

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
AUGUST 24, 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 Clerk. Deputy Clerk Gutierrez announced there was a quorum present. Invocation was given by Bishop Joseph Westover and the Pledge of Allegiance was led by Commissioner Wright.

City Manager Cesar removed Items 6 and 7 from the agenda.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation on What is Happening in the Alamogordo Police Department. (*Richard Denton, Chief of Police*)

Police Chief Denton shared a PowerPoint presentation which covered current staffing levels at the Police Department, call response times, crime and traffic statistics, and predictions on how the new marijuana laws would affect the department and the community. He also introduced a new online reporting feature which the Department would offer in the next few months. The program would hopefully allow some crimes to be reported online without the need to wait for an Officer to arrive to take the information. Finally, through State funding they would be able to fence off the station parking area which would be added security for APD.

Mayor Pro-Tem Sikes asked who would see the online reports where a victim reported a list of items stolen. Police Chief Denton said a Lieutenant would see it first. As far as who saw these reports, it was in the Statutes that once they were filed, they became public record. With this new system, emails could be sent to the victim to request further information. Also, a Lieutenant could spot items that might need to be changed and could contact the victim to make sure certain items were more realistic. Anyone could currently come to the station and request a report. It was the videos which took an enormous amount of time to supply because of the process to view them and redaction time.

Commissioner Payne asked how the new public records employee was working out. Police Chief Denton said that person was currently out on leave, but there was a Lieutenant who was doing her job. Commissioner Payne asked how long it would take for all problems to catch up with the new marijuana laws. Police Chief Denton said it would be a while before they could put any

numbers together. His problem with it right now was that you could possess it, but you couldn't legally buy it. However, once it became fully legal it became more available, and he felt the numbers would go up a bit especially in looking at data from Colorado.

PUBLIC COMMENT

Cuoy Griffin commented on the following:

Mr. Griffin brought a letter from the Otero County Commission regarding Martin Luther King, Jr. Drive. The letter read, "With this letter, Otero County is formally requesting that the City Commission rededicate Dr. Martin Luther King Drive to another City street of Alamogordo. The Board of County Commissioners feels that the memory of Martin Luther King, Jr. would be better honored on a street more traversed in the City of Alamogordo and not a street ending at the Otero County Detention Center. If you would like to discuss further, please contact anyone of us". Whether this street was intentionally named through maliciousness or whether it was an honest mistake, he didn't feel it was fitting that the only address on it was the Otero County Detention Center. He did not feel it honored the legacy of Dr. King, and the Otero County Commission would appreciate the Alamogordo City Commission considering this request.

Eugene Downer commented on the following:

Mr. Downer personally acknowledged Mr. Cesar's amazing job at Alameda Park and bringing this City back to life again. Also, he wanted to discuss antique pickups, and deer and elk herds in High Rolls. This City had a Space Museum, the Alameda Park Zoo, and a railroad museum. He felt we should start to promote those in cooperation with Cloudcroft and Ruidoso. The City could offer rides up to Cloudcroft to view the visible, beautiful herds of elk. Sending out pictures of the elk, especially in the wintertime, would get a lot of free publicity. Also, antique pickup trucks would be outstanding as props in different parks or at the Zoo.

Melissa Dominguez commented on the following:

Ms. Dominguez said she and her parents resided on Ocotillo Drive, and within the last five years the traffic had become horrendous. There were a lot of people speeding and passing other cars on a road that wasn't wide enough. Back in April her father was almost hit just pulling into their property. After speaking with Police Chief Denton and others, stop signs were placed at Ocotillo Drive and La Codorniz Drive. She wished to thank the following staff: Cheryl Otero-Baker, Police Chief Denton, Commissioner Wright, City Manager Cesar, Public Works Director Garner, and the two City workers who installed the signs. On behalf of her family, they were thankful for the stop signs. However, they knew it wasn't going to solve the problems as they still saw speeders and people running the signs. Possibly placing another sign at Los Lomas Subdivision would help deter the problem.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar extended Eugene Downer's thanks to Community Services Director Ortega and Parks Supervisor Erik Marion and his staff as they were the ones who did the work at Alameda Park.
2. City Manager Cesar announced Public Works Director Larry Garner had worked with the City for over 28 years, and just yesterday he brought in his letter of intent to retire. Public Works

