



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

January 24, 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. Reinstalling public benches. (John Davis, Citizen)
2. Swearing in certified Police Officers, Ryan Blanton & Collier Buffington, and swearing in Police Service

Aides, Christopher Redden and David Melendrez. *(Richard Denton, Chief of Police and Judge Overstreet, Municipal Court Judge)*

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. Comments are limited to 3 minutes, and there will be a maximum of 21 minutes allowed for Public Comment.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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

3. Approve the minutes for the January 10, 2023, Regular Commission meeting. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, the award of IFB 2022-10 Internally Illuminated Street Name Signs to Trastar, Inc. in the amount of \$125,792.00. *(Paul Bennett, Facility Maintenance Manager)*
5. Consider, and act upon, Resolution No. 2023-04 to adopt the required Community Development Block Grant (CDBG) Annual Certifications and Commitments. *(Debbie Osborne, Grant Coordinator)* **(Roll call vote required)**
6. Consider, and act upon, Resolution 2023-05 relating to a rate increase of 3.50% effective February 1, 2023 for residential solid waste collection through Southwest Disposal. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**
7. Consider, and act upon, Resolution 2023-06 to adopt the required Public Housing Flat Rent Schedule effective January 1, 2023. *(Evelyn Huff, Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**
8. Consider, and act upon, Resolution 2023-07 to adopt the Revised Annual Plan for the City of Alamogordo Housing Authority. *(Evelyn Huff, Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**
9. Consider, and act upon, Resolution 2023-08 to adopt the Revised 5-Year Plan for the City of Alamogordo Housing Authority. *(Evelyn Huff, Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**
10. Consider, and act upon, Resolution 2023-09 to adopt the 5-Year Action Plan and Certification for the City of Alamogordo Housing Authority. *(Evelyn Huff, Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

11. Consider and act upon the first publication of Ordinance 1666 repealing Chapter 23, Article 23-02 Lodgers Tax, and Chapter 2, Article 4-80 thru 4-110 relating to the Promotions Board. *(Stephanie Hernandez, Assistant City Manager)* **(Roll Call Vote Required)**
12. Discussion on Industrial Revenue Bonds and other requests by Valencia Real Estate Group. *(Brian Cesar, City Manager and Stephanie Hernandez, Assistant City Manager)*
13. Consider, and act upon, the Atari Solar Community Benefits Proposal. *(Veronica Ortega, Community Services Director/Hillel Halberstam, SynerGen Solar)*

14. Consider, and act upon, the first publication of Ordinance 1669 Case Z-2022-0006(A), a map amendment to change the zoning of the property located at 1218 Michigan Ave. from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District. (*Sean McGranaghan, Assistant City Planner*) **(Roll Call Vote Required)**

15. Consider, and act upon, the first publication of Ordinance 1670 Case Z-2022-0007(A), a map amendment to change the zoning of the property located at 2500 N Florida Ave from R-1 Single Family Dwelling District to R-4 Multi-Family Dwelling District. (*Sean McGranaghan, Assistant City Planner*) **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/12/2023

Report No: 1.

Submitted By: Rachel Hughs

Subject: Reinstalling public benches. (*John Davis, Citizen*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Information only.

Background:

Mr. Davis will present why benches should be put back, including a possible violation of the Americans with Disabilities Act.



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

RECEIVED

JAN 10 2023

CITY CLERK

Today's Date: 1/10/23

Request Date
of Meeting:

1/24/23

Name and Title:

John Davis, RN (Retired)

Address:

1508 Alaska Ave.

Alamogordo, NM ~~88310~~ ZIP 88310

Phone Number:

575-952-0633

E-Mail Address:

birdman88310@yahoo.com

Item requested will be for Information only

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

Re-install public benches (possible violation
of Americans with Disabilities Act).

Signature: John Davis

Please return to:

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

Phone: (575) 439-4100

Fax: (575) 439-4396

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 2.

Submitted By: Richard Denton

Subject: Swearing in certified Police Officers, Ryan Blanton & Collier Buffington, and swearing in Police Service Aides, Christopher Redden and David Melendrez. *(Richard Denton, Chief of Police and Judge Overstreet, Municipal Court Judge)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: approve item

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/12/2023

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the January 10, 2023, 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., DONALD E. CARROLL COMMISSION CHAMBERS
January 10, 2023**

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

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

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

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. The invocation was given by Pastor Marc Jones, and the Pledge of Allegiance was led by Commissioner Paul.

APPROVAL OF AGENDA

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

PRESENTATIONS

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

City Clerk Hughs gave information on the City Charter. She spoke on the purpose and responsibilities of the committee. She stated that the City Charter Committee is established by resolution every ten years to review the effectiveness of the City Charter and give recommendations to the City Commission. She reviewed past years of Charter Committees of how many members and dates of meetings. City Clerk Hughs gave some dates and timeframes for a possible upcoming City Charter Committee. She spoke on the information of the committee member's first meeting.

Commissioner Rardin asked City Manager Cesar if staff could give the City Commission amendments from the 2015 City Charter Committee. City Manager asked what exactly are you asking for, the questions on the ballot? Commissioner Rardin said yes. City Manager Cesar said we had questions from the previous election to the residents in Alamogordo. Not all of those passed, so it was brought back a year or two later and incorporated as one question. So, you probably want both of them. Commissioner Rardin said he remembered the 2011 one; those were all on there as one question. However, he did not remember the 2015 one. City Manager Cesar said he may have that reversed, it may have been one big question that did not pass, so they broke it up into smaller ones, or it was vice-versa. City Manager Cesar said that City Clerk Hughs could get those to you. City Clerk Hughs asked Commissioner Rardin if he wanted both 2015 and 2011. City Manager Cesar said yes, go ahead and send those.

PUBLIC COMMENT

Anthony Tumminaro said he was the guy that owned the benches in town. He wanted to thank the Mayor and Commissioners for all the years we have had business. He said it had been a privilege working with the City. He also wanted to thank City Manager Caesar for giving him extra time with the benches because the contracts ended on the 31st, and he could not get all the benches out. He asked the City Commission to let him know if they ever wanted to go in that direction again.

Carol Hernandez said she has recently noticed that the benches throughout the City have been removed. There are many disadvantaged, and some with disabilities, who rely on those benches. She asked the City Commission to please consider replacing those benches.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He said that the Police Department had a very active month. Police Chief Denton will update you on the PSA's coming out and some other activities you have not heard about.

Police Chief Denton reviewed things that the Police Department has recently done, such as solving the murder case on Dewey, interdepartmental cooperation, staff developments, and other significant arrests.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He said a gentleman asked when we approved all the rebranding on the City trucks, who brought that up, and what it cost us. City Manager Cesar said he did not have the cost off the top of his head, but it does not cost us any more to do that than it does to put any of the logos on the vehicles. This makes those vehicles more easily identifiable, especially as we get the questions regarding such-and-such vehicle parking over here at the restaurant or wherever. This is opposed to what we had, a generic logo, the same logo on every vehicle except for Police and Fire. You had to try and find the four-digit number on the back of the vehicle. Now you can tell if it is Public Works, Utilities, or Code Enforcement. Commissioner Rardin asked City Manager Cesar to get the cost of that.

Commissioner Rardin asked about the pothole on La Velle Road and wanted to know where we were at on that. City Manager Cesar said there would be someone up soon that could answer that. Commissioner Rardin said what about the one right in front of the Convenience Center exit gate; he asked if we could get that one appropriately fixed.

Mayor Payne made the following comments:

She said that tomorrow at 4 o'clock, we are having the kickoff for the rebranding of the Alamogordo Public Library. It is a 3-day event.

She said that on December 23rd, we had the dedication to change the name of the Commission Chambers to the Don Carroll Commission Chambers. His family was there, as well as several former Commissioners and former Mayors.

She said the Legislative Session is coming up. The opening day of the Legislative Session is January 17th. She may go up a few times during this 60-day session. The consensus is that we need more presence in Santa Fe, and she agrees. She said the difficulty is that they do not know much about Alamogordo. Commissioner Rardin said they are saying that they have a three-and-a-half billion-dollar surplus. Depending on what the Governor decides they will do with that, we should maybe have staff draft letters to our State Representative and two Senators. We have some pipelines that we need to do and other various things. He said he talked to City Manager Cesar about this, and we broke it down into five phases, about five to six million dollars apiece. He said getting the money for that parallel pipeline is very important for Alamogordo. He said that Senator Griggs knows that importance because as soon as Bonito returns online, we will lose that pipeline. Mayor Payne said we need to start talking about more things that Alamogordo needs this year, and the more we talk about it, the better off we will be. City Manager Cesar said we have many projects that could be considered shovel-ready.

Drafting the letters is no issue, and while you all cannot vote because this is not an item to vote on, but it would be more appropriate and carry more weight if Mayor Payne signed it. He said that, more than likely, word will get to the Representatives and Senators on what will be done with the surplus. It will be a very narrow timeframe and likely not hit a Commission Meeting where we can bring an item forward to get you all to authorize the Mayor to sign the letter. It will depend on how they decide their surplus will be used and if we have a project that meets those criteria.

Commissioner Rardin made the following comments:

Commissioner Rardin asked where we were at on the Road Study. Public Works Director Beshaler said she got the data from the consultant yesterday. This data lists the condition of all the roads in the City and has a full list of programming for twenty years of street improvements. She said they wanted her to review it. They are saying that we can't accomplish it in twenty years based on the available funding. She said she hadn't had a chance to review the project list. The report is due in February, so we are getting to the tail-end of it. Commissioner Rardin asked when they were going to see some of that. City Manager Cesar said after we have the completed reports. She is saying the end of February, so it would be right during the budget time. Commissioner Rardin said so we are not going to see it until May? City Manager Cesar said the report is due at the end of February, so March to April, yes. Commissioner Rardin said we will see the report sometime in late February or early March. City Manager Cesar said if there are no major edits, she just received the draft. So, it is dependent upon edits. If we get it at the end of February, as soon as we get it, it will go out to you all. Public Works Director Beshaler said part of that will be the discussion about the programming and how we have a shortfall on funding. Commissioner Rardin said that is probably a decision that the Commission needs to discuss regarding the funding. City Manager Cesar said we need to review it and have our recommendations so that the report can be finalized and put out to you. Then funding could be discussed, and if it could be accelerated or expanded, dependent upon funding availability.

Mayor Payne made the following comments:

She said that during the next meeting, she will be presenting the State of the City Report.

CONSENT AGENDA

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)

Mayor Pro-Tem Wright moved to approve the Consent Agenda.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

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)

Engineering Manager Johnson said there are primarily two large components within this change order. There was a staff request for the removal and replacement of the valve house walkway handrail; this is the area that staff uses to get into and around the valve house. It is falling apart. The second large item is the correction of different site conditions of the dam cap, which doubles the planned quarry of concrete. There is a slight reduction of a couple of bid items that is inconsequential. This will be the final change order for this project.

Commissioner Rardin asked how we missed the quantities in concrete that far. Engineering Manager Johnson said it was a differing site condition that no one could have anticipated. The contractor was to remove the dam cap, which is the part the public walks on, and replace it. Before that endeavor, the contractor conducted a survey that revealed a six-inch dip that spanned the entire width of the dam. The dam is four hundred and eighty feet long and fourteen and a half feet wide. When this was first brought to our attention, we verified that the survey was correct. Utility Staff reviewed about a century's worth of historical documents. It was also elevated to the State Engineer of the Dam Safety Bureau's Office because they also have historical documents. Those reviews revealed nothing to indicate that it was purposely done. This falls under the jurisdiction of the Dam Safety Bureau, so we asked them what they wanted us to do. They said to rebuild it level. That was half of the differing site condition quantity. They paid \$900,000 of the bill for this contract, so it is hard to say no. The second part of the differing site condition is when the dam cap was removed, the concrete substrate below it was all but disintegrated. There was no stable surface to put a new dam cap on top of, so the contractor had to demo all that out, grind it smooth, make it level, put in concrete at the structure under the cap, and then build the cap back up. Commissioner Rardin asked if they had already performed the work. Engineering Manager Johnson said they did. If we had stopped that project, the cost would have been phenomenal. The funding is available and always has been.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Wright seconded the motion.

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

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)

Engineering Manager Johnson said this is the final change order for this project. As with any project involving estimated quantities, and this was massive with the bid items involved, we reconcile all the actual in-place quantities versus estimated quantities. The result is this increase. Only one significant item increased substantially, and that was in the area of railroad flagging.

Mayor Pro-Tem Wright moved to approve.

Commissioner Melton seconded the motion.

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

City Manager Cesar asked Engineering Manager Johnson to give information regarding the roadway opening. Engineering Manager Johnson said there is no ETA for when it will open. The railroad, Union Pacific, did not initiate a dialogue with PNM to get power to signals until the end of October. Currently, they are looking at pulling power from somewhere around the bypass and bringing it eastward to where they have a maintenance shack that all the power feeds into. The estimated cost is about \$100,000, but that is verbal and not written. The City will be footing that bill per our agreement with Union Pacific. It will take time because many regulations are involved in bringing that much power that far.

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)

Public Works Director Beshaler said the purpose of this repeal was to be consistent with our new traffic management policy. We are trying to consolidate all the citizen requests.

Commissioner Rardin asked if there were any issues, could it still come before Commission. City Manager Cesar said yes. We modeled this like leak abatements on the water bills. For this, some signs would come before Commission, and others were done by staff. This is a staff function. A form will be filled out and turned in at Public Works, Public Works Staff will review it, and a determination will be made and given to the applicant. If it is in their favor, we will install it. A fee will be applied in that case for a sign. These will be reviewed every two years to make sure those signs need to stay in place. If Public Works determines that it is not something that should be done, that also will be given to the applicant in writing. Like the leak abatement, if the applicant is not satisfied with that answer, it works up the chain until, ultimately, his office. If it is duly no, then the applicant can still go to Commission. Commissioner Rardin said that is not what it says here; the applicant may appeal the decision to City Manager, who will make a final determination. An appeal must be made in writing within ten business days. It does not state that it is going to come to the Commission. City Manager Cesar said that is exactly what the leak abatement says too. That is staff's final decision. Commissioner Rardin said the City Manager is not the last deal, the Commission is. If there is an issue, he said he still wants the public to bring it to the Commission because that is their job. City Manager Cesar said the public could start with Commission, but then turned around, it will go through this process. Commissioner Rardin said he just wanted to make sure they have an appeals process over and above the City Manager, because you are not always going to be here, and we are not always going to be here. City Manager Cesar said that recently there had been a sewer service line issue that went through staff. Staff made the final determination and said no, you couldn't do this; you have to do something else. That person went before the City Commission multiple times. Commissioner Rardin said he never went officially on the agenda. City Manager Cesar said he never asked to be on the agenda. He said he is just using that as an example, where staff made the final determination, but the person could still go before Commission. They were not banned from going before Commission to plead their case. Public Works Director Beshaler said the decision is collective. Her department will consult the Police Department and come to a conclusion together. It is not just one department making the call. Mayor Payne said she would guess that more approvals are done than denials. At least this will make it quicker. Public Works Director Beshaler said what happened before was that there were multiple points of contact, and it was not consistent.

Commissioner Burnett moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

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)

City Planner Rael presented the zoning map, and explained that parcel was half C-3, and half R-1. That is incorrect; we cannot have two zoning designations within one parcel. She said she could not find any documentation as to it ever being rezoned to C-3. She said the owners of this property were making this request and explained her legal process for this request. She received no letters or phone calls of opposition.

Commissioner Rardin said he owned property within the protest area and asked if anyone had a problem with him voting. The Commission had no issue.

Commissioner Rardin asked what M-2 allows them to do up there. City Planner Rael said it allows quite a bit. The applicant is looking at a cannabis dispensary business for that location. They also want to produce and manufacture. She said she is moving to make a change to the ordinance for cannabis and taking manufactured and production out of R-1 or C-3 zones. Commissioner Rardin asked if she was looking at taking production out of R-1 and C-3, what do we do for all the existing businesses? City Planner Rael said for the existing businesses, we will not be able to make any changes there. They complied and opened their businesses under the current ordinance.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

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

Commissioner Paul said he wanted to discuss the bench advertising. He had received several calls from people that expressed their concerns. He said he wanted to see if anyone else has any other opinions on those, whether they benefit the community or not. He said the Commission had all received a letter, but the contract expired. He said he felt that they are, in some respects, a benefit to the community. A lot of small businesses here in town utilize them to advertise; it is their main source of advertising, and it is their highest lead generator for advertising. He said some people make use of them when they are walking around town.

Commissioner Burnett said he also received calls from businesses stating that the benches were their primary source of advertisement, and they were upset that the benches were disappearing.

Mayor Payne said she had a discussion with someone recently about it, and she asked the person if they were willing to put the bench on their property. They were not willing to do that. She said the issue is not that we cannot have the benches; the issue was having them on City property. Commissioner Paul said they are in the City right-of-way, and he understands that. He said he thinks the issue was that the customers that had their ads on these benches did not know, and people have been accustomed to sitting on them. Now the City is not willing to renew that contract for different reasons that City Manager Cesar could elaborate on. So now they are just all gone and vanished. Commissioner Paul said he never felt they were a blight or nuisance to the community, but he has not been around long enough to know all the backstory. He asked if anyone might be open to bringing this before Commission again, to bid to have advertising, specifically benches, in the City's right-of-way.

Commissioner Rardin said he also received numerous phone calls on this. Mayor Payne said we all did. Commissioner Rardin said he agreed with Commissioner Paul. He does not see them as an eyesore around the community. He said he does not really care about it one way or another, but it may be something we need to consider. He said he does not see the difference between the Z-Trans bus stops and these park benches.

Mayor Payne said the item is advertising on City property, and advertising is all-inclusive. She said she did not know if we should limit it to just the benches. We need to look at it from a different perspective, where does it stop, where does that end? We had a huge discussion a few years ago about billboards, but where are the billboards? They are on private property. Private property owners are making money. Specifically talking about benches, she said she did not see why that could not happen the same way that billboards do. Generally talking about advertising on City property, if we as a City are to really look at this, we cannot limit that to just benches. Mayor Payne said there had been complaints about people sitting or laying on those benches because it was blocking the advertising. She did not know if those benches were ever intended for this. They are advertising benches intended for advertising.

Commissioner Paul said the issue when he put this on the agenda was to discuss bench advertising, not advertising as a whole. It worked for four years. We did not have, all of a sudden, people coming and putting up two-foot by two-foot other advertising signs. He said that he understands that people that sit on them, vagrants do the same thing in different areas.

Commissioner Rardin said the difference here was that this gentleman had a contract with the City to advertise on those benches and place them. He said he could not take a sign and put it up out there legally. They had a contract. Mayor Payne said right, but that is her point. The point is you cannot just do that; you have to have a contract with the City, so where does that end? Does it end with just benches, and if it does, what do we do when a billboard company or some other sign company says we want to put your signs in your right-of-way, and we say no? Commissioner Rardin said we had that in the past. We had a couple of business owners in the community that would paint their trucks with their logos and then park them around the community in various locations within City right-of-way. It became a problem because they would leave them there for weeks. He said he did not remember what we did to address it. It was probably eight or ten years ago. He said he thinks the City Manager's issue with it was we were leasing out City right-of-way. On the other side, the benefit to the community is advertising for the businesses and giving people a place to sit down. He said he thinks it is worth looking into. If we want to do this as a governing body, we are allowed to do that.

City Manager Cesar said there is not anything that prohibits it. He was here when they first came in, with two different vendors. Staff at that time found a way for these benches to be approved by the Commission. Things have changed since that was originally done. It was done with an RFP, a request for proposal, and no other RFP has ever gone out. RFPs do not last twenty years. As with other lease agreements, we cannot go and say, well, you can put a bench in the public right of way on City property and not receive fair market value for it. Whether it is a bench, a sign, a billboard, or whatever the case may be, something that is on public property. We are going through this right now with the Toy Train Depot, with a Girl Scout Hut, with the Airport Grill; with any number of buildings or locations that we lease out, we would have to get an appraisal. When this RFP went out originally, it should have been ultimately Commission approval on where these things would be placed. It was not left up to the City. It was the other way around. If it is going to be for the public benefit, then they should be placed, using benches for example, they should be placed at bus stops. They should be placed in such a way that the public doesn't have access to them, and the only real value is to the vendor that has the advertising. There are several issues if we go down this road. In limiting it to benches, he would refer to City Attorney Smith, but we get into why we are limiting it to just this.

Commissioner Rardin asked how many requests have we had, to the City, to put advertising in the City right-of-way? Now and then, we will have an election or campaign sign in the right-of-way, an auction sign, or a garage sign, but usually, those are only for a couple of hours. The difference is this is a contract, whereas those are not. City Manager Cesar said this type of contract would need to be opened up to the public. Commissioner Rardin said we could just put an RFP out as they did in the past. City Manager Cesar said we could, but it would need to be a different RFP than what went out fifteen to twenty years ago. Commissioner Rardin said the RFP worked for twenty years. City Manager Cesar said so did any number of leases we had, or even handshake agreements. Times have changed. Commissioner Rardin asked what had changed. City Manager Cesar said State Law and State Statutes. As one of the items you will see when the Annual Audit comes before Commission, that is one thing, not just for Alamogordo, but everyone around the State, that is now an item that is audited for every municipality, county, etcetera. Your agreements, your leases, are they fair market value? To put a value to the corner of 10th and Washington versus the value of 1st and Maryland in the public right-of-way, each one will have a different value. Commissioner Burnett asked if we have an estimate, a guess, as to the value. City Manager Cesar said he did not know. With the appraisers right now that are contracted with the City that doing evaluations, we have gone back and forth with the appraisers for months now, trying to get a final value. The other thing with putting things in right-of-way, and he is not saying this is an issue in the last few months, but over the life of these two agreements, different vendors at different times, benches were out into the area, blocking corner ramps, or shifted back onto private property. There is no standard throughout the entire City where we can say, okay, you go to curb and gutter, or five feet back is City right-of-way. It varies throughout the entire City. Then we throw in things like White Sands Boulevard, that does not belong to the City, that belongs to the State. We have a maintenance agreement, but a prime advertising location, and now, we can do what Commission approves in Alameda Park or the Zoo, the properties we own, but that is not City right-of-way. That is State right-of-way. We have to apply to the State to that right-of-way for utility lines or etcetera. He is not saying it cannot be done, it cannot be done the way it was done. It is not an overnight fix. At the end of the day, the benches are removed. When we finally get the value of the land, and the value of the land is X, here is the benefit that is provided to the community, we cannot just say those two things offset. We have to be able to justify that. If we cannot, there is a value to that property, whether for advertising signs, benches, the Toy Train Depot, etcetera. The Toy Train Depot may not be able to continue doing business. He does not have that number, we are not at that point of the discussion yet, but it is a real possibility.

Mayor Payne said it is her understanding that there has not been a contract on this since last March. City Manager Cesar said that is when it lapsed, yes. He said he gave an extension because the advertising businesses had already paid, and the extension went to this previous March. Now for Mr. Tumminaro, he has removed everything. Some stragglers out there do not belong to him, and those are being removed. We have no idea whose those are. He said nothing prevents Mr. Tumminaro and his benches outside of the right-of-way on private property. Benches, signs, whatever, those can be placed tomorrow. Just like with business residences, as long as it is not a safety hazard, such as blocking the line of sight for vehicles turning into and off of roadways. Mayor Payne said so it is a matter of talking to private property owners. City Manager Cesar said from a City standpoint, that is not something we are going to regulate unless it becomes a safety issue or traffic hazard.

Mayor Payne said that when people call, we are not saying you cannot have them. We are saying that they cannot be in the City right-of-way. There are lots of businesses. She said that City Manager Cesar used the example of White Sands Highway, it would be more beneficial to talk to some of the business owners and perhaps put some of those benches on private property. She said she thinks there is a solution. City Manager Cesar said using benches, staff-wise, we are going to put out in an RFP format. He said that off the top of his head, we have a contract agreement with Z-Trans for the bus service.

At quite a number of their stops, Z-Trans has put up the benches and those structures, but many of them do not have a place for someone to sit. There are number of stops, as you get up to the top of 10th Street, where we would not have the room within the right of way to place a bench and not be on private property. Others that Z-Trans has, you could make the case that it is in the public's interest, to put one on every corner going up 10th Street, 1st Street, and Indian Wells. That is stretching the justification for the need for just that sheer number of benches.

Commissioner Burnett asked how long those benches have been there. City Manager Cesar said since early the 2000's. Commissioner Burnett said that is probably where some people are having the issue, is that they have been there this long, and now all of a sudden it is wrong. City Manager Cesar said no, it has been wrong for a while. Commissioner Burnett said right, which is probably the issue people do not understand.

Commissioner Rardin asked if we could have staff look into the legal side of it as far as us doing an RFP on this again in the future. City Manager Cesar said an RFP could go out. We will have to show that it is in the public interest, which means that we, staff-wise, would need to say okay, here is, using again benches, the benefit to the community. We will have to know what is the value of the area that will have the bench with advertising on it. Commissioner Rardin said there has to be a little leeway in State Law because if you go to Las Cruces or Albuquerque, they have got benches and bus stops. So there has to be some leeway in the law on that. City Manager Cesar said yes, benches and bus stops. Commissioner Rardin said maybe that is the answer, to have them place the benches at each bus stop, and you can utilize the advertising. City Manager Cesar said, but then, there is a value. Commissioner Rardin said that is the value there. They put the bench at the bus stop, that is the benefit. City Manager Cesar said that would not offset the value of what the company is receiving. Commissioner Rardin said we could have you look at it and give us some information. Commissioner Rardin said Indian Wells has several bus stops with benches and little shelters, and those are in City right-of-way. So, what is the difference between an advertising bench, and allowing Z-Trans to put their bench? Mayor Payne said because it is a bus stop. Commissioner Rardin repeated what is the difference. Mayor Payne said that is the difference, it is a bus stop. Commissioner Rardin said we are allowing Z-Trans to put their bench at the bus stop on City right-of-way, but we will not allow this gentleman, that had a contract previously, to do that. Mayor Payne said the issue is advertising; if this wasn't an advertising bench, we wouldn't be talking about this. Regardless of if it is a bench or a sign. She said we would not be having this discussion if it was not an advertising bench. She said she supposed the City could put its own benches up as a service to the community. Commissioner Rardin said we could, but if he is not mistaken, Z-Trans does advertise on those shelters. It is just a discussion at this point, but if we had the legal research, looked at how we could make it work, and looked at a potential new RFP, we might bring it back if the Commission feels the need. City Manager Cesar said that you need to remember that Alamogordo is not the only ones that are dealing with these twenty or thirty year leases. Commissioner Rardin said that all of them need to be looked at. City Manager Cesar said in broad terms, there are a lot of things that we don't have a written policy. This is one of many areas in dealing with existing and future leases where a written policy is under development. Commissioner Rardin said it sounds like there is some interest among the Commission to research this and look into it.

No action required.

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

City Clerk Hughs stated it is mandated by Article 12, Section 3(B) of the City Charter to appoint a committee every ten years and to make written recommendations within sixty days of its appointment

to the governing body, which is the City Commission. The purpose to make a review to see the effectiveness of the City Charter. The resolution states the Charter Committee shall consist of no less than seven residents, which is by State Statute, and no more than fourteen residents of the City.

Commissioner Rardin said he recommended just appointing one per District. You have fourteen people trying to agree, he thinks smaller is better. This leaves it open where we appoint seven and up to fourteen. Mayor Payne said one per each District, so she would appoint one at-large. Commissioner Rardin said yes.

Commissioner Rardin moved to approve.
Commissioner Burnett seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

Commissioner McDonald moved to adjourn at 8:20 p.m.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on January 24, 2023.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 12/29/2022

Report No: 4.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of IFB 2022-10 Internally Illuminated Street Name Signs to Trastar, Inc. in the amount of \$125,792.00. *(Paul Bennett, Facility Maintenance Manager)*

Fiscal Impact: \$125,792.00

Amount Budgeted: \$270,000

Fund: 044-5203-431-6162

Additional Fiscal Impact:

Recommendation: Approve the award of IFB 2022-10 Internally Illuminated Street Name Signs

Background: IFB was advertised on December 4, 2022, in the Alamogordo Daily News and posted on Vendor Registry. Three (3) qualified bids were received on December 16, 2022.

BID TABULATION
Internally Illuminated Street Name Signs
IFB 2022-10
12/16/2022 14:00

		DESCRIPTION	TRASTAR	Consolidated Traffic Control	GADES SALES
		Subtotal Bid Sheet1	\$113,088.00	\$176,625.00	\$180,645.00
		Subtotal Bid Sheet 2	\$5,952.00	\$13,500.00	\$14,200.00
		Subtotal Bid Sheet 3	\$6,752.00	\$13,500.00	\$14,200.00
TOTAL BASE BID			\$125,792.00	\$203,625.00	\$209,045.00

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/12/2023

Report No: 5.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, Resolution No. 2023-04 to adopt the required Community Development Block Grant (CDBG) Annual Certifications and Commitments. (*Debbie Osborne, Grant Coordinator*) (**Roll call vote required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No additional fiscal impact.

Recommendation: Approve Resolution No. 2023-04

Background: The CDBG Grant Program administered by the New Mexico Department of Finance and Administration/ Local Government Division requires that municipalities, counties, or other entities that accept CDBG funds must adopt certain required federal regulations. The purpose of this Resolution is to ensure that the City of Alamogordo complies with federal regulations by adopting the following required certifications and commitments:

Citizen Participation Plan (reaffirmation);

Fair Housing (reaffirmation);

Residential Anti-displacement and Relocation Plan (reaffirmation);

Section 3 Plan Required Elements (reaffirmation);

Procurement Compliance with Federal and New Mexico Procurement Codes

EXHIBIT 1-Y

Grantee Name: City of Alamogordo

CDBG Project Number: 19-C-NR-I-01-G-18

RESOLUTION # 2023-04

**ADOPTION OF REQUIRED
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ANNUAL CERTIFICATIONS AND COMMITMENTS**

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the City of Alamogordo (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

Citizen Participation	certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)
Fair Housing	certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin
Residential Anti-Displacement & Relocation Assistance	certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity
Section 3	certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community. Attached is the Grantee Section 3 hiring information.
Procurement	certifies its compliance with federal procurement code (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy annually for CDBG projects

GRANTEE SECTION 3 PLAN CHART

- Chart for Section 3 Plan **MUST** be filled out for job classifications that result from this CDBG funding. If this project will not create jobs, this chart will not be applicable. Attach additional job classifications as necessary.

City of Alamogordo			ANTICIPATED/ACTUAL HIRES		2023	HIRING YEAR
PLANNED			ACTUAL			
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income City of Alamogordo Residents	# of Positions Filled	Positions Filled by Lower Income City of Alamogordo Residents		
City of Alamogordo						
	NOT APPLICABLE					

NOW, THEREFORE, BE IT RESOLVED, that the Grantee adopts the above CDBG certifications and commitments that must be adopted annually.

PASSED, APPROVED, SIGNED, AND ADOPTED at a duly called and convened regular meeting of the governing body of the City of Alamogordo this 24th day of January, 2023.

SIGNED: _____
Susan L. Payne, Mayor
Chief Elected Official

ATTEST:

Rachel Hughs, City Clerk

EXHIBIT 1-Z

CDBG FEDERAL REQUIREMENTS

CITIZEN PARTICIPATION REQUIRED ELEMENTS

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, City of Alamogordo has prepared and adopted this Citizen Participation Plan.

Objective A

City of Alamogordo will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

City of Alamogordo will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

Objective C

City of Alamogordo will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the county/municipality. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

City of Alamogordo will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

City of Alamogordo will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

City of Alamogordo will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

FAIR HOUSING REQUIRED ELEMENTS

A resolution of the _____ City Commission _____ of the _____ City
of _____ Alamogordo _____, adopting a fair housing policy, making known its commitment to the
principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all
applicant for Community Development Block Grants funds certify that they shall affirmatively further
fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and
the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale,
rental, leasing and financing of housing or land to be used for the construction of housing or in the
provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or
national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American
values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and
its people;

NOW, THEREFORE, BE RESOLVED THAT the _____ City Commission _____ of the _____ City
of _____ Alamogordo _____ hereby wish all persons living, working, doing business in or traveling
through this _____ City _____ to know that: discrimination in the sale, rental, leasing, and
financing of housing or land to be used for construction of housing, or in the provision of brokerage
services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited
by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the _____ City
of _____ Alamogordo _____ to implement programs, within the constraints of its resources, to ensure equal
opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or
national origin; and within available resources the _____ City _____ of _____ Alamogordo _____ will
assist all persons who feel they have been discriminated against in housing issues on the basis of race,
color, religion, sex, handicap, familial status or national origin to seek equality under existing federal
and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S.
Department of Housing and Urban Development; and that the _____ City _____ of _____ Alamogordo _____
shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders
and others involved with housing to become aware of their respective responsibilities and rights under
the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that
the _____ City _____ of _____ Alamogordo _____ shall undertake the following actions to affirmatively
further fair housing:

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

List actions here

Posted on bulletin board at Alamogordo City Hall

Posted on bulletin board at Alamogordo Public Library

Posted on City of Alamogordo Government Facebook Page

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a “residential Anti-displacement and relocation assistance plan” (Plan). As a CDBG grantee, City of Alamogordo must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps City of Alamogordo will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. City of Alamogordo’s Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within City of Alamogordo to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless City of Alamogordo has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between City of Alamogordo and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before City of Alamogordo enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, City of Alamogordo must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local
Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within _____ City of Alamogordo _____. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in _____ City of Alamogordo _____ and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person,

City of Alamogordo must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within City of Alamogordo.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to City of Alamogordo for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if City of Alamogordo or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the City of Alamogordo determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. City of Alamogordo determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
- 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by
City of Alamogordo covering the rehabilitation or demolition.

IX. Grievances

The City of Alamogordo will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

SECTION 3 PLAN REQUIRED ELEMENTS

The City of Alamogordo is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The City of Alamogordo has appointed Bob Johnson and Debbie Osborne as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City of Alamogordo. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the City of Alamogordo shall:

1. Hiring
 - a. Advertise for all City of Alamogordo positions in local newspapers
 - b. List all City of Alamogordo job opportunities with the State Employment Service
 - c. Give preference in hiring to lower income persons residing in the City of Alamogordo. This means that if two equally qualified persons apply and one is a resident of the City of Alamogordo and one is not, the resident will be hired
 - d. Maintain records of City of Alamogordo hiring as specified in the CDBG Resolution to Adopt CDBG Requirements (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated with a CDBG grant agreement.
2. Contracting
 - a. The City of Alamogordo will compile a list of businesses, suppliers and contractors located in the City of Alamogordo.
 - b. These vendors will be contacted for bid or quotes whenever the City of Alamogordo requires supplies, services or construction.
 - c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City of Alamogordo and one from outside the City of Alamogordo, the contract will be awarded to the business located within the community.

3. Training

The City of Alamogordo shall maintain a list of all training programs operated by the City of Alamogordo and its agencies and will direct them to give preference to City of Alamogordo residents. The City of Alamogordo will also direct all CDBG sponsored training to provide preference to City of Alamogordo residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City of Alamogordo shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The City of Alamogordo will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in City of Alamogordo and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for City of Alamogordo. Information contained in our Section 3 Plan reflects the status of the City of Alamogordo employees regarding lower income considerations based on their salary paid by the City of Alamogordo.

Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The City of Alamogordo herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution once throughout the term of the CDBG grant agreement.

PASSED AND ADOPTED BY THE City Commission of the City
of Alamogordo on this 24th day of January, 2023.

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Ashley Smith, City Attorney

Plan Adoption Date: 01/24/2023

Adoption Instrument: Resolution No. 2023-04

Certified By: _____
Susan L. Payne
Mayor

01/24/2023
Date

Copy to Local Government Division with attachments

**EXHIBIT 1-5
WORKFORCE ANALYSIS FORM EEO-4**

City of Alamogordo

1/24/2023

CDBG #

19-C-NR-I-01-G-18

Coding Index:

C=White E=Asian

G=American Indian/Alaska Native

D=Black F=Hawaiian/Pacific Islander

H=Two or more races

Job Category	Hispanic or Latino		Male/Non-Hispanic or Latino						Female/Non-Hispanic or Latino						Total
	Male	Female	C	D	E	F	G	H	C	D	E	F	G	H	
Officials/Admin	4	3	14	1	0	1	0	3	7	1	0	0	0	1	35
Professionals	1	3	1	0	0	0	0	0	8	0	0	0	0	2	15
Technicians	5	0	7	0	0	0	0	1	1	0	0	0	0	0	14
Protective Services	28	4	26	2	0	1	1	4	5	0	0	0	0	1	72
Paraprofessionals	0	0	0	0	0	0	0	0	1	1	0	0	1	1	4
Administrative	4	29	10	0	1	0	1	1	28	0	0	0	0	6	80
Skilled Craft	4	0	9	1	0	0	0	1	0	0	0	0	0	0	15
Service/Maint.	31	1	25	2	1	0	1	13	4	0	0	0	0	1	79
Total Full-time	77	40	92	6	2	2	3	23	54	2	0	0	1	12	314
Officials/Admin.	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Professionals	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Technicians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Protective Services	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Paraprofessionals	1	1	3	0	1	0	0	0	5	0	0	0	0	1	12
Administrative	2	0	2	0	0	0	0	0	1	0	0	0	0	0	5
Skilled Craftsman	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Service/Maint.	1	0	1	1	0	0	0	0	1	0	0	0	0	0	4
Total PT or Temp	4	1	7	2	1	0	0	0	7	0	0	0	0	2	24
Officials/Admin.	0	0	2	0	0	0	0	1	0	0	0	0	0	0	3
Professionals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Technicians	0	0	3	0	0	1	0	1	0	0	0	0	0	0	5
Protective Services	1	1	7	2	0	0	1	2	0	0	0	0	0	1	15
Paraprofessionals	0	0	0	0	0	0	0		1	0	0	0	1	0	2
Administrative	1	9	1	0	1	0	1	0	10	0	0	0	0	3	26
Skilled Craftsman	1	0	2	1	0	0	0	0	0	0	0	0	0	0	4
Service/Maint.	5	1	16	0	0	0	0	7	5	0	0	0	0	0	34
Total FT New Hires FY21	8	11	31	3	1	1	2	11	16	0	0	0	1	4	89

FOR IMMEDIATE RELEASE

Public Information Office
City of Alamogordo
1376 E. 9th Street, Alamogordo, NM 88310
Office: 575-439-4264
Email: coapio@ci.alamogordo.nm.us



PUBLIC SERVICE ANNOUNCEMENT

CITY OF ALAMOGORDO

City of Alamogordo

Public Housing - Short Waitlist for 2, 3 & 4 Bedroom Homes

Alamogordo, NM Thursday, February 10, 2022 Please be aware that the Alamogordo Housing Authority currently has a short waiting period and upcoming availability for two-bedroom, three-bedroom and four-bedroom homes. Please stop by the office located at 104 Avenida Amigos for an application. To submit an application, applicants must have the original birth certificates and social security cards for every member of the household, and a photo ID is required for anyone over the age of 18, copies are not accepted. Applicants cannot have any open criminal/drug cases, cannot be on probation/parole, and must have been off of probation/parole for one year with no incidents.

Alamogordo Housing Authority business hours are Monday through Friday 8:00AM to 5:00PM closed for lunch 12:00PM to 1:00PM. If you have any questions, please contact the Alamogordo Housing Authority at 575-437-5621.

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Contact for this Release

Cassandra Johnson
PHA Eligibility Specialist
575-437-5621
cjohnson@ci.alamogordo.nm.us

Learn more about the City of Alamogordo, services, happenings and other information at <http://ci.alamogordo.nm.us>, www.alamogordonmtrue.com or @CityOfAlamogordo on Facebook



EXHIBIT 1-O-2

Fair Housing Self-Assessment

COMMUNITY OF: City of Alamogordo

1. To the best of your knowledge has your community been involved in any complaints regarding discrimination the sale or rental of housing on the basis of race, color, religion, sex, national origin, familial status or handicap?

☐ Yes ☒ No

2. If yes, give a brief description of the nature of any complaints and resolutions. N/A

☐ Yes ☐ No

3. Has your community adopted a Fair Housing Program to help local citizens be aware of their rights regarding fair housing under federal and state law, and in filing a complaint if discrimination is suspected?

☒ Yes ☐ No

4. What do you perceive as the most potentially serious problem areas regarding discrimination in fair housing in your community?

Problem Area	Severity
Color	Not a Problem
Familial Status	Not a Problem
Handicap	Not a Problem
National Origin	Not a Problem
Race	Not a Problem
Religion	Not a Problem
Sex	Not a Problem

5. Does your community contain any subsidized housing units?

☒ Yes ☐ No

6. As best as can be determined, do relevant public policies/practices regarding zoning and building codes have an adverse impact on the achievement of fair housing choice?

☐ Yes ☒ No

7. Are you aware of any practices in the local real estate community as it relates to buying, selling and house rentals that may adversely affect the achievement of fair housing choice in your community?

☐ Yes ☒ No

8. Do your community records contain data on the actual number and percentage of persons residing in the community by race, color, religion, sex, national origin, age, handicap and familial status, as well as income characteristics by group?

☒ Yes ☐ No

9. Is information available to you that list major local employers by type and the number of people employed within your community by salary and racial group?

☐ Yes ☒ No

10. Is there public transportation available in your community?

☒ Yes ☐ No

11. Do your community records contain data on the total number of housing units in the community by type, and the number of vacant units?

☒ Yes ☐ No

12. Does your community contain any housing for the handicapped such as group homes, independent living complexes, etc.?

☒ Yes ☐ No

13. Has your community participated in the CDBG program prior to 1993?

☐ Yes ☒ No

14. Has your community been involved with any other state or federal programs that required the reporting of specific fair housing information?

☒ Yes ☐ No

Signature of Authorized Official

Susan L. Payne, Mayor

Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 6.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-05 relating to a rate increase of 3.50% effective February 1, 2023 for residential solid waste collection through Southwest Disposal. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval per agreement with Southwest Disposal.

Background: Notification of a rate adjustment from Southwest Disposal is required under Section 7.5 Adjustments to Service Fee Municipal Solid Waste Agreement with Waste Connections of New Mexico, Inc. d/b/a SOUTHWEST DISPOSAL dated February 1, 2020.

As stated in the notice from Southwest Disposal dated November 1, 2022 the rate adjustment is an increase in the monthly residential charge of 3.50% as well as increases for overload services and city facilities.

Residential Service	\$0.39 per month
Overload Service	\$1.90 per unit
City facilities	\$434.91 per month

NOTE: These are the rates Southwest Disposal charges the city for solid waste pick-up. Residential customers are charged, in addition to the SW Disposal rates, \$3.20 per month convenience center fee and \$2.71 per month tipping/admin fee. The current monthly charge to residential customers is \$16.94. If the increase is approved the monthly charge will increase to \$17.33 per month.



Dave Nunnelley
Public Works Director
City of Alamogordo

November 1, 2022

Re: Request annual rate increase

Dear Mr. Nunnelly

We at Southwest Disposal would like to thank you and the City of Alamogordo for your business. Per the terms of our current waste collection contract, Southwest Disposal requests a 3.5% rate increase in the monthly unit rates effective January 1, 2023. This increase is based on the All-Items Consumer Price Index, All Urban Consumers, U.S. City Average as published by the U.S. Department of Labor, Bureau of Statistics as indicated on the attached schedule from October 1, 2021 through September 30, 2022.

Changes to be as follows;

1. Residential service increase from \$11.03 to \$11.42 per unit.
2. Overload service increase from \$54.35 to \$56.25 per unit.
3. City owned facilities increase from \$12,425.98 to \$12,860.89

Again we wish to thank the City for allowing Southwest Disposal to provide your service. If I can provide you with additional information or answer any questions you may have, please give us a call.

Sincerely,

Rex McCourt
District Manager

CPI change 10/1/21 to 9/30/22 calculation

Index for October 2021 276.589
Index for September 2022 296.808
Change 20.2

Calculation of CPI % $20.2/276.589=.0730325$

		<u>CPI increase</u>		
		7.30%	With CPI	
		3.50%	New rate	
Residential rate	11.03	0.39		11.42
Overload	54.35	1.90		56.25
Commercial	12425.98	434.91		12860.89

CPI for All Urban Consumers (CPI-U)
Original Data Value

Series Id: CUUR0000SA0
 Not Seasonally Adjusted
 Series Title: All items in U.S. city average, all urban consumers, not
 Area: U.S. city average
 Item: All items
 Base Period: 1982-84=100
 Years: 1968 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	HALF1
1968	34.1	34.2	34.3	34.4	34.5	34.7	34.9	35.0	35.1	35.3	35.4	35.5	
1969	35.6	35.8	36.1	36.3	36.4	36.6	36.8	37.0	37.1	37.3	37.5	37.7	
1970	37.8	38.0	38.2	38.5	38.6	38.8	39.0	39.0	39.2	39.4	39.6	39.8	
1971	39.8	39.9	40.0	40.1	40.3	40.6	40.7	40.8	40.8	40.9	40.9	41.1	
1972	41.1	41.3	41.4	41.5	41.6	41.7	41.9	42.0	42.1	42.3	42.4	42.5	
1973	42.6	42.9	43.3	43.6	43.9	44.2	44.3	45.1	45.2	45.6	45.9	46.2	
1974	46.6	47.2	47.8	48.0	48.6	49.0	49.4	50.0	50.6	51.1	51.5	51.9	
1975	52.1	52.5	52.7	52.9	53.2	53.6	54.2	54.3	54.6	54.9	55.3	55.5	
1976	55.6	55.8	55.9	56.1	56.5	56.8	57.1	57.4	57.6	57.9	58.0	58.2	
1977	58.5	59.1	59.5	60.0	60.3	60.7	61.0	61.2	61.4	61.6	61.9	62.1	
1978	62.5	62.9	63.4	63.9	64.5	65.2	65.7	66.0	66.5	67.1	67.4	67.7	
1979	68.3	69.1	69.8	70.6	71.5	72.3	73.1	73.8	74.6	75.2	75.9	76.7	
1980	77.8	78.9	80.1	81.0	81.8	82.7	82.7	83.3	84.0	84.8	85.5	86.3	
1981	87.0	87.9	88.5	89.1	89.8	90.6	91.6	92.3	93.2	93.4	93.7	94.0	
1982	94.3	94.6	94.5	94.9	95.8	97.0	97.5	97.7	97.9	98.2	98.0	97.6	
1983	97.8	97.9	97.9	98.6	99.2	99.5	99.9	100.2	100.7	101.0	101.2	101.3	
1984	101.9	102.4	102.6	103.1	103.4	103.7	104.1	104.5	105.0	105.3	105.3	105.3	102.9
1985	105.5	106.0	106.4	106.9	107.3	107.6	107.8	108.0	108.3	108.7	109.0	109.3	106.6
1986	109.6	109.3	108.8	108.6	108.9	109.5	109.5	109.7	110.2	110.3	110.4	110.5	109.1
1987	111.2	111.6	112.1	112.7	113.1	113.5	113.8	114.4	115.0	115.3	115.4	115.4	112.4
1988	115.7	116.0	116.5	117.1	117.5	118.0	118.5	119.0	119.8	120.2	120.3	120.5	116.8
1989	121.1	121.6	122.3	123.1	123.8	124.1	124.4	124.6	125.0	125.6	125.9	126.1	122.7
1990	127.4	128.0	128.7	128.9	129.2	129.9	130.4	131.6	132.7	133.5	133.8	133.8	128.7
1991	134.6	134.8	135.0	135.2	135.6	136.0	136.2	136.6	137.2	137.4	137.8	137.9	135.2
1992	138.1	138.6	139.3	139.5	139.7	140.2	140.5	140.9	141.3	141.8	142.0	141.9	139.2
1993	142.6	143.1	143.6	144.0	144.2	144.4	144.4	144.8	145.1	145.7	145.8	145.8	143.7
1994	146.2	146.7	147.2	147.4	147.5	148.0	148.4	149.0	149.4	149.5	149.7	149.7	147.2
1995	150.3	150.9	151.4	151.9	152.2	152.5	152.5	152.9	153.2	153.7	153.6	153.5	151.5
1996	154.4	154.9	155.7	156.3	156.6	156.7	157.0	157.3	157.8	158.3	158.6	158.6	155.8
1997	159.1	159.6	160.0	160.2	160.1	160.3	160.5	160.8	161.2	161.6	161.5	161.3	159.9
1998	161.6	161.9	162.2	162.5	162.8	163.0	163.2	163.4	163.6	164.0	164.0	163.9	162.3
1999	164.3	164.5	165.0	166.2	166.2	166.2	166.7	167.1	167.9	168.2	168.3	168.3	165.4
2000	168.8	169.8	171.2	171.3	171.5	172.4	172.8	172.8	173.7	174.0	174.1	174.0	170.8
2001	175.1	175.8	176.2	176.9	177.7	178.0	177.5	177.5	178.3	177.7	177.4	176.7	176.6
2002	177.1	177.8	178.8	179.8	179.8	179.9	180.1	180.7	181.0	181.3	181.3	180.9	178.9
2003	181.7	183.1	184.2	183.8	183.5	183.7	183.9	184.6	185.2	185.0	184.5	184.3	183.3
2004	185.2	186.2	187.4	188.0	189.1	189.7	189.4	189.5	189.9	190.9	191.0	190.3	187.6
2005	190.7	191.8	193.3	194.6	194.4	194.5	195.4	196.4	198.8	199.2	197.6	196.8	193.2
2006	198.3	198.7	199.8	201.5	202.5	202.9	203.5	203.9	202.9	201.8	201.5	201.8	200.6
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036	205.709
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228	214.429
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949	213.139
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179	217.535
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672	223.598
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601	228.850
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049	232.366
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812	236.384
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525	236.265
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432	238.778
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.669	246.524	244.076
2018	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038	251.233	250.089
2019	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	257.208	256.974	254.412
2020	257.971	258.678	258.115	256.389	257.797	259.101	259.918	260.280	260.388	260.229	260.474	257.557	
2021	261.582	263.014	264.877	267.054	269.195	271.696	273.003	273.567	274.310	276.589	277.948	278.802	266.236
2022	281.148	283.716	287.504	289.109	292.296	296.311	296.276	296.171	296.808				288.347

RESOLUTION NO. 2023-05

A RESOLUTION REQUESTING THE APPROVAL OF THE RATE INCREASE FOR RESIDENTIAL SOLID WASTE COLLECTION THROUGH SOUTHWEST DISPOSAL.

WHEREAS, the City of Alamogordo, New Mexico provides residential solid waste collection services to the City's residents; and

WHEREAS, the CITY provides the residential solid waste collection services through an agreement with an independent contractor; and

WHEREAS, the agreement provides that the rates for residential solid waste collection services may be revised annually.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the rates for residential solid waste collection and related services as specified in Exhibit "A" be adopted and become effective February 1, 2023.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 24th day of January 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 N Smith, City Attorney

EXHIBIT "A"

Resolution No. 2023-05

Residential and Other Solid Waste Collection: Effective February 1, 2023

Curb or alley collection	\$17.33 mo.
Overload Service	\$56.25 per unit
Other:	
City owned facilities	\$12,860.89 mo.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 7.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-06 to adopt the required Public Housing Flat Rent Schedule effective January 1, 2023. *(Evelyn Huff , Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution

Background: The City of Alamogordo Housing Authority is required by HUD to obtain board approval for the Flat Rent schedule. The included Flat Rent Schedule went into effect on January 1, 2023. Flat Rents are 80% of the Fair Market Rent (FMR) as determined each year by HUD.

The City of Alamogordo Housing Authority is currently under a management agreement with the Eastern Regional Housing Authority. The goal date for full transition to ERHA is July 1, 2023.

**CITY OF ALAMOGORDO HOUSING AUTHORITY
PUBLIC HOUSING FLAT RENT SCHEDULE
EFFECTIVE January 1, 2023**

Plaza Hacienda	Bedroom Size	FMR	80% of FMR	UA	Flat Rent
City of Alamogordo Housing Authority	All Buildings				
80%	0	568	454	96	358
80%	1	695	556	97	459
80%	2	795	636	113	523
80%	3	1130	904	131	773
80%	4	1354	1083	147	936

Alta Vista	Bedroom Size	FMR	80% of FMR	UA	Flat Rent
City of Alamogordo Housing Authority	All Buildings				
80%	1	695	556	97	459
80%	2	795	636	114	522
80%	3	1130	904	131	773
80%	4	1354	1083	148	935

2408 Cuba	Bedroom Size	FMR	80% of FMR	UA	Flat Rent
City of Alamogordo Housing Authority	All Buildings				
80%	3	1130	904	162	742

RESOLUTION NO. 2023-06

A RESOLUTION APPROVING THE PUBLIC HOUSING AUTHORITY'S FLAT RENT SCHEDULE

WHEREAS, the Public Housing Authority is required to annually review flat rents and adjust them as necessary to ensure that flat rents be set at no less than 80% of the fair market rent set by HUD; and

WHEREAS, staff has analyzed the current HUD fair market rents, in combination with the current utility allowances and recommend that the flat rents for the Authority's public housing units be modified according to Exhibit A; and

WHEREAS, the recommended flat rents will be become effective January 1, 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the flat rents in Exhibit A be adopted and implemented in the Public Housing Program effective January 1, 2023.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 24th day of January 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 N. Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 8.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-07 to adopt the Revised Annual Plan for the City of Alamogordo Housing Authority. *(Evelyn Huff, Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution

Background: The City of Alamogordo Housing Authority is required by HUD to obtain board approval for any changes made to the Annual Plan, the 5 Year Plan and the 5 Year Action Plan. All the plans are attached. If approved, they will be signed by the chairperson and sent to HUD.

The City of Alamogordo Housing Authority is currently under a management agreement with the Eastern Regional Housing Authority. The goal date for full transition to ERHA is July 1, 2023.

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Applicability. The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																				
A.1	PHA Name: <u>City of Alamogordo Housing Authority</u> PHA Code: <u>NM004</u> PHA Type: ☒ Standard PHA ☐ Troubled PHA /PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>7/1/2022</u> / PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>221</u> Number of Housing Choice Vouchers (HCVs) <u> </u> Total Combined Units/Vouchers <u> </u> PHA Plan Submission Type: ☐ Annual Submission ☒ Revised Annual Submission Availability of Information. PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans. The Proposed Annual Plan, Plan Elements and relevant information regarding the Public Hearing will be available at the City of Alamogordo Housing Authority, 104 Avenida Amigos, Alamogordo, NM 88310 ☐ PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below) <table border="1"> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:											
Participating PHAs	PHA Code					Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program													
		PH	HCV																		
Lead PHA:																					

B.	Plan Elements					
B.1	Revision of Existing PHA Plan Elements. (a) Have the following PHA Plan elements been revised by the PHA? Y N ☐ ☒ Statement of Housing Needs and Strategy for Addressing Housing Needs ☐ ☒ Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. ☐ ☒ Financial Resources. ☐ ☒ Rent Determination. ☒ ☐ Operation and Management. ☐ ☒ Grievance Procedures. ☐ ☒ Homeownership Programs. ☐ ☒ Community Service and Self-Sufficiency Programs. ☐ ☒ Safety and Crime Prevention. ☐ ☒ Pet Policy. ☐ ☒ Asset Management. ☐ ☒ Substantial Deviation. ☒ ☐ Significant Amendment/Modification (b) If the PHA answered yes for any element, describe the revisions for each revised element(s): The City of Alamogordo Housing Authority will be consolidating with the Eastern Regional Housing Authority. Eastern Regional Housing Authority shall have full control of the Operations and Management of the City of Alamogordo Housing Authority. The City of Alamogordo Housing Authority has changed its Significant Amendment/Modification to mirror Eastern Regional Housing Authority. (c) The PHA must submit its Deconcentration Policy for Field Office review.					
B.2	New Activities. (a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year? Y N ☐ ☒ Hope VI or Choice Neighborhoods. ☐ ☒ Mixed Finance Modernization or Development. ☐ ☒ Demolition and/or Disposition. ☐ ☒ Designated Housing for Elderly and/or Disabled Families. ☐ ☒ Conversion of Public Housing to Tenant-Based Assistance. ☐ ☒ Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD. ☐ ☒ Occupancy by Over-Income Families. ☐ ☒ Occupancy by Police Officers. ☐ ☒ Non-Smoking Policies. ☐ ☒ Project-Based Vouchers. ☒ ☐ Units with Approved Vacancies for Modernization. ☐ ☒ Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). (b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan. The City of Alamogordo currently has units which are vacant due to Modernization. The repair of these units will be done utilizing the Capital Fund Program.					

B.3	Progress Report. Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan. • Installation of streetlights at Alta Vista- Completed • Roofs at Alta Vista, common building at Plaza Hacienda and 2408 Cuba Ave- Completed • Sidewalk Replacement at Alta Vista- Completed • Window Replacement at Alta Vista- Design phase • Replace windows at 2408 Cuba Ave – Design phase
B.4	Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved. 5 Year Action Plan was approved on May 26, 2020.
B.5	Most Recent Fiscal Year Audit. (a) Were there any findings in the most recent FY Audit? Y N ☒ ☐ (b) If yes, please describe: 2021-002 — Controls over Eligibility Determinations (Other matter) 2021-004 — Controls over Waiting List (Other matter)
C. Other Document and/or Certification Requirements.	
C.1	Resident Advisory Board (RAB) Comments. (a) Did the RAB(s) have comments to the PHA Plan? Y N ☐ ☒ (b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.
C.2	Certification by State or Local Officials. <u>Form HUD 50077-SL</u>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.3	Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan. <u>Form HUD-50077-ST-HCV-HP</u>, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.4	Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public. (a) Did the public challenge any elements of the Plan? Y N ☐ ☒ If yes, include Challenged Elements.

C.5	Troubled PHA. (a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place? Y N N/A ☐ ☐ ☒ (b) If yes, please describe:				
D.	Affirmatively Furthering Fair Housing (AFFH).				
D.1	Affirmatively Furthering Fair Housing (AFFH). Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item. <table border="1" data-bbox="191 1014 1461 1470"> <tr> <td data-bbox="199 1014 1461 1056"> Fair Housing Goal: Allow Equal Opportunity for all applicants </td></tr> <tr> <td data-bbox="199 1056 1461 1470"> <u>Describe fair housing strategies and actions to achieve the goal</u> Remove Preferences on the Waiting List to ensure all applicants have an equal opportunity to apply for Low Income Public Housing. </td></tr> </table> <table border="1" data-bbox="191 1491 1461 1929"> <tr> <td data-bbox="199 1491 1461 1533"> Fair Housing Goal: </td></tr> <tr> <td data-bbox="199 1533 1461 1929"> <u>Describe fair housing strategies and actions to achieve the goal</u> </td></tr> </table>	Fair Housing Goal: Allow Equal Opportunity for all applicants	<u>Describe fair housing strategies and actions to achieve the goal</u> Remove Preferences on the Waiting List to ensure all applicants have an equal opportunity to apply for Low Income Public Housing.	Fair Housing Goal:	<u>Describe fair housing strategies and actions to achieve the goal</u>
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Fair Housing Goal:					
<u>Describe fair housing strategies and actions to achieve the goal</u>					

Fair Housing Goal:

Describe fair housing strategies and actions to achieve the goal

**Certifications of Compliance with
PHA Plan and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations
including PHA Plan Elements that Have Changed**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or ___ Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning _7/1/2022_____, in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
 12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
 13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
 16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
 21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

City of Alamogordo Housing Authority
PHA Name

NM004_
PHA Number/HA Code

☒ Annual PHA Plan for Fiscal Year 2022

☒ 5-Year PHA Plan for Fiscal Years 2022 - 2026

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Executive Director

Name Board Chairman

Signature

Date

Signature

Date

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

RESOLUTION NO. 2023-07

**A RESOLUTION APPROVING THE PUBLIC HOUSING AUTHORITY'S ANNUAL
PLAN AND ITS ATTACHMENTS**

WHEREAS, Section 511 of the Quality Housing and Work Responsibility Act of 1998 requires each public housing authority to prepare and submit annual and five year plans; and

WHEREAS, the City Commission, acting as the Public Housing Authority's Board of Commissioners, must review and approve the Annual Plan as prepared; and

WHEREAS, the Public Housing Authority held a public hearing on the plans on January 6, 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that this Public Housing Authority's Annual Plan is approved and shall be submitted to the U.S. Department of Housing and Urban Development.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 24th day of January 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 N. Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 9.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-08 to adopt the Revised 5-Year Plan for the City of Alamogordo Housing Authority. *(Evelyn Huff, Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution

Background: The City of Alamogordo Housing Authority is required by HUD to obtain board approval for any changes made to the Annual Plan, the 5 Year Plan and the 5 Year Action Plan. All the plans are attached. If approved, they will be signed by the chairperson and sent to HUD.

The City of Alamogordo Housing Authority is currently under a management agreement with the Eastern Regional Housing Authority. The goal date for full transition to ERHA is July 1, 2023.

5-Year PHA Plan (for All PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0226
Expires: 03/31/2024

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. The Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A. PHA Information.

A.1 PHA Name: Alamogordo Housing Authority PHA Code: NM004

PHA Plan for Fiscal Year Beginning: (MM/YYYY): 7/1/2022

The Five-Year Period of the Plan (i.e. 2019-2023): 2022-2026

PHA Plan Submission Type: ☐ 5-Year Plan Submission ☒ Revised 5-Year Plan Submission

Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

The Proposed 5-Year Plan, Plan Elements and relevant information regarding the Public Hearing will be available at the City of Alamogordo Housing Authority, 104 Avenida Amigos, Alamogordo, NM 88310

☐ PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below.)

Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
				PH	HCV
Lead PHA:					

B.	Plan Elements. Required for <u>all</u> PHAs completing this form.
B.1	Mission. State the PHA's mission for serving the needs of low-income, very low-income, and extremely low-income families in the PHA's jurisdiction for the next five years. It is the mission of the HA of the City of Alamogordo to promote safe, adequate, and affordable housing, economic opportunity, and a suitable living environment free from discrimination.
B.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years. • Increase accessibility to units for residents with disabilities by remodeling additional units for handicap accessibility. Increasing the number of handicap accessible units by five (5), this putting handicap accessible units from seven (7) to thirteen (13) total units at the Alamogordo HA. • Replace all vinyl fencing at Alta Vista with metal fencing • Replace current heat only furnaces to HVAC systems to increase marketability, improve quality of life for tenants and relieve financial burden on tenants having to purchase and run portable units for cooling. • Make energy efficient modifications to all units at Plaza Hacienda and Alta Vista and common buildings. • Formulate a proactive plumbing replacement plan at both Plaza Hacienda and Alta Vista complexes.
B.3	Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. • Installation of streetlights at Alta Vista- Completed • Roofs at Alta Vista, common building at Plaza Hacienda and 2408 Cuba Ave- Completed • Sidewalk Replacement at Alta Vista- Completed • Window Replacement at Alta Vista- Design phase • Replace windows at 2408 Cuba Ave- Design phase
B.4	Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities, objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. • Improve relationships with C.O.P.E • Coordinate with CIT (Crisis Intervention Team) at the Alamogordo Police Department to train Housing staff in Crisis intervention • Continue Partnership with 100% Community Committee • Coordinate with Alamogordo Counseling Center to partner for support and training in Domestic Violence situations
C.	Other Document and/or Certification Requirements.
C.1	Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan. The City of Alamogordo Housing Authority defines "Significant Amendment" as a change that alters the basic provision of service and defines "Substantial Deviation/Modification" as a complete revision of major policy or procedure.
C.2	Resident Advisory Board (RAB) Comments. (a) Did the RAB(s) have comments to the 5-Year PHA Plan? Y N ☐ ☒ (b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.

C.3	Certification by State or Local Officials. <u>Form HUD-50077-SL</u> , <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i> , must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.4	Required Submission for HUD FO Review. (a) Did the public challenge any elements of the Plan? Y N ☐ ☒ (b) If yes, include Challenged Elements.
D.	Affirmatively Furthering Fair Housing (AFFH).

D.1

Affirmatively Furthering Fair Housing. (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)

Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.

Fair Housing Goal: Allow Equal Opportunity for all applicants

Describe fair housing strategies and actions to achieve the goal

Remove Preferences on the Waiting List to ensure all applicants have an equal opportunity to apply for Low Income Public Housing.

Fair Housing Goal:

Describe fair housing strategies and actions to achieve the goal

Fair Housing Goal:

Describe fair housing strategies and actions to achieve the goal

RESOLUTION NO. 2023-08

**A RESOLUTION APPROVING THE PUBLIC HOUSING AUTHORITY'S 5-YEAR
PLAN AND ITS ATTACHMENTS**

WHEREAS, Section 511 of the Quality Housing and Work Responsibility Act of 1998 requires each public housing authority to prepare and submit annual and five year plans; and

WHEREAS, the City Commission, acting as the Public Housing Authority's Board of Commissioners, must review and approve the 5-Year Plan as prepared; and

WHEREAS, the Public Housing Authority held a public hearing on the plans on January 6, 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that this Public Housing Authority's 5-Year Plan is approved and shall be submitted to the U.S. Department of Housing and Urban Development.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 24th day of January 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 N. Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 10.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-09 to adopt the 5-Year Action Plan and Certification for the City of Alamogordo Housing Authority. *(Evelyn Huff , Finance Director and Chris Herbert, Eastern Regional Housing Authority)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution

Background: The City of Alamogordo Housing Authority is required by HUD to obtain board approval for any changes made to the Annual Plan, the 5 Year Plan and the 5 Year Action Plan. All the plans are attached. If approved, they will be signed by the chairperson and sent to HUD.

The City of Alamogordo Housing Authority is currently under a management agreement with the Eastern Regional Housing Authority. The goal date for full transition to ERHA is July 1, 2023.

Capital Fund Program - Five-Year Action Plan

Status: Draft

Approval Date:

Approved By:

Part I: Summary						
PHA Name : Housing Authority of the City of Alamogordo		Locality (City/County & State)				
PHA Number: NM004		☐ Original 5-Year Plan ☒ Revised 5-Year Plan (Revision No:)				
A.	Development Number and Name	Work Statement for Year 1 2018	Work Statement for Year 2 2019	Work Statement for Year 3 2020	Work Statement for Year 4 2021	Work Statement for Year 5 2022
	PLAZA HACIENDA HOMES (NM004000001)	\$508,771.00	\$560,000.00	\$632,500.00	\$740,000.00	\$720,500.00
	AUTHORITY-WIDE		\$80,000.00	\$107,500.00	\$114,500.00	\$99,500.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2018				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLAZA HACIENDA HOMES (NM004000001)			\$508,771.00
ID0011	Replace Sidewalks at Alta Vista(Non-Dwelling Site Work (1480)-Curb and Gutter)	Demolish old sidewalks at Alta Vista. Install new ADA compliant sidewalks that coordinate with other sidewalk upgrades that had been previously completed. Begin with sidewalks that have obvious tripping hazard issues. Includes replacing curbs and gutters		\$257,968.54
ID0014	Installation of Street Lights at Alta Vista(Non-Dwelling Site Work (1480)-Lighting)	Install poles and lights at Alta Vista to increase visibility		\$250,802.46
	Subtotal of Estimated Cost			\$508,771.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2019				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLAZA HACIENDA HOMES (NM004000001)			\$560,000.00
ID0004	2019 Plumbing Replacements(Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Site Work (1480)-Water Lines/Mains)	Remove and replace Interior/ exterior plumbing. Includes removing portions of the slab foundation, replacing pipe, re-pouring concrete and replacing fixtures. Multiple year/phase project that effects all the kitchen and bathroom plumbing		\$20,000.00
ID0007	2019 Windows (Dwelling Unit-Exterior (1480)-Windows)	Remove old windows and replace with energy efficiency rated windows. Windows and frames will be cut out of current headings to keep displacement of the rest of the building to a minimum, including sheetrock and the brick exterior		\$5,000.00
ID0021	Installation of Street Lights at Alta Vista(Non-Dwelling Site Work (1480)-Lighting)	Install poles and lights at Alta Vista to increase visibility. Increased cost		\$220,581.19
ID0022	2019 HVAC(Dwelling Unit-Interior (1480)-Appliances)	HVAC		\$50,000.00
ID0025	2019 Appliances(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 appliances		\$6,000.00
ID0026	2019 Range Hoods(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 Range Hoods		\$1,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2019				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0027	2019 Water Heaters(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Plumbing)	Replace 10 Water Heaters		\$8,000.00
ID0028	2019 Flooring(Dwelling Unit-Interior (1480)-Flooring (non routine))	Replace Flooring in 5 units		\$10,000.00
ID0030	2019 Doors(Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Interior (1480)-Interior Doors)	Replace Interior/Exterior Doors/ Storm Doors		\$10,000.00
ID0031	2019 Unit upGrades(Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	Upgrade electrical fixtures,LED lighting, Kitchen and Bathroom Cabinets, counter tops, replace tubs and showers		\$30,000.00
ID0032	2019 Sidewalks(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving)	Replace Sidewalks throughout		\$10,000.00
ID0033	2019 Smoke Dector & C02(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Other)	Install S/D and C02 in all units		\$5,000.00
ID0034	2019 Lanscaping(Dwelling Unit-Site Work (1480)-Landscape)	Remove dead trees, trim trees, zero scape		\$10,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2019				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0035	2019 - 504 Compliance(Dwelling Unit-Exterior (1480)-Other,Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc)	Ramps/Rail/ ADA compliant/ Reasonable accommodations		\$10,000.00
ID0036	2019 Retaining Walls(Dwelling Unit-Site Work (1480)-Curb and Gutter,Dwelling Unit-Site Work (1480)-Landscape)	Repair/Replace retaining walls through out property		\$10,000.00
ID0037	2019 Fencing(Dwelling Unit-Site Work (1480)-Fencing)	Replace / Remove / Install new Fencing		\$10,000.00
ID0038	2019 Office Building(Non-Dwelling Equipment-Expendable/Non-Expendable (1480)-Other)	Replace HVAC in Office Building		\$10,000.00
ID0039	2019 Sewer Line Replacement(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating Sewer Lines.		\$20,000.00
ID0040	2019 Gas Lines(Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Site Work (1480)-Other)	Replace old gas lines		\$25,000.00
ID0041	2019 Parking Area(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Pedestrian paving)	Repave parking areas / driveways		\$20,000.00

Form HUD-50075.2(4/2008)

Form HUD-50075.2(4/2008)

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2020				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLAZA HACIENDA HOMES (NM004000001)			\$632,500.00
ID0005	Plumbing Replacements(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating plumbing. Includes removing portions of the slab foundation, replacing pipe, re-pouring concrete and replacing fixtures. Multiple year/phase project that effects all the kitchen and bathroom plumbing		\$10,000.00
ID0008	Replace Windows (Dwelling Unit-Exterior (1480)-Windows)	Remove old windows and replace with energy efficiency rated windows. Windows and frames will be cut out of current headings to keep displacement of the rest of the building to a minimum, including sheetrock and the brick exterior		\$10,000.00
ID0010	Repair Soffit and Siding(Dwelling Unit-Exterior (1480)-Siding,Dwelling Unit-Exterior (1480)-Soffits)	Remove water damaged and rotted wood soffit and fascia. Replace soffit and fascia. Remove damaged metal and vinyl siding. Replace with new siding option		\$15,000.00
ID0046	2020 HVAC(Dwelling Unit-Interior (1480)-Appliances)	HVAC		\$359,000.00
ID0049	2020 Appliances(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 appliances		\$12,000.00
ID0051	2020 Range Hoods(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 Range Hoods		\$1,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2020				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0052	2020 Water Heaters(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Plumbing)	Replace 10 Water Heaters		\$8,000.00
ID0053	2020 Flooring(Dwelling Unit-Interior (1480)-Flooring (non routine))	Replace Flooring in 5 units		\$10,000.00
ID0055	2020 Doors(Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Interior (1480)-Interior Doors)	Replace Interior/Exterior Doors/ Storm Doors		\$10,000.00
ID0056	2020 Unit upGrades(Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	Upgrade electrical fixtures,LED lighting, Kitchen and Bathroom Cabinets, counter tops, replace tubs and showers		\$30,000.00
ID0057	2020 Sidewalks(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving)	Replace Sidewalks throughout		\$10,000.00
ID0058	2020 Smoke Dector & C02(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Other)	Install S/D and C02 in all units		\$5,000.00
ID0059	2020 Landscaping(Dwelling Unit-Site Work (1480)-Landscape)	Remove dead trees, trim trees, zero scape		\$10,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2020				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0060	2020 - 504 Compliance(Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Other)	Ramps/Rail/ ADA compliant/ Reasonable accommodations		\$10,000.00
ID0061	2020 Retaining Walls(Dwelling Unit-Site Work (1480)-Landscape,Dwelling Unit-Site Work (1480)-Curb and Gutter)	Repair/Replace retaining walls through out property		\$10,000.00
ID0062	2020 Fencing(Dwelling Unit-Site Work (1480)-Fencing)	Replace / Remove / Install new Fencing		\$10,000.00
ID0063	2020 Office Building(Non-Dwelling Equipment-Expendable/Non-Expendable (1480)-Other)	Replace HVAC in Office Building		\$20,000.00
ID0064	2020 Sewer Line Replacement(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating Sewer Lines.		\$20,000.00
ID0065	2020 Gas Lines(Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Site Work (1480)-Other)	Replace old gas lines		\$25,000.00
ID0066	2020 Parking Area(Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving,Dwelling Unit-Site Work (1480)-Pedestrian paving)	Repave parking areas / driveways		\$20,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2020				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0067	2020 Foundation(Dwelling Unit-Exterior (1480)-Building Slab)	Repair Foundations		\$20,000.00
ID0068	2020 Lawn Mowers(Dwelling Unit-Site Work (1480)-Landscape)	Purchase new Riding Mowers / Push Mowers		\$7,500.00
	AUTHORITY-WIDE (NAWASD)			\$107,500.00
ID0047	2020 Audit(Administration (1410)-Other)	Audit Costs		\$7,500.00
ID0048	2020 Administration(Administration (1410)-Salaries)	Salary and Benefits		\$10,000.00
ID0054	2020 Operations(Operations (1406))	Operations		\$75,000.00
ID0069	2020 Tractor(Dwelling Unit-Site Work (1480)-Landscape)	Purchase tractor to dig trench for new gas/sewer/plumbing lines		\$15,000.00

Form HUD-50075.2(4/2008)

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2021				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLAZA HACIENDA HOMES (NM004000001)			\$740,000.00
ID0006	2021 Plumbing Replacements(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating plumbing at Includes removing portions of the slab foundation, replacing pipe, re-pouring concrete and replacing fixtures. Multiple year/phase project that effects all the kitchen and bathroom plumbing		\$45,000.00
ID0012	2021 Repair Spalling on the Foundations(Dwelling Unit-Exterior (1480)-Building Slab,Dwelling Unit-Exterior (1480)-Foundations)	Identify areas of spalling on the foundations of the buildings at Alta Vista. Rub areas that can be fixed with that method. Frame and concrete portions that need additional support		\$75,000.00
ID0070	2021 Plumbing Replacements(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating plumbing. Includes removing portions of the slab foundation, replacing pipe, re-pouring concrete and replacing fixtures. Multiple year/phase project that effects all the kitchen and bathroom plumbing		\$10,000.00
ID0071	2021 Replace Windows (Dwelling Unit-Exterior (1480)-Windows)	Remove old windows and replace with energy efficiency rated windows. Windows and frames will be cut out of current headings to keep displacement of the rest of the building to a minimum, including sheetrock and the brick exterior		\$10,000.00
ID0072	2021 Repair Soffit and Siding(Dwelling Unit-Exterior (1480)-Siding,Dwelling Unit-Exterior (1480)-Soffits)	Remove water damaged and rotted wood soffit and fascia. Replace soffit and fascia. Remove damaged metal and vinyl siding. Replace with new siding option		\$15,000.00
ID0073	2021 HVAC(Dwelling Unit-Interior (1480)-Appliances)	HVAC		\$372,500.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2021				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0076	2021 Appliances(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 appliances		\$6,000.00
ID0077	2021 Range Hoods(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 Range Hoods		\$1,000.00
ID0078	2021 Water Heaters(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Plumbing)	Replace 10 Water Heaters		\$8,000.00
ID0079	2021 Flooring(Dwelling Unit-Interior (1480)-Flooring (non routine))	Replace Flooring in 5 units		\$10,000.00
ID0081	2021 Doors(Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Interior (1480)-Interior Doors)	Replace Interior/Exterior Doors/ Storm Doors		\$10,000.00
ID0082	2021 Unit upGrades(Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	Upgrade electrical fixtures,LED lighting, Kitchen and Bathroom Cabinets, counter tops, replace tubs and showers		\$30,000.00
ID0083	2021 Sidewalks(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving)	Replace Sidewalks throughout		\$10,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2021				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0084	2021 Smoke Dector & C02(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Other)	Install S/D and C02 in all units		\$5,000.00
ID0085	2021 Landscaping(Dwelling Unit-Site Work (1480)-Landscape)	Remove dead trees, trim trees, zero scape		\$10,000.00
ID0086	2021 - 504 Compliance(Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Other)	Ramps/Rail/ ADA compliant/ Reasonable accommodations		\$10,000.00
ID0087	2021 Retaining Walls(Dwelling Unit-Site Work (1480)-Curb and Gutter,Dwelling Unit-Site Work (1480)-Landscape)	Repair/Replace retaining walls through out property		\$10,000.00
ID0088	2021 Fencing(Dwelling Unit-Site Work (1480)-Fencing)	Replace / Remove / Install new Fencing		\$10,000.00
ID0089	2021 Office Building(Non-Dwelling Equipment-Expendable/Non-Expendable (1480)-Other)	Replace HVAC in Office Building		\$20,000.00
ID0090	2021 Sewer Line Replacement(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating Sewer Lines.		\$20,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2021				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0091	2021 Gas Lines(Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Site Work (1480)-Other)	Replace old gas lines		\$25,000.00
ID0092	2021 Parking Area(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Pedestrian paving)	Repave parking areas / driveways		\$20,000.00
ID0094	2021 Lawn Mowers(Dwelling Unit-Site Work (1480)-Landscape)	Purchase new Riding Mowers / Push Mowers		\$7,500.00
	AUTHORITY-WIDE (NAWASD)			\$114,500.00
ID0074	2021 Audit(Administration (1410)-Other)	Audit Costs		\$7,500.00
ID0075	2021 Administration(Administration (1410)-Salaries)	Salary and Benefits		\$10,000.00
ID0080	2021 Operations(Operations (1406))	Operations		\$82,000.00

Form HUD-50075.2(4/2008)

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2022				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLAZA HACIENDA HOMES (NM004000001)			\$720,500.00
ID0017	2022 Bath Fans(Dwelling Unit-Interior (1480)-Other)	Install bath fans in all the bedrooms at Alta Vista to allow for better ventilation of wet air.		\$5,000.00
ID0096	2022 Plumbing Replacements(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating plumbing at Includes removing portions of the slab foundation, replacing pipe, re-pouring concrete and replacing fixtures. Multiple year/phase project that effects all the kitchen and bathroom plumbing		\$45,000.00
ID0097	2022 Repair Spalling on the Foundations(Dwelling Unit-Exterior (1480)-Building Slab,Dwelling Unit-Exterior (1480)-Foundations)	Identify areas of spalling on the foundations of the buildings at Alta Vista. Rub areas that can be fixed with that method. Frame and concrete portions that need additional support		\$50,500.00
ID0099	2022 Replace Windows (Dwelling Unit-Exterior (1480)-Windows)	Remove old windows and replace with energy efficiency rated windows. Windows and frames will be cut out of current headings to keep displacement of the rest of the building to a minimum, including sheetrock and the brick exterior		\$10,000.00
ID0100	2022 Repair Soffit and Siding(Dwelling Unit-Exterior (1480)-Siding,Dwelling Unit-Exterior (1480)-Soffits)	Remove water damaged and rotted wood soffit and fascia. Replace soffit and fascia. Remove damaged metal and vinyl siding. Replace with new siding option		\$15,000.00
ID0101	2022 HVAC(Dwelling Unit-Interior (1480)-Appliances)	HVAC		\$372,500.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2022				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0104	2022 Appliances(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 appliances		\$16,000.00
ID0105	2022 Range Hoods(Dwelling Unit-Interior (1480)-Appliances)	Replace 10 Range Hoods		\$1,000.00
ID0106	2022 Water Heaters(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Plumbing)	Replace 10 Water Heaters		\$8,000.00
ID0107	2022 Flooring(Dwelling Unit-Interior (1480)-Flooring (non routine))	Replace Flooring in 5 units		\$10,000.00
ID0109	2022 Doors(Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Interior (1480)-Interior Doors)	Replace Interior/Exterior Doors/ Storm Doors		\$10,000.00
ID0110	2022 Unit upGrades(Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	Upgrade electrical fixtures,LED lighting, Kitchen and Bathroom Cabinets, counter tops, replace tubs and showers		\$30,000.00
ID0111	2022 Sidewalks(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving)	Replace Sidewalks throughout		\$10,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2022				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0112	2022 Smoke Dector & C02(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Other)	Install S/D and C02 in all units		\$5,000.00
ID0113	2022 Landscaping(Dwelling Unit-Site Work (1480)-Landscape)	Remove dead trees, trim trees, zero scape		\$10,000.00
ID0114	2022 - 504 Compliance(Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Other)	Ramps/Rail/ ADA compliant/ Reasonable accommodations		\$10,000.00
ID0115	2022 Retaining Walls(Dwelling Unit-Site Work (1480)-Curb and Gutter,Dwelling Unit-Site Work (1480)-Landscape)	Repair/Replace retaining walls through out property		\$10,000.00
ID0116	2022 Fencing(Dwelling Unit-Site Work (1480)-Fencing)	Replace / Remove / Install new Fencing		\$10,000.00
ID0117	2022 Office Building(Non-Dwelling Equipment-Expendable/Non-Expendable (1480)-Other)	Replace HVAC in Office Building		\$20,000.00
ID0118	2022 Sewer Line Replacement(Dwelling Unit-Interior (1480)-Plumbing)	Remove and replace deteriorating Sewer Lines.		\$20,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2022				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0119	2022 Gas Lines(Dwelling Unit-Site Work (1480)-Other,Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Plumbing)	Replace old gas lines		\$25,000.00
ID0120	2022 Parking Area(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Pedestrian paving)	Repave parking areas / driveways		\$20,000.00
ID0121	2022 Lawn Mowers(Dwelling Unit-Site Work (1480)-Landscape)	Purchase new Riding Mowers / Push Mowers		\$7,500.00
	AUTHORITY-WIDE (NAWASD)			\$99,500.00
ID0102	2022 Audit(Administration (1410)-Other)	Audit Costs		\$7,500.00
ID0103	2022 Administration(Administration (1410)-Salaries)	Salary and Benefits		\$10,000.00
ID0108	2022 Operations(Operations (1406))	Operations		\$82,000.00

Form HUD-50075.2(4/2008)

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Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year	3 2020
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
2020 Audit(Administration (1410)-Other)	\$7,500.00
2020 Administration(Administration (1410)-Salaries)	\$10,000.00
2020 Operations(Operations (1406))	\$75,000.00
2020 Tractor(Dwelling Unit-Site Work (1480)-Landscape)	\$15,000.00
Subtotal of Estimated Cost	\$107,500.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year 4 2021	
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
2021 Audit(Administration (1410)-Other)	\$7,500.00
2021 Administration(Administration (1410)-Salaries)	\$10,000.00
2021 Operations(Operations (1406))	\$82,000.00
2021 Tractor(Dwelling Unit-Site Work (1480)-Landscape)	\$15,000.00
Subtotal of Estimated Cost	\$114,500.00

Part III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year	5 2022
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
2022 Audit(Administration (1410)-Other)	\$7,500.00
2022 Administration(Administration (1410)-Salaries)	\$10,000.00
2022 Operations(Operations (1406))	\$82,000.00
Subtotal of Estimated Cost	\$99,500.00

RESOLUTION NO. 2023-09

A RESOLUTION APPROVING THE PUBLIC HOUSING AUTHORITY'S 5-YEAR ACTION PLAN AND ITS ATTACHMENTS

WHEREAS, Section 511 of the Quality Housing and Work Responsibility Act of 1998 requires each public housing authority to prepare and submit annual and five year plans; and

WHEREAS, the City Commission, acting as the Public Housing Authority's Board of Commissioners, must review and approve the 5-Year Action Plan as prepared; and

WHEREAS, the Public Housing Authority held a public hearing on the plans on January 6, 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that this Public Housing Authority's 5-Year Action Plan is approved and shall be submitted to the U.S. Department of Housing and Urban Development.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 24th day of January 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 N. Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/18/2023

Report No: 11.

Submitted By: Stephanie Hernandez

Subject: Consider and act upon the first publication of Ordinance 1666 repealing Chapter 23, Article 23-02 Lodgers Tax, and Chapter 2, Article 4-80 thru 4-110 relating to the Promotions Board. (*Stephanie Hernandez, Assistant City Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Civic Center Operations at the current level- approximately \$300,000.

Recommendation: Approve First Publication

Background: The City of Alamogordo Implemented a Tax on Lodging to create a funding source for the advertising and marketing of Alamogordo. The city wishes to eliminate this tax burden on visitors to Alamogordo. The City of Alamogordo Implemented a Tax on Lodging to create a funding source for the advertising and marketing of Alamogordo. The city wishes to eliminate this tax to allow more flexibility for the hotel industry. The current tax rate is 5%.

ORDINANCE NO. 1666

AN ORDINANCE REPEALING CHAPTER 23, ARTICLE 23-02, AND CHAPTER 2, ARTICLE 4-80 THROUGH 4-110 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING LODGERS TAX AND THE PROMOTIONS BOARD

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems it necessary to repeal Chapter 23 Article 23-02 and Chapter 3 Articles 4-80 through 4-110 concerning the Lodgers Tax and Promotions Board.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognizes that the hotel industry has faced challenges as a result of the Covid-19 pandemic.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, has determined that repealing the tax, will allow more flexibility to the hotel industry.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Chapter 23 Article 23-02 and Chapter 2 Articles 4-80 through 4-110 of the Code of Ordinances are repealed.

~~ARTICLE 23-02 LODGERS TAX~~

~~23-02-010. Short title.~~

~~This article shall be known as and may be cited as "The Lodgers' Tax Ordinance."~~

~~23-02-020. Purpose.~~

~~The purpose of this article is to impose a tax which will be borne by transient persons using commercial lodging accommodations which tax will provide revenues for advertising the community, improving its services, financing new facilities, attracting conferences, conventions and meetings of commercial, cultural, educational and social origin to the city and the state. (Code 1960, § 5-17-2)~~

~~23-02-030. Definitions.~~

~~As used in this article, the following terms shall have the meanings ascribed to them in this section, unless such meanings would be inconsistent with the manifest intent of the city commission, be repugnant to the context of the provisions or the context clearly requires otherwise.~~

~~Gross taxable rent means the total amount of rent paid for lodging.~~

~~Lodging means the transaction of furnishing rooms or other accommodations by a vendor to a vendee who for a rent, uses, possesses or has the right to use or possess any room or rooms or other units of accommodations in or at a taxable premise.~~

~~Lodgings means the rooms or other accommodations furnished by a vendor to a vendee by the taxable service of lodging.~~

~~Occupancy tax means the tax on lodging, authorized by this article.~~

~~Person means a corporation, firm, other body corporate, partnership, association or individual, includes an executor, administrator, trustee, receiver or other representative appointed according to law and acting in a representative capacity, but does not include the United States of America, the state, any corporation, department, instrumentality or agency of the federal government or the state government, or any political subdivision of the state.~~

~~Rent means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to an occupancy tax authorized in this article.~~

~~Taxable premises means a hotel, motel or other premises used for lodging that is not the vendee's household or primary residence.~~

~~Temporary lodging means lodgings for the purpose of housing a vendee within proximity of the vendee's employment or job location.~~

~~Tourist means a person who travels for the purpose of business, pleasure or culture to a municipality or county imposing an occupancy tax.~~

~~Tourist-related events means events that are planned for, promoted to and attended by tourists.~~

~~Tourist-related facilities and attractions means facilities and attractions that are intended to be used by or visited by tourists.~~

~~Tourist-related transportation systems means transportation systems that provide transportation for tourists to and from tourist-related facilities and attractions and tourist-related events.~~

~~Vendee means a natural person to whom lodgings are furnished in the exercise of the taxable service of lodging.~~

~~Vendor means a person furnishing lodgings in the exercise of the taxable service of lodging.~~

~~23-02-040. Administration.~~

~~The duties assigned to the city manager in this article may be delegated to the city treasurer or other officials in whole or in part as to the city manager shall appear useful. Duties may be, from time to time, reassigned.~~

~~23-02-050. Imposed.~~

~~There is hereby imposed an occupancy tax on revenues of five (5) percent of gross taxable rent for lodging paid to vendors.~~

~~23-02-060. Exemptions.~~

~~The occupancy tax imposed under the provisions of this article shall not apply:~~

~~(a) — If the vendee:~~

~~(1) — Has been a permanent resident of the taxable premises for a period of at least thirty (30) consecutive days; or~~

~~(2) — Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least thirty (30) consecutive days.~~

~~(b) — If the rent paid by a vendee is less than two dollars (\$2.00) a day.~~

~~(c) — To lodging accommodations at institutions of the federal government, the state or any political subdivision thereof.~~

~~(d) — To lodging accommodations at religious, charitable, educational or philanthropic institutions, including without limitation such accommodations at summer camps operated by such institutions.~~

~~(e) — To clinics, hospitals or other medical facilities.~~

(f) — ~~To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill.~~

~~23-02-070. Collection of tax.~~

(a) — ~~Every vendor providing lodgings shall collect the tax thereof on behalf of the municipality and shall act as a trustee therefor.~~

(b) — ~~The tax shall be collected from vendees in accordance with this article and shall be charged separately from the rent fixed by the vendor for the lodgings.~~

(c) — ~~On and after May 1, 1970, each vendor licensed under this article shall be liable to the city for the tax provided herein on the rent paid for lodging.~~

~~23-02-071. Vendor's license.~~

(a) — ~~Pursuant to this article, no vendor shall engage in the business of providing lodging in the city who has not first obtained a license as provided in this section.~~

(b) — ~~An applicant for a vendor's license shall submit an application to the city manager stating the following:~~

(1) — ~~The name of the vendor, including identification of any person, as defined in this article, who owns or operates or both a place of lodging and the name or trade names under which the vendor proposes to do business and the post office address thereof.~~

(2) — ~~A description of the facilities, including the number of rooms and the usual schedule of rates thereof.~~

(3) — ~~A description of other facilities provided by the vendor or others to users of the lodgings, such as restaurant, bar, cleaning, laundry, courtesy car, stenographic, tailor or others, and a statement identifying the license issued, to whom issued, the authority issuing, and the period for which issued, if applicable, and the identification number provided by the bureau of revenue to the state.~~

(4) — ~~The nature of the business practices of the vendor and to what extent, if any, his business is exempt from the lodgers' tax.~~

(5) — ~~The information reasonably necessary to effect a determination of eligibility for such license.~~

(c) — ~~The city manager shall review the application for a license within ten (10) days of receipt thereof and shall grant the license in due course if he finds the applicant is doing business subject to the lodgers' tax.~~

(d) — ~~If the city manager finds that the applicant is not qualified to do business subject to the lodgers' tax, he shall, not more than ten (10) days after receipt of the application, advise the applicant of his decision and give the reason therefor. The notice of such action shall be given by registered mail, postage prepaid, addressed to the applicant at the address given on the application and deposited in the post office at the city on the date thereof.~~

(e) — ~~If the city manager finds the applicant not exempt under the terms of this article, he shall, not more than ten (10) days after receipt of the application, advise the applicant of his decision and give the reasons therefor.~~

(f) — ~~An applicant who is dissatisfied with the decision of the city manager may appeal the decision to the city commission by written notice to the city manager of such appeal to be made within fifteen (15) days of the date of the decision of the city manager on the application. The matter shall be referred to the city commission for hearing at a regular or special meeting in the usual course of business. The decision of the city commission made thereon shall be expressed in~~

writing and shall be communicated in the same manner as the decision of the city manager is transmitted. The action of the city commission shall be final.

(g) — If the city commission finds for the applicant, the city manager shall issue the appropriate license or other notice conforming to the decision made by the commission.

~~23-02-072. Revocation of license.~~

(a) — A person is required to obtain a license or registration as provided in this article and has violated any of the sections of this article or any other city ordinance relating thereto or whenever, in the judgment of the city manager, the public welfare shall require it, any license issued to such person by the city may be revoked.

(b) — Such license shall be revoked until the city clerk notifies the holder of the license in writing that the revocation is pending and will become final in thirty (30) days, unless the revocation is stayed by filing a request for a hearing with the city clerk to appeal the decision. The city commission will act as the board for hearing such license hearing appeals. If no appeal request is filed within the 30-day notification period, the revocation decision shall become final.

~~23-02-080. Monthly report.~~

Each vendor shall make a report by the twenty-fifth day of each month on forms provided by the city manager of the receipts for lodging paid to him in the preceding calendar month and shall remit therewith payment of the amounts due to the city under this article. The report shall include sufficient information to enable the city to audit the report, and shall be verified on oath by the vendor.

~~23-02-090. Records.~~

Each vendor shall maintain adequate records of facilities subject to the tax imposed by this article and of proceeds received for the use thereof. Such records shall be maintained in the city and shall be open to the inspection of the city during reasonable hours and shall be retained for three (3) years.

~~23-02-100. Failure to pay tax.~~

If any vendor makes a return as required by this article without paying the tax then due, he shall be liable for the tax and a penalty equal to ten (10) percent thereof, but not less than ten dollars (\$10.00) penalty in addition to the tax, without notice from the city with regard thereto. Promptly thereafter, the city shall give the delinquent vendor written notice of such estimated tax penalty and interest, which notice shall be served personally or by certified mail.

~~23-02-110. Failure to make return.~~

If any vendor neglects or refuses to make a return and pay the tax as required by this article, the city manager shall make an estimate based upon an examination of the vendor's books and records, or upon any information in its possession, or that may come into its possession, of the amount of the rent of the delinquent vendor for the period in respect to which he has failed to make return, and upon the basis of such estimated amount shall compute and assess the tax payable by the delinquent vendor, adding to the sum thus arrived at a penalty equal to ten (10) percent thereof, but not less than ten dollars (\$10.00). Promptly thereafter, the city shall give the delinquent vendor written notice of such estimated tax, penalty and interest, which notice shall be served personally or by certified mail.

~~23-02-120. Delinquent payments.~~

~~If payments are not made by the vendor within fifteen (15) days of the notice provided for in section 23-02-110, the city manager shall bring an action in law or equity in the district court for the collection of any amounts due, including without limitation, penalties thereon, interest on the unpaid principal at a rate of not exceeding one percent a month, the costs of collection and reasonable attorneys' fees incurred in connection therewith.~~

~~23-02-123. Lien for occupancy tax; payment; certificate of liens.~~

~~(a) — The occupancy tax imposed by the city constitutes a lien in favor of the city upon the personal and real property of the vendor providing lodgings in the city. The lien may be enforced as provided in sections 3-36-1 through 3-36-7 NMSA 1978. Priority of the lien shall be determined from the date of filing.~~

~~(b) — Under process or order of court, no person shall sell the property of any vendor without first ascertaining from the clerk or treasurer of the municipality in which the vendor is located the amount of any occupancy tax due the municipality. Any occupancy tax due the city shall be paid from the proceeds of the sale before payment is made to the judgment creditor or any other person with a claim on the sale proceeds.~~

~~(c) — The clerk of the municipality shall furnish to any person applying for such a certificate written evidence showing the amount of all liens in the records of the municipality against any vendor pursuant to chapter 3, article 38 NMSA 1978.~~

~~23-02-124. Penalties.~~

~~The governing body of the municipality shall, by ordinance, provide for penalties by creating a misdemeanor and imposing a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days or both for a violation by any person of the provisions of the occupancy tax ordinance for a failure to pay the tax, to remit the proceeds thereof to the municipality or to account properly for any lodging and the tax proceeds pertaining thereto.~~

~~23-02-130. Confidentiality of return.~~

~~It is unlawful for any employee of the city to reveal to any individual other than another employee of the city or the state bureau of revenue any information contained in the return of any taxpayer, except to a court of competent jurisdiction in response to an order thereof in an action relating to taxes to which the city is a party and in which the information sought is material to the inquiry; to the taxpayer himself or to his authorized representative; and in such manner, for statistical purposes, the information revealed is not identified as applicable to any individual taxpayer.~~

~~23-02-140. Refunds and credits.~~

~~If any person believes that he has made payment of any occupancy tax in excess of that to which he was liable, he may claim a refund thereof by directing to the city clerk, not later than ninety (90) days from the date payment was made, a written claim for refund. Every claim for refund shall state the nature of the person's complaint and the affirmative relief requested. The city clerk may allow the claim in whole or in part or may deny it. Refunds of tax and interest erroneously~~

paid and amounting to one hundred dollars (\$100.00) or more may be made only with the written approval of the city manager.

~~2-04-080. Alamogordo Promotion Board—Purposes.~~

~~The Alamogordo Promotion Board is established for the purpose of advising the mayor and the city commission on the expenditure of lodgers tax revenues for advertising, publicizing and promoting tourist attractions and facilities in the city, as the expenditure of such funds may be authorized by state law.~~

~~2-04-090. Alamogordo Promotion Board—Organization.~~

~~(a) — The Alamogordo Promotion Board shall consist of five (5) residents, appointed by the mayor with the advice and approval of a majority of the remaining members of the city commission. Two (2) members shall represent the lodgers industry, two (2) shall be directly involved in other tourist-related industries; these members need not reside in the city, but must own or be employed by an enterprise within the city that primarily provides services or products to tourists, and one shall be a member at large representing the general public.~~

~~(b) — Appointments to fill expired terms will be for two-year terms.~~

~~(c) — Board members shall serve without pay.~~

~~(d) — The director of finance for the city shall be an ex-officio member and shall have a seat, but no vote, at each meeting of the board.~~

~~(e) — The board shall elect a minimum of two (2) officers (such as chairperson and vice-chairperson) and such other officers as the board may deem necessary. Each officer shall be elected by the members of the board for a term of one year.~~

~~2-04-100. Alamogordo Promotion Board—Business.~~

~~(a) — A quorum of three (3) board members is required for the conduct of board business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting. The board may adopt additional rules to govern its proceedings.~~

~~(b) — All meetings shall be open to the public and shall be held at a city-owned facility.~~

~~(c) — The board shall meet at least quarterly, and may hold additional meetings in its discretion. Notice of time, place and agenda meetings must be published as prescribed by the city's public meetings resolution.~~

~~(d) — Board minutes shall be taken at each meeting. Minutes shall be brief and include date and place of meeting, attendance, items discussed and action recommended, including a summary of expenditures for commission approval. Minutes must be filed with the city clerk, and sufficient copies forwarded to the mayor and city commission. After its submittal, the summary of expenditures shall be presented to the commission at its next regularly scheduled meeting for its consideration.~~

~~(e) — Expenditures will not be disbursed until final authorization has been granted by the city commission.~~

~~2-04-110. Alamogordo Promotion Board—Budget—Marketing effectiveness.~~

~~(a) — The board shall submit yearly, on or before March 1, when requested by the city manager, a proposed budget which shall not exceed the prior year's lodgers' tax receipts for the promotion of the city's recreational facilities and tourist attractions.~~

~~(b) — Annually, at the same time the yearly budget is submitted, or at other times when requested by the city manager, the board shall submit statistical information which measures the marketing effectiveness of the marketing efforts conducted in the preceding calendar year. Measures used shall include a return on investment (lodger's tax revenue divided by the total marketing expenditures).~~

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: 1/24/2023

Report Date:

Report No: 12.

Submitted By: Stephanie Hernandez

Subject: Discussion on Industrial Revenue Bonds and other requests by Valencia Real Estate Group. (*Brian Cesar, City Manager and Stephanie Hernandez, Assistant City Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Eddie Valencia is requesting the following for his new rental complex.

- Property Tax Incentive Request
- Build Perimeter Sidewalks and Driveways
- Utility Taps For Water & Sewer Connections on City Street
- Dedication of Water and Sewer Infrastructure on the property once it is built.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 13.

Submitted By: Veronica Ortega

Subject: Consider, and act upon, the Atari Solar Community Benefits Proposal. (*Veronica Ortega, Community Services Director/Hillel Halberstam, SynerGen Solar*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Consider, and act upon, the Atari Solar Community Benefits Proposal to provide various community benefits as outlined in the attached proposal.

Background: Hillel Halberstam with SynerGen Solar Company will present some background information on their proposed project to the City Commission. Please view the attached documents, which include a PowerPoint presentation and a letter of support from the City of Alamogordo on behalf of SynerGen Solar Company to accompany their application to the NM Public Regulation Commission.

Atari Solar Project

ATARI SOLAR, LLC
AN AFFILIATE OF SYNERGEN SOLAR, LLC

JANUARY 24, 2023

Atari Solar Project Presentation Agenda

1. About SynerGen Solar
2. Proposed Community Solar Project on La Velle Street Landfill in Alamogordo
3. Proposed Community Benefits
4. Contingencies
5. Questions?
6. Contact Info

About SynerGen Solar

SynerGen Solar Background

- Formed in 2016 to focus on commercial, municipal, community solar and utility-scale solar projects
- Member of the State of Maryland's Public Service Commission Net Metering Working Group
- Helped design the State of Maryland's Community Solar pilot program
- Wrote the brownfield evidence tariff language for the utilities' community solar tariffs filed with the Maryland Public Service Commission
- 600 MW of solar projects developed or under development in Maryland, Maine, New Jersey, Virginia and New Mexico

Panorama Community Solar Project

- Largest project in the State of Maryland's Community Solar Pilot Program
- Awarded the prestigious Project of the Year award in 2019 by MDV-SEIA (Maryland-DC-Virginia Solar Energy Industry Association) for successful reclamation of a brownfield property for solar
- One of 2 solar projects in the state of Maryland selected by the Maryland Department of Planning as a case study for successful solar siting and development



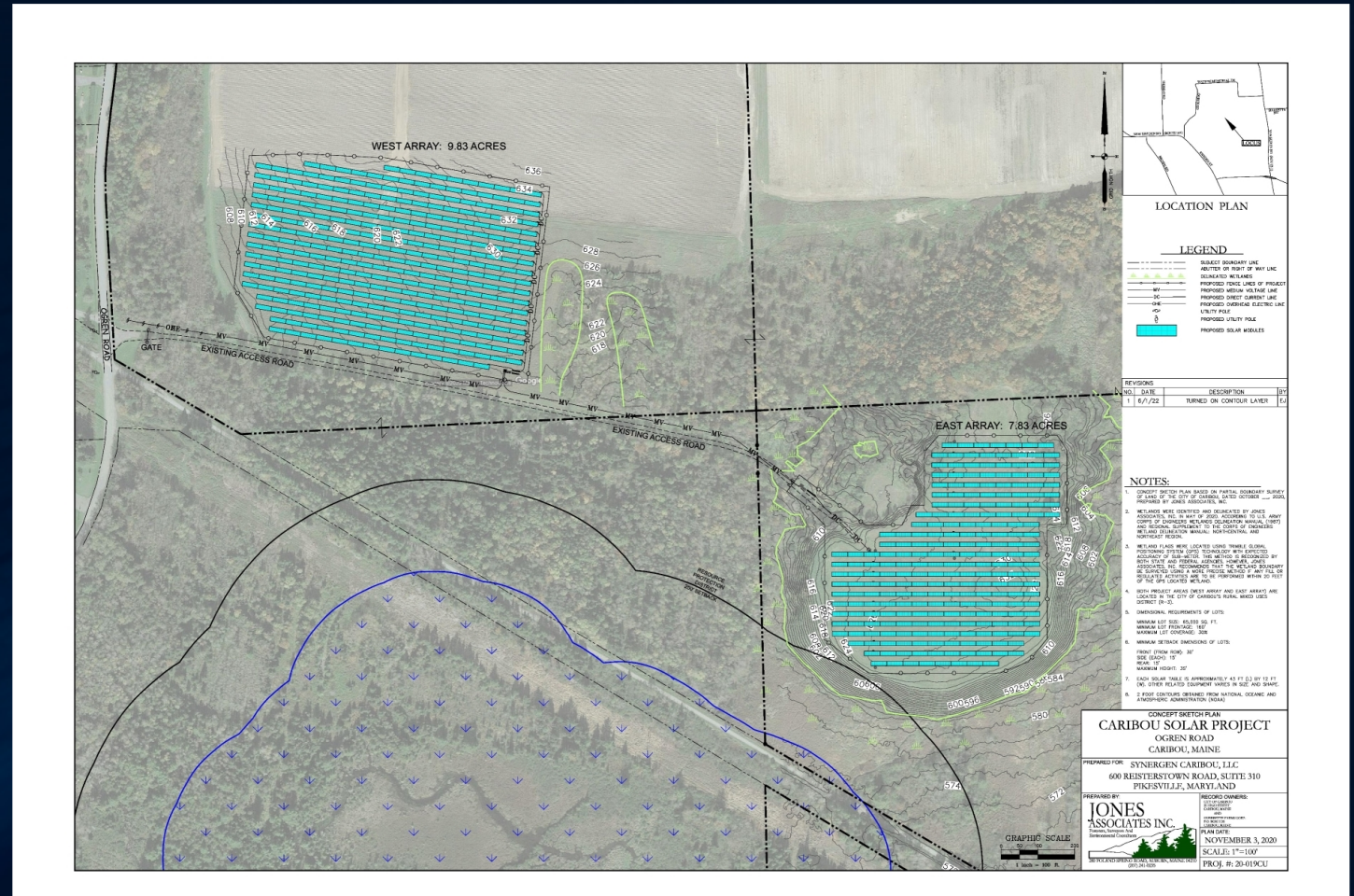
Loring AFB Net Energy Billing Solar Project

- 6 MW Solar Project in the State of Maine's Net Energy Billing Program
- Designated brownfield - EPA CERCLA superfund site
- Construction completed in December 2022, waiting for PTO from utility



City of Caribou Net Energy Billing Solar Project

- 6 MW Solar Project in the State of Maine's Net Energy Billing Program
- Located on a closed city landfill in Caribou, Maine
- Construction completed in December 2022, waiting for PTO from utility



Proposed Community Solar Project on La Velle Street Landfill in Alamogordo



1 SITE PLAN
G100 SCALE: 1" = 100'-0"

[illegible]

Proposed Community Benefits

1. EV CHARGING STATIONS
2. DISCOUNTED ELECTRICITY
3. KEEP ALAMOGORDO CLEAN (KAC)
4. PEDESTRIAN PATH

EV charging stations

Atari Solar will install and, for as long as the Project is operating, maintain a minimum of four (4) Level 2 dual-charger EV charging stations at the following locations:

1. Alameda Park Zoo – 1321 N. White Sands Boulevard, Alamogordo, NM 88310
2. Sgt. Willie Estrada Memorial Civic Center – 800 E First Street, Alamogordo, NM 88310
3. Alamogordo Downtown Area

Discounted electricity

For as long as the Project is operating, Atari Solar will provide the following City centers with a 10% discount on their electric bills when the applicable City center subscribes to the Project.

1. Alameda Park Zoo – 1321 N. White Sands Boulevard, Alamogordo, NM 88310
2. Sgt. Willie Estrada Memorial Civic Center – 800 E First Street, Alamogordo, NM 88310
3. Alamo Senior Center – 2201 Puerto Rico Avenue, Alamogordo, NM 88310
4. Alamogordo Family Recreation Center - 1100 Oregon Avenue, Alamogordo, NM 88310

Keep Alamogordo Clean (KAC)

- Atari Solar will sponsor a 25-year annual clean-up program to clean up wind-blown debris on the La Velle Street landfill in Alamogordo.
- Atari Solar will pay community volunteers \$20 per hour to volunteer once a year to clean up any wind-blown debris on the landfill.
- The number of volunteers each year will be limited to 100.
- The maximum individual program year payment is \$16,000.
- The maximum cumulative payment over the life of the program is \$400,000.

Pedestrian Path

- For as long as the Project is operating, Atari Solar will construct and maintain a 10'-wide pedestrian path around and outside the fence line of the Project on the City-owned, non-leased portion of the landfill.
- The path will be paved asphalt and will be available to the community for walking, bicycling and/or other recreational activities at the City's discretion, so long as such activities do not interfere with the operation of the Project.



1 SITE PLAN
G100 SCALE: 1" = 100'-0"



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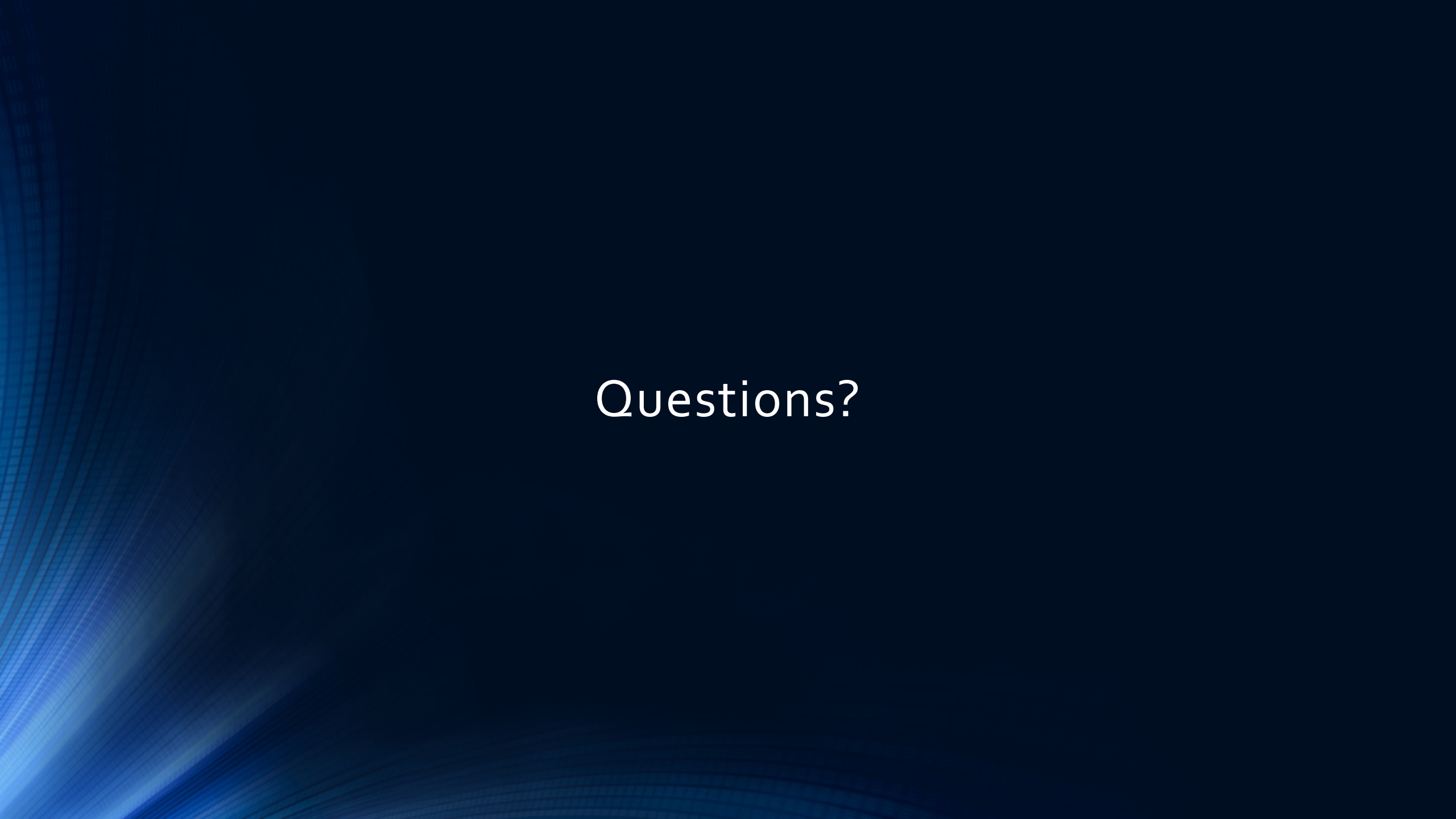
SITE PLAN

[illegible]

Contingencies

Contingencies

- Atari Solar receiving the signed MOU from the City by close of business tomorrow
- The Project receiving a capacity allocation in the 2022 Request for Proposals issued on November 3, 2022 by InClima, Inc., on behalf of the New Mexico Public Regulation Commission, for the construction and operation of community solar facilities, pursuant to the New Mexico Community Solar Act and the New Mexico Public Regulation Commission's Community Solar Rule, as amended
- The Project attaining commercial operation



Questions?

Contact Info:

Hillel Halberstam
Managing Member
SynerGen Solar
600 Reisterstown Road
Suite 310
Pikesville, MD 21208
(410) 440-3597

Hillel@synergensolar.com



City of Alamogordo

OFFICE OF THE MAYOR
1376 E. Ninth Street • Alamogordo, NM 88310 • (575) 439-4205

January 24, 2023

Commissioner Gabriel Aguilera
Commissioner Brian Moore
Commissioner Patrick O'Connell
New Mexico Public Regulation Commission
142 W Palace Ave
Santa Fe, NM 87501

RE: New Mexico PRC Request for Proposals for Community Solar projects under the
Community Solar Act: Docket No. 21-00112-UT

Honorary Commissioners:

We write to express our support for the Atari Solar community solar project (the "Project"), submitted by Atari Solar, LLC ("Atari Solar"). The Project is being developed on the La Velle Street landfill owned by the City of Alamogordo (the "City") which is a designated brownfield. The proposed Project will be a wonderful redevelopment of an otherwise unusable brownfield property.

The proposed Project will bring many benefits to the City, in the form of both tangible monetary and intangible community benefits.

Tangible Monetary Benefits

1. The Project is projected to bring in close to \$600,000 in lease payments over the term of the lease.
2. The Project is projected to bring in close to \$1,000,000 in property tax revenue over the term of the lease.

Intangible Community Benefits

1. EV charging stations

Atari Solar will install and, for as long as the Project is operating, maintain a minimum of four (4) Level 2 dual-charger EV charging stations at the following locations:

- i. Alameda Park Zoo – 1321 N. White Sands Boulevard, Alamogordo, NM 88310
- ii. Sgt. Willie Estrada Memorial Civic Center – 800 E First Street, Alamogordo, NM 88310
- iii. Alamogordo Downtown Area

2. Discounted electricity

For as long as the Project is operating, Atari Solar will provide the following City centers with a 10% discount on their electric bills when the applicable City center subscribes to the Project:

- i. Alameda Park Zoo – 1321 N. White Sands Boulevard, Alamogordo, NM 88310
- ii. Sgt. Willie Estrada Memorial Civic Center – 800 E First Street, Alamogordo, NM 88310
- iii. Alamo Senior Center – 2201 Puerto Rico Avenue, Alamogordo, NM 88310
- iv. Alamogordo Family Recreation Center - 1100 Oregon Avenue, Alamogordo, NM 88310

The community solar subscription and related 10% discount will be applied through a PNM-provided bill credit and related Atari Solar charge as illustrated below for projected Year 1 rates:

Service Class	Residential	Small Power
Solar Credit - from PNM	\$0.10527 per kWh	\$0.10569 per kWh
Solar Charge - from Atari Solar	\$0.094743 per kWh	\$0.095121 per kWh

3. Keep Alamogordo Clean (KAC)

Atari Solar will sponsor a 25-year annual clean-up program to clean up wind-blown debris on the La Velle Street landfill in Alamogordo. Atari Solar will pay community volunteers \$20 per hour to volunteer once a year to clean up any wind-blown debris on the landfill.

4. Pedestrian Path

For as long as the Project is operating, Atari Solar will construct and maintain a 10'-wide pedestrian path around and outside the fence line of the Project on the City-owned, non-leased portion of the landfill. The path will be paved asphalt and will be available to the community for walking, bicycling and/or other recreational activities at the City's discretion, so long as such activities do not interfere with the operation of the Project.

We encourage the Commission to take these factors under consideration when evaluating the Project in relation to other community solar project applications.

Thank you for your consideration of this request.

Should you have any questions related to the City of Alamogordo's support of the Atari Solar community solar project, I can be reached by phone at (575) 439-4203 or by email at spayne@ci.alamogordo.nm.us.

Respectfully,

Susan L. Payne
Mayor
City of Alamogordo

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 14.

Submitted By: Sean McGranaghan

Subject: Consider, and act upon, the first publication of Ordinance 1669 Case Z-2022-0006(A), a map amendment to change the zoning of the property located at 1218 Michigan Ave. from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District. *(Sean McGranaghan, Assistant City Planner)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: N/A

Recommendation: Recommend Approval for First Publication

Background: Property owner Bennett Two, LLC is requesting to rezone the property located at 1218 Michigan Ave. from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District.



City of Alamogordo

City Commission



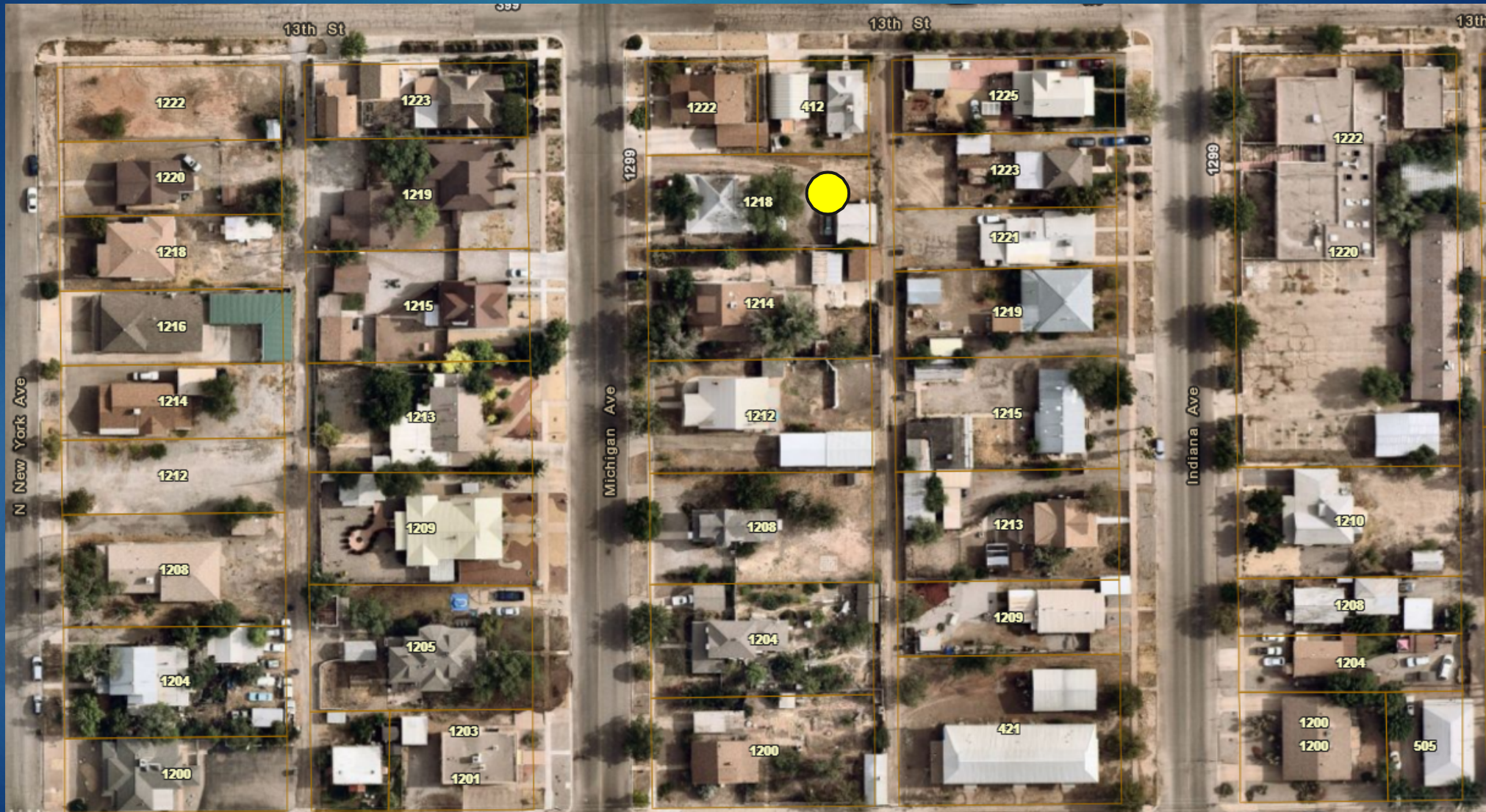
Z-2022-0006(A)

Sean McGranaghan, Assistant City Planner
January 24, 2023

2

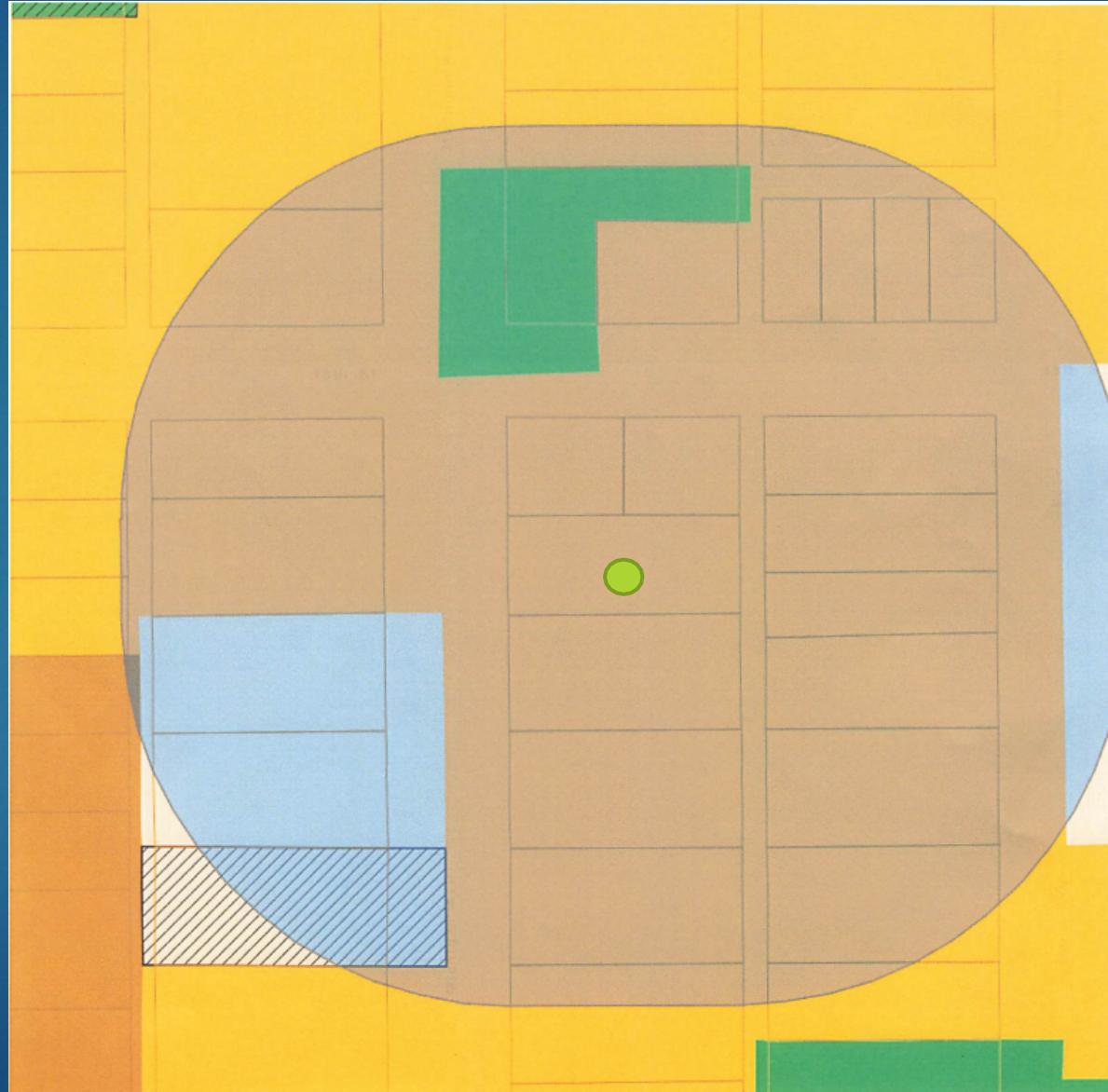


3



Protest Area

4



Zoning Request Case: Z-2022-0006(A)

5

Request:

The property owner is requesting for a map amendment to change the zoning of the property located 1218 Michigan Avenue from R-3 Two-Family Dwelling District to R-4 Multiple-Family District

Bennett Two, LLC

300 Drakes Landing Rd, #172

Greenbrae, CA 94904

Findings of Fact

- ◆ 1. The application was filed and all fees were paid.
- ◆ 2. Legal ad was placed in the Alamogordo Daily News
- ◆ 3. Thirty-Two (32) 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 January 17, 2023, there have been 2 letters returned undeliverable, and I have not received any letters or phone calls of opposition.

Z-2022-0006(A)

7

- ◆ 7. Staff recommends approval.

ORDINANCE No. 1669

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 1218 MICHIGAN AVE FROM ITS PRESENT DESIGNATION AND ZONING DISTRICT: R-3 TWO-FAMILY DWELLING TO: R-4 MULTIPLE-FAMILY DWELLING WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Bennett Two, 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

1218 MICHIGAN AVENUE

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

Z-2022-0006(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:

1218 MICHIGAN AVENUE

Is hereby changed from R-3 Two-Family Dwelling Zoning District to R-4 Multiple-Family Dwelling 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 _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/24/2023

Report Date: 01/17/2023

Report No: 15.

Submitted By: Sean McGranaghan

Subject: Consider, and act upon, the first publication of Ordinance 1670 Case Z-2022-0007(A), a map amendment to change the zoning of the property located at 2500 N Florida Ave from R-1 Single Family Dwelling District to R-4 Multi-Family Dwelling District. (*Sean McGranaghan, Assistant City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: N/A

Recommendation: Recommend Approval for First Publication.

Background: Property owner Bennett Two, LLC is requesting to rezone the property located at 2500 N. Florida Ave from R-1 Single Family Dwelling District to R-4 Multi-Family Dwelling District.



City of Alamogordo

City Commission



Z-2022-0007(A)

Sean McGranaghan, Assistant City Planner
January 24, 2023

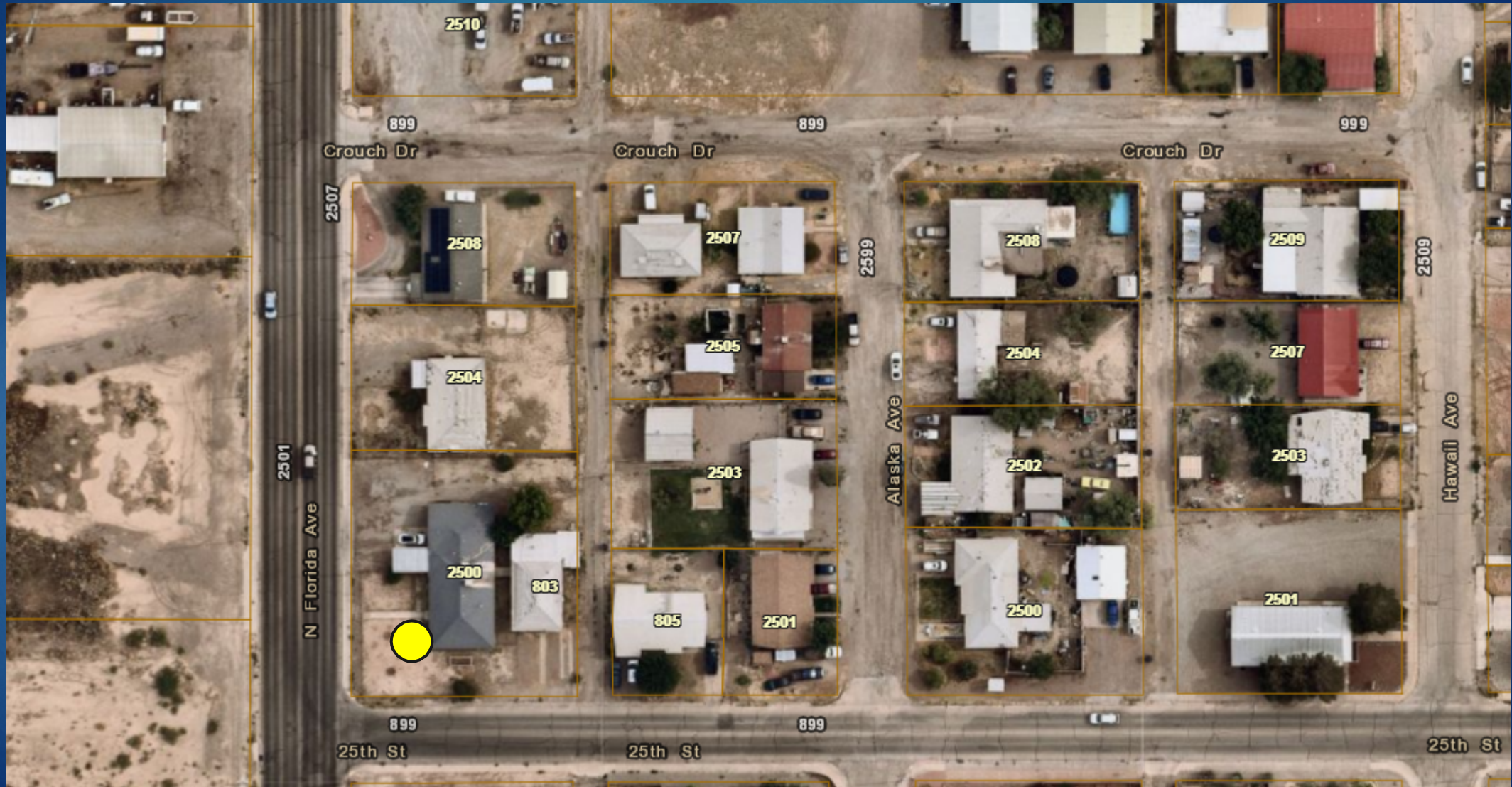
Zoning Map

2



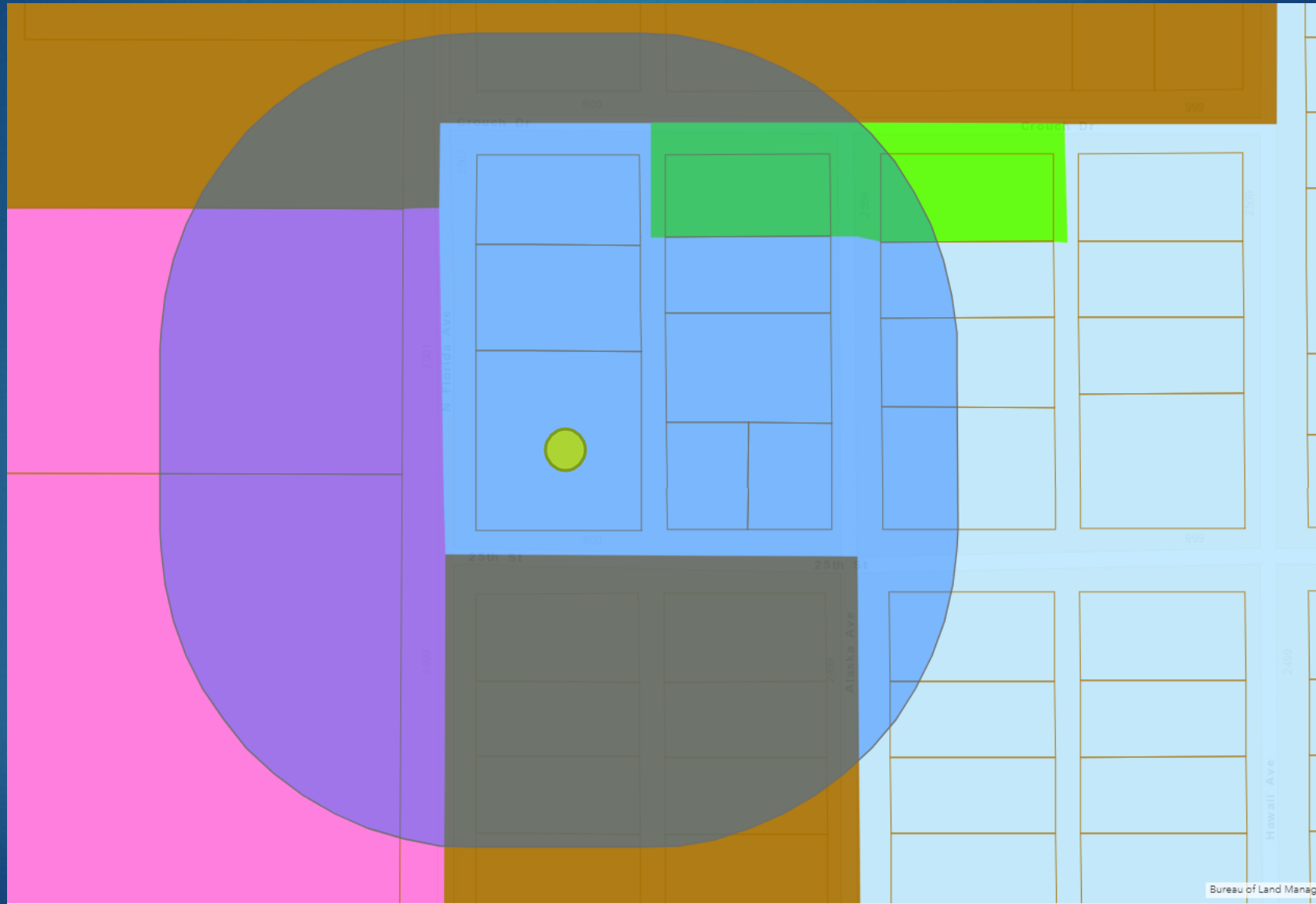
AERIAL

3



Protest Area

4



Zoning Request Case: Z-2022-0007(A)

5

Request:

The property owner is requesting for a map amendment to change the zoning of the property located 2500 N Florida Avenue from R-1 Single-Family Dwelling District to R-4 Multiple-Family Dwelling District

Bennett Two, LLC

300 Drakes Landing Rd, #172

Greenbrae, CA 94904

Findings of Fact

- ◆ 1. The application was filed and all fees were paid.
- ◆ 2. Legal ad was placed in the Alamogordo Daily News
- ◆ 3. Twenty-Four (24) 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 January 17, 2023, there have been 0 letters returned undeliverable, and I have not received any letters or phone calls of opposition.

Z-2022-0007(A)

7

- ◆ 7. Staff recommends approval.

ORDINANCE No. 1670

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 2500 N FLORIDA AVE FROM ITS PRESENT DESIGNATION AND ZONING DISTRICT: R-1 SINGLE-FAMILY DWELLING TO: R-4 MULTIPLE-FAMILY DWELLING WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Bennett Two, 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

2500 N FLORIDA AVE

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

Z-2022-0007(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:

2500 N FLORIDA AVE

Is hereby changed from R-1 Single-Family Dwelling Zoning District to R-4 Multiple-Family Dwelling 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 _____, 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