



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

February 23, 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. Presentation for Alamogordo Police Department's Mobile Crisis Response Team and Crisis Intervention Calls. *(Richard Denton, Police Chief and Jeanette Borunda, Mobile Crisis Response Team Clinician)*
2. Presentation of Stats within the Alamogordo Police Department, 3 year comparison. *(Richard Denton, Police Chief)*

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.

3. Approve the minutes for the February 9, 2021 Regular meeting. *(Rachel Hughes, City Clerk)*
4. Consider, and act upon, the amended State Grants-in-Aid award from the New Mexico State Library for local library support, the additional fiscal impact is \$3,456.62 of which \$2,106.13 is from CARES Act funds and \$1,350.49 is from additional state funds that became available after the original estimated grant amount was announced. *(Sharon Rowe, Library Manager)*

ITEMS REMOVED FROM CONSENT AGENDA

UNFINISHED BUSINESS

5. Consider, and act upon, Case V-2020-0002(A) to allow the placement of a 14x46 manufactured home that has been placed in the rear yard of the property located at 818 8th Street, within an R-3 Zoning District (Two Family Dwelling District). *(Stella Rael, City Planner)* **(Roll Call Vote Required)**

NEW BUSINESS

6. Consider, and act upon Ordinance 1627 Case Z-2021-0001(A) for first publication for a map amendment to change the zoning designation of the property located at 911 Mescalero St. from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
7. Consider, and act upon, Case V-2021-0001(A) to allow to continue to have the existing number of spaces (57) within the existing park. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
8. Consider, and act upon Ordinance 1625, for the first publication, authorizing the Repeal of Ordinance 1439 Housing Authority Advisory Board and Create Resident Advisory Board. *(Marissa Ruiz, Housing Authority Manager and Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**
9. Appointments to Boards and Committees. *(Richard Boss, Mayor)*

EXECUTIVE SESSION (Roll Call Vote Required)

10. Adjourn into Executive Closed Session in compliance with 10-15-1(h)(8)(7), NMSA (as amended) to discuss Real Property - Land around the Bonito Lake area and to discuss Threatened or Pending Litigation - Taxation and Revenue Department lawsuit and discuss Threatened or Pending Litigation - Union Pacific Rail Road/8th Street Crossing.

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/16/2021

Report No: 1.

Submitted By: Richard Denton

Subject: Presentation for Alamogordo Police Department's Mobile Crisis Response Team and Crisis Intervention Calls. *(Richard Denton, Police Chief and Jeanette Borunda, Mobile Crisis Response Team Clinician)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: NONE

Recommendation:

Background: Presentation for the Mobile Crisis Response Team



CIT and Mobile Crisis Response Team

Crisis Intervention Team (CIT)

- CIT model, known as the Memphis Model was developed in 1988.
- First responder model for law enforcement-based crisis intervention training.
- Basic Goals
 - 1. Improve Officer and Consumer Safety
 - 2. To help persons with mental disorders and/or addictions access medical treatment rather than place them in the criminal justice system due to illness related behaviors. (www.citinternational.org)

CIT Training

- ▶ 40-hour Training
- ▶ Community involvement
- ▶ De-escalation skills
- ▶ Empathy building
- ▶ Officer scenarios
- ▶ Behavioral Health Components

Why is CIT necessary?

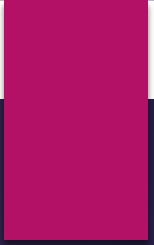
- ▶ Increased law enforcement involvement
 - ▶ De-institutionalization of mental illness began in 1955.
 - ▶ In 1955, there were 558,239 severely mentally ill patients in the nation's psychiatric hospitals.
 - ▶ In 1994, this number was decreased to 71,619.

(www.citinational.org)

Research and Benefits of CIT

- ▶ Efficient crisis response times
- ▶ Increase in jail diversion for those with mental illness
- ▶ Continuity with community providers
- ▶ Significantly decreased injuries among police officers.

(www.citinternational.org)



Mobile Crisis Response Team (MCRT)

MCRT Purpose

- ▶ Mobile Crisis Response Team (MCRT)-a dedicated team who supports the Alamogordo Police Department and Crisis Intervention Team (CIT) Officers. The MCRT's primary objectives are as follows:
- ▶ • Reduce unnecessary criminal justice system involvement among people living with a mental illness and/or substance use disorder or who are experiencing a mental health crisis.
- ▶ • Increase connection to appropriate evaluation, treatment, and support services among people experiencing a mental health crisis.
- ▶ • Develop community partnerships to coordinate services for those living with mental illness and/or substance use disorders.
- ▶ • Assists officers by providing additional crisis intervention skills, referrals to services, education, and outreach for individuals experiencing a mental health crisis.

Procedure

- ▶ Responding officers will:
 - ▶ • Assess whether a crime has been committed
 - ▶ • Determine whether the person's behavior indicates that mental illness may be a factor
 - ▶ • Ascertain whether the person appears to present a danger to self or others
 - ▶ • Use skills that safely de-escalate situations involving someone who is behaving erratically or is in crisis.

MCRT will be requested if:

- ▶ a. If the person in mental health crisis represents a substantial risk of physical harm to themselves as manifested by evidence of threats of, or attempts at suicide or serious self-inflicted bodily harm; or
- ▶ b. Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness; or
- ▶ c. Represents a substantial and immediate risk of serious physical impairment or injury to themselves as manifested by evidence that the person is unable to provide for and is not providing for their basic physical needs because of their mental illness and that appropriate provisions for such needs cannot be made immediately in the community; or
- ▶ d. Person in crisis would benefit from treatment in a hospital for his/her mental illness and needs such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or themselves:

MCRT will:

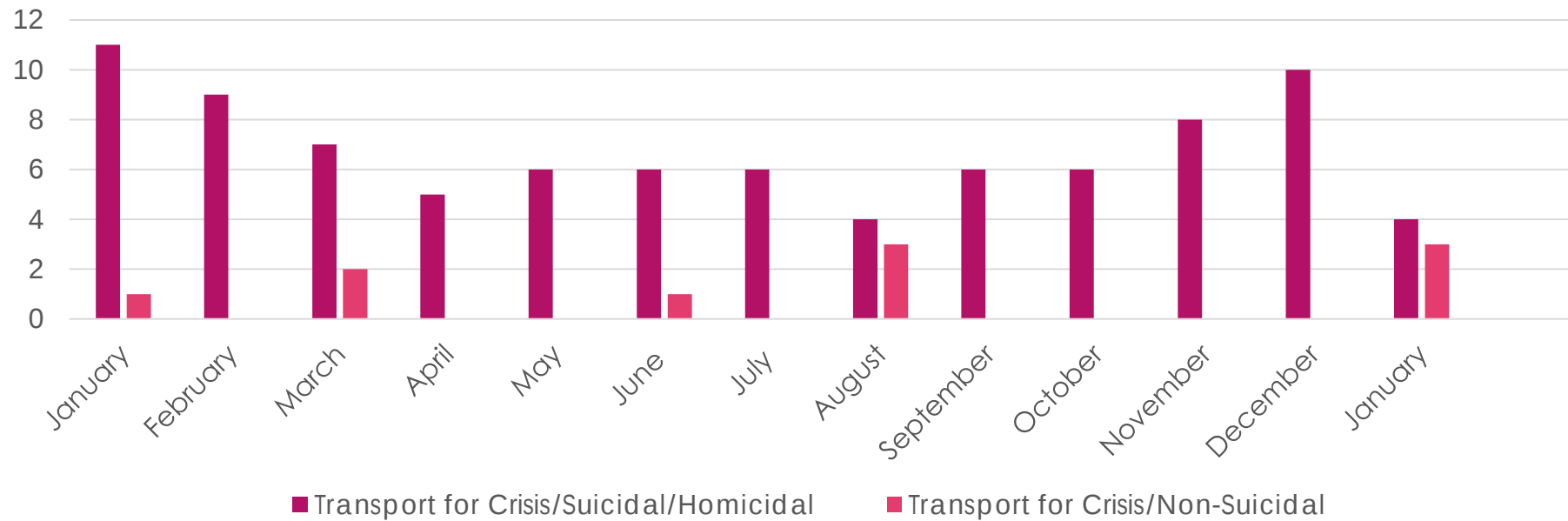
- ▶ • Determine if suicidal or homicidal ideations are present by using identified assessments
- ▶ • Determine if de-escalation and stabilization in the field are possible
- ▶ • With the individual's consent, complete a thorough safety plan and safety contract
- ▶ • A Peer Support Specialist will attempt to contact the client within 24 hours
- ▶ • Depending on the treatment plan, services can be provided up to 60 days. Length of services can be extended with the CIT Clinical Director's approval
- ▶ • Peer support will coordinate appointments, provide support, and reassurance to clients

CIT and MCRT Calls By the Numbers

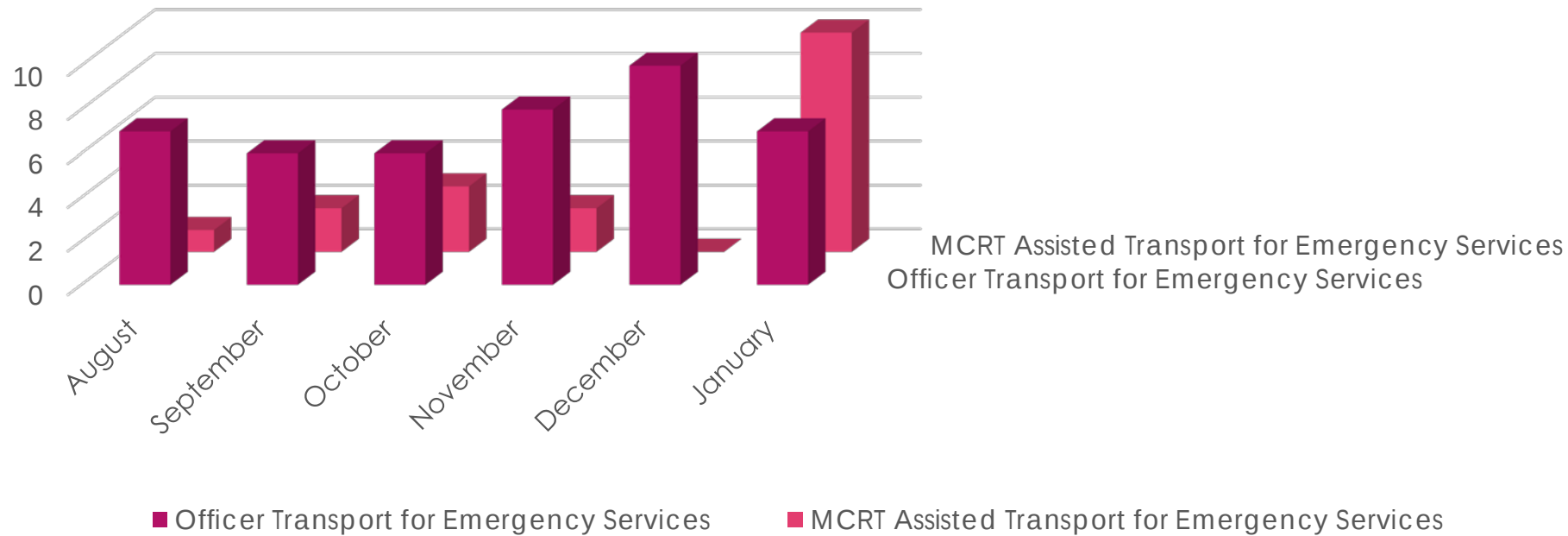
- ▶ In 2020 the total number of CIT calls was 230.
- ▶ The total numbers of CIT Transport calls to Emergency Services was 91.
- ▶ MCRT went live 8/30/2020.

CIT Calls for 2020

Total CIT Transport Calls = 91

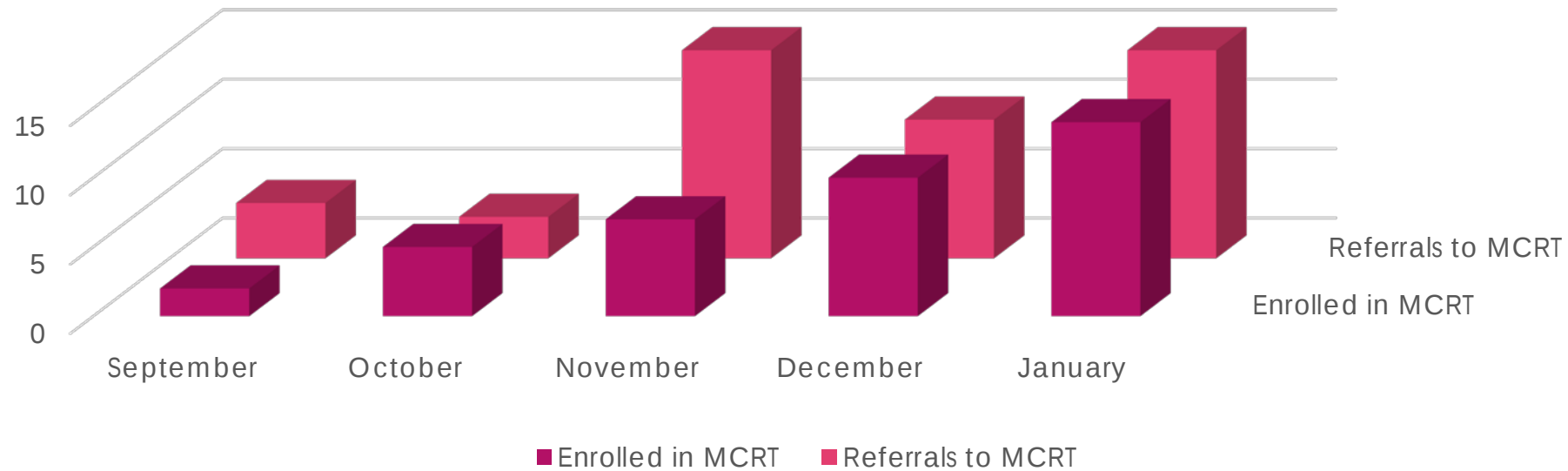


MCRT and CIT Transports for Emergency Services

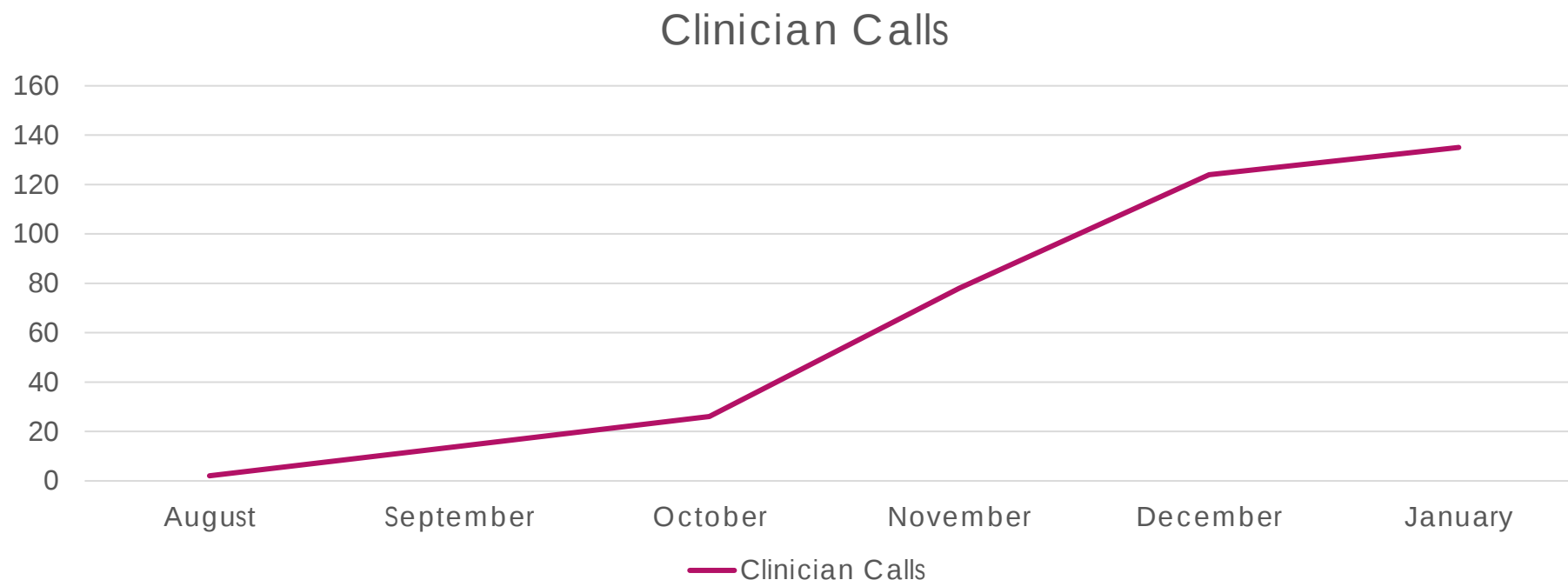


MCRT Referrals

Chart Title



MCRT Clinician Crisis and Case Management Calls



Total Calls for Service for CIT Officer = 409

*Total Calls for January includes CIT Officer MCRT calls in addition to CIT Clinical Director calls.

Questions?

▶ THANK YOU!

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/16/2021

Report No: 2.

Submitted By: Richard Denton

Subject: Presentation of Stats within the Alamogordo Police Department, 3 year comparison. *(Richard Denton, Police Chief)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: NONE

Recommendation:

Background: 3 year comparison of the Alamogordo Police Department Statistics



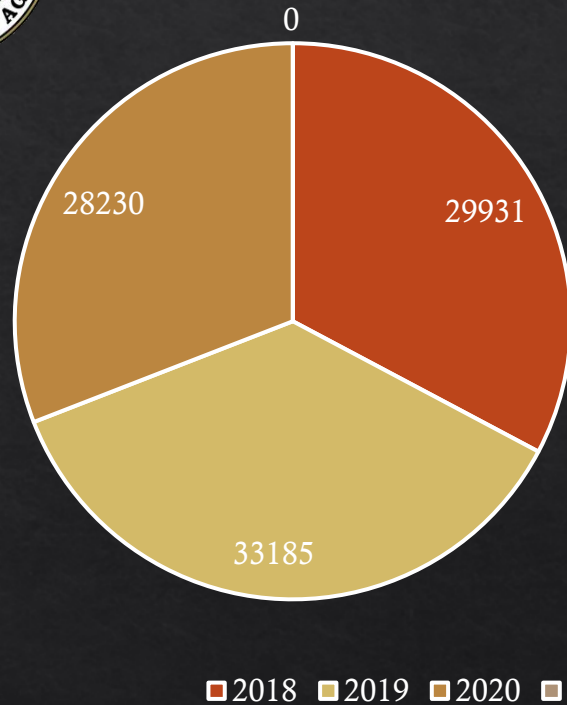
ALAMOGORDO POLICE DEPARTMENT

2018, 2019 & 2020



Calls for service

◆ Total calls last three years.



91346

33% in 2018

36% in 2019

31% in 2020



What does this mean?

◊ 10 % FEWER CALLS IN 2018 THAN IN 2019

◊ ROUGHLY 15% FEWER RESPONSES IN 2020 THAN IN 2019



VIOLENT CRIME

2018

2019

2020

HOMICIDES	2	HOMICIDE	2	HOMICIDE	2
ASSAULT & BATTERY	230	ASSAULT & BATTERY	297	ASSAULT & BATTERY	229
SEX CRIMES	52	SEX CRIMES	47	SEX CRIMES	51
DOMESTIC DISUTES	318	DOMESTIC DISPUTE	501	DOMESTIC DISPUTE	682
CHILD ABUSE CASES	46	CHILD ABUSE	50	CHILD ABUSE	53
TOTAL VIOLENT CRIMES	648	TOTAL VIOLENT CRIMES	897	TOTAL VIOLENT CRIMES	1017
TOTAL CHARGES	336	TOTAL CHARGES	306	TOTAL CHARGES	324



DOMESTIC DISPUTE CALLS

2018

2019

2020

DOMESTIC DISUTE

318

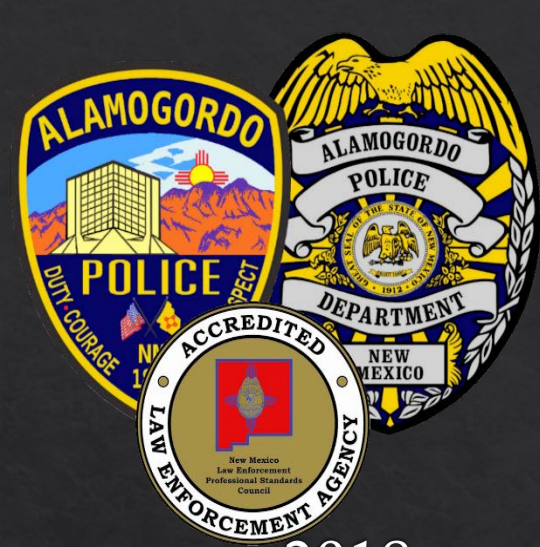
DOMESTIC DISPUTE

501

DOMESTIC DISPUTE

682

ROUGHLY 30% MORE DOMESTIC
DISPUTES IN 2020 THAN IN 2019
AND 73% OVER 2018.



PROPERTY CRIME

2018

RESIDENTIAL BURGLARY	161
COMMERCIAL BURGLARY	58
AUTO BURGLARY	161
SHOPLIFTING	348
OTHER	
(fraud, embezzlement, larceny, etc...	581

2019

RESIDENTIAL BURGLARY	71
COMMERCIAL BURGLARY	57
AUTO BURGLARY	81
SHOPLIFTING	266
OTHER	
(fraud, embezzlement, larceny, etc...	494

2020

RESIDENTIAL BURGLARY	44
COMMERCIAL BURGLARY	50
AUTO BURGLARY	137
SHOPLIFTING	221
OTHER	
(fraud, embezzlement, larceny, etc...	587

Property Crime up from 2019 but down from 2018



STOLEN MOTOR VEHICLES

2018

2019

2020

STOLEN VEHICLE

88

STOLEN VEHICLE

72

STOLEN VEHICLE

72



TRAFFIC

2018

TRAFFIC CRASH	749
TRAFFIC STOP	8767

2019

TRAFFIC CRASH	685
TRAFFIC STOP	7471

2020

TRAFFIC CRASH	680
TRAFFIC STOP	3549



ANIMAL CONTROL

2018

CALLS FOR SERVICE	3311
INTAKES	1701
ADOPTIONS	745
EUTHANIZED	573
CITATIONS	85

2019

CALLS FOR SERVICE	2577
INTAKES	1691
ADOPTIONS	771
EUTHANIZED	87
CITATIONS	57

2020

CALLS FOR SERVICE	4189
INTAKES	1260
ADOPTIONS	563
EUTHANIZED	36
CITATIONS	100



QUESTIONS?

IS THERE ANY STATISCAL DATA
THE COMMISSION WOULD LIKE TO SEE IN THE
FUTURE

THANK YOU FOR YOUR TIME!

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/18/2021

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the February 9, 2021 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
February 9, 2021**

**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 Deputy Clerk. Deputy Clerk Gutierrez announced there was a quorum present. Invocation was given by Deputy Clerk Gutierrez, and the Pledge of Allegiance was led by Commissioner Wright.

APPROVAL OF AGENDA

City Manager Cesar said item No. 9 needed to be pulled from the agenda tonight and would be brought back at a later date.

Commissioner Baldwin moved to approve the agenda as amended.

Commissioner Wright seconded the motion.

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

PRESENTATIONS

1. The Alliance for Regional Military Support (ARMS) will provide a briefing on activities in support of Holloman AFB and the regional military installations of Las Cruces (WSMR), and El Paso (Fort Bliss). *(Richard Dayoub, ARMS Treasurer and Gus Rodriguez, ARMS Chairman)*

Mr. Richard Dayoub and Mr. Gus Rodriguez gave a screen presentation of ARMS, sharing their mission, goal, and strategy (included in agenda packet backup). Mr. Dayoub encouraged the City in the future to allow them a few more minutes to present because they were supposed to do these presentations quarterly on the work that was being done, specifically with Holloman and Alamogordo and on all three installations in our neighboring communities.

Commissioner Payne asked if Mayor Boss was meeting regularly with ARMS? Mayor Boss said we had a very good relationship with White Sands Missile Range. However, things had slowed quite a bit due to Covid, and they were not meeting as regularly as they had in the past. Commissioner Payne asked Mr. Rodriguez if the Mayor was involved with their regularly meeting with community leaders? Mr. Rodriguez said their representative for Alamogordo was Mr. Ed Brabson, and they were open to having participation from the Mayors, Commissioners or City Managers of Alamogordo, Las Cruces, and El Paso at any time. Mayor Boss said he met occasionally with Mr. Brabson and he had passed a lot of information on regarding things happening at Holloman ABF and White Sands Missile Range, as well as Fort Bliss. Commissioner Payne said she would like to hear these types of presentations more often. Mayor Boss said he could pass some of this information onto the Commission more often.

Mayor Pro-Tem Sikes said Mr. Rodriguez had mentioned working with the medical facility at Holloman AFB and changes going on medically. Were there more details he could share. Mr. Rodriguez said this should be a major concern to communities because all our communities were underserved medically. So, they would like to move all medical services under one large defense department – the Defense Health Agency. All the service chiefs were opposed to this because they really did not know how it would impact services. For example, potentially at William Beaumont Hospital they were at one point looking at a loss of about 300 folks out of that hospital and shifting those services into the community. ARMS was continuing to work

them, although Congress was slowing them down in this effort. It was something we needed to remain vigilant in because if they did move forward, it was going to impact as they continued to shift those services out into the community. For example, regarding pediatrics, they had no need to take a pediatric physician into combat. Therefore, they were looking at just eliminating some of those service lines and pushing them out into the community.

Mayor Pro-Tem Sikes said Holloman AFB was touting the recent release of the Environmental Impact Statement, and she had recently learned that the F-16's would no longer be flying over the Gila. Had that affected our relationship with Holloman at all? Mr. Rodriguez said that was something he would need to refer to Mr. Brabson who had regular interaction with the leadership out there.

Mr. Dayoub said they really wanted to make these presentations on a quarterly basis, as they had made that commitment in writing. It had been difficult getting on the agenda, but they were prepared every quarter to give them an update. Also, over the past several weeks they had had numerous briefings with the second in command of the Army's futures, General King. Those notifications were sent via email to Mr. Brian Cesar's office through an invitation to participate in those phone calls. If he would provide ARMS with every Commissioner's email address, they would be happy to make sure everyone was notified about all these presentations to help keep them up to date as they went through each quarter. Mr. Rodriguez said next week they would be hosting a briefing by the Fort Bliss Garrison Commander on some of their missions. The target participants were economic development folks, and he would make sure they all received a copy of that invitation so that any member of the Commission could participate if they wished.

Commissioner McDonald asked about the station capabilities and the rating with the AARP. Where did Alamogordo stand right now and what would the update bring Alamogordo to? The second point was working with the area school districts to focus on STEM, A.I., Autonomy and Data Mining. Mr. Rodriguez said he believed the region as a whole was about two points shy of being the baseline for the standard. In talking with Mr. Brabson and his interaction with folks within Alamogordo, when they reviewed the criteria, they noticed that the graduation rate reflected in that material was lower than what it actually was within the City. They were working with AARP to try and get those updates to them so that they could go ahead and approve the scores. Pretty much Las Cruces, El Paso, and Alamogordo were all about two points shy of the baseline. They learned about this when the Air Force was trying to make a decision as to where they were going to station the Space Command Headquarters. The criteria they were using was AARP's evaluation of communities. Regarding STEM, one of the things they wanted to do was to start working with the schools and interacting with them and to provide them that information to encourage them. In the most recent briefing they'd had from Army Test and Evaluation Command, the Commanding General encouraged them to talk with teachers and counsellors in order that they could guide young people into those arenas. He was talking about it from the government service standpoint. In particular, at White Sands Missile Range they had an aging civilian employee population, and they needed to get some folks in the pipeline to take over as the older ones retired. Mr. Dayoub said these programs were also critical at the post-secondary level and there needed to be an overlapped partnership between the colleges and the school districts. That would allow these students who had a passion and skillset for this curriculum to be encouraged to pursue it further at the post-secondary level in order that they could eventually fill these highly paid positions with the Department of Defense. Mr. Rodriguez said these jobs were all located within our region, so their effort was to try and provide these opportunities with good pay and good benefits to the young people so they would not leave our region.

Mayor Boss thanked Mr. Dayoub and Mr. Rodriguez for a great presentation and for the support they gave our military and defense contractors. He looked forward to having presentations more often.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

City Manager Cesar said he would like to turn his time over to Police Chief Richard Denton, who wished to make a presentation. Police Chief Denton said he was presenting the Officer of the Year award for 2020.

Police Chief Denton said his first nominee was Officer Daniel Nevarez. He gave a brief overview of Officer Nevarez' history, including his commendable and positive attitude and ability to show compassion towards citizens that are displaying signs of mental illness and psychosis. His fellow Officers would often look to him for advice on handling various situations and walking them through a solution. His investigations were thorough and complete, and he was always proactive in his work and demonstrated a strong work ethic.

Police Chief Denton said the second nominee was Officer Cheyenne Bunker. She always demonstrated a high level of competency, and during 2020 she had 19 felony arrests, 15 arrest warrants, 20 search warrants, and 21 criminal complaints. Her investigative skills were amongst the best in the department. She made 111 arrests in 2020. She was able to successfully investigate a physical fight scene where a firearm was brandished and where several children were present, resulting in the arrest of an individual for assault with a deadly weapon, as well as the charge against a parent for child abuse. Officer Bunker was also dispatched to an address on a criminal sexual penetration of a 16-year-old female who was missing part of her brain and only functioned as a 6-year-old. She successfully obtained a search warrant and spent countless hours going through 150,000 pages of messages. She was able to find enough evidence to charge the male subject with criminal sexual penetration of a minor. She should be recognized for her work ethic, excellent teamwork, and her expanding job knowledge.

Police Chief Denton said the third nominee was Officer Mauricio Puente. He is a certified K-9 Officer, and as such, had made countless arrests for drug-related crimes, including methamphetamine, heroin, and marijuana. In March 2020, he was dispatched to an address where a suspicious vehicle was parked. During the investigation, he noticed numerous items of paraphernalia to include a Billy club style stick. The following day, he was viewing an intra-department email on a Rocky Mountain Intelligence network alert, where he learned of a robbery that had taken place in Laramie, Wyoming a few nights earlier. In the alert was a photograph of the male subject holding the Billy club. Also, in July, he responded to a residence regarding a physical domestic. He was able to apprehend a subject, who had a weapon in his waistband. As a result of the investigation, the subject was charged with felony child abuse, aggravated assault against a household member, felony false imprisonment, battery against a household member, and negligent use of a firearm. He also responded to a motel regarding a domestic disturbance where a female had a knife to the throat of another female. He was able to de-escalate the incident and eventually charge the female suspect with first degree felony kidnapping and third-degree felony assault with intent to commit a felony. During a traffic stop he noticed a weapon inside the vehicle, obtained a search warrant, and subsequently charged the suspect with felon in possession of a firearm, possession of methamphetamine, and possession of paraphernalia. He had a total of 170 arrests, 335 traffic stops, and issued 156 citations, 30 felony arrests, 3 felony warrants, 9 search warrants, and 6 DWI arrests.

Police Chief Denton noted that each of their hard work did not go unnoticed. Just to be nominated was an honor. Police Chief Denton then announced Cheyenne Bunker as Office of the Year for 2020.

The Mayor and Commission all noted their appreciation to the three individuals and to the entire Police Department.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner McDonald made the following comments:

Commissioner McDonald said back in July the demolition of Sacramento Elementary School was put in place, and the actual demolition started to happen in November. The job was almost completed now,

and she wished to thank Superintendent Jerrett Perry and the Alamogordo Public Schools for the job that was being done. It was done in a clean and neat manner and there had not been damage done or debris laying around. For this project at 300 Alaska Avenue, it was almost done, and she believed they were moving for a new look. She appreciated that because it was in her district.

Commissioner McDonald said she also wished to thank the Planning & Zoning Commission and the Otero County Solid Waste Authority Board because she attended their meetings and obtained a lot of information. She had been looking at the Comprehensive Plan for the City, and she was wondering if moving forward that we could receive the return on investment for each of the projects we had done. Based on what we had done in the City so far, she was wondering if they could see how the monies spent were distributed amongst each of the different districts. Hopefully with the Comprehensive Plan they would be able to actually see how the City was making the money work for the City of Alamogordo. She would follow up with City Manager Cesar on this, as she would like to include those items at a future date.

Commissioner Rardin made the following comments:

Commissioner Rardin asked if we had a list of how many local businesses had shut down permanently over the past year due to the (Covid) shutdown. City Manager Cesar said he did not have such a list, but he could reach out to the Chamber of Commerce to see if they did. City Clerk Hughs said it was hard to say if they had closed due to Covid. Over the past year there were probably 25 to 30 businesses that had closed, but we did not know if it was due to Covid. She could run a report for him that would show how many businesses had closed. Commissioner Rardin asked how many business registration renewals we typically sent out? City Clerk Hughs said there were just over 1,700. Also, she'd had about 12 businesses that had been applying for brand new licenses between late December and January.

CONSENT AGENDA

2. Approve the minutes for the January 26, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, acceptance of grant agreement from NMDOT, Aviation Division, to Alamogordo-White Sands Regional Airport in the amount of \$9,200.00 to obtain construction cost estimates for Taxiway A. *(Jim Talbert, Airport Manager)*
4. Consider, and act upon, acceptance of grant agreement from NMDOT, Aviation Division, to Alamogordo-White Sands Regional Airport in the amount of \$72,000.00 to install remaining solar runway lights. *(Jim Talbert, Airport Manager)*
5. Consider, and act upon, acceptance of extension of grant and additional funding in the amount of \$84,953.33, awarded to Alamogordo Police Department from Paso Del Norte Health Foundation. *(Richard Denton, Police Chief)*
6. Consider, and act upon, Resolution 2021-06 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of February 9, 2021. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**
7. Consider, and act upon, acceptance of a capital outlay grant agreement in the amount of \$150,000.00 to make improvements to the Sergeant Willie Estrada Civic Center. *(Veronica Ortega, Community Services Director)*

Commissioner Payne moved to approve items 2, 3, 4, 5, 6, and 7 of the Consent Calendar.

Commissioner Baldwin seconded the motion.

Roll Call vote was taken.

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

PUBLIC HEARINGS

8. Consider, and act upon, a transfer of ownership of Dispenser Liquor License to License Numbers 0119, 0283, and 0910, located at 100 N. White Sands Blvd, 822 N. Scenic Drive and 2201 N. White Sands Blvd to BW & Gas Convenience Retail. (*Rachel Hughes, City Clerk and Marvin Green, Allsup's Regional Manager*)

Mayor Boss asked if Mr. Green was present to represent the applicant? City Clerk Hughes said he was the Regional Manager of Allsup's, and he was present to answer any questions as Mr. Trkla was not able to be present. This was a transfer of ownership and Allsup's had the existing licenses.

Commissioner Rardin moved to approve.

Seconded by Commissioner Payne.

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

UNFINISHED BUSINESS

9. Consider, and act upon, Case V-2020-0002(A) to allow the placement of a 14x46 manufactured home that has been placed in the rear yard of the property located at 818 8th Street, within an R-3 Zoning District (Two Family Dwelling District). (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Note: City Manager Cesar removed this item from the agenda to be brought back at a later date.

NEW BUSINESS

10. Consider, and act upon, Ordinance 1626 for first publication authorizing the execution and delivery of a loan and subsidy agreement for the amount of \$2,151,300.00 between the City of Alamogordo and New Mexico Finance Authority. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**

Finance Director Huff said this was the first publication of the Ordinance for the State Drinking Water Loan. This was for first publication of the Ordinance. It would be brought back again for final publication, and they were looking at closing the loan around mid-April.

Commissioner Baldwin moved to approve.

Seconded by Commissioner Rardin.

Roll Call vote was taken.

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

Mayor Boss said it was fantastic that we got this loan because it was something we needed to do, and we did not have the financing to do it. In the long run down the road, we would be very thankful we did this.

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

Mayor Boss read the openings and appointed Caleb Moore and R. Kent House to the Cemetery Board. No one was opposed.

Mayor Boss clarified that anyone interested in serving on a City Board or Committee could always apply online as well.

ADJOURNMENT

Commissioner Payne moved to adjourn at 6:54 p.m.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 7-0-0

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Teresa Gutierrez, Deputy Clerk)

Approved at the Regular Meeting held on February 23, 2021.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/4/2021

Report No: 4.

Submitted By: Sharon Rowe

Subject: Consider, and act upon, the amended State Grants-in-Aid award from the New Mexico State Library for local library support, the additional fiscal impact is \$3,456.62 of which \$2,106.13 is from CARES Act funds and \$1,350.49 is from additional state funds that became available after the original estimated grant amount was announced. (*Sharon Rowe, Library Manager*)

Fiscal Impact:

Amount Budgeted: \$7,000.00

Fund: 032-7101-317.16-01

Additional Fiscal Impact: \$3,456.62. The total amount for State Grants-in-Aid in FY21 will be \$11,601.28. \$2,106.13 is from CARES act funds and is to be used for COVID-19 related expenses. The remaining \$1,350.49 is additional regular State Aid funds and can be used for library operations.

Recommendation: Approve the amended State Grants-in-Aid award from the New Mexico State Library.

Background: The New Mexico State Library has awarded the Alamogordo Public Library additional funds in the amount of \$3,456.62. This supplemental money will be used to purchase books, periodicals, databases and audios, or for general library operational support. \$2,106.13 of the funds are from the IMLS CARES Act and are to be used for COVID-related expenses. That money will go towards the increased purchase of digital resources. (IMLS=Institute of Museum and Library Services)

FY 2021 State Grants-in-Aid Checklist and Instructions

Attached to this email	What to do with it
Grant Allocation Notification	- Double check that all information is correct - Keep it & keep it handy
FY21 State Aid Grant Agreement – 2nd half includes IMLS CARES Act funding	- Have authorized agent who has authority to enter into a legal contract with the State of New Mexico electronically sign FY21 Grant Agreement via DocuSign - <u>Electronically</u> signed grant agreement must be signed via DocuSign by March 31, 2021
4.5.2 NMAC <i>Revised June 1, 2016</i> Attachment A	- <u>KEEP</u> it & keep it handy - Ensure compliance with all requirements this year, to remain eligible for funding in FY22
State Grants-in-Aid Expenditures Guidance Sheet & CARES Act Funding Guidance Sheet (Attachment B)	- <u>KEEP</u> it & keep it handy - Refer to this document for how state aid funds can be spent – note that it is not an exhaustive list; contact us with any questions - Provide financial officer with a copy of guidance sheet
State Aid Funds Tracking Sheet – See NMSL Website	- See the NMSL website for a simple spreadsheet for keeping track of FY21 state aid expenditures. http://www.nmstatelibrary.org/services-for-nm-libraries/funding-libraries - Use current version and/or make updates to fit your needs

What Happens Next?

1. The State Librarian will electronically sign the grant agreement and a copy will be sent via email to the library director.
2. Once the grant agreement is fully executed, request for payment will be made.
3. The library's financial agent will receive a check or ACH payment.
4. Spend **ALL** funds in compliance with 4.5.2 NMAC by **June 30, 2021**.

Contact me with any questions / Carmelita.Aragon@state.nm.us

**New Mexico State Library
1209 Camino Carlos Rey
Santa Fe, NM 87507**

FY2021 STATE GRANTS-IN-AID ALLOCATION NOTIFICATION

1.	Recipient Name:	Alamogordo Public Library
2.	Remit to Name and Address:	Alamogordo Public Library 920 Oregon Ave Alamogordo, NM 88310
3.	State of NM Vendor #:	54303
4.	Project Title and Legal and Fiscal Data:	State Grants-in-Aid to Public Library Statute/Administrative Code NMSA 1978 Section 18-2-4 B, 4.5.2 NMAC
5.	State Library Contact:	Carmelita Aragon New Mexico State Library Carmelita.Aragon@state.nm.us
6.	Source of Funding:	<i>State of N.M. Legislature – General Appropriation Act of 2021</i>
7.	Grant Type and Amount Received:	Library Type Grant: Public Library Total Second Half Grant Amount (includes one-time supplemental IMLS CARES Act funds): \$ 7,528.95
8.	Allocation Period:	Fiscal Year 2021 <u>ALL STATE AID FUNDS MUST BE SPENT BY JUNE 30, 2021.</u>
9.	Terms and Conditions of Allocation:	The state aid program is intended to supplement and encourage local effort in providing local library service. <i>State Aid Funds may be used for:</i> 1) <i>library collections;</i> 2) <i>library staff salaries;</i> 3) <i>library staff professional development;</i> 4) <i>library equipment; or</i> 5) <i>other operational expenditures associated with delivery of library services.</i> Libraries must report how all funds were spent in the FY2021 Annual Report. A library's local budget shall not be reduced by its governing body as a result of eligibility for the state aid program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.
10.	Date:	1/29/2021

State Grants-in-Aid to Public Libraries
Agreement For FY2021

This Agreement is entered into on the date of last signature, below, by and between the **New Mexico State Library**, hereinafter called NMSL, and **Alamogordo Public Library** located in **Alamogordo, NM**, hereinafter called the Recipient.

WHEREAS, the State Librarian, the division director of NMSL, is required to administer grants-in-aid and encourage local library service and generally promote an effective statewide library system under NMSA 1978, Section 18-2-4;

WHEREAS, Section 18-2-4 also requires the State Librarian to make rules and regulations necessary to administer NMSL and the State Librarian adopted such rules for distributing state grants-in-aid to public libraries, codified as 4.5.2 NMAC; and

WHEREAS, NMSL has determined that Recipient qualifies for a state grant-in-aid under 4.5.2 NMAC; and

WHEREAS, NMSL is the entity responsible for disbursement of funds to libraries under the Corona Virus Aid, Relief & Economic Security Act (CARES act).

THEREFORE, the Parties agree to the following terms and conditions:

- I. NMSL agrees to pay the Recipient a grant in an amount not to exceed **Five Thousand Four Hundred Twenty Two Dollars and Eighty Two Cents (\$5,422.82)** to support Recipient's library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of *library services* as defined in Section 4.5.2.7(B) NMAC.
- II. Pursuant to the ("CARES") Act, NMSL has received funding from the U.S. Federal Government for the purpose of supporting the role of the NMSL in responding to the Corona Virus Emergency. NMSL agrees to pay the Recipient a grant in the amount not to exceed **Two Thousand One Hundred Six Dollars and Thirteen Cents (\$2,106.13)** to defray certain costs incurred by the library related to the Coronavirus emergency. (See Attachment B)
- III. The Recipient agrees to:
 1. Use the grant only for library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of *library services*, as those services are further defined and explained in 4.5.2.7(B) NMAC;
 2. Continue to comply with 4.5.2 NMAC and other statutes and rules applicable to developing libraries or public libraries;
 3. Engage in good communication and the exchange of information with NMSL regarding library activities and the grant's use;
 4. Expend the grant according to the rules outlined in 4.5.2 NMAC, attached hereto as **Attachment A**;
 5. No later than August 10, 2021, provide NMSL with a report on how the grant was spent as part

of the Recipient's annual report for the fiscal year; and

6. Sign and return this Agreement to NMSL within 60 days from receipt of the Agreement, which shall be calculated from the date of postmark or electronic postmark. **If Recipient does not submit this Agreement within the required time period, Recipient forfeits the grant award.**

IV. This agreement shall be governed by and construed in accordance with the laws of the state of New Mexico and subject to the federal CARES act.

V. If the parties dispute the terms of this Agreement, the Recipient and NMSL hereby agree to and consent to New Mexico state court jurisdiction to decide the dispute.

VI. Termination for Lack of Appropriations. 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, this Agreement shall terminate immediately upon written notice being given by NMSL to the Recipient. NMSL's decision as to whether sufficient appropriations are available shall be accepted by the Recipient and shall be final.

The Recipient by its signature certifies that the Recipient will use the grant money only for the uses specified in this Agreement and will comply with all other applicable requirements of this Agreement.

Signed: _____ Date: _____

Official Title: _____ Authorized Agent of Recipient

I certify that am the authorized agent who has authority to enter into a legal contract with the State of New Mexico

Signed: _____ Date: _____

By: Eli Guinnee, New Mexico State Librarian

Administrative code is subject to change. Please always check for the most up-to-date version online.

STATE AID FOR PUBLIC LIBRARIES

TITLE 4 CULTURAL RESOURCES
CHAPTER 5 STATE LIBRARY
PART 2 STATE GRANTS IN AID TO PUBLIC LIBRARIES

4.5.2.1 ISSUING AGENCY: Department of Cultural Affairs, New Mexico State Library Division.
 [4.5.2.1 NMAC - Rp, 4.5.2.1 NMAC, 6/1/2016]

4.5.2.2 SCOPE: Public libraries and developing public libraries.
 [4.5.2.2 NMAC - Rp, 4.5.2.2 NMAC, 6/1/2016]

4.5.2.3 STATUTORY AUTHORITY: Subsection I of Section 18-2-4 NMSA 1978 directs the state librarian to make rules and regulations necessary to administer the division and as provided by law. Subsection B of Section 18-2-4 NMSA 1978 directs the state librarian to administer grants-in-aid and encourage local library services and generally promote an effective statewide library system.
 [4.5.2.3 NMAC - Rp, 4.5.2.3 NMAC, 6/1/2016]

4.5.2.4 DURATION: Permanent.
 [4.5.2.4 NMAC - Rp, 4.5.2.4 NMAC, 6/1/2016]

4.5.2.5 EFFECTIVE DATE: June 1, 2016 unless a later date is cited at the end of a section.
 [4.5.2.5 NMAC - Rp, 4.5.2.5 NMAC, 6/1/2016]

4.5.2.6 OBJECTIVE: The objective of this rule is to describe the state grants in aid to public libraries program (hereinafter "the state aid program") and to establish criteria for reviewing and awarding the grants. The purpose of the state aid program is to provide financial assistance that encourages and supports public library service by public libraries and developing public libraries. The state aid program is intended to supplement and encourage local effort in providing local library service. The state aid program consists of developing library grants and public library grants that may be used for: library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of library services.
 [4.5.2.6 NMAC - Rp, 4.5.2.6 NMAC, 6/1/2016]

4.5.2.7 DEFINITIONS:

A. "Annual report" means a report sent once a year from a public library or developing library to the state library. An annual report shall at least accomplish the following tasks:

- (1) provide information in the time, manner, and form prescribed by the state library;
- (2) describe prior fiscal year's activities, including income, expenditures, statistics on collections and services, and compliance with state aid program criteria;
- (3) be certified by the library as to the accuracy, completeness, and truthfulness of the information provided; and
- (4) be approved by and on file at the state library.

B. "Basic library services" means free services provided in a library's legal service area, including library collections with circulating materials; reference services; a catalog of library holdings accessible by the public; educational programs; interlibrary loan services; public access computers connected to the internet; and internet connectivity for patrons and staff. Basic library service may include any technology or service that relates to the access to information for patron use.

C. "Bookmobile" means a mobile branch that offers basic library services with the exception of computers and internet connectivity.

D. "Branch" means an auxiliary service administered by a public or developing library that provides the following public services:

- (1) separate quarters from the main library;
- (2) a permanent library collection and reference services;
- (3) offers basic library services;
- (4) staff present during open hours; and

(5) at least 20 hours of public access to physical quarters per week on an annual basis.

E. **“Circulating materials”** means items from library collections that are checked out by patrons for use outside of the library.

F. **“Collection development policy”** means guidelines used by library staff for making decisions about the budget for and selection, management, and preservation of library collections.

G. **“Community analysis and needs assessment”** means an evaluation of a library’s legal service area, its current and future needs, and the library’s role in meeting those needs.

H. **“Developing library”** means a New Mexico organization that has initiated and is progressively implementing basic library services within its legal service area.

(1) A developing library is established through one of the following mechanisms:

- (a) through an ordinance or legal resolution of a subdivision of state government;
- (b) by a contract between a private entity and a subdivision of state government;
- (c) by an Indian nation; or
- (d) as a non-profit corporation.

(2) A developing library provides the following public services:

- (a) staff present during open hours;
- (b) at least 15 hours of public access to physical quarters per week on an annual basis;
- (c) at least two days of public access to physical quarters per week on an annual basis; and
- (d) hours of operation posted on or near the library.

I. **“Fiscal year”** means July 1 through June 30.

J. **“Legal service area”** means the geographic area for which a library has been established to offer services and from which, or on behalf of which, the library derives income. The legal service area may be defined by a written agreement with a political subdivision of the state for which the library is the primary service provider. The most recent United States or tribal census determines the population of the legal service area if the population figures are given separately for that area. If the census does not report a discreet population figure for the legal service area, then the state library in its sole discretion shall determine the population for the library’s legal service area.

K. **“Library board”** means an administrative or advisory group comprised of representative members of the library’s community.

L. **“Library collections”** means library items for public use. Library collections may include such items as books, videos, sound recordings, licensed databases, and equipment. A portion of the collections must be circulating materials.

M. **“Library equipment”** means equipment associated with the delivery of library services.

N. **“Library staff”** means salaried employees or volunteers whose time is regularly dedicated to delivery of library services.

O. **“Matching funds”** means the amount expended in a fiscal year for library collections from any source other than the state. Sources for matching funds may include municipal funds, county funds, tribal funds, or money acquired through donations, fund-raising, or grants. In-kind contributions are not matching funds. Matching funds do not include funds used for operating costs, administrative costs, or regular staff salaries.

P. **“Public library”** means a New Mexico organization that offers basic library services within its legal service area.

(1) A public library is established through one of the following mechanisms:

- (a) through an ordinance or legal resolution adopted by a subdivision of state government;
- (b) by a contract between a private entity and a subdivision of state government;
- (c) by an Indian nation; or
- (d) as a non-profit corporation.

(2) A public library provides the following public services:

- (a) staff dedicated to the library
- (b) year-round public access to the physical location at least 25 hours per week;
- (c) at least two days of public access to physical quarters per week on an annual basis; and
- (d) hours of operation posted on or near the library.

Q. **“Reference services”** means the provision of library staff to answer reference questions during all the hours the library is open.

R. **“Strategic plan”** means a detailed program to ensure that library services meet the current and future needs of the library’s legal service area. The strategic plan shall include a vision and mission statement as well as goals and objectives, and it shall cover a period of at least the next three years and not exceed five years.

[4.5.2.7 NMAC - Rp, 4.5.2.7 NMAC, 6/1/2016]

4.5.2.8 DEVELOPING LIBRARY GRANT:

A. Purpose: To supplement an eligible developing library's budget for up to five years until it meets the minimum requirements for a public library grant.

B. Description: The developing library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding developing library grants: The state library shall award developing library grants to developing libraries that meet or exceed the following criteria.

- (1) timely submission of an annual report with the state library;
- (2) receipt of no more than five, consecutive, awards of developing library grants;
- (3) continuous operation for at least nine months;
- (4) demonstration of receipt of financial support from sources other than the state. In particular, matching funds in relation to the population of the library's legal service shall be at least \$0.25 per person in its first year and any non-consecutive years of developing library grant application participation; \$0.50 per person in its second consecutive year; \$0.75 per person in its third consecutive year; \$1.00 per person in its fourth consecutive year; and \$1.25 per person in its fifth consecutive year;
- (5) maintenance of adequate financial and other records to support the library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
- (6) compliance with all state statutes and rules;
- (7) compliance with requirements for developing library grants;
- (8) employment of a designated director;
- (9) creation of a library board that meets at least two times a year and adheres to the state's open meetings law; and
- (10) successful expenditure of all developing library grant funds during the prior fiscal year, if applicable.

[4.5.2.8 NMAC - Rp, 4.5.2.8 NMAC, 6/1/2016]

4.5.2.9 PUBLIC LIBRARY GRANT:

A. Purpose: To supplement eligible public libraries' budgets.

B. Description: The public library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding public library grants: The state library shall review and award public library grants to public libraries that have met the following criteria:

- (1) timely submission of an annual report with the state library for the current year and a minimum of two years prior;
- (2) continuous operation for at least one year;
- (3) receipt of a minimum of three consecutive developing library grants;
- (4) demonstration of receipt of financial support from sources other than the state; in particular, matching funds in relation to the population of the library's legal service area shall be at least \$1.50 per person;
- (5) maintenance of adequate financial and other records to support the public library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
- (6) compliance with all state statutes and rules;
- (7) compliance with all requirements for public library grants;
- (8) Formation of a strategic plan that the public library reviews, updates, and files with the state library every three years, and a community analysis and needs assessment, and a collection development policy that the public library reviews, updates, and files with the state library every five years;
- (9) maintain a library board that meets at least two times a year and adheres to the state open meetings law;
- (10) employment of a designated director; and
- (11) successful expenditure of all public library grant funds during the prior fiscal year.

[4.5.2.9 NMAC - Rp, 4.5.2.9 NMAC, 6/1/2016]

4.5.2.10 DISTRIBUTION OF FUNDS: The library division shall distribute state grants in aid in the following manner:

A. Application: The annual report submitted for the immediate prior year shall serve as the developing or public library's application for state grants-in-aid.

B. Allocation: For state grants-in-aid, the state library shall award at least a quarter of a share (0.25) of the annual allocation to developing libraries, one (1) share of the allocation to each public library, and one half (.50) of a share of the allocation to each branch and bookmobile.

C. Notification: Following the end of the application period, the state library shall calculate the grant award for each library. The state library shall notify all eligible public libraries informing them of the amount of their grant.

D. Request for payment: Each library shall return the signed grant agreement to the state library within 60 days of receipt of the agreement measured from the postmark or electronic postmark. Upon timely receipt of the grant agreement, the state library shall process a payment request form. If a library does not submit the grant agreement within the required time period, it forfeits the grant award.

E. Maintenance of effort: A library's local budget shall not be reduced by its governing body as a result of eligibility for the state aid program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.

[4.5.2.10 NMAC - Rp, 4.5.2.11 NMAC, 6/1/2016]

4.5.2.11 LIMITATION ON FUNDS:

A. The grant amounts may vary by year, depending on the amount of the appropriation to the state library by the state legislature and the state library's other budgeted expenses.

B. Libraries shall not use grant funds for administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services

C. Public and developing libraries shall expend all grant funds during the fiscal year in which they are awarded.

D. Should a library cease providing basic library services prior to or within thirty days of funding; grant funds shall revert to the state library.

[4.5.2.11 NMAC - Rp, 4.5.2.12 NMAC, 6/1/2016]

4.5.2.12 APPEAL OR VARIANCE:

A. In the event that any library is denied a grant by the state library or does not meet a requirement of this rule, that library may appeal the decision of the state library or request a variance from the requirement.

B. Such appeal or variance shall be made in writing to the state librarian within 10 days of notification of denial of funds or within 10 days of discovery of non-compliance with a requirement. The appeal or variance shall state all relevant facts and conditions.

C. The state librarian shall consider each appeal or request for variance and respond in writing to the appealing or requesting party with a decision within 30 days. The state librarian's decision is the department of cultural affairs' final action on the matter.

[4.5.2.12 NMAC - Rp, 4.5.2.14 NMAC, 6/1/2016]

HISTORY OF 4.5.2 NMAC:

Pre-NMAC History:

NMSL 67-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised April 19, 1967, filed 5/3/67.

NMSL 67-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 8/30/67.

NMSL 68-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 12/19/68.

NMSL 69-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised May 26, 1969, filed 6/20/69.

NMSL 69-2, State Grants-In-Aid To Public Libraries, Rules and Regulations; Revised September 16, 1969, filed 10/9/69.

NMSL 70-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised February 26, 1970, filed 4/27/70.

NMSL 73-4, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 1973, filed 7/10/73.

NMSL 74-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 19, 1974, filed 8/16/74.

NMSL 75-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, 1975, filed 6/9/75.

NMSL 76-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, March 31, 1976, filed 4/27/76.

NMSL 77-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, January 21, 1977, filed 2/4/77.

NMSL Rule 79-1B, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 11, 1979, filed 6/25/79.

NMSL 79-3, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 1, 1979, filed 7/27/79.

NMSL 81-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, May 11, 1981, filed 5/12/81.

NMSL 89-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 10/23/89.

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 1/28/93.

History of Repealed Material:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93), repealed 7/1/2000.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000), repealed 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009), repealed 6/1/2016.

Other History:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2000.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 6/1/2016.

State Grants-in-Aid Expenditures Guidance Sheet

The 4.5.2 New Mexico Administrative Code (NMAC) governs State Grants-in-Aid to public libraries. To be eligible to receive state aid, New Mexico public libraries must meet eligibility requirements as outlined in the 4.5.2 NMAC. All awarded state grants-in-aid funds must be expended during the fiscal year in which they are awarded.

This informational guidance sheet is not an exhaustive list of all allowable and non-allowable expenditures. If there are questions as how to expend state aid funds, please contact the Library Development Bureau for clarification prior to making purchases 1-800-340-3890.

Allowable Purchases - State aid funds can be used for:

- Library Collections
 - Items traditionally available at the library and intended for public use, such as books, e-books, audiobooks, DVDs, CDs, electronic and digital media, licensed databases (e.g., ancestry.com, mango languages), etc. are allowable. Non-traditional circulating/educational programming items may also be allowable. Please contact the Development Bureau for more information.
- Library Staff Salaries
 - State aid funds can be used to pay regular library staff for their work within the library. Providing pay to a substitute library staff member may also be allowable.
- Library Staff Professional Development
 - Travel (including meals and lodging) for attending in-state (e.g., NMLA) and out-of-state library conferences (e.g., ALA, MPLA, PLA, ARSL), and trainings provided to library staff on library related services/issues, which are organized and held at the library, or held at another location, e.g., state library or other library.
- Library Equipment
 - Items associated with meeting the information needs of library patron's such as public computers, printers, wireless routers, scanners, software and related peripherals, etc.
- Other Operational Expenditures Associated with Delivery of Library Services
 - Expenditures associated with the delivery of library services, such as the library's catalog, programming supplies, electric bills, phone bills, directional signage, copy paper, security costs, etc.
 - Contracts directly related to the delivery of basic library services to patrons, including educational program subject matter experts, etc.

Non-Allowable Purchases - State aid funds cannot be used for:

- Administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services.
- Food, giveaways/incentives, college classes for library staff (i.e., tuition reimbursement), library decorations, library staff furniture, recreational rentals/purchases (e.g., bouncy houses, party supplies, pony rentals), etc.
- Operational expenditures that do not directly relate to the delivery of basic library services to library patrons, including cost of parties, receptions, fund-raising events, other social functions, maintenance/cleaning supplies, toilet paper, paper towels, cleaning equipment, vacuums, etc.
- Capital improvements and construction.

IMLS CARES Act Funding Expenditures Guidance Sheet

The Institute of Museum and Library Services (IMLS) provides the funding for this grant pursuant to the provisions of the CARES Act (Public Law 116-136) and the IMLS authorization statute (20 U.S.C. § 9101 et seq.). The New Mexico State Library (NMSL) is the administrator of the funds.

Under the CARES Act, this funding is to be used for the following purposes: to prevent, prepare for, and respond to coronavirus, including to expand digital network access, purchase internet accessible devices, and provide technical support services.

In order to achieve the purposes of the Act with respect to Grants to States, this funding is to be used as follows:

- A. Primarily to address digital inclusion and related technical support, using the following types of data to inform targeted efforts:
 - Poverty/Supplemental Nutrition Assistance Program (SNAP)
 - Unemployment
 - Broadband availability;
- B. Secondly to address other efforts that prevent, prepare for, and respond to COVID-19; and
- C. With respect to (A) or (B), reach museum and tribal partners, in addition to traditionally eligible library entities, where appropriate.

Grant Requirements

- Spend all grant funds by June 30, 2021.
- Maintain comprehensive records/invoices to complete the CARES Act fund designated section on the FY21 Annual Report.
 - The NMSL *may require* invoices for items and/or services specific to the \$2,106.13 for a full public library or \$500 for a developing library.
- Grant records, including receipts, shall be kept by the library for three (3) years after the grant period ends on June 30, 2021.

If there are questions as how to expend CARES Act funds, please contact the Library Development Bureau for clarification prior to making purchases – Carmelita.Aragon@state.nm.us

Allowable Purchases – IMLS CARES Act funds **can** be used for:

- Library Collections
 - Items traditionally available at the library and intended for public use, such as books, e-books, audiobooks, DVDs, CDs, electronic and digital media, licensed databases (e.g., ancestry.com, mango languages), etc.
- Library Staff Salaries
 - Regular library staff salaries for their work involving the library.

- Library Equipment
 - Items associated with meeting the information needs of library patron's such as public computers, printers, wireless routers, Wi-Fi hotspots, scanners, etc.
- Other Operational Expenditures Associated with Delivery of Library Services
 - COVID-19 related expenses for library staff and patrons. This includes PPE, cleaning supplies, movable/temporary plexiglass shields, etc.
 - Expenditures associated with the delivery of library services, such as the library's catalog, programming supplies, electric bills, phone bills, directional signage, copy paper, security costs, etc.
 - Contracts directly related to the delivery of basic library services to patrons, including educational program subject matter experts, etc.

Non-Allowable Purchases - IMLS CARES Act funds **cannot** be used for:

- Administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services.
- Food, giveaways/incentives, college classes for library staff (i.e., tuition reimbursement), library decorations, library staff furniture, recreational rentals/purchases (e.g., bouncy houses, party supplies, pony rentals), etc.
- Operational expenditures that do not directly relate to the delivery of basic library services to library patrons, including cost of parties, receptions, fund-raising events, other social functions, maintenance/cleaning supplies, toilet paper, paper towels, cleaning equipment, vacuums, etc.
- Capital improvements and construction, including any permanent COVID-19 related fixtures.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/18/2021

Report No: 5.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case V-2020-0002(A) to allow the placement of a 14x46 manufactured home that has been placed in the rear yard of the property located at 818 8th Street, within an R-3 Zoning District (Two Family Dwelling District). (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Deny Case V-2020-0002(A)

Background: The property owner placed a 14x46 manufactured home in the rear yard of 818 8th Street without proper permits. The property owner also has tied into the existing water and sewer on the property that services the existing single family dwelling that is at this location without proper permits.

**PLANNING AND ZONING COMMISSION
REGULARLY SCHEDULED MEETING
VIA ZOOM
December 3, 2020**

Members Present: Andrew “JR” Gomolak, Vice-Chair
Beth Crabbe, Commissioner
Gerald Dodd, Commissioner
Raymond Nejerres, Commissioner

Members Absent: Eddie Kemp, Chair

Staff Present: Stella Rael, City Planner

1. Call to Order

First Chair Andrew Gomolak called the meeting to order at 6:08 pm.

2. Approval of Minutes

First Chair Gomolak asked for a motion to approve the minutes from the November 19, 2020 meeting. Commissioner Beth Crabbe made a motion, Commissioner Raymond Nejerres seconded the motion and the motion passed 4-0-0.

3. V-2020-0002(A)

**Pedro Perez
818 8th Street**

City Planner Stella Rael presented a slideshow and stated that the property owner has placed a 14x46 manufactured home in the rear of his property located at 818 8th St. and is requesting a variance to be allowed to keep the manufactured home placed at this location. City Planner Rael informed the board that this home is placed within a R-3 zoning district (Two-Family Dwelling) which does not allow manufactured homes. Planner Rael stated that a legal ad had been placed in the Alamogordo Daily News on October 15, 2020 and that twenty-three (23) letters were mailed by first class mail to property owners within two hundred (200) feet of the property in question, she stated that as of November 30, 2020 she had not received any letters of opposition but had received two (2) phone calls of opposition.

Mr. Armando Ortega spoke on behalf of Mr. Perez and stated that he had spoken to the Planning and Zoning department and had obtained permission to place the home in the rear yard and that the home was going to be used as a shop. Planner Rael confirmed that Mr. Ortega had contacted the Planning and Zoning department regarding the placement of a 12x40 accessory building but never completed the process and did not obtain zoning approval. Planner Rael also indicated that the plumbing to the manufactured home has already been tied into the water line to the existing residence on this lot. Mr. Ortega indicated that the plumbing had been completed by a licensed plumber. Planner Rael indicated that the City of Alamogordo does not issue permits, but she would contact Construction Industries Division to confirm that a permit was issued. Ms. Crabbe made a motion to approve the variance with a condition that the manufactured home be used as an accessory building. Mr. Gomolak second the motion. Motion failed by a vote of 2-2-0. After further discussion Ms. Crabbe made a motion to deny the variance request. Mr. Nejerres seconded the motion and motion was passed 4-0-0.

4. Discussion of increasing property owner notification area

Planner Rael suggested that this item be moved to the January Planning and Zoning meeting due to Chair being absent. All members agreed.

5. 2021 Meeting Calendar

Planner Rael presented the upcoming 2021 meeting calendar and asked the board to review and it would be presented at the January meeting.

6. City Commission Update

Planner Rael informed board that Map Amendment cases that had been presented to the Planning and Zoning Board at the November meeting had been presented to the City Commission and both cases had been approved.

7. Otero County Liaison Report

No updates

8. Holloman Air Force Base Report

No updates

9. Unscheduled Public Communications

No updates

10. Adjournment

Mr. Gomolak made a motion to adjourn, Mr. Nejerres seconded the motion and meeting was adjourned at 7:04 pm.

APPROVED:

(Date)

First Vice Chair

ATTEST:

Shelbe Abbott-Leyva, Recording Secretary

Copies of the recorded Planning and Zoning meeting audio may be obtained at no cost to Commissioners. A fee will be charged to the public.

From: Salazar, Kimberly, RLD <Kimberly.Salazar3@state.nm.us>
Sent: Tuesday, January 5, 2021 5:28 PM
To: Stella Rael <srael@ci.alamogordo.nm.us>
Subject: RE: HAS ZONING BEEN APPROVED- 1115 Indiana Ave

Hi Stella,

There was an electrical permit from 3/42019 that was pulled by Alamo Electric. Permit was for a service change as the service was tampered with. Permit was pulled online. Let me know if you have any other questions

From: Stella Rael <srael@ci.alamogordo.nm.us>
Sent: Tuesday, January 5, 2021 4:37 PM
To: Salazar, Kimberly, RLD <Kimberly.Salazar3@state.nm.us>
Subject: [EXT] RE: HAS ZONING BEEN APPROVED- 1115 Indiana Ave

Kim,

Has there been any plumbing/mechanical or electrical permits issued for 818 8th Street?

Thanks



City of Alamogordo

City Commission



V-2020-0002(A)

Stella Rael, City Planner
January 26, 2021

Variance Request Case: V-2020-0002(A)

Request:

The applicant has placed a 14x46 manufactured home in the rear of his property and is requesting a variance to be allowed to keep the home placed at this location

Applicant:

Pedro Perez

818 8th Street

Alamogordo, NM 88310

USE REGULATIONS

29-03-010

3

29-03-190. - Use regulations—District R-3.

A building or premises shall be used only for the following purposes in the two-family dwelling district:

- (a) Any use permitted in the single-family dwelling district ([section 29-03-010](#)).
- (b) Two-family dwellings, the same being buildings designed for occupancy by two (2) families, the word "family" being previously defined in_

29-03-010. - Use regulations—District R-1.

(1) Single-family dwellings, they being buildings designed for occupancy by one (1) family. The word "family" is hereby defined as one or more persons occupying the premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel.

(2) Churches, synagogues, temples.

(3

USE REGULATIONS CONTINUED

- (3) Farming and truck gardening, including the usual farm buildings and structure
- (4.) Nurseries and greenhouses.
- (5) Municipal parks and playgrounds.
- (6) Municipal or community buildings.
- (7) Telephone exchanges, provided that no public business office or no repair or storage facilities are maintained
- (8) Fire stations
- (9) (9) Water supply reservoirs or wells.
- 10) Public schools and other educational institutions having a curriculum (similar to that ordinarily given in public schools.

USE REGULATIONS CONTINUED

5

(11) Golf courses, except miniature courses and driving ranges operated for commercial purposes.

29-03-480.

Use regulations—District MH-1.

A building or premises shall be used for the following purposes:

- (a) Any use permitted in the single-family dwelling district.
- (b) Individual manufactured housing units used for residential purposes; provided, not more than one (1) manufactured housing unit shall be situated on any one (1) residential lot, and provided, further, that all regulations of the state department of public health and of the city shall be observed and complied with and provided, further, that only one (1) manufactured housing unit or one (1) residence shall be permitted to be occupied on any one (1) residential lot, but not both.

29-03-520

Use regulations—District MH-2.

A building or premises in the manufactured housing/recreational vehicle park district may be used only for the following purposes:

(B) Any use permitted in the single-family dwelling district (section [29-03-010](#)).

(b) Parking of one (1) or more individual manufactured housing units or recreational vehicles used for residential purposes; provided that all regulations of the state department of public health and of the city shall be observed and complied with.

Findings of Fact

1. The property is located at 818 8TH Street within the R-3 Two Family Dwelling District.
2. The request is for a variance to allow a 14x46 manufactured home which has been placed in the rear of his property. Property owner is requesting a variance to be allowed to keep the home placed at this location
3. The application was filed on October 15, 2020
4. The legal notice was published on November 15, 2020
5. Twenty-Three(23) letters were mailed by first class 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 variance is sought.

Findings of Fact Continued

6. As of January 19, 2021 I have not received any written letters of opposition. I have received four (4) phone calls voicing opposition which I asked callers to submit letters of opposition to make part of the record. No written letters of opposition have been received.

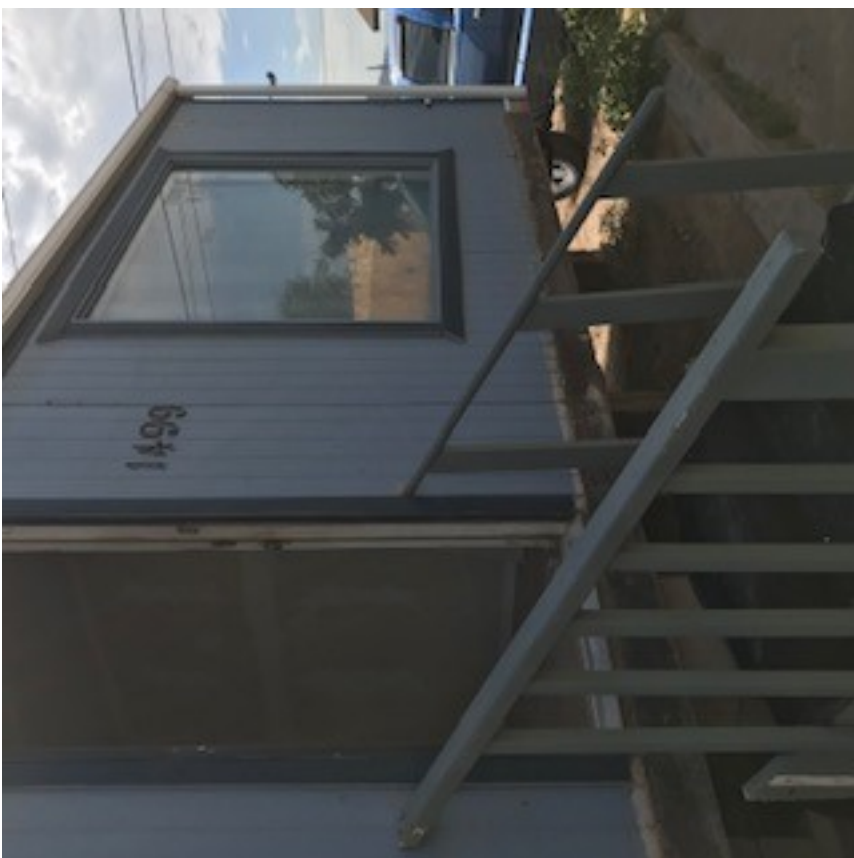
7. This item was presented to the Planning & Zoning Board on December 3, 2021. The Planning & Zoning Board recommended denial by a vote of 4-0-0.

STAFF RECOMMENDATION

10

- ▶ Staff recommends denial of Case V-2020-0002 (A). The placement of the manufactured home does not comply with the current zoning requirements within an R-3 Zoning District.







AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/16/2021

Report No: 6.

Submitted By: Stella Rael

Subject: Consider, and act upon Ordinance 1627 Case Z-2021-0001(A) for first publication for a map amendment to change the zoning designation of the property located at 911 Mescalero St. from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park. (*Stella Rael, City Planner*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the request for map amendment

Background: The existing Manufactured Housing Park was annexed into the city limits in early 1960. The current zoning designation is MH-1 Manufactured Housing Subdivision. Current owners have listed the property for sale and in order to continue operating as a Manufactured Housing Park and allow new homes to be placed the zoning designation must be corrected. The correct zoning is MH-2 Manufactured Housing Park.



City of Alamogordo

City Commission



Z-2021-0001(A)

Stella Rael, City Planner
February 23, 2020

Zoning Request Case: Z-2021-0001(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 911 Mescalero St. from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park.

Applicant:

Robert J. & Marsha Smith

911 Mescalero St.

Alamogordo, NM 88310

911 Mescalero St. MH-1 District

3



Zoning Request Case: Z-2021-0001(A)

4

Findings of Fact

- ◆ 1. The property is located at 911 Mescalero Street within a MH-1 Manufactured Housing Subdivision.
- ◆ 2. The request is to amend the current zoning map from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park.
- ◆ 3. The legal notice was published on January 17, 2021
- ◆ 4. Twenty-Two (22) letters were mailed by certified/returned 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.
- ◆ 5. As of February 16, 2021 there have six letters returned undeliverable, and I have not received any letters or phone calls of opposition.
- ◆ 5. This case was presented to the Planning and Zoning Board on February 4, 2021. Planning and Zoning recommend approval by a vote of 4-0-0.

Zoning Request Case: Z-2021-0001(A)

5

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2021-0001(A).

ORDINANCE No. 1627

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 911 MESCALERO ST. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT MH-1 MANUFACTURED HOUSING SUBDIVISION TO MH-2 MANUFACTURED HOUSING PARK, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Robert J. and Marsha Smith, (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 911 Mescalero St. 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-2021-0001(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 MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park ; 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:

COLLINS TRACTS, LOT TR 10

Is hereby changed from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park: 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 _____, 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

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2021-0001(A)**

For the Subject Property as follows:

Commonly Known As: **911 Mescalero St.**

Uniform Property Code & Parcel Code: **01N4053097484450**

Legal Description: **COLLINS TRACTS, LOT TR 10**

The Alamogordo Planning & Zoning Commission considered this item on **February 4, 2021**
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-2021-0001(A)**.

.....
The Alamogordo City Commission issued the following decision on **February 23, 2021** by a
vote of _____

Approve as recommended for first publication Ordinance # 1627

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

Approve as recommended for final publication Ordinance #1627 .

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: 2/23/2021

Report Date: 2/16/2021

Report No: 7.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case V-2021-0001(A) to allow to continue to have the existing number of spaces (57) within the existing park. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve variance request to allow the current fifty-seven (57) spaces.

Background: The current Manufactured Park was annexed into the City limits in 1960 and consisted of fifty-seven (57) spaces. This park is 4.65 acres and current ordinance allows eight (8) spaces per acre. So therefore there are currently twenty-one (21) more spaces than allowed per Ordinance.



City of Alamogordo

City Commission



V-2021-0001(A)

Stella Rael, City Planner
February 23, 2021

Variance Request Case: V-2021-0001(A)

2

Request:

The property owner is requesting to be granted a variance to continue to have the existing number of spaces (57) within the existing Manufactured Home Park.

Applicant:

Robert J. & Marsha Smith

911 Mescalero St.

Alamogordo, NM 88310

911 MESCALERO STREET MH-1 DISTRICT

3



Findings of Fact

- ◆ 1. The property is located at 911 Mescalero Street within a MH-1 Manufactured Housing Subdivision.
- ◆ 2. The request is for a variance to continue to have the existing number of spaces (57) within the existing Manufactured Park Subdivision.
- ◆ 3. The application was filed on January 7, 2021
- ◆ 4. The legal notice was published on January 17, 2021
- ◆ 5. Twenty-Two (22) letters were mailed by certified/returned 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 variance is sought.
- ◆ 6. As of February 16, 2021 there have been six (6) letters returned undeliverable and I have not received any letters or phone calls of opposition.

STAFF RECOMMENDATION

5

- ◆ Staff recommends approval of Case V-2021-0001 (A)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/16/2021

Report No: 8.

Submitted By: Marissa Ruiz

Subject: Consider, and act upon Ordinance 1625, for the first publication, authorizing the Repeal of Ordinance 1439 Housing Authority Advisory Board and Create Resident Advisory Board. *(Marissa Ruiz, Housing Authority Manager and Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for First Publication

Background:

The Alamogordo Housing Authority Board was created in October of 2013 and had the first official meeting in January of 2014. The City of Alamogordo, New Mexico and its Commissioners are recognized as the governing board of the Public Housing Authority. The City Commission recognizes that a Housing Advisory Board is redundant and has no authority to make decisions on behalf of the Housing Authority. The City Commission acknowledges HUD's requirement for a Resident Advisory Board and sees the benefits of having members who represent the residents.

ORDINANCE NUMBER 1625

REPEALING ORDINANCE 1439 HOUSING AUTHORITY ADVISORY BOARD AND CREATING RESIDENT ADVISORY BOARD

WHEREAS, the City of Alamogordo, New Mexico and its commissioners recognized as the governing board of the Public Housing Authority

WHEREAS, the City Commission recognizes that a housing advisory board is redundant and has no authority to make decisions on behalf of the housing authority.

WHEREAS, the City Commission acknowledges HUD's requirement for a resident advisory board and see the benefits of having members who represent the residents.

THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Chapter 2-09 of the *Code of Ordinances* be amended as follows:

ARTICLE 2-09. - DEPARTMENT OF HOUSING AUTHORITY

~~2-09-020. - Housing authority advisory board.~~

~~The Alamogordo Housing Authority Advisory Board is hereby created.~~

- ~~(a) — *Structure.* The housing authority advisory board shall be composed of five (5) members who shall be residents of the city, but not current employees and officers of the City of Alamogordo. At all times, at least one (1) member of the board shall be a resident of a low rent public housing program dwelling unit owned by the city, who shall be called the resident commissioner. Termination of the dwelling lease of the resident commissioner shall result in their immediate removal from the advisory board. For any member of the board, termination of their residency inside the city limits shall result in their immediate removal from the advisory board.~~
- ~~(b) — *Appointment.* The housing authority advisory board shall be appointed by the mayor with the advice and consent of the city commission. Preference shall be given to appointing at least one (1) representative from a nonprofit community-based organization. Preference should also be given for appointment of no more than two (2) positions to individuals who have experience in residential construction, real estate sales or management and residential lending. Of the original members of the board, one (1) shall be appointed to a two-year term, another to a three-year term, another to a four-year term, and the last member shall be appointed to a five-year term. Thereafter, all members shall be appointed to five-year terms ending on June 31, except that all vacancies shall be filled for the unexpired term. A board member shall hold office until a successor has been appointed and has qualified, unless sooner removed according to law. Board members may serve a maximum of two (2) successive terms of office. The members of the board may elect their own chairperson.~~

- ~~(c) — Compensation and expenses. Members of the advisory board shall serve without compensation, except for reasonable travel or other expenses necessary in the fulfillment of their duties.~~
- ~~(d) — Meetings, rules and records. The advisory board shall meet at least once a month, but may meet more often if deemed necessary by the advisory board. The advisory board shall establish a regular time for its meetings. A majority of the membership shall constitute a quorum for the purpose of transacting business. Action by the advisory board shall be by majority vote. The advisory board shall keep a record of its resolutions, transactions, findings and determinations, which shall be public record.~~
- ~~(e) — Duties, responsibilities and powers.~~
- ~~(1) — The following duties, responsibilities and powers are hereby delegated to the housing authority advisory board by the city commission:~~
- ~~a. — The power within its area of operation, to investigate the living, dwelling and housing conditions and the means and methods of improving the conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low and moderate income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing slum areas and the problem of providing dwelling accommodations for persons of low and moderate income, and to cooperate with the state or any political subdivision of the state in action taken in connection with the problems; and to engage in research, studies and experimentation on the subject of housing and affordable housing programs.~~
- ~~(2) — The board shall have the power to recommend to the city commission that the city take any of the following actions the final authority for which shall remain with the city commission:~~
- ~~a. — To acquire by the exercise of the power of eminent domain any real property;~~
- ~~b. — To sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest in real or personal property;~~
- ~~c. — To procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts of any bonds issued pursuant to the state law, including the power to pay premiums on any such insurance;~~
- ~~d. — To issue bonds to fund the acquisition, purchase, lease, construct, reconstruct, improvement, alteration, extension, expansion or repair of any housing project or any part of a housing project and operate and maintain the housing project;~~
- ~~e. — The approval of the five year public housing agency plan and annual plans.~~
- ~~f. — The power to adopt rules and regulations, bylaws and other policies for the operation of the housing authority department and for the conduct of the advisory board;~~
- ~~g. — The approval of grant applications or proposals for the benefit of the housing authority department;~~

- h. ~~The approval of the annual operating budget; and~~
- i. ~~The power to exercise all or any part or combination of powers herein granted.~~
- (3) ~~The advisory board shall provide an annual written report to the city commission with respect to the status and activities of the housing authority department including, but not limited to, progress made in reaching any stated goals and objectives specified in the five-year public housing agency plan and annual plan.~~

02-09-020: The Alamogordo Resident Advisory Board is hereby created.

- (a) *Structure.* The resident advisory board shall be composed of six (6) members who shall be residents of the housing authority, but not current employees and officers of the City of Alamogordo. The board shall consist of three (3) members from Alta Vista and three (3) members from Plaza Hacienda. Termination of the dwelling lease of the resident member shall result in their immediate removal from the advisory board.
- (b) *Appointment.* The housing authority advisory board shall be appointed by the housing manager or designee. Of the original members of the board, two (2) one from each housing shall be appointed to a two-year term, two (2) one from each housing shall be appointed to three-year term. Thereafter, all members shall be appointed to three-year terms ending on June 31, except that all vacancies shall be filled for the unexpired term. A board member shall hold office until a successor has been appointed and has qualified, unless sooner removed. Board members may serve a maximum of five (5) successive terms of office. The members of the board may but is not required to elect their own chairperson.
- (c) *Compensation and expenses.* Members of the advisory board shall serve without compensation.
- (d) *Meetings, rules and records.* The Resident Advisory Board shall meet quarterly, but may meet more often if deemed necessary by the advisory board. The advisory board shall establish a regular time for its meetings. A majority of the membership shall constitute a quorum for the purpose of transacting business. Action by the advisory board shall be by majority vote. The advisory board shall keep a record of its resolutions, transactions, findings and determinations, which shall be public record.
- (e) *Role of Resident Advisory Board.*
 - (1) The board shall have the power to recommend to the city commission that the city take any of the following actions
 - a. Recommendations in the development of the Public Housing Authority five-year public housing agency plan, annual plans and capital plans.
 - b. Recommendations on any significant amendments or modifications to the Public Housing Authority Plan.
 - c. Recommendations on any items brought to the board by Public Housing Authority staff

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: 2/23/2021

Report Date: 2/12/2021

Report No: 9.

Submitted By: Teresa Gutierrez

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

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint to the Airport Zoning Board, the Alamogordo Public Library Board, and the Senior Volunteer Programs Advisory Council.

Background: Airport Zoning Board - One (1) City vacancy. Staff Liaison - Cheryl Otero-Baker.
The following individual is interested in being appointed:
Svitlana Chernova - if appointed, this will be her first term.

Alamogordo Public Library Board - One (1) City vacancy. Staff Liaison - Melissa Garcia.
The following individual is interested in being appointed:
Billy Childs - if appointed, this will be his first term.

Housing Authority Advisory Board - Two (2) vacancies. Staff Liaison - Marissa Ruiz.
No applications received.

Senior Volunteer Programs Advisory Council - One (1) vacancy. This vacancy is due to the expiring term of Xochitl Valenzuela. Staff Liaison: Neil McFarland.
The following individual is interested in being reappointed:
Xochitl Valenzuela - if reappointed, this will be her second term.
The following individual is interested in being appointed:
Susan Poore - if appointed, this will be her first term.

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

Print

RECEIVED

NOV 20 2020

CITY CLERK

Application to serve on a Board/Committee - Submission #2268

Date Submitted: 11/20/2020



First Name*

Svitlana

Last Name*

Chernova

Address*

3729 Rosewood ave

City*

Alamogordo

State*

New Mexico

Zip Code*

88310

Phone Number*

(850)208-5030

Email Address*

180lex@gmail.com

Is the above address within City Limits?*

☒ Yes

☐ No

Present Employer:*

New Mexico Bone and Joint Institute

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

Airport Zoning Board

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

Airport Advisory Board

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

☐ Yes

☒ No

If so, what is their relation to you?

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

☐ Yes

☒ No

Is so, what is their relation to you?

Experience and education relating to the Board/Committee:

Bachelor's in Electrical engineering (avionics), 8 years of working experience at the airport in Ukraine (load planning, load control, ground handling dispatcher and shift supervisor)

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

I can be useful for the city with what I already know, and it is a good opportunity for me to get an additional experience in aviation

Application to serve on a Board/Committee

RECEIVED

JUN 22 2020

CITY CLERK

First Name	BILLY
Last Name	CHILDS
Address	3211 FAYNE LN
City	ALAMOGORDO
State	NM
Zip Code	88310
Phone Number	575-415-0370
Email Address	DON_CHILDS@HOTMAIL.COM
Is the above address within City Limits?	Yes
Present Employer:	RETIRED
Board/Committee you would like to serve on (1st choice):	Parks & Recreation Board
Board/Committee you would like to serve on (2nd choice):	Public Library Board
Are you related to anyone who is presently employed by the City of Alamogordo	No
If so, what is their relation to you?	Field not completed.
Are you related to an Elected Official of the City of Alamogordo?	No
Is so, what is their relation to you?	Field not completed.
Experience and education relating to the Board/Committee:	Bachelor of Business Administration, former Personnel Director for a city in Oklahoma, frequent user of Briggs Park; Alamogordo and Cloudcroft resident since 2005.
Please indicate your interest in serving on a City Board/Committee:	Since I am an almost daily user of Briggs Park since 2005 and generally a lover of parks I believe the Parks and Recreation board would be of most interest.

Teresa Gutierrez

From: xochitl valenzuela <xoval@yahoo.com>
Sent: Friday, February 12, 2021 10:06 AM
To: Teresa Gutierrez; Teresa Gutierrez
Cc: Rachel Hughs; Magdalena Morales; Neil W. McFarland
Subject: Re: Senior Volunteer Programs Advisory Council

Yes I will be happy to do so. Are you meeting again soon?

Sent from Yahoo Mail on Android

On Fri, Feb 12, 2021 at 9:38 AM, Teresa Gutierrez
<tgutierrez@ci.alamogordo.nm.us> wrote:

Ms. Valenzuela,

I have left a voice mail for you and am also following up with this second email, as I have not received a response from you regarding your interest in serving a second term on the Senior Volunteer Programs Advisory Council. I am placing this item before the Mayor and City Commission at their upcoming meeting of February 23, 2021 in order that they can make an appointment to fill the upcoming vacancy. I would love to hear from you regarding whether you are interested in serving another term or not. Please let me know your wishes at your earliest convenience. If you have any questions, you can reach me at (575) 439-4100.

Thank you,

Teresa Gutierrez

From: Teresa Gutierrez
Sent: Thursday, January 28, 2021 11:11 AM
To: xoval@yahoo.com
Cc: Rachel Hughs <rhughs@ci.alamogordo.nm.us>; Neil W. McFarland <nmcfarland@ci.alamogordo.nm.us>
Subject: Senior Volunteer Programs Advisory Council

Dear Ms. Valenzuela,

Your first term on the Senior Volunteer Programs Advisory Council will be expiring effective April 9, 2021. I am writing to see if you are interested in serving a second term. If so, please complete the attached application and return to my attention either via email or postal service. Once I receive your completed application, it will go before the Mayor and City Commission for official reappointment, and I will notify you thereafter. If you are no longer interested in serving another term, please let me know accordingly.

Thank you,

RECEIVED

JUN 23 2020

CITY CLERK

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

Name: JUSAN POORE

Home Phone: — Work Phone: 575-437-3500

Cell Phone: 575-491-4991 Fax No: 575-437-2399

E-mail address: JusanP@AlamoHCH.com

Physical Address: 1859 Indian Wells Road 88310

Is the above address within City limits? Yes ☒ No ☐

Mailing Address: 1859 Indian Wells Road 88310

Present Employer: Alamogordo Home Health Job Title: Care + Hospice

Board/Committee you wish to serve on:

First choice: Senior Volunteers Program Advisory Council

Second choice: —

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

Yes ☐ No ☒ If so, what is their relation to you? —

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

Yes ☐ No ☒ If so, what is their relation to you? —

Experience and education relating to the Board/Committee: —

Registered nurse Been on other boards -
I have been in the community for 24 years.
Have a wide range of exp with health + wellness
with the elderly.

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

Be a part of a council that helps to serve our seniors.
I am a community liaison + always looking for
ways to make a difference in our elderly
population.

Please return completed application to:

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/23/2021

Report Date: 2/18/2021

Report No: 10.

Submitted By:

Subject: Adjourn into Executive Closed Session in compliance with 10-15-1(h)(8)(7), NMSA (as amended) to discuss Real Property - Land around the Bonito Lake area and to discuss Threatened or Pending Litigation - Taxation and Revenue Department lawsuit and discuss Threatened or Pending Litigation - Union Pacific Rail Road/8th Street Crossing.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: