

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
August 10, 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 6:33 p.m. Roll Call was taken by the Deputy City Clerk. City Attorney Petria Bengoechea was absent. Deputy Clerk Gutierrez announced there was a quorum present. Invocation was given by Pastor Joe Bryant and the Pledge of Allegiance was led by Commissioner McDonald.

City Manager Cesar pulled item No. 10 from the agenda due to the City Attorney's absence.

APPROVAL OF AGENDA

**Commissioner Rardin moved to approve the agenda as amended.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 7-0-0.**

PRESENTATIONS

1. Alliance for Regional Military Support Quarterly presentation. (*Richard Dayoub, Alliance for Regional Military Support Treasurer*)

Mr. Richard Dayoub presented a PowerPoint on the mission, goal, and strategy of the Alliance for Regional Military Support (ARMS). As to how Covid had affected their initiatives, it was not impacting this Alliance. They had not lost sight of the purpose of the mission of their organization and representation they provided for Alamogordo, Las Cruces, and El Paso. Their focus was to prioritize current defense industry engagement; to leverage higher education partnerships to attract defense research and development projects; to address transitioning soldiers and families; to improve our region's appeal for future stationing initiatives; and to attract new defense and aerospace contractors to this region. They had met with Congressional members, Alamogordo community leaders, and leaders within the Army and Air Force bases locally.

Mr. Tom Thomas, Civilian Agent Secretary to the Army, continued with the PowerPoint presentation. He said they would proactively pursue continuous improvement of regional military facilities and capabilities. They were working with the local educational institutions in having them provide classes for the veterans who left the military but who would consider staying in our region. They were working with local school districts for them to focus curricula on STEM, Artificial Intelligence, and Data Mining for Autonomy. They would continue to advocate for and improve air service at the El Paso International Airport, including providing a nonstop flight from El Paso to Washington, DC. That would benefit all three military bases in our region.

Mr. Ed Brabson, ARMS member and member of MainGate United, said Covid had caused them to adjust, including attending meetings by Zoom. They needed to talk about housing, because that was the biggest negative we had at Holloman AFB right now. There was a lack of adequate housing in town. Their goal was to try and tighten up the difference between what Airmen received as their allowance and what the developers needed when they built apartments. Economic development was not big because we always spent our time making sure Holloman was secure. In all the years he had worked this, he now felt more comfortable with the missions at Holloman than he had at any time in the past. The F-16 program was in place and solid and would continue for 10 to 15 years. The Robotic Process Automation (RPA) program was also solid, and Senator Henrich got \$40 million reinstated back into fixing the schoolhouse for the RPA program. They had accomplished the air space optimization, which was a big issue for training the F-16's and the RPA program. They were currently putting together a team with El Paso in order that they could deal with several different committees in Washington. They were open to any ideas and advice from the Commission.

Mr. Dayoub addressed the "Project Convergence Exercises" being held in early November. There were always challenges on the battlefield because of a lack of communication between ground troops and those in the air. This project was designed to bring the different forces together under one Commander in charge of all the troops, regardless of whether they were Army or Air Force on any specific mission. Currently they were planning to get one day during Project Convergence where leaders from Washington would come down and watch how missions were being conducted.

Commissioner Payne said she was very concerned about the fact that we had a housing shortage here in Alamogordo. Mr. Brabson said a lot of the developers were looking at higher end rents, but a lot of people will upgrade who live locally now and that would free up housing at a lesser cost for the airmen. The BAH, or basic allowance for housing, was actually pretty high for Holloman, but it was still lower than most rents. Because we lacked housing, a lot of those military members were choosing to live in Las Cruces or El Paso. Commissioner Payne said we were losing people to live in other communities because of a lack of housing, and therefore, they were spending dollars elsewhere instead of spending them here. Mr. Brabson said military bases recruited people based on the availability to the mission. The Officers had to come, but the enlisted people did not need to. Their next step was to find some Grant applications they could apply for which would assist in the housing area.

