



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

January 10, 2023 - 6:30 PM

Donald E. Carroll City Commission Chambers
City Hall, 1376 E. Ninth Street

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. Information on City Charter. (Rachel Hughs, City Clerk)

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.

2. Approve the minutes for the December 6, 2022, Regular Commission meeting. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, the adoption and final publication of Ordinance 1664, amending Chapters 5, 17, and 34 of the Alamogordo Code of Ordinances concerning Alcohol and Cannabis Licenses and Fees. *(Brian Cesar, City Manager and Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
4. Consider, and act upon, the adoption and final publication of Ordinance 1665 Case Z-2022-0004(A), a map amendment to change the zoning of the property located at 1004 E. 9th Street from C-1 Neighborhood Business to R-4 Multiple Family Dwelling. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
5. Consider, and act upon, the receipt of \$10,254.72 in State Grants-in-Aid funding from the NM State Library for the Alamogordo Public Library. *(Kimberly Underwood, Library Manager)*
6. Consider, and act upon, Resolution 2023-02 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 January 10, 2023. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

7. Consider, and act upon, approval of Change Order No. 3, Public Works Bid No. 2021-001, to Smithco Construction, Inc., related to the Bonito Lake Infrastructure Improvements project in an amount not to exceed \$237,731.94, including NMGR. *(Bob Johnson, Engineering Manager)*
8. Consider, and act upon, approval of Change Order No. 4, Public Works Bid No. 2021-003, to La Luz Dirt & Paving, LLC, related to the Scenic Drive Extension project in an amount not to exceed \$116,126.80, including NMGR. *(Bob Johnson, Engineering Manager)*
9. Consider, and act upon, first publication of Ordinance No. 1668 repealing Sections 24-13-010 and 24-13-020 of Chapter 24 of the Code of Ordinances relating to Resident and Mobility Disabled Parking only. *(Nancy Beshaler, Public Works Director)* **(Roll Call Vote Required)**
10. Consider, and act upon, the first publication of Ordinance 1667 Case Z-2022-0005(A), a map amendment to change the zoning of the property located at 1408 Black Street from R-1 Single Family Dwelling to M-2 Industrial District *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
11. Discuss advertising on City Property. *(Nick Paul, District 1 Commissioner)*
12. Consider, and act upon, Resolution 2023-03 to Establish a City Charter Committee. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 01/05/2023

Report No: 1.

Submitted By: Rachel Hughs

Subject: Information on City Charter. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

City Charter Information

Rachel Hughs, CMC, City Clerk

Charter Committee

- Purpose and responsibilities of the Committee

Charter Committee

- A City Charter Committee meets every ten years to review the Charter
- The Committee member's responsibilities are to review the effectiveness of the City Charter and give recommendations as an advisory body to the City Commission for their consideration
- The Charter Committee is a public body subject to the Open Meetings Act

State Statutes 3-15-5. Charter Commission; appointments; number; qualification; duties

- The governing body of a municipality may appoint a charter commission upon its own initiative at any time
- The Charter Committee shall consist of not less than seven members
- No more than a simple majority shall belong to the same political party
- The Charter Committee shall prepare a charter providing for the government of the municipality and shall complete the proposed charter and file it with the city clerk within 180 days from the date of its appointment
- The Charter Committee shall select its own chairman

State Statutes 3-15-7. Charter; provisions; restrictions; prior legislation

- The charter may provide for any system or form of government that may be deemed expedient and beneficial to the people of the municipality, including
 - the manner of appointment or election of its officers
 - the recall of the officers
 - the petition and referendum of any ordinance, resolution or action of the municipality; provided, that the charter shall not be inconsistent with the constitution of New Mexico, shall not authorize the levy of any tax not specifically authorized by the laws of the state and shall not authorize the expenditure of public funds for other than public purposes
 - All bylaws, ordinances and resolutions lawfully passed and in force in the municipality before the adoption of the charter shall remain in force until amended or repealed

State Statutes 3-15-9. Special election on Adoption of Charter

- Within five days after the filing with the clerk of the municipality of the charter provided for by Sections 3-15-1 through 3-15-16 NMSA 1978, and the charter being approved by a majority of the members elected to the governing body of the municipality at a regular or special meeting, the presiding officer of the governing body of the municipality shall by proclamation call a special election for the purpose of submitting to the electors of the municipality the question of whether or not the municipality shall adopt the charter prepared by the charter committee
- The special election may be called and held at the same time and in conjunction with the regular election for municipal officers
- Should the charter filed with the clerk of the municipality fail to be approved by the governing body of the municipality, the charter shall be returned to the chairman of the charter committee together with a letter of transmittal stating the reason why the charter has been rejected by the governing body
 - The charter committee shall revise the charter in accordance with their instructions in the letter of transmittal and shall refile the same with the clerk of the municipality within sixty days after the chairman of the charter committee shall have had returned to him the rejected charter
 - If the charter is then approved, the election proclamation shall be issued, or if not approved, the charter shall be returned by the governing body to the charter committee. This procedure shall continue until a charter is presented and approved by the governing body of the municipality

History of Charter Committees

- 1993
- 2003
- 2011
- 2015

1993 Charter Committee

- Minutes concerning Resolution stated
 - no more than 14 residents of the City may be appointed
 - each member of the governing body may nominate 2 residents to serve on the committee
 - make written recommendations within 60 days of its appointment
- 10 members were appointed (one resigned in August leaving 9 members)
- First meeting April 6th and last meeting August 12th
- Final recommendations to City Commission September 21st
 - Commission voted to delay discussion until after some elections;
 - After discussion during 3 meetings in 1996-1997, a Special Election for the Question was called for March 17, 1997

2003 Charter Committee

- Resolution 2003-03 stated
 - no more than 14 residents of the City may be appointed
 - each member of the governing body may nominate 2 residents of the city to serve on the committee (Commission nominated 2 from their district)
 - make written recommendations within 60 days of its appointment
- 14 members were appointed
- 3 Subcommittees of 4 members each were formed and met twice for Compensation, Vacancies, and Recall
- First meeting March 31st and last meeting April 7th
- Recommendations and presentation to City Commission were on May 14th

2011 Charter Committee

- 14 members were appointed
- Review included having a Mayor-elect At-Large
- First meeting February 15th and last meeting June 7th
- Charter proposed amendments were on the March 2012 ballot as one Charter amendment Question of For or Against

2015 Charter Committee

- Resolution 2015-09 stated
 - not less than 7 residents and no more than 7 residents of the City may be appointed
 - each member of the governing body may nominate 1 resident of the city to serve on the committee
- 7 members were appointed
- First meeting May 13th and last meeting July 21st
- One public hearing on June 15th
- Charter proposed amendments were on the March 2016 ballot as five Charter amendment Questions of For or Against

Dates

- For Upcoming Charter Committee

Dates and Timeframes

- January 10th – Pass the Resolution to form a committee to review the Charter
- By February 7th – City Commission shall submit their nominations to the City Clerk
- February 14th – City Commission appoints Charter Committee members
- By April 11th – Within 60 days of the appointment of the Committee, recommendations and presentations are due to the City Commission
- By June 6th - The Charter Committee shall prepare a charter providing for the government of the municipality and shall complete the proposed charter and file it with the City Clerk
- June 13th - Within 5 days after the filing with the City Clerk, and the Charter being approved by the majority of the governing body, the presiding officer of the Governing Body shall by proclamation (resolution) call a special election to pose the Question on the ballot to the voters
- By August 25th – send the resolution to the County Clerk
 - (Not less than 70 days before the election the resolution with the ballot Question shall be filed with the County clerk)
- November 7th – Charter amendment Question on the Ballot

Appointing Committee Members

- Pass Resolution to form a committee to review the Charter
- City Commission appoints the members

Information to the Committee Members for the first meeting

- Purpose and responsibilities of the Committee
- Briefing on the Open Meetings Act
- Select Chairperson
- Select Vice-Chairperson
- Pass Open Meetings Act Resolution
- Select dates and times of meetings
- Committee develops a plan for reviewing the charter

THANK YOU

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 12/22/2022

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the December 6, 2022, Regular Commission 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
December 6, 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 Manager Brian Cesar was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Matt Celoria and the Pledge of Allegiance was led by Mayor Pro-Tem Wright.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Point in Time (PIT) count funding request through 100 % Otero. (*Peg Crim, President of 100 % Otero and Nadia Sikes, Housing Team Lead*)

Ms. Crim said that 100% Otero is a local nonprofit, and their goal is to eliminate childhood trauma in Otero County. We want our kids to grow up in a safe and healthy environment, so they can grow up to be responsible and productive adults. She said they do that by ensuring that all families have access to the ten vital services that they need to be successful: food, housing, medical & dental care, behavioral health care, transportation, parent supports, early childhood learning, community schools, youth mentoring, and job training. She said she was here to talk about one of these services, housing. She said in full disclosure, she was here to ask for money but just a small amount. She said we all have seen people experiencing homelessness as we drive around town. We know it is happening in our community, but do we know how many folks it affects, where they are from, how old they are, what caused them to fall into homelessness, and what could help them get out? Why is it important to know the data, the who, what, where, why, and when? One is HUD, Housing and Urban Development; it is their mandate that we all count the homeless people every year. More close to home, if we want to solve a problem, we have to know what the problem is. We need the data to define the problem, then we need data over time to see if any actions we put into place made a difference. Are we helping people, or are we not? We need the numbers and data to prove it. The other thing is there is funding to work on the homeless issue. There is government funding, foundations, and all sorts of things, but the first step to being eligible to get that funding is you have to know what your problem is. You have to have the data from what is called the Point in Time Count, or PIT Count. We need to have the numbers, and we need to have the data, so we can know what we can ask for. This is like the Census. If we want good data, we need a greater level of organization and coordination to get those good numbers and do some comprehensive surveys. She asked for the Commission's support to get a good count. She said they would need to do this year after year to follow the trends and see how we were doing. She said this year's PIT Count is for the night of Monday, January 30, 2023. For several days

after that, individuals can be surveyed. If they spent that night somewhere not meant for human habitation, we count them as homeless and ask some more questions. 100% Otero is willing to lead this effort, and they have estimated that the cost is about \$2,700. She said they are asking the City Commission for half of that and Otero County for the other half. In the end, she said they would deliver a report so the Commission could see all the data and use it for their planning and decision-making.

Mayor Payne said asked when they wanted to do the PIT Count. Ms. Crim said it was for the night of January 30th, and they have four or five days afterward to interview people. Mayor Payne said that last year when they did the PIT Count, they picked the worst possible day of the year because it was freezing that week. She said she did not know if January 30th would be better or not, it is really hard to say, and it is unfortunate because it is important to our community to get a good count. We don't necessarily see homeless people, but they are there, and we can't truly fix the problem if we can't get an accurate count. Mayor Payne said this was a presentation, not an action item, so there is nothing we can do tonight about it, but she said she thought we could bring it back. Assistant City Manager Hernandez said if you would like us to work with them and get the money, the direction is to bring this back as an item for you. Mayor Payne said it was \$2,700, so half is \$1,350 each. Ms. Crim said yes, that is correct. Ms. Crim said they hadn't heard yet from Otero County, but they are working with them. Mayor Payne said she supported this because it is important for our community. This problem is getting worse and worse, and if we really want to fix this, we need to do what they said and take a critical look at it, otherwise we are just kicking the can down the road.

2. Information about the burned house located on 1301 Greenwood Lane. (Deborah Goldberg, Citizen)

Ms. Goldberg said that on December 23, 2021, the house on 1301 Greenwood Lane burned down. The house sits across from Grace Methodist and is in a good neighborhood. She said the man that lived there died, and the family moved away. After they moved, it became a drug house, and the police came to the house frequently. She said that Code Enforcement and the City Attorney had done nothing; she stated she understands the City has procedures the City must follow when condemning a building or seizing land, but the City is not following them. Not even the beginning steps have been followed to take care of this property. This is now affecting our property values. Ms. Goldberg said she had a copy of the fire reports but could not get it to the City Commission in time. It was easy for her to find out if the taxes were paid and who owned the house; she just needed to visit the County Assessor to get this information. She said when she was sent back to Code Enforcement and the City Attorney after six months of waiting, she was asked if she knew who the owner was. She said this was the second conversation she was having. She said she understood there was a new person in Code Enforcement, and she needed to get her sea legs under her before she got going, but Ms. Goldberg said she gave her another forty-five days and came in and asked her, and they flat out told her they had done absolutely nothing. She asked how she is supposed to get that building taken care of if she could not get City officials to do what they were supposed to do. She said that she and her neighbors need the Commission's help; they are done. This happens to be in Commissioner Rardin's District, but he has left his seat. She said she was going to ask him if he could help with this because it is their property values that are dropping, including his.

Mayor Payne asked City staff to speak on this. City Planner Rael said that after the fire, when Ms. Goldberg first started communicating with our Attorney and our Code Enforcement, she was not the Code Enforcement Manager, and Ms. Smith was not our City Attorney. She said she had researched, and yes, there was a structure fire at that location on December 23, 2021. We have records; she said she has multiple photos of the damage to this home. On December 26, 2021, a fire report was submitted by Primary Investigator William Skaggs, an employee of the City of Alamogordo; he provided everyone with the report, which is on file. She said that we know who the owner of the home

is per tax records and County data, we researched that, and we have all that information. An IPMZ, an international property management code letter, was sent out to the property owner on January 4, 2022. Unfortunately, no one lived at the home, and per County records, that is the only address on record for the property owner. She said she did not know if this gentleman was deceased or not, and the letter was returned. She said that is all they have regarding contact information, the owner's name, and address. She said she started as Code Enforcement Manager on April 1, 2022. She said she had a meeting with Ms. Goldberg and explained the process, the budget, and how she has no budget left this fiscal year and that nothing would be able to be done. There is a process where she has to apply for a search warrant and get that approved by the judge, and we have people go in there and investigate and decide if it should be condemned or what we should do. Then we bring the resolution in front of the Commission. She said on October 13, 2022, Code Enforcement Officer Estrada did a notice of violation for the weeds in the alley, they are pretty tall behind the home; that letter came back also. Mayor Payne asked if it was because we were sending them to that address. City Planner Rael said yes because that is the only address. She said to let you know why she is not legally able to do anything at this point; it is because the house is in foreclosure. She said she is in communication with a law office out of Albuquerque that is handling the foreclosure. They are in the process, and they can't find the owner of the home either. She said they couldn't find whether he was deceased or not; Ms. Goldberg was referring to the fact that he is deceased. So, there is going to be a process there, they filed a complaint, and the complaint is a Notice of Lis Pendens, which is foreclosure. They did that on June 22, 2022. Now, because they can't find the property owner, they will have to serve him per publication. So, they are going to put it in the newspaper for three consecutive weeks in a row, then there is going to be another process of service, and then they have to get a motion from the judge to say they can't find him, he is not responding, now you can start the actual foreclosure process. The mortgage company will determine whether they come and rehabilitate the house or tear it down. City Planner Rael said that as a representative of the City, she couldn't go in and tear people's homes down. She said she knew that is what the neighbors wanted, but there is a process, and she can't just go and tear somebody's home down.

Mayor Payne told City Attorney Smith that she gets that it is in foreclosure right now, but does the mortgage company technically own it? City Attorney Smith said that right now, it would be in a limbo because the mortgage company does not own it until they get that order from the judge saying that he is granting their foreclosure, so yes, it becomes theirs. Right now, it is like what she is doing with the liens. We have been doing a lot of the foreclosure process for some of our liens on properties. Again, it is the same kind of process, where we have to serve the owner, who we believe is the owner, and we have to do that by searching the County records. We have to put it in the newspaper like what they are doing. Theirs is three consecutive weeks, but ours is a little different. Until that process is complete, and until the judge rules that no one is going forth and your notice of foreclosure is valid, it is still technically this unknown property owner's place, and they still own it. Mayor Payne asked how come we can't move forward, as if we knew where the owner was? Commissioner Paul said because the bank still has an interest and that is their collateral. Mayor Payne asked if they trumped us. Commissioner Paul said yes, from his experience in dealing with properties, there is not anything, until the bank takes back ownership, you could probably lean on them to see if they will do anything, but New Mexico is a judicial foreclosure state. The holder of that mortgage currently, whoever it is, has a period to redeem their rights in that mortgage, which is still nine months from the point in time that foreclosure takes place. Mayor Payne said what makes her the maddest is that there was a fire there, and she didn't know for sure but is it a fairly safe assumption that someone may have collected insurance money on that? She said it just infuriates her. City Planner Rael said the same thing with the law office, regarding the gentleman she is dealing with; he is hoping that something will be done by July 2023. Like Commissioner Paul said, until the mortgage goes through the whole foreclosure process, there are somethings she can't do, and they can't do. At this time, the City did board it up back on March 2021. It is safe, and there are no trespassing signs. Nobody should be trespassing on

that property, whether it is to take pictures or whatever the reason is, nobody should be going on there. She said that she herself, and her Code Enforcement Officers, have not even been on the property. She said the pictures they have are from the street. We follow every legal step that we are supposed to. As far as the rear yard, she said you all have pictures that Ms. Goldberg provided you. The only pictures that she had were of the rear yard and what was provided during the investigation of the fire. Another thing is a tall, blocked wall and a locked gate in the back. By law, if she can't see what is on the property by just standing there, then she has no business there. That is the whole list of events that have happened, and this is where we are today. Mayor Payne said it sounds like you are doing everything you can, and she said she knew it was frustrating, but it doesn't sound like we can do anything else about it. City Planner Rael said that she has an understanding with the law office out of Albuquerque that as soon as things are happening on their end, they promise to make her their first point of contact and let her know what is going on. They want to work with the City, but until it goes through the foreclosure process, they can't do anything more than what they are doing now, and neither can she.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Assistant City Manager Hernandez made the following remarks:

1. Our Christmas Tree lighting is this Friday.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

As a reminder to everybody, at the last City Commission meeting, we voted to cancel the last City Commission Meeting of the year on December 20, 2022. So, this will be the last meeting of the year.

