



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

June 28, 2022 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Susan L. Payne Mayor
Dusty Wright Mayor Pro -Tem, District 6
Nick Paul District 1
Stephen Burnett District 2
Karl Melton District 3
Josh Rardin District 4
Sharon McDonald District 5

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

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.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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

1. Approve the minutes for the June 14, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

2. Approve the statements related to the Executive Closed Session held on June 14, 2022. *(Rachel Hughs, City Clerk)*

3. Consider, and act upon, Resolution 2022-30 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 June 28, 2022. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

4. Consider, and act upon, approval of the Policy for the Acceptance of Debit/Credit Cards or Electronic Transfers for Payments. *(Evelyn Huff, Finance Director)*

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

5. Consider, and act upon, approval of an "Agreement for the Exchange of Real Estate" of the property at 200 South Florida Avenue for a 150 foot road and utility easement in Section 10, T17S R9E. *(Nancy Beshaler, Public Works Director and Petria Bengoechea, City Attorney)*

6. Consider, and act upon, the placement of a new "Resident Parking Only" sign for a home located at 907 7th Street. *(Dylan Aleshire, Deputy City Clerk)*

7. Consider, and act upon, approval of Resolution No. 2022-31, expressing continued support of Alamogordo MainStreet, along with acceptance of new MOU from New Mexico MainStreet and agreement with Alamogordo MainStreet. *(Debbie Osborne, Grant Coordinator)* **(Roll Call Vote Required)**

8. Appointments to Boards and Committees. *(Susan Payne, Mayor)*

EXECUTIVE SESSION (Roll Call Vote Required)

9. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(8) NMSA (as amended) to discuss the sale of surplus City property and possible HUD action. *(Petria Bengoechea, City Attorney)* **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/21/2022

Report No: 1.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the June 14, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
June 14, 2022**

**SUSAN PAYNE, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
NICHOLAS PAUL, COMMISSIONER**

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor James Forney and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation on overview proposal of Sol Zia, Inc. (*Bryan Porter, Sol Zia President*)

Bryan Porter, President of Sol Zia, spoke of a proposal they hope to make to the City in regard to upgrade an expansion of the City water and wastewater utility. He said that one of the specific things that we wanted to do was address the water shortages that the City of Alamogordo was facing, as well as the shortage of reclaimed water the City already has for its reclaimed usage. He stated that Alamogordo had a 40-year water plan conducted by a consulting firm around 2005; he encouraged everyone to read it to understand not only the issues facing Alamogordo utilities, but more specifically, the suggestions they had to address the issues, and what our proposal does to accomplish that. The City is not able to even begin to approach water rights it already has; this is problem because the City does not have enough potable water. As population in the area increases, which in that 40-year plan was estimated to be 52% population growth between 2005 and 2045, the issue will become even greater; the City of Alamogordo proper would have just under sixty-thousand people. The projected need for potable water is right around eleven-thousand acre-feet per year. The current yield that the City is able to get is under five thousand. The plan specifically outlined a number of possibilities, some of those were specifically mentioned as part of what we were wanting to propose, which includes the expansion of potable water wells, and specifically, it actually mentioned the area where his property is as one of the best options to expand supplemental wells for the City of Alamogordo. That is largely because the water quality south of Alamogordo is superior to the water quality in Laz Luz. He said if memory serves, the total dissolved solids south of Alamogordo tends to be roughly five times less than the total dissolved solids of the water that is pulled out from the La Luz water wells. That is an important issue because Alamo is currently way out of compliance with both the EPA's expectations for total dissolved solids as well as its own goals that it set for its water system. We are in unique moment right now because the biggest obstacle to doing anything with infrastructure is cost. There is so much federal money available for infrastructural improvement and development. Specifically, this money has not only been earmarked, but there are specific guidelines set to fast-track green and sustainable projects, of which this would

be. One of the things we think would benefit the City of Alamogordo is, not only will the utilities have to expand to serve the increase in population, but that comes at a cost of capital improvements. Usually, cities have to take out debt to finance those and then they recoup it over time through charges to the new users that it has. This is an opportunity to have the capital infrastructure completely paid for on the federal government's dime, and yet still get to reap new user accounts once they join the system, which means increased revenue for water and wastewater utilities. Additionally, because of the location of our property, the location of the of the Wastewater Treatment Plant, and the surface discharge pivot, we can minimize the amount of expansion necessary, and yet also give the City the opportunity to serve new customers. The benefit is, in the area that he outlined on the map that was included, particularly coming down from the Airport Avenue sewer main, you can allow the City's water and wastewater utilities to serve a new hundred customers. The benefit that has to the City is you can choose, because it is New Mexico, to provide sewer service without mandating that they attach to the water utility. What this does is allow their wastewater to come to you with taking any of the City's potable water. This does a whole bunch of things; one of the things it does is immediately increases the amount of reclaimed water the City has to resell, to the golf course, to farmers, to schools, to parks, etcetera. The other thing it does is it increases the availability of reclaimed water for the mixing with new potable water. One of the biggest issues facing the water system is that the main focus of Alamogordo's municipal water wells has been La Luz, and the total dissolved solids there are so significant that a desalination plant was proposed to try to and come up with a way to increase the water coming into the system while also de-watering enough to where they can reduce the solids. By taking in wastewater from people, you are now getting a new influx of wastewater that doesn't have the total dissolved issue, because of treatment you provide at the Wastewater Plant. It is increasing the amount of reclaimed water you have available, which is already an issue, you don't have enough as-is, and it is also allowing you to have new water to mix with the La Luz well water to give potable that is more in-line with EPA and State requirements for drinking. He said that one of things he would like to do is make himself available to put whatever project the Commissioners think is best, to put that together and make it happen without any cost to the City. What we are able to do, because it is in our mutual best interest, is we are able to offer the City the opportunity for us to go out and do all the work to make this money available to City, and additionally to oversee the construction of the expansion, so all you have to do is approve it. It doesn't require any time, money, or manpower on your part. It is really a win-win-win. The grant money that is currently available for free to the City to do this project could include a significant number of ancillary projects that can be tied into the green, sustainable picture of the project. For example, doing upgrades at the golf course that would allow its water consumption to be reduced. That is the purpose of these federal funds, they want to encourage cities like Alamogordo to start doing these things that everyone unanimously agrees is a great idea, that otherwise wouldn't be financially prudent, because there is too much initial cost and not enough of an ROI over long term. He said he would like to mention that the State Office of the Engineer, the USDA, and the Tularosa Basin Conservation District are all fully onboard with this proposal and what it would do for both the Tularosa Basin groundwater and the City of Alamogordo's water and wastewater services.

Mayor Payne said, "federal funds are available to cover the full cost of the infrastructure expansion and improvements", she said she felt like after that, there has to be a hitch somewhere. Mr. Porter said there is not, that is the beauty of the COVID money that the government started printing en masse, not a lot of catches. He said there has been grant money available at the State level for some time, but one of the biggest catches that is always attached to the State money is local government financial participation. In other words, if you want a million dollars from us, you need to match x percent; that doesn't exist in this case.

Mayor Payne asked if this was something we had looked into. City Manager Cesar said yes, this is something that we have looked into, we go after any of the monies that are out there and available.

There is going to be a little more discussion required than the Commission normally permits for a presentation. It is something that we can bring back.

Mr. Porter said to be fair, he has spent many hours on the phone with Mr. Nunnelley and so, the utilities folks are definitely clued into this. One of the issues in the past, particularly in terms of State money, is all the bureaucratic red tape. There is a skip jail and head straight to go option with the Federal program that is available right now, where you move straight to the head of the line and all the necessary bureaucratic oiling and greasing that needs to happen at the State level is taken care of by other people at the State level and Federal level. He said he knew that Mr. Nunnelley had mentioned that was one of the issues; the amount of time for the people at the New Mexico State level to get their act together and help move these things forward is just incredibly slow and obtuse.

2. Presentation on set up of a new Railroad Historical Park. (Joe Lewandowski and Veronica Ortega, Community Services Director)

Joe Lewandowski said that this is a project that is between the City, the Tularosa Basin Historical Society, and MainStreet Alamogordo. Mainstreet Alamogordo received a \$20,000 grant a couple of years ago, before COVID kicked in, so everything got put on hold. What we are talking about building here is a historical park design. Mr. Lewandowski proceeded to visually describe the setup of the Railroad Historical Park and elaborate on various areas and items of historical value. Mr. Lewandowski said where the funding for this is the \$20,000. It covers everything except for the railroad car, which will work on donations or fundraising or whatever we need to do. There are no dollars out of the City. In parks, Ronnie's crew will have to reconfigure the irrigation, the sprinkler systems in there with this new item in there. We will keep the rosebushes and add a few more trees and things.

3. Presentation on the City's current debt profile. (John Archuleta, Stifel Public Finance, and Chris Muirhead, Modrall Sperling)

John Archuleta presented the current debt profile in-depth and showed what the situation is concerning outstanding debt for the City of Alamogordo.

Mr. Archuleta said that is a brief summary of the debt that you presently have outstanding. You have room for additional debt if you so desire, depending on what kind of financing you want to do, which is either going to be the municipal gross receipts tax, the state-shared, or water and sewer projects, or going to the voters and getting a general obligation bond question. He said he also has Chris Muirhead with Modrall Law Firm, he will give you a quick rundown as far as how the money can be spent, or what kind of projects can be done with the different sources or revenues that we are dealing with.

Mr. Muirhead said the general obligation option does require an election as John mentioned; that is the most citizen-involved process because you wouldn't move forward without getting voter approval to issue that debt. It has the most secure pledge, which is the full faith and credit of the City, which is the ad valorem taxes and any other revenues that come in. Once you have voter approval, it just takes a simple majority of the Commission to approve moving forward with that financing. Now the other options, which are your State-shared gross receipts tax, or your municipal gross receipts tax, or the utility net-revenues, do not require an election. So, it is just the Commission to decide if you want to do something like that. The statutes require that seventy-five percent of the voting members of the Commission approve moving forward with an ordinance authorizing that debt. If you don't get seventy-five percent but you get a simple majority, you can then send it to the voters to see if they approve it. If you get seventy-five percent support for any of those, what are known as special-fund

pledges, then you don't have to go to the citizens and you can impose that yourself. It is subject to a referendum, that if the residents of the City got enough signatures they could require an election. He said in thirty years, honestly, you just don't see it. Mr. Muirhead said that is a less involved process, though it is still subject to all the Open Meetings Act requirements, there is a lot of sunshine on it through just public notices. There are additional public notices that are required for issuing debt, there are all kinds of public sunshine on any issuance of debt. The purposes, the general obligation, mostly you see those fall squarely into what you are used to seeing for municipal capital projects, roads, water, sewer, major capital improvements, public buildings. The gross receipts tax revenues give you the greatest latitude, whether it is the municipal gross receipts tax, or the stature of gross receipts tax. The municipal gross receipts taxes were recently amended at the State legislature to give you really any general municipal purpose you can use those revenues for, and you can incur debt for any municipal purpose. Again, just looking at the statutes, that is a very broad delegation of authority because there is a very broad list of municipal purposes that you can use it for. State-shared is the same, in small communities, you see a lot of communities pledging the State-share because it is the most stable and significant gross receipts tax that are pledged. The joint system utility revenues are net revenue that John referenced. Again, a supermajority of the council. That is limited to improvements to the system, you would not be able to issue debt payable from those revenues that didn't tie to capital improvements to the system. Again, all of these to make them Federally tax-exempt, which is the boon for municipalities because it is lower cost, need to be used for capital improvements. You wouldn't see financing for city operations, you would not finance that; there are ways to do that on a taxable basis, but that is very much not the norm that you would see. Again, to do a tax-exempt and federally tax-exempt, it would have to be for capital projects. Once you have particular projects, what he and John can do is help guide on what the best way to do that is, and to finance those and move through that process. We would make sure, as your bond council, that dotted all your I's and crossed your T's and have done it correctly so that the investors, whether it is public marketing or private placement, have comfort that everything is done correctly and is solid.

Mayor Payor said thank you, we are doing well, she said she thinks it looks good. Mr. Muirhead said that John mentioned that the three refundings that you did in the last year were really successful given where we stand today. Mayor Payne said just in time. Mr. Archuleta said with interest rates right now, if you were to try to do those particular transactions, you probably wouldn't have been to have the savings, but interest rates are probably right around two-and-three-quarter percent versus one percent or less. Mayor Payne said kudos to the City for that, we are looking really good, and it is really nice to see that \$10,000,000, not that we are going to use that bonding capacity, but it is nice to know that is there if we had to do it. There are a lot of municipalities out there that are not in that kind of shape.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT**City Manager Cesar made the following remarks:**

1. We are at the end of the fiscal year. We will begin the new fiscal year come July. One of the things we talked about during the Budget Hearings, at a staff level is at the end of July/first part of August, he, the Finance Director, and the Assistant City Manager will be meeting with various department heads to go over the projects that have been approved. Not just for the last fiscal year, but we have quite a number of projects that have carried on for many years, some of which haven't started. We are going to go back through those projects, re-evaluate, see if they are still needed, funded correctly, etcetera, and then coming back to Commission with either doing away with these

projects, returning monies to fund balances, or reallocating funds. That will be coming forward probably in the second meeting in August.

2. The Scenic Extension Project is finally moving at a fairly good clip. Today the contractor actually finished Lawndale, that was a portion that we had to do to be able to get that crossing. It was an agreement between a property owner and Alamogordo; that portion has been completed along with the closure of 8th Street. The extension itself is moving right along.

3. He said he would like to recognize Rene Romo from Senator Ben Ray Lujan's office. He is with us tonight. We met for close to two hours prior to the meeting, talking about the various issues that Alamogordo is facing and some of the upcoming projects; some of our needs going from the past and going forward.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

She said they had the ribbon cutting for the completion of the McKinley Channel and it turned out really well.

CONSENT AGENDA

4. Approve the minutes for the May 24, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

5. Approve the statements related to the Executive Closed Session held on May 24, 2022. *(Rachel Hughs, City Clerk)*

6. Consider, and act upon, adoption and final publication of Ordinance 1650 amending sections of Chapter 17, Article 17-08 Peddlers and Solicitors of the Alamogordo Code of Ordinances to remove door-to-door licensing for commercial solicitors. *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)

7. Consider, and act upon, Resolution 2022-29 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 June 14, 2022. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

8. Consider, and act upon, approving the award of RFQ 2022-04 Professional Services to Update Various Code Ordinance for the City of Alamogordo to NM Local Government Law, LLC. *(Nancy Beshaler, Public Works Director)*

9. Consider, and act upon, approving the award of RFP 2022-010 Auditing Services to Carr, Riggs and Ingram. *(Evelyn Huff, Finance Director)*

10. Consider, and act upon, acceptance of a \$50,000 appropriation agreement from NM Department of Finance and Administration to Alamogordo Police Department to purchase and equip vehicles. *(Richard Denton, Police Chief)*

11. Consider, and act upon, acceptance of a \$65,000 appropriation agreement from NM Department of Finance and Administration to Alamogordo Police Department to purchase and equip vehicles and department equipment. *(Richard Denton, Police Chief)*

12. Consider, and act upon, acceptance of a \$100,000 appropriation agreement from NM Department of Finance and Administration to Community Services for park surveillance equipment. (Veronica Ortega, Community Services Director)

13. Consider, and act upon, acceptance of a \$50,000 appropriation agreement from NM Department of Finance and Administration to Community Services for playground ground cover and borders. (Veronica Ortega, Community Services Director)

Commissioner Rardin removed item 8 from the Consent Agenda.

Commissioner Rardin moved to approve the Consent Agenda as amended.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

8. Consider, an act upon, approving the award of RFQ 2022-04 Professional Services to Update Various Code Ordinance for the City of Alamogordo to NM Local Government Law, LLC. (Nancy Beshaler, Public Works Director)

Commissioner Rardin said he had seen this advertised in the Legals, and he thought it was the Planning and Zoning ordinances, but reading through the agenda report, could we not rewrite these, \$75,000 is a lot of money. Is that something we couldn't do in-house through our Attorney's Office. One of them was the water, sewer, and sewage disposal vegetation, he said he hadn't heard anything about us rewriting these.

City Manager Cesar said if you remember back many months ago now, part of the goals that Commission set for him were the revisions and looking at various ordinances. We have a very good start and tonight we are going to be discussing the Technical Standards. The subdivision ordinance, building ordinance, etcetera, that is already underway and is being worked on. Code Enforcement and those ordinances were a concern of the majority of the Commission. That was a definite goal from the Commission. Can the ordinances be looked at and rewritten by staff and Legal, yes. Can it be done in a timely fashion with everything else we have going on at this time. Part of the reason our ordinances are in this state because it is going to be rewritten by staff, gone through Legal, eventually to Commission; what we are having these various companies do, just like the water and sewer rates, the Technical Standards, etcetera, we are bringing in professionals that not only have worked in New Mexico, but around the country to bring things to today's standard. So yes, \$75,000 is a lot a money and he does not disagree, but if we want this done in a timely fashion, and to move forward, it is money well spent.

Public Works Director Beshaler said that \$75,000 is a budgetary number. When we do professional services through the State laws, we have to select a consultant based on their qualifications, we can't select based on price. So, what happens is we select based on qualifications, and then we negotiate the price. She said she did not know if it is going to \$75,000. Commissioner Rardin said so it is up to \$75,000. Public Works Director Beshaler said right, that is the budgetary number she put in. She said the good thing about this is that it is a law firm that is owned by two lawyers that have been lawyers for the Municipal League for years before they retired, so they have a lot of extensive experiences with ordinances and writing those types of things. She said she thinks there will be some efficiencies because of their experience and how much knowledge they have about

ordinances. She said she thinks the time to complete it based on that, we will have some efficiencies and she said she is hoping it will be much less than \$75,000. We negotiate the price after we award the contract to them.

Commissioner Rardin asked if this will come back to us once we know the regular price. Public Works Director Beshaler said we typically don't bring it back, we haven't ever in the past. Commissioner Rardin said we are going to give a blank check for \$75,000. Public Works Director Beshaler said that is the budgetary number that we put in.

Mayor Payne said that was going to be her next question, was it really \$75,000 or up to \$75,000. Commissioner Rardin said up to. Mayor Payne said she felt like it was not going to be that much. Commissioner Rardin said that in this day and age everything is getting more expensive. Mayor Payne said we did something else recently, an ordinance review on something. Commissioner Rardin asked if we outsourced the P&Z, did that one already come forward. City Manager Cesar said all those are under way, actually part of it is being done; he said that Rusty Payne from Smith Engineering will be in front of you in a little bit. Their company is doing a portion of it. Mayor Payne asked if that was pretty comparable to this. Public Works Director Beshaler said that he actually has more ordinances to update in terms of volume. His contract is timely materials, \$100,000 is the limit. We did the same thing with the Technical Standards, and we gave him a timely materials contract up to a certain amount, and he has not spent sixty percent of it.

