at the immediate right and left of the driver, the side windows behind the driver and the rearmost window shall be

nonreflective, shall have a light transmission of not less than twenty percent and shall be used only on the windows of a motor vehicle equipped with one right and one left outside rearview mirror.

C. Each manufacturer shall:

(1) certify to the division that a sun screening material used by that manufacturer is in compliance with the nonreflectivity and light transmission requirements of this section;

(2) provide a label not to exceed one and one-half square inches in size that:

(a) is installed permanently and legibly between the sun screening material and each glazing surface to which it is applied;

(b) contains the manufacturer's name, the date the sun screening material was manufactured and the percentage of light transmission; and

(c) is placed in the left lower corner of each glazing surface when facing the motor vehicle from the outside; and

(3) include instructions with the sun screening material for proper installation, including the affixing of the label specified in this subsection.

D. No person shall:

(1) offer for sale or for use any sun screening material for motor vehicle use not in compliance with this section; or

(2) install any sun screening material on motor vehicles intended for operation on any street or highway without permanently affixing the label specified in subsection C of this section.

E. The provisions of this section do not apply to a motor vehicle registered in this state in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material that is in violation of this section. The affidavit shall be in the possession of the person with such a physical condition, or the person's legal guardian, at all times while being transported in the motor vehicle.

F. The light transmission requirement of this section does not apply to windows behind the driver on truck tractors, buses, recreational vehicles, multipurpose passenger vehicles and motor homes. The provisions of this section shall not apply to motor vehicle glazing which complies with federal motor vehicle standards.

G. The provisions of this section do not apply to motor vehicles that have sun screening material on the windshield or any window prior to 1997.

H. As used in this section:

(1) “light transmission” means the ration of the amount of total light that passes through a product or material, expressed in percentages, to the amount of total light falling on the product or material;

(2) “manufacturer” means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;

(3) “nonreflective” means designed to absorb light rather than to reflect it; and

(4) sun screening material means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

I. Any person who violates any provision of this section is guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not more than seventy-five dollars (\$75.00). (66-3-846.1 NMSA 1978)

#### 24-12-10-1.13. - PROHIBITING LUGS.

No person shall drive a tractor engine, tractor or vehicle with lugs on the wheels thereof over any paved street.(\*)

#### 24-12-10-1.14. - PERMISSION TO USE EMERGENCY EQUIPMENT ON OTHER THAN OFFICIAL VEHICLES.

No person shall operate a vehicle other than an official vehicle, equipped with any red lights mounted so as to project a beam in a forward direction, or a siren, unless written permission of the chief of police or his designated representative is first obtained.(\*)

#### 24-12-10-1.15. - PROHIBITING METAL TIRES OR DRAGGING LOAD.

A. When the use thereof is permitted, every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one-inch thick above the edge of the flange of the entire periphery.

B. No person shall operate or move on any street any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the street, except that for the purposes of this



ordinance a snow tire with metal studs designed to increase traction on ice or snow shall not be considered a metal tire.

C. No tire on a vehicle moved on a street shall have on its periphery any block, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the street, and except also that it shall be permissible to use tire chains of reasonable proportions or snow tires with metal studs designed to increase traction on ice or snow upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

D. The administrator may, in his discretion, issue special permits authorizing the operation upon a street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a street would otherwise be prohibited under the provisions of this ordinance.

E. No vehicle equipped with solid rubber or cushion tires shall be permitted upon any street of this municipality without special permission first being granted by the administrator, and in no event may any such vehicle be operated at a speed in excess of that specified by law. (66-3-847 NMSA 1978)

F. No person shall operate or move on any street any motor vehicle, trailer or semi-trailer from which any object or load scrapes along or over any paved surface.(\*).

#### 24-12-10-1.16. - BRAKES.

A. Brake equipment is required as follows:

(1) every motor vehicle, other than a motorcycle, when operated upon a street shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels;

(2) every motorcycle when operated upon a street, shall be equipped with at least two brakes which may be operated by hand or foot;

(3) every bus, truck, truck tractor, road tractor, trailer and semi-trailer, and pole trailer shall be equipped with brakes on all wheels in contact with road surfaces except:

(a) trailers, semi-trailers and pole trailers of a gross weight of less than three thousand pounds;

(b) any vehicle being towed in a driveaway-towaway operation; provided, the combination of vehicles is capable of complying with the performance requirements of Subsection B of this section;

(c) trucks, truck tractors and road tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles the wheels of one such axle need not be equipped with brakes;

(d) house-moving dollies subject to regulations adopted by the secretary of transportation under the Motor Transportation Act; and

(e) motor vehicles of the types named in this section hereinabove, heretofore manufactured prior to July 1, 1963;

(4) every house trailer of a gross weight in excess of three thousand pounds, registered in the state, shall be equipped with brakes on at least two wheels in contact with road surfaces. Every house trailer of a gross weight of three thousand pounds or more, when operated upon a highway or street, shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle, and so designed as to be applied by the driver of the towing motor vehicle;

(5) every bus, truck, road tractor or truck tractor shall be equipped with parking brakes capable of locking the rear driving wheels and adequate under any condition of loading to hold, to the limit of traction of such braked wheels, such vehicle or combination of vehicles to which such motor vehicle may be attached. The operating controls of such parking brakes shall be independent of the operating controls of the service brakes;

(6) in any combination of motor-drawn vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed; and

(7) the brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

B. Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road, free from loose material, upon application of the service brake, within the distance specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

|                                              | Feet to stop from<br>20 miles per<br>hour | Deceleration<br>in ft. per<br>second |
|----------------------------------------------|-------------------------------------------|--------------------------------------|
| Vehicles or combinations of                  |                                           |                                      |
| vehicles having brakes on all wheels . .     | 30                                        | 14                                   |
| Vehicles or combinations of                  |                                           |                                      |
| vehicles not having brakes on all wheels . . | 40                                        | 10.7                                 |

C. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (66-3-840 NMSA 1978)

#### 24-12-10-1.17. - HORNS AND WARNING DEVICES.

A. Every motor vehicle when operated upon a street shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall be used which does not produce a harmonious sound. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a street.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell except as otherwise permitted in this section.

C. It is permissible, but not required, that any commercial vehicle be equipped with a theft-alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

D. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the division, but such siren shall not be

used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof. (66-3-843 NMSA 1978)

#### 24-12-10-1.18. - MIRRORS.

Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. (66-3-845 NMSA 1978)

#### 24-12-10-1.19. - APPLICATION OF SUCCEEDING SECTIONS.

Sections 24-12-10-1.20, 24-12-10-1.21, 24-12-10-1.27, 24-12-10-1.33 and 24-12-10-1.34 shall apply in lieu of Sections 24-12-10-1.5A,B,C, 24-12-10-1.7A,B,C and 24-12-10-1.8 as to passenger buses, trucks, truck tractors, road tractors, and such trailers, semi-trailers and pole trailers provided for therein, when operated upon any street, and said vehicles shall be equipped as required. All lamp equipment required shall be lighted at the times mentioned in Section 12-10-1.3 of this ordinance. (66-3-808 NMSA 1978)

#### 24-12-10-1.20. - ADDITIONAL EQUIPMENT REQUIRED.

Every bus or truck less than eighty inches in over-all width shall be equipped as follows:

- (1) on the front: two headlamps; and
- (2) on the rear: one red tail lamp; one red or amber stop lamp; two red reflectors, one at each side. (66-3-809 NMSA 1978)

#### 24-12-10-1.21. - COLOR OF CLEARANCE LAMPS, SIDE-MARKER LAMPS AND REFLECTORS.

Every bus or truck eighty inches or more in over-all width shall be equipped as follows:

- (1) on the front: two headlamps; two amber clearance lamps, one at each side;
- (2) on the rear: one red tail lamp; one red or amber stop lamp; two red clearance lamps, one at each side; two red reflectors, one at each side.
- (3) all lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber; and

(4) on each side: one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear. (66-3-810 NMSA 1978)

#### 24-12-10-1.22. - LAMPS AND REFLECTORS--TRUCK TRACTORS AND ROAD TRACTORS.

Every truck tractor and road tractor shall be equipped as follows:

(1) on the front: two headlamps; two amber clearance lamps, one at each side; and

(2) on the rear: one red tail lamp; one red or amber stop lamp. (66-3-811 NMSA 1978)

#### 24-12-10-1.23. - LAMPS AND REFLECTORS--LARGE SEMI-TRAILERS, FULL TRAILERS AND HOUSE TRAILERS.

A. Every semi-trailer, full trailer or house trailer eighty inches or more in over-all width shall be equipped as follows:

(1) on the front: two amber clearance lamps; one at each side;

(2) on the rear: one red tail lamp; one red or amber stop lamp; two red clearance lamps, one at each side; two red reflectors, one at each side; and

(3) on each side: one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

B. Side-marker lamps may be in combination with clearance lamps and may use the same light source. (66-3-812 NMSA 1978)

#### 24-12-10-1.24. - LAMPS AND REFLECTORS--SMALL SEMI-TRAILERS, HOUSE TRAILERS AND TRAILERS.

Every semi-trailer, house trailer or trailer less than eighty inches in over-all width shall be equipped as follows: on the rear: one red tail lamp; two red reflectors, one at each side; one red or amber stop lamp, if the semi-trailer, house trailer or trailer obscures the stop lamp on the towing vehicle. (66-3-813 NMSA 1978)

#### 24-12-10-1.25. - LAMPS AND REFLECTORS--POLE TRAILERS.

Every pole trailer shall be equipped as follows:

(1) on the rear: one red tail lamp, two red reflectors, one at each side, placed to indicate extreme width of the pole trailer; and

(2) on each side, on the rearmost support for the load: one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate the maximum width of the pole trailer; and red reflector, located at or near the rear; and on pole trailers thirty feet or more in over-all length, an amber marker lamp on each side near the center. (66-3-814 NMSA 1978)

#### 24-12-10-1.26. - LAMPS AND REFLECTORS--COMBINATIONS IN DRIVEAWAY-TOWAWAY OPERATIONS.

Combinations of motor vehicles, as enumerated in Section 12-10-1.19 of this ordinance, engaged in driveaway-towaway operations shall be equipped as follows:

A. On towing vehicle;

(1) on the front, two head lamps and two amber clearance lamps, one at each side;

(2) on each side and near the front, one amber side-marker lamp;

(3) on the rear, one red tail lamp; one red or amber stop lamp; and

(4) provided, however, that vehicles of less than eighty inches in width shall be equipped as provided in Section 12-10-1.20 of this ordinance.

B. On the towed vehicles of a tow-bar combination, the towed vehicle of a single saddle-mount combination and on the rearmost towed vehicle of a double saddle-mount combination:

(1) on each side, and near the rear, one red side-marker lamp; and

(2) on the rear, one red tail lamp; two red clearance lamps, one at each side; one red or amber stop lamp; two red reflectors, one at each side.

C. On the first saddle-mount of a double saddle-mount combination: one each side and near the rear, one amber side-marker lamp.

D. Combinations of vehicles less than eighty inches in width in driveaway-towaway operations shall carry lamp and reflectors as required in Section 12-10-1.20 of this ordinance. (66-3-815 NMSA 1978)

#### 24-12-10-1.27. - MOUNTING OF REFLECTORS, CLEARANCE LAMPS AND SIDE-MARKER LAMPS.

A. Reflectors required by Section 12-10-1.20 and 12-10-1.21 of this ordinance shall be mounted upon the motor vehicle at a height of not less than twenty-four inches nor more than sixty inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the twenty-four-inch requirements impractical. They shall be so installed as to perform their function adequately and reliably and, except for temporary reflectors required for vehicles in driveway-towaway operations, all reflectors shall be permanently and securely mounted in workmanlike manner so as to provide the maximum of stability, and the minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed with flexible strapping or belting provided that under conditions of normal operation they reflect light in the required directions. Required temporary reflectors mounted on motor vehicles during the time they are in transit in any driveway-towaway operations must be firmly attached.

B. All reflectors on the rear and those nearest to the rear on the sides, except those referred to in Subsection C of this section, shall reflect a red color; all other reflectors, except those referred to in Subsection C of this section, shall reflect an amber color; provided that this requirement shall not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are severally equipped with reflectors as required by Section 12-10-1.20 through 12-10-1.26 of this ordinance.

C. Retroreflective surface, other than required reflectors, may be used, provided:

- (1) designs do not resemble traffic control signs, lights or devices, except that straight edge striping resembling a barricade pattern may be used;
- (2) designs do not tend to distort the length or width of the motor vehicle;
- (3) such surfaces shall be at least three inches from any required lamp or reflector unless of the same color as such lamp or reflector;
- (4) no red color shall be used on the front of any motor vehicle; and
- (5) no provision of this subsection shall be so construed as to prohibit the use of retroreflective registration plates required by any state or local authorities. (66-3-816 NMSA 1978)

#### 24-12-10-1.28. - CLEARANCE LAMPS TO INDICATE EXTREME WIDTH, HEIGHT AND LENGTH.

Clearance lamps shall, so far as is practicable, be mounted as to indicate the extreme width, height and length of the motor vehicle; except that clearance lamps on truck-tractors shall be so located as to indicate the extreme width of the truck-tractor cab. (66-3-817 NMSA 1978)

**24-12-10-1.29. - SIDE-MARKER LAMPS COMBINED WITH CLEARANCE LAMPS.**

Side-marker lamps may be combined with clearance lamps and may use the same light source. (66-3-818 NMSA 1978)

**24-12-10-1.30. - COMBINATION TAIL AND STOP LAMPS.**

Except as required by 24-12-10-1.29 of this ordinance tail lamps may be incorporated in the same housing with stop lamps so long as the requirements for each are fulfilled. (66-3-819 NMSA 1978)

**24-12-10-1.31. - LIGHTING DEVICES TO BE ELECTRIC.** Lighting devices shall be electric, except that red liquid burning lanterns may be used on the end of load in the nature of poles, pipes, and ladders projecting to the rear of the vehicle. (66-3-820 NMSA 1978)

**24-12-10-1.32. - REQUIREMENTS FOR HEADLAMPS AND AUXILIARY ROADLIGHTING LAMPS.**

A. Headlamps and lamps or auxiliary road lighting lamps shall be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting shall be such that the aim is not readily disturbed by ordinary conditions of service.

B. Every bus, truck or truck-tractor shall be equipped with two single-beam headlamps supplemented by two auxiliary single-beam headlamps furnishing, respectively, an upper and lower distribution of light, also selectable at the driver's will.

C. Headlamps shall be constructed and installed so as to comply with the provisions of Sections 12-10-1.39 through 12-10-1.41 of this ordinance. (66-3-821 NMSA 1978)

**24-12-10-1.33. - REQUIREMENTS FOR CLEARANCE, SIDE-MARKER AND OTHER LAMPS.**

A. Except for temporary side-marker and clearance lamps on motor vehicles, as enumerated in Section 66-3-808 NMSA 1978, being transported in driveway-towaway operations, temporary electric lamps on projecting loads, and temporary marker lamps on pole trailers, all lamps shall be permanently and securely mounted in workmanlike manner on a permanent part of the motor vehicle. All clearance lamps and side-marker lamps must be firmly attached.

B. Clearance, side-marker, tail and projecting load-marker lamps shall be so mounted as to be capable of being seen from a distance of at least five hundred feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps shall be visible to the front and that from side-marker lamps



to the side, that from rear clearance and tail lamps to the rear. This section shall not be construed to apply to lamps which are obscured by another unit or a combination of vehicles.

C. Clearance, side-marker, tail and projecting load-marker lamps shall be constructed and installed so as to provide an adequate and reliable warning signal. (66-3-822 NMSA 1978)

#### 24-12-10-1.34. - OBSTRUCTED LIGHTS NOT REQUIRED.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination; but, this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (66-3-823 NMSA 1978)

#### 24-12-10-1.35. - LAMPS ON PARKED VEHICLES.

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half-hour after sunset and half-hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need to be displayed upon such parked vehicle.

B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half-hour after sunset and a half-hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: at least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and same lamp or at least one other lamp shall display a red light visible, from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (66-3-825 NMSA 1978)

#### 24-12-10-1.36. - LAMPS ON OTHER VEHICLES AND EQUIPMENT.

A. All vehicles, including animal-drawn vehicles, not specifically required by the provisions of this ordinance to be equipped with lamps, shall at the time specified in 12-10-1.3 of this ordinance hereof be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear.

B. Every farm tractor not equipped with an electric lighting system shall at all times mentioned in Section 12-10-1.3 of this ordinance be equipped with lamps or lanterns meeting the requirements of Subsection A above. Every farm tractor equipped with an electric lighting system shall at all times mentioned in Section 12-10-1.3 of this ordinance display a red tail lamp and either multiple-beam or single-beam headlamps meeting the requirements of Sections 12-10-1.7, 12-10-1.39 and 12-10-1.41 of this ordinance.

C. All combinations of tractors and towed farm equipment shall, in addition to the lighting equipment required by Subsection B above, be equipped with a lamp or lamps displaying a white or amber light visible from a distance of five hundred feet to the front and red light visible from a distance of five hundred feet to the rear, and said lamp or lamps shall be installed or capable of being positioned so that visibility from the rear is not obstructed by the towed equipment and so as to indicate the furthest projection of said towed equipment on the side of the road used by other vehicles in passing such combinations. And further, all such towed farm equipment shall be equipped either with two tail lamps displaying a red light visible from a distance of the five hundred feet to the rear or two red reflectors visible from a distance of fifty to five hundred feet to the rear when illuminated by the upper beam of headlamps, and the location of such lamps or reflectors shall be such as to indicate as nearly as practicable the extreme left and right rear projections of said towed equipment on the street. (66-3-826 NMSA 1978)

#### 24-12-10-1.37. - SPOT LAMPS AND AUXILIARY LAMPS.

A. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle; provided, however, that lighted spot lamps shall be turned off at least five hundred feet from approaching motor vehicles.

B. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed, when the vehicle is not loaded, that none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of four inches

below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in Section 12-10-1.39B of this ordinance.

C. Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of Section 12-10-1.39 of this ordinance shall apply to any combination of headlamps and auxiliary passing lamps.

D. Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. Any lighted auxiliary driving lamp shall be turned off at least five hundred feet from approaching motor vehicles. The provisions of Section 12-10-1.39 of this ordinance shall apply to any combination of headlamps and auxiliary driving lamp. (66-3-827 NMSA 1978)

#### 24-12-10-1.38. - ADDITIONAL LIGHTING EQUIPMENT.

A. Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

B. Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

C. Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion. (66-3-829 NMSA 1978)

#### 24-12-10-1.39. - MULTIPLE BEAM ROAD LIGHTING EQUIPMENT.

Except as hereinafter provided, the headlamps or the auxiliary driving lamps or the auxiliary passing lamp, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

A. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

B. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred

feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

C. Every new motor vehicle registered in this state after July 1, 1953, which has multiple beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. (66-3-830 NMSA 1978)

24-12-10-1.40 USE OF MULTIPLE BEAM ROAD LIGHTING EQUIPMENT. Whenever a motor vehicle is being operated on a street or shoulder adjacent thereto during the times specified in Section 12-10-1.3 of this ordinance, the driver shall use all distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at safe distance in advance of the vehicle, subject to the following requirements and limitations:

A. Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

B. The lowermost distribution of light specified in Section 12-10-1.39B of this ordinance shall be deemed to avoid glare at all times, regardless of road contour and loading.

C. Whenever the driver of a vehicle overtakes another vehicle proceeding in the same direction and within two hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected through the rear window of the overtaken vehicle. (66-3-831 NMSA 1978)

24-12-10-1.41. - SINGLE BEAM ROAD LIGHTING EQUIPMENT.

Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to July 1, 1953, in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

A. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level of which the vehicle stands at a distance of seventy-five feet ahead.

B. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. (66-3-832 NMSA 1978)

#### 24-12-10-1.42. - ALTERNATE ROAD LIGHTING EQUIPMENT.

Any motor vehicle may be operated under the conditions specified in Section 12-10-1.3 of this ordinance when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Sections 12-10-1.39 or 12-10-1.41 of this ordinance; provided, however, that at no time shall it be operated at a speed in excess of twenty miles an hour. (66-3-833 NMSA 1978)

#### 24-12-10-1.43. - NUMBER OF DRIVING LAMPS REQUIRED OR PERMITTED.

A. At all times specified in Section 12-10-1.3 of this ordinance, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamp or spot lamps or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candle power, not more than a total of four or any such lamps on the front of a vehicle shall be lighted at any one time when upon a street. (66-3-834 NMSA 1978)

#### 24-12-10-1.44. - SPECIAL RESTRICTIONS ON LAMPS.

A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, that project a beam of light of an intensity greater than three hundred candle power shall be directed so that no part of the high-intensity portion of the beam strikes the level of the street on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. A person shall drive or move upon a highway a vehicle or equipment with a lamp or device displaying a red light visible from directly in front of the center of the vehicle or equipment, except as expressly authorized or required by the New Mexico Motor Vehicle Code.

C. Flashing lights are prohibited except as provided in this section and except on authorized emergency vehicles, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating turn.

D. A recovery or repair vehicle standing on a highway for the purpose of removing, and actually engaged in removing, a disabled vehicle, and while engaged in towing any disabled vehicle, may display flashing lights in any color except red. This provision shall not be construed as permitting the use of flashing lights by recovery or repair

vehicles in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses may display flashing red lights visible from the front of the vehicle. All other vehicles authorized by the New Mexico Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is visible. (66-3-835 NMSA 1978)

#### 24-12-10-1.44. - SPECIAL RESTRICTIONS ON LAMPS.

A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which project a beam of light of an intensity greater than three hundred candle power shall be directed so that no part of the high-intensity portion of the beam strikes the level of the street on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. No person shall drive or move upon any street, any vehicle or equipment with a lamp or device thereon displaying a red light visible from directly in front of the center of the vehicle or equipment. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by the New Mexico Motor Vehicle Code.

C. Flashing lights are prohibited except as provided in Subsection D of this section and except on authorized emergency vehicles, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating turn.

D. Tow cars standing on streets for the purpose of removing, and actually engaged in removing, disabled vehicles, and while engaged in towing any disabled vehicle, may display flashing lights. This shall not be construed as permitting the use of flashing lights by tow cars in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses shall display flashing red lights visible from the front of the vehicle. All other vehicles authorized by the New Mexico Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is visible. (66-3-835 NMSA 1978)

#### 24-12-10-1.45. - LIGHTS ON SNOW REMOVAL EQUIPMENT.

It shall be unlawful to operate any snow removal equipment on any street unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the State Highway Commission as provided in Section 66-3-836 NMSA 1978. (66-3-836 NMSA 1978)

24-12-10-1.46. - MEANING OF THE TERM "MOTOR VEHICLE" AS USED IN SECTIONS 24-12-10-1.47 THROUGH 24-12-10-1.51 OF THIS ORDINANCE--UNATTENDED VEHICLES.

A. For the purposes of Sections 12-10-1.47 through 12-10-1.51 of this ordinance "motor vehicle" means every bus, truck tractor, road tractor,, and every driven vehicle in driveaway-towaway operations, required by Section 12-10-2 of this ordinance to have emergency equipment thereon.

B. No motor vehicle shall be left unattended until the parking brake has been securely set. All reasonable precautions shall be taken to prevent the movement of any vehicle left unattended. (66-3-851 NMSA 1978)

24-12-10-1.47. - STOPPED VEHICLES NOT TO INTERFERE WITH OTHER TRAFFIC.

No motor vehicle shall be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of any street outside of a business or residence district, when it is practicable to stop, park, or leave such vehicle off the traveled portions of the street. In the event that conditions make it impracticable to move such motor vehicle from the traveled portion of the street, the driver shall make every effort to leave all possible width of the street opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear. (66-3-852 NMSA 1978)

24-12-10-1.48. - EMERGENCY SIGNALS--DISABLED VEHICLE.

Whenever any motor vehicle is disabled upon the traveled portion of any street or the shoulder thereof, when lighted lamps are required, except where there is sufficient street lighting to make it clearly discernible to persons and vehicles on the street at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the disabled vehicle, a lighted fuse and lighted red electric lantern, or a red emergency reflector.

B. Except as provided in Subsections C and D of this section, as soon thereafter as possible, but in any event within the burning period of the fuse, the driver shall place three liquid-burning flares or pot torches, or three red emergency reflectors on the traveled portion of the street in the following order:

(1) one at a distance of approximately one hundred feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

(2) one at a distance of approximately one hundred feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) one at the traffic side of the disabled vehicle, not less than ten feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with Subsection A of this section, it may be used for this purpose.

C. If disablement of any motor vehicle shall occur within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the street, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle.

D. If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container of a motor vehicle disabled or otherwise stopped upon a street, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion. (66-3-853 NMSA 1978)

#### 24-12-10-1.49 NON-EMERGENCY SIGNALS--STOPPED OR PARKED VEHICLES.

Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any street, or shoulder thereof, during the time lights are required, except where there is sufficient street lighting to make clearly discernible persons and vehicles on the street at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the vehicle, a lighted fuse and lighted red electric lantern, or a red emergency reflector.

B. If the stop is to exceed ten minutes, the driver shall place emergency signals as required and in the manner prescribed by Section 12-10-1.48 of this ordinance. (66-3-854 NMSA 1978)

#### 24-12-10-1.50. - EMERGENCY SIGNALS--FLAME PRODUCING.



No driver shall attach or permit any person to attach a lighted fuse or other flame producing emergency signal to any part of a motor vehicle. (66-3-855 NMSA 1978)

#### 24-12-10-1.51. - EMERGENCY SIGNALS--DANGEROUS CARGOES.

No driver shall use or permit the use of any flame producing emergency signal for protecting any motor vehicle transporting explosives, any cargo tank motor vehicle used for the transportation of any flammable liquid or flammable compressed gas, whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel. In lieu thereof, red electric lanterns or red emergency reflectors shall be used, the placement of which shall be in the same manner as prescribed in Section 12-10-1.48 of this ordinance. (66-3-856 NMSA 1978)

#### 24-12-10-2. - TRANSPORTING OR HANDLING EXPLOSIVES OR DANGEROUS ARTICLES.

A. Any person operating any vehicle transporting explosives or other dangerous articles, as defined in the New Mexico Motor Vehicle Code, as cargo upon a street shall comply with the provisions of Sections 66-3-858 through 66-3-873 NMSA 1978 with respect to marking of vehicles. (66-3-858 NMSA 1978)

B. No motor vehicle transporting any explosive or any other dangerous article shall be left unattended upon any street in any residence or business district except when the driver is engaged in the performance of normal operations incident to his duties as an operator of the vehicle to which he is assigned; provided, however, the chief of police may except any street in any business district from the operation of this subsection.

C. Drivers of motor vehicles transporting explosives, inflammable liquids, or inflammable, noxious or toxic compressed gasses in cargo tanks, shall avoid, so far as practicable, driving into or through congested streets, places where crowds are assembled and dangerous crossings. So far as practicable this shall be accomplished by prearrangement of routes.

D. No blasting caps or other materials designed and used for detonating charges or explosives may be transported in or on a vehicle with any explosive.(\*)

E. The administrator shall enforce such rules and regulations adopted and promulgated by the director with respect to the transportation of compressed gasses and corrosive liquids by tank vehicle upon the public street. (66-3-873 NMSA 1978)

#### 24-12-10-3. - REGULATING THE KINDS AND CLASSES OF TRAFFIC ON THE STREETS.

##### 24-12-10-3.1. - RESTRICTIONS UPON USE OF STREETS BY CERTAIN VEHICLES.

A. The administrator may determine and designate those heavily traveled streets upon which shall be prohibited the use of the street by motor driven cycles, bicycles,

horse-drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

B. When signs are erected giving notice of the restrictions, no person shall disobey the restrictions stated on the signs.(\*)

#### 24-12-10-3.2. - MINIMUM VEHICLE SIZE.

A. It is unlawful to operate on the streets of this municipality any motor vehicle:

(1) with a wheelbase, between two axles, of less than three feet seven inches; (66-7-405 NMSA 1978)

(2) any motorcycle with less than a twenty-five (25) inch seat height measured from the ground to the lowest point on top of the seat cushion, without a rider.(\*)

B. For the purpose of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles. (66-7-405 NMSA 1978)

#### 24-12-10-3.3. - PROJECTING LOADS ON PASSENGER VEHICLES.

No passenger-type vehicle, except a motorcycle, shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side of the vehicle. (66-7-403 NMSA 1978)

#### 24-12-10-3.4. - SPECIAL PROJECTING LOAD LIMITS.

The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than seven feet beyond the rear of the bed or body of such vehicle. (66-7-406 NMSA 1978)

#### 24-12-10-3.5. - TRAILERS AND TOWED VEHICLES.

A. When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby. When a combination of vehicles are engaged in transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered, the load shall be distributed so as to equalize the weights on the axle of each vehicle insofar as possible.

B. When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square. (66-7-408 NMSA 1978)

#### 24-12-10-3.6. - WIDTH OF VEHICLES.

A. The total outside width of any vehicle or its load, excepting mirrors, shall not exceed eight feet six inches. Safety devices up to three inches on either side of the vehicle are also excepted. (66-7-402 NMSA 1978)

#### 24-12-10-3.7. - HEIGHT AND LENGTH OF VEHICLES AND LOADS.

A. No vehicle, shall exceed a height of fourteen feet.

B. No vehicle, shall exceed a length of forty feet extreme over-all dimension, exclusive of front and rear bumpers, except when operated in combination with another vehicle as provided in this section. No combination of vehicles, unless otherwise exempted in this section, shall exceed an overall length of sixty-five feet, exclusive of front and rear bumpers.

C. No combination of vehicles coupled together shall consist of more than two units, except:

(1) a truck tractor and semi-trailer shall be permitted to pull one trailer;

(2) a vehicle shall be permitted to pull two units, provided that the middle unit is equipped with brakes and has a weight equal to or greater than the last unit and the total combined gross weight of the towed units does not exceed the manufacturer's stated gross weight of the towing units;

(3) a double or triple saddle-mount or fifth wheel mount of vehicles in transit by driveway-towaway methods shall be permitted;

(4) vehicles and trailers operated by or under contract for municipal refuse systems;

(5) farm trailers, implements of husbandry and fertilizer trailers operated by or under contract to a farmer or rancher in his farming or ranching operations; and

(6) as provided in Subsection D and E of this section.

D. Exclusive of safety and energy conservation devices, refrigeration units and other devices such as coupling devices, vehicles operating a truck tractor semitrailer or truck tractor semitrailer-trailer combinations on the interstate highway system and those qualifying federal aid primary system highways designated by the secretary of the United

States department of transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, and on those highways designated by the department by rule or regulation with the concurrence of the state transportation department may exceed an overall length limitation of sixty-five feet, provided that the length of the semitrailer in a truck tractor semitrailer combination does not exceed fifty-seven feet six inches and the length of the semitrailer or trailer in a truck tractor semitrailer-trailer combination does not exceed twenty-eight six inches. The department shall adopt rules and regulations granting reasonable access to terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers to vehicles operating in combination pursuant to this subsection. As used in this subsection, "truck tractor" means a non-cargo carrying power unit designed to operate in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the truck tractor.

E. Notwithstanding any other subsection of this section, any trailer or semitrailer combination of such dimensions as those that were in actual and lawful use in this state on December 1, 1982 may be lawfully operated on the highways of this state. (66-7-404 NMSA 1978)

24-12-10-3.8. - EXCEPTIONS ON SIZE, WEIGHT AND LOAD. The provisions of Sections 12-10-3.1 through 12-10-3.7 of this ordinance governing size, weight and load shall not apply to fire apparatus, road machinery engaged in street construction or maintenance, or to implements of husbandry, including farm tractors, temporarily moved upon a street, or to a vehicle operated under the terms of a special permit issued as herein provided. (66-7-401 NMSA 1978)

24-12-10-4. - DISPLAY OF CURRENT VALID REGISTRATION PLATE.

A. It is a violation of this ordinance for any person to drive or park upon a public street or public parking area of this municipality any motor vehicle or trailer which does not display one or more visible current valid registration plates as required by state law.(\*)

B. The registration plate shall be attached to the rear of the vehicle for which it is issued; however, the registration plate shall be attached to the front of a road tractor or truck tractor. The plate shall be securely fastened at all times, in a fixed horizontal position, at a height of not less than twelve inches from the ground, measuring from the bottom of the plate. It shall be in a place and position so as to be clearly visible, and it shall be maintained free from foreign material and in a condition to be clearly legible.

C. No vehicle, while being operated on the streets of this municipality, shall have displayed thereon, either on the front or the rear thereof, any license plate, including tab

or sticker, other than one issued, or validated, for the current registration period, by the division or any other licensing authority having jurisdiction over the vehicle.

No expired license plate, tab or sticker shall be displayed on such vehicle, other than an expired special license plate which may be exhibited on the front of the vehicle. (66-3-18 NMSA 1978)

D. Nothing contained herein shall be construed as prohibiting the use, on the front of the vehicle, of a promotional or advertising plate. (66-3-18 NMSA 1978)

E. Any police officer may, upon discovering that the registration plate of any vehicle is illegible because of wear or damage or other causes, issue a citation to the owner or operator of the vehicle. The citation shall provide that the owner shall, within thirty days from the date of the citation, apply for and obtain a duplicate or replacement plate from the division. (66-3-17 NMSA 1978)

F. Any motor vehicle owner who has been issued a citation for an illegible registration plate and who fails to comply with the terms of the citation requiring the acquisition of a duplicate or replacement plate within thirty days of the date of the citation is guilty of a misdemeanor. (66-8-10 NMSA 1978)

24-12-10-5. - EVIDENCE OF REGISTRATION TO BE SIGNED AND EXHIBITED ON DEMAND. Every owner, upon receipt of registration evidence, shall write his signature thereon in a space provided. Every such registration evidence or duplicates thereof validated by the division shall be exhibited upon demand of any police officer. (66-3-13 NMSA 1978)

24-12-10-6. - MANDATORY FINANCIAL RESPONSIBILITY.

A. No owner shall permit the operation of an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless the vehicle is specifically exempted from the provisions of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978].

B. No person shall drive an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless he is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.

C. For the purposes of the Mandatory Financial Responsibility Act, "uninsured motor vehicle" means a motor vehicle for which a motor vehicle insurance policy meeting the requirements of the laws of New Mexico and of the secretary is not in effect

or a surety bond or evidence of a sufficient cash deposit with the state treasurer. (66-5-205 NMSA 1978)

D. "Evidence of Financial Responsibility", as used in this Section, means evidence of the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico, in the following amounts:

- (1) twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one person in any one accident;
- (2) subject to this limit for one person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two or more persons in any one accident;
- (3) ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one accident; and
- (4) if evidence is in the form of a surety bond or a cash deposit with the state treasurer, the total amount shall be sixty thousand dollars (\$60,000). (66-5-208 NMSA 1978)

E. Exemptions--Exempted from the mandatory financial responsibility provisions of this Section are the following:

- (1) a motor vehicle owned by the United States government, any state or any political subdivision of a state;
- (2) an implement of husbandry or special mobile equipment which is only incidentally operated upon the streets or highways within the limits of the municipality;
- (3) a motor vehicle operated upon a street or highway within the limits of the municipality only for the purpose of crossing such street or highway from one property to another;
- (4) a commercial motor vehicle registered or proportionally registered in New Mexico and any other jurisdiction, provided such motor vehicle is covered by a motor vehicle insurance policy or equivalent coverage or other form of financial responsibility in compliance with the laws of any other jurisdiction in which it is registered;
- (5) a motor vehicle approved as self-insured by the superintendent of insurance pursuant to Section 66-5-207.1 NMSA 1978; and

(6) any motor vehicle when the owner has submitted to the department a signed statement, in the form prescribed by the department, declaring that the vehicle will not be operated on the highways of New Mexico and explaining the reasons therefore. (66-5-207 NMSA 1978)

F. The office of the municipal court shall notify the Division of Motor Vehicles of the Transportation Department of the State of New Mexico of the conviction of any person violating the provisions of this Section.

G. Penalty. Any person found guilty of violating this Section shall be fined not more than three hundred dollars (\$300) (66-5-205 E NMSA 1978); provided however, that no person charged with violating this section shall be convicted if he produces in court evidence of financial responsibility valid at the time of issuance of the citation. (\*)

H. When a law enforcement officer issues a driver who is involved in an accident a citation for failure to comply with the provisions of the Mandatory Financial Responsibility Act, the law enforcement officer shall at the same time:

(1) issue to the driver cited a temporary operation sticker, valid for thirty days after the date the sticker is issued, and forward by mail or delivery to the department a duplicate of the issued sticker; and

(2) remove the license plate from the vehicle and send it with the duplicate of the sticker to the department or, if it cannot be removed, permanently deface the plate. (66-5-205.1 NMSA 1978)

## ARTICLE ELEVEN

### 24-12-11-1. - TRAFFIC VIOLATIONS BUREAU CREATED.

A. A traffic violations bureau is established to assist the municipal court in its administrative work.

B. The personnel of the bureau shall be responsible to the municipal judge.

C. The bureau shall be open at such hours as the municipal judge may designate. (\*)

### 24-12-11-2. - FINES ACCEPTED BY THE TRAFFIC VIOLATIONS BUREAU.

A. The municipal judge who hears traffic cases shall designate by rule as provided in the Rules of Procedure for the Municipal Courts, adopted by the New Mexico Supreme Court, as amended, the specified offenses under the traffic ordinance of this municipality in respect to which payments of fines may be accepted by the traffic violations bureau.

B. The municipal judge shall specify by rule as provided in the Rules of Procedure for the Municipal Courts, adopted by the New Mexico Supreme Court, as amended, suitable schedules of the amount of the fines for first, second and subsequent offenses, provided the fines are within the limits declared by law or ordinance, and shall further specify what number of offenses shall require appearance before the judge.(\*)

#### 24-12-11-3. - WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU OR BEFORE MUNICIPAL JUDGE.

A. Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau under the foregoing provisions shall have the option of:

(1) paying the fine within the time specified in the notice of arrest at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court; or

(2) upon a plea of not guilty shall be entitled to a trial as authorized by law and depositing any bail required as provided in the Rules of Procedure for the Municipal Courts, adopted by the New Mexico Supreme Court, as amended.

B. For the purpose of this ordinance, the payment of a fine to the traffic violations bureau shall be deemed an acknowledgment of conviction of the alleged offense. The traffic violations bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment of the fine.(\*)

#### 24-12-11-4 DUTIES OF TRAFFIC VIOLATIONS BUREAU.

A. The traffic violations bureau shall accept designated fines, issue receipts and represent in court violators who are permitted and who desire to plead guilty, waive appearance and give power of attorney.

B. The traffic violations bureau shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time for their appearance on the court docket and notify the arresting officer or the municipal attorney or the liaison officer if any are to be present.

C. The traffic violations bureau shall keep a record of all violations of the traffic ordinance together with a record of a final disposition of all such alleged offenses:

(1) the record shall be maintained to show all types of violations and the total of each; and

(2) the record shall accumulate during at least a two-year period and from that time on shall be maintained complete for at least the most recent two-year period.



D. The traffic violations bureau shall study the cases of drivers charged with frequent or serious violations of traffic ordinances or involved in frequent traffic accidents or any one serious accident, shall attempt to discover the reasons therefore and shall take whatever steps are lawful and reasonable to prevent the recurrence thereof or to have the licenses of the persons suspended or revoked.

E. The traffic violations bureau shall keep records and submit summarized monthly reports to the administrator of all notices issued and arrests made for violations of the traffic ordinances and of all fines collected by the traffic violations bureau of the court and of the final disposition or current status or every case of violations of the provisions of the said ordinances. The records shall be so maintained as to show all types of violations and the totals of each.

F. The traffic violations bureau shall follow such procedures as may be prescribed by the traffic ordinances of this municipality or as may be required by any law of this state. (\*)

## ARTICLE TWELVE

### 24-12-12-1. - PENALTIES.

#### 24-12-12-1.1. - MAXIMUM PENALTY.

Unless another penalty is expressly provided in this ordinance or as otherwise provided by state law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than 90 days or by both such fine and imprisonment. (\*)

#### 24-12-12-1.2 PENALTY ASSESSMENT PROGRAM.

Any municipality may, by passage of an ordinance, establish a municipal penalty assessment program similar to that established in Section 66-8-116 NMSA 1978 for violations of provisions of the Motor Vehicle Code. Such a municipal program shall be limited to violations of municipal traffic ordinances. All penalty assessments shall be processed by the municipal court and all fines and fees collected shall be deposited in the treasury of the municipality. (66-8-130 NMSA 1978)

#### 24-12-12-1.3. - MANDATORY FEES UPON CONVICTION. Amended July, 2009

A. There is imposed upon any person convicted of violating any municipal ordinance the penalty for which carries a potential jail term or any ordinance relating to the operation of a motor vehicle the following mandatory fees:

(1) a corrections fee of twenty dollars (\$20.00);

(2) a judicial education fee of three dollars (\$3.00); and

(3) a court automation fee of six dollars (\$6.00).

B. As used in this ordinance, "convicted" means the defendant has been found guilty of a criminal charge by the municipal judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay a penalty assessment in lieu of trial.

C. All corrections fees collected shall be deposited in a special corrections fund in the municipal treasury and shall be used only for:

(1) municipal jailer training;

(2) construction planning, construction, operation and maintenance of the municipal jail;

(3) paying the costs of housing the municipality's prisoners in a county jail or detention facility or housing juveniles in a detention facility;

(4) complying with federal match or contribution requirements relating to jails or juvenile detention facilities;

(5) providing in-patient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing;

(6) defraying the cost of transporting prisoners to jails or juvenile detention facilities; or

(7) providing electronic monitoring systems.

D. A municipality may credit the interest collected from fees deposited in the special corrections fund to the municipality's general fund.

E. All judicial education fees collected shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of benchbooks and other written materials, of municipal judges and other municipal court personnel.

F. All court automation fees collected shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation system shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information system council. (35-14-11 NMSA 1978)

A. The municipality shall provide books to include uniform traffic citation forms authorized by state law for notifying alleged violators to appear and answer to charges of violating traffic ordinances in the municipal court.

B. The municipality shall issue uniform traffic citation books to the chief of police or his authorized agent and shall maintain a record of every book issued and shall require a written receipt for every book.

C. The chief of police shall keep a record and require a receipt for each serially numbered citation issued to individual officers. (\*)

24-12-12-3. - CONDUCT OF ARRESTING OFFICER--NOTICES BY CITATION. Amended 2013

A. Except as provided in Section 12-12-5, unless a penalty assessment or warning notice is given, whenever a person is arrested for any violation of this ordinance or other law relating to motor vehicles punishable as a misdemeanor, the arresting officer, using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare a notice to appear in court, specifying the time and place to appear, have the arrested person sign the agreement to appear as specified, give a copy of the citation to the arrested person and release him from custody.

B. Whenever a person is arrested for violation of a penalty assessment misdemeanor and elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare the penalty assessment notice indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay the amount prescribed, give a copy of the citation along with a business reply envelope addressed to the municipal court with jurisdiction and release him from custody. No officer shall accept custody or payment of any penalty assessment. If the arrested person declines to accept a penalty assessment notice, the officer shall issue a notice to appear. (66-8-123 B NMSA 1978)

C. The arresting officer may issue a warning notice, but shall fill in the information section of the uniform traffic citation in paper or electronic form and give a copy to the arrested person after requiring his signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of suspension or revocation of license under Section 66-5-30 NMSA 1978.

D. In order to secure his release, the arrested person must give his written promise to appear in court, or to pay the penalty assessment prescribed or acknowledge receipt of a warning notice.

E. Any officer violating this section is guilty of misconduct in office and is subject to removal. (66-8-123 NMSA 1978)

F. An electronic traffic citation, prescribed by Sec 12-12-3.1, is an electronic version of the uniform traffic citation. For the purposes of this section, an electronic citation may be completed instead of a uniform traffic citation; provided, however, that where this section requires a copy of a citation to be given to an arrested person, a physical copy of the citation shall be provided whether a uniform traffic citation or an electronic form of the uniform traffic citation was used. An electronic form of the uniform traffic citation may be signed electronically.

#### 24-12-12-3.1. - ELECTRONIC UNIFORM TRAFFIC CITATION

A. An electronic version of a uniform traffic citation shall include the same information required to be included in a uniform traffic citation. An electronic version of a uniform traffic citation may be signed electronically and a law enforcement officer may submit or file with a court an electronic version of a uniform traffic citation if prior permission of the department has been secured. Where the law requires a law enforcement officer to provide a copy of a citation to a person cited or arrested, a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

#### 24-12-12-4. - UNIFORM TRAFFIC CITATION IS COMPLAINT.

The uniform traffic citation used as a notice to appear is a valid complaint, though not verified. (66-8-131 NMSA 1978)

#### 24-12-12-5. - ARREST WITHOUT WARRANT.

A. Members of the municipal police force may arrest without warrant any person:

- (1) present at the scene of a motor vehicle accident;
- (2) on a street when charged with theft of a motor vehicle;
- (3) charged with crime in another jurisdiction, upon receipt of a message giving the name or a reasonably accurate description of the person wanted, the crime alleged and a statement he is likely to flee the jurisdiction of the state; (66-8-125 NMSA 1978)
- (4) charged with driving while under the influence of intoxicating liquor or drugs;

(5) charged with failure to stop in the event of an accident causing death, personal injuries or damage to property;

(6) charged with reckless driving;

(7) the arresting officer has good cause to believe has committed a felony;

(8) who refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; (1961-62 Op. Atty. Gen. No. 61-117) or

(9) who is charged with driving when his privilege to do so was suspended or revoked pursuant to Section 66-8-111 NMSA 1978 or pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs. (66-8-122 NMSA 1978)

B. To arrest without warrant, the arresting officer must have reasonable grounds, based on personal investigation which may include information from eyewitnesses, to believe the person arrested has committed a crime.

C. Members of the municipal police force may not make arrests for traffic violations if not in uniform; however, nothing in this section shall be construed to prohibit the arrest, without warrant, by a peace officer of any person when probable cause exists to believe that a felony crime has been committed or in non-traffic cases. (66-8-125 NMSA 1978)

D. This section governs all police officers in making arrests without warrant for violations of the New Mexico Motor Vehicle Code, this ordinance and other laws relating to motor vehicles but the procedure prescribed is not exclusive of any other method prescribed by law for the arrest and prosecution of a person violating these laws. (66-8-127 NMSA 1978)

#### 24-12-12-6. - IMMEDIATE APPEARANCE BEFORE MUNICIPAL OR MAGISTRATE JUDGE.

Whenever any person is arrested for any violation of this ordinance or other law relating to motor vehicles punishable as a misdemeanor, he shall be immediately taken before an available municipal or magistrate judge who has jurisdiction of the offense when the:

(1) person requests immediate appearance;

(2) person is charged with driving while under the influence of intoxicating liquor or narcotic drugs;

(3) person is charged with failure to stop in the event of an accident causing death, personal injuries or damage to property;

- (4) person is charged with reckless driving;
- (5) arresting officer has good cause to believe the person arrested has committed a felony;
- (6) person refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; or
- (7) person is charged with driving when his privilege to do so was suspended or revoked pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs. (66-8-122 NMSA 1978)

#### 24-12-12-7. - FAILURE TO OBEY NOTICE TO APPEAR.

- A. It is a misdemeanor for any person to violate his written promise to appear in court, given to an officer upon issuance of a uniform traffic citation, regardless of the disposition of the charge for which the citation was issued.
- B. A written promise to appear in court may be complied with by appearance of counsel. (66-8-126 NMSA 1978)

#### 24-12-12-8. - ARRESTING OFFICER TO BE IN UNIFORM. Amended July, 2007

- A. No person shall be arrested for violating this ordinance or other law relating to motor vehicles punishable as a misdemeanor except by a commissioned, salaried peace officer who, at the time of arrest, is wearing a uniform clearly indicating the peace officer's official status. (66-8-124 NMSA 1978)
- B. Notwithstanding the provisions of Subsection A of this section, a municipality may provide by ordinance that uniformed private security guards may be commissioned by the local police agency to issue parking citations for violations of clearly and properly marked fire zones and access zones for persons with significant mobility limitation. Prior to the commissioning of any security guard, the employer of the security guard shall agree in writing with the local police agency to the commissioning of the employer's security guard. The employer of any security guard commissioned under the provisions of this section shall be liable for the actions of that security guard in carrying out the security guard's duties pursuant to that commission. Notwithstanding the provisions of the Tort Claim Act, private security guards commissioned under this section shall not be deemed public employees under that act. (66-8-124 NMSA 1978)

#### 24-12-12-9. - HANDLING OF CITATIONS

- A. Any entity that wishes to submit uniform traffic citations required to be submitted to the department by electronic means must secure the prior permission of the department. (66-8-128 D NMSA 1978)

B. Every police officer issuing a uniform traffic citation to an alleged violator of this ordinance or other law relating to motor vehicles shall dispose of the citations as indicated on the back of each copy. (66-8-133 NMSA 1978)

C. Citations spoiled or issued in error shall be marked "void" in large letters on the face, signed by the officer, and the copies disposed of as a valid warning notice. (66-8-133 NMSA 1978)

D. Upon filing of the uniform traffic citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court including, at the discretion of the municipal judge, forfeiture of bail or by payment of a fine to the traffic violations bureau of the court. (\*)

E. The chief of police shall maintain or cause to be maintained a record of serially numbered warrants issued by the municipal court on traffic violation charges which are delivered to the police department for service and of the final disposition of all such warrants. (\*)

F. The chief of police shall issue, keep a record and require a receipt for each serially numbered citation issued to individual police officers. (66-8-132 NMSA 1978)

G. It is a misdemeanor and official misconduct for any officer or other public official or employee to dispose of a uniform traffic citation except as provided in this section. (66-8-133 NMSA 1978)

#### 24-12-12-10. - ILLEGAL CANCELLATION--AUDIT OF CITATION RECORDS.

A. Any person who cancels or solicits the cancellation of any uniform traffic citation other than as provided in this ordinance is guilty of a misdemeanor.

B. Every record of uniform traffic citations required in this ordinance shall be audited monthly by the appropriate fiscal officer of this municipality.

C. The fiscal officer shall publish an annual summary of all traffic violation notices issued by the traffic-enforcement agency. (66-8-134 NMSA 1978)

#### 24-12-12-11. - ABSTRACT OF TRAFFIC CASES--REPORT ON CONVICTIONS.

A. Every municipal judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court. The court shall notify the Department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles.

B. Within ten days of the later of entry of a final disposition on a conviction for violation of this ordinance or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every municipal judge, including children's court judges, or the clerk of the court in which the entry of the final disposition occurred shall prepare and forward to the department an abstract of the record containing the name and address of the defendant; the specific section number and common name of the provision of the local law, ordinance or regulation under which the defendant was tried; the plea, finding of the court and disposition of the charge, including fine or jail sentence or bot ; total costs assessed to the defendant; the date of the hearing; the court's name and address; whether defendant was a first or subsequent offender; and whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.

C. The abstract of record prepared and forwarded under Subsection B of this section shall be certified as correct by the person required to prepare it. With the prior approval of the department, the information required in Subsection B of this Section may be transmitted electronically to the department. Report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.

D. When the uniform traffic citation is used, the court shall provide the information required in Subsection B of this Section in the manner prescribed by the director. A copy of each penalty assessment processed shall be forwarded to the division within ten (10) days of completion of local processing for posting to the driver's record. With the prior approval of the director, the required information may be submitted to the division by electronic means in lieu of forwarding copies of the penalty assessments.

E. The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal. (66-8-135 NMSA 1978)

#### 24-12-12-12. - CITATION ON ILLEGALLY PARKED VEHICLE.

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the restrictions imposed by this ordinance, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a traffic citation on a form provided by the municipality for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation. (\*)

#### 24-12-12-13. - FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE.



If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to the motor vehicle within a period of five days, the traffic violations bureau or clerk of the municipal court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days a warrant of arrest will be issued. (\*)

#### 24-12-12-14. - PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. In any prosecution charging a violation of any ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, for the time during which, the violation occurred.

B. The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 12-12-12 and 12-12-13 has been followed. (\*)

#### 24-12-12-15. - WHEN WARRANT TO BE ISSUED.

In the event any person fails to comply with a traffic citation given to the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal court or the traffic violations bureau, or if any person fails or refuses to deposit bail as required and

within the time permitted by ordinance, the municipal judge shall issue either a summons or a warrant for his arrest. (\*)

#### 24-12-12-16. - DISPOSITION OF TRAFFIC FINES AND FORFEITURES.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this ordinance shall be paid into the municipal treasury. (\*)

#### 24-12-12-17. - OFFICIAL MISCONDUCT.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine or forfeiture, either before or after a deposit in the municipal treasury, shall constitute misconduct in office and shall be grounds for removal. (\*)

#### 24-12-12-18. - AUTHORITY TO REMOVE OR RELOCATE VEHICLES.

A. Definitions

For purposes of this section:

(1) "Chief" shall mean the Chief of Police of the municipal police department or his designated representative.

(2) "Impound" shall mean the towing and storage of a motor vehicle as authorized in this section.

(3) "Owner" of a vehicle shall mean the registered owner or owners of a vehicle as recorded with the New Mexico department of motor vehicles or similar agency of a state outside New Mexico. Where written notice to the owner is required by this section, such notice shall be given to each registered owner. Where appearance of the owner is required by this section, appearance may be by a person authorized by the owner to appear on his behalf.

(4) "Sign" shall mean a printed notification to the public giving notice of the possibility of removal of a vehicle by stating that the area is a tow-away zone, or that the violation of the restrictions stated on the sign may result in towing, and the sign must be readily visible from the point of removal.

(5) "Written Notice" shall mean notice sent by certified mail, return receipt requested, to the last known address of the owner:

a) When such notice is required under the terms of this section, weekends and holidays shall not be included when calculating the time for mailing notice.

b) When a vehicle is registered in a state outside New Mexico, the Chief shall make all reasonable and diligent efforts to ascertain the name and address of all registered owners. If the name and address information for an in-state or out-of-state registered vehicle is not available soon enough to meet the time deadlines for mailing written notice, then the notice shall be mailed as soon as possible after the information is received.

c) As a valid substitute for "written notice" as defined herein, notice may be given by personal service or in any other reasonable manner, so long as actual notice is given to at least one owner within the time limits provided. Notice may be effected by verbal notice to an owner, or to the driver or passenger of a vehicle, if the driver or passenger reasonably appears to have custody of the vehicle with the owner's knowledge and permission. Verbal notice to the owner, driver or passenger shall be valid, however, only if the person so notified is given all the information required in the written notice and the person is given in writing a phone

number where the owner, driver or passenger can obtain further information from a municipal employee.

d) If notice cannot be given per the other provisions of this paragraph, notice shall be given by publication once in a newspaper of general circulation in the community as soon as practicable after reasonable and diligent efforts to give notice as provided elsewhere in this paragraph prove fruitless. (\*)

#### B. Prohibition of Removal and Relocation.

It is unlawful for a municipal officer, or any municipal employee, to remove or relocate, or cause to be removed or relocated, any unattended vehicle from any street, alley or public way within the municipal corporate limits, except as provided in this section. (\*)

#### C. Impoundment of Vehicles Generally.

(1) Any vehicle impounded pursuant to this section shall be towed in accordance with state and local law to an authorized private storage facility or an area designated or maintained by the police department or by the municipality. The person authorizing impoundment shall issue signed and dated instructions in writing to the storage facility specifically stating whether the vehicle is to be held for investigation or as evidence, or whether it may be released to the owner after all attendant charges have been satisfied pursuant to Subsection H of this section. If the vehicle has been in storage for over 30 days after written notice is given and no hearing has been requested or the vehicle has not been claimed per the provisions of this section, then the storage facility operator may sell the vehicle per the provisions of applicable state law.

(2) If any vehicle is about to be removed, relocated or is in the process of being removed or relocated and the owner thereof or his agent appears and claims the vehicle and agrees forthwith to remove it or relocate it, such vehicle shall be delivered to such owner or agent upon demand therefore and upon furnishing satisfactory evidence of identity and ownership or agency. If any such owner or agent shall fail, refuse or neglect to forthwith remove such vehicle, such vehicle shall nevertheless be impounded or relocated. Removal by such owner or agent shall not relieve the offender of liability for any towing costs already incurred or for any fine or penalty for the violation of any law or ordinance for which the vehicle was to be removed or relocated. (\*)

#### D. Circumstances Permitting Summary Vehicle Impoundment or Relocation.

(1) Any municipal police officer, or any municipal employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may order the impoundment of any vehicle within the municipal corporate limits, without prior notice to the owner or operator thereof, under the following circumstances:

a) when any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction or hazard to traffic; (66-7-350 NMSA 1978)

b) when any vehicle is parked or left standing upon a street, alley, or public way in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic;

c) when any vehicle is found upon a street, alley, public way or private property, and an offense report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been stolen, and the owner is not available to, or cannot, immediately provide for its custody or removal; (\*)

d) when any vehicle is parked so as to block the entrance to a public or private driveway; (66-7-351 NMSA 1978)

e) when any vehicle is parked within fifteen (15) feet of a fire hydrant, is illegally parked so as to prevent access by firefighting equipment to a fire hydrant, or is illegally parked in a properly designated fire lane;

f) when the person or persons in charge of a vehicle are by reason of physical injuries, intoxication, illness or other cause incapacitated to such an extent as to be unable to provide for its custody or removal, and (i) the vehicle is left as described elsewhere in Paragraph 1 of this subsection, or (ii) the location of the vehicle is such that a reasonable person would believe that its owner would desire its relocation or removal. However, nothing in this subparagraph shall prevent a person who is incapacitated and is not intoxicated or otherwise mentally impaired from requiring that the vehicle not be moved if the sole basis for removal is pursuant to part (ii) of this subparagraph;

g) when the driver or person in control of a vehicle is lawfully taken into custody by a police officer, and said person is unable to immediately provide for the custody or removal of the vehicle, and (i) the vehicle is left

as described elsewhere in paragraph 1 of this subsection or (ii) the location of the vehicle is such that a reasonable person would believe that its owner would desire its relocation or removal. However, nothing in this subparagraph shall prevent a person who is taken into custody and is not intoxicated or otherwise mentally impaired from requiring that the vehicle not be moved if the sole basis for removal is pursuant to (ii) of this subparagraph;

h) when an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the street, alley, or public way or its physical appearance is causing traffic to be impeded; (\*)

i) wherever the use of a street, alley or public way or any portion thereof is authorized by the municipality for a purpose other the normal flow of traffic, or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with such use or movement, and signs giving notice that a parked vehicle may be towed are erected or placed along the street, alley or public way at least 24 hours prior to the removal; (66-7-351 NMSA 1978)

j) when any vehicle is parked or left standing where stopping is prohibited by ordinance or other state or local law. No vehicle may be removed pursuant to this paragraph unless signs are posted at least 24 hours prior to the removal giving notice that the area is a tow-away zone;

k) when any vehicle is parked or standing in a manner so as to obstruct necessary emergency services, law enforcement services, the routing of traffic at the scene of a disaster, or when removal is otherwise necessary in the interest of public safety because of any emergency, and moving the vehicle to a legal parking location is impractical. However, the owner or operator of a vehicle so relocated or removed shall not be subject to any relocation, removal or storage charges, if the vehicle is otherwise lawfully parked. Such charges shall be paid by the municipality, except that in the case of emergency utility repairs such charges shall be paid by the utility company seeking removal;

l) when a vehicle is parked, left unattended or abandoned during a fire, flood, storm or other public emergency which is apt to cause substantial damage to the vehicle, removal is in the best interest of the owner, and moving the vehicle to a safe legal location is impractical;

m) when a vehicle is either unattended or disabled and loaded with either a dangerous, flammable, combustible or explosive substance which, either by its presence or load conditions is likely to harm the health or safety of the public and moving the vehicle to a safe, legal location is impractical;

n) when any vehicle is parked in such a manner as to obstruct or interfere with any road, sidewalk or right-of-way maintenance or construction, or any non-emergency utility work, and it is impractical to relocate the vehicle to another point where parking is legal. No vehicle shall be removed unless signs are posted giving notice of the work to be done and the possibility of removal at least 24 hours prior to the removal; or

o) when a vehicle is parked: on a sidewalk; within an intersection; on a crosswalk; within twenty (20) feet of a crosswalk at an intersection; within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the municipality indicates a different length by signs or markings; within fifty (50) feet of the nearest rail of a railroad crossing; within twenty (20) feet of the driveway entrance to any fire station and if properly signposted on the side of the street opposite the fire station entrance where posted; alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic; or on the roadway side of any vehicle stopped or parked at the edge or curb of a street. (66-7-351 NMSA 1978)

(2) In lieu of towing and impoundment, a municipal police officer, or any municipal employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may relocate or cause to be relocated any vehicle from any street, alley or public way within the municipal corporate limits, without prior notice to the owner or operator thereof when the relocation to a safe, legal location is practical and the vehicle is found under the circumstances set forth in subparagraphs e, k, l, m or n of paragraph 1 of this subsection. (\*)

(3) Whenever a vehicle could be impounded, removed or relocated pursuant to subsection D of this section and the driver of the vehicle is present, the police officer or authorized employee may order the driver to move the vehicle to another location. (66-7-350)

E. Notice and Procedure Following Summary Impoundment or Relocation.

(1) After a vehicle is towed or relocated pursuant to subsection D of this section, the Chief shall send written notice within 24 hours of the towing to the owner of the vehicle.

(2) The notice shall contain the following information:

a) the license plate number, make, type and color of the vehicle;

b) the location of the vehicle at the time of impoundment or relocation;

c) a statement that the vehicle has been taken into custody and stored, or a statement that the vehicle has been relocated;

d) the reason for impoundment or relocation;

e) the location and telephone number of the storage facility where the vehicle is being kept or the place to which the vehicle was relocated;

f) a statement that daily storage charges will be assessed in addition to a towing charge if the removal was proper;

g) a statement that the owner may obtain release of the vehicle by posting bond or paying all amounts due under this ordinance;

h) a statement that the owner has the right to contest the validity of the impoundment or relocation by requesting in writing a hearing before the municipal judge within thirty (30) days after written notice is given;

i) a statement that failure to obtain release of the vehicle if impounded will cause it to be sold or otherwise disposed of in accordance with state law; and

j) a phone number and name or title of a municipal employee from whom the owner can obtain further information.

(3) The hearing, if requested in a timely manner, shall be held within 120 hours (excluding weekends and holidays) of receipt of the request unless the hearing is continued with the agreement of the owner. The municipal judge's decision shall be limited to:

a) whether the vehicle was lawfully impounded or relocated for one or more of the reasons set forth in Subsection D of this section and

b) whether the vehicle, if lawfully impounded, should be released at the City's expense.

Upon receipt of the request for a hearing on the legality of an impoundment, the municipal judge shall notify the storage facility of the hearing and no lien shall be foreclosed by the storage facility as allowed by state law until the judge has ruled on the legality of the impoundment. If the municipal judge finds that the vehicle in question was not lawfully impounded or that the vehicle should otherwise be released at the municipality's expense, he shall issue and date a Certificate of Release, indicating the unlawful impoundment, or the release at municipal expense, or both, and a copy of the release shall be given to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the authorized storage facility having custody of the vehicle shall release the vehicle to its owner and towing and storage fees shall be paid by the municipality in accordance with arrangements to be made between the municipality and the authorized storage facility. If the owner fails to present such certificate to the authorized storage facility having custody of the vehicle within 24 hours of its receipt, excluding days when the authorized storage facility is not open for business, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement.

- (4) The decision of the municipal judge may be appealed to the district court.  
(\*)

F. Abandoned Vehicles.

(1) Any municipal police officer, or any municipal employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may order the impoundment of any abandoned vehicle within the municipal corporate limits. A vehicle is abandoned if:

- a) the vehicle is parked on or along any street, alley or public way and the vehicle displays no current license plate; or
- b) the vehicle is left unattended on or along any street, alley or public way in the same place for a period of 72 hours without a valid police sticker as defined in paragraph 2 of this subsection.

(2) The Chief may issue a sticker temporarily permitting street storage, upon application of any owner or agent of an owner for any vehicle which is operable and has a current license plate. Stickers shall expire fifteen (15) days after issuance. No owner, whether an individual, business, corporation, organization, partnership or trust, is entitled to more than four stickers at any time.



(3) When a vehicle is abandoned on or along a street, alley or public way under circumstances which do not allow summary removal or relocation pursuant to subsection D of this section, a notice shall be attached to the vehicle in a manner which is readily visible containing the following information:

- a) the date and time the notice is affixed to the automobile;
- b) a statement that, pursuant to this section of this ordinance the vehicle will be considered abandoned and may be towed and stored at the owner's expense if it is not removed within ten (10) days of the time that the notice is affixed;
- c) a statement that if the vehicle is impounded and no hearing is requested or it is not claimed, it can be sold after thirty (30) days as provided in state law;
- d) a statement that the owner has the opportunity to challenge the proposed action at a hearing if a written request is submitted to the municipal judge within 72 hours after notice is given as provided in paragraph 4 of this subsection;
- e) the telephone number where additional information can be obtained; and
- f) the identity of the person affixing the notice.

(4) Written notice containing the same information specified in paragraph 3 of this subsection plus the location and a description of the vehicle shall be mailed to the owner of the vehicle within 24 hours after the notice is affixed. However, if written notice is not given within 24 hours after the notice is placed on the vehicle, then the ten (10) day waiting period shall be extended the amount of time between the placing of notice on the vehicle and the giving of written notice.

(5) Upon timely receipt of a request for a hearing, the municipal judge shall order a delay of the impoundment of the vehicle until after the hearing.

(6) The hearing, if requested in a timely manner, shall be held within 120 hours (excluding weekends and municipal holidays) of receipt of the request, unless the hearing is continued with the agreement of the owner. At the hearing, the municipal judge shall only determine whether the vehicle is or is not abandoned.

(7) If the municipal judge determines that the vehicle is abandoned, he shall so notify the Chief, who shall cause the impoundment of the vehicle, unless the vehicle is removed within 24 hours of the judge's decision.

(8) If the vehicle is removed pursuant to paragraph 7 of this subsection, a person challenging the impoundment shall be entitled to challenge the decision of the municipal judge by appeal to District Court.

(9) If an abandoned vehicle is impounded, and the owner has not obtained a hearing prior to the impoundment, the owner may file a request for a hearing with the municipal judge on the legality of the impoundment within thirty (30) days after impoundment. Upon receipt of the request for a hearing, the municipal judge shall notify the storage facility of the hearing and no lien shall be foreclosed by the storage facility as allowed by state law until the judge has ruled on the legality of the impoundment. If the municipal judge rules that the impoundment was illegal, then the municipal judge shall issue and date a Certificate of Release and a copy of the release shall be given to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the authorized storage facility having custody of the vehicle shall release the vehicle to its owner and towing and storage fees shall be paid by the municipality in accordance with arrangements to be made between the municipality and the authorized storage facility. If the owner fails to present such certificate to the authorized storage facility having custody of the vehicle within 24 hours of its receipt, excluding days when the authorized storage facility is not open for business, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement. (\*)

#### G. Impoundment for Investigation Evidence or Forfeiture.

The notice, hearing and bond provisions set forth in this section shall not apply to impoundment of the following vehicles for which impoundment is hereby authorized:

(1) a vehicle which is impounded for purposes of a criminal investigation or as evidence of a crime; or

(2) a vehicle which is lawfully seized pursuant to state or federal law. (\*)

#### H. Release of Vehicles.

(1) The municipal judge or his designated representatives may order the release of an impounded vehicle if a hearing has been requested on the legality of impoundment and upon the posting of bond as set by the municipal judge or his

designee. When bond is posted the vehicle shall be released into the possession of the owner or his designee.

(2) In all other cases, upon proof of ownership, an impounded vehicle shall be released only after payment of the accumulated penalties by the owner or his designee, as provided in subsection I.

(3) The owner shall forfeit the bond if the owner fails to appear at the hearing before the municipal court.

(4) The owner shall be entitled to reimbursement from the municipality for all bonds posted and penalties paid if after hearing and appeal, if any, it is determined that the impoundment or relocation was not valid.

(5) This subsection does not authorize release of any vehicle held for investigation or as evidence of a crime or seized pursuant to state or federal law. Such vehicle shall be released only upon the written order of the police officer responsible for its impoundment or upon an affirmative written statement by the Chief that such vehicle is no longer needed for investigative or evidentiary purposes or for forfeiture proceedings. The municipality shall bear the cost of towing and storage for such impoundments. (\*)

#### I. Penalties.

(1) Each time a vehicle is lawfully towed or relocated pursuant to this section the owner shall pay a fine of fifty dollars (\$50.00), unless the municipality is required to pay for removal or relocation.

(2) Each day a vehicle is stored pursuant to a lawful impoundment, the owner shall pay a fine of ten dollars (\$10.00) a day unless the municipality is required to pay for removal or relocation.

(3) Nothing in this section shall prevent a person from being found in violation of any other part of this ordinance and from being liable for any other penalty, fee or charge assessed pursuant to this ordinance. (\*)

#### 24-12-12-19. - ABANDONED VEHICLES ON PRIVATE PROPERTY.

A. A person upon whose property or in whose possession is found an abandoned vehicle or motor vehicle, shall have authority to sell, retain, give away or dispose of the abandoned vehicle or motor vehicle to any person licensed under Sections 66-4-1 through 66-4-9 NMSA 1978 provided that he notifies a law enforcement agency prior to such disposal and obtains from that agency a written clearance stating that neither the agency's

records nor the computerized records of the National Crime Information Center indicates that the vehicle or motor vehicle has been reported as stolen, and either:

- (1) the vehicle or motor vehicle in question regardless of its age, is either totally wrecked or in such a state of disrepair that it is suitable only for dismantling purposes;
- (2) the vehicle or motor vehicle in question is at least eight (8) years of age or older; or
- (3) the vehicle in question has been placed in any storage or wrecker yard at the request of a law enforcement agency or a property owner upon whose property the vehicle or motor vehicle was abandoned and has remained unclaimed in said yard for a period of thirty (30) days, in which case the owner of the storage yard may proceed to make a claim against the motor vehicle or vehicle, as specified in Subsection C of Section 66-3-119 NMSA 1978 as though it were abandoned. Any person wishing to obtain such vehicle may not charge more than fifty cents (\$.50) per day for storage unless he is licensed as a vehicle storage yard, and he must notify owners and lien-holders within thirty (30) days or lose all rights to claim such vehicle.

B. Any vehicle which is less than eight (8) years of age or in such a state of repair that it will be placed back into service or which is not to be used for dismantling purposes, or which a property owner wishes to retain for his own use or to sell to anyone other than a licensed dismantler, said person shall proceed to make claim for such vehicle or motor vehicle through a lien process and obtain a new certificate of title prior to disposal. (66-3-121 NMSA 1978)

#### 24-12-12-20. - AUTHORIZED IMMOBILIZATION OF VEHICLE.

When a driver, owner or person in charge of any vehicle has received a notice to answer to a charge against him for violation of any parking provisions of this ordinance and the driver, owner or person in charge of the vehicle has failed to appear and answer the charge, members of the police department or employees of this municipality acting in their official capacity may temporarily and for a period of 48 hours immobilize the vehicle when found upon a street by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle.

A. When the vehicle is so immobilized, the member of the police department or employee of this municipality installing or attaching the device shall conspicuously affix to the vehicle a notice in writing on a form to be provided by the chief of police advising the driver, owner or person in charge of the vehicle that the vehicle has been immobilized

by this municipality for violation of this ordinance and also advising him of the provisions for release of the vehicle.

B. No person shall remove the immobilizing device or move the vehicle before the device is released by the police department or the clerk of the municipal court.

C. Where the vehicle has been properly immobilized as provided in this section, a fee of ten dollars (\$10.00) shall be charged by the police department or clerk of the municipal court before releasing the vehicle.

D. Parking restrictions, if any, otherwise applicable shall not apply while the vehicle is immobilized as provided in this section. (\*)

#### 24-12-12-21. - LIABILITY FOR DAMAGE.

A. The public highways in the municipality are dedicated to the reasonable use thereof by the public.

B. It shall be unlawful for any person to injure or damage any public street or any bridge, culvert, sign, signpost, or structure upon or used or constructed in connection with any public street for the protection thereof or for protection or regulation of traffic thereon by any unusual, improper or unreasonable use thereof, or by the careless driving or use of any vehicle thereon, or by willful mutilation, defacing or destruction thereof.

C. It shall be considered unreasonable use of any bridge or structure to operate or conduct upon or over the same any vehicle, tractor or engine, not in accordance with Sections 66-7-401 through 66-7-416 NMSA 1978.

D. It shall be considered unreasonable use of any improved roadway or street, to operate, drive or haul thereon any truck, tractor or engine in such manner or at times when the surface thereof is in a soft or plastic condition and the road or portion thereof has been closed pursuant to law, or by order of the administrator.

E. It shall be unlawful to erect or maintain any fence or any other structure across any street, highway or roadway without written permit from the authorities having control thereof.

F. The operator and the owner of such vehicle, truck, tractor or engine from whom the driver or operator has permitted possession at the time thereof shall be jointly and severally liable for the actual damage caused by the operation, conducting or hauling thereof over any public highway, street, bridge, culvert or structure in violation of any provision of this ordinance to be collected by suit brought in the name of this municipality and such vehicle, truck, tractor or engine may be attached and held to satisfy any judgment for such damages.

G. The proceeds of any such judgment shall be paid to the treasurer of this municipality and placed to the credit of the fund for the construction and improvement of roads and streets. (66-7-416 NMSA 1978)

#### 24-12-12-22. - SUNDAY ACTIONS.

Judicial proceedings under any provision of this ordinance are valid when performed on Sunday, the same as on other days of the week. (66-8-8 NMSA 1978)

### ARTICLE THIRTEEN

#### 24-12-13-1. - SHORT TITLE.

This ordinance may be cited as the Alamogordo Uniform Traffic Ordinance.

#### 24-12-13-2. - EFFECT OF HEADINGS.

Headings contained in this ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of this ordinance.

#### 24-12-13-3. - SAVINGS CLAUSE.

If any part or parts of this ordinance are held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this ordinance.

#### 24-12-13-4. - ACT NOT RETROACTIVE.

This ordinance does not have a retroactive effect and does not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the traffic ordinance of this municipality, occurring prior to the effective date of this ordinance.

#### 24-12-13-5. - REPEAL.

The existing ordinances covering the same matters as embraced in this ordinance are repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are repealed.

#### 24-12-13-6. – NOT ADOPTED

### **24-13 Parking**

24-13-010 - Residential parking restricted.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with this section or the directions of a police officer or official traffic-control device, no person shall stop, stand or park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, at any place where an official sign reads "Residential Parking Only," and along the curb within ten feet of either side of such sign, unless given permission by the resident living directly behind the sign. Except upon the conditions listed in this section, it shall be unlawful to place a vehicle, occupied or not, along the curb within ten feet of a "Designated Mobility Disabled Resident Parking Only" sign unless the vehicle has the requisite handicapped placard and the resident living directly behind the sign has given permission for the vehicle to occupy the space. A citation for violation of this section shall be written only upon complaint of such resident.
- (b) The determination to post a residence with "Residential Parking Only" signs shall be made by the city commission, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant. No residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.
- (c) A fee of one hundred dollars (\$100.00) shall be paid to the city treasurer upon approval of each application.
- (d) The determination to post a residence with "Designated Mobility Disabled Resident Parking Only" signs shall be made administratively by a designee of the city manager, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant.
- (e) At the first meeting in January each year, city manager shall prepare a list of the locations of all "Residential Parking Only" signs and all "Designated Mobility Disability Resident Parking Only" signs in the city. The city manager shall recommend continuance or discontinuance of each location; if discontinuance is recommended, the resident(s) shall be notified by first class mail not less than seven (7) days before the meeting. The commission shall direct the discontinuance and removal of signs at any location deemed advisable.
- (f) The city manager shall have the authority to direct the removal of "Residential Parking Only" or "Designated Mobility Disabled Resident Parking Only" signs at any location not identified on the list of such signs approved by the city commission.
- (g) Existing signs with wording approved under previous versions of this section remain effective and enforceable, but shall not be replaced except with signs containing the currently approved wording.

24-13-020. - Parking at businesses for persons with mobility disabilities.

- (a) The determination to post the curb area adjacent to a business with "Parking Designated for Persons with Mobility Disability" signs shall be made by the city commission, after good cause is shown by the applicant. Good cause must include a statement that the applicant's business does not have off-street parking available or an off-street parking space that could be used for parking for persons with mobility disabilities.

- (b) The application will be accompanied by an application fee of fifty dollars (\$50.00) to defray the costs of investigating the application and giving notice in accordance with this ordinance.
- (c) In determining whether or not to authorize a sign in accordance with this section, the commission will consider the likelihood that the parking space will serve more than one person and whether the need of the business for the space is likely to be on-going.
- (d) Before an application to post a sign according to this section can be considered by the city commission, the planning division will give notice of the application to all property owners within a 200-foot radius of the requesting business at least ten days prior to the meeting.
- (e) A fee of one hundred dollars (\$100.00) for the sign shall be paid to the city treasurer upon approval of each application.
- (f) The city commission will review signs placed in connection with this ordinance at the same time and in the same manner with which it reviews signs placed in accordance with section 24-01-080.

**24-13-030. - Additional parking restrictions.**

- (a) No person shall park a vehicle on a street that has been posted with No Parking signs.
- (b) No vehicle shall be parked within three (3) feet behind a curb adjacent to a street.
- (c) No person shall park a truck-tractor, road tractor, or combination of any such tractor and trailer or semitrailer, on a street in a residence district except when necessary for loading or unloading of property. In any event, parking of any such vehicle shall not obstruct traffic to any greater degree than is strictly necessary.
- (d) No person shall park any vehicle in an area that is designated as a fire lane by a posted sign or by a curb painted red.

**24-14. - Public Ways**

**24-14-010. - Jogging, etc., at night.**

Every person who jogs or runs in any roadway at night shall wear or carry reflective clothing, tape or equipment, or lights, or a combination thereof, so that he or she is visible from a distance of five hundred (500) feet, from any angle, when illuminated by the low beam headlights of an automobile.

**24-14-020. - Use of public ways.**

The public streets, sidewalks and adjoining rights-of-ways are for the purposes of vehicular, pedestrian and similar traffic, for parking, and for open space appropriate to adjoining land uses.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.



CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: \_\_\_\_\_  
Richard Boss, Mayor

ATTEST:

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Schreiber, City Attorney

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/11/2018

**Report No:** 4.

**Submitted By:** Shelbe Abbott

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**Subject:** Consider, and act upon, final 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*).  
**(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Planning and Zoning is asking the City Commissioners to approve.

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**Background:** Consider, and act upon final publication of Ordinance No.1568 to amend the official zoning map of the City of Alamogordo and rezoning the property 481 Michele Street from MH-2 Manufactured Housing Park District to R-4 Multiple Family Dwelling District (*City Planner Darron Williams*).



# City of Alamogordo

# City Commission



**REZONING REQUEST CASE:**  
**Z-2018-0001(A)**

Darron Williams, City Planner  
April 24, 2018

P & Z Commission

April 5, 2018

Case Z-2018-0001(A) – John & Kristine  
Fambrough- 481 Michel Street, Alamogordo, NM  
88310

# Case: Z-2018-0001(A)

## Request:

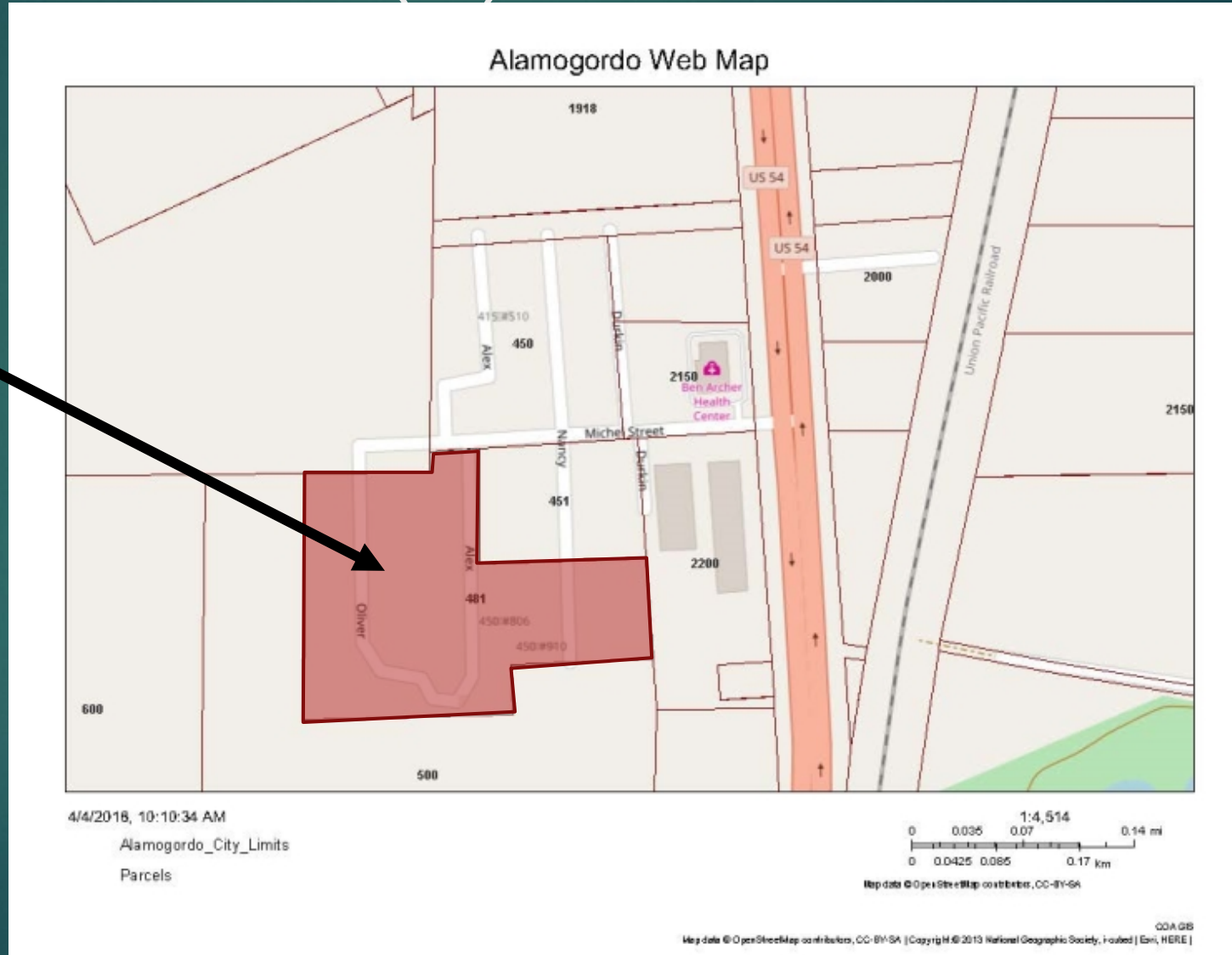
The applicant is requesting that the city amend the zoning map to change the zoning of 481 Michel Street from MH-2 to R-4; with legal description: FAMBROUGH SUBDIVISION 2, REPLAT B, LOT 1B, ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

## Owner(s)/Applicant:

John & Kristine Fambrough  
451 Michel St. #900  
Alamogordo, NM 88310

# Case: Z-2018-0001(A)

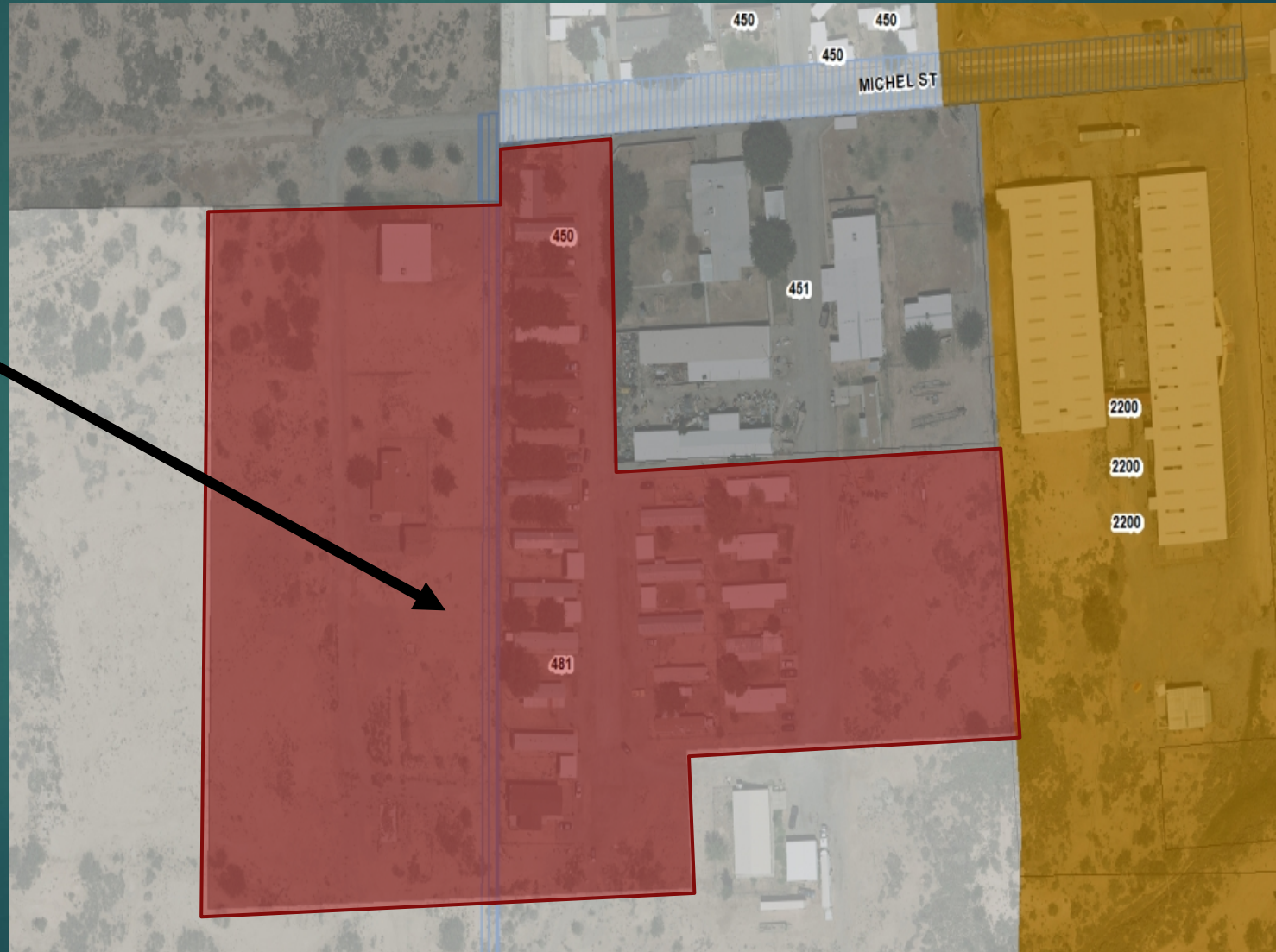
Tonight's Case





# Case: Z-2018-0001(A)

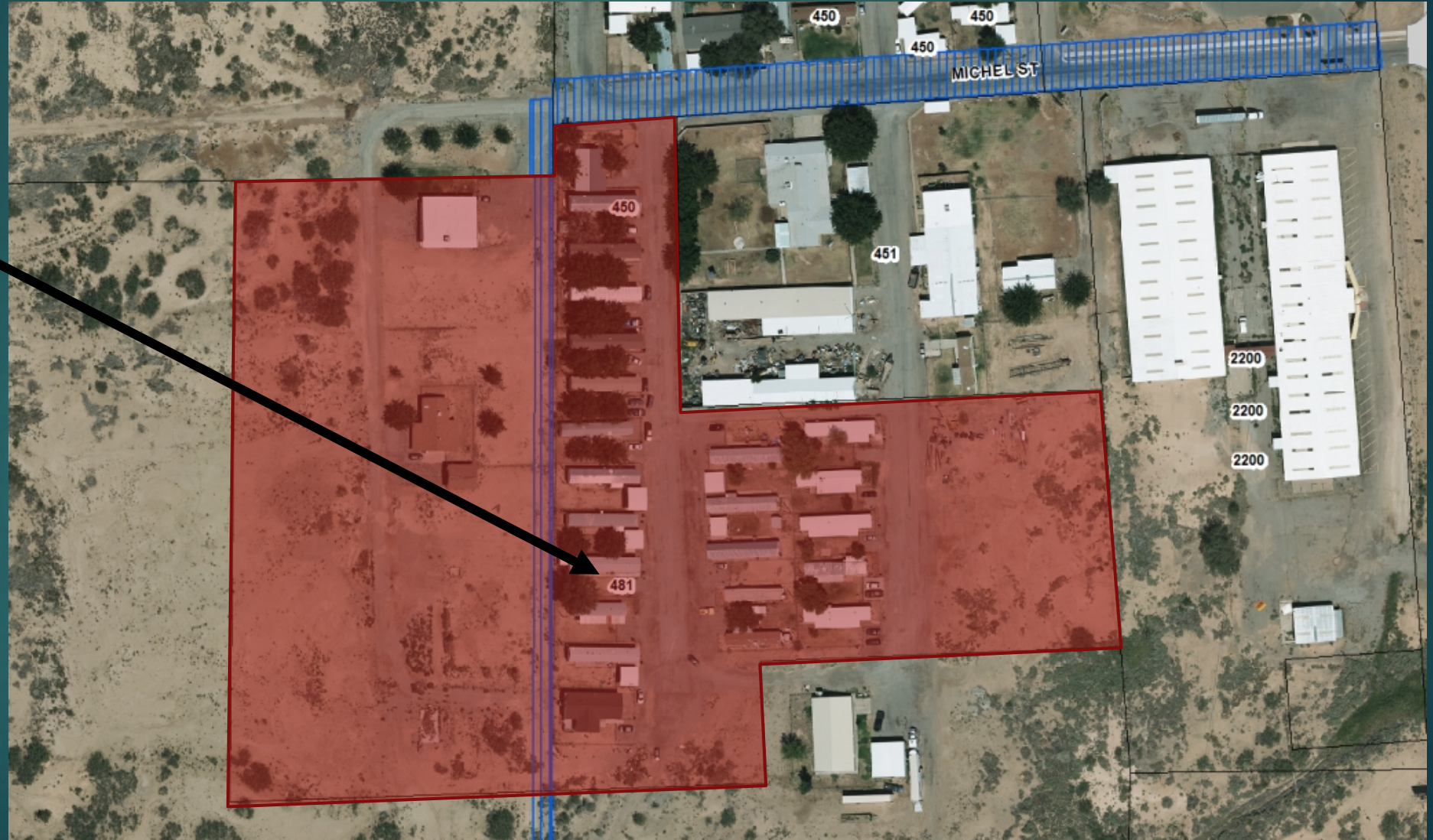
Tonight's Case





# Case Z-2018-0001(A)

Tonight's Case

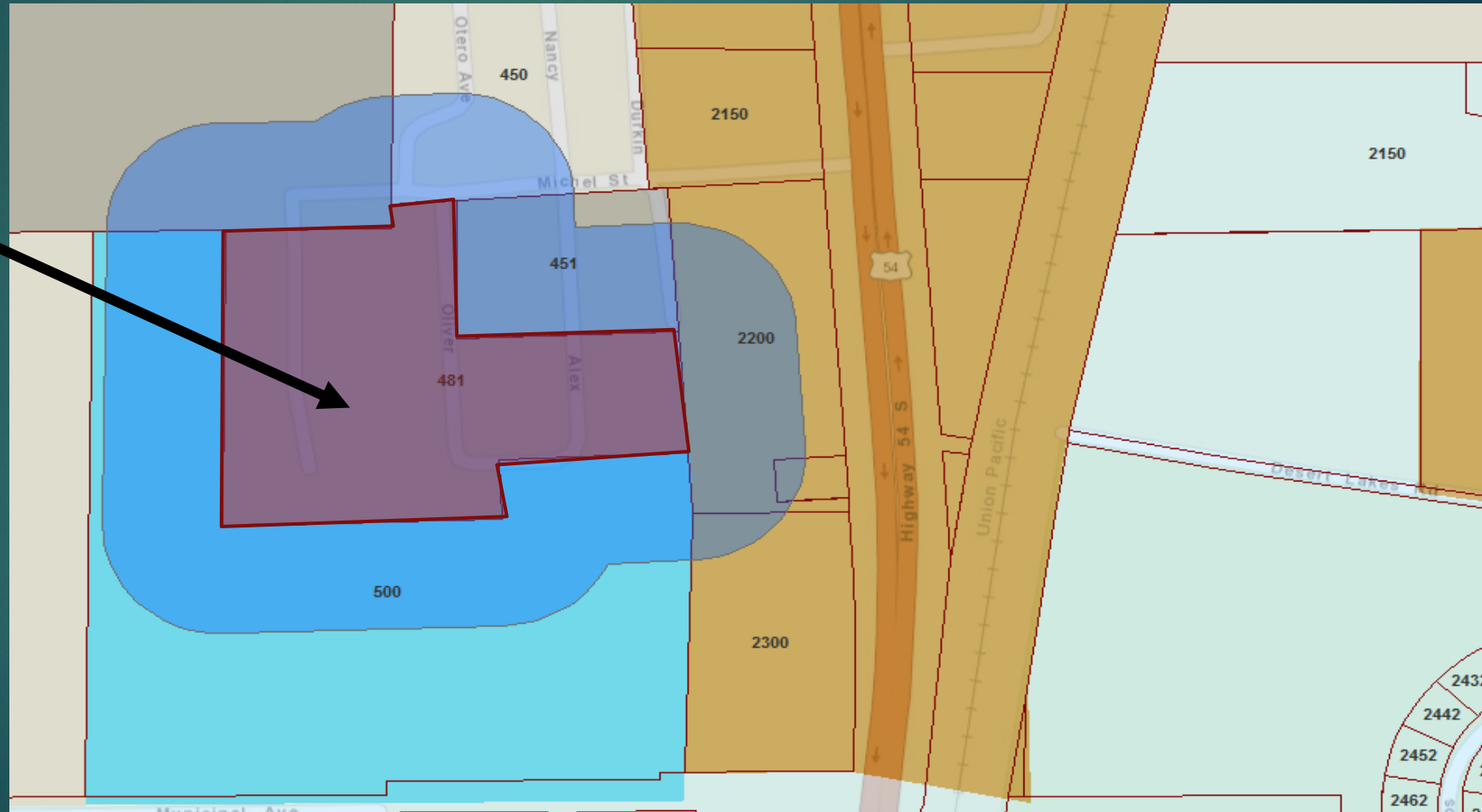




# Z-2018-0001(A)

Within 200ft protest radius

Tonight's Case



# Case: Z-2018-0001(A)

## Findings of Fact

- ◆1. The property is located at 481 Michel Street within the city limits
- ◆2. The property is owned by John and Kristine Fambrough
- ◆3. The request is to amend the zoning map to change the zoning from MH-2 Manufactured Housing Park District to R-4 Multiple Family Dwelling District.
- ◆4. The application was filed on February 20, 2018
- ◆5. A legal notice was published March 11, 2018.
- ◆6. Three (3) letters were mailed by certified/return receipt to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the zoning is sought.
- ◆7. As of today there have been no letters returned undeliverable and no phone calls or letters of protest have been received from property owners within the two hundred feet radius of the proposed zoning.

# Case: Z-2018-0001(A)

## Staff Recommends:

Staff recommends **approval** to City Commission.

## **Notice of First Publication of Ordinance No. 1568**

The City of Alamogordo is considering and gives notice of an ordinance amending the official zoning map of the City of Alamogordo and rezoning property commonly known 481 Michel Street with legal description of Fambrough Subdivision 2, Replat B, Lot 1B, Case # Z-2018-0001(A) from MH-2-Manufactured Housing Park District to R-4-Multiple Family Dwelling District.

### **Legal Description:**

Fambrough Subdivision 2, Replat B, Lot 1B

A copy of the full ordinance may be reviewed in the City Clerk's Office or provided to requester upon payment.

Date:

City of Alamogordo, New Mexico

By: Rachel Hughs, City Clerk

## **Notice of Adoption of Ordinance No. 1568**

The City of Alamogordo is considering and gives notice of an ordinance amending the official zoning map of the City of Alamogordo and rezoning of property commonly known as 481 Michel Street with legal description of Fambrough Subdivision 2, Replat B, Lot 1B, Case # Z-2018-0001(A) from MH-2-Manufactured Housing Park District to R-4-Multiple Family Dwelling District.

### **Legal Description:**

Fambrough Subdivision 2, Replat B, Lot 1B

A copy of the full ordinance may be reviewed in the City Clerk's Office or provided to requester upon payment.

Date:

City of Alamogordo, New Mexico

By: Rachel Hughs, City Clerk

Record of Decision  
City of Alamogordo  
A New Mexico Municipal Corporation

Case#: **Z-2018-0001(A)**

For the Subject Property as follows:

Commonly Known As: **481 Michel Street**

Uniform Property Code & Parcel Code: **01N-4-054-409-728-864-30**

Legal Description: **FAMBROUGH 2, REPLAT B, ALAMOGORDO, OTERO COUNTY,  
NEW MEXICO**

The Alamogordo Planning & Zoning Commission considered this item on **April 5, 2018** and recommended the following action to the Alamogordo City Commission by a vote of **3-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2018-0001(A)**.

.....  
The Alamogordo City Commission issued the following decision on \_\_\_\_\_, by a vote of \_\_\_\_\_

**Approve as recommended for first publication Ordinance # 1568**

.....  
The Alamogordo City Commission issued the following decision on \_\_\_\_\_, by a vote of \_\_\_\_\_

**Approve as recommended for final publication Ordinance #1568 .**

Attest: CITY OF ALAMOGORDO, New Mexico,  
A New Mexico Municipal Corporation

\_\_\_\_\_  
Rachel Hughs, City Clerk

\_\_\_\_\_  
Richard Boss, Mayor

# AGENDA REPORT

## CITY OF ALAMOGORDO CITY COMMISSION

**Meeting Date:** April 24, 2018

**Report Date:** April 9, 2018

**Report**

**No:**

**Submitted By:** Stella Rael

Planning & Zoning Administrator

**Approved For Agenda:** \_\_\_\_\_

**Subject:** Consider, and act upon, Ordinance 1568 for first publication for a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 481 Michel Street with legal description of Fambrough Subdivision 2, Replat B, Lot 1B, Case # Z-2018-0001(A) from MH-2-Manufactured Housing Park District to R-4-Multiple Family Dwelling District.

(Darron Williams, City Planner) **Roll Call Required**

**Fiscal Impact:** None

**Amount Budgeted:** \$ 0

**Fund:** N/A

**Recommendation:** Staff recommends approval of ordinance 1568 for first publication.

**Background:** The Alamogordo Daily News published notice of this hearing on March 11, 2018. Staff mailed three (3) letters by certified/return receipt mail to all property owners of record within two hundred (200) feet from the properties excluding public right-of-way, of the properties for which the rezoning is sought. As of this writing, staff has not received any letters returned as undeliverable and no written responses to this notice.

**Reviewed By:**

City Attorney \_\_\_\_\_ City Clerk \_\_\_\_\_ Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/18/2018

**Report No:** 5.

**Submitted By:** Mark Threadgill

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**Subject:** Consider an act upon full leak abatement for 1118 Paradise Ave. (*Mark Threadgill, Customers Service Manager*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

Upon review of the details surrounding the utility bill for this location staff has determined that the inactive consumption billed to the customer could have been prevented by the City in August 2014, and the customer did contact the City twice since August 2014 to report inactive consumption but the City did not take the necessary action to prevent the inactive consumption until March 2018. Therefore staff recommends that a full leak abatement be approved by the City Commission.

---

**Background:**

Address was activated in owner's name per ordinance January 16, 2018. Customer's first bill was for \$8,115.75 (101,142 cu. ft. of water). This appears to be cumulative consumption dating back to 08/11/2014 when the tenant account was terminated.

At the time of termination and final read (08/11/2014) it was noted by the Meter Technician that the water could not be turned off (UB WO# 135720) thus water service to the property was not discontinued. Utility Maintenance was notified by e-mail.

On 11/13/2014 the property owner reported that the water was on without a customer signed up for service. The Meter Technician reported that he was unable to turn off water, that the meter was broken and that he couldn't tell if the water is on (UB WO# 138301).

On 08/07/2017 Meter Technician reports that he is unable to turn off water, curb stop valve is different if may be broken. Utility Maintenance was notified by e-mail.

On 2/28/2018 Customer reports that water is coming out of faucet on property but water should be off and meter locked. Meter Technician notes that Utility Maintenance is waiting on line-locates to replace curb-stop (UB WO# 200967).

On 3/19/2018 Utility Maintenance replaces meter and riser.



04/12/2018 Customer is billed \$8,115.75 for 101,142 cu. ft. of water consumed.

**NOTE:** The meter at 1118 Paradise WAS NOT replaced as part of the AMR installation 2014-2016. For some reason not detailed in the records this location was skipped during the meter replacement phase, as such, no radio-reads were received from this location.

**CITY OF ALAMOGORDO  
UTILITY BILLING DEPARTMENT  
FULL LEAK ADJUSTMENT WORKSHEET**

DATE: May 14, 2018

Customer ID 115105    Location ID 11398    Cycle/Route 4/40    Comm/Res Resi

**Customer Name:**

CARPENTER, CLAY K

**Billing Date:**

4/12/2018

**Service Address:**

1118 PARADISE AVE

**Billing Period:**

2/28/18-3/30/18

**Average Consumption:**

0

**Average Bill:**

\$20.80

**Actual Billed Consumption:**

101142

**Actual Bill Amount:**

\$7,750.09

**Total Billed:**

\$7,750.09

**Minus Average**

\$20.80

**Water Adjustment**

\$7,729.29

**Sewer Adjustment**

\$0.00

**Tax on Adjusted**

\$386.46

**Total Adjusted**

\$8,115.75

**Reason:**

CITY LEAK CAUSED CONSUMPTION, PLEASE SEE ATTACHED MEMO FROM THE CUSTOMER SERVICE MANAGER.

*If you have any questions, please call Nichole Sierra @ ext 4261*

Prepared by:

Nichole Sierra

UB Approval:

[Signature]

THIS LEAK ABATEMENT REQUIRES CITY COMMISSION APPROVAL

Finance Approval:

\_\_\_\_\_

UT470107

## CITY OF ALAMOGORDO, NEW MEXICO

5/14/18  
10:48:42Customer ID  
Location ID  
Cycle/route  
Bill date  
Due date  
Type option  
5=Display

| Charge Summary |                      |         |
|----------------|----------------------|---------|
| Code           | Description          | Amount  |
| WA             | WATER                | 7750.09 |
|                | TAXES                | 388.75  |
|                | MISC. CHARGES        | 25.00   |
|                | Total Actual Charges | 8163.84 |

es

es : 8163.84  
amt: 8163.84Svc  
Opt Type Ty  
— WA RE  
— WA SE  
— WA OUOpt Svc  
TF  
— GT  
— WA  
— WA  
— WA  
— WAENTER=Exit F8=Print F10=Reprint Bill  
F14=Send as EMAIL

Bottom

ter Number Est Cmt  
Cd Cd

584014

584014

724128

Rate Group S/W +

AL/I/R

AL/I/R

AL/I/R

AL/I/R

AL/I/R

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

'AT' account -

average consumption  
zero

$$0 \times 1.45 = 0.00$$

19.80

1.00

20.80

UT470107

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

5/14/18  
10:44:46

Customer ID: 115105 Name: CARPENTER, CLAY K  
 Location ID: 11398 Addr: 1118 PARADISE AVE  
 Cycle/route : 04 40 Bill type : CYCLE BILL  
 Bill date : 4/12/18 Prev balance: .00 Charges : 8163.84  
 Due date : 4/27/18 Adj/Pmts : .00 Bill amt: 8163.84  
 Type options, press Enter.

5=Display

| Opt | Svc Type | Reading Type | Date                 | Actual Consumption | Demand Consumption | Days | Meter Number | Est Cd | Cmt Cd |
|-----|----------|--------------|----------------------|--------------------|--------------------|------|--------------|--------|--------|
| -   | WA       | REG          | 3/30/18              | .00                | .00                | 11   | 17584014     |        |        |
| -   | WA       | SET          | 3/19/18              | .00                | .00                | 0    | 17584014     |        |        |
| -   | WA       | OUT          | 3/19/18              | 101142.00          | .00                | 19   | 08724128     |        | +      |
| Opt | Svc      | Comp         | Description          | Billed Consumption | Amount             | Rate | Group        | S/W    |        |
| -   | TF       |              | TRANSFER OF SERVICE  | .00                | 25.00              |      |              |        |        |
| -   | GT       |              | GOV GROSS RECPTS TAX | .00                | 388.75             |      | AL/I/R       |        |        |
| -   | WA       | BASE         | BASE RATE            | .00                | 19.80              |      | AL/I/R       |        |        |
| -   | WA       | CON1         | TIER 1               | 2000.00            | 29.00              |      | AL/I/R       |        |        |
| -   | WA       | CON2         | TIER 2               | 2000.00            | 47.00              |      | AL/I/R       |        |        |
| -   | WA       | CON3         | TIER 3               | 1000.00            | 36.50              |      | AL/I/R       |        | +      |

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

UT470107

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

5/14/18  
10:44:46

Customer ID: 115105 Name: CARPENTER, CLAY K  
 Location ID: 11398 Addr: 1118 PARADISE AVE  
 Cycle/route : 04 40 Bill type : CYCLE BILL  
 Bill date : 4/12/18 Prev balance: .00 Charges : 8163.84  
 Due date : 4/27/18 Adj/Pmts : .00 Bill amt: 8163.84  
 Type options, press Enter.

5=Display

| Opt | Svc Type | Reading Type             | Date               | Actual Consumption | Demand Consumption | Days  | Meter Number | Est Cd | Cmt Cd |
|-----|----------|--------------------------|--------------------|--------------------|--------------------|-------|--------------|--------|--------|
| -   | WA       | REG                      | 3/30/18            | .00                | .00                | 11    | 17584014     |        |        |
| -   | WA       | SET                      | 3/19/18            | .00                | .00                | 0     | 17584014     |        |        |
| -   | WA       | OUT                      | 3/19/18            | 101142.00          | .00                | 19    | 08724128     |        |        |
| Opt | Svc Comp | Description              | Billed Consumption | Amount             | Rate               | Group | S/W          |        |        |
| -   | WA       | CON4 TIER 4              | 1000.00            | 53.00              | AL/I/R             |       |              |        |        |
| -   | WA       | CON5 TIER 5              | 95142.00           | 7563.79            | AL/I/R             |       |              |        |        |
| -   | WA       | CAP CAPITAL SURCHARGE 81 | .00                | 1.00               | AL/I/R             |       |              |        |        |

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

UT300101

CITY OF ALAMOGORDO, NEW MEXICO  
Customer/Location Consumption History Inquiry5/14/18  
10:53:14

Customer ID: 115105 Name: CARPENTER, CLAY K

Location ID: 11398 Addr: 1118 PARADISE AVE

Cycle/Route: 04 40

Initiation date : 2/28/18

Termination date: 0/00/00

Type options, press Enter.

1=Select 5=View detail 6=Display comment codes

Amount due: \$8,173.84

Pending : \$.00

Customer status: A Customer/Location status: A

| Opt      | Reading | Actual      | Actual | CF        |
|----------|---------|-------------|--------|-----------|
| Svc Type | Date    | Consumption | Demand | Reading   |
| — WA REG | 3/30/18 | .00         | .00    | .00       |
| — WA SET | 3/19/18 | .00         | .00    | .00       |
| — WA OUT | 3/19/18 | 101142.00   | .00    | 132242.00 |
| — WA INT | 2/28/18 | .00         | .00    | 31100.00  |

F3=Exit F5=Print history  
F8=Pending/history transF6=Meter inventory  
F9=Budget transF7=Meter svc info  
F24=More keys

## MEMORANDUM

**TO:** Nichole Sierra, Utility Billing Supervisor  
**FROM:** Mark Threadgill, Customer Service Manager  
**DATE:** May 11, 2018  
**SUBJECT:** Utility Account # 115105-11398, 1118 Paradise Ave.

Above referenced account was billed for 101,142 cu. ft. of consumption on 04/12/18.

It appears that this is the cumulative total of consumption since 08/11/14 when the last tenant account for the location was terminated.

At the time of termination (08/11/2014) it was noted by the Meter Technician that the water could not be turned off and an e-mail was sent to the water shop to repair.

On 11/13/2014 the property owner reported that the water was on without anyone signed up for service. Meter Technician could not turn off water and stated that meter is broken.

On 08/04/17 Meter Technician stated could not find curb stop and could not turn off water – e-mailed water shop.

On 02/28/2018 Property owner again states that water is coming from faucets but should be off and locked. Meter Technician reports that water shop is waiting on line-locates to replace curb stop.

Utility Maintenance did finally install new meter and riser on 3/19/2018.

While it is evident that a substantial amount of water flowed through the meter from 08/11/2014 through 04/12/18 it is also evident that the City was aware of the fact that the water could not be turned off and meter locked since 08/11/2014. It is unclear at this time why this was not addressed by the Utility Maintenance despite twice being notified of the issue.

Given the facts as stated above please prepare a full leak abatement for the utility bill dated 04/12/18 for this location. The initial read of the new meter (#17584014) should be the initial read for subsequent bills for this location. The City will have to absorb the loss of 101,142 cu. ft. of water that flowed through the previous meter.

(documents attached)

UT220G01

CITY OF ALAMOGORDO, NEW MEXICO

5/08/18

Acct #: 115105, 11398 Status: A NSF #: Tax: N Penalty: N  
Service Address Cyc/Rte: 04 40 Mailing Address Phone: 575 - 4397452  
CARPENTER, CLAY K 1111 10TH ST #456  
1118 PARADISE AVE  
ALAMOGORDO NM 883100000 ALAMOGORDO NM 88310

SS#: DL#: Reinst.: N A-pay: N Dep.: N  
WA MT A Start: 2/28/18 Term: AL/R /I, 100 17584014

| Amt due:     | \$8,173.84 | Pending:  | \$0.00  | Delq amt:                    | \$8,173.84 |
|--------------|------------|-----------|---------|------------------------------|------------|
| Last notice: | 5/07/18    | Cut date: | 5/22/18 | Payment plan:                | Budget:    |
| Bill Date    | Amount     | Pymt Date | Amount  | Current A/R Code/Desc/Amount |            |
| 4/12/18      | \$8,163.84 |           | \$0.00  | C, CURRENT                   | \$8,173.84 |
|              | \$0.00     |           | \$0.00  | 30, OVER 30                  | \$0.00     |
|              |            |           |         |                              | More...    |

Comment NOTE 3/19/18 LOC 11398-UTILITY MAINT INSTALLED NEW  
NOTE 3/19/18 RISER & METER 3/19/18. NS

F3=Exit F10=Zoom F12=Cancel F20=Cst/loc functions

More...



UT300101

CITY OF ALAMOGORDO, NEW MEXICO  
Customer/Location Consumption History Inquiry5/07/18  
14:09:36Customer ID: 100285 Name: GALINDO, KEVIN J.  
Location ID: 11398 Addr: 1118 PARADISE AVE  
Cycle/Route: 04 40

Initiation date: 12/30/13

Termination date: 8/11/14

Type options, press Enter.

1=Select 5=View detail 6=Display comment codes

Amount due: \$.00  
Pending: \$.00  
Customer/Location status: F

| Opt      | Reading  | Actual      | Actual | CF       |
|----------|----------|-------------|--------|----------|
| Svc Type | Date     | Consumption | Demand | Reading  |
| WA FIN   | 8/11/14  | 1200.00     | .00    | 31100.00 |
| WA REG   | 6/26/14  | 900.00      | .00    | 29900.00 |
| WA REG   | 5/29/14  | 800.00      | .00    | 29000.00 |
| WA REG   | 4/29/14  | 800.00      | .00    | 28200.00 |
| WA REG   | 3/28/14  | 900.00      | .00    | 27400.00 |
| WA REG   | 2/27/14  | 900.00      | .00    | 26500.00 |
| WA REG   | 1/29/14  | 800.00      | .00    | 25600.00 |
| WA INT   | 12/30/13 | .00         | .00    | 24800.00 |

F3=Exit F5=Print history  
F8=Pending/history transF6=Meter inventory  
F9=Budget transF7=Meter svc info  
F24=More keysCray  
CARPENTERFIN 8/11/14  
NO CURB STOP  
INSTALLEDINITIATED IN OWNER NAME  
11/16/18USAGE From 8/11/14 ~ 43 mos  
thru 3/19/182,352 cu ft  
W/O

NO RR MTR INSTALLED DURING INSTALL.

WT300101

CITY OF ALAMOGORDO, NEW MEXICO  
Customer/Location Consumption History Inquiry5/07/18  
14:09:54

Customer ID: 115105 Name: CARPENTER, CLAY K

Location ID: 11398 Addr: 1118 PARADISE AVE

Cycle/Route: 04 40

Initiation date : 2/28/18

Termination date: 0/00/00

Type options, press Enter.

