



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

June 13, 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

Stephanie Hernandez Acting 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. Presentation on the renewal of the Alamogordo/Alliance of Regional Military Support agreement. (*John Baily, Alliance for Regional Military Support*)

2. Presentation and overview of how Alamogordo MainStreet works with the City per the MOU and Contract changes, plus initiatives undertaken during FY23 and future projects in FY24. *(Nolan Ojeda, Executive Director Alamogordo MainStreet)*

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 May 23, 2023, Regular Commission meeting. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, Resolution 2023-22, giving notice to the Otero County Clerk of the local government positions to be filled at the next Regular Local Election on November 7, 2023. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
5. Consider, and act upon, Resolution 2023-24 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 June 13, 2023. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

6. Consider and act upon Resolution 2023-20, declaring 308 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. *(Josh Sides, Code Enforcement Manager)* **(Roll Call Vote Required)**
7. Consider and act upon Resolution 2023-21, declaring 310 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. *(Josh Sides, Code Enforcement Manager)* **(Roll Call Vote Required)**
8. Consider, and act upon, Resolution 2023-23, giving notice to the Otero County Clerk of a Ballot Question to be submitted to the Qualified Voters during the next Regular Local Election to propose amendments to the City Charter. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
9. Consider, and act upon, first publication of Ordinance 1678 to amend sections of the City Charter to mirror State Statutes and the New Mexico Election Code. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
10. Consider, and act upon the first publication of Ordinance 1679 adopting a municipal gross receipts tax. *(Stephanie Hernandez, Acting City Manager & Richard Denton, Police Chief)* **(Roll Call Vote Required)**
11. Appointments to Boards and Committees. *(Susan Payne, Mayor)*

EXECUTIVE SESSION (Roll Call Vote Required)

12. Adjourn into Executive Closed Session in compliance with 10151(h)(8), NMSA (as amended) to discuss a possible land swap of real property located at 1402 College Ave.

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/07/2023

Report No: 1.

Submitted By:

Subject: Presentation on the renewal of the Alamogordo/Alliance of Regional Military Support agreement. (*John Baily, Alliance for Regional Military Support*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:



City of Alamogordo City Commission Meeting AGENDA REQUEST FORM

Today's Date: June 2, 2023

**Request Date
of Meeting:**

June 13, 2023

Name and Title:

John Baily, Alliance for Regional Military Support

Address:

6512Eagle Ridge

El Paso, TX

ZIP 79912

Phone Number:

915-471-5236

E-Mail Address:

john.baily@att.net

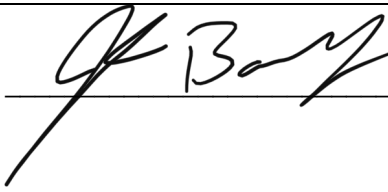
Item requested will be for Information only

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

We would like to request renewal of the Alamogordo/Alliance of Regional Military Support
agreement. We will present our current updates. PowerPoint will be submitted by June 6

Signature: 

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



Alliance for Regional Military Support

Presentation To
CITY OF ALAMOGRODO
June 2023

ALLIANCE FOR REGIONAL MILITARY SUPPORT

www.allianceforregionalmilitarysupport.com

RECENT ACCOMPLISHMENTS

- Organized and Led a Regional Delegation to Washington, DC for Air Force Association Conference
- Announcement of Recent MILCON Projects that are approved by the US Senate:

One Company Satellite Fire Station: \$6.4M

Las Cruces Substation: \$6.4M

Missile Assembly Building: Planning and Design: \$3.6M

Holloman: High Speed Test Track: \$5M

Holloman: F-16 Formal Training Unit, planning and design: \$4.140M

- Engaged with Medical Center of Americas and William Beaumont to discuss STEM programs for defense related industries including Air and Space Command health.
- Engaged with Joint Modernization Command to discuss support for STEM and STEAM programs in our regional high schools (Alamogordo, Las Cruces and El Paso)
- Continuing meetings with Defense Health Agency officials to discuss efforts to ensure that the region retains appropriate health care. Hosted recent visit by the Director of the Defense Health Agency to initiate efforts to partner with regional healthcare institutions

RECENT ACCOMPLISHMENTS

- Participated in New Mexico Land Commission Meeting (Encroachment)
- Recruiting Strategy Meeting for WSMR Civilian Workforce with Brigadier General Eric Little and Major General Jay Gallivan – January 2023 meeting with Elizabeth Teeters, Irene Parra, Chris Faivre to plan for 2023 opportunities with WSMR
- Developed talking points for community leaders regarding the regional military complex.
- Met with the National Director of Transition Assistance Program to move forward with training opportunities for Service Members prior to their transition from their installation and the region using rules for training known as ‘credentialing – CA’ implemented at Fort Bliss that provides occupational, academic and MOS (military occupational specialties) related options.
- Using the completed Veteran’s Assessment to determine how to better address needs in the region. The greatest need for Veterans in the area is for employment and information.
- Continue to meet with DoD leadership on manning and how we can increase troop strength and missions at our regional bases.
- Working with our elected officials on the House Armed Services Committee and the Senate Armed Services Committee to advocate for increased MILCON and SRM funding across the region

WAY FORWARD

- Preparing for Project Convergence 2023 at White Sands Missile Range
- Strategizing with Local/Regional Economic Development Entities to support Defense Industry and Military Leaders visiting WSMR for Project Convergence 2023
- Hosting VP for Dell Technologies (Department of Defense) for STEM initiatives
- Proactively pursue continuous improvement of regional Military Medical capabilities
- Sustain and improve the Defense workforce by building a pipeline of Veterans training in the region
- Sustain safe, desirable, affordable off-post housing
- Prevent encroachment
- Engage and Encourage political leaders to advocate for Fort Bliss, WSMR and Holloman AFB
- Develop City of Alamogordo priority list as it relates to Holloman AFB
- Advocate for Defense Contractors to use Alamogordo facilities for training and testing

CONTACTS

Mr. Richard Dayoub	Chair	<u>Richard.Dayoub@allianceforregionalmilitarysupport.com</u>
Mr. John Baily	Secretary	<u>John.Baily@allianceforregionalmilitarysupport.com</u>
Mr. Gus Rodriguez, Jr.	Treasurer	<u>Gus.Rodriguez@allianceforregionalmilitarysupport.com</u>
Mr. Lance Lehr	Vice Chair	<u>Lance.Lehr@allianceforregionalmilitarysupport.com</u>

MEMORANDUM OF UNDERSTANDING

BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO AND ALLIANCE FOR REGIONAL MILITARY SUPPORT (ARMS)

This Memorandum of Understanding (MOU) memorializes the agreement between **the City of Alamogordo (City)** and **Alliance for Regional Military Support (“ARMS”)**, a Texas-based nonprofit corporation.

WHEREAS, both Parties desire to support regional economic development in Alamogordo and surrounding areas by promoting growth in the defense and aerospace industries; and

WHEREAS, through a Professional Services Agreement, the ARMS has engaged Cypress International, Inc. (“Cypress”) to provide the Region and ARMS with information, advice, and assessment to promote growth in regional defense and aerospace industries; and

WHEREAS, the City of Alamogordo recognizes that the Professional Services Agreement with Cypress supports and potentially will benefit economic development in the White Sands, Holloman, and Fort Bliss regions; and

WHEREAS, the City of Alamogordo desires to contribute financially towards the Professional Services Agreement with Cypress; and

WHEREAS, the ARMS wishes to accept the City of Alamogordo’s financial contribution towards the City of El Paso’s Professional Services Agreement with Cypress.

NOW, THEREFORE, ARMS and the City of Alamogordo hereby mutually agree to the following:

AGREEMENT

- 1. Term.** The Term of this MOU is one year, beginning July 1, 2023 (“Effective Date”) and ending June 30, 2024.
- 2. Obligation of the City of Alamogordo.** Alamogordo will pay ARMS the sum of \$10,000.
- 3. Manner of Payment.** The City of Alamogordo will pay \$2,500 by July 15, 2023, upon receipt of the June 30th report and presentation to the commission. Each subsequent payment shall be paid upon receipt of the quarterly report and invoice by ARMS. Payment shall be made within 30 days of receipt of the invoice in each quarter Payment shall be mailed to:

Alliance for Regional Military Support
1460 Common Drive
El Paso, TX 79936

- 4. Obligations of ARMS and the City of Alamogordo.**

- A. ARMS will brief the City of Alamogordo's Commission, its City Manager, or designee quarterly on the direction and efforts of ARMS.
- B. The City of Alamogordo will identify key focus areas and missions and be responsible for developing the tasks to support its local military installation through interaction and dialogue with its installation's leadership with assistance from ARMS and Cypress International.
- C. The City Manager or designee will be the Point of Contact to interface with both ARMS and Cypress.
- D. ARMS and Cypress International will work with the City of Alamogordo's City Manager to execute Alamogordo's priorities
- E. ARMS will provide the City of Alamogordo the opportunity to participate in phone calls, visits, and meetings with Cypress that are organized by ARMS and that concern the information, advice, and assessment gathered by Cypress to increase regional defense and aerospace industries.
- F. ARMS and the City of Alamogordo agree to collaborate and share information on all activities related to the Military that are deemed relevant by the City of Alamogordo.
- G. ARMS, as the contracting party in the Professional Services Agreement with Cypress, is solely responsible for payments to be made according to its Professional Services Agreement with Cypress. Further, ARMS is the sole decision-maker in all matters concerning the Professional Service Agreement with Cypress, including any decision to terminate the agreement or amend any provision therein.
- H. If ARMS terminates its Agreement with Cypress, this MOU becomes Voided.

5. No Partnership or Joint Venture Nothing contained herein shall constitute a partnership between or joint venture by the Parties or constitute any party the agent of the others. No party shall hold itself out contrary to the terms of this paragraph, and no party shall become liable by any representation, act, or omission of the other contrary to the provisions hereof. This agreement is not for the benefit of any third party and shall not be deemed to give any right or remedy to any such party, whether referred to herein or not.

6. **Notice.** Any notices required under this agreement shall be sufficient if sent by Certified Mail postage prepaid to ARMS at the following addresses:

ARMS: Alliance for Regional Military Support
1460 Common Drive
El Paso, Texas 79936

COPY TO The City of Alamogordo
Attn: City Manager
1376 E Ninth St
Alamogordo, NM 88310

7. **Termination.** This MOU shall terminate at the end of the term or as otherwise agreed upon by the parties hereto in writing. Either party may terminate this MOU for any reason after sixty (60) days written notice to the other party of the intention to terminate or at any time by mutual agreement of the parties.
8. **Governing Law.** It is agreed that this MOU is entered into in the City of Alamogordo and County of Otero, State of New Mexico, and shall be governed by the laws of the State of New Mexico. The venue shall be in the courts of Otero County, New Mexico.
9. **Complete Agreement.** This agreement constitutes and expresses the entire agreement between the parties hereto in reference to the Memorandum of Understanding.

(Signatures on the Following Page)

IN WITNESS WHEREOF, City and ARMS have executed this Memorandum of Understanding on the date set opposite their signatures.

Alliance for Regional Military Support.

Date: _____

Richard Dayoub
ARMS 2023 Chair

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

Date: _____

Stephanie Hernandez
Acting City Manager

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/07/2023

Report No: 2.

Submitted By:

Subject: Presentation and overview of how Alamogordo MainStreet works with the City per the MOU and Contract changes, plus initiatives undertaken during FY23 and future projects in FY24. *(Nolan Ojeda, Executive Director Alamogordo MainStreet)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:



City of Alamogordo City Commission Meeting AGENDA REQUEST FORM

Today's Date: 06/05/2023

**Request Date
of Meeting:**

June 13th, 2023

Name and Title:

Nolan Ojeda, Executive Director Alamogordo MainStreet

Address:

900 New York Avenue

Alamogordo, NM

ZIP 88310

Phone Number:

575-446-3612

E-Mail Address:

director@alamogordomainstreet.org

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

Brief discription of how Alamogordo MainStreet works with the City per the MOU and Contract
changes. Discuss the work/initiatives undertaken by Alamogordo MainStreet during FY23, and
projects to be undertaken during FY24.

Signature: 

Please return to:

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

Phone: (575) 439-4100

Fax: (575) 439-4396

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

INSTRUCTIONS FOR AGENDA REQUEST FORMS

The Alamogordo City Commission normally meets on the second and fourth Tuesdays of each month at 6:30 p.m. in the City Commission Chambers in City Hall. All meetings are open to the public. Public comment is allowed on most scheduled agenda items at the time each item is scheduled on the agenda. An agenda of City Commission Meetings will be posted at City Hall and on the City website <http://ci.alamogordo.nm.us> under Agendas and Minutes, at least three days before each scheduled meeting, and the yearly schedule of meetings for the City Commission may be found on the City website.

Members of the public desiring to present matters to the Commission on the public agenda must submit a request in writing along with all attachments/presentations to the office of the City Clerk by Tuesday at twelve noon, one week prior to the desired City Commission meeting. Staff will determine which Commission meeting item(s) will be placed on the Agenda. This can be done in person, regular mail, fax or e-mail. The request forms are located in the City Clerk's office and on the City website <http://ci.alamogordo.nm.us>, under City Clerk/Commission Meetings/Agenda Request Form. No action will be taken by the Commission on these items. The City Clerk will confirm with the individual that the request was received and notify them of the date when their request will be scheduled on the City Commission agenda.

Public Comment

No action will be taken relative to items on the Public Comment Section other than referral for information.

Other Agenda Information

- Requests to appear will be placed on a "first-come, first-served" basis.
- The Mayor may set a time limit on comments.
- Members of the public desiring to present matters to the City Commission on the agenda must submit a request in writing to the office of the City Clerk prior to Tuesday at twelve noon one week prior to the City Commission meeting. The request should state the name of the individual(s) desiring to be heard and the matter to be presented.
- This request must be submitted with any documents you plan to present to the Commission. Please submit only one copy, which is one sided and with no staples. We will scan the document for the Agenda Book.
- Item requests may be referred to appropriate staff for mediation prior to being placed on the agenda.
- Matters pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda.
- Decorum is mandatory.



JUNE 2023 ORGANIZATION UPDATE

Nolan Ojeda, Executive Director



CURRENT BOARD OF DIRECTORS ROSTER

PRESIDENT

Claudia Loya

Elite Memories

VICE PRESIDENT

Cindy Stong

Flickinger Center

SECRETARY

Melissa Wilde

Holloman Air Force Base

TREASURER

Vacant

Claudia Powell

Welcome Home Realty

Kayla Laudie

Boys & Girls Club

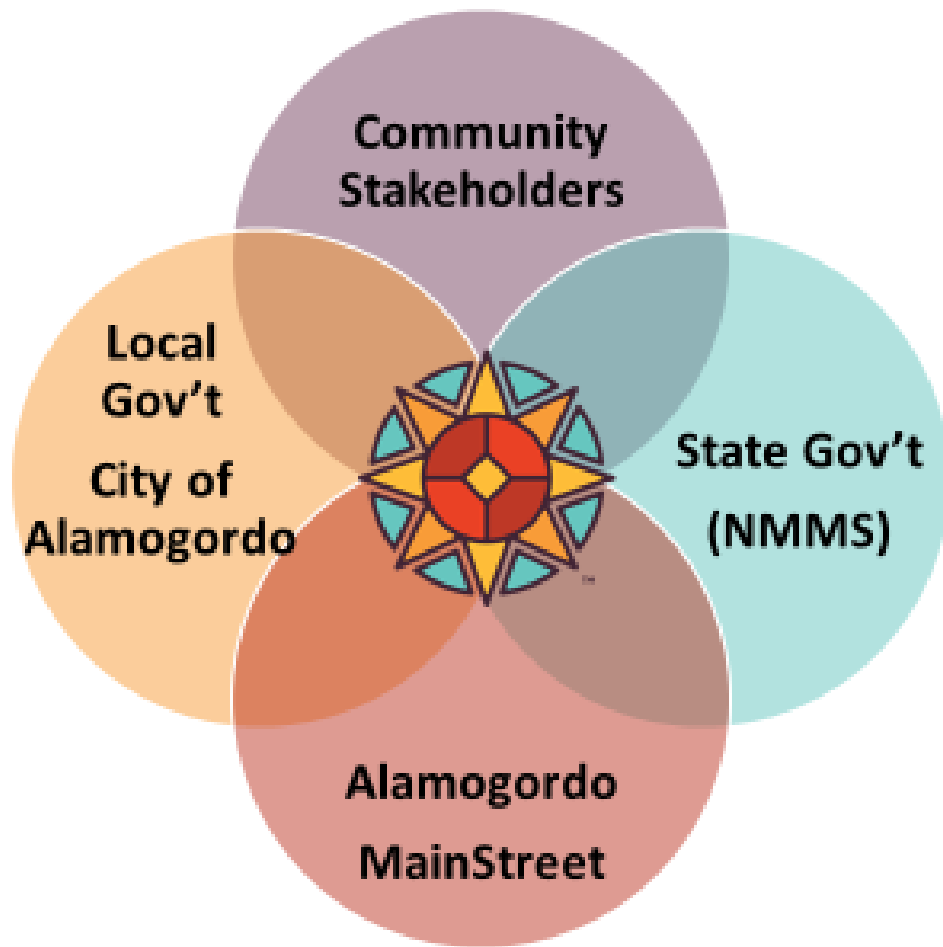
Cindy Boylan

Enchanted Sun Realty

Amanda Jewell

Alamogordo Public Schools

The Public-Private Partnership



City: Biannual MOU, Scope of Services Contract
Alamogordo MS: MOU, Contract, Accreditation

City of Alamogordo

- Philosophical Commitment (MOU)
- Coordination/Planning
- Financial Support for Operations
 - Based on pop. - \$40,000 min.
- Fiscal Agent for Capital Outlay \$\$

New Mexico MainStreet

- Technical Assistance
- Capital Outlay \$\$
- Coordination, Reporting
- Compliance
- Coordinate w/State Agencies

Alamogorodo MainStreet

- Implement ETS's/Projects
- Resource Development
- Planning, Statistical Reporting
- Coordination w/City, State
- Compliance

Contract Re-Write

New Contract, What's Different?

Projects of Opportunity

MainStreet Makeover Façade/Grant Program

Community Focus Groups

Arts and Cultural District State Designation

Business Accelerator

Library Satellite Downtown

HAFB Marketing Campaign

Host Commander Event Downtown

Total Est. Cost to Accomplish all Projects of Opportunity: \$100k



Year In Review

- **12 Events Downtown**
- **Arts and Cultural District JumpStart Acceptance**
- **MainStreet Makeover (Great Blocks) Mitigation**
- **Re-organization: New Economic Transformation Strategies**

ETS 1: Re-establish the downtown MainStreet district as a center of multigeneration residents to eat, shop and play.

ETS 2: Connect Holloman AFB personnel and their families to downtown offerings.



Highlights



Alamogordo MainStreet Makeover (Great Blocks)

Holloman AFB Involvement Downtown

Downtown Events



ALAMOGORDO MAINSTREET

Year Ahead



ALAMOGORDO
**MAINSTREET
MAKEOVER**
Enhancing the heart of our city

ALAMOGORDO MAINSTREET

Year Ahead



MAKEOVER FAQ

WHAT IS "MAINSTREET MAKEOVER"?

MainStreet Makeover is Alamogordo's version of the Great Blocks on MainStreet program through the State of NM Economic Development Department, our MainStreet Makeover project received funding in the total of \$1.9M through State Capital Outlay. The program's objective is to redo the Streetscape along the 900 and 900 blocks of New York Avenue. This means we will be getting new utilities, new ADA compliant sidewalks, greenery, new lighting, benches, and even artwork! The City of Alamogordo is pitching in \$900,000 to fund the utility upgrades.

