



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

January 12, 2021 - 6:00 PM

The Commission Meeting will be a VIRTUAL MEETING
with City Commission and City staff participating through video. The link is:
<https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

Richard Boss	Mayor
Nadia Sikes	Mayor Pro-Tem, District 2
Jason Baldwin	District 1
Susan Payne	District 3
Josh Rardin	District 4
Sharon McDonald	District 5
Dusty Wright	District 6
Brian Cesar	City Manager
Petria Bengoechea	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 a 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 575-439-4100.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Update City Commission on the current City of Alamogordo Comprehensive Plan Adopted April 4, 2018. *(Stella Rael, City Planner)*

PUBLIC COMMENT

Residents must submit comments to the City Clerk prior to 3 p.m. on the day of the Commission meeting. Comments will be distributed to the Commission and the City Manager and will be included in the public record.

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.

2. Approve the minutes for the December 15, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, accepting a capital outlay grant agreement in the amount of \$300,000.00 to construct and/or renovate public restroom facilities at the City's public parks. *(Veronica Ortega, Community Services Director)*
4. Consider, and act upon, Case Z-2020-0003(A) for adoption and final publication of Ordinance 1623 amending the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling to R-4 Multiple Family Dwelling. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
5. Consider, and act upon, Case Z-2020-0004(A) for adoption and final publication of Ordinance 1624 amending the zoning map to change the zoning of property located at 411 New York Ave. from C-3 Business to R-4 Multiple Family Dwelling. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
6. Consider, and act upon, Ordinance 1622 for adoption and final publication amending Chapter 7 of the Alamogordo Code of Ordinances regarding Animals at Large. *(Richard Denton, Chief of Police)* **(Roll Call Vote Required)**
7. Approve the Resident Parking Only and Designated Mobility Disabled Resident Parking Only sign locations for the purpose of determining continuance of each location. *(Teresa Gutierrez, Deputy City Clerk)*

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

8. Consider, and act upon, approval of Change Order no. 8, RFQ no. 2014-005, to Bohannon Huston, Inc. related to the engineering and design of the Bonito Lake Restoration project in an amount not to exceed \$57,275.65, including NMGR. *(Bob Johnson, Engineering Manager)*
9. Consider, and act upon, approval of a new position in the Alamogordo Police Department for an Inspection of Public Records Act Records Clerk. *(Richard Denton, Police Chief)*
10. Appointments to Boards and Committees. *(Richard Boss, Mayor)*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 1/5/2021

Report No: 1.

Submitted By: Stella Rael

Subject: Update City Commission on the current City of Alamogordo Comprehensive Plan Adopted April 4, 2018. *(Stella Rael, City Planner)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Information only

Background: 2018 Comprehensive Plan

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 1/4/2021

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the December 15, 2020 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
6:00 P.M., VIRTUAL MEETING
December 15, 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 / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Boss called the meeting to order at 6:00 p.m. Roll Call was taken by the City Clerk. Mayor Boss and Commissioner Wright were absent. City Clerk Hughs announced there was a quorum present. Invocation was given City Clerk Hughs and the Pledge of Allegiance was led by Commissioner Payne.

APPROVAL OF AGENDA

**Commissioner Baldwin moved to approve the agenda.
Commissioner Rardin seconded the motion.
The motion carried with a vote of 5-0-0.**

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar noted that the Public Library had once again opened up curbside service.
2. City Manager Cesar stated that the Public Schools had a number of desks they made available to be issued out to the public due to the high number of students having to learn from home at this time. They issued out more than 250 desks. When the School system transferred ownership from Oregon School to the City, which was pre-Covid times, there were a number of desks which had been left in the school. The Schools had reached out and asked if the City would be willing to give those desks back to them, which we did. Approximately 60 of those desks were given to students in need. There were still some desks left at the Oregon School, which the Schools would probably be reaching out one more time and asking for. We would make those desks available to the students as well.
3. City Manager Cesar noted that this was the last Commission Meeting for 2020, and therefore he wished to extend holiday wishes to the Commission and staff.

Police Chief Denton said back in October the Alamogordo Police Department went through an accreditation process which required them to meet over 220 professional standards. He had received a letter this past Monday and he wished to go over the highlights of the letter. The letter stated that the Alamogordo Police Department had been awarded the New Mexico Law Enforcement Professional's Accreditation by unanimous vote of the New Mexico Law Enforcement Professional Standards Council on December 9, 2020. This Council was made up of active municipal and county law enforcement professionals throughout the State, and the Council served as an independent body whose purpose was to advance law enforcement professionalism through accreditation. The Alamogordo Police Department had met all the requirements of over 220 professional standards during a rigorous review

by a team of assessors in October of this year, all thanks to the hardworking men and women of the Alamogordo Police Department.

Police Chief Denton said this accreditation was for three years, at which time they would go through the process again. The review included a static display at the Fairgrounds, review of the Evidence Room, and ride-alongs with the guys on the street. This accreditation would save a good chunk on our insurance premiums. Out of over 200 agencies in the State of New Mexico, there were only 20 that were certified. Mayor Pro-Tem Sikes said she knew she spoke on behalf of the Commission in congratulating and thanking the entire Alamogordo Police Department.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Payne made the following comments:

She felt the need to highlight the Police Department's recent accreditation because there was a time when that did not exist. The Police Department's response times had greatly increased, and the Department was very busy these days. This was a well-deserved accreditation, and congratulations to the Department.

Mayor Pro-Tem Sikes made the following comments:

She noted that on December 22nd at 1:30 p.m., there would be a Zoom meeting at which Deborah Osborne would be presenting the capital outlay information to the Southern New Mexico Economic Development Group and the Legislators from this area.

Mayor Pro-Tem Sikes also noted that on Friday, December 18th, Josh Sides from the Civic Center had put together and would be presenting a virtual Christmas tree lighting event. This event was scheduled for 6:00 p.m. and would be publicized on the City's Facebook page.

CONSENT AGENDA

1. Approve the minutes for the December 1, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*
2. Approve Resolution No. 2021-01 determining reasonable notice of meetings of the Alamogordo City Commission (Open Meetings Act). *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)
3. Approve the City Commission Regular Meeting Schedule for Calendar Year 2021. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, Case Z-2020-0001(A) for adoption and final publication of Ordinance 1620 amending the zoning map to change the zoning of property 2706 Stapp Ave. from MH2- Manufactured Housing Park to MH1- Manufactured Housing Subdivision. *(Stella Rael, City Planner)* (Roll Call Vote Required)
5. Consider, and act upon, Case Z-2020-0002(A) for adoption and final publication of Ordinance 1621 amending the zoning map to change the zoning of a subdivided section of property located at 1007 Eddy Dr. from M2- Industrial to C3-Business. *(Stella Rael, City Planner)* (Roll Call Vote Required)
6. Consider, and act upon, the State Grants-in-Aid award from the New Mexico State Library for local library support. *(Sharon Rowe, Library Manager)*
7. Consider, and act upon, Resolution 2020-44 relating to a rate increase of 1.12% effective January 1, 2021 for residential solid waste collection through Southwest Disposal. *(Mark Threadgill, Customer Service Manager)* (Roll Call Vote Required)

8. Consider, and act upon, Resolution 2020-45 requesting approval of the Resident Employee Occupancy Policy. (Marissa Ruiz, Housing Authority Manager) (Roll Call Vote Required)

9. Consider, and act upon, the grant award from the Paso del Norte Community Foundation to provide meals in Paso del Norte's New Mexico service area, which includes Otero County. (Magdalena Morales, ASC Manager)

10. Consider, and act upon, the award of RFP 2020-002 Management Services for Microsoft Active Directory Domain, Microsoft Exchange and Related Products to the high score qualified proposal, Bootheel IT Services. (Evelyn Huff, Finance Director)

Commissioner Baldwin moved to approve items 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of the consent calendar.

Commissioner Rardin seconded the motion.

A Roll Call vote was taken, and the motion carried with a vote of 5-0-0.

NEW BUSINESS

11. Consider, and act upon, Case Z-2020-0003(A) for first publication of Ordinance 1623 amending the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling to R-4 Multiple Family Dwelling. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael gave a PowerPoint presentation. She pointed out that the New Mexico School for the Visually Impaired needed more space to accommodate some of their residents, and therefore, she had suggested they change their zoning from R-3 Two Family Dwelling to R-R Multiple Family Dwelling in order that they could have more than just two apartments.

Commissioner Baldwin moved to approve.

Commissioner Payne seconded the motion.

A Roll Call vote was taken, and the motion carried with a vote of 5-0-0.

12. Consider, and act upon, Case Z-2020-0004(A) for first publication of Ordinance 1624 amending the zoning map to change the zoning of property located at 411 New York Ave. from C-3 Business to R-4 Multiple Family Dwelling. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael gave a PowerPoint presentation. She explained that her reasoning for suggesting this amendment to zoning was to be consistent with the proper development of the City for the future. Years back this was taken in front of the Commission and rezoned to C-3, and in her research, she could find that the only reasoning for it was in order for the zoning to match the zoning of the building that the New Mexico School for the Visually Impaired owned right behind it on White Sands Blvd. It was not the proper zoning for this area since it was surrounded by residential zoning. It was also not the proper zoning to house multiple families. She was trying to fix something that was done years back which did not meet the City's Comprehensive Plan.

Commissioner Baldwin moved to approve.

Commissioner Rardin seconded the motion.

A Roll Call vote was taken, and the motion carried with a vote of 5-0-0.

13. Consider, and act upon, Case V-2020-0003(A), property owners are requesting a Variance allowing a five foot (5') rear setback to the property located at 407 New York Ave. (Stella Rael, City Planner)

City Planner Rael gave a PowerPoint presentation. She stated that when she was doing her research on this item, she found that at the time this was rezoned and prior to the construction of the facility on the property at 411 New York Avenue, there was a variance approved by the City Commission at that time to allow a 5 foot rear setback to accommodate their facility. Once again, she was trying to be consistent and make everything work for the School and for the City.

Mayor Pro-Tem Sikes thanked City Planner Rael and the Planning & Zoning Commission for her work in trying to fix some of these situations and to make everything consistent throughout the City.

Commissioner Baldwin moved to approve.

Commissioner Rardin seconded the motion.

The motion carried with a vote of 5-0-0.

14. Consider, and act upon, Ordinance 1622 for first publication amending Chapter 7 of the Alamogordo Code of Ordinances regarding Animals at Large. (*Richard Denton, Chief of Police*) (Roll Call Vote Required)

Police Chief Denton said this amended the existing Animals At-Large Ordinance, and it pertained to how animals be tethered, and also to providing adequate shelter in the hot and cold months and making sure that the animals had access to adequate water. Animal Control Manager Martinez said the reason they wished to add to the current Ordinance was due to the fact that over the past year they had received 2,887 calls for service. Of those calls, 126 were for welfare checks on these types of issues where an animal got tangled up around a tree, a pole, or a porch, and there wasn't adequate water for them to gain access to. So, this Ordinance would allow for temporary tethering as long as an owner had the proper equipment to do so in a proper manner where the animal was not going to get tangled and unable to reach adequate water while the owner was away. They added language which ensured the animal could still have an adequate length of yard to run while tethered, and with adequate water. They also had added what type of chaining material could be used to properly tether a dog, and also what types of harnesses could be used. Staff felt they needed to make the language on tethering a little bit stronger. They were not looking for ways to do away with tethering, but just that it be done in a temporary way and meet standards to where an animal could not hurt themselves or possibly even hang themselves if they got caught over a fence. There had been instances in the past where that had actually happened.

Commissioner Rardin moved to approve.

Commissioner Payne seconded the motion.

A Roll Call vote was taken, and the motion carried with a vote of 5-0-0.

Mayor Pro-Tem Sikes asked if this Ordinance would be complaint-driven. Animal Control Manager Martinez said yes, but also, they'd had instances where staff was out on other calls, and they would observe an animal in a neighbor's yard that was wrapped around a tree or whatever. They wanted to amend the Ordinance to not only add a little more teeth to it, but also to educate animal owners so they would be able to have their animals out on a tether with the proper equipment. Mayor Pro-Tem Sikes thanked him and said she knew there were a lot of people out there who would appreciate that this was being done.

ADJOURNMENT

**Commissioner Baldwin moved to adjourn at 6:40 p.m.
Commissioner McDonald seconded the motion.
The motion carried with a vote of 5-0-0.**

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Teresa Gutierrez, Deputy Clerk)
Approved at the Regular Meeting held on January 12, 2021.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 12/29/2020

Report No: 3.

Submitted By: Debbie Osborne

Subject: Consider, and act upon, accepting a capital outlay grant agreement in the amount of \$300,000.00 to construct and/or renovate public restroom facilities at the City's public parks. (*Veronica Ortega, Community Services Director*)

Fiscal Impact: \$300,000.00

Amount Budgeted: \$300,000.00

Fund: 024

Additional Fiscal Impact: Legislative grant funding.

Recommendation: Recommend acceptance of capital outlay grant agreement 20-E2643.

Background: This project was one of the top five projects on the 2021-2025 City's Infrastructure Capital Improvement Plan (ICIP), adopted by Resolution No. 2019-35, and approved by the Commission on August 13, 2019. Subsequently, Alamogordo applied for and received grant agreement 20-E2643, in the amount of \$300,000, from the New Mexico Department of Finance and Administration, Local Government Division to plan, design, construct, renovate, purchase, and equip, public restroom facilities at public parks, including accessibility, in Alamogordo.

**STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
FUND 89200 CAPITAL APPROPRIATION PROJECT**

THIS AGREEMENT is made and entered into as of this ____ day of _____, 20____, by and between the Department of Finance and Administration, State of New Mexico, acting through the Local Government Division, Bataan Memorial Building, Room 202, Santa Fe, New Mexico, 87501, hereinafter called the "Department" or abbreviation such as "DFA/LGD", and the **City of Alamogordo**, hereinafter called the "Grantee." This Agreement shall be effective as of the date it is executed by the Department.

RECITALS

WHEREAS, in the Laws of 2020, Chapter 81, Section 35, Para. 299, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement; and

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement; and

WHEREAS, pursuant to Sections 9-6-5 and 9-6-5.1 NMSA 1978, the Secretary of the Department of Finance and Administration has the power and the authority to (i) maintain long-range estimates and plans for capital projects and develop standards for measuring the need for, and utility of, proposed projects; (ii) contract for, receive and utilize any grants or other financial assistance made available by the United States government or by any other source, public or private; (iii) provide planning and funding assistance to units of local government, council of government organizations, Indian tribal governments situated within New Mexico, and to nonprofit entities having for their purpose local, regional or community betterment; (iv) incident to any such programs, may enter into contracts and agreements with such units of local government, council of government organizations, Indian tribal governments, nonprofit entities and the federal government; and (v) delegate such authority to the Local Government Division as being necessary and appropriate to such delegation;

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereby mutually agree as follows:

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

20-E2643 \$300,000.00 Appropriation Reversion Date: 30-JUN-24
Laws of 2020, Chapter 81, Section 35, Paragraph 299 Three Hundred Thousand Dollars (\$300,000)
to plan, design, construct, renovate, purchase, and equip, public restrooms facilities at public
parks, including accessibility, in Alamogordo in Otero County.

The Grantee's total reimbursements shall not exceed Three Hundred Thousand Dollars (**\$300,000.00**). (the "Appropriation Amount") minus the allocation for Art in Public Places ("**AIPP Amount**") [1], if applicable, Three Thousand Dollars (**\$3,000.00**) which equals Two Hundred Ninety-Seven Thousand Dollars (**\$297,000.00**) (the "Adjusted Appropriation Amount").

In the event of a conflict among the Appropriation Amount, the Reversion Date, as defined herein and/or the purpose of the Project, as set forth in this Agreement, and the corresponding appropriation language in the laws cited above in this Article I (A), the language of the laws cited herein shall control.

This project is referred to throughout the remainder of this Agreement as the "Project"; the information contained in Article I (A) is referred to collectively throughout the remainder of this Agreement as the "Project Description". The Grantee shall reference the Project's number in all correspondence with and submissions to the Department concerning the Project, including, but not limited to, Requests for Payment and reports.

ARTICLE II. LIMITATION ON DEPARTMENT'S OBLIGATION TO MAKE GRANT DISBURSEMENT TO GRANTEE

A. Upon the Effective Date of this Agreement, for permissible purposes within the scope of the Project Description, the Grantee shall only be reimbursed monies for which the Department has issued and the Grantee has received a Notice of Department's Obligation to Reimburse^[2] Grantee (hereinafter referred to as "Notice of Obligation"). This Grant Agreement and the disbursement of any and all amounts of the above referenced Adjusted Appropriation Amount are expressly conditioned upon the following:

- (i) Irrespective of any Notice of Obligation, the Grantee's expenditures shall be made on or before the Reversion Date and, if applicable, an Early Termination Date (i.e., the goods have been delivered and accepted or the title to the goods has been transferred to the Grantee and/or the services have been rendered for the Grantee); and
- (ii) The total amount received by the Grantee shall not exceed the lesser of: (a) the Adjusted Appropriation Amount identified in Article I(A) herein or (b) the total of all amounts stated in the Notice(s) of Obligation evidencing that the Department has received and accepted the Grantee's Third Party Obligation(s), as defined in subparagraph iii of this Article II(A); and
- (iii) The Grantee's expenditures were made pursuant to the State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the Project, hereinafter referred to as "Third Party Obligations"; and
- (iv) The Grantee's submittal of timely Requests for Payment in accordance with the procedures set forth in Article IX of this Agreement; and
- (v) In the event that capital assets acquired with Project funds are to be sold, leased, or licensed to or operated by a private entity, the sale, lease, license, or operating agreement:
 - a. must be approved by the applicable oversight entity (if any) in accordance with law; or
 - b. if no oversight entity is required to approve of the transaction, the Department must approve the transaction as complying with law.

Prior to the sale, lease, license, or operating agreement being approved pursuant to Articles II(A)(v)(a) and II(A)(v)(b) herein, the Department may, in its sole and absolute discretion and unless inconsistent with New Mexico State Board of Finance imposed conditions, reimburse the Grantee for necessary expenditures incurred to develop the Project sufficiently to make the sale, lease, license, or operating agreement commercially feasible, such as plan and design expenditures; and

[1] The AIPP amount is "an amount of money equal to one percent or two hundred thousand dollars (\$200,000), whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding one hundred thousand dollars (\$100,000)." Section 13-4A-4 NMSA 1978.

[2] "Reimburse" as used throughout this Agreement includes Department payments to the Grantee for invoices received, but not yet paid, by the Grantee from a third party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee.

- (vi) The Grantee's submission of documentation of all Third Party Obligations and amendments thereto (including terminations) to the Department and the Department's issuance and the Grantee's receiving of a Notice of Obligation for a particular amount in accordance with the terms of this Agreement shall be governed by the following:
- a. The Grantee shall submit to the Department one copy of all Third Party Obligations and amendments thereto (including terminations) as soon as possible after execution by the Third Party **but prior to execution by the Grantee.**
 - b. Grantee acknowledges and agrees that if it chooses to enter into a Third Party Obligation prior to receiving a Notice of Obligation that covers the expenditure, it is solely responsible for such obligations.
 - c. The Department may, in its sole and absolute discretion, issue to Grantee a Notice of Obligation for the particular amount of that Third Party Obligation that only obligates the Department to reimburse Grantee's expenditures made on or before the Reversion Date or an Early Termination Date. The current Notice of Obligation form is attached to this Agreement as Exhibit 2.
 - d. The date the Department signs the Notice of Obligation is the date that the Department's Notice of Obligation is effective. After that date, the Grantee is authorized to budget the particular amount set forth in the Notice of Obligation, execute the Third Party Obligation and request the Third Party to begin work. Payment for any work performed or goods received prior to the effective date of the Notice of Obligation is wholly and solely the obligation of the Grantee.
- B. The Grantee shall implement, in all respects, the Project. The Grantee shall provide all necessary qualified personnel, material, and facilities to implement the Project. The Grantee shall finance its share (if any) of the costs of the Project, including all Project overruns.
- C. Project funds shall not be used for purposes other than those specified in the Project Description.
- D. Unless specifically allowed by law, Project funds cannot be used to reimburse Grantee for indirect Project costs.

ARTICLE III. NOTICE PROVISIONS AND GRANTEE AND DEPARTMENT DESIGNATED REPRESENTATIVES

Whenever written notices, including written decisions, are to be given or received, related to this Agreement, the following provisions shall apply.

The Grantee designates the person(s) listed below, or their successor as their official representative(s) concerning all matters related to this Agreement.

Grantee	City of Alamogordo
Name	Debbie Osborne
Title	Grant Coordinator
Address	1376 E. Ninth Street Alamogordo NM 88310
Email	dosborne@ci.alamogordo.nm.us
Telephone	(575) 439-4257

The Grantee designates the person(s) listed below, or their successor, as their Fiscal Officer or Fiscal Agent concerning all matters related to this Agreement.

Grantee	City of Alamogordo
Name	Debbie Osborne
Title	Grant Coordinator
Address	1376 E. Ninth Street, Alamogordo NM 88310
Email	dosborne@ci.alamogordo.nm.us
Telephone	(575) 439-4257

The Department designates the persons listed below, or their successors, as Points of Contact for matters related to this Agreement.

Department	DFA/Local Government Division
Name	David Buchen
Title	Project Manager
Address	Bataan Memorial Bldg. Rm 202, Santa Fe, New Mexico, 87501 david.buchen@state.nm.us
Email	David.Buchen@state.nm.us
Telephone	505) 827-4757

The Grantee and the Department agree that either party shall send all notices, including written decisions, related to this Agreement to the above named persons by email, or regular mail. In the case of mailings, notices shall be deemed to have been given and received upon the date of the receiving party's actual receipt or five calendar days after mailing, whichever shall first occur. In the case of email transmissions, the notice shall be deemed to have been given and received on the date reflected on the delivery receipt of email.

ARTICLE IV. REVERSION DATE, TERM, DEADLINE TO EXPEND FUNDS

A. As referenced in Article I (A), the applicable law establishes a date by which Project funds must be expended by Grantee, which is referred to throughout the remainder of this Agreement as the "Reversion Date." Upon being duly executed by both parties, this Agreement shall be effective as of the date of execution by the Department. It shall terminate on **June 30, 2024**, the Reversion Date, unless Terminated Before Reversion Date ("Early Termination") pursuant to Article V herein.