Commissioner McDonald made the following comments:

She spoke about the Dudley School Community Center and Park. She said if you are driving down Maryland, drive by slowly and see the sign. It is so nice, and the pillars are going up soon. This Saturday at 9 o'clock, will be a workday for any volunteers that want to come. We still want to have history. We want the volunteers to come for repair work, so this Saturday they will be prepping walls and painting the interior. There will be some work done outside, but not as much. If you can, please come out. She wanted to take this time to thank the City of Alamogordo, and the Tularosa Basin Historical Society for all the work that they have done to make this happen. We are getting a lot of positive comments in the sense that they have been waiting for something like this to happen. We are pleased and looking for people to come out; if you can come out for an hour or so, that is fine, but we will let you know the other dates we will be working on at the School.

She spoke about the Sacramento Family Park Playground and said it was coming along very well. They have covers over the playground area; they just finished the cement and the cover over the seating area. The basketball courts are done and once you replace the nets on there, those are all new; and the blacktop has dried. She said she thought that they were going to be finished later this month, so that is something that is happening in District Five, and we are very pleased with the Alamogordo Public Schools Superintendent and Board that approved that.

She said she was at Oregon Street Park, where Kid's Kingdom is, at the tennis park, being introduced to pickleball, and she noticed how well-kept that Park is. She just wanted to say to Veronica and her

staff that it is amazing. She said she has seen some tennis nets, and they are not as good as that. She said she was actually pushing up against the nets, and they are strong. There is a tennis group that is helping out, and they have done an extraordinary job, and Kids Kingdom can be used for older adults, too, not just kids. She said she guessed we get to be kids twice.

She said she attended the Christmas Time on Mainstreet, and the only reason she is mentioning this is because she had her nephew and niece in town from Pensacola, and they were very impressed with the activity in the downtown area, and they compared it to their own in Pensacola. People that are coming into town are noticing the changes in the park area. She said she saw the work at Alameda Park that is being done, and that is looking good too.

There will be a parade on Saturday, December 10th, from 5:30 to 6:30, and there will be forty-five floats.

Mayor Payne made the following comments:

This past weekend they had Old Fashioned Christmas Downtown. She said she spent some time out there, and the weather was perfect. Vendors were out there, and the store owners had their stores open.

CONSENT AGENDA

3. Approve the minutes for the November 15, 2022 Regular Commission meeting. (Rachel Hughs, City Clerk)

4. Consider, and act upon, Resolution No. 2023-01 determining reasonable notice of meetings of the Alamogordo City Commission (Open Meetings Act). (Rachel Hughs, City Clerk) (Roll Call Vote Required)

5. Consider, and act upon, the City Commission Regular Meeting Schedule for calendar year 2023. (Rachel Hughs, City Clerk)

6. Consider, and act upon, the Investment Report for the quarter ending September 30, 2022, in accordance with the City of Alamogordo Investment Ordinance. (Sue Ashe, Accounting Manager)

7. Consider, and act upon, an Airport State-sponsored grant in the amount of \$15,000 with a \$15,000 City match. (Jim Talbert, Airport Manager)

8. Consider, and act upon, the transfer of Airport Hangar Leases E-12A and E-13A1. (Jim Talbert, Airport Manager)

9. Consider, and act upon, approving requests for City water service and water meters at 16 & 17 Indian Maid Ln., Alamogordo, NM 88310. (David Nunnelley, Utilities Director)

10. Consider, and act upon, approval of a grant agreement from the New Mexico Department of Finance in the amount of \$314,000.00, to purchase and equip vehicles and equipment for the Alamogordo Police Department. (Debbie Osborne, Grant Coordinator)

11. Consider, and act upon, approval of a grant agreement from the New Mexico Department of Finance in the amount of \$340,000.00, to plan, design, and construct a block wall and replace perimeter fencing at Monte Vista Cemetery. (Debbie Osborne, Grant Coordinator)

12. Consider, and act upon, approval of a grant agreement from the New Mexico Department of Finance in the amount of \$300,000.00, to plan, design and construct improvements at Alameda Park Zoo. (Debbie Osborne, Grant Coordinator)

13. Consider, and act upon, Resolution 2022-49 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 December 6, 2022. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

City Clerk Hughs removed item 5 from the Consent Agenda.

Commissioner Melton moved to approve the Consent Agenda as amended.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

Mayor Payne stated Commissioner Rardin had to leave the meeting.

ITEMS REMOVED FROM CONSENT AGENDA

5. Consider, and act upon, the City Commission Regular Meeting Schedule for calendar year 2023. (Rachel Hughs, City Clerk)

City Clerk Hughs said the wording for the November commission meetings should read the first Wednesday and the second Tuesday. We have a municipal election on the 7th, so while the calendar is correct, the wording was incorrect.

Mayor Pro-Tem Wright moved to approve.

Commissioner McDonald seconded the motion.

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

NEW BUSINESS

14. Consider, and act upon, award of Public Works Bid no. 2022-007 to Mountain Air Heating & Cooling, related to the Replace 40 Ton HVAC Unit - Alamogordo Public Library project in an amount not to exceed \$86,686.20, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said this is the large unit you see when you first walk up to the front of the Library if you look up to your right. It will consist of removing and replacing the 40-ton packaged unit, including disconnection and reconnection of power, gas service, and condensate drain line. We advertised the project on October 9th & 16th, opened bids on November 9th, and had three bidders. The first bidder Mountain Air Heating and Cooling is local, the second bidder MGS is also local, and the third bidder, CAC, is out of Albuquerque.

Mayor Pro-Tem Wright moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

15. Consider, and act upon, the first publication of Ordinance 1664, amending Chapter 5, 17, and 34 of the Alamogordo Code of Ordinances concerning Alcohol and Cannabis Licenses and Fees. (Brian Cesar, City Manager and Rachel Hughs, City Clerk) (Roll Call Vote Required)

City Clerk Hughs said the City Manager wanted this ordinance brought forth as the State regulates the two licenses. However, the information you see on the background of the agenda report is incorrect. The correct information is that this ordinance removes licenses and fees, for Alcoholic Beverages, thus repealing Chapter 5, which is Alcohol, removing Cannabis Licenses from Chapter 34, which is Marijuana including the fees, and removing the reference to the two license fees in Chapter 17, Business Regulations and Licenses. There will still be a Cannabis Business Registration, so we can see how many we have in the City. However, there will be no Alcohol Business Registrations, as each place of business already has a business registration for either a restaurant, a convenience, or a grocery store. We will create a business registration for a liquor store, just in case one ever comes back to the City.

Mayor Payne said if they already have a business, they will not have a separate license is what you are saying. City Clerk Hughs said that is correct, but as far as alcohol, there will be no license or registration for it. Mayor Payne said we are still going to track cannabis. City Clerk Hughs said that is correct, through business registrations.

Commissioner Burnett moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

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

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

Mayor Pro-Tem Wright moved to adjourn at 7:20 p.m.

Commissioner McDonald seconded the motion.

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

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on January 10, 2023.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 12/22/2022

Report No: 3.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, the adoption and final publication of Ordinance 1664, amending Chapters 5, 17, and 34 of the Alamogordo Code of Ordinances concerning Alcohol and Cannabis Licenses and Fees. (*Brian Cesar, City Manager and Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt the ordinance.

Background:

Amendments

- Remove licenses and fees for Alcoholic Beverages, thus repealing Chapter 5 Alcohol
- Remove licenses and fees for Cannabis from Chapter 34 of Marijuana, having cannabis only under business registrations
- Remove the reference to the two license fees in Chapter 17 Business Regulations and Licenses

ORDINANCE NO. 1664**AN ORDINANCE AMENDING CHAPTERS
OF THE ALAMOGORDO CODE OF ORDINANCES
CONCERNING LICENSES AND FEES**

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that a municipality may impose a license fee and require a separate license or each place of business; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that the State of New Mexico regulates Alcohol and Cannabis licenses; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, recognizes alcohol is sold at a place of business in the city that already has a business registration; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, recognizes Cannabis licenses are more appropriate under business registrations; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, considers it necessary to repeal Chapter 5 concerning Alcohol Beverages, and remove sections of Chapter 17 concerning Business Regulations and Licenses and Chapter 34 concerning Marijuana of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Chapter 5 be repealed, the following section of Chapter 17 and the following sections of Chapter 34 be removed of the Code of Ordinances.

CHAPTER 5 ALCOHOLIC BEVERAGES**ARTICLE 5-01. ALCOHOLIC BEVERAGE DISPENSERS LICENSE****5-01-010. Required.**

~~The sale and possession for the purpose of selling, and the offering for sale of alcoholic beverages is hereby prohibited except by persons licensed within the area and upon the conditions specified in this chapter and other applicable provisions of this Code. Licenses with the City of Alamogordo are required to maintain any applicable Local, State, Federal, and other licensing to do business in the city.~~

5-01-020. Prerequisite for application.

~~A. Upon receipt of the state alcohol 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.~~

~~B. Applicant shall provide a copy the Alamogordo Fire Department's approved form.~~

5-01-030. Application.

~~Applications for a license to sell alcoholic beverages for a location within the city shall be made to the city clerk on a form prescribed by the city clerk. Each application shall be accompanied by an~~

application fee of seventy-five dollars (\$75) to cover the expense of publications. A copy of the state alcoholic beverage license, approved Fire Department form, and the applicable tax fee shall be submitted with the city application. Upon receipt of an application for a city license, the city clerk shall review the application, and if approved, within 2 (two) business days a license certificate will be issued. The license shall be conspicuously displayed at the place of business.

If, as a result of the review, it is determined that the issuance of the license is not in the interest of the health, safety and general welfare of the public, the applicant shall be given notice of denial. The applicant may present to the city manager reason for obtaining a license. If the city manager determines that issuance of the license is not in the best interest of the public health, safety, or welfare, the denial shall stand.

5-01-040. Tax.

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

All licenses shall be issued annually pursuant to the Alcoholic Beverage Control Division dates. The license tax shall not be refunded or prorated. The above does not include any other fees.

5-01-050. 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 expiration date of the license, must pay a late renewal fee in the amount of ten dollars (\$10) per month for up to three months. The license shall be inactivated after three months of non-compliance of renewal. A license will be deemed expired upon default of renewal of the license expiration date.

5-01-060. Revocation.

The city manager or their designee may revoke a license issued pursuant to this chapter, where the license holder has been adjudged guilty of a violation of this chapter, or whenever the public health, safety or welfare requires revocation. Before revocation, the city clerk shall notify the holder of the license, in writing, of the proposed revocation, specifying the nature of the charges for which revocation is sought. The licensee shall have the right to appeal to the city manager as to why the license should not be revoked. If, the city manager determines that revocation of the license is in the best interest of the public health, safety and welfare, the license shall be revoked, and an order shall be entered revoking the license and stating the reasons to the applicant.

ARTICLE 5-02. TEMPORARY ALCOHOLIC BEVERAGE DISPENSERS

5-02-010. Required.

~~A. Applicant must present the State of New Mexico's Public Celebration Permit application or the Special Dispensers Permit application to the City Clerk's department.~~

~~B. The City Clerk's department 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.~~

ARTICLE 5-03. 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.~~

CHAPTER 34 MARIJUNA

ARTICLE 34-02. MARIJUANA LICENSES

34-02-010. -- Required.

~~The sale and possession for the purpose of selling, and the offering for sale of marijuana 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.~~

34-02-020. Application.

~~Applications for a license to sell marijuana within the city shall be made to the city clerk on a form prescribed by the clerk. Each application shall include a copy of the cannabis license for the location from the New Mexico Cannabis Control Division and shall be accompanied by a fee of fifty dollars (\$50.00) to cover the expense of investigations. 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.~~

34-02-030. License Fee.

~~The fee for licenses per location is as follows:~~

~~Retailer license, per annum: — \$250.00~~

~~Producer license, per annum: — \$250.00~~

~~Manufacturer license, per annum: — \$500.00~~

~~All licenses shall be issued for the period January 1 to December 31. The license fee shall not be refunded or prorated. The above does not include business registration fees.~~

34-02-040. -- Revocation.

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

CHAPTER 17 BUSINESS REGULATIONS AND LICENSES**ARTICLE 17-01A. BUSINESSES TO BE LICENSED****17-01A-050. License fees for certain businesses.**

All persons, firms, corporations, or associations engaged in any of the following pursuits, businesses and occupations shall, before commencing business, and before the expiration of the license each year thereafter, secure a license from the city clerk and pay the listed fee instead of the business registration required by this chapter:

~~Alcohol regulated by Chapter 5, per year \$250~~

Food vendors, per year \$35.00

~~Marijuana regulated by Chapter 34, per year \$250 and \$500~~

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: 1/10/2023

Report Date: 12/22/2022

Report No: 4.

Submitted By: Stella Rael

Subject: Consider, and act upon, the adoption and final publication of Ordinance 1665 Case Z-2022-0004(A), a map amendment to change the zoning of the property located at 1004 E. 9th Street from C-1 Neighborhood Business to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: N/A

Recommendation: Adopt the Ordinance.

Background:

On November 15, 2022, the Commission approved the ordinance for first publication.

Property Owner William O. Perez is requesting to rezone the property from C-1 Neighborhood Business to R-4 Multiple Family Dwelling,

ORDINANCE No. 1665

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF CERTAIN PROPERTY COMMONLY KNOWN AS 1004 E. 9TH STREET FROM THE PRESENT DESIGNATION AND ZONING DISTRICT C-1 NEIGHBORHOOD BUSINESS TO R-4 MULTIPLE-FAMILY DWELLING ZONING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, William O. Perez (hereinafter referred to as "the Owner") is the owner of certain real property 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

LEGAL DESCRIPTION

ALAMO BLOCKS, LOT 10, PT OF BLOCK 125

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

Z-2022-0004(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:

ALAMO BLOCKS, LOT 10, PT OF BLOCK 125

Is hereby changed from C-1 Neighborhood Business Zoning District to R-4 Multiple-Family 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



City of Alamogordo

City Commission



Z-2022-0004(A)

Stella Rael, City Planner
November 15, 2022

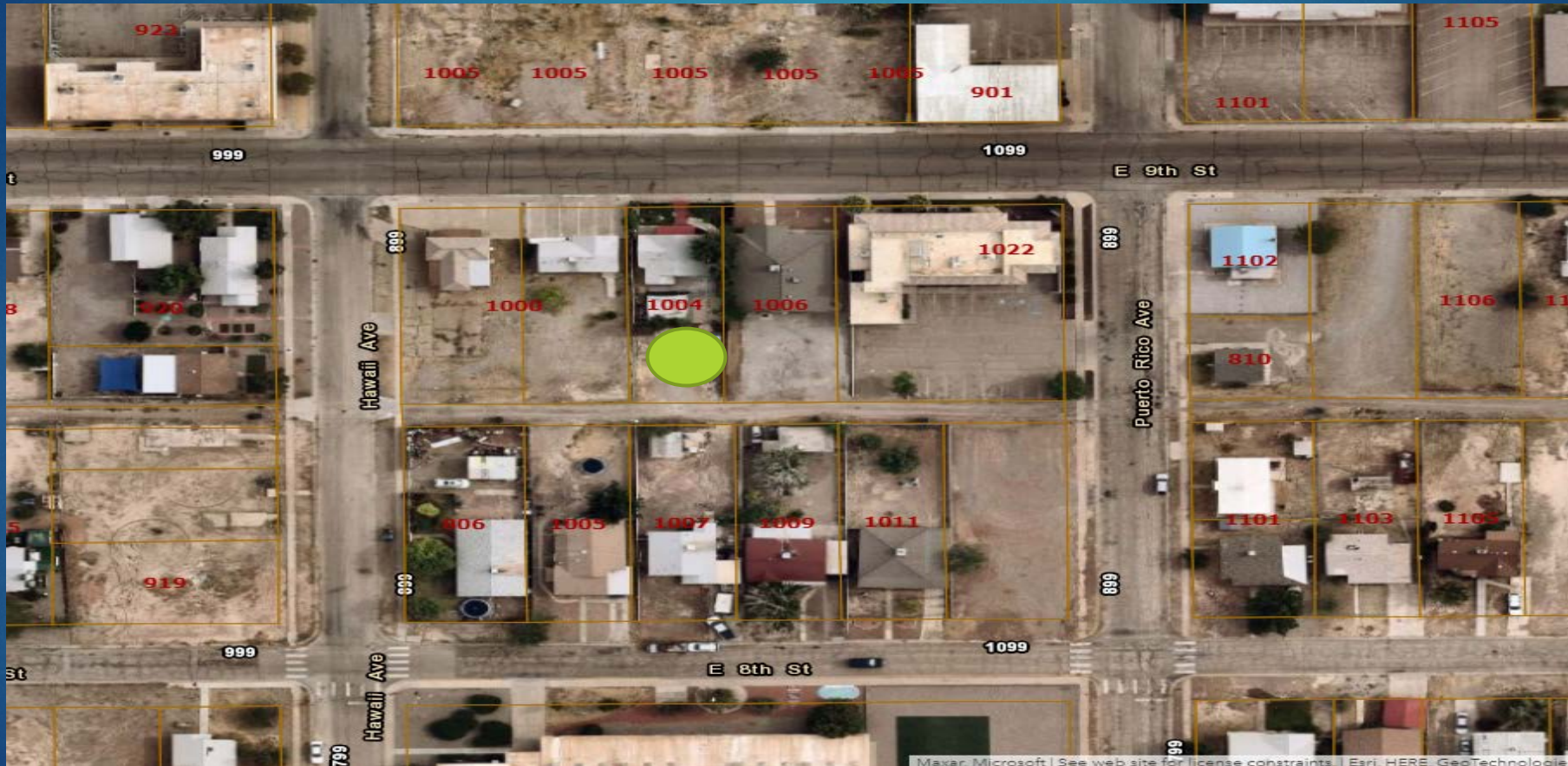
Zoning Map

2



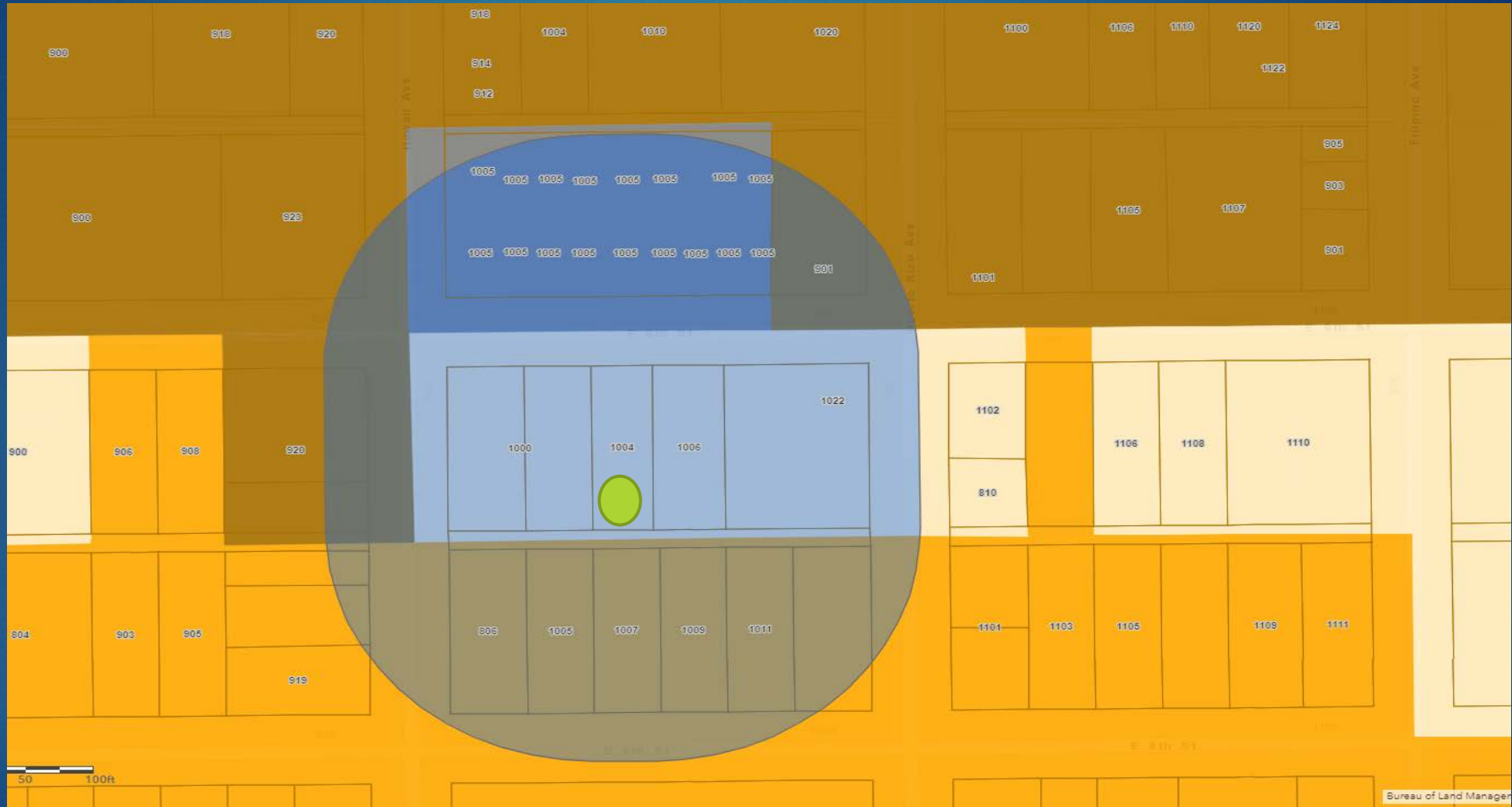
Aerial Map

3



Protest Area

4



Zoning Request Case: Z-2022-0004(A)

Request:

The property owner is requesting for a map amendment to change the zoning of the property located 1004 E. 9th Street from C-1 Neighborhood Business District to R-4 Multiple-Family Dwelling Zoning District

William O. Perez

1104 E. 9th Street

Alamogordo, NM 88310

Findings of Fact

- ▶1. The application was filed and all fees were paid.
- ▶2. Legal ad was placed in the Alamogordo Daily News
- ▶3. Fourteen(14) 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 October 28, 2022, there have been no letters returned undeliverable and I have not received any letters or phone calls of opposition.

Z-2022-0004(A)

7

- ▶ 7. Staff recommends approval.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 11/30/2022

Report No: 5.

Submitted By: Kimberly Underwood

Subject: Consider, and act upon, the receipt of \$10,254.72 in State Grants-in-Aid funding from the NM State Library for the Alamogordo Public Library. *(Kimberly Underwood, Library Manager)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Increase the anticipated grant in Fund 032-7101 from \$9,000 to the actual \$10,254.72 by accepting and approving the State Grants-in-Aid to Public Libraries Agreement for FY2023.

Recommendation: Accept and Approve receipt of the \$10,254.72 in State Grants-in-Aid funding from the NM State Library for the Alamogordo Public Library.

Background: Each year the NM State Library awards State Grants-in-Aid funding to all qualifying New Mexico libraries. This year the award amounts to \$10,254.72 for library collections or equipment for the Alamogordo Public Library. The State GIA will need to be spent by June 30, 2023.

NEW MEXICO STATE LIBRARY

1209 CAMINO CARLOS REY • SANTA FE, NEW MEXICO 87507-5166 • (505) 476-9700
A Division of the Department of Cultural Affairs • <http://www.nmstatelibrary.org/>

Library Director,

Attached to this email are five (5) important documents regarding State Grants-in-Aid for FY23. Ensure all are reviewed thoroughly, as they contain critical information and/or instructions. It is worthwhile to save and/or print copies for your records.

Per the 4.5.2 New Mexico Administrative Code (NMAC) (4.5.2.10 D), eligible libraries have *60 days* to return a signed copy of the grant agreement. *If a library does not submit the grant agreement within 60 days of receipt, it forfeits the grant award. We must receive a signed copy of the grant agreement by January 23, 2023.*

The person who electronically signs the grant agreement, must be an authorized agent who has authority to enter into a legal contract with the State of New Mexico. If you are not the person authorized to sign the grant agreement, click **REVIEW DOCUMENTS**, click **OTHER ACTIONS** and select ***Assign to Someone Else*** to enter the *New Signer's Name, Email, and reason for assigning to someone else* and click the yellow **ASSIGN** button.

Please closely review the following attached documents:

- State Grants-in-Aid Checklist and Instructions (for next steps)
- 4.5.2 New Mexico Administrative Code (NMAC) (for requirements to remain eligible for state grants-in-aid)
- State Grants-in-Aid Expenditures Guidance Sheet (for allowable expenditures)

This State Grants-in-Aid allocation is intended to supplement the delivery of local public library services. As these are state funds, ALL FY23 State Grants-in-Aid funds *must be spent in its entirety (down to the penny) by June 30, 2023.*

Please note, since the State of New Mexico has begun Fiscal Year 2023 (FY23), the State is applying the 50% Rule for distributing State Grants-in-Aid funds. This occurs in odd-numbered fiscal years, limiting the release of funds to 6-month increments. For further information see *NMSA 6-3-6 State Budget Division; Periodic Allotments.*

As a result, the New Mexico State Library must distribute the FY23 State Grants-in-Aid allocations in two parts. Please plan on the following funds distribution:

1. 50% of FY23 State Grants-in-Aid allocation in November/December 2022.
2. 50% of FY23 State Grants-in-Aid allocation in January 2023.

This email is being sent only to you, the Library Director. *PLEASE* provide the financial officer and any other interested persons with all pertinent information contained in this email.

Please let me know if there are any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Aragon'.

Carmelita Aragon
State Data Coordinator
New Mexico State Library
Library Development Bureau
Carmelita.Aragon@dca.nm.gov

FY23 State Grants-in-Aid Checklist and Instructions

Documents attached to this email	What to do with it
Grant Allocation Notification	- Check that all information is correct. - <u>SAVE</u> and/or <u>PRINT</u> a copy for your records.
FY23 State Aid Grant Agreement	- Have authorized agent who has authority to enter into a legal contract with the State of New Mexico electronically sign the FY23 Grant Agreement via DocuSign. - <u>Grant agreements</u> must be electronically signed via DocuSign by January 23, 2023.
4.5.2 New Mexico Administrative Code (NMAC) - Revised June 1, 2016	- <u>SAVE</u> and/or <u>PRINT</u> a copy for your records. - Ensure compliance with all requirements this year, to remain eligible for funding in FY24.
State Grants-in-Aid Expenditures Guidance Sheet - Revised October 2022	- <u>SAVE</u> and/or <u>PRINT</u> a copy for your records. - Refer to this document for how state aid funds can be spent – note: this is not an exhaustive list; contact us with any questions. - Provide financial officer with a copy.
State Aid Expenditures Tracking Sheet – <u>This will arrive in a separate email labeled as such</u>	- When received, <u>SAVE</u> the spreadsheet, and use to track/maintain accurate records for FY23 state aid expenditures. - This spreadsheet <i>is required and must</i> be completed and returned (<i>in Excel format</i>) to the Development Bureau by June 30, 2023.
What Happens Next?	- The State Librarian will electronically sign the grant agreement with a copy sent <i>via</i> email to the library director. - Once the grant agreement is fully executed, a request for payment will be made. - The library's financial agent will receive a check <i>or</i> ACH payment. - Spend <u>ALL</u> FY23 state aid funds in compliance with the 4.5.2 NMAC by June 30, 2023. - Questions? Email: Carmelita.Aragon@dca.nm.gov

NEW MEXICO STATE LIBRARY

1209 Camino Carlos Rey • Santa Fe, NM 87507

FY2023 STATE GRANTS-IN-AID ALLOCATION NOTIFICATION

1.	Recipient Name:	Alamogordo Public Library
2.	Remit to Name and Address:	Alamogordo Public Library 920 Oregon Ave Alamogordo, NM 88310
3.	State of NM Vendor #:	54303
4.	Project Title and Legal and Fiscal Data:	State Grants-in-Aid to Public Library Statute/Administrative Code NMSA 1978 Section 18-2-4 B, 4.5.2 NMAC
5.	State Library Contact:	Carmelita Aragon New Mexico State Library Carmelita.Aragon@state.nm.us
6.	Source of Funding:	<i>State of N.M. Legislature – General Appropriation Act of 2023</i>
7.	Grant Type and Amount Received:	Library Type Grant: Public Library Total Grant Amount: \$ 10,254.72 <i>(Includes share(s) for any eligible library branches)</i>
8.	Allocation Period:	Fiscal Year 2023 <u>ALL STATE AID FUNDS MUST BE SPENT BY JUNE 30, 2023.</u>
9.	Terms and Conditions of Allocation:	The state aid program is intended to supplement and encourage local effort in providing local library service. A library's local budget <i>shall not</i> be reduced by its governing body because of eligibility for the state aid program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred. State Aid funds <i>may be used</i> for: 1) library collections; 2) library staff salaries; 3) library staff professional development; 4) library equipment; or 5) other operational expenditures associated with delivery of library services. Libraries must report how all FY23 state aid funds were spent in the FY23 Annual Report.
10.	Date:	11/21/2022

State Grants-in-Aid to Public Libraries Agreement
For FY2023

This Agreement is entered into on the date of last signature, below, by and between the **New Mexico State Library**, hereinafter called **NMSL**, and **Alamogordo Public Library**, located in **Alamogordo, NM**, hereinafter called the **Recipient**.

WHEREAS, the State Librarian, the division director of NMSL, is required to administer grants-in-aid and encourage local library service and generally promote an effective statewide library system under NMSA 1978, Section 18-2-4;

WHEREAS, Section 18-2-4 also requires the State Librarian to make rules and regulations necessary to administer NMSL statutory provisions and the State Librarian has adopted such rules for distributing state grants-in-aid to public libraries, codified as 4.5.2 NMAC; and

WHEREAS, NMSL has determined that Recipient qualifies for a state grant-in-aid under 4.5.2 NMAC.

THEREFORE, the Parties agree to the following terms and conditions:

I. NMSL agrees to pay the Recipient a grant in an amount not to exceed **Ten Thousand Two Hundred Fifty Four Dollars and Seventy Two Cents (\$10,254.72)** to support Recipient's library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of *library services* as defined in Section 4.5.2.7(B) NMAC.

II. The Recipient agrees to:

1. Use the grant only for library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of *library services*, as those services are defined in 4.5.2.7(B) NMAC;
2. Continue to comply with 4.5.2 NMAC and other statutes and rules applicable to developing libraries or public libraries;
3. Engage in good communication and the exchange of information with NMSL regarding library activities and the grant's use;
4. Expend the grant according to the rules outlined in 4.5.2 NMAC, attached hereto as Attachment A;
5. Expend *all* grant funds before June 30, 2023;
6. No later than August 14, 2023, provide NMSL with a report on how the grant was expended as part of the Recipient's annual report for the fiscal year; and
7. Sign and return this Agreement to NMSL ***within 60*** days from receipt of the Agreement, which shall be calculated from the date of postmark or electronic postmark. **If Recipient does not submit this Agreement within the required time period, Recipient forfeits the grant allocation.**

III. If the parties dispute the terms of this Agreement, the Recipient and NMSL hereby agree to and consent to New Mexico state court jurisdiction to address the dispute.

IV. The Laws of New Mexico shall govern this Agreement.

V. Termination for Lack of Appropriations. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by NMSL to the Recipient. NMSL's decision as to whether sufficient appropriations are available shall be accepted by the Recipient and shall be final.

The Recipient by its signature below certifies that the Recipient will use the grant money only for the uses specified in this Agreement and will comply with all other applicable requirements of this Agreement.

Recipient Signature

Signed: _____ **Date:** _____

Print Name and Title: _____ Authorized Agent of Recipient

My signature above verifies that I am an authorized agent who has authority to enter into a legal contract with the State of New Mexico.

NMSL Signature

Signed: _____ **Date:** _____

Print Name and Title: Eli Guinnee, New Mexico State Librarian, Authorized Agent of NMSL

Administrative code is subject to change. Please always check for the most up-to-date version online.

STATE AID FOR PUBLIC LIBRARIES

TITLE 4 CULTURAL RESOURCES
CHAPTER 5 STATE LIBRARY
PART 2 STATE GRANTS IN AID TO PUBLIC LIBRARIES

4.5.2.1 ISSUING AGENCY: Department of Cultural Affairs, New Mexico State Library Division.
 [4.5.2.1 NMAC - Rp, 4.5.2.1 NMAC, 6/1/2016]

4.5.2.2 SCOPE: Public libraries and developing public libraries.
 [4.5.2.2 NMAC - Rp, 4.5.2.2 NMAC, 6/1/2016]

4.5.2.3 STATUTORY AUTHORITY: Subsection I of Section 18-2-4 NMSA 1978 directs the state librarian to make rules and regulations necessary to administer the division and as provided by law. Subsection B of Section 18-2-4 NMSA 1978 directs the state librarian to administer grants-in-aid and encourage local library services and generally promote an effective statewide library system.
 [4.5.2.3 NMAC - Rp, 4.5.2.3 NMAC, 6/1/2016]

4.5.2.4 DURATION: Permanent.
 [4.5.2.4 NMAC - Rp, 4.5.2.4 NMAC, 6/1/2016]

4.5.2.5 EFFECTIVE DATE: June 1, 2016 unless a later date is cited at the end of a section.
 [4.5.2.5 NMAC - Rp, 4.5.2.5 NMAC, 6/1/2016]

4.5.2.6 OBJECTIVE: The objective of this rule is to describe the state grants in aid to public libraries program (hereinafter “the state aid program”) and to establish criteria for reviewing and awarding the grants. The purpose of the state aid program is to provide financial assistance that encourages and supports public library service by public libraries and developing public libraries. The state aid program is intended to supplement and encourage local effort in providing local library service. The state aid program consists of developing library grants and public library grants that may be used for: library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of library services.
 [4.5.2.6 NMAC - Rp, 4.5.2.6 NMAC, 6/1/2016]

4.5.2.7 DEFINITIONS:

- A. “Annual report”** means a report sent once a year from a public library or developing library to the state library. An annual report shall at least accomplish the following tasks:
- (1) provide information in the time, manner, and form prescribed by the state library;
 - (2) describe prior fiscal year’s activities, including income, expenditures, statistics on collections and services, and compliance with state aid program criteria;
 - (3) be certified by the library as to the accuracy, completeness, and truthfulness of the information provided; and
 - (4) be approved by and on file at the state library.
- B. “Basic library services”** means free services provided in a library’s legal service area, including library collections with circulating materials; reference services; a catalog of library holdings accessible by the public; educational programs; interlibrary loan services; public access computers connected to the internet; and internet connectivity for patrons and staff. Basic library service may include any technology or service that relates to the access to information for patron use.
- C. “Bookmobile”** means a mobile branch that offers basic library services with the exception of computers and internet connectivity.
- D. “Branch”** means an auxiliary service administered by a public or developing library that provides the following public services:
- (1) separate quarters from the main library;
 - (2) a permanent library collection and reference services;
 - (3) offers basic library services;
 - (4) staff present during open hours; and

(5) at least 20 hours of public access to physical quarters per week on an annual basis.

E. “Circulating materials” means items from library collections that are checked out by patrons for use outside of the library.

F. “Collection development policy” means guidelines used by library staff for making decisions about the budget for and selection, management, and preservation of library collections.

G. “Community analysis and needs assessment” means an evaluation of a library’s legal service area, its current and future needs, and the library’s role in meeting those needs.

H. “Developing library” means a New Mexico organization that has initiated and is progressively implementing basic library services within its legal service area.

(1) A developing library is established through one of the following mechanisms:

- (a) through an ordinance or legal resolution of a subdivision of state government;
- (b) by a contract between a private entity and a subdivision of state government;
- (c) by an Indian nation; or
- (d) as a non-profit corporation.

(2) A developing library provides the following public services:

- (a) staff present during open hours;
- (b) at least 15 hours of public access to physical quarters per week on an annual basis;
- (c) at least two days of public access to physical quarters per week on an annual basis; and
- (d) hours of operation posted on or near the library.

I. “Fiscal year” means July 1 through June 30.

J. “Legal service area” means the geographic area for which a library has been established to offer services and from which, or on behalf of which, the library derives income. The legal service area may be defined by a written agreement with a political subdivision of the state for which the library is the primary service provider. The most recent United States or tribal census determines the population of the legal service area if the population figures are given separately for that area. If the census does not report a discreet population figure for the legal service area, then the state library in its sole discretion shall determine the population for the library’s legal service area.

K. “Library board” means an administrative or advisory group comprised of representative members of the library’s community.

L. “Library collections” means library items for public use. Library collections may include such items as books, videos, sound recordings, licensed databases, and equipment. A portion of the collections must be circulating materials.

M. “Library equipment” means equipment associated with the delivery of library services.

N. “Library staff” means salaried employees or volunteers whose time is regularly dedicated to delivery of library services.

O. “Matching funds” means the amount expended in a fiscal year for library collections from any source other than the state. Sources for matching funds may include municipal funds, county funds, tribal funds, or money acquired through donations, fund-raising, or grants. In-kind contributions are not matching funds. Matching funds do not include funds used for operating costs, administrative costs, or regular staff salaries.

P. “Public library” means a New Mexico organization that offers basic library services within its legal service area.

(1) A public library is established through one of the following mechanisms:

- (a) through an ordinance or legal resolution adopted by a subdivision of state government;
- (b) by a contract between a private entity and a subdivision of state government;
- (c) by an Indian nation; or
- (d) as a non-profit corporation.

(2) A public library provides the following public services:

- (a) staff dedicated to the library
- (b) year-round public access to the physical location at least 25 hours per week;
- (c) at least two days of public access to physical quarters per week on an annual basis; and
- (d) hours of operation posted on or near the library.

Q. “Reference services” means the provision of library staff to answer reference questions during all the hours the library is open.

R. “Strategic plan” means a detailed program to ensure that library services meet the current and future needs of the library’s legal service area. The strategic plan shall include a vision and mission statement as well as goals and objectives, and it shall cover a period of at least the next three years and not exceed five years.

[4.5.2.7 NMAC - Rp, 4.5.2.7 NMAC, 6/1/2016]

4.5.2.8 DEVELOPING LIBRARY GRANT:

A. Purpose: To supplement an eligible developing library's budget for up to five years until it meets the minimum requirements for a public library grant.

B. Description: The developing library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding developing library grants: The state library shall award developing library grants to developing libraries that meet or exceed the following criteria.

- (1) timely submission of an annual report with the state library;
 - (2) receipt of no more than five, consecutive, awards of developing library grants;
 - (3) continuous operation for at least nine months;
 - (4) demonstration of receipt of financial support from sources other than the state. In particular, matching funds in relation to the population of the library's legal service shall be at least \$0.25 per person in its first year and any non-consecutive years of developing library grant application participation; \$0.50 per person in its second consecutive year; \$0.75 per person in its third consecutive year; \$1.00 per person in its fourth consecutive year; and \$1.25 per person in its fifth consecutive year;
 - (5) maintenance of adequate financial and other records to support the library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
 - (6) compliance with all state statutes and rules;
 - (7) compliance with requirements for developing library grants;
 - (8) employment of a designated director;
 - (9) creation of a library board that meets at least two times a year and adheres to the state's open meetings law; and
 - (10) successful expenditure of all developing library grant funds during the prior fiscal year, if applicable.
- [4.5.2.8 NMAC - Rp, 4.5.2.8 NMAC, 6/1/2016]

4.5.2.9 PUBLIC LIBRARY GRANT:

A. Purpose: To supplement eligible public libraries' budgets.

B. Description: The public library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding public library grants: The state library shall review and award public library grants to public libraries that have met the following criteria:

- (1) timely submission of an annual report with the state library for the current year and a minimum of two years prior;
 - (2) continuous operation for at least one year;
 - (3) receipt of a minimum of three consecutive developing library grants;
 - (4) demonstration of receipt of financial support from sources other than the state; in particular, matching funds in relation to the population of the library's legal service area shall be at least \$1.50 per person;
 - (5) maintenance of adequate financial and other records to support the public library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
 - (6) compliance with all state statutes and rules;
 - (7) compliance with all requirements for public library grants;
 - (8) Formation of a strategic plan that the public library reviews, updates, and files with the state library every three years, and a community analysis and needs assessment, and a collection development policy that the public library reviews, updates, and files with the state library every five years;
 - (9) maintain a library board that meets at least two times a year and adheres to the state open meetings law;
 - (10) employment of a designated director; and
 - (11) successful expenditure of all public library grant funds during the prior fiscal year.
- [4.5.2.9 NMAC - Rp, 4.5.2.9 NMAC, 6/1/2016]

4.5.2.10 DISTRIBUTION OF FUNDS: The library division shall distribute state grants in aid in the following manner:

A. Application: The annual report submitted for the immediate prior year shall serve as the developing or public library's application for state grants-in-aid.

B. Allocation: For state grants-in-aid, the state library shall award at least a quarter of a share (0.25) of the annual allocation to developing libraries, one (1) share of the allocation to each public library, and one half (.50) of a share of the allocation to each branch and bookmobile.

C. Notification: Following the end of the application period, the state library shall calculate the grant award for each library. The state library shall notify all eligible public libraries informing them of the amount of their grant.

D. Request for payment: Each library shall return the signed grant agreement to the state library within 60 days of receipt of the agreement measured from the postmark or electronic postmark. Upon timely receipt of the grant agreement, the state library shall process a payment request form. If a library does not submit the grant agreement within the required time period, it forfeits the grant award.

E. Maintenance of effort: A library's local budget shall not be reduced by its governing body as a result of eligibility for the state aid program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.
[4.5.2.10 NMAC - Rp, 4.5.2.11 NMAC, 6/1/2016]

4.5.2.11 LIMITATION ON FUNDS:

A. The grant amounts may vary by year, depending on the amount of the appropriation to the state library by the state legislature and the state library's other budgeted expenses.

B. Libraries shall not use grant funds for administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services

C. Public and developing libraries shall expend all grant funds during the fiscal year in which they are awarded.

D. Should a library cease providing basic library services prior to or within thirty days of funding; grant funds shall revert to the state library.

[4.5.2.11 NMAC - Rp, 4.5.2.12 NMAC, 6/1/2016]

4.5.2.12 APPEAL OR VARIANCE:

A. In the event that any library is denied a grant by the state library or does not meet a requirement of this rule, that library may appeal the decision of the state library or request a variance from the requirement.

B. Such appeal or variance shall be made in writing to the state librarian within 10 days of notification of denial of funds or within 10 days of discovery of non-compliance with a requirement. The appeal or variance shall state all relevant facts and conditions.

C. The state librarian shall consider each appeal or request for variance and respond in writing to the appealing or requesting party with a decision within 30 days. The state librarian's decision is the department of cultural affairs' final action on the matter.

[4.5.2.12 NMAC - Rp, 4.5.2.14 NMAC, 6/1/2016]

HISTORY OF 4.5.2 NMAC:

Pre-NMAC History:

NMSL 67-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised April 19, 1967, filed 5/3/67.

NMSL 67-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 8/30/67.

NMSL 68-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 12/19/68.

NMSL 69-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised May 26, 1969, filed 6/20/69.

NMSL 69-2, State Grants-In-Aid To Public Libraries, Rules and Regulations; Revised September 16, 1969, filed 10/9/69.

NMSL 70-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised February 26, 1970, filed 4/27/70.

NMSL 73-4, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 1973, filed 7/10/73.

NMSL 74-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 19, 1974, filed 8/16/74.

NMSL 75-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, 1975, filed 6/9/75.

NMSL 76-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, March 31, 1976, filed 4/27/76.

NMSL 77-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, January 21, 1977, filed 2/4/77.

NMSL Rule 79-1B, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 11, 1979, filed 6/25/79.

NMSL 79-3, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 1, 1979, filed 7/27/79.

NMSL 81-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, May 11, 1981, filed 5/12/81.

NMSL 89-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 10/23/89.

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 1/28/93.

History of Repealed Material:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93), repealed 7/1/2000.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000), repealed 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009), repealed 6/1/2016.

Other History:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2000.

Attachment A

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 6/1/2016.

State Grants-in-Aid Expenditures Guidance Sheet

The 4.5.2 New Mexico Administrative Code (NMAC) governs State Grants-in-Aid to public libraries. To receive state aid, recognized New Mexico public libraries must meet all eligibility requirements as outlined in the 4.5.2 NMAC. *All* state grants-in-aid funds received must be expended or encumbered during the fiscal year in which they are given (i.e., before June 30 each year).

This informational guidance sheet is not an exhaustive list of all allowable and non-allowable expenditures. If there are questions as how to expend state aid funds, contact the Library Development Bureau for clarification *prior* to making purchases, 1-800-340-3890/SL.Development@state.nm.us.

Allowable Purchases - State aid funds **can** be used for:

- Library Collections
 - Items traditionally available at the library and intended for public use, such as books, e-books, audiobooks, DVDs, CDs, electronic and digital media, licensed databases (e.g., ancestry.com, mango languages), etc. Non-traditional circulating/educational programming items may also be allowable. Contact the Development Bureau for more information, *prior* to making such purchases.
- Library Staff Salaries
 - State aid funds can be used to pay regular library staff for their work within the library. Paying a part-time/substitute library staff member/summer intern may also be allowable.
- Library Staff Professional Development
 - Travel (including meals & lodging) for attending in-state (e.g., NMLA) *and* out-of-state library conferences (e.g., ALA, MPLA, PLA, ARSL), and trainings/workshops provided to library staff on library related services/issues, which are organized and held at the library, or held at another location, e.g., state library or other library, etc.
- Library Equipment
 - Items associated with meeting the information needs of library patron's such as public computers, printers, wireless routers, scanners, software, and related peripherals, etc.
- Other Operational Expenditures Associated with Delivery of Library Services
 - Expenditures associated with the delivery of library services, such as the library's catalog, library programming supplies, electric bills, phone bills, directional signage, copy paper, security costs, etc.
 - Contracts directly related to the delivery of basic library services to patrons, including educational program subject matter experts, etc.

Non-Allowable Purchases - State aid funds **cannot** be used for:

- Administrative and/or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, legal services, fringe benefits, etc.
- Food, giveaways/incentives/prizes, college classes for library staff (i.e., tuition reimbursement), library decorations, library staff furniture, recreational rentals/purchases (e.g., bouncy houses, party supplies, pony rentals), etc.
- Operational expenditures that do not directly relate to the delivery of basic library services to library patrons, including the cost of parties, receptions, fund-raising events, other social functions, building maintenance/cleaning supplies, toilet paper, paper towels, cleaning equipment, vacuums, paint, etc.
- Capital improvements and construction.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 01/03/2023

Report No: 6.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-02 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 January 10, 2023. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

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

Revenues \$ 24,543 Increase

Expenditures \$ 796,048 Increase

Transfers In \$ 176,759, Increase

Transfers Out \$ 176,759 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 2023-02 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. 2023-02

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 January 10, 2023, 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 January 10, 2023, 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 10th day of January 2023.

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

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughes, City Clerk

APPROVED AS TO FORM:

Ashley N. Smith, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2022-2023**

1/12TH REQ RSRV
1,716,263
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
2,750,441

FY23 BUDGET - RESOLUTION 2023-02 (#7) JANUARY 10, 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	20,500,157	846,208	13,375,363	(12,529,155)	20,595,150	4,935,449	2,185,008	2,750,441
12	INTERNAL SERVICE FUND	24,496	316,531	5,680,459	0	5,680,459	6,015,801	5,685		\$5,685
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	426,175	0	69,520	(69,520)	598,940	356,796		\$356,796
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	3,699,882	0	0	0	3,382,520	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	563,645	6,927,930	0	6,927,930	7,488,058	16,969		\$16,969
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	52,583	0	0	0	57,581	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	4,489,457	264,025	4,225,432	5,310,038	53,039		\$53,039
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	586,702	0	586,702	366,875	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	489,892	28,910	460,982	458,651	2,331		\$2,331
69	1994 GROSS RECEIPTS	3,345,432	1,925,513	0	1,943,033	(1,943,033)	24,299	3,303,613	553,051	\$2,750,562
71	ALAMO SENIOR CENTER	430	918,260	926,366	0	926,366	1,831,448	13,608		\$13,608
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	2,350,678	(208,615)	17,464,735	11,198,475	1,463,850	\$9,734,625
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)	2,279,490	794,293	178,583	\$615,710
88	BONITO CAMPGROUND	398,101	3,003	150,000	0	150,000	152,000	399,104		\$399,104
89	ESGRT .0625%	2,282,812	494,876	0	764,146	(764,146)	1,187,433	826,109		\$826,109

**ALL FUNDS SUMMARY
BUDGET 2022-2023**

1/12TH REQ RSRV
1,716,263
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
2,750,441

FY23 BUDGET - RESOLUTION 2023-02 (#7) JANUARY 10, 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
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239		\$7,239
91	AIRPORT	42,900	206,141	127,000	33,052	93,948	323,583	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)	72,373	493,208		\$493,208
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	1,010,451	0	0	0	200,255	6,387,406		\$6,387,406
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	4,041,583	(4,041,583)	3,719,867	10,735,506	534,452	\$10,201,054
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	1,449,375	773,871	86,881	\$686,990
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	64,159,896	29,095,886	29,095,886	0	96,175,733	56,148,097	6,079,364	50,068,733

ALL FUNDS SUMMARY

BUDGET 2022-2023

1/12TH REQ RSRV

1,716,263

1/12TH REQ RSRV

0

Fund Reserve Policy

468,745

Bal. Remaining

2,750,441

FY23 BUDGET - RESOLUTION 2023-02 (#7) JANUARY 10, 2023

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	20,482,557	846,208	13,198,604	(12,352,396)	20,476,604	5,213,154	2,185,008	3,028,146
	Revision #1-PTO Conversions to 12/31/2022				6,179	(6,179)	60,334	(66,513)		(66,513)
	Revision #3-Atari Game Sales		17,000			0	17,000	0		0
	Revision #5-FM OT & Standby Compensation				11,992	(11,992)		(11,992)		(11,992)
	Revision #7-AFD Fire Inspector (New Position)					0	40,612	(40,612)		(40,612)
	Revision #8-Public Works Yard Fencing				127,100	(127,100)		(127,100)		(127,100)
	Revision #9-Library Clerk (New Position)				31,488	(31,488)		(31,488)		(31,488)
	Revision #11-APD Donation		200			0	200	0		0
	Revision #12-Animal Control Donation		400			0	400	0		0
	Total Revised Fund 11	17,559,597	20,500,157	846,208	13,375,363	(12,529,155)	20,595,150	4,935,449	2,185,008	2,750,441
12	INTERNAL SERVICE FUND	24,496	316,531	5,541,367	0	5,541,367	5,872,394	10,000		10,000
	Revision #1-PTO Conversions to 12/31/2022					0	4,315	(4,315)		(4,315)
	Revision #5-FM OT & Standby Compensation			11,992		11,992	11,992	0		0
	Revision #8-Public Works Yard Fencing			127,100		127,100	127,100	0		0
	Total Revised Fund 12	24,496	316,531	5,680,459	0	5,680,459	6,015,801	5,685		5,685
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		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	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	426,175		69,520	(69,520)	598,940	356,796		356,796
	Total Revised Fund 20	599,081	426,175	0	69,520	(69,520)	598,940	356,796		356,796
21	D.A.R.E. DONATIONS FUND	23,702	1,142			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	3,699,882			0	3,382,520	317,362		317,362
	Total Revised Fund 24	0	3,699,882	0	0	0	3,382,520	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	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		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	6,896,442	0	6,896,442	7,447,933	18,663		18,663
	Revision #1-PTO Conversions to 12/31/2022					0	1,694	(1,694)		(1,694)
	Revision #2-Recreation Revenue Projections		6,943			0	6,943	0		0
	Revision #9-Library Clerk (New Position)			31,488		31,488	31,488	0		0
	Total Revised Fund 32	13,452	563,645	6,927,930	0	6,927,930	7,488,058	16,969		16,969
33	FIRE PROTECTION	907,446	740,788			0	1,557,671	90,563		90,563
	Total Revised Fund 33	907,446	740,788	0	0	0	1,557,671	90,563	0	90,563
35	HIDTA GRANT FUND	0	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	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	52,583			0	57,581	96,776		96,776
	Total Revised Fund 37	101,774	52,583	0	0	0	57,581	96,776		96,776
38	TRAFFIC SAFETY FUND	59,666	10,422			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	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		3,722,863	(3,722,863)	24,299	1,945,862	252,119	1,693,743
	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	4,489,457	264,025	4,225,432	5,286,485	76,592		76,592
	Revision #1-PTO Conversions to 12/31/2022					0	3,553	(3,553)		(3,553)
	Revision #13-Streets Concrete Saw					0	20,000	(20,000)		(20,000)
	Total Revised Fund 44	5,822	1,131,823	4,489,457	264,025	4,225,432	5,310,038	53,039		53,039
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		1,945,315	(1,945,315)	1,424,568	3,275,427	268,391	3,007,036
	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	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	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	16,239		16,239	16,239	21,967		21,967
	Total Revised Fund 54	21,967	0	16,239	0	16,239	16,239	21,967		21,967
56	99 GRT FLOOD CONTROL BOND PROJ	109	0	586,702	0	586,702	366,875	219,936		219,936
	Total Revised Fund 56	109	0	586,702	0	586,702	366,875	219,936		219,936
59	REVENUE BOND P & I FUND	162,267	300	2,406,935		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		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	452,472	2,331		2,331
	Revision #1-PTO Conversions to 12/31/2022			6,179		6,179	6,179	0		0
	Total Revised Fund 63	0	0	489,892	28,910	460,982	458,651	2,331		2,331
69	1994 GROSS RECEIPTS	3,345,432	1,925,513		1,943,033	(1,943,033)	24,299	3,303,613	553,051	2,750,562
	Total Revised Fund 69	3,345,432	1,925,513	0	1,943,033	(1,943,033)	24,299	3,303,613	553,051	2,750,562
71	ALAMO SENIOR CENTER	430	918,260	926,366	0	926,366	1,826,587	18,469		18,469
	Revision #1-PTO Conversions to 12/31/2022					0	4,861	(4,861)		(4,861)
	Total Revised Fund 71	430	918,260	926,366	0	926,366	1,831,448	13,608		13,608
74	ALAMO SENIOR CENTER GIFT	138,296	13,282			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	13,772,451	2,142,063	2,350,678	(208,615)	17,196,011	11,467,199	1,463,850	10,003,349
	Revision #1-PTO Conversions to 12/31/2022					0	11,724	(11,724)		(11,724)
	Revision #4-New York Ave. W/S Replacement					0	160,000	(160,000)		(160,000)
	Revision #6-Roof Repair Price Increase					0	27,000	(27,000)		(27,000)
	Revision #10-Discharge Permit/Compliance					0	70,000	(70,000)		(70,000)
	Total Revised Fund 81	15,099,374	13,772,451	2,142,063	2,350,678	(208,615)	17,464,735	11,198,475	1,463,850	9,734,625
82	98 JT WATER/SEWER BOND P&I	1,119,487	13,473	1,807,764		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	0	1,132,962
86	SOLID WASTE COLLECTION SYS.	771,643	2,454,909		152,769	(152,769)	2,278,107	795,676	178,583	617,093
	Revision #1-PTO Conversions to 12/31/2022					0	1,383	(1,383)		(1,383)
	Total Revised Fund 86	771,643	2,454,909	0	152,769	(152,769)	2,279,490	794,293	178,583	615,710
88	BONITO CAMPGROUND	398,101	3,003	150,000		150,000	152,000	399,104		399,104
	Total Revised Fund 88	398,101	3,003	150,000	0	150,000	152,000	399,104	0	399,104
89	ESGRT .0625%	2,282,812	494,876		764,146	(764,146)	1,027,433	986,109		986,109
	Revision #4-New York Ave. W/S Replacement					0	160,000	(160,000)		(160,000)
	Total Revised Fund 89	2,282,812	494,876	0	764,146	(764,146)	1,187,433	826,109	0	826,109
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239		7,239
	Total Revised Fund 90	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239	0	7,239
91	AIRPORT	42,900	206,141	127,000	33,052	93,948	323,583	19,406	0	19,406
	Total Revised Fund 91	42,900	206,141	127,000	33,052	93,948	323,583	19,406	0	19,406
94	OTERO GREENTREE REG LANDFILL	3,655,124	1,263,067		4,276	(4,276)	2,818,914	2,095,001		2,095,001
	Total Revised Fund 94	3,655,124	1,263,067	0	4,276	(4,276)	2,818,914	2,095,001	0	2,095,001
96	SELF-INSURED FUND	547,004	84,177		65,600	(65,600)	52,373	513,208		513,208
	Revision #14-Self Paid Claims Increase					0	20,000	(20,000)		(20,000)
	Total Revised Fund 96	547,004	84,177	0	65,600	(65,600)	72,373	493,208	0	493,208
98	PAYROLL CLEARING	216,796	0			0		216,796		216,796
	Total Revised Fund 98	216,796	0	0	0	0	0	216,796	0	216,796
104	UTILITY DEPOSITS	624,156	0			0		624,156		624,156
	Total Revised Fund 104	624,156	0	0	0	0	0	624,156	0	624,156
105	ECONOMIC DEVELOPMENT	5,577,210	1,010,451			0	200,255	6,387,406		6,387,406
	Total Revised Fund 105	5,577,210	1,010,451	0	0	0	200,255	6,387,406		6,387,406
107	SELF INSURED/LIABILITY	1,134,195	5,842			0	535,000	605,037		605,037
	Total Revised Fund 107	1,134,195	5,842	0	0	0	535,000	605,037	0	605,037
109	2004 GRT CAPITAL OUTLAY	14,557,615	3,939,341		4,041,583	(4,041,583)	3,719,867	10,735,506	534,452	10,201,054
	Total Revised Fund 109	14,557,615	3,939,341	0	4,041,583	(4,041,583)	3,719,867	10,735,506	534,452	10,201,054
114	SIDEWALKS REVOLVING LOANS	144,232	1,249			0		145,481		145,481
	Total Revised Fund 114	144,232	1,249	0	0	0	0	145,481	0	145,481
115	CORP ESCROW ACCOUNT RESERVE	1,000	0			0		1,000		1,000
	Total Revised Fund 115	1,000	0	0	0	0	0	1,000	0	1,000
119	2012 GRT REF/IMP REVBD	392,207	2,686			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	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	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	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	204,000	96,000		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	1,440,105	783,141	86,881	696,260
	Revision #1-PTO Conversions to 12/31/2022					0	9,270	(9,270)		(9,270)
	Total Revised Fund 901	1,211,402	1,011,844	0	0	0	1,449,375	773,871	86,881	686,990
903	HOUSING HOMEOWNERSHIP OPER	704,785	990			0	17,859	687,916		687,916
	Total Revised Fund 903	704,785	990	0	0	0	17,859	687,916	0	687,916
904	HOUSING CAPITAL FUND PROJECTS	8	1,283,943			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	64,159,896	29,095,886	29,095,886	0	96,175,733	56,148,097	6,079,364	50,068,733

FUND NO.	PROJECT NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1						
This budget revision is to add funds for PTO Conversions for 1/2 year ended December 31, 2022.						
11	GENERAL FUND					
	<i>Expenditures</i>					
	011-1301-413.20-20		PTO Conversion	0	14,809	14,809
	011-1501-415.20-20		PTO Conversion	0	4,076	4,076
	011-2001-411.20-20		PTO Conversion	0	6,866	6,866
	011-2102-415.20-20		PTO Conversion	0	4,853	4,853
	011-4104-420.20-20		PTO Conversion	0	22,596	22,596
	011-4204-421.20-20		PTO Conversion	0	7,134	7,134
			Total Expenditures	0	60,334	60,334
12	INTERNAL SERVICE FUND					
	<i>Expenditures</i>					
	012-1602-415.20-20		PTO Conversion	0	1,350	1,350
	012-1701-415.20-20		PTO Conversion	0	1,701	1,701
	012-3503-419.20-20		PTO Conversion	0	1,264	1,264
			Total Expenditures	0	4,315	4,315
32	COMMUNITY SERVICES FUND					
	<i>Expenditures</i>					
	032-7101-455.20-20		PTO Conversion	0	1,694	1,694
			Total Expenditures	0	1,694	1,694
44	TRANSPORTATION FUND					
	<i>Expenditures</i>					
	044-5203-431.20-20		PTO Conversion	0	1,025	1,025
	044-5303-431.20-20		PTO Conversion	0	2,528	2,528
			Total Expenditures	0	3,553	3,553
11	GENERAL FUND					
	<i>Transfers Out</i>					
	011-0000-491.18-63		Trans to (63) Engineering	742	6,179	6,921
			Total Transfers Out	742	6,179	6,921
63	ENGINEERING FUND					
	<i>Transfers In</i>					
	063-0000-391.19-11		Trans fr (11) General	742	6,179	6,921
			Total Transfers In	742	6,179	6,921
	<i>Expenditures</i>					
	063-5005-419.20-20		PTO Conversion		6,179	6,179
			Total Expenditures	0	6,179	6,179
71	SENIOR CENTER FUND					
	<i>Expenditures</i>					
	071-8023-445.20-20		PTO Conversion	0	1,555	1,555
	071-8024-445.20-20		PTO Conversion	0	1,021	1,021
	071-8025-445.20-20		PTO Conversion	0	875	875
	071-8115-445.20-20		PTO Conversion	0	1,410	1,410
			Total Expenditures	0	4,861	4,861
81	WATER/SEWER FUND					
	<i>Expenditures</i>					
	081-2202-461.20-20		PTO Conversion	0	4,571	4,571
	081-5503-461.20-20		PTO Conversion	0	2,647	2,647
	081-5603-432.20-20		PTO Conversion	0	4,506	4,506
			Total Expenditures	0	11,724	11,724
86	SOLID WASTE FUND					
	<i>Expenditures</i>					
	086-1003-434.20-20		PTO Conversion		1,383	1,383
			Total Expenditures	0	1,383	1,383
901	HOUSING LOW RENT OPERATING FUND					
	<i>Expenditures</i>					
	901-0007-463.20-20		PTO Conversion	0	4,013	4,013
	901-0107-463.20-20		PTO Conversion	0	5,257	5,257
			Total Expenditures	0	9,270	9,270

REVISION #2

This budget revision is to adjust Revenues to projected levels for the Fiscal Year and allocating additional funds to expenditures for the Recreation Center division.

32 COMMUNITY SERVICES					
Revenues					
032-6106-314.13-18	Rec. Daily Use/Passes	3,500	1,500	5,000	
032-6106-314.13-22	Pool Daily Use/Passes	22,800	3,400	26,200	
032-6106-314.13-36	Donations	0	43	43	
032-6106-314.13-40	Rentals	20,000	2,000	22,000	
Total Revenues		46,300	6,943	53,243	
Expenditures					
032-6106-450.56-46	Credit Card Fees	6,100	6,900	13,000	
032-6106-450.57-45	Sponsorship Appropriation	11,664	43	11,707	
Total Expenditures		17,764	6,943	24,707	

REVISION #3

This budget revision is to account for the Atari game sales which will be used for the Dudley School and Railroad Park projects.

11 GENERAL FUND					
Revenues					
GC2303 011-2400-316.15-15	City Misc. Reimb/Claims	0	10,000	10,000	
011-2400-316.15-15	City Misc. Reimb/Claims	0	7,000	7,000	
Total Revenues		0	17,000	17,000	
Expenditures					
GC2303 011-2400-419.57-34	Contract Services	289,222	10,000	299,222	
011-2400-419.57-34	Contract Services	619,572	7,000	626,572	
Total Expenditures		908,794	17,000	925,794	

REVISION #4

This budget revision is to provide funding for engineering and design for the replacement of Water and Sewer main and services on New York Ave. (Eight St. to Tenth St.).

81 WATER/SEWER FUND					
Expenditures					
EN2305 081-9399-990.62-35	Contract Engineering Fees	0	160,000	160,000	
Total Expenditures		0	160,000	160,000	
89 ESGRT .0625% FUND					
Expenditures					
EN2305 089-9303-461.62-35	Contract Engineering Fees	0	160,000	160,000	
Total Expenditures		0	160,000	160,000	

REVISION #5

This budget revision is to increase Overtime and Standby Compensation because of increased employee salaries at the Facility Maintenance division.

11 GENERAL FUND					
Transfers Out					
011-0000-491.18-12	Trans to (32) Community Services	4,531,059	11,992	4,543,051	
Total Transfers Out		4,531,059	11,992	4,543,051	
12 INTERNAL SERVICE FUND					
Transfers In					
012-0000-391.19-11	Trans fr (11) General	4,531,059	11,992	4,543,051	
Total Transfers In		4,531,059	11,992	4,543,051	
Expenditures					
012-3303-419.20-04	Overtime	5,950	8,190	14,140	
012-3303-419.20-07	Standby Compensation	13,870	3,802	17,672	
Total Expenditures		19,820	11,992	31,812	

REVISION #6

This budget revision is to add funding for Water Production Facility Roofing Project UD_16 due to price increases.

81 WATER/SEWER					
Expenditures					
UD_16 081-9399-990.60-88	Improvements	30,500	27,000	57,500	
Total Expenditures		30,500	27,000	57,500	

REVISION #7

This budget revision is to add funding for a AFD Fire Inspector/Marshal position for recruitment in January 2023.

11 GENERAL FUND				
<i>Expenditures</i>				
011-4204-421.20-02	Operational	1,281,967	27,373	1,309,340
011-4204-421.20-10	Retirement	500,687	4,353	505,040
011-4204-421.20-12	Retiree Health Care	36,805	548	37,353
011-4204-421.20-15	Social Security	31,895	2,095	33,990
011-4204-421.20-25	Group Health Insurance	157,305	6,082	163,387
011-4204-421.20-30	Worker's Comp Insurance	87,539	156	87,695
011-4204-421.20-31	Worker's Comp Admin Fee	267	5	272
Total Expenditures		2,096,465	40,612	2,137,077

REVISION #8

This budget revision is to provide funding for a new fence at the Public Works Yard and includes fencing for storage of auction items.

11 GENERAL FUND				
<i>Transfers Out</i>				
011-0000-491.18-12	Trans to (12) Internal Services	4,543,051	127,100	4,670,151
Total Transfers Out		4,543,051	127,100	4,670,151
12 INTERNAL SERVICE FUND				
<i>Transfers In</i>				
012-0000-391.19-11	Trans fr (11) General	4,543,051	127,100	4,670,151
Total Transfers In		4,543,051	127,100	4,670,151
<i>Expenditures</i>				
PW2314 012-1602-415.60-00	Capital Outlay	0	22,000	22,000
PW2314 012-3303-419.61-60	Capital Equipment	990,306	105,100	1,095,406
Total Expenditures		990,306	127,100	1,117,406

REVISION #9

This budget revision is to provide funding to add new Library Clerk position for 13PP remaining in FY23.

11 GENERAL FUND				
<i>Transfers Out</i>				
011-0000-491.18-32	Trans to (32) Community Services	6,423,534	31,488	6,455,022
Total Transfers Out		6,423,534	31,488	6,455,022
32 COMMUNITY SERVICES FUND				
<i>Transfers In</i>				
032-0000-391.19-11	Trans fr (11) General	6,423,534	31,488	6,455,022
Total Transfers In		6,423,534	31,488	6,455,022
<i>Expenditures</i>				
032-7101-455.20-02	Operational	450,609	19,836	470,445
032-7101-455.20-10	Retirement	77,088	2,957	80,045
032-7101-455.20-12	Retiree Health Care	10,347	397	10,744
032-7101-455.20-15	Social Security	41,438	1,518	42,956
032-7101-455.20-25	Group Health Insurance	55,059	6,556	61,615
032-7101-455.20-30	Worker's Comp Insurance	6,498	219	6,717
032-7101-455.20-31	Worker's Comp Admin Fee	92	5	97
Total Expenditures		641,131	31,488	672,619

REVISION #10

This budget revision is to fund engineering fees for Discharge Permit 200 and 806 Compliance.

81 WATER/SEWER				
<i>Expenditures</i>				
UD_21 081-5603-432.62-35	Contract Engineering	0	70,000	70,000
Total Expenditures		0	70,000	70,000

REVISION #11

This budget revision is to account for a public donation to the Alamogordo Police Department and to allocate funds to an expenditure line-item.

11 GENERAL FUND				
<i>Revenues</i>				
APDDON 011-4104-314.13-36	Donations	150	200	350
Total Revenues		150	200	350
<i>Expenditures</i>				
APDDON 011-4104-420.33-26	Designated Materials	425	200	625
Total Expenditures		425	200	625

REVISION #12

This budget revision is to account for a donation to the Animal Control division and to allocate funds to an expenditure line-item for the Spay/Neuter Program.

11 GENERAL FUND						
		<i>Revenues</i>				
PSACO4	011-3804-314.13-36	Donations	400	400	800	
		<i>Total Revenues</i>	400	400	800	
		<i>Expenditures</i>				
PSACO4	011-3804-429.33-26	Designated Materials	2,400	400	2,800	
		<i>Total Expenditures</i>	2,400	400	2,800	

REVISION #13

This budget revision is to provide funding for the purchase of a walk behind concrete saw for the Streets Maintenance division.

44 TRANSPORTATION FUND						
		<i>Expenditures</i>				
PW2315	044-5203-431.61-60	Capital Equipment	549,393	20,000	569,393	
		<i>Total Expenditures</i>	549,393	20,000	569,393	

REVISION #14

This budget revision increase Self-Paid Claims in the Self-Insured Fund due to an increased number of accidents and costs associated with repairs.

96 SELF-INSURED FUND						
		<i>Expenditures</i>				
	096-3503-419.58-14	Self-Paid Claims	52,373	20,000	72,373	
		<i>Total Expenditures</i>	52,373	20,000	72,373	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 12/08/2022

Report No: 7.

Submitted By: Bob Johnson

Subject: Consider, and act upon, approval of Change Order No. 3, Public Works Bid No. 2021-001, to Smithco Construction, Inc., related to the Bonito Lake Infrastructure Improvements project in an amount not to exceed \$237,731.94, including NMGR. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$237,731.94

Amount Budgeted: \$2,769,795

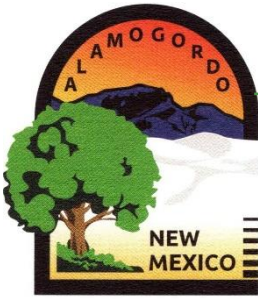
Fund: 081-0008-461.60-79 PW2002

Additional Fiscal Impact: \$779,147.48 available and unencumbered.

Recommendation: Approve the Change Order.

Background: Change Order No. 3 incorporates the following items:

1. Staff-requested removal and replacement of the existing valve house walkway and handrail.
2. Correction of differing site conditions at the dam cap which doubled the planned quantity of concrete.
3. Slight reduction of 2 bid elements involving the CCTV pipe inspections.



City of Alamogordo

ENGINEERING DEPARTMENT
1376 East Ninth St. • Alamogordo, NM 88310
OFFICE PHONE (575) 439-4235, EXT 3
FAX (575) 439-4343

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 3

BONITO LAKE INFRASTRUCTURE IMPROVEMENTS

PUBLIC WORKS PROJECT NO. 2021-001

DATE: DECEMBER 6, 2022

CONTRACTOR: SMITHCO CONSTRUCTION, INC.
P.O. BOX 45
CABALLO, NM 87931

OWNER: CITY OF ALAMOGORDO
1376 E. NINTH ST.
ALAMOGORDO, NM 88310

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

1. Owner-requested removal and replacement of existing valve house walkway and handrail.
Net increase of \$80,627.87.
2. Correct differing site conditions at dam cap. Net increase of \$149,166.27.
3. Decrease Bid Item 2, CCTV Pipe Inspections, from \$24,000.00 to \$20,860.00; net decrease of \$3,140.00.
4. Decrease Change Order No. 2, CCTV Pipe Inspections sub-item, from \$33,354.45 to \$32,305.95; net decrease of \$1,048.50.

The contract performance period is increased by 36 calendar days. Revised substantial completion date is 10/19/2022.

REVISED CONTRACT AMOUNT

1. Original Contract Amount \$ 3,049,000.00*
2. Total Contract Amount Including Previously
Approved Change Orders..... \$ 3,247,454.00*
3. Amount of this Change Order (increase) \$ 225,605.64*
4. Total Revised Contract Amount to Date..... \$ 3,473,059.64*

* excludes New Mexico Gross Receipts Tax.

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

CHANGE ORDER RECOMMENDATION FOR APPROVAL:

BY: 
Engineer

12-8-22
Date

CHANGE ORDER ACCEPTED AND APPROVED:

BY: 
Contractor

12/08/22
Date

CHANGE ORDER APPROVED BY CITY MANAGER:

BY: _____
City Manager

Date

BY: _____
City Attorney

Date



Smithco Construction, Inc.

6 King Canyon Loop

Caballo, NM 87931

P.) 575-894-6161 F.) 575-894-6012 E.) smithco@smithco.cc

Change Order Request (COR 9) rev. 1

October 25, 2022

Rob Richardson, P.E.
Vice President, Las Cruces
Bohannon Huston
p. 575.532.8670
c. 575.649.1230
rrichardson@bhinc.com

RE: BONITO LAKE INFRASTRUCTURE IMPROVEMENTS

CHANGE ORDER REQUEST (COR) 9 Revision 1 – Replace Valve House Walkway in its Entirety

Rob,

Smithco Construction, Inc. submits the following Change Order Request for the referenced project for the additional cost and time associated with replacing the valve house walkway. This request includes:

- Replacing the existing valve house walkway and handrail in its entirety
- Approval drawings including Engineering & Calculations
- Additional Labor and Equipment

Total Amount of this Request: \$80,627.87

This change will require an **additional 45 calendar days** be added to the contract time.

Please feel free to contact me with any questions regarding this request.

Thank you,

Rylan Edgmon

COR 8**Detailed Breakdown for:**

Replace Valve house walkway in its entirety at 54.75" width and 42" high handrail

LABOR, TRAVEL AND PER DIEM

DESCRIPTION	RATE	HOURS	TOTAL
Superintendent (25%)	\$ 92.50	10	\$ 925.00
Foreman I	\$ 43.00	40	\$ 1,720.00
Operator	\$ 29.34	40	\$ 1,173.60
Labor	\$ 29.22	80	\$ 2,337.60
SUBTOTAL			\$ 6,156.20
LABOR BURDEN		42%	\$ 2,585.60
TRAVEL/PER DIEM	\$ 50.00	17	\$ 850.00
LABOR TOTAL			\$ 9,591.80

EQUIPMENT

DESCRIPTION	RATE	HOURS	TOTAL
CAT 420 Backhoe or forklift	\$ 38.16	40	\$ 1,526.40
Tool Truck & Trailer	\$ 40.14	40	\$ 1,605.60
Personnel Truck	\$ 25.14	50	\$ 1,257.00
EQUIPMENT TOTAL			\$ 4,389.00

MATERIAL

DESCRIPTION	UNIT PRICE	UNIT	TOTAL
Elite - Fabricated Materials & Engineering Calcs	\$ 55,787.26	1.00	\$ 55,787.26
Anchor Bolts	\$ 250.00	1	\$ 250.00
MATERIAL TOTAL			\$ 56,037.26

SUBCONTRACTS TOTAL

\$

-

PROFIT AND OVERHEAD ON LABOR, EQUIPMENT AND MATERIALS

15%

\$

10,502.71

PROFIT AND OVERHEAD ON SUBCONTRACTS

5%

\$

-

SUPPLEMENTAL COSTS PER CALENDAR DAY

7

\$

15.30

\$

107.10

SUBTOTAL

\$

80,627.87

Performance and Payment Bonds (included above)

0.0%

\$

-

TOTAL AMOUNT OF THIS REQUEST

\$

80,627.87

Supplemental Costs Per Day	
DESCRIPTION	DAILY COST
Office Trailer	\$ -
Dumpster	\$ 4.14
Toilet Rental	\$ 5.00
Jobsite Phones	\$ 6.16
TOTAL	\$ 15.30

**Elite Design and Fab**

Elite Design and Fab
660 Haines Ave NW
Albuquerque New Mexico
87102

Bill To
Smithco.
6 King Canyon Loop
Caballo
87931 New Mexico
U.S.A

ESTIMATE

EST-000286
Bonito Lake Valve House Walkway

Estimate Date : 10.25.22

#	Item & Description	Qty	Rate	Amount
1	Valve House walkway (Sections 1-6) All new (54.75" width and 42" handrail)	1.00	51,787.26	51,787.26
2	Engineering	1.00	4,000.00	4,000.00
			Sub Total	55,787.26
			Total	\$55,787.26

Notes

Thank You For your Business!



Smithco Construction, Inc.

6 King Canyon Loop

Caballo, NM 87931

P.) 575-894-6161 F.) 575-894-6012 E.) smithco@smithco.cc

Change Order Request (COR 7) Revision 2

December 1, 2022

Rob Richardson, P.E.
Vice President, Las Cruces
Bohannon Huston
p. 575.532.8670
c. 575.649.1230
rrichardson@bhinc.com

RE: BONITO LAKE INFRASTRUCTURE IMPROVEMENTS

CHANGE ORDER REQUEST (COR) 7 Rev. 2 – Additional Concrete Placement for Dam Crest Roadway

Rob,

Smithco Construction, Inc. submits the following Change Order Request for the referenced project for the additional cost and time associated with the additional concrete placement for the Dam Crest Roadway. This addition was the result of a change in existing conditions of the dam crest having a 6" drop in the middle of the crest which was not shown to exist, this created up to 6" more depth of concrete to be placed back to create a level crest from east to west. Additionally, the turndown on the downstream side of the crest was increased from 2' to up to 4' in some areas. This request includes:

- 129.71 CY of additional Class AA Concrete
- 720SF of additional Formwork at the turndown
- Additional Labor and Equipment

Total Amount of this Request: \$149,166.27

This change will require an **additional 26 calendar days** be added to the contract

time. Please feel free to contact me with any questions regarding this request.

Thank you,
Rylan Edgmon
Rylan Edgmon

COR 7			
Detailed Breakdown for:			
Additional Roadway Material and Labor for extra concrete placed on the dam crest including Class AA concrete, formwork, scaffold rental and labor.			
LABOR, TRAVEL AND PER DIEM			
DESCRIPTION	RATE	HOURS	TOTAL
Superintendent (25%)	\$ 92.50	2.5	\$ 231.25
Foreman I - Jesus Castillo	\$ 43.00	10	\$ 430.00
Foreman II - Esteban Avila	\$ 33.00	10	\$ 330.00
Ironworker	\$ 42.75	20	\$ 855.00
Cement Mason	\$ 30.38	30	\$ 911.40
Carpenter	\$ 36.24	20	\$ 724.80
Operator	\$ 29.34	5	\$ 146.70
Labor	\$ 29.22	10	\$ 292.20
SUBTOTAL			\$ 3,921.35
LABOR BURDEN		42%	\$ 1,646.97
TRAVEL/PER DIEM	\$ 50.00	10.75	\$ 537.50
LABOR TOTAL PER DAY			\$ 6,105.82
EQUIPMENT			
DESCRIPTION	RATE	HOURS	TOTAL
CAT 420 Backhoe/Forklift	\$ 38.16	10	\$ 381.60
JD 220 Excavator with Hammer	\$ 96.32		\$ -
CAT 320 Excavator	\$ 89.11		\$ -
CAT 330 Excavator	\$ 166.93		\$ -
CAT 345 Excavator	\$ 186.41		\$ -
CAT 349 Excavator	\$ 202.59		\$ -
Tool Truck & Trailer	\$ 40.14	10	\$ 401.40
Cat D6K Dozer	\$ 82.64		\$ -
Personnel Truck	\$ 25.14	22.5	\$ 565.65
Motograder	\$ 96.63		\$ -
Compaction Roller	\$ 36.70		\$ -
Trench Roller	\$ 14.05		\$ -
Trench Box	\$ 7.67		\$ -
Water Truck	\$ 55.84		\$ -
CAT 660 Dump Truck	\$ 95.00		\$ -
4x4 Forklift	\$ 37.36		\$ -
Scissor Lift	\$ 6.72		\$ -
4x4 Man Lift	\$ 74.51		\$ -
CAT 966 Wheel Loader Running	\$ 105.12	5	\$ 525.60
CAT 950 Wheel Loader	\$ 67.94		\$ -
EQUIPMENT TOTAL PER DAY			\$ 1,874.25
LABOR & EQUIPMENT TOTAL PER DAY			\$ 7,980.07
TOTAL DAYS			12.00
LABOR & EQUIPMENT TOTAL			\$ 95,760.80
MATERIAL			
DESCRIPTION	UNIT PRICE	UNIT	TOTAL
Additional Class AA Concrete - Aggtec (CY)	\$ 178.56	129.71	\$ 23,162.02
Formwork - Local Lumber (\$F)	\$ 5.00	720	\$ 3,600.00
Dam Face Scaffold Rental - Territorial (Days)	\$ 107.18	30	\$ 3,215.40
Formwork Rental for Upstream Walkway - CMC (Days)	\$ 53.57	30	\$ 1,607.14
Rebar for Additonal Height	\$ 1.50	141	\$ 211.50
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
MATERIAL TOTAL			\$ 31,796.07
SUBCONTRACTS TOTAL			\$ -
PROFIT AND OVERHEAD ON LABOR, EQUIPMENT AND MATERIALS	15%		\$ 20,049.40
PROFIT AND OVERHEAD ON SUBCONTRACTS	5%		\$ -
SUPPLEMENTAL COSTS PER CALENDAR DAY	30	\$ 52.00	\$ 1,560.00
SUBTOTAL			\$ 149,166.27
Performance and Payment Bonds (included above)		0.0%	\$ -
TOTAL AMOUNT OF THIS REQUEST			\$ 149,166.27

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 12/22/2022

Report No: 8.

Submitted By: Bob Johnson

Subject: Consider, and act upon, approval of Change Order No. 4, Public Works Bid No. 2021-003, to La Luz Dirt & Paving, LLC, related to the Scenic Drive Extension project in an amount not to exceed \$116,126.80, including NMGR. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$116,126.80

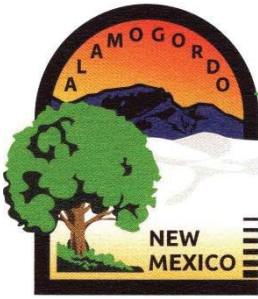
Amount Budgeted: \$2,077,489.00

Fund: 109-9003-430.65-29 PW1606

Additional Fiscal Impact: \$417,485.43 available and unencumbered.

Recommendation: Approve the Change Order.

Background: Change Order No. 4 adjusts final quantity and cost under-runs and over-runs.



City of Alamogordo

ENGINEERING DEPARTMENT
1376 East Ninth St. • Alamogordo, NM 88310
OFFICE PHONE (575) 439-4235, EXT 3
FAX (575) 439-4343

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 4

SCENIC DRIVE EXTENSION TO MESA VERDE RANCH ROAD

PUBLIC WORKS PROJECT NO. 2021-003

DATE: **DECEMBER 19, 2022**

CONTRACTOR: LA LUZ DIRT & PAVING, LLC
 166 HIGHWAY 82
 ALAMOGORDO, NM 88310

OWNER: CITY OF ALAMOGORDO
 1376 E. NINTH ST.
 ALAMOGORDO, NM 88310

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

Adjust final in-place quantities as follows:

CHANGE ORDER RECOMMENDATION FOR APPROVAL:

BY: *Rusty Payne*
Engineer

12/19/2022
Date

CHANGE ORDER ACCEPTED AND APPROVED:

BY: *Casey F. Otero*
Contractor

12/20/2022
Date

CHANGE ORDER APPROVED BY CITY MANAGER:

BY: _____
City Manager

Date

BY: _____
City Attorney

Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 12/19/2022

Report No: 9.

Submitted By: Nancy Beshaler

Subject: Consider, and act upon, first publication of Ordinance No. 1668 repealing Sections 24-13-010 and 24-13-020 of Chapter 24 of the Code of Ordinances relating to Resident and Mobility Disabled Parking only. (*Nancy Beshaler, Public Works Director*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Ordinance 1668 for first publication

Background: Public Works has been working on the development of a Neighborhood Traffic Management Program Policy which is designed to address various kinds of special requests from citizens for assistance with traffic management and/or traffic calming treatments, specialty traffic signs, and specialty parking signs (Resident Parking Only, Resident Disability Parking Only, and Business Parking Only). Specialty parking issues more appropriately fall under the umbrella of the Public Works Department, and this policy will streamline the process for any citizen making application for a specialized parking sign. The policy includes a fee for a specialized parking sign placement which covers the cost of the sign, installation materials, labor, and staff review and processing time.

This Ordinance repeals all references to Resident Parking Only and Designated Mobility Disabled Resident Parking Only which will instead be covered under the Traffic Management Program Policy. The policy will go into effect once Ordinance 1668 becomes effective.

ORDINANCE NO. 1668

AN ORDINANCE REPEALING SECTIONS 24-13-010 AND 24-13-020 OF CHAPTER 24 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING RESIDENTIAL PARKING RESTRICTED AND PARKING DESIGNATED FOR PERSONS WITH MOBILITY DISABILITY

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that "Resident Parking Only" and "Designated Mobility Disabled Resident Parking Only" signs are regulated by Ordinance; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, recognizes that "Resident Parking Only" and "Designated Mobility Disabled Resident Parking Only" signs would be moved under the City's Traffic Management Program Policy; and

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, considers it necessary to repeal Sections 24-13-010 and 24-13-020 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Sections 24-13-010 and 24-13-020 of the Code of Ordinances be repealed.

24-13-010. Residential parking restricted.

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

(Ord. No. 1567, 5-29-18)

24-13-020. ~~Parking at businesses for persons with mobility disabilities.~~

- (a) ~~The determination to post the curb area adjacent to a business with "Parking Designated for Persons with Mobility Disability" signs shall be made by the city commission, after good cause is shown by the applicant. Good cause must include a statement that the applicant's business does not have off-street parking available or an off-street parking space that could be used for parking for persons with mobility disabilities.~~
- (b) ~~The application will be accompanied by an application fee of fifty dollars (\$50.00) to defray the costs of investigating the application and giving notice in accordance with this ordinance.~~
- (c) ~~In determining whether or not to authorize a sign in accordance with this section, the commission will consider the likelihood that the parking space will serve more than one person and whether the need of the business for the space is likely to be on-going.~~
- (d) ~~Before an application to post a sign according to this section can be considered by the city commission, the planning division will give notice of the application to all property owners within a 200-foot radius of the requesting business at least ten days prior to the meeting.~~
- (e) ~~A fee of one hundred dollars (\$100.00) for the sign shall be paid to the city treasurer upon approval of each application.~~
- (f) ~~The city commission will review signs placed in connection with this ordinance at the same time and in the same manner with which it reviews signs placed in accordance with section 24-01-080.~~

(Ord. No. 1567, 5-29-18)

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2023.

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



TRAFFIC MANAGEMENT PROGRAM POLICY



PURPOSE: To establish uniform procedures to be followed whenever a citizen request is received for assistance with traffic management and/or traffic calming treatments, specialty street signs, Resident Parking Only signs, Resident Disability Parking Only signs, and Business Parking Only signs.

ASSIGNED DEPARTMENT: All requests of this type shall be referred to the attention of the Public Works Director, with a copy to the Public Works Executive Assistant.

PROCEDURE FOR PUBLIC WORKS TO FOLLOW: When a citizen requests assistance with traffic management and/or traffic calming treatments, a specialty street sign, or a specialty parking sign, they will be informed of the process to be followed:

- 1) Citizen completes a Traffic Management Program Application. They may complete the form online at publicworks@ci.alamogordo.nm.us, a copy can be emailed to the citizen, or they may walk into the Public Works Office to receive a hard copy of the application.
- 2) Once the application is completed and returned to the Public Works Administration Office, arrangements will be made through the Streets Maintenance division for a street radar data collection sign to be placed on the applicant's street. (Note: Steps 2, 3, and 4 will be bypassed if the request is for a specialty parking sign)
- 3) The sign will remain on the street for a minimum of one (1) week.
- 4) Once the sign is removed, the sign data collection source within the sign itself will compile the data results. Public Works will receive an electronic copy and/or a printed copy of the results.
- 5) The data will be reviewed by the Public Works Director and a representative from the Alamogordo Police Department. In addition to the sign data, other factors considered may include street length, lane width, grading and/or curvature of street, existing traffic control measures, crosswalks and/or sidewalks, proximity to public meeting places, as well as other street defining features.
- 6) The Public Works Director will make a decision to: **a)** Approve the request; **b)** Prescribe an alternative treatment; or **c)** Deny the request with no alternative treatment. This decision will be made within ten (10) business days from Public Works' receipt of the internal sign data.
- 7) Public Works will notify the applicant of the Director's decision in writing.
- 8) If the requestor is not satisfied with the decision of the Public Works Director, they may appeal the decision to the City Manager in writing within ten (10) business days of the Public Works Director's decision.
- 9) If any treatment is approved and installed, it must be reviewed by the Public Works Director every two (2) years to ensure that the criteria still apply. The City retains the right to remove any installations at the direction of the City Manager at any given time.

**Complete and return to:**

City of Alamogordo
Department of Public Works
2600 N. Florida Ave., Alamogordo

Or online to:

publicworks@ci.alamogordo.nm.us

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM APPLICATION

This application is required when requesting any of the following: assistance with traffic management and/or traffic calming treatments, specialty street signs, or specialty parking signs.

Criteria for NTMP Application:

- The primary applicant must be a resident on the requesting street segment
- Street segment cannot be less than 800 feet long
- Must have at least 40% of the homes fronting the street segment
- Dead-ends and cul de sacs are not eligible
- If traffic calming measures are already in place, street is not eligible for additional measures
- Not eligible if the roadway has already been studied within the last five (5) years
- Must be within the City of Alamogordo city limits

Name of Applicant: _____

Address: _____

Email address: _____ Phone #: _____

Street for NTMP request: _____

Reason for Request (select all that apply):

- ☐ **Safety**
- ☐ **Speeding**
- ☐ **Excess Traffic**
- ☐ **Cut-Through Traffic**
- ☐ **Bicycle or Pedestrian**
- ☐ **Commercial Vehicle Restriction**
- ☐ **Noise**
- ☐ **Resident Parking Only Sign** (Note: If approved, a fee of \$275.00 shall be paid to the City Treasurer prior to sign installation)
- ☐ **Disabled Resident Parking Only Sign** (Note: If approved, a fee of \$275.00 shall be paid to the City Treasurer prior to sign installation)
- ☐ **Business Parking Only Sign** (Note: If approved, a fee of \$275.00 shall be paid to the City Treasurer prior to sign installation)
- ☐ **Other** (Please Describe): _____

Description of neighborhood conditions or recent changes in traffic leading to this application:



NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM APPLICATION *(continued)*

Name of Applicant: _____

Street for NTMP Request: _____

- ☐ I understand that if a treatment is approved and installed, it must be reviewed by the Public Works Director every two (2) years to ensure that the criteria still apply. Furthermore, I understand that the City retains the right to remove any installations at the direction of the City Manager at any given time.

Date

Signature of Applicant

.....

Decision:

_____ Approve the request as submitted

_____ Prescribe an alternative treatment as follows:

_____ Deny the request

Date

Nancy Beshaler, Public Works Director

Pursuant to the City of Alamogordo Traffic Management Program Policy, the applicant may appeal this decision to the City Manager, who will make a final determination. An appeal must be made in writing within ten (10) business days of the Public Works Director's decision.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 01/05/2023

Report No: 10.

Submitted By: Stella Rael

Subject: Consider, and act upon, the first publication of Ordinance 1667 Case Z-2022-0005(A), a map amendment to change the zoning of the property located at 1408 Black Street from R-1 Single Family Dwelling to M-2 Industrial District(*Stella Rael, City Planner*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Recommend Approval for First Publication.

Background: Property owner Wallace Holdings LLC is requesting to rezone the property from R-1 Single Family Dwelling to M-2 Industrial District.

ORDINANCE No. 1667

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 1408 BLACK STREET FROM ITS PRESENT DESIGNATION AND ZONING DISTRICT: R-1 SINGLE-FAMILY DWELLING TO: M-2 INDUSTRIAL DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Wallace Holding 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

1408 BLACK STREET

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

Z-2022-0005(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 the 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:

1408 BLACK STREET

Is hereby changed from R-1 Single Family Dwelling Zoning District to M-2 Industrial 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 _____, 2023.

**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



City of Alamogordo

City Commission



Z-2022-0005(A)

Stella Rael, City Planner
January 10, 2023

Zoning Map

2



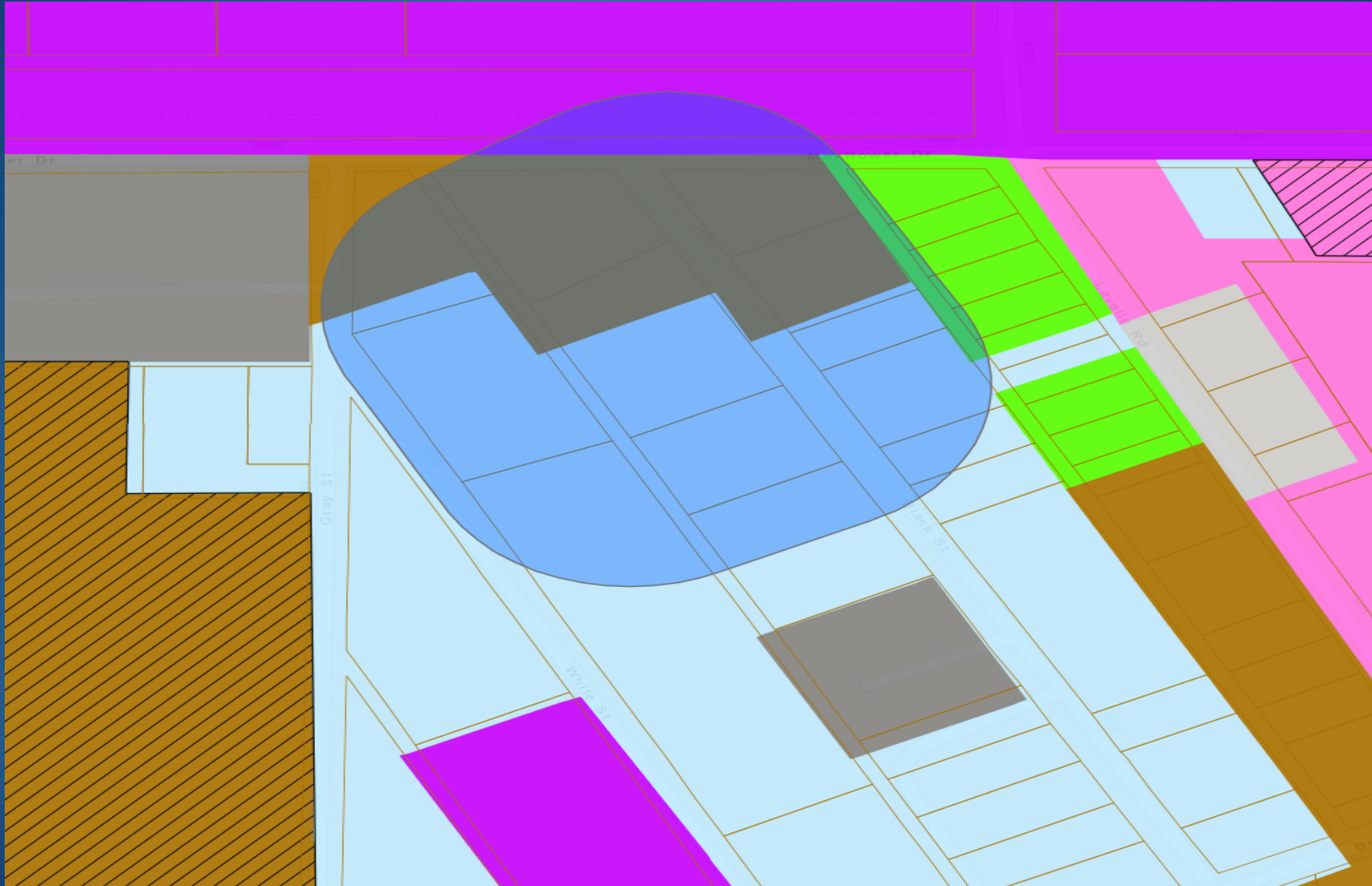
AERIAL

3



Protest Area

4



Zoning Request Case: Z-2022-0005(A)

Request:

The property owner is requesting for a map amendment to change the zoning of the property located 1408 Black Street from R-1 Single-Family Dwelling District to M-2 Industrial District

Wallace Holding LLC
11903 Eagle Rock Ave
Albuquerque, NM 801090

Findings of Fact

- ◆ 1. The application was filed and all fees were paid.
- ◆ 2. Legal ad was placed in the Alamogordo Daily News
- ◆ 3. Thirteen (13) 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 December 27, 2023, there have been no letters returned undeliverable and I have not received any letters or phone calls of opposition.

Z-2022-0005(A)

7

- ◆ 7. Staff recommends approval.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 01/05/2023

Report No: 11.

Submitted By: Stephanie Hernandez

Subject: Discuss advertising on City Property. *(Nick Paul, District 1 Commissioner)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: None

Recommendation:

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/10/2023

Report Date: 01/05/2023

Report No: 12.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Resolution 2023-03 to Establish a City Charter Committee. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution.

Background:

The Governing Body of the City of Alamogordo is mandated by Article 12, Section 3(B) of the City Charter to appoint a committee every ten (10) years to review the effectiveness of the Charter and to make written recommendations within sixty (60) days of its appointment.

After the Resolution is adopted to establish a City Charter Committee, each Commissioner and the Mayor will be allowed to nominate two residents of the City to serve on the Committee.

According to the State Statute and the adopted Resolution, "no more than a simple majority shall belong to the same political party." The City Clerk will have the current voter registration list from the County Clerk and will verify the party affiliation on the list.

RESOLUTION NO. 2023-03

**A RESOLUTION ESTABLISHING A CITY CHARTER COMMITTEE
FOR THE CITY OF ALAMOGORDO, NEW MEXICO**

WHEREAS, the governing body of the City of Alamogordo, New Mexico, a New Mexico municipal corporation, is mandated by Article 12, Section 3(B) of the City Charter to appoint a committee every ten (10) years to review the effectiveness of the Charter and to make written recommendations within sixty (60) days of its appointment; and

WHEREAS, it is the desire of the governing body of the City of Alamogordo to establish a City Charter Committee consisting of not less than 7 (seven) residents and no more than fourteen (14) residents of the City; and

WHEREAS, each member of the governing body of the City of Alamogordo may nominate two (2) residents of the City to serve as members of the Committee subject to confirmation by the governing body of the City.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Alamogordo, New Mexico, that:

1. A City Charter Committee is hereby established and shall consist of not less than 7 (seven) residents and not more than fourteen (14) residents of the City.
2. Each member of the governing body may nominate two (2) residents of the City to serve as members of the Committee and shall submit their nominations to the City Clerk prior to February 7, 2023.
3. The Committee shall meet and make written recommendations to the governing body of the City regarding the effectiveness of the City Charter within sixty (60) days of the date the members are appointed to the Committee.
4. The City Commission shall appoint the members to the Committee at its regularly scheduled meeting of February 14, 2023.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2023.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Ashley Smith, City Attorney

PART I CITY CHARTER

PREAMBLE

We, the citizens of Alamogordo, New Mexico, under the Constitution and Laws of New Mexico, ordain and establish this Charter for the City of Alamogordo, New Mexico.

ARTICLE I. INCORPORATION AND POWERS

The incorporated municipality known as Alamogordo, (hereinafter "City") existing within its present or future boundaries, shall exercise all powers and perform all functions not expressly denied.

ARTICLE II. FORM OF GOVERNMENT

The form of government for the City of Alamogordo is the Commission-Manager form of government.

ARTICLE III. ELECTORS

Any registered, qualified elector of the City may vote in any City election and may be a candidate for any City office for which he or she is qualified.

ARTICLE IV. ELECTED OFFICERS

The elected officers of the City are six (6) Commissioners, one (1) Mayor, and one (1) Municipal Judge.
(Amd. of 3-6-12)

ARTICLE V. QUALIFICATIONS FOR CANDIDACY

Candidates for elective office in the City shall be qualified electors with the following additional qualifications:

Section 1. Candidates-at-Large.

Candidates-at-Large must reside within the city.
(Amd. of 3-1-16)

Section 2. Candidates for District Offices.

Candidates for District Offices must reside in the District they seek to represent.
(Amd. of 3-1-16)

Section 3. Disclosure.

Each candidate for City office shall file a disclosure statement with the City Clerk, at the time of filing for the office. This statement shall identify all real property and businesses in New Mexico in which the candidate has a financial interest.

(Ord. No. 1598 , 9-12-19)

ARTICLE VI. ELECTIONS

Section 1. Regular City Elections.

- A. Regular City elections to elect City officers, as required, shall be held on the first Tuesday after the first Monday in November of odd-numbered years.
- B. New Mexico law governing the manner of conducting City elections shall govern elections in the City.

(Ord. No. 1586 , 3-26-19)

Section 2. Elections.

- A. In the regular City election for Commissioners, the candidate receiving the greatest number of votes in each district represented is elected.
- B. In the regular City Election for Mayor, the candidate receiving the greatest number of votes is elected unless that candidate fails to receive more than 50% of the vote. In that case, there shall be a special run-off election between the two candidates receiving the greatest number of votes. The run-off election shall be held within 45 days after the date that the final canvass is completed. The city commission shall by resolution set the date of the run- off election and specify the names of the candidates. The resolution shall be published once at least seven days prior to the run off election.
- C. If a tie exists after the certification of the results of any election, the determination as to which of the tied candidates is elected shall be decided by lot.

(Amd. of 3-7-00; Amd. of 3-1-16)

Section 3. Vacancies.

- A. A vacancy occurs upon an elected officer's death, recall, resignation, or, as to Commissioners, upon termination of residency in the district represented, or upon absence from Commission meetings for a consecutive period exceeding sixty (60) days, unless a majority of the remaining incumbent City Commissioners vote to retain the absent Commissioner or the absent Mayor for an additional sixty (60) days, which vote must take place at the next following regular meeting.
- B. A vacancy in the commission, including the office of mayor, shall be filled by appointment of the commission of a person qualified under Article V. The Commission must declare by resolution that a vacancy exists. The resolution declaring the vacancy must be adopted by the Commission within fifteen days of the vacancy. The Commission must appoint an eligible person by majority vote to fill the vacant office at the first regular meeting following the expiration of thirty days after the adoption of the resolution. If the Commission fails to make the appointment at that meeting, the Mayor must, within fifteen days, appoint an eligible person to fill the vacancy. The Commission may by ordinance establish the specific procedures for selecting an eligible

person to fill a vacancy. The commissioner or mayor appointed or elected shall serve for the remainder of the unexpired term for which the commissioner or mayor who vacated the position was elected.

- C. If the entire Commission is vacated simultaneously, the Municipal Judge shall perform the function of the Commission only as concerns the calling of a special election to fill the vacancies.

(Amd. of 3-7-00; Amd. of 3-2-10; Amd. of 3-6-12)

Section 4. Non-Partisan Elections.

Elections for City officers shall be non-partisan. The party affiliation of candidates shall not appear on the ballot nor on any official document relating to the candidate or to the election.

ARTICLE VII. THE GOVERNING BODY

Section 1. Equality of Commissioners.

All Commissioners, including the Mayor, except as otherwise provided by this Charter, shall have equal voting power, privileges and prerogatives.

(Amd. of 3-6-12)

Section 2. Composition.

The governing body shall be comprised of six (6) members to be known as commissioners and one (1) member to be known as mayor. The six (6) commissioners shall be elected by the qualified voters of each of the six (6) single-member districts. The mayor shall be elected at large.

(Amd. of 3-6-12; Amd. of 3-1-16)

Section 3. Term of Office.

The term of office for all commissioners, including the mayor, shall be four (4) years. Elections shall be on a staggered basis. The terms of office for the current municipal office holders seated upon City's opt-in to the Regular Local Election is adjusted, so that:

- (A) municipal officers elected or appointed to a term ending in 2020 shall serve until December 31, 2019, the new term of the position shall be elected at the regular local election in November 2019, and the new term shall commence January 1, 2020.
- (B) municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2021, the new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022

(Amd. of 6-20-95; Amd. of 3-18-97; Amd. of 3-6-12; Ord. No. 1586 , 3-26-19)

Section 4. Districts.

The Commission shall be divided into six (6) districts. The boundaries of each district shall be established by ordinance. Within one year after publication of each National Census, the Commission shall reaffirm that the City is divided into six (6) Districts that are compact in area and as nearly equal in population as possible.

(Amd. of 3-18-97; Amd. of 3-6-12; Amd. 3-1-16)

Section 5. Meetings.

All City Commission meetings are open to the public and the official records open to inspection, except for closed executive sessions held in accordance with the State Open Meetings Act. A quorum consists of a majority of incumbent Commissioners and the Mayor.

- A. Regular meetings shall take place twice monthly at a place, time and day determined by ordinance. Regular meetings shall not occur on legal holidays.
- B. Special meetings shall be called by the Mayor or any two (2) Commissioners, for the purpose of discussing or acting on any City business.
- C. Emergency meetings shall be called by the Mayor or any Commissioner, to resolve emergency matters involving clear and present danger to the health, safety or welfare of the citizens of Alamogordo.

(Amd. of 3-1-16)

Section 6. Compensation.

Upon implementation of this Charter, Commissioners shall receive fifty dollars (\$50.00) compensation for expenses for each regular meeting attended and for each regular meeting not attended by reason of official City business. This minimum compensation shall not be changed unless the proposed change is submitted to, and approved by, the electorate at a regular City election. Any additional compensation shall be established by ordinance.

(Amd. of 3-1-16)

Section 7. Incompatibility of Offices.

No member of the Commission or the Mayor may hold any other local, state, or federal elected office. Acceptance of the second elected office constitutes an automatic resignation from the position of Alamogordo City Commissioner or Mayor, and the vacancy thereby created shall be filled in the same manner as other vacancies on the City Commission are filled.

(Amd. of 3-2-10; Amd. of 3-1-16)

ARTICLE VIII. MAYOR AND MAYOR PRO-TEM

Section 1. Selection; Term; Removal.

- A. An organizational meeting shall be held as soon as practicable after each Regular City election in which Commissioners are elected.
- B. The Commission and Mayor shall elect one of its members to serve as Mayor Pro-Tem. The term of office for the Mayor Pro-Tem shall be until the next organizational meeting of the Commission.
- C. An organizational meeting shall also be held if the office of the Mayor Pro-Tem becomes vacant. Said office becomes vacant in the manner specified in Article VI, Section 3.

-
- D. A motion for removal of the Mayor Pro-Tem shall be made at a regular meeting, and must be seconded by two (2) Commissioners or one (1) Commissioner and the Mayor. The motion for removal shall be voted upon at the next regular meeting and shall require the affirmative votes of no fewer than five (5) Commissioners for passage.

(Amd. of 3-2-10; Amd. of 3-6-12; Amd. of 3-1-16)

Section 2. Powers and Duties of Mayor.

The Mayor shall preside at all meetings of the Commission and shall perform such duties as are imposed by the Commission. The Mayor has all the powers and duties of a Commissioner, including the right to vote upon all questions under consideration.

The Mayor is the official head of the City for all ceremonial and military purposes. With the advice, and subject to the approval of a majority of the Commission, the Mayor shall appoint and may remove, if necessary, members of the public boards, commissions and committees of the City. The Mayor shall lead, guide and develop with the City Commission, City Manager, and other appropriate individuals, short and long range plans and goals for the City concerning its growth and development. The Mayor shall present an annual state of the City message at a Public Meeting determined by the Mayor.

(Amd. of 3-6-12; Amd. of 3-1-16)

Section 3. Powers and Duties of Mayor Pro-Tem.

In the absence of the Mayor, the Mayor Pro-Tem shall perform the duties of the Mayor.

ARTICLE IX. THE MUNICIPAL JUDGE

There shall be one Municipal Judge elected at-Large for a four-year term, who shall serve in accordance with applicable state law.

(Amd. of 6-20-95; Amd. of 3-1-16)

ARTICLE X. INITIATIVE, REFERENDUM, AND RECALL

Section 1. Initiative.

- A. Upon petition, signed by the qualified electors in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, whichever is the greater, any measure may be proposed to the Commission for enactment within thirty (30) days of the date of filing the petition. If the Commission: (1) fails to act, (2) acts adversely, or (3) amends the proposed measure, the Commission shall call a special election in not less than thirty (30) days nor more than sixty (60) days for the purpose of submitting the measure to the electorate.
- B. The ballot shall contain the proposed measure and the measure as amended, if the Commission amends the proposed measure. After each measure there shall be printed the words:
- "for" and
- "against,"

with spaces for crosses after each word.

- C. The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

Section 2. Referendum.

- A. If within thirty (30) days following the adoption of an ordinance or resolution by the Commission, a petition, signed by the qualified electors, in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, whichever is greater, is presented to the Commission asking that the ordinance or resolution in question be submitted to a special election for its adoption or rejection, the ordinance or resolution shall become ineffective and the Commission shall provide for an election on the measure within sixty (60) days of the filing of the petition.
- B. The ballot shall contain the text of the ordinance or resolution in question. Below the text shall be the phrases:

"for" and

"against,"

with spaces for crosses after each word.

If a majority of the votes cast favor the measure, it shall take effect immediately. If a majority of the votes cast are against the measure, it shall not take effect.

- C. If an ordinance or resolution is an emergency measure, it shall go into effect immediately, but it shall be subject to repeal by an adverse majority at a referendum election.
- D. The referendum procedure of this section shall not be available for any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election.

Section 3. Recall.

Any City Commissioner, including the Mayor, is subject to a recall election. Upon petition seeking a recall of a Commissioner or Mayor, the Commission shall call a special election within sixty (60) days, unless the regular City election occurs within ninety (90) days.

Notice of Intent to circulate a petition for recall must be dated and filed with the City Clerk and shall include a statement of the reason for the recall. Each page of a recall petition, before any signatures are signed to it, must be endorsed by the manual or facsimile signature of the City Clerk and the date of filing of Notice of Intent; the City Clerk shall provide this without charge. The recall petition must be submitted to the City Clerk with the requisite number of signatures, within one hundred and twenty (120) days of the date of filing the Notice of Intent.

The petition shall be signed by no less than twenty (20) percent of the number of registered voters in that Commissioner's district at the time the Commissioner was elected. If the petition seeks to recall the Mayor, the petition shall be signed by no less than twenty (20) percent of the number of registered voters residing in the City at the time the Mayor was elected. The special recall election of a Commissioner shall be held only in that Commissioner's district. The special recall election of a Mayor shall be citywide.

If a majority favors recall and this majority equals or exceeds the number of votes the Commissioner or the Mayor received when elected, the office shall be declared vacated, and the office shall be filled as are other

vacancies. A Commissioner or Mayor who is recalled shall not be eligible for re-election until the term for which the Commissioner was originally elected has expired.

If a recall election results in a failure to secure the votes necessary to recall, the Commissioner or Mayor who is the subject of the election shall not again be subject to recall until after six (6) months from the date of the recall election.

(Amd. of 3-18-97; Amd. of 3-6-12; Amd. of 3-1-16)

ARTICLE XI. THE CITY MANAGER

Section 1. Qualifications; Appointment.

A City Manager shall be appointed, solely on the basis of his or her qualifications, for an indefinite term. His or her selection shall not be limited by reason of former residence. His or her salary shall be fixed by the Commission. The appointment or removal of a City Manager shall require the affirmative votes of no fewer than four (4) Commissioners or three (3) Commissioners and the Mayor.

(Amd. of 3-1-16)

Section 2. Duties.

The City Manager is the chief executive officer of the City. He or she shall have a seat, but no vote, at every meeting of the Commission. The City Manager:

- (a) Shall enforce and carry out all ordinances, rules and regulations adopted by the Commission;
- (b) Shall employ and discharge employees of the City;
- (c) Shall prepare and submit an annual budget to the Commission;
- (d) Shall make recommendations to the Commission concerning the welfare of the City;
- (e) Or his or her designated agent, shall be the person for the purpose of civil process.

(Amd. 3-1-16)

ARTICLE XII. THE CHARTER

Section 1. Saving Clause.

All bylaws, ordinances and resolutions in force in the City before the adoption of this Charter shall remain in full force and effect until amended or repealed. All rights and property which were vested in the City shall remain so vested under this Charter. No existing contract or franchise and no existing right or liability and no pending litigation of any kind shall be affected by the adoption of this Charter.

Section 2. Severance Clause.

The provisions of this Charter are severable, and if any provision or part thereof is held to be illegal or unconstitutional as applied to any person or situation, the remainder of this Charter or its applicability to other persons or situations shall not be affected.

Section 3. Amendment or Repeal; Periodic Review.

- A. This Charter shall be amended or repealed in accordance with state law, except that any petition for amendment or repeal must be signed by qualified electors in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, or by five (5) per cent of the qualified electors of the municipality, whichever is greater.
- B. Every ten (10) years, the Commission shall appoint a committee to review the effectiveness of this Charter and make written recommendations to the City Commission within sixty (60) days of its appointment.

Section 4. Effective Date.

This Charter shall become effective ten (10) days following the certification of the election of City officials required.

Section 5. Reserved.

Editor's note(s)—An amendment of March 7, 2000, amended the Charter by repealing former section 5 in its entirety. Former section 5 pertained to the transition of the city government, and was a part of the original Charter.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF March, 1983. *

CITY OF ALAMOGORDO, NEW MEXICO

a municipal corporation

By /s/ HENRY P. PACELLI

MAYOR

ATTEST:

/s/ ANGIE J. RAHN, CITY CLERK

*Amended June 20, 1995; Amended March 18, 1997; Amended March 7, 2000; Amended March 6, 2012; Amended March 1, 2016; Amended March 26, 2019.



City of
ALAMOGORDO

**Nomination application to serve
on the 2023 City Charter Committee**

Nominated by: _____
Name of Elected Official (if applicable)

Name: _____

Home Phone: _____ Cell Phone: _____

Email address: _____

Physical Address: _____

Is the above address within City limits? Yes _____ No _____

Mailing Address: _____

Present Employer: _____ Job Title: _____

Experience and education you feel would benefit the City Charter Committee:

Please indicate your interest in serving on the City Charter Committee:

Please indicate the days of the week and times you are not available for meetings:

Please return the completed application to:
Rachel Hughs, City Clerk
1376 E. Ninth Street, Alamogordo, NM 88310
Phone: (575) 439-4100
Email: rhughs@ci.alamogordo.nm.us

RETURN TO THE CITY CLERK PRIOR TO 5:00 P.M. ON FEBRUARY 7, 2023