WHAT IS A STREETSCAPE?

Streetscape refers to everything that makes up the scene on a street — the road, buildings, sidewalks, street trees, street lights, benches,

trash receptacles, adjoining open spaces, and public art. All these elements together create an inviting outdoor environment for your customers.

WHY IS THIS CONSTRUCTION HAPPENING NOW?

Needed infrastructure improvements in our district are past due. Water lines were previously upgraded in the 1960s. And existing sewer lines date back to the 1930s. Improvements will also result in ADA compliant sidewalks and rehabilitated drainage ways.

WHERE WILL THE CONSTRUCTION TAKE PLACE?

All construction upgrades will take place within the right of way starting:

- On the north side of the intersection at New York Ave. and 10th Street
- Extending south on New York Ave. to 8th Street
- And a portion of 9th Street between New York Ave. and White Sands Blvd.

HOW WILL MY BUSINESS BE IMPACTED?

During the sewer work, there will be no use of the alley. During road construction, traffic along New York Avenue will be closed, and we will lose all street parking until construction is complete. During sidewalk work, there will be a 24hr to 36hr blockage of front entrances with a 48hr notice beforehand.



WHAT IMPROVEMENTS WILL BE MADE TO THE STREET, SIDEWALKS, AND RIGHT OF WAY?

Once completed we will have:

- New main waterline
- New sewer drainage lines resulting in improved drainage on NY Avenue and 8th Street
- Accessible (ADA) curb ramps
- New street surface, decorative pavements, curbs, gutters, sidewalks, crosswalks, striping, & regulatory signage
- Trees & automatic irrigation system
- Benches & trash receptacles
- Wayfinding signage
- Light fixtures, electrical pole foundations, and associated electrical work
- Decorative monuments (e.g., Decorative Pylons — 5 total, Suspended loop structure at 9th St. and New York Ave.)

WHEN IS CONSTRUCTION EXPECTED TO BEGIN?

Phase 1 (Utility work): Late summer 2023

Phase 2 (Streetscape work): Early 2024 - weather permitting

HOW LONG WILL IT LAST?

Estimated completion is October to November 2024

WHO DO I CONTACT TO GET UPDATES?

Nolan Ojeda, AMS Executive Director - director@alamogordomainstreet.org - 575-295-8804
Bob Johnson, City Engineering Manager - bjohnson@ci.alamogordo.nm.us - 575-439-4235, X3

WHERE CAN I LOOK ONLINE TO GET UPDATES?

Alamogordo MainStreet's website: alamogordomainstreet.org
Sharon McDonald's website: commishsharon.com

SCAN for Updates!



HOW WILL THESE IMPROVEMENTS ACTUALLY IMPROVE THE DISTRICT?

- ADA compliant sidewalks
- Accessible sidewalk ramps for strollers and walkers
- Decreased flooding of New York Avenue and improved street drainage
- Safer conditions for drivers and pedestrians
- Increased economic activity and support for the businesses facing New York Avenue
- Better illumination of the district at night (that's "dark sky" compliant as well)
- Increased business investment

Year Ahead

HAFB Market Analysis

Demographics, Housing, Income/Expenditure, Education/Career, Community Engagement, Goods and Services, Transportation, Recreation and Leisure, Future Plans, etc.

Quarterly HAFB Spouse Events Downtown – Partnering with downtown businesses.

Year Ahead

Events for FY24:

Downtown Nites

Alamogordo Farmers Market

MainStreet Makeover Launch Event

Flickinger Center for Performing Arts – Heritage Day Festival

Trick or Treat on MainStreet

Shop Small Saturday

Christmas on MainStreet



ALAMOGORDO MAINSTREET

CHALLENGES

- Construction/Construction mitigation for MainStreet Makeover
- Vacant buildings
- AVIS Building





QUESTIONS? How else can we help or inform?

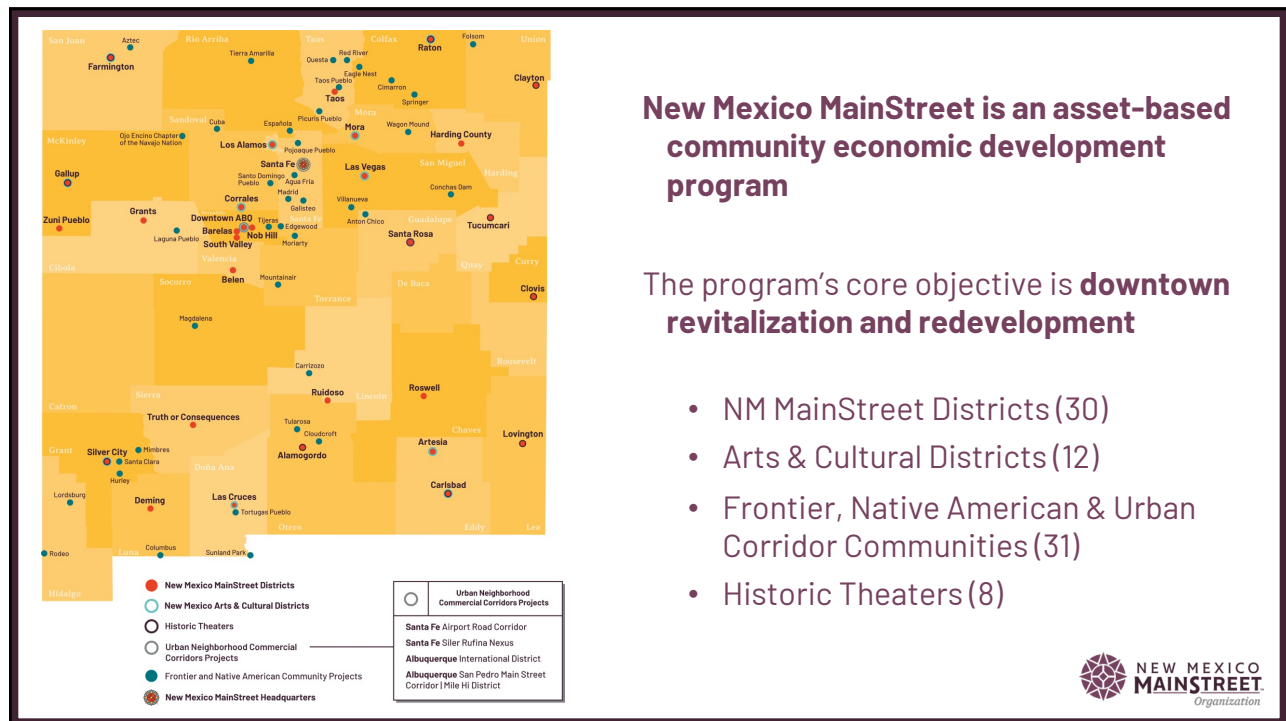


Overview - The MainStreet Approach

June, 2023



1



2

What Does It Mean to be a MainStreet Community?



Nob Hill MainStreet
(Albuquerque)

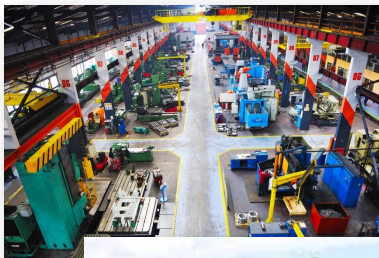
Your community...

1. City/Stakeholders jointly applied for, and officially designated, by the State Coordinating program.
2. Implements the MainStreet Four Point Approach **to advance economic development goals**
3. Meets, or is striving to meet annual accreditation standards



3

E-Based Economic Development



- “**Classic**”, large-scale economic development
- Manufacturing, construction, infrastructure and transportation
- Recruits external business (tech, auto), **focuses on export** of goods
- Leverages public resources for **infrastructure and incentives** (tax abatements, job training funds, etc.)



4

MainStreet Asset-Based Economic Development



- Focuses on “**bottom up**” community driven economic development projects
- Focuses on a community’s natural environmental, socio cultural, and economic **assets** and how these can be leveraged into sustained economic growth and productivity
- **Builds on existing local resources to strengthen local and regional economies**; expands the small business core of a community - retail, hospitality, entrepreneurship
- **Leverages local investments** (public and private) for economic projects.



5

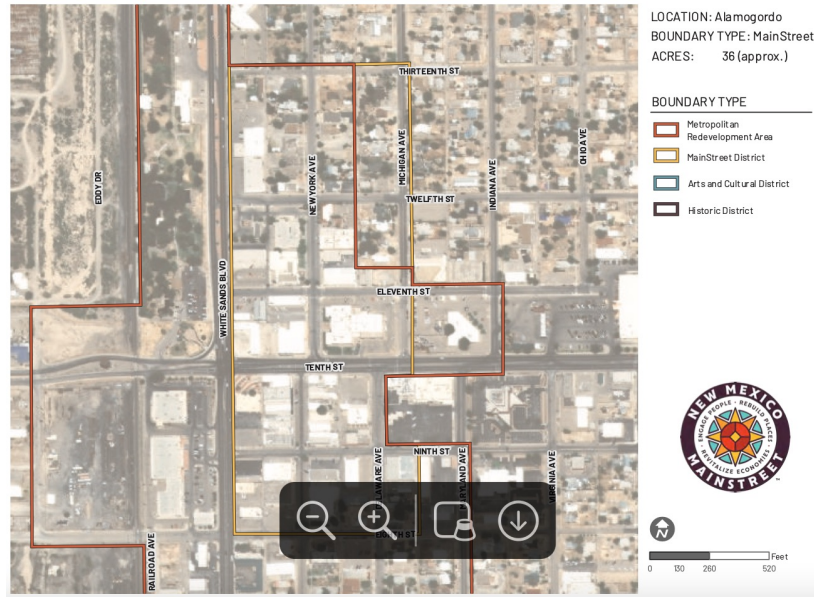
A BALANCED APPROACH

- Both E-Based and Asset-Based Economic Development is needed for a strong NM economy
- Asset-Based approaches are more critical in communities where E-based economic development is not feasible
- MainStreet is the primary example of asset-based (community) economic development.



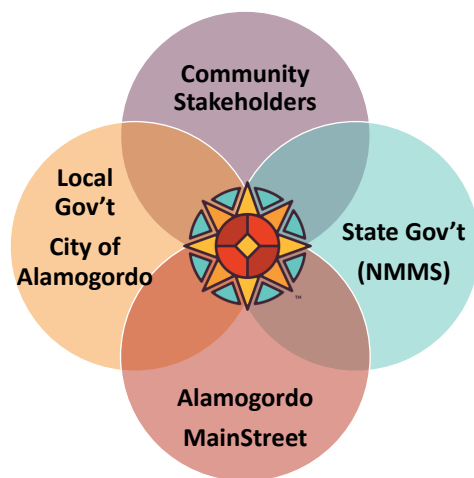
6

Must Be in a Defined District



7

The MainStreet Public-Private Partnership



City of Alamogordo

- Philosophical Commitment (MOU)
- Coordination/Planning
- Financial Support for Operations
 - Based on pop. - \$40,000 min.
- Fiscal Agent for Capital Outlay \$\$

New Mexico MainStreet

- Technical Assistance
- Capital Outlay \$\$
- Coordination, Reporting
- Compliance
- Coordinate w/State Agencies

Alamogordo MainStreet

- Implement ETS's/Projects
- Resource Development
- Planning, Statistical Reporting
- Coordination w/City, State
- Compliance



8

The Role of the Alamogordo MainStreet

1. Serves as a centralized **infrastructure** with dedicated staff to lead the revitalization process.
2. Structures **processes** that lead to common economic development goals
3. Assumes responsibility for shared **performance** on economic development **projects** via the Four Points
4. Maintains continuous **communication** with stakeholders
5. Constantly support participants and activities to build **incremental successes**.
6. Implements economic development **goals** and **strategies** and monitors economic development **outcomes**.

NEW MEXICO MAINSTREET | A Program of the New Mexico Economic Development Department



9

NMMS Resources/Supports

Technical Expertise

- Entrepreneur/Business Development
- Urban Planning/ Landscape Design
- Architectural Design
- Property Redevelopment
- Cultural / Creative Economy
- Organizational Development
- Non-Profit Management
- Branding, Marketing & Promotions
- Graphic Design
- Historic Preservation
- Professional Development, Training & Education

Financial Resources

- Capital Outlay/LEDA funds
- Other State/Federal Funds
- Tax Credits for Property Owners
- Business Development Incentives
- NM Resiliency Alliance Grants & Grants from other Partners
- Membership in the National Main Street Network
- Registration fee for the "Main Street Now" National Conference



10

The Main Street Four-Point Approach™



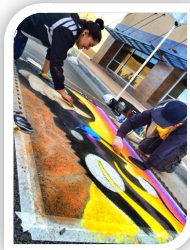
Build a diverse economic base | Catalyze smart new investment | Cultivate a strong entrepreneurship ecosystem

Create an inviting, inclusive atmosphere | Celebrate historic character | Foster accessible, people-centered public spaces



Build leadership and strong organizational capacity | Ensure broad community engagement | Forge partnerships across sectors

Market district's defining assets | Communicate unique features through storytelling | Support buy-local experience



11

PROMOTION

- Branding/Image Dev.
- Special Events
- Retail events
- Media/Public Relations



DESIGN

- Design Education
- Placemaking
- Façade Squads
- Wayfinding
- Curb Appeal
- Preservation
- Adaptive Reuse
- Urban Design
- Streetscapes
- Master Plans
- MRA's



ECONOMIC VITALITY

- Market Analysis
- Transformation Strategies
- Biz Retention
- Biz Recruitment
- Enterprise Facilitation
- Real Estate Development
- Financing Tools



12

The Organization Point - Two Key Components

Capacity

Knowledge, Skills and Abilities to:

- Operate Revitalization Corp.
- Establish Economic Dev. Plans
- Engage Stakeholders
- Build Partnerships
- Establish Teams
- Generate Resources
- Manage Volunteers
- Coordinate Projects
- Evaluate Performance and Outcomes

Resources

Generate and Utilize:

- Plans/Strategies
- Partners/Teams
- \$\$\$/Funds/Other Resources
- Volunteers (incl. Boards)
- Staff
- Community Assets
- Communications and PR



13

Formalizing The Public – Private Partnership



1. BIENNIAL MEMORANDUM OF UNDERSTANDING:

- City of Alamogordo, Alamogordo MainStreet, NM MainStreet (Economic Dev. Dept.)
- Philosophical **COMMITMENT TO PARTNER** in the Revitalization work

2. ANNUAL SCOPE OF SERVICES CONTRACT:

- City of Alamogordo, Alamogordo MainStreet
- Procurement Tool
- Core + Additional Services
- Aligned with Master/MRA Plans, Economic Transformation Strategies

3. RESOURCE DEVELOPMENT / PROJECT IMPLEMENTATION GOALS:

- Capital Outlay/Public Infrastructure projects
- Planning/Coordination and Implementation of Revitalization Projects



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Budget & Staffing Requirements

	Rural Community	Small Community	Mid-Size Community or Commercial Neighborhood	Large Community or Urban Program
Population	< 5,000	5,001 - 15,000	15,001 - 50,000	> 50,000
Min. Operating Budget for Main Street America Accredited Program	\$40,000	\$60,000		\$100,000+
Minimum Expected Contribution Local Gov't Partner	\$20,000	\$35,000	\$40,000	\$60,000
Main Street America Accredited Program Staffing Requirement	20 hrs/week	40 hrs/week		



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Biennial Memorandum of Understanding (MOU) July 1, 2022 – June 30, 2024

Between

New Mexico MainStreet Program,
The City of Alamogordo and Alamogordo MainStreet

II. REQUIREMENTS OF THE LOCAL MAINSTREET ORGANIZATION – ALAMOGORDO MAINSTREET

- A. Provide community economic growth revitalization services to the property and business owners and residents of the district through the Main Street Approach™, and in alignment with the guidelines of the MSA/NMSC.
- B. The organization and local government partner has a fully executed Memorandum of Understanding (MOU) with the Economic Development Department.
- C. The organization has a separate annual contract of services with the local government partner(s) (municipality, county, and/or tribal government) to implement community economic development initiatives within the designated MainStreet and/or Arts & Cultural District. The organization must supply NMMS with a copy of the executed agreement annually.
- D. Work with the local government partner(s) (municipal, county, or tribal government) to ensure that appropriate financial revitalization tools, created through state statute for economic development (inclusive of any statutory changes), are adopted by the local government partner for the MainStreet District. These tools may include the Local Economic Development Act (LEDA), a Metropolitan Redevelopment Area (MRA), District Master Plan, and/or Cultural Economic Development Plan, and related finance mechanisms, such as Tax Increment Finance District (TIF), a Tax Increment Development District (TIDD) and/or a Business Improvement District (BID).
- E. Maintain compliance with all annual nonprofit registration and reporting requirements of the New Mexico Secretary of State's Corporations Bureau, the New Mexico Attorney General's Office (Charitable Organizations Division) and Internal Revenue Service (IRS). The organization files all compliance and related documents to the NMMS Digital Dashboard.



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III. REQUIREMENTS OF THE LOCAL GOVERNMENT PARTNER – CITY OF ALAMOGORDO

The Main Street Approach™ offers community-based revitalization initiatives with a practical, adaptable framework for downtown transformation that is easily tailored to local conditions. The Main Street Approach helps communities get started with revitalization and grows with them over time but also requires a cooperative, working partnership of the public and private sectors to succeed.

With the execution of this MOU, the NMMS program requires each local MainStreet program to have in place a resolution of financial support adopted by the local government stating its support and funding commitment to the local MainStreet organization. A copy the annual scope of services agreement or service contract should be delivered to the NMMS office as a condition of receiving services or funding from NMMS. Failure to adopt such resolution of financial support, or to provide the required financial resources, may result in the suspension of the services provided by NMMS and designation of the local organization as "inactive."

- A. NMMS requires the local government partner to enter into an annual service contract (or similar procurement mechanism in accordance with local policies and standards) for such financial support based on the adopted District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan and the ETS, with the local MainStreet organization. Contracts should specify the commitment of resources in accordance with the *New Mexico MainStreet Program Guidelines* (minimum funding contributions by the local government partner are described in Attachment 1, Table 1) and shall include deliverables and/or services relevant to the revitalization of the downtown MainStreet District and/or Arts & Cultural District under the specifications of an adopted Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan for the District(s) and in alignment with the local MainStreet programs selected ETS's.
- B. Coordinate planning and implementation of revitalization projects through designated/appointed liaisons (local government Manager, Administrator, or Planning Director).
- C. Where applicable, adopt appropriate ordinances, tools (LEDA, etc.), plans (District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan) and include projects on local Infrastructure Capital Improvement Plans (ICIP) to support the district revitalization. The local government partner will dedicate economic development funding to priority economic development projects identified in adopted ordinances, tools, and plans, and agrees to administer state and federal funds with the MainStreet organization partner.
- D. Partner in public infrastructure reinvestment in the district by administering funds in a timely manner, coordinating projects, and managing capital outlay or other state or federal funds dedicated to revitalization projects.
- E. Assist the MainStreet and/or Arts & Cultural District organization, where applicable, with collection and dissemination of relevant information, plans and statistics that support the district economic revitalization or reporting to the New Mexico State Legislature through the NMMS program.



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IV. REQUIREMENTS OF THE NEW MEXICO MAINSTREET PROGRAM

NMMS, in consideration of financial resources established annually through the New Mexico State Legislature, will provide the following services to designated MainStreet communities (inclusive of the local government partner, local MainStreet organization, and businesses/property owners within the MainStreet district):

- A. Through its staff or contractors, provide technical assistance relevant to the *Main Street Approach*™ and other commercial district economic growth, revitalization, and management topics. Each local organization may request services from NMMS, through submission of a Service Request Form to the NMMS Director.
- B. Provide trainings, institutes, workshops, and conferences to support the community revitalization work of organizations and local government partners, and the professional development of local MainStreet Executive Directors and Board Members, including Executive Director State-Certification.
- C. Conduct an annual Accreditation Review of the local MainStreet organization, a comprehensive assessment of the program's accomplishments under the Main Street Approach™ with recommendations required of the organization as a State-Designated Revitalization Partner.
- D. Seek, manage and coordinate public resources (capital outlay, public infrastructure or other state/federal funds) and partnership grants for the implementation of local revitalization projects.
- E. Supplies Main Street America network membership dues and discounted registration fees for trainings, institutes, workshops, and conferences, as funding is available.

V. SUBLICENSES

Designated Main Street America Affiliate and Accredited Programs must sign an annual sublicensing agreement established by Main Street America and implemented through the NMMS State Coordinating Program. The sublicensing agreements establish guidelines for participation and use of Main Street America Logos and Branding.

VI. MAIN STREET AMERICA ACCREDITATION

Consideration for Accreditation by Main Street America (MSA) applies only to organizations that implement their Economic Transformation Strategies, track and fulfill performance measures, and meet the Standards of Performance established by MSA (Attachment 1, Section IV, C).



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Scope of Services Contract

ALAMOGORDO MAINSTREET
PROFESSIONAL CONTRACT AGREEMENT
with the
CITY OF ALAMOGORDO, NEW MEXICO

This professional contract proposal ("this Agreement") is effective July 1, 2023, between the City of Alamogordo, New Mexico, a local government corporation (the "City") whose notice address is 1376 East Ninth Street Alamogordo, New Mexico 88310, and the Alamogordo MainStreet corporation (the "Contractor") whose notice address is 900 North New York Avenue Alamogordo, New Mexico 88310, (collectively, the "Parties").

Alamogordo MainStreet - Mission and Purpose: Dedication to the preservation, enhancement, beautification, and economic development of the historic downtown district of Alamogordo, New Mexico with respect to local culture and heritage through education, beautification, promotion of community and civic pride, and combating the underlying reasons for the physical and economic deterioration of the district.

In fulfillment of the purpose, Alamogordo MainStreet shall seek to establish private-public partnerships with local and state government, individuals, or corporations with similar intent to enhance infrastructure and revitalization efforts through out the Alamogordo MainStreet district.

I. Scope of Services: Activities Reflecting City Funds

A. Core Services

As part of the year-to-year, recurring Core Services in fulfillment of the roles, responsibilities and expectations identified in the Biannual Memorandum of Understanding (MOU) executed between the Contractor (Alamogordo MainStreet), the City of Alamogordo and the New Mexico MainStreet program (NMMS), the Contractor shall provide unified management and coordination for the revitalization and economic development activities in the historic business district of Alamogordo in accordance with the



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Economic Transformation Strategies



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Approach to Clarifying ETS's



- 1. UNDERSTANDING CONDITIONS ON THE GROUND (INPUTS):**
 - Community Vision: What do people want? (Master, MRA and/or Cultural Plans)
 - Market Research: What can the market support?
- 2. ESTABLISH ECONOMIC TRANSFORMATION STRATEGIES**
 - Provide a clear sense of priorities and direction for the revitalization efforts
 - Implementation of strategies carried out through work that aligns with the Four Points
 - Work can be implemented through traditional committee structure (if that's working – keep doing it!), or through ad-hoc work groups, individuals, community partnerships, etc.
- 3. FOCUS ON IMPACT AND MEASUREMENTS (OUTPUTS):**
 - Qualitative Outcomes
 - Quantitative Outcomes



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Catalyst Strategy Customer-Based

- College Town
- Elder Friendly
- Family-Friendly
- Boomers, Millenials, GenX'ers
- Military Personnel



22

Catalyst Strategy Product-Based



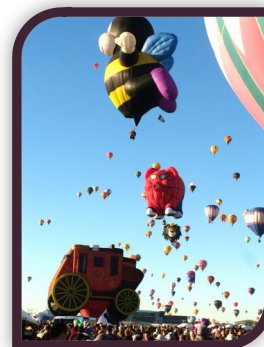
- Apparel
- Arts
- Agriculture/Local Foods
- Convenience Goods/Services
- Culinary/Restaurant District
- Entertainment/Night Life
- Ethnic Specialties
- Ethnic Specialties
- Green Products
- Health + Wellness
- Home Furnishings
- Light Manufacturing
- Professional Services
- Sports, Recreation, Outdoors



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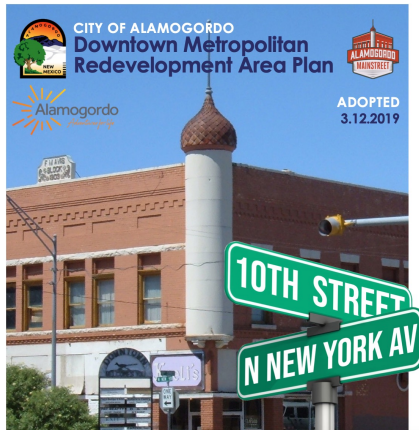
Customized Strategies

- Arts/Creative Economy
- District Workers/Residents
- Knowledge Economy
- Manufacturing (Light)
- Tourism



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ETS's Should Follow City-Adopted Plans



CITY OF ALAMOGORDO DOWNTOWN MRA PLAN

Downtown Alamogordo areas. Create context-sensitive development standards that address parking, setbacks, building height and massing, relationship to the street, building entries, floor area ratios, and landscaping appropriate for these areas.

Land Use Strategy 1.4: Identify excess City-owned properties that would be available for sale or lease for redevelopment projects or donation for development of affordable housing projects.

Land Use Strategy 4.3: Establish a facade improvement program for Downtown Alamogordo in conjunction with Alamogordo MainStreet and with assistance from New Mexico MainStreet.

Land Use Strategy 4.7: Develop a program for placing liens on nuisance properties that can then be land banked for future development of economic development and/or affordable housing projects.

Land Use Strategy 4.8: Sponsor community organizations and volunteers to participate in clean-up activities.

Land Use Goal 5: Preserve Alamogordo's heritage and registered historic properties.

Objective 5.1: To foster a greater understanding and appreciation of Alamogordo's heritage.

Objective 5.2: To expand access to historic preservation grant funding and technical assistance, and educate property owners on historic preservation tax programs.

designed to promote the benefits of being a registered historic property.

Land Use Strategy 5.3: Promote the use of the New Mexico State Income Tax Credit for Registered Cultural Properties, Federal Tax Credit for National Registered Historic Places, and the Historic Preservation Loan Fund to encourage the rehabilitation of historic buildings.

Land Use Strategy 5.4: Develop an on-going walking tour of Historic Alamogordo in coordination with Alamogordo MainStreet, Tularosa Basin Museum of History, and the Chamber of Commerce.

ECONOMIC DEVELOPMENT

Economic Development Strategy 1.5: Participate with the local business community and economic development agencies, including the Otero County Economic Development Council, Alamogordo Chamber of Commerce, Alamogordo MainStreet, and New Mexico Economic Development Department, on local and regional economic development initiatives.

Economic Development Goal 3: Support small business development, retention, and expansion.

Objective 3.1: To support business and employment opportunities for local residents.

Objective 3.2: To maintain and enhance Alamogordo's small, home grown businesses.

Objective 3.3: To encourage the redevelopment and adaptive reuse of vacant and/or

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Accreditation Performance Standards

STANDARD I: BROAD-BASED COMMUNITY COMMITMENT TO REVITALIZATION

STANDARD II: INCLUSIVE LEADERSHIP AND ORGANIZATIONAL CAPACITY

STANDARD III: DIVERSIFIED FUNDING AND SUSTAINABLE PROGRAM OPERATIONS

STANDARD IV: STRATEGY-DRIVEN PROGRAMMING

STANDARD V: PRESERVATION-BASED ECONOMIC DEVELOPMENT

STANDARD VI: DEMONSTRATED IMPACT AND RESULTS

33 Indicators
164 Elements



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AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 05/25/2023

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the May 23, 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
May 23, 2023**

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

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING 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 Pastor Mark Jones and the Pledge of Allegiance was led by Commissioner Josh Rardin.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Gary Linde signed up to speak under Item 9.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks:

1. The burned sections of the Holiday Inn are cleaned up. We are getting cost estimates for the rest of the building to see how much it will cost to take down.
2. Progress was made for the Scenic Extension. Internal reviews at PNM are complete, and we should hopefully get a cost estimate and design from them by the end of the month; once we get that, we can start the bidding process.
4. The Street Maintenance Program is out with Public Works Director Beshaler. We expect to have it back sometime in June, hopefully, before the June 27th meeting, so we can present it to the Commission, if wanted. If you don't want a presentation, we can send the information via email. During the presentation, understand it won't be finalized because we need to get the survey back for utilities. The Ridgecrest Street Maintenance Program commences June 5th and should go on for ninety days. Regarding Desert Lake Road Construction, Smith Engineering was contracted for the design, and it was completed and approved in February 2023. The final construction estimate went to Finance on March 1st and is about \$1,100,000 right now.

Commissioner Rardin asked if staff would bring a plan forward in June regarding street maintenance. Acting City Manager Hernandez said yes, it would include streets and years. It is currently back and forth between Public Works and the consultants, so it is estimated that we will have it in June. Commissioner Rardin said a couple of intersections in Alamogordo have gotten bad, especially the one at 10th and Florida. He asked if we could get those in or as a separate deal. We can talk about that later when it comes forward. Acting City Manager Hernandez said yes but understand that we must also ensure the infrastructure survey is complete. We don't know what the infrastructure underneath looks like.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner McDonald made the following comments:

She gave a shout to Joan Griggs and those working for the Desert Light Film Festival. After twenty years, this was their last year. She said she attended the Festival and we have some talented young people in our state. It was enlightening and gave us insight into what the kids were thinking.

She was invited to the Lion King children's musical, which was a good program.

We will do an Annual Cleanup in District Five on July 15th, from 7 a.m. to noon, to help the elderly, disabled, and military. Residents will need a waiver form to have us come onto the property. We will need volunteers. There will be a dumpster on 5th and Florida, so you can bring big items you want to get rid of. We are already getting calls from people to get their yards cleaned.

We aim to have the Dudley School Celebration during Labor Day weekend in September.

Mayor Payne made the following comments:

She thanked Acting City Manager Hernandez for cleaning up the Holiday Inn and for progress on the Scenic Extension.

She attended the Chaparral Middle School's Promotion Ceremony, and said this Friday is the Alamogordo High School Graduation. This class started during the difficult 2019-2020 school year. It is exciting to see them graduate.

She will attend an Airman Leadership School Graduation on Wednesday night at Holloman Airforce Base. Next week she will attend the Honorary Commander Ceremony at Holloman Airforce Base.

She has been in conversations about more apartments and housing because Alamogordo does not have enough rentals. It looks like that may go through. She has been trying to get out there and make things happen.

She gave a shoutout to the Community Services Department for the Sounds of Freedom event; it was a lot of fun and had a very good attendance. Acting City Manager Hernandez said around 2,500 people showed up for that, and she gave a shoutout to Finance, Public Works, Fire Department, and the Police Department for helping.

Commissioner Paul made the following comments:

He thanked Acting City Manager Hernandez for getting the Street crews out early to clean up debris on Scenic caused by heavy rain. A few citizens also did heavy labor to help get all that stuff cleaned up.

CONSENT AGENDA

- 1. Approve the minutes for the May 9, 2023, Regular Commission meeting. (Rachel Hughs, City Clerk)**
- 2. Approve the statements related to the Executive Closed Session held on May 9, 2023. (Rachel Hughs, City Clerk)**
- 3. Consider, and act upon, Resolution 2023-17 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 May 23, 2023. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

4. Consider, and act upon, the Investment Report for the quarter ending March 31, 2023 in accordance with the City of Alamogordo Investment Ordinance. (Sue Ashe, Accounting Manager)

5. Consider, and act upon, Resolution No. 2023-18 removing uncollectible and unsecured Utility, Library, and other miscellaneous accounts from the City's Accounts Receivable. (Sue Ashe, Accounting Manager) (Roll Call Vote Required)

6. Consider, and act upon, the award of RFQ 2023-01 On-Call Engineering Services to multiple vendors. (Bob Johnson, Engineering Manager)

7. Consider, and act upon, acceptance of a \$60,000 grant award to Alamogordo Animal Control from the Carroll Petrie Foundation. (Debbie Osborne, Grant Coordinator)

Commissioner McDonald moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

8. Consider, and act upon, Resolution No. 2023-16 requesting interim approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico, to adopt the Preliminary 2023-2024 Budget as of May 23, 2023. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Finance Director Huff said this is the official resolution for the Preliminary Budget presented during the Budget Hearings on May 1st. We did not change anything presented except for adding \$3,100,000 in received Legislature Awards to the Fund 24 budget. We wanted that in there for the preliminary upload. We are requesting approval of that Preliminary Budget. We will bring it back for Final Budget approval at the last meeting of July.

Commissioner Burnett moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

9. Consider, and act upon, Ordinance 1677, Z-2023-0004(A) for first publication, a map amendment to change the current zoning of the property located at 1200 Ohio Avenue from R-4 Multi-Family Dwelling District to R-3 Two Family Dwelling District. (Sean McGranaghan, Assistant City Planner) (Roll Call Vote Required)

Gary Linde said he is the owner of 1200 Ohio. He thanked the Commission for denying the other rezoning request at Ohio Avenue two weeks ago. He requested the Commission's approval for his zoning case tonight.

Assistant City Planner McGranaghan gave his presentation. He said a legal ad was placed in the Alamogordo Daily News. Twenty-four letters were sent to property owners within two hundred feet,

and two were returned undeliverable. There were no phone calls or letters of opposition, but we did receive three letters of support for rezoning. We recommend approval.

Commissioner Rardin moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

10. Consider and act upon Resolution 2023-19 requesting the approval of a six-month moratorium on new off-premise billboards for the City of Alamogordo. (Sean McGranaghan, Assistant City Planner) (Roll Call Vote Required)

Assistant City Planner McGranaghan said we previously had a resolution like this in 2018. Off-premise billboards are advertising signs not located on a business's site.

Commissioner Melton asked how many billboards were not approved in 2018 because of the previous resolution. Assistant City Planner McGranaghan said he was unsure, but they have not received any during his time in the Planning and Zoning Department. Commissioner Melton said it wasn't very impactful. Assistant City Planner McGranaghan said not that he knew of. Commissioner Rardin said that the last two billboards built in Alamogordo were right before the 2018 moratorium; one is by Bluestone, and the other is by Ralph's. They are the tall ones with two on each side. Assistant City Planner McGranaghan said they are looking into taking the Advertising section of the ordinances and adding them to the Zoning section, so it is all in the same chapter. Assistant City Manager Hernandez said they planned to review the Planning and Zoning ordinances in July. That way, they could look at this and have technical standards for billboards.

Mayor Pro-Tem Wright moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

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

ADJOURNMENT

Commissioner McDonald moved to adjourn at 6:56 p.m.

Commissioner Burnett seconded the motion.

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

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on June 13, 2023.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 05/24/2023

Report No: 4.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Resolution 2023-22, giving notice to the Otero County Clerk of the local government positions to be filled at the next Regular Local Election on November 7, 2023. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution.

Background:

Election Code 1-22-4. Regular local election; proclamation; publication.

A. Between one hundred twenty and one hundred fifty days before the next regular local election, each local government shall notify the county clerk of the county in which the primary administrative office of the local government is situate of all local government positions that are to be filled at the next regular local election

Positions to be filled:

1. ONE District One (1) Commissioner for a four-year term.
2. ONE District Three (3) Commissioner for a four-year term.
3. ONE District Five (5) Commissioner for a four-year term.
4. ONE District Six (6) Commissioner for a four-year term.

RESOLUTION NO. 2023-22

RESOLUTION GIVING NOTICE TO THE OTERO COUNTY CLERK OF THE LOCAL GOVERNMENT POSITIONS TO BE FILLED FOR THE CITY OF ALAMOGORDO AT THE NEXT REGULAR LOCAL ELECTION ON NOVEMBER 7, 2023

WHEREAS, the Governing Body of the City of Alamogordo, New Mexico opted into the Local Election Act, Article 1, Section 1-22-3.1 of the NMSA 1978; and

WHEREAS, the Governing Body of the City of Alamogordo wishes to convey the correct and complete election information to the Otero County Clerk as required by 1-22-4(A); Between one hundred twenty and one hundred fifty days before the next regular local election, each local government shall notify the County Clerk of all local government positions to be filled at the next regular local election.

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

- A. At the next Regular Local Election on November 7, 2023, persons shall be elected to fill the following municipal elective offices:
 - 1. **ONE District One (1) Commissioner for a four-year term.**
 - 2. **ONE District Three (3) Commissioner for a four-year term.**
 - 3. **ONE District Five (5) Commissioner for a four-year term.**
 - 4. **ONE District Six (6) Commissioner for a four-year term.**
- B. All Declarations of Candidacy shall be filed in the Office of the Otero County Clerk on August 29, 2023, between the hours of 9:00 a.m. and 5:00 p.m.
- C. All Declarations of Candidacy for write-in candidates shall be filed in the Office of the County Clerk on September 5, 2023, between the hours of 9:00 a.m. and 5:00 p.m.

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:

Ashely Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/07/2023

Report No: 5.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-24 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 June 13, 2023. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

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

Revenues \$ 0 Increase

Expenditures \$ 303,600 Increase

Transfers In \$ 0 Increase

Transfers Out \$ 0 Increase

Recommendation: Approve the Resolution Request

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

RESOLUTION NO. 2023-24

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2022-2023 be and hereby is revised as of June 13, 2023, to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2022-2023 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on June 13, 2023, as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2022-2023.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 13th. day of June 2023.

