

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:00 P.M., COMMISSION CHAMBERS
NOVEMBER 30, 2021**

**RICHARD BOSS, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
DUSTY WRIGHT, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Boss called the meeting to order at 6:00 p.m. Roll Call was taken by the City Clerk. It was noted that Commissioner Payne would be joining the meeting shortly. City Clerk Hughs announced there was a quorum present. Invocation was given by Reverend James Forney, and the Pledge of Allegiance was led by Mayor Pro-Tem Sikes.

Commissioner Payne arrived at the meeting.

APPROVAL OF AGENDA

**Commissioner Rardin moved to approve the agenda.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 6-0-0.**

COMMISSIONER DISTRICT 1 VACANCY INTERVIEWS AND POSSIBLE APPOINTMENT

1. Commissioner District 1 Vacancy Interviews and Possible Appointment. *(Rachel Hughs, City Clerk)*

City Clerk Hughs went over the procedure of filling the vacancy. She noted that Mayor Boss would announce that there were six candidates. The candidates would be interviewed in alphabetical order. Each candidate would be allowed to make a presentation, and thereafter, the Commission would ask questions of the candidates. After all the candidates were interviewed, any Commissioner may make a motion to appoint a specific candidate to fill the vacancy. Another Commissioner may second the motion, and/or there may be further discussion amongst the Commission, and/or the motion may die for lack of a second. Once there was a motion and second on the floor and the Commission was through with any discussion, the Mayor would request a Roll Call Vote on the motion. The Clerk would then call the roll. If the motion passed, then the appointment was made, and the vacancy was filled. If the motion failed, the Commission would follow the same procedures until a motion finally passed and an appointment was made. Thereafter, the Clerk would swear the new Commissioner in, they would take their place on the dais, and the meeting would continue as normal. She noted that one candidate was not able to attend in person and would be attending by phone.

Mayor Boss announced that there were six candidates, all of whom had been certified.

Mr. Gerald A. Dodd thanked the Commission for this opportunity to present his experiences and education as they considered him to represent District 1. He believed he shared with the Commission that he strongly supported the honesty, transparency, and accountability in local government. He was committed to supporting our community's military partners, advancing the

retirement potential of our City, and promoting a favorable business environment to keep Alamogordo a vibrant and progressive City. He was a graduate of Alamogordo High School. In the Tenth Grade he was first introduced to Mr. Pat Fleming, the Civics teacher at the high school. He had a piqued interest in Civics ever since those days. He was a graduate of the University of New Mexico with a Bachelor's in Science and Mechanical Engineering, with a minor in Naval Science and a strong background in Civil Engineering which included roads and bridges, traffic engineering, and urban planning. He was a graduate of the University of South Carolina Municipal Government Institute, which was a program for elected City Officials in the State of South Carolina. The Municipal Institute emphasized City organization, budgets, contracts, grants, Codes and Ordinances, and the development and implementation of such. He was a veteran, having served in the U.S. Military in the Navy as a Submarine Officer. District 1 was primarily a residential community, with some businesses. He had experience in representing a community in South Carolina, a suburb of Charleston that was predominantly a bedroom community. At the time he was there, it was a community of about 16,000 and he was elected for three consecutive four-year terms as a member at-large to a Council of seven. In his first few years on that Council, he counseled a couple times with the City Manager, Mr. Ron McElmore and he provided some good insight for a newly elected Official. Alamogordo was the only example that he had observed in those early years. Before being elected to the City Council in the City of Hanahan, he had served on the Planning and Zoning Commission for two years prior. He had been a member of the Alamogordo Planning and Zoning Commission since February 2020. He felt like he had been involved in the community. He was a Christian man, was a member of Bethel Baptist Church, and was active in that church. He was a volunteer for the Flickinger Center of Performing Arts and was a former volunteer with the Gerald Champion Hospital Auxiliary. Also, for several years he had participated with the Alamogordo Search and Rescue Unit, a division of the New Mexico State Police. He felt much of our community was 60+, and much of District 1 was 60+. Being active in the Senior Center with the volunteer groups and being active in his church, he did have a direct link to many in the district. He would like to point out that although he had not been a permanent resident for a number of years, his parents retired here, and he had visited them frequently at least every two years since 1980 until their deaths in 2012. He felt attached to the community because he grew up here and he had a very strong place in his heart. He chose to retire here because with many of the communities where he had lived or traveled to because of business, and he was a Nuclear Engineer at two shipyards for the government for a number of years, Alamogordo was home. He pointed out that local government was our direct contact. It affected us most in our community. We lived here every day and providing the services, recreation, parks, and playgrounds, fire and police, water and sewer, garbage collection, Code enforcement, and City government, affected each of us every day. He would be honored to be selected to join this esteemed group. In closing, he applauded their insight and wisdom in procuring and developing another access across the railroad tracks in the North end of our City, extending North Scenic across White Sands Blvd. and across the railroad tracks and meeting up at the Bypass. That project would significantly improve the access for the North end of the City, which included Districts 1 and 2. Well done.

Mayor Pro-Tem Sikes said ten years ago she had the honor and pleasure of being appointed to a City Commission seat. At the time she truly felt that our City Commission was a nonpartisan body. The last election showed her otherwise. The City was pretty divided, and it was pretty apparent that the political parties the candidates were affiliated with were brought out. Although it was not on the certification, she was wondering if Mr. Dodd would be willing to tell us what party he was affiliated with. Mr. Dodd said he was registered as an Independent.

Commissioner McDonald asked Mr. Dodd what steps he had taken to learn about the current Commission, meaning some of the people on the Commission. Did he talk with anyone from the City staff about some of the things that were happening in the City. Also, what did he think was the biggest challenge for the City of Alamogordo at this time. We would be losing our current Mayor, current Commissioner for District 2, and we would be getting a new Commissioner for District 2. Did he feel that he would meld with this group of people. Mr. Dodd said he had not considered that. He had been in attendance basically for the last six to eight months here to basically watch the Commission discuss the various items that had come before them. He was in touch a little bit by being on the Planning and Zoning Commission with the items which had come before the City for some changes. He had not spoken in depth with members of the Commission about various things he had mentioned in the three minutes allocated where he had presented issues to the Commission in the past. The exception to that was Ms. Sikes, as he had spoken to her a couple of times about that. He felt there were a couple of challenges which the City had. He had put in his suggested City goals to beautify Alamogordo. Also as presented at a previous meeting, we knew that there were 600+ Code violations that Code Enforcement was working on. That sort of told him that there had been very little enforcement of many of the Codes, some of which were paperwork nightmares with abandoned or burned-out buildings. He felt if the Ordinances and Codes were not enforced, they were like the speed limit. It was only a suggestion and if you got caught with your hand in the cookie jar, nothing seemed to happen with that. We had a number of vehicles and trailers around our City that were unlicensed and stored in everybody's front yard. He didn't think that was a very beautiful thing, and there seemed to be an attitude that "it's my property and I can do whatever I want to with it". That was true if you lived in the County with five to ten acres around you. However, it was not only your obligation, but there was an expectation when you lived in the City for curbs, sidewalks, front yards, and the Codes to be enforced. He thought that was a problem. From a safety standpoint, he suggested making New York Avenue one-way between Tenth Street and Twelfth Street and have angle parking on both sides of the street. It wasn't because the Courthouse would like to have it that way, but it was a safety issue at Tenth and New York with pedestrians and with traffic. We did not need to have one accident where a person was seriously hurt, had to miss work, etc., just because there had not been accidents before that. One accident, one life, one death, was far too many. We had to look at the safety of that particular intersection. The intersection had been that way since he was a kid, and he thought that needed to be improved. Another item he thought needed to be considered was an update of the sign Ordinance which would place restrictions on digital signs. Every sign wanted attention, but for a driver, it said "take your eyes off the road and read me". With that digital sign changing every ten to fifteen seconds to get the word out, it was very, very distracting. He would think that a minute on a digital sign would help with traffic congestion, etc. Also, he saw each winter more and more homeless people begging on the street, especially around Walmart and Lowe's, etc. He didn't know if the City had a plan for homeless residents. Personally, he would never want to encourage the doubling or the quadrupling of the number of people that were homeless in our community. But without a plan or discretion, we were destined to fail and play catch-up when the crisis arrived.

Commissioner Payne asked Mr. Dodd how he would handle it if he had a situation come before him which he had a personal issue with. With the difference between his personal feelings and his professional responsibility, could he explain how he would reconcile that. If there was something which came before him that he personally didn't like or was personally opposed to, would he be able to put his professional responsibility above his personal feelings. Mr. Dodd said yes. He felt we all had biases to an extent on any number of topics. As a Commissioner, you were obligated to do the best thing for your community, and not just for your own district, but for

the community. Expressing personal biases was okay because that way we understood each other, and a position may be presented that had not been thought of by the others. The other was true where a position which someone took against, others may present to you something you hadn't thought about. With City government, the bottom line was the benefit to our community, the safety and security to our community, and the future of our community.

Mr. Michael Thomas Heisinger said he had put in for this position to be a part of the Alamogordo leadership for a few reasons. First, he wanted to see Alamogordo grow to its potential through the proper means. Alamogordo was his hometown. He was born here and had moved away at a young age. He'd always had the desire to come home and achieve opportunity. Three and a half years ago he was hired to work for the City of Alamogordo as a Police Officer. He came from Johns County, Indiana where he had retired as a Police Officer, and he came back to Alamogordo to work here. He was with Alamogordo PD for a little over two years when he was given the opportunity to work for the Village of Tularosa as the Chief of Police. During that time working for the Village of Tularosa, he had attended every Board meeting and had budgeted for his department, which was over half of the entire Village budget. Second, it was the greatest honor of his career to be able to work for the same department as his dad, Bob Heisinger. He again wanted to serve this community in the position of Commissioner. With this opportunity, as a whole we could work towards a better and brighter future for the City of Alamogordo. One thing he had always tried to do in whatever community he was serving, was to push for greatness and change things for the better. Since he had been here, one thing he had heard a lot was "that's the way we've always done it". Times were changing and evolving, and he believed changing and evolving was what needed to happen for the City of Alamogordo to move forward and progress for its citizens. In doing this, it would create more jobs, businesses, Gross Receipts Taxes, and an allover better economy for the City. He thanked the Commission and hoped to be working with them towards a better future for the City of Alamogordo.

Mayor Pro-Tem Sikes asked if he minded telling them what party he was affiliated with. Mr. Heisinger said he was Republican. Mayor Pro-Tem Sikes asked how long he had lived in District 1. Mr. Heisinger said since October 15, 2021. Mayor Pro-Tem Sikes said she appreciated the fact that he was the Chief of Police in Tularosa and there was nothing in our Charter precluding him from being able to hold both positions, but she was curious how he would do that. Mr. Heisinger said December 29th was his last day as Chief of Police. He was retiring from law enforcement completely.

Ms. Rebecca Marie Miller said when she saw there was a vacancy for City Commissioner in her district, she felt it would be a great opportunity to act as a liaison between the constituents and the City government. She was the mother of four and she had a vested interest in making Alamogordo a safe and prosperous place to live and work. As a longtime member of this community, she believed she could bring her work expertise as well as her commitment to volunteering to the Commission to make Alamogordo work for all who are blessed to call this lovely City home. She believed focusing on the basics, such as road maintenance, blight, and abandoned buildings and general Code enforcement were essential matters when it came to furthering economic development in Alamogordo. She had been a member of the community since 1992, she had graduated from high school in 1999, and even after moving away for several years due to the military, Alamogordo had always been her home. She had earned a Bachelor's Degree in Human and Community Services from New Mexico State University and worked as a Case Manager for people with developmental and intellectual disabilities for over eight years, and now worked in a very similar role as a Care Coordinator. In these positions she'd had the privilege

of working with our community's most vulnerable families. Her professional life had been spent advocating for them, and she believed that quality would be a great asset to the City Commission. Engaging with and responding to members of this community in a Commissioner's role would just be an extension of what she already did in her full-time job. Knowing the ins and outs of Medicare and Medicaid would be a valuable resource for the retirees and the disabled people of this City. If she was given the opportunity to be a part of this Commission, she felt she would bring approachability and respect to the role of City Commissioner. Addressing the citizens' needs in a fair and timely manner would be her utmost priority. Doing so from a place of empathy and respect which stemmed from her faith would enable her to listen to and form a connection with community members. She believed that keeping a clear distinction between business or personal interests and the role of City Commissioner was vital. She applied solely to serve her community, and she felt the skills she had developed in her professional life would be an added value. She did not have a business to promote or a job that would benefit from her being a Commissioner. She sincerely was only interested in this position to make Alamogordo the best City that it could be for those who lived here.

Mayor Pro-Tem Sikes said she had the same question for her. Ms. Miller said she was a registered Republican.

Mayor Boss pointed out that he was sure everyone who had applied knew this position was nonpartisan, and that was why he was not sure why it was important to know what their political affiliation was. This was a nonpartisan job. You were not a Republican or a Democrat in this position. He thought she had sworn to that under oath. Mayor Pro-Tem Sikes said indeed she had, but it was just that the last election was, to no one's surprise, extremely partisan. And she just wanted to bring out the fact that most of the people who would be on the Commission when it was all said and done would be Republicans, and everybody knew it.

Commissioner Payne felt that was incredibly inappropriate and in heading up this meeting, the Mayor needed to shut it down. She would respectfully request that he do so. It was incredibly inappropriate.

Mayor Boss said that was not a question which anyone had to answer. Mayor Pro-Tem Sikes said nobody had to answer. Commissioner Payne said she didn't have to ask it.

Commissioner McDonald asked Ms. Miller what she was passionate about. She wondered what the driving force was that gave her the push and the motivation because this would be another task she would be taking on. Ms. Miller said she had always been motivated to help people in her community. With her former job she was a Case Manager for people with developmental disabilities and she got to see how much of a need there was for people to advocate for them, and she really loved doing that. In that position she felt she did the best she could for as many years as she could, and when a better opportunity opened and it was going to be to help people as well, then she jumped on it. She volunteered in her church and with the Special Olympics in Otero County, and she was also part of the Senior Advisory Council.

Mr. Nicholas Allen Paul participated via telephone. Mr. Paul acknowledged his fellow applicants who had shown that they were willing to step up and serve the community. It took great courage and a loving heart to throw your name into the hat for an opportunity to serve the City, and he applauded each and every one of them that was present for their desire to serve. He also wished to thank the Mayor, Commissioners, and the City of Alamogordo for giving him the opportunity to

join telephonically as he quarantined safely at home. He apologized for not being able to attend in person as he would like nothing more than to stand before them. As noted in his application, Alamogordo had been his home for the better part of his life, and he was excited for a chance to give back in some small way. He believed that great leaders served and led by serving each other and through their service. As a local resident, business owner, and community volunteer, it was his desire to show his commitment to this community by serving with the intention of seeing Alamogordo continue to succeed and thrive. A lot of great things had been happening over time, and it was awesome to see as a resident. Had anyone told an 11-year-old Nick Paul that his seemingly insignificant role of soaping countless screws during the community build of Kids' Kingdom would establish a foundation to serve that same community three decades later, he probably would have told them that he wouldn't believe it. He stood here today humbled and excited to serve as a City Commissioner. It would be his goal to work diligently daily to serve the needs of the residents of District 1, but truly the City of Alamogordo in a nonpartisan way. He hoped to be the voice of his neighbors, friends, and family. He knew that through working with other Commissioners, we truly could meet the Mission of the City of Alamogordo to provide the best possible services to the citizens of Alamogordo with honesty, integrity, compassion, fairness, and a commitment to excellence. With that, he thanked everyone for giving him the opportunity to continue to build a foundation of service here in his local community. He appreciated them taking his application in consideration for appointment as City Commissioner for District 1, and he looked forward to working with each and every one of them.

Commissioner McDonald asked Mr. Paul about the event that made him realize that he wanted to serve the community. Was it the Kids' Kingdom project, and exactly what part of it made him want to serve. Mr. Paul said the biggest thing for him was hearing too many people often say they didn't see things happening or changing, and it was because they didn't take action. He did not want to be somebody that felt there needed to be a change or felt the calling to serve but who wasn't willing to step up. Things happened by taking initiative and being willing to serve whatever that capacity looked like. Several years ago, when he relocated back to Alamogordo, he started to get more involved in the community in serving and it had been one of the best experiences he'd had in his adult life. Commissioner McDonald asked what part of his skillsets would add to the Commission as a result of Mayor Boss leaving, radio personality and District 2 Commissioner Nadia Sikes leaving, and also taking the place of former District 1 Commissioner Jason Baldwin. What did he see he could build upon as a result of taking this position in the mid-term. Mr. Paul felt he brought the ability to think logically through things and to listen before he spoke. In doing so, it allowed him and the other Commissioners who he felt had the same qualities and skillsets to logically work through any issues or opportunities that were faced before the Commission and the City. As far as what he would bring to the table, was continuing the good things he felt had taken place in District 1, and to continue moving forward with a strong presence to the residents and constituents. He felt being available and being open to listening to input and advice from others and from the residents and constituents of District 1 was what would make that continue to be successful.

Commissioner Payne said there was more to being a Commissioner than just our set goals. Had Mr. Paul looked into, studied, and did he understand the importance of certain things. As a Commissioner you were privy to certain things, and you were not allowed to talk about them. A lot of what we did we understood we could not talk about until we were up here on the dais. Had he looked into that kind of thing, and how did he feel about it since he was pretty engaged in the business community. A lot of times people had a perception of things because they didn't know the whole story and we couldn't give the whole story. How did he feel about that in relation to

being in business. Mr. Paul said if he was appointed as District 1 Commissioner, anything that came before him in that capacity and any requirements and protocols that were laid upon those items that were being discussed would be first and foremost above anything else he had going businesswise or personal in his life. He would honor the seat of a Commissioner and the responsibilities that went along with it and would want to ensure that he was holding it in high integrity and in a professional manner in that capacity.

Mr. Ronald L. Sanchez, Jr., said he had been in Alamogordo 25 years. He had four daughters, and his wife and he had made this place their home. The weather was beautiful, and it was a safe community. He would like to help to continue that to bring more people here. The businesses were great. He was a people person, and the glass was half full with him. He did not see or like negativity, and he was here for the constituents. He loved people and meeting and talking with them. He was here to represent District 1. He could only hope that he would be half the Commissioner that Jason Baldwin was, as Jason was a good person and did a good job for District 1 for a long time. Mr. Sanchez said he was a family man, had simple needs, he loved to golf, and he just wanted to give back. He had no drama in his life and wasn't a business owner, but he just wanted to do the right thing and he wanted to contribute. He had time on his hands because he teleworked, and he worked for Holloman as part of the test group program management. His work was demanding, but he could manage. He believed he had it in him. He loved this community and had made it his home, and he had no intentions of leaving here.

Ms. Sara Rebecca Weihausen said she had lived here for three years. She lived here as a kid, and most of the rest of her life was spent in Texas. It was very interesting to come here from there because in many ways some things here were more free than they were there, and some things there were more free than they were here. It was very regulated there and you couldn't do anything on your own property without them telling you what you could do. So, in answer to Commissioner McDonald's first question about property rights, she would stand up for people being able to do what they wanted to on their own property. Her neighbor had a big thing put up on the side of her carport which blocked her beautiful view of the mountains, but she would stand up and fight for her neighbor's right to have that there because it was on her property. Also, regarding the question of what we saw as the biggest issue right now, she saw the biggest issue coming was jobs. She had already been speaking with a lot of people in this town that were losing their jobs because of mandates, and they were looking for other jobs because of mandates. There were already not enough jobs here that paid well enough for people to stay here. Her parents went through that when we lived here as a kid. Her husband had two jobs right now, and both of them had now said starting in January they would either require mandates or testing. A lot of people were going through that now. She also believed it was very important for this Commission to stand up for people's Constitutional rights. She commended this Commission last year for standing up in the very beginning and sending a Resolution to the Governor when she was willing to shut down everything when we had no Covid cases in this town. She believed that was the biggest issue and the biggest thing this Commission needed to do right now, to stand up for this community. She also knew there were many other things and that was not the only issue. Right now, across from her driveway there was a hole which had been filled in, but which had not been paved back over. She lived on Union Avenue which kind of circled around, and she had lost count of how many times they had come in and dug things up to fix the water mains in her street. They had always done it quickly and paved it back over quickly until recently because there were not enough people to work right now. It had been covered over with dirt since September and dirt and rocks flew up every time someone drove over it. She was not here to complain about that, and she understood why it was still sitting there. She understood the infrastructure here needed to be

fixed, and the roads needed to be fixed, and there were many things this City needed to do. She was in support of the City using the American Rescue Plan money to buy new water tanks because she felt that was very necessary. She was not for using it to bail out businesses. She just saw today that 40 percent of the Federal unemployment funds were hacked into and went to Russia and China. She didn't believe it was the City's job to bail out what had been caused by State and Federal government. She was a conservative and would not apologize for that. She also looked at every issue individually and just like fighting for her neighbor to have her thing up blocking her pretty view, she would fight for people's freedom and for their rights.

Mayor Boss called for a motion.

Mayor Pro-Tem Sikes asked for clarification, as she understood that if the Commission did not successfully appoint someone tonight, that at the next Commission Meeting the Mayor would have the sole responsibility and right to make the appointment. City Clerk Hughs said that was correct. If no one was appointed tonight, at the next meeting the Mayor would make the appointment. Mayor Pro-Tem Sikes clarified that the next meeting was December 14th.

Mayor Pro-Tem Sikes felt that each of the people who spoke tonight would do a fine job. Each was very qualified, and each brought different skillsets to the dais. She didn't even know if the public knew, but we were not a very highly paid Commission. The people who were typically on the dais had other jobs. As a result, they were busy people and doing a lot of things. We received \$500 per month plus \$50 for each meeting. This was not the kind of job where you were going to be lining your pockets. She complimented each person who spoke tonight. She was a little disappointed in that she didn't see a lot of them here over the course of the past months or years attending Commission meetings and getting involved with the City. She believed that when you started as a City Commissioner, it made no sense. Understanding the process was important because it probably took a good year to get your feet wet here. When staff prepared information for them, they received a ton of stuff to read. It took a lot of dedication, and she applauded that so many people fought to fill the position and show up here tonight.

Mayor Pro-Tem Sikes moved to appoint Rebecca Miller to fill the vacancy of District 1 City Commissioner.

Mayor Boss asked if there was a second on the motion.

Commissioner McDonald said she appreciated the candidates speaking up on how they would mesh with the current Commission. She would like to nominate one of the candidates because she had worked with him. City Attorney Bengoechea clarified that there was a nomination on the floor, and it either had to receive a second, or die before another nomination could be made.

Mayor Boss said he did not hear a second. He asked again if there was a second on the motion.

The motion died for lack of a second.

Commissioner McDonald moved to appoint Nicholas Paul to fill the vacancy.

Mayor Boss seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 5-1-0. Mayor Pro-Tem Sikes voted nay.

Mayor Boss congratulated Mr. Paul. Because he was not present tonight, he would not be sworn in until the next Commission Meeting and would join them at the dais then.

Commissioner Payne thanked everyone for coming out and speaking and for their willingness to step up. Mayor Boss echoed those sentiments.

PUBLIC COMMENT

Wacinqe BeMende commented on the following:

Mr. BeMende said the Commissioners and the Mayor had received an email from him. The email was to make them aware that he had launched a campaign to attract between \$100 million and a billion dollars in philanthropic money to be given to a community. The idea came to him after Jeff Bezos gave the third person \$100 million. No one had ever given money to a community. He was a social impact entrepreneur and he saw this as an opportunity for a pilot. There were 3,000 billionaires, and the purpose of the marketing plan was to attract their attention to gift to the community and we would demonstrate that private philanthropic approach to solving some of the pressing problems which occurred. He wanted to make everyone aware that he was launching this campaign. This was an innovative idea he had to address a community.

Eugene Downer commented on the following:

Mr. Downer recognized Mayor Boss and Mayor Pro-Tem Sikes for the excellent jobs they had done in their positions. Also, he wished to congratulate the Mayor-elect, who he was sure would do an excellent job. Regarding watering of the Desert Willow trees, at one point Ruth Gordon who was a former County agent had suggested to the City that they plant Desert Willows because they were native to this area. The Parks staff had done an excellent job in planting Desert Willows, and he wished to remind the City to give them a drink of water. He thanked City Manager Cesar for all the good work he did and was doing. He had a very helpful interaction with City Clerk Hughes and her staff on the subject of the City of Alamogordo paying sales taxes. Several years ago, he had received invoices from tree wholesalers to see what kind of trees the City had purchased in the past. He noticed that the City was paying sales tax on them and so he contacted them to see why, and they stated that they needed tax exempt certificates from the City. He then contacted Purchasing and requested they send tax exempt certificates out, which they did. Then the tree wholesaler stopped billing sales tax. He sent out emails to the staff and Commission with suggestions for a method in looking at this important question on whether the City was paying inappropriate sales tax when they didn't have to. With the help of the City Clerk and her staff they had looked only at the month of October, and he had no issue with that.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar said this was the time of year when City staff started the budgeting process for the next fiscal year. Beginning next week, they would have the departmental workshops in preparing the preliminary budget for next year. Come mid-February, he, the Assistant City Manager, and Finance would sit down with the various department heads and managers and go through their proposed budgets and make any changes. In mid-March they would have the meetings on personnel requests, capital, and any additional changes in the proposed budget. Toward the end of April, they planned to distribute the preliminary budget summaries to Commission. About mid-May they would hold the budget public hearings. In an upcoming Commission meeting, the Finance Director would have an item on the agenda to see if there was

anything the Commission would like them to possibly include in the budget or in a way that they may like something presented differently. That would be their opportunity to let staff know the information they would like to see or what they would like included in the budget.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

Commissioner Rardin said he'd had a conversation with Senator Burt, and the State was going to be looking at redistricting next Monday. He would like to see if we could direct staff to draft a letter on behalf of the City of Alamogordo. They were looking at doing away with District 33. Right now, it encompassed about 50 percent of Alamogordo, and we had two Senators and one House seat which were in the majority of Alamogordo, and Willie Madrid from down south caught a little of it as well. If they were successful in the redistricting, they were looking at doing, it would take District 33, which was Senator Burt's seat, and move the majority of it over into Roswell and Chavez County. We would lose a Senate seat for this area and would just have Senator Griggs and Representative Black for this area. It would impact our capital outlay money because right now we had three or four different pots of money each year that we could pull from if they were generous enough to give it to us. If they were successful in this redistricting, they would move that district over closer to Chavez County. It was kind of a big deal for Alamogordo and Otero County. He could not add it as an agenda item for the next meeting because it would be too late by that point. Therefore, he had talked to the City Manager and asked if we could provide direction to the staff to send a letter on behalf of the City stating our position. Right now, it was 50 percent of Otero County, 28 percent Lincoln County, and 22 percent Chavez County. If they changed it, it would be mostly Chavez County, and we actually had a greater population here than in Chavez County. It made more sense for that seat to stay here. We had 67,000 population per this last Census, and they only had 64,000, so we were a hair bigger and growing according to the Census data. He wanted to get the feel of the Commission to see if we could get staff to fire off a letter signed by the Mayor and get it up there by Monday, if possible, to request that we keep that district as close to existing as possible.

Mayor Boss said he saw no problem with that. City Attorney Bengoechea said she was a little unclear on exactly what the letter should say, and if she were to get all seven of them in agreement, that would be rolling a quorum in violation of State law. Therefore, she was not sure how to make that happen. She was happy to write a letter on Commissioner Rardin's behalf and have him sign it. But to put the Commission's signature on it without it coming before them and doing the business in a public meeting would be violating some Sunshine Laws and she was not comfortable with that. Commissioner Rardin asked if the Mayor could sign it. City Attorney Bengoechea said the Mayor could sign it as the Mayor, but it wouldn't be on behalf of all seven of them. Commissioner Rardin said if it had the Mayor's signature on it, then it essentially said the same thing. City Attorney Bengoechea said if someone wanted to come in and tell her exactly what they wanted it to say, that would be okay. Commissioner Rardin said he would get with Senator Burt to see how it needed to be worded, but it was important that we keep this district as much of Otero County as possible.

Commissioner Payne said she had spoken with Senator Burt as well. She did have some language she could give for the letter. City Attorney Bengoechea said they could also draft letters for each of them individually that they each sent on their own as well. She just had concern with sending one on behalf of the entire Commission. Mayor Boss thought sending them individually sounded like the best way to do it.

Mayor Pro-Tem Sikes asked if the City had started working with anybody who was actually doing the redistricting. Did any of the organizations or companies get in touch with us, as she knew they had with the County, to assist in looking at the redistricting situation. Once the Census was completed, the whole purpose of redistricting was to make sure that an appropriate number of people were in each district. She didn't understand how they could take a district and just move part of it. What happened was that they looked at the existing cut of the district and looked at the appropriate number of people within each one. They didn't do it according to registered voters; they did it according to people. It had been seven or eight months since she had spoken with someone who was interested in working with the City, and he had asked for City Manager Cesar's contact information. City Manager Cesar said the City Planner had started working on it, and that process for the City and the districts within the City limits would start in the new calendar year. Mayor Pro-Tem Sikes said in the meantime we may be jumping the gun because first they had to decipher the maps that had been put together for redistricting. That was what they were going to be doing for the Special Session, so all we could say either as an individual or as a body was that we liked the way things were and please do not change them.

Commissioner Rardin said last year we had about \$750 to \$1 million in capital outlay funding per Senator, and then Representative Black got a pot of money herself. If they took that away from our district, then Chavez County was going to get that potential money rather than us for capital projects. Mayor Pro-Tem Sikes didn't think that was actually true. Commissioner Rardin said it was because we would lose our Senate seat and it would move over to Chavez County. Mayor Pro-Tem Sikes asked if Bill Burt would no longer be a Senator. Commissioner Rardin said that was correct because they would move him out of the district. Mayor Pro-Tem Sikes said if the land was there and it still included part of Otero County, then he could certainly throw his hat in the ring. Commissioner Rardin said it included Mescalero and that part of the County instead of Alamogordo. Right now, a majority of Alamogordo was in District 33. He thought Tenth Street was sort of like the line and Senator Burt represented one side and Senator Griggs represented the other. They were currently working with the demographer to look at a different map. The last time around they had brought us four or five different versions of the districts, and he was sure the State had the same rules as far as keeping a majority minority district within the City. He was assuming the State was probably the same way. He just felt it was important that we voice our concerns on that because it could potentially mean between \$500,000 and \$1 million per year worth of capital outlay money that either the City or Otero County got.

Commissioner Payne clarified the consensus was that we would each do a letter if we chose to. Mayor Boss asked if we would send the letter personally or as our position. Commissioner Payne said he would sign it as Mayor, but not on behalf of the Commission. Commissioner Rardin said he didn't understand why we couldn't just send one letter with the Mayor's signature on it. City Attorney Bengoechea said the Mayor could send one letter, but they could not roll a quorum. The problem was that if he was going to send it on everyone's behalf, then they would have to get everyone's approval on the letter, which would roll the quorum. Commissioner Rardin said it wasn't a policy or anything, just a letter saying we wanted to keep our Senate seat. City Attorney Bengoechea completely agreed, but she felt the Attorney General would feel different.

Commissioner McDonald asked if we knew this for sure because she had been looking at the map as they were sending it out, and she didn't get that feeling. Mayor Pro-Tem Sikes said we didn't know it for sure. There were three choices of redistricting maps, none of which had been decided upon, and that was what the Special Session was for. Commissioner Payne felt writing

a letter and just giving our input as they were going into Special Session was a reasonable thing. It was just sharing our feelings on it. We did represent the City and we probably needed to give that kind of input. Mayor Pro-Tem Sikes said she could certainly guarantee that if it was still within her purview to write a letter, then her decision would be very different from the others. Commissioner Payne said then she didn't have to write a letter; problem solved.

CONSENT AGENDA

- 2. Approve the minutes for the November 9, 2021 Regular meeting. (*Rachel Hughs, City Clerk*)**
- 3. Approve the statements related to the Executive Closed Session held on November 9, 2021. (*Rachel Hughs, City Clerk*)**
- 4. Consider, and act upon, adoption and final publication of Ordinance 1639 to amend sections of Chapter 34 in the Alamogordo Code of Ordinances concerning Marijuana. (*Rachel Hughs, City Clerk and Petria Bengoechea, City Attorney*) (Roll Call Vote Required)**
- 5. Consider, and act upon, adoption and final publication of Ordinance 1640 approving the transfer for a Local Economic Development Project for secured financial assistance proposed by Ultra Health, LLC. (*Petria Bengoechea, City Attorney*) (Roll Call Vote Required)**
- 6. Consider, and act upon, adoption and final publication of Ordinance 1641 authorizing the issuance and sale of the City's debt obligation to refund the joint utility system. (*Evelyn Huff, Finance Director*) (Roll Call Vote Required)**
- 7. Consider, and act upon, adoption and final publication of Ordinance 1642 authorizing the issuance and sale of the City's debt obligation to refund the revenue debt issued on December 23, 2011. (*Evelyn Huff, Finance Director*) (Roll Call Vote Required)**
- 8. Consider, and act upon, adoption and final publication of Ordinance 1643 authorizing the issuance and sale of the City's debt obligation to refund the revenue debt issued on February 17, 2012. (*Evelyn Huff, Finance Director*) (Roll Call Vote Required)**
- 9. Consider, and act upon, approving the award of RFP 2021-07 Attorney Services for Water Law and Water Rights Services to Stein & Brockmann, P. A. (*David Nunnelley, Acting Public Works Director*)**
- 10. Consider, and act upon, accepting the NM State Library Grants-In-Aid to Public Libraries Agreement for the award of \$9,712.87 for the Alamogordo Public Library for FY2022 allowable expenditures which include library materials, programming supplies and staff professional development. (*Kim Underwood, Library Manager and Veronica Ortega, Community Services Director*)**
- 11. Consider, and act upon, the Investment Report for the quarter ending September 30, 2021, in accordance with the City of Alamogordo Investment Ordinance. (*Sue Ashe, Accounting Manager*)**

12. Consider, and act upon, Aging and Long-term Services Department (ALTSD) severance tax bond funding to be used solely for the purchase and installation of Senior Center kitchen equipment, the total amount budgeted is \$25,063.00. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

13. Consider, and act upon, the award of RFP 2021-08 On-Call HVAC Repairs and Maintenance Services to MGS Refrigeration Heating and Cooling. (David Nunnelley, Acting Public Works Director)

City Attorney Bengoechea pulled item Nos. 6, 7, and 8 from the Consent Agenda.

Commissioner Payne moved to approve the Consent Agenda as amended.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. Consider, and act upon, adoption and final publication of Ordinance 1641 authorizing the issuance and sale of the City's debt obligation to refund the joint utility system. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Mr. Chris Muirhead, Modrall, Sperling, Roehl, Harris & Sisk, PA, said he was here to explain the savings the City would receive as a result of this Ordinance, and the next two Ordinances as well, so that when the Commission voted they would understand what ultimately resulted from the proposal and that it ultimately came out a little better than expected. On the joint utility fund issue, that was now priced at \$5,505,000. The refunded loan in 2011 was at an average coupon or an average interest rate at 3.55 percent. The refunding interest cost was just under 1 percent for the new loan. It did not extend the maturity and kept the pledged revenues limited to the net revenues of the joint utility system. No other revenues were pledged. The Finance Authority as a lender had no lien or claim against the General Obligation monies or ad valorem taxes or any other revenues from this. The savings was just under \$670,000 over the ten years, which resulted in a net present value savings of 11.98 percent. DFA looked to see at minimum a 3 percent present value savings, so the City was four times on that particular loan.

Mr. Muirhead said the second issue (Ordinance 1642) was for the State shared Gross Receipts Tax refunding which was refunding a 2011 transaction. That new loan amount was \$4,456,000. The average coupon on the 2011 loan which was being refunded was 3.69 percent. The new interest rate was 1.2 percent, which resulted in a present value savings of \$543,960 over the ten years of the loan. That was a present value savings of 12.41 percent. Again, that was also four times on the loan. The pledge of the State shared Gross Receipts Tax revenues would continue. With all three of these loans, it did not change the pledge or the duration but just really substituted the much lower interest rates for savings for the community.

Mr. Muirhead said the second of the State shared Gross Receipts Tax (Ordinance 1643) was refunding the 2012 loan and was in the amount of \$3,603,000. The interest rate on the refunded portion was 3.24 percent, and the new interest rate was 1.16 percent. This one saved just under \$200,000 and had a present value savings of 5.34 percent. It was lower because the duration of this loan was for five more years and not ten years.

Mr. Muirhead said, in short, all three resulted in significant savings for the community.

Commissioner Rardin moved to approve.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

7. Consider, and act upon, adoption and final publication of Ordinance 1642 authorizing the issuance and sale of the City's debt obligation to refund the revenue debt issued on December 23, 2011. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Mayor Pro-Tem Sikes moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

8. Consider, and act upon, adoption and final publication of Ordinance 1643 authorizing the issuance and sale of the City's debt obligation to refund the revenue debt issued on February 17, 2012. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Commissioner Payne moved to approve

Mayor Pro-Tem Sikes seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

NEW BUSINESS

14. Consider, and act upon, canceling the December 28, 2021 Commission meeting. (Brian Cesar, City Manager)

Commissioner Rardin moved to approve.

Commissioner McDonald seconded the motion.

Motion carried with a vote of 6-0-0.

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

Mayor Boss read the openings and reappointed Robert Hicks to the Airport Advisory Board, appointed Gwendolyn Penton to the Alamogordo Disability Council, appointed Rachel Anderson to the Alamogordo Promotion Board, and appointed John Whiteley to the Parks and Recreation Board. No one was opposed.

Commissioner Rardin moved to adjourn at 7:35 p.m.

Commissioner Payne seconded the motion.

Motion carried with a vote of 6-0-0.

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughes


Mayor Richard Boss

(Prepared by Teresa Gutierrez, Deputy Clerk)

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