Commissioner Rardin asked when was the last time some of these ordinances were updated. City Manager Cesar said that is part of the problem; you have access to the ordinances, and you can see as when they were updated. For the most part, on those ordinances, those were tiny little band-aids. A small section of an ordinance may have been changed. Most of the ordinances are for the most part in their original form since they were enacted. Commissioner Rardin said he believed in not reinventing the wheel, if you just need a little Band-Aid to make it tweak and work for today's age, he said he is okay with that. Commissioner Rardin said he just wanted a little more information on these, he said he hadn't heard any grumblings about these particular ordinances yet and he just thought it was odd to bring it to us to start looking at these when we were working on those other ones. City Manager Cesar said the entire Code of Ordinances really needs to be looked at and updated. These are the ones we have had a particular issue with at a staff level, at a Commission level, and at a public level.

Mayor Payne said she liked that they are looking at this, this is something that really needs to be done. We just need clarity because there are so many grey areas.

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

NEW BUSINESS

14. Consider, and act upon, first publication of Ordinance 1651 Case Z-2022-0001(A), a map amendment to remove the condition that was placed on the property in 1998. Property located at 1001 Scenic Dr. was rezoned from R-1 Single Family Dwelling to C-1 Neighborhood Business Case 1998-0574(A), with the condition that property could only be used as an ATM machine location. (*Stella Rael, City Planner*) (Roll Call Vote Required)

City Planner Rael said we did look at this on May 24th and you all voted to approve on removing that condition. The reason this is coming back in front of you is because the ordinance document was not attached to the agenda. It has to come back as new business.

City Clerk Hughs said she wanted to remind Stella. City Planner Rael said she wanted to remind me; one thing I was going to mention is, reviewing the ordinance, at the bottom of the first page she said she indicated where it says, "is hereby changed to", what you received in the packet it indicated as "changed from". She said she made a correction, it should be "to" C-1 Neighborhood Zoning District without conditions. She said she just wanted to point that out for the record.

Mayor Payne asked if we needed to handle that any differently. City Planner Rael said no.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

15. Consider, and act upon, the final plat for Case S-2022-0008(A) Somerset Subdivision. (Stella Rael, City Planner)

City Planner Rael said the area consists of a total of 87.91 acres and 140 lots as being proposed. City Planner Rael said that back on January 27, 2022, Public Works Director Nancy Beshaler, herself, and owner Jim French met to discuss the current process to begin creating a new subdivision. After that meeting, Jim French went back and got together with his engineers, and they turned in a preliminary subdivision plat of Somerset around mid-March. The preliminary subdivision plat was submitted by Somerset LLC, owner Jim French and their engineer Souder, Miller and Associates. The Technical Review Committee at this point began the review process of the proposed subdivision, and she said she explained that process at the last meeting when she brought the other subdivision. She said they went back and forth, the owners had to make some revisions, but at this time, the Technical Review Committee has approved this plat. That means the review process of the proposed subdivision has been looked at by the Technical Review Committee, and the engineers and developer have met all our City requirements. She said she is recommending approval of this plat.

Mayor Pro-Tem Wright moved to approve.

Commissioner Paul seconded the motion.

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

16. Consider, and act upon, first publication of Ordinance 1652 amending Section 3-1 of the Alamogordo Code of Ordinances concerning Compensation in the Employee Manual. (Kim Torres, HR Director) (Roll Call Vote Required)

Human Resources Director Torres said this is directly tied to the Classification and Compensation Study we just completed. This allows us to implement the step plan that we put in place. It lays out what happens if someone gets promoted, if they get demoted, if there is a lateral transfer. It also outlines cost-of-living steps, which is the purpose of the step plan, which would come to the Commission every year during the budget for approval. The ultimate plan is to have a cost-of-living step in there. It also outlines a review of the pay plan so that we have an automatic review, at a minimum, every five years so that we don't find ourselves in the same position we were in before.

Commissioner McDonald moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

17. Consider, and act upon, approval of Resolution No. 2022-28 adopting the revised Technical Standards as minimum requirements for the design and construction of subdivisions, City utilities, streets, and improvements inside the public right-of-way. (Nancy Beshaler, Public Works Director and Rusty Payne PE, Smith Engineering Company) (Roll Call Vote Required)

Public Works Director Beshaler said in the spirit of bringing the City into the current times, she is bringing the item of the new Technical Standards for your approval. City staff has been working with Smith Engineering for well over a year on these standards with exhaustive hours of review and commenting and research. The draft was made available for public review in early May. We had a Public Meeting in early June; we had two people submit written comments, all the comments were addressed. Those comments, Technical Standards, and a resolution are in your agenda packets.

Commissioner McDonald asked what is the estimated cost on the changes that have not been made going back twenty years, and then what would be the savings going forward for the City. Mr. Rusty Payne from Smith Engineering Company asked if that related to the Technical Standards. Commissioner McDonald said yes. Mr. Payne said he believed that all the Technical Standards that are in there have been addressed, and he said he believed that we spent approximately \$69,000 so far. Commissioner McDonald said she was talking about the cost for the City, based on not having the standards up to date. At this particular point, do you know what it has cost the City not having the Technical Standards revised before now. Mr. Payne said he could not answer that one. Public Works Director Beshaler said she wouldn't even metric a guess on that, we could look into it and try to provide a response to you. The standard drawings were last updated in 2004, and before that, the standards were written in 1994, so you are talking of adjusting many years of Technical Standards.

Commissioner McDonald asked if there would be savings going forward. Public Works Director Beshaler said there should be savings going forward, but she can't quantify that either. What we are really looking to do is protect the citizens of the City of Alamogordo by making sure that all our infrastructure is constructed with the current Technical Standards of the industry, and safely in the best interest of everyone. Commissioner McDonald said she is satisfied.

Mayor Pro-Tem Wright asked if the responses to the public comment sent back to the contractors that submitted, or were they just put in this package. Public Works Director Beshaler said that you and Abe were the only two that commented. She said that they did put it in the packet. We actually had a conversation with Abe on the phone because we had questions with him on some of his comments; we had a lengthy conversation with Dave and Rusty and I, and pretty much went through all of his comments and addressed his issues.

Commissioner Rardin said that on your agenda report, your last paragraph says, "Modifications for day-to-day operational changes will be determined at the staff level.", what exactly does that mean. Mr. Payne said the primary example that he was looking at in those cases is, let's say a model of a fire hydrant is discontinued, the City personnel can go ahead and select and approve a fire hydrant without coming back to Commission. He said what we had in there as well, that any wholesale modification, anything that changes the overall intent of it, would come before Commission again. Commissioner Rardin said it just says that more significant changes will be reported to the City Manager, via addendum, for approval; so, it goes to staff basically still. Public Works Director Beshaler said that they do have a resolution in the packet that discusses the process for amending

the Technical Standards. Commissioner Rardin asked what page is it on. Public Works Director Beshaler said it should be the page right after the agenda report. Commissioner Rardin said so it is in the actual resolution. Commissioner Rardin said it is not for current staff, but for future staff, after you guys all retire, we never know who we are going to have, we don't want to leave too much room for interpretation in there. He said that you guys kind of know what we are thinking, but we could end up with a former engineer we used to have that is in retirement, and if we leave too much room for interpretation it could be disastrous. Public Works Director Beshaler said she was sure that Commission at that time would raise enough questions about the problem, it would probably be addressed at that time. Commissioner Rardin said maybe.

Commissioner Rardin said that it does say in here that the document is a living document that will be reviewed by staff annually for revisions, and a report provided to the City Manager as needed; he said he guessed in order for him to change this resolution, he will have to bring it back to us, or whomever is in that position. Commissioner Rardin said he did not want to leave it up to staff, he said he wanted to leave it up to the Commission, because it is our policy. We set it, staff abides by it.

Commissioner McDonald moved to approve.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

18. Appointments to Boards and Committees. (Susan Payne, Mayor)

Mayor Payne read the openings and appointed Carmen Chavez to the Senior Volunteer Programs Advisory Council. No one was opposed.

EXECUTIVE SESSION

19. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(8) NMSA (as amended) to discuss a land swap of disposal of real property of 200 South Florida and acquisition of right-of-way, South of Highway 70 West of Airport. (Roll Call Vote Required)

Commissioner Rardin moved to approve adjourn into Closed Executive Session at 7:55 pm.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on June 28, 2022.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/23/2022

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the statements related to the Executive Closed Session held on June 14, 2022. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: The statement is required per the Open Meetings Act.

Background: Approve the following statements authorizing them to be included in the minutes of June 28, 2022: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on June 14, 2022, a Closed Executive Session was held and matters discussed in the closed meeting were limited only to: a land swap of disposal of real property of 200 South Florida and acquisition of right-of-way, South of Highway 70 West of Airport.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/23/2022

Report No: 3.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2022-30 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 June 28, 2022. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances \$69,595,645

Revenues \$ 2,940,842 Increase

Expenditures \$ 1,905,396 Increase

Transfers In \$ 115,000 Increase

Transfers Out \$ 115,000 Increase

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 2022-30 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.

RESOLUTION NO. 2022-30

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 June 28, 2022, 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 June 28, 2022, 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 June 2022.

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

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2021-2022**

1/12TH REQ RSRV
1,606,200
1/12TH REQ RSRV
0
Fund Reserve Policy
560,074
Bal. Remaining
6,715,866

FY22 BUDGET - RESOLUTION 2022-30 (#13) June 28, 2022

FUND NO.	FY 2021-2022 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	14,022,061	23,554,762	1,132,180	10,552,462	(9,420,282)	19,274,401	8,882,140	2,166,274	6,715,866
12	INTERNAL SERVICE FUND	80,006	454,829	4,756,105	0	4,756,105	5,266,444	24,496		\$24,496
15	CORRECTIONS-JAIL	45,984	65,550	0	248	(248)	36,000	75,286		\$75,286
16	LODGER'S TAX-PROMOTIONAL FUND	314,183	367,476	6,744	1,405	5,339	518,652	168,346		\$168,346
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	633,627	0	70,150	(70,150)	377,080	355,901		\$355,901
21	D.A.R.E. DONATIONS FUND	22,409	2,165	0	0	0	10,109	14,465		\$14,465
24	GRANT CAPITAL IMPROVEMENT	0	3,271,111	15,414	0	15,414	2,766,055	520,470		\$520,470
27	MUNICIPAL COURT OPERATIONS	26,309	13,000	450,000	16,009	433,991	471,596	1,704		\$1,704
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	629,306	5,429,888	617,373	4,812,515	5,876,258	4,051		\$4,051
33	FIRE PROTECTION	689,963	662,583	0	0	0	1,262,643	89,903		\$89,903
35	HIDTA GRANT FUND	0	17,400	0	0	0	17,400	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	2,251,470	400,000	2,607,079	(2,207,079)	39,673	2,390,390	252,119	\$2,138,271
44	TRANSPORTATION FUND	165,480	1,278,819	2,582,842	140,914	2,441,928	3,764,949	121,278		\$121,278
48	NEW MEXICO C.D.B.G.	0	500,000	1,406,305	0	1,406,305	1,906,305	0		\$0
49	1986 GROSS RECEIPTS TAX	3,911,631	2,301,862	0	3,658,553	(3,658,553)	1,617,655	937,285	268,391	\$668,894
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	8,066,363	2,679,243	0	2,679,243	10,729,066	166,641		\$166,641
61	MUNICIPAL INFRASTRUCTURE .0625%	890,520	567,876	0	468,000	(468,000)	9,919	980,477		\$980,477
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	2,275,629	0	2,238,282	(2,238,282)	39,673	2,558,137	553,051	\$2,005,086
71	ALAMO SENIOR CENTER	2,079	908,069	890,000	0	890,000	1,797,705	2,443		\$2,443
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	171,715	46,000	16,102	29,898	208,628	7,313		\$7,313
81	WATER/SEWER OPERATING	5,996,510	18,891,529	3,703,413	1,855,098	1,848,315	21,481,016	5,255,338	1,463,850	\$3,791,488
82	98 JT WATER/SEWER BOND P&I	1,583,799	5,537,886	2,409,855	0	2,409,855	7,470,504	2,061,036		\$2,061,036
86	SOLID WASTE COLLECTION SYS.	584,696	2,487,648	0	135,438	(135,438)	2,248,510	688,396	178,583	\$509,813
88	BONITO CAMPGROUND	394,450	3,498	0	0	0	4,000	393,948		\$393,948
89	ESGRT .0625%	2,538,217	588,824	0	1,406,625	(1,406,625)	1,349,832	370,584		\$370,584

90	GOLF COURSE	72,040	1,624,369	775,000	91,334	683,666	2,374,428	5,647		\$5,647
91	AIRPORT	17,373	744,425	65,000	53,178	11,822	755,777	17,843		\$17,843
94	OTERO GREENTREE REG LANDFILL	4,909,828	1,379,465	0	725	(725)	4,677,866	1,610,702		\$1,610,702
96	SELF-INSURED FUND	561,415	64,595	0	150,000	(150,000)	75,628	400,382		\$400,382
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	1,185,816	0	0	0	431,756	5,262,716		\$5,262,716
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	4,634,638	0	4,954,058	(4,954,058)	9,786,801	5,363,408	534,452	\$4,828,956
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	0	3,952,892	0	0	0	3,952,892	0		\$0
901	HOUSING LOW RENT OPERATING	1,146,135	1,014,724	0	0	0	1,331,669	829,190	354,627	\$474,563
903	HOUSING HOMEOWNERSHIP OPER	713,222	1,525	0	0	0	17,969	696,778		\$696,778
904	HOUSING CAPITAL FUND PROJECTS	0	1,333,878	0	0	0	1,333,878	0		\$0
TOTALS FY2022		69,595,645	92,878,037	29,100,223	29,100,223	0	117,680,471	44,793,211	6,328,376	38,464,834

ALL FUNDS SUMMARY

BUDGET 2021-2022

1/12TH REQ RSRV

1,606,200

1/12TH REQ RSRV

0

Fund Reserve Policy

560,074

Bal. Remaining

6,715,866

FY22 BUDGET - RESOLUTION 2022-30 (#13) June 28, 2022

FUND NO.	FY 2021-2022 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	14,022,061	21,909,543	1,132,180	10,437,462	(9,305,282)	19,224,407	7,401,915	2,166,274	5,235,641
	Revision #1-GRT & Admin Fees Projections		1,250,741			0	45,552	1,205,189		1,205,189
	Revision #2-Golf Course FYE22 Projections				115,000	(115,000)		(115,000)		(115,000)
	Revision #3-Prop Tax/Admin Fees Projections		25,680			0	4,442	21,238		21,238
	Revision #4-Abatement Recoveries		241,329			0		241,329		241,329
	Revision #5-Landfill Administration Fees		127,469			0		127,469		127,469
	Total Revised Fund 11	14,022,061	23,554,762	1,132,180	10,552,462	(9,420,282)	19,274,401	8,882,140	2,166,274	6,715,866
12	INTERNAL SERVICE FUND	80,006	454,829	4,756,105	0	4,756,105	5,266,444	24,496		\$24,496
	Total Revised Fund 12	80,006	454,829	4,756,105	0	4,756,105	5,266,444	24,496		24,496
15	CORRECTIONS-JAIL	45,984	65,550	0	248	(248)	36,000	75,286		\$75,286
	Total Revised Fund 15	45,984	65,550	0	248	(248)	36,000	75,286		75,286
16	LODGER'S TAX-PROMOTIONAL FUND	314,183	367,476	6,744	1,405	5,339	518,652	168,346		\$168,346
	Total Revised Fund 16	314,183	367,476	6,744	1,405	5,339	518,652	168,346		168,346
17	POLICE COURT BOND	7,938	0	0	0	0	0	7,938		\$7,938
	Total Revised Fund 17	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
	Total Revised Fund 19	8,582	50,000	0	10,571	(10,571)	40,895	7,116		7,116
20	LODGER'S TAX-CITY	169,504	633,627	0	70,150	(70,150)	377,080	355,901		\$355,901
	Total Revised Fund 20	169,504	633,627	0	70,150	(70,150)	377,080	355,901		355,901
21	D.A.R.E. DONATIONS FUND	22,409	2,165	0	0	0	10,109	14,465		\$14,465
	Total Revised Fund 21	22,409	2,165	0	0	0	10,109	14,465		14,465
24	GRANT CAPITAL IMPROVEMENT	0	3,271,111	15,414	0	15,414	2,766,055	520,470		\$520,470
	Total Revised Fund 24	0	3,271,111	15,414	0	15,414	2,766,055	520,470		520,470
27	MUNICIPAL COURT OPERATIONS	26,309	13,000	450,000	16,009	433,991	471,596	1,704		\$1,704
	Total Revised Fund 27	26,309	13,000	450,000	16,009	433,991	471,596	1,704		1,704
28	POLICE CONTINGENCY	69,213	2,549	0	0	0	10,000	61,762		\$61,762
	Total Revised Fund 28	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
	Total Revised Fund 31	816,480	20,140	0	0	0	0	836,620		836,620
32	COMMUNITY SERVICES	438,488	629,208	5,429,888	617,373	4,812,515	5,876,160	4,051		\$4,051
	Revision #8-Sponsorship Donations		98			0	98	0		\$0
	Total Revised Fund 32	438,488	629,306	5,429,888	617,373	4,812,515	5,876,258	4,051		4,051
33	FIRE PROTECTION	689,963	662,583	0	0	0	1,262,643	89,903		\$89,903
	Total Revised Fund 33	689,963	662,583	0	0	0	1,262,643	89,903		89,903
35	HIDTA GRANT FUND	0	17,400	0	0	0	17,400	0		\$0
	Total Revised Fund 35	0	17,400	0	0	0	17,400	0		0
36	LAW ENFORCEMENT FUND	4,818	55,200	0	0	0	60,018	(0)		(\$0)
	Total Revised Fund 36	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
	Total Revised Fund 37	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
	Total Revised Fund 38	54,656	10,491	0	0	0	10,000	55,147		55,147

39	STATE JUDICIAL	2,749	75,500			0	75,500	2,749		\$2,749
	Total Revised Fund 39	2,749	75,500	0	0	0	75,500	2,749		2,749
42	1984 GROSS RECEIPTS TAX	2,385,672	2,067,893	400,000	2,607,079	(2,207,079)	33,703	2,212,783	252,119	\$1,960,664
	Revision #1-GRT Projections & Admin Fees		183,577			0	5,970	177,607		\$177,607
	Total Revised Fund 42	2,385,672	2,251,470	400,000	2,607,079	(2,207,079)	39,673	2,390,390	252,119	2,138,271
44	TRANSPORTATION FUND	165,480	1,161,870	2,582,842	140,914	2,441,928	3,763,456	5,822		\$5,822
	Revision #1-GRT Projections & Admin Fees		45,894			0	1,493	44,401		\$44,401
	Revision #6-Gasoline Tax Projection		71,055			0		71,055		\$71,055
	Total Revised Fund 44	165,480	1,278,819	2,582,842	140,914	2,441,928	3,764,949	121,278		121,278
48	NEW MEXICO C.D.B.G.	0	500,000	1,406,305	0	1,406,305	1,906,305	0		\$0
	Total Revised Fund 48	0	500,000	1,406,305	0	1,406,305	1,906,305	0		0
49	1986 GROSS RECEIPTS TAX	3,911,631	2,118,285	0	3,658,553	(3,658,553)	1,611,685	759,678	268,391	\$491,287
	Revision #1-GRT Projections & Admin Fees		183,577			0	5,970	177,607		\$177,607
	Total Revised Fund 49	3,911,631	2,301,862	0	3,658,553	(3,658,553)	1,617,655	937,285	268,391	668,894
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		\$85,010
	Total Revised Fund 50	85,010	0	0	0	0	0	85,010		85,010
53	GENERAL OBLIGATION	908,523	1,062,849			0	1,114,058	857,314	557,029	\$300,285
	Total Revised Fund 53	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
	Total Revised Fund 54	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
	Total Revised Fund 56	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	8,066,363	2,679,243		2,679,243	9,707,011	1,188,696		\$1,188,696
	Revision #9-Debt Service Revisions					0	1,022,055	(1,022,055)		(\$1,022,055)
	Total Revised Fund 59	150,101	8,066,363	2,679,243	0	2,679,243	10,729,066	166,641		166,641
61	MUNICIPAL INFRASTRUCTURE .0625%	890,520	521,982	0	468,000	(468,000)	8,426	936,076		\$936,076
	Revision #1-GRT Projections & Admin Fees		45,894			0	1,493	44,401		\$44,401
	Total Revised Fund 61	890,520	567,876	0	468,000	(468,000)	9,919	980,477		980,477
63	COMMUNITY DEVELOPMENT	6,519	0	505,090	37,143	467,947	472,434	2,032		\$2,032
	Total Revised Fund 63	6,519	0	505,090	37,143	467,947	472,434	2,032		\$2,032
69	1994 GROSS RECEIPTS	2,560,463	2,092,052	0	2,238,282	(2,238,282)	33,703	2,380,530	553,051	\$1,827,479
	Revision #1-GRT Projections & Admin Fees		183,577			0	5,970	177,607		\$177,607
	Total Revised Fund 69	2,560,463	2,275,629	0	2,238,282	(2,238,282)	39,673	2,558,137	553,051	2,005,086
71	ALAMO SENIOR CENTER	2,079	908,069	890,000	0	890,000	1,797,705	2,443		\$2,443
	Total Revised Fund 71	2,079	908,069	890,000	0	890,000	1,797,705	2,443		2,443
74	ALAMO SENIOR CENTER GIFT	138,081	21,238	0	0	0	71,996	87,323		\$87,323
	Total Revised Fund 74	138,081	21,238	0	0	0	71,996	87,323		87,323
75	RETIRED & SENIOR VOL. PROGRAM	14,328	171,715	46,000	16,102	29,898	208,628	7,313		\$7,313
	Total Revised Fund 75	14,328	171,715	46,000	16,102	29,898	208,628	7,313		7,313
81	WATER/SEWER OPERATING	5,996,510	18,891,529	3,703,413	1,855,098	1,848,315	21,481,016	5,255,338	1,463,850	\$3,791,488
	Total Revised Fund 81	5,996,510	18,891,529	3,703,413	1,855,098	1,848,315	21,481,016	5,255,338	1,463,850	3,791,488
82	98 JT WATER/SEWER BOND P&I	1,583,799	5,537,886	2,409,855		2,409,855	6,974,569	2,556,971		\$2,556,971
	Revision #10-Debt Service Revisions					0	495,935	(495,935)		(\$495,935)
	Total Revised Fund 82	1,583,799	5,537,886	2,409,855	0	2,409,855	7,470,504	2,061,036		2,061,036
86	SOLID WASTE COLLECTION SYS.	584,696	2,487,648	0	135,438	(135,438)	2,248,510	688,396	178,583	\$509,813
	Total Revised Fund 86	584,696	2,487,648	0	135,438	(135,438)	2,248,510	688,396	178,583	509,813
88	BONITO CAMPGROUND	394,450	3,498			0	4,000	393,948		\$393,948
	Total Revised Fund 88	394,450	3,498	0	0	0	4,000	393,948		393,948
89	ESGRT .0625%	2,538,217	542,930	0	1,406,625	(1,406,625)	1,348,339	326,183		\$326,183
	Revision #1-GRT Projections & Admin Fees		45,894			0	1,493	44,401		\$44,401
	Total Revised Fund 89	2,538,217	588,824	0	1,406,625	(1,406,625)	1,349,832	370,584		370,584

90	GOLF COURSE	72,040	1,547,255	660,000	91,334	568,666	2,124,428	63,533		\$63,533
	Revision #2-Golf Course FYE22 Projections		77,114	115,000		115,000	250,000	(57,886)		(\$57,886)
	Total Revised Fund 90	72,040	1,624,369	775,000	91,334	683,666	2,374,428	5,647		5,647
91	AIRPORT	17,373	744,425	65,000	53,178	11,822	755,777	17,843		\$17,843
	Total Revised Fund 91	17,373	744,425	65,000	53,178	11,822	755,777	17,843		17,843
94	OTERO GREENTREE REG LANDFILL	4,909,828	1,379,465	0	725	(725)	4,677,866	1,610,702		\$1,610,702
	Total Revised Fund 94	4,909,828	1,379,465	0	725	(725)	4,677,866	1,610,702		1,610,702
96	SELF-INSURED FUND	561,415	64,595	0	150,000	(150,000)	75,628	400,382		\$400,382
	Total Revised Fund 96	561,415	64,595	0	150,000	(150,000)	75,628	400,382		\$400,382
98	PAYROLL CLEARING	291,874	0	0	0	0	0	291,874		\$291,874
	Total Revised Fund 98	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
	Total Revised Fund 104	653,070	0	0	0	0	0	653,070		\$653,070
105	ECONOMIC DEVELOPMENT	4,508,656	1,094,027	0	0	0	428,771	5,173,912		\$5,173,912
	Revision #1-GRT Projections & Admin Fees		91,789			0	2,985	88,804		\$88,804
	Total Revised Fund 105	4,508,656	1,185,816	0	0	0	431,756	5,262,716		\$5,262,716
107	SELF INSURED/LIABILITY	1,176,628	6,805	0	0	0	635,000	548,433		\$548,433
	Total Revised Fund 107	1,176,628	6,805	0	0	0	635,000	548,433		\$548,433
109	2004 GRT CAPITAL OUTLAY	15,469,629	4,267,484	0	4,954,058	(4,954,058)	9,724,861	5,058,194	534,452	\$4,523,742
	Revision #1-GRT Projections & Admin Fees		367,154			0	11,940	355,214		\$355,214
	Revision #7-Right of Way Acquisition					0	50,000	(50,000)		(\$50,000)
	Total Revised Fund 109	15,469,629	4,634,638	0	4,954,058	(4,954,058)	9,786,801	5,363,408	534,452	\$4,828,956
114	SIDEWALKS REVOLVING LOANS	143,001	1,454	0	0	0	0	144,455		\$144,455
	Total Revised Fund 114	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
	Total Revised Fund 115	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
	Total Revised Fund 119	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
	Total Revised Fund 121	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
	Total Revised Fund 122	174,516	1,771	0	0	0	0	176,287		\$176,287
124	AMERICAN RESCUE PLAN ACT	0	3,952,892	0	0	0	3,952,892	0		\$0
	Total Revised Fund 124	0	3,952,892	0	0	0	3,952,892	0		\$0
901	HOUSING LOW RENT OPERATING	1,146,135	1,014,724	0	0	0	1,331,669	829,190	354,627	\$474,563
	Total Revised Fund 901	1,146,135	1,014,724	0	0	0	1,331,669	829,190	354,627	\$474,563
903	HOUSING HOMEOWNERSHIP OPER	713,222	1,525	0	0	0	17,969	696,778		\$696,778
	Total Revised Fund 903	713,222	1,525	0	0	0	17,969	696,778		\$696,778
904	HOUSING CAPITAL FUND PROJECTS	0	1,333,878	0	0	0	1,333,878	0		\$0
	Total Revised Fund 904	0	1,333,878	0	0	0	1,333,878	0		\$0
TOTALS FY2022		69,595,645	92,878,037	29,100,223	29,100,223	0	117,680,471	44,793,211	6,328,376	38,464,834

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1						
This budget revision is to adjust Gross Receipts Tax revenues and GRT Administration Fees expenditures to Projected Year End amounts.						
11 GENERAL FUND						
		Revenues				
		011-0000-311.10-10	Gross Receipts .5%	4,132,100	255,528	4,387,628
		011-0000-311.10-23	GRT Hold Harmless .125%	1,033,025	91,789	1,124,814
		011-0000-311.10-25	Compensating Tax	327,551	3,949	331,500
		011-0000-311.10-26	Interstate Telecomm GRT	3,750	(52)	3,698
		011-0000-313.12-09	Gross Receipts 1.225%	10,123,645	899,527	11,023,172
		Total Revenue		15,620,071	1,250,741	16,870,812
		Expenditures				
		011-2400-419.56-29	GRT Administration Fee	254,821	45,552	300,373
		Total Expenditures		254,821	45,552	300,373
42 1984 GROSS RECEIPTS TAX FUND						
		Revenues				
		042-0000-311.10-21	Gross Receipts 1/4%	2,066,050	183,577	2,249,627
		Total Revenue		2,066,050	183,577	2,249,627
		Expenditures				
		042-0000-419.56-29	GRT Administration Fee	33,703	5,970	39,673
		Total Expenditures		33,703	5,970	39,673
44 TRANSPORTATION FUND						
		Revenues				
		044-0000-311.10-15	Muni Infrastructure GRT .0625%	516,513	45,894	562,407
		Total Revenue		516,513	45,894	562,407
		Expenditures				
		044-2400-415.56-29	GRT Administration Fee	8,426	1,493	9,919
		Total Expenditures		8,426	1,493	9,919
49 1986 GROSS RECEIPTS FUND						
		Revenues				
		049-0000-311.10-21	Gross Receipts 1/4%	2,066,050	183,577	2,249,627
		Total Revenue		2,066,050	183,577	2,249,627
		Expenditures				
		049-0000-461.56-29	GRT Administration Fee	33,703	5,970	39,673
		Total Expenditures		33,703	5,970	39,673
61 TRANSPORTATION FUND						
		Revenues				
		061-0000-311.10-15	Muni Infrastructure GRT .0625%	516,513	45,894	562,407
		Total Revenue		516,513	45,894	562,407
		Expenditures				
		061-0000-415.56-29	GRT Administration Fee	8,426	1,493	9,919
		Total Expenditures		8,426	1,493	9,919
69 1994 GROSS RECEIPTS TAX FUND						
		Revenues				
		069-0000-311.10-21	Gross Receipts 1/4%	2,066,050	183,577	2,249,627
		Total Revenue		2,066,050	183,577	2,249,627
		Expenditures				
		069-0000-415.56-29	GRT Administration Fee	33,703	5,970	39,673
		Total Expenditures		33,703	5,970	39,673
89 ESGRT .0625% FUND						
		Revenues				
		089-0000-311.10-17	Municipal ESGRT .0625%	516,513	45,894	562,407
		Total Revenue		516,513	45,894	562,407
		Expenditures				
		089-0000-415.56-29	GRT Administration Fee	8,426	1,493	9,919
		Total Expenditures		8,426	1,493	9,919
105 ECONOMIC DEVELOPMENT FUND						
		Revenues				
		105-0000-311.10-12	Economic Development .125	1,033,025	91,789	1,124,814
		Total Revenue		1,033,025	91,789	1,124,814
		Expenditures				
		105-0000-450.56-29	GRT Administration Fee	16,852	2,985	19,837
		Total Expenditures		16,852	2,985	19,837
109 STREET CAPITAL GRT						
		Revenues				
		109-0000-311.10-19	Gross Receipts 1/4% 08 STR	2,066,050	183,577	2,249,627
		109-9003-311.10-13	Gross Receipts 1/4% 04 STR PROG	2,066,050	183,577	2,249,627
		Total Revenues		4,132,100	367,154	4,499,254
		Expenditures				
		109-0000-430.56-29	GRT Administration Fee 08 STR	33,703	5,970	39,673
		109-9003-430.56-29	GRT Administration Fee 04 STR PROG	33,703	5,970	39,673
		Total Expenditures		67,406	11,940	79,346
		Revenues		28,532,885	2,398,097	30,930,982
		Expenditures		465,466	82,866	548,332
				28,998,351	2,480,963	31,479,314

REVISION #2

This budget revision is to adjust Year End Projected amounts in the Golf Course fund.

11	GENERAL				
	<i>Transfers Out</i>				
	011-0000-491.18-90	Tran to (90) Golf Course	660,000	115,000	775,000
		Total Transfers Out	660,000	115,000	775,000
90	GOLF COURSE				
	<i>Transfers in</i>				
	090-0000-391.19-11	Trans fr (11) General	660,000	115,000	775,000
		Total Transfers In	660,000	115,000	775,000
	<i>Revenues</i>				
	090-0000-314.13-78	19th. Hole Rental & Fees	850,000	92,000	942,000
	090-0000-314.13-80	Green Fees	265,000	(22,500)	242,500
	090-0000-314.13-81	Annual Passes	150,000	7,000	157,000
	090-0000-314.13-82	Driving Range	46,000	8,400	54,400
	090-0000-314.13-83	Trail Fees	32,100	4,273	36,373
	090-0000-314.13-84	Cart Rentals	200,000	(12,059)	187,941
		Total Revenue	1,543,100	77,114	1,620,214
	<i>Expenditures</i>				
	090-0001-456.57-63	Services-Golf Pro	992,000	250,000	1,242,000
		Total Expenditures	992,000	250,000	1,242,000

REVISION #3

This budget revision is to adjust Property Tax revenues and Property Tax Administration Fees expenditures to Projected Year End amounts.

11	GENERAL				
	<i>Revenues</i>				
	011-0000-311-10-01	Current Property Taxes	3,306,978	25,680	3,332,658
		Total Revenue	3,306,978	25,680	3,332,658
	<i>Expenditures</i>				
	011-2400-419.57-68	Property Tax Administration Fee	41,117	4,442	45,559
		Total Expenditures	41,117	4,442	45,559

REVISION #4

This budget revision is to adjust Abatement Recoveries revenues to the Projected Year End amount.

11	GENERAL				
	<i>Revenues</i>				
	011-0000-316.15-08	Abatement Recoveries	5,000	241,329	246,329
		Total Revenue	5,000	241,329	246,329

REVISION #5

This budget revision is to adjust Landfill Administrative Reimbursement revenues to the Projected Year End amount.

11	GENERAL				
	<i>Revenues</i>				
	011-0000-316.15-94	Landfill Reimbursement	77,309	127,469	204,778
		Total Revenue	77,309	127,469	204,778

REVISION #6

This budget revision is to adjust Gasoline Tax revenues to Projected Year End amount.

44	TRANSPORTATION				
	<i>Revenues</i>				
	044-0000-313.12-01	Gasoline Tax	476,608	71,055	547,663
		Total Revenue	476,608	71,055	547,663

REVISION #7

This budget revision is to provide funding for acquisition of right of way for the future extension of Business Center Boulevard from Airport Rd to US Hwy 70 West.

109	TRANSPORTATION				
	<i>Expenditures</i>				
	PW2300 109-8903-430.61-20	Property Acquisition	0	50,000	50,000
		Total Expenditures	0	50,000	50,000

REVISION #8

This budget revision is to account for Donations and fund the Sponsorship Appropriation account.

32	COMMUNITY SERVICES				
	<i>Revenues</i>				
	032-6106-314.13-36	Donations	10	98	108
		Total Revenue	10	98	108
	<i>Expenditures</i>				
	CS2029 032-6106-450.57-45	Sponsorship Appropriation	11,866	98	11,964
		Total Expenditures	11,866	98	11,964

REVISION #9

This budget revision is to update Debt Service budget to account for refunding of loans for Gross Receipts Tax pledged loans.

59	GRT P & I				
	<i>Expenditures</i>				
	059-0000-472.71-56	PPRF5700 Refunding 15 Principal	0	386,000	386,000
	059-0000-472.71-57	PPRF5701 Refunding 16 Principal	0	616,000	616,000
	059-0000-472.72-56	PPRF5700 Refunding 15 Interest	0	13,500	13,500
	059-0000-472.72-57	PPRF5701 Refunding 16 Interest	0	6,555	6,555
		Total Expenditures	0	1,022,055	1,022,055

REVISION #10

This budget revision is to update Debt Service budget to account for refunding of loans for Water/Sewer pledged loans.

82 JT WATER/SEWER P & I

<i>Expenditures</i>				
082-0000-472.71-58	PPRF5702 Refunding 14 Principal	0	476,000	476,000
082-0000-472.72-49	Mobile Desal Fac/NMFA #18 Interest	14,722	3,000	17,722
082-0000-472.72-58	PPRF5702 Refunding 14 Interest	0	16,585	16,585
082-0000-472.73-49	Mobile Desal Fac/NMFA #18 Fees	2,104	350	2,454
Total Expenditures		16,826	495,935	512,761

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/23/2022

Report No: 4.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, approval of the Policy for the Acceptance of Debit/Credit Cards or Electronic Transfers for Payments. *(Evelyn Huff, Finance Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the policy

Background: The New Mexico Department of Finance and Administration is requiring that all governing bodies have a policy that outlines how they will take credit card and electronic payments. This policy will govern these payments for all departments within the City that take credit/debit cards and electronic payments.



Policy for the Acceptance of Debit/Credit Cards or Electronic Transfers for Payments

Document No. _____

Section: Budget _____

Effective Date: _____

Last Review: _____

City Manager Approval: _____

Finance Dir. Approval: _____

BACKGROUND AND PURPOSE

Section 6-10-1.2 NMSA provides that a local governing body may accept payment by credit card or electronic means and may charge a convenience fee to cover the approximate costs imposed by a financial institution that are directly related to processing debit/credit card or electronic transfer transactions. The New Mexico Department of Finance and Administration requires that each entity in the state have a governing body approved policy for all such transactions.

OBJECTIVES

The objective of this policy is to provide guidance for accepting debit/credit card payments for services throughout the City of Alamogordo and to develop accounting controls that mitigate the risks of credit card fraud. It is the intention of the City of Alamogordo to develop a policy that is in line with Payment Card Industry (PCI) and National Automated Clearing House Association (NACHA) standards.

PERSONS AFFECTED

All City employees involved in processing credit card and electronic transactions and in the support of the cardholder data environment (process, review, reconcile, approve, system support, etc.) are subject to the terms of this policy.

INITIAL APPROVAL AND SET UP

1. Credit card payments and electronic transfers shall be used for the sole purpose of processing payment transactions for goods and services provided by the City of Alamogordo to the cardholder. Cash advances or any cash withdrawals are not authorized.
2. The Finance Department, with technical assistance as necessary, shall establish and maintain the protocol for electronic payment processing, including but not limited to, contracts for electronic payments, convenience fees and standard business processes and procedures.
3. The Finance Department, with assistance from the Departments, shall establish and administer contracts with vendors for the acceptance and processing of electronic payments and debit/credit card payments. These contracts can include but are not limited to merchant banking services, internet payment gateways, interactive voice response systems and third-party electronic payment processors.

4. The cost of any equipment needed to process these payments will be paid from the departmental funds of the requesting department. Technology implementation must be in accordance with the PCI Data Security Standards and approved by the IT provider to certify compliance.
5. The City of Alamogordo will not store a customer's personal financial information in a database accessible to the public. Every effort should be made to not store cardholder information in any form. Any physical access to terminals and other processing equipment should be restricted. All access to data or systems that house, process or transmit cardholder data should be restricted to trained personnel and should not allow for the ability to remove cardholder data. **Hardcopies of cardholder data WILL NOT be maintained under any circumstances.**
6. All employees involved in the processing of credit card or electronic payments and the support of the cardholder environment (process, review, reconcile, approve, system support, etc) must be trained on this policy upon hire.

CONVENIENCE AND TRANSACTION FEES

1. A convenience or transaction fee may be charged to the customer using the electronic payment option. All convenience and transaction fees must be approved by the City Manager prior to their implementation.
2. Use of a convenience or transaction fee and the methodology used in calculating it must be in accordance with the contracts the City has established with its payment vendors.
3. For fees that are collected directly by a third-party vendor, departments may take these fees into consideration when calculating their rates.
4. Departments will be required to submit a written plan to the City Manager detailing their convenience and transaction fees. Once approved, these plans will be maintained by the Finance Department to help with the reconciliation of transactions and their fees.
5. When fees are charged by the processor, departments will be responsible for paying any fees charged out of their departmental funds whether they have chosen to offset these fees or not.

PROCEDURES FOR ACCEPTING DEBIT/CREDIT CARDS AND ELECTRONIC PAYMENTS

1. **Electronic Transfers of Funds** - Electronic transfers of funds should only be done through secure third-party payment processor with whom the City has contracted. No direct transfers between customers and the City are allowed.
2. **Debit/Credit Card Payments via Phone** – Staff will be allowed to take debit/credit card payments over the phone, however the following procedures MUST be followed:
 - a. When an interactive voice response system is available, customers should be directed there in lieu of taking their information over the phone.
 - b. Any information received over the phone must be directly entered into the credit card terminal. **No credit card information may be written down at any time. Failure to abide by this will be seen as a major violation of this policy.**
 - c. If a customer wants to pay by credit card and a terminal is not available, the customer may provide their contact information for a call back when a terminal becomes available.

- d. On all payments taken over the phone, "Phone" should be written on the merchant copy of the credit card receipt and initialed by the staff member processing the transaction.
- 3. **Debit/Credit Card Payments via US Mail** – Staff will not be allowed to accept credit card information via US Mail. If staff receives a piece of mail with credit card information attached, the staff will remove and destroy the credit card information and reach out to the customer to discuss their payment options.
- 4. **Debit/Credit Card Payments via Fax or Email** – Staff will not be allowed to accept credit card information via fax or email. If staff receives an email with their card information, the information should be immediately deleted from all folders. Staff will reach out to the customer to discuss their payment options.
- 5. **Debit/Credit Card Payments in Person** – The majority of credit card payments will be made in person using third party systems or point of sale terminals.
 - a. All transactions should be processed in full view of the customer whenever possible.
 - b. Whenever possible, customers should be encouraged to insert/swipe their own cards in the POS system.
 - c. **No credit card information may be written down at any time. Failure to abide by this will be seen as a major violation of this policy.**
- 6. **Debit/Credit Card Payments over the Internet** – All credit card transactions over the internet will be made through secure systems. Security determination will be made by the IT provider based on current PCI DSS standards.

ACCOUNTING PROCEDURES

- 1. All credit card batches must be closed and reconciled daily. All merchant credit card receipts and batch reconciliation tickets should be submitted to the Finance Department daily.
- 2. For all third-party systems, reconciliation reports of credit card payments must be submitted to the Finance Department daily.
- 3. The Finance Department will do a detailed reconciliation monthly in conjunction with the bank reconciliation process. All copies will be retained for audit purposes.

Failure to comply with this policy or repeated reports of unsecured debit/credit card and electronic payment information could result in departments losing the ability to take electronic payments or debit/credit card payments.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/17/2022

Report No: 5.

Submitted By: Nancy Beshaler

Subject: Consider, and act upon, approval of an "Agreement for the Exchange of Real Estate" of the property at 200 South Florida Avenue for a 150 foot road and utility easement in Section 10, T17S R9E. *(Nancy Beshaler, Public Works Director and Petria Bengoechea, City Attorney)*

Fiscal Impact: \$48,000

Amount Budgeted: \$50,000.00

Fund: 109-8903-430.61-20

Additional Fiscal Impact:

Recommendation: Approve the "Agreement for the Exchange of Real Estate" of the property at 200 South Florida Avenue for a 150 foot road and utility easement in Section 10, T17S R9E

Background: In 2005, the City evaluated options for the extension of Reverend Martin Luther King Jr Boulevard. Several route alternatives were considered for the eastern side of the route, on the east side of US Hwy 54 S. In this proposed "Agreement for the Exchange of Real Estate", the City will exchange the parcel at 200 South Florida Avenue for a 150' wide taking from Airport Road extending to US Hwy 70 West, which will allow for construction of a new road connecting Business Center Boulevard (previously Reverend Martin Luther King Jr Boulevard), which is the western portion of this roadway evaluated in 2005. This property belongs to Mr. Michael Shyne.

The acreage of the new roadway right of way is 16.283 acres, which the April 2022 appraisal valued at \$132,000. The property at 200 S. Florida Avenue is 2.42 acres, appraised at \$85,000. The City will pay the balance of \$47,000 to Mr. Shyne to accomplish an even exchange.

Agreement for the Exchange of Real Estate

Alamogordo, NM, June 15, 2022

1. This is an Agreement between the parties designated below, wherein for their mutual benefit, they agree to exchange between them the real estate described below.
2. The "First Party" in this Agreement is The City of Alamogordo, a New Mexico Municipal Corporation. The "Second Party" in this Agreement is C. Michael Shyne, a married man dealing with his sole and separate property.
3. First Party hereby offers and agrees to convey and exchange to Second Party all of First Party's right, title and interest in and to the following described real estate:

A 2.42-acre tract of land located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 16 South, Range 10 East, New Mexico Prime Meridian, Otero County, New Mexico.

Starting at the Northeast corner of Section 30 of T16S, R10E, NMPM, and going S 00° 03' E a distance of 523.75 feet to a point; Thence North 89° 51' W a distance of 30.00 feet to the point of beginning of the tract of land herein described.

Thence S 00° 03' E a distance of 143.08 feet to a point; Thence S 57° 08' W a distance of 80.17 feet to a point; Thence S 34° 21' W a distance of 447.13 feet to a point; Thence N 00° 03' W a distance of 405.43 feet to a point; Thence N 89° 51' W a distance of 8.00 feet to a point; Thence N 00° 03' W a distance of 45.00 feet to a point; Thence S 89° 51' E a distance of 8.00 feet to a point; Thence N 00° 03' W a distance of 106.15 feet to a point; Thence S 89° 51' E a distance of 320.00 feet to the point of beginning of the tract of land herein described, and containing 2.42 acres.

Also known as 200 South Florida Avenue, Alamogordo, NM.

SUBJECT TO: easements, conditions, covenants, restrictions, reservations and rights of record or in open use across the property.

Second Party hereby offers and agrees to convey and exchange to First Party all of Second Party's right, title and interest in and to the following described real estate:

A 150 FOOT ROAD AND UTILITY EASEMENT IN SECTION 10, T17S, R9E, NMPM, LYING 75 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

STARTING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 10 AND GOING S00°09'43"E ALONG THE EAST LINE OF SAID SECTION 10 A DISTANCE OF 325.00 FEET TO THE PLACE OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE S89°47'31"W ALONG SAID CENTERLINE A DISTANCE OF 2941.88 FEET; THENCE ALONG SAID CENTERLINE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE CENTRAL ANGLE IS 64°41'29" AND WHOSE RADIUS IS 1200.00 FEET AND WHOSE CHORD BEARS N57°51'44"W AN ARC DISTANCE OF 1354.89 FEET ; THENCE N25°31'00"W ALONG SAID CENTERLINE A DISTANCE OF 431.88 FEET TO THE END OF SAID CENTERLINE A POINT ON THE SOUTH RIGHT- OF-WAY LINE OF U.S. HIGHWAY 70 FROM WHICH THE WEST ONE- QUARTER CORNER OF SAID SECTION 10 BEARS S56°34'10"W A DISTANCE OF 1373.32 FEET.

Being that length of Business Center Boulevard (formerly Martin Luther King Jr. Boulevard) extending west from Airport Road to US Highway 70 West, in Alamogordo, NM.

SUBJECT TO: existing utility lines, easements, conditions, covenants, restrictions, reservations and rights of record or in open use across the property.

4. First Party's real estate has been appraised by C. Mark Beatty, MAI, dba NM Appraisal Company, 508 Mechem Dr. Ste. E, Ruidoso, NM 88345 as of April 25, 2022, for a market value of \$85,000.

Second Party's real estate has been appraised by C. Mark Beatty, MAI, dba NM Appraisal Company, 508 Mechem Dr. Ste. E, Ruidoso, NM 88345 as of April 25, 2022, for a market value of \$132,000.

5. The Difference in Value of the exchange property, described above, is \$47,000.
6. First Party hereby agrees to convey and exchange its real estate plus the Difference in Value to Second Party for Second Party's real estate; Second Party hereby agrees to convey and exchange his real estate to First Party for First Party's real estate and the Difference in Value.
7. By closing this transaction, each Party accepts the real estate received in "as-is with all faults" condition. Each Party agrees that its opinion of the condition of the real estate received, the value of the real estate received and the suitability of the real estate received for the Receiving Party's intended purpose are based exclusively on that Party's own independent examination and appraisal, holding the conveying party harmless thereon. The Receiving Party also warrants that, at its option, it has completed an environmental review of the real estate it will receive, on its own, to its own satisfaction, or waives such review, and accepts receipt of its exchange real estate "as-is with all faults," covenanting hereby to hold the conveying party harmless thereon and to indemnify the conveying party from any claims thereafter.
8. No material change shall have occurred, prior to Closing, with respect to either property, that has not been approved in writing by the receiving party.
9. With the exception of the Otero County Detention Center property, Second Party owns all of the real estate adjoining the roadway and utility easement the Second party is conveying to the First Party in this Agreement. As a condition to this Agreement, First Party agrees not to utilize any form of property taxation or assessment of the adjoining real estate to pay for the construction, installation, expansion, repair, maintenance or otherwise of the roadway and utility lines within this roadway and utility easement, for a period of twenty five (25) years after closing of this transaction. All of the terms and conditions of this Paragraph 9 shall survive the closing of this transaction and shall be incorporated into the easement conveyed from the Second Party, and shall be acknowledged by the First Party.
10. Subject to the conditions of this Agreement and upon full compliance of this Agreement, First Party and Second Party shall each convey title of their real estate to the other party by easement or Statutory General Warranty Deed, and such conveyance of title shall be subject to easements, conditions, covenants, restrictions, reservations and rights of record or in open use across the property and zoning ordinances. Such conveyances shall include all of the Grantors interest in easements, access rights and rights of any nature now or hereafter belonging to the property.
11. All charges related to each property shall be paid by the Grantor of that property through the date of Closing. It is agreed that closing costs in connection with this transaction are to be paid as follows: First Party shall pay for Title Commitment Fee and Owner's Title Insurance Policy premium covering the property value of \$85,000. Second Party shall pay for Title Commitment Fee and Owner's Title Insurance Policy premium covering the property value of \$132,000. All other closing and recording fees shall be split equally between First Party and Second Party. Closing of this transaction shall take place at Pioneer Title Escrow Service.

12. Property taxes on Second Party's real estate shall be prorated through date of closing. First Party's real estate does not accrue property taxes because First Party is a municipality. The Second party's real estate is an easement which is not taxed by Otero County.
13. Each party agrees to give possession of its real estate to the other party upon closing. Closing of this Exchange shall take place after First Party, a municipality in the State of New Mexico, has completed all legal requirements necessary for a Municipality to buy or sell land in the State of New Mexico.
14. Notwithstanding any provision of law or equity to the contrary, all claims upon this Agreement or the transaction it evidences shall be brought not later than the applicable statute of limitations for such claim, after which the same shall be deemed waived, discharged and forever barred without exception.
15. Second Party is a New Mexico Licensed Real Estate Broker acting on his own account. No real estate commission is involved in this transaction.
16. The known history of the use of the First Party's real estate was for the construction of a building for the operation of a blue jean manufacturing plant, approximately 1972, after which the building was used for an automobile wiring harness assembly plant and then for a bowling alley. The building on this property was demolished in 2018. The known historical use of the Second Party's property has been vacant land, at one time grazed by cattle, until the Otero County Detention Center was constructed on adjoining land, after which time this property has been used as a private road and utility easement serving such facility.
17. At each party's expense, within 10 (ten) business days after the final execution of this Agreement, each party shall have a Commitment of Issue Title Insurance sent to the other party, along with copies of all documentation listed as exceptions. Delivery of the Title Commitment by email is acceptable to the parties, with telephone confirmation of receipt of such email. At Closing, the title company shall issue to each party a standard New Mexico form Owner's Title Insurance Policy, effective as of the closing date, in the amounts described above, insuring title to the property vested in each party. Each Grantor shall pay its premium for the Standard New Mexico Form Owner's Title Insurance Policy. The receiving party shall pay the premium for all endorsements, deletions or modifications of the policy and/or extended coverages to the Policy required by the receiving party. In the event of any defects in the title to either property, making same unmerchantable, 90 (ninety) days from and after the contemplated closing date shall be allowed to correct same and if not corrected by said date, this Agreement may, at the option of the party receiving the property with said unmerchantable title, be renegotiated between the parties within 15 (fifteen) business days. If not renegotiated within said 15 (fifteen) days, this Agreement will become null and void.
18. The real estate of the First Party is in Flood Boundary Zone AH and Flood Boundary Zone X, and the real estate of the Second Party is in Flood Boundary Zone AH and Flood Boundary Zone X, as shown by FEMA Flood Insurance Rate Maps for Otero County, NM, dated December 17, 2010.
19. Except for delivery of the Commitment to Issue Title Insurance, facsimile and email communications shall not be used for notices which are called for in this Agreement. This Agreement is governed by the laws of the State of New Mexico.
20. This Instrument comprises the entire understanding of this agreement between the First Party and the Second Party on the subject matter herein contained and shall be binding upon and inure to the benefit of the First Party and the Second Party, their heirs, executors, administrators, successors and assigns. The parties to this Agreement affirm that the terms and provision of this Agreement accurately describe their intent. This Agreement may be executed in counterparts, all of which constitute the total document.

First Party: THE CITY OF ALAMOGORDO, NM
A New Mexico Municipal Corporation

By: _____
Susan L. Payne, Mayor

Date: _____

Attest:

Rachel Hughes, Alamogordo City Clerk

Approved as to form:

Petria Bengoechea, City Attorney

Contact Person: Brian Cesar, City Manager
1376 E. Ninth St.
Alamogordo, NM 88310
Phone: 575-439-4203
Email: BCesar@ci.alamogordo.nm.us

Second Party:

 Date: 6/16/2022
C. Michael Shyne, a married man dealing with his sole and separate property

P.O. Box 1705
500 10th St. Ste. 301
Alamogordo, NM 88311-1705
575-437-0220 – Office
575-405-0911 – Cell
C3@tularosa.net

Assessor's Plat:





AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/16/2022

Report No: 6.

Submitted By: Dylan Aleshire

Subject: Consider, and act upon, the placement of a new "Resident Parking Only" sign for a home located at 907 7th Street. *(Dylan Aleshire, Deputy City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the placement of one sign at the above-listed property upon the applicant's payment of \$100.00.

Background: Pursuant to Section 24-13-010 (b) of the Alamogordo Code of Ordinances, no residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.

Mr. Cesar Gutierrez is requesting one (1) Resident Parking Only sign for his home at 907 7th Street. This property is within 500' of St. Frances Cabrini Catholic School.



City of
ALAMOGORDO

RECEIVED
JUN 14 2022
CITY CLERK

APPLICATION FOR "RESIDENT PARKING ONLY" SIGN

Name: Cesar Gutierrez
Phone: (575) 808-9445 Email: Cesardg210@gmail.com
Address Where Sign is Requested: 907 7th St
Alamogordo, NM 88310

CG I understand that if approved by the City Commission, I will have to pay a
Initial \$100 fee (per sign) to cover the cost of the sign and installation.

Pursuant to Section 24-13-010 of the *Alamogordo Code of Ordinances*, no residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.

List the reason(s) for your request (please *PRINT* and be as detailed as possible):

I live at 907 7th St Alamogordo approximately
100 yards from St. Frances Catholic school, at
1000 8th St Alamogordo, and approximately 300
yards from the north side of Alamogordo High school
Football stadium. For these reasons people utilize
parking in front of my property, at times blocking my
drive way. Request a no parking sign

Cesar Gutierrez
Applicant's Signature

6-14-22
Date

For Office Use Only:

City Commission Meeting Date: _____

____ APPROVED ____ DENIED Vote: _____

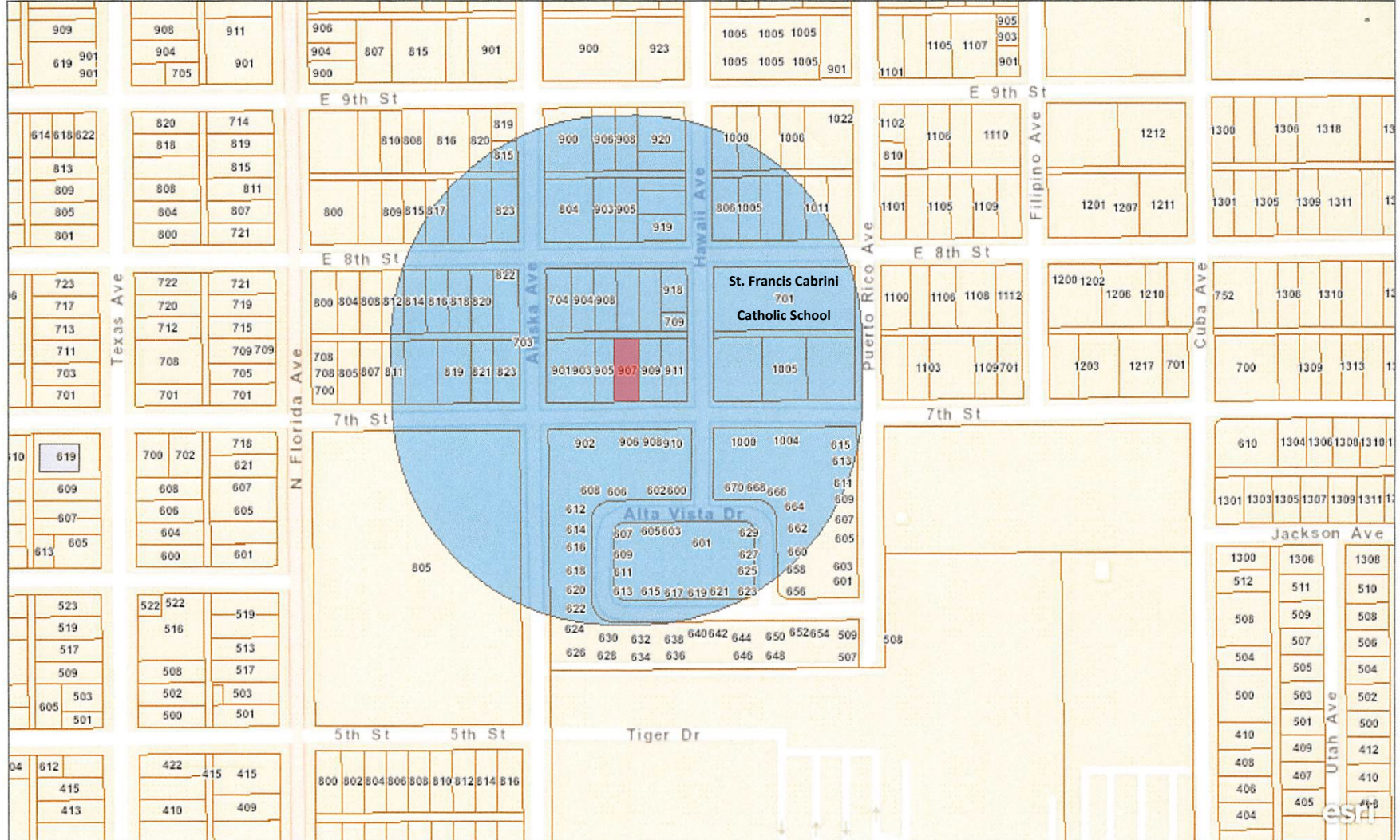
Date Applicant Notified: _____

Payment Date & Receipt No.: _____ AR Code: SX

Date Work Order Requested: _____

907 7TH STREET

Residence 500' Radius



Map used to create Protest Area Map for Planning & Zoning Department

300ft

Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS | Esri, HERE | City of Alamogordo GIS

24-13. - PARKING

24-13-010. - Residential parking restricted.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with this section or the directions of a police officer or official traffic-control device, no person shall stop, stand or park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, at any place where an official sign reads "Residential Parking Only," and along the curb within ten feet of either side of such sign, unless given permission by the resident living directly behind the sign. Except upon the conditions listed in this section, it shall be unlawful to place a vehicle, occupied or not, along the curb within ten feet of a "Designated Mobility Disabled Resident Parking Only" sign unless the vehicle has the requisite handicapped placard and the resident living directly behind the sign has given permission for the vehicle to occupy the space. A citation for violation of this section shall be written only upon complaint of such resident.
- (b) The determination to post a residence with "Residential Parking Only" signs shall be made by the city commission, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant. No residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.
- (c) A fee of one hundred dollars (\$100.00) shall be paid to the city treasurer upon approval of each application.
- (d) The determination to post a residence with "Designated Mobility Disabled Resident Parking Only" signs shall be made administratively by a designee of the city manager, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant.
- (e) At the first meeting in January each year, city manager shall prepare a list of the locations of all "Residential Parking Only" signs and all "Designated Mobility Disability Resident Parking Only" signs in the city. The city manager shall recommend continuance or discontinuance of each location; if discontinuance is recommended, the resident(s) shall be notified by first class mail not less than seven (7) days before the meeting. The commission shall direct the discontinuance and removal of signs at any location deemed advisable.
- (f) The city manager shall have the authority to direct the removal of "Residential Parking Only" or "Designated Mobility Disabled Resident Parking Only" signs at any location not identified on the list of such signs approved by the city commission.
- (g) Existing signs with wording approved under previous versions of this section remain effective and enforceable, but shall not be replaced except with signs containing the currently approved wording.

(Ord. No. [1567](#), 5-29-18)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/21/2022

Report No: 7.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, approval of Resolution No. 2022-31, expressing continued support of Alamogordo MainStreet, along with acceptance of new MOU from New Mexico MainStreet and agreement with Alamogordo MainStreet. (*Debbie Osborne, Grant Coordinator*) **(Roll Call Vote Required)**

Fiscal Impact: \$40,000

Amount Budgeted: \$40,000

Fund: 011

Additional Fiscal Impact: No additional fiscal impact.

Recommendation: Approve and adopt Resolution No. 2022-31 and accept NM MainStreet MOU and Alamogordo MainStreet agreement for FY23.

Background: The current Memorandum of Understanding between New Mexico MainStreet Program, the City of Alamogordo and Alamogordo MainStreet will expire on June 30, 2022. We have received a new MOU from New Mexico MainStreet, for the period July 1, 2022 - June 30, 2024, and a FY23 agreement between the City and Alamogordo MainStreet affirming our continued support and funding commitment. New Mexico MainStreet requires Commission approval of a Resolution of the City's continued financial support to Alamogordo MainStreet.



JUNE 2022 ORGANIZATION UPDATE

Nolan Ojeda, Executive Director



BENEFITS OF AMS SINCE 2015

Private Sector Reinvestment: \$4,234,778

Private Building Renovations: 73

Net New Business and Business Expansion: 48

Net New Jobs Created: 90

Volunteer Hours: 7,342 = ~\$209,442.21*

*Value of Volunteer Hours based on Independent Sector Estimates for New Mexico

CURRENT BOARD OF DIRECTORS ROSTER

PRESIDENT

Claudia Loya

Elite Memories

VICE PRESIDENT

Aileen Carroll

French Brothers

SECRETARY

Melissa Wilde

Holloman Air Force Base

TREASURER

Claudia Powell

Welcome Home Realty

James St. Laurent

Holloman Air Force Base

Maggie Nowell

Blush Beauty Bar

Cindy Boylan

Welcome Home Realty

Cindy Stong

*The Flickinger Center for
Performing Arts*

WHAT WE'VE DONE RECENTLY

- **Technical Assistance**

- 2020 - \$60,572.25, 2021 - \$25,444.77

- **Great Blocks Design**

- NMMS Capital Outlay - \$100,000
- NMMS Capital Outlay Projected - ~\$1.9M

- **Over \$15K Raised**

- **8 New Businesses**

- **Over \$3M Private Investment**

- **Across 10th St. Signature Events**

- ~7000 people in attendance between Atomicon and Christmas on MainStreet

- **Expand Creative Economy**

- **Organization Restructure**

- **Monthly Public Open Chats**

- **Over 2500 Volunteer Hrs**

2022 – Downtown Additions

- The Local Bodega
- Pins and Needles
- New York Ave Art and Music Studio
- Kaias Fitness Studio
- Copper Rose Hair Salon
- Namaste
- Vdex Diabetes
- ANVOI Hospice Care



2022 UPCOMING EVENTS



WHAT WE DO!

“MainStreet is doing a phenomenal job putting themselves back out there as a resource for all the downtown merchants. We are excited about the progress they can bring with their renewed momentum.”

- Ms. Alice, Victoria (June 2022)

ECONOMIC TRANSFORMATION STRATEGIES (ETS)

- 1. Improve and enhance the visual and functional connectivity of the MainStreet district across 10th Street.**
- 2. Retain and strengthen existing small businesses, incubate new entrepreneurial ventures, and rehabilitate traditional commercial buildings.**

ETS 1 (IMPROVE CONNECTIVITY) INITIATIVES FY23

- ❑ Establish a State-Authorized Arts and Culture District downtown.
- ❑ Create a wayfinding map.
- ❑ Create business directory signage at the intersection of 10th Street and New York Avenue.
- ❑ Develop promotion program for promoting business on the north and south side of the district.
- ❑ Brand the entire district, creating a visual unity between north and south sides of the district.
- ❑ Host signature events that span across 10th Street on New York Avenue.
- ❑ Flashing signs at 10th St and New York Ave intersection.
- ❑ Create a branded image and theme for the downtown district, with assistance from the Façade Squad to integrate and update buildings to create a cohesive look.
- ❑ Research potential grants and avenues of funding to help facilitate 10th Street and New York Avenue intersection reconstruction.
- ❑ Seek technical specialist's input on the development of a district promotion program.

ETS 2 (BUSINESS SUPPORT) INITIATIVES FY23

- ❑ Support the City efforts to develop/enforce building standards for property owners, particularly blighted properties.
- ❑ Intentionally seek economic development grants/private investment for aging and outdated buildings in the district.
- ❑ Create a social media marketing campaign that showcases individual business owners.
- ❑ Create a Small Projects Committee for small-scale improvement projects downtown.
- ❑ Create several mural project committees.
- ❑ Work with the City Planner to mitigate business and public concerns around parking and traffic flow during the Great Blocks project.
- ❑ Help to facilitate downtown business owner and public driven events in the downtown district.
- ❑ Work on the creation of a multi-day intensive marketing workshop with technical specialists, marketed both within and outside of the district as a resource for existing and aspiring entrepreneurs.
- ❑ Continue to hold monthly Open Chats with the district businesses, open to the public, to brainstorm ideas and help facilitate in the promotion of events, sales, etc. by AMS.

Capacity-Building Strategy

Continually strive to develop organizational skills, consistent goals/strategies with full attention focused on defined aspirations and culture in order to remain coordinated with MainStreet's Four-Point Approach while keeping the organization aligned with Alamogordo's historic downtown and stakeholder's best interests.

CAPACITY BUILDING STRATEGY INITIATIVES FY23

- Work with NMMS to create an Economic Vitality training program for the entirety of the AMS board.
- Formalize a definitive and structured Fundraising Committee to develop a specific annual fundraising schedule, initiatives, and action plan.
- Bi-Annual Bylaw review by Executive Officers.
- Develop structured operating procedures and policies for all aspects of board and organizational operation.
- Formalize the board member and volunteer application process.
- Request NMMS assistance with the re-branding and possible re-design of AMS.
- Work with the New Mexico Tourism Department for market research data to ensure a full scope understanding of the district's operation, health, and role in bringing tourism revenue to Alamogordo.
- Intentionally build relationships with investors as well as volunteers through the creation of a Fundraising Committee as well as a Volunteer Coordinator.
- Partner with local tourism destinations, NMMS specialists, and New Mexico Tourism Department to improve and expand the promotion of Alamogordo MainStreet.

CHALLENGES

- **Construction/Construction mitigation for Great Blocks**
- **AVIS Building**
- **Private investment/incentives needed to improve bldg storefronts**
- **10th and New York Ave street crossing**



QUESTIONS? How else can we help or inform?



RESOLUTION NO. 2022-31

WHEREAS, the City of Alamogordo supports the revitalization and economic re-development of its historic commercial core; and,

WHEREAS, the City desires to continue development of the economically vital and vibrant town center for its residents, visitors and tourists; and,

WHEREAS, the City sees the economic health of downtown as one of its critical assets; and,

WHEREAS, it is realized that a sustainable town center economy contributes to the community's economic health; and,

WHEREAS, it is recognized our downtown and town center are a traditional commercial core representing our unique history and culture; and,

WHEREAS, the City wishes to continue to develop a livable, walkable town center with opportunities to shop, work, live and discover recreational, cultural and heritage opportunities; and,

WHEREAS, the City of Alamogordo wishes to continue a partnership with Alamogordo MainStreet, the non- profit economic re-development organization through the NM Economic Development Department's New Mexico MainStreet Program (NMMS), to invest in enhancing the quality of life for the community's citizens via the implementation of asset-based economic development strategies under the Main Street Four Points Approach®, and

WHEREAS, the City of Alamogordo's partnership with Alamogordo MainStreet corporation may leverage technical assistance and other resources through the New Mexico NMMS to support the economic re-development and revitalization of the Alamogordo MainStreet district, then

NOW BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF ALAMOGORDO, NEW MEXICO that,

1. The City of agrees to continue to work with the New Mexico Economic Development Department's New Mexico MainStreet Program dedicating resources and financial support to create a successful downtown economic development program through strategies established by the National Main Street Center's Economic Transformation Strategies and the Main Street Four-Point Approach®.

2. The City of Alamogordo commits to continue to work collaboratively with the Alamogordo MainStreet Organization and the New Mexico Economic Development Department's MainStreet Program to meet the standards and principles of revitalizing

and re-developing the core commercial district of the community, contracting with the local MainStreet organization to coordinate and administer activities for the City of Alamogordo as set forth in biennial MOU and a separate "services contract" with the local MainStreet organization.

3. The City of Alamogordo commits to continue to provide philosophical, financial, planning and coordination assistance for the Alamogordo MainStreet organization to support operations and projects under the specifications of the biennial MOU and a separate "services contract" with Alamogordo MainStreet organization.

4. The term of this Resolution shall be deemed effective for a 2-year period commencing on July 1, 2022.

PASSED, APPROVED, AND ADOPTED this _____ of _____ 2022.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

By: _____
Susan Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney



NEW MEXICO MAINSTREET

ENGAGE PEOPLE • REBUILD PLACES
REVITALIZE ECONOMIES

Biennial Memorandum of Understanding (MOU)

July 1, 2022 – June 30, 2024

Between

**New Mexico MainStreet Program,
The City of Alamogordo and Alamogordo MainStreet**

The State of New Mexico's Economic Development Department seeks to increase the number of jobs and businesses, sustain and expand existing businesses, mitigate commercial leakage, support local entrepreneurs in start-ups, and improve property values within traditional and historic commercial districts. To that end, it has dedicated resources, professional assistance, and services to partnering municipalities and a local nonprofit organization representing stakeholders within the designated commercial district through the New Mexico MainStreet (NMMS), New Mexico Arts & Cultural Districts (ACD), Frontier and Native American Communities (FNAC) Initiative, and Urban Neighborhood Commercial Corridors (UNCC) Initiative programs. The partners of this MOU agree to dedicate collaborative resources, adopt local economic growth and revitalization tools, and establish economic development funding for operations and program implementation to restore economic vitality within the MainStreet economic redevelopment district.

New Mexico MainStreet (NMMS) is a designated "Main Street America" State Coordinating Program. Main Street America (MSA) is a program of the nonprofit National Main Street Center, Inc. (NMSC), a subsidiary of the National Trust for Historic Preservation. The New Mexico Economic Development Department (NMEDD) is licensed and accredited annually to administer the NMSC's *Main Street Approach*™ to downtown revitalization. It does this through the development of "Economic Transformation Strategies" that are implemented through comprehensive work in four broad areas known as the **Four Points**: *Economic Vitality, Design, Promotion, and Organization*.

Through the execution of this biennial MOU, the New Mexico MainStreet program establishes an economic development partnership program with local, eligible communities. The NMEDD, by New Mexico State Statute (New Mexico MainStreet Act 3-60B-1 to 3-60B-4 NMSA 1978, as amended 2013, and the Arts and Cultural District Act 2007), is authorized to select local partners to participate in the New Mexico MainStreet's program based on the standards and principles set forth by the MSA/NMSC and when legislative appropriation allows. Local partners (the local revitalization organization and the local governing body), join their resources (human, social and financial) to directly support the economic development of the district.

As a Main Street America State Coordinating Program, NMMS provides local MainStreet organizations and their local government partners with resources, training, and technical services that enhance local culture and heritage, and build the economic vitality of each participating community's downtown, village plaza, town center, courthouse square, historic commercial corridor, or traditional neighborhood central business district.

The local government partner (municipal, county or tribal government) financially supports the work of a community economic development partnership within the dedicated MainStreet district for both operations and program implementation through a service contract with the local, state-designated MainStreet organization. Since the NMMS program and its designation of local partners are established by state statute, and with the understanding that the service contract binds the local MainStreet organization to the implementation of economic development projects which have a fair-market value in exchange for funds received, local government partners remain in compliance with the anti-donation clause of the New Mexico Constitution.

The local MainStreet organization is an economic development organization comprised of downtown stakeholders, whose programs, projects, and activities enhance the local downtown economy and contribute to the quality of life of its citizens. The organization builds local partnerships to leverage resources and buy-in for the revitalization of the district.

This MOU commits partners to the criteria defined in New Mexico MainStreet Program Guidelines (Attachment 1).

This MOU covers a period of two (2) years beginning July 1, 2022. Once fully executed by all parties on the signature page below, it replaces any previous Letters of Agreement (LOA) or MOU related to the NMMS program of the NMEDD.

I. PARTICIPATION AND COMMITMENT UNDER THIS MEMORANDUM OF UNDERSTANDING

The local Governing body of the City of Alamogordo and Alamogordo MainStreet agree to abide by the eligibility and participation requirements as set forth below. The local governing body's official representative and the steering committee or Board of the local MainStreet organization have read and understand the Accreditation requirements of the NMMS Program and the MSA "Accreditation Standards" as set forth in Attachment 1.

II. REQUIREMENTS OF THE LOCAL MAINSTREET ORGANIZATION – ALAMOGORDO MAINSTREET

- A. Provide community economic growth revitalization services to the property and business owners and residents of the district through the Main Street Approach™, and in alignment with the guidelines of the MSA/NMSC.
- B. The organization and local government partner has a fully executed Memorandum of Understanding (MOU) with the Economic Development Department.
- C. The organization has a separate annual contract of services with the local government partner(s) (municipality, county, and/or tribal government) to implement community economic development initiatives within the designated MainStreet and/or Arts & Cultural District. The organization must supply NMMS with a copy of the executed agreement annually.
- D. Work with the local government partner(s) (municipal, county, or tribal government) to ensure that appropriate financial revitalization tools, created through state statute for economic development (inclusive of any statutory changes), are adopted by the local government partner for the MainStreet District. These tools may include the Local Economic Development Act (LEDA), a Metropolitan Redevelopment Area (MRA), District Master Plan, and/or Cultural Economic Development Plan, and related finance mechanisms, such as Tax Increment Finance District (TIF), a Tax Increment Development District (TIDD) and/or a Business Improvement District (BID).
- E. Maintain compliance with all annual nonprofit registration and reporting requirements of the New Mexico Secretary of State's Corporations Bureau, the New Mexico Attorney General's Office (Charitable Organizations Division) and Internal Revenue Service (IRS). The organization files all compliance and related documents to the NMMS Digital Dashboard.
- F. In partnership with the local government partner(s), maintains the minimum required operating budget relevant to the size of the community, neighborhood or district served (Attachment 1, Table 1).
- G. If established as an independent nonprofit corporation, the organization must have a Board of Directors with oversight of the organization's performance.

- 1) The Board of Directors agrees to raise matching funds for operations per the specifications (Attachment 1, Table 1)
 - 2) The organization must maintain an adequate budget to support training for staff and Board members in nonprofit management and leadership and ensure Board attendance requirements are met.
- H. Establish three (3) NMMS approved Economic Transformation Strategies (ETS) based on adopted economic development plans for the district, implement the work of the Main Street Four-Point Approach®, and provide evidence of annual progress towards implementation.
- 1) One (1) of the three (3) ETS's should be dedicated to organizational capacity-building activities that directly relates to programs/districts specific economic development goals.
 - 2) The organization is required to have a written work plan adopted by the Board of Directors that reflects projects and activities that utilize each of the Four Points towards realization of outcomes of the three (3) Economic Transformation Strategies.
- I. Adopt and abide by the following organizational policies as recommended by the IRS and the New Mexico Attorney General's office:
- 1) Conflict of Interest policy: All members of the Board of Directors or Steering Committee must sign a Conflict of Interest Disclosure statement in accordance with the adopted Conflict of Interest policy,
 - 2) Records and Retention and Destruction policy,
 - 3) Whistleblower Protections policy,
 - 4) Fiscal Controls/Financial Management policy, and
 - 5) Non-discrimination policy.
- J. Upon revision to the local MainStreet organization's operational bylaws and/or amendment of its Articles of Incorporation, the local organization will provide NMMS with updated copies.
- K. Hire an Executive Director to oversee day-to-day operations of the nonprofit (see Attachment 1, Table 1), to provide outreach and support to the MainStreet District's constituents, attend required meetings and trainings and support the Board and its committees in implementing the goals, projects, and activities outlined in Board-adopted ETS's.
- 1) The Board of Directors provides the Executive Director with a written job description; an appropriate annual staff work plan based on the organization's annual work plan; and at minimum an annual job performance review.
 - 2) The Board of Directors ensures the Executive Director has an office equipped to conduct the work of the program.
 - 3) The Board of Directors maintains adequate funding for the Executive Director's expenses in building skills knowledge and expertise to assist the organization through the trainings and programs offered by NMMS and Main Street America.
- L. Meet all MSA Accreditation Standards needed to maintain status as a Main Street America Affiliate or Accredited program. Provide evidence of annual compliance with all programmatic requirements of the NMMS program including legal compliance documents, annual work plans, operating budgets, assessment surveys, progress reporting and adoption of required policies.
- M. Meet all requirements for reporting NMMS reinvestment statistics.
- 1) The organization agrees to submit Quarterly Reports to NMMS as established by the state legislature, tracking performance measures for the program. Reports are submitted according to the following schedule:
 1. The First Quarter Report, July 1 through September 30 is due October 10.
 2. The Second Quarter Report, Oct 1 through December 31 is due January 10

3. The Third Quarter Report, January 1 through March 31 is due April 10
 4. The Fourth Quarter Report, April 1 through June 30 is due July 10.
- 2) The organization ensures the timely filing of all other reports and surveys required by the NMSC, the State Legislature, the NMEDD, and, where applicable, municipal and governmental partners.
- N. Staff and Board members must participate in an annual NMMS assessment to review organization and staff performance.
 - O. Notify NMMS of any changes to contact information for the local program office, Executive Director, Board President, Board Members and Committee Chairs.

III. REQUIREMENTS OF THE LOCAL GOVERNMENT PARTNER – CITY OF ALAMOGORDO

The Main Street Approach™ offers community-based revitalization initiatives with a practical, adaptable framework for downtown transformation that is easily tailored to local conditions. The Main Street Approach helps communities get started with revitalization and grows with them over time but also requires a cooperative, working partnership of the public and private sectors to succeed.

With the execution of this MOU, the NMMS program requires each local MainStreet program to have in place a resolution of financial support adopted by the local government stating its support and funding commitment to the local MainStreet organization. A copy the annual scope of services agreement or service contract should be delivered to the NMMS office as a condition of receiving services or funding from NMMS. Failure to adopt such resolution of financial support, or to provide the required financial resources, may result in the suspension of the services provided by NMMS and designation of the local organization as "inactive."

- A. NMMS requires the local government partner to enter into an annual service contract (or similar procurement mechanism in accordance with local policies and standards) for such financial support based on the adopted District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan and the ETS, with the local MainStreet organization. Contracts should specify the commitment of resources in accordance with the *New Mexico MainStreet Program Guidelines* (minimum funding contributions by the local government partner are described in Attachment 1, Table 1) and shall include deliverables and/or services relevant to the revitalization of the downtown MainStreet District and/or Arts & Cultural District under the specifications of an adopted Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan for the District(s) and in alignment with the local MainStreet programs selected ETS's.
- B. Coordinate planning and implementation of revitalization projects through designated/appointed liaisons (local government Manager, Administrator, or Planning Director).
- C. Where applicable, adopt appropriate ordinances, tools (LEDA, etc.), plans (District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan) and include projects on local Infrastructure Capital Improvement Plans (ICIP) to support the district revitalization. The local government partner will dedicate economic development funding to priority economic development projects identified in adopted ordinances, tools, and plans, and agrees to administer state and federal funds with the MainStreet organization partner.
- D. Partner in public infrastructure reinvestment in the district by administering funds in a timely manner, coordinating projects, and managing capital outlay or other state or federal funds dedicated to revitalization projects.
- E. Assist the MainStreet and/or Arts & Cultural District organization, where applicable, with collection and dissemination of relevant information, plans and statistics that support the district economic revitalization or reporting to the New Mexico State Legislature through the NMMS program.

IV. REQUIREMENTS OF THE NEW MEXICO MAINSTREET PROGRAM

NMMS, in consideration of financial resources established annually through the New Mexico State Legislature, will provide the following services to designated MainStreet communities (inclusive of the local government partner, local MainStreet organization, and businesses/property owners within the MainStreet district):

- A. Through its staff or contractors, provide technical assistance relevant to the *Main Street Approach*™ and other commercial district economic growth, revitalization, and management topics. Each local organization may request services from NMMS, through submission of a Service Request Form to the NMMS Director.
- B. Provide trainings, institutes, workshops, and conferences to support the community revitalization work of organizations and local government partners, and the professional development of local MainStreet Executive Directors and Board Members, including Executive Director State-Certification.
- C. Conduct an annual Accreditation Review of the local MainStreet organization, a comprehensive assessment of the program's accomplishments under the *Main Street Approach*™ with recommendations required of the organization as a State-Designated Revitalization Partner.
- D. Seek, manage and coordinate public resources (capital outlay, public infrastructure or other state/federal funds) and partnership grants for the implementation of local revitalization projects.
- E. Supplies Main Street America network membership dues and discounted registration fees for trainings, institutes, workshops, and conferences, as funding is available.

V. SUBLICENSES

Designated Main Street America Affiliate and Accredited Programs must sign an annual sublicensing agreement established by Main Street America and implemented through the NMMS State Coordinating Program. The sublicensing agreements establish guidelines for participation and use of Main Street America Logos and Branding.

VI. MAIN STREET AMERICA ACCREDITATION

Consideration for Accreditation by Main Street America (MSA) applies only to organizations that implement their Economic Transformation Strategies, track and fulfill performance measures, and meet the Standards of Performance established by MSA (Attachment 1, Section IV, C).

VII. NONCOMPLIANCE

An organization that is unable to meet its programs requirements, especially organizations with minimum budget and staff salaries, does not maintain its agreements with local government, or does not follow the *Main Street Approach*™ may be re-designated and NMMS services may be suspended. The Economic Development Department may also notify programs of termination of the MOU at the New Mexico MainStreet Director's recommendation. Upon cancellation of the MOU, NMMS will no longer provide services to the organization and local government partner and they will be ineligible to apply for NMMS funding opportunities. The organization may be further prohibited from using the Main Street America name, a trademark of the National Main Street Center, Inc. Inactive programs must reapply to NMMS for designation through the NMMS Accelerator Process.

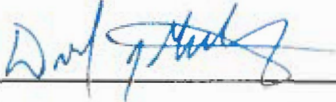
VIII. AGREEMENT

The parties hereunder do mutually agree that they have read and fully understand the obligations and responsibilities in operating as a partner with the New Mexico Economic Development Department's New Mexico MainStreet program as a MainStreet and/or Arts & Cultural District as stated herein and in Attachment 1 (*New Mexico MainStreet Program Guidelines*) accompanying this MOU. The parties further agree to abide by the terms of this MOU, implementing it to the best of their ability, with the assistance of services and resources (when available) provided through the New Mexico MainStreet program, and in accordance with the *Main Street Approach*™ as defined by the Main Street America.

The local MainStreet and/or Arts & Cultural District organization, local government partner and New Mexico MainStreet program hereby mutually agree to support the revitalization of the designated MainStreet and/or Arts & Cultural District under the specifications listed herein and in Attachment 1 (*New Mexico MainStreet Program Guidelines*) accompanying this MOU.

We do hereby sign:

On behalf of the New Mexico MainStreet Program, a program of the New Mexico Economic Development Department:



4/25/2022

Director, New Mexico MainStreet Program

Date

On behalf of the Local MainStreet Organization:



05/10/2022

President of Alamogordo MainStreet

Date

On behalf of the Local Government Partner:



Brian Cesar

Date

City Manager, of the City of Alamogordo

Please enclose the annual resolution of the City Council, County Commission or Tribal Council identifying financial support for the MainStreet organization. Also attach any other working agreements or contracts between the *local governing body* and the *local MainStreet organization*.



NEW MEXICO MAINSTREET™

ENGAGE PEOPLE • REBUILD PLACES
REVITALIZE ECONOMIES

Attachment 1: New Mexico MainStreet Program Guidelines for July 1, 2022 through June 30, 2024

I. Background

***Mission:** The New Mexico MainStreet Program fosters economic development in the state by supporting local MainStreet/Arts & Cultural District revitalization organizations and their local government partner in their economic work in downtowns and adjacent neighborhoods. The Program provides resources, education, training, and services for asset-based economic growth that builds local knowledge and skills based on the Main Street Approach™, which preserves and enhances the built environment, supports district businesses and entrepreneur development, and conserves and interprets local culture and heritage resulting in increased economic vitality of each participating local MainStreet district.*

New Mexico MainStreet is a designated "Main Street America" State Coordinating Program. Main Street America is a program of the nonprofit National Main Street Center, Inc., a subsidiary of the National Trust for Historic Preservation. The New Mexico Economic Development Department is licensed and accredited annually to administer the MSA/NMSC's *Main Street Approach™* to downtown revitalization. It does so through the development of "Economic Transformation Strategies" that are implemented through comprehensive work in four broad areas known as the **Four Points**: *Economic Vitality, Design, Promotion, and Organization*.

NMMS is delegated by state statute (Main Street Act, NMSA 1978, 3-60B-1 to 3-60B-4 and the Arts and Cultural District Act, NMSA 1978 15-5A-1 to 15-5A-7 NMSA 1978), and through NMEDD, to assist communities in building capacity in community economic development that creates jobs, supports commercial property owners, mitigates leakage of economic resources, grows businesses, encourages and supports entrepreneurship, benefits the local economy, and raises the quality of life for its residents. The NMMS program was launched in 1984 and accepted its first designated organizations in 1985. NMMS is responsible for coordinating and orchestrating resources, services, and professional technical assistance to its organizations via several programs and initiatives. For more information, visit the NMMS website: www.nmmainstreet.org.

II. New Mexico MainStreet and Main Street America Designations

Local New Mexico MainStreet programs are established as public-private, community economic development partnership programs dedicated to revitalization and economic growth of traditional and/or historic commercial centers. Local programs are tiered, based on local capacity/development, and receive resources, technical assistance, and support from NMMS concurrent with their program designation or authorization.

- A. New Mexico MainStreet Project-Based Initiatives and Accelerator Process:** When resources are available to add new MainStreet programs, local communities can enter the NMMS Program by participating in one of NMMS's *Project-Based Initiatives* and follow-up participation/acceptance in the *NMMS Accelerator Process*.

- 1) **Frontier & Native American Communities Initiative (FNAC):** The MainStreet Act was amended in 2013 by the State Legislature to establish the Frontier and Native American Communities Initiative administered by NMMS to provide project-based community economic development support for rural communities under 15,000 in population. The 12 to 18-month affiliation with NMMS through the Initiative focuses on one economic development project within a traditional or historic village or town center. The FNAC Initiative is not open to communities which already have a MainStreet or Arts & Cultural District Program. The program focuses not only on the proposed project, but it also seeks to renew and build leadership in community economic development. It requires a group of stakeholders working in partnership with a local governing body, however, it does not require a non-profit board and paid staff as does the MainStreet Program.
- 2) **Urban Neighborhood Commercial Corridors Initiative (UNCC):** The UNCC Initiative is a new pilot program of the New Mexico Economic Development Department's MainStreet program aimed at providing project-based community economic development support to urban neighborhood commercial corridors located in cities with more than 50,000 in population that may currently not have the capacity or resources to start or operate a full-fledged MainStreet Program. Like the FNAC Initiative, the UNCC requires a group of stakeholders working in partnership with a local governing body. Selected communities receive NMMS professional services and technical assistance to implement and complete a community economic development project within 12 to 18 months.
- 3) **New Mexico MainStreet Accelerator Process:** The NMMS Accelerator Process is an intensive coaching and capacity building start-up course in the Main Street Approach™ for new MainStreet communities/organizations that brings the local stakeholder group/board of directors and local government partner up to full capacity within 18 months. Based on available NMMS resources to add new communities, local communities that have successfully completed one of NMMS's Project-Based Initiatives, has local government support, and shows they have the capacity and resources for a full MainStreet Program can apply to participate in the Accelerator Process. Successfully completing established benchmarks and graduating from the Accelerator Process leads to designation as a "Main Street America" program and makes the community part of a larger network with a proven track record for celebrating community character, preserving local history, and generating impressive economic returns.

B. Designation as Main Street America Affiliate™ or Accredited™ Program: NMMS, as a licensed and accredited State Coordinating Program, annually awards local Mainstreet programs with a Main Street America Affiliate™ or Main Street America Accredited™ designation based on progress in the prior 12 months toward meeting Main Street America's Performance Requirements and Operating Standards (outlined in Section IV, C of this document).

- 1) **Main Street America Affiliate™** status is for revitalization programs or organizations that have demonstrated a commitment to the comprehensive Main Street Approach™ to District revitalization, have completed the NMMS Accelerator Process benchmarks, and are building organizational capacity using economic transformation strategies that engage the four points to develop their goals and annual implementation plans. Affiliate Programs are building or re-establishing their operational capacity and their programmatic engagement with demonstrable economic performance toward completing their ETS goals and working to attain Main Street America Accredited designation.
- 2) **Main Street America Accredited™** status is for programs or organizations that demonstrate success in planning, implementing, and measuring successful Economic Transformation Strategies utilizing the Main Street Approach™. Accredited programs have fully engaged Boards, committees or task groups working in all Four Points and a paid Executive Director commensurate with the requirements listed in Table 1 (*Budget and Staffing*) based on the size of the community. Accredited programs establish, monitor, and report rigorous outcome performance measurements and document achievement under all Standards of Performance established by Main Street America.

C. Sublicensing Agreements for Main Street America Affiliate and Accredited programs:

- 1) New Mexico MainStreet organizations designated as a Main Street America Affiliate or Accredited program must sign an annual sublicensing agreement established by Main Street America and implemented through the NMMS Coordinating Program.
- 2) The sub-licensing agreements establish guidelines for participation and requisite use of Main Street America Logos and Branding.

D. New Mexico Arts & Cultural Districts Program and Designation: The NM Arts & Cultural Districts Program (ACD), was established by the legislature in 2007 and statutorily attached to New Mexico MainStreet, to assist communities in developing their cultural and creative economy resources to create dynamic and economically vibrant districts. The ACD Program is a joint effort of three state agencies, New Mexico MainStreet, New Mexico Arts Division, and Historic Preservation Division (HPD). The NMMS Director, by statute, serves as the State Coordinator overseeing the ACD program. The New Mexico Arts Commission authorizes new districts, compounds, and institutions based on recommendations from the ACD State Coordinator, and HPD administers the NM State Income Tax Credit for Preservation of Cultural Properties that provides a doubling of the available tax credit when a listed property is located within the boundaries of a State-Authorized ACD.

- 1) **Arts & Cultural District Start-Up Designation:** When state resources allow, municipalities, citizens, NMMS Organizations, or other nonprofit organizations can apply or petition to participate in NMMS's *Creative Economy Jump Start* as the first step toward the *Arts & Cultural District Start-Up Designation*.
 - The purpose of the *Creative Economy Jump Start* is to work with local Main Street Organizations and non-NMMS communities interested in becoming a NMMS Program to access capacity and identify opportunities with respect to Creative and Cultural Economy work and their potential for designation as a New Mexico State Authorized Arts & Cultural District.
 - NMMS Organizations can request to participate in the *Creative Economy Jump Start* by submitting a NMMS Service Request and justification memo outlining the communities creative and cultural assets and potential for designation as a New Mexico State Authorized Arts & Cultural District.
 - Non-NMMS communities can apply to participate in the *Creative Economy Jump Start* by applying to NMMS' FNAC or UNCC Project-Based Initiatives when NMMS has the available resources to add new projects through a competitive application process.
 - Start-Up Arts & Cultural District Designation:
 - NMMS Organizations that have successfully completed the initial phases of the Creative Economy Jump Start and have effectively documented their potential for State Authorized ACD designation can petition NMMS to enter the ACD Start-Up phase to develop strategies to grow their arts, cultural, and creative economy assets.
 - When resources are available to add new MS programs, non-NMMS communities that have completed the Creative Economy Jump Start and are interested in becoming a NMMS Program with an ACD Designation can apply for participation in a joint/hybrid NMMS Accelerator/ACD Start-Up Process.
 - ACD Start-Up's must complete the ACD Start-Up Performance Benchmarks that includes organizational, financial, planning, and image development modules that build local capacity, develops local arts and cultural assets, and help develop a cohesive and well-recognized Arts & Cultural district with a high concentration of cultural facilities and programs that serve as the main anchors of economic and destination development. A comprehensive outline of the Start-

Up process and list of benchmarks is available for download at
www.nmmainstreet.org/resource.

- 2) Start-Up and State-Authorized Arts & Cultural District (ACD) designations are attached to a local MainStreet organization designated by New Mexico MainStreet as an Accredited or Affiliate Main Street America program. These Arts & Cultural Districts are administered by an ACD Coordinating Council that is responsible for developing and implementing Creative Economy projects and activities in the Arts & Cultural District. The ACD Coordinating Council operates under the local MainStreet organizations structure as a Standing Committee or Taskforce and are subject to the policies and procedures of the host organization.
- 3) State-Authorized Arts & Cultural District Designation: MainStreet Programs that have completed the ACD Start-Up benchmarks, established arts and cultural assets and programming, have a developed, cohesive, easily recognizable District, and have an adopted Cultural Economic Development Plan can petition the NMMS Director/ACD Coordinator and NM Arts Commission for designation as a State-Authorized Arts & Cultural District. State Authorization:
 - Enables the doubling of the state's historic tax credits (up to \$50,000) for rehabilitation of eligible historic commercial properties listed on the State Register of cultural properties within the district's boundary.
 - Enables local MS/ACD program to apply for NMMS Capital Outlay Public Infrastructure projects identified in the adopted Cultural Economic Development Plan.
 - Enables access to Four Point technical assistance to implement arts, cultural, and creative economy projects in the district.
 - Ensures the local ACD district will be included in Statewide branding and marketing of the Districts as an arts and cultural destination.
 - Through municipal adoption of the Local Economic Development Act (LEDA), qualifying entities under the "cultural facilities" definition can apply for local and state LEDA funds for public/private economic development projects prioritized in the ACD Cultural Economic Development Plan, Master Plan, and/or MRA Plan.

E. MainStreet programs with Start-Up or State-Authorized Arts & Cultural District (ACD): In addition to NMMS and National Main Street Operations and Performance Standards (see Section IV. Performance Requirements and Operating Standards), programs with a Start-Up or State-Authorized ACD designation must also meet the following guidelines:

- 1) The organization shall meet all the statutory obligations of the Arts & Cultural District Act (2007).
- 2) The organization shall meet all policy requirements established by the State ACD Council:
 - Quarterly/Semi-Annual Reporting
 - Creative economy benchmarks and performance measures
- 3) The organization shall have or will work with their local government partner to complete an ACD Cultural Economic Development Plan adopted by the local governing body.
- 4) MainStreet programs having chosen and received Start-Up or State Authorized ACD designation shall add, or dedicate at least one of their ETS's to ACD/creative economy work.
 - The ACD Cultural Economic Development Plan will help guide the development of ACD ETS to grow the District's Cultural Economy.
 - Goals of the ETS shall be integrated into the annual work plan and budget of the MainStreet organization.
- 5) Establish and maintain a standing ACD Coordinating Council (Committee or Taskforce) dedicated to implementing ACD/creative economy work:

- The ACD Coordinating Council should include artists, artist organizations, and cultural and creative entrepreneurs.
 - The MainStreet Board is responsible for ensuring adequate staffing, resourcing or support to the ACD Coordinating Council.
 - With the support of staff, the ACD Coordinating Council shall prioritize and implement projects in the Board-adopted ETS's, and in line with the Cultural Economic Development Plan adopted by local government.
 - The Coordinating Council shall contribute to and participate in the annual performance or accreditation reviews conducted by NMMS.
 - Please see *"Policy Establishing Guidelines for the ACD Coordinating Council in State-Authorized Arts & Cultural Districts"* for more detailed information.
- 6) ACD staff (and, when possible, ACD Coordinating Council members) shall participate in in NMMS trainings, conferences, and institutes.

III. Economic Transformation Strategies and Community Revitalization

The local MainStreet organization is required to establish and implement three (3) NMMS-approved Economic Transformation Strategies (ETS) for the District based on one of the adopted economic development plans. Of the three ETS, one should be dedicated to organizational capacity building ("Capacity Building Strategy") and is not directly related to specific economic development goals. An annual work plan is developed based on the three (3) ETS. All work in the Main Street Approach™ and Four-Points (Organization, Design, Promotion, and Economic Vitality), should directly support outcomes established under the ETS strategies. Work teams, task forces or committees are established to implement projects that advance each strategy.

The focus of the annual performance review of each local organization will be based on the positive outcomes of the Board and staff in meeting performance metrics in the annual work plan related to each ETS strategy and the engagement of each of the Four Points by the organization in meeting each strategy.

ETS strategies should be concrete, specifically defined, and achievable with the existing resources of the local organization. Local resources include volunteers established as committees/taskforces/work teams, funding, and adopted revitalization and redevelopment tools necessary for successful completion of each of the annual strategies. Requests for NMMS services, resources and support are available to help achieve these annual economic development strategies.

Annual strategies are derived from:

- For **Main Street America Affiliate or Accredited programs, or State Authorized Arts & Cultural Districts**:
 - Adopted District Master Plans, Metropolitan Redevelopment Area Plans, District Cultural Economic Development Plans
- For communities engaged in the **New Mexico MainStreet Accelerator or Arts & Cultural District Start-Up** process:
 - NMMS Readiness Assessment and/or Resource Team Report
 - Other Accelerator or Start-Up benchmarks established by NMMS

Based on designation of the local **MainStreet and/or Arts & Cultural District** organization as a Main Street America Affiliate™, Main Street America Accredited™ program, NMMS will provide professional assistance and support through the Main Street Four-Point Approach® tied to ETS's and annual work plans via a service request form submitted to NMMS. NMMS will work with the local governing body and the local organization to identify and apply for funding for planning and infrastructure/capital investments within the district identified as priority projects in adopted plans. Priority is given to those MainStreet projects on the Infrastructure Capital Improvement Plans; additional bonus points on competitive applications may also be considered.

IV. Performance Requirements and Operating Standards

A. Requirements for Local MainStreet Organizations

Maintaining a Main Street America Affiliate or Accredited Program enables access to additional specialized technical support, incentive programs, and resources, and serves as a pre-requisite to apply for MainStreet Public Infrastructure funds and operations/project funding through NMMS Partners (MFA, NMFA, FundIt, and other federal, state and foundation grantors partnering with NMMS). Maintaining a Main Street America Accredited program also ensures access to scholarships and grants from the New Mexico Resiliency Alliance (NMRA) and its funding partners.

New Mexico MainStreet maintains a digital dashboard (www.nmmainstreet.org/dashboard/login.php) to track annual compliance filings and monitor progress toward State Certification and National Accreditation. Local MainStreet organizations are responsible for uploading compliance and other required filings on an annual basis.

A local MainStreet organization designated by NMMS of the NMEDD must meet or exceed the following requirements to maintain its designation:

- 1) **MOU:** The organization has a fully executed Memorandum of Understanding with the Economic Development Department and Local Government Partner.
- 2) **Contract/MOU/LOA with Local Government Partner:** It is required that the local MainStreet organization have a separate annual contract for services with the municipality and/or county to do community economic development work within the designated district, outlining expectations of the municipality and clearly defined deliverables for its financial support of the local MainStreet organization. The organization must provide NMMS with a copy of the executed agreement annually.
- 3) **Resolution of Support and Funding by the Local Government Partner** (City Council, County or Tribal Commission). Each MainStreet and/or Arts & Cultural District program must have in place a biennial MOU with NMEDD's NMMS program and the local governing body, along with an annual resolution adopted by the local government partner for the term of the MOU stating its support and funding commitment to the local MainStreet organization. If the resolution is for only the first year of this MOU, then a new resolution by the governing body will need to be approved and delivered to NMMS prior to services from NMMS continuing into the second year of the two-year MOU cycle. Failure to adopt such resolution of financial support, or to provide the operational resources to sustain the Public-Private Partnership, may result in the suspension of the services provided by NMMS. The annual funding commitment required of the local government partner is described in Table 1 below.
- 4) The MainStreet organization is required to engage in fundraising and resource development activities needed to meet the minimum operational budget requirements for a Main Street America Program (Table 1).

Table 1: Budget and staffing requirements for New Mexico MainStreet/Main Street America organizations.

	Rural Community	Small Community	Mid-Size Community or Commercial Neighborhood	Large Community or Urban Program
Population	< 5,000	5,001 - 15,000	15,001 - 50,000	> 50,000
Min. Operating Budget for Main Street America Affiliate program	\$25,000	\$45,000	\$60,000	\$100,000+
Min. Operating Budget for Main Street America Accredited Program	\$40,000	\$60,000		\$100,000+
Required Contribution to local MainStreet program by Local Gov't Partner	\$20,000	\$35,000	\$40,000	\$60,000

Executive Director Staffing Requirement, MainStreet America Affiliate (hrs/wk)	20	30
Executive Director Staffing Requirement, Main Street America Accredited program (hrs/wk)	20	40
NMMS Accelerator and ACD Start-Up process Designate	\$15,000 from local government; no staffing requirement	

*Note: operating at minimum budget/staffing benchmarks is usually not adequate to advance Four Point projects.

B. Participation Requirements for Local MainStreet/ACD Organizations

The MainStreet/Arts & Cultural District Executive Director and/or appropriate staff should attend NMMS Institute trainings as established by the State Coordinating Program to build their skills and knowledge.

1) Requirements for Executive Directors:

- Executive Director must attend the annual NMMS Winter Conference and NMMS Summer Institute.
- The Executive Director must complete the MainStreet Executive Directors Certification Program where they will receive one-time training in MainStreet Fundamentals.
 - Executive Directors wishing to substitute equivalent training courses, or to receive a waiver for previously-attended trainings, must obtain prior written approval from NMMS and proper documentation must be provided when courses are completed.
- An Executive Director must attend a National Main Street Conference within the first two years of employment and at least once every four years to keep up-to-date on the accomplishments and innovations of other MainStreet leaders nationally.
 - The organization, through reimbursement or other schedule of payment, assumes the costs of the Executive Director's participation in all required trainings.

2) Board President/Board Members:

- The local organization Board President is expected to attend one of the following each year: NMMS Winter Conference, NMMS Summer Institute, or national Main Street Now conference.
- The Board President and other Board members shall attend any required Board member trainings established by NMMS.

C. National Main Street Center Standards of Performance

- 1) *Main Street America Accreditation*: Consideration for Accreditation by the National Main Street Center applies only to those local MainStreet organizations implementing their Economic Transformation Strategies, tracking and fulfilling performance measures, and meeting the MSA/NMSC Standards of Performance, listed below. A comprehensive listing of the indicators and scoring process is available for download at www.nmmainstreet.org/resource.
 1. Broad-based Community Commitment
 2. Inclusive Leadership & Organizational Capacity
 3. Diverse and Sustainable Funding

4. Strategy-Driven Programming
5. Preservation-Based Economic Development
6. Demonstrated Impact & Result

V. Resources Provided by New Mexico MainStreet:

NMMS is funded through the New Mexico State Legislature and provides a variety of resources to designated communities including access to professional technical assistance, economic growth and revitalization supports, networking, and education as described in the following pages:

A. Technical Assistance Services

Through its staff or contractors, NMMS will provide technical assistance in a variety of subject areas relevant to the *Main Street Four-Point Approach®* and other commercial district economic growth, revitalization and management topics. Each local organization may request on-site, email, and/or telephone consultation(s) from NMMS. Access to Technical Assistance is initiated through submission of a Service Request Form to the NMMS Director/ACD Coordinator. Upon receiving the service request, the NMMS Director/ACD Coordinator will assign the appropriate Revitalization Specialist(s) to coordinate design and delivery of services, on-site visits and/or other communications. Service request forms, along with descriptions of available services are available online at: nmmainstreet.org/resource/programs/.

Technical Assistance services include, but are not limited to:

- Organization: Organizational development consultants provide facilitation in strategic planning, visioning and mission statements, work plan development, resource development, leadership and volunteer development, succession planning, nonprofit management, committee training, staff training, and continuous quality improvement of the program.
- Marketing and Promotion: Promotion, Marketing and Graphic Design specialists offer assistance with image development and branding, marketing strategies, logo design, promotional and collateral materials development, event planning, visual merchandising, media relationships, online/social media, publicity and advertising.
- Economic Vitality: Economists, business, and property development specialists provide technical assistance and training in market analysis, business strengthening and recruitment, real estate development, economic development incentives, revitalization financing tools, placemaking, and program progress and impacts monitoring.
- Architectural and Design Services: Architects and Planners provide conceptual design services for façade improvements, floor plans, parking, landscape, signage and interior improvements.
 - a. Design Intensives: Specialized, local volunteer-driven, on-site design intensives are offered by the NMMS Design Team through application (when available) to the MainStreet Placemaking, and MainStreet Façade Squad, and other architectural restoration.
- Planning and Historic Preservation: Planners and design professionals provide assistance in placemaking, historic preservation, community-based planning processes, streetscape design, vehicular and pedestrian circulation enhancements, parks, way-finding design, district master planning, metropolitan redevelopment plans, urban planning, and zoning.
- Arts & Cultural/Creative Economy Resources Development: Cultural Resource consultants, in partnership with staff and consultants from New Mexico Arts, offer technical assistance and services related to protection, development and promotion of arts and cultural resources, cultural facilities and historic properties to enhance the local creative economy supporting cultural entrepreneurs, creative enterprises and industries.

B. Other Resources

New Mexico MainStreet provides a variety of resources and partnerships to assist local communities and organizations with the revitalization of their traditional or historic commercial district. These include:

- *Trainings, Workshops, Conferences, and Institutes:* Annually, NMMS identifies opportunities for intermediate and advanced-level trainings in specific areas of the Main Street Four-Point Approach® to strengthen and build skills for organizational and municipal leaders and partnering organizations.
 - *Annual NMMS Winter Conference and NMMS Summer Institute*
 - *Managing the MainStreet/ACD Nonprofit Corporation training*
 - *Multi-part series on Grant Writing and Nonprofit Fundraising for local MainStreet leaders*
 - *Online trainings:* NMMS provides webinars, videos or other online training opportunities to build capacity of staff, community leaders and organization volunteers in support of the district economic growth and revitalization.
- *NMMS Executive Director Boot Camp and Certification Program:* Executive Directors who successfully complete the Boot Camp and other required trainings shall automatically qualify as a State-Certified Executive Director.
- *Marketing:* NMMS and NMEDD provide statewide marketing opportunities for local MainStreet organizations/districts, initiatives and activities through its websites (www.goNM.biz, www.nmmainstreet.org, www.offtheroadnm.org), social media platforms, e-newsletters, and *Choose MainStreet* marketing campaign.
- *Information and Networking:* Through regular email, list serves, mailings, websites and meetings, NMMS provides timely notice on grant and partnership opportunities, guidance on innovative revitalization tools and techniques, and helps with addressing the multiple challenges that arise during the day-to-day course of each local organization's MainStreet efforts.
- *Accreditation Review:* Accreditation by the NMSC recognizes achievement under the Standards of Performance established by the National Main Street Center, Inc. NMMS conducts an annual accreditation review – a comprehensive assessment of the program's accomplishments under the Main Street Four-Point Approach® for the previous calendar year. Participation in the Accreditation review is required and the NMMS Director prepares recommendations for the NMSC based on the performance of the previous 12 months. Main Street America Accreditation is also contingent upon meeting all compliance requirements listed in preceding sections.
- *National Main Street Network Membership:* The state program pays each local organization's annual network membership fee to the NMSC. Membership benefits include the monthly *Main Street News*, discounted conference and workshop registration fees, access to members-only informational resources on the NMSC website, and member rates on publications.
 - *National Main Street Center Conference – Main Street Now:* Annually, NMMS provides discounted basic registration for Main Street America Affiliate and Accredited programs to help each Executive Director attend the Main Street Now conference. Local organizations meeting all annual performance standards for Main Street America Accredited programs are also provided one (1) additional discounted basic registration to the NMSC conference for a member of the Board of Directors when funding is available.
- *MainStreet Public Infrastructure Funding:* MainStreet America Affiliate, MainStreet America Accredited, and Arts & Cultural District programs are eligible to apply for NMMS Capital Outlay Public infrastructure funding for priority pedestrian safety upgrades and infrastructure improvements within designated MainStreet Districts
 - NMEDD works with the State Legislature and Governor to appropriate Public Infrastructure funds, which are then awarded on a competitive basis with particular emphasis on construction-ready projects and organizational commitment to leverage such funds for direct economic growth and private sector reinvestment.

- ***MainStreet Partnership Grants and Resources:*** NMMS works closely with several other state agencies including the Tourism Department, Historic Preservation Division, New Mexico Arts Division, and the Department of Transportation as well as other statewide partnering organizations that share a common vision including the New Mexico Coalition of MainStreet Communities (NMCMS) and the New Mexico Resiliency Alliance (NMRA).
 - The State Coordinating Program also works with statewide nonprofit and corporate funding partner organizations that provide funding opportunities to local MainStreet/ACD programs to access and coordinate resources for district economic development and revitalization projects.

**ALAMOGORDO MAINSTREET
PROFESSIONAL SERVICES AGREEMENT
with
CITY OF ALAMOGORDO**

This professional service agreement ("this Agreement") is effective July 1, 2022, between the City of Alamogordo, New Mexico, a municipal corporation (the "City") whose notice address is 1376 East Ninth St, Alamogordo, New Mexico, 88310, and Alamogordo MainStreet (the "Contractor") whose notice address is 919 New York Ave, Alamogordo, New Mexico, 88310 (collectively the "Parties").

Alamogordo MainStreet - Mission and Purpose: to stimulate the preservation and enhancement of the traditional commercial district in the Downtown area of the City of Alamogordo, New Mexico through education, historic preservation, beautification, promotion of community and civic pride, and combating the underlying reasons for the physical and economic deterioration of the district. The primary goal of Alamogordo MainStreet is to establish and maintaining a livable, walkable and economically vibrant Downtown District.

In fulfillment of the purpose, the Corporation shall seek to establish public-private partnerships with local and state government, individuals or corporations with similar intent to enhance public infrastructure and revitalization efforts throughout the Downtown District. Additionally, Alamogordo MainStreet shall strive to fulfill all requirements of the Accredited designations identified by the New Mexico MainStreet Program (NM Economic Development Department).

I. Scope of Services: Activities Reflecting Use of City Funds

A. Core Services

As part of the bi-annual, recurring Core Services in fulfillment of the roles, responsibilities and expectations identified in the Biannual Memorandum of Understanding (MOU) executed between the Contractor (Alamogordo MainStreet), the City of Alamogordo, and the New Mexico MainStreet program (NMMS), the Contractor shall provide unified management and coordination for the revitalization and economic development activities in the Downtown District in accordance with the guidelines and expectations of the National MainStreet Center and the New Mexico MainStreet Program, State Coordinating body:

1. Maintain a legally-compliant 501c3 MainStreet organization to help revitalize and support economic growth within the designated Downtown District in accordance with the New Mexico MainStreet guidelines and objectives.
2. Submit up to eight (8) service requests to the New Mexico MainStreet program to connect technical assistance to support the economic revitalization of the district, or to strengthen organizational capacity relating to:
 - a. Rehabilitation of downtown properties and/or historic buildings.
 - b. Implementation of placemaking projects or similar design initiatives.

- c. Support, develop or enhance local business practices and endeavors, recruit new businesses to the district and to establish hospitality/customer service trainings for district businesses.
 - d. In collaboration with the City of Alamogordo, enhance branding, marketing, image development and events that support district revitalization.
 - e. Developing skills and resources for the overall revitalization of the district or sustainability of the Alamogordo MainStreet Program.
3. Work closely with the City's elected officials and professional staff, and all organizations, individuals, and entities in order to augment the work of its staff and board to bring projects to completion and meet common goals.
4. Develop annual workplans that prioritize revitalization projects in the Downtown District under the board-adopted Economic Transformation Strategies (Section I.B, below) created with the support of New Mexico MainStreet.
5. Implement a Capacity-Building strategy that enhances organizational resources and supports long-term sustainability of the Alamogordo MainStreet program to engage the public-private partnerships with City government and the New Mexico MainStreet program.
6. Provide a qualified, experienced MainStreet Program Executive Director whose duties would be, among others, to provide compliance and reporting documentation for the Alamogordo MainStreet program and also to help coordinate revitalization projects in the historic commercial district.
7. Ensure adequate organizational progress toward completion of all compliance standards and operating guidelines established by the National MainStreet Center and the New Mexico MainStreet program to maintain status as a MainStreet America Accredited Program.
8. Use NMMS reporting tools to track and communicate key statistics of jobs, new businesses, building rehabilitations, and public/private sector investments in the district and serve as an information clearing house for this type of information in the community.
9. Prepare and deliver monthly summary reports to be submitted with invoices and four (4) quarterly presentations to the City Commission or designated departmental staff outlining progress with service delivery, implementation of projects, and reporting of district reinvestment statistics/impact measures. Participate in planning/coordination meetings City Manager and key City staff as needed.
10. Implement the fundraising/resource development plan; the Board of Directors shall lead/implement at least one fundraising effort aimed at generating unrestricted funds to support operations.
11. Develop an annual work plan for the implementation of the Alamogordo MainStreet ETS and CBS initiatives (attachment A), which will identify the roles of Alamogordo MainStreet and collaborators, define goals and objectives, as well as establish strategies and a time line for completion. The work plan will be the basis for a process evaluation for the Alamogordo MainStreet Program.

II. COMPENSATION

For services, as described hereinafter, compensation shall be provided as follows:

1. In consideration for all Services rendered in FY23 and in compliance with the biannual MOU executed with New Mexico MainStreet, the City shall pay to the Contractor the sum of \$40,000.00.
2. Method of Payment: The City will compensate the Contractor for the services rendered pursuant to this Agreement the sum of forty thousand dollars (\$40,000), payable in twelve (12) equal monthly installments. Contractor shall submit monthly invoices to the City containing a detailed statement all services performed during the billing period.

III. TERM OF AGREEMENT

The term of this Agreement shall be for one year, beginning on July 1, 2022 and ending on June 30, 2023 ("Term"), unless terminated pursuant to paragraphs 2, 3, 12, 15, 16 and 17 of Section V below.

IV. TERMINATION

This Agreement may be terminated by either party upon sixty days prior written notice to the other party. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination. THE PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE OTHER LEGAL RIGHTS AND REMEDIES AFFORDED THE CITY IN SUCH CIRCUMSTANCES AS CONTRACTOR'S DEFAULT/BREACH OF CONTRACT. *

V. ADDITIONAL SPECIFICATIONS AND TERMS

1. REPORTS AND AUDIT

- A. The Contractor shall maintain full and complete financial records kept in accordance with generally accepted accounting principles, which records shall be available for inspection by the City at reasonable times and upon reasonable notice.
- B. The Contractor shall maintain, for two (2) years, detailed time records which indicate the dates, time and nature of services rendered. These records shall be subject to inspection by the City and the State Auditor. The City shall have a right to audit billings both before and after payment; payment under this Agreement shall not foreclose the right of the City to recover excessive and/or illegal payments.

2. EVENTS OF DEFAULT

The Contractor shall be deemed to be in default and breach of this Agreement if the Contractor fails to perform the Services of the Contractor under the Agreement. However, the Contractor shall not be in deemed to be in default if specific elements of the Scope of Work are amended and mutually agreed to in writing by the Parties during the term of the contract.

3. EFFECT OF DEFAULT

In the event of any default, as set forth in the preceding section, the City may terminate this agreement and pursue its remedies at law and equity

4. INDEMNIFICATION

Contractor indemnifies the City of Alamogordo against any claims, suits, liens, and judgments of whatever nature, including claims of contribution and/or indemnification, damage to property or other rights of any person or persons, caused by the Contractor.

5. INSURANCE

The Contractor shall obtain and maintain liability insurance coverage in the amount of one million dollars (\$1,000,000) and shall name the City as an additional named insured on all insurance policies and shall provide the City with satisfactory proof of insurance.

6. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Governing Body of the City for the performance of this agreement. If sufficient appropriations and authorization are not made by the Governing Body of the City, this Agreement shall terminate upon 60-day written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

7. STATUS OF CONTRACTOR

The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City of Alamogordo as a result of this Agreement.

8. SUBCONTRACTING

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the City.

9. NO THIRD-PARTY BENEFICIARIES

This agreement confers no additional rights or benefits other than those explicitly provided herein to the City and the Contractor; there shall be no third-party beneficiaries assigned in this contract.

10. SEVERABILITY AND SURVIVAL

If any of the provisions contained in this Agreement are held for any reason to be invalid, illegal or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby.

11. RELEASE

The Contractor's acceptance of final payment of the amount due under this Agreement shall operate as a release of the City, its officers, and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to bind the City in any way unless the Contractor has expressed written authority to do so, and then only within the limits described herein.

12. CONFIDENTIALITY

Any confidential information provided to, or developed by the Contactor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

13. CONFLICT OF INTEREST

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement. The Contractor certifies that the requirements of the Governmental Conduct Act, Sections 10-16-1 through 10-16-17 NMSA 1978, regarding contracting with a public officer or City employee have been followed.

14. MERGER

This Agreement incorporates all of the agreements, covenants and understandings between the Parties concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this Agreement. No prior agreement or understanding, oral or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. NOTICE

The Procurements Code, Sections 13-1-28 through 12-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

16. EQUAL OPPORTUNITY AND NONDISCRIMINATION COMPLIANCE

The Contractor agrees to abide by all federal and state laws, rule, regulations and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity and non-discrimination.

17. WORKER'S COMPENSATION COMPLIANCE

The Contractor agrees to comply with the state laws and rules applicable to workers' compensation benefits for its employees. If the Contractor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, the City reserves the right to terminate this Agreement.

18. APPLICABLE LAWS

This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Mexico, and the laws, rules and regulations of the City of Alamogordo.

19. AMENDMENT

This agreement shall not be altered, changed or amended except by instrument in writing executed by the Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of this 1st Day of July 2022.

CITY:

City

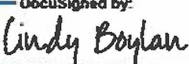
CONTRACTOR:

Alamogordo MainStreet
A New Mexico Non-Profit Corporation

By _____

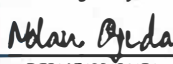
Brian Cesar, City Manager
City of Alamogordo

By _____

DocuSigned by:

Cindy Boylan, President
Alamogordo MainStreet

ATTEST:

Rachel Hughs, City Clerk
City of Alamogordo

DocuSigned by:

Nolan Ojeda, Executive Director
Alamogordo MainStreet

**ALAMOGORDO MAINSTREET
PROFESSIONAL SERVICES AGREEMENT
with
CITY OF ALAMOGORDO
ATTACHMENT A**

Alamogordo MainStreet FY23 ETS and CBS Initiatives

Strategy 1

Improve and enhance the visual and functional connectivity of the MainStreet district across 10th Street. Thereby unifying the district as a whole in order to increase foot traffic to both the north and south areas, and more effectively promote a viable and traversable single district.

4-Point Action Projects

Economic Vitality

- ☐ Establish a State-Authorized Arts and Culture District downtown.
- ☐ Create a wayfinding map linking businesses across 10th street, as well as parking available downtown.

Promotion

- ☐ Create signage at the intersection of 10th Street and New York Avenue listing businesses on either side of New York Ave.
- ☐ Develop and implement an intentional promotion program for promoting business on the north and south side of the district.
- ☐ Brand the entire district, creating a visual unity between north and south sides of the district.
- ☐ Host signature events that span across 10th Street on New York Avenue. Incorporate partnerships with the Flickinger Center of Performing Arts as well as other entertainment venues during events to broaden the scope of entertainment as well as increase exposure for existing entertainment venues on New York Avenue.



**ALAMOGORDO MAINSTREET
PROFESSIONAL SERVICES AGREEMENT
with
CITY OF ALAMOGORDO
ATTACHMENT A**

Design

- ☐ Work with the city planner to establish flashing signs at the crosswalk between New York Avenue and 10th Street.
- ☐ Create a branded image and theme for the downtown district, with assistance from the Façade Squad to integrate and update buildings to create a cohesive look.

Organization

- ☐ Research potential grants and avenues of funding to help facilitate 10th Street and New York Avenue intersection reconstruction. (Completed the Great Blocks Design 4/22. AMS was awarded PNMR Vision Community Safety grant 5/22 totaling \$10,000)
- ☐ Seek technical specialist's input on the development of a district promotion program.



**ALAMOGORDO MAINSTREET
PROFESSIONAL SERVICES AGREEMENT
with
CITY OF ALAMOGORDO
ATTACHMENT A**

Strategy 2

Retain and strengthen existing small businesses, incubate new entrepreneurial ventures, and rehabilitate traditional commercial buildings. Sustain and enhance downtown's unique character, diversify the business mix, and expand dining, shopping, and entertainment offerings.

4-Point Action Projects

Economic Vitality

- ☐ Support the City efforts to develop/enforce building standards for property owners, particularly blighted properties. Work with property owners and the City to promote renovations of existing properties.
- ☐ Intentionally seek economic development grants for aging and outdated buildings in the district. Additionally, seek private funding/investment to repair and update existing buildings and businesses.

Promotion

- ☐ Further develop district brand and placemaking visual identity.
- ☐ Partner with Chamber of Commerce, Small Business Development Center, and the City of Alamogordo in promotion of Small Business Saturday (Nov 2022)
- ☐ Plan and host Christmas on MainStreet Signature Event (Dec 2022)
- ☐ Plan and host Atomicon Signature Event (Spring 2023)
- ☐ Plan and host Rockabilly Signature Event (Oct 2022)
- ☐ Promote business owner driven event, Downtown Nites on the first Friday of every month.



**ALAMOGORDO MAINSTREET
PROFESSIONAL SERVICES AGREEMENT
with
CITY OF ALAMOGORDO
ATTACHMENT A**

- ☐ Create a social media marketing campaign that showcases individual business owners to create a relational experience between businesses and Alamogordo residents.

Design

- ☐ Create a branded image and theme for the downtown district, assist with façade squad to integrate and update buildings to create a cohesive look.
- ☐ Create a Small Projects Committee for small-scale improvement projects downtown.
- ☐ Create several mural project committees to assist in AMS and building owner driven and funded murals in the district.

Organization

- ☐ Work with the City Planner to mitigate business and public concerns around parking and traffic flow during the Great Blocks project.
- ☐ Facilitate downtown business owner and public driven events in the downtown district.
- ☐ Work on the creation of a multi-day intensive marketing workshop with technical specialists, marketed both within and outside of the district as a resource for existing and aspiring entrepreneurs.
- ☐ Continue to hold monthly Open Chats with the district businesses, open to the public, to brainstorm ideas and help facilitate in the promotion of events, sales, etc. by AMS.



**ALAMOGORDO MAINSTREET
PROFESSIONAL SERVICES AGREEMENT
with
CITY OF ALAMOGORDO
ATTACHMENT A**

Capacity Building Strategy

Continually strive to develop organizational skills, consistent goals/strategies with full attention focused on defined aspirations and culture. Remain coordinated with MainStreet's Four-Point Approach while keeping the organization aligned with Alamogordo's historic downtown and stakeholder's best interests.

- ☐ Work with NMMS to create an Economic Vitality training program for the entirety of the AMS board.
- ☐ Formalize a definitive and structured Fundraising Committee to develop a specific annual fundraising schedule, initiatives, and action plan. Additionally, the Fundraising Committee will assist in the research and application of available grant opportunities.
- ☐ Bi-Annual Bylaw review by Executive Officers.
- ☐ Develop structured operating procedures and policies for all aspects of board and organizational operation.
- ☐ Formalize the board member and volunteer application process.
- ☐ Request NMMS assistance with the re-branding and possible re-design of AMS.
- ☐ Work with the New Mexico Tourism Department for market research data to ensure a full scope understanding of the district's operation, health, and role in bringing tourism revenue to Alamogordo.
- ☐ Intentionally build relationships with investors as well as volunteers through the creation of a Fundraising Committee as well as a Volunteer Coordinator.
- ☐ Partner with local tourism destinations, NMMS specialists, and New Mexico Tourism Department to improve and expand the promotion of Alamogordo MainStreet.



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/21/2022

Report No: 8.

Submitted By: Dylan Aleshire

Subject: Appointments to Boards and Committees. (*Susan Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Five applications were received. Staff recommends two (2) appointments to the Airport Advisory Board, two (2) appointments to the Parks and Recreation Board, and one (1) appointment to the Public Library Board.

Background: Airport Advisory Board

- Two (2) upcoming vacancies due to the expiring terms of Erich Wuerschling and Manuel Gonzales Jr.
- One (1) application by Erich Wuerschling. If appointed, this will be his 5th term.
- One (1) application by Manuel Gonzales Jr. If appointed, this will be his 5th term.

Airport Zoning Board

- Three (3) current vacancies.
- No applications were received.

Alamogordo Public Library Board

- One (1) current vacancy.
- One (1) application by Cynthia Stevenson. If appointed, this will be her 1st term.

Parks and Recreation Board

- Two (2) current vacancies.
- One (1) application by Lorelei (Lori) Armstrong. If appointed, this will be her 2nd term.

- One (1) application by William Clouse. If appointed, this will be his 1st term.

Senior Volunteer Programs Advisory Council

- Three (3) current vacancies.
- No applications were received.

If anyone is interested in serving on a Board or Committee, you may apply in-person at the City Clerk's office, or online via the City website.

URL Link: <https://ci.alamogordo.nm.us/353/Boards-Committees>

You may check if you live within the city limits by using the online, interactive GIS Alamogordo Public Map on the City website. City limits appear as dotted red lines. URL Link: <https://coa-nm.maps.arcgis.com/home/index.html>



City of
ALAMOGORDO

RECEIVED
JUN 14 2022
CITY CLERK

Letter of Interest in Reappointment

Please complete the following indicating your interest in reappointment to a Board or Committee. You may return this letter via email to Deputy City Clerk Dylan Aleshire at daleshire@ci.alamogordo.nm.us, or address it to him and mail it to City Hall at 1376 E. Ninth Street, Alamogordo, NM 88310.

- ☒ Yes, I am interested in reappointment.
☐ No, I am no longer interested in serving on this Board.

Name of Board or Committee: Alamogordo Airport Advisory Board
Printed Name: Erich Wuersching
Home Phone: _____ Work Phone: _____
Cell Phone: 817 832 7071 E-mail address: erich@sugarpinesrvpark.com
Physical Address: 508 Chautauqua, Cloudcroft NM
Is the above address within City limits? Yes ☐ No ☒
Mailing Address: P.O. Box 925, Cloudcroft NM 88317
Present Employer: Wolf Creek Job Title: Emergency Manager
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? _____

Please indicate your interest in continuing to serve on this Board/Committee:

Continue to improve and expand the Regional
capabilities of our airport

[Signature]

Signature

6-1-22

Date

RECEIVED

JUN 14 2022

CITY CLERK

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

Name: Manuel Gonzales Jr.
Home Phone: 575-430-7219 Work Phone: 575-443-1760
Cell Phone: 575-430-7219 Fax No: 800-630-9701
e-mail address: mgonzalesjr@gmail.com
Physical Address: 5 Briarwood Court, Alamogordo NM
Is the above address within City limits? Yes ☐ No ☒ 8831-9536
Mailing Address: 5 Briarwood Court, Alamogordo NM
Present Employer: USA Insurance, Inc. Job Title: Insurance Agent 88310-9536

Board/Committee you wish to serve on:

First choice: AIRPORT ADVISORY BOARD

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: (A) Member of the Airport Advisory Board since July 2014; (B) Currently serving as Vice-Chairman of the Board; (C) Earned a Private Pilot's License-Single Engine Land with a Sail Plane (Glider) Rating

Please indicate your interest in serving on a City Board/ Committee: Our Airport is a vital economic and life safety asset to this Region; I wish to continue to offer my background in business, management in Public Service on this Board.

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396

Print

Application to Serve on a Board/Committee - Submission #4909

Date Submitted: 6/21/2022



City of
ALAMOGORDO

City of Alamogordo Application to Serve on a City Board/Committee

First Name:*

Cynthia

Last Name:*

Stevenson

Phone Number:*

15754348218

Email Address:*

csteven98@aol.com

Physical Address:*

1807 Crescent drive

City:*

Alamogordo

State:*

nm

Zip Code:*

88310

Is the above address within City Limits?*

- ☒ Yes
☐ No

Mailing Address:*

1807 Crescent drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

Retired

Job Title:

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

Public Library Board ▼

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

Parks & Recreation Board ▼

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

- ☐ Yes
☒ No

If so, what is their relation to you?

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

- ☐ Yes
☒ No

Is so, what is their relation to you?

Experience and education relating to the Board/Committee:*

I have worked as the head person running the library while I lived in Saudi Arabia. I have also worked as a library clerk and cataloging clerk while I lived in Aurora, Colorado.

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

I would like to serve on the Public Library Board. I am an avid reader and feel it is important to have library books and media available to the public. While I worked in the library overseas, I created the reading program for children to offer prizes for reading.



City of
ALAMOGORDO

Letter of Interest in Reappointment

Please complete the following indicating your interest in reappointment to a Board or Committee. You may return this letter via email to Deputy City Clerk Dylan Aleshire at daleshire@ci.alamogordo.nm.us, or address it to him and mail it to City Hall at 1376 E. Ninth Street, Alamogordo, NM 88310.



Yes, I am interested in reappointment.



No, I am no longer interested in serving on this Board.

Name of Board or Committee: Parks & Recreation

Printed Name: Lorelei (Lori) Armstrong

Home Phone: _____ Work Phone: _____

Cell Phone: (302) 331-7203 E-mail address: armstrong.lorelei@yahoo.com

Physical Address: 3001 Sunland Dr. Alamogordo, NM

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

Mailing Address: - Same -

Present Employer: Alamogordo Public Schools Job Title: teacher

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? _____

Please indicate your interest in continuing to serve on this Board/Committee:

I was recently named chair and would like
to continue to serve the city in this way ☺

Lorelei Armstrong
Signature

6/15/22
Date

Print

Application to Serve on a Board/Committee - Submission #4904

Date Submitted: 6/21/2022



City of
ALAMOGORDO

City of Alamogordo Application to Serve on a City Board/Committee

First Name:*

William

Last Name:*

Clouse

Phone Number:*

937-604-7284

Email Address:*

Wilclo@me.com

Physical Address:*

564 Eagle Dr

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☒ Yes
☐ No

Mailing Address:*

564 Eagle Dr

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

United States Air Force

Job Title:

Master Sergeant

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

Parks & Recreation Board ▼

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

Parks & Recreation Board ▼

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

- ☐ Yes
☒ No

If so, what is their relation to you?

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

- ☐ Yes
☒ No

Is so, what is their relation to you?

Experience and education relating to the Board/Committee:*

I have 17 years experience in the military combined with 2 associates degrees and a Bachelor's degree in Criminal Justice.

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

I have been stationed at Holloman for 8 years now and would like to be an active member of the community of Alamogordo and it's proceedings. I believe the community and the Air Force Base are symbiotic in their relationship and feel that as an active member in both, I could act as a conduit between the two given the opportunity. Both the civilian and military members of the community utilize the parks located in Alamogordo and I hope to advocate for each group equally as a military member and a community member.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/28/2022

Report Date: 06/20/2022

Report No: 9.

Submitted By: Petria Bengoechea

Subject: Adjourn into Executive Closed Session in compliance with 10-15-1(H)(8) NMSA (as amended) to discuss the sale of surplus City property and possible HUD action. (*Petria Bengoechea, City Attorney*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: