



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

February 26, 2019 - 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

Brian Cesar Assistant 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 Marijuana Legalization and House Bill 356. (Brian Peete, Alamogordo Police Chief)
2. Presentation on Alamogordo MainStreet general overview and annual report. (Cam Wilde)

3. Presentation and update of current projects. *(Bob Johnson, Engineering Manager)*

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.

4. Approve the minutes for the February 12, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*
5. Approve the statements related to the Executive Closed Session held on February 12, 2019. *(Rachel Hughs, City Clerk)*
6. Consider, and act upon, Resolution 2019-06 to apply for the New Mexico Department of Tourism Clean and Beautiful Grant for FY 2020 for funding for the Keep Alamogordo Beautiful program. *(Joshua Sides, Acting Special Events Manager)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

7. Consider, and act upon, Application No. 1116622 575 Brewing Company, LLC a Small Brewer Liquor License, with on Premises Consumption and Package Sales with Patio Service at 234 W. 8th Street. *(Rachel Hughs, City Clerk)*

NEW BUSINESS

8. Consider, and act upon, Ordinance 1586 for first publication to amend sections of the City Charter pursuant to the new State Election Law. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
9. Consider, and act upon, first publication of Ordinance 1588 for a map amendment to the official zoning map to change the zoning of 1516 New York Ave from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District. *(City Planner Stella Rael)* **(Roll Call Vote Required)**
10. Consider, and act upon, Resolution 2019-05 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of February 26, 2019. *(Evelyn Huff, Budget Analyst)* **(Roll Call Vote Required)**
11. Consider, and act upon, a Memorandum of Understanding between the City of Alamogordo and KATO Foundation/Kitty City NM Re: Community Cats Program: Return to Field (RTF). *(Petria Schreiber, City Attorney)*
12. Accept the resignation of City Manager Maggie Paluch. *(Richard Boss, Mayor)*
13. Appointments to Boards and Committees. *(Richard Boss, Mayor)*

EXECUTIVE SESSION (Roll Call Vote Required)

14. Recess into Executive Closed Session in compliance with 10-15-1(h) (2)(7), NMSA (as amended) to discuss Limited Personnel Matters (Acting or Interim City Manager) and Threatened or Pending Litigation (Graham v City of Alamogordo) and (K-9 Brutus).

RECONVENE INTO OPEN SESSION

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/22/2019

Report No: 1.

Submitted By: Brian Peete

Subject: Presentation on Marijuana Legalization and House Bill 356. *(Brian Peete, Alamogordo Police Chief)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: There are no recommendations. However, the Alamogordo Police Department believes marijuana legalization would result in a negative financial impact to the City and increased safety and health concerns.

Background: House Bill 356 advocates for the recreational use of marijuana for adults over 21. The Alamogordo Police Department would like to present information to the City Commission regarding the potential affects on Marijuana legalization to the City of Alamogordo.



ALAMOGORDO POLICE DEPARTMENT

700 Virginia Avenue
Alamogordo, New Mexico 88310
(575) 439-4300



To the Alamogordo City Commission,

Law enforcement agencies in this State, to include the Alamogordo Police Department (APD), have concerns regarding the legalization of marijuana for recreational use in New Mexico. Legalizing recreational marijuana in any capacity comes with many unintended consequences, and I believe that you as lawmakers should have all available information before deciding on your direction of advocacy.

There are three common proponent points often associated to legalizing marijuana:

- 1) Additional tax revenue
- 2) Health and medical benefits
- 3) Violations and arrests for marijuana offenses unnecessarily burden the criminal justice system, target at-risk and minority populations and ultimately create state-wide financial strain

Research and lessons learned from other locales clearly show there are drawbacks in legalizing recreational marijuana which include unintended consequences due to dangerous intangibles which drive primate compulsions such as overabundance, abuse and overconsumption.

The Human Element:

When exceptions and compromises are made for one instance, more compromises and exceptions will be extended for all others. Opening the door to recreational marijuana use will (and has) invited calls to condone other drugs as evidenced in a recent January 14, 2019 nmpoliticalreport.com article which disclosed there are talks to propose legislation to decriminalize personal possession of small amounts of all drugs in New Mexico to include heroin and cocaine. Some advocate for legalization of drugs by opining the country is already losing the "war on drugs." There are serious discussions to be had regarding the amounts of time and money spent by agencies in combating drugs in our State, as well as the resources spent in processing arrests and trying cases for minor possession violations. There are also conversations to be had concerning whether offenders deserve to be sentenced at the higher or lower end of the punitive spectrum. However, it would be reckless to legalize recreational use simply because there is a perception as to law enforcement's effectiveness in combating illegal narcotics. The underlining reasons both police and the courts are being overwhelmed by drug possession cases are 1) personal accountability (evidenced by repeat offenders) and whether the accountability means incarceration or drug treatment, and 2) increased flow of narcotics into the United States due to high demand which can be interpreted as a de-humanizing lapse in collective culture that makes it easier and more convenient to excuse destructive behavior. It is the recommendation of the Alamogordo Police Department to fight against all illegal narcotic activity with the use of modern community and intelligence-based concepts that are fair and equal to all. APD is focused on getting all drugs out of our

communities while erecting social support structures and criminal justice policies that acknowledge addiction for what it truly is: A Substance Abuse Disorder as defined in the Diagnostic and Statistical Manual of Mental Disorders. Our collective focus as a community should be to help people suffering from addiction while dissuading anyone from considering using drugs.

Proponent Point 1: Additional tax revenues

New Mexico would obviously see additional revenues from legalization, however it is more likely that the state will spend substantially more tax payer dollars combating the numerous problems that come with legalization. A [September 4, 2018 report from KOB 4](#) cited an opinion that 2019 is poised to be the year New Mexico passes a law legalizing recreational marijuana use, and the State could see an estimated \$60 to \$70 million dollars of new revenue by implementing a 15 percent state tax and approximately five percent individual City and County taxes. In 2012, Colorado voters approved Amendment 64 which licensed commercial marijuana distribution in the state. In rebuttal, [the Colorado Christian University](#) has since found for every dollar gained in tax revenue of marijuana sales, Coloradans spent approximately \$4.50 to mitigate the effects of legalization. Mitigation efforts included law enforcement and regulatory costs, productivity, effects on schools such as increased drop-out rates, and health care costs such as emergency room visits and treating symptoms related to marijuana usage.

Proponent Point 2: Health benefits of marijuana legalization

There is strong reason to believe that cannabinoids have a valid medicinal use evident in the [FDA's](#) approval of two cannabinoid-based medications, and [considerations](#) to move marijuana from a schedule I drug into a lower categorization. In rebuttal, these are discussions and research projects which should be continued and facilitated by impartial and responsible professionals, but the conversation has now shifted to promoting recreational use. The [American Lung Association](#) highlights while cigarettes are harmful to lung health, marijuana is harmful to lungs, the respiratory system, and the immune system. Current campaigns such as the Truth.com's #finishit campaign advocate the elimination of smoking due to risks, so by passing such laws for recreational use, the State would supplement a national grassroots call to end smoking with a new law to allow consumption of a product that has many more damaging effects than tobacco use. Those in law enforcement know "recreational" marijuana use does more than destroy health. It ravages the futures, relationships and families of those who use it.

On page 1, I mentioned dangerous intangibles: a [March 2018 cbdtesters.co article](#) cited statistics from the Rocky Mountain High Intensity Drug Trafficking Area that for the third year in a row, Colorado had more marijuana dispensaries than Starbucks or McDonald's. The tally of pharmacies in Colorado is 447 based on identified locations on [GoodRX.com](#) in contrast to [509 marijuana dispensaries](#). The numerous visible dispensaries create a precarious perception to younger generations that marijuana use is not dangerous. Additionally, even though the [FDA](#) has approved two cannabinoid-based medications for medicinal use, there is no logical reason why marijuana dispensaries (which provide treatment medications for a small number of symptoms and illnesses) should outnumber pharmacies (which provide treatment medications for all known symptoms and illnesses). Unconscious human nature and historical repetition show our society always pushes the envelope of overconsumption and commercialized indulgence. While it is unknown if Colorado used actual medical or insurance-based data to determine how many dispensaries it needed, there is an argument to be made

that this dispensary boon may have been greed, abuse and overconsumption rationalized as increased revenue for the respective towns, Cities, Counties and the State.

Proponent Point 3: Legalization, the Criminal Justice system and disadvantaged populations

January 25, 2019, [KOB](#) reported state legislators introduced House Bill 356, a bill to regulate and tax recreational marijuana. The Bill's sponsor cited that prohibition has "not worked" and that (society) has waged a war on drugs at all levels of government for 50 years with terrible consequences, though the specific consequences were not outlined. The honorable representative also said, "Cannabis has been proven time and time again to be less dangerous than tobacco and alcohol." Taking away the assumption that cannabis is less dangerous than tobacco or alcohol (which it most certainly is not), there is no acceptable logic that any one of three very dangerous and life-altering drugs can be less dangerous than the others. Furthermore, simply because this has been a problem (per the Representative) for more than 50 years does not mean our resistance to it is in vain. The wisdom of this argument suggests as a society we should surrender against all the woes we have been struggling against since the beginning of time. In 1910, the first laws against drunk driving were passed in New York and society has since spent immeasurable hours been dealing with DWI's and the destruction they cause. I would ask, as law enforcement should we stop enforcing DWI laws because we have been doing it since 1910? Surrendering to marijuana legalization simply because we have not been able to fully prevail over drug use and addiction is nothing more than acceptance and the rationalization of destructive behavior. Modern marijuana is a dangerous and mind-altering drug that has already proven to be an unrelenting adverse contributor that has, in some shape or form, negatively impacted the lives of us all.

An [October 2018 Politifact article](#) highlighted a Northeastern University law professor who opined growing concerns about the opioid epidemic may have improved marijuana's image which to me suggests society at large has fallen victim to minimizing and de-humanizing the true effects of marijuana. Throughout my career, I have met numerous people suffering from addiction who have advised that people (especially youths) never experiment with marijuana at all. [Studies](#) support marijuana use to be associated with an increased likelihood of developing substance abuse disorders. I would also encourage State legislators to speak to parents and grandparents who are both begging and demanding that law enforcement and school officials keep this drug away from their children. People understand and rightfully fear that marijuana use leads to compounding abuse and habits that destroy lives as marijuana's increased potency means higher odds for [dependency](#). In other words, marijuana has long been considered a "gateway" to exposure of more potent drugs such as heroin and cocaine: again, two drugs previously mentioned that are being considered by New Mexico State lawmakers to be de-criminalized in small amounts.

Legislators should also factor the recent [July 20, 2018 ruling](#) where New Mexico was found to be in violation of its own constitution in obligating funding to students in the State. Of note, the students of our State ranked at the bottom of English and Math proficiency and High School graduation; where minorities and at-risk populations such as English-Language Learners were most negatively affected. There are correlations between the effects of drug use on disadvantaged populations, thus it can be reasonably conceived that the effects of legalizing recreational marijuana will further harm struggling demographics which are already high-risk. Of additional note, federal Safe and Healthy Schools funding was allotted to support local programs designed to prevent violence, and to assist in establishing early intervention and drug education. This funding decreased from \$730 million in 2006 to \$223 million in 2015. The existence of this earmarked funding is an acknowledgement that drugs such as marijuana

negatively affect student development, increase violence, continue the cycle of poverty for those most at-risk and adversely affect physical health. The argument for legalizing recreational marijuana is in direct odds for a government that spend millions of dollars for drug education and prevention while simultaneously hoping to legalize and profit from it.

Unintended consequences

Here is the briefest of lists of unintended consequences law enforcement agencies know will come to fruition if the State agrees to the legalization of recreational marijuana:

Because the illegal profit margins have decreased for marijuana sales, the U.S. has seen substantial increases in "harder" more addictive drugs such as Methamphetamine flowing into the country. New Mexico will most likely see significant surges of these harder drugs

In my conversations with retiring Police Chief Pete Carey (Colorado Springs PD), I learned that his department is having a difficult time managing the effects legalized marijuana has had on Colorado Springs which included regulatory enforcement, violence and drug-related crimes such as burglaries and robberies, and school drop-out rates.

We will see significant Increases of drug overdoses in our hospitals, increases in DWIs and DWI-related injuries and deaths, increases in health and property insurance premiums, and pregnancy-related complications.

Marijuana's increased potency makes addiction to it a certainty, and without drug treatment programs and facilities, Alamogordo will be hit especially hard with problems relating to drug use and addiction. Our State has already seen substantial decreases in funding for social services and medical and mental-health related programs. As it stands, we have little to no state or federal funding that helps us to re-establish any programs which can be used to effectively combat drugs and treat individuals who will become addicted to marijuana let alone those already suffering from addiction to harder drugs.

In closing, I would ask one question: if a young child in our great State asked any legislator in Santa Fe if it was okay to try marijuana, what should that legislator's answer be?

Very Respectfully,

A handwritten signature in black ink, appearing to be 'B. Peete', written over a horizontal line.

Brian R. Peete, Alamogordo Chief of Police

The background of the slide is a heavily blurred, pixelated version of the Alamo County Seal. The seal features a central shield with various symbols, surrounded by a circular border containing the text "ALAMO COUNTY TEXAS".

Alamogordo Police Department

Concerns of the Legalization of Recreational Marijuana Use

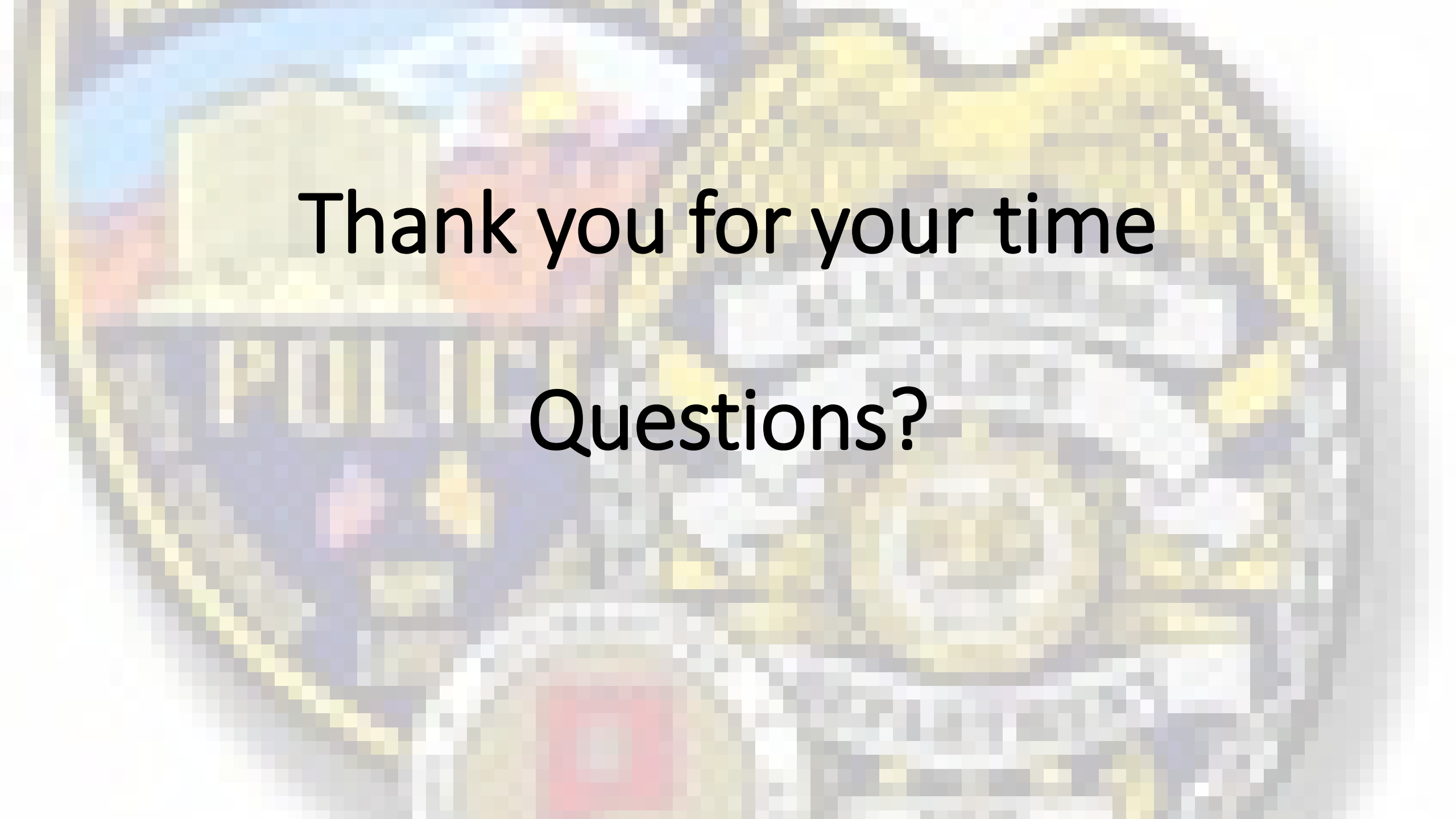
Chief Brian Peete

Alamogordo Police Department Concerns of the Legalization of Recreational Marijuana Use

- Tax revenues from marijuana sales may be non-existent
- Limited resources in Alamogordo to combat drug addiction
- APD, along with other organizations, would request additional funding to (at the minimum) enforce regulatory guidance

Items Law Makers will need to consider in accompaniment to legalization

- Increase the number & use of drug recognition experts to detect or measure impairment of drivers under the influence of marijuana & develop an impairment standard for driving
- Improve data collect methods for marijuana-related driving infractions
- Promote & conduct studies for new methods to detect drug-impaired driving in the State
- Enhance the State's anti-DWI efforts to include drug-impaired driving
- Regulate retail providers through frequent compliance audits & stiffen penalties for violations
- Implement measures to strictly enforce age purchasing bans & laws in contributing to minor delinquency
- Develop a mechanism of taxing marijuana based on weight, price or potency
- Develop a strategy for providers required to treat substance abuse in an environment where marijuana is legal, to include judiciary & treatment courts
- Consider employment laws to categorize workplace intoxication
- Evaluate the medical marijuana program
- Implement guidance that regulates the number of retail providers
- Harm reduction strategies focusing on public education as to the risks of excessive use
- Implement strategies to reduce marijuana use with youths
- Strengthen & increase enforcement of the State's tracking, reporting & compliance system with the ability to revoke Driver's Licenses
- Regulate security requirements for at cultivation & dispensing facilities
- Determine hours of operation for retail providers



Thank you for your time

Questions?



Southwest Border HIDTA

New Mexico Investigative Support Center

*Cannabis Legalization:
Impact and Consequences*



Three Stances of Marijuana

- There are three fundamental stances regarding marijuana:
 - Legalized for medical use only.
 - Legalized for recreational and medical use.
 - Completely prohibited (In-line with federal policy).



Cannabis in New Mexico

- In 2007, New Mexico passed legalization authorizing medicinal use, growing, and sales of cannabis.
 - Known as the Lynn and Erin Compassionate Use Act.
- New Mexico was the 12th state to allow medical cannabis.
- New Mexico's program was the first in the nation to license cannabis producers at the state level.



NM Medical Cannabis Program

- Possession of no more than 230 units (one gram equals one unit for flower, 200 mg of THC equals one unit for edibles, and one gram of 60% concentrate (600 mg THC) would equal three units).
- The right to purchase from a licensed non-profit producer (LNPP).
- The right to possess any paraphernalia in connection with their use of medical cannabis.
- The right to apply for a personal production license (PPL), to allow enrollee to grow for personal use.

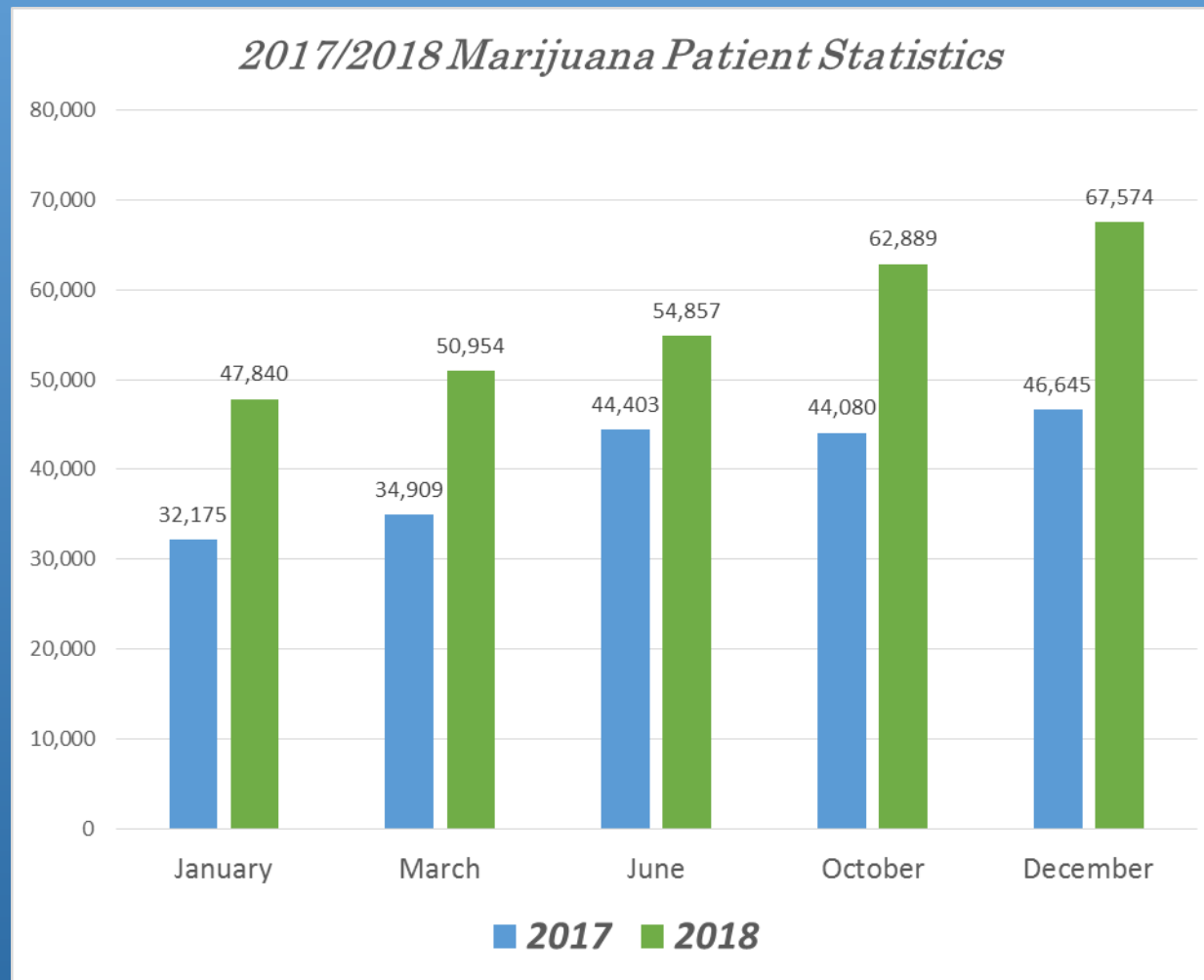


NM Medical Cannabis Program

- The user cannot possess cannabis in any of the following locations:
- In a public vehicle.
 - On school grounds or property.
 - In the workplace of the patient or primary caregiver.
 - At a public park.
 - Recreation center, youth center, or other public place.



NM Medical Cannabis Program





NM Medical Cannabis Program

Patient Statistics December 2018

Active Patients: 67,574

Active PPLs: 7,460

Count by Condition

Amyotrophic Lateral Sclerosis	18
Cancer	3820
Crohn`s Disease	226
Damage to the nervous tissue of the spinal cord	134
Epilepsy	847
Glaucoma	389
Hepatitis C Infection currently receiving antiviral treatment	58
HIV/AIDS	621
Hospice Care	182
Huntington`s Disease	8
Inclusion Body Myositis	4
Inflammatory autoimmune-mediated arthritis	1329
Intractable Nausea/Vomiting	404
Multiple Sclerosis	577
Obstructive Sleep Apnea	27
Painful Peripheral Neuropathy	1663
Parkinson`s Disease	323
Post-Traumatic Stress Disorder	33747
Severe Anorexia/Cachexia	206
Severe Chronic Pain	22735
Spasmodic Torticollis (Cervical Dystonia)	52
Ulcerative Colitis	154



NM Medical Cannabis Program

Patient Count by County December 2018

Bernalillo	22845
Catron	136
Chaves	2103
Cibola	861
Colfax	268
Curry	1510
De Baca	57
Dona Ana	5630
Eddy	1866
Grant	1239
Guadalupe	157
Harding	14
Hidalgo	86
Lea	1553
Lincoln	1046
Los Alamos	301
Luna	527
McKinley	667
Mora	213
Otero	2018
Quay	496
Rio Arriba	1669
Roosevelt	443
Sandoval	4844
San Juan	1509
San Miguel	1491
Santa Fe	7834
Sierra	824
Socorro	640
Taos	1605
Torrance	542
Union	78
Valencia	2459



Impaired Driving and Fatalities

- Studies have shown marijuana affects your physical performance in the following ways:
 - The ability to track or follow moving objects is reduced.
 - The ability to determine accurate visual depth decreases.
 - The ability to determine velocity or speed at which an object is traveling lowers.



Impaired Driving and Fatalities

- Motor vehicle traffic crash-related injuries are the leading cause of injury death for New Mexicans aged one to 24 years.
- Distracted driving, speeding, fatigue, and driving while intoxicated are leading causes of motor vehicle traffic crash-related injury deaths.
- As of October, there has been 333 deaths in New Mexico during 2018.



Impaired Driving and Fatalities





Impaired Driving and Fatalities



- New Mexico has no “Per Se” drug standards, but it is a crime for a person who is under the influence of any drug to a degree that renders him/her incapable of safely driving a vehicle within the state.
- 15 states have drug per se (zero tolerance) statutes.
- In seven states it is illegal to have any amount of a drug or its metabolite in the body while operating a motor vehicle (AZ, DE, GA, IN, MN, PA, and UT) (MN exempt’s marijuana).
- In five states it is illegal to have any amount of a prohibited drug in the body while operating a motor vehicle (IL, IA, MI, RI, and WI).
- Three states make it illegal to have specific amounts (per se limits) of specified prohibited substances in the body while operating a motor vehicle (NV, OH, and VA).
- Five states make it illegal for any person addicted to drugs or a habitual user of drugs to drive a vehicle (CA, CO, ID, KS, and WV).



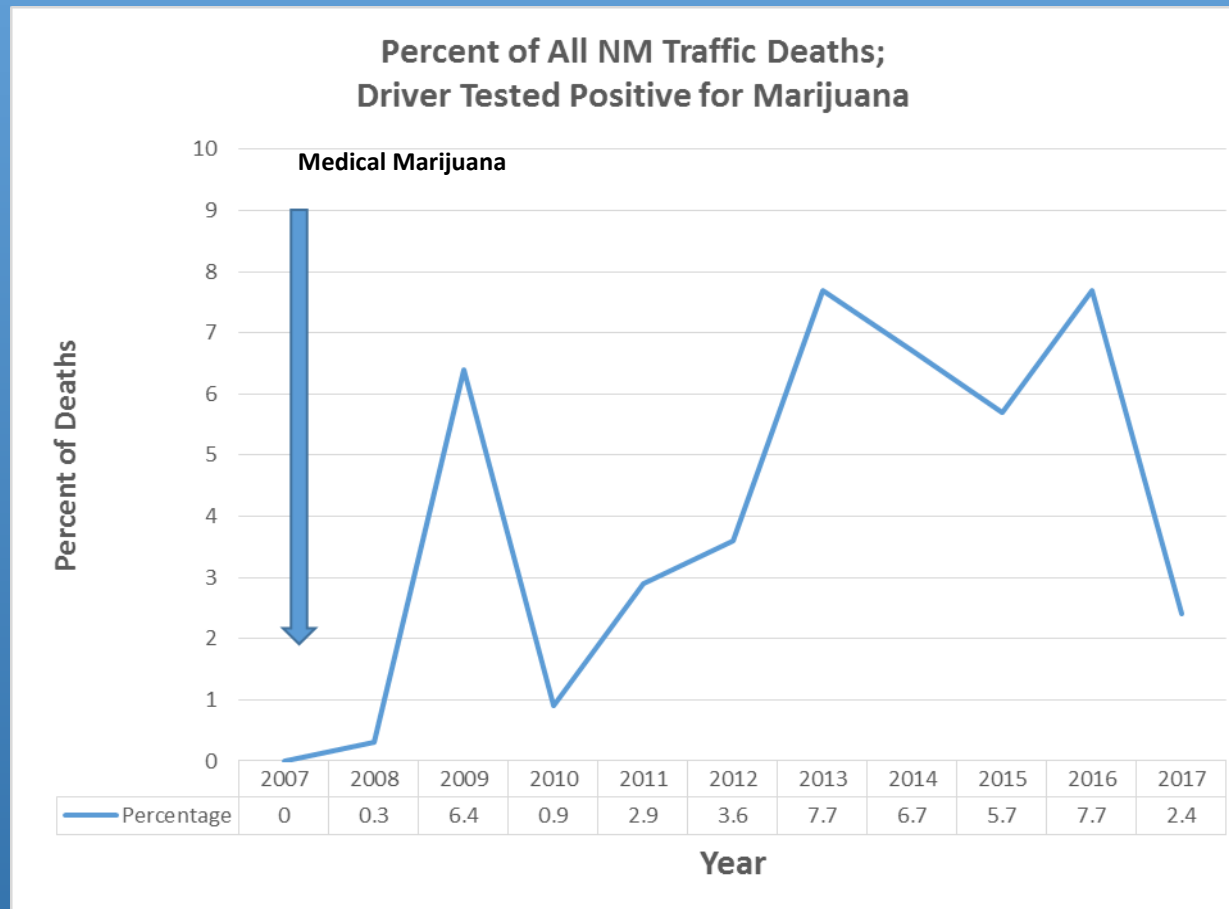
Impaired Driving and Fatalities

Fatalities in New Mexico by Year

<i>Year</i>	<i>Total # of Fatalities</i>	<i>Alcohol Involved</i>	<i>Marijuana Involved</i>
2002	449	225 (50.1%)	Data Not Available
2003	439	214 (48.7%)	Data Not Available
2004	522	219 (42.0%)	Data Not Available
2005	488	194 (39.8%)	Data Not Available
2006	484	191 (39.5%)	Data Not Available
2007	413	177 (42.9%)	0 (0.0%)
2008	366	143 (39.1%)	1 (0.3%)
2009	361	152 (42.1%)	23 (6.4%)
2010	349	145 (41.5%)	3 (0.9%)
2011	351	152 (43.3%)	10 (2.9%)
2012	366	153 (41.8%)	13 (3.6%)
2013	311	133 (42.8%)	24 (7.7%)
2014	386	170 (44.0%)	26 (6.7%)
2015	298	120 (40.3%)	17 (5.7%)
2016	405	171 (42.2%)	31 (7.7%)
2017	379	146 (38.5%)	9 (2.4%)



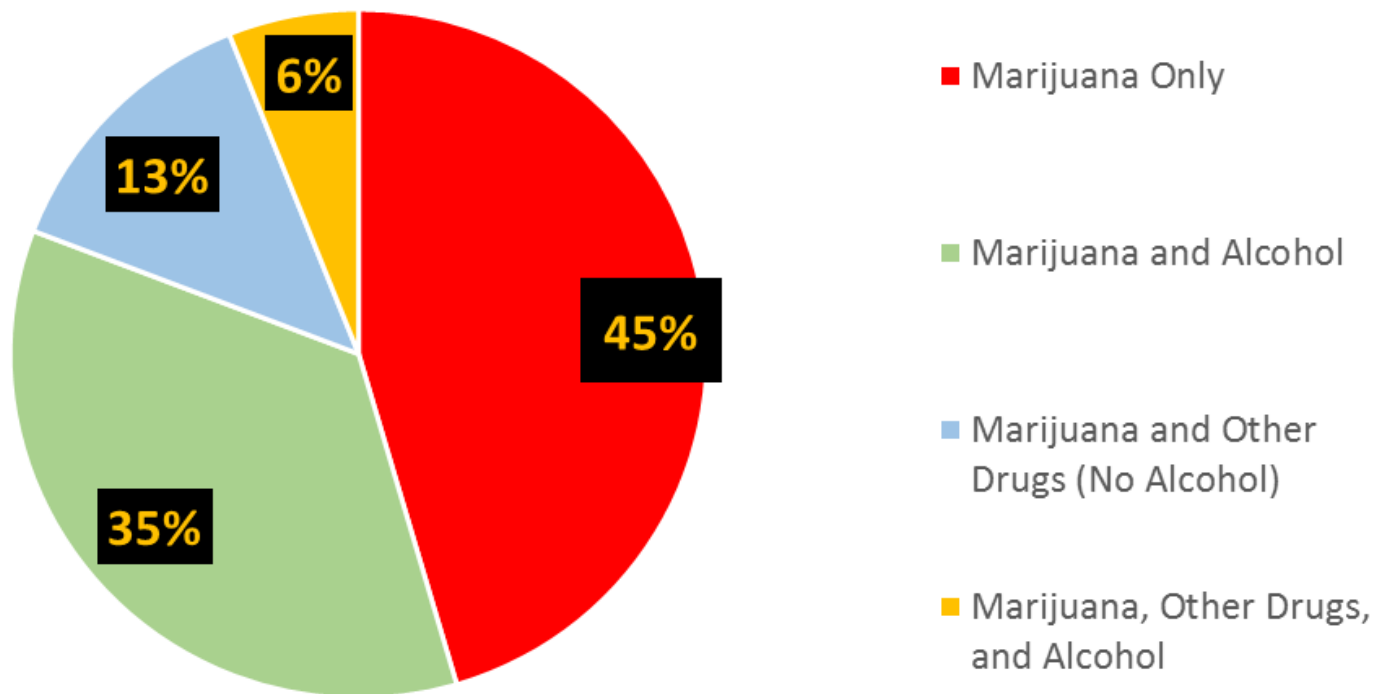
Impaired Driving and Fatalities





Impaired Driving and Fatalities

Drug Combinations for NM Drivers Positive for Marijuana





Youth Marijuana Use



- In 2017, youth drug use regarding current marijuana use was more prevalent among New Mexico students than among U.S. students.
 - New Mexico youth: 27.3 percent
 - U.S. youth: 19.8 percent

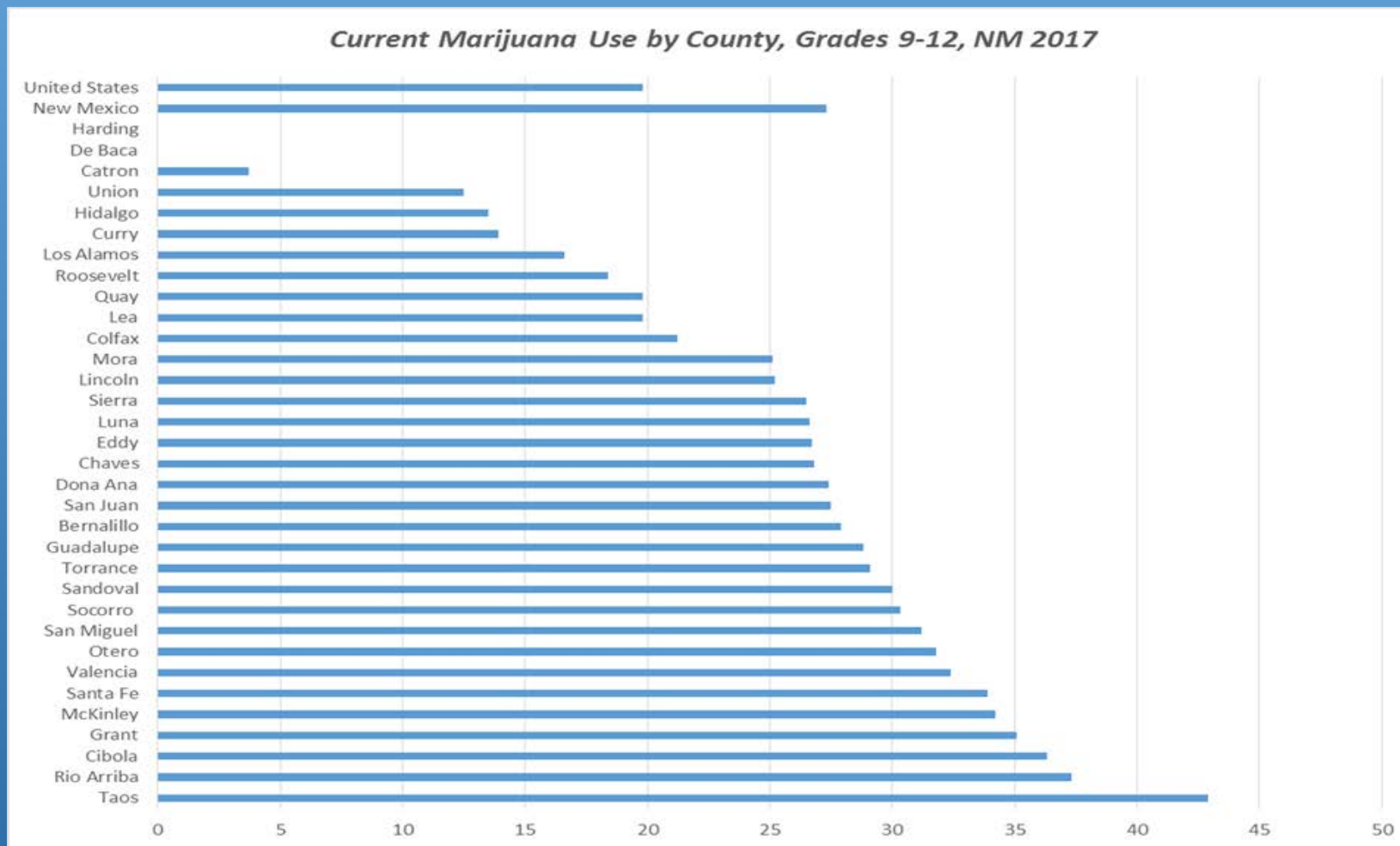
- New Mexico highest counties:
 - **Taos:** 42.9 percent
 - **Rio Arriba:** 37.3 percent
 - **Cibola:** 36.3 percent
 - **Grant:** 35.1 percent

- New Mexico lowest counties:
 - **Catron:** 3.7 percent
 - **Union:** 12.5 percent
 - **Hidalgo:** 13.5 percent
 - **Curry** 13.9 percent

- Twenty-three of 33 New Mexico counties have rates higher than the U.S. average of 19.8 percent.



Youth Marijuana Use





Adult Marijuana Use

- New Mexico has the nation's 10th highest per capita rate of cannabis use.
- According to a Gallup poll in 2017:
 - 45 percent of U.S. adults have used marijuana at least once in their lives.
 - 12 percent of U.S. adults (one in eight), currently use marijuana.
- According to a federal survey in 2016:
 - Marijuana users are nearly three times more likely to use daily than drinkers are to drink daily.
 - 18.6 percent of marijuana users consumed their respective drug at least 300 days out the year as compared to 6.6 percent of alcohol users.



Emergency Department and Hospital Marijuana Related Admissions

- Nationwide studies have shown the top five causes of cannabis-related emergency visits are:
 - Pediatric ingestion.
 - Acute intoxication from excess consumption.
 - Cannabinoid Hyperemesis Syndrome (CHS).
 - Synthetic cannabinoids commonly called “Spice” and “K2.”
 - Home extraction injuries by individuals attempting to produce butane extracts without the proper equipment or training.



Emergency Department and Hospital Marijuana Related Admissions

- From 2010 to 2015, emergency department (ED) data showed that ED visits in New Mexico increased by 24.2 percent.
 - During this period, the annual number of ED visits for cannabis increased by 172.8 percent and for Cannabinoid Hyperemesis Syndrome (CHS) by 585.7 percent.
- On the national level, ED visits increased 6.9 percent from 2010 to 2014.
 - During this same period, ED visits for cannabis increased 71.9 percent and CHS 423.3 percent.



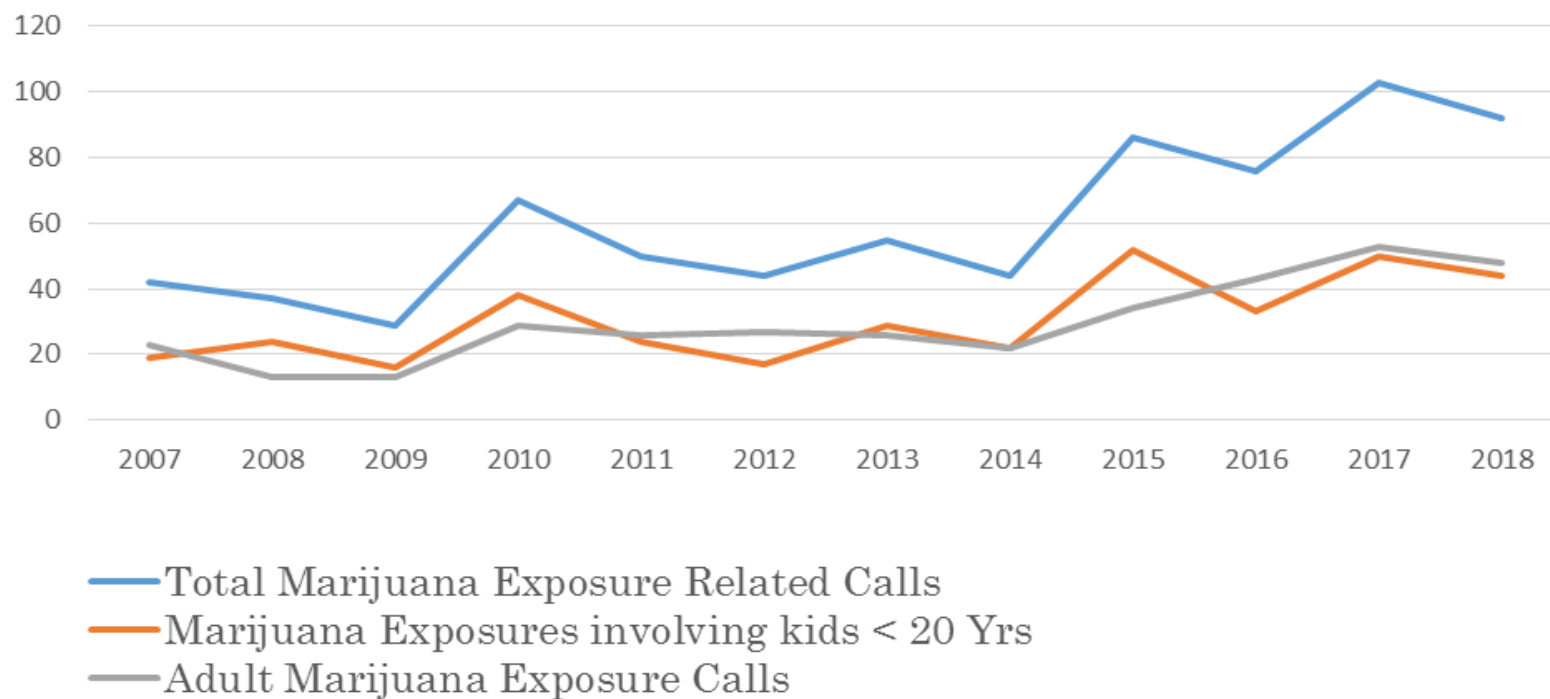
New Mexico Poison Control

- In 2007, the New Mexico Poison and Drug Information Center received a total of 42 marijuana related calls as compared to 92 (As of August 30, 2018) calls in 2018.
 - This is an increase of 119 percent from when New Mexico allowed medical marijuana.



New Mexico Poison Control

*New Mexico Poison and Drug Information
Center Calls related to Marijuana, 2007-2018*





Marijuana Addiction

➤ Common signs of marijuana addiction:

- Being high more than one or two hours per day on a regular basis.
- Unable to stop using marijuana.
- Marijuana use is the priority over completing tasks or keeping commitments.
- Significant time is spent on buying marijuana, using marijuana, or recovering from marijuana use.
- Concentration or memory loss problems.
- Increased risky behavior while under the influence of marijuana (i.e. driving, child care, etc.).
- Withdrawal symptoms after not using marijuana for a period.



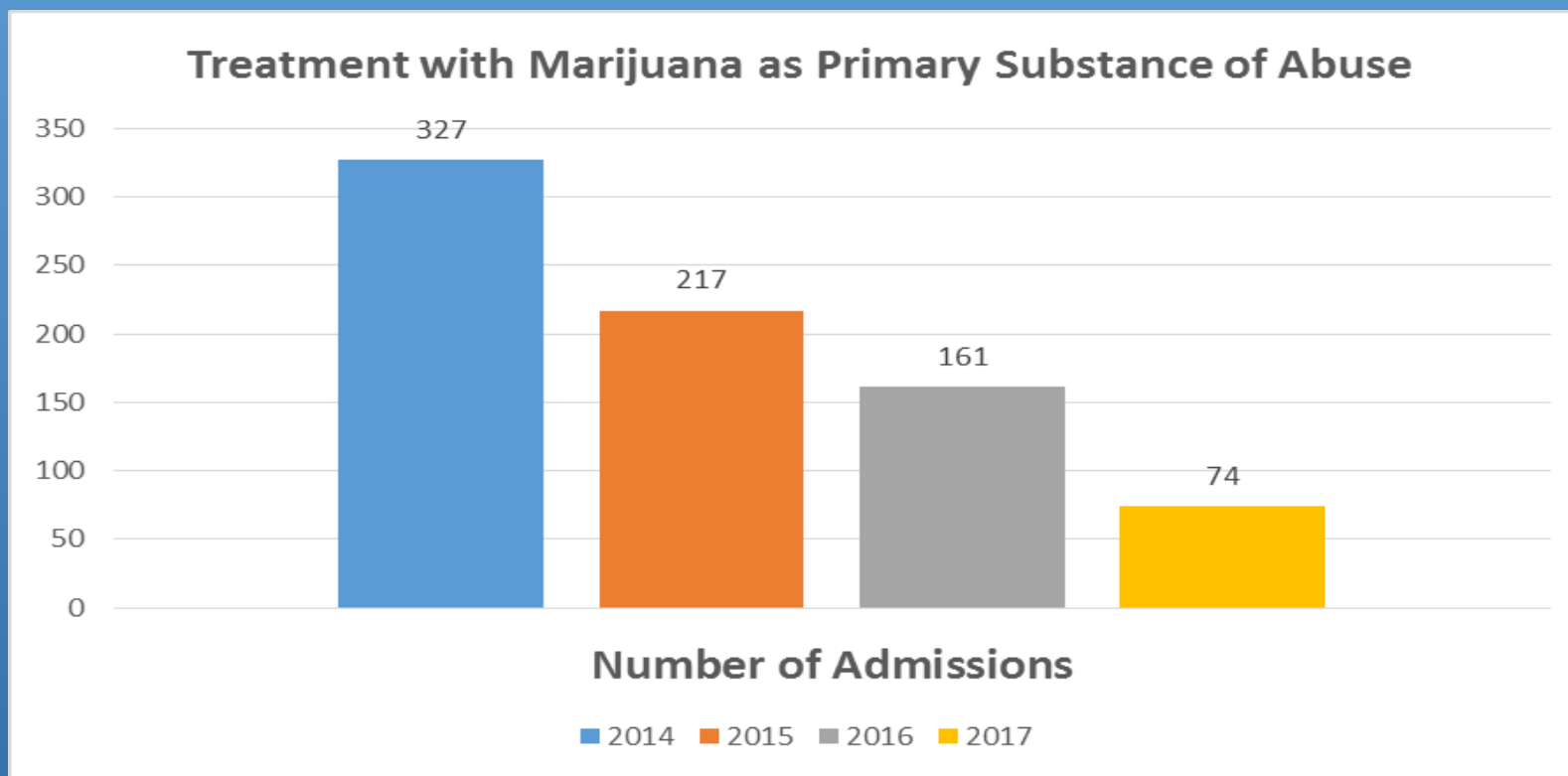
Marijuana Addiction

- Marijuana addiction is on the rise perhaps because of the increased potency from genetically engineered plants, the use of concentrated products, or because users are partaking multiple times per day.
- It is estimated that about nine percent of all users become addicted to marijuana and about 17 percent for those who started when they were an adolescent.



Marijuana Treatment in New Mexico

➤ SAMSHA Treatment Episode Data Set (TEDS), 2014-2017.





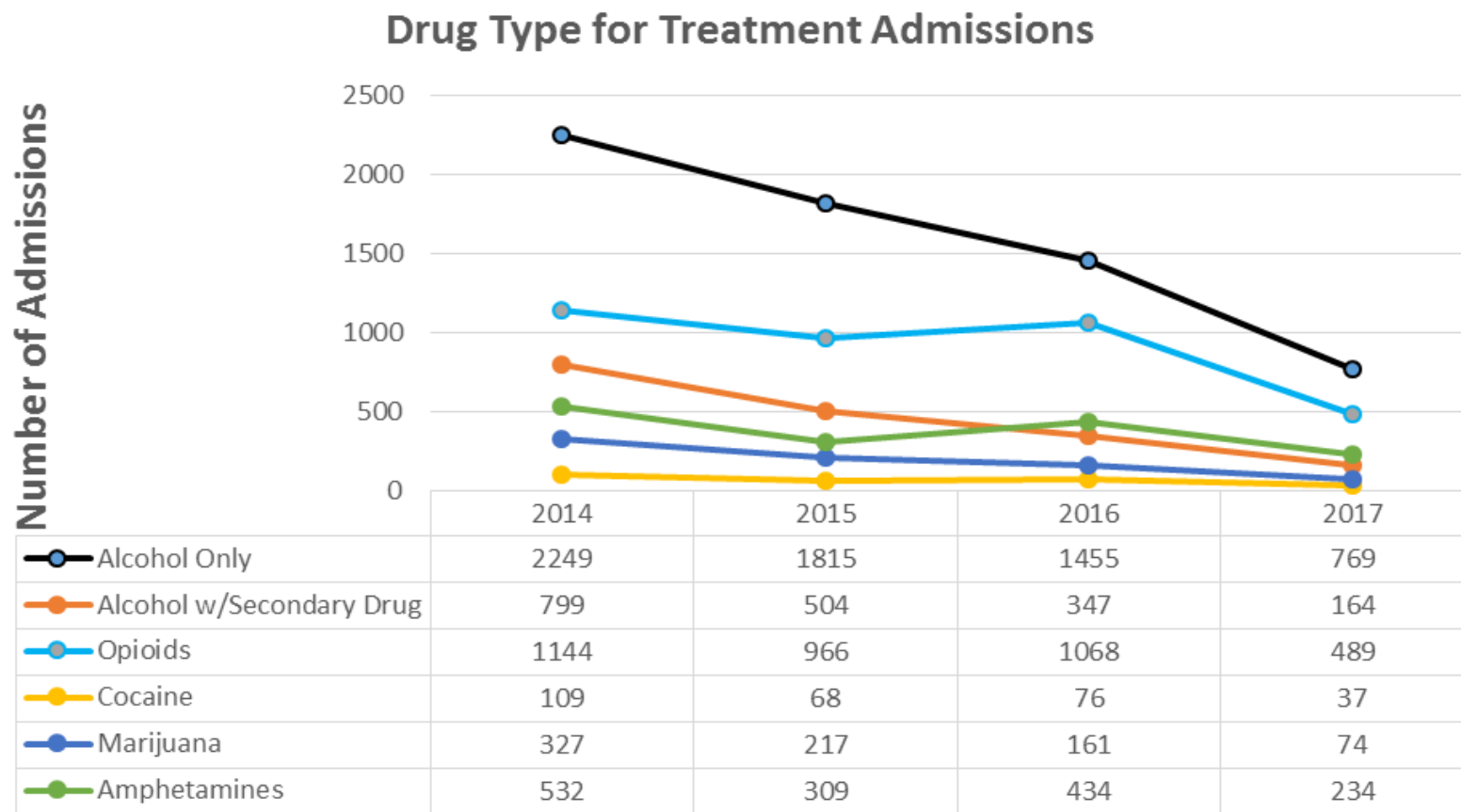
Marijuana Treatment in New Mexico

- Data from 2014-2017 demonstrates a definitive downward trend in the number of admissions for treatment.
 - Based on the four year trend shown, New Mexico has an average of 195 treatment admissions annually for marijuana abuse.
 - Data indicates fewer people are seeking treatment for marijuana use even though the state has seen a substantial increase in the number of medical marijuana card holders during this same period.



Marijuana Treatment in New Mexico

➤ *SAMSHA Treatment Episode Data Set (TEDS), 2014-2017.*





Marijuana Diversion in New Mexico

- New Mexico frequently seizes marijuana diverted from Colorado, California, and Nevada.
- In 2018, New Mexico law enforcement seized 3,882 kilograms (8,560 lbs.) of marijuana.
 - 728 kilograms (1,605 lbs.) was high grade marijuana diverted from other states and were merely passing through the state headed for another destination.



Marijuana Legalization

➤ Marijuana legalization leads to:

- Increased drugged driving fatalities.
- Increased injuries from drugged driving accidents.
- Increased ER visits from marijuana intoxication.
- Injuries from marijuana concentrate extraction lab explosions/fires.
- Increased rate of homelessness.
- Increased workplace absenteeism.
- Increased workplace accidents resulting in litigation costs.
- Increased marijuana use disorders.
- Long term health impacts from marijuana use.



Marijuana Revenue

- In Colorado, the marijuana tax brings in the equivalent of about two percent of the budget and in Washington State the amount is about 1.2 percent of the general fund revenue.
- Most of the states that have legalized marijuana earmark the revenue for law enforcement, drug treatment, and other specific programs, which does not help the state's financial flexibility.
- A study conducted by the Centennial Institute found that for every one dollar in tax revenue from marijuana in Colorado, the state spends \$4.50 as a result of the consequences of legalization.



Marijuana Revenue

In Colorado:



\$1.00

For each dollar of revenue from marijuana,

\$247,368,473



\$4.50

Four dollars and 50 cents are spent on marijuana consequences.

\$1,130,684,227

CONSEQUENCES

HEALTH AND WELLNESS	\$469,488,127
PRODUCTIVITY	\$431,027,862
CRIME	\$120,539,674
TRAFFIC ACCIDENTS/FATALITIES	\$107,660,563
MARIJUANA TOURISM	\$130,500
HOUSING	\$1,837,500



Marijuana Potency

- Average potency of cannabis has more than tripled in the past two decades.
 - Average joint in the 1970's only had 5 percent potency as compared to the current average potency of 20 to 30 percent.
 - Some vaping extracts can have 95 to 99 percent THC.



Lessons Learned



- In Washington State, the percentage of traffic fatalities where the driver tested positive for marijuana use increased 104.6 percent the year recreational sales began.
- In Colorado, marijuana related traffic deaths increased 151 percent since recreational marijuana was legalized.
- In Colorado, there has been an 81 percent increase in ER visits since legalization.
- In Colorado, violent crime has increased 18.6 percent since legalization.
- In Colorado, there has been a 210 percent increase in calls to the poison center related to marijuana exposure.
- A study in Colorado found that 25 percent of drivers admitted to driving high every day.



Lessons Learned

- In Colorado, a study found the top 29.9 percent of heaviest cannabis users made up 87.1 percent of demand for the drug.
- Since Alaska, Colorado, Washington, Oregon, and DC legalized marijuana, past-month use of the drug rose above the national average among youth aged 12-17 in all five jurisdictions.
- In Colorado, adult past month marijuana use increased 71 percent in the three year average from 2013 to 2015 since they legalized recreational marijuana compared to the three year average prior to legalization (2010-2012).
- In Oregon, from July 2015 through January 2018, 71 burn victims were treated as a result of butane hash oil (BHO) extraction lab explosions at a cost of approximately \$9.6 million dollars in inpatient initial treatment costs.



Lessons Learned

- In Colorado, toxicology reports have shown an increase in the percentage of adolescent suicide victims testing positive for marijuana.
- In Washington State, law enforcement has documented a total of 424 violations among licensed marijuana businesses. Of these, 288 violations were in regards to selling marijuana to minors and 136 violations were for allowing minors access to a restricted area according to the Washington State Liquor and Cannabis Board.
- According to Rocky Mountain HIDTA statistics, in 2016 Colorado law enforcement seized 7,116 pounds (3.5 tons) of marijuana, made 252 felony arrests, and conducted 346 highway interdictions of marijuana being transported to 36 different U.S. states.
- In Denver, the homeless shelter usage increased by 50 percent after legalization.



Lessons Learned

- In California, the legalization of marijuana has actually led to an increase of illicit marijuana grows within the state by cartels who operate in the black market.
- A report from Oregon showed that at least 70 percent of marijuana sales in 2016 were on the black market and approximately three to five times the amount of marijuana consumed in Oregon leaves the state for illegal sales.
- In Colorado, indoor marijuana production is responsible for two percent of the state's electrical load and 45 percent of all new electricity demand coming online.
- In the three year period following legalization in Colorado and Washington, positive test results for marijuana increased almost 75 percent for general U.S. workforce and federally mandated safety sensitive workforce, from 5.1 to 8.9 percent.



Lessons Learned

- In Anchorage, Alaska school suspensions for marijuana increased more than 141 percent from 2015 to 2017, after legalization was implemented. Since 2012, the percentage of Colorado suspensions for marijuana has risen from 17 percent (2012-2014) to 23 percent (2014-2016) and marijuana remains the top offense in school.
- In FY 2017, marijuana tax revenue represented approximately nine tenths of one percent of Colorado's budget.
- In Colorado, from 2014 through 2017, the annual average adult use flower prices fell 62 percent from \$14.05 to \$5.34 per gram weighted average. Adult use concentrate prices fell 47.9 percent from \$41.43 to \$21.57 per gram. While prices fell for flower and concentrate, THC potency increased in both categories.



Conclusion

The New Mexico Region of the Southwest Border HIDTA publishes periodic reports on emerging trends and significant events to keep the criminal justice community informed. The full report discusses the impact and consequences of Cannabis Legalization in New Mexico. Please refer to the report for all attributions and references used to complete this presentation.



THANK YOU

Southwest Border HIDTA
New Mexico Region



Cannabis Legalization:
The Truth in New Mexico
Impact and Consequences

INVESTIGATIVE SUPPORT CENTER
NEW MEXICO HIDTA
January 23, 2019

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Executive Summary

The cannabis legalization debate has long been a contentious issue in New Mexico. Marijuana is the most commonly used illicit drug in the United States and has been regarded by many as morally reprehensible, negatively impacting society with health and social problems. With marijuana being more commonly used, it is known that drug impaired driving has increased. As it stands, cannabis is illegal per federal law; yet recent trends indicate a movement toward decriminalization, legalization, or both. The executive branch of the federal government has extensive influence and impact when it comes to regulating cannabis, but has not yet challenged state-level laws that are in violation of federal drug laws.

New Mexico was the 12th state to legalize medical marijuana for patients meeting one of 21 qualifying conditions. According to December 2018 statistics from the New Mexico Department of Health (NMDOH), 67,574 patients are registered in the medical cannabis program, compared to 32,175 in January 2017. This is a 110 percent increase during this time frame. NMDOH states there were 7,460 active personal production licenses issued in the state as of December 2018 as compared to 6,182 in July 2017. During Fiscal Year 2017/2018, 35 Licensed Non-Profit Producers paid a total of \$2,910,000 in licensing fees to produce a total of 14,550 marijuana plants.

“According to New Mexico Department of Health, as of December 2018 there were 67,574 registered patients in the medical cannabis program.”

Prohibition era discussions often arise when discussing marijuana legalization. Marijuana use is very different than alcohol use. Intoxication in any form can impair driving skills, slow reaction time, decrease motor coordination, and impair judgement. After alcohol, marijuana is the most frequently identified substance causing impairment, with 12.6 percent of drivers testing positive for THC in a 2013-2014 roadside survey. Impaired driving ability is one of the known risks of marijuana use, which has an impact on society.

According to a recent report by the Drug Policy Alliance, states are saving money and protecting the public by comprehensively regulating marijuana for adult use, which has resulted in decreased marijuana arrests and convictions, preventing the criminalization of people. However, they fail to take into account the significant



increase in problems resulting from impaired driving while under the influence of marijuana, medical costs from heart and lung conditions, and economic and social problems that will likely be the end result. Marijuana addiction is a well-defined disorder within the public health and medical communities and is on the rise, perhaps the result of increased potency of genetically engineered plants, the use of concentrated products, or because users are using multiple times per day. Proponents must take a hard look at states that have already legalized cannabis to fully understand the negative impacts legalization could have on New Mexico. Further legalization in New Mexico will undoubtedly impact bordering states like Texas with a myriad of problems.

New Mexico can learn from other states where the economic and social costs of marijuana legalization far exceed the revenues projected by pro-legalization activists. Examples of economic and social costs include regulatory costs, increased drugged driving fatalities, increased drugged driving injuries, increased property damage related to drugged driving, increased ER visits from marijuana intoxication, increased homelessness, increased workplace absenteeism, and increased workplace injuries. A study conducted by the Centennial Institute in Colorado found that for every one dollar in tax revenue from marijuana, the state spends \$4.50 as a result of the effects of crime (\$120,539,674), health (\$469,488,127), productivity (\$431,027,862), traffic (\$107,660,563), and other factors. Mexican drug trafficking organizations will make up for lost profits as a result of marijuana legalization by shifting their focus to smuggling hard drugs like heroin and methamphetamine across the border and into communities. These same drug cartels will attempt to blend in with legal growers and will cultivate marijuana for sales on the black market. Valuable lessons can be learned without having to experience them firsthand.

**“Valuable lessons can be learned without
having to experience them firsthand.”**

The ingestion of marijuana delivers THC and cannabinoids to the body, but it also delivers harmful substances, including the harmful substances commonly found in tobacco smoke when inhaled. In addition, plants contain a variable mixture of biologically active compounds and cannot be expected to provide consistent levels that deliver a precisely defined drug effect. For these reasons, chemically defined drugs, when used as prescribed, are a more suitable option.

New Mexico already has a problem with Driving While Intoxicated (DWI), which will only be compounded by allowing recreational marijuana. New Mexico has consistently ranked among the worst states when it comes to alcohol impaired



driving. According to a recent poll by the Albuquerque Journal, by nearly a 2-1 ratio, New Mexico voters say they would support legislation to legalize, regulate, and tax marijuana sales.

The state's largest medical marijuana producer, Ultra Health, announced that it has acquired farmland in southern New Mexico and has plans for what the industry says could be the largest cultivation facility in North America. The property in Otero County spans nearly one-third of a square mile with over 200 acres of growing area including both indoor and outdoor facilities (Bryan, 2018). With such a large facility, diversion is highly likely and will present problems for law enforcement along with a myriad of other problems discussed later in this report.

There is far less convincing data about the proven medical benefits of marijuana. Even if there are some benefits for using medical marijuana, it does not negate the fact that it is a schedule one drug in violation of federal law. Research indicates that chronic heavy users of cannabis have impaired memory, learning, and processing speed. There is a lack of high quality data that shows marijuana for medical purposes is both safe and effective. The little evidence that exists has significant gaps in information necessary to treat marijuana like other forms of medicine. If marijuana is to be treated as a medicine, then it must meet the same standards of quality, effectiveness, and safety we expect of other prescription drugs. These standards have not been met, yet medical marijuana has been accepted in New Mexico and other states.

The legalization of marijuana should not be left up to the states for consideration. Congress should pass legislation, which would maintain federal influence over this matter of national concern. States that have legalized marijuana don't have New Mexico's drug, DWI, and crime problems. New Mexico has been working diligently to bring down the DWI rate and the legalization of marijuana would only exacerbate the problem further and would have negative consequences for the work that has already been done. The legislature adjourned its 2018 session in February and bills to decriminalize and regulate marijuana for recreational purposes did not receive a vote.

**“States that have legalized marijuana don’t have
New Mexico drug, DWI, and crime problems.”**

Arguments have been made by some that cannabis use correlates with a wide range of negative outcomes from mental health issues, poor academic performance, reduced quality of life, relationship problems, and unemployment. Studies support a growing body of evidence that cannabis in itself is a risk factor for negative health and social



outcomes resulting in harm to multiple parties. For many, to include law enforcement throughout the state, the effort to legalize marijuana in New Mexico marks a somber moment in the states' embrace of a drug that will have generational consequences if it is recreationally allowed.

Section I: Introduction

Purpose

As a result of an increased push by some lawmakers in New Mexico to legalize marijuana for recreational use, New Mexico High Intensity Drug Trafficking Area (HIDTA) will begin tracking the impact of medical marijuana legalization in the state of New Mexico along with potential impacts of further legalization. New Mexico HIDTA has serious concerns regarding the possible legalization of recreational marijuana in the future and recognizes the problems associated with the passage of such a law, which has been well documented in other states that have been down this path.

The purpose of this report is to provide accurate, reliable, and meaningful data documenting the impact of the legalization of marijuana for medical use in New Mexico with high hopes that citizens and policymakers will make an informed decision prior to passing any further legislation regarding recreational marijuana or decriminalization.

While researching data for this report, it was discovered that prior to 2008, very little data exists regarding marijuana impaired driving as it relates to fatality accidents. It would have been beneficial for this report to have data for comparison purposes prior to 2007 when medicinal marijuana was authorized, however that data was not available. Since 2008, the National Highway Traffic Safety Administration has been tracking this data, which is vital when assessing the impact of marijuana use.

New Mexico HIDTA will analyze and report available comparative data in a variety of areas, including but not limited to:

- Impaired driving
- Youth marijuana use
- Adult Marijuana use
- Emergency room admissions
- Marijuana related exposure cases
- Diversion of New Mexico medical marijuana



The Debate

The controversial and multifaceted issue of marijuana legalization is a subject of serious debate. There are three fundamental stances on cannabis: legalized for recreational and medical use, legalized for medical use only, and completely prohibited, which is in-line with federal policy. The use of marijuana, whether recreationally or medicinally, will be a controversial topic for many years to come as there are people for and against its use. Those in favor argue the benefits outweigh the negative consequences, even though many of these are fallacies. Some of the supposed benefits include:

- Fewer people will have criminal records by eliminating arrests for sale and possession resulting in a reduction in the prison population.
- Law enforcement resources can focus on more serious and violent offenders.
- Marijuana is safer than alcohol with a lesser degree of impairment.
- It is less addictive than other prescription drugs on the market.
- Increased revenue for the state as a result of taxation.
- Elimination of the “black market.”
- Creation of jobs within the marijuana production industry.
- Increased tourism in the state.

Those against the legalization of marijuana argue the adverse consequences far outweigh any benefits. Some of the cited consequences, which have been documented in other states include:

- Marijuana use will lead to additional social problems in communities.
- Increased marijuana use among adult and youth populations.
- Increased marijuana impaired driving incidents/fatalities.
- Marijuana use carries a risk of abuse and addiction.
- Could lead to a lower quality of life, as well as health problems and financial issues.
- Marijuana users run higher risks of developing mental health problems.
- Marijuana use as a gateway drug could potentially introduce users to more serious substance abuse.
- Increase in number of drug endangered children.
- Decreased academic performance and workplace productivity.

New Mexico has the unique opportunity to learn from other states who have passed laws allowing for both medical and recreational marijuana. Other states have documented the many adverse consequences they are now dealing with as a result of the passage of such laws. Some of the consequences are: an increase in accidents and



impaired driving, increased rates of adult emergency department visits as a result of marijuana consumption, increased rates of marijuana poisonings among children, unlawful diversion of marijuana, and the physical and mental health damage as a result of marijuana use. Overall, the general outlook by many is that the economic cost to society regarding legalized marijuana consumption will far outweigh any potential revenue generated when considered in totality.

Background

According to the Substance Abuse and Mental Health Services Administration (SAMHSA) marijuana is the most commonly used illicit drug in the United States. Marijuana or Cannabis, refers to the dried leaves, flowers, stems, and seeds from the hemp plant *Cannabis Sativa*, which contains the mind altering chemical delta-9-tetrahydrocannabinol (THC) as well as a number of other related compounds called cannabinoids. Another compound, terpenes, gives cannabis its aromatic and flavor profile. Marijuana is commonly referred to as pot, weed, reefer, ganja, and Mary Jane. Marijuana can be consumed by inhalation (smoking and vaporizing), oral consumption, and via topical applications.

In 2007, New Mexico passed legalization authorizing medicinal use, growing, and sales of cannabis even though it is still a violation of federal law. The New Mexico statute was amended with provisions allowing such use. By statute this act is often cited as the “Lynn and Erin Compassionate Use Act,” in honor of Lynn Pierson and Erin Armstrong. The act was named in honor of the late Lynn Pierson, who advocated marijuana use while suffering from testicular cancer, and Erin Armstrong, who was diagnosed with cancer as a teenager. They both played a key role in the advocacy for allowing legal access to medical cannabis for alleviating symptoms caused by debilitating medical conditions and their treatments. Ironically, Lynn Pierson never benefitted from the legislation as a result of his death in August 1978. New Mexico’s program was the first in the nation to license medical cannabis producers at the state level.

Since the passage of this act, talk of New Mexico decriminalizing or legalizing recreational cannabis has come up on several occasions. In 2014, a bill was introduced allowing for possession and personal use, and the regulation of its production, sale, and taxation, but was not passed. There have been five attempts by legislators to legalize marijuana for adult use. Constitutional amendments can be made in New Mexico if the legislature approves a resolution and the issue is passed by a majority of voters, then signed by the governor. Marijuana legalization may be poised to move forward in 2019 with the recent Governor Elect.



Legalization advocates state that educating communities about the benefits of legalization is a slow process. But, these same advocates do not acknowledge the harmful effects and consequences of introducing and passing such legislation. The omission of key facts learned from other states would be a critical oversight and both sides of the balance sheet should be considered and discussed.

Albuquerque recently decriminalized the possession of an ounce or less of marijuana making it a citable offense that can come with a \$25 ticket, but no jail time under city law. Previously, possession of one ounce or less of marijuana was a criminal offense punishable by up to a \$50 fine and/or 15 days in jail for a first offense.

It is important to note, for purposes of debate, regarding the legalization of marijuana in New Mexico. There are two distinct eras to consider: prior to medical marijuana era (before 2007) and the medical marijuana commercialization era (2007-current).

- Prior to 2007: Before medical cannabis was authorized.
- 2007 – Current: New Mexico became the 12th state to allow medical cannabis with the Lynn and Erin Compassionate Use Act (Senate Bill 523).

The growing acceptance, accessibility, and use of cannabis raise important public health concerns with a clear need to establish what is known and what needs to be known about the further legalization of cannabis in New Mexico. Since 1970 the Controlled Substances Act has classified marijuana as a drug with no accepted medical use.

New Mexico History with Medical Marijuana

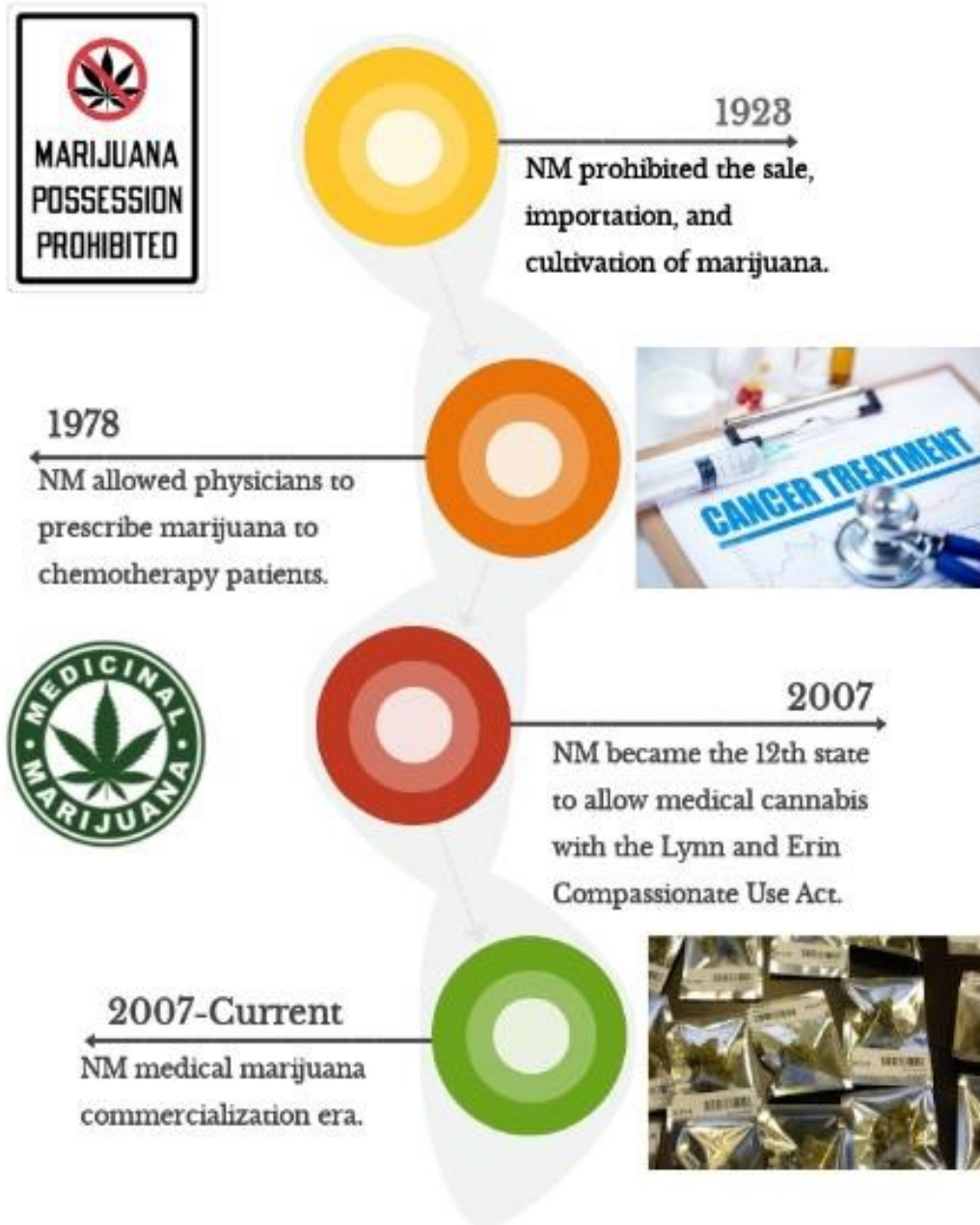
The history of marijuana in New Mexico dates back to 1923 when the state prohibited the sale, importation, and cultivation of marijuana. The prohibition bill did not include or mention the possession of marijuana. New Mexico was the first state to establish a medical marijuana research program. In 1978, New Mexico allowed physicians to prescribe marijuana to chemotherapy patients.

New Mexico became the 12th state to allow medical cannabis with the Lynn and Erin Compassionate Use Act in 2007 (Senate Bill 523). According to the New Mexico Department of Health, the purpose of the act is to allow the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments. The act removes state-level criminal penalties on the use and possession of marijuana by patients. The program is administered by the New Mexico Department of Health.



A Historical Timeline

History of Marijuana in New Mexico

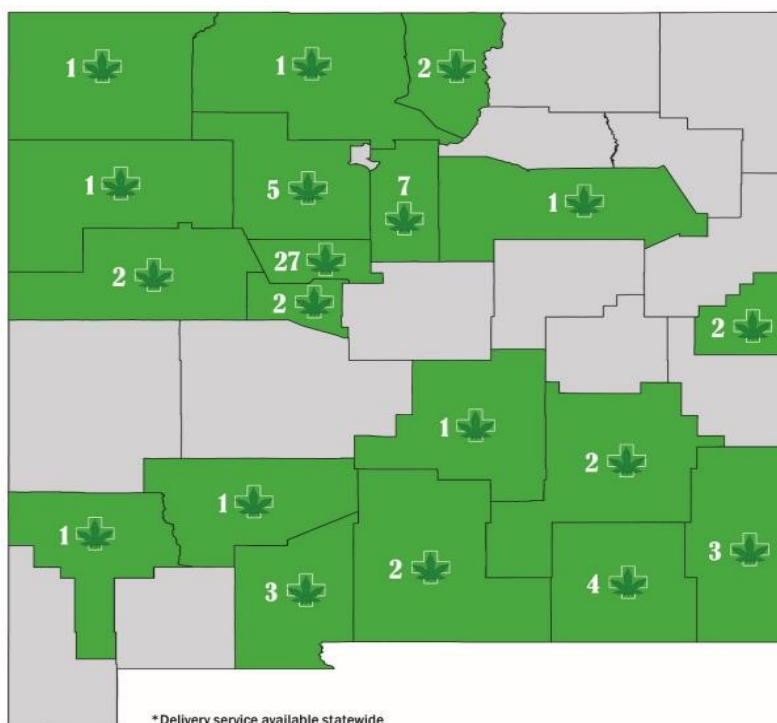


Enrollment in the New Mexico Medical Cannabis Program provides:

- Possession of no more than 230 units (one gram equals one unit for flower, 200 mg of THC equals one unit for edibles, and one gram of 60 percent concentrate (600 mg THC) would equal three units).
- The right to purchase from a licensed non-profit producer (LNPP).
- The right to possess any paraphernalia in connection with their use of medical cannabis.
- If the patient is not in possession of their card, they shall be given time to produce the card before arrest or criminal charges.
- The right to apply for a personal production license (PPL), to allow enrollee to grow for personal use. If approved, patient can have up to 16 plants, four mature (flowering) and 12 seedlings.

The New Mexico Medical Cannabis Program offers no protection under federal law. Cannabis card holder's use must be discreet, out of public view, and the user cannot possess cannabis in any of the following locations:

- In a public vehicle.
- On school grounds or property.
- In the workplace of the patient or primary caregiver.
- At a public park.
- Recreation center, youth center, or other public place.



New Mexico Medical Marijuana Dispensaries



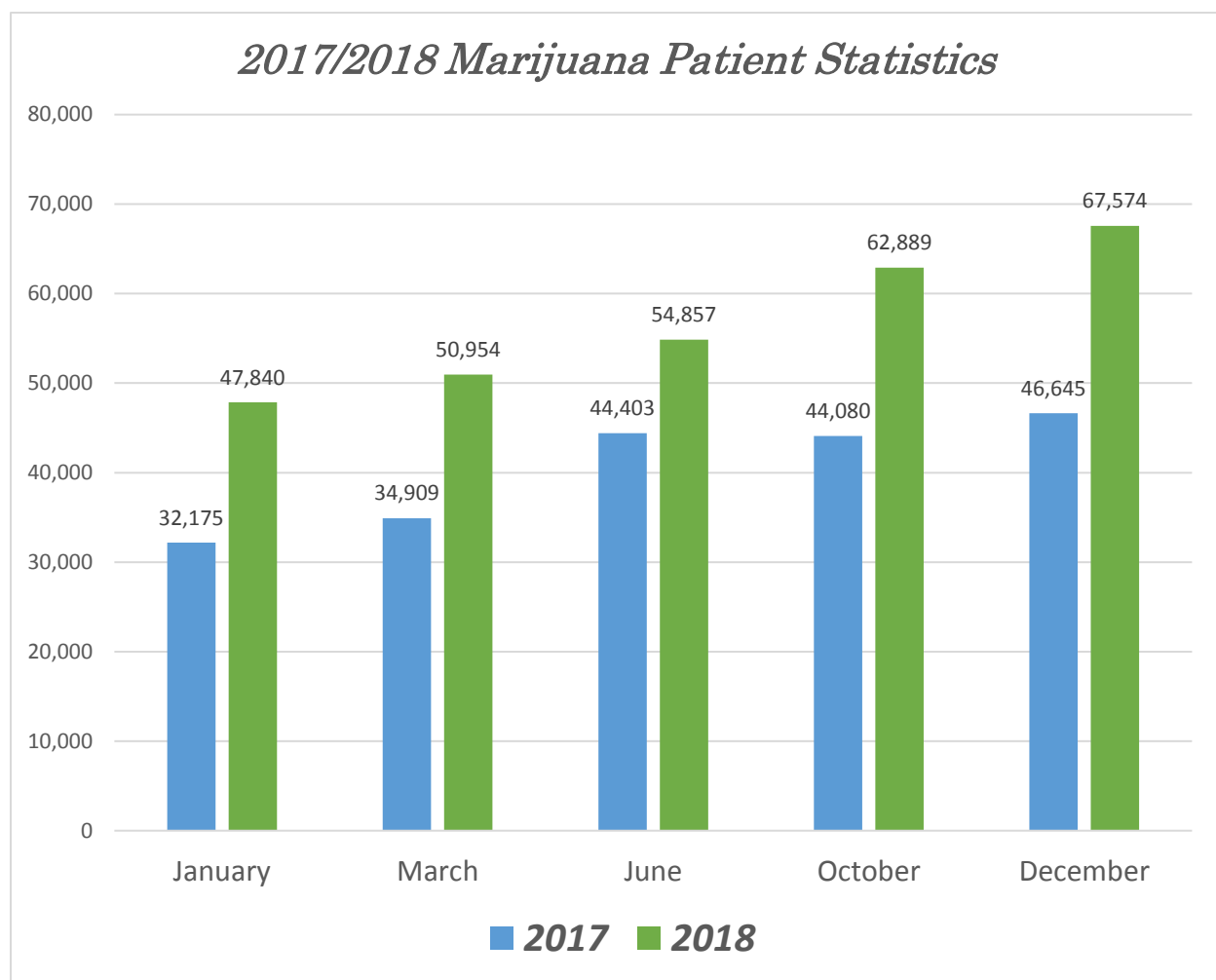
The New Mexico Medical Cannabis Program does provide a courier service to deliver medical cannabis for patients in rural areas and for patients who cannot leave their home. In December 2017, there were three approved couriers performing this service. In addition to courier service, an LNPP, as a part of their distribution plan, can deliver medical cannabis. As of the 2017/2018 licensure period, five LNPPs were providing delivery service themselves.

New Mexico has state regulations that cap the number of plants a licensed producer may have in production. New Mexico is among the minority of states that impose caps as most medical cannabis states do not limit plant count. New Mexico's 450-plant limit is one of the most restrictive based on data available (Kelly O'Donnell, 2016). LNPP's pay a yearly licensing fee, ranging from \$30,000 to \$90,000 based on the number of plants they choose to grow, with a minimum of 150 plants and maximum of 450 plants. A recent ruling in November 2018, a district judge ruled that a state-imposed limit on the number of plants a producer can grow as part of their licensed operations is arbitrary and not based on reliable data. The judge set a four month deadline for the Department of Health to study the issue and establish a new plant limit that complies with legislative mandates that guide New Mexico's medical marijuana program. It was alleged in the lawsuit that the 450-plant limit placed on state-licensed cannabis producers ensures there will never be an adequate supply of cannabis in New Mexico.

The Department of Health (DOH) monitors medical cannabis from "seed to sale." The DOH contracts with Biotrack®, which links patients, producers, and "medicine." Each plant that is grown is tracked with a barcode. All medical marijuana authorized for sale must be tested and verified by one of four laboratories in New Mexico. The marijuana is tested for contaminants, which include microbial bacteria, mold, and pesticides. It is also tested for concentration of the two main compounds in the cannabis plant (i.e. cannabidiol (CBD) and tetrahydrocannabinol (THC)). All medical cannabis must be labeled with the percentages of THC and CBD. Products derived from raw cannabis must be labeled with potency and dosing information. Producers are required to renew their operating licenses annually. The Scientific Laboratory Division (SLD) performs compliance audits of the laboratories testing cannabis.



Photo Credit: Colorado Pot Guide, Marijuana Seeds



Source: NM Department of Health

There are 21 conditions that qualify patients for New Mexico's Medical Cannabis Program (MCP). Seventy five percent of MCP patients qualify on the basis of two conditions: Post Traumatic Stress Disorder (PTSD) and chronic pain. Cancer is the third most common qualifying condition (Kelly O'Donnell, 2016). New Mexico was the first state to list PTSD as a qualifying condition. There has been a push by the New Mexico Medical Cannabis Advisory board and some medical cannabis producers to add opiate use disorder or substance abuse disorder to the list of qualifying conditions, but New Mexico Department of Health has not approved it. Department of Health officials have compiled studies that show cannabis not only doesn't help addiction, but worsens it (Lyman, 2018).



New Mexico Medical Cannabis program Patient Statistics December 2018

Active Patients: 67,574

Active PPLs: 7,460

Count by Condition

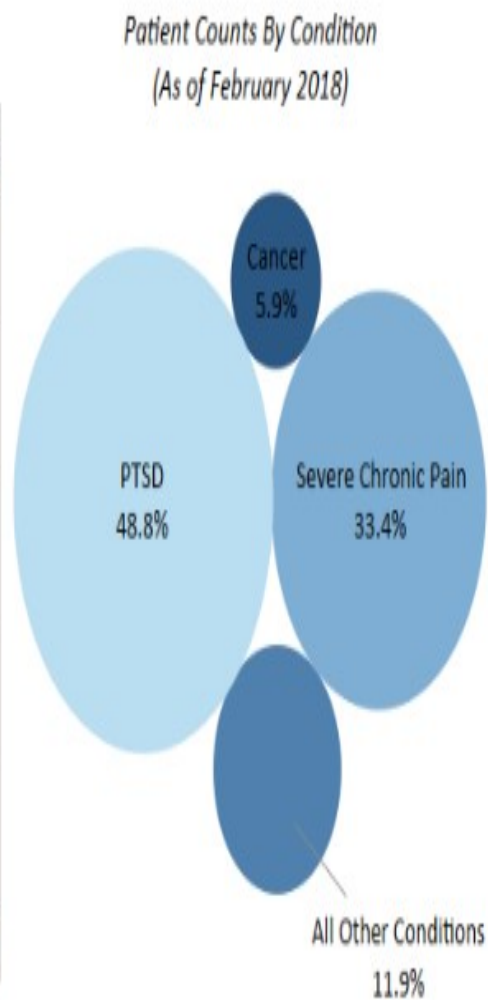
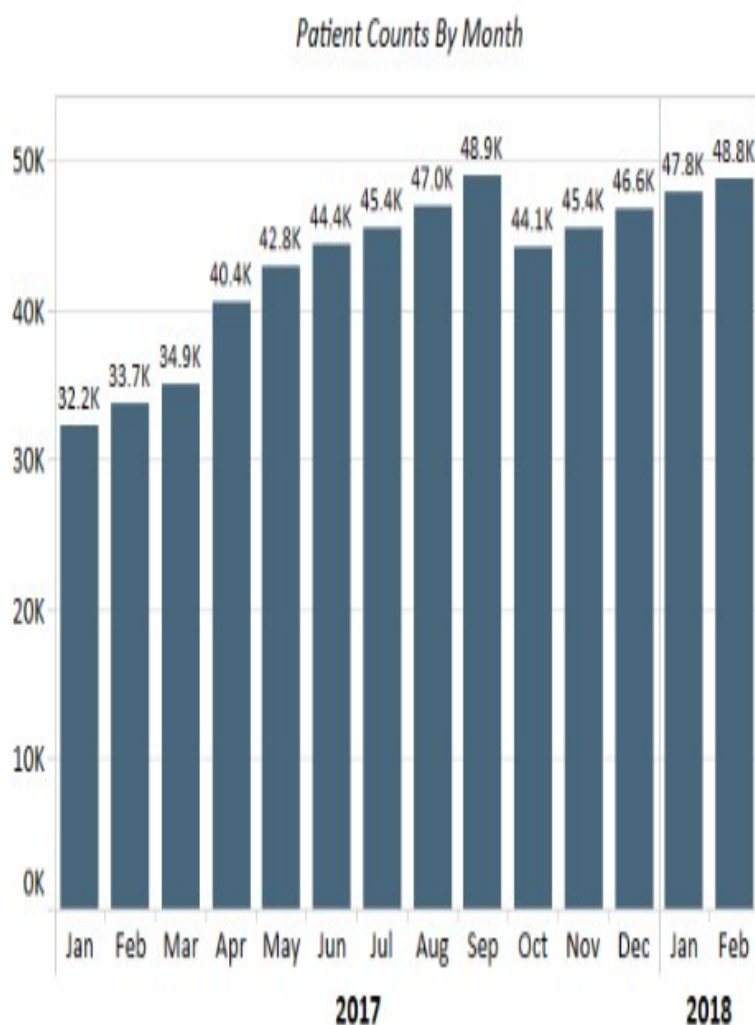
Amyotrophic Lateral Sclerosis	18
Cancer	3820
Crohn`s Disease	226
Damage to the nervous tissue of the spinal cord	134
Epilepsy	847
Glaucoma	389
Hepatitis C Infection currently receiving antiviral treatment	58
HIV/AIDS	621
Hospice Care	182
Huntington`s Disease	8
Inclusion Body Myositis	4
Inflammatory autoimmune-mediated arthritis	1329
Intractable Nausea/Vomiting	404
Multiple Sclerosis	577
Obstructive Sleep Apnea	27
Painful Peripheral Neuropathy	1663
Parkinson`s Disease	323
Post-Traumatic Stress Disorder	33747
Severe Anorexia/Cachexia	206
Severe Chronic Pain	22735
Spasmodic Torticollis (Cervical Dystonia)	52
Ulcerative Colitis	154

SOURCE: New Mexico Department of Health



According to the New Mexico Department of Health the average cannabis patient age is 49 years old. Fifty three percent of cannabis patients are men and 47 percent are women. Thirteen percent reported being a military veteran.

New Mexico Medical Marijuana Program Overview



Source: New Mexico Department of Health

Patient Count by County December 2018

Bernalillo	22845
Catron	136
Chaves	2103
Cibola	861
Colfax	268
Curry	1510
De Baca	57
Dona Ana	5630
Eddy	1866
Grant	1239
Guadalupe	157
Harding	14
Hidalgo	86
Lea	1553
Lincoln	1046
Los Alamos	301
Luna	527
McKinley	667
Mora	213
Otero	2018
Quay	496
Rio Arriba	1669
Roosevelt	443
Sandoval	4844
San Juan	1509
San Miguel	1491
Santa Fe	7834
Sierra	824
Socorro	640
Taos	1605
Torrance	542
Union	78
Valencia	2459

Source: NM Department of Health



There are multiple types of violations that marijuana vendors can commit:

- **Public Safety Violations:** Sales or service to a minor, employing a person under the legal age, opening and/or consuming in a licensed retail premise on the part of a licensee and/or employee, and permitting or engaging in criminal conduct.
- **Regulatory Violations:** Advertising statements or illustrations (i.e. targeting minors), improper record keeping, failure to submit tax reports and/or payments, failure to utilize and/or maintain traceability, and sales of unauthorized products at a retail location.
- **Licensing Violation:** Violations of approved operation plans, issues involving true party of interest (i.e. owners, growers, and caregivers), and failure to provide required documents.
- **Producer Violations:** Failure to utilize and/or maintain traceability, improper record keeping, and failure to maintain required security alarm and surveillance systems.
- **License Violations:** Transporting, unloading, or delivery of marijuana in an unauthorized vehicle at an unauthorized location and transportation of marijuana outside of the state boundary.

In July 2015 an explosion occurred at a Santa Fe, N.M. medical cannabis dispensary, which resulted in serious injuries to two employees. The two workers were attempting to extract THC using the butane hash oil (BHO) extraction method. This method of extraction is used to create cannabis concentrates like shatter, wax, and honey oil, which have a high level of THC. The state Occupational Safety and Health Bureau fined the business for multiple violations. BHO extraction requires proper tools, ventilation, and knowledge of the process. Unfortunately with the increased legalization of cannabis, states are seeing an increase in explosions involving BHO extraction.

CBD Hemp Oil is commonly used for medicinal qualities without producing the psychoactive effects of THC, the cannabinoid that gets you high. CBD can be purchased freely and without a prescription in New Mexico. New Mexico dispensaries are not allowed to carry any products containing hemp or CBD imported from out of state as per the New Mexico Department of Health. Selling CBD or hemp imported from outside of New Mexico can carry serious penalties for dispensaries and is a violation of federal law. CBD and hemp products can be bought and sold at stores that do not fall under the purview of the Department of Health as a medical marijuana dispensary by persons who do not have a medical marijuana card.



Medical Marijuana Commercialization and Expansion in New Mexico

Ultra-Health, a medical marijuana producer, reported that New Mexico Medical Cannabis Programs total industry revenues from 2016 to 2017 increased by \$35.6 million, resulting in the highest one-year dollar gain in the program's history. The 2017 year ended with \$86.2 million in sales and 46,645 enrolled patients, which was a 61 percent patient increase from December 31, 2016.

Licensed non-profit producers (LNPP) produce and sell approximately 83 percent of regulated cannabis in New Mexico. New Mexico regulations cap the number of LNPPs at 35, but each LNPP can operate an unlimited number of dispensaries. In July 2016, 23 licensed cultivators operated 41 dispensaries in 15 counties statewide. LNPPs averaged 286 plants in production during the first quarter of 2016. Plants harvested during this time period produced a total of 1,328,224 grams (2,928 pounds). In December 2017, there were 68 dispensaries operating in 19 counties throughout N.M.

The state's largest producer, Ultra Health, announced they acquired farmland in southern New Mexico and have plans for what the industry says could be the largest cultivation facility in North America. The property in Otero County spans nearly one-third of a square mile with more than 200 acres of growing area including both indoor and outdoor facilities (Bryan, 2018). There are concerns with such a large facility setting up shop in New Mexico and the impact it could have on the state. Ultra-Health led all 35 licensed producers in the fourth quarter of 2017 with \$3.4 million in sales.

As of December 2018, 11 percent (7,460) of the 67,574 MCP participants hold personal production licenses authorizing them to possess no more than four mature female plants and a combined total of 12 seedlings and male plants, and may possess no more than an "adequate supply" of cannabis, currently defined by the Department of Health as eight ounces of useable cannabis over a 90 day period. A personal production license holder may obtain cannabis from a LNPP as well.

The average price per gram in 2017 was \$9.46 per gram and the median price was \$10.01 per gram. In 2017 it was reported that 6,776,103 grams or 14,938 pounds of cannabis were sold in New Mexico (Globe Newswire, 2018). In 2017, six New Mexico counties had triple-digit percent patient increases. The highest increase was Otero County at 101 percent among counties with at least 200 cardholders at the beginning of the period. The largest enrollment county is Bernalillo with 16,303 active cardholders.

The Medical Cannabis Program's total industry revenues from 2015 to 2016 increased by \$19.7 million, resulting in \$50,638,520 and a growth of 64 percent (Novel, Marissa;, 2017). In comparison, the New Mexico Chile crop was valued at approximately \$50 million in 2016.



Proposed Recreational Marijuana

During the past several years, several attempts have been made to pass bills to legalize recreational cannabis use, but the bills have stalled in the legislature. The previous governor had taken a hard stance to veto any legislation in regards to legalizing recreational marijuana. The current Governor, Michelle Lujan Grisham, has made public statements in support of the legalization of marijuana by stating, “I am committed to working with the legislature to move towards legalizing recreational cannabis in a way that improves public safety, boosts state revenues, and allows for New Mexico businesses to grow into this new market.”

While legalizing and taxing recreational marijuana has the possibilities of raising millions of dollars in revenue for the state, many citizens and lawmakers worry about the ramifications beyond the economics. States with mature industries, like Colorado and California, have learned expected revenue will remain only a small share of the annual general fund revenue, given the limited opportunities for significant market expansion.

With the new Governor, New Mexico will undoubtedly face new challenges. It is anticipated, New Mexico will once again be tasked with the decision on whether or not to legalize recreational marijuana. New Mexico lawmakers are fortunate to be able to learn from the experience of other states who have gone down this path before making a decision that could potentially impact New Mexico in a negative way. New Mexico already has high rates of drug addiction and DWI, which may be compounded if recreational marijuana is allowed. The efforts being put forth to legalize marijuana in New Mexico could penalize many citizens and communities that do not want anything to do with this dangerous drug. The decisions being made regarding marijuana legalization could have generational consequences. It is very clear from states that have legalized recreational marijuana that such a policy comes at a cost to the state and communities.

Section II: Impaired Driving and Fatalities

In the United States, more than 22 percent of fatally injured motorists who were tested for drugs tested positive for marijuana in 2016 (Lardieri, 2018). All states have laws that prohibit driving while impaired (i.e. under the influence or intoxicated) by alcohol and other drugs to include marijuana. According to the National Highway Traffic Safety Administration there are no evidence-based methods to differentiate the cause of driving impairment between alcohol and marijuana. There are efforts underway to develop ways of differentiating impairment by alcohol from marijuana,



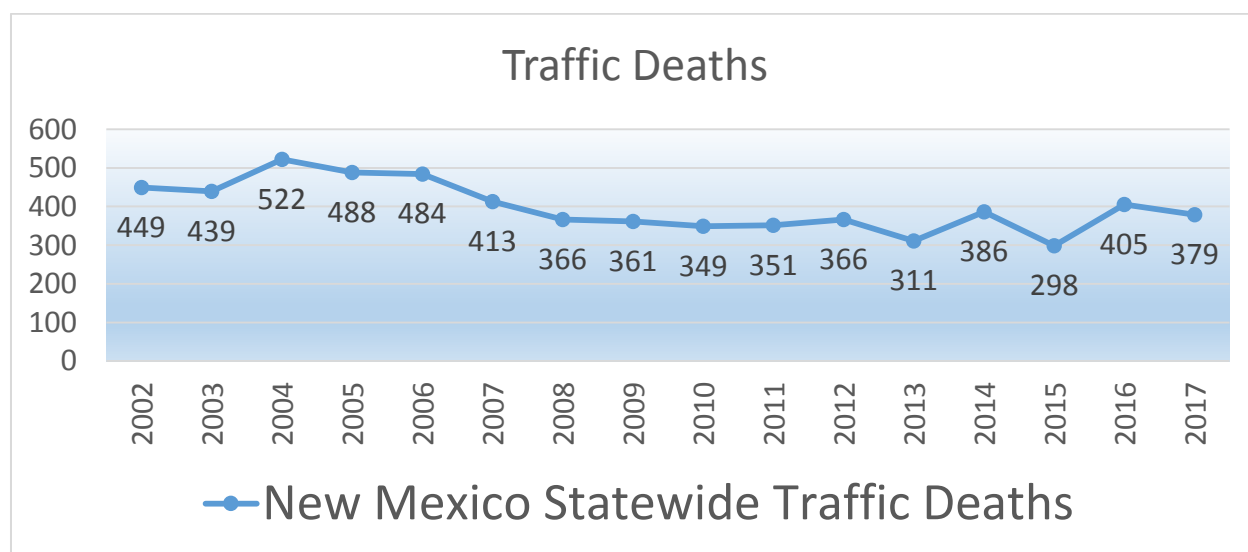
but a successful outcome cannot be guaranteed. Studies have shown marijuana affects your physical performance in the following ways:

- The ability to track or follow moving objects is reduced.
- The ability to determine accurate visual depth decreases.
- The ability to determine velocity or speed at which an object is traveling lowers.

The presence of THC alone in a driver does not establish impairment and does not distinguish between active marijuana use and environmental exposure. According to the National Institute on Drug Abuse, some studies have shown that people exposed to second-hand marijuana smoke can test positive for THC, but the amount was well below the level needed to fail a drug test. This is problematic for states who have legalized medical and/or recreational marijuana and must be taken into consideration during fatality crash investigations when marijuana use is suspected.



Total Number of Statewide Traffic Deaths in New Mexico



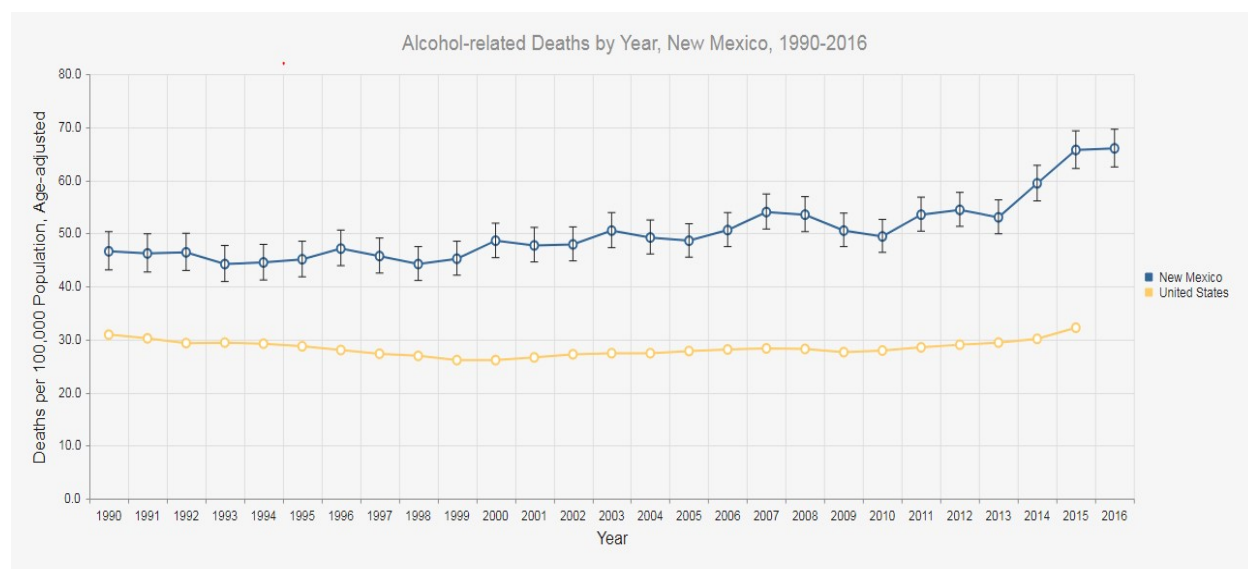
Data Source: National Highway Traffic Safety Administration (NHTSA)



Motor vehicle traffic crash-related injuries are the leading cause of injury death for New Mexicans aged one to 24 years. Distracted driving, speeding, fatigue, and driving while intoxicated are leading causes of motor vehicle traffic crash-related injury deaths. From 2002 to 2017, 2004 had the highest number of deaths (522) and 2015 had the lowest number of deaths (298). As of October 2018, there have been 333 deaths in New Mexico.

In New Mexico, a person can be convicted of DWI, even if the breath or blood test is below the legal limit, if it is proven that your ability to drive was impaired to the slightest degree by drugs and/or alcohol. Alcohol and drugs like marijuana affects judgement, vision, concentration, speech, and balance. Just like everyone metabolizes alcohol differently, the same can be said for marijuana and other drugs making it difficult to determine how much will impair driving to the slightest degree. A driver with a high level of THC in their blood may be a safe driver, but another driver with comparatively low levels of THC may be too impaired to operate a vehicle safely.

New Mexico Indicator Based Information System Data (NM-IBIS)



New Mexico is one of several states that do not have a marijuana-specific per se drugged driving law. Some states have a THC per se law ranging from 1 Nano gram to 5 Nano grams, while others have a zero tolerance for THC and metabolites. While there may be a push by lawmakers and the public in the future to create legal limits for marijuana impairment similar to alcohol limits, this approach is flawed for marijuana and not supported by scientific research. Scientific research has shown it is not possible to determine whether a driver is impaired based solely on the amount of the drug in their body (Compton, July 2017).



When it comes to Marijuana Drug-Impaired Driving Laws, it varies between states according to NHTSA data. New Mexico has no “Per Se” drug standards, but it is a crime for a person who is under the influence of any drug to a degree that renders him/her incapable of safely driving a vehicle to drive a vehicle within the state. Other states have the following standards:

- 15 states have drug per se (zero tolerance) statutes.
- In seven states it is illegal to have any amount of a drug or its metabolite in the body while operating a motor vehicle (AZ, DE, GA, IN, MN, PA, and UT) (MN exempt’s marijuana).
- In five states it is illegal to have any amount of a prohibited drug in the body while operating a motor vehicle (IL, IA, MI, RI, and WI).
- Three states make it illegal to have specific amounts (per se limits) of specified prohibited substances in the body while operating a motor vehicle (NV, OH, and VA).
- Five states make it illegal for any person addicted to drugs or a habitual user of drugs to drive a vehicle (CA, CO, ID, KS, and WV).

“New Mexico has no marijuana specific laws in place for driving under the influence of marijuana.”

Testing for marijuana is much more complicated as there is no correlation between breath/blood levels as there is when testing for impairment by alcohol. There is no breath test or chemical test for marijuana impairment, like a BAC or BrAC (Blood or Breath Alcohol Concentration) test for alcohol that quantifies the amount of alcohol in a body, indicates the degree of impairment, and the risk of crash involvement that results from the use of alcohol. Marijuana impairment may be observed for two to three hours after smoking, but an hour after smoking, peak THC levels have declined 80 to 90 percent (Marijuana-Impaired Driving: A Report to Congress, 2017). Urine testing can only detect an inactive metabolite, which could be present for days after marijuana use. While blood testing is more accurate, it requires legal steps to be met and followed.

Currently, Drug Recognition Experts (DRE) are used to conduct testing when drugs other than alcohol may be in an impaired drivers system. This method of measuring impairment is resource intensive and there are typically only a few DREs per agency.



Alcohol-involved ¹ Fatalities			
Month	2017	2016	2015
January	16	11	13
February	14	13	5
March	12	8	11
April	15	20	9
May	13	13	5
June	7	17	12
July	9	19	14
August	7	9	12
September	12	14	11
October	20	19	8
November	9	14	15
December	12	14	5
Total	146	171	120

Fatalities by Month 2017, 2016 and 2015			
Month	2017	2016	2015
January	32	23	16
February	29	35	17
March	29	28	30
April	28	48	18
May	32	33	19
June	34	35	32
July	26	43	27
August	36	29	25
September	33	35	29
October	42	37	25
November	22	29	29
December	36	30	31
Total	379	405	298

In order to combat drugged driving incidents, a few states (i.e. New Mexico, Oregon, California, and Nevada) have enacted laws that allow marijuana retailers/couriers to deliver marijuana to customers. In New Mexico, three couriers and five LNPPs are allowed to deliver medical cannabis to patients as of January 2018. The delivery of marijuana is very problematic and creates additional problems for states who are allowing this to occur. Courier services allow the opportunity for unlicensed, small independent couriers to deliver untested cannabis from an unknown source. These couriers may lack permits and insurance and may not be checking customer identification to prevent minors from buying their products. Couriers could become potential targets by the criminal element and may view them as easy targets for cash and commodities. Colorado lawmakers, who are leaders in marijuana legislation, have pushed back against such a policy of delivery service within the state. Other states such as Washington, Alaska, and Washington D.C. have been reluctant to go down this path as well.



Fatalities in New Mexico by Year

<i>Year</i>	<i>Total # of Fatalities</i>	<i>Alcohol Involved</i>	<i>Marijuana Involved</i>
2002	449	225 (50.1%)	Data Not Available
2003	439	214 (48.7%)	Data Not Available
2004	522	219 (42.0%)	Data Not Available
2005	488	194 (39.8%)	Data Not Available
2006	484	191 (39.5%)	Data Not Available
2007	413	177 (42.9%)	0 (0.0%)
2008	366	143 (39.1%)	1 (0.3%)
2009	361	152 (42.1%)	23 (6.4%)
2010	349	145 (41.5%)	3 (0.9%)
2011	351	152 (43.3%)	10 (2.9%)
2012	366	153 (41.8%)	13 (3.6%)
2013	311	133 (42.8%)	24 (7.7%)
2014	386	170 (44.0%)	26 (6.7%)
2015	298	120 (40.3%)	17 (5.7%)
2016	405	171 (42.2%)	31 (7.7%)
2017	379	146 (38.5%)	9 (2.4%)

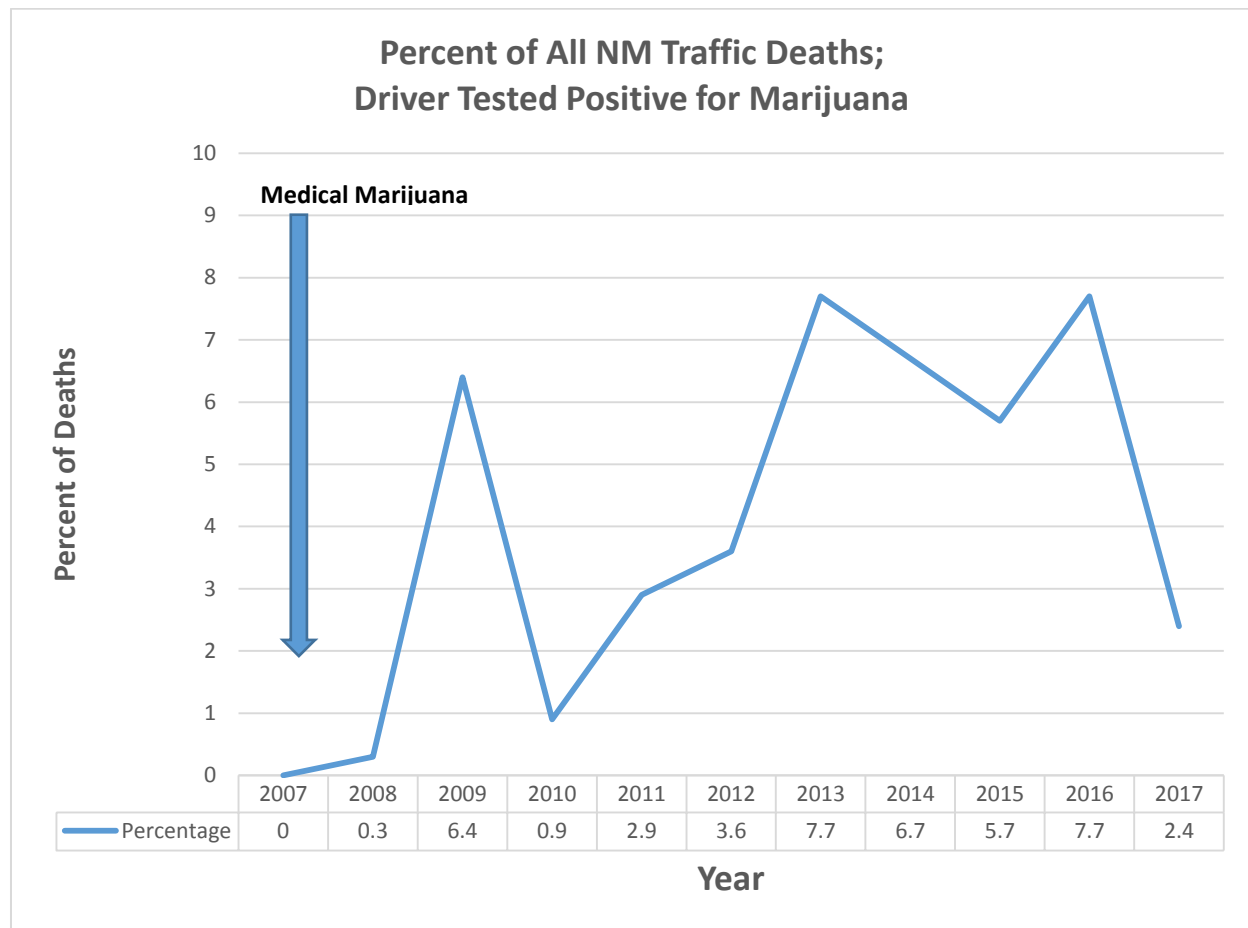
Data: NHTSA / FARS

“There is substantial evidence of a statistical association between cannabis use and increased risk of motor vehicle crashes” (McCormick, 2017).

In 2016, of the 31 drivers in fatal wrecks who tested positive for marijuana use, 24 were found to have Delta 9 Tetrahydrocannabinol, or THC, the psychoactive ingredient in marijuana present in their blood, indicating use within hours of the crash, according to state data. Studies have shown THC level in blood (or oral fluid) does not appear to be an accurate and reliable predictor of impairment from THC (Marijuana-Impaired Driving: A Report to Congress, 2017). Marijuana has been shown to impair critical driving related skills including psychomotor abilities like



reaction time, tracking ability, and target detection, cognitive skills like judgement, anticipation, and divided attention, and executive functions like route planning and risk taking (Marijuana-Impaired Driving: A Report to Congress, 2017).

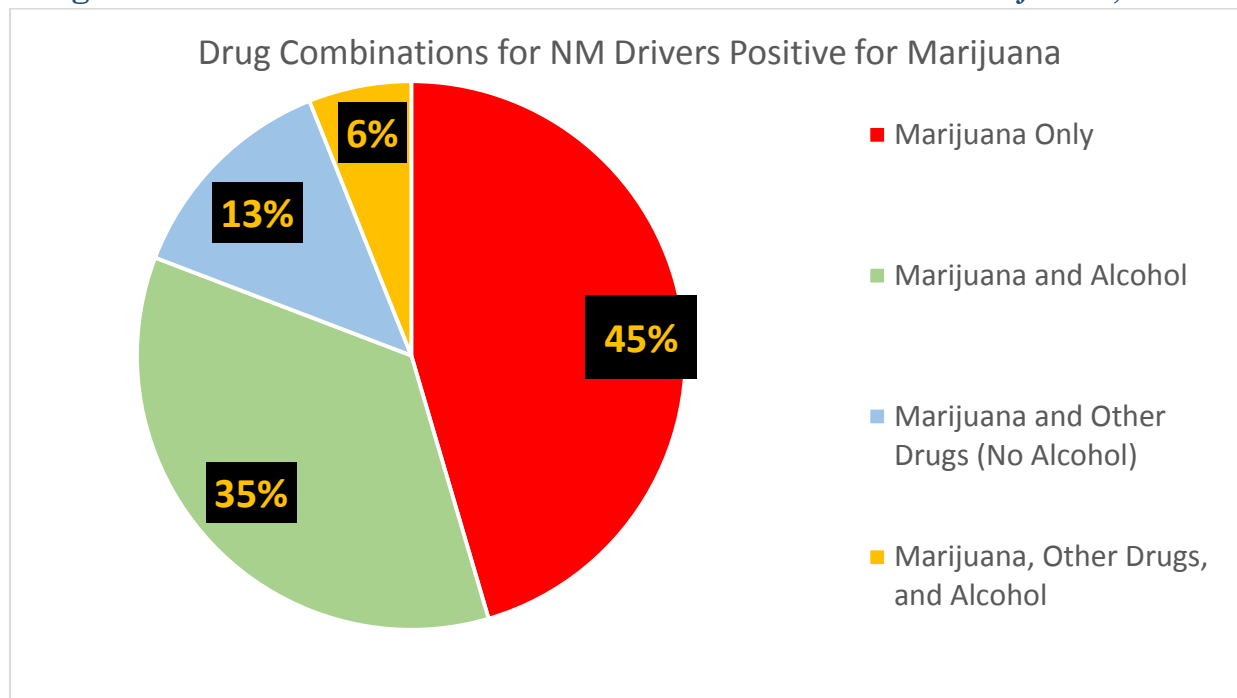


SOURCE: National Highway Traffic Safety Administration, FARS 2007-2016

Based on data available, it appears that the U.S. Department of Transportation National Highway Safety Administration began tracking drivers who tested positive for marijuana in fatality accidents in New Mexico in 2008. While it would be beneficial to have a baseline prior to medical marijuana authorization in New Mexico, unfortunately the data is not available and wasn't being tracked. Based on data available, New Mexico started seeing an increase in fatality accidents when the driver tested positive for marijuana in 2010. However, in 2017 there was a sharp drop.

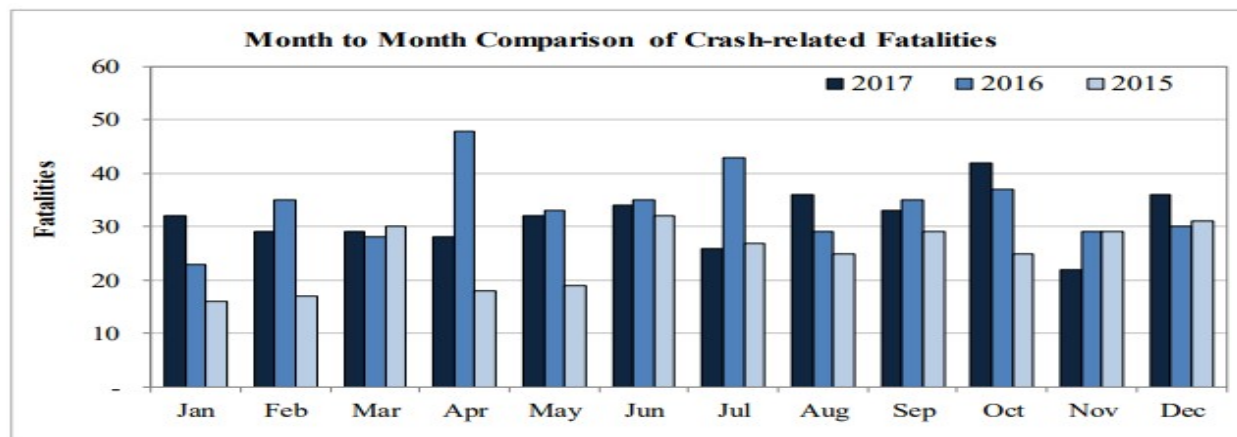


Drug Combinations for Drivers Who Tested Positive for Marijuana, 2016



Source: National Highway Traffic safety Administration, New Mexico FARS 2016 Data

The above chart indicates that 45 percent of drivers involved in fatality crashes had only marijuana in their system, followed by 35 percent who had marijuana and alcohol. Cannabis is the most common used illicit drug among polydrug users. According to data, 13 percent of drivers involved in a fatality accident had marijuana and other drugs in their system. While six percent had marijuana, other drugs, and alcohol as likely risk factors resulting in a fatality crash.



Data: UNM Traffic Research Unit (TRU)

Section III: Youth Marijuana Use

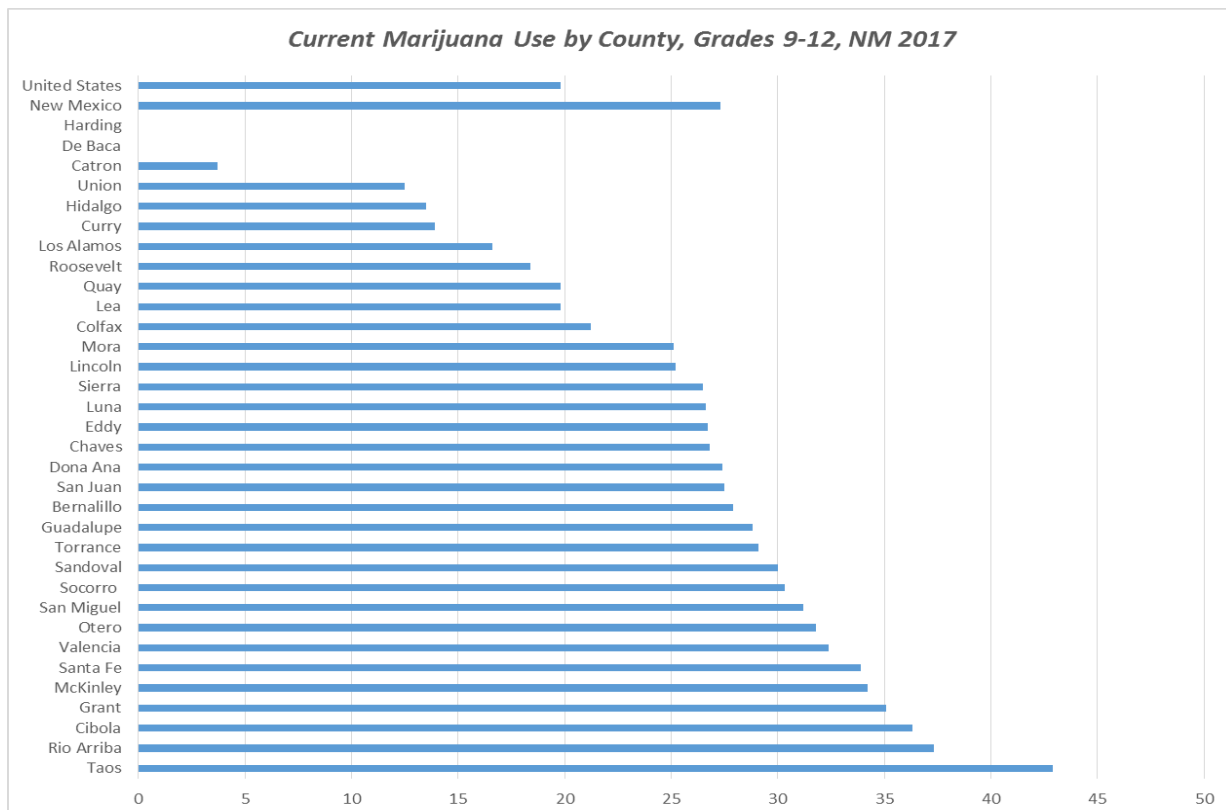
Surveys

New Mexico Youth Risk and Resiliency Survey (YRRS), New Mexico Department of Health and Public Education Department.

A nationwide survey of high school students found that New Mexico youth report some of the nation's highest rates of drug use across a broad range of illegal substances. The survey indicates that drug use among New Mexico teens is prevalent and problematic.

In 2017, youth drug use regarding current marijuana use was more prevalent among New Mexico students than among U.S. students. Current marijuana use for NM youth was 27.3 percent as compared to 19.8 percent for US youth.

According to the YRRS, in 2017, the rate of current marijuana use was highest in Taos (42.9 percent), Rio Arriba (37.3 percent), Cibola (36.3 percent), and Grant (35.1) counties. The rate was lowest in Catron (3.7 percent), Union (12.5 percent), Hidalgo (13.5 percent), and Curry (13.9 percent) counties. Twenty three of 33 New Mexico counties had rates higher than U.S. average of 19.8 percent. Marijuana is relatively common among high school students and has remained consistent for the last ten years.



Nationwide, based on 2013-2014 data, 7.22 percent of adolescents aged 12 to 17 across the nation used marijuana in the past month. Based on this data, New Mexico youth are using marijuana more than youth across the country. The National Survey on Drug Use and Health indicates teen (12 to 17) marijuana use is staying relatively consistent with a slight decline in the era of legal marijuana use, but this may not hold true for New Mexico if recreational marijuana is allowed based on New Mexico statistics. In 2016, New Mexico youth ranked second highest among U.S. states for youth marijuana use in the last 30 days. This ranking is likely the result of ingrained social behavior, availability of the drug, and a lack of treatment options. New Mexico marijuana use among teens is prevalent and a cause for concern when marijuana legalization advocates are pushing their agenda.

Past month marijuana use among people aged 12 or older by age group, 2002-2017

Age	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17
≥12	6.2 ⁺	6.2 ⁺	6.1 ⁺	6.0 ⁺	6.0 ⁺	5.8 ⁺	6.1 ⁺	6.7 ⁺	6.9 ⁺	7.0 ⁺	7.3 ⁺	7.5 ⁺	8.4 ⁺	8.3 ⁺	8.9 ⁺	9.6
12-17	8.2 ⁺	7.9 ⁺	7.6 ⁺	6.8	6.7	6.7	6.7	7.4 ⁺	7.4 ⁺	7.9 ⁺	7.2 ⁺	7.1	7.4 ⁺	7.0	6.5	6.5
18-25	17.3 ⁺	17.0 ⁺	16.1 ⁺	16.6 ⁺	16.3 ⁺	16.5 ⁺	16.6 ⁺	18.2 ⁺	18.5 ⁺	19.0 ⁺	18.7 ⁺	19.1 ⁺	19.6 ⁺	19.8 ⁺	20.8 ⁺	22.1
≥26	4.0 ⁺	4.0 ⁺	4.1 ⁺	4.1 ⁺	4.2 ⁺	3.9 ⁺	4.2 ⁺	4.6 ⁺	4.8 ⁺	4.8 ⁺	5.3 ⁺	5.6 ⁺	6.6 ⁺	6.5 ⁺	7.2 ⁺	7.9

+ Difference between this estimate and the 2017 estimate is statistically significant at the .05 level.

SOURCE: National Survey on Drug Use and Health

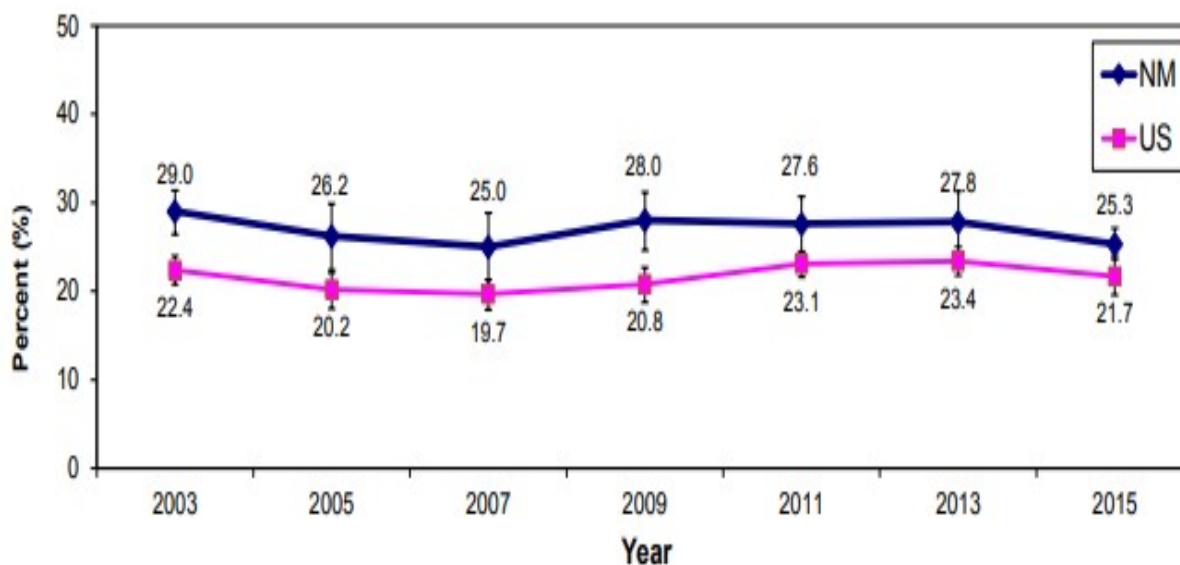
The categories for 18 and over show a consistent pattern of increased marijuana use from 2013 to 2017. In 2017, about one in five young adults 18 to 25 (22.1 percent) were current users of marijuana. In 2017, 7.9 percent of adults aged 26 or older were current users of marijuana.

According to the NMDOH, The State of Health in New Mexico 2018 report, marijuana ranked as a drug with the highest current use rate of 25.3 percent among high school students. Among middle school students, lifetime use rate was 14 percent for marijuana. American Indian high school students had a higher rate of current marijuana use at 33.9 percent. In the case of not only marijuana, but other drugs as well, the prevalence of use increased with decreasing levels of parent education (Gallagher, 2018). The U.S. rate of youth marijuana use decreased from 1999 to 2007, but has increased since then. The New Mexico rate in 2007 was 25 percent as compared to the increased rate of 28 percent in 2009. In 2017, the New Mexico rate was 27.3 percent (YRRS Survey), which is higher than the U.S. rate of 19.8 percent. This data indicates that the current youth marijuana rate is remaining relatively



constant at the current time for New Mexico, but is higher than the U.S. rate of youth use.

Current Marijuana Use by Year, Grades 9-12, NM and U.S., 2003-2015



Source: NM IBIS

According to the Center on Addiction, 90 percent of all addictions start during adolescence and 17 percent of adolescents who begin using marijuana develop a marijuana use disorder. The brain is rapidly developing until a person's mid 20's and are highly susceptible to addiction tendencies. According to Dr. Ken Sabet, founder of SAM (Smart Approaches to Marijuana), heavy marijuana use during adolescence is associated with an eight point drop in IQ and is not reversed when marijuana use stops.

According to a national survey, "Monitoring the Future 2017", more 12th graders than ever admitted they would use marijuana if it were legal. Specifically, one in four 12th graders thought that they would try marijuana or that their use would increase if it was legally available. "The percentage who reported they would not use marijuana even if it were legal significantly declined to less than 50 percent for the first time ever over the 43 year life of the study (specifically to 46.5 percent)" (Miech, et al., 2017). This data leads one to believe that states who move to commercialize, legalize, and normalize marijuana will lead to more youth use, which has been the case in Colorado. Data indicates this may not be true for all states that have legalized. Some may interpret legalization as a sign that marijuana is safe and state sanctioned. The survey also found that 17 percent of 12th graders today believe that their parents would not disapprove of their marijuana use.



Section IV: Adult Marijuana Use

Research has indicated that people who smoke marijuana on a regular basis are more likely to have social and economic problems at midlife than those who use occasionally or not at all. People in the study had economic problems such as high levels of debt, limits on cash flow, and some had difficulty paying for food and rent. Furthermore, these people were more likely to exhibit antisocial tendencies in the workplace as well as conflicts in their personal relationships (Main, 2016). The study published in the journal, *Clinical Psychological Science*, does not prove marijuana causes these problems, but it does point to a very strong link. According to Carnegie Mellon University researcher Jonathan Caulkins, marijuana creates higher rates of behavioral problems, including dependence, among users.

Adults use marijuana for various reasons such as “to relax”, “to become intoxicated”, and “to enhance activity.” Marijuana use behavior is influenced by social, cultural, and economic patterns. Social acceptability, price, and availability are factors that influence use as well.

According to a Gallup poll in 2017, 45 percent of adults in the U.S. have used marijuana at least once in their lives. The same poll showed that 12 percent of U.S. adults - one in eight - said they use marijuana, up from 7 percent in 2013 (Nierenberg, 2017).

“There is moderate evidence of a statistical association between cannabis use and the development of substance dependence and/or a substance abuse disorder for substances, including alcohol, tobacco, and other illicit drugs” (McCormick, 2017).

According to federal survey data in 2016, marijuana users are nearly three times more likely to use daily than drinkers are to drink daily. Data in 2016 indicates 18.6 percent of marijuana users consumed their respective drug at least 300 days out of the year as compared to 6.6 percent of alcohol users. This data raises concerns about the dependency characteristics of marijuana.

New Mexico has the nation’s 10th highest per capita rate of cannabis use (Kelly O'Donnell, 2016). According to O'Donnell, five percent of New Mexico adults describe themselves as regular cannabis users and an additional six percent say they use cannabis occasionally. In New Mexico, cannabis consumption by adults 26 and older



increased by 70 percent between 2003 and 2014 compared to a 52 percent increase for the same age group nationwide.

Section V: Emergency Department and Hospital Marijuana Related Admissions

Back in the day, THC levels found in marijuana averaged two to four percent, which is why much of society thinks marijuana is harmless. However, this is not the case now and genetic breeding of marijuana plants has resulted in an average potency of 20 percent THC, with some strains exceeding 30 percent.

Marijuana concentrates and extracts have THC levels that range from 40 to more than 80 percent according to DEA reports. According to a recent “High Times” article, Tetrahydrocannabinolic Acid (THC-A) crystalline is the purest form of cannabis to date with a purity rating between 95 to 99.997 percent. THC-A is commonly used by “dabbing”, which produces the high many seek. Hence, more people seek medical treatment when they experience the effects of marijuana use. “Dabbing” is a form of marijuana use that consists of smoking resins

that contain high levels of THC and has led to increased emergency department visits. Daily or near daily marijuana inhalation (smoking) has been associated with chronic bronchitis. Both firsthand and secondhand marijuana smoke contain many of the same cancer-causing chemicals as tobacco smoke.

When a person gets high, marijuana has the same effect on the release of dopamine as other substances like heroin and cocaine. THC binds to cannabinoid receptors in the brain, which stimulates the increased release of dopamine activating the brains reward system. This contributes to marijuana’s pleasurable effects. THC can attach to other receptors in the brain that work like a volume control, “turning down” areas of the brain that influence memory, concentration, decision-making, movement, and pain perception.



Example of THC-A

An overdose of marijuana is dissimilar to overdoses of other drugs because marijuana consumption, in and of itself, is not life threatening (Crane, 2018). However, excessive use of the drug may have hazardous results, which may increase the risk of death. Someone who consumes a lot of marijuana may be unaware of his/her surroundings, which can lead to accidents (Crane, 2018). Some studies have linked marijuana intoxication with psychosis (Crane, 2018). Psychosis is a condition where the individual is disconnected with reality, typically resulting in hallucinations, delusions, or extreme paranoia.

Six years of emergency department (ED) data (2010-2015) showed that ED visits increased by 24.2 percent in New Mexico. During this six year period, the annual number of ED visits increased for cannabis by 172.8 percent and for Cannabinoid Hyperemesis Syndrome (CHS) by 585.7 percent (Victoria F. Dirmeyer, 2017). On the national level, ED visits increased 6.9 percent from 2010 to 2014 (same period NM saw a 23.6 percent increase). Nationally, ED visits increased for cannabis 71.9 percent and CHS 423.3 percent.

Nationwide studies have shown the top five causes of cannabis-related emergency visits are:

1. Pediatric Ingestion
2. Acute Intoxication from consuming too much cannabis.
3. CHS, which is characterized by chronic cannabis use, cyclic episodes of nausea and vomiting, and the learned behavior of “hot bathing (i.e. the need to bath in hot water).”
4. Synthetic Cannabinoids, commonly called “Spice” and “K2,” are some of the names given to illegal plant-based substances intended to imitate marijuana. Spice users in the emergency room have had extreme paranoia, delusions, tremors, anxiety, nightmares, hallucinations, vomiting, high blood pressure, fast pulse, and slow breathing. In August 2018, over the course of 24 hours in New Haven, Connecticut, more than 70 people overdosed on synthetic marijuana laced with fentanyl.
5. Home Extraction Injuries by individuals attempting to produce butane extracts without the proper equipment or training.

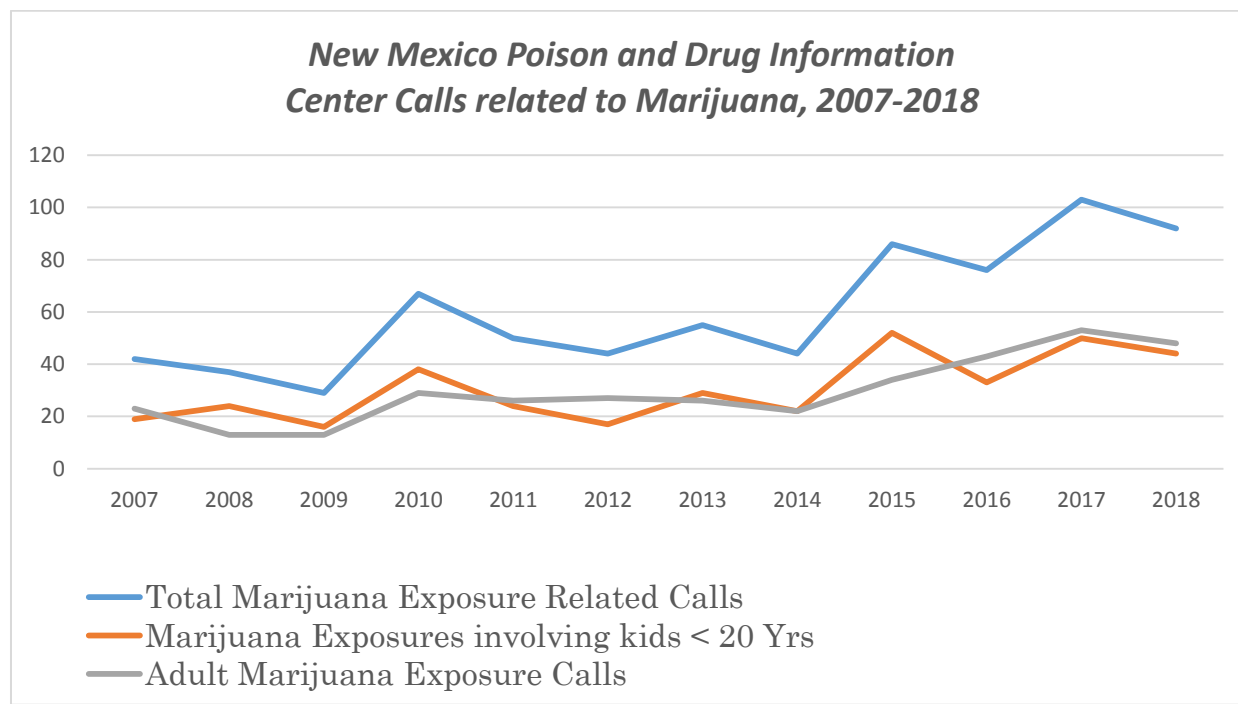
“There is substantial evidence for a statistical association between increases in cannabis use frequency and the progression to developing problem cannabis use” (McCormick, 2017).



Section VI: Marijuana Related Exposure

If New Mexico makes the move to legalize recreational marijuana it is highly likely the number of accidental exposures to marijuana will increase. There have already been numerous incidents regarding accidental exposure to medical marijuana. As an example, in January 2018, a nine-year old student in northern New Mexico unknowingly gave five fellow students gummies, later determined to be THC laced medical marijuana candies used by a family member. A study published in the journal JAMA Pediatrics stated the rates of marijuana exposure in young children have increased 150 percent since recreational marijuana products, like sweets, went on the market in Colorado. Some children exposed to marijuana have required medical intervention including admission to intensive care units and some have required intubation (i.e. placement of a flexible tube into the trachea to maintain an open airway).

The New Mexico Poison and Drug Information Center received a total of 42 marijuana related calls to the center in 2007 as compared to 92 (August 30, 2018) calls in 2018. This is an increase of almost 119 percent from when New Mexico allowed medical marijuana. Since 2016 there has been a steady increase in calls to the poison center regarding marijuana exposures, which will likely continue based on the increased distribution of medical marijuana cards.



Source: New Mexico Poison and Drug Information Center, UNM



Section VII: Treatment

There is no consensus as to whether a user will develop a dependence on marijuana. It is estimated that between 8.9 percent and 30 percent of the user population will become dependent according to an article in *Jama Psychiatry* (Hasin, Tulshi, & Kerridge, 2015).

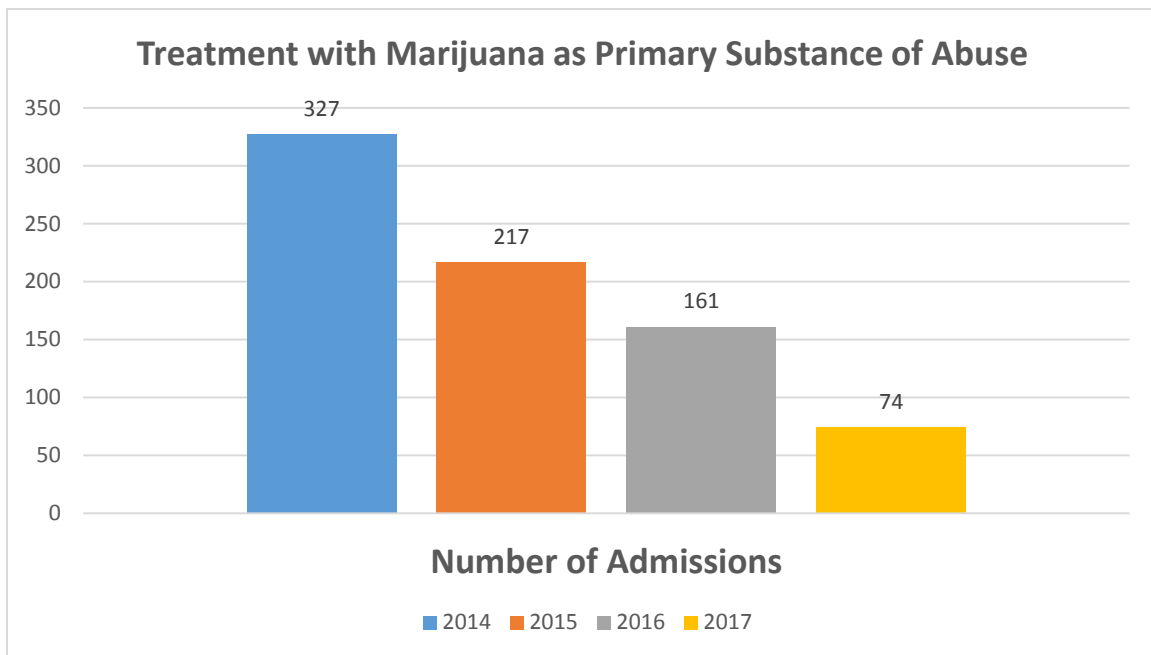
In some cases, marijuana use may lead to addiction. Addiction occurs when a person can't control or stop marijuana use even though it is interfering with daily activities. Marijuana addiction is a well-defined disorder within the public health and medical communities that includes physical withdrawal symptoms, cravings, and psychological dependence (Vestal, 2018). Some of the common signs of marijuana addiction are:

- Being high more than one or two hours per day on a regular basis.
- Unable to stop using marijuana.
- Marijuana use is the priority over completing tasks or keeping commitments.
- Significant time is spent on buying marijuana, using marijuana, or recovering from marijuana use.
- Concentration or memory loss problems.
- Increased risky behavior while under the influence of marijuana (i.e. driving, child care, etc.).
- Withdrawal symptoms after not using marijuana for a period.

One of these characteristics alone may not indicate addiction, but the pattern of behaviors may signal a problem. Like other drug addictions, marijuana addiction can be dealt with by consulting a substance abuse and mental health treatment provider for the best course of action.

Marijuana addiction is on the rise perhaps because of the increased potency from genetically engineered plants, the use of concentrated products, or because users are partaking multiple times per day. The percentage of people who become addicted to marijuana is estimated at about nine percent of all users and about 17 percent for those who started when they were an adolescent.





SOURCE: SAMSHA Treatment Episode Data Set (TEDS). Based on data reported to TEDS 2014-2017.

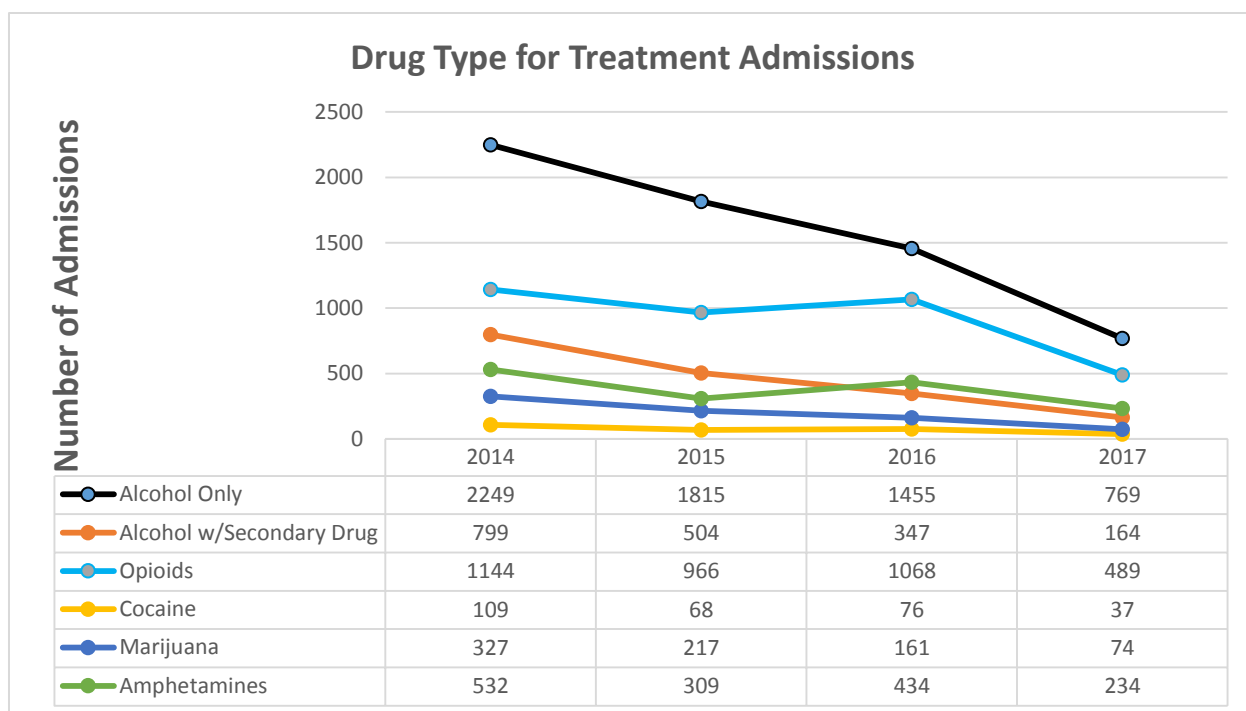
Marijuana treatment data from New Mexico for the years 2014-2017 demonstrates a definitive downward trend in the number of admissions for treatment. Based on the four year trend shown, New Mexico has an average of 195 treatment admissions annually for marijuana abuse. While the downward trend is a positive for New Mexico, it is troubling at the same time as it indicates fewer people are seeking treatment for marijuana use even though the state has seen a substantial increase in the number of medical marijuana card holders during the same time period.

From 2014 to 2017, the top five drug categories involved in treatment admissions were alcohol (average 1,572 per year), opioids (average 459 per year), alcohol with a secondary drug (average 454 per year), amphetamines (average 377 per year), and marijuana (average 195 per year).

Studies of treatment for marijuana use disorders are limited. “There are no specific pharmacotherapies for marijuana withdrawal or dependence that can be recommended” (Kleber, et al., 2010). The three main goals of treatment are:

- Treatment retention and substance use reduction or abstinence as initial goals of treatment.
- Reduction in the frequency and severity of substance use episodes.
- Improvement in psychological, social, and adaptive functioning.





SOURCE: SAMSHA Treatment Episode Data Set (TEDS), 2014-2017.

“An encounter with the criminal justice system through apprehension for a drug related crime frequently can benefit the offender because the criminal justice system is often a path to treatment” (CNBC, 2010).

Section VIII: Diversion of New Mexico Medical Marijuana

New Mexico has seen its fair share of marijuana that is being diverted from states such as Colorado, California, and Nevada. The legalization of marijuana in neighboring jurisdictions raises concerns about marijuana diversion to New Mexico. Colorado is the only state bordering New Mexico that has legalized recreational marijuana. Texas has become increasingly concerned with the talk of New Mexico marijuana legalization as it will definitely impact them. Legalization does impact



surrounding jurisdictions, leading to an increase in marijuana possession arrests in border cities where it is illegal.

Diversion is an inevitable result of the legal market. In 2016, recreational consumers in Colorado bought more than \$1.3 billion worth of legal cannabis and Oregon recorded \$250 million worth of sales. The sales in Oregon are not anywhere close to all the pot that Oregon marijuana growers produce based on the numbers available. There is a huge gap leading law enforcement to believe that Oregon marijuana growers produce an excess of over 132 tons of marijuana. This excess marijuana isn't thrown away, but is believed to be diverted out of state. A study in Colorado found that about 50 percent of youth in outpatient substance abuse treatment reported using diverted marijuana.

“In Oregon, Law Enforcement believes that Oregon marijuana growers produce an excess of over 132 tons of marijuana, which is believed to be diverted out of state.”

Marijuana from Colorado, where it is legal, has been found in states as far away as Illinois, New York, and Florida according to a report by the Rocky Mountain HIDTA. A state that has chosen not to legalize marijuana should not be forced to carry the costs of enforcement or consequences simply because a neighboring state made that decision, which has been the case for New Mexico. Diversion of marijuana from Colorado and other legalized states is problematic and raises serious concerns for those states who have not legalized it recreationally. The diversion of medical marijuana is problematic in and of itself. In 2018, New Mexico law enforcement seized 3,882 kilograms of marijuana of which 728 kilograms was high grade marijuana. A majority of the high grade marijuana seized in New Mexico is from other states like Colorado and was merely passing through the state headed for another destination when it was interdicted based on data from the New Mexico HIDTA PMP database.

Legalized states must tightly regulate production licensing to help control diversion into states that do not have legal marijuana. States must enact harsh criminal sanctions for interstate trafficking of marijuana and negligent marijuana establishments should face consequences if they are determined to be the origin of marijuana.

To further compound the problem is the fact that Mexican drug trafficking organizations (DTO) have lost business and profits as a result of marijuana legalization and decriminalization in many states, which has caused DTOs to shift their focus to smuggling hard drugs like methamphetamine and heroin across the



border and into communities. There have been reports of DTOs setting up grow operations in the legalized states to continue their push of marijuana on the “black market.” These criminal organizations know that they can grow cannabis in the legalized states and that they can sell it in non-legalized states for a significant profit without smuggling it across the border from Mexico. Legalized states are counting on tax revenue and competitive legal-weed pricing to drive out unlicensed players. However, the data continues to argue otherwise. These criminal organizations operating in the black market do not have to buy cultivation permits or pay tax revenue to the state or local government, therefore increasing their profit margins. Due to these expenses, illegal cannabis will always be 20 to 25 percent cheaper than legal cannabis, giving the black market the advantage.

Section IX: Related Data

The many advocates who support marijuana legalization always mention the benefits of increased revenue for the state, however few discuss the costs of such a policy. Failure to discuss or omitting costs could prove to be a critical oversight and no policy or business plan would be complete without fully discussing both sides of the “balance sheet.”

A full cost accounting of marijuana legalization is impossible at the present time, but data exists to estimate likely direct short-term costs such as:

1. Administrative and enforcement cost for regulations.
2. Increased drugged driving fatalities.
3. Increased injuries from drugged driving accidents.
4. Increased ER visits from marijuana intoxication.
5. Injuries from marijuana concentrate extraction lab explosions/fires
6. Increased rate of homelessness
7. Increased workplace absenteeism.
8. Increased workplace accidents resulting in increased litigation costs.

It is highly unlikely that revenues from legalization would exceed the costs for these associated social and economic problems. Other factors that need to be considered include:

1. Increased marijuana use disorders.
2. Development of social programs (i.e. Drugged driving awareness campaigns).
3. Long term health impacts of marijuana use.



While legalizing and taxing marijuana boosts revenue for state and local governments, a new report indicates the amount is significantly less than many states who legalized expected. In Colorado, the marijuana tax brings in the equivalent of about 2 percent of the budget and in Washington State the amount is about 1.2 percent of the general fund revenue.

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Most of the states that have legalized marijuana earmark the revenue for law enforcement, drug treatment, and other specific programs, which does not help the state’s financial flexibility. A study conducted by the Centennial Institute found that for every one dollar in tax revenue from marijuana in Colorado, the state spends \$4.50 as a result of the effects of the consequences of legalization. The study used available data from the state on hospitalizations, treatment for Cannabis Use Disorder (CUD), impaired driving, black market activity, and other parameters to determine the costs of legalization. Consequence costs include six key areas: Health, Productivity, Crime, Traffic, Tourism, and Housing. These areas include hospitalizations, treatment for cannabis use disorder, rehabilitation, policy development for businesses, arrests/court filings, diversion enforcement, and vehicle accidents/fatalities.



Another real concern is the impact of marijuana use when it comes to workplace safety and productivity. The number of people using marijuana in New Mexico is rising rapidly and the impact of this increase is showing up at places of employment. Employers have good reason to enforce a strict substance abuse policy that includes a ban on marijuana for safety concerns of all employees as marijuana use has been linked to an increase in job accidents and injuries in other legalized states. Increased accidents lead to increased litigation costs, which could prove to be very costly. Employers must have a clear policy in place prohibiting employees from being impaired by marijuana (i.e. medical or recreational), which can provide direction for supervisors and employees making it clear that an activity which is legal under state law may not prevent them from losing their job. In New Mexico, the courts have already ruled that employers do not need to accommodate medical marijuana use under the New Mexico Human Rights Act (NMHRA).

Revenue

According to a New Mexico Department of Health reporting, as of the third quarter of 2018, Licensed Non-Profit Producers (LNPP's) have reportedly harvested 19,264 marijuana plants yielding a total weight of 18,836 pounds of marijuana in 2018. The average price per gram for the three quarters was \$9.74. Fourth quarter data was not available at the time of this report.

It should be noted, while conducting research in regards to this section it was found that there are varying reports in several key areas being tracked. The New Mexico Department of Health is tracking data in regards to number of patient transactions, number of active patients, average amount (units) purchased, average price per gram, total plants in production, number of plants harvested, total yield, total units sold, and units in stock at the end of the quarter. According to New Mexico Department of Health representatives, the majority of data for these areas is reported by the 35 licensed non-profit producers. However, the lack of internal controls in this industry is problematic as the data being provided is subject to bias, social desirability, demand characteristics, and response sets. Therefore, reporting seems to be inaccurate and the data cannot be considered reliable; thus a true picture of the revenue being generated cannot be determined. In order to get a reliable and accurate picture in these key areas, New Mexico must implement more effective internal controls to improve the reliability of its data and not rely solely on the reporting done by the producers.



Patient Information	Total
Number of Patient Transactions	654,833
Active Patients September 30, 2018	58,782*

Average Amount (Units) Purchased	32.38
Average Price Per Gram (Flowers and Bud)	\$9.98

Product	Total	Average
Totals Plants in Production	12,741	386.09
Number of Plants Harvested	6,008	182.06
Total Yield (Units)	2,640,357	
Total Units Sold	1,903,712	
Units in Stock at the End of Quarter (Flower and Bud)	1,941,528	

Example: NMDOH 2018 Third Quarter Summary Report

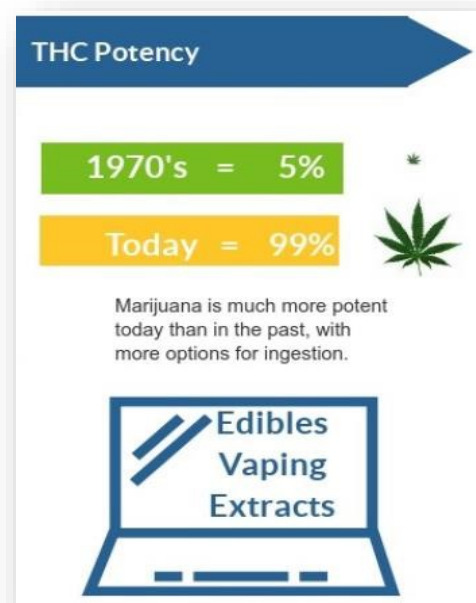
THC Potency

Today's highly potent marijuana is a significant threat to public health and safety. According to testing done for the federal government, the average potency of cannabis has more than tripled in the past two decades.

The medical marijuana industry in New Mexico is booming with THC potency at an all-time high. Regulating high-potency marijuana products such as edibles is a critical concern for New Mexicans. Some of these edibles and vaping extracts are 99 percent THC, the ingredient in marijuana that gets a person high. The average joint in the 1970's only had 5 percent potency. Increased potency of the THC in marijuana plants means an increasing intensity of the effects the user experiences. The higher the THC content, the more expensive the product.

Not enough studies have been done on the products to identify long-term effects. Awareness is crucial about the dangers of today's highly potent marijuana. Public health officials play a vitally important role in accomplishing this.

Dr. Nora Volkow, NIDA director, believes higher potencies may exacerbate some of marijuana's harms, triggering more feelings of paranoia and panic attacks in some users. Several factors are involved in determining the potency of a marijuana plant such as:



- Growing climate and conditions
- Plant genetics
- Harvesting and processing methods
- Desire by growers to achieve maximum profit

Dr. Kevin Sabet, founder of Smart Approaches to Marijuana, recommends that marijuana potency should be capped. The marijuana industry has been allowed to have influence on key issues and this influence should be halted. An undercover study in Colorado, recently found that 69 percent of randomly selected marijuana stores recommended THC products to treat pregnancy related nausea in the first trimester and less than one in three recommended consulting a doctor.

The rise in the concentration of THC is a cause for concern when it comes to medical marijuana, the variability makes it more difficult to titrate the dose to the correct effect. This means more users are more likely to consume excessive doses leading to adverse clinical effects as seen in Colorado emergency departments (Walton, 2015).

New Mexico Licensed Marijuana Businesses

The criminal classification of cannabis at the federal level has serious consequences for marijuana policy in states that have medical marijuana and legalization. The businesses dealing in marijuana must function as cash-only enterprises as a result of banks being concerned about dealing with businesses that are in violation of federal law. While it's possible for banks to accept cannabis cash without violating federal law, they must take additional steps to ensure they are in compliance. Banks can lose their charter for failure to follow these laws.

There are many investors looking into investing in marijuana-producing companies, but these producers and dispensaries face an incredible amount of risk in doing so. Legal and financial ramifications are very possible in the near future with the changing of laws and legislation. Operating in an “all cash” environment makes each operation more susceptible to crime by outsiders and employees.

Section X: Lessons Learned

The legalization of marijuana in other states has proven costly for society. Marijuana legalization is linked to increases in driving while under the influence of marijuana. In Washington State, the percentage of traffic fatalities where the driver tested positive for recent marijuana use increased 104.6 percent the year recreational sales



began (2014). This represents a 64.9 percent increase from the year before the legalization law passed (2011). In Colorado, marijuana related traffic deaths increased 151 percent since recreational marijuana was legalized (55 in 2013 to 138 in 2017). (The Legalization of Marijuana in Colorado: The Impact Volume 5 Update, 2018).

Unlike alcohol impaired driving, it is difficult to secure convictions for marijuana impaired driving because there is no real measurable way to determine how impaired a driver is. Blood tests only determine the presence of cannabis products in a subjects system. According to the Colorado Department of Transportation, 70 percent of users admit they have driven impaired at least once in the past year. The same study reveals about 25 percent of drivers admitted to driving high every day.

In Colorado, a study conducted by the Marijuana Policy Group for the state's Department of Revenue found the top 29.9 percent heaviest pot users made up 87.1 percent of demand for the drug.

Since Alaska, Colorado, Washington, Oregon, and DC legalized marijuana, past-month use of the drug rose above the national average among youth aged 12-17 in all five jurisdictions (Learn About SAM, 2018). The latest 2018 results show Colorado youth aged 12 and older ranked third in the nation and are 85 percent higher than the national average for past month marijuana use.

In Colorado, adult past month marijuana use increased 71 percent in the three year average from 2013 to 2015 since they legalized recreational marijuana compared to the three year average prior to legalization (2010-2012) (Rocky Mountain HIDTA, 2017). Colorado college age past month marijuana use for 2014/2015 was 61 percent higher than the national average (Rocky Mountain HIDTA, 2017). The latest



2014/2015 results show Colorado adults ranked number one in the nation for past month marijuana use (Rocky Mountain HIDTA, 2017).

Legalization of recreational marijuana is directly related to increases in emergency room visits related to marijuana use. ER visits related to marijuana in Colorado have increased 52 percent after the legalization of recreational marijuana (2012 compared to 2016). The yearly rate of marijuana related hospitalizations increased 148 percent after the legalization of recreational marijuana (2012 compared to 2016). In central Oregon, hospitals saw a nearly 2,000 percent increase in ER visits due to marijuana poisoning with 434 marijuana-related visits in January 2016 alone, as compared to a maximum of 32 visits per month prior to legalization (Learn About SAM, 2018).

In Oregon, from July 2015 through January 2018, 71 burn victims were treated as a result of butane hash oil (BHO) extraction lab explosions at a cost of approximately \$9.6 million dollars in inpatient initial treatment costs. Oregon law enforcement discovered 64 BHO labs during this same time period.

In Colorado, calls to poison control centers have risen 210 percent between the four-year averages before and after recreational legalization (Rocky Mountain Poison & Drug Center, 2017). Washington has seen a 70 percent increase in calls between the three-year averages before and after legalization.

In some instances, high potency marijuana has been blamed for increased suicide attempts by some families as a result of their loved one being irrational, paranoid, and displaying psychotic behavior while under the influence of marijuana. Some stated their family members marijuana addiction led to harder drug use. Colorado toxicology reports have shown an increase in the percentage of adolescent suicide victims testing positive for marijuana (Learn About SAM, 2018).

The crime rate in Colorado has increased since legalization reporting an 8.3 percent increase in property crimes and an 18.6 percent increase in violent crimes (Colorado Bureau of Investigation, 2017). A study funded by the National Institute of Health showed that the density of marijuana dispensaries was linked to increased property crimes in surrounding areas (Freisthler, Gaidus, Tam, Ponicki, & Gruenewald, 2017). In Colorado, sixty five percent of local jurisdictions have banned medical and recreational marijuana businesses (The Legalization of Marijuana in Colorado: The Impact Volume 5 Update, 2018).

In states that have legalized, there has been an increase in problems as they relate to businesses selling to minors. In Washington State, law enforcement has documented a total of 424 violations among licensed marijuana businesses. Of these, 288 violations were in regards to selling marijuana to minors and 136 violations were for allowing minors access to a restricted area according to the Washington State Liquor and Cannabis Board.



Legalized states like Colorado and Washington have become source states for cannabis distribution as seizure data indicates a diversion problem of legal cannabis into black markets nationally. According to Rocky Mountain HIDTA statistics, in 2016 Colorado law enforcement seized 7,116 pounds (3.5 tons) of marijuana, made 252 felony arrests, and conducted 346 highway interdictions of marijuana being transported to 36 different U.S. states. The associated press reported that at least 70 percent of marijuana sales in 2016 were on the black market and around three to five times more marijuana leaves the state for illegal sales than is consumed in Oregon.

Marijuana legalization is associated with increased homeless population. In Denver, the homeless shelter usage increased by 50 percent after legalization (July 2012 to November 2015). The increase was attributed to new arrivals there due to the states marijuana policies.

The rise of commercialization has inundated legalized communities with marijuana companies and paraphernalia. According to June 2017 data, in Colorado there are more marijuana stores than McDonald's and Starbucks according to a report put out by the Rocky Mountain HIDTA. It should be noted, stores that sell both medical and recreational marijuana count as two dispensaries from a licensing standpoint.

In California, the legalization of marijuana has actually led to an increase of illicit marijuana grows within the state by cartels who operate in the black market. In these remote grow sites, the pesticide "Carbofuran" has been found, which poses a threat to water sources, wildlife, and ultimately people. The chemical has been seized at 72 percent of the grow sites encountered in California during 2017 (Xavier Becerra, 2018). A report from Oregon showed that at least 70 percent of marijuana sales in 2016 were on the black market and approximately three to five times the amount of marijuana consumed in Oregon leaves the state for illegal sales (Learn About SAM, 2018).

Marijuana production requires an enormous amount of energy during the cultivation process. Marijuana is almost four times more energy intensive than oil or coal (Learn About SAM, 2018). In Colorado, indoor marijuana production is responsible for two percent of the state's electrical load and 45 percent of all new electricity demand coming online (Learn About SAM, 2018). This data shows the huge burden that the marijuana market can place on the power grid that distributes electricity throughout the state.

Marijuana legalization has had serious ramifications for businesses in legalized states. In the three year period following legalization in Colorado and Washington, positive test results for marijuana increased almost 75 percent for general U.S. workforce and federally mandated safety sensitive workforce, from 5.1 to 8.9 percent (Quest Diagnostics, 2017). This growing demand for marijuana has made it difficult to find employees who can pass a pre-employment drug test. Pro-marijuana advocates



are pushing to eliminate workplace drug testing policies and believe employees should be permitted to use marijuana without the risk of professional consequences. Studies have shown that the percentage of work related injuries and illnesses was higher among marijuana users than non-users as a result of impairment.

In Anchorage, Alaska school suspensions for marijuana increased more than 141 percent from 2015 to 2017, after legalization was implemented. Since 2012, the percentage of Colorado suspensions for marijuana has risen from 17 percent (2012-2014) to 23 percent (2014-2016) and marijuana remains the top offense in school (Learn About SAM, 2018).

In 2012, Colorado was promised funds from marijuana taxes to benefit the communities, particularly the schools. According to Superintendent, Dr. Harry Bull, “the only thing that the legalization of marijuana has brought to the school district has been marijuana.” In FY 2017, marijuana tax revenue represented approximately nine tenths of one percent of Colorado’s budget. The cost of marijuana legalization as it relates to public awareness campaigns, law enforcement, healthcare treatment, addiction recovery, and preventative work is an unknown cost to date.

The marijuana market, whether medical or recreational, presents problems of cannabis counterfeiting driven by economic opportunities. Cannabis brands cannot obtain a federal trademark as a result of it being illegal under federal law. An emergence of growers and dealers have packaged and passed off cut-rate marijuana as higher end brands as a result of a lack of regulations for lab testing in the market. The high end brands sell for a much higher price than standard marijuana and the difference is difficult to distinguish when dealing with an agricultural product. All legal states have had numerous recalls due to inaccurate labeling (Learn About SAM, 2018). Hence the black market of marijuana will always exist in one of many forms. In Colorado, from 2014 through 2017, the annual average adult use flower prices fell 62 percent from \$14.05 to \$5.34 per gram weighted average. Adult use concentrate prices fell 47.9 percent from \$41.43 to \$21.57 per gram. While prices fell for flower and concentrate, THC potency increased in both categories.

Section XI: Conclusion

Legalization efforts face a major hurdle that must be considered: federal law. In simple terms, any use and/or possession of marijuana is a violation of federal law. Marijuana is a Schedule I drug, which means it’s perceived to have no medical value and a high potential for abuse. Aggressive enforcement of federal law would deter business investors from entering the industry. While some states have made the move toward legalization of recreational and medical marijuana use with the passage of



their own laws, they are not immune from federal law should U.S. attorneys decide to change their hands-off attitude about legal marijuana. Federal law will always prevail over state law. State laws allowing marijuana have permitted the industry to flourish while influencing policies and policy makers. While some states are attempting to get bills passed that would protect them, none have been approved at this time. Bills to decriminalize marijuana at the federal level have also been introduced with no success.

Before any decisions can be made about further legalization of marijuana in New Mexico, policy makers and the public need data on the consequences of legalization and the related monetary costs. Data collection and research efforts should primarily focus on the following categories:

- Cost of implementing legalization from law enforcement to regulators.
- Marijuana related car accidents.
- Mental health effects of marijuana use.
- Cost to workplace employers and the impact on employee productivity.
- ER visits and hospital admissions related to marijuana.
- School incidents related to marijuana use.
- Admissions to treatment and counseling programs related to marijuana use.
- Cost of mental health and addiction treatment related to increased marijuana use.
- Marijuana potency trends in all forms (i.e. edibles, etc.)

State legislators and public officials should be cognizant of the marijuana industry pushing their agendas. The cannabis industry is not concerned about the health and welfare of the citizens of the state, but their focus is on cashing in on the industry and filling their coffers with fast cash. The cannabis industry is already aligning themselves for the future by donating campaign funds to candidates running for public office. According to the state's campaign Finance Information System and the National Institute on Money in Politics, the cannabis industry has spent more than \$49,000 on state candidates and political action committees for this election cycle. Since 2012, cannabis related businesses have contributed more than \$110,000 to New Mexico politicians.

There is a body of evidence that suggests marijuana presents serious health risks including cancer, potential for abuse, mood disorders, and respiratory problems. Several studies have found that marijuana use at a young age can damage the teenage brain. With the increased diversity and potency of cannabis products, there is an increased risk of adverse health effects related to cannabis use, which would be compounded with increased availability if it is legalized beyond medical marijuana.



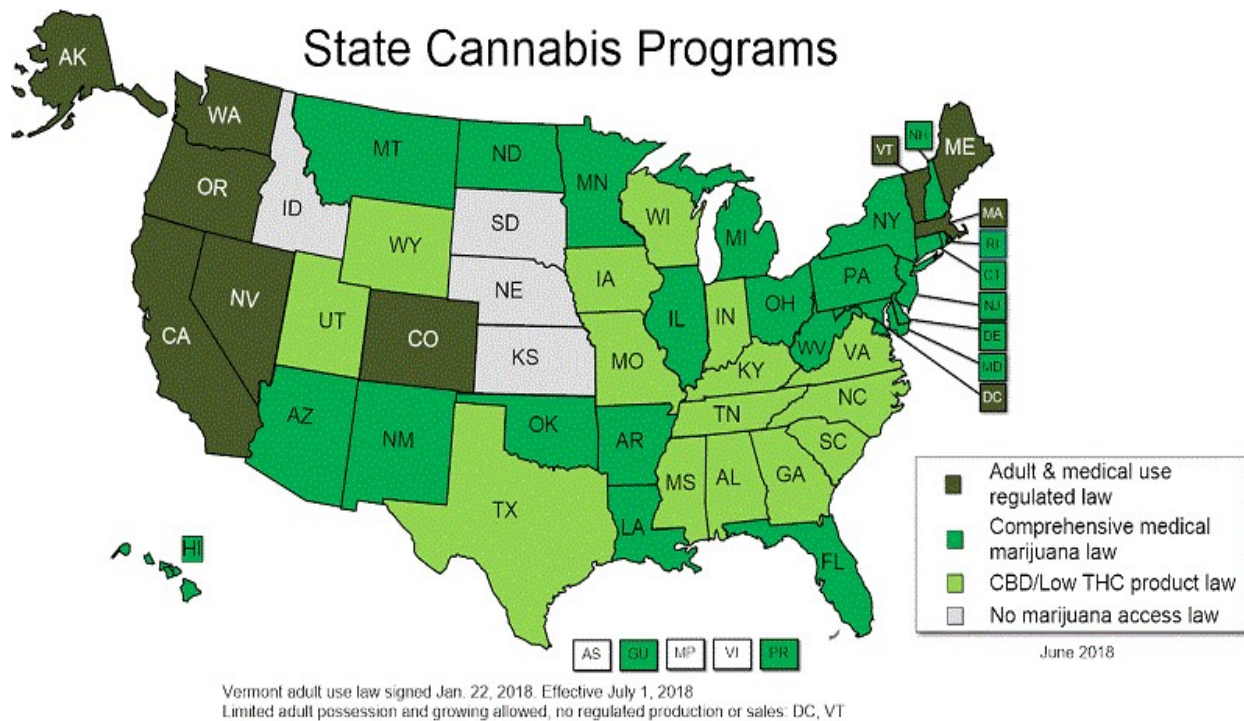
Further legalization of marijuana will lower the perception of risk. Historically, a lower perception of harm or risk leads to increased usage among the youth population. This is a dangerous path for a state already overwhelmed by substance use and abuse. Important lessons can be learned from alcohol and tobacco, which are legal drugs. While both alcohol and tobacco are taxed and regulated, the tax benefits to the public are greatly overshadowed by the adverse consequences of their use.

In a recent CNN news article, Coca-Cola made a statement that they are “closely watching” the growth of CBD as an ingredient in what it called functional wellness beverages. While CBD is a non-psychoactive component in marijuana, it still presents additional concerns when it comes to marijuana legalization. These types of products can very easily fall into the wrong hands. According to an October 30th, 2018 article by CNN, the CEO of Coca Cola has made a decision to pass on this business venture with Aurora Cannabis Company, but other companies have shown interest.

New Mexico legislators should make an informed decision in regards to further legalization. Hopefully, this report has provided valuable information to assist in the process. Further legalization of marijuana may not be the best public health or public safety strategy for New Mexico. The lack of scientific research has resulted in the lack of information on the health implications of cannabis use, which is a significant public health concern. Legislators and public officials have a responsibility to not allow industry influence and to enforce strict standards when it comes to THC potency. It is safe to say the marijuana of today’s industrialized and streamlined grow operations is definitely stronger than in years past. The vulnerable populations are a real concern in the state and the focus should be on comprehensive public health campaigns regarding the dangers of marijuana use. The citizens of New Mexico deserve nothing less.

The choice to move toward cannabis legalization is one of huge magnitude. If legalization proponents triumph, it would be the greatest blow to drug policy in decades. As is typical with drug policy, it’s about which option is the best choice with the least amount of consequences. The further legalization of marijuana in New Mexico could be detrimental and may create more problems outweighing any alleged benefits, which could have generational consequences.





Section XII: Methodology

The New Mexico Region of the Southwest Border HIDTA publishes periodic reports on emerging trends and significant events to keep the criminal justice community informed. This report is one of a series discussing the impact and consequences of Cannabis Legalization in New Mexico.

This assessment is based on a detailed analysis of public source information, information obtained from interviews with law enforcement officials from the regional task forces, New Mexico HIDTA regional initiative databases and files, counter narcotics investigative reports, and interviews of medical professionals.

There are no legal opinions rendered in this report. The New Mexico HIDTA Director's Office would like to thank everyone who provided information that assisted with the creation of this document.

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AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/15/2019

Report No: 2.

Submitted By: Rachel Hughs

Subject: Presentation on Alamogordo MainStreet general overview and annual report. (*Cam Wilde*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: Cam Wilde will present the Alamogordo MainStreet general overview and annual update.



FEBRUARY 2019 ORGANIZATION UPDATE

Cam Wilde, Executive Director



NM MAINSTREET REBUILDING PLACES



https://youtu.be/c_wQ6Ky9woA

CURRENT BOARD OF DIRECTORS ROSTER

PRESIDENT

Claudia Powell

Welcome Home Realty

VICE PRESIDENT

Keri Mack

Rocket City Gaming Lounge

SECRETARY

Crystal Boylan

Welcome Home Realty

TREASURER

Shandy Almada

Wells Fargo

Claudia Loya

Elite Memories

Bo Perry

Alamogordo High School

Melissa Shoemaker

LuLu's Craft Boutique

Aileen Carroll

French Brothers

Ex-Officio

Pamela Lee

IPP/Ex-Officio

Terry Marquardt

WHAT WE DO!

ECONOMIC DEVELOPMENT

- **ORGANIZATION**
- **DESIGN**
- **ECONOMIC VITALITY**
- **PROMOTION**

OPERATING UNDER TWO ECONOMIC TRANSFORMATION STRATEGIES

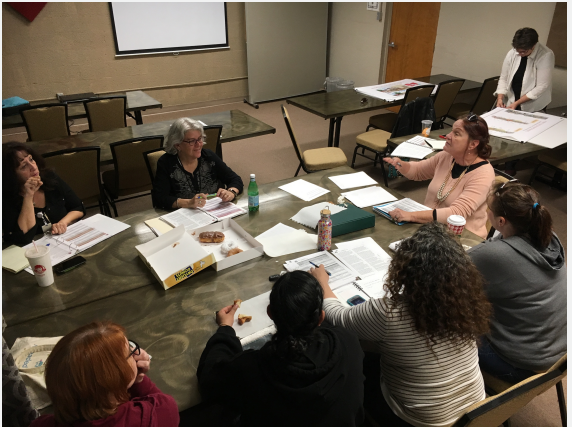
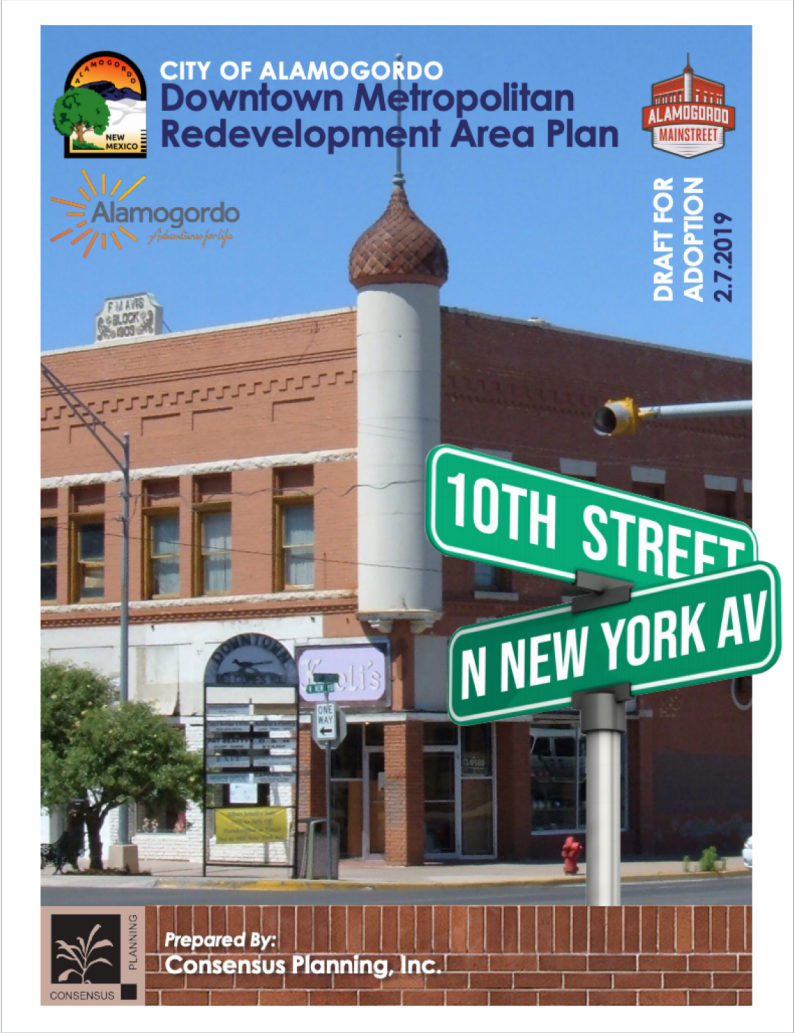
+ ONE CAPACITY BUILDING STRATEGY

FEBRUARY 2019 - RECENT ACCOLADES



2018
SPIRIT of MAINSTREET
AWARD

METROPOLITAN REDEVELOPMENT AREA PLAN





SANDS

SANDS

ALAMOGORDO FILM FESTIVAL
JULY 20

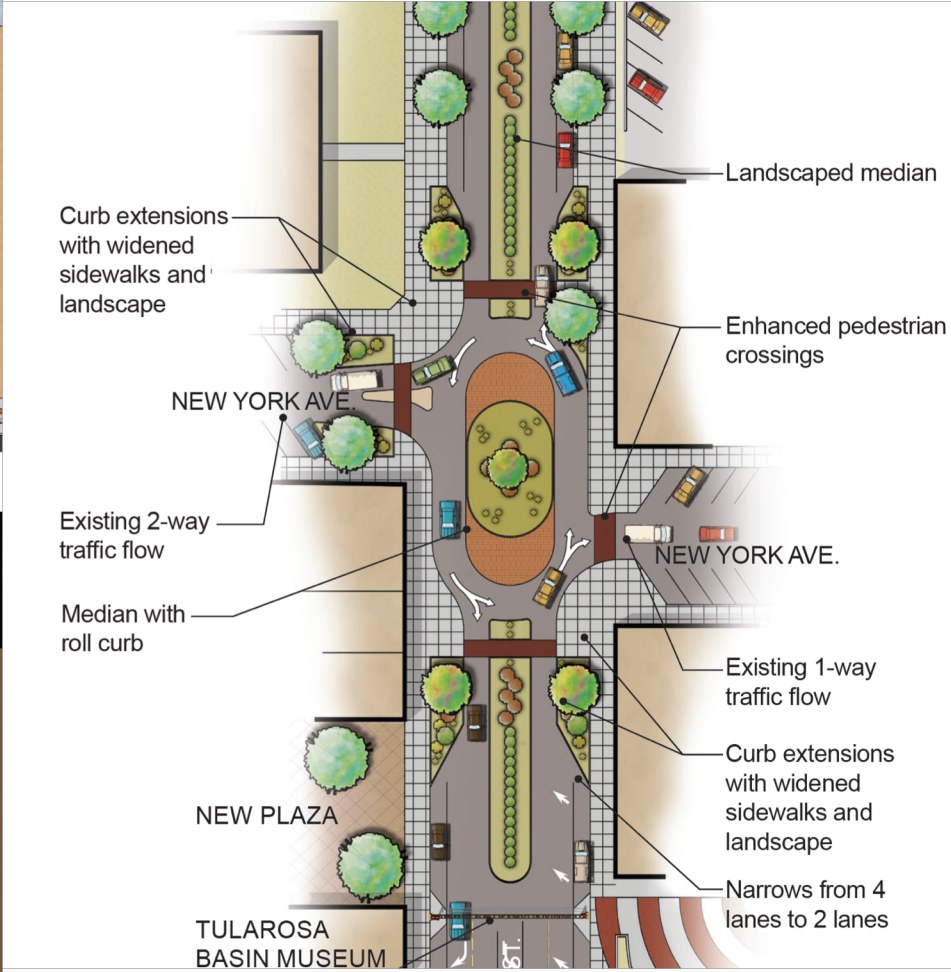
ALAMOGORDO FILM FESTIVAL
JULY 20

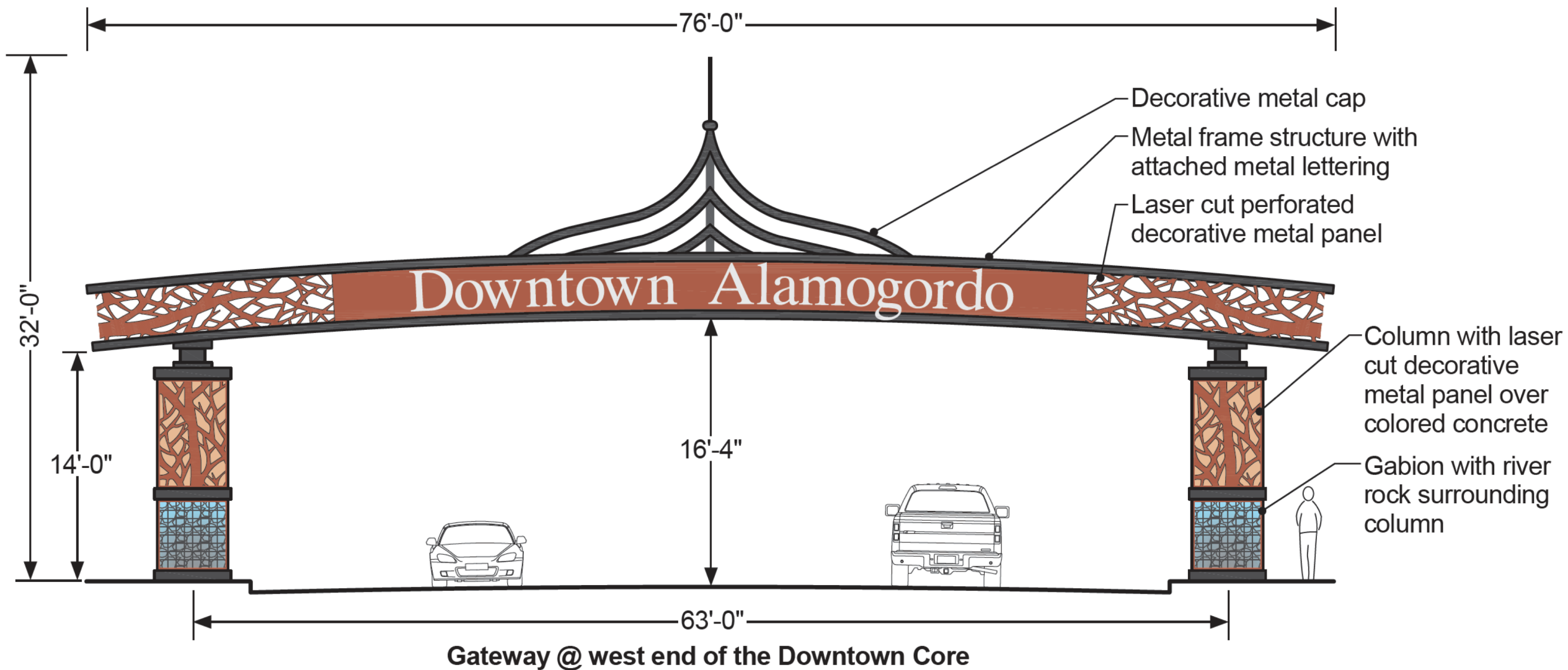
COMING SOON
CINEMA
FREE
CINEMA
FESTIVAL
RETRO FILM
COMING SOON
BATTLE
BANDS





Perspective of plaza during the day.





METROPOLITAN REDEVELOPMENT AREA PLAN

\$50K → \$0.00

**City funded &
adopted plan**

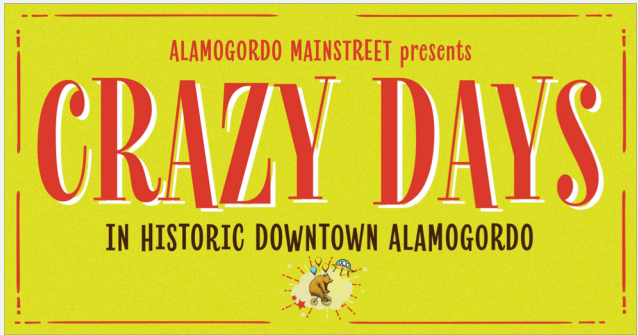
Alamogordo MainStreet & NMMS facilitation =
NM Finance Authority reimbursement to the City
of Alamogordo the cost of the full plan (up to
\$50,000)!

WHY DO WE NEED AN MRA PLAN?

To assist our local MainStreet designated programs submit a credible project to their local government for prioritization on the Infrastructure Capital Improvement Plan, *New Mexico MainStreet invests in a Metropolitan Redevelopment Plan*, adopted by the local government, which acts as a Master Plan identifying priority economic redevelopment projects within their District.

- *Fact Sheet on Capital Outlay for New Mexico MainStreet Programs*

ALAMOGORDO MAINSTREET
2018 EVENTS



2019 EVENT SCHEDULE

May 4

ATOMIC CITY COSPLAY

August 17

Downtown Nites — Rockabilly

November 30

Small Business Saturday

December 7

Olde Fashioned Christmas

2019 ORGANIZATIONAL INITIATIVES

- **BOARD DEVELOPMENT**
- **INDEPENDENT FAÇADE SQUAD PROGRAM**
- **MAXIMUM NUMBER OF NM MAINSTREET SERVICE REQUESTS**
- **COMPLETION OF MRA PLAN**
- **HISTORIC DISTRICT (NATIONAL REGISTER)**

2018 STATS

- **\$338,500 — BUILDING IMPROVEMENT PRIVATE INVESTMENTS**
- **1,144.5 VOLUNTEER HOURS**
- **\$91,205 IN SERVICES FROM NM MAINSTREET**
- **\$15,000 PROJECT-BASED GRANTS**

CHALLENGES

- **UNDER-UTILIZED/VACANT/BLIGHTED PROPERTIES**
- **DISTRICT BUSINESS RETENTION**
- **HISTORIC BUILDINGS SUFFERING DESTRUCTION BY NEGLIGENCE**





QUESTIONS? How else can we help or inform?



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/19/2019

Report No: 3.

Submitted By: Bob Johnson

Subject: Presentation and update of current projects. *(Bob Johnson, Engineering Manager)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

City Projects





Agenda

- Griggs Reservoir Outfall Structure Modifications and Storm Drain Improvements
- 1-MGD Brackish Water Treatment Facility
- Washington Park Basketball Courts Reconstruction
- Rehab Upper Heights Ground Storage Tank
- Street Maintenance – Crack Sealing FY19
- 2017 Street Maintenance Program
- Bonito Lake Restoration
- North Scenic Drive Extension to Mesa Verde Ranch Road
- 1501 Cuba – Asbestos Abatement & Demolition
- 711 Texas – Asbestos Abatement & Demolition
- McKinley Channel Phase 8 – Corps of Engineers Flood Control Project
- 2018 Street Maintenance Program

Griggs Reservoir Outfall Structure Modifications and Storm Drain Improvements

Project consists of rebuilding the existing detention basin, constructing a new storm drain system, and constructing a new spillway and riser outlet.



Contractor:	Progress to date:	Budget:	Current contract amount without NMGR:
 General Hydronics Concrete, LLC	 90% Complete	 \$1,775,000.00	 \$1,341,031.57

Planned
Completion Date:

March 19th

2019

Construction change orders to date:

1. Differing site conditions: \$11,088.27 plus 45-day time extension (weather).
2. Additional asphalt patching: \$43,633.92

Rip-rap at channel outlet and the concrete spillway are in progress.

1-MGD Brackish Water Treatment Facility

Project consists of constructing 1-MGD reverse osmosis treatment facility with chemical storage and feed systems, sample/c control room, lined evaporation pond, finished water booster station and clearwell, sitework, and fencing.



Planned
Completion Date:

April 30th

2019

Contractor:	Progress to date:	Budget:	Current contract amount without NMGR:
 Smithco Construction, Inc.	 98% Complete	 \$10,355,936.00	 \$9,071,524.32

Construction change orders to date:

1. Administrative: wage rates.
2. Additional solid waste removal: \$137,066.72 plus 14-day time extension.
3. Evaporation pond ballast tubes and sandbags: \$24,526.37.
4. Additional solid waste removal, differing site conditions, primary electrical feed: \$136,763.90 plus 52-day time extension.
5. Communications line and increase materials testing allowance: \$11,147.41.
6. Decrease solid waste removal, additional air monitoring, increase testing allowance, door framing, corrective actions for concrete walls and slab: (\$16,380.08) plus 49-day time extension.

Washington Park Basketball Courts Reconstruction

Project consists of constructing two new 52-feet x 84-feet post tension concrete basketball courts with color coat surface and new basketball goals. The new basketball courts will be constructed over the existing asphalt pavement basketball courts.



Contractor:



L.E.R. Inc. dba
Renner Sports
Surfaces

Progress to date:



78% Complete

Budget:



\$180,000.00

**Current contract amount
without NMGR:**



\$158,356.00

**Contract substantial
completion date:**

May 30th

2019

Tentative
completion date:
March 15, 2019

Rehab Upper Heights Ground Storage Tank

Project consists of removal and replacement of the existing ladder with staircase, new roof hatch and manway, new overflow piping, interior and exterior sandblasting and repainting, and removal and replacement of the cathodic protection system.



Planned
Completion Date:

May 31st

2019

Contractor:



D&R Tank
Company

Progress to date:



25% Complete

Budget:



\$949,174.00

Current contract amount
without NMGR:



\$877,452.00

Construction change orders to date:

1. Remove and replace roof sheeting, structural supports, and appurtenances: \$324,544.00 plus a 75-day time extension.

Removal and replacement of the roof and structural supports is underway. Sandblasting and painting to commence early March.

Street Maintenance – Crack Sealing FY19

Project consist of crack sealing of 5 streets:

- Tres Lagos at the golf course
- North Florida from 2nd St (picking up where the 1st St realignment project finished) to Scenic Drive
- South Florida from Desert Lakes to Panorama
- Hopi Trail
- North Scenic from Indian Wells to the NMSU campus

Planned
Completion Date:

July

2019

Work will start mid-April and is estimated to conclude July 2019, weather permitting. The contract includes 80 calendar days for the work.

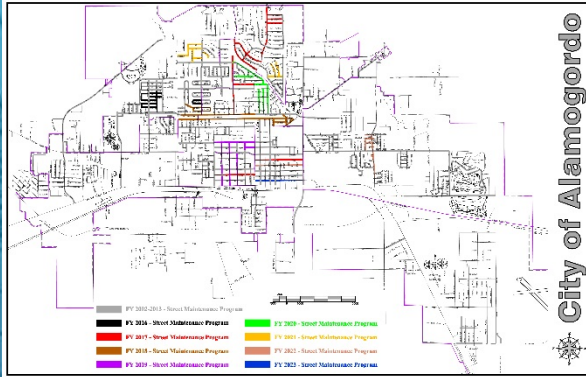
Contractor:	Progress to date:	Budget:	Current contract amount without NMGR:
 General Hydronics Utilities, LLC (Project Awarded January 8, 2019)	 0%	 \$252,000	 \$211,700

Project consists of installing 6-inch, 8-inch and 10-inch water line, valves, water connections, new water services and fire hydrants, removal and replacement of concrete sidewalk, driveway aprons, curb/gutter, concrete paving, construct accessible (ADA) curb ramps, earthwork, asphalt milling, asphalt paving, asphalt paving patch work, and pavement markings for the following streets:



- Texas Avenue - 25% complete
- Michigan Avenue - 30% complete
- Aspen Drive - 100% complete
- Spruce Avenue - 100% complete
- McKinley Avenue - 100% complete
- Hendrix Avenue - 100% complete
- Ridgecrest Drive - 100% complete
- 10th Street - 65% complete
- Sunshine Avenue - 100% complete
- Sunbeam Avenue - 100% complete
- Sundown Avenue - 100% complete

2017 Street Maintenance Program (Continued)



Contract substantial completion date:

Dec. 12th

2019

Tentative completion date: August 23, 2019

Contractor:



General Hydraulics
Utilities, LLC

Budget:



\$8,129,028.00

Current contract amount without NMGR:



\$5,612,652.94

Construction change orders to date:

1. \$40,940.00 plus 14-day time extension. Consists of:
 - Installation of 10-inch ductile iron waterline to be installed above the existing 30-inch waterline located in the area of 10th Street and Paiute Trail.
 - Installation of 10-inch PVC waterline under the concrete box culvert (CBC) which requires additional over excavation and shoring due to the deeper pipe trench.
 - Installation of pipe bollards at the drainage channel off of McKinley Avenue, in-line with Ridgcrest Avenue, as a driver safety precaution.
 - Installation of a 2-inch water line in the alley between Tenth Street and Sunland Drive. This work will loop the existing waterline that is installed in the alley, and eliminate a 6-inch waterline that currently runs between 2917 Tenth Street and 3001 Tenth Street.

Bonito Lake Restoration

Project consists of constructing a bypass pipeline and coffer dam, lake dewatering, and removal and haul-off of lake sediment and debris.



Contractor:	Progress to date:	Budget:	Current contract amount without NMGR:
 Smithco Construction, Inc.	 38% Complete	 \$20,919,398.00	 \$8,498,673.90

Planned
Completion Date:

March 12th

2020

Construction change orders to date:

1. Extend sheet piling up to edge of existing retaining wall: \$7,286.24.
2. Install 18" blow-off from Bonito pipeline to facilitate lake draining: \$25,834.86 plus 7-day time extension.
3. Additional traffic control requirements required by NMDOT and modifications/additional anchoring to coffer dam configuration due to refusal of sheet piling to designed depth of 20-feet: \$68,052.80 plus 90-day time extension.
4. Increase Bid item 5, Force Account Work Allowance: \$200,000.00.

Bypass pipeline and coffer dam in place. Hauling of material continues as weather permits. To facilitate dewatering, contractor has constructed earth berms and culverts at the north fork and a well access road connecting the north fork to the spillway. 8 dewatering wells have been drilled and placed on this access road. Various pumps ranging in size from 3" to 8" have been strategically located in various areas. Contractor has also constructed a secondary catch pond approximately 100 yards behind the coffer dam.

North Scenic Drive Extension to Mesa Verde Ranch Road

Extend N. Scenic Drive to intersection of Mesa Verde Ranch and bypass. Includes utility extensions, concrete box culvert at existing arroyo, and new UPRR crossing. Also includes closing of 8th Street crossing, and minor improvements to 10th Street crossing.



Consultant:



Smith Engineering Company

Progress to date:



85% complete - design

Budget:



\$4,050,001.00

Current contract amount without NMGR:



\$156,785.00

Planned
Completion Date:

TBD

Design change orders to date:

1. Traffic impact analysis mandated by NMDOT for permitting purposes: \$40,200.00.

Awaiting UPRR determination/approval regarding moving forward with design completion and project bidding/construction, and delay closing of 8th Street crossing until after January 31, 2021.

1501 Cuba – Asbestos Abatement & Demolition

Abate interior and exterior asbestos by wet encapsulation (similar to Sahara Apts), demolish, and haul-off.



Planned
Completion Date:

TBD

Contractor:



Southwest
Abatement &
Jack Wayte
Construction.
Air monitoring by
Terracon.

Progress to date:



0%

Budget:



\$65,000.00

Current contract amount
without NMGR:



\$40,387.25

Scheduling to begin March 4, 2019. Duration: about 10 days.

711 Texas – Asbestos Abatement & Demolition

Abate, remove, and haul-off of interior asbestos. Demolition by City staff.



Planned
Completion Date:

TBD

To be scheduled after completion of 1501 Cuba Avenue.

Contractor:



Southwest
Abatement.
Air monitoring by
Terracon.

Progress to date:



0%

Budget:



\$50,000.00

Current contract amount
without NMGR:



\$31,230.00
(Includes MV2, LLC
landfill estimated
tipping fees)

McKinley Channel Phase 8 – Corps of Engineers Flood Control Project

This is a Corps of Engineers project in which the City is a partner. The contracting is administered through the Corps. Project consists of constructing a large sediment basin near Thunder Road and concrete-line McKinley Channel from the basin to First Street by the High School. Relocation of city-owned utilities is included in the contract work.



Contractor:



Pate
Construction
Company Inc.

Progress to date:



0% Complete
(Project awarded
January 25, 2019)

Current contract amount without NMGR:



\$24,000,000 – Corps of Engineers
contract

Planned
Completion Date:

990 calendar days
performance period

The project scope of work shall affect the following streets:

-

Contractor:	Progress to date:	Budget:	Awarded contract amount without NMGR:
 TBD	 Staff is in negotiation with a consultant for design services.	 \$1,660,077	 TBD



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/21/2019

Report No: 4.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the February 12, 2019 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
February 12, 2019**

**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. City Clerk Hughs announced there was a quorum present. City Manager Paluch was absent. Invocation was given by Bishop Westover and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Mayor Boss said City Attorney Schreiber has requested an Emergency Situation Addition to Executive Closed Session for Pending and Threatened Litigation for K-9 Brutus.

Commissioner Hernandez moved to amend the agenda.

Mayor Pro-Tem Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

**1. Presentation on pilot program to humanely reduce cat population in the community.
(Kathleen Denton)**

Ms. Denton showed a Power Point Presentation on a pilot program to reduce the cat population in the Community. (See Blue Book for Power Point presentation).

Mayor Pro-Tem Baldwin asked if City staff has already signed off on the training in reference to the calls. She said they would partner with them to give them the language, resources, handouts, etc. She said they would be glad to do that for them. Mayor Pro-Tem Baldwin asked Police Chief Peete if having an outside agency train our staff falls in line with everything he is okay with. Police Chief Peete answered yes, that would fall in line with their strategic plan and the direction the Alamogordo Police Department wants to go.

Ms. Denton added that Best Friends will be partnering with them. She said Best Friends has already vetted a lot of this ahead of time and they would be the guide for this.

Commissioner Rardin asked Mrs. Denton asked about the timeframe for the Resolution. She answered she knows that under the City Ordinances that there are certain things that have to be done. She said the Resolution is recognized from the American BAR Association. It says when you do a pilot program it gives the pilot program time to show what it can do without changing normal Ordinances until you see what has to be changed. Commissioner Rardin asked if this has to be passed within the next 30 or 60 days.

City Attorney Schreiber said it is ok to wait on this, but the concern is the City has some Ordinances that talk about animals at-large that make it look like cats, when they are outside, need to be on leashes. She said these are homeless cats so there will not be a citation, it is truly not an at-large cat. She said their hope is to bring this Resolution to the Commission on the second meeting in March with

a full re-write of Chapter 7 that will bring it up to today's standards and really impact the animal welfare in the City of Alamogordo.

Commissioner Sikes asked when the Memorandum of Understanding will be done and when will this program be kicked off. City Attorney Schreiber said her office will make themselves available, whenever Ms. Denton is available. Ms. Denton said they will be setting up an appointment tomorrow.

Pam Irving commented on the following:

She spoke in support of Ms. Denton and Kitty City. She shared her own story of dealing with controlled or reduced cat population. She said it may take a little while, but you will see a huge difference.

2. Presentation on Historical Data and Debt Profile. (*John Archuleta, George K. Baum & Company*)

Mr. Archuleta gave an update on the City's debt profile by Power Point Presentation. He said the City currently has about \$7 million of bonding capacity with four issues that are outstanding. He explained the criteria used for this assessed evaluation. He said they have reviewed all of the City's outstanding debt to see if there is any possible refunding opportunities, but right now the City doesn't really have any kind of economic benefit based upon what the interest rates are. He said the City has plenty money coming in when you consider the debt the City currently has outstanding. He said the City of Alamogordo has pretty much used up most of the Gross Receipts tax except for the Hold Harmless Gross Receipts Taxes (GRT). He said there is one issue that is presently very marginal as far as being able to do a refunding on it, so they will keep an eye on that and once there is an economic benefit they will come back to the City and show it to the Commission to make a decision if they would like to proceed with refinancing in order to be able to save money concerning that particular issue.

Mayor Pro-Tem Baldwin asked when he states economic benefit, what percentage rate is he actually looking at. Mr. Archuleta answered three percent or higher of present value savings on the bonds that are going to be refinanced. He said that is one of the requirements that the Department of Finance and Administration (DFA) has. Another possibility, if you were to need more money for your water and sewer system and combine it with a new money issue, the economic benefit will actually improve the overall transaction, but in a standalone refinancing it is not economically feasible at this point.

Mr. Muirhead gave an overview of the Hold Harmless Gross Receipts Tax analysis. He briefly discussed proposed legislation to revamp the gross receipts tax and explained how it eliminates the ability to impose this Hold Harmless GRT. He said what many communities have done that have imposed it since 2014, is to have debt imposed against it which there are statutory provisions that you can't impair outstanding debt with the argument being that you couldn't invoke the whole Hold Harmless GRT against that if there is a bond.

Commissioner Rardin said Otero County passed it and typically it does the remainder of the County. When the City goes in to pass it, it is going to bump us up another three-eighths percent, which is going to put us at a very high tax rate. He asked if the State is looking at anything to fix that issue. Mr. Muirhead said you are exactly right, once one jurisdiction has done it, it puts you in a bad spot if you are wanting to do it. Commissioner Rardin said our citizens are getting double taxed. Mr. Muirhead said what has been proposed is been more of a broader overhaul of how the State taxes, sales and doing it more in a way that is more conducive to simplicity. Simplify and try to make the system work better. It has been more of not targeting that specific issue as much as removing some of these local options and providing a lower State rate and some different municipal or county taxes, but he has not seen anything where it is looking to specifically to that issue. Commissioner Rardin said it is a huge problem. The City kind of needs to pass it and Otero County didn't really need to. They used it for pet projects. He said the City is in a situation where we potentially need it, not so much this year, but in the next few years we will be needing it.

Mr. Archuleta said they went ahead and ran some production numbers in order to give the Commission an idea of what a one-eighth, a quarter, and three-eighths would actually produce just to give you an idea.

Mayor Boss Thanked Mr. Archuleta and Mr. Muirhead and said he did not realize that the City has \$7 million of bonding capacity.

PUBLIC COMMENT

Harv Hamilton commented on the following:

He talked about the Code of Conduct. He said he was no fan of Mayor Galea. He said he was also not a fan of the Code of Conduct when it was passed because he felt it would reduce the transparency of what was going on in the City. He said when the City did the Charter, they made it virtually impossible to recall a Commissioner or any other member of staff. He said in most instances more people would be required to request recall than actually voted in the election. He said this Code of Conduct is about the only way this citizenry can effectively hold Commissioner's feet to the fire.

CITY MANAGER'S REPORT

Assistant City Manager Cesar made the following remarks:

None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Hernandez made the following comments:

He said last meeting he made a comment about people showing up when they just have a single item or when they are mad about something. He pointed out that there were quite a few people that showed up to this meeting. He welcomed and thanked everyone that showed up for the meeting.

Commissioner Sikes made the following comments:

She said she appreciates the support from the community for the work that Ms. Denton, her husband and Animal Control Division have done. Commissioner Sikes said it took a long time to get to this point.

Mayor Boss made the following comments:

He recognized NMSU-Alamogordo the Small Business Development Center (SBDC) for receiving the New Mexico Small Business Development Center of the Year Award for 2018. The Award is given for the SBDC Center that are in the State of New Mexico with the most effect on the local economy and high client satisfaction. He read some of the goals and how much they exceeded each of these goals. He congratulated Center Director Livingston. He said they provide a lot of help for small businesses and sometimes they mean the difference of that business being successful or failing.

Mayor Pro-Tem Baldwin made the following comments:

He congratulated SBDC on their Award. He said since 1992, the City of Alamogordo has kept statistics on businesses opening and closing in Alamogordo. He said over the past two months he has been working with staff to come up with some statistics to talk about how he felt things were going in the community. He shared a few of the stats. He said with what SBDC is doing and the businesses they have helped, and Alamogordo's economy, a two percent business closure rate is phenomenal.

CONSENT AGENDA

3. Approve the minutes for the January 29, 2019 Regular meeting. (Rachel Hughs, City Clerk)

4. Approve the statements related to the Executive Closed Session held on January 29, 2019. (Rachel Hughs, City Clerk)

5. Approve the Investment Report for the quarter ending December 31, 2018, in accordance with the City of Alamogordo Investment Ordinance. (Sue Ashe, Acting Finance Director)

Commissioner Hernandez moved to approve items 3, 4, 5 of the consent calendar.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 7-0-0.

PUBLIC HEARING

6. Consider, and act upon, Application No. 0029 a Transfer of Ownership of Dispenser Liquor License No. 0029 at 200 S. New York Ave. to Murphy Oil USA, LLC DBA Murphy Express #8880. (Rachel Hughs, City Clerk)

City Clerk Hughs explained this was simply a transfer of ownership. This is going to be an all package sales with no consumption on the premises.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 7-0-0.

NEW BUSINESS

7. Consider, and act upon, Change Order No. 2, Public Works Bid No. 2018-003, to General Hydronics Concrete, LLC related to the Griggs Reservoir Outfall Structure Modifications and Storm Drain Improvements project, in an amount not to exceed \$43,633.92, excluding NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson explained the change order is to resolve in place quantity versus estimated for asphalt patching. He said the quantity increase is due to a number of items. They had a number of different site conditions involving underground utilities that were unplanned but through the course of construction had to be relocated and those involved approximately 30 percent of the total quantity increase. There were other factors as to where the existing asphalt could not be saw cut due to its existing age. The estimated quantity did not account for the brittleness of the existing asphalt. There in lies the existing the other two-thirds of the quantity increase.

Commissioner Hernandez moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

Motion carried with a vote of 6-0-1. Commissioner Wright abstained from voting.

8. Consider, and act upon, the budget process and documents for the FY2019-FY2020 Preliminary budget. (Evelyn Huff, Budget Analyst)

Budget Analyst Huff explained the process on how the budget works. She said one of the biggest parts of the budget manual that affects the Commission is the Budget Hearings and they are scheduled for May 7th through 9th at Fire Station #5. There is currently not a time schedule for them, but they will be scheduled as they get closer to the hearings. She said over the years the Commission has been provided with several different items for the public hearings. She asked the Commission for direction on what they would want to see at the budget public hearings this year.

Mayor Pro-Tem Baldwin asked why the budget hearings are held at Fire Station 5. Assistant City Manager Cesar stated that was the decision of a previous City Manager, and future Commissions did not change that, so they continue to hold them at Fire Station 5. He said if this Commission would like to hold them here at the Chambers they could do that, it is actually a little more convenient for other staff members. Budget Analyst Huff said it would be easier for staff to have it here. Mayor Pro-Tem Baldwin said he has felt better to have it at the Commission Chambers for easy public access.

Mayor Pro-Tem Baldwin thanked Budget Analyst Huff for asking the Commission what they would like to have presented. He said he thinks there is always a disagreement on whether they should see the Budget line-by-line, summary, full book or slides. He said his recommendation would be for the Commission to give their two-cents of where they want to go in reference to how they want to see it presented, and they'll come back and say okay this is what I got from the Commission.

Mayor Boss said he thinks they can continue to have the summaries, but they always want the detail available to them upon request. He said the last couple of years, he thinks the process has gone fairly well. He asked the Commission if they agreed. Commissioner Payne answered yes, she does think they will need the detail. Mayor Boss said he thinks they should do it just like last year. He asked the Commission if they agreed.

Mayor Pro-Tem Baldwin confirmed that they are asking for the summary with the full Budget available to them at any time.

Commissioner Rardin agreed with Mayor Pro-Tem Baldwin to have the budget hearings at the Commission Chambers. Mayor Boss agreed as well.

Budget Analyst Huff asked if the Commission wanted individual copies of the Big Book or are they fine with having just a couple available. Mayor Boss said he thinks maybe two or three copies.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Motion carried with a vote of 7-0-0.

9. Consider, and act upon, approval for Alamogordo Police Department to submit a grant application to the U.S. Department of Justice, Office of Violence Against Women for \$500,000 for Domestic Violence prevention-related programs. (Brian Peete, Alamogordo Police Chief and Debbie Osborne, Grant Coordinator)

Police Chief Peete said they found a grant that they want to go after. The grant focuses on violence against women. He said this opportunity gives them more leverage in how they can respond to more victims within our community. He said although they don't have many resources, they can definitely bring something together to help those who are victims of domestic violence. He talked about areas of focus.

Mayor Boss asked if there were no strings attached, such as performance goals or matching funds. He said no matching funds, there are some reporting requirements. He said if they win this grant they can apply again for it each year.

Commissioner Hernandez said domestic violence against women is 70's and 80's. Now a days, it is just domestic violence against household members. These programs are gender specific. He said if they get this grant it would be great but is it really the best thing for the community if it is gender specific to women. Police Chief Peete stated in the grant application itself, the language for the areas of focus are gender neutral and they will make sure that they specify they will be looking at all victims of domestic violence, and also the concentration against other vulnerable populations. Commissioner Hernandez said we do have domestic partnerships now, and there are minimal support services for them.

Mayor Boss asked if there are statistics on gender violence. Commissioner Hernandez said there is not because men are afraid to report it because there is no help for them. Chief Peete said that is a good point and that was one of the focuses they wanted to make sure as they do the Grant that they write in there that part of their intent is a very strong public outreach and public education of the particulars of this problem. He said part of the training will be cultural based training.

Commissioner Sikes appreciates they seek these grants and that is why he has had a lot of community support, because he thinks outside the box. She said she was concerned that a lot of the services they are talking about here that have to do with domestic violence are being done locally. She said we can only give accolades to organizations like COPE, they have been addressing all these issues for years. She is hoping they get the grant, but they do not duplicate the efforts or step on people that are already doing things already and muddy the waters. Grant Coordinator Osborne said COPE attended the meeting and they were enthusiastic about it. Commissioner Sikes said all of the agency's funding have been reduced over the past few years. She said any additional funding to provide these services could only be welcomed.

Police Chief Peete gave thanks to Grant Coordinator Osborne for her work. He said in the meeting they have identified other individuals to come to the table and help in doing this grant and to form part of it. He said the grant calls for Memorandum of Understanding between different organizations.

Commissioner Payne agreed with Commissioner Hernandez about domestic violence against men. She asked if this is more for training or how is this going to be set up. She also asked if this will be training for existing Officers or is this going to be a new part to the Police Department. Police Chief Peete answered when they brought folks together it was a brainstorming of different ideas at the wall to see what is going to work best for them. He said they have several ideas where they want to go if this grant is awarded to them, they have not narrowed those down yet because of time constraints and because they wanted to see if the Commission would give them the ability to apply for the grant. He said they will inform the Commission to their meetings drafts as far as the grant and that would hopefully give you a good idea of the direction they would want to go. Commissioner Payne said she would like to see what that looks like when it is done. She is certainly a supporter of COPE and victims of domestic violence, but she is not seeing the bigger picture of how this program is going to be set up. She asked if they are awarded the grant, to come back and show the Commission what the program is going to look like.

Grant Coordinator Osborne said the application is due for the next Commission meeting February 26, 2019, and they could provide a copy for the Commission at that meeting if they would like. Commissioner Payne said she does not need to see the application, she is just trying to picture what the program is going to look like. Commissioner Sikes said Police Chief Peete identified two area they would be concentrating on.

Chief Peete answered he can't give a clear picture because they have several different ideas. He said they are discussing different ideas and will be meeting later in the week. Commissioner Payne said ultimately, they will come up with something.

**Commissioner Rardin moved to approve.
Commissioner Sikes seconded the motion.
Motion carried with a vote of 7-0-0.**

10. Consider, and act upon, the December 2018 Monthly General Fund and Gross Receipts report. (*Sue Ashe, Acting Finance Director*)

Acting Finance Director Ashe reviewed numbers for General Fund balances and Gross Receipt tax through December 31, 2018. She showed a Power Point Presentation. (See Blue Book for Power Point).

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

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

Mayor Boss read the openings and appointed Ryan Sanders to the Alamogordo Public Library Board. No one was opposed. He thanked Ryan Sanders, which was in the room.

EXECUTIVE SESSION

12. Adjourn into Executive Closed Session in compliance with 10151(h) 8, NMSA (as amended) to discuss Real Property both the finalization of the Fairgrounds Parking Lot lease and a potential sale of land in La Luz. (Roll Call Vote Required)

Added at the beginning of the meeting per City Attorney Schreiber – Emergency Situation for Pending and Threatened Litigation for K-9 Brutus.

Mayor Pro-Tem Baldwin moved to adjourn into executive session at 8:07 p.m.

Commissioner Wright seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on February 26, 2019.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/21/2019

Report No: 5.

Submitted By: Rachel Hughs

Subject: Approve the statements related to the Executive Closed Session held on February 12, 2019.
(Rachel Hughs, City Clerk)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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

Background: Approve the following statements authorizing them to be included in the minutes of February 26, 2019: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on February 12, 2019, a Closed Executive Session was held and matters discussed in the closed meeting were limited only to: Real Property - both the finalization of the Fairgrounds Parking Lot lease and a potential sale of land in La Luz.

Added at the beginning of the meeting per City Attorney Schreiber – Emergency Situation for Pending and Threatened Litigation for K-9 Brutus.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/21/2019

Report No: 6.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2019-06 to apply for the New Mexico Department of Tourism Clean and Beautiful Grant for FY 2020 for funding for the Keep Alamogordo Beautiful program. (*Joshua Sides, Acting Special Events Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted: \$0.00

Fund: 037

Additional Fiscal Impact:

Recommendation: Approve Resolution No. 2019-06. **(Roll call vote required)**

Background: By approving this resolution, the City Commission will voice support for the annual beautification grant proposal. Each year, the New Mexico Department of Tourism assists local and tribal governments by awarding grant funding to reduce litter by involving the public during local community and statewide events, programs and projects.

The objective of the grant proposal as written is not only to reduce litter, but offer youth groups and individual youth to receive financial incentives and experience for employment. In addition, business owners and patrons benefit from having a litter free environment in which to do business. Finally, visitors and tourists to Alamogordo receive an enhanced impression of the City of Alamogordo due to cleaner public spaces and roadways.

RESOLUTION NO. 2019-06

**A RESOLUTION SUPPORTING THE NEW MEXICO DEPARTMENT OF TOURISM
LITTER CONTROL AND BEAUTIFICATION GRANT**

WHEREAS, the City Commission of the City of Alamogordo of Otero County, State of New Mexico recognizes the need for litter control through elimination, prevention, reduction, beautification, education and recycling;

WHEREAS, the New Mexico Department of Tourism, received legislative authority through the Litter Control and Beautification Act of 1985 to create the *New Mexico Clean and Beautiful* Grant Program, to prevent litter in our state from becoming a public nuisance and damage the economy by making it less attractive to tourists and newcomers,

WHEREAS, the New Mexico Department of Tourism, through the *New Mexico Clean and Beautiful* Grant Program, is soliciting proposals for community involvement for FY2020 grant, which objective is to prevent, control and eliminate litter, reduce waste and recycle materials, beautify and eliminate graffiti and weeds from public spaces; educate citizens on solid waste handling and raise overall awareness; involve more New Mexicans by enlisting them as volunteers in program and community sponsored activities and build and/or continue partnerships especially with the Tourism Industry,

WHEREAS, the governing body of the City of Alamogordo seeks to receive grant funding from the New Mexico Department of Tourism for education, litter eradication projects and beautification/ improvement programs.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Alamogordo that the litter control and beautification/ community grant application is hereby supported and endorsed,

BE IT FURTHER RESOLVED that Veronica Ortega, Community Services Director, or her designee is the GRANTEE REPRESENTATIVE and shall be authorized to submit any documents pertaining to the project and act as the point of contact; and,

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/15/2019

Report No: 7.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Application No. 1116622 575 Brewing Company, LLC a Small Brewer Liquor License, with on Premises Consumption and Package Sales with Patio Service at 234 W. 8th Street. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Application No. 1116622

Background: The Alcohol and Gaming Division of the NM Regulation and Licensing Department has given this application preliminary approval. In accordance with Section 60-6B-4 NMSA of the Liquor Control Act, the Division must refer the application to the Governing Body for approval or disapproval. This public hearing is for the purpose of considering the application. A Notice of Public Hearing was published in the Alamogordo Daily News on Sunday, January 27, 2019 and February 10, 2019. These publications meet the State regulations of publishing a notice twice prior to the hearing.

The applicant, 575 Brewing Company, LLC of 242 Hamilton Ridge Rd, Alamogordo, NM is seeking a Small Brewer Liquor License, with on Premises Consumption and Package Sales with Patio Service at 234 W. 8th Street



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Vacant
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Debra Lopez
Acting Director

January 16, 2019

Certified Mail No.: 9171 9690 0935 0155 1533 99

City of Alamogordo
Rachel Hughes
1376 East Ninth Street
Alamogordo, NM 88310

RECEIVED

JAN 22 2019

CITY CLERK

Re: Lic. No. /Appl. No.: Application No. 1116622
Name of Applicant: 575 Brewing Company, LLC
Doing Business As: 575 Brewing Company
Proposed Location: 234 W. 8th Street, Alamogordo, NM 88310

Greetings:

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

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

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

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

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

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

THE APPLICANT IS SEEKING A SMALL BREWER LIQUOR LICENSE, WITH ON PREMISES CONSUMPTION AND PACKAGE SALES WITH PATIO SERVICE.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions
Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

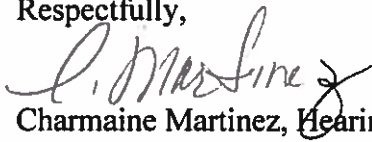
Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

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

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

Respectfully,



Charmaine Martinez, Hearing Officer

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4804 Fax: (505) 476-4595

Email: charmaine.martinez2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement

RECEIVED

AGD Stamp



New Mexico Regulation and Licensing Department | Alcohol and Gaming Division | Page 1 Revised 3/16
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

ALCOHOL & GAMING DIVISION

AGD USE ONLY: Payment Application Fee \$ 200 Received on: 12-17-18 Receipt No. 2144951
License Fee \$ _____ Received on: _____ Receipt No. _____
Application # 1116622 Local Option District: _____

SMALL BREWER LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for: ☒ New License ☐ Off-Site Location – 1st, 2nd, 3rd Master License No. _____Applicant is: ☐ Individual ☒ Limited Liability Company ☐ Corporation ☐ Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER
575 Brewing Company, LLC 242 Hamilton Ridge Rd (575) 921-5739

Alamogordo, NM 88310

D/B/A Name to be used: 575 Brewing Company Business Phone #: (575) 921-5739
Email Address (required): 575brewing@gmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)
234 W 8th Street, Alamogordo, NM 88310

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☒ No If Yes, License # / Type: _____Mailing Address: 242 Hamilton Ridge Rd, Alamogordo, NM 88310Agent/Contact Person: William C Arnold Jr Phone#: (575) 921-5739 Email: 575brewing@gmail.comI, (print name) William C Arnold Jr, as (title) LLC Member

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

You must sign and date before a Notary Public

Signature of Applicant: W.C. Arnold Jr

NOTARY PUBLIC USE ONLY: (State of NEW MEXICO, County of BERNALILLO)
SUBSCRIBED AND SWORN TO before me this 17th day of DECEMBER
By: WILLIAM C. ARNOLD JR. Notary Public: Betty Lomeli My Commission Expires: 7/31/2020

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

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

Signature and Title of City/County Official: _____

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

Signed by Director: _____ Date: _____

RECEIVED

17 2018



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

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

☐ Owned by Applicant, copy of deed/document attached ☒ Leased by Applicant, copy of lease/document attached

☐ Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): William C Arnold Jr and Vicky L Arnold

B. Date and Term of Lease: 12/01/2018 5 years

3. Premises location is Zoned (example C-1, see Zoning Statement): M-2, Industrial District

☒ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Immaculate Conception Catholic Church Miles/feet: .4 / 2112'

Address/location of Church: 705 Delaware Avenue, Alamogordo, NM 88310

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Imago Dei Academy Miles/feet: .5 / 2640'

Address/location of School: 1100 Michigan Avenue, Alamogordo, NM 88310

6. Distance from military installation *(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, ^{circle one:} Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),
Miles: 10.4 Miles Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☐ Restaurant ☐ Racetrack

☒ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler

☐ Other (specify): _____

***NOTE:** If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.



City of Alamogordo

Community Development • 1376 E. Ninth Street • Alamogordo, New Mexico 88310-5938 • (575)439-4220 FAX (575)439-4343

CD-034-2018

December 5, 2018

Department of Alcohol & Gaming
2550 Cerrillos Rd #2
Santa Fe, NM 87505

RE: Zoning of **234 W. 8th Street**
Legal Description: Carl Subdivision, Block 1, Lots 1, 2, 3 & 4
Map Code 01N-4-054095522179 & PC 01-3080

To Whom It May Concern,

At your request, we have researched our records and determined the zoning classification of that certain real property, which has the street address **234 W. 8th Street** within the corporate boundaries of the City of Alamogordo. This is written, in accordance with the provisions of Section 2-01-030(j) and Section 29-01-010 of the Code of Ordinances of the City of Alamogordo, New Mexico, to provide a Certificate of Zoning Classification regarding the Property.

The property at **234 W. 8th Street** is within the **M-2 Industrial District** as per the City of Alamogordo Zoning Map, which does not prohibit the sale of alcoholic beverages. Alamogordo Municipal Code Chapter 29, Zoning, allows restaurants, breweries and commercial businesses within this district.

Please contact me if you need more information. Note that for a full understanding of what is permitted or prohibited by the Alamogordo Code of Ordinances please refer to the Code in its entirety. The City's website at <http://ci.alamogordo.nm.us> provides access to the entire Municipal Code. On the City's Home page click on GOVERNMENT – COA Code of Ordinances – Chapter 29 Zoning.

Sincerely,

Stella Rael, City Planner
City of Alamogordo
1376 E Ninth St.
Alamogordo, NM 88310-5938
(575) 439-4208; Fax: (575)439-4343
srael@ci.alamogordo.nm.us

RECEIVED

DEC 17 2018

ALCOHOL & GAMING DIVISION



City of Alamogordo

OFFICE OF THE CITY CLERK

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

January 28, 2019

VIA CERTIFIED MAIL

575 Brewing Company, LLC
242 Hamilton Ridge Rd
Alamogordo, NM 88310

Re: Application No. Application No. 1116622

Mr. Arnold,

The City of Alamogordo will hold a Public Hearing on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant **Application No. 1116622 a Small Brewer Liquor License, with on Premises Consumption and Package Sales with Patio Service at 234 W. 8th Street to 575 Brewing Company, LLC.**

The Public Hearing will be on February 26, 2019, at 6:30 pm at the Commission Chambers located at City Hall, 1376 E. Ninth Street in Alamogordo, New Mexico, 88310.

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

Sincerely,

Rachel Hughes

Rachel Hughes,
City Clerk

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To
575 Brewing Co. Mr. Arnold
Street, Apt. No.,
or PO Box No. 242 Hamilton Ridge Rd
City, State, ZIP+4 Alamogordo NM 88310

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: 575 Brewing Co 242 Hamilton Ridge Rd Alamogordo NM 88310 2. Article Number (Transfer from service label) 7006 3450 0001 8876 9923	A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) V. Arnold C. Date of Delivery 2-4-19 D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☒ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

ALAMOGORDO
DAILY NEWS
PART OF THE USA TODAY NETWORK

Legal Notices 152

Legal Notices 152

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a **PUBLIC HEARING** on **Tuesday, February 26, 2019** at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant Application No. 1116622 a Small Brewer Liquor License, with on Premises Consumption and Package Sales with Patio Service at 234 W. 8th Street to 575 Brewing Company, LLC.

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

Date: 1/23/2019
City of Alamogordo, New Mexico
By: Rachel Hughes, City Clerk
1/27/19, 2/10/19
#1275275

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a **PUBLIC HEARING** on **Tuesday, February 26, 2019** at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant Application No. 1116622 a Small Brewer Liquor License, with on Premises Consumption and Package Sales with Patio Service at 234 W. 8th Street to 575 Brewing Company, LLC.

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

Date: 1/23/2019
City of Alamogordo, New Mexico
By: Rachel Hughes, City Clerk
1/27/19, 2/10/19
#1275275

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/21/2019

Report No: 8.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Ordinance 1586 for first publication to amend sections of the City Charter pursuant to the new Election State Law. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the ordinance for first publication or give staff direction.

Background: This ordinance is to amend sections of the City Charter. The new Election Code as amended by the 2018 legislature supersedes sections of the City Charter. The Municipal Election code was also repealed.

Rebecca Martinez from the Secretary of State said Section 1-22-3.2 allows the City to not have to take changes to coincide with new Election State Law to the voters.

New Mexico 2018 Election Code :

Section 1-22-3.2 B. A municipality may change its charter by ordinance or as otherwise provided by the municipality to conform its election schedule with the requirements of this section.

If taken to qualified electors for a vote, the vote outcome will not change State Law, resulting in a costly election of approximately \$21,525 for 17,500 voters. This estimate does not include the fee for County workers, election tabulators, postage, and publications resulting in at least \$30,000 total. In the 2018 election there were 16,076 registered voters eligible to vote. Under the Local Election Act, special elections will be conducted entirely by mail.

The next City Charter Committee will review the entire Charter in 2021.

CITY OF ALAMOGORDO CITY CHARTER

PREAMBLE

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

ARTICLE I. - INCORPORATION AND POWERS

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

ARTICLE II. - FORM OF GOVERNMENT

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

ARTICLE III. - ELECTORS

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

ARTICLE IV. - ELECTED OFFICERS

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

(Amd. of 3-6-12)

ARTICLE V. - QUALIFICATIONS FOR CANDIDACY

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

Section 1. - Candidates-at-Large.

Candidates-at-Large must reside within the city.

(Amd. of 3-1-16)

Section 2. - Candidates for District Offices.

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

(Amd. of 3-1-16)

Section 3. - Disclosure.

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

ARTICLE VI. - ELECTIONS

Section 1. - Regular City Elections.

- A. Regular City elections to elect City officers, as required, shall be held on the first Tuesday in March of even-numbered years.
- B. Unless specifically inconsistent with this Charter, New Mexico law governing the manner of conducting City elections shall govern elections in the City.

Section 2. - Elections.

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

(Amd. of 3-7-00; Amd. of 3-1-16)

Section 3. - Vacancies.

- A. A vacancy occurs upon an elected officer's death, recall, resignation, or, as to Commissioners, upon termination of residency in the district represented, or upon absence from Commission meetings for a consecutive period exceeding sixty (60) days, unless a majority of the remaining incumbent City Commissioners vote to retain the absent Commissioner or the absent Mayor for an additional sixty (60) days, which vote must take place at the next following regular meeting.
- B. A vacancy in the commission, including the office of mayor, occurring after completion of one-half of that commissioner's term, shall be filled by appointment of the commission of a person qualified under Article V. In all other cases a special election must be called to fill the vacancy. The Commission must declare by resolution that a vacancy exists. The resolution declaring the vacancy must be adopted by the Commission within fifteen days of the vacancy. The Commission must appoint an eligible person by majority vote to fill the vacant office at the first regular meeting following the expiration of thirty days after the adoption of the resolution. If the Commission fails to make the appointment at that meeting, the Mayor must, within fifteen days, appoint an eligible person to fill the vacancy. The Commission may by ordinance establish the specific procedures for selecting an eligible person to fill a vacancy. The commissioner or mayor appointed or elected shall serve for the remainder of the unexpired term for which the commissioner or mayor who vacated the position was elected.
- C. If the entire Commission is vacated simultaneously, the Municipal Judge shall perform the function of the Commission only as concerns the calling of a special election to fill the vacancies.

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

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

Section 4. - Non-Partisan Elections.

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

ARTICLE VII. - THE GOVERNING BODY

Section 1. - Equality of Commissioners.

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

(Amd. of 3-6-12)

Section 2. - Composition.

The governing body shall be comprised of six (6) members to be known as commissioners and one (1) member to be known as mayor. The six (6) commissioners shall be elected by the qualified voters of each of the six (6) single-member districts. The mayor shall be elected at large.

(Amd. of 3-6-12; Amd. of 3-1-16)

Section 3. - Term of Office.

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

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

Section 4. - Districts.

The Commission shall be divided into six (6) districts. The boundaries of each district shall be established by ordinance. Within one year after publication of each National Census, the Commission shall reaffirm that the City is divided into six (6) Districts that are compact in area and as nearly equal in population as possible.

(Amd. of 3-18-97; Amd. of 3-6-12; Amd. 3-1-16)

Section 5. - Meetings.

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

- A. Regular meetings shall take place twice monthly at a place, time and day determined by ordinance. Regular meetings shall not occur on legal holidays.
- B. Special meetings shall be called by the Mayor or any two (2) Commissioners, for the purpose of discussing or acting on any City business.
- C. Emergency meetings shall be called by the Mayor or any Commissioner, to resolve emergency matters involving clear and present danger to the health, safety or welfare of the citizens of Alamogordo.

(Amd. of 3-1-16)

Section 6. - Compensation.

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

(Amd. of 3-1-16)

Section 7. - Incompatibility of Offices.

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

(Amd. of 3-2-10; Amd. of 3-1-16)

ARTICLE VIII. - MAYOR AND MAYOR PRO-TEM

Section 1. - Selection; Term; Removal.

- A. An organizational meeting shall be held as soon as practicable after each Regular City election in which Commissioners are elected.
- B. The Commission and Mayor shall elect one of its members to serve as Mayor Pro-Tem. The term of office for the Mayor Pro-Tem shall be until the next organizational meeting of the Commission.
- C. An organizational meeting shall also be held if the office of the Mayor Pro-Tem becomes vacant. Said office becomes vacant in the manner specified in Article VI, Section 3.
- D. A motion for removal of the Mayor Pro-Tem shall be made at a regular meeting, and must be seconded by two (2) Commissioners or one (1) Commissioner and the Mayor. The motion for removal shall be voted upon at the next regular meeting and shall require the affirmative votes of no fewer than five (5) Commissioners for passage.

(Amd. of 3-2-10; Amd. of 3-6-12; Amd. of 3-1-16)

Section 2. - Powers and Duties of Mayor.

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

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

(Amd. of 3-6-12; Amd. of 3-1-16)

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

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

ARTICLE IX. - THE MUNICIPAL JUDGE

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

(Amd. of 6-20-95; Amd. of 3-1-16)

ARTICLE X. - INITIATIVE, REFERENDUM, AND RECALL

Section 1. - Initiative.

- A. Upon petition, signed by the qualified electors in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, whichever is the greater, any measure may be proposed to the Commission for enactment within thirty (30) days of the date of filing the petition. If the Commission: (1) fails to act, (2) acts adversely, or (3) amends the proposed measure, the Commission shall call a special election in not less than thirty (30) days nor more than sixty (60) days for the purpose of submitting the measure to the electorate.
- B. The ballot shall contain the proposed measure and the measure as amended, if the Commission amends the proposed measure. After each measure there shall be printed the words:
 "for" and
 "against,"
with spaces for crosses after each word.
- C. The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

Section 2. - Referendum.

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

If a majority of the votes cast favor the measure, it shall take effect immediately. If a majority of the votes cast are against the measure, it shall not take effect.
- C. If an ordinance or resolution is an emergency measure, it shall go into effect immediately, but it shall be subject to repeal by an adverse majority at a referendum election.
- D. The referendum procedure of this section shall not be available for any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election.

Section 3. - Recall.

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

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

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

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

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

(Amd. of 3-18-97; Amd. of 3-6-12; Amd. of 3-1-16)

ARTICLE XI. - THE CITY MANAGER

Section 1. - Qualifications; Appointment.

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

(Amd. of 3-1-16)

Section 2. - Duties.

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

- (a) Shall enforce and carry out all ordinances, rules and regulations adopted by the Commission;
- (b) Shall employ and discharge employees of the City;
- (c) Shall prepare and submit an annual budget to the Commission;
- (d) Shall make recommendations to the Commission concerning the welfare of the City;
- (e) Or his or her designated agent, shall be the person for the purpose of civil process.

(Amd. 3-1-16)

ARTICLE XII. - THE CHARTER

Section 1. - Saving Clause.

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

Section 2. - Severance Clause.

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

Section 3. - Amendment or Repeal; Periodic Review.

- A. This Charter shall be amended or repealed in accordance with state law, except that any petition for amendment or repeal must be signed by qualified electors in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, or by five (5) per cent of the qualified electors of the municipality, whichever is greater.
- B. Every ten (10) years, the Commission shall appoint a committee to review the effectiveness of this Charter and make written recommendations to the City Commission within sixty (60) days of its appointment.

Section 4. - Effective Date.

This Charter shall become effective ten (10) days following the certification of the election of City officials required.

Section 5. - Reserved.

An amendment of March 7, 2000, amended the Charter by repealing former section 5 in its entirety. Former section 5 pertained to the transition of the city government, and was a part of the original Charter.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF March, 1983. *

CITY OF ALAMOGORDO, NEW MEXICO

a municipal corporation

By

/s/

HENRY P. PACELLI, MAYOR

ATTEST:

/s/

ANGIE J. RAHN, CITY CLERK

*Amended June 20, 1995; Amended March 18, 1997; Amended March 7, 2000; Amended March 6, 2012; Amended March 1, 2016.

ORDINANCE NO. 1586

AN ORDINANCE AMENDING ARTICLE IV, SECTION 1 AND ARTICLE VII, SECTION 3 OF THE CITY OF ALAMOGORDO CHARTER, PURSUANT TO THE LOCAL ELECTION ACT

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 odd-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 relating to opting in, including uniformity of procedure and convenience for the voters; and

WHEREAS, the Local Elections Act allows the City Commission to opt in to the election of its officers in the Regular Local Election by ordinance;

WHEREAS, pursuant to Subsection B of Section 1-22-3.2 NMSA 1978 of the Local Elections Act, the City Commission may change its charter by ordinance to conform its election schedule with the requirements of Local Election Act;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ALAMOGORDO ORDAINS AS FOLLOWS:

Section 1. Article IV, Section 1 of the City Charter is hereby amended as follows:

ARTICLE VI. - ELECTIONS

Section 1. - Regular City Elections.

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

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

Section 3. VACANCIES

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

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

Section 2. Article VII, Section 3 of the City Charter is hereby amended as follows:

ARTICLE VII. - THE GOVERNING BODY

Section 3. - Term of Office.

The term of office for all commissioners, including the mayor, shall be four (4) years. Elections shall be on a staggered basis. ~~Two (2) commissioners shall be elected in 2014. The remaining four (4) commissioners shall be elected in 2016. Any incumbent whose four (4) year term would expire in 2014 shall stand for re-election. The term of office for all commissioners, including the mayor, shall begin upon certification of the election.~~ The terms of office for the current municipal office holders seated upon City's opt-in to the Regular Local Election is 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.

(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

Section 3. EFFECTIVE DATE. This ordinance shall take effect upon its adoption and publication.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2019.

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: 02/26/2019

Report Date: 02/21/2019

Report No: 9.

Submitted By: Shelbe Abbott

Subject: Consider, and act upon, first publication of Ordinance 1588 for a map amendment to the official zoning map to change the zoning of 1516 New York Ave from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District. (*City Planner Stella Rael*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approval of rezoning.

Background:

Consider, and act upon Ordinance 1588 for a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 1516 New York Ave. from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District.



City of Alamogordo

City Commission



Z-2019-0001(A)

Stella Rael, City Planner
February 26, 2019

Zoning Request Case: Z-2019-0001(A)

Request:

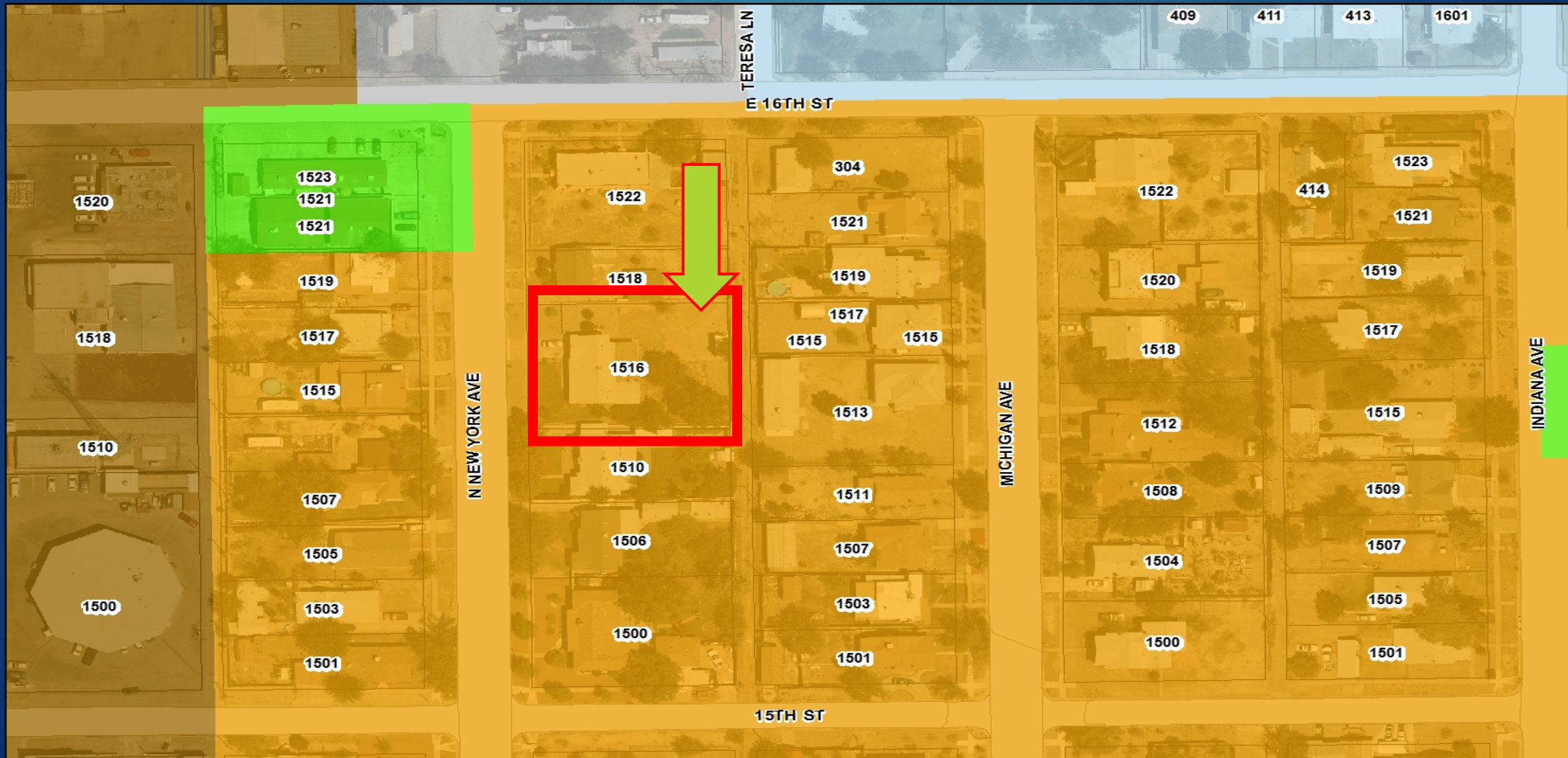
The applicant is requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 1516 New York Ave. from R-3 Two-Family Dwelling District to R-4 Multiple Family Dwelling District

Applicant:

Adam M. & Mary E. Hendricks
1516 New York Ave.
Alamogordo, NM 88310

Z-2019-0001(A) SURROUNDING ZONING

3



Z-2019-0001(A)

AIRAL VIEW

4



Zoning Request Case: Z-2019-0001(A)

5

Findings of Fact

- ◆1. The property is located at 1516 New York Ave. within the Two-Family Dwelling District.
- ◆2. The request is for a map amendment to rezone the property from R-3 Two-Family Dwelling to R-4 Multiple Family Dwelling District.
- ◆3. The application was filed on January 8, 2019
- ◆4. The legal notice was published on January 13, 2019
- ◆5. Thirty(30) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
- ◆6. The Alamogordo Planning & Zoning Commission considered this item on February 7, 2019 and recommended approval to the Alamogordo City Commission by a vote of 5-0-0
- ◆7. As of February 19, 2019 there has been one (1) letter returned undeliverable.

Zoning Request Case: Z-2019-0001(A)

6

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2019-0001(A).

ORDINANCE No. 1588

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 1516 New York Ave., Alamo Blocks, Block 56, Lot 5 N 12'.5", Lot 6, Lot 7, ALAMOGORDO, OTERO COUNTY, NEW MEXICO FROM THE PRESENT DESIGNATION AND ZONING DISTRICT OF R-3 TWO FAMILY DWELLING DISTRICT TO R-4 MULTIPLE FAMILY DWELLING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, (hereinafter referred to as "the Owner") is the owner of certain real property commonly known as 1516 New York Ave., Alamo Blocks, Block 56, Lot 5 N 12'.5", Lot 6, Lot 7, ALAMOGORDO, OTERO COUNTY, NEW MEXICO (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owner's name under

Case No. **Z-2018-0005(A)** to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District.

WHEREAS, the City Commission, after notice and hearing, finds and determines that the application for re-zoning of the Property is in the public interest and is consistent with proper development of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION, THAT the zoning of the Property, which is more fully described below:

1516 New York Ave., Alamo Blocks, Block 56, Lot 5 N 12'.5", Lot 6, Lot 7, ALAMOGORDO, OTERO COUNTY, NEW MEXICO

Is hereby changed from R-3, Two Family Dwelling District to R-4 Multiple Family Dwelling District; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

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

**CITY OF ALAMOGORDO, NEW MEXICO a
New Mexico municipal corporation**

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2019-0001(A)**

For the Subject Property as follows:

Commonly Known As: **1516 New York Ave.**

Uniform Property Code & Parcel Code **01N-4-055-093-136-425**

Legal Description: **1516 NEW YORK AVE., Alamo Blocks, Block 56, Lot 5 N 12'.5", Lot 6, Lot 7 Subdivision, ALAMOGORDO, OTERO COUNTY, NEW MEXICO**

The Alamogordo Planning & Zoning Commission considered this item on **February 7, 2019** and recommended the following action to the Alamogordo City Commission by a vote of **5-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2019-0001(A)**.

.....
The Alamogordo City Commission issued the following decision on **February 26, 2019**, by a vote of _____

Approve as recommended for first publication Ordinance # 1588

.....
The Alamogordo City Commission issued the following decision on _____, by a vote of _____

Approve as recommended for final publication Ordinance # 1588

Attest:

CITY OF ALAMOGORDO, New Mexico,
A New Mexico Municipal Corporation

Rachel Hughs, City Clerk

Richard Boss, Mayor

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/21/2019

Report No: 10.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2019-05 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of February 26, 2019. *(Evelyn Huff, Budget Analyst)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Beginning Cash Balances \$0

Revenues \$146,050 (Increase)

Expenditures \$2,664,589 (Increase)

Transfer In/Out \$0

Net Impact (\$2,518,539)

Recommendation: Approve the Resolution

Background: The City Commission adopted the FY 2018-2019 budget on May 22, 2018. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year FY 2018-2019 Final Budget on September 10, 2018. Resolution 2019-05 amends the Budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of revisions are attached for your review.

ALL FUNDS SUMMARY

DFA 1/12TH REQ RSRV
1,277,743
Fund Reserve Policy
1,277,743
Subsidy Reserve
487,127
Bal. Remaining
1,032,917

FY19 BUDGET-RESOLUTION 2019-05 (#4) February 26, 2019

FUND NO.	FY 2018-2019 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE	ADJUSTED RESERVE	ADJUSTED RESERVE UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	7,985,201	17,699,303	1,102,457	7,378,519	(6,276,062)	15,332,913	4,075,529	3,042,613	1,032,917	0	3,042,613	1,032,917
12	INTERNAL SERVICES	0	416,311	2,642,351	23,733	2,618,618	2,950,259	84,670		\$84,670			84,670
15	CORRECTIONS-JAIL	0	81,827	114,764	1,255	113,509	193,850	1,486		\$1,486			1,486
16	LODGER'S TAX-PROMOTIONAL FUND	189,094	254,304	0	2,476	(2,476)	279,681	161,241		\$161,241			161,241
17	POLICE COURT BOND	7,938	0	0	0	0	0	7,938		\$7,938			7,938
19	COURT AUTOMATION FUND	17,091	81,594	0	24,629	(24,629)	68,202	5,854		\$5,854			5,854
20	LODGER'S TAX-CITY	153,307	439,968	45,000	60,355	(15,355)	577,817	103		\$103			103
21	D.A.R.E. DONATIONS FUND	24,276	6,119	0	0	0	12,570	17,825		\$17,825			17,825
22	DESIGNATED GIFT FUND	0	0	0	0	0	0	0		\$0			0
24	GRANT CAPITAL IMPROVEMENT	62,532	362,039	0	0	0	363,537	61,034		\$61,034			61,034
27	MUNICIPAL COURT OPERATIONS	5,469	10,000	424,656	15,917	408,739	418,934	5,274		\$5,274			5,274
28	POLICE CONTINGENCY	62,730	3,479	0	0	0	7,500	58,709		\$58,709			58,709
31	CEMETERY-PERPETUAL CARE	834,941	22,330	0	98,000	(98,000)	0	759,271		\$759,271			759,271
32	COMMUNITY SERVICES	106,154	569,346	4,382,910	709,633	3,673,277	4,348,293	484		\$484			484
33	FIRE PROTECTION	313,401	685,231	0	0	0	829,026	169,606	24,429	\$145,177	0	24,429	145,177
35	HIDTA GRANT FUND	0	4,295	0	0	0	4,295	0		\$0	0		0
36	LAW ENFORCEMENT FUND	3,362	110,698	0	0	0	110,664	3,396		\$3,396			3,396
37	STATE HIGHWAY FUND	128,259	43,913	0	0	0	34,963	137,209		\$137,209			137,209
38	TRAFFIC SAFETY FUND	61,701	23,492	0	0	0	28,000	57,193		\$57,193			57,193
39	STATE JUDICIAL	4,707	75,500	0	0	0	75,500	4,707		\$4,707			4,707
40	AIRPORT IMPROVEMENT PROJECTS	0	0	0	0	0	0	0		\$0			0
42	1984 GROSS RECEIPTS TAX	2,955,980	1,709,051	125,500	4,528,253	(4,402,753)	0	262,278	262,110	\$168	0	262,110	168
44	TRANSPORTATION FUND	0	3,418,694	1,224,228	164,091	1,060,137	4,428,948	49,883	8,776	\$41,107	0	8,776	41,107
48	NEW MEXICO C.D.B.G.	0	0	0	0	0	0	0		\$0			0
49	1986 GROSS RECEIPTS TAX	5,982,352	1,783,984	0	6,530,419	(6,530,419)	627,999	607,918	269,454	\$338,464	0	269,454	338,464
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		\$85,010			85,010
53	GENERAL OBLIGATION	920,267	1,049,731	0	0	0	1,102,746	867,252	550,942	\$316,310	0	550,942	316,310
54	REVERSE OSMOSIS PROJECT RSV	21,967	1,313	3,511,454	0	3,511,454	2,866,379	668,355		\$668,355			668,355
56	99 GRT FLOOD CONTROL BOND PROJ	1,615,590	232	7,673,556	0	7,673,556	7,741,191	1,548,187		\$1,548,187			1,548,187
59	REVENUE BOND P & I FUND	188,175	3,985	2,668,143	0	2,668,143	2,671,643	188,660		\$188,660			188,660
61	MUNICIPAL INFRASTRUCTURE .0625%	578,486	393,964	0	605,484	(605,484)	0	366,966	12,073	\$354,893	0	12,073	354,893
63	COMMUNITY DEVELOPMENT	11,947	0	452,203	48,567	403,636	384,048	31,535		\$31,535			31,535
69	1994 GROSS RECEIPTS	2,576,239	1,694,281	0	3,630,952	(3,630,952)	0	639,568	549,566	\$90,002		549,566	90,002
71	ALAMO SENIOR CENTER	3,643	800,253	616,160	4,758	611,402	1,386,235	29,063		\$29,063			29,063
74	ALAMO SENIOR CENTER GIFT	100,294	53,866	0	0	0	91,986	62,174		\$62,174			62,174
75	RETIRED & SENIOR VOL. PROGRAM	1,318	224,914	49,247	18,679	30,568	256,787	13		\$13			13
81	WATER/SEWER OPERATING	12,182,162	21,950,398	3,440,578	1,956,797	1,483,781	34,668,029	948,312	946,315	\$1,997		946,315	1,997
82	98 JT WATER/SEWER BOND P&I	1,233,115	15,588	1,938,428	0	1,938,428	1,938,430	1,248,701		\$1,248,701	0		1,248,701
86	SOLID WASTE COLLECTION SYS.	551,921	2,095,112	0	149,050	(149,050)	2,140,061	357,922	177,481	\$180,441	0	177,481	180,441
89	BONITO CAMPGROUND	379,306	964	0	0	0	0	380,270		\$380,270			380,270
89	ESGRT .0625%	2,107,239	407,876	0	1,715,000	(1,715,000)	360,720	439,395		\$439,395	0		439,395
90	GOLF COURSE	17,313	1,423,400	389,844	100,832	289,012	1,729,511	214		\$214	0		214
91	AIRPORT	90,218	656,230	91,081	47,951	43,130	780,128	9,450	4,718	\$4,732		4,718	4,732
94	OTERO GREENTREE REG LANDFILL	4,449,239	1,041,009	0	2,018	(2,018)	3,425,086	2,063,144		\$2,063,144		0	2,063,144
96	SELF-INSURED FUND	487,880	64,805	0	29,000	(29,000)	45,000	478,685		\$478,685			478,685
98	PAYROLL CLEARING	207,352	0	0	0	0	0	207,352		\$207,352			207,352
104	UTILITY DEPOSITS	703,681	0	0	0	0	0	703,681		\$703,681			703,681
105	ECONOMIC DEVELOPMENT	6,242,324	1,051,902	0	0	0	4,810,069	2,484,157		\$2,484,157			2,484,157
107	SELF INSURED/LIABILITY	952,159	7,194	330,000	448,484	(118,484)	330,000	510,869		\$510,869			510,869
109	2004 GRT CAPITAL OUTLAY	12,608,230	3,481,924	0	3,375,975	(3,375,975)	10,462,379	2,251,800	542,005	\$1,709,795	0	542,005	1,709,795
113	2009 G.O. BOND ACQ FUND	0	0	0	0	0	0	0		\$0			0
114	SIDEWALKS REVOLVING LOANS	136,623	1,717	0	0	0	32,360	105,980		\$105,980			105,980
115	CORP ESCROW ACCOUNT RESERVE	2,000,000	0	0	0	0	0	2,000,000		\$2,000,000			2,000,000
116	REG WATER SUPPLY TRANS LN	0	0	0	0	0	0	0		\$0			0
117	2011 JT W/S REF/IMP REVBD	0	0	0	0	0	0	0		\$0			0
119	2012 GRT REF/IMP REVBD	1,731,793	35,830	448,484	0	448,484	1,920,137	295,970		\$295,970			295,970
121	2015 GO BONDS-FUN CENTER	86,050	22,519	0	0	0	0	108,569		\$108,569			108,569
122	2015 GO BONDS-STREETS	194,386	20,816	0	0	0	27,788	187,414		\$187,414			187,414
901	HOUSING LOW RENT OPERATING	948,223	875,994	0	217	(217)	1,047,675	776,325	87,306	\$689,019	0	87,306	689,019
903	HOUSING HOMEOWNERSHIP OPER	761,606	1,705	0	0	0	28,236	735,075		\$735,075			735,075
904	HOUSING CAPITAL FUND PROJECTS	0	865,360	0	0	0	865,360	0		\$0			0
TOTALS FY2019		73,072,254	66,044,360	31,671,044	31,671,044	0	111,804,935	27,311,676	6,477,788	20,833,888	0	6,477,788	20,833,888

ALL FUNDS SUMMARY
PRELIMARY 2018-2019

DFA 1/12TH REQ RSRV
1,277,743
Fund Reserve Policy
1,277,743
Subsidy Reserve
487,127
Bal. Remaining
1,039,033

FY19 BUDGET - RESOLUTION 2019-05 (#4) February 26, 2019

FUND NO.	FY 2018-2019 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE	ADJUSTED RESERVE	ADJUSTED RESERVE UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	7,985,201	17,699,118	1,102,457	7,378,519	(6,276,062)	15,326,612	4,081,645	3,042,613	1,039,033	0	3,042,613	1,039,033
	Revision #1		185				185	0					
	Revision #2						2,066	(2,066)					
	Revision #3						4,050	(4,050)					
	Total Revised Fund 11	7,985,201	17,699,303	1,102,457	7,378,519	(6,276,062)	15,332,913	4,075,529	3,042,613	1,032,917	0	3,042,613	1,032,917
12	INTERNAL SERVICES	0	416,311	2,642,351	23,733	2,618,618	2,950,259	84,670		\$84,670			84,670
	Total Revised Fund 12	0	416,311	2,642,351	23,733	2,618,618	2,950,259	84,670	0	84,670	0	0	84,670
15	CORRECTIONS-JAIL	0	81,827	114,764	1,255	113,509	193,850	1,486		\$1,486			1,486
	Total Revised Fund 15	0	81,827	114,764	1,255	113,509	193,850	1,486	0	1,486	0	0	1,486
16	LODGER'S TAX-PROMOTIONAL FUND	189,094	254,304	0	2,476	(2,476)	279,681	161,241		\$161,241			161,241
	Total Revised Fund 16	189,094	254,304	0	2,476	(2,476)	279,681	161,241	0	161,241	0	0	161,241
17	POLICE COURT BOND	7,938	0	0	0	0	0	7,938		\$7,938			7,938
	Total Revised Fund 17	7,938	0	0	0	0	0	7,938	0	7,938	0	0	7,938
19	COURT AUTOMATION FUND	17,091	81,594	0	24,629	(24,629)	68,202	5,854		\$5,854			5,854
	Total Revised Fund 19	17,091	81,594	0	24,629	(24,629)	68,202	5,854	0	5,854	0	0	5,854
20	LODGER'S TAX-CITY	153,307	429,968	45,000	60,355	(15,355)	567,817	103		\$103			103
	Revision #4		10,000				10,000	0					
	Total Revised Fund 20	153,307	439,968	45,000	60,355	(15,355)	577,817	103	0	103	0	0	103
21	D.A.R.E. DONATIONS FUND	24,276	6,119	0	0	0	12,570	17,825		\$17,825			17,825
	Total Revised Fund 21	24,276	6,119	0	0	0	12,570	17,825	0	17,825	0	0	17,825
22	DESIGNATED GIFT FUND	0	0	0	0	0	0	0		\$0			0
24	GRANT CAPITAL IMPROVEMENT	62,532	362,039	0	0	0	363,537	61,034		\$61,034			61,034
	Total Revised Fund 24	62,532	362,039	0	0	0	363,537	61,034	0	61,034	0	0	61,034
27	MUNICIPAL COURT OPERATIONS	5,469	10,000	424,656	15,917	408,739	418,934	5,274		\$5,274			5,274
	Total Revised Fund 27	5,469	10,000	424,656	15,917	408,739	418,934	5,274	0	5,274	0	0	5,274
28	POLICE CONTINGENCY	62,730	3,479	0	0	0	7,500	58,709		\$58,709			58,709
	Total Revised Fund 28	62,730	3,479	0	0	0	7,500	58,709	0	58,709	0	0	58,709
31	CEMETERY-PERPETUAL CARE	834,941	22,330	0	98,000	(98,000)	0	759,271		\$759,271			759,271
	Total Revised Fund 31	834,941	22,330	0	98,000	(98,000)	0	759,271	0	759,271	0	0	759,271
32	COMMUNITY SERVICES	106,154	565,346	4,382,910	709,633	3,673,277	4,302,001	42,776		\$42,776			42,776
	Revision #5		4,000				4,000	0					
	Revision #12						42,292	(42,292)					
	Total Revised Fund 32	106,154	569,346	4,382,910	709,633	3,673,277	4,348,293	484	0	484	0	0	484
33	FIRE PROTECTION	313,401	585,781	0	0	0	729,576	169,606	24,429	\$145,177	0	24,429	145,177
	Revision #6		99,450				99,450	0					
	Total Revised Fund 33	313,401	685,231	0	0	0	829,026	169,606	24,429	145,177	0	24,429	145,177
35	HIDTA GRANT FUND	0	0	0	0	0	0	0		\$0			0
	Revision #7		4,295				4,295	0					
	Total Revised Fund 35	0	4,295	0	0	0	4,295	0	0	0	0	0	0

36	LAW ENFORCEMENT FUND	3,362	110,698	0	0	0	110,664	3,396		\$3,396			3,396
	Total Revised Fund 36	3,362	110,698	0	0	0	110,664	3,396	0	3,396	0	0	3,396
37	STATE HIGHWAY FUND	128,259	43,913	0	0	0	34,963	137,209		\$137,209			137,209
	Total Revised Fund 37	128,259	43,913	0	0	0	34,963	137,209	0	137,209	0	0	137,209
38	TRAFFIC SAFETY FUND	61,701	23,492	0	0	0	28,000	57,193		\$57,193			57,193
	Total Revised Fund 38	61,701	23,492	0	0	0	28,000	57,193	0	57,193	0	0	57,193
39	STATE JUDICIAL	4,707	75,500	0	0	0	75,500	4,707		\$4,707			4,707
	Total Revised Fund 39	4,707	75,500	0	0	0	75,500	4,707	0	4,707	0	0	4,707
40	AIRPORT IMPROVEMENT PROJECTS	0	0	0	0	0	0	0		\$0			0
	Total Revised Fund 40	0	0	0	0	0	0	0	0	0	0	0	0
42	1984 GROSS RECEIPTS TAX	2,955,980	1,709,051	125,500	4,528,253	(4,402,753)	0	262,278	262,110	\$168		262,110	168
	Total Revised Fund 42	2,955,980	1,709,051	125,500	4,528,253	(4,402,753)	0	262,278	262,110	168		262,110	168
44	TRANSPORTATION FUND	0	3,418,694	1,224,228	164,091	1,060,137	4,428,948	49,883	8,776	\$41,107	0	8,776	41,107
	Total Revised Fund 44	0	3,418,694	1,224,228	164,091	1,060,137	4,428,948	49,883	8,776	41,107	0	8,776	41,107
48	NEW MEXICO C.D.B.G.	0	0	0	0	0	0	0		\$0			0
49	1986 GROSS RECEIPTS TAX	5,982,352	1,783,984	0	6,530,419	(6,530,419)	627,999	607,918	269,454	\$338,464	0	269,454	338,464
	Total Revised Fund 49	5,982,352	1,783,984	0	6,530,419	(6,530,419)	627,999	607,918	269,454	338,464	0	269,454	338,464
50	PROPERTY ACQUISITION	85,010	0	0	0	0	10,000	75,010		\$75,010			75,010
	Revision #13						(10,000)	10,000					
	Total Revised Fund 50	85,010	0	0	0	0	0	85,010	0	85,010	0	0	85,010
53	GENERAL OBLIGATION	920,267	1,049,731	0	0	0	1,102,746	867,252	550,942	\$316,310	0	550,942	316,310
	Total Revised Fund 53	920,267	1,049,731	0	0	0	1,102,746	867,252	550,942	316,310	0	550,942	316,310
54	REVERSE OSMOSIS PROJECT RSV	21,967	1,313	3,511,454	0	3,511,454	2,866,379	668,355		\$668,355			668,355
	Total Revised Fund 54	21,967	1,313	3,511,454	0	3,511,454	2,866,379	668,355	0	668,355	0	0	668,355
56	99 GRT FLOOD CONTROL BOND PROJ	1,615,590	232	7,673,556	0	7,673,556	7,741,191	1,548,187		\$1,548,187			1,548,187
	Total Revised Fund 56	1,615,590	232	7,673,556	0	7,673,556	7,741,191	1,548,187	0	1,548,187	0	0	1,548,187
59	REVENUE BOND P & I FUND	188,175	3,985	2,668,143	0	2,668,143	2,671,643	188,660		\$188,660			188,660
	Total Revised Fund 59	188,175	3,985	2,668,143	0	2,668,143	2,671,643	188,660	0	188,660	0	0	188,660
61	MUNICIPAL INFRASTRUCTURE .0625%	578,486	393,964	0	605,484	(605,484)	0	366,966	12,073	\$354,893	0	12,073	354,893
	Total Revised Fund 61	578,486	393,964	0	605,484	(605,484)	0	366,966	12,073	354,893	0	12,073	354,893
63	COMMUNITY DEVELOPMENT	11,947	0	452,203	48,567	403,636	384,048	31,535		\$31,535			31,535
	Total Revised Fund 63	11,947	0	452,203	48,567	403,636	384,048	31,535	0	31,535	0	0	31,535
69	1994 GROSS RECEIPTS	2,576,239	1,694,281	0	3,630,952	(3,630,952)	0	639,568	549,566	\$90,002		549,566	90,002
	Total Revised Fund 69	2,576,239	1,694,281	0	3,630,952	(3,630,952)	0	639,568	549,566	90,002	0	549,566	90,002
71	ALAMO SENIOR CENTER	3,643	800,253	616,160	4,758	611,402	1,386,235	29,063		\$29,063			29,063
	Total Revised Fund 71	3,643	800,253	616,160	4,758	611,402	1,386,235	29,063	0	29,063	0	0	29,063
74	ALAMO SENIOR CENTER GIFT	100,294	25,266	0	0	0	63,386	62,174		\$62,174			62,174
	Revision #8		28,600				28,600	0					
	Total Revised Fund 74	100,294	53,866	0	0	0	91,986	62,174	0	62,174	0	0	62,174
75	RETIRED & SENIOR VOL. PROGRAM	1,318	225,394	49,247	18,679	30,568	257,267	13		\$13			13
	Revision #9		(480)				(480)	0					
	Total Revised Fund 75	1,318	224,914	49,247	18,679	30,568	256,787	13	0	13	0	0	13

81	WATER/SEWER OPERATING	12,182,162	21,950,398	3,440,578	1,956,797	1,483,781	34,668,029	948,312	946,315	\$1,997		946,315	1,997
	Total Revised Fund 81	12,182,162	21,950,398	3,440,578	1,956,797	1,483,781	34,668,029	948,312	946,315	1,997		946,315	1,997
82	98 JT WATER/SEWER BOND P&I	1,233,115	15,588	1,938,428	0	1,938,428	1,938,430	1,248,701		\$1,248,701	0		1,248,701
	Total Revised Fund 82	1,233,115	15,588	1,938,428	0	1,938,428	1,938,430	1,248,701	0	1,248,701	0	0	1,248,701
86	SOLID WASTE COLLECTION SYS.	551,921	2,095,112	0	149,050	(149,050)	2,140,061	357,922	177,481	\$180,441	0	177,481	180,441
	Total Revised Fund 86	551,921	2,095,112	0	149,050	(149,050)	2,140,061	357,922	177,481	180,441	0	177,481	180,441
88	BONITO CAMPGROUND	379,306	964	0	0	0	0	380,270		\$380,270	0		380,270
	Total Revised Fund 88	379,306	964	0	0	0	0	380,270	0	380,270	0	0	380,270
89	ESGRT .0625%	2,107,239	407,876	0	1,715,000	(1,715,000)	360,720	439,395		\$439,395	0		439,395
	Total Revised Fund 89	2,107,239	407,876	0	1,715,000	(1,715,000)	360,720	439,395	0	439,395	0	0	439,395
90	GOLF COURSE	17,313	1,423,400	389,844	100,832	289,012	1,729,511	214		\$214	0		214
	Total Revised Fund 90	17,313	1,423,400	389,844	100,832	289,012	1,729,511	214	0	214	0	0	214
91	AIRPORT	90,218	656,230	91,081	47,951	43,130	780,128	9,450	4,718	\$4,732		4,718	4,732
	Total Revised Fund 91	90,218	656,230	91,081	47,951	43,130	780,128	9,450	4,718	4,732		4,718	4,732
94	OTERO GREENTREE REG LANDFILL	4,449,239	1,041,009	0	2,018	(2,018)	3,425,086	2,063,144		\$2,063,144	0		2,063,144
	Total Revised Fund 94	4,449,239	1,041,009	0	2,018	(2,018)	3,425,086	2,063,144	0	2,063,144	0	0	2,063,144
96	SELF-INSURED FUND	487,880	64,805	0	29,000	(29,000)	45,000	478,685		\$478,685	0		478,685
	Total Revised Fund 96	487,880	64,805	0	29,000	(29,000)	45,000	478,685	0	478,685	0	0	478,685
98	PAYROLL CLEARING	207,352	0	0	0	0	0	207,352		\$207,352	0		207,352
	Total Revised Fund 98	207,352	0	0	0	0	0	207,352	0	207,352	0	0	207,352
104	UTILITY DEPOSITS	703,681	0	0	0	0	0	703,681		\$703,681	0		703,681
	Total Revised Fund 104	703,681	0	0	0	0	0	703,681	0	703,681	0	0	703,681
105	ECONOMIC DEVELOPMENT	6,242,324	1,051,902	0	0	0	2,310,069	4,984,157		\$4,984,157			4,984,157
	Revision #10						2,500,000	(2,500,000)					
	Total Revised Fund 105	6,242,324	1,051,902	0	0	0	4,810,069	2,484,157	0	2,484,157	0	0	2,484,157
107	SELF INSURED/LIABILITY	952,159	7,194	330,000	448,484	(118,484)	330,000	510,869		\$510,869	0		510,869
	Total Revised Fund 107	952,159	7,194	330,000	448,484	(118,484)	330,000	510,869	0	510,869	0	0	510,869
109	2004 GRT CAPITAL OUTLAY	12,608,230	3,481,924	0	3,375,975	(3,375,975)	10,462,379	2,251,800	542,005	\$1,709,795	0	542,005	1,709,795
	Total Revised Fund 109	12,608,230	3,481,924	0	3,375,975	(3,375,975)	10,462,379	2,251,800	542,005	1,709,795	0	542,005	1,709,795
113	2009 G.O. BOND ACQ FUND	0	0	0	0	0	0	0		\$0	0		0
	Total Revised Fund 113	0	0	0	0	0	0	0	0	0	0	0	0
114	SIDEWALKS REVOLVING LOANS	136,623	1,717	0	0	0	32,360	105,980		\$105,980	0		105,980
	Total Revised Fund 114	136,623	1,717	0	0	0	32,360	105,980	0	105,980	0	0	105,980
115	CORP ESCROW ACCOUNT RESERVE	2,000,000	0	0	0	0	0	2,000,000		\$2,000,000	0		2,000,000
116	REG WATER SUPPLY TRANS LN	0	0	0	0	0	0	0		\$0	0		0
	Total Revised Fund 116	0	0	0	0	0	0	0	0	0	0	0	0
117	2011 JT W/S REF/IMP REVBD	0	0	0	0	0	0	0		\$0	0		0
	Total Revised Fund 117	0	0	0	0	0	0	0	0	0	0	0	0
119	2012 GRT REF/IMP REVBD	1,731,793	35,830	448,484	0	448,484	1,920,137	295,970		\$295,970	0		295,970
	Total Revised Fund 119	1,731,793	35,830	448,484	0	448,484	1,920,137	295,970	0	295,970	0	0	295,970
121	2015 GO BONDS-FUN CENTER	86,050	22,519	0	0	0	0	108,569		\$108,569	0		108,569
	Total Revised Fund 121	86,050	22,519	0	0	0	0	108,569	0	108,569	0	0	108,569
122	2015 GO BONDS-STREETS	194,386	20,816	0	0	0	47,657	167,545		\$167,545			167,545
	Revision #11						(19,869)	19,869					
	Total Revised Fund 122	194,386	20,816	0	0	0	27,788	187,414	0	187,414	0	0	187,414

901	HOUSING LOW RENT OPERATING	948,223	875,994	0	217	(217)	1,047,675	776,325	87,306	\$689,019	0	87,306	689,019
	Total Revised Fund 901	948,223	875,994	0	217	(217)	1,047,675	776,325	87,306	689,019	0	87,306	689,019
903	HOUSING HOMEOWNERSHIP OPER	761,606	1,705	0	0	0	28,236	735,075		\$735,075			735,075
	Total Revised Fund 903	761,606	1,705	0	0	0	28,236	735,075	0	735,075	0	0	735,075
904	HOUSING CAPITAL FUND PROJECTS	0	865,360	0	0	0	865,360	0		\$0			0
	Total Revised Fund 904	0	865,360	0	0	0	865,360	0	0	0	0	0	0
TOTALS FY2019		73,072,254	66,044,360	31,671,044	31,671,044	0	111,804,935	27,311,676	6,477,788	20,833,888	0	6,477,788	20,833,888

Resolution # 2019-05 February 26, 2019

RECURRING/ NON-RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1						
Revision is to add donation funds that were received for a PPE helmet replacement.						
Non-Recurring	11	GENERAL FUND				
		<i>Revenues</i>				
		011-4204-314-13-36	USER FEES/DONATIONS	-	185	185
		<i>Expenditures</i>				
		011-4204-421-31-31	SUPPLIES/EQUIPMENT	7,977	185	8,162
REVISION #2						
Revision to account for additional properties added to the property liability coverage which caused a shortfall in the original budgeted amount.						
Decreases fund balance						
Non-Recurring	11	GENERAL FUND				
		<i>Expenditures</i>				
		011-2400-419-58-07	INSURANCE/PROPERTY	24,790	2,066	26,856
REVISION #3						
The police department received a reimbursement for a couple of training classes. This revision puts those funds back into the training line. The revenue was recorded on an earlier revision						
Non-Recurring	11	GENERAL FUND				
		<i>Expenditures</i>				
		011-4104-420-56-05	TRAINING AND TRAVEL	60,000	4,050	64,050
REVISION #4						
Revision adjusts a budget for the revenue expected from the donation. The expense is also adjusted to account for the greater revenue						
Non-Recurring	20	LODGER'S TAX				
		<i>Revenues</i>				
	CSOFCU	020-0000-316-15-28	USER FEES/DONATIONS	-	10,000	10,000
		<i>Expenditures</i>				
	CSOFCU	020-0006-454-57-93	MISC DONATION MATERIALS	-	10,000	10,000
REVISION #5						
Revision adjusts a budget for the revenue expected from the donation. The expense is also adjusted to account for the greater revenue						
Non-Recurring	32	COMMUNITY SERVICES				
		<i>Revenues</i>				
	LI1703	032-7101-314-13-36	USER FEES/DONATIONS	8,000	4,000	12,000
		<i>Expenditures</i>				
	LI1703	032-7101-455-33-28	MISC DONATION MATERIALS	8,000	4,000	12,000
REVISION #6						
Revision to add a grant awarded to the Fire Department for \$99,945. There is a match of \$9,945 in equipment that will be taken from the 50-50 line. This grant is to purchase new SCBA gear.						
Non-Recurring	33	FIRE PROTECTION				
		<i>Revenues</i>				
	FD1901	033-0000-317-16-13	GRANTS/STATE GRANT	-	99,450	99,450
		<i>Expenditures</i>				
	FD1901	033-0000-421-50-50	OTHER/EQUIPMENT	371,246	99,450	470,696
		033-0000-421-50-50	OTHER/EQUIPMENT	470,696	(9,945)	460,751
	FD1901	033-0000-421-50-50	OTHER/EQUIPMENT	460,751	9,945	470,696
				1,302,693	99,450	1,402,143
REVISION #7						
Revision sets up the new lines for the HIDTA program. Overtime expenses will be made and then reimbursement requests will be submitted						
Non-Recurring	35	HIDTA GRANT FUND				
		<i>Revenues</i>				
		035-0000-317-16-50	GRANTS/HIDTA FEDERAL GRANT	-	4,295	4,295
		<i>Expenditures</i>				
		035-0004-429-20-04	SALARIES & BENEFITS/OVERTIME	-	4,000	4,000
		035-0004-429-20-15	SALARIES & BENEFITS/SOCIAL SECURITY	-	55	55
		035-0004-429-20-30	SALARIES & BENEFITS/WORKER'S COMP	-	240	240
				-	4,295	4,295
REVISION #8						
Revision increases the program supply line based on a generous designated donation given by a senior for amenities. Revenue is also increased to record donation						
Non-Recurring	74	ALAMO SENIOR CENTER GIFT				
		<i>Revenues</i>				
	SCPM19	074-0000-314-13-12	RESTRICTED DONATIONS	8,861	28,600	37,461
		<i>Expenditures</i>				
	SCPM19	074-0006-445-32-75	PROGRAM SUPPLIES	32,103	28,600	60,703

RECURRING/ NON-RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #9						
Revision is to correct the revenue and expenditures to reflect the actual grant awards.						
Non-Recurring	75	RETIRED & SENIOR VOLUNTEER PROGRAM				
		<i>Revenues</i>				
		075-0000-317-16-41	GRANTS/STATE GRANT SCP	68,000	(250)	67,750
		075-0000-317-16-42	GRANTS/STATE GRANT FGP	67,730	(230)	67,500
				135,730	(480)	135,250
		<i>Expenditures</i>				
		075-8701-445-32-80	VOLUNTEER SUPPLIES	1,588	(250)	1,338
		075-8801-445-32-80	VOLUNTEER SUPPLIES	7,972	(230)	7,742
				9,560	(480)	9,080
REVISION #10						
Revision is to budget available fund balance to project ED1901 Medlin Economic Development. Funds approved through Ordinance 1584, first approval 12/18/2018, second approval 1/8/2019						
Non-Recurring	105	ECONOMIC DEVELOPMENT				
		<i>Expenditures</i>				
	ED1901	105-0407-450-57-28	ECONOMIC DEVELOPMENT	-	2,500,000	2,500,000
REVISION #11						
Revision is to remove funds from completed project back to fund balance						
Non-Recurring	122	2015 GO BONDS - STREET				
		<i>Expenditures</i>				
	EN1405	122-9499-430-65-29	STREET CAPITAL	47,222	(19,434)	27,788
	EN1405	122-9499-430-62-35	CONTRACT ENGINEERING FEES	435	(435)	-
				47,657	(19,869)	27,788
REVISION #12						
Revision is to correct previous resolution where budget was only incorrectly entered in the project but not the line. This revision will add it back to the line so the budget equals the approved amount						
Non-Recurring	32	COMMUNITY SERVICES				
		<i>Expenditures</i>				
		032-7101-455-32-05	BOOKS, PERIODICALS, AUDIOS	137,000	42,292	179,292
REVISION #13						
Revision is to remove expenditures from fund no longer used. Expenditures should not have been carried over						
Non-Recurring	50	PROPERTY ACQUISITION				
		<i>Expenditures</i>				
		050-0000-419-66-45	SURVEYS/CONSULTANTS	10,000	(10,000)	-

REVENUES ON RESOLUTION

REVENUES

ITEM #	AMOUNT	TYPE	
1	\$ 185	Donations	
4	\$ 10,000	Donations	
5	\$ 4,000	Donations	
6	\$ 99,450	State Grant	
7	\$ 4,295	Federal Grant	
8	\$ 28,600	Donations	
9	\$ (480)	State Grant	
	<u>\$ 146,050</u>	Total	\$ (2,518,539)

EXPENDITURES

ITEM #	AMOUNT	TYPE	
1	\$ 185	PPE Replacement	
2	\$ 2,066	Insurance Increase	
3	\$ 4,050	Training and Travel	
4	\$ 10,000	Special Events	
5	\$ 4,000	Library Donations	
6	\$ 99,450	Fire Equipment	
7	\$ 4,295	HIDTA Expenses	
8	\$ 28,600	Senior Center Supplies	
9	\$ (480)	Senior Center Supplies	
10	\$ 2,500,000	Economic Development	
11	\$ (19,869)	Completed Projects	
12	\$ 42,292	Correction	
13	\$ (10,000)	Correction	
	<u>\$ 2,664,589</u>	Total	

TRANSFERS IN

ITEM#	AMOUNT	TYPE	
	<u>\$ -</u>	Total	

TRANSFERS OUT

<u>\$ -</u>	Total
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RESOLUTION NO. 2019-05

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2018-19.

WHEREAS, the City of Alamogordo, New Mexico wishes approval to change some of the budget line item figures of various funds; and

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its written certification to the City of Alamogordo, New Mexico's annual budget on September 10, 2018, for fiscal year 2018-2019; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2018-2019.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2019 be and hereby is revised as of February 26, 2019 to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2018-2019 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on February 26, 2019 as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2018-2019.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 26th day of February 2019.

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: 02/26/2019

Report Date: 02/21/2019

Report No: 11.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, a Memorandum of Understanding between the City of Alamogordo and KATO Foundation/Kitty City NM Re: Community Cats Program: Return to Field (RTF). (*Petria Schreiber, City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the MOU.

Background: This MOU memorializes the agreement between KATO Foundation/Kitty City NM and the City of Alamogordo/Animal Control regarding the Community Cats program: Return to Field. This MOU outlines that Kitty City will pay for all of the spay/neuter and vaccination costs for 10 cats per week. Animal Control will be responsible for transporting the cats to local vets, and back to their address after the veterinarian visit.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO
AND KATO FOUNDATION/KITTY CITY NM
RE: COMMUNITY CATS PROGRAM: RETURN TO FIELD (RTF)**

This Memorandum of Understanding (MOU) memorializes the agreement between the City of Alamogordo (City) and KATO Foundation/Kitty City NM (Kitty City). The purpose of this MOU is to memorialize the agreement between the City and Kitty City regarding the Community Cats program; Return to Field (RTF).

1. Kitty City wishes to bring the Community Cats program: Return to Field (RTF) to the City of Alamogordo in conjunction with Best Friends Animal Society. As such, Kitty City commits to funding the cost of spay/neuter and vaccinations for cats housed at Animal Control, at a rate of ten (10) per week.
2. In exchange for Kitty City providing the Community Cats program: Return to Field (RTF), the City of Alamogordo agrees to partner with Kitty City to allow Kitty City to select the ten (10) cats per week for the program.
3. Animal Control agrees to transport the cats of Kitty City's choosing to local veterinarians for spay/neuter and vaccinations at no transportation cost to Kitty City. Further, Animal Control agrees to pick up the cats that they dropped off the day after their surgery and return the animal to their address.
4. Kitty City will be responsible for transportation of any cats to veterinarians outside of the City of Alamogordo.
5. The City of Alamogordo and Animal Control agree that there will be no cost to Kitty City to take these cats each week, and any and all such "adoption" fees shall be waived.
6. Any and all bills for veterinarian care associated with the Community Cats program: Return to Field (RTF) will be paid by Kitty City through a grant from Best Friends Animal Society.
7. Animal Control agrees to attend a training from Best Friends Animal Society in order to help educate and answer any questions that members of the public may have regarding this program. Further, Animal Control agrees to work with Kitty City in public outreach and preemption of any concerns that the community may have.
8. Each party has had a reasonable opportunity to read this entire Agreement, to discuss its contents and meaning with a representative of their choosing, and that the terms of this Agreement are understood and voluntarily accepted.

IN WITNESS WHEREOF, City and Kitty City have executed this Memorandum of Agreement on the date set opposite their signatures.

KATO FOUNDATION/KITTY CITY NM

Date: _____

Kathy Denton, Vice President

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

Date: _____

Brian Cesar
Assistant City Manager

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date:

Report No: 12.

Submitted By: Rachel Hughs

Subject: Accept the resignation of City Manager Maggie Paluch. (*Richard Boss, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: City Manager Maggie Paluch tendered her resignation to the City Commission effective February 15, 2019.

February 14, 2019

Mayor Richard Boss
1376 E. Ninth Street
Alamogordo NM 33810

Dear Mayor Boss,

It is with deep regret that I am submitting my letter of resignation as the City Manager for the City of Alamogordo, effective on Tuesday, February 19th, 2019. The City Commission should consider this resignation pursuant to Section 4(3) of my employment agreement stating, "If Margaret Paluch resigns following an offer to accept resignation, whether formal or informal by the City as representatives of the majority of the governing body that Paluch resign, then Paluch may declare a termination as of the date of the suggestion." The date of suggestion was on February 12, 2019. Pursuant to Section 4(a) since I have met the requirements of the agreement and am "willing and able to perform the assigned duties under this agreement, then, the City shall pay the City Manager a severance payment." I am agreeing to accept the severance package per the employment agreement. Thank you for all your support and I wish nothing but the best for the community of Alamogordo.

Respectfully,



Margaret Paluch
PO Box 355
High Rolls, NM 88325

RECEIVED
CITY OF ALAMOGORDO

FEB 15 2019

HUMAN RESOURCES

Katie Josselyn

From: Brian Cesar
Sent: Friday, February 15, 2019 2:29 PM
To: Katie Josselyn
Subject: RE: Resignation date

Yes, please process it as described below.

Thanks

Brian Cesar

Assistant City Manager
1376 E Ninth St
Alamogordo, NM 88310
575.439-4203 – Cheryl
575.439.4224 – Office
575.491.4574 - Cell

From: Maggie Paluch <~~bcesar@ci.alamogordo.nm.us~~> *personal email*
Sent: Friday, February 15, 2019 12:48 PM
To: Katie Josselyn <kjosselyn@ci.alamogordo.nm.us>
Cc: Brian Cesar <bcesar@ci.alamogordo.nm.us>
Subject: Re: Resignation date

Hi Katie,

Yes, I agree. Thank you for all you do and please tell Brian thank you as well. I will miss you both.

Take care,

Maggie

On Fri, Feb 15, 2019 at 12:25 PM Katie Josselyn <kjosselyn@ci.alamogordo.nm.us> wrote:

Hi Maggie,

As you know, we have experienced some confusion with the effective date of your resignation. Given that you out-processed today, and that you have been engaged in City business via phone over the past couple of days, I am recording your official last day of City employment today, February 15, 2019.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/22/2019

Report No: 13.

Submitted By: Rachel Hughs

Subject: Appointments to Boards and Committees. (*Richard Boss, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint to the Housing Authority Advisory Board.

Background: Airport Zoning Board. One (1) city vacancy. Staff Liaison - Cheryl Otero-Baker
No applications received.

Alamogordo Public Library Board. Two (2) county vacancies. Staff Liaison - Melissa Garcia
No appointments by County.

Housing Authority Advisory Board. One (1) expiring term. Staff Liaison - Marissa Ruiz
Rhonda Devine's term will expire on March 17, 2019.
The following individual is interested in being reappointed:
Rhonda Devine - if appointed, this will be her second term.

Mayor's Committee on Aging. One city (1) vacancy. Staff Liaison - Britney Courtier.
No applications received.

Senior Volunteer Programs Advisory Council. Two to Five (2-5) city vacancies. Staff Liaison - Neil McFarland.
No applications received.

If anyone is interested in serving on a board or committee you may apply with the City Clerk's office.

Application to serve on a Board/Committee - Submission #191

Date Submitted: 1/11/2019

RECEIVED
FEB 22 2019
CITY CLERK



First Name*

Rhonda

Last Name*

Devine

Address*

1700 Bellamah Drive

City*

Alamogordo

State*

New Mexico

Zip Code*

88310

Phone Number*

575-491-5670

Email Address*

rdevine@fnb4u.com

Is the above address within City Limits?*

☒ Yes

☐ No

Present Employer:*

First National Bank

Board/Committee you would like to serve on (1st choice):*

Housing Authority Advisory Board ▼

Board/Committee you would like to serve on (2nd choice):

Alamogordo Disability Council (ADC) ▼

Are you related to anyone who is presently employed by the City of Alamogordo?*

☐ Yes

☒ No

If so, what is their relation to you?

Are you related to an Elected Official of the City of Alamogordo?*

☐ Yes

☒ No

Is so, what is their relation to you?

Experience and education relating to the Board/Committee:

20+ years finance experience. 6+ years Human Resource Management knowledge

Please indicate your interest in serving on a City Board/Committee:

I am currently serving on the Housing Authority Advisory Board and would like to reapply and continue my service.. My term on this board will expire March 2019.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/26/2019

Report Date: 02/22/2019

Report No: 14.

Submitted By: Rachel Hughs

Subject: Recess into Executive Closed Session in compliance with 10-15-1(h) (2)(7), NMSA (as amended) to discuss Limited Personnel Matters (Acting or Interim City Manager) and Threatened or Pending Litigation (Graham v City of Alamogordo) and (K-9 Brutus).

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: