



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

July 25, 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. Swearing in Police Officers, Christopher Redden and Justin Gillespie. (David Overstreet, Municipal Judge)

2. White Sands Balloon Invitational presentation. (*Ed Brabson*)

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 July 11, 2023, Regular Commission meeting. (*Rachel Hughs, City Clerk*)
4. Consider, and act upon, acceptance of a grant agreement from the New Mexico Department of Finance, in the amount of \$75,000, for housing and shelter programs in Alamogordo. (*Debbie Osborne, Grant Coordinator*)
5. Consider, and act upon, acceptance of a grant agreement from the New Mexico Department of Finance, in the amount of \$100,000, to purchase and equip vehicles for Alamogordo Police Department. (*Debbie Osborne, Grant Coordinator*)
6. Consider, and act upon, acceptance of a grant agreement from the New Mexico Department of Finance, in the amount of \$100,000, for equipment for the parks and recreation department in Alamogordo. (*Debbie Osborne, Grant Coordinator*)

ITEMS REMOVED FROM CONSENT AGENDA

UNFINISHED BUSINESS

7. Consider, and act upon, Resolution 2023-25, declaring 1703 Dewey Lane 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)**

NEW BUSINESS

8. Consider, and act upon, first publication of Ordinance 1678 to amend sections of the City Charter to coincide with State Statutes and the New Mexico Election Code. (*Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**
9. Consider, and act upon, Resolution 2023-30, declaring 313 New York Avenue 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)**
10. Consider, and act upon, Case SP-2023-0004(A), property owners Douglas A. & Carla C. Kerr are requesting to be granted a special permit to allow family members to reside in an RV on their property at 3102 Thunder Road. (*Sean McGranaghan, Assistant City Planner*)

EXECUTIVE SESSION (Roll Call Vote Required)

11. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager). **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/11/2023

Report No: 1.

Submitted By: David Kunihiro

Subject: Swearing in Police Officers, Christopher Redden and Justin Gillespie. *(David Overstreet, Municipal Judge)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Swearing in only

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date:

Report No: 2.

Submitted By:

Subject: White Sands Balloon Invitational presentation. (*Ed Brabson*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation Only.

Background:



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

Today's Date: July 21, 2023

**Request Date
of Meeting:**

July 24, 2023

Name and Title:

Ed BRABSON & DAVE CHELGAEN

Address:

901 Texas Ave

Alamogordo

ZIP 88310

Phone Number:

575. 430. 1300

E-Mail Address:

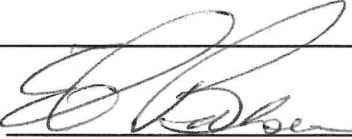
MANDIE@TOTACC.COM

Item requested will be for Information only

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -
We do not allow handouts at the meeting

See Power Point

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

White Sands Balloon Invitational



An Alamogordo Event since 1992

Family friendly event bringing together the whole community

Acknowledging White Sands National Park and the City of Alamogordo

White Sands Balloon Invitational

What we do for the community

Family oriented event the entire community can enjoy

Draws additional visitors from surrounding communities

Spotlights Alamogordo as a local point of interest

White Sands Balloon Invitational



- 2023 EVENTS
- As many as 30 Hot Air Balloons filling the skies
- Balloon Launch WSNP Saturday morning 16 September
- Balloon Glow Ed Brabson Balloon Park Saturday evening 16 September
- Mass Ascension Ed Brabson Balloon Park Sunday morning 17 September

White Sands Balloon Invitational



- Requested City of Alamogordo support
- 20K event funding to support event costs and create a carryover for out years

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/20/2023

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the July 11, 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
July 11, 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. Commissioner Burnett was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Shelby Moon and the Pledge of Allegiance was led by Commissioner Nick Paul.

APPROVAL OF AGENDA

**Commissioner Melton moved to approve the agenda.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 6-0-0.**

PUBLIC COMMENT

Chris Lucero and Drew Smith spoke under Item 8.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks:

1. She deferred to Chief Kunihiro to speak. Dispatch made the last call for Chief Denton over the radio.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

She thanked Police Chief Denton for his service. She said she had attended the hospital's contract signing, the Base Planning Commission Meeting, and a caregiver session. She said the 4th of July Parade was a lot of fun.

Commissioner McDonald made the following comments:

The cleanup will be held on Saturday, July 15th, at 5th and Florida. You can dump junk in a dumpster the City will provide, and we will also have a shredding company that can take your documents. If you would like to volunteer, be there at 7 o'clock. The shredding will start at 10 o'clock and end at 12. We will all be gone by 12 o'clock on Saturday.

Commissioner Rardin made the following comments:

He asked if Park staff could look at the canopy over the playground on Rutz Circle. Someone told him there were holes in it.

CONSENT AGENDA

1. Approve the minutes for the June 27, 2023, Regular Commission meeting. *(Rachel Hughs, City Clerk)*
2. Approve the statements related to the Executive Closed Session held on June 27, 2023. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, the adoption and final 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)*
4. Consider, and act upon the adoption and final publication of Ordinance 1679 adopting a municipal gross receipts tax. *(Stephanie Hernandez, Acting City Manager & Richard Denton, Police Chief) (Roll Call Vote Required)*
5. Consider, and act upon, approval of the Annual Reports from City Boards, Commissions, and Committees for Fiscal Year 2023. *(Rachel Hughs, City Clerk)*
6. Consider, and act upon, grant funding from the Non-Metro Area Agency on Aging FY24 contract for Direct Purchase of Services for senior programs, the total amount budgeted is \$510,892.63. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*
7. Consider, and act upon, approval of an agreement with the New Mexico Economic Development District, Non-Metro Area Agency on Aging (NM-AAA) for the Nutrition Services Incentive Program, the total amount budgeted is \$61,016.00. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*

City Clerk Hughs removed Item 3, and Commissioner Rardin removed Item 4 from the Consent Agenda.

Mayor Pro-Tem Wright moved to approve the Consent Agenda as amended.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

3. Consider, and act upon, the adoption and final 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)*

Item to be brought back at a later date.

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

Commissioner Rardin asked if staff had looked at all the different funding sources other than passing a gross receipts tax. Acting City Manager Hernandez said yes, they have looked at grants and general funds. If you recall, we are expected to have \$1,200,000 in the general fund at the end of next fiscal year. We have looked tirelessly for at least two years and did not bring this forward lightheartedly. He

said he was talking to people about this, and if we were to reimplement the Lodger's Tax, that would free up \$1,000,000 a year we are pulling out of Fund 11, correct? She asked if he was saying that because we are funding the Lodger's Tax. He said yes, we are funding the Civic Center and promotions out of Fund 11 because we did away with the Lodger's Tax, correct? She said that was correct, but it was nowhere close. She said if she remembered correctly, the Civic Center is about \$200,000, including all events, staff, and everything that goes along with maintenance. Right now, with advertising, we are using all of the Lodger's Tax still, but we only have about \$25,000 to \$50,000. We are doing a lot of digital, so it is not that much money. He said he was just putting that out there if we were to look at that.

Commissioner Rardin said if he is reading the ordinance correctly, this is not being dedicated specifically to law enforcement; it is just going into the General Fund, correct? Acting City Manager Hernandez said it is going into the General Fund with the dedication to law enforcement so that we can use the excess for PSAP. He said it says, "The dedication is to General Fund and operational expenses." She said it is because they are funded through Fund 11 from the General Fund. He said in the future, with other commissions, could this money be used for other things if needed. She said if the need arises, probably, but she did not see that happening. Salaries are only going to go up. He said his concern was that this was a reoccurring expense. About nine months ago, we increased our payroll by \$1,500,000, and now we are increasing it by almost another \$1,000,000. In the numbers you all calculated, the \$846,850, does that include overtime or PERA? She said that is straight salaries and benefits. It includes PERA but does not include overtime. He asked if it included health insurance. She said it is budgeted at full health insurance.

Commissioner McDonald moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

8. Consider and act upon Resolution 2023-25, declaring 1703 Dewey Lane 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)

Code Enforcement Manager Sides gave his presentation and recommended approving and ordering the property's abatement.

Christopher Lucero said he is the son of the property owner, Louie Ramos, and Mr. Ramos is here today. He said he agreed with Code Enforcement Manager Sides and that the house was unsafe. He said he graduated from the National Center of Education Research of Electrical Engineering, and the jacks that Code Enforcement Manager Sides was talking about were so they could reinstall steel beams instead of wood. At this time, only himself, his wife, his father, and his brother were there. There are no children or anyone else there. They cleaned out the debris from the fire that started two years ago. It is boarded up, but there are windows there. They did not want people looking into the construction on the inside. It is under construction, and they want more time, so they can later invite the Code Inspector over so he can look at it any time he likes. We ran out of funds and just left it where it was. We tried using solar panels and a generator with batteries.

Mayor Payne asked if he was living in it. Mr. Lucero said we live in it because we had nowhere else to go. We stayed there after the fire and started doing cleanup work. We hauled six truckloads of garbage, and every charred board was replaced with a new one. Mayor Payne asked Mr. Lucero if his

father-in-law owned this. Mr. Lucero said yes, his father-in-law, who was here with him. Mayor Payne asked if he had insurance. Mr. Lucero said they had no insurance at the time; it had been coming out of their savings. We are getting it done as rapidly as we can. Every day we are working on it.

Drew Smith said he was the neighbor that lived in 1705. He did not wish misfortune upon the family that lives there, but it is a safety concern. They cannot contain the dogs within their yard, and they have chased him. He asked them to contain the dogs, and he even built a raised-up fence an extra three feet that cost him an extra \$3,500, so he could make sure his animals and family were safe. He said he has had to call Animal Control on their loose animals several times. The animals have been chained up to what seem to be power lines. From what he had seen, there was no roof, and it looked like this house could go up in a tinderbox at any moment. He said when he got his house appraised, it brought down the value of his house by at least \$30,000. He said he worked hard to get where he is, and the City needs to take a stronger approach to ensure our town looks presentable and desirable, especially if we want new economic growth. With houses like this, it will not happen, especially when they are being pushed to find a solution at the last minute. All that work Mr. Lucero was explaining was only done after the inspection of the search warrant was done. It has been like that for two years. He said he was the only neighbor that would come forward because the others were afraid of retaliation, but someone needed to speak up.

Mr. Lucero said that Mr. Smith moved in about three or four months ago and is already claiming the whole neighborhood. Mr. Lucero said they have been there eighteen years and get along with all the neighbors. Their three dogs ran into our house and attacked us, and they tried to attack our dog, but our dog bit his dog. He said he went to his door to tell him to get a hold of his dogs, and he would not respond. The dogs were inside his house. Acting City Manager Hernandez said this is outside of the scope of the item.

Mayor Payne said she did not believe it was safe for Mr. Lucero to live there. Adults, kids, it does not matter. With what she is looking at, there is no way. It is not healthy or safe. She did not agree that he should be allowed to continue living in this house. She agreed that it was not fair to the neighbors. She asked how long the trash and stuff in the yard had been there. Mr. Lucero said it has been like that since they got the debris out. We bagged it up and separated everything. Mayor Payne asked Code Enforcement Manager Sides if the pictures were taken before that. Code Enforcement Manager Sides said the pictures were taken before. Mayor Payne asked if it was cleaned up now. Code Enforcement Manager Sides said he had not gone back. Mr. Lucero said they have been cleaning it up as they have been moving along. Mayor Payne asked Mr. Lucero if he only started cleaning it up after they were cited. Mr. Lucero said no, we have been cleaning up since the day of the fire. Mayor Payne said if you have been cleaning it up since the day of the fire, you must have had a lot of stuff. Mr. Lucero said it was just us two then. Mayor Payne asked about the roof, can you see from the inside to the outside? Code Enforcement Manager Sides shook his head no. Mr. Lucero said they closed the part of the roof where it was on fire. We put two double doors, and another door separates our house from that room. Mayor Payne asked if he had electricity hooked up right now. Mr. Lucero said no, they have a generator. Mayor Payne asked if it was a gas generator. Mr. Lucero said no, a little converter gives us 120 volts of power. It is not 220v, so we use propane for the stovetop. We are just asking for a little more time to clean it up. He said his father-in-law should be getting help from the VA.

Mr. Smith said his only concern with maintenance is that what is being done is unprofessional. He said he has had debris come into his yard where he is planting his trees, and it hit him in the back with two-inch nails. Fortunately, they were facing the other way. The maintenance is not professionally sound, and it cannot hold up to inspection whatsoever. It is just boards, nails, and that is it. If it is going to be done, it should be done professionally so there is no risk of fire, leaks, flooding, or sinkholes. It is bringing down the property value for everyone in the neighborhood.

Code Enforcement Manager Sides said that Mayor Payne brought up trash. He said there is an ongoing municipal court case on this property regarding the trash in the backyard.

Commissioner Rardin asked if the fire burnt through both roofs. Code Enforcement Manager Sides said in so many years, there has been some work done, but he was unsure if the fire burnt through both roofs. There are portions of the residence where you can walk out a door and see the sky. Commissioner Rardin said so part of it was inhabitable and part of it was not. Code Enforcement Manager Sides said yes sir, part of the living room and kitchen.

Commissioner Rardin asked Mr. Lucero if the house was paid off. Mr. Lucero said it was. Commissioner Rardin said that when the property owner was here, he believed in giving them more time. Because it was paid off, he may be able to go to a bank and borrow money against the property to at least get a roof over it. He may not have the interior done, but he could get electrical service and a heating and cooling system. Mayor Payne asked Mr. Lucero if there was plumbing. Mr. Lucero said yes.

Mayor Payne said she does not see this as inhabitable. Commissioner Rardin said that it is not by Construction Industries Division standards, but it could be very quickly. Mayor Payne said she did not believe the Health Department would consider it. Commissioner Rardin said he did not know if they have any say in it, but it would be more Construction Industries Division that would have a say, one way or the other. He said he had fixed burned structures like this before. If they are willing and able to get a loan against the property, if the property is paid off, they can at least go in and get this structurally sound. Mayor Payne asked how they would get a loan on this. Commissioner Rardin said they could go in there and get a mortgage on the house. It would just be like building a home. More than likely, they would need a contractor to come in and get the roof portion fixed. He said he couldn't support kicking Mr. Lucero out of his house.

Mayor Payne said that if she drove by tomorrow, would that trash be gone? Mr. Lucero said he guaranteed it, both in the front and back yard.

Commissioner Melton said he was generally in favor of giving leeway to owners, but the fire happened years ago. He said he wanted to give the owners the benefit of a doubt, but with generators in there and a subpar electrical set-up, if a fire happens and spreads, that is a lawsuit on us because we did not handle it.

Mayor Payne said she deals with these situations on a daily basis; she understands low income and being displaced. She said her issue was that it was only once we started putting pressure on Mr. Lucero that he understood the urgency. We have to consider everybody that lives around them. It does not matter what area of town it is in; fair is fair. If this happened in Mayor Pro-Tem Wright's District, would we be having this discussion? Commissioner Rardin said no, because those houses would have already been rebuilt. Mayor Payne said maybe, but that is not the point. The point is, would we be having this discussion? We would not be. Somebody would have thrown a fit, and that house would have been fixed. We should not view it differently because it is in a different part of town. The neighbors deserve the same respect as anyone that lives in any part of town.

Commissioner Rardin said he felt that we should handle this like we did with the property on White Sands Boulevard across from AutoZone. The gentleman is here, and they are trying to do it. Let's give them three or six months. If they don't have something substantially done, then we take action at that point. Mayor Pro-Tem Wright said his concern with that is a realistic timeline. It has been sitting like this for three years, and they have had every opportunity. Commissioner Rardin said they went through

COVID and may not have had the financial means to do that. Mayor Payne asked Commissioner Rardin to convince her they would see significant progress in ninety days. Commissioner Rardin said we could do the ninety days and then do an inspection. If there is no significant progress, then we can take action. If there is, we can give them up to six months. Finding a contractor and getting a loan may take a while.

Commissioner Paul said his concern is that it is literally a hazard, not only for the family living there but for neighbors as well. If he is running a generator, who knows the condition of the wiring in that place? If it goes up and burns another house, and somebody dies as a result, that is pretty substantial. He said his opinion was that Mr. Lucero would not get a loan from a bank. He would have to go to a hard money lender to get anything done. The house has no value to a bank in its current state. He asked Mr. Lucero what the likelihood was, barring financing from an outside source, that you guys could come up with the funds to rebuild the roof and put the electrical back to a safe and working condition? Mr. Lucero said they would get a VA loan, and he was pulling out of his stocks. He may be getting disability, and when he got that money, it should fix the whole house. He said the VA was supposed to help him out, but something did not come through. We thought we could do it ourselves. Everything there is safe, and he guaranteed it would not start fires. Commissioner Paul said without having a licensed electrician in there, who knows? Is there an ability for you all to find temporary housing in the interim? Mr. Lucero said they tried that, but it was expensive, and motel rooms were too expensive. If we did that, we would not have money to purchase materials for the house. We would end up with no gas or food. We have not asked for any help from the City. We are trying to do it on our own. Maybe that was the wrong thing for us to do. His father-in-law is not asking for handouts and is paying out of his own money and retirement.

Mayor Payne asked if Mr. Lucero was employed. He said he was, and he was working for the IBW Electrical Workers Local 234. We are going to start a project, but he cannot go to work because he felt he was sick. He said he got bronchitis and was sick for about four months during that time and has not been back to work since then. He has been collecting unemployment and using that money to fix the house. The rooms in the back have smoke and carbon dioxide detectors in the ceiling. They are electrically wired with battery backups.

Acting City Manager Hernandez asked Mayor Payne if they could do a median where you pass the resolution, come back in three months, he can show what was done, and if the Commission is satisfied, it will delay the demolition. Mayor Payne asked if that was what we did with the last one. Acting City Manager Hernandez said no. Commissioner Rardin said he agreed with staff on that. He would also like to stipulate that Mr. Lucero will have all the debris outside that place cleaned up within the next two weeks. Mr. Lucero said it would be done.

Mayor Payne asked the other members of the Commission how they felt. Commissioner Melton said he could support that, but he was worried about the precedent we are setting, where someone that has had damage existing for three years can come in and expect the same results. Usually, when these circumstances arise, it is recent damage, maybe a year. There is a big difference between a year and three years. He said he would support the ninety-day plan but is hesitant about what that does to the Commission in the future.

Commissioner Rardin said we are the government, we are not here to steal or tear people's property down, and he feels that is where we are at. When they do not show up and come to us, or if they just sign it over, that is one thing. Mayor Payne said but we are infringing on other people's property rights. Everybody has a right to live healthy, clean, and free of concern. There could be kids in that neighborhood, and it could be dangerous. She said the issue is that four grown adults have been in that house since 2020. Mr. Lucero's finances are none of our business, but do we take Mr. Lucero at

his word? Mr. Lucero said that two of the adults cannot really do anything. His father-in-law is seventy-five years old and could hurt himself. Mayor Payne asked if the father-in-law had income. Mr. Lucero said he was the only one out there. The other adult is going to school and is only there partially. His wife is on disability, and so is his father-in-law. He said he was the only one and doing the best he could.

Acting City Manager Hernandez said to address Commissioner Melton, the objective that we as staff were told from the beginning was to beautify and clean up Alamogordo. If we have declared this dilapidated and give him ninety days, that is the best of both worlds. If we don't, the City has to clean it up. She said she understood it had been three years, but this way gives us teeth. If nothing has been done and it does not satisfy the Commission by ninety-one days, then you can tell staff to go knock it down or put it on a list, whatever the direction would be. She said she didn't think it was about precedent because our objective is to clean-up Alamogordo. Her opinion was that it would behoove us to pass this, so we have some teeth on day ninety-one. Mayor Payne asked for a specific date. Commissioner Rardin said October 11th. Acting City Manager Hernandez said yes. Commissioner Rardin said we should stipulate that Mr. Lucero has two weeks to get all that debris out of that backyard to keep the neighbors happy. Acting City Manager Hernandez said the closest City Commission meeting was on October 10th, which is eighty-nine days. Mayor Payne said that October 10th is the ninety-day mark for the next Commission meeting. If, by day ninety-one, there is no significant progress, she will vote to tear it down.

Commissioner Melton said if we declared it dilapidated, could the four of them live there? Acting City Manager Hernandez said no. Mayor Payne said so Mr. Lucero could not live in it and would have to figure something out for the next ninety days. Mayor Payne asked if that was correct. City Attorney Smith said that was correct. Mr. Lucero asked if they could get a camper and live on the property. Mayor Payne said no, that is against the ordinance. Mr. Lucero said they lost everything. All of his stuff is burned and gone, and that place is home. You will probably see us at the gas station sleeping in a car. It will be bad for us, but we will respect your decision, regardless of what it is.

Mr. Smith said he was okay with how the Commission is planning this out. He said he had a heart and understood that they were trying. It has been them living in it for the time being. He wants to see it get fixed, not torn down or them out on the street, but he also doesn't need to worry about his safety either. He said he would be more than happy to help when he could, but we should not throw them out on the streets if they have been living there. Mayor Payne said she did not know if we had a choice. Commissioner Rardin said that they cannot live there once we declare it. Mr. Smith said that is the Commission's call. His intention is just to clean it up. Commissioner Rardin said if we do not declare it tonight and wait ninety days to declare it, do staff have to go back with their warrants and start over? Code Enforcement Manager Sides said not necessarily. As long as he is given consent by the property owner, then no. If he does not, then yes, he would need a warrant. Commissioner Rardin said we need to go back and see what they have done workwise. Code Enforcement Manager Sides said the other side of that is that he has already done a search warrant once, so getting a judge to do it again is not impossible, but they are going to ask many more questions about why we are doing it again.

Commissioner Rardin said the issue is that this house is very easily fixed. He has fixed houses that burned similar to this. If you go in and knock it down, it will be a vacant lot for the rest of our lives. No one will go in and rebuild a house on this property. Commissioner McDonald asked if a roof would cost \$12,000 or so. Commissioner Rardin said he did not know.

Commissioner Melton asked City Attorney Smith that if we gave them thirty days without ruling it dilapidated, and there is a family of four, and someone gets injured while doing the repairs we told them to do, is there any liability for the City. City Attorney Smith said that given the fact that we knew

about it being potentially uninhabitable, they could. A court could rule that we had some liability there, yes. Commissioner Melton said that was his concern. Mayor Payne said that was her concern too.

Commissioner Rardin said he did not want to kick these people out of a place to live but he wanted to give them time. Mayor Payne said she did not want to kick them out either, but they cannot live like this. It has been three years. Commissioner Rardin said we know about the liability, but it is not our structure or property. He did not understand how we would be liable in the event something happened. Mayor Payne said we got a judge to sign off on an administrative warrant. That implies that we thought there was something wrong with the house. Commissioner Rardin said if they are staying there, that is of their own free will. If someone breaks in and gets hurt, they illegally went in. He did not see how that would fall on us.

Acting City Manager Hernandez asked Mayor Payne if we could push this to the next meeting to see if there is anything significant that would not cause any issues with declaring it dilapidated. Give them two weeks to see if they can do anything. Just push it down so we are not tabling the item indefinitely, and we are not doing the ninety days. Mayor Payne said what if we give two weeks, and in two weeks, Mr. Lucero has to come back with a written plan and how he will execute it. She said she agreed with Commission Paul and did not believe that Mr. Lucero's property had value or that he would get a conventional loan from a bank. If he does, it will not be enough to do anything significant. Commissioner Rardin said he thought a bank would loan on that if they had a contractor that went in and gave them a bid. If they took that bid to the bank and the bank said okay, if it is free and clear, once it is finished, the bank would finish it and take it from them if they did not get it finished. Commissioner Paul said the bank is not in the business of owning real estate. His opinion is to go with two weeks, let them come back, and then they can approach anybody they can find financing to complete this project. If they cannot at that time, then we will continue moving forward with the decision we need to make. Commissioner Paul said he would recommend looking into the option of selling the home as a backup plan. At the end of the day, you would at least have some money to go and make a new fresh start. He said he knew it was hard to hear that. Mayor Payne said that Mr. Lucero needs to understand that it is not over when he returns in two weeks with the plan. Just to reiterate, it is not enough to say you have a plan. We need to see you execute a plan. You cannot come in, and that will be the end of it. She said she would keep an eye on this. We have to be fair to everybody. She said that Mr. Lucero needs to think critically, come up with a plan, and then figure out a way to execute it. That is the only way she will support this. Commissioner Rardin said that within the next two weeks, Mr. Lucero also needs to take care of the yard, the debris, and the trash. He would like to see photos of the yard to ensure it is cleaned up.

Commissioner McDonald gave Mr. Lucero a handout of the District Five Cleanup this upcoming Saturday and said it was free.

Commissioner Melton said we need to specify that the plan should entail financing as part of moving forward. He does not need to secure it. Just have a plan.

Commissioner Rardin moved to table this until July 25th, and that the homeowner will have the front and back yards cleaned up, and he will come forward with a plan of how he will repair or sell the structure or what else he will do.

Mayor Pro-Tem Wright seconded the motion.

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

9. Consider and act upon Resolution 2023-26, declaring 1109 Michigan Avenue 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)

Code Enforcement Manager Sides gave his presentation and recommended approving and ordering the property's abatement.

Commissioner Rardin asked how long ago this one burned. Code Enforcement Manager Sides said about the same time as the other one. Commissioner Rardin asked if it was in 2020. Code Enforcement Manager Sides said he believed it was in October.

Mayor Payne asked how old the person living there was. Code Enforcement Manager Sides said older, probably early sixties. Mayor Payne asked if the man living here was disabled. Code Enforcement Manager Sides said he did not appear to be when they made contact to execute the search warrant.

Commissioner Rardin asked if we knew if it was insured when it burned. Code Enforcement Manager Sides said from his understanding the property owner now was not the property owner when it burned. It has gone through two other property owners that he could tell.

Acting City Manager Hernandez said the City went and looked at this about a year ago, around when the hotel burned, and it has only gotten worse. We did not bring it to the Commission because we tied up our funds with the hotel. It was a different owner then. Mayor Payne asked if the property owner was here tonight. Code Enforcement Manager Sides said no, but he invited him.

Commissioner Rardin said our abatement budget just rolled over, correct, so we are back in a new budget? Acting City Manager Hernandez said yes sir. Commissioner Rardin asked if we expended everything we had on the last one. Acting City Manager Hernandez said yes sir, on the hotel. Commissioner Rardin asked if we still had what we had budgeted. Acting City Manager Hernandez said yes sir. Commissioner Rardin said this house may have asbestos in it from remodels over the years.

Commissioner Melton asked if the owner gave any indications that they were making efforts to address these issues. Code Enforcement Manager Sides said no, the owner thought it was structurally sound, and this resolution would not pass tonight. He knew the owner was in the process of trying to sell it because a realtor called. Commissioner Melton said he did not feel we had a choice with this one. Commissioner Rardin said we kind of do not. In the event we declare it, and it sells to somebody willing to remodel and repair it, can we pull it back off? Acting City Manager Hernandez said we can pull it back off as long as they have a contract or something in writing that says this is what they are going to do. It cannot just be they are selling the house, there has to be something in place, and we would work with them. Commissioner Rardin said after we declare it, how quickly could we get a state contract to get it demolished? Acting City Manager Hernandez said we have others, so we would have to prioritize them to see where it would fall into. Commissioner Rardin said it could be a few months before it was torn down. Acting City Manager Hernandez said she would say so.

Mayor Payne asked if there was electricity in this house. Code Enforcement Manager Sides said no, but in the mother-in-law suite, there is, and they are running an extension cord from it to the main building. Mayor Payne said so the brother lives in the mother-in-law suite. Code Enforcement Manager Sides said the mother-in-law suite's property is not bad other than the flooring. The older brother lives in the three-story house on the living room floor.

Commissioner McDonald moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

10. Consider, and act upon, Ordinance 1670 for the first publication to approve a Local Economic Development Project for Secured Assistance Proposed by Learn New Mexico. (Michelle Perry, CEO Learn New Mexico LLC) (Roll Call Vote Required)

Acting City Manager Hernandez said this ordinance needs to be corrected. Instead of Ordinance 1670, it is 1680.

Michelle Perry said the City has a LEDA application, Local Economic Development Act Funds. These funds are used explicitly to grow the economy. She had to follow an application process that will be discussed tonight. She said she took the opportunity to apply for funds. She proceeded with her presentation.

Commissioner Melton said it says that you have a plan for one business storefront to rent out. Ms. Perry said she does. Commissioner Melton asked what she was thinking in terms of minimizing disruptions, assuming there are customers, to other people there? Ms. Perry said it would be a business whose priorities and goals align with hers. She has been in talks with the Center of Commerce so they can come along and be that storefront, which makes sense for economic driving.

Mayor Payne asked what Ms. Perry thought the future would look like. Ms. Perry said the future looks like we have an innovation space where people come from other places to gather and use the space for conferences and meetings. They can come to use our internet, our Wi-Fi, to get a cup of coffee. They come to hot desk and the semi-private office they have rented. They come to network. Most importantly, and near and dear to her, is that she is utilizing the space to teach and educate. We are providing the space as an educational venue, and that can mean many things. We need to address the skill shortage we have in this community, and she wants to be part of that solution. She wants to educate our community to become a better one. Mayor Payne asked if she would be open to anything. Ms. Perry said it is an innovation center, so anything innovative she would adore and love to bring aboard there. The space in the building allows for lots of different types of activities, from hot desks, where you can come and rent a hot desk for a minute so you can have a meeting, up to a conference room where you can have more than one person and have it kind of private, to a large conference space equipped with technology.

