



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

December 4, 2018 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

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

Maggie Paluch City Manager
Petria Schreiber City Attorney
Rachel Hughs City Clerk

MISSION STATEMENT as Adopted by the City Commission on March 24, 1995.

The City of Alamogordo is a Municipal Corporation that exists solely for the purpose of providing the best possible services to our customers, the citizens of Alamogordo. We are committed to providing these services with honesty, integrity, compassion, fairness, and a commitment to excellence.

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

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

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

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Presentation on "Just Serve" a free service to the community that brings volunteers and people in need together. (Patricia Galea, Just Serve Coordinator)

2. Presentation update for Otero County Economic Development Council. (*Laurie Anderson, Business Development Director*)

PUBLIC COMMENT

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

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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

3. Approve the minutes for the November 20, 2018 Regular meeting. (*Rachel Hughs, City Clerk*)
4. Approve the statements related to the Executive Session held on November 20, 2018. (*Rachel Hughs, City Clerk*)
5. Consider, and act upon, Ordinance 1581 for final publication to Opt-in to the Local Election Act. (*Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**
6. Consider, and act upon, leak abatement request for Chelsea Goepfert, 1512 Utah Ave., in the amount of \$6,385.12. (*Mark Threadgill, Customer Service Manager*)

ITEMS REMOVED FROM CONSENT AGENDA

UNFINISHED BUSINESS

7. Consider, and act upon, Resolution No. 2018-37 donating one (1) 1996 Pierce/International 4900 Navistar 2-Door Fire Truck to Otero County. (*Jim LeClair, Fire Chief*) **(Roll Call Vote Required)**

NEW BUSINESS

8. Consider, and act upon, Change Order No. 10, RFQ No. 2013-05, to CDM Smith, Inc. related to the engineering and design services for the 1-MGD Brackish Water Treatment Facility project, in an amount not to exceed \$20,250.00, including NMGR. (*Bob Johnson, Engineering Manager*)
9. Consider, and act upon, Change Order No. 4, Public Works Bid No. 2017-009, to Smithco Construction, Inc. related to the Bonito Lake Restoration project, in an amount not to exceed \$211,000.00, including NMGR. (*Bob Johnson, Engineering Manager*)
10. Consider, and act upon, approving the Memorandum of Understanding (MOU) between the United States Border Patrol (USBP) and the Alamogordo Police Department (APD). The MOU is an update where APD allows for USBP frequency sharing access for land mobile radio interoperability. The previous MOU on file has expired and both APD and USBP wish to renew it. (*Brian Peete, Chief of Police*)
11. Consider, and act upon, receiving the FY 2019 New Mexico Fire Protection Grant award of \$99,450.00 to be used for Self Contained Breathing Apparatus. (*Jim LeClair, Fire Chief*)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/27/2018

Report No: 1.

Submitted By: Rachel Hughs

Subject: Presentation on "Just Serve" a free service to the community that brings volunteers and people in need together. *(Patricia Galea, Just Serve Coordinator)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: "Just Serve" is an initiative of the Church of Jesus Christ of Latter Day Saints. This is a free service to the community to link organizations needing volunteers to people desiring to serve and make a difference in the community.



RECEIVED
NOV 15 2018
CITY CLERK K

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 15 NOV 18

Request Date
of Meeting:

December 4, 2018

Name:

Patricia Galea (PAT)

Address:

3010 15th St

Alamogordo NM ZIP 88510

Phone Number:

575-537-2939

E-Mail Address:

galeapj@gmail.com

Item requested will be for: (Please check one)

☐ Information only

☐ Presentation

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

"Just Serve", an initiative of the Church of Jesus Christ
of Latter-day Saints is a free service linking
organizations in the community to Volunteers who
desire to serve and make a difference.

Signature: Patricia Galea

Please return to:

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

Phone: (575) 439-4205

Fax: (575) 439-4396

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

Revised 10/13/2017

COMMUNITY SERVICE



The Challenges:

- The Church and its members are broadly misunderstood by the general public.
- Missionaries struggle to be productive during the middle of the day.
- Many less-active members remain ostensibly loyal, but not engaged in Church activities.

A Solution:

Community service could be an important element in solving the challenges of:

- Public Perception
- Missionary productivity and fulfillment
- Rescuing less-active members

The Doctrine of Service

- “Thou shalt love thy neighbour as thyself.”

Matthew 22: 39

- “... I tell you these things that ye may learn wisdom; that ye may learn that when ye are in the service of your fellow beings ye are only in the service of your God.”

Mosiah 2: 17

Prophetic Direction



- “We have a responsibility to be active in the communities where we live...to work cooperatively with other churches.... It’s important that we eliminate the weakness of one standing alone and substitute for it the strength of people working together.”
- “...unless we lose ourselves in service to others, there is little purpose to our own lives.”

President Thomas S. Monson

Community Service Guidelines from the Church *Handbook*:

- “Church members are encouraged to give personal compassionate service to those in need. They should be ‘anxiously engaged in a good cause,’ serving without being asked or assigned.”
- “Some opportunities to care for those in need come through Church callings. Other opportunities are present in members’ homes, neighborhoods, and communities.”

Handbook 2, 6.1.2

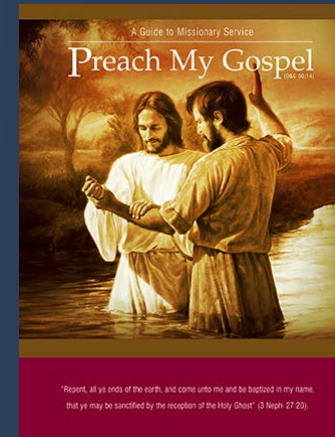
Community Service Guidelines from *Mission Presidents Handbook:*

- “Missionaries should follow the Savior’s example by seeking to serve others, particularly non-members.”
- “In seeking opportunities for planned service activities in the community, missionaries should work with the local Church leaders to identify worthwhile projects.”

Mission Presidents Handbook, p. 29

Community Service Guidelines from *Preach My Gospel*:

- “Through service, you and those who are prepared for the restored gospel come together in a powerful, inspiring way. Your good works will help people recognize you as a servant of God....”
- “As a missionary, you will offer such planned service each week.”



Preach My Gospel, p. 168

Community Service Guidelines from *Missionary Handbook*:

- “In addition to unplanned acts of service, you should seek opportunities for service projects in the community each week.”
- “Your service should not replace the efforts of priesthood quorums and auxiliaries, especially in meeting the needs of members.”

Missionary Handbook p. 39-40

Member Desires:

- Most view humanitarian and community service as a critical component of becoming a disciple of Christ, but don't know where to begin.





What is JustServe?

- JustServe is a resource to help members, leaders and missionaries participate in community service as taught in the scriptures, by priesthood leaders and as requested in the handbooks of the Church.
- It is a resource to facilitate hastening the work of salvation through Christlike service.



What is JustServe?

Church members work with faith, non-profit and community partners to:

- Relieve suffering
- Care for the poor and needy
- Enhance the quality of life in the community



How will JustServe get started?

Unity among the priesthood leaders in the Coordinating Council is vital to the success of JustServe.

- The stake president organizes a stake JustServe committee composed of several members of the Stake Council.
- The committee uses JustServe guidelines to evaluate volunteer needs of faith, non-profit, community and governmental organizations and post their service opportunities on JustServe.org.
- Members register on JustServe.org.

How will JustServe get started?

- Church leaders encourage individuals, families, quorums, classes and wards to give regular charitable and community service.
- Missionaries may be given assignments to serve by mission leaders or the stake JustServe committee.





Stake JustServe Committee:

- Stake president or a member of the stake presidency
- Director of Public Affairs
- Stake Relief Society representative
- Missionary High Councilor
- YM and YW representative
- Young Single Adult representative
- Missionary zone leaders
- Others as needed



Types of projects to consider:

Recurring

- Shelters
- Soup kitchens
- Food pantries
- Salvation Army
- Other churches
- Schools & Libraries
- Parks & Recreation

One-Time

- Helping Hands
- Blood Drives
- City clean-up
- Special Olympics
- Festivals, fun-runs
- Other annual events



Outcomes of JustServe

The Positives: Members

- Stake Public Affairs committees establish many meaningful relationships with community leaders.
- Members engage more fully in the community working with nonmembers to provide meaningful service.
- Misconceptions can be corrected, mutual understanding increases, and bridges are built with those not of our faith.



Outcomes of JustServe for Missionaries

The Positives: Missionaries

- Opportunities to give meaningful Christlike service during less-productive daytime hours
- Positive relationships with others in the community
- Improved productivity and sense of fulfillment
- Improved health





JustServe.org, a helpful resource:

- For Families—Family Home Evening, family reunions, fellowshiping friends and neighbors
- For Home & Visiting Teachers—involve those you teach
- For Youth Leaders—YM/YW activities, youth conferences, Scouts, Eagle projects
- For Young Single Adults—service projects

continued:



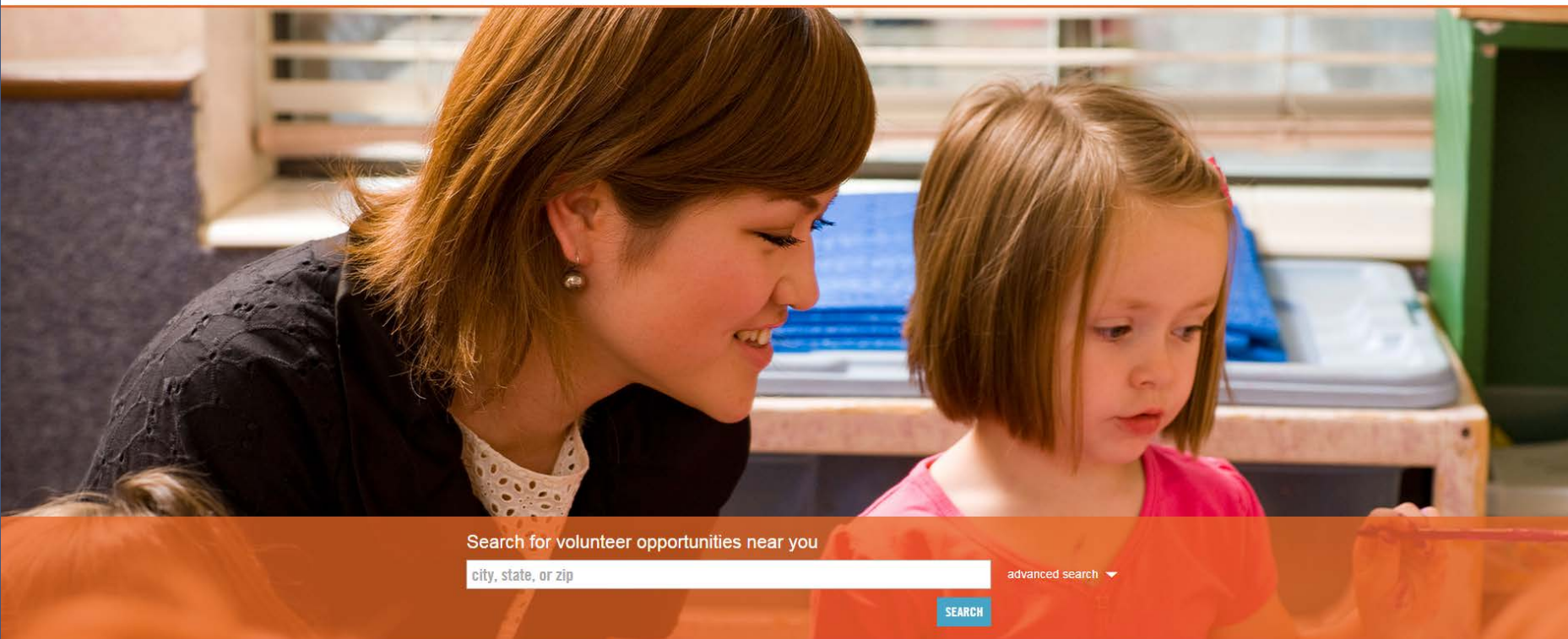
JustServe.org, a helpful resource:

- For Bishops—members receiving assistance, prospective missionaries, customized callings
- For Relief Society & Quorums—sisters' conferences, quorum activities
- For Missionaries—investigators, less active members and new converts



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Search for volunteer opportunities near you

[advanced search](#) ▼

SEARCH

JustServe connects volunteers with volunteer needs to care for others and improve our communities.





Search for volunteer opportunities near you

city, state, or zip

advanced search ▼

Sign In With Facebook:

Connect with and invite friends from Facebook.



or

Sign In:

Email Address or Username *

Password *

☐ Keep me signed in

CONTINUE

Forgot your [username](#) or [password](#)?

Need an account? [Register Now.](#)

Download the App to volunteer on the go:



SUBMIT
A
PROJECT

Have a great
service
project in mind?
Let us know about



Invitation:

- Register on JustServe.org
- Use JustServe.org to find service opportunities to help you with family and Church responsibilities
- Serve as time and circumstances permit
- Share your positive experiences with others



“ I don’t think our motivation for service and community relations ought to be proselyting. I think it ought to be trying to make the world a better place in which to live. Of course, we are happy to share the gospel with anyone who is sincerely interested. But it ought to be a happy consequence of what we’re doing, not the primary motivation for it.”

President James E. Faust

COMMUNITY SERVICE



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/14/2018

Report No: 2.

Submitted By: Rachel Hughs

Subject: Presentation update for Otero County Economic Development Council. (*Laurie Anderson, Business Development Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/30/2018

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the November 20, 2018 Regular meeting. (*Rachel Hughs, City Clerk*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
November 20, 2018**

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

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

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

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. Mayor Pro-Tem Baldwin was as absent. Deputy Clerk Barraza announced there was a quorum present. Invocation was given by Pastor Gilloth and the Pledge of Allegiance was led by Commissioner Hernandez.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Proclamation for American Diabetes Month. *(Richard Boss, Mayor)*

Mayor Boss presented a Proclamation for American Diabetes Month.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She announced more trash cans have been installed at the Bark Park. She also announced that porta-potties will be put at the bark park.
2. She stated the FY 18 Annual Report is now online for the public. You can visit the City Managers page to read the report.
3. She said Kid's Zone will open for the public tomorrow, and the Grand Opening will be on November 30, 2018.
4. She said the City received no significant deficiencies in our Sanitary Survey for the domestic water system from the New Mexico Environmental Department. She said the complete review of the operations and managerial documents of the water system and all files were in order, and our system passed all inspections. She gave kudos to the Water Shop for all their hard work.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He wished everyone a Happy Thanksgiving. He asked about his request for a budget report for anything over \$5,000 from the budget hearings. He asked when the last time an evaluation was done for the City Manager. He said it is typical of the Commission to do it every year. He said he thinks the Commission should look at doing that after the first of the year.

Mayor Boss said that is something they should consider. He thought it was at the City Manager's discretion. Commissioner Payne thought they need a consensus from the Commission. Mayor Boss stated that is what he thinks also.

Commissioner Rardin asked for the evaluation. Mayor Boss asked City Manager Paluch if she could give them her thoughts at the next meeting and they could decide whether or not they want to do that. City Manager Paluch said she has no problems with that, but that would need a consensus of the Commission. Commissioner Rardin said actually it doesn't, if you read in her contract it states that it will be done every year. City Manager Paluch said the timeframe needs a consensus.

CONSENT AGENDA

2. Approve the minutes for the November 6, 2018 Regular meeting. (*Rachel Hughs, City Clerk*)

3. Consider, and act upon, final publication of Ordinance No. 1579, Case: Z-2018-0004(A), 1451 Galway Dr., Rath Tara Estates 1 & 3, Replat B, Block 4, Lot 7B, to change zoning from R-1 Single Family Dwelling District to R-4 Multiple Family Dwelling District. (*City Planner, Stella Rael*) (Roll Call Vote Required)

4. Consider, and act upon, final publication of Ordinance No. 1580, Case: Z-2018-0005 (A), 1395 E. First Street, Wesley Subdivision, Lot 1B, to change zoning from R-1 Single Family Dwelling District to C-3 Business District. (*City Planner, Stella Rael*) (Roll Call Vote Required)

5. Approve the agreement with the New Mexico Economic Development District, Non-Metro Area Agency on Aging (NMAAA) for the Nutrition Service Incentive Program (NSIP). (*Magdalena Morales, Senior Center Manager*)

Commissioner Hernandez moved to approve the consent calendar.

Commissioner Wright seconded the motion.

Roll Call vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

None.

NEW BUSINESS

6. Consider, and act upon, the approval of an amendment to Resolution No 2018-33 approved by Commission on July 30, 2018. (*Evelyn Huff, Interim Finance Director and Katie Josselyn, HR Director and previous Acting Finance Director*) (Roll Call Vote Required)

Interim Finance Director Huff said this is the Resolution that was presented to the Commission on July 30, 2018. She said there were several errors identified on this Resolution. She said the Commission was given a timeline document to hopefully explain what had happened. She reviewed some of the items on the timeline document.

Mayor Boss commented that Interim Finance Director Huff and Former Acting Finance Director Josselyn put a lot of work into this and he thanked them for that.

Commissioner Rardin asked how much of fund 49 are they having to transfer in to balance the budget. Interim Finance Director Huff answered the transfers that are budgeted in there are \$6.5 million. She said for fund 49, the amounts that were originally budgeted for the transfers out were \$1.7 million, the carryovers for that fund are \$4.1 million and revision 6 is a budgeted transfer of \$666,892 to fund 11 for contingencies. She said fund 49 was not used to balance any other fund.

Commissioner Rardin asked Interim Finance Director Huff if she felt comfortable when they send this to the Department of Finance and Administration (DFA) that it will pass. Interim Finance Director Huff answered yes.

Commissioner Payne moved to approve.

Commissioner Wright seconded the motion.

Roll Call vote was taken.

Motion carried with a vote of 5-1-0. Commissioner Rardin voted nay.

7. Consider, and act upon, the State grant for Glider Staging Area. (*Jim Talbert, Airport Manager*)

Airport Manager Talbert said they are looking to increase safety in the Glider operation at the Airport. He described the proposed Glider staging area. He said the whole point is to get the gliders out of the runway safety area. He said the grant is a 90/10 grant, which means the State will give them \$100,000 and it will cost the City \$10,000.

City Attorney Schreiber asked to table the item until the grant application can be brought before the public for the sake of the Open Meeting Act and transparency. City Manager Paluch recommended to table this item.

Commissioner Hernandez said that was kind of the direction he was going to go because applying for the grant is one thing, but it is tied funding and he has a problem with that today. He said he would not be able to support it tonight without further information. He said he would rather table it and have the ability to bring it back.

Mayor Boss asked if they were committed if they apply for the grant. Airport Manager Talbert answered no, he is just asking for permission to apply for the grant.

Mayor Boss asked if this was approving the \$10,000 funding that the City has to give. City Manager Paluch said the way that this reads are that the \$10,000 would be transferred from fund 11 to fund 91. She said it does not read of an application of a grant. It is not clear in the agenda report. She said we just need to table this, and staff can bring this back the next meeting.

Commissioner Hernandez moved to table.

Commissioner Payne seconded the motion.

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

8. Consider, and act upon, ordinance 1583 for first publication, amending Chapter 11 of the Code of Ordinances to add harassment to the Criminal Chapter. (*Dustin Johnson, Assistant City Attorney*) (Roll Call Vote Required)

Assistant City Attorney Johnson said the thing about Municipal Court and City Ordinances is they don't exactly mirror all statutes so sometimes they have stop gap. He said at the Patrol level they have had some Officers inquire about harassment. He said right now, in the context of what is going on you have the District Attorney's (DA) Office that on a case by case basis is deciding on whether or not to take certain charges into the Magistrate Court. He said one of those charges that the City Attorney's Office is seeing that they are not covering is harassment. He said the most important thing about adding this to our Ordinance is to make sure that essentially changing this it doesn't change the authority of our Officers, their charging capabilities or authority. This is something they are already charging, but right now they are only charging it in Magistrate Court. What we are doing by adding this is empowering them where they can bring into Municipal Court because currently the City Attorney is prosecuting this matter in the Magistrate Court and essentially, we see a stop gap opportunity. He said it is just one of those things that the City Attorneys Office is seeing with the current landscape of funding at the DA level, and some of the things that they are not taking on, and an opportunity for them to bring into Municipal Court. He said it is going to change from a penalty perspective in the fact that essentially in

Magistrate Court right now, he believes the penalty is up to \$1,000 and up to a maximum of a year in jail. At the Municipal level you are looking at \$0 to \$500 and no more than 90 days should a Judge sentence that. He said he knows there have been questions as to why they did not adopt the whole Harassment and Stalking Act. He said Stalking is not something that has been identified by the City Attorney as a stop gap requiring them, or something they want to bring to the Municipal level. He said again it is there for the Magistrate Court, but right now you are looking at the City Attorney's Office and staff covering that in relation to funding from the DA as one of the things that they are not covering. He said that is part of the reason they only adopted just the harassment subsections. The other thing that has arisen is people are wondering why they did not encompass or capture the exceptions to it. He said the exceptions have to do with picketing and public demonstrations. Those are things our Officers are not charging and do not plan on charging. We certainly don't plan on harassment being used in the context of social media, reporting, Commissioners and things like that. He said this is literally things that they are seeing is a situation arising where the City Attorney's Office has been covering this so why not give the opportunity an option to bring it down to Municipal Court as city staff is already covering it at a Magistrate level and not seeing any funding from that.

Commissioner Hernandez asked Assistant City Attorney Johnson if he could give him a definition of a reasonable person. He answered gave Commissioner Hernandez a definition. Commissioner Hernandez gave an example of somebody with a broken heart. He said because someone drives by their house to go to work, they could consider that harassment. Assistant City Attorney Johnson said he would not consider that harassment. Commissioner Hernandez said he does not have a problem with the Ordinance, he thinks that they have a standard of what they consider a reasonable person. Assistant City Attorney Johnson said it's not changing anything that the Officers are already out there citing. He said in hypothetical that Commissioner Hernandez just posed before him, he does not think it is unreasonable. He said that's not an unreasonable person or situation, so there is also a stop gap that's always been in place, nothing is going to change operational wise for the City Attorney's Office. Commissioner Hernandez said it sticks out to him Assistant City Attorney Johnson said he thinks the focus is knowingly pursuing a pattern of conduct that is intended to annoy seriously alarm or terrorize another person serving unlawful purpose. He said they just look at reasonable person, in layman's terms, to not get bogged down in legal analysis of Civil, criminal and that position. Commissioner Hernandez shared a past experience that he felt was unreasonable. He said he wants to make sure that everybody is on the same page with this.

City Attorney Schreiber said she is seeing these cases in the Magistrate Court and it's only being used when there is a serious pattern of conduct. She said there is no legal definition of what a reasonable person is. She said there is case law and there are jury instructions, but this really boils down to the Officer really investigating and having that discretion. She said the Police Department does a phenomenal job with this, it is not being overly charged, they are using their discretion appropriately she believes.

Commissioner Hernandez said he believes they are, but he just wanted to have the conversation and make sure that it was open and out there and everybody understands that they are doing their job accordingly.

Mayor Boss asked if our Police Officers are not going to be doing anything different. He said they are making the charges, it is just a matter of going into Municipal Court. City Attorney Schreiber said it is just a change of venue. Assistant City Attorney Johnson said it is a very valid concern and this is the forum to suss this out and see if we are all comfortable in taking on.

Commissioner Payne asked what the difference between stalking and harassment is. Assistant City Attorney Johnson read the definition from Statute. She asked if that would be different. Assistant City Attorney Johnson said you are looking at two different patterns of conduct. She asked if stalking would be more serious. He answered it is.

Commissioner Sikes asked for clarification if they are just mirroring a State Statute. Assistant City

Attorney Johnson said we are in terms of two subsections capturing harassment. He said there is an entire Stalking and Harassment Act, they have only chosen to take on the Harassment piece. Commissioner Sikes thought it's very subjective. She said she hopes that people are very well trained and can make the determination as to what is serious and what isn't. She hopes that they use this properly and that people that are elected might be able to take this to the point that she would like to see it taken too.

Assistant City Attorney Johnson said he does not want to set the expectation. He said how this came to be and how it is in front of the Commission essentially, it is not regarding those things. He said this is really stemming more from domestic situations.

Commissioner Rardin asked how many cases a year they are talking about. Assistant City Attorney Johnson said he did not have the statistics. Commissioner Rardin said he did a little research prior to this and he contacted the DA's Office and they said in fiscal year 16 they did eight cases, and fiscal year 17 they did three and those are just the ones that the DA's Office was involved in. City Attorney Schreiber said this year, there are currently three pending cases that she is representing the Alamogordo Police Department on, and they are the only three cases that she has not been able to resolve. She said her current Magistrate case load is 10 to 15 cases at any given time, she is able to resolve a lot of those through plea agreements, but currently her three harassment cases are set for Jury Trial. Commissioner Rardin said the problem he has with this is right now is the City has two Attorneys and a paralegal, the DA's Office lost their funding and we were supposed to have our Officers attend training so that they can self-prosecute. Then the DA or the City Attorney's Office would then step in and help with special cases that needed an Attorney present for the prosecution of those. He said it appears that we are taking on a lot more of a work load when it all used to fall on the DA's office. He said where he kind of sees this heading is next year, they are going to put in the budget for a third Attorney, and the following year for a fourth Attorney and another paralegal because of the work load. He said that is his concern on it is how much it is going to cost us by us moving it to Municipal Court. He said Municipal Court will generate a little bit more revenue, but it is going to create some additional expense on the City side. The City does not have a whole lot of money right now because the budget is really tight. He said if it is not a whole lot of cases, he doesn't see why they just won't leave it alone and let the Magistrate handle it. He said if they decide to bring it in, why don't they adopt the whole Act rather than just one little section of it.

City Attorney Schreiber said one of the things the City Manager has tasked them with is an ongoing review of their budget, and as the person responsible for her budget there will be no requests next year for additional staff for the City Attorney's Office. She said actually putting this in will actually reduce the amount of time and the cost to her Office to go and prosecute these cases. Additionally, she spends a lot of time putting together a training program for the Alamogordo Police Department to get them to start prosecuting their own cases. She said it is a pretty monumental task to train every Officer in how to be an Attorney in a day. She said the reason why her office agreed to handle this is they were given about ten days' notice from the District Attorney's Office that they were going to go ahead and train our Officers in one day. She said they gave them one day of training opportunities and the police department still had to man the streets and keep the citizens safe. Her office said they would go ahead and take it on and there has not been that many cases, but because she does employ Assistant City Attorney Johnson, whose number one job duty is to prosecute in Municipal Court, he does that every week. She said putting these cases into Municipal Court will actually save the city money because they already have somebody doing this. She said right now, she is taking time away from the Office, she is prepping the cases and she goes to Magistrate Court and handles these. She said that is something Assistant City Attorney Johnson is doing because they are often set the same days that his own cases are set. She said as far as why the entire Act was adopted, we are here today because over five Officers approached them asking them to adopt this harassment Statute and get this codified in our Ordinances. She has not had a request for stalking.

Commissioner Rardin asked if Magistrate Court is set up for Jury trials. City Attorney Schreiber answered no we are not, and the Magistrate Court has that jurisdiction, so it would happen in the

Magistrate Court. Commissioner Rardin asked even if it cites Municipal, if it goes to Jury trial then it has to go over to Magistrate. City Attorney Schreiber said let me back up. She explained that State Law in New Mexico, the Constitution only allows a jury trial for offenses that have a maximum penalty of up to a year. She said but because our jurisdiction in Municipal Court is zero to ninety days, these are not eligible for a jury trial. We have sections in our ordinances that say the most anyone can be fined or imprisoned for in the Municipal Court is a maximum fine of \$500 or ninety days in jail.

Commissioner Rardin asked if it would have been beneficial to allow some Officers to go to the training that was offered by the DA's Office back in June. City Attorney Schreiber said she is sure that it would have been. She said at the time, the discussions that she had with the Police Department were about short staff, people already coming in on their days off, working overtime, what it looks like when an Officer who gets off at 7:00 a.m. and then have to sit through an 8-hour class and then expected to go back and work at 7:00 p.m., what that does to the mental health, how they need days off when they are overworked, so her office went ahead and took on that burden. She said there has not been that many cases, they are not significantly overworked. She said it does take time though because the Magistrate Court is not setup to send her office the notices. She said the notices are being sent to the Officers. She said her staff is combing through daily every citation, every arrest warrant, every booking report to see cases that they may have to represent on. She said it does take staff time to get it done, but because they have missed a case and she don't ever want to do that again to an Officer. She said she has the training complete, it is just a matter of dates, times and manning to when she can get that done.

Commissioner Rardin asked if the DA's Office helps them at all. City Attorney Schreiber answered they do not. Commissioner Rardin said he has a copy of his letter, and it says on a case by case basis they will upon written request. City Attorney Schreiber said every single time she gets one of these citations, they ask whether they will handle it or if the City Attorney's Office will need to handle it. So far, she has gotten back every single time that this will be the City Attorney's case and they will not represent on it. She said there is quite an extensive paper trail. Commissioner Rardin asked if that is just on the Harassment issues. She said no, they ask them on every case. She said all the cases that the DA Office does not want to prosecute, she will take on. She said there are different reasons why they file things in a Magistrate Court confidences, what not, but they email every single time.

Commissioner Rardin said he thinks it is tying up a lot of staff time. City Attorney Schreiber agreed and said getting this in our Ordinances and allowing Assistant City Attorney Johnson to prosecute would save a lot of time and money. Commissioner Rardin said he thinks they should expedite the training of the Officers to do a portion of it on the ones that are very simple, they could take that over. The ones that are going to be difficult or a little bit of a challenge is when the City Attorney's Office or the DA could step in.

Commissioner Payne moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 5-1-0. Commissioner Rardin voted nay.

9. Consider, and act upon, Memorandum of Understanding (MOU) between the City and County in regard to a 1997 Ford Dump Truck. (Larry Garner, Public Works Director)

(Commissioner Rardin stepped out of the meeting at 7:26 p.m.)

Public Works Garner described the Memorandum of Understanding with the County. He said as part of the Memorandum a deal was worked out with the County to provide chip sealing between the City limits and Scenic.

Commissioner Hernandez moved to approve.

Commissioner Wright seconded the motion.

Motion carried with a vote of 5-0-0. Commissioner Rardin was absent for vote.

EXECUTIVE SESSION (Roll Call Vote Required)

10. Adjourn into Closed Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Threatened or Pending Litigation; City of Alamogordo vs. Taxation and Revenue Department. (Roll Call Vote Required)

(Commissioner Rardin re-joined the meeting at 7:29 p.m.)

Commissioner Payne moved to adjourn into Executive Session at 7:29 p.m.

Commissioner Hernandez seconded the motion.

Roll call vote was taken.

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

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on December 4, 2018.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/28/2018

Report No: 4.

Submitted By: Rachel Hughs

Subject: Approve the statements related to the Executive Session held on November 20, 2018. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the following statements authorizing them to be included in the minutes of December 4, 2018: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on November 20, 2018, a Closed Executive Session was held and matters discussed in the closed meeting were limited only to: Threatened or Pending Litigation; City of Alamogordo vs. Taxation and Revenue Department."

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/09/2018

Report No: 5.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Ordinance 1581 for final publication to Opt-in to the Local Election Act.
(*Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve ordinance 1581.

Background: This ordinance is to opt-in to the Local Election Act with the shorter term of office.

Update on new Cities/Towns that have opted-in or are opting-in : Corona, Capitan, Willard, Hatch, and Lordsburg.

Any municipality may by ordinance opt-in to the Local Election Act and file the ordinance with the Secretary of State by January 30, 2019 (Section 1-22-3.1). By opting-in the County Clerk will run the City's Municipal Elections. The Regular Municipal Elections will be held on odd numbered years in November with the elected officials taking office on January 1st. Also the City will pay an annual assessment to the Secretary of State to cover all costs for Regular Municipal Elections, the amount will be \$250 per every one million dollars of the general fund expenditures (Section 1-22-20 F).

The Municipal Election Code has been repealed and the Election Code now has to be followed by all Municipalities.

Some of the changes whether the City opts-in or not are:

- The Secretary of State is the Chief Election Officer and all forms and procedures must be approved by the Secretary of State.
- A local election shall be a nonpartisan election. The order in which the names of the candidates are listed on the ballot shall be determined by the Secretary of State either by lot or by randomization as provided by rule (Section 1-22-10 D).
- The canvassing board for the canvass of the results of a local election shall be composed of the board of county commissioners of the county in which the votes were cast in that election (Section 1-22-15 A).

Senator Ivey-Soto advised our City Charter can be changed by ordinance. He said according to the 2018

Election Code (Section 1-22-3.2 B) A municipality may change its charter by ordinance or otherwise provided by the municipality to conform its election schedule with the requirements of this section. (The requirements of this section is A. The municipal Clerk shall post the conforming dates on the municipalities website no later than January 30 of each odd numbered year). He stated the City would be changing election dates to conform with State law and would not need to be taken to the people because their vote would not change State Law.

As of October 30, 2018 the Secretary of State's office has officially received a few Cites/Towns/Villages that have opted-in by ordinance: Las Cruces, Hagerman and Estancia. However, there are many Cites/Towns/Villages that have indicated interest in opting-in and have initiated the process. Cloudcroft, Tularosa, and Sunland Park are some of the surrounding Cities/Towns in the process of opting-in.

ORDINANCE NO. 1581

**AN ORDINANCE PURSUANT TO NMSA 1978, SECTION 1-22-3.1 (2018) TO OPT IN
TO THE ELECTION OF THE MUNICIPAL OFFICERS OF THE CITY OF
ALAMOGORDO IN THE REGULAR LOCAL ELECTION**

WHEREAS, on July 1, 2018 the Local Election Act went into effect as Chapter 1, Article 22, NMSA 1978 establishing the Regular Local Election, a consolidated election day for non-partisan local government bodies on the first Tuesday after the first Monday in November of each off-numbered year; *and*

WHEREAS, the Local Election Act also established the Municipal Officer Election Day on the first Tuesday of even-numbered years; *and*

WHEREAS, the Local Election Act provides the option for each municipality to determine if its elective officers shall be elected on the Municipal Officer Election Day or at the Regular Local Election; *and*

WHEREAS, the City OF Alamogordo has considered the issues related to opting in, including uniformity of procedure and convenience for the voters.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALAMOGORDO, NEW MEXICO:

SECTION 1. MUNICIPAL OFFICERS TO BE ELECTED AT THE REGULAR LOCAL ELECTION

Pursuant to Subsection B of Section 1-22-3.1 NMSA 1978, the City of Alamogordo opts in to the election of its municipal officers in the Regular Local Election.

SECTION 2. ADJUSTMENT OF TERMS TO CORRESPOND WITH NEW ELECTION DATE:

The terms of office for the current municipal office holders shall be adjusted, so that:

(A) municipal officers elected or appointed to a term ending in 2020 shall serve until December 31, 2019, the new term of the position shall be elected at the regular local election in November 2019, and the new term shall commence January 1, 2020; and

(B) municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2021, the new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022.

For the remainder of any such shortened term, the City shall reimburse the Elected Official whose term is being shortened the cost of the meetings that will not be attended, and shall afford

Commissioners health insurance coverage through what would have been the end of their elected term.

SECTION 3. FILING WITH SECRETARY OF STATE

Following approval of this ordinance, the Municipal Clerk shall file a copy of the ordinance with the secretary of state no later than January 30, 2019.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/29/2018

Report No: 6.

Submitted By: Mark Threadgill

Subject: Consider, and act upon, leak abatement request for Chelsea Goepfert, 1512 Utah Ave., in the amount of \$6,385.12. *(Mark Threadgill, Customer Service Manager)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval of the Leak Abatement.

Background: Customer experienced leak in galvanized pipe where service entered dwelling. Request meets all requirements for abatement. Since abatement exceeds \$2,500 Commission approval is required.

**CITY OF ALAMOGORDO
UTILITY BILLING DEPARTMENT
RESIDENTIAL LEAK ADJUSTMENT WORKSHEET**

DATE: November 21, 2018

Customer ID	Location ID	Cycle/Route	Meter Size
115921	16440	8/30	75

Customer Name:
GOEPFERT, CHELSEA

Billing Date:
10/24/18

Service Address:
1512 UTAH AVE

Billing Period:
9/7/18-10/7/18

Average Consumption:	619	Difference Billed - Average	51,765
Average Bill:	\$23.88	Difference Bill @ Tier 1	1.45
Actual Billed Consumption:	52384	Total Difference	\$750.59
Actual Bill Amount:	\$3,928.43	Average Bill:	\$23.88
Difference of Average and Actual must exceed \$125.00	\$3,904.55	Billed Over Average	\$750.59
Meets Qualifications?	Y	Total	\$774.47
		Total Billed:	\$3,928.43
		Minus Total Difference	-\$774.47
		Water	\$3,153.96
		Tax on Adjusted	\$157.70
		Total Adjusted	\$3,311.66

Customer is requesting relief on his/her water bill for the month of **October-18**
If you have any questions, please call Nichole Sierra @ ext 4261

Prepared by: Nichole Sierra

UB Approval: _____

THIS LEAK ABATEMENT REQUIRES CITY COMMISSION APPROVAL

Finance Approval: _____

UT470I07.

CITY OF ALAMOGORDO, NEW MEXICO

10/30/18

es

14:15:40

Charge Summary

Customer ID

Location ID

Cycle/route

Bill date .

Due date .

Type option

5=Display

Svc

Opt Type Ty

— WA RE

Opt

Svc

— WA

— WA

— WA

— WA

— WA

Amount

14.97

24.36

3928.43

198.39

4166.15

Total Actual Charges

es : 4166.15

amt: 4166.15

Est Cmt

ter Number Cd Cd

631574 CN

Rate Group S/W

AL/I/R

Bottom

AL/I/R

AL/I/R

AL/I/R

AL/I/R

ENTER=Exit F8=Print F10=Reprint Bill

F14=Send as EMAIL

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

3 months

619

619 x 1.45 = 8.98

13.90

1.00

23.88

0.*

182.00+

834.00+

841.00+

1,857.00

1,857.00÷

3.=

619.00*

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO

11/21/18

Account History - Consumption and Actual Charges

09:16:14

Customer ID: 115921 Name: GOEPFERT, CHELSEA

Location ID: 16440 Addr: 1512 UTAH AVE

Cycle/route . : 08 30 Bill type . : CYCLE BILL

Bill date . . : 10/24/18 Prev balance: .00 Charges : 4166.15

Due date . . : 11/08/18 Adj/Pmts . : .00 Bill amt: 4166.15

Type options, press Enter.

5=Display

Opt	Svc	Reading	Actual	Demand	Est	Cmt
Type	Type	Date	Consumption	Consumption Days	Meter Number	Cd Cd
—	WA	REG 10/07/18	52384.00	.00 30	00631574	CN

Opt	Svc	Comp	Description	Billed Consumption	Amount	Rate Group	S/W
—	GT		GOV GROSS RECPTS TAX	.00	198.39	AL/I/R	
—	GR		GARBAGE	.00	14.97	AL/I/R	
—	SW	BASE	BASE RATE	.00	13.60	AL/I/R	
—	SW	CONS	CONSUMPTION CHARGES	936.00	10.76	AL/I/R	
—	WA	BASE	BASE RATE	.00	13.90	AL/I/R	
—	WA	CON1	TIER 1	1500.00	21.75	AL/I/R	+

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

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO

11/21/18

Account History - Consumption and Actual Charges

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Due date . . : 11/08/18 Adj/Pmts . : .00 Bill amt: 4166.15

Type options, press Enter.

5=Display

	Svc	Reading	Actual	Demand			Est Cmt
Opt	Type	Type	Date	Consumption	Consumption Days	Meter Number	Cd Cd
—	WA	REG	10/07/18	52384.00	.00 30	00631574	CN

Opt	Svc	Comp	Description	Billed Consumption	Amount	Rate Group	S/W
—	WA	CON2	TIER 2	1500.00	35.25	AL/I/R	
—	WA	CON3	TIER 3	1000.00	36.50	AL/I/R	
—	WA	CON4	TIER 4	1000.00	53.00	AL/I/R	
—	WA	CON5	TIER 5	47384.00	3767.03	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



Alamogordo, NM

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 - ☐ Cycle10
 - ☐ Cycle11
 - ☐ Cycle12
 - ☐ Cycle13

Reading Report Reading Detail Profile Graph Graph Options

Account#: 115921016440WA00CF
Name: GOEPFERT, CHELSEA
Meter ID: 00631574
MIU SN: 2046105
Address: 1512 UTAH AVE

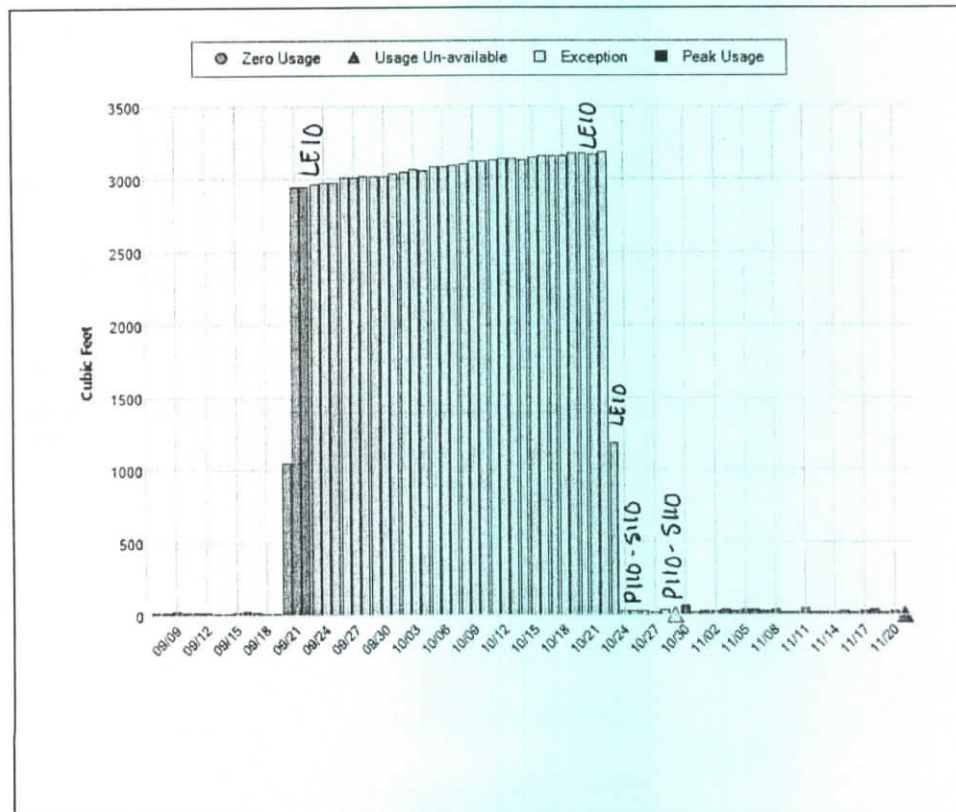
Utility: Alamogordo, NM
Cycle: 08
Route: 30
Sequence: 011100
City, State: Alamogordo, NM
Period: 9/7/2018 - 11/22/2018

Peak consumption of 3180 cubic feet occurred during the day of 10/22/18

Current Read: 135386 **Read Time:** 11/21/2018 12:00:00 AM
Graph Date: 11/21/2018 9:27:22 AM

Align To Billing Begin Date: 09/07/2018 00:00 End Date: 11/22/2018 01:00 Agg. Level: Daily Refresh Graph

← Now Displaying: 9/7/2018 12:00 AM - 11/22/2018 1:00 AM →



OCT 29 2018

City of Alamogordo Utility Billing Division

Leak Abatement Request

Date of request: 29 Oct 2018

I, Chelsea Goepfert, account number 115921-16440 had a water leak at 1517 Utah Ave.

Description/Cause of Leak: Broken line underground - tree root punctured it

The leak was repaired on 25 Oct 2018 and I am requesting an adjustment on my water bill. I have provided proof of repair; either an invoice from a plumber or receipts for parts that were purchased and used to repair the leak.

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

Chelsea Goepfert
Customer's Name (print)

Chelsea Goepfert
Customer's Signature

724-372-0033
Phone Number

11/29/18



Home Service
Contractors inc.

OCT 29 2018

Invoice

2001 E. First Street Phone 437-4790
Alamogordo NM 88310
License # 88711

Date Invoice #
10/25/2018 122415

Bill To

Job Address

ALAMOGORDO REALTY LLC
1600 EAST FIRST STREET
ALAMOGORDO NM 88310
E-MAIL INVOICES

1512 UTAH - CHELSEA - 724-372-0033
FIND & REPAIR WATER LEAK
CITY TURNED THE WATER OFF LAST NIGHT
CALL 1ST REQUESTED BY ROSIE
CALL 434-0800 IF OVER \$100 FOR ANYTHING

Qty	Description	P.O. No.	Terms	Completion Date	Serviceman
			Due on receipt	10/25/18	Stephen / Joe
2.5	Plumbing Labor for 2 Servicemen - Repaired A Leak Under The Footer On Galvanized Steel.				225.00T
1	3/4" X 4" Brass Nipple				6.96T
1	3/4" Pex Female Adapter				6.99T
1	3/4" Pex Female Sweat Adapter				3.70T
2	3/4" Pex Rings				0.90T
8	Ft. 3/4" Pex Pipe				8.32T
* The Leak Under The Footer Was At The Front Of The House Wjhere The Water Goes Into The House.					
Sales Tax					20.15

OCT 26 2018
BY: 5530

** If You Prefer To Receive Invoices By e-mail In The Future, Please
Contact Our Office!*

*Thank you for your business. We appreciate having
you as one of our valued customers!*

**To Insure Proper Credit, Please Include the Invoice
Number on Your Payment.**

We accept VISA, MASTERCARD and DISCOVER !

Total \$272.02

Payment is DUE upon RECEIPT. A 1.5 % finance
charge will be added to all amounts 30 days past due.

**CITY OF ALAMOGORDO
UTILITY BILLING DEPARTMENT
RESIDENTIAL LEAK ADJUSTMENT WORKSHEET**

DATE: November 21, 2018

Customer ID	Location ID	Cycle/Route	Meter Size
115921	16440	8/30	75

Customer Name:
GOEPFERT, CHELSEA

Billing Date:

11/21/18

Service Address:
1512 UTAH AVE

Billing Period:

10/7/18-11/7/18

Average Consumption: 619

Difference Billed - Average 48,275

Difference Bill @ Tier 1 1.45

Total Difference \$699.99

Average Bill: \$23.88

Average Bill: \$23.88

Actual Billed Consumption: 48894

Billed Over Average \$699.99

Total \$723.87

Actual Bill Amount: \$3,650.97

Total Billed: \$3,650.97

Difference of Average and Actual must exceed \$125.00

Minus Total Difference -\$723.87

\$3,627.09

Water \$2,927.10

Meets Qualifications?

Y

Tax on Adjusted \$146.36

Total Adjusted \$3,073.46

*Customer is requesting relief on his/her water bill for the month of November-18
If you have any questions, please call Nichole Sierra @ ext 4261*

Prepared by: Nichole Sierra

UB Approval: _____

THIS LEAK ABATEMENT REQUIRES CITY COMMISSION APPROVAL

Finance Approval: _____

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO

11/21/18

09:13:03

Charge Summary				es	
Customer ID					
Location ID	Code	Description	Amount		
Cycle/route	GR	GARBAGE	14.97		
Bill date .	SW	SEWER	24.36	es :	3874.82
Due date .	WA	WATER	3650.97	amt:	7980.97
Type option		TAXES	184.52		
5=Display		Total Actual Charges	3874.82		
Svc					Est Cmt
Opt Type Ty				ter Number Cd	Cd
- WA RE				631574	
Opt	Svc			Rate Group	S/W
-	WA			AL/I/R	
-	WA		Bottom	AL/I/R	
-	WA	ENTER=Exit F8=Print F10=Reprint Bill		AL/I/R	
-	WA	F14=Send as EMAIL		AL/I/R	
-	WA			AL/I/R	

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

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO

11/21/18

Account History - Consumption and Actual Charges

09:13:03

Customer ID: 115921 Name: GOEPFERT, CHELSEA

Location ID: 16440 Addr: 1512 UTAH AVE

Cycle/route . : 08 30 Bill type . : CYCLE BILL

Bill date . . : 11/21/18 Prev balance: 4106.15 Charges : 3874.82

Due date . . : 12/06/18 Adj/Pmts . : .00 Bill amt: 7980.97

Type options, press Enter.

5=Display

	Svc	Reading	Actual	Demand		Est Cmt
Opt	Type	Type	Date	Consumption	Consumption Days	Meter Number Cd Cd
—	WA	REG	11/07/18	48894.00	.00 31	00631574

Opt	Svc	Comp	Description	Billed Consumption	Amount	Rate Group	S/W
—	GT		GOV GROSS RECPTS TAX	.00	184.52	AL/I/R	
—	GR		GARBAGE	.00	14.97	AL/I/R	
—	SW	BASE	BASE RATE	.00	13.60	AL/I/R	
—	SW	CONS	CONSUMPTION CHARGES	936.00	10.76	AL/I/R	
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—	WA	CON1	TIER 1	1500.00	21.75	AL/I/R	+

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

Roll up or down past the first or last record in file.

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO

11/21/18

Account History - Consumption and Actual Charges

09:13:03

Customer ID: 115921 Name: GOEPFERT, CHELSEA

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Type	Type	Date	Consumption	Consumption Days	Meter Number	Cd Cd
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Opt	Svc	Comp	Description	Billed Consumption	Amount	Rate Group	S/W
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—	WA	CON3	TIER 3	1000.00	36.50	AL/I/R	
—	WA	CON4	TIER 4	1000.00	53.00	AL/I/R	
—	WA	CON5	TIER 5	43894.00	3489.57	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



Alamogordo, NM

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- ☐ Cycle01
 - ☐ Cycle02
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 - ☐ Cycle08
 - ☐ Cycle09
 - ☐ Cycle10
 - ☐ Cycle11
 - ☐ Cycle12
 - ☐ Cycle13

Reading Report Reading Detail Profile Graph Graph Options

Account#: 115921016440WA00CF
Name: GOEPFERT, CHELSEA
Meter ID: 00631574
MIU SN: 2046105
Address: 1512 UTAH AVE

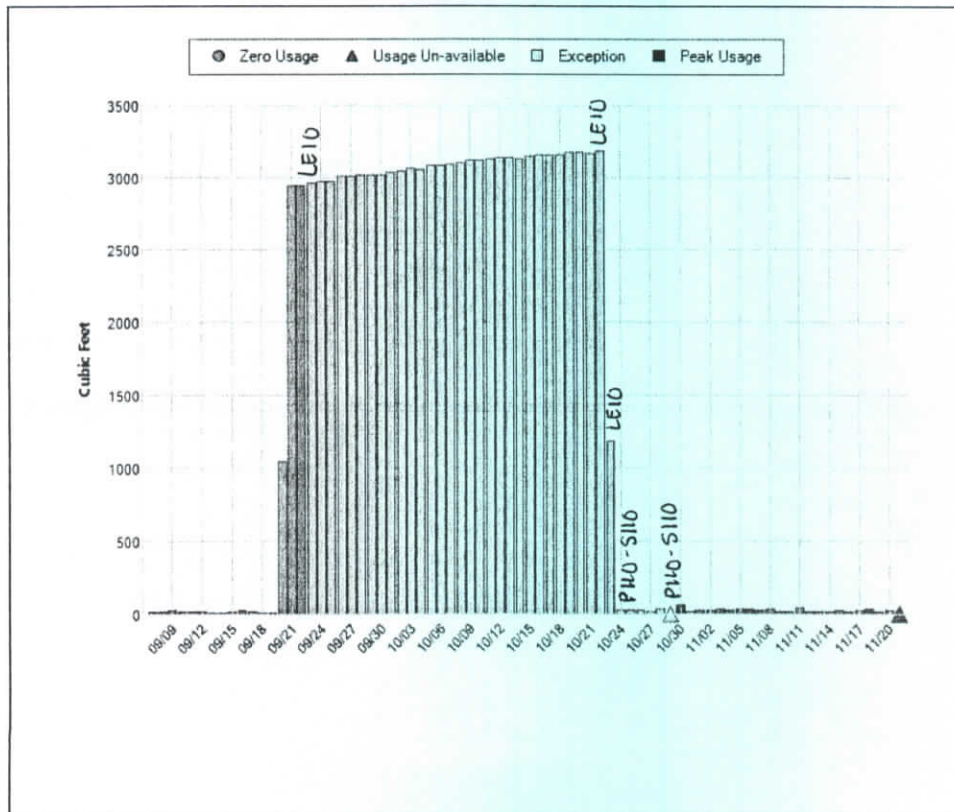
Utility: Alamogordo, NM
Cycle: 08
Route: 30
Sequence: 011100
City, State: Alamogordo, NM
Period: 9/7/2018 - 11/22/2018

Peak consumption of 3180 cubic feet occurred during the day of 10/22/18

Current Read: 135386 **Read Time:** 11/21/2018 12:00:00 AM
Graph Date: 11/21/2018 9:27:22 AM

Align To Billing Begin Date: 09/07/2018 00:00 End Date: 11/22/2018 01:00 Agg. Level: Daily v Refresh Graph

← Now Displaying: 9/7/2018 12:00 AM - 11/22/2018 1:00 AM →



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/29/2018

Report No: 7.

Submitted By: Jim LeClair

Subject: Consider, and act upon, Resolution No. 2018-37 donating one (1) 1996 Pierce/International 4900 Navistar 2-Door Fire Truck to Otero County. (*Jim LeClair, Fire Chief*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval

Background: During the August 14, 2018 Commission meeting this item was presented, and Commission requested this to be brought back to a future meeting with stipulations regarding a time frame that Otero County will be required to place the apparatus into service.



City of Alamogordo
Alamogordo Fire Department
619 Texas Avenue, Alamogordo, New Mexico 88310
Administration 575-439-4119, Code Enforcement 575-439-3337



November 7, 2018

Pamela Heltner
County of Otero
1101 New York Ave.
Alamogordo, New Mexico 88310

Subject: Fire Apparatus

Dear Mrs. Heltner:

The City of Alamogordo acknowledges receipt of the Otero County (County's) request for approval to disposable property as noted. That property consists of a 1997 Pierce/ International Class A pumper that will be sold to Otero County in the amount of \$100.00 provided that:

1. The apparatus will be placed into service within 30 days after necessary repairs are made to allow dependable use as a piece of firefighting apparatus for public safety, or within 90 days of receipt, whichever comes first.
2. Should the vehicle not be placed into service as described above or does not remain in service as firefighting apparatus for a period of 5 years, the property shall be returned to the City of Alamogordo for either use or disposal as deemed by the City.

The County's request is made pursuant to Section 3-54 -2(A) NMSA 1978, which states:

- A. A municipality may sell personal property for cash at public or private sale without notice where it is shown to the governing body that such property does not exceed the value of two thousand five hundred dollars (\$2,500).

According to documentation submitted, the City has determined that the sale of the surplus property to Otero County is in the best interest of the public for the following reason:

The Otero County Fire Department has expressed interest in repair and use of the firefighting apparatus for public safety. The firefighting apparatus will replace an existing unit.

In addition, the county will be required to give the City of Alamogordo written notice of when the apparatus was placed into service meeting the time-line requirements stated in item (1.) above.

If I can be of any further assistance, please do not hesitate to call me.

Respectfully,

Jim LeClair

Fire Chief
Alamogordo Fire Department
575-439-4298

xc: File

COMMISSION/ ADMINISTRATION
(575) 437-7427
FAX (575) 443-2904
886-986-8376



1101 NEW YORK AVE.
ALAMOGORDO, NM 88310-8935

State of New Mexico
County of Otero

May 8, 2018

James LeClair
Fire Chief, Alamogordo Fire Department
619 Texas Street
Alamogordo, NM 88310

Re: Request for Obsolete / Surplus Firefighting Apparatus

Otero County would like to respectfully request consideration in the donation of a surplus International / Pierce Class A pumper recently taken out of service from your Department. We understand that the apparatus does need mechanical repair to again serve as a reliable piece of equipment and we are prepared to accept the vehicle in its present condition and make those repairs.

The donation of this apparatus would be utilized by Otero County for its fire departments, ensuring ready response and operations for our firefighters while serving the citizens of Otero County and within the City of Alamogordo during emergency situations.

If there are any questions or concerns regarding this request, please feel free to reach me via the below contact information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Quairol", with a long horizontal flourish extending to the right.

Paul Quairol
Emergency Services Director
Otero County Office of Emergency Services
1101 New York Ave. Suite 104
Alamogordo, NM 88310
Office: 575-439-2612
Fax: 575-437-2259
Cell: 575-491-5942
E-mail: paul.quairol@co.otero.nm.us

RESOLUTION NO. 2018-37

A RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS CITY PROPERTY

WHEREAS, the City of Alamogordo, New Mexico, is the owner of a certain 1996 Pierce / International 4900 Navistar 2-D pumper which is no longer needed for department use, and;

WHEREAS, the City Finds that the said equipment is unusable or obsolete to the extent that the items are no longer practical for continued use by the City, and;

WHEREAS, the City is desirous of disposing said 1996 Pierce / International 4900 Navistar 2-D pumper as surplus property to Otero County for the sum of one hundred dollars (\$100), and;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ALAMOGORDO, NEW MEXICO, AS FOLLOWS:

1. The 1996 Pierce / International 4900 Navistar 2-D pumper is hereby declared surplus.

2. According to Section 3-54-2(A) NMSA 1978, which states: A municipality may sell personal property for cash at a public or private sale without notice where it is shown to the governing body that such property does not exceed the value of two thousand five hundred dollars (\$2,500).

3. This Resolution shall take effect immediately upon adoption.

Done this 4th day of December, 2018

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/29/2018

Report No: 8.

Submitted By: Bob Johnson

Subject: Consider, and act upon, Change Order No. 10, RFQ No. 2013-05, to CDM Smith, Inc. related to the engineering and design services for the 1-MGD Brackish Water Treatment Facility project, in an amount not to exceed \$20,250.00, including NMGR. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$20,250.00

Amount Budgeted: \$2,866,371.00

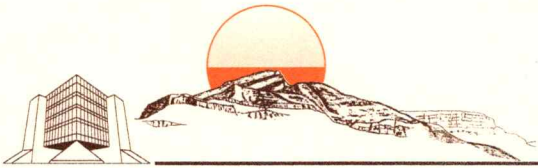
Fund: 054-0099-990.67-74 PW1406

Additional Fiscal Impact: Unencumbered project balance remaining is \$38,504.00.

Recommendation: Approve the Change Order.

Background: This change order incorporates the following -

1. Operational phase services during the operational readiness testing and functional demonstration phases of the project. Services are requested by the City of Alamogordo Water Operations Department.



City of Alamogordo



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

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 10

**1-MGD BRACKISH WATER TREATMENT FACILITY
ENGINEERING & DESIGN SERVICES**

RFQ NO. 2013-05

DATE: NOVEMBER 19, 2018

ENGINEER: CDM SMITH, INC.
6001 INDIAN SCHOOL RD. NE, SUITE 310
ALBUQUERQUE, NM 87110

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

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

Operational phase services, as requested by City of Alamogordo Water Operations staff, during the operational readiness testing and functional demonstration phases of the 1-MGD Brackish Water Treatment Facility project. Refer to Exhibit A to this Change Order.

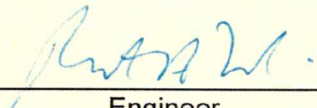
REVISED CONTRACT AMOUNT

1. Original Contract Amount \$1,188,319.53*
2. Total Contract Amount Including Previously
Approved Change Orders \$2,280,924.36*
3. Amount of this Change Order (Increase) \$ 20,250.00*
4. Total Revised Contract Amount to Date \$2,301,174.36*

* includes New Mexico Gross Receipts Tax.

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

CHANGE ORDER ACCEPTED AND APPROVED:

BY: 
Engineer

11-20-18
Date

CHANGE ORDER APPROVED BY CITY COMMISSION / CITY MANAGER:

BY: _____
City Manager/Mayor

Date

BY: _____
City Attorney

Date



6001 Indian School Rd NE, Suite 310
Albuquerque, NM 87110
tel: 505 243-3200
fax: 505 243-2700

November 16, 2018

Bob Johnson
Engineering Manager
City of Alamogordo
1376 9th Street
Alamogordo, NM 88310

Subject: Amendment 10 to Contract for 1-MGD Interim Brackish Water Reverse Osmosis Project - Operational Phase Services

Dear Mr. Johnson:

CDM Smith Inc. (ENGINEER) herein proposes Amendment No. 10 to our contract for the 1-MGD Interim Brackish Water Reverse Osmosis (BWRO) Project. As requested by the City's Water Operations staff, Amendment No. 10 is for providing operational phase services to the City for operational testing and functional demonstration testing of the BWRO treatment plant.

Services associated with this task are described below:

Task 1 Project Management

ENGINEER will perform project management tasks associated with this task that include management of project accounting, scheduling and budget tracking, and maintenance of project files.

Assumptions:

- Duration of project is assumed to be 60 calendar days from Notice to Proceed.

Deliverables:

- Monthly invoices delivered via e-mail.

Task 2 Operational Phase Services

ENGINEER will provide Operational Phase Services for the start-up and initial operation of the BWRO plant. Operational Phase Services will consist of the following:

- Site visit during Operational Readiness Testing (ORT) to inspect installation of RO membranes and initial operation of the RO treatment process



Bob Johnson
Amendment 10
November 16, 2018
Page 2 of 2

- Site visit during Functional Demonstration Testing (FDT) to witness operation of the treatment process
- Technical assistance during ORT and FDT

Assumptions:

- One site visit during ORT – duration two working days for ORT
- One Site visit during FDT – duration of FDT is assumed to be 5 working days
- During the site visits, the ENGINEER will work with City's Water Operations Manager to determine the SOPs and contents of an Operations and Maintenance (O&M) Manual for the BWRO treatment plant.

Deliverables

- Reports from ENGINEER on results of ORT and FDT

COSTS

We proposed to perform this work on a time and materials basis for a not to exceed fee of \$18,750, excluding NMGR.

If you have any questions or comments regarding this scope of work and fee, please call me at 505-353-3709. We look forward to working with the City of Alamogordo on this project.

Sincerely,

A handwritten signature in blue ink that reads "Robert A. Fowlie".

Robert A. Fowlie, PE, BCEE
Associate/Client Service Leader
CDM Smith Inc.

Attachment

Alamogordo 1-MGD BWRO Plant Amendment 10 - Operational Phase Services		CDM Smith Hours and Labor Budget											Subconsultants		Total Budget	
Project Tasks		Contract Officer	Senior Tech. Consultant (Brown)	Project Manager	Professional VII (Rynders)	Professional V	Professional III	Designer Drafter	Contract Admin	Clerical	Labor Totals					Other Direct Costs
														Firm		
		Hours	Hours	Hours	Hours		Hours	Hours	Hours	Hours	Hours	\$	\$		\$	\$
Task 1: Project Management		6	0	0	0	0	0	0	12	4	22	\$3,150	\$150		\$0	\$3,300
	PM	6							12	4	22	\$3,150	\$150			\$3,300
Task 2: Operational Services		14	0	0	40	0	20	0	0	0	74	\$13,450	\$2,000	\$0	\$0	\$15,450
	ORT Site Visit	8			16						24	\$4,920	\$800			\$5,720
	FDT Visit	6			24		20				50	\$8,530	\$1,200			\$9,730
Total Hours		20	0	0	40	0	20	0	12	4	96					
Total Dollars		\$4,500	\$0	\$0	\$7,800	\$0	\$2,500	\$0	\$1,500	\$300		\$16,600	\$2,150	\$0	\$0	\$18,750
Labor Rates and Multipliers for Sets of Tasks		Contract Officer	Senior Tech. Consultant (Brown)	Project Manager	Professional VII (Rynders)	Professional V	Professional III (Mericka)	Designer Drafter	Contract Admin	Clerical			ODC Multiplier	Sub Multiplier		
Billing Rate		\$225	\$235	\$185	\$195	\$155	\$125	\$145	\$125	\$75			1.00	1.00		

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/29/2018

Report No: 9.

Submitted By: Bob Johnson

Subject: Consider, and act upon, Change Order No. 4, Public Works Bid No. 2017-009, to Smithco Construction, Inc. related to the Bonito Lake Restoration project, in an amount not to exceed \$211,000.00, including NMGRT. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$211,000.00

Amount Budgeted: \$9,265,822.00

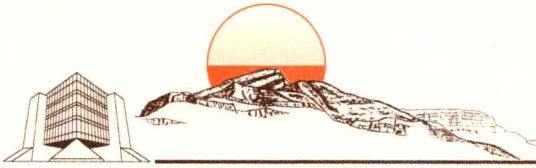
Fund: 081-0008-461.60-79 PW1501

Additional Fiscal Impact: Available unencumbered funding is \$2,190,493.83.

Recommendation: Approve the Change Order.

Background: This Change Order incorporates the following:

1. Increase the force account work allowance, Bid Item 5, from \$150,000.00 to \$350,000.00 due to the significant number of weather-related events to date.



City of Alamogordo



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

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 4

BONITO LAKE RESTORATION

PUBLIC WORKS PROJECT NO. 2017-009

DATE: **NOVEMBER 20, 2018**

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

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

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

Increase Bid Item 5, Force Account Work Allowance, from \$150,000.00 to \$350,000.00.

REVISED CONTRACT AMOUNT

1. Original Contract Amount	\$8,197,500.00*
2. Total Contract Amount Including Previously Approved Change Orders.....	\$8,298,673.90*
3. Amount of this Change Order (increase).....	\$ 200,000.00*
4. Total Revised Contract Amount to Date	\$8,498,673.90*

* excludes New Mexico Gross Receipts Tax.

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

CHANGE ORDER RECOMMENDATION FOR APPROVAL:

BY: 
Engineer

11-21-18
Date

CHANGE ORDER ACCEPTED AND APPROVED:

BY: 
Contractor

11-21-18
Date

CHANGE ORDER APPROVED BY CITY MANAGER/CITY COMMISSION:

BY: _____
City Manager

Date

BY: _____
City Attorney

Date



Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

DATE: November 7, 2018

TO: Bob Johnson

FROM: Rob Richardson

A handwritten signature in purple ink, appearing to read "Rob Richardson", is written over the printed name.

SUBJECT: Bonito Lake Restoration – Budget Adjustments for Construction Contract Allowances

The construction contract documents for the Bonito Lake Restoration include provisions to compensate the contractor for additional work related to events that are beyond their control. The primary reason for structuring the contract this way was the contract period was going to be much longer than a typical construction activity. With contracts of this nature it is prudent to try and minimize the risks associated with the costs of performing the work so that the contractor does not have to include overly conservative estimates of these costs on bid day.

Some of the risk factors related to costs on the Bonito Lake Restoration project include:

1. Specific weather events that would impact the work area (in the lake bed)
2. Fuel cost inflation
3. Equipment cost inflation
4. Labor cost inflation
5. Haul route maintenance

Of these items 1 and 2 were identified as risk items that would be borne by the project owner (City) and items 3,4 and 5 were identified as risk items that would be borne by the contractor.

For items 1 and 2, a force account allowance was created in the contract documents to establish an initial budget (\$150,000) for potential costs and the specific criteria upon which a force account event would be triggered was established in specification section 01150 Measurement and Payment (attached to this memo).

The project start date was November 6, 2017. As of October 1, 2018, there have been 2 specific weather events that have triggered additional work and payment on the force account allowance. The current remaining balance of the initial budget is \$45,450. On October 25, 2018, a 3rd weather event occurred and costs associated with that event are expected to use a significant portion of the remaining force account allowance. Also, the fuel surcharge provision of the contract was triggered in the month September for a minor amount (approx. \$250) which has not yet been paid.

The current projected completion date is March 12, 2020. If the frequency of the weather events continues through the remainder of the contract and fuel costs continue to rise, we can expect the force account allowance will be needed at least as much as it has to date. If FEMA funds the additional excavation quantity, then the project time line will be extended another year and the project will be vulnerable to more weather events.

For these reasons I recommend that the force account allowance budget be increased to \$350,000. This is an increase of \$200,000 which is approximately 2% of the current total project cost. The fuel surcharge provision may account for about \$20,000 of this amount.

SECTION 01150

MEASUREMENT AND PAYMENT

PART 1 GENERAL

1.01 WORK INCLUDED

- A. Measurement for payments as herein defined.

1.02 RELATED WORK

- A. Agreement and corresponding bid.
- B. Section 01152: Application for Payment
- C. Section 01370: Schedule of Values.

1.03 UNIT PRICE ITEMS

- A. Estimated Quantities:
 - 1. Estimated quantities in Bid Form are approximate and used only for:
 - a. Basis for estimating probable cost of Work.
 - b. For comparison of Bids submitted for Work.
 - 2. Actual work done or materials furnished under Unit Price item may differ from estimated quantities.
 - 3. Basis of payment: Actual amount of Work as determined by applying the appropriate unit price as bid.
- B. Other unit price items: Unit complete, in place, and ready for use including all work.
- C. Method of Measurement for Section 02220 Disposal Site Fill Placement and Compaction
 - 1. The quantity of excavation to be paid for shall be the number of cubic yards measured in its final position.
 - 2. The payment specified by the cubic yard measurement of all excavation or embankment shall be computed utilizing a surface modeling software program. The volume of excavation is calculated by using the average end area method, the prism modular method, or other Engineer approved

- methods.
3. The original cross sections shall be performed prior to any placement of debris fill.
 4. Cross section shall be performed at half stations in both directions. Submit the original ground surface and final surface data for the disposal site using an electronic XML-compatible format approved by the Engineer. Submit volume summary reports to the Project Manager based on this electronic data for each phase of construction including a report that summarizes the basis for the final volumes. Use a licensed New Mexico professional Engineer or professional surveyor to certify these volumes.
 5. Final field cross sections shall be employed if the following changes are made:
 - a. Plan width of the embankments or excavations are changed by more than plus or minus one foot; or
 - b. Plan elevations of embankments or excavations are changed by more than plus or minus 0.5 foot.
 6. Progress payments for debris removal will be estimated using daily load count deposited at the disposal site.
 7. The engineer may designate interim cross sections to be taken to confirm load counts as needed at no additional expense to the Owner.

D. Fuel Cost Surcharge

1. If the average cost of gas/diesel (on highway/all types) as published by the US Energy Information Administration for the Rocky Mountain Region exceeds the cost as of the date of the Notice of Award by more than 10%, the Owner will pay the Contractor a fuel cost surcharge for actual cost of fuel purchased.
2. The Contractor shall provide accurate records of all fuel purchases dedicated to the project.
3. The fuel cost surcharge will be paid in addition to the per cubic yard unit price of sediment and debris removal.

1.04 LUMP SUM ITEMS

- A. Payment for all lump sum bid items includes all work, labor and materials required to provide a complete, ready-to-use installation. Lump sum items are those as indicated in the Bid Schedule.
- B. Mobilization/Demobilization: Payment for mobilization/demobilization at a maximum of 15% of the total construction cost shall be at the lump sum price listed in the bid schedule. The OWNER will pay the CONTRACTOR using the following procedure:

1. If the CONTRACTOR has performed work representing less than 5% of the total original contract amount less mobilization, the OWNER will pay 25% of the mobilization\demobilization bid amount.
2. If the CONTRACTOR has performed work representing from 5% to less than 20% of the total original contract amount less mobilization, the OWNER will pay 50% of the mobilization\demobilization bid amount.
3. If the CONTRACTOR has performed work representing 20% or more of the total original contract amount less mobilization, the OWNER will pay the mobilization\demobilization bid amount value from 50% to 75% divided by the remaining contract months.
4. The remaining 25% may be requested upon demobilization completion from the job site.
5. The OWNER will not make additional payments for demobilization and remobilization due to shutdowns or suspensions of the work, or for other mobilization activities required for satisfactory completion of the contract.

1.05 ALLOWANCES

- A. Allowances as shown in the Bid Schedule shall be used to reimburse the CONTRACTOR the actual invoice cost of those items shown.
- B. No separate payment for administration or handling of allowance pay items will be made.

1.06 MATERIALS

- A. Payment for materials delivered but not fully incorporated into the project will only be made if such materials are included in the Schedule of Values.

1.07 INCIDENTAL WORK

- A. General:
 1. All work, labor, materials, appurtenances, activities and requirements to complete the facilities, in place and ready for use, and to comply with all requirements and conditions of the Contract Documents that do not have a specific pay items in the bid schedule are considered incidental work to the Contract Documents' bid items.
 2. No separate, additional or special payment will be due the CONTRACTOR for incidental work.
- B. Above, on- or below-ground obstructions, utilities, features or improvements interfering with the work or which must be moved, removed and/or restored to accomplish the Work are considered as incidental work for which separate

payment will not be made if separate bid items are not specifically given for such in the Contract Documents.

- C. Construction staking for the project shall be performed by the CONTRACTOR and is considered incidental work for no separate payment will be made. The CONTRACTOR shall take care to protect existing control points shown on the Drawings.
- D. Haul Route Maintenance
 - 1. Haul route maintenance shall be incidental to the cost per cubic yard of debris removal.
 - 2. Contractor shall provide regular maintenance of all City of Alamogordo, Lincoln County and Privately owned roads along the haul route for all existing surfaces – HMBP, DPA, gravel, base course and dirt roadways.
 - 3. Existing roadway conditions shall be inventoried prior to the start of construction. Property owners shall be in attendance during the inventory inspection of their respective roads. Contractor shall provide photographic and video documentation of surfaces and roadway sections.
 - 4. Roadways will be returned to their existing (or better) condition upon completion of construction.

1.08 FORCE ACCOUNT

- A. If a Force Account Allowance is included on the Bid Form, the Owner will pay the Contractor in accordance with the following provisions.
- B. The force account allowance will only be used when an unordinary storm event is experienced within the lake drainage basin. Only storm events that cause the coffer dam to be overtopped will be classified an unordinary. All other storm events and corresponding runoff shall be accounted for as part of normal daily work operations.
- C. Failure of the Contractor to maintain the flow diversion intake structure and pipeline at full capacity will nullify any claim for Force Account work.
- D. If Subcontractors perform Work by Force Account, the Owner shall only compensate the Contractor an additional ten percent (10%) of the total cost of the subcontracted Work for indirect and administrative costs.
- E. When a force account event is triggered the Contractor will keep a complete and accurate account, in detail, of the cost of doing the Work on a Force Account basis. Failure to maintain records on a force account activities when so directed by the Engineer shall waive any associated right by the Contractor for

reimbursement of such costs.

- F. Force account status will remain in effect until such time that normal debris removal operations are resumed as determined by the Engineer.
- G. The Owner will pay the Contractor for labor, the wage rate for Force Account Work actually paid by the Contractor during the pay period ending before the issuance of the Change Order authorizing the Force Account Work. Such payment shall include Work by supervisors in direct charge of the Force Account Work. If there is no wage rate for a labor classification needed to perform the type of Work required, the Owner and Contractor will negotiate and document a new wage rate before beginning the Force Account Work. Labor shall also include, and the Owner will reimburse for, the following actual reasonable costs paid to (or on behalf of) workers:
 - 1. Subsistence and travel allowances;
 - 2. Health and welfare benefits;
 - 3. Pension fund benefits.
- H. The Owner will pay an additional 45% of the labor cost for associated labor burden, overhead and profit.
- I. Equipment rental rates shall be paid as shown in the Blue Book in effect at the Notice of Award date. The rates in the Rental Rate Blue Book reflect current ownership, overhead and operation costs, based on the average hours of operation per year. The rates do not include operating personnel. The ownership cost represents the total cost of depreciation, interest, insurance, taxes, storage, etc., calculated to an hourly rate. Estimated operating cost per hour includes fuel, lubricants, tires, and other operating expendables, e.g. the percentage of mechanics' wages chargeable to preventive and field maintenance. The current Blue Book applies to machinery or special Equipment (other than small tools) and transportation authorized by the Engineer. The Blue Book rates shall be used for the actual time the Equipment is in operation.
- J. The Owner will pay for equipment used on force account work at the regular hourly rate in accordance with the rate provided in the Blue Book for equipment that is used less than 24 hours in any given pay period. The Owner will pay for equipment used on force account work at the regular weekly rate in accordance with the rate provided in the Blue Book for equipment that is used less than 96 but more than 24 hours in any given pay period. The Owner will pay for equipment used on force account work at the regular monthly rate in accordance with the rate provided in the Blue Book for equipment that is used more than 96 hours in any given pay period.
- K. No additional costs shall be incurred for small tools.

- L. The Owner will pay the Contractor the actual cost of materials accepted by the Engineer and incorporated into the force account work, including transportation charges paid.
- M. The Contractor shall receive payment for one and one half percent (1%) of the total force account amount for the contract bonds and insurance.

END OF SECTION

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/29/2018

Report No: 10.

Submitted By: Brian Peete

Subject: Consider, and act upon, approving the Memorandum of Understanding (MOU) between the United States Border Patrol (USBP) and the Alamogordo Police Department (APD). The MOU is an update where APD allows for USBP frequency sharing access for land mobile radio interoperability. The previous MOU on file has expired and both APD and USBP wish to renew it. *(Brian Peete, Chief of Police)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: There is no fiscal impact.

Recommendation:

Background:

The El Paso Sector of the US Border patrol is updating its frequency sharing Memorandum of Understanding (MOU) with the Alamogordo Police Department (APD). The MOU allows frequency sharing and land mobile radio interoperability between both agencies. The previous MOU on file has expired and both APD and USBP wish to renew it.

EPT 50/2.3



**U.S. Customs and
Border Protection**

AUG 27 2018

Brian R. Peete
Chief of Police
Alamogordo Police Department
700 Virginia Ave.
Alamogordo, New Mexico 88310

Dear Chief Peete:

The U.S. Border Patrol, El Paso Sector, upgraded the Sector's communication infrastructure and capabilities, specifically the Land Mobile Radio System and related technological components. As a result of this upgrade, we would like to use a mutually agreed upon inter-agency agreement to allow the input of the Alamogordo Police Department's frequencies in our Land Mobile Radio System.

Congressionally mandated P-25 standards require Federal Communications Commission (FCC) regulation compliance among former and newly established interoperability frequency agreements. Additionally, FCC regulation specifies the requirement for the Agency to maintain mutually approved inter-agency communication agreements with non-federal entities.

In accordance with FCC Rules, Part 90, Section 8.3.3, Entitled Coordination of Frequencies Used for Communication with Non-Federal Stations Licensed Under Part 90 of the FCC Rules

Provision is made in Part 7.12 for a Federal radio station to use any frequency authorized to a non-Federal radio station under Part 90 of the Rules of the Federal Communications Commission where such utilization is necessary for intercommunication with non-Federal stations or required for coordination with non-Federal activities, provided a mutually-approved arrangement has been concluded between the Federal agency concerned, the Federal Communications Commission, and the non-Federal licensee involved.

Two steps are required to conclude a mutually-approved arrangement. The Federal agency must obtain from the non-Federal licensee a written certification that the Federal operation is necessary, and, after receipt of the certification, the Federal agency must coordinate the proposed usage with the FCC

A mutually agreed upon inter-agency agreement will facilitate tactical communication interoperability among U.S. Border Patrol and Alamogordo Police Department personnel on incidents requiring law enforcement and/or emergency response coordination.

Chief Peete

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Attached for your review and consideration is a Memorandum of Understanding, requesting your authorization to input the Alamogordo Police Department's frequencies in our Land Mobile Radio System. Communication interoperability will also require the installation of relevant U.S. Border Patrol frequencies into your agency radio system.

Thank you for your consideration of this time sensitive border security related request. I look forward to continued cooperation and coordination among our agencies in the performance of our sworn duties. A member of my staff will contact your office over the next few weeks to follow up with this request. Should you have any questions, please contact Mr. Alex van Gils at (915) 834-8353.

Sincerely,



for

Aaron A. Hull
Chief Patrol Agent
U.S. Border Patrol, El Paso Sector

Enclosures

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE
United States Department of Homeland Security
U.S. Customs and Border Protection
U.S. Border Patrol, El Paso Sector
AND
THE
Alamogordo Police Department
Alamogordo, New Mexico**

I. Parties

The Parties to this agreement are the Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol, El Paso Sector and the Alamogordo Police Department.

II. Purpose

This Memorandum of Understanding (MOU) entered into by the U.S. Border Patrol, El Paso Sector; herein referred to as EPT, and the Alamogordo Police Department will authorize EPT to install said Alamogordo Police Department FCC licensed frequencies in Border Patrol communication assets to facilitate tactical communication interoperability among EPT and other law enforcement or emergency services agencies in the EPT area of responsibility.

This MOU supersedes any conflicting provision of any prior MOU between the Parties or their subordinate components regarding radio communications.

III. Responsibilities

Each Party will ensure that all agents and officers understand and comply with this agreement.

Each Party is responsible for procurement, maintenance, and programming of their own radios and support equipment.

Use shall be limited solely to communications between EPT and the Alamogordo Police Department on matters related to safety, search, rescue, law enforcement, and environmental protection activities.

In the event that operational needs warrant a suspension of service, the Alamogordo Police Department will immediately notify EPT and reinstate service as soon as practicable.

IV. Other Provisions

This Agreement is not intended to conflict with current law, regulations, or the directives of EPT or the Alamogordo Police Department. If a term of this agreement is inconsistent with such authority, that term shall be invalid. The remaining terms and conditions of this agreement shall remain in full force and effect.

All radio transmissions must be in the clear mode using plain language. Personnel will continue to use their respective call signs when contacting a communication center or other agency entities.

This document is an inter-agency agreement among the Parties and does not create or confer any rights, privileges, or benefits upon any person or entity not a signatory hereto. This MOU is not and shall not be construed as a rule or regulation.

V. Effective Date

The terms of this agreement will be effective upon signature by both Parties.

VI. Modification

This agreement may be modified upon the mutual written consent of the Parties involved.

VII. Termination

The terms of this agreement, as modified with the consent of both Parties, will remain in effect for five years upon signature by both Parties. The agreement may be extended or renewed by mutual written agreement of the Parties every five years. Either Party upon 60 days written notice to the other Party may terminate this agreement.

Please provide a list of your FCC approved frequencies that will enable tactical communication interoperability between our respective agencies.

Executed on the _____ day of _____, 2018.



for

Aaron A. Hull
Chief Patrol Agent
U.S. Border Patrol, El Paso Sector
El Paso, Texas

Brian R. Peete
Chief of Police
Alamogordo Police Department
Alamogordo, New Mexico

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE
Alamogordo Police Department
Alamogordo, New Mexico
AND
THE
United States Department of Homeland Security
U.S. Customs and Border Protection
U.S. Border Patrol, El Paso Sector**

I. Parties

The Parties to this agreement are the Alamogordo Police Department and the Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol, El Paso Sector.

II. Purpose

This Memorandum of Understanding (MOU) entered into by the Alamogordo Police Department and the U.S. Border Patrol, El Paso Sector; herein referred to as EPT, will authorize Alamogordo Police Department to install EPT FCC licensed frequencies into their communications assets. This capability will facilitate tactical communication interoperability among Alamogordo Police Department and other law enforcement or emergency services agencies in the EPT area of responsibility.

This MOU supersedes any conflicting provision of any prior MOU between the Parties or their subordinate components regarding radio communications.

III. Responsibilities

Each Party will ensure that all agents and officers understand and comply with this agreement.

Each Party is responsible for procurement, maintenance, and programming of their own radios and support equipment.

Use shall be limited solely to communications between Alamogordo Police Department and EPT on matters related to safety, search, rescue, law enforcement, and environmental protection activities.

In the event that operational needs warrant a suspension of service, EPT will immediately notify Alamogordo Police Department. EPT will then reinstate service as soon as practical.

IV. Other Provisions

This Agreement is not intended to conflict with current law, regulations, or the directives of the Alamogordo Police Department or EPT. If a term of this agreement is inconsistent with such authority, that term shall be invalid. The remaining terms and conditions of this agreement shall remain in full force and effect.

All radio transmissions must be in the clear mode using plain language. Personnel will continue to use their respective call signs when contacting a communication center or other agency entities.

This document is an inter-agency agreement among the Parties and does not create or confer any rights, privileges, or benefits upon any person or entity not a signatory hereto. This MOU is not and shall not be construed as a rule or regulation.

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Please provide a list of your FCC approved frequencies that will enable tactical communication interoperability between our respective agencies.

Executed on the _____ day of _____, 2018.

Brian R. Peete
Chief of Police
Alamogordo Police Department
Alamogordo, New Mexico

Aaron A. Hull
Chief Patrol Agent
U.S. Border Patrol, El Paso Sector
El Paso, Texas

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/04/2018

Report Date: 11/29/2018

Report No: 11.

Submitted By: Jim LeClair

Subject: Consider, and act upon, receiving the FY 2019 New Mexico Fire Protection Grant award of \$99,450.00 to be used for Self Contained Breathing Apparatus. *(Jim LeClair, Fire Chief)*

Fiscal Impact: Yes

Amount Budgeted: \$9,945.00

Fund: Fire Fund Expense lines (033-000-421)

Additional Fiscal Impact:

Recommendation: Staff recommends that the grant award be received and utilized for the purchase of self contained breathing apparatus (SCBA's).

Background: During the August 14, 2018 Commission meeting I came before you requesting approval to apply for the FY 2019 New Mexico Fire Protection Grant. As you know, this grant has been frozen for the last two (2) years, and opened up for applications starting July 20, 2018.