



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

August 9, 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 Pennington City Attorney
Rachel Hughs 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 July 26, 2022, Regular meeting and the August 2, 2022 Special meeting. *(Rachel Hughs, City Clerk)*
2. Consider, and act upon, adoption and final publication of Ordinance 1653 reaffirming that the City's districts are compact in area and as nearly equal in population as possible. *(Stella Rael, City Planner)*
(Roll Call Vote Required)
3. Consider, and act upon, adoption and final publication of Ordinance 1654 to amend sections of Chapter 5 of the Code of Ordinances concerning Alcoholic Beverages. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
4. Consider, and act upon, adoption and final publication of Ordinance 1655 repealing Article 2-09 of the Code of Ordinances concerning the Department of Housing Authority. *(Stephanie Hernandez, Assistant City Manager, Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**
5. Approve Resolution No. 2022-36 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
6. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents, the total amount budgeted is \$44,669.00 (\$26,294.00 for home-delivered meals and \$18,375.00 for transportation). *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*
7. Consider, an act upon, approving the award of RFQ 2022-05 Engineering & Design Services for Expansion & Upgrade of Ed Brabson Balloon Park to Souder Miller & Associates. *(Veronica Ortega, Community Services Director)*
8. Consider, and act upon, approval of an agreement with the New Mexico Economic Development District, Non-Metro Area Agency on Aging (NM-AAA) for the Nutrition Services Incentive Program, the total amount budgeted is \$57,166.00. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*
9. Consider, and act upon, grant funding from the Non-Metro Area Agency on Aging FY23 contract for Direct Purchase of Services for senior programs, the total amount budgeted is \$484,825.86. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*
10. Consider, and act upon, the approval of the biannual airport state maintenance grant. *(Jim Talbert, Airport Manager)*
11. Consider, and act upon, nominating Dudley School to be placed on the National Register of Historic Places so we are able to apply for a National Park Services grant for repair and rehabilitation of historic properties. *(Debbie Osborne, Grant Coordinator)*

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

12. Consider, and act upon, appointing a board member and alternate to the Southeast Regional Transportation Planning Organization (SERPTO). (*Rachel Hughs, City Clerk*)

13. Consider, and act upon, first publication of Ordinance 1657 to amend Chapter 11 of the Code of Ordinances Section 11-05-270 Unreasonable Noise to remove the permit for noise notification. (*Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**

14. Consider, and act upon, Commissioner Melton joining and representing the City of Alamogordo in the American City County Exchange, America's only non-partisan free market forum for village, town, city and county policymakers. (*Karl Melton, Commissioner*)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/02/2022

Report No: 1.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the July 26, 2022, Regular meeting and the August 2, 2022 Special 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
July 26, 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 PENNINGTON, 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 Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present. Invocation was given by Reverend Warren Robinson and the Pledge of Allegiance was led by Commissioner Paul.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Code Enforcement Update. (*Stella Rael, City Planner*)

City Planner Rael said she wanted to through the process of what we do. Code Enforcement Officers are assigned to areas to patrol, and they also respond to any complaints received by our Department. Once that is done, they come back and we send out a Letter of Violation to the property owner, giving the property owner fifteen days to comply and correct the violation. Reinspection is scheduled for the sixteenth or seventeenth day after the fifteen-day period has come through. If the violation still exists, they let her know, and she begins completing the criminal complaint to be submitted to the Legal Department to start the court process.

City Planner Rael said that as you all know, she became Manager of Code Enforcement on April 1st of this year. She said that she wanted to share a little bit of what was done before they came to her Department. January 1, 2022, through March 31, 2022, Code Enforcement consisted of three Code Enforcement Officers, one Supervisor, one Abatement Officer, and one Admin Assistant. During this time frame, there were 541 total notices of violation. Total closed cases were 461. Total criminal complaints submitted to the Legal Department was 1. Total abatements completed by the Abatement Officer was 1. City Planner Rael said that April 1, 2022, through July 15, 2022, her staff consisted of two Code Enforcement Officers, one Manager, one Admin Assistant for two Departments, and they contracted abatement companies instead of hiring an abatement employee. She said that during this time frame, they sent out 1009 total notices. Total closed cases were 486. Total criminal complaints sent to the Legal Department was 68. 3 abatements were completed.

City Planner Rael presented specific examples of properties that Code Enforcement had worked on via slideshow.

Mayor Payne said what is going on with this Michigan property, she said she had gotten calls on this. City Planner Rael said that we are right at the tail-end of the fifteen days for that one. At that point,

she said she will just start the court process and start working on having it abated. Mayor Payne said so no chances, right. City Planner Rael said that no one has called her about it, nothing. Mayor Payne said she had a couple of neighbors that mentioned this property in the last week or so. City Planner Rael said yeah, it is bad. She said that as of today, she is fully staffed with four Code Enforcement Officers; two Code Enforcement Officers are here, Jeremy Otero and Irving Estrada. She said these guys go out there and they hustle. She is so proud of her staff. Shelbe is stepping up to the plate and doing a great job also. Mayor Payne said she sees them; she has lived here sixteen years and has never seen a Code Enforcement Officer down her street before, that is pretty impressive. City Planner Rael said they are getting some attention.

Commissioner Rardin said on your last slide, with the gentleman over on Catalina, where are we on that one? City Planner Rael said with that one, we are actually in the process of going to court with him. She said it is getting cleaned up, he has removed a couple of cars, so he is working on it; it is going to be hard to tell he is working on it because there is so much out there. She said we are definitely working on that with him. Mayor Payne asked if he was trying to run a business out of there. City Planner Rael said no. Commissioner Rardin said it is just a junkyard; cars in the backyard, cars parked down the street, cars in the front yard. He said that one in his district has been a hassle for many years; we have taken him to court and he just pays the fines. City Planner Rael said she did not know what the past history on it is, but he is starting to move them out. Commissioner Rardin said he heard a rumor that he was going to be moving them across the street to a house he purchased. City Planner Rael said then he is going to have to move them from there. Commissioner Rardin said that is not the case, that is not what is happening, is it. City Planner Rael said not that she is aware of, but if that is what is happening, he has just created another problem. Commissioner Rardin said that one has been a problem and there are quite a few residents in that area who have voiced their concerns on that particular house. City Planner Rael said that if they approach you, let them know we are working on it, and he is cooperating, it is just a slow process. Commissioner Rardin said there is a lot of stuff to move. City Planner Rael said there is; we have so many properties like this throughout the City, we look in backyards and are surprised at the number of vehicles they can get back there.

Mayor Payne said she really appreciates what you are doing, she is getting so much positive feedback. City Planner Rael said thank you, we are working hard and we all want to be proud of our City.

2. Alamogordo Police Department Update on staffing and crime data. (Richard Denton, Chief of Police)

Chief Denton presented an update regarding staffing and crime data.

Chief Denton said here is an interesting one, in 2018, we had 739 drug arrests, in 2022 we have had 59 drug-related, so it could paraphernalia or any type of other drugs. The difference is, what we are getting now into is obviously, marijuana is legal, so now we are getting into the hard drug arrests. For that 739 number, if somebody had a marijuana pipe, that would be included, anything related to drugs. Mayor Payne said the in 2020 and in 2021 we were locked down, do you think that had something to do with it as well? Chief Denton said yes, you can tell. In 2018, we had around 8700 traffic stops, so we get a lot of drugs off traffic stops. When you have more officers, you can go be more proactive than just being responsive to everything. In 2022, our traffic stops are following about what they were in 2019. In 2020 and 2021 traffic stops were way down; then you have got the marijuana thing going on right now where we are not going to do anything with that even if they have marijuana or a marijuana pipe in their car.

Mayor Payne said you said if you pull them over now, and then have marijuana, then obviously you can't do anything about it. What if they are under, or you think they are under, the influence? Chief

Denton said sure. Mayor Payne said do they have to suspect it, what if they find marijuana in their car, is it automatically, and Chief Denton said it is just going to depend on what the signs of the driver are, the impairment of the driver, what they stopped them for, the evaluation of that driver.

Commissioner McDonald asked how do you report the people that are missing, and some of the unsolved murders in town. Chief Denton said those numbers go into an information system that we submit to the State. That is how those get reported. Our unsolved murders that we have, he said we only have a few he knew of, and we are continually working through those. If you remember the year, he said he believed it was on July 4th that we had a double homicide on Mountlake Terrace; the final trial on that was he said he thought last month some time, and that happened back in 2010 or before then. So those kinds of cases, we constantly look at. Sometimes they sit cold for a bit and then we get back to them. With missing persons, that goes into the State database where we try to get all the information in there, so if someone in another City comes across this missing person or comes across someone that is deceased, that will go in that system.

Commissioner Rardin said he noticed a steady uptick since Covid happened, it seems our crime has gone up. He said in our domestics, reading the day-to-day logs that we get; have gone up, especially during '20 and '21. What are some other things that we can try to implement that is going to help you guys? We know you are understaffed and we know that you guys are doing your part of it. He said he knew it was a bigger problem, a little higher up the food chain; you catch them and they release them. Chief Denton said that was part of it, just having enough staff to go out and do what we need to do. Just to put it in perspective, if every single day, you see an officer on White Sands, every thirty minutes to forty-five minutes with their red and blue lights flashing with a car pulled over, that is going to deter you from wanting to speed on White Sands, right. If you take that same scenario and put it in the neighborhoods, it is going to deter people from doing the crimes that they are doing. Without having staffing levels, the only thing we can do is ask the community to keep reporting these things; we know that sometimes it doesn't seem like we are doing anything about it, it gets put on the backburner and at times it might. Well, we go, we've got this report, we've got that report, let's look into this. There is a lot of investigations where we need to go back to past information to help us solve them.

Commissioner Rardin said as far as the staff levels, we all know it is a nationwide problem, but he said he didn't think throwing more money at it is going to help it, honestly. Chief Denton said he thinks it is going to help it for a while. You are in a competition. You have a pool of people that want to be an officer. So throw \$30 at them an hour and you are going to get some. Then where is this next person going to go, they are going to go \$32, so where are they going to go. They are going to head over here. If we don't get in the competition and get a part of the pool, we are just going to be continually where we are at. Chief Denton said he has been told, but hasn't researched it, that Santa Fe for instance starts their guys out at \$35 an hour. So, what does Santa Fe County have to do, they have to bump up their guys and give them an 11% increase. Commissioner Rardin asked if he happened to have their staffing levels at that rate. Chief Denton said he didn't. Commissioner Rardin said he was wondering, because it is a trend even in his business, and everyone is more money, more money, but he said he didn't think that was the answer anymore. He said he thought it was just a downward spiral that we are in right now. Chief Denton said you have to do something; he said he is not saying that money is going to fix the problem forever, but short-term; but you don't know if we don't get there.

Mayor Payne said she thought he was right, but she also thinks who wants to be a police officer anymore. The only way you are going to attract them, it has got to be money, what else is there. Mayor Payne said you and I have had that conversation where we did give pay increases, including our officers, but we are not competitive, we are maybe on an even playing field now with the Sheriff's Department or maybe some other cities of our size. She said she thought that is where the difference is. She said she sees a trend, if you look here at violent crimes, in 2018 it was 10%, in 2019 it was

14%, in 2020 it jumps up to 16%, in 2021 it jumps up to 40%. Commissioner Rardin said we were in the middle of lockdowns, people were getting desperate. Mayor Payne said that is exactly her point. Okay, so you didn't get Covid, but you had a violent crime committed against you. Obviously we couldn't do anything about it, but if you look at the trend right now, in 2022, we are halfway through the year at 20%, we are on track to meet or exceed 2021, and we are not locked down now. She said her concern is, because of these lockdowns, even though we are not technically locked down now, we are still going to continue to see those behaviors because people are unemployed and they have learned that over the last couple of years. She said we need to be competitive; she said she knows what Commissioner Rardin is saying, but she doesn't know what the answer is other than money. You can't make somebody be a police officer.

Commissioner Rardin said from the past when we have had these issues in office before, we looked at this and split Police and Fire because that was the argument. They said well, okay, we don't want to be cops, we don't want to be firefighters, so we did that and it worked for a little bit. Then it kind of dwindled back down. More money is great, but it is a nationwide problem, he said he didn't think it was going to solve the problem. Commissioner Rardin asked if there would be a way for you guys, and he said he knew it was a bit of work, to research and see what these other department staffing levels are, and what they are being paid per hour, and maybe look at sign-on bonuses rather than increasing that hourly wage. As Commissioners, we have to be fiscally responsible. With this increase that we just did for the entire blue-collar portion of it and some of the higher-ups, it increased our payroll by \$1,500,000. That is a reoccurring expense every year. We do we give, \$20-\$22 an hour for cops right now. Chief Denton said starting uncertified, \$19-\$21, and then they go to higher after they are certified. Commissioner Rardin said if we bump them up say to \$30 an hour, yeah it is going to fix it in the short-term, but, maybe a sign-on bonus with a hey, you can't leave us for two years type of deal or something. We need to start as a governing body and as staff, researching what we can do to fix this or help it.

Chief Denton said the sign-on bonuses idea is great, don't want to ever say no to that, but you are going to have to make it worth their while. If you are going to tell them you have to be here three years, and then they can go somewhere and make \$30 an hour, versus coming here and making \$20 an hour, you are talking \$10 an hour or \$20,000 a year. Well you better give them \$60,000 if you want to keep them three years. Some of the things he said he knew that HR Director Kim Torres advised you guys about, like how much it costs in turnover for one of us. When you are talking \$80,000, if we keep an officer for a year and we send them to the Academy, and they graduate and then decide they don't want to be a cop, or they can say they are going somewhere else. It costs roughly \$80,000, a little more probably. If you figure that over the forty-seven officers we have lost, it costs out to over \$3,000,000. If you bumped everybody up \$7 an hour at sixty officers, by the year, that comes out to that \$3,000,000 that we lost. He said he is not saying we wouldn't lose any, but it is just kind of where it gets you to. Mayor Payne said she got what you were saying, we do need to be fiscally responsible, but we also have a responsibility to protect our citizens, and she said she just doesn't see how we can do that with three officers on the street. If you have one serious incident, and you have three officers on the street, all three officers are busy. Now what, now what do we do? We need to keep that in mind. That is worse than when she was elected in 2016 and she said she thought it was bad back then, but it is worse now. Commissioner Rardin said it is way worse now. Chief Denton said today we had a homicide, so we are busy no doubt, but the Lieutenant, Sergeants, and Deputy Chiefs are out taking calls today because of our call load just today; it happens that way.

Commissioner Rardin asked have you guys looked at communities our size, or have you already done that Brian? If we could look at other communities our size, and even throw others in there like Santa Fe and Albuquerque to see what they are paying. City Manager Cesar said through the Salary and Benefits Study that was done City-wide, all the positions in the City through that report, a lot of that

information we already have for every position, including all the positions at the Police Department. We are now twenty-six days into the new salaries but not the benefit portion because that has not been brought to Commission. We are competitive within the market in our area according to the Study. Can more be done in the Police Department, yes, can more be done throughout the entire City; we can't obviously just keep throwing money towards any position in the City. He said he tries to catch Human Resources Director Kim Torres in the morning before she gets swamped in the morning, because it is something we are looking at, talking about, and not just for the Police Department but for all the City employees. Human Resources is pulling information from back to roughly 2018 for every officer, everyone that has left the City; as we lose employees whether they quit to go to another job or retire or etcetera, there is an exit interview that we ask each of the employees to fill out. Some of the questions, there is around twenty, revolve around why you are leaving the City, how do you feel about pay and benefits, and there is a number of other questions. They are compiling that information also. He said he sees, in the Police Department, and in other areas, not every exit interview that comes across, but he sees a lot of them; most of the time, he said what he is not seeing, and he is not saying just for the Police Department, it is not the pay. A lot of people are leaving for benefits, their spouse, another job, etcetera. Something he has asked both Human Resources and Finance to look at is what other incentives can we do; in the past six months ago, in the Employee Manual, were we changed the amount that an employee can cash with their PTO. There are other benefits that we are on the books that we have already paid for, and we are having Human Resources and Finance look at what else can we do. It may not be another \$1 or \$5 or \$10 an hour, but what else can we provide for the Police Department, the Fire Department, and the other areas. This is a very important area, but this isn't the only area where we are experiencing difficulties in recruiting and retaining employees.

Mayor Payne said your exit interviews, are you saying that police officers are saying, not other employees but specifically police officers; can you give us some examples of why police officers say they are leaving. It is for those reasons you mentioned. City Manager Cesar said there have been some that have left or retired, and/or pay and/or benefits. They left to go to the Sheriff's Department, they left to go Las Cruces. Other employees have left because their spouse left; Human Resources Director Kim Torres may be able to answer better, because they are actually going through these things right now. Mayor Payne said that is all she was curious about, she said she understands employees in general, but she said was specifically curious about police officers. City Manager Cesar said is one of the other tasks he gave Human Resources, knowing that this was going to be a topic of discussion and further discussion; to pull those exit interviews strictly from the Police Department and compile that information. That will be provided to Commission. It is not going to have names and whatnot, but if any one of you are curious when you get that, you are more than welcome to contact Human Resources and they can pull the actual exit interviews as it is part of the employee's permanent file. Mayor Payne said she was just curious specifically about officers and why they are leaving because that could give us a little insight. City Manager Cesar said part of the reason why we do the exit interviews for all the employees was so that we can see if there are trends, and why the employees are leaving.

Commissioner McDonald said that Chief Denton was talking about the violent crimes here in Alamogordo on the rise, if we, because of legalizing marijuana, and you said that has gone down as far as roughly the issues. Chief Denton said the drug-related arrests have gone down because he believed that marijuana was legalized. He said he did not think that violent crime is going down. He said he believed that our violent crime is up because of drug-related issues. Commissioner McDonald said she was just saying that if we took marijuana off violent crimes, and then we also took domestic violence out, what is the driver for the violent crimes at this particular time? Chief Denton said that most of it is going to probably be behind drugs, that is his guess right now. Commissioner McDonald asked what type of drugs, what is the more specific issue? Chief Denton said that things he sees all the time right now that people have are fentanyl, meth, cocaine, and heroin.

Commissioner Rardin said with the marijuana shops that are popping up all over, could our software track to see if we are having more motor vehicle accidents in the areas that these pot shops are popping up, or within so many feet of them? Chief Denton said he did not think we have had those shops up long enough to determine that. Commissioner Rardin asked if there was a way to track that. Chief Denton said yeah, we can pull up if we want to know how many crashes we have had in this area, and then we would have to go back and research to see if that crash was by that. Commissioner Rardin said he heard there is a new one going in at 1st and White Sands, and there is already two or three or four right there in that area; there is a new one going in down here, there is one over here on Pecan and Indian Wells. Chief Denton said if you look at Ultra Health and how long Ultra Health has been there, and we've probably had a handful of crashes. Commissioner Rardin asked if that was the old bus station. Chief Denton said yeah. Commissioner Rardin said he almost got in one the other day, a guy pulling out of the pot shop. Chief Denton said it was almost as if we had bars in town, or the breweries; normally the crashes aren't right there, normally they are off somewhere; he said why don't we look at that in six months and maybe we can have some data to show something there, he said he didn't have a problem with looking at that. Commissioner Rardin said we all know they purchase their stuff, they smoke it the minute they get in the car, and then they drive away. Chief Denton said some of them do. Commissioner Rardin said we all know it now and it happens.

Commissioner Rardin asked do we want to bring some of this stuff back in the next meeting or a later meeting just to figure out what we can do? He said we are all aware that we need to proactive with it, we are aware that we have a problem; part of the violent crime going on now is just a trend in society, inflation is so bad, people are out of money and people are frustrated. That is probably a lot of that, from '20 to present, that is what a lot of that is. He said he had mentioned to Brian before when we talked, about maybe neighborhood watch programs, instituting those, and he laughed at me when I said citizens on patrol.

Mayor Payne said she had someone come to her today and ask if her we thought it was a possibility to have a community meeting where we could talk about this. She said she didn't think it was a half-bad idea. She said that her biggest concern is that she wants to make sure that everybody understands that we live in this bubble because we live in Alamogordo. She said her mom lives here, is older, and doesn't get out much, but her mom lived in Las Vegas and California for years, and her mom says that "Your City is safe and you have nothing to worry about.", and she is just is just shaking her head. She said she is wondering how many people believe that; she is not saying that it is not safe, but what she is saying is that when we start seeing numbers like this in our City, we need to do something now. If we don't do something now, we are not going to live in a safe City anymore. She said she thinks we do have an obligation, as Commissioners, to protect our citizens. She said she is not willing to just kick the can down the road and hope it goes away, because she said she doesn't think it is going away. She said she thinks, just looking at these numbers, she believes it is going to get worse. She said Chief Denton mentioned violent crimes being drug related, you know, whether it is marijuana or fentanyl or whatever it is, she said she thinks the bigger point is drugs are driving violent crime in our City. She said that everybody knows she runs a non-profit and domestic violence shelter because they are still under a public health order. They used to be able to double-up residents and they can't do that anymore, so every resident has a room. What is happening is, because they can't house as many residents, we are getting; and she just got one before she came there, we had to pay for transportation for somebody up to Ruidoso. She said her point to telling you that is that she is seeing more and more calls because they don't have other options to place domestic violence victims. We need to be mindful of that because we as City may not see it, but at some point, we are not even going to have the money, other agencies are not going to have the money to continue doing this, but she said she will tell you that domestic violence crimes, she said didn't know if they have always been that crazy, because we didn't used to get that money calls because COPE was able to house more people, but domestic

violence or domestic calls, they are insane right now. To say that it is stressful is an understatement. She said he just thinks that we need to be mindful of that, we need to be thinking about that.

Commissioner Paul said that he had a question for Chief Denton and probably a request as well, what do you guys see as the solution being for staffing levels. He said he thinks that obviously directly correlates to the number of crimes and things we see in the community, maybe you guys could give us some suggestions, because you are the ones out there, doing that on a daily basis, so we can potentially bring those things to discuss at a later date and time. Chief Denton said that one of the things, before he gets into staffing and what he thinks about that, is still call us, continue to tell your folks to call the police, and they are probably going to tell you that they are not doing anything. He said we might not do anything that day, but that stuff adds up, and we eventually get somewhere, we pass information on. There were a couple of raids that went on Monday morning first thing that we didn't have anything to do with, and some of that could have been information that we relayed to another department. So, continue to call. As far as staffing goes to help us out, all we can do is advertise; we have got these large billboards up, we have it all over our police cars about recruiting. He said he sent their training officer to El Paso, to Las Cruces, to these job fairs, trying to recruit people from over there, and we get some, he said we have a couple of guys that work for us out of Las Cruces. But it is not, like he said, we are competitive with our area. He said he would give his opinion; we are not trying to draw in a 50-year-old police officer. If you are 50 and want to come work for us, we would gladly take you by all means, but you know, when you are in the younger crowd, and you look at the quality of life that is here for the younger crowd versus what it is in Las Cruces, Ruidoso, or Carlsbad, we have got to be at that level that they are willing to drive to that quality of life. He said that is where he goes back to pay, he said is not going to sit here and tell you that he did not think that pay is going to fix it all right away, and it is not going to in the long-haul. He said we sit at the Department, and we talk about, "Man, you know what Carlsbad pays, you know what Santa Fe pays?" and he said he felt like we need to be the people that they are going, "Hey, you know what Alamogordo pays?". But when we do that, he said he understands where the City Manager and Commissioner Rardin comes from. It is a competition out of a pool of people, and he said he wished he had the crystal ball answer for your question, but he would shake it and tell you.

Commissioner Rardin said he did not know if we wanted to bring this back at the next meeting to discuss it, or how much time we want to give staff. City Manager Cesar said to have real data, real information, answers, suggestions, having it by the next meeting is not realistic. If we want to just sit and chat about it, sure, but he said the last meeting August or first meeting in September. Commissioner Rardin said kick that can man, kick that can down the road. City Manager Cesar said he is giving a date, Chief Denton is giving you honest information, he is not saying hey, split Police and Fire and we will have a full staff. We want to bring you real information, real suggestions. Commissioner Rardin said this isn't just an Alamogordo problem, this nation-wide, and part of it is State legislature type stuff where you all retire or your officers retire, they can't come back. He said he thinks they fixed part of that, but what was the one they passed last year where you guys could be personally held liable for, qualified immunity. Chief Denton said they still protect us, qualified immunity. Commissioner Rardin said does it, he said he thinks back in the old days, a lot of neighbors were nosy, and you had watch groups. They would call you guys when they saw something suspicious, maybe start educating the public, hey guys, start watching out for this stuff and start calling us instead of just closing the blinds and going back to what you were doing. Chief Denton said we have neighborhood watch groups, and honestly, he said he has responded to calls in neighborhoods that had their watch groups, but we had seven cops working the street. So that means you have three or four officers out usually out pulling cars over and being proactive to respond to that type of call, where right now, we got this, well, it is going to be a few minutes because everybody is tied up. Thank goodness for the Sheriff's Office, that we work very well together, because they help us out a lot in town. Commissioner Rardin asked if we had an MOU with state police as well, to try to ease it? Chief Denton said not

necessarily an MOU, they know, that is why you see a lot of State Police in town helping us out. He said he has actually asked them hey, when you guys hang out in town, come hang out in town and help us out all you can. Same way with the Sheriff's Office, he said he has put that out to them too. Commissioner Rardin said he agrees with you, as far as the hourly wage goes it is going to attract them for the short-term, but it is not the answer. You have got to look at it from our point of view where we only have so much money in the coffer. The way it looks like the economy is heading, that coffer may shrink a little bit and we have already grown our day-to-day expenditures quite a bit with this last pay study. We need to come up with some ideas that us as a governing body can try to do to help this. Chief Denton said you guys have the power to implement a law enforcement tax. Mayor Payne said she didn't think about that, but that doesn't sound like a great idea, however, she would say that most citizens would probably be more willing to consider something like that; obviously we can't talk about that right now because we need more time. She said they would probably be more willing to support something like that as opposed to a tax on other things. Commissioner Rardin said that is in the short term as well, because you pass the tax, the economy goes down, that tax revenue is going to drop accordingly, so we are back at it again. Mayor Payne said she hears what Commissioner Rardin is saying but doesn't know that she agrees. She said we were very concerned about that during Covid, and if nothing else, our numbers have actually gone up. Commissioner Rardin said we are heading for a recession. Mayor Payne said we are absolutely heading for a recession and she said she will leave it at that, but she said she still thinks that you have to have law enforcement. We have to have it. It is not optional. We need more time to talk about it, but law enforcement is not optional unless we are going to go out there and be vigilantes; that is not a good idea by the way, nobody does that. Commissioner Rardin said that guy in Illinois, fifteen seconds, that was pretty cool. Mayor Payne said that was pretty cool she had to say, but it is not optional, we have to have law enforcement. She said is going to tell you again, she is really terrified to know that we have three officers on the street, that is not a comfortable position, and we should never be comfortable with that. She said she understands what you are saying, but all she is saying is that we need to take a critical look at that. City Manager Cesar said give us a couple of meetings to bring it back. Mayor Payne said end of August, can we set that date to take a look at that, is that something we can do. Commissioner Rardin said second week in August or first of September. City Manager Cesar said yes, last meeting in August or first meeting in September, we will bring this back, as this now is a presentation.

Chief Denton asked if there was any data that you guys want to see at some point in time on another presentation. He said maybe crashes, missing persons, what we have here in our City. Commissioner McDonald said she would like to see the data on the violent crimes. Commissioner Rardin said maybe a little more of a breakdown on the violent crimes. Chief Denton said he could do that. Commissioner Rardin said he thinks most of this uptick in crime is all related to Covid, the lockdowns, the inflation, and the climate America is in right now. People are getting desperate. Mayor Payne said regardless of the reason, it is still happening, and we still need to make sure our citizens are protected. Commissioner Rardin said over time it will get better as things get better, but he said he thinks we have a few more years before things get better. Mayor Payne said in the meantime, we still need to make sure our citizens are protected, and she said she is really concerned about it. She said that you have a daughter, you have kids, she has kids, we have kids. Commissioner Rardin said it is his job to protect his daughter though, you know what I mean, so. Mayor Payne said no, she actually thinks that some people are capable of that, and some people are not capable of that, so we can't take that attitude either. Commissioner Rardin said having the Police Department and the Sheriffs' and them is cool, but us as citizens maybe need to protect ourselves also, we need to be vigilant and be aware, and if we do need these guys, to call them. It is not just these guys that do it, is a group, all of us as whole. Mayor Payne said then we probably need to include in what we are doing some kind of a community meeting or something and start educating people, because there are people that are very dependent on the Police Department. Commissioner Rardin said like he mentioned earlier, the cops are doing what they are supposed to do. They arrest the guys and they throw them in jail. Our district

attorneys and our judges are releasing these guys right back out on the street. Mayor Payne said she knows that. Commissioner Rardin said that is a big part of the problem, so in our public meeting, he said he thinks our district attorney and a couple of our judges should be invited. Mayor Payne said she completely agrees but their hands are tied too. Commissioner Rardin said even our legislature, let's get our senators, they all need to be there so we can fix the problem. Mayor Payne said it is a heated topic for sure, but it is a discussion that is critically important that we continue to have.

PUBLIC COMMENT

Marguerite Hernandez said that she is kind of new to the area, and she is a little embarrassed to come before you tonight when money is short to ask for your help. Mayor Payne said don't be embarrassed, it is okay. Ms. Hernandez said thank you; we live south of town off Hamilton Road, as do a great many other people, and many of us take a little short patch of road called Martin Luther King Drive, which goes from Hamilton Road to 54 across the railroad tracks. We always take it unless there is a train on the tracks. Martin Luther King Drive is in bad shape, somebody patched it the other day as well as they could, but it is not enough. She said she heard recently that there are plans to extend Martin Luther King Drive across 54 to the West. She said she wanted to put in a plea that when you make the plans to do that expansion, that you take the East side of Martin Luther King Drive into account and pave that as well, because so many people use it like we do almost every day to come into town and spend our money and come back again. We need that road.

CITY MANAGER'S REPORT

None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner McDonald made the following comments:

She said that on this past Saturday the 23rd, we had our official cleanup, Keep Alamogordo Clean in District 5. She said she wanted to give special thanks to the City of Alamogordo for the dumpsters they put on the site, along the corner of 5th and Florida, because they served a really good purpose. A lot of the properties we had signed up for the cleanup was a result of Code Enforcement, and she just wanted to tell them that they are getting out, doing a good job, and people are trying to make sure they are not on the fifteen extra days where they are being taken to court. She said she would also like to thank Mainstreet because they had people out from the Center of Commerce. She said that we had three churches that donated their time and people, Corinth Baptist Church, Latter-Day Saints, and Owen Chapel. We had a property in District 6 that needed work, and that was a possible Code Enforcement issue. Joe and John Lewandowsky are Masons in town. Holloman Air Force Base; we had a gentleman out there that worked like he was three people, and so we were really happy about that. Our community; we had twenty properties, nineteen of them were done on the 22nd and 23rd. We had over twenty-six volunteers, we filled forty-ton and thirty-ton dumpster, and we had eleven containers of paper that was done by Total Destruction. She said she always wanted to thank Sunny from Total Destruction, because she has been there every year, well, the last two years. She said she wanted to give a special shout-out to Pizza Hut because she was calling around and trying to find someplace that would help in the donations, because we wanted to feed the volunteers, and she said she found that they were timely, affordable, and they also made it worth our while. She said they had people that couldn't stay through the whole day, and so they were able to save pizzas at their store and actually deliver or have them pick it up. She said that one of the things she wanted to say was that it was almost like a supernatural day, because we were to start at 7:00, and each year you want to get better at how you contact people and how the people turn out to work, we started at 7:15 with

the assignments and at 9:34 we were done. We were waiting for the Total Destruction to come and actually shred the paper, so a lot of the people left their paper there, or their documents there to be shredded, and we were able to get those done. She said she is just overjoyed, happy, and humbled by the fact that we have people in the City that are reaching out. She just wanted to confirm a lot of people thought that were going to be doing homes or properties of people who were just trying to get by; they would just call us out and we would do it. She said that this time, she saw people on walkers, in wheelchairs, and there is really a need for us to get out and help some of the people that are not able to do their lawns. It is not because they are lazy. She said she wanted to speak for her District, she had eleven properties in District 5. The other properties were outside our District and we took care of them, and the people were grateful. She said they even had people come and say that they were really just happy that the City has this opportunity for them to come and drop off things. When she was talking to Stella, she was saying that the City does have things inline for people to come, or at least go out, and pick up furniture and other things. For some reason, she said she thinks that it has to be talked about or communicated to the people out in the City, because she thinks sometimes they forget. She just wanted to say, she was just humbled by the number of people that came out. We had over thirty volunteers. It was an awesome day and we got everything done. She said she just wanted to also say that when you have people that know what they are doing, they can help you. She said that is what she got, she had people who actually set up things, who had the tools; you didn't have to wait for a lawnmower or weed eater. She said she just wanted to say thank you to everybody that made that day successful.

Mayor Payne made the following comments:

She said she wanted to welcome our Probate Judge; LaTanya Boyce is here tonight, welcome to the City Commission Meeting.

She said she had the opportunity the other day to tour the Dudley School, and if you haven't seen her Facebook page, the pictures are on there. It is going to be very cool, and she encourages everyone if they get the chance to get a hold of Joe Lewandowsky and take a tour. It was in better shape than she thought it was. It was really nice to be able to tour that and it is going to be a phenomenal facility when it is done. For those of you who might not know where the Dudley School is, it is over on Maryland; it is that big building that everybody swears is falling down and once you get up on it, you will see it is absolutely not falling down.

A PSA is going out tomorrow. A week from today, we are going to have a Special Meeting to discuss a resolution that Commissioner Melton has asked to be brought forth for our City. We will have community input on that, and everybody will get an opportunity to speak. It is similar to the one that the County just brought forth. That will be at the Civic Center, next Tuesday night at 6 o'clock. There will be public comment, so look for that PSA as it should be out tomorrow morning.

CONSENT AGENDA

3. Approve the minutes for the July 12, 2022, Regular meeting. (Rachel Hughs, City Clerk)

4. Consider, and act upon, the award of RFQ 2022-03 Architect Design Services Alamogordo Family Rec Center Natatorium to ASA Architects. (Veronica Ortega, Community Services Director)

5. Consider, and act upon, the award of IFB 2022-07 Re-Bid Bromaine Tablets to TAZA Supplies. (Barbara Pyeatt, Purchasing Manager)

6. Consider, and act upon, approval of the fiscal year 2023 contract between the City of Alamogordo and Zia Therapy Center, Inc., for public transportation services. (*Debbie Osborne, Grant Coordinator*)

7. Consider, and act upon, Resolution 2022-35 approving the DFA Quarterly Report for the period ending June 30, 2022. (*Evelyn Huff, Finance Director*) (Roll Call Vote Required)

8. Consider, and act upon, the approval of Resolution No. 2022-33 amending the Preliminary FY 2022-2023 Budget with carry-over fund balances, and adopting the Final Budget for 2022-2023. (*Evelyn Huff, Finance Director*) (Roll Call Vote required)

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

10. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents, the total amount budgeted is \$44,668.75 (\$26,293.75 for home-delivered meals and \$18,375.00 for transportation). (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*)

Mayor Payne pulled item 10 from the Consent Agenda.

Commissioner McDonald moved to approve the Consent Agenda as amended.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

10. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents, the total amount budgeted is \$44,668.75 (\$26,293.75 for home-delivered meals and \$18,375.00 for transportation). (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*)

Mayor Payne said Item 10 was removed completely by staff.

NEW BUSINESS

11. Consider, and act upon, first publication of Ordinance 1656 Case Z-2022-0002(A), a map amendment to change zoning of the property located at 575 W. Eighth Street from M-2 Industrial Zoning to MH-2 Manufactured Housing Park. (*Stella Rael, City Planner*) (Roll Call Vote Required)

City Planner Rael said the property owners of 575 RV Park LLC are the applicants for this request. She said the property was purchased by 575 RV Park LLC with a portion of it being in the City limits, which is a very small portion per plat. If you aren't familiar with the area, this is right across the street from the 575 Brewery. She said she assigned an address of 575 West 8th Street, so they were pretty happy about that one. The property owners are requesting for a map amendment to change the zoning of the property at 575 West 8th Street from M-2 Industrial Zoning District to MH-2 Manufactured Housing Zoning District. The reason they are requesting this is because their intent is to create an RV park within that area, not to put manufactured homes, which per our current ordinances is it required

to be within an MH-2 zoning district. The application was filed, and all fees were paid. A legal ad was placed in the Alamogordo Daily News. Seven letters were mailed by certified return receipt mail to all property owners of record within two hundred feet from the property excluding public right-of-way of the property in question. As of today, there have been no letters returned undeliverable, and she has not received any letters or phone calls of opposition. She said at this point, she has reviewed this case entirely, and with that being said, staff recommends approval. She said she does have the property owners here this evening if you have any questions for them that she may not be able to answer.

Commissioner Burnett asked how many RV spots? Owner Isaac Muncey said phase 1 will consist of twenty-four RV spots. The lot will be split between the County and City, so it is 1.6 acres split evenly. Based on the success of that, we will move forward with phase 2 and 3, moving towards the West towards the bypass.

Commissioner Rardin asked City Planner Stella Rael what the area around it was currently zoned; you have got 575 Brewery. City Planner Rael showed a zoning map from the presentation. City Planner Rael said all the dark purple is industrial, the lighter pink along Railroad Avenue is light industrial, the darker shade of brown is commercial, and then the other is R-4. To the left of the screen there, that is all county, that has no color. They are pretty much surrounded by industrial. Mayor Payne said she thought there was a couple of houses, wasn't there. City Planner Rael said there is homes there, and they have been there a very long time, probably early '50's. Commissioner Rardin said it was a little more North of that, and City Planner said yes, more like towards Cotton, but with current zoning ordinances, you are not even supposed to have residential area within an industrial zoning district, so that is one of the reasons we need to change it to the correct zoning designation.

Mayor Pro-Tem Wright moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

12. Consider, and act upon, Resolution No. 2022-34, adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommended projects for Fiscal Years 2024-2028. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

Grant Coordinator Osborne said we are required to submit a list to the Department of Finance Administration each year; this year we will be doing that in August. We began the ICIP process in June. Department Directors were asked to meet with their managers and departments to determine the projects that they would like to include on our ICIP list. On July 7th, all the Directors met with the City Manager and Assistant City Manager to select the top five that they would like to recommend moving forward with for Capital Outlay applications; those are usually submitted around December. Five projects that were selected at that meeting. Alameda Park Zoo Duck Pond renovations, to plan and design and construct a new aviary net Duck Pond entrance and pond renovations. Purchase of Police Department vehicles and equipment, which has been on our list for a while and is usually one of our top five because they have to continue purchasing new vehicles, plus emergency and communication equipment; it is a long-term project, so far, they have received \$13,000 in funding that they have about another four years after this. The next one is to purchase and install an Alameda Park Zoo perimeter and exhibit fencing; that is to plan and design new perimeter exhibit fencing which would include footing, gates, roofing, concrete, rock, wood, and the removal of debris. Then we have, purchase and installation of City Park amenities; those would include Parks throughout the City and it would be for shade structures, picnic tables, trash receptacles, and sheltered benches. The last one is for APD to purchase and install an ADA-compliant elevator for their building; they have no handicap

access to the 2nd floor of the building. If anyone would like to recommend a different project, replacing one of those, or if you would like to improve that, we just need that tonight.

Commissioner Rardin asked on the perimeter fencing at the Zoo, what are we replacing? Didn't we just replace that not too long-ago up front? City Manager Cesar said that that was the front fencing. Grant Coordinator Osborne said that was right, it didn't include what they are looking for now. Commissioner Rardin said what is this going to replace, that is why he is asking. City Manager Cesar said the remainder of the fencing. He said when that happened four years ago or so, that was just that portion roughly from the Chamber to Airborne Park. This would be the remainder of the fencing. Commissioner Rardin said this would be the stuff around the back, by the railroad back there, okay.

Commissioner McDonald moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

Commissioner Paul moved to adjourn at 7:47 p.m.

Commissioner Melton seconded the motion.

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 August 9, 2022.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION SPECIAL MEETING MINUTES
6:00 P.M., SGT. WILLIE ESTRADA MEMORIAL CIVIC CENTER
August 2, 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 PENNINGTON, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:05 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Rick Mitchell and the Pledge of Allegiance was led by Mayor Payne.

APPROVAL OF AGENDA

Mayor Payne asked to amend the agenda to put Resolution 2022-38 before Resolution 2022-37.

Commissioner Rardin moved to approve the agenda as amended.

Commissioner Burnett seconded the motion.

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

PUBLIC COMMENT

City Attorney Pennington read the 88 public comments sent prior to the meeting that urged the commission to vote against the resolutions. Of that number, 30 were the same email where they wrote, "...urge you to vote NO on Resolution 2022-38". Some individuals sent the same email multiple times. The names of the people that wrote the same email are as follows: Richard Ballew, Marilyn Lohr, Shari Adkisson, Laurence Sager, Edwina Garcia, Molly Swank, Anne Nolan, Larry Gioannini, Ann Ellen Tuomey, Rebecca Lyles, Lisa Alvarado, Cindy Christensen, Lisa Alvarado, Bo Bergstrom, Carol Gentry, Chuck & Judy Anthony, Al Webster, Deb H. Cookingham, Deborah Barnum, Robert Janusko, VC Corcoran, Chaia Ross, Leslee C. Petersen, Shana Pedroncelli, Clara Hardgrave, Connie Chapman, Beryl Birch, Rochelle Williams, A. Meincke, and Richard Ballew.

Finance Director Huff read the 63 public comments sent prior to the meeting that urged the commission to vote for the resolutions. Of that number, 61 were the same email where they wrote, "... urge you to pass Resolution 2022-38". Some individuals sent the same email multiple times. The names of the people that wrote the same email are as follows: Isaac Arreola, Curtis Hacker, Ben Luna, Jacob Luna, Tony Pistilli, George Vogen, Colette Ruggles, Sandra Kipp, Justin Butler, Ludivina Cardwell, Whitney Almager, Becky Mesilla, Mary Ingham, Naomi Mroczek, Alena Silva, Stephen Cockrum, Bob Heisinger, Diane Heisinger, William Caldes, V. Herrera, Connie Moffitt, Tiffany Burningham, Jeff Shock, Brenda Cockrum, Sonia Nordenson, Ben Mroczek, Betty Clayton, Stephanie McKenzie, Ethel Maharg, Debbie Alton, Richard Goodson, Becky Hill, Bob Graham, Michael Franco, JD Vasquez, Christine Siddens, Terri Chrisman, Neil Hise, Michael Franco, Lana Peterson, Cathy Harris, Greg Eckstein, Molly Crosby, Mary Ingham, Dwight Woods, Aleta Buteau, Judy Sanchez, Stephanie Brownfield, Cristina V. Beato, Sandra Kipp, Rayanne Northrop, Cecilia Gonzales, William Westerbur, Heather Bash, Steve Carson, Eloy Romero, Bryan Begay, Diane Mix, P. E. Socci, Mary Beardsell, and Janet Dibble.

Alena Silva, Aleta Buteau, Becky Hill, Ben Mroczek, Betty Clayton, Bob & Diane Heisinger, Brenda Cockrum, Bryan Begay, Cathy Harris, Cecilia Gonzales, Christine Siddens, Cristina Beato, Debbie Alton, Diane Mix, Dwight Woods, Earlene Groseclose, Eloy Romero, Ethel Maharg, Greg Eckstein, Heather Bash, JD Vasquez, Jeff Shock, Judy Sanchez, Lana Peterson, Mary Moffitt, Mary Ingham, Michael Franco, Michael Franco, Molly Crosby, Linda McGinnis, Benjamin Luna Sr., Jacob Lucas, Neil Hise, Rayanne Northrop, Sanda Kipp, Sonia Nordenson, Stephanie McKenzie, Stephanie Brownfield, Stephan Cockrum, Steve Carson, Terri Chrisman, Tiffany Burningham, V. Herrera, William Caldes, William Westerbur, Janet Ellis, Amy Dunlap, Michael Schartz, Belen Cordova, Alena Silva, Naomi Mroczek, Stewart Inham, Becky (no last name given), Whitney Almager, Ludivina Cardwell, Justin Butler, George Vogen, Colette Ruggles, Isaac Arreola, Curtis Hacker, Robert McGinnas.

City Attorney Pennington and Finance Director Huff read the remaining emails with unique content but kept the names confidential. 58 emails were against the resolution. Two emails were for the resolution. One email was unclear.

Mayor Payne said we are going to move on to in-person public comments.

The following people that signed up for Public Comments urged the commissioners to vote against the resolutions: Natalie Wilkins, Avery Herrera, and Shari Adkisson.

Mayor Payne said she did things out of order, so she asked Commissioner Melton to introduce his resolution and then we will move on with Public Comment.

NEW BUSINESS

2. Consider and act upon Resolution 2022-38, a Resolution Declaring the City of Alamogordo a Sanctuary for the Unborn. (Karl Melton, District 3 Commissioner) moved to approve.

Commissioner Melton said he has brought forward Resolution 2022-38 because his constituents are worried that Alamogordo has no resolution or ordinance on the book protecting unborn life. This measure not only affirms life from conception to natural death, but it declares Alamogordo a sanctuary city for the unborn. As it stands now, the City has not made it opposition to abortion known, making Alamogordo a prime target for future abortion businesses to open their doors. In this post-Roe world we live in, abortion facilities in Texas, Arizona, Mississippi, and other states are actively moving to New Mexico where abortion is legal up to the very moment of birth. There are no protections for babies, mothers, and medical professionals. Just in the last few months, a Mississippi-based abortion business has already moved to Las Cruces. A Texas abortion facility is in the process of moving to Hobbs right now, a city that is overwhelmingly pro-life. The local governments of both Hobbs and Las Cruces have not passed pro-life sanctuary resolutions and now it is unfortunately looking like it is too late for them to do anything. The wheels are already turning. Meanwhile, to offer some contrast, the city of Roswell passed their own pro-life resolution in 2019 that is very similar to what he is advocating here today. Despite being only 80 miles from the Texas border, no abortion facilities have announced a Roswell location. He said the reason is clear to him; Planned Parenthood and other abortion facilities, are hesitant to invest the time, money, manpower, and resources in expanding to a city that they know is hostile to their mission. The pro-abortion lobby is clear that they will not rest until access to abortion is expanded, and that goal will inevitably collide with Alamogordo. He said as far as he sees it, if we do nothing, it is not a question of if, but when, a facility opens up in Alamogordo. We as a commission will be forced to take action later if we do not take it tonight. We can decide to be proactive and announce our opposition to any abortion businesses moving into the City tonight, or we can procrastinate, decide to kick the can down the road, and only discuss options after Planned Parenthood has already made

their plans to move. Similar to Hobbs, by that time, it will probably be too late. These realities are why this resolution is so important today. Our community, Alamogordo, is fervently pro-life. As of this morning, he had received 81 emails total. 70 of them were in favor of the resolution, and 11 emails were opposed; that is nearly 9 out of 10 in favor of this resolution. Sometime around 12:30 pm today, a pro-abortion national organization sent an email blast to their entire state-wide list. Yet even with that involvement from an out of town, out of state advocacy organization, by 5 pm, the latest count he had, the emails in support were still more than double the emails we received in opposition. He said he was in favor of both of these resolutions on the agenda today and he said he thinks we should pass both. They will do great wonders for our City, and they will also show our constituents that we are listening to them and representing them as elected officials are supposed to do. Now, he said he will say that we should not compromise and pass one of the two resolutions, because one resolution on the agenda is more vague and weaker than the other one. There is only one resolution on the book today, on the agenda, that makes Alamogordo a sanctuary city for the unborn. He said he is advising that we listen to our constituents in the City of Alamogordo and pass both of these resolutions. We must do everything possible to stand up for those who cannot stand up for themselves, the unborn. They are the only demographic that cannot speak up in this room right now, they cannot state their opinion like everyone else. This commission has previously passed resolutions in support of the 2nd Amendment, Parental Rights, and other controversial topics that our citizens care about, but that didn't stop us back then. We continued, and we made Alamogordo a sanctuary city for the 2nd Amendment, because that is what our constituents wanted us to do, and that is our job, and that is where it ends. The right to life is just as important, and we as a governing body need to take a stand tonight. This measure of protection for those innocent babies is critical to representing our constituents and representing a culture of life in our beautiful city.

Mayor Payne said she had a question for our City Attorney; do you know how many of them were actually from Alamogordo or Otero County. City Attorney Pennington said it was hard to tell because some of them were just signed, "your name" so she had to read the name off the email address. Some of them are from Santa Fe, we had a lot of them from Santa Fe, we had out-of-town on both of those copy and paste. She said she thinks probably half of those letters were from outside of Alamogordo. Mayor Payne asked how many were there. City Attorney Pennington said very preliminarily, it looks like there were 63 of the letters that were for, and 30 against. She said at the request of Commissioner Rardin, she is tallying how many were for and against. Mayor Payne said so you don't have a total count. City Attorney Pennington said not yet, but she will have it by the end of the meeting.

Mayor Payne consulted with Commissioner Rardin. Mayor Payne said that Commissioner Rardin unofficially counted 86 against, and 69 for.

Mayor Payne resumed with the Public Comment.

The following people that signed up for Public Comments urged the commissioners to vote against the resolutions: Stan Hernandez, Erin Gatten, Debbie Osborne, Danica Newton, Denise Lang-Browne, Cathryn Chevalier, Matt Creclies, Heather Flodin, Carol Hernandez, Kristina Marzano, Arthur Alterson, Claudia Powell, Donna Swanson, and Nadia Sikes.

The following people that signed up for Public Comments urged the commissioners to vote for the resolutions: Cecil Lunceford, John Morris, Marcia Stirman, Benjamin Luna, John Block, Sara Weihausen, Ashley Caraway, Ricky Caraway, Janice Armstrong, Antonio Bustamantes, John Baake, Janie Blanton, Couy Griffin, Diane Wilson, and Tracy DeLaRosa.

Mayor Payne said if we count the emails, she had 82 for and 105 against; that is 187 people out of 31,000 people in our city, who may or may not be from Alamogordo or Otero County, who took the

time to voice their opinion about this. She said she read these emails and listened to the people tonight and she was a little disappointed because assumptions were made. She said that is why she asked the one lady if she even knew her, because she has never met her before. She said she made assumptions about me personally, and she had never talked to her; assumptions were made about other commissioners tonight and that was disappointing to her. She said she was only speaking for herself as the Mayor, but she understood the difference between her personal beliefs and her professional responsibilities. She said it has gotten her in trouble more than once on both sides of the aisle; people who know her know she has very thick skin and she has to do this every single day. She said that when those kinds of things happen, it creates a perception. It makes it difficult for us, and when you are being attacked like that your first inclination, on either side of the aisle, is to double down. She said she saw that tonight, she saw people making comments and faces, and she was disappointed because we need to respect each other. She said she brought forward the second resolution as an alternative to the first resolution and we don't have to pass either one. She said this is a very controversial subject and one that she did not believe was a function of city government. She said she is not going to pander to anybody and she runs a nonprofit where they help the homeless and they help people. We do the best we can, maybe the City as a whole does not, but we are trying. She said she has agonized and she lost sleep over this because she is in a spiritual quandary with her personal faith as a Christian, but she understands she was elected to represent everybody. She said she has heard comments tonight, such as when Janice Armstrong gave us statistics if an abortion clinic comes here, that there is going to be bombings and murders. She said what makes that any better, that to her is fear, and unfortunately it is a very real fear. So is it okay to kill the people performing abortions, but is it not okay to perform an abortion. She said she spent four years working at the Pregnancy Health Center where she counselled thousands of women that were contemplating abortion. She said she has heard all the stories and understood why they do it. She said she is personally pro-life and has no problem admitting it; yet more than pro-life, she is pro supporting women. She said she hears over and over that we need to protect the voiceless and she understands that and personally she agrees with that, but we are forgetting something. She said there is a woman that is carrying that baby, and while she did not want any one of them to have an abortion, we need to start talking about how we can support these women that are having babies or finding themselves in these situations. She said she was a teenage mother and knows exactly what it is like, she had her daughter at 17 years old and had no family support. However, it has nothing to do with this situation even if she can sympathize and have compassion for it. She said she did not believe this was a function of city government and agrees with the notion we have so many other things to worry about in this City. She said she was sorry but that is how she feels, and she respects other people's right to feel different. She said quite frankly, this is not an issue right now, and this is not something that is binding. It is not kicking the can down the road, it is creating awareness of a problem that wasn't there, and now we could have a problem. She said the great thing about people in general is that we can agree to disagree.

Commissioner Melton said he also has his faith, but when he introduced his resolution, his reasoning for bringing it forward had nothing to do with his faith; he did not invoke religion. Quite simply, he brought it forward because he heard from constituents that this is what they want, and he is in this role to represent them. He said that someone brought up our mission statement earlier, and that is to provide the best service to our constituents. He said he felt like in our responsibilities, we have to represent them even if it is controversial. A lot of the controversial issues are the ones worth fighting for. You are going to have to side with someone, because at the end of the day, there is no function that we as a governing body perform where almost everyone is in approval. Even when we find derelict buildings and tear them down, there are people against that. Every function we have, there are for and against, and it is a prudent move to speak to and represent the majority because those are the ones that voted us in.

Mayor Payne said she hears that, but she had 82 for and 105 against, so what is the majority. Commissioner Melton said that an out-of-state interest group sent an email to an entire list, and he has that email. Those emails that came in were not from Alamogordo.

Commissioner Rardin said that he would like to call to call the question.

Commissioner Melton moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 5-2-0. Commissioner McDonald and Mayor Payne voted nay.

2. Consider and act upon Resolution 2022-37, a Resolution Declaring Support for Otero County Resolution 07-122/111-09. (Susan L Payne, Mayor of Alamogordo)

Commissioner Melton moved to approve.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-1-0. Commissioner McDonald voted nay.

Commissioner Rardin moved to adjourn at 9:59 p.m.

Commissioner Burnett seconded the motion.

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 August 9, 2022.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/03/2022

Report No: 2.

Submitted By: Stella Rael

Subject: Consider, and act upon, adoption and final publication of Ordinance 1653 reaffirming that the City's districts are compact in area and as nearly equal in population as possible. (*Stella Rael, City Planner*)
(Roll Call Vote Required)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt the Ordinance.

Background:

On July 12, 2022, the Commission approved by a vote of 7-0 the first publication of the Ordinance.

Pursuant to Article VII. Section 4 of the City Charter, within one year after publication of each National Census, the City Commission shall reaffirm that the City is divided into six (6) districts, otherwise known as "Redistricting". The boundaries of each district shall be established by Ordinance. Following the release of the results from the 2020 National Census, the City contracted with New Mexico Demographic Research, LLC, who submitted three redistricting plans. At the July 12, 2022 meeting, the Commission selected Plan A: Least Change. Ordinance 1653 is now before the Commission for final adoption.

ORDINANCE NO. 1653

**AN ORDINANCE REAFFIRMING THAT THE CITY'S DISTRICTS ARE COMPACT IN AREA AND AS
NEARLY EQUAL IN POPULATION AS POSSIBLE**

WHEREAS, Article VII. Section 4 of the City Charter of the City of Alamogordo requires that within one year after publication of each National Census, the City Commission shall reaffirm that the City is divided into six (6) districts that are compact in area and as nearly equal in population as possible; and

WHEREAS, the last adoption of a Redistricting Plan occurred by action of the City Commission at their Regular Meeting held on October 8, 2013; and

WHEREAS, a professional analysis of the current Commission districts indicates that the existing six districts are in need of adjustment to equalize populations pursuant to Article VII. Section 4 of the Charter; and

WHEREAS, the City has contracted with New Mexico Demographic Research, LLC, a professional service company which specializes in redistricting and which has submitted for the Commission's consideration three redistricting plans for the City's six Commission districts; and

WHEREAS, all three of the proposed plans have previously been placed at the Alamogordo Public Library and at City Hall for public viewing and input.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that Redistricting Plan A (Least Change) is hereby adopted in accordance with the City Charter, and a copy of said redistricting map is attached hereto.

DONE, this 9th day of August, 2022.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

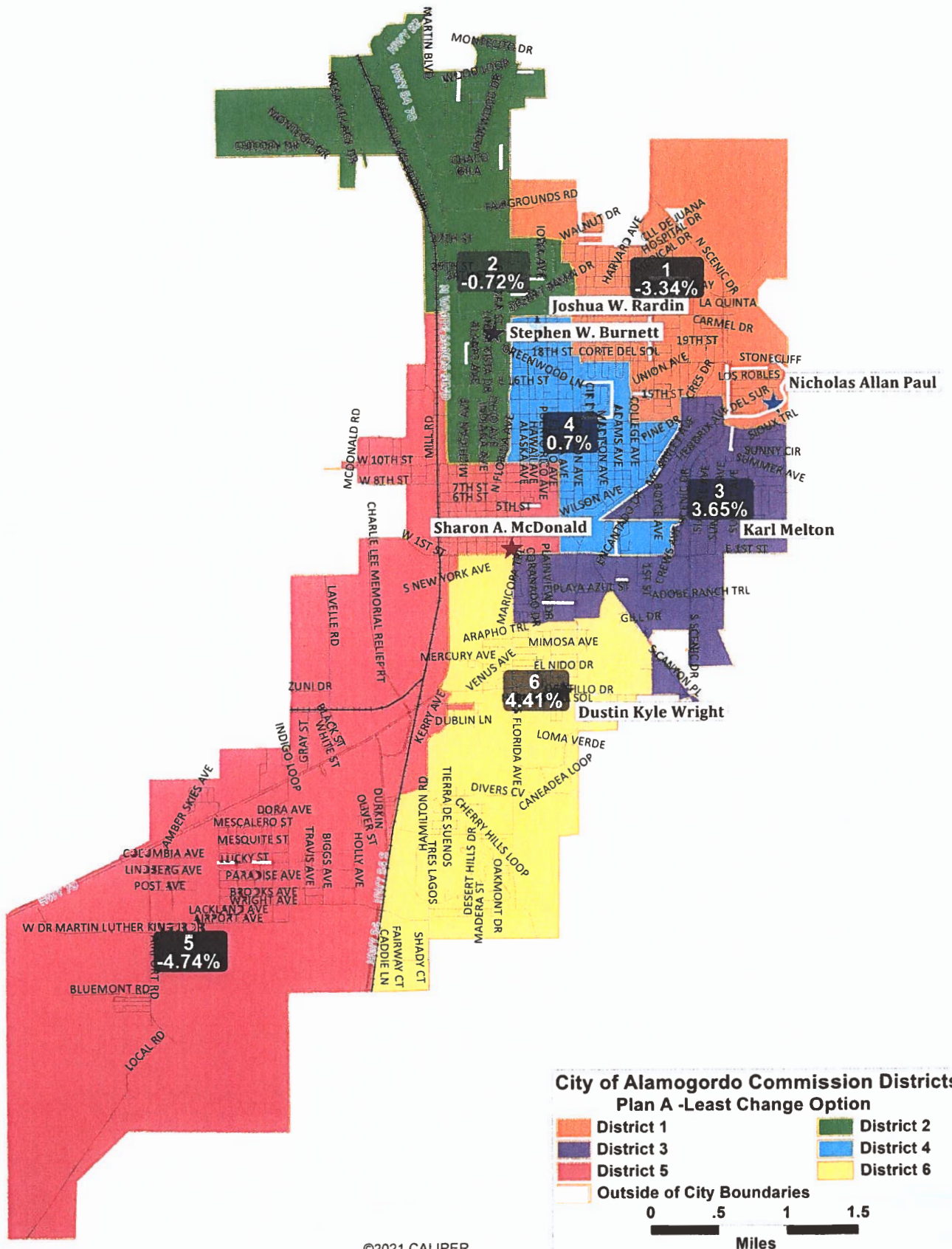
By: _____
Susan L. Payne, Mayor

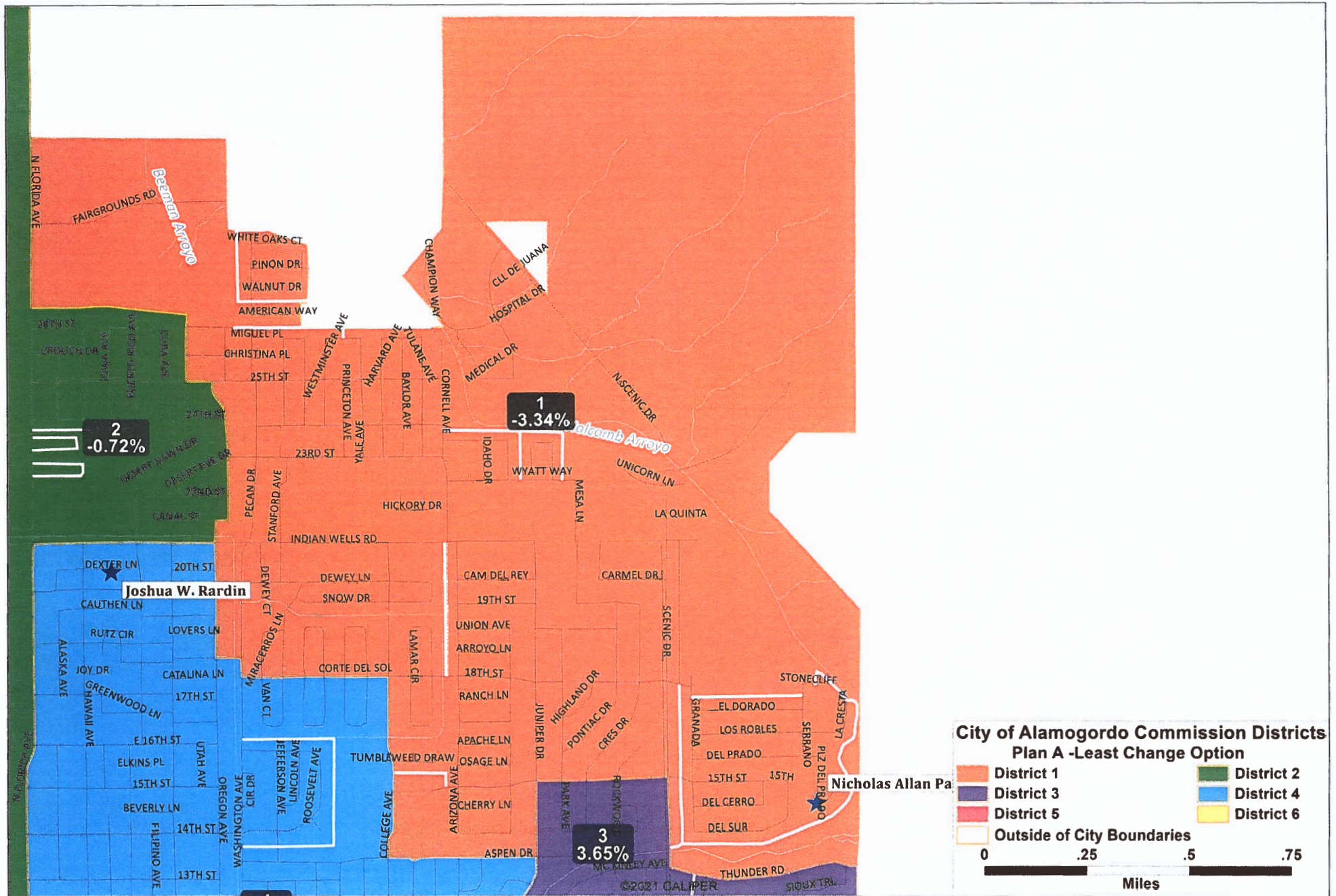
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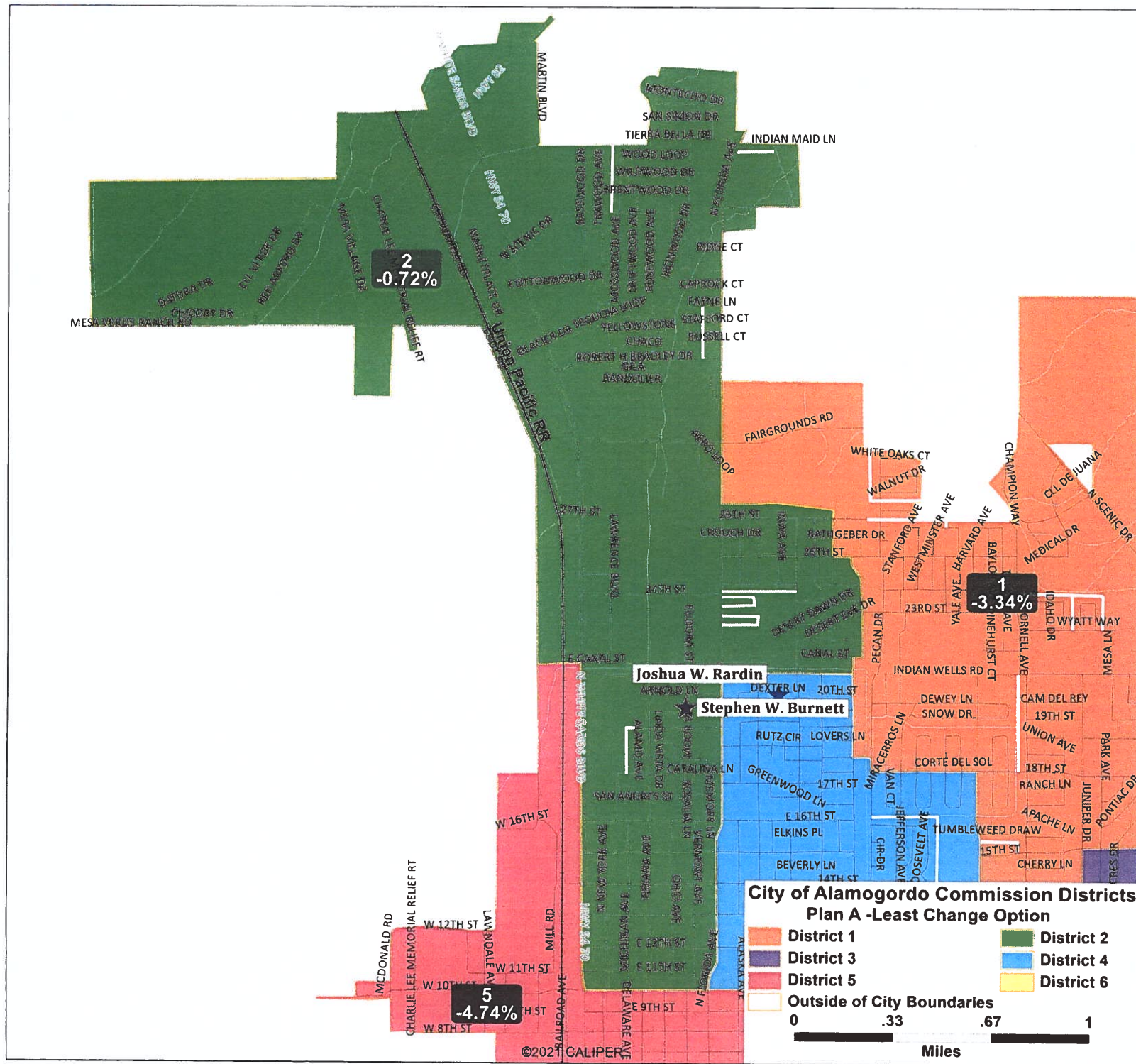
Rachel Hughs, City Clerk

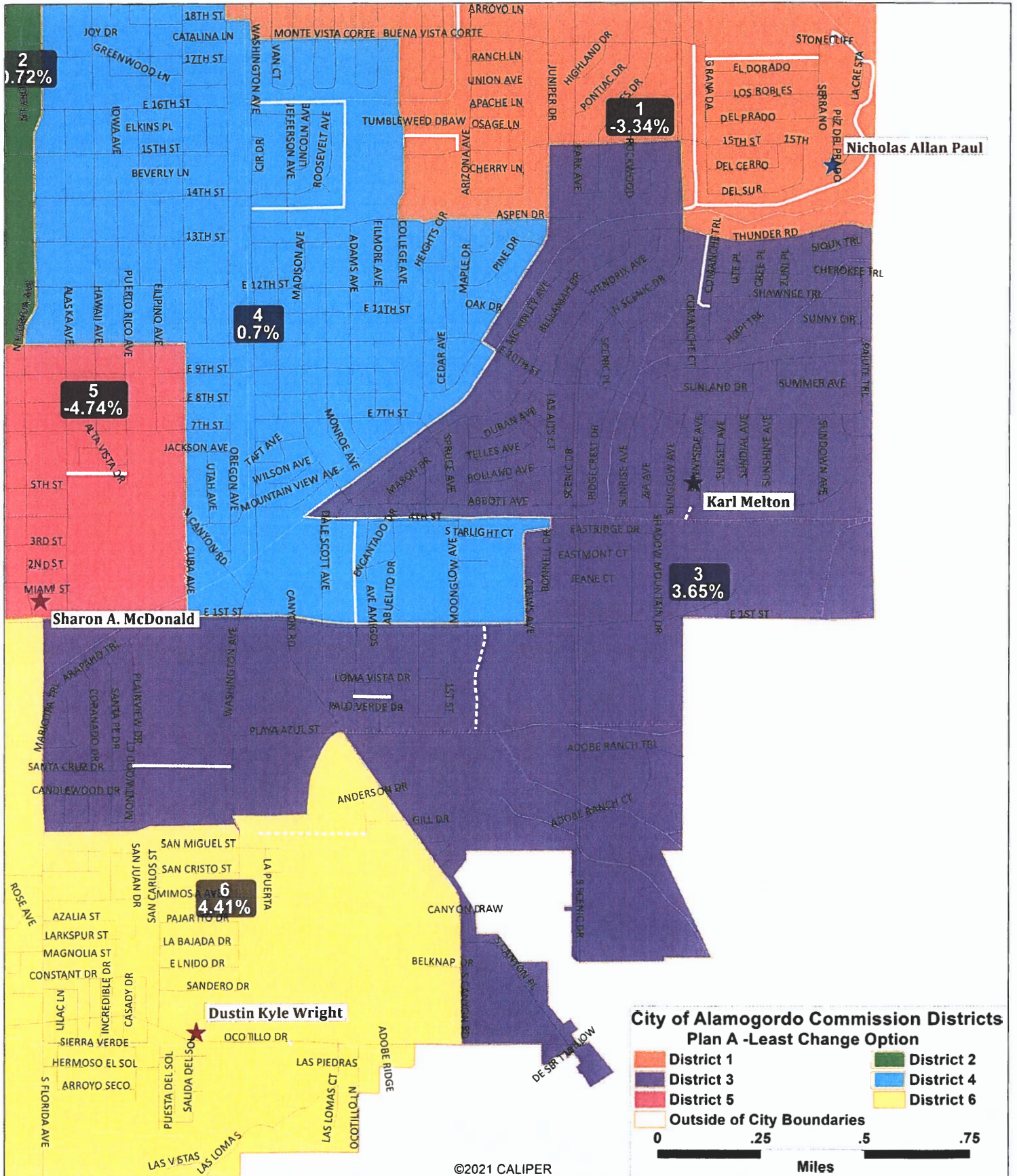
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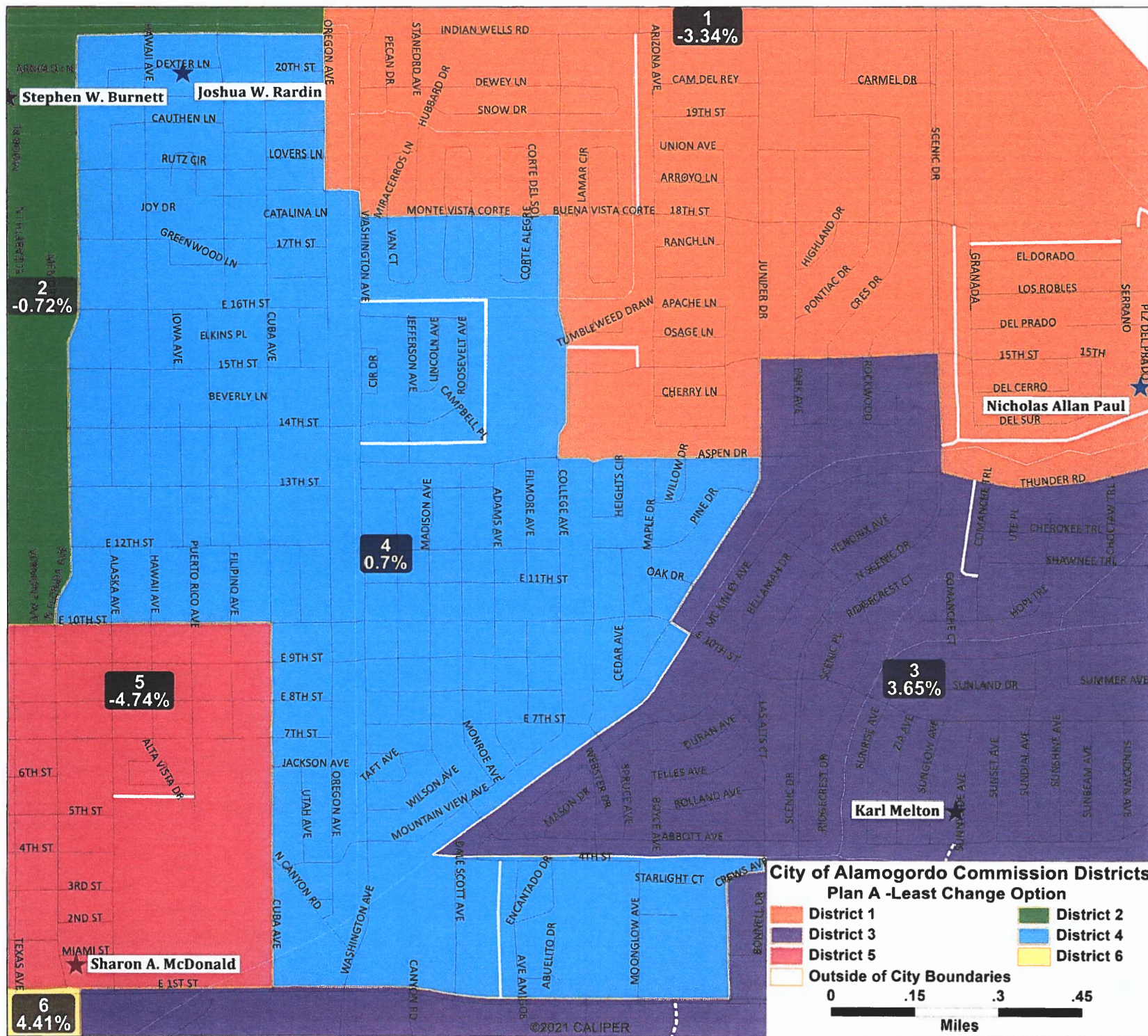
Petria Pennington, City Attorney

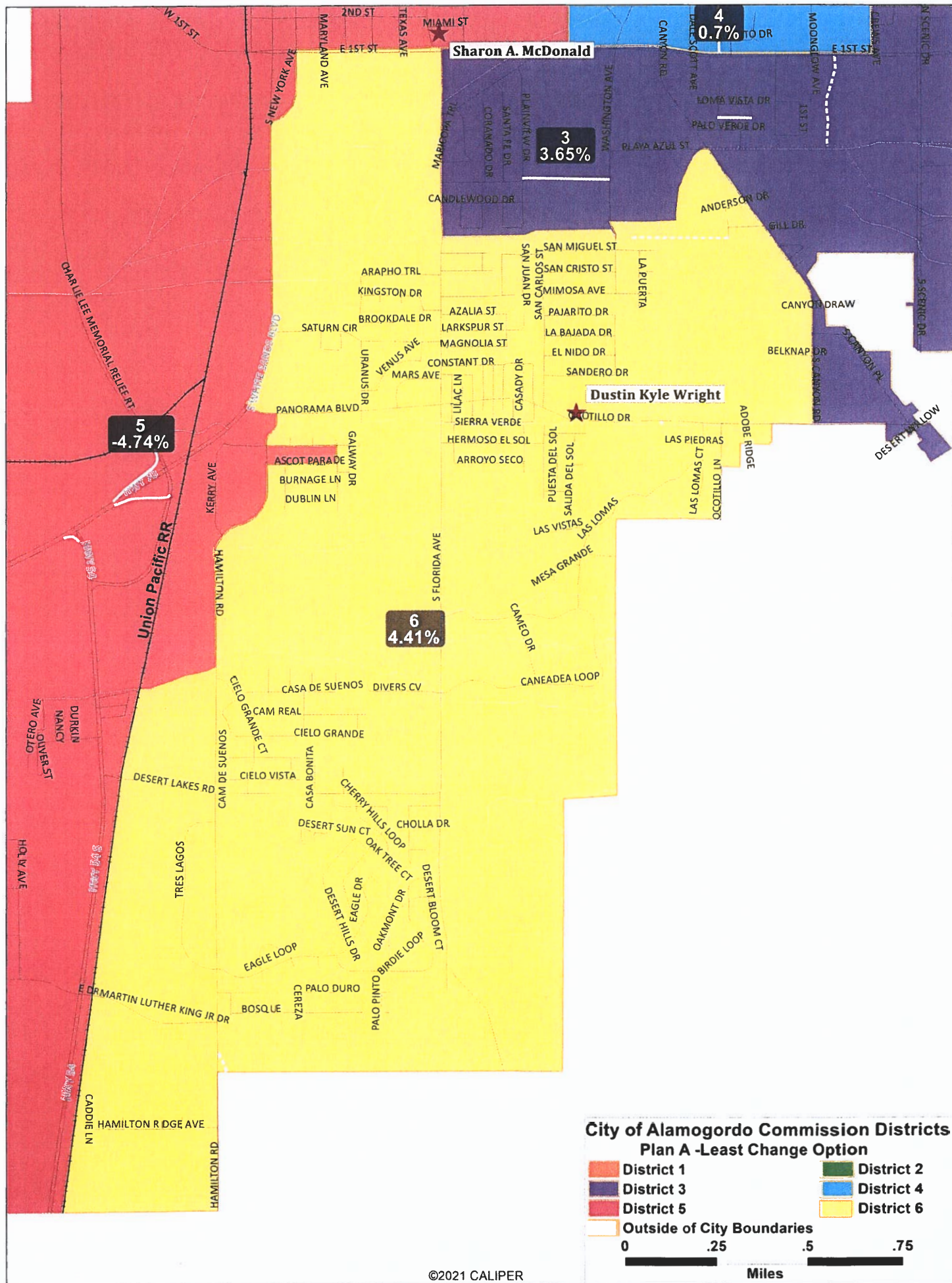












City of Alamogordo	Plan A	Demographic Dataview	2022
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Least Change

District	Population	Deviation	% Dev.	Hispanic	Non-Hispanic Origin				Area in Square Miles
					White	Black	Native American	Asian	
1	4,978	-172	-3.34%	30.9%	56.4%	4.6%	0.9%	1.4%	2.72
Adult	3,862			26.3%	61.8%	4.8%	1.0%	1.7%	
2	5,113	-37	-0.72%	30.6%	55.6%	4.5%	0.8%	2.2%	3.10
Adult	3,992			26.8%	60.5%	4.7%	0.9%	2.3%	
3	5,338	188	3.65%	30.5%	53.2%	6.7%	1.2%	2.9%	1.88
Adult	3,716			26.7%	57.6%	6.8%	1.1%	2.8%	
4	5,186	36	0.70%	38.6%	47.2%	5.4%	1.1%	1.6%	1.32
Adult	4,099			34.4%	51.5%	5.7%	1.0%	1.8%	
5	4,906	-244	-4.74%	41.9%	43.6%	5.9%	1.1%	2.2%	9.08
Adult	3,791			38.3%	47.7%	6.0%	0.7%	2.5%	
6	5,377	227	4.41%	23.6%	57.0%	5.4%	0.7%	3.6%	3.32
Adult	4,684			23.6%	60.3%	5.6%	0.8%	4.1%	
Total	30,898	Ideal: 5,150		33.2%	52.3%	5.4%	1.0%	2.3%	21.42
Adult	25,766			29.3%	56.6%	5.4%	0.9%	2.5%	

City of Alamogordo

Plan A

Race & Ethnicity, Populations

2022

Least Change

District	Population	Deviation	% Dev.	Hispanic	Non-Hispanic Origin				Area in Square Miles
					White	Black	Native American	Asian	
1	4,978	-172	-3.34%	1,536	2,806	231	45	71	2.72
Adult	3,862			1,014	2,385	184	38	66	
2	5,113	-37	-0.72%	1,564	2,844	229	43	113	3.10
Adult	3,992			1,068	2,413	189	37	93	
3	5,338	188	3.65%	1,627	2,840	355	64	153	1.88
Adult	4,271			1,141	2,458	291	47	120	
4	5,186	36	0.70%	2,004	2,449	281	58	82	1.32
Adult	4,099			1,410	2,112	235	39	72	
5	4,906	-244	-4.74%	2,056	2,141	289	54	108	9.08
Adult	3,856			1,475	1,838	232	28	97	
6	5,377	227	4.41%	1,463	3,065	292	37	192	3.32
Adult	4,064			960	2,452	229	31	165	
Total	30,898	Ideal: 5,150		10,250	16,145	1,677	301	719	21.42
Adult	24,144			7,068	13,658	1,360	220	613	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/03/2022

Report No: 3.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, adoption and final publication of Ordinance 1654 to amend sections of Chapter 5 of the Code of Ordinances concerning Alcoholic Beverages. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt Ordinance 1654.

Background:

On July 12, 2022, the commission approved by a vote of 7-0 the first publication of the ordinance.

Chapter 5 Alcoholic Beverages has not been updated since 2008 and in 2016 the section temporary alcoholic beverage dispenser's licenses was added.

Adding

- Specific definitions for clarity
- Categories to specify the different types of temporary alcoholic beverage dispenser's permits
- Sections 5-01-090 Hours of Operation
- 5-02-053 Late Renewals and Expiration of Licenses

Major changes

- The word "license" to "permit" in the temporary alcoholic beverage dispenser's section
- \$50 to \$75 to cover the expense of new license publications
- Cost of temporary alcoholic beverage dispenser's permits
- From various license tax fees to \$250 each

- From July renewals to match the state renewal timeframe

ORDINANCE NO. 1654

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 5 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING ALCOHOLIC BEVERAGES

WHEREAS, the Code of Ordinances of the City of Alamogordo, New Mexico provides for certain businesses and occupations to be licensed and pay the required fees through the City Clerk's office; and,

WHEREAS, it has been many years since the ordinance has been updated; and,

WHEREAS, city staff deems it necessary to amend sections of Chapter 5 of the Code of Ordinances; and

WHEREAS, city staff deems it necessary to add sections 5-01-090 Hour of Operation and 5-02-053 Late Renewals and Expiration of Licenses to this Chapter of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Chapter 5 of the Code of Ordinances be amended to read as follows:

Chapter 5 ALCOHOLIC BEVERAGES

ARTICLE 5-01. GENERAL

5-01-010. Definitions.

All words and terms used in this chapter shall be deemed to have and carry the meaning as defined by the laws of the state, particularly, but not limited to §60-3A-3 NMSA 1978. Where such words and terms are not defined by the laws of the state, then they shall be deemed to have and carry their common, ordinary meaning.

A. "alcoholic beverages" means distilled or rectified spirits, potable alcohol, powdered alcohol, frozen or freeze-dried alcohol, brandy, whiskey, rum, gin, and aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions, or mixtures of one or more of the foregoing containing more than one-half percent alcohol, but excluding medicinal bitters;

B. "club" means an organization of persons organized or operated under the laws of the State, operated for nonprofit service to members, with a membership of not less than fifty (50) regularly admitted and enrolled members who have paid membership dues at a rate of not less than five dollars (\$5.00) per year, which the owner licensee or occupant of the premises used exclusively for club purposes and which, in the judgment of the City Commission, is operated solely for recreation, social, patriotic, political, benevolent or athletic purposes;

C. "dispenser" means any person licensed under this chapter selling, offering for sale, or having in his/her possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in unbroken packages for consumption and not for resale off the licensed premises;

D. "licensee" means the holder of any license or permit authorizing the sale of alcoholic beverages issued under the provisions of the Liquor Control Act but does not mean the holder of a server permit;

E. "local option district" means an incorporated municipality of over five thousand population that has independently voted to approve the sale, serving, or public consumption of alcoholic beverages under the terms of the Liquor Control Act or former act;

F. "minor" means any person who is under the age of twenty-one (21) years;

G. "public celebration" means any state fair, county fair, community fiesta, cultural or artistic performance or event, professional athletic competition and events or activities held on an intermittent basis that are open or advertised to the general public;

H. "public place" shall mean: an area, whether enclosed or open, held out for use by the public and to which the public is invited, or in which the public is permitted, whether owned or operated by public or private interests.

I. "restaurant" means any establishment having a state resident as a proprietor or manager which is held out to the public as a place where meals are prepared and served primarily for on-premises consumption to the general public in consideration of payment and which has a dining room, a kitchen and the employees necessary for preparing, cooking and serving meals; the term "restaurant" does not include establishments as defined in regulations promulgated by the director serving only hamburgers, sandwiches, salads and other fast foods;

J. "retailer" means any person licensed under this chapter selling, offering for sale, or having in his possession with the intent to sell any alcoholic beverages in unbroken packages for consumption and not for resale off the licensed premises;

K. "small brewer" means any person who owns or operates a business for the manufacture of beer but does not manufacture more than two hundred barrels of beer per year;

L. "wine" means alcoholic beverages obtained by the fermentation of the natural sugar contained in fruit or other agricultural products, with or without the addition of sugar or other products, that do not contain less than one-half percent nor more than twenty-one percent alcohol by volume;

M. "winegrower" means a person who owns or operates a business for the manufacture of wine or cider;

5-01-020. Building requirements.

No alcoholic beverages shall be sold or delivered by any alcoholic beverage dispenser, retailer, or wine grower except in areas, buildings and/or rooms open to the general public. No closed or curtained booths shall be permitted in any establishment or public place licensed under this chapter.

5-01-030. Location regulations.

A. It shall be unlawful for anyone to drink or to use any alcoholic beverages of any kind, whether lawfully purchased or not, in any public dance hall, poolroom, bowling alley or in any street or in any government building, whether state or federal, or in any other public place except establishments, or other public places having a license to dispense alcoholic beverages.

B. No license shall be issued for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981, that is within three hundred feet of a church or school. All measurements for the purpose of determining the location of a licensed premises in relation to churches or schools shall be the shortest direct line measurement between the actual limits of the real property of the church or school in which there is regularly conducted church services or educational functions, and the controlled access area of the licensed premises where alcoholic beverages are proposed to be sold (§60-6B-10 NMSA 1978., as amended).

5-01-035. Temporary alcoholic beverage dispenser's license permit.

~~(a)~~ A. *License Permit authorized.* The governing body of the city has deemed it advisable to allow and ~~license permit~~ limited public sale of alcoholic beverages at retail and consumption on the sale premises of alcoholic beverages approved by the city clerk in specific areas of the public parks of said city, and, during community-wide celebrations, on certain other public places. ~~Such sale shall be by responsible persons duly licensed under the Code of Ordinances, and shall be allowed for limited periods of time, as hereinafter specifically provided.~~

~~(b)~~ B. *License Permit created.* There is hereby created a ~~license permit~~, to be ~~denominate~~ designated a temporary alcoholic beverage dispenser's ~~license permit~~. A person to whom the city has issued a current valid temporary alcoholic beverage dispenser's ~~license permit~~ will hereinafter be referred to as a temporary alcoholic beverage dispenser's licensee.

C. *Categories created under this permit.*

1. Special dispenser's permit.

Any person holding a dispenser's state alcoholic beverage license where a public celebration is to be held may dispense alcoholic beverages at the public celebration upon receiving the city's special dispenser's permit.

2. Special dispenser's permit for catering off premises.

Any person holding a dispenser's state alcoholic beverage license may dispense alcoholic beverages at the special event upon receiving the city's special dispenser's permit.

3. Public celebration permit.

Any person holding a small brewer or winegrower state alcoholic beverage license may dispense alcoholic beverages for a public celebration permit upon receiving the city's small manufacturer's public celebration permit.

4. Private celebration permit.

Any person holding a small brewer or winegrower state alcoholic beverage license may dispense alcoholic beverages for a private celebration permit for a private event, in which

the organizers of the event wish for alcoholic beverages to be sold, served, and consumed by guests upon receiving the city's small manufacturer's private celebration permit.

(c) **D. Area designated.** A temporary alcoholic beverage dispenser's ~~license~~ permit shall designate specifically an area in a city park, or alternatively, other public places in the city, which area shall be used for the purposes of the ~~license~~ permit, and which area will hereinafter be referred to as a temporary alcoholic beverage dispenser's permit.

(d) **E. No other area to be used.** No alcoholic beverages may be sold at retail or consumed in any city park of the city, or on any other public places of said city, whether in the central business district or otherwise, except that a temporary alcoholic beverage dispenser's licensee may use the temporary alcoholic beverage dispenser's designated on the temporary alcoholic beverage dispenser's ~~license~~ permit for purposes of retail sale, and consumption by adult consumers of alcoholic beverages on the premises of the temporary alcoholic beverage dispenser's; and provided further:

- (1) **1.** That such sale and consumption shall be limited to the designated temporary alcoholic beverage dispenser's.
- (2) **2.** The licensee must comply with all applicable laws and ordinances.
- (3) **3.** The licensee must have all of the qualifications set out in the Code of Ordinances, the New Mexico Alcohol Beverage Control Division, and state statutes for an alcoholic beverage dispenser's ~~license~~ permit.
- (4) **4.** The licensee must pay a ~~license~~ the appropriate fee of fifty dollars (\$50.00) for each temporary alcoholic beverage dispenser's location.
- (5) **5.** The licensee must hold a current license from the ~~city~~ state for the sale of alcoholic beverages or beer at retail for consumption on the premises.

(e) **F. Duration.** The duration of a temporary alcoholic beverage dispenser's ~~license~~ permit shall not exceed three (3) days. No person shall be issued more than three (3) temporary alcoholic beverage dispenser's ~~licenses~~ permits during any calendar month. No temporary alcoholic beverage dispenser's ~~license~~ permit shall be transferred by the temporary alcoholic beverage dispenser's licensee to whom it was originally issued.

(f) **G. Compliance with other regulations.** Each temporary alcoholic beverage dispenser's, while in operation shall comply with all of the requirements of this chapter of the Code of Ordinances relating to dealers in alcoholic beverages.

H. The applicant shall submit the application at least 14 business days prior to the event.

I. The alcoholic beverage dispenser's permit shall be posted in a conspicuous place in the area for which it was issued.

(g) **J. [Governmental liquor license.]** Nothing in this section shall be construed as prohibiting the city from using a premise or area designated on a governmental liquor license for the retail and consumption by adults of alcoholic beverages in any city park, or on any other public place.

5-01-040. Selling or giving alcoholic liquor to minors; minor allowing self to be served.

- (a) ~~The term "minor" as used in this section shall mean any person who is under the age of twenty-one (21) years.~~
- (b) A. It shall be a violation of this section for any club, retailer, dispenser, bartender, waiter or servant or employee of any club, retailer, or dispenser, or for any taxi driver, hotel employee or any other person, to do any of the following acts:
- (1) To sell, serve or give any alcoholic beverage to a minor.
 - (2) To buy alcoholic beverages for, or to procure the sale or service of alcoholic beverages to, a minor.
 - (3) To deliver alcoholic beverages to a minor.
 - (4) To aid or assist a minor to buy, procure or be served with alcoholic beverages.
- (c) B. It shall be a violation of this section for any minor to buy, receive, possess, or permit ~~himself~~ **themselves** to be served with any alcoholic liquor.
- (d) C. In the event any person except a minor shall procure any other person to sell, serve or deliver any alcoholic beverage to a minor by actual or constructive misrepresentation of any facts calculated to cause, or by the concealment of any facts the concealment of which is calculated to cause, the person, selling, serving or delivering such alcoholic beverages to such minor, that such minor is legally entitled to be sold, served or delivered alcoholic beverages; and actually deceiving him/~~her~~ by such misrepresentation or concealment, then that person, and not the person so deceived by such misrepresentation or concealment, shall have violated this section.

5-01-050. Drinking in public places.

- A. Drinking in public places consists of drinking or consuming alcoholic beverages (as the term is defined in Section 60-3A-3 NMSA 1978, ~~as amended~~) in any public place, private club, key club, whether operated for profit or not, or on a parking lot adjacent to an establishment licensed to dispense alcoholic beverages; provided, that this chapter shall not apply to drinking inside an establishment having a license to dispense alcoholic beverages or a Temporary Alcoholic Beverage Dispenser's location as authorized by Section 5-01-035 of the Code of Ordinances.
- B. It shall be unlawful for any person to commit the offense defined in this section.

5-01-060. Selling of alcohol in public places.

- (a) Selling of alcohol in public places consists of selling, serving, furnishing, or permitting the drinking or consumption of alcoholic beverages (as the term is defined in section 60-3A-3, NMSA 1978., as amended) in any public place or private club, or key club, whether operated for profit or not, except establishments having a license to dispense alcoholic beverages by the owner, operator, lessee, or proprietor thereof.

~~(b) For purposes of this chapter, "public place" shall mean: an area, whether enclosed or open, held out for use by the public and to which the public is invited, or in which the public is permitted, whether owned or operated by public or private interests.~~

5-01-070. Tax stamps required.

It shall be unlawful for any person to possess, sell, or transport any alcoholic beverages upon which the taxes and/or duties levied and required by the state and/or the United States of America have not been paid. The possession of alcoholic beverages in any container not bearing any stamp required by the laws of the state and/or the United States of America shall be prima facie evidence that the taxes and/or duties levied and required by the state and/or the United States of America have not been paid on such alcoholic beverages.

5-01-080. Lighting required.

All persons holding licenses for the sale of alcoholic beverages as retailers or dispensers shall keep all parts of the lots on which the licensed premises are situated, and the streets or alleys immediately adjacent to such places or buildings, well lighted during the hours when alcoholic beverages are being sold or served on such premises.

5-01-090. Hours of operation.

Alcoholic beverages shall be sold, served, delivered, or consumed on licensed or permitted premises only during the hours and days allowed by state law.

ARTICLE 5-02. ALCOHOLIC BEVERAGE DISPENSERS LICENSE

5-02-010. Required.

The sale and possession for the purpose of selling, and the offering for sale of alcoholic beverages is hereby prohibited except by persons duly licensed within the area and upon the conditions specified in this chapter and other applicable provisions of this Code.

5-02-020. Application.

Applications for a license to sell alcoholic beverages within the city shall be made to the city clerk on a form prescribed by the city clerk. Each application shall include a copy of the application to the state department of alcoholic beverage control and shall be accompanied by a fee of ~~fifty seventy-five dollars (\$50.00 \$75)~~ to cover the expense of investigations and publications. Upon receipt of the application, the city clerk shall determine if preliminary approval of the issuance or transfer of the license has been made pursuant to section 60-6B-4, N.M.S.A., 1978. Upon determining that such preliminary approval has been made, the city clerk shall set the application for hearing as provided in section 60-6B-4. An investigation shall be made of the applicant, the matters stated in the application, and for compliance by the applicant and the proposed location of the licensed premises for compliance with all applicable codes. Upon approval of the issuance of the state alcoholic beverage license, the applicant shall provide the license to the city clerk to obtain the city's alcoholic beverage license. The alcoholic beverage license shall be posted in a conspicuous place on the premises of the business.

5-02-030. Tax and fee.

A. The tax for licenses to sell alcoholic beverages are as follows:

~~Dispenser's license, per annum \$250.00~~

~~Retailer's license, per annum 250.00~~

~~Small Brewer's license, per annum 150.00~~

~~Beer and wine license, per annum 100.00~~

~~Club license, per annum 100.00~~

~~Temporary Dispensers license 25.00 per day~~

~~Club, per annum \$250~~

~~Dispenser, per annum \$250~~

~~Restaurant, per annum \$250~~

~~Retailer, per annum \$250~~

~~Small Brewer, per annum \$250~~

~~Winegrower, per annum \$250~~

B. The fee for permits to sell alcoholic beverages that have a city alcoholic beverage license are as follows:

1. Special Dispenser/ Special Dispenser for catering off premises, per day, per event \$0

2. Public/ Private Celebration, per day, per event \$0

C. The fee for permits to sell alcoholic beverages for an outside city limit business to sell inside city limits are as follows:

1. Special Dispenser/ Special Dispenser for catering off premises per day, per event \$25

2. Public/ Private Celebration, per day, per event \$25

D. All licenses and renewals shall be issued annually for the period July 1 to the following June 30 in accordance with the alcoholic beverage division dates. The license tax shall not be refunded or prorated. The above does not include application fees or business registration fees.

~~If a location is served by a city dispenser's license or retailer's license, and obtains a small brewer's license from the state, the city's small brewer's license fee will be waived.~~

5-02-035. Late renewal and expiration of a license.

Any licensee who fails to submit a properly completed renewal application, including applicable fees, and a copy of the current alcoholic beverage state license by the renewal deadline of 10 days prior to the expiration date of the license, must pay a late renewal fee in the amount of twenty-five dollars (\$25) per license. A license will be deemed expired upon default of renewal of the license expiration date.

5-02-040. Revocation.

The city commission may, by a majority vote of all members elected, revoke any and all licenses for the sale of alcoholic liquors for the violation of any of the provisions of this chapter, after a public hearing and upon five (5) days' notice thereof.

ARTICLE 5-03-010. Penalties.

Violation of any of the sections in this chapter shall be a misdemeanor punishable by up to five hundred dollars (\$500.00) per day and up to six (6) months in jail per day of each violation.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/03/2022

Report No: 4.

Submitted By: Stephanie Hernandez

Subject: Consider, and act upon, adoption and final publication of Ordinance 1655 repealing Article 2-09 of the Code of Ordinances concerning the Department of Housing Authority. (*Stephanie Hernandez, Assistant City Manager, Chris Herbert, Eastern Regional Housing Authority*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt the Ordinance.

Background:

On July 12, 2022, the commission approved by a vote of 7-0 the first publication of the ordinance.

ORDINANCE NO. 1655

AN ORDINANCE REPEALING ARTICLE 2-09 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING DEPARTMENT OF HOUSING AUTHORITY.

WHEREAS, The City Commission of the City of Alamogordo, New Mexico through ordinance established the Department of Housing Authority.

WHEREAS The Alamogordo City Commissioners approve the transfer of the City of Alamogordo Housing Authority to the Eastern Regional Housing Authority and;

WHEREAS the City Commission finds and determines that the transfer provides benefit to the residents of the Alamogordo Housing Authority

WHEREAS the transfer is contingent on the final approval of the United States Department of Housing and Urban Development

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, Housing Authority hereby approves the transfer and repeals Article 02-09 of the Code of Ordinances in its entirety.

ARTICLE 2-09. DEPARTMENT OF HOUSING AUTHORITY

There is hereby created a housing authority department. The housing authority department shall consist of the housing manager and such officers and employees as may be provided for by the city manager. The housing manager shall manage and have charge of the administration and maintenance of all housing authority properties and programs within the city. The housing manager shall perform other duties as assigned by the city manager.

~~2-09-020. Resident advisory board.~~

~~The Alamogordo Resident Advisory Board is hereby created.~~

- ~~(a) Structure. The resident advisory board shall be composed of six (6) members who shall be residents of the housing authority, but not current employees and officers of the City of Alamogordo. The board shall consist of three (3) members from Alta Vista and three (3) members from Plaza Hacienda. Termination of the dwelling lease of the resident member shall result in their immediate removal from the advisory board.~~
- ~~(b) Appointment. The resident advisory board shall be appointed by the housing manager or designee. Of the original members of the board, two (2) one from each housing shall be appointed to a two year term, two (2) one from each housing shall be appointed to two (2) one from each housing shall be appointed to three year term. Thereafter, all members shall be appointed to three year terms ending on June 31, except that all vacancies shall be filled for the unexpired term. A board member shall hold office until a successor has been appointed and has qualified, unless sooner removed board members may serve a maximum of five (5) successive terms of office. The members of the board may but is not required to elect their own chairperson.~~

- ~~(c) Compensation and expenses. Members of the advisory board shall serve without compensation.~~
- ~~(d) Meetings, rules and records. The resident advisory board shall meet quarterly, but may meet more often if deemed necessary by the advisory board. The advisory board shall establish a regular time for its meetings. A majority of the membership shall constitute a quorum for the purpose of transacting business. Action by the advisory board shall be by majority vote. The advisory board shall keep a record of its resolutions, transactions, findings and determinations, which shall be public record.~~
- ~~(e) Role of resident advisory board.~~
- ~~(1) The board shall have the power to recommend to the city commission that the city take any of the following actions~~
- ~~a. Recommendations in the development of the public housing authority five-year public housing agency plan, annual plans and capital plans.~~
- ~~b. Recommendations on any significant amendments or modifications to the public housing authority plan.~~
- ~~c. Recommendations on any items brought to the board by public housing authority staff~~

PASSED, APPROVED AND ADOPTED this _____ day of _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/03/2022

Report No: 5.

Submitted By: Rachel Hughs

Subject: Approve Resolution No. 2022-36 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact: \$9,121.00

Amount Budgeted: \$9,121.00

Fund: 011-2400-419-56-45

Additional Fiscal Impact:

Recommendation: Approve Resolution No. 2022-36 and agreement.

Background: The City is currently a member of SNMEDD/COG, and the proposed Resolution will continue the membership for the next fiscal year. The annual membership fee for the coming year is \$9,121. This is a standard resolution required by SNMEDD/COG and approved annually by the City Commission.



Dora Batista
Executive Director

**SOUTHEASTERN NEW MEXICO
ECONOMIC DEVELOPMENT DISTRICT**

COUNCIL OF GOVERNMENTS

1600 SE Main, Suite D
Roswell, NM 88203
Phone: (575) 624-6131
Fax: (575) 624-6134
www.snmedd.com

RECEIVED

JUL 19 2022

CITY CLERK

July 1, 2022

Susan Payne, Mayor
City of Alamogordo
1376 E. Ninth Street
Alamogordo, NM 88310

Dear Mayor Payne:

With regard to your annual membership in the District for the 2022-2023 fiscal year, we have enclosed the following:

- I. AGREEMENT** – required by the Department of Finance and Administration for disbursement of local funds and which conforms to state regulations. Two copies are enclosed. After the Agreement has been executed, please keep one copy and return one to our office.
- II. RESOLUTION** – upon approval by your council or commission, it is to be signed, attached to and distributed with the attached Agreement.
- III. 2022-2023 ASSESSMENT SCHEDULE AND BUDGET FOR 2022-2023** enclosed for your information.
- IV. WORK PROGRAM FOR STATE APPROPRIATED FUNDS** – enclosed for your information.
- V. INVOICE** – enclosed for billing and bookkeeping purposes. Please return one copy with your check.

The most recent audit and financial statements are available upon request.

As you know, we are in the process of finalizing the SNMEDD/COG budget for the coming year and your prompt attention is greatly appreciated.

If you have any questions or require further information, please feel free to contact me. Thank you for your support and letting us serve you.

Sincerely,

Dora Batista
Executive Director

Enclosures

RESOLUTION NO. 2022-36

APPROVING THE AGREEMENT BETWEEN THE CITY AND SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COG (SNMEDD)

WHEREAS, the City Commission for the City of Alamogordo, New Mexico, hereinafter referred to as the Municipality, is a member of and desires the services of the Southeastern New Mexico Economic Development District/COG; and,

WHEREAS, in accordance with Article 58, §4-58-1 to §4-58-6 NMSA 1978, an agreement setting forth the terms and conditions of active membership in the Southeastern New Mexico Economic Development District/COG is required; and,

WHEREAS, it is the desire of the Municipality to continue as an active member of the Southeastern New Mexico Economic Development District/COG.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission for the City of Alamogordo, New Mexico that:

1. The Agreement attached to this Resolution expresses the desires and intent of the Municipality.
2. The Agreement attached is hereby ratified and approved and the proper officials of the Municipality are hereby authorized and instructed to affix their signatures thereto.
3. A copy of this Resolution (together with the referenced Agreement) shall be filed with the State of New Mexico department of Finance and Administration, Local Government Division and the Southeastern New Mexico Economic Development District/COG, and shall be made a part of the budget documentation of the Municipality.

DONE this _____ day of _____, 2022.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Bengoechea, City Attorney

AGREEMENT

This Agreement, entered into by and between the Southeastern New Mexico Economic Development District/COG (hereinafter known as the "District") and the City of Alamogordo a member of said District (hereinafter known as the "Member") is as follows:

I. The District agrees to provide the following services to the Member upon request and final approval of the District budget:

- A. Undertake studies, collect data and develop regional plans and programs pertaining to such subjects as human and natural resource development, community facilities and the general improvement of living and working environments.
- B. Furnish technical and management assistance in the development of planning activities.
- C. Coordinate local planning with that of other Members of the District and the State.
- D. Assist in community and economic development, transportation and public works projects.
- E. Assist member governments with their legislative activities.
- F. Assist in the preparation of applications for funding under various state, federal and private grant programs. Contracts for administration may be entered into between Member and District if Member requires or desires District to administrate project.
- G. Provide a Comprehensive Economic Development Strategy at the direction of the Board.
- H. Engage in such other activities as are necessary to improve area development and address regional problems.

II. The Member agrees to the following:

- A. To remain an active member of the District.
- B. To make an annual contribution of \$ 9,121.00 to the District as recognition of active membership.

Entered into this _____ day of _____, 2022, at

ATTEST:

Clerk

ATTEST:

Dora Batista
Dora Batista, Secretary

New Mexico

Mayor/Commission Chairman

SOUTHEASTERN NEW MEXICO
ECONOMIC DEVELOPMENT DISTRICT/COG

Mike Gallagher
Mike Gallagher, President



Dora Batista
Executive Director

**SOUTHEASTERN NEW MEXICO
ECONOMIC DEVELOPMENT DISTRICT**

COUNCIL OF GOVERNMENTS

1600 SE Main, Suite D
Roswell, NM 88203
Phone: (575) 624-6131
Fax: (575) 624-6134
www.snmedd.com

Invoice

Invoice Date: July 1, 2022

Susan Payne, Mayor
City of Alamogordo
1376 E. Ninth
Alamogordo, NM 88310-5855

DESCRIPTION

AMOUNT

FY 2022-2023 MEMBER GOVERNMENT CONTRIBUTION

\$9,121.00

Total Due \$9,121.00

- Please make checks payable to Southeastern New Mexico Economic Development District.

T h a n k Y o u

"Leadership to enhance the region's quality of life, services and jobs"

SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COG

DUES STRUCTURE

MEMBER	<u>2021-2022</u>	<u>2022-2023</u>
	<u>CURRENT</u>	

Chaves County	\$8,000	\$8,000
Eddy County	\$8,000	\$8,000
Lea County	\$8,000	\$8,000
Lincoln County	\$7,000	\$7,000
Otero County	\$8,000	\$8,000
Town of Dexter	\$1,000	\$1,000
Town of Hagerman	\$1,000	\$1,000
Town of Lake Arthur	\$1,000	\$1,000
City of Roswell	\$13,588	\$13,588
City of Artesia	\$3,450	\$3,450
City of Carlsbad	\$7,641	\$7,641
Village of Hope	\$1,000	\$1,000
Village of Loving	\$1,000	\$1,000
City of Eunice	\$1,000	\$1,000
City of Hobbs	\$10,237	\$10,237
City of Jal	\$1,000	\$1,000
City of Lovington	\$3,303	\$3,303
Town of Tatum	\$1,000	\$1,000
Village of Capitan	\$1,000	\$1,000
Town of Carrizozo	\$1,000	\$1,000
Village of Corona	\$1,000	\$1,000
Village of Ruidoso	\$2,450	\$2,450
City of Ruidoso Downs	\$1,000	\$1,000
City of Alamogordo	\$9,121	\$9,121
Village of Cloudcroft	\$1,000	\$1,000
Village of Tularosa	\$1,000	\$1,000
TOTALS:	\$102,790	\$102,790

APPROVED BUDGET 2022-2023

	District Operations	
	Jul '22 - Jun 23	Budget
Ordinary Income/Expense		
Income		
Contracts And Fees Income		5,000.00
Fed. Govt.		70,000.00
Grants		130,000.00
Legislative Grant		120,000.00
Interest Income		100.00
Member Dues		102,790.00
Reimbursement Income		500.00
St. Govt. Approp.		99,000.00
Total Income		527,390.00
Gross Profit		527,390.00
Expense		
Advertising		500.00
Audit		17,000.00
Communication		
Pub./Sub.		200.00
telephone / internet		7,000.00
Total Communication		7,200.00
Contract Services		120,000.00
Equip Lease/Repair		6,000.00
Equip. Purchases		4,000.00
Fringe Benefits		47,000.00
Payroll Taxes and Expense		39,000.00
Program Operations		
Insurance		10,100.00
Meetings and conferences		7,500.00
Memberships		5,000.00
Misc.		2,000.00
Printing and Copying		2,500.00
Pro./Dev.		1,996.36
Reconcile Discrepancies		5.00
Rent/Utilities		11,008.40
Supplies and Postage		10,000.00
Total Program Operations		50,109.76
Salary and Wages		
Total Salary and Wages		216,585.24
Travel		20,000.00
Total Expense		527,395.00
Net Ordinary Income		0.00
Net Income		0.00

Southeastern New Mexico Economic Development District/ Council of Governments

FY 2022-2023 ANNUAL WORK PLAN

State of New Mexico Grant-In-Aid Program

The following are functions, measures, targets and tasks the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG) will complete in fulfillment of its obligation to its member governments and the State of New Mexico Department of Finance and Administration-Local Government Division to provide planning, technical assistance and capacity building services to local governments in southeastern New Mexico.

Function 1. Submit reports, budgets and planning outcomes to the Local Government Division.

- Task 1.1 Prior to July 1, 2022 submit a Board approved Annual Work and Operations Budget to the Local Government Division.
- Task 1.2 Submit Quarterly Progress Reports and payment reimbursement invoices to the Local Government Division no later than the 15th day of the month (January, April, July, October) following the close of each quarter. Quarterly reports must be approved by the Board of Directors prior to submittal. The Annual Report will be submitted following the Annual Meeting in January, 2022.
- Task 1.3 Provide professional development training to staff at least once annually.
- Task 1.4 Schedule and include as an agenda item for each quarterly meeting of the Board of Directors a training or information component to benefit local elected officials such as speakers from relevant agencies.

Task 1.5 Attend regularly scheduled meetings of member governments; special purpose meetings; provide technical assistance, conduct public hearings and assist in whatever capacity we are able.

Task 1.6 Attend regularly scheduled Board Meetings, conferences, or webinars sponsored by the Southwest Regional Executive Directors Association and the National Association of Development Organizations (NADO), and New Mexico Association of Regional Councils.

Benefit to New Mexico Citizens: Increased timeliness of reporting activities. Increased capacity of regional planning district. Better coordination between regional and state levels.

Function 2. Community Development Block Grant, Economic Development Public Works Assistance, Colonias Infrastructure Fund and other funding assistance programs—Provide local governments with application and general technical assistance.

Task 2.1 Inform all members of CDBG, EDA, USDA, CIF and other funding program rule changes and Notifications of Funding Assistance (NOFA) including recover act funds.

Task 2.2 Prepare and complete funding assistance applications for members upon their request including the conducting of public hearings as may be necessary.

Task 2.3 Provide Grant Administration and Technical Assistance to member governments upon approval of a contractual agreement between the local government and the funding agency.

Task 2.4 Coordinate presentations to the Community Development Council and Colonias Infrastructure Fund Board by our member governments seeking CDBG or CIF funding.

Task 2.5 Assist local governments with the seeking of funds for updating comprehensive plans

Benefit to New Mexico Citizens: Better prepared funding assistance applications and presentations. Well implemented and administered project grants.

Function 3. Infrastructure Planning—Coordinate the ICIP process regionally.

- Task 3.1 Sponsor ICIP training session that will be presented to local governments and others by DFA/LGD staff.
- Task 3.2 Assist and provide local governments technical assistance with the development and submittal of the ICIP as needed.
- Task 3.3 Encourage local municipal, county governments and other entities to include operation and maintenance costs in the ICIP.
- Task 3.4 Encourage submission of ICIP to the State
- Task 3.5 Encourage members to develop financing plans for each of their top five ICIP priorities, including a project description, secured sources of funding and, where applicable, utility rate structure and asset management plans.
- Task 3.6 Have staff attend and encourage local government members to attend, the annual New Mexico Infrastructure Finance Conference and other relevant conferences.
- Task 3.7 Conduct regional clearinghouse review, as may be necessary for all applications submitted to funding agencies.

Benefits to New Mexico Citizens: Timely and meaningful local infrastructure planning connected to financing sources.

Function 4. Capital Outlay—Increase quality of project planning, legislative representation and administration.

- Task 4.1 Assist local entities seeking assistance in the preparation and submission of capital outlay request forms through informational workshops and direct application technical assistance.
- Task 4.2 Work with Legislators throughout the region on locally established capital improvement priorities by holding project vetting hearings in each county and allowing municipalities and counties the opportunity

to present potential projects to their legislators. Work with reauthorizations when necessary.

- Task 4.3 Assist with testimony or information as might be required during the legislative session.
- Task 4.4 Prepare a preliminary list of projects submitted by local entities and submit list to local legislators.
- Task 4.5 Track capital outlay legislation relevant to community development, infrastructure improvement projects and project planning and programming.
- Task 4.6 Work with local elected officials to complete on-going projects in a timely manner or recommend reauthorization, re-appropriation or reversion of grant funds as may be necessary.

Benefit to New Mexico Citizens: Better and more timely use of taxpayer funds to support local infrastructure projects

Function 5. Rural Support—Build capacity of local governments, rural water associations and other rural organizations.

- Task 5.1 Coordinate a minimum of one training session in planning, budgeting, finance, auditing and/or administration for District Officials and their staffs.
- Task 5.2 Work with rural water associations, community ditches, acequias and other non-members on capital project planning. Assistance may be based on a Board approved fee for service schedule.
- Task 5.3 Engage rural members and non-members requesting assistance in “project prospectus development”, develop, review and vet projects seeking funding sources to meet specific project needs. Assistance may be based on a Board approved fee for service schedule.
- Task 5.4 Offer a training workshop to rural water associations and other non-member organizations in each county on the capital improvement project planning process.

- Task 5.5 Provide opportunities and information for local government staff and/or elected officials to attend capacity building training, workshops and conferences sponsored by state, regional and national planning and development organizations and funding sources.
- Task 5.6 Provide US Census data information and support for the region as the US Census Bureau Affiliate.
- Task 5.7 Provide public relations for the SNMEDD and local governments through continuous media dissemination.
- Task 5.8 Meet with community elected and appointed officials and key community leaders to increase community capacity building foundation.
- Task 5.9 Educate and inform the general public, legislative and congressional law makers about the negative impact of regulatory constraints on local economies.

Function 6. Transportation—Provide local governments with assistance to improve the region's transportation system for the efficient movement of goods, services, and people.

- Task 6.1 Compile and maintain a database of transportation-related projects that may be contemplated or that are ready to be implemented for local governments within the region.
- Task 6.2 Maintain transportation-related technical information on the website, as available, to assist local governments and others in packaging applications that improve the infrastructure of the region.
- Task 6.3 Provide orientations or similar training to newly appointed RPO members representing local governments, preparing them in their roles on the Regional Transportation Policy and Technical Committees.
- Task 6.4 Meet with local elected officials, informing them of the transportation-related programs and activities available to them through the Southeastern Regional Planning Organization (SERTPO) and encourage their input in regional transportation planning.

Task 6.5 Maintain and provide the SERTPO regional transportation planning function in concert with the New Mexico Department of Transportation.

Task 6.6 Organize, schedule and host, as necessary, SERTPO Policy Committee and Technical Committee meetings.

Benefit to New Mexico Citizens: Assist in the development of a comprehensive transportation network and infrastructure improvements plan to move people, goods and services efficiently.

Function 7. Provide resources toward the development of new business or business expansions to retain and create jobs.

Task 7.1 Prepare a Comprehensive Economic Development Strategy update for submittal to our local government members and the Economic Development Administration (EDA) under the guidance and rules established by EDA.

Task 7.2 Meet quarterly with the region's five economic development corporation/entities to gather and share information.

Task 7.3 Support the energy industry in the region by attending energy related workshops and meeting quarterly with energy related professionals.

Task 7.4 Support and promote the local agriculture and related value added industries.

Task 7.5 Provide business counseling and training to prospective and existing small business owners through the operation of the Small Business Development Center with Eastern New Mexico University-Roswell.

Benefit to New Mexico Citizens: Develop regional resources to improve and strengthen the existing core for sustainable communities.

Function 8: Provide information; technical assistance and funding opportunities during the COVID 19 pandemic

- Task 8.1 Develop a Regional Economic Recovery Plan funded by EDA Cares Act funds

- Task 8.2 Provide funding opportunities, technical assistance and Stimulus Program information to our Municipalities and Counties

- Task 8.3 Provide funding opportunities, and collaboration with local Main Street Programs; Economic Development Corporations; Chambers Of Commerce for local businesses

- Task 8.4 Work with State and Federal Representatives to bring information; assistance and opportunities to our District that are a result of the COVID pandemic

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 07/27/2022

Report No: 6.

Submitted By: Britney Ybarra

Subject: Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents, the total amount budgeted is \$44,669.00 (\$26,294.00 for home-delivered meals and \$18,375.00 for transportation). *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Total amount budgeted: \$44,669.00

Allocation for Home-delivered Meals: \$26,294.00

Allocation for Transportation: \$18,375.00

Recommendation: Approve award of \$44,669.00 for Senior Center services to Otero County residents.

Background: This agreement is a memorandum of understanding to provide home-delivered meals and transportation services to the residents of Otero County who reside outside of the Alamogordo City limits. Otero County will award a total of \$44,669.00 (\$26,294.00 for home-delivered meals and \$18,375.00 for transportation).

ADMINISTRATION
1101 NEW YORK AVENUE
ALAMOGORDO, NM 88310



WWW.CO.OTERO.NM.US
☎ (575) 437-7427
📠 (575) 443-2928

**Agreement for Reimbursable Community Services Funding
Between the Board of County Commissioners of
Otero County, New Mexico,
and
City of Alamogordo, Alamo Senior Center – Meals on
Wheels,
a Unit of Local Government**

I. General Provisions.

A. Parties

The parties to this agreement are:

1. the Board of County Commissioners of Otero County, New Mexico, a political subdivision of the State of New Mexico established under N.M.S.A. 1978, § 4-19-1 (1899), to be referred to as “Otero County,” and
2. **Alamo Senior Center – Meals on Wheels**, a unit of Local Government, to be referred to as “Recipient.”

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

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

C. Purpose

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

II. Essential Provisions.

A. Term & Effective Date

The term of this agreement shall be a term of one year, which shall be Otero County's fiscal year 2023.

This agreement shall commence upon July 1st, 2022, and this agreement shall terminate on June 30th, 2023, the last day of Otero County's fiscal year 2023.

This agreement is not renewable.

B. Amount of Funding

The parties agree that the community services reimbursable funding shall not exceed **\$26,294.00** for the fiscal year.

C. Payments

Otero County will make payments by check or warrant.

D. No Use of County Purchasing Department

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

E. Receipts for Payments

The Recipient agrees to submit receipts to Otero County for the reimbursement of payment paragraph II-C. The receipt shall reference this agreement's approved expenses, recipient's name, and the mailing address to which payment is to be sent. Receipts shall be sent to:

County of Otero
Attn: Suzanne Peralta, Finance Department
1101 New York Avenue
Alamogordo, New Mexico 88310

Receipts must be must be dated prior to June 30, 2023 and submitted to Otero County no later than 7/17/2023.

Recipient agrees to supply additional information to the Finance Department if

the invoice information submitted is determined to be deficient. Such additional information shall be supplied by Recipient within fourteen days of the request.

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

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

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Recipient agrees that no request for payment shall be honored by Otero County if it is invoice documentation is dated after June 30th, 2023.

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

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

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

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

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

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Recipient warrants that it is either (a) a non-profit corporation in good standing with the New Mexico Secretary of State or (b) a unit of a local government. If Recipient is a non-profit corporation, Recipient agrees that it shall keep its corporate status in good standing with the New Mexico Secretary of State.

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

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

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

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County of Otero
Attn: Suzanne Peralta, Finance Department
Otero County Administration Building
1101 New York Avenue
Alamogordo, New Mexico 88310

Notices shall be sent to Recipient as follows:

City of Alamogordo
Alamo Senior Center – Meals on Wheels
Attn: Program Director
2201 Puerto Rico Ave.
Alamogordo, NM 88310

OTERO COUNTY, NEW MEXICO

By:  Date: 7-22-22
Pamela Heltner
County Manager

Attest: _____ (SEAL)
Robyn Holmes
Otero County Clerk

Alamo Senior Center, Meals on Wheels, a Unit of Local Government

By: _____ Date: _____
Authorized Representative

Exhibit A

Recipient agrees to provide community services as follows:

(See Attached Pages)

Alamo Senior Center Proposal
Home-Delivered Meals/La Luz Residents

County of Otero
2022/2023 Program Services

Agency: City of Alamogordo, Alamo Senior Center
Address: 2201 Puerto Rico Avenue
City, State: Alamogordo, NM 88310
Telephone: (575) 439-4150
Fax: (575) 439-4160
E-mail: mmorales@ci.alamogordo.nm.us

Agency: City of Alamogordo
Program Director: Magdalena Morales
Address: 2201 Puerto Rico Avenue
City, State: Alamogordo, NM 88310
Telephone: (575) 439-4150
Fax: (575) 439-4160
E-mail: mmorales@ci.alamogordo.nm.us

Government Official: Mayor Susan L. Payne, City of Alamogordo
Address: 1376 E. 9th Street
City, State: Alamogordo, NM 88310
Telephone: (575) 214-0024
E-Mail: spayne@ci.alamogordo.nm.us

Federal TIN: 85-6000099

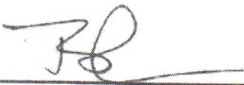
Amount requested for FY 2022-2023: \$26,293.75 ✓

First time funding applicant for FY 2022-2023? No

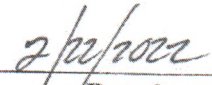
Amount received for the last two (2) years:

2020/2021: \$15,025.00
2021-2022: \$22,537.50

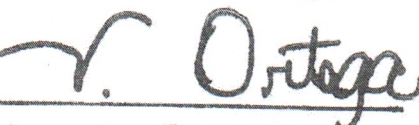
Signature of Official authorizing funding application:



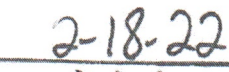
City of Alamogordo
Brian Cesar, City Manager



Dated



Veronica Ortega
Community Services Director



Dated

Alamo Senior Center Proposal
Home-Delivered Meals/La Luz Residents

I. Proposal Summary

The City of Alamogordo (COA) provides home delivered meals (HDM) to qualifying homebound seniors aged 60+ years old who live outside the Alamogordo city limits, in the La Luz area south of Alamogordo. Two meals per day are delivered weekdays, in quantities sufficient for meals to cover all seven weekdays. As the population of Otero County continues to age, we foresee an increasing number of Seniors in need of home-delivered meals. The funds requested shall be used to reimburse the City of Alamogordo for services provided to Otero County residents who live in La Luz, outside Alamogordo city limits. We hereby request \$26,293.75 for our FY 2022-2023 Home-Delivered Meals program. This figure is midway between our FY2019-2020 request (\$30,050.00) and our FY2021-2022 request (\$22,537.50). This increase is requested because demand for home-delivered meals is expected to increase as the pandemic continues to wane.

II. Introduction of the organization

The mission of the Alamo Senior Center (ASC) is to provide community services for senior citizens aged 60+ years old and their spouses regardless of age. Our Center provides a relaxed social environment offering nutrition, entertainment, recreation, education and support for senior citizens in Alamogordo and environs. Even during the Covid19 pandemic, our seniors have been able to socialize with us and their friends from the socially distant safety of their own cars, while waiting in line for our drive-through lunch. Our goal is to provide opportunities for all seniors to maintain a vital and meaningful life during aging, full of dignity and respect.

Otero County funded the ASC \$15,025.00 for FY 2020-2021. During that fiscal year (1 July 2020 through 30 June 2021), we successfully delivered 1655 hot meals to 14 home-bound seniors living in La Luz.

Otero County funded the ASC \$22,537.50 for FY 2021-2022. From 1 July 2021 through 31 Jan 2022 (the first 7 months of the fiscal year), we successfully delivered 1065 hot meals to 10 home-bound seniors living in La Luz. That annualizes to 1826 meals delivered to 24 home-bound seniors.

III. Assessment of Needs

Our program was begun in 1974 by a group of local Seniors who approached the Alamogordo City Commission to request funding for a Senior Center. This group had discovered that many retired seniors were not even bothering to get dressed for the day, because they felt unneeded, unwanted and alone. The City wisely provided funding to initiate our program, along with Federal and State funding available at that time. The goal of the Home-Delivered Meals program (a.k.a., "Meals on Wheels") is to help keep Seniors living independently in their own homes as long as possible, by providing hot meals to those unable to fix meals for themselves. Many Seniors will die in their homes, which is far and away their preference, as opposed to being placed in a nursing home. According to 2019 U.S. Census Bureau estimates, 17.3% of Otero County residents are 65+ years old and 20.1% live in poverty. This represents a 2.6% increase in 65+ year olds and a 0.1% increase in poverty, compared to 2010 figures. Although there is high demand for our HDM

Alamo Senior Center Proposal
Home-Delivered Meals/La Luz Residents

program and we have limited staff and funding available to offer it, we have never turned anyone away from our HDM program.

IV. Goals and Objectives:

In accordance with the Older Americans Act, our goal is to provide community social services for older persons in Alamogordo and Otero County. This includes providing nutritional support to help keep Seniors living independently in their own homes as long as possible. The specific objective of our Home-Delivered Meals program is to deliver hot meals daily to homebound seniors unable to cook for themselves. Inability to prepare meals can occur with seniors who are permanently bedridden, recovering from surgery, cannot stand long enough to cook or are unable to leave their homes for groceries, and who have no one—whether friends, neighbors, relatives or home assistants—to prepare meals for them. All meals are planned to meet 1/3 of the daily RDA requirements. We also offer breakfast that homebound seniors may choose to receive. These two meals together provide 2/3 of the daily nutritional requirements. For participants in-need over weekends, we also offer frozen weekend meals. The Home-Delivered Meals program is open to all eligible homebound seniors 60+ years of age who have no one to prepare a meal for them. Due to our resource limitations and programmatic priorities, we target low income and minority groups who fit those criteria. We are sponsored by the City of Alamogordo to provide HDM service to qualified City residents, while this contract with Otero County provides HDM services to qualified seniors in La Luz. The HDM program operates five days per week. Weekend meals are delivered on Fridays. Our Kitchen staff begin at 6:00 a.m. to prepare an average of 393 meals daily (261 curbside pick-up plus 132 home-delivered meals) for all our senior clients. Homebound seniors can receive seven days' worth of meals and breakfasts that are prepared by Kitchen staff and delivered by HDM staff and volunteers. Federal guidelines require that HDM services must be made available by donation to eligible clients (although we do have a suggested donation of \$1.25 donation per breakfast and \$2.50 donation per lunch).

V: Evaluation

The SAMS (Social Assistance Management System) on-line database is used to monitor every senior service provided by ASC. All services are measured by the number of units of service delivered to each client. Our Home-delivered Meals program is based on one unit per meal. This monitoring is necessary for us to receive State and Federal reimbursement funding. We will continue to use this well-established and nearly universal reporting process for all services offered in the City of Alamogordo and in Otero County. Furthermore, we are assessed annually by the New Mexico Area Agency on Aging (NMAAA), which reviews institutional compliance with policies and procedures related to the services delivered by client institutions, including the ASC.

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Alamogordo, New Mexico 88310

Notices shall be sent to Recipient as follows:

City of Alamogordo
Attn: Program Director
Alamo Senior Center – Transportation
2201 Puerto Rico Ave
Alamogordo, NM 88310

OTERO COUNTY, NEW MEXICO

By: _____ Date: _____
Pamela Heltner
County Manager

Attest: _____ (SEAL)
Robyn Holmes
Otero County Clerk

Alamo Senior Center – Transportation

By: _____ Date: _____
Authorized Representative

Exhibit A

Recipient agrees to provide community services as follows:

(See Attached Pages)

Alamo Senior Center Proposal
Transportation

County of Otero
2022/2023 Program Services

Agency: City of Alamogordo, Alamo Senior Center
Address: 2201 Puerto Rico Avenue
City, State: Alamogordo, NM 88310
Telephone: (575) 439-4150
Fax: (575) 439-4160
E-mail: mmorales@ci.alamogordo.nm.us

Agency: City of Alamogordo, Alamo Senior Center
Program Director: Magdalena Morales
Address: 2201 Puerto Rico Avenue
City, State: Alamogordo, NM 88310
Telephone: (575) 439-4150
Fax: (575) 439-4160
E-mail: mmorales@ci.alamogordo.nm.us

Government Official: Mayor Susan L. Payne, City of Alamogordo
Address: 1376 E. 9th Street
City, State: Alamogordo, NM 88310
Telephone: (575) 214-0024
E-Mail: spayne@ci.alamogordo.nm.us

Federal TIN: 85-6000099

Amount requested for 2022/2023: \$18,375.00 ✓

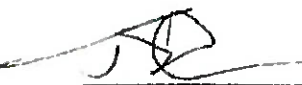
First time funding applicant for FY 2022-2023? No

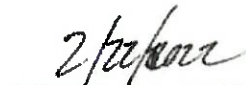
Amount received for the last two (2) years:

2020/2021 \$12,250.00

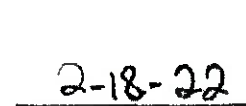
2021/2022: \$12,250.00

Name, Title, and Signature of Official authorizing funding application:


City of Alamogordo
Brian Cesar, City Manager


Dated


Veronica Ortega
Community Services Director


Dated

Alamo Senior Center Proposal Transportation

I. Proposal Summary

The City of Alamogordo, through the Alamo Senior Center (ASC), provides transportation services for seniors 60+ years of age who live in Alamogordo and surrounding area (including Boles Acres, Dog Canyon, La Luz, south of Alamogordo and five miles west of the railroad tracks). Seniors are offered transportation to and from our Center on a daily basis for meals, other services, and various activities. We offer weekly grocery shopping trips to Wal-Mart, Lowe's and Albertsons. We provide transportation to pick up commodities from the Salvation Army and Loaves and Fishes, at the Willie Estrada Civic Center. Seniors are also offered rides to medical appointments, banks, Post Office, utility companies and other sites for necessary errands that we schedule into our program. We hereby request \$18,375.00 for our FY 2022-2023 Transportation program. This figure is midway between the amount requested for FY2019-2020 (\$24,500) and the amount requested for FY 2021-2022 (\$12,250). This increase is requested because demand for transportation services is expected to increase as the Covid19 pandemic continues to wane. Due to our reopening plan on 1 March 2022, our Transportation services will become available again at our pre-pandemic schedule.

II. Introduction of the organization

The mission of the Alamo Senior Center (ASC) is to provide community services for senior citizens aged 60+ years old and their spouses regardless of age. Our Center provides a relaxed social environment offering education, nutrition, recreation, entertainment and support for senior citizens in Alamogordo and environs. The overarching goal is to provide opportunities for all seniors to maintain a vital and meaningful life during aging full of dignity and respect.

For FY 2020-2021, Otero County funded our Transportation program \$12,250.00. During that fiscal year, we provided 22 seniors with 969 rides throughout Otero County.

for FY 2021-2022, Otero County funded our Transportation program \$12,250.00. Between 1 July 2021 and 31 January 2022, we provided 18 seniors with 637 rides. That was during the first 7 months of the fiscal year. This annualizes to an expected 1092 rides for 31 seniors.

III. Assessment of Needs

This program was begun in 1974 by a group of Seniors who approached the Alamogordo City Commission to request funding for a Senior Center. They had discovered that many retired seniors were not even bothering to get dressed for the day, because they felt unneeded, unwanted and alone. The City initiated our program by providing funding, along with Federal and State funding that was also available at that time. According to 2019 U.S. Census Bureau estimates, 17.3% of Otero County residents are 65+ years old and 20.1% live in poverty. This represents a 2.6% increase in 65+ year olds and a 0.1% increase in poverty, compared to 2010 figures. Our program helps keep seniors independent for as long as possible, while remaining involved in and contributing to our community. Toward these ends, Transportation is a high priority program. All services are offered free, with a suggested donation. No eligible senior is ever turned away for

Alamo Senior Center Proposal Transportation

lack of funds. We make every effort to meet community needs by providing a wide range of transportation services. Demand for transportation services is still below pre-pandemic levels. However, this past year has seen demand for transportation increase by 13% above the previous fiscal year (the first year of the pandemic). As the Covid19 pandemic wanes, we fully expect demand for Transportation services to continue to increase back to pre-pandemic levels.

IV. Goals and Objectives:

In accordance with the Older Americans Act, our goal is to provide community social services for older persons in Alamogordo and Otero County. This includes provision of transportation services, which allows Seniors to attend healthcare provider appointments, conduct routine bill-paying, grocery shopping and related tasks. Our specific objective with the Transportation program is to offer rides to necessary destinations for seniors who are no longer able to drive or do not have their own vehicle. Many clients in this program are frail and unable to walk to a bus stop. Therefore, we provide para-transit (door-to-door) service and transportation for seniors. Our transportation services are free, with a suggested donation of \$1.00 per one-way ride. No additional donation is requested for para-transit services. This stands in contrast to other local transit programs in our community, which do have a direct charge.

Prior to the Covid19 pandemic, we offered bimonthly field trips to regional centers of interest, to allow seniors the opportunity to experience venues they would not normally be able to attend. Due to Covid restrictions on social distancing, we currently have a limited capacity of 2 people (in addition to the driver), for a two-hour timeframe, on all of our buses. We still take seniors to local grocery stores, on personal errands including bill-paying, haircuts, banks, as well as to appointments with physicians, allied health professionals, and other professional services. Transportation is also provided to Alamogordo's bimonthly commodities distributions, which is a food distribution service for qualified low-income seniors. Commodities consist primarily of rice, beans, cheese and other non-perishable food items. These commodities are typically distributed by the Salvation Army at various locations set up throughout the city (including the Civic Center, their office on 1st Street, and other convenient locations). Unlike other local services, our Transportation service has continued uninterrupted throughout the course of the pandemic. This has allowed many non-driving Seniors continuous access to critical activities of daily living that were (at least temporarily) not available elsewhere in Alamogordo. Our Transportation services remain an invaluable resource for our community's senior citizens and we are glad to be able to offer it strictly on a donation-only basis.

V: Evaluation

The SAMS (Social Assistance Management System) on-line database is used to monitor every senior service provided by ASC. All services are measured by the number of units of service delivered to each client. Transportation services are based on one unit per one-way trip. This monitoring is necessary to receive State and Federal reimbursement funding. We will continue to

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 07/27/2022

Report No: 7.

Submitted By: Barbara Pyeatt

Subject: *Consider, an act upon, approving the award of RFQ 2022-05 Engineering & Design Services for Expansion & Upgrade of Ed Brabson Balloon Park to Souder Miller & Associates. (Veronica Ortega, Community Services Director)*

Fiscal Impact:

Amount Budgeted: \$150,000

Fund: 032-6606-450-5734

Additional Fiscal Impact:

Recommendation: Approve the award and authorize staff to proceed with the services agreement.

Background: RFQ 2022-05 project involves planning, engineering, and design services to expand the footprint of the existing Ed Brabson Balloon Park westward, on City of Alamogordo property. Improvements will include, but are not limited to, clearing & grubbing; asphalt paving; ADA accommodations; electrical, potable water, and sewer line upgrades and extensions; a permanent stage structure for various events; additional permanent restroom facilities; and fencing. RFQ was advertised on May 29, 2022 in the Alamogordo Daily News and the Albuquerque Journal. Purchasing Department received 3 proposals on July 1, 2022. All proposals were deemed responsive. Proposals were evaluated by a 5 member committee. The composite score sheet is attached.

A copy of the proposals can be viewed at the City Clerks Office

CITY OF ALAMOGORDO
COMPOSITE SCORE SHEET
Engineering Design for Expansion Upgrade of Ed Brabson Balloon Park
July 1st, 2022
RFQ NO. 2022-05

Factor	Available Points per Vendor	5 Committee Members	Souder Miller & Associ	Studio d	Nine Degrees
1	150	Specialized Design and Technical Competence	134	130	123
2	100	Capacity and Capabiity	93	76	74
3	100	Past Record of Performance	84	87	77
4	75	Approach to providing Services	68	67	63
5	25	Proimity to or Familiarity with the Alamogordo area	25	25	18
6	25	Amount of Design work that will be produced by a New Mexico Business within theis state	25	25	25
7	25	Current Volume of Work for the City of Alamogordo	15	20	25
8	Percentage	Preference	22.2	21.5	20.25
Total Available	500	Accumulated Score	466	452	425
Total Rank			1	2	3

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 07/29/2022

Report No: 8.

Submitted By: Britney Ybarra

Subject: Consider, and act upon, approval of an agreement with the New Mexico Economic Development District, Non-Metro Area Agency on Aging (NM-AAA) for the Nutrition Services Incentive Program, the total amount budgeted is \$57,166.00. (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Amount budgeted: \$57,166.00 / 071-0000-317-1634

Contract amount: \$57,166.00

071-8023-445-3265 / 50%

071-8024-445-3265 / 50%

Recommendation: Approve the agreement.

Background: This funding is provided by the Federal government for the Nutrition Service Incentive Program (NSIP). This funding is utilized for our nutrition programs: congregate and home-delivered meals.

Funding is based on the number of eligible meals that we serve to seniors. This will be a one-time funding amount for the fiscal year. These Federal dollars may only be spent on food that is grown in the U.S.A.

**North Central New Mexico Economic Development District
Non-Metro Area Agency on Aging**

**NUTRITION SERVICE INCENTIVE PROGRAM (NSIP)
SUBRECIPIENT CONTRACTOR SUB-AWARD**

This Agreement is made and entered into this 1st day of July 2022, by and between the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (Non-Metro AAA), hereinafter referred to as the "Agency" and City of Alamogordo, hereinafter referred to as the "Subrecipient Contractor."

PURPOSE

The Nutrition Services Incentive Program (NSIP) provides incentives for the effective delivery of nutritious meals to older individuals. NSIP funds allow nutrition programs to increase the number of meals served.

The purpose of this Agreement is to allocate funds in support of the provision of congregate and home delivered meals provided under Title IIIC of the Older Americans Act (OAA). The Subrecipient Contractor must be a recipient of Title III funding or Title III matching funds.

IT IS AGREED BETWEEN PARTIES:

1. Scope of Work

The subrecipient Contractor will:

- A. Establish procedures to ensure that such cash payments are used solely for the purchase of United States agriculture commodities and other foods produced in the United States for the use in the senior nutrition program. No imported foods, or food items containing imported products, may be purchased with these funds. e.g., coffee, tea, cocoa, and bananas.
- B. Ensure that NSIP funds are used exclusively for the purchase of food, not meal preparation, and may not be used for administrative costs.
- C. Ensure that meals furnished under contractual agreement with food service management companies, caterers, restaurants, or institutions, contain foods or commodities of United States origin; imported foods may not be purchased with these funds.
- D. Encourage the purchase and use of locally sourced farm fresh food products that meet the nutritional standards of the Agency. Subrecipient Contractors must ensure that the farm food products meet the New Mexico Environment Department requirements.
- E. Ensure that each meal complies with the most recent Federal and State nutritional guidelines and requirements.

- F. Maintain accounting records for NSIP separate and apart from other accounting records maintained for other nutrition funding sources (i.e., Title IIIC-1 and Title IIIC-2 and other cash used for the purchase of food).
- G. Report monthly to the Agency on forms provided by the Agency and submit such other reports deemed necessary by the agency.
 - a) Submit timely and accurate consumer/client tracking service documents (rosters and transmittals) as required by the AAA by the close of business on the fifth (5th) workday of each month following the last day of the month in which services were provided. If the fifth (5th) falls on a weekend or AAA holiday, the information will be delivered, recorded or submitted by close of business on the next business day.
- H. Submit monthly expenditure reports and supporting backup documentation (receipts or invoices) by the fifth (5th) workday of each month following the last day of the month in which services were provided. If the fifth (5th) falls on a weekend or AAA holiday, the information will be delivered, recorded or submitted by close of business on the next business day. Supporting documents must include:
 - a. The vendor's name, address and contact information.
 - b. Internal transaction number
 - c. The purchased items with a description of each product along with the corresponding quantity.
 - d. The price for each item and any applicable discount given and the total amount of the sale items.
 - e. NSIP items must be identified with an "N" or "NSIP" on the invoice.
 - f. Senior center or meal site to which received the delivery, their full name, address, and contact information.
- I. Maintain documented NSIP eligibility for all meals reported. Meal counts, as recorded in the service database, must be accurate, unduplicated and include no meals that do not meet the requirements for NSIP eligibility.
- J. Maintain and retain for three (3) years from close of the federal fiscal year to which they pertain, complete and accurate records of all amounts received and disbursed under this Agreement.
- K. Allow the Agency to monitor periodically the Subrecipient Contractor's fiscal accountability of NSIP.
- L. Be subject to state and federal audit requirements, as the contract of which this scope of work is a part, is funded with federal funds. The Subrecipient Contractor is considered an independent contractor of NSIP federal financial assistance, subject to audit requirements under Title II Part 200 of the Code of Federal Regulations, formerly known as Office of Management and Budget, Circular A-133 and Government Audit Standards.

- M. Ensure eligible consumers are assessed and information recorded in the service database.
- N. Ensure efforts given to serving eligible persons with the greatest social or economic need, with particular attention to minority individuals with low incomes. Efforts must also be given to targeting individuals with Alzheimer's disease and related disorders, with severe disabilities or at-risk of institutionalization and their caregivers.
- O. The Agency recommends these funds be expended prior to Title III-C funds.

2. **Compensation**

- A. The total amount payable under this Agreement shall not exceed **\$57,166.00** for the purchase of foods produced in the United States, for use in senior nutrition programs. The Subrecipient Contractor is responsible for notifying the Agency when the services provided under this Agreement reach the total compensation amount. In no event will the Subrecipient Contractor be paid for services provided in excess of the total compensation amount without this Agreement being amended in writing prior to those services in excess of the total compensation amount being provided.
- B. Assistance Listing Number: 93.053

3. **Gross Receipts Tax**

Not applicable. Tax exempt.

4. **Term**

This Agreement shall begin on July 1, 2022, and terminate on June 30, 2023, unless terminated pursuant to paragraph 5 or paragraph 6 or for any other reason allowed by law.

5. **Termination**

- A. This Agreement may be terminated by the Agency without cause upon written notice delivered to the Subrecipient Contractor at least thirty days (30) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance prior to the date of termination. This Agreement may be terminated immediately upon written notice to the Subrecipient Contractor if the Subrecipient Contractor becomes unable to perform the services contracted for, as determined by the Agency, or if, during the term of this Agreement, the Subrecipient Contractor or any of its officers, employees or agents, is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph herein, or if the Subrecipient Contractor fails to comply with any of the terms contained herein or is in breach of this Agreement. This provision is not exclusive and does not waive the Agency's other legal rights and remedies caused by the Subrecipient Contractor's default or breach of this Agreement. This Agreement may also be terminated by the Subrecipient Contractor upon thirty (30) days written notice to the Agency.

- B. **Termination Management**: Immediately upon receipt by either the Agency or the Subrecipient Contractor of notice of termination of this Agreement, the Subrecipient Contractor shall: 1) not incur any further obligations for services or any another expenditure of funds under this Agreement without written approval of the Agency; 2) comply with all directives issued by the Agency in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the Agency shall direct for the protection, preservation, retention or transfer of all property and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Subrecipient Contractor with contract funds shall become property of the Agency upon termination and shall be submitted to the Agency as soon as practicable.

6. Appropriations

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the U.S. Congress and/or Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made, the Agreement shall terminate upon written notice being given to the Subrecipient Contractor. The Agency's decisions as to whether sufficient appropriations are available shall be accepted by the Subrecipient Contractor and shall be final.

7. Status of Subrecipient Contractor

The Subrecipient Contractor and its agents and employees are independent subrecipient contractors performing services for the Agency and are not employees of the Agency. The Subrecipient Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of Agency vehicles, or any other benefits afforded to employees of the Agency as a result of this Agreement. The Subrecipient Contractor acknowledges that all sums received hereunder are reportable for income tax purposes.

8. Assignment

The Subrecipient 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 Agency.

9. Subcontracting

The Subrecipient Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the Agency. No such subcontract shall relieve the primary Subrecipient Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the Agency.

10. Records and Audit

- A. The Subrecipient Contractor shall maintain detailed records that indicate the date, time, nature, and cost of services rendered during the Agreement's term and effect and retain them

for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Agency, the Aging & Long-Term Services Department (ALTSD), the Department of Finance and Administration, and the State Auditor. The Agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Agency to recover excessive, improper, or illegal payments.

- B. The Subrecipient Contractor will provide a financial and compliance audit report to the Agency covering the period July 1, 2022, to June 30, 2023. The audit reports provided to the Agency must include a copy of the Auditor's management letter. The audit report shall be conducted by a certified public accountant in compliance with the Single Audit Act and shall encompass the following provisions.
- a) The subrecipient contractor, expending equal to \$750,000 but less than or equal to \$250,000 in combined federal funds, shall have an audit conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Chapter II, Part 200. The audit report shall include a schedule of administrative and program expenses for each separate title or program (Title IIIB, Title IIIC-1, Title IIIC-2, Title IIID, Title IIIE, NSIP, etc.) which facilitates a reconciliation of audited costs to the final report.
 - b) Submittal of the audit report for governmental entities shall be within ten (10) working days after release by the New Mexico State Auditor's Office. For non-governmental entities, the audit report is due four (4) months after the end of the entity's fiscal year.

11. Release

Final payment of the amounts due under this Agreement shall operate as a release of the Agency, its officers and employees, and the State of New Mexico from all liabilities, claims, and obligations whatsoever arising from or under this Agreement.

12. Product of Service -- Copyright

All materials developed or acquired by the Subrecipient Contractor under this Agreement shall become the property of the Agency and shall be delivered to the Agency no later than the termination date of this Agreement. Nothing developed or produced, in whole or in part, by the Subrecipient Contractor under this Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Subrecipient Contractor.

13. Conflict of Interest

The Subrecipient 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 this Agreement.

14. Equal Opportunity Compliance

The Subrecipient Contractor agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Subrecipient Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation, or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Subrecipient Contractor is found not to be in compliance with these requirements during the life of this Agreement, Subrecipient Contractor agrees to take appropriate steps to correct these deficiencies.

15. Confidentiality

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

Disclosure of confidential information shall only be made in accordance with the Inspection of Public Records Act or the applicable state or federal law or regulations.

16. Amendment

This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto.

17. Merger

This Agreement incorporates all the Agreements, covenants and understandings between the Parties hereto concerning the subject matter hereof, and all such covenants, Agreements and understandings have been merged into this written 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.

18. Penalties for Violation of Law

The Procurement Code, Sections 13-1-28 through 13-1-199, N.M.S.A. 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.

19. Applicable Laws

This Agreement shall be governed by the laws and regulations of the (a) State of New Mexico (b) Older Americans Act of 1965, as amended, (c) the Agricultural Act of 1949 as amended; and (d) any other applicable laws and regulation of the federal government.

20. Invalid Term or Condition

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

21. Enforcement of Agreement

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

22. Notices

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the Agency:

NCNMEDD – Non-Metro AAA

Attention: Neil Segotta, AAA Director

3900 Paseo del Sol

Santa Fe, New Mexico 87507

To the Subrecipient Contractor:

City of Alamogordo - Alamo Senior Center

Magdalena Morales, ASC Director

2201 Puerto Rico Avenue

Alamogordo, NM 88310

23. Indemnification

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitation of the New Mexico Tort Claims Act.

24. Authority

The Individual(s) signing this Agreement on behalf of the Subrecipient Contractor represents and warrants that he or she has the power and authority to bind Subrecipient Contractor, and that no further action, resolution, or approval from Subrecipient Contractor is necessary to enter into a binding contract.

25. Signatures:

For the faithful performance of the terms of this agreement, the parties affix their signatures and bind themselves effective July 1, 2022.

City of Alamogordo
Legal Name of Subrecipient Contractor

Signature

Brian Cesar, City Manager
Printed/Typed Name of Signatory

Date

NCNMEDD Non-Metro Area Agency on Aging
Name of Area Agency on Aging

Monica Abeita
Signature

Monica Abeita, Executive Director
Printed/Typed Name of Signatory

07/01/2022
Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 07/29/2022

Report No: 9.

Submitted By: Britney Ybarra

Subject: Consider, and act upon, grant funding from the Non-Metro Area Agency on Aging FY23 contract for Direct Purchase of Services for senior programs, the total amount budgeted is \$484,825.86. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Aggregate amount of \$484,825.86 is to be derived from the following sources, when performance units are met:

III-B (Transportation): Contract Amount: \$38,008.13

III-C1 (Congregate Meals): Contract Amount: \$58,527.78

III-C2 (Home-bound Meals): Contract Amount: \$26,605.43

III-D (Evidence-based): Contract Amount: \$14,982.40

NMGAA-State / HB-2: Contract Amount: \$346,702.12

Recommendation: Approve the grant funding.

Background: The Alamo Senior Center receives funding for the congregate meal setting (to include carry-out meals), Meals on Wheels, transportation and evidence-based programs through the Non-Metro Area Agency on Aging.

**North Central New Mexico Economic Development District
Non-Metro Area Agency on Aging**

TITLE III FEDERAL AND STATE SUB-AWARD

This Agreement is made and entered into this 1st day of July 2022, by and between the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (Non-Metro AAA), hereinafter referred to as the "Agency" and City of Alamogordo, hereinafter referred to as the "Subrecipient Contractor."

The Agency's Senior Citizens Services program is designed to promote the development of a comprehensive and coordinated service delivery system to meet the needs of older individuals (age 60 and older). This agreement provides a mechanism for the creation of an individualized network of community resources on a client-by-client basis through the Older Americans Act, as amended, the State of New Mexico Aging and Long-Term Services Department, and the Agency.

1. SCOPE OF SERVICES

- A. Services: The Subrecipient Contractor agrees to provide service(s) to eligible consumers as identified in accordance with the Subrecipient Contractor application or Service Delivery Plan, all required assurances, licenses, and certifications, as applicable.
- B. Service Area: The Subrecipient Contractor agrees to provide service(s) to eligible consumers in the service area as identified in the Subrecipient Contractor application or Service Delivery Plan attached by reference.
- C. Deliverables: The Subrecipient Contractor shall provide services based on the assessed need of the community and individuals receiving services under this Agreement and as identified in the Subrecipient Contractor application or Service Delivery Plan and attached by reference. The service units and consumers detailed in this section are estimates. The following services are to be provided in accordance with the Aging and Long-Term Services Department (ALTSD) Units of Service Definitions; to be monitored through the Subrecipient Contractor's submission of monthly WellSky data, activity reports, and through Agency monitoring reviews. Final determination of service units and consumer performance measures shall be established by the ALTSD, and should the Contractor not meet the established units, reimbursement requests should reflect the same.
- D. Targeting: Target populations include persons aged 60 or older and their spouses of any age, younger disabled persons who reside with persons aged 60 or older, caregivers of any age who care for persons aged 60 or older, caregivers aged 60 or older who care for children or younger disabled persons, and the recipients of their care.

Per the Older Americans Act, an effort must be given to serving eligible persons with the greatest social or economic need, with particular attention to minority individuals with low

incomes. Efforts must also be given to targeting individuals residing in rural and frontier areas, individuals with limited English proficiency, and individuals with Alzheimer's disease and related disorders, with severe disabilities or at-risk of institutionalization and their caregivers.

Target populations may include persons aged 50 through 59 for services provided with state funding only. Target populations for each service may vary according to the service provided.

- E. Payment for Services: For the services determined by the Agency to be satisfactorily provided by Subrecipient Contractor hereunder, the Agency shall pay the Subrecipient Contractor, during the term, an aggregate amount, including gross receipts tax, not to exceed \$484,825.86. Said aggregate amount is to be derived from the following sources.
1. \$38,008.13 from Title III-B of the OAA [Assistance Listing Number 93.044];
 2. \$58,527.78 from Title III-C1 of the OAA [Assistance Listing Number: 93.045];
 3. \$26,605.43 from Title III-C2 of the OAA [Assistance Listing Number: 93.045];
 4. \$14,982.40 from Title III-D of the OAA [Assistance Listing Number: 93.043];
 5. \$0 from Title III-E of the OAA [Assistance Listing Number: 93.052]; and
 6. \$346,702.12 from the NMGAA-State/HB-2
- F. An initial payment of 12.5% of State funds will be distributed to the Subrecipient Contractor. This initial payment must be accounted for by the Subrecipient Contractor and expenditures must be allocated to these funds.
- G. Payment for services shall be consistent with all applicable federal and state laws and regulations.
- H. Payments to the Subrecipient Contractor will be made after receipt of funds by the Agency. Any expenditure made prior to the receipt of funds or pending the Agency's approval shall be made at the Subrecipient Contractor's own risk, and the Agency shall not be liable for such expenditures.
- I. Payments to the Subrecipient Contractor may be withheld or denied by the Agency for expenditures which are not authorized by, or are in excess of, the regulations, terms and conditions contained in this Agreement or for expenditures which are not properly documented or substantiated by the Subrecipient Contractor. The Subrecipient Contractor agrees to hold the Agency harmless against all audit exceptions arising from the Subrecipient Contractor's violation and shall make restitution to the Agency of such amounts of money due to the Subrecipient Contractor's non-compliance.

- J. Subrecipient Contractor must submit a detailed statement accounting for all services performed and expenses incurred. Reimbursements shall be made by the Agency on a monthly basis upon receipt of monthly expenditures and reports furnished by the Subrecipient Contractor. If the Agency finds that the services are not acceptable, within thirty days after the date of receipt of written notice from the Subrecipient Contractor that payment is requested, it shall provide the Subrecipient Contractor a letter of exception explaining the defect or objection to the services and outlining steps the Subrecipient Contractor may take to provide remedial action. Upon certification by the Agency that the services have been provided and accepted, payment shall be tendered to the Subrecipient Contractor within thirty days after the date of acceptance.
- K. Payments to the Subrecipient Contractor will be made electronically through the Automated Clearing House (ACH) Network.

2. TERMS OF AGREEMENT

In addition to the other provisions contained in this Agreement, the parties agree to the following:

- A. The Subrecipient Contractor agrees to:
 - 1. Provide services in accordance with current or revised Agency and State of New Mexico Aging and Long-Term Services Department policies and the OAA.
 - 2. Target services to older individuals with greatest economic and social need, including low-income individual, low-income minorities, older individuals at risk of institutional placement, individuals with limited English proficiency, and older individuals residing in rural areas, as applicable.
 - 3. Submit timely and accurate consumer/client tracking service documentation (rosters and transmittals) as required by the Agency by the close of business on the fifth (5th) day of each month following the last day of the month in which services were provided. If the fifth (5th) day falls on a weekend or Agency holiday, the information shall be delivered by the close of business on the next business day.
 - 4. Submit timely and accurate consumer/client assessment and reassessment documentation (including transmittals) on the day conducted.
 - 5. Ensure consumer contact information is accurate in WellSky.
 - 6. Encourage client contributions (program income) on a voluntary and confidential basis. Such contributions will be properly safeguarded and accurately accounted for as receipts and expenditures on its financial reports, if they are not required to be forwarded to the Agency. Client contributions (program income) will be reported fully and in the service category generated, as required, to the Agency. Subrecipient Contractor agrees to expend all program income to expand or enhance the program/service under which it is earned.
 - 7. Provide letters from local City or County governments to the NCNMEDD Non-Metro AAA committing local funds to senior programs. Any changes in local funds

(increases or decreases) will be provided in writing to the NCNMEDD Non-Metro AAA.

8. Maintain communication and correspondence concerning clients' status with the Agency.
9. Submit contingency plan to address unforeseen circumstances when service delivery is threatened.
10. At a minimum, attend two (2) Agency training events per year (may include attendance at Non-Metro AAA Advisory Council meetings). Attend required Aging Network Training events and other special meetings of the Aging & Long-Term Services Department.
11. Submit timely and accurate information necessary for reimbursement.
 - a. All SAMS data, including COVID-19 data should be verified and reconciled by the Subrecipient Contractor prior to submitting the SAMS Verification Statement and the Agency Summary Report (ASR) to the Non-Metro AAA Santa Fe office by the 10th working day. The signed Agency Summary Report (ASR) is the official document used to initiate reimbursement of services provided by the Subrecipient Contractor.
 - b. Subrecipient Contractors shall invoice the Agency on or before the 5th working day of the month for prior month expenditures. The Agency may extend these dates on a case-by-case basis if the Subrecipient Contractor reports a hardship. However, the Agency will not accept, process, or pay invoices submitted fifteen (15) days or more after the deadline(s). The Subrecipient Contractor shall submit expenditure and service delivery information to the Agency utilizing the OAA-SYS system provided by the Agency.
 - c. Supporting documentation to validate reported expenses to include general ledger, purchase orders and invoices.
 - d. Quarterly financial reports, to include approved budget, year-to-date expenses, year-to-date revenue, by the 15th working day of the month following the end of the quarter.
 - e. Quarterly program narrative reports by the 15th working day of the month following the end of the quarter.
12. This agreement does not guarantee a total level of reimbursement other than for individual units/services authorized, contingent upon availability of Federal and State funds.
13. By October 1, 2022, Subrecipient Contractor agrees to bill Medicaid, or contract with the Agency to bill Medicaid, for Medicaid-eligible consumers enrolled in Medicaid-eligible services. Such services will not be eligible for Title III funds after October 1, 2022.
14. Subrecipient Contractor employees shall not solicit nor accept gifts or favors of monetary value by or on behalf of clients as a gift, reward, or payment.

- B. The Agency further abides to:
1. Review consumer intake and assessment forms completed by the Subrecipient Contractor, as applicable, to determine eligibility for service provision.
 2. Maintain communication and correspondence concerning consumers' status.
 3. Provide timely consultation and technical assistance to the Subrecipient Contractor as requested and as available.
 4. Conduct quality-assurance procedures, which may include on-site visits, to ensure quality services are being provided.
 5. Provide written policy, procedures and standard documents concerning client authorization to release information (both a general and medical/health related release), ability to contribute to the cost of services provided, complaints/grievances and appeals to all consumers.
 6. Provide start-up funds at the discretion of NCNMEDD Non-Metro AAA if funding is available.
 8. Employ a full-time manager and financial individual to oversee funds contracted through Non-Metro AAA.

3. ASSURANCES

- A. *Americans with Disabilities Act of 1990 –*
The Subrecipient Contractor shall comply with the requirements, established under the Americans with Disabilities Act, in meeting statutory deadlines under the Act as they pertain to operation for employment, public accommodations, transportation, state and local government operations and telecommunications.
- B. *Section 504 of the Rehabilitation Act of 1973 –*
The Subrecipient Contractor shall provide that each program activity, when viewed in its entirety, is readily accessible to and usable by persons with disabilities in keeping with 45 CFR, Part 84.11, etc. Seq., and as provided for in Section 504 of the Rehabilitation Act of 1974, as amended. When structural changes are required, these changes shall be in keeping with 45 CFR, Part 74. The Subrecipient Contractor shall ensure that benefits and services, available under the agreement, are provided in a non-discriminatory manner as required by the Title VI of the Civil Rights Act of 1964, as amended.
- C. *Age Discrimination in Employment Act of 1967 –*
The Subrecipient Contractor shall comply with Age Discrimination in Employment Act of 1967 (29 USC 621, etc. Seq.).
- D. *Drug Free Workplace*
The Subrecipient Contractor shall comply with the Drug-Free Workplace Act of 1988.

- E. *Certification Regarding Debarment*
The Subrecipient Contractor shall certify annually that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency.
- F. *Financial Management*
The Subrecipient Contractor must implement financial management standards in accordance with the Federal standards outlined in the United States Department of Health and Human Services Federal Regulation 45 CFR Part 75, 2 CFR Uniform Grants Guidance Part 200 and New Mexico Fiscal Requirements.
- G. *Budget Adjustment*
The Subrecipient Contractor shall submit to the Agency, as necessary, any budget adjustment request(s) for review and approval. Under no circumstances may budget adjustment request(s) be submitted to the Agency later than March 15th unless authorized by the Agency in writing. The Agency shall review and approve or deny budget adjustment request(s) at its sole discretion.
- H. *Incentive Compensation*
Use of federal and state funds for incentive compensation to employees based on cost reduction, efficient performance, suggestion awards, safety awards, etc. is unallowable and will not be recognized by the Agency as a reimbursable expense.
- I. *Independent Audit*
The Subrecipient contractor shall provide a financial and compliance audit report(s) to the Agency covering the period of July 1, 2022 through June 30, 2023. The Subrecipient Contractor is considered an independent contractor and is subject to audit requirements under Title 2, Subtitle A, Chapter II, Part 200 of Code of Federal Regulations and Government Audit Standards, regardless of the amount of federal funding the Subrecipient Contractor receives.
1. The Audit report(s) provided to the Agency must include a copy of the Auditor's management letter.
 2. The audit report shall include a schedule of administrative and program expenses for each separate federal title or program (Title IIIB, Title IIIC-1, Title IIIC-2, Title IIID, Title IIIE, NSIP, etc.), which facilitates a reconciliation of audited costs to the final report.
 3. Submittal of the audit report for government entities shall be within ten (10) working days after release by the New Mexico State Auditor's Office. For non-governmental entities, the audit report is due four (4) months after the end of the entity's fiscal year.
- J. *Equal Opportunity Compliance.*
The Subrecipient Contractor agrees to abide by all federal and state laws, rules, regulations, and executive orders of the Governor of the State of New Mexico,

pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Subrecipient Contractor agrees to assure that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Subrecipient Contractor is found not to be in compliance with these requirements during the life of this Agreement, Subrecipient Contractor agrees to take appropriate steps to correct these deficiencies.

K. *Compliance with Aging and Long-Term Services Department Functions.*

The Subrecipient Contractor shall perform in accordance with the Federal Older Americans Act (OAA) and directives of the U.S. Administration on Aging; Rules, regulations, State Plan, policies and procedures established by the Aging and Long-Term Services Department, for the provision of services, and administration of programs funded under the OAA and the New Mexico State Legislature; New Mexico Administrative Code, Title 9, Chapter 2, Parts 1-24; The Aging & Long-Term Services Act, NMSA 1978, Sections 9-23-1 et seq.; The New Mexico Environment Department Food Establishment Rules and Regulations; Dietary Guidelines for Americans; Dietary Reference Intakes (DRIs); the approved Agency Area Plan, Agency Policy and Procedures; the approved Service Plan; State and Federal emergencies and public health/emergency orders enacted by the Governor of the State of New Mexico; Title II Part 200 of the Code of Federal Regulations; and the terms and conditions of this Agreement.

L. *Non-Discrimination Service Delivery.*

The Subrecipient Contractor, in determining (a) the services or other benefits provided under this Agreement, (b) the class of individuals to whom, or situation in which such services or other benefits will be provided under this program, or (c) the class of individuals to be afforded an opportunity to participate in the program, will not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, religion, color, national origin, ancestry, sex, sexual preference, age or handicap, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program in respect to individuals of a particular race, religion, color, national origin, ancestry, sex, sexual preferences, age or handicap.

M. *Targeting and Outreach.*

The Subrecipient Contractor shall engage in targeting and outreach activities, as required by the OAA, to all potential recipients of services as referenced in section 2.A.2. The Subrecipient Contractor shall conduct ongoing community outreach to assess needs and inform potential recipients of available services. The Subrecipient

Contractor shall report all activities in its quarterly program reports submitted to the Agency.

N. *Consumer Feedback.*

The Subrecipient Contractor shall implement a mechanism for obtaining and evaluating consumer opinions of the quality of services received. Such mechanism must include consumer surveys and documentation of the resolution of service recipient complaints.

O. *Emergency Preparedness Requirements.*

The Subrecipient Contractor shall monitor and notify the Agency of any situation which has the potential to be an emergency in which older adults or adults with disabilities may be adversely affected.

- a. Subrecipient Contractor shall provide and update emergency contact information for all emergency management personnel in a format provided by the Agency.
- b. Subrecipient Contractor agrees to notify the Agency of service modifications in the event of a holiday, emergency, or other situation as soon as those service modifications are known.
- c. Subrecipient Contractor agrees to notify the Agency of emergency situations and events as soon as they are known, regardless of service modification.
- d. Subrecipient Contractor shall ensure continuation of services during emergency events to the extent possible and will request assistance from the Agency in the event it cannot perform this requirement.
- e. Subrecipient Contractor agrees to perform well-check calls to consumers during emergency events, regardless of the open or closed status of facilities and services. Subrecipient Contractor agrees to utilize well-check call scripts and systems provided by the Agency in this process. Subrecipient Contractor will request assistance from the Agency in the event it cannot perform this requirement.

4. TERM

This Agreement shall begin on July 1, 2022, and terminate on June 30, 2023, unless terminated pursuant to Paragraph 5, below or for any other reason allowed by law.

5. TERMINATION

- A. This Agreement may be terminated by the Agency without cause upon written notice delivered to the Subrecipient Contractor at least thirty (30) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance prior to the date of termination. This Agreement may be terminated immediately, upon written notice to the Subrecipient Contractor, if the Subrecipient Contractor becomes unable to perform the services contracted for, as determined by the Agency, or if, during the term of this Agreement, the Subrecipient Contractor or any of its

officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph herein, or if the Subrecipient Contractor fails to comply with any of the terms contained herein or is in breach of this Agreement as set forth in Paragraph 6, below. This provision is not exclusive and does not waive the Agency's other legal rights and remedies caused by the Subrecipient Contractor's default or breach of this Agreement. This Agreement may also be terminated by the Subrecipient Contractor upon thirty (30) days written notice to the Agency.

- B. Termination Management. Immediately upon receipt of notice of termination of this Agreement by either the Agency or the Subrecipient Contractor, the Subrecipient Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the Agency; 2) comply with all directives issued by the Agency in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the Agency shall direct for the protection, preservation, retention or transfer of all property titled to the Agency and client records generated under this Agreement and any non-expendable personal property or equipment purchased by the Subrecipient Contractor with contract funds shall become property of the Agency upon termination. On the date the notice of termination is received, the Subrecipient Contractor shall furnish to the Agency a complete, detailed inventory of non-expendable personal property purchased with funds provided under the existing and previous Agency agreements with the Subrecipient Contractor; the property listed in the inventory report including client records and a final closing of the financial records and books of accounts which were required to be kept by the Subrecipient Contractor under the paragraph of this Agreement regarding financial records.

6. BREACH OF AGREEMENT BY SUBRECIPIENT CONTRACTOR

- A. In addition to the breach of any term, provision, covenant, agreement, or obligation of Subrecipient Contractor contained in this Agreement, the following constitute a breach of Subrecipient Contractor's obligations and duties hereunder:
1. The Subrecipient Contractor's failure to provide proof of insurance coverage sufficient to meet the requirements of this Agreement or any applicable federal, state, or local laws, rules, or regulations.
 2. The Subrecipient Contractor's failure to adequately safeguard its assets in such a manner that would adversely impact the interests of the intended recipients of the services to be performed, hereunder, and jeopardize their receipt of such services.
 3. Unless otherwise duly authorized in writing by the Agency, the Subrecipient Contractor's failure to meet line-item budgetary ceilings set forth in its approved budget for delivering the services contemplated hereunder.
- B. Upon a determination by the Agency that the Subrecipient Contractor shall be in breach of this Agreement, the Agency shall provide written notice to the Subrecipient Contractor specifying the facts and circumstances constituting the breach(es) and advising the

Subrecipient Contractor that such breach(es) must be cured to the Agency's satisfaction within thirty (30) days from the date of such written notice. If such cure is not timely made, then the Agency may elect to implement one or more of the following intermediate sanctions:

1. The Agency may install a program monitor for a specified time period to closely observe the Subrecipient Contractor's efforts to comply with obligations remaining under this Agreement. Unless otherwise deemed confidential under applicable law, such monitor shall have authority to review any or all the Subrecipient Contractor's records, policies, procedures, and financial records germane to the Subrecipient Contractor's delivery of the services contemplated by this Agreement. Such monitor may also serve as a consultant to the Subrecipient Contractor to advise in the correction of the determined deficiencies. All costs associated with the Agency's selection and installation of such monitor shall be paid from the state and federal funds paid to the Subrecipient Contractor hereunder.
2. The Agency may appoint a temporary manager who shall have primary responsibility to oversee the operation of the Subrecipient Contractor's services contemplated by this Agreement. All costs associated with the Agency's selection and installation of such a temporary manager shall be paid from the compensation paid to Subrecipient Contractor.
3. The Agency may deem the Subrecipient Contractor ineligible for the receipt of any additional funds to be paid to Subrecipient Contractor hereunder.
4. The Agency may cancel, terminate, or suspend this Agreement in whole or in part.
5. In addition to other remedies available to the Agency hereunder, the Agency may, in its discretion, establish a period of probation with specific objectives to be accomplished by the Subrecipient Contractor hereunder, or to be in compliance with applicable policies, procedures, laws, and regulations.
6. The Agency may pursue any other remedy as may be provided under applicable law.

7. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico and utilized by the Agency for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by the Agency to the Subrecipient Contractor. The Agency's decision as to whether sufficient appropriations are available shall be accepted by the Subrecipient Contractor and shall be final. If the Agency proposes an amendment to the Agreement to unilaterally reduce funding, the Subrecipient Contractor shall have the option to terminate the Agreement or agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

8. STATUS OF SUBRECIPIENT CONTRACTOR

The Subrecipient Contractor, its agents, and employees are independent contractors performing professional services for the Agency and are not employees of the Agency. The Subrecipient

Contractor, its agents and employees shall not accrue leave, retirement, insurance, bonding, use of Agency vehicles, or any other benefits afforded to employees of the Agency as a result of this Agreement. The Subrecipient Contractor acknowledges that all sums received hereunder are reportable for income tax purposes.

9. ASSIGNMENT

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

10. SUBCONTRACTING

The Subrecipient Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the Agency.

11. RELEASE

Final payment of the amounts due under this Agreement shall operate as a release of the Agency, its officers and employees, and the State of New Mexico from all liabilities, claims and obligations, whatsoever arising from or under this Agreement. The Subrecipient Contractor agrees not to purport to bind the Agency to any obligation not assumed herein unless the Subrecipient Contractor has express written authority to do so, and then only within the strict limits of that authority.

12. CONFIDENTIALITY

Any information provided to or developed by the Subrecipient Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization, by the Subrecipient Contractor without the prior written approval of the Agency. Disclosure of confidential information shall only be made in accordance with the Inspection of Public Records Act or the applicable state or federal laws or regulations. Subrecipient Contractor shall establish a method to guarantee the confidentiality of all information relating to clients in accordance with applicable federal, state and local laws, rules and regulations, as well as the terms of this Agreement. However, this provision shall not be construed as limiting the rights of the Agency or any other federal or state authorized representative to access client case records or other information relating to clients served under this Agreement.

13. PRODUCT OF SERVICE – COPYRIGHT

All materials developed or acquired, by the Subrecipient Contractor, under this Agreement, shall become the property of the Agency and shall be delivered to the Agency no later than the termination date of this Agreement. Nothing produced, in whole or in part, by the Subrecipient Contractor, under this Agreement, shall be the subject of an application for copyright or other claim of ownership, by or on behalf, of the Subrecipient Contractor.

14. CONFLICT OF INTEREST

The Subrecipient 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 Subrecipient Contractor certifies that the requirements of the Governmental Conduct Act, Sections 10-16-1 through 10-16-18, NMSA 1978, regarding contracting with a public officer or state employee or former state employee have been followed.

15. AMENDMENT

This Agreement shall not be altered, changed or amended, except by instrument in writing, executed by the parties hereto.

16. MERGER

This Agreement incorporates all the agreements, covenants and understandings between the parties hereto, concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written 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.

17. PENALTIES FOR VIOLATION OF LAW

The Procurement Code, Sections 13-1-28 through 13-1-199, 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.

18. APPLICABLE LAW

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Subrecipient Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

19. WORKERS COMPENSATION

The Subrecipient Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Subrecipient Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the Agency.

20. RECORDS AND FINANCIAL AUDIT

The Subrecipient Contractor shall maintain detailed time and expenditure records, including, but not limited to, client records, books, supporting documents pertaining to services provided, that indicate the date, time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Agency, the Department of Finance and Administration and the State Auditor. The Agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Agency to recover excessive or illegal payments. If, pursuant to this Agreement, the Subrecipient Contractor receives federal funds subject to the Single Audit Act, the Subrecipient Contractor shall submit to the Agency an audit conducted by a certified public accountant in compliance with the Single Audit Act.

21. INDEMNIFICATION

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitation of the New Mexico Tort Claims Act.

22. INTERNAL DISPUTE MEDIATION

The Subrecipient Contractor shall attempt to resolve all disputes with participants by negotiation in good faith and with such mediators as may be acceptable to the parties involved. The Subrecipient Contractor shall implement an internal grievance policy with procedures in place to effectively and fairly negotiate and resolve disputes with participants. The Subrecipient Contractor must provide all participants with notice, at the commencement of the contract year that disputes may be resolved in this manner. If negotiation and mediation through the grievance procedure fail, any party may submit the dispute to the ALTSD in accordance with the following provisions:

1. In any dispute submitted, the Agency and the Subrecipient Contractor hereby agree and consent to the ALTSD mediation of the dispute.
2. Mediation may only be instituted by written request, which request shall include a statement of the matter in controversy.
3. Initial contacts and negotiation shall be conducted by the appropriate Agency staff.
4. Any resolution of the matter shall be binding and final on the Subrecipient Contractor and the Subrecipient Contractor hereby agrees to be bound by said resolution.
5. Failure of the Subrecipient Contractor to resolve any dispute pursuant to the procedures set forth herein or to comply with a resolution ordered by the ALTSD shall amount to a material breach of Agreement.
6. Internal Dispute Mediation does not supersede the appeal hearing policies and procedures.

23. PARTICIPANT GRIEVANCE

The Subrecipient Contractor will establish a system through which applicants for, and recipients of services, may present grievances about the operation of the service program. The Subrecipient Contractor will advise applicants and recipients of their right to appeal denial of service and their right to a fair hearing of these respects. The Subrecipient Contractor shall notify the Agency of termination of services, to a client, as part of a monthly service report, on any services funded by this Agreement. The Agency reserves the right to perform follow-up investigations with the client to determine adequate performance and adherence to due process.

24. KEY PERSONNEL

The Agency shall be notified of changes in, and must concur with the selection process for, Key Personnel. The Agency considers the following positions as Key Personnel:

1. Program Director
2. Financial Manager

The Subrecipient Contractor will maintain full-time Key Personnel throughout the term of this agreement.

25. INVALID TERM OR CONDITION

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

26. ENFORCEMENT OF AGREEMENT

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless expressed in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

27. NOTICES

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

AGENCY:

NCNMEDD Non-Metro AAA
Neil Segotta, AAA Director
3900 Paseo Del Sol
Santa Fe, NM 87507

SUBRECIPIENT CONTRACTOR:

City of Alamogordo - Alamo Senior Center
Magdalena Morales, ASC Director
2201 Puerto Rico Avenue
Alamogordo, NM 88310

28. INSURANCE

The Subrecipient Contractor shall secure and maintain, during the term of this Agreement, at its own expense, comprehensive and general public liability insurance and/or other types of insurance as the Agency may require. The Subrecipient Contractor shall secure and maintain, during the term of this Agreement, at its own expense, workers' compensation insurance in the amounts required by the applicable laws of the State of New Mexico covering the Subrecipient Contractor's employees. All policies of liability insurance that Subrecipient Contractor is obligated to maintain, according to this Agreement, except for any policy of workers' compensation insurance, shall name Agency as an additional insured. The Subrecipient Contractor shall furnish to the Agency, directly from its insurance carrier, a memorandum or certification of all insurance carried before the payment of any monies as consideration for the services rendered hereunder shall be made. Upon such certificates and/or memoranda being furnished to the Agency, the same shall be annexed to this Agreement and by reference made a part hereof.

29. AUTHORITY

The individual(s) signing this Agreement on behalf of Subrecipient Contractor represents and warrants that he or she has the power and authority to bind Subrecipient Contractor, and that no

further action, resolution, or approval from Subrecipient Contractor is necessary to enter into a binding contract.

30. SIGNATURES

For the faithful performance of the terms of this agreement, the parties affix their signatures and bind themselves effective July 1, 2022.

City of Alamogordo
Legal Name of Subrecipient Contractor

Signature

Brian Cesar, City Manager
Printed/Typed Name of Signatory

Date

NCNMEDD Non-Metro Area Agency on Aging
Name of Area Agency on Aging

Monica Abeita
Signature

Monica Abeita, Executive Director
Printed/Typed Name of Signatory

07/01/2022
Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/04/2022

Report No: 10.

Submitted By: Jim Talbert

Subject: Consider, and act upon, the approval of the biannual airport state maintenance grant. (*Jim Talbert, Airport Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: City match is in the current budget

Recommendation: Approve the State Airport maintenance grant

Background: The State offers a \$10,000 yearly 90-10 grant for airport maintenance usage. The policy now is to offer the same amount but in two year timeframes. Thus, the grant is for \$20,000 with a city match of \$2,222.22. The grant is used for the weather station maintenance, herbicide, lights, flags , windsocks and other consumable items. This is budgeted yearly.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

Aviation Grant Agreement Form



Date

Jul 20, 2022

Project Location

ALM - ALAMOGORDO MUNICIPAL AIRPORT

Sponsor

ALAMOGORDO, CITY OF

Address

1376 EAST 9TH ST

City

ALAMOGORDO

NM

Zip Code

88310

The Sponsor must sign and send a digital PDF copy to their Airport Development Administrator at the NMDOT Aviation Division.

Participation

STATE ONLY

Funding Breakdown

90-10

Contract No. _____

Project No.

ALM-23-01

Vendor No.

0000054303-5

Expiration Date _____

Purchase Order No: _____

AVIATION GRANT AGREEMENT

This Agreement is between the New Mexico Department of Transportation, acting through its Aviation Division (Department), and the Sponsor. This Agreement is effective as of the date of the last party to sign on the signature page below.

Now Therefore, pursuant to the New Mexico Aviation Act, NMSA 1978, Section 64-1-11 et seq., and the New Mexico Municipal Airport Law, NMSA 1978 Sections 3-39-1 et seq., the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide funding, authorized in Section 64-1-13, NMSA 1978, to the Sponsor to assist in financing an aviation project.

a. Project Description:

AIRFIELD MAINTENANCE ITEMS & SUPPLIES

b. Site of Development. The site of development is identified on the property map, attached as Exhibit A.

c. Funding. Below is the funding for the Project. The State's contribution is the maximum amount that the Department will contribute. Attached as Exhibit B is the engineer's cost estimate.

State	Sponsor	Other	Total
\$ 20,000	\$ 2,222	\$	\$ 22,222

2. The Sponsor Shall:

- Pay all costs, perform all labor, and supply all material, except as described in the Engineers Estimate attached as EXHIBIT B.
- Provide a representative from its organization who shall serve as the single point of contact for the Department.
- Establish and maintain a resolution by which the Sponsor agrees to establish an airport maintenance program and appoint an individual to be responsible for management of the program.
- Initiate engineering, survey, and all other design activities, inspect Project construction and, coordinate all meetings.
- Be responsible for all design and pre-construction activities.
- Initiate and cause to be prepared all necessary documents including plans, specifications, estimates (PS&E), and reports for this Project.
- Assure that all design and PS&E are performed under the direct supervision of a Registered New Mexico Professional Engineer.
- Design the Project in accordance with State and Federal guidelines and/or advisory circulars, hereby incorporated into this Agreement. Construction projects will be accomplished in accordance with the Federal Aviation Administration's Standards for Specifying Construction of Airports (Advisory Circular 150/5370-10, current edition).

- i. Notify the Department when the plans and specifications are sufficiently complete for review.
- j. Make no changes in design or scope of work without documented approval of the Department.
- k. Advertise for and contract for the construction of the Project in accordance with federal and state laws or local ordinances.
- l. Require the Engineer to prepare a final detailed estimate of the work, indicating the bid items, the quantity in each item, the unit bid price and cost of the items based on low acceptable bid prices. Progress estimates shall be submitted to the Department in acceptable form so that details of quantities allowed on various items of work shall be shown on each progress payment.
- m. The Sponsor shall submit to the Department one complete set of plans and specifications which incorporate all comments and recommendations received during pre-bid activities and which have been fully executed by all involved parties.
- n. The Sponsor shall take all steps, including litigation if necessary, to recover State funds spent in violation of state laws and rules. The Sponsor shall return any recovered state funds to the Department. It shall furnish to the Department, upon request, all documents and records pertaining to the determination of the amount of the state's share of any settlement, litigation, negotiation, or the efforts taken to recover such funds. All settlements or other final dispositions by the Sponsor, in court or otherwise, involving the recovery of such state funds shall be approved in advance by the Department.
- o. The Sponsor shall, upon reasonable notice, allow the Department the right to inspect the Project for the purposes of determining if it is being constructed in a good and workmanlike manner, and if the approved plans and specifications are being complied with satisfactorily. If an inspection discloses a failure to substantially meet such requirements and standards the Department may terminate payment or payments until a mutually satisfactory remedy is reached.

3. The Department Shall:

- a. Assign a contact person for this project.
- b. Provide timely reviews of all submittals of scopes, plans, specifications, investigations or other documents.
- c. The Department shall not provide an extensive check of any plans submitted by the Sponsor. The Department's concurrence of the Project plans does not relieve the Sponsor or its Consultant of their responsibility for errors and omissions.

4. Both Parties Agree:

- a. The allowable costs of this Project shall not include costs determined by the Department to be ineligible for consideration under the Aviation Act.
- b. The expenditure of any State money is subject to approval by the Department.
- c. Funds granted under the Local Governments Road Fund, NMSA 1978 Section 67-3-28.2, shall not be used to administer this Project or used to meet the local match.

5. Method of Payment - Reimbursement.

The Department shall reimburse the Sponsor in accordance with the terms of this agreement. Claims for reimbursement shall be completed on form A-1159, Request for Reimbursement. Each request for reimbursement shall contain proof of payment for valid expenditures for services rendered by a third party or items of tangible property received by the Sponsor for the implementation of the Project. The Department reserves the right to withhold reimbursement on requests that are incorrect and/or incomplete. The Final reimbursement request must be received no later than thirty (30) days after completion of the project or the expiration of this Agreement.

The Sponsor shall not be reimbursed for any costs incurred prior to the full execution of the Agreement, after the expiration of the Agreement or in excess of the maximum dollar amount of the agreement unless the maximum dollar amount is duly amended prior to incurring the service or deliverable. Any unexpended portion of funds subject to this Agreement shall revert to the State Aviation Fund.

6. Accountability of Receipts and Disbursements.

There shall be strict accountability for all receipts and disbursements. The Sponsor shall maintain all records and documents relative to the Project for a minimum of three (3) years after completion of said Project. The Sponsor shall furnish the Department or State Auditor, upon demand, all records which support the terms of this Agreement.

7. Term.

The Agreement becomes effective upon signatures of all parties. The effective date is the date when the last party signed the Agreement on the signature page below. This agreement shall expire two (2) years from the effective date, unless terminated pursuant to Sections 8 and 17, below.

8. Termination for Cause.

The Department has the option to terminate this Agreement if the Sponsor fails to comply with any provision of this Agreement. A written notice of termination shall be given at least thirty (30) days prior to the intended date of termination and shall identify all of the Sponsor's breaches on which the termination is based.

The Department may provide the Sponsor a reasonable opportunity to correct the breach. If within ten (10) days after receipt of a written notice of termination, the Sponsor has not corrected the breach or, in the case of a breach which cannot be corrected in ten (10) days, the Sponsor has not begun and proceeded in good faith to correct the breach, the Department may declare the Sponsor in default and terminate the Agreement. The Department shall retain any and all other remedies available to it under the law.

By such termination neither party may nullify obligations already incurred for performance or failure to perform for the work rendered prior to the date of termination. However, neither party shall have any obligation to perform services or make payment for services rendered after such date of termination.

9. Disposition of Property.

- a. Upon termination of this Agreement, the Sponsor shall account for any remaining property, materials or equipment belonging to the Department and dispose of them as directed by the Department.
- b. Any equipment, materials or supplies procured under this Agreement shall be used solely for aviation purposes maintained according to the manufacturers guidelines and stored at the airport.

10. Representations and Certification.

The Sponsor, by signing this Agreement, represents and certifies the following:

- a. Legal Authority - The Sponsor has the legal power and authority to: (1) do all things necessary in order to undertake and carry out the Project in conformity with the provisions stated in the New Mexico Aviation Act and Rules and Regulations pursuant thereto; (2) accept, receive and disburse grant funds from the State of New Mexico in aid of the Project; and (3) carry out all provisions stated in this Aviation Grant Agreement.
- b. Defaults - The Sponsor is not in default on any obligation to the State of New Mexico relative to the development, operation or maintenance of any airport or aviation project.
- c. Possible Disabilities - The Sponsor states, by execution of this Agreement, there are no facts or circumstance (including the existence of effective or proposed leases, use agreements, or other legal instruments affecting use of the airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project.
- d. Land - The Sponsor holds the property interest in the areas of land which are to be developed or used as part of or in connection with the Project and is identified in a current Airport Property Map. The Sponsor further certifies that the aforementioned is based on a title examination by a qualified attorney or title company who has determined that the Sponsor holds the stated property interests.

11. Assurances.

The Sponsor, by signing this Agreement, covenants and agrees to the following Assurances:

- a. That it will operate the airport for the use and benefit of the public on fair and reasonable terms and without unjust discrimination.
- b. That it will keep the airport open to all types, kinds and classes of aeronautical use without discrimination between such types, kinds, and classes. The Sponsor shall establish fair, equal and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation.

- c. Neither it nor any person or organization occupying space at the airport will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of the facility and, further that any person, firm or corporation rendering service to the public on the airport will do so on a fair, equal and not unjustly discriminatory basis.
- d. Operate and maintain in a safe and serviceable condition the airport and all facilities which are necessary to serve the aeronautical users and will not permit any activity which would interfere with its use for airport purposes.
- e. By acquisition of land interest, acquisition of easements, airspace zoning, or other accepted means, protect the runway approaches and the airspace in the immediate vicinity of the airport from the construction, alteration, erection or growth of any structure which would interfere with the use or operation of the airport.
- f. Comply with the New Mexico Aviation Act and associated provisions, NMSA 1978 Sections 64-1-1 to 64-5-4 and the New Mexico Municipal Airport Law, NMSA 1978 Sections 3-39-1 et seq.
- g. That it shall not award the contract nor give bidding documents to any contractor who is subject to suspension or debarment by the U.S. Department of Transportation or the Department at the time of the bidding or award of the contract. Violation of this provision shall void this Agreement.

12. Third Party Beneficiaries.

It is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

13. New Mexico Tort Claims Act.

As between the Department and the Sponsor, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, *et seq.* This paragraph is intended only to define the liabilities between the parties and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

14. Scope of Agreement.

This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. Terms of this Agreement.

The terms of this Agreement are lawful; performance of all duties and obligations shall conform with and do not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

16. Equal Opportunity Compliance.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States shall, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

17. Appropriations and Authorizations of State and Federal Funds.

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Sponsor, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Sponsor, Legislature or the Congress of the United States if federal funds are involved, this Agreement shall terminate upon written notice being given by one party to the other. The Department and the Sponsor are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

18. Severability.

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

19. Applicable Law.

The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

20. Principal Contacts and Notices.

The principal contacts for this Agreement are listed below. Except as otherwise specified, all notices shall be in writing (including notice by facsimile or E-mail) and shall be given to the principal contacts listed below.

Name: Daniel R. Moran
Title: Finance & Administrative Manager

Address: New Mexico Department of Transportation - Aviation Division
3501 Access Rd C.
Albuquerque, NM 87106
Office: (505) 244-1788 ext. 9112
Fax: (505) 244-1790
E-mail: dan.moran@state.nm.us

Name	JIM TALBERT		
Title	AIRPORT MANAGER		
Sponsor	ALAMOGORDO, CITY OF		
Address	1376 EAST 9TH ST		
City	ALAMOGORDO	NM	Zip Code 88310
Office Phone	+1 (575) 439-4110	Fax	
E-Mail	JTAIRPORTMANAGER@CI.ALAMOGORDO.NM.US		

21. Amendment.

This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties.

In witness whereof, each party is signing this Agreement on the date stated opposite of that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

Recommended by:

By: _____
Aviation Division Director
or Designee

Date: _____

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: _____
Assistant General Counsel

Date: _____

SPONSOR

Print Name: _____

By: _____

Date: _____

Title: _____

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/02/2022

Report No: 11.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, nominating Dudley School to be placed on the National Register of Historic Places so we are able to apply for a National Park Services grant for repair and rehabilitation of historic properties. (*Debbie Osborne, Grant Coordinator*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No significant financial impact.

Recommendation: Approve the nomination of Dudley School for listing on the National Register of Historic Places.

Background: The National Park Service is currently accepting grant applications for the History of Equal Rights (HER) grant program. This program was created to preserve and protect sites associated with efforts to achieve equal rights. Repair and rehabilitation of historic properties, according to the Secretary of the Interior's Standards for Archeology and Historic Preservation, is one of the funded activities. The property must be listed on or eligible for listing on the National Register of Historic Places or designated a National Historic Landmark either individually or as part of a district to qualify for funding.

Nominating Dudley School for listing on the National Register of Historic Places could also make the City eligible for increased funding opportunities.



History of Equal Rights (HER)



Women picketing at the White House, February, 1917.
Photo courtesy of The Library of Congress.

The goal of the History of Equal Rights grant program is to preserve and protect sites associated with efforts to achieve equal rights. The History of Equal Rights grants are not limited to any specific group and are intended to include the broadest possible interpretation of equal rights for any American.

Who May Apply

- States and Territories
- Indian Tribes that meet the definition in 54 USC 300309 and Native Hawaiian Organizations that meet the definition in 54 USC 300314
- Local Governments, including Certified Local Governments
- Non-profit Organizations

What Is Funded

Pre-preservation and Preservation Projects

- Preservation projects must range from \$75,000 to \$750,000 in federal share, of which 20% may go toward pre-preservation costs such as architectural or engineering services. Grant applications that solely involve pre-preservation work must range from \$15,000 to \$75,000.
- Preservation projects fund physical preservation of a historic site to include historic districts, buildings, sites, structures, and objects. Projects must comply with relevant laws, such as Section 106 and NEPA, and execute a preservation covenant/easement.
- Eligible costs: pre-preservation studies, architectural plans and specifications, historic structure reports, and the repair and rehabilitation of historic properties according to the Secretary of the Interior's *Standards for Archeology and Historic Preservation*.
- Properties must be **listed in or eligible for listing** in the National Register of Historic Places or designated a National Historic Landmark either individually or as part of a district. Significance must be associated with equal rights. Projects that are not listed on the National Register or are not listed in association with equal rights must include a nomination or amendment to an existing nomination as part of their project.

What Is Not Funded

- Construction of new buildings
- Acquisition of collections or historic sites
- Long-term maintenance or curatorial work beyond the grant period
- Reconstructing historic properties (recreating all or a significant portion that no longer exists)
- Moving or work on moved historic properties that are no longer eligible for listing in the NRHP

- Cash reserves, endowments, revolving funds, or fund-raising costs
- Work performed prior to announcement of award
- Lobbying or advocacy activities
- Costs for work already completed or funded through other federal programs
- Administrative costs may not be over 25% of project budget
- Miscellaneous costs, contingencies, reserves, or overhead

Selection Process

NPS personnel and qualified Federal employees will review all complete proposals using the criteria outlined below. Reviewers' evaluations are based solely on the material provided in the application. **Additional materials not specifically required by the application, and materials sent separately from the application, will not be considered.** A summary of the review panel comments may be provided to the applicant if requested after the grant process is complete. Panel recommendations will be made to the Secretary of the Interior who will select successful applicants and forward to the House and Senate Committees on Appropriations. NPS will conduct risk assessments on all projects prior to funding. Matching funds are not required, but may be considered as part of the evaluation process.

Evaluation and Selection Criteria

Project descriptions must address, and applications will be rated on, each of the criteria listed below. NPS will evaluate and consider only **complete** applications that separately address each of the four criteria. All criteria are rated equally. You are required to provide a detailed narrative of these elements using the project description and budget justification worksheets.

- 1. Significance:** Describe the historic resource(s) in the proposed project that played a role in the struggle for equal rights. Describe the community and the historic resources affected by this project including its significance and whether they are listed in the National Register of Historic Places and/or designated at the state, tribal, or local level. Discuss how your project will help identify and preserve places seminal to the story of equal rights.
- 2. Need/Urgency/Threat:** Describe the need, urgency, and threat the project addresses and how the activities are necessary and will mitigate that threat. Discuss how the project is the next logical step toward the resource's preservation.
- 3. Feasibility:** Describe all tasks and their results. Discuss your timeline (located below) and budget justification (separate document) to show that costs are necessary, reasonable, and allowable. Demonstrate how you will successfully complete the project within the given time frame (2-3 years) and with the given resources while meeting all federal requirements and guidelines. Briefly describe who will be involved in carrying out the project and their qualifications, attach resumes/CVs as applicable.
- 4. Sustainability:** Describe the impacts of the project after completion, including long lasting effects. Describe the public-private partnerships and community engagement involved in the project and how these partnerships will sustain and continue to support the resources after the grant project is complete. For Preservation projects, describe the plan for continued maintenance. If previously funded, please describe the progress made to date.

Process and Deadlines

This program is administered by the National Park Service. Congress has appropriated \$4,625,000 for this grant program in Fiscal Year 2022. Applications are open through September 13, 2022 under opportunity number P22AS00644 on Grants.gov. All applications must be made through Grants.gov. No paper applications will be accepted. Registration in Grants.gov, SAM.gov, and other federal systems can take up to four weeks, so please start early. Extensions will not be granted due to incomplete registrations in these systems or applications. To be notified when the opportunity opens, please visit grants.gov and subscribe to a saved search for CFDA number 15.904. You can create a saved search on grants.gov under the "Connect" menu.

Additional Information

Visit <https://go.nps.gov/her> for more information about this grant program.

For more information on our other programs, please visit www.nps.gov/stlpg

For application assistance:
National Park Service
STLPG@nps.gov
202-354-2020

For Grants.gov assistance:
support@grants.gov
1-800-518-4726

This chart provides updated definitions of key Section 106 and NEPA terms referenced in the Handbook.

Section 106	NEPA
Undertaking (36 CFR 800.16(y)) A project, activities, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval.	Major Federal Action (40 CFR 1508.1(q)) An activity or decision subject to federal control and responsibility subject to the following: (1) Major federal action does not include the following activities or decisions: (i) Extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States; (ii) Activities or decisions that are non-discretionary and made in accordance with the agency’s statutory authority; (iii) Activities or decisions that do not result in final agency action under the Administrative Procedure Act or other statute that also includes a finality requirement; (iv) Judicial or administrative civil or criminal enforcement actions; (v) Funding assistance solely in the form of general revenue sharing funds with no federal agency control over the subsequent use of such funds; (vi) Non-federal projects with minimal federal funding or minimal federal involvement where the agency does not exercise sufficient control and responsibility over the outcome of the project; and (vii) Loans, loan guarantees, or other forms of financial assistance where the federal agency does not exercise sufficient control and responsibility over the effects of such assistance (for example, action does not include farm ownership and operating loan guarantees by the Farm Service Agency pursuant to 7 U.S.C. 1925 and 1941 through 1949 and business loan guarantees by the Small Business Administration pursuant to 15 U.S.C.

	636(a), 636(m), and 695 through 697g). (2) Major federal actions may include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (§ 1506.8 of this chapter). (3) Major federal actions tend to fall within one of the following categories: (i) Adoption of official policy, such as rules, regulations, and interpretations adopted under the Administrative Procedure Act, 5 U.S.C. 551 et seq. or other statutes; implementation of treaties and international conventions or agreements, including those implemented pursuant to statute or regulation; formal documents establishing an agency's policies which will result in or substantially alter agency programs. (ii) Adoption of formal plans, such as official documents prepared or approved by federal agencies, which prescribe alternative uses of federal resources, upon which future agency actions will be based. (iii) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive. (iv) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as Federal and federally assisted activities.
Area of Potential Effects (36 CFR 800.16(d)) The geographic area or areas within which an undertaking may directly or	Affected Environment (40 CFR 1502.15) The EIS shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under

indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.	consideration, including the reasonably foreseeable environmental trends and planned actions in the area.
Effect (36 CFR 800.16(i), 800.5(a)(1)) An alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Places.	Effect or Impact (40 CFR 1508.1(g)) Changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include the following: (1) Direct effects, which are caused by the action and occur at the same time and place. (2) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. (3) Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. (4) Effects include ecological (such as effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which

	may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.
Consulting Party (36 CFR 800.2) Parties that have consultative roles in the Section 106 process, including State Historic Preservation Officers (SHPOs); Tribal Historic Preservation Officers (THPOs); Indian tribes; Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; the ACHP; and other individuals and organizations with a demonstrated interest in the undertaking or the affected historic properties.	Cooperating Agency (40 CFR 1501.8(e)) Participating Agency (40 CFR 1501.8(w)) Cooperating Agency means any federal agency (and a state, tribal, or local agency with agreement of the lead agency) other than a lead agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major federal action that may significantly affect the quality of the human environment. Participating Agency means a federal, state, tribal, or local agency participating
Consultation (36 CFR 800.16(f)) The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.	Public Involvement (40 CFR Part 1503, 1506.6) Providing other interested stakeholders and the public with information about the proposed action and its potential impacts, providing opportunities to review draft and final documents, and requesting comments.
Historic Property (36 CFR 800.16(l)) Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.	Cultural Resource (1508.1(g)(4)) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.

Significance (36 CFR 800.4(c)) Used to describe the historic property that has certain character defining features that make it historically significant and therefore eligible for listing in the National Register with the requisite integrity. See National Register of Historic Places eligibility criteria. (40 CFR § 60.4)	Significant Effects (40 CFR 1501.3(b)) In considering whether the effects of the proposed action are significant, agencies shall analyze the potentially affected environment and degree of the effects of the action. Agencies should consider connected actions consistent with section 1501.9(e)(1).
Adverse Effect (36 CFR 800.5(a)) An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.	Significant Effects (40 CFR 1501.3(b)) In considering whether the effects of the proposed action are significant, agencies shall analyze the potentially affected environment and degree of the effects of the action. Agencies should consider connected actions consistent with section 1501.9(e)(1). Effects (40 CFR 1508.1(g)) Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include the following: (1) Direct effects, which are caused by the action and occur at the same time and place. (2) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. (3) Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from

	individually minor but collectively significant actions taking place over a period of time. (4) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.
Mitigation (36 CFR 800.6(a)) The agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects to historic properties. Mitigation is a measure to resolve specific adverse effects to an identified historic property or properties by offsetting such effects.	Mitigation (40 CFR 1508.1(s), 1505.2 and 1505.3) Mitigation means measures that avoid, minimize, or compensate for effects caused by a proposed action or alternatives as described in an environmental document or record of decision and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation. Mitigation includes the following: avoiding the impact altogether, minimizing impacts, rectifying the impact, reducing or eliminating the impact, and compensating for the impact.

Antiquities Act
1906

Thursday
September 29, 1983

Part IV

**Department of the
Interior**

National Park Service

**Archeology and Historic Preservation;
Secretary of the Interior's Standards and
Guidelines**

DEPARTMENT OF THE INTERIOR**National Park Service****Archeology and Historic Preservation;
Secretary of the Interior's Standards
and Guidelines****AGENCY:** National Park Service, Interior.**ACTION:** Notice.

SUMMARY: This notice sets forth the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. These standards and guidelines are not regulatory and do not set or interpret agency policy. They are intended to provide technical advice about archeological and historic preservation activities and methods.

DATE: These Standards and Guidelines are effective on September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Lawrence E. Aten, Chief, Interagency Resources Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240 (202-343-9500). A Directory of Technical Information listing other sources of supporting information is available from the National Park Service.

SUPPLEMENTARY INFORMATION: The Standards and Guidelines are prepared under the authority of Sections 101(f), (g), and (h), and Section 110 of the National Historic Preservation Act of 1966, as amended. State Historic Preservation Officers; Federal Preservation Officers including those of the Department of Agriculture, Department of Defense, Smithsonian Institution and General Services Administration; the Advisory Council on Historic Preservation; the National Trust for Historic Preservation; and other interested parties were consulted during the development of the Standards and Guidelines; additional consultation with these agencies will occur as the Standards and Guidelines are tested during their first year of use.

Purpose

The proposed Standards and the philosophy on which they are based result from nearly twenty years of intensive preservation activities at the Federal, State, and local levels.

The purposes of the Standards are:

To organize the information gathered about preservation activities.

To describe results to be achieved by Federal agencies, States, and others when planning for the identification, evaluation, registration and treatment of historic properties.

To integrate the diverse efforts of many entities performing historic

preservation into a systematic effort to preserve our nation's cultural heritage.

Uses of the Standards

The following groups or individuals are encouraged to use these Standards:

Federal agency personnel responsible for cultural resource management pursuant to Section 110 of the National Historic Preservation Act, as amended, in areas under Federal jurisdiction. A separate series of guidelines advising Federal agencies on their specific historic preservation activities under Section 110 is in preparation.

State Historic Preservation Offices responsible under the National Historic Preservation Act, as amended, for making decisions about the preservation of historic properties in their States in accordance with appropriate regulations and the Historic Preservation Fund Grants Management Manual. The State Historic Preservation Offices serve as the focal point for preservation planning and act as a central state-wide repository of collected information.

Local governments wishing to establish a comprehensive approach to the identification, evaluation, registration and treatment of historic properties within their jurisdictions.

Other individuals and organizations needing basic technical standards and guidelines for historic preservation activities.

Organization

This material is organized in three sections: Standards; Guidelines; and recommended technical sources, cited at the end of each set of guidelines. Users of this document are expected to consult the recommended technical sources to obtain guidance in specific cases.

Review of the Standards and Guidelines

The Secretary of the Interior's Standards for Rehabilitation have recently undergone extensive review and their guidelines made current after 5 years of field use. Users and other interested parties are encouraged to submit written comments on the utility of these Standards and Guidelines except for the Rehabilitation Standards mentioned above. This edition will be thoroughly reviewed by the National Park Service (including consultation with Federal and State agencies), after the end of its first full year of use and any necessary modifications will be made. Subsequent reviews are anticipated as needed. Comments should be sent to Chief, Interagency Resources Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

Contents

Standards for Preservation Planning
Guidelines for Preservation Planning
Standards for Identification
Guidelines for Identification
Standards for Evaluation
Guidelines for Evaluation
Standards for Registration
Guidelines for Registration
Standards for Historical Documentation
Guidelines for Historical Documentation
Standards for Architectural and Engineering Documentation
Guidelines for Architectural and Engineering Documentation
Standards for Archeological Documentation
Guidelines for Archeological Documentation
Standards for Historic Preservation Projects
Professional Qualifications Standards
Preservation Terminology

Secretary of the Interior's Standards for Preservation Planning

Preservation planning is a process that organizes preservation activities (identification, evaluation, registration and treatment of historic properties) in a logical sequence. The Standards for Planning discuss the relationship among these activities while the remaining activity standards consider how each activity should be carried out. The Professional Qualifications Standards discuss the education and experience required to carry out various activities.

The Standards for Planning outline a process that determines when an area should be examined for historic properties, whether an identified property is significant, and how a significant property should be treated.

Preservation planning is based on the following principles:

—Important historic properties cannot be replaced if they are destroyed. Preservation planning provides for conservative use of these properties, preserving them in place and avoiding harm when possible and altering or destroying properties only when necessary.

—If planning for the preservation of historic properties is to have positive effects, it must begin before the identification of all significant properties has been completed. To make responsible decisions about historic properties, existing information must be used to the maximum extent and new information must be acquired as needed.

—Preservation planning includes public participation. The planning process should provide a forum for open discussion of preservation issues. Public involvement is most meaningful when it is used to assist in defining values of properties and preservation planning issues, rather than when it is limited to review of decisions already made. Early

and continuing public participation is essential to the broad acceptance of preservation planning decisions.

Preservation planning can occur at several levels or scales: in a project area; in a community; in a State as a whole; or in the scattered or contiguous landholdings of a Federal agency. Depending on the scale, the planning process will involve different segments of the public and professional communities and the resulting plans will vary in detail. For example, a State preservation plan will likely have more general recommendations than a plan for a project area or a community. The planning process described in these Standards is flexible enough to be used at all levels while providing a common structure which promotes coordination and minimizes duplication of effort. The Guidelines for Preservation Planning contain additional information about how to integrate various levels of planning.

Standard I. Preservation Planning Establishes Historic Contexts

Decisions about the identification, evaluation, registration and treatment of historic properties are most reliably made when the relationship of individual properties to other similar properties is understood. Information about historic properties representing aspects of history, architecture, archeology, engineering and culture must be collected and organized to define these relationships. This organizational framework is called a "historic context." The historic context organizes information based on a cultural theme and its geographical and chronological limits. Contexts describe the significant broad patterns of development in an area that may be represented by historic properties. The development of historic contexts is the foundation for decisions about identification, evaluation, registration and treatment of historic properties.

Standard II. Preservation Planning Uses Historic Contexts To Develop Goals and Priorities for the Identification, Evaluation, Registration and Treatment of Historic Properties

A series of preservation goals is systematically developed for each historic context to ensure that the range of properties representing the important aspects of each historic context is identified, evaluated and treated. Then priorities are set for all goals identified for each historic context. The goals with assigned priorities established for each historic context are integrated to produce a comprehensive and consistent set of goals and priorities for all historic

contexts in the geographical area of a planning effort.

The goals for each historic context may change as new information becomes available. The overall set of goals and priorities are then altered in response to the changes in the goals and priorities for the individual historic contexts.

Activities undertaken to meet the goals must be designed to deliver a usable product within a reasonable period of time. The scope of the activity must be defined so the work can be completed with available budgeted program resources.

Standard III. The Results of Preservation Planning Are Made Available for Integration Into Broader Planning Processes

Preservation of historic properties is one element of larger planning processes. Planning results, including goals and priorities, information about historic properties, and any planning documents, must be transmitted in a usable form to those responsible for other planning activities. Federally mandated historic preservation planning is most successfully integrated into project management planning at an early stage. Elsewhere, this integration is achieved by making the results of preservation planning available to other governmental planning bodies and to private interests whose activities affect historic properties.

Secretary of the Interior's Guidelines for Preservation Planning

Introduction

These Guidelines link the Standards for Preservation Planning with more specific guidance and technical information. They describe one approach to meeting the Standards for Preservation Planning. Agencies, organizations or individuals proposing to approach planning differently may wish to review their approaches with the National Park Service.

The Guidelines are organized as follows:

- Managing the Planning Process
- Developing Historic Contexts
- Developing Goals for a Historic Context
- Integrating Individual Historic Contexts—
- Creating the Preservation Plan
- Coordinating with Management Frameworks
- Recommended Sources of Technical Information

Managing the Planning Process

The preservation planning process must include an explicit approach to implementation, a provision for review and revision of all elements, and a mechanism for resolving conflicts within

the overall set of preservation goals and between this set of goals and other land use planning goals. It is recommended that the process and its products be described in public documents.

Implementing the Process

The planning process is a continuous cycle. To establish and maintain such a process, however, the process must be divided into manageable segments that can be performed within a defined period, such as a fiscal year or budget cycle. One means of achieving this is to define a period of time during which all the preliminary steps in the planning process will be completed. These preliminary steps would include setting a schedule for subsequent activities.

Review and Revision

Planning is a dynamic process. It is expected that the content of the historic contexts described in Standard I and the goals and priorities described in Standard II will be altered based on new information obtained as planning proceeds. The incorporation of this information is essential to improve the content of the plan and to keep it up-to-date and useful. New information must be reviewed regularly and systematically, and the plan revised accordingly.

Public Participation

The success of the preservation planning process depends on how well it solicits and integrates the views of various groups. The planning process is directed first toward resolving conflicts in goals for historic preservation, and second toward resolving conflicts between historic preservation goals and other land-use planning goals. Public participation is integral to this approach and includes at least the following actions:

1. Involving historians, architectural historians, archeologists, historical architects, folklorists and persons from related discipline to define, review and revise the historic contexts, goals and priorities;
2. Involving interested individuals, organizations and communities in the planning area in identifying the kinds of historic properties that may exist and suitable protective measures;
3. Involving prospective users of the preservation plan in defining issues, goals and priorities;
4. Providing for coordination with other planning efforts at local, state, regional and national levels, as appropriate; and

5. Creating mechanisms for identifying and resolving conflicts about historic preservation issues.

The development of historic contexts, for example, should be based on the professional input of all disciplines involved in preservation and not be limited to a single discipline. For prehistoric archeology, for example, data from fields such as geology, geomorphology and geography may also be needed. The individuals and organizations to be involved will depend, in part, on those present or interested in the planning area.

Documents Resulting from the Planning Process

In most cases, the planning process produces documents that explain how the process works and that discuss the historic contexts and related goals and priorities. While the process can operate in the absence of these documents, planning documents are important because they are the most effective means of communicating the process and its recommendations to others. Planning documents also record decisions about historic properties.

As various parts of the planning process are reviewed and revised to reflect current information, related documents must also be updated. Planning documents should be created in a form that can be easily revised. It is also recommended that the format, language and organization of any documents or other materials (visual aids, etc.) containing preservation planning information meet the needs of prospective users.

Developing Historic Contexts

General Approach

Available information about historic properties must be divided into manageable units before it can be useful for planning purposes. Major decisions about identifying, evaluating, registering and treating historic properties are most reliably made in the context of other related properties. A historic context is an organizational format that groups information about related historic properties, based on a theme, geographic limits and chronological period. A single historic context describes one or more aspects of the historic development of an area, considering history, architecture, archeology, engineering and culture; and identifies the significant patterns that individual historic properties represent, for example, Coal Mining in Northeastern Pennsylvania between 1860 and 1930. A set of historic contexts

is a comprehensive summary of all aspects of the history of the area.

The historic context is the cornerstone of the planning process. The goal of preservation planning is to identify, evaluate, register and treat the full range of properties representing each historic context, rather than only one or two types of properties. Identification activities are organized to ensure that research and survey activities include properties representing all aspects of the historic context. Evaluation uses the historic context as the framework within which to apply the criteria for evaluation to specific properties or property types. Decisions about treatment of properties are made with the goal of treating the range of properties in the context. The use of historic contexts in organizing major preservation activities ensures that those activities result in the preservation of the wide variety of properties that represent our history, rather than only a small, biased sample of properties.

Historic contexts, as theoretical constructs, are linked to actual historic properties through the concept of property type. Property types permit the development of plans for identification, evaluation and treatment even in the absence of complete knowledge of individual properties. Like the historic context, property types are artificial constructs which may be revised as necessary.

Historic contexts can be developed at a variety of scales appropriate for local, State and regional planning. Given the probability of historic contexts overlapping in an area, it is important to coordinate the development and use of contexts at all levels. Generally, the State Historic Preservation Office possesses the most complete body of information about historic properties and, in practice, is in the best position to perform this function.

The development of historic contexts generally results in documents that describe the prehistoric processes or patterns that define the context. Each of the contexts selected should be developed to the point of identifying important property types to be useful in later preservation decision-making. The amount of detail included in these summaries will vary depending on the level (local, state, regional, or national) at which the contexts are developed and on their intended uses. For most planning purposes, a synopsis of the written description of the historic context is sufficient.

Creating a Historic Context

Generally, historic contexts should not be constructed so broadly as to

include all property types under a single historic context or so narrowly as to contain only one property type per historic context. The following procedures should be followed in creating a historic context.

1. Identify the concept, time period and geographical limits for the historic context

Existing information, concepts, theories, models and descriptions should be used as the basis for defining historic contexts. Biases in primary and secondary sources should be identified and accounted for when existing information is used in defining historic contexts.

The identification and description of historic contexts should incorporate contributions from all disciplines involved in historic preservation. The chronological period and geographical area of each historic context should be defined after the conceptual basis is established. However, there may be exceptions, especially in defining prehistoric contexts where drainage systems or physiographic regions often are outlined first. The geographical boundaries for historic contexts should not be based upon contemporary political, project or other contemporary boundaries if those boundaries do not coincide with historical boundaries. For example, boundaries for prehistoric contexts will have little relationship to contemporary city, county or state boundaries.

2. Assemble the existing information about the historic context

a. *Collecting information:* Several kinds of information are needed to construct a preservation plan. Information about the history of the area encompassed by the historic context must be collected, including any information about historic properties that have already been identified. Existing survey or inventory entries are an important source of information about historic properties. Other sources may include literature on prehistory, history, architecture and the environment; social and environmental impact assessments; county and State land use plans; architectural and folklore studies and oral histories; ethnographic research; State historic inventories and registers; technical reports prepared for Section 106 or other assessments of historic properties; and direct consultation with individuals and organized groups.

In addition, organizations and groups that may have important roles in defining historic contexts and values

should be identified. In most cases a range of knowledgeable professionals drawn from the preservation, planning and academic communities will be available to assist in defining contexts and in identifying sources of information. In other cases, however, development of historic contexts may occur in areas whose history or prehistory has not been extensively studied. In these situations, broad general historic contexts should be initially identified using available literature and expertise, with the expectation that the contexts will be revised and subdivided in the future as primary source research and field survey are conducted. It is also important to identify such sources of information as existing planning data, which is needed to establish goals for identification, evaluation, and treatment, and to identify factors that will affect attainment of those goals.

The same approach for obtaining information is not necessarily desirable for all historic contexts. Information should not be gathered without first considering its relative importance to the historic context, the cost and time involved, and the expertise required to obtain it. In many cases, for example, published sources may be used in writing initial definitions of historic contexts; archival research or field work may be needed for subsequent activities.

b. *Assessing information:* All information should be reviewed to identify bias in historic perspective, methodological approach, or area of coverage. For example, field surveys for archeological sites may have ignored historic archeological sites, or county land use plans may have emphasized only development goals.

3. *Synthesize information*

The information collection and analysis results in a written narrative of the historic context. This narrative provides a detailed synthesis of the data that have been collected and analyzed. The narrative covers the history of the area from the chosen perspective and identifies important patterns, events, persons or cultural values. In the process of identifying the important patterns, one should consider:

- a. Trends in area settlement and development, if relevant;
- b. Aesthetic and artistic values embodied in architecture, construction technology or craftsmanship;
- c. Research values or problems relevant to the historic context; social and physical sciences and humanities; and cultural interests of local communities; and

- d. Intangible cultural values of ethnic groups and native American peoples.

4. *Define property types*

A property type is a grouping of individual properties based on shared physical or associative characteristics. Property types link the ideas incorporated in the theoretical historic context with actual historic properties that illustrate those ideas. Property types defined for each historic context should be directly related to the conceptual basis of the historic context. Property types defined for the historic context "Coal Mining in Northeastern Pennsylvania, 1860-1930" might include coal extraction and processing complexes; railroad and canal transportation systems; commercial districts; mine workers' housing; churches, social clubs and other community facilities reflecting the ethnic origins of workers; and residences and other properties associated with mine owners and other industrialists.

a. *Identify property types:* The narrative should discuss the kinds of properties expected within the geographical limits of the context and group them into those property types most useful in representing important historic trends.

Generally, property types should be defined after the historic context has been defined. Property types in common usage ("Queen Anne houses," "mill buildings," or "stratified sites") should not be adopted without first verifying their relevance to the historic contexts being used.

b. *Characterize the locational patterns of property types:*

Generalizations about where particular types of properties are likely to be found can serve as a guide for identification and treatment. Generalizations about the distribution of archeological properties are frequently used. The distribution of other historic properties often can be estimated based on recognizable historical, environmental or cultural factors that determined their location. Locational patterns of property types should be based upon models that have an explicit theoretical or historical basis and can be tested in the field. The model may be the product of historical research and analysis ("Prior to widespread use of steam power, mills were located on rivers and streams able to produce water power" or "plantation houses in the Mississippi Black Belt were located on sandy clay knolls"), or it may result from sampling techniques. Often the results of statistically valid sample surveys can be used to describe the locational patterns of a representative portion of properties

belonging to a particular property type. Other surveys can also provide a basis for suggesting locational patterns if a diversity of historic properties was recorded and a variety of environmental zones was inspected. It is likely that the identification of locational patterns will come from a combination of these sources. Expected or predicted locational patterns of property types should be developed with a provision made for their verification.

c. *Characterize the current condition of property types:* The expected condition of property types should be evaluated to assist in the development of identification, evaluation and treatment strategies, and to help define physical integrity thresholds for various property types. The following should be assessed for each property type:

(1) Inherent characteristics of a property type that either contribute to or detract from its physical preservation. For example, a property type commonly constructed of fragile materials is more likely to be deteriorated than a property type constructed of durable materials; structures whose historic function or design limits the potential for alternative uses (water towers) are less likely to be reused than structures whose design allows a wider variety of other uses (commercial buildings or warehouses).

(2) Aspects of the social and natural environment that may affect the preservation or visibility of the property type. For example, community values placed on certain types of properties (churches, historic cemeteries) may result in their maintenance while the need to reuse valuable materials may stimulate the disappearance of properties like abandoned houses and barns.

It may be most efficient to estimate of the condition of property types based on professional knowledge of existing properties and field test these estimates using a small sample of properties representative of each type.

5. *Identify information needs*

Filling gaps in information is an important element of the preservation plan designed for each historic context. Statements of the information needed should be as specific as possible, focusing on the information needed, the historic context and property types it applies to, and why the information is needed to perform identification, evaluation, or treatment activities.

Developing Goals for a Historic Context *Developing Goals*

A goal is a statement of preferred preservation activities, which is

generally stated in terms of property types.

The purpose of establishing preservation goals is to set forth a "best case" version of how properties in the historic context should be identified, evaluated, registered and treated. Preservation goals should be oriented toward the greatest possible protection of properties in the historic context and should be based on the principle that properties should be preserved in place if possible, through affirmative treatments like rehabilitation, stabilization or restoration. Generally, goals will be specific to the historic context and will often be phrased in terms of property types. Some of these goals will be related to information needs previously identified for the historic context. Collectively, the goals for a historic context should be a coherent statement of program direction covering all aspects of the context.

For each goal, a statement should be prepared identifying:

1. The goal, including the context and property types to which the goal applies and the geographical area in which they are located;
2. The activities required to achieve the goal;
3. The most appropriate methods or strategies for carrying out the activities;
4. A schedule within which the activities should be completed; and
5. The amount of effort required to accomplish the goal, as well as a way to evaluate progress toward its accomplishment.

Setting priorities for goals

Once goals have been developed they need to be ranked in importance. Ranking involves examining each goal in light of a number of factors.

1. General social, economic, political and environmental conditions and trends affecting (positively and negatively) the identification, evaluation, registration and treatment of property types in the historic context.

Some property types in the historic context may be more directly threatened by deterioration, land development patterns, contemporary use patterns, or public perceptions of their value, and such property types should be given priority consideration.

2. Major cost or technical considerations affecting the identification, evaluation and treatment of property types in the historic context. The identification or treatment of some property types may be technically possible but the cost prohibitive; or techniques may not currently be perfected (for example, the identification of submerged sites or objects, or the

evaluation of sites containing material for which dating techniques are still being developed).

3. Identification, evaluation, registration and treatment activities previously carried out for property types in the historic context.

If a number of properties representing one aspect of a historic context have been recorded or preserved, treatment of additional members of that property type may receive lower priority than treatment of a property type for which no examples have yet been recorded or preserved. This approach ensures that the focus of recording or preserving all elements of the historic context is retained, rather than limiting activities to preserving properties representing only some aspects of the context.

The result of considering the goals in light of these concerns will be a list of refined goals ranked in order of priority.

Integrating Individual Contexts—Creating the Preservation Plan

When historic contexts overlap geographically, competing goals and priorities must be integrated for effective preservation planning. The ranking of goals for each historic context must be reconciled to ensure that recommendations for one context do not contradict those for another. This important step results in an overall set of priorities for several historic contexts and a list of the activities to be performed to achieve the ranked goals. When applied to a specific geographical area, this is the preservation plan for that area.

It is expected that in many instances historic contexts will overlap geographically. Overlapping contexts are likely to occur in two combinations—those that were defined at the same scale (i.e., textile development in Smithtown 1850–1910 and Civil War in Smithtown 1855–1870) and those defined at different scales (i.e., Civil War in Smithtown and Civil War in the Shenandoah Valley). The contexts may share the same property types, although the shared property types will probably have different levels of importance, or they may group the same properties into different property types, reflecting either a different scale of analysis or a different historical perspective.

As previously noted, many of the goals that are formulated for a historic context will focus on the property types defined for that context. Thus it is critical that the integration of goals include the explicit consideration of the potential for shared property type membership by individual properties. For example, when the same property

types are used by two contexts, reconciling the goals will require weighing the level of importance assigned to each property type. The degree to which integration of historic contexts must involve reconciling property types may be limited by the coordinated development of historic contexts used at various levels.

Integration with Management Frameworks

Preservation goals and priorities are adapted to land units through integration with other planning concerns. This integration must involve the resolution of conflicts that arise when competing resources occupy the same land base. Successful resolution of these conflicts can often be achieved through judicious combination of inventory, evaluation and treatment activities. Since historic properties are irreplaceable, these activities should be heavily weighted to discourage the destruction of significant properties and to be compatible with the primary land use.

Recommended Sources of Technical Information

Resource Protection Planning Process. State and Plans Grants Division, 1980. Washington, D.C. Available from Survey and Planning Branch, Interagency Resources Division, National Park Service, Department of the Interior, Washington, D.C. 20240. Outlines a step-by-step approach to implementing the resource protection planning process.

Resource Protection Planning Process Case Studies. Available from Survey and Planning Branch, Interagency Resources Division, National Park Service, Department of the Interior, Washington, D.C. 20240. Reports prepared by State Historic Preservation Offices and other using the planning process.

Planning Theory. Andreas Faludi, 1980. Oxford: Pergamon Press. Constructs a model of planning using concepts borrowed from general systems theory.

SECRETARY OF THE INTERIOR'S STANDARDS FOR IDENTIFICATION

Identification activities are undertaken to gather information about historic properties in an area. The scope of these activities will depend on: existing knowledge about properties; goals for survey activities developed in the planning process; and current management needs.

Standard 1. Identification of Historic Properties Is Undertaken to the Degree Required To Make Decisions

Archival research and survey activities should be designed to gather the information necessary to achieve defined preservation goals. The

objectives, chosen methods and techniques, and expected results of the identification activities are specified in a research design. These activities may include archival research and other techniques to develop historic contexts, sampling an area to gain a broad understanding of the kinds of properties it contains, or examining every property in an area as a basis for property specific decisions. Where possible, use of quantitative methods is important because it can produce an estimate, whose reliability may be assessed, of the kinds of historic properties that may be present in the studied area. Identification activities should use a search procedure consistent with the management needs for information and the character of the area to be investigated. Careful selection of methods, techniques and level of detail is necessary so that the gathered information will provide a sound basis for making decisions.

Standard II. Results of Identification Activities are Integrated Into the Preservation Planning Process

Results of identification activities are reviewed for their effects on previous planning data. Archival research or field survey may refine the understanding of one or more historic contexts and may alter the need for additional survey or study of particular property types. Incorporation of the results of these activities into the planning process is necessary to ensure that the planning process is always based on the best available information.

Standard III. Identification Activities Include Explicit Procedures for Record-Keeping and Information Distribution

Information gathered in identification activities is useful in other preservation planning activities only when it is systematically gathered and recorded, and made available to those responsible for preservation planning. The results of identification activities should be reported in a format that summarizes the design and methods of the survey, provides a basis for others to review the results, and states where information on identified properties is maintained. However, sensitive information, like the location of fragile resources, must be safeguarded from general public distribution.

Secretary of the Interior's Guidelines for Identification

Introduction

These Guidelines link the Standards for Identification with more specific guidance and technical information. The

Guidelines outline one approach to meet the Standards for Identification. Agencies, organizations and individuals proposing to approach identification differently may wish to review their approaches with the National Park Service.

The Guidelines are organized as follows:

- Role of Identification in the Planning Process
- Performing Identification
- Integrating Identification Results
- Reporting Identification Results
- Recommended Sources of Technical Information

Role of Identification in the Planning Process

Identification is undertaken for the purpose of locating historic properties and is composed of a number of activities which include, but are not limited to archival research, informant interviews, field survey and analysis. Combinations of these activities may be selected and appropriate levels of effort assigned to produce a flexible series of options. Generally identification activities will have multiple objectives, reflecting complex management needs. Within a comprehensive planning process, identification is normally undertaken to acquire property-specific information needed to refine a particular historic context or to develop any new historic contexts. (See the Guidelines for Preservation Planning for discussion of information gathering to establish plans and to develop historic contexts.) The results of identification activities are then integrated into the planning process so that subsequent activities are based on the most up-to-date information. Identification activities are also undertaken in the absence of a comprehensive planning process, most frequently as part of a specific land-use or development project. Even lacking a formally developed preservation planning process, the benefits of efficient, goal-directed research may be obtained by the development of localized historic contexts, suitable in scale for the project area, as part of the background research which customarily occurs before field survey efforts.

Performing Identification

Research Design

Identification activities are essentially research activities for which a statement of objectives or research design should be prepared before work is performed. Within the framework of a comprehensive planning process, the research design provides a vehicle for integrating the various activities performed during the identification

process and for linking those activities directly to the goals and the historic context(s) for which those goals were defined. The research design stipulates the logical integration of historic context(s) and field and laboratory methodology. Although these tasks may be performed individually, they will not contribute to the greatest extent possible in increasing information on the historic context unless they relate to the defined goals and to each other. Additionally, the research design provides a focus for the integration of interdisciplinary information. It ensures that the linkages between specialized activities are real, logical and address the defined research questions. Identification activities should be guided by the research design and the results discussed in those terms. (See Reporting Identification Results)

The research design should include the following:

1. *Objectives* of the identification activities. For example: to characterize the range of historic properties in a region; to identify the number of properties associated with a context; to gather information to determine which properties in an area are significant.

The statement of objectives should refer to current knowledge about the historic contexts or property types, based on background research or assessments of previous research. It should clearly define the physical extent of the area to be investigated and the amount and kinds of information to be gathered about properties in the area.

2. *Methods* to be used to obtain the information. For example: archival research or field survey. Research methods should be clearly and specifically related to research problems.

Archival research or survey methods should be carefully explained so that others using the gathered information can understand how the information was obtained and what its possible limitations or biases are.

The methods should be compatible with the past and present environmental character of the geographical area under study and the kinds of properties most likely to be present in the area.

3. *The expected results* and the reasons for those expectations.

Expectations about the kind, number, location, character and condition of historic properties are generally based on a combination of background research, proposed hypotheses, and analogy to the kinds of properties known to exist in areas of similar environment or history.

Archival Research

Archival or background research is generally undertaken prior to any field survey. Where identification is undertaken as part of a comprehensive planning process, background research may have taken place as part of the development of the historic contexts (see the Guidelines for Preservation Planning). In the absence of previously developed historic contexts, archival research should address specific issues and topics. It should not duplicate previous work. Sources should include, but not be limited to, historical maps, atlases, tax records, photographs, ethnographies, folklife documentation, oral histories and other studies, as well as standard historical reference works, as appropriate for the research problem. (See the Guidelines for Historical Documentation for additional discussion.)

Field Survey

The variety of field survey techniques available, in combination with the varying levels of effort that may be assigned, give great flexibility to implementing field surveys. It is important that the selection of field survey techniques and level of effort be responsive to the management needs and preservation goals that direct the survey effort.

Survey techniques may be loosely grouped into two categories, according to their results. First are the techniques that result in the characterization of a region's historic properties. Such techniques might include "windshield" or walk-over surveys, with perhaps a limited use of sub-surface survey. For purposes of these Guidelines, this kind of survey is termed a "reconnaissance." The second category of survey techniques is those that permit the identification and description of specific historic properties in an area; this kind of survey effort is termed "intensive." The terms "reconnaissance" and "intensive" are sometimes defined to mean particular survey techniques, generally with regard to prehistoric sites. The use of the terms here is general and is not intended to redefine the terms as they are used elsewhere.

Reconnaissance survey might be most profitably employed when gathering data to refine a developed historic context—such as checking on the presence or absence of expected property types, to define specific property types or to estimate the distribution of historic properties in an area. The results of regional characterization activities provide a general understanding of the historic

properties in a particular area and permit management decisions that consider the sensitivity of the area in terms of historic preservation concerns and the resulting implications for future land use planning. The data should allow the formulation of estimates of the necessity, type and cost of further identification work and the setting of priorities for the individual tasks involved. In most cases, areas surveyed in this way will require resurvey if more complete information is needed about specific properties.

A reconnaissance survey should document:

1. The kinds of properties looked for;
2. The boundaries of the area surveyed;
3. The method of survey, including the extent of survey coverage;
4. The kinds of historic properties present in the surveyed area;
5. Specific properties that were identified, and the categories of information collected; and
6. Places examined that did not contain historic properties.

Intensive survey is most useful when it is necessary to know precisely what historic properties exist in a given area or when information sufficient for later evaluation and treatment decisions is needed on individual historic properties. Intensive survey describes the distribution of properties in an area; determines the number, location, and condition of properties; determines the types of properties actually present within the area; permits classification of individual properties; and records the physical extent of specific properties.

An intensive survey should document:

1. The kinds of properties looked for;
2. The boundaries of the area surveyed;
3. The method of survey, including an estimate of the extent of survey coverage;
4. A record of the precise location of all properties identified; and
5. Information on the appearance, significance, integrity and boundaries of each property sufficient to permit an evaluation of its significance.

Sampling

Reconnaissance or intensive survey methods may be employed according to a sampling procedure to examine less-than-the-total project or planning area.

Sampling can be effective when several locations are being considered for an undertaking or when it is desirable to estimate the cultural resources of an area. In many cases, especially where large land areas are involved, sampling can be done in stages. In this approach, the results of

the initial large area survey are used to structure successively smaller, more detailed surveys. This "nesting" approach is an efficient technique since it enables characterization of both large and small areas with reduced effort. As with all investigative techniques, such procedures should be designed to permit an independent assessment of results.

Various types of sample surveys can be conducted, including, but not limited to: random, stratified and systematic. Selection of sample type should be guided by the problem the survey is expected to solve, the nature of the expected properties and the nature of the area to be surveyed.

Sample surveys may provide data to estimate frequencies of properties and types of properties within a specified area at various confidence levels. Selection of confidence levels should be based upon the nature of the problem the sample survey is designed to address.

Predictive modeling is an application of basic sampling techniques that projects or extrapolates the number, classes and frequencies of properties in unsurveyed areas based on those found in surveyed areas. Predictive modeling can be an effective tool during the early stages of planning an undertaking, for targeting field survey and for other management purposes. However, the accuracy of the model must be verified; predictions should be confirmed through field testing and the model redesigned and retested if necessary.

Special survey techniques

Special survey techniques may be needed in certain situations.

Remote sensing techniques may be the most effective way to gather background environmental data, plan more detailed field investigations, discover certain classes of properties, map sites, locate and confirm the presence of predicted sites, and define features within properties. Remote sensing techniques include aerial, subsurface and underwater techniques. Ordinarily the results of remote sensing should be verified through independent field inspection before making any evaluation or statement regarding frequencies or types of properties.

Integrating Identification Results

The results of identification efforts must be integrated into the planning process so that planning decisions are based on the best available information. The new information is first assessed against the objectives of the identification effort to determine whether the gathered information meets

the defined identification goals for the historic context(s); then the goals are adjusted accordingly. In addition, the historic context narrative, the definition of property types and the planning goals for evaluation and treatment are all adjusted as necessary to accommodate the new data.

Reporting Identification Results

Reporting of the results of identification activities should begin with the statement of objectives prepared before undertaking the survey. The report should respond to each of the major points documenting:

1. Objectives;
2. Area researched or surveyed;
3. Research design or statement of objectives;
4. Methods used, including the intensity of coverage. If the methods differ from those outlined in the statement of objectives, the reasons should be explained.

5. Results: how the results met the objectives; result analysis, implications and recommendations; where the compiled information is located.

A summary of the survey results should be available for examination and distribution. Identified properties should then be evaluated for possible inclusion in appropriate inventories.

Protection of information about archaeological sites or other properties that may be threatened by dissemination of that information is necessary. These may include fragile archaeological properties or properties such as religious sites, structures, or objects, whose cultural value would be compromised by public knowledge of the property's location.

Recommended Sources of Technical Information

The Archeological Survey: Methods and Uses. Thomas F. King. Interagency Archeological Services, U.S. Department of the Interior, 1978. Washington, D.C. Available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. GPO stock number 024-016-00091. Written primarily for the non-archeologist, this publication presents methods and objectives for archeological surveys.

Cultural Resources Evaluation of the Northern Gulf of Mexico Continental Shelf. National Park Service, U.S. Department of the Interior, 1977.

Guidelines for Local Surveys: A Basis for Preservation Planning. Anne Derry, H. Ward Jandl, Carol Shull and Jan Thorman. National Register Division, U.S. Department of the Interior, 1978. Washington, D.C. Available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. GPO stock number 024-016-0089-7. General guidance about

designing and carrying out community surveys.

The Process of Field Research: Final Report on the Blue Ridge Parkway Folklife Project. American Folklife Center, 1981.

Regional Sampling in Archeology. David Hurst Thomas. University of California, Archeological Survey Annual Report, 1968-9, 11:87-100.

Remote Sensing: A Handbook for Archeologists and Cultural Resource Managers. Thomas R. Lyons and Thomas Eugene Avery. Cultural Resource Management Division, National Park Service, U.S. Department of the Interior, 1977.

Remote Sensing and Non-Destructive Archeology. Thomas R. Lyons and James L. Ebert, editors. Remote Sensing Division, Southwest Cultural Resources Center, National Park Service, U.S. Department of the Interior and University of New Mexico, 1978.

Remote Sensing Experiments in Cultural Resource Studies: Non-Destructive Methods of Archeological Exploration, Survey and Analysis. Thomas R. Lyons, assembler. reports of the Chaco Center, Number One. National Park Service, U.S. Department of the Interior and University of New Mexico, 1976.

Sampling in Archeology. James W. Mueller, editor. University of Arizona Press, 1975. Tucson, Arizona.

Scholars as Contractors. William J. Mayer-Oakes and Alice W. Portnoy, editors. Cultural Resource Management Studies. U.S. Department of the Interior, 1979.

Sedimentary Studies of Prehistoric Archeological Sites. Sherwood Gagliano, Charles Pearson, Richard Weinstein, Diana Wiseman, and Christopher McClendon. Division of State Plans and Grants, National Park Service, U.S. Department of the Interior, 1982. Washington, D.C. Available from Coastal Environments Inc., 1260 Main Street, Baton Rouge, Louisiana 70802. Establishes and evaluates a method for employing sedimentological analysis in distinguishing site areas from non-site areas when identifying submerged archeological sites on the continental shelf.

State Survey Forms. Available from Interagency Resource Management Division, National Park Service, Department of the Interior, Washington, D.C. 20240. Characterizes cultural resource survey documentation methods in State Historic Preservation Offices.

Truss Bridge Types: A Guide to Dating and Identifying. Donald C. Jackson and T. Allan Comp. American Association for State and Local History, 1977. Nashville, Tennessee. Technical leaflet #95. Available from, AASLH, 708 Berry Road, Nashville, Tennessee 37204. Information about performing surveys of historic bridges and identifying the types of properties encountered.

Secretary of the Interior's Standards for Evaluation

Evaluation is the process of determining whether identified properties meet defined criteria of significance and therefore should be included in an inventory of historic properties determined to meet the

criteria. The criteria employed vary depending on the inventory's use in resource management.

Standard I. Evaluation of the Significance of Historic Properties Uses Established Criteria

The evaluation of historic properties employs criteria to determine which properties are significant. Criteria should therefore focus on historical, architectural, archeological, engineering and cultural values, rather than on treatments. A statement of the minimum information necessary to evaluate properties against the criteria should be provided to direct information gathering activities.

Because the National Register of Historic Places is a major focus of preservation activities on the Federal, State and local levels, the National Register criteria have been widely adopted not only as required for Federal purposes, but for State and local inventories as well. The National Historic Landmark criteria and other criteria used for inclusion of properties in State historic site files are other examples of criteria with different management purposes.

Standard II. Evaluation of Significance Applies the Criteria Within Historic Contexts

Properties are evaluated using a historic context that identifies the significant patterns that properties represent and defines expected property types against which individual properties may be compared. Within this comparative framework, the criteria for evaluation take on particular meaning with regard to individual properties.

Standard III. Evaluation Results in A List or Inventory of Significant Properties That Is Consulted In Assigning Registration and Treatment Priorities

The evaluation process and the subsequent development of an inventory of significant properties is an on-going activity. Evaluation of the significance of a property should be completed before registration is considered and before preservation treatments are selected. The inventory entries should contain sufficient information for subsequent activities such as registration or treatment of properties, including an evaluation statement that makes clear the significance of the property within one or more historic contexts.

Standard IV. Evaluation Results Are Made Available to the Public

Evaluation is the basis of registration and treatment decisions. Information about evaluation decisions should be organized and available for use by the general public and by those who take part in decisions about registration and treatment. Use of appropriate computer-assisted data bases should be a part of the information dissemination effort. Sensitive information, however, must be safeguarded from general public distribution.

Secretary of the Interior's Guidelines for Evaluation

Introduction

These Guidelines link the Standards for Evaluation with more specific guidance and technical information. These Guidelines describe one approach to meeting the Standards for Evaluation. Agencies, organizations, or individuals proposing to approach evaluation differently may wish to review their approach with the National Park Service.

The Guidelines are organized as follows:

The Evaluation Process
Criteria
Application of Criteria within a Historic Context
Inventory
Recommended Sources of Technical Information

The Evaluation Process

These Guidelines describe principles for evaluating the significance of one or more historic properties with regard to a given set of criteria.

Groups of related properties should be evaluated at the same time whenever possible; for example, following completion of a theme study or community survey.

Evaluation should not be undertaken using documentation that may be out of date. Prior to proceeding with evaluation the current condition of the property should be determined and previous analyses evaluated in light of any new information.

Evaluation must be performed by persons qualified by education, training and experience in the application of the criteria. Where feasible, evaluation should be performed in consultation with other individuals experienced in applying the relevant criteria in the geographical area under consideration; for example, the State Historic Preservation Officer or local landmarks commission.

Evaluation is completed with a written determination that a property is

or is not significant based on provided information. This statement should be part of the record.

Criteria: The purposes of evaluation criteria should be made clear. For example, the criteria may be used "to evaluate properties for inclusion in the county landmarks list," or "to implement the National Register of Historic Places program."

For Federal cultural resource management purposes, criteria used to develop an inventory should be coordinated with the National Register criteria for evaluation as implemented in the approved State comprehensive historic preservation plan.

Content of Criteria: Criteria should be appropriate in scale to the purpose of the evaluation. For example, criteria designed to describe national significance should not be used as the basis for creating a county or State inventory. Criteria should be categorical and not attempt to describe in detail every property likely to qualify. Criteria should outline the disciplines or broad areas of concern (history, archeology, architectural history, engineering and culture, for example) included within the scope of the inventory; explain what kinds of properties, if any, are excluded and the reasons for exclusion; and define how levels of significance are measured, if such levels are incorporated into the criteria. If the criteria are to be used in situations where the National Register criteria are also widely used, it is valuable to include a statement explaining the relationship of the criteria used to the National Register criteria, including how the scope of the inventory differs from that defined by the National Register criteria and how the inventory could be used to identify properties that meet the National Register criteria.

Information Needed to Evaluate Properties: The criteria should be accompanied by a statement defining the minimum information necessary to evaluate properties to insure that this information is collected during identification activities intended to locate specific historic properties. Generally, at least the following will be needed:

1. Adequately developed historic contexts, including identified property types. (See the Guidelines for Preservation Planning for discussion of development of historic contexts.)

2. Sufficient information about the appearance, condition and associative values of the property to be evaluated to:

- a. Classify it as to property type;

- b. Compare its features or characteristics with those expected for its property type; and

- c. Define the physical extent of the property and accurately locate the property.

To facilitate distinguishing between facts and analysis, the information should be divided into categories, including identification and description of pertinent historical contexts; description of the property and its significance in the historical context; and analysis of the integrity of the property relative to that needed to represent the context.

Usually documentation need not include such items as a complete title history or biography of every owner of a property, except where that information is important in evaluating its significance. Information on proposed or potential treatments or threats, such as destruction of a property through uncontrollable natural processes, is also not needed for evaluation, unless those effects are likely to occur prior to or during the evaluation, thereby altering the significant characteristic of the property. If archeological testing or structural analysis is needed for evaluation, it should not proceed beyond the point of providing the information necessary for evaluation and should not unnecessarily affect significant features or values of the property.

When more information is needed: Evaluation cannot be conducted unless all necessary information is available. (See Information Needed to Evaluate Properties.) Any missing information or analysis should be identified (e.g. development of context or information on the property) as well as the specific activities required to obtain the information (archival research, field survey and testing, or laboratory testing). When adequate information is not available, it is important to record that fact so that evaluation will not be undertaken until the information can be obtained. In some cases needed information is not obtainable, for example, where historical records have been destroyed or analytical techniques have not been developed to date materials in archeological sites. If an evaluation must be completed in these cases, it is important to acknowledge what information was not obtainable and how that missing information may affect the reliability of the evaluation.

Application of the Criteria within a Historic Context

The first step in evaluation is considering how the criteria apply to the

particular historic context. This is done by reviewing the previously developed narrative for the historic context and determining how the criteria would apply to properties in that context, based on the important patterns, events, persons and cultural values identified. (See the discussion of the historic context narrative in the Guidelines for Preservation Planning.) This step includes identification of which criteria each property type might meet and how integrity is to be evaluated for each property type under each criterion. Specific guidelines for evaluating the eligibility of individual properties should be established. These guidelines should outline and justify the specific physical characteristics or data requirements that an individual property must possess to retain integrity for the particular property type; and define the process by which revisions or additions can be made to the evaluation framework.

Consideration of property type and integrity: After considering how the criteria apply to the particular historic context, the evaluation process for a property generally includes the following steps:

1. A property is classified as to the appropriate historic context(s) and property type(s). If no existing property type is appropriate, a new property type is defined, its values identified, and the specific characteristics or data requirements are outlined and justified as an addition to the historic context. If necessary, a new historic context is defined for which values and property types and their integrity requirements are identified and justified.

2. A comparison is made between the existing information about the property and the integrity characteristics or data required for the property type.

- a. If the comparison shows that the property possesses these characteristics, then it is evaluated as significant for that historic context. The evaluation includes a determination that the property retains integrity for its type.

- b. If the comparison shows that the property does not meet the minimum requirements, one of several conclusions is reached:

- (1) The property is determined not significant because it does not retain the integrity defined for the property type.

- (2) The property has characteristics that may make it significant but these differ from those expected for that property type in that context. In this case, the historic context or property types should be reexamined and revised if necessary, based on subsequent research and survey.

The evaluation should state how the particular property meets the integrity

requirements for its type. When a property is disqualified for loss of integrity, the evaluation statement should focus on the kinds of integrity expected for the property type, those that are absent for the disqualified property, and the impact of that absence on the property's ability to exemplify architectural, historical or research values within a particular historic context.

The integrity of the property in its current condition, rather than its likely condition after a proposed treatment, should be evaluated. Factors such as structural problems, deterioration, or abandonment should be considered in the evaluation only if they have affected the integrity of the significant features or characteristics of the property.

Inventory

An inventory is a repository of information on specific properties evaluated as significant.

Content: The inventory should include:

1. Summaries of the important historic contexts. These may be in the form of an approved plan or analyses of historic contexts important in the history of the geographical area covered by the inventory.

2. Descriptions of significant property types of these contexts, whether or not any specific properties have been identified.

3. Results of reconnaissance surveys or other identification activities, even if the level of information on specific properties identified as part of those activities is not sufficient to evaluate individual properties.

4. Information on individual properties that was used in evaluation.

Historic contexts are identified by name, with reference to documents describing those contexts, or with a narrative statement about the context(s) where such documents do not exist.

A description of the property. Part of this description may be a photographic record.

A statement that justifies the significance of the property in relation to its context(s). This statement should include an analysis of the integrity of the property.

Boundaries of the property.

A record of when a property was evaluated and included in the inventory, and by whom.

Records on demolished or altered properties and properties evaluated as not significant should be retained, along with full description of areas surveyed, for the planning information these records provide about impacts to properties and about the location and

character of non-significant properties to prevent redundant identification work at a later time.

Maintenance: Inventory entries should be maintained so that they accurately represent what is known about historic properties in the area covered by the inventory. This will include new information gained from research and survey about the historic contexts, property types, and previously evaluated properties, as well as information about newly evaluated properties. For individual properties, addition of kinds of significance, change in the boundaries, or loss of significance through demolition or alteration should be recorded.

Uses and Availability: An inventory should be managed so that the information is accessible. Its usefulness depends on the organization of information and on its ability to incorporate new information. An inventory should be structured so that entries can be retrieved by locality or by historic context.

The availability of the inventory information should be announced or a summary should be distributed. This may be in the form of a list of properties evaluated as significant or a summary of the historic contexts and the kinds of properties in the inventory. Inventories should be available to managers, planners, and the general public at local, State, regional, and Federal agency levels.

It is necessary to protect information about archeological sites or other properties whose integrity may be damaged by widespread knowledge of their location. It may also be necessary to protect information on the location of properties such as religious sites, structures, or objects whose cultural value would be compromised by public knowledge of the property's location.

Recommended Sources of Technical Information

How to Apply the National Register Criteria. Available through the National Register Branch, Interagency Resources Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Provides detailed technical information about interpretation of the significance and integrity criteria used by the National Register of Historic Places program.

How To Series. Available through the National Register Branch, Interagency Resources Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Discusses application of the National Register criteria for evaluation. Titles include:

How To Establish Boundaries for National Register Properties.

How To Evaluate and Nominate Potential National Register Properties That Have Achieved Significance Within the Last 50 Years.

How To Improve Quality of Photos for National Register Nominations.

How To Apply for Certification of Significance Under Section 2124 of the Tax Reform Act of 1976.

How To Apply for Certification of State and Local Statutes and Historic Districts.

How To Quality Historic Properties Under the New Federal Law Affective Easements.

Importance of Small, Surface, and Disturbed Sites as Sources of Significant Archeological Data. Valerie Talmage and Olga Chesler. Interagency Archeological Service 1977. Washington, D.C. Available from the National Technical Information Service. NTIS Publication Number PB 270939/AS. Discusses the role of small, surface, and disturbed sites as sources of significant information about a variety of prehistoric activities. These types of sites are frequently ignored in the development of regional archeological research designs.

Secretary of the Interior's Standards For Registration

Registration is the formal recognition of properties evaluated as significant. Preservation benefits provided by various registration programs range from honorific recognition to prohibition of demolition or alteration of included properties. Some registration programs provide recognition and other broad benefits while other programs authorize more specific forms of protection.

Standard I. Registration Is Conducted According To Stated Procedures

Registration of historic properties in the National Register of Historic Places must be done in accordance with the National Register regulations published in the Code of Federal Regulations, 36 CFR 60. Registration for other lists or purposes follow an established process that is understood by the public, particularly by those interests that may be affected by registration.

Standard II. Registration Information Locates, Describes and Justifies the Significance and Physical Integrity of a Historic Property

Registers are used for planning, research and treatment. They must contain adequate information for users to locate a property and understand its significance. Additional information

may be appropriate depending on the intended use of the register.

Standard III. Registration Information is Accessible to the Public

Information should be readily available to the public and to government agencies responsible for the preservation of historic properties and for other planning needs.

Secretary of the Interior's Guidelines for Registration

Introduction

These Guidelines link the Standards for Registration with more specific guidance and technical information. They describe one approach to meeting the Standards for Registration. Agencies, organizations, or individuals proposing to approach registration differently may wish to review their approach with the National Park Service.

The Guidelines are organized as follows:

Purpose of Registration Programs
Registration Procedures
Documentation on Registered Properties
Public Availability
Recommended Sources of Technical Information

Purpose of Registration Programs

Registration of historic properties is the formal recognition of properties that have been evaluated as significant according to written criteria. Registration results in an official inventory or list that serves an administrative function. A variety of benefits or forms of protection accrue to a registered property, ranging from honorific recognition to prohibition of demolition or alteration.

Some registration programs provide recognition and other broad benefits or entitlements, while other registrations of properties may, in addition, authorize more specific forms of protection. The application of the registration process should be a logical outgrowth of the same planning goals and priorities that guided the identification and evaluation activities. All registration programs should establish priorities for recognition of their authorized range of properties; provide for confidentiality of sensitive information; and establish a means of appealing the registration or non-registration of a property.

Registration Procedures

Explicit procedures are essential because they are the means by which the public can understand and participate in the registration process. Procedures for registration programs should be developed by professionals in

the field of historic preservation, in consultation with those who will use or be affected by the program. Prior to taking effect, procedures should be published or circulated for comment at the governmental level at which they will be used. (Procedures for registration of properties in the National Register of Historic Places and the National Historic Landmarks list, for example, are published in the **Federal Register**.)

Any registration program should include:

1. A professional staff to prepare or assess the documentation;
2. A professional review, independent of the nominating source, to provide an impartial evaluation of the documented significance;
3. Adequate notice to property owners, elected officials and the public about proposed registrations and the effects of listing, if any; and
4. A means of public participation.

Professional Review: The registration process should include an independent evaluation of the significance of the property and of the quality and thoroughness of the documentation supporting that significance. Such evaluation ensures that significance is adequately justified and that registration documentation meets the technical requirements of the registration process.

State and local preservation programs, concerned with both public and private properties, generally use a review board, panel or commission. This level of professional review has proven to be effective in assessing the significance of properties considered for registration.

Review boards and other forms of independent review should include professionals in the fields or disciplines included in the criteria; representatives of other fields or disciplines may be desirable to reflect other values or aspects of the register. Key personnel must be qualified by education, training or experience to accomplish their designated duties. (See the Professional Qualifications Standards.)

The scope of the independent review should be clearly stated in the registration procedures and should not include issues outside the scope of the applicable criteria for evaluation and other areas specified in the procedures. Generally, independent reviewers should not be involved in any primary research or analysis related to properties under consideration; this information should be gathered and organized prior to review meetings. Documentation presented to the reviewers should be made available to

the public prior to review meetings or public hearings. Registration of properties should not take place until review of documentation has been completed.

Public Notice: Adequate notice allows property owners, officials and other interested parties to comment on proposed registrations prior to action by the independent reviewers. The degree of protection and control provided by a registration program may be a factor in determining what constitutes adequate notice. For example, adequate notice of proposed inclusion in honorific registers may be less complex than that for registration that results in local controls on alteration or demolition of registered properties.

Notice to elected officials and the public is necessary to distribute information about potential registrations of concern to planning and development interests.

Adequate notice to property owners may be accomplished through means ranging from individual notification by mail to publication of a public notice, depending on the nature of the registration program and the number and character of the properties involved.

Public notices and owner notification about proposed registrations should include the dates and times of public meetings and review meetings, the kinds of comments that are appropriate, and how comments will be considered in the evaluation process. The notice should also state where information can be obtained about the registration program, the criteria used to evaluate properties for inclusion, and the significance of specific properties under consideration.

The procedures should include a means of public participation in the form of submission of written comments or a review meeting open to the public or a public hearing.

The procedures should state time periods within which reviews, notices, comments, public hearings, review meetings and appeals will occur. The time periods should be short enough to allow for efficient recognition of historic properties but also allow adequate time for public comment and participation by those affected. Time periods may vary depending on whether activities are carried out at the local, State, or national level. These time schedules should be widely circulated so that the process is widely understood.

Appeal Process: A means of appeal should be included in the registration process to allow for reconsideration of a property's inclusion. Reasons for appeal may range from existence of additional information about the property supporting or refuting its significance to

administrative or procedural error. An appeal process should specify to whom an appeal may be made and how the information that is provided will be evaluated. The appeal procedures should also state the time limit, if any, on appealing a decision and on consideration of information and issuance of a decision by the appeal authority.

Documentation on Registered Properties

Documentation requirements should be carefully weighed to provide the information *actually* needed to reach a registration decision and should be made public. It should be made certain that identification and evaluation activities obtain and record the information necessary for registration. Documentation should be prepared in a standardized format and on materials that are archivally stable and easy to store and retrieve.

Location: The precise location of a historic property must be clearly identified.

Street address, town or vicinity, and county should be provided. Properties should also be located on maps; these may be USGS maps, county planning maps, or city base maps or real estate maps. A uniform system of noting location, such as UTM grid points or longitude and latitude, should supplement mapping. It is recommended that each registration process standardize the preferred choice of maps appropriate to the scope of the process.

Description: An accurate description of a property includes a description of both the current and historical physical appearance and condition of the property and notes the relevant property type(s) for the applicable historic context(s). Discussion should include alterations, deterioration, relocation and other changes to the property since its period of significance.

Significance: A statement of significance should explain why a property meets the criteria for inclusion in the register to which it has been nominated.

This statement should contain at least 3 elements:

1. Reference to the relevant historic context(s);
2. Identification of relevant property types within the context and their characteristics; and
3. Justification that the property under consideration has the characteristics required to qualify it.

Relevant historic contexts can be identified through reference to the preservation plan or other documents where the contexts have been

previously described or can be provided by a narrative discussion of the context. (The development of contexts and their use in evaluating properties are discussed in the Guidelines for Preservation Planning and the Guidelines for Evaluation.) A significant property type and its characteristics are identified either through reference to the historic context(s) or by a narrative in the documentation that describes historic contexts. Justification of a specific property is made by systematic comparison of its characteristics to those required for the property type.

Boundaries: The delineation and justification of boundaries for a registered property are important for future treatment activities. It is especially critical when legal restraints or restrictions may result from the registration of properties. Thus, boundaries should correspond as closely as possible to the actual extent and configuration of the property and should be carefully selected to encompass, but not exceed, the extent of the significant resource(s). The selection of boundaries should reflect the significant aspects of the property.

Arbitrary boundaries should not be chosen for ease of description since this can result in the inclusion of unrelated land or in exclusion of a portion of the historic property. Present property lines should not be chosen as property boundaries without careful analysis of whether they are appropriate to the historic property. A single uniform boundary description and acreage should not be applied to a group or class of properties (antebellum plantations, for example) without examination of the actual extent of each property. The selected boundaries should be justified as appropriate to the historic property.

Boundaries should be clearly and precisely described, using a verbal boundary description, legal description, accurate sketch map, or lines drawn on base maps, or a combination of these where needed to specify the limits of the property being registered. When used, maps should show the location of buildings, structures, sites or objects within the boundary.

Updating Information on Registered Properties: A change in the condition of the significant features of a property may require a change in the official registration record. Alteration of a significant architectural feature, for example, could mean that a property is no longer significant for its architectural design.

Additional significance of registered properties may be identified through development of new historic contexts.

Research may reveal that a property is significant in other historic contexts or is significant at a higher level. For example, a property previously recognized as of local significance could be found to be of national significance.

A change in location or condition of a registered property may mean that the property is no longer significant for the reasons for which it was registered and the property should be deleted from the registered list.

Public Availability

Lists of registered properties should be readily available for public use, and information on registered properties should be distributed on a regular basis. Lists of properties registered nationally are distributed through publication in the **Federal Register** and to Congressional Offices and State Historic Preservation Offices. Comprehensive information should be stored and maintained for public use at designated national, State and local authorities open to the public on a regular basis.

Information should be retrievable by the property name, and location, historic context or property type. The specific location of properties that may be threatened by dissemination of that information must be withheld. These may include fragile archeological properties or properties such as religious sites, structures, or objects whose cultural value would be compromised by public knowledge of the property location.

Recommended Sources of Technical Information

How to Complete National Register Forms. National Register Division, National Park Service, U.S. Department of the Interior, 1977. Washington, D.C. Available through the Superintendent of Documents, US Government Printing Office, Washington, D.C. 20402. GPO Stock Number 024-005-00666-4. This publication is the standard reference on the documentation requirements of the National Register of Historic Places program.

How To Series. Available through the National Register Branch, Interagency Resources Division, National Park Service, Department of the Interior 20240. These information sheets contain supplementary information about interpreting the National Register criteria for evaluation and documentation requirements of the National Register registration program. Title include: How To Establish Boundaries for National Register Properties.

How To Evaluate and Nominate Potential National Register Properties That Have Achieved Significance Within the Last 50 Years.

How To Improve the Quality of Photographs for National Register Nominations.

How To Apply for Certification of Significance Under Section 2124 of the Tax Reform Act of 1976.

How To Apply for Certification of State and Local Statutes and Historic Districts.

How To Qualify Historic Properties Under the New Federal Law Affecting Easements.

Note on Documentation and Treatment of Historic Properties

Documentation and treatment of historic properties includes a variety of techniques to preserve or protect properties, or to document their historic values and information. While documentation activities may be applied to any potentially historic property, generally only those properties that first have been evaluated as significant against specified criteria (such as those of the National Register) are treated. Some commonly applied treatments are preservation in place, rehabilitation, restoration and stabilization; there are other types of treatments also. Documentation and treatment may be applied to the same property; for example, archeological, historical, and architectural documentation may be prepared before a structure is stabilized or before foundations or chimneys or other lost features are reconstructed.

Alternatives for treatment will usually be available, and care should be applied in choosing among them. Preservation in place is generally preferable to moving a property. Over time, the preferred treatment for a property may change; for example, an archeological site intended for preservation in place may begin to erode so that a combination of archeological documentation and stabilization may be required. If a decision is made that a particular property will not be preserved in place, the need for documentation must then be considered.

The three sets of documentation standards (i.e., the Standards for Historical Documentation, Standards for Architectural and Engineering Documentation, and Standards for Archeological Documentation) as well as the Standards for Historic Preservation Projects (Acquisition, Preservation, Stabilization, Protection, Rehabilitation, Restoration, and Reconstruction) describe the techniques of several disciplines to treat historic properties, and to document or preserve information about their historical values. The integration of planning for documentation and treatment with their execution is accomplished in a statement of objectives, or research design. Because both the goals and appropriate methodologies are likely to be interdisciplinary in nature, the relationship among these various

activities should be specified in the research design to ensure that the resulting documentation produces a comprehensive record of historic properties in an efficient manner.

Secretary of the Interior's Standards for Historical Documentation

Historical documentation provides important information related to the significance of a property for use by historians, researchers, preservationists, architects, and historical archeologists. Research is used early in planning to gather information needed to identify and evaluate properties. (These activities are discussed in the Standards and Guidelines for Preservation Planning and the Standards and Guidelines for Identification.) Historical documentation is also a treatment that can be applied in several ways to properties previously evaluated as significant; it may be used in conjunction with other treatment activities (as the basis for rehabilitation plans or interpretive programs, for example) or as a final treatment to preserve information in cases of threatened property destruction. These Standards concern the use of research and documentation as a treatment.

Standard I. Historical Documentation Follows a Research Design That Responds to Needs Identified in the Planning Process

Historical documentation is undertaken to make a detailed record of the significance of a property for research and interpretive purposes and for conservation of information in cases of threatened property destruction. Documentation must have defined objectives so that proposed work may be assessed to determine whether the resulting documentation will meet needs identified in the planning process. The research design or statement of objectives is a formal statement of how the needs identified in the plan are to be addressed in a specific documentation project. This is the framework that guides the selection of methods and evaluation of results, and specifies the relationship of the historical documentation efforts to other proposed treatment activities.

Standards II. Historical Documentation Employs an Appropriate Methodology to Obtain the Information Required by The Research Design

Methods and techniques of historical research should be chosen to obtain needed information in the most efficient way. Techniques should be carefully selected and the sources should be

recorded so that other researchers can verify or locate information discovered during the research.

Standard III. The Results of Historical Documentation Are Assessed Against the Research Design and Integrated Into the Planning Process

Documentation is one product of research; information gathered about the usefulness of the research design itself is another. The research results are assessed against the research design to determine how well they meet the objectives of the research. The results are integrated into the body of current knowledge and reviewed for their implications for the planning process. The research design is reviewed to determine how future research designs might be modified based on the activity conducted.

Standard IV. The Results of Historical Documentation Are Reported and Made Available to the Public

Research results must be accessible to prospective users. Results should be communicated to the professional community and the public in reports summarizing the documentation activity and identifying the repository of additional detailed information. The goal of disseminating information must be balanced, however, with the need to protect sensitive information whose disclosure might result in damage to properties.

Secretary of the Interior's Guidelines for Historical Documentation

Introduction

These Guidelines link the Standards for Historical Documentation with more specific guidance and technical information. They describe one approach to meeting the Standards for Historical Documentation. Agencies, organizations or individuals proposing to approach historical documentation differently may wish to review their approaches with the National Park Service.

The Guidelines are organized as follows:

- Historical Documentation Objectives
- Research Design
- Methods
- Integrating Results
- Reporting Results
- Recommended Sources of Technical Information

Documentation Objectives

Documentation is a detailed record, in the form of a report or other written document, of the historical context(s) and significance of a property. Historical research to create

documentation uses archival materials, oral history techniques, ethnohistories, prior research contained in secondary sources and other sources to make a detailed record of previously identified values or to investigate particular questions about the established significance of a property or properties. It is an investigative technique that may be employed to document associative, architectural, cultural or informational values of properties. It may be used as a component of structural recording or archeological investigation, to enable interpretation or to mitigate the anticipated loss of a property through conservation of information about its historical, architectural or archeological significance. Documentation generally results in both greater factual knowledge about the specific property and its values, and in better understanding of the property in its historical context. In addition to increasing factual knowledge about a property and its significance in one historical context, documentation may also serve to link the property to or define its importance in other known or yet-to-be defined historic contexts.

Documentation should incorporate, rather than duplicate, the findings of previous research. Research may be undertaken to identify how a particular property fits into the work of an architect or builder; to analyze the historical relationship among several properties; or to document in greater detail the historical contexts of properties. The kinds of questions investigated will generally depend on what is already known or understood and what information is needed. For example, documentation of a bridge whose technological significance is well understood, but whose role in local transportation history is not, would summarize the information on the former topic and focus research on the associative values of the property. The questions that research seeks to answer through deed, map or archival search, oral history and other techniques may also relate to issues addressed in structural documentation or archeological investigation; for example, the reasons for and history of modification of a building to be the subject of architectural or engineering documentation.

Research Design

Historical documentation is guided by a statement of objectives, research design or task directive prepared before research is performed. The research design is a useful statement of how proposed work will enhance existing archival data and permits comparison of

the proposed work with the results. The purpose of the research design is to define the proposed scope of the documentation work and to define a set of expectations based on the information available prior to the research. Generally, the research design also ensures that research methods are commensurate with the type, quality and source of expected information.

The research design for a property should identify:

1. Evaluated significance of the property(ies) to be investigated;
2. Historical, architectural, archeological or cultural issues relevant to the evaluated significance of the property;
3. Previous research on those issues and how the proposed work is related to existing knowledge;
4. The amount and kinds of information required to produce reliable historical analyses;
5. Methods to be used to obtain the information;
6. Types of sources to be investigated; types of personnel required;
7. Expected results or findings based on available knowledge about the property and its context; and
8. Relationship of the proposed historical documentation to other proposed treatment activities; for example, recommendations on the use of documentation in interpretive programs or other aspects of treatment such as anticipated architectural, engineering or archeological documentation).

Research Methods

Research methods should be chosen based on the information needs, be capable of replication and be recorded so that another researcher could follow the same research procedure. Sources should be recorded so that other researchers can locate or verify the information discovered during the search.

Use of Sources: The variety of available written and graphic materials and the number of individuals that can serve as sources, including but not limited to personal records, deed and title books, newspapers, plats, maps, atlases, photographs, vital records, censuses, historical narratives, interviews of individuals and secondary source materials, should be considered in developing the research design. Part of the development of the research design is deciding what kinds of source materials are most likely to contain needed information and at what point in the research process that information will be most valuable. For example,

often secondary sources are most valuable for gathering background information, while primary sources are more useful to gather or confirm specific facts. The documentation goals may not require exhaustive investigation of sources, such as deed records or building permits. Research may be kept cost-effective by making careful decisions about when to use particular sources, thereby limiting the use of time-consuming techniques to when absolutely necessary. Decisions about when to gather information may also affect the quality of information that can be gathered. When dealing with large project areas where loss of many properties is anticipated, it is important to gather information from local archival sources and oral histories before project activities destroy or disperse family or community records and residents.

Analysis of the accuracy and biases of source materials is critical in analyzing the information gathered from these sources. Maps, historical atlases and insurance maps should be assessed like written records for errors, biases and omissions; for example, some map sources may omit structures of a temporary nature or may not fully depict ethnic or minority areas. Likewise, building plans and architectural renderings may not reflect a structure as it was actually built.

Analysis: Analysis should not only focus on the issues defined in the research design, but should also explore major new issues identified during the course of research or analysis. The documentation gathered may raise important issues not previously considered, and further investigation may be important, particularly when contradictory information has been gathered. It is important to examine the implications of these new issues to ensure that they are investigated in a balanced way.

Questions that should be considered in analyzing the information include:

1. Has enough information been gathered to answer the questions that were posed?
2. Do the answers contradict one another? If so, it may be necessary to search for more evidence. If no additional evidence is available, judgements must be based on the available sources, weighing their biases. Conflicts of source materials should be noted.

In general, the more the researcher knows about the general historical period and setting, and limitations of the source materials under investigation, the better the individual is prepared to

evaluate the information found in the documentary sources investigated. Peer review or consultation with other knowledgeable individuals about the information and the tentative conclusions can be an important part of the analysis.

Integrating Results

The results of documentation must be integrated into the planning process so that planning decisions are based on the best available information. The new information is first assessed against the research design to determine whether the gathered information meets the defined objectives of the research. Then the relevant historic contexts, property types, and treatment goals for those contexts are all adjusted, as necessary, based on the historical documentation results.

Reporting Results

Reports should contain:

1. Summaries of the purpose of the documentation, the research design and methods and techniques of investigation.
2. Sources of facts or analyses so that other researchers can locate the information in its original context. Notation of any conflicts in source materials and how the individual performing the documentation interpreted these conflicts.
3. Sources consulted, including those expected to contain useful information and those that contained no information about the property(s).
4. Assessment of the accuracy, biases and historical perspective of all sources. This information and that identified in No. 3 may be provided in an annotated bibliography.
5. Discussion of major analyses and results, including conclusions regarding all major research issues identified in the research design, as well as important issues raised in the course of research. The analysis should be summarized in terms of its impact on interpreting the property's significance and expanding or altering the knowledge about the property and its context.
6. Researchers' interpretation of historical events or trends. These interpretations should be clearly identified.

Primary results should be preserved and made accessible in some manner, although they need not necessarily be contained in the report. At a minimum, the report should reference the location of notes and analyses.

Results of historical documentation should be made available for use in

preservation planning and by the general public. Report formats may vary, depending on the audience and the anticipated uses of the documentation, but professionally accepted rules of report writing should be followed. If reports are of a technical nature, the format of the major scientific journal of the pertinent discipline may be the most appropriate format. Peer review of draft reports is one means of ensuring that state-of-the-art technical reports are produced.

Recommended Sources of Technical Information

Folklife and Fieldwork: A Layman's Introduction to Field Techniques. Peter Bartis. American Folklife Center, Washington, D.C., 1979.

Ordinary People and Everyday Life: Perspectives on the New Social History. James B. Gardnee and George Rollie Adams, editors, American Association for State and Local History, Nashville, Tennessee, 1983.

The Process of Field Research. Carl Fleischhauer and Charles K. Wolfe. American Folklife Center, Washington, D.C., 1981.

Researching Heritage Buildings. Margaret Carter. Ministry of the Environment, Ottawa, Canada, 1983.

Secretary of the Interior's Standards for Architectural and Engineering Documentation

These standards concern the development of documentation for historic buildings, sites, structures and objects. This documentation, which usually consists of measured drawings, photographs and written data, provides important information on a property's significance for use by scholars, researchers, preservationists, architects, engineers and others interested in preserving and understanding historic properties. Documentation permits accurate repair or reconstruction of parts of a property, records existing conditions for easements, or may preserve information about a property that is to be demolished.

These Standards are intended for use in developing documentation to be included in the Historic American Building Survey (HABS) and the Historic American Engineering Record (HAER) Collections in the Library of Congress. HABS/HAER, in the National Park Service, have defined specific requirements for meeting these Standards for their collections. The HABS/HAER requirements include information important to development of documentation for other purposes such as State or local archives

Standard I. Documentation Shall Adequately Explicate and Illustrate What is Significant or Valuable About the Historic Building, Site, Structure or Object Being Documented.

The historic significance of the building, site, structure or object identified in the evaluation process should be conveyed by the drawings, photographs and other materials that comprise documentation. The historical, architectural, engineering or cultural values of the property together with the purpose of the documentation activity determine the level and methods of documentation. Documentation prepared for submission to the Library of Congress must meet the HABS/HAER Guidelines.

Standard II. Documentation Shall be Prepared Accurately From Reliable Sources With Limitations Clearly Stated to Permit Independent Verification of the Information.

The purpose of documentation is to preserve an accurate record of historic properties that can be used in research and other preservation activities. To serve these purposes, the documentation must include information that permits assessment of its reliability.

Standard III. Documentation Shall be Prepared on Materials That are Readily Reproducible, Durable and in Standard Sizes.

The size and quality of documentation materials are important factors in the preservation of information for future use. Selection of materials should be based on the length of time expected for storage, the anticipated frequency of use and a size convenient for storage.

Standard IV. Documentation Shall be Clearly and Concisely Produced.

In order for documentation to be useful for future research, written materials must be legible and understandable, and graphic materials must contain scale information and location references.

Secretary of the Interior's Guidelines for Architectural and Engineering Documentation

Introduction

These Guidelines link the Standards for Architectural and Engineering Documentation with more specific guidance and technical information. They describe one approach to meeting the Standards for Architectural Engineering Documentation. Agencies, organizations or individuals proposing to approach documentation differently

may wish to review their approaches with the National Park Service.

The Guidelines are organized as follows:

Definitions
Goal of Documentation
The HABS/HAER Collections
Standard I: Content
Standard II: Quality
Standard III: Materials
Standard IV: Presentation
Architectural and Engineering Documentation Prepared for Other Purposes
Recommended Sources of Technical Information

Definitions

These definitions are used in conjunction with these Guidelines:

Architectural Data Form—a one page HABS form intended to provide identifying information for accompanying HABS documentation.

Documentation—measured drawings, photographs, histories, inventory cards or other media that depict historic buildings, sites, structures or objects.

Field Photography—photography, other than large-format photography, intended for the purpose of producing documentation, usually 35mm.

Field Records—notes of measurements taken, field photographs and other recorded information intended for the purpose of producing documentation.

Inventory Card—a one page form which includes written data, a sketched site plan and a 35mm contact print dry-mounted on the form. The negative, with a separate contact sheet and index should be included with the inventory card.

Large Format Photographs—photographs taken of historic buildings, sites, structures or objects where the negative is a 4 X 5", 5 X 7" or 8 X 10" size and where the photograph is taken with appropriate means to correct perspective distortion.

Measured Drawings—drawings produced on HABS or HAER formats depicting existing conditions or other relevant features of historic buildings, sites, structures or objects. Measured drawings are usually produced in ink on archivally stable material, such as mylar.

Photocopy—A photograph, with large-format negative, of a photograph or drawing.

Select Existing Drawings—drawings of historic buildings, sites, structures or objects, whether original construction or later alteration drawings that portray or depict the historic value or significance.

Sketch Plan—a floor plan, generally not to exact scale although often drawn from measurements, where the features

are shown in proper relation and proportion to one another.

Goal of Documentation

The Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER) are the national historical architectural and engineering documentation programs of the National Park Service that promote documentation incorporated into the HABS/HAER collections in the Library of Congress. The goal of the collections is to provide architects, engineers, scholars, and interested members of the public with comprehensive documentation of buildings, sites, structures and objects significant in American history and the growth and development of the built environment.

The HABS/HAER Collections: HABS/HAER documentation usually consists of measured drawings, photographs and written data that provide a detailed record which reflects a property's significance. Measured drawings and properly executed photographs act as a form of insurance against fires and natural disasters by permitting the repair and, if necessary, reconstruction of historic structures damaged by such disasters. Documentation is used to provide the basis for enforcing preservation easement. In addition, documentation is often the last means of preservation of a property; when a property is to be demolished, its documentation provides future researchers access to valuable information that otherwise would be lost.

HABS/HAER documentation is developed in a number of ways. First and most usually, the National Park Service employs summer teams of student architects, engineers, historians and architectural historians to develop HABS/HAER documentation under the supervision of National Park Service professionals. Second, the National Park Service produces HABS/HAER documentation, in conjunction with restoration or other preservation treatment, of historic buildings managed by the National Park Service. Third, Federal agencies, pursuant to Section 110(b) of the National Historic Preservation Act, as amended, record those historic properties to be demolished or substantially altered as a result of agency action or assisted action (referred to as mitigation projects). Fourth, individuals and organizations prepare documentation to HABS/HAER standards and donate that documentation to the HABS/HAER collections. For each of these programs,

different Documentation Levels will be set.

The Standards describe the fundamental principles of HABS/HAER documentation. They are supplemented by other material describing more specific guidelines, such as line weights for drawings, preferred techniques for architectural photography, and formats for written data. This technical information is found in the HABS/HAER Procedures Manual.

These Guidelines include important information about developing documentation for State or local archives. The State Historic Preservation Officer or the State library should be consulted regarding archival requirements if the documentation will become part of their collections. In establishing archives, the important questions of durability and reproducibility should be considered in relation to the purposes of the collection.

Documentation prepared for the purpose of inclusion in the HABS/HAER collections must meet the requirements below. The HABS/HAER office of the National Park Service retains the right to refuse to accept documentation for inclusion in the HABS/HAER collections when that documentation does not meet HABS/HAER requirements, as specified below.

Standard I: Content

1. *Requirement:* Documentation shall adequately explicate and illustrate what is significant or valuable about the historic building, site, structure or object being documented.

2. *Criteria:* Documentation shall meet one of the following documentation levels to be considered adequate for inclusion in the HABS/HAER collections.

a. Documentation Level I;

(1) Drawings: a full set of measured drawings depicting existing or historic conditions.

(2) Photographs: photographs with large-format negatives of exterior and interior views; photocopies with large format negatives of select existing drawings or historic views where available.

(3) Written data: history and description.

b. Documentation Level II;

(1) Drawings: select existing drawings, where available, should be photographed with large-format negatives or photographically reproduced on mylar.

(2) Photographs: photographs with large-format negatives of exterior and interior views, or historic views, where available.

(3) Written data: history and description.

c. Documentation Level III;

(1) Drawings: sketch plan.

(2) Photographs: photographs with large-format negatives of exterior and interior views.

(3) Written data: architectural data form.

d. Documentation Level IV: HABS/HAER inventory card.

3. *Test:* Inspection of the documentation by HABS/HAER staff.

4. *Commentary:* The HABS/HAER office retains the right to refuse to accept any documentation on buildings, site, structures or objects lacking historical significance. Generally, buildings, sites, structures or objects must be listed in, or eligible for listing in the National Register of Historic Places to be considered for inclusion in the HABS/HAER collections.

The kind and amount of documentation should be appropriate to the nature and significance of the buildings, site, structure or object being documented. For example, Documentation Level I would be inappropriate for a building that is a minor element of a historic district, notable only for streetscape context and scale. A full set of measured drawings for such a minor building would be expensive and would add little, if any, information to the HABS/HAER collections. Large format photography (Documentation Level III) would usually be adequate to record the significance of this type of building.

Similarly, the aspect of the property that is being documented should reflect the nature and significance of the building, site, structure or object being documented. For example, measured drawings of Dankmar Adler and Louis Sullivan's Auditorium Building in Chicago should indicate not only facades, floor plans and sections, but also the innovative structural and mechanical systems that were incorporated in that building. Large format photography of Gunston Hall in Fairfax County, Virginia, to take another example, should clearly show William Buckland's hand-carved moldings in the Palladian Room, as well as other views.

HABS/HAER documentation is usually in the form of measured drawings, photographs, and written data. While the criteria in this section have addressed only these media, documentation need not be limited to them. Other media, such as films of industrial processes, can and have been used to document historic buildings, sites, structures or objects. If other media are to be used, the HABS/HAER

office should be contacted before recording.

The actual selection of the appropriate documentation level will vary, as discussed above. For mitigation documentation projects, this level will be selected by the National Park Service Regional Office and communicated to the agency responsible for completing the documentation. Generally, Level I documentation is required for nationally significant buildings and structures, defined as National Historic Landmarks and the primary historic units of the National Park Service.

On occasion, factors other than significance will dictate the selection of another level of documentation. For example, if a rehabilitation of a property is planned, the owner may wish to have a full set of as-built drawings, even though the significance may indicate Level II documentation.

HABS Level I measured drawings usually depict existing conditions through the use of a site plan, floor plans, elevations, sections and construction details. HAER Level I measured drawings will frequently depict original conditions where adequate historical material exists, so as to illustrate manufacturing or engineering processes.

Level II documentation differs from Level I by substituting copies of existing drawings, either original or alteration drawings, for recently executed measured drawings. If this is done, the drawings must meet HABS/HAER requirements outlined below. While existing drawings are rarely as suitable as as-built drawings, they are adequate in many cases for documentation purposes. Only when the desirability of having as-built drawings is clear are Level I measured drawings required in addition to existing drawings. If existing drawings are housed in an accessible collection and cared for archivally, their reproduction for HABS/HAER may not be necessary. In other cases, Level I measured drawings are required in the absence of existing drawings.

Level III documentation requires a sketch plan if it helps to explain the structure. The architectural data form should supplement the photographs by explaining what is not readily visible.

Level IV documentation consists of completed HABS/HAER inventory cards. This level of documentation, unlike the other three levels, is rarely considered adequate documentation for the HABS/HAER collections but is undertaken to identify historic resources in a given area prior to additional, more comprehensive documentation.

Standard II: Quality

1. *Requirement:* HABS and HAER documentation shall be prepared accurately from reliable sources with limitations clearly stated to permit independent verification of information.

2. *Criteria:* For all levels of documentation, the following quality standards shall be met:

a. *Measured drawings:* Measured drawings shall be produced from recorded, accurate measurements. Portions of the building that were not accessible for measurement should not be drawn on the measured drawings, but clearly labeled as not accessible or drawn from available construction drawings and other sources and so identified. No part of the measured drawings shall be produced from hypothesis or non-measurement related activities. Documentation Level I measured drawings shall be accompanied by a set of field notebooks in which the measurements were first recorded. Other drawings, prepared for Documentation Levels II and III, shall include a statement describing where the original drawings are located.

b. *Large format photographs:* Large format photographs shall clearly depict the appearance of the property and areas of significance of the recorded building, site, structure or object. Each view shall be perspective-corrected and fully captioned.

c. *Written history:* Written history and description for Documentation Levels I and II shall be based on primary sources to the greatest extent possible. For Levels III and IV, secondary sources may provide adequate information; if not, primary research will be necessary. A frank assessment of the reliability and limitations of sources shall be included. Within the written history, statements shall be footnoted as to their sources, where appropriate. The written data shall include a methodology section specifying name of researcher, date of research, sources searched, and limitations of the project.

3. *Test:* Inspection of the documentation by HABS/HAER staff.

4. *Commentary:* The reliability of the HABS/HAER collections depends on documentation of high quality. Quality is not something that can be easily prescribed or quantified, but it derives from a process in which thoroughness and accuracy play a large part. The principle of independent verification HABS/HAER documentation is critical to the HABS/HAER collections.

Standard III: Materials

1. *Requirement:* HABS and HAER documentation shall be prepared on

materials that are readily reproducible for ease of access; durable for long storage; and in standard sizes for ease of handling.

2. *Criteria:* For all levels of documentation, the following material standards shall be met:

a. *Measured Drawings:*
Readily Reproducible: Ink on translucent material.

Durable: Ink on archivally stable materials.

Standard Sizes: Two sizes: 19 × 24" or 24 × 36".

b. *Large Format Photographs:*
Readily Reproducible: Prints shall accompany all negatives.

Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable.

Standard Sizes: Three sizes: 4 × 5", 5 × 7", 8 × 10".

c. *Written History and Description:*
Readily Reproducible: Clean copy for xeroxing.

Durable: Archival bond required.

Standard Sizes: 8½ × 11".

d. *Field Records:*
Readily Reproducible: Field notebooks may be xeroxed. Photo identification sheet will accompany 35 mm negatives and contact sheets.

Durable: No requirement.

Standard Sizes: Only requirement is that they can be made to fit into a 9½ × 12" archival folding file.

3. *Test:* Inspection of the documentation by HABS/HAER staff.

4. *Commentary:* All HABS/HAER records are intended for reproduction; some 20,000 HABS/HAER records are reproduced each year by the Library of Congress. Although field records are not intended for quality reproduction, it is intended that they be used to supplement the formal documentation. The basic durability performance standard for HABS/HAER records is 500 years. Ink on mylar is believed to meet this standard, while color photography, for example, does not. Field records do not meet this archival standard, but are maintained in the HABS/HAER collections as a courtesy to the collection user.

Standard IV: Presentation

1. *Requirement:* HABS and HAER documentation shall be clearly and concisely produced.

2. *Criteria:* For levels of documentation as indicated below, the following standards for presentation will be used:

a. *Measured Drawings:* Level I measured drawings will be lettered

mechanically (i.e., Leroy or similar) or in a handprinted equivalent style.

Adequate dimensions shall be included on all sheets. Level III sketch plans should be neat and orderly.

b. *Large format photographs:* Level I photographs shall include duplicate photographs that include a scale. Level II and III photographs shall include, at a minimum, at least one photograph with a scale, usually of the principal facade.

c. *Written history and description:* Data shall be typewritten on bond, following accepted rules of grammar.

3. *Test:* Inspection of the documentation by HABS/HAER staff.

Architectural and Engineering Documentation Prepared for Other Purposes

Where a preservation planning process is in use, architectural and engineering documentation, like other treatment activities, are undertaken to achieve the goals identified by the preservation planning process. Documentation is deliberately selected as a treatment for properties evaluated as significant, and the development of the documentation program for a property follows from the planning objectives. Documentation efforts focus on the significant characteristics of the property, as defined in the previously completed evaluation. The selection of a level of documentation and the documentation techniques (measured drawings, photography, etc.) is based on the significance of the property and the management needs for which the documentation is being performed. For example, the kind and level of documentation required to record a historic property for easement purposes may be less detailed than that required as mitigation prior to destruction of the property. In the former case, essential documentation might be limited to the portions of the property controlled by the easement, for example, exterior facades; while in the latter case, significant interior architectural features and non-visible structural details would also be documented.

The principles and content of the HABS/HAER criteria may be used for guidance in creating documentation requirements for other archives. Levels of documentation and the durability and sizes of documentation may vary depending on the intended use and the repository. Accuracy of documentation should be controlled by assessing the reliability of all sources and making that assessment available in the archival record; by describing the limitations of the information available from research and physical examination of the

property; and by retaining the primary data (field measurements and notebooks) from which the archival record was produced. Usefulness of the documentation products depends on preparing the documentation on durable materials that are able to withstand handling and reproduction, and in sizes that can be stored and reproduced without damage.

Recommended Sources of Technical Information

Recording Historic Buildings. Harley J. McKee. Government Printing Office, 1970. Washington, D.C. Available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. GPO number 024-005-0235-9.

HABS/HAER Procedures Manual. Historic American Buildings Survey/Historic American Engineering Record, National Park Service, 1980. Washington, D.C.

Photogrammetric Recording of Cultural Resources. Perry E. Borchers. Technical Preservation Services, U.S. Department of the Interior, 1977. Washington, D.C.

Rectified Photography and Photo Drawings for Historic Preservation. J. Henry Chambers. Technical Preservation Services, U.S. Department of the Interior, 1975. Washington, D.C.

Secretary of the Interior's Standards for Archeological Documentation

Archeological documentation is a series of actions applied to properties of archeological interest. Documentation of such properties may occur at any or all levels of planning, identification, evaluation or treatment. The nature and level of documentation is dictated by each specific set of circumstances. Archeological documentation consists of activities such as archival research, observation and recording of above-ground remains, and observation (directly, through excavation, or indirectly, through remote sensing) of below-ground remains. Archeological documentation is employed for the purpose of gathering information on individual historic properties or groups of properties. It is guided by a framework of objectives and methods derived from the planning process, and makes use of previous planning decisions, such as those on evaluation of significance. Archeological documentation may be undertaken as an aid to various treatment activities, including research, interpretation, reconstruction, stabilization and data recovery when mitigating archeological losses resulting from construction. Care should be taken to assure that documentation efforts do not duplicate previous efforts.

Standard I. Archeological Documentation Activities Follow an Explicit Statement of Objectives and Methods That Responds to Needs Identified in the Planning Process

Archeological research and documentation may be undertaken to fulfill a number of needs, such as overviews and background studies for planning, interpretation or data recovery to mitigate adverse effects. The planning needs are articulated in a statement of objectives to be accomplished by the archeological documentation activities. The statement of objectives guides the selection of methods and techniques of study and provides a comparative framework for evaluating and deciding the relative efficiency of alternatives. Satisfactory documentation involves the use of archeological and historical sources, as well as those of other disciplines. The statement of objectives usually takes the form of a formal and explicit research design which has evolved from the interrelation of planning needs, current knowledge, resource value and logistics.

Standard II. The Methods and Techniques of Archeological Documentation are Selected To Obtain the Information Required by the Statement of Objectives

The methods and techniques chosen for archeological documentation should be the most effective, least destructive, most efficient and economical means of obtaining the needed information. Methods and techniques should be selected so that the results may be verified if necessary. Non-destructive techniques should be used whenever appropriate. The focus on stated objectives should be maintained throughout the process of study and documentation.

Standard III. The Results of Archeological Documentation are Assessed Against the Statement of Objectives and Integrated Into the Planning Process

One product of archeological documentation is the recovered data; another is the information gathered about the usefulness of the statement of objectives itself. The recovered data are assessed against the objectives to determine how they meet the specified planning needs. Information related to archeological site types, distribution and density should be integrated in planning at the level of identification and evaluation. Information and data concerning intra-site structure may be needed for developing mitigation strategies and are appropriately

integrated at this level of planning. The results of the data analyses are integrated into the body of current knowledge. The utility of the method of approach and the particular techniques which were used in the investigation (i.e. the research design) should be assessed so that the objectives of future documentation efforts may be modified accordingly.

Standard IV. The Results of Archeological Documentation are Reported and Made Available to the Public

Results must be accessible to a broad range of users including appropriate agencies, the professional community and the general public. Results should be communicated in reports that summarize the objectives, methods, techniques and results of the documentation activity, and identify the repository of the materials and information so that additional detailed information can be obtained, if necessary. The public may also benefit from the knowledge obtained from archeological documentation through pamphlets, brochures, leaflets, displays and exhibits, or by slide, film or multi-media productions. The goal of disseminating information must be balanced, however, with the need to protect sensitive information whose disclosure might result in damage to properties. Curation arrangements sufficient to preserve artifacts, specimens and records generated by the investigation must be provided for to assure the availability of these materials for future use.

Secretary of the Interior's Guidelines for Archeological Documentation

Introduction

These Guidelines link the Standards for Archeological Documentation with more specific guidance and technical information. They describe one approach to meeting the Standards for Documentation. Agencies, organizations or individuals proposing to approach archeological documentation differently may wish to review their approach with the National Park Service.

The Guidelines are organized as follows:

Archeological Documentation Objectives
Documentation Plan
Methods
Reporting Results
Curation
Recommended Sources of Technical Information

1. Collection of base-line data;

2. Problem-oriented research directed toward particular data gaps recognized in the historic context(s);

3. Preservation or illustration of significance which has been identified for treatment by the planning process; or

4. Testing of new investigative or conservation techniques, such as the effect of different actions such as forms of site burial (aqueous or non-aqueous).

Many properties having archeological components have associative values as well as research values. Examples include Native American sacred areas and historic sites such as battlefields. Archeological documentation may preserve information or data that are linked to the identified values that a particular property possesses. Depending on the property type and the range of values represented by the property, it may be necessary to recover information that relates to an aspect of the property's significance other than the specified research questions. It is possible that conflicts may arise between the optimal realizations of research goals and other issues such as the recognition/protection of other types of associative values. The research design for the archeological documentation should provide for methods and procedures to resolve such conflicts, and for the close coordination of the archeological research with the appropriate ethnographic, social or technological research.

Archeological Documentation Objectives

The term "archeological documentation" is used here to refer specifically to any operation that is performed using archeological techniques as a means to obtain and record evidence about past human activity that is of importance to documenting history and prehistory in the United States. Historic and prehistoric properties may be important for the data they contain, or because of their association with important persons, events, or processes, or because they represent architectural or artistic values, or for other reasons. Archeological documentation may be an appropriate option for application not only to archeological properties, but to above-ground structures as well, and may be used in collaboration with a wide range of other treatment activities.

If a property contains artifacts, features, and other materials that can be studied using archeological techniques, then archeological documentation may be selected to achieve particular goals of the planning process—such as to address a specified information need, or to illustrate significant associative

values. Within the overall goals and priorities established by the planning process, particular methods of investigation are chosen that best suit the types of study to be performed.

Relationship of archeological documentation to other types of documentation or other treatments: Archeological documentation is appropriate for achieving any of various goals, including:

Documentation Plan

Research Design: Archeological documentation can be carried out only after defining explicit goals and a methodology for reaching them. The goals of the documentation effort directly reflect the goals of the preservation plan and the specific needs identified for the relevant historic contexts. In the case of problem oriented archeological research, the plan usually takes the form of a formal research design, and includes, in addition to the items below, explicit statements of the problem to be addressed and the methods or tests to be applied. The purpose of the statement of objectives is to explain the rationale behind the documentation effort; to define the scope of the investigation; to identify the methods, techniques, and procedures to be used; to provide a schedule for the activities; and to permit comparison of the proposed research with the results. The research design for an archeological documentation effort follows the same guidelines as those for identification (see the Guidelines for Identification) but has a more property-specific orientation.

The research design should draw upon the preservation plan to identify:

1. Evaluated significance of the property(ies) to be studied;
2. Research problems or other issues relevant to the significance of the property;
3. Prior research on the topic and property type; and how the proposed documentation objectives are related to previous research and existing knowledge;
4. The amount and kinds of information (data) required to address the documentation objectives and to make reliable statements, including at what point information is redundant and documentation efforts have reached a point of diminishing returns;
5. Methods to be used to find the information; and
6. Relationship of the proposed archeological investigation to anticipated historical or structural documentation, or other treatments.

The primary focus of archeological documentation is on the data classes

that are required to address the specified documentation objectives. This may mean that other data classes are deliberately neglected. If so, the reasons for such a decision should be carefully justified in terms of the preservation plan.

Archeological investigations seldom are able to collect and record all possible data. It is essential to determine the point at which further data recovery and documentation fail to improve the usefulness of the archeological information being recovered. One purpose of the research design is to estimate those limits in advance and to suggest at what point information becomes duplicative. Investigation strategies should be selected based on these general principles, considering the following factors:

1. Specific data needs;
2. Time and funds available to secure the data; and
3. Relative cost efficiency of various strategies.

Responsiveness to the concerns of local groups (e.g., Native American groups with ties to specific properties) that was built into survey and evaluation phases of the preservation plan, should be maintained in archeological investigation, since such activity usually involves site disturbance. The research design, in addition to providing for appropriate ethnographic research and consultation, should consider concerns voiced in previous phases. In the absence of previous efforts to coordinate with local or other interested groups, the research design should anticipate the need to initiate appropriate contracts and provide a mechanism for responding to sensitive issues, such as the possible uncovering of human remains or discovery of sacred areas.

The research design facilitates an orderly, goal directed and economical project. However, the research design must be flexible enough to allow for examination of unanticipated but important research opportunities that arise during the investigation.

Documentation Methods

Background Review: Archeological documentation usually is preceded by, or integrated with historical research (i.e. that intensive background information gathering including identification of previous archeological work and inspection of museum collections; gathering relevant data on geology, botany, urban geography and other related disciplines; archival research; informant interviews, or recording of oral tradition, etc.).

Depending on the goals of the archeological documentation, the background historical and archeological research may exceed the level of research accomplished for development of the relevant historic contexts or for identification and evaluation, and focuses on the unique aspects of the property to be treated. This assists in directing the investigation and locates a broader base of information than that contained in the property itself for response to the documentation goals. This activity is particularly important for historic archeological properties where information sources other than the property itself may be critical to preserving the significant aspects of the property. (See the Secretary of the Interior's Standards and Guidelines for Historical Documentation for discussion of associated research activities.)

Field Studies: The implementation of the research design in the field must be flexible enough to accommodate the discovery of new or unexpected data classes or properties, or changing field conditions. A phased approach may be appropriated when dealing with large complex properties or groups of properties, allowing for changes in emphasis or field strategy, or termination of the program, based on analysis of recovered data at the end of each phase. Such an approach permits the confirmation of assumptions concerning property extent, content or organization which had been made based on data gathered from identification and evaluation efforts, or the adjustment of those expectations and resulting changes in procedure. In some cases a phased approach may be necessary to gather sufficient data to calculate the necessary sample size for a statistically valid sample. A phased documentation program may often be most cost-effective, in allowing for early termination of work if the desired objectives cannot be achieved.

Explicit descriptive statements of and justification for field study techniques are important to provide a means of evaluating results. In some cases, especially those employing a sampling strategy in earlier phases (such as identification or evaluation), it is possible to estimate parameters of certain classes of data in a fairly rigorous statistical manner. It is thus desirable to maintain some consistency in choice of sampling designs throughout multiple phases of work at the same property. Consistency with previously employed areal sampling frameworks also improves potential replication in terms of later locating sampled and unsampled areas. It often is desirable to

estimate the nature and frequency of data parameters based on existing information or analogy to other similar cases. These estimates may then be tested in field studies.

An important consideration in choosing methods to be used in the field studies should be assuring full, clear, and accurate descriptions of all field operations and observations, including excavation and recording techniques and stratigraphic or inter-site relationships.

To the extent feasible, chosen methodologies and techniques should take into account the possibility that future researchers will need to use the recovered data to address problems not recognized at the time the data were recovered. The field operation may recover data that may not be fully analyzed; this data, as well as the data analyzed, should be recorded and preserved in a way to facilitate future research.

A variety of methodologies may be used. Choices must be explained, including a measure of cost-effectiveness relative to other potential choices. Actual results can then be measured against expectations, and the information applied later in similar cases.

Destructive methods should not be applied to portions or elements of the property if nondestructive methods are practical. If portions or elements of the property being documented are to be preserved in place, the archeological investigation should employ methods that will leave the property as undisturbed as possible. However, in cases where the property will be destroyed by, for example, construction following the investigation, it may be most practical to gather the needed data in the most direct manner, even though that may involve use of destructive techniques.

Logistics in the field, including the deployment of personnel and materials and the execution of sampling strategies, should consider site significant, anticipated location of most important data, cost effectiveness, potential time limitations and possible adverse environmental conditions.

The choice of methods for recording data gathered in the field should be based on the research design. Based on that statement, it is known in advance of field work what kinds of information are needed for analysis; record-keeping techniques should focus on these data. Field records should be maintained in a manner that permits independent interpretation in so far as possible.

Record-keeping should be standardized in format and level of detail.

Archeological documentation should be conducted under the supervision of qualified professionals in the disciplines appropriate to the data that are to be recovered. When the general public is directly involved in archeological documentation activities, provision should be made for training and supervision by qualified professionals. (See the Professional Qualifications Standards.)

Analysis: Archeological documentation is not completed with field work; analysis of the collected information is an integral part of the documentation activity, and should be planned for in the research design. Analytical techniques should be selected that are relevant to the objectives of the investigation. Forms of analysis that may be appropriate, depending on the type of data recovered and the objectives of the investigation, include but are not limited to: studying artifact types and distribution; radiometric and other means of age determination; studies of soil stratigraphy; studies of organic matter such as human remains, pollen, animal bones, shells and seeds; study of the composition of soils and study of the natural environment in which the property appears.

Reporting Results

Report Contents: Archeological documentation concludes with written report(s) including minimally the following topics:

1. Description of the study area;
2. Relevant historical documentation/background research;
3. The research design;
4. The field studies as actually implemented, including any deviation from the research design and the reason for the changes;
5. All field observations;
6. Analyses and results, illustrated as appropriate with tables, charts, and graphs;
7. Evaluation of the investigation in terms of the goals and objectives of the investigation, including discussion of how well the needs dictated by the planning process were served;
8. Recommendations for updating the relevant historic contexts and planning goals and priorities, and generation of new or revised information needs;
9. Reference to related on-going or proposed treatment activities, such as structural documentation, stabilization, etc.; and

10. Information on the location of original data in the form of field notes, photographs, and other materials.

Some individual property information, such as specific locational data, may be highly sensitive to disclosure, because of the threat of vandalism. If the objectives of the documentation effort are such that a report containing confidential information such as specific site locations or information on religious practices is necessary, it may be appropriate to prepare a separate report for public distribution. The additional report should summarize that information that is not under restricted access in a format most useful to the expected groups of potential users. Peer review of draft reports is recommended to ensure that state-of-the-art technical reports are produced.

Availability: Results must be made available to the full range of potential users. This can be accomplished through a variety of means including publication of results in monographs and professionals journals and distribution of the report to libraries or technical clearinghouses such as the National Technical Information Service in Springfield, Virginia.

Curation

Archeological specimens and records are part of the documentary record of an archeological site. They must be curated for future use in research, interpretation, preservation, and resource management activities. Curation of important archeological specimens and records should be provided for in the development of any archeological program or project.

Archeological specimens and records that should be curated are those that embody the information important to history and prehistory. They include artifacts and their associated documents, photographs, maps, and field notes; materials of an environmental nature such as bones, shells, soil and sediment samples, wood, seeds, pollen, and their associated records; and the products and associated records of laboratory procedures such as thin sections, and sediment fractions that result from the analysis of archeological data.

Satisfactory curation occurs when:

1. Curation facilities have adequate space, facilities, and professional personnel;
2. Archeological specimens are maintained so that their information values are not lost through deterioration, and records are maintained to a professional archival standard;
3. Curated collections are accessible to qualified researchers within a

reasonable time of having been requested; and

4. Collections are available for interpretive purposes, subject to reasonable security precautions.

Recommended Sources of Technical Information

Archeomagnetism: A Handbook for the Archeologist. Jeffrey L. Eighmy, U.S. Department of the Interior, Washington, D.C., 1980.

The Curation and Management of Archeological Collections: A Pilot Study. Cultural Resource Management Series, U.S. Department of the Interior, September 1980.

Human Bones and Archeology. Douglas H. Ubelaker. Interagency Archeological Services, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C., 1980. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Manual for Museums. Ralph H. Lewis, National Park Service, U.S. Department of the Interior, 1976.

Treatment of Archeological Properties: A Handbook. Advisory Council on Historic Preservation. Washington D.C., 1980.

Secretary of the Interior's Standards for Historic Preservation Projects

General Standards for Historic Preservation Projects

The following general standards apply to all treatments undertaken on historic properties listed in the National Register.

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive architectural features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

Specific Standards for Historic Preservation Projects

The following specific standards for each treatment are to be used in conjunction with the eight general standards and, in each case, begin with number 9. For example, in evaluating acquisition projects, include the eight general standards plus the four specific standards listed under standards for Acquisition. The specific standards differ from those published for use in Historic Preservation Fund grant-in-aid projects (36 CFR Part 68) in that they discuss more fully the treatment of archeological properties.

Standards for Acquisition

9. Careful consideration shall be given to the type and extent of property rights which are required to assure the preservation of the historic resource. The preservation objectives shall determine the exact property rights to be acquired.

10. Properties shall be acquired in fee simple when absolute ownership is required to insure their preservation.

11. The purchase of less-than-fee-simple interests, such as open space or facade easements, shall undertaken when a limited interest achieves the preservation objective.

12. Every reasonable effort shall be made to acquire sufficient property with the historic resource to protect its historical, archeological, architectural or cultural significance.

Standard for Protection

9. Before applying protective measures which are generally of a temporary nature and imply future historic preservation work, an analysis of the actual or anticipated threats to the property shall be made.

10. Protection shall safeguard the physical condition or environment of a property or archeological site from further deterioration or damage caused by weather or other natural, animal, or human intrusions.

11. If any historic material or architectural features are removed, they shall be properly recorded and, if possible, stored for future study or reuse.

Standards for Stabilization

9. Stabilization shall reestablish the structural stability of a property through the reinforcement of loadbearing members or by arresting deterioration leading to structural failure.

Stabilization shall also reestablish weather resistant conditions for a property.

10. Stabilization shall be accomplished in such a manner that it detracts as little as possible from the property's appearance and significance. When reinforcement is required to reestablish structural stability, such work shall be concealed wherever possible so as not to intrude upon or detract from the aesthetic and historical or archeological quality of the property, except where concealment would result in the alteration or destruction of historically or archeologically significant material or spaces. Accurate documentation of stabilization procedures shall be kept and made available for future needs.

11. Stabilization work that will result in ground disturbance shall be preceded by sufficient archeological investigation to determine whether significant subsurface features or artifacts will be affected. Recovery, curation and documentation of archeological features and specimens shall be undertaken in accordance with appropriate professional methods and techniques.

Standards for Preservation

9. Preservation shall maintain the existing form, integrity, and materials of a building, structure, or site. Archeological sites shall be preserved undisturbed whenever feasible and practical. Substantial reconstruction or restoration of lost features generally are not included in a preservation undertaking.

10. Preservation shall include techniques of arresting or retarding the

deterioration of a property through a program of ongoing maintenance.

11. Use of destructive techniques, such as archeological excavation, shall be limited to providing sufficient information for research, interpretation and management needs.

Standards for Rehabilitation

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Standards for Restoration

9. Every reasonable effort shall be made to use a property for its originally intended purpose or to provide a compatible use that will require minimum alteration to the property and its environment.

10. Reinforcement required for structural stability or the installation of protective or code required mechanical systems shall be concealed wherever possible so as not to intrude or detract from the property's aesthetic and historical qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.

11. Restoration work such as the demolition of non-contributing additions that will result in ground or structural disturbance shall be preceded by sufficient archeological investigation to determine whether significant subsurface or structural features or artifacts will be affected. Recovery, curation and documentation of archeological features and specimens shall be undertaken in accordance with appropriate professional methods and techniques.

Standards for Reconstruction

9. Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in a historic district or scene, and when a contemporary design solution is not acceptable. Reconstruction of archeological sites generally is not appropriate.

10. Reconstruction of all or a part of a historic property shall be appropriate when the reconstruction is essential for

understanding and interpreting the value of a historic district, or when no other building, structure, object, or landscape feature with the same associative value has survived and sufficient historical or archeological documentation exists to insure an accurate reproduction of the original.

11. The reproduction of missing elements accomplished with new materials shall duplicate the composition, design, color, texture, and other visual qualities of the missing element. Reconstruction of missing architectural or archeological features shall be based upon accurate duplication of original features substantiated by physical or documentary evidence rather than upon conjectural designs or the availability of different architectural features from other buildings.

12. Reconstruction of a building or structure on an original site shall be preceded by a thorough archeological investigation to locate and identify all subsurface features and artifacts. Recovery, curation and documentation of archeological features and specimens shall be undertaken in accordance with professional methods and techniques.

13. Reconstruction shall include measures to preserve any remaining original fabric, including foundations, subsurface, and ancillary elements. The reconstruction of missing elements. The reconstruction of missing elements and features shall be done in such a manner that the essential form and integrity of the original surviving features are unimpaired.

Secretary of the Interior Guidelines for Historic Preservation Projects

The guidelines for the Secretary of the Interior's Standards for Historic Preservation Projects, not included here because of their length, may be obtained separately from the National Park Service.

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of fulltime work but

may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical

organization or agency, museum, or other professional institution; or

2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications historic in architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

Preservation Terminology

Acquisition—the act or process of acquiring fee title or interest other than fee title of real property (including acquisition of development rights or remainder interest).

Comprehensive Historic Preservation Planning—the organization into a logical sequence of preservation information pertaining to identification, evaluation, registration and treatment of historic properties, and setting priorities for accomplishing preservation activities.

Historic Context—a unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

Historic Property—a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level.

Integrity—the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Intensive Survey—a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of

significance within specific historic contexts.

Inventory—a list of historic properties determined to meet specified criteria of significance.

National Register Criteria—the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

Preservation (treatment)—the act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Property Type—a grouping of individual properties based on a set of shared physical or associative characteristics.

Protection (treatment)—the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archeological sites, the protective measure may be temporary or permanent.

Reconnaissance Survey—an examination of all or part of an area accomplished in sufficient detail to make generalizations about the types and distributions of historic properties that may be present.

Reconstruction (treatment)—the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specific period of time.

Rehabilitation (treatment)—the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

Research design—a statement of proposed identification, documentation, investigation, or other treatment of a historic property that identifies the project's goals, methods and techniques, expected results, and the relationship of the expected results to other proposed activities or treatments.

Restoration—the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time

by means of the removal of later work or by the replacement of missing earlier work.

Sample Survey—survey of a representative sample of lands within a given area in order to generate or test predictions about the types and distributions of historic properties in the entire area.

Stabilization (treatment)—the act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

Statement of objectives—see Research design.

Dated: September 26, 1983.

Russell E. Dickenson,
Director, National Park Service.

[FR Doc. 83-26607 Filed 9-28-83; 8:45 am]

BILLING CODE 4310-70-M

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/03/2022

Report No: 12.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, appointing a board member and alternate to the Southeast Regional Transportation Planning Organization (SERPTO). *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appointments to the board.

Background:

The Southeast regional Transportation Planning Organization (SERPTO) is asking for the appointment of a board member and alternate for the next two years. SERPTO has combined the two committees, the Policy and Technical committees, into one board.

City Planner Stella Rael is the current member of the two former committees.



Dora Batista
Executive Director

**SOUTHEASTERN NEW MEXICO
ECONOMIC DEVELOPMENT DISTRICT**

COUNCIL OF GOVERNMENTS

1600 SE Main, Suite D
Roswell, NM 88203
Phone: (575) 624-6131
Fax: (575) 624-6134
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JUL 19 2022

CITY CLERK

July 11, 2022

Susan Payne, Mayor
City of Alamogordo
1376 E Ninth Street
Alamogordo, NM 88310

RE: SERTPO Committee Appointment(s)

Dear Mayor Payne:

At this time, the Southeast Regional Transportation Planning Organization (SERTPO) is conducting its annual outreach to its local governments, providing the opportunity for the appointment/reaffirmation of its representation to the SERTPO Committee.

Please take note that recent changes have occurred with the SERTPO Committee structure. Namely, the two Committees (Policy and Technical Committees) have now been consolidated into one SERTPO Committee. The appointments for SERTPO Committee Member representatives are separate from the SNMEDD/COG Board Member appointments. The SERTPO Committee provides policy guidance in the development of SERTPO activities and takes all official actions with each municipal, county or tribal entity having one vote. The representatives listed on the attached confirmation form will receive meeting packets and email notifications on meetings, trainings, funding opportunities and other items.

A copy of the current SERTPO membership is enclosed for your review. Representatives may include elected officials, management, engineers, planners, public works, road superintendents, grant personnel and others. Meetings are public and include SERTPO Committee representatives, NMDOT, and Councils of Governments.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (575) 624-6131 or mbsnmedd@plateautel.net.

Sincerely,

Mary Ann Burr
SERTPO Program Manager

Encls.

cc: Brian Cesar, City Manager

OFFICIAL SERTPO COMMITTEE MEMBER(S) CONFIRMATION

As Mayor of the City of Alamogordo, I hereby appoint the following individual(s) as representative/alternate to the Southeast Regional Transportation Planning Organization (SERTPO):

SERTPO Committee Representative (Full Name): _____

Title: _____

Contact Telephone (Business/Home): _____

Mailing Address (PO Box/Street Address): _____

City/State/Zip Code: _____

E-Mail Address: _____

SERTPO Committee Alternate (Full Name): _____

Title: _____

Contact Telephone (Business/Home): _____

Mailing Address (PO Box/Street Address): _____

City/State/Zip Code: _____

E-Mail Address: _____

SERTPO Committee Member Representatives are the principal officials, or their designated alternates, representing the municipal, county and tribal governments. The Committee provides policy guidance in the development of SERTPO activities and takes all official actions. The SERTPO Committee reviews, rates and/or prioritizes transportation projects for its Regional Transportation Improvements Program Recommendations (RTIPR), state-or-federally-funded. The Committee may receive input from subcommittees.

SIGNED: _____

Susan Payne, Mayor

Date



Southeast RTPO Committee Membership		
Within SNMEDD/COG Region		
SERTPO Committee Chairman Jason Burns, Eddy County		SERTPO Committee Vice-Chairman Jeff Honeycutt, Lincoln County
Southeastern New Mexico Economic Development District		
Entity	Representatives	
Chaves County	Joe West, Road Operations Director	Angelo Gurule, Road Technical Supervisor
Dexter	Justin Powell, Fire Chief	Adolpho Torres, Maintenance Supervisor
Hagerman	Mark Lovas, Councilor	Mark Lovas, Councilor
Lake Arthur	Ysidro Salazar, Mayor	Ysidro Salazar, Mayor
Roswell	Louis Najar, Director of Planning & Engineering	Louis Najar, Director of Planning & Engineering
Eddy County	Wesley Hooper, Community Services Director	Jason Burns, Public Works Director
Artesia	Summer Valverde, Assistant Clerk-Treasurer	Byron Landfair, Infrastructure Director
Carlsbad	Jeff Patterson, Planning Director	Mike Abell, Director of Projects
Hope	Rudy Sales, Public Works Director	Sonia Carbajal, Village Clerk
Loving	Pete Estrada, Mayor	Manuel Garza, Village Clerk/Treasurer
Lea County	Corey Needham, Assistant County Manager	Bruce Reid, County Planner
Eunice	Candy Brito, City Clerk	Imelda Ruvalcaba, Project Manager
Hobbs	Todd Randall, City Engineer	Todd Randall, City Engineer
Jal	Van Myrick, Public Works Director	Van Myrick, Public Works Director
Lovington	Dr. Vidal Martinez, City Manager	Bernardo Gutierrez, Streets Supervisor
Tatum	Amy Gutierrez, Mayor	Joe Garcia, Public Works Director
Lincoln County	Dr. Lynn Willard, Commissioner	Jeff Honeycutt, Road Superintendent
Capitan	Al Cavazos, Village Clerk	Kevin Kennedy, Project Manager
Carrizozo	Ray Dean, Mayor*	Ray Dean, Mayor*
Corona	Sam Seely, Mayor*	Sam Seely, Mayor*
Ruidoso	Ron Sena, Deputy Village Manager	Samantha Mendez, Community Development Dtr.
Ruidoso Downs	Dean Holman, Mayor	Joey Jarvis, Public Works Director
Otero County	Tom Porter, Road Superintendent	Tom Porter, Road Superintendent
Alamogordo	Stella Rael, City Planner	Stella Rael, City Planner
Cloudcroft	Jubal Hall, Public Works Supervisor	Jubal Hall, Public Works Supervisor
Tularosa	Robert Sainz, Village Trustee	Margaret Trujillo, Mayor*
Mescalero Apache Tribe	Christopher Little, Public Works Director	Damian Morgan, Utility Manager

*Chief Elected Official serves during vacancy(ies).

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/04/2022

Report No: 13.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, first publication of Ordinance 1657 to amend Chapter 11 of the Code of Ordinances Section 11-05-270 Unreasonable Noise to remove the permit for noise notification. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background:

The permit for noise notification was created more than 20 years ago to notify the Alamogordo Police Department of unreasonable noise. The permit has proven to be ineffective, as the police still have to respond to unreasonable noise complaints and the Unreasonable Noise ordinance has to be enforced.

Staff recommends the following amendments to Chapter 11 section 11-05-270

- Remove the permit for noise notification
- Remove the word phonograph as it does not pertain to this day and age
- Adding comas where they should be

ORDINANCE NO. 1657

AN ORDINANCE TO AMEND CHAPTER 11 OF THE CODE OF ORDINANCES SECTION 11-05-270 UNREASONABLE NOISE TO REMOVE THE PERMIT FOR NOISE NOTIFICATION

WHEREAS, over 20 years ago a permit for noise notification was added to Chapter 11 of the Code of Ordinances; and

WHEREAS, the permit was created to notify the Alamogordo Police Department of unreasonable noise; and

WHEREAS, the permit has proven to be ineffective; and

WHEREAS, the Alamogordo Police Department responds to unreasonable noise complaints even when a permit of noise notification has been issued; and

WHEREAS, the volume of noise and times of noise of the Unreasonable Noise Ordinance must still be followed; and

WHEREAS, it is appropriate to remove outdated language concerning a sound-producing machine.

THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico amend Chapter 11, Section 11-05-270 of the Code of Ordinances and read as follows:

11-05-270. - Generally—Unreasonable noise.

Unreasonable noise consists of creating any unreasonably loud, disturbing, or unnecessary noise of such character, intensity, or duration as to be detrimental to the repose, life, or health of others, including, but not limited to, the following specific noises if created in violation of this section:

- (1) The sounding of any horn or signaling device of any automobile, motorcycle, truck, or other vehicle on any street or public place, except as a danger warning, which creates an unreasonable, loud, or harsh sound or which occurs for an unnecessary and unreasonable period of time. This is not to include noise caused by accident or mechanical, electrical, or other difficulty or failure;
- (2) The playing of any radio, television, phonograph, musical instrument, or other sound-producing machine in such a manner or with such an unreasonable volume as to disturb the quiet, comfort or repose of persons in any dwelling, motel, hotel, hospital or sanitorium; Any noise from such a device that is plainly audible at a distance of fifty (50) feet is hereby deemed unreasonable;

- (3) The use of any automobile, truck, bus, or motorcycle so out of repair or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise;
- (4) The use of any loudspeaker, drum, whistle, bell or other instrument or device for the purpose of attracting attention by the creation of sound to any performance, show, sale, display of merchandise or political candidate, party, or platform; ~~without first obtaining a written permit from the city manager. The city manager shall issue such permit, subject only to such reasonable standards of noise volume and hours of operation as he or his representative may adopt;~~
- (5) The creating of any excessive noise on any street which disrupts or annoys occupants of buildings;
- (6) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, dynamic braking device, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device; ~~and~~
- (7) The use, between the hours of 10:00 p.m. in the evening until 6:00 a.m. the following morning, of any loudspeaker or sound amplifier connected with any radio, ~~phonograph,~~ microphone, or other device by which sounds are magnified with the exception that such devices may be permitted in connection with authorized public activities including, but not limited to, those activities sponsored by governmental entities and public schools; ~~and those activities permitted by the city manager. The city manager shall issue a written permit subject only to such reasonable standards of noise volume and of hours of operation as the city manager or his designated representative may require.~~
- (8) Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:
 - (a) Between the hours of 10 p.m. and 6 a.m. the following day on weekdays or between the hours of 10 p.m. and 8 a.m. the following day on weekends or holidays, such that the sound therefrom creates a sound which travels from one residential property to another, except for emergency work of public service utilities; ~~or by special permit issued by the city manager or his designee.~~
- (9) Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary:
 - (a) Between the hours of 10 p.m. and 6 a.m. the following day on weekdays or between the hours of 10 p.m. and 8 a.m. the following day on weekends or holidays, such that the sound therefrom creates a sound across a residential real property boundary;
- (10) No person shall collect refuse with a refuse collection vehicle between the hours of 9 p.m. and 6 a.m. the following day in a residential area;
- (11) For purposes of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) feet or

more, however, words or phrases need not be discernible, and sound shall include bass reverberation;

- (12) This Section shall not prohibit the normal operation of a business located in an appropriate zone as defined in chapter 29 of this Code.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/9/2022

Report Date: 08/03/2022

Report No: 14.

Submitted By: Karl Melton

Subject: Consider, and act upon, Commissioner Melton joining and representing the City of Alamogordo in the American City County Exchange, America's only non-partisan free market forum for village, town, city and county policymakers. *(Karl Melton, Commissioner)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: The American City County Exchange (ACCE) brings together local elected officials, leading industry experts and policy analysts to share ideas and experiences with their counterparts from around the country.