

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION SPECIAL VIRTUAL MEETING MINUTES  
1:00 P.M., April 23, 2020**

**RICHARD BOSS, MAYOR  
SHARON McDONALD, COMMISSIONER  
JOSH RARDIN, COMMISSIONER  
DUSTY WRIGHT, COMMISSIONER  
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM  
JASON BALDWIN, COMMISSIONER  
BRIAN CESAR, CITY MANAGER  
PETRIA BENGOCHEA, CITY ATTORNEY  
RACHEL HUGHS, CITY CLERK**

**CALL TO ORDER / ROLL CALL**

Mayor Boss called the meeting to order at 1:00 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

1. Approve the minutes for the March 10, 2020 Regular meeting, March 13, 2020 Special meeting, and March 23, 2020 Emergency meeting. *(Rachel Hughs, City Clerk)*

Commissioner Rardin moved to approve item 1 of the consent calendar.  
Mayor Pro-Tem Sikes seconded the motion.  
Motion carried with a vote of 7-0-0.

**NEW BUSINESS**

2. Consider, and act upon, sending a letter to Michelle Lujan Grisham, Governor of the State of New Mexico regarding the opening of businesses in the City of Alamogordo. *(Richard Boss, Mayor)*

Mayor Boss said he received emails and voicemail messages from citizens this past week, some supporting opening local businesses, and some did not. In all citizen's comments, there was a common belief that the Mayor or the Mayor and Commission had the authority to make this decision to open the City up. He said the Governor has complete authority regarding how the State responds to the Covid-19 pandemic. The Governor has issued Public Health Emergency executive orders regarding this matter. These orders outline how New Mexico Counties and Municipalities will model their respective areas of responsibility. These outline directives are not discretionary, they are mandated by the Governor's orders. Enforcement of these orders are the responsibility of the New Mexico State Police and not local law enforcement. He said the bottom line is they are there today to obtain majority consent of the Commission to send a letter to the Governor. They have no authority to modify or cancel any of the Governor's orders, nor do they have the ability to open the community up.

Commissioner Baldwin said the letter was prepared prior to the Governor's report and would like to see the letter changed a little bit in reference to what they send her. He thinks it is important to acknowledge the fact that the Governor's leadership and what she did for the State did help lessen the curve and get them to the position they are in now. He said if they are asking the Governor to allow them the ability to start opening businesses, the letter needs to state that the Commission needs to be able to govern for what is best for this area and the plan they have to govern this area needs to be a part of that plan or

shortly after that plan. He said the City Manager has already begun to canvass communities around the Country for best practices and a way to spin back opening a community. He thinks the Commission needs to be working together to have something ready to go with this letter, so as they move forward, they can say this is how they want to govern our area. Commissioner McDonald agreed

Mayor Boss pointed out that the Governor does have a plan in place. Commissioner Baldwin acknowledged that he was aware of the plan. He said their plan needs to be ready to hit the ground running, it needs to be what is best for the community and of course they need to protect everything that needs to be protected first like the elderly people with pre-existing conditions. That plan needs to be on their desks as quickly as possible, because if the Governor says yes, they will need something to show for it. He said he has spoken to the Mayor and other Commissioners and they have plans, but they need to put it all together.

Mayor Boss pointed out that Alamogordo has zero cases of the coronavirus, and Otero County has had 3 cases. He also said they have businesses out there that are struggling, and they need to get the businesses back at least to some percentage. The programs the feds are putting out sound good, but a lot of the smaller businesses are not getting those relief funds.

Commissioner Payne agreed with Mayor Boss. She said from what she has read of the Governor's plan there has to be 14 days of a downward turn in the State and it may not happen in a County up north, but it certainly has happened in this County. There needs to be some language in the letter of how devastating this is to this Community, as they are trying to flatten the curve up north. She said they know that there are going to be some businesses that cannot open, but there might be more if this can't happen. She said they cannot wait until May 15<sup>th</sup> and the way she has it written to open up, it may be by June or the end of June.

Mayor Boss stated that he does not understand why Alamogordo cannot be carved out. There is no major interstate going through here and they do not have an international airport. He said there is very little traffic coming through Highway 54 and 70. He said they are unique, and consideration ought to be given to that.

Commissioner Rardin agreed with Commissioner Baldwin on the letter. He said there are 5 Counties with no cases. He said he cannot see why smaller businesses cannot follow the same rules that the larger businesses are following. He said it is wrong to say that small businesses cannot open but the large businesses can. He said he also feels that in the event the Governor does not read their letter or heed their advice, that the Attorney General will intervene at the federal level if these Governors are overreaching their authority. He said they should give it some time and if the Governor doesn't react, they should call another meeting and draft another letter to the Federal Attorney General to start opening up our Counties. They also need to start working with the County, because the Counties have a lot more authority than the Governor thinks.

Commissioner Rardin said the State has 71 deaths and a hair over 2000 cases, and there are 2,082,000 people in the State. He said maybe the Governor's efforts, in the beginning, helped or maybe it did not. He thinks that keeping businesses closed and people at home is going to be far more detrimental to our economy and our city than the virus will.

Mayor Pro-Tem Sikes asked if the purpose of the letter is to demand the Governor allow them to open up or is the purpose to support the Governor's directives in keeping the community safe. Mayor Boss answered a little of both. He said they definitely want to keep the community safe and he believes they have been doing that by following the orders and that is why they have not had any instances. He does not think that will change if they open businesses. Mayor Pro-Tem Sikes said the directives issued by the Governor is probably what has kept them safe. The other thing they need to consider is, testing in Otero County has not been that great, they have only done upward of 600 tests. She asked how they could determine the occurrence of a virus in our community if they only tested 600 people. Mayor Boss said one thing to keep in mind is that the people that are going into the stores now are the same people

that will be going into the small businesses. He said if the small businesses were opened up, he can not see the community would be more in danger of that disease. Mayor Pro-Tem Sikes said she would agree with that if they were going to put barricades around the City, but If they were to open up prematurely and other cities do not open up, Alamogordo will get an influx of people from areas that have higher numbers than they do, and they would be endangering the community. She said she has also received multiple emails, texts, phone calls from people in the community. She does recognize the fact that the community is hurting. She is getting opinions of business owners, but the one that she took into consideration and has given it the most importance is from a Dr. Holly Mata who is a Public Health Specialist. She read Dr. Mata's comments: "Rather than express support for re-opening now, just as the State is beginning to see progress, she thinks it will much more productive to participate in and/or support the economic recovery council as the work would state in the National Public health experts to reopen our economy on a timeline that is coordinated and science based". Mayor Pro-Tem Sikes commented that the Governor has invited Mayors from municipalities to be part of that. She again read Dr. Mata's comments: "We all want our economy to reopen, but we also want our communities to be safe and we do not want to put our people at risk. She has heard from colleagues from all over the U.S. that they wish their State had been as proactive as New Mexico has been in taking preventative measures. Which often happens when preventative measures are effective, they often hear that it wasn't that bad, they don't need to keep doing this. The reason they have so few cases in this County is because they have followed guidelines. These have been very difficult times especially for small business owners, but we know these guidelines are saving lives and making our eventual reopening sooner rather than later". Mayor Pro-Tem Sikes said there have been more than 50,000 deaths and they have dodged a bullet, if anything similar should happen here they would regret it greatly. To think 50,000 is more than the entire population of Alamogordo plus, and to think in New York they are having to contract with ice skating rinks to store the dead bodies and bury them at a later date, those are some of the most appalling images she can think of. She said speaking for the people that have contacted her, begging to continue their safety measures provided by the Governor, she is speaking for those people to continue keeping their community closed. She said three weeks will not make that much of a difference at this time. Commissioner Payne said yes it will.

Commissioner Rardin said he disagrees, three weeks with the month that these businesses have been shut down will make or break these businesses. Mortgages and their insurance are still due. There are a lot of these businesses that may never open again. Some of these people have put everything they've owned into their business. He said it is sad that even one person has died from this, but it is .015 percent of the population. Mayor Pro-Tem Sikes asked him if he was saying that the numbers have to be higher to convince him. He answered no, but they cannot live in fear. He said if the State allows them to open back up and they start to see an uptick in cases, then they can shut it back down. This is a rural area and they are not as packed as some of the other Counties. He said the City has not felt the impact yet, but in a month or two the City will be working off the gross receipt's taxes coming in from March and April and they City is going to be hurting. He said again they need to be working with Otero County to get this done.

Commissioner McDonald asked to hear about the list of recommendations from Commissioner Rardin, that the City was thinking about implementing with what the Governor was suggesting. Commissioner Baldwin said he was the one that made the comment. He said when they were discussing opening up the businesses in Alamogordo, they are not talking about carte blanche. He does not believe anyone on the Commission wants to go full bore because as Mayor Pro-Tem Sikes said, they will be opening themselves to all kind of issues. He agreed with Mayor Pro-Tem Sikes in that it really hasn't been tested here. There may be some people that have had it, but they just don't know that they've had it. He said their inability to manage their community is the biggest issue. He said in reference to her question, about two weeks ago he had a conversation with the City Manager about gathering what the best practices are, because Alamogordo is not the only community going through this, there are literally thousands of communities across the United States that are able to function in a minable capacity. He said there are practices out there being used in communities that are minimizing the exposure all the while focusing on what we know now about the virus. He also said he does not know what all the City Manager has prepared at this point, but he has personally prepared a plan if the Governor were to

agree that Otero County could make their own decisions. His plan is to protect the people that are most at risk first. He said they know the statistics and he think they can operate responsibly making their own decisions for the community and staying under the curve.

Commissioner McDonald said she was just trying to find out what was going to be going to be attached to the letter to the Governor. She said as for herself, her brother-in-law died from the coronavirus on the 8<sup>th</sup> of April. She said she can see the impact this is having. She also said her sister-in-law and her father-in-law have the virus and he just came out. When she thinks of the severity of that disease, you could be walking around perfectly fine and the next day you're on a ventilator or ordered to be on a special bed if you want to live, then that night you go into renal failure and you have blood clots and all these other things are happening, so to her it is still fresh. She still has a little bit of a problem, unless she can see what is going along with it, she agrees with Mayor Pro-Tem Sikes that we have not had enough testing. She understands the businesses and wants them to open, she does not want to see anyone suffer. She doesn't think she would have a problem, but she would like to see what is going to go along with that letter to the Governor, on how this is going to be contained. One of the things she does know is that people are going to want somebody to blame. She wants to make sure that what she is agreeing to, has been thought out and it has been agreed upon on how it is going to be implemented.

Commissioner Payne said she has a brother that had Covid-19 and he came close to dying, but he lives in New Jersey and it is very rampant back there. She said as many people as she has seen at Walmart or Lowes, if they are going to get the virus it is going to be from one of those places. One of our little stores on New York Avenue at full capacity is not as much as 20 percent capacity at Walmart or Home Depot, so she thinks they are comparing apples to oranges. She agrees they need to take precautions, but while they are waiting on the "what if this happens", the City is dying. They have people that are losing money everyday and some of them will not recover. It is really unfortunate because they were really starting to see progress. She said they need to take that into consideration, they are Alamogordo, New Mexico and they are not a big City. She said they have had two cases in Chaparral for a couple of weeks and there are still only two today. She said it would have been nice if the Governor would have considered doing this County by County instead of the whole State. In her news conference, the Governor made the comment that because of her directives that they are slowing the curve on this thing, but drive around Alamogordo, does it look like anybody is listening to the Governor's directives. In the beginning, they may have but they are not now. She said that has to be a choice that they make as citizens, to shop at these places or not, but they need to have those choices.

Mayor Pro-Tem Sikes said Commissioner Payne has kind of made her point. The fact of the matter is that they may have been careful at the beginning, but she has seen cavalier attitudes around town. She said she wears a mask because she is of the population that could potentially contract the disease, but some people don't wear masks and they shop with their entire families. Should they open up their County, they may say they will be putting safety measures in place, but she can see how the population is acting now. She then asked if the Commission would be comfortable reading the letter that they will be sending to the Governor in this meeting before they vote on it. Commissioner Baldwin answered sure.

Mayor Boss commented that this is going to go on for some time, it will not be over soon. He said as Mayor Pro-Tem Sikes has pointed out that there are people that go shopping with their whole family, and in spite of that we still have zero incidents in Alamogordo. He said they are still going to have the same amount of people going out and doing the same thing, and if they have been made it this far without any incidents with not everybody abiding by the rules, it's an indicator that they really don't have a problem in Otero County or in Alamogordo. He said we are watching our small businesses go down the drain. He thinks it is unfair to Alamogordo because we don't have any instances and they are being treated as if they were New York City and there is no comparison.

Commissioner Wright said he feels that they are responsible adults. They can open this up and if people don't think they can handle it, they can stay home. His personal thoughts are that they should not be trapped at home. He said they will be thinning groups out at Walmart or Home Depot because

they are going to be going to ACE True Value or the smaller, different store. He thinks the small businesses in our community have taken enough of a hit, that they need to start bringing in some of that revenue to take care of their employees and put food on their table.

Commissioner McDonald said Commissioner Baldwin had stated that there is going to be something else included. She is not against businesses opening up, but she does want to hear what recommendations they are going to attach to the letter to the Governor. Commissioner Baldwin said his request was that the Commission put that together and then send it with the letter or send it after the letter. He said his request was that the Commissioners get together so they can determine what is best for the community. This is in the hopes that they get some leeway from the Governor in order to govern their own area. He wasn't implying they already had it, but that they need to get together to compile that list. Mayor Boss said they are still going to be doing what they are doing now, but to give them some discretion and they can come up with this. He feels confident that what they come up with, businesses will go along with.

Mayor Pro-Tem Sikes asked if the Chamber of Commerce has weighed in, or have they heard from Otero County Economic Development Council (OCEDC). She said it is important that people watching the streaming to understand that they are not just making these calls or opinions just willy nilly, they are basing these on what they are hearing from the community. Mayor Boss said he has spoken to Mr. Oliver at the Chamber, and it is obvious that they want the businesses to go back to work with conditions. Mayor Boss said he will be the first to tell you that he does not want to see any one die from this, but he is in the age group and he is willing to chance it. He said he thinks they have to do it, or they are going to lose their businesses and suffer for many years.

Commissioner Rardin said he was wanting to make the motion to send the letter to the Governor.

Mayor Pro-Tem Sikes said she is not going to vote until they read the letter.

**Commissioner Rardin left the meeting.**

City Attorney Bengoechea read the letter. (see Blue Book for the letter)

**Commissioner Rardin returned to the meeting.**

Commissioner Baldwin said his only addition to that letter is to implore the Governor to allow the County and/or the City to make decisions for our community. He said Covid is coming back to our community somehow and the experts are saying that the second wave is potentially worse. None of the Commissioners are implying that it is not serious. He said they just want to make the decisions that is best for the community and that means that while we don't have cases right now, although we know it is coming back, they want the ability to open businesses responsibly and as they start dealing with cases coming into their area, they can start implementing stricter restrictions. It's foolish to think they can control the virus, but what happened in the beginning and the reason why there was such a climb in rates was because people didn't really know how to deal with it and information is completely different now. There are communities out there that are doing it properly and safely. He is saying that it is possible to do, and they need the ability to make those decisions themselves.

Commissioner Payne said what she has been told by the Chamber that if businesses are not going to be opened up by the end of April, they are going to see many of them not open at all.

**Commissioner Rardin made a motion to approve with the changes made.**

Mayor Pro-Tem Sikes asked what the changes were. Commissioner Baldwin said the letter asks the Governor to release restrictions on our community, he would like to put in there that the Governor allows us to make those decisions to be able to manage the community. Mayor Pro-Tem Sikes said "us" being no medical professionals, "us" being no public health officials, they are capable of making

those decisions. Commissioner Baldwin said he thinks common sense dictates. Commissioners Rardin and Wright concurred.

Mayor Boss said he does not think the Governor is going to give them blanket power. Commissioner Baldwin said under the emergency restrictions that we are under now, the Mayor has the ability to do what the Governor is doing to the State, in our community. He also said they have the ability if it does spring up and gets to the point where they can't handle it, he has the ability to ask the community to do certain things, it is basically the same thing the Governor is doing to the entire State, except they have control in Otero County. A County that is not experiencing what the rest of the State is experiencing.

City Attorney Bengoechea said they were trying to clarify the motion and the change that Commissioner Baldwin would like to make. She asked Commissioner Baldwin if he was talking about local control over the City Government or the County, who would have that control in the letter. He answered that he wants control over the municipality, but it has to work in conjunction with the County. City Manager Cesar asked if he would like it to say City and County. Commissioner Baldwin said he would agree.

Commissioner Payne asked City Attorney Bengoechea to read that back. She said they are going to change the letter to allow local control to allow the City and County to implement restrictions and to reopen businesses.

**Commissioner Rardin moved to approve as amended.**

**Commissioner Wright seconded the motion.**

**Roll Call vote was taken.**

**Motion carried with a vote of 5-2-0. Mayor Pro-Tem Sikes and Commissioner McDonald voted nay.**

Commissioner Wright said the City of Farmington passed this as well, and they have a small list of guidelines. He asked the other Commissioners to look at it. City Manager Cesar said the City of Farmington included the federal guidelines. If the Governor were to shift that power down to the City and County, they would be looking at implementing those guidelines.

**Commissioner Rardin left the meeting at 1:59 p.m.**

Commissioner Baldwin thanked the citizens for taking this real danger seriously helping Alamogordo and Otero County by being an example of how personal accountability can help with this crisis. He also thanked the business community for their understanding and steadfast dedication, keeping open what they have open. The ingenuity and resourcefulness that he has seen come out of this community the last six weeks has been inspirational to him. The businesses that kept employees and kept paying those employees even when their business was shut down, they are examples of why small business works so well and why this community is so great. He also wanted to thank Holloman Air Force Base and their leadership teams in conjunction with the Chamber of Commerce and their leadership teams like OCEDC. What these businesses and organizations have had to do to keep up with this and keep the public informed has been paramount to a miracle. He also thanked the City of Alamogordo employees and Management team. They have been asked to do things that has never been done by the City. They have been dedicated, upbeat, resourceful in accomplishing this near impossible task. The information the City has been putting out since this has started and the way they put it out and tried to help this community and get businesses in touch with organizations and federal and state programs to help their businesses out is just unbelievable in the amount of coordination that it has taken. All together he is proud of this community and glad that everyone is doing the right thing. As they move forward, make the right decisions and take what the Governor has given them and take what the City is telling them seriously. The more serious they can take this, the quicker they can get through this as a community. He thanked the Commissioners and said this meeting was eye opening for him in some points of view that he had not thought about but is glad they are still working properly and for the community. Mayor Boss echoed Commissioner Baldwin's thoughts.

Mayor Pro-Tem Sikes thanked Commissioner Baldwin for his comments. She said she does not want to back off anything she said in this meeting and she is unapologetic about her vote. She does wish this could have been a unanimous thing, but there is a faction of their population who implore the Commission to keep the City closed. A population that is extremely vulnerable that their voices are not sometimes heard over the voices expressing opinions about the economy. They are so adamant about our nursing homes and our elderly population and the lack of testing that is out there. She said please know that she is sympathetic to the business community, but there are people out there that needed their voices heard as well.

**Commissioner Wright moved to adjourn at 2:05 p.m.**

**Mayor Pro-Tem Sikes seconded the motion.**

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

**ADJOURNMENT**

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Mayor Richard Boss

  
City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)  
Approved at the Regular Meeting held on May 12, 2020.