Mayor Payne said that LEDA is based on job creation, so maybe she is missing something. Mayor Pro-Tem Wright said like how the payback works. Ms. Perry said she has not attended to the specifics of the payback except in one slide. In the last attachment, there is a proposed payback plan. Acting City Manager Hernandez said there is an analysis of where it will be paid back on a spreadsheet. Mayor Payne said she loved this idea and was excited to see what could be done with it.

Commissioner Rardin asked if a private individual owned the property. Ms. Perry said a private individual owns this.

Acting City Manager Hernandez said this is brand new for Alamogordo and not what we have traditionally been looking at for economic development. We did Medline Ramps and the Cookie Factory and have done more on the manufacturing side. She said she went to the State first, and this does not qualify for State LEDA, but in talking with them, it does qualify for municipalities under forty thousand. LEDA allows municipalities to grant awards for businesses that are needed in Alamogordo and not defined by the state statute in those boxes. There are some things to note. Although Ms. Perry has requested \$1,300,000, we can only go up to \$1,000,000 because LEDA must be very specific. In this case, it would be for the building, land, and any permanent renovations. Ms. Perry can not use the money to outfit a kitchen or any other rooms, so there has to be a component where she has to kick

in some funds, and that has been discussed with her, and she has done her due diligence on how she is going to supplement to outfit the building. There was a lot of support from the community; you have letters of support from leaders such as Senator Griggs. It is really a unique business within New Mexico itself. Another thing to talk about is that some of the companies we have given LEDA to have gone under; they left, and we have not been able to collect. It is important to note here that they have strong ties to Alamogordo and are not just going to up and leave us. She said although she believed this could be successful in this community, it is always what happens if it is not successful and how we will recover. Well, we will put a mortgage on the building and follow that. She said she went on a walkthrough of the building, took people around it, and it is a very useable building for the City. It is almost like the Civic Center, and it will be upgraded and would be something the City could absorb with minimal cost on our side, as opposed to just a rentable space for us. She said she put the participation agreement in there that spells out exactly what is expected, such as jobs that she is going to create, training that she needs to do, events for the networking of the community, and the number of individuals that she has to train to go into the workforce. Documentation was going to be a hard one, so I had to go work with Finance to determine how we were going to document all of that. If she is training individuals to go out into the workforce, that is not her economic development, but how can we track that? Ms. Perry already has a plan for how they are going to if they are going to go through here. She has the documentation down for how she is going to prove that she is training people, and they are going out and making a minimum of \$15 an hour. Mayor Payne said it is really important we get those numbers, and it would be good for us as a City as well for a multitude of reasons.

Commissioner Paul asked for a walkthrough of the cost recovery on the job creation side of things. He said he sees a project manager listed here in year four and then the Innovation Center Director. Are all those direct positions going to be within the Innovation Center? Ms. Perry said correct. Commissioner Paul asked if the twenty-four newly trained employees would be people you are sending back into the workforce. Ms. Perry said correct. Commissioner Paul said for those twenty-four employees, what types of jobs are you expecting to train people into? What are we going after? Ms. Perry said she believed that soft skills training is one that she has heard a lot of business owners say they would love. Anything that has to do with business startup. Being an entrepreneur coming along SBDC and being able to promote those trainings because they speak to the same delivery message. She said she mentioned that she is the sole person in the community that does Serve Safe Food Manager Courses and exams, and she has had over one hundred people come through her courses in the last two and a half years. That also contributes to the individuals I would track into the community.

Mayor Payne asked if Ms. Perry saw people from elsewhere, like Ruidoso, utilizing this because she thought they could. Ms. Perry said she believed that people from all different corners of our state would be in good hands at our Innovation Center. She said she is thinking along the lines of journeymen in electricity, plumbing, and construction, their trainings and meetings coming to a generalized location. In her previous career, there was a joke that they always had to go to Albuquerque to have all their meetings. As time has progressed, Las Cruces has become quite the hub, but you go to these large cities for these trainings. Her goal is to pull some of that traffic here to Alamogordo. Mayor Payne said that would not only be good for the Center but also for Alamogordo as a whole. She said she completely agreed with Ms. Perry. We need a better-trained workforce; if people have those opportunities, we will get them. She said she could see people not wanting to do years of college and instead wanting to do something now. This sort of fills in that gap, where they will have more immediate opportunities. Ms. Perry said that personal connections and relationships have been a cornerstone in the training and development done at the company. We are very conscientious about anybody that comes to our training programs about really promoting their livelihood. Her staff goes to great lengths to ensure success for people; honestly, that is a real attribute of the kind of people we have here in

our community. We have people that want to help each other. She said she wants to capitalize on that for the community and have a place where people can join that energy.

Mayor Pro-Tem Wright said he was looking at some of the examples. Have you tracked any of the traffic or success rates of some of those in other communities? Ms. Perry said she had to a certain extent. She started this project many months ago and visited a couple of those locations. They do quite well. For the general scope, what is the money to be made in this kind of venture? She said she did research, and we are talking about over sixteen billion dollars in potential revenue by 2027 on the Innovation Center or co-workspaces. This is not a new thing, but this is something new to our location. As for it being a viable business and a viable sector, all her indications are that this is a viable business plan. This is a model that succeeds and does well, especially as it is not just office space. It is beyond and more than that. There is more to the story. Mayor Pro-Tem Wright asked if there was a potential possibility in expanding into the trades with NMSUA. Ms. Perry said that NMSUA has its programs, and she would point anyone towards NMSUA to say hey, want to go get a certification through the college or university? Our programs will be more training based. She said she was most interested in stackable certificates and badging. It is a different way to look at education. She said she felt that education has room for improvement in general.

Commissioner McDonald said she read through the entire document twice, and sometimes you see a person that has succeeded in businesses; over the years that she has seen Ms. Perry work, she had the general knowledge of what is needed here, and not just here, but within the state. She said one thing that was missing was a coffee shop. Ms. Perry said she agreed, and there is a cool bar in one of these rooms, and that will be our coffee shop.

Commissioner Melton asked Ms. Perry if she had an understanding with the owner of the building. She said she had an understanding with the real estate agent, who has an understanding with the owner. Commissioner Melton said so it is not like you do not know what it would cost. Ms. Perry said no, they had been in constant communication. She invited him to be here tonight.

Mayor Pro-Tem Wright moved to approve Ordinance 1680.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

Mayor Pro-Tem Wright moved to adjourn at 8:22 p.m.

Commissioner McDonald seconded the motion.

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

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on July 25, 2023.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/17/2023

Report No: 4.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, acceptance of a grant agreement from the New Mexico Department of Finance, in the amount of \$75,000, for housing and shelter programs in Alamogordo. (*Debbie Osborne, Grant Coordinator*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No additional fiscal impact.

Recommendation: Accept the grant agreement.

Background: The City of Alamogordo was awarded a \$75,000 grant to purchase equipment for housing and shelter programs in Alamogordo. This is a Junior Bill appropriation that was requested by Senator Griggs and awarded during the 2023 Legislative Session. The City will serve as the fiscal agent and work with COPE on this project. The funding will expire on June 30, 2024.

APPROPRIATION RECIPIENT: CITY OF ALAMOGORDO
APPROPRIATION NUMBER: 23-ZH9257
APPROPRIATION AMOUNT: \$75,000.00
REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE
SEVENTY-FIVE THOUSAND (\$75,000.00) for housing and shelter programs in Alamogordo. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

APPROPRIATION REIMBURSEMENT
The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

CERTIFICATION
I hereby certify that CITY OF ALAMOGORDO

- 1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
- 2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
- 3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
- 4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.

Stephanie Hernandez, Acting City Manager Appropriation Recipient Representative	Date
Evelyn Huff, Finance Director Appropriation Recipient CFO	Date

APPROVAL
In in accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9257 in the amount of \$75,000.00.

Wesley Billingsley Director, Local Government Division	Date
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STATE OF NEW MEXICO
SB192 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____
B. Address: _____
(Complete Mailing, including Suite, if applicable)

City, State, Zip
C. Contact Name/Phone #: _____
D. Grant No: _____
E. Project Title: _____
F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____
B. Grant Amount: \$ 0.00
C. AIPP Amount (If Applicable): \$ 0.00
D. Funds Requested to Date: \$ 0.00
E. Amount Requested this Payment: \$ 0.00
F. Reversion Amount (If Applicable): \$ 0.00
G. Grant Balance: \$ 0.00
H. ☐ GF
I. ☐ Final Request for Payment (if Applicable)

III. ☐ **Fiscal Year :** 2024 (July 1, 2023-June 30, 2024)
(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☐ **Compliance Certification:** Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

Grantee Fiscal Officer
or **Fiscal Agent** (if applicable)

Grantee Representative

Printed Name

Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

Division Fiscal Officer Date

Division Project Manager Date

**STATE OF NEW MEXICO
SB192 Junior Appropriation
Final Report Form
Exhibit B**

Appropriation Recipient: _____

Appropriation Number: _____

Use of Appropriation Funds	Amount
Personnel Expenses	\$ 0.00
Other Operating Expenses	\$ 0.00
Capital Expenses	\$ 0.00
Other _____	\$ 0.00
Total Amount of Appropriation Funds Expended	\$ 0.00

Narrative

Describe the outcomes, results, benefit, and or uses of the appropriation funds

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/17/2023

Report No: 5.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, acceptance of a grant agreement from the New Mexico Department of Finance, in the amount of \$100,000, to purchase and equip vehicles for Alamogordo Police Department. *(Debbie Osborne, Grant Coordinator)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No additional fiscal impact.

Recommendation: Accept the grant agreement.

Background: The City of Alamogordo was awarded a \$100,000 grant to purchase vehicles and equipment for the Alamogordo Police Department. This is a Junior Bill appropriation that was requested by one of our Legislators and awarded during the 2023 Legislative Session. The funding will expire on June 30, 2024.

APPROPRIATION RECIPIENT: CITY OF ALAMOGORDO
APPROPRIATION NUMBER: 23-ZH9258
APPROPRIATION AMOUNT: \$100,000.00
REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE
ONE HUNDRED THOUSAND (\$100,000.00) to purchase and equip vehicles for the Alamogordo Police Department. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

APPROPRIATION REIMBURSEMENT
The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

CERTIFICATION
I hereby certify that CITY OF ALAMOGORDO

- 1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
- 2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
- 3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
- 4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.

Stephanie Hernandez, Acting City Manager Appropriation Recipient Representative	Date
Evelyn Huff, Finance Director Appropriation Recipient CFO	Date

APPROVAL
In in accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9258 in the amount of \$100,000.00.

Wesley Billingsley Director, Local Government Division	Date
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STATE OF NEW MEXICO
SB192 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____
B. Address: _____
(Complete Mailing, including Suite, if applicable)

City, State, Zip
C. Contact Name/Phone #: _____
D. Grant No: _____
E. Project Title: _____
F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____
B. Grant Amount: \$ 0.00
C. AIPP Amount (If Applicable): \$ 0.00
D. Funds Requested to Date: \$ 0.00
E. Amount Requested this Payment: \$ 0.00
F. Reversion Amount (If Applicable): \$ 0.00
G. Grant Balance: \$ 0.00
H. ☐ GF
I. ☐ Final Request for Payment (if Applicable)

III. ☐ **Fiscal Year :** 2024 (July 1, 2023-June 30, 2024)
(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☐ **Compliance Certification:** Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

Grantee Fiscal Officer
or **Fiscal Agent** (if applicable)

Grantee Representative

Printed Name

Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

Division Fiscal Officer Date

Division Project Manager Date

**STATE OF NEW MEXICO
SB192 Junior Appropriation
Final Report Form
Exhibit B**

Appropriation Recipient: _____

Appropriation Number: _____

Use of Appropriation Funds	Amount
Personnel Expenses	\$ 0.00
Other Operating Expenses	\$ 0.00
Capital Expenses	\$ 0.00
Other _____	\$ 0.00
Total Amount of Appropriation Funds Expended	\$ 0.00

Narrative

Describe the outcomes, results, benefit, and or uses of the appropriation funds

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/17/2023

Report No: 6.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, acceptance of a grant agreement from the New Mexico Department of Finance, in the amount of \$100,000, for equipment for the parks and recreation department in Alamogordo. *(Debbie Osborne, Grant Coordinator)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No additional fiscal impact.

Recommendation: Accept the grant agreement.

Background: The City of Alamogordo was awarded a \$100,000 grant to purchase equipment for the parks and recreation department. This is a Junior Bill appropriation that was requested by Senator Griggs and awarded during the 2023 Legislative Session. The funding will expire on June 30, 2024.

APPROPRIATION RECIPIENT: CITY OF ALAMOGORDO
APPROPRIATION NUMBER: 23-ZH9259
APPROPRIATION AMOUNT: \$100,000.00
REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE
ONE HUNDRED THOUSAND (\$100,000.00) for equipment for the parks and recreation department in Alamogordo. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

APPROPRIATION REIMBURSEMENT
The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

CERTIFICATION
I hereby certify that CITY OF ALAMOGORDO

- 1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
- 2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
- 3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
- 4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.

_____ Appropriation Recipient Representative	_____ Date
_____ Appropriation Recipient CFO	_____ Date

APPROVAL
In in accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9259 in the amount of \$100,000.00.

_____ Wesley Billingsley Director, Local Government Division	_____ Date
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STATE OF NEW MEXICO
SB192 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____
B. Address: _____
(Complete Mailing, including Suite, if applicable)

City, State, Zip
C. Contact Name/Phone #: _____
D. Grant No: _____
E. Project Title: _____
F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____
B. Grant Amount: \$ 0.00
C. AIPP Amount (If Applicable) : \$ 0.00
D. Funds Requested to Date: \$ 0.00
E. Amount Requested this Payment: \$ 0.00
F. Reversion Amount (If Applicable) : \$ 0.00
G. Grant Balance: \$ 0.00
H. ☐ GF
I. ☐ Final Request for Payment (if Applicable)

III. ☐ Fiscal Year : 2024 (July 1, 2023-June 30, 2024)
(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☐ **Compliance Certification:** Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

Grantee Fiscal Officer
or **Fiscal Agent** (if applicable)

Grantee Representative

Printed Name

Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

Division Fiscal Officer Date

Division Project Manager Date

**STATE OF NEW MEXICO
SB192 Junior Appropriation
Final Report Form
Exhibit B**

Appropriation Recipient: _____

Appropriation Number: _____

Use of Appropriation Funds	Amount
Personnel Expenses	\$ 0.00
Other Operating Expenses	\$ 0.00
Capital Expenses	\$ 0.00
Other _____	\$ 0.00
Total Amount of Appropriation Funds Expended	\$ 0.00

Narrative

Describe the outcomes, results, benefit, and or uses of the appropriation funds

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/13/2023

Report No: 7.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2023-25, declaring 1703 Dewey Lane 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: This property was presented to the Commission at the July 11, 2023 meeting. Commissioners asked to have the item brought back in front of them at the July 25, 2023 meeting with a plan from the property owner.

RESOLUTION NO. 2023-25

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 1703 DEWEY LANE 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 1703 Dewey Lane, 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. Rudy Ramos and Mr. Rene Ramos, the record owners 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 July 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

- [Account Search](#)
- [My Reports](#)
- [Help](#)
- [Logout Public](#)

Account: R011639

Location	Owner Information	Assessment History			
Account Number <i>R011639</i>	Owner Name RAMOS & RAMOS & RAMOS	Actual (2023 - Residential Cap applied) \$109,938			
Situs Address 1703 DEWEY LN	Owner Address 2000 CRESCENT DR	Primary Taxable \$36,646			
Previous Parcel ID 01-02009	ALAMOGORDO, NM 88310	Exemption Adjustments:			
Parcel Sequence		Head of Household (\$2,000)			
Neighborhood A8 - Alamo Estates		Veteran (\$4,000)			
Tax Area 01_R		Adjusted Taxable Total \$30,646			
Parcel Number 01N4056093365190		Tax Area: 01_R Mill Levy: 26.030000			
Legal Summary Subd: ALAMOGORDO		Type	Actual	Assessed	Acres SQFT
ESTATES Lot: 4 Block: 2		Residential Land	\$13,000	\$4,333	0.185
Appraiser STEVE BOYLE		Residential Improvement	\$96,938	\$32,313	1786.000

Transfers
Sale Date
Sale Price
Doc Description
Deed
Deed
Deed
Deed
Deed
Warranty Deed

Tax History	Images
Tax Year	Taxes
*2023	\$953.88
2022	\$926.08

* Estimated

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

Focusing On: 1703 DEWEY LN ALAMOGORDO 88310







Case #: 202300582

Case Date: 03/13/23

Address Number: 1703

Street Name: Dewey

Complainant Phone: 5754394375

Description: Trash and debris and outdoor storage of materials

Complainant Address: 2010 Oregon

Complainant Name: Baca

Reinspection: 03/29/2023

Compliance Inspection :

Property Owners :

Court case number:

DOB:

ID #:

Court Date:

Status: Draft Resolution

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4056093365190	1703 DEWEY LN	Subd: ALAMOGORDO ESTATES Lot: 4 Block: 2	RAMOS, RUDY & RENE		

Activities

Date	Activity Type	Description	Employee	Status
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03/13/2023	Inspection	Observed trash and debris, outside storage of materials.	CHRISTIAN BACA	Assigned
03/29/2023	Re-Inspection	Upon reinspection of this property, some of the violations had been taken care of, but still in non compliance. On 05/11/2023, I, Code Enforcement Manager Josh Sides, was made aware of a dilapidated structure located at 1703 Dewey Lane, Alamogordo, Otero County, New Mexico. Upon arrival to the residence, I observed several violations of the International Property Maintenance Code (IPMC). These violations included: • 302.1 Sanitization- Please remove or have removed all debris and junk from the back yard of the property. • 304.1 General- Please repair or have repaired any defects in the walls so they are structurally sound and sanitary so as not to threaten public health, safety, or welfare. • 304.1.1 Unsafe Conditions- Please repair or have repaired the roof of the residence so it will not admit rain into the residence and will support all nominal loads. • 304.2 Protective treatment- Please repair or have repaired all exterior surfaces in good condition and weather resistant with paint or sealant. • 304.3 Premises Identification- Please have the numerics of the residence posted so they are legible from the street, contrast with the background, and are a minimum of 4 inches tall with a stroke width of .5 inches wide • 304.4 Structural members- Please repair or have repaired exterior walls (structural members) so they can support dead and live loads on them. • 304.6 Exterior walls- Please repair or have repaired exterior walls so they are free from cracks, holes, or any other deterioration and are weatherproofed. • 304.7 Roofs and drainage- Please repair or have repaired the roof of the building to include flashing so it is sound, tight, and free of defects that allow rainwater in. • 304.13 Window, skylight, and door frames- Please repair or have repaired all doors and windows to good condition, good repair, and weather tight. • 306.1.1 Unsafe Conditions- Please repair or have repaired all or replace all components of the residence with fire damage. I drafted an IPMC letter and mailed it to the property owners, Identified through the Otero County Accessors Office to be Mr. Rudy Ramos and Mr. Rene Ramos.	CHRISTIAN BACA	Non-Compliance
05/11/2023	Inspection		JOSH SIDES	Non-Compliance
06/05/2023	Inspection	On 06/05/2023, I, Code Enforcement Manager Josh Sides, received the IPMC letter back to Code Enforcement stating it was undeliverable. Per IPMC Code, I posted the IPMC letter to the door of the residence.	JOSH SIDES	Non-Compliance
06/16/2023	Inspection	On 06/16/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted an Administrative Search Warrant for 1703 Dewey by 12th Judicial District Court Judge Jessen.	JOSH SIDES	Completed

06/21/2023	Inspection	On 06/21/2023 at approximately 1330 hours, I, Code Enforcement Manager Josh Sides, along with Code Enforcement Officers Otero and Payan, Facility Maintenance Manager Paul Bennett, Deputy Fire Chief Ramirez, and Sgt. Watts executed the search warrant for 1703 Dewey. Sgt. Watts made contact with the people inside of the residence and informed them of the search warrant. Upon the residence being clear and safe, all members of the search warrant team entered the property to conduct an inspection. Photographs of the residence were collected as evidence. The property and a copy of the search warrant was given to Mr. Rene Ramos who was at the residence.	JOSH SIDES	Closed
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Violations

Date	Violation	Description	Notes	Status
03/13/2023	*14-01-020. - Accumulation of garbage, refuse and debris; removal.	(a)No person shall permit to accumulate upon premises owned, leased or occupied by him, any garbage or refuse, except in covered watertight containers made of metal or plastic.(b)No person shall throw, place, dump or dispose of any debris on any street, gutter, sidewalk or alley, nor shall any person allow the accumulation upon his property, of any debris for a longer period than five (5) days. Sites subject to an active building permit may accumulate these items for longer than five (5) days, but such items must be maintained in an orderly fashion so as not to impede on the property of others or create a hazard or attractive nuisance. Materials must be removed upon the completion of the permitted construction.(c)No person shall dump, deposit, place or dispose of any trash, debris, junk, or other matter on public property or upon the property of another without the written consent of the property owner.(d)No person shall cause or permit to remain upon any property, private or public, any dead animal, animal waste or vegetable or mineral matter or any composition or residue thereof which is in an unsanitary condition or is hazardous to public health.(e)Any unauthorized accumulation of garbage, refuse or debris is declared to be a nuisance and is prohibited.(f)No person shall cast, place, sweep or deposit anywhere within the city any garbage, refuse or debris in such a manner that it may be carried or deposited by the elements upon the street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.		*Open
03/13/2023	*14-01-030. - Garbage and refuse; precollection practices.	(a)Garbage and refuse shall be placed and maintained in containers of a type approved by the code enforcement officer.(b)No person shall burn refuse unless it is burned in an incinerator approved by the code enforcement officer. These containers shall be separate and apart from containers used for depositing garbage and refuse.(c)It shall be the responsibility of all persons to dismantle and/or flatten all boxes or packing crates, regardless of construction, and to bundle all tree clippings, before placing the same in garbage containers.(d)The following items of solid waste shall not be placed in regular collection containers, and the producers of such solid waste will be required to individually contract with the contractor or hauler for the disposal of such solid waste: Poisons, acids, caustics, chemicals, explosives, waste contaminated by infectious diseases, radioactive waste, dead animals, live pests, rocks, sand, dirt, concrete, bricks and building materials.(e)Garbage disposed of in containers provided by the contractor shall be first deposited in closed flyproof containers.(f)Motor oil and similar liquid material shall be disposed of only in sealed containers, or by arrangement with the contractor or a hauler. All such disposal shall be done in accordance with environmental protection agency standards. (Ord. No. 700, § 2, 9-24-85)		*Open

03/13/2023	*14-01-150. - Outdoor storage.	Junk means any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state. This shall include by way of illustration only and without limitation wood, used lumber, paper, glass, bottles, rags, rubber, scrap metal, tin cans, scrap material, waste, concrete, rubble, boxes, crates, building materials, or machinery parts. (b)Declared nuisance. The presence of junk on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance. (c)Prohibited acts. It is unlawful for any person, firm, or corporation to store, or permit to be stored or placed, or allow to remain on any public or private property or street or highway within the city limits any junk unless such junk is in an enclosed fence or wall and such junk is not visible from adjoining or surrounding property or from the street or streets or public ways. It shall be unlawful for any person to allow any vehicle regardless of condition to be left unattended on jacks or blocks for any length of time. Such activity shall be considered a public nuisance and a danger to the public welfare.	*Open
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Attached Letters

Date	Letter	Description
03/13/2023	Notice of Violation	

Notes

Date	Note	Created By:
2023-06-05	Certified IPMC letter returned as "Return to Sender. UNCLAIMED. Unable to forward" Address is correct according to the Otero County website.	Jessica Wing

Uploaded Files

Date	File Name
06/22/2023	15848868-IMG_8097.JPG
06/22/2023	15848863-IMG_8092.JPG
06/22/2023	15848864-IMG_8093.JPG
06/22/2023	15848865-IMG_8094.JPG
06/22/2023	15848866-IMG_8095.JPG
06/22/2023	15848867-IMG_8096.JPG
06/22/2023	15848857-IMG_8288.JPG
06/22/2023	15848858-IMG_8289.JPG
06/22/2023	15848859-IMG_8290.JPG
06/22/2023	15848860-IMG_8089.JPG
06/22/2023	15848861-IMG_8090.JPG
06/22/2023	15848862-IMG_8091.JPG
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06/22/2023	15848674-IMG_8112.JPG
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06/22/2023	15848665-IMG_8103.JPG
06/22/2023	15848660-IMG_8098.JPG
06/05/2023	15651015-Dewey, 1703. Returned Certified IPMC letter.pdf
05/15/2023	15407331-DEWEY 1703 IPMC POSTED.pdf
05/15/2023	15405925-DEWEY 1703 RAMOS IPMC pre-mailing.pdf
04/14/2023	15043969-Dewey, 1703. Ramos, Rudy. Summons.Complaint Court Papers.pdf
04/04/2023	14945855-1703 Dewey Lane - Rudy Ramos.docx
03/29/2023	14885634-IMG_6657.JPG
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03/29/2023	14885633-IMG_6656.JPG
03/13/2023	14718370-1703 Dewey (3).JPG
03/13/2023	14718371-1703 Dewey (4).JPG
03/13/2023	14718372-1703 Dewey (5).JPG
03/13/2023	14718373-1703 Dewey (6).JPG
03/13/2023	14718374-1703 Dewey (7).JPG
03/13/2023	14718364-1703 Dewey (10).JPG
03/13/2023	14718365-1703 Dewey (11).JPG
03/13/2023	14718366-1703 Dewey (12).JPG
03/13/2023	14718367-1703 Dewey (13).JPG
03/13/2023	14718368-1703 Dewey (1).JPG
03/13/2023	14718369-1703 Dewey (2).JPG
03/13/2023	14718362-1703 Dewey (8).JPG
03/13/2023	14718363-1703 Dewey (9).JPG

Dilapidated Structure

1703 Dewey Lane



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

1703 Dewey Lane

- On 05/11/2023, I was made aware of a potentially dilapidated structure and conducted an investigation.
- On 05/15/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing ten violations of IPMC and how to correct them, as well as my contact information.
- On 06/02/2023, Code Enforcement received the certified letter back stating, “Return to Sender”.
- On 06/05/2023, IPMC letter was posted in a conspicuous place on the residence per IPMC Code 111.4.2.
- On 06/07/2023, Paul Bennett, Facility Maintenance Manager, conducted an inspection of the dwelling and noted there is severe damage due to a fire within, the staircase on the south side of the property is structurally unsound, and noted multiple broken windows.
- On 06/15/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 06/21/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

1703 Dewey Lane

- 302.1 Sanitation- Exterior property and premises shall be clean, safe, and sanitary condition.
- 304.1- General- Exterior in good repair, structurally sound, and sanitary.
- 304.1.1 Unsafe Conditions- Roof or components shall not have defects that admit rain and be structurally sound.
- 304.2- Protective Treatment- Paint or protective treatment to the exterior.
- 304.3- Premises Identification- Approved address numbers placed in a position to be plainly legible from the street.

International Property Maintenance Code

Violations (continued)

1703 Dewey Lane

- 304.4- Structural Members- Maintained free from deterioration and support loads.
- 304.6- Exterior Walls- Free from holes, breaks, and loose materials.
- 304.7- Roofs and Drainage- Shall be sound, tight, and not have defects that admit rain.
Shall not admit dampness or deterioration to the interior.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair,
and weather tight.
- 306.1.1 Unsafe Conditions- Components or system to be beyond its limit state or have
fire damage beyond charring shall be deemed unsafe.

Condition of the Property at 1703 Dewey Lane



Condition of the Property at 1703 Dewey Lane



Condition of the Property at 1703 Dewey Lane



Condition of the Property at 1703 Dewey Lane



Condition of the Property at 1703 Dewey Lane



Condition of the Property at 1703 Dewey Lane



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/20/2023

Report No: 8.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, first publication of Ordinance 1678 to amend sections of the City Charter to coincide with 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:

Ordinance 1678 for adoption was pulled off the consent agenda on July 11, 2023, to bring the ordinance back for first publication to add an amendment to the City Charter that is not consistent with State Statutes: Article VI, Elections, Section 3 Vacancies B.

Additional amendment.

State Statutes section 3-14-9 reads:

The appointment is **to fill the vacancy until the next Regular Election**, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.

A portion of that section in the current City Charter reads:

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.

Information from June 13th and July 11th.

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 VI. ELECTIONS SECTION 3. VACANCIES, 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 CITY 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 VI. Elections Section 3. Vacancies, 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 VI. ELECTIONS**Section 3. Vacancies**

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.~~ fill the vacancy until the next regular local election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.

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.~~ **fill the vacancy until the next regular local election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.**

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;

New Recommended Amendment.

ARTICLE VI. ELECTIONS

Section 3. Vacancies.

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. If a vacancy occurs in the commission, the remaining elected and appointed commissioners shall, by a majority vote, appoint a qualified elector to fill the vacancy until the next regular local election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.

State Statutes

3-14-9. Vacancies in commission.

If a vacancy occurs in the commission, the remaining elected and appointed commissioners shall, by a majority vote, appoint a qualified elector to fill the vacancy until the next regular local election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/14/2023

Report No: 9.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2023-30, declaring 313 New York Avenue 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: 313 New York Ave. is so ruined and dilapidated that it is currently a risk to public health and safety.

RESOLUTION NO. 2023-30

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 313 NORTH NEW YORK AVENUE 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 313 North New York Avenue, 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. Jose Emanuel Trevizo, 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 July 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: R010828

Location	Owner Information	Assessment History			
Account Number <i>R010828</i>	Owner Name TREVIZO, JOSE EMANUEL	Actual (2023)	\$1,648		
Situs Address 313 NEW YORK AVE	Owner Address PO BOX 2335	Primary Taxable	\$549		
Previous Parcel ID 01-01151	LAS CRUCES, NM 88004	Tax Area: 01_R	Mill Levy:		
Parcel Sequence			26.030000		
Neighborhood A1 - South Central Alamogordo		Type	Actual	Assessed	Acres
Tax Area 01_R		Residential	\$1,648	\$549	0.069
Parcel Number 01N4055094108401		Land			
Legal Summary Subd: ALAMO BLOCKS Lot: 17 Block: 8					
Appraiser STEVE BOYLE					

Transfers		
Sale Date	Sale Price	Doc Description
		Deed
		Deed
		Deed
		Deed
		Deed
		Deed
		Deed
		Deed
		Deed
		Deed
		Probate
		Probate
		Special Warranty Deed
		Special Warranty Deed
		Special Warranty Deed
		Special Warranty Deed

Tax History		Images
Tax Year	Taxes	
*2023	\$14.28	Map Photo GIS
2022	\$14.28	

* Estimated

Focusing On: 313 NEW YORK AVE ALAMOGORDO 88310



Exhibit "2"

Case #: 202301004

Case Date: 04/28/23

Address Number: 313

Street Name: New York N.

Complainant Phone: 5754393337

Description: Dilapidated Structure

Complainant Address: 2010 Oregon Ave

Complainant Name: Sides

Reinspection: 05/24/2023

Compliance Inspection :

Property Owners : Trevizo, Jose Emanuel

Court case number:

DOB:

ID #:

Court Date:

Status: Signed Search Warrant

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4055094108401	313 N. NEW YORK AVE	Subd: ALAMO BLOCKS Lot: 17 Block: 8	TREVIZO, JOSE EMANUEL		

Activities

Date	Activity Type	Description	Employee	Status
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05/08/2023	Inspection	On 05/08/2023, I, Code Enforcement Manager Josh Sides, was made aware of a property on the Delapidated Structures list for Code Enforcement. The property listed was 313 N. New York Ave., Alamogordo, Otero County, New Mexico. I proceeded to the address to inspect the property. Upon arrival, I observed the building in violation of the City of Alamogordo Code of Ordinances 8-03-080-International Property Maintenance Code (IPMC) Adopted, as well as multiple IPMC violations, including 301.3 Vacant Structures and Land, 302.7 Accessory Structures, 302.9 Defacement of Property, 304.1.1 Unsafe Conditions-subsections 3, 5, 7, 8, and 11, 304.2 Protective Treatment, 304.4 Structural Members, 304.6 Exterior Walls, 304.10 Stairways, Decks, Porches, and Balconies, 304.13 Window, Skylight, and Door Frames, 304.15 Doors, and 306.1.1 Unsafe Conditions subsections 4 and 6. I took photographs of the residence, which were uploaded to iWorQ. I drafted an IPMC letter to send to the property owner, identified as Jose Trevizo.	JOSH SIDES	Non-Compliance
06/02/2023	Inspection	On 06/02/2023, I, Code Enforcement Manager Josh Sides, learned Code Enforcement received the return receipt showing the property owner received the IPMC letter.	JOSH SIDES	Closed
06/22/2023	Inspection	On 06/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted a 12th Judicial District Court Administrative Search Warrant for 313 New York Ave. by Judge Jessen.	JOSH SIDES	Closed

Notes

Date	Note	Created By:
2023-06-02	Signed, certified mail label returned 06/02/2023	Jessica Wing

Uploaded Files

Date	File Name
06/02/2023	15617403-New York. 313. Trevizo. Signed Certified.pdf
05/23/2023	15506289-New York. 313. IPMC. Pre-mailing.pdf
05/08/2023	15333197-JoshSides-05-08-2023-16-32-30-UTC-313_N_New_York.jpg
05/08/2023	15333198-JoshSides-05-08-2023-16-33-49-UTC-313_N_New_York.jpg
05/08/2023	15333200-JoshSides-05-08-2023-16-33-56-UTC-313_N_New_York.jpg
05/08/2023	15333201-JoshSides-05-08-2023-16-34-04-UTC-313_N_New_York.jpg
05/08/2023	15333192-JoshSides-05-08-2023-16-34-12-UTC-313_N_New_York.jpg
05/08/2023	15333193-JoshSides-05-08-2023-16-34-24-UTC-313_N_New_York.jpg
05/08/2023	15333194-JoshSides-05-08-2023-16-34-40-UTC-313_N_New_York.jpg
05/08/2023	15333195-JoshSides-05-08-2023-16-32-18-UTC-313_N_New_York.jpg
05/08/2023	15333196-JoshSides-05-08-2023-16-32-25-UTC-313_N_New_York.jpg

Dilapidated Structure

313 N. New York Ave.



Timeline

313 N. New York Ave.

- On 05/08/2023, I was made aware of a potentially dilapidated structure and conducted an investigation.
- On 05/23/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing violations of IPMC and how to correct them, as well as my contact information.
- On 06/02/2023, Code Enforcement received the certified mail receipt, which was signed, showing the property owner had received the letter.
- On 06/16/2023, Paul Bennett, Facility Maintenance Manager, conducted a walk-around of the building and found several walls and the roof were collapsing, doors and windows were missing, and there was nothing left of the interior due to a fire.
- On 06/22/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 06/29/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

313 N. New York Ave.

- 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 313 N. New York Ave.



Condition of the Property at 313 N. New York Ave.



Condition of the Property at 313 N. New York Ave.



Condition of the Property at 313 N. New York Ave.



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/17/2023

Report No: 10.

Submitted By: Sean McGranaghan

Subject: Consider, and act upon, Case SP-2023-0004(A), property owners Douglas A. & Carla C. Kerr are requesting to be granted a special permit to allow family members to reside in an RV on their property at 3102 Thunder Road. (*Sean McGranaghan, Assistant City Planner*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: N/A

Recommendation:

Background: Consider, and act upon, Case SP-2023-0004(A). Property owners Douglas A. & Carla C. Kerr are requesting to be granted a special permit to allow family members to reside in a RV on their property at 3102 Thunder Road (*Sean McGranaghan, Assistant City Planner*)



City of Alamogordo

City Commission



SP-2023-0004(A)

Sean McGranaghan, Assistant City Planner
July 25, 2023

Special Permit Request Case: SP-2023-0004(A)

2

Request:

The property owner is requesting a special permit to allow for family members to live in an RV on his property at 3102 Thunder Road

Applicant:

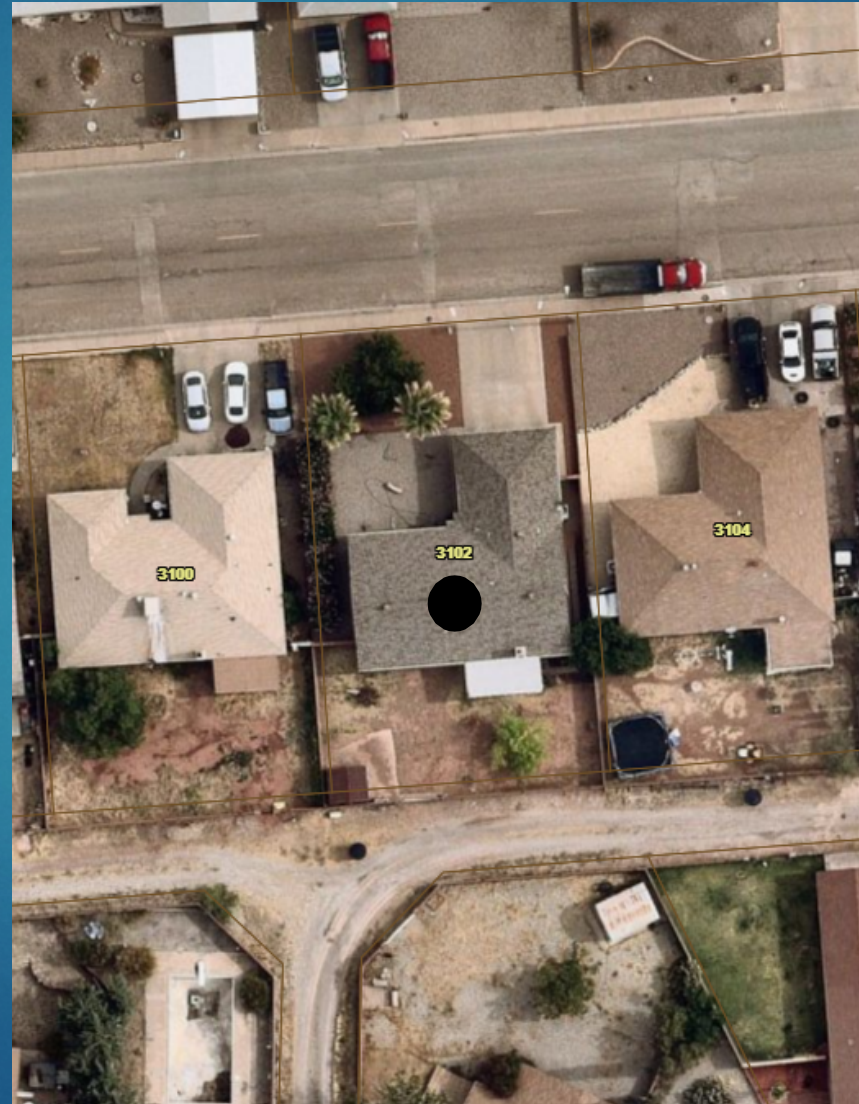
Douglas Kerr

3102 Thunder Road

Alamogordo, NM 88310

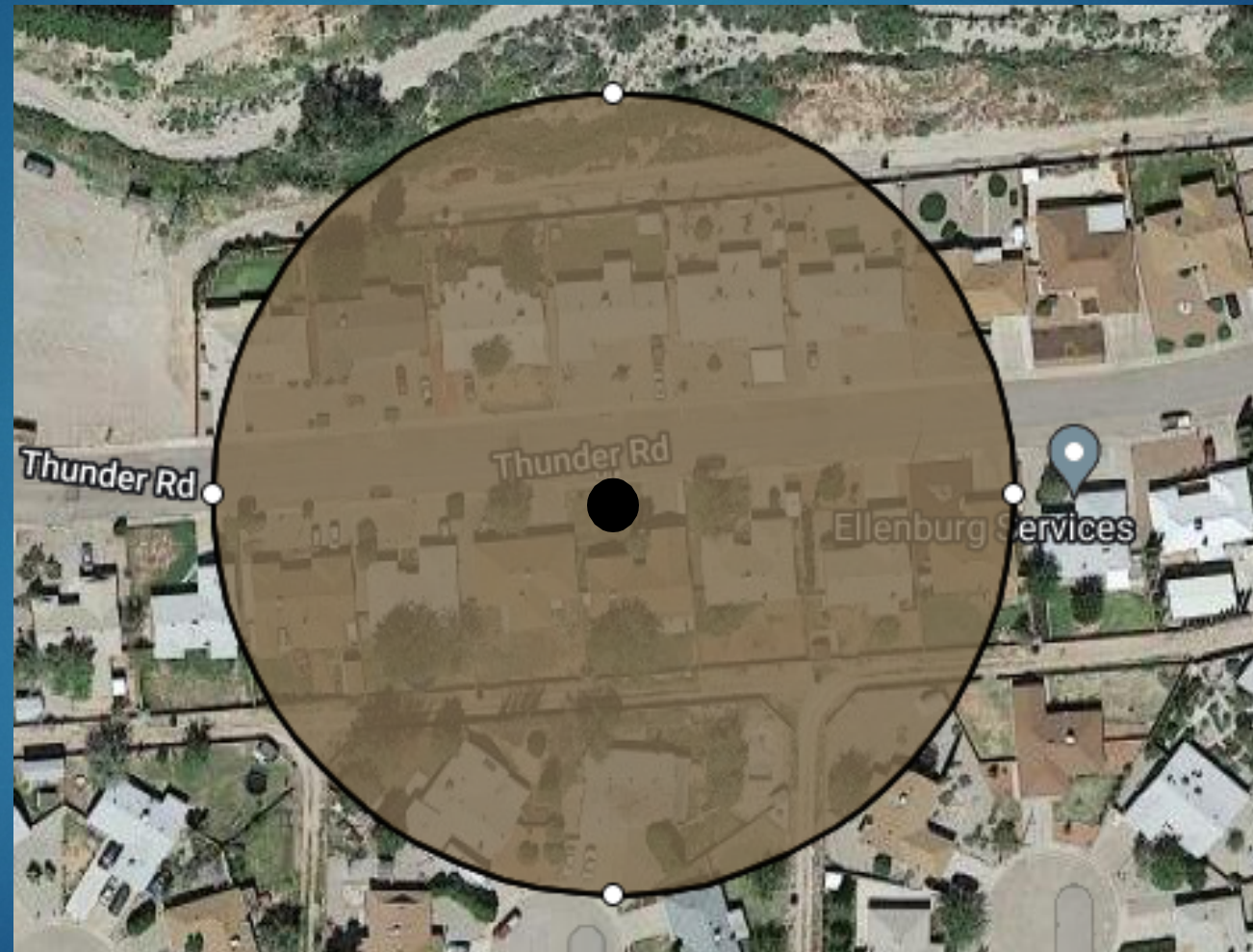
Aerial View

3



Protest Map

4



Findings of Fact

- ◆1. The property is located at 3102 Thunder Road
- ◆2. The request is for a special permit to allow for family members to live in the RV parked at 3102 Thunder Road
- ◆3. The application was filed on June 27, 2023
- ◆4. The legal notice was published on July 09, 2023
- ◆5. Twenty (20) letters were mailed to all property owners of record within two hundred (200) feet from the property excluding public right-of-way.
- ◆6. As of July 17th, 2023, there have been Zero (0) letters returned undeliverable, and I have not received any letters or phone calls of opposition.

25-01-020. Location; permits; exceptions.

- (a) It is unlawful for any person to use within the City of Alamogordo any mobile housing unit, or recreational vehicle, for habitation or commercial purposes unless it is located in an area where the city zoning ordinance specifically permits its location, or except as otherwise provided in this section.
 - (b) The city commission may authorize temporary permits for mobile housing units in other zoning districts where the following conditions are met:
 - (1) Notice of the time, place and purpose of the hearing on the issuance of the permit has been published, at least fifteen (15) days before the meeting, in a newspaper of general circulation, and sent by first class mail to all property owners of record within two hundred (200) feet, excluding all public right-of-way, of the property for which the permit is sought;
 - (2) The applicant must show some hardship which is not self-inflicted, but which arises from the character of the property for which the permit is sought, character of surrounding properties, or extreme and unusual personal circumstances; and
 - (3) The temporary placement of a mobile housing unit is not detrimental to the surrounding properties.
- Applications for a special mobile housing unit permit shall be reviewed by the planning and zoning commission, with its recommendation forwarded to the city commission. Duration of the permit shall be one year, and not more than one renewal of the permit shall be allowed. Within ninety (90) days of the date the renewal is to expire, the permit holder may apply for a new permit, which may be renewed once.
- (c) A mobile housing unit or a recreational vehicle may be used for a temporary construction office at a site where construction work is being carried on.
 - (d) A recreational vehicle or mobile housing unit, not more than ten (10) feet wide nor forty (40) feet long, may be stored on residential property under the following circumstances:
 - (1) It shall not be used for occupancy in any manner while stored except as provided in paragraphs (j) and (k) of this section.
 - (2) It shall not be connected to gas, water or sewer except when used pursuant to paragraph (j) of this section; and
 - (3) On inside lots, it shall be set back two (2) feet behind the sidewalk or five (5) feet behind the curb, whichever is greater, and on corner lots, shall be set back twenty-five (25) feet from the front lot line and five (5) feet from the lot line on the street side, so as not to interfere with the view of traffic at an intersection; and
 - (4) It shall not interfere with the use of streets, alleys or sidewalks by the general public.
 - (e) Mobile housing units may be located at automobile or mobile home sales lots for office or display purposes, if the lot is located adjacent to U.S. Highway 54 or U.S. Highway 70.
 - (f) Trailers may be used or parked for commercial purposes, other than retail sales, as an accessory to lawful commercial uses, for not more than forty-eight (48) hours. Extensions up to thirty (30) days may be granted in writing by the city manager; longer use shall only be by special permit as specified in subsection (b) of this section.
 - (g) Trailers may also be used for the purposes and at the locations specified in section 21-01-020(d).
 - (h) A self-contained recreational vehicle may be used for habitation on city property, excluding streets or rights-of-way for not more than seventy-two (72) hours upon written approval by the city manager, or property zoned for business or industrial uses upon permission of the person in control of property zoned for business or industrial uses subject to such conditions as the city manager or person in control of property zoned for

business or industrial uses may require. The person in control of property zoned for business or industrial property used for overnight recreational vehicle parking may not charge a fee for such parking. Such use of city property is to be authorized only in conjunction with a city approved group activity. Extensions up to fifteen (15) days shall only be by special permit as specified in subsection (b) of this section. Commercial use of a recreational vehicle or trailer shall only be permitted as specified in section 21-01-020(d) of this Code.

- (i) A self-contained recreational vehicle may be used for habitation in areas approved by the city commission, subject to compliance with the Uniform Traffic Code, for special events not to exceed sixty (60) days. Sponsors of the special event shall submit written requests for approval of designated areas to the City of Alamogordo to allow the City Commission consideration at least thirty (30) days prior to the opening day of the special event. Extensions of time beyond the sixty (60) days shall only be by special permit as specified in subsection (b) of this section. Commercial use of a recreational vehicle or trailer shall only be permitted as specified in section 21-01-020(d) of this Code.
- (j) A recreational vehicle, which otherwise complies with the provisions of this Ordinance including subsection (d) 3, may be used for dwelling purposes for not more than fourteen (14) days total in any continuous six month period. Connection to utilities shall be only of a temporary nature using a flexible connection. A recreational vehicle may be parked upon a public street while used for dwelling purposes for a period not longer than seventy-two (72) hours. Public utilities shall not be used when the recreational vehicle is parked on the street. The City Manager may grant extensions in writing, if presented evidence of exceptional circumstances that will not result in long term residencies.
- (k) A recreational vehicle, boat, or utility trailer may be parked upon a public street for seventy-two (72) hours when it is actually being loaded, readied for use, or unloaded.
- (l) Any provisions of this ordinance allowing recreational vehicles to park on a street are effective only so long as a vehicle so parked leaves a traffic lane sufficient for emergency vehicles to pass and is not parked closer than fifty (50) feet to an intersection. The City Commission finds that the provisions of this subsection are necessary to preserve the public safety in that recreational vehicles parked in the street cause a hazard not only by their width, but by their height.

(Ord. No. 685, 2, 9-25-84; Ord. No. 702, § 3, 10-22-85; Ord. No. 720, § 2, 7-14-87; Ord. No. 721, § 1, 8-25-87; Ord. No. 834, § 1, 10-22-91; Ord. No. 857, § 3, 7-14-92; Ord. No. 951, 7-11-95; Ord. No. 965, § 2, 11-14-95)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 7/25/2023

Report Date: 07/21/2023

Report No: 11.

Submitted By: Commission

Subject: Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager). **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: