

**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 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 Morehkas 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)

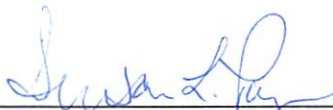
Commissioner Rardin moved to adjourn into Closed Executive Session 7:10 p.m.

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.