Mayor Pro-Tem Sikes said she'd received a message from Dr. Mata regarding the Department of Defense mandating vaccinations for all military personnel. Also, Holloman had a very strict policy currently with regard to mask wearing. Our community didn't seem to be falling in line with either the vaccines or mask wearing, and she wondered whether that was causing any friction or problems. Mr. Brabson said it could be and it was something they were still working out some issues on and one which they would monitor.

PUBLIC COMMENT

Gerald Dodd commented on the following:

Mr. Dodd stated that he had a problem with walls and fences built in residential areas which impeded the sidewalks such that two people on a 40-inch sidewalk could not easily walk down the street if there was a wall or fence built right next to the sidewalk. By subdivision design, the sidewalks were built next to the curb, but there was about a 12-inch area between the edge of the

sidewalk and the property line. However repeatedly in almost all of our subdivisions, especially in the Alamo Estates Subdivision built in approximately 1958 or 1959, those sidewalks were being crowded off. Essentially the open space that was designed for the subdivision was being negated or stolen, sometimes inadvertently, by the property owner. Good fences made good neighbors, but when a fence or a wall was built outside the property line, it could create a little bit of conflict. If two neighbors disputed because one of them was getting into the other's business with respect to their real estate, that certainly caused disharmony. He lived in this subdivision near 18th Street and College Avenue. Along 18th Street the street right-of-way was 60 feet wide, but yet there were a number of people who had built fences and built walls up against the sidewalk which was approximately five feet outside their property line. If it was on a corner, they were stealing our open space, and he didn't believe the City had given them permission to do that. In addition, when they didn't observe the traffic triangle for corners, it impeded the safe entry into the subdivision or into the main street. In this case it was 18th Street, and they could see it blatantly a number of times between Washington Avenue and Scenic Drive on 18th Street, and between Washington Avenue and Scenic Drive on 15th Street. If they went in the subdivision, they would see it more and more frequent. A chain link fence was a dangerous hazard for someone walking down the street as it could grab your clothes. A wall was just an inconvenience. Neither one of them should be there. His solution was to review with the City Planner the priorities for building walls and fences. He had spoken with the City Manager, but not since 2019. He had spoken with the City Attorney twice this year. The real problem was he was told, "We'll look into it, and we'll get back to you". He agreed that 2020 was a dead time but it was only through his insistence that he asked for an update.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar said the City's annual Consumer Confidence Report, which was the annual water report we had to publish due to the Safe Drinking Water Act, was available on the City's website. Also, hard copies were available at all of the City's facilities. This report gave a brief synopsis of where water came from, the quality of our water, and how our water met the statutory regulations for contaminant levels.
2. City Manager Cesar said tomorrow the City would be holding a public meeting at Sgt. Willie Estrada Civic Center to discuss and hear public comment on the City's 2023-2027 Infrastructure Capital Improvement Plan (ICIP). Staff met annually and prioritized our recommended top five projects and public input was solicited on all projects. Thereafter it was brought to the City Commission for their approval and then it was submitted to the State. The meeting was going to be held at the Civic Center at 5:00 p.m. Directors and Managers would be present to answer questions, and the Grants Coordinator would be present to take down public comments and suggestions for additional projects. Mayor Pro-Tem Sikes noted that she found these meetings very important and a place to introduce ideas and projects.
3. City Manager Cesar said he would not be here on Thursday or Friday of this week, and Stephanie Hernandez would be in charge while he was gone.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

Commissioner Rardin noted the recent passing of some prominent people in Alamogordo, including Clif McDonald, Ed Thomas, and Doug Moore.

Mayor Pro-Tem Sikes made the following comments:

Mayor Pro-Tem Sikes said she had been a major fan of both Doug Moore and Clif McDonald because of all of the work they'd done for our community. She read and shared some excerpts from their obituaries. She felt Clif McDonald was one of the kindest people she had ever met. She also remembered Doug Moore calling her on numerous times "busting her chops" over the fact that the City required people to pay for their own sidewalks. He was a big man with a big heart. Regarding Ed Thomas, she was not familiar with him. Commissioner Rardin said Ed Thomas was the gentleman who played Santa for many years, and it was unknown who could take his place.

CONSENT AGENDA

2. Approve the minutes for the July 27, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*

4. Consider, and act upon, adoption and final publication of Ordinance 1635, Case Z-2021-0003(A) for a map amendment to change the zoning designation of the property located at 21066 US Hwy 70 West, from R-1 Single Family Dwelling District to C-3 Business District. *(Stella Rael, City Planner)* (Roll Call Vote Required)

5. Consider, and act upon, approval of an agreement with the New Mexico Development District, Non-Metro Area Agency on Aging (NM-AAA) for the Nutrition Services Incentive Program, the total amount budgeted is \$58,023.00. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*

6. Consider, and act upon, the Investment Report for the quarter ending June 30, 2021, in accordance with the City of Alamogordo Investment Ordinance. *(Sue Ashe, Accounting Manager)*

7. Consider, and act upon, grant funding from the Non-Metro Area Agency on Aging FY22 contract for Direct Purchase of Services for senior programs, the total amount budgeted is \$482,251.02. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*

8. Consider, and act upon, grant funding from the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (Non-Metro AAA) for the American Rescue Plan Sub-Award, the total amount budgeted is \$182,923.97. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*

ITEMS REMOVED FROM CONSENT AGENDA

Commissioner Rardin pulled item 3 from the Consent Agenda.

**Commissioner Rardin moved to approve the Consent Agenda as amended.
Commissioner Wright seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.**

3. Consider, and act upon, adoption and final publication of Ordinance 1634, amending Section 23-02-060 of the Alamogordo Code of Ordinances regarding exemptions for Lodgers Tax and to amend Section 23-02-030 to include additional definitions. (Stephanie Hernandez, Assistant City Manager and Evelyn Huff, Finance Director) (Roll Call Required)

Commissioner Rardin clarified the reason he had pulled this item off the Consent Calendar was because he had voted no on the first publication, and he planned to vote no on adoption because he didn't believe in that tax increase.

**Commissioner Baldwin moved to approve.
Mayor Pro-Tem Sikes seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 6-1-0. Commissioner Rardin voted "nay".**

NEW BUSINESS

9. Consider, and act upon, reinstating the Records & Archives Clerk position that was laid off in May 2020 due to COVID-19, as a full-time position. (Rachel Hughs, City Clerk)

City Clerk Hughs gave a PowerPoint presentation. She outlined the necessary personnel changes and need for a full-time Records & Archives position, including the original creation of the position and history of the position. Emphasis was given on the importance for records management, as well as retention and proper destruction of documents. Budget impact for the position was outlined, and a request made for approval of the position.

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

10. Consider, and act upon, first publication of Ordinance 1636, an Ordinance creating Chapter 34 in the Alamogordo Code of Ordinances concerning Marijuana. (Petria Bengoechea, City Attorney) (Roll Call Vote Required)

This item was removed from the agenda.

11. Consider, and act upon, providing direction to City Staff on incentives for new businesses. (Richard Boss, Mayor)

Mayor Boss said he'd had a couple businesses ask him if there were any incentives for businesses to come to town. GRIP was one of those types of incentive programs, which was the Gross Receipts Incentive Program. However, because there were no limitations on it, they virtually had to do away with GRIP. Therefore, could we do some other type of program which had some limitations. City Manager Cesar said in 2020 we were at the tail end of preparing the budgets for Commission review and approval. This was one of the areas that we cut back, along

with the part-time staff. There were a number of programs we actually shut down not knowing how long the State was going to be shut down and how it was going to impact the gross receipts coming in. The Commission did away with the GRIP Ordinance at that time. He had worded this item as "incentives" as opposed to "GRIP". A good example brought up earlier tonight was the housing shortage, and GRIP would have done nothing for that problem. At the last Commission meeting he had brought up that we were going to have to postpone a majority of our projects because of the skyrocketing material prices and contractors' issues with not being able to hire the staff needed to complete the projects. Staff had postponed issuing the Requests for Proposals until the new calendar year in the hopes that prices would come down and employment would pick up. With an incentive program, he would suggest the Commission allow staff to not only look at the old GRIP program, but also look at housing incentives and infill programs. During budget hearings they could look at a proposed budget for this as well as a clean, well thought out Ordinance for the Commission's review and approval.

Commissioner Payne said she loved that idea. However, if staff came up with something, did they necessarily have to wait until budget hearings to act on it. If the City was approached by businesses looking for incentives before budget time next year, would there be an opportunity to do a budget revision. Unfortunately, we needed to incentivize people because that was the only way we were going to get things done. City Manager Cesar said it could come earlier, but it would need to be done by Ordinance. The reason behind waiting until the new calendar year was because we would have a much better idea of where we were. In about a month and a half to two months we were actually going to start the budgetary process at a staff level. For the current fiscal year, we tried to factor in the increase in material costs, etc., but we just didn't expect to see what we were seeing now. Costs were just much higher than we had anticipated.

Mayor Boss said he did not have a problem with waiting until the budget cycle to do that. He just thought it was something we needed to consider because we were recovering.

Mayor Pro-Tem Sikes clarified last year we repealed the GRIP program because we were having an influx of businesses coming into Alamogordo. The way GRIP worked was that the businesses were paid a percentage of the money they invested in the community. There were no limitations, and we would have gone broke. There were so many businesses coming in that we had to incentivize something we could afford. At this point she felt we could not do something minimal but had to do something that really did incentivize businesses in a way that fit the budget.

Commissioner Payne said she did not have a problem waiting until next budget year, but she was concerned that if we were approached with a really good opportunity would we have the ability to at least look at it.

Commissioner Rardin said regarding infill development programs, he would like to see staff reach out to other communities and find out what they had done to accomplish that. This type of program took the older parts of town and gave investors and builders an incentive to try and utilize some of the properties and improve them to bring the area back up.

The Commission took no action.

12. Consider, and act upon, providing direction to City of Alamogordo staff considering the composition of a letter to the Alamogordo Public School Board from the Alamogordo City Commission regarding gender and participation in school sports, the teaching of

critical race theory, mask requirements in public schools, and Covid-19 vaccinations in the public schools. (*Joshua Rardin, City Commissioner District 4*)

Mr. Ben George, citizen, said he was advocating for the people of Alamogordo, not Holloman or El Paso. We were struggling. When his wife was shut down, he pulled his youngest daughter out of public school and put her in private school. He worked three jobs. When was enough, enough. When were we going to stand up to our Governor and tell her "no". Critical race theory was something crazy they were teaching our kids. Just like the Pastor prayed, our Constitutional rights were being taken one, by one, by one. He was a father and lived in Otero County his whole life. His grandfather worked for the City for years. When was enough, enough. Our kids were being segregated because they wouldn't wear masks or get vaccinated. It was just crazy.

Ms. Sarah Weihausen, citizen, said she believed our rights were being taken away over and over and over and over. Things the government was not able to get across the State and nationally they were pushing in the schools. At the last several School Board meetings there had been no public comment. They were meeting tomorrow and the next night for public comment, but the people's voice had not been heard. They needed to hear from the community. There were three School Boards in New Mexico that were standing up and saying they wanted to do what was right for their district and not be told from the top down what we needed to do. The people needed to be heard locally for their own schools. She begged them to do this support because they needed courage and they needed to hear from the community so that they could decide what to do.

Mr. John Block, citizen, said he was an Alamogordo resident coming before the Commission, and he thanked them for taking this agenda item. It was a shame they had to do this because our School Board had a dereliction of duty. They were not protecting our children in the schools. They were allowing the Governor to dictate masks on children for eight hours a day. They were allowing segregation in schools by vaccination status, and they were also ramming down their throats critical race theory, transgender sports, and it was a darn shame that the honorable members of the City Commission had to do the School Board's jobs for them. It was a shame. He was here to beg the Commission to pass this resolution to send this letter to our School Board. They needed to hear our voices because clearly, they were not. He had sent them ten emails and not a single one of them had responded. His School Board member would not respond to him and would not listen to his concerns and the concerns of other people in his neighborhood. His community who had asked him about this issue had asked him to advocate on this issue and he felt like he was forced to do that for them. He really respected the Commission members and appreciated them for passing this forward and for sending this letter to make a big difference in our community because our children and their health and safety were at stake. It was our responsibility to stand up for them.

David Mote, citizen, said he was a veteran, business owner, and father of three boys in the public school system here. He would appreciate it if the Commission would send that letter. The School District was not listening. We couldn't just follow the CDC guidelines blindly because they were not following their own science. It had been proven that the masks were detrimental to our children, and they were at very low risk for any side effects from Covid 19. He didn't understand the process the schools were taking or the reason they were taking it. He hoped the Commission would stand up for our children and for this community because the community was going to stand up for themselves. They couldn't send all our children home and they couldn't arrest us all. They couldn't mandate everything. He hoped the Commission did the right thing and looked out for our children and told the School Board to get on board with the community.

Commissioner Rardin said he had put this item on here because he had attended the School Board meeting last Tuesday morning and it didn't appear to him that the School Board really cared what the public thought. He understood we had no authority over the School Board whatsoever, and he wanted to make that clear. But in the past, we had sent letters to other governing agencies taking a stance or letting them know our opinion and what we thought on issues. His main one on here was the vaccine and the mask requirements for our children in school. In 2020 the State and Federal government robbed our children of their education. All of last year was just a joke. Some of these kids didn't get the kind of schooling they needed. The reason he put this on was to see if we would take a stance and just send a letter of support and provide direction to staff of how we wanted the letter worded or whether we wanted all four of these issues in there. He didn't know it would be such a heated item when he put it on, but it was. There was a meeting at the Flickinger Center on Sunday and there were probably 300 people there. It was a very heated issue of what was going on in our schools right now.

Mayor Pro-Tem Sikes said when she saw this item on the agenda, she was a little put out, a little embarrassed, and a little indignant about the fact that Commissioner Rardin didn't respect his fellow Commissioners enough to realize that we have nothing to do with the Schools. This shouldn't even be on the agenda. But since it was on the agenda and we had a room full of people, she would like an explanation of critical race theory. She'd been reading critical race theory information for the past couple of weeks, and she'd spoken to multiple School Board members, including people from the AFT (American Federation of Teachers) and people from the PED (Public Education Department). Critical race theory was an academic exercise which started in the 1970's. She could barely get her arms around what they were doing, but according to every single person she had spoken with, we did not teach critical race theory. It was a talking point that for some reason had been latched onto, and we did not teach critical race theory. In order that we have a better understanding, she would like Commissioner Rardin to explain critical race theory and how it was being taught in our local public schools.

Commissioner Rardin said he did not have a whole lot of time to read up on critical race theory. He read very minimal about it. Essentially it taught racism, which he was against. From what he read, it taught Marxism. That was about as much of it that he'd gotten through. Mayor Pro-Tem Sikes said she would tell him that was not true. Commissioner Rardin said our School Board didn't need to be mandating this, nor our Federal government. His biggest thing on this one was our mask requirements and our Covid-19 vaccinations. If she'd gone to the meeting last Tuesday at the School Board, they were essentially segregating our children based off of being vaccinated and unvaccinated. They were creating mental health issues in these children. His daughter was so excited to go to school, but when she walked in wearing a "Gator", the nurse told her that didn't meet the face mask requirement. She had to take it off and wear a pink paper surgical mask the rest of the day. That was the kind of thing happening in our schools right now. They robbed our children of their education last year and it didn't need to happen this year. He would admit the last School Board meeting did get a little out of hand with some of the yelling and screaming and it was a little over the top. It could have been kept a little better under control, but they threatened to throw every member of the public out of that meeting numerous times. The public was not being listened to and this was an avenue for us to listen to the public because the same voters that voted the School Board in also voted us in. He wanted to note that on 3/23/2020 we voted to send a letter to another elected body regarding "regulating taxes". On 4/23/2020 we sent another letter, and it was the one the Governor never responded to us on about opening our local

businesses. Mayor Boss said those issues affected us directly. Commissioner Payne agreed. Commissioner Rardin said this affected us directly.

Mayor Boss said the problem he was having with this was that he didn't see where we had any authority whatsoever with the School Board. If we did this, what would it accomplish because it was a political statement. Commissioner Rardin said yes, it was a political statement. Mayor Boss said the position we were all in was not a political position; it was nonpartisan. We didn't take sides between Republicans and Democrats. Commissioner Rardin said this was a commonsense issue and not a Republican-Democrat issue. Mayor Boss asked what good it would do. He agreed with everything about the issue, but he felt it was a political issue and it would do no good to do this.

Commissioner Payne read an email she had received from a constituent. It read, "Regarding Agenda Item 12, I find it disappointing and disturbing that a City Commissioner is trying to use the Commission as a platform for spreading information that is inaccurate, harmful, and contrary to current public health and safety recommendations to keep our youth and families safe as our kids and teachers return to school. It doesn't seem within the scope of the City Commission to direct the APS School Board to do anything, much less consider policies that are grounded in discriminatory and stigmatizing language and intentionally false and misleading information. Regarding vaccination and masks, given our low vaccination rates, unwillingness of many in our community to wear a mask indoors, and our high community transmission, anything other than promoting vaccination and encouraging universal mask wearing indoors is irresponsible and disrespectful to our kids and teachers as they go back to school".

Commissioner Payne said she vehemently disagreed with this person, completely. Personally speaking she did not believe that we should force our children to wear masks in school. She was not a show-boater and really did not care what people thought and she was not concerned about being re-elected or who was going to vote for her because she knew she did her job. She did not agree with this. She had a granddaughter at the High School who specifically told her the other day that she was feeling pressured to get the shot because the kids were giving her a hard time and telling her she was part of the problem. She didn't understand how they could tell which kids were vaccinated and which weren't. It was just like walking into Albertson's or any other store which had a sign stating that if you'd been vaccinated you didn't have to wear a mask. They didn't know the difference. Having said that, this was in effect a political issue. She wasn't interested in arguing with people in the audience, and again, didn't really care. They could get mad at her or not. She knew what she believed in, and she knew what she stood for. She did stand for individual liberties, and she did stand for the choice of whether you wore a mask or not. She did not agree that this Commission should get involved in another elected body's issues. She didn't agree with that because if we flipped that around in reverse, what was going to stop them from doing that to us the next time they didn't like something we did. They could agree or not agree with her, but we all had to work together. When we started writing letters dictating what we thought as a Commission to another elected body, it was going to cause division and we did have to work together. If we wanted to get things done in this community, we did have to work together. She had spoken to School Board members today. What was conveyed to her was not at all what had been portrayed out there. She would tell them that tomorrow night and Thursday night, Acting Superintendent Dr. Moore was opening up the Alamogordo High School for anybody. What she read stated that anyone could share anything, and the Schools would listen. Whether they would

listen, she did not know, but Dr. Moore said they would listen. She couldn't guarantee it, but he said they would.

Commissioner Payne said she wondered if somebody in this room could point out one instance of an issue with transgender or critical race theory in our schools. We lived in Alamogordo, New Mexico, not Chicago, Los Angeles, or San Francisco. She strongly believed it would be tough to get those things through here because we weren't going to put up with it. But for us to open up a can of worms that just was not there right now, we had bigger fish to fry like mask mandates and protecting our children and she was in that camp. She just thought these other things were opening up a can of worms. And as long as Commissioner Rardin had been a Commissioner, for him not to think that this would wind up being a hot topic, she questioned. She knew better. Of course, this was going to be a hot topic. We have had literally three people show up to Commission meetings, if that many, since we started in person and all of a sudden we had 30 here tonight. She was glad everyone was present, but she was disappointed that this was the only reason they were here. Kudos to those who had the courage to stand up and talk and she felt their voice should be heard. But in her opinion, this was not something that the City of Alamogordo needed to get involved in. When she stood outside this Commission Chambers, she would stand toe to toe with everyone and argue for the rights of our children because she believed it was that important. But she could not, as part of a nonpartisan elected body, support writing a letter to another nonpartisan elected body and impose her personal beliefs. She represented all of the citizens. Clearly, we didn't agree with this lady who wrote the email, but she represented that lady, and she was one of her constituents. For everyone present who believed we should think one way, there was someone for each of them that thought we should think the complete opposite, and we all thought we were right. She felt we might be right about this issue, but for everyone of them who thought they were right there were people who felt just as passionately the other way and she was elected to represent all of them. This was turning into a political issue, and we were not a partisan body. We shouldn't be because that was not how we were set up. We were not a political body, but rather a nonpartisan body. So, for us to impose our personal will when we really didn't know what all our constituents thought, she felt was inappropriate.

Mayor Boss said Commissioner Payne always said things very much better than he did, and he wanted to state that he echoed everything she said. This was a political issue, no question. It was an issue we should not be involved in as the City of Alamogordo.

**Mayor Pro-Tem Sikes moved to table for perpetuity.
Commissioner McDonald seconded the motion.**

Commissioner Baldwin thanked everyone who came here to speak. He realized it was not easy to understand the way our particular government ran in reference to the way the School Board ran. The School Board was a wholly elected other government within this State. They had elected officials and they were the ones who had control over these issues. He knew everyone realized that. He knew it was stated that this would be ceremonial and for the most part it would have no weight. He sympathized that those present wanted some weight or something to maybe force them or show them they were serious about this or that maybe the City of Alamogordo was. This was not something this body of government should be getting involved in by looking up other letters we'd written other governmental entities. As the Mayor had clearly stated, those were well within our purview and within our Mission Statement as the City of Alamogordo. He'd stood on

the Mission Statement multiple times when the Commission had gone kind of off the rails, so to speak, and when they started focusing on things that didn't fall into what our Mission Statement was. This particular one, although it did affect the citizens of Alamogordo, it did not fall within the Mission Statement of the City of Alamogordo. He had to echo not moving forward with this, not because he didn't stand with them and not that he didn't agree with some of the topics they were asking us to stand with them on. What he could say was that understanding and hearing their voices tonight would give him the ability to communicate to the School Board members which he did have access to and which they did contact on matters of City business and other business where we dealt with them. His ability to communicate the needs of his constituents to them, which was some of them tonight, would be heard by the School Board members he saw and who he talked to. He would echo their concerns and issues, but this should not have been brought to us and we should not move forward with it. To do something like this did set a precedent which he hoped they understood was not good for any political body.

Commissioner Rardin said back in 2008-2010 this Commission did send a letter to the School Board taking a stance on teaching sex ed to 2nd graders on up. He remembered that because he was here. The reason he put this on the agenda was mainly the mask requirements and the vaccinations. This was basically a letter telling the School Board, "Hey, we got your back". That was where he was going with this. You could tell they were worried about their funding being pulled for taking a stance. The reason he added this item on here was partly because he was asked to, but also so that showed them that we had their back. He also would have liked to send it to Otero County so that they could do something very similar. Last year we got shut down and they told us if we got vaccinated that we could open back up and wouldn't have to wear the masks anymore. Well, where were we at now, and where were we headed. We were headed for another shutdown and for wearing masks again because there was a new variant. When was enough, enough. We were local elected officials and we had all sat here quietly for years and years and years and we'd gotten to where we were now. Commissioner Baldwin disagreed that we had sat here quietly; we went kicking and screaming on this. Commissioner Payne said yes, we had. Commissioner Rardin said we did to a point. Commissioner Baldwin said we had done what we should have within the ability we had. Commissioner Rardin thought we could have done more. He felt we should support our School Board and tell them this was how we felt. We didn't have to put all four of these in the letter. We could just choose the masks if we wanted to at this point for the letter. The issue that Floyd School District was having over in Roosevelt County was over the masks; it was none of this other stuff but just over the masks. This was to show our School Board that we had their back and that we would stand behind them as an elected body because everyone of us had a school in our District we resided in.

Mayor Boss asked what he meant by "have their backs". Commissioner Rardin said just so when PED (Public Education Department) came back and said they were going to take funding away or they were going to suspend the School Board. Mayor Boss asked what we could do about that. Commissioner Rardin said we couldn't, but there was a picture on Facebook the other day of a shark over a bunch of little fish as a bigger shark was eating that shark. If all of us banded together, they couldn't arrest us all and they couldn't stop us all. They were just chipping away at our freedoms little by little by little. What they were doing to our children was wrong. The kids just wanted to go to school and learn. Mayor Boss agreed that it was wrong, but he didn't agree that we should write this.

Commissioner Payne said she was also at that meeting on Sunday. She actually signed up to speak but was not called on. She did talk to Representative Townsend after the meeting because

our Governor had talked about shutting us down again and she was very concerned it would just really mess our kids up. She specifically asked him if he thought we would be shut down again, and he said no he did not. She asked him if he was 10 percent sure or 90 percent sure, and he told her he was about 95 percent sure that she would not shut us down again. She also heard some of the things said at that meeting, and they came straight from our State Representatives. Some of the things mentioned were sort of contrary to what they actually said at that meeting. She thought had Commissioner Rardin worded this letter of support differently, then it would have been taken differently. She did not think that was how a lot of people in the audience perceived it. She felt they had perceived it completely different, and it was all in the wording. She still did not agree that we should do this. She felt we were getting into a territory that could be very dangerous to us in the future, and as Commissioner Baldwin had stated, did not fall within our Mission Statement. She was not present in 2009 so she had no idea what happened back then. She just knew that for her to impose her personal will, which she felt very strongly about and had privately worked very hard against this, she was very concerned about. She felt we needed to be careful about staying in our lane.

Commissioner Rardin said that was their prerogative. He'd brought it forward like he was asked by his constituents – multiple constituents. Commissioner Payne asked how it was that Commissioner Rardin got multiple phone calls and emails that the rest of them didn't get. She didn't get anything. Commissioner Rardin said he was out in the public all day long. Commissioner Payne said she was very much out in the public all day long as well.

Mayor Pro-Tem Sikes made a point of order that we were not reacting to yelling from the audience. If it continued, then Chief Denton could escort them out. Commissioner Rardin said the School Board meeting was full of that, but it was people airing their frustrations. He really did not feel we should remove a member from the meeting. We really needed to take a stand. Mark his word, in three months let's see where we were at.

Mayor Pro-Tem Sikes said she looked at the numbers every single day. The email Commissioner Payne was referring to was from Dr. Mata who was a public health official. She found it very interesting that people wanted to defy public health information and public health guidelines. Look at the numbers – we had 58 positives over the weekend. When you looked at the numbers from this time last year, they were zero. The reason we had zero was because we were consistently masking and consistently social distancing. She would like to table this item because she felt defying public health information could serve us unjustly when people started becoming sicker and when kids started becoming sicker. She felt we needed to stay out of this and let the PED deal with it.

Mayor Boss said he felt that was not the issue, but rather, whether or not we could do any good by sending letters out. We could not because we had no authority whatsoever. This was totally political, and we all took an oath that we would be nonpartisan. Commissioner Rardin said our School Board was nonpartisan.

Mayor Boss called for the vote on the motion.

Roll Call Vote was taken.

Motion carried by a vote of 4-3-0. Commissioner Rardin, Commissioner Wright, and Commissioner Payne voted "nay".

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

Mayor Boss read the openings and appointed Randel Wilson to the Airport Zoning Board, and reappointed Rosanna Heath to the Mayor's Committee on Aging. No one was opposed.

Commissioner Payne moved to adjourn at 8:21 p.m.

Commissioner Baldwin seconded the motion.

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

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughes


Mayor Richard Boss

(Prepared by Teresa Gutierrez, Deputy Clerk)

Approved at the Regular Meeting held on August 24, 2021.