



# Alamogordo City Commission

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## NOTICE OF MEETING

### Regular Meeting Agenda

September 28, 2021 - 6:30 PM  
City Hall, City Commission Chambers  
1376 E. Ninth St.

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 Hughes ..... 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 of 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. Briefing on Code Enforcement. (*Jim Baker, Code Enforcement Supervisor*)

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**PUBLIC COMMENT**

*Residents must sign up with the City Clerk to address the City Commission. Comments are limited to 3 minutes, and there will be a maximum of 21 minutes allowed for Public Comment.*

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**CITY MANAGER'S REPORT**

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**REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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**CONSENT AGENDA** (Roll Call Vote Required for an Ordinance or Resolution)

*All matters listed under the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

2. Approve the minutes for the September 14, 2021 Regular meeting. (*Rachel Hughs, City Clerk*)
3. Consider, and act upon, agreement with Otero County for receipt of the \$50,000 grant award for Alamogordo Public Library Services to County residents. (*Kim Underwood, Library Manager*)
4. Consider, and act upon, acceptance of Purchase Agreements for Partial Vacation of Easements as well as revised boundary surveys for 415 Canal Street and 412 Twenty-Fourth Street. (*Nancy Beshaler, Project Manager and Stella Rael, City Planner*)

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**ITEMS REMOVED FROM CONSENT AGENDA**

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**NEW BUSINESS**

5. Consider, and act upon, Resolution 2021-36 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 September 28, 2021 including the allocation of \$7,905,784 from the American Rescue Plan Act. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**
6. Consider, and act upon, Ordinance 1637 Case Z-2021-0004(A) for first publication for a map amendment to correct the current zoning by changing the zoning designation of the property located at 1301 19th Street from R-1 Single Family Dwelling District to R-3 Two family dwelling district. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**
7. Consider, and provide direction to Staff on reviewing Boards and Committees with recommendations to Commission at a future meeting. (*Josh Rardin, City Commissioner*)
8. Consider, and act upon, Ordinance 1638 for first publication to amend Section 29-01-020(b) from a required 200 foot notification area for all property owners to a 500 foot radius. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**
9. Appointments to Boards and Committees. (*Richard Boss, Mayor*)

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**ADJOURNMENT**

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/28/2021

**Report Date:** 9/20/2021

**Report No:** 1.

**Submitted By:** Richard Adler

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**Subject:** Briefing on Code Enforcement. *(Jim Baker, Code Enforcement Supervisor)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Presentation only.

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**Background:**

# Code Enforcement

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What we enforce



# Most commonly enforced codes.

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- Weeds over 6”
  - Accumulation of garbage
  - Outdoor storage
  - Automotive storage
  - Trees to be trimmed
  - Display of address numbers
  - International property maintenance code.
  - Maintenance and repair of service lines—Connections.
- Signs on poles
  - Yard sales
  - Sidewalks
  - Hedges
  - Water conservation

# Code Violation Process

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- Violation is observed and photographed.
- Case is made and entered into computer.
- Owner or resident is notified by letter(hand delivered or by mail).
- 15 days given to correct most violations.
- 30 days given for sewer and dilapidated buildings violations.
- Properties are re-inspected.



# Re-inspections

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- If the property is in compliance the case is closed.
- If the violations still exist:
  - Our abatement officer can clean up the properties. (we currently don't have an abatement officer)
  - We can summon the property owner or residents to court.

# Abatement process.

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- Limited to violations such as weeds, garbage, trees, hedges. We don't remove items of value such as cars, washers, etc.
- Can be performed 15 days after notification given to the owner.
- Unless we are relatively sure a property needs to be abated, we will send a regular letter first. (because of the cost of regular \$.53 vs certified letters \$7.33)



# Abatement process continued.

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- After 20 days (Giving 5 days to account for mailing time) if no corrections have been made, a certified letter will be sent.
- Notification is usually by certified mail which at times can take in excess of 30 days to deliver.
- Another inspection is made to see if the violations have been corrected.
- If not, we sent our abatement officer over to the property. (When we have an abatement officer)

# Post abatement.

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- Photos are taken of the abated property
- A bill is submitted charging the owner for employee and equipment cost.



# Summons process

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The violation is identified and photographed.

The responsible party is identified. (Owner, renter, person in charge)

Notice of violation is given/mailed to the responsible party. (We will skip this step on habitual violators and directly summon the party)

After re-inspection if the violations remain uncorrected, a criminal complaint is submitted to the City Attorneys office to summon the responsible party to Municipal Court.



# Summons process continued.

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- Once summoned the defendant is given an arraignment date where they can plea guilty, no contest, or not guilty.
- If the plea is guilty, the court will give a period of time to correct the violations. The defendants will receive a form that they will present to us to inspect the property again to ensure the violations are corrected.
- If the plea is not guilty a trial date is set in the future.

# Summons process continued.

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- Most of the time, following the court appearance the defendants will correct the violations, however this is not always the case. (Case in point 2414 Telles—The owner was repeatedly summoned to court and fined, appealed his cases, which led this case to remain in violation for several years.)



# Time frames to correct code violations

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In most cases, once a notice is received by the responsible party, they will correct the violation within the 15 days they are given.

If voluntary compliance can't be achieved, the process for abating a property can take well over a month under the best of circumstances.

The process of gaining compliance thru summons can take even longer.



# Code stats

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- Current open cases as of 09-01-21-----536
- Total cases from 01-01-21 to 09-01-21-----1453

# Code Manpower

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- Staff as of 09-01-21

- 1 Code Supervisor
- 1 Code/Fire Secretary

## Fully staffed

- 1 Code Supervisor
- 1 Code/Fire Secretary
- 3 Code Officers
- 1 Abatement Officer



1600 N. White Sands

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04-23-21

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- The owner notified that structure needed to be repaired or removed.



# 1600 N. White Sands (04-23-21)

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# 1600 N. White Sands 08-03-21





815 15<sup>th</sup> (03-20-21)





815 15<sup>th</sup> (08-30-21)

- The owner voluntarily removed dilapidated structure after receiving a code notification.





801 US Hwy 70 W

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07-05-17



















801 US Hwy 70 W

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08-06-18















# 1201 Mescalero

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07-24-17























# 1201 Mescalero

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08-06-18















# 1001 Mesquite

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12-27-17



























# 1001 Mesquite

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08-06-18











# 508 Maryland

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05-09-17







# 508 Maryland

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08-06-18







# 1507 Rockwood

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05-03-17



















1507 Rockwood

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08-06-18







# 910 Post

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10-12-16











# 910 Post

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06-29-18







# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/28/2021

**Report Date:** 9/23/2021

**Report No:** 2.

**Submitted By:** Rachel Hughs

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**Subject:** Approve the minutes for the September 14, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve the minutes.

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**Background:** This is required by the Open Meetings Act.



**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
6:30 P.M., COMMISSION CHAMBERS  
SEPTEMBER 14, 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 6:30 p.m. Roll Call was taken by the Deputy Clerk. City Manager Brian Cesar was absent, and Assistant City Manager Stephanie Hernandez was present. Deputy Clerk Gutierrez announced there was a quorum present. Invocation was given by Pastor Michael Beauchamp, and the Pledge of Allegiance was led by Commissioner Payne.

**APPROVAL OF AGENDA**

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

**PRESENTATIONS**

**1. Presentation by Alamogordo MainStreet giving a program update. (*Mark Garnes, Executive Director of Alamogordo MainStreet*)**

Mr. Mark Garnes, Executive Director of Alamogordo MainStreet introduced their new President, Cindy Boylan. He explained that they had been working on a mural program, and they were looking to create some murals based off aircraft spotter cards with aircraft that had been at Holloman Air Force Base. They were trying to bring Holloman a little closer into the community and let them know how much we recognized and appreciated the service of the men and women at the Base. In addition, they wished to invite the Commission to a meeting they would be having with New Mexico MainStreet on September 28<sup>th</sup> at 5:00 p.m., with the location to be determined. They would inform the Commission once the location was decided and would appreciate if they attended and let them know of anything else MainStreet could help with in the community.

**2. Presentation on Otero County Development Economic Council project update quarterly report. (*Laurie Anderson, OCEDC Interim Executive Director*)**

Laurie Anderson, OCEDC Interim Executive Director, said they had hit the highest number of people in their outreach campaign. They had done email campaigns and had targeted 2,500 companies in the aerospace and defense industry, manufacturing, and other ancillary companies suitable to our region. They had sent out over 63,000 emails to these 2,500 companies. There were 173 companies that had looked at Alamogordo and decided they were very interested in our area. Presently she was nurturing those relationships to find out their needs. OCEDC was currently working with Project Gold, DAI, and Project Pine, and there were project leads with GSLI as well.

Ms. Anderson said Ultra Health was able to purchase the old Western Baking facility. Twenty years ago, Presto was in that building and there were 150 to 200 employees who were displaced



when they closed. They were running a payroll revenue of \$6 million at that time, and the sales revenues were \$4 million annually. The Ultra Health facility would include cultivation, production, manufacturing, and research and development. She had to look at recreational use in the form of the Legislators passing and legalizing this, and now it was her duty to help businesses see if they would be a good fit for the area. Even if this business moved to Roswell, we would still have the same problems because the State Legislators had approved adult recreational use. It would be better for us to have that operation here. Their goal was to create 300 jobs by the end of next year. By the end of this year, they wanted to create 100 jobs. They anticipated that their sales out of this facility would be \$100 million. Think of the comparison of Presto at \$4 million to something that could create \$100 million in revenue in our community. This facility would be one of the largest in the nation, and it would be right here. Within the first week of licensing, there were over 900 applications sent to the State of New Mexico for cultivation or retail sales, so it was something we would learn to work through. If she could make any type of recommendation to anyone, get involved. If they didn't want to see this happen, get involved with your Legislators. More than anything, when things started turning around and we started seeing things, get involved. She was very excited about this facility, and they were looking at creating this to be a DEA research facility which would create high wage jobs for our area. If they anticipated \$100 million in revenue coming out of that facility, it would be a good return of investment back into Alamogordo.

Ms. Anderson said they had been meeting with local businesses who needed assistance. They tried to partner up with the Small Business Development Center to help facilitate a lot of the needs some of our businesses were looking at which usually centered around a lack of employees. Now that the supplemental income had ended, they hoped to see a turnaround in regard to that.

Ms. Anderson said OCEDC was growing in retail, business, manufacturing, cultivation, at Holloman AFB, and also in trying to get a commercial airline here. They hoped to target the aerospace and defense industry, but they also wanted to touch on the commercial space aspect of it. When Richard Branson and Jeff Bezos went into space, through the OCEDC website they could identify that people were looking at Alamogordo and Otero County. So, they felt that now was the time to showcase that market as well. They also accessed social media through Facebook, LinkedIn, through email outreach, and through their website.

Commissioner Payne said she was concerned about all the jobs being available and nobody to fill them. She wondered what we could do to help our businesses. We had incentivized people to not work for so long that now we were trying to find people to work. She felt we needed to incentivize people who had been working this whole time and stop incentivizing people that hadn't worked, and she wondered whether there was anything they could do. Ms. Anderson said she sat on the Board of Directors for New Mexico IDEA, and this was a problem across the State. They didn't have the answer to that. Commissioner Payne said she had mentioned the facility bringing in 200 to 300 jobs and she wondered about how we were going to do that. Ms. Anderson said she had toured other facilities of this type and they seemed to have zero problems hiring their employees. Commissioner Payne said she was sure it had to do with the industry. She would just like to see some type of a creative solution to help all the businesses to where they could incentivize people to come to work. Ms. Anderson said with the new year coming up and new legislation, this was the right time to think about this and introduce something which could be run through the State.

Mayor Boss said the potential workers out there could not be blamed because they were able to stay home and take care of their children and they were making more money than they would if they were working. You couldn't blame those people as long as they were given the incentive to



stay home. Commissioner Payne said in June 2020 there was an Emergency Special Session where they approved giving more money to people that were already unemployed. There was talk during that Session that in January 2021 they would talk about the existing employees. She paid close attention to that, and nothing ever happened. She kind of knew that it wouldn't, and it was disappointing because if we had instead incentivized those people that continued to work every day and stopped incentivizing people to stay home, we would not be seeing what we were seeing right now. They had cut off the utility moratoriums on July 31<sup>st</sup>, and she had said August would be fine, but in September we would be swamped, and it was exactly like she said it would be. She hoped that OCEDC was focusing on how we could change that because the damage was done. Now we had to figure out how to get creative and be able to provide 100 employees to a company that needed them. Ms. Anderson said they were addressing that. She wanted to let everyone know that economic development didn't fall on one person, and it didn't fall on one organization; it fell on everybody.

Ms. Anderson said she would like to invite the Commission to contact them and let them know their suggestions, solutions, and to provide feedback. If they knew of a company which they felt would be great here, just contact her and she would pursue it. If they wished to contact a company themselves, she would support them and give them the backup they needed. One thing she did need was commercial properties that were 10,000 to 40,000 square feet. The leads she was receiving right now were requesting 20,000 square feet. She was trying to develop a brochure that would help us sell the City's industrial area because we were able to utilize the LEDA funds to build for companies.

#### **PUBLIC COMMENT**

##### **Eugene Downer commented on the following:**

Mr. Downer stated that he supported all Covid vaccinations and using masks to prevent the spread of Covid. He felt mandates were very important, especially for children under 12 who couldn't get vaccinated yet. They needed to be wearing the masks because the virus spread very easily. Regarding the Afghan people who were now here, there were several thousand of them out at the Base who probably would like to work. It might be as simple as using a work bus back and forth to town until their program became stabilized. Regarding the property next to the Museum, he felt it was very important that the City continue negotiations with Michael Shyne to try and acquire it somehow. Finally, he felt Mayor Boss had done an amazing job, and he wished to thank him.

##### **Gerald Dodd commented on the following:**

Mr. Dodd felt the City was doing a great job maintaining our parks and byways. Unfortunately, he was concerned about the decline in our neighborhoods, specifically between 16<sup>th</sup> Street and Indian Wells Road and between Washington Avenue and Arizona Avenue. On his street alone, there were eight unlicensed vehicles that were yard ornaments in their front yard. To add to that, there were another twelve in the neighborhood, and we seemed to be oblivious. He called it urban decay. Also, there were unattached camping trailers and unattended, unlicensed cars that sat out in the roadway. He encouraged the Police Chief and his Codes Department to take proactive measures to correct these problems. In addition, there were campers and storage vehicles that were occupying the alleyways, and everyone seemed to be oblivious to it. He asked everyone to please consider eliminating this decay from our neighborhoods.

#### **CITY MANAGER'S REPORT**

**Assistant City Manager Hernandez made the following remarks:**



1. Ms. Hernandez noted that the City Manager would be out for the remainder of the week.

#### **REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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There were none.

#### **CONSENT AGENDA**

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3. Approve the minutes for the August 24, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, approval of Resolution No. 2021-34 Certifying the City of Alamogordo Fixed Asset Inventory Count for FY 2021. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)
5. Consider, and act upon, adoption and final 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)
6. Consider, and act upon, accepting capital outlay grant agreement 21-F2820, in the amount of \$300,000.00, to purchase and equip vehicles for APD. *(Richard Denton, Chief of Police)*
7. Consider, and act upon, accepting capital outlay grant agreement 21-F2819, in the amount of \$524,000.00, to purchase and install building security measures for APD. *(Richard Denton, Chief of Police)*
8. Consider, and act upon, accepting capital outlay grant agreement 21-F2818, in the amount of \$490,000.00, to plan, design and renovate Fire Station #7. *(Richard Adler, Fire Chief)*
9. Consider, and act upon, accepting grant agreement from U.S. DOT, FAA, to Alamogordo White Sands Regional Airport, in the amount of \$186,865.00, to design the reconstruction of taxiway A. *(Jim Talbert, Airport Manager)*
10. Consider, and act upon, an agreement with Otero County for Alamo Senior Center Services to County residents, the total amount budgeted is \$34,787.50 (\$22,537.50 for home-delivered meals and \$12,250.00 for transportation). *(Magdalena Morales, ASC Manager)*.

Commissioner Payne moved to approve the Consent Agenda.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

#### **NEW BUSINESS**

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11. Consider, and act upon, Drought Adaptation Industries LEDA request. *(Laurie Anderson, Interim Executive Director, OCEDC and Jean and Glenn Bell, Drought Adaptation Industries)*



Ms. Laurie Anderson, Interim Executive Director of OCEDC, said this item was a unique situation because usually by the time a project was brought to the Commission, they had already been vetted, and the request came with a recommendation. The application she had submitted for a LEDA request was incomplete. This presentation was brought forward at the request of Mr. and Mrs. Bell who were the owners of DAI. Right now, their request was for \$913,000 for a new LEDA. They had an existing LEDA in place at this time. As of the last audit they owed \$117,000 on that particular LEDA. Of the current \$913,000 request, \$750,000 of that was for equipment. As a reminder, LEDA was utilized for land, building, and infrastructure, and not to be used for equipment. However, in the past they had allowed for equipment as long as it was built into the facility. When we did that, we made sure they had a Security Bond. So, the existing LEDA would be put on top of the \$913,000, which came out to roughly \$1.1 million. OCEDC had requested Mr. and Mrs. Bell to come forward with a letter of bonding ability. That would basically mean that their insurance company had vetted them and their financials, and that they were bondable for that dollar amount. Unfortunately, the companies they were dealing with were not willing to do that at this time. It was something OCEDC required to be in place before they even came before the Commission. Therefore, at this time, her recommendation as Interim Director of Otero County Economic Development Council was that the Commission not take action tonight because this was an incomplete application.

Commissioner Baldwin asked how long DAI had been in the community. Ms. Anderson said at least three years or more. They had a product they were trying to get going for quite some time now. Commissioner Baldwin confirmed that in the past five years they had paid off half of their commitment to the LEDA funds. City Attorney Bengoechea clarified that this Project Participation Agreement was done in 2018, and the award was \$357,840. Today they owed \$119,534.70 as of the last job audit, which had not taken this year into account quite yet. It was actually probably a little bit less than that amount. Commissioner Baldwin said the point he was trying to make was that they were fulfilling their requirement to the original LEDA request, even to the point of being aggressive to fulfilling that request.

Mayor Boss noticed in the documents there was very little financial information. He didn't know what their total sales or their balance sheet looked like, and that was not customary. Ms. Anderson said that was correct. OCEDC's process was that once they got the application in, it was sent to the State of New Mexico and they were the ones who provided the financial report or their blessing on it, and then it was presented to her due diligence team. However, because of the fact that we did not have security in place, we could not even develop a due diligence team. Mayor Boss clarified that we were way too premature right now. Ms. Anderson said that was correct.

Commissioner Payne asked how many jobs were proposed in the original LEDA Agreement. Ms. Anderson said 17. Commissioner Payne asked how many employees they currently had. Ms. Anderson said as of the last job audit, they had one. City Attorney Bengoechea said according to the Project Participation Agreement they had 14 jobs listed. That Agreement stated, "At the end of year three, they will employ 14 new full time equivalent employees". Obviously with Covid, that was not something we had held any of our LEDA Agreements to. Ms. Anderson noted that OCEDC was not involved in the original LEDA Agreement. Options had been given to Mr. and Mrs. Bell, and they had requested that she be here today due to them wanting to fast track this. Mayor Boss said his opinion was that we wait until we had all the information in front of us, especially the historical financial information before we made any decision on this at all.

**Commissioner Baldwin moved to table item No. 11.**  
**Commissioner Rardin seconded the motion.**



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

Commissioner Baldwin said the most important reason to table this was so it could come back at a later date.

**12. Consider, and act upon, approval of final settlement in the amount of \$468,326.44 from City of Albuquerque, et al v. New Mexico Taxation and Revenue Department. (Petria Bengoechea, City Attorney)**

City Attorney Bengoechea said this was the much talked about Taxation and Revenue Department settlement that our Counsel was able to negotiate. This had been discussed in Executive Session throughout the various settlement negotiations many times. Finally, it was settled, and the total the City would receive back was \$525,287.28. After our Attorneys received their contingency fee, we would receive a total award of \$468,326.44 in recouped monies. It symbolized our part in a \$50 million settlement from the State to municipalities around the State.

Commissioner Baldwin said for the record, the State was misreporting and misappropriating funds back to multiple communities within this State for a number of years. A number of communities found out about this, including Alamogordo and Otero County, and they had entered a Class Action lawsuit in reference to getting some of these monies back. The State did obviously settle, and this was the money our community got back. So, in reference to your State always being right with your taxes and the taxes that came back to your community, this was a very hard lesson to learn in this process. Because it was under litigation, previously they were not able to even talk about this. The State did do the right thing and gave some money back to the communities. In reference to this money coming back, it was not free money but was money that was earmarked for certain accounts. His recommendation was that certain funds get the money back where it went, and that anything left over go to quality of life.

Mayor Boss clarified that staff did support us accepting this. City Attorney Bengoechea said that was correct. She explained that staff and our attorneys had talked through everything regarding this lawsuit, and it was felt this was the best we could do. If we attempted to go into litigation, there were several defenses that Taxation and Revenue could raise, including laches and Statute of Limitations. Whether or not they would be victorious in those, obviously none of us could ever predict what a Judge or jury would do. Therefore, it was believed that this was the best recovery we could get. We did not accept their first number, nor were we anywhere near the first number offered. They had gone back several times and upped it and they even had to get special permission from the Governor to settle it at this point. It had been looked at by several municipalities and counties around the State and a Federal Judge Mediator had looked at it, and it was believed this was a good outcome. Mayor Boss asked what decision the other municipalities had made regarding this. City Attorney Bengoechea said this was a Class Action lawsuit, so we were all in agreement. This was being decided and brought before Commissions all over the State this week and last week. The Agreement had been signed, and we just needed to ratify it in front of the Commission.

**Mayor Boss moved to approve.****Commissioner Rardin seconded the motion.**

Commissioner Rardin said once we got this money in, could staff give us a breakdown on which funds it was going into and where it was going. City Attorney Bengoechea said it had to go into Fund 11 first and then she had to cut a check out of it to the attorneys immediately. Thereafter it



could be distributed to other areas. Commissioner Rardin requested the Commission receive an email detailing where the funds would be distributed to.

**Mayor Boss called for the vote on the motion.**

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

**13. Consider, and act upon, a Commissioner being appointed to the Tularosa Basin Regional Dispatch Authority (public safety answering point). (Richard Denton, Chief of Police)**

Police Chief Denton requested a Commissioner be chosen to sit on the Tularosa Basin Regional Dispatch Authority. Commissioner Rardin asked if this Board was going to be similar to the Otero County Solid Waste Authority Board which met once a year. Police Chief Denton said in the beginning they would probably have a few more meetings, but their goal was to have one meeting per year, which would be the financial meeting.

Commissioner Payne said she would really like to sit on this Board if nobody else wanted to.

**Commissioner Rardin moved to appoint Commissioner Payne to the Board.**

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

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

**14. Consider, and act upon, approval of Resolution No. 2021-35 Requesting approval for the establishment of a new special revenue fund for the American Rescue Plan Act funds totaling \$7,905,784. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**

**Satender Sarhaya commented on the following:**

Mr. Sarhaya said the City would be receiving \$7.9 million under the American Rescue Plan Act fund. He owned different businesses in different cities in New Mexico. Some of the cities had given grants out of this fund. He would like to know if the City of Alamogordo would be distributing some of these funds to small businesses.

Finance Director Huff said the American Rescue Plan Act (ARPA) was passed earlier this year and it made allocations of funding to non-entitlement units which was what municipalities fell under. Our portion of that allocation was \$7,905,784. There were 2 different steps that came around this ARPA money. The Resolution tonight was based on guidance from DFA that it needed to be in its own fund. To make it easier for accounting purposes, reporting purposes, and all the tracking, DFA had suggested that a fund be established. The Resolution tonight was for the purpose of establishing Fund 124, which would keep this money segregated in that fund. The second step that came with this money was regarding the four different options for what this money could be used for. Under those four different options, there was a lot of guidance on what fell under them. City management had held several different conversations about what we would like to use these funds for. The City management's intent at this time was to use those funds to provide utility assistance to qualified households, and to fund improvements in the water and sewer infrastructure. That would be on the Resolution which staff would bring at the next meeting, which would be the Budget Resolution. However, before she could bring that Resolution, she needed to bring this one tonight in order for them to create a fund to put a budget into.

Mayor Boss said everybody had ideas and \$7 million sounded like a lot, but we had some water tanks that needed refurbishing, just to name one issue. However, tonight we were simply voting



to set up the fund. Finance Director Huff said voting on this Resolution tonight did not lock in any of the uses for this money. That would be decided on the Budget Resolution which would come before them at the next meeting. The funding she had mentioned regarding the water and sewer infrastructure included five water tanks.

Commissioner Payne assumed that utility assistance was for qualified families. It was essentially to help families that were behind on their water bills so that the City could get paid back on them. Finance Director Huff said yes, and they would try to help the families that currently had large delinquent amounts. Also, they would like to extend help to those families who owned their home and who were having the same amount of hardship.

Commissioner Payne asked what was meant by the option, "To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers." Was there a clear definition of what that meant. Finance Director Huff said they talked about workers that were considered essential. One of the differentiations they made was that the workers who were considered essential needed to actually have contact with possible Covid people. So even if they were considered essential but they weren't necessarily able to establish that they had direct contact with people who could have tested positive for Covid, then you would not necessarily be eligible for the increased pay. There were options for possible premium pay for essential workers and there were possibilities for some other back-to-work incentives. As far as the City, we'd had a lot of vacancies, but we didn't have a lot of layoffs. Commissioner Rardin confirmed that basically our Fire, Police, Streets, Water, and Wastewater Department personnel would be the group of employees that would benefit from that.

**Commissioner Rardin moved to approve.**

**Commissioner Wright seconded the motion.**

**Roll Call Vote was taken.**

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

Commissioner Baldwin said the fact that our government was giving us basically \$8 million in reference to this was pretty unprecedented. He felt it was very important as a municipality that we use this money for the municipality. As was stated, we had a lot of vacancies, but we didn't have a lot of layoffs. The City would weather this process relatively well compared to most of the businesses here in the community. He felt the focus needed to be on the businesses of the community when it came time to decide how to use this money.

#### **15. Notification of vacancies for Boards and Committees. (*Richard Boss, Mayor*)**

Mayor Boss reviewed the various openings and encouraged anyone interested in serving on a City Board or Committee to apply at the City Clerk's office or online at the City's website.

Commissioner Baldwin said he would not be attending the next Commission meeting as he would be on his honeymoon which had been delayed due to Covid. At the following meeting of October 12, 2021, he would be handing in some information to the Mayor and City Manager that he would be resigning his position as Commissioner for District 1. He had moved and although he had not terminated his residence in District 1, by the time he got back most everything would be signed and turned off at that house. He would be back to address everyone and say goodbye at that meeting, but as a citizen and not a Commissioner. Mayor Boss said he had enjoyed working with Commissioner Baldwin and he was sorry to hear this. Commissioner Payne said she enjoyed his insight and he had always been the voice of calm.



Commissioner Rardin moved to adjourn at 7:37 p.m.  
Commissioner McDonald seconded the motion.  
Motion carried with a vote of 7-0-0.

**ADJOURNMENT**

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*Mayor Richard Boss*

*ATTEST:*

---

*City Clerk Rachel Hughs*

(Prepared by Teresa Gutierrez, Deputy Clerk)  
Approved at the Regular Meeting held on September 28, 2021.



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/28/2021

**Report Date:** 9/10/2021

**Report No:** 3.

**Submitted By:** Kimberly Underwood

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**Subject:** Consider, and act upon, agreement with Otero County for receipt of the \$50,000 grant award for Alamogordo Public Library Services to County residents. *(Kim Underwood, Library Manager)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact: Increase of \$25,000 over FY22 approved revenue budget for the Library.

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**Recommendation:** Approve award of \$50,000 for library services to Otero County residents.

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**Background:** This agreement is a Memorandum of Understanding to provide library services to Otero County residents.



ADMINISTRATION  
1101 NEW YORK AVENUE  
ALAMOGORDO, NM 88310



WWW.CO.OTERO.NM.US



(575) 437-7427



(575) 443-2928

**Agreement for Community Services Funding  
Between the Board of County Commissioners of  
Otero County, New Mexico,  
and  
City of Alamogordo, Alamogordo Public Library,  
a Unit of Local Government**

*I. General Provisions.*

**A. Parties.**

The parties to this agreement are:

1. the Board of County Commissioners of Otero County, New Mexico, a political subdivision of the State of New Mexico established under N.M.S.A. 1978, § 4-19-1 (1899), to be referred to as "Otero County," and
2. City of Alamogordo, Alamogordo Public Library, a unit of local government, to be referred to as "Recipient."

**B. Parties Includes Officials, Employees, Agents, Etc.**

The parties agree that references to "parties," "Otero County" and "Recipient" shall be understood, where the context is appropriate, as including all their elected officials, directors, officers, employees, agents, contractors, licensees, invitees, and visitors.

**C. Purpose.**

The purpose of this agreement for Otero County to provide community services funding to Recipient so that it may provide community services in Otero County. These services are detailed in Exhibit A, which is attached to this agreement.



## *II. Essential Provisions.*

### **A. Term & Effective Date.**

The term of this agreement shall be a term of at most one year, which shall be Otero County's fiscal year 2022.

This agreement shall commence upon the later of (a) July 1st, 2021, or, (b) the date upon which both parties have signed this agreement.

Even if the commencement date is later than July 1st, 2021, this agreement shall terminate on June 30th, 2022, the last day of Otero County's fiscal year 2022.

This agreement is not renewable.

### **B. Amount of Funding.**

The parties agree that the community services funding shall be **\$50,000.00** for the fiscal year.

### **C. Payments.**

Otero County will make one single payment to Recipient if the funding is \$5,000.00 or less.

Otero County will make quarterly payments to Recipient if the funding is more than \$5,000.00.

Otero County will make payments by check or warrant.

### **D. No Use of County Purchasing Department.**

Recipient may not purchase any goods or services through Otero County or its purchasing department. If Recipient chooses to use funding provided by this agreement for the purchase of goods or services, it shall do so on its own account and with its own personnel.

### **E. Invoices for Payments.**

The Recipient agrees to submit invoices to Otero County for the payments under paragraph II-C. The invoice shall reference this agreement, Recipient's name, the period for which payment is requested, and the mailing address to which payment is to be sent. Invoices shall be sent to:

County of Otero  
Attn: Accounts Payable  
1101 New York Avenue  
Alamogordo, New Mexico 88310



If the Recipient is to receive one payment for the year, the invoice shall be submitted to Otero County during the month of October 2021.

If the Recipient is to receive quarterly payments, the invoices shall be submitted to Otero County during the months of September 2021, December 2021, March 2022, and May 2022.

**F. Report on Activities.**

During the months of September 2021, December 2021, March 2022, and May 2022, Recipient's submission of invoices, it shall submit to Otero County a report describing its use of the funding under this agreement. The report shall be submitted to:

County of Otero  
Attn: County Manager  
1101 New York Avenue  
Alamogordo, New Mexico 88310

Recipient agrees to make its report in a form acceptable to the County Manager and to supply additional information to the County Manager if the County Manager believes the report as submitted is deficient. Such additional information shall be supplied by Recipient within fourteen days of the County Manager's request.

**G. W-9 and Vendor ID Forms.**

Recipient agrees to supply Otero County with both (1) a completed and signed Internal Revenue Service Form W-9, Request for Taxpayer Identification Number and Certification and (2) a completed Otero County vendor identification form.

Recipient agrees that these forms must be supplied annually even if Recipient had completed them in a prior year.

Recipient agrees that no payment can be made by Otero County until these forms are completed and returned to Otero County.

**H. No Invoices Accepted After June 1st, 2022.**

Recipient agrees that no request for payment shall be honored by Otero County if it is received by Otero County after June 1st, 2022.

Recipient understands that Otero County must close its fiscal year on June 30th, 2022, and invoices received late in the fiscal year interfere with Otero County's accounting.

Recipient agrees that any invoices received by Otero County after June 1st, 2022, will be rejected.



Recipient agrees that any balance under this agreement that was unpaid because of a failure to submit timely invoices will be forfeited.

**I. Non-transferrable.**

The parties agree that this agreement is non-transferable and it may not be assigned or sub-contracted to any other party.

Recipient may not pledge the funding provided under this agreement to another party.

**J. Termination.**

The parties agree that this agreement may be terminated at any time.

*III. Compliance with Laws.*

**A. Taxes.**

Recipient acknowledges that it may be subject to Federal, state, and local taxes.

Recipient agrees that it is solely responsible for paying such taxes as well as any interest and penalties that may arise from its failure to do so.

Recipient agrees that upon demand of the County Commissioners, it shall provide evidence that it is current in its payment of Federal, State, and local taxes, including payments required under: (1) the Federal Insurance Contributions Act, 26 U.S.C. § 3101 et seq.; (2) the Unemployment Compensation Law, N.M.S.A. 1978, § 51-1-1 et seq.; (3) the Workers' Compensation Act, N.M.S.A. 1978, § 52-1-1 et seq.; and (4) the Gross Receipts and Compensating Tax Act, N.M.S.A. 1978, § 7-9-1 et seq.

Recipient agrees to indemnify Otero County for any action against the Otero County arising from Recipient's failure to pay any tax or make any payment required by law.

**B. Licenses and Permits.**

Recipient agrees to obtain all licenses or permits necessary for the conduct of its operations and will be solely responsible for the costs of the licenses or permits.

Recipient agrees to indemnify Otero County against any action arising from Recipient's failure to obtain any licenses or permits.

Recipient agrees to provide copies of all its licenses or permits to Otero County Commissioners upon demand.

**C. Corporate Status.**

Recipient warrants that it is either (a) a non-profit corporation in good standing with the New Mexico Secretary of State or (b) a unit of a local government.



If Recipient is a non-profit corporation, Recipient agrees that it shall keep its corporate status in good standing with the New Mexico Secretary of State.

Recipient shall give Otero County notice of any change in its corporate status within fourteen days.

Recipient agrees to provide Otero County a copy of a certificate of good standing upon demand.

**D. Non-profit Tax Status.**

Recipient warrants that it has tax-exempt status with the Internal Revenue Service because it is either (a) a non-profit corporation certified as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 or (b) a unit of a local government.

If Recipient has tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, Recipient agrees that it shall keep this status with the Internal Revenue Service.

Recipient shall give Otero County notice of any change in its tax-exempt status under the Internal Revenue Code of 1986 within fourteen days.

Recipient agrees to provide Otero County proof of its tax status upon demand.

Recipient agrees to provide Otero County with a copy of its Internal Revenue Service Form 990 or audited financial statements upon demand.

**E. Anti-discrimination laws.**

Recipient agrees that it shall comply with all Federal, state, and local anti-discrimination laws, including:

- 1) the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 741;
- 2) the Age Discrimination in Employment Act of 1967, Pub. L. 90-202, 81 Stat. 602;
- 3) the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 355;
- 4) the Older Americans Amendments Act of 1975, Pub. L. 94-135, 89 Stat. 713;
- 5) the Americans with Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 327;
- 6) the Civil Rights Act of 1991, Pub. L. 102-166, 105 Stat. 1071;
- 7) the ADA Amendments Act of 2008, Pub. L. 110-325, 122 Stat. 3553;
- 8) the Human Rights Act, N.M.S.A. 1978, § 28-1-1 et seq.; and
- 9) the Fair Pay for Women Act, N.M.S.A. 1978, § 28-23-1 et seq.



**F. Federal, State, and Local Laws.**

Recipient acknowledges that it is subject to Federal, state, and local laws and will comply with them.

Recipient agrees that will indemnify Otero County for any violation of Federal, state, or local law committed by it.

*IV. Contract Interpretation Provisions.*

**A. Entire Agreement.**

The parties agree that this document constitutes the entire agreement between them and any prior agreements or understandings between them have been merged into this document.

**B. Amendments.**

The parties agree that amendments to this agreement shall be done in writing and signed by representatives of them in the same manner that this contract was executed.

**C. Severability.**

The parties agree that if any part of this agreement is found to be unenforceable under present laws or those enacted during the term of this agreement, then the illegal parts of this agreement shall be severed from the agreement and the remaining parts shall continue in force.

**D. Waivers.**

No waiver or any breach or default by Recipient shall constitute a waiver of any subsequent default or breach by it.

**E. Choice of Law.**

The parties agree that the laws of the State of New Mexico shall govern the interpretation of this agreement.

**F. Forum-Selection.**

The parties agree that the exclusive forum for disputes under this agreement shall be the Twelfth Judicial District Court of the State of New Mexico sitting in Otero County.

If the Twelfth Judicial District Court finds that the amount in question in the suit is below its jurisdictional limits, the parties agree that the exclusive forum for disputes shall lie instead with the Otero County Magistrate Court.

**G. Submission to Jurisdiction.**

The parties agree to submit to the jurisdiction of both the Twelfth Judicial District Court and the Otero County Magistrate Court.



**H. Federal Court.**

The parties hereby waive their rights to file in or remove to Federal court any suit brought under this agreement.

**I. Running of Time.**

If the deadline for any act required under this agreement falls upon a Saturday, Sunday, legal holiday, or other day that the Otero County offices are closed, then the act shall be timely if done on the next weekday that Otero County offices are open.

**J. Non-appropriation.**

If the performance of Otero County is contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico and sufficient appropriations and authorizations are not made by the Legislature of New Mexico, this agreement shall terminate upon written notice being provided by the Otero County to Recipient. Otero County's decision as to whether sufficient appropriations are available shall be accepted by Recipient and shall be final.

**J. Status of Recipient.**

Recipient agrees that it is an independent contractor of Otero County.

Recipient agrees that none of its employees or volunteers are employees of Otero County and therefore they shall not be entitled to any salary or benefits from Otero County.

**K. Notices.**

The parties agree to make any notices required under this agreement in writing. Any notices declaring a default or terminating this agreement shall be sent to the parties at the addresses below by the U.S. Postal Service or commercial carrier using a method of delivery that requires the addressee to sign for the item. Examples of such methods are certified mail, registered mail, and express mail.

Notices shall be sent to Otero County as follows:

County of Otero  
Attn: County Manager  
Otero County Administration Building  
1101 New York Avenue  
Alamogordo, New Mexico 88310

Notices shall be sent to Recipient as follows:

City of Alamogordo  
Attn: Library Manager  
Alamogordo Public Library  
920 Oregon Avenue  
Alamogordo, New Mexico 88310



**OTERO COUNTY, NEW MEXICO**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Pamela Heltner  
County Manager

Attest: \_\_\_\_\_ (SEAL)  
Robyn Holmes  
Otero County Clerk

**CITY OF ALAMOGORDO, ALAMOGORDO PUBLIC LIBRARY, a unit  
of local government**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Representative



## **Exhibit A**

Recipient agrees to provide community services as follows:

(See Attached Pages)



Alamogordo Public Library

Name of Government Business/Organization: Alamogordo Public Library

Phone Number: 575-439-4140 Fax Number: 575-439-4108

Mailing Address: 920 Oregon Avenue, Alamogordo, New Mexico 88310

Email address: [coalibrary@ci.alamogordo.nm.us](mailto:coalibrary@ci.alamogordo.nm.us)

Contact information:

Name of Person responsible for implementing program/project: Sharon Rowe

Phone Number: 575-439-4140, ext. 4165 Fax Number: 575-439-4108

Mailing Address: 920 Oregon Avenue, Alamogordo, New Mexico 88310

Email address: [srowe@ci.alamogordo.nm.us](mailto:srowe@ci.alamogordo.nm.us)

Name of Person responsible for requesting and accounting for funding: Evelyn Huff

Phone Number: 575-439-4268 Fax Number: 575-439-4320

Mailing Address: 1376 East 9<sup>th</sup> Street, Alamogordo, New Mexico 88310

Email address: [ehuff@ci.alamogordo.nm.us](mailto:ehuff@ci.alamogordo.nm.us)

Name of Government Official or Chairman of Organization: Brian Cesar

Phone Number: 575-439-4200 Fax Number: 575-439-4396

Mailing Address: 1376 East 9<sup>th</sup> Street, Alamogordo, New Mexico 88310

Email address: [bcesar@ci.alamogordo.nm.us](mailto:bcesar@ci.alamogordo.nm.us)

Amount Requesting for FY 2021-2022: \$50,000

First Time Funding Applicant for FY 2021-2022 ☐ Yes ☒ No

Funding Received: FY 2019-2020 \$24,750 FY 2020-2021 \$25,000

Sharon Rowe Library Manager

Name of official authorizing funding application Title

 3/19/2021

Signature Date



## I. PROPOSAL SUMMARY

The Alamogordo Public Library provides the citizens of Alamogordo and Otero County educational, informational, and recreational resources in the form of books, magazines, newspapers, online access, and other formats.

When the fiscal year 2021 began, we had begun offering curbside services Monday-Friday, 12 noon to 4 P.M. Patrons may reserve books online using our catalog hold system, or by email, Facebook messenger, or phone call. The staff then pulls the books and calls the patron to schedule a pickup appointment. Later in 2020 we added Saturday curbside hours from 9 A.M. to 1 P.M. The curbside service has been well received by the public.

We have a cart of donated books and magazines outside the front door from 9 A.M. to 4 P.M. Monday-Friday and 9 A.M. to 1 P.M. Saturday. People can browse this and borrow from it on the honor system.

We also put out STEAM (Science, Technology, Electronics, Arts, Mathematics) kits with materials and instructions, to be used for children's projects at home. Every month there is a new batch of themed kits available.

Summer Reading was conducted virtually using Facebook and other online services. Over 300 people participated. We did other virtual programming throughout the year. Prizes and T-shirts were picked up by appointment.

We continue to offer Wi-Fi in the parking lot 24 hours a day, 7 days a week. Our digital usage has increased. We offer downloadable audiobooks, ebooks, streaming music, downloadable music, foreign language instruction, and databases for online usage.

Our number of registered users has actually increased from 22,001 in late February 2020 to 22,126 in mid-March 2021. This sign up has been consistent across all areas of the county. After we closed to the public on March 16, 2020, we quickly devised a way to issue cards by phone. We take all the information over the phone, then the patron verifies their information and receives their card when they come to pick up their items.

Many patrons signed up for cards for the first time just to use our downloadable and streaming music services. Others signed up to be able to use our ebooks, especially before we started offering curbside services in June 2020.

Due to our increased demand for digital services, we used some of the county funds to purchase more titles for our digital book collections. We also purchased DVDs and audio books. A new purchase this year was Braille books for young children.

We are very close to launching a lending laptop/hotspot service. We have been able to obtain 5 Chromebooks and lease 10 Hotspots. These will be available to patrons with a valid library card to check out together or separately.

As expected, our physical circulation numbers decreased. The greatest decrease was for Tularosa users, the least was for Holloman users, and Alamogordo was in between those. Our digital usage increased, with the largest gains seen in the music service statistics. Unfortunately, those statistics cannot be broken down geographically.



## II. INTRODUCTION OF THE ORGANIZATION/COMPANY

The mission of the Alamogordo Public Library is to provide educational, informational and recreational resources in the form of print and non-print formats to all residents of all ages and socioeconomic backgrounds in order that they might have equal access to information representing all points of view.

Previous funding from Otero County has been used to purchase books in various formats to supplement the circulating collection for citizens. For FY 20, the \$25,000 was allocated to these categories: Juvenile, Young Adult, Braille (children's), Audiobooks, DVDs, Periodicals, Fiction, and Non-Fiction.

## III. ASSESSMENT OF NEEDS

The public library is a community resource that continues to be in high demand for books and information in all formats. Digital services are more popular than ever. Throughout our closure, we have continued to have a high volume of phone calls, email, Facebook messages and comments on our posts, visits to our website, and people knocking on the door. Our curbside service routinely provides nearly 500 items a week to an average of just under 200 users.

The library not only serves a recreational purpose, but also has a vital role in maintaining a well-informed citizenry.

## IV. GOALS AND OBJECTIVES

1. Goal - To provide library users with current, accurate information to meet their needs, as well as provide access to books and other materials across a broad spectrum of interests. The library staff will strive to obtain materials in a cost-effective manner.

Objective - Continually update library collection to follow guidelines of the American Library Association pertaining to age and scope of materials and adding materials to areas of the collection in high demand.

2. Goal - To promote reading, literacy, and library use through educational programs and in collaboration with local area organizations.

Objective - Continue to provide innovative programs, reflecting community interests, in association with local partners.

## V. EVALUATION

The success of the funding will be reflected in usage statistics for the library, as submitted in the annual report to the State Library of New Mexico.

For FY 2020, there were:

- 87,292 visits to the library
- 11,496 computer sessions
- 8,868 website visits
- 114,570 physical items checked out
- 23,695 electronic items checked out/used
- 9,939 database uses
- 2,370 program attendees (some of these were virtual)

Unfortunately, we changed wireless providers during the year, so we do not have a count of wireless sessions. Wireless access was available constantly for the entire time.



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/28/2021

**Report Date:** 9/13/2021

**Report No:** 4.

**Submitted By:** Nancy Beshaler

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**Subject:** Consider, and act upon, acceptance of Purchase Agreements for Partial Vacation of Easements as well as revised boundary surveys for 415 Canal Street and 412 Twenty-Fourth Street. *(Nancy Beshaler, Project Manager and Stella Rael, City Planner)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

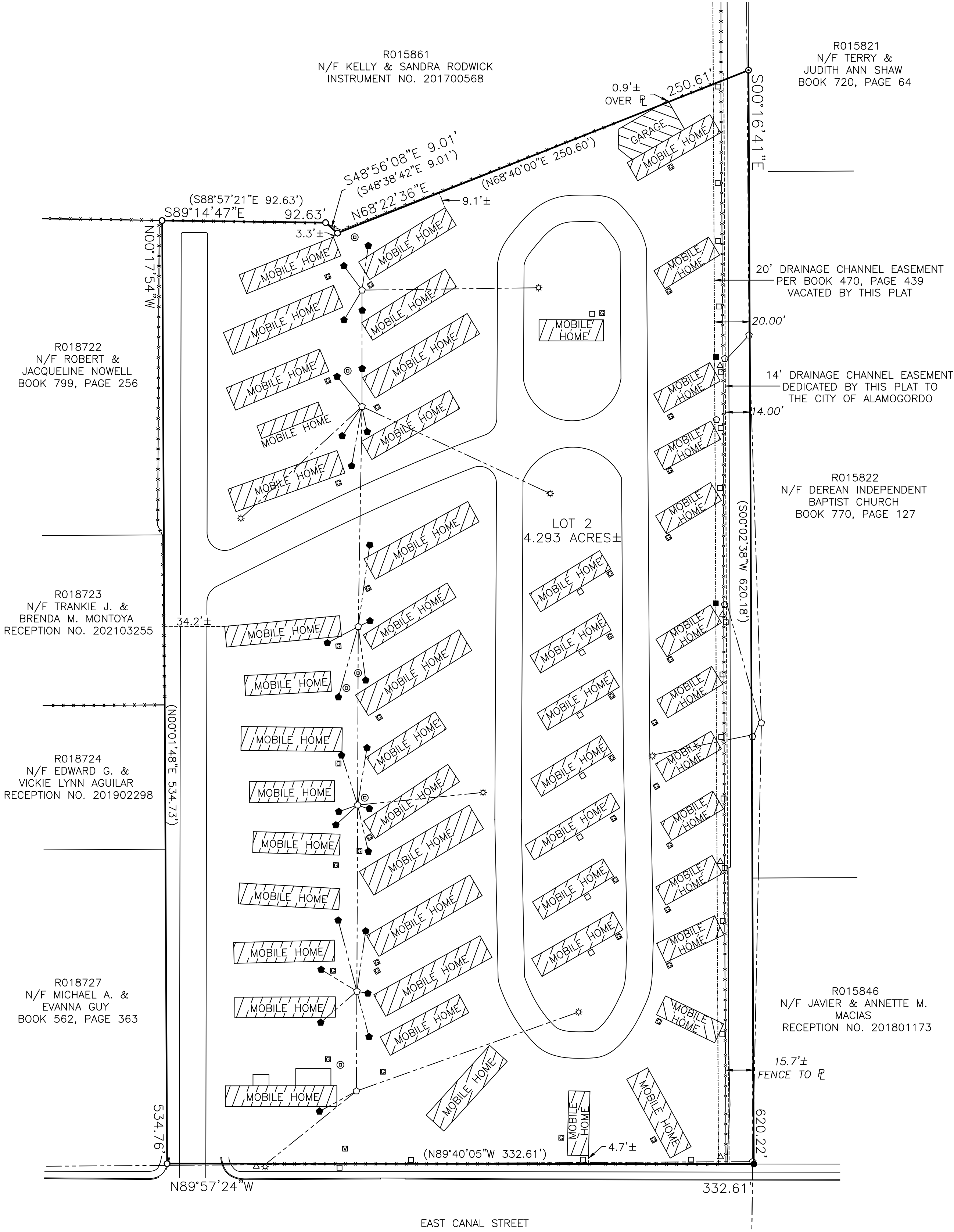
Additional Fiscal Impact: Payment will be made by the property owners of Canal Mobile Home Park and KOA Campground to the City - total amount \$4,120.

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**Recommendation:** Approval of Purchase Agreements for Partial Vacation of Easements as well as revised boundary surveys for 415 Canal Street and 412 Twenty-Fourth Street.

---

**Background:** Improvements to the Dry Canyon Arroyo between Canal Street and the Griggs Field Detention Basin, north of 24th Street, are currently in design. Between Canal Street and Twenty-Fourth Street, there is a designated twenty-foot drainage easement along the property line of the parcels on the west side of the arroyo. During the early design phase, it was discovered that the existing mobile homes located at 415 Canal Street (Canal Mobile Home Park) and 412 Twenty Fourth Street (KOA Campground) were encroaching upon the drainage easement. The design engineer confirmed that the channel improvements could be constructed without using the encroachment area. As a result, the property owners have agreed to pay the assessed land value to the City in exchange for the City vacating 6 feet of the drainage easement. Purchase Agreements and revised boundary surveys are attached.



- NOTES AND LEGEND:
1. BASIS OF BEARINGS WAS DETERMINED FROM (GPS) GLOBAL POSITIONING SYSTEM OBSERVATIONS. ALL BEARINGS SHOWN ARE RELATIVE TO ONE ANOTHER.
  2. ● DENOTES POINT FOUND, 1/2" REBAR.
  3. ⊙ DENOTES POINT FOUND, ILLEGIBLE SURVEY CAP.
  4. ○ DENOTES POINT SET, 1/2" REBAR WITH SURVEY CAP INSCRIBED "STERLING NMPS 11010."
  5. □ DENOTES ELECTRIC METER.
  6. ⊗ DENOTES WATER METER.
  7. ⊠ DENOTES GAS METER.
  8. △ DENOTES TELEPHONE RISER.
  9. ■ DENOTES ELECTRIC TRANSFORMER.
  10. ▣ DENOTES WATER VALVE.
  11. ☆ DENOTES LIGHT POLE.
  12. ⊕ DENOTES CLEAN OUT.
  13. ○ DENOTES UTILITY POLE.
  14. ● DENOTES METER POLE.
  15. --- DENOTES FENCE.
  16. --- DENOTES OVERHEAD WIRES.
  17. RECORD DATA SHOWN IN ( ) TAKEN FROM PLAT REFERENCE NO. 1.
  18. LANDS SHOWN ARE SUBJECT TO APPURTENANT EASEMENTS.
  19. RESTRICTION, COVENANTS, ETC., THAT ARE UNKNOWN OR HAVE NOT BEEN PROVIDED TO THIS SURVEYOR AT THE TIME OF THIS SURVEY AND PLAT.
  20. THE TRACTS OF LAND SHOWN HEREON FALL WITHIN FLOOD ZONE AH: FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED, AS PER FEMA FLOOD PANEL 35035C0937D, WITH AN EFFECTIVE DATE OF DECEMBER 17, 2010.

- PLAT REFERENCES:
1. "BENCHMARK SUBDIVISION ALAMOGORDO, OTERO COUNTY, NEW MEXICO" BY DARRYL T. COLLINS NMRLS NO. 4971, HAVING JOB NO. 83116. FILED IN THE OFFICE OF THE OTERO COUNTY CLERK AS RECEPTION NO. 88495, IN BOOK 29, PAGES 61-62.
  2. "LAWRENCE'S ADDITION TO ALAMOGORDO, OTERO COUNTY, NEW MEXICO" SURVEYOR OR ENGINEER UNKNOWN. FILED IN THE OFFICE OF THE OTERO COUNTY CLERK IN BOOK 9, PAGE 10.
  3. "REPLAT OF PART OF LOT 6, BLOCK 5, LAWRENCE'S ADDITION ALAMOGORDO, OTERO COUNTY, NEW MEXICO" BY QUINTON E. DANIEL NMRPE & LS NO. 1359, HAVING JOB NO. 11545. FILED IN THE OFFICE OF THE OTERO COUNTY CLERK AS RECEPTION NO. 15565, IN BOOK 36, PAGE 52.

COUNTY OF OTERO SS  
STATE OF NEW MEXICO

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 202\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ AND WAS DULY RECORDED AS INSTRUMENT NO. \_\_\_\_\_ IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ OF THE RECORDS OF OTERO COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF OFFICE  
ROBYN HOLMES  
COUNTY CLERK, OTERO COUNTY, NEW MEXICO

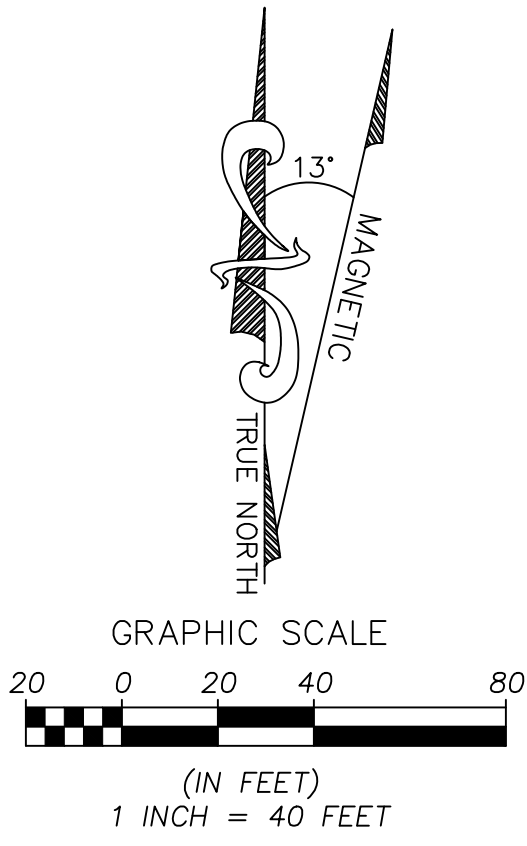
DEPUTY \_\_\_\_\_

Exhibit A

SURVEYOR'S CERTIFICATE:

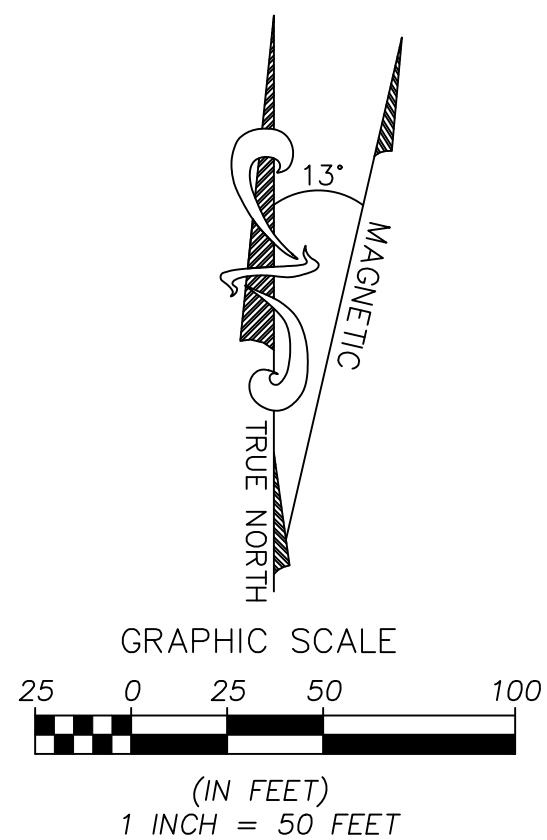
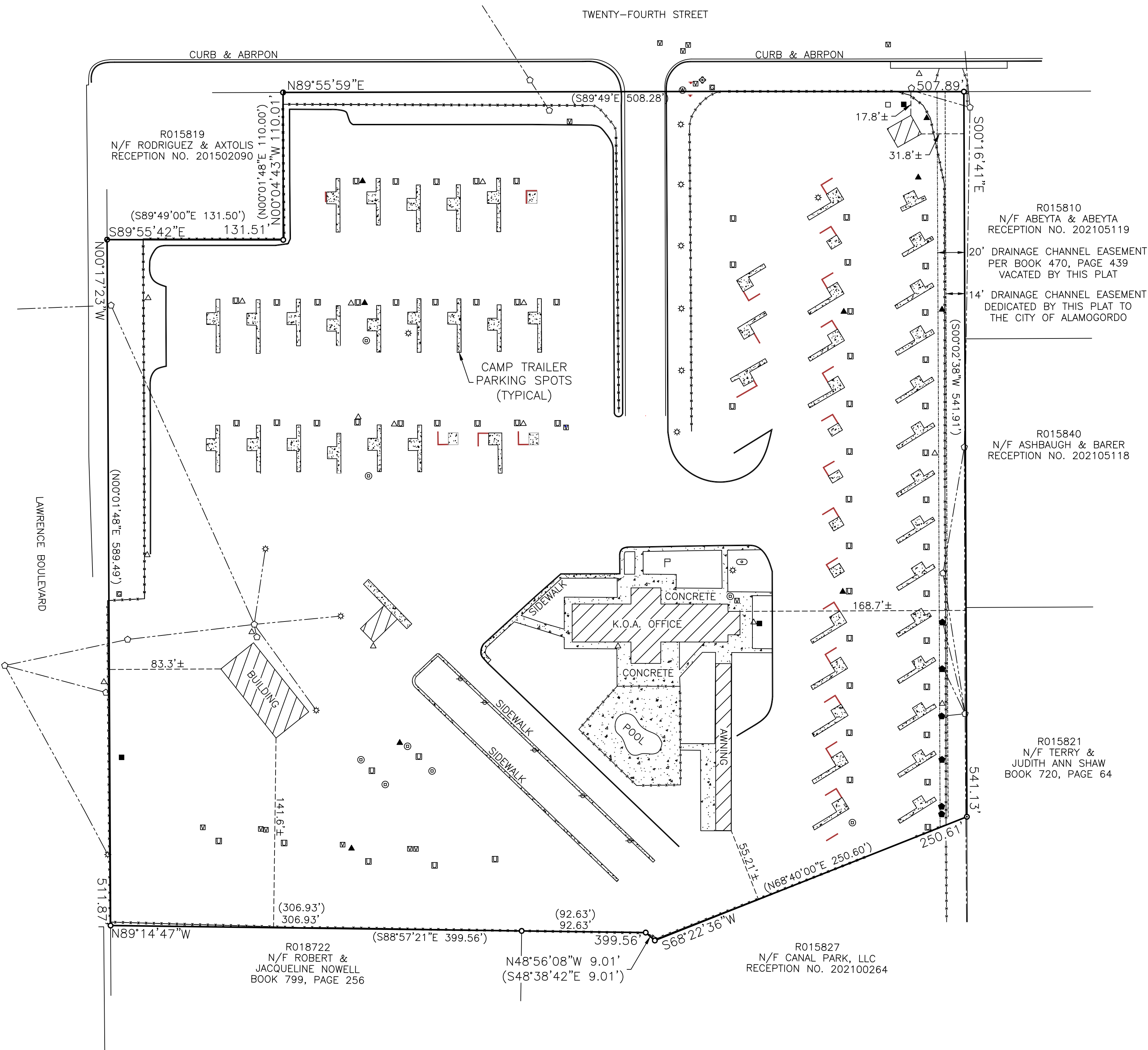
I, LARRY L. STERLING, A REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT ON JULY 12, 2021 AN ON THE GROUND FIELD SURVEY OF THIS TRACT OF LAND WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY AND PLAT MEET OR EXCEED THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

\_\_\_\_\_  
LARRY L. STERLING, PROFESSIONAL SURVEYOR  
NEW MEXICO REGISTRATION NO. 11010



| VICINITY MAP             | COUNTY INDEXING INFORMATION & TITLE BLOCK                                                                                                                                                                                                                                                                                                                                                                                              |                      |             |                          |                     |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|--------------------------|---------------------|
|                          | <p><b>RECORD OWNER(S):</b> R015827: CANAL PARK LLC, A NEW MEXICO LIMITED LIABILITY COMPANY INSTRUMENT NO. 202100264</p> <p><b>LOCATION:</b> 415 CANAL STREET #42, ALAMOGORDO, OTERO COUNTY, NEW MEXICO. (LOT 2, BENCHMARK SUBDIVISION). WITHIN THE NORTHEAST 1/4 OF SECTION 18, T16S, R10E, NMPM.</p>                                                                                                                                  |                      |             |                          |                     |
|                          | <div><div><p><b>ALAMOTERO</b><br/>LAND SURVEYORS, LLC<br/>P.O. Box 1749 • 1101 N FLORIDA<br/>ALAMOGORDO, NM 88311-1749<br/>Office • (575) 437-7074<br/>Fax • (575) 437-7075</p></div><div><p><b>BOUNDARY SURVEY<br/>NOT A SUBDIVISION<br/>FOR<br/>CANAL PARK LLC</b></p><table><tr><td>Date:<br/>AUGUST 2021</td><td>PAGE 1 OF 1</td></tr><tr><td>Drawn By:<br/>S. STERLING</td><td>Plat No.<br/>21215-2</td></tr></table></div></div> | Date:<br>AUGUST 2021 | PAGE 1 OF 1 | Drawn By:<br>S. STERLING | Plat No.<br>21215-2 |
| Date:<br>AUGUST 2021     | PAGE 1 OF 1                                                                                                                                                                                                                                                                                                                                                                                                                            |                      |             |                          |                     |
| Drawn By:<br>S. STERLING | Plat No.<br>21215-2                                                                                                                                                                                                                                                                                                                                                                                                                    |                      |             |                          |                     |





COUNTY OF OTERO  
STATE OF NEW MEXICO SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 202\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_ AND WAS  
DULY RECORDED AS INSTRUMENT NO. \_\_\_\_\_  
IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ OF THE RECORDS  
OF OTERO COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF OFFICE  
ROBYN HOLMES  
COUNTY CLERK, OTERO COUNTY, NEW MEXICO

DEPUTY \_\_\_\_\_

- NOTES AND LEGEND:
1. BASIS OF BEARINGS WAS DETERMINED FROM (GPS) GLOBAL POSITIONING SYSTEM OBSERVATIONS. ALL BEARINGS SHOWN ARE RELATIVE TO ONE ANOTHER.
  2. ● DENOTES POINT FOUND, 1/2" REBAR.
  3. ● DENOTES POINT FOUND, 1" IRON PIPE.
  4. ● DENOTES POINT FOUND, 3/4" REBAR.
  5. ● DENOTES POINT FOUND, ILLEGIBLE SURVEY CAP.
  6. ○ DENOTES POINT SET, 1/2" REBAR WITH SURVEY CAP INSCRIBED "STERLING NMPS 11010."
  7. □ DENOTES ELECTRIC METER.
  8. ⊗ DENOTES WATER METER.
  9. □ DENOTES GAS METER.
  10. △ DENOTES TELEPHONE RISER.
  11. ▲ DENOTES COMMUNICATIONS PEDESTAL.
  12. □ DENOTES UTILITY CLUSTER.
  13. ■ DENOTES ELECTRIC TRANSFORMER.
  14. ⊕ DENOTES L.P. GAS TANK.
  15. ⬢ DENOTES FIRE HYDRANT.
  16. ✱ DENOTES LIGHT POLE.
  17. ⊙ DENOTES CLEAN OUT.
  18. ⚑ DENOTES FLAG POLE.
  19. ○ DENOTES UTILITY POLE.
  20. ● DENOTES METER POLE.
  21. + DENOTES SPIGOT.
  22. ⊕ DENOTES WATER VALVE.
  23. --- DENOTES FENCE.
  24. --- DENOTES OVERHEAD WIRES.
  25. RECORD DATA SHOWN IN ( ) TAKEN FROM PLAT REFERENCE NO. 1.
  26. LANDS SHOWN ARE SUBJECT TO APPURTENANT EASEMENTS.
  27. RESTRICTION, COVENANTS, ETC., THAT ARE UNKNOWN OR HAVE NOT BEEN PROVIDED TO THIS SURVEYOR AT THE TIME OF THIS SURVEY AND PLAT.
  28. THE TRACTS OF LAND SHOWN HEREON FALL WITHIN FLOOD ZONE AH: FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED, AS PER FEMA FLOOD PANEL 35035C0937D, WITH AN EFFECTIVE DATE OF DECEMBER 17, 2010.

- PLAT REFERENCES:
1. "BENCHMARK SUBDIVISION ALAMOGORDO, OTERO COUNTY, NEW MEXICO" BY DARRYL T. COLLINS NMRLS NO. 4971, HAVING JOB NO. 83116, FILED IN THE OFFICE OF THE OTERO COUNTY CLERK AS RECEPTION NO. 88495, IN BOOK 29, PAGES 61-62.
  2. "LAWRENCE'S ADDITION TO ALAMOGORDO, OTERO COUNTY, NEW MEXICO" SURVEYOR OR ENGINEER UNKNOWN, FILED IN THE OFFICE OF THE OTERO COUNTY CLERK IN BOOK 9, PAGE 10.
  3. "REPLAT OF PART OF LOT 6, BLOCK 5 LAWRENCE'S ADDITION ALAMOGORDO, OTERO COUNTY, NEW MEXICO" BY QUINTON E. DANIEL NMRPE & LS NO. 1359, HAVING JOB NO. 11545, FILED IN THE OFFICE OF THE OTERO COUNTY CLERK AS RECEPTION NO. 15565, IN BOOK 36, PAGE 52.

SURVEYOR'S CERTIFICATE:

I, LARRY L. STERLING, A REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT ON JULY 12, 2021 AN ON THE GROUND FIELD SURVEY OF THIS TRACT OF LAND WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY AND PLAT MEET OR EXCEED THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

LARRY L. STERLING, PROFESSIONAL SURVEYOR  
NEW MEXICO REGISTRATION NO. 11010

| VICINITY MAP             |                     | COUNTY INDEXING INFORMATION & TITLE BLOCK                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                |                      |             |
|--------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|
|                          |                     | <p><i>RECORD OWNER(S):</i> R015861: HIGH PLACE PROPERTIES, LLC<br/>INSTRUMENT NO. 201610225</p> <p><i>LOCATION:</i> 412 24TH STREET, ALAMOGORDO, OTERO COUNTY,<br/>NEW MEXICO. (LOT 3, BENCHMARK SUBDIVISION). WITHIN THE<br/>NORTHEAST 1/4 OF SECTION 18, T16S, R10E, NMPM.</p> |                                                                                                                                                                                                                                                |                      |             |
|                          |                     | <div><b>ALAMOTERO</b><br/>LAND SURVEYORS, LLC<br/>P.O Box 1749 • 1101 N FLORIDA<br/>ALAMOGORDO, NM 88311-1749<br/>OFFICE • (575) 437-7074<br/>FAX • (575) 437-7075</div>                                                                                                         | <div>BOUNDARY SURVEY<br/>NOT A SUBDIVISION<br/>FOR<br/>HIGH PLACE<br/>PROPERTIES, LLC</div> <table><tr><td>Date:<br/>AUGUST 2021</td><td>PAGE 1 OF 1</td></tr><tr><td>Drawn By:<br/>S. STERLING</td><td>Plat No.<br/>21215-1</td></tr></table> | Date:<br>AUGUST 2021 | PAGE 1 OF 1 |
| Date:<br>AUGUST 2021     | PAGE 1 OF 1         |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                |                      |             |
| Drawn By:<br>S. STERLING | Plat No.<br>21215-1 |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                |                      |             |

## **PURCHASE AGREEMENT FOR PARTIAL VACATION OF EASEMENT**

This Purchase Agreement for Partial Vacation of Easement is made on September \_\_\_\_, 2021, by and between the City of Alamogordo, a New Mexico municipal corporation ("City"), and High Place Properties LLC, whose address is 412 Twenty-Fourth Street, Alamogordo, New Mexico 88310 ("Purchaser").

### **RECITALS**

Whereas, the City is the owner of a 20-foot drainage channel easement in Alamogordo, Otero County, New Mexico, as recorded in Book 470 Page 439 on May 4, 1979 and legally described as follows:

A tract of land for a drainage channel easement in the Northeast quarter of Section 7, T16S, R10E, NMPM and Lawrence's Addition to the City of Alamogordo, and more particularly described as the East 20 feet of Lots 1, 2, 3, 4, 5, and 6 of Block 4 of Lawrence's Addition to Alamogordo, Otero County, New Mexico, as filed for record on the 3<sup>rd</sup> day of September, 1906, in the office of the Probate Clerk, Alamogordo, Otero County, New Mexico (the "Easement"); and

Whereas, the City has agreed to vacate the West 6 feet of the Easement; and

Whereas, the parties have agreed to a negotiated price for the 6-foot portion of the Easement in which the Purchaser will pay to the City for vacation.

**NOW, THEREFORE**, the City and the Purchaser agree as follows:

1. The Purchaser will pay to the City, as just compensation for vacation of the west 6 feet of the Easement, the sum of One Thousand Nine Hundred and Forty Five dollars (\$1,945.00) (the "Compensation"). There is no earnest money required for this Agreement. Both parties acknowledge that there is legally sufficient consideration for entering into this Agreement. The Compensation shall constitute full payment for the 6 feet of easement vacation, except as otherwise specifically provided for by this Agreement.

2. The Purchaser agrees to perform, and be bound to, the following:

In exchange for the easement vacation, the Purchaser shall have a boundary survey of Lot 3 of Benchmark Subdivision as recorded in Book 29, Pages 61 and 62 redrawn and recorded with the Otero County Clerk's Office July 25, 1983, to show the vacation of the 20-foot drainage channel easement per Book 470, Page 439 and the revised 14 foot drainage channel easement dedicated to the City. See Exhibit A.

3. The parties hereby acknowledge that they have entered into this Agreement under the premise that the full 20-foot drainage channel easement is no longer necessary for a public use by the City. Subject to all the provisions of this Agreement, the closing of the transaction shall occur on or before October 29, 2021, (the "Closing Date") unless otherwise mutually agreed to by the parties in writing.



4. In the event that either party believes that the other has not met or fulfilled any of the requirements of this Agreement, then upon delivery of written notice to the noncomplying party, said non-complying party shall have thirty days to cure any alleged non-compliance or breach of this Agreement. If after the expiration of said thirty-day period, the party alleged to have breached this Agreement has failed to cure the alleged non-compliance, then either party may take any necessary action to enforce the terms and conditions of this Agreement, including writs of injunction, mandamus, or declaratory relief, and shall be entitled to any other relief provided at law or equity, including specific performance.

5. The individuals signing for the parties below affirm that they have all received the requisite approvals from the parties to this Agreement and have the authority to sign this Agreement.

6. Upon completion of the mutual obligations set forth herein, the parties forever waive any and all claims for damages or otherwise of any kind or nature known or unknown related to the subject matter of this Agreement.

7. The parties recognize, acknowledge and agree that this Agreement is a mutual compromise of the claims that each party may have had against the other, that each party admits no liability of any sort, and that this amount is a settlement and compromise for the sole purpose of terminating any and all controversies between the parties hereto.

8. Each of the provisions of this Agreement has been reviewed and negotiated, and represent the combined work product of all parties hereto. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.

9. This Agreement and the parties' rights hereunder shall be governed by and construed in accordance with the laws of the State of New Mexico, without recourse to any principle of Conflicts of Laws and the parties agree that the venue of any suits shall lie exclusively in Otero County, New Mexico.

10. No failure by any of the foregoing parties to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach. Any party hereto, by notice, and only by notice as provided herein, may, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other party hereto. No waiver shall affect or alter this Agreement, and each and every covenant, agreement, term and condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

11. This Agreement and its provisions are intended solely for the benefit of the parties hereto. No other person or entity is intended as a third-party beneficiary of any obligation or benefit of any of

the parties hereunder. However, this Agreement shall inure to the benefit of and shall be binding upon the parties' respective successors and assigns.

12. Each party hereto acknowledges that such party has read this Agreement and understands its contents, that such party has had the opportunity to have this Agreement reviewed by an attorney of such party's choice, and that such party either has consulted with an attorney or has voluntarily chosen not to consult with an attorney before Signing this Agreement.

13. In case anyone or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as If such invalid, Illegal or unenforceable provision had never been contained herein; provided that any such revision does not obviate the parties substantial intent in entering into this Agreement.

14. The entire agreement between the parties hereto relating to this Agreement is contained herein and incorporates all written and oral understandings. Only a written instrument executed by the parties, subsequent to the date hereof may amend this Agreement.

Executed this 7 day of September, 2021, for High Place Properties LLC:

By: Kelly Kachil

Executed this \_\_\_\_ day of \_\_\_\_\_, 2021, for the City of Alamogordo:

By: \_\_\_\_\_  
Richard A. Boss, Mayor

Federal Taxpayer Identification Number: 85-6000099

ATTEST:

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Bengoechea, City Attorney



## **PURCHASE AGREEMENT FOR PARTIAL VACATION OF EASEMENT**

This Purchase Agreement for Partial Vacation of Easement is made on September \_\_\_\_, 2021, by and between the City of Alamogordo, a New Mexico municipal corporation ("City"), and Canal Park LLC, whose address is 415 Canal Park #42, Alamogordo, New Mexico 88310 ("Purchaser").

### **RECITALS**

Whereas, the City is the owner of a 20-foot drainage channel easement in Alamogordo, Otero County, New Mexico, as recorded in Book 470 Page 439 on May 4, 1979 and legally described as follows:

A tract of land for a drainage channel easement in the Southeast quarter of Section 7, T16S, R10E, NMPM and Lawrence's Addition to the City of Alamogordo, and more particularly described as the East 20 feet of Lots 1, 2, 3, 4, 5, and 6 of Block 4 of Lawrence's Addition to Alamogordo, Otero County, New Mexico, as filed for record on the 3<sup>rd</sup> day of September, 1906, in the office of the Probate Clerk, Alamogordo, Otero County, New Mexico (the "Easement"); and

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**NOW, THEREFORE**, the City and the Purchaser agree as follows:

1. The Purchaser will pay to the City, as just compensation for vacation of the west 6 feet of the Easement, the sum of Two Thousand One Hundred and Seventy Five dollars (\$2,175.00) (the "Compensation"). There is no earnest money required for this Agreement. Both parties acknowledge that there is legally sufficient consideration for entering into this Agreement. The Compensation shall constitute full payment for the 6 feet of easement vacation, except as otherwise specifically provided for by this Agreement.

2. The Purchaser agrees to perform, and be bound to, the following:

In exchange for the easement vacation, the Purchaser shall have a boundary survey of Lot 2 of Benchmark Subdivision as recorded in Book 29, Pages 61 and 62 redrawn and recorded with the Otero County Clerk's Office July 25, 1983, to show the vacation of the 20-foot drainage channel easement per Book 470, Page 439 and the revised 14 foot drainage channel easement dedicated to the City. See Exhibit A.

3. The parties hereby acknowledge that they have entered into this Agreement under the premise that the full 20-foot drainage channel easement is no longer necessary for a public use by the City. Subject to all the provisions of this Agreement, the closing of the transaction shall occur on or before October 29, 2021, (the "Closing Date") unless otherwise mutually agreed to by the parties in writing.

4. In the event that either party believes that the other has not met or fulfilled any of the requirements of this Agreement, then upon delivery of written notice to the noncomplying party, said non-complying party shall have thirty days to cure any alleged non-compliance or breach of this Agreement. If after the expiration of said thirty-day period, the party alleged to have breached this Agreement has failed to cure the alleged non-compliance, then either party may take any necessary action to enforce the terms and conditions of this Agreement, including writs of injunction, mandamus, or declaratory relief, and shall be entitled to any other relief provided at law or equity, including specific performance.

5. The individuals signing for the parties below affirm that they have all received the requisite approvals from the parties to this Agreement and have the authority to sign this Agreement.

6. Upon completion of the mutual obligations set forth herein, the parties forever waive any and all claims for damages or otherwise of any kind or nature known or unknown related to the subject matter of this Agreement.

7. The parties recognize, acknowledge and agree that this Agreement is a mutual compromise of the claims that each party may have had against the other, that each party admits no liability of any sort, and that this amount is a settlement and compromise for the sole purpose of terminating any and all controversies between the parties hereto.

8. Each of the provisions of this Agreement has been reviewed and negotiated, and represent the combined work product of all parties hereto. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.

9. This Agreement and the parties' rights hereunder shall be governed by and construed in accordance with the laws of the State of New Mexico, without recourse to any principle of Conflicts of Laws and the parties agree that the venue of any suits shall lie exclusively in Otero County, New Mexico.

10. No failure by any of the foregoing parties to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach. Any party hereto, by notice, and only by notice as provided herein, may, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other party hereto. No waiver shall affect or alter this Agreement, and each and every covenant, agreement, term and condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

11. This Agreement and its provisions are intended solely for the benefit of the parties hereto. No other person or entity is intended as a third-party beneficiary of any obligation or benefit of any of the parties hereunder. However, this Agreement shall inure to the benefit of and shall be binding upon the parties' respective successors and assigns.

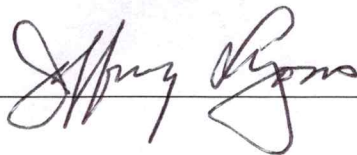


12. Each party hereto acknowledges that such party has read this Agreement and understands its contents, that such party has had the opportunity to have this Agreement reviewed by an attorney of such party's choice, and that such party either has consulted with an attorney or has voluntarily chosen not to consult with an attorney before Signing this Agreement.

13. In case anyone or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as If such invalid, Illegal or unenforceable provision had never been contained herein; provided that any such revision does not obviate the parties substantial intent in entering into this Agreement.

14. The entire agreement between the parties hereto relating to this Agreement is contained herein and incorporates all written and oral understandings. Only a written instrument executed by the parties, subsequent to the date hereof may amend this Agreement.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2021, for Canal Park LLC:

By:  \_\_\_\_\_

Executed this \_\_\_\_ day of \_\_\_\_\_, 2021, for the City of Alamogordo:

By: \_\_\_\_\_  
Richard A. Boss, Mayor

Federal Taxpayer Identification Number: 85-6000099

ATTEST:

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Bengoechea, City Attorney

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

---

**Meeting Date:** 9/28/2021

**Report Date:** 9/23/2021

**Report No:** 5.

**Submitted By:** Maurice Gutierrez

---

**Subject:** Consider, and act upon, Resolution 2021-36 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 September 28, 2021 including the allocation of \$7,905,784 from the American Rescue Plan Act. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances \$0

Revenues \$ 8,148,405 Increase

Expenditures \$ 8,549,786 Increase

Transfers In \$ 332,000 Decrease

Transfers Out \$ 332,000 Decrease

Ending Cash Balances \$ 401,381 Decrease

---

**Recommendation:** Approve the Resolution

---

**Background:** The City Commission adopted the FY 2021-2022 budget on May 11, 2021. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2021-2022 Final Budget on August 12, 2021. Resolution 2021-36 amends the budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of the revisions are attached for your review.

Included in this resolution is the budgeting of \$7,905,784 from the American Rescue Plan Act. Revision #10 has the line item detail with the projects being broken down as follows:

\$1,400,000 - Lowers Heights GST

\$1,400,000 - Lower Alamo GST

\$1,400,000 - Callahan GST

\$1,400,000 - Foothills GST

\$220,000 - West Side GST

\$376,625 - Alameda Irrigation Improvements

\$500,000 - Utility Assistance

\$1,009,159 - Water/Sewer IT Infrastructure



**RESOLUTION NO. 2021-36**

**A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2021-22.**

**WHEREAS**, the City of Alamogordo, New Mexico wishes approval to change some of the budget line item figures of various funds; and

**WHEREAS**, the Department of Finance and Administration, State of New Mexico, gave its final approval to the City of Alamogordo, New Mexico's annual budget on August 12, 2021, for fiscal year 2021-2022; and

**WHEREAS**, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2021-2022.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO**, that the City's annual budget for fiscal year 2022 be and hereby is revised as of September 28, 2021, to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2021-2022 as shown on the following pages.

**NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO**, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on September 28, 2021, as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2021-2022.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 28th day of September 2021.

CITY OF ALAMOGORDO, NEW MEXICO,  
A NEW MEXICO MUNICIPAL CORPORATION

By: \_\_\_\_\_  
Richard A. Boss, Mayor

ATTEST:

\_\_\_\_\_  
Rachel Hughes, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Bengoechea, City Attorney

**ALL FUNDS SUMMARY  
BUDGET 2021-2022**

1/12TH REQ RSRV  
1,588,789  
1/12TH REQ RSRV  
0  
Fund Reserve Policy  
560,074  
Bal. Remaining  
**3,935,050**

**FY22 BUDGET - RESOLUTION 2021-36 (#3) SEPTEMBER 28, 2021**

| FUND NO. | FY 2021-2022<br>FUND DESCRIPTION | UNAUDITED<br>BEGINNING<br>CASH<br>BALANCE | ESTIMATED<br>REVENUES | TRANSFERS<br>IN | TRANSFERS<br>OUT | NET<br>CASH<br>TRANSFERS | BUDGETED<br>EXPENDITURES | ESTIMATED<br>ENDING<br>CASH<br>BALANCE | LOCAL RESERVE<br>REQUIREMENTS<br>UNAVAILABLE<br>FOR BUDGETING | ADJUSTED<br>ENDING<br>CASH<br>BALANCE |
|----------|----------------------------------|-------------------------------------------|-----------------------|-----------------|------------------|--------------------------|--------------------------|----------------------------------------|---------------------------------------------------------------|---------------------------------------|
| 11       | GENERAL OPERATING FUND           | 14,022,061                                | 18,980,028            | 1,000,000       | 8,852,708        | (7,852,708)              | 19,065,468               | 6,083,913                              | 2,148,863                                                     | 3,935,050                             |
| 12       | INTERNAL SERVICE FUND            | 80,006                                    | 448,711               | 3,554,534       | 0                | 3,554,534                | 3,930,770                | 152,481                                |                                                               | \$152,481                             |
| 15       | CORRECTIONS-JAIL                 | 45,984                                    | 75,994                | 45,000          | 248              | 44,752                   | 161,000                  | 5,730                                  |                                                               | \$5,730                               |
| 16       | LODGER'S TAX-PROMOTIONAL FUND    | 314,183                                   | 218,407               | 1,936           | 1,405            | 531                      | 190,952                  | 342,169                                |                                                               | \$342,169                             |
| 17       | POLICE COURT BOND                | 7,938                                     | 0                     | 0               | 0                | 0                        | 0                        | 7,938                                  |                                                               | \$7,938                               |
| 19       | COURT AUTOMATION FUND            | 8,582                                     | 50,000                | 0               | 10,571           | (10,571)                 | 40,895                   | 7,116                                  |                                                               | \$7,116                               |
| 20       | LODGER'S TAX-CITY                | 169,504                                   | 363,007               | 0               | 70,150           | (70,150)                 | 229,770                  | 232,591                                |                                                               | \$232,591                             |
| 21       | D.A.R.E. DONATIONS FUND          | 22,409                                    | 2,165                 | 0               | 0                | 0                        | 8,109                    | 16,465                                 |                                                               | \$16,465                              |
| 24       | GRANT CAPITAL IMPROVEMENT        | 0                                         | 2,838,383             | 15,414          | 0                | 15,414                   | 2,333,327                | 520,470                                |                                                               | \$520,470                             |
| 27       | MUNICIPAL COURT OPERATIONS       | 26,309                                    | 13,000                | 450,000         | 16,009           | 433,991                  | 450,691                  | 22,609                                 |                                                               | \$22,609                              |
| 28       | POLICE CONTINGENCY               | 69,213                                    | 2,549                 | 0               | 0                | 0                        | 10,000                   | 61,762                                 |                                                               | \$61,762                              |
| 31       | CEMETERY-PERPETUAL CARE          | 816,480                                   | 20,140                | 0               | 0                | 0                        | 0                        | 836,620                                |                                                               | \$836,620                             |
| 32       | COMMUNITY SERVICES               | 438,488                                   | 468,409               | 5,081,513       | 617,373          | 4,464,140                | 5,365,059                | 5,978                                  |                                                               | \$5,978                               |
| 33       | FIRE PROTECTION                  | 689,963                                   | 662,583               | 0               | 0                | 0                        | 1,262,643                | 89,903                                 |                                                               | \$89,903                              |
| 35       | HIDTA GRANT FUND                 | 0                                         | 0                     | 0               | 0                | 0                        | 0                        | 0                                      |                                                               | \$0                                   |
| 36       | LAW ENFORCEMENT FUND             | 4,818                                     | 55,200                | 0               | 0                | 0                        | 60,018                   | (0)                                    |                                                               | (\$0)                                 |
| 37       | STATE HIGHWAY FUND               | 147,869                                   | 70,751                | 0               | 0                | 0                        | 128,828                  | 89,792                                 |                                                               | \$89,792                              |
| 38       | TRAFFIC SAFETY FUND              | 54,656                                    | 10,491                | 0               | 0                | 0                        | 10,000                   | 55,147                                 |                                                               | \$55,147                              |
| 39       | STATE JUDICIAL                   | 2,749                                     | 75,500                | 0               | 0                | 0                        | 75,500                   | 2,749                                  |                                                               | \$2,749                               |
| 42       | 1984 GROSS RECEIPTS TAX          | 2,385,672                                 | 1,730,991             | 0               | 2,150,774        | (2,150,774)              | 22,675                   | 1,943,214                              | 252,119                                                       | \$1,691,095                           |
| 44       | TRANSPORTATION FUND              | 165,480                                   | 1,239,016             | 1,976,537       | 140,914          | 1,835,623                | 3,235,453                | 4,666                                  |                                                               | \$4,666                               |
| 48       | NEW MEXICO C.D.B.G.              | 0                                         | 500,000               | 806,305         | 0                | 806,305                  | 1,306,305                | 0                                      |                                                               | \$0                                   |
| 49       | 1986 GROSS RECEIPTS TAX          | 3,911,631                                 | 1,781,383             | 0               | 2,742,303        | (2,742,303)              | 1,150,657                | 1,800,054                              | 268,391                                                       | \$1,531,663                           |
| 50       | PROPERTY ACQUISITION             | 85,010                                    | 0                     | 0               | 0                | 0                        | 0                        | 85,010                                 |                                                               | \$85,010                              |
| 53       | GENERAL OBLIGATION               | 908,523                                   | 1,062,849             | 0               | 0                | 0                        | 1,114,058                | 857,314                                | 557,029                                                       | \$300,285                             |
| 54       | REVERSE OSMOSIS PROJECT RSV      | 21,967                                    | 0                     | 16,239          | 0                | 16,239                   | 16,239                   | 21,967                                 |                                                               | \$21,967                              |
| 56       | 99 GRT FLOOD CONTROL BOND PROJ   | 7                                         | 29,091                | 1,830,905       | 19,476           | 1,811,429                | 1,608,382                | 232,145                                |                                                               | \$232,145                             |
| 59       | REVENUE BOND P & I FUND          | 150,101                                   | 7,363                 | 2,679,243       | 0                | 2,679,243                | 2,679,243                | 157,464                                |                                                               | \$157,464                             |
| 61       | MUNICIPAL INFRASTRUCTURE .0625%  | 890,520                                   | 437,756               | 0               | 468,000          | (468,000)                | 5,669                    | 854,607                                |                                                               | \$854,607                             |
| 63       | COMMUNITY DEVELOPMENT            | 6,519                                     | 0                     | 505,090         | 37,143           | 467,947                  | 472,434                  | 2,032                                  |                                                               | \$2,032                               |
| 69       | 1994 GROSS RECEIPTS              | 2,560,463                                 | 1,755,150             | 0               | 1,956,102        | (1,956,102)              | 22,675                   | 2,336,836                              | 553,051                                                       | \$1,783,785                           |
| 71       | ALAMO SENIOR CENTER              | 2,079                                     | 912,161               | 815,000         | 0                | 815,000                  | 1,701,193                | 28,047                                 |                                                               | \$28,047                              |
| 74       | ALAMO SENIOR CENTER GIFT         | 138,081                                   | 21,238                | 0               | 0                | 0                        | 71,996                   | 87,323                                 |                                                               | \$87,323                              |
| 75       | RETIRED & SENIOR VOL. PROGRAM    | 14,328                                    | 176,851               | 46,000          | 16,102           | 29,898                   | 205,231                  | 15,846                                 |                                                               | \$15,846                              |
| 81       | WATER/SEWER OPERATING            | 5,996,510                                 | 17,987,667            | 3,703,413       | 1,855,098        | 1,848,315                | 20,025,294               | 5,807,198                              | 1,463,850                                                     | \$4,343,348                           |
| 82       | 98 JT WATER/SEWER BOND P&I       | 1,583,799                                 | 32,886                | 1,893,605       | 0                | 1,893,605                | 1,893,607                | 1,616,683                              |                                                               | \$1,616,683                           |
| 86       | SOLID WASTE COLLECTION SYS.      | 584,696                                   | 2,106,233             | 0               | 135,438          | (135,438)                | 2,152,855                | 402,636                                | 178,583                                                       | \$224,053                             |
| 88       | BONITO CAMPGROUND                | 394,450                                   | 3,498                 | 0               | 0                | 0                        | 4,000                    | 393,948                                |                                                               | \$393,948                             |
| 89       | ESGRT .0625%                     | 2,538,217                                 | 458,704               | 0               | 1,406,625        | (1,406,625)              | 995,582                  | 594,714                                |                                                               | \$594,714                             |
| 90       | GOLF COURSE                      | 72,040                                    | 1,473,298             | 660,000         | 91,334           | 568,666                  | 2,110,514                | 3,490                                  |                                                               | \$3,490                               |
| 91       | AIRPORT                          | 17,373                                    | 712,425               | 65,000          | 53,178           | 11,822                   | 740,750                  | 870                                    |                                                               | \$870                                 |



|                      |                               |                   |                   |                   |                   |             |                    |                   |                  |                   |
|----------------------|-------------------------------|-------------------|-------------------|-------------------|-------------------|-------------|--------------------|-------------------|------------------|-------------------|
| 94                   | OTERO GREENTREE REG LANDFILL  | 4,909,828         | 1,379,465         | 0                 | 725               | (725)       | 4,528,855          | 1,759,713         |                  | \$1,759,713       |
| 96                   | SELF-INSURED FUND             | 561,415           | 64,595            | 0                 | 150,000           | (150,000)   | 55,628             | 420,382           |                  | \$420,382         |
| 98                   | PAYROLL CLEARING              | 291,874           | 0                 | 0                 | 0                 | 0           | 0                  | 291,874           |                  | \$291,874         |
| 104                  | UTILITY DEPOSITS              | 653,070           | 0                 | 0                 | 0                 | 0           | 0                  | 653,070           |                  | \$653,070         |
| 105                  | ECONOMIC DEVELOPMENT          | 4,508,656         | 925,576           | 0                 | 0                 | 0           | 423,257            | 5,010,975         |                  | \$5,010,975       |
| 107                  | SELF INSURED/LIABILITY        | 1,176,628         | 6,805             | 0                 | 0                 | 0           | 635,000            | 548,433           |                  | \$548,433         |
| 109                  | 2004 GRT CAPITAL OUTLAY       | 15,469,629        | 3,593,680         | 0                 | 4,354,058         | (4,354,058) | 9,102,805          | 5,606,446         | 534,452          | \$5,071,994       |
| 114                  | SIDEWALKS REVOLVING LOANS     | 143,001           | 1,454             | 0                 | 0                 | 0           | 0                  | 144,455           |                  | \$144,455         |
| 115                  | CORP ESCROW ACCOUNT RESERVE   | 1,000             | 0                 | 0                 | 0                 | 0           | 0                  | 1,000             |                  | \$1,000           |
| 119                  | 2012 GRT REF/IMP REVBD        | 407,932           | 29,960            | 0                 | 0                 | 0           | 154,384            | 283,508           |                  | \$283,508         |
| 121                  | 2015 GO BONDS-FUN CENTER      | 90,064            | 914               | 0                 | 0                 | 0           | 0                  | 90,978            |                  | \$90,978          |
| 122                  | 2015 GO BONDS-STREETS         | 174,516           | 1,771             | 0                 | 0                 | 0           | 0                  | 176,287           |                  | \$176,287         |
| 124                  | AMERICAN RESCUE PLAN ACT FUND | 0                 | 7,905,784         | 0                 | 0                 | 0           | 7,905,784          | 0                 |                  | \$0               |
| 901                  | HOUSING LOW RENT OPERATING    | 1,146,135         | 822,703           | 0                 | 0                 | 0           | 1,063,881          | 904,957           | 354,627          | \$550,330         |
| 903                  | HOUSING HOMEOWNERSHIP OPER    | 713,222           | 1,525             | 0                 | 0                 | 0           | 17,921             | 696,826           |                  | \$696,826         |
| 904                  | HOUSING CAPITAL FUND PROJECTS | 0                 | 1,333,878         | 0                 | 0                 | 0           | 1,333,878          | 0                 |                  | \$0               |
| <b>TOTALS FY2022</b> |                               | <b>69,595,645</b> | <b>72,851,988</b> | <b>25,145,734</b> | <b>25,145,734</b> | <b>0</b>    | <b>100,079,235</b> | <b>42,368,398</b> | <b>6,310,965</b> | <b>36,057,433</b> |

## ALL FUNDS SUMMARY

BUDGET 2021-2022

1/12TH REQ RSRV  
1,588,789  
1/12TH REQ RSRV  
0

Fund Reserve Policy  
560,074  
Bal. Remaining

|           |
|-----------|
| 3,935,050 |
|-----------|

## FY22 BUDGET - RESOLUTION 2021-36 (#3) SEPTEMBER 28, 2021

| FUND NO. | FY 2021-2022<br>FUND DESCRIPTION             | UNAUDITED<br>BEGINNING<br>CASH<br>BALANCE | ESTIMATED<br>REVENUES | TRANSFERS<br>IN  | TRANSFERS<br>OUT | NET<br>CASH<br>TRANSFERS | BUDGETED<br>EXPENDITURES | ESTIMATED<br>ENDING<br>CASH<br>BALANCE | LOCAL RESERVE<br>REQUIREMENTS<br>UNAVAILABLE<br>FOR BUDGETING | ADJUSTED<br>ENDING<br>CASH<br>BALANCE |
|----------|----------------------------------------------|-------------------------------------------|-----------------------|------------------|------------------|--------------------------|--------------------------|----------------------------------------|---------------------------------------------------------------|---------------------------------------|
| 11       | GENERAL OPERATING FUND                       | 14,022,061                                | 18,980,028            | 1,000,000        | 8,852,708        | (7,852,708)              | 19,065,468               | 6,083,913                              | 2,148,863                                                     | 3,935,050                             |
|          | <b>Total Revised Fund 11</b>                 | <b>14,022,061</b>                         | <b>18,980,028</b>     | <b>1,000,000</b> | <b>8,852,708</b> | <b>(7,852,708)</b>       | <b>19,065,468</b>        | <b>6,083,913</b>                       | <b>2,148,863</b>                                              | <b>3,935,050</b>                      |
| 12       | INTERNAL SERVICE FUND                        | 80,006                                    | 448,711               | 3,554,534        | 0                | 3,554,534                | 3,930,770                | 152,481                                |                                                               | \$152,481                             |
|          | <b>Total Revised Fund 12</b>                 | <b>80,006</b>                             | <b>448,711</b>        | <b>3,554,534</b> | <b>0</b>         | <b>3,554,534</b>         | <b>3,930,770</b>         | <b>152,481</b>                         |                                                               | <b>152,481</b>                        |
| 15       | CORRECTIONS-JAIL                             | 45,984                                    | 75,994                | 45,000           | 248              | 44,752                   | 161,000                  | 5,730                                  |                                                               | \$5,730                               |
|          | <b>Total Revised Fund 15</b>                 | <b>45,984</b>                             | <b>75,994</b>         | <b>45,000</b>    | <b>248</b>       | <b>44,752</b>            | <b>161,000</b>           | <b>5,730</b>                           |                                                               | <b>5,730</b>                          |
| 16       | LODGER'S TAX-PROMOTIONAL FUND                | 314,183                                   | 218,407               | 1,936            | 1,405            | 531                      | 189,571                  | 343,550                                |                                                               | \$343,550                             |
|          | <i>Revision 5-Mailchimp Subscription</i>     |                                           |                       |                  |                  | 0                        | 1,100                    | (1,100)                                |                                                               | (\$1,100)                             |
|          | <i>Revision 7-Sounds of Freedom OT</i>       |                                           |                       |                  |                  | 0                        | 281                      | (281)                                  |                                                               | (\$281)                               |
|          | <b>Total Revised Fund 16</b>                 | <b>314,183</b>                            | <b>218,407</b>        | <b>1,936</b>     | <b>1,405</b>     | <b>531</b>               | <b>190,952</b>           | <b>342,169</b>                         |                                                               | <b>342,169</b>                        |
| 17       | POLICE COURT BOND                            | 7,938                                     | 0                     | 0                | 0                | 0                        | 0                        | 7,938                                  |                                                               | \$7,938                               |
|          | <b>Total Revised Fund 17</b>                 | <b>7,938</b>                              | <b>0</b>              | <b>0</b>         | <b>0</b>         | <b>0</b>                 | <b>0</b>                 | <b>7,938</b>                           |                                                               | <b>7,938</b>                          |
| 19       | COURT AUTOMATION FUND                        | 8,582                                     | 50,000                | 0                | 10,571           | (10,571)                 | 40,895                   | 7,116                                  |                                                               | \$7,116                               |
|          | <b>Total Revised Fund 19</b>                 | <b>8,582</b>                              | <b>50,000</b>         | <b>0</b>         | <b>10,571</b>    | <b>(10,571)</b>          | <b>40,895</b>            | <b>7,116</b>                           |                                                               | <b>7,116</b>                          |
| 20       | LODGER'S TAX-CITY                            | 169,504                                   | 354,161               | 0                | 70,150           | (70,150)                 | 220,924                  | 232,591                                |                                                               | \$232,591                             |
|          | <i>Revision 1-Fourth Friday Sponsorship</i>  |                                           | 1,000                 |                  |                  | 0                        | 1,000                    | 0                                      |                                                               | \$0                                   |
|          | <i>Revision 6-Earth Day Donation Budget</i>  |                                           | 7,846                 |                  |                  | 0                        | 7,846                    | 0                                      |                                                               | \$0                                   |
|          | <b>Total Revised Fund 20</b>                 | <b>169,504</b>                            | <b>363,007</b>        | <b>0</b>         | <b>70,150</b>    | <b>(70,150)</b>          | <b>229,770</b>           | <b>232,591</b>                         |                                                               | <b>232,591</b>                        |
| 21       | D.A.R.E. DONATIONS FUND                      | 22,409                                    | 2,165                 |                  |                  | 0                        | 8,109                    | 16,465                                 |                                                               | \$16,465                              |
|          | <b>Total Revised Fund 21</b>                 | <b>22,409</b>                             | <b>2,165</b>          | <b>0</b>         | <b>0</b>         | <b>0</b>                 | <b>8,109</b>             | <b>16,465</b>                          |                                                               | <b>16,465</b>                         |
| 24       | GRANT CAPITAL IMPROVEMENT                    | 0                                         | 2,838,383             | 15,414           | 0                | 15,414                   | 2,333,327                | 520,470                                |                                                               | \$520,470                             |
|          | <b>Total Revised Fund 24</b>                 | <b>0</b>                                  | <b>2,838,383</b>      | <b>15,414</b>    | <b>0</b>         | <b>15,414</b>            | <b>2,333,327</b>         | <b>520,470</b>                         |                                                               | <b>520,470</b>                        |
| 27       | MUNICIPAL COURT OPERATIONS                   | 26,309                                    | 13,000                | 450,000          | 16,009           | 433,991                  | 450,691                  | 22,609                                 |                                                               | \$22,609                              |
|          | <b>Total Revised Fund 27</b>                 | <b>26,309</b>                             | <b>13,000</b>         | <b>450,000</b>   | <b>16,009</b>    | <b>433,991</b>           | <b>450,691</b>           | <b>22,609</b>                          |                                                               | <b>22,609</b>                         |
| 28       | POLICE CONTINGENCY                           | 69,213                                    | 2,549                 |                  |                  | 0                        | 10,000                   | 61,762                                 |                                                               | \$61,762                              |
|          | <b>Total Revised Fund 28</b>                 | <b>69,213</b>                             | <b>2,549</b>          | <b>0</b>         | <b>0</b>         | <b>0</b>                 | <b>10,000</b>            | <b>61,762</b>                          |                                                               | <b>61,762</b>                         |
| 31       | CEMETERY-PERPETUAL CARE                      | 816,480                                   | 20,140                |                  |                  | 0                        |                          | 836,620                                |                                                               | \$836,620                             |
|          | <b>Total Revised Fund 31</b>                 | <b>816,480</b>                            | <b>20,140</b>         | <b>0</b>         | <b>0</b>         | <b>0</b>                 | <b>0</b>                 | <b>836,620</b>                         |                                                               | <b>836,620</b>                        |
| 32       | COMMUNITY SERVICES                           | 438,488                                   | 443,409               | 5,081,513        | 617,373          | 4,464,140                | 5,340,059                | 5,978                                  |                                                               | \$5,978                               |
|          | <i>Revision 9-Otero JPA Library services</i> |                                           | 25,000                |                  |                  | 0                        | 25,000                   | 0                                      |                                                               | \$0                                   |
|          | <b>Total Revised Fund 32</b>                 | <b>438,488</b>                            | <b>468,409</b>        | <b>5,081,513</b> | <b>617,373</b>   | <b>4,464,140</b>         | <b>5,365,059</b>         | <b>5,978</b>                           |                                                               | <b>5,978</b>                          |
| 33       | FIRE PROTECTION                              | 689,963                                   | 662,583               | 0                | 0                | 0                        | 1,262,643                | 89,903                                 |                                                               | \$89,903                              |
|          | <b>Total Revised Fund 33</b>                 | <b>689,963</b>                            | <b>662,583</b>        | <b>0</b>         | <b>0</b>         | <b>0</b>                 | <b>1,262,643</b>         | <b>89,903</b>                          |                                                               | <b>89,903</b>                         |



|    |                                                     |                  |                  |                  |                  |                    |                  |                  |                |                    |
|----|-----------------------------------------------------|------------------|------------------|------------------|------------------|--------------------|------------------|------------------|----------------|--------------------|
| 35 | HIDTA GRANT FUND                                    | 0                | 0                |                  |                  | 0                  | 0                | 0                |                | \$0                |
|    | <b>Total Revised Fund 35</b>                        | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>0</b>         | <b>0</b>         |                | <b>0</b>           |
| 36 | LAW ENFORCEMENT FUND                                | 4,818            | 55,200           | 0                | 0                | 0                  | 60,018           | (0)              |                | (\$0)              |
|    | <b>Total Revised Fund 36</b>                        | <b>4,818</b>     | <b>55,200</b>    | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>60,018</b>    | <b>(0)</b>       |                | <b>(0)</b>         |
| 37 | STATE HIGHWAY FUND                                  | 147,869          | 70,751           | 0                | 0                | 0                  | 128,828          | 89,792           |                | \$89,792           |
|    | <b>Total Revised Fund 37</b>                        | <b>147,869</b>   | <b>70,751</b>    | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>128,828</b>   | <b>89,792</b>    |                | <b>\$89,792</b>    |
| 38 | TRAFFIC SAFETY FUND                                 | 54,656           | 10,491           | 0                | 0                | 0                  | 10,000           | 55,147           |                | \$55,147           |
|    | <b>Total Revised Fund 38</b>                        | <b>54,656</b>    | <b>10,491</b>    | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>10,000</b>    | <b>55,147</b>    |                | <b>\$55,147</b>    |
| 39 | STATE JUDICIAL                                      | 2,749            | 75,500           |                  |                  | 0                  | 75,500           | 2,749            |                | \$2,749            |
|    | <b>Total Revised Fund 39</b>                        | <b>2,749</b>     | <b>75,500</b>    | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>75,500</b>    | <b>2,749</b>     |                | <b>\$2,749</b>     |
| 42 | 1984 GROSS RECEIPTS TAX                             | 2,385,672        | 1,730,991        | 0                | 2,150,774        | (2,150,774)        | 22,675           | 1,943,214        | 252,119        | \$1,691,095        |
|    | <b>Total Revised Fund 42</b>                        | <b>2,385,672</b> | <b>1,730,991</b> | <b>0</b>         | <b>2,150,774</b> | <b>(2,150,774)</b> | <b>22,675</b>    | <b>1,943,214</b> | <b>252,119</b> | <b>\$1,691,095</b> |
| 44 | TRANSPORTATION FUND                                 | 165,480          | 1,239,016        | 1,976,537        | 140,914          | 1,835,623          | 3,235,453        | 4,666            |                | \$4,666            |
|    | <b>Total Revised Fund 44</b>                        | <b>165,480</b>   | <b>1,239,016</b> | <b>1,976,537</b> | <b>140,914</b>   | <b>1,835,623</b>   | <b>3,235,453</b> | <b>4,666</b>     |                | <b>\$4,666</b>     |
| 48 | NEW MEXICO C.D.B.G.                                 | 0                | 500,000          | 806,305          | 0                | 806,305            | 1,306,305        | 0                |                | \$0                |
|    | <b>Total Revised Fund 48</b>                        | <b>0</b>         | <b>500,000</b>   | <b>806,305</b>   | <b>0</b>         | <b>806,305</b>     | <b>1,306,305</b> | <b>0</b>         |                | <b>\$0</b>         |
| 49 | 1986 GROSS RECEIPTS TAX                             | 3,911,631        | 1,781,383        | 0                | 3,142,303        | (3,142,303)        | 750,657          | 1,800,054        | 268,391        | \$1,531,663        |
|    | <i>Revision 2-Reclassify ICIP Exp. &amp; Trans.</i> |                  |                  |                  | (400,000)        | 400,000            | 400,000          | 0                |                | \$0                |
|    | <b>Total Revised Fund 49</b>                        | <b>3,911,631</b> | <b>1,781,383</b> | <b>0</b>         | <b>2,742,303</b> | <b>(2,742,303)</b> | <b>1,150,657</b> | <b>1,800,054</b> | <b>268,391</b> | <b>\$1,531,663</b> |
| 50 | PROPERTY ACQUISITION                                | 85,010           | 0                | 0                | 0                | 0                  | 0                | 85,010           |                | \$85,010           |
|    | <b>Total Revised Fund 50</b>                        | <b>85,010</b>    | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>0</b>         | <b>85,010</b>    |                | <b>\$85,010</b>    |
| 53 | GENERAL OBLIGATION                                  | 908,523          | 1,062,849        |                  |                  | 0                  | 1,114,058        | 857,314          | 557,029        | \$300,285          |
|    | <b>Total Revised Fund 53</b>                        | <b>908,523</b>   | <b>1,062,849</b> | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>1,114,058</b> | <b>857,314</b>   | <b>557,029</b> | <b>\$300,285</b>   |
| 54 | REVERSE OSMOSIS PROJECT RSV                         | 21,967           | 0                | 16,239           | 0                | 16,239             | 16,239           | 21,967           |                | \$21,967           |
|    | <b>Total Revised Fund 54</b>                        | <b>21,967</b>    | <b>0</b>         | <b>16,239</b>    | <b>0</b>         | <b>16,239</b>      | <b>16,239</b>    | <b>21,967</b>    |                | <b>\$21,967</b>    |
| 56 | 99 GRT FLOOD CONTROL BOND PROJ                      | 7                | 29,091           | 1,830,905        | 19,476           | 1,811,429          | 1,608,382        | 232,145          |                | \$232,145          |
|    | <b>Total Revised Fund 56</b>                        | <b>7</b>         | <b>29,091</b>    | <b>1,830,905</b> | <b>19,476</b>    | <b>1,811,429</b>   | <b>1,608,382</b> | <b>232,145</b>   |                | <b>\$232,145</b>   |
| 59 | REVENUE BOND P & I FUND                             | 150,101          | 7,363            | 2,679,243        |                  | 2,679,243          | 2,679,243        | 157,464          |                | \$157,464          |
|    | <b>Total Revised Fund 59</b>                        | <b>150,101</b>   | <b>7,363</b>     | <b>2,679,243</b> | <b>0</b>         | <b>2,679,243</b>   | <b>2,679,243</b> | <b>157,464</b>   |                | <b>\$157,464</b>   |
| 61 | MUNICIPAL INFRASTRUCTURE .0625%                     | 890,520          | 437,756          | 0                | 400,000          | (400,000)          | 5,669            | 922,607          |                | \$922,607          |
|    | <i>Revision 2-Reclassify ICIP Exp. &amp; Trans.</i> |                  |                  |                  | 68,000           | (68,000)           |                  | (68,000)         |                | (\$68,000)         |
|    | <b>Total Revised Fund 61</b>                        | <b>890,520</b>   | <b>437,756</b>   | <b>0</b>         | <b>468,000</b>   | <b>(468,000)</b>   | <b>5,669</b>     | <b>854,607</b>   |                | <b>\$854,607</b>   |
| 63 | COMMUNITY DEVELOPMENT                               | 6,519            | 0                | 837,090          | 37,143           | 799,947            | 472,434          | 334,032          |                | \$334,032          |
|    | <i>Revision 2-Reclassify ICIP Exp. &amp; Trans.</i> |                  |                  | (400,000)        |                  | (400,000)          |                  | (400,000)        |                | (\$400,000)        |
|    | <i>Revision 2-Reclassify ICIP Exp. &amp; Trans.</i> |                  |                  | 68,000           |                  | 68,000             |                  | 68,000           |                | \$68,000           |
|    | <b>Total Revised Fund 63</b>                        | <b>6,519</b>     | <b>0</b>         | <b>505,090</b>   | <b>37,143</b>    | <b>467,947</b>     | <b>472,434</b>   | <b>2,032</b>     |                | <b>\$2,032</b>     |
| 69 | 1994 GROSS RECEIPTS                                 | 2,560,463        | 1,755,150        | 0                | 1,956,102        | (1,956,102)        | 22,675           | 2,336,836        | 553,051        | \$1,783,785        |
|    | <b>Total Revised Fund 69</b>                        | <b>2,560,463</b> | <b>1,755,150</b> | <b>0</b>         | <b>1,956,102</b> | <b>(1,956,102)</b> | <b>22,675</b>    | <b>2,336,836</b> | <b>553,051</b> | <b>\$1,783,785</b> |
| 71 | ALAMO SENIOR CENTER                                 | 2,079            | 890,251          | 815,000          | 0                | 815,000            | 1,679,283        | 28,047           |                | \$28,047           |
|    | <i>Revision 4-Title IIIC2 Supplemental</i>          |                  | 14,398           |                  |                  | 0                  | 14,398           | 0                |                | \$0                |
|    | <i>Revision 8-Otero County Grant Award</i>          |                  | 7,512            |                  |                  | 0                  | 7,512            | 0                |                | \$0                |
|    | <b>Total Revised Fund 71</b>                        | <b>2,079</b>     | <b>912,161</b>   | <b>815,000</b>   | <b>0</b>         | <b>815,000</b>     | <b>1,701,193</b> | <b>28,047</b>    |                | <b>\$28,047</b>    |
| 74 | ALAMO SENIOR CENTER GIFT                            | 138,081          | 21,238           | 0                | 0                | 0                  | 71,996           | 87,323           |                | \$87,323           |
|    | <b>Total Revised Fund 74</b>                        | <b>138,081</b>   | <b>21,238</b>    | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>71,996</b>    | <b>87,323</b>    |                | <b>\$87,323</b>    |

|                      |                                          |                   |                   |                   |                   |                    |                    |                   |                  |                   |
|----------------------|------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|--------------------|-------------------|------------------|-------------------|
| 75                   | RETIRED & SENIOR VOL. PROGRAM            | 14,328            | 176,851           | 46,000            | 16,102            | 29,898             | 205,231            | 15,846            |                  | \$15,846          |
|                      | <b>Total Revised Fund 75</b>             | <b>14,328</b>     | <b>176,851</b>    | <b>46,000</b>     | <b>16,102</b>     | <b>29,898</b>      | <b>205,231</b>     | <b>15,846</b>     |                  | <b>15,846</b>     |
| 81                   | WATER/SEWER OPERATING                    | 5,996,510         | 17,987,667        | 3,703,413         | 1,855,098         | 1,848,315          | 20,025,294         | 5,807,198         | 1,463,850        | \$4,343,348       |
|                      | <b>Total Revised Fund 81</b>             | <b>5,996,510</b>  | <b>17,987,667</b> | <b>3,703,413</b>  | <b>1,855,098</b>  | <b>1,848,315</b>   | <b>20,025,294</b>  | <b>5,807,198</b>  | <b>1,463,850</b> | <b>4,343,348</b>  |
| 82                   | 98 JT WATER/SEWER BOND P&I               | 1,583,799         | 32,886            | 1,893,605         |                   | 1,893,605          | 1,893,607          | 1,616,683         |                  | \$1,616,683       |
|                      | <b>Total Revised Fund 82</b>             | <b>1,583,799</b>  | <b>32,886</b>     | <b>1,893,605</b>  | <b>0</b>          | <b>1,893,605</b>   | <b>1,893,607</b>   | <b>1,616,683</b>  |                  | <b>1,616,683</b>  |
| 86                   | SOLID WASTE COLLECTION SYS.              | 584,696           | 2,106,233         | 0                 | 135,438           | (135,438)          | 2,152,855          | 402,636           | 178,583          | \$224,053         |
|                      | <b>Total Revised Fund 86</b>             | <b>584,696</b>    | <b>2,106,233</b>  | <b>0</b>          | <b>135,438</b>    | <b>(135,438)</b>   | <b>2,152,855</b>   | <b>402,636</b>    | <b>178,583</b>   | <b>224,053</b>    |
| 88                   | BONITO CAMPGROUND                        | 394,450           | 3,498             |                   |                   | 0                  | 4,000              | 393,948           |                  | \$393,948         |
|                      | <b>Total Revised Fund 88</b>             | <b>394,450</b>    | <b>3,498</b>      | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>4,000</b>       | <b>393,948</b>    |                  | <b>393,948</b>    |
| 89                   | ESGRT .0625%                             | 2,538,217         | 458,704           | 0                 | 1,406,625         | (1,406,625)        | 995,582            | 594,714           |                  | \$594,714         |
|                      | <b>Total Revised Fund 89</b>             | <b>2,538,217</b>  | <b>458,704</b>    | <b>0</b>          | <b>1,406,625</b>  | <b>(1,406,625)</b> | <b>995,582</b>     | <b>594,714</b>    |                  | <b>594,714</b>    |
| 90                   | GOLF COURSE                              | 72,040            | 1,473,298         | 660,000           | 91,334            | 568,666            | 2,110,514          | 3,490             |                  | \$3,490           |
|                      | <b>Total Revised Fund 90</b>             | <b>72,040</b>     | <b>1,473,298</b>  | <b>660,000</b>    | <b>91,334</b>     | <b>568,666</b>     | <b>2,110,514</b>   | <b>3,490</b>      |                  | <b>3,490</b>      |
| 91                   | AIRPORT                                  | 17,373            | 525,560           | 65,000            | 53,178            | 11,822             | 553,885            | 870               |                  | \$870             |
|                      | <i>Revision 3-USDOT, FAA Grant Award</i> |                   | 186,865           |                   |                   | 0                  | 186,865            | 0                 |                  | \$0               |
|                      | <b>Total Revised Fund 91</b>             | <b>17,373</b>     | <b>712,425</b>    | <b>65,000</b>     | <b>53,178</b>     | <b>11,822</b>      | <b>740,750</b>     | <b>870</b>        |                  | <b>870</b>        |
| 94                   | OTERO GREENTREE REG LANDFILL             | 4,909,828         | 1,379,465         | 0                 | 725               | (725)              | 4,528,855          | 1,759,713         |                  | \$1,759,713       |
|                      | <b>Total Revised Fund 94</b>             | <b>4,909,828</b>  | <b>1,379,465</b>  | <b>0</b>          | <b>725</b>        | <b>(725)</b>       | <b>4,528,855</b>   | <b>1,759,713</b>  |                  | <b>1,759,713</b>  |
| 96                   | SELF-INSURED FUND                        | 561,415           | 64,595            | 0                 | 150,000           | (150,000)          | 55,628             | 420,382           |                  | \$420,382         |
|                      | <b>Total Revised Fund 96</b>             | <b>561,415</b>    | <b>64,595</b>     | <b>0</b>          | <b>150,000</b>    | <b>(150,000)</b>   | <b>55,628</b>      | <b>420,382</b>    |                  | <b>420,382</b>    |
| 98                   | PAYROLL CLEARING                         | 291,874           | 0                 | 0                 | 0                 | 0                  | 0                  | 291,874           |                  | \$291,874         |
|                      | <b>Total Revised Fund 98</b>             | <b>291,874</b>    | <b>0</b>          | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>0</b>           | <b>291,874</b>    |                  | <b>291,874</b>    |
| 104                  | UTILITY DEPOSITS                         | 653,070           | 0                 | 0                 | 0                 | 0                  | 0                  | 653,070           |                  | \$653,070         |
|                      | <b>Total Revised Fund 104</b>            | <b>653,070</b>    | <b>0</b>          | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>0</b>           | <b>653,070</b>    |                  | <b>653,070</b>    |
| 105                  | ECONOMIC DEVELOPMENT                     | 4,508,656         | 925,576           | 0                 | 0                 | 0                  | 423,257            | 5,010,975         |                  | \$5,010,975       |
|                      | <b>Total Revised Fund 105</b>            | <b>4,508,656</b>  | <b>925,576</b>    | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>423,257</b>     | <b>5,010,975</b>  |                  | <b>5,010,975</b>  |
| 107                  | SELF INSURED/LIABILITY                   | 1,176,628         | 6,805             | 0                 | 0                 | 0                  | 635,000            | 548,433           |                  | \$548,433         |
|                      | <b>Total Revised Fund 107</b>            | <b>1,176,628</b>  | <b>6,805</b>      | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>635,000</b>     | <b>548,433</b>    |                  | <b>548,433</b>    |
| 109                  | 2004 GRT CAPITAL OUTLAY                  | 15,469,629        | 3,593,680         | 0                 | 4,354,058         | (4,354,058)        | 9,102,805          | 5,606,446         | 534,452          | \$5,071,994       |
|                      | <b>Total Revised Fund 109</b>            | <b>15,469,629</b> | <b>3,593,680</b>  | <b>0</b>          | <b>4,354,058</b>  | <b>(4,354,058)</b> | <b>9,102,805</b>   | <b>5,606,446</b>  | <b>534,452</b>   | <b>5,071,994</b>  |
| 114                  | SIDEWALKS REVOLVING LOANS                | 143,001           | 1,454             | 0                 | 0                 | 0                  | 0                  | 144,455           |                  | \$144,455         |
|                      | <b>Total Revised Fund 114</b>            | <b>143,001</b>    | <b>1,454</b>      | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>0</b>           | <b>144,455</b>    |                  | <b>144,455</b>    |
| 115                  | CORP ESCROW ACCOUNT RESERVE              | 1,000             | 0                 | 0                 | 0                 | 0                  | 0                  | 1,000             |                  | \$1,000           |
|                      | <b>Total Revised Fund 115</b>            | <b>1,000</b>      | <b>0</b>          | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>0</b>           | <b>1,000</b>      |                  | <b>1,000</b>      |
| 119                  | 2012 GRT REF/IMP REVBD                   | 407,932           | 29,960            | 0                 | 0                 | 0                  | 154,384            | 283,508           |                  | \$283,508         |
|                      | <b>Total Revised Fund 119</b>            | <b>407,932</b>    | <b>29,960</b>     | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>154,384</b>     | <b>283,508</b>    |                  | <b>283,508</b>    |
| 121                  | 2015 GO BONDS-FUN CENTER                 | 90,064            | 914               | 0                 | 0                 | 0                  | 0                  | 90,978            |                  | \$90,978          |
|                      | <b>Total Revised Fund 121</b>            | <b>90,064</b>     | <b>914</b>        | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>0</b>           | <b>90,978</b>     |                  | <b>90,978</b>     |
| 122                  | 2015 GO BONDS-STREETS                    | 174,516           | 1,771             | 0                 | 0                 | 0                  | 0                  | 176,287           |                  | \$176,287         |
|                      | <b>Total Revised Fund 122</b>            | <b>174,516</b>    | <b>1,771</b>      | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>0</b>           | <b>176,287</b>    |                  | <b>176,287</b>    |
| 124                  | AMERICAN RESCUE PLAN ACT FUND            | 0                 | 0                 | 0                 | 0                 | 0                  | 0                  | 0                 |                  | \$0               |
|                      | <i>Revision 10-Establish ARPA Budget</i> |                   | 7,905,784         | 0                 | 0                 | 0                  | 7,905,784          | 0                 |                  | \$0               |
|                      | <b>Total Revised Fund 124</b>            | <b>0</b>          | <b>7,905,784</b>  | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>7,905,784</b>   | <b>0</b>          |                  | <b>0</b>          |
| 901                  | HOUSING LOW RENT OPERATING               | 1,146,135         | 822,703           | 0                 | 0                 | 0                  | 1,063,881          | 904,957           | 354,627          | \$550,330         |
|                      | <b>Total Revised Fund 901</b>            | <b>1,146,135</b>  | <b>822,703</b>    | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>1,063,881</b>   | <b>904,957</b>    | <b>354,627</b>   | <b>550,330</b>    |
| 903                  | HOUSING HOMEOWNERSHIP OPER               | 713,222           | 1,525             | 0                 | 0                 | 0                  | 17,921             | 696,826           |                  | \$696,826         |
|                      | <b>Total Revised Fund 903</b>            | <b>713,222</b>    | <b>1,525</b>      | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>17,921</b>      | <b>696,826</b>    |                  | <b>696,826</b>    |
| 904                  | HOUSING CAPITAL FUND PROJECTS            | 0                 | 1,333,878         | 0                 | 0                 | 0                  | 1,333,878          | 0                 |                  | \$0               |
|                      | <b>Total Revised Fund 904</b>            | <b>0</b>          | <b>1,333,878</b>  | <b>0</b>          | <b>0</b>          | <b>0</b>           | <b>1,333,878</b>   | <b>0</b>          |                  | <b>0</b>          |
| <b>TOTALS FY2022</b> |                                          | <b>69,595,645</b> | <b>72,851,988</b> | <b>25,145,734</b> | <b>25,145,734</b> | <b>0</b>           | <b>100,079,235</b> | <b>42,368,398</b> | <b>6,310,965</b> | <b>36,057,433</b> |



Resolution # 2021-36 (#3) - September 28, 2021

| RECURRING/<br>NON-<br>RECURRING                                                                                                                                                                                                                                     | FUND NO.  | LINE ITEM NO.                      | LINE ITEM DESCRIPTION                | ORIGINAL<br>BUDGET<br>AMOUNT | INCREASE<br>(DECREASE) | REVISED<br>BUDGET<br>AMOUNT |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------------------------|--------------------------------------|------------------------------|------------------------|-----------------------------|
| <b>REVISION #1</b>                                                                                                                                                                                                                                                  |           |                                    |                                      |                              |                        |                             |
| This budget revision will increase Special Events Revenue and Expenditure line items to account for sponsorship of July and August 4th Fridays.                                                                                                                     |           |                                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | <b>20</b> | <b>LODGER'S TAX - CITY'S SHARE</b> |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | <i>Revenues</i>                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | 020-0000-316.15-28                 | Special Events                       | 2,499                        | 1,000                  | 3,499                       |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Revenue</b>                 | 2,499                        | 1,000                  | 3,499                       |
|                                                                                                                                                                                                                                                                     |           | <i>Expenditures</i>                |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | 020-0006-454.57-93                 | Special Events                       | 11,304                       | 1,000                  | 12,304                      |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Expenditures</b>            | 11,304                       | 1,000                  | 12,304                      |
| <b>REVISION #2</b>                                                                                                                                                                                                                                                  |           |                                    |                                      |                              |                        |                             |
| Budget revision to reclassify funding for the parallel pipeline(ICIP) expenditure from Fund 63-Engineering to Fund 49-86 Gross Receipts and to remove transfer in from Fund 49 and add transfer from Fund 61 to balance Fund-63.                                    |           |                                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | <b>49</b> | <b>86 GROSS RECEIPTS</b>           |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | <i>Transfers Out</i>               |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | 049-0000-491.18-63                 | Trans to (63) Engineering            | 414,283                      | (400,000)              | 14,283                      |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Transfers Out</b>           | 414,283                      | (400,000)              | 14,283                      |
|                                                                                                                                                                                                                                                                     |           | <i>Expenditures</i>                |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | 049-0099-990.68-99                 | ICIP                                 | 173,322                      | 400,000                | 573,322                     |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Expenditures</b>            | 173,322                      | 400,000                | 573,322                     |
|                                                                                                                                                                                                                                                                     | <b>61</b> | <b>91 GRT INFRASTRUCTURE</b>       |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | <i>Transfers Out</i>               |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | 061-0000-491.18-63                 | Trans to (63) Engineering            | 150,000                      | 68,000                 | 218,000                     |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Transfers Out</b>           | 150,000                      | 68,000                 | 218,000                     |
|                                                                                                                                                                                                                                                                     | <b>63</b> | <b>86 GROSS RECEIPTS</b>           |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | <i>Transfers In</i>                |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | 063-0000-391.19-49                 | Trans fr (49) '86 Gross Receipts     | 414,283                      | (400,000)              | 14,283                      |
|                                                                                                                                                                                                                                                                     |           | 063-0000-391.19-61                 | Trans fr (61) '91 GRT Infrastructure | 150,000                      | 68,000                 | 218,000                     |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Transfers In</b>            | 564,283                      | (332,000)              | 232,283                     |
| <b>REVISION #3</b>                                                                                                                                                                                                                                                  |           |                                    |                                      |                              |                        |                             |
| This revision is to budget for a grant award from USDOT & FAA for the Alamogordo-White Sands Regional Airport to reconstruct the taxiway. No City matching funds required. Commission approved accepting grant agreement at the September 14, 2021 regular meeting. |           |                                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | <b>91</b> | <b>AIRPORT</b>                     |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | <i>Revenues</i>                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | AP2201    | 091-0000-317.16-73                 | Federal Grant                        | 13,000                       | 186,865                | 199,865                     |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Revenue</b>                 | 13,000                       | 186,865                | 199,865                     |
|                                                                                                                                                                                                                                                                     |           | <i>Expenditures</i>                |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | AP2201    | 091-0006-459.63-91                 | Building Improvements                | 78,892                       | 186,865                | 265,757                     |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Expenditures</b>            | 78,892                       | 186,865                | 265,757                     |
| <b>REVISION #4</b>                                                                                                                                                                                                                                                  |           |                                    |                                      |                              |                        |                             |
| This budget revision accounts for the Title III C2-Supplemental Federal Funding for either G&G(Covid HG) or HDM meals.                                                                                                                                              |           |                                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | <b>71</b> | <b>SENIOR CENTER</b>               |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | <i>Revenues</i>                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | SCHDC2    | 071-8024-317.16-30                 | SWNMAAA, FEDERAL (SA1)               | 58,116                       | 14,398                 | 72,514                      |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Revenue</b>                 | 58,116                       | 14,398                 | 72,514                      |
|                                                                                                                                                                                                                                                                     |           | <i>Expenditures</i>                |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | SCHDC2    | 071-8024-445.32-50                 | Kitchen Supplies (Home Delivered)    | 800                          | 2,800                  | 3,600                       |
|                                                                                                                                                                                                                                                                     | SCHDC2    | 071-8024-445.32-60                 | Food Purchase (Home Delivered)       | 100,166                      | 3,598                  | 103,764                     |
|                                                                                                                                                                                                                                                                     | SCHDC2    | 071-8024-445.32-75                 | Program Supplies (Home Delivered)    | 33,409                       | 8,000                  | 41,409                      |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Expenditures</b>            | 134,375                      | 14,398                 | 148,773                     |
| <b>REVISION #5</b>                                                                                                                                                                                                                                                  |           |                                    |                                      |                              |                        |                             |
| This revision is to budget for the Mailchimp Subscription for Marketing and Communications.                                                                                                                                                                         |           |                                    |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     | <b>16</b> | <b>PROMOTIONS - LODGER'S TAX</b>   |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | <i>Expenditures</i>                |                                      |                              |                        |                             |
|                                                                                                                                                                                                                                                                     |           | 016-0001-419.50-23                 | Computer Software                    | 84                           | 1,100                  | 1,184                       |
|                                                                                                                                                                                                                                                                     |           |                                    | <b>Total Expenditures</b>            | 84                           | 1,100                  | 1,184                       |

**REVISION #6**

This budget revision is to account for a donation for the Alamogordo Earth Day fair and attaches these funds to Project CSEDAY in both the Revenue & Expenditure line-items.

| <b>20 LODGER'S TAX - CITY'S SHARE</b> |                    |                     |        |       |        |
|---------------------------------------|--------------------|---------------------|--------|-------|--------|
|                                       |                    | <b>Revenues</b>     |        |       |        |
| CSEDAY                                | 020-0000-316.15-28 | Special Events      | 3,499  | 7,846 | 11,345 |
| <b>Total Revenue</b>                  |                    |                     | 3,499  | 7,846 | 11,345 |
|                                       |                    | <b>Expenditures</b> |        |       |        |
| CSEDAY                                | 020-0006-454.57-93 | Special Events      | 12,304 | 7,846 | 20,150 |
| <b>Total Expenditures</b>             |                    |                     | 12,304 | 7,846 | 20,150 |

**REVISION #7**

This budget revision is to provide additional funding to cover overtime costs for public safety and sanitation employees at the Sounds of Freedom event.

| <b>16 PROMOTIONS - LODGER'S TAX</b> |                    |                          |    |     |     |
|-------------------------------------|--------------------|--------------------------|----|-----|-----|
|                                     |                    | <b>Expenditures</b>      |    |     |     |
|                                     | 016-0001-419.20-30 | Worker's Comp. Insurance | 87 | 281 | 368 |
| <b>Total Expenditures</b>           |                    |                          | 87 | 281 | 368 |

**REVISION #8**

This budget revision accounts for the FY22 Otero County Grant in the amount of \$ 34,787.50 for Home Delivered Meals & Transportation programs. This award was \$7,512 over the original amount budgeted. Agreement was approved by the Commission at the September 14, 2021 regular meeting.

| <b>71 SENIOR CENTER</b>   |                    |                                   |         |       |         |
|---------------------------|--------------------|-----------------------------------|---------|-------|---------|
|                           |                    | <b>Revenues</b>                   |         |       |         |
|                           | 071-0000-317.16-31 | Otero County Grant                | 27,275  | 7,512 | 34,787  |
| <b>Total Revenue</b>      |                    |                                   | 27,275  | 7,512 | 34,787  |
|                           |                    | <b>Expenditures</b>               |         |       |         |
|                           | 071-8024-445.32-60 | Food Purchases (Home Delivered)   | 103,764 | 4,883 | 108,647 |
|                           | 071-8025-445.32-75 | Program Supplies (Transportation) | 56,503  | 2,629 | 59,132  |
| <b>Total Expenditures</b> |                    |                                   | 160,267 | 7,512 | 167,779 |

**REVISION #9**

This budget revision accounts for the FY22 Otero County JPA, in the amount of \$ 50,000, for Library services. This award was \$25,000 over the original amount budgeted. Agreement was approved by the Commission at the September 14, 2021 regular meeting.

| <b>32 COMMUNITY SERVICES</b> |                    |                                 |         |        |         |
|------------------------------|--------------------|---------------------------------|---------|--------|---------|
|                              |                    | <b>Revenues</b>                 |         |        |         |
| L12204                       | 032-7101-316.15-30 | Otero County JPA                | 25,000  | 25,000 | 50,000  |
| <b>Total Revenue</b>         |                    |                                 | 25,000  | 25,000 | 50,000  |
|                              |                    | <b>Expenditures</b>             |         |        |         |
| L12204                       | 032-7101-455.32-05 | Food Purchases (Home Delivered) | 161,993 | 25,000 | 186,993 |
| <b>Total Expenditures</b>    |                    |                                 | 161,993 | 25,000 | 186,993 |

**REVISION #10**

This budget revision creates a budget for the American Rescue Plan Act (ARPA) funds. The funding is currently allocated to improving the Lower Heights GST(\$1,400,000) Lower Alamo GST (\$1,400,000), Callahan GST (\$1,400,000), Foothills GST (\$1,400,000) and the West Side GST (\$220,000). The money will also be used to pay for half of the irrigation replacement project at Alameda Park. The utility assistance program is also being funded along with necessary improvements to Water/Sewer IT Infrastructure to stay in compliance with the American Water Infrastructure Act.

| <b>124 AMERICAN RESCUE PLAN ACT FUND</b> |                    |                               |   |           |           |
|------------------------------------------|--------------------|-------------------------------|---|-----------|-----------|
|                                          |                    | <b>Revenues</b>               |   |           |           |
|                                          | 124-0000-317.16-73 | Grants - Federal              | 0 | 7,905,784 | 7,905,784 |
| <b>Total Revenue</b>                     |                    |                               | 0 | 7,905,784 | 7,905,784 |
|                                          |                    | <b>Expenditures</b>           |   |           |           |
|                                          | 124-0099-990.67-XX | Tank Improvement              | 0 | 6,020,000 | 6,020,000 |
|                                          | 124-0099-990.60-01 | Capital Outlay                | 0 | 376,625   | 376,625   |
|                                          | 124-0000-419.57-XX | Utility Assistance            | 0 | 500,000   | 500,000   |
|                                          | 124-0099-990.67-XX | Water/Sewer IT Infrastructure | 0 | 1,009,159 | 1,009,159 |
| <b>Total Expenditures</b>                |                    |                               | 0 | 7,905,784 | 7,905,784 |



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/28/2021

**Report Date:** 9/17/2021

**Report No:** 6.

**Submitted By:** Stella Rael

---

**Subject:** Consider, and act upon, Ordinance 1637 Case Z-2021-0004(A) for first publication for a map amendment to correct the current zoning by changing the zoning designation of the property located at 1301 19th Street from R-1 Single Family Dwelling District to R-3 Two family dwelling district. (*Stella Rael, City Planner*) (**Roll Call Vote Required**)

---

**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve

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**Background:** When property was annexed into the city limits it fell into our R-1 Single Family Dwelling District zoning classification. At this time there were two homes on this parcel. Current property owners have applied for a zoning change to R-3 Two Family Dwelling District in order to come into compliance with the City of Alamogordo current Zoning Map.



# City of Alamogordo

## City Commission



**Z-2021-0004(A)**

Stella Rael, City Planner  
September 28, 2021



# Zoning Request Case: Z-2021-0004(A)

## **Request:**

The property owner is requesting for a map amendment to correct the zoning designation by requesting to change the zoning of the property located at 1301 19<sup>th</sup> Street, from R-1 Single Family Dwelling to R-3 Two Family Dwelling District.

## **Applicants/Owners:**

Trudy Reese/Gail Swineford

1301 19<sup>th</sup> Street

Alamogordo, NM 88310

## Findings of Fact

- ▶1. The application was filed on June 3, 2021
- ▶4. The legal notice was published on July 11, 2021
- ▶5. Thirty-four(34) 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.
- ▶6. As of June 23, 2021 there have been no letters returned undeliverable and I have not received any letters or phone calls of opposition.



# Z-2021-0004(A)

4

- ▶ 7. Staff recommends approval.

## **ORDINANCE No. 1637**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS ALAMO BLOCKS, REPLAT, BLOCK 222 A & B, LOTS 1, 2 W 5' BLOCK 222A FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT R-1 SINGLE FAMILY DWELLING DISTRICT TO R-3 TWO FAMILY DWELLING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.**

**WHEREAS**, Trudy Reese and Gail Swineford (hereinafter referred to as "the Owners") are the owners of certain real property 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

### **1301 19<sup>TH</sup> STREET**

**WHEREAS**, an application has been filed in the Owner's name under Case No. **Z-2021-0004(A)** to change the zoning of the Property, and

**WHEREAS**, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of R-1 Single Family Dwelling District to R-3 Two Family Dwelling District; and

**WHEREAS**, the City Commission, after notice and hearing, finds and determines that the application for re-zoning of the Property is in the public interest and is consistent with proper development of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION, THAT** the zoning of the Property, which is more fully described below:

### **1301 19<sup>TH</sup> STREET**

Is hereby changed from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District; and the official zoning map and comprehensive plan of the City are hereby



amended to reflect this change.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 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

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**Meeting Date:** 9/28/2021

**Report Date:** 9/21/2021

**Report No:** 7.

**Submitted By:** Rachel Hughs

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**Subject:** Consider, and provide direction to Staff on reviewing Boards and Committees with recommendations to Commission at a future meeting. (*Josh Rardin, City Commissioner*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:**

Boards and Committees:

Airport Advisory Board  
Airport Zoning Board  
Alamogordo Disability Council  
Alamogordo Promotion Board  
Alamogordo Public Library Board  
Cemetery Board  
Community Development Advisory Committee  
Mayor's Committee On Aging  
Mayor's Youth Advisory Council  
Parks and Recreation Board  
Planning and Zoning Commission  
Senior Volunteer Programs Advisory Council  
White Sands Beautification Committee



## **CITY OF ALAMOGORDO**

### **BOARDS AND COMMITTEES**

**AIRPORT ADVISORY BOARD** (Five members-two of whom shall be licensed pilots-no more than two members may reside in the County.) Meetings held quarterly (Jan/Apr/Jul/Oct) on the first Thursday of the month at 2:00 p.m. at the Airport Conference Room, 3500 Airport Rd. Staff Support: Cheryl Otero-Baker can be reached at (575) 439-4203.

**AIRPORT ZONING BOARD** (Five members – two County members, two City members, one at-large member.) The existence of this Committee is required by the Federal Aviation Administration (FAA) in order for the City to continue to receive grants in the best interest of the Airport. Meetings are held as needed. Staff Liaison: Cheryl Otero-Baker can be reached at (575) 439-4203.

**ALAMOGORDO DISABILITY COUNCIL (ADC)** – (Seven members – no more than two members may reside outside City limits.) This is a group that provides advice to the City on how to make our community more “user friendly” for citizens and visitors with any kind of disability. **(Note: Currently this Council is not active and not meeting.)**

**ALAMOGORDO PROMOTION BOARD** – (Five members – two lodging industry representatives, two tourist related industry representatives, and one at-large member. No more than two members may reside outside City limits, with the stipulation that these two members must own or be an employee of a tourist-related business located within the City limits.) Meetings are held on the 3<sup>rd</sup> Wednesday of the month at 10:00 a.m. in the Administrative Conference Room at City Hall, 1376 E 9<sup>th</sup> Street. Staff Liaison: Michelle Brideaux or Dylan Aleshire can be reached at (575) 439-4264.

**ALAMOGORDO PUBLIC LIBRARY BOARD** – (Seven members – five City members and two County members.) Provides advisory direction and input regarding the Public Library. Board priorities have included evaluating various infrastructure and technological upgrades to the current Library building, and promotion of the Library’s mission in providing educational, informational, and recreational resources to the community. Meetings are held on the 2<sup>nd</sup> Wednesday of each month at 5:00 p.m. at the Library. Staff Liaison: Melissa Garcia can be reached at (575) 439-4140 #4102

**CEMETERY BOARD** – (Three members.) Meetings are held once a year, typically the 2<sup>nd</sup> Thursday in June in the Civic Center Conference Room, 800 1<sup>st</sup> Street. Staff Liaison: Tony Gonzalez can be reached at (575) 439-4353.

**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE** – (Seven members.) The purpose of the CDAC is to help identify funding needs for the City of Alamogordo, and to provide citizen participation in the Community Development Block Grant (CDBG) Program. The Grant Coordinator is the staff member affiliated with this Committee. The Committee generally meets every other month, unless the CDBG process necessitates meetings that are more frequent. The Committee helps determine funding request priorities, attends public hearings to discuss funding needs (up to three times per year), and may assist in door-to-door surveys to determine neighborhood income and funding eligibility. Meetings held as needed. **(Note: Currently this Committee is not active and not meeting.)**

**MAYOR’S COMMITTEE ON AGING** – (Seven members – no more than two members may reside outside City limits.) Meetings are held on the third Thursday of each month at 1:15 p.m. at the Alamo Senior Center, 2201 Puerto Rico Ave. The MCoA represents the perspective of Seniors and their unique abilities and needs as residents of Alamogordo. Staff Liaison: Britney Ybarra can be reached at (575) 439-4299.

**MAYOR'S YOUTH ADVISORY COUNCIL** – (Seven members selected by the City Commission who shall be residents of the City or shall be a high school or middle school student enrolled in the Alamogordo Public School District or actively home-schooled, participating at the equivalent level of a ninth grade through twelfth grade level and have demonstrated an interest in local community issues and government. Candidates must not have attained the age of eighteen (18) years at the time of appointment.) The Youth Advisory Council shall be advisory and is created for the purpose of providing a youthful viewpoint of community affairs. **(Note: Currently this Committee is not active and not meeting.)**

**PARKS AND RECREATION BOARD** – (Seven Members – five at-large members and two school representative members). The Board considers programs, fees, and other operational issues. This Advisory Board makes recommendations in order for the City to offer superb year-round leisure services and recreation for the Community. The Board provides input on policy decisions and fee structure (yearly user fee increase, what percent, if any) for leisure services. They help develop priorities for capital improvement projects for parks divisions, provide a leadership role when controversial issues arise regarding leisure services delivery. The Board will help in settling disputes between groups utilizing the recreational services, defend policy decision in a public forum and attend budget hearings to advocate for spending public funds for quality-of-life issues. Meetings are held quarterly (January, April, July, and October) on the 2<sup>nd</sup> Wednesday of the month at 6:00 p.m. at the Family Recreation Center, 1100 Oregon Avenue. Staff Liaison: Tony Gonzalez can be reached at (575) 439-4353.

**PLANNING AND ZONING COMMISSION** – (Five voting members, and one HAFB Ex-Officio member. One City representative to sit on the Otero County Planning Commission.) Provides recommendations to the City Commission regarding issues relating to zoning, subdivisions, variances, etc. Meetings held on the 1<sup>st</sup> Thursday of each month at 6:00 p.m. in the City Commission Chambers at City Hall, 1376 E 9<sup>th</sup> Street. Staff Liaison: Planning and Zoning Coordinator, Stella Rael can be reached at (575) 439-4208.

**SENIOR VOLUNTEER PROGRAMS ADVISORY COUNCIL** – (Eleven members – nine at-large members, one Foster Grandparent Rep, and one Senior Companion Rep. No more than two members may reside outside City limits.) RSVP/FGP/SCP Advisory Council promote the engagement of older persons as community resources in planning for community improvement, and in the delivery of volunteer services in our County. To meet the unmet human, educational, environmental, and public safety needs of our community. RSVP volunteers serve through nonprofit public and governmental organizations. They organize such programs as neighborhood watch programs, they mentor and tutor children, teenagers, and adults, teach English and Spanish, teach computer skills, they renovate and build homes, help people recover from natural disasters, serve as museum docents, visit and deliver meals to homebound and frail seniors, make calls and advocate for senior issues and/or whatever else their skills and interests lead them to do in order to meet the needs of their community. Provides persons 55 and older an opportunity to improve their community's critical needs through volunteer service. RSVP Volunteers choose how and where they serve and how much time they desire to serve. They assist program staff with the planning and delivery of program activities. Meetings are held on the 3<sup>rd</sup> Wednesday of each month at the Alamogordo Senior Center. Staff Liaison: Neil McFarland can be reached at (575) 439-4154.

**WHITE SANDS BEAUTIFICATION COMMITTEE** – (Eight members – six at-large, a Chair appointed by the Mayor, and the Chair of the City's Planning and Zoning Commission.) This Committee shall be responsible for reviewing and approving improvement projects within the White Sands District that require demolition, building and sign permits, and that make modifications to the exterior appearance of buildings, signage, landscaping, and parking in order to ensure compliance with the design standards and guidelines adopted for the White Sands District. Staff Liaison: Stella Rael (575) 439-4208. **(Note: Currently this Committee is not active and not meeting.)**



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

---

**Meeting Date:** 9/28/2021

**Report Date:**

**Report No:** 8.

**Submitted By:** Stella Rael

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**Subject:** Consider, and act upon, Ordinance 1638 for first publication to amend Section 29-01-020(b) from a required 200 foot notification area for all property owners to a 500 foot radius. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Staff recommends denial; the additional 300 foot notification is not necessary and staff feels that the additional cost to the applicant is unnecessary.

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**Background:** The amendment change came from a request from Planning and Zoning Board member Gerald Dodd. Mr. Dodd feels that a 200 foot radius is not sufficient.

## ORDINANCE NO. 1638 \_\_\_\_\_

### AMENDING SECTION 29-01-020 CONCERNING AMENDMENTS AND CHANGES

**WHEREAS**, the Code of Ordinances of the City of Alamogordo, New Mexico allows the opportunity for property owners to Petition for Amendments.

**BE IT THEREFORE ORDAINED** by the City Commission of the City of Alamogordo, New Mexico that section 29-01-020 of the *Code of Ordinances* is amended to read as follows:

#### **29-01-020. - Amendments and changes.**

(a) *Petition for amendment.* From time to time, the city, after public notice and hearing, may amend the zoning regulations and established districts. Amendment may be initiated by motion of the city commission; by petition of the owner or owners of the property to be affected; or by petition of one (1) or more agents, designated in an acknowledged power of attorney, of the owner or owners of the property to be affected. Every such proposed amendment shall be considered by the planning and zoning commission before being considered by the city commission.

(b) *Notice and public hearing.* A public hearing shall be held for each proposed amendment to the zoning districts. At least fifteen (15) days' notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city. Notice of the public hearing shall also be mailed by certified mail, return receipt requested, to the owners, ~~to property owners within a total of five hundred (500) feet~~ as shown by the records of the county treasurer, of land within the area to be rezoned ~~and of land within two (200) feet of the area to be rezoned.~~ Streets, alleys and other public rights-of-way shall be excluded in calculating the protest area. ~~Property owners within the first two hundred (200) feet shall be notified by certified mail, return receipt requested. The property owners within the additional three hundred (300) feet shall be notified by first class mail.~~

(c) *Extraordinary majority vote required.* An affirmative vote by a majority of all the members of the city commission shall be required to pass an amendment to any zoning district under the following circumstances:

- (1) If the planning and zoning commission has voted to recommend the denial of the rezoning;
- (2) If written protest, signed by owners of twenty (20) percent of the land (exclusive of streets, alleys and other public rights-of-way) in the area to be rezoned, is filed against the proposal; or
- (3) If written protest, signed by owners of twenty (20) percent of the land (exclusive of streets, alleys and other public rights-of-way) within two hundred (200) feet of the area to be rezoned, is filed against the proposal.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.



CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: \_\_\_\_\_  
Richard A. Boss, Mayor

ATTEST:

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Bengoechea, City Attorney

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/28/2021

**Report Date:** 9/23/2021

**Report No:** 9.

**Submitted By:** Teresa Gutierrez

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

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** One appointment to the Parks and Recreation Board, and one appointment to the Senior Volunteer Programs Advisory Council.

---

**Background: Alamogordo Public Library Board** - Two (2) vacancies.  
No applications received.

**Alamogordo Promotion Board** - One (1) vacancy for a Lodging Representative position due to the expiring term of Jessica Blackwell.  
No applications received.

**Mayor's Committee on Aging** - Two (2) vacancies, with one of the vacancies due to the expiring term of Jose Rodriguez.  
No applications received.

**Parks and Recreation Board** - One (1) vacancy.  
The following individual is interested in being appointed:  
Billy Don Childs - If appointed, this will be his first term.

**Senior Volunteer Programs Advisory Council** - Two (2) vacancies, with one of the vacancies due to the expiring term of Samuel Davis.  
The following individual is interested in being appointed:  
Zoa Brown - 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, or online at the City's website.



RECEIVED  
SEP 23 2021  
CITY CLERK

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

Name: Billy Don Childs

Home Phone: 575-415-0370 Work Phone: \_\_\_\_\_

Cell Phone: " " Fax No: \_\_\_\_\_

e-mail address: don-childs@hotmail.com

Physical Address: 3211 Fayne LN

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

Mailing Address: 3211 Fayne LN

Present Employer: Retired Job Title: Yacht Captain 13 yrs.  
Human Resources Dir. 11 yrs.

Board/Committee you wish to serve on:

First choice: Parks and Recreation

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: Former Personnel Director  
For City of Edmond, OK, Bachelor Degree from  
Central State University, Edmond, OK

Have been visiting Briggs Park with my dogs  
since 2006 - Love the Park & the workers

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

Believe I have a good knowledge of Parks  
and how they operate

Please return completed application to:

City Clerk's Office  
1376 E. Ninth Street  
Alamogordo, NM 88310  
PHONE: (505)439-4205  
FAX: (505)439-4396

RECEIVED

SEP 22 2021

CITY CLERK

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

Name: Zoe Brown

Home Phone: 575-446-6040 Work Phone: —

Cell Phone: 713-269-7372 Fax No: —

E-mail address: zoe.lock@yahoo.com

Physical Address: 2413 Oregon Ave. Alamogordo, NM 88310

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

Mailing Address: Same

Present Employer: Retired Job Title: —

Board/Committee you wish to serve on:

First choice: Senior Volunteer Programs Advisory Council

Second choice: Mayer's Committee on Aging

Third: Alamogordo Public Library 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 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: Family & Consumer Science Teacher (Food & Nut. - Child Dev. - Apparel) Teen Parenting Coord. Interior Design/Self Employed (20yrs) - I prefer "hands on" activities

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

recently moved to Alamogordo & would like to get involved in the community. (I have relatives in Cloudcroft and Mayfield) FYI - I have not sold my house in Texas so will need to return in the near future.

Please return completed application to:

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