Director Garner said he enjoyed working with everyone here at the City. He made a lot of friends here at the City and the Public Works crew was a tremendous bunch. His official retirement date was September 30th. Commissioner Payne noted that Public Works Director Garner never failed them and always responded to their questions. She was happy for him, but at the same time she was sad he was leaving. Mayor Boss said 28 years was a long time and we'd been very fortunate to have had him as a Public Works Director.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

Commissioner Rardin noted the recent passing of Mr. Harv Hamilton, a citizen who used to come to the Commission meetings regularly.

Mayor Pro-Tem Sikes made the following comments:

Mayor Pro-Tem Sikes said she had the opportunity over the past weekend to present a Proclamation for the Native Plant Society of New Mexico. They held their Annual Conference here in Alamogordo at the Sgt. Willie Estrada Civic Center, and they had well over 150 people in attendance. She wished to thank Special Events Manager Josh Sides and his employee, Joseph Piedra. They had done an outstanding job helping set it all up, and there were many compliments from the attendees. Of those present, approximately 90 percent of them were from out of town. They were all very complimentary of our town and looked forward to returning in the future.

CONSENT AGENDA

2. Approve the minutes for the August 10, 2021 Regular meeting. (*Rachel Hughs, City Clerk*)

3. Approve Resolution 2021-30 designating the City Clerk as the Custodian of Records and including the method of destruction for City records as witnessed shredding. (*Rachel Hughs, City Clerk*) (Roll Call Vote required)

4. Consider, and act upon, Resolution 2021-32 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 August 24, 2021. (*Evelyn Huff, Finance Director*) (Roll Call Vote Required)

ITEMS REMOVED FROM CONSENT AGENDA

Mayor Boss pulled item No. 5 from the Consent Agenda.

Commissioner Baldwin 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.

NEW BUSINESS

5. Consider, and act upon, acceptance of donation from Mr. Tom Springer to honor his late wife, Mrs. Barbara Springer, in the amount of \$17,100 to be used for a new storage building at the Oregon Tennis Courts on Oregon Ave., adjacent to Court 7. (Veronica Ortega, Community Services Director)

Mayor Pro-Tem Sikes noted that we were considering and acting upon a donation from Mr. Tom Springer to honor his late wife in the amount of \$17,100 for a new building at the Oregon Tennis Courts. She was very touched by this donation.

Mr. Grady Nicholson, representative for Tom Springer, was present. Mr. Nicholson stated that he only wanted to point out that Tom was a good tennis player. He was a nationally ranked player most of his life. He very generously wanted to do something for his late wife and wished to donate this building for everyone to use. He felt it was a nice addition for the tennis area of the park. Mayor Boss said this donation was very appreciated.

Commissioner Baldwin moved to approve.

Commissioner Payne seconded the motion.

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

6. Consider, and act upon, the placement of a second Resident Parking Only sign for home located at 1322 Vermont Avenue. (Teresa Gutierrez, Deputy Clerk)

This item was removed from the agenda.

7. Consider, and act upon, the placement of a new Resident Parking Only sign for home located at 1332 Vermont Avenue. (Teresa Gutierrez, Deputy Clerk)

This item was removed from the agenda.

8. Consider, and act upon, Resolution No. 2021-31 adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommendations projects for Fiscal Years 2023-2027. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

Grant Coordinator Osborne gave an overview of the 5-year Infrastructure Capital Improvement Projects (ICIP). This plan was submitted annually to the New Mexico Department of Finance. It established priorities for any anticipated capital improvement projects to help prevent emergency situations. Projects must exceed \$10,000 and have a life span of at least ten years. In addition to the Governor's office using the ICIP to vet projects, other funding agencies used it when reviewing grant applications. The City Manager had met with department directors, and together they reviewed each department's proposed capital improvement projects and had developed an ICIP for fiscal years 2023 through 2027. That plan prioritized the top five projects. A public meeting was held on August 11th to receive input from the public. However, no members of the public attended the meeting, and therefore, there were no other project suggestions. Later this year she would be submitting Capital Outlay Grant applications for the top five projects that were selected and they would be considered for funding approval at the 2022 Legislative Session. The top five projects were as follows:

1. Procurement of Police Vehicles & Equipment, Alamogordo Police Department, \$400,000
2. Design and Construction of ADA-Compliant Corridors, Engineering, \$300,000

3. Design, Construction and Improvement of Monte Vista Cemetery Entrances and Perimeter Fencing, Community Services, \$340,000
4. Designing, Construction and installation of hospital pens, fencing and exhibits at Alameda Park Zoo, Community Services, \$300,000
5. Design and Replacement of Irrigation Systems at Desert Lakes Golf Course, Community Services, \$500,000

Mayor Pro-Tem Sikes said she was present at the meeting, and she would like to be thought of as a member of the public. She noted that over the years the ICIP meetings were always well put together by staff, and this year was no exception. The PowerPoint presentation by Ms. Osborne was exceptional. These were the projects we would plead with our local representatives to fund. From her past recollection of time that the City had been holding these meetings, she was usually the only one in attendance. The list was long, but staff seemed to select the projects that were the most important to the community.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Sikes seconded the motion.

Roll Call Vote was taken.

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

9. Consider, and act upon, approval for the Mobile Crisis Response Team Clinician to be funded by the City and no longer grant funded. (*Richard Denton, Chief of Police*)

Police Chief Denton said the Commission had approved a grant for the Mobile Crisis Response Team in 2019. With that, the grant was now slowly starting to go away, and as a City, we needed to accept this project.

CIT Clinical Director Jeanette Borunda gave a PowerPoint presentation. She stated that this team had gone live on August 30, 2020, so they were approaching one full year of being in commission. She reviewed their numbers through May 31, 2021, as well as the types of services they offered.

Commissioner Rardin asked where this position would be funded out of. City Manager Cesar said out of Fund 11 as the Police Department was primarily funded from the General Fund. However, this program was still grant funded through November 1st of this year, and obviously next year it would need to be fully funded out of the General Fund. Commissioner Rardin asked what the total funding amount would be for next year. Police Chief Denton said approximately \$110,000 for the whole year.

Mayor Pro-Tem Sikes asked if there was still a possibility that it would be grant funded again in the future. Police Chief Denton said no as they had not put this position in the Paso del Norte Grant funding application. Because of the shortage of Officers at the present time, he'd pulled an Officer out of that program due to having so many CIT certified Officers on the street now. The positions put into the grant were Case Manager, peer support people, and money for additional trainings. Mayor Pro-Tem Sikes said it appeared to be a program that was not only necessary, but it had been a success so far. Clinical Director Borunda said they were one of four mobile crisis teams in the State at this point, and they had been contacted from other counties regarding rural mobile crisis because nobody else was doing that right now.

Commissioner Payne asked for some perspective on the program so people could better understand it. Police Chief Denton said what they were seeing less of was the Officers having to deal with the same people over and over. When there was a call, the Officers still referred to the Mobile Crisis Response Team, and they still reached out to that person. So once these people became enrolled in the program, they now called a CRT peer support person instead. That alleviated the Officers and might even prevent that person from committing a crime before things got out of hand. When Officers actually were called out, presence of the MCRT allowed the Officers to leave and go back out on the street quicker.

Mayor Pro-Tem Sikes talked about Mr. Al Hernandez, who was going to make a comment on this item, and she thanked him for bringing this item to the forefront. He was a former City Commissioner and spoke to the need when people had a mental crisis and needed a mobile crisis intervention and not necessarily a police intervention.

Al Hernandez commented on the following:

Mr. Hernandez said years ago he had asked Chief Duncan to bring in additional training to our Officers as their training at that time was not good enough. At that time, he was having issues with his father who was starting to fall into the realms of dementia. Because he was his father's closest ally, his father turned against him and would go to the Police Department every day. Each time, a different Officer would come to talk to him about his dad. At first, he would talk to the Officers, but after 15 to 20 times of them showing up at his house, he started to consider it harassment. That was when he talked to Chief Duncan and told him that this was enough, and if it didn't stop then he was going to sue him. Finally, Officer Guinn became the main Officer involved and his father was to go to Officer Guinn all the time. His main point with this was that the Officers couldn't identify that there was something wrong with his dad. That was why he was, and still is, a strong advocate of this program. These people worked hard at the program, but it wasn't working because it was not enough. The resources they had were not enough. Currently, CIT would not be brought out until they made three contacts in one physical day with the person. His wife was currently having a problem with a cousin that was way off, and there was no help. Mr. Hernandez was a Security Officer at Gerald Champion Hospital, and they saw as many as 10 to 15 callouts per day. Last week a nurse and doctor were assaulted, and the police came quickly, but they were not there all the time. They were currently building a substation at the hospital and were hoping to man it with the Police Department, or possibly with the CIT team. Our community supplied mental health help through Gerald Champion, the Counseling Center, and Presbyterian. Right now, Gerald Champion's house was full. They had patients who had to sit in the ER for 15 days before they could get placed. That was extremely difficult on their staff. He wholeheartedly supported increasing what we did for this program because it was getting worse in the community, and this program did work.

Mayor Boss moved to approve.

Commissioner Payne seconded the motion.

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

10. Consider, and act upon, amending the Project Participation Agreement for Medlin Ramps. (Petria Bengoechea, City Attorney)

City Attorney Bengoechea said this request was from Mark Medlin, the owner of Medlin Ramps. He owned 26 acres purchased with a LEDA grant. He had been approached by Maverick, which was a gas station out of Utah, to purchase up to six acres of that property. They would not lease

it and only wanted to purchase it. The property was now worth \$3.5 million, and he had done about a half million dollars in upgrades as well. In March 2020, Supply Corps USA was about to open its doors when Covid happened. They were now pushing forward with that, and they had hired 44 employees and currently had 16 full time employees. They had made 80 to 90 ramps this past year. The land proposed to be purchased was not surveyed yet, but that survey would be a part of the Agreement. It would be no more than six acres. We had recently done a job audit, and the LEDA award had been reduced to just over \$2 million. He had at least another \$100,000 in payroll this year, but we only did full annual audits. Mayor Boss pointed out that there had been almost a half million dollars paid down on the original. City Attorney Bengoechea said yes, and his current outstanding obligation was \$2,044,926.00 at the end of 2020.

Mayor Boss asked if there was any downside to this. City Attorney Bengoechea said she didn't see any legal downside. The property appraisal showed that the raw land itself would secure that amount. They would take down the old Showbiz Video store which had just been boarded, and it would bring in more business to the community.

Commissioner Baldwin said when Medlin first came in, they had always talked about developing that property. Part of the original plan was to develop that frontward facing property and intersecting the two highways. He felt this was good news. City Attorney Bengoechea pointed out Mr. Medlin was going to take the proceeds from this sale and develop another business on the site as well.

Commissioner Rardin clarified that the \$3.5 million appraisal was for the entire property, and that they were just asking to break out the 5.5 to 6 acres. City Attorney Bengoechea said yes. Mayor Boss said this sounded like a win-win situation.

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

11. 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)

City Attorney Bengoechea said this Ordinance only restricted marijuana and did not allow for it anywhere. What was put together just restricted the zoning and where marijuana could be consumed, in line with our alcohol Ordinance. It restricted marijuana use on City property or in the public walking down the sidewalk. There had to be distance regulations. The State had requested we do this by September 1st, which was when they were going to start issuing licenses. All we were doing here was regulating where cannabis could go. There were some rules about how much we could do, and we had pushed as much as we could as far as the 300 feet from a school or daycare that was already existing. The Commission could make it less or limit density.

Mayor Boss thought the important thing was that this was us putting more restrictions on it. We had nothing to do with whether marijuana was going to be sold in our community. Now we were putting restrictions on those sales. City Attorney Bengoechea said that was correct. The Legislature severely limited what local communities could regulate with their Bill that was passed in Special Session, so we could not just outlaw it in our limits. Mayor Boss clarified it could not be sold right up next to a school. City Attorney Bengoechea said yes, and this Ordinance was

saying that it had to be at least 300 feet away, which was the same for alcohol currently. It matched our alcohol laws. The Agenda Report outlined what the legislation prohibited us from doing, and one of those things was completely prohibiting the operation of a cannabis license. The Legislature through State law preempted us from doing that.

Commissioner Rardin said we could pass this Ordinance and try it for a year and if we found we needed to change it, then we could always bring it back before the Commission. Even in his business, insurance companies were trying to find a way around it because it was legal for people to consume at home. However, if they were to get in an on-the-job accident, they would test dirty but may have not been consuming at that time. It was kind of a trial and error.

Mayor Pro-Tem Sikes said if someone lived next door to a school and each adult was allowed to grow six plants, who was going to enforce the fact that they were not 300 feet away. City Attorney Bengoechea said it stated that we could not prohibit an adult New Mexican from producing homegrown cannabis. You could live within 300 feet and grow the number of plants the State allowed, but you could not open a store that sold cannabis and had a consumption area. Of course, we still had zoning regulations as well, so you couldn't open a shop in the middle of a residential area. Just like you could consume alcohol in your home if you lived next to a school, you could not open a bar and sell alcohol next to a school, which is what we could regulate. We did not regulate conduct on private property, generally. Marijuana had been legalized so we were in between a rock and a hard spot. Mayor Boss said we couldn't do anything about that. Commissioner Payne said she knew that, but just for the record, she thought this was ridiculous.

Commissioner Rardin moved to approve.

Commissioner Payne seconded the motion.

Roll Call Vote was taken.

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

12. Consider, and act upon, Resolution 2021-33, a Resolution Declaring Support for the Floyd School Board. (Susan Payne, City Commissioner) (Roll Call Vote Required)

John Block commented on the following:

Mr. Block said he was a resident of Alamogordo. He wished to thank the Commission for considering this Resolution, as well as Commissioner Rardin for putting forth a similar item at the last meeting. The Floyd School Board had stood by itself and went against Governor Lujan Grisham and her PED (Public Education Department). The Board had stood by itself and made a brave public decision based on the need they saw for their community and the health and safety of their children. Standing up to this allowed the Commissioners to keep their finger on the pulse of their community and better understand the needs of Alamogordo. He was here to support this proposal and we must stand strong along with the Floyd School District and other New Mexicans who were fighting for freedom for our State, especially now as our Governor was doing everything in her power to destroy New Mexico's children by one Executive Order after another. He appreciated the Commission taking this up and he felt it was super important that we affirm our support for the Floyd School Board.

Commissioner Payne said at the last meeting Commissioner Rardin brought up an item that she felt was a little confusing. She understood the sentiment behind it, but it was a little confusing. She could not understand what it was that he wanted. About halfway through the item he stated he wanted support for the School Board, but that was not what she understood at the beginning.

She thought about it because she did agree with his sentiment, and she felt what our State did was wrong. She was trying to figure out a way that we could show our support without telling another elected body what to do. If you owned a business in Alamogordo, you wouldn't want a competing business telling you what to do or how to do it. That was how she felt about what they were doing at the last meeting. Then about halfway through, Commissioner Rardin had said something about a letter of support. She felt what had happened in the Floyd School District was wrong, and it had nothing to do with the fact that it was a School District necessarily as it did with the State coming in and removing a duly elected body. We all needed to be concerned about that. As Commissioners, we all needed to be concerned that if we made a decision which the State didn't like, that they would come in here and remove us for it. If we said it couldn't happen, then we were fooling ourselves because it did happen. It happened and they did nothing more than make decisions that they felt were best for the constituents they represented. It was government overreach and should never have happened. You should never have an appointed person removing an elected official. That was ridiculous. That was why she brought this forward in the way she did. It had less to do specifically with the Floyd School District, and more to do with the fact that the Floyd School District was targeted and removed from their duly elected positions. Every single one of us should be concerned about that because we were representing our constituents and our community, which was different than the communities of Santa Fe, Albuquerque, or Las Cruces. We lived in Alamogordo, and we were very specific to our community. It was not like other communities. She thought this item was very clear, and she did think it was something that we all needed to be concerned about. This was not a Republican-Democrat issue. It was government overreach.

Mayor Pro-Tem Sikes said last week there were three meetings held by Dr. Ken Moore. The people who showed up at those meetings were, naturally, the people who did not want to mask. The people who were concerned about the health of our County, the people who were concerned about the numbers going up on a daily basis, and the people who were concerned about the public health mandates did not show up and that was very unfortunate. She had received a lot of emails, and there was one which came across to all the Commissioners today and it was requested that it be read into the record, and it was written by a person who was adamantly against this particular Resolution. When a School Board member was elected, they complied with the rules of the Public Education Department. She had spent time with the American Federation of Teachers, with the NEA (National Education Association), and with the Public Education Department representatives, one of which was in Las Cruces. Everyone was welcome to call Patty Gibson and she could explain this to them. The School Board members were very aware of how far their jurisdiction extended and how far the PED jurisdiction extended. When the Floyd School Board was called out, they immediately appealed. She read the Decision, which stated, "The New Mexico First Judicial District Court denied the Floyd School Board's request for a Temporary Restraining Order stemming from the New Mexico Public Education Department's suspension of the Board on August 4th. The five-member Board was suspended after twice voting to disregard Public Education Department's Covid-19 safe practices for school reentry. Floyd filed for a Temporary Restraining Order after the Public Education Department filed suit against the Floyd School Board seeking the Court's intervention when the Board refused to step down following the suspension." Should we continue stepping out of our lane, we faced the same type of punitive action, and she felt we should not be doing that. We were a City Commission and did not control the School Board. Although we respected everyone's opinion on the no-mask issue, she was very disappointed that when the crowds got together to talk about the non-masking issue, they neglected to talk about the disease. They only talked about their rights. She felt it was time

in this community based on the overflow at the hospital and based on the numbers throughout the State, that we recognized it was time to take this a little more seriously.

Commissioner Payne said nowhere in here did she talk about masks. That was not the point. The point was that we needed to do what was best for our community. We were a diverse group and would have different opinions, but we needed to be very concerned when their only alternative was to remove elected officials. It didn't have to be about masks. This was about our rights and our duty to do what was best for our constituents. She was at the three school meetings and the majority of the people spoke against masks. If this could happen to the Floyd School Board, then it could happen to us. We needed to tell people that we supported an elected body's individual right to do what was best for their community. This was about government overreach.

Mayor Boss said this was political sounding, but we had a border where we were allowing people to come over that we knew were affected with the disease and we were not requiring them to wear masks and we were not giving them the vaccine and we were putting them into our entire country. Why was that being neglected by these same people that were telling us we needed to wear the masks. Commissioner Baldwin felt that was probably a discussion for another topic. Commissioner Rardin said he agreed wholeheartedly with the Mayor. Those of us against the masks would take this a little more seriously if we would lock that border and stop letting them in.

Commissioner Rardin said he agreed with Commissioner Payne. There was a bigger picture here. The PED, who were hired, should not have the authority to remove a duly elected body. He agreed with the intent here. He had attended two of the three meetings at the school, and Commissioner Payne had spoken at one of the meetings. He also attended the other night at the other School Board Meeting when they did what they did to Ms. Cadwallader. At that meeting they did support a Resolution which he felt we should support as well. It was kind of weak a little bit and was worded in a way that would let them go either way, but it was a step in the right direction.

Commissioner McDonald said she hesitated to comment on issues that got people riled up, but she had done a little background study on the Floyd Schools. It was a very small community of about 103 people. When we were making decisions for groups of people, even if they were being suspended, then we needed to be careful with the situation. She looked at the information to see what was there, and she read in the paper where the School Board was going to do the investigating and they were going to look at other communities, all 89 of them. She felt we would overstep our bounds here if we made a decision when the School Board was already in line to listen to the other 89 communities. This was a very small community, and she was looking at the fact that we needed to stay in line with communities of our size and what we were doing for the School Board here.

Commissioner Wright said if they read the Resolution, it stated, "Whereas, the City Commission of the City of Alamogordo believes that the best knowledge of what is right for local issues lies within local elected leaders." That was saying we should have control over our community which is our size. Floyd understood the concern of their community of their size. We were trying to say we knew our size and we knew the community we were in, and we needed to have control over that. Albuquerque was a completely different ballgame from our 30,000 people, and Floyd was different from Alamogordo. Commissioner Payne had brought this item forward because we needed to locally make our own decisions. Albuquerque had different numbers, different outbreaks, and different health backgrounds that we didn't have. There were so many different

areas we needed to understand locally. Floyd didn't know our numbers here and Albuquerque didn't understand our numbers. That was why we needed local control.

Commissioner Payne felt we were missing the point; this was not about masks. She was against masks, but she also did not have a problem with people who wanted to wear masks. She felt we should all have that freedom of choice. This was about the State coming in, an appointed person coming in and removing a duly elected body, and we should all be concerned about it. It didn't have to be masks; it could be anything. It didn't have to be Democrat vs. Republican. We could have a Republican Governor removing for a different reason. That was not the point. The point was that we needed to be concerned, and we should have local control over local issues. This was government overreach. She didn't care if it was a community of 100 or a community of 100,000. It was government overreach and shame on the State, and we should take a stand, period. This whole thing started with the Floyd School Board being removed for nothing more than wanting to make local decisions for their local community. She understood why they didn't want to wear masks. There were 100 people in the whole town, so what were we so worried about. And if this could happen to Floyd, it could happen to us. Would we really be having this discussion if the situation were reversed. This was government overreach and we needed to take a stand against government overreach regardless of who was in charge of the government. We were a local community, and we needed to make local decisions.

Mayor Boss said we shouldn't be wearing masks because they claim if you go more than fifteen minutes in an environment like we were in right now, that the masks don't work. Commissioner Payne said she was wearing hers out of respect for the Mayor and that was it.

Commissioner Rardin moved to approve.
Commissioner Wright seconded the motion.

Commissioner Baldwin said he was one of the Commissioners who voted no last time because he felt for a public body to be engaging in a School Board issue in reference to their agenda and their safety policies and gender issues was way out of line. He kind of realized toward the end of that meeting that if that item would have been worded differently, then it was something he probably could have supported. If it was in support of whatever our School Board decided based on the actions of what they felt was best for the community and based on the comments they were getting, then that was something he could have stood behind. Based on the language in this Resolution, it basically matched a letter we already sent to our Governor at the start of the Covid. That letter was basically complaining about not having enough control over our communities as the people elected to protect and represent our communities. We all agreed on that letter and it seemed like it was the right plan. About four months after all the shutdowns began, we got a color-coded system, so it sounded like they had listened to us a little bit. So, this was different in that it was worded differently, and we were supporting the School Board that was removed. It also backed up the same kind of information we had already sent to our Governor in reference to how we believed we should be representing our communities and not really being told what to do. So, he did support this.

Mayor Pro-Tem Sikes said we wouldn't even be discussing this if there wasn't a pandemic, if there wasn't disease in every community, and if the numbers hadn't continued to go up. Whether they believed it or not, each day when people passed away, she found it tragic. She found it tragic when she talked to people she knew who had family members pass away and friends die, when people wound up in the hospital, and when the doctors and nurses who were so overworked said

that the least we could be doing was wearing masks and getting vaccinated. We would not even be here talking about this if the Floyd School Board did not defy a Health Order. The only reason they were suspended was because they defied a health mandate. Keep the disease in mind when children started dying or when their loved ones started dying, as it may be different. She asked everyone to keep in mind that this was about disease because that was why they were suspended.

Mayor Boss called for the vote on the motion.

Roll Call Vote was taken.

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

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

Mayor Boss read the openings and appointed Karl Melton to the Alamogordo Public Library Board. No one was opposed. Mayor Boss thanked Mr. Melton for signing up to serve on this Board, and thanked Mr. William Dennis for his prior service on the Board.

ADJOURNMENT

Commissioner Rardin moved to adjourn at 8:19 p.m.

Commissioner Wright seconded the motion.

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



ATTEST:


City Clerk Rachel Hughes


Mayor Richard Boss

(Prepared by Teresa Gutierrez, Deputy Clerk)

Approved at the Regular Meeting held on September 14, 2021.