



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

September 27, 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
Ashley Smith 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

PRESENTATIONS

1. Honor Flight Mission presentation. (Scott Fredrick, US Veterans MC NM State Chapter Treasurer)

2. Alamogordo Public School behind the scenes presentation. (*Chuck Andreas, Citizen*)

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.

3. Approve the minutes for the September 13, 2022, Regular meeting. (*Rachel Hughes, City Clerk*)
4. Consider, and act upon, the award of RFQ 2022-07 Professional Services for Development of Master Plan for Community Services to Consensus Planning, Inc. (*Veronica Ortega, Community Services Director*)
5. Consider, and act upon, approval of Resolution No. 2022-42 requesting approval for the establishment of a new special revenue fund for the Cannabis Regulation Act funds totaling an estimated \$204,000. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**
6. Consider, and act upon, Resolution 2022-44 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of September 27, 2022. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**
7. Consider, and act upon, adoption and final publication of Ordinance 1658 Case Z-2022-0003(A), a map amendment to change the zoning of two parcels located south of Airport Rd. and west of Business Center Blvd. better known as Parcel Numbers 01N4052098330195 and 01N4052098462198 from R-1 Single Family Dwelling to M-2 Industrial Dwelling. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**
8. Consider, and act upon, the intergovernmental agreement between Otero County and the City of Alamogordo Police Department for the City to receive \$150,000 annually to provide services from the Alamogordo Police Department Mobile Crisis Response Team to all of Otero County. (*Richard Denton, Chief of Police and Jeannette Borunda, Mobile Crisis Response Team Clinical Director*)

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

9. Consider, and act upon, Resolution 2022-43 naming the commission chambers the Donald E. Carroll Commission Chambers. (*Commission*) **(Roll Call Vote Required)**
10. Consider, and act upon, award of Public Works Bid No. 2022-006, to La Luz Dirt & Paving, LLC related to the FY21 Street Maintenance Program - Ridgecrest Drive project in an amount not to exceed \$384,519.19, including NMGR. (*Bob Johnson, Engineering Manager*)
11. Consider, and act upon, first publication of Ordinance 1660, amending Chapter 5 of the Alamogordo Code of Ordinances concerning Alcoholic Beverages. (*Rachel Hughes, City Clerk*) **(Roll Call Vote Required)**
12. Consider, and act upon, first publication of Ordinance 1659, amending chapter 2 of the Alamogordo Code of Ordinances, by adding 02-050 "City Commission Use of Social Media". (*Brian Cesar, City*

Manager) **(Roll Call Vote Required)**.

13. Discuss possible new ordinance on the Code of Conduct for Elected and Appointed Officials.
(*Brian Cesar, City Manager*).

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/20/2022

Report No: 1.

Submitted By: Rachel Hughs

Subject: Honor Flight Mission presentation. (*Scott Fredrick, US Veterans MC NM State Chapter Treasurer*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:

Mr. Fredrick will present the Honor Flight Mission.

<https://youtu.be/JOKhQ3p12I0>



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

Today's Date: 9/19/22

Request Date
of Meeting:

27 Sep 2022

Name and Title:

Scott Fredrick, USVMC - Treasurer

Address:

3537 Calle Verde Dr

Alamogordo, NM ZIP 88310

Phone Number:

575-491-0760

E-Mail Address:

faster.usvmc@gmail.com

Item requested will be for Information only

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

Explain Honor Flight Mission,
and provide details about the
mission returning on 1 Oct 2022

Request a police escort in to town!

Signature: Scott Fredrick

Video link - https://youtu.be/1JOKhQ3p1210

Please return to:

Rachel Hughs, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4100

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/20/2022

Report No: 2.

Submitted By:

Subject: Alamogordo Public School behind the scenes presentation. (*Chuck Andreas, Citizen*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentaion only.

Background:



RECEIVED

SEP 20 2022

CITY CLERK

City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

Today's Date: SEPT 20, 2022

Request Date
of Meeting:

SEPT 27, 2022 @ 6:30 PM MEETING

Name and Title:

CHUCK ANDREWS - RETIRED CONTRACTOR

Address:

127 LALUZ RD

LALUZ, NM

ZIP 88337

Phone Number:

575-430-2432

E-Mail Address:

~~CHUCK~~ EARTHCON@LIVE.COM

Item requested will be for Information only

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

22 SLIDE POWER POINT PRESENTATION ON
ALAMOGORDO PUBLIC SCHOOL BEHIND THE SCENE
AGENDA. REFERENCES ATTACHED TO SLIDES

Signature: Chuck Andrews

Please return to:

Rachel Hughs, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4100

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

ALAMOGORDO PUBLIC SCHOOLS

BEHIND THE SCENES

ASSESSMENTS 2021 - 2022

All Valid Assessments, SY 2021-22 by Entity, ESSA-aligned, FERPA-compliant

In order to meet confidentiality requirements, information is not shown for cases reflecting fewer than 6 students.

These outcomes reflect: MSSA (**grades 3 - 8**); IStation (**grades K - 2**); SAT (**high school**); DLM (**Alternative Assessment**); SBA Spanish (**high school**), and ASR (**Science, grades 5, 8, and 11**).

Any outcomes listed as <20 or >80 are calculated at 20 or 80 since exact scores are not listed in their report.

APS - ELEMENTARY SCHOOLS

Proficiencies-by-Entity-SY 2022 - NMPED

	ELA	EARLY LIT	MATH	SCIENCE	AVG
BUENA VISTA ELEMENTARY	.53	.41	.44	.44	0.46
DESERT STAR ELEMENTARY	.28	.26	.21	.32	0.27
HIGH ROLLS ELEMENTARY	.70	.69	≥ 80	.75	0.74 (+)
HOLLOMAN ELEMENTARY	.60	.37	.52	.70	0.55
LA LUZ ELEMENTARY	.42	.25	.25	.33	0.31
NORTH ELEMENTARY	≤ 20	≤ 20	≤ 20	.39	0.27 (-)
SIERRA ELEMENTARY	.47	.30	.44	.34	0.39
SUNSET HILLS ELEMENTARY	.38	.38	.23	.46	0.36
YUCCA ELEMENTARY	.31	.24	.26	.31	0.28
AVERAGE	0.43 (-)	0.35 (-)	0.37	0.45	

APS – MIDDLE & HIGH SCHOOLS

Proficiencies-by-Entity-SY 2022 - NMPED

	ELA	MATH	SCIENCE	AVG
CHAPARRAL MIDDLE	.32	.22	.32	.29
HOLLOMAN MIDDLE	.47	.50	.52	.43
MOUNTAIN VIEW MIDDLE	.30	.24	.33	.29
	.36	.32	.39	
ACADEMY DEL SOL ALT.	≤ 20	≤ 20	≤ 20	.20 (-)
ALAMOGORDO HIGH	.33	≤ 20	.47	.33 (-)
AVERAGE	.27 (-)	.20 (-)	.34 (-)	

APS – BEST PERFORMING SCHOOLS



High Rolls Elementary School

Holloman Elementary School

Buena Vista Elementary School

Holloman Middle School

QUESTIONS . . . Why did these schools score much higher than the others?

1. Are the teachers better?
2. Are the classrooms less disruptive?
3. Are the students much smarter?
4. Are they using the same curriculum?

REALISTICALLY ---

- NM is still at the very bottom of the U.S. in school achievement
- Has there been a Root Cause Analysis (RCA) performed by the State or District on this problem?
- Don't reinvent the wheel. See what successful schools are doing in other states and implement a plan. Take the best of all examples.

WHY THE NAME/DEFINITION CHANGES?

Critical Race Theory (CRT)

<https://americarenewing.com/issues/critical-race-theory-claims-and-responses/>

Social Studies

AND NOW IT IS CALLED.....

Culturally Responsive Teaching (CRT)

<https://www.understood.org/en/articles/what-is-culturally-responsive-teaching>

July 2014 CEEDAR Document No. IC-2

TENETS/PILLARS OF “SOCIAL STUDIES”

- Centered on Race and Ethnicity – Differences and Separation
- Diversity, Equity and Inclusion – Race based – Not Merit Based
- Social Justice – Activism – Chaos – Disruption - Intimidation
- Restorative Justice – Lack of Accountability

NM PED

- New Mexico Register / Volume XXXIII, Issue 4 / February 22, 2022
- **6.29.11.6 OBJECTIVE:** This rule establishes the academic content and performance standards for social studies for grades kindergarten through 12. The social studies standards include six strands: (1) civics, (2) economics and personal financial literacy, (3) geography, (4) history, (5) ethnic, cultural, and identity studies, and (6) inquiry. The strands are organized by anchor standard, which are the core ideas that establish what students should understand and be able to do, with increasing complexity. Anchor standards consist of performance indicators, which are concise, written descriptions of what students are expected to know and be able to do in a specific grade or course.

[6.29.11.6 NMAC - Rp, 6.29.11.6 NMAC, 2/22/2022]

SOCIAL EMOTIONAL LEARNING - SEL

“We define social and emotional learning (SEL) as an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.”

<https://casel.org> – Provider of SEL curriculum to NM

GOVERNMENT POLICY & FUNDING

- [SEL Policy at the Federal Level](#) U.S. federal policy plays a key role in creating conditions that support statewide and districtwide SEL implementation. Key federal legislation and policies, such as the American Rescue Plan (ARP), Every Student Succeeds Act (ESSA), and SEL in workforce policies, help ensure that all students experience the full benefits of SEL.
- <https://casel.org/systemic-implementation/>

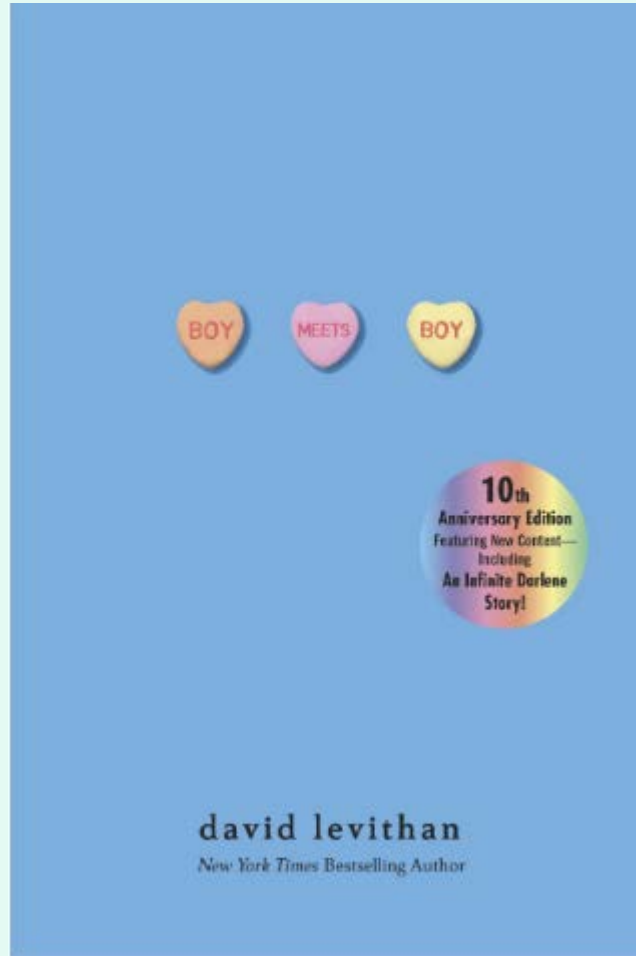
SEL TRANSPARENCY ?

- The “official” representation of SEL is learning how to cope and relationship understanding.
- Underneath, which is not mentioned in public documentation or teaching standards, is GENDER IDENTITY, GENDER AFFIRMING CARE, GENDER PRONOUNS and GENDER CLOTHING.
- Children are presented with confusing GENDER/SEX lessons that make them uncomfortable and confused about their biological sex.
- Children are impressionable which makes them “ripe” for a “contrived narrative.” Children do not naturally question their sexuality.

SEL cont'd

- Ask your children/grandchildren – “What are your Pronouns?”
- Even if a biological female transitions to a male, she will never be a real male....only in her mind.

IN APS LIBRARY



Paul is Gay

I've always known I was gay, but it wasn't confirmed until I was in kindergarten.

It was my teacher who said so. It was right there on my kindergarten report card: PAUL IS DEFINITELY GAY AND HAS VERY GOOD SENSE OF SELF.

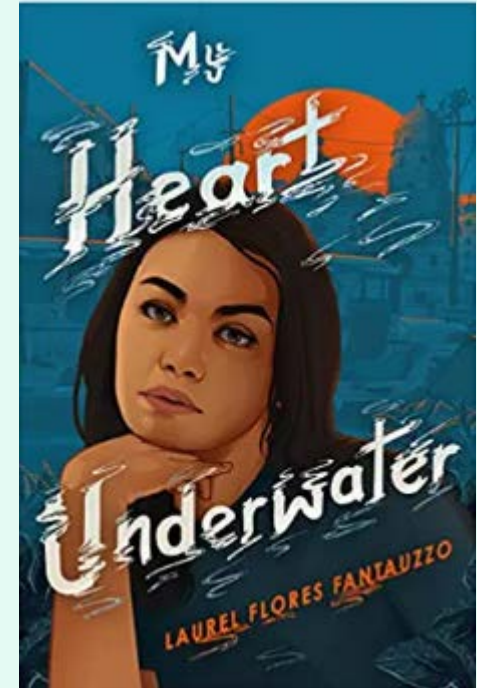
I saw it on her desk one day before naptime. And I have to admit: I might not have realized I was different if Mrs. Benchly hadn't pointed it out. I mean, I was five years old. I just *assumed* boys were attracted to other boys. Why else would they spend all of their time together, playing on teams and making fun of the girls? I *assumed* it was because we all liked each other. I was still unclear how girls fit into the picture, but I thought I knew the boy thing A-OK.

Imagine my surprise to find out that I wasn't entirely right. Imagine my surprise when I went through all the other reports and found out that not one of the other boys had been labeled DEFINITELY GAY. (In all fairness, none of the others had a VERY GOOD SENSE OF SELF, either.) Mrs. Benchly caught me at her desk and looked quite alarmed. Since I was more than a little confused, I asked her for some clarification.

IN APS LIBRARY

GoodReads review: “While disturbed and appalled by the student-teacher relationship, I believed wholeheartedly the story of **abuse perpetrated by a {an older} queer woman against another {teenage} queer woman** deserved to be given its moment of recognition. Yet despite the 'relationship' between Cory and Ms. Holden taking up the first half of the novel, **the grooming and trauma Cory underwent at Ms. Holden's hands** are never properly discussed.”

Underwater was not in our public library. It appears from the reviews of this book on Amazon and Goodreads that the main character, called an adolescent in one review, was taken advantage of by her teacher. This novel, readily available to our students, never broaches the ramifications of a TEACHER taking advantage of a STUDENT or that this might even be pedophilia. Consequently, these scenarios are promoted to young, high school readers without the legal or moral consequences being addressed.



TEACHERS' UNIONS INVOLVEMENT

Union Consultation and Collaboration - Members from NEA, AFT and Albuquerque Teachers Federation met on how to utilize *American Rescue Plan Act Funds*. Results were spending on professional development and *emphasizing social and emotional learning, (CRT)*, grading for equity, project based learning and home visit training, teacher residency and recruitment programs.

STATE PLAN FOR THE AMERICAN RESCUE PLAN ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND – June 4,2021

TRANSPARENCY

- NM PED and Alamogordo Public Schools have broken trust with parents and the community by saying “CRT is not taught” in our public schools.
- There is no class called CRT but it is embedded throughout EVERY CLASS as is SEL. Each subject is taught “through the lens” of these narratives.
- Why are they deceiving the community? Why is the information not readily available to parents and community members?
- Full transparency of curriculum is required.

USDA & SCHOOL LUNCH PROGRAM

- In furtherance of the government agenda, the USDA has issued a directive: Any school who participates in the Free Lunch program will be required to allow transgender children in whichever bathroom or facilities with which they are comfortable.
- This means biological boys identifying as a female will be allowed in all female facilities – bathrooms and showers. Same applies to biological females identifying as males.

<https://www.usda.gov/media/press-releases/2022/05/05/usda-promotes-program-access-combats-discrimination-against-lgbtqi>

GOVERNMENT FUNDING & REQUIREMENTS

- APS accepted government funds from many different agencies and funds from the American Rescue Plan and ESSA that have requirements regarding required curriculum.
- APS requested funds specifically for the teaching of SEL in the amount of \$20,000. The district was only 1 of 15 school districts & charter schools in the state to request that purposed money.

STATUS

The APS district policies state the curriculum is determined by each district and are consistent with community values.

These are not our community values!

However, since APS accepted federal funds knowing they had to teach the elements of Critical Race Theory “Social Studies (CRT-newly defined) and the elements of Social Emotional Learning (SEL) **any statement to the contrary is not true and is misinformation.**

BACK TO BASICS.....

- Teaching character, integrity, respect, compassion and understanding enriches children more than focusing on race and gender.
- If taught “through the lens” of these goals and attributes and embed these lessons in the curriculum, there will be more benefit, less confusion and disruption to the lives of the students.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/23/2022

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the September 13, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
September 13, 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
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Don Hoffman and the Pledge of Allegiance was led by Mayor Pro-Tem Wright.

APPROVAL OF AGENDA

**Commissioner Sharon McDonald moved to approve the agenda.
Commissioner Karl Melton seconded the motion.
Motion carried with a vote of 7-0-0.**

PRESENTATIONS

1. Constitution Week Proclamation (Susan L. Payne, Mayor)

Mayor Payne proclaimed the week of September 17th through the 23rd as "Constitution Week" and presented the proclamation to Serina King of the Daughters of the American Revolution.

2. Presentation on Alamogordo Police Department Recruitment & Retention (Kim Torres, Human Resources Director and Richard Denton, Alamogordo Police Chief.)

Human Resources Director Torres said we have had some difficulties in retaining police officers, so we have come up with some ideas to hopefully combat that. She proceeded with the presentation and the data therein.

Chief Denton said ever since our last meeting, he has been talking with the City Manager and had submitted some different things to him. We are going to allocate \$300,000 annually through the Cannabis Tax revenue that is coming back. We can be flexible on what we want to do with that money coming back to us. He said he will provide that plan to the City Manager and of course it would have to be approved through him. We are hoping you will see the resolution for that money on the next agenda.

Mayor Payne said she thought this was brilliant because at least we are doing something positive with it, and at least it will go back into the very place it probably needs to be because of the effect that cannabis is probably going to have on our City. She said not that she knew that for sure, she said she was speculating.

City Manager Cesar said we would bring this back at the one of the next two Commission Meetings, this will be part of the overall budget resolution. He said the Chief will be bringing the proposed plan

for the expenditures of those funds. Now obviously, we can't do that until it goes through the resolution process.

Mayor Payne said so it could change from year to year. City Manager Cesar asked if she was talking about the amount. Mayor Payne said not necessarily the amount, but what you use it for. City Manager Cesar said that is the real idea, so if you go back in time a little bit with issues, whether it is PD or any other department, you have had different City Managers and different Police Chiefs up before City Commission with this exact issue. It didn't just start in 2018, this has been cyclical over the years. You have had the Chief and City Manager of the time say well, if the Commission will just allow us to X, that will take care of the problem. What this does is gives management the flexibility to evolve as it changes. What the Chief is going to present to me isn't necessarily how am I going to spend every single dollar, and it is not just one fix, like everyone needs a take-home police car, for example. It could be multiple things to encourage the retention or recruitment, or both. From the management side, it gives us the most flexibility to evolve as things change. Mayor Payne said she liked that, it is not set in stone, it is wherever it is needed at that time. City Manager Cesar said there weren't restrictions tied to how the cannabis revenue from the GRT was used by municipalities or counties, but what the State has said is that we all have to report on how those monies were used, so we were already setting it aside in its own fund to make the tracking of it easier. He said that she was the one that said hey, how about we use this for this issue. Mayor Payne said she thought it was brilliant; of all things, we are using cannabis money to support our Police Department.

Commissioner Rardin said Brian, for this first go around of this money, I know you said you'll bring the resolution forward on the next meeting or the meeting after, but will you show us what your plan is for the first year; we are going to be voting on the resolution to go ahead and fund it, but if we kind of see what it is. City Manager Cesar said yes, we can bring that forward. Commissioner Rardin said he knew this would change year to year. City Manager Cesar said in subsequent years, it will actually be a line item that you will see in the Police Department's budget, you will see it in various other budgets, and the amount will fluctuate. Just like any other line item, through the budgetary process, we will answer questions, and probably break that out so it is something that we highlight in the budget hearing. Commissioner Rardin said so when you bring the resolution forward at the next meeting or two, you will have kind of a description of we are planning on using this for. City Manager Cesar said yes.

Commissioner Rardin said we have \$300,000, what is the total annual. City Manager Cesar said Finance Director Huff will correct him if he is wrong, but on average at the point, we are seeing about \$17,000 a month, so we are going to be supplementing a little bit here at the beginning out of the general fund. Commissioner Rardin said so we are going to be pretty much utilize all of the cannabis money. City Manager Cesar said today, from what we have projected, all of the cannabis money, the revenue that we would collect, would go towards this, then be supplemented somewhat out of the general fund. Mayor Payne said it will probably go up though. Commissioner Rardin said it probably will, as all these dispensaries that are popping up open. City Manager Cesar said then we will just reduce the subsidy from the general fund.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar introduced the new City Attorney, Ashley Smith. City Attorney Smith spoke about herself and shared that she was excited to start and to get to know everyone better.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

Kudos to city staff, they got LaValle Road mowed out there today, so it looks a lot better. He said that he has actually seen them out on the highway mowing.

Mayor Payne made the following comments:

Just a reminder to everybody that the White Sands Balloon and Music Festival is this weekend. It is not too late to get your tickets and support that, it should be a good time.

CONSENT AGENDA

3. Approve the minutes for the August 23, 2022, Regular meeting. (Rachel Hughs, City Clerk)

4. Consider, and act upon, adoption and final 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)

5. Consider, and act upon, approval of Resolution No. 2022-41 Certifying the City of Alamogordo Fixed Asset Inventory Count for FY 2022. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

6. Consider, and act upon, granting an easement south of Martin Luther King, Jr. Blvd to PNM for street right-of-way to facilitate power to a new church building. (Nancy Beshaler, Public Works Director)

Commissioner Rardin moved to approve the Consent Agenda.

Mayor Pro-Tem Dusty Wright seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

7. Discussion on steps after a petition for referendum is submitted and a possible special election. (Rachel Hughs, City Clerk)

City Clerk Hughs explained the petition was not valid due to the steps not being done correctly according to the State Statute, Section 315B, where it does state that each page, or group of pages of a petition shall be accepted for filing by the Municipal Clerk, County Clerk, the governing body; in this case it would be the Municipal Clerk. If the Municipal Clerk has approved the form of petitions to be filed with the municipality prior to the circulation; this was not done. In Item 3, it also says each page of the petition to be filled contains the approval of the City Clerk, as far as the signature goes, along with the petition, the heading, and the penalty statement are legible when submitting for filing.

Public comment.

John Block said the final numbers on the petition were far less than the needed 589 and they only had 507 according to the IPRA he got from the City Clerk's Office; they had 30 days, and they had the support of the media, dark money groups, national attention, and still it failed. The fact is they were not successful.

Shari Adkisson said she too made an IPRA request, and she would like to know the discussion the City Clerk had with the New Mexico Municipal League and the Secretary of State; that is on the PSA

you put out at about 4:30 PM today. She said they also have the IPRA list, and some of names on here include people she said she knows who are registered voters. We will update this according to the 315 Statutes and have all these reinstated. You don't have to live at the address on your registration card to vote; she said she was not sure how this is going to affect having a petition but that will be looked into.

Ashlie Meyers said the number was 586, not 589. They were stalled for a week by the City, they could not get the numbers. When they did get the numbers, the City Clerk spoke to her about the petition, so to then say it wasn't validated because the City Clerk didn't approve it, is kind of crazy. She said this resolution, and resolutions like this, cause nothing more than further division among the people of our community. Aren't the members of this Commission elected to grow our community, and foster relationships within our community, rather than impose their personal religious beliefs upon them. She said she is flabbergasted that you would be so antidemocracy. She is a private citizen who did her best in good faith to put forth a petition within the 30-day timeline that she was told, there was no form here, and she was told she could do it; we have not been able to look at those signatures, so she didn't know that 507 is accurate or not. She said the first week she was trying to do this, she was refused the numbers for the two municipal elections that the County Clerk doesn't have, over and over again. She had to get the County Clerk involved in order to get the numbers.

Cindy Broughton said she has lived in Otero County for 21 years. She has worked in Alamogordo for 15 of those years. She does most of her business in Alamogordo, but currently resides in Tularosa. She did assist with the petition drive; the last six days of the drive she was working really hard to get registered people. She said she was here to say just how disappointed she is in regard to the issue surrounding this petition; it was a reaction to a resolution that she did not think necessarily reflected all the voters. Ashlie and her team asked City Officials in good faith for assistance and clarification. The laws are vague. She said she was not met, in her opinion, with the same good will or transparency one would expect. She said her personal conclusion is there is a lack of regard for the opinions of the people in this City. Those are people you represent. The name calling that she has read on social media is appalling; the things you have said about your Mayor, she said she just can't understand it; she said she sees a sense of indifference to Ashlie and her team and the 640 and some people we got signatures for who signed in good faith.

Mayor Payne said it was interesting when you go through a process like this, you do find out who has your back and who does not. Mayor Payne said Serina is here tonight, and she would use her as an example. We agree on almost nothing, and Mayor Payne said she adores her, and she would fall on a sword for her. Mayor Payne said the one thing she does know is that we don't all have to agree. That is what makes our democracy so great, that is what makes our country so great, that is what that Constitution is all about. She said you can say what you want about me, but for those of you who were at the meeting that night, you all know that the very first thing she said was that she was one hundred percent pro-life, and she does not apologize for it, and she is not ashamed for it. Those of you who have known her for years know that about me. She said that she will maintain with pride her stance that this is not a function of a city government. She said her plan, and she voted yes on the second resolution, and quite honestly, she probably shouldn't have done that either. She said she wasn't really voting for or against life, she was voting to support our county, which has its own issues right now. She said her plan is probably to bring that 2nd resolution forth and revisit it. She said she can't do anything about the first one, but she can tell you that she sleeps well at night. She loves her Jesus, she loves her family, she loves all life, and she said she thinks she demonstrates that every day that she goes to work. She said she will always stand up for life, but she will not compromise her integrity by using this dais to do something that is personally motivated. She said she has way more integrity than that, and that is all she has to say on the subject.

No action required.

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

Mayor Payne read the openings and appointed Chris Morehkaash to the Mayor's Committee on Aging. No one was opposed.

EXECUTIVE SESSION

9. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(7) NMSA (as amended) to discuss possible litigation in which the City of Alamogordo would be a party due to Resolution 2022-38. (Roll Call Vote Required)

Commissioner Rardin moved to adjourn into Closed Executive Session 7:10 p.m.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughes

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on September 27, 2022.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/19/2022

Report No: 4.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of RFQ 2022-07 Professional Services for Development of Master Plan for Community Services to Consensus Planning, Inc. (*Veronica Ortega, Community Services Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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

Background: The City of Alamogordo is interested in developing a Master Plan for the city's Community Services. The Master Plan will, in conjunction with City staff, establish the purpose and goals of the plan for the implementation of services to the community. RFQ was advertised on July 31, 2022. On August 26th, 2022 the City received (2) two proposals. Both proposals were reviewed and considered compliant.

Proposals are available at the Purchasing Department for review.

CITY OF ALAMOGORDO
COMPOSITE SCORE SHEET

Professional Services for the Dvelopment of a Master Plan for the Community Services Department for the City

August 26, 2022

RFQ NO. 2022-07

Factor	Available Points per Vendor	5 Committee Members	Consensus Planning	Architect Research Consultant
1	150	Specialized Design and Technical Competence	133	128
2	100	Capacity and Capabiity	81	75
3	100	Past Record of Performance	86	90
4	75	Approach to providing Services	70	62
5	25	Proimity to or Familiarity with the Alamogordo area	24	20
6	25	Amount of Design work that will be produced by a New Mexico Business within theis state	22	22
7	25	Current Volume of Work for the City of Alamogordo	25	25
8	Percentage	Preference	22.05	21.1
Total Available	500	Accumulated Score	463	443
Total Rank			1	2

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/16/2022

Report No: 5.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, approval of Resolution No. 2022-42 requesting approval for the establishment of a new special revenue fund for the Cannabis Regulation Act funds totaling an estimated \$204,000. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution

Background: Per instructions from the Department of Finance and Administration, the GRT proceeds from the Cannabis Regulation Act must be recorded in a separate fund. The expenditures for these proceeds will also be recorded in this fund.

RESOLUTION NO. 2022-42

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE ESTABLISHMENT OF A SPECIAL REVENUE FUND FOR THE CANNABIS REGULATION ACT

WHEREAS, the City of Alamogordo, New Mexico, propose to establish a new fund in FY2022-2023, Titled "Cannabis Regulation Act" Fund 125; and

WHEREAS, the City of Alamogordo, New Mexico, wishes approval to create a special revenue fund to specifically account for the financial activity of the Cannabis Regulation Act; and

WHEREAS, the budget will be established within the special revenue fund in FY 2022-2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, is requesting from the Department of Finance and Administration, Local Government Division, to approve this new fund;

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 27th day of September 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:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/20/2022

Report No: 6.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2022-44 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of September 27, 2022. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances \$88,163,935

Revenues \$ 353,535 Increase

Expenditures \$ 1,140,914 Increase

Transfers In \$ 579,589 Increase

Transfers Out \$ 579,589 Increase

Recommendation: Approve the Resolution

Background: The City Commission adopted the FY 2022-2023 budget on May 24, 2022. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2022-2023 Final Budget on August 9, 2022. Resolution 2022-44 amends the budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of the revisions are attached for your review.

RESOLUTION NO. 2022-44

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2022-2023.

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

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its written approval to the City of Alamogordo, New Mexico's annual budget on August 9, 2022, for fiscal year 2022-2023; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2022-2023.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2022-2023 be and hereby is revised as of September 27, 2022, to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2022-2023 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on September 27, 2022, as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2022-2023.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 27th day of September 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:

Ashley N. Smith, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2022-2023**

1/12TH REQ RSRV
1,656,732
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
3,506,670

FY23 BUDGET - RESOLUTION 2022-44 (#3) September 27, 2022

FUND NO.	FY 2022-2023 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	17,559,597	20,122,862	813,208	12,982,733	(12,169,525)	19,880,787	5,632,147	2,125,478	3,506,670
12	INTERNAL SERVICE FUND	24,496	315,433	5,551,512	0	5,551,512	5,881,441	10,000		\$10,000
15	CORRECTIONS-JAIL	68,129	57,435	0	0	0	81,000	44,564		\$44,564
16	LODGER'S TAX-PROMOTIONAL FUND	555,375	228,565	0	1,753	(1,753)	626,702	155,485		\$155,485
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		\$8,638
19	COURT AUTOMATION FUND	2,637	47,000	0	0	0	42,833	6,804		\$6,804
20	LODGER'S TAX-CITY	599,081	416,175	0	69,520	(69,520)	578,940	366,796		\$366,796
21	D.A.R.E. DONATIONS FUND	23,702	1,142	0	0	0	6,846	17,998		\$17,998
24	GRANT CAPITAL IMPROVEMENT	0	3,679,194	0	0	0	3,361,832	317,362		\$317,362
27	MUNICIPAL COURT OPERATIONS	1,704	13,000	470,856	0	470,856	480,560	5,000		\$5,000
28	POLICE CONTINGENCY	61,916	2,471	0	0	0	10,000	54,387		\$54,387
31	CEMETERY-PERPETUAL CARE	836,995	18,996	0	40,000	(40,000)	0	815,991		\$815,991
32	COMMUNITY SERVICES	13,452	556,702	6,658,426	0	6,658,426	7,218,580	10,000		\$10,000
33	FIRE PROTECTION	907,446	740,788	0	0	0	1,557,671	90,563		\$90,563
35	HIDTA GRANT FUND	0	16,048	0	0	0	16,048	0		\$0
36	LAW ENFORCEMENT FUND	11,664	82,000	0	0	0	93,664	0		\$0
37	STATE HIGHWAY FUND	101,774	22,502	0	0	0	27,500	96,776		\$96,776
38	TRAFFIC SAFETY FUND	59,666	10,422	0	0	0	10,000	60,088		\$60,088
39	STATE JUDICIAL	2,352	42,000	0	0	0	42,000	2,352		\$2,352
42	1984 GROSS RECEIPTS TAX	3,775,451	1,917,573	0	3,722,863	(3,722,863)	24,299	1,945,862	252,119	\$1,693,743
44	TRANSPORTATION FUND	5,822	1,131,823	4,404,457	264,025	4,140,432	5,273,661	4,416		\$4,416
48	NEW MEXICO C.D.B.G.	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		\$124,173
49	1986 GROSS RECEIPTS TAX	4,708,800	1,936,510	0	1,945,315	(1,945,315)	1,424,568	3,275,427	268,391	\$3,007,036
50	PROPERTY ACQUISITION	85,009	0	0	0	0	0	85,009		\$85,009
53	GENERAL OBLIGATION	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	\$369,095
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	16,239	0	16,239	16,239	21,967		\$21,967
56	99 GRT FLOOD CONTROL BOND PROJ	109	0	625,850	0	625,850	406,023	219,936		\$219,936
59	REVENUE BOND P & I FUND	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		\$159,067
61	MUNICIPAL INFRASTRUCTURE .0625%	1,311,953	481,432	0	293,000	(293,000)	6,075	1,494,310		\$1,494,310
63	COMMUNITY DEVELOPMENT	(0)	0	483,713	28,910	454,803	452,488	2,315		\$2,315
69	1994 GROSS RECEIPTS	3,345,432	1,925,513	0	1,898,033	(1,898,033)	24,299	3,348,613	553,051	\$2,795,562
71	ALAMO SENIOR CENTER	430	844,854	926,366	0	926,366	1,766,650	5,000		\$5,000

74	ALAMO SENIOR CENTER GIFT	138,296	13,282	0	0	0	36,045	115,533		\$115,533
75	RETIRED & SENIOR VOL. PROGRAM	7,313	135,250	10,000	0	10,000	147,803	4,760		\$4,760
81	WATER/SEWER OPERATING	15,099,374	13,772,451	2,142,063	2,200,678	(58,615)	20,619,510	8,193,700	1,463,850	\$6,729,850
82	98 JT WATER/SEWER BOND P&I	1,119,487	13,473	1,807,764	0	1,807,764	1,807,762	1,132,962		\$1,132,962
86	SOLID WASTE COLLECTION SYS.	771,643	2,454,909	0	152,769	(152,769)	2,278,107	795,676	178,583	\$617,093
88	BONITO CAMPGROUND	398,101	3,003	0	0	0	2,000	399,104		\$399,104
89	ESGRT .0625%	2,282,812	494,876	0	764,146	(764,146)	1,027,433	986,109		\$986,109
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,264,908	5,000		\$5,000
91	AIRPORT	42,900	191,141	127,000	33,052	93,948	308,583	19,406		\$19,406
94	OTERO GREENTREE REG LANDFILL	3,655,124	1,263,067	0	4,276	(4,276)	2,818,914	2,095,001		\$2,095,001
96	SELF-INSURED FUND	547,004	84,177	0	65,600	(65,600)	52,373	513,208		\$513,208
98	PAYROLL CLEARING	216,796	0	0	0	0	0	216,796		\$216,796
104	UTILITY DEPOSITS	624,156	0	0	0	0	0	624,156		\$624,156
105	ECONOMIC DEVELOPMENT	5,577,210	1,010,312	0	0	0	200,255	6,387,267		\$6,387,267
107	SELF INSURED/LIABILITY	1,134,195	5,842	0	0	0	535,000	605,037		\$605,037
109	2004 GRT CAPITAL OUTLAY	14,557,615	3,939,341	0	3,995,731	(3,995,731)	6,204,621	8,296,604	534,452	\$7,762,152
114	SIDEWALKS REVOLVING LOANS	144,232	1,249	0	0	0	0	145,481		\$145,481
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		\$1,000
119	2012 GRT REF/IMP REVBD	392,207	2,686	0	0	0	394,893	0		\$0
121	2015 GO BONDS-FUN CENTER	90,836	785	0	0	0	0	91,621		\$91,621
122	2015 GO BONDS-STREETS	176,014	1,825	0	0	0	0	177,839		\$177,839
124	AMERICAN RESCUE PLAN ACT	3,897,893	0	0	0	0	3,897,893	(0)		(\$0)
125	CANNABIS GRT	0	204,000	96,000	0	96,000	300,000	0		\$0
901	HOUSING LOW RENT OPERATING	1,211,402	1,011,844	0	0	0	1,440,105	783,141	86,881	\$696,260
903	HOUSING HOMEOWNERSHIP OPER	704,785	990	0	0	0	17,859	687,916		\$687,916
904	HOUSING CAPITAL FUND PROJECTS	8	1,283,943	0	0	0	1,283,943	8		\$8
TOTALS FY2023		88,163,935	63,625,246	28,462,404	28,462,404	0	100,204,688	51,584,492	6,019,834	45,564,659

ALL FUNDS SUMMARY

BUDGET 2022-2023

1/12TH REQ RSRV

1,656,732

1/12TH REQ RSRV

0

Fund Reserve Policy

468,745

Bal. Remaining

3,506,670

FY23 BUDGET - RESOLUTION 2022-44 (#3) September 27, 2022

FUND NO.	FY 2022-2023 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	17,559,597	20,117,565	721,354	12,515,433	(11,794,079)	19,821,251	6,061,832	2,125,478	3,936,355
	Revision #2-Animal Control Donations		600			0	600	0		0
	Revision #5-Sale of Scrap		4,317			0	4,256	61		61
	Revision #10-Alameda Park electrical upgrades				200,000	(200,000)		(200,000)		(200,000)
	Revision #14-Transfer Corrections			26,254		26,254		26,254		26,254
	Revision #16-Traffic Control Device Trailer				11,300	(11,300)	(11,300)	0		0
	Revision #17-9/11 Stair Climb T-shirt Sales		380			0	380	0		0
	Revision #18-Pool Chemicals Increase				160,000	(160,000)		(160,000)		(160,000)
	Revision #19-Cannabis GRT Funding				96,000	(96,000)		(96,000)		(96,000)
	Revision #20-Vehicle Insurance Settlement			65,600		65,600	65,600	0		0
	Total Revised Fund 11	17,559,597	20,122,862	813,208	12,982,733	(12,169,525)	19,880,787	5,632,147	2,125,478	3,506,670
12	INTERNAL SERVICE FUND	24,496	315,433	5,380,212	0	5,380,212	5,710,141	10,000		10,000
	Revision #16-Traffic Control Device Trailer			11,300		11,300	11,300	0		0
	Revision #18-Pool Chemicals Increase			160,000		160,000	160,000	0		0
	Total Revised Fund 12	24,496	315,433	5,551,512	0	5,551,512	5,881,441	10,000		10,000
15	CORRECTIONS-JAIL	68,129	57,435	0	0	0	81,000	44,564		44,564
	Total Revised Fund 15	68,129	57,435	0	0	0	81,000	44,564		44,564
16	LODGER'S TAX-PROMOTIONAL FUND	555,375	228,565	0	1,753	(1,753)	626,702	155,485		155,485
	Total Revised Fund 16	555,375	228,565	0	1,753	(1,753)	626,702	155,485		155,485
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		8,638
	Total Revised Fund 17	8,638	0	0	0	0	0	8,638		8,638
19	COURT AUTOMATION FUND	2,637	47,000	0	0	0	42,833	6,804		6,804
	Total Revised Fund 19	2,637	47,000	0	0	0	42,833	6,804		6,804
20	LODGER'S TAX-CITY	599,081	413,175	0	69,520	(69,520)	569,940	372,796		372,796
	Revision #11-Gus Macker Tourney Funding					0	6,000	(6,000)		(6,000)
	Revision #12-Sounds of Freedom Sponsorship		3,000			0	3,000	0		0
	Total Revised Fund 20	599,081	416,175	0	69,520	(69,520)	578,940	366,796		366,796
21	D.A.R.E. DONATIONS FUND	23,702	1,142	0	0	0	6,846	17,998		17,998
	Total Revised Fund 21	23,702	1,142	0	0	0	6,846	17,998		17,998
24	GRANT CAPITAL IMPROVEMENT	0	3,544,753	0	0	0	3,227,391	317,362		317,362
	Revision #3-Police Vehicle/Equip Grant Award		115,000			0	115,000	0		0
	Revision #15-Police Traffic Safety Grant		19,441			0	19,441	0		0
	Total Revised Fund 24	0	3,679,194	0	0	0	3,361,832	317,362		317,362
27	MUNICIPAL COURT OPERATIONS	1,704	13,000	470,856	0	470,856	480,560	5,000		5,000
	Total Revised Fund 27	1,704	13,000	470,856	0	470,856	480,560	5,000		5,000
28	POLICE CONTINGENCY	61,916	2,471	0	0	0	10,000	54,387		54,387
	Total Revised Fund 28	61,916	2,471	0	0	0	10,000	54,387		54,387
31	CEMETERY-PERPETUAL CARE	836,995	18,996	0	40,000	(40,000)	0	815,991		815,991
	Total Revised Fund 31	836,995	18,996	0	40,000	(40,000)	0	815,991		815,991

32	COMMUNITY SERVICES	13,452	556,702	6,458,426	0	6,458,426	7,018,580	10,000		10,000
	Revision #10-Alameda Park electrical upgrades			200,000		200,000	200,000	0		0
	Total Revised Fund 32	13,452	556,702	6,658,426	0	6,658,426	7,218,580	10,000		10,000
33	FIRE PROTECTION	907,446	740,788	0	0	0	1,557,671	90,563	0	90,563
	Total Revised Fund 33	907,446	740,788	0	0	0	1,557,671	90,563		90,563
35	HIDTA GRANT FUND	0	0	0	0	0	0	0		0
	Revision #4-HIDTA Grant Award		16,048			0	16,048	0		0
	Total Revised Fund 35	0	16,048	0	0	0	16,048	0		0
36	LAW ENFORCEMENT FUND	11,664	82,000	0	0	0	93,664	0		0
	Total Revised Fund 36	11,664	82,000	0	0	0	93,664	0		0
37	STATE HIGHWAY FUND	101,774	22,502	0	0	0	27,500	96,776		96,776
	Total Revised Fund 37	101,774	22,502	0	0	0	27,500	96,776		96,776
38	TRAFFIC SAFETY FUND	59,666	10,422	0	0	0	10,000	60,088		60,088
	Total Revised Fund 38	59,666	10,422	0	0	0	10,000	60,088		60,088
39	STATE JUDICIAL	2,352	42,000	0	0	0	42,000	2,352		2,352
	Total Revised Fund 39	2,352	42,000	0	0	0	42,000	2,352		2,352
42	1984 GROSS RECEIPTS TAX	3,775,451	1,917,573	0	3,422,863	(3,422,863)	24,299	2,245,862	252,119	1,993,743
	Revision #22-Drainage Sediment Removal Engineering				300,000	(300,000)		(300,000)		(300,000)
	Total Revised Fund 42	3,775,451	1,917,573	0	3,722,863	(3,722,863)	24,299	1,945,862	252,119	1,693,743
44	TRANSPORTATION FUND	5,822	1,131,823	4,104,457	264,025	3,840,432	4,973,661	4,416		4,416
	Revision #22-Drainage Sediment Removal Engineering			300,000		300,000	300,000	0		0
	Total Revised Fund 44	5,822	1,131,823	4,404,457	264,025	4,140,432	5,273,661	4,416		4,416
48	NEW MEXICO C.D.B.G.	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		124,173
	Total Revised Fund 48	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		124,173
49	1986 GROSS RECEIPTS TAX	4,708,800	1,936,510	0	1,929,076	(1,929,076)	1,424,568	3,291,666	268,391	3,023,275
	Revision #14-Transfer Corrections				16,239	(16,239)		(16,239)		(16,239)
	Total Revised Fund 49	4,708,800	1,936,510	0	1,945,315	(1,945,315)	1,424,568	3,275,427	268,391	3,007,036
50	PROPERTY ACQUISITION	85,009	0	0	0	0	0	85,009		85,009
	Total Revised Fund 50	85,009	0	0	0	0	0	85,009		85,009
53	GENERAL OBLIGATION	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	369,095
	Total Revised Fund 53	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	369,095
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	0	0	0	16,239	5,728		5,728
	Revision #14-Transfer Corrections			16,239		16,239		16,239		16,239
	Total Revised Fund 54	21,967	0	16,239	0	16,239	16,239	21,967		21,967
56	99 GRT FLOOD CONTROL BOND PROJ	109	0	625,850	0	625,850	421,115	204,844		204,844
	Revision #1-Project EN1609 completed					0	(15,092)	15,092		15,092
	Total Revised Fund 56	109	0	625,850	0	625,850	406,023	219,936		219,936
59	REVENUE BOND P & I FUND	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		159,067
	Total Revised Fund 59	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		159,067
61	MUNICIPAL INFRASTRUCTURE .0625%	1,311,953	481,432	0	293,000	(293,000)	6,075	1,494,310		1,494,310
	Total Revised Fund 61	1,311,953	481,432	0	293,000	(293,000)	6,075	1,494,310		1,494,310
63	COMMUNITY DEVELOPMENT	(0)	0	483,713	28,910	454,803	452,488	2,315		2,315
	Total Revised Fund 63	(0)	0	483,713	28,910	454,803	452,488	2,315		\$2,315
69	1994 GROSS RECEIPTS	3,345,432	1,925,513	0	1,871,779	(1,871,779)	24,299	3,374,867	553,051	2,821,816
	Revision #14-Transfer Corrections				26,254	(26,254)		(26,254)		(26,254)
	Total Revised Fund 69	3,345,432	1,925,513	0	1,898,033	(1,898,033)	24,299	3,348,613	553,051	2,795,562
71	ALAMO SENIOR CENTER	430	884,817	926,366	0	926,366	1,806,613	5,000		5,000
	Revision #6-Otero County Grant		9,882			0	9,882	0		0
	Revision #7-NSIP Grant Award		(857)			0	(857)	0		0
	Revision #8-Title III State/Federal Grant CM/HDM		(2,687)			0	(2,687)	0		0
	Revision #9-Title III State/Federal Trans/Fit/EB		(46,301)			0	(46,301)	0		0
	Total Revised Fund 71	430	844,854	926,366	0	926,366	1,766,650	5,000		5,000

74	ALAMO SENIOR CENTER GIFT	138,296	13,282	0	0	0	36,045	115,533		115,533
	Total Revised Fund 74	138,296	13,282	0	0	0	36,045	115,533		115,533
75	RETIRED & SENIOR VOL. PROGRAM	7,313	135,250	10,000	0	10,000	147,803	4,760		4,760
	Total Revised Fund 75	7,313	135,250	10,000	0	10,000	147,803	4,760		4,760
81	WATER/SEWER OPERATING	15,099,374	13,771,971	2,437,867	2,200,678	237,189	20,614,789	8,493,745	1,463,850	7,029,895
	Revision #5-Sale of Scrap		480			0	479	1		1
	Revision #13-Utility Construction Funding					0	4,242	(4,242)		(4,242)
	Revision #14-Transfer Corrections			(295,804)		(295,804)		(295,804)		(295,804)
	Total Revised Fund 81	15,099,374	13,772,451	2,142,063	2,200,678	(58,615)	20,619,510	8,193,700	1,463,850	6,729,850
82	98 JT WATER/SEWER BOND P&I	1,119,487	13,473	1,807,764	0	1,807,764	1,807,762	1,132,962	0	1,132,962
	Total Revised Fund 82	1,119,487	13,473	1,807,764	0	1,807,764	1,807,762	1,132,962		1,132,962
86	SOLID WASTE COLLECTION SYS.	771,643	2,454,909	0	152,769	(152,769)	2,278,107	795,676	178,583	617,093
	Total Revised Fund 86	771,643	2,454,909	0	152,769	(152,769)	2,278,107	795,676	178,583	617,093
88	BONITO CAMPGROUND	398,101	3,003	0	0	0	2,000	399,104	0	399,104
	Total Revised Fund 88	398,101	3,003	0	0	0	2,000	399,104		399,104
89	ESGRT .0625%	2,282,812	494,876	0	1,059,950	(1,059,950)	1,027,433	690,305	0	690,305
	Revision #14-Transfer Corrections				(295,804)	295,804		295,804		295,804
	Total Revised Fund 89	2,282,812	494,876	0	764,146	(764,146)	1,027,433	986,109		986,109
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,264,908	5,000	0	5,000
	Total Revised Fund 90	63,461	1,593,400	613,047	0	613,047	2,264,908	5,000		5,000
91	AIRPORT	42,900	191,141	127,000	33,052	93,948	307,660	20,329	0	20,329
	Revision #21-F-4 Static Display Funding Correction					0	923	(923)		(923)
	Total Revised Fund 91	42,900	191,141	127,000	33,052	93,948	308,583	19,406		19,406
94	OTERO GREENTREE REG LANDFILL	3,655,124	1,263,067	0	4,276	(4,276)	2,818,914	2,095,001	0	2,095,001
	Total Revised Fund 94	3,655,124	1,263,067	0	4,276	(4,276)	2,818,914	2,095,001		2,095,001
96	SELF-INSURED FUND	547,004	53,945	0	0	0	52,373	548,576	0	548,576
	Revision #20-Vehicle Insurance Settlement		30,232		65,600	(65,600)		(35,368)		(35,368)
	Total Revised Fund 96	547,004	84,177	0	65,600	(65,600)	52,373	513,208		\$513,208
98	PAYROLL CLEARING	216,796	0	0	0	0	0	216,796	0	216,796
	Total Revised Fund 98	216,796	0	0	0	0	0	216,796		216,796
104	UTILITY DEPOSITS	624,156	0	0	0	0	0	624,156		624,156
	Total Revised Fund 104	624,156	0	0	0	0	0	624,156		624,156
105	ECONOMIC DEVELOPMENT	5,577,210	1,010,312	0	0	0	200,255	6,387,267		6,387,267
	Total Revised Fund 105	5,577,210	1,010,312	0	0	0	200,255	6,387,267		6,387,267
107	SELF INSURED/LIABILITY	1,134,195	5,842	0	0	0	535,000	605,037		605,037
	Total Revised Fund 107	1,134,195	5,842	0	0	0	535,000	605,037		605,037
109	2004 GRT CAPITAL OUTLAY	14,557,615	3,939,341	0	3,995,731	(3,995,731)	6,204,621	8,296,604	534,452	7,762,152
	Total Revised Fund 109	14,557,615	3,939,341	0	3,995,731	(3,995,731)	6,204,621	8,296,604	534,452	7,762,152
114	SIDEWALKS REVOLVING LOANS	144,232	1,249	0	0	0	0	145,481		145,481
	Total Revised Fund 114	144,232	1,249	0	0	0	0	145,481		145,481
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		1,000
	Total Revised Fund 115	1,000	0	0	0	0	0	1,000		1,000
119	2012 GRT REF/IMP REVBD	392,207	2,686	0	0	0	394,893	0		0
	Total Revised Fund 119	392,207	2,686	0	0	0	394,893	0		0
121	2015 GO BONDS-FUN CENTER	90,836	785	0	0	0	0	91,621		91,621
	Total Revised Fund 121	90,836	785	0	0	0	0	91,621		91,621
122	2015 GO BONDS-STREETS	176,014	1,825	0	0	0	0	177,839		177,839
	Total Revised Fund 122	176,014	1,825	0	0	0	0	177,839		177,839
124	AMERICAN RESCUE PLAN ACT	3,897,893	0	0	0	0	3,897,893	(0)		(0)
	Total Revised Fund 124	3,897,893	0	0	0	0	3,897,893	(0)		(0)

125	CANNABIS GRT	0	0	0	0	0	0	0	0	0
	Revision #19-Cannabis GRT Funding		204,000	96,000	0	96,000	300,000	0		0
	Total Revised Fund 125	0	204,000	96,000	0	96,000	300,000	0		0
901	HOUSING LOW RENT OPERATING	1,211,402	1,011,844	0	0	0	1,440,105	783,141	86,881	696,260
	Total Revised Fund 901	1,211,402	1,011,844	0	0	0	1,440,105	783,141	86,881	696,260
903	HOUSING HOMEOWNERSHIP OPER	704,785	990	0	0	0	17,859	687,916	0	687,916
	Total Revised Fund 903	704,785	990	0	0	0	17,859	687,916		687,916
904	HOUSING CAPITAL FUND PROJECTS	8	1,283,943	0	0	0	1,283,943	8		8
	Total Revised Fund 904	8	1,283,943	0	0	0	1,283,943	8		8
TOTALS FY2023		88,163,935	63,625,246	28,462,404	28,462,404	0	100,204,688	51,584,492	6,019,834	45,564,659

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
----------	---------------	-----------------------	------------------------------	------------------------	-----------------------------

REVISION #1

This budget revision is to close completed Project No. EN1609 for Utility Relocations and return these funds to fund balance.

56	99 GRT FLOOD CONTROL				
	<i>Expenditures</i>				
EN1609	056-9403-465.62-35	Contract Engineering Fees	10,424	(10,424)	0
EN1609	056-9499-990.67-04	Sewer/Water Relocation	4,668	(4,668)	0
	Total Expenditures		15,092	(15,092)	0

REVISION #2

This budget revision is to account for donations from the public for the Animal Control division.

11	GENERAL FUND				
	<i>Revenues</i>				
PSAC04	011-3804-314.13-36	Donations	0	400	400
PSAC03	011-3804-314.13-36	Donations	0	200	200
	Total Revenue		0	600	600
	<i>Expenditures</i>				
PSAC04	011-3804-429.33-26	Designated Materials	0	400	400
PSAC03	011-3804-429.33-26	Designated Materials	0	200	200
	Total Expenditures		0	600	600

REVISION #3

This budget revision is to account for State Grant Award in the amount of \$65,000 and \$50,000, respectively, for purchase of police vehicles and equipment for the vehicles.

24	GRANT CAPITAL IMPROVEMENT FUND				
	<i>Revenues</i>				
PSEQ23	024-0000-317.16-13	State Grant	3,433,919	65,000	3,498,919
PSEQ23	024-0000-317.16-13	State Grant	3,498,919	50,000	3,548,919
	Total Revenue		6,932,838	115,000	7,047,838
	<i>Expenditures</i>				
PSEQ23	024-0000-419.61-60	Capital Equipment	612,712	65,000	677,712
PSEQ23	024-0000-419.61-60	Capital Equipment	677,712	50,000	727,712
	Total Expenditures		1,290,424	115,000	1,405,424

REVISION #4

This budget revision is to account for HIDTA Federal Grant Award January 2022 to December 2023.

35	H.I.D.T.A. FEDERAL GRANT FUND				
	<i>Revenues</i>				
	035-0000-317.16-50	H.I.D.T.A. Federal Grant	0	16,048	16,048
	Total Revenue		0	16,048	16,048
	<i>Expenditures</i>				
	035-0004-429.20-04	Overtime	0	16,048	16,048
	Total Expenditures		0	16,048	16,048

REVISION #5

This budget revision is to account for the Sale of Scrap for May and June 2022.

11	GENERAL FUND				
	<i>Revenues</i>				
	011-4104-316.15-05	Sale of Scrap	0	4,256	4,256
PURROC	011-0000-316.15-05	Sale of Scrap	0	61	61
	Total Revenue		0	4,317	4,317
	<i>Expenditures</i>				
CERDPS	011-4104-420.61-85	Equipment Replacement	12,551	4,256	16,807
	Total Expenditures		12,551	4,256	16,807
81	WATER/SEWER FUND				
	<i>Revenues</i>				
	081-1602-316.15-05	Sale of Scrap	0	1	1
	081-5603-316-15-05	Sale of Scrap	0	479	479
	Total Revenue		0	480	480
	<i>Expenditures</i>				
CERWAW	081-5603-432.61-60	Equipment Replacement	418,650	479	419,129
	Total Expenditures		418,650	479	419,129

REVISION #6

This budget revision is to account for the Otero County Grant for FY23 at the Alamogordo Senior Center.

71	ALAMOGORDO SENIOR CENTER FUND				
	<i>Revenues</i>				
	071-0000-317.16-31	Otero County	34,787	9,882	44,669
	Total Revenue		34,787	9,882	44,669
	<i>Expenditures</i>				
	071-8024-445.32-75	Program Supplies	28,580	5,830	34,410
	071-8025-445.32-75	Program Supplies	80,434	4,052	84,486
	Total Expenditures		109,014	9,882	118,896

REVISION #7

This budget revision is to account for the NSIP Grant Award for FY23 at the Alamogordo Senior Center.

71 ALAMOGORDO SENIOR CENTER FUND					
Revenues					
071-0000-317.16-34	Cash in Lieu/NSIP	58,023	(857)	57,166	
	Total Revenue	58,023	(857)	57,166	
Expenditures					
071-8023-445.32-65	Commodities/NSIP	29,011	(428)	28,583	
071-8024-445.32-65	Commodities/NSIP	29,012	(429)	28,583	
	Total Expenditures	58,023	(857)	57,166	

REVISION #8

This budget revision is to account for the AAA Title III State/Federal Contract for Congregate Meals & Home Delivered Meals for FY23.

71 ALAMOGORDO SENIOR CENTER FUND					
Revenues					
071-8023-317.16-30	SWNMAAA, Federal	83,350	(24,823)	58,527	
071-8023-317.16-32	HB2/All Other State (SA1)	129,311	6,256	135,567	
071-8024-317.16-30	SWNMAAA, Federal	58,116	6,861	64,977	
071-8024-317.16-32	HB2/All Other State (SA1)	108,613	9,019	117,632	
	Total Revenue	379,390	(2,687)	376,703	
Expenditures					
071-8023-445.32-60	Food Purchases	144,308	(18,567)	125,741	
071-8024-445.32-60	Food Purchases	120,354	15,880	136,234	
	Total Expenditures	264,662	(2,687)	261,975	

REVISION #9

This budget revision is to account for the AAA Title III State/Federal Contract for Transportation, Physical Fitness, and EB Programs, respectively for FY23 at the Alamogordo Senior Center.

71 ALAMOGORDO SENIOR CENTER FUND					
Revenues					
071-8025-317.16-30	SWNMAAA, Federal	83,350	(43,275)	40,075	
071-8025-317.16-32	HB2/All Other State (SA1)	129,311	22,164	151,475	
071-8030-317.16-32	HB2/All Other State (SA1)	28,000	(7,256)	20,744	
071-8031-317.16-30	SWNMAAA, Federal	91,200	(17,934)	73,266	
	Total Revenue	331,861	(46,301)	285,560	
Expenditures					
071-8025-445.32-75	Program Supplies	80,434	(21,111)	59,323	
071-8030-445.20-02	Operational	1,862	(233)	1,629	
071-8030-445.32-75	Program Supplies	7,023	(7,023)	0	
071-8031-445.32-75	Program Supplies	43,316	(17,934)	25,382	
	Total Expenditures	132,635	(46,301)	86,334	

REVISION #10

This budget revision is to add funds to upgrade electrical poles at Alameda Park in conjunction with irrigation project.

11 GENERAL FUND					
Transfers Out					
011-0000-491.18-32	Trans to (32) Community Services	5,997,518	200,000	6,197,518	
	Total Transfers Out	5,997,518	200,000	6,197,518	
32 COMMUNITY SERVICES FUND					
Transfers In					
032-0000-391.19-11	Trans fr (11) General Fund	5,997,518	200,000	6,197,518	
	Total Transfers In	5,997,518	200,000	6,197,518	
Expenditures					
032-6206-410.60-01	Capital Outlay	345,496	200,000	545,496	
	Total Expenditures	345,496	200,000	545,496	

REVISION #11

This budget revision is to increase Special Events for the Gus Macker Tournament.

20 LODGER'S TAX-CITY'S SHARE					
Expenditures					
CSGUS 020-0006-454.57-93	Special Events	86,953	6,000	92,953	
	Total Expenditures	86,953	6,000	92,953	

REVISION #12

This budget revision is to account for Sounds of Freedom sponsorship from the Ashley Dalton Agency.

20 LODGER'S TAX-CITY'S SHARE					
Revenues					
020-0000-316.15-12	Sponsorship Program	1,000	3,000	4,000	
	Total Revenue	1,000	3,000	4,000	
Expenditures					
TOSOF 020-0006-454-.57-93	Special Events	88,177	3,000	91,177	
	Total Expenditures	88,177	3,000	91,177	

REVISION #13

This budget revision is to budget for prior year carryover expenditures after elimination of the Utility Construction division.

81 WATER/SEWER FUND					
Expenditures					
081-7803-464.30-55	Fuels	0	3,959	3,959	
081-7803-464.31-05	Uniforms	0	189	189	
081-7803-464.44-52	Communication Maintenance	9,817	1	9,818	
081-7803-464.47-41	Cellular Phone Service	0	93	93	
	Total Expenditures	9,817	4,242	14,059	

REVISION #14

This budget revision is to correct transfers after year-end roll.

11 GENERAL FUND				
	<i>Transfers In</i>			
PW2005	011-0000-391.19-69	Trans fr (69) '94 GRT	30,686	26,254 56,940
	Total Transfers In		30,686	26,254 56,940
54 R.O./SNAKE TANK PROJECT FUND				
	<i>Transfers In</i>			
PW1406	054-0000-391-19-49	Trans fr (49) '86 GRT	0	16,239 16,239
	Total Transfers In		0	16,239 16,239
81 WATER/SEWER FUND				
	<i>Transfers In</i>			
CERWAW	081-0000-391.19-89	Trans fr (89) ESGRT .0625%	714,454	(295,804) 418,650
	Total Transfers In		714,454	(295,804) 418,650
49 86 GROSS RECEIPTS FUND				
	<i>Transfers Out</i>			
PW1406	049-0000-491.18-54	Trans to (54) R.O. Snake Tank	0	16,239 16,239
	Total Transfers Out		0	16,239 16,239
69 86 GROSS RECEIPTS FUND				
	<i>Transfers Out</i>			
PW2005	069-0000-491.18-11	Trans to (11) General	30,686	26,254 56,940
	Total Transfers Out		30,686	26,254 56,940
89 ESGRT .0625% FUND				
	<i>Transfers Out</i>			
CERWAW	089-0000-491.18-81	Trans to (81) Water/Sewer	714,454	(295,804) 418,650
	Total Transfers Out		714,454	(295,804) 418,650

REVISION #15

This budget revision is to account for the Traffic Safety Grant Award for DWI Prevention at the Police Department.

24 GRANT CAPITAL IMPROVEMENT FUND				
	<i>Revenues</i>			
	024-4642-317.16-13	State Grant	0	10,449 10,449
	024-4642-317.16-73	Federal Grant	0	8,992 8,992
	Total Revenue		0	19,441 19,441
	<i>Expenditures</i>			
	024-4642-420.20-04	Overtime	0	19,441 19,441
	Total Expenditures		0	19,441 19,441

REVISION #16

This revision is move funding for an Abatement Trailer was authorized for Code Enforcement during FY23 Budget Development. Due to the re-organization of Code Enforcement, abatement is now performed as a contract service. This revision will move the funds for the Code Enforcement trailer to Facility Maintenance for purchase of a trailer for traffic control devices. This is necessary for safety while Facility Maintenance is working at intersections and at locations where traffic control is required. Having a pre-loaded trailer will allow FM to respond to emergency situations promptly.

11 GENERAL FUND				
	<i>Transfers Out</i>			
	011-0000-491.18-12	Trans to (12) Internal Service	4,369,904	11,300 4,381,204
	Total Transfers Out		4,369,904	11,300 4,381,204
	<i>Expenditures</i>			
	011-3104-429.61-85	CER Equipment Replacement	43,878	(11,300) 32,578
	Total Expenditures		43,878	(11,300) 32,578
12 INTERNAL SERVICE FUND				
	<i>Transfers In</i>			
	012-0000-391.19-11	Trans fr (11) General Fund	4,369,904	11,300 4,381,204
	Total Transfers In		4,369,904	11,300 4,381,204
	<i>Expenditures</i>			
PW2304	012-3303-419.61-60	Capital Equipment	1,017,153	11,300 1,028,453
	Total Expenditures		1,017,153	11,300 1,028,453

REVISION #17

This budget revision is to account for funds from T-shirt sales during the 9/11 Memorial Stair Climb for the Alamogordo Fire Department.

11 GENERAL FUND				
	<i>Revenues</i>			
FD2002	011-4204-314.13-36	Donations	0	380 380
	Total Revenue		0	380 380
	<i>Expenditures</i>			
FD2002	011-4204-421.50-75	Public Education	11	380 391
	Total Expenditures		11	380 391

REVISION #18

This budget revision is to add funds because the cost of pool chemicals have tripled since the start of FY 2022-2023. This revision anticipates purchasing the same amount of chemicals as in prior years.

11 GENERAL FUND				
	<i>Transfers Out</i>			
	011-0000-491.18-12	Trans to (12) Internal Service	4,369,904	160,000 4,529,904
	Total Transfers Out		4,369,904	160,000 4,529,904
12 INTERNAL SERVICE FUND				
	<i>Transfers In</i>			
	012-0000-391.19-11	Trans fr (11) General Fund	4,369,904	160,000 4,529,904
	Total Transfers In		4,369,904	160,000 4,529,904
	<i>Expenditures</i>			
	012-3303-419.32-20	Pool Chemicals	49,390	160,000 209,390
	Total Expenditures		49,390	160,000 209,390

REVISION #19

This budget revision is to create and establish a budget for a new fund, in accordance with Department of Finance and Administration requirements, within the legal authority of the Cannabis Regulation Act.

11 GENERAL FUND			
<i>Transfers Out</i>			
011-0000-491.81-25	Trans to (125) Cannabis GRT	0	96,000
	Total Transfers Out	0	96,000
125 CANNABIS GRT			
<i>Revenues</i>			
125-0000-311.10-27	Cannabis GRT	0	204,000
	Total Revenue	0	204,000
<i>Transfers In</i>			
125-0000-391.19-11	Trans fr (11) General Fund	0	96,000
	Total Transfers In	0	96,000
<i>Expenditures</i>			
125-2400-419.57-72	Contingencies	0	300,000
	Total Expenditures	0	300,000

REVISION #20

This budget revision is to account for an insurance settlement for a totaled vehicle at the Alamogordo Police Department. The Self Insurance Fund will make up the difference between the settlement and replacement cost.

96 SELF-INSURED FUND			
<i>Revenues</i>			
096-0000-316.15-02	Insurance Recoveries	0	30,232
	Total Revenue	0	30,232
<i>Transfers Out</i>			
096-0000-491.18-11	Trans to (11) General	0	65,600
	Total Transfers Out	0	65,600
11 GENERAL FUND			
<i>Transfers In</i>			
011-0000-391.19-96	Trans fr (96) Self-Insured	0	65,600
	Total Transfers In	0	65,600
<i>Expenditures</i>			
CERDPS 011-4104-420.61-85	CER Equipment Replacement	12,551	65,600
	Total Expenditures	12,551	65,600

REVISION #21

This budget revision is to correct the F-4 Static Display Project to equal historical donations.

91 AIRPORT FUND			
<i>Expenditures</i>			
AP1804 091-0006-459.57-93	Special Events	3,133	923
	Total Expenditures	3,133	923

REVISION #22

This budget revision is to move funds for engineering service contracts for PW2307 Drainage Sediment Removal and PW2308 Drainage Structure Sediment Removal.

42 1984 GROSS RECEIPTS FUND			
<i>Transfers Out</i>			
042-0000-491.18-44	Trans to (44) Transportation	3,103,851	300,000
	Total Transfers Out	3,103,851	3,403,851
44 TRANSPORTATION FUND			
<i>Transfers In</i>			
PW2307 044-0000-391.19-42	Trans fr (42) '84 GRT	3,103,851	125,000
PW2308 044-0000-391.19-42	Trans fr (42) '84 GRT	3,228,851	175,000
	Total Transfers In	6,332,702	300,000
<i>Expenditures</i>			
PW2307 044-5303-431.57-34	Contract Services	0	125,000
PW2308 044-5303-431.57-34	Contract Services	125,000	175,000
	Total Expenditures	125,000	300,000

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/19/2022

Report No: 7.

Submitted By: Stella Rael

Subject: Consider, and act upon, adoption and final publication of Ordinance 1658 Case Z-2022-0003(A), a map amendment to change the zoning of two parcels located south of Airport Rd. and west of Business Center Blvd. better known as Parcel Numbers 01N4052098330195 and 01N4052098462198 from R-1 Single Family Dwelling to M-2 Industrial Dwelling. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: N/A

Recommendation: Approve for first publication

Background:

The commission approved the ordinance for first publication during the regular meeting of August 23, 2022, by a vote of 7-0.

Property owner Thomas Anderson, Southwest Properties Group, LLC is requesting that two parcels be rezoned from R-1 Single Family Dwelling to M-2 Industrial Zoning



City of Alamogordo

City Commission



Z-2022-0003(A)

Stella Rael, City Planner
August 23, 2022

Zoning Area

2



Zoning Request Case: Z-2022-0003(A)

Request:

The property owner is requesting for a map amendment to change the zoning of two parcels located south of Airport Rd. and west of Business Center Blvd., better known as parcel numbers 01N4052098330195 and 01N4052098462198 from R-1 Single Family Dwelling to M-2 Industrial Zoning

Applicant/Owner:

Thomas Anderson
Southwest Properties Group, LLC
3670 Sherman Drive, NE
Bernidji, MN 56601

Findings of Fact

- ▶1. The application was filed and all fees were paid.
- ▶2. Legal ad was placed in the Alamogordo Daily News
- ▶3. Four(4) letters were mailed by certified/returned receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property.
- ▶4. As of August 16, 2022, there have been no letters returned undeliverable and I have not received any letters or phone calls of opposition.

Z-2022-0003(A)

5

- ▶ 7. Staff recommends approval.

ORDINANCE No. 1658

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF CERTAIN PROPERTIES COMMONLY KNOWN AS PARCEL NUMBER 01N405209330195 AND PARCEL NUMBER 01N4052098462198 FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT R-1 SINGLE FAMILY DWELLING TO M-2 INDUSTRIAL ZONING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Thomas Anderson, Southwest Properties Group, LLC (hereinafter referred to as "the Owner") is the owner of certain real properties legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

PARCEL NUMBER 01N4052098330195
PARCEL NUMBER 01N4052098462198

WHEREAS, an application has been filed in the Owner's name under Case No.

Z-2022-0003(A) to change the zoning of the Property, and

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

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

PARCEL NUMBER 01N4052098330195
PARCEL NUMBER 01N4052098462198

Is hereby changed from R-1 Single Family Dwelling Zoning District to M-2 Industrial Zoning District; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

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

**CITY OF ALAMOGORDO, NEW MEXICO a
New Mexico municipal corporation**

By: _____
Susan Payne Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/22/2022

Report No: 8.

Submitted By: Richard Denton

Subject: Consider, and act upon, the intergovernmental agreement between Otero County and the City of Alamogordo Police Department for the City to receive \$150,000 annually to provide services from the Alamogordo Police Department Mobile Crisis Response Team to all of Otero County. *(Richard Denton, Chief of Police and Jeannette Borunda, Mobile Crisis Response Team Clinical Director)*

Fiscal Impact: \$150,000

Amount Budgeted: \$0.00

Fund: \$150,000

Additional Fiscal Impact: \$150,000

Recommendation: Approve the item

Background: The Alamogordo Police Department currently has a Mobile Crisis Response Team (MCRT) and responds to several calls in the community for people in a crisis. This will allow for the MCRT to expand into Otero County. The agreement was approved by Otero County Commission at their last meeting,

**INTERGOVERNMENTAL AGREEMENT
AGREEMENT FOR MOBILE RESPONSE
CRISIS TEAM (MCRT) SERVICES**

1 **THIS AGREEMENT** is made and entered into effective as the **1st day of October, 2022** by and
2 between The Board of County Commissioners of Otero County, New Mexico, hereinafter “County”, the
3 City of Alamogordo, hereinafter referred to as “City.”
4

5 **WHEREAS**, this agreement falls under the Hospital and Healthcare Exemption of the
6 Procurement Code (§13-1-98.1), and
7

8 **WHEREAS**, The County passed the “Stepping Up Initiative Resolution” (No. 08-13-15/104-07)
9 to take action to reduce the number of people with mental health, behavioral health, and substance-related
10 issues being disproportionally directed to the jail and judicial system, and
11

12 **WHEREAS**, Otero County staff and elected officials participated in the Modified Sequential
13 Intercept Model Mapping Report activities and contributed to the Bureau of Justice Assistance Preventing
14 Violence Against Law Enforcement Officers and Ensuring Office Resilience and Survivability (BJA
15 VALOR) Crisis Intervention Team (CIT) Strategic Implementation Plan for the City of Alamogordo, and
16

17 **WHEREAS**, Otero County supported the City of Alamogordo’s Police Department effort to
18 apply for the grant from Paso Del Norte Health Foundation to implement and fund a Mobile Crisis
19 Response Team (MCRT) in Alamogordo at the June 11, 2019 City Commission Meeting via letter of
20 support, and
21

22 **WHEREAS**, it is in the best interest of County and City to ensure the services of the MCRT
23 continue and expand into all incorporated and unincorporated areas of Otero County; and
24

25 **WHEREAS**, a county-wide MCRT ensures all people, regardless of age, race, ethnicity,
26 immigration status, national origin, gender, sex, sexual orientation, religion, political beliefs, income,
27 disability, and neurodivergence who are experiencing mental health, behavioral health, or substance-
28 related crisis residing and existing in Otero County are redirected from the jail to the mental health,
29 behavioral health, and substance use treatment system when more appropriate considering the totality of
30 facts and circumstances, and
31

32 **WHEREAS**, a county-wide MCRT improves officer and community safety by creating a culture
33 of mental and behavioral health awareness and de-escalation to reduce trauma across Otero County, and
34

35 **WHEREAS**, a county-wide MCRT reduces the use of emergency services, health care costs, and
36 law enforcement costs by channeling people directly into appropriate and effective mental health,
37 behavioral health, and substance use treatment services, and
38

39 **WHEREAS**, a county-wide MCRT improves harm reduction strategies, and
40

41 **WHEREAS**, a county-wide MCRT may reduce the recidivism rate by creating person-centered
42 plans to promote engagement and better outcomes, and
43

44 **WHEREAS**, a county-wide MCRT will reduce the number of people that receive crisis
45 assessment and acute crisis stabilization services in hospital and jail settings, and
46

1 **WHEREAS**, a county-wide MCRT will help destigmatize people with mental health, behavioral
2 health, and substance-related issues, and
3

4 **WHEREAS**, a county-wide MCRT will help destigmatize treatment and assistance for mental
5 health, behavioral health, and substance-related issues across Otero County, and
6

7 **WHEREAS**, a county-wide MCRT will reduce reliance on the jail to provide mental health,
8 behavioral health, and substance use treatment services, and
9

10 **WHEREAS**, a county-wide MCRT will increase the number of people receiving outpatient
11 treatment services in the local community, and
12

13 **WHEREAS**, a county-wide MCRT will increase the number of eligible people receiving
14 Medicaid and Medicare, and
15

16 **WHEREAS**, a Mobile Crisis Response Team is considered an “outreach service” defined as any
17 type of health service that mobilizes health workers, away from the location where they usually work and
18 live. (Outreach Services as a Strategy to Increase Access to Health Workers in Remote and Rural Areas,
19 2011, World Health Organization), and
20

21 **WHEREAS**, the New Mexico Constitution, Art. 9, §14 allows for state, counties, and
22 municipalities to make provisions for the care and maintenance of sick and indigent persons, and
23

24 **WHEREAS**, the New Mexico Constitution, Art. 9, §14 does not require a person to be both sick
25 and indigent. (1958 Op. Att’y Gen. No. 58-135), and
26

27 **WHEREAS**, a sick person is any person experiencing a mental health, behavioral health, or
28 substance-related crisis, and
29

30 **WHEREAS**, The Indigent Hospital and County Health Care Act (Act) provides that counties can
31 improve the provision of health care to indigent patients by providing local revenues for county-wide
32 planning, and
33

34 **WHEREAS**, The Act defines “planning” as “the development of a countywide or multi-county
35 health plan to improve and fund health services in the county based on the county’s needs assessment and
36 inventory of existing services and resources and that demonstrates coordination between the county and
37 state and local health planning efforts”, and
38

39 **WHEREAS**, The Act allows for counties to address matters of broad public health concerns and
40 health related issues affecting the low-income population in a manner best suited for each county, and
41

42 **WHEREAS**, The County approved and adopted the *2019 Otero County Community Health*
43 *Assessment* at the September 10, 2020 Regular meeting, and
44

45 **WHEREAS**, The *2019 Otero County Community Health Assessment*’s section entitled
46 “Community Safety, Community Justice” recommends supporting local Crisis Intervention Team
47 initiatives to reduce incarceration of people with mental illness, and
48

49 **WHEREAS**, The Act defines an “indigent person” as a “...person whose annual income of a
50 household cannot exceed an amount that is fifty percent greater than the per capita personal income

1 (PCPI) for New Mexico as shown for the most recent year available in the survey of current business
2 published by the United State Department of Commerce”, and
3

4 **WHEREAS**, in 2021, New Mexico had a PCPI of \$49,320, and
5

6 **WHEREAS**, a household making \$73,980 or below qualifies as an indigent patient under the
7 Act, and
8

9 **WHEREAS**, Otero County recognizes that individuals experiencing mental health, behavioral
10 health, and substance-related crisis will, in general, have an annual income less than fifty percent greater
11 than the PCPI, and
12

13 **WHEREAS**, as of July 16, 2022 New Mexico implemented the 988 Crisis Line to better respond
14 and connect people to behavioral health professionals in New Mexico, and
15

16 **WHEREAS**, the 988 Crisis Line will be benefited by the implementation of a county-wide
17 MCRT, and
18

19 **WHEREAS**, the City has agreed to provide a regional MCRT program and its services, and
20

21 **WHEREAS**, the City has agreed to take reasonable efforts to employ sufficient MCRT personnel
22 to ensure adequate county-wide mobile crisis response 24-hours a day, 7-days a week, and
23

24 **WHEREAS**, the City has agreed to have a Crisis Intervention Team (CIT) with at least one CIT
25 Coordinator Certified by CIT International within one year, and
26

27 **WHEREAS**, the City has agreed to permanently fund the CIT Clinical Director, and
28

29 **WHEREAS**, the City has agreed to provide MCRT services with the degree of care and skill
30 ordinarily exercised by members of the same profession currently under the same or similar
31 circumstances, and
32

33 **WHEREAS**, the City has agreed to obtain Regional CIT Program Certification every three years
34 from CIT International, and
35

36 **WHEREAS**, the City has agreed to provide minimum of four (4) trainings to all law enforcement
37 agencies, first responding agencies, 911 dispatch, courts, jail, Office of the Public Defender, behavioral
38 health providers, hospitals, and other interested community agencies located and operating within Otero
39 County on crisis intervention, and
40

41 **WHEREAS**, any additional trainings will be at the cost of the City or requesting department or
42 agency, and
43

44 **WHEREAS**, the City and County agree to establish an MCRT Steering Committee that meets a
45 minimum of quarterly to develop an annual improvement plan, and
46

47 **WHEREAS**, the Steering Committee consists of appropriate County and City staff, interested
48 stakeholders, and public and behavioral health professionals, and
49

50 **WHEREAS**, the annual improvement plan will address service gaps that contribute to crisis and
51 improvement strategies and other information as may be necessary, and

1 **WHEREAS**, the annual improvement plan shall be presented to the City of Alamogordo
2 Commission and the Board of County Commissioners of Otero County, and
3

4 **WHEREAS**, the City and County understand this agreement is not intended to cover all costs
5 associated with providing regional MCRT services or associated activities, and
6

7 **WHEREAS**, Otero County will commit the Healthcare Services Department, Emergency
8 Services Department and its Volunteer Fire Departments, Detention Center, and Sheriff's Office to use
9 the MCRT services, and
10

11 **WHEREAS**, each aforementioned Otero County department will direct a point-of-contact,
12 commit to trainings, and share information and data necessary to implement a regional MCRT program,
13 and
14

15 **WHEREAS**, the City and County will protect the personally identifiable information (PII) and
16 medical information of all patients receiving services of the MCRT, and
17

18 **WHEREAS**, Otero County agrees to pay the City \$150,000 annually for the regional MCRT
19 services from the Healthcare Assistance Fund, and
20

21 **WHEREAS**, all payments from the Healthcare Assistance Fund to the City shall be budgeted and
22 expended only for the purposes of the MCRT and meeting the requirements set forth in this agreement
23 and the annual improvement plan, and shall not be used for any other purpose, and
24

25 **WHEREAS**, the City must document expenditures of the funds and provide monthly reporting
26 that shall contain: 1) a description of all expenditures; 2) the relationship of the expenditure to the scope
27 of work; and 3) any other information relevant to the performance of the agreement as may be required
28 from the Healthcare Services Director and the County; and
29

30 **WHEREAS**, if the City fails to expend the funds by the end of each year, the City must remit to
31 the County's Healthcare Assistance Fund any unexpended funds. The County reserves the right to
32 clawback from the City any undocumented or unexpended funds by any legal means available to the
33 County, and
34

35 **WHEREAS**, the County designates the Healthcare Services Director, or their successor, as the
36 official representative concerning all matters relating to this agreement.
37

38 **NOW THEREFORE**, in consideration of the benefits which will accrue to the County and City
39 the parties agree as follows:
40

41 **1. Term.** The term of this agreement shall be for a period of one year annually commencing
42 on the **1st day of October 2022** and ending on the **30th day of September 2023**. Thereafter, the term
43 shall be automatically renewed for consecutive one (1) year periods, unless either party gives written
44 notice to the other party at least 30 days before the end of the term of its desire to terminate.
45

46 **2. Financial Contribution.** City agrees to act as fiscal agent for the purposes of this
47 agreement, and shall invoice the County Annually for their agreed upon contribution sourced from the
48 County Health Care Assistance fund.
49

50 **3. Liability.** Any and all claims by third parties resulting from this Agreement are subject
51 to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1 et seq., NMSA

1 1978, as amended. Neither of the Parties shall be considered liable for the acts or omissions of the other
2 party, nor for those of the other party's employees. Neither this agreement, nor any provision contained
3 herein, shall be construed as a waiver of any of the defenses or immunities granted by the New Mexico
4 Tort Claims Act. Each party to this agreement shall be responsible, to the extent allowed by law, and
5 within the limits of the New Mexico Tort Claims Act, for the acts and/or omission of their respective
6 employees and agents.
7

8 4. The City has, or will secure at its own expense, the personnel required for performance of
9 the Services. City employees who perform the services shall not be considered to be County employees or
10 to have any contractual relationships with the County. All the services will be performed by the City, or
11 by persons under the City's supervision. All personnel engaged in the work shall be fully qualified and
12 shall be authorized, or permitted, under state and local law to perform such Services.
13

14 5. **Audits and Inspections.** At any time during the normal business hours of the City, and
15 as often as the County may deem necessary, the City shall make available for the examination by the
16 County, or designated auditor, any City records associated with this Agreement. The City shall permit the
17 County to audit, examine and make excerpts, or transcripts, from such records and make audits of all
18 contract invoices, materials, payrolls, records of personnel, conditions of employment or other data
19 relating to any matters associated with this Agreement. Notwithstanding any other provisions of this
20 Agreement, the City shall not be obligated to disclose any Confidential Information.
21

22 6. **Compliance with Laws.** In performing the Services, the City shall comply with all
23 applicable laws, ordinances, and codes of the federal, state, and local governments.
24

25 7. **HIPAA and HITECH Compliance.** As applicable, the Parties agree to comply with any
26 and all of the provisions of the Health Insurance Portability and Accountability Act of 1996, and related
27 regulations, as amended ("HIPAA") and the Health Information Technology for Economic and Clinical
28 Health Act of 2009, as amended ("HITECH"), in the event the Contractor receives patient records or
29 information (Protected Health Information as defined by HIPAA).
30

31 8. **Changes and Amendments.** Either of the Parties may, during the term of this
32 Agreement, propose changes in the nature or extent of the Services or amendments to the provisions of
33 this Agreement. Any changes to the Services or amendments to this Agreement shall be mutually agreed
34 upon by the Parties made in writing, dated, and signed in advance by the Parties.
35

36 9. Any covenant, term, agreement or condition contained herein which is held to be invalid
37 by any court of competent jurisdiction shall be considered deleted from this Contract, but such deletion
38 shall in no manner affect any other covenant, term, agreement or condition herein contained, so long as
39 such deletion does not materially prejudice the City or County in their respective rights contained in the
40 valid covenants, terms, agreements or conditions of this agreement.
41

42 10. This instrument contains the entire agreement between the parties. No statements,
43 promises, or inducements made by either party or agent of either party that is not contained in this written
44 Agreement shall be valid or binding; and this Agreement may not be enlarged, modified, or altered except
45 in writing signed by all parties.
46

47 11. This agreement shall be construed according to the laws of the State of New Mexico.
48
49
50

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Brian Cesar
City Manager

ATTEST:

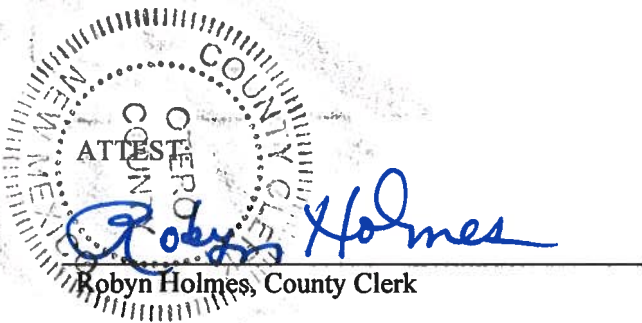
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

OTERO COUNTY, NEW MEXICO
Board of County Commissioners of Otero County

By: _____
Vickie Marquardt,
Chair of the Board of County Commissioners

ATTEST

Robyn Holmes, County Clerk

APPROVED AS TO FORM:

_____
RB Nichols, County Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date:

Report No: 9.

Submitted By:

Subject: Consider, and act upon, Resolution 2022-43 naming the commission chambers the Donald E. Carroll Commission Chambers. (*Commission*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

RESOLUTION NO. 2022-43

**NAMING THE COMMISSION CHAMBERS
THE DON CARROLL COMMISSION CHAMBERS**

WHEREAS, Donald E. Carroll was elected to serve the citizens of Alamogordo on the City Commission on March 2, 1982; and

WHEREAS, Don Carroll gave 25 years of service to the City of Alamogordo in the capacity of Mayor, Mayor Pro-Tem, and Commissioner; and

WHEREAS, Don Carroll served twelve straight years in the position of Mayor from March 1996 to March 2008; and

WHEREAS, Don Carroll is the longest serving Mayor in the City of Alamogordo.

NOW, THEREFORE, BE IT RESOLVED: the City of Alamogordo desires to name the Commission Chambers the Donald E. Carroll Commission Chambers in honor of his dedication.

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

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

Susan L. Payne, Mayor

SEAL

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/20/2022

Report No: 10.

Submitted By: Bob Johnson

Subject: Consider, and act upon, award of Public Works Bid No. 2022-006, to La Luz Dirt & Paving, LLC related to the FY21 Street Maintenance Program - Ridgecrest Drive project in an amount not to exceed \$384,519.19, including NMGR. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$384,519.19

Amount Budgeted: \$2,590,594

Fund: 081-9303-465.67-70 and 109-9003-430.65-29 PW2001

Additional Fiscal Impact: \$2,579,380.00 available and unencumbered.

Recommendation: Approve the award.

Background: The work consists of installing new 6-inch water line, valves, water connections, new water services and fire hydrants, the removal and replacement of concrete sidewalk, curb/gutter, the construction of a new accessible (ADA) driveway apron, earthwork, asphalt milling, asphalt paving, asphalt paving patch work, traffic control, and appurtenances. The project was advertised on August 14 and 21, 2022. Bids were opened on September 14, 2022. The engineer's award recommendation and bid tabulation are attached.



September 15, 2022

Bob Johnson, Engineering Manager
City of Alamogordo
1376 E. Ninth Street
Alamogordo, New Mexico 88310

Re: **Public Works Bid No. 2022-006**
FY21 Street Maintenance Program (SMP) – Ridgecrest Drive
SEC# 118117-16

Dear Mr. Johnson:

Bids were opened for the above referenced project on Wednesday, September 14, 2022, at 2:00 PM mountain standard time. Bids were submitted and received by La Luz Dirt & Paving, LLC, Alamo Earthwork & Paving, Inc., and Mesa Verde Enterprises, Inc. The bid amounts are summarized on the attached bid tabulation sheet. The lowest, responsive bid was submitted by La Luz Dirt & Paving, LLC of Alamogordo, New Mexico in the amount of \$356,036.29 plus gross receipts tax.

La Luz Dirt & Paving, LLC is a registered Contractor in the State of New Mexico with active classifications GA98, GB98, GF01, GF02, GF03, GF04, GF05, GF07, GF08, GF09, and GS08 and operating under License Number 392908. The bid submitted by La Luz Dirt & Paving, LLC listed the subcontractors that will work on the project. Each is licensed in the State of New Mexico, if so required, with the appropriate classification to perform their nature of work. The Surety for the five percent (5%) Bid Bond included in the bid submitted by La Luz Dirt & Paving, LLC is Employers Mutual Casualty Company.

The basis of award for this project is the lowest, complete, and responsive bid submitted by a qualified licensed Contractor in the State of New Mexico. Therefore, after reviewing the submitted bids, Smith Engineering Company recommends the contract be awarded to La Luz Dirt & Paving, LLC of Alamogordo, New Mexico in the amount of \$356,036.29 plus gross receipts tax. Award of this Contract is contingent upon approval of this recommendation by the City of Alamogordo Commission.

Please feel free to call with any questions or comments.

Mr. Bob Johnson, Engineering Manager

Page 2 of 2

September 15, 2022

Sincerely,
Smith Engineering Company

A handwritten signature in black ink that reads "Rusty Payne". The signature is stylized with a large, looped "R" and a cursive "Payne".

Rusty Payne, PE
Project Engineer

Attach: Bid Tabulation

BID TABULATION
FY21 STREET MAINTENANCE PROGRAM - RIDGECREST DRIVE
PUBLIC WORKS BID NO. 2022-006
SEPTEMBER 14, 2022 2:00 PM

ITEM NO.	ESTIMATED QUANTITY	UNIT	ITEM DESCRIPTION	Engineer's Opinion of Probable Construction Cost		La Luz Dirt & Paving, LLC		Alamo Earthwork & Paving, Inc.		Mesa Verde Enterprises, Inc.	
				UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	1,050	SY	12-INCH SUBGRADE PREPARATION	\$ 3.00	\$ 3,150.00	\$ 2.10	\$ 2,205.00	\$ 2.00	\$ 2,100.00	\$ 9.76	\$ 10,248.00
2	1,050	SY	8-INCH BASE COURSE, IMPORT BACKFILL, AND COMPACTION	\$ 12.00	\$ 12,600.00	\$ 9.98	\$ 10,479.00	\$ 13.00	\$ 13,650.00	\$ 29.87	\$ 31,363.50
3	5,130	SY	PRIME COAT	\$ 1.50	\$ 7,695.00	\$ 1.00	\$ 5,130.00	\$ 2.00	\$ 10,260.00	\$ 0.98	\$ 5,027.40
4	5,130	SY	2-INCH HMA COLD MILLING	\$ 6.00	\$ 30,780.00	\$ 4.67	\$ 23,957.10	\$ 6.00	\$ 30,780.00	\$ 4.85	\$ 24,880.50
5	5,130	SY	2-INCH THICK HMA SP-IV	\$ 25.00	\$ 128,250.00	\$ 15.17	\$ 77,822.10	\$ 18.00	\$ 92,340.00	\$ 24.80	\$ 127,224.00
6	120	SY	4-INCH THICK CONCRETE PAVEMENT	\$ 30.00	\$ 3,600.00	\$ 117.62	\$ 14,114.40	\$ 94.00	\$ 11,280.00	\$ 291.76	\$ 35,011.20
7	20	SY	6-INCH THICK CONCRETE PAVEMENT	\$ 100.00	\$ 2,000.00	\$ 155.42	\$ 3,108.40	\$ 153.00	\$ 3,060.00	\$ 487.56	\$ 9,751.20
8	65	LF	24-INCH CURB AND GUTTER (ALL TYPES)	\$ 150.00	\$ 9,750.00	\$ 51.75	\$ 3,363.75	\$ 62.00	\$ 4,030.00	\$ 192.44	\$ 12,508.60
9	20	LF	36-INCH WIDE VALLEY GUTTER	\$ 50.00	\$ 1,000.00	\$ 107.40	\$ 2,148.00	\$ 188.00	\$ 3,760.00	\$ 285.87	\$ 5,717.40
10	1	LS	MOBILIZATION AND DEMOBILIZATION	\$ 43,000.00	\$ 43,000.00	\$ 25,000.00	\$ 25,000.00	\$ 20,951.00	\$ 20,951.00	\$ 55,000.00	\$ 55,000.00
11	1	LS	PROVIDE MUTCD PLAN	\$ 8,000.00	\$ 8,000.00	\$ 10,000.00	\$ 10,000.00	\$ 7,666.00	\$ 7,666.00	\$ 10,000.00	\$ 10,000.00
12	2	EA	ABANDON EXISTING WATER VALVE	\$ 250.00	\$ 500.00	\$ 210.00	\$ 420.00	\$ 235.00	\$ 470.00	\$ 865.25	\$ 1,730.50
13	3	EA	REMOVE EXISTING FIRE HYDRANT	\$ 1,000.00	\$ 3,000.00	\$ 1,005.38	\$ 3,016.14	\$ 1,124.00	\$ 3,372.00	\$ 1,656.20	\$ 4,968.60
14	4	EA	REMOVE EXISTING WATER VALVE	\$ 500.00	\$ 2,000.00	\$ 1,260.00	\$ 5,040.00	\$ 1,409.00	\$ 5,636.00	\$ 590.50	\$ 2,362.00
15	50	EA	INSTALL COA-FURNISHED 1-INCH WATER SERVICE LINE	\$ 2,000.00	\$ 100,000.00	\$ 1,303.95	\$ 65,197.50	\$ 1,458.00	\$ 72,900.00	\$ 1,555.25	\$ 77,762.50
16	1,740	LF	INSTALL COA-FURNISHED 6-INCH PVC C900 DR-18 PIPE	\$ 35.00	\$ 60,900.00	\$ 33.60	\$ 58,464.00	\$ 38.00	\$ 66,120.00	\$ 49.98	\$ 86,965.20
17	60	LF	PIPE ENCASEMENT	\$ 100.00	\$ 6,000.00	\$ 147.00	\$ 8,820.00	\$ 164.00	\$ 9,840.00	\$ 248.21	\$ 14,892.60
18	3	EA	INSTALL COA-FURNISHED FIRE HYDRANT ASSEMBLY	\$ 3,000.00	\$ 9,000.00	\$ 2,330.45	\$ 6,991.35	\$ 2,606.00	\$ 7,818.00	\$ 5,480.00	\$ 16,440.00
19	1	EA	INSTALL WATER SAMPLING STATION	\$ 2,500.00	\$ 2,500.00	\$ 3,473.40	\$ 3,473.40	\$ 3,884.00	\$ 3,884.00	\$ 3,000.00	\$ 3,000.00
20	2	EA	DRY LATERAL WATERLINE CONNECTION	\$ 3,000.00	\$ 6,000.00	\$ 1,926.75	\$ 3,853.50	\$ 2,154.00	\$ 4,308.00	\$ 1,995.00	\$ 3,990.00
21	15	EA	CUT AND CAP WATERLINE	\$ 500.00	\$ 7,500.00	\$ 644.70	\$ 9,670.50	\$ 721.00	\$ 10,815.00	\$ 435.00	\$ 6,525.00
22	4	EA	INSTALL COA-FURNISHED 6-INCH GATE VALVE	\$ 1,000.00	\$ 4,000.00	\$ 682.50	\$ 2,730.00	\$ 763.00	\$ 3,052.00	\$ 1,486.00	\$ 5,944.00
23	5	EA	ADJUST MANHOLE TO FINAL GRADE	\$ 2,500.00	\$ 12,500.00	\$ 1,006.43	\$ 5,032.15	\$ 1,125.00	\$ 5,625.00	\$ 1,821.58	\$ 9,107.90
24	1	LS	CONSTRUCTION STAKING BY CONTRACTOR	\$ 8,000.00	\$ 8,000.00	\$ 6,000.00	\$ 6,000.00	\$ 7,268.00	\$ 7,268.00	\$ 20,000.00	\$ 20,000.00
Sub-Total				\$	471,725.00		\$ 356,036.29		\$ 400,985.00		\$ 580,420.10
NMGRT @ 8%				\$	37,738.00		\$ 28,482.90		\$ 32,078.80		\$ 46,433.61
Total				\$	509,463.00		\$ 384,519.19		\$ 433,063.80		\$ 626,853.71

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date:

Report No: 11.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, first publication of Ordinance 1660, amending Chapter 5 of the Alamogordo Code of Ordinances concerning Alcoholic Beverages. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background:

Amendments

- Removing language that duplicates the State and in the long run will be beneficial if state requirements change.
- Removing temporary alcoholic beverage dispenser's permits.

ORDINANCE NO. 1660**AN ORDINANCE AMENDING
CHAPTER 5 OF THE ALAMOGORDO CODE OF
ORDINANCES CONCERNING ALCOHOLIC BEVERAGES**

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that businesses and occupations provide valuable services to the citizens of Alamogordo; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that the current process and fees are not favorable to the business requesting licenses; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, considers it necessary to amend sections of Chapter 5 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 permit.

A. *Permit authorized.* The governing body of the city has deemed it advisable to allow and 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.

B. *Permit created.* There is hereby created a permit, to be designated a temporary alcoholic beverage dispenser's permit. A person to whom the city has issued a current valid temporary alcoholic beverage dispenser's 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.

D. Area designated. A temporary alcoholic beverage dispenser's 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 permit, and which area will hereinafter be referred to as a temporary alcoholic beverage dispenser's permit.

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 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. That such sale and consumption shall be limited to the designated temporary alcoholic beverage dispenser's.
2. The licensee must comply with all applicable laws and ordinances.
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. The licensee must pay the appropriate fee of fifty dollars (\$50.00) for each temporary alcoholic beverage dispenser's location.
5. The licensee must hold a current license from the state for the sale of alcoholic beverages or beer at retail for consumption on the premises.

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

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.

J. ~~[Governmental liquor license.] Nothing in this section shall be construed as prohibiting the city-~~

5-01-010. Temporary alcoholic beverage dispensers.

- A. Applicant must present the State of New Mexico's "Public Celebration Permit Application or the Special Dispenser's Permit Application" to the City Clerk's Office.
- B. The City Clerk's office will approve or disapprove within one (1) business day.
- C. It is the responsibility of the applicant to follow Alcoholic Beverage Control Division guidelines and State Statutes.

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

- ~~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.~~
- ~~B. It shall be a violation of this section for any minor to buy, receive, possess, or permit themselves to be served with any alcoholic liquor.~~
- ~~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.~~

~~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.~~

~~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.~~

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 seventy-five dollars (\$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:

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 in accordance with ~~pursuant to~~ the aAlcoholic bBeverage Control dDivision dates. The license tax shall not be refunded or prorated. The above does not include application fees or business registration any other fees.

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:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/23/2022

Report No: 12.

Submitted By:

Subject: Consider, and act upon, first publication of Ordinance 1659, amending chapter 2 of the Alamogordo Code of Ordinances, by adding 02-050 "City Commission Use of Social Media". (*Brian Cesar, City Manager*) **(Roll Call Vote Required)**.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Minimize risk for Litigation.

Recommendation: Approval first publication of Ordinance 1659

Background:

ORDINANCE NO. 1659

ALAMOGORDO CODE OF ORDINANCES GOVERNING ELECTED AND APPOINTED OFFICIALS USE OF SOCIAL MEDIA

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognizes social media as a form of notification to the citizens concerning information, alerts, and city business.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, has an important interest in assuring the accuracy and consistency of information provided to the citizens

WHEREAS the City Commission of the City of Alamogordo, New Mexico, believe that honest, civil, and productive discussions provide the best environment for citizens to understand the work of their government.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Chapter 2 of the *code of ordinances* is amended to include the following

2-02-050 City Commission Use of Social Media

1. These terms and conditions apply to all our current and future official City of Alamogordo social media sites.
2. Elected or appointed officials shall request to publish or post information under the City's official social media platforms.
3. Elected or appointed officials should know that social media posts, comments, and replies to those posts and any direct or private messages sent to us may be public records subject to applicable public records release.
4. The City of Alamogordo's social media accounts are not monitored 24/7. Automatic replies will be set up, asking citizens to use official communications, such as city email or phone, to contact city staff or report a complaint.
5. Elected or appointed officials are prohibited from conducting city business on their private pages.

Violation of this ordinance is subject to steps outlined in "*The City of Alamogordo Code of Conduct for Elected and Appointed Officials*."

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:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/27/2022

Report Date: 09/23/2022

Report No: 13.

Submitted By:

Subject: Discuss possible new ordinance on the Code of Conduct for Elected and Appointed Officials.
(Brian Cesar, City Manager).

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

SHORT TITLE

This chapter may be cited as the "City of Alamogordo Code of Conduct."

DECLARATION OF POLICY

The City of Alamogordo seeks to foster and maintain transparency while conducting city business, creating policy, and undertaking the day-to-day operation of the city. This chapter establishes minimum standards of ethical behavior of elected and appointed officials. It sets forth explicit standards of conduct by requiring elected or appointed officials to disclose personal interests, financial or otherwise, in matters of the city and to remove themselves from decision-making when such interests exist.

RESPONSIBILITY OF PUBLIC OFFICE

Elected or appointed officials of the city are bound to uphold the Constitution of the United States, the New Mexico Constitution, and federal, state, and local laws; to adhere to the highest standards in the exercise of powers and duties of office or employment; to impartially carry out their duties; to discharge their duties of office regardless of personal considerations, and to recognize that public interest must be the prime objective.

DEFINITIONS

(A) ADMINISTRATIVE ACTION. Action is based upon the application or interpretation of a city ordinance, state statute, or a proceeding involving a license permit, franchise, or development use.

(B) ANYTHING OF VALUE. As defined in NMSA §8-8-19 (D).

(C) APPOINTED OFFICIAL. A person who is not an elected official and has been appointed by the Governing Body.

(D) GOVERNING BODY OR CITY COMMISSION. The Governing Body of the City of Alamogordo

(E) CONFIDENTIAL INFORMATION. Information that has been classified confidential by law.

(F) CONFLICT OF INTEREST. A situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the duty.

(G) CONTRACT. An agreement between two or more parties, whether express or arising by operation of law.

(H) ETHICS OFFICIAL. The City Attorney, or another attorney designated by the City Manager, will act as the ethics official, performing reviews of complaints, conducting investigating actions, gathering information, and making recommendations to this chapter.

(I) ELECTED OFFICIAL. A Governing Body includes a City Commissioner or the Mayor.

(J) EX-PARTE COMMUNICATION. Direct or indirect communication with a party or the party's representative outside the presence of the other parties concerning a pending adjudication that deals with substantive matters or issues on the merits of the proceedings. Ex-parte communications do not include statements that are limited to providing publicly available information about a pending adjudication or solely related to the status of the proceeding.

(K) FAMILY. An individual's spouse, domestic partner, parent, child, sibling, and like in-laws, by consanguinity or affinity, or persons, related or unrelated, living within the household.

(L) FINANCIAL INTEREST. Any interest of an elected official or an appointed official that is: (1) an ownership interest or other interest in any contract or prospective contract with the city; (2) an interest in the sale of real or personal property to or from the city; (3) a financial relationship with a person or business whose interests may be affected by the city; (4) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property from the city; or (5) any other interest that may be affected by the city. For this chapter, interest shall be one either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent of the ownership interest of any other business that is doing business with the city in an amount in excess of \$7,500 annually. An interest held by the elected Official's spouse or minor children shall be considered the interest of the Elected or appointed officials for the purposes of this chapter.

(M) FRIVOLOUS. A determination is made by the Ethics Panel when two or more complaints made by an individual or entity have been determined to be unsubstantiated and contain allegations that are found to have no factual basis.

(N) HARASSMENT. Harassment consists of knowingly pursuing a pattern of conduct intended to annoy, alarm, bully or intimidate another person and that serves no lawful purpose. The behavior must be such that it would cause a reasonable person to suffer substantial emotional distress.

(O) NON-PUBLIC INFORMATION. Information that is obtained during an elected official's, appointed official's, or employee's duties and is subject to public inspection under state law, but that, because of its nature, is not readily accessible to the public; and if used or disclosed, a personal benefit or advantage is likely to result.

(P) PARTY. A person who has submitted to the city an application seeking affirmative relief; a person who has filed a formal complaint or protest; a person who is the subject of a formal complaint or investigation; and members of the general public who participate in a pending adjudication.

(Q) PENDING ADJUDICATION. Any application, petition, complaint, protest, investigation, or other administrative adjudicatory proceeding requiring a decision or action by the Governing Body

(R) PERSONAL BENEFIT. The obtaining or promise of obtaining anything of value.

(S) SUBSTANTIATED CLAIM. Competent facts verify a violation of this chapter, and substantial evidence exists to support it.

(T) UNSUBSTANTIATED CLAIM. A claim that is not supported by competent facts or substantial evidence or existent of facts or an allegation that is not a per se violation of this chapter.

NON-PARTISANSHIP

All actions, decisions, and votes on matters relating to city government shall be on the merits. Decisions shall be made objectively, without party or partisanship considerations, and without facts that are not directly and properly related to the matter requiring action.

PUBLIC TRUST

(A) Elected or appointed officials shall act according to the highest principles of representative democracy to ensure that city government is worthy of public respect, trust, and support.

(B) Elected or appointed officials shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have misused their public positions unethically or otherwise have not conducted themselves in accordance with the standards of conduct of this chapter.

(C) Elected or appointed officials shall not provide or disseminate to the public any information or data that they should reasonably know to be untrue, inaccurate, or misleading. It is incumbent upon elected or appointed officials to correct such information as quickly as reasonably possible.

(D) It is a violation of this chapter for elected officials and appointed officials to knowingly violate their own rules of procedure or any other law or ordinance.

CONDUCT AVOIDING IMPROPRIETY

(A) Elected or appointed officials shall avoid conduct that creates the appearance of impropriety, or that is otherwise unbefitting a public official. An impropriety can mean misconduct or behavior demonstrating an unethical process or improper influence.

(B) Elected or appointed officials shall not knowingly engage in conduct that violates the rights of others to be treated fairly.

(C) Elected or appointed officials shall refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for personal benefit.

PROHIBITED FINANCIAL INTEREST IN CITY BUSINESS

(A) No elected or appointed officials may have a financial interest if the elected or appointed official is in a decision-making capacity concerning the financial interest.

(B) Elected or appointed officials with any financial interest shall disclose such interest in writing to the City Attorney's office or by making an official record at a commission meeting. By filing a disclosure of interest with the City of Attorney or recording into the record at a commission meeting, the elected or appointed official shall be disqualified from participating in any debate, decision, or vote relating thereto.

CONFLICT OF INTEREST, DISCLOSURE

(A) Elected or appointed officials shall strictly avoid transactions and relationships that create a conflict of interest. Where a conflict of interest is unavoidable, the elected or appointed official shall disclose the conflict of interest and shall subordinate the conflicting interest to the public interest. The Clerk shall record the disclosure as part of the minutes of the meeting at which the disclosure is made.

(B) Elected or appointed officials shall exercise their duties, powers, and prerogatives without prejudice or favoritism to hire, promote, or reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.

(C) Elected or appointed officials shall assure that constituents and others who may be affected by decisions of the city have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide benefits or political support to the elected or appointed official.

(D) Elected or appointed officials shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different services if gifts, personal benefits, or political or charitable contributions are provided.

(E) Elected or appointed officials shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or anything of value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result. Nor may anything of value be solicited or received from a person or

business doing business with the city, contracting with the city, regulated by the city, has an application pending before the city, or whose interests may be affected by the city.

(F) Elected or appointed officials shall not accept anything of value from a person, business, or other entity when the elected or appointed official or employee knows or reasonably should know that said person, business, or entity does any business with the city, desires to do business with the city, contracts with the city, is regulated by the city, has an application pending before the city, or whose interests may be affected by the city.

CONFIDENTIAL INFORMATION AND MISUSE OF NON-PUBLIC CONFIDENTIAL INFORMATION

No elected official or appointed official shall disclose or use confidential information maintained by the city without proper authorization. No elected or appointed official shall use confidential information for personal benefit. Such information shall not be used to advance said person's financial or other private interests.

USE OF POSITION TO OBTAIN INFORMATION

No elected or appointed official shall use their position to obtain information from another entity or individual for personal benefit. Nor shall an elected or appointed official to obtain, or attempt to obtain, information from an individual or entity on behalf of the city when the information will be used for their personal interest or benefit.

MISUSE OF CITY PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE

(A) An elected or appointed official shall not use public property for any private or nongovernmental purpose except as expressly provided by law. Public property includes public funds, staff time, facilities, property, equipment, mailing lists, computer data, services, or any other governmental asset or resource. This section does not prohibit reserving or renting city property designated as either public or meeting space and is otherwise made available to all members of the public.

(B) Unless authorized by the City of Alamogordo employee manual, no city employee shall be asked or permitted to perform personal services for an elected or appointed official. An elected or appointed official shall not require a city employee to perform personal services or assist in a private activity.

MISUSE OF CITY PROPERTY OR RESOURCES FOR POLITICAL PURPOSES

No municipal resources, including funds, facilities, and personnel, may be used for political campaign purposes or to influence an election; provided that this shall not prohibit the use of public resources proposed for the limited purpose of educating voters about the details of a ballot question placed on the ballot as authorized by the City of Alamogordo Governing Body pursuant to Section 1-16-3 NMSA 1978 (as amended). An elected official shall not use or authorize municipal funds, time, facilities, equipment, mailing lists, computer data, social media platforms,

resources, services, or other government assets for political fundraising, campaigning, or influencing an election.

USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN

An elected, appointed, or former elected official who terminated city service within one year shall not use or disclose confidential information to obtain a benefit for any person. This section does not allow the disclosure of information made confidential by law.

MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE

(A) An elected or appointed official shall not use, induce, cause, or encourage others to use the authority, title, official letterhead, or prestige of the elected or appointed official for private gain or personal advantage.

(B) An elected or appointed official shall not solicit or accept anything of value under terms and conditions where the compensation is not commensurate with the services performed or where a reasonable person would believe that the authority, title, or prestige of office had been exploited.

POLITICAL ACTIVITY

(A) No elected or appointed officials shall compel, coerce or intimidate any elected or appointed officials to make, or refrain from making, any political contribution. No elected or appointed officials shall solicit or obtain any political contribution from employees by coercion. Nothing in this subsection shall be interpreted to provide that an elected or appointed official is precluded from voluntarily making a contribution or receiving a voluntary contribution.

(B) No elected officer of the city shall hold any other elected office or be employed by the city during the term for which the member was elected.

(C) Nothing in this section shall be construed to prohibit the Governing Body from selecting any current, former mayor or city commissioner to represent the city before any other governmental entity.

(D) An elected or appointed official shall not require an employee to perform political activity:

- (1) as part of the employee's duties;
- (2) as a condition of city employment; or
- (3) during any time off that is compensated by the city.

(E) No elected or appointed official shall engage in any conduct that would, to an objective third party, constitute an undue threat to an employee's continued employment.

(F) The city shall employ no former mayor or city Commissioner until one year after the expiration of the term for which the member was elected.

COERCION

(A) An elected or appointed official shall not, directly or by authorizing another to act on their behalf, state or imply that the elected official's willingness to meet with a person or organization is dependent on the person or organization making a campaign contribution, donating to a cause favored by the official, or providing anything of value to the official.

(B) An elected official shall not directly or by authorizing another to act on the elected official's behalf:

(1) Agree or threaten to take or withhold any city governmental action as a result of a person's decision to provide or not provide a political contribution; or

(2) State or imply that the elected official will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political contribution; or

(3) Agree to or participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, this chapter, or another financial disclosure provision of state or city law; or

(4) Knowingly accept a contribution given or offered in violation of any applicable state ethics statutes or this chapter.

EX PARTE COMMUNICATIONS

(A) Ex parte communications prohibited.

(1) An elected official or appointed official designated to hear an administrative adjudicatory matter pursuant to city ordinance shall not initiate, permit or consider a communication directly or indirectly with a party or the party's representative outside of the hearing and outside of the presence of all other interested parties concerning the pending matter.

(2) An administrative adjudicatory matter involves the use of a discretionary standard, as specified by code or other city ordinance, to an application for discretionary approval.

(3) Notwithstanding the provisions of subsection (A)(1) of this section, ex parte communications for procedural or administrative purposes, during emergencies, or that do not deal with the merits of the application shall not be prohibited if the elected official or appointed official reasonably believes that no party will gain an advantage as a result of the ex parte communication and promptly notifies all other parties of the substance of the ex parte communication.

(4) An elected or appointed official who receives or who makes or knowingly causes to have communication prohibited by this chapter shall disclose the communication to all parties and allow other parties to respond.

(B) Recusal.

(1) An elected official or appointed official shall recuse themselves in any pending administrative adjudicatory matter in which the official is unable to make a fair and impartial decision or in which there is reasonable doubt about whether the official can make a fair and impartial decision, including:

(a) When the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means the predisposition toward a person based on a previous or ongoing relationship, including a professional, personal, familial, or other intimate relationship, that renders the official unable to exercise their functions impartially; or

(b) When the official has a pecuniary or financial interest in the outcome of the proceeding; or

(c) When, during the previous employment, the official served as an attorney, advisor, consultant, or witness in the matter of controversy (previous employment is employment during the previous 12 months); or

(d) When the official announced how they would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

(2) An elected or appointed official shall not be required to recuse themselves in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an elected official shall not be required to recuse themselves in any pending administrative adjudicatory matter merely because the elected official made representations during a political campaign on viewpoints on public policy that an application may raise.

(3) The elected or appointed official recusing themselves shall disclose the reason for recusal.

(4) If, before the hearing, an elected official or appointed official fails to recuse themselves when it appears that grounds exist, a party shall promptly notify the elected official or appointed official of the grounds for recusal. If the elected or appointed official declines to recuse themselves upon request of a party, the official shall provide a complete explanation as to why they refuse

(5) If during the hearing, an elected official or appointed official fails to recuse themselves when it appears that grounds exist, a party shall promptly notify the Mayor of the grounds for recusal. If the elected official or appointed official declines to recuse themselves, the Chair may entertain a motion to excuse the official from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter.

RESTRICTIONS ON THE GOVERNING BODY; ADMINISTRATION OF THE PERSONNEL SYSTEM, MANAGEMENT

The Governing Body shall not perform, collectively or individually, general executive management functions in the administration of city government; these functions shall be delegated to the City Manager, including administration of the personnel system. This paragraph shall not apply to matters of policy, the responsibility, and the authority of the Governing Body to approve the annual budget.

REPORTING, INVESTIGATING, AND MAKING DETERMINATIONS PERTAINING TO VIOLATIONS OF THIS CHAPTER

(A) Any elected or appointed official, employee, entity, or member of the public may submit a complaint of unethical conduct to the City Attorney's office, a complaint alleging facts which, if true, would constitute a violation of this chapter. If the City Attorney is not appointed as the Ethics Official, the City Attorney shall forward the complaint to Ethics Official.

(B) Ethics Official shall investigate all applicable complaints forwarded to them and make one of the following recommendations regarding the complaint:

(1) Unsubstantiated claim under this chapter; or

(2) Substantiated claim under this chapter.

(C) If an unsubstantiated claim is a recommendation made by the Ethics Official, the ethics official shall produce a report reflecting their findings and details of the investigation. An unsubstantiated claim shall not be forwarded to the Ethics Panel unless necessary to determine a frivolous claim.

(D) Upon the completion of an investigation, the Ethics Official may determine that a claim is substantiated. At such time, the Ethics Official will produce a report which contains their findings and recommendations. The Ethics Panel shall conduct a public hearing of all substantiated claims and shall decide, by majority vote, if a provision(s) under this chapter has been violated. Penalties shall be determined according to this chapter. The Ethics Official shall be present at the public hearing to respond to questions from the Ethics Panel regarding their findings and recommendations. The complaining party and the respondent to the complaint shall be notified via certified mail to all hearings. The respondent or a legal representative hired by the respondent shall be allowed to respond to the complaint at a public hearing.

(E) If an individual or entity files two or more unsubstantiated complaints directed at the same individual for harassment or to cause the individual public shame or embarrassment, the Ethics Official may recommend a public hearing to the Ethics Panel.

(1) Notice shall be provided to the complaining party no later than 14 calendar days before the scheduled public hearing.

(2) The Ethics Panel shall conduct a public hearing to determine if the complaints are frivolous and if the complaints were intended to annoy, harass or otherwise cause the targeted individual public shame or embarrassment.

(3) If the Ethics Panel determines by majority vote that the complaints are frivolous and intended to annoy, harass or cause the targeted individual shame or embarrassment, they may prescribe a penalty under this chapter.

(4) If the complaining party disagrees, that may be appealed to the Twelfth Judicial District Court.

CITY ETHICS PANEL

(A) If the Ethics Official substantiates a complaint, an ethics panel shall be created.

(B) A City of Alamogordo Ethics Panel shall be created that shall consist of three members plus one alternate.

(1) The City Manager will appoint the Chair of the Ethics Panel. The Chair preferably shall be a lawyer, former judicial official, or former law enforcement.

(2) The remaining two members and alternate shall be appointed by the Ethics Panel Chair.

(C) All ethics panel members shall not be affiliated with the city government in any capacity. This includes, but is not limited to, employment, employment for which the salary is in any way funded by or through the city, appointment, or election. The members of the Ethics Panel may not hold elected public office or office with any political party within the city.

(D) The jurisdiction of the Ethics Panel is limited to acting within the scope of matters covered by this chapter but may periodically review and recommend amendments to this chapter.

(E) The Ethics Panel shall adopt rules of procedure for conducting hearings pursuant to this chapter. The rules of procedure shall be consistent with the rules for conducting administrative hearings in Alamogordo and shall be reviewed by the City Attorney.

(F) The Ethics Panel shall have the power to issue administrative subpoenas compelling attendance of witnesses at hearings and the production of documents and the authority to seek enforcement of those subpoenas by the Twelfth Judicial District Court.

(G) If the Ethics Panel finds, by a preponderance of evidence and upon a majority vote, that the elected or appointed official has violated this chapter, the Ethics Panel may impose any of the following penalties after the written findings of fact and conclusions of law:

(1) A civil fine not to exceed \$500; or

(2) A written finding of censure; or

(3) A referral to the District Attorney or appropriate governmental office for commencement of criminal or other proceedings; or

(4) A recommendation to the District Attorney that proceedings to remove the person from elected office be commenced pursuant to NMSA 1978 § 10-4-1 et seq. (as amended).

(G) No action may be taken by the Ethics Official or Ethics Panel on any complaint filed later than one year after a violation of this chapter is alleged to have occurred, or that is filed more than six months from the date of the discovery of the alleged violation upon due diligence by the complaining party of facts constituting a violation, whichever event occurs later.

(H) The Ethics Panel may also provide advisory opinions regarding the applicability or interpretation of the provisions of this chapter upon the request of any elected official or appointed official.

(I) Members of the Ethics Panel shall not receive any salary or compensation for services.

RIGHT OF APPEAL

Any decision of the Ethics Panel finding a violation of this chapter may be appealed to the Twelfth Judicial District Court pursuant to NMSA 1978 § 39-3-1.1 (1998, as amended). Should the respondent appeal and wish to have legal representation, it is their responsibility to hire said representation.

NON-RETALIATION

The Governing Body does not tolerate retaliation, workforce discrimination, or harassment of any kind against any person who has reported a violation of this chapter. This non-retaliation provision applies whether the complaint is ultimately determined to be unsubstantiated or substantiated. All elected or appointed officials are specifically prohibited from taking any adverse employment action, engaging in workplace discrimination or harassment of any kind, or other retaliatory action against anyone for reporting a claim of violation. Anyone who believes that they have been subject to workplace discrimination or harassment of any kind or that has been retaliated against in violation of this chapter should submit a complaint of unethical conduct to the Ethics Panel by delivering a complaint to the City Attorney's office.