B. The Project's funds must be expended on or before the Reversion Date and, if applicable, Early Termination Date of this Agreement. For purposes of this Agreement, it is not sufficient for the Grantee to encumber the Project funds on its books on or before the Project's Reversion Date or Early Termination Date. Funds are expended and an expenditure has occurred as of the date that a particular quantity of goods are delivered to and received by the Grantee or title to the goods is transferred to the Grantee and/or as of the date particular services are rendered for the Grantee. Funds are **not** expended and an expenditure has **not** occurred as of the date they are encumbered by the Grantee pursuant to a contract or purchase order with a third party.

ARTICLE V. EARLY TERMINATION

A. Early Termination Before Reversion Date Due to Completion of the Project or Complete Expenditure of the Adjusted Appropriation or Violation of this Agreement

Early Termination includes:

- (i) Termination due to completion of the Project before the Reversion Date; or
- (ii) Termination due to complete expenditure of the Adjusted Appropriation Amount before the Reversion Date; or
- (iii) Termination for violation of the terms of this Agreement; or
- (iv) Termination for suspected mishandling of public funds, including but not limited to, fraud, waste, abuse, and conflicts of interest.

Either the Department or the Grantee may early terminate this Agreement prior to the Reversion Date by providing the other party with a minimum of fifteen (15) days' advance, written notice of early termination. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V (A).

B. Early Termination Before Reversion Date Due to Non-Appropriation

The terms of this Agreement are expressly made contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. Throughout this Agreement the term "non-appropriate" or "non-appropriation" includes the following actions by the New Mexico Legislature: deauthorization, reauthorization or revocation of a prior authorization. The Legislature may choose to non-appropriate the Appropriation referred to in Article I and, if that occurs, the Department shall early terminate this Agreement for non-appropriation by giving the Grantee written notice of such termination, and such termination shall be effective as of the effective date of the law making the non-appropriation. The Department's decision as to whether sufficient appropriations or authorizations are available shall be accepted by the Grantee and shall be final. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V (B).

C. Limitation on Department's Obligation to Make Grant Disbursements to Grantee in the Event of Early Termination

In the event of Early Termination of this Agreement by either party, the Department's sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth Article II.

ARTICLE VI. SUSPENSION OF NEW OR FURTHER OBLIGATIONS

A. The Department may choose, in its sole and absolute discretion, to provide written notice to the Grantee to suspend entering into new and further obligations. Upon the receipt of such written notice by the Grantee:

- (i) The Grantee shall immediately suspend entering into new or further written obligations with third parties; and
- (ii) The Department will suspend the issuance of any new or further Notice of Obligation under this Agreement; and
- (iii) The Department may direct the Grantee to implement a corrective action plan in accordance with Article VI (D) herein.

B. In the event of Suspension of this Agreement, the Department's sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth in Article II herein.

C. A suspension of new or further obligations under this Agreement shall remain in effect unless or until the date the Grantee receives written notice given by the Department informing the Grantee that the Suspension has been lifted or that the Agreement has been Early Terminated in accordance with Article V herein. If the Suspension is lifted, the Department will consider further requests for Notice of Obligation.

D. Corrective Action Plan in the Event of Suspension

In the event that the Department chooses, in its sole and absolute discretion to direct the Grantee to suspend entering into new or further written obligations with third parties pursuant to Article VI (A), the Department may, but is not obligated to, require the Grantee to develop and implement a written corrective action plan to remedy the grounds for the Suspension. Such corrective action plan must be approved by the Department and be signed by the Grantee. Failure to sign a corrective action plan or meet the terms and deadlines set forth in the signed corrective action plan, is hereby deemed a violation of the terms of this Agreement for purposes of Early Termination, Article V(A)(iii). The corrective action plan is in addition to, and not in lieu of, any other equitable or legal remedy, including but not limited to Early Termination.

ARTICLE VII. AMENDMENT

This Agreement shall not be altered, changed, or amended except by instrument in writing duly executed by both the parties hereto.

ARTICLE VIII. REPORTS

A. Database reporting

The Grantee shall report monthly Project activity by entering such Project information as the Department and the Department of Finance and Administration may require, such information entered directly into a database maintained by the Department of Finance and Administration (<http://cpms.dfa.state.nm.us>). Additionally, the Grantee shall certify on the Request for Payment form (exhibit 1) that updates have been maintained and are current in the database. The Grantee hereby acknowledges that failure to perform and/or certify updates into the database will delay or potentially jeopardize the reimbursement of funds. The Department shall give the Grantee with a minimum of thirty (30) days' advance written notice of any changes to the information the Grantee is required to report.

Monthly reports shall be due on the last day of each month, beginning with the first full month following execution of this Agreement by the Department and ending upon the submission of the final request for reimbursement for the Project.

B. Requests for Additional Information/Project Inspection

During the term of this Agreement and during the period of time during which the Grantee must maintain records pursuant to Article VIII, the Department may:

- (i) request such additional information regarding the Project as it deems necessary; and
- (ii) conduct, at reasonable times and upon reasonable notice, onsite inspections of the Project. Grantee shall respond to such requests for additional information within a reasonable period of time, as established by the Department.

ARTICLE IX. REQUEST FOR PAYMENT PROCEDURES AND DEADLINES

A. The Grantee shall request payment by submitting a Request for Payment, in the form attached hereto as Exhibit 1. Payment requests are subject to the following procedures:

- (i) The Grantee must submit a Request for Payment; and
- (ii) Each Request for Payment must contain proof of payment by the Grantee or liabilities incurred by the Grantee showing that the expenditures are valid or the liabilities incurred by the Grantee in the form of actual unpaid invoices received by the Grantee for services rendered by a third party or items of tangible personal property received by the Grantee for the implementation of the Project; provided, however, that the Grantee may be reimbursed for unpaid liabilities only if the Department, in its sole and absolute discretion, agrees to do so and in accordance with any special conditions imposed by the Department.
- (iii) In cases where the Grantee is submitting a Request for Payment to the Department based upon invoices received, but not yet paid, by the Grantee from a third party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee, the Grantee shall make payment to those contractors or vendors within five (5) business days from the date of receiving reimbursement from the Department or such shorter period of time as the Department may prescribe in writing. The Grantee is required to certify to the Department proof of payment to the third party contractor or vendor within ten (10) business days from the date of receiving reimbursement from the Department.

B. The Grantee must obligate 5% of the Adjusted Appropriation Amount within six months of the acceptance of the grant agreement and must have expended no less than 85% of the Adjusted Appropriation Amount six months prior to the reversion date.

C. Deadlines

Requests for Payments shall be submitted by Grantee to the Department on the earlier of:

- (i) Immediately as they are received by the Grantee but at a minimum of thirty (30) days from when the expenditure was incurred or liability of the Grantee was approved as evidenced by an unpaid invoice received by the Grantee from a third party contractor or vendor; or
- (ii) July 15 of each year for all unreimbursed incurred during the previous fiscal year; or
- (iii) Twenty (20) days from the date of Early Termination; or
- (iv) Twenty (20) days from the reversion date.

D. The Grantee's failure to abide by the requirements set forth in Article II and Article IX herein will result in the denial of its Request for Payment or will delay the processing of Requests for Payment. The Department has the right to reject a payment request for the Project unless and until it is satisfied that the expenditures in the Request for Payment are for permissible purposes within the meaning of the Project Description and that the expenditures and the Grantee are otherwise in compliance with this Agreement, including but not limited to, compliance with the reporting requirements and the requirements set forth in Article II herein to provide Third Party Obligations and the Deadlines set forth in Article IX herein. The Department's ability to reject any Request for Payment is in addition to, and not in lieu of, any other legal or equitable remedy available to the Department due to Grantee's violation of this Agreement.

ARTICLE X. PROJECT CONDITIONS AND RESTRICTIONS; REPRESENTATIONS AND WARRANTIES

A. The following general conditions and restrictions are applicable to the Project:

- (i) The Project's funds must be spent in accordance with all applicable state laws, regulations, policies, and guidelines, including, but not limited to, the State Procurement Code (or local procurement ordinance, where applicable).
- (ii) The project must be implemented in accordance with the New Mexico Public Works Minimum Works Act, Section 13-4-10 through 13-4-17 NMSA 1978, as applicable. Every contract or project in excess of sixty thousand dollars (\$60,000) that the Grantee is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics, shall be based upon the wages and benefits that will be determined by the New Mexico Department of Workforce Solutions to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the locality. Further, every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those determined pursuant to Section 13-4-11 (B) NMSA 1978 to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.
- (iii) The Project may only benefit private entities in accordance with applicable law, including, but not limited to, Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
- (iv) The Grantee shall not for a period of 10 years, from the date of this agreement convert any property acquired, built, renovated, required, designed or developed with the Project's funds to uses other than those specified in the Project Description without the Department's and the Board of Finance's express, advance written approval, which may include requirement to reimburse the State for the cost of the project, transfer proceeds from the disposition of property to the State, or otherwise provide consideration to the State.

- (v) The Grantee shall comply with all federal and state laws, rules and regulations pertaining to equal employment opportunity. In accordance with all such laws, rules and regulations the Grantee agrees to assure that no person shall, on the grounds of race, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with Grantee, be excluded from participation in the Project, be denied benefits or otherwise be subject to discrimination under, any activity performed under this Agreement. If Grantee is found to be not in compliance with these requirements during the life of this Agreement, Grantee agrees to take appropriate steps to correct any deficiencies. The Grantee's failure to implement such appropriate steps within a reasonable time constitutes grounds for terminating this Agreement.

B. The Grantee hereby represents and warrants the following:

- (i) The Grantee has the legal authority to receive and expend the Project's funds.
- (ii) This Agreement has been duly authorized by the Grantee, the person executing this Agreement has authority to do so, and, once executed by the Grantee, this Agreement shall constitute a binding obligation of the Grantee, enforceable according to its terms.
- (iii) This Agreement and the Grantee's obligations hereunder do not conflict with any law or ordinance or resolution applicable to the Grantee, the Grantee's charter (if applicable), or any judgment or decree to which the Grantee is subject.
- (iv) The Grantee has independently confirmed that the Project Description, including, but not limited to, the amount and Reversion Date, is consistent with the underlying appropriation in law.
- (v) The Grantee's governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the Grantee to sign the Agreement and to sign Requests for Payment.
- (vi) The Grantee shall abide by New Mexico laws regarding conflicts of interest, governmental conduct and whistleblower protection. The Grantee specifically agrees that no officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality who exercises any function or responsibility with respect to this Grant, during their tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed or goods to be received, pursuant to this Grant. Further, Grantee shall require all of its contractors to incorporate in all subcontracts the language set forth in this paragraph prohibiting conflicts of interest.
- (vii) No funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of this or any agency or body in connection with the awarding of any Third Party Obligation and that the Grantee shall require certifying language prohibiting lobbying to be included in the award documents for all subawards, including subcontracts, loans and cooperative agreements. All subrecipients shall be required to certify accordingly.

ARTICLE XI. STRICT ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS; PROJECT RECORDS

A. The Grantee shall be strictly accountable for receipts and disbursements relating to the Project's funds. The Grantee shall follow generally accepted accounting principles, and, if feasible, maintain a separate bank account or fund with a separate organizational code, for the funds to assure separate budgeting and accounting of the funds.

B. For a period of five (5) years following the Project's completion, the Grantee shall maintain all Project related records, including, but not limited to, all financial records, requests for proposals, invitations to bid, selection and award criteria, contracts and subcontracts, advertisements, minutes of pertinent meetings, as well as records sufficient to fully account for the amount and disposition of the total funds from all sources budgeted for the Project, the purpose for which such funds were used, and such other records as the Department shall prescribe.

C. The Grantee shall make all Project records available to the Department, the Department of Finance and Administration, and the New Mexico State Auditor upon request. With respect to the funds that are the subject of this Agreement, if the State Auditor or the Department of Finance and Administration finds that any or all of these funds were improperly expended, the Grantee may be required to reimburse to the State of New Mexico, to the originating fund, any and all amounts found to be improperly expended.

ARTICLE XII. IMPROPERLY REIMBURSED FUNDS

If the Department determines that part or all of the Appropriation Amount was improperly reimbursed to Grantee, including but not limited to, Project funds reimbursed to Grantee based upon fraud, mismanagement, misrepresentation, misuse, violation of law by the Grantee, or violation of this Agreement, the Grantee shall return such funds to the Department for disposition in accordance with law.

ARTICLE XIII. LIABILITY

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to immunities and limitations of the New Mexico Tort Claims Act.

ARTICLE XIV. SCOPE OF AGREEMENT

This Agreement constitutes the entire and exclusive agreement between the Grantee and Department concerning the subject matter hereof. The Agreement supersedes any and all prior or contemporaneous agreements, understandings, discussions, communications, and representations, written or verbal.

ARTICLE XV. REQUIRED NON-APPROPRIATIONS CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

The Grantee acknowledges, warrants, and agrees that Grantee shall include a "non-appropriations" clause in all contracts between it and other parties that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement that states:

"The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, the **City of Alamogordo** may immediately terminate this Agreement by giving Contractor written notice of such termination. The **City of Alamogordo's** decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. Contractor hereby waives any rights to assert an impairment of contract claim against the **City of Alamogordo**, the Department of Finance and Administration, Local Government Division (DFA/LGD), or the State of New Mexico in the event of immediate or Early Termination of this Agreement by the **City of Alamogordo** or the Department."

ARTICLE XVI. REQUIRED TERMINATION CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

Grantee acknowledges, warrants, and agrees that Grantee shall include the following or a termination clause in all contracts that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement:

"This contract is funded in whole or in part by funds made available under DFA/LGD Grant Agreement. Should DFA/LGD early terminate the grant agreement, the **City of Alamogordo** may early terminate this

contract by providing Contractor written notice of such termination. In the event of termination pursuant to this paragraph, the **City of Alamogordo's** only liability shall be to pay Contractor for acceptable goods delivered and services rendered before the termination date."

Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department.

ARTICLE XVII. COMPLIANCE WITH UNIFORM FUNDING CRITERIA

A. Throughout the term of this Agreement, Grantee shall:

1. submit all reports of annual audits and agreed upon procedures required by Section 12-6-3(A)-(B) NMSA 1978 by the due dates established in 2.2.2 NMAC, reports of which must be a public record pursuant to Section 12-6-5(A) NMSA 1978 within forty-five days of delivery to the State Auditor;
2. have a duly adopted budget for the current fiscal year approved by its budgetary oversight agency (if any);
3. timely submit all required financial reports to its budgetary oversight agency (if any); and
4. have adequate accounting methods and procedures to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds.

B. In the event Grantee fails to comply with the requirements of Paragraph A of this Article XVII, the Department may take one or more of the following actions:

1. suspend new or further obligations pursuant to Article VI(A) of this Agreement;
2. require the Grantee to develop and implement a written corrective action plan pursuant to Article VI(D) of this Agreement to remedy the non-compliance;
3. impose special grant conditions to address the non-compliance by giving the Grantee notice of such special conditions in accordance with Article III of this Agreement; the special conditions shall be binding and effective on the date that notice is deemed to have been given pursuant to Article III; or
4. terminate this Agreement pursuant to Article V (A) of this Agreement.

ARTICLE XVIII. SEVERANCE TAX BOND PROJECT AND GENERAL OBLIGATION BOND PROJECT CLAUSES

A. Grantee acknowledges and agrees that the underlying appropriation for the Project is a severance tax bond or general obligation bond appropriation, and that the associated bond proceeds are administered by the New Mexico State Board of Finance (SBOF), an entity separate and distinct from the Department. Grantee acknowledges and agrees that (i) it is Grantee's sole and absolute responsibility to determine through SBOF staff what (if any) conditions are currently imposed on the Project; (ii) the Department's failure to inform Grantee of a SBOF imposed condition does not affect the validity or enforceability of the condition; (iii) the SBOF may in the future impose further or different conditions upon the Project; (iv) all SBOF conditions are effective without amendment of this Agreement; (v) all applicable SBOF conditions must be satisfied before the SBOF will release to the Department funds subject to the condition(s); and (vi) the Department's obligation to reimburse Grantee from the Project is contingent upon the then current SBOF conditions being satisfied.

B. Grantee acknowledges and agrees that SBOF may in its sole and absolute discretion remove a project's assigned bond proceeds if the project doesn't proceed sufficiently. Entities must comply with the requirement to encumber five percent (5%) of Project funds within six months of bond issuance as certified by the grantee in the Bond Questionnaire and Certification documents submitted to the SBOF. Failure to comply may result in the bond proceeds reassignment to a new ready project. If this should occur this grant agreement will be suspended until the entity has demonstrated readiness as determined by the SBOF and the Department.

C. Grantee acknowledges and agrees that this agreement is subject to the SBOF's Bond Project Disbursements

rule, NMAC 2.61.6, as may be amended or re-codified. The rule provides definitions and interpretations of grant language for the purpose of determining whether a particular activity is allowable under the authorizing language of the agreement.]

[THIS SPACE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the parties have duly executed Agreement as of the date of execution by the Department.

GRANTEE

Entity Name

By:_____
(Type or Print Name)

Its:_____
(Type or Print Title)

Signature of Official with Authority to Bind Grantee

Date

**DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION**

Its: Division Director

Signature

Date

**STATE OF NEW MEXICO
CAPITAL GRANT PROJECT
Request for Payment Form
Exhibit 1**

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____
B. Address: _____
(Complete Mailing, including Suite, if applicable)

City, State, Zip
C. Phone No: _____
D. Grant No: _____
E. Project Title: _____
F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____
B. Grant Amount: _____
C. AIPP Amount (If Applicable): _____
D. Funds Requested to Date: _____
E. Amount Requested this Payment: _____
F. Reversion Amount (If Applicable): _____
G. Grant Balance: _____
H. ☐ GF ☐ GOB ☐ STB (attach wire if first draw)
I. ☐ Final Request for Payment (if Applicable)

III. Fiscal Year : _____
(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☒ Reporting Certification: I hereby certify to the best of my knowledge and belief, that database reporting is up to date; to include the accuracy of expenditures and grant balance, project status, project phase, achievements and milestones; and in compliance with Article VIII of the Capital Outlay Grant Agreement.

V. ☒ Compliance Certification: Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

Grantee Fiscal Officer
or **Fiscal Agent** (if applicable)

Grantee Representative

Printed Name

Date: _____

Printed Name

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

Division Fiscal Officer Date

Division Project Manager Date

NOTICE OF OBLIGATION TO REIMBURSE GRANTEE
EXHIBIT 2

Notice of Obligation to Reimburse Grantee # _____

DATE: _____

TO: Department Representative: _____, _____

FROM: Grantee Entity: _____

Grantee Official Representative: _____

SUBJECT: Notice of Obligation to Reimburse Grantee

Grant Number: _____

Grant Termination Date: _____

As the designated representative of the Department for Grant Agreement number _____ entered into between Grantee and the Department, I certify that the Grantee has submitted to the Department the following third party obligation executed, in writing, by the third party's authorized representative:

Vendor or Contractor: _____

Third Party Obligation Amount: _____

Vendor or Contractor: _____

Third Party Obligation Amount: _____

I certify that the State is issuing this Notice of Obligation to Reimburse Grantee for permissible purposes within the scope of the project description, subject to all the terms and conditions of the above referenced Grant Agreement.

Grant Amount (Minus AIPP if applicable): _____

The Amount of this Notice of Obligation: _____

The Total Amount of all Previously Issued Notices of Obligation: _____

The Total Amount of all Notices of Obligation to Date: _____ \$ 0.00

Note: Contract amounts may exceed the total grant amount, but the invoices paid by the grant will not exceed the grant amount.

Department Rep. Approver: _____

Title: _____

Signature: _____

Date: _____

¹ Administrative and/or Indirect Cost – generally, the legislation authorizing the issuance of bonds prohibits the use of its proceeds for indirect expenses (e.g. penalty fees or damages other than pay for work performed, attorney fees, and administrative fees). Such use of bond proceeds shall not be allowed unless specifically authorized by statute.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 12/29/2020

Report No: 4.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case Z-2020-0003(A) for adoption and final publication of Ordinance 1623 amending the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt and approve for final publication.

Background: Commission approved for first publication with a vote of 5-0 on December 15, 2020,

The property owners (State of New Mexico) are requesting that the city amend the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District in order to accommodate a new multi-family housing facility



City of Alamogordo

City Commission



Z-2020-0003(A)

Stella Rael, City Planner
December 15, 2020

Zoning Request Case: Z-2020-0003(A)

Request:

The applicants are requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 407 New York Ave., from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District to accommodate a new multi-family housing facility.

Applicant:

NMSVH

Shelley M. Hughes, Architect (Representative)

500 Burro Ave.

Cloudcroft, NM 88317

407 New York Ave. Vacant Lot

3



Zoning Request Case: Z-2020-0003(A)

4

Findings of Fact

- ▶1. The application was filed on October 22, 2020
- ▶2. The legal notice was published on November 6, 2020
- ▶3. Twelve(12) 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.
- ▶4. As of November 17, 2020 there have been six (6) letters returned undeliverable and I have not received any letters of opposition.
- ▶5. This case was presented to the Planning and Zoning Board on November 19, 2020. Planning and Zoning recommend approval by a vote of 4-0-0.

Zoning Request Case: Z-2020-0003(A)

5

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2020-0003(A).

ORDINANCE No. 1623

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 407 NEW YORK AVE. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT 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, State of New Mexico, (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 407 New York Ave and legally described below (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 names under Case No.

Z-2020-0003(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 ; and

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:

ALAMO BLOCKS, LOT 21, 22, BLOCK 9

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 _____, 2020

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

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2020-0003(A)**

For the Subject Property as follows:

Commonly Known As: **407 New York Ave.**

Uniform Property Code & Parcel Code: **01N4055094108378**

Legal Description: **ALAMO BLOCKS, LOT 21, 22, BLOCK 9**

The Alamogordo Planning & Zoning Commission considered this item on **November 19, 2020**
and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2020-0003(A)**.

.....
The Alamogordo City Commission issued the following decision on **December 15, 2020** by a
vote of _____

Approve as recommended for first publication Ordinance # 1623

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

Approve as recommended for final publication Ordinance #1623 .

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: 1/12/2021

Report Date: 1/4/2021

Report No: 5.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case Z-2020-0004(A) for adoption and final publication of Ordinance 1624 amending the zoning map to change the zoning of property located at 411 New York Ave. from C-3 Business to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt and approve for final publication.

Background: Commission approved for first publication with a vote of 5-0 on December 15, 2020,

The property owners (State of New Mexico) are requesting that the city amend the zoning map to change the zoning of property located at 411 New York Ave., from C-3 Business District to R-4 Multiple Family Dwelling District. During the research of this request City Planner discovered that the zoning of this parcel had been changed in 1991 from R-3 Two Family Dwelling District to C-3 Business District in order to be within the same zoning designation as the State owned parcel at 408 N. White Sands Blvd. I City Planner recommend amending the zoning map to change the zoning at this time in order to be consistent with the proper development of the city.



City of Alamogordo

City Commission



Z-2020-0004(A)

Stella Rael, City Planner
December 15, 2020

Zoning Request Case: Z-2020-0004(A)

Request:

The applicants are requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 411 New York Ave., from C-3 Business District to R-4 Multiple Family Dwelling District in order to be consistent with the proper development of the city.

Applicant:

NMSVH

Shelley M. Hughes, Architect (Representative)

500 Burro Ave.

Cloudcroft, NM 88317

411 New York Ave. Existing Housing Facility

3



Zoning Request Case: Z-2020-0004(A)

4

Findings of Fact

- ▶1. The application was filed on October 22, 2020
- ▶2. The legal notice was published on November 6, 2020
- ▶3. Twelve(12) 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.
- ▶4. As of November 17, 2020 there have been six (6) letters returned undeliverable and I have not received any letters of opposition.
- ▶5. This case was presented to the Planning and Zoning Board on November 19, 2020. Planning and Zoning recommend approval by a vote of 4-0-0.

Zoning Request Case: Z-2020-0004(A)

5

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2020-0004(A).

ORDINANCE No. 1624

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 411 NEW YORK AVE. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT C-3 BUSINESS DISTRICT TO R-4 MULTIPLE FAMILY DWELLING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, State of New Mexico, (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 411 New York Ave and legally described below (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 names under Case No.

Z-2020-0004(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 C-3 Business District to R-4 Multiple Family Dwelling District ; and

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:

ALAMO BLOCKS, LOTS 16-20, BLOCK 9

Is hereby changed from C-3 Business 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 _____, 2020

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

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2020-0004(A)**

For the Subject Property as follows:

Commonly Known As: **411 New York Ave.**

Uniform Property Code & Parcel Code: **01N4055094102370**

Legal Description: **ALAMO BLOCKS, LOT 16-20, BLOCK 9**

The Alamogordo Planning & Zoning Commission considered this item on **November 19, 2020** and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2020-0004(A)**.

.....
The Alamogordo City Commission issued the following decision on **December 15, 2020** by a vote of _____

Approve as recommended for first publication Ordinance # 1624

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

Approve as recommended for final publication Ordinance #1624 .

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: 1/12/2021

Report Date: 1/4/2021

Report No: 6.

Submitted By: Richard Denton

Subject: Consider, and act upon, Ordinance 1622 for adoption and final publication amending Chapter 7 of the Alamogordo Code of Ordinances regarding Animals at Large. (*Richard Denton, Chief of Police*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No fiscal impact

Recommendation: Adopt the ordinance and approve final publication.

Background: Commission approved for first publication with a vote of 5-0 on December 15, 2020,

This ordinance is an amendment to the Animals at large ordinance which will prohibit leaving animals out in the heat and cold without adequate shelter, water, and food. This ordinance will prohibit tethering animals in manner where they can become entangled in what they are tethered too.

ORDINANCE NO. 1622

AMENDING SECTION 7-01-030 OF THE ALAMOGORDO CODE OF ORDINANCES REGARDING ANIMALS AT LARGE

WHEREAS, the City of Alamogordo, New Mexico and its commissioners recognize that the ordinances regarding Animal Control have not been updated in many years;

WHEREAS, the City Commission recognizes animals as important and in need of protection; and

WHEREAS, the City Commission recognizes that both extreme heat and extreme cold can be detrimental to the health of animals, and that chaining animals outside can be inherently dangerous to the animal's health;

THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Section 7-01-030 of the *Code of Ordinances* be amended to read as follows:

7-01-030. - Animals at large.

- (a) No owner or person having control of any animal shall permit it to run at large in the city unless the animal is contained within a park specifically designated for the animal's species.
- (b) Any animal outside the fenced yard of the owner or keeper must be under control of a leash or other device by which it may be led except during the time the animal is confined within a park specifically designated for the animal's species.
- (c) ~~(c) No owner or keeper of any animal shall permit it to be chained, staked, grazed or herded on any unenclosed premises so that any part of the animal extends onto or over a sidewalk, street, alley, or other public property or beyond the owner or keeper's property or in a common area accessible to the public. Any chained animal must have a chain of at least sufficient length to allow the animal access to food, water, shelter and shade, but not so long as to enable the animal to harm itself.~~
- (c) No owner or keeper of any animal shall tether such animal to permit any part of the animal to extend onto or over a public sidewalk, street, alley, or other public property or beyond the owner or keeper's property or in a common area accessible to the public. If any animal is restricted by a tether, the animal shall be affixed in a manner to prevent the animal from being entangled or injured and permit the animal access to adequate shelter, food, and water. A tether made of chain, cable or other metallic material cannot be more than a ¼ inch in diameter and must be made of proper material for retaining the specific animal. A person may temporarily tether an animal no longer than is necessary for the person to complete a temporary task. If an animal is tethered temporarily, the animal

cannot extend onto or over a public sidewalk, street, alley, or other public property or beyond the owner or keepers property or in a common area accessible to the public.

(d) No animal shall be tethered for any length of time while wearing a coat hanger, choke collar, prong-type collar, head halter or any other collar, halter or device that is not specifically designed or properly fitted for the restraint of such animal.

(e) No owner or keeper of an animal shall keep the animal outside in adverse weather conditions without adequate shelter when a weather advisory or warning is issued by the national weather service, or when outdoor conditions (extreme heat, cold, wind, rain, snow or hail) pose an adverse risk to the health or safety to the specific animal.

DONE this _____ day of _____, 2021.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 1/4/2021

Report No: 7.

Submitted By: Teresa Gutierrez

Subject: Approve the Resident Parking Only and Designated Mobility Disabled Resident Parking Only sign locations for the purpose of determining continuance of each location. *(Teresa Gutierrez, Deputy City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Authorize all locations on Exhibit "A" and Exhibit "B" to continue as is. Authorize removal of signs at locations listed on Exhibit "C".

Background: Sections 24-13-010(e) and (f) of the Alamogordo Code of Ordinances provides for the City Manager to prepare a list of the locations of all Resident Parking Only and all Designated Mobility Disabled Resident Parking Only signs in the City and to recommend continuance or discontinuance of each location.

This is compiled annually by the City Clerk's Office and reviewed by the City Manager. Every sign listed on Exhibit "A" and Exhibit "B" is still warranted based on the reason the sign was originally granted. The signs listed on Exhibit "C" are to be removed, with an explanation as to the reason for their removal outlined for each one.

EXHIBIT A – 2021 RESIDENT PARKING ONLY SIGNS

APPROVAL DATE	NAME	LOCATION OF SIGN	WITHIN 500 FT.	NUMBER OF SIGNS	CONTACTED THIS YEAR
2-27-1990	Emil E. Ashe	1303 Mountain View Ave.	AHS	1	√
2-27-1990	Daniel Ortega	400 Cuba Ave.	AHS	1	√
2-27-1990	Frank Schaefer & Lauren Wakefield	402 Cuba Ave.	AHS	1	√
2-27-1990	Roy King	404 Cuba Ave.	AHS	1	√
2-27-1990	Nathaniel Cates	1310 Mountain View Ave.	AHS	1	√
2-27-1990	Luis Herrera, Jr.	404 Utah Ave.	AHS	1	√
2-27-1990	Dorothy Miller	401 Utah Ave.	AHS	1	√
2-27-90	Alice Sisneros	400 Utah	AHS	1	✓
9-27-1991	Alberto Valdez	618 Delaware Ave.	ICC Church	1	√
2-23-1993	Lawrence Craine	403 Oregon Ave.	Oregon Park & AHS FB Stadium	1	√
12-8-1998 & 2-9-1999 & 2-12-2013	Jacqueline LaBarre	211 13 th St. 1301 New York Ave. one sign around corner on 13 th 1304 New York Ave. 1308 New York Ave. <u>Mailing Address:</u> 1315 New York Ave., Alamogordo	Memories Restaurant	4	√
1-26-1999	Jeff Rhodes	1407 Oregon Ave.	Oregon School	2	√
2-23-1999	Teresa Maynez	713 Virginia Ave.	DPS	1	√
10-12-1999	Dora Bristow	1302 9 th St.	Dr. Taylor's office	1	√
11-12-2002	Roberto Valdez	610 7 th St.	DPS	1	√
2-12-2002	Larry & Avelina Monroy	808 Delaware Ave. (Sign placed by City in 1978 because City widened street & took out driveway)	Property has no driveway – located near various businesses & ICC Church	1	√

APPROVAL DATE	NAME	LOCATION OF SIGN	WITHIN 500 FT.	NUMBER OF SIGNS	CONTACTED THIS YEAR
5-11-2004	Norma Miller	403 Utah Ave. & Mail to: PO Box 1111 Holloman AFB, NM 88330	AHS	1	√
8-10-2004	Mark Thompson Philip Groggins	1005 8 th St. Mailing Address: 41 Gardner Lane Tularosa, NM 88352	St. Frances Cabrini Catholic School	1	√
9-28-2004	Carolyn Louis-Garcia	708 Delaware Ave. Mailing Address: <u>PO Box 695, Alamogordo</u>	ICC Church	1	√
12-15-2009	Bertha Solis	1307 Charlotte Lane	AHS	1	√
10-26-2010	Frank Chavez	708 New York Ave.	ICC Church	1	√
5-17-2011	Joyce Carter	<u>816 4th St.</u>	Sacramento School	1	√
2-14-2012	Veronica McNeilly	1304 Charlotte Ln.	AHS	1	√
6-11-1996	Roberta Cull	511 Oregon Ave.	Oregon Park; AHS Football Stadium; City Hall	1	√
6-28-2005	Alice Jones – Daughter in charge of property.	808 Virginia Ave. Mailing address: <u>5980 US Hwy 54S</u> Unit 3484 <u>Alamogordo, NM 88311</u>	Western Bank	1	√
2-12-2013	Christopher J. Preston	1305 Mountain View (One sign on Utah & one on Mountain View)	AHS	2	√
6-11-2013	Bruce/Patricia Knee	535 Linda Vista Dr.	NMSBVI	1	√
11-11-2013	Thomas Lubenau	1503 Wilson Ave.	Washington Park	1	√

10-10-2014	Corine Rule	1315 Jackson Ave.	Washington Park	1	√
APPROVAL DATE	NAME	LOCATION OF SIGN	WITHIN 500 FT.	NUMBER OF SIGNS	CONTACTED THIS YEAR
10-17-2014 6-9-2020	Charles Thompson	223 Texas St.	C.H.I.N.S.	2	√
11-18-2014	Josefina Mejia	800 Second Ave.	C.H.I.N.S.	1	√
11-18-2014	Michael Pate	311 Burnage Lane	New Heart Cowboy Church	2	√
9/22/2015	Alicia Carabajal	413 Oregon Ave.	Washington Park	1	√
10/28/2015	Selina Peterson	2310 15 th Street	Westminster Presbyterian Church	1	√
3-9-1999	Carmen Mainz	1200 Michigan	Memories Restaurant & Chiro. office	1	√
4/1/2016	Nicole Borsello	804 15 th Street	Westminster Presbyterian Church	1	√
3/13/2019	Brian Resh	1017 16 th Street	Multiple Churches	1	√
7/28/2020	Linda Eldridge	1437 Vermont Avenue	Potter's House	1	√

**EXHIBIT B – 2021 DESIGNATED MOBILITY DISABLED RESIDENT
PARKING ONLY SIGNS**

APPROVAL DATE	NAME	LOCATION OF SIGN	WITHIN 500 FT.	NUMBER OF SIGNS	CONTACTED THIS YEAR
11-4-1996	John Mangum	2409 Yale Ave.	Disabled	1	√
11-23-1998	Suzanne P. Durko	2327 Union Ave.	Disabled	1	√
2-10-2004	Dixie Bredy	1109 Ohio Ave.	Disabled	1	√
9-2-2004	Hortencia Rodriguez	1905 Bellamah Dr.	Disabled	1	√
5-7-2010	Carol Smith	1604 Bellamah Ave.	Disabled	1	√
5-10-2018	Phyllis Michelle Ferris	1804 Pontiac Dr.	Disabled	1	√
1-31-2020	Chandra Castleberry	605 Lovers Lane	Disabled	1	√

EXHIBIT C:

**2021 RESIDENT/DESIGNATED MOBILITY DISABLED RESIDENT
PARKING ONLY SIGNS MOBILITY SIGNS TO BE REMOVED**

APPROVAL DATE	NAME	LOCATION OF SIGN	WITHIN 500 FT.	NUMBER OF SIGNS	CONTACTED THIS YEAR
4-1-2013	Edith Armstrong	2500 Tulane Ave.	Disabled	1	√ Note: Resident requested sign be removed – No longer needs
2-26-2020	Geraldine Roman and Marcia Humble	301 Third Street	Disabled	3	√ Note: Although this was originally approved for two Mobility signs, there are currently three Resident Parking Only signs posted on Third St.; Resident requested to keep the signs due to being disabled, and also because there is a newly-opened dispensary nearby; However, the City Manager is recommending removal of all three signs.



City of Alamogordo

OFFICE OF THE CITY CLERK
1376 E. Ninth Street • Alamogordo, New Mexico 88310 •
(575) 439-4100 Fax (575) 439-4396

January 5, 2021

Edith Armstrong
2500 Tulane Ave.
Alamogordo, NM 88310

Re: Discontinuance of Sign

Dear Ms. Armstrong,

The purpose of this letter is to notify you that I am recommending removal of the Mobility Disabled Residential signs/ Residential Parking sign at 2500 Tulane Ave. to the City Commission on January 12, 2021 at 6 pm, per your request to remove the sign.

Enclosed is the Ordinance pertaining to Mobility Disabled Resident Parking. If you wish to speak during the Commission meeting you may contact the City Clerk's office before January 12, 2021 by 3 pm. at 575 439-4100.

If you have any questions or concerns you may reach me at (575) 439-4203 or bcesar@ci.alamogordo.nm.us.

Sincerely,

Brian Cesar,
City Manager

24-13-010. - Residential parking restricted.

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

(Ord. No. 1567, 5-29-18)



City of Alamogordo

1376 E. Ninth Street
Alamogordo, NM 88310

City Clerk



7006 3450 0001 8876 9190



quadrant

FIRST-CLASS MAIL

\$006.90

01/05/2021 ZIP 883
043M31214334

Edith Armstrong
2500 Tulane Ave.
Alamogordo, NM 88310

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Edith Armstrong 2500 Tulane Ave. Alamogordo, NM 88310	
PS Form 3800, April 2010	

7006 3450 0001 8876 9190

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City

Instructions



City of Alamogordo

OFFICE OF THE CITY CLERK
1376 E. Ninth Street • Alamogordo, New Mexico 88310 •
(575) 439-4100 Fax (575) 439-4396

January 5, 2021

Geraldine Roman and Marcia Humble
301 New York Ave.
Alamogordo, NM 88310

Re: Discontinuance of Sign

Dear Ms. Roman and Ms. Humble,

The purpose of this letter is to notify you that I am recommending removal of the Mobility Disabled Residential signs/ Residential Parking signs at Third Street to the City Commission on January 12, 2021 at 6 pm.

Enclosed is the Ordinance pertaining to Mobility Disabled Resident Parking. If you wish to speak during the Commission meeting you may contact the City Clerk's office before January 12, 2021 by 3 pm. at 575 439-4100.

If you have any questions or concerns you may reach me at (575) 439-4203 or bcesar@ci.alamogordo.nm.us.

Sincerely,

Brian Cesar,
City Manager

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- (b) The determination to post a residence with "Residential Parking Only" signs shall be made by the city commission, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant. No residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.
- (c) A fee of one hundred dollars (\$100.00) shall be paid to the city treasurer upon approval of each application.
- (d) The determination to post a residence with "Designated Mobility Disabled Resident Parking Only" signs shall be made administratively by a designee of the city manager, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant.
- (e) At the first meeting in January each year, city manager shall prepare a list of the locations of all "Residential Parking Only" signs and all "Designated Mobility Disability Resident Parking Only" signs in the city. The city manager shall recommend continuance or discontinuance of each location; if discontinuance is recommended, the resident(s) shall be notified by first class mail not less than seven (7) days before the meeting. The commission shall direct the discontinuance and removal of signs at any location deemed advisable.
- (f) The city manager shall have the authority to direct the removal of "Residential Parking Only" or "Designated Mobility Disabled Resident Parking Only" signs at any location not identified on the list of such signs approved by the city commission.
- (g) Existing signs with wording approved under previous versions of this section remain effective and enforceable, but shall not be replaced except with signs containing the currently approved wording.

(Ord. No. 1567, 5-29-18)



City of Alamogordo

1376 E. Ninth Street
Alamogordo, NM 88310

City Clerk



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quadiant
FIRST-CLASS MAIL

\$006.90⁹
01/05/2021 ZIP 88310
043M31214334

Geraldine Roman and Marcia Humble
301 New York Ave.
Alamogordo, NM 88310

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Postmark Here	
To	Geraldine Roman and Marcia Humble
Street	301 New York Ave.
City	Alamogordo, NM 88310
PS Form 3800, August 2006 See Reverse for Instructions	

7006 3450 0001 8876 9183

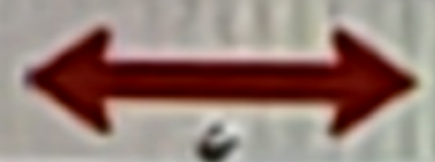




RESIDENT
ONLY
PARKING



RESIDENT
PARKING
ONLY



RESIDENT
ONLY
PARKING
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AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 1/4/2021

Report No: 8.

Submitted By: Bob Johnson

Subject: Consider, and act upon, approval of Change Order no. 8, RFQ no. 2014-005, to Bohannon Huston, Inc. related to the engineering and design of the Bonito Lake Restoration project in an amount not to exceed \$57,275.65, including NMGRT. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$57,275.65

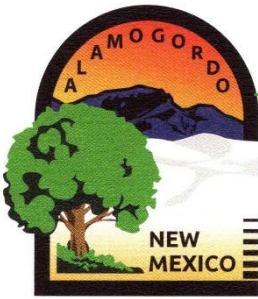
Amount Budgeted: \$77,000.00

Fund: 063-5005-419.57-57 and 081-9399-990.57-34 PW2002

Additional Fiscal Impact:

Recommendation: Approve the Change Order.

Background: Increase the engineering and design services for (1) responses to, and incorporation of, supplemental comments from OSE-DSB to finalize construction permitting for permanent improvements to the Bonito Lake dam, and (2) recompiling of project drawings and specifications to facilitate rebidding of the permanent improvements to Bonito Lake infrastructure.



City of Alamogordo

ENGINEERING DEPARTMENT
1376 East Ninth St. • Alamogordo, NM 88310
OFFICE PHONE (575) 439-4235, EXT 3
FAX (575) 439-4343

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 8

BONITO LAKE RESTORATION

RFQ NO. 2014-05

DATE: **DECEMBER 21, 2020**

ENGINEER: BOHANNAN HUSTON, INC.
7500 JEFFERSON NE, COURTYARD 1
ALBUQUERQUE, NM 87107

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

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

Increase engineering and design services for (1) responses to, and incorporation of, supplemental comments from OSE-DSB to finalize construction permitting for permanent improvements to the Bonito Lake dam, and (2) recompiling of project drawings and specifications to facilitate rebidding of the permanent improvements to Bonito Lake infrastructure.

REVISED CONTRACT AMOUNT

1. Original Contract Amount	\$1,298,811.94*
2. Total Contract Amount Including Previously Approved Change Orders.....	\$1,796,398.71*
3. Amount of this Change Order (Increase)	\$ 57,275.65*
4. Total Revised Contract Amount to Date.....	\$1,853,674.36*

* includes New Mexico Gross Receipts Tax.

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

CHANGE ORDER ACCEPTED AND APPROVED:

BY: 
Engineer

12-21-20
Date

CHANGE ORDER APPROVED BY CITY COMMISSION / CITY MANAGER:

BY: _____
City Manager

Date

BY: _____
City Attorney

Date



**ENGINEERING SERVICES
AGREEMENT AMENDMENT**

Project: Alamogordo Bonito Lake Restoration Design
Permitting and Construction

Project No.: 20160031

Contract Date: 5/7/2015

Engineer: Bohannon-Huston, Inc.
425 S. Telshor Blvd., Suite C-103
Las Cruces, NM 88011-8237

Amendment No.: 8
Date: December 18, 2020

Reason and Justification for Amendment: (use additional sheets, if necessary)

Complete Supplemental comments response and permitting for permanent dam improvements with OSE-DSB.
Recompile construction drawings and contract documents for bidding based on new funding source

Requested or initiated by: ☐ User Agency ☒ Owner ☐ Engineer ☐ Other

The Engineer is authorized to provide the following described services (scope of services and compensation).

Provide responses to supplemental comments from OSE-DSB to finalize construction permit for permanent improvements to Bonito Dam. Recompile existing drawings and existing contract documents based on OSE approval for rebidding. Construction funding to be provided by NMFA through DWSRF. Prepare advertisements for bid, distribute bid documents through BHI Tracker, conduct a Prebid conference, issue addenda as required, conduct the bid opening, provide a bid certification and recommendation for award. Assist with City council approval for award.

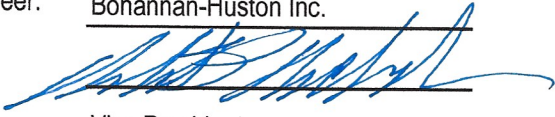
FEE SCHEDULE

Description	Current Contract Amount	Amend #8	Revised Contract Amount
1B1 - Project Management	\$161,586		\$161,586
1B2 - Surveying and Mapping	\$56,300		\$56,300
1B3 - Environmental Clearances	\$86,267		\$86,267
1B4 - Funding Agency Coordination	\$108,200		\$108,200
1B5 - Geotechnical Invest and Eval	\$62,100		\$62,100
2B1 - Cofferdam/Flow Diversion Design	\$109,886		\$109,886
2B2 - Erosion Control Measures Design	\$17,000		\$17,000
2B3 - Dewatering & Debris Removal	\$156,700		\$156,700
2B4 - Dewatering/Debris Removal Permit	\$70,000		\$70,000
2B5 - Haul Route Traffic Control	\$6,700		\$6,700
2B6 - Disposal Site Grading/Access/SWPPP	\$27,800		\$27,800
3B1 - Intake Tower Damage Ass. and Design	\$79,890		\$79,890
3B21 - Catwalk to Intake Tower Evaluation	\$24,500		\$24,500
3B22 - Catwalk to Intake Tower Design	\$83,700		\$83,700
3B3 - Upstream Dam Face Repair	\$26,600		\$26,600
3B4 - Drain System Improvements Design	\$30,964		\$30,964

Description	Current Contract Amount	Amend #8	Revised Contract Amount
4B1 - Engineering Design Report	\$21,200		\$21,200
4B2 - Contract Documents	\$5,800		\$5,800
4B3 - OSE Permitting	\$46,417		\$46,417
4B4 - OSE Supplemental Responses/Permitting	\$0	\$33,262	\$33,262
5B1 - Bid Phase Administration	\$23,800		\$23,800
5B2 - Rebid Permanent Improvements	\$0	\$19,618	\$19,618
6B1 - Construction Administration	\$208,757		\$208,757
6B2 - Construction Observation	\$234,400		\$234,400
6B3 - Final Project Documentation	\$14,163		\$14,163
TOTAL	\$1,662,730	\$52,880	\$1,715,610

AGREED AND RECOMMENDED:

Engineer: Bohannon-Huston Inc.

By: 

Title: Vice President

APPROVED:

Owner: City of Alamogordo

By: _____

Date: _____

Name of Project:	Bonito Lake Restoration		
Client:	City of Alamogordo	Date of proposal:	12/18/2020
Principal-in-Charge/ PM, Des. Eng:	Matt Thompson	Prepared by:	Rob Richardson
		Reviewed by:	inits.

[illegible]



6001 Indian School Rd NE, Ste. 310
Albuquerque, New Mexico 87110
tel: 505-243-3200
fax: 505-243-2700

December 17, 2020

Robert Richardson, P.E.
Senior Vice President
Bohannon Huston Inc.
7500 Jefferson Street, NE Courtyard 1
Albuquerque, NM 87109

Subject: City of Alamogordo Bonito Lake Restoration - Rebid

Dear Mr. Richardson:

This proposal is to provide engineering services to assist Bohannon Huston Inc. (BHI) in the rebid of the Bonito Lake Restoration project. The improvements to the intake tower, catwalk, outlet works and dam facing were not included in the project when it was originally bid in 2017 due to a lack of funding. The City of Alamogordo has obtained funding from the Drinking Water State Revolving Fund (DWSRF) to construct these improvements and complete the project as originally planned. -

CDM Smith proposes to assist BHI in the rebidding of the project, which will also include responding to comments provided by the New Mexico Office of the State Engineer - Dam Safety Bureau (NMOSE-DSB) and updating the plans and specifications we prepared in 2017 for improvements to the intake tower and catwalk.

CDM Smith's work consists of the following tasks:

- Task 1 – Project Management
- Task 2 – Response to NMOSE-DSB Comments
- Task 3 – Bid Phase Services

Task 1: Project Management

CDM Smith will provide communications, coordination, and project management for the duration of the project. CDM Smith's scope of services for this task include project accounting, scheduling and budget tracking, and maintenance of project files.

Assumptions:

- 60 calendar day duration from Notice to Proceed for completion of work.





Rob Richardson, P.E.
December 17, 2020
Page 2

Deliverables:

- Monthly invoices for services.

Task 2: Respond to NMOSE-DSB Comments and Revise Drawings

Subtask 2.1: Review and Respond to NMOSE -DSB Comments

CDM Smith will respond to NMOSE-DSB review comments dated November 24, 2020. Based on information provided by BHI, we will review and respond to General Comments 11 - 13 and 20 through 25 in the November 24, 2020 letter from the NMOSE-DSB. These comments are listed below:

- Comment 11: Review and confirm the catwalk column pier cap dimensions on Drawings S-11, S-12, and S-13.
- Comment 12: Review and revise Drawing M-03, Details 1, 2, and 3.
- Comment 13: Review and revise Drawing M-03, Detail 5.
- Comment 20: Provide electronic excel calculations and notes to allow the OSE to evaluate the seismic lumped mass calculation in depth.
- Comment 21: Column Design Calculations:
 - Confirm and update column height (p.18), details on p. 20, and the column dimensions shown in the spreadsheet are inconsistent with drawings S-12 and S-13,
 - Review and confirm that the seismic load from water surrounding the column is considered and include a note in the calculations how the seismic moment load was selected,
- Comment 22: Earthquake spectral response acceleration parameters – review and confirm parameters S_{DS} , S_{D1} , within the structural calculations.
- Comment 23: Foundation Design (p.36) – ENERCALC analysis
 - Provide explanation of the 40% reduction of the moment capacity along the X-axis,
 - Review and confirm the Pedestal dimensions.
- Comment 24: Catwalk Connection Design – Revise and confirm the plastic modulus result.

- Comment 25: Intake Structure Analysis – Extend the current tower analysis to include the tower foundation and assess the overall stability of the intake tower.

We have reviewed all of the comments and we are concerned about comments 20 and 22, Comment 20 asks us to provide our electronic calcs to the NMOSE-DSB so they can review the seismic lumped mass calculation and Comment 22, where the NMOSE-DSB has questioned seismic values provided by the geotechnical consultant (Terracon). It is possible that the NMOSE-DSB may require us to use different design values in our calculations which may result in changes to the design drawings. If design changes are needed based on NMOSE-DSB comments, they will be addressed in an amendment to this scope of services.

Comment 25 is requesting a stability analysis of the entire intake tower structure including the foundation. CDM Smith completed an analysis of the tower structure to handle wind and seismic loads based on the new openings in the tower but did not include the footing in the analysis. We have included time in this subtask to complete a stability analysis of the entire tower including the footing to address the NMOSE-DSB comment.

Assumptions:

- Responses to NMOSE-DSB comments do not require revisions to our design.
- Design changes are not included in this scope of services and will be addressed in an amendment to this scope of services if required.
- Terracon, the geotechnical consultant for the project, will confirm the allowable bearing pressure and coefficient of friction at the bearing elevation of the tower
- Seismic coefficients and lumped mass calculations used in the previous tower analysis are not revised by NMOSE-DSB.

Deliverables:

- Responses to comments for inclusion in BHI's response letter to NMOSE-DSB.

Subtask 2.2 – Revise Drawings

CDM Smith will revise the existing mechanical (M series) and structural drawings (S series) for the project, prepared in 2017. Updates will consist of the following:

- Update the drawing numbers to conform with numbering system provided by BHI.
- Minor revisions to drawings based on comments from the NMOSE-DSB.



Rob Richardson, P.E.
December 17, 2020
Page 4

- Verify design of valve operating rod supports based on questions from bidding the project in 2017.

Deliverables:

Revised drawings submitted electronically (PDF).

Task 3 Bidding Phase Services

CDM Smith will provide bid phase services to BHI in support of our design. Our services will include attendance at the Pre-Bid Meeting, answering questions during bidding, and preparation of addenda as required.

Assumptions:

- Pre-bid meeting will be virtual using Microsoft Teams or another platform.
- Two addenda will be prepared during bidding.

Deliverables:

- Addenda as required.

Costs

The total lump sum fee for the identified scope described in Task 1 through 3 is **\$27,064**, excluding New Mexico Gross Receipts Tax of 7.875%.

If you have any questions or comments regarding this scope of work, please contact me at 505-353-3709.

Sincerely,

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

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

Manhour Breakdown
Bonito Lake Restoration - Rebid

		Hours														Subconsultants		Markup on Subs	Total
Tasks	Contract Officer	Senior Technical Consultant	Senior Technical Consultant	Senior Technical Consultant	Professional VI (PM)	Professional VIII	Professional VI	Senior Designer/ Drafter	Senior Designer/ Drafter	Contract Admin.	Project Controls	Project Controls	Labor Totals		Other Direct Costs				
																Firms	Total	Total	Total
		Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	\$	\$		\$	\$
1.0 Project Management	2	0	0	0	8	1	0	0	0	4	4	1	20	\$2,736	\$0	\$0		\$0	\$2,736
Project Management	2				8	1				4	4	1	20	\$2,736				\$0	\$2,736
2.0 Respond to NMOSE-DSB Comments and Revise Drawings	6	3	12	8	10	0	52	8	12	0	0	0	111	\$19,923	\$100	\$0		\$0	\$19,973
Review and Respond to NMOSE-DSB	4		12	8	8		48						80	\$14,796	\$25			\$0	\$14,821
Revise Drawings	2	3			2		4	8	12				31	\$5,126	\$25			\$0	\$5,151
3.0 Bidding Phase Services	4	2		2	2	0	6	4	3	0	0	0	23	\$4,305	\$50	\$0		\$0	\$4,355
TOTAL	12	5	12	10	20	1	58	12	15	4	4	1	154	\$26,964	\$100	\$0	\$0	\$0	\$27,064

Labor Rates and Multipliers

Contract Officer	Senior Technical Consultant	Senior Technical Consultant	Senior Technical Consultant	Professional VI (PM)	Professional VIII	Professional VI	Senior Designer/ Drafter	Senior Designer/ Drafter	Contract Admin.	Project Controls	Procurment
Fowlie	Charles	Fosse	Blomberg	De La Vega	Guemez	Hahn	Johnson	Mesquita	Scott	Paturkar	Contakos

ODC
Multiplier

Sub
Multiplier

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 1/6/2021

Report No: 9.

Submitted By: Richard Denton

Subject: Consider, and act upon, approval of a new position in the Alamogordo Police Department for an Inspection of Public Records Act Records Clerk. (*Richard Denton, Police Chief*)

Fiscal Impact: 47737.67

Amount Budgeted: \$0.00

Fund: 011-4104-420.20-02

Additional Fiscal Impact:

Recommendation: Staff recommends approval.

Background: Due to the amount of public record requests pertaining to the police department, this position is needed.

**CITY OF ALAMOGORDO
POSITION DESCRIPTION**

APD IPRA RECORDS CLERK

(Regular Full-Time)

FLSA STATUS Non-Exempt

POSITION SUMMARY

Under general supervision, performs daily work assignments for the Records Division of the Alamogordo Police Department, in accordance with the Employee Manual, Department Policies and Procedures, City of Alamogordo Ordinances, and any applicable State or Federal authority.

ORGANIZATIONAL RELATIONSHIPS

- **Reports to:** Administrative Manager.
- **Directs:** This is a non-supervisory position.
- **Other:** Has contact with other City employees, various County, State, and Federal employees, and outside vendors, and has regular contact with the general public.

PRIMARY DUTIES AND RESPONSIBILITIES

Essential Duties

- Under general supervision, performs daily work assignments for the Alamogordo Police Department;
- Greets public in person and on telephone, answers questions, and directs to appropriate party when necessary;
- Processes New Mexico Inspection of Public Records Act requests;
- Provides efficient record keeping, secretarial, and clerical assistance to the Alamogordo Police Department, including typing various documents, letters, reports, and maintaining appropriate files and records in accordance with the City Employee Manual, Department Policies and Procedures, City of Alamogordo Ordinances, and the New Mexico Inspection of Public Records Act (IPRA);
- Process requests for public records following the New Mexico Inspection of Public Records Act, to include gathering appropriate information, and releasing records to the requestor within the required deadline(s);
- Research and retrieve filed and archived Department and City Records as necessary and according the New Mexico Municipal Records Retention Schedule;
- Archive, process and organize Department archive boxes according to the New Mexico Municipal Records Retention Schedule;
- Enters various data into computer, including accident records, arrest records, juvenile referrals, case reports, bicycle registrations, etc., and checks information for accuracy;

- Assists the general public, police personnel, and other local, state, and federal law enforcement agencies with general information, records checks, and copying reports;
- Assists police personnel and other law enforcement agencies in locating reports, statistics, and required information;
- Types, logs, and files various documents, including complaints, arrests, fingerprint cards, tow sheets, DWI reports, statements, warrants, affidavits, reports, letters, memoranda, and other documents;
- Maintains, files, and enters into the computer all information related to mug shots;
- Prepares monthly UCR reports and quarterly reports and sends copies to appropriate agencies;
- Collects fees for reports and documents; balances receipts and cash; and prepares deposit;
- Prepares and types reports, correspondence, statistical data and memos, and mails to appropriate parties;
- Maintains, files, and enters into computer various reports and performs record retention and destruction in accordance with state guidelines;
- Researches, compiles, and prepares various required and special reports;
- Answer questions from the public about City Ordinances, and policies and procedures;
- Notarize documents as needed;
- Assist with day-to-day tasks involving the efficient operation of the Alamogordo Police Department;
- Contribute to a high-quality work culture through participation in training and mentoring to develop skills, including safety related training and skills;
- Interact professionally and provides excellent customer service to all levels of City staff and citizens, to ensure high operational and service standards; and
- Perform duties in accordance with the Employee Manual, Department Policies and Procedures, City of Alamogordo Ordinances, and any applicable State or Federal authority.

OTHER IMPORTANT DUTIES

- May be required to attend meetings and trainings outside of normal business hours;
- May assist with the duties of other administrative positions as assigned;
- Maintain the confidentiality of information obtained during performance of duties;
- Performs such other related duties as may be assigned.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

REQUIRED KNOWLEDGE SKILLS AND ABILITIES

Knowledge of:

- Records management, preferably using electronic imaging;
- Methods of transferring records to computer;
- Proper filing, storage, and archiving of records;

- Proper cash handling standards;
- Standard office procedures;
- Standard for accurate filing and maintenance of confidential documents; and
- Demonstrate proficiency in both oral and written communication and proper business English, grammar, spelling, and punctuation.

Skill/Ability to:

- Operate computer using standard work processing software and imaging software, including Microsoft word, data inquiry software, and agency specific computer hardware and software;
- Organize a large number of records effectively;
- Operate standard office equipment, including a copier, facsimile, document scanner, postage meter, etc.;
- Work independently;
- Prepare reports neatly and accurately and within set deadlines;
- Perform basic mathematical calculations; and
- Establish and maintain effective working relationships with co-workers and the general public.

PHYSICAL REQUIREMENTS/WORK ENVIRONMENT

- The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.
- Work is generally performed in a typical office environment.
- Some driving may be necessary.
- Will require moderate physical exertion, including standing, bending, reaching, and climbing ladder and/or stairs.
- Must be able to safely lift and carry up to 50 pounds.

RECRUITMENT QUALIFICATIONS

Required:

- High school diploma, or equivalent;
- Four (4) years of experience in an administrative position in an office environment;
- At least one (1) year experience of New Mexico Inspection of Public Records Act;
- Ability to demonstrate typing speed of forty (40) words per minute;
- Valid New Mexico Driver's License, or the ability to obtain within sixty (60) days of employment, with a driving record acceptable to the City of Alamogordo (valid out-of-state license may be considered);
- No felony convictions or other convictions involving moral turpitude;
- Ability to become bonded and certify as a Notary Public in New Mexico within ninety (90) days of employment; or
- Any equivalent combination of education, experience, and training which provides the required knowledge, skills, and abilities.

Desired:

- City and State regulations related to the storage and retention of City records.
- Experience with records management.
- Electronic imaging experience.

HISTORY SUMMARY

New position approved by Commission. S05. AFSCME Represented. Non-Exempt. Line #: 011-4104-420.20-02.

APPROVAL

City Manager

Deputy Human Resources Director

Date

Date

JOB DESCRIPTION HAZARD ANALYSIS

CITY OF ALAMOGORDO JOB DESCRIPTION HAZARD ANALYSIS									
Division:	Administration /City Clerks	Job Title:	Records Clerk	Date:	6.2019	Page:	1	Of:	1

Sequence of Jobs	Potential Hazards	Safety Training	Safety Training Cont.
Computer work	Ergonomic hazards	Proper Lifting Techniques	Sexual Harassment
Contact with co-workers and the general public	Citizen and co-worker conflicts	Cell Phone Safety	Drug and Alcohol Awareness
Operating office equipment	Lifting hazards	Conflict Resolution	Fire Extinguisher Safety
Desk work	Repetitive motion	Ergonomic Awareness	Hazard Communication
Moving supplies	Driving hazards	Hazardous Communication for Office Personnel	Defensive Driving
Driving		Office Safety	Workplace Violence
Telephone usage		PPE	Workers Compensation
Moving archived files		Public Liability	Electrical Safety
Confidentiality		Slips, Trips, Falls	Anti-Bullying
Attend trainings and meetings		Active Shooter	Harassment
		Ladder Safety	Code of Ethics Policy

PPE	PPE Cont.	Safety Policy	Safety Policy Cont.
Seat belt		Employee Manual	
Gloves		Telecommunications Policy	
		Drug Testing Policy	
		Safety & Health Manual	
		Department Rules and Regulations	
HR Reviewer Name:		Department Reviewer Name:	

City Clerk's Office Request for Public Records Information

Records Requests 2020

Total	Police Records	Other Records
326	235	91

Records Requests 2019

Total	Police Records	Other Records
280	131	141

Records Requests 2018

Total	Police Records	Other Records
351	28	323

Before June 2019 the City Clerk's office filled big records requests pertaining to the Police department
After June 2019 the City Clerk's office filled all records requests pertaining to the Police department

In 2020 the increase in record requests pertaining to the Police department was due to Police footage

- To review and redact one 19 minute video, it takes approximately 1 hour
- Normally there are 3-7 videos for one single incident

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/12/2021

Report Date: 1/5/2021

Report No: 10.

Submitted By: April Jones

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

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint to the Alamogordo Public Library Board, the Alamogordo Promotion Board, and the Planning and Zoning Commission.

Background:

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

Alamogordo Promotion Board - One (1) tourism related vacancy. This vacancy is due to the expiring term of Marianne Schweers. Staff Liaison - Michelle Brideaux.
The following individual is interested in being reappointed:
Marianne Schweers - If reappointed, this will be her 2nd term.

Alamogordo Public Library Board. One (1) city vacancy. This vacancy is due to the expiring term of Michael Eshelman. Staff Liaison - Missy Garcia.
The following individual is interested in being reappointed:
Michael Eshelman - If appointed, this will be his 2nd term.

Cemetery Board - Two (2) city or county vacancy. Staff Liaison - Tony Gonzales.
No applications received.

Housing Authority Advisory Board. One (1) two year vacancy. Staff Liaison - Marissa Ruiz.
No applications received.

Planning and Zoning Commission. One (1) vacancy. This vacancy is due to the expiring term of Andrew Gomolak. Staff Liaison - Stella Rael.
The following individual is interested in being reappointed:
Andrew Gomolak - If reappointed this will be his 6th term.

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

From: April D. Jones <adjones@ci.alamogordo.nm.us>
Sent: Tuesday, January 5, 2021 9:22 AM
To: Michael Eshleman
Subject: Form

Importance: High

RECEIVED
JAN 05 2021
CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Michael Eshleman
Home Phone: _____ Work Phone: 575-437-7427
Cell Phone: 575 520 5335 Fax No: 575-443-2928
E-mail address: meshleman@co.otero.nm.us
Physical Address: 2200 E 1st St Alamogordo NM 88310
Is the above address within City limits? Yes X No _____
Mailing Address: P.O. Box 1963, Alamogordo NM 88311
Present Employer: County of Otero Job Title: County Attorney

Board/Committee you wish to serve on:

First choice: Library Advisory Board
Second choice: _____

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

Yes _____ No X If so, what is their relation to you? N/A

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No X If so, what is their relation to you? N/A

Experience and education relating to the Board/Committee: Served on Board since 2019,
Chairman since July 2019. B.A., Political Science, U of Cincinnati,
J.P., U of Dayton; Master of Library Science, Indiana University

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

I would like to be reappointed to the Library Advisory Board. I
have enjoyed my time on the Board & have a good relationship
with my board members & library staff.

City of Alamogordo
**APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE**

RECEIVED
JAN 05 2021
CITY CLERK

Name: _____Andrew R. Gomolak, JR_____

Home Phone: _____575-434-0690_____ Work Phone: _____575-430-1906

Cell Phone: _____575-430-1906_____ Fax No: _____None_____

E-mail address: _____jr.gomolak@gmail.com_____

Physical Address: _____3005 del Prado, Alamogordo, NM 88310_____

Is the above address within City limits? Yes ___it is. ___

Mailing Address: _____Same_____

Present Employer: _____Tx A&M University_____ Job Title: _____Project Specialist_____

Board/Committee you wish to serve on:

First choice: _____Planning and Zoning_____

Second choice: _____I believe I am also on the Naming Board and can continue that _____

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

Yes _____ No, I am not._____ If so, what is their relation to you? _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No, I am not._____ If so, what is their relation to you? _____

Experience and education relating to the Board/Committee:_____Starting with NMSU classes (1960s) in planning and a Student internship with the Southern Rio Grande Council of Governments, later planning positions with the Air Force, and continued with recent years of current service on the Alamogordo Planning and Zoning Commission; I remain interested and concerned with rational development, redevelopment and conduct of municipal planning.

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

As above, P&Z Commission and Names Board

Please return completed application to: City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4100
FAX: (575)439-4396

RECEIVED

JAN 05 2021

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Marianne Schweers
Home Phone: 575-437-3792 Work Phone: 575-434-0035
Cell Phone: _____ Fax No: 575-434-2132
E-mail address: mschweers@HeartoftheDesert.com
Physical Address: 7288 Hwy 54-70 Alamogordo, NM 88310
Is the above address within City limits? Yes _____ No X
Mailing Address: 7288 Hwy 54-70 Alamogordo, NM 88310
Present Employer: Heart of the Desert Job Title: Owner
Pistachios & Wine
Board/Committee you wish to serve on:
First choice: Promotion Board
Second choice: _____

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

Yes _____ No X If so, what is their relation to you? _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No X If so, what is their relation to you? _____

Experience and education relating to the Board/Committee: I have been on the Promotion Board and involved in promoting our community. We have been a tourist attraction for many years (Agri-tourism)

Please indicate your interest in serving on a City Board/ Committee: I wish to be considered for another term on the Promotion Board

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4100
FAX: (575)439-4396