

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
February 28, 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. Invocation was given by Mayor Payne and the Pledge of Allegiance was led by Commissioner Josh Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

**1. Plaque presentation in memory of Bobbie Stone, the first member of Project Honored Past.
(Susan Payne, Mayor)**

Mayor Payne presented a plaque to Bobbie Stone's daughter in her memory. In 2015, Project Honored Past was created to adopt and clean cemetery sections. Bobbie Stone was one of the original volunteers for the Project.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He said that he sent an email to the Commission earlier today. There will be a PSA going out tonight or tomorrow. The review for Chapter 22, our subdivision ordinance, was completed by City staff and the engineering firm. That will be going out to the public for a thirty-day comment period. It will be available on our website and in hard copies at the Library and City Hall. Notices went out to the local developers earlier today so they could review and make comments. Anything that comes in will be reviewed and answered. When it comes before Commission, you will see the questions and concerns raised, if they were incorporated into the ordinance, and if not, why that decision was made.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He said he previously asked about the light at 1st and the Bypass. We were supposed to figure out what was going on with that. Do we have any idea where we are at; were letters sent? City Manager Cesar said that the letter has not been sent yet. We have been corresponding with NMDOT because that was on their list, and it had funding for a period of time to get a signal installed. Then it was taken off the list, and we have been trying to figure out why that happened. At this point, NMDOT is saying that a light, as a signal, is not warranted at that intersection. So that is going to change the way that the letter is going out. What we wanted to do was help, in the request to our Representatives and Senators, asking NMDOT what they needed to get the project moving forward. Commissioner Rardin said we have them on public record, saying that it was warranted at one time. Funding was in place to start this year. City Manager Cesar said yes, it was funded at one point. City Manager Cesar said that they were doing a lot of survey work. He said he knew they had engineers on board looking at it because we were getting questions concerning utilities in the area. At some point, it changed. We haven't been told why it changed other than it was re-reviewed, it was no longer warranted, and the funding was moved to another project. Commissioner Rardin asked how many deaths do we have to have out there before it warrants a traffic light? City Manager Cesar said that is why the letter is going out. Then you had the other two items, the three overpasses and the condition through the old landfill area, where the roadway has serious dips. Commissioner Rardin said they fixed the North Overpass; they raised it the other day. City Manager Cesar said they did; they have been doing that on the southern portion almost since the day construction ended. It is fixed today, but more than likely, it will settle once again, just as the Southern Overpass does on a regular basis.

Commissioner Rardin asked where we were with the Fairgrounds and Indian Wells Railroad crossing. City Manager Cesar said the Commission left it up to him to get it through on a budget revision now or incorporate it into the budget process. He said that he went through the proposed operational budgets of the various Departments last week. That project is incorporated in the proposed budget for next year to get enough of a design to where the railroad will look at it. It includes money for the railroad review. The Scenic Extension Project started at \$10,000 to Union Pacific, but by the end of the project, they were closer to \$20,000. Things have changed with Union Pacific since the Scenic Extension Project was done, so \$25,000 of the budget is set aside just for Union Pacific to review and comment so we can get an answer. Hopefully, we don't spend that much.

Commissioner Rardin said we've had six or eight holes on Mountain View since December. They still have not been patched. He said to get that on the list; constituents in that area have been calling him. City Manager Cesar said they are on the list, but getting materials has been a problem. Commissioner Rardin said we need to start hounding that supplier because they have a monopoly and tell them they need to start stepping it up.

Commissioner Rardin said that speaking of patches again, out on Fairgrounds, in front of PNM, there is a fairly large patch. He said he did not know if that was a contractor or us, but it has a good divot right as you go past the patch. If we did that, we need to redo it. City Manager Cesar said he was not aware of that one. Commissioner Rardin said if you were on a motorcycle, you could lose control hitting that divot. City Manager Cesar said they would have to look into that one.

Mayor Pro-Tem Wright made the following comments:

Mayor Pro-Tem Wright asked about the status of power to the railroad crossing on North Scenic. City Manager Cesar said we are still waiting on PNM's Albuquerque engineers to give the design to local PNM people. We are ready to cut the check and get them going.

CONSENT AGENDA

2. Approve the minutes for the February 14, 2023, Regular Commission meeting. (Rachel Hughs, City Clerk)

Commissioner Burnett moved to approve the Consent Agenda.

Commissioner McDonald seconded the motion.

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

NEW BUSINESS

3. Consider, and act upon, the budget process and documents for the FY2023 - FY2024 preliminary budget. (Evelyn Huff, Finance Director)

Finance Director Huff said this is just the annual check-in. We are getting to the point where we are consolidating our meetings. She said she wanted to touch base about how you wanted to see the budget this year. For the last several years, we have produced the summary budget books for every Commissioner. We usually put those in your boxes two weeks before the meeting. We have also produced the full budget line-by-line detail with the summary sheets, notes, and all details that every Department enters. We have created two of these and left them in the Commission Office so you can take them home and return them. Is this what we want to do again for FY24, or is there something different you would like to see? Mayor Payne said she liked the way it has been. Commissioner Melton asked if they could get PDF copies. Finance Director Huff said yes, they could do that for both. Commissioner Rardin asked if they had a tentative date for the Budget Hearings. Finance Director Huff said it is the first week in May, so it would be May 1st, 2nd, and 3rd. Commissioner Rardin asked if we would do them in the evenings like usual. Finance Director Huff said yes, they are going to start at 5:30 PM. Finance Director Huff said we would go ahead and create the summary books for everybody, two of the full budgets, and also PDF versions of both books. If it is too large for email, we will just put them on a flash drive in your Office.

No action required.

4. Make a motion to rescind the motion passed during the February 14, 2023, Regular Commission meeting regarding appointing members to serve on the Charter Committee. (Sharon McDonald, Commissioner)

Commissioner McDonald said she was concerned. Someone made a statement, so she went to the Secretary of State's website. She said that in the requirements for a person to sit on the Charter Committee, the political parties recognized in the State of New Mexico are the Democratic Party, Republican Party, and Libertarian Party. For the minor parties, the only ones recognized in the State of New Mexico are the New Mexico Working Family Party and the Green Party of New Mexico. The Independent Party is not recognized in the State of New Mexico at this time, so the two people placed on the Charter Committee are Independent Party members. Under party qualification process, it says, "Pursuant to Section 1-7-2A, NMSA 1978, to qualify as a political party in New Mexico, each political party, through its governing body, shall adopt rules providing for the organization and government of that party, and shall file the rules with the Secretary of State". There are things in here for disqualification. If the party has not elected a governor or president in the last two years, they are not an official political party. She said she brought this forward tonight because of the two Independent Party members on the Charter Committee. She said she felt like they should be replaced, so we are in line with the State's party information. Since Independents are not considered a political party, their appointments do not support the ordinance's goals and intent.

Mayor Pro-Tem Wright said that if you read State Statue 3-15-5, the second sentence says, "The Charter Commission shall consist of not less than seven members, no more than a simple majority shall belong to the same political party." It is just saying you can have a simple majority from the same political party. It doesn't say anything about the non-majority. Commissioner McDonald said she has no objections to the four Republicans, but the State of New Mexico does not recognize the Independent Party. Mayor Pro-Tem Wright said it doesn't say anything in the Statute that they have to belong to a recognized political party. Commissioner McDonald said it does; it says political parties. So the intent, as was written in 1978, refers back to the original parties. Other parties have been added along the way, but if we stay in compliance with the qualified minor political parties, that is the New Mexico Working Family Party and Green Party of New Mexico. The other major party is the Libertarians. Mayor Payne said it says that it can't be more than a simple majority of one political party. It doesn't define what the rest of it should be. It doesn't say it has to be a recognized political party. Maybe we should have our Attorney explain that to us. City Attorney Smith said that the case law is silent. It is restricting the number from one political party, but nowhere does it say you can't have someone who is nonpolitical. In theory, from what she has been reading, you could have seven Independents, and it would still abide by the State Statute. This hasn't been taken up to the courts to review. Mayor Payne said then it is not a question of the three in the minority; it is a question of what are the four in the majority. There is no more than a simple majority of one party. City Attorney Smith said that Independents are not a political party, so they don't abide by the "...no more than a simple majority shall be of the same political party." You could have a majority of non-affiliated and abide by the State Statute. Mayor Payne said maybe the State Statute was written regarding a partisan commission as opposed to a non-partisan, like a County Commission. Mayor Pro-Tem Wright said that the question of if Independents shouldn't be on here because they are not a political party has no weight. Mayor Payne said Independents are more like no political affiliation rather than political affiliation. Commissioner Rardin said or they don't want their views known and declined to state. Commissioner McDonald said she is just bringing this to the attention of the Commission. Commissioner Melton said they would need a clause that specifies to be qualified, you would need to belong to a recognized political party. It doesn't say that.

Commissioner McDonald made the motion to rescind the previous motion.

Motion died for lack of a second.

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

Mayor Payne read the openings and appointed Billy Childs to the Alamogordo Public Library Board and Susan Poore to the Senior Volunteer Programs Advisory Council. No one was opposed.

Commissioner Rardin moved to adjourn at 7:06 p.m.

Mayor Pro-Tem Wright seconded the motion.

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

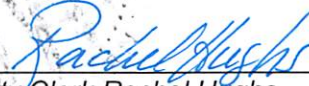
ADJOURNMENT



Mayor Susan L. Payne

ATTEST:





City Clerk Rachel Hughes

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on March 14, 2023.