1=Select 5=View detail 6=Display comment codes

| Opt | Reading        | Actual      | Actual | CF        |
|-----|----------------|-------------|--------|-----------|
|     | Svc Type Date  | Consumption | Demand | Reading   |
| -   | WA REG 3/30/18 | .00         | .00    | .00       |
| -   | WA SET 3/19/18 | .00         | .00    | .00       |
| -   | WA OUT 3/19/18 | 101142.00   | .00    | 132242.00 |
| -   | WA INT 2/28/18 | .00         | .00    | 31100.00  |

Amount due: \$8,163.84

Pending : \$.00

Customer status: A Customer/Location status: A

F3=Exit F5=Print history F6=Meter inventory F7=Meter svc info  
F8=Pending/history trans F9=Budget trans F24=More keys

UT500I02

CITY OF ALAMOGORDO, NEW MEXICO  
Service Order Comment Inquiry

5/09/18  
08:07:10

Service Order

Type . : F FINAL READ Svc order nbr : 135720  
Status : COMPLETED Issue date/time: 8/11/14 11:26:08  
Customer ID . : 100285 GALINDO, KEVIN J.  
Location ID . : 11398 1118 PARADISE AVE  
City . . . . : ALAMOGORDO  
Meter number . : 08724128  
Service cd/Seq : WA 000 WATER  
Type information, press Enter.

5=Display

| Opt | Code | Cmnt | Alphanumeric Value                            | Numeric Value | Prt Loc |
|-----|------|------|-----------------------------------------------|---------------|---------|
| —   | NOTE |      | FINAL FOR NON PAY \$90.70                     |               | 4       |
| —   | NOTE |      | PER NATE. CANT TURN OFF VALVE BROKE. READ     |               | 4       |
| —   | NOTE |      | 31100 8/12/14. (EMAIL SENT TO WS 8/11/14) AMK |               | 4       |

F3=Exit F12=Cancel

UT500I02

CITY OF ALAMOGORDO, NEW MEXICO  
Service Order Comment Inquiry

5/09/18  
08:07:30

Service Order

Type : TF TURN OFF

Status : COMPLETED

Svc order nbr : 138301

Issue date/time: 11/13/14 15:24:16

Customer ID : 100285 GALINDO, KEVIN J.

Location ID : 11398 1118 PARADISE AVE

City : ALAMOGORDO

Meter number : 08724128

Service cd/Seq : WA 000 WATER

Type information, press Enter.

5=Display

Cmnt

Opt Code

Alphanumeric Value

Numeric Value

Prt

Loc

— NOTE PROPERTY OWNER REPORTS WATER IS ON WITHOUT A  
— NOTE SERVICE SIGN-UP OR DEPOSIT...COB  
— NOTE UNABLE TO TURN OFF, READ 32000, METER IS  
— NOTE BROKEN, NO ONE IS HOME, CAN'T TELL IF WATER  
— NOTE IS ON; 11/14/14 RH....NS

4  
4  
4  
4  
4

F3=Exit F12=Cancel

UT500I02

CITY OF ALAMOGORDO, NEW MEXICO  
Service Order Comment Inquiry

5/09/18  
08:08:52

Service Order

Type : LM LOCK METER

Svc order nbr : 190399

Status : COMPLETED

Issue date/time: 8/04/17 16:52:26

Customer ID : 100285 GALINDO, KEVIN J.

Location ID : 11398 1118 PARADISE AVE

City : ALAMOGORDO

Meter number : 08724128

Service cd/Seq : WA 000 WATER

Type information, press Enter.

5=Display

Cmnt

Opt Code

Alphanumeric Value

Numeric Value

Prt

Loc

— NOTE \*READ 114600 UNABLE TO T/OFF CURB STOP VALVE

4

— NOTE \*IS DIFFERENT OR MAY HAVE BROKE OFF EMAILED

4

— NOTE \*WATER SHOP 8/7/17 JS...NM

4

F3=Exit F12=Cancel

UT500I02

CITY OF ALAMOGORDO, NEW MEXICO  
Service Order Comment Inquiry

5/09/18  
08:08:21

Service Order

Type . : TF TURN OFF Svc order nbr : 200967  
Status : COMPLETED Issue date/time: 2/28/18 12:16:18  
Customer ID . : 100285 GALINDO, KEVIN J.  
Location ID . : 11398 1118 PARADISE AVE  
City . . . . : ALAMOGORDO  
Meter number . : 08724128  
Service cd/Seq : WA 000 WATER  
Type information, press Enter.

5=Display

| Opt | Code | Cmnt | Alphanumeric Value                            | Numeric Value | Prt Loc |
|-----|------|------|-----------------------------------------------|---------------|---------|
| —   | NOTE |      | CHK CURB STOP - OWNR SAYS H2O SHLD BE OFF BUT |               | 4       |
| —   | NOTE |      | WATER COMING OUT OF FAUCET ON PROP - SHOULD   |               | 4       |
| —   | NOTE |      | BE OFF AND LOCKED (MAT)                       |               | 4       |
| —   | NOTE |      | *W/S WAITING ON LINE LOCATES TO REPLACE       |               | 4       |
| —   | NOTE |      | *CURBSTOP 2/28/18 FE....NM                    |               | 4       |

F3=Exit F12=Cancel

LMBC1001  
Special Notes

City of Alamogordo, New Mexico  
Address Misc. Information Inquiry

5/08/18  
08:47:16

Location ID/Subdivision : 11398 AIRPORT BLKS 1 BLK 14 RP-A  
Parcel number : 010 -014 -0532-11-17S -09E -  
Old Account Number : 232.292  
Location address : 1118 PARADISE AVE  
Primary related party : AVENA, GERARDO

Type options, press Enter.

5=View detail

Opt Description

Notes

Free-form information

- LAND INFORMATION NOTES  
- LAND INFORMATION NOTES  
- LAND INFORMATION NOTES  
- OWNER WAIVER FORM

S  
S  
S  
S

MC #01N-4-053-098-  
CENSUS TRACT: 05.00  
FEMA:  
OWNER RESPONSIBILITY WAIVER FORM ON FILE

F2=Address  
F12=Cancel

F3=Exit

F5=All Misc Info

F16=Related pty data

F9=Parcel Notes

F10=Subd Notes

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/18/2018

**Report No:** 6.

**Submitted By:** Debbie Osborne

---

**Subject:** Consider, and act upon, Resolution No. 2018-25 removing uncollectible and unsecured Utility, Library, Recreation Center, Public Housing Authority and other miscellaneous accounts from the City's accounts receivable and returned checks. (*Julianne Hall, Finance Director*) **(Roll Call Vote Required)**

---

**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact: No Fiscal Impact

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**Recommendation:** Approve the Resolution.

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**Background:** Each year, in order to adjust the Accounts Receivable accounts for doubtful accounts; all City departments are responsible for reviewing outstanding accounts and reporting uncollectible Accounts Receivable accounts to the Director of Finance. The Accounts Receivable from Miscellaneous Accounts Receivable, Public Housing Authority, Utility Billing, Library, Recreation Department and Returned Checks has been reported as uncollectible and total \$181,671.74. All accounts have been deemed uncollectible for various reasons by the Director of Finance.

The City Commission is given authority in NMSA 1978 §3-37-7, to write-off uncollectible Accounts Receivable accounts provided the City's Director of Finance verifies the accounts to be uncollectible.

Note: The detailed uncollectible report is available for reviewing at the Finance Department. In addition, payment will still be accepted after the Accounts Receivable accounts are written-off.

**UTILITY BILLING: \$33,472.09**

The attached list represents outstanding accounts for Water/Sewer/Garbage. The attached list of outstanding Utility Billing includes accounts that have been outstanding and uncollectible for four (4) years or more. This represents delinquent accounts through June 30, 2014.

**LIBRARY: \$17,130.14**

The attached list represents outstanding accounts for Library fees and fines. The attached list of outstanding Library accounts includes accounts from July 1, 2013 through June 30, 2014.



**RECREATION CENTER: \$20.70**

The attached list represents the outstanding accounts for the Recreation Center. This represents bad debt accounts through June 30, 2014.

**PUBLIC HOUSING AUTHORITY: \$3,570.60**

The attached list includes outstanding amounts left by tenants. This represents delinquent accounts through Feb. 2, 2017.

Note: PHA tenant accounts allowable write-off after 1 year of uncollectible per HUD Standards.

**MISCELLANEOUS A/R: \$127,212.17**

These billings include: Reimbursement to City and Equipment Charges. Collection proved unsuccessful despite contacting different individuals and processing various notices. This represents delinquent accounts through June 30, 2014.

**RETURNED CHECKS: \$266.04**

The attached list represents the outstanding returned checks for the City from through June 30, 2014.

**GRAND TOTAL: \$181,671.74**

## RESOLUTION NO. 2018-25

### A RESOLUTION REMOVING UNCOLLECTIBLE AND UNSECURED UTILITY, LIBRARY, HOUSING AUTHORITY, CIVIC CENTER AND OTHER MISCELLANEOUS ACCOUNTS FROM THE CITY'S ACCOUNTS RECEIVABLE

**WHEREAS**, there is approximately \$33,472.09 owed to the City from Utility accounts, \$17,130.14 owed to the City from Library accounts, \$20.70 owed to the City from Recreation Center, \$3,570.60 owed to the City from Public Housing Authority accounts, \$127,212.17 from other Accounts Receivable accounts, and \$266.04 in Return Checks that are uncollectible even after diligent collection efforts were initiated; and,

**WHEREAS**, said accounts have been owed and uncollectible to the City for more than four (4) years; and,

**WHEREAS**, Section 3-37-7 NMSA 1978, gives the governing body of a municipality the authority to remove certain accounts from its accounts receivable provided that the City's Director of Finance verifies the account to be uncollectible; and,

**WHEREAS**, pursuant to said Section 3-37-7 NMSA 1978, the Director of Finance of the City of Alamogordo has verified on the attached Affidavit that the accounts listed are uncollectible as well as the total amount to be removed from the City's accounts receivable.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Alamogordo that the City has complied with Section 3-37-7 NMSA 1978 (As Amended) which authorizes the governing body to write off uncollectible accounts.

**BE IT FURTHER RESOLVED** that after reviewing the attached Affidavit of the Director of Finance LeeAnn Nichols, the City Commission of the City of Alamogordo does hereby authorize the removal from its accounts receivable uncollectible accounts in the amount of \$181,671.74 with reasonable adjustment allowance, as described on the Affidavit.

**BE FURTHER RESOLVED** that the City will consider a resolution addressing uncollectible account write-offs on an annual basis.

**DONE** this 22th day of May, 2018.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: \_\_\_\_\_  
Richard Boss, Mayor

ATTEST:

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Schreiber, City Attorney

# AFFIDAVIT OF Julianne Hall

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF OTERO )

I, Julianne Hall, being duly sworn, depose and say:

1. I am the Director of Finance of the City of Alamogordo, and as such I have supervision over the accounting and finance procedures for the City of Alamogordo.
2. The attached list is of Utility Billing/Library/Recreation Center/Public Housing Authority, Misc. Accounts Receivable accounts, and Return Checks that have been uncollectible and owed to the City of Alamogordo for more than four years.
3. Customers who received City of Alamogordo services and never paid them incurred the accounts.
4. The City has made diligent efforts to collect on the inactive accounts and to locate the debtors through in-house collection efforts, but have been unsuccessful.
5. It is my opinion that the attached accounts totaling \$181,671.74 are uncollectible.

Julianne Hall

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2018, by Julianne Hall, Director of Finance of the City of Alamogordo.

Notary Public

My commission expires:

## WRITE OFFS

| WRITE OFFS   | Utility Billing     | Library            | Recreation      | PHA                | MISC. A/R           | Return Checks     | Civic Center   | TOTAL               |
|--------------|---------------------|--------------------|-----------------|--------------------|---------------------|-------------------|----------------|---------------------|
| 2014         | \$12,622.67         | \$20,701.40        | \$0.00          | \$7,047.29         | \$1,829.92          | \$0.00            | \$15.00        | \$42,216.28         |
| 2015         | \$23,718.59         | \$19,138.20        | \$56.00         | \$11,815.66        | \$1,743.26          | \$1,190.69        | \$0.00         | \$57,662.40         |
| 2016         | \$16,316.77         | \$16,584.77        | \$194.80        | \$9,401.35         | \$4,016.64          | \$218.43          | \$0.00         | \$46,732.76         |
| 2017         | \$18,466.63         | \$15,876.56        | \$489.20        | \$7,669.55         | \$5,830.61          | \$172.88          | \$0.00         | \$48,505.43         |
| 2018         | \$33,472.09         | \$17,130.14        | \$20.70         | \$3,570.60         | \$127,212.17        | \$266.04          | \$0.00         | \$181,671.74        |
| <b>TOTAL</b> | <b>\$104,596.75</b> | <b>\$89,431.07</b> | <b>\$760.70</b> | <b>\$39,504.45</b> | <b>\$140,632.60</b> | <b>\$1,848.04</b> | <b>\$15.00</b> | <b>\$376,788.61</b> |

**Averages**                **\$20,919.35**    **\$17,886.21**        **\$152.14**    **\$7,900.89**        **\$28,126.52**                **\$369.61**                **\$3.00**        **\$75,357.72**

Wrobinson

# Memorandum

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**To:** Wendy Robinson, Internal Control Analyst

**From:** Nichole Sierra, Utility Billing Supervisor

**Thru:** Mark Threadgill, Customer Service Manager

**Date:** May 7, 2018

**Re:** Utility Billing Write-off Accounts

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The amount of Utility Billing write off accounts submitted for City of Alamogordo Commission approval is \$33,472.09. This represents delinquent accounts through June 30, 2014. Please see attached for list.

**CITY OF ALAMOGORDO  
UTILITY BILLING  
WRITE-OFF LISTING  
FY 2018**

THRU JUNE 30, 2014

| ACCOUNT<br>NUMBER | CUSTOMER NAME             | SERVICE ADDRESS    | TERMINATION<br>DATE | UNPAID<br>BALANCE |
|-------------------|---------------------------|--------------------|---------------------|-------------------|
| 19219-13868       | Charles E Mauldin         | 3420 N Florida Ave | 07/23/03            | \$ 3,382.33       |
| 661-530           | Adeline A Sandoval        | 1509 E Twelfth     | 10/07/04            | \$ 136.00         |
| 66809-2172        | Maria Robles              | 504 N New York     | 12/01/04            | \$ 241.30         |
| 66937-16158       | Arthur Quinbach           | 1212 Beverly       | 12/01/04            | \$ 243.59         |
| 22877-16504       | Tidwell Plumbing          | 1005 Oregon        | 12/21/04            | \$ 370.58         |
| 65917-4098        | Fred Stogden              | 204 Delaware       | 07/11/05            | \$ 312.93         |
| 66689-4128        | Garcia & Lovato Rodriguez | 418 Delaware       | 09/19/05            | \$ 376.30         |
| 6165-4592         | Jim Sides                 | 1006 Juniper       | 11/16/05            | \$ 205.19         |
| 13001-9618        | Oree A Clark              | 703 Panorama       | 03/02/06            | \$ 198.90         |
| 25451-18342       | Jeane Bruer               | 1307 Lovers        | 03/24/06            | \$ 276.17         |
| 53417-17934       | Ivan Gomez-Velazquez      | 1012 Joy           | 06/13/06            | \$ 422.03         |
| 23743-17124       | Diana Thomas              | 702 Dewey          | 08/01/06            | \$ 266.25         |
| 63003-4676        | Kevin & Julie Mangum      | 2308 Willow        | 08/18/06            | \$ 174.61         |
| 72633-11102       | Christopher Reid          | 1420 La Velle      | 03/21/07            | \$ 150.00         |
| 70581-2324        | Eda Gonterman             | 406 Bonnell        | 05/04/07            | \$ 277.68         |
| 54837-24616       | Jason & Jennifer Wilson   | 2373 Saguario      | 06/07/07            | \$ 352.75         |
| 74809-10106       | Allen Arrington           | 1309 Incredible    | 08/14/07            | \$ 750.93         |
| 78085-11842       | Jennifer & Donald Pethick | 715 Post           | 08/30/07            | \$ 293.96         |
| 77501-10708       | Randy Fietek              | 813 Fourth         | 10/17/07            | \$ 276.13         |
| 54109-21692       | Joel & Rosa Vega          | 1040 James         | 12/04/07            | \$ 93.35          |
| 80465-20342       | Luis Jr Landin            | 1818 Washington    | 01/02/08            | \$ 433.69         |
| 78183-23558       | Jennell Swapp             | 1106 Lucky         | 01/14/08            | \$ 150.00         |
| 2861-2136         | Frank Moncada             | 116 N New York     | 05/12/08            | \$ 854.16         |
| 74673-33856       | Raymond A Madrid          | 853 Arroyo Seco    | 07/09/08            | \$ 269.17         |
| 68463-4154        | Mike Gallegos             | 610 Delaware       | 07/15/08            | \$ 333.05         |
| 14449-10710       | Tracy & Douglas Foster    | 811 Fourth         | 07/21/08            | \$ 316.44         |
| 80367-22442       | Thomas Snyder             | 513 Venus          | 12/15/08            | \$ 429.76         |
| 69509-9116        | Arnulfo Simental          | 400 Maryland       | 06/09/09            | \$ 563.45         |
| 19907-14410       | Anthony Noriega           | 819 Seventh        | 07/20/09            | \$ 497.59         |
| 70295-17204       | Mary Hudson               | 605 Montlake       | 07/30/09            | \$ 410.68         |
| 14693-10778       | Henry Dorothy             | 815 Second         | 03/08/10            | \$ 672.36         |
| 49949-6484        | Stephen Godinez           | 1809 Arizona       | 06/04/10            | \$ 436.58         |
| 78643-6380        | Eva M Sandoval            | 2315 19th St       | 07/30/12            | \$ 271.39         |
| 4407-3274         | Rose Stacy                | 1306 N Scenic Dr   | 11/19/12            | \$ 866.54         |
| 3789-2830         | Cynthia Or Rodney Dorwin  | 1344 McKinley Ave  | 11/19/12            | \$ 643.66         |
| 28739-12566       | Jobeth Bossart Porter     | 2002 Gill Dr       | 12/10/12            | \$ 417.42         |
| 28115-20278       | Richard Cole              | 1811 Hubbard Dr    | 01/07/13            | \$ 424.98         |
| 87637-16872       | David Gallagher           | 1612 Indiana       | 07/05/13            | \$ 145.91         |
| 80779-15692       | Casi Vigil                | 804 Fifteenth      | 07/25/13            | \$ 70.35          |
| 76259-34762       | Margaret Rodriguez        | 2400 First         | 07/26/13            | \$ 1.11           |
| 97693-10996       | Jenise Burns              | 917 Indigo         | 07/29/13            | \$ 197.08         |



THRU JUNE 30, 2014

| ACCOUNT<br>NUMBER | CUSTOMER NAME            | SERVICE ADDRESS        | TERMINATION<br>DATE | UNPAID<br>BALANCE |
|-------------------|--------------------------|------------------------|---------------------|-------------------|
| 89259-8186        | Carolyn Fallon           | 300 Twenty-Fourth      | 07/29/13            | \$ 1,379.34       |
| 96315-22460       | Raquel A Martinez        | 1103 Lindberg          | 07/29/13            | \$ 165.06         |
| 96099-11758       | Curtis Swain             | 2144 Walker            | 07/29/13            | \$ 44.77          |
| 65249-4688        | Betty Fischer            | 1304 Maple             | 07/30/13            | \$ 93.29          |
| 84393-5180        | Sandra Beach             | 2314 15th St           | 08/01/13            | \$ 0.96           |
| 12251-9056        | Esther Nichols           | 205 Texas Ave          | 08/05/13            | \$ 124.14         |
| 31669-15468       | Evelyn Diaz              | 1509 Florida           | 08/05/13            | \$ 82.17          |
| 97455-1070        | Naree Pool               | 301 White Sands        | 08/05/13            | \$ 112.70         |
| 58149-22964       | Karl Lamm                | 2217 Cielo Vista       | 08/07/13            | \$ 97.42          |
| 56301-18338       | Michael J. & Mary F Hall | 1311 Lovers            | 08/12/13            | \$ 165.46         |
| 77259-17932       | Dawn Holland             | 1010 Joy               | 08/12/13            | \$ 170.47         |
| 78417-20166       | Leona St Louis           | 1705 Monte Vista Corte | 08/15/13            | \$ 129.07         |
| 94647-14992       | Sheree Mantanona         | 1509 Indiana           | 08/16/13            | \$ 479.95         |
| 96695-1222        | Michael W Granados Sr    | 1504 8th St            | 08/19/13            | \$ 106.78         |
| 57765-11798       | Billy G Shepard          | 1285 Mesquite          | 08/19/13            | \$ 104.99         |
| 69287-12234       | Joel Sanchez             | 1433 Discovery         | 08/26/13            | \$ 151.50         |
| 77541-19494       | Rose Rice                | 1505 Pinon             | 09/03/13            | \$ 97.44          |
| 91237-7174        | Kenneth Or Jenny Tingley | 3020 El Dorado         | 09/17/13            | \$ 1.10           |
| 85863-14862       | Jeremy A Mann            | 1106 New York          | 09/18/13            | \$ 127.59         |
| 4321-3202         | Monica Brown             | 1007 Ridgecrest        | 09/20/13            | \$ 450.71         |
| 98355-22462       | Breezie Fielder          | 1105 Lindberg          | 09/24/13            | \$ 123.71         |
| 77897-33524       | Peter O & Dore Sanderson | 410 Brentwood          | 09/27/13            | \$ 110.95         |
| 95733-7320        | Lisa Bennett             | 1322 Desert Eve        | 09/30/13            | \$ 310.41         |
| 94227-10294       | John Siracusano          | 514 Brookdale          | 09/30/13            | \$ 206.14         |
| 91987-9690        | Molly Tomke              | 2531 Hamilton          | 09/30/13            | \$ 107.02         |
| 97695-13678       | Linda Perkins            | 2103 Starlight Ct A    | 10/03/13            | \$ 53.82          |
| 75529-6466        | Renae Vega               | 1901 Arizona           | 10/07/13            | \$ 464.56         |
| 97041-2118        | Custom Shopping Co.      | 109 New York           | 10/14/13            | \$ 187.45         |
| 98253-10732       | Clarissa Garcia          | 812 Fourth             | 10/14/13            | \$ 179.75         |
| 301-262           | Leroy Robinson           | 1507 Jefferson         | 10/17/13            | \$ 290.45         |
| 91963-18026       | Jessika Or Fran Carbajal | 1814 Puerto Rico       | 10/18/13            | \$ 138.60         |
| 72391-17612       | Vicente Baca             | 1812 Alaska            | 10/21/13            | \$ 119.61         |
| 92985-16402       | Cara Payne               | 1502 Cuba              | 10/21/13            | \$ 138.52         |
| 97895-16832       | Christina Stone          | 1604 Teresa            | 10/21/13            | \$ 200.39         |
| 51723-18394       | Lloyd Vega               | 1315 Catalina          | 10/25/13            | \$ 142.11         |
| 90443-17522       | Michael Fedd             | 1107 Cauthen           | 10/28/13            | \$ 243.65         |
| 66589-6694        | Heather Miller           | 2814 Carmel            | 10/30/13            | \$ 129.70         |
| 86081-17940       | Heidi Hiles              | 1710 Hawaii            | 11/14/13            | \$ 83.90          |
| 61901-3484        | Melvin Hightower         | 306 Scenic             | 11/15/13            | \$ 97.53          |
| 1261-970          | Pedro Romero             | 700 White Sands        | 12/06/13            | \$ 0.60           |
| 98995-11344       | Courtney Spikes          | 2408 Stapp             | 12/10/13            | \$ 257.55         |
| 99099-1142        | Ebony Cummings           | 722 Monroe             | 12/20/13            | \$ 1,128.26       |
| 88703-4876        | Sheri Gardner            | 2312 Union             | 01/13/14            | \$ 249.46         |
| 94757-4868        | Kathy Jones              | 1604 Arizona           | 01/13/14            | \$ 500.28         |
| 99137-11264       | Crystal Lemanski         | 1290 Municipal         | 01/13/14            | \$ 132.76         |
| 82715-11492       | Kenneth Murray           | 1212 Paradise          | 01/13/14            | \$ 146.73         |

THRU JUNE 30, 2014

| ACCOUNT<br>NUMBER | CUSTOMER NAME                | SERVICE ADDRESS    | TERMINATION<br>DATE | UNPAID<br>BALANCE |
|-------------------|------------------------------|--------------------|---------------------|-------------------|
| 84769-2044        | Chris M Cheatwood            | 823 New York       | 01/21/14            | \$ 151.68         |
| 99625-9130        | Eric Habel                   | 503 Texas          | 01/21/14            | \$ 342.48         |
| 10797-8000        | Douglas E Gorman             | 2300 Eudora        | 02/03/14            | \$ 133.15         |
| 99409-12148       | Melissa Barela               | 1104 Airport       | 02/10/14            | \$ 156.27         |
| 85401-9442        | Jessica Pino                 | 404 Saturn         | 02/10/14            | \$ 107.28         |
| 87499-26802       | Sergio L Or Jenni Chavez     | 500 Coronado       | 02/21/14            | \$ 51.56          |
| 76873-7074        | Fernando K & April Martinez  | 3017 Del Prado     | 02/24/14            | \$ 66.66          |
| 96941-10486       | Ray Roberts                  | 1300 Mobile        | 02/26/14            | \$ 105.04         |
| 99307-25094       | Aubrey Or Ashley L Olson     | 1355 Discovery     | 02/28/14            | \$ 42.60          |
| 87681-642         | Sue Lester                   | 1103 Monroe        | 03/03/14            | \$ 158.61         |
| 89201-11362       | Dirck Ditwiler               | 1118 Lindberg      | 03/04/14            | \$ 11.50          |
| 90123-14658       | Chelsea Austin               | 1415 Michigan      | 03/07/14            | \$ 59.76          |
| 5791-750          | Steve Ahrens                 | 1303 Spruce        | 03/11/14            | \$ 140.56         |
| 99861-17520       | Esther Lucero                | 1109 Cauthen       | 03/17/14            | \$ 35.65          |
| 98517-18404       | Ashely Or Seth Shaffer       | 1305 Catalina      | 03/17/14            | \$ 142.27         |
| 81003-14672       | Lyn Allen                    | 1317 Michigan      | 03/18/14            | \$ 167.85         |
| 4507-3350         | Gloria E Wohler              | 1325 Scenic        | 03/21/14            | \$ 97.89          |
| 34995-22822       | Janice & Frank Logan         | 1469 Post          | 04/04/14            | \$ 185.49         |
| 18313-13306       | E C Covarrubia               | 1511 Bellamah      | 04/18/14            | \$ 168.96         |
| 96959-20760       | Chastity Ashley              | 975 Fourteenth     | 04/21/14            | \$ 93.71          |
| 100391-17522      | Jazmine Sanchez              | 1107 Cauthen       | 04/21/14            | \$ 2,169.20       |
| 93403-6812        | William Stewart              | 1905 Crescent      | 04/21/14            | \$ 60.91          |
| 100057-15406      | Kerry & Holly Bates          | 1216 Vermont       | 04/23/14            | \$ 220.36         |
| 75241-9060        | Terry Brown                  | 119 Texas          | 04/29/14            | \$ 83.42          |
| 97333-8890        | Amber E Sayman               | 111 Virginia       | 05/01/14            | \$ 38.29          |
| 93225-8702        | Norman P Or Paula A Robinson | 212 Cottonwood     | 05/12/14            | \$ 100.07         |
| 93583-1554        | Tammy Cox                    | 1902 Mountain View | 05/16/14            | \$ 116.67         |
| 75799-1602        | Sharon Schmidhamer           | 607 Adams          | 05/23/14            | \$ 5.85           |
| 92405-22090       | Yolanda & Eduardo Saavedra   | 2149 Chantel       | 05/27/14            | \$ 127.97         |
| 99671-22462       | Howard Demby                 | 1105 Lindberg      | 06/02/14            | \$ 583.28         |
| 68489-22216       | Sarah Lueras                 | 1114 Brooks        | 06/02/14            | \$ 158.57         |
| 89221-20816       | Maria Valencia               | 945 Lindberg       | 06/02/14            | \$ 176.29         |
| 94569-1170        | Jeremy Preston               | 1801 Seventh       | 06/16/14            | \$ 177.07         |

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WRITE-OFF TOTAL                      \$    33,472.09



Alamogordo Public Library

|    | Borrower Name         | Date of Fine | Late Fees | Lost books fees | Dmged | Total charges/PT | # of Books lost/PT |
|----|-----------------------|--------------|-----------|-----------------|-------|------------------|--------------------|
| 1  | MICHAEL J ABBOT       | 09/16/2013   |           | \$36.00         |       | \$36.00          | 2                  |
| 2  | ALEXANDRIA T ADAMS    | 07/25/2013   | \$0.30    |                 |       | \$0.30           |                    |
| 3  | DANYL M ADAMS         | 09/17/2013   | \$0.40    |                 |       | \$0.40           |                    |
| 4  | WENDY AIKEN           | 05/31/2014   |           | \$22.00         |       | \$22.00          | 1                  |
| 5  | BRITNEY L ALEXANDER   | 10/25/2013   | \$1.30    |                 |       | \$1.30           |                    |
| 6  | CLARA L ALLEN         | 08/07/2013   | \$3.00    | \$35.00         |       | \$38.00          | 1                  |
| 7  | HAROLD L ALLEY        | 01/29/2014   | \$1.80    |                 |       | \$1.80           |                    |
| 8  | KALENA T ANASTACIO    | 03/28/2014   | \$13.00   |                 |       | \$13.00          |                    |
| 9  | JAMIE T ANDERSON      | 05/30/2014   | \$0.90    |                 |       | \$0.90           |                    |
| 10 | NICHOLAS S ANDERSON   | 03/21/2014   |           | \$60.00         |       | \$60.00          | 2                  |
| 11 | JENNIFER R ANSON      | 08/11/2013   | \$1.50    | \$46.00         |       | \$47.50          | 2                  |
| 12 | SAMUEL H ARAGON       | 08/30/2013   | \$3.20    |                 |       | \$3.20           |                    |
| 13 | RAYMUNDO ARCHULETA    | 02/27/2014   | \$0.60    |                 |       | \$0.60           |                    |
| 14 | JESSICA N ARELLANO    | 09/03/2013   | \$1.40    | \$20.00         |       | \$21.40          | 1                  |
| 15 | JEFFREY A AUFDERHEIDE | 10/19/2013   | \$2.10    |                 |       | \$2.10           |                    |
| 16 | CHRISTIANNA BACA      | 12/19/2013   |           | \$124.00        |       | <b>\$124.00</b>  | 5                  |
| 17 | DESIREE R BAKER       | 11/06/2013   | \$0.70    |                 |       | \$0.70           |                    |
| 18 | ALICE E BALDERRAMA    | 03/29/2014   | \$1.60    |                 |       | \$1.60           |                    |
| 19 | GILBERTO C BALDERRAMA | 05/16/2014   | \$1.20    | \$36.00         |       | \$37.20          | 1                  |
| 20 | JESSICA G BALLARD     | 08/01/2013   |           | \$261.25        |       | <b>\$261.25</b>  | 14                 |
| 21 | KAY E BANIKARIM       | 05/19/2014   | \$1.80    |                 |       | \$1.80           |                    |
| 22 | FAITH K BANKS         | 05/21/2014   |           | \$7.50          |       | \$7.50           | 1                  |
| 23 | JAYDEN L BARAHONA     | 08/31/2013   | \$0.90    |                 |       | \$0.90           |                    |
| 24 | FABIANA C BARKER      | 08/07/2013   | \$0.20    |                 |       | \$0.20           |                    |
| 25 | LAUREN E BARNES       | 06/12/2014   | \$2.40    |                 |       | \$2.40           |                    |
| 26 | MERLE G BARNHOUSE     | 09/17/2013   | \$5.00    |                 |       | \$5.00           |                    |
| 27 | EMILY L BARRON        | 06/04/2014   |           | \$18.00         |       | \$18.00          | 1                  |
| 28 | JAMES K BATES         | 12/07/2013   | \$0.70    | \$25.00         |       | \$25.70          | 1                  |
| 29 | MIKE D BEATY          | 10/30/2013   | \$5.40    |                 |       | \$5.40           |                    |
| 30 | DAKOTA J BEAVER       | 10/30/2013   | \$2.80    |                 |       | \$2.80           |                    |
| 31 | NOAH J BEESON         | 06/10/2014   | \$0.70    |                 |       | \$0.70           |                    |
| 32 | CARSON A BEHANNA      | 01/22/2014   |           | \$332.00        |       | <b>\$332.00</b>  | 10                 |
| 33 | BRANDON M BELCHER     | 10/11/2013   |           | \$30.00         |       | \$30.00          | 1                  |
| 34 | CALLIE M BENNETT      | 07/10/2013   | \$10.00   |                 |       | \$10.00          |                    |
| 35 | ROBERT M BENNETT      | 01/08/2014   | \$10.10   |                 |       | \$10.10          |                    |
| 36 | KATHERINE M BENOIT    | 03/10/2014   | \$14.55   | \$19.95         |       | \$34.50          | 1                  |
| 37 | TRISTIN J BERES       | 09/14/2013   | \$3.40    |                 |       | \$3.40           |                    |
| 38 | JOSHUA T BEVERS       | 12/23/2013   | \$2.00    |                 |       | \$2.00           |                    |
| 39 | MAGGIE M BIANCANIELLO | 10/28/2013   | \$0.90    |                 |       | \$0.90           |                    |
| 40 | KASEY M BIGBEE        | 07/16/2013   | \$5.00    |                 |       | \$5.00           |                    |
| 41 | OLIVIA S BINNS        | 07/25/2013   | \$0.50    |                 |       | \$0.50           |                    |
| 42 | RACHEL P BINNS        | 07/25/2013   | \$1.60    |                 |       | \$1.60           |                    |
| 43 | TORY A BLACK          | 04/09/2014   |           | \$89.00         |       | \$89.00          | 3                  |
| 44 | THOMAS P BLAKE        | 12/12/2013   | \$2.40    | \$25.00         |       | \$27.40          | 1                  |
| 45 | FREDRICK BLAYLOCK     | 11/02/2013   | \$1.00    |                 |       | \$1.00           |                    |
| 46 | CRYSTAL L BOND        | 12/04/2013   | \$3.50    | \$155.00        |       | <b>\$158.50</b>  | 1                  |
| 47 | RANDALL A BONNEY      | 05/21/2014   | \$1.00    |                 |       | \$1.00           |                    |

|    |                      |            |         |          |         |          |   |
|----|----------------------|------------|---------|----------|---------|----------|---|
| 48 | MICHAEL S BOWEN      | 09/03/2013 | \$4.20  |          |         | \$4.20   |   |
| 49 | KRISTINA L BOWMAN    | 11/04/2013 | \$0.40  |          |         | \$0.40   |   |
| 50 | LYNDA C BOWMAN       | 07/01/2013 | \$7.50  |          |         | \$7.50   |   |
| 51 | SEVIEN S BOWMAN      | 06/17/2014 | \$1.10  |          |         | \$1.10   |   |
| 52 | DANIEL L BOYD        | 11/03/2013 |         | \$20.00  |         | \$20.00  | 1 |
| 53 | JENNIFER N BRADSHAW  | 01/02/2014 | \$21.50 |          |         | \$21.50  |   |
| 54 | CANDACE R BRANCH     | 04/04/2014 |         | \$23.00  |         | \$23.00  | 1 |
| 55 | TERESA W BREEDON     | 10/21/2013 | \$2.80  |          |         | \$2.80   |   |
| 56 | KELLY A BRIDGERS     | 08/01/2013 | \$2.10  |          |         | \$2.10   |   |
| 57 | ASHLEY R BRITT       | 07/15/2013 | \$2.00  |          |         | \$2.00   |   |
| 58 | LYNNETTE M BRITT     | 07/15/2013 | \$10.00 |          | \$8.00  | \$18.00  |   |
| 59 | TAMARA M BRITT       | 02/19/2014 |         | \$11.00  |         | \$11.00  | 1 |
| 60 | JUNEE BRIVESCAS      | 03/30/2014 |         | \$39.00  |         | \$39.00  | 2 |
| 61 | SCOTT F BROWN        | 06/17/2014 | \$2.20  |          |         | \$2.20   |   |
| 62 | SCOTTY BROWN         | 07/02/2013 | \$2.40  |          |         | \$2.40   |   |
| 63 | BRANDON J BRUER      | 06/30/2014 | \$1.50  |          |         | \$1.50   |   |
| 64 | DANETTE A BRUNS      | 04/30/2014 |         | \$42.00  |         | \$42.00  | 2 |
| 65 | KAIYA I BUCHHOLZ     | 12/07/2013 |         | \$33.00  |         | \$33.00  | 2 |
| 66 | MICHELLE J BUDDLE    | 04/30/2014 | \$1.40  |          |         | \$1.40   |   |
| 67 | DIANE BUHLER         | 10/16/2013 |         | \$17.00  |         | \$17.00  | 1 |
| 68 | ANNA BULLARD         | 05/16/2014 | \$0.60  |          |         | \$0.60   |   |
| 69 | ALICIA I BURKS       | 05/27/2014 | \$1.10  |          |         | \$1.10   |   |
| 70 | JOHN L BURNS         | 02/21/2014 | \$0.90  |          |         | \$0.90   |   |
| 71 | LINDA M BURNS        | 09/10/2013 | \$0.80  |          |         | \$0.80   |   |
| 72 | DELBERT F BURRIS     | 04/12/2014 | \$0.60  |          |         | \$0.60   |   |
| 73 | LAKOTA K BURRIS      | 11/21/2013 | \$0.20  |          |         | \$0.20   |   |
| 74 | CHIEVA M BUSH        | 05/07/2014 |         | \$61.00  |         | \$61.00  | 2 |
| 75 | TRISTAN L BUSHLOW    | 04/28/2014 | \$1.50  |          |         | \$1.50   |   |
| 76 | HERBEY BUSTAMANTE    | 06/24/2014 |         | \$40.00  |         | \$40.00  | 1 |
| 77 | JORGE H BUSTAMANTE   | 06/23/2014 | \$0.90  | \$28.00  |         | \$28.90  | 2 |
| 78 | ABEGALE R BUSTAMONTE | 01/10/2014 | \$0.60  |          |         | \$0.60   |   |
| 79 | WHITNEY N BUTLER     | 12/25/2013 |         | \$141.00 |         | \$141.00 | 7 |
| 80 | HEAVEN BYNUM         | 06/12/2014 | \$2.40  |          |         | \$2.40   |   |
| 81 | XANDRA N BYRD        | 07/16/2013 | \$1.75  |          |         | \$1.75   |   |
| 82 | JONATHAN P BYRON     | 11/27/2013 | \$25.00 |          | \$32.00 | \$57.00  |   |
| 83 | MARTIN J CAPASSE     | 01/04/2014 | \$3.40  |          |         | \$3.40   |   |
| 84 | FRANCES G CARDENAS   | 09/12/2013 |         | \$32.00  |         | \$32.00  | 2 |
| 85 | RAYVIN E CARLSON     | 06/20/2014 | \$1.20  |          | \$5.00  | \$6.20   |   |
| 86 | ROBERT J CARO        | 10/04/2013 | \$0.30  |          |         | \$0.30   |   |
| 87 | GERALDINE M CARRELL  | 04/09/2014 | \$1.40  |          |         | \$1.40   |   |
| 88 | TRU D CARRERA        | 06/03/2014 | \$1.80  |          |         | \$1.80   |   |
| 89 | RANDALL P CARROLL    | 02/04/2014 | \$1.30  | \$15.00  |         | \$16.30  | 1 |
| 90 | ALEXANDER J CARTER   | 05/24/2014 |         | \$59.00  |         | \$59.00  | 2 |
| 91 | ROBERT A CASH        | 06/05/2014 | \$5.20  | \$66.00  |         | \$71.20  | 2 |
| 92 | BRANDY L CASTANON    | 05/05/2014 | \$1.60  |          |         | \$1.60   |   |
| 93 | CAROLINE CASTILLO    | 03/04/2014 | \$4.10  |          |         | \$4.10   |   |
| 94 | DEJA D CASTORENA     | 08/19/2013 | \$3.60  |          |         | \$3.60   |   |
| 95 | K'LYNN CHACON        | 06/11/2014 | \$2.40  |          |         | \$2.40   |   |
| 96 | SAMANTHA H CHAVEZ    | 10/04/2013 | \$11.00 | \$20.00  |         | \$31.00  | 1 |
| 97 | SONJA M CHAVEZ       | 10/22/2013 | \$2.60  |          |         | \$2.60   |   |
| 98 | EZRA J CHINO         | 11/24/2013 | \$14.80 | \$17.00  |         | \$31.80  | 1 |

|     |                          |            |         |          |  |          |   |
|-----|--------------------------|------------|---------|----------|--|----------|---|
| 99  | ASHLEY R CLARK           | 12/26/2013 | \$4.00  |          |  | \$4.00   |   |
| 100 | ERIK N CLARK             | 06/11/2014 | \$12.90 |          |  | \$12.90  |   |
| 101 | ALIDA M CLARKE           | 04/16/2014 | \$1.80  |          |  | \$1.80   |   |
| 102 | TERESA A CLAY            | 07/06/2013 | \$0.20  |          |  | \$0.20   |   |
| 103 | DEBORAH K COBB           | 05/03/2014 |         | \$40.00  |  | \$40.00  | 4 |
| 104 | NAOMI R COBB             | 04/29/2014 | \$0.20  |          |  | \$0.20   |   |
| 105 | AMY L COCHRAN            | 09/16/2013 | \$8.40  |          |  | \$8.40   |   |
| 106 | JACOB B COLBY            | 08/05/2013 | \$3.30  |          |  | \$3.30   |   |
| 107 | EMERY E COLE             | 08/24/2013 | \$1.60  |          |  | \$1.60   |   |
| 108 | LEILA R COLE             | 08/24/2013 | \$1.60  |          |  | \$1.60   |   |
| 109 | MISHA L COLE             | 06/16/2014 |         | \$71.00  |  | \$71.00  | 4 |
| 110 | BENITO CONDE             | 05/12/2014 | \$5.50  |          |  | \$5.50   |   |
| 111 | ROSA L CONDE             | 05/12/2014 | \$5.50  |          |  | \$5.50   |   |
| 112 | DESTINY E CONNELLY       | 07/02/2013 | \$2.10  |          |  | \$2.10   |   |
| 113 | DEE COPE                 | 10/25/2013 |         | \$33.00  |  | \$33.00  | 2 |
| 114 | TRACY L CORBETT          | 04/07/2014 | \$6.20  |          |  | \$6.20   |   |
| 115 | MICHELE I CORDOVA        | 02/20/2014 |         | \$29.00  |  | \$29.00  | 1 |
| 116 | MICHAEL R CORPORAL       | 06/13/2014 | \$1.20  | \$35.00  |  | \$36.20  | 1 |
| 117 | AIMEE M COX              | 06/28/2014 | \$2.90  |          |  | \$2.90   |   |
| 118 | TOMMY E COYAZO           | 03/07/2014 | \$2.90  |          |  | \$2.90   |   |
| 119 | HARLEY D CREEL           | 09/27/2013 |         | \$75.00  |  | \$75.00  | 4 |
| 120 | MARISA J CREEL           | 08/06/2013 | \$4.00  | \$127.00 |  | \$131.00 | 7 |
| 121 | IANN C CUMMINGS          | 08/06/2013 | \$6.40  |          |  | \$6.40   |   |
| 122 | KYLE W CUPPLES           | 04/05/2014 | \$12.80 | \$48.00  |  | \$60.80  | 3 |
| 123 | EMMA L CURTIS            | 06/25/2014 | \$10.00 |          |  | \$10.00  |   |
| 124 | TRISTAN L CURTIS         | 06/25/2014 | \$15.00 |          |  | \$15.00  |   |
| 125 | STEPHANIE R CYKON        | 01/25/2014 | \$13.00 |          |  | \$13.00  |   |
| 126 | ROSEMARY DAFFON          | 03/17/2014 | \$3.20  |          |  | \$3.20   |   |
| 127 | NICOLE M DALTON          | 06/17/2014 | \$1.40  | \$28.00  |  | \$29.40  | 1 |
| 128 | KANEISHA A DANIELS       | 10/22/2013 | \$19.20 |          |  | \$19.20  |   |
| 129 | MICHAEL A DAVALOS        | 01/02/2014 |         | \$25.00  |  | \$25.00  | 1 |
| 130 | PAULINE P DAVALOS        | 06/16/2014 | \$0.20  |          |  | \$0.20   |   |
| 131 | CHELSIE D DAVIA          | 06/25/2014 | \$0.20  |          |  | \$0.20   |   |
| 132 | DYLAHN C DAVIS           | 10/04/2013 | \$0.60  |          |  | \$0.60   |   |
| 133 | VERONICA A DE LOS SANTOS | 09/20/2013 | \$2.70  |          |  | \$2.70   |   |
| 134 | MONICA L DEGURSKI        | 01/09/2014 |         | \$36.00  |  | \$36.00  | 3 |
| 135 | SILVIA A DELGADO         | 10/03/2013 |         | \$96.00  |  | \$96.00  | 4 |
| 136 | CONSTANCE H DEMBROWSKY   | 06/11/2014 | \$6.80  |          |  | \$6.80   |   |
| 137 | ANDREW DENAS             | 02/28/2014 | \$3.20  | \$33.00  |  | \$36.20  | 1 |
| 138 | MICAELA L DENHAM         | 10/12/2013 | \$0.40  |          |  | \$0.40   |   |
| 139 | CARLO L DENUNNO          | 07/15/2013 |         | \$67.00  |  | \$67.00  | 3 |
| 140 | SHELLY F DESERSA         | 03/12/2014 | \$2.50  | \$87.00  |  | \$89.50  | 5 |
| 141 | KELLI G DEZEMBER         | 11/13/2013 | \$1.00  |          |  | \$1.00   |   |
| 142 | DIEDRA S DOLAN           | 10/09/2013 | \$20.00 |          |  | \$20.00  |   |
| 143 | CANDACE R DORMAN         | 02/10/2014 | \$0.60  |          |  | \$0.60   |   |
| 144 | KASSANDRA S DREIKOSEN    | 09/20/2013 | \$8.40  |          |  | \$8.40   |   |
| 145 | MILISSA Y DRURY          | 02/07/2014 |         | \$129.00 |  | \$129.00 | 5 |
| 146 | DEBBIE A DUNCAN          | 07/22/2013 | \$0.60  |          |  | \$0.60   |   |
| 147 | KEITH J DUNCAN           | 08/16/2013 | \$0.40  |          |  | \$0.40   |   |
| 148 | ADRIANNA "ROCIO" DURAN   | 06/27/2014 | \$1.50  |          |  | \$1.50   |   |
| 149 | CRISPINA C DURAN         | 12/21/2013 | \$9.00  |          |  | \$9.00   |   |
| 150 | TIMOTHY R DWIGGINS       | 11/06/2013 |         | \$65.00  |  | \$65.00  | 2 |
| 151 | JOHN E DYER              | 08/01/2013 | \$4.60  |          |  | \$4.60   |   |

|     |                          |            |         |          |        |                 |   |
|-----|--------------------------|------------|---------|----------|--------|-----------------|---|
| 152 | DENNIS R DYKE            | 06/04/2014 |         | \$25.00  |        | \$25.00         | 1 |
| 153 | BEVERLY A ECKMAN-ONYSKOW | 08/06/2013 | \$0.80  |          |        | \$0.80          |   |
| 154 | MEGHAN M EDWARDS         | 01/29/2014 | \$0.90  |          |        | \$0.90          |   |
| 155 | PATRICIA A ELLIOTT       | 01/03/2014 |         |          | \$5.00 | \$5.00          |   |
| 156 | ADRIANA M ELLIS          | 02/07/2014 |         | \$101.00 |        | <b>\$101.00</b> | 3 |
| 157 | CAMERON J ELNICKI        | 01/14/2014 |         | \$132.00 |        | <b>\$132.00</b> | 8 |
| 158 | RAYNA M ELNICKI          | 12/16/2013 | \$1.20  |          |        | \$1.20          |   |
| 159 | RAINIE S EMIG            | 03/07/2014 |         | \$211.00 |        | <b>\$211.00</b> | 8 |
| 160 | SAVANNAH M ENCINIAS      | 07/20/2013 |         | \$64.00  |        | \$64.00         | 3 |
| 161 | SERENA A ESCOBAR         | 10/27/2013 |         | \$67.00  |        | \$67.00         | 3 |
| 162 | CLAIRE M EVANS           | 02/24/2014 | \$1.40  |          |        | \$1.40          |   |
| 163 | MONICA I FANNING         | 03/15/2014 | \$1.50  | \$49.00  |        | \$50.50         | 2 |
| 164 | MARK R FAUDREE           | 11/05/2013 | \$0.40  |          |        | \$0.40          |   |
| 165 | DANIEL FERENCZHALMY      | 10/23/2013 | \$1.40  |          |        | \$1.40          |   |
| 166 | SARAH B FINO             | 04/15/2014 | \$0.30  |          |        | \$0.30          |   |
| 167 | JAYLON P FLORENCE        | 01/28/2014 | \$3.60  |          |        | \$3.60          |   |
| 168 | EDDIE J FLORES           | 07/31/2013 | \$0.60  |          |        | \$0.60          |   |
| 169 | TERESA L FLORES          | 07/13/2013 | \$0.60  |          |        | \$0.60          |   |
| 170 | PAULINE H FRAEMBS        | 06/27/2014 | \$0.40  |          |        | \$0.40          |   |
| 171 | DUANE J FRAGUA           | 06/23/2014 | \$1.20  |          |        | \$1.20          |   |
| 172 | MELISSA P FREIBOTH       | 06/30/2014 | \$0.80  |          |        | \$0.80          |   |
| 173 | ERICA B GARCIA           | 09/15/2013 | \$0.60  | \$20.00  |        | \$20.60         | 1 |
| 174 | JULIAN J GARCIA          | 04/04/2014 | \$6.00  |          |        | \$6.00          |   |
| 175 | JUSTO E GARCIA           | 07/21/2013 |         | \$122.95 |        | <b>\$122.95</b> | 5 |
| 176 | MANDY M GARCIA           | 11/04/2013 | \$1.35  |          |        | \$1.35          |   |
| 177 | MELISSA GARCIA           | 12/16/2013 | \$4.60  |          |        | \$4.60          |   |
| 178 | NORINE H GARCIA          | 07/03/2013 | \$1.00  |          |        | \$1.00          |   |
| 179 | REBECCA GARCIA           | 04/03/2014 | \$8.80  | \$14.00  |        | \$22.80         | 1 |
| 180 | RONNIE S GARCIA          | 02/26/2014 | \$2.20  |          |        | \$2.20          |   |
| 181 | ROSALINDA M GARDNER      | 12/05/2013 | \$3.90  |          |        | \$3.90          |   |
| 182 | CHRISTOPHER A GARVIS     | 05/18/2014 |         | \$60.00  |        | \$60.00         | 4 |
| 183 | MARK I GARZA             | 04/23/2014 | \$0.20  |          |        | \$0.20          |   |
| 184 | KELLY A GEISS            | 12/06/2013 |         | \$30.00  |        | \$30.00         | 1 |
| 185 | BLANCHE M GERMANY        | 09/07/2013 | \$1.80  | \$150.00 |        | <b>\$151.80</b> | 2 |
| 186 | JONITA R GERONIMO        | 02/07/2014 |         | \$103.00 |        | <b>\$103.00</b> | 5 |
| 187 | GARRETT F GIBSON         | 11/02/2013 |         |          | \$5.00 | \$5.00          |   |
| 188 | CANDY M GILL             | 08/16/2013 | \$6.00  |          |        | \$6.00          |   |
| 189 | WESLEY D GILMORE         | 09/04/2013 | \$15.00 |          |        | \$15.00         |   |
| 190 | KATIE F GIVER            | 03/11/2014 | \$14.00 |          |        | \$14.00         |   |
| 191 | SAXON U GLADWELL         | 06/02/2014 | \$6.30  |          |        | \$6.30          |   |
| 192 | MONIQUE R GLENN          | 12/31/2013 | \$2.20  |          |        | \$2.20          |   |
| 193 | RYAN M GLIDDEN           | 03/19/2014 | \$2.80  |          |        | \$2.80          |   |
| 194 | APRIL D GOMEZ            | 05/31/2014 | \$6.00  |          |        | \$6.00          |   |
| 195 | JAVIER D GOMEZ           | 05/14/2014 | \$0.90  |          |        | \$0.90          |   |
| 196 | RICHARD L GOMEZ, JR      | 06/28/2014 | \$0.80  |          |        | \$0.80          |   |
| 197 | GERALD G GONZALES, II    | 08/27/2013 | \$15.20 | \$218.00 |        | <b>\$233.20</b> | 8 |
| 198 | NANCY GONZALES           | 04/25/2014 | \$3.00  |          |        | \$3.00          |   |
| 199 | ORLANDO R GONZALES       | 05/22/2014 | \$1.60  | \$40.00  |        | \$41.60         | 1 |
| 200 | VALERIE M GONZALES       | 04/12/2014 | \$0.80  | \$90.00  |        | \$90.80         | 3 |
| 201 | JESUS J GONZALEZ         | 10/22/2013 | \$24.20 |          |        | \$24.20         |   |
| 202 | TRACEY A GORBY           | 09/03/2013 | \$4.00  |          |        | \$4.00          |   |
| 203 | JOHNNIE L GORMAN         | 11/19/2013 | \$1.10  |          | \$8.50 | \$9.60          |   |
| 204 | SHANE L GOW              | 05/27/2014 |         | \$143.00 |        | <b>\$143.00</b> | 7 |

|     |                         |            |         |          |  |                 |    |
|-----|-------------------------|------------|---------|----------|--|-----------------|----|
| 205 | REBECKA J GRAY          | 01/02/2014 | \$13.60 |          |  | \$13.60         |    |
| 206 | REEVA C GREEN           | 09/12/2013 | \$4.20  | \$21.00  |  | \$25.20         | 2  |
| 207 | AUBREE A GREER          | 06/04/2014 | \$10.00 |          |  | \$10.00         |    |
| 208 | DESERT R GUTIERREZ      | 03/05/2014 |         | \$69.00  |  | \$69.00         | 3  |
| 209 | MARCOS R GUTIERREZ      | 10/01/2013 | \$3.00  |          |  | \$3.00          |    |
| 210 | PRISCILLA GUTIERREZ     | 01/28/2014 |         | \$153.00 |  | <b>\$153.00</b> | 5  |
| 211 | KATHY H GUZMAN          | 04/18/2014 | \$5.00  |          |  | \$5.00          |    |
| 212 | JOHNNATHAN D HALL       | 10/27/2013 |         | \$109.00 |  | <b>\$109.00</b> | 8  |
| 213 | TERESA A HALL           | 09/30/2013 | \$3.60  |          |  | \$3.60          |    |
| 214 | HOLDEN M HALSTED        | 10/09/2013 | \$1.00  |          |  | \$1.00          |    |
| 215 | DANIEL V HANDRICH       | 08/10/2013 |         | \$19.00  |  | \$19.00         | 1  |
| 216 | AMY D HANKER            | 08/08/2013 | \$4.40  |          |  | \$4.40          |    |
| 217 | JAMES D HANNON          | 10/21/2013 | \$1.10  |          |  | \$1.10          |    |
| 218 | MICHAEL R HANSON        | 02/12/2014 |         | \$127.00 |  | <b>\$127.00</b> | 4  |
| 219 | TRISTEN J HARPER        | 07/05/2013 | \$25.00 |          |  | \$25.00         |    |
| 220 | JUSTIN L HARRELL        | 06/18/2014 | \$50.00 | \$16.25  |  | \$66.25         | 1  |
| 221 | RICHARD HARRIS          | 07/10/2013 |         | \$95.95  |  | \$95.95         | 4  |
| 222 | GINA L HARRISONDITTO    | 12/26/2013 | \$0.80  |          |  | \$0.80          |    |
| 223 | TIMOTHY D HART          | 09/13/2013 | \$15.00 | \$25.00  |  | \$40.00         | 1  |
| 224 | MELISSA L HASKELL       | 09/05/2013 | \$0.80  |          |  | \$0.80          |    |
| 225 | HAPPY C HAYS            | 12/17/2013 | \$4.80  |          |  | \$4.80          |    |
| 226 | OCEAN G HAYS            | 12/17/2013 | \$6.20  |          |  | \$6.20          |    |
| 227 | ZANE M HELMS            | 07/10/2013 |         | \$39.00  |  | \$39.00         | 2  |
| 228 | HOPE L HERNANDEZ        | 04/03/2014 |         | \$28.00  |  | \$28.00         | 1  |
| 229 | JONATHAN D HERNANDEZ    | 10/20/2013 |         | \$181.00 |  | <b>\$181.00</b> | 7  |
| 230 | JASON R HERRERA         | 10/30/2013 |         | \$91.95  |  | \$91.95         | 4  |
| 231 | SELENA A HERRERA        | 06/27/2014 | \$12.80 |          |  | \$12.80         |    |
| 232 | CAROLYN J HIGHSMITH     | 06/13/2014 |         | \$82.00  |  | \$82.00         | 3  |
| 233 | BRANDI L HILBURN        | 03/15/2014 |         | \$41.00  |  | \$41.00         | 2  |
| 234 | AHSHA M HILES           | 01/27/2014 | \$0.20  |          |  | \$0.20          |    |
| 235 | CHARLES D HILL          | 02/18/2014 |         | \$189.00 |  | <b>\$189.00</b> | 6  |
| 236 | LORELAI N HIXON         | 08/12/2013 | \$10.00 |          |  | \$10.00         |    |
| 237 | NANCY H HOGAN           | 03/01/2014 | \$0.60  |          |  | \$0.60          |    |
| 238 | BARBARA J HOLBROOK      | 02/05/2014 |         | \$303.00 |  | <b>\$303.00</b> | 11 |
| 239 | KEVIN J HOWEY           | 09/18/2013 | \$1.00  | \$160.00 |  | <b>\$161.00</b> | 5  |
| 240 | MICHAEL G HUDDLESTON    | 11/20/2013 |         | \$56.00  |  | \$56.00         | 3  |
| 241 | KALIE S HUDSON          | 10/03/2013 | \$5.00  |          |  | \$5.00          |    |
| 242 | BECKY L HUGHES          | 08/28/2013 | \$0.30  |          |  | \$0.30          |    |
| 243 | NICHOLAS D HULL         | 08/30/2013 | \$4.20  |          |  | \$4.20          |    |
| 244 | THEODORE D HURSH        | 04/08/2014 | \$1.30  |          |  | \$1.30          |    |
| 245 | KEITH A HUTCHISON       | 11/07/2013 | \$8.60  |          |  | \$8.60          |    |
| 246 | ASHLEY B HYLAND         | 08/12/2013 | \$1.40  |          |  | \$1.40          |    |
| 247 | DENARISS M JACOBS, II   | 01/08/2014 | \$0.60  |          |  | \$0.60          |    |
| 248 | JENNIFER R JACOBS       | 05/16/2014 | \$1.40  |          |  | \$1.40          |    |
| 249 | MATTHEW (MATT) E JACOBS | 11/22/2013 | \$41.90 | \$34.00  |  | \$75.90         | 2  |
| 250 | MALISA JENNINGS         | 07/16/2013 | \$1.40  |          |  | \$1.40          |    |
| 251 | CHRISTOPHER D JENSEN    | 08/30/2013 | \$3.20  |          |  | \$3.20          |    |
| 252 | ALAINNA N JEZ           | 08/13/2013 | \$0.70  |          |  | \$0.70          |    |
| 253 | COLEEN JOE              | 05/05/2014 | \$1.80  |          |  | \$1.80          |    |
| 254 | JAMES L JOHNSON         | 10/04/2013 | \$2.00  |          |  | \$2.00          |    |
| 255 | KATIE J JOHNSON         | 04/30/2014 | \$0.90  |          |  | \$0.90          |    |
| 256 | SHAUNA L JOHNSON        | 06/02/2014 | \$1.60  |          |  | \$1.60          |    |
| 257 | TINA R JOHNSON          | 04/30/2014 | \$0.90  |          |  | \$0.90          |    |



|     |                          |            |         |          |        |                 |   |
|-----|--------------------------|------------|---------|----------|--------|-----------------|---|
| 258 | VIOLA G JOHNSON          | 05/10/2014 | \$8.00  | \$45.00  |        | \$53.00         | 2 |
| 259 | ELEXUS JONES             | 01/07/2014 | \$0.70  |          |        | \$0.70          |   |
| 260 | LISA L JONES             | 08/15/2013 | \$1.30  |          |        | \$1.30          |   |
| 261 | SANDRA D JONES           | 10/21/2013 | \$10.00 |          |        | \$10.00         |   |
| 262 | MARY K JORDAN            | 12/04/2013 |         | \$101.00 |        | <b>\$101.00</b> | 3 |
| 263 | JASMINE C JUAREZ         | 06/10/2014 | \$24.50 |          |        | \$24.50         |   |
| 264 | RACHEL L KEESLER         | 05/20/2014 | \$37.10 |          |        | \$37.10         |   |
| 265 | GABRIELLA D KELLEY       | 01/21/2014 | \$2.60  |          |        | \$2.60          |   |
| 266 | FELICIA D KETCHUM        | 05/06/2014 |         | \$132.00 |        | <b>\$132.00</b> | 7 |
| 267 | CASSANDRA L KISKADEN     | 12/04/2013 | \$1.50  |          |        | \$1.50          |   |
| 268 | MARIAH A KISKADEN        | 01/15/2014 | \$4.10  | \$25.00  |        | \$29.10         | 2 |
| 269 | JONNA L KLUMP            | 07/01/2013 | \$1.20  |          |        | \$1.20          |   |
| 270 | NATHANIEL S KNOX         | 11/13/2013 | \$3.50  |          |        | \$3.50          |   |
| 271 | LILYANNA G KOSIER        | 08/06/2013 | \$0.80  |          |        | \$0.80          |   |
| 272 | CELESTINA E LACEY        | 05/29/2014 | \$0.40  |          |        | \$0.40          |   |
| 273 | MELISSA K LACOURT        | 01/15/2014 | \$3.30  |          |        | \$3.30          |   |
| 274 | KYLE A LAMINACK          | 07/25/2013 | \$3.50  |          |        | \$3.50          |   |
| 275 | ANALYCIA N LANDIN        | 01/14/2014 |         | \$25.00  |        | \$25.00         | 1 |
| 276 | STEVEN D LANDIN          | 02/25/2014 |         | \$25.00  |        | \$25.00         | 1 |
| 277 | THERESA K LARSON         | 12/19/2013 |         | \$43.95  |        | \$43.95         | 2 |
| 278 | SEAN-ERIC L LEATON       | 06/21/2014 | \$2.00  |          |        | \$2.00          |   |
| 279 | SYDNEY G LEBLOND         | 11/15/2013 |         | \$30.00  |        | \$30.00         | 1 |
| 280 | COURTNEY M LEMLY         | 01/21/2014 | \$3.60  |          |        | \$3.60          |   |
| 281 | COLLEEN J LENART         | 07/18/2013 | \$2.40  |          |        | \$2.40          |   |
| 282 | MARCUS A LEWIS           | 06/20/2014 | \$6.20  |          |        | \$6.20          |   |
| 283 | JESSICA D LICHTER        | 09/23/2013 | \$3.70  |          |        | \$3.70          |   |
| 284 | JOSEPH LICHTER           | 07/25/2013 | \$1.00  |          |        | \$1.00          |   |
| 285 | JOSIE LICHTER            | 07/25/2013 | \$1.20  |          |        | \$1.20          |   |
| 286 | AMBER N LINDSAY          | 10/16/2013 | \$0.80  |          |        | \$0.80          |   |
| 287 | RUTH A LOCKE             | 03/26/2014 |         | \$27.00  |        | \$27.00         | 1 |
| 288 | ELICIA E LOPEZ           | 09/27/2013 | \$33.60 |          |        | \$33.60         |   |
| 289 | LEONEL G LOPEZ           | 02/20/2014 | \$16.50 |          |        | \$16.50         |   |
| 290 | RICHARD D LOPEZ          | 08/30/2013 | \$3.00  | \$28.00  |        | \$31.00         | 2 |
| 291 | TINA L LOPEZ             | 05/27/2014 | \$1.60  |          |        | \$1.60          |   |
| 292 | VANESSA LOPEZ-BAUER      | 03/11/2014 | \$0.70  |          |        | \$0.70          |   |
| 293 | JOSEPH H LOVELADY        | 09/11/2013 | \$1.40  |          |        | \$1.40          |   |
| 294 | SHARON E LOVELAND        | 10/26/2013 | \$0.50  |          |        | \$0.50          |   |
| 295 | CHRISTIAN L LUCERO       | 07/26/2013 |         | \$18.00  |        | \$18.00         | 1 |
| 296 | STEPHANIE L LUERAS       | 05/19/2014 | \$7.00  |          |        | \$7.00          |   |
| 297 | JOSHUA S LUND            | 12/16/2013 | \$4.40  |          |        | \$4.40          |   |
| 298 | JOSH T LYLE              | 04/05/2014 | \$18.10 | \$24.00  | \$8.00 | \$50.10         | 1 |
| 299 | JACOB B MACKEY           | 02/24/2014 | \$7.00  |          |        | \$7.00          |   |
| 300 | WILLIAM J MAGEE, JR      | 11/08/2013 |         | \$32.00  |        | \$32.00         | 2 |
| 301 | JOHN S MANFORD           | 11/14/2013 | \$6.00  |          |        | \$6.00          |   |
| 302 | PAUL J MANN              | 08/07/2013 | \$9.80  |          |        | \$9.80          |   |
| 303 | ERICA T MARROQUIN        | 04/17/2014 | \$3.50  |          |        | \$3.50          |   |
| 304 | ASHLEY R MARTIN          | 05/12/2014 | \$0.60  |          |        | \$0.60          |   |
| 305 | NOAH A MARTIN            | 07/30/2013 | \$2.10  |          |        | \$2.10          |   |
| 306 | ADDIE S MARTINEZ         | 07/29/2013 | \$6.60  |          |        | \$6.60          |   |
| 307 | ADRIAN SANTIAGO MARTINEZ | 07/29/2013 | \$0.60  |          |        | \$0.60          |   |
| 308 | ARMIDA M MARTINEZ        | 12/19/2013 | \$1.20  | \$45.00  |        | \$46.20         | 1 |
| 309 | CARLOS J MARTINEZ        | 02/27/2014 | \$4.50  |          |        | \$4.50          |   |
| 310 | ERNESTO F MARTINEZ       | 12/16/2013 | \$10.00 |          |        | \$10.00         |   |

|     |                       |            |         |          |         |                 |    |
|-----|-----------------------|------------|---------|----------|---------|-----------------|----|
| 311 | ROBERT N MARTINEZ     | 03/19/2014 |         | \$30.00  |         | \$30.00         | 1  |
| 312 | ROBERT S MARTINEZ     | 01/25/2014 | \$13.00 |          |         | \$13.00         |    |
| 313 | CHERYLANN E MAYFIELD  | 01/11/2014 | \$2.00  |          |         | \$2.00          |    |
| 314 | GARY S MAYNE          | 04/01/2014 | \$0.60  |          |         | \$0.60          |    |
| 315 | JENNIFER M MCCOOL     | 08/15/2013 | \$1.00  |          |         | \$1.00          |    |
| 316 | HEATHER L MCCORMICK   | 10/14/2013 | \$1.00  |          |         | \$1.00          |    |
| 317 | SARAH A MCGARVEY      | 01/30/2014 | \$5.20  |          |         | \$5.20          |    |
| 318 | DANIEL R MCGRATH      | 05/18/2014 |         | \$268.00 |         | <b>\$268.00</b> | 12 |
| 319 | MELISSA R MCKEOWN     | 10/30/2013 | \$0.60  | \$54.00  |         | \$54.60         | 2  |
| 320 | SARA A MCSHEA         | 11/04/2013 | \$0.60  |          |         | \$0.60          |    |
| 321 | AMBERLY L MCSWANE     | 08/06/2013 |         | \$20.00  |         | \$20.00         | 1  |
| 322 | CHARLES E MEDINA      | 12/01/2013 |         | \$21.00  |         | \$21.00         | 1  |
| 323 | CHRISTOPHER J MEDINA  | 10/26/2013 | \$1.80  |          |         | \$1.80          |    |
| 324 | JOSE G MEDINA         | 08/05/2013 | \$2.40  |          |         | \$2.40          |    |
| 325 | JEURNEY K MEEKINS     | 05/17/2014 | \$0.50  |          |         | \$0.50          |    |
| 326 | DONOVAN C MEEKS       | 07/03/2013 | \$3.60  |          |         | \$3.60          |    |
| 327 | EDWARD K MELENDEZ     | 04/24/2014 | \$5.50  |          |         | \$5.50          |    |
| 328 | CARLOS J MELENDREZ    | 05/15/2014 | \$2.20  |          |         | \$2.20          |    |
| 329 | EUGENIA MENDEZ        | 10/03/2013 | \$7.40  | \$20.00  |         | \$27.40         | 1  |
| 330 | LYDIA V MENDEZ        | 08/30/2013 | \$6.40  |          |         | \$6.40          |    |
| 331 | ROBYN T MENDEZ        | 10/17/2013 |         | \$116.00 |         | <b>\$116.00</b> | 5  |
| 332 | DENISE MENDIAS        | 07/30/2013 | \$26.30 |          |         | \$26.30         |    |
| 333 | KYLE T MESSER         | 10/04/2013 | \$1.80  |          |         | \$1.80          |    |
| 334 | BAILEY R MEYER        | 03/11/2014 | \$0.40  |          |         | \$0.40          |    |
| 335 | FATMA MIDANI          | 12/31/2013 | \$0.50  |          |         | \$0.50          |    |
| 336 | ANTHONY RJ MILEY      | 08/03/2013 | \$0.30  |          |         | \$0.30          |    |
| 337 | PAUL MILLER           | 10/07/2013 | \$1.80  |          |         | \$1.80          |    |
| 338 | PAPAI MILLS           | 09/29/2013 |         | \$34.00  |         | \$34.00         | 1  |
| 339 | SUSAN C MILLS         | 05/06/2014 | \$1.50  |          | \$42.50 | \$44.00         |    |
| 340 | NICHOLE A MIRABAL     | 02/25/2014 | \$4.10  | \$20.00  |         | \$24.10         | 1  |
| 341 | AUDRIANNA D MIZE      | 02/16/2014 | \$1.10  | \$47.00  |         | \$48.10         | 2  |
| 342 | VICTORIA N MONASTERIO | 03/27/2014 |         | \$17.00  |         | \$17.00         | 1  |
| 343 | ANGELA M MONROE       | 04/15/2014 |         | \$170.00 |         | <b>\$170.00</b> | 5  |
| 344 | JASON S MONTCLARE     | 10/20/2013 |         | \$162.95 |         | <b>\$162.95</b> | 5  |
| 345 | PATRICIA MONTOYA      | 01/24/2014 | \$7.00  | \$136.00 |         | <b>\$143.00</b> | 8  |
| 346 | DOMINIC R MORALES     | 01/31/2014 | \$3.50  | \$25.00  |         | \$28.50         | 1  |
| 347 | CYNTHIA MORAN         | 03/16/2014 | \$2.00  | \$159.95 |         | <b>\$161.95</b> | 7  |
| 348 | MELYSSA M MORENO      | 08/07/2013 |         | \$15.00  |         | \$15.00         | 1  |
| 349 | KRYSTAL L MORRIS      | 07/19/2013 | \$2.40  |          |         | \$2.40          |    |
| 350 | TYSON R MOSBY, JR     | 08/28/2013 | \$14.80 |          |         | \$14.80         |    |
| 351 | SCOTT C MOZLEY        | 01/30/2014 | \$1.60  |          |         | \$1.60          |    |
| 352 | GLENA L MUNCRIEF      | 07/08/2013 | \$0.40  |          |         | \$0.40          |    |
| 353 | KELLI N MUNCY         | 10/01/2013 | \$3.00  |          |         | \$3.00          |    |
| 354 | WENDY A MUNIZ         | 01/06/2014 | \$6.00  |          |         | \$6.00          |    |
| 355 | MARIA A MUNOZ         | 01/04/2014 | \$16.00 |          |         | \$16.00         |    |
| 356 | MICHELLE M MUNOZ      | 12/10/2013 | \$5.40  | \$25.00  |         | \$30.40         | 1  |
| 357 | EMMETT D MYLES        | 02/10/2014 | \$0.60  |          | \$8.00  | \$8.60          |    |
| 358 | ELENA M NAJARRO       | 10/11/2013 |         | \$18.00  |         | \$18.00         | 1  |
| 359 | DEANNA J NEALE        | 06/04/2014 | \$3.60  |          | \$3.00  | \$6.60          |    |
| 360 | SHANNON M NELSON      | 06/02/2014 | \$4.40  |          |         | \$4.40          |    |
| 361 | SHAWN D NELSON        | 08/26/2013 | \$0.20  |          |         | \$0.20          |    |
| 362 | DADRIAN L NICHOLS     | 12/30/2013 | \$1.50  |          |         | \$1.50          |    |
| 363 | MARIA T NORIEGA       | 09/23/2013 | \$27.00 |          |         | \$27.00         |    |

|     |                            |            |         |          |  |                 |    |
|-----|----------------------------|------------|---------|----------|--|-----------------|----|
| 364 | MARYANN C NORIEGA          | 04/21/2014 | \$0.20  |          |  | \$0.20          |    |
| 365 | JOHN M O'HAGAN             | 05/08/2014 |         | \$35.00  |  | \$35.00         | 1  |
| 366 | MIGUEL TIMOTEO M ONTIVEROS | 04/15/2014 | \$3.00  | \$185.00 |  | <b>\$188.00</b> | 6  |
| 367 | MARISOL ORDENANA           | 01/02/2014 |         | \$20.00  |  | \$20.00         | 1  |
| 368 | ERI ORNELAS                | 09/18/2013 | \$1.50  |          |  | \$1.50          |    |
| 369 | LUEN M ORNELAS             | 05/22/2014 | \$8.90  | \$102.00 |  | <b>\$110.90</b> | 5  |
| 370 | JOHN F ORONA               | 09/27/2013 | \$0.30  |          |  | \$0.30          |    |
| 371 | MELISSA K OROSCO           | 03/07/2014 | \$0.60  |          |  | \$0.60          |    |
| 372 | SASHA L ORTEGA             | 09/04/2013 | \$15.00 | \$18.00  |  | \$33.00         | 1  |
| 373 | LAWRENCE J ORTIZ           | 11/02/2013 |         | \$188.00 |  | <b>\$188.00</b> | 8  |
| 374 | SIDNEY P ORTIZ             | 09/26/2013 |         | \$127.00 |  | <b>\$127.00</b> | 5  |
| 375 | AMANDA OSBORN              | 06/06/2014 | \$0.20  |          |  | \$0.20          |    |
| 376 | SHAWN P OSWALT             | 02/07/2014 | \$1.50  |          |  | \$1.50          |    |
| 377 | ELENA M PADILLA            | 03/01/2014 | \$1.50  | \$18.00  |  | \$19.50         | 1  |
| 378 | DEQUITA M PARKER           | 02/03/2014 | \$4.00  | \$20.00  |  | \$24.00         | 1  |
| 379 | VICKI L PARKER             | 07/29/2013 | \$5.20  |          |  | \$5.20          |    |
| 380 | KAYLENE S PARRIS           | 12/20/2013 | \$2.90  |          |  | \$2.90          |    |
| 381 | AMBER J PARSONS            | 10/28/2013 | \$0.20  |          |  | \$0.20          |    |
| 382 | BRIANNA J PARSONS          | 10/28/2013 | \$0.20  |          |  | \$0.20          |    |
| 383 | KARI G PARTRIDGE           | 08/14/2013 | \$1.00  |          |  | \$1.00          |    |
| 384 | PATRICK I PASLAY           | 09/14/2013 | \$0.90  |          |  | \$0.90          |    |
| 385 | JACOB L PATTON             | 03/19/2014 | \$3.60  |          |  | \$3.60          |    |
| 386 | BRANDON L PEACOCK          | 10/09/2013 | \$30.30 |          |  | \$30.30         |    |
| 387 | EMMA K PEARSALL            | 12/27/2013 | \$0.80  |          |  | \$0.80          |    |
| 388 | CRYSTAL M PENA             | 03/16/2014 |         | \$178.00 |  | <b>\$178.00</b> | 5  |
| 389 | JACOB D PETTY              | 05/14/2014 | \$11.40 |          |  | \$11.40         |    |
| 390 | DAVID M PINO               | 11/02/2013 | \$9.80  |          |  | \$9.80          |    |
| 391 | JOSE L PIZANA              | 06/17/2014 | \$3.70  | \$27.00  |  | \$30.70         | 1  |
| 392 | ALENA B PRIEGO             | 09/19/2013 | \$3.80  |          |  | \$3.80          |    |
| 393 | SHANIA E PROSOCO           | 01/30/2014 |         | \$20.00  |  | \$20.00         | 1  |
| 394 | DANIEL A PUGH              | 02/08/2014 | \$5.00  |          |  | \$5.00          |    |
| 395 | MARY M PURDIMAN            | 03/20/2014 |         | \$165.00 |  | <b>\$165.00</b> | 5  |
| 396 | JOSEPH R QUEENAN           | 10/16/2013 |         | \$19.00  |  | \$19.00         | 1  |
| 397 | CRAIG QUIROGA              | 05/21/2014 | \$1.20  |          |  | \$1.20          |    |
| 398 | IVETTE C QUIROZ            | 06/05/2014 | \$0.80  | \$14.00  |  | \$14.80         | 1  |
| 399 | MARCIA RAMOS               | 04/22/2014 | \$5.00  | \$36.00  |  | \$41.00         | 2  |
| 400 | RUDY RAMOS                 | 06/05/2014 | \$1.20  |          |  | \$1.20          |    |
| 401 | SARA L RANDALL             | 06/04/2014 |         | \$95.00  |  | \$95.00         | 2  |
| 402 | AREN M RANKIN              | 07/30/2013 | \$0.40  |          |  | \$0.40          |    |
| 403 | KAILIA J RANKIN            | 08/12/2013 | \$1.70  |          |  | \$1.70          |    |
| 404 | KARI L RANKIN              | 06/03/2014 | \$0.40  |          |  | \$0.40          |    |
| 405 | MAIA J RANKIN              | 07/30/2013 | \$0.40  |          |  | \$0.40          |    |
| 406 | BRIANNA L REED             | 09/20/2013 | \$13.50 |          |  | \$13.50         |    |
| 407 | CHRISTOPHER R REED         | 05/10/2014 | \$5.40  |          |  | \$5.40          |    |
| 408 | CALEB O REICH              | 08/06/2013 | \$14.00 |          |  | \$14.00         |    |
| 409 | TYLER Z REILLY             | 03/29/2014 | \$2.80  |          |  | \$2.80          |    |
| 410 | SAMUEL RENELIEN            | 04/02/2014 |         | \$72.00  |  | \$72.00         | 3  |
| 411 | JAY A RENNEY               | 02/15/2014 |         | \$10.00  |  | \$10.00         | 1  |
| 412 | NATASHA G RENNEY           | 06/19/2014 | \$11.70 | \$306.00 |  | <b>\$317.70</b> | 10 |
| 413 | BAYLEIGH L RENO            | 08/21/2013 | \$4.40  |          |  | \$4.40          |    |
| 414 | CINDY L RENTERIA           | 03/12/2014 |         | \$112.00 |  | <b>\$112.00</b> | 4  |
| 415 | ELIZABETH REYMUNDO         | 11/30/2013 | \$1.70  |          |  | \$1.70          |    |
| 416 | MARISSA REYMUNDO           | 11/30/2013 | \$1.50  |          |  | \$1.50          |    |



|     |                        |            |         |          |         |          |    |
|-----|------------------------|------------|---------|----------|---------|----------|----|
| 417 | JESSICA A RICE         | 08/28/2013 | \$1.70  |          |         | \$1.70   |    |
| 418 | CHRISTINA K RICHARDS   | 06/10/2014 | \$11.60 |          |         | \$11.60  |    |
| 419 | JAYLAH A RICHARDSON    | 07/29/2013 | \$1.20  |          |         | \$1.20   |    |
| 420 | ABIGALE A RILEY        | 06/23/2014 | \$6.40  | \$54.00  |         | \$60.40  | 3  |
| 421 | MICAH O RILEY          | 03/08/2014 | \$2.40  | \$20.00  |         | \$22.40  | 1  |
| 422 | ANTHONY B RIOS         | 02/03/2014 | \$5.00  |          |         | \$5.00   |    |
| 423 | TAMMY RISER            | 12/21/2013 | \$5.50  |          |         | \$5.50   |    |
| 424 | JACQUELINE M RITZMAN   | 04/26/2014 |         | \$95.00  |         | \$95.00  | 5  |
| 425 | ESPI RIVERA            | 08/29/2013 | \$4.80  |          |         | \$4.80   |    |
| 426 | NATHANIEL R RIVERA     | 08/29/2013 | \$2.40  |          |         | \$2.40   |    |
| 427 | MICHAEL I ROBERTS      | 12/26/2013 | \$1.30  |          |         | \$1.30   |    |
| 428 | PAULA R ROBERTS        | 11/15/2013 | \$4.30  |          |         | \$4.30   |    |
| 429 | HEATHER L ROBERTSON    | 08/14/2013 | \$25.00 |          |         | \$25.00  |    |
| 430 | JASMINE ROBERTSON      | 12/02/2013 | \$5.00  |          |         | \$5.00   |    |
| 431 | MATEO RODRIGUEZ        | 04/30/2014 |         | \$32.00  |         | \$32.00  | 1  |
| 432 | KRISTEEN ROESSI        | 04/19/2014 | \$1.20  |          |         | \$1.20   |    |
| 433 | CRYSTAL P ROGERS       | 12/12/2013 | \$0.90  |          |         | \$0.90   |    |
| 434 | JULIANA A ROMAN        | 06/17/2014 | \$10.20 |          |         | \$10.20  |    |
| 435 | SAMUEL R ROMO          | 10/17/2013 |         | \$219.00 |         | \$219.00 | 10 |
| 436 | AUSTIN N ROWLAND       | 06/12/2014 | \$3.80  |          |         | \$3.80   |    |
| 437 | SHARON R RUDISILL      | 07/19/2013 | \$10.00 |          | \$10.00 | \$20.00  |    |
| 438 | SEANA D RUPPEL         | 12/05/2013 | \$0.40  |          |         | \$0.40   |    |
| 439 | SUZANNA M RYAN-FORBES  | 07/30/2013 |         | \$105.00 |         | \$105.00 | 6  |
| 440 | TANYA M RYLE           | 01/24/2014 | \$5.80  | \$43.00  |         | \$48.80  | 2  |
| 441 | ANGELICA S SAKER       | 05/17/2014 |         | \$52.00  |         | \$52.00  | 2  |
| 442 | MARIO J SALAS          | 04/03/2014 | \$10.50 |          |         | \$10.50  |    |
| 443 | MARTIN E SALCIDO       | 09/28/2013 | \$7.60  |          |         | \$7.60   |    |
| 444 | JULIE A SAMORA         | 05/08/2014 | \$0.80  | \$15.00  |         | \$15.80  | 1  |
| 445 | EDUARDO SAN MIGUEL, JR | 11/06/2013 | \$1.00  |          |         | \$1.00   |    |
| 446 | EMMANUEL SAN MIGUEL    | 06/24/2014 | \$1.20  |          |         | \$1.20   |    |
| 447 | BARBARA L SANCHEZ      | 06/04/2014 |         | \$19.00  |         | \$19.00  | 1  |
| 448 | RONALD L SANCHEZ       | 07/26/2013 | \$1.40  |          |         | \$1.40   |    |
| 449 | ASHLEY R SANDERS       | 11/24/2013 |         | \$67.00  |         | \$67.00  | 3  |
| 450 | ANTONIO J SANDOVAL     | 06/23/2014 | \$2.50  |          |         | \$2.50   |    |
| 451 | MEGHAN S SANGIACOMO    | 12/21/2013 | \$0.50  |          |         | \$0.50   |    |
| 452 | CHASE A SARGENT        | 03/25/2014 |         |          |         |          |    |
| 452 | CHASE A SARGENT        | 03/25/2014 | \$0.20  |          | \$5.00  | \$5.20   |    |
| 453 | KEITH H SAUCEDO        | 02/14/2014 | \$1.20  |          |         | \$1.20   |    |
| 454 | CLINT SAWICKI          | 05/05/2014 | \$32.20 |          |         | \$32.20  |    |
| 455 | MARISSA A SAYAS        | 06/17/2014 |         | \$239.00 |         | \$239.00 | 12 |
| 456 | DEBRA K SCHILLING      | 08/05/2013 | \$0.40  |          |         | \$0.40   |    |
| 457 | KAILEIGH E SCHMOLL     | 07/16/2013 | \$0.60  |          |         | \$0.60   |    |
| 458 | BRENDA B SCHUBERT      | 09/15/2013 | \$2.40  | \$17.00  |         | \$19.40  | 1  |
| 459 | MARIA SCHUBERT         | 07/01/2013 | \$0.60  |          |         | \$0.60   |    |
| 460 | TODD A SCHUMAN         | 09/19/2013 | \$1.10  |          |         | \$1.10   |    |
| 461 | CAROL L SCOTT          | 08/17/2013 | \$0.50  |          |         | \$0.50   |    |
| 462 | ELIZABETH A SEDILLO    | 02/18/2014 | \$0.80  |          |         | \$0.80   |    |
| 463 | JANAY SERNA            | 06/20/2014 | \$1.00  |          |         | \$1.00   |    |
| 464 | MIA G SERRANO          | 12/16/2013 | \$0.50  |          |         | \$0.50   |    |
| 465 | HEATHER SEWARD         | 03/08/2014 | \$2.40  |          |         | \$2.40   |    |
| 466 | MICHAEL D SHAFFER      | 05/30/2014 | \$0.40  | \$21.00  |         | \$21.40  | 1  |
| 467 | REBECCA L SHARP        | 01/28/2014 | \$3.90  | \$33.00  |         | \$36.90  | 1  |
| 468 | AYDAN N SHAW           | 03/19/2014 |         | \$33.50  |         | \$33.50  | 2  |

|     |                       |            |         |          |  |                 |   |
|-----|-----------------------|------------|---------|----------|--|-----------------|---|
| 469 | BOBI S SHAW           | 07/08/2013 | \$6.70  |          |  | \$6.70          |   |
| 470 | JESSICA A SHAW        | 03/19/2014 |         | \$21.00  |  | \$21.00         | 1 |
| 471 | LESLIE R SHAW         | 05/13/2014 | \$1.00  |          |  | \$1.00          |   |
| 472 | JESSICA L SHELTON     | 05/08/2014 | \$1.50  | \$53.00  |  | \$54.50         | 2 |
| 473 | HEATHER N SHIELDS     | 03/17/2014 | \$0.50  |          |  | \$0.50          |   |
| 474 | LINDA S SHIPLETT      | 02/18/2014 | \$2.60  |          |  | \$2.60          |   |
| 475 | PALTHERA SHIRED       | 06/27/2014 | \$2.20  |          |  | \$2.20          |   |
| 476 | SAMANTHA J SHIRLEY    | 12/05/2013 |         | \$100.50 |  | <b>\$100.50</b> | 3 |
| 477 | KAYLA M SHOWEN        | 09/09/2013 | \$8.10  |          |  | \$8.10          |   |
| 478 | KRISSY R SHROCK       | 10/17/2013 | \$1.70  |          |  | \$1.70          |   |
| 479 | KENNY C SLATER        | 12/09/2013 | \$0.60  |          |  | \$0.60          |   |
| 480 | KYLE C SMITH          | 10/22/2013 | \$4.10  |          |  | \$4.10          |   |
| 481 | MISSI (MELISSA) SMITH | 10/18/2013 |         | \$151.00 |  | <b>\$151.00</b> | 7 |
| 482 | RYKER O SMITH         | 11/14/2013 | \$0.30  |          |  | \$0.30          |   |
| 483 | AMANDA D SNAPP        | 12/12/2013 | \$3.70  | \$87.00  |  | \$90.70         | 6 |
| 484 | MELVIN A SNYDER       | 09/30/2013 | \$2.20  |          |  | \$2.20          |   |
| 485 | ROCKY SOLIS, JR       | 07/10/2013 |         | \$15.00  |  | \$15.00         | 1 |
| 486 | ABIGAIL SOMERS        | 01/14/2014 | \$2.40  |          |  | \$2.40          |   |
| 487 | ANTHONY SOTELO        | 03/13/2014 | \$2.90  |          |  | \$2.90          |   |
| 488 | ANYA M SOTELO         | 04/04/2014 |         | \$38.00  |  | \$38.00         | 2 |
| 489 | GARRETT D SOUDER      | 06/12/2014 | \$11.40 |          |  | \$11.40         |   |
| 490 | STEFFANIE S SOULE     | 03/22/2014 | \$0.70  |          |  | \$0.70          |   |
| 491 | CHERYL L SOULES       | 03/21/2014 | \$26.60 |          |  | \$26.60         |   |
| 492 | TALIANA A SPEARS      | 06/05/2014 | \$2.00  | \$89.90  |  | \$91.90         | 3 |
| 493 | DONALD L SPRAGUE      | 04/17/2014 | \$1.00  | \$75.00  |  | \$76.00         | 4 |
| 494 | NICHOLA V ST JAMES    | 07/19/2013 | \$0.50  |          |  | \$0.50          |   |
| 495 | JENNIFER S STEGALL    | 12/11/2013 |         | \$145.00 |  | <b>\$145.00</b> | 4 |
| 496 | RAVEN A STEPHESON     | 05/16/2014 | \$5.00  |          |  | \$5.00          |   |
| 497 | ANDREA B STEWART      | 08/08/2013 |         | \$102.00 |  | <b>\$102.00</b> | 4 |
| 498 | BETTY L STOKES        | 08/09/2013 | \$0.60  |          |  | \$0.60          |   |
| 499 | TERRY STOVALL         | 07/11/2013 | \$4.50  |          |  | \$4.50          |   |
| 500 | MICHAEL P STRAWN      | 06/23/2014 | \$2.00  |          |  | \$2.00          |   |
| 501 | ANSON K STUART        | 12/07/2013 | \$2.50  |          |  | \$2.50          |   |
| 502 | HOLLY M STUART        | 09/28/2013 |         | \$65.00  |  | \$65.00         | 3 |
| 503 | DANIEL K STUMP        | 07/30/2013 | \$0.80  |          |  | \$0.80          |   |
| 504 | JANET M STYGAR        | 02/18/2014 |         | \$50.00  |  | \$50.00         | 1 |
| 505 | HARMONY L SUTTON      | 09/15/2013 | \$1.20  | \$15.00  |  | \$16.20         | 1 |
| 506 | MICHAEL M SUTTON      | 08/07/2013 | \$1.20  |          |  | \$1.20          |   |
| 507 | RONALD L SWACKHAMER   | 08/22/2013 | \$4.40  |          |  | \$4.40          |   |
| 508 | CHRISTINA A SWAN      | 03/20/2014 | \$4.80  | \$105.00 |  | <b>\$109.80</b> | 5 |
| 509 | SELINA R SWARTZEL     | 11/09/2013 | \$1.60  |          |  | \$1.60          |   |
| 510 | JAMIE E TAGUE         | 11/06/2013 | \$1.50  |          |  | \$1.50          |   |
| 511 | HESTON J TATE         | 05/05/2014 | \$4.80  |          |  | \$4.80          |   |
| 512 | GERALD BRUCE A TAYLOR | 03/08/2014 | \$0.90  |          |  | \$0.90          |   |
| 513 | CRYSTAL L THOMAS      | 09/03/2013 | \$2.10  |          |  | \$2.10          |   |
| 514 | GARREN C THOMAS       | 03/24/2014 | \$0.70  |          |  | \$0.70          |   |
| 515 | RACHEL M THOMAS       | 05/30/2014 | \$0.80  |          |  | \$0.80          |   |
| 516 | SHAUNA J THOMAS       | 12/09/2013 | \$2.50  |          |  | \$2.50          |   |
| 517 | STEWART A THOMPSON    | 11/29/2013 |         | \$204.00 |  | <b>\$204.00</b> | 8 |
| 518 | NATHAN R TICKNER      | 11/01/2013 |         | \$211.00 |  | <b>\$211.00</b> | 8 |
| 519 | AAMER TIDWELL         | 08/20/2013 | \$4.10  | \$55.00  |  | \$59.10         | 1 |
| 520 | KOURTNEY W TODD       | 09/24/2013 | \$1.20  |          |  | \$1.20          |   |
| 521 | WILLIAM D TOLIVER     | 08/02/2013 | \$28.60 | \$103.00 |  | <b>\$131.60</b> | 5 |

|     |                       |            |         |          |         |                 |    |
|-----|-----------------------|------------|---------|----------|---------|-----------------|----|
| 522 | CHARITY H TONE        | 08/07/2013 | \$1.70  |          |         | \$1.70          |    |
| 523 | NATALIE N TONE        | 08/07/2013 | \$2.60  |          |         | \$2.60          |    |
| 524 | KELLYNN A TOOLE       | 09/16/2013 | \$3.20  |          | \$25.00 | \$28.20         |    |
| 525 | JESUS R TORRES        | 09/23/2013 | \$60.00 |          |         | \$60.00         |    |
| 526 | RUFINO TORRES         | 08/15/2013 |         | \$350.00 |         | <b>\$350.00</b> | 13 |
| 527 | ANITRA D TORREZ       | 03/29/2014 |         | \$118.95 |         | <b>\$118.95</b> | 6  |
| 528 | REGINA M TRUJILLO     | 08/01/2013 | \$1.00  |          |         | \$1.00          |    |
| 529 | BILLY W TUCKER        | 05/20/2014 | \$1.90  |          |         | \$1.90          |    |
| 530 | CADEN W TURBEVILLE    | 01/10/2014 | \$1.20  |          |         | \$1.20          |    |
| 531 | SAMANTHA L TURBEVILLE | 01/06/2014 | \$0.20  |          |         | \$0.20          |    |
| 532 | JACKIE L UGURU        | 12/11/2013 |         | \$191.89 |         | <b>\$191.89</b> | 8  |
| 533 | JOSE R ULLOA          | 07/12/2013 | \$5.00  |          |         | \$5.00          |    |
| 534 | SANDRA ULTRERAS       | 05/16/2014 |         | \$17.00  |         | \$17.00         | 1  |
| 535 | RHEANNA URRABAZ-GARZA | 05/16/2014 | \$0.20  |          |         | \$0.20          |    |
| 534 | JOSE R URUETA         | 10/26/2013 | \$12.00 |          |         | \$12.00         |    |
| 537 | SHIRLEY A UTTER       | 02/07/2014 | \$0.90  |          |         | \$0.90          |    |
| 538 | BRITTANY A VALDEZ     | 07/16/2013 | \$4.10  |          |         | \$4.10          |    |
| 539 | MARVIN P VALLEJOS     | 01/24/2014 | \$1.50  |          |         | \$1.50          |    |
| 540 | TRISTAN D VAN AMBER   | 09/05/2013 | \$0.20  |          |         | \$0.20          |    |
| 541 | SARAH C VAN COTT      | 12/04/2013 | \$4.20  |          |         | \$4.20          |    |
| 542 | NICOLA M VAN VLIET    | 10/10/2013 | \$0.30  |          |         | \$0.30          |    |
| 543 | JEFFREY K VANCONETT   | 10/27/2013 |         | \$98.00  |         | \$98.00         | 3  |
| 544 | NANCY C VAUGHT        | 07/01/2013 | \$2.10  |          |         | \$2.10          |    |
| 545 | MADILYNN E VIENS      | 04/16/2014 | \$1.20  |          |         | \$1.20          |    |
| 546 | GINA M VIGIL          | 03/12/2014 | \$0.60  |          |         | \$0.60          |    |
| 547 | ALICIA WAHLEN         | 09/05/2013 | \$0.80  |          |         | \$0.80          |    |
| 548 | WAYNE A WALKER        | 07/29/2013 | \$1.00  |          |         | \$1.00          |    |
| 549 | MARY L WALLER         | 11/02/2013 | \$0.60  |          |         | \$0.60          |    |
| 550 | RYANN M WALLIN        | 10/21/2013 | \$1.50  |          |         | \$1.50          |    |
| 551 | MARCOS A WALTERS      | 07/24/2013 | \$1.40  |          |         | \$1.40          |    |
| 552 | KYRA L WARD           | 01/25/2014 | \$2.40  |          |         | \$2.40          |    |
| 553 | SEAN WARD             | 12/16/2013 | \$0.50  |          |         | \$0.50          |    |
| 554 | KASSANDRA J WATTS     | 07/21/2013 | \$5.10  | \$22.00  |         | \$27.10         | 1  |
| 555 | AANDREA L WAXLAX      | 08/02/2013 | \$2.70  |          |         | \$2.70          |    |
| 556 | CORY A WEAVER         | 02/24/2014 | \$1.60  |          |         | \$1.60          |    |
| 557 | THERESA R WEGE        | 11/05/2013 | \$0.60  |          |         | \$0.60          |    |
| 558 | NICHOLE G WELLS       | 01/14/2014 | \$3.90  | \$78.00  |         | \$81.90         | 4  |
| 559 | JAMES T WESTHEAD      | 04/07/2014 | \$7.50  |          |         | \$7.50          |    |
| 560 | AUBREY A WICKERSHAM   | 12/26/2013 | \$3.40  |          |         | \$3.40          |    |
| 561 | BROOKLYN G WICKERSHAM | 12/26/2013 | \$11.90 |          |         | \$11.90         |    |
| 562 | SAMUEL R WICKERSHAM   | 07/10/2013 | \$4.00  |          |         | \$4.00          |    |
| 563 | JENNIFER L WIGGINS    | 06/26/2014 | \$0.20  |          |         | \$0.20          |    |
| 564 | MELISSA C WILDE       | 03/27/2014 | \$3.30  |          |         | \$3.30          |    |
| 565 | NOAH WILDE            | 07/18/2013 | \$0.80  |          |         | \$0.80          |    |
| 566 | JOSELYN L WILKINSON   | 02/02/2014 |         | \$29.00  |         | \$29.00         | 1  |
| 567 | NEVAEH WILKINSON      | 01/07/2014 | \$1.40  |          |         | \$1.40          |    |
| 568 | SEVEN A WILLIAMS      | 01/14/2014 | \$1.20  | \$142.50 |         | <b>\$143.70</b> | 3  |
| 569 | VIRGINIA H WILLIAMS   | 09/28/2013 | \$0.60  |          |         | \$0.60          |    |
| 570 | SARA K WILSON         | 03/14/2014 | \$0.90  |          |         | \$0.90          |    |
| 571 | NATALIE D WIMBERLEY   | 04/21/2014 | \$4.90  |          |         | \$4.90          |    |
| 572 | KATHRYNE L WISE       | 04/30/2014 | \$31.10 | \$77.00  |         | <b>\$108.10</b> | 3  |
| 573 | GABRIEL T WISEHART    | 02/14/2014 | \$3.10  | \$62.00  |         | \$65.10         | 2  |
| 574 | MELISSA WOODALL       | 04/07/2014 | \$3.70  |          |         | \$3.70          |    |

|              |                       |            |            |                 |          |                 |                 |
|--------------|-----------------------|------------|------------|-----------------|----------|-----------------|-----------------|
| 575          | TROY D WOODUL         | 06/05/2014 | \$0.20     | \$50.00         |          | \$50.20         | 2               |
| 576          | ASHLEY N WREN         | 08/30/2013 | \$48.00    | \$147.00        |          | <b>\$195.00</b> | 5               |
| 577          | MICHAEL C WRIGHT      | 03/18/2014 | \$3.00     |                 |          | \$3.00          |                 |
| 578          | BRENT L WYMER         | 04/07/2014 | \$8.50     |                 |          | \$8.50          |                 |
| 579          | MITCHEL R YOUNT       | 05/20/2014 |            | \$136.00        |          | <b>\$136.00</b> | 5               |
| 580          | CATHERINE L ZAMORA    | 06/05/2014 | \$1.40     | \$262.00        |          | <b>\$263.40</b> | 9               |
| 581          | DIAMANTE D ZAMORA     | 12/10/2013 | \$3.50     |                 |          | \$3.50          |                 |
| 582          | JENNIFER K ZAMORA     | 12/11/2013 | \$8.10     |                 |          | \$8.10          |                 |
| 583          | RAYMOND ZAMORA        | 07/30/2013 | \$2.40     |                 |          | \$2.40          |                 |
| 584          | JOSUE C ZAMUDIO       | 05/30/2014 | \$38.20    | \$35.00         |          | \$73.20         | 1               |
| 585          | CHARLOTTE A ZIMMERMAN | 12/09/2013 | \$1.00     |                 |          | \$1.00          |                 |
| 586          | STEPHEN M ZIPPERER    | 07/10/2013 | \$0.40     |                 |          | \$0.40          |                 |
| 587          | JOSHUA A ZRIMC        | 03/19/2014 | \$0.80     |                 |          | \$0.80          |                 |
|              |                       |            | Late Fees  | Lost books fees | Dmged    | Total charges   | # of Books lost |
| Report Total |                       |            | \$2,162.25 | \$14,802.89     | \$165.00 | \$17,130.14     | 609             |
|              |                       |            |            |                 |          |                 |                 |

AFRC - Bad Debt Write Off FY18

| <b>Name</b> | <b>Date of Service</b> | <b>Amount</b> | <b>Line #</b>     | <b>Bad Debt Date</b> | <b>Write Off Date</b> |
|-------------|------------------------|---------------|-------------------|----------------------|-----------------------|
| Derek Gray  | 3/1/2014               | \$20.70       | 032-6106-314-1305 | 3/1/2017             | 5/1/2018              |

Public Housing Authority

| <u>Name</u>   |           | Amount   | Balance | Comments   |
|---------------|-----------|----------|---------|------------|
| Last          | First     |          |         |            |
| Smith         | Vanessa   | 19.40    |         | 5/10/2016  |
| Medina        | Khaatimah | 1,903.42 |         | 12/9/2016  |
| Baxter        | Ricki     | 225.00   |         | 11/1/2016  |
| Desmuke       | Terrell   | 0.40     |         | 2/2/2017   |
| Sauceda       | Celina    | 0.40     |         | 2/16/2016  |
| Gomez         | April     | 397.00   |         | 8/6/2015   |
| Pendergrass   | Catherine | 131.00   |         | 11/2/2016  |
| Ortega-Chavez | Claudia   | 338.53   |         | 6/1/2016   |
| Gonzales      | Briana    | 322.07   |         | 4/4/2016   |
| Lara          | Desiree   | 39.00    |         | 12/30/2016 |
| Canelo        | Travis    | 179.60   |         | 8/13/2016  |
| Armendariz    | Alicia    | 14.78    |         | 12/9/2016  |

**TOTAL                    3,570.60**

# Memorandum

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**To:** Wendy Robinson, Internal Control Analyst  
**From:** Nichole Sierra, Utility Billing Supervisor *ns*  
**Thru:** Mark Threadgill, Customer Service Manager *[Signature]*  
**Date:** May 7, 2018  
**Re:** Miscellaneous Accounts Receivable Write-off Accounts

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The amount of Miscellaneous Accounts Receivable write off accounts submitted for City of Alamogordo Commission approval is \$127,212.17. This represents delinquent accounts through June 30, 2014. Please see attached for list.



**CITY OF ALAMOGORDO  
MISCELLANEOUS ACCOUNTS RECEIVABLE  
WRITE-OFF LISTING  
FISCAL YEAR 2018**

**Thru June 30, 2014**

| CUSTOMER NAME               | CUSTOMER ID | CUSTOMER TYPE DESCRIPTION            | INVOICE DATE | UNPAID BALANCE |
|-----------------------------|-------------|--------------------------------------|--------------|----------------|
| MARTIN, STEVEN W.           | 2629        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/09/2007   | \$ 316.55      |
| LOPEZ, DEBBIE               | 2658        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/10/2007   | \$ 433.10      |
| PENA, ESTHER                | 2652        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/10/2007   | \$ 517.37      |
| PLATT, ROBERT C             | 2036        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/10/2007   | \$ 339.86      |
| SALDANA, AGUSTINE & MARIA   | 2657        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/25/2007   | \$ 316.55      |
| LOPEZ, DEBBIE               | 2673        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 05/10/2007   | \$ 526.34      |
| HENDERSON, DIANE            | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 07/11/2007   | \$ 339.86      |
| MONREAL & AGUILAR           | 2697        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/09/2007   | \$ 503.03      |
| QUIRMBACH, ARTHUR H         | 2189        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/09/2007   | \$ 363.17      |
| PENDLEY, RUSSELL            | 2707        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 09/18/2007   | \$ 409.79      |
| GONTERMAN, EDA              | 2720        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/12/2007   | \$ 503.03      |
| MACDONALD JR, DAVID R       | 2721        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/12/2007   | \$ 642.89      |
| RICHARDS, A V/ DONALD RAY   | 2655        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/12/2007   | \$ 409.79      |
| PLATT, ROBERT C             | 2036        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/30/2007   | \$ 503.03      |
| HENDERSON, DIANE            | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 07/09/2008   | \$ 350.35      |
| RUNNELLS, ROBERT W          | 2807        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/08/2008   | \$ 431.13      |
| HENDERSON, DIANE            | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 12/26/2008   | \$ 349.99      |
| MARTIN, STEVEN W.           | 2629        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 12/26/2008   | \$ 450.00      |
| NIELSEN, CRAIG              | 2829        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 12/26/2008   | \$ 325.00      |
| DURRETT, LORI               | 2838        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 02/06/2009   | \$ 275.00      |
| MONREAL & AGUILAR           | 2697        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 02/06/2009   | \$ 334.38      |
| GONTERMAN, EDA              | 2720        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 21.97       |
| HENDERSON, DIANE            | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 10.14       |
| LOPEZ, DEBBIE               | 2673        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 23.66       |
| LOPEZ, DEBBIE               | 2658        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 24.24       |
| MACDONALD JR, DAVID R       | 2721        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 32.11       |
| MARTIN, STEVEN W.           | 2629        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 8.45        |
| MONREAL & AGUILAR           | 2697        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 21.97       |
| PENA, ESTHER                | 2652        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 23.01       |
| PENDLEY, RUSSELL            | 2707        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 15.21       |
| PLATT, ROBERT C             | 2036        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 32.11       |
| QUIRMBACH, ARTHUR H         | 2189        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 11.83       |
| RICHARDS, A V/ DONALD RAY   | 2655        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/07/2009   | \$ 15.21       |
| HENDERSON, DIANE            | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/09/2009   | \$ 375.00      |
| BRUSEULAS, PEDRO & JOSEFINA | 2909        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 12/15/2009   | \$ 286.00      |
| HENDERSON, DIANE            | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 06/09/2010   | \$ 325.00      |
| WHEELER, GREGORY            | 2965        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/31/2010   | \$ 550.00      |
| MARTIN, STEVEN W.           | 2629        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 09/24/2010   | \$ 475.00      |
| THORTON, PATRICIA           | 2978        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/07/2010   | \$ 550.00      |
| HENDERSON, DIANE            | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 11/11/2010   | \$ 450.00      |
| TRINKLE, GARY & ELSA        | 3031        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 01/10/2011   | \$ 275.00      |
| WHEELER, GREGORY & SHERI    | 3043        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 02/11/2011   | \$ 349.74      |
| BOUIE, JESSE                | 3162        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 06/14/2011   | \$ 683.47      |
| PFLUG, LINDA                | 3164        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 06/17/2011   | \$ 334.30      |
| ROMERO, MAX                 | 3217        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/25/2011   | \$ 623.47      |



Thru June 30, 2014

| CUSTOMER NAME                  | CUSTOMER ID | CUSTOMER TYPE DESCRIPTION            | INVOICE DATE | UNPAID BALANCE |
|--------------------------------|-------------|--------------------------------------|--------------|----------------|
| DRISCOLL, KENNETH              | 3324        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 01/31/2012   | \$ 844.63      |
| WHEELER, GREGORY & SHERI       | 3043        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 02/28/2012   | \$ 382.64      |
| DURRETT, LORI                  | 2838        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 05/17/2012   | \$ 409.63      |
| ZYBERT, ALEXANDER & MARIA      | 3411        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 05/17/2012   | \$ 377.38      |
| WHEELER, GREGORY & SHERI       | 3043        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 07/17/2012   | \$ 363.40      |
| LEONARD, AARON & SARA          | 3489        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/09/2012   | \$ 503.15      |
| SANDOVAL, ADELINE AVILA        | 3488        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/09/2012   | \$ 567.65      |
| FOSTER, CHRISTOPHER            | 3513        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/20/2012   | \$ 334.53      |
| HENDERSON, DIANE               | 2685        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 08/20/2012   | \$ 432.47      |
| BRUER, MARY                    | 2939        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/18/2012   | \$ 432.47      |
| HYLAND & METOYER               | 3548        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 10/18/2012   | \$ 330.23      |
| PFLUG, LINDA                   | 3164        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 12/12/2012   | \$ 361.44      |
| BERNAL, MIGUEL ANGEL           | 3577        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 01/25/2013   | \$ 557.32      |
| CHEUNG, KWAN F                 | 3581        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 01/25/2013   | \$ 304.40      |
| HAWKINS, EDWARD LAMAR          | 3579        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 01/25/2013   | \$ 334.53      |
| THE BANK OF NEW YORK MELLON    | 3584        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 01/25/2013   | \$ 442.16      |
| VILLA, JOSEPH *BANKRUPTCY*     | 3582        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 01/25/2013   | \$ 394.80      |
| WHEELER, GREGORY & SHERI       | 3043        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 02/04/2013   | \$ 471.22      |
| GUTIERREZ, RAYMOND             | 3568        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 02/25/2013   | \$ 280.39      |
| BOUIE, JESSE                   | 3162        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/08/2013   | \$ 147.45      |
| LASALLE, CHARLES               | 3596        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/08/2013   | \$ 267.99      |
| MARTIN, STEVEN W.              | 2629        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 04/08/2013   | \$ 246.46      |
| BOUIE, JESSE                   | 3162        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 05/06/2013   | \$ 200.00      |
| LASALLE, CHARLES               | 3596        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 05/06/2013   | \$ 200.00      |
| MARTIN, STEVEN W.              | 2629        | ABATEMENT ACTIONS 11 (LIEN RELEASED) | 05/06/2013   | \$ 200.00      |
| SERVICE MASTER RESTOR          | 3630        | SOLID WASTE AUTHORITY                | 07/09/2013   | \$ 15,986.75   |
| QUALITY INN                    | 2600        | LODGERS TAX-PENALTY (20)             | 07/09/2013   | \$ 43.36       |
| PACHECO, FRANCES               | 3634        | CONVENIENCE CENTER (86)              | 07/18/2013   | \$ 13.44       |
| PYSKOWSKI, STEPHEN W           | 3632        | CONVENIENCE CENTER (86)              | 07/18/2013   | \$ 7.60        |
| NVT TECHNOLOGIES INC           | 3214        | SOLID WASTE AUTHORITY                | 08/05/2013   | \$ 41.12       |
| BUTTON BRAND VETERINARY CLINIC | 2943        | ANIMAL CONTROL LICENSES11            | 08/07/2013   | \$ 867.50      |
| JOHNNY'S JOHNS                 | 2982        | DISPOSAL OF SLUDGE (81)              | 08/14/2013   | \$ 198.00      |
| ROBLES & SONS INC.             | 2541        | SOLID WASTE AUTHORITY                | 09/04/2013   | \$ 302.40      |
| JOHNNY'S JOHNS                 | 2982        | DISPOSAL OF SLUDGE (81)              | 09/13/2013   | \$ 441.00      |
| ROBLES & SONS INC.             | 2541        | SOLID WASTE AUTHORITY                | 10/04/2013   | \$ 1,008.00    |
| JOHNNY'S JOHNS                 | 2982        | DISPOSAL OF SLUDGE (81)              | 10/11/2013   | \$ 756.00      |
| ROBLES & SONS INC.             | 2541        | SOLID WASTE AUTHORITY                | 11/04/2013   | \$ 2,352.00    |
| JOHNSON, PATRICK               | 3658        | LANDFILL UNIFORMS                    | 11/08/2013   | \$ 54.19       |
| JOHNNY'S JOHNS                 | 2982        | DISPOSAL OF SLUDGE (81)              | 11/13/2013   | \$ 105.00      |
| PREMIER PELLETS                | 3659        | ECONOMIC DEVELOPMENT                 | 11/22/2013   | \$ 72,178.60   |
| GERMAN AIR FORCE               | 3657        | OKTOBERFEST                          | 12/03/2013   | \$ 4,603.32    |
| JOHNNY'S JOHNS                 | 2982        | DISPOSAL OF SLUDGE (81)              | 12/13/2013   | \$ 105.00      |
| JOHNNY'S JOHNS                 | 2982        | DISPOSAL OF SLUDGE (81)              | 01/13/2014   | \$ 126.00      |
| CONSOLIDATED ELECTRIC          | 3666        | ALARM RESPONSE FEE 11                | 01/22/2014   | \$ 105.00      |
| D. T. CLEANING SERVICE         | 2431        | SOLID WASTE AUTHORITY                | 02/04/2014   | \$ 12.21       |
| GRIFFIS, JEREMY                | 3670        | CITY REIMBURSE TRAIN (11)            | 03/05/2014   | \$ 1,136.24    |
| JOHNNY'S JOHNS                 | 2982        | DISPOSAL OF SLUDGE (81)              | 03/13/2014   | \$ 126.00      |
| PERRY, DESMOND                 | 3674        | CITY REIMBURSE TRAIN (11)            | 04/16/2014   | \$ 3,100.00    |

WRITE OFF TOTAL

\$ 127,212.17

OUTSTANDING RETURNED CHECKS TO BE WRITTEN OFF FY2018

| Date                          | Drawn By       | Type           | Amount        |
|-------------------------------|----------------|----------------|---------------|
|                               |                |                |               |
| 10/24/13                      | Aragon, Connor | Animal Control | 266.04        |
|                               |                |                |               |
| <b>Total Outstanding FY14</b> |                |                | <b>266.04</b> |
|                               |                |                |               |
|                               |                |                |               |
|                               |                |                |               |

**Total Outstanding FY14 through 6/30/14**

**266.04** greater than 4 years old

011-0000-115-0175

818.09 3/30/2018  
 (552.05) FY15 to FY18  
 less than 4 years old

Gen                      011-0000-314-1321                      Adoption Fee                      266.04

266.04

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/16/2018

**Report No:** 7.

**Submitted By:** Wendy Robinson

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**Subject:** Approve Resolution No. 2018-26 requesting interim approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico, to adopt the Preliminary 2018-2019 Budget as of May 22, 2018. *(Julianne Hall, Finance Director)* **(Roll Call vote required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Beginning Cash Balances \$32,802,353

Revenues \$50,019,539

Expenditures \$56,658,664

Transfers In/Out \$0

Net Impact \$26,163,228

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**Recommendation:** Approve Resolution 2018-26 **(Roll Call vote required)**

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**Background:** The City is required to hold a public hearing on the budget before adopting the preliminary budget for the new fiscal year (2018-2019).

The preliminary budget is due to the Department of Finance and Administration (DFA) by June 1, 2018, and DFA is required to send the City's its interim approval of the preliminary budget prior to July 1, 2018.

The final budget will come before the City Commission at their regular meeting of July 24, 2018 and will include the true carry over fund balances and any other adjustments required. The final budget is due to the DFA by July 30, 2018. The DFA usually send the approval of the final budget for the fiscal year no later than September 1.

The City Commission held budget public hearings May 14-15, 2018 at the Fire Station 5 and no adjustments were made to the preliminary budget as a result of the hearings.

**STATE OF NEW MEXICO  
CITY OF ALAMOGORDO, NEW MEXICO  
RESOLUTION NO. 2018-26  
2018-2019 ANNUAL BUDGET ADOPTION  
(107<sup>th</sup> FISCAL YEAR)**

**WHEREAS**, the governing body of the City of Alamogordo, New Mexico, a New Mexico Municipal Corporation (hereinafter referred to as the "City"), has developed a preliminary Annual Budget for the fiscal year 2018-2019; and,

**WHEREAS**, the Preliminary Annual Budget was developed on the basis of need and through cooperation with all user departments, elected officials, and other department supervisors; and,

**WHEREAS**, the official Notice of Meeting for the review of the Annual Budget was duly posted on April 22, 2018 in compliance with the City of Alamogordo Open Meetings Act Resolution; and

**WHEREAS**, it is the majority opinion of the governing body of the City that the Annual Budget meets the requirements as currently determined for fiscal year 2018-2019.

**WHEREAS**, the Department of Finance and Administration, State of New Mexico, is requested to give its interim approval to the City of Alamogordo, New Mexico's annual budget for fiscal year 2018- 2019.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Alamogordo, New Mexico, hereby adopts the attached Annual Preliminary Budget and respectfully requests approval of these documents from the Local Government Division of the Department of Finance and Administration.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of May, 2018.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: \_\_\_\_\_  
Richard Boss, Mayor

\_\_\_\_\_  
Mayor Pro-Tem Jason Baldwin

\_\_\_\_\_  
Commissioner Al Hernandez

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Commissioner Nadia Sikes

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Commissioner Dusty Wright

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Commissioner Susan Payne

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Commissioner Josh Rardin

(SEAL)

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Rachel Hughs, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

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Petria Schreiber, City Attorney

**ALL FUNDS SUMMARY  
PRELIMINARY 2018-2019**

1/12TH REQ RSRV  
1,117,972  
Fund Reserve Policy  
487,127  
Bal. Remaining  
**1,653,793**

**FY19 Preliminary**

| FUND NO. | FY 2018-2019<br>FUND DESCRIPTION | UNAUDITED<br>BEGINNING<br>CASH<br>BALANCE | ESTIMATED<br>REVENUES | TRANSFERS<br>IN | TRANSFERS<br>OUT | NET<br>CASH<br>TRANSFERS | BUDGETED<br>EXPENDITURES | ESTIMATED<br>ENDING<br>CASH<br>BALANCE | LOCAL RESERVE<br>REQUIREMENTS<br>UNAVAILABLE<br>FOR BUDGETING | ADJUSTED<br>ENDING<br>CASH<br>BALANCE |
|----------|----------------------------------|-------------------------------------------|-----------------------|-----------------|------------------|--------------------------|--------------------------|----------------------------------------|---------------------------------------------------------------|---------------------------------------|
| 11       | GENERAL OPERATING FUND           | 5,915,112                                 | 17,690,691            | 257,828         | 7,189,079        | (6,931,251)              | 13,415,660               | 3,258,892                              | 1,605,099                                                     | 1,653,793                             |
| 12       | INTERNAL SERVICES                | 84,260                                    | 406,870               | 2,642,351       | 23,733           | 2,618,618                | 2,998,363                | 111,385                                |                                                               | \$111,385                             |
| 15       | CORRECTIONS-JAIL                 | 5,000                                     | 81,827                | 114,764         | 1,255            | 113,509                  | 193,850                  | 6,486                                  |                                                               | \$6,486                               |
| 16       | LODGER'S TAX-PROMOTIONAL FUND    | 75,982                                    | 248,804               | 0               | 2,476            | (2,476)                  | 217,709                  | 104,601                                |                                                               | \$104,601                             |
| 17       | POLICE COURT BOND                | 10,738                                    | 0                     | 0               | 0                | 0                        | 0                        | 10,738                                 |                                                               | \$10,738                              |
| 19       | COURT AUTOMATION FUND            | 11,237                                    | 81,594                | 0               | 24,629           | (24,629)                 | 68,202                   | 0                                      |                                                               | \$0                                   |
| 20       | LODGER'S TAX-CITY                | 101,925                                   | 429,422               | 0               | 60,355           | (60,355)                 | 470,506                  | 486                                    |                                                               | \$486                                 |
| 21       | D.A.R.E. DONATIONS FUND          | 13,506                                    | 6,119                 | 0               | 0                | 0                        | 8,248                    | 11,377                                 |                                                               | \$11,377                              |
| 22       | DESIGNATED GIFT FUND             | 0                                         | 0                     | 0               | 0                | 0                        | 0                        | 0                                      |                                                               | \$0                                   |
| 24       | GRANT CAPITAL IMPROVEMENT        | 94,484                                    | 8,941                 | 0               | 0                | 0                        | 8,941                    | 94,484                                 |                                                               | \$94,484                              |
| 27       | MUNICIPAL COURT OPERATIONS       | 5,082                                     | 10,000                | 424,656         | 15,917           | 408,739                  | 418,934                  | 4,887                                  |                                                               | \$4,887                               |
| 28       | POLICE CONTINGENCY               | 53,677                                    | 3,479                 | 0               | 0                | 0                        | 7,500                    | 49,656                                 |                                                               | \$49,656                              |
| 31       | CEMETERY-PERPETUAL CARE          | 830,243                                   | 22,330                | 0               | 98,000           | (98,000)                 | 0                        | 754,573                                |                                                               | \$754,573                             |
| 32       | COMMUNITY SERVICES               | 23,171                                    | 564,680               | 4,319,963       | 664,633          | 3,655,330                | 4,238,181                | 5,000                                  |                                                               | \$5,000                               |
| 33       | FIRE PROTECTION                  | 47,516                                    | 567,741               | 0               | 0                | 0                        | 555,901                  | 59,356                                 | 24,429                                                        | \$34,927                              |
| 36       | LAW ENFORCEMENT FUND             | 0                                         | 110,698               | 0               | 0                | 0                        | 110,664                  | 34                                     |                                                               | \$34                                  |
| 37       | STATE HIGHWAY FUND               | 129,043                                   | 37,775                | 0               | 0                | 0                        | 28,825                   | 137,993                                |                                                               | \$137,993                             |
| 38       | TRAFFIC SAFETY FUND              | 51,964                                    | 23,492                | 0               | 0                | 0                        | 28,000                   | 47,456                                 |                                                               | \$47,456                              |
| 39       | STATE JUDICIAL                   | 21,037                                    | 75,500                | 0               | 0                | 0                        | 75,500                   | 21,037                                 |                                                               | \$21,037                              |
| 40       | AIRPORT IMPROVEMENT PROJECTS     | 12,763                                    | 0                     | 0               | 0                | 0                        | 0                        | 12,763                                 |                                                               | \$12,763                              |
| 42       | 1984 GROSS RECEIPTS TAX          | 816,200                                   | 1,709,051             | 0               | 2,263,141        | (2,263,141)              | 0                        | 262,110                                | 262,110                                                       | (\$0)                                 |
| 44       | TRANSPORTATION FUND              | 529                                       | 996,694               | 1,360,809       | 269,404          | 1,091,405                | 2,077,352                | 11,276                                 | 8,776                                                         | \$2,500                               |
| 48       | NEW MEXICO C.D.B.G.              | 0                                         | 0                     | 0               | 0                | 0                        | 0                        | 0                                      |                                                               | \$0                                   |
| 49       | 1986 GROSS RECEIPTS TAX          | 779,258                                   | 1,783,984             | 0               | 1,738,908        | (1,738,908)              | 209,600                  | 614,734                                | 269,454                                                       | \$345,280                             |
| 50       | PROPERTY ACQUISITION             | 76,821                                    | 0                     | 0               | 0                | 0                        | 0                        | 76,821                                 |                                                               | \$76,821                              |
| 53       | GENERAL OBLIGATION               | 874,253                                   | 1,049,731             | 0               | 0                | 0                        | 1,101,883                | 822,101                                | 550,942                                                       | \$271,159                             |
| 54       | REVERSE OSMOSIS PROJECT RSV      | 667,612                                   | 204                   | 0               | 0                | 0                        | 0                        | 667,816                                |                                                               | \$667,816                             |
| 56       | 99 GRT FLOOD CONTROL BOND PROJ   | 529                                       | 232                   | 1,785,890       | 0                | 1,785,890                | 1,608,000                | 178,651                                |                                                               | \$178,651                             |
| 59       | REVENUE BOND P & I FUND          | 150,615                                   | 3,985                 | 2,668,143       | 0                | 2,668,143                | 2,671,643                | 151,100                                |                                                               | \$151,100                             |
| 61       | MUNICIPAL INFRASTRUCTURE .0625%  | 170,770                                   | 393,964               | 0               | 294,876          | (294,876)                | 0                        | 269,858                                | 12,073                                                        | \$257,785                             |
| 63       | COMMUNITY DEVELOPMENT            | 83,689                                    | 0                     | 452,203         | 48,567           | 403,636                  | 384,032                  | 103,293                                |                                                               | \$103,293                             |
| 69       | 1994 GROSS RECEIPTS              | 1,277,858                                 | 1,694,281             | 0               | 2,377,850        | (2,377,850)              | 0                        | 594,289                                | 549,566                                                       | \$44,723                              |
| 71       | ALAMO SENIOR CENTER              | 21,728                                    | 607,336               | 616,160         | 4,758            | 611,402                  | 1,235,571                | 4,895                                  |                                                               | \$4,895                               |
| 74       | ALAMO SENIOR CENTER GIFT         | 65,814                                    | 21,078                | 0               | 0                | 0                        | 24,039                   | 62,853                                 |                                                               | \$62,853                              |
| 75       | RETIRED & SENIOR VOL. PROGRAM    | 6,885                                     | 225,394               | 48,667          | 18,679           | 29,988                   | 257,267                  | 5,000                                  |                                                               | \$5,000                               |
| 81       | WATER/SEWER OPERATING            | 2,780,127                                 | 10,336,059            | 2,798,413       | 1,956,797        | 841,616                  | 13,011,487               | 946,315                                | 946,315                                                       | (\$0)                                 |
| 82       | 98 JT WATER/SEWER BOND P&I       | 1,233,281                                 | 15,588                | 1,938,428       | 0                | 1,938,428                | 1,938,430                | 1,248,867                              | 0                                                             | \$1,248,867                           |
| 86       | SOLID WASTE COLLECTION SYS.      | 454,771                                   | 2,095,112             | 0               | 149,050          | (149,050)                | 2,131,209                | 269,624                                | 177,481                                                       | \$92,143                              |
| 88       | BONITO CAMPGROUND                | 378,358                                   | 964                   | 0               | 0                | 0                        | 0                        | 379,322                                |                                                               | \$379,322                             |

**ALL FUNDS SUMMARY  
PRELIMINARY 2018-2019**

1/12TH REQ RSRV  
1,117,972  
Fund Reserve Policy  
487,127  
Bal. Remaining  
**1,653,793**

**FY19 Preliminary**

| FUND NO.             | FY 2018-2019<br>FUND DESCRIPTION | UNAUDITED<br>BEGINNING<br>CASH<br>BALANCE | ESTIMATED<br>REVENUES | TRANSFERS<br>IN   | TRANSFERS<br>OUT  | NET<br>CASH<br>TRANSFERS | BUDGETED<br>EXPENDITURES | ESTIMATED<br>ENDING<br>CASH<br>BALANCE | LOCAL RESERVE<br>REQUIREMENTS<br>UNAVAILABLE<br>FOR BUDGETING | ADJUSTED<br>ENDING<br>CASH<br>BALANCE |
|----------------------|----------------------------------|-------------------------------------------|-----------------------|-------------------|-------------------|--------------------------|--------------------------|----------------------------------------|---------------------------------------------------------------|---------------------------------------|
| 89                   | ESGRT .0625%                     | 1,856,087                                 | 407,876               | 0                 | 1,715,000         | (1,715,000)              | 245,203                  | 303,760                                | 0                                                             | \$303,760                             |
| 90                   | GOLF COURSE                      | 21,999                                    | 1,423,400             | 389,431           | 100,832           | 288,599                  | 1,733,998                | 0                                      | 0                                                             | \$0                                   |
| 91                   | AIRPORT                          | 36,454                                    | 159,228               | 91,081            | 47,951            | 43,130                   | 218,708                  | 20,104                                 | 18,226                                                        | \$1,878                               |
| 94                   | OTERO GREENTREE REG LANDFILL     | 1,716,609                                 | 1,041,009             | 0                 | 2,018             | (2,018)                  | 1,228,863                | 1,526,737                              | 1,526,737                                                     | (\$0)                                 |
| 96                   | SELF-INSURED FUND                | 469,306                                   | 64,805                | 0                 | 0                 | 0                        | 45,000                   | 489,111                                |                                                               | \$489,111                             |
| 98                   | PAYROLL CLEARING                 | 207,283                                   | 0                     | 0                 | 0                 | 0                        | 0                        | 207,283                                |                                                               | \$207,283                             |
| 104                  | UTILITY DEPOSITS                 | 729,273                                   | 0                     | 0                 | 0                 | 0                        | 0                        | 729,273                                |                                                               | \$729,273                             |
| 105                  | ECONOMIC DEVELOPMENT             | 3,751,590                                 | 901,902               | 0                 | 0                 | 0                        | 120,000                  | 4,533,492                              |                                                               | \$4,533,492                           |
| 107                  | SELF INSURED/LIABILITY           | 251,645                                   | 7,194                 | 330,000           | 0                 | 330,000                  | 330,000                  | 258,839                                |                                                               | \$258,839                             |
| 109                  | 2004 GRT CAPITAL OUTLAY          | 2,246,666                                 | 3,481,924             | 0                 | 1,170,662         | (1,170,662)              | 1,835,000                | 2,722,928                              | 542,005                                                       | \$2,180,923                           |
| 113                  | 2009 G.O. BOND ACQ FUND          | 7,704                                     | 0                     | 0                 | 0                 | 0                        | 0                        | 7,704                                  |                                                               | \$7,704                               |
| 114                  | SIDEWALKS REVOLVING LOANS        | 104,109                                   | 1,717                 | 0                 | 0                 | 0                        | 32,360                   | 73,466                                 |                                                               | \$73,466                              |
| 115                  | CORP ESCROW ACCOUNT RESERVE      | 2,000,000                                 | 0                     | 0                 | 0                 | 0                        | 0                        | 2,000,000                              |                                                               | \$2,000,000                           |
| 116                  | REG WATER SUPPLY TRANS LN        | 2,886                                     | 0                     | 0                 | 0                 | 0                        | 0                        | 2,886                                  |                                                               | \$2,886                               |
| 117                  | 2011 JT W/S REF/IMP REVBD        | 7,053                                     | 0                     | 0                 | 0                 | 0                        | 0                        | 7,053                                  |                                                               | \$7,053                               |
| 119                  | 2012 GRT REF/IMP REVBD           | 181,903                                   | 35,830                | 0                 | 0                 | 0                        | 64,000                   | 153,733                                |                                                               | \$153,733                             |
| 121                  | 2015 GO BONDS-FUN CENTER         | 96,122                                    | 22,519                | 0                 | 0                 | 0                        | 0                        | 118,641                                |                                                               | \$118,641                             |
| 122                  | 2015 GO BONDS-STREETS            | 153,966                                   | 20,816                | 0                 | 0                 | 0                        | 0                        | 174,782                                |                                                               | \$174,782                             |
| 901                  | HOUSING LOW RENT OPERATING       | 880,120                                   | 845,994               | 0                 | 217               | (217)                    | 987,344                  | 738,553                                | 82,279                                                        | \$656,275                             |
| 903                  | HOUSING HOMEOWNERSHIP OPER       | 755,740                                   | 1,705                 | 0                 | 0                 | 0                        | 22,691                   | 734,754                                |                                                               | \$734,754                             |
| 904                  | HOUSING CAPITAL FUND PROJECTS    | 0                                         | 300,000               | 0                 | 0                 | 0                        | 300,000                  | 0                                      |                                                               | \$0                                   |
| <b>TOTALS FY2019</b> |                                  | <b>32,802,353</b>                         | <b>50,019,539</b>     | <b>20,238,787</b> | <b>20,238,787</b> | <b>0</b>                 | <b>56,658,664</b>        | <b>26,163,228</b>                      | <b>6,575,491</b>                                              | <b>19,587,737</b>                     |



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/16/2018

**Report No:** 8.

**Submitted By:** Peter McKown

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**Subject:** Approve grant funding from Thrive for Alamo Senior Center Transportation and Home-Delivered Meals programs for FY19. *(Peter McKown, ASC Manager)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Fiscal Impact: \$11,675.66

Amount Budgeted: \$15,000

Fund: 071-0000-316-1515

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**Recommendation:**

Approve grant funding.

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**Background:**

The Alamo Senior Center has applied for and received grant funding from Thrive of Southeastern New Mexico (formerly, United Way) for some years. Thrive is offering again a grant for FY 19 for the Alamo Senior Center's Home-Delivered Meals and Transportation programs.



April 9, 2018

Alamogordo Senior Center  
2201 Puerto Rico Avenue  
Alamogordo, NM 88310

Dear Peter:

This notice will be regarded as your formal agency allocation award letter. The Board of Directors has approved this total award and you will receive twelve payments starting in late April 2018. If you have any questions about your payment amount or your payment schedule please call our office. I will be glad to give you detailed information on your monthly allotment.

Congratulations on your monetary award and thank you for all that you do for our community.

Sincerely,



Linda L. Elliott  
Executive Director

**April 2018 to March 2019**

| <b>Program</b> | <b>THRIVE<br/>Designated</b> | <b>FAC<br/>Funds</b> | <b>Total</b> |
|----------------|------------------------------|----------------------|--------------|
| MOW            | \$2,996.59                   | \$4,149.36           | \$7,145.95   |
| Transportation | \$2,892.59                   | \$1,637.12           | \$4,529.71   |

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/18/2018

**Report No:** 9.

**Submitted By:** Debbie Osborne

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**Subject:** Approve the New Mexico Tourism Department (NMTD) Cooperative Marketing Grant Agreement Number 19-418-3002-M01, between the NMTD and City of Alamogordo, for the purpose of tourism advertising. (*Michelle Brideaux, Communications & Marketing Administrator*)

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**Fiscal Impact:** \$45,575

Amount Budgeted: \$0.00

Fund: 016

Additional Fiscal Impact: The budget for Fund 16 consists of revenues received through the Lodger's Tax. A portion of these funds are allocated towards promotion and advertising. This grant award will allow us to place more ads and work with a digital advertising firm. We will also receive a design credit of \$500 per ad because we work with an approved NM True Ad Firm.

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**Recommendation:** Approve the Agreement.

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#### **Background:**

Each year the New Mexico Department of Tourism assists nonprofits, local and tribal governments by awarding grant funding for direct marketing costs in an effort to help promote tourism in the State of New Mexico and local communities. This grant was previously awarded to the City of Alamogordo in FY15, FY16 and FY17.

The City will work in collaboration with different entities within the City and surrounding areas to collectively promote the region and the State of New Mexico. The City of Alamogordo will act as the fiscal agent for this proposal.

STATE OF NEW MEXICO  
**Tourism Department**

491 Old Santa Fe Trail P.O. Box 20002 Santa Fe, NM 87501  
Phone: 505.827.7400 Fax: 505.827.7402

**Susana Martinez**  
Governor

**Rebecca Latham**  
Cabinet Secretary

**John Sanchez**  
Lt. Governor

Ms. Michelle Brideaux  
City of Alamogordo  
1376 E. Ninth St.  
Alamogordo, NM 88310

May 4, 2018

Dear Ms. Brideaux:

Thank you for submitting your Cooperative Marketing application for the FY19 grant cycle. This year's grant cycle was highly competitive, with record high numbers of applicants and award requests. The review committee identified those that were best aligned with the Tourism Department's mission to make New Mexico the primary destination for venturesome travelers. In addition, they looked favorably upon applications that demonstrated an ability to increase economic impact by leveraging the recognition, reach and success of New Mexico True.

I am pleased to report your application was among those selected for a New Mexico True Cooperative Marketing Award. Your award from the New Mexico Tourism Department (NMTD) has a gross market value totaling \$45,575 to execute the specific marketing initiatives summarized in the attached, FY19 Opt-in Award Summary, including all awarded amounts for your Media Menu Program (MMP) Grant requests.

Be sure to inspect the attachment as it may vary from the Opt-in Workbook submitted with your application. If you are unable or unwilling to execute any initiative listed on your Award Summary you must contact me as soon as possible before your agreement is signed.

To accept your MMP award:

1. Print and sign TWO copies of the attached agreement entitled NEW MEXICO TOURISM DEPARTMENT COOPERATIVE MARKETING MEDIA MENU PROGRAM (MMP) MEMORANDUM OF AGREEMENT.
2. You indicated that your Ad Agency, HK Advertising, will buy your MMP media on your behalf. Your agency will bill you for the Gross \$ as indicated in blue on your Opt-In Award Summary. Your Agency is responsible for making the Net \$ payments to NMTD (indicated in orange) for your awarded MMP selections. The difference between those amounts represents your Agency's commission on the partner portion of the media. (Note: MMP Creative Production programs are not commissionable.) Please follow up with your Agency to ensure that payment(s) are made by check in the amounts indicated on your Opt-In Award Summary (in orange) and received by

NMTD on or before the due dates indicated: July 9, 2018 for all Fall/Winter programs in-market through February 2019 plus all out-of-home; and December 10, 2018 for all Spring/Summer programs in-market March through August 2019. It is ultimately your responsibility to ensure that your Ad Agency makes complete and timely payments to NMTD on your behalf. Late payments may result in delayed or cancelled programs and forfeiture of NMTD Award \$. If there has been a change or you expect a change to your listed Ad Agency, please notify me immediately.

3. Look for email communication from NMTD's Cooperative Marketing team including a detailed account of creative due dates, specifications and inputs required to ensure timely approvals and trafficking to media vendors on your behalf.

Remember, to accept your award, return TWO printed and signed originals of the MMP agreement by May 18, 2018 to the New Mexico Tourism Department, Attention: Brandy Velarde at 491 Old Santa Fe Trail, Santa Fe, NM 87501.

Thank you for your participation in this process and for being a valued New Mexico True partner. Mark your calendar for our upcoming MANDATORY New Mexico True CoOp "Execute with Excellence" Webinar on Tuesday, June 5 from 10-11AM. Registration information is forthcoming and will be sent via email.

Please don't hesitate to contact me with questions or concerns. I look forward to working with you throughout the coming year.

Sincerely,

Andrea Lawrence, CTP, CTIS  
Brand Development and Marketing Specialist  
505-795-0108 | [andrea.lawrence@state.nm.us](mailto:andrea.lawrence@state.nm.us)

cc: David Hayduk, HK Advertising

NEW MEXICO TOURISM DEPARTMENT COOPERATIVE MARKETING  
MEDIA MENU PROGRAM (MMP)  
MEMORANDUM OF AGREEMENT  
BETWEEN THE NEW MEXICO TOURISM DEPARTMENT AND  
PUBLIC ENTITY, TRIBAL GOVERNMENT OR NON-PROFIT ORGANIZATION

THIS AGREEMENT is between the State of New Mexico Tourism Department (NMTD) and City of Alamogordo (Entity), collectively "Parties." This Agreement, numbered 19-418-3002-M01 is effective on the date of last signature, below.

RECITALS

WHEREAS, the New Mexico Legislature appropriated funds to NMTD for the purpose of stimulating statewide tourism activities; and,

WHEREAS, in the Laws of 2018, Chapter 73, Section 10, Item 26, the New Mexico Legislature authorized the marketing and promotions program of NMTD to grow advertising efforts by leveraging partnership dollars in the tourism enterprise fund; and,

WHEREAS, NMTD desires to coordinate this partnership effort through cooperative marketing programs with matching funds for certain non-profits, local and tribal governments; and,

WHEREAS, Entity wishes to leverage the New Mexico True brand (Brand), detailed in Exhibit A, and advertising and media related services provided by NMTD to stimulate tourism activities and is willing to contribute funds to further Parties' efforts,

NOW, THEREFORE, both Parties agree that this Agreement is entered into expressly and solely for the purpose and support of stimulating tourism in New Mexico.

IT IS THEREFORE AGREED in consideration of the mutual covenants and obligations contained herein and other good and valuable consideration, the receipt of which is hereby, acknowledged, the parties agree in consideration of the mutual covenants and conditions contained herein:

AGREEMENT

I. Scope and Deliverables shall be carried out as follows:

- A. Entity shall:
  - 1. Meet or exceed the requirements of its FY19 Cooperative Marketing Application to promote travel within and/or to New Mexico through advertising and media efforts as defined in the FY19 Opt-In Award Summary, approved by NMTD, attached as Exhibit B and recognized as part of this agreement.
  - 2. Make payment of \$33,087 by the payment due dates indicated on the approved FY19 Opt-In Award Summary.
    - a. Funds for Fall/Winter 2018 and all Out-of-Home (OOH) initiatives shall be paid by July 9, 2018 and held in escrow in the tourism enterprise fund until paid to appropriate vendor(s) by NMTD.



- b. Funds for Spring/Summer 2019 campaigns and creative shall be paid by December 10, 2018 and held in escrow in the tourism enterprise fund until paid to appropriate vendor(s) by NMTD.
  3. Agree to follow the established New Mexico True brand guidelines found in the Ad Builder Guidebook at [media.nmtourism.org](http://media.nmtourism.org). Entity may use the Department's Ad Builder Toolkit to create advertising as necessary. Any and all usage of the mark must adhere to the Brand guidelines and must be approved by NMTD prior to use.
  4. Understand that failure to meet assigned deadline dates or to respond to NMTD and/or vendor communication that jeopardizes the agreed upon scope of work will result in NMTD action, including but not limited to, cancelling ad placement(s) and/or termination of this Agreement. NMTD reserves the right to proceed without Entity approval. Funds provided by the Entity may be reallocated or otherwise disbursed. Such determinations are at the sole discretion of NMTD and shall be final.
  5. Agree that any failure to adhere to the parameters set forth herein may affect Entity's eligibility for future awards.
  6. Submit completed end-of-year Tracking and Impact Report to NMTD by July 5, 2019.
- B. NMTD and its representatives shall:
1. Offer individualized consultations based on available MMP options upon request.
  2. Communicate with MMP media vendors and secure ad placement and/or services as agreed upon and set forth the FY19 Opt-In Award Summary.
  3. Provide Insertion orders, proof of placement and other documentation that ad campaign was executed as set forth.
  4. Pay media vendors following receipt of payment from Entity.
  5. Encumber \$40,087, the net value of the award, to execute ad campaign and/or services as set forth in the FY19 Opt-in Award Summary.
  6. Collect and share campaign performance measurement data.

## II. Grant of Rights and Quality Control:

For the term of this Agreement, NMTD grants rights to Entity a non-exclusive, non-transferable, worldwide right and license use of the Brand to promote and advertise Entity's destination and tourism assets within New Mexico in agreed upon media in Exhibit B, subject to NMTD creative approval prior to placement.

- A. ALL Brand usage and creative must be submitted to and approved by NMTD prior to use and must adhere to Brand guidelines as set forth in the Ad Builder Guidebook.
- B. NMTD will exercise its right to inspect Entity's goods, services and promotional activities employing the Brand mark to ensure that such use is of proper quality and otherwise consistent with this Agreement, and may terminate the Agreement should it determine that the use is inconsistent with this Agreement. Example of the Brand mark can be found in Exhibit A.

### III. Copyright:

- A. All materials developed or acquired by the Entity under this Agreement shall become the property of the State of New Mexico. Nothing produced, in whole or in part, by the Entity under this Agreement shall be the subject of an application for copyright by or on behalf of Entity.
- B. NMTD may access and use Entity's advertisements at its sole discretion.

### IV. Terms and Conditions shall be agreed upon as follows:

- A. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico. If sufficient appropriations and authorization are not made, this Agreement shall terminate upon written notice given by NMTD to the Entity. NMTD's decision as to whether sufficient appropriations are available shall be accepted by the Entity and shall be final.
- B. This Agreement shall become effective upon its execution by both parties through June 30, 2019. Either party may terminate or seek to further negotiate this Agreement upon ninety (90) days written notice to the other. In the event of termination, neither party may nullify obligations already incurred for performance or failure to perform, prior to the date of termination and any outstanding reimbursements shall be made pro rata.
- C. This Agreement shall not be altered, changed, or amended except by instrument of writing executed by both parties.
- D. Entity shall fully indemnify, defend and hold NMTD, its officers, agents and employees harmless from any liability, losses or damages that it may suffer as a result of claims, suits, demands, costs or judgments against Entity or NMTD that directly or indirectly result from or arise in connections with the activities to be carried out pursuant of this MOA. Any liability in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act.
- E. This Agreement is governed by the laws of the State of New Mexico. The agreement by Entity to abide by the laws of the State of New Mexico and to comply with any other terms or conditions of this Agreement shall only waive the Entity's sovereign rights to the extent specifically agreed to by the terms of this Agreement.
- F. This Agreement is not intended to and does not create any rights in any persons or entity not a party hereto.

V. Notices:

Any notice required to be given to either Party shall be in writing and delivered in person, by courier service or by electronic mail, facsimile, U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To New Mexico Tourism Department:  
Andrea M. Lawrence  
Brand Development & Marketing Specialist  
491 Old Santa Fe Trail | Santa Fe, NM 87501  
505-795-0108 | [andrea.lawrence@state.nm.us](mailto:andrea.lawrence@state.nm.us)

To Entity:  
City of Alamogordo  
Ms. Michelle Brideaux  
1376 E. Ninth St.  
Alamogordo, NM 88310  
575-439-4264 | [mbrideaux@ci.alamogordo.nm.us](mailto:mbrideaux@ci.alamogordo.nm.us)

AUTHORITY

The person signing below for the Entity has the authority to bind the Entity without further resolution or authorization by Entity's organization.

This Agreement becomes effective as of the date of execution by the State of New Mexico.

By: \_\_\_\_\_  
Entity Contact Name

\_\_\_\_\_  
Entity Contact Title

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Rebecca Latham

Cabinet Secretary, Tourism Department

\_\_\_\_\_  
Date



**New Mexico Tourism Department  
Cooperative Marketing Grant Cycle FY19  
Exhibit A – Brand Use and Example**

Use of the Brand Mark is limited to the form as shown in example below. Mark shall not be modified and usage must adhere to the New Mexico True Guidelines found at [media.nmtourism.org](http://media.nmtourism.org). Any and all use of the Mark must be approved by the New Mexico Tourism Department (NMTD) in advance of replication or placement. NMTD reserves the right to inspect any usage of the Mark to ensure proper quality and consistency, as deemed acceptable by NMTD. Decisions about Mark usage are final.

**Example:**



Note that NMTD will provide customized “logo lockup” as above in various file formats and colors (palette compliant with Brand standards, found within and downloaded from Ad Builder Tool Kit).



## FY19 OPT-IN AWARD SUMMARY

Organization Name: City of Alamogordo  
Organization Contact Name: Michelle Brideaux  
Email: mbrideaux@ci.alamogordo.nm.us

MMP PAYMENT TYPE: AGENCY PAY

AD AGENCY: HK Advertising  
CONTACT: David Hayduk  
Email: David@hkady.com

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                                                                                                                                                                                                                                                                                                                                                        |                                                            |                       |                                       | AD AGENCY TO BILL PARTNER                         |                                                     | AD AGENCY TO PAY NMTD     |                    |                         |                                          |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------|---------------------------------------|---------------------------------------------------|-----------------------------------------------------|---------------------------|--------------------|-------------------------|------------------------------------------|--|
| MEDIA/ SERVICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | VENDOR                                                | DESCRIPTION                                                                                                                                                                                                                                                                                                                                            | TIMING                                                     | # of OPT-<br>IN UNITS | TOTAL GROSS \$<br>VALUE OF<br>PROGRAM | GROSS \$* BILLABLE<br>BY AD AGENCY<br>(JULY 2018) | GROSS \$*<br>BILLABLE BY AD<br>AGENCY (DEC<br>2018) | NMTD AWARD (NET \$ VALUE) | Due to NMTD 7/9/18 | Due to NMTD<br>12/10/18 |                                          |  |
| Digital Display Email Radio                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DIGITAL DISPLAY: PROGRAMMATIC<br>VIA NT               | STANDARD AD: 300x600, 300x250, 728x90 (300x250 desktop, tablet and<br>mobile) 2,000,000 Impressions, 200,000 Value Add Impressions per<br>SEASONAL OPT IN                                                                                                                                                                                              | Sept - Nov 2018                                            | 1                     | \$11,500                              | \$5,750                                           | \$0                                                 | \$5,000                   | \$5,000            |                         |                                          |  |
| Digital Display Email Radio                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | DIGITAL DISPLAY: PROGRAMMATIC<br>VIA NT               | STANDARD AD: 300x600, 300x250, 728x90 (300x250 desktop, tablet and<br>mobile) 2,000,000 Impressions, 200,000 Value Add Impressions per<br>SEASONAL OPT IN                                                                                                                                                                                              | March - May 2019                                           | 1                     | \$11,500                              | \$0                                               | \$5,750                                             | \$5,000                   |                    | \$5,000                 |                                          |  |
| Digital Display Email Radio - Ad Design<br>Credits                                                                                                                                                                                                                                                                                                                                                                                                                                                 | AD DESIGN CREDITS                                     | NMTD \$ credit towards your ad design expense for digital display ads.<br>All approved credits will be applied towards 1st partner payment due<br>7/9/18.                                                                                                                                                                                              |                                                            | 2                     | \$2,000                               | -\$1,000                                          | \$0                                                 | \$1,000                   | -\$1,000           |                         |                                          |  |
| OOH & Airport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EL PASO (ELP) AIRPORT                                 | LCD SCREEN: 10 Second Ad on Package of 4 - 82"<br>LCDs - Bag Claim. - Total Baggage Claim Exposure to<br>arrivals, Meeters/Greeters (Dwell time 15-30 mins)<br>+ 10 Second Ad on Package of 4 - 75"<br>LCDs - Concourses A and B. 100% exposure to all ticketed<br>passengers (captive audience of 45 mins - 2 hours) 655,138<br>IMPRESSIONS PER MONTH | Sept 2018<br>Oct 2018<br>Feb 2019<br>Mar 2019              | 4                     | \$20,700                              | \$10,350                                          | \$0                                                 | \$9,000                   | \$9,000            |                         |                                          |  |
| OOH & Airport - Ad Design Credits                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | AD DESIGN CREDITS                                     | NMTD \$ credit towards your ad design expense for OOH digital or vinyl<br>billboards. All approved credits will be applied towards 1st partner<br>payment due 7/9/18.                                                                                                                                                                                  |                                                            | 4                     | \$2,000                               | -\$1,000                                          | \$0                                                 | \$1,000                   | -\$1,000           |                         |                                          |  |
| Print                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Texas Monthly NEW MEXICO TRAVEL<br>SECTION            | Half Page Display Ad, Custom Email Content Placement, 1 Paragraph of<br>Value Ad Editorial                                                                                                                                                                                                                                                             | OCTOBER 2018                                               | 1                     | \$9,860                               | \$4,930                                           | \$0                                                 | \$4,287                   | \$4,287            |                         |                                          |  |
| Print                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | New Mexico True Adventure Guide A LA<br>CARTE DISPLAY | Full page Display Ad                                                                                                                                                                                                                                                                                                                                   | JAN 2019                                                   | 1                     | \$13,685                              | \$6,843                                           | \$0                                                 | \$5,950                   | \$5,950            |                         |                                          |  |
| Print                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | New Mexico Magazine A LA CARTE<br>DISPLAY             | Half page (6x) + Digital Value Add: Inclusion in sponsored Travel Planner<br>Section on NMmagazine.com                                                                                                                                                                                                                                                 | NOV '18, DEC '18, FEB<br>'19, APR '19, MAY '19,<br>JUL '19 | 1                     | \$16,905                              | \$8,453                                           | \$0                                                 | \$7,350                   | \$7,350            |                         |                                          |  |
| Print - Ad Design Credits                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | AD DESIGN CREDITS                                     | NMTD \$ credit towards your ad design expense for print a la carte<br>display ads. All approved credits will be applied towards 1st partner<br>payment due 7/9/18.                                                                                                                                                                                     |                                                            | 3                     | \$3,000                               | -\$1,500                                          | \$0                                                 | \$1,500                   | -\$1,500           |                         |                                          |  |
| TOTAL MMP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                       |                                                                                                                                                                                                                                                                                                                                                        |                                                            | 18                    | \$91,150                              | \$32,825                                          | \$5,750                                             | \$40,087                  | \$28,087           | \$5,000                 |                                          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                                                                                                                                                                                                                                                                                                                                                        |                                                            |                       |                                       |                                                   |                                                     |                           |                    |                         |                                          |  |
| TOTAL FLEX                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |                                                                                                                                                                                                                                                                                                                                                        |                                                            | 0                     | \$0                                   | N/A                                               | N/A                                                 | \$0                       |                    |                         |                                          |  |
| *SINCE YOU INDICATED THAT YOUR AD AGENCY IS BUYING MMP ON YOUR BEHALF, YOU WILL BE BILLED BY YOUR AGENCY FOR THE GROSS \$<br>INDICATED, WHICH INCLUDES YOUR AGENCY'S COMMISSION ON YOUR PORTION OF MMP MEDIA. YOUR AD AGENCY WILL BE INVOICED BY NMTD FOR<br>THE NET PARTNER \$ DUE ON 7/9/18 AND 12/10/18. <b>IMPORTANT: FOLLOW UP TO ENSURE THAT YOUR AGENCY MAKES PAYMENTS TO NMTD ON<br/>TIME BY THE DUE DATES OF 7/9/18 AND 12/10/18 TO AVOID DELAY OR CANCELLATION OF YOUR MMP PROGRAMS.</b> |                                                       |                                                                                                                                                                                                                                                                                                                                                        | GRAND TOTAL:                                               |                       | 18                                    | \$91,150                                          | \$32,825                                            | \$5,750                   | \$40,087           | DUE 7/9/18<br>\$28,087  | DUE 12/10/18<br>\$5,000                  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                                                                                                                                                                                                                                                                                                                                                        | TOTAL NMTD AWARD Gross \$ Value:                           |                       |                                       |                                                   | \$ Agency to Bill Partner*                          |                           |                    |                         | \$ Agency to Pay NMTD (upon<br>invoice)* |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                                                                                                                                                                                                                                                                                                                                                        | \$45,575.00                                                |                       |                                       |                                                   | \$38,575                                            |                           |                    |                         | \$33,087                                 |  |

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/18/2018

**Report No:** 10.

**Submitted By:** Petria Schreiber

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**Subject:** Consider, and act upon, Land Exchange Agreement between the City of Alamogordo and Alamogordo Public Schools for the exchange of 13th Street owned by the City for a portion of Playa Azul currently owned by Alamogordo Public Schools. *(Petria Schreiber, City Attorney and Brian Cesar, Assistant City Manager)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve agreement for review by the School Board and the NM Board of Finance.

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**Background:** This is an agreement between the City of Alamogordo and the Alamogordo Public Schools for an exchange of land. In exchange for a portion of land on Playa Azul that completes the thoroughfare to Washington, the City will give APS a portion of 13th street at Florida that is currently closed daily to help control traffic ensure the safety of students. Both parcels of land were appraised at exactly \$32,000.

At the previous meeting on April 10, 2018 the Commission requested that staff do a traffic count as well as mail letters to solicit feedback from nearby property owners. The traffic count is attached, and the City sent letters to all property owners within 250 feet of 13th St and Florida, and 13th St and Alaska, and received no response from the letters that went out.

**LAND TRADE AGREEMENT**  
**CITY OF ALAMOGORDO AND THE ALAMOGORDO PUBLIC SCHOOL DISTRICT**

This Land Trade Agreement (the "Agreement") is made and entered into by and between the City of Alamogordo, a Municipal Corporation (the "City") and the Alamogordo Public School District (the "District") (collectively, "the Parties"). The Effective Date of this Agreement is the date specified below in Paragraph 14.

Whereas, the City and the District each owns real property located in Alamogordo, Otero County, New Mexico;

Whereas, the City owns a 13,400 square foot, more or less, tract of land currently designated as 13<sup>th</sup> Street between North Florida Avenue and Alaska Avenue, Alamogordo, Otero County, New Mexico as more fully described in **Exhibit A-1** hereto (the "City-owned Land"), which is found to be well-suited for the District's planned use;

Whereas, the District owns a 8,354 square foot, more or less, tract of land designated as Lot 162, Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico as more fully described in **Exhibit B-1** hereto (collectively, the "District-owned Land"), and which are found to be no longer needed for school or related purposes and are found by the City to be well-suited for the City's anticipated use;

Whereas, the Parties entered into negotiations for and desire to exchange the above-described tracts of land on an "as is" basis;

Whereas, there is a written determination that each Party is receiving fair and proper value for property that it is deeding to the other;

Whereas Section 22-5-4 NMSA 1978 confers upon the District's Board of Education the right to acquire and dispose of real property;

Whereas, Sections 13-6-2(A) and (B)(2) NMSA 1978 provide, in pertinent part, that a local public body or a school district may dispose of real property "by negotiated sale or donation to other state agencies, local public bodies, school districts or state educational institutions;"

Whereas, Section 13-6-2.1(A) NMSA 1978 provides, in pertinent part, that real property belonging to a local public body or school district or any trade of such real property for a consideration of more than twenty-five thousand dollars (\$25,000) shall not be valid unless it is approved prior to its effective date by the State Board of Finance; and,

Whereas, 1.5.23.3(A) NMAC requires that trades of real property belonging to a school district or local public body have State Board of Finance approval prior to the effective date of such trade.

**NOW, THEREFORE, IT IS AGREED** by the Parties that:

1. Upon approval by the New Mexico State Board of Finance, the Parties will exchange the above-described tracts of land.
2. The value of the City-owned Land is Thirty-Two Thousand Dollars (\$32,000.00) for approximately 13,400 square feet as determined by NM Appraisal Company in its report dated December 21, 2017.
3. The value of the District-owned Land is Thirty-Two Thousand Dollars (\$32,000.00) for approximately 8,354 square feet as determined by Mesilla Valley Appraisal Services in its report dated October 30, 2014.
4. The City Mayor-At-Large is authorized to sign a deed conveying to the District the City-owned Land and the District's Board of Education is authorized to sign a deed conveying to the City the District-owned Land.
5. All terms of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the Parties hereto and their respective heirs, legal representatives, successors, and assigns.
6. Each Party shall record its deed(s) of conveyance within ten working days after the date of approval granted by the New Mexico State Board of Finance.
7. This Agreement is to be governed and interpreted by the laws of the State of New Mexico.
8. Nothing in this Agreement waives or alters any immunities or protections provided to the District or the City, and their respective employees, agents, board members, council members or officers, under New Mexico or federal law.
9. Should any part of this Agreement be rendered or declared invalid by a court of competent jurisdiction of the State of New Mexico, such invalidation of such part or portion of this Agreement should not invalidate the remaining portions thereof, which shall remain in full force and effect.
10. The District and the City are the only parties to this Agreement. Nothing in this Agreement provides any benefit or right, directly or indirectly, to third parties. This Agreement was not intended to and does not create any rights in any persons or entities not a party to this Agreement. The parties shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, right, protection, release or other consideration under this Agreement.
11. Each party shall be solely responsible for fiscal or other sanctions caused by or resulting from its own violation or alleged violation of requirements and law applicable to the performance of the Agreement. Neither of the parties shall be considered liable for the acts or omissions of the other party, nor for those of the other party's employees. Neither party shall be

responsible for any liability whatsoever incurred as a result of the other party's negligence, acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, § 41-4-1, et seq., NMSA 1978.

12. This Agreement contains the entire understanding of the Parties. There are no representations, covenants or warranties other than those expressly stated herein. No waiver or modification of any of the terms shall be valid unless in writing and signed by both Parties.

13. This Agreement shall not be valid unless it is approved prior to its Effective Date by the New Mexico State Board of Finance.

14. The Effective Date of this Agreement shall be the date upon which approval has been granted by the New Mexico State Board of Finance.

**CITY OF ALAMOGORDO**

\_\_\_\_\_  
Honorable Richard A. Boss  
Mayor-At-Large, City of Alamogordo

Attest:

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Petria Schreiber, City Attorney

*[Signatures continued on following page]*

**ALAMOGORDO PUBLIC SCHOOL DISTRICT**

---

David W. Weaver, President  
Board of Education  
Alamogordo Public Schools

Attest:

---

Timothy C. Wolfe, Secretary  
Board of Education  
Alamogordo Public School District

Attachments: **Exhibits A-1 and B-1**

**AN APPRAISAL REPORT**

**PREPARED BY:  
MESILLA VALLEY APPRAISAL SERVICES  
W. SCOTT ESCHENBRENNER, MAI  
GONZALO ESTRADA, ASSOCIATE  
545 S. MELENDRES ST. STE D  
LAS CRUCES, NEW MEXICO 88005**

**APPRAISER'S REFERENCE FILE #7746  
ADDRESS: 1163, 1173 & 1203 SAN MIGUEL STREET  
ALAMOGORDO, NEW MEXICO  
LEGAL DESCRIPTION: LOT 161, 162 & 163, MISSION HILLS, UNIT 2  
ALAMOGORDO, OTERO COUNTY, NEW MEXICO**

**PREPARED FOR:  
MR. VANCE LEE  
EXECUTIVE DIRECTOR - SUPPORT DIVISION  
ALAMOGORDO PUBLIC SCHOOLS  
1211 HAWAII AVENUE  
ALAMOGORDO, NM 88310**

**EFFECTIVE DATE OF VALUE:**

**OCTOBER 15, 2014**



## MESILLA VALLEY APPRAISAL SERVICES

### REAL ESTATE APPRAISALS & COUNSELING

W. SCOTT ESCHENBRENNER, MAI  
GONZALO ESTRADA, ASSOCIATE

545 SOUTH MELENDRES ST., SUITE D  
LAS CRUCES, NEW MEXICO 88005  
(575) / 523-2812

October 30, 2014

Mr. Vance Lee  
Executive Director - Support Services Division  
Alamogordo Public Schools  
1211 Hawaii Avenue  
Alamogordo, NM 88310

Reference: MVAS File No. 7746  
1163, 1173 & 1203 San Miguel Street  
Alamogordo, NM 88310

Dear Mr. Lee:

In accordance with your request, Mesilla Valley Appraisal Services has prepared an appraisal in a summary report as to the market value of the fee simple estate in the above-referenced real property. The purpose of the appraisal is to estimate market value for internal decisions. It is intended only for use by your internal management, your auditor, and appropriate regulatory authorities. The effective date of the appraisal is October 15, 2014 with the estimate of value reflecting market conditions as of that date.

Based on research and analysis contained in this report, we have concluded that the market value of the fee simple interest in the subject property, as of October 15, 2014 was:

|                               |                                    |                  |
|-------------------------------|------------------------------------|------------------|
| <b>1163 San Miguel Street</b> | <b>Thirty Two Thousand Dollars</b> | <b>\$32,000.</b> |
| <b>1173 San Miguel Street</b> | <b>Thirty Two Thousand Dollars</b> | <b>\$32,000.</b> |
| <b>1203 San Miguel Street</b> | <b>Thirty Two Thousand Dollars</b> | <b>\$32,000.</b> |

The table presented on page 5 provides a summary of the appraisal performed by Mesilla Valley Appraisal Services on the subject property. The table indicates our final opinion of value, as of the date specified, and based on the approaches identified. Additional details appear elsewhere in this report, and its inclusive Addendum. Data that supports the valuation opinion are taken from sources deemed reliable, but we make no representation as to the accuracy of third party data.

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### Appraiser's Certification

**We certify that to the best of our knowledge and belief:**

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have performed no services, as appraisers or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value 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 intended use of this appraisal.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- The appraisal was made and the appraisal report prepared in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- We have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- As of the date of this report, W. Scott Eschenbrenner, MAI has completed the continuing education program of the Appraisal Institute.
- We have formed the opinion that, as of October 15, 2014 the estimated market value of the subject property as defined in the report is as follows.

|                        |                             |           |
|------------------------|-----------------------------|-----------|
| 1163 San Miguel Street | Thirty Two Thousand Dollars | \$32,000. |
| 1173 San Miguel Street | Thirty Two Thousand Dollars | \$32,000. |
| 1203 San Miguel Street | Thirty Two Thousand Dollars | \$32,000. |

  
W. Scott Eschenbrenner, MAI  
State Certified  
NM-001180-G

  
Gonzalo Estrada  
Apprentice Appraiser  
NM-303-A

| <b>SUMMARY OF SALIENT FACTS AND CONCLUSIONS</b> |                                                                                                       |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <i>Appraisal File:</i>                          | #7746                                                                                                 |
| <i>Property Name:</i>                           | N/A                                                                                                   |
| <i>Address:</i>                                 | 1163, 1173 & 1203 San Miguel Street                                                                   |
| <i>City, State, Zip</i>                         | Alamogordo, New Mexico, 88310                                                                         |
| <i>Legal Description:</i>                       | Lot 161, 162 and 163, Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico                     |
| <i>Assessor's Parcel ID:</i>                    | PC# 01-13089, 01-13090 & 01-13091                                                                     |
| <i>Annual Property Taxes:</i>                   | \$0.00 - Governmental Exempt Status                                                                   |
| <i>Effective Date:</i>                          | October 15, 2014                                                                                      |
| <i>Date of Inspection:</i>                      | October 15, 2014                                                                                      |
| <i>Date of Report:</i>                          | October 30, 2014                                                                                      |
| <i>Property Rights:</i>                         | Fee Simple Estate                                                                                     |
| <i>Purpose of the Appraisal:</i>                | Estimate Market Value                                                                                 |
| <i>Intended Use of Appraisal:</i>               | Internal decisions                                                                                    |
| <i>Client:</i>                                  | Mr. Vance Lee, Executive Director - Support Division, Alamogordo Public Schools                       |
| <i>Current Owner:</i>                           | Alamogordo Municipal School District 1                                                                |
| <i>Property Type:</i>                           | Vacant Lots                                                                                           |
| <i>Zoning Category:</i>                         | "R-1", Single-Family Dwelling                                                                         |
| <i>Flood Zone and Map:</i>                      | Zone X, 35035C0939D, December 2010                                                                    |
| <i>Land Size:</i>                               | Lot 161, 8,364 SF or 0.20 acres<br>Lot 162, 8,354 SF or 0.19 acres<br>Lot 163, 8,355 SF or 0.19 acres |
| <i>Improvements:</i>                            | N/A                                                                                                   |
| <i>Highest &amp; Best:</i>                      | Single-Family Dwelling, Residential Use                                                               |
| <i>Approach(s) to Value:</i>                    |                                                                                                       |
| <i>Cost Approach:</i>                           | Not Developed                                                                                         |
| <i>Sales Comparison Approach:</i>               | \$32,000 per lot                                                                                      |
| <i>Income Approach:</i>                         | Not Developed                                                                                         |
| <i>Final Opinion of Value:</i>                  | \$32,000 per lot                                                                                      |

## **Statement of Assumptions and Limiting Conditions**

This appraisal is subject to the following assumptions and limiting conditions when applicable.

*The legal description is assumed to be correct.*

*The map exhibits in this report are included to assist the reader in visualizing the property. We have made no survey of the property and assume no responsibility in connection with such matters.*

*There is no assumption of responsibility for matters legal in character nor any rendition of opinion as to title, which is assumed to be good. The property is appraised as though free and clear under responsible ownership.*

*We believe to be reliable, the information identified in this report as being furnished to us by others, but we assume no responsibility for its accuracy.*

*Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any purpose by anyone but the applicant without the previous written consent of the appraisers or the applicant and in any event, only with proper identification.*

*We are not required to give testimony or attendance in court by reason of this appraisal without prior agreement mutually agreeable to both the appraisers and the client.*

*Allocations between land and improvements, where applicable in the report, apply only under the program of development stated. Such allocations may not be used in connection with any other appraisal and are invalid if so used.*

*Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl's, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to our attention nor did we become aware of such during our inspection. We have no knowledge of the existence of such materials on or in the property unless otherwise stated. However, we are not qualified to test such substances or conditions. The presence of such hazardous substances may affect the value of the property. The value estimated is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.*

*Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the authors, particularly as to valuation conclusions, the identity of the appraisers or firm with which he is connected, or any reference to the Appraisal Institute or to the MAI designation.*

*We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA (The Americans with Disabilities Act), which became effective January 26, 1992. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.*

*Market data as used in this appraisal was obtained from sources believed to be reliable; however, we assume no responsibility for their accuracy.*

*Our appraisal is made subject to any Extraordinary Assumptions and Limiting Conditions that may become evident subsequent to engagement.*

### **Extraordinary Assumptions and Hypothetical Conditions**

This appraisal is subject to the following extraordinary assumptions and hypothetical conditions.

An Extraordinary Assumption is defined as:

*<sup>1</sup>"an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions".*

We have not been provided with a current environmental report for the subject property. We are not experts in such matters and the reader is advised to obtain professional assistance in such matters. Our appraisal assumes and is made subject to the land and improvements not being contaminated by any hazardous substances.

A Hypothetical Condition is defined as:

*<sup>2</sup>"that which is contrary to what exists but is supposed for the purpose of analysis".*

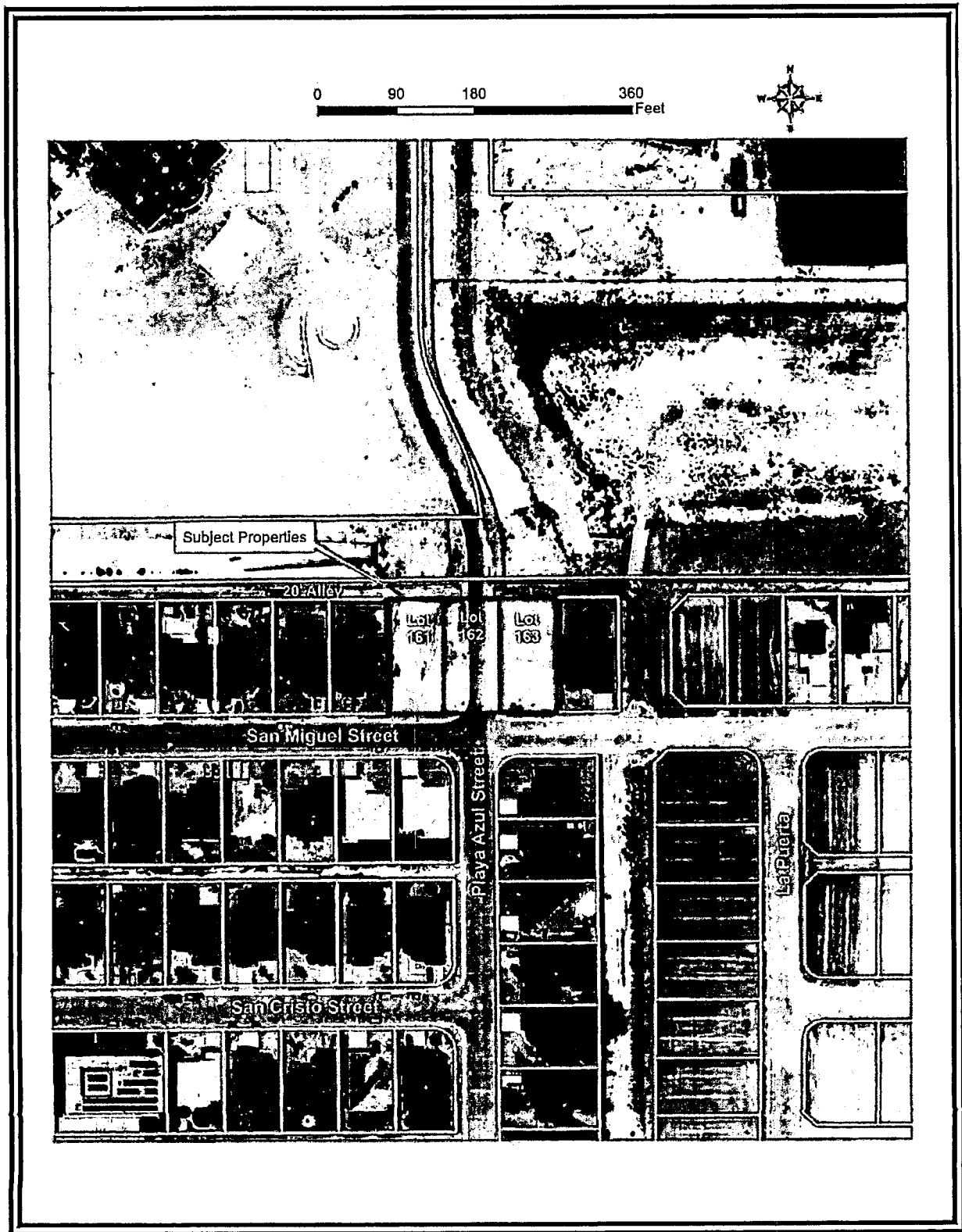
Lot 162, or 1173 San Miguel Street is bisected by a developed two lane asphalt paved street running north to south of the lot. The street in place is contrary to the existing subdivision plat map which shows no street or encroachments to the lot. This appraisal report will value the lot as though no right of way is in place.

---

<sup>1</sup> "USPAP" 2008-2009 Edition, P-62

<sup>2</sup> "USPAP" 2008-2009 Edition, P-63

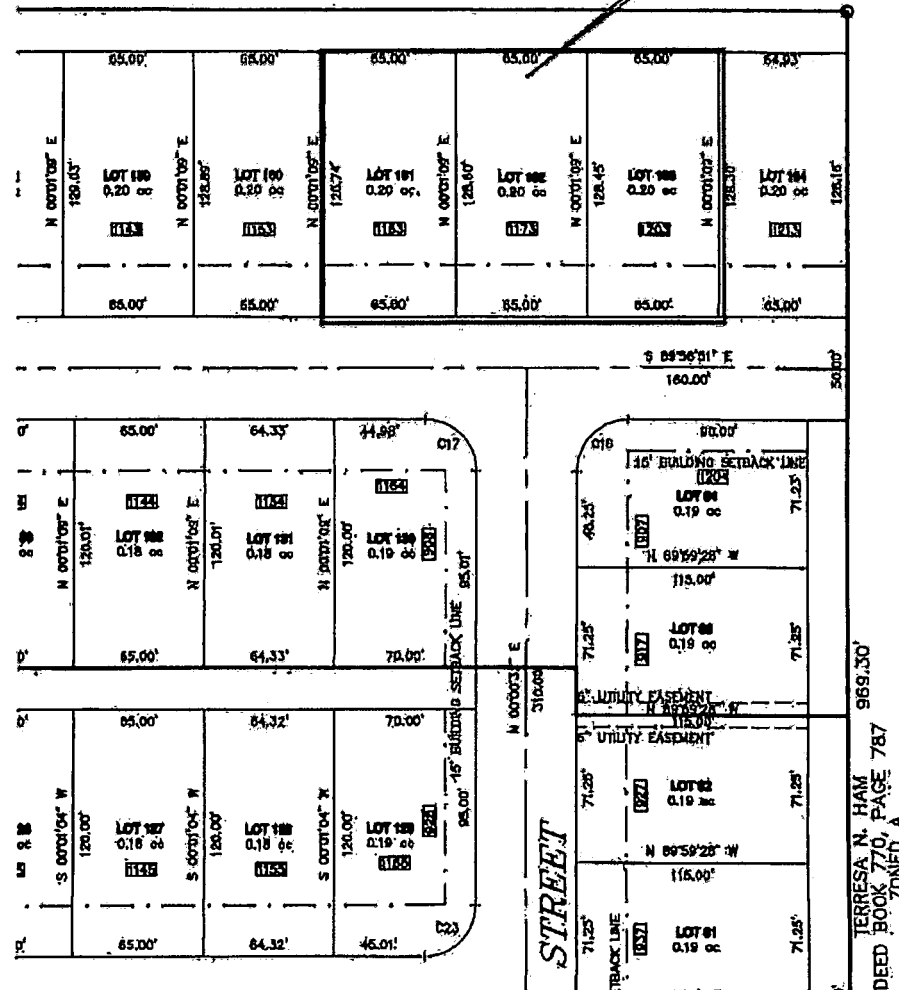
# Aerial Photograph



UNIT 2  
R 10 E,  
NEW MEXICO



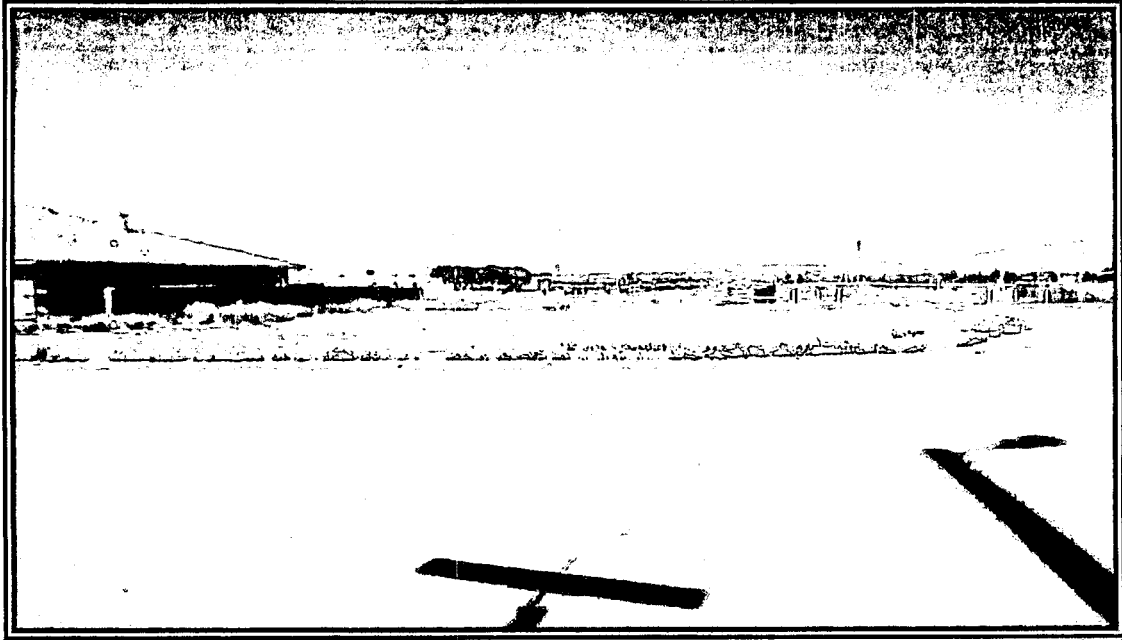
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ROD & CAP



TERRESA N. HAM  
DEED BOOK 770, PAGE 787  
ZONED A

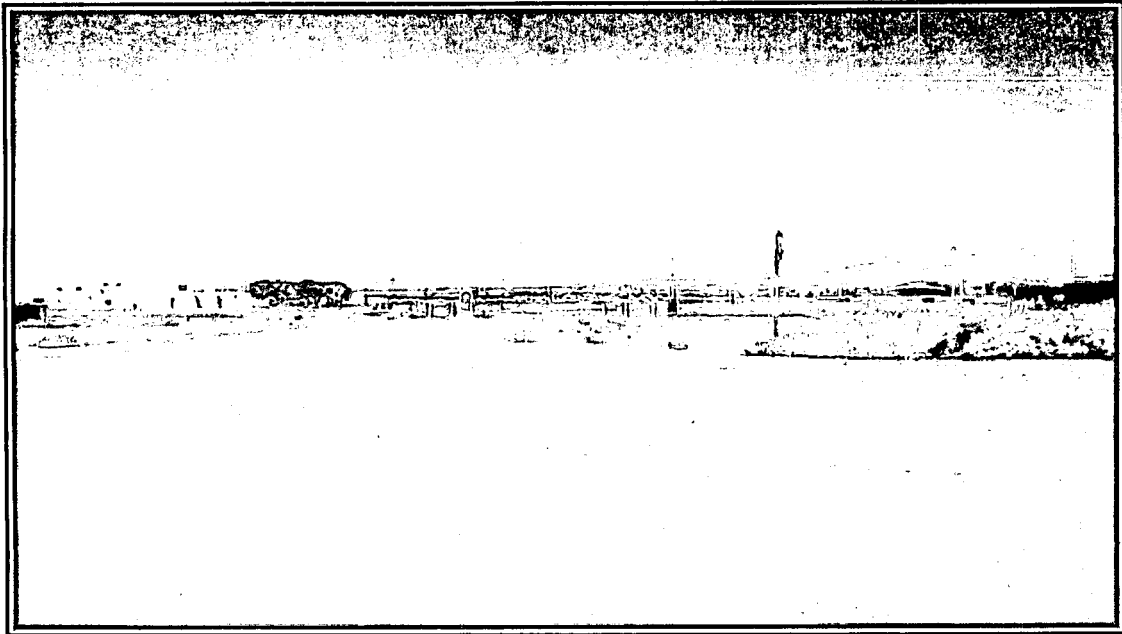


**Subject Photographs**  
**Taken October 15, 2014 by G. Estrada**



View #1 - 1163 San Miguel Street (Lot 161)

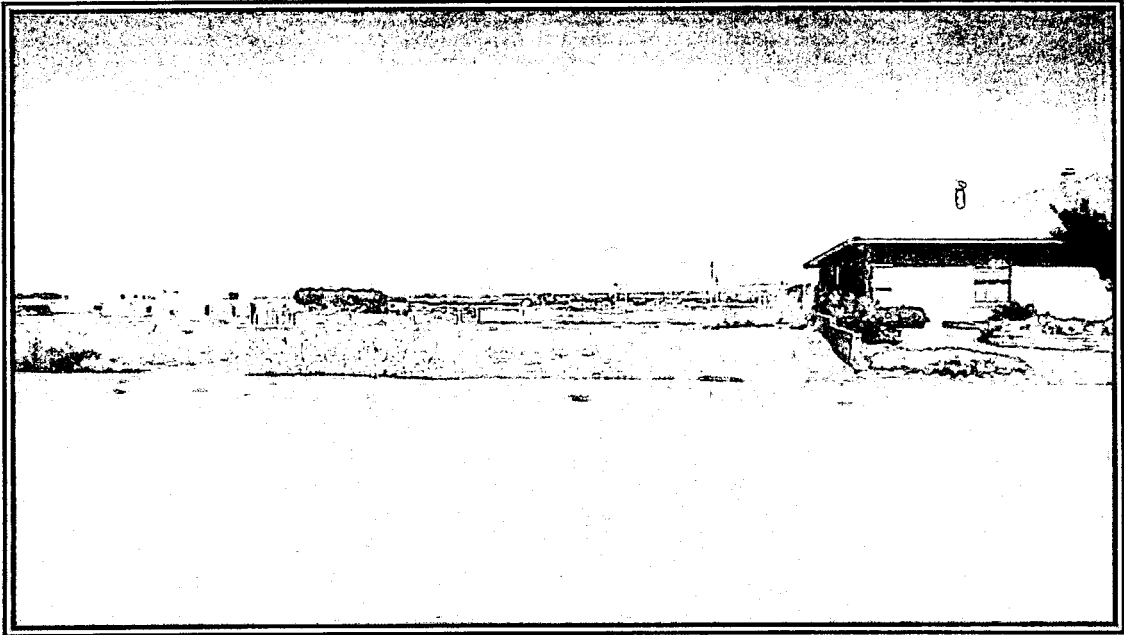
Front view of the subject property facing northwest taken from the southeast corner of the subject property on San Miguel Street.



View #2 - 1173 San Miguel Street (Lot 162)

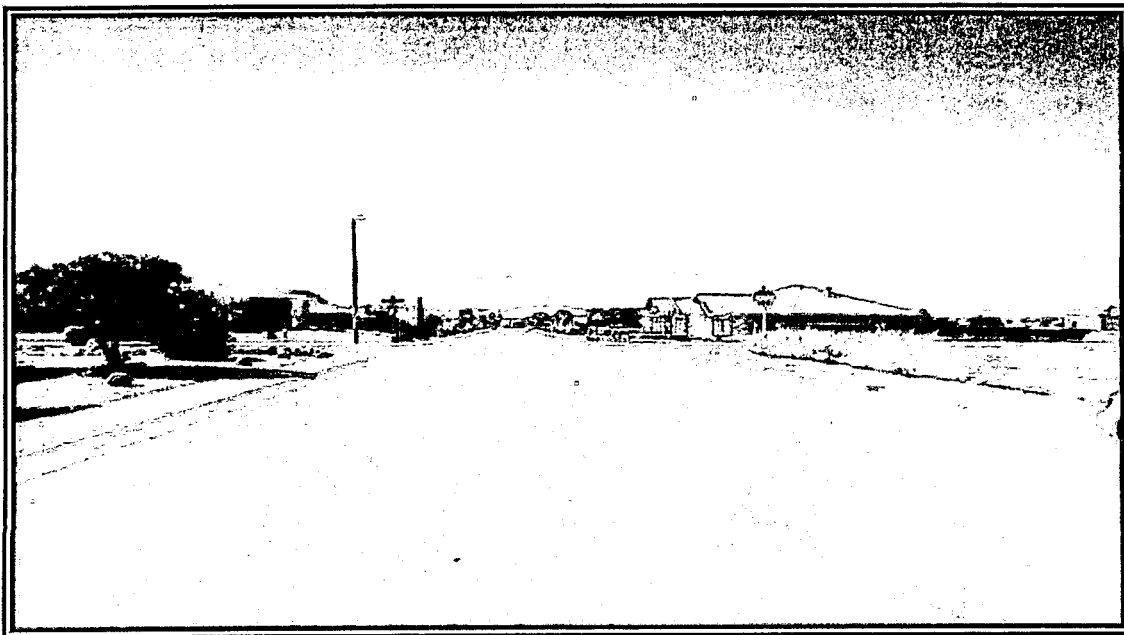
Front view of the subject property facing northwest taken from the southeast corner of the subject property on San Miguel Street.

**Subject Photographs – (continued)**



View #3 - 1203 San Miguel Street (Lot 163)

Front view of the subject property facing northwest taken from the southeast corner of the subject property on San Miguel Street.



View #4 - Street Scene

Street scene of San Miguel Street, facing west taken from the center of San Miguel Street, with the subject properties on the right hand side.

## **Appraisal Presented in Summary Report Format**

This is an Appraisal Report, which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop our opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in our file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. We are not responsible for unauthorized use of the report.

### **Effective Date of Appraisal**

The subject has been appraised as of October 15, 2014, the effective date of the appraisal, which, coincides with the date of our physical inspection. The date of the appraisal report is as of October 30, 2014.

### **Property Rights Appraised**

The property rights valued in this report are defined as fee simple estate. The Dictionary of Real Estate Appraisal, Third Edition, published by the Appraisal Institute, defines fee simple estate as:

*"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat".*

### **Definition of Market Value**

Market Value, as used in this report, is defined as:

Market Value, as used in this report, is defined as being the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised, and acting in what they consider they're own best interest;
- (3) a reasonable time is allowed for exposure in the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto and;
- (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

## **Scope of the Appraisal**

The scope of an appraisal report is a description of the process and extent of collecting, confirming, and reporting of data in relation to the appraisal problem. We collected data from a number of sources, including property owners, public officials, brokers, and managers, as well as secondary sources such as data services.

On October 15, 2014, we physically inspected and photographed the subject properties. For comparable sales, attempts were made to contact a principal involved in the transaction, which was not always successful. In the case where a principal was not contacted, another person familiar with the transaction (broker, appraiser, lawyer, property manager, etc.) was contacted. Finally, public information (deeds, tax assessor's records, etc.) was reviewed to further confirm sales. Data was confirmed to the extent possible given the time constraints of the assignment.

This appraisal was conducted and prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) as formulated by the Appraisal Foundation, and conforms to the Code of Professional Ethics of the Appraisal Institute.

The data collected and used in this report was compiled from in-house records, the client, public records, data provided from peers within the appraisal field, realtors and brokers.

## **Purpose of the Appraisal and Intended Use of the Appraisal**

The purpose of this appraisal is to estimate market value of the subject property for internal decisions. Market value, as used in this report, is defined on the previous page. The intended use of the appraisal is to assist the client in internal decisions. The intended user of this appraisal is the client.

## **Summary of Appraisal Problems**

The purpose of this section is to discuss specific appraisal problems, if any, which were encountered by the appraisers that will be discussed in the body of the appraisal report. There were no unusual problems encountered in this appraisal report.

## **Legal Description**

The subject property is legally described as Lot 161, 162, and 163, Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico.

## Summary of the Market Area and Neighborhood Discussion

According to *The Appraisal of Real Estate, Thirteenth Edition*, social, economic, governmental and environmental forces influence property values in the vicinity of a subject property. As a result, they affect the value of that property. Market Area is defined in terms of the market for a specific category of real estate and thus is the area in which alternative, similar properties effectively compete with the subject property in the minds of probable, potential purchasers and users. Although physical boundaries may be drawn, the most important boundaries are those that identify factors influencing property values. The area of influence, commonly called a neighborhood, can be defined as a group of complementary land uses.

Alamogordo is a city in the south-central portion of New Mexico, and is the county seat of Otero County. A desert community lying in the Tularosa Basin, it is bordered on the east by the Sacramento Mountains. As the economic center of Otero County, Alamogordo has a primarily service and retail economy that draws its customers from tourists and from active-duty and retired military personnel. The city is accessible through three U.S. Highways and scheduled commercial air services at the Alamogordo-White Sands Regional Airport, Holloman Air Force Base, (including a German Air Force Tactical Training Center), and White Sands Missile Range, two nearby major military bases. Alamogordo is the nearest city to Holloman Air Force Base. Holloman Air Force Base, the area's largest employer is the home of the F-22 Raptor, the German Air Force in the U.S., and the High Speed Test Track. The U.S. Army installation near Alamogordo is the second largest overland testing range in the world. As the birthplace of the U.S. rocket program in the 1940's, today White Sands Missile Range is the testing site for the reusable rocket and numerous Department of Defense research and evaluation programs. The City of Alamogordo is closely linked to both Holloman and White Sands, both of whom represent a combined impact of military and civilian annual payroll of more than \$200 million and an economic impact of more than \$450 million to the local economy. By some estimates, Holloman accounts for half the economy of Alamogordo.

According to the 2010 census, the population in Otero County was 63,797, of which 30,403 resided in the City Limits of Alamogordo. There were 30,992 housing units in Otero County of which 24,464 were occupied. In Alamogordo, there were 14,052 housing units of which 12,763 were occupied. The median income for a household in Otero County was \$38,470 as compared to a statewide median household income of \$44,591.

The subject property is located on the north side of San Miguel Street, east of S. Florida Avenue and south of E. First Street, in the south-central portion of Alamogordo. The market area boundaries that delineate the subject's neighborhood are outlined below.

|        |                    |
|--------|--------------------|
| North: | E. First Street    |
| South: | Panorama Boulevard |
| East:  | S. Scenic Drive    |
| West:  | S. Florida Avenue  |

The subject's neighborhood is provided with all major utilities and also offers fire and police protection services. Schools, houses of worship, medical centers and recreational facilities are all located in close vicinity to the subject neighborhood. The majority of commercial development in Alamogordo is located along north and south White Sands Boulevard, First Street, Indian Wells Road, Tenth Street corridors, US Highway 54/70 and US Highway 82.

The subject neighborhood is approximately 50% built-out. Homes range in age from newly constructed to 40 years old. The subject neighborhood's residential area is considered to be in the "growth" portion of its life cycle. The land uses in close proximity to the subject property are residential uses, light industrial uses, and commercial development required for support services ancillary to the residential development.

There has been a moderate amount of residential construction in the subject neighborhood. Active residential subdivisions of newly constructed homes within the general area includes Hermoso El Sol, Bristol Park, Rath Tara Subdivision, Palo Duro, Quail Hollow, Canyon Parque, Plan View Acres, Silverado, and Valencia Subdivision. The price range for homes in the subject's immediate neighborhood is a low of \$125,000 to a high of \$203,500, with an average price of \$162,000.

Recent new commercial developments in Alamogordo include a Tractor Supply retail store, a 58 room Suburban Suite Extended Stay Motel, a 80 room Fairfield Motel, Anytime Gym, International House of Pancakes, Pizza Hut, Otero Federal Credit Union, Alamogordo Physical Therapy and Wellness Center, Alamogordo Internal Medical Center, and substantial expansions to the Gerald Champion Regional Medial Center. New construction also includes a new Johnny Carino's Italian restaurant, a Carl's Jr. fast food restaurant, a Buffalo Wild Wings Grill and Bar, a Taco Bell, two new dollar General Stores and a new Toyota Dealership. In addition, Albertson's grocery store is currently under construction.

Access throughout and to the subject neighborhood is considered to be good with the necessary infrastructure in place to support further growth. Based on the above, property values within the subject neighborhood should continue to remain stable and any increase or decrease in value into the foreseeable future are highly dependent on a increase or decrease in population, the overall conditions of the US economy, and any increase or decrease in defense spending.

## **Identification of Property**

### **Site Description**

All three of lots are contiguous and located on the north side of San Miguel Street in the south-central portion of Alamogordo, Otero County, New Mexico. The City of Alamogordo is located approximately 4,350 feet above sea level. The views from the subject property are typical for the area with the Sacramento Mountains to the east, San Andres Mountains and the White Sands National Monument to the west, White Mountain Ski Resort on the Apache Reservation to the northeast, and desert views in between. The subject properties consist of three lots approximately 0.20 acres of land each. These lots are interior lots with typical access. Each lot has 65 front feet along San Miguel Street, a two lane asphalt paved street. The lots are prepared sites, rectangular in shape with level topography, and above street grade. The lots

have access to all utilities to include city water, sewer, public electricity, natural gas, and telephone services.

According to the subdivision plat map, there is a 20' alley easement that runs east and west along the northern boundaries lines of the lots. The lots are vacant with no improvements. The lots are not located in a designated flood hazard area as described as Zone "X" as indicated by the map presented in the addendum portion of this report.

We have not been provided with a soil report or environmental survey and as such we do not express an opinion as to the quality of the soil. Our appraisal assumes and is made subject to the land and improvements not being contaminated by any hazardous substances. Based on the development of the surrounding parcels, soil conditions appear to be adequate for all forms of development. There are no identifiable mineral deposits having commercial value existing on the subject site.

Our comments are based on our inspection of the site and surrounding properties, and are provided to help the reader visualize the property. We are not, nor are we qualified to offer an opinion regarding the stability or suitability of the soil for construction. No obvious problems were noticed within the subject site and the property owner did not report any infrastructure problems.

The table on the following page provides a summary description of the site.

| Summary Table - Site Description                       |                                                                                                                                                                                           |                         |                                          |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------|
| <b>LOCATION</b>                                        |                                                                                                                                                                                           |                         |                                          |
| <i>Property Name:</i>                                  | N/A                                                                                                                                                                                       |                         | <i>Assessor's Parcel ID#:</i>            |
| <i>Street Address:</i>                                 | 1163 San Miguel Street (Lot 161)<br>1173 San Miguel Street (Lot 162)<br>1203 San Miguel Street (Lot 163)                                                                                  |                         | 01-13089<br>01-13090<br>01-13091         |
| <i>Legal Description:</i>                              | Lot 161, 162, and 163, Mission Hills #2, Phase #3, Otero County, New Mexico                                                                                                               |                         |                                          |
| <b>SITE CHARACTERISTIC</b>                             |                                                                                                                                                                                           |                         |                                          |
| <i>Site Dimensions:</i>                                | Lot 161 - 65' x 128.74' x 65' x 128.60'<br>Lot 162 - 65' x 128.60' x 65' x 128.45'<br>Lot 163 - 65' x 128.45' x 65' x 128.30'                                                             | <i>Site Shape:</i>      | Each lot is rectangular is shape         |
| <i>Site Size (SF):</i>                                 | Lot 161 - 8,364 SF<br>Lot 162 - 8,354 SF<br>Lot 163 - 8,355 SF                                                                                                                            | <i>Topography:</i>      | Each lot is level and above street grade |
| <i>Site Size (AC):</i>                                 | Lot 161 - 0.20 AC<br>Lot 162 - 0.19 AC<br>Lot 163 - 0.19 AC                                                                                                                               | <i>On Site Ponding:</i> | None / not required                      |
| <i>Location:</i>                                       | Average                                                                                                                                                                                   | <i>View:</i>            | Typical views                            |
| <i>Corner Influence:</i>                               | Interior Lots                                                                                                                                                                             | <i>Zoning:</i>          | R-1, Single-Family                       |
| <i>Access:</i>                                         | Typical                                                                                                                                                                                   | <i>Conforming:</i>      | Yes                                      |
| <i>Other Improvements:</i>                             | None                                                                                                                                                                                      |                         |                                          |
| <b>OFF SITE IMPROVEMENTS</b>                           |                                                                                                                                                                                           |                         |                                          |
| <i>Streets, curb, gutters, sidewalks and lighting:</i> | Two lane asphalt paved street with concrete curb, gutters, sidewalks, and city provided night lighting.                                                                                   |                         |                                          |
| <b>UTILITIES</b>                                       |                                                                                                                                                                                           |                         |                                          |
| <i>Water, sewer, electricity, telephone:</i>           | Water and sewer is provided by the City of Alamogordo. Electricity is provided by PNM and natural gas is provided by the Gas Company of NM. Telephone service is provided by CenturyLink. |                         |                                          |
| <i>Easements or Adverse Encroachments:</i>             | There are no adverse easement of encroachments. As previously indicated, Lot 162 is bisected by a developed two lane asphalt street, which will not be considered in this report.         |                         |                                          |
| <b>ENVIRONMENTAL</b>                                   |                                                                                                                                                                                           |                         |                                          |
| <i>Designated Flood Zone:</i>                          | No                                                                                                                                                                                        |                         |                                          |
| <i>Flood Zone Code:</i>                                | "X"                                                                                                                                                                                       |                         |                                          |
| <i>Map No.:</i>                                        | 35035C0939D                                                                                                                                                                               |                         |                                          |
| <i>Panel Date:</i>                                     | December 17, 2010                                                                                                                                                                         |                         |                                          |
| <i>Hazardous Materials:</i>                            | None noted.                                                                                                                                                                               |                         |                                          |



### **History of the Property**

According to the records filed within the Otero County Clerk's Office, the subject properties are under the ownership of Alamogordo Municipal School District 1, described by a Warranty Deed and identified by Book 915, Page 956, filed on 2/23/1999. The property is not listed for sale nor is the property under contract to sell as of the effective date of the appraisal.

### **Assessed Values and Annual Tax Load**

State law in New Mexico mandates that real estate be taxed on 33.33% of assessed value. The subject properties are all exempt from property taxes based on governmental status. There are no past due taxes and the account is considered current. The Otero County Assessor's Office identifies the Parcel Identification Numbers as follows;

| Lot Number | Parcel ID Number | Annual Taxes |
|------------|------------------|--------------|
| Lot 161    | 01-13089         | \$0.00       |
| Lot 162    | 01-13090         | \$0.00       |
| Lot 163    | 01-13091         | \$0.00       |

### **Zoning and Other Land Use Regulations**

The subject parcel is zoned "R-1", Single-Family Dwelling District and governed by the City of Alamogordo. In general, building or premises may be used designed for occupancy by one (1) family. Other uses includes but not limited to are churches, municipal parks, fire stations, schools, golf courses, and accessory buildings customarily incident to the above uses not involving the conduct of a business.

|            |                     |                                                                                                                                                                                                                               |
|------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Set backs: | Front yard:         | A depth of not less than twenty (20) Feet                                                                                                                                                                                     |
|            | Side yard:          | One (1) story – five (5) feet, two (2) story seven and one half (7½) feet. The side yard on the street side of a corner lot shall not be less than fifteen (15) feet in width.                                                |
|            | Rear yard:          | Not less than thirty (30) feet or twenty percent (20%) of the depth of the entire lot, which ever is smaller.                                                                                                                 |
|            | Lot width and area: | Every lot shall have a width of at least sixty (60) feet at the building setback line and shall have an area of not less than six thousand (6,000) square feet per family (exceptions if prior to effective date of chapter). |
|            | Height:             | No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.                                                                                                                                    |

### **Highest and Best Use (Premise of Value)**

The highest and best use of land is defined as "The reasonable 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 Appraisal of Real Estate, Tenth Edition, 1992.) In order to estimate highest and best use, there are essentially four stages of analysis. These are as follows:

1) Possible Uses of the Site -- what uses are physically possible, given the size, shape and topography of the site.

2) Permissible Uses of the Site -- among the physically possible uses, what uses are legally allowed given the zoning, easements, and/or deed restrictions.

3) Financially Feasible Uses of the Site -- among the uses, which are physically possible, and legally permissible, what uses would provide a reasonable residual net return to the land.

4) Most Productive Use of the Site -- among the financially feasible uses, which use would result in the greatest net return to the land.

Two tests of highest and best use must be considered. These include the highest and best use of the site as if vacant and the highest and best use of the site as improved. Since the subject parcel is vacant, only the first test of highest and best use is appropriate.

#### *Highest and Best Use as Vacant*

##### Possible Uses

The three lots are all typical in size for a residential lot, each approximately 0.20 acres of land more or less. Their shape is rectangular and the topography is level. Access is typical with each lot containing 65 feet of frontage along San Miguel Street. The subject properties have access to all city utilities to include city water and sewer. Electricity, natural gas, and telephone services are also available. Due to their size, the only possible use is for residential use as a single-family dwelling lot.

##### Legally Permissible Uses

The legal use of the property is governed by the City of Alamogordo. The property is currently zoned Class "R-1", Single-Family Dwelling, which in general, limits the use of improvements designed for occupancy by one (1) family. To the best of our knowledge, there are no deed restrictions that negatively impact the potential development of the site.

### Financially Feasible Uses

Present economic and environmental conditions are the next considerations. Economic conditions refer mostly to the market in which the subject competes such as absorption of the different possible uses for the site within the subject market area. Physical and legal development of the subject site allows for commercial development.

It is our opinion that the most financially feasible use for the subject site as vacant would be for residential development based on the existing zoning and its location in a homogeneous residential neighborhood.

### Most Productive Use

The last consideration would be the most profitable use that a potential buyer would give if they were to purchase the site. Residential development is considered as a financially feasible use of the subject site. The principle of conformity holds that "real property value is created and sustained when the characteristics of a property conform to the demands of its market". Based on land sales activity, the prices being paid per square foot for sites suitable for residential development have been stable in value, in recent years. It is our opinion the highest and best use of the subject properties is for residential development in accordance with the zoning.

## **Appraisal Methodology**

The appraisal methodology is the orderly process used to arrive at an opinion of value. The first step is identification of the real estate, date of value, property rights appraised, and type of value. Second, analyses of the area, site, improvements, and highest and best use are conducted. Finally, one or more of the three basic approaches used in concluding a market value are applied. This appraisal relies on one approach to value in arriving at an estimate of market value. In the subject property's case we have utilized the Sales Comparison Approach. This appraisal report is a presentation of the information considered.

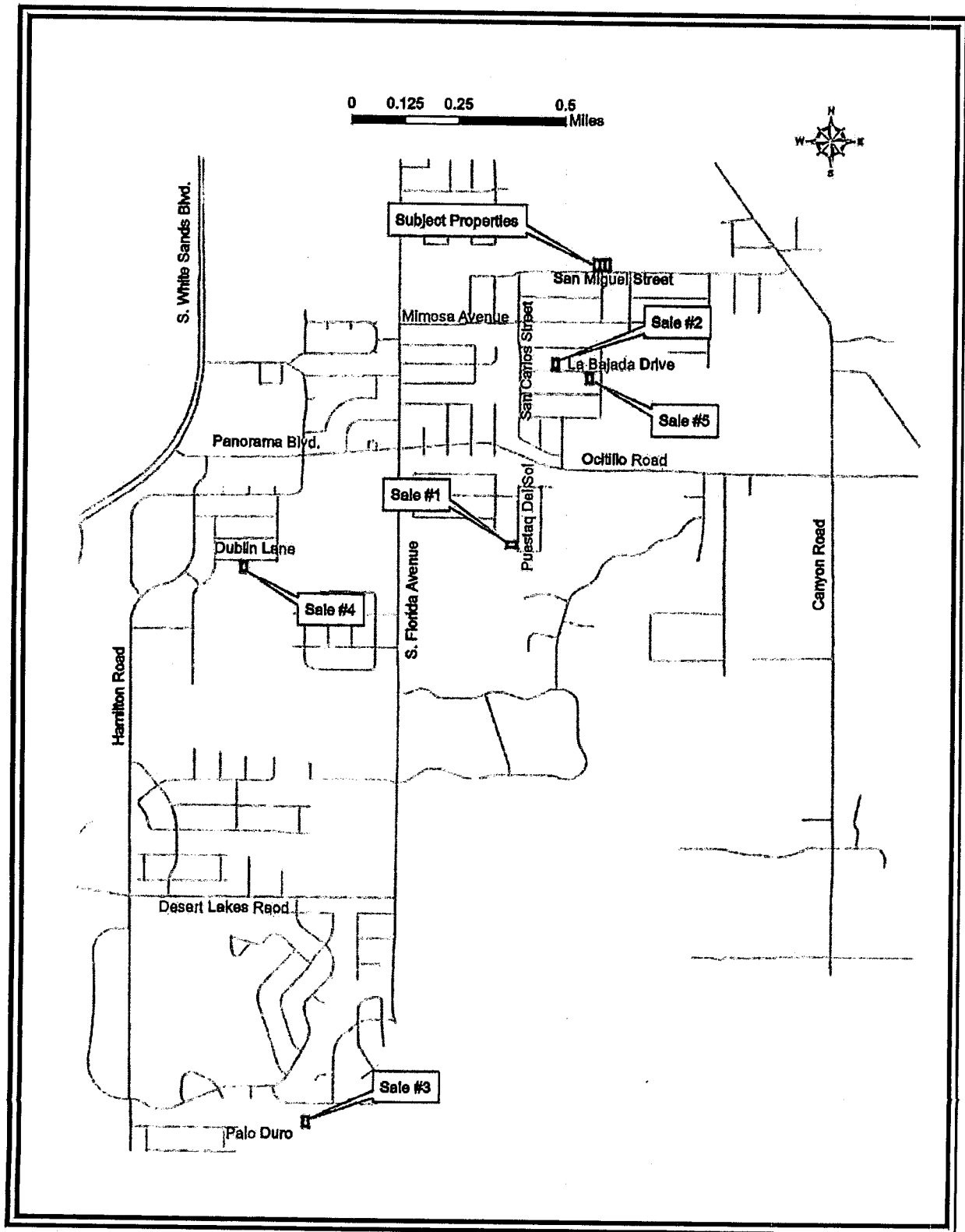
## **Site Value Estimate**

In this report, the Sales Comparison Approach is deemed to be applicable in valuing a site and is the most common technique for valuing land when comparable sales are available. To apply this technique, sales, listings, or pending contracts of similar parcels of land are analyzed, compared, and adjusted to provide a value indication for the subject site being appraised.

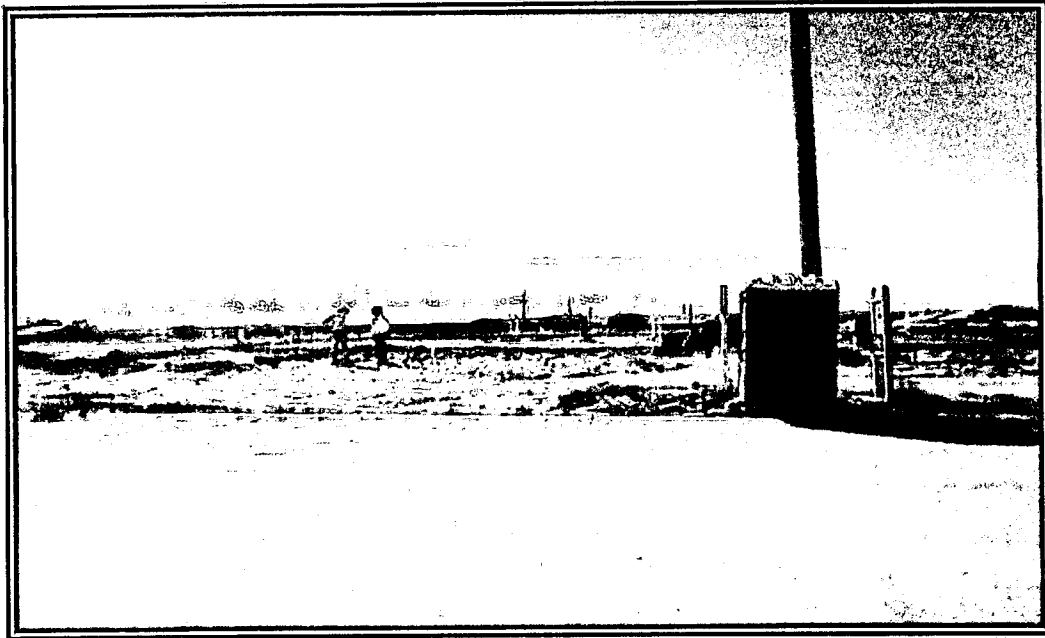
The following table is a summary of the vacant land sales deemed pertinent to the appraisal report. The five sales range from \$3.81 to \$4.13 per square foot or a range from \$31,000 to \$33,000 per buildable site and are summarized in the following table, followed by a location map, a table detailing each sale, a brief discussion of the adjustments to the sales, the adjustment grid, and an analysis of our estimate of value.

| Summary Description of Land Sales - Price Square Foot Analysis |                      |            |            |            |         |                |                 |        |
|----------------------------------------------------------------|----------------------|------------|------------|------------|---------|----------------|-----------------|--------|
| Sale #                                                         | Location             | Parcel ID# | Sale Date  | Sale Price | Acreage | Square Footage | Sale Price / SF | Zoning |
| 1                                                              | 1532 Puesta Del Sol  | 01-14781   | 9/8/2014   | \$31,000   | 0.177   | 7,710          | \$4.02          | R-1    |
| 2                                                              | 1065 La Bajada Drive | 01-14893   | 6/24/2014  | \$32,000   | 0.193   | 8,407          | \$3.81          | R-1    |
| 3                                                              | 401 Palo Duro        | 01-15668   | 5/19/2014  | \$33,000   | 0.193   | 8,407          | \$3.93          | R-1    |
| 4                                                              | 254 Dublin Lane      | 01-14049   | 12/16/2013 | \$32,000   | 0.178   | 7,754          | \$4.13          | R-1    |
| 5                                                              | 1146 La Bajada Drive | 01-14876   | 10/16/2013 | \$32,500   | 0.193   | 8,407          | \$3.87          | R-1    |

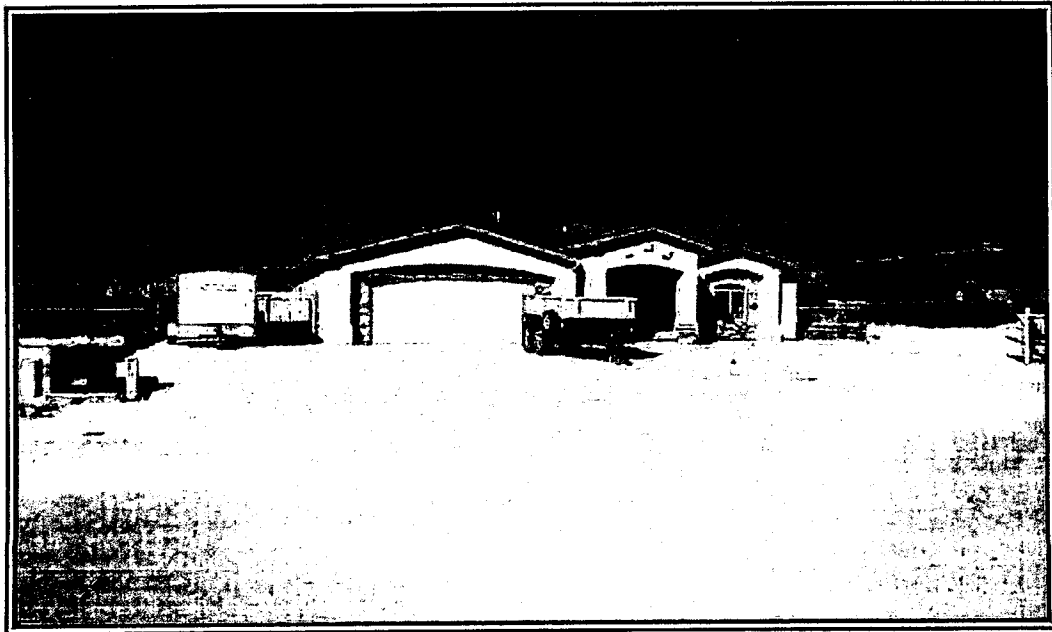
# Map of Comparable Land Sales



**Photographs of Comparable Land Sales**

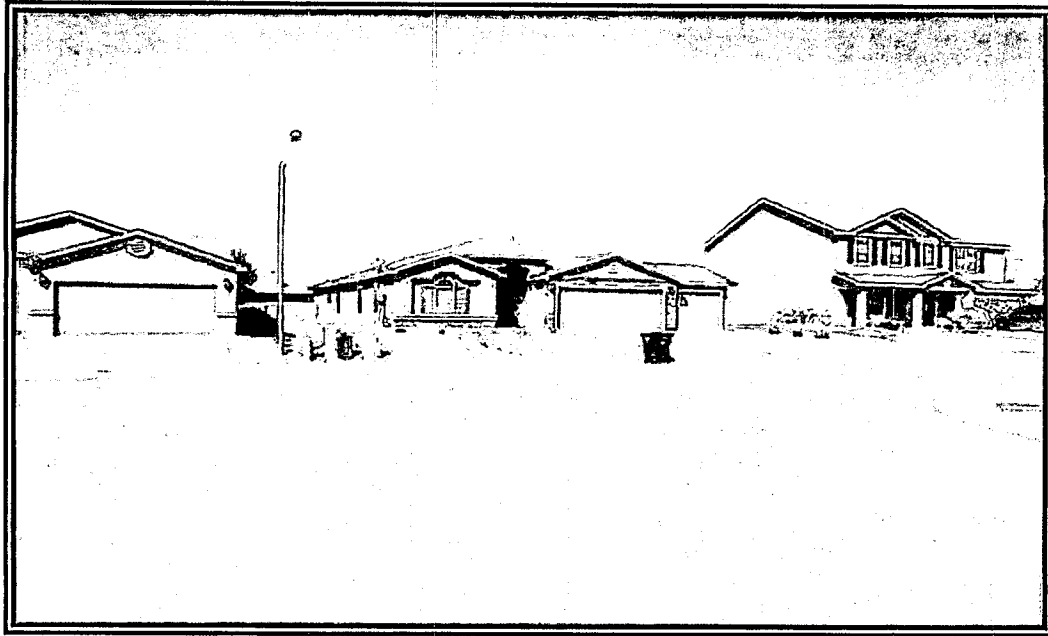


**Land Sale #1 - 1532 Puesta Del Sol**

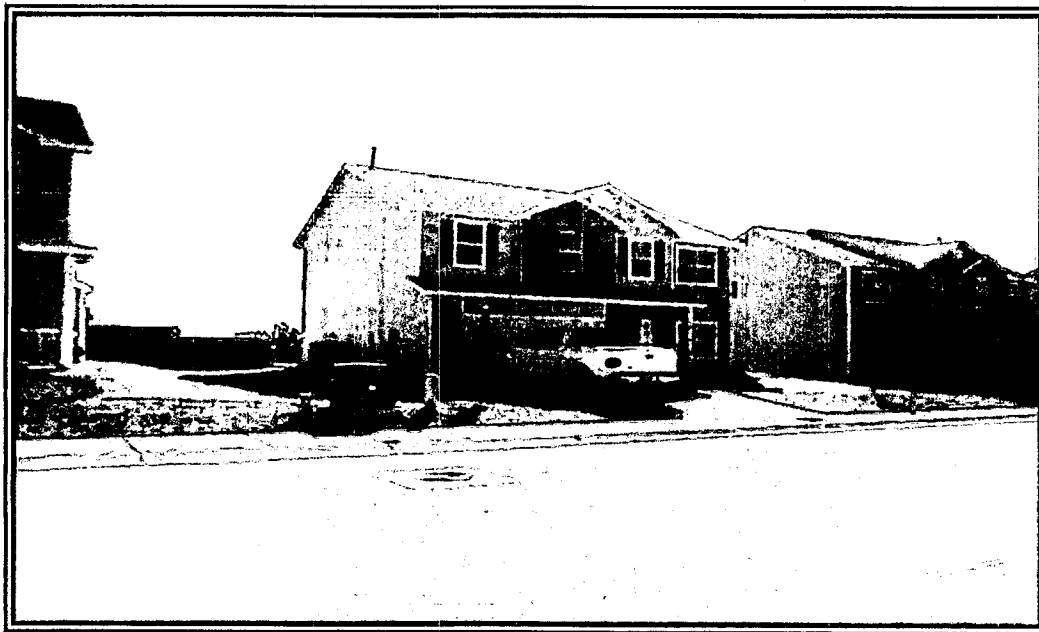


**Land Sale #2 - 1065 La Bajada Drive**

**Photographs of Comparable Land Sales (continued)**

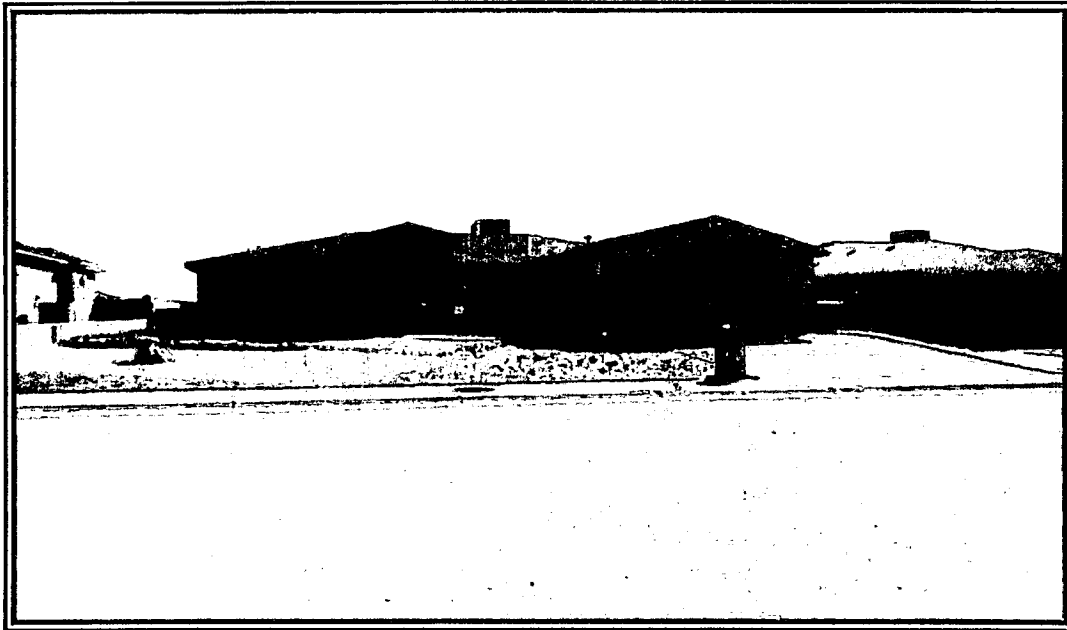


**Land Sale #3 - 401 Palo Duro**



**Land Sale #4 - 254 Dublin Lane**

**Photographs of Comparable Land Sales (continued)**



**Land Sale #5 - La Bajada Drive**



### Detailed Table Description of Land Sales

| PROPERTY IDENTIFICATION |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
|-------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|                         | Sale 1                                                                              | Sale 2                                                                              | Sale 3                                                                              | Sale 4                                                                              | Sale 5                                                                              |
| Address                 | 1532 Puesta Del Sol                                                                 | 1065 La Bajada Drive                                                                | 401 Palo Duro                                                                       | 254 Dublin Lane                                                                     | 1146 La Bajada Drive                                                                |
| City, State             | Alamogordo, NM                                                                      | Alamogordo, NM                                                                      | Alamogordo, NM                                                                      | Alamogordo, NM                                                                      | Alamogordo, NM                                                                      |
| Legal Description       | Lot 28, Hermoso El Sol #2                                                           | Lot 82, Quail Hollow                                                                | Lot 80, Palo Duro #2                                                                | Lot 5, Block 8, Rath Tara Estates Phase #5                                          | Lot 65, Quail Hollow                                                                |
| Tax Id#                 | 01-14781                                                                            | 01-14893                                                                            | 01-15668                                                                            | 01-14049                                                                            | 01-14876                                                                            |
| SALES TRANSACTION DATA  |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Grantor                 | Tool Box LLC                                                                        | Quail Hollow LLC                                                                    | Tool Box LLC                                                                        | French Holdings                                                                     | Quail Hollow LLC                                                                    |
| Grantee                 | French Brothers Inc                                                                 | Nicholas Paul                                                                       | French Brothers Inc                                                                 | French Brothers Inc                                                                 | Joram Melendez                                                                      |
| Recording / Instrument  | Reception# 201406351 / Warranty Deed                                                | Reception# 201404479 / Warranty Deed                                                | Reception# 201403596 / Warranty Deed                                                | Reception# 201310442 / Special Warranty Deed                                        | Reception# 201308926 / Warranty Deed                                                |
| Condition of Sale       | Arms Length                                                                         | Arms Length                                                                         | Arms Length                                                                         | Arms Length                                                                         | Arms Length                                                                         |
| Terms of Sale           | Cash                                                                                | Cash                                                                                | Cash                                                                                | Cash                                                                                | Cash                                                                                |
| Motivation              | Normal                                                                              | Normal                                                                              | Normal                                                                              | Normal                                                                              | Normal                                                                              |
| Confirmation            | T. French                                                                           | County Records                                                                      | T. French                                                                           | T. French                                                                           | County Records                                                                      |
| Sale Date               | 9/8/2014                                                                            | 6/24/2014                                                                           | 5/19/2014                                                                           | 12/16/2013                                                                          | 10/16/2013                                                                          |
| Sale Price              | \$31,000                                                                            | \$32,000                                                                            | \$33,000                                                                            | \$32,000                                                                            | \$32,500                                                                            |
| Price/SF                | \$4.02                                                                              | \$3.81                                                                              | \$3.93                                                                              | \$4.13                                                                              | \$3.87                                                                              |
| Land Size (SF)          | 7,710                                                                               | 8,407                                                                               | 8,407                                                                               | 7,754                                                                               | 8,407                                                                               |
| CHARACTERISTICS         |                                                                                     |                                                                                     |                                                                                     |                                                                                     |                                                                                     |
| Location                | Average                                                                             | Average                                                                             | Average                                                                             | Average                                                                             | Average                                                                             |
| Corner Features         | Interior Lot                                                                        | Interior Lot                                                                        | Interior Lot                                                                        | Interior Lot                                                                        | Interior Lot                                                                        |
| Access                  | Average                                                                             | Average                                                                             | Average                                                                             | Average                                                                             | Average                                                                             |
| Shape / Frontage        | Rectangular / Average                                                               | Rectangular / Average                                                               | Rectangular / Average                                                               | Rectangular / Average                                                               | Rectangular / Average                                                               |
| Topography / Flood Zone | Level / X                                                                           | Level / X                                                                           | Level / X                                                                           | Level / AE                                                                          | Level / X                                                                           |
| Vegetation              | N/A                                                                                 | N/A                                                                                 | N/A                                                                                 | N/A                                                                                 | N/A                                                                                 |
| View                    | Typical                                                                             | Typical                                                                             | Typical                                                                             | Typical                                                                             | Typical                                                                             |
| Utilities               | All city utilities                                                                  | All city utilities                                                                  | All city utilities                                                                  | All city utilities                                                                  | All city utilities                                                                  |
| Zoning                  | R-1 Single-Family Dwelling                                                          | R-1 Single-Family Dwelling                                                          | R-1 Single-Family Dwelling                                                          | R-1 Single-Family Dwelling                                                          | R-1 Single-Family Dwelling                                                          |
| Flood Zone / Panel      | X / 35035C1180D                                                                     | X / 35035C0939D                                                                     | X / 35035C1180D                                                                     | AE / 35035C1180D                                                                    | X / 35035C0939D                                                                     |
| Street Improvements     | Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting | Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting | Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting | Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting | Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting |
| Other Improvements      | None                                                                                | None                                                                                | None                                                                                | None                                                                                | None                                                                                |

## Discussion of Adjustment to the Comparable Land Sales

**Property Rights Conveyed** – All of the comparable sales conveyed fee simple rights of ownership and therefore, no adjustments were required for this category.

**Financing Terms** – The site is being valued on a cash-equivalent basis. As a result, the comparables may require adjustments for favorable or creative financing. Downward adjustments for financing terms are generally indicated whenever there is seller financing at below-market interest rates. All of the comparables sold for cash or on cash equivalent terms. Therefore, no adjustments were required for this category.

**Buyer or Seller Motivation** - These adjustments are made whenever discussions with the parties involved (or other evidence) reveal that there may have been a particularly strong motivation to buy or sell. Examples of strong purchase motivation may include assemblage purchases and purchases by adjacent property owners. Examples of strong sale motivation may include foreclosure sales, partnership dissolution, etc. In addition, this category is also used to adjust a listing to more appropriately reflect a possible selling price. We have analyzed the comparable sales and spoke with individuals familiar with each transaction. No adjustments were required for this category.

**Market Conditions** - These adjustments are necessary to allow for the change in market conditions brought about by inflation, deflation, fluctuations in supply and demand, or other factors. All of the comparable sales occurred within the past year of the effective date of the appraisal, and therefore no adjustments for market conditions were required for this category.

**Location & Neighborhood of Comparables** - Location differences primarily relate to variations with respect to the proximity of major arterials, site access and exposure, traffic count, and surrounding improvements. If the comparable is judged to have a superior location to the subject, the comparable is adjusted downward. If the comparable is inferior, it is adjusted upward. No adjustments were required for this category.

**Corner Influence** – Corner influence is most relevant when valuing commercial properties which benefit from higher traffic flow, visibility, and accessibility. No adjustments were required for this category.

**Accessibility** – All of the sales have typical developed access similar to the subject property, therefore no adjustments were required for this category.

**Relative Overall Size** - Generally, smaller sites tend to sell for more per square foot than otherwise comparable, but larger sites. These differences can be explained by the principle of economies of scale and the larger market for small parcels than *larger parcels*. We have applied a 90% learning curve, which applies to the principal of a parcel twice the size of another parcel, all other things being equal, should sell for about 90% of the unit price of the smaller parcel.

$$\text{Area of the Comparable}^{.152} / \text{Area of Subject Parcel}^{.152}$$

**Shape Features** - This adjustment is based on comparisons of the differences between the actual perimeters of the subject and the comparable, and what the perimeters would be if both sites were perfectly square. It also considers the difference between the amounts of the most important frontage, in relationship to the overall perimeters of the comparable and subject. No adjustments were required for this category.

**Topography** – Sites may vary in value due to topographical physical characteristics such as contour, grading, natural drainage, and soil conditions. Steep slopes often impede development. Natural drainage can be advantageous, or, if a site is downstream of other properties or is a natural drainage basin for the area, it may have severely limited usefulness. All of the sales are level similar to the subject, with no adjustment required for this category.

**View** – All of the sales have typical mountain views of the Sacramento Mountains to the east and desert basin views to the west similar to the subject. No adjustments were required for this category.

**Utilities** - The presence of utilities to each sale was also considered. The subject property and all of the comparable sales have similar access to city water, electricity, and natural gas. No adjustments were required for this category.

**Other Improvements** – No adjustments were required for this category.

A summary of the comparables and the adjustments made in comparison to the subject parcel is presented on the following page in the Land Sales Adjustment Grid.

## Adjustment Grid

| ITEM                                   | Subject               | Sale #1                          | Sale #2               | Sale #3               | Sale #4               | Sale #5               |
|----------------------------------------|-----------------------|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Address                                | San Miguel Street     | 1532 Puesta Del Sol              | 1065 La Bajada Drive  | 401 Palo Duro         | 254 Dublin Lane       | 1148 La Bajada Drive  |
| Date of Transaction:                   |                       | 9/8/2014                         | 6/24/2014             | 5/19/2014             | 12/16/2013            | 10/16/2013            |
| Sale Price                             |                       | \$31,000                         | \$32,000              | \$33,000              | \$32,000              | \$32,500              |
| Square Footage                         | 8,456                 | 7,710                            | 8,407                 | 8,407                 | 7,754                 | 8,407                 |
| Price SqFt                             |                       | \$4.02                           | \$3.81                | \$3.93                | \$4.13                | \$3.87                |
| Condition Of Sale                      |                       | Arms Length                      | Arms Length           | Arms Length           | Arms Length           | Arms Length           |
| Rights Conveyed                        |                       | Fee Simple                       | Fee Simple            | Fee Simple            | Fee Simple            | Fee Simple            |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Financing Terms                        |                       | Cash                             | Cash                  | Cash                  | Cash                  | Cash                  |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Conditions of Sale: Motivation         |                       | Normal                           | Normal                | Normal                | Normal                | Normal                |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Market Adjustments: Time - 0% per year |                       |                                  |                       |                       |                       |                       |
|                                        | % Adj.                | 0.00%                            | 0.00%                 | 0.00%                 | 0.00%                 | 0.00%                 |
| TIME ADJUSTED PRICE SQFT               |                       | \$4.02                           | \$3.81                | \$3.93                | \$4.13                | \$3.87                |
|                                        | Subject               | Comparisons To Subject Property: |                       |                       |                       |                       |
| Location                               | Average               | Average                          | Average               | Average               | Average               | Average               |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Corner Influence                       | Interior Lot          | Interior Lot                     | Interior Lot          | Interior Lot          | Interior Lot          | Interior Lot          |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Access                                 | Average               | Average                          | Average               | Average               | Average               | Average               |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Size / SqFt                            | 8,456                 | 7,710                            | 8,407                 | 8,407                 | 7,754                 | 8,407                 |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Shape / Frontage                       | Rectangular / Average | Rectangular / Average            | Rectangular / Average | Rectangular / Average | Rectangular / Average | Rectangular / Average |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Topography / Flood Zone                | Level / X             | Level / X                        | Level / X             | Level / X             | Level / AE            | Level / X             |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| View                                   | Typical               | Typical                          | Typical               | Typical               | Typical               | Typical               |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Utilities                              | All city utilities    | All city utilities               | All city utilities    | All city utilities    | All city utilities    | All city utilities    |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Other Improvements                     | None                  | None                             | None                  | None                  | None                  | None                  |
|                                        | (+,-)                 | Similar                          | Similar               | Similar               | Similar               | Similar               |
|                                        | % Adj.                | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Gross Adjustment:                      |                       | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| Net Adjustments                        |                       | 0%                               | 0%                    | 0%                    | 0%                    | 0%                    |
| INDICATED VALUE / SQFT                 |                       | \$4.02                           | \$3.81                | \$3.93                | \$4.13                | \$3.87                |
| INDICATED VALUE / SITE                 |                       | \$31,000                         | \$32,000              | \$33,000              | \$32,000              | \$32,500              |

| Summary Review                                                |                |                       |                   |                 |                                |
|---------------------------------------------------------------|----------------|-----------------------|-------------------|-----------------|--------------------------------|
| Sale #                                                        | Square Footage | Updated Sale Price SF | Gross Adjustments | Net Adjustments | Indication of Value - Price SF |
| 1                                                             | 7,710          | \$4.02                | 0%                | 0%              | \$4.02                         |
| 2                                                             | 8,407          | \$3.81                | 0%                | 0%              | \$3.81                         |
| 3                                                             | 8,407          | \$3.93                | 0%                | 0%              | \$3.93                         |
| 4                                                             | 7,754          | \$4.13                | 0%                | 0%              | \$4.13                         |
| 5                                                             | 8,407          | \$3.87                | 0%                | 0%              | \$3.87                         |
| Statistical Review of the Adjusted Land Price Per Square Foot |                |                       |                   |                 |                                |
| Minimum                                                       |                |                       | \$3.81            |                 |                                |
| Maximum                                                       |                |                       | \$4.13            |                 |                                |
| Mean                                                          |                |                       | \$3.95            |                 |                                |
| Median                                                        |                |                       | \$3.93            |                 |                                |
| Standard Deviation                                            |                |                       | \$0.13            |                 |                                |
| One deviation from the mean equals                            |                |                       | 3.19%             |                 |                                |

| Summary Review                                                   |                |                       |                   |                 |                                |
|------------------------------------------------------------------|----------------|-----------------------|-------------------|-----------------|--------------------------------|
| Sale #                                                           | Square Footage | Updated Sale Price SF | Gross Adjustments | Net Adjustments | Indication of Value - Price SF |
| 1                                                                | 7,710          | \$31,000              | 0%                | 0%              | \$31,000                       |
| 2                                                                | 8,407          | \$32,000              | 0%                | 0%              | \$32,000                       |
| 3                                                                | 8,407          | \$33,000              | 0%                | 0%              | \$33,000                       |
| 4                                                                | 7,754          | \$32,000              | 0%                | 0%              | \$32,000                       |
| 5                                                                | 8,407          | \$32,500              | 0%                | 0%              | \$32,500                       |
| Statistical Review of the Adjusted Land Price Per Buildable Site |                |                       |                   |                 |                                |
| Minimum                                                          |                |                       | \$31,000          |                 |                                |
| Maximum                                                          |                |                       | \$33,000          |                 |                                |
| Mean                                                             |                |                       | \$32,100          |                 |                                |
| Median                                                           |                |                       | \$32,000          |                 |                                |
| Standard Deviation                                               |                |                       | \$741.62          |                 |                                |
| One deviation from the mean equals                               |                |                       | 2.31%             |                 |                                |

## **RECONCILIATION AND FINAL ESTIMATE OF LAND VALUE**

The five comparable sales provide a narrow range of adjusted value indicators from a low of \$3.81 per square foot to a high of \$4.13 per square foot, or a range of value from a low of \$31,000 to a high of \$33,000 per buildable site. No adjustments were required to the comparable sales and therefore each sale was given equal consideration. After analyzing the comparable sale by their price per square foot and by their price per buildable site, we have concluded the price per buildable site is more appropriate which gives a lower standard deviation, resulting in one deviation from the mean at 2.31% as compared to 3.19% on a price per square foot basis. We have concluded a market value of \$32,000 per lot.

**Thirty Two Thousand Dollars**

**\$32,000.**

### **Reasonable Exposure Time**

Exposure time is the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market. Exposure time is different for various types of real estate and under various market conditions. The estimate of the time period for reasonable exposure time is not intended to be a predication of a date of sale.

We have analyzed several comparable sales in order to determine the reasonable exposure time. Further, we have conducted interviews with knowledgeable market participants. We are of the opinion an exposure time of 12 months or less appears appropriate for the subject based on the final market value estimate.

### **Estimate of Marketing Time**

The comparables selected in the Sales Comparison Approach all occurred within the past year of the effective date of the appraisal. Our in-house statistics indicate there has been an average of 10 residential building permits issued per month for new construction of single-family dwellings. Lastly, the comparable sales presented in this analysis represent a limited amount of comparable sales considered for the appraisal. There is a stable market for single-family dwelling lots for the area. At our appraised value, we are of the opinion that the three lots would sell within 12 months.

## Qualifications of Appraisers

### APPRAISER QUALIFICATIONS W. SCOTT ESCHENBRENNER, MAI

#### PROFESSIONAL EXPERIENCE:

MAI, Designated Member of the Appraisal Institute - #11,814  
State Certified General Real Estate Appraiser, New Mexico-1180

#### EDUCATION BACKGROUND AND SPECIAL TRAINING:

Graduate from Southwest Texas State University, 1986, with Bachelor of Science Degree in Business Administration with major in Finance - Real Estate.

Successfully completed the following real estate courses from the Appraisal Institute:

- Real Estate Appraisal Principles
- Residential Valuation
- Basic Valuation Procedures
- Capitalization Theory and Techniques - Part A & B
- Report Writing and Valuation Analysis
- Standard of Professional Practice, Parts A, B & C
- Advanced Applications
- Demonstration Appraisal Report
- General Comprehensive Exam

#### EMPLOYMENT:

May 1995 to Present; Owner, Mesilla Valley Appraisal Services in Las Cruces, New Mexico  
January 1994 to May 1995: Appraiser, William Scott Burns & Wilkinson, Inc., in El Paso, TX.  
October 1986 to December 1993: Appraiser, William Scott Burns & Company in El Paso, TX.  
May 1985 to August 1985: Construction, JR Thurman Construction, El Paso, TX.  
May 1981 to December 1984: Assist. Golf Professional, El Paso Country Club, El Paso, TX.

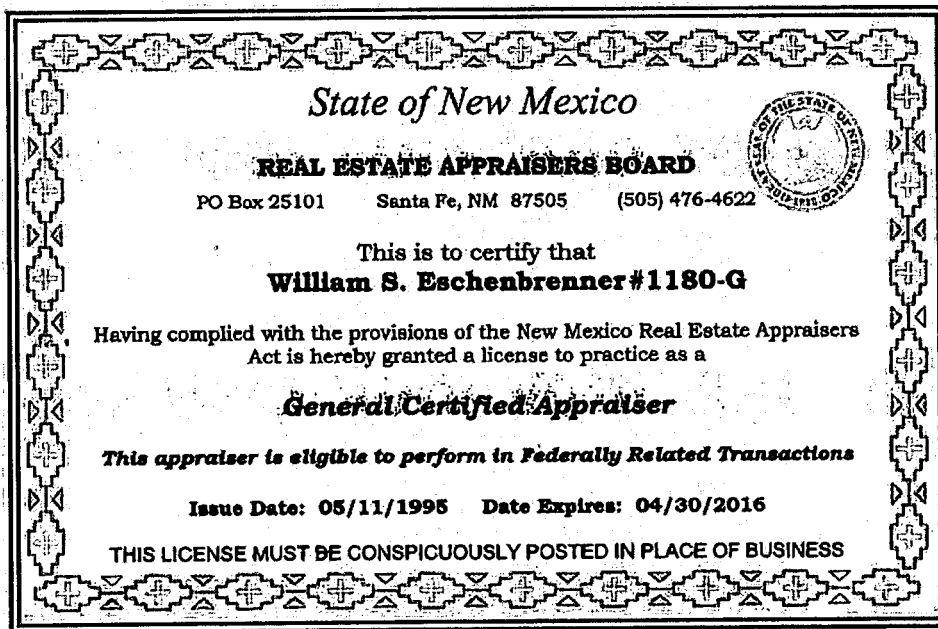
#### REPRESENTATIVE CLIENTS:

Community First National Bank, First Federal Savings, First National Bank in Alamogordo, Citizens Bank of Las Cruces, First National Bank in Las Cruces, Western Farm Bureau Mutual Insurance Company, First Interstate Bank of Denver, Alamogordo Federal Savings and Loan, Bank of the Rio Grande, Mesilla Valley Bank, and other Regional Lending Institutions, Gerald Champion Memorial Hospital, City of Las Cruces, City of Alamogordo, Allstate Insurance Company, Texas Highway Department, United States Corps of Engineers, El Paso Water Utilities, Southern Pacific Railroad, City of El Paso, Gencon Corporation.

#### REPRESENTATIVE ASSIGNMENTS: (Texas, & New Mexico)

- Single and Multifamily Complexes
- Professional Office Complexes
- Industrial Parks, Warehouses, Mini-Warehouse Facilities
- Vacant Land, Subdivision Analysis and Mobile Home Parks
- Farm & Ranch
- Shopping Centers
- Special Purpose: Post Office, Hotel, Automobile Dealership, Banking Facility, Restaurant, Convenience Stations, Medical Clinic, Church, and Easements.

**Qualifications of Appraisers (continued)**





**Qualifications of Appraisers (continued)**



## **ADDENDUM**

# Title Evidence

SHORT FORM WARRANTY DEED—New Mexico Statutory Form  
Approved by State Comptroller as Standard Form, Oct. 6, 1947  
Revised September, 1954

Printed and For Sale by  
Hall-Poorbaugh Press, Roswell, New Mexico  
Form 312

Bk 915 Pg 956  
WARRANTY DEED

Mission Hills Venture

Alamogordo Municipality School District 1, for consideration paid, grant to

whose address is 1211 Hawaii Ave.  
Alamogordo, NM 88310

The following described real estate in Otero County, New Mexico:

Lots One Hundred Sixty One (161), One Hundred Sixty Two (162) and One Hundred Sixty Three (163), Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico.

SUBJECT TO: Restrictions, reservations and easements of record.

SUBJECT TO: Any set of facts which a physical inspection or accurate survey of the premises may reveal.

with warranty covenants.

WITNESS my hand and seal this 9th day of February 1999

*Michael Drunzer* (Seal)  
Michael Drunzer, President of Drunzer Construction (Seal)

STATE OF NEW MEXICO,  
County of Otero

The foregoing instrument was acknowledged before me this 9th day of February

1999 by Michael Drunzer, President of Drunzer Construction, a New Mexico Corporation and General Partner of Mission Hills Venture, a partnership, on behalf of said partnership



April 28, 1999

Notary Public

STATE OF NEW MEXICO,  
County of Otero

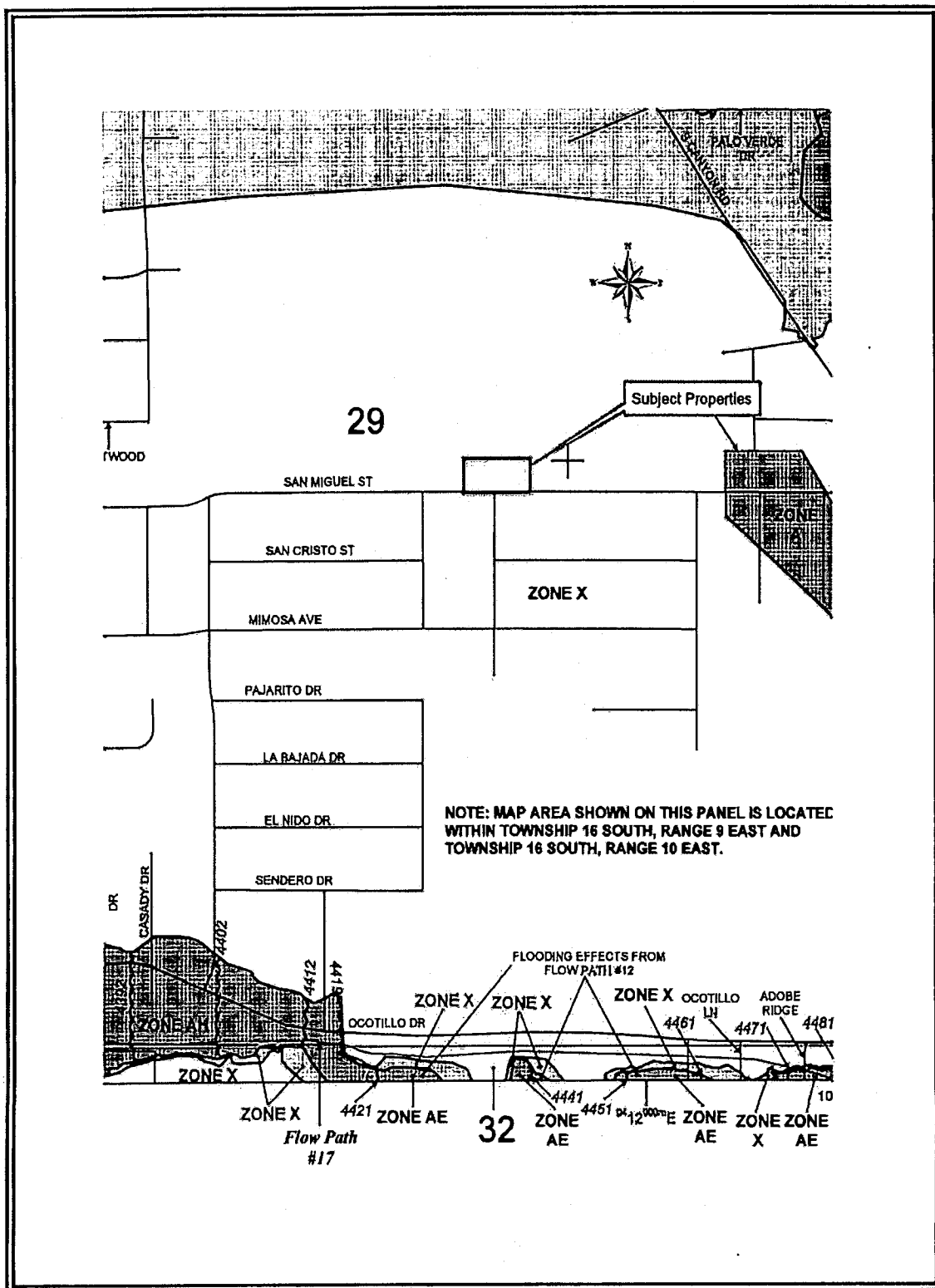
Records of Deeds of said County

Mary D. [Signature] County Clerk  
By [Signature] Deputy  
Rec. 02005 Fees, \$ 7.00

I hereby certify that this instrument was filed for record on the 23rd day of Feb A. D., 1999 at 2:55 P. M., and duly recorded in Book 915 Page 956 of

Return to

## Flood Map



## Engagement Letter

### MESILLA VALLEY APPRAISAL SERVICES

W. SCOTT ESCHENBRENNER, MAI  
State Certified - New Mexico  
Certificate #1180

REAL ESTATE APPRAISALS & COUNSELING

543 S. MELENORES ST., SUITE D  
LAS CRUCES, NEW MEXICO 88005  
(505) 732-2812

October 2, 2014

**CLIENT:** Mr. Vance Lee  
Executive Director - Support Services Division  
Alamogordo Public Schools  
PO Box 617  
Alamogordo, NM 88311

**PURPOSE:** Estimate the fee simple market value of Lots 161, 162 and 163 in Mission Hills Subdivision #2, Phase 3, City of Alamogordo, Otero County, New Mexico. The purpose of the appraisal is for possible trade with the City of Alamogordo and Alamogordo Public Schools.

**ESTIMATED FEE** (not including NM tax @ .079375%)

Appraisal Report Fee

|                              |                   |
|------------------------------|-------------------|
| 3 Residential Lot Appraisals | \$1,200.00        |
| Sales Tax @ 7.9375%          | \$92.50           |
| <b>Total Appraisal Fee</b>   | <b>\$1,292.50</b> |

**ESTIMATED COMPLETION DATE:** Four weeks from the date of authorization

**PAYMENT:** Payment shall be made by the client requesting the appraisal. All fees for appraisal reports and services are due and payable upon receipt of said appraisal. A carrying charge of 21% per annum will be added to all statements not paid in full within 10 days of delivery.

Fee arrangement is subject to revision upon change of the basic client request. Data regarding findings and conclusions to be reported only to the client unless otherwise authorized, however, disclosure of the assignment might be revealed to others in the investigative process. The agreed fee for this appraisal or study is for the services rendered and not necessarily for the time spent on the physical report and does not include court preparation or post appraisal consultation.

The client should note that the fee quoted is for an appraisal report that will conform to the Uniform Standards of Appraisal Practice. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives and the attached assumptions and limiting conditions. The fee quoted reflects the complexity of such a report.

6-MIL 602-12-12

31100-4000, 37111-0000, 044000, 0000, 0000, 0000

# Engagement Letter (continued)

|                                                                                                                                                             |     |                                                                                                          |       |                                                                                                                                                                   |            |          |       |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|-------|---------|
| <b>Purchase Order</b>                                                                                                                                       |     | <b>Alamogordo Public Schools</b><br>Operations Department<br>PO Box 650<br>Alamogordo NM 88311-0650      |       | <b>No. 14152303 1</b><br><br><b>PO REVISED</b>                                                                                                                    |            |          |       |         |
| PO Number must be included on all documents and packages related to this order.                                                                             |     | Unauthorized charges and/or shipments subject package(s) to rejection and return at vendor's expense.    |       | All orders not filled within 60 days will be canceled. Material safety data sheets must accompany applicable items.                                               |            |          |       |         |
| P.O. Date: 10/03/2014<br>P.O. Issued To:<br><br><b>MESILLA VALLEY APPRAISAL SERVICE</b><br><b>545 S. MELENDRES ST SUITE D</b><br><b>LAS CRUCES NM 88005</b> |     | Questions ? Kell Martinez (576) 812-6014<br><br>Location: Capital Outlay Funds<br>Project: Bond Projects |       | Est: Account:<br>Ship To:<br><b>APS SUPPORT SERVICES</b><br>Attn: MARTINEZ, KELLI<br>1211 HAWAII AVE.<br>PO BOX 650<br>ALAMOGORDO NM 88310-0000<br>(575) 812-6014 |            |          |       |         |
| Contact: Phone: (575) 523-2812<br>Reference: 6 MIL GOB-15-12                                                                                                |     | Fax: (575) 526-1872<br>Date Required: 10/10/2014                                                         |       | Req# 1502541<br>Award Number:                                                                                                                                     |            |          |       |         |
| Line                                                                                                                                                        | Qty | Unit                                                                                                     | Part# | Description                                                                                                                                                       | Unit Price | Extended | Tax   | Freight |
| 1                                                                                                                                                           | 1   | EA                                                                                                       |       | ESTIMATE FEE SIMPLE MARKET VALUE OF LOTS 101, 102 AND 103 IN MISSION HILLS SUB #2 PHASE 3 CITY OF ALAMOGORDO, OTERO COUNTY NM. FOR POSSIBLE TRADE WITH THE CITY.  | 1,200.00   | 1,200.00 | 92.50 | 0.00    |

|                                                                                                                                                      |                 |                                                                                                                                                                                                                                                                                                                                                                                               |            |          |          |      |      |       |                      |                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|----------|------|------|-------|----------------------|-----------------|
| APPROVAL SIGNATURES:<br><div style="font-family: cursive; font-size: 1.2em; margin-top: 10px;"> <i>Carol A. Gant</i><br/> <i>Wendy Romero</i> </div> |                 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Sub-Total:</td> <td style="text-align: right;">1,200.00</td> </tr> <tr> <td>Freight:</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Tax:</td> <td style="text-align: right;">92.50</td> </tr> <tr> <td><b>Total Amount:</b></td> <td style="text-align: right;"><b>1,292.50</b></td> </tr> </table> | Sub-Total: | 1,200.00 | Freight: | 0.00 | Tax: | 92.50 | <b>Total Amount:</b> | <b>1,292.50</b> |
| Sub-Total:                                                                                                                                           | 1,200.00        |                                                                                                                                                                                                                                                                                                                                                                                               |            |          |          |      |      |       |                      |                 |
| Freight:                                                                                                                                             | 0.00            |                                                                                                                                                                                                                                                                                                                                                                                               |            |          |          |      |      |       |                      |                 |
| Tax:                                                                                                                                                 | 92.50           |                                                                                                                                                                                                                                                                                                                                                                                               |            |          |          |      |      |       |                      |                 |
| <b>Total Amount:</b>                                                                                                                                 | <b>1,292.50</b> |                                                                                                                                                                                                                                                                                                                                                                                               |            |          |          |      |      |       |                      |                 |

|                                                                                                                                                                                                                                   |                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NOTES:<br>Mail Invoice to: Alamogordo Public Schools/Operations<br>PO Box 650<br>Alamogordo, NM 88311-0650<br><br>AS PER PRICE PROPOSAL DATED OCTOBER 2, 2014 REQUESTED AND APPROVED BY VANCE LEE<br><br>Monday, October 06, 2014 | Order Via: <span style="float: right;">Mail</span><br><br><div style="text-align: center; font-weight: bold; font-size: 1.1em;">VENDOR COPY</div> <div style="text-align: right;">Page 1 of 1</div> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**MH Corbin Traffic Analyzer Study**  
**Computer Generated Summary Report**  
**City: Alamogordo**  
**Street: 13th**  
**Location: Between Florida & Alaska**

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A study of vehicle traffic was conducted with the device having serial number 303887. The study was done in the **EB lane** at 13th in Alamogordo, NM in Otero county. The study began on 04/24/2018 at 10:00 AM and concluded on 05/08/2018 at 10:00 AM, lasting a total of 336.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 700 vehicles passed through the location with a peak volume of 7 on 04/24/2018 at [04:30 PM-04:45 PM] and a minimum volume of 0 on 04/24/2018 at [12:00 PM-12:15 PM]. The AADT count for this study was 50.

### **SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 20 - 25 MPH range or lower. The average speed for all classified vehicles was 24 MPH with 30.02% vehicles exceeding the posted speed of 25 MPH. 1.68% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 20MPH and the 85th percentile was 29.22 MPH.

|              |                |                |                |                |                |                |                |                |                |                |                |                |                |               |
|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|
| <<br>to<br>9 | 10<br>to<br>14 | 15<br>to<br>19 | 20<br>to<br>24 | 25<br>to<br>29 | 30<br>to<br>34 | 35<br>to<br>39 | 40<br>to<br>44 | 45<br>to<br>49 | 50<br>to<br>54 | 55<br>to<br>59 | 60<br>to<br>64 | 65<br>to<br>69 | 70<br>to<br>74 | 75<br>to<br>> |
| 10           | 44             | 145            | 258            | 116            | 45             | 12             | 4              | 5              | 3              | 0              | 1              | 1              | 1              | 8             |

CHART 1

### **CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin.

Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 403 which represents 62 percent of the total classified vehicles. The number of Vans & Pickups in the study was 214 which represents 33 percent of the total classified vehicles. The number of Busses & Trucks in the study was 25 which represents 4 percent of the total classified vehicles. The number of Tractor Trailers in the study was 11 which represents 2 percent of the total classified vehicles.

|               |                |                |                |                |                |                |               |  |  |  |  |  |  |  |
|---------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|--|--|--|--|--|--|--|
| <<br>to<br>17 | 18<br>to<br>20 | 21<br>to<br>23 | 24<br>to<br>27 | 28<br>to<br>31 | 32<br>to<br>37 | 38<br>to<br>43 | 44<br>to<br>> |  |  |  |  |  |  |  |
| 403           | 155            | 59             | 11             | 8              | 7              | 4              | 6             |  |  |  |  |  |  |  |

CHART 2

### **HEADWAY**

During the peak traffic period, on 04/24/2018 at [04:30 PM-04:45 PM] the average headway between vehicles was 112.5 seconds. During the slowest traffic period, on 04/24/2018 at [12:00 PM-12:15 PM] the average headway between vehicles was 900 seconds.

### **WEATHER**

The roadway surface temperature over the period of the study varied between 55.00 and 142.00 degrees F.



**MH Corbin Traffic Analyzer Study**  
**Computer Generated Summary Report**  
**City: Alamogordo**  
**Street: 13th**  
**Location: Between Florida & Alaska**

---

A study of vehicle traffic was conducted with the device having serial number 303888. The study was done in the **WB lane** at 13th in Alamogordo, NM in Otero county. The study began on 04/24/2018 at 10:00 AM and concluded on 05/08/2018 at 10:00 AM, lasting a total of 336.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 732 vehicles passed through the location with a peak volume of 6 on 04/24/2018 at [03:30 PM-03:45 PM] and a minimum volume of 0 on 04/24/2018 at [12:00 PM-12:15 PM]. The AADT count for this study was 52.

### **SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 25 - 30 MPH range or lower. The average speed for all classified vehicles was 26 MPH with 50.14% vehicles exceeding the posted speed of 25 MPH. 1.26% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 25MPH and the 85th percentile was 31.59 MPH.

|              |                |                |                |                |                |                |                |                |                |                |                |                |                |               |
|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|
| <<br>to<br>9 | 10<br>to<br>14 | 15<br>to<br>19 | 20<br>to<br>24 | 25<br>to<br>29 | 30<br>to<br>34 | 35<br>to<br>39 | 40<br>to<br>44 | 45<br>to<br>49 | 50<br>to<br>54 | 55<br>to<br>59 | 60<br>to<br>64 | 65<br>to<br>69 | 70<br>to<br>74 | 75<br>to<br>> |
| 2            | 20             | 113            | 222            | 230            | 66             | 37             | 8              | 6              | 3              | 1              | 1              | 0              | 3              | 4             |

CHART 1

### **CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 354 which represents 49 percent of the total classified vehicles. The number of Vans & Pickups in the study was 304 which represents 42 percent of the total classified vehicles. The number of Busses & Trucks in the study was 44 which represents 6 percent of the total classified vehicles. The number of Tractor Trailers in the study was 14 which represents 2 percent of the total classified vehicles.

|               |                |                |                |                |                |                |               |  |  |  |  |  |  |  |
|---------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|--|--|--|--|--|--|--|
| <<br>to<br>17 | 18<br>to<br>20 | 21<br>to<br>23 | 24<br>to<br>27 | 28<br>to<br>31 | 32<br>to<br>37 | 38<br>to<br>43 | 44<br>to<br>> |  |  |  |  |  |  |  |
| 354           | 215            | 89             | 27             | 11             | 9              | 3              | 8             |  |  |  |  |  |  |  |

CHART 2

### **HEADWAY**

During the peak traffic period, on 04/24/2018 at [03:30 PM-03:45 PM] the average headway between vehicles was 128.571 seconds. During the slowest traffic period, on 04/24/2018 at [12:00 PM-12:15 PM] the average headway between vehicles was 900 seconds.

### **WEATHER**

The roadway surface temperature over the period of the study varied between 55.00 and 140.00 degrees F.

## **APPRAISAL REPORT**

**PROPERTY:**

*A ±335 LF Section of 13<sup>th</sup> Street between N. Florida & Alaska Avenues  
In Alamogordo, New Mexico*



**PREPARED FOR:**

*City of Alamogordo  
1376 E. Ninth Street  
Alamogordo, New Mexico*

**EFFECTIVE DATE OF VALUE:**

*December 7, 2017*

**PREPARED BY:**

*C. Marc Beatty, MAI  
NM Appraisal Company  
508 Mechem Drive, Suite E  
Ruidoso, NM 88345*



*Job File #17049*

December 21, 2017

City of Alamogordo  
ATTN: Mr. Darron Williams, City Planner  
1376 E. Ninth Street  
Alamogordo, New Mexico 88310

RE: A real estate appraisal of the ±335 LF section of 13<sup>th</sup> Street between N. Florida and Alaska Avenues in Alamogordo, New Mexico

Job File #17049

Dear Mr. Williams:

I have personally inspected and completed an appraisal of the above referenced property. I am pleased to submit the accompanying report of my findings and conclusions.

The property being appraised is a ±335 linear foot section of 13<sup>th</sup> Street between N. Florida and Alaska Avenues. It is a section of the street between North Elementary School and the Academy del Sol Alternative School that is gated off and used by the Alamogordo Public Schools. The purpose of the appraisal is to develop an opinion of the market value of the property in the fee simple interest. I certify that I have no present or contemplated future interest in the real property beyond this appraisal. The expressed opinions and this appraisal assignment are not based on a requested minimum valuation, a specific valuation, or approval of a loan. The intended use of the appraisal is to assist the City of Alamogordo with asset management of the real estate. Intended users of the appraisal are the duly assigned representatives of the City of Alamogordo. The effective date of value is December 7, 2017, the date of my property inspection.

The Appraisal Report is presented in a narrative format. The opinion of value is qualified by certain assumptions, limiting conditions, certification and definitions which are set forth in the appraisal report. The report is intended to comply with the requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. It presents discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the opinion of value. The depth of discussion presented in the report is specific to the needs of the client and the intended use of the appraisal. Supporting information is retained in the job file. The NM Appraisal Company is not responsible for unauthorized use of the report.



Based on the research and analysis, my opinion of market value of the Subject property in the fee simple interest effective December 7, 2017 is:

**\$32,000**

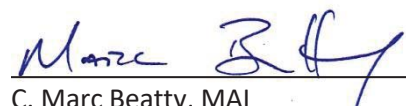
**Thirty Two Thousand Dollars**

This market value is allocated as:

|                                                |          |
|------------------------------------------------|----------|
| Market Value of the 13,400 SF Subject Site:    | \$19,400 |
| Contributory Value of the Street Improvements: | \$12,600 |
| Total Market Value:                            | \$32,000 |

I appreciate this opportunity to provide appraisal services to the City of Alamogordo and welcome comments or questions from authorized users.

Respectfully submitted,

  
C. Marc Beatty, MAI  
NM General Certified Appraiser #3085-G  
NM Appraisal Company

### ***Summary of Salient Facts & Conclusions***

---

|                                                                |                                                                                                                                                                                                |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property Type:                                                 | A ±335 linear foot section of 13 <sup>th</sup> Street between N. Florida and Alaska Avenues                                                                                                    |
| Location:                                                      | The property on within the 1300 Block of N. Florida Avenue on the east side of the street between North Elementary School and the Academy del Sol Alternative School in Alamogordo, New Mexico |
| Legal Description:                                             | The property is part of the 13 <sup>th</sup> Street right-of-way and has no defined legal description shown by Otero County records                                                            |
| Effective Date of Value:                                       | December 7, 2017                                                                                                                                                                               |
| Property Rights Appraised:                                     | Fee Simple Interest                                                                                                                                                                            |
| Land Area:                                                     | ±13,400 SF (40' wide by 335' long), based on County records and as agreed upon with the client                                                                                                 |
| Improvements:                                                  | None, other than the asphalt paving and curbs of the street                                                                                                                                    |
| Intended Use:                                                  | To assist the City of Alamogordo with asset management of the real estate                                                                                                                      |
| Intended Users:                                                | The duly assigned representatives of the City of Alamogordo                                                                                                                                    |
| Zoning:                                                        | R-1 Single-Family Residential                                                                                                                                                                  |
| Highest & Best Use –<br>As Vacant:                             | Assemblage                                                                                                                                                                                     |
| Final Value Opinion –<br>Fee Simple Interest,<br>Market Value: | \$30,000                                                                                                                                                                                       |

## ***Introduction***

---

The Subject property is a portion of 13<sup>th</sup> Street between N. Florida and Alaska Avenues in Alamogordo, New Mexico. The property is a paved section of the street that is gated off and used by the Alamogordo Public Schools. It is between North Elementary and the Academy del Sol Alternative School and is used only by pedestrian traffic between the two campuses. The west section of the street off of N. Florida Avenue provides access to parking lots at each campus.

Thirteen Street is a 40' wide right-of-way that runs in an east to west direction. It is an asphalt paved, two-lane street with curb and gutters. It is primarily residential in nature with some commercial development at the major cross streets. Around the Subject land, it is bound by North Elementary to the north and the Academy del Sol Alternative School to the south. There are modest single-family residential properties to the east and west of the Subject.

Based on my discussions with the client and information from online records, the Subject property has a land area of approximately 13,400 SF. It is an elongated parcel that measures 40' wide by approximately 335' long. Per the city maps and despite being a part of the right-of-way, the land is zoned for R-1 Single-Family Residential use. Site improvements include the asphalt paving and concrete curbs that are generally in below average condition. The neighborhood is mostly developed with residential properties along 13<sup>th</sup> Street and mixed uses along N. Florida Avenue.



## ***Photographs of the Subject Property***

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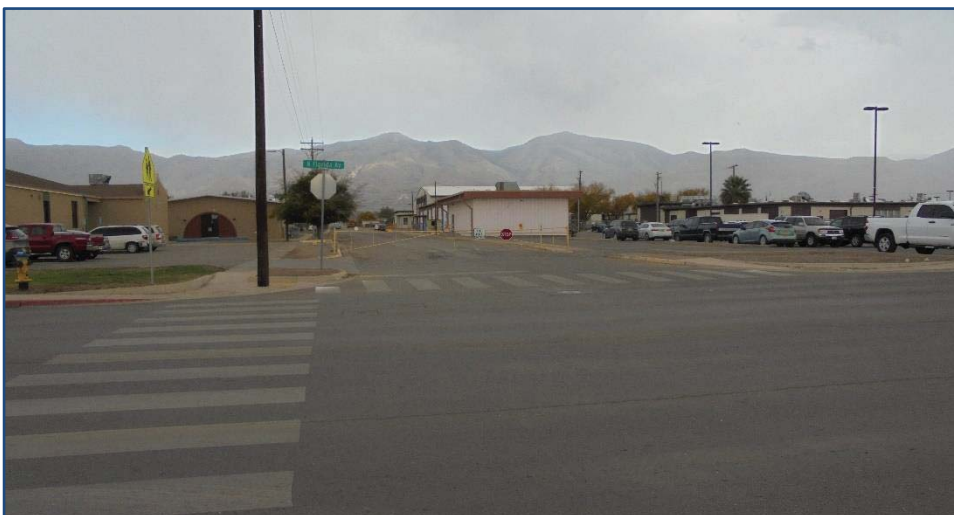
*All photographs were taken by the appraiser, Marc Beatty, on December 7, 2017*



*Street scene of the Subject neighborhood viewing southerly along N. Florida Avenue – the Subject is the section of 13<sup>th</sup> Street to the left in the photo*



*Street scene of the Subject neighborhood viewing northerly along N. Florida Avenue – the Subject property is to the right in the photo*



*Subject property seen from N. Florida Avenue*



*Subject property seen viewing in an easterly direction from near its west property boundary*



*Subject property seen viewing in a westerly direction from near its east property boundary at the intersection of 13<sup>th</sup> Street and Alaska Avenue*



*Subject property seen viewing in an easterly direction from the mid-portion of the property*



## ***Scope of Work***

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This report is intended to comply with the Uniform Standards of Professional Appraisal Practice 2016 – 2017 Edition (USPAP) and has been prepared in accordance with the Appraisal Standard Board's Advisory Opinions 28 and 29. As described by the Scope of Work Rule set forth in USPAP, it is the appraiser's responsibility to determine and perform the scope of work necessary to develop credible assignment results.

In preparing this appraisal, I inspected the Subject property on December 7, 2017. The extent of the inspection included visual examination and assessment of the property. I was able to gain full access to the property and the physical characteristics described in this report are based on my observations. The land area used in this appraisal is based on information obtained from Otero County records and my discussions with Mr. Darron Williams, City Planner for the City of Alamogordo. I have discussed the property and this assignment with Mr. Williams on multiple occasions.

I have visually inspected the surrounding properties and Subject neighborhood and have analyzed the market area for the environs that affect value. I have researched the market for comparable data. My research included discussions with real estate agents and market participants as well as analysis of public records from the Otero County Administrative offices. I have researched the Otero County Association of Realtors Multiple Listing Service and the appraiser's files for comparable data and trends in the market place. The focus of my research for comparable land sales was for recent transactions involving similar residential lots in the Subject market area. From the available market data, the most applicable was selected and used for this appraisal.

To develop an opinion of value, a comprehensive analysis using the Sales Comparison Approach has been completed. A cost analysis was made to determine the contributory value of the street improvements. This is the most applicable approach to value for this assignment. The premise of the approach will be described in the valuation section of this report.

This appraisal has been developed in accordance with the current edition of USPAP as well as the Standards of Professional Practice and Code of Ethics of the Appraisal Institute. I am a New Mexico General Certified Appraiser (License #3085-G) and designated member of the Appraisal Institute (Member #487710) with over eleven years of experience in the market. I am familiar with the type of property being appraised and with the market area in which it is located. I am competent to perform this appraisal as described by the Competency Rule of USPAP and no further steps to achieve competency were necessary.

This report is presented in a narrative Appraisal Report format as described in USPAP Standard 2, Rule 2-2(a). The report sets forth the data considered, the appraisal procedures followed, and the reasoning employed in the appraisal. Each item is addressed in the depth and detail required to provide sufficient information so that the client and the intended users will understand the appraisal and not be misled or confused.

## ***Identification of the Appraisal Problem***

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***Purpose of the Appraisal & Definition of Market Value:*** The purpose of this appraisal is to provide an opinion of the market value of the Subject property. Market Value is defined as “The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and each acting in what he or she considers his or her own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”

*FIRREA Title XI-12 CFR Part 34.42 (f)*

***Intended Use of the Appraisal:*** The intended use of this appraisal is to assist the client, the City of Alamogordo, with asset management of the Subject real estate.

***Intended Users of the Appraisal:*** The intended users of this appraisal are the duly assigned representatives of the City of Alamogordo.

***Property Rights Appraised:*** The Subject property is owned in and has been appraised in the *fee simple interest*. The fee simple interest is defined as “Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”<sup>1</sup>

***Effective Date of Value:*** The effective date of value is December 7, 2017, the date of my property inspection.

***Date of the Report:*** The transmittal date of this report is December 21, 2017.

***Exposure Time:*** Exposure Time is defined as “The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at a market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.”<sup>2</sup> In other words, how long would the property have to have been exposed on the market for it to sell at the appraised value as of the effective date? Based on

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<sup>1</sup> The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 78

<sup>2</sup> The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 73

the market research, it is my opinion that an exposure time of up to twelve months is reasonable for the Subject property at the appraised market value.

**Identification of the Property:** Per Otero County records, the Subject property is identified as:

- Physical Address:  
There is no cited physical address for the Subject property. The property is part of 13<sup>th</sup> Street between N. Florida and Alaska Avenues.
- Legal Address:  
The Subject is part of the 13<sup>th</sup> Street right-of-way and has no separate legal description.
- Assessor's Identification:  
As a part of the right-of-way, the property has no separate Assessor's identification.

**Extraordinary Assumptions:** No extraordinary assumptions were relied upon for this appraisal.

**Hypothetical Conditions:** No hypothetical conditions were relied upon for this appraisal.

### ***History of the Subject Property***

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Standard Rule 1-5 of the Uniform Standards of Professional Appraisal Practice, published by the Appraisal Foundation, states that in developing a real property appraisal, “when the value opinion to be developed is market value, an appraiser must, if such information is available to the appraiser in the normal course of business: a) analyze all agreements of sale, options or listings of the subject property current as of the effective date of the appraisal; and b) analyze all sales of the subject property that occurred within the three (3) years prior to the effective date of the appraisal.”

Per my discussions with Mr. Darron Williams, City Planner, the property is owned by the City of Alamogordo whose mailing address is 1376 E. Ninth Street, Alamogordo, New Mexico 88310. The property is part of 13<sup>th</sup> Street which was built many years ago. However, the section comprising the Subject is gated off and used solely by the Alamogordo Public Schools. There have been no known transactions involving the Subject property over the past three years. The property is not currently listed or pending any agreement to sale or transfer.

## Description of the Subject Property

### Aerial Image:





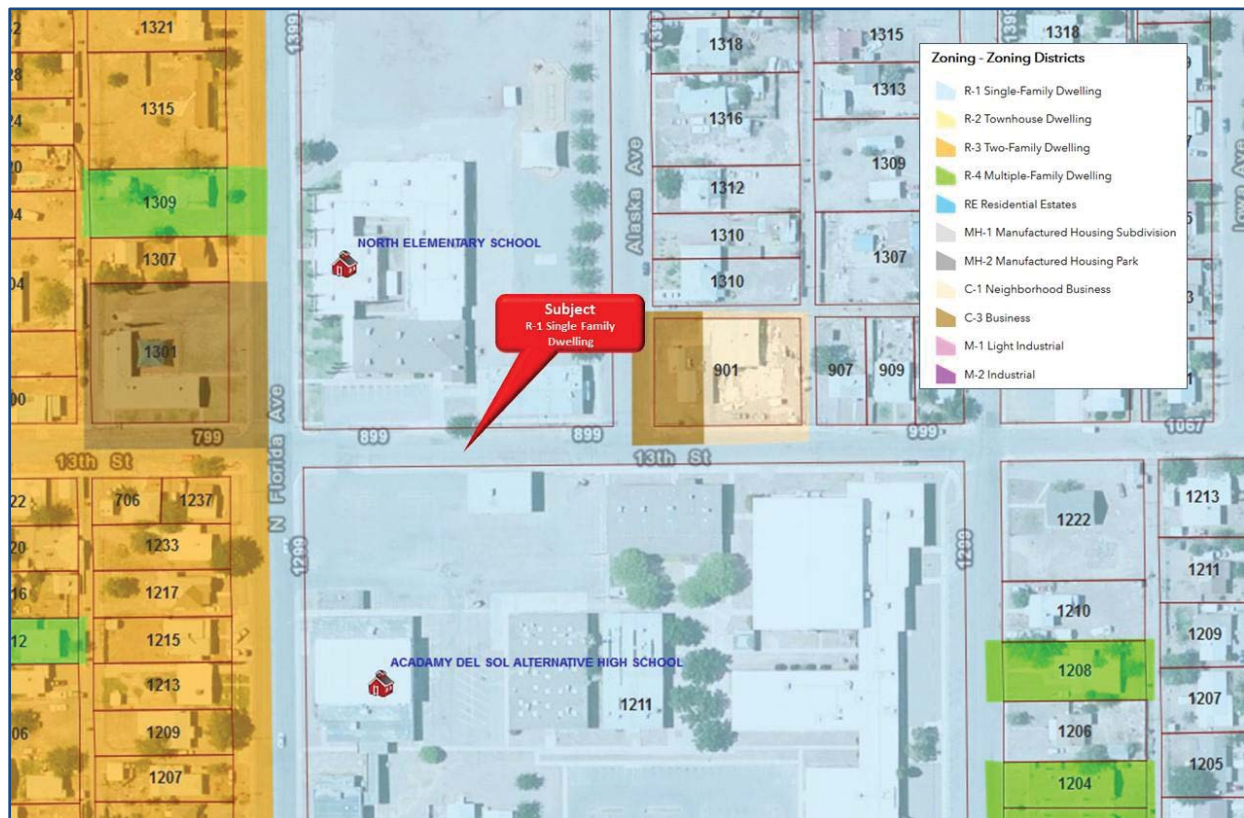
**Assessor's Plat:**



**Flood Map:**



### Zoning Map:



### Details of the Subject Land:

- Location:** The Subject property does not have a known physical address. It is a section of 13<sup>th</sup> Street between N. Florida Avenue to the west and Alaska Avenue to the east.
- Size, Shape, Frontage & Access:** Based on County records and my discussions with Mr. Williams, the Subject site is rectangular in shape measuring 40' wide by 335' deep for a total land area of 13,400 SF. It is bound by N. Florida Avenue to the west and Alaska Avenue to the east. The property has direct access from the two bounding streets. Access and visibility of the site is good.
- Topography & Terrain:** The land is level and at street grade. The topography and terrain are typical of the area.
- Soils:** The property appears to consist of native soils. Soils are typical and assumed to be adequate for reasonable development.
- Environmental:** I am unaware of any environmental assessments of the Subject land. No obvious environmental contamination or potential hazards for contamination were noted during the appraisal inspection. The property is assumed to be free and clear of environmental contamination and the concluded market value is predicated on this assumption. Please refer to the Assumptions & Limiting Conditions included in this report for further information regarding this matter.

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Easements & Encumbrances: | No easements, encumbrances or encroachments were noted during the property inspection, but without the benefit of a survey. It is an assumption of this assignment that there are no encumbrances or restrictions that would adversely affect the Subject land.                                                                                                                                                                                                                                                                                                                                                                            |
| Utilities & Services:     | <p>The Subject site is within the City of Alamogordo and has access to all standard services and utilities. These services include city water/sewer/garbage, natural gas, electricity and telecommunications.</p> <p>Police protection is provided by the Alamogordo Police Department and the Otero County Sherriff's Department. Fire protection is provided by the Alamogordo Fire Department. The public infrastructure is maintained by the City of Alamogordo.</p>                                                                                                                                                                   |
| Flood Hazard:             | The Subject property is shown on FEMA Flood Insurance Rate Maps #3035C0939D effective December 17, 2010. Per this map, the property is in Zone AH. This is an area subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements and floodplain management standards apply. A flood map identifying the Subject property was presented on the previous pages.                                            |
| Zoning & Restrictions:    | <p>The Subject property is located inside the City of Alamogordo and is zoned for R-1 Single-Family Dwelling use. The R-1 Single-family Dwelling zone requires a minimum lot area of 6,000 SF with a 60-foot minimum lot width. It requires a front yard building setback of 25 feet and 5-foot side yard setback and a rear yard setback of 30 feet. The maximum structure height is 2½ stories or 35 feet.</p> <p>Note that the Subject does not meet the minimum width requirement for an R-1 lot. A variance may be required for development of the land.</p>                                                                          |
| Analysis & Conclusions:   | The Subject is a 13,400 SF section of 13 <sup>th</sup> Street that is gated off and used solely by the Alamogordo Public Schools. Thirteen Street is a 40' wide dedicated street that runs in an east to west direction. The Subject land lies between North Elementary and the Academy del Sol Alternative School. The land is improved with asphalt paving and concrete curbing which, in my opinion, contribute to value based on its current use. It is zoned for R-1 Single-Family Dwelling which allows for typical residential development. However, the Subject is an elongated parcel with a width of only 40' and depth of 335'. |

**Property Taxes & Assessments:**

Real estate property taxes are administered and levied by Otero County on behalf of itself and other public entities. Taxes are based on a taxable value, which is one-third of a property's assessed value. The mill levy, established in September at the state capitol, is released in early November of each year. Property taxes can be paid in two installments, which are due in December and the following May. Please note

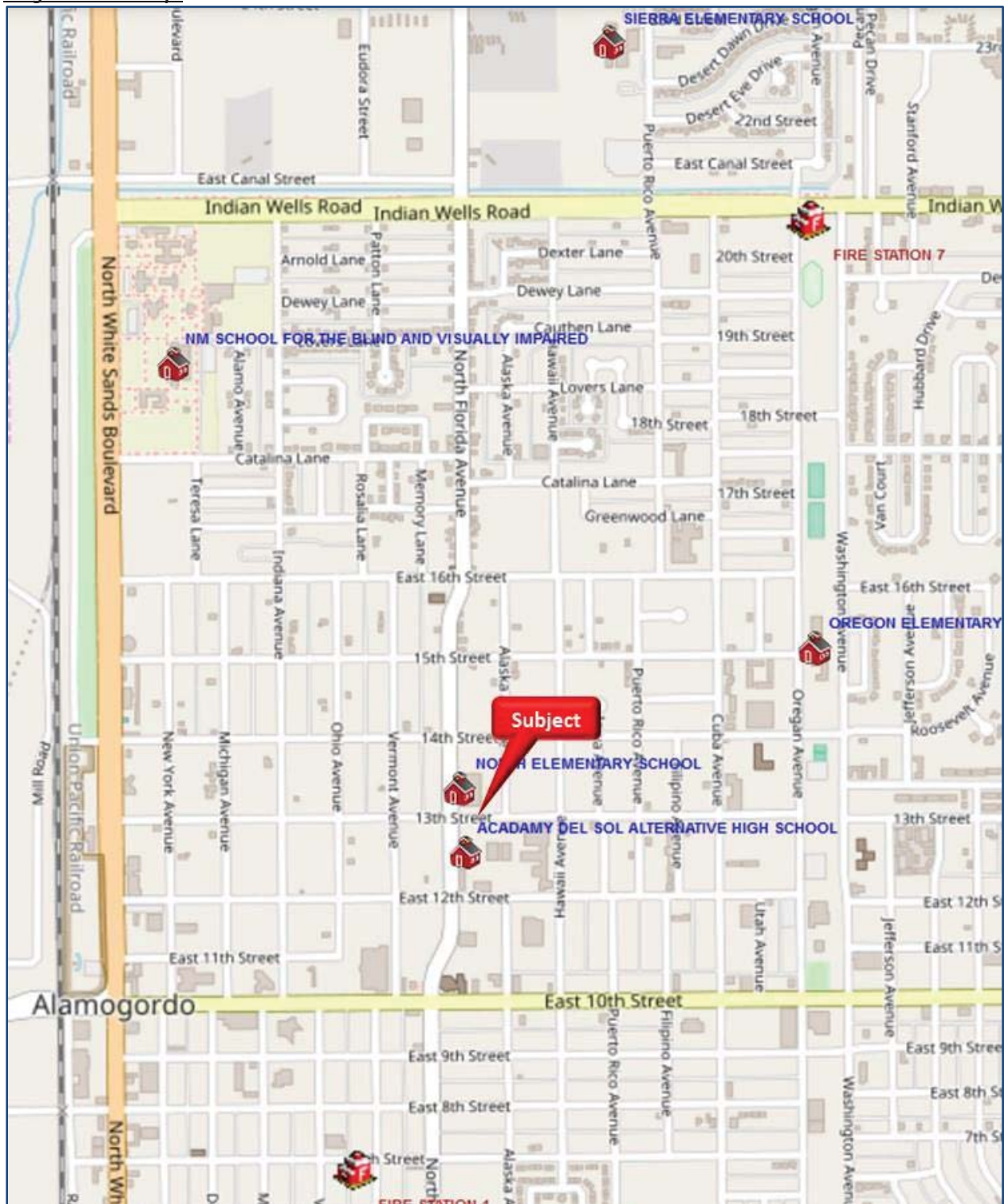


that an ad valorem tax is based on the assessed value of the property, which is not necessarily equivalent to its market value.

The Subject is part of 13<sup>th</sup> Street which is a dedicated right-of-way owned by the City of Alamogordo. As it is owned by the City, the property is exempt from taxation.

## Market Area & Neighborhood Description

### Neighborhood Map:



## ***The Subject Neighborhood***

*By definition, a neighborhood is “a group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises.”<sup>3</sup> Neighborhood analysis focuses on social, economic, governmental, and environmental forces that influence property values in the vicinity of a Subject property. Although physical boundaries may be drawn, the most important boundaries are those that identify factors influencing property values.*

The Subject property is a closed section of 13<sup>th</sup> Street in the east-central section of the city. It is along N. Florida Avenue just north of Tenth Street. The neighborhood boundaries are generally defined as Tenth Street to the south, White Sands Boulevard to the west, Indian Wells Road to the north and Oregon Avenue to the east. It is an established, mixed-use neighborhood that is centrally located within the city.

Florida Avenue is one of the primary north-south corridors through the city. Through the Subject neighborhood, it is a two- and four-lane corridor with mixed development. The frontage is moderately developed with commercial and residential uses. Most are older properties including modest single-family dwellings. The most notable properties along the street are the Alamogordo Public Schools Administrative Building, North Elementary School and the Academy del Sol Alternative School.

A few blocks south of the Subject is Tenth Street, one of three major east – west commercial arterials in the city. The other two are First Street to the south and Indian Wells Road to the north. Of these three corridors, Tenth Street is the most developed and most heavily traveled passage. It is a five-lane roadway with two driving lanes in each direction, a center turn lane, curb, gutter, sidewalks and street lights. It is mixed-use in nature with a variety of office properties, financial institutions, retail stores, grocery stores, restaurants and service outlets. Tenth Street has experienced some new development in recent years. At the southwest corner of Tenth Street and Cuba Avenue is a new two-story office and bank complex for Otero Federal Credit Union. The reported cost of development including landscaping and furnishings was approximately \$6.8 million. Next to this, a long-time vacant grocery store was razed a couple years ago and a new Albertson’s Market was built in its place. At about the same time, the older Lowe’s Grocery near the Subject was renovated into a higher end Lowe’s Signature Market. The new construction and remodels of existing properties have improved the Tenth Street corridor in recent years.

To the west is White Sands Boulevard, the primary north-south passage through the city. Also US Highways 54/70, it is a heavily developed commercial corridor home to variety of chain entities including limited-service hotels, fast food restaurants, Lowe’s and Home Depot. Most of the new commercial development in Alamogordo over the past decade has taken place on White Sands Boulevard.

Indian Wells Road is another east-west commercial corridor, but is much lesser developed than Tenth Street. It is a four-lane, median divided street. Most of its new development has taken place along the east section of the corridor, outside of the Subject neighborhood. This includes a Dollar General, Walmart

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<sup>3</sup> The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 133

Neighborhood Market and several new offices catering to the medical industry. The medical offices have been built in the area because of its proximity to the hospital.

Oregon Avenue is a two-lane north south corridor east of the Subject property. The street is known for its green space and Washington Park which is on the east side of the street between Tenth Street and Indian Wells Road. The park has playgrounds, tennis courts, basketball courts and the city pool.

Streets through the neighborhood are set on a grid with the numbered streets running east-west and the named avenues running north-south. The neighborhood is an older and established section of the city, though there are vacant lots scattered throughout. Commercial development exists along Florida Avenue and the boundary streets as described. The infill streets are primarily home to single-family residential uses; many of which are older, modest dwellings. Overall, the Subject neighborhood is centrally located in the city with good linkages to all necessary trades and services. It is judged to be in a stable lifecycle with property values anticipated to remain steady over the foreseeable future.

## ***Highest & Best Use***

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Highest and best use is “The reasonably probable and legal use of vacant land or an improved property that 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. Alternatively, the probable use of land or improved property – specific with respect to user and timing of the use – that is adequately supported and results in the highest present value.”<sup>4</sup>

The highest and best use analysis builds on the conclusions of the marketability analysis. It is two-step process whereby the highest and best use of the land as vacant is first determined and then the highest and best use of the property as it is improved is concluded. The analysis of the land as though vacant focuses on alternative uses, with the appraiser testing each reasonably probable use for legal permissibility, physical possibility, financial feasibility, and maximum productivity. Then the appraiser applies the four tests in the analysis of the property as improved, but focuses not on alternative uses but on three possibilities: continuation of the existing use, modification of the existing use, or demolition and redevelopment of the land.

### ***Highest & Best Use as Vacant:***

The Subject property is a short section of 13<sup>th</sup> Street that is closed off and used by the Alamogordo Public Schools. The site is ±40' wide by ±335' long for a total land area of 13,400 SF. Following is a discussion of the four tests of highest and best use as they pertain to the Subject land:

- **Legally Permissible:** The Subject is in the city limits and zoned for R-1 Single-Family Dwelling development. This allows for typical residential development. However, the ordinance requires a 60' minimum lot width while the Subject is only 40' wide. A variance would be required to develop the land. There are no known deed restrictions or covenants that further bind the property.
- **Physically Possible:** Again, the Subject is a section of 13<sup>th</sup> Street that spans from N. Florida to Alaska Avenue. It is an elongated parcel with a land area of 13,400 SF. The site is level, at street grade and entirely usable. Other than its narrow width, there are no physical characteristics of the property that limit its use.
- **Financially Feasible:** Financial feasibility focuses on the income and cost aspects of the uses that meet the above criteria. As long as a potential use has value commensurate with its costs and conforms to the tests of legal permissibility and physical possibility, the use is financially feasible. Again, the Subject is well-located along N. Florida Avenue just north of Tenth Street. The neighborhood is mixed-use with modest single-family dwellings and commercial properties. The land is zoned for residential use which is a financially feasible use of the property.

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<sup>4</sup> The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 93

- Maximally Productive: The Subject is the small residential parcel in the mixed-use neighborhood. Residential development compatible with the neighborhood is the maximally productive use of the land as vacant.

Final Conclusion: The Subject is a 13,400 SF section of 13<sup>th</sup> Street that is closed off and used by the Alamogordo Public Schools. Though it is part of the right-of-way, the land is zoned for R-1 Single-Family Dwelling use similar to the adjacent properties. While single-family residential use passes the four tests of highest and best use, it is unlikely that the property would be developed in this manner. The Subject is only 40' wide and is between North Elementary School and the Academy del Sol Alternative School. Given the surrounding properties and narrow width of the Subject, highest and best use of the land is for assemblage to the adjacent properties.

## ***The Sales Comparison Approach***

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The Subject property is vacant land and the only applicable approach to value is the Sales Comparison Approach. The Sales Comparison Approach develops an indication of value through analysis of prices paid in transactions involving similar properties. The premise is that an opinion of market value can be supported by studying the market's reaction to comparable and competitive properties. The Sales Comparison Approach draws from the *principle of substitution* which holds that the value of a property tends to be set by the price that would be paid to acquire a substitute property of similar utility and desirability within a reasonable time frame.

The Sales Comparison Approach is a systematic process in which the appraiser:

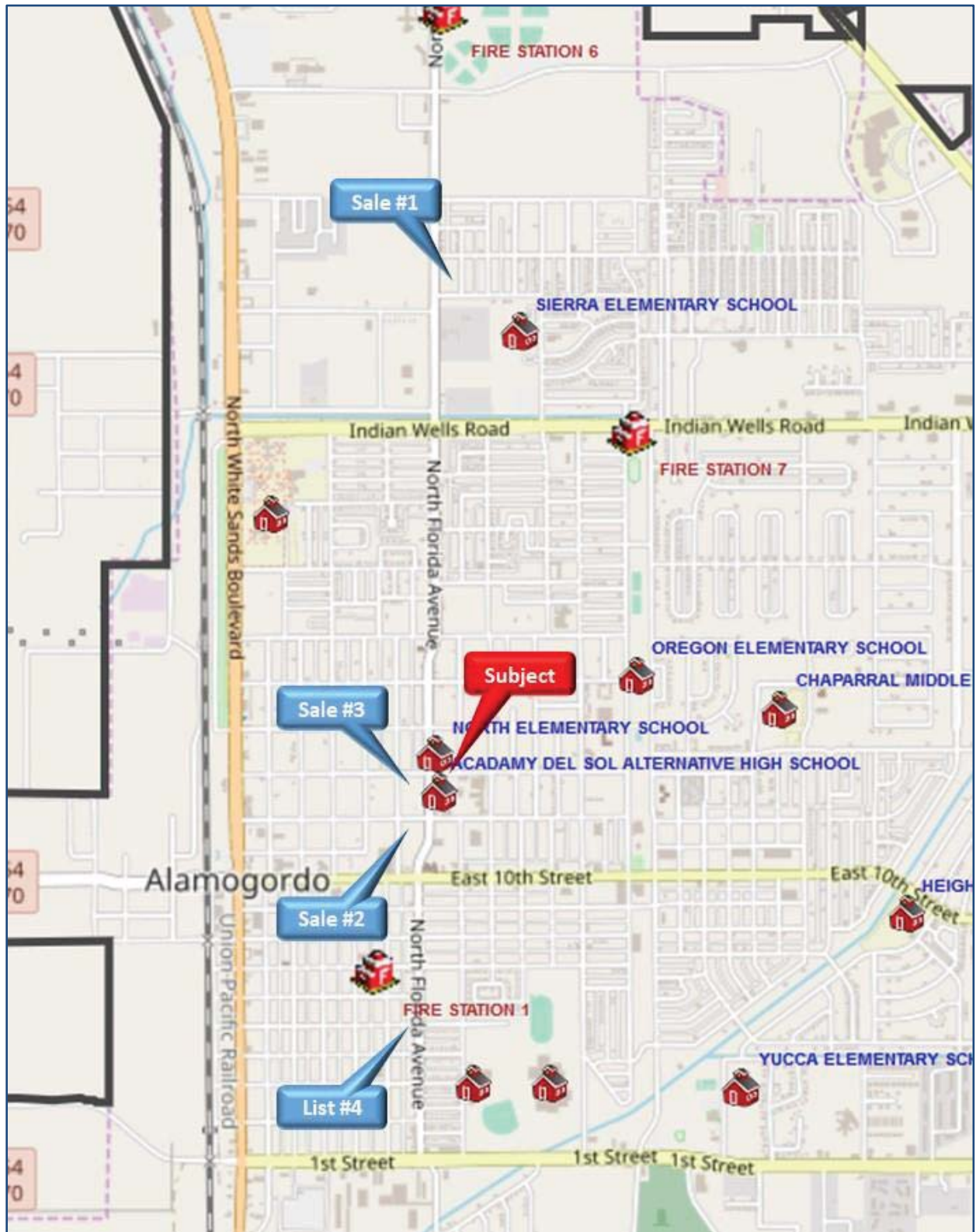
1. Researches the competitive market for comparable sales, listings for sale or contracts to sale.
2. Verifies the information by confirming that the data obtained is factually accurate and that the transactions reflect arm's length market considerations.
3. Selects the most relevant units of comparison for the market and develops a comparative analysis for those units of comparison.
4. Identifies differences between the comparable sales and the Subject property using the appropriate elements of comparison and makes the necessary adjustments to the comparables.
5. Reconciles the various value indications into a final value opinion for the Subject property.

The following table presents three comparable land sales and a current listing for sale that will be used in this appraisal. All are residential lots in the Subject neighborhood. The sales have been analyzed based on a price per square foot (sale price divided by gross land area), as this is the typical unit of comparison for small lots in the market. On the following pages is a location map and data sheets providing further detail on each property and the transaction. Significant effort has been made to obtain the most recent and reliable information.

| Summary of Comparable Land Sales |                                                             |                                                 |                                                                                                                 |                                                                                                    |
|----------------------------------|-------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
|                                  | Sale #1                                                     | Sale #2                                         | Sale #3                                                                                                         | Listing #4                                                                                         |
| <b>Address:</b>                  | 2407 Alaska Avenue                                          | 1120 Vermont Avenue                             | 1222 Vermont Avenue                                                                                             | 501 N. Florida Avenue                                                                              |
| <b>Sale Date:</b>                | 3/25/2016                                                   | 1/9/2017                                        | 8/29/2017                                                                                                       | Current Listing for Sale                                                                           |
| <b>Sale Price:</b>               | \$15,500                                                    | \$6,000                                         | \$8,000                                                                                                         | \$15,000 – asking                                                                                  |
| <b>Land Area:</b>                | 7,680 SF                                                    | 7,500 SF                                        | 6,752 SF                                                                                                        | 7,500 SF                                                                                           |
| <b>Sale Price / SF:</b>          | \$2.02                                                      | \$0.80                                          | \$1.18                                                                                                          | \$2.00 – asking                                                                                    |
| <b>Comments:</b>                 | Midblock lot north of the Subject in a new residential area | Small multifamily lot near the Subject property | Residential lot at the southeast corner of Vermont Avenue and 13 <sup>th</sup> Street near the Subject property | Multifamily lot at the corner of N. Florida Avenue and 5 <sup>th</sup> Street south of the Subject |



Map of Comparable Land Sales:





**COMPARABLE LAND SALE #1****Physical Characteristics:**

Address: 2407 Alaska Avenue, Alamogordo, New Mexico  
 This is a midblock lot on the west side of the street between 24<sup>th</sup> & 25<sup>th</sup> Streets

Legal Address: Lot 11, Block 18, Haynes Addition, Alamogordo, Otero County, NM

Land Area: 7,680 SF

Shape: Rectangular

Topography: Level and at street grade

Access: Alaska Avenue

Zoning: C-3 Business

Utilities: All available

**Sale Data:**

Grantor: Kenneth N. & Cynthia J. Rogers

Grantee: Roland K. & Debbie L. King

Recording Data: WD; Reception #201602226

Sale Date: March 25, 2016

Sale Price: \$15,500

Sale Price per SF: \$2.02

Terms: Cash to seller

Property Rights Conveyed: Fee Simple Interest

Intended Use: Residential development

**Comments:**

This is a midblock lot on the west side of the street between 24<sup>th</sup> and 25<sup>th</sup> Streets. It is zoned for commercial use, but part of a residential subdivision being developed.

**Confirmation:**

MLS #152123  
 By: Marc Beatty, MAI (12/2017)

## COMPARABLE LAND SALE #2



### Physical Characteristics:

Address: 1120 Vermont Avenue, Alamogordo, New Mexico  
This is the east side of the street one lot south of E. 12<sup>th</sup> Street.

Legal Address: Lot 9, Block 84, Alamo Blocks, Alamogordo, Otero County, NM

Land Area: 7,500 SF

Shape: Rectangular

Topography: Level and at street grade

Access: Vermont Avenue

Zoning: R-4 Multifamily Dwelling

Utilities: All available

### Sale Data:

Grantor: Estate of Anne Austin Rhodes

Grantee: White Sands Habitat for Humanity

Recording Data: Deed; Reception #201700150

Sale Date: January 9, 2017

Sale Price: \$6,000

Sale Price per SF: \$0.80

Terms: Cash to seller

Property Rights Conveyed: Fee Simple Interest

Intended Use: Residential development

### Comments:

This is a small multifamily lot on Vermont Avenue just north of Tenth Street. The seller was an estate and the buyer was the local Habitat for Humanity group. It is surrounded by several vacant lots.

### Confirmation:

MLS #152920  
By: Marc Beatty, MAI (12/2017)



### COMPARABLE LAND SALE #3



#### Physical Characteristics:

|                |                                                                                                            |
|----------------|------------------------------------------------------------------------------------------------------------|
| Address:       | 1222 Vermont Avenue, Alamogordo, New Mexico                                                                |
|                | This is the southeast corner of Vermont Avenue and 13 <sup>th</sup> Street, a non-signalized intersection. |
| Legal Address: | Lot 10 N45', Block 83, Alamo Blocks, Alamogordo, Otero County, NM                                          |
| Land Area:     | 6,752 SF                                                                                                   |
| Shape:         | Rectangular                                                                                                |
| Topography:    | Level and at street grade                                                                                  |
| Access:        | Vermont Avenue & 13 <sup>th</sup> Street                                                                   |
| Zoning:        | R-3 Two Family Dwelling                                                                                    |
| Utilities:     | All available                                                                                              |

#### Sale Data:

|                           |                                   |
|---------------------------|-----------------------------------|
| Grantor:                  | George H. & Rosalie E. Leatherman |
| Grantee:                  | Christopher & Darlene Dyka        |
| Recording Data:           | WD; Reception #201706929          |
| Sale Date:                | August 29, 2017                   |
| Sale Price:               | \$8,000                           |
| Sale Price per SF:        | \$1.18                            |
| Terms:                    | Cash to seller                    |
| Property Rights Conveyed: | Fee Simple Interest               |
| Intended Use:             | Unknown                           |

#### Comments:

This is a small multifamily lot at the southeast corner of Vermont Avenue and 13<sup>th</sup> Street. It is one block west of the Subject property. The land had been improved with a single-family residence which was relocated prior to the property being listed.

#### Confirmation:

MLS #156159  
By: Marc Beatty, MAI (12/2017)

**COMPARABLE LAND REFERENCE #4 – CURRENT LISTING FOR SALE**



**Physical Characteristics:**

Address: 501 N. Florida Avenue, Alamogordo, New Mexico  
 This is the northwest corner of N. Florida Avenue and 5<sup>th</sup> Street, a non-signalized intersection.

Legal Address: Lot 12, Block 47, Alamo Blocks, Alamogordo, Otero County, NM

Land Area: 7,500 SF

Shape: Rectangular

Topography: Level and at street grade

Access: N. Florida Avenue & 5<sup>th</sup> Street

Zoning: R-3 Two Family Dwelling

Utilities: All available

**Sale Data:**

Grantor: DSPS, Inc.

Grantee:

Recording Data:

Sale Date: Current listing as of 12/2017

Asking Price: \$15,000 – asking

Asking Price PSF: \$2.00 – asking

Terms:

Property Rights Conveyed: Fee Simple Interest

Intended Use:

**Comments:**

This is a vacant multifamily residential lot at the northwest corner of N. Florida Avenue and 5<sup>th</sup> Street. The property has been on the market for just over one month.

**Confirmation:**

MLS #157601  
 By: Marc Beatty, MAI (12/2017)

The comparables are three recent sales and a current listing for sale of similar lots in the Subject neighborhood. The past sales indicate unit prices ranging from \$0.80 PSF up to \$2.02 PSF and span a timeframe from March 2016 to August of this year. The current listing for sale has an asking price of \$2.00 PSF and it has been on the market for just over a month.

### **Discussion of Adjustments**

In this study, both quantitative adjustments and qualitative analysis will be used. The typical elements of comparison in the preferred sequence of adjustments are property rights conveyed, financing terms, conditions of sale, expenditures made immediately after purchase, market conditions, location, physical characteristics, economic characteristics, use, and non-realty components of value. The first five elements are “transactional” while the second five are “physical”.

In the quantitative analysis, percentage adjustments are made to the comparable sales to make them more similar to the Subject property. If the Subject is superior to the comparable sale, then a positive adjustment will be made to the sale. If the Subject is inferior to the comparable, a negative adjustment will be made to the sale. In all cases, the comparables are adjusted to be more similar to the Subject property. Following is a discussion of the adjustments that will be made to the comparable sales:

- Property Rights Conveyed: The Subject property is being appraised in the fee simple interest. All of the comparable land sales used in this study transferred the fee simple interest of the property. No adjustment for property rights conveyed is necessary.
- Financing Terms: All of the comparable sales involved typical bank financing, equivalent financing or were cash transactions. No adjustment for financing terms is necessary.
- Conditions of Sale: Sales #1 - #3 were arm's length transactions with no known atypical circumstances influencing the transaction. No adjustments will be made for conditions of sale to these comparables. The property in Listing #4 represents an offer to sale and not a closed transaction. Typically, the final sale price of a property is less than its initial asking price. The sale-to-list price of the three comparables used in this study were -22%, -14% and -20%; inferring a 14% to 22% discount off of the asking price. In this analysis, a negative 20% will be made to Listing #4 in consideration of the lack of a final sale of the property.
- Expenditures Made Immediately After Purchase: None of the transactions required expenditures after the sale that were known to influence the sale price. No adjustment is necessary.
- Market Conditions: The sales are recent transactions having taken place over the past 20 or so months. No adjustment for market conditions is necessary.
- Location: The Subject is along N. Florida Avenue surrounded by the schools and older residential development. The property in Sale #1 is north of the Subject just off of N. Florida Avenue. It is in an older area of the city, but in a neighborhood that has been developed in the past few years and has several new



homes. This property is superior in location when compared to the Subject and a negative 10% will be made.

The property in Sale #3 is along Vermont Avenue in close proximity to the Subject. The property in Listing #4 is on N. Florida south of the Subject. Both of these lots have corner locations which is considered to be superior to that of an interior location because of better access and visibility of the land. A negative 5% will be made to these two comparables in consideration of their superior corner locations.

- Size: The Subject has a land area of approximately 13,400 SF and is larger than any of the comparables used in this study. The comparables range in size from 6,752 SF to 7,680 SF. Size will affect the sale price of a property based on economies of scale. Typically, the smaller the land area the higher the unit price paid, assuming that all other variables are reasonably similar. A negative 5% will be applied to each comparable in consideration of their smaller land areas.

No other percentage adjustments will be made. The following grid shows the necessary adjustments and the adjusted unit prices of the comparable sales:

| Adjustment Grid                              |                    |                     |                     |                          |
|----------------------------------------------|--------------------|---------------------|---------------------|--------------------------|
|                                              | Sale #1            | Sale #2             | Sale #3             | Listing #4               |
| Property:                                    | 2407 Alaska Avenue | 1120 Vermont Avenue | 1222 Vermont Avenue | 501 N. Florida Avenue    |
| Sale Date :                                  | 3/25/2016          | 1/9/2017            | 8/29/2017           | Current Listing for Sale |
| Sale Price PSF:                              | \$ 2.02            | \$ 0.80             | \$ 1.18             | \$ 2.00                  |
| <b>Transactional Adjustments</b>             |                    |                     |                     |                          |
| Property Rights Conveyed                     | Fee Simple         | Fee Simple          | Fee Simple          | Fee Simple               |
| % Adjustment                                 | 0%                 | 0%                  | 0%                  | 0%                       |
| Financing Terms                              | Conventional       | Conventional        | Conventional        | Conventional             |
| % Adjustment                                 | 0%                 | 0%                  | 0%                  | 0%                       |
| Conditions of Sale                           | Typical            | Typical             | Typical             | Listing                  |
| % Adjustment                                 | 0%                 | 0%                  | 0%                  | -20%                     |
| Expenditures Made Immediately After Purchase | None               | None                | None                | None                     |
| % Adjustment                                 | 0%                 | 0%                  | 0%                  | 0%                       |
| Market Conditions                            | Similar            | Similar             | Similar             | Similar                  |
| % Adjustment                                 | 0%                 | 0%                  | 0%                  | 0%                       |
| Price PSF After Transactional Adjustments    | \$ 2.02            | \$ 0.80             | \$ 1.18             | \$ 1.60                  |
| <b>Adjustments for Physical Conditions</b>   |                    |                     |                     |                          |
| Location                                     | Similar            | Similar             | Superior            | Superior                 |
| % Adjustment                                 | -10%               | 0%                  | -5%                 | -5%                      |
| Size                                         | Superior           | Superior            | Superior            | Superior                 |
| % Adjustment                                 | -5%                | -5%                 | -5%                 | -5%                      |
| Topography / Terrain / Other                 | Similar            | Similar             | Similar             | Similar                  |
| % Adjustment                                 | 0%                 | 0%                  | 0%                  | 0%                       |
| Net Adjustment for Physical Conditions       | -15%               | -5%                 | -10%                | -10%                     |
| Adjusted Sale Price PSF                      | \$ 1.72            | \$ 0.76             | \$ 1.06             | \$ 1.44                  |
| <b>Economic Indicators:</b>                  |                    |                     |                     |                          |
| High:                                        |                    | \$                  | 1.72                |                          |
| Low:                                         |                    | \$                  | 0.76                |                          |
| Mean:                                        |                    | \$                  | 1.24                |                          |

After the necessary adjustments, the comparables indicate a wide range of unit prices from \$0.76 PSF to \$1.72 PSF. Listing #4 has an adjusted unit price of \$1.44 PSF. This property must be considered as it represents a substitute lot in the market. Any potential buyer of the Subject would likely consider this property as well. As such, a listing will offer represent the upper end of market parameters; assuming it is comparable to the Subject. Based on the comparable listing, I conclude a unit value of \$1.45 PSF (rounded) is reasonable for the Subject land as vacant. This unit value is bracketed by Sales #1 - #3. The indicated market value of the Subject land is then:

$$13,400 \text{ SF} \times \$1.45 \text{ PSF} = \$19,430 \text{ rounded to } \$19,400$$

This concluded value is for the Subject land as though it is vacant and unimproved, like the comparable sales used in this study. It does not consider the contributory value of the street improvements that benefit the land. To determine the contributory value of the improvements, I have discussed construction costs with Mr. Manny Guardiola of Sedona Contracting, Inc., who specializes in heavy construction, and used Marshall Valuation Service, a leading cost publication. Costs cited in Marshall are the final costs to the owner and include:

1. Average architects' and engineers' fees including plans, plan check and nominal building permits, and surveying to establish building lines and grades.
2. Normal interest on only the actual building funds during period of construction and processing fees or service charges.
3. All material and labor costs including appropriate local, state and federal sales or GST taxes, etc.
4. Normal site preparation including finish, grading and excavation for foundation and backfill for the structure.
5. Contractor's overhead and profit including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, equipment, temporary facilities, security, etc.

Costs for residential street improvements vary greatly due to local code requirements for different materials, street types and layouts, and utilities. For this study, I have only included the basic costs for the paved street based on my discussions with Mr. Guardiola. The following are average costs per linear foot for a 40' wide street cited by Marshall including ordinary charges for engineering, plans and inspection:

|                                           |                |
|-------------------------------------------|----------------|
| Grading & Surplus Disposal:.....          | \$18.00        |
| 4" Rock Base: .....                       | \$28.40        |
| Paving, 4" Asphaltic Concrete:.....       | \$84.80        |
| <u>Concrete Curb, 6", No Gutter .....</u> | <u>\$19.20</u> |
| Total Cost PLF:.....                      | \$150.40       |

Again, the Subject street improvements are 40' wide by 335' long. Per Marshall Valuation Service, the average cost new per linear foot for a basic 40' wide residential street is \$150.40 PLF. The street was built many years ago and the section over the Subject parcel is in below average condition with cracks, potholes and areas that have been filled. The actual age of the street and its economic life are unknown. As such,

a lump sum estimate of the depreciation to the improvements will be made. Based on my visual inspection, a depreciation ratio of 75% will be made to the cost new of the street improvements to reflect the current condition and contributory value to the Subject property. Following is the calculation of the cost new and contributory value of the Subject improvements:

|                                                | Units  | RCN PLF   | Cost New         | Reference             |
|------------------------------------------------|--------|-----------|------------------|-----------------------|
| Cost New of Street Improvements:               | 335 LF | \$ 150.40 | \$ 50,384        | MVS Section 66, Pg. 1 |
| Less Physical Depreciation                     | 75%    |           | \$ 37,788        |                       |
| Contributory Value of the Street Improvements: |        |           | \$ 12,596        |                       |
| <b>Rounded to:</b>                             |        |           | <b>\$ 12,600</b> |                       |

Based on this analysis, the contributory value of the street improvements on the Subject land is \$12,600. The concluded market value of the Subject land as vacant is \$19,400. The total market value of the Subject property is:

|                                                         |          |
|---------------------------------------------------------|----------|
| Market Value of the 13,400 SF Parcel of Land as Vacant: | \$19,400 |
| Contributory Value of the Street Improvements:          | \$12,600 |
| Total Market Value:                                     | \$32,000 |



### ***Final Reconciliation & Opinion of Value***

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The Subject property is a closed off section of 13<sup>th</sup> Street that runs east to west between N. Florida Avenue and Alaska Avenue. Thirteen Street is a 40' wide roadway and the Subject section is 335' long. Three recent sales and one current listing for sale of vacant lots in the market were used to determine the market value of the land as vacant. Cost estimates from Marshall Valuation Service, a leading cost publication, were used to determine the contributory value of the street improvements overlying the land. Overall, there was good quality and quantity of data from which to determine the market value of the property.

Based on the research and analysis, my opinion of market value of the Subject property in the fee simple interest effective December 7, 2017:

**\$32,000**

**Thirty Two Thousand Dollars**

This market value is allocated as:

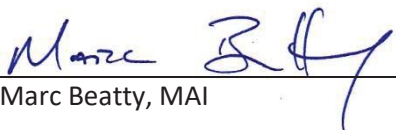
|                                                         |          |
|---------------------------------------------------------|----------|
| Market Value of the 13,400 SF Parcel of Land as Vacant: | \$19,400 |
| Contributory Value of the Street Improvements:          | \$12,600 |
| Total Market Value:                                     | \$32,000 |

## Certification

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I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value 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 intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I (Marc Beatty) have completed the continuing education program for Designated Members of the Appraisal Institute.

  
Marc Beatty, MAI

December 21, 2017  
Date

## ***General Assumptions & Limiting Conditions***

---

### ***This appraisal has been made with the following general assumptions:***

1. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. The legal description is assumed to be correct. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any and all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions at the property, subsoil structures or building materials that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state and local environmental regulations and laws unless the lack of compliance is stated, described and considered in this appraisal report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described and considered in this appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the opinion of value contained in this report is based.
10. It is assumed that the use of the land and the improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report
11. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions or

for any expertise or engineering knowledge required to discover them. The intended user is urged to retain an expert in this field, if desired.

***This appraisal report has been made with the following general limiting conditions:***

1. Any allocation of the total value estimated in this report between the Subject tracts of land applies only under the stated program of utilization. Separate values allocated to the Subject tracts of land must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. The appraiser, by reason of this appraisal, is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless such arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales or other media without the prior written consent of the appraiser.

## Qualifications of the Appraiser

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### C. Marc Beatty, MAI



#### **Summary of Qualifications:**

Extensive experience in real estate appraisal. The typical appraisal process consists of on-site inspection, data collection and verification, comparable analysis, market analysis, derivation of rates and multipliers, reconciliation, final opinion of value and the preparation and composition of narrative reports. Properties appraised include complex retail, office, industrial, multitenant neighborhood centers, hotels/motels, medical office buildings, subdivisions, large land tracts and proposed developments.

#### **Work Experience:**

**Owner / President**, MB Appraisal Company, Ruidoso, NM, April 2010 to present

**Associate Appraiser**, Denton Colvin & Associates, Ruidoso, NM, June 2006 – February 2014

- Completion of the appraisal process to result in a final opinion of value for a variety of complex commercial properties, land tracts and subdivisions
- Extensive analysis and application of the three traditional approaches to value
- Application of the subdivision analysis and discounted cash flows
- Reporting of findings in a narrative format adhering to the Uniform Standards of Professional Appraisal Practice and/or the Uniform Appraisal Standards for Federal Land Acquisitions (Yellowbook)

#### **Licenses & Affiliations:**

State of New Mexico General Certified Appraiser No. 03085-G

Appraisal Institute, MAI Member # 487710

Ruidoso/Lincoln County Association of REALTORS

Rotary Club of Ruidoso

#### **Summary of Appraisal Clients Served:**

**Governmental Agencies:** United States Department of Agriculture Forest Service, United States Department of Housing and Urban Development, County of Lincoln, County of Otero, Village of Ruidoso, Mescalero Apache Housing Authority, Department of Interior/Office of Special Trustee for American Indians, New Mexico Department of Transportation, Bureau of Land Management

**Financial Institutions:** Wells Fargo NA, BBVA Compass Bank, Bank of the Southwest, City Bank New Mexico, First National Bank, First American Bank, Bank 34, Western Bank, First Saving Bank, Southwest Securities FSB, Washington Federal, Bank of the Rio Grande, Carlsbad National, Western Commerce Bank, National Bank of Arizona, State Bank & Trust of Dallas, Commercial State Bank, First Capital Bank of Texas and many others

#### **Education:**

**New Mexico State University**, Las Cruces, New Mexico

Bachelor of Business Administration, December 1996

Major: Finance

#### **Appraisal Institute (courses completed):**

Course 100GR, Basic Appraisal Principles, May 2006

Course 101GR, Basic Appraisal Procedures, June 2006

Course 310I, Basic Income Capitalization, September 2006

Course 400G, General Market Analysis and Highest & Best Use, September 2007

Course 402G, General Appraiser Site Valuation & Cost Approach, September 2007

Course 401G, General Appraiser Sales Comparison Approach, May 2009

Online Business Practices & Ethics, September 2009 Course

Course 501GD, Advanced Income Capitalization, July 2010 (exam October 2010)

Course II530, Advanced Sales Comparison & Cost Approaches, September 2010

Course II550, Advanced Applications, March 2011

**Education  
(continued):**

Course 405G. General Appraiser Report Writing, June 2011  
Course I400, 7-Hour National USPAP Update, January 2012  
Course 833 – Fundamentals of Separating Real Property, Personal Property, & Intangible Business Assets, June 2013  
Business Practices & Ethics, January 2014  
7-Hour National USPAP Update, January 2014  
Litigation Appraising: Specialized Topics and Applications, October 2014  
Advanced Spreadsheet Modeling for Valuation Applications, September 2015  
7-Hour National USPAP Update, January 2016

**Norris School of Real Estate (courses completed):**

National Uniform Standards of Professional Appraisal Practice (15 hr.), September 2006  
Statistics, Modeling & Finance, October 2007

**Appraisal Institute (seminars completed):**

Uniform Appraisal Standards for Federal Land Acquisitions (Yellowbook) March 2007  
Forecasting Revenue, September 2007  
Appraisal Challenges in Declining Markets, January 2009  
Stats & Graphs, July 2009  
Appraisal Tools Tune-Up, October 2009  
Appraising in 2009, October 2009  
General Demonstration Report Writing (Online) September 2012  
Evaluating Commercial Construction, September 2012  
Online Comparative Analysis, April 2017

**Other Courses & Seminars (completed):**

7 Hour National USPAP Course A114 ASFMRA, March 2010  
NM Real Estate Appraisers Board, Mandatory Renewal Class, March 2011  
NM Real Estate Appraisers Board, Mandatory Renewal Class, February 2013  
NM Real Estate Appraisers Board, Mandatory Renewal Class, April 2015



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/18/2018

**Report No:** 11.

**Submitted By:** Maggie Paluch

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**Subject:** Consider, and act upon, NMSU-A painting University logos on Scenic Drive. (*Becky Ross, NMSU-A*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:** The City has been approached by Becky Ross, representative from NMSU-A requesting that the University be allowed to paint University logos on Scenic Drive. Scenic Drive is a City owned road.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/17/2018

**Report No:** 12.

**Submitted By:** Petria Schreiber

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**Subject:** Consider, and act upon, second amended Memorandum of Understanding between CAPPED and the City of Alamogordo. *(Petria Schreiber, City Attorney)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:** The City of Alamogordo and CAPPED entered into a Memorandum of Understanding in June of 2016 for CAPPED to build a large labyrinth in Washington Park measuring 180' x 180' in size. CAPPED now wishes to build a smaller children's labyrinth which would consist of a 36' x 36' design on a 50' x 50' slab of concrete located to the East of where the larger labyrinth would be located. The Second Amended MOU sets forth the new labyrinth and staff suggestions to ensure City Staff and CAPPED agree on maintenance and other terms. Also attached is the CAPPED Scope of Work for the Children's labyrinth.



**STATEMENT OF WORK (SOW)**

**"Our Community Labyrinth"  
Children's Labyrinth  
Phase I**

**CAPPED, INC.  
907 NEW YORK AVE.  
ALAMOGORDO, NM 88310**

**APRIL 30, 2018**



**CAPPED, Inc. “Our Community Labyrinth” Project Phase I**

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## **INTRODUCTION/BACKGROUND**

The CAPPED staff and volunteers have joined together with other community partners to begin the Phase I, Children’s Labyrinth construction of a beautiful Labyrinth Park. The City of Alamogordo Parks and Recreation Department and CAPPED developed a Memorandum of Understanding (MOU 2-16-16 amended 6-16-16) allowing CAPPED to utilize available land in Washington Park to build the “Our Community Labyrinth” Park. This space is in a park which is convenient to the community, well lit, and safe for walkers. The surrounding areas of the park include a covered picnic area, soccer fields, a skate park, and playground. The various functions in this park are popular activities that draw people to the area. CAPPED has secured over four thousand five hundred signatures of people supporting this project. The community has agreed that the labyrinth would be beneficial to Otero County residents as well as an attraction to others from surrounding cities, counties and states.

CAPPED, Inc. has recently obtained new blueprints representing a two phase construction plan to complete “Our Community Labyrinth’s” Children’s Chartres and Adult Reim’s Labyrinths in Washington Park, Alamogordo, NM. CAPPED and the City of Alamogordo have a MOU dated Feb 16, 2016 and an amended MOU dated June 6, 2016 which allows CAPPED to build the “Our Community Labyrinth” Park in phases. See attached Amended MOU. It is worth noting that the Children’s Labyrinth is not contemplated in this MOU, so a second amended MOU will go before the City of Alamogordo Commission for approval before work will begin. The second amended MOU will have additional requirements for upkeep of the labyrinth, as well as agreements for graffiti, repair, benches, and decorative items and their upkeep.

## **SCOPE OF WORK PHASE I:**

The scope of work for Phase I, Children’s Labyrinth completion includes all planning, construction and finishing of a 35 ft x 36 ft Chartres Labyrinth on a 50 ft x 50 ft concrete slab. CAPPED will be responsible for the design and construction of the Children’s Labyrinth. Each phase of the project will require approval from the City of Alamogordo before moving on to the next phase. CAPPED is solely responsible for ensuring compliance with all state and local building laws and permits. Prior to breaking ground on the project, CAPPED will provide financial data to the city attorney to ensure adequate resources are available to pay for the completion of Phase I, Children’s Labyrinth.

(Specific deliverables and milestones will be listed in the Work Requirements and Schedules and Milestones section of this SOW.)

## **PERIOD OF PERFORMANCE**

The period of performance for the “Our Community Labyrinth” Phase I, Children’s Labyrinth Park is six months, beginning on or about June 15<sup>th</sup>, 2018 and completed in December of 2018. Anticipated dedication date for the Children’s Labyrinth is Christmas Eve 2018. All work must be scheduled to complete within this timeframe. Any modifications or extensions will be requested through the City of Alamogordo City Manager’s Office.

## **PLACE OF PERFORMANCE**

CAPPED, Inc. will complete Phase I, Children’s Labyrinth in Washington Park, in the area shown on the 4-20-18 Blueprints for this project. It is the sole responsibility of CAPPED to ensure that the work meets all requirements and is done according to the approved set of blueprints. It is our goal that the “Our Community Labyrinth” Park will last for at least 100 years.

## **WORK REQUIREMENTS**

As part of the construction of “Our Community Labyrinth” Phase I, Children’s Labyrinth, CAPPED, Inc. will be responsible for performing tasks and managing construction throughout the stages of this project. The following is a list of some of the tasks which will result in the successful completion of this project, but this list is not all inclusive:

### **Design Phase:**

- The 4-20-18 Blueprints were presented to City of Alamogordo Planning & Zoning Department for review on 4-24-18.

### **Kickoff:**

- CAPPED, Inc. will arrange an official groundbreaking ceremony for Phase I Construction with the Alamogordo Chamber of Commerce.

### **Build Phase I:**

- CAPPED has presented two sets of Blueprints to Jack Wayte Construction (Commercial Contractor on project) so they can apply to NM CID for a building permit.
- CAPPED Volunteer Construction Foremen, Don Cappel and Larry VanWinkle, will monitor all stages of construction from start to finish.
  - o Terracon will perform compaction tests on slab site.
  - o AgTech will be providing the concrete for Phase I.
  - o Andrew Perea, Concrete Division of General Hydronics will determine from compaction testing what dirt work is necessary and complete dirt work.
  - o Andrew Perea will then pour and finish the 50’x 50’ concrete slab and saw the relief cuts at 10’ intervals.
  - o CAPPED Volunteers will draw the design, stain and cut the individual petroglyph stones for the border.
  - o Children will be recruited and assisted in donating their hand and footprints to the border path.
  - o Artists will be recruited to embellish the children’s hand and footprints with designs that make children smile!
  - o Once the border art work is complete, CAPPED will apply a protective sealer.

### **Phase I Project Handoff/Closure:**

## **CAPPED, Inc. “Our Community Labyrinth” Project Phase I**

- CAPPED will provide Phase I project closure report for City of Alamogordo review and approval.
- CAPPED will provide complete project requirements checklist showing that all Phase I project tasks have been completed.

### **SCHEDULE/MILESTONES**

The below list consists of the initial milestones identified for the Children’s Labyrinth:

|                                                                                                                                                                   |                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| SOW Approval                                                                                                                                                      | May 2018                                      |
| Second amended MOU Presented to City Commission                                                                                                                   | May 2018                                      |
| Pre Concrete work complete by                                                                                                                                     | June 2018                                     |
| Dirt work complete & Concrete poured by                                                                                                                           | July 1, 2018                                  |
| Design drawn, stained and cut out by                                                                                                                              | August 15, 2018                               |
| Children recruited and assisted with donation of hand and foot prints                                                                                             | August 15-October 15 <sup>th</sup> .          |
| Artists recruited and assisted with embellishment of children’s hand and footprints to create modern-day petroglyphs that will make children of all ages “smile”! | September 15 – November 15 <sup>th</sup>      |
| CAPPED Volunteers will:                                                                                                                                           |                                               |
| Provide quality control throughout project timeline                                                                                                               |                                               |
| Apply first and finishing sealer coat(s)                                                                                                                          | Throughout timeline.                          |
| Arrange for official Phase I Children’s Labyrinth Dedication on Christmas Eve, Dec. 24 <sup>th</sup> , 2018.                                                      | November 15-December 15 <sup>th</sup> , 2018. |
| Implementation Complete                                                                                                                                           | December 24 <sup>th</sup> , 2018              |

### **SUPPLEMENTAL MATERIALS:**

- Exhibit A:** Blueprints 4-20-18
- Exhibit B:** Boarder Art Materials List and Specifications.
- Exhibit C:** Examples of Phase I, Children’s Labyrinth Border – Modern Day Petroglyphs.
- Exhibit D:** Examples of Phase I, “Our Community Labyrinth” Border Modern Day Petroglyphs

## SECOND AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN CAPPED AND THE CITY OF ALAMOGORDO, NEW MEXICO

**THIS AMENDED MEMORANDUM OF UNDERSTANDING** ("Amended MOU") is made by and between the City of Alamogordo, New Mexico ("City"), and Cancer Awareness, Prevalence Prevention and Early Detection ("CAPPED"), a New Mexico non-profit corporation.

1. **Statement of Purpose.** CAPPED has requested permission from the City to construct a community labyrinth in Washington Park. The purpose of this Agreement is to permit and authorize the construction of the labyrinth by CAPPED and to outline the respective parties' future obligations related to the labyrinth.
2. **Terms and Conditions.**
  - a. The City agrees to allow CAPPED to construct both a community labyrinth, and a children's labyrinth in the Washington Park. The proposed large labyrinths will be approximately 180' x 180' in size and will be located in the general area of the since removed swimming pool. The smaller Children's labyrinth will be a 36' x 36' labyrinth located to the East of the larger labyrinth, on a 50' x 50' concrete pad. It is understood by CAPPED that this Amended MOU confers no special rights or benefits to CAPPED as to use of said lands, and that such lands shall be open and available for use by the public on a nondiscriminatory basis.
  - b. CAPPED will be responsible for construction of the labyrinth, although City will have the final decision on whether or not the materials used in the construction adequately meets the City's requirements. CAPPED may will phase the construction of the labyrinth. Phase 1 will consist of the smaller children's labyrinth on a 50' x 50' concrete slab. Phase 2 will consist of all work done on the larger labyrinth. Prior to beginning construction on any particular either phase, CAPPED shall submit proposed plans of construction for that particular phase which adequately describes the materials to be used in the construction and proof of sufficient funding needed to complete that particular phase of construction to the City for its review, comment, and approval. Installation shall be conducted in accordance with the approved plans. CAPPED shall be responsible for obtaining any necessary permits and approvals from other governmental agencies having jurisdiction over the construction. Cost of construction shall be sole responsibility of CAPPED. All fixtures and improvements resulting from the construction of the labyrinth shall become property of the City.
  - c. Upon approval of the completed construction, the City agrees to be responsible for the future maintenance of the labyrinth. CAPPED understands and agrees that the City shall have the absolute right to determine the levels of future maintenance, and in the event of any damage, the extent of any repairs. CAPPED agrees to seal both labyrinth's at least annually, or more frequently as needed and determined by the City, with a sealant approved by the City for use in its parks. CAPPED further agrees to

monitor the labyrinth's at least monthly for any damage or graffiti. CAPPED agrees to remove any graffiti within 48 hours as is the City standard, and to repair any damage within 7 days. CAPPED further understands that should the City have the need to remove concrete or artwork to repair the labyrinth's infrastructure, City will replace the concrete removed, but will not replace or attempt to replace any artwork. CAPPED agrees that the City is not responsible for any decorative elements on either labyrinth, and agrees to maintain all decorative elements in good repair, including benches, decorative elements, and signage.

- d. CAPPED agrees that the City shall have the absolute right to remove, demolish or otherwise alter the ~~either~~ labyrinth in the event the City finds it necessary to exercise its right to build, beautify and improve public parks. ~~In the exercise of the foregoing rights, City agrees to use reasonable efforts to avoid the destruction of the labyrinth. The City shall have the absolute right to determine what constitutes reasonable efforts.~~
  - e. The parties acknowledge and agree that this Amended MOU does not create any financial or funding obligation on the part of the City. CAPPED will solicit pledges and receive commitments and contributions by private donors for the construction of the labyrinth. Nothing in this MOU shall be construed as creating an exclusive working relationship between the parties. CAPPED will not state, in any solicitation for funds, that the City is making or aiding the solicitation, nor will CAPPED imply that the City is engaged in any fundraising activities in connection with this MOU. The City will not engage in any fundraising activity in connection with this MOU and will not direct or earmark City funds for any purpose as part of this MOU. This **Second** Amended MOU cannot be used to create or imply a relationship or any guaranty with a third party. The **Second** Amended MOU does not give any third party any benefit, legal or equitable right, remedy or claim under the Amended MOU.
  - f. CAPPED understands and agrees that it must build all phases of the labyrinths in conjunction with City approved standards and stamped construction drawings. Any deviation from these plans must be approved, in writing, prior to any work being started. All permitting is the responsibility of CAPPED and/or CAPPED's contractor. The City is not available to consult with CAPPED on any permitting questions beyond what its Planning department normally would do.
  - g. The City reserves the right to reject the labyrinth should it not be built to the specifications CAPPED provided to the City, and the City approved. Should the labyrinth be rejected, CAPPED must remove all deviations at its own cost.
3. **No Joint Venture.** The parties agree that they are not entering into a public- private partnership, joint venture or other such business arrangement, nor is the purpose of the parties to enter into a commercial undertaking for monetary gain. Neither party will refer to or treat the arrangements under this Agreement as a partnership or take any action inconsistent with such intention.
  4. **Effective Dates and Amendments.**

- a. This Amended MOU shall be effective beginning with the date of the last signature hereon. Neither party may assign or transfer all or any portion of this Amended MOU without the prior written consent of the other party. The provisions of this Amended MOU may only be amended or waived by mutual written agreement by both parties. Any party may terminate this Amended MOU at any time and for any reason by giving thirty (30) days prior written notice to the other party.
  - b. The individuals signing this Amended MOU on behalf of their respective entities represent and warrant (without personal liability therefor) that upon the signature of each, this Amended MOU shall have been duly executed by the entity each represents.
5. **Entirety.** This Agreement embodies the entire and complete understanding and agreement between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates indicated below.

CITY OF ALAMOGORDO, NEW  
MEXICO  
A New Mexico municipal corporation

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Maggie Paluch, City Manager

CAPPED, Inc.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Tresa VanWinkle, Executive Director

ATTEST

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Schreiber, City Attorney



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/17/2018

**Report No:** 13.

**Submitted By:** Maggie Paluch

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**Subject:** Consider, and act upon, funding for the Alamogordo Community Branding Campaign for the FY19 final budget. (*Tom French, PR Task Force*)

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**Fiscal Impact:** 450,000.00

Amount Budgeted: \$0.00

Fund: General Fund

Additional Fiscal Impact:

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**Recommendation:**

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**Background:** The PR Task Force has requested \$450,000.00 to be added to the FY19 final budget for funding the Alamogordo Community Branding Campaign. At the Commission budget hearing, two options were discussed the first option was to give the full \$450,000 in FY19 the second option discussed was to split the payment over two fiscal years with the example of \$250,000 in FY19 and \$250,000 in FY20. If approved this item would be added to the FY19 final budget. The project would be managed by the PR Task Force and the fiscal agent would be the Chamber of Commerce. The funds would be from the General Fund.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/17/2018

**Report No:** 14.

**Submitted By:** Maggie Paluch

---

**Subject:** Consider, and act upon, adding the project of the construction of a bathroom at the North end of the Alamogordo Zoo to the FY19 budget. (*Maggie Paluch, City Manager*)

---

**Fiscal Impact:** Approximately \$75,000-\$100,000

Amount Budgeted: \$0.00

Fund: General Fund

Additional Fiscal Impact:

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**Recommendation:**

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**Background:** During the Commission budget hearings the Commission asked about the possibility of adding the construction of a bathroom at the North end of the Zoo to the FY19 capital project list. If approved this project would be added to the FY19 final budget.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/15/2018

**Report No:** 15.

**Submitted By:** Petria Schreiber

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**Subject:** Discussion of Code Enforcement. (*Josh Rardin, Commissioner*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:** Per Commissioner Rardin's request, this is a discussion of Code Enforcement and their authority, as well as whether or not the City should continue to file complaint's on code violations or instead abate the violation and lien the homes right away.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 05/22/2018

**Report Date:** 05/18/2018

**Report No:** 16.

**Submitted By:** April Jones

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**Subject:** Appointments to Boards and Committees. (*Richard Boss, Mayor*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Appoint to the Planning and Zoning Commission.

---

**Background: Airport Zoning Board.** Three (3) vacancies. Staff Liaison - Cheryl Otero-Baker  
No nominations received.

**Alamogordo Disability Council.** Three (3) vacancies. Staff Liaison - \*\*No Staff Liaison appointed\*\*  
No nominations received.

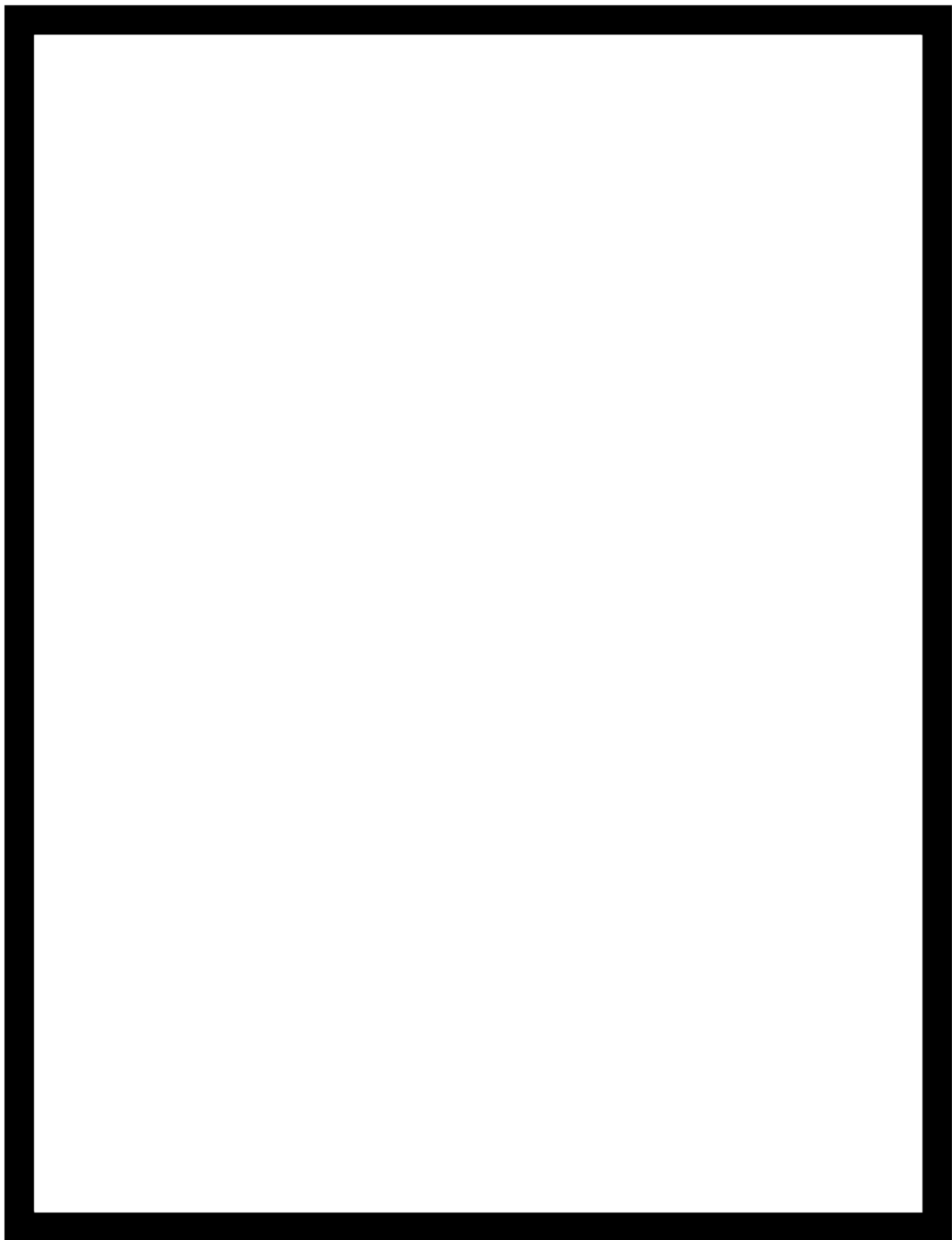
**Alamogordo Public Library Board.** Two (2) vacancies - one (1) city position and one (1) county position.  
Staff Liason - Melissa Garcia.  
No nominations received.

**Community Development Advisory Committee.** Six (6) vacancies. Staff Liaison - Cynde Sagenkahn  
No nominations received.

**Parks and Recreation Board.** One (1) vacancy. Staff Liason - Jan Wafful.  
No nominations received.

**Planning and Zoning Committee.** One (1) vacancy. Staff Liaison Stella Rael.  
Vacancy due to the resignation of Michael Elliot. Three (3) nominations received:  
Molly Pattillo - If approved, this will be her first term.  
Beth Crabbe - If approved, this will be her first term.  
Jeremy York - If approved, this will be his first term.

**Senior Volunteer Programs Advisory Council.** Three (3) vacancies. Staff Liaison - Neil McFarland. (One vacancy represents the Foster Grandparent program, one represents the Senior Companion program, the remaining seat is an at large member residing within the city)  
No nominations received.



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MAY 11 2018

CITY CLERK

## City of Alamogordo

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE



Name: Jeremy York

Home Phone: 240-515-8293

Work Phone: 575-572-1693

Cell Phone: 240-515-8293

Fax No: \_\_\_\_\_

Email Address: jeremyandjessica2@gmail.com

Is the above Address within City limits? Yes ☒ No ☐

Mailing Address: 403 Wildwood Drive, Alamogordo, NM

Present Employer: USAF

Board/Committee you wish to serve on:

1<sup>st</sup> Choice: Planning and Zoning Commission

2<sup>nd</sup> Choice: Community Development Advisory Committee

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes \_\_\_\_\_ No ☒ If so, what is their relation to you: \_\_\_\_\_

Are you related to any Elected Official of the City of Alamogordo?

Yes \_\_\_\_\_ No ☒ If so, what is their relation to you: \_\_\_\_\_

Experience and education relating to the Board/Committee:

I've served on planning and advisory boards for various functions in the USAF

Please indicate your interest in serving on a City Board/Committee:

As a military member and resident, I'm interested in taking part of functions aimed at improving my community both within my neighborhood and city as a whole

**Please return completed application to:**

City Clerk's Office  
1376 E Ninth Street  
Alamogordo, NM 88310  
Phone: (575) 439-4205 Fax: (575) 439-4396  
Email: [adjones@ci.alamogordo.nm.us](mailto:adjones@ci.alamogordo.nm.us)

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MAY 04 2018

# City of Alamogordo



CITY CLERK

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE

Name: Beth Crabbe

Home Phone: 575-430-2722 Work Phone: 575-437-0914

Cell Phone: 575-430-2722 Fax No: 575-434-3704

Email Address: BethCrabbe@REMAX.net

Is the above Address within City limits? Yes ☒ No ☐

Mailing Address: 3410 N. White Sands Blvd. (Business)

Present Employer: REMAX of Alamogordo, Inc.

Home Address: 3000 Del Sur.

Board/Committee you wish to serve on:

1<sup>st</sup> Choice: Planning and Zoning

2<sup>nd</sup> Choice: \_\_\_\_\_

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes \_\_\_\_\_ No ☒ If so, what is their relation to you: \_\_\_\_\_

Are you related to any Elected Official of the City of Alamogordo?

Yes \_\_\_\_\_ No ☒ If so, what is their relation to you: \_\_\_\_\_

Experience and education relating to the Board/Committee: Business owner, locally.

Real estate for 22 years, Attend City Commission meetings  
regularly. Previously legal secretary & retail business  
owner

Please indicate your interest in serving on a City Board/Committee:

I have always wanted to be on this committee  
and am hoping to be able to serve this  
community in this capacity.

Please return completed application to:

City Clerk's Office

1376 E Ninth Street

Alamogordo, NM 88310

Phone: (575) 439-4205 Fax: (575) 439-4396

Email: adjones@ci.alamogordo.nm.us

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MAY 04 2018

# City of Alamogordo



CITY CLERK

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE

1130AM

Name: Molly Patillo

Home Phone: (575) 434-6124

Work Phone: (575) 430-7814

Cell Phone: (575) 430-7814

Fax No: \_\_\_\_\_

Email Address: molly@mpm.email

Is the above Address within City limits? Yes ☒ No ☐

Mailing Address: 2163 Sandalwood Court, Alamogordo, NM 88310

Present Employer: Mountain Property Management

Board/Committee you wish to serve on:

1<sup>st</sup> Choice: Planning and Zoning Commission

2<sup>nd</sup> Choice: Community Development Advisory Committee

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes \_\_\_\_\_ No ☒ If so, what is their relation to you: \_\_\_\_\_

Are you related to any Elected Official of the City of Alamogordo?

Yes \_\_\_\_\_ No ☒ If so, what is their relation to you: \_\_\_\_\_

Experience and education relating to the Board/Committee:

In addition to having my real estate license, I am actively pursuing my CCIM accreditation and will have that completed by the end

of the year. As far as experience goes, I am currently working with my family's company on a mixed-use commercial and residential development that required jumping through hoops with the city's planning and zoning board.

Please indicate your interest in serving on a City Board/Committee:

I have a vested interest as a business owner and community activist on the growth and prosperity of Alamogordo. We are on the precipice of the greatest economic and development opportunity our town has ever seen and I want to be a part of securing it's path to success.

**Please return completed application to:**

City Clerk's Office

1376 E Ninth Street

Alamogordo, NM 88310

Phone: (575) 439-4205 Fax: (575) 439-4396

Email: [adjones@ci.alamogordo.nm.us](mailto:adjones@ci.alamogordo.nm.us)