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

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughes, City Clerk

APPROVED AS TO FORM:

Ashley N. Smith, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2022-2023**

1/12TH REQ RSRV
1,755,846
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
5,524,605

FY23 BUDGET - RESOLUTION 2023-24 (#12) JUNE 13, 2023

FUND NO.	FY 2022-2023 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	17,559,597	23,105,697	1,046,208	12,892,155	(11,845,947)	21,070,151	7,749,196	2,224,591	5,524,605
12	INTERNAL SERVICE FUND	24,496	316,531	5,704,663	0	5,704,663	6,040,005	5,685		\$5,685
15	CORRECTIONS-JAIL	68,129	57,435	0	0	0	81,000	44,564		\$44,564
16	LODGER'S TAX-PROMOTIONAL FUND	555,375	222,325	0	1,753	(1,753)	626,702	149,245		\$149,245
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		\$8,638
19	COURT AUTOMATION FUND	2,637	47,000	0	0	0	42,833	6,804		\$6,804
20	LODGER'S TAX-CITY	599,081	417,815	0	69,520	(69,520)	620,350	327,026		\$327,026
21	D.A.R.E. DONATIONS FUND	23,702	1,142	0	0	0	9,846	14,998		\$14,998
24	GRANT CAPITAL IMPROVEMENT	0	3,798,882	49,500	0	49,500	3,554,950	293,432		\$293,432
27	MUNICIPAL COURT OPERATIONS	1,704	13,000	470,856	0	470,856	480,560	5,000		\$5,000
28	POLICE CONTINGENCY	61,916	2,471	0	0	0	10,000	54,387		\$54,387
31	CEMETERY-PERPETUAL CARE	836,995	18,996	0	40,000	(40,000)	0	815,991		\$815,991
32	COMMUNITY SERVICES	13,452	565,255	6,927,930	0	6,927,930	7,495,318	11,319		\$11,319
33	FIRE PROTECTION	907,446	765,788	0	0	0	1,582,671	90,563		\$90,563
35	HIDTA GRANT FUND	0	16,048	0	0	0	16,048	0		\$0
36	LAW ENFORCEMENT FUND	11,664	82,000	0	0	0	93,664	0		\$0
37	STATE HIGHWAY FUND	101,774	52,583	0	0	0	63,090	91,267		\$91,267
38	TRAFFIC SAFETY FUND	59,666	10,422	0	0	0	10,000	60,088		\$60,088
39	STATE JUDICIAL	2,352	42,000	0	0	0	42,000	2,352		\$2,352
42	1984 GROSS RECEIPTS TAX	3,775,451	2,249,750	0	3,722,863	(3,722,863)	39,720	2,262,618	252,119	\$2,010,499
44	TRANSPORTATION FUND	5,822	1,214,867	4,700,457	264,025	4,436,432	5,635,630	21,491		\$21,491
48	NEW MEXICO C.D.B.G.	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		\$124,173
49	1986 GROSS RECEIPTS TAX	4,708,800	2,268,687	0	1,945,315	(1,945,315)	1,439,989	3,592,183	268,391	\$3,323,792
50	PROPERTY ACQUISITION	85,009	0	0	0	0	0	85,009		\$85,009
53	GENERAL OBLIGATION	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	\$369,095
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	16,239	0	16,239	16,239	21,967		\$21,967
56	99 GRT FLOOD CONTROL BOND PROJ	109	0	586,702	0	586,702	366,875	219,936		\$219,936
59	REVENUE BOND P & I FUND	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		\$159,067
61	MUNICIPAL INFRASTRUCTURE .0625%	1,311,953	564,476	0	293,000	(293,000)	9,930	1,573,499		\$1,573,499
63	COMMUNITY DEVELOPMENT	0	0	489,892	28,910	460,982	458,651	2,331		\$2,331
69	1994 GROSS RECEIPTS	3,345,432	2,257,690	0	3,073,033	(3,073,033)	39,720	2,490,369	553,051	\$1,937,318
71	ALAMO SENIOR CENTER	430	918,260	926,366	0	926,366	1,831,448	13,608		\$13,608
74	ALAMO SENIOR CENTER GIFT	138,296	13,282	0	0	0	36,045	115,533		\$115,533
75	SENIOR VOLUNTEER PROGRAM	7,313	117,504	10,000	0	10,000	126,000	8,817		\$8,817
81	WATER/SEWER OPERATING	15,099,374	13,790,060	2,142,063	2,389,294	(247,231)	18,182,944	10,459,259	1,463,850	\$8,995,409
82	98 JT WATER/SEWER BOND P&I	1,119,487	13,473	1,846,380	0	1,846,380	1,846,378	1,132,962		\$1,132,962
86	SOLID WASTE COLLECTION SYS.	771,643	2,454,909	0	152,769	(152,769)	2,367,940	705,843	178,583	\$527,260
88	BONITO CAMPGROUND	398,101	3,003	150,000	0	150,000	152,000	399,104		\$399,104
89	ESGRT .0625%	2,282,812	577,920	0	764,146	(764,146)	1,191,288	905,298		\$905,298

**ALL FUNDS SUMMARY
BUDGET 2022-2023**

1/12TH REQ RSRV
1,755,846
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining

5,524,605

FY23 BUDGET - RESOLUTION 2023-24 (#12) JUNE 13, 2023

FUND NO.	FY 2022-2023 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239		\$7,239
91	AIRPORT	42,900	4,155,713	543,488	33,052	510,436	4,690,311	18,738		\$18,738
94	OTERO GREENTREE REG LANDFILL	3,655,124	1,263,067	0	4,276	(4,276)	3,118,914	1,795,001		\$1,795,001
96	SELF-INSURED FUND	547,004	84,177	0	276,600	(276,600)	72,373	282,208		\$282,208
98	PAYROLL CLEARING	216,796	0	0	0	0	0	216,796		\$216,796
104	UTILITY DEPOSITS	624,156	0	0	0	0	0	624,156		\$624,156
105	ECONOMIC DEVELOPMENT	5,577,210	1,176,539	0	0	0	207,965	6,545,784		\$6,545,784
107	SELF INSURED/LIABILITY	1,134,195	5,842	0	0	0	535,000	605,037		\$605,037
109	2004 GRT CAPITAL OUTLAY	14,557,615	4,603,695	0	4,091,083	(4,091,083)	3,750,709	11,319,518	534,452	\$10,785,066
114	SIDEWALKS REVOLVING LOANS	144,232	1,249	0	0	0	0	145,481		\$145,481
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		\$1,000
119	2012 GRT REF/IMP REVBD	392,207	2,686	0	0	0	394,893	0		\$0
121	2015 GO BONDS-FUN CENTER	90,836	785	0	0	0	0	91,621		\$91,621
122	2015 GO BONDS-STREETS	176,014	1,825	0	0	0	0	177,839		\$177,839
124	AMERICAN RESCUE PLAN ACT	3,897,893	3,952,892	0	0	0	7,850,785	0		\$0
125	CANNABIS GRT	0	204,000	102,100	0	102,100	306,100	0		\$0
901	HOUSING LOW RENT OPERATING	1,211,402	1,011,844	0	0	0	1,449,375	773,871	86,881	\$686,990
903	HOUSING HOMEOWNERSHIP OPER	704,785	990	0	0	0	17,859	687,916		\$687,916
904	HOUSING CAPITAL FUND PROJECTS	8	1,283,943	0	0	0	1,283,943	8		\$8
TOTALS FY2023		88,163,935	76,854,878	30,041,794	30,041,794	0	106,776,856	58,241,956	6,118,947	52,123,009

ALL FUNDS SUMMARY

BUDGET 2022-2023

1/12TH REQ RSRV
1,755,846
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
5,524,605

FY23 BUDGET - RESOLUTION 2023-24 (#12) JUNE 13, 2023

FUND NO.	FY 2022-2023 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	17,559,597	23,105,697	1,046,208	12,892,155	(11,845,947)	21,070,151	7,749,196	2,224,591	5,524,605
	Total Revised Fund 11	17,559,597	23,105,697	1,046,208	12,892,155	(11,845,947)	21,070,151	7,749,196	2,224,591	5,524,605
12	INTERNAL SERVICE FUND	24,496	316,531	5,704,663	0	5,704,663	6,040,005	5,685		5,685
	Total Revised Fund 12	24,496	316,531	5,704,663	0	5,704,663	6,040,005	5,685		5,685
15	CORRECTIONS-JAIL	68,129	57,435	0	0	0	81,000	44,564		44,564
	Total Revised Fund 15	68,129	57,435	0	0	0	81,000	44,564		44,564
16	LODGER'S TAX-PROMOTIONAL FUND	555,375	222,325	0	1,753	(1,753)	626,702	149,245		149,245
	Total Revised Fund 16	555,375	222,325	0	1,753	(1,753)	626,702	149,245		149,245
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		8,638
	Total Revised Fund 17	8,638	0	0	0	0	0	8,638		8,638
19	COURT AUTOMATION FUND	2,637	47,000	0	0	0	42,833	6,804		6,804
	Total Revised Fund 19	2,637	47,000	0	0	0	42,833	6,804		6,804
20	LODGER'S TAX-CITY	599,081	417,815	0	69,520	(69,520)	620,350	327,026		327,026
	Total Revised Fund 20	599,081	417,815	0	69,520	(69,520)	620,350	327,026		327,026
21	D.A.R.E. DONATIONS FUND	23,702	1,142	0	0	0	9,846	14,998		14,998
	Total Revised Fund 21	23,702	1,142	0	0	0	9,846	14,998		14,998
24	GRANT CAPITAL IMPROVEMENT	0	3,798,882	49,500	0	49,500	3,554,950	293,432		293,432
	Total Revised Fund 24	0	3,798,882	49,500	0	49,500	3,554,950	293,432		293,432
27	MUNICIPAL COURT OPERATIONS	1,704	13,000	470,856	0	470,856	480,560	5,000		5,000
	Total Revised Fund 27	1,704	13,000	470,856	0	470,856	480,560	5,000		5,000
28	POLICE CONTINGENCY	61,916	2,471	0	0	0	10,000	54,387		54,387
	Total Revised Fund 28	61,916	2,471	0	0	0	10,000	54,387		54,387
31	CEMETERY-PERPETUAL CARE	836,995	18,996	0	40,000	(40,000)	0	815,991		815,991
	Total Revised Fund 31	836,995	18,996	0	40,000	(40,000)	0	815,991		815,991
32	COMMUNITY SERVICES	13,452	565,255	6,927,930	0	6,927,930	7,495,318	11,319		11,319
	Total Revised Fund 32	13,452	565,255	6,927,930	0	6,927,930	7,495,318	11,319		11,319
33	FIRE PROTECTION	907,446	765,788	0	0	0	1,582,671	90,563		90,563
	Total Revised Fund 33	907,446	765,788	0	0	0	1,582,671	90,563	0	90,563
35	HIDTA GRANT FUND	0	16,048	0	0	0	16,048	0		0
	Total Revised Fund 35	0	16,048	0	0	0	16,048	0		0

36	LAW ENFORCEMENT FUND	11,664	82,000			0	93,664	0		0
	Total Revised Fund 36	11,664	82,000	0	0	0	93,664	0		0
37	STATE HIGHWAY FUND	101,774	52,583			0	63,090	91,267		91,267
	Total Revised Fund 37	101,774	52,583	0	0	0	63,090	91,267		91,267
38	TRAFFIC SAFETY FUND	59,666	10,422			0	10,000	60,088		60,088
	Total Revised Fund 38	59,666	10,422	0	0	0	10,000	60,088		60,088
39	STATE JUDICIAL	2,352	42,000			0	42,000	2,352		2,352
	Total Revised Fund 39	2,352	42,000	0	0	0	42,000	2,352		2,352
42	1984 GROSS RECEIPTS TAX	3,775,451	2,249,750		3,722,863	(3,722,863)	39,720	2,262,618	252,119	2,010,499
	Total Revised Fund 42	3,775,451	2,249,750	0	3,722,863	(3,722,863)	39,720	2,262,618	252,119	2,010,499
44	TRANSPORTATION FUND	5,822	1,214,867	4,700,457	264,025	4,436,432	5,635,630	21,491		21,491
	Total Revised Fund 44	5,822	1,214,867	4,700,457	264,025	4,436,432	5,635,630	21,491		21,491
48	NEW MEXICO C.D.B.G.	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		124,173
	Total Revised Fund 48	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		124,173
49	1986 GROSS RECEIPTS TAX	4,708,800	2,268,687		1,945,315	(1,945,315)	1,439,989	3,592,183	268,391	3,323,792
	Total Revised Fund 49	4,708,800	2,268,687	0	1,945,315	(1,945,315)	1,439,989	3,592,183	268,391	3,323,792
50	PROPERTY ACQUISITION	85,009	0			0	0	85,009		85,009
	Total Revised Fund 50	85,009	0	0	0	0	0	85,009		85,009
53	GENERAL OBLIGATION	930,035	1,140,284			0	1,144,195	926,124	557,029	369,095
	Total Revised Fund 53	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	369,095
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	16,239		16,239	16,239	21,967		21,967
	Total Revised Fund 54	21,967	0	16,239	0	16,239	16,239	21,967		21,967
56	99 GRT FLOOD CONTROL BOND PROJ	109	0	586,702	0	586,702	366,875	219,936		219,936
	Total Revised Fund 56	109	0	586,702	0	586,702	366,875	219,936		219,936
59	REVENUE BOND P & I FUND	162,267	300	2,406,935		2,406,935	2,410,435	159,067		159,067
	Total Revised Fund 59	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		159,067
61	MUNICIPAL INFRASTRUCTURE .0625%	1,311,953	564,476		293,000	(293,000)	9,930	1,573,499		1,573,499
	Total Revised Fund 61	1,311,953	564,476	0	293,000	(293,000)	9,930	1,573,499		1,573,499
63	COMMUNITY DEVELOPMENT	0	0	489,892	28,910	460,982	458,651	2,331		2,331
	Total Revised Fund 63	0	0	489,892	28,910	460,982	458,651	2,331		2,331
69	1994 GROSS RECEIPTS	3,345,432	2,257,690		3,073,033	(3,073,033)	39,720	2,490,369	553,051	1,937,318
	Total Revised Fund 69	3,345,432	2,257,690	0	3,073,033	(3,073,033)	39,720	2,490,369	553,051	1,937,318
71	ALAMO SENIOR CENTER	430	918,260	926,366	0	926,366	1,831,448	13,608		13,608
	Total Revised Fund 71	430	918,260	926,366	0	926,366	1,831,448	13,608		13,608
74	ALAMO SENIOR CENTER GIFT	138,296	13,282			0	36,045	115,533		115,533
	Total Revised Fund 74	138,296	13,282	0	0	0	36,045	115,533		115,533
75	SENIOR VOLUNTEER PROGRAM	7,313	117,504	10,000	0	10,000	126,000	8,817		8,817
	Total Revised Fund 75	7,313	117,504	10,000	0	10,000	126,000	8,817		8,817
81	WATER/SEWER OPERATING	15,099,374	13,790,060	2,142,063	2,389,294	(247,231)	17,946,344	10,695,859	1,463,850	9,232,009
	Revision #1-WWTP Belt Press Repairs					0	75,000	(75,000)		(75,000)
	Revision #2-WWTP Discharge Permits Specifications					0	160,000	(160,000)		(160,000)
	Revision #3-Lien/Forclosure Filings Utility Billing					0	1,600	(1,600)		(1,600)
	Total Revised Fund 81	15,099,374	13,790,060	2,142,063	2,389,294	(247,231)	18,182,944	10,459,259	1,463,850	8,995,409
82	98 JT WATER/SEWER BOND P&I	1,119,487	13,473	1,846,380		1,846,380	1,846,378	1,132,962	0	1,132,962
	Total Revised Fund 82	1,119,487	13,473	1,846,380	0	1,846,380	1,846,378	1,132,962	0	1,132,962
86	SOLID WASTE COLLECTION SYS.	771,643	2,454,909		152,769	(152,769)	2,300,940	772,843	178,583	594,260
	Revision #4-Solid Waste Contract/Tipping Fees					0	67,000	(67,000)		(67,000)
	Total Revised Fund 86	771,643	2,454,909	0	152,769	(152,769)	2,367,940	705,843	178,583	527,260
88	BONITO CAMPGROUND	398,101	3,003	150,000		150,000	152,000	399,104		399,104
	Total Revised Fund 88	398,101	3,003	150,000	0	150,000	152,000	399,104	0	399,104

89	ESGRT .0625%	2,282,812	577,920		764,146	(764,146)	1,191,288	905,298		905,298
	Total Revised Fund 89	2,282,812	577,920	0	764,146	(764,146)	1,191,288	905,298	0	905,298
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239		7,239
	Total Revised Fund 90	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239	0	7,239
91	AIRPORT	42,900	4,155,713	543,488	33,052	510,436	4,690,311	18,738	0	18,738
	Total Revised Fund 91	42,900	4,155,713	543,488	33,052	510,436	4,690,311	18,738	0	18,738
94	OTERO GREENTREE REG LANDFILL	3,655,124	1,263,067		4,276	(4,276)	3,118,914	1,795,001		1,795,001
	Total Revised Fund 94	3,655,124	1,263,067	0	4,276	(4,276)	3,118,914	1,795,001	0	1,795,001
96	SELF-INSURED FUND	547,004	84,177		276,600	(276,600)	72,373	282,208		282,208
	Total Revised Fund 96	547,004	84,177	0	276,600	(276,600)	72,373	282,208	0	282,208
98	PAYROLL CLEARING	216,796	0			0		216,796		216,796
	Total Revised Fund 98	216,796	0	0	0	0	0	216,796	0	216,796
104	UTILITY DEPOSITS	624,156	0			0		624,156		624,156
	Total Revised Fund 104	624,156	0	0	0	0	0	624,156	0	624,156
105	ECONOMIC DEVELOPMENT	5,577,210	1,176,539			0	207,965	6,545,784		6,545,784
	Total Revised Fund 105	5,577,210	1,176,539	0	0	0	207,965	6,545,784		6,545,784
107	SELF INSURED/LIABILITY	1,134,195	5,842			0	535,000	605,037		605,037
	Total Revised Fund 107	1,134,195	5,842	0	0	0	535,000	605,037	0	605,037
109	2004 GRT CAPITAL OUTLAY	14,557,615	4,603,695		4,091,083	(4,091,083)	3,750,709	11,319,518	534,452	10,785,066
	Total Revised Fund 109	14,557,615	4,603,695	0	4,091,083	(4,091,083)	3,750,709	11,319,518	534,452	10,785,066
114	SIDEWALKS REVOLVING LOANS	144,232	1,249			0		145,481		145,481
	Total Revised Fund 114	144,232	1,249	0	0	0	0	145,481	0	145,481
115	CORP ESCROW ACCOUNT RESERVE	1,000	0			0		1,000		1,000
	Total Revised Fund 115	1,000	0	0	0	0	0	1,000	0	1,000
119	2012 GRT REF/IMP REVBD	392,207	2,686			0	394,893	0		0
	Total Revised Fund 119	392,207	2,686	0	0	0	394,893	0		0
121	2015 GO BONDS-FUN CENTER	90,836	785			0	0	91,621		91,621
	Total Revised Fund 121	90,836	785	0	0	0	0	91,621		91,621
122	2015 GO BONDS-STREETS	176,014	1,825			0	0	177,839		177,839
	Total Revised Fund 122	176,014	1,825	0	0	0	0	177,839		177,839
124	AMERICAN RESCUE PLAN ACT	3,897,893	3,952,892			0	7,850,785	0		0
	Total Revised Fund 124	3,897,893	3,952,892	0	0	0	7,850,785	0		0
125	CANNABIS GRT	0	204,000	102,100		102,100	306,100	0		0
	Total Revised Fund 125	0	204,000	102,100	0	102,100	306,100	0		0
901	HOUSING LOW RENT OPERATING	1,211,402	1,011,844			0	1,449,375	773,871	86,881	686,990
	Total Revised Fund 901	1,211,402	1,011,844	0	0	0	1,449,375	773,871	86,881	686,990
903	HOUSING HOMEOWNERSHIP OPER	704,785	990			0	17,859	687,916		687,916
	Total Revised Fund 903	704,785	990	0	0	0	17,859	687,916	0	687,916
904	HOUSING CAPITAL FUND PROJECTS	8	1,283,943			0	1,283,943	8		8
	Total Revised Fund 904	8	1,283,943	0	0	0	1,283,943	8		8
TOTALS FY2023		88,163,935	76,854,878	30,041,794	30,041,794	0	106,776,856	58,241,956	6,118,947	52,123,009

FUND NO.	PROJECT NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1						
This budget revision is to provide additional funding for repairs to the Belt Press at the Waterwater Treatment Plant.						
81	WATER/SEWER FUND					
		<i>Expenditures</i>				
		081.600.5603.0000.57006	Capital-Building Improvements	250,000	75,000	325,000
			Total Expenditures	250,000	75,000	325,000
REVISION #2						
This budget revision is to provide additional funding for new permit specifications for discharge permits DP220 and DP806 requiring for additional monitoring wells at the Wastewater Treatment Plant.						
81	WATER/SEWER FUND					
		<i>Expenditures</i>				
		081.600.5603.0000.57006	Capital-Building Improvements	325,000	160,000	485,000
			Total Expenditures	325,000	160,000	485,000
REVISION #3						
This budget revision is to provide additional funding for Utility Billing Services Legal for Lien & Foreclosure Filings with the County Clerk.						
81	WATER/SEWER FUND					
		<i>Expenditures</i>				
		081.600.2202.0000.54505	Services-Legal	8,000	1,600	9,600
			Total Expenditures	8,000	1,600	9,600
REVISION #4						
This budget revision is to provide additional funding for the Solid Waste Contract and Landfill Tipping Fees in the Solid Waste Fund.						
86	SOLID WASTE FUND					
		<i>Expenditures</i>				
		086.600.1003.0000.54520	Services-Contract	1,850,000	60,000	1,910,000
		086.600.1003.0000.55513	Fees-Landfill Tipping Fees	80,000	7,000	87,000
			Total Expenditures	1,930,000	67,000	1,997,000

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 05/26/2023

Report No: 6.

Submitted By: Josh Sides

Subject: Consider and act upon Resolution 2023-20, declaring 308 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the propertyt's abatement.

Background: 308 N. White Sands Blvd. is so ruined and dilapidated that it is currently a risk to public safety. The northeast corner, as well as the southwest corner, show signs of impending structural collapse. Upon closer inspection via an Administrative Search Warrant, the northeast corner showed the corner of the structure to be displaced approximately three inches from the rest of the wall. The southwest corner of the structure was displaced approximately two inches from the rest of the wall. There is an abundance of graffiti on the south wall, the west wall, the east wall, and garage doors. The roof of the structure had areas of collapse, allowing rain and elements into and throughout the interior of the building.

RESOLUTION NO. 2023-20

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 308 NORTH WHITE SANDS BOULEVARD ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 308 North White Sands Boulevard, as more particularly described on the attached Exhibit 1 (the “Property”); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Mr. Christopher Douglass, the record owner of the Property, is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

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

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

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Account: R010833Location**Account Number** R010833**Situs Address** 308 N WHITE SANDS BLVD**Previous Parcel ID** 01-01156**Parcel Sequence****Neighborhood** C31 - Commercial White Sands**Tax Area** 01_NR**Parcel Number** 01N4055094095407**Legal Summary** Subd: ALAMO BLOCKS Lot: 5, 6 Block: 8**Appraiser** Ricardo HerediaOwner Information**Owner Name** DOUGLASS, CHRISTOPHER**Owner Address** 2405 PRINCETON
ALAMOGORDO, NM 88310Assessment History**Actual (2023)** \$47,527**Primary Taxable** \$15,842**Tax Area:** 01_NR **Mill Levy:** 33.247000

Type	Actual	Assessed	Acres	SQFT
Non-Residential Land	\$36,000	\$12,000	0.138	
Non-Residential Improvement	\$11,527	\$3,842		4452.000

Transfers**Sale Date****Sale Price****Doc Description**[Deed](#)[Deed](#)[Deed](#)[Deed](#)[Warranty Deed](#)Tax HistoryImages

Tax Year	Taxes	
*2023	\$526.68	
2022	\$524.16	

- [Map](#)
- [Photo](#)
- [Sketch](#)
- [GIS](#)

* Estimated

Focusing On: 308 N WHITE SANDS BLVD ALAMOGORDO 88310





Case #: 202300926

Case Date: 04/20/23

Address Number: 308

Street Name: N. White Sands Blvd

Complainant Phone: (575)439-4375

Description: Dilapidated Structure

Complainant Address: 2010 Oregon Ave.

Complainant Name: Sides

Reinspection: 05/12/2023

Compliance Inspection :

Property Owners : Christopher Douglass

Court case number:

DOB: 05/27/1966

ID #:

Court Date:

Status: Mailed IPMC Letter

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4055094095407	308 N WHITE SANDS BLVD	Subd: ALAMO BLOCKS Lot: 5, 6 Block: 8	DOUGLASS, CHRISTOPHER		

Activities

Date	Activity Type	Description	Employee	Status
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04/20/2023	Inspection	On 04/20/2023, I, Code Enforcement Manager Josh Sides, was informed of a dilapidated structure at 308 N. White Sands Blvd., Alamogordo, Otero County, New Mexico. I met with Code Enforcement Officer Otero at the property to discuss it. Officer Otero took me to the east side of the property in the alleyway. He informed me that the large cracks in the northeast corner had grown exponentially in the past few weeks. The cracks ran from the ground to the top of the exterior wall and were approximately two inches wide in the most severe areas. There were also cinder blocks missing from the wall in some places. I observed there to be numerous amounts of graffiti on the back side of the building as well. The front side of the building had cracks in the exterior walls and graffiti on them. The south side of the building's exterior wall had numerous cracks and an abundance of graffiti. The fascia on the building was pulled off in some areas and rusted. The electrical box had been pulled off the building and was hanging from the wiring inside the conduit. There was paint on some areas of the building, but in others, there was no paint or protective coating on the cinder block. I photographed the condition of the property. I requested help from Paul Bennett, Facility Maintenance Manager for the City of Alamogordo, to look at the property as he holds his General Contractors License. Paul stated that the cinder block structure is settled on the northeast and southwest corners and is separating/falling away, causing both corners of the building to be unstable. Paul stated the cracking on the northeast and southwest corners is causing a potential collapse hazard. On 04/24/2023, I met with the City of Alamogordo Attorney's Office, the City of Alamogordo Engineering Department, and the Public Works Director for the City of Alamogordo to discuss this property. I learned that in 2022, an Administrative Search Warrant was executed on the property. However, there was no documentation as to the condition of the property. It was determined that declaring the property as unsafe pursuant to the City of Alamogordo Code of Ordinances 8-03-170 will start from the beginning. On 04/24/2023, I drafted an International Property Maintenance Code Violation Letter to give to the Property owner, which through research of the Otero County Assessors Office, was identified as Mr. Christopher Douglass. I attempted to contact Mr. Douglas at his listed address on 04/25/2023 and again on 04/26/2023 but was unsuccessful. The letter was mailed certified to Mr. Douglas on 04/26/2023. The photographs I took of the property, a copy of the letter mailed, and copies of the certified letter envelope were uploaded to iWorQ.	JOSH SIDES	Non-Compliance
05/22/2023	Re-Inspection	On 05/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted an Administrative Search Warrant by 12th Judicial District Court Judge Bryant for the property at 308 N. White Sands Blvd.	JOSH SIDES	Closed
05/23/2023	Re-Inspection	On 05/23/2023, I, Code Enforcement Manager Josh Sides, executed an Administrative Search Warrant on the property at 308 N. White Sands Blvd., Alamogordo, Otero County, New Mexico, at approximately 2:00 PM MST. Assisting me with the execution of the search warrant were: Paul Bennett- Facility Maintenance Manager (COA) Jeremy Otero- Code Enforcement Officer (COA) Rocky Chavez- Code Enforcement Officer (COA) Sgt. Brown (APD) Ofc. Puente (APD) Ofc. Buffington (APD) Nancy Beshaler- Public Works Director (COA). The front door of the property was locked with a padlock that was cut to allow us entry into the property's interior. Upon entry, APD officers made sure there were no people inside or obvious hazards to the rest	JOSH SIDES	Closed

of the employees. Once APD officers declared the building safe, the rest of the employees made entry. I began to take photographs of the state of the interior of the building along with Code Officers Chavez and Otero, while Paul Bennett began to inspect the building., I observed there to be numerous hazards and violations of the International Property Maintenance Code associated with the building. The violations of the International Property Maintenance Code were 305.1.1 Unsafe Conditions, 304.7 Roofs and Drainage, 305.4 Stairs and Walking Surfaces, and 305.1 General. All the pictures taken were uploaded to iWorQ. I posted the Search Warrant on the window of the property and mailed a copy of the Search Warrant to the property owner.

Violations

Date	Violation	Description	Notes	Status
04/20/2023	*8-03-080- International Property Maintenance Code Adopted	(a)With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.(b)Except as specified within section 8-03-150 and 8-03-160 of this section appeals from orders, decisions or determinations of the code official relative to the application and interpretation of this code shall be submitted to the International Code Council for official interpretation. The official interpretation shall constitute the final decision on any appeal.	Several violations of the International Property Maintenance Code.	*Open
04/20/2023	IPMC 301.3 Vacant Structures and Land.	All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety	Building has not been maintained in a clean, safe, secure, and sanitary condition. Several cracks to walls and settling of the building.	*Open
04/20/2023	IPMC 302.9- Defacement of Property	No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.	Several areas of graffiti on the building on all sides.	*Open
04/20/2023	IPMC 304.1 - General	The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.	The structure's exterior is not in good repair, structurally sound, or safety and poses a threat to public health, safety, and welfare.	*Open
04/20/2023	IPMC 304.13 Window, skylight and door frames	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows, doors, and frames are not in sound condition, good repair, or weather tight.	*Open
04/20/2023	IPMC 304.2 - Protective Treatment	Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those	The exterior walls of the structure to include doors, window frames, and trim are not in good condition and are not protected from the elements with paint	*Open

		between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.	or other protective covering. Masonry joints are failing in some areas.	
04/20/2023	IPMC 304.4 - Structural Members	All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.	The northeast and southwest corners of the structure are exhibiting signs of settling and are posing a potential hazard for collapse.	*Open
04/20/2023	IPMC 304.6 - Exterior Walls	All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.	Exterior walls of the structure have breaks, cracks, and loose materials and are not weatherproof or properly surface-coated.	*Open
05/23/2023	IPMC 304.7 - Roofs and Drainage	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	Large hole in the roof over the northwest room that admits rain into the interior of the building.	*Open
05/23/2023	IPMC 305.1 - General	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.	The Interior of the building is not in a sanitary condition.	*Open
05/23/2023	IPMC 305.1.1. - Unsafe Conditions	The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength. 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects. 3. Structures or components thereof that have reached their limit state. 4. Structural members are incapable of supporting nominal loads and load effects. 5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects. 6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. Exceptions: 1. Where substantiated otherwise by an approved method.	Sheetrock in the northwest and southwest rooms have fallen from the rafters.	*Open

2. Demolition of unsafe conditions shall be permitted where approved by the code official.

05/23/2023	IPMC 305.4 - Stairs and Walking Surfaces	Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	Carpet in northwest and southwest rooms are not maintained in sound condition or good repair.	*Open
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Uploaded Files

Date	File Name
05/24/2023	15529013-JoshSides-05-23-2023-20-10-17-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529007-JoshSides-05-23-2023-20-11-11-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529008-JoshSides-05-23-2023-20-11-03-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529009-JoshSides-05-23-2023-20-10-53-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529010-JoshSides-05-23-2023-20-10-43-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529011-JoshSides-05-23-2023-20-10-34-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529012-JoshSides-05-23-2023-20-10-24-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529001-JoshSides-05-23-2023-20-09-39-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529003-JoshSides-05-23-2023-20-09-29-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529004-JoshSides-05-23-2023-20-09-22-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529005-JoshSides-05-23-2023-20-09-14-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15529006-JoshSides-05-23-2023-20-08-28-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528998-JoshSides-05-23-2023-20-10-00-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528999-JoshSides-05-23-2023-20-09-48-UTC-308_N_White_Sands_SW.jpg
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05/24/2023	15528931-JoshSides-05-23-2023-20-12-21-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528932-JoshSides-05-23-2023-20-12-12-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528933-JoshSides-05-23-2023-20-12-05-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528934-JoshSides-05-23-2023-20-11-55-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528935-JoshSides-05-23-2023-20-11-47-UTC-308_N_White_Sands_SW.jpg
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05/24/2023	15528826-JoshSides-05-23-2023-20-18-27-UTC-308_N_White_Sands_SW.jpg
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05/24/2023	15528814-JoshSides-05-23-2023-20-15-32-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528815-JoshSides-05-23-2023-20-15-13-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528816-JoshSides-05-23-2023-20-15-03-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528817-JoshSides-05-23-2023-20-14-49-UTC-308_N_White_Sands_SW.jpg

05/24/2023	15528818-JoshSides-05-23-2023-20-28-43-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528819-JoshSides-05-23-2023-20-28-38-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528808-JoshSides-05-23-2023-20-16-45-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528809-JoshSides-05-23-2023-20-16-40-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528810-JoshSides-05-23-2023-20-16-30-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528811-JoshSides-05-23-2023-20-16-23-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528812-JoshSides-05-23-2023-20-16-01-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15528813-JoshSides-05-23-2023-20-15-48-UTC-308_N_White_Sands_SW.jpg
05/24/2023	15527229-FILED Search Warrant 308 N White Sands Blvd.pdf
05/23/2023	15512899-White Sands N 308 search warrant signed & dated.pdf
05/02/2023	15226905-N White Sands 308 Certified mail label signed.pdf
04/26/2023	15176819-North Whitesands 308 IPMC paperwork.pdf
04/26/2023	15176793-N. White Sands 308 Certified label pre-mailing.pdf
04/26/2023	15176794-N. White Sands 308 Certified mail scan IPMC.pdf
04/26/2023	15166766-JoshSides-04-20-2023-16-02-03-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166760-JoshSides-04-20-2023-16-05-20-UTC-308_N_White_Sands_Bl.jpg
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04/26/2023	15166764-JoshSides-04-20-2023-16-01-42-UTC-308_N_White_Sands_Bl.jpg
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04/26/2023	15166755-JoshSides-04-20-2023-16-04-01-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166756-JoshSides-04-20-2023-16-04-09-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166757-JoshSides-04-20-2023-16-04-14-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166759-JoshSides-04-20-2023-16-05-09-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166748-JoshSides-04-20-2023-16-02-11-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166749-JoshSides-04-20-2023-16-02-29-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166750-JoshSides-04-20-2023-16-02-40-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166751-JoshSides-04-20-2023-16-03-01-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166752-JoshSides-04-20-2023-16-03-08-UTC-308_N_White_Sands_Bl.jpg
04/26/2023	15166753-JoshSides-04-20-2023-16-03-33-UTC-308_N_White_Sands_Bl.jpg

Dilapidated Structure

308 N. White Sands
Blvd.



Timeline

308 N. White Sands Blvd.

- On 04/20/2023, I was made aware of a potentially dilapidated structure and conducted an investigation.
- On 04/21/2023, Paul Bennett, Facility Maintenance Manager, conducted a walk-around of the building and found the northeast and southwest corners unstable and at risk of potential collapse.
- On 04/24/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing six violations of IPMC and how to correct them, as well as my contact information.
- On 05/11/2023, Code Enforcement received the certified mail receipt, which was signed, showing the property owner had received the letter.
- On 05/22/2023, 12th Judicial District Court Judge Bryant granted an Administrative Search Warrant.
- On 05/23/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

308 N. White Sands Blvd.

- 301.3- Vacant Structures and Land- Clean, safe, secure, and sanitary condition.
- 302.9- Defacement of Property- No marking, carving, or graffiti on exterior surfaces.
- 304.1- General- Exterior in good repair, structurally sound, and sanitary.
- 304.2- Protective Treatment- Paint or protective treatment to the exterior.
- 304.4- Structural Members- Maintained free from deterioration and support loads.
- 304.6- Exterior Walls- Free from holes, breaks, and loose materials.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight

Condition of the Property at 308 N. White Sands Blvd.



Condition of the Property at 308 N. White Sands Blvd.



Condition of the Property at 308 N. White Sands Blvd.



Condition of the Property at 308 N. White Sands Blvd.



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Condition of the Property at 308 N. White Sands Blvd.



Condition of the Property at 308 N. White Sands Blvd.



Condition of the Property at 308 N. White Sands Blvd.



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 05/26/2023

Report No: 7.

Submitted By: Josh Sides

Subject: Consider and act upon Resolution 2023-21, declaring 310 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

Background:

RESOLUTION NO. 2023-21

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 310 NORTH WHITE SANDS BOULEVARD ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 310 North White Sands Boulevard, as more particularly described on the attached Exhibit 1 (the "Property"); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Mr. George Fritz, the record owner of the Property, is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

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

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

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Account: R010834

Location			Owner Information			Assessment History			
Account Number <i>R010834</i>			Owner Name FRITZ, GEORGE			Actual (2023 - Residential Cap applied) \$57,828			
Situs Address 310 N WHITE SANDS BLVD			Owner Address 309 N WHITE SANDS BLVD			Primary Taxable \$19,276			
Previous Parcel ID 01-01157			ALAMOGORDO, NM 88310			Tax Area: 01_R Mill Levy: 26.030000			
Parcel Sequence									
Neighborhood C31 - Commercial White Sands									
Tax Area 01_R									
Parcel Number 01N4055094095402									
Legal Summary Subd: ALAMO BLOCKS Lot: 7, 8 Block: 8									
Appraiser Other									
Transfers									
Sale Date			Sale Price			Doc Description			
						Deed			
Tax History			Images						
Tax Year		Taxes							
*2023		\$501.76	Map						
2022		\$487.16	Sketch GIS						
* Estimated			Focusing On: 310 N WHITE SANDS BLVD ALAMOGORDO 88310						



Case #: 202300927

Case Date: 04/20/23

Address Number: 310

Street Name: N. White Sands Blvd.

Complainant Phone: (575)439-4375

Description: Dilapidated Structure

Complainant Address: 2010 Oregon Ave.

Complainant Name: Sides

Reinspection: 05/12/2023

Compliance Inspection :

Property Owners : George Fritz

Court case number:

DOB:

ID #:

Court Date:

Status: Draft Resolution

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4055094095402	310 N WHITE SANDS BLVD	Subd: ALAMO BLOCKS Lot: 7, 8 Block: 8	FRITZ, GEORGE		

Activities

Date	Activity Type	Description	Employee	Status
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04/20/2023	Inspection	On 04/20/2023, I, Code Enforcement Manager Josh Sides, was informed of a dilapidated structure at 310 N. White Sands Blvd., Alamogordo, Otero County, New Mexico. I met with Code Enforcement Officer Otero at the property to discuss it. Officer Otero took me to the north side of the property, which by first observation, had been badly burned as a result of a fire inside. There was no door on the front of the property or window immediately adjacent to the door. There was heavy smoke damage to the exterior of the building. The facade of the building was burnt or had heavy smoke damage. There were cracks in the exterior wall of the north side of the building, and paint was missing in places. The window on the west side of the building was missing, and there was heavy smoke and fire damage to the exterior of the window up to the facade. The interior was missing sheetrock and was down to studs. A large hole in the ceiling and roof also allowed the elements into the building. The sheds on the property were leaning and looked to be a hazard. I requested help from Paul Bennett, Facility Maintenance Manager for the City of Alamogordo, to look at the property as he holds his General Contractors License. Paul stated that the building was not safe to inhabit and presented a risk to public safety should someone be able to get inside the structure readily. Paul further stated that the large shed presented an immediate risk of collapse. On 04/24/2023, I met with the City of Alamogordo Attorney's Office, the City of Alamogordo Engineering Department, and the Public Works Director for the City of Alamogordo to discuss this property. I learned that in 2022, an Administrative Search Warrant was executed on the property. However, there was no documentation as to the condition of the property. It was determined that declaring the property as unsafe pursuant to the City of Alamogordo Code of Ordinances 8-03-170 will start from the beginning. On 04/24/2023, I drafted an International Property Maintenance Code Violation Letter to give to the Property owner, which through research of the Otero County Assessors Office, was identified as Mr. George Fritz. The letter was mailed certified to Mr. Fritz on 04/26/2023. The photographs I took of the property, a copy of the letter, and a copy of the certified envelope were uploaded to iWorQ.	JOSH SIDES	Non-Compliance
05/22/2023	Re-Inspection	On 05/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted an Administrative Search Warrant by 12th Judicial District Court Judge Bryant for the property at 310 N. White Sands Blvd.	JOSH SIDES	Closed
05/23/2023	Re-Inspection	On 05/23/2023, I, Code Enforcement Manager Josh Sides, executed an Administrative Search Warrant on the property at 310 N. White Sands Blvd., Alamogordo, Otero County, New Mexico, at approximately 2:30 PM MST. Assisting me with the execution of the search warrant were: Paul Bennett- Facility Maintenance Manager (COA) Jeremy Otero- Code Enforcement Officer (COA) Rocky Chavez- Code Enforcement Officer (COA) Sgt. Brown (APD) Ofc. Puente (APD) Ofc. Buffington (APD) Nancy Beshaler- Public Works Director (COA).	JOSH SIDES	Closed
		The property's front door was not in place due to a fire in the building, allowing ease of entry into the property's interior. Upon entry, APD officers made sure there were no people inside or obvious hazards to the rest of the employees. Once APD officers declared the building safe, the rest of the employees made entry. I began to take photographs of the state of the interior of the building along with Code Officers Chavez and Otero, while Paul Bennett began to inspect the building. I observed there to be numerous hazards and violations of the International Property Maintenance Code associated with the		

building. The violations of the International Property Maintenance Code were 305.1.1 Unsafe Conditions, 304.7 Roofs and Drainage, 305.4 Stairs and Walking Surfaces, 305.1 General, and 306.1.1 Unsafe Conditions (6)(6.4). All the pictures taken were uploaded to iWorQ. I collected samples of drywall and insulation for testing for asbestos. I posted the Search Warrant on the window of the property, and a copy was given to the executor of the property in person.

Violations

Date	Violation	Description	Notes	Status
04/20/2023	*8-03-080- International Property Maintenance Code Adopted	(a)With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.(b)Except as specified within section 8-03-150 and 8-03-160 of this section appeals from orders, decisions or determinations of the code official relative to the application and interpretation of this code shall be submitted to the International Code Council for official interpretation. The official interpretation shall constitute the final decision on any appeal.	Several violations of the International Property Maintenance Code exist at this property.	*Open
04/20/2023	IPMC 301.3 Vacant Structures and Land.	All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety	The structure is not maintained in a clean, safe, secure, or sanitary condition, causing a problem for public health and safety.	*Open
04/20/2023	IPMC 302.7 - Accessory Structures	Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.	The sheds of the property pose an immediate risk of collapsing.	*Open
04/20/2023	IPMC 302.9- Defacement of Property	No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.	There is an area of graffiti on the northeast corner of the building.	*Open
04/20/2023	IPMC 304.1 - General	The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.	The exterior of the property is nor maintained in good repair, structurally sound, or sanitary. It poses a risk to public health, safety, and welfare.	*Open
04/20/2023	IPMC 304.13 Window, skylight and door frames	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Several of the windows are missing or broken around the structure.	*Open
04/20/2023	IPMC 304.2 - Protective Treatment	Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather	The exterior surfaces of the building have areas of missing paint and have heavy smoke and fire damage.	*Open

		resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.		
04/20/2023	IPMC 304.4 - Structural Members	All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.	The north exterior wall is cracking due to settling and poses a risk to safely support dead and live loads.	*Open
04/20/2023	IPMC 304.7 - Roofs and Drainage	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof of the structure has a large hole in it making it not weatherproof.	*Open
05/23/2023	IPMC 304.7 - Roofs and Drainage	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	Large hole in the roof allowing rainwater and elements into the west room.	*Open
05/23/2023	IPMC 305.1 - General	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.	Interior of the property is not in good repair, structurally sound, or sanitary.	*Open
04/20/2023	IPMC 305.1 - General	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.	The interior of the structure is not in good repair, structurally sound, or sanitary with heavy smoke and fire damage.	*Open
05/25/2023	IPMC 305.1.1. - Unsafe Conditions	The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength. 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects. 3. Structures or components thereof that have reached their limit state. 4. Structural members are incapable of supporting nominal loads and load effects. 5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects. 6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal	Due to a fire within, the structures components thereof have reached their limit state.	*Open

loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

04/20/2023	IPMC 305.3 - Interior Surfaces	All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.	Interior surfaces of the structure including windows and doors are not maintained in good, clean, or sanitary condition. Peeling paint is present on the exterior of the structure.	*Open
05/23/2023	IPMC 305.4 - Stairs and Walking Surfaces	Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	The floor in the west room has collapsed due to a fire within the structure.	*Open
05/23/2023	IPMC 306.1.1. - Unsafe Conditions	Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. Soils that have been subjected to any of the following conditions: 1.1. Collapse of footing or foundation system. 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion. 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil. 1.4. Inadequate soil as determined by a geotechnical investigation. 1.5. Where the allowable bearing capacity of the soil is in doubt. 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table. 2. Concrete that has been subjected to any of the following conditions: 2.1. Deterioration. 2.2. Ultimate deformation. 2.3. Fractures. 2.4. Fissures. 2.5. Spalling. 2.6. Exposed reinforcement. 2.7. Detached, dislodged or failing connections. 3. Aluminum that has been subjected to any of the following conditions: 3.1. Deterioration. 3.2. Corrosion. 3.3. Elastic deformation. 3.4. Ultimate deformation. 3.5. Stress or strain cracks. 3.6. Joint fatigue. 3.7. Detached, dislodged or failing connections. 4. Masonry that has been subjected to any of the following conditions: 4.1. Deterioration. 4.2. Ultimate deformation. 4.3. Fractures in masonry or mortar joints. 4.4. Fissures in masonry or mortar joints. 4.5. Spalling.	Interior of the building has several areas within that have fire damage beyond charring.	*Open

- 4.6. Exposed reinforcement.
- 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration.
 - 5.2. Elastic deformation.
 - 5.3. Ultimate deformation.
 - 5.4. Metal fatigue.
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation.
 - 6.2. Deterioration.
 - 6.3. Damage from insects, rodents and other vermin.
 - 6.4. Fire damage beyond charring.
 - 6.5. Significant splits and checks.
 - 6.6. Horizontal shear cracks.
 - 6.7. Vertical shear cracks.
 - 6.8. Inadequate support.
 - 6.9. Detached, dislodged or failing connections.
 - 6.10. Excessive cutting and notching.
- Exceptions:
 1. Where substantiated otherwise by an approved method.
 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

04/20/2023	IPMC 308.1 - Accumulation of Rubbish or Garbage	Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.	The interior of the structure if full of rubbish and garbage due to the fire within.	*Open
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Notes

Date	Note	Created By:
2023-05-11	05-11-2023. The signed certified mail receipt was returned to Code Enforcement at Fire Station #7. It was scanned and uploaded to the iWorq files.	Jessica Wing

Uploaded Files

Date	File Name
05/25/2023	15535561-310 N. White Sands Administrative Report.pdf
05/25/2023	15535535-JoshSides-05-23-2023-20-33-53-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535536-JoshSides-05-23-2023-20-35-50-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535530-JoshSides-05-23-2023-20-33-15-UTC-310_N_White_Sands_SW.jpg
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05/25/2023	15535534-JoshSides-05-23-2023-20-33-47-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535524-JoshSides-05-23-2023-20-32-19-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535525-JoshSides-05-23-2023-20-32-29-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535526-JoshSides-05-23-2023-20-32-39-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535527-JoshSides-05-23-2023-20-32-46-UTC-310_N_White_Sands_SW.jpg
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05/25/2023	15535513-JoshSides-05-23-2023-20-31-04-UTC-310_N_White_Sands_SW.jpg
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05/25/2023	15535496-JoshSides-05-23-2023-20-30-18-UTC-310_N_White_Sands_SW.jpg
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05/25/2023	15535482-JoshSides-05-23-2023-20-38-06-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535483-JoshSides-05-23-2023-20-38-13-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535485-JoshSides-05-23-2023-20-29-01-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535487-JoshSides-05-23-2023-20-29-22-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535489-JoshSides-05-23-2023-20-29-55-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535491-JoshSides-05-23-2023-20-30-02-UTC-310_N_White_Sands_SW.jpg
05/25/2023	15535476-JoshSides-05-23-2023-20-37-07-UTC-310_N_White_Sands_SW.jpg
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05/23/2023	15512536-bulk-footage-2023-05-23-21-20-22-UTC.zip
05/23/2023	15512537-bulk-footage-2023-05-23-21-20-02-UTC.zip
05/23/2023	15512538-bulk-footage-2023-05-23-21-19-44-UTC.zip
05/23/2023	15512539-bulk-footage-2023-05-23-21-19-29-UTC.zip
05/23/2023	15512535-bulk-footage-2023-05-23-21-20-56-UTC.zip
05/11/2023	15379991-North White Sands 310 Certified mail label signed.pdf
04/26/2023	15176845-N White Sands 310 IPMC.pdf
04/26/2023	15176846-N. White Sands 310 Certified mail scan IPMC.pdf
04/26/2023	15176847-N. White Sands Blvd 310 Certified labe pre-mailing.pdf
04/26/2023	15166838-JoshSides-04-25-2023-20-41-05-UTC-310_N_White_Sands_Bl.jpg
04/26/2023	15166839-JoshSides-04-25-2023-20-41-16-UTC-310_N_White_Sands_Bl.jpg
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04/26/2023	15166832-JoshSides-04-25-2023-20-42-30-UTC-310_N_White_Sands_Bl.jpg

Dilapidated Structure

310 N. White Sands
Blvd.



Timeline

310 N. White Sands Blvd.

- On 04/20/2023, I was made aware of a potentially dilapidated structure and conducted an investigation.
- On 04/21/2023, Paul Bennett, Facility Maintenance Manager, conducted a walk-around of the building and found the building to be a fire hazard and a nuisance where someone could be seriously injured or worse if they entered the property. Paul also stated that the shed was leaning and about to collapse, making it extremely dangerous.
- On 04/26/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing eleven violations of IPMC and how to correct them, as well as my contact information.
- On 05/02/2023, Code Enforcement received the certified mail receipt, which was signed, showing the property owner or person in control of the property had received the letter.
- On 05/22/2023, 12th Judicial District Court Judge Bryant granted an Administrative Search Warrant.
- On 05/23/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

310 N. White Sands Blvd.
(Exterior)

- 301.3- Vacant Structures and Land- Clean, safe, secure, and sanitary condition.
- 302.7- Accessory Structures- Shall be maintained structurally sound and in good repair.
- 302.9- Defacement of Property- No marking, carving, or graffiti on exterior surfaces.
- 304.1- General- Exterior in good repair, structurally sound, and sanitary.
- 304.2- Protective Treatment- Paint or protective treatment to the exterior.
- 304.4- Structural Members- Maintained free from deterioration and support loads.
- 304.7- Roofs and Drainage- Sound, tight, and do not have defects that admit rain.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight

International Property Maintenance Code Violations

310 N. White Sands Blvd.

(Interior)

- 305.1- General- Good repair, structurally sound, and sanitary condition.
- 305.3- Interior Surfaces- All surfaces, windows, and doors shall be maintained in a good clean, and sanitary condition.
- 308.1- Accumulation of Rubbish or Garbage- Shall be free from any accumulation of rubbish or garbage.

Condition of the Property at 310 N. White Sands Blvd.



Condition of the Property at 310 N. White Sands Blvd.



Condition of the Property at 310 N. White Sands Blvd.



Condition of the Property at 310 N. White Sands Blvd.



Condition of the Property at 310 N. White Sands Blvd.



Condition of the Property at 310 N. White Sands Blvd.



Condition of the Property at 310 N. White Sands Blvd.



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/07/2023

Report No: 8.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Resolution 2023-23, giving notice to the Otero County Clerk of a Ballot Question to be submitted to the Qualified Voters during the next Regular Local Election to propose amendments to the City Charter. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution. **(Roll Call Vote Required)**

Background:

The recommendations by the Charter Committee will be in the form of a Question to be submitted to the Qualified Voters in conjunction with the Regular Local Election on the question of whether the Alamogordo City Charter should be amended as proposed. The Question to the voters will not include all the recommendations by the Charter Committee. Most of the recommended changes are to mirror State Statutes, therefore, those amendments will be brought to the Commission by ordinance.

Amendments

ARTICLE VI. - Elections

Section 2. Elections.

Add - in the regular City election for Mayor At-Large, the candidate receiving the greatest number of votes is elected

Remove - run-off election for Mayor

ARTICLE XII. – The Charter

Section 3. - Amendment or Repeal; Periodic Review.

Add - the language "their final" to the written recommendations to the City Commission, for clarification purposes

RESOLUTION NO. 2023-23

**A RESOLUTION GIVING NOTICE TO THE OTERO COUNTY CLERK
OF A BALLOT QUESTION TO THE QUALIFIED VOTERS
TO AMEND SECTIONS OF THE CITY CHARTER**

WHEREAS, a Regular Local Election will be held on November 7, 2023; and,

WHEREAS, pursuant to section 3-15-16 of the Municipal Charter Act [3-15-1 to 3-15-16 NMSA 1978], the City Commission may propose amendments to the City Charter; and,

WHEREAS, the City Charter Committee made recommendations to the City Commission to amend the City Charter; and,

WHEREAS, the City Commission has determined that the following amendments to the City Charter should be submitted to the qualified voters at the November Regular Local Election.

BE IT RESOLVED BY THE CITY COMMISSION OF THE GOVERNING BODY OF THE CITY OF ALAMOGORDO:

There shall be submitted to the City's qualified registered voters the following Ballot Question at the Regular Local Election to be held November 7, 2023.

QUESTION NO. 1

Shall the City of Alamogordo amend the City Charter to provide that in the regular City elections for Mayor At-Large, the candidate receiving the greatest number of votes is elected; and to provide that the Charter Committee make their final written recommendations to the City Commission within sixty (60) days.

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

PROPOSED RECOMMENDATIONS BY THE CITY CHARTER COMMITTEE – 5/9/2023

Added changes per City Attorney 6/6/2023

Grey are amendments for election

Yellow are amendments by Ordinance

PART I CITY CHARTER

PREAMBLE

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

ARTICLE I. INCORPORATION AND POWERS

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

ARTICLE II. FORM OF GOVERNMENT

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

ARTICLE III. ELECTORS

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

ARTICLE IV. ELECTED OFFICERS

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

ARTICLE V. QUALIFICATIONS FOR CANDIDACY

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

Section 1. Candidates-at-Large.

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

Section 2. Candidates for District Offices.

Candidates for District Offices must reside in the District they seek to represent.

(Amd. of 3-1-16)

Section 3. Disclosure.

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

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

ARTICLE VI. ELECTIONS

Section 1. Regular City Elections.

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

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

Section 2. Elections.

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

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

Section 3. Vacancies.

- A. A vacancy occurs upon an elected officer's death, recall, resignation, or, as to Commissioners, upon termination of residency in the district represented, or upon absence from Commission meetings for a consecutive period exceeding sixty (60) days, unless a majority of the remaining incumbent City Commissioners vote to retain the absent Commissioner or the absent Mayor for an additional sixty (60) days, which vote must take place at the next following regular meeting.

-
- B. A vacancy in the commission, including the office of mayor, shall be filled by appointment of the commission of a person qualified under Article V. The Commission must declare by resolution that a vacancy exists. The resolution declaring the vacancy must be adopted by the Commission within fifteen days of the vacancy. The Commission must appoint an eligible person by majority vote to fill the vacant office at the first regular meeting following the expiration of thirty days after the adoption of the resolution. If the Commission fails to make the appointment at that meeting, the Mayor must, within fifteen days, appoint an eligible person to fill the vacancy. The Commission may by ordinance establish the specific procedures for selecting an eligible person to fill a vacancy. The commissioner or mayor appointed or elected shall serve for the remainder of the unexpired term for which the commissioner or mayor who vacated the position was elected.
- C. If the entire Commission is vacated simultaneously, the Municipal Judge shall perform the function of the Commission only as concerns the calling of a special election to fill the vacancies.

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

Section 4. Non-Partisan Elections.

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

ARTICLE VII. THE GOVERNING BODY

Section 1. Equality of Commissioners.

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

(Amd. of 3-6-12)

Section 2. Composition.

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

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

Section 3. Term of Office.

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

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

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

Section 4. Districts.

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

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

Section 5. Meetings.

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

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

(Amd. of 3-1-16)

Section 6. Compensation.

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

(Amd. of 3-1-16)

Section 7. Incompatibility of Offices.

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

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

ARTICLE VIII. MAYOR AND MAYOR PRO-TEM

Section 1. Selection; Term; Removal.

- A. An organizational meeting shall be held as soon as practicable after each Regular City election in which Commissioners are elected.
- B. The Commission and Mayor shall elect one of its members to serve as Mayor Pro-Tem. The term of office for the Mayor Pro-Tem shall be until the next organizational meeting of the Commission.
- C. An organizational meeting shall also be held if the office of the Mayor Pro-Tem becomes vacant. Said office becomes vacant in the manner specified in Article VI, Section 3.
- D. A motion for removal of the Mayor Pro-Tem shall be made at a regular meeting, and must be seconded by two (2) Commissioners or one (1) Commissioner and the Mayor. The motion for removal shall be voted upon at the next regular meeting and shall require the affirmative votes of no fewer than five (5) Commissioners for passage.

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

Section 2. Powers and Duties of Mayor.

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

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

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

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

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

ARTICLE IX. THE MUNICIPAL JUDGE

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

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

ARTICLE X. INITIATIVE, REFERENDUM, AND RECALL

Section 1. Initiative.

- A. Upon petition, signed by the qualified electors in a number ~~no less~~ **more** than twenty (20) percent of the average number of voters who voted at the previous four (4) regular City elections or ~~no less~~ **more** than twenty (20) percent of the number of voters who voted at the previous regular City election, whichever is the greater, any measure may be proposed to the Commission for enactment within thirty (30) days of the date of filing **verification of** the petition. If the Commission: (1) fails to act, (2) acts adversely, or (3) amends the proposed measure, the Commission shall ~~call a special election in not less than thirty (30) days nor more than sixty (60)~~ **within ten (10) days of the expiration of the thirty (30) day period, adopt an election resolution calling for the holding of a special election within ninety (90) days of the thirty (30) day period** for the purpose of submitting the measure to the electorate.
- B. The ballot shall contain the proposed measure and the measure as amended, if the Commission amends the proposed measure. After each measure there shall be printed the words:
- "for" and
- "against,"
- with spaces for crosses after each word.
- C. The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

Section 2. Referendum.

- A. If within thirty (30) days following the adoption of an ordinance or resolution by the Commission, a petition, signed by the qualified electors, in a number ~~no less~~ **more** than twenty (20) ~~per cent~~ **percent** of the average number of voters who voted at the previous four (4) regular City elections or ~~no less~~ **more** than twenty (20) ~~per cent~~ **percent** of the number of voters who voted at the previous regular City election, whichever is greater, is presented to the Commission asking that the ordinance or resolution in question be submitted to a special election for its adoption or rejection, the ordinance or resolution shall become ineffective ~~and the Commission shall provide for an election on the measure within sixty (60) days of the filing of the petition.~~ **upon verification of the petition and the Commission shall within ten (10) days of verification adopt a resolution calling for the holding of a special election on the measure within ninety (90) days of the verification of the petition.**
- B. The ballot shall contain the text of the ordinance or resolution in question. Below the text shall be the phrases:
- "for" and
- "against,"
- with spaces for crosses after each word.
- If a majority of the votes cast favor the measure, it shall take effect immediately. If a majority of the votes cast are against the measure, it shall not take effect.
- C. If an ordinance or resolution is an emergency measure, it shall go into effect immediately, but it shall be subject to repeal by an adverse majority at a referendum election.
- D. The referendum procedure of this section shall not be available for any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election.

Section 3. Recall.

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

- (a) unless the regular City election occurs within ninety (90) days.
- (b) but shall not be conducted later than one hundred eighty (180) days from the end of the term for the office for which the recall of the named official is sought.

Notice of Intent to circulate a petition for recall must be dated and filed with the City Clerk and shall include a statement of the reason for the recall. Each page of a recall petition, before any signatures are signed to it, must be endorsed by the manual or facsimile signature of the City Clerk and the date of filing of Notice of Intent; the City Clerk shall provide this without charge. The recall petition must be submitted to the City Clerk with the requisite number of signatures, within one hundred and twenty (120) days of the date of filing the Notice of Intent. ~~No petition seeking for the recall of a Commissioner or Mayor shall be submitted more than once during the same term of office to which the official is elected.~~

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

If a majority favors recall and this majority equals or exceeds the number of votes the Commissioner or the Mayor received when elected, the office shall be declared vacated, and the office shall be filled as are other vacancies. A Commissioner or Mayor who is recalled shall not be eligible for re-election until the term for which the Commissioner was originally elected has expired.

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

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

ARTICLE XI. THE CITY MANAGER

Section 1. Qualifications; Appointment.

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

(Amd. of 3-1-16)

Section 2. Duties.

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

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

(Amd. 3-1-16)

ARTICLE XII. THE CHARTER

Section 1. Saving Clause.

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

Section 2. Severance Clause.

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

Section 3. Amendment or Repeal; Periodic Review.

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

Section 4. Effective Date.

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

Section 5. Reserved.

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

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

CITY OF ALAMOGORDO, NEW MEXICO

a municipal corporation

By /s/ HENRY P. PACELLI

MAYOR

ATTEST:

/s/ ANGIE J. RAHN, CITY CLERK

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/08/2023

Report No: 9.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, first publication of Ordinance 1678 to amend sections of the City Charter to mirror State Statutes and the New Mexico Election Code. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve first publication.

Background:

New Mexico Election Code 1-22-3.2. Municipalities; municipal election provisions; adjustment of dates and charter amendments for procedures affected by the Election Code;

C. At the discretion of the municipality, a municipality with a charter may amend its charter by ordinance or as otherwise provided by the municipality to conform its ordinances or charter with the requirements of the Election Code and other applicable state or federal laws related to elections.

Amendments

ARTICLE VII. - THE GOVERNING BODY

Section 3. Term of Office.

Add - on the first Tuesday after the first Monday in November of each odd-numbered year.

In 2018, the City Commission by Ordinance opted-in to the Regular Local Election.

Removing - old language

ARTICLE X. - INITIATIVE, REFERENDUM, AND RECALL

Section 1. Initiative.

Section 2. Referendum.

Section 3. Recall.

Changing language to mirror state Statutes and the New Mexico Election Code.

Correcting a few grammatical errors.

ORDINANCE NO. 1678

AN ORDINANCE AMENDING ARTICLE VII. THE GOVERNING BODY, SECTION 3. TERM OF OFFICE AND ARTICLE X, SECTIONS 1. INITIATIVE 2. REFERENDUM 3. RECALL, OF THE CITY OF ALAMOGORDO CHARTER

WHEREAS, on January 10, 2023, the City Commission established a Charter Committee to review the effectiveness of the Charter pursuant to Article XII Section 3(B) of the City Charter; and,

WHEREAS, the Charter Committee made recommendations to the City Commission to amend the City Charter; and,

WHEREAS, pursuant to New Mexico Election Code 1-22-3.2. C. At the discretion of the municipality, a municipality with a charter may amend its charter by ordinance or as otherwise provided by the municipality to conform its ordinances or charter with the requirements of the Election Code and other applicable state or federal laws related to elections; and,

WHEREAS, the City Commission has determined that the following amendments be made to the City Charter.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Article VII The Governing Body, Section 3. Term of Office and Article X, Sections 1. Initiative 2. Referendum 3. Recall, of the City of Alamogordo Charter, be amended as follows:

ARTICLE VII. THE GOVERNING BODY

Section 3. Term of Office.

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

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

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

ARTICLE X. INITIATIVE, REFERENDUM, AND RECALL

Section 1. Initiative.

A. Upon petition, signed by the qualified electors in a number ~~no less~~ **more** than twenty (20) percent of the average number of voters who voted at the previous four (4) regular City elections or ~~no less~~ **more** than twenty (20) percent of the number of voters who voted at the previous regular City election, whichever is the greater, any measure may be proposed to the Commission for enactment within thirty (30) days of the date of ~~filing~~ **verification of** the petition. If the Commission: (1) fails to act, (2) acts adversely, or (3) amends the proposed measure, the Commission shall ~~call a special election in not less than thirty (30) days nor more than sixty (60)~~ **within ten (10) days of the**

expiration of the thirty (30) day period, adopt an election resolution calling for the holding of a special election within ninety (90) days of the thirty (30) day period for the purpose of submitting the measure to the electorate.

- B. The ballot shall contain the proposed measure and the measure as amended, if the Commission amends the proposed measure. After each measure there shall be printed the words:

"for" and

"against,"

with spaces for crosses after each word.

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

Section 2. Referendum.

- A. If within thirty (30) days following the adoption of an ordinance or resolution by the Commission, a petition, signed by the qualified electors, in a number ~~no less~~ **more** than twenty (20) ~~per cent~~ **percent** of the average number of voters who voted at the previous four (4) regular City elections or ~~no less~~ **more** than twenty (20) ~~per cent~~ **percent** of the number of voters who voted at the previous regular City election, whichever is greater, is presented to the Commission asking that the ordinance or resolution in question be submitted to a special election for its adoption or rejection, the ordinance or resolution shall become ineffective ~~and the Commission shall provide for an election on the measure within sixty (60) days of the filing of the petition.~~ upon verification of the petition and the Commission shall within ten (10) days of verification adopt a resolution calling for the holding of a special election on the measure within ninety (90) days of the verification of the petition.

- B. The ballot shall contain the text of the ordinance or resolution in question. Below the text shall be the phrases:

"for" and

"against,"

with spaces for crosses after each word.

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

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

Section 3. Recall.

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

- (a) unless the regular City election occurs within ninety (90) days.
- (b) but shall not be conducted later than one hundred eighty (180) days from the end of the term for the office for which the recall of the named official is sought.

Notice of Intent to circulate a petition for recall must be dated and filed with the City Clerk and shall include a statement of the reason for the recall. Each page of a recall petition, before any signatures are signed to it, must be endorsed by the manual or facsimile signature of the City Clerk and the date of filing of Notice of Intent; the City Clerk shall provide this without charge. The recall petition must be submitted to the City Clerk with the requisite number of signatures, within one hundred and twenty (120) days of the date of filing the Notice of Intent. No petition seeking for the recall of a Commissioner or Mayor shall be submitted more than once during the same term of office to which the official is elected.

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

If a majority favors recall and this majority equals or exceeds the number of votes the Commissioner or the Mayor received when elected, the office shall be declared vacated, and the office shall be filled as are other vacancies. A Commissioner or Mayor who is recalled shall not be eligible for re-election until the term for which the Commissioner was originally elected has expired.

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

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

PROPOSED RECOMMENDATIONS BY THE CITY CHARTER COMMITTEE – 5/9/2023

Added changes per City Attorney 6/6/2023

Grey are amendments for election

Yellow are amendments by Ordinance

PART I CITY CHARTER

PREAMBLE

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

ARTICLE I. INCORPORATION AND POWERS

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

ARTICLE II. FORM OF GOVERNMENT

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

ARTICLE III. ELECTORS

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

ARTICLE IV. ELECTED OFFICERS

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

ARTICLE V. QUALIFICATIONS FOR CANDIDACY

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

Section 1. Candidates-at-Large.

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

Section 2. Candidates for District Offices.

Candidates for District Offices must reside in the District they seek to represent.

(Amd. of 3-1-16)

Section 3. Disclosure.

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

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

ARTICLE VI. ELECTIONS

Section 1. Regular City Elections.

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

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

Section 2. Elections.

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

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

Section 3. Vacancies.

- A. A vacancy occurs upon an elected officer's death, recall, resignation, or, as to Commissioners, upon termination of residency in the district represented, or upon absence from Commission meetings for a consecutive period exceeding sixty (60) days, unless a majority of the remaining incumbent City Commissioners vote to retain the absent Commissioner or the absent Mayor for an additional sixty (60) days, which vote must take place at the next following regular meeting.

-
- B. A vacancy in the commission, including the office of mayor, shall be filled by appointment of the commission of a person qualified under Article V. The Commission must declare by resolution that a vacancy exists. The resolution declaring the vacancy must be adopted by the Commission within fifteen days of the vacancy. The Commission must appoint an eligible person by majority vote to fill the vacant office at the first regular meeting following the expiration of thirty days after the adoption of the resolution. If the Commission fails to make the appointment at that meeting, the Mayor must, within fifteen days, appoint an eligible person to fill the vacancy. The Commission may by ordinance establish the specific procedures for selecting an eligible person to fill a vacancy. The commissioner or mayor appointed or elected shall serve for the remainder of the unexpired term for which the commissioner or mayor who vacated the position was elected.
- C. If the entire Commission is vacated simultaneously, the Municipal Judge shall perform the function of the Commission only as concerns the calling of a special election to fill the vacancies.

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

Section 4. Non-Partisan Elections.

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

ARTICLE VII. THE GOVERNING BODY

Section 1. Equality of Commissioners.

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

(Amd. of 3-6-12)

Section 2. Composition.

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

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

Section 3. Term of Office.

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

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

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

Section 4. Districts.

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

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

Section 5. Meetings.

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

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

(Amd. of 3-1-16)

Section 6. Compensation.

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

(Amd. of 3-1-16)

Section 7. Incompatibility of Offices.

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

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

ARTICLE VIII. MAYOR AND MAYOR PRO-TEM

Section 1. Selection; Term; Removal.

- A. An organizational meeting shall be held as soon as practicable after each Regular City election in which Commissioners are elected.
- B. The Commission and Mayor shall elect one of its members to serve as Mayor Pro-Tem. The term of office for the Mayor Pro-Tem shall be until the next organizational meeting of the Commission.
- C. An organizational meeting shall also be held if the office of the Mayor Pro-Tem becomes vacant. Said office becomes vacant in the manner specified in Article VI, Section 3.
- D. A motion for removal of the Mayor Pro-Tem shall be made at a regular meeting, and must be seconded by two (2) Commissioners or one (1) Commissioner and the Mayor. The motion for removal shall be voted upon at the next regular meeting and shall require the affirmative votes of no fewer than five (5) Commissioners for passage.

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

Section 2. Powers and Duties of Mayor.

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

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

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

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

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

ARTICLE IX. THE MUNICIPAL JUDGE

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

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

ARTICLE X. INITIATIVE, REFERENDUM, AND RECALL

Section 1. Initiative.

- A. Upon petition, signed by the qualified electors in a number ~~no less~~ **more** than twenty (20) percent of the average number of voters who voted at the previous four (4) regular City elections or ~~no less~~ **more** than twenty (20) percent of the number of voters who voted at the previous regular City election, whichever is the greater, any measure may be proposed to the Commission for enactment within thirty (30) days of the date of filing **verification of** the petition. If the Commission: (1) fails to act, (2) acts adversely, or (3) amends the proposed measure, the Commission shall ~~call a special election in not less than thirty (30) days nor more than sixty (60)~~ **within ten (10) days of the expiration of the thirty (30) day period, adopt an election resolution calling for the holding of a special election within ninety (90) days of the thirty (30) day period** for the purpose of submitting the measure to the electorate.
- B. The ballot shall contain the proposed measure and the measure as amended, if the Commission amends the proposed measure. After each measure there shall be printed the words:
- "for" and
- "against,"
- with spaces for crosses after each word.
- C. The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

Section 2. Referendum.

- A. If within thirty (30) days following the adoption of an ordinance or resolution by the Commission, a petition, signed by the qualified electors, in a number ~~no less~~ **more** than twenty (20) ~~per cent~~ **percent** of the average number of voters who voted at the previous four (4) regular City elections or ~~no less~~ **more** than twenty (20) ~~per cent~~ **percent** of the number of voters who voted at the previous regular City election, whichever is greater, is presented to the Commission asking that the ordinance or resolution in question be submitted to a special election for its adoption or rejection, the ordinance or resolution shall become ineffective ~~and the Commission shall provide for an election on the measure within sixty (60) days of the filing of the petition.~~ **upon verification of the petition and the Commission shall within ten (10) days of verification adopt a resolution calling for the holding of a special election on the measure within ninety (90) days of the verification of the petition.**
- B. The ballot shall contain the text of the ordinance or resolution in question. Below the text shall be the phrases:
- "for" and
- "against,"
- with spaces for crosses after each word.
- If a majority of the votes cast favor the measure, it shall take effect immediately. If a majority of the votes cast are against the measure, it shall not take effect.
- C. If an ordinance or resolution is an emergency measure, it shall go into effect immediately, but it shall be subject to repeal by an adverse majority at a referendum election.
- D. The referendum procedure of this section shall not be available for any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election.

Section 3. Recall.

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

- (a) unless the regular City election occurs within ninety (90) days.
- (b) but shall not be conducted later than one hundred eighty (180) days from the end of the term for the office for which the recall of the named official is sought.

Notice of Intent to circulate a petition for recall must be dated and filed with the City Clerk and shall include a statement of the reason for the recall. Each page of a recall petition, before any signatures are signed to it, must be endorsed by the manual or facsimile signature of the City Clerk and the date of filing of Notice of Intent; the City Clerk shall provide this without charge. The recall petition must be submitted to the City Clerk with the requisite number of signatures, within one hundred and twenty (120) days of the date of filing the Notice of Intent. ~~No petition seeking for the recall of a Commissioner or Mayor shall be submitted more than once during the same term of office to which the official is elected.~~

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

If a majority favors recall and this majority equals or exceeds the number of votes the Commissioner or the Mayor received when elected, the office shall be declared vacated, and the office shall be filled as are other vacancies. A Commissioner or Mayor who is recalled shall not be eligible for re-election until the term for which the Commissioner was originally elected has expired.

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

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

ARTICLE XI. THE CITY MANAGER

Section 1. Qualifications; Appointment.

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

(Amd. of 3-1-16)

Section 2. Duties.

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

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

(Amd. 3-1-16)

ARTICLE XII. THE CHARTER

Section 1. Saving Clause.

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

Section 2. Severance Clause.

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

Section 3. Amendment or Repeal; Periodic Review.

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

Section 4. Effective Date.

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

Section 5. Reserved.

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

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

CITY OF ALAMOGORDO, NEW MEXICO

a municipal corporation

By /s/ HENRY P. PACELLI

MAYOR

ATTEST:

/s/ ANGIE J. RAHN, CITY CLERK

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/08/2023

Report No: 10.

Submitted By:

Subject: Consider, and act upon the first publication of Ordinance 1679 adopting a municipal gross receipts tax. (*Stephanie Hernandez, Acting City Manager & Richard Denton, Police Chief*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Projected increase in revenue of \$1,140,780.26

Projected increase in salary expense of \$846,149.47

Recruitment Incentives: Cannabis Tax.

Recommendation: Approve first publication.

Background:

ORDINANCE NO. 1679

AN ORDINANCE ADOPTING A MUNICIPAL GROSS RECEIPTS TAX

WHEREAS, the Alamogordo Police Department has seen a significant decrease in recruitment and retention in the last five years among certified police officers and is unable to retain uncertified officers after they become certified and:

WHEREAS, the City Commission realizes the need for certified Police Officers for the safety of our community and the safety of our citizens, and the city continues to lose certified Police Officers for pay issues, and after analyzing multiple Law Enforcement agencies within the State of New Mexico, it has been determined the City of Alamogordo pays its Police Officers significantly lower than most agencies in the State and does not offer nearly the sign on compensation other city's offer and:

WHEREAS The City Commission recognizes the hiring cost associated with certified Police Officers alone, and not retaining them raises the cost, therefore, the City Commission recognizes the need to increase the salary and hiring incentive for Police Officers in the City to help retain officers for a longer period of time.

BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico enact a municipal gross receipts tax as follows:

Section 1. Imposition of Tax. There is imposed on any person engaging in business in this municipality for the privilege of engaging in business in this municipality an excise tax equal to .1250% of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the Municipal Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "unrestricted municipal gross receipts tax."

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions, and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

Section 3. Specific Exemptions. No municipal gross receipts tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the municipality to another point outside the municipality;
- B. a business located outside the boundaries of a municipality on land owned by that municipality for which a state gross receipts tax distribution is made pursuant to Subsection C of Section 7-1-6.4 NMSA 1978; or
- C. direct broadcast satellite services.

Section 4. Dedication. This tax is dedicated to the general fund and operational expenses.

Section 5. Effective Date. The effective date of the municipal gross receipts tax shall be either January 1, or July 1, whichever date occurs first after the expiration of three months from the date this ordinance is adopted, unless an election is held on the question of approving the ordinance, in which case the effective date shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

DONE 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



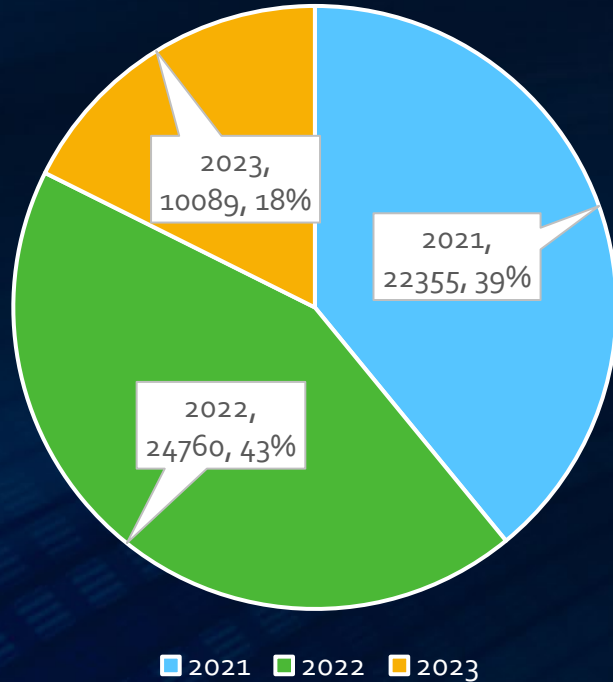
Alamogordo Police Department

Stats, Staffing, Compensation & Solution presented by:

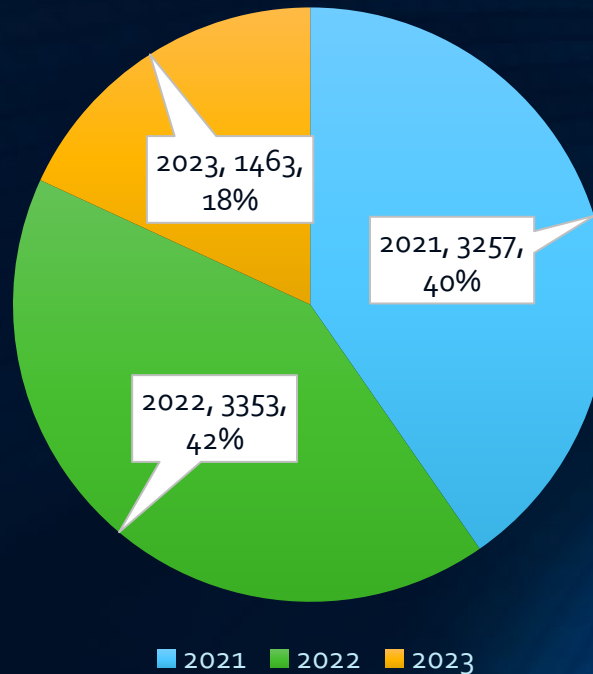
Chief of Police, Richard Denton
HR Director, Kim Torres
Finance Director, Evelyn Huff
Acting City Manager, Stephanie Hernandez

APD STATS

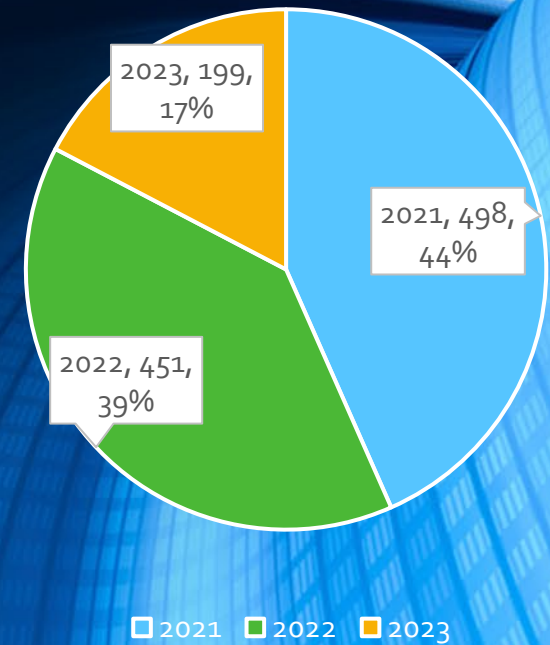
CALLS FOR SERVICE



ALL ARRESTS

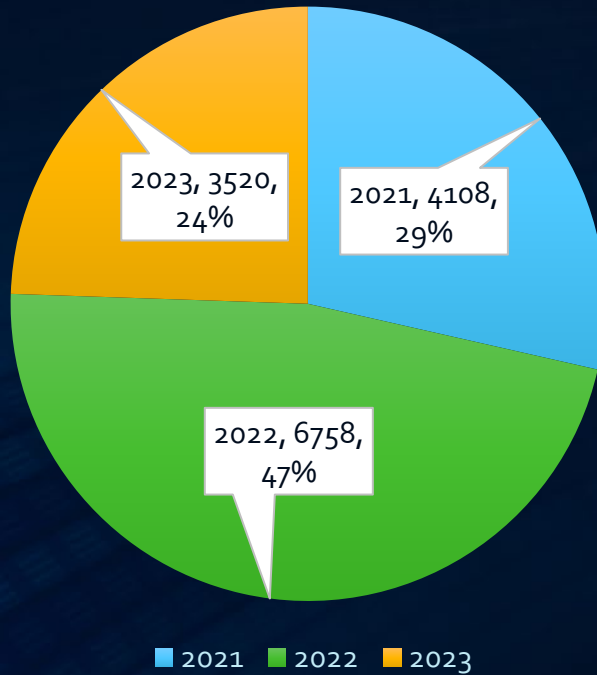


FELONY ARRESTS

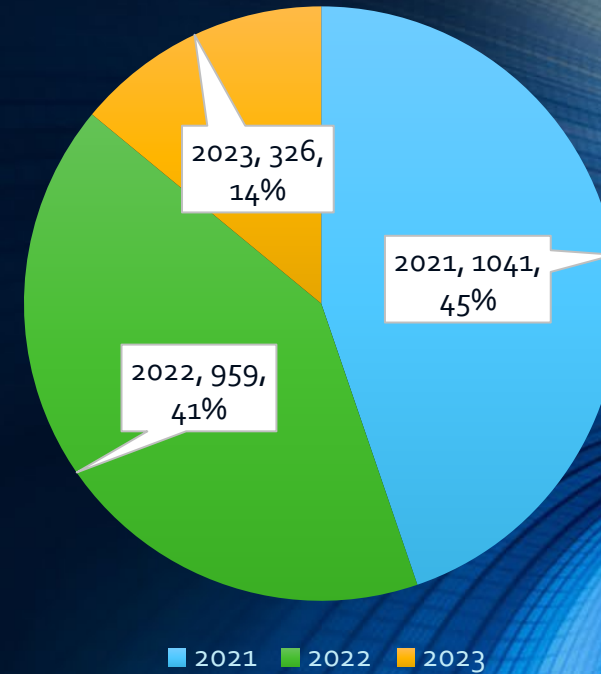


APD STATS

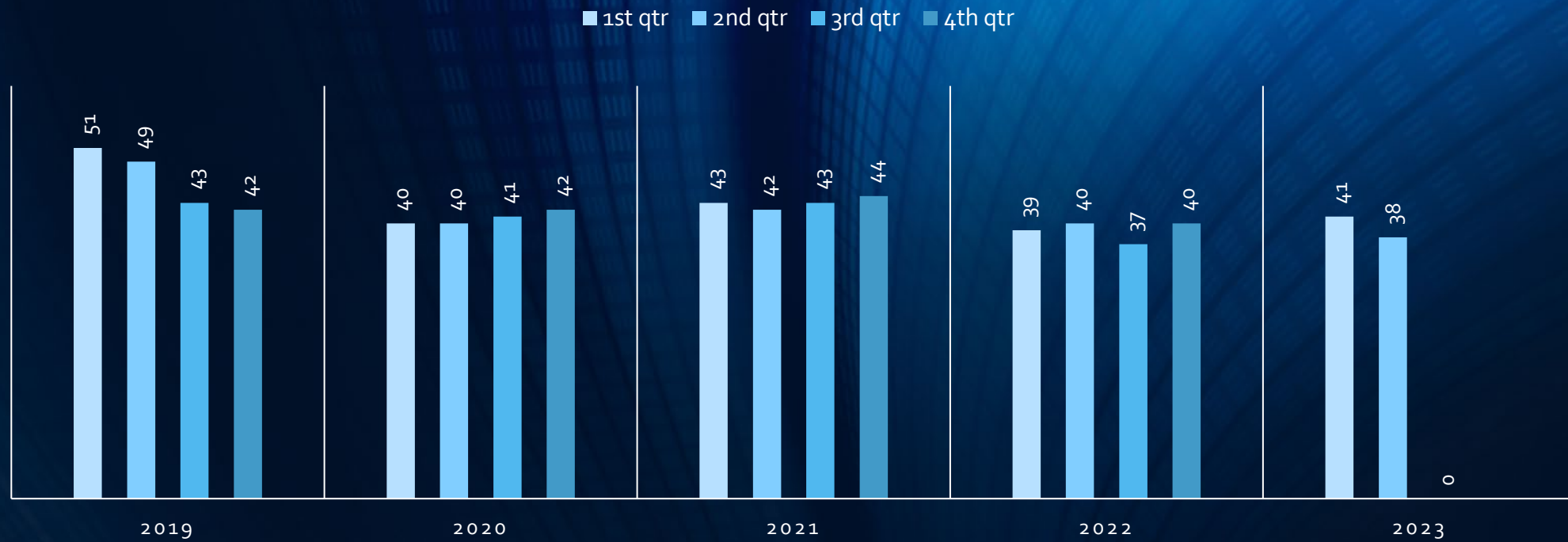
TRAFFIC STOPS



TRAFFIC CRASHES



DEPARTMENT STAFFING LEVELS



SINCE JANUARY 1, 2019

WE HAVE HIRED 43 OFFICERS

56 HAVE LEFT VOLUNTARILY OR INVOLUNTARILY

We are consistently dropping a few officers every year.

STAFFING & PAY IN OTHER RANDOMLY SELECTED DEPARTMENTS

STAFFING

UNCERTIFIED

CERTIFIED

ALAMOGORDO	38/58	65%	19.34	21.12-32.74 @ 25 YR
ALBUQUERQUE	850/1200	70%	28.84	32.89-35.72 @ 2YR 32.89
CARLSBAD	67/74	90%	26.24	29.52-37.17 @ 3YR 34.12
CLOVIS	47/65	72%	19.74	22.00 TRYING TO GET RAISES
LAS CRUCES	202/203	99%	20.00	26.15-31.38 11 YR MAX
OTERO COUNTY	52/52	100%	23.90	24.99 -29.75 @ 11YR
RUIDOSO	18/21	85%	19.00	22.00-39.09 10 YR MAX

SALARY COMPARISON TO OCSO

CURRENT APD PAY		CURRENT OCSO JULY 1, 2023 PAY				DIFFERENCE	
ENTRY	19.34	DEP 1	UNCERT	23.9		4.56	
CERT	21.12	DEP 2	CERT/LATE	24.99		3.87	
1 YR	21.54	DEP 2	1 YR TIG	25.52		3.98	
2YR	21.97	DEP 3	ENTRY	26.58		4.61	
3YR	22.41	DEP 3	1 YR TIG	27.39		4.98	
6YR	23.78	DEP 3	3 YR TIG	28.08		4.3	
8YR	24.74	DEP 3	5 YR TIG	28.83		4.09	
10YR	25.68	DEP 3	7 YR TIG	29.75		4.07	

STARTING JULY 1, 2023
 *APD DOES NOT MAX OUT TILL 25 YRS.

COMPARISON TO OCSO

	CALLS FOR SERVICE	TOTAL ARRESTS	CRASHES	REPORTS TAKEN
2021				
APD	22355	3353	1041	5738
OCSO	15486	1077	638	2097
2022				
APD	24760	3353	959	5503
OCSO	15236	1043	608	2669

APD PROPOSED PAY SCALE

OFFICER PAY SCALE		
	Uncertified	\$20.00
Step 1	Certified	\$27.00
Step 2	2 YRS	\$27.40
Step 3	3 YRS	\$28.22
Step 4	4 YRS	\$28.65
Step 5	5 YRS	\$29.51
Step 6	6 YRS	\$29.95
Step 7	7 YRS	\$30.85
Step 8	8 YRS	\$31.31
Step 9	9 YRS	\$32.25
Step 10	10 + YRS	\$32.73

Sergeants		
Step 1	1 YR	\$32.46
Step 2	2 YRS	\$33.08
Step 3	3 YRS	\$33.75
Step 4	4 YRS	\$33.91
Step 5	5 YRS	\$34.59
Step 6	6 YRS	\$35.11

Lieutenants		
Step 1	1 YRS	\$38.04
step 2	2 YRS	\$38.61
step 3	3 YRS	\$39.19
step 4	4 YRS	39.77

DEPUTY CHIEF OF POLICE		
STEP 1	1YR	43.74
STEP 2	2YRS	45.24
STEP 3	3YRS	45.91

CHIEF OF POLICE		
STEP 1	1YR	48.12
STEP 2	2YRS	48.84
STEP 3	3YRS	50.34

FY24 current	4,112,064.54
FY 24 proposed	4,958,214.01
Increase	846,149.47

PROPOSED COMPARISON TO OCSO

PROPOSED APD PAY		CURRENT OCSO JULY 1, 2023 PAY				DIFFERENCE	
ENTRY	20	DEP 1	UNCERT	23.9		3.9	
CERT	27	DEP 2	CERT/LATE	24.99		2.01	
1 YR	27.4	DEP 2	1 YR TIG	25.52		1.88	
2YR	28.22	DEP 3	ENTRY	26.58		1.64	
3YR	28.65	DEP 3	1 YR TIG	27.39		1.26	
6YR	29.95	DEP 3	3 YR TIG	28.08		1.87	
8YR	31.31	DEP 3	5 YR TIG	28.83		2.48	
10YR	32.73	DEP 3	7 YR TIG	29.75		2.98	

SINCE JANUARY 2019

PROPOSED HIRING INCENTIVE UNTIL STAFFING LEVELS ARE FULL

UNCERTIFIED

3 YR COMMITMENT 15,000 SIGN ON
10,000 WHEN HIRED
5,000 WHEN PROBATION ENDS

5YR COMMITMENT 20,000 SIGN ON
10,000 WHEN HIRED
10,000 WHEN PROBATION ENDS

CERTIFIED

3YR COMMITMENT 20,000 SIGN ON
10,000 WHEN HIRED
10,000 WHEN PROBATION ENDS (6 MONTH)

5YR COMMITMENT 25,000 SIGN ON
15,000 WHEN HIRED
10,000 WHEN PROBATION ENDS

* Hiring incentives will be funded through the cannabis tax

Municipal GRT .1250%	Budgeted	Actual
FY2019	830,388.00	843,792.76
FY2020	920,073.00	1,008,435.34
FY2021	922,222.00	1,006,081.03
FY2022	1,124,814.00	1,140,780.26
FY2023	1,117,684.00	964,672.01*
FY2024	1,041,596.00	

* Include through April 2023

	FY 2022-2023	UNAUDITED						ESTIMATED	LOCAL RESERVE	ADJUSTED
		BEGINNING		TRANSFERS	TRANSFERS	NET		ENDING	REQUIREMENTS	ENDING
FUND	FUND	CASH	ESTIMATED	IN	OUT	CASH	BUDGETED	CASH	UNAVAILABLE	CASH
NO.	DESCRIPTION	BALANCE	REVENUES			TRANSFERS	EXPENDITURES	BALANCE	FOR BUDGETING	BALANCE
11	GENERAL OPERATING FUND	17,559,597	23,087,677	846,208	12,892,155	(12,045,947)	20,852,131	7,749,196	2,206,423	5,542,773

	FY 2023-2024	UNAUDITED						ESTIMATED	LOCAL RESERVE	ADJUSTED
		BEGINNING		TRANSFERS	TRANSFERS	NET		ENDING	REQUIREMENTS	ENDING
FUND	FUND	CASH	ESTIMATED	IN	OUT	CASH	BUDGETED	CASH	UNAVAILABLE	CASH
NO.	DESCRIPTION	BALANCE	REVENUES			TRANSFERS	EXPENDITURES	BALANCE	FOR BUDGETING	BALANCE
11	GENERAL OPERATING FUND	7,749,196	21,780,074		10,509,353	(10,509,353)	15,809,901	3,210,016	1,786,237	1,423,779
10	INTERNAL SERVICE FUND	5,005	844,700	1,050,510		1,050,510	1,045,070	57,057		857,057



Alamogordo Police Department

QUESTIONS?

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/08/2023

Report No: 11.

Submitted By: Dylan Aleshire

Subject: Appointments to Boards and Committees. (*Susan Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Three (3) applications were received. Staff recommends one (1) appointment to the Mayor's Committee on Aging, one (1) appointment to the Parks & Recreation Board, and one (1) appointment to the Alamogordo Public Library Board.

Background:

Mayor's Committee on Aging

- Two (2) current vacancies.
- One (1) application by former MCoA member Shirley Dakin. If reappointed, this will be her 3rd term.

Parks and Recreation Board

- One (1) current vacancy.
- One (1) application by Adam Montorio. If appointed, this will be his 1st term.

Alamogordo Public Library Board

- One (1) current vacancy.
- One (1) application by John W. Davis. If appointed, this will be his 1st term.

Airport Zoning Board

- Three (3) current vacancies.
- No applications were received.

Senior Volunteer Programs Advisory Council

- Two (2) current vacancies.
- No applications were received.

If you wish to serve on a Board or Committee, you can apply online or in person at the City Clerk's Office. See the following link to learn more and apply: <https://ci.alamogordo.nm.us/353/Boards-Committees>

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

RECEIVED
MAY 23 2023
CITY CLERK

Name: SHIRLEY DAKIN
Home Phone: 228 243-1847 Work Phone: 465-50 85
Cell Phone: 228 243-1847 Fax No: _____
e-mail address: DAKIN5725@GMAIL.COM
Physical Address: 1431 TONNA ROYOS, ALAMOGORDO
Is the above address within City limits? Yes ☒ No _____
Mailing Address: 143 TONNA ROYOS, ALAMOGORDO, 88310
Present Employer: GCRMC Job Title: DISTRICT

Board/Committee you wish to serve on:

First choice: MAYOR COMMITTEE ON ABING
Second choice: _____

Are you related to anyone who is presently employed by the City of Alamogordo:

Yes _____ No ☒ If so, what is their relation to you? _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you? _____

Experience and education relating to the Board/Committee: I HAVE SERVED
ON THE MAYORS COMMITTEE ON ABING FOR 4 YRS

Please indicate your interest in serving on a City Board/ Committee: _____

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396

[Print](#)**Application to Serve on a Board/Committee - Submission #5470**

Date Submitted: 11/15/2022

City of
ALAMOGORDO**City of Alamogordo Application to Serve on a City Board/Committee****First Name:***

Adam

Last Name:*

Montorio

Phone Number:*

2104887485

Email Address:*

adammontorio@gmail.com

Physical Address:*

2045 Santa Fe Dr.

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☒ Yes
☐ No

Mailing Address:*

204 Santa Fe dr.

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

French Brothers Homes

Job Title:

Team Development

Board/Committee you would like to serve on (1st choice):*

Parks & Recreation Board

Board/Committee you would like to serve on (2nd choice):

Community Development Advisory Committee

Are you related to anyone who is presently employed by the City of Alamogordo?*

- ☐ Yes
- ☒ No

If so, what is their relation to you?

Are you related to an Elected Official of the City of Alamogordo?*

- ☐ Yes
- ☒ No

Is so, what is their relation to you?

Experience and education relating to the Board/Committee:*

My working experience with business organization and operations

Please indicate your interest in serving on a City Board/Committee:*

I am wanting to get involved and improve our community.

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

RECEIVED

JUN 05 2023

CITY CLERK

Name: John W. Davis
Phone: 575-952-0633
E-mail address: birdman88310@yahoo.com
Physical Address: 1508 Alaska Ave. Alamogordo, NM 88310
Is the above address within City limits? Yes ☒ No ☐
Mailing Address: 1508 Alaska Ave. Alamogordo, NM 88310
Present Employer: Retired Job Title: RN

Board/Committee you wish to serve on:

First choice: Library Board
Second choice: Parks & Recreation

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes ☐ No ☒ If so, what is their relation to you? _____

Are you related to any Elected Official of the City of Alamogordo?

Yes ☐ No ☒ If so, what is their relation to you? _____

Experience and education relating to the Board/Committee: Previous experience
serving on the Grant County Light Pollution Committee,
familiar with Robert's Rules of Order.

Please indicate your interest in serving on a City Board/ Committee: The Alamogordo
Public Library is a tremendously important
asset to our community. I'm interested in helping
continue the success of the library.

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575) 439-4100
FAX: (575) 439-4396

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 6/13/2023

Report Date: 06/08/2023

Report No: 12.

Submitted By:

Subject: Adjourn into Executive Closed Session in compliance with 10151(h)(8), NMSA (as amended) to discuss a possible land swap of real property located at 1402 College Ave.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: