



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

August 22, 2023 - 6:30 PM

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

Susan L. Payne Mayor
Dusty Wright Mayor Pro -Tem, District 6
Nick Paul District 1
Stephen Burnett District 2
Karl Melton District 3
Josh Rardin District 4
Sharon McDonald District 5

Stephanie Hernandez Acting City Manager
Ashley Smith City Attorney
Rachel Hughs City Clerk

MISSION STATEMENT as Adopted by the City Commission on March 24, 1995.

The City of Alamogordo is a Municipal Corporation that exists solely for the purpose of providing the best possible services to our customers, the citizens of Alamogordo. We are committed to providing these services with honesty, integrity, compassion, fairness, and a commitment to excellence.

We are committed to the long-term financial stability and responsible growth of the City and all decisions will be driven by our commitment to provide the best services possible in a financially sound and responsible manner given the economic realities facing the City.

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside of the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: <http://ci.alamogordo.nm.us> within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: <http://ci.alamogordo.nm.us>

The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4100.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Presentation on the opportunity to create a Coffee Shop Accelerator in partnership with the City of Alamogordo. (Nolan Ojeda, Executive Director Alamogordo MainStreet)

PUBLIC COMMENT

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

CITY MANAGER'S REPORT**REMARKS AND INQUIRIES BY THE CITY COMMISSION****CONSENT AGENDA** (Roll Call Vote Required for an Ordinance or Resolution)

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

2. Approve the minutes for the August 8, 2023, Regular Commission meeting. *(Rachel Hughs, City Clerk)*
3. Approve the statements related to the Executive Closed Session held on August 8, 2023. *(Rachel Hughs, City Clerk)*
4. Approve the weekly City Manager Reports for 8/04/2023 & 8/11/2023. *(Stephanie Hernandez, Acting City Manager)*
5. Consider, and act upon, the adoption and final 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)*
6. Consider, and act upon, Resolution 2023-40 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of August 22, 2023. *(Evelyn Huff, Finance Director) (Roll Call Vote Required)*
7. Consider, and act upon, the Investment Report for the quarter ending June 30, 2023 in accordance with the City of Alamogordo Investment Ordinance. *(Sue Ashe, Accounting Manager)*
8. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents, the total amount budgeted is \$48,242.00 (\$28,397.00 for home-delivered meals and \$19,845.00 for transportation). *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*
9. Consider, and act upon, Resolution 2023-36 authorizing and approving the transfer of ACC contracts and of real and personal property belonging to the Housing Authority of the City of Alamogordo to the Eastern Regional Housing Authority. *(Evelyn Huff, Finance Director) (Roll Call Vote Required)*
10. Consider, and act upon, approval 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)*

ITEMS REMOVED FROM CONSENT AGENDA**NEW BUSINESS**

- Consider, and act upon, approving the vehicle transfer to Otero County Tularosa Basin Regional Dispatch Authority (TBRDA), under the Public Safety Answering Point (PSAP). *(David Kunihiro, Chief of Police and Stephanie Hernandez, Acting City Manager)*
12. Consider, and act upon, Case V-2023-0004(A), property owner Patriot Pointe Apartments LLC is requesting to be granted a variance to allow for streets, parking, and amenities to be counted as part of the 2,000 square feet per dwelling unit lot size requirement stated in ordinance 29-03-270. *(Stella Rael, City Planner)*
 13. Consider, and act upon, Resolution 2023-31, declaring 1218 Post 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)**

14. Consider, and act upon, Resolution 2023-32, declaring 803 Arapaho Trail 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)**

15. Consider, and act upon, Resolution 2023-33, Encouraging citizens to contact Governor Lujan-Grisham and request pre-trial detention reform be placed on the agenda for the upcoming 30-day session. (*Karl Melton, District 3 Commissioner and Stephanie Hernandez, Acting City Manager*) **(Roll Call Vote Required)**

16. Discuss and provide direction for the Joint Meeting with the Otero County Commission. (*Stephanie Hernandez, Acting City Manager*)

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

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/17/2023

Report No: 1.

Submitted By:

Subject: Presentation on the opportunity to create a Coffee Shop Accelerator in partnership with the City of Alamogordo. *(Nolan Ojeda, Executive Director Alamogordo MainStreet)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:



City of Alamogordo City Commission Meeting AGENDA REQUEST FORM

Today's Date: 7/17/2023

**Request Date
of Meeting:**

7/25/2023

Name and Title:

Nolan Ojeda, Executive Director Alamogordo MainStreet

Address:

900 New York Avenue

Alamogordo, NM

ZIP 88310

Phone Number:

575-446-3612

E-Mail Address:

director@alamogordomainstreet.org

Item requested will be for Information only

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

Discuss the opportunity to create a Coffee Shop Accelerator in partnership with the City of Alamogordo

Signature: _____

Please return to:

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

Phone: (575) 439-4100

Fax: (575) 439-4396

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

INSTRUCTIONS FOR AGENDA REQUEST FORMS

The Alamogordo City Commission normally meets on the second and fourth Tuesdays of each month at 6:30 p.m. March-October and 6:00 p.m. November-February in the City Commission Chambers in City Hall. All meetings are open to the public. Public comment is allowed on most scheduled agenda items at the time each item is scheduled on the agenda. An agenda of City Commission Meetings will be posted at City Hall and on the City website <http://ci.alamogordo.nm.us> under Agendas and Minutes, at least three days before each scheduled meeting, and the yearly schedule of meetings for the City Commission may be found on the City website.

Members of the public desiring to present matters to the Commission on the public agenda must submit a request in writing along with all attachments/presentations to the office of the City Clerk by Tuesday at twelve noon, one week prior to the desired City Commission meeting. Staff will determine which Commission meeting item(s) will be placed on the Agenda. This can be done in person, regular mail, fax or e-mail. The request forms are located in the City Clerk's office and on the City website <http://ci.alamogordo.nm.us>, under City Clerk/Commission Meetings/Agenda Request Form. The City Clerk will confirm with the individual that the request was received and notify them of the date when their request will be scheduled on the City Commission agenda.

Unscheduled Communications

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

Other Agenda Information

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



Alamogordo MainStreet
900 New York Avenue
Alamogordo NM 88310

PROJECT PROPOSAL

Coffee Shop Accelerator Program

Who We Are

Alamogordo MainStreet is a 501(c)(3) nonprofit organization. Established in November 2014 and fully accredited by New Mexico MainStreet and the New Mexico Economic Development Department on February 8, 2017, Alamogordo MainStreet is fully dedicated to the preservation, enhancement, beautification, and economic development of our historic downtown district with respect to local culture and heritage.

Alamogordomainstreet.org 575-446-3612

Project For

ALAMOGORDO MAINSTREET

Project Name

COFFEE SHOP ACCELERATOR

PURPOSE

The purpose of the Alamogordo Mainstreet Business Accelerator Program is the start-up and development of a small coffee shop located in the historic shopping district of downtown Alamogordo. The time period of this AMS Project will be 6-12 months and is dependant upon participation by qualified candidates. Statistically most new businesses fail due to two reasons: lack of adequate financing and not possessing the foundation of knowledge required to be financially successful. This AMS Project will provide both start-up infrastructure and on-going professional mentorship for the aspiring business owner. The program aims to create a low risk program for entrepreneurs that allows them to test their business model in real time in a physical location.

PROVEN SUCCESSES

In New Mexico, Mainstreet Business Accelerator Program successes include the following:

Lovington - Food Truck Accelerator - 40% of participants have opened their own food service business. Received USDA Rural Development Award.

Tucumcari - to date three cohorts with seven successful business launches.

Los Alamos - of the businesses that have gone on to the second phase of the program (6-7) all have opened businesses in Los Alamos County.

Project For
ALAMOGORDO MAINSTREET

Project Name
COFFEE SHOP ACCELERATOR

OUR PROGRAM

The AMS Business Accelerator Program will consist of two phases.:

Phase 1 will consist of a 6 week education program and will be open to anyone interested in starting a business downtown. This phase will consist of building a business plan, customer discovery interviews, marketing, education on permit and license requirements, etc.

Phase 2 will require completion of phase 1 and participants must apply. This phase will be geared towards food and beverage business models, particularly coffee shops. Businesses will open up shop in a physical location downtown for a select amount of time to build a following and truly put their business model to the test. At the end of their test period they will report on their success and their lessons learned.

The goal of this program is to launch new businesses, particularly in the downtown but also in the community in general. AMS will work with program graduates to find spaces available downtown if so desired.

TARGET AUDIENCE

Are target audience for the accelerator will be entrepreneurs interested in opening a business in downtown Alamogordo, with a focus on food and beverage business models for phase 2. Potential accelerator participants should want to encourage Alamogordo residents, visitors and Holloman AFB personnel of all ages to spend time in the historic downtown area to access services, unique shops, and events.



HOW WE WILL ACCOMPLISH THIS

The Alamogordo Mainstreet will be responsible for the following

PHASE ONE

- Provide a location for training course
- Provide instructors and subject matter for a 6 week training course.
 - Business plan development
 - Customer discovery
 - Marketing Plan
 - Brand Development
 - Fiscal management
 - Compliance
- Partner with SBDC, Learn NM, NMMS Revitalization Specialists, etc.
- Assist with attaining all necessary licenses and permits (AMS will not be assisting with this financially.)
- Providing certificates for all phase 1 graduates
- Providing applications for phase 2 qualifiers

PHASE 2

- Obtain rental agreement for length of Phase 2
- Hold insurance for the business
- Physically prepare space with basic tables, chairs, minimal décor, etc.
- Purchase of basic equipment such as basic refrigerator, beverage machine, limited food prep equipment, dishware, consumables materials such as to-go cups, etc.
- Assist in connecting business owners with commercial suppliers
- Assist in advertising and marketing campaigns
- Branding package

IN CLOSING

The ongoing mission of Alamogordo Mainstreet is fostering growth by uplifting and equipping existing assets within our community. The goal of this project is to assist budding entrepreneurs in establishing themselves in a low risk, real world environment. Business accelerators have proven success nationwide and within the state of New Mexico, Lovington recently received an award from USDA Rural Development for their Food Accelerator Program. Raising up people from the community to be economic assets is vital to the long term health of any city and honors the people and places here that make Alamogordo unique.

Nolan Ojeda, Executive Director
Alamogordomainstreet.org 575-446-3612

BUDGET ESTIMATES

Item	Cost Est.
PHASE 1	
Course work space rental, \$100/hr, 2hrs/week, 6 weeks	\$ 1,200.00
Course work misc. supplies such as printed materials, etc. estimated \$150/class	\$ 900.00
Accelerator Program Development - Contractor Request Est cost w/o AMS \$250/hr	\$0.00
PHASE 2	
Location rental (monthly est. \$1000 for 12mo.)	\$14,400.00
Insurance	\$2,000.00
Equipment Purchase	\$12,000.00
Misc business supplies, provided upfront to start then business owner responsibility	\$6,000.00
Marketing	\$240.00
Part time ACD Coordinator Staff Pay (to manage accelerator program)	\$20,000.00
PROJECT COST TOTAL	\$56,740.00

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/17/2023

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the August 8, 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
August 8, 2023**

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

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Elder LaTonya Boyce, and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation and Discussion: Open Government, Transparency and Ethics for City Commissions (*Geno Zamora, Ortiz & Zamora Law Firm, through NMSIF Agency Assist Program*)

Mr. Zamora said he was here as part of a new program offered through the New Mexico Self-Insured Fund. The Fund ensures all of our municipalities state-wide in what is called an agency assist program. That is where the Self-Insured Fund will assist me in meeting with city commissions and councils throughout the state to assist them with legal compliance, and there are hot topics that a lot of cities face. Alamogordo is not unique when it faces governance issues. Working with City Attorney Smith, Acting City Manager Hernandez, and in some ways with Mayor Payne, he said he was here to provide this presentation on open government transparency and ethics for municipalities. He said he was with the Ortiz and Zamora Law Firm in Santa Fe, and we represent cities, school districts, and state agencies throughout the state. We currently represent NMSBVI, but in the past, we also represented the school district locally about four years ago, when the Airforce was considering bringing more airmen and airwomen to Alamogordo. We helped them in what was called a community campaign.

He said the laws we are going to review this evening are the New Mexico Open Meetings Act and compliance. This presentation is really geared for the Commission, but it is very important that both staff and public understand some of the restrictions and limitations on commissioners. The Open Meetings Act, the Inspection of Public Records Act, and the New Mexico Governmental Conduct Act, which is really the state-wide ethics statute that is now applicable to local governments. It was about five years ago that the New Mexico Governmental Conduct Act was amended to apply not only to state agencies but to local governments. Cities and school districts are now subject to the Conduct Act.

There will be a very brief review of your Code of Conduct in your ordinance to show some of the consistencies and how it overlaps with the Governmental Conduct Act. He said he took time to review

your Open Meetings Act practices and thought you were doing very well on that, especially for staff. The reason why things can be so militant about the agenda items and documents is because, by law, meeting notices and agenda are required to be published seventy-two hours in advance. If that deadline is missed, a few things happen. In some instances, meetings have to be postponed or cancelled. In other instances, your item is not going to make the agenda and get voted upon. There are no amendments within seventy-two hours, meaning you cannot add anything. Your publication and seventy-two-hour deadline include your website. If it is seventy-one hours published on the website, you will run into trouble. That is three days, but it is hour to hour. If you publish at 5 PM on a Friday, you cannot meet until after 5 PM on a Monday. That is why deadlines are so important and why clerks and administrators get really tough about that. If you miss that seventy-two-hour deadline, you are only allowed to call an emergency meeting; that is calling a meeting and publishing an agenda within seventy-two hours. Anything within that seventy-two-hour period would be considered an emergency meeting. In the last ten years, with all the governing entities that we have worked with, which is over forty at this point, we have had two instances that meet the standard for emergency meetings. That is unforeseen circumstances that will likely result in injury or damage to persons or property, or substantial financial loss. It is not because we missed a deadline and are unable to sign a contract or because we forgot to include it on the agenda. It is a high threshold; you are required to submit your agenda to the Attorney General's Office within ten days for their review. The risk on that is that after ten days, maybe it takes fifteen days or longer, then they can say that it was not a legitimate meeting, which means it did not occur, and you have unruly and unraveled everything. He said he advises that you call a special meeting rather than an emergency meeting. The special meeting requires seventy-two-hour notice, and you are able to meet within three days and get the work done. He said he previously mentioned two issues that were legitimate that the AG's Office reviewed and approved. Those were substantial dangers involving electrical issues, water, kids, etcetera. That occurred with severe freezes up north that busted water and gas pipes.

He said he included HB 378 as an example of a proposed mandatory public comment period. He said he reviewed your agenda and thought that you did very well on the public comment periods, but there is an underlying thing, which is to treat everybody the same. He said there are tweaks that he is going to recommend. Just looking at this bill, which is representative of some things we want to keep in mind, it allowed for either a general period for public comment, or during specific agenda items. He said he knew that with municipalities, you are going to have different guidelines, like ordinances may bring in public comment specific to that ordinance. You have got that flexibility to determine as a governing body where you place those. He said the thing is, you have got to allow reasonable amount of time and diverse perspectives. When it comes to the public comment period, the commission cannot pick and choose who speaks on what topic, which is to say only pick comments that only favor our initiative, and no comments that disfavor it. You cannot pick and choose between the subject matter and whether they favor you or do not. He said he will talk later about the use of a script to introduce public comment, he was not sure if you currently use a script. Some governing bodies use that, especially if they are running into issues where people come in and disclose confidential personnel information or if they are being unruly; some of the script is to take into consideration other people or perspectives to maintain confidences and use the chain of command.

He said so, when does the Open Meeting Act apply? All meetings with a quorum of members. You are a seven-member commission. Whenever four or more of you gather in the governing body's name, you are acting as the governing body. You have to be highly sensitive to that because there are members of the public who will always be watching that. That does not mean physically in this room. There is something called a rolling quorum, and a lot of commissions have problems with this. He said he was a former City Attorney of Santa Fe for four years, former Chief Counsel to a governor, and former Assistant Attorney General for the State. He has seen these issues back and forth. He has been working with these issues for almost thirty years. He has seen all the examples, including what

has worked really well and things that do not work really well. There used to be a term called counting votes, where you met with these people separately, but you met with them individually to count the votes and make sure you have support for your initiative. That is what is now called a rolling quorum, and the AG's Office says that is the equivalent of a meeting. If you met with more than three members, the three members are okay, but the fourth is not. Those types of meetings can be in person in the Chambers, outside the Chambers, by email, by text, and by video conference. You have got to be very careful about that. The biggest question that comes up is, well, what about events? Let's say you have a ribbon cutting at the supermarket next week. Could four of you be present? The best practice is to send a notification to the public that there is a particular event that says notice of potential quorum where a quorum may be present, but we are not meeting or taking action during this event. It insulates the commission from accusations that something is happening. For school boards, it always comes up when the majority of the school board is hanging out together at a basketball game. They can all be in a corner talking, and then suddenly, there is a complaint to the AG's office that the business of the school district was taking place. There are parallel examples with city commissions. For a lot of governing bodies, that can be an issue. Why is that? The theory behind the open meeting, and the purpose behind the Open Meetings Act, is that the public is entitled to the greatest possible information regarding official acts of officers and employees. Public policy is to be formulated right here in the Commission Chambers. All persons should be permitted to attend and listen. That is why streaming occurred during COVID, and that is why there are accommodation notices; if someone is hearing impaired, that means translation. General concepts are that business is to take place in public, not in a smokey backroom, and the public should have maximum opportunity to listen and observe.

He said at the same time, the Open Meeting Act gives you very limited circumstances in which you can go into executive session. There are certain things that should not be talked about in public, such as confidential personnel matters of any public employee. You have the ability to go into executive session to discuss those. He said he was not sure if this Commission had collective bargaining with the City, but you have that opportunity to discuss collective bargaining strategy and negotiations in executive session. It would be pretty silly if in open sessions, we said to tell the landowner we can only pay \$30,000, but we have up to \$50,000 in our budget to buy it if we have to. Negotiations would be gone at that point in time, and it is the same for collective bargaining and competitive sealed proposals. Attorney-client privileged discussions should not be held in public, they would no longer be privileged if you did that. This is not asking advice about procedure or interpretation of an ordinance, but really when you are thinking about pending or threatened litigation. You have the ability to have that discussion in closed session. The one thing with that is you need to have in that session on attorney-client privileged discussions, is that the attorney needs to be present, or you need to be reviewing a memo or some type of guidance from the attorney. There is an AG's opinion out there that said if your attorney is not involved, you do not talk about attorney-client privilege, and then you are misusing that exception. A lot of governmental entities will do placeholders. They will just publish several executive session items week in and week out, every single meeting, the same executive session items are on there. The AG's Office has been cracking down on that for years. Placeholders are not appropriate. When you place an executive session on the agenda, seventy-two hours or more in advance, it is for a known and particular purpose. You do have to describe it with reasonable specificity. You cannot have a limited personnel matter placeholder in case something comes up on Tuesday evening to talk about it. It really has to be intentional, and it has to be described reasonably specific, and that gets hard with personnel matters. You are not going to be putting an employee's name on there, but it has to be clear it is a particular individual or individuals. You can't take budgetary staff salaries in, or widths broadly reductions. They have to be identifiable individuals.

Mayor Payne said going back to the quorum, we live in a very small town. There have been times when she walked into a room and had no idea about all these Commissioners, because it was truly innocent. We all happened to be involved in the same thing because we live in a small town, which is

not uncommon. We try to separate from each other. She always tries to find someone and say you are my witness that I am not talking City business. We do not necessarily have to leave, right? The premise behind it is that as long as you are not talking city business, right? Mr. Zamora said right, so long as you are not talking city business, developing policy, making decisions, etcetera. He said you raised a very important point, especially in smaller communities. Maybe you just run into each other someplace; that is going to happen. Mayor Payne said yes, there could literally be four of us that walk into the same store at different times; that is not uncommon. Mr. Zamora said it is not the unintentional running into each other that he advises to notice. You are not going to publish a potential quorum at the grocery store on Sundays, or at church. What he is advising is that there are known city events, or other community events. Using the Center of Commerce as an example, perhaps a luncheon or something of that sort, using public forums, or maybe other civic events. There are things you know in advance where four of you may be present, and those are the instances that he recommends just posting for those known events. He said the reason he talks about all of this is that Attorney General complaints are expensive, and it is paid by the city. As an example, back during COVID and video meetings, on a governing body of five, three just stood up on the rostrum talking about the day, and somebody watching on the internet saw a quorum talking during a break, and they reported it to the AG's Office. Then attorneys get involved. They have to investigate it, write a report, and wait for the AG's Office to respond. That gets expensive. Being mindful of all of this and avoiding it saves the expense.

Mayor Payne said her other question is about executive session and posting a notice. You said there are limited specific things you can meet for, but in terms of posting the executive session, should it be more specific? She said she is not thinking of our particular Commission, but she is thinking of another board, and no it is not the County. She said she was wondering how specific you have to be when posting the notice of executive session. Mr. Zamora said it is going to be situational. With attorney-client privilege discussions, when it relates to a specific lawsuit, he recommends listing the lawsuit. You just list the name and case number. You do not get much more specific than that. When it relates to personnel, as an example, some are discussions of evaluations of City Manager. So, evaluations, certain assignments, duties, all that can go in there. When you think about how you manage and evaluate an employee, a lot of that can be done in there. Obviously, if there are disciplinary issues, that would be in there for any employee throughout the city. The reasonable specificity, when it is someone with a title like the City Manager or City Attorney, you may actually use that title. When you start moving through the employees, it may be a Public Works employee or a Clerk's Office employee, something of that sort, something specific enough so that if the AG or public reads it, we know it is an individual and not broad. It is not employees generally. Mayor Payne said so you would say something like, Public Works employee, okay, that is interesting. Mr. Zamora said yes, with school districts, he has said regarding a coach, but which coach? We are not going to narrow it down that much. It is not an exact science, but he could tell you that when he has used a city employee, the AG's Office has come back and said that is not enough specific enough. He said he has a letter from the AG's Office for a governing body that said, when you said limited personnel matters for a school district employee, that was not sufficient. We came back and republished with a coach, and that was sufficient. Sometimes it is hit or miss, and he cannot give exact answers all the time, but he could tell you to err on specificity. Move towards specificity, and you will hear that throughout.

Mr. Zamora said on your meeting notices regarding general specificity, he reviewed the agenda for this evening, and you did a really good job. The more words there are, the more specific it is, and your descriptions are thorough. He said he has seen governing body agendas that say approval of contracts, and that is it. What contracts and to whom? By lining them out, such as approval of food service or paving contracts and beyond that with a little more specificity, you do a really good job on that. You are in really good shape with reasonable specificity but know that when there is a description asked for, it is because we need to comply and provide enough specificity that a member of the public

reading your agenda knows what you are meeting about and what you are deciding. He said he has seen governing bodies intentionally play games by getting very vague and short so that the public does not see because it may be controversial, and they did not want the public to get worked up about it. It is actually the opposite under the statute, be as specific as possible. You also do a good job of this, but you have got to keep written minutes of all meetings. It is not required to be verbatim, governing bodies may choose verbatim or sections that are verbatim, but summary units are sufficient. By statute, you need to have the date, time, and place of the meeting, names of members in attendance and those absent, the substance of the proposals considered, and a record of votes. Those are the bare minimums. Be aware that the first draft of the minutes is to be prepared within ten days of the meeting. They can be marked draft because the body is not going to come back and see them for maybe two or four weeks, and they are not going to be approved. Someone can ask for a copy of the minutes on day ten or eleven, and the law requires having that draft ready. So, stamping and putting a watermarked draft can be very helpful in knowing that a commissioner can come back and say you misheard what I said; please correct this language, or if I voted in favor, not opposed. Remember that with the Open Meetings Act, it is the Attorney General or a District Attorney, or even members of the public, can enforce the Open Meeting Act by filing claims. Intentional actions can be misdemeanors, and we have had that happen with communities in New Mexico, or there can be fines where you pay attorney's fees and costs. It can quickly get expensive. The first expense is responding to an Attorney General's complaint, and he ballparked that as starting at \$5,000 for each complaint. You need to watch yourself to minimize the complaints that are out there.

He said going back to the enforcement of public comment rules, the baseline of public comment is that everyone must be treated the same. He said he understood that the board has business to do at each meeting and that you need to get to that business for the good of the public and employees that are here. He said he advised against a total time limit; he said that on the agenda of no more than twenty-one minutes. He said he advised that the chair of the meeting, the Mayor or Pro-Tem, has the discretion to shorten the amount of minutes. Say the room is packed, and forty people want to speak, there is the opportunity, so long as you treat everyone the same to maintain the discretion to say the standard is three minutes, but you may go down to one minute if necessary. It is not clear legally, and he has not seen an AG opinion on this, but if you get to minute twenty-one and there are people that have not been heard, you are risking complaints. The AG might be of the opinion you are excluding perspectives. He said it is possible, and he has been around enough meetings to see that people can play games on the other side as it relates to public comments. It is possible that someone can get here early, have twenty-one words worth of comment on one very specific opinion, and leave no time for anyone else. You get three minutes, so that is seven people.

Mayor Payne said so what you are saying is do not limit the number of commentators. Mr. Zamora said that is correct. Maintain the advanced sign-up, and make sure that people are not piling on. When they come in, they are ready to comment. Limiting it to twenty-one minutes, which is theoretically seven speakers, has the potential to be a problem. Mayor Payne said what if we have a hot topic for one particular meeting, and because we do not want to limit the number of commentators, what if we say okay, you only get two minutes per person, but then we go to the next meeting and we are back to three minutes. Is that okay? Mr. Zamora said it is because you utilized your discretion in observing the room to say we have forty people here, we have a lot of business, there are important things to move on, we are going to shorten it. You need to inform the public in your disclosure. In public comment, you have three minutes, the standard is three minutes. However, it may be adjusted downward based on the discretion of the chair. Again, treat everybody equally. So, everybody gets one minute, everyone gets three minutes, everyone gets two minutes, but also everyone gets heard.

Commissioner Rardin said that in the past, our public comment used to be at the end of the meeting, and it was unlimited. You could sit here and read the Wall Street Journal all night long if wanted. The

meetings were dragging out, so we moved it to this. What we have typically done is allow the seven people at the beginning of the meeting, and if we have an excessive amount, then at the very end of the meeting, we will allow them to continue so we can get staff and the business taken care of. He said he did not know if that was legal or not, but that is how we used to do it. You would have people sit here the whole meeting. Sometimes, the meetings would go to one in the morning just so they could speak on public comment. Mr. Zamora said he was not going to give a hard and fast rule because there is not one here. Some of these are simply best practices. Much of it is based on the complaints that he has seen go through the AG's Office or the potential for complaints. The general rule is to treat everyone the same. The risk of splitting it is if people are making comments prior to your vote on an agenda item, and their voice is not heard prior to that vote, that can be problematic. He said he has had governing bodies consider whether it is at the end, and they let it go on, but the whole reason they were here, all that action, took place prior to the comment. It is a balance. You are going to know when you have a controversial item on there, and you should plan accordingly, whether with the placement or moving up certain staff items so that staff can get decisions made and get out, and the controversial item or ordinance can be beyond the public comment. He said he was not familiar with whether or not you have governing body rules, but some governing bodies will have rules that dictate the order of the agenda. Where anyone would get caught up is if it is intentionally used in a purpose to subvert public input, and he does not attribute that to you. He said he thinks the governing bodies are always trying to do the best thing. Commissioner Rardin said typically, when we have a hot topic item where fifteen people want to speak, they will actually put the item number down they want to speak on. A lot of times, we give them additional time if they are speaking on the item. Usually with the ones that come in and sign up at the beginning complain about a park or a pothole. Those are the ones we typically limit to three minutes at the beginning of the meeting. If you are here to speak on a specific item, you sign up on that item, and when that item comes up, we allow them to speak. Mr. Zamora said thank you for that background and distinction; he was not aware if you allowed public comment on a particular item. Mayor Payne said that is how we have our sign-up sheet.

Mayor Payne said she is really big on decorum and not letting people come in here willy-nilly and just yell at us. She said she felt like if someone did not have something constructive to say and they were just here to scream at us and call us names, which does not happen very often but used to back in the day; she was sometimes hard and fast with the three-minute rule. Sometimes she would let them go over, so is there anything we should know with that? She said she is big on free speech, so it is a balancing act. Mr. Zamora said again the theme is to treat everyone equally. If your public comment period is independent from the agenda item comments, his advice would be to keep that consistent for every speaker. There will be that person that comes in to yell, and you do not get to select people's speech and say that you can only say positive things about us and not negative things. Mayor Payne said she did not care about that part; she cared about their delivery. Mr. Zamora said there is decorum, and part of the reason for a script is to address decorum, to say, here are the ground rules. You are going to have three minutes, or if you have adjusted it because the room is big, you are going to have one minute. He said he is summarizing, but it is essentially speak reasonably and understand there may be other perspectives and maintain appropriate decorum. So, they can politely say they do not like you, I do not like what you have decided, I do not like this issue, but they have to remain within decorum. You have the opportunity to gavel them down, but it is reading that script that sets the tone for all of it, so that they know before they get in. Which is different than someone getting animated and saying okay, we are done. You have advised them in advance; these are the parameters. We do not speak about personnel matters etcetera; it gives you that much more authority to them to say you are out of order. These scripts typically take about fifteen seconds. Mayor Payne said she thought the school board had a script like that, and she had opinions on it. Mr. Zamora said it is something to consider and something we advise because you can go through waves of folks that are out of line. There are times when governing bodies will say that a person has nothing productive to say, and that is where time limits and consistency come in. If someone else gets six minutes and now they are

limited to three, you risk a complaint. He said he advised that it was three minutes and that it was going to start and end.

Mayor Payne asked if they had to sign up to speak. Mr. Zamora said you have the ability to dictate that. That proposed bill I showed has not passed, so you define the parameters of public comment. Advanced sign-up is not unusual; a lot of school districts and municipalities have that. Some have done that twenty-four hours in advance, but you want to make sure it is easy to do so, and it is not preventing speech. Mayor Payne said nothing makes her crazier than having somebody shout from the audience. Mr. Zamora said that with some he has seen, they must be signed up prior to 6:30. Mayor Payne said that is what we do.

Mr. Zamora said that other things to avoid are properly posted meeting notices. The website is one, but he also recommended it here at City Hall. You have the glass doors seventy-two hours in advance, post the agendas facing outward so a member of the public can see that. There might also be other glass cases you post them in also. Over disclosure can be a rule. He said he has seen some cities that have it as part of their governing body rules that they post at every city facility. That is a lot, so you might specify which facilities. Again, not required, and you will determine what your best practices are, but at the very least, it should be the website and at City Hall where the public can see it after hours.

Mr. Zamora asked the Commission if they still live streamed. That is something that came up during COVID, and it is still best practice since a lot of families cannot make it in the evening if they want to observe. He said he also thought that recording and posting are very helpful to the governing body. If anyone feels that they have been misquoted either in the public or media, you have the ability to point to the tape. You can go to this meeting, at minute forty-two, and here is exactly what I said. Technically, the ability to meet virtually has been lifted, although the AG is sort of allowing that to continue as necessary until statutes can be updated regarding video conferences. The general rule is that you are supposed to be present now.

Commissioner Rardin said he had a question about us being present. Occasionally, we will have a commissioner that may be out of town, and they call in and attend the meeting via telephone. Is that legal? Mr. Zamora said the short answer is yes under appropriate circumstances. It has to be unusual; it cannot be regular. The Open Meetings Act allows for that so long as your annual open meetings act resolution allows for telephone attendance. That is a little bit of a caveat. Commissioner Rardin asked if would that be when we approve our set meetings every year? Mr. Zamora said that under the Open Meetings Act, you are required to adopt what is called an open meetings act resolution annually. He said he has copies for city attorneys to work with and adapt, but it is a resolution that says here is how we comply with the Open Meetings Act. It gives the general meeting schedule by saying we meet the second and fourth Tuesday of every month, and then you have a separate list with the exact days. Commissioner Rardin said we do that in December every year. Mr. Zamora said it tends to be either the last resolution of the year before the start of the new year, or the very first in January. Some do it by fiscal year.

Mr. Zamora said the general rule is that the public has a right to inspect public records except for when there are exclusions. For everyone's intents and purposes, just know that whatever you produce in your work with the city may be a public record, and it may be subject to inspection. That includes emails, texts, pictures, videos, regular documents, draft documents, notes, etcetera. All that relates to city business. He said he once informed a city employee that handwritten notes may be subject to a public records inspection. That employee freaked out and said they are not taking any more notes again in their life. Just be balanced about that. You should take notes and remind yourself what needs to be done. Just be professional in those notes. Do not be writing if you dislike this person or that

person stinks or whatever. Be professional, but know when you are taking notes, emails, texts, or doing those on city equipment that they may be subject to inspection. As an example, a personal phone was used. Someone came into the front office of a college and was incredibly irate and abusive. The secretary took out her personal phone and videotaped the individual. The person was there to conduct business, but they were very abusive in the way they were doing that. That person IPRA'd a copy of that video, and we advised yes, produce it. You were acting in your capacity as a secretary, and you were taking a video of someone coming in to conduct business. It may have been on your personal phone, but it was part of your actions as an employee, and so produce that video. We talked to that employee, and he did the right thing by taking that video, and we preserved the record of how the person acted. If the person wants a copy of how they acted, they can see that. It ended up being a good thing, not a bad thing, but we can have tough reactions. He said he has had to be mindful of his use of texts, videos, and photographs and whether or not he was using a city-issued phone or laptop or whether he was using his own. For the most part, he kept his phone personal but knew there would be things he would have to turn over that were subject to the Inspection of Public Records Act (IPRA). Most governmental entities have email software and logins that you can use on a city-issued phone or personal phone, and he always recommended using that email. When the search occurs, they won't have to come to your phone, they just go to the city system to obtain the emails.

Mr. Zamora said he did not really get a chance to look at IPRA practices, but with an in-house city attorney you are in a much better circumstance to assist with IPRA request reviews. Intend to have a dedicated records custodian. Know that IPRA is enforceable through an AG, district attorney, or private individual whose request has been denied. There are penalties of up to \$100 per day plus cost and attorney fees. IPRA compliance has become very important because it has become a cottage industry; more and more people are suing for errors, mistakes, and improperly answered responses. The damages can be high. We have got decisions from the Court of Appeals and Supreme Court that your search must find all documents. If you did not do a comprehensive enough search and you missed a group of documents, that can be problematic. He said this may not apply to the City of Alamogordo but know that UNM had a private fundraising that was dedicated solely to UNM; that put the fundraising entity within the realm of IPRA request, and that private entity had to provide information. That can happen with your contractors. We have been working with city attorneys to update our contracts to say that you may have a responsibility to provide records that you maintain, private contractor, because you are maintaining them on behalf of us. We have some suggested language to update your contracts to make the contractors aware, and also make them aware if they refuse to comply because there are penalties and legal fees, that the contractors will indemnify the city for refusal to comply. On the *American Civil Liberties Union of N.M v. Duran* case, the requestor already had the document in their possession, and the governmental agency did not produce it, and then they went to court and said here is what the document looked like; we requested it, and they did not provide it. The court awarded over \$150,000 in damages for them. We have seen \$130,000 with the Secretary of State's Office, and the County got hit for about \$90,000, IPRA's Office got hit for almost \$400,000, and these are all within the last decade or so. There is a trend to make a request, and then to exploit errors. He said he did not think it is to simply exploit the error, it is reinforcing that the public has the right to public information. So, what do we do? We help our records custodians by providing them with resources and staffing to ensure compliance. We, as an entity, provide training to the records custodian and IT department to ensure that records searches are complete, especially with emails and documents on servers. It is not good enough to ask employees to turn over records. When we do this presentation to staff, they have one thousand things on their plate, and now they have to go find records too. The bottom line is if you do not take the time to do a search for the records, then there can be big judgments against the city. It is also about empowering the records custodian to carry a big stick through the city manager to say when we say a records request, it needs to be answered, and here are the time frames. If we don't, then the city is at risk, and the city can get sued. The media might like it when cities get sued, but the city itself does not.

Mayor Payne asked about redactions and said that the State Auditor has a fraud hotline, and when somebody calls that hotline, it is anonymous. Even if the allegations prove not to be true, people use it as a weapon. Frankly, we have had it used against us and it was malicious. When you IPRA that, even when the allegations prove not to be true, they redact the names of the complainant. She said she had an issue with that. At a Municipal League meeting, she called out the current State Auditor and told him she thought it was a dangerous practice, and she still felt that way. We had a situation several years ago where that happened to us, and she said she was reasonably sure she knew who did it, but we have yet to get those names. You said you were a former Assistant Attorney General, and she had an opinion from a former Assistant Attorney General that says their opinion is they should not be redacted. The Attorney General never followed through with it. She said she thought that was so wrong because anyone can make a complaint, and it is still damaging. There was zero truth to it, but her name with forever be on a complaint at the State Auditor's Office. She said she did not understand how every other state agency has to disclose those names and they cannot redact that, but somehow the State Auditor's Office can. She said she understood their premise for why they want to do it, but it just seems that if the complaint proves to be false, they should. Mr. Zamora said he fully understood what she was describing. Circumstances and laws may be different, but there is a catch-all under IPRA that has certain exclusions from public record. In addition, there is the catch-all language that says as otherwise provided by law. There are circumstances, hotlines in some instances by law or state regulation, which can protect disclosures, documents, and other redactions. Another example is CYFD, who has hotlines and complaint lines for the protection of children. Under many circumstances, there are redactions and exclusions for that also. The state of the law in the snapshot may be different in time. There may have been a moment in time, and he did not know specifically with the Auditor's Office and whether or not there was a hotline regulation in place then or now that would protect that information. There are things in the statute about redactions, and certain protected information may be redacted, but certain records may be excluded. For example, personnel evaluation is a record that is protected from disclosure, however, let's say there might be letter that as a record is publicly disclosable, but the contents within that record may be redacted. Just know that is there. I will not be able to give a specific answer, but he can say that he hears and understands. Mayor Payne said there were so many complaints it was ridiculous; it became laughable after a while. It was very clear that people were doing it as retaliation because they were mad because they did not like what we were doing, even though we did not have a choice. She gets that part with protective services and children because there are children involved in a life-or-death situation, but when you are using it as a weapon it feels we are going too far. Mr. Zamora said that is the importance of going to someone that is charge of investigating and saying please investigate that and I want the report to go along with the complaint; to say here is the complaint, and here is the report that says we looked into it, and it was false. That would then be public record and may be subject to some of the redactions of the name, etcetera, but the follow-up report says we received the complaint, we investigated the complaint, and the complaint was false or not substantiated. Mayor Payne said that is basically what happened. They gave us the complaint and what was said, but they did not give us who said it.

Acting City Manager Hernandez said she had two questions. Are the notebooks that the officers take their notes on, are they IPRA if they transfer them to electronic format? Mr. Zamora said that changing them from format to format is not going to change what the ultimate decision is. He said he would refrain from giving direct legal advice, but IPRA has been amended very substantially as it relates to law enforcement records during pending investigations. That will be a question for your City Attorney, to say, here is the request, here is the information that is responsive to that request, is it protected from disclosure, or am I required? That will change under some very fine facts, so he just wanted to make sure that you are aware of the broadness that IPRA is much better than it was ten years ago as it relates to law enforcement records. It was a little vague, and the answers were more dictated by the courts than they were in the statute, so you had to go find the case law. Now the statute is a lot clearer,

and your analysis of whether or not certain law enforcement records are disclosable is better addressed in the statute.

Acting City Manager Hernandez asked if that was similar to when another law enforcement agency is doing an investigation, but our officers have body cams. If we release that, does that hinder their investigation or not? Mr. Zamora said again, without getting specific because it is circumstance by circumstance, he can say that at certain times, body cam video may be disclosable, but at certain times it may not be. It is going to be very circumstantial. The most important thing is to use your legal counsel to build the IPRA process, help administer the legal process, and evaluate the requests, the law, and the responses. If you get it wrong, there are expenses involved. He said a law enforcement example he was involved with was when a newspaper made an IPRA request for a certain file. He asked the heads of the law enforcement agency to come to the city attorney's office and review the file together, and then decide what was produced. Best practice is to disclose how many documents we review, how many are subject, and potentially not. Let's say I reviewed twenty-five pages of documents. The records custodian responded that twenty-five pages were reviewed, and these two pages were the only ones that were subject to public inspection. We responded that way and got a very angry response from a member of the media that said they have got someone on the inside, and that file is two hundred pages, not twenty-five pages. He said he called in the leadership and said they are saying it is two hundred, and you only brought in twenty-five, what occurred? Well, we pre-reviewed, and we decided that one hundred and seventy-five was not subject to IPRA, and twenty-five was, and that is what we brought. He said he appreciated that pre-review, but it is really the lawyer that needs to make the determination for the full two hundred pages. That was the lesson learned for both of us. Please provide us with the full file and do not prescreen it, and we will work with you. It is all confidential communications as attorney to the client. That goes across the department, and that can happen in any department. Someone else may screen it and say oh, we thought these were the only relevant documents. No, bring us all the documents, and let us determine what the law requires.

Commissioner Rardin said on IPRA, whether it is staff or elected officials, with social media as big as it is, if we are discussing city business on our private Facebook or Twitter, those are subject to IPRA as well, correct? Mr. Zamora said that is correct, and that goes back to his number one recommendation. As a governing body member, sometimes people will say it is just easier if you send it to my office email, do not send it to my city email. He said he advised one hundred percent against that, because that opens up the office email or Gmail to inspection. He said he personally had to have an IT specialist sit next to someone, open up a governing body member's Gmail account, and conduct the data searches. Then they pull up all the family stuff and crazy ads and whatever else. Commissioner Rardin asked if that goes for Facebook, Twitter, Snapchat, or whatever else. Mr. Zamora said all of the above, it can take any form. It can be a text, an instant message rather than a post, the techniques that he used for employees and governing body members is that you that do that pivot for the public that does not understand that when they reach out to you on your personnel email, that makes it subject. As city attorney and a city employee, people knew his private email and they would send me something. Things like hey, can you help with this or look into that. He said he would immediately forward it to his official email and respond from there. Thank you for your email to my personal email, I forwarded it to my official email, and I will respond from there. Commissioner Rardin asked if you could respond back saying that this is a private email, please send this to the appropriate one, or not even respond? Mr. Zamora said you can do one of two things. You can respond immediately from your private, but CC your personal because you want that email chain to jump under the server, and that way you only have to look at the server. You want to get it over to your official email as quickly as possible. So, you can respond from your Gmail with the CC to your official, or you can forward it to your official, and respond from your official. Commissioner Rardin said so we cannot tell them this is a private email, please send it to the other email. Mr. Zamora said you can, but he

recommended CC'ing your official email, because of that one response off your private emails. If you did not share it with your official, someone is still going to have to search for that original email.

Mayor Payne asked about Messenger, because she gets people messaging her on Facebook Messenger about city business. She said she typically responds back and says she cannot talk about city business on this page, here is my city cell phone number, or you can message my mayor page. Mr. Zamora said that is very good practice. It is not as flexible as email, to be able to CC your official, but just push them over there. If there is ever a search, that is exactly what is going to be seen, which is I immediately tried to push them over. Commissioner Rardin said it goes back to the small town we are in. He said he has had the same cell number for twenty-five years, so they do not call me on my city cell, and a lot of times they will call me on my regular cell, or the same thing with emails. A lot of us are business owners, so they have our private emails and city emails. Sometimes stuff gets sent to the wrong one, and then it creates issues. Mr. Zamora said that emails and instant messages are the easiest to control. Texts are a little bit harder, but just be aware that an IPRA could get to texts on a private phone, and that is not the end of the world if it does. Mayor Payne said to be clear, it is not necessarily illegal to talk city business on our private phone; it just opens your phone up, right? Mr. Zamora said correct. Mayor Payne said it is not necessarily illegal to talk city business on your private email; it just opens your private email up. As an example, when she was a commissioner, if we wanted a commissioner phone, we had to pay for it. She said she was not paying for that, and they did not pay her enough for that. So, she did use her phone, and she made it clear that if you want to look at my phone, go ahead because I am not trying to hide anything. Let's say somebody said well, she was talking about a situation with the police department or something, and she is saying yeah, she did text. So, when they go to look for that, they can only look for what pertains to what they are requesting, right? Mr. Zamora said sure, but the search using search terms may capture more, and you may have to examine it. Mayor Payne said that is fine too but like a text or something. It is limited to whatever they are requesting. It is not like they can disclose all my private stuff. Mr. Zamora said correct; it is what they are requesting related to city business. He said he would use grocery stores as an example. Say I am doing an IPRA for all communications by the mayor regarding the grand opening of a grocery store. Okay, city business. You do a text search, and you might find texts that say when you go to the grocery store, pick up milk and oranges. They might get captured in the search, but that will not get produced over because it is not city business. Mayor Payne said and who cares. Mr. Zamora said yes, and who cares.

Commissioner Rardin said as far as commenting on posts, if it is pertaining to city business, is that subject to IPRA as well? Mr. Zamora said that is. That is why you want to push people as much as possible into official accounts. If they are going to your personal Instagram, you can say here is my city council Instagram, please call or email me. Commissioner Rardin said we have a lot of keyboard warriors in Alamogordo. It is called the Alamogordo City Watch page on Facebook, and lots of times there are discussions about whatever we are doing or wrong or whatever it may be. If a staff member or elected official comments on that and starts getting into detail, technically that is subject to IPRA, correct? Mr. Zamora said it is their site that you are commenting on, but probably your account that you are commenting from is going to open it up to search. It can get complicated. Mayor Payne said if you make a public comment on a Facebook page, it is already public, so what does it matter? It is not like you are trying to hide it, it is already public. Mr. Zamora said we are getting a little outside the scope, but always be careful with social media because he has had governing body members go on someone else's Facebook page and say hey, should we fire this particular employee? Now you are opening yourself up. Mayor Payne said she would like to think that we are all smarter than that. Mr. Zamora said he only uses examples because they have occurred.

Mr. Zamora said to make sure your communications are always professional if they are city business. Folks that he calls frequent flyers know they are talking about you, or you are talking about them. So,

every so often they will do an IPRA request over who is talking about me, how many emails are out there for me? He said he has had emails be on front page above the fold in a newspaper because the comments were very crass about a member of the public. You have got to be careful about that. Commissioner Melton asked if there have been any cases related to certain individuals who are deemed too excessive with their IPRA requests, to the point that prevents staff from doing their job? Mr. Zamora said you have to show diligent progress towards answering them. There are very limited cases in which someone has been abusive enough to get a court order to suspend their ability to request. That is in the context of IPRA lawsuits, not in the IPRA requests. For the most part, there is not case law out there on the abuse of requests. There are diligent responses. Someone can request x number of documents, and you may need additional time, sometimes months. He said he has had a request in which the response, which was an inappropriate response, was, we will look at one thousand pages a week for next thirty-six months, but we do not have to drop everything to produce them to you tomorrow. There are different ways to manage that, and your City Attorney can assist in diligent ways. Commissioner Melton said what about cost? Some cities charge, especially if it involves paper copies, but others don't. Is there a point where if it is a certain individual that excessively requests, does the city have the right to say we are happy to help you, but you are going to have to pay for the time? Mr. Zamora said to answer your specific question, are you going to have to pay for the time, no. To bring up a common theme, everybody needs to be treated the same. You have the ability to charge up to \$1.00 per page. The AG tends to frown on the \$1.00 itself. Some are up at a \$1.00, some are \$0.50, some are \$0.25. That becomes a city policy that is uniform for every requester. The difficulty, and he has had a lot of conversations about the unfunded mandate that IPRA is, is it is forty years unfunded now. We need to plan for it at this point. There are things in the law now about digital requests and digital formats and the ability for someone to come in and use a camera and photograph the record but not take it home with them. More often than not, pages do not get paid for, and that is just how the law is written about public disclosure, so be aware of that and the unfunded mandate aspect. Governments need to be in tune with their records custodian and city attorney to understand what the patterns are for requests, what the expense is, and be able to budget and pay for that. Noncompliance is much more expensive than funding compliance.

Mr. Zamora said that on the example that the Mayor had earlier about there is no law against using personal equipment for public purposes, that is correct, but the reverse is not true. We start touching on that in the Governmental Conduct Act. Using city resources for personal or political benefit is prohibited. Taking official actions for cash in banks is frowned upon; it is illegal and a felony. That is one way of using public resources for private gain. Another is using a city truck to put a campaign sign in and drive around town, which is also not allowed under the Governmental Conduct Act. He is saying it because it has happened. That is using public resources for private purposes. The same would be using a city email to say please come to a fundraiser for this charity, or that political event. That is when you go to your private and use that.

Mr. Zamora said that general rules for public officers and employees, the Governmental Conduct Act says treat your position as a public trust, use the power and resources only to advance public interest, and not to obtain personal benefits or pursue private interests. You can get tripped up in here. Some would say whether it is from a governing body member all the way through employees, to say, oh, you want me to engage in this activity, I am going to need cash in bags. Governmental Conduct is going to cover top to bottom, from the governing body to employees. Conduct yourself in a manner that justifies the confidence placed in you by the people, by the taxpayers that pay our salaries. Full disclosure of real or potential conflict shall be the guiding principle. Most folks and ethics ordinances say that if you have a conflict, disclose it. The Governmental Conduct Act says real or potential conflicts; it may be perceived as a conflict but not legally. To be on the safe side, disclose it and make reasonable efforts to avoid undue influence and abuse of office. As this law is out there, you want to stay away from that perception so that there are no complaints with the AG's Office on that.

He said the biggest issue that he covers in the Governmental Conduct Act, and the one that people trip on the most, is prohibited political activities. No coercion by governing body members to contribute, vote, or participate in political activity. No threats to deny promotion or pay increase based on political activities. No requiring employees to make contributions or participate in political events. No advising an employee to take part in a political activity. No use of governmental property for non-authorized purposes, of which political activity is one. Remember to be careful because it is not always what we intend by our words, it can be the perception or how someone receives the request. Hey, I would love to see you Saturday at my fundraiser may be because you have known the person for twenty years, or maybe their parents, but how the person perceives it may be wow, my job is in jeopardy if I do not show up to that political event. Regarding official acts for personal financial interests, yes, he is cartoonish when he talks about cash in bags, but it has happened. Other things can be such as working with contractors where you say you will approve the contract if they go build and addition on my house for free. That has also happened. Things like that can be fourth degree felonies, so please be wary and aware of that, and know that as a public officer or employee, you are disqualified from engaging in any official act that directly affects your financial interest. For a governing body, the best example is if I vote on this particular contract, is it going to personally benefit me? Number one, you have to make that disclosure and refrain from participation. Mayor Payne asked if that would include family members as well. Mr. Zamora said it would, and under the Governmental Conduct Act, there is a realm of family members, which is typically spouses, siblings, parents, and in-laws of each.

Commissioner Rardin said that in the past, we had a commissioner that worked for a gentleman that had a contract with the City. When he voted to approve the budget, since that contract was included in that, would that have been a violation? He always abstained when we voted on the contract, but for clarification, when we voted to approve the budget for the year, would that be a violation since that is funding that contract? Mr. Zamora said he would refrain from specific legal advice on specific instances, but what he can say is the budget generally is not the selection of the contract. Commissioner Rardin asked if it would be at the actual approval of the contract? Mr. Zamora said that is where it most directly benefits. Commissioner Rardin said he always abstained at that point, but he himself did not know how broad that would be. A lot of us are in business, and there are times where we may bid on a project, but we just abstain from voting when it is awarded to whomever we bid on or with. Mr. Zamora said there are procurement exceptions to a lot of this, that is he is not really going over today. That is not problematic, and it seems like you guys are in compliance on that, but it is going to be the more direct action and actual effect on you. The approval of the budget to pave roads is something that you as a governing body participate in, that is your chief duty, but it gets tangled where the rubber hits the road to the contractor itself, that is going to be heightened scrutiny at that point. Be aware that AG's and DA's can enforce this. There can be civil penalties and fines, but there are other things we can get tripped up on, like honoraria. Often even as employees, and definitely as governing body members, we are called to come give speeches or updates on the municipality. We are invited to luncheons; the provision of food is fine, but they cannot pay you to be there. He said he just got a question recently about a conference where a local foundation was paying for attendance. It was significant training for an employee. You want to go through the approval process for the ability to have the trip paid for. Those things are all okay, but you cannot be paid to be present. For example, if they give you a \$5,000 stipend if you go to the chamber of commerce next week. No. Can they provide you with chicken at brunch, yes. Can you reimburse my mileage, yes.

Mr. Zamora said regarding enforcement, the best practice here is to avoid conflicts and improper interactions with employees. He said he wanted to pause here and get slightly off-topic because a lot of our communities face this. He is talking about the Governmental Conduct Act, but keep in mind other legal violations such as discrimination, harassment, and sexual harassment. You have got to be on your toes at all times with regard to your interactions with employees, whether they feel pressured

under governmental conduct contacts or pressure under other laws. Again, it is oftentimes not the intent of a comment but how it is received and perceived. You have got to be incredibly mindful because there is a heightened sensitivity with regard to discrimination issues, whether that is ethnicity, race, gender, religion, all the other exclusions, or other protected discrimination aspects. People can receive a comment, whether it be about appearance or something else playful in nature, where you can think it is playful in nature, but for the employee and receiver of that information, it can be a whole different experience. Back to the Governmental Conduct Act, abstain from decisions affecting personal financial interests, and be careful of political campaigns. When you are making public disclosure of financial interests, you may not always think about other conflicts you may have. Some are personal, some are on non-profit boards you serve on, or memberships you are involved with. Some entities, through their ethics ordinance, will have gift reporting required if it is over a certain threshold, where it has to be reported and publicly posted. You have a city commission Code of Conduct, be aware that is there. It mirrors the Governmental Conduct Act, but it is different in other ways. It is very important to have the Code of Conduct and have it in your government's binders, so you are always aware it is there. You have to maintain the public trust and avoid conduct creating the appearance of impropriety. There should be no financial interests in city business if a person is in a decision-making capacity regarding that interest. You have got disclosure requirements; you are disqualified from participating in debate, decision or vote. An example is he had a governing body member get up and say with regard to this issue, I have a personal conflict, I am abstaining from the vote, but I encourage every one of you to vote in favor of it. They stood up, walked to the front row, and mad dogged everybody before they voted. Of course, they voted in favor, but that would be a violation of not only the Code of Conduct but of the Governmental Conduct Act. Yes, that helps because it is silly, but that hurt, and I watched it happen. Interestingly, your Code of Conduct also takes the opposite approach where you cannot vote in favor of certain things, and you cannot vote to prejudice, hinder, or punish enemies or opponents. You cannot intentionally act to favor yourself or intentionally act to retaliate against others.

Mr. Zamora said disclose conflicts of interest and may not solicit gifts, personal benefits, favors, etcetera. Do not misuse confidential, non-public information or attempt to go knock on the door of staff and say hey, can you give me some info that I can then use for my personal monetary benefits. No misuse of city resources or property for private gain or personal advantage; we have talked about that before, but the Code does raise certain rental exceptions that you may be able to rent on the same terms as everyone else in the public, so like rent a place in the park to hold an event, etcetera. There are some good and reasonable exceptions mentioned in there.

Commissioner Rardin said that as far as campaign contributions, it says we are not allowed to solicit them, but if there is an item that comes before us where a particular individual has contributed to his or her campaign, should we abstain from a vote on those items if it is a substantial amount of money? Mr. Zamora asked the Commission if they had campaign contribution limits. Commissioner Rardin said we do not fall under that because we are nonpartisan, but he could not remember if there was a dollar amount. Mayor Payne said she did not think so; we do not even have to report to the State. Commissioner Rardin said we do not report to the Secretary of State or anything; we do self-report to the City, and the Clerk has access, but that is only local though. In the event that someone gives you a very large donation and you come in and vote on a road, building, whatever it may be, is that crossing the line? It appears to be. Mr. Zamora said that is an interesting one. Real or potential conflict; he thinks there will be a threshold but could not say what the number is, in which that becomes a real or perceived potential conflict. So perceived, there might be a point to say I am making this disclosure, and I either do or do not feel there is a conflict here, and I am going to vote or not going to vote. He said the reason he asked about the contribution limit is because he has seen where a city used to have disclosure requirements for large contributions, but they limited the contributions to he thought about \$1,000 for council, he did not remember it was \$2,500 or \$5,000, and therefore they made it so it would be uniform and then took away the conflict because the limits were lower. He said he is not

advocating one way or another, he is just exploring the question. Commissioner Rardin said so as long as it remains under that dollar threshold, then it is okay? Mr. Zamora said right, and they are also disclosed again under the reporting. That is a hard question. Commissioner Rardin said it is a grey area. Mr. Zamora said that at some point, you may wish to disclose because the numbers may be sufficient. Commissioner Rardin said we do. Any candidate files three or four reports each election disclosing real property and in-kind. Even if somebody just donates signs, we report that to the City Clerk's Office. He said he just did not know if there was a dollar threshold. Mr. Zamora said you have that reporting already; it is going to be a personal decision whether you disclose or find that it is a legal or perceived conflict, and the disclosures necessary and stepping out, abstaining. Commissioner Rardin asked if that dollar amount might be in state law, or can we have the Attorney research that? Mr. Zamora said he was not aware of any dollar amount in state law, but there may be some things for the Attorney. Again, to turn some advanced questioning to the Attorney might be appropriate, to say hey, there is an agenda item that I am looking at, and in this attorney-client communication I am going to disclose some things, and what are your thoughts about Code of Conduct? Just know that these things are enforced by your City Ethics Panel. There are civil fines of up to \$500, and there is a potential of censure for not complying, and criminal referral. Your ordinance does not automatically engage a city prosecutor or anything of that sort, but the Ethics Panel may make criminal referrals to a district attorney.

Mr. Zamora said that a reminder to the governing body, and this is from your Charter, but "City Manager shall employ and discharge the employees of the City." This is the hardest part in all of this, in the context of Open Meetings Act, in your correspondence in IPRA, and complying with ethics is sort of everyone is in their lane. Remember that the governing body has a limited number of employees. Sometimes that is only the city manager, sometimes it is the city manager or city clerk or city attorney, but there are limited numbers of employees. Every other employee falls under the City Manager, and that is very important to remember and to stay within the lane so that if there are things that you are getting feedback from the community, which is routing it to the city manager for their handling, both positive and negative. You are going to filter that in, and that is a reminder for even actions in the chambers of making directives to the city manager, for the city manager to then go through the employees. A funny example is a governing body running into a facilities manager at Home Depot, and the governing body said hey, there are too many keys out at the gym, I think that should be re-keyed. It was as simple as that, but that facilities manager that week went out and re-keyed the entire building because they took it as a directive from the governing body member. Remember, the governing body speaks with one voice through a vote to give directives. The facilities manager then knows that the city manager was working on a contractor for a new key system for not only the gym, but the rest of the facilities, and they spent twice the money by re-keying it once to only have it electronically keyed a month later. Be aware of how the governing body is perceived by employees and that sometimes they may take it as a directive and not realize the governing body speaks with one voice through a vote in their directives to the city manager that will then filter down to the employees. Be mindful of that in the context of everything we have talked about.

Mayor Payne asked what the difference is between the Governmental Conduct Act going to the Attorney General or District Attorney for investigation, and the new Ethics Commission? Mr. Zamora said he thought about that on his drive down. Know you are subject to ethics complaints before the Ethics Commission. Municipalities or city commissioners or counselors; there can be a complaint that goes to them, and we are actually handling one for a state official. It gets referred to the Ethics Commission, and then there is an ethics inquiry. He said he knew that Governmental Conduct Act complaints were going to them but did not know the exact mechanism. They are the first receiver of any complaint. Mayor Payne said the Ethics Commission is. Mr. Zamora said the Ethics Commission has the jurisdiction to review complaints that come to them relating to the Governmental Conduct Act, but they are not a prosecutorial entity. Their decision may end up as a referral to a DA or the Attorney

General, but as the statute remains right now, there is the ability for the AG or DA to step in even before an Ethics Commission; there is some overlap. Mayor Payne said there is overlap; her understanding is that they sort of replaced the AG's handling of the Governmental Conduct Act, but that is not necessarily true. Mr. Zamora said that it is not necessarily true because there may be criminal activity under the Governmental Conduct Act that would then need to be handled by a prosecutor, which would be the AG's Office or the DA. Mayor Payne said that would make sense if you were stealing money, taking bribes, or something like that. Then it would be a criminal act, so the Ethics Commission would probably be lesser. Mr. Zamora said it is more of a civil process. They do the investigation. It is more of a back-and-forth process in that they receive a complaint, and they forward the complaint. Let's say it is a city commissioner against a city commissioner, they forward the complaint to the city commissioner for response by the city commissioner. Sometimes that is through counsel. Then the response goes to the Ethics Commission, and the Ethics Commission may ask for a hearing, they might do further investigation, and then they actually issue an opinion on the validity of the point. Mayor Payne said okay, whether it should be moved on, or just a fine, or whichever. Mr. Zamora said right. Mayor Payne said she has been watching that and seeing where they have actually taken action, and she found it interesting. At first, she was wondering if this was really legitimate because it is supposed to be a bipartisan commission, but yes, they have taken action against governmental employees. Mr. Zamora said their opinions can be very strong. He has skimmed their last three years of opinions, mainly by title and then down into the subject matter, and yes, they are very clear cut if this is a violation-yes, or is this a violation-no. They also issue advisory opinions and that is something to think about as a governing body, where you get to an issue where a governing body member, where you get to issue and say, wow, I want to make sure I am in compliance, and they ask for an advisory opinion. They do not always issue one, but they might. So, they have a series of advisory opinions out there. Mayor Payne said there are attorneys on that commission, right? Mr. Zamora said there are, but he did not know the exact makeup of how many required attorneys are on there. He said he knew the members, and several of them are former attorneys, and then there are public and at-large members.

Mayor Payne said the last thing is what she refers to as Google lawyers. They can get their degree in five minutes, an hour, or ten minutes, whichever. She said she always errs on the side of, I am not an attorney, and I am not going to pretend to be one. She said she does not play one anywhere, that kind of thing. She said she always errs on the side of, if we have a question about something, instead of an assumption, we need to make sure our Attorney is involved. Mr. Zamora said his general advice is if an attorney is making an inquiry, an attorney on behalf of the governing body should be involved, that is correct. Every time an attorney is referenced, sometimes somebody will walk in and say former or current employee, a member of the public will walk in and say, well, I have talked to my lawyer and... That is a time-out. If you have engaged an attorney, we cannot continue to communicate. We are going to need to have our Attorney contact your attorney. There are some protections there that yes, you should engage your Attorney. Mayor Payne said what if we are just talking say in an executive session and let's say that one of us just does not feel comfortable, or we are just not sure we are doing something right. Is it appropriate to just have our Attorney there or request that she stay? Mr. Zamora said that is a good point. He has a detailed Open Meetings Act class that goes two hours on just the Open Meeting Act. One thing to remember is governing body executive sessions are your privilege. It is the governing body's privilege only, meaning anyone else is an invitee into executive session. Sometimes that is the attorney, sometimes that is the city manager. It can be longstanding practice that every executive session, the attorney and manager are there. By law, they are not required to be included, but they are included as your invitees. Sometimes that will be a department director or employee coming in to explain maybe there is a lawsuit and then alleges something certain where you say hey, did this actually occur? Mayor Payne said so it is not inappropriate to do that. Mr. Zamora said no, it is not inappropriate; that is within the realm, you can invite the City Attorney at any point.

Commissioner Rardin said before this Ethics Panel was set up, and he knew this from past experiences, but if we had a potential violation of the Governmental Conduct Act, we actually would self-report to the Secretary of State's Office, and then they would make a determination of whether it was or was not. Certain things, like if you voted on something that you may have had a conflict in or whichever, you could just disclose that at the next regular meeting, and that would cure it. Is that the case now if you have violations? Does it go to the Secretary of State or this Ethics Panel? Mr. Zamora said again, when you do something twenty-nine years, and you have been dealing with stuff for a long time, there are old ideas that have been updated. He said he believed, without specifically researching it, that the Ethics Commission is now taking that place in the process. There is self-reporting, and sometimes the reporting is the form of request for an advisory opinion. We engaged in the following activity, is this in compliance with the Governmental Conduct Act? If it is not, what do we do? Commissioner Rardin said so they are basically taking the Secretary of State out of the middle of it. They were the ones that had the authority over the elected officials, whether it was county or city commission, state representatives, whichever. As far as the election, he said he knew the Ethics Panel was set up by the legislature, but was it designed or written by a specific legislature? Like the Local Election Act was? Mr. Zamora said he did not think so. He said he thought the Ethics Panel was a long time coming. That is not anything overnight and to anyone specific. There may have been people leading that charge, but he thought the evolution of having an Ethics Panel like what exists is the best practice that the State had been looking at for years prior to that. On the evolution of it, he said he would have to go back and look for more specifics. Commissioner Rardin said the Governmental Conduct Act went into effect for city and local governments on July 1, 2011. It was a little further back than you were thinking, but he just knew because of an issue back then at that time. Prior to July 1, it did not cover local government, only from county commission on up, and that is when they adopted it and added us in. Mr. Zamora said school districts were pulled in. Commissioner Rardin said school districts as well, yes sir. Mr. Zamora said the details of the transition from the old system with the Secretary of State to the new one with the Ethics Commission included, he would need to go back and do a little bit more. Commissioner Rardin said that in the event that something was to happen and we self-report, do we send to them, rather than the Secretary of State? Mr. Zamora said that is what it appears to be, but again, he just read a series of their opinions, and it appears that is the first stop. Commissioner Rardin said they will do a determination of whether yea, it is a violation or no, it is not, and make a recommendation of which direction we need to head or what to do to fix it. Mr. Zamora said or maybe even decline to opine. That full range is what he has seen through their Advisory Panel.

Mayor Payne asked how many times in your twenty-nine years, or since you have been doing this, have you seen the local DA, other than something outrageous like they are funneling funds or stealing; just how many times do you actually, because she cannot just see our DA doing that. Mr. Zamora said it is typically the Attorney General's Office. Some may be because it is the Attorney General's Office that feels the need to enforce and they have more resources to do that, he would say it is also possible that a local DA may feel a conflict and therefore refer it to the AG's Office. He said he thought there were two reasons why it is more for the AG. Mayor Payne said that is what she is thinking. They are busy, they have other criminal cases, so she said she was just wondering how often you saw that. Mr. Zamora said that potential is there, but you do not see it very often from the DA's Office. Mayor Payne said it would typically be the Attorney General's Office. Mr. Zamora said that is right. Mayor Payne asked if he saw that quite often. Mr. Zamora said yes, you see it very frequently in enforcement of all the above; IPRA, OMA, and Governmental Conduct Act. He said he had seen some severe consequences for failure to comply with the Open Meetings Act. The rolling quorums, the backroom deals, stuff like that. He said he had seen severe AG intervention.

Mr. Zamora said he has spoken with City Attorney Smith to let her know that he is available as a resource and a sounding board. He said he does not have all the answers but is available as a

resource to spitball and interconnect city attorneys throughout the state to share information and best practices.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks:

1. Acting City Manager Hernandez introduced some managers that were present.

Mayor Payne thanked everyone for being here and said she thought it was good information for new employees, maybe you never worked for a municipality before. Welcome to the City of Alamogordo and we are so glad to have you.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He asked why we are approving the weekly City Manager's Report. Acting City Manager Hernandez said there is a lot of work that goes into it. It is part of open records, but it may as well be part of the public record. There are many times that people want to know what the City and staff do all day, well, at least it is on the record that we do a lot every week.

He asked why there are purple lights on the south overpass. He asked if we could get with PNM and ask them. Acting City Manager Hernandez said if she remembered correctly, she talked to someone about it, and there is a fault in them. She did not think they were purple. Are they the streetlights? Mayor Pro-Tem Wright said he thought we got an email saying that they sent the wrong bulbs or something. Commissioner Rardin said it is just the overpass. Once you get down of the bottom of the hill, it turns back to regular going the other way. Acting City Manager Hernandez said there was some on White Sands too, but she did not know if those have been replaced. Commissioner Rardin said he was just wondering because they do not throw very much light, and they are weird looking. He said he would look back through his emails. Acting City Manager Hernandez said she would ask Bruce about it.

Commissioner Rardin said that on White Sands Boulevard, right in front of the Zoo and Center of Commerce building, and he asked about this before, but we are supposed to get with NMDOT about those ridges. It is mainly in the northbound lane that you notice them. Acting City Manager Hernandez said that last time you brought this up, we submitted a complaint or inquiry to DOT, but we have not gotten a response back. Commissioner Rardin said if they could just run in there with a milling machine and mill those down, it would be really nice. He said he knew they looked at one of them because there is a pile of asphalt in front of it to make a little ramp over it. He said he knew they had addressed it, but it pretty bad right there between 10th and Indian Wells, in that area. Acting City Manager Hernandez said we could resubmit another one. Commissioner Rardin said the guy's name that runs the DOT out there is Aaron.

He said John Seacrest passed away a couple of weeks ago in a car accident. It was in the obituary last Sunday. He was prominent in the community and had been here a long time.

Commissioner McDonald made the following comments:

She said last Thursday, the White Sands Rotary Club gave her an award for Professional Person of the Year, and she wanted to thank them for that. She was placed in the selection, and it was awarded to her. There are so many people in the City of Alamogordo that are doing things, and she felt very honored to have received the award. She brought the award to the City because she had a lot of help over the last three years getting the cleanup together. She said she told Acting City Manager Hernandez that she thought it was a community award. Even if it was presented to her, she wanted to say thank you to the City because no one works alone, and you need all the help you can get.

Mayor Payne made the following comments:

She said they met with the DA's Office to discuss their take on Officer Ferguson's death and got some good information there. She had a meeting with Senator Burt for the same reasons. On Tuesday, she and Commissioner Paul went out to the Base, and the Undersecretary of Defense was there. They talked about housing issues. On Wednesday, we had the Ribbon Cutting for the Scenic Extension. That was very exciting. She said she was getting calls all the time from people that are thrilled that it is open.

CONSENT AGENDA

2. Approve the minutes for the July 25, 2023, Regular Commission meeting and the July 28, 2023, Special Commission meeting. (Rachel Hughs, City Clerk)

3. Approve the statements related to the Executive Closed Session held on July 25, 2023. (Rachel Hughs, City Clerk)

4. Approve the weekly City Manager Reports for 7/21/2023 & 7/28/2023. (Stephanie Hernandez, Acting City Manager)

5. Consider, and act upon, the adoption and final publication of Ordinance 1680 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)

6. Consider, and act upon, approval of Resolution No. 2023-38 authorizing and approving submission of completed application for financial assistance and project approval to the New Mexico Finance Authority. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

7. Consider, and act upon, acceptance of a capital outlay reauthorization agreement to Alamogordo Fire Department from the Department of Finance in the amount of \$485,100.00. (Debbie Osborne, Grant Coordinator)

8. Approve Resolution No. 2023-39 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments. (SNMEDD/COG). (Rachel Hughs, City Clerk) (Roll Call Vote Required)

9. Consider, and act upon appointing the Mayor as the Voting Delegate for the New Mexico Municipal League 66th Annual Conference. (Rachel Hughs, City Clerk)

Commissioner Rardin pulled Item 5 from the Consent Agenda for further discussion.

Commissioner McDonald moved to approve the Consent Agenda as amended.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

5. Consider, and act upon, the adoption and final publication of Ordinance 1680 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)

Commissioner Rardin said we are giving a million dollars for this, and he did not know if the building out there is \$600,000 or \$800,000, but what are we doing to secure the other couple hundred thousand worth of the loan? Acting City Manager Hernandez said they will put in the \$400,000 in renovations. We are holding the mortgage on the building, and we will file the mortgage with the County. Commissioner Rardin asked if we knew the asking price of the building and how much the renovations are? He said he thought it was \$600,000 and \$400,000 when we last talked about it. Acting City Manager Hernandez said she believed that Michelle Perry is in negotiations right now, and maybe she can answer. Ms. Perry said in regard to the building, she is currently in negotiations with the seller through the real estate agent. We have settled at a price of \$615,000 after some very serious back-and-forth. However, we had it inspected, and there are lots of findings. There are objections she will be filing, and that price is going to go south, or the owner will get those things fixed. Today the gas was turned back on; the gas meters had been pulled, so we had to get those reinstalled and have the gas lines tested. There is lots of plumbing, electricity, HVAC, etcetera, so that is where we are right now. Commissioner Rardin said in the event that you cannot come to an agreement with that owner, what is your Plan B? Ms. Perry said we are going to look for another property. Commissioner Rardin asked if this agreement was tied to that specific piece of property. Acting City Manager Hernandez said the project participation is, so we would have to come back to Commission for approval on the building. Commissioner Rardin said alright; he just wanted to make sure that the City's interest was protected. To the City it is not that much money, but it is a lot of money. In the event something happens, he wanted to make sure we were protecting the taxpayer's money.

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

NEW BUSINESS

10. Consider, and act upon, Resolution No. 2023-37, adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommended capital outlay projects for Fiscal Years 2025-2029. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

Grant Coordinator Osborne said the ICIP is a planning tool used to establish priorities for anticipated capital improvement projects to help prevent emergency situations. It is not a grant application; it covers a five-year fiscal period focusing on repair or replacement of existing infrastructure or the development of new infrastructure, and it encourages a more efficient city operation. It is developed, updated, and submitted annually to the New Mexico Department of Finance Local Government Division, and it can be found on their website. Listing a project on the ICIP list increases funding opportunities because many state, federal, and private funding agencies utilize a city's ICIP in reviewing grant applications. Additionally, a project must be on the ICIP list to be eligible for capital outlay funding. ICIP projects are not part of the City's annual budget. Various street maintenance projects, such as repairs and traffic lights, are included in the City's annual budget. Therefore, we do not list them on the ICIP. The City has its own long-term infrastructure planning project to help develop

a Street Assessment to help prioritize streets for maintenance and approval. This is explained in detail on the City's website. In developing ICIP, department directors evaluate the needs of their departments, then they meet with the City Manager to discuss and select those highlighted in priority. We also reviewed the results of the Citizens Survey that was conducted by Consensus Planning for the development of the Community Services Master Plan. The results of the Bonito Lake Campground Survey were conducted in October 2022, and comments and suggestions were received from the public at a public meeting held on July 31st. An example of projects selected, based on these results, are Zoo improvements, Library improvements, construction of the Natatorium, construction of a playground at Dudley School, reconstruction of circulatory roads at Bonito Lake and development of fishing access and day-use reopening, and a project to design a Community Garden.

She asked the Commission if they wanted to hear the comments received at the meeting and said she previously sent them to all of you. Mayor Payne asked how many people showed up. Grant Coordinator Osborne said there were five members of the public, which is more than we have had in the seven years she has been doing it. Commissioner McDonald, Finance Director Huff, Community Services Director Ortega, Acting City Manager Hernandez, and Parks and Recreation Director Bass were all there. It was well attended, considering the usual attendance. She said she replied to each of the comments sent to you all via email and forwarded them on to the appropriate department directors. She could read them aloud if wanted. Mayor Payne said we all got the email, and she read them. Grant Coordinator Osborne said she believed there was one gentleman who submitted that night on the forms that were distributed to the attendees. Also, Commissioner McDonald and Courtney McCarey had some suggestions on that, which she included in the emails sent to the Commission. She said that she had a list of all the ICIP projects that we used to apply for and were rewarded capital outlay funding in the last three years if you wanted her to read it. It is pretty extensive, but she is happy to read it or email it and share it.

Commissioner Melton said he has a question about the Library's north patio, but it may be more for Acting City Manager Hernandez. Grant Coordinator Osborne said just so you know, I am going to mention all five projects in a meeting to answer them, but you can go ahead and ask now. Commissioner Melton said that a decade ago or longer, we tried to build a new library where Albertsons is. Is this \$125,000 an indication we are moving away from that and more instead opting towards upgrading the existing building? Acting City Manager Hernandez said she did not believe we even had talks about doing a new library in the past however many years, so we are just renovating what we have and expanding it for more outdoor space. Commissioner Melton said it was a while ago, like 2008. Commissioner Rardin said it was back when an old grocery store sat there, and Albertsons purchased the property, tore the old building down, and built the current building. So, there is no chance of that transpiring anymore. Commissioner Melton said he knew, but he only asked because the Library is one of our oldest buildings and not in the best shape. Commissioner Rardin said it is kind of small. Commissioner Melton said exactly, only twenty-thousand square feet. Back when they were trying to pass the bond, it was to double it to forty thousand. Mayor Payne said it could always be changed in the future, but she remembered when that was going on.

Grant Coordinator Osborne said if anyone wants them, the links for either of the complete listing of projects are on TFA's website. The link to the Street Assessment and our infrastructure planning is on the City's website. The link to the information about Consensus Planning and their survey, she said she is happy to send them to you if you wanted, just send her an email asking.

Grant Coordinator Osborne said the top five projects that we used for our capital outlay applications later this year are APD procurement of Police Department vehicles and equipment at \$500,000. The reason for this is it is important to make sure we provide the best vehicles we can for our public officers. They are driving several older vehicles that are not always the best. Next is Community Services with

the bear enclosure renovations and expansion at Alameda Park Zoo at \$400,000. Currently the water feature where the bears are is not working, and it is a small enclosure for a bear, so they would like to renovate and expand that. Community Services would also like to construct and equip a restroom at the Alameda Park Zoo. It will be at the end of the Zoo where there is not currently a restroom; currently, people have to go all the way back to the beginning if they need to use that. The public has indicated it is something they would like. Next is Community Services with the Library's north patio renovations. They will be renovating this to use it as an outdoor reading area, and it will also be used for private access to be able to come in and use computers for telehealth conferences that are increasingly being used. Lastly, Parks and Recreation with the Dudley School Playground, which is a really important project that a lot of community members would like to see happen. Those are the five we would like approved to go on and recommend for our capital outlay applications this year.

Commissioner Rardin said regarding the restroom at the Zoo, he had asked about that years ago. If we were to do that through Alamogordo Friends of the Zoo, there are different guidelines for what they would have to follow versus what we have to follow. Acting City Manager Hernandez said they do not have the Friends of the Zoo anymore. Commissioner Rardin said oh, it is gone? That is a lot of money. Grant Coordinator Osborne said the last one we built at the Balloon Park was \$300,000. It will be a unisex bathroom at the Zoo also because that is how much they are now. Additionally, when we submitted the application for the Balloon Park, that was for park restrooms, we were hoping to be able to do more than one add at that time, but unfortunately, when we got the estimates, it was prohibited to do both at the same time. That is why we would like to apply for this one now. Commissioner Rardin said so this is just through the capital outlay part of it. Grant Coordinator Osborne said yes, through the capital outlay, but there are lots of other grants. Some of the public asked for Animal Control facility improvements. We have received many grants over the last three years. Actually, we received a new one for this current fiscal year from the Carrol Petrie Foundation; they have been tremendously helpful. They helped construct the drop-off center to be used after hours, the new artificial turf in the back of the control building, shade structures, and they have been very supportive of our Animal Control facility applications. With some of the other projects on the list, we have other sources of funding. FAA and the State also are the ones who would usually fund the Airport projects. These are the ones we would not find as many sources of funding other than capital outlay.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

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

Mayor Payne read the openings and reappointed Randel Y. Wilson to the Airport Zoning Board. No one was opposed.

EXECUTIVE SESSION

12. 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)

Mayor Pro-Tem Wright moved to adjourn into Executive Closed Session at 8:55 p.m.

Commissioner McDonald seconded the motion.

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

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on August 22, 2023.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/17/2023

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the statements related to the Executive Closed Session held on August 8, 2023. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: The statement is required per the Open Meetings Act.

Background:

Approve the following statements authorizing them to be included in the minutes of August 22, 2023: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on August 8, 2023, an Executive Closed Session was held and matters discussed in the closed meeting were limited only to: Limited Personnel Matters (City Manager).

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/14/2023

Report No: 4.

Submitted By: Stephanie Hernandez

Subject: Approve the weekly City Manager Reports for 8/04/2023 & 8/11/2023. (*Stephanie Hernandez, Acting City Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the reports.

Background:



City of **ALAMOGORDO**

Weekly Report-Commission

Week Ending:
08/12/2023

Stephanie Hernandez
Acting City Manager

Table of Contents

Police Department (David Kunihiro, Chief).....	2
Animal Control	2
Fire Department (Richard Adler, Chief)	3
Public Works (Nancy Beshaler, Director).....	4
Facility Maintenance.....	4
Planning and Zoning	5
Street Maintenance.....	5
Weeds Drainage	5
Code Enforcement	6
Utilities Department (David Nunnelley, Director).....	7
Community Services (Veronica Ortega, Director).....	11
Airport.....	11
Community Affairs	12
Marketing/Communications	12
Tourism	12
Library.....	12
Zoo	13
Senior Center	14
Parks & Recreation Services (Belinda Bass, Director).....	16
Cemetery	17
Golf Course.....	17
Parks.....	17
Sports Complexes-Hooser &Griggs.....	18
Recreation Center.....	18
Keep Alamogordo Beautiful	19
Human Resources (Kim Torres, Director)	20
Safety	20
City Clerk (Rachel Hughs, City Clerk).....	21
Other-ACM Calendar.....	23



Police Department (David Kunihiro, Chief)

- ❖ Police Officers-Currently have 37 officers; 12 vacancies with current budget; 21 vacancies from being fully staffed
- ❖ 1 Certified Officer applicant recommended for hire; awaiting psychological exam prior to hire
- ❖ Interview 4 Certified Officer applicants on 8/3. All three passed interview. Voice Stress Examination is next step
- ❖ Police Service Gerardo Parra started as PSA 8/7.
- ❖ New Police Service Aide Audie Swing starting on 8/21
- ❖ Don Brockett will transfer to Police Service Aide on 8/21
- ❖ 1 Animal Control Officer vacancy. One applicant in background phase
- ❖ All dispatchers now at TBRDA. Still transferring equipment, etc.
- ❖ Good turnout for the 1st ever Meet and Greet for interested and current Police Trainee Applicants at the Alamogordo High School track.
- ❖ Roof project ongoing

Animal Control

- ❖ 1 Animal Control Officer vacancy. One applicant in background phase.
- ❖ ACO numbers:
 - Calls for Service-59
 - Citations-1
 - Surrenders-9
 - Adoptions-2
 - Euthanizations-27 (Parvo or distemper running through shelter)
 - Rescues-3
 - Return to Owner-2



City of Alamogordo
Alamogordo Fire Department
619 Texas Avenue, Alamogordo, New Mexico 88310
Administration 575-439-4298, Code Enforcement 575-439-3337



Fire Department (Richard Adler, Chief)

The Alamogordo Fire Department answered 25 calls for service they are listed as follows:

- ❖ 4 Assist AMR
- ❖ 1 Assist Police
- ❖ 1 Brush Fire
- ❖ 2 Fire Alarm
- ❖ 2 Misc. Fires
- ❖ 12 MVA
- ❖ 2 Carbon Monoxide Call
- ❖ 1 Natural Gas Leak

Weekly projects:

- ❖ Fire Staff had a total of 16 hours related to company, drivers, volunteer, HazMat and new recruit raining.
- ❖ Fire Staff had (3) Initial/Annual business fire inspections, (3) re-inspections assisting Inspector Lashley
- ❖ FF positions closed with possible candidates.
- ❖ Continued Department 1st Due training with Contractor
- ❖ Hosted AFD Vol/County Vol training at Station #5
- ❖ Mountain View Church back to school event
- ❖ Completed Volunteer Firefighter Pay Scale for calls for service / trainings.
- ❖ Engine #6 loaded and transported to Siddons-Martin Waxahachie Texas for repairs.
- ❖ Cleaned and painted Oregon Gym
- ❖ Engine #4 had pump seals replaced and back in service from Siddons-Martin

A ALAMOGORDO **PUBLIC WORKS**

Public Works (Nancy Beshaler, Director)

- ❖ Public Works Director will be out of the office August 10th through August 18th.
- ❖ Received list of potholes and sizes for development of contract to repair over 100 potholes. This will be a Public Works Bid. Will work on this when back in the office from vacation.
- ❖ Fielded multiple citizen complaints about delayed time to repair patches.
- ❖ Forwarded to NMDOT a citizen complaint about the timing of the lights at Walker and Hwy 70.
- ❖ Provided comments to consultant working on Zoning Ordinance. Next meeting scheduled for September 14th.
- ❖ Meeting with GIS staff and Street Assessment consultant to determine what data will be provided to city in GIS format.
- ❖ Consulted with PD and resolved 2 Neighborhood Traffic Management Program requests.
- ❖ Initial meeting with consultant for review of Hermoso el Sol supplemental drainage report (pending litigation)
- ❖ Meeting to discuss amendment to Technical Specifications. Initial amendment will address curb cuts no longer being performed by city due to the machine being broken and too old for replacement parts. Follow-up amendment will address other revisions/corrections.
- ❖ Attended NMML training at the August 8th Commission meeting.

Facility Maintenance

Received 54 new work orders and completed 57 work orders.

- ❖ Electrical (1 journeyman) – 8 work orders
- ❖ Communication (2 technicians) – 8 work orders, 2 being intersection traffic signal repairs
- ❖ HVAC (1 technician) – 11 work orders, one being overtime
- ❖ Plumbing and Carpentry (1 technician) – 8 plumbing and 19 carpentry work orders, 6 being overtime
- ❖ Pool Maintenance (1 pool tech) – Normal pool maintenance plus 2 work orders (overtime on 2 days)
- ❖ Determined that Traffic Signal Head Replacement project will need to go out as a Public Works Bid project. There is no one in Engineering that can put that together for bidding, will likely have to be done by PW Director.
- ❖ Staffing Challenges: Dispatcher workload is burdensome, as she does admin/dispatch for Facility Maintenance, Weeds and Drainage, and Streets divisions. This employee is becoming burned out and cannot sustain this workload.
- ❖ Equipment: working with 30 year old vehicles and equipment; Had throttle problem repaired on digger derrick truck

Planning and Zoning

PHONE CALLS	98
EMAILS	329
FEMA DETERMINATIONS	2
BUSINESS REGISTRATION	
REVIEWS	4
COUNTER CUSTOMERS	28
PROCESSED	
APPLICATIONS	15
SUMMARY SUBDIVISION	
CASE	1
VARIANCE CASE	1

- ❖ Prepared FEMA information for mailing in City Pulse. This is a requirement of the flood insurance program for the maintenance of the city's CRS rating

Street Maintenance

MAINTAINS 191 MILES OF ROADWAY

- ❖ Tore out, prepped, and paved 7 patches – all by hand raking
- ❖ Prep and place curb and gutter at 3 locations
- ❖ Sign/Striping performed 21 sign maintenance work orders, including battery replacements on the radar/data signs
- ❖ 162 potholes were filled with the assistance of the drainage crew
- ❖ Three alleys were bladed
- ❖ Assisted Facility Maintenance by doing a saw cut at Oregon School and saw cut, prep, and patch at the Facility Maintenance storage building
- ❖ Street sweeper cleaned 121 streets (This position needs to be double-filled to get someone hired and trained before this employee retires)
- ❖ Equipment Challenges: F250 air conditioning problem, Steel wheel roller hydraulic leak, curb cut machine is broken
- ❖ Laydown machine is at Neudorf getting the fuel line replaced.
- ❖ Staffing Challenges: need admin/dispatch (position reclassification) and 3-man crew to prep for patches (new positions). New employee (laborer) is in background for a position on the Sign/Striping crew.

Weeds Drainage

- ❖ Sprayed 8 locations
- ❖ Mowed 2 ditches
- ❖ Weeded North Scenic Extension
- ❖ Performed 1 graffiti removal work order
- ❖ Removed debris from the Sunrise Ditch
- ❖ Performed CDL training and Vector Solutions Safety Training

Code Enforcement

- ❖ Recruitment for administrative assistant is underway – should be reclassified as Administrative Dispatcher because of the volume of radio calls by officers.
- ❖ Code Enforcement has 318 open cases.
- ❖ Need to find a contractor that will do trash abatement for properties that must be abated for trash and debris, such as 803 Arapaho and 1401 Gray Street
- ❖ Code officers have been signed up for and are working on obtaining certifications in Code Enforcement
- ❖ Code Officer Payan has begun training to become a Certified Code Officer Safety Specialist through the Code Officer Safety Foundation
- ❖ Manager is working towards the division becoming accredited by AACE

PERSONNEL

Current Utilities Department staffing levels are at 71%.

Water/sewer operations are currently operating at a 31.1% vacancy rate.

Solid Waste operations are currently operating at a 25.0% vacancy rate.

Engineering is currently operating at a 33.3% vacancy rate.

Landfill employee Todd Waghorn is working with light-duty restrictions.

Water Production employee William Hudson is working with light-duty restrictions.

PUBLIC RELATIONS

3 water quality concerns.

High pressure was reported at the car wash on 607 Canal St. Customer reported that some of his equipment was damaged because he typically has pressure as high as 80 PSI. His equipment is only rated for 45 PSI. The operator explained that his pressure depends on his location in the zone and does not change much. The operator recommended that the customer install a pressure-reducing valve (PRV) to protect his equipment.

Low pressure and high mineral content concern was reported at 1410 Lavelle Rd. The customer reported that her pressure had returned to normal before the investigating operator arrived. Low pressure was most likely due to hydrant flushing at the bottom of Zone 4. The customer is located near the top of Zone 4, where pressure would have dropped the most. The operator also explained that higher than normal mineral content is due to the need for more wells running

WEEKLY OPERATION HIGHLIGHTS

Engineering

- PW1606 - Scenic Extension - Project is complete, waiting on the final invoice from PNM.
- FD2201 - Fire Station 6 Addition - Design By Studio D. Architects/Abel - Bid & Construction Phase - Bid opening held on 8/9/2023.
- PW2001 - (Ridgecrest) SMP 2021 - La Luz Dirt & Paving, Subs - General Hydronics Utilities, General Hydronics Concrete/Smith Engineering - 100% on main install service lines being installed. Curb assessment conducted.
- EN2013 - CDBG ADA 2020 - Prime - General Hydronics Concrete/ Smith Engineering - 37% complete.
- EN2201 - APD Reroof & HVAC - CD General Contractors/Desert Peak Architect - Roof work 50% complete. HVAC is 100% complete.
- ZO2301 - Zoo Improvements - CES- White Sands Construction Inc.
- GC2301 - Golf Course Irrigation - CES- Mountain West Golfscapes Inc. - Material en route. Expect an update in Oct/Nov.
- EN2305 - New York Smp - CES- Smith Engineering, Design Phase Service - Design 90% in review.
- CM2303 - Dudley School - CES- 5 Contractors - All work ongoing.
- LI2301 - Library HVAC - Mountain Air Heating & Cooling - Est. 23 weeks out for 40ton RTU.
- PK2303 - Zoo Irrigation Design - Morrow Reardon Wilkinson Miller - Design only, parks - Erik Marion monitors and processes invoices.
- EN1904 - 10th St, Hubbard bridge repairs - Bohannon Huston - Design only, Public Works - Nancy Beshaler is monitoring. Engineering is processing invoices.
- EN2002 - Dry Canyon Evaluation, Improvements - CES- Bohannon Huston - 95% design complete, awaiting PNM for pole relocation issue.
- UC2202 - 54-70 Waterline Replacement - Smith Engineering - 90% of design and water modeling efforts completed by Eddie Livingston, awaiting a final decision for zone realignment.
- EN2202 - Desert Lakes Rd Drainage - Smith Engineering - Design complete, hold for construction funding.
- EN2203 - Well Trans Line (Parallel Pipeline) Phase 1 - Smith Engineering - Design complete, hold for construction funding, completing construction application with CWSRF.
- EN2007 - Well Trans Line (Parallel Pipeline) Phase 2 - Smith Engineering - Design complete, hold for construction funding.
- CE2301 - Monte Vista Cemetery Fencing - completed perimeter fence, awaiting Eric Marion for entrance concept.

Solid Waste

Landfill

- 175 trucks were scaled this week.
- 1526.78 tons of Municipal Solid Waste (MSW) was received and processed per permit requirements.
- 10 loads of asbestos waste were received.
- 49.67 tons of asbestos waste was processed per permit requirements.
- 120000 gallons of water was applied for dust control per permit requirements.

during the heat wave we've been experiencing.

Low pressure was reported at 2147 Cielo Grande Ct. Low pressure was due to a clogged water softener in the customer's plumbing.

2 sewer concerns.

Received a call from City Hall about a sewer issue at 1901 Mason Drive. The plumber on site conducted video surveillance on the customer sewer service and found a screen in line. Wastewater staff inspected manholes # 0887 and # 0949; no flow obstructions were observed, and the final investigation determined the issue was isolated to customer service. Contacted homeowner with the findings.

While responding to a sewer call last week in the alleyway of Cuba Ave and Fillipino, operators noticed the sewer line located in the alleyway of Filipino and Puerto Rico running slow. Staff jet rodded and vactored out wipes and grit from the line.

9 solid waste concerns.

A citizen emailed a concern that a potential squatter was residing in Kraut Canyon, located North of Bonito Lake. Staff from the Water Production division investigated while on weekly dam inspection and found evidence of some long-term camping that has since been abandoned. Staff collected 6 bags of trash left by the campers and disposed of it appropriately.

SAFETY PERFORMANCE

No lost time accidents or reportable injuries occurred this week.

Water Production employee Davondre Pistilli and Utility Maintenance employee Christopher Ryan completed Entry Level Driver Training (ELDT). Both

- 1021.6 gallons of diesel was used to operate all heavy equipment.
- Both compactors and the bulldozer have mechanical issues, they seem to only operate a few hours at a time, if they run at all. Have an onsite mechanic, along with Wagner mechanics working to resolve the issue. Had to rent a dozer that cost over 28k for a one-month period.
- Working with General Hydronics Concrete to secure a quote for a pad underneath the water fill stand.

Waste Transfer

- 596 vehicles were scaled this week.
- 136.02 tons of Municipal Solid Waste (MSW) was received and processed.
- 12.0 open top roll-off dumpster containers were transported to the Landfill.
- 16.07 tons of white goods were recycled, preserving valuable landfill space.
- Re-welded signs in place located behind the containers.
- Began tracking all white metal tonnage which is currently being disposed of by others.

Utilities Administration

- Prepared and submitted the Monthly La Luz-Fresnal Area Residential Readings, Monthly Bonito Lake Reservoir and Seepage Report, Monthly Las Alturas Well Report, Monthly La Luz Usage Report, Monthly HAFB Bonito Lake Reservoir Report, Spring and Ground Water Production Report, Monthly Water Conservation Fee, Monthly Operating Report Summary, Monthly Surface Water Operating Report, and the Monthly Know Your H2O Update to multiple recipients and agencies.
- Prepared and submitted the New Mexico Office of the State Engineer Permit T-3825 et al. Snake Tank Well Field Semi-Annual Monitoring Report (SAMR).
- Secured the rental of a bulldozer necessary to continue operations at the Landfill.
- Prepared travel for training for two landfill employees, secured the hotel room, purchase orders, transportation, and per diem.
- Staff continues to digitize all Bonito and La Luz /Fresnal historical documents.
- Met with Joy Life Center staff to discuss manhole and fire hydrant requirements.
- Met with Eddie Livingston of Livingston & Associates regarding the extension of water and sewer system to the proposed Cottonwood Church located on South Scenic.
- Work to develop a complete asset list for the Enterprise Asset Management system is ongoing.

Utility Maintenance

- 168 calls were dispatched.
- Repaired 1 water main at 3110 Summer.
- Repaired 5 service line failures at 344 Palo Duro, 3114 Summer, 235 Grosvenor Ct., 1305 Galaway, and 883 San Miguel.
- Backfilled 19 excavations at 3221 Sunrise (alleyway), 2507 Aspen (alleyway), 344 Palo Duro, 3531 Hamilton, 235 Grosvenor Ct., 602 Sunglow, 1042 Mimosa, 3902 Basswood, 2236 Idaho, 1203 Greenwood, 12th & Monroe, 503 Catalina, 1305 Galaway, 1104 Puerto Rico, 1117 Alaska, 3135 Summer, 3014 Hopi, 1604 Hawaii, and 908 Cauthen.
- 17 work orders for asphalt replacement were created for Street Maintenance Division.

are working to secure their commercial learners permit (CLP).

Waste Transfer Station employees Jim Neal, Mitchel Stufflebeam, and Anthony Ocana completed drug-free workplace & alcohol-free workplace training.

All Utilities senior staff attended the Open Government, Transparency, and Ethics for City Commissions presentation. Great presentation and very informative for all staff in attendance.

Joe Swing is attending a five-day Backflow Prevention Technician certification training.

A tailgate safety meeting was conducted with staff about children returning to school this week and driving safely through school zones.

- 67 utility line locates were completed with positive responses provided per compliance with New Mexico Stat. § 62-14.
- Repaired 10 leak-in meter cans at 1305 Dewey, 603 Mount Lake, 1400 E 1st, 508 Mercury, 3223 Summer, 3831 Basswood, 1209 23rd St., 3924 Teakwood, 4191 Wood Loop, and 725 Post.
- Assisted with 10 water turn on/off.
- Replaced 13 service lines at 2507 Aspen (alleyway), 602 Sunglow, 1042 Mimosa, 3902 Basswood, 503 Catalina, 1305 Galaway, 600 S Whitesands, 1104 Puerto Rico, 1117 Alaska, 3135 Summer, 3014 Hopi, 1604 Hawaii, and 908 Cauthen.

Wastewater Reclamation

- The average seven-day influent sewage flow is 2.2 million gallons per day (MGD).
- The average seven-day reclaimed water usage is 1.6 million gallons per day (MGD). All reclaimed water is treated to Class-A standards per discharge permit 220 (DP220) requirements.
- 60.00 tons of Biosolids (sludge) were processed, and land was applied per discharge permit 806 (DP806) requirements. 4200.0 gallons of septage was received and placed into the digester to begin the biological reduction in the organic solids process.
- Cleaned all basin probes, Total Suspended Solids (TSS) (9), Dissolved Oxygen (DO) (9), and Mixed Liquor Suspended Solids (MLSS) (9).
- Completed 32 preventative maintenance work orders (PMs).
- Removed scum from SBR basins 1 and 2.
- Mowed Treatment plant grounds.
- Repaired two tires on the batwing disc.
- Replaced lid on grit trash can. Had to cut a hole in the new lid.
- Cleaned outside drains under trash cans from heavy rains and added HTH to control the fly population.
- Finished repairs on reclaimed hydrant line.
- Replaced one sprinkler head.
- Replaced hose bib at Muffin Monster due to leak.
- Completed routine monthly jet rodding of problem areas throughout the city and used jet trailer to exercise it.
- Corrected issue with a Cl17sc. The issue was a loss of flow multiple times during the week. Flushed with vinegar and hydrogen peroxide multiple times. Found a piece of plastic lodged in the discharge of the cell, restricting flow.
- Worked on Club Cadet mower. Electrical short was found on PTO engagement. The switch was full of dirt and moisture, causing it to short out. The issue was resolved.
- Continued to disassemble Rotating Sludge Thickener (RST) drum when time permitted.
- Prepared Daily Reclaimed Water Reports.
- Triweekly influent and effluent biochemical oxygen demand (BOD), Alkalinity, total Kjeldahl nitrogen (TKN), anhydrous ammonia (NH3), total suspended solids (TSS), pH, nitrate (NO3), total dissolved solids (TDS), total residual chlorine (TRC), and ph samples were collected for analysis.
- Weekly total dissolved solids (TDS), total solids (TS), and fecal coliform samples were collected from the digester for analysis.
- Staff collected 2 COVID samples for the New Mexico Department of Health.

- Monthly belt press cake samples were collected per discharge permit 220 (DP220) compliance.

Water Production

- The average seven-day water usage is 6.5 million gallons per day (MGD).
- The Bonito Lake Reservoir is currently at 7381.0 ft elevation or full and running over the spillway.
- Reservoir storage at La Luz is approximately 151.8 million gallons (MG). This is 81.1% of usable storage capacity. Staff have increased well production to keep up with the increased demand. If usage continues at the current rate, it is anticipated that the City will not have water rationing this season.
- Performed routine distribution system flushing to maintain water quality and improve water age.
- Drained and cleaned both sand traps at Fresno Canyon and La Luz Water Treatment Plant.
- Performed welding repairs on a backhoe trailer for Utility Maintenance.
- Repaired a leak on the control plumbing at Golf Course pressure reducing valve (PRV).
- Replaced sodium hypochlorite pump 2 and injection line at La Luz Water Treatment Plant.
- Replaced all tubing and fittings on the sodium hypochlorite pump skid at La Luz Water Treatment Plant.
- Repaired the air vent on the soft start cabinet at Well 5.
- Inspected all pressure reducing valves and recorded pressures.
- Prepared Daily Water Reports.
- Collected 10 bacteriological samples per Revised Total Coliform Rule (RTCR).
- Collected 16 haloacetic acid (HAA) and total trihalomethane (TTHM) samples per Disinfection Byproduct Rule (DBPR).
- Collected 12 water quality samples per department policy.
- Conducted routine comparison analysis on all chlorine residual monitors (4) at both surface plants.
- Cleaned and verified all NTU (Nephelometric Turbidity Unit) analyzers (6) at both surface plants.
- Performed the weekly Bonito Dam inspection.

WEEK AHEAD

- Form and pour manhole found at West 5th Street out in the desert.
- Continue to work on Rotating Sludge Thickener (RST) drum whenever time permits and when the belt filter press is not operating.
- Clean sewer main line from manhole #2100 to manhole #2140 to remove grit and rocks from infiltration and construction.
- Install "No Dumping" signs across the street from the waste transfer station on Lavelle.
- Grounds maintenance at the waste transfer station.
- Water Production staff will start Well 6 with Statewide Drilling and COA Facility Maintenance electricians onsite.
- Continue to replace older CL17 chlorine analyzers with new CL17sc models. CL17 analyzers have reached their end of life, and the company is no longer supporting them. Continuous monitoring chlorine analyzers are required at all entry points into the distribution system.

Community Services (Veronica Ortega, Director)

- ❖ Held 1-on-1 manager meetings with the Senior Center, Airport Manager, and Zoo manager.
- ❖ Attended City Commission meeting.
- ❖ Attended a planning meeting with Ed Brabson, David Chelgren, and Hector Vazquez about White Sands Balloon Invitational.
- ❖ Attended a meeting with the Community Affairs and Zoo staff about the Zoo Boo event.
- ❖ Had a telephone conversation with Armando Ortega about Cornhole Tournament at Civic Center.
- ❖ Provided a city tour to Hector Vazquez & Shane Thurman of Community Services Divisions, as well as introducing them to other Departments throughout the city.

Airport

- ❖ Pickup up “green hornet” John Deer tractor from Fleet Maintenance
- ❖ Dropped off lawn mower to golf course maintenance.
- ❖ Secured grille café doors due to trash/cleanliness.
- ❖ Facilities cleaned.
- ❖ Set up a UniVerify account.
- ❖ Took possession of front door and grille keys.
- ❖ Programmed Shane’s/Roger’s card for main access
- ❖ Ordered parts for Z-turn (lawn mower). Updating hangar inspection letters.
- ❖ Change FY 24 CPI data to hangar billing document
- ❖ Updating all lease letters for annual inspection
- ❖ Updated ALL annual FE inspection letters.
- ❖ Scheduled Yucca FE inspection Aug 15th at 08:15 Airport.
- ❖ Scheduled Fire Dept Aug 23-25, 09:00, for Annual Inspection.
- ❖ Converting Material Data Safety binder to Data Safety Sheet binder and updating.
- ❖ Juan cleaned the Airport car. Started duty day at City Hall for Purchasing/Tyler information to inherit Airport work from Tony.
- ❖ Met with Deborah in Grants to go over the 4 Federal Grants for the Airport. Also scheduled training with her on Aug 17th at her office.
- ❖ Filled in holes near irrigation system/trees.
- ❖ Installed valve cover to the water irrigation system at the airport entrance. Filled the holes with dirt.
- ❖ Started to fix & replace the lock on the gate to the immediate right of the airport facility bldg.
- ❖ Roger called Chase at FBO for permission to remove a low-hanging wire near Neptune hangar. Waiting for a response
- ❖ Researched battery and pad for AED
- ❖ Roger is working on the safety inspection from Chris – checked off items that do not cost money.
- ❖ Installed guard for drill press.
- ❖ Moved compressor for 36 in clearance around the compressor.

- ❖ Stored flammable chemicals into the fireproof locker.
- ❖ The 250-gallon weed sprayer needs two \$75 tips and a \$125 motor.
- ❖ Safety Ticket was created for electrical, plumbing, and carpentry. Monthly 1-on-1 with Ronnie at her office to go over Airport issues.
- ❖ Possible new vehicles from PD – more to come.
- ❖ Roger working on the fence to the right of the airport facility.
- ❖ Door needs to be adjusted due to a new part to secure the door.
- ❖ Main gate not opening.
- ❖ Called Chase/FBO Exile for FE inspection.

Community Affairs

- ❖ Coordinated Battle of the Bands event, projected for 16 Mar. 2024.
- ❖ Coordinated Balloon Fest meeting for a planning update.
- ❖ Interviewed 1 candidate for the maintenance position.
- ❖ Interviewed 3 candidates for civic center supervisor.

Marketing/Communications

- ❖ Posted Scenic Extension even on social media.
- ❖ Created city profile for September.
- ❖ Started advertising planning for balloon fest and corn hole tournament.
- ❖ Created Thank you cards for Acting City Manager.

Tourism

- ❖ Updated NMTrue website.
- ❖ Approved all marketing on HeyOrca for social media (article/photo).
- ❖ Renewed Grand Canyon magazine contract, first issue due out in Oct.

Library

- ❖ Mini Book Sale ~ Beginning August 14, 2023
- ❖ Fixed Assets ~ Tyler Training / Entry
- ❖ League of Women Voters ~ Southern NM Libraries Panel Discussion (Library Mgr.)
“Trends in Public Libraries” (Las Cruces); Saturday, Aug 12th
- ❖ Quality Assurance Training ~ Circulation Staff (Customer Experience Improvements)
- ❖ APL ~ Partnering with Arts & Cultural District Jumpstart Task Force; Next Mtg August 16, 2023
- ❖ Library Technician Position Interviews; Additional Technology Classes/Instruction for Patrons
- ❖ Final HVAC Unit ~ Not to be installed until October 2023; Current Unit Incurred recent expensive repairs
- ❖ Creation of Teen Area ~ Furniture/Painting/Shifting Collections: Weeding Phase
Occurring Now
- ❖ Security Alarm / Landline Issues ~ Due To Power Outage/Storm on August 8th

- ❖ Window Replacement ~ Vandalism to Children's Room Window (Reported to APD; Camera Footage)
- ❖ Graffiti Front of Building ~ Facilities Maintenance Addressed
- ❖ Book Club ~ First Full Week of Month – 1:00 pm - 3:00 pm (Wed & Sat)
- ❖ Preschool/Kinder Story Times ~ Tues & Wed 10:30 am – 11:30 am.
- ❖ School Age Story Time ~ Thur 10:30 am – 11:30 am.
- ❖ Builders Club ~ 1st Saturday 1:00-3:00 pm
- ❖ Teen Cafe (finishing grades 6 through 12) ~ Wed 3:00 pm – 4:00 pm
- ❖ Planning Programs for Tweens & Lap-Sit Storytimes ~ Coming Soon!
- ❖ 1-on-1 Computer Classes weekly for Adults Tues/Thurs 3 – 4 pm & Wed 11- 12 pm.
- ❖ Teen Dungeons & Dragons ~ 2 Evenings Weekly Tues (3:30) & Thur (4:30)

Popular Service: Notary Public Service ~ 60 notarizations for July '23

Promoting: Mini Book Sale, Beginning Monday, August 14, 2023

For this week, 1,675 entered the library, checking out 2,345 items. 176 holds were placed, and 106 were picked up (this could be curbside or inside.) 20 new borrowers were added during the week.

Zoo

- ❖ Completed an animal escape drill with the zookeeping staff. This training exercise was to help prepare all staff for different scenarios involving the public and different levels of dangerous animals.
- ❖ Reinforced the aviary netting. The telephone poles were breaking at the top, causing the net to sink. Our maintenance welded an 8-inch casing on the top to prevent further damage.
- ❖ Continuing with the hoof stock fencing. Almost completed the goat fence.
- ❖ Working on USDA bird regulations. Preparing for citations for understaffing due to the increase in workload. Half of the zoo animal inventory is birds. Birds will now require daily enrichment, as well as training.
- ❖ Repaired water breaks in the kangaroo exhibit and deer exhibit. Water was down periodically during these times. The sand was delivered to cover all holes caused by breaks.
- ❖ The new baby goat was moved onto the exhibit. He is doing well, and the zookeepers have named him Twix.
- ❖ Met with the design planner for the new irrigation system.
- ❖ Met with the special events team for ZooBoo planning.
- ❖ Reached out about the ZAA accreditation process. It looks like we are on track to start applying for inspectors to come out to the zoo.
- ❖ Interviewed for the zookeeper position. The second round will be on August 11, 2023

Zoo Attendance: 7/30/2023 – 8/5/2023**Paid Admission:**

Adults	272
Children	138
Seniors	59
Military	45
50% Adults	0
50% Children	0
50% Seniors	0
Group Adults	0
Group Child	0
Group Senior	0
Total	514

Annual Pass Holder/Non-Paying:

Adults	71
Children	106
Seniors	0
Children U/5	128
City Emp.	2
Total	307

Grand Total for Attendance and Pass Holders: **821**

Senior Center

- ❖ Key staff compiled data for the end-of-month State report. The preliminary and final July unit of service report was submitted to the State by the deadline.
- ❖ The ASC Manager worked in OAA-SYS financial database for the July expense reimbursement request. The report was submitted to the State by the deadline.
- ❖ The Airport Manager and Community Affairs Manager toured the facility with the CS Director on Friday. Both were very impressed with the facility.
- ❖ The ASC Manager met with the CS Director for a 1-on-1 monthly meeting.
- ❖ The ASC Manager prepared SCP/FGP payroll for volunteers in each program, which is more time-consuming than simple payroll.
- ❖ The ASC Manager corrected Federal Financial Report and Progress Reports for the SCP/FGP programs, which is a matter of balancing volunteers' hours in both reports.
- ❖ Staff attended the monthly staff meeting on August 3rd. HR Generalist Tina Baillie presented training on Human Resources-related items.
- ❖ The Senior Center's monthly pool tournament was on August 8th.

	Monday	Tuesday	Wednesday	Thursday	Friday
Transportation UOS - 133	33	25	31	20	24

Fitness Class Schedule: 8:00 – 11:30, Monday – Thursday & 8:00 – 10:30 on Friday

Fitness UOS - 543	Monday	Tuesday	Wednesday	Thursday	Friday
101 Training					
Balance & Fall Prevention	16		17		16
Balance/Baby Balls/Beanies	13				13
Belly Dancing		10			
Cardio Chair Bonanza			12		
Cardio Strength			5		
Chair Exercise	20		24		20
Do It Your Way	4	1	2	1	1
Equipment Room	35	15	34	19	24
Gentle Stretch				2	
Learning to Line Dance	10				
Line Dance-Advanced			7		
Line Dance-Basic		13		13	
Low Impact Aerobics - 1		18			
Low Impact Aerobics - 2	7				
No Floor Stretch & Flow		6		14	
Resistance, Strength & Weight Training	14		14		13
Step & Strength				9	
Strength Training	12		9		17
Tai Chi		12		5	
Walk Aerobics w/Lee	14		9		14
Yoga		9			

Senior Center Meals Served Week of: July 31st – August 4th

Congregate

Monday (7/31/2023)	174
Tuesday (8/1/2023)	161
Wednesday (8/2/2023)	152
Thursday (8/3/2023)	162
Friday (8/4/2023)	171
Total	820

Home Delivery

Monday (7/31/2023)	134
Tuesday (8/1/2023)	135
Wednesday (8/2/2023)	134
Thursday (8/3/2023)	135
Friday (8/4/2023)	135
Total	673

Grand Total for Attendance and Pass Holders: 1493



Parks & Recreation Services (Belinda Bass, Director)

All Parks & Recreation managers and staff has really been working hard to troubleshoot issues as they arise, adapt to the challenges and work hard to find solutions that not only work, but we can (usually) afford. I also want to give a shout-out to my fellow directors who are also dealing with massive challenges, and coming up with creative solutions. AND, they are great about helping each other out with ideas, boots on the ground, equipment, etc.!

The city should be proud of their work force....for all that has to be done, and the minimal staff that we have, they get more done than most realize.

- ❖ Alameda Park Irrigation system failure
 - Installer and manufacturer are in the process of troubleshooting the issue
 - This system is under warranty and costs associated with getting it to function properly WILL be covered by either/both the installer and manufacturer
- ❖ Continuing issues with keeping the Park fleet on the road:
 - 4 Trucks/vehicles down for repairs
 - 2 Tractors/backhoe (1 park, 1 cemetery) down for repairs

- ❖ We did get 1 truck and the bucket truck back in service.

Cemetery

- ❖ Routine mowing, edging, and trimming
- ❖ Repaired 2 main line irrigation breaks
- ❖ Installed 1 headstone
- ❖ Processed 1 new deed

Golf Course

- ❖ Due to a shortage of water, the course is currently only watering the greens.
- ❖ Parts for the Otterbine aerators have been ordered, awaiting delivery.
- ❖ The course and its equipment were evaluated for the maintenance practices
- ❖ Routine practices were reviewed
- ❖ The golf course lakes and grounds were properly weed eaten
- ❖ New superintendent met with and evaluated staff for behavior, opinions, job satisfaction, past tasks performed, as well as the likelihood for personal expansion.
- ❖ Key machinery for the task of bunker edging has been located and purchase order is being generated
- ❖ Safety items and protocol have been ordered
- ❖ New Superintendent has met with Grant Dalpes and feels like the relationship will be a productive one.

Next Steps

- ❖ Soil samples will need to be taken for testing in the coming week(s) so that the soil can be properly prepared for the turfs winter hibernation.
- ❖ The driving range and a few target areas on the range will be overseeded this week
- ❖ Greens mower reels will be properly ground this week for the first time in 5 years. (according to staff)
- ❖ Through patience and funding for supplies, the course will persevere

Parks

- ❖ All positions filled
- ❖ Performed recurring mowing, trimming, and edging in all park spaces
- ❖ Rain received on 8-8-23 in most locations
- ❖ Repaired two zero-turn mowers
- ❖ Performed regular equipment and tire repairs
- ❖ Sign installations for KAB Adopt-A-Spot, Reclaimed Water, Park Rules, and Danger-Snakes at Tierra De Suenos and South Scenic
- ❖ Conducted weekly playground safety inspections and made minor repairs as needed
- ❖ Daily restroom cleaning/sanitizing/litter control from all park areas
- ❖ Ongoing gopher control
- ❖ Replaced 11 faulty sprinklers at Indian Wells, Rotary Memorial Park, Tierra De Suenos, and Alameda Park
- ❖ Repaired a wiring issue in the irrigation system at Airborne Park

- ❖ Repaired a lateral line break at Rutz Circle Park
- ❖ Graffiti removal in Washington Park and Kids Zone
- ❖ Preventative maintenance/system inspections- in all areas
- ❖ Watered planters at City Hall, roses at Oregon tennis courts, and reserved stock
- ❖ Watered median trees on Scenic and 1st St.
- ❖ Watered roses at Alameda Park
- ❖ Removed a downed limb on Scenic tree medians
- ❖ Removed failed tree at Moore Place “park”
- ❖ Light limb trimming, weed and litter removal at:
 - 1st St. medians
 - Civic Center Landscaping
 - Airborne Memorial Park
 - Center of Commerce
 - Rec Center
 - Washington Park Sign Area
 - Washington Park Raised planters
 - Panorama tree medians
 - Indian Wells tree medians
 - Paiute Park slope area
 - La Placita beds
 - Animal Control
- ❖ Postemergence weed control application at Senior Center landscaping

Sports Complexes-Hooser & Griggs

- ❖ Installation of new section of post and rail fencing at Hooser Sports Complex complete
- ❖ Core aeration complete at Hooser Sports Complex
- ❖ Routine sprinkler adjustment and replacements at Hooser Sports Complex
- ❖ Daily restroom cleaning and litter pick up (Griggs staff also monitor/clean Bark Park)
- ❖ No scheduled events or tournaments
- ❖ Daily recurring mowing, edging, and trimming per weekly schedule at both complexes
- ❖ Replacement of irrigation control unit at Griggs Sports Complex
- ❖ 2 valve replacements (waiting on parts) on Field 3 at Griggs Sports Complex

Recreation Center

The manager was on the radio with Nadia Sikes and Assistant City Manager.

- ❖ Homeschool PE: Aquatic Games & Swim Lessons Registration
 - Registration opened Monday at 8am
 - Aug. 22-31, 2023
 - Tue/Wed/Thu
 - Aqua Games: 10am (ages 8-12)
 - Swim Lessons: 10:45am (ages 6-9)
- ❖ Ghostlight Academy: TTRPG Leagues Registration

- Registration opened 8/10/23
- Middle School League
 - Sept. 7- Nov. 30, 2023
 - Thursdays, 6-8pm
 - Grades: 6-8
- New! High School League
 - Sept. 5. – Nov. 28, 2023
 - Tuesdays, 6-8pm
 - Grades: 9-12
- ❖ Youth staff preparing for the start of after-school programs next week.
- ❖ Pool will be closed on Mondays starting next week (if we had our new natatorium we would still be open everyday.....)

Comments-

- ❖ Last day of Camp Cottonwood – 8/9/23
- ❖ Youth Staff seasonal- last day- 8/11/23

Keep Alamogordo Beautiful

- ❖ Conducted the first Adopt-A-Spot training at the Rec Center on 8/3/23. White Sands Rotary Club participated in the training.
- ❖ The White Sands Rotary Club has asked KAB to come to one of their meetings to speak to their membership about the program.
- ❖ Reviewing and editing the job description for the KAB intern is ongoing.
- ❖ KAB is looking for more ways to engage with the public to recruit more volunteers.

❖ Issues-

- ❖ We are still awaiting documentation from 635 MMS regarding a questionable contract and event report that was submitted to KAB for payment.
- ❖ We are working with AFSA Chapter 1257 regarding a promise made to them by former KAB and Special Events staff that cannot currently be fulfilled.

Human Resources (Kim Torres, Director)



HUMAN RESOURCES

Aug 5 – Aug 11, 2023

RECRUITING

Current Vacancies*	In Pre-Hire Process	Position Interviews Held	New Hires In Process	Employees Out Processed
57	12	8	1	3

*Includes all vacant positions, including those on hold.

- ❖ The HR staff spent all day on Friday with Tyler for training on using and updating employee data in the new Tyler system totaling 35 work hours.
- ❖ Health Event planning is underway—tentative date set for Friday, October 6. Invitation letters went out on Friday the 11th.
- ❖ Complaint form is finalized.
- ❖ HR Director will attend a “Job Training Roundtable Discussion” at NMSU-A on August 28, 2023.
- ❖ Sergeant and Lieutenant testing was conducted this week.
- ❖ One IPRA request was responded to.
- ❖ Draft policy for the Police Pay plan prepared.
- ❖ Director and Safety met with GCRMC about starting the post-hire, pre-employment physicals. An assessment is pending at APD. A policy in is the second round of edits.
- ❖ APSOA MOU finalized.
- ❖ HR will participate in the “Hiring our Heros” Career Summit at Holloman AFD in November.

Safety

SAFETY

Active WC Claims/Current Employees	Active WC Claims/Termed Employees	New WC Claims	Facility Inspections Performed	Job Site Inspections/Observation Reports
13	2	0	0	2

- ❖ Safety staff will enroll in Flagger, Traffic Control Technician, and Traffic Control Supervisor training.
- ❖ Safety Committee meeting preparation.
- ❖ Two safety orientations were performed.
- ❖ One new accident investigation.
- ❖ POMS training contract and purchase order set up.
- ❖ Safety implemented a summary document for job site checks that are not as detailed as a full observation report. A summary document would be used for quick stops to check for hard hats, traffic control, etc, where a full observation would require safety to observe the work for a lengthy period of time.

City Clerk (Rachel Hughs, City Clerk)

- ❖ The conversion of our new system for business licenses has been pushed back, therefore the expiration of business registrations now has a date of October 2023.
- ❖ The City's safety guys and the City Clerk went this week to the Oregon archives storage rooms to look at the areas where parts of the ceiling have fallen. They advised not to go into one of the rooms until they do further investigation on if an abatement needs to be done to clean it up.
- ❖ The Mayor will be attending the NMML 66th Annual Conference in Farmington, only on Wednesday, August 30th

Reminder Candidate Filing Day is ONLY one day

- ❖ On Tuesday, August 29, 2023, between 9 am – 5 pm at the County Clerk's office.
- ❖ The forms for the Declaration of Candidacy are on the County Clerk's website at <https://co.otero.nm.us/225/Clerk> under 2023 Regular Local Election Information, which will then take you to the Secretary of State's website <https://www.sos.nm.gov/2023-regular-local-election-candidate-information/>.
- ❖ Our City does require campaign reporting, therefore per Ordinance 1466, each candidate shall file with the City Clerk a report of expenditures and contributions on forms prescribed by the City Clerk.
 - The first report is due twelve days prior to the election.
 - By the end of today, the forms will be on the City website under Commission/forms the link is <http://ci.alamogordo.nm.us/336/City-Commission>

City Clerk Stats	August 4-August 10
Request for Public Records received	1
Request for Public Records completed	2
New Businesses	9
New Food Vendors	0
Special Events permits issued	1
Street Closure permits <u>issued</u>	1
Records retrieved from <u>Oregon</u>	0
Records returned to <u>Oregon</u>	3
Agreements Entered	14

Other-ACM Calendar

August 7, 2023 - August 13, 2023

August 2023

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Monday, August 7

- 12:00am Out of Office but available - David Kunihiro →
- 8:00am - 9:00am Out of Office-COB Retirement
- 3:00pm - 3:30pm No Meetings 2:55-3:15 p/u Vincent ☹
- 6:00pm - 7:00pm Open House -elementary

Tuesday, August 8

- ← 12:00am Out of Office but available - David Kunihiro
- 6:30pm - 9:00pm Commission Meeting (Comm Chambers) - Cheryl OteroBaker ☹

Wednesday, August 9

- 7:00am - 8:00am Radio w/ Rec Center
- 8:30am - 9:00am Meet w/ Facility Maintenance Crew
- 6:00pm - 7:00pm HS open house

Thursday, August 10

- 12:00am Nancy B off →
- 8:00am - 8:30am Meet and Greet Acting City Manager and Golf Course Super (Microsoft Teams Meeting) - Belinda Bass
- 9:00am - 10:30am APD/BITS Phone Line
- 11:30am - 1:00pm APS-
- 3:00pm - 3:30pm No Meetings 2:55-3:15 p/u Vincent ☹
- 3:30pm - 4:00pm Creative Industries (Microsoft Teams Meeting) - Deborah Osborne

Friday, August 11

- ← Nancy B off →
- 8:00am - 9:30am TBRDA PSAP Meeting (Otero County Sheriff (3208 N White Sands Blvd, Alamogordo, NM 88310, United States)) - TBRDA Director John Barney ☹
- 10:00am - 11:00am Mr. Brenner Campbell Housing-HAFB - Stephanie Hernandez
- 1:30pm - 2:30pm Balloon Fest (CM office) - Stephanie Hernandez
- 2:45pm - 3:15pm Pickup Joseph 2:50 ☹



City of **ALAMOGORDO**

Weekly Report-Commission

Week Ending:
08/04/2023

Stephanie Hernandez
Acting City Manager

Table of Contents

City Manager	2
Commission/Citizen Communication.....	2
City Attorney (Ashley Smith, City Attorney)	2
Police Department (David Kunihiro, Chief).....	2
Animal Control	3
.....	3
Fire Department (Richard Adler, Chief)	3
Public Works (Nancy Beshaler, Director).....	4
Communication/Citizen Communication	Error! Bookmark not defined.
Facility Maintenance.....	4
Planning and Zoning.....	5
Street Maintenance.....	5
Weeds Drainage	5
Code Enforcement	6
Finance Department (Evelyn Huff, Director)	6
Budget	6
Customer Service	7
Accounting & Payroll	Error! Bookmark not defined.
Grants	6
Purchasing.....	Error! Bookmark not defined.
Community Services (Veronica Ortega, Director).....	7
Airport.....	7
Community Affairs	7
Marketing/Communications	7
Library.....	8
Senior Center	8
Zoo	10
Parks & Recreation Services (Belinda Bass, Director).....	11
Bonito Campground.....	Error! Bookmark not defined.
Cemetery	Error! Bookmark not defined.
Golf Course.....	11
Parks.....	11
Recreation Center.....	12
Keep Alamogordo Beautiful	12
Human Resources (Kim Torres, Director)	13
Safety	14
City Clerk (Rachel Hughs, City Clerk).....	14
Utilities Department (David Nunnelley, Director)	15

City Manager

- ❖ HR will send out additional applicants for city manager position.

Commission/Citizen Communication

- ❖ Question regarding several code violations
- ❖ Question regarding the convenience center.
- ❖ Question regarding the sprinkler system at the cemetery

City Attorney (Ashley Smith, City Attorney)

TORT CLAIMS

- ❖ 1 Tort Claims received this week

CONTRACTS

- ❖ 30 Contracts completed via Adobe this week

MUNICIPAL COURT

- ❖ (Unknown) New Cases opened in Municipal Court
- ❖ (Unknown) Closed Cases this week

LIENS

- ❖ 0 New Notice of Liens this week
- ❖ 4 Release of Liens this week

FORECLOSURES

- ❖ 2 Paid Foreclosures this week

MISC. ATTORNEY WORK

- ❖ Attended the Detention Hearing
- ❖ Gathered evidence for the Blackburn lawsuit
- ❖ Contacted 4 insurance companies about claims the City has against insurers.
- ❖ APSOA meeting
- ❖ Wrote denial letter for a tort claim that was outside of the City's jurisdiction. (Incident was on Holloman)



Police Department (David Kunihiro, Chief)

- ❖ Police Officers-Currently have 37 officers; 12 vacancies with current budget; 21 vacancies from being fully staffed
- ❖ Officer Scott Winrow retired on 7/28-20 years of service with City
- ❖ 1 Certified Officer applicant recommended for hire; awaiting psychological exam prior to hire
- ❖ Interview 3 Certified Officer applicants on 8/3. All three passed interview. Voice Stress Examination is next step
- ❖ Police Service Aide David Melendrez submitted his two-week resignation.
- ❖ Hiring Gerardo Parra as Public Service Aide

- ❖ New Police Service Aide Audie Swing starting on 8/21
- ❖ Don Brockett will transfer to Police Service Aide on 8/21
- ❖ Sent 3 Uncertified Officers to the Santa Fe Law Enforcement Academy on 7/30 for 16-week Basic Academy
- ❖ 8/7 is still tentative date for all Tularosa Basin Regional Dispatch Authority Dispatchers to physically be housed under one roof
- ❖ School Resource Officer transfer. Officer Amber Mitchell transferring out of schools back to patrol. Officer Eric Cisneros transferring to the schools.
- ❖ Officer Victor Mendoza will be assigned as a Field Training Officer
- ❖ Roof project ongoing

Animal Control

- ❖ 1 Animal Control Officer vacancy. One applicant
- ❖ ACO numbers:
 - Calls for Service-47
 - Citations-0
 - Surrenders-0
 - Adoptions-3
 - Euthanizations-21- Parvo or Distemper running through shelter.
 - Rescues-10
 - Return to Owner-2



City of Alamogordo
Alamogordo Fire Department
 619 Texas Avenue, Alamogordo, New Mexico 88310
 Administration 575-439-4298, Code Enforcement 575-439-3337



Fire Department (Richard Adler, Chief)

The Alamogordo Fire Department answered 20 calls for service. They are listed as follows:

- ❖ 1 Assist AMR
- ❖ 1 Assist Public
- ❖ 1 Brush Fire
- ❖ 5 Fire Alarm
- ❖ 2 Structural Fires
- ❖ 7 MVA
- ❖ 1 Illegal Burn
- ❖ 1 Natural Gas Leak
- ❖ 1 Dumpster Fires

Weekly projects:

- ❖ Fire Staff had a total of 18 hours related to company, drivers, volunteer, HazMat and new recruit raining.
- ❖ Fire Staff had (22) Initial/Annual business fire inspections, (4) re-inspections.

- ❖ Pushed job opening for vacant FF position.
- ❖ Continued Department 1st Due training with Contractor
- ❖ Hosted AFD Vol/County Vol training at Station #5
- ❖ Meeting with City Manager and Finance Director on Ladder financing options.
- ❖ Meeting with Senator Burt to discuss potential fire funding options.
- ❖ Completed Volunteer Firefighter Pay Scale for calls for service / trainings.
- ❖ Engine #5 was taken to Siddons-Martin Albuquerque for repairs.
- ❖ Cleaned and painted Oregon Gym
 - Truck #2 went to Fleet maintenance for a coolant leak and was fixed.
 -



Public Works (Nancy Beshaler, Director)

- ❖ Met with the consultant working on the Drainage Master Plan. Next step is to survey 70 culverts/drainage structures throughout the city and develop the matrix for prioritizing projects.
- ❖ Attended Tyler sessions to develop Enterprise Asset Management program.
- ❖ Executed task order for traffic engineer to perform pedestrian counts related to citizen request for a crosswalk.
- ❖ Continued review of Zoning Ordinance – parking language.
- ❖ Reviewed Graffiti Removal SOP – needs further coordination within departments.
- ❖ Field review of multiple areas of asphalt patching backlog.
- ❖ Public Works Director will be out of the office August 10th through August 18th.

Facility Maintenance

- ❖ Received 60 new work orders and completed 59 work orders.
- ❖ Electrical (1 journeyman) – 8 work orders
- ❖ Communication (2 technicians) – 12 work orders, 2 being overtime, 3 being intersection traffic signal repairs.
- ❖ HVAC (1 technician) – 4 work orders
- ❖ Plumbing and Carpentry (1 technician) – 4 plumbing and 28 carpentry work orders, 5 being overtime
- ❖ Pool Maintenance (1 pool tech) – Normal pool maintenance plus 3 work orders
- ❖ Determined that Traffic Signal Head Replacement project will need to go out as a Public Works Bid project. There is no one in Engineering that can put that together for bidding.
- ❖ Staffing Challenges: Dispatcher workload is burdensome, as she does admin/dispatch for Facility Maintenance, Weeds and Drainage, and Streets divisions. This employee is becoming burned out and cannot sustain this workload.
- ❖ Equipment: working with 30 year old vehicles and equipment; Had throttle problem repaired on digger derrick truck

Planning and Zoning

❖ PHONE CALLS	87
❖ EMAILS	169
❖ FEMA DETERMINATIONS	1
❖ IPRA REQUESTS	1
❖ BUSINESS REGISTRATION PREREQUISITES	8
❖ COUNTER CUSTOMERS	15
❖ PROCESSED APPLICATIONS	19
❖ Drafted revised language for Chapter 2 – Fees and Chapter 25 – Trailers, Mobile Homes, RVs, needs review.	
❖ Worked on Moonglow project.	

Street Maintenance

- ❖ July monthly report shows 289 new work orders generated and 404 work orders completed
- ❖ Tore out, prepped, and paved 3 large patches – all by hand raking
- ❖ Performed saw cuts in preparation for patching
- ❖ Prep and place curb and gutter on Basswood
- ❖ Organized concrete form trailer and replaced materials for forms
- ❖ Sign/Striping crew worked nights to restripe Panorama Blvd between White Sands Blvd and Uranus Ave, measured and laid 4 crosswalks, re-stripped the double lane dividers on Hamilton Rd
- ❖ Performed 6 battery replacements on radar signs
- ❖ Weekend standby call to fix temporary fencing at the old Holiday Inn which was down and unsecured
- ❖ Three alleys were bladed off of N. Florida
- ❖ Street sweeper was out sick (**This position needs to be double-filled to get someone hired and trained before this employee retires**)
- ❖ **Manager is working on gathering information (locations/sizes) for the development of a Public Works project to contract out the backlog of patching/concrete work orders (122 locations)**
- ❖ **Equipment Challenges:** F250 air conditioning problem, Steel wheel roller water system is not working, **curb cut machine is broken** (the hub that holds the blades is broken). This piece of equipment is reaching the end of its life expectancy (30 years old), and the manufacturer is no longer making the repair parts. **The city should eliminate curb cuts and have property owners hire licensed contractors to do the work.**
- ❖ Asphalt patching laydown machine is back from Neudorf.
- ❖ **Staffing Challenges:** need admin/dispatch (position reclassification) and 3-man crew to prep for patches (new positions)

Weeds Drainage

- ❖ July monthly report shows 146 work orders generated, 161 work orders completed
- ❖ Performed 10 mowing work orders

- ❖ Removed large debris from 5 ditches (doors, shopping carts, metal siding, tumbleweeds)
- ❖ Performed 4 miscellaneous work orders to pick up debris in roadways

Code Enforcement

- ❖ Code Enforcement has 264 open cases
- ❖ Executed search warrants at 2001 Dewey Lane and 512 Maryland Ave
- ❖ Fielded multiple communications regarding people in a tent on the sidewalk at 1420 New York Ave
- ❖ Met with contract attorney regarding 1401 Gray Street – attorney will not pursue case for individual that occupies the RV – this case is not being resolved through the courts
- ❖ Researched ordinance language in Chapter 8 in reference to property owners repairing the sidewalk, in reference to a citizen complaint about the sidewalk at 1003 & 1009 Tenth Street
- ❖ Need to find a contractor that will do trash abatement for properties that must be abated for trash and debris, such as 803 Arapaho and 1401 Gray Street
- ❖ Code officers have been signed up for and are working on obtaining certifications in Code Enforcement
- ❖ Code Officer Chavez has become a Certified Code Officer Safety Specialist through the Code Officer Safety Foundation
- ❖ Manager is working towards the division becoming accredited by AACE

Finance Department (Evelyn Huff, Director)

Budget

- ❖ 2024 Budget Submitted to DFA-may receive a late notice.

Grants

- ❖ Working with Rep. Block on the 75000 housing allocation from the state.
- ❖ Monday July 31, 2023 held the public meeting for the top five ICIP projects. This will be presented to the commission on 8/8.

Customer Service

Utility Billing Mail Payments	883
Utility Billing Over Counter Payments	368
Miscellaneous Over Counter Payments	177
BDS Online Payments	1030
Wells Fargo Payments	341
New Service Applications	42
Account Transfers	7
Final Billing Statements	56
Cycle Billing Statements	3237
Cut-off for Non-Pay Service Orders	196
ETR Replacement Service Orders	17
Final Read Service Orders	84
High Audit Service Orders	1
Manual Reading Service Orders	92
Recheck Service Orders	200
Radio Read Maintenance Service Orders	20
Turn-off Service Order	6
Turn-on Service Order	131

Community Services (Veronica Ortega, Director)

Airport

- ❖ The new Airport Manager, Shane Thurman, started on 8/2/23.
- ❖ The Airport Advisory Board met on 8/3/23.
- ❖ Airport now has a full staff.
- ❖ Working on routine maintenance

Community Affairs

- ❖ Coordinated 4th Friday festivities with 749 attendees.
- ❖ Completed requirements for a second maintenance position.
- ❖ Set- up for two civic center parties.
- ❖ Coordinated ribbon cutting at North Scenic Drive extension and photographed the mayor and city officials present.

Marketing/Communications

- ❖ Created graphics for social media posts such as Facebook and the marquee.
- ❖ Created PSAs for APD and the City of Alamogordo PSAs.
- ❖ Created signage for the services on July 20th.

- ❖ Received an overview of admin training for the city’s website and observed modification of the site’s contents.
- ❖ Edited the Facebook bios of some pages, making them more concise to fit within Facebook’s character limit.

Tourism

- ❖ Attended Placer AI software kick-off.
- ❖ Fulfilled NM True due outs.
- ❖ Coordinated magazine advertising for the upcoming fall release

Library

- ❖ Summer Reading Program 2023 ~ All Together theme; 681 Youth & 104 Adults
- ❖ Summer Reading Finale ~ Block Party Sat, July 29, 10:30 am-Noon (100 attendees)
- ❖ NM State Library Annual Report ~ Completion August 3, 2023 (Funding Source)
- ❖ Otero County Funding ~ Awarded \$50,000 for FY24
- ❖ Welcoming Signage Ordered ~ Library Customer Service Strategic Plan
- ❖ League of Women Voters ~ Southern NM Libraries Panel Discussion (Library Mgr.) “Trends in Public Libraries” (Las Cruces); Saturday, Aug 12th
- ❖ Quality Assurance Training ~ Circulation Staff (Customer Experience Improvements)
- ❖ APL ~ Partnering with Arts & Cultural District Jumpstart Task Force; Next Mtg TBA
- ❖ Library Technician Position re-opened 7-28-23; Additional Technology Classes/Instruction for Patrons
- ❖ Final HVAC Unit ~ Not to be installed until October 2023; Current Unit Incurred recent expensive repairs.
- ❖ Pursuing Creation of Teen Area ~ Furniture/Painting/Shifting Collections: Weeding Phase Occurring Now
- ❖ Book Club ~ First Full Week of Month – 1:00 pm-3:00 pm (Wed & Sat)
- ❖ Preschool/Kinder Story Times ~ Tues & Wed 10:30 am – 11:30 am.
- ❖ School Age Story Time ~ Thur 10:30 am – 11:30 am.
- ❖ Builders Club ~ 1st Saturday 1:00-3:00 pm
- ❖ Teen Cafe (finishing grades 6 through 12) ~ Wed 3:00 pm – 4:00 pm
- ❖ Planning Programs for Tweens & Lap-Sit Storytimes ~ New Youth Library Clerk Duties
- ❖ 1-on-1 Computer Classes weekly for Adults Tues/Thurs 3 – 4 pm & Wed 11- 12 pm.
- ❖ Teen Dungeons & Dragons ~ 2 Evenings Weekly Tues (3:30) & Thur (4:30)
- ❖ ***Popular Service:*** Notary Public Service ~ 60 notarizations for July ‘23
- ❖ ***Promoting:*** The Manhattan Project Display
- ❖ For this week, 1,921 entered the library, checking out 2,261 items. 206 holds were placed, and 111 were picked up (this could be curbside or inside.) 46 new borrowers were added during the week.

Senior Center

- ❖ The ASC Manager attended an in-person provider meeting in Taos. The AAA Director and Assistant reviewed contracts, highlighting items of importance for new and existing Senior Center Directors.
- ❖ The ASC Manager attended the quarter #4 Volunteer Program Meeting via TEAMS.
- ❖ The ASC Manager and key staff that conducts assessments/reassessment attended a meeting via TEAM about OAAPS (Older Americans Act Performance System). This is a

new system that all Providers will use when assessing/reassessing consumers, which will be documented in the State database throughout New Mexico.

- ❖ The ASC Manager and Administrative Assistant attended the EAM/AP 400 configuration. This program is how all departments/divisions will set up buildings for inventory.
- ❖ The Senior Center held a “Dog Days of Summer” dance and silent auction on July 28th. This well-attended event brought in a large sum of funding for senior programs.
- ❖ On August 1, the Information & Resource Coordinator attended the Otero County Community Health Council meeting.

	Monday	Tuesday	Wednesday	Thursday	Friday
Transportation UOS - 135	29	24	32	24	26

Fitness Class Schedule: 8:00 – 11:30, Monday – Thursday & 8:00 – 10:30 on Friday

Fitness UOS - 564	Monday	Tuesday	Wednesday	Thursday	Friday
101 Training					
Balance & Fall Prevention	15		13		10
Balance/Baby Balls/Beanies	8				10
Belly Dancing		10			
Cardio Chair Bonanza			15		
Cardio Strength			9		
Chair Exercise	26		26		25
Do It Your Way	4	2	4	0	2
Equipment Room	35	20	33	16	33
Gentle Stretch				3	
Learning to Line Dance	11				
Line Dance-Advanced			13		
Line Dance-Basic		10		13	
Low Impact Aerobics - 1		14			
Low Impact Aerobics - 2	10				
No Floor Stretch & Flow		9		19	
Resistance, Strength & Weight Training	10		8		7
Step & Strength				16	
Strength Training	14		10		13
Tai Chi		13		7	
Walk Aerobics w/Lee	11		13		14
Yoga		10			

Senior Center Meals Served

CONGREGATE

Monday (7/24/2023) – 174

Tuesday (7/25/2023) – 161

Wednesday (7/26/2023) – 152

Thursday (7/27/2023) – 162

Friday (7/28/2023) – 171

HOME DELIVERY

Monday (7/24/2023) – 134

Tuesday (7/25/2023) – 135

Wednesday (7/26/2023) – 134

Thursday (7/27/2023) – 135

Friday (7/28/2023) – 135

Grand total: 1,493

Zoo

- ❖ There was a main water line break in the aviary. We closed the aviary to the public on Friday due to flooding. The main was repaired on Monday.
- ❖ Animal training session on both Saturday and Sunday.
- ❖ Weed eaten down the hoof stock path.
- ❖ Bourbon plumbing capped the 12-inch freshwater line in the kangaroo exhibit. This was the line leaking in the kangaroo exhibit for two months.
- ❖ Built and installed the door for the clinic room to hold the otters. Otters will be off-exhibit during the pond window replacement.
- ❖ Inputting all birds per USDA. The USDA regulations will go into effect on August 21st, 2023.
- ❖ Restructuring the daily routine of the zookeepers to improve efficiency. With new regulations on the birds, more time is needed to complete bird training and enrichment.
- ❖ Daily task of animal care and maintenance completed.
- ❖ Processed and received invoices for the zoo.
- ❖ Nick Oberlander was acting zoo manager from July 25th to August 2nd.

Zoo Attendance: 7/23/2023 – 7/29/2023

Paid Admission:

Adults	296	
Children	156	
Seniors		48
Military	46	
50% Adults	5	
50% Children	0	
50% Seniors	0	
Group Adults	3	
Group Child	19	

Group Senior 0 **Total: 573**

Annual Pass Holder/Non-Paying:

Adults 55

Children 43

Seniors 0

Children U/5 98

City Emp. 1

Total: 197

Grand Total for Attendance and Pass Holders: 770



Parks & Recreation Services (Belinda Bass, Director)

Golf Course

- ❖ Golf Course maintenance staff and P&R Director met with Otterbine representative to learn how to rehabilitate the aerators for the ponds.
- ❖ Quote to repair faulty valve feeding reclaimed water to the golf course was received from General Hydronics
- ❖ New golf course superintendent, Michael Bradley, met with Desert Lakes staff and golf contractor on 8/2/23. His first, official day is 8/3/23.
- ❖ Staff has been repairing many new leaks and line breaks in the irrigation system
- ❖ Low water in the ponds, continue to be an issue

Parks

- ❖ All positions are filled
- ❖ Performed recurring mowing, trimming, and edging in all park spaces per weekly schedule
- ❖ Mechanics troubleshooting z-turn mower with electrical issues
- ❖ Delivered stage to Griggs for 4th Friday
- ❖ Conducted playground safety inspections
- ❖ Daily restroom cleaning/sanitizing
- ❖ Litter removal from all park areas
- ❖ On-going gopher control
- ❖ Repaired stuck remote-control irrigation valve at Oregon tennis courts
- ❖ Repaired clogged remote control irrigation valve at Fireman's Park
- ❖ Trimmed and cleaned irrigation control valve boxes at Kids Zone, Soccer Fields, and Garden Center
- ❖ Removed graffiti and re-painted at Oregon playground and Washington Park restrooms on multiple occasions.

- ❖ Replaced and adjusted multiple sprinklers at Alameda Park, Washington Park, Indian Wells Park, and South Oregon Park.
- ❖ Preventative Maintenance inspection in all areas
- ❖ Watered City Hall planters, Oregon roses, reserve stock
- ❖ Watered median trees on Scenic Dr., 1st St., 10th St bypass
- ❖ Weeded and cleaned the Alamogordo Senior Center landscaped beds
- ❖ Weed removal on the White Sands Median Landscaping
- ❖ Weed removal and landscape maintenance on 1st St. landscaped medians
- ❖ Germination watering schedule ongoing in Alameda Park. (To ensure seeds germinate and young grass grows and survives, it will require more watering than usual. It will make the park much more moist than normal)
- ❖ Event setup, coverage, clean up, and recovery for 4th Friday

Hooser & Griggs-

- ❖ Weed removal on Griggs parking lot landscaped parking lot median
- ❖ Core aeration in progress at Hooser Sports Complex softball fields
- ❖ Installation of new section of post and rail fencing at Hooser Sports Complex in progress
- ❖ Daily restroom cleaning and litter removal
- ❖ Routine sprinkler adjustment and replacement
- ❖ Daily recurring mowing, edging, and trimming per weekly schedule
- ❖ Daily litter policing at Bark Park
- ❖ Repaired remote control irrigation valve at Griggs Sports Complex
- ❖ Large leak repair in progress at Griggs Sports Complex

Issues, Comments, Upcoming-

- ❖ Installation of KAB Adopt-A-Spot and Effluent signs in all park areas
- ❖ Purchase and apply 21-0-0 fertilizer in all park areas
- ❖ Install decorative landscaping in bed by north entrance of Alameda Park
- ❖ Install decorative landscaping on strip in front of Alameda Zoo parking lot
- ❖ Install decorative rock in turning lane median at intersection of Washinton Ave and Indian Wells
- ❖ Major cultivation and leveling of Hanglider Park to improve field surface
- ❖ Continued pre-emergent weed control application in median areas
- ❖ Installation of new irrigation system around new Railroad History Park
- ❖ Installation of new irrigation zone on West Indian Wells
- ❖ Re-wire irrigation system at Fireman's Park

Recreation Center

- ❖ Updating marquee/website/AFRC TV with current/upcoming programming
- ❖ Updating the website with Mosido (ADA accessibility monitoring service)
- ❖ Youth staff preparing for the end of summer camp/start of after-school programs

Issues-

- ❖ Several people out on vacation and sick leave, other staff are covering their shifts

Comments-

- ❖ AFRC Staff-only Pool Party is Sunday, 8/6/23, from 5-7pm
- ❖ Last week the facility will be open on Sunday is 8/6/23
- ❖ The last Sunday public swim session is 8/6/23

Keep Alamogordo Beautiful

- ❖ Big Give with AFSA Chapter 1257 (Air Force Sergeants Association)
 - This group won the “Small Team” award from their organization for their work on the South Scenic Pavilion!
- ❖ Adopt-A-Spot program
 - Four more groups have tentatively signed up for the program
 - There will be an Adopt-A-Spot volunteer training held at the AFRC on 8/3/22 at 6pm, for those groups that are in the adoption process
 - Sven Sears has been invited to give a presentation about KAB and the Adopt-A-Spot program to the Rotary Club of Alamogordo on 8/16/23
- ❖ Recycling
 - KAB has set up a new recycling bin in the employees lounge at City Hall

Issues-

- ❖ 635 MMs has been asked to provide documentation for events that they have allegedly participated in and are requesting payments for. At this time, there has been no response to our request.
- ❖ AFSA Chapter 1257- members of this group came to July’s Fourth Friday event and helped with trash pickup.

Human Resources (Kim Torres, Director)



HUMAN RESOURCES

July 29 – Aug 4, 2023



RECRUITING

Current Vacancies*	In Pre-Hire Process	Position Interviews Held	New Hires In Process	Employees Out Processed
57	8	10	3	3

*Includes all vacant positions, including those on hold.

- ❖ The contract with Open Minds was completed this week. The contract is effective on September 1, 2023, and expires on August 31, 2025.

- ❖ Began contract renewal process with NeoGov. A quote has been requested, and we are pending receipt.
- ❖ The HR staff spent all day on Friday with Tyler for training on using and updating employee data in the new Tyler system.
- ❖ Health Event planning is underway—tentative date set. Swag quotes are being researched. Invitations are being drafted.
- ❖ The PERA report was sent that includes the updated employee pay rates.
- ❖ Two employees are being processed to receive the “Referral Award” for recommending employees for hire.
- ❖ Complaint form is in the final editing stages to be used to submit complaints in writing.
- ❖ Pay grade tables are updated and published on the share drive and the City’s website.
- ❖ In-person training has been organized with NMSIF and will be held on August 22nd and September 19th.
- ❖ *Stop the Bleed* training coordinated with APD and will be held on August 16th.
- ❖ Follow up work performed from previous facility inspection with Public Works and Parks & Recreation departments.
- ❖ A bi-lingual test was given to an employee. The employee successfully completed the test.
- ❖ HR Director will attend a “Job Training Roundtable Discussion” at NMSU-A on August 28, 2023.
- ❖ Four applications were received for candidates interested in testing for the Sergeant and Lieutenant positions scheduled for later this month.
- ❖ IPRA request responded to.
- ❖ The Police pay increases were entered into employee profiles. Officers will see the benefit of these increases on their August 10, 2023, payroll check.
- ❖ Completed a compliance update for the newly released Federal Form I-9.
- ❖ All Generalists had a homework project from Tyler that was completed on Thursday.
- ❖ Human Resources vehicle to Fleet Maintenance for repairs.
- ❖ Vector and Safety Training updates performed.

Safety

SAFETY

Active WC Claims/Current Employees	Active WC Claims/Termed Employees	New WC Claims	Facility Inspections Performed	Job Site Inspections
13	2	0	0	3

City Clerk (Rachel Hughes, City Clerk)

- ❖ The City Clerk emailed the Alamogordo Police Department and the City Attorney’s Department information and answers to questions from the meeting last week pertaining to the Inspection of Public Records Act.
- ❖ The conversion of our new system for business licenses has been pushed back, therefore the expiration of business registration now has a date of October 2023.

- ❖ The Mayor will be the only elected official attending the NMML 66th Annual Conference that will be held in Farmington. The dates are Wednesday, August 30th - Friday, September 1st, on August 29th there will be a community Project and a Golf Outing.
- ❖ Candidate Filing Day is ONLY one day
- ❖ On Tuesday, August 29, 2023, between 9 am – 5 pm at the County Clerk’s office.
- ❖ The forms for the Declaration of Candidacy are on the County Clerk’s website at <https://co.otero.nm.us/225/Clerk> under 2023 Regular Local Election Information, which will then take you to the Secretary of State’s website <https://www.sos.nm.gov/2023-regular-local-election-candidate-information/> .
- ❖ You can download the 2023 RLE Declaration of Candidacy form.
- ❖ You can also download the Authorization for Designation form if you can’t personally take the Declaration of Candidacy form to the County Clerk’s office.
- ❖ These forms do need to be notarized, the County Clerk’s office has notaries and so does my office.
- ❖ The County Clerk has the form for the disclosure of real property and business in New Mexico in which the candidate has a financial interest.
- ❖ Our City does require campaign reporting, therefore per Ordinance 1466, each candidate shall file with the City Clerk a report of expenditures and contributions on forms prescribed by the City Clerk.
 - The first report is due twelve days prior to the election.
 - The second report is due no later than 30 days after the election.
 - The third report is due six months after the election (if a balance remains or unpaid debt).
 - Then every twelve months (if a balance remains or unpaid debt).
- ❖ Added voter registration information to the September City profile that comes with the water bills.

Stats	July 28-August 3
Request for Public Records received	4
Request for Public Records completed	2
New Businesses	5
New Food Vendors	1
Special Events permits issued	0
Street Closure permits <u>issued</u>	0
Records retrieved from <u>Oregon</u>	0
Records returned to <u>Oregon</u>	3
Agreements Entered	4

Utilities Department (David Nunnelley, Director)

PERSONNEL

Current Utilities Department staffing levels are at 71%.

Water/sewer operations are currently operating at a 31.1% vacancy rate.

Landfill Heavy Equipment Operator Todd Waghorn remains on light duty.

Landfill one Heavy Equipment Operator turned in his two-week notice in.

Water Production Operator William Hudson is on light duty.

Water Production interviewed four potential candidates for the Water Operator Trainee position.

Utility Maintenance Interviewed two potential candidates.

Utility Maintenance conducted new hire orientation with Christopher Ryan. Christopher will begin Entry Level Driver Training (ELDT) on 8/7/2023.

PUBLIC RELATIONS

3 water quality concerns.

Low pressure was reported at 1203 Greenwood Ln. Low pressure was due to a distribution line break in front of the customer's house. Utility Maintenance made the repairs.

Low pressure was reported at 2113 Stardust Ct. Low pressure was due to a line break on a distribution line near that location.

Low pressure was reported at 1209 Maple Dr. Upon the initial contact, the customer reported that his pressure was normal. A follow-up conversation was

WEEKLY OPERATION HIGHLIGHTS

Engineering

- PW1606 - Scenic Extension - PNM/Neil Stone - Stone Electric Project has been completed, awaiting the final invoice.
- FD2201 - Fire Station 6 Addition - Design By Studio D. Architects/Abel - Bid & Construction Phase.
- PW2001 - (Ridgecrest) Smp 2021 - La Luz Dirt & Paving, Subs - General Hydronics Utilities, General Hydronics Concrete/Smith Engineering - 100% on main install, currently installing service lines.
- EN2013 - CDBG ADA 2020 - Prime - General Hydronics Concrete/ Smith Engineering - 37% complete.
- EN2201 - APD Reroof & HVAC - CD General Contractors/Desert Peak Architect - Roof work 60% complete. The HVAC is 100% complete.
- ZO2301 - Zoo Improvements - CES- White Sands Construction Inc. - Performance to begin in late August.
- GC2301 - Golf Course Irrigation - CES- Mountain West Golfscapes Inc. - Material en route. Expect an update in Oct/Nov.
- EN2305 - New York Smp - CES- Smith Engineering, Design Phase Service - Design 90% complete
- CM2303 - Dudley School - CES- 5 Contractors - All work ongoing.
- LI2301 - Library HVAC - Mountain Air Heating & Cooling - Est. 23 weeks out for 40-ton RTU.
- PK2303 - Zoo Irrigation Design - Morrow Reardon Wilkinson Miller - Design only, parks - Erik Marion monitors and processes invoices.
- EN1904 - 10th St, Hubbard bridge repairs - Bohannon Huston - Design only, Public Works - Nancy Beshaler is monitoring. Engineering is processing invoices.
- EN2002 - Dry Canyon Evaluation, Improvements - CES- Bohannon Huston - 95% design complete, awaiting PNM for pole relocation issue.
- UC2202 - 54-70 Waterline Replacement - Smith Engineering - 90% design.
- EN2202 - Desert Lakes Rd Drainage - Smith Engineering - Design complete, hold for construction funding.
- EN2203 - Well Trans Line (Parallel Pipeline) Phase 1 - Smith Engineering - Design complete, hold for construction funding, completing construction application with CWSRF.
- EN2007 - Well Trans Line (Parallel Pipeline) Phase 2 - Smith Engineering - Design complete, hold for construction funding.
- CE2301 - Monte Vista Cemetery Fencing - completed perimeter fence, awaiting Eric Marion for entrance concept.

Solid Waste

Landfill

- One hundred sixty-nine trucks were scaled this week.
- 1409.94 tons of Municipal Solid Waste (MSW) was received and processed per permit requirements.
- Six loads of asbestos waste were received.
- 49.75 tons of asbestos waste was processed per permit requirements.
- 120000 gallons of water was applied for dust control per permit requirements.
- 1102.2 gallons of diesel was used to operate all heavy equipment.



conducted with the customer two days later, and the customer reported that his pressure has been normal ever since.

1 sewer concern.

Received email and from Utility Maintenance about a sewer concern for RV dumping station overflowing at the Chamber of Commerce. No evidence of an overflow was seen and no one knew who called it in.

16 solid waste concerns.

A concerned citizen called to complain about the disposal of a dog and claimed that the attendant of the transfer station was rude and disrespectful. The citizen said the attendant stated he didn't care even though animals are not supposed to be disposed of in trash receptacles. The citizen asked what would be done about the issue, and the attendant went and got the backhoe and squashed the animal in which liquid was sprayed onto the citizen. After an investigation, it turned out this was at the county transfer station on Lavelle and not the City's transfer station. The issue was turned over to Ralph.

On 8/4/23, We had a complaint from a county resident who wanted to dispose of yard waste. Todd Waghorn and Mitchel Stufflebeam explained the need to have a City utility in their name to use the facility. They instructed the resident to use the county disposal site next door. The County attendant would not allow the resident to dump, stating that their containers were full.

On Thursdays and Sundays, the City waste transfer station has an influx of County Residents trying to dispose of waste at this facility because Otero County Transfer Station is closed on those days.

SAFETY PERFORMANCE

No lost time accidents or reportable injuries occurred this week.

- T-2408 Landfill Well Meter was not read this week.
- Transported two tanks of potable water. 4000 gallons each.
- Replaced a tire on the water wagon.
- Both compactors remain inoperable.
- Fire is still burning in the subsurface.
- Pumped out 9000 gallons of leachate water and redistributed across cell 5.

Waste Transfer Station

- 624 vehicles were scaled this week.
- 144.69 tons of Municipal Solid Waste (MSW) was received and processed.
- 13.0 open top roll off dumpster containers were transported to the landfill.
- 10.59 tons of white goods were recycled preserving valuable landfill space.
- Operated magnet over the entire facility to collect sharp objects, screws, nails, etc. This is necessary to protect customer and city vehicle tires.
- Replaced front frame bolts on the roll off truck / Greased drive line as well. (unit 1814)
- Rewelded front roller on container 40-8
- Replaced broken fuel cap on unit 1824.

Utilities Administration

- Investigated Stardust Court to determine why the water/sewer utilities were never excepted for City maintenance. The issue early on was that no as-builts for the Fisher subdivision were not provided to the City. I found a document dated 6/6/1988 from Dan Malone that states the City did accept the water and sewer with a language discrepancy. The discrepancy was the term "Record Drawings," in which the ordinance requirements are "As-Builts."
- Attended three days of EAM Asset Management configuration training.
- Developed spreadsheet for the initial facility and land assets to include naming convention.
- Had a conversation with Dean Hackett from the Otero County Fair Association regarding getting a tap, meter, and backflow device set up before the fair in September.
- Digitizing historic Bonito records is ongoing.
- Began digitizing historic Fresno records utilizing light-duty staff.

Utility Maintenance

- Dispatched 167 Radio calls and channeled 56 phone calls.
- Conducted daily inspections on the main install on Ridgecrest.
- Replaced seven service lines at 3902 Basswood, 3802 Driftwood, 1403 Puerto Rico, 2236 Idaho Dr, 1213 Paradise, 1207 19th St, and 3023 Del Sur. All seven service lines were backfilled and ready for asphalt replacement.
- Repaired one service line failure at 2531 Hamilton.
- Repaired three leaks in meter cans.
- Assisted Utility Billing with nine water turn on/off's.
- Conducted driver training for two operator trainee employees.
- Exposed 14" ccp near Paiute Trail in preparation of installing an additional interconnect between Upper Heights/Alamo Plant and Zone 1. This will help to provide water in the event that the line from Upper Heights fails.



•
Staff did not attend any training this week.

Wastewater Reclamation

- The average seven-day influent sewage flow is 2.3 million gallons per day (MGD).
- The average seven-day reclaimed water usage is 1.8 million gallons per day (MGD). All reclaimed water is treated to Class-A standards per discharge permit 220 (DP220) requirements.
- 40.00 tons of Biosolids (sludge) were processed and land applied per discharge permit 806 (DP806) requirements. 4250.0 gallons of septage was received and placed into the digester to begin the biological reduction in organic solids process.
- Received delivery of Hypo 8/2/2023. 1,100 gallons.
- Staff conducted scum removal on basins 1, 2 and 3.
- Cleaned all basin probes, Total Suspended Solids (TSS) (3), Dissolved Oxygen (DO) (6), and Level Pressure Transducers (3).
- When time permitted, staff worked on removing RST (Rotating Sludge Thickener) drum.
- Repaired reclaimed yard hose line and replaced frost-free hydrant on the East side of basin 1.
- Replaced PSI gauge at La Velle booster pump station.
- Formed, installed rebar, and poured collars at 1909 Crescent and 506 Webster.
- Replaced blade spindle and idler pulley on cub cadet mower and bolted deck back on.
- Mowed around the admin building and front west field.
- Triweekly influent and effluent biochemical oxygen demand (BOD), Alkalinity, total Kjeldahl nitrogen (TKN), anhydrous ammonia (NH₃), total suspended solids (TSS), pH, nitrate (NO₃), total dissolved solids (TDS), total residual chlorine (TRC), and ph samples were collected for analysis.
- Weekly total solids (TS), total volatile solids (TVS), and fecal coliform samples were collected from the digester for analysis.
- Staff collected 2 COVID samples for the New Mexico Department of Health.
- Collected beginning-of-month meter reads for schools.
- Completed July's monthly report.

Water Production

- The average seven-day water usage is 6.6 million gallons per day (MGD).
- The Bonito Lake Reservoir is currently at 7381.0 ft elevation or full and running over the spillway.
- Reservoir storage at La Luz is approximately 151.0 million gallons (MG). This is 80.7% of usable storage capacity. Staff have increased well production to keep up with the increased demand. If usage continues at the current rate, it is anticipated that the City will not have water rationing this season.
- Flows from the Fresnal system have increased significantly this week after regaining night waters on July 15.
- Collected residential and spring monthly meter readings.
- Received deliveries of sodium hypochlorite at La Luz Water Treatment Plant and Green Ground Storage Tanks (GST).
- Statewide Drilling tested the motor at Well 6 and also received inconclusive results. COA Facility Maintenance electricians replaced two 500 amp fuses and three power cables to the motor. We'll know more about the condition of the motor upon well startup.



- Rebuilt the main flow meter on the well line feeding Green Ground Storage Tank (GST).
- Replaced both corporation stops and one injection quill assembly on the well line feeding Green GST.
- Performed monthly vehicle inspections and cleaning.
- Removed sediment and debris from the vault at Diversion 2 in Fresno Canyon to ensure that the inlet valve fully closes and keeps storm water from entering the pipeline.
- Collected 10 bacteriological samples per Revised Total Coliform Rule (RTCR).
- Conducted routine comparison analysis on all chlorine residual monitors (4) at both surface plants.
- Cleaned and verified all NTU (Nephelometric Turbidity Unit) analyzers (6) at both surface plants.
- Performed the weekly Bonito Dam inspection.

WEEK AHEAD

- Water Production staff will start Well 6 with Statewide Drilling and COA Facility Maintenance electricians onsite.
- Collect Monthly Water Quality and Quarterly Disinfection Byproduct samples.
- Routine distribution system flushing to maintain water quality and improve water age in zone 4.
- Continue to replace older chlorine analyzers with new CL17sc models.
- Finish up mowing grounds at the wastewater reclamation plant.
- Excavate and place ring, lid, and collar on the manhole found by the utility locator at the end of West 5th Street.
- Repair or replace the hydrant next to Muffin Monster.
- Expose two valve clusters near Thunder Road for replacement.
- Excavate around multiple utilities on Pauite trail in preparation for the interconnect

Other-ACM Calendar

July 31, 2023 - August 6, 2023

July 2023							August 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

Monday, July 31

- 8:00am - 9:30am Hearing (Otero County Courthouse (1000 New York Ave Ste 101, Alamogordo, NM 88310)) - Stephanie Hernandez
- 9:30am - 10:30am Execute Search Warrant (2001 Dewey Ln - 2001 Dewey Ln, Alamogordo, New Mexico, United States) - Joshua Sides
- 1:00pm - 2:00pm Joe Lewandowski mtg - Dudley School (CM) - Stephanie Hernandez
- 3:00pm - 3:30pm No Meetings 2:55-3:15 p/u Vincent
- 5:00pm - 6:00pm ICIP Listing. (Civici Center)

Tuesday, August 1

- Executive Session-90 day review.
- 8:00am - 8:30am Meeting-Kim T -HR
- 8:30am - 9:00am Meeting-Belinda P&R - Stephanie Hernandez
- 9:30am - 10:30am Execute Search Warrant (512 Maryland Ave, Alamogordo, New Mexico 88310, United States) - Joshua Sides
- 10:30am - 7:30pm PTO-Dad Rescheduled Appointment

Wednesday, August 2

- 12:00am Out of Office but available - David Kunihiro
- 7:30am - 8:00am Scenic Extension-Ribbon Cutting (Scenic Extension) - Stephanie Hernandez
- 9:00am - 10:00am Chief Adler mtg rqst - discussion on trucks, property purchase etc. (CM) - Stephanie Hernandez
- 10:00am - 10:30am Agenda Review 08/08 meeting (CM) - Stephanie Hernandez
- 11:00am - 11:30am Barb Pyeatt - mtg rqst (CM) - Stephanie Hernandez
- 1:30pm - 3:30pm Meeting with Irene Counts - Veronica Ortega
- 3:00pm - 3:30pm No Meetings 2:55-3:15 p/u Vincent

Thursday, August 3

- Out of Office but available - David Kunihiro
- 8:30am - 9:30am Execute Search Warrant (613 Delaware Ave, Alamogordo, New Mexico 88310, United States) - Joshua Sides
- 10:30am - 11:15am Placcier.ia kick off meeting. (Zoom) - Stephanie Hernandez
- 11:30am - 12:00pm Kim T mtg - re: APSOA Fire -one item missed fr last mtg (CM) - Stephanie Hernandez
- 2:00pm - 3:30pm AAB Meeting (Airport) - Veronica Ortega
- 3:00pm - 3:30pm No Meetings 2:55-3:15 p/u Vincent

Friday, August 4

- Out of Office but available - David Kunihiro
- Chief Adler Off

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/17/2023

Report No: 5.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, the adoption and final 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: Adopt the Ordinance.

Background:

The Commission approved Ordinance 1678 for first publication at the regular commission meeting on July 25, 2023.

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: 8/22/2023

Report Date: 08/15/2023

Report No: 6.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-40 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of August 22, 2023. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances \$92,951,621

Revenues \$ 56,516 Decrease

Expenditures \$ 497,509 Increase

Transfers In \$ 50,000 Increase

Transfers Out \$ 50,000 Increase

Recommendation: Approve the Resolution Request

Background: The City Commission adopted the FY 2023-2024 budget on May 23, 2023. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2023-2024 Interim Budget on June 9, 2023. Resolution 2023-40 amends the budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of the revisions are attached for your review.

RESOLUTION NO. 2023-40

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2023-2024.

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

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its written final approval to the City of Alamogordo, New Mexico's annual budget on August 15, 2023, for fiscal year 2023-2024; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2023-2024.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2023-2024 be and hereby is revised as of August 22, 2023, to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2023-2024 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on August 22, 2023, as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2023-2024.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 22nd. day of August 2023.

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

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley N. Smith, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2023-2024**

1/12TH REQ RSRV
1,601,216
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
4,401,382

FY24 BUDGET - RESOLUTION 2023-40 (#2) AUGUST 22, 2023

FUND NO.	FY 2023-2024 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	15,423,967	21,780,074	271,577	11,789,686	(11,518,109)	19,214,589	6,471,343	2,069,961	4,401,382
12	INTERNAL SERVICE FUND	10,000	241,739	5,062,359	0	5,062,359	5,307,184	6,914		\$6,914
15	CORRECTIONS-JAIL	90,675	54,734	0	0	0	113,240	32,169		\$32,169
16	LODGER'S TAX-PROMOTIONAL FUND	353,179	2,067	0	0	0	213,750	141,496		\$141,496
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		\$8,638
19	COURT AUTOMATION FUND	6,033	35,000	37,089	0	37,089	71,709	6,413		\$6,413
20	LODGER'S TAX-CITY	536,427	80,898	183,295	87,553	95,742	561,937	151,130		\$151,130
21	D.A.R.E. DONATIONS FUND	21,005	2,195	0	0	0	5,092	18,108		\$18,108
24	GRANT CAPITAL IMPROVEMENT	0	5,505,565	49,500	0	49,500	5,046,231	508,834		\$508,834
27	MUNICIPAL COURT OPERATIONS	5,000	13,000	506,000	0	506,000	523,517	483		\$483
28	POLICE CONTINGENCY	75,078	650	0	0	0	10,000	65,728		\$65,728
31	CEMETERY-PERPETUAL CARE	860,280	21,642	0	40,000	(40,000)	0	841,922		\$841,922
32	COMMUNITY SERVICES	13,775	445,854	6,592,485	0	6,592,485	6,944,518	107,596		\$107,596
33	FIRE PROTECTION	1,113,851	747,324	0	0	0	1,824,265	36,910		\$36,910
35	HIDTA GRANT FUND	780	0	0	0	0	0	780		\$780
36	LAW ENFORCEMENT FUND	68,724	159,500	0	0	0	228,224	(0)		(\$0)
37	STATE HIGHWAY FUND	115,832	25,784	0	0	0	60,319	81,297		\$81,297
38	TRAFFIC SAFETY FUND	77,507	14,581	0	0	0	10,000	82,088		\$82,088
39	STATE JUDICIAL	2,393	34,000	0	0	0	34,000	2,393		\$2,393
42	1984 GROSS RECEIPTS TAX	3,872,525	2,121,677	0	4,050,682	(4,050,682)	37,016	1,906,504	252,119	\$1,654,385
44	TRANSPORTATION FUND	22,581	1,200,328	4,607,339	361,436	4,245,903	5,461,560	7,252		\$7,252
48	NEW MEXICO C.D.B.G.	0	382,515	1,161,308	0	1,161,308	1,407,044	136,779		\$136,779
49	1986 GROSS RECEIPTS TAX	4,547,832	2,129,102	0	896,490	(896,490)	279,812	5,500,632	268,391	\$5,232,241
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		\$85,010
53	GENERAL OBLIGATION	989,996	1,201,162	0	0	0	1,183,245	1,007,913	557,029	\$450,884
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	0	0	0	10,447	11,520		\$11,520
56	99 GRT FLOOD CONTROL BOND PROJ	8	0	269,404	0	269,404	269,404	8		\$8
59	REVENUE BOND P & I FUND	172,413	8,300	2,357,973	0	2,357,973	2,357,973	180,713		\$180,713
61	MUNICIPAL INFRASTRUCTURE .0625%	1,872,040	530,855	0	250,000	(250,000)	9,254	2,143,641		\$2,143,641
63	COMMUNITY DEVELOPMENT	2,500	0	452,723	30,105	422,618	422,074	3,044		\$3,044
69	1994 GROSS RECEIPTS	4,040,006	2,114,548	0	1,861,640	(1,861,640)	37,016	4,255,898	553,051	\$3,702,847
71	ALAMO SENIOR CENTER	14,430	771,978	785,907	0	785,907	1,563,593	8,722		\$8,722
74	ALAMO SENIOR CENTER GIFT	136,021	11,078	0	0	0	26,286	120,813		\$120,813
75	SENIOR VOLUNTEER PROGRAM	10,107	139,307	1,400	0	1,400	150,427	387		\$387
81	WATER/SEWER OPERATING	16,271,347	11,262,553	658,461	2,295,718	(1,637,257)	13,738,385	12,158,258	1,463,850	\$10,694,408
82	98 JT WATER/SEWER BOND P&I	1,149,309	15,226	1,863,751	0	1,863,751	1,863,751	1,164,535		\$1,164,535
86	SOLID WASTE COLLECTION SYS.	996,061	2,495,198	240,000	158,629	81,371	2,770,215	802,415	178,583	\$623,832
88	BONITO CAMPGROUND	395,878	4,138	150,000	0	150,000	174,456	375,560		\$375,560
89	ESGRT .0625%	1,800,843	542,623	0	278,683	(278,683)	1,153,142	911,641		\$911,641

**ALL FUNDS SUMMARY
BUDGET 2023-2024**

1/12TH REQ RSRV
1,601,216
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
4,401,382

FY24 BUDGET - RESOLUTION 2023-40 (#2) AUGUST 22, 2023

FUND NO.	FY 2023-2024 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
90	GOLF COURSE	0	1,715,450	246,082	0	246,082	1,957,734	3,798		\$3,798
91	AIRPORT	20,000	253,809	190,000	45,736	144,264	417,300	773		\$773
94	OTERO GREENTREE REG LANDFILL	3,444,133	1,418,772	0	5,000	(5,000)	2,635,200	2,222,705		\$2,222,705
96	SELF-INSURED FUND	581,219	85,667	0	276,600	(276,600)	84,970	305,316		\$305,316
98	PAYROLL CLEARING	242,872	0	0	0	0	0	242,872		\$242,872
104	UTILITY DEPOSITS	628,617	0	0	0	0	0	628,617		\$628,617
105	ECONOMIC DEVELOPMENT	6,821,364	1,133,468	0	0	0	43,508	7,911,324		\$7,911,324
107	SELF INSURED/LIABILITY	1,081,582	8,050	0	0	0	535,000	554,632		\$554,632
109	2004 GRT CAPITAL OUTLAY	15,640,173	4,335,972	0	3,258,695	(3,258,695)	4,411,842	12,305,608	534,452	\$11,771,156
114	SIDEWALKS REVOLVING LOANS	146,446	1,722	0	0	0	0	148,168		\$148,168
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		\$1,000
119	2012 GRT REF/IMP REVBD	199,317	3,085	0	0	0	192,557	9,845		\$9,845
121	2015 GO BONDS-FUN CENTER	92,226	1,081	0	0	0	0	93,307		\$93,307
122	2015 GO BONDS-STREETS	178,708	2,095	0	0	0	0	180,803		\$180,803
124	AMERICAN RESCUE PLAN ACT	7,226,672	75,043	0	0	0	99,524	7,202,191		\$7,202,191
125	CANNABIS GRT	0	204,000	0	0	0	6,120	197,880		\$197,880
901	HOUSING LOW RENT OPERATING	899,290	0	0	0	0	0	899,290	86,881	\$812,409
903	HOUSING HOMEOWNERSHIP OPER	18	0	0	0	0	0	18		\$18
904	HOUSING CAPITAL FUND PROJECTS	563,966	0	0	0	0	0	563,966		\$563,966
TOTALS FY2024		92,951,621	63,333,409	25,686,653	25,686,653	0	83,467,430	72,817,600	5,964,317	66,853,283

ALL FUNDS SUMMARY

BUDGET 2023-2024

1/12TH REQ RSRV
1,601,216
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining

4,401,382

FY24 BUDGET - RESOLUTION 2023-40 (#2) AUGUST 22, 2023

FUND NO.	FY 2023-2024 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	15,423,967	21,780,074	271,577	11,739,686	(11,468,109)	18,718,373	7,017,559	2,069,961	4,947,598
	Revision #2-Dudley School Renovations Funding FY24					0	268,598	(268,598)		(268,598)
	Revision #3-Recreation Center Camera System				50,000	(50,000)		(50,000)		(50,000)
	Revision #5-Car Wash Contract for Administration Vehicles					0	600	(600)		(600)
	Revision #6-Additional Dudley School Funding					0	150,000	(150,000)		(150,000)
	Revision #7-PSAP Project Corrections					0	77,018	(77,018)		(77,018)
	Total Revised Fund 11	15,423,967	21,780,074	271,577	11,789,686	(11,518,109)	19,214,589	6,471,343	2,069,961	4,401,382
12	INTERNAL SERVICE FUND	10,000	241,739	5,062,359	0	5,062,359	5,307,184	6,914		6,914
	Total Revised Fund 12	10,000	241,739	5,062,359	0	5,062,359	5,307,184	6,914		6,914
15	CORRECTIONS-JAIL	90,675	54,734	0	0	0	113,240	32,169		32,169
	Total Revised Fund 15	90,675	54,734	0	0	0	113,240	32,169		32,169
16	LODGER'S TAX-PROMOTIONAL FUND	353,179	2,067	0	0	0	213,750	141,496		141,496
	Total Revised Fund 16	353,179	2,067	0	0	0	213,750	141,496		141,496
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		8,638
	Total Revised Fund 17	8,638	0	0	0	0	0	8,638		8,638
19	COURT AUTOMATION FUND	6,033	35,000	37,089	0	37,089	71,709	6,413		6,413
	Total Revised Fund 19	6,033	35,000	37,089	0	37,089	71,709	6,413		6,413
20	LODGER'S TAX-CITY	536,427	80,898	183,295	87,553	95,742	561,937	151,130		151,130
	Total Revised Fund 20	536,427	80,898	183,295	87,553	95,742	561,937	151,130		151,130
21	D.A.R.E. DONATIONS FUND	21,005	2,195	0	0	0	5,092	18,108		18,108
	Total Revised Fund 21	21,005	2,195	0	0	0	5,092	18,108		18,108
24	GRANT CAPITAL IMPROVEMENT	0	5,505,565	49,500	0	49,500	5,046,231	508,834		508,834
	Total Revised Fund 24	0	5,505,565	49,500	0	49,500	5,046,231	508,834		508,834
27	MUNICIPAL COURT OPERATIONS	5,000	13,000	506,000	0	506,000	523,517	483		483
	Total Revised Fund 27	5,000	13,000	506,000	0	506,000	523,517	483		483
28	POLICE CONTINGENCY	75,078	650	0	0	0	10,000	65,728		65,728
	Total Revised Fund 28	75,078	650	0	0	0	10,000	65,728		65,728
31	CEMETERY-PERPETUAL CARE	860,280	21,642	0	40,000	(40,000)	0	841,922		841,922
	Total Revised Fund 31	860,280	21,642	0	40,000	(40,000)	0	841,922		841,922
32	COMMUNITY SERVICES	13,775	445,854	6,542,485	0	6,542,485	6,894,518	107,596		107,596
	Revision #3-Recreation Center Camera System			50,000		50,000	50,000	0		0
	Total Revised Fund 32	13,775	445,854	6,592,485	0	6,592,485	6,944,518	107,596		107,596
33	FIRE PROTECTION	1,113,851	747,324	0	0	0	1,824,265	36,910		36,910
	Total Revised Fund 33	1,113,851	747,324	0	0	0	1,824,265	36,910	0	36,910
35	HIDTA GRANT FUND	780	0	0	0	0	0	780		780
	Total Revised Fund 35	780	0	0	0	0	0	780		780
36	LAW ENFORCEMENT FUND	68,724	155,000	0	0	0	223,724	(0)		(0)
	Revision #4-Law Enforcement Protection Fund Grant FY24		4,500			0	4,500	0		0
	Total Revised Fund 36	68,724	159,500	0	0	0	228,224	(0)		(0)
37	STATE HIGHWAY FUND	115,832	25,784	0	0	0	60,319	81,297		81,297
	Total Revised Fund 37	115,832	25,784	0	0	0	60,319	81,297		81,297

38	TRAFFIC SAFETY FUND	77,507	14,581	0	0	0	10,000	82,088		82,088
	Total Revised Fund 38	77,507	14,581	0	0	0	10,000	82,088		82,088
39	STATE JUDICIAL	2,393	34,000	0	0	0	34,000	2,393		2,393
	Total Revised Fund 39	2,393	34,000	0	0	0	34,000	2,393		2,393
42	1984 GROSS RECEIPTS TAX	3,872,525	2,121,677	0	4,050,682	(4,050,682)	37,016	1,906,504	252,119	1,654,385
	Total Revised Fund 42	3,872,525	2,121,677	0	4,050,682	(4,050,682)	37,016	1,906,504	252,119	1,654,385
44	TRANSPORTATION FUND	22,581	1,200,328	4,607,339	361,436	4,245,903	5,461,560	7,252		7,252
	Total Revised Fund 44	22,581	1,200,328	4,607,339	361,436	4,245,903	5,461,560	7,252		7,252
48	NEW MEXICO C.D.B.G.	0	382,515	1,161,308	0	1,161,308	1,407,044	136,779		136,779
	Total Revised Fund 48	0	382,515	1,161,308	0	1,161,308	1,407,044	136,779		136,779
49	1986 GROSS RECEIPTS TAX	4,547,832	2,129,102	0	896,490	(896,490)	279,812	5,500,632	268,391	5,232,241
	Total Revised Fund 49	4,547,832	2,129,102	0	896,490	(896,490)	279,812	5,500,632	268,391	5,232,241
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		85,010
	Total Revised Fund 50	85,010	0	0	0	0	0	85,010		85,010
53	GENERAL OBLIGATION	989,996	1,201,162	0	0	0	1,183,245	1,007,913	557,029	450,884
	Total Revised Fund 53	989,996	1,201,162	0	0	0	1,183,245	1,007,913	557,029	450,884
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	0	0	0	10,447	11,520		11,520
	Total Revised Fund 54	21,967	0	0	0	0	10,447	11,520		11,520
56	99 GRT FLOOD CONTROL BOND PROJ	8	0	269,404	0	269,404	269,404	8		8
	Total Revised Fund 56	8	0	269,404	0	269,404	269,404	8		8
59	REVENUE BOND P & I FUND	172,413	8,300	2,357,973	0	2,357,973	2,357,973	180,713		180,713
	Total Revised Fund 59	172,413	8,300	2,357,973	0	2,357,973	2,357,973	180,713		180,713
61	MUNICIPAL INFRASTRUCTURE .0625%	1,872,040	530,855	0	250,000	(250,000)	9,254	2,143,641		2,143,641
	Total Revised Fund 61	1,872,040	530,855	0	250,000	(250,000)	9,254	2,143,641		2,143,641
63	COMMUNITY DEVELOPMENT	2,500	0	452,723	30,105	422,618	417,265	7,853		7,853
	Revision #2-Dudley School Renovations Funding FY24					0	4,809	(4,809)		(4,809)
	Total Revised Fund 63	2,500	0	452,723	30,105	422,618	422,074	3,044		3,044
69	1994 GROSS RECEIPTS	4,040,006	2,114,548	0	1,861,640	(1,861,640)	37,016	4,255,898	553,051	3,702,847
	Total Revised Fund 69	4,040,006	2,114,548	0	1,861,640	(1,861,640)	37,016	4,255,898	553,051	3,702,847
71	ALAMO SENIOR CENTER	14,430	832,994	785,907	0	785,907	1,621,609	11,722		11,722
	Revision #1-Adjust NSIP for CM & HDM FY24		(61,016)			0	(58,016)	(3,000)		(3,000)
	Total Revised Fund 71	14,430	771,978	785,907	0	785,907	1,563,593	8,722		8,722
74	ALAMO SENIOR CENTER GIFT	136,021	11,078	0	0	0	26,286	120,813		120,813
	Total Revised Fund 74	136,021	11,078	0	0	0	26,286	120,813		120,813
75	SENIOR VOLUNTEER PROGRAM	10,107	139,307	1,400	0	1,400	150,427	387		387
	Total Revised Fund 75	10,107	139,307	1,400	0	1,400	150,427	387		387
81	WATER/SEWER OPERATING	16,271,347	11,262,553	658,461	2,295,718	(1,637,257)	13,738,385	12,158,258	1,463,850	10,694,408
	Total Revised Fund 81	16,271,347	11,262,553	658,461	2,295,718	(1,637,257)	13,738,385	12,158,258	1,463,850	10,694,408
82	98 JT WATER/SEWER BOND P&I	1,149,309	15,226	1,863,751	0	1,863,751	1,863,751	1,164,535	0	1,164,535
	Total Revised Fund 82	1,149,309	15,226	1,863,751	0	1,863,751	1,863,751	1,164,535	0	1,164,535
86	SOLID WASTE COLLECTION SYS.	996,061	2,495,198	240,000	158,629	81,371	2,770,215	802,415	178,583	623,832
	Total Revised Fund 86	996,061	2,495,198	240,000	158,629	81,371	2,770,215	802,415	178,583	623,832
88	BONITO CAMPGROUND	395,878	4,138	150,000	0	150,000	174,456	375,560		375,560
	Total Revised Fund 88	395,878	4,138	150,000	0	150,000	174,456	375,560	0	375,560
89	ESGRT .0625%	1,800,843	542,623	0	278,683	(278,683)	1,153,142	911,641		911,641
	Total Revised Fund 89	1,800,843	542,623	0	278,683	(278,683)	1,153,142	911,641	0	911,641
90	GOLF COURSE	0	1,715,450	246,082	0	246,082	1,957,734	3,798		3,798
	Total Revised Fund 90	0	1,715,450	246,082	0	246,082	1,957,734	3,798	0	3,798
91	AIRPORT	20,000	253,809	190,000	45,736	144,264	417,300	773	0	773
	Total Revised Fund 91	20,000	253,809	190,000	45,736	144,264	417,300	773	0	773
94	OTERO GREENTREE REG LANDFILL	3,444,133	1,418,772	0	5,000	(5,000)	2,635,200	2,222,705		2,222,705
	Total Revised Fund 94	3,444,133	1,418,772	0	5,000	(5,000)	2,635,200	2,222,705	0	2,222,705
96	SELF-INSURED FUND	581,219	85,667	0	276,600	(276,600)	84,970	305,316		305,316
	Total Revised Fund 96	581,219	85,667	0	276,600	(276,600)	84,970	305,316	0	305,316

98	PAYROLL CLEARING	242,872	0	0	0	0	0	242,872		242,872
	Total Revised Fund 98	242,872	0	0	0	0	0	242,872	0	242,872
104	UTILITY DEPOSITS	628,617	0	0	0	0	0	628,617		628,617
	Total Revised Fund 104	628,617	0	0	0	0	0	628,617	0	628,617
105	ECONOMIC DEVELOPMENT	6,821,364	1,133,468	0	0	0	43,508	7,911,324		7,911,324
	Total Revised Fund 105	6,821,364	1,133,468	0	0	0	43,508	7,911,324		7,911,324
107	SELF INSURED/LIABILITY	1,081,582	8,050	0	0	0	535,000	554,632		554,632
	Total Revised Fund 107	1,081,582	8,050	0	0	0	535,000	554,632	0	554,632
109	2004 GRT CAPITAL OUTLAY	15,640,173	4,335,972	0	3,258,695	(3,258,695)	4,411,842	12,305,608	534,452	11,771,156
	Total Revised Fund 109	15,640,173	4,335,972	0	3,258,695	(3,258,695)	4,411,842	12,305,608	534,452	11,771,156
114	SIDEWALKS REVOLVING LOANS	146,446	1,722	0	0	0	0	148,168		148,168
	Total Revised Fund 114	146,446	1,722	0	0	0	0	148,168	0	148,168
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		1,000
	Total Revised Fund 115	1,000	0	0	0	0	0	1,000	0	1,000
119	2012 GRT REF/IMP REVBD	199,317	3,085	0	0	0	192,557	9,845		9,845
	Total Revised Fund 119	199,317	3,085	0	0	0	192,557	9,845		9,845
121	2015 GO BONDS-FUN CENTER	92,226	1,081	0	0	0	0	93,307		93,307
	Total Revised Fund 121	92,226	1,081	0	0	0	0	93,307		93,307
122	2015 GO BONDS-STREETS	178,708	2,095	0	0	0	0	180,803		180,803
	Total Revised Fund 122	178,708	2,095	0	0	0	0	180,803		180,803
124	AMERICAN RESCUE PLAN ACT	7,226,672	75,043	0	0	0	99,524	7,202,191		7,202,191
	Total Revised Fund 124	7,226,672	75,043	0	0	0	99,524	7,202,191		7,202,191
125	CANNABIS GRT	0	204,000	0	0	0	6,120	197,880		197,880
	Total Revised Fund 125	0	204,000	0	0	0	6,120	197,880		197,880
901	HOUSING LOW RENT OPERATING	899,290	0	0	0	0	0	899,290	86,881	812,409
	Total Revised Fund 901	899,290	0	0	0	0	0	899,290	86,881	812,409
903	HOUSING HOMEOWNERSHIP OPER	18	0	0	0	0	0	18		18
	Total Revised Fund 903	18	0	0	0	0	0	18	0	18
904	HOUSING CAPITAL FUND PROJECTS	563,966	0	0	0	0	0	563,966		563,966
	Total Revised Fund 904	563,966	0	0	0	0	0	563,966		563,966
TOTALS FY2024		92,951,621	63,333,409	25,686,653	25,686,653	0	83,467,430	72,817,600	5,964,317	66,853,283

FUND NO.	PROJECT NO.	PO NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
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REVISION #1

This budget revision is to correct carryover amounts for Federal funding for the Nutrition Service Incentive Program for Congregate and Home Delivered Meals Programs, respectively, for

71 SENIOR CENTER FUND							
Revenues							
			071.300.8020.0000.40713	Grants-SWNMAAA, Federal (2024 Congregate Meal Program 8023 NS	61,016	(61,016)	0
Total Revenues					61,016	(61,016)	0
Expenditures							
SCCM24.SUPP.FOOD.NSIP			071.300.8020.0000.53028	Supplies-Program (2023 Congregate Meals Program 8023 NSIP)	60,622	(32,039)	28,583
SCHD24.SUPP.FOOD.NSIP			071.300.8020.0000.53018	Supplies-Program (2023 Transportation Program 8025 ARPA)	54,560	(25,977)	28,583
Total Expenditures					115,182	(58,016)	57,166

REVISION #2

This budget revision is to carryover funds from FY23 for the Dudley School Renovations Project inadvertently left off original carryover list.

11 GENERAL FUND							
Expenditures							
CM2303.SERV.CNTR	101	011.000.2400.0000.54520		Services-Contract (Dudley School Renovations)	354,592	59,452	414,044
CM2303.SERV.CNTR	104984	011.000.2400.0000.54520		Services-Contract (Dudley School Renovations)	414,044	2,000	416,044
CM2303.SERV.CNTR	106063	011.000.2400.0000.54520		Services-Contract (Dudley School Renovations)	416,044	35,370	451,414
CM2303.SERV.CNTR	106064	011.000.2400.0000.54520		Services-Contract (Dudley School Renovations)	451,414	36,396	487,810
CM2303.SERV.CNTR	106386	011.000.2400.0000.54520		Services-Contract (Dudley School Renovations)	487,810	133,380	621,190
CM2303.SERV.CNTR	104589	011.000.2400.0000.54520		Services-Contract (Dudley School Renovations)	621,190	2,000	623,190
Total Expenditures					2,745,094	268,598	3,013,692
63 ENGINEERING FUND							
Expenditures							
CM2303.SERV.CNTR.LOCL	101	063.600.5005.0000.54520		Services-Contract (Dudley School Engineering Renovations)	27,310	4,809	32,119
Total Expenditures					27,310	4,809	32,119

REVISION #3

This budget revision is to provide funding to upgrade the non-functioning Recreation Center camera system to a new 24 camera system.

32 COMMUNITY SERVICES							
Transfers In							
			032.000.0000.0000.49011	Trans fr (11) General	5,924,497	50,000	5,974,497
Total Revenues					5,924,497	50,000	5,974,497
Expenditures							
			032.300.6106.0000.57006	Capital-Building Improvement	492,813	50,000	542,813
Total Expenditures					492,813	50,000	542,813
11 GENERAL FUND							
Transfers Out							
			011.000.0000.0000.59032	Trans to (32) Community Services	5,924,497	50,000	5,974,497
Total Transfers Out					5,924,497	50,000	5,974,497

REVISION #4

This budget revision is to adjust the Law Enforcement Protection Fund to actual amount granted for FY23-24.

36 LAW ENFORCEMENT PROTECTION FUND							
Revenues							
			036.400.4104.0000.40707	Grants-LEPF	155,000	4,500	159,500
Total Revenues					155,000	4,500	159,500
Expenditures							
			036.400.4104.0000.56004	Other-In-Service Training	59,059	4,500	63,559
Total Expenditures					59,059	4,500	63,559

REVISION #5

This budget revision is to provide funding for Administration Division vehicles monthly cleaning.

11 GENERAL FUND							
Expenditures							
			011.100.2001.0000.54520	Services-Contract	0	600	600
Total Expenditures					0	600	600

REVISION #6
This budget revision is to provide additional funding for Dudley School and will be offset with eventual Opioid Settlement Funds.

11 GENERAL FUND					
		Expenditures			
CM2303.SERV.CNTR	011.000.2400.0000.54520	Services-Contract	0	150,000	150,000
		Total Expenditures	0	150,000	150,000

REVISION #7
This budget revision is for correcting project carryovers for PSAP Project.

11 GENERAL FUND					
		Expenditures			
PD1501.CAPT.BLDG	011.400.4104.0000.57006	Capital-Building Improvements	129,110	109,903	239,013
PD1501.SERV.CNTR	011.400.4104.0000.54520	Services-Contract	186,616	(32,885)	153,731
		Total Expenditures	315,726	77,018	392,744

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/14/2023

Report No: 7.

Submitted By: Diane Malone

Subject: Consider, and act upon, the Investment Report for the quarter ending June 30, 2023 in accordance with the City of Alamogordo Investment Ordinance. *(Sue Ashe, Accounting Manager)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: None

Recommendation: Accept the Quarterly Investment Report for the period ending June 30, 2023.

Background: The City of Alamogordo ended the quarter with an investment portfolio totaling \$ 82,312,641
The portfolio was made up of:

State Investment Pool	\$ 5,805	or	0.01%
Short Term Investments	\$ 5,396,850	or	6.49%
US Treasury Notes/Agency Bonds	\$ 41,552,149	or	49.98%
Certificates of Deposits	\$ 36,177,539	or	43.52%
Total Investments:	\$ 83,132,343		100.00%

Total gains (losses) for the quarter ended June 30, 2023 on maturities and/or called agency notes were \$0.
Interest earned during the quarter on a cash basis was \$ 313,101.

Interest Income Budget Comparison for all Funds is as follows:

Interest Earned Budget	\$ 518,965
Interest Received to Date	\$ 1,195,883 230.44% of budget

Note: The investments mature at different times throughout the year and 57.67% of the investments mature within three years. They are reinvested as they mature, so that they continue to roll over to be available for projects when needed. The difference between the above total and the Investment Summary is accrued interest of \$ 22,261.

INSTITUTION INVESTED IN	INV TYPE	INVESTMENT AMOUNT	MARKET	MARKET GAIN	RATE OF RETURN	MATURITY DATE	FY 22 - 23 Y-T-D
		BOOK VALUE	VALUE	(LOSS)			EARNINGS
ST. INVESTMENT POOL - COA	ST. INVEST POOL-COA	5,804.75	\$5,804.75	0	1.907%	DAILY	189.47
First Savings Bank (CD# 81186796)	CD	-	-	0	1.250%	02/07/23	2,706.42
First Savings Bank (CD# 81186944)	CD	-	-	0	1.250%	03/22/23	8,107.87
First Savings Bank (CD# 81187231)	CD	584,915.17	584,915.17	0	0.800%	02/10/24	9,838.79
First Savings Bank (CD# 81187926)	CD	284,271.58	284,271.58	0	1.250%	03/15/23	3,920.48
First Savings Bank (CD#13312297)	CD	-	-	0	1.000%	02/07/23	2,172.58
First Savings Bank (CD# 13401520)	CD	1,110,218.59	1,110,218.59	0	1.000%	03/12/23	13,349.66
First Savings Bank (Money Market 2072498156)	MM	1,427,555.10	1,427,555.10		1.000%		17,370.23
Bank '34 (CD#0101004984)	CD	-	-	0	1.650%	02/08/23	-
Pioneer Bank (CD#30100640)	CD	286,344.65	286,344.65	0	1.600%	02/12/23	4,515.90
Bank of the West (CD#029771907)	CD	0.16	0.16	0	1.600%	03/20/23	3,440.60
Washington Federal (CD# 172-200282-9)	CD	8.00	8.00	0	2.050%	03/22/23	4,380.48
Washington Federal (CD# 172-200283-7)	CD	-	-	0	1.250%	04/09/23	19,111.74
Moreton (BMW Bk North Amer Salt Lake	CD	251,204.01	\$249,817.50	(1,387)	3.250%	07/13/23	8,137.75
Moreton (Morgan Stanley Bk)	CD	-	-	0	2.400%	06/20/23	4,790.65
Moreton (EnerBank USA Salt Lake City)	CD	250,000.00	\$240,405.00	(9,595)	1.950%	08/15/24	4,874.97
Moreton (Encore BK Little Rock ARK)	CD	250,000.00	\$247,242.50	(2,758)	1.750%	10/23/23	4,375.04
Moreton (Live Oak BKG CO NC)	CD	250,000.00	\$246,142.50	(3,858)	1.800%	12/11/23	4,499.98
Moreton (Signature BK of ARK)	CD	250,000.00	\$245,642.50	(4,358)	1.700%	12/27/23	4,250.03
Moreton (Central BK Little Rock ARK)	CD	250,000.00	\$234,635.00	(15,365)	1.650%	03/13/25	4,124.98
Moreton (Ultima MK Minn Winger)	CD	250,000.00	\$247,662.50	(2,338)	1.050%	09/02/23	2,625.02
Moreton (Cornhusker Bank Lincoln)	CD	250,000.00	\$232,017.50	(17,983)	1.100%	03/28/25	2,750.00
Moreton (Pacific Westn BK)	CD	250,000.00	\$242,115.00	(7,885)	1.300%	04/16/24	3,250.00
Moreton (Celtic Bk Salt Lake City Utah)	CD	250,000.00	\$232,987.50	(17,013)	1.450%	04/17/25	3,625.04
Moreton (Evergreen BK Group Oak Brook)	CD	250,000.00	\$241,712.50	(8,288)	1.200%	04/22/24	2,999.99
Moreton (First Natl BK McGregor Tex)	CD	250,000.00	\$241,700.00	(8,300)	1.300%	04/29/24	3,250.01
Moreton (Apex Bk Camden)	CD	250,000.00	\$230,277.50	(19,723)	0.950%	05/08/25	2,375.00
Moreton (Old MO Bk Springfield)	CD	250,000.00	\$239,620.00	(10,380)	0.550%	05/15/24	1,374.98
Moreton (Union ST Bk Clay Ctr)	CD	250,000.00	\$245,717.50	(4,283)	0.500%	11/09/23	1,249.97
Moreton (Malaga BK Palos Verdes)	CD	250,000.00	\$228,372.50	(21,628)	0.650%	05/28/25	1,624.97
Moreton (Merrick BK South Jordan)	CD	250,000.00	\$229,022.50	(20,978)	0.800%	05/29/25	1,999.96
Moreton (Financial Fed Svgs Bk)	CD	250,000.00	\$228,342.50	(21,658)	0.650%	05/29/25	1,624.97
Moreton (Jonesbror ST Bk)	CD	250,000.00	\$229,020.00	(20,980)	0.800%	05/29/25	1,999.96
Moreton (Profinium Finl Inc.)	CD	250,000.00	\$229,810.00	(20,190)	0.500%	05/29/25	1,249.98
Moreton (Freedom Finl Bk West Des)	CD	250,000.00	\$238,907.50	(11,093)	0.450%	05/29/24	1,125.03
Moreton (Tri-County TR CO)	CD	250,000.00	\$245,087.50	(4,913)	3.500%	11/29/23	999.98
Moreton (Southern STS Bk Anniston)	CD	250,000.00	\$238,550.00	(11,450)	0.500%	06/12/24	1,249.97
Moreton (Preferred Bk Los Angeles)	CD	250,000.00	\$226,912.50	(23,088)	0.550%	07/02/25	1,374.98
Moreton (Enterprise Bk NA NB)	CD	250,000.00	\$219,225.00	(30,775)	0.850%	06/05/26	2,125.01
Moreton (First Credit Bank)	CD	-	-	0	0.350%	06/12/23	879.83
Moreton (1st Finl Bk USA Dakota Dunes)	CD	250,000.00	\$238,065.00	(11,935)	0.400%	06/19/24	999.98
Moreton (Bristol Morgan Bk Oakfield)	CD	250,000.00	\$232,375.00	(17,625)	0.450%	12/19/24	1,125.03
Moreton (Vision Bk St Louis PK)	CD	250,000.00	\$228,942.50	(21,058)	0.600%	06/30/25	1,500.03
Moreton (Bankwell Bk New Canaan)	CD	250,000.00	\$249,800.00	(200)	0.400%	07/06/23	1,095.55
Moreton (Tandem Bk Tucker)	CD	249,883.22	\$227,982.50	(21,901)	0.550%	06/23/25	1,374.98
Moreton (Exchange Bk Gibbon Neb)	CD	249,883.22	\$232,575.00	(17,308)	0.550%	12/24/24	1,374.98
Moreton (Independence Bk Owensboro)	CD	249,883.22	\$235,367.50	(14,516)	0.550%	09/24/24	1,374.98
Moreton (Suthrn Bancorp Bk Arkadelphia)	CD	249,893.84	\$234,240.00	(15,654)	0.500%	10/25/24	1,249.97
Moreton (Franklin Savings Bk)	CD	249,915.07	\$237,702.50	(12,213)	0.400%	06/28/24	999.98
Moreton (Bank Princeton New Jersey)	CD	249,904.45	\$237,822.50	(12,082)	0.450%	06/28/24	1,029.48
Moreton (Meridian Bk Paoli PA)	CD	249,936.30	\$249,050.00	(886)	0.300%	07/28/23	749.99
Moreton (Farmers & Merchants BK Col)	CD	249,893.84	\$225,857.50	(24,036)	0.500%	07/29/25	1,249.98
Moreton (Texas Exchange Bk Crowley)	CD	249,798.29	\$218,840.00	(30,958)	0.950%	07/17/26	2,375.00
Moreton (Bank VY Bellwood Neb)	CD	249,957.53	\$248,292.50	(1,665)	0.200%	08/18/23	500.05
Moreton (First Natl Bk of Albany Tex)	CD	249,936.30	\$235,482.50	(14,454)	0.300%	08/28/24	749.99
Moreton (BMO Harris BK Natl Assn)	CD	250,000.00	\$230,507.50	(19,493)	0.500%	02/27/25	1,250.00
Moreton Lincoln 1st BK Lincoln Pk)	CD	249,893.84	\$225,467.50	(24,426)	0.500%	08/11/25	1,249.97
Moreton (Northeast Cmnty Bk White)	CD	249,904.45	\$224,972.50	(24,932)	0.450%	08/20/25	1,125.03

INSTITUTION INVESTED IN	INV TYPE	INVESTMENT AMOUNT	MARKET	MARKET GAIN	RATE OF RETURN	MATURITY DATE	FY 22 - 23 Y-T-D
							EARNINGS
		BOOK VALUE	VALUE	(LOSS)			
Moreton (Bank3 Memphis Tenn)	CD	249,915.07	\$224,475.00	(25,440)	0.400%	08/28/25	999.98
Moreton (Home LN Invt Bk F S B Warwick)	CD	249,915.07	\$224,445.00	(25,470)	0.400%	08/29/25	999.98
Moreton (First Choice BK Cerritos Calif)	CD	249,936.30	\$234,822.50	(15,114)	0.300%	09/18/24	749.99
Moreton (Bridgewater Bk Bloomington)	CD	249,915.07	\$223,927.50	(25,988)	0.400%	09/16/25	999.98
Moreton (American Comm Bk NA Bremen GA)	CD	249,915.07	\$223,742.50	(26,173)	0.400%	09/22/25	999.98
Moreton (First Natl Bk Amer E Lansing)	CD	249,915.07	\$223,652.50	(26,263)	0.400%	09/25/25	999.98
Moreton (First Coml Bk Jackson Miss)	CD	249,936.30	\$228,580.00	(21,356)	0.300%	03/31/25	749.99
Moreton (JPMorgan Chase Bk)	CD	249,498.63	\$223,712.50	(25,786)	0.400%	09/30/25	1,000.00
Moreton (Insbank Nashville Tenn)	CD	244,916.77	\$219,020.20	(25,897)	0.400%	09/30/25	979.99
Moreton (Magnolia BK INC KY)	CD	249,915.07	\$228,067.50	(21,848)	0.400%	04/30/25	999.98
Moreton (Uinta BK MTN View WYO)	CD	249,915.07	\$222,552.50	(27,363)	0.400%	10/30/25	999.98
Moreton (Grand Bk Tulsa Okla)	CD	249,968.15	\$244,810.00	(5,158)	0.150%	11/27/23	375.00
Moreton (Banccentral Natl Assn Alva)	CD	250,000.00	\$244,647.50	(5,353)	0.150%	11/30/23	375.00
Moreton (First Glen Bk Rowland Heights)	CD	249,936.30	\$232,790.00	(17,146)	0.300%	11/20/24	749.99
Moreton (Old Dominion Natl Bk North CD)	CD	249,915.07	\$222,195.00	(27,720)	0.400%	11/13/25	999.98
Moreton (Oakstar Bk NA Springfield MO)	CD	249,915.07	\$221,745.00	(28,170)	0.400%	11/20/25	999.98
Moreton (Landmark Community Bank)	CD	249,904.45	\$222,110.00	(27,794)	0.450%	11/25/25	1,125.03
Moreton (Security Bk & TR CO Paris CD)	CD	250,000.00	\$212,457.50	(37,543)	0.450%	11/13/26	1,125.00
Moreton (Prospect Bk Paris ILL)	CD	249,936.30	\$231,880.00	(18,056)	0.300%	12/18/24	749.99
Moreton (Transportation Alliance Bk Inc.)	CD	249,936.30	\$231,880.00	(18,056)	0.300%	12/18/24	749.99
Moreton (1st Sec BK of Wash Mountlake)	CD	249,946.92	\$231,312.50	(18,634)	0.250%	12/30/24	624.99
Moreton (Bank Grove Okla)	CD	249,915.07	\$220,117.50	(29,798)	0.400%	01/22/26	999.98
Moreton (Connectone Bk Englewood)	CD	249,904.45	\$220,412.50	(29,492)	0.450%	01/22/26	1,125.03
Moreton (BankUnited Natl Assn)	CD	250,000.00	\$221,135.00	(28,865)	0.550%	01/22/26	1,375.01
Moreton (Chambers BK Davville AK)	CD	250,000.00	\$220,575.00	(29,425)	0.450%	01/27/26	1,125.00
Moreton (First Reliance Bk SC)	CD	249,936.30	\$230,557.50	(19,379)	0.300%	01/29/25	749.99
Moreton (Community West Bk Goleta)	CD	249,968.15	\$242,595.00	(7,373)	0.150%	01/29/24	374.99
Moreton (Metropolitan Cap Bk Chicago IL)	CD	250,012.38	\$213,100.00	(36,912)	0.550%	11/18/26	1,375.00
Moreton (Legacy Bk & Tr CO, Rogersville)	CD	249,904.45	\$219,412.50	(30,492)	0.450%	02/26/26	1,125.03
Moreton (Sunwest Bak Irvine Calif)	CD	249,851.37	\$211,282.50	(38,569)	0.700%	03/05/27	1,750.02
Moreton (FNB Oxford BK)	CD	249,840.75	\$211,357.50	(38,483)	0.750%	03/19/27	1,875.03
Moreton (Home Savings Bk Chanute KS)	CD	248,991.78	\$212,092.50	(36,899)	0.800%	03/19/27	2,000.00
Moreton (American Natl Bk-Fox Cty)	CD	249,938.36	\$234,390.00	(15,548)	0.300%	09/30/24	749.99
Moreton (Third Fed Svgs & Ln Assn)	CD	250,000.00	\$241,942.50	(8,058)	0.200%	02/22/24	500.00
Moreton (Guaranty St Bk o Beloit)	CD	249,957.53	\$239,990.00	(9,968)	0.200%	04/15/24	500.05
Moreton (Goldman Sachs Bk USA N Y)	CD	249,808.90	\$219,990.00	(29,819)	0.900%	05/19/26	2,250.02
Moreton (Peoples Svgs BK)	CD	249,861.99	\$220,362.50	(29,499)	0.650%	05/19/26	1,624.97
Moreton (Sandhills St Bk Bassett NEB)	CD	249,830.14	\$210,297.50	(39,533)	0.800%	05/21/27	1,999.96
Moreton (National BK Comm Superior)	CD	249,872.60	\$217,932.50	(31,940)	0.600%	05/21/26	1,500.03
Moreton (Gulf Atlantic Bk Key West)	CD	249,946.92	\$232,457.50	(17,489)	0.250%	11/25/24	624.99
Moreton (Bank Little Chute Wis)	CD	249,946.92	\$238,500.00	(11,447)	0.250%	05/28/24	624.99
Moreton (Poppy Bk Santa Rosa Calif)	CD	249,915.07	\$225,397.50	(24,518)	0.400%	07/28/25	999.98
Moreton (Spring Bk Bronx NY)	CD	250,000.00	\$217,057.50	(32,943)	0.500%	05/28/26	1,249.97
Moreton (Webbank Salt Lake City)	CD	249,968.49	\$238,632.50	(11,336)	0.300%	05/28/24	750.00
Moreton (Mega BK San Gabriel Calif)	CD	250,000.00	\$237,437.50	(12,563)	0.200%	06/24/24	500.00
Moreton (First Bk Hamilton New Jersey)	CD	250,000.00	\$226,612.50	(23,388)	0.350%	06/11/25	875.04
Moreton (Pinnacle Bk Jasper ALA)	CD	250,000.00	\$216,937.50	(33,063)	0.500%	06/11/26	1,250.00
Moreton (Southeast Bank Athens Tenn)	CD	250,000.00	\$217,447.50	(32,553)	0.600%	06/17/26	1,500.00
Moreton (Denver Svgs Bk Iowa)	CD	250,000.00	\$216,892.50	(33,108)	0.600%	06/28/26	1,500.03
Moreton (Security St Bk Scott City KS)	CD	250,000.00	\$226,495.00	(23,505)	0.450%	06/30/25	1,125.03
Moreton (One Cmnty Bk Ore Wis)	CD	250,000.00	\$221,387.50	(28,613)	0.500%	12/29/25	1,249.98
Moreton (National Bk New York City)	CD	250,000.00	\$218,730.00	(31,270)	0.500%	03/30/26	1,249.98
Moreton (John Marshall Bk Baileys)	CD	250,000.00	\$247,202.50	(2,798)	0.150%	09/19/23	375.00
Moreton (Toyota Finl Svgs BK)	CD	250,000.00	\$218,852.50	(31,148)	0.950%	07/29/26	2,375.00
Moreton (Prime Alliance BK Utah)	CD	250,000.00	\$202,570.00	(47,430)	1.000%	07/31/28	2,500.01
Moreton (Sallie Mae Bk Murray Utah)	CD	250,000.00	\$218,910.00	(31,090)	1.050%	08/25/26	2,625.00
Moreton (Availa Bk)	CD	250,000.00	\$224,507.50	(25,493)	0.400%	08/27/25	999.98

INSTITUTION INVESTED IN	INV TYPE	INVESTMENT AMOUNT	MARKET	MARKET GAIN	RATE OF RETURN	MATURITY DATE	FY 22 - 23 Y-T-D
							EARNINGS
		BOOK VALUE	VALUE	(LOSS)			
Moreton (Cumberland Fed Bk)	CD	248,814.23	\$234,094.86	(14,719)	0.200%	09/03/24	676.21
Moreton (Nebraskaland Natl Bk)	CD	250,000.00	\$219,660.00	(30,340)	0.500%	02/27/26	1,249.97
Moreton (Industrial & Coml Bk)	CD	250,000.00	\$247,577.50	(2,423)	0.250%	09/08/23	625.00
Moreton (Farm Bur Bk FSB Sparks Nev)	CD	250,000.00	\$201,292.50	(48,708)	0.950%	09/08/28	2,375.00
Moreton (Veritex Cmnty Bk Dallas)	CD	250,000.00	\$247,370.00	(2,630)	0.200%	09/15/23	500.05
Moreton (Bank OZK Little Rock)	CD	250,000.00	\$244,217.50	(5,783)	0.180%	12/15/23	450.02
Moreton (Henderson ST Bk Neb)	CD	250,000.00	\$199,962.50	(50,038)	0.850%	09/18/28	2,125.01
Moreton (Riverwind Bk Augusta ARK)	CD	250,000.00	\$234,607.50	(15,393)	0.250%	09/20/24	624.99
Moreton (Envision Bank Massachusetts)	CD	250,000.00	\$246,950.00	(3,050)	0.150%	09/25/23	375.00
Moreton (Grant CNTY Bank Ulysses Kans)	CD	250,000.00	\$209,427.50	(40,573)	0.150%	01/15/27	2,999.99
Moreton (Fidelity Co-Operative Bk)	CD	250,000.00	\$216,722.50	(33,278)	0.150%	01/26/27	3,125.00
Moreton (Discover BK Greenwood Del)	CD	250,000.00	\$231,375.00	(18,625)	3.200%	06/01/27	8,000.00
Moreton (Capital One Bank)	CD	250,000.00	\$232,712.50	(17,288)	3.400%	07/20/27	4,284.93
Moreton (Saco & Biddeford Svgs)	CD	250,000.00	\$233,045.00	(16,955)	3.450%	07/21/27	7,916.05
Moreton (Drake Bk St Paul Minn)	CD	250,000.00	\$231,437.50	(18,563)	3.450%	01/21/28	7,916.05
Moreton (Capital Cmnty BK Inc Provo UT)	CD	250,000.00	\$230,522.50	(19,478)	3.500%	07/24/28	8,030.82
Moreton (BOKF Natl Assn Tulsa OK)	CD	250,000.00	\$243,112.50	(6,888)	4.500%	02/01/27	-
Moreton (Peopless Sec Bk & TR Co)	CD	250,000.00	\$244,352.50	(5,648)	4.650%	02/10/27	-
Moreton (Parkside Finl Bk & TR Clay)	CD	250,000.00	\$242,927.50	(7,073)	4.500%	08/03/27	3,698.63
Moreton (Farmers ST BK Lagrange Ind)	CD	250,000.00	\$242,032.50	(7,968)	4.500%	02/03/28	3,698.63
Moreton (FNNB Bk Newton Iowa)	CD	250,000.00	\$243,047.50	(6,953)	4.600%	02/03/28	3,780.82
Moreton (Carter Bankshares Inc.)	CD	250,000.00	\$244,180.00	(5,820)	4.900%	02/24/28	4,027.40
Moreton (Bank Baroda New York BRH)	CD	250,000.00	\$248,702.50	(1,298)	5.150%	05/25/28	-
Moreton (Buckeye State Bank)	CD	250,000.00	\$248,685.00	(1,315)	5.150%	05/30/28	1,093.49
Moreton (Bank Hope LA)	CD	245,000.00	\$243,792.15	(1,208)	5.150%	06/14/28	-
Moreton (Bell ST BK & TR Fargo ND)	CD	250,000.00	\$249,732.50	(268)	4.750%	06/20/28	-
Moreton (STRUV BK WICHITA KANS)	CD	250,000.00	\$248,762.50	(1,238)	5.150%	06/21/28	-
Moreton (Timberland & BK Hoguam WA)	CD	250,000.00	\$249,130.00	(870)	5.200%	06/23/28	-
Moreton (Main Str BK Marlborough MA)	CD	250,000.00	\$249,175.00	(825)	5.250%	06/27/28	-
Moreton (KCB BK Lakin Kans)	CD	250,000.00	\$249,487.50	(513)	5.250%	06/21/28	-
Moreton (Freddie Mac)	FreddieMac	1,001,284.50	\$881,030.00	(120,255)	0.700%	11/24/26	5,793.11
Moreton (Freddie Mac)	FreddieMac	994,605.90	\$885,790.00	(108,816)	0.800%	10/28/26	12,100.75
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	1,492,534.65	\$1,315,425.00	(177,110)	0.875%	12/18/26	18,613.11
Moreton (Federal Home Loan Bank)	Fed Natl Mtg Assn	1,745,583.14	\$1,649,830.00	(95,753)	0.250%	08/16/24	5,754.57
Moreton (Federal Home Loan Bank)	Fed Natl Mtg Assn	1,992,517.81	\$1,748,860.00	(243,658)	1.000%	02/26/27	23,000.28
Moreton (Farmer Mac)	Farmer Mac	1,000,000.00	\$904,460.00	(95,540)	0.830%	03/27/26	8,300.00
Moreton (Federal Farm Credit Bank)	Federal Farm	499,238.47	\$443,300.00	(55,938)	0.710%	08/10/26	3,607.99
Moreton (Federal Farm Credit Bank)	Federal Farm	997,440.00	\$863,590.00	(133,850)	0.875%	06/22/24	8,750.00
Moreton (Federal Farm Credit Bank)	Federal Farm	1,000,000.00	\$847,110.00	(152,890)	1.290%	02/26/26	12,900.00
Moreton (Federal Home Loan banks)	Federal Home	997,870.00	\$878,000.00	(119,870)	0.830%	02/10/27	12,450.00
Moreton (Federal Home Loan banks)	Federal Home	993,000.00	\$878,000.00	(115,000)	0.830%	02/10/27	4,150.00
Moreton (Federal Farm Credit Bank)	Federal Farm	1,000,000.00	\$881,610.00	(118,390)	1.300%	10/20/27	13,000.00
Moreton (Federal Farm Credit Bank)	Federal Farm	999,272.82	\$878,820.00	(120,453)	1.300%	03/23/28	15,290.96
Moreton (Federal Farm Credit Bank)	Federal Farm	499,039.41	\$433,865.00	(65,174)	1.300%	10/12/28	7,982.97
Moreton (Federal Home Loan Banks)	Federal Home	496,885.40	\$443,125.00	(53,760)	1.300%	02/26/27	5,908.77
Moreton (Federal Home Loan Banks)	Federal Home	998,044.75	\$915,050.00	(82,995)	2.010%	02/17/27	20,314.75
Moreton (Federal Home Loan Banks)	Federal Home	498,633.28	\$472,090.00	(26,543)	1.750%	02/28/25	9,016.28
Moreton (Federal Farm Credit Bank)	Federal Farm	1,000,000.00	\$939,690.00	(60,310)	2.860%	03/29/27	28,520.56
Moreton (Federal Home Loan Banks)	Federal Home	999,958.94	\$986,260.00	(13,699)	2.250%	12/08/23	18,599.17
Moreton (Federal Home Loan Banks)	Federal Home	1,046,133.12	\$999,894.00	(46,239)	2.300%	03/28/25	27,631.92
Moreton (Federal Farm Credit Bank)	Federal Farm	1,076,667.16	\$1,017,552.00	(59,115)	2.770%	03/30/26	29,071.76
Moreton (Freddie Mac)	FreddieMac	998,604.61	\$957,580.00	(41,025)	2.200%	09/27/24	23,719.56
Moreton (Federal Home Loan Bank)	Federal Home	1,000,000.00	\$940,750.00	(59,250)	2.875%	04/14/27	28,750.00
Moreton (Freddie Mac)	FreddieMac	1,000,000.00	\$956,500.00	(43,500)	3.550%	05/18/27	35,500.00

INSTITUTION INVESTED IN	INV TYPE	INVESTMENT AMOUNT	MARKET	MARKET GAIN	RATE OF RETURN	MATURITY DATE	FY 22 - 23 Y-T-D
		BOOK VALUE	VALUE	(LOSS)			EARNINGS
Moreton (Federal Home Loan Bank)	Federal Home	1,247,391.30	\$1,214,337.50	(33,054)	3.350%	11/26/24	40,922.55
Moreton (Federal Farm Credit Bank)	Federal Farm	995,208.39	\$955,720.00	(39,488)	3.840%	04/27/28	26,426.21
Moreton (Federal Farm Credit Bank)	Federal Farm	995,872.50	\$953,950.00	(41,923)	3.780%	06/08/28	29,908.01
Moreton (Federal Home LN Mtg Corp)	Federal Home	999,115.59	\$972,190.00	(26,926)	3.000%	06/30/25	25,365.59
Moreton (Federal Farm Credit Bank)	Federal Farm	1,500,000.00	\$1,440,180.00	(59,820)	4.070%	08/16/28	28,150.83
Moreton (Federal Home Loan Bank)	Federal Home	1,000,000.00	\$977,360.00	(22,640)	3.500%	08/30/24	17,305.56
Moreton (Federal Home Loan Bank)	Federal Home	1,000,000.00	\$971,460.00	(28,540)	3.750%	08/28/25	18,541.66
Moreton (Federal Home Loan Bank)	Federal Home	1,500,000.00	\$1,449,330.00	(50,670)	4.050%	08/27/27	29,868.75
Moreton (Federal Farm Credit Bank)	Federal Farm	1,000,000.00	\$968,610.00	(31,390)	3.960%	08/17/26	18,370.00
Moreton (Federal Farm Credit Bank)	Federal Farm	1,000,000.00	\$981,050.00	(18,950)	4.830%	09/20/27	24,015.83
Moreton (Federal Farm Credit Bank)	Federal Farm	998,251.05	\$983,860.00	(14,391)	4.870%	09/28/26	22,571.88
Moreton (Federal Farm Credit Bank)	Federal Farm	995,979.41	\$983,860.00	(12,119)	4.870%	09/28/26	18,065.52
Moreton (Federal Home Loan Bank)	Federal Home	997,017.28	\$976,060.00	(20,957)	4.500%	09/30/27	13,142.28
Moreton (Freddie Mac)	FreddieMac	996,000.00	\$983,740.00	(12,260)	5.000%	02/07/28	-
Moreton (Federal Home Loan bank)	Federal Home	1,000,000.00	\$978,580.00	(21,420)	4.850%	04/25/28	-
Moreton (Federal Home LN Mtg Corp)	Federal Home	1,000,000.00	\$988,080.00	(11,920)	5.050%	01/27/26	-

CITY OF ALAMOGORDO
COLLATERALIZATION SUMMARY REPORT

MONTH CLOSING: **June 30, 2023**

<u>Financial Institution</u>	<u>Amount of City Funds</u>	<u>FDIC Amount</u>	<u>Amount Uninsured</u>	<u>Required Collateral per NMSA 1978 6-10-17</u>	<u>Amount to be Collateralized</u>	<u>Collateral Pledged by Financial Institutions</u>	<u>Over/(Under) Pledged</u>	<u>At Risk</u>
1) State Treasurer's Pool - COA	\$ 5,805	n/a			-			-
Wells Fargo	\$ 1,823,986							
Wells Fargo - PHA	\$ -	-	\$ -					
	\$ 1,823,986	250,000	\$ 1,573,986	50.00%	786,993	570,621.27	(216,372)	1,003,364
2) Moreton Capital Markets								
a. Cash and Money Market	\$ 5,396,850	5,396,850						
Certificates of Deposit	\$ 32,484,225	32,484,225	\$ -					
b. Securities	\$ 41,552,149	n/a						
	\$ 79,433,225							
First National - Alamogordo	\$ 5,226,077	250,000	\$ 4,976,077	50.00%	2,488,038	6,933,774.92	4,445,737	(1,957,698)
First National - Alamogordo - PHA	\$ 1,456,279	-	\$ 1,456,279	50.00%	728,139	1,570,648.59	842,509	(114,370)
First Savings Bank	\$ 3,406,960	250,000	\$ 3,156,960	50.00%	1,578,480	4,187,556.53	2,609,076	(1,030,596)
Bank '34	\$ -	-	\$ -	50.00%	-	-	-	-
Pioneer Bank	\$ 286,345	250,000	\$ 36,345	50.00%	18,172	180,100.01	161,928	(143,755)
Bank of the West	\$ 0	-	\$ 0	50.00%	0	-	(0)	0
Washington Federal	\$ 8	-	\$ 8	50.00%	4	-	(4)	8
3) New Mexico Finance Authority	\$ 1,256,252	n/a						
TOTAL	\$ 92,894,936		\$ 11,199,655		5,599,827	13,442,701.32	\$ 7,842,874	\$ (2,243,047)

- 1) These funds are invested in 7-day and 14 day Treasury bills and fully-collateralized bank deposits; per NM STO correspondence Feb. 27, 2009. Per State Treasurer's Investment Policy authorized investments are U.S. Govt. Obligations, Investment Grade commercial paper, AA rated or better Corporate bonds, asset-backed obligations, and etc. (pages 4-8). - Per LGIP statements - New MexiGROW LGIP deposits are not guaranteed or insured by any bank, the State of New Mexico, the Federal Deposit Insurance Corporation, the Federal Reserve Board, or any other agency. New MexiGROW LGIP deposits involve certain investment risks. Yield and total return may fluctuate and are not guaranteed.
- 2) Moreton Capital Markets - transferred on May 2016 from WFBS, which included RBC
- a. Securities and cash are protected up to \$500,000 (including a \$250,000 limit for cash only)
- b. Federal Home Loan Notes, Freddie Mac, Fannie Mae, etc. are backed by the full faith and credit of the U.S. government.
- 3) NMFA is a governmental agency which must itself comply with state investment policies

**CITY OF ALAMOGORDO
ANALYSIS OF INVESTMENT AND YIELDS
TWELVE MONTHS ENDED**

MONTH	(1) TOTAL INVESTMENTS	(2) RETURN ON INVESTMENTS	(3) YIELDS ON INVESTMENTS	TOTAL RETURN ON INVESTMENTS
July 2022	68,230,334	27,144	0.477%	27,144
August 2022	77,315,483	85,149	1.322%	85,149
September 2022	77,213,281	106,497	1.655%	106,497
October 2022	77,277,711	64,429	1.000%	64,429
November 2022	77,343,110	65,400	1.015%	65,400
December 2022	77,429,032	86,944	1.347%	86,944
January 2023	77,465,637	36,604	0.567%	36,604
February 2023	82,410,721	195,534	2.847%	195,534
March 2023	82,312,641	200,714	2.926%	200,714
April 2023	80,939,746	93,632	1.388%	93,632
May 2023	83,034,152	94,407	1.364%	94,407
June 2023	83,154,605	102,452	1.478%	102,452
ANNUAL AVERAGE	78,677,204	96,575	1.4490%	\$96,575
12 MONTH TOTALS		1,158,905	1.4730%	1,158,905
			This Quarter	290,490

(1) AVERAGE TOTAL INVESTMENTS (BOOK VALUE)

(2) ALL RETURNS AND YIELDS ARE CALCULATED ON A CASH BASIS

(3) AVERAGE YIELD ON INVESTMENTS

CITY OF ALAMOGORDO
INVESTMENT SUMMARY
BY FUND
June 30, 2023

FUND NO.	FUND DESCRIPTION	PER FUND INVESTMENT
11	GENERAL OPERATING	14,244,464.23
16	LODGER'S TAX-PROMOTIONS	175,732.28
20	LODGER'S TAX-CITY SHARE	243,032.55
21	D.A.R.E. DONATIONS	16,593.00
28	POLICE CONTINGENCY	55,220.77
31	CEMETERY-PERPETUAL CARE	819,917.35
33	FIRE PROTECTION FUND	680,894.84
37	ST HIGHWAY CLEANUP	66,628.80
38	TRAFFIC SAFETY	49,406.51
42	84 GRT	3,375,809.14
49	86 GRT	4,406,384.15
53	GO BOND P&I	900,000.00
61	91 GRT INFRASTRUCTURE	1,658,177.22
69	94 GROSS RECEIPTS TAX	3,672,116.64
74	SENIOR GIFT FUND	91,618.25
81	WATER/SEWER OPERATIONS	15,623,437.25
82	1998 JT. WATER/SEWER BOND P&I	40,860.03
86	SOLID WASTE	641,902.68
88	BONITO LAKE	351,808.66
89	ESGRT .0625%	1,629,436.03
94	LANDFILL OPERATIONS	3,174,472.49
96	FLEET COLLISION	462,080.04
104	UTILITY DEPOSITS	623,181.76
105	ECONOMIC DEVELOPMENT GRT	6,696,635.12
107	LIABILITY/DEDUCTABLE INSURANCE	682,524.20
109	2004 CAPITAL OUTLAY GRT	15,162,576.14
114	SIDEWALK REVOLVING LOANS	146,446.35
119	11 GRT REF/IMP REV BOND	162,255.06
121	2015 GO BONDS-FUN CENTER	91,926.88
122	2015 GO BONDS - STREETS	178,150.34
124	AMERICAN RESCUE PLAN ACT	7,030,915.75
TOTAL:		83,154,604.51

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/15/2023

Report No: 8.

Submitted By: Britney Ybarra

Subject: Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents, the total amount budgeted is \$48,242.00 (\$28,397.00 for home-delivered meals and \$19,845.00 for transportation). (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Total amount budgeted: \$48,242.00

Allocation for Home-delivered Meals: \$28,397.00

Allocation for Transportation: \$19,845.00

Recommendation: Approve the award of \$48,242.00 for Senior Center services to Otero County residents.

Background: This agreement is a memorandum of understanding to provide home-delivered meals and transportation services to the residents of Otero County who reside outside of the Alamogordo City limits. Otero County will award a total of \$48,242.00 (\$28,397.00 for home-delivered meals and \$19,845.00 for transportation).

ADMINISTRATION
1101 NEW YORK AVENUE
ALAMOGORDO, NM 88310



WWW.CO.OTERO.NM.US

(575) 437-7427

(575) 443-2928

**Agreement for Reimbursable Community Services Funding
Between the Board of County Commissioners of
Otero County, New Mexico,
And
City of Alamogordo, Alamo Senior Center
Meals on Wheels Program**

I. General Provisions.

A. Parties

The parties to this agreement are:

1. the Board of County Commissioners of Otero County, New Mexico, a political subdivision of the State of New Mexico established under N.M.S.A. 1978, § 4-19-1 (1899), to be referred to as "Otero County," and
2. **City of Alamogordo, Alamo Senior Center, Meals on Wheels Program**, to be referred to as "Recipient."

B. Parties Includes Officials, Employees, Agents, Etc.

The parties agree that references to "parties," "Otero County" and "Recipient" shall be understood, where the context is appropriate, as including all their elected officials, directors, officers, employees, agents, contractors, licensees, invitees, and visitors.

C. Purpose

The purpose of this agreement for Otero County to provide community services funding to Recipient so that it may provide community services in Otero County in accordance with the legislative premise established by NMSA 4-38-13.2. These services are detailed in Exhibit A, which is attached to this agreement.

II. Essential Provisions.

A. Term & Effective Date

The term of this agreement shall be a term of one year, which shall be Otero County's fiscal year 2024.

This agreement shall commence upon July 1st, 2023, and this agreement shall terminate on June 30th, 2024, the last day of Otero County's fiscal year 2024.

This agreement is not renewable.

B. Amount of Funding

The parties agree that the community services reimbursable funding shall not exceed **\$28,397** for the fiscal year.

C. Payments

Otero County will make payments by check or warrant.

D. No Use of County Purchasing Department

Recipient may not purchase any goods or services through Otero County or its purchasing department. If Recipient chooses to use funding provided by this agreement for the purchase of goods or services, it shall do so on its own account and with its own personnel.

E. Receipts for Payments

The Recipient agrees to submit receipts to Otero County for the reimbursement of payment paragraph II-C. The receipt shall reference this agreement's approved expenses, recipient's name, and the mailing address to which payment is to be sent. Receipts shall be sent to:

County of Otero
Attn: Sylvia Tillbrook, Contract Monitor
1101 New York Avenue
Alamogordo, New Mexico 88310

Receipts must be must be dated prior to June 30, 2024 and submitted to Otero County no later than 7/17/2024.

Recipient agrees to supply additional information to the Finance Department if the invoice information submitted is determined to be deficient. Such additional information shall be supplied by Recipient within fourteen days of the request.

F. Report on Activities

During the months of September 2023, December 2023, March 2024, and June 2024, in addition to Recipient's submission of receipts/invoices, an activities report shall be submitted to Otero County describing the use of funding during the corresponding quarter as described under this agreement. The receipts/invoices and the activities

report must reflect the services provided to the community as outlined in the approved application.

The report shall be submitted to:

County of Otero
Attn: Sylvia Tillbrook, Contract Monitor
1101 New York Avenue
Alamogordo, New Mexico 88310

Recipient agrees to make its report in a form acceptable to the Contract Monitor and to supply additional information to the Contract Monitor if the Contract Monitor believes the report as submitted is deficient. Such additional information shall be supplied by Recipient within fourteen days of the Contract Monitor's request.

G. W-9 and Vendor ID Forms

Recipient agrees to supply Otero County with both (1) a completed and signed Internal Revenue Service Form W-9, Request for Taxpayer Identification Number and Certification and (2) a completed Otero County vendor identification form.

Recipient agrees that these forms must be supplied annually even if Recipient had completed them in a prior year.

Recipient agrees that no payment can be made by Otero County until these forms are completed and returned to Otero County.

H. No Receipts Accepted After June 30th, 2024

Recipient agrees that no request for payment shall be honored by Otero County if it is invoice documentation is dated after June 30th, 2024.

Recipient understands that Otero County must close its fiscal year on June 30th, 2024 and is unable to accept invoices dated after June 30th, 2024.

Recipient agrees that any receipts dated prior to July 1, 2023 or dated after June 30th, 2024 will be rejected.

Recipient agrees any request for payment received after July 17, 2024 will be rejected.

Recipient agrees that any balance under this agreement that was unpaid due to failure to submit timely requests for payment will be forfeited.

I. Non-transferrable

The parties agree that this agreement is non-transferable and it may not be assigned or sub-contracted to any other party.

Recipient may not pledge the funding provided under this agreement to another party.

J. Termination

The parties agree that this agreement may be terminated at any time.

III. Compliance with Laws.

A. Taxes

Recipient acknowledges that it may be subject to Federal, state, and local taxes.

Recipient agrees that it is solely responsible for paying such taxes as well as any interest and penalties that may arise from its failure to do so.

Recipient agrees that upon demand of the County Commissioners, it shall provide evidence that it is current in its payment of Federal, State, and local taxes, including payments required under: (1) the Federal Insurance Contributions Act, 26 U.S.C. § 3101 et seq.; (2) the Unemployment Compensation Law, N.M.S.A. 1978, § 51-1-1 et seq.; (3) the Workers' Compensation Act, N.M.S.A. 1978, § 52-1-1 et seq.; and (4) the Gross Receipts and Compensating Tax Act, N.M.S.A. 1978, § 7-9-1 et seq.

Recipient agrees to indemnify Otero County for any action against the Otero County arising from Recipient's failure to pay any tax or make any payment required by law.

B. Licenses and Permits

Recipient agrees to obtain all licenses or permits necessary for the conduct of its operations and will be solely responsible for the costs of the licenses or permits.

Recipient agrees to indemnify Otero County against any action arising from Recipient's failure to obtain any licenses or permits.

Recipient agrees to provide copies of all its licenses or permits to Otero County Commissioners upon demand.

C. Corporate Status

Recipient warrants that it is either (a) a non-profit corporation in good standing with the New Mexico Secretary of State or (b) a unit of a local government.

If Recipient is a non-profit corporation, Recipient agrees that it shall keep its corporate status in good standing with the New Mexico Secretary of State.

Recipient shall give Otero County notice of any change in its corporate status within fourteen days.

Recipient agrees to provide Otero County a copy of a certificate of good standing upon demand.

D. Non-profit Tax Status

Recipient warrants that it has tax-exempt status with the Internal Revenue Service because it is either (a) a non-profit corporation certified as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 or (b) a unit of a local government.

If Recipient has tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, Recipient agrees that it shall keep this status with the Internal Revenue Service.

Recipient shall give Otero County notice of any change in its tax-exempt status under the Internal Revenue Code of 1986 within fourteen days.

Recipient agrees to provide Otero County proof of its tax status upon demand.

Recipient agrees to provide Otero County with a copy of its Internal Revenue Service Form 990 or audited financial statements upon demand.

E. Anti-discrimination Laws

Recipient agrees that it shall comply with all Federal, state, and local anti-discrimination laws, including:

- 1) the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 741;
- 2) the Age Discrimination in Employment Act of 1967, Pub. L. 90-202, 81 Stat. 602;
- 3) the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 355;
- 4) the Older Americans Amendments Act of 1975, Pub. L. 94-135, 89 Stat. 713;
- 5) the Americans with Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 327;
- 6) the Civil Rights Act of 1991, Pub. L. 102-166, 105 Stat. 1071;
- 7) the ADA Amendments Act of 2008, Pub. L. 110-325, 122 Stat. 3553;
- 8) the Human Rights Act, N.M.S.A. 1978, § 28-1-1 et seq.; and
- 9) the Fair Pay for Women Act, N.M.S.A. 1978, § 28-23-1 et seq.

F. Federal, State, and Local Laws

Recipient acknowledges that it is subject to Federal, state, and local laws and will comply with them.

Recipient agrees that will indemnify Otero County for any violation of Federal, state, or local law committed by it.

IV. Contract Interpretation Provisions.

A. Entire Agreement

The parties agree that this document constitutes the entire agreement between them and any prior agreements or understandings between them have been merged into this document.

B. Amendments

The parties agree that amendments to this agreement shall be done in writing and signed by representatives of them in the same manner that this contract was executed.

C. Severability

The parties agree that if any part of this agreement is found to be unenforceable under present laws or those enacted during the term of this agreement, then the illegal parts of this agreement shall be severed from the agreement and the remaining parts shall continue in force.

D. Waivers

No waiver or any breach or default by Recipient shall constitute a waiver of any subsequent default or breach by it.

E. Choice of Law

The parties agree that the laws of the State of New Mexico shall govern the interpretation of this agreement.

F. Forum-Selection

The parties agree that the exclusive forum for disputes under this agreement shall be the Twelfth Judicial District Court of the State of New Mexico sitting in Otero County. If the Twelfth Judicial District Court finds that the amount in question in the suit is below its jurisdictional limits, the parties agree that the exclusive forum for disputes shall lie instead with the Otero County Magistrate Court.

G. Submission to Jurisdiction

The parties agree to submit to the jurisdiction of both the Twelfth Judicial District Court and the Otero County Magistrate Court.

H. Federal Court

The parties hereby waive their rights to file in or remove to Federal court any suit brought under this agreement.

J. Running of Time

If the deadline for any act required under this agreement falls upon a Saturday, Sunday, legal holiday, or other day that the Otero County offices are closed, then the act shall be timely if done on the next weekday that Otero County offices are open.

K. Non-appropriation

If the performance of Otero County is contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico and sufficient appropriations and authorizations are not made by the Legislature of New Mexico, this agreement shall terminate upon written notice being provided by the Otero County to Recipient. Otero County's decision as to whether sufficient appropriations are available shall be accepted by Recipient and shall be final.

L. Status of Recipient

Recipient agrees that it is an independent contractor of Otero County. Recipient agrees that none of its employees or volunteers are employees of Otero County and therefore they shall not be entitled to any salary or benefits from Otero County.

M. Notices

The parties agree to make any notices required under this agreement in writing. Any notices declaring a default or terminating this agreement shall be sent to the parties at the addresses below by the U.S. Postal Service or commercial carrier using a method of delivery that requires the addressee to sign for the item. Examples of such methods are certified mail, registered mail, and express mail.

Notices shall be sent to Otero County as follows:

County of Otero
Attn: Sylvia Tillbrook, Contract Monitor

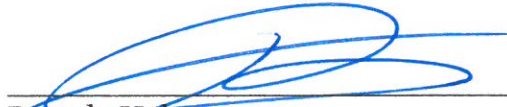
Otero County Administration Building
1101 New York Avenue
Alamogordo, New Mexico 88310

Notices shall be sent to Recipient as follows:

City of Alamogordo, Alamo Senior Center
Attn: Magdalena Morales
2201 Puerto Rico Avenue
Alamogordo, NM 88310

OTERO COUNTY, NEW MEXICO

By:



Date:

8.8.23

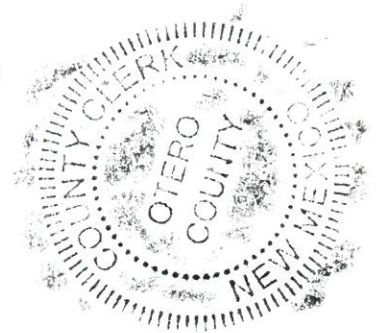
Pamela Heltner
County Manager

Attest:



Robyn Holmes
Otero County Clerk

(SEAL)



City of Alamogordo, Alamo Senior Center

By:

Authorized Representative

Date:

Exhibit A

Recipient agrees to provide community services as follows:

(See Attached Pages)

Exhibit A

OTERO COUNTY COMMUNITY SERVICES GRANT APPLICATION FY 2023-2024

All grant applications will be reviewed and considered for approval by the Otero County Board of County Commissioners.

Grants will be paid on a reimbursement basis.

Please complete the following information:

Organization Name: City of Alamogordo, Alamo Senior Center

Mailing Address: 2201 Puerto Rico Avenue
Alamogordo, NM 88310

Primary Contact Name: Magdalena Morales
Phone: 575-439-4150
Email: mmorales@ci.alamogordo.nm.us

Secondary Contact Name: John Ely
Phone: 575-439-4150
Email: jely@ci.alamogordo.nm.us

Federal TIN: 85-6000099

Amount of Funding
Requested: \$28,397.00 Meals on Wheels / \$19,845.00 Transportation

What is the mission of your organization? (attach add'l page if needed)

The mission of the Alamo Senior Center (ASC) is to provide recreational opportunities, nutritional support, and social services for Senior Citizens aged 60+ years old and their spouses regardless of age.

What services do you provide to Otero County citizens? (attach add'l page if needed)

The Alamo Senior Center (ASC) provides a relaxed social environment offering nutrition, entertainment, recreation, education and support for Senior Citizens in Alamogordo and environs. We specifically offer dine-in and take-out lunches, home-delivered meals to home-bound Seniors, physical fitness courses and exercise equipment, arts and crafts, transportation, nutritional education and related social support services.

OTERO COUNTY COMMUNITY SERVICES GRANT FUNDING FY24

Please provide a breakdown of how the grant funds will be used, (dollar amount by program or expense type):

	Amount	Program/Project
1.	\$ 28,397.00	Home-Delivered Meals to La Luz, NM Residents
2.	\$ 19,845.00	Transportation
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
	\$ 48,242.00	Total Funding Request

The following items will be **required** to be submitted as part of your application packet:

- Completed W-9 Form
- Completed Vendor Master Request Form
- Copy of IRS Determination Letter designating your organization as tax-exempt (not applicable for units of local/state/tribal government)
- Amounts and description of other current funding sources and how they are used by your organization, (grants, etc...)

The following items are **optional** to submit with your application packet:

- Letters of support or endorsement of your organization
- Photos/printed programs/newsletters of past program events or projects

By signing this application, I hereby attest that the information contained within and attached to this application is a true and correct representation of the organization requesting community services grant funding from Otero County.

Authorized Representative Printed Name: Brian Cesar

Signature: _____

Date: 3/14/2023

ADMINISTRATION
1101 NEW YORK AVENUE
ALAMOGORDO, NM 88310



WWW.CO.OTERO.NM.US

(575) 437-7427
(575) 443-2928

**Agreement for Reimbursable Community Services Funding
Between the Board of County Commissioners of
Otero County, New Mexico,
and
City of Alamogordo, Alamo Senior Center
Transportation**

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2. **City of Alamogordo, Alamo Senior Center, Transportation** a unit of Local Government/A Local Non-profit, to be referred to as "Recipient."

B. Parties Includes Officials, Employees, Agents, Etc.

The parties agree that references to "parties," "Otero County" and "Recipient" shall be understood, where the context is appropriate, as including all their elected officials, directors, officers, employees, agents, contractors, licensees, invitees, and visitors.

C. Purpose

The purpose of this agreement for Otero County to provide community services funding to Recipient so that it may provide community services in Otero County in accordance with the legislative premise established by NMSA 4-38-13.2. These services are detailed in Exhibit A, which is attached to this agreement.

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This agreement is not renewable.

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The parties agree that the community services reimbursable funding shall not exceed **\$19,845.00** for the fiscal year.

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Otero County will make payments by check or warrant.

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G. W-9 and Vendor ID Forms

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Recipient understands that Otero County must close its fiscal year on June 30th, 2024 and is unable to accept invoices dated after June 30th, 2024.

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Recipient agrees that upon demand of the County Commissioners, it shall provide evidence that it is current in its payment of Federal, State, and local taxes, including payments required under: (1) the Federal Insurance Contributions Act, 26 U.S.C. § 3101 et seq.; (2) the Unemployment Compensation Law, N.M.S.A. 1978, § 51-1-1 et seq.; (3) the Workers' Compensation Act, N.M.S.A. 1978, § 52-1-1 et seq.; and (4) the Gross Receipts and Compensating Tax Act, N.M.S.A. 1978, § 7-9-1 et seq.

Recipient agrees to indemnify Otero County for any action against the Otero County arising from Recipient's failure to pay any tax or make any payment required by law.

B. Licenses and Permits

Recipient agrees to obtain all licenses or permits necessary for the conduct of its operations and will be solely responsible for the costs of the licenses or permits.

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- 4) the Older Americans Amendments Act of 1975, Pub. L. 94-135, 89 Stat. 713;
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- 6) the Civil Rights Act of 1991, Pub. L. 102-166, 105 Stat. 1071;
- 7) the ADA Amendments Act of 2008, Pub. L. 110-325, 122 Stat. 3553;
- 8) the Human Rights Act, N.M.S.A. 1978, § 28-1-1 et seq.; and
- 9) the Fair Pay for Women Act, N.M.S.A. 1978, § 28-23-1 et seq.

F. Federal, State, and Local Laws

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The parties agree that amendments to this agreement shall be done in writing and signed by representatives of them in the same manner that this contract was executed.

C. Severability

The parties agree that if any part of this agreement is found to be unenforceable under present laws or those enacted during the term of this agreement, then the illegal parts of this agreement shall be severed from the agreement and the remaining parts shall continue in force.

D. Waivers

No waiver or any breach or default by Recipient shall constitute a waiver of any subsequent default or breach by it.

E. Choice of Law

The parties agree that the laws of the State of New Mexico shall govern the interpretation of this agreement.

F. Forum-Selection

The parties agree that the exclusive forum for disputes under this agreement shall be the Twelfth Judicial District Court of the State of New Mexico sitting in Otero County.

If the Twelfth Judicial District Court finds that the amount in question in the suit is below its jurisdictional limits, the parties agree that the exclusive forum for disputes shall lie instead with the Otero County Magistrate Court.

G. Submission to Jurisdiction

The parties agree to submit to the jurisdiction of both the Twelfth Judicial District Court and the Otero County Magistrate Court.

H. Federal Court

The parties hereby waive their rights to file in or remove to Federal court any suit brought under this agreement.

J. Running of Time

If the deadline for any act required under this agreement falls upon a Saturday, Sunday, legal holiday, or other day that the Otero County offices are closed, then the act shall be timely if done on the next weekday that Otero County offices are open.

K. Non-appropriation

If the performance of Otero County is contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico and sufficient appropriations and authorizations are not made by the Legislature of New Mexico, this agreement shall terminate upon written notice being provided by the Otero County to Recipient. Otero County's decision as to whether sufficient appropriations are available shall be accepted by Recipient and shall be final.

L. Status of Recipient

Recipient agrees that it is an independent contractor of Otero County. Recipient agrees that none of its employees or volunteers are employees of Otero County and therefore they shall not be entitled to any salary or benefits from Otero County.

M. Notices

The parties agree to make any notices required under this agreement in writing. Any notices declaring a default or terminating this agreement shall be sent to the parties at the addresses below by the U.S. Postal Service or commercial carrier using a method of delivery that requires the addressee to sign for the item. Examples of such methods are certified mail, registered mail, and express mail.

Notices shall be sent to Otero County as follows:

County of Otero
Attn: Sylvia Tillbrook, Contract Monitor
Otero County Administration Building
1101 New York Avenue
Alamogordo, New Mexico 88310

Notices shall be sent to Recipient as follows:

City of Alamogordo
Alamo Senior Center
Attn: Magdalena Morales
2201 Puerto Rico Avenue
Alamogordo, NM 88310

OTERO COUNTY, NEW MEXICO

By: _____

Pamela Heltner
County Manager

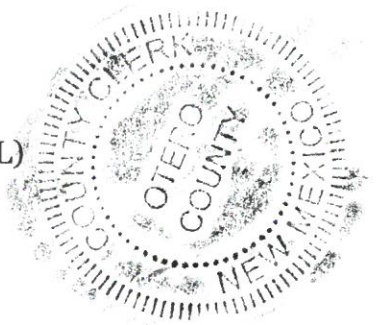
Date: _____

8.8.23

Attest: _____

Robyn Holmes
Otero County Clerk

(SEAL)



City of Alamogordo, Alamo Senior Center

By: _____

Authorized Representative

Date: _____

Exhibit A

Recipient agrees to provide community services as follows:

(See Attached Pages)

Exhibit A

OTERO COUNTY COMMUNITY SERVICES GRANT APPLICATION FY 2023-2024

All grant applications will be reviewed and considered for approval by the Otero County Board of County Commissioners.

Grants will be paid on a reimbursement basis.

Please complete the following information:

Organization Name: City of Alamogordo, Alamo Senior Center

Mailing Address: 2201 Puerto Rico Avenue
Alamogordo, NM 88310

Primary Contact Name: Magdalena Morales
Phone: 575-439-4150
Email: mmorales@ci.alamogordo.nm.us

Secondary Contact Name: John Ely
Phone: 575-439-4150
Email: jely@ci.alamogordo.nm.us

Federal TIN: 85-6000099

Amount of Funding
Requested: \$28,3997.00 Meals on Wheels / \$19,845.00 Transportation

What is the mission of your organization? (attach add'l page if needed)

The mission of the Alamo Senior Center (ASC) is to provide recreational opportunities, nutritional support, and social services for Senior Citizens aged 60+ years old and their spouses regardless of age.

What services do you provide to Otero County citizens? (attach add'l page if needed)

The Alamo Senior Center (ASC) provides a relaxed social environment offering nutrition, entertainment, recreation, education and support for Senior Citizens in Alamogordo and environs. We specifically offer dine-in and take-out lunches, home-delivered meals to home-bound Seniors, physical fitness courses and exercise equipment, arts and crafts, transportation, nutritional education and related social support services.

OTERO COUNTY COMMUNITY SERVICES GRANT FUNDING FY24

Please provide a breakdown of how the grant funds will be used, (dollar amount by program or expense type):

	Amount	Program/Project
1.	\$ 28,397.00	Home-Delivered Meals to La Luz, NM Residents
2.	\$ 19,845.00	Transportation
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
	\$ 48,242.00	Total Funding Request

The following items will be **required** to be submitted as part of your application packet:

- Completed W-9 Form
- Completed Vendor Master Request Form
- Copy of IRS Determination Letter designating your organization as tax-exempt (not applicable for units of local/state/tribal government)
- Amounts and description of other current funding sources and how they are used by your organization, (grants, etc...)

The following items are **optional** to submit with your application packet:

- Letters of support or endorsement of your organization
- Photos/printed programs/newsletters of past program events or projects

By signing this application, I hereby attest that the information contained within and attached to this application is a true and correct representation of the organization requesting community services grant funding from Otero County.

Authorized Representative Printed Name: Brian Cesar

Signature: _____

Date: 3/14/2023

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/15/2023

Report No: 9.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2023-36 authorizing and approving the transfer of ACC contracts and of real and personal property belonging to the Housing Authority of the City of Alamogordo to the Eastern Regional Housing Authority. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution Request

Background: The City Commission approved a similar resolution on July 12, 2022. Eastern Regional Housing Authority has requested the commission pass this modified version to allow the HUD transfer process to continue.

RESOLUTION NO. 2023-36

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF ACC CONTRACTS AND OF REAL AND PERSONAL PROPERTY BELONGING TO THE HOUSING AUTHORITY OF THE CITY OF ALAMOGORDO TO THE EASTERN REGIONAL HOUSING AUTHORITY (“ERHA”)

WHEREAS, for a number of years the City of Alamogordo has maintained a housing authority, the purpose of which was to provide low-income housing to residents of the City of Alamogordo, and in so doing to administer ACC contracts relating thereto; and

WHEREAS, since August, 2022 the City of Alamogordo has determined that Eastern Regional Housing Authority (“ERHA”) was better able administer low income housing programs for the benefit of the citizens and residents of the City of Alamogordo and accordingly, on August 15, 2022, the City of Alamogordo entered into a Professional Services Agreement (the “PSA”) with ERHA whereas ERHA agreed to undertake the operation and responsibility for the Low Rent Public Housing Program on behalf of the City of Alamogordo; and

WHEREAS, the City of Alamogordo has determined that ERHA has the expertise to continue to manage and operate the Low Rent Public Housing Program for the City, and that it is in the best interest of the City and its residents that all of the City of Alamogordo’s low-income housing and the programs and assets associated therewith be transferred to ERHA; and

WHEREAS, ERHA is willing to accept such transfer the subject to the approval of such transfer by HUD;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, on behalf of its Housing Authority, that certain real property located in Alamogordo, New Mexico described on **Exhibit A** attached hereto, together with the ACC’s associated therewith, and all personal property and accounts utilized in the operation thereof, should be transferred to the Eastern Regional Housing Authority.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that such transfer is contingent upon a final approval of the United States Department of Housing and Urban Development.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that Stephanie Hernandez, on behalf of the City of Alamogordo, is authorized to execute all documents that may be necessary or required in order to consummate the transactions contemplated hereby.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that to the extent that it is deemed required pursuant to the provisions of §11-3A-5 NMSA, if at all, the City of Alamogordo consents to having ERHA take actions within the City of Alamogordo from which ERHA might otherwise be excluded by law, and accordingly with ERHA shall be deemed to have

enlarged its territory to expressly include the City of Alamogordo, Otero County, New Mexico.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 22nd. day of August 2023.

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

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley N. Smith, City Attorney

Attachment A

Building Number	Entrance Number	Location	Building Type
1	1	900 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
1	2	902 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
10	1	624 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
10	2	626 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
11	1	630 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
11	2	628 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
12	1	632 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
12	2	634 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
13	1	638 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
13	2	636 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
14	1	640 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
14	2	642 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
15	1	644 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
15	2	646 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
16	1	650 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
16	2	648 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
17	1	652 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
17	2	654 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
18	1	509 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
18	2	507 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
19	1	603 Puerto RicoAlamogordo	Semi Detached (Sep. entrances)
19	2	601 Puerto RicoAlamogordo	Semi Detached (Sep. entrances)
2	1	904 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
2	2	906 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
20	1	656 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
20	2	658 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
21	1	625 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
21	2	623 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
22	1	621 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
22	2	619 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
23	1	617 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
23	2	615 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
24	1	613 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
24	2	611 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
25	1	609 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
25	2	607 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
26	1	605 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
26	2	603 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
27	1	629 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
27	2	627 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
28	1	660 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
28	2	662 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
29	1	664 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
29	2	666 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
3	1	908 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
3	2	910 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
30	1	668 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
30	2	670 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
31	1	1000 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
31	2	1002 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
32	1	1004 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)

Attachment A

32	2	1006 Seventh StreetAlamogordo	Semi Detached (Sep. entrances)
33	1	615 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
33	2	613 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
34	1	611 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
34	2	609 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
35	1	607 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
35	2	605 Puerto Rico AvenueAlamogordo	Semi Detached (Sep. entrances)
36	1	601 Alta VistaAlamogordo	Non Dwelling Structure
37	1	1700B Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
37	2	1700A Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
38	1	1606B Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
38	2	1606A Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
39	1	1613A EncantadoAlamogordo	Semi Detached (Sep. entrances)
39	2	1613B EncantadoAlamogordo	Semi Detached (Sep. entrances)
4	1	600 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
4	2	602 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
40	1	1611A EncantadoAlamogordo	Semi Detached (Sep. entrances)
40	2	1611B EncantadoAlamogordo	Semi Detached (Sep. entrances)
41	1	1609A EncantadoAlamogordo	Semi Detached (Sep. entrances)
41	2	1609B EncantadoAlamogordo	Semi Detached (Sep. entrances)
42	1	1607A EncantadoAlamogordo	Semi Detached (Sep. entrances)
42	2	1607B EncantadoAlamogordo	Semi Detached (Sep. entrances)
43	1	1605A EncantadoAlamogordo	Semi Detached (Sep. entrances)
43	2	1605B EncantadoAlamogordo	Semi Detached (Sep. entrances)
44	1	1604B Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
44	2	1604A Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
45	1	304A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
45	2	304B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
46	1	302B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
46	2	302A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
47	1	300A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
47	2	300B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
48	1	208A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
48	2	208B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
49	1	206A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
49	2	206B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
5	1	604 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
5	2	606 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
50	1	204A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
50	2	204B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
51	1	1603A EncantadoAlamogordo	Semi Detached (Sep. entrances)
51	2	1603B EncantadoAlamogordo	Semi Detached (Sep. entrances)
52	1	202A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
52	2	202B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
53	1	1512A Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
53	2	1512B Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
54	1	303A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
54	2	303B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
55	1	301A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
55	2	301B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
56	1	209A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
56	2	209B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)

Attachment A

57	1	207A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
57	2	207B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
58	1	205A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
58	2	205B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
59	1	203A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
59	2	203B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
6	1	608 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
6	2	610 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
60	1	201A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
60	2	201B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
61	1	115A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
61	2	115B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
62	1	113A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
62	2	113B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
63	1	111A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
63	2	111B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
64	1	109A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
64	2	109B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
65	1	107A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
65	2	107B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
66	1	105A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
66	2	105B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
67	1	103A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
67	2	103B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
68	1	101A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
68	2	101B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
7	1	612 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
7	2	614 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
70	1	104 Avenida AmigosAlamogordo	Non Dwelling Structure
71	1	104-A Avenida AmigosAlamogordo	Non Dwelling Structure
72	1	104-B Avenida AmigosAlamogordo	Non Dwelling Structure
73	1	1614 AbuelitoAlamogordo	Non Dwelling Structure
8	1	616 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
8	2	618 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
9	1	620 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
9	2	622 Alta Vista DriveAlamogordo	Semi Detached (Sep. entrances)
B_0001	1	1600 A Abuelito DriveAlamogordo	Semi Detached (Sep. entrances)
B_0001	2	1600B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0003	1	1620D AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0003	2	1620C AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0003	3	1620B AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0003	4	1620A AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0005	1	1622D AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0005	2	1622C AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0005	3	1622B AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0005	4	1622A AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0007	1	1619A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0007	2	1619B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0009	1	1617A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0009	2	1617B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0011	1	1615A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0011	2	1615B AbuelitoAlamogordo	Semi Detached (Sep. entrances)

Attachment A

B_0013	1	1613A AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0013	2	1613B AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0013	3	1613C AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0013	4	1613D AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0014	1	1611B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0014	2	1611A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0015	1	1609A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0015	2	1609B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0016	1	1607A AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0016	2	1607B AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0016	3	1607C AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0016	4	1607D AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0017	1	1605B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0017	2	1605A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0018	1	1602B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0018	2	1602A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0020	1	1603A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0020	2	1603B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0021	1	1601B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0021	2	1601A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0022	1	106B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0022	2	106A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0023	1	108B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0023	2	108A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0024	1	110A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0024	2	110B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0025	1	112A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0025	2	112B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0026	1	114B Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0026	2	114A Avenida AmigosAlamogordo	Semi Detached (Sep. entrances)
B_0027	1	1602B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0027	2	1602A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0028	1	1604B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0028	2	1604A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0029	1	1606B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0029	2	1606A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0030	1	1604B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0030	2	1604A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0031	1	2408 Cuba AveAlamogordo	Single Family/Detached
B_0032	1	1608A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0032	2	1608B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0033	1	1610A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0033	2	1610B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0034	1	1612B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0034	2	1612A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0035	1	1614B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0035	2	1614A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0036	1	1616A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0036	2	1616B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0037	1	1618A EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0037	2	1618B EncantadoAlamogordo	Semi Detached (Sep. entrances)
B_0038	1	1702B Fourth StreetAlamogordo	Semi Detached (Sep. entrances)

Attachment A

B_0038	2	1702A Fourth StreetAlamogordo	Semi Detached (Sep. entrances)
B_0039	1	1606D AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0039	2	1606C AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0039	3	1606B AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0039	4	1606A AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0041	1	1608A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0041	2	1608B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0043	1	1610B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0043	2	1610A AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0045	1	1612A AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0045	2	1612B AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0045	3	1612C AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0045	4	1612D AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0047	1	1616D AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0047	2	1616C AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0047	3	1616B AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0047	4	1616A AbuelitoAlamogordo	Row or Townhouse (Sep. entrances)
B_0049	1	1618B AbuelitoAlamogordo	Semi Detached (Sep. entrances)
B_0049	2	1618A AbuelitoAlamogordo	Semi Detached (Sep. entrances)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/15/2023

Report No: 10.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, approval 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: Approved 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 Representative John Block and awarded during the 2023 Legislative Session. An RFP will be prepared for this project and any agreements under it will be brought to commission. 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
---	------

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

Date: _____

Printed Name

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: 8/22/2023

Report Date: 08/08/2023

Report No: 11.

Submitted By: Audra Smith

Subject: Consider, and act upon, approving the vehicle transfer to Otero County Tularosa Basin Regional Dispatch Authority (TBRDA), under the Public Safety Answering Point (PSAP). *(David Kunihiro, Chief of Police and Stephanie Hernandez, Acting City Manager)*

Fiscal Impact:

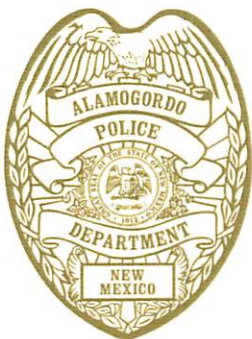
Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve transfer of vehicle

Background: As discussed and agreed upon at the June 20, 2023, Tularosa Basin Regional Dispatch Authority (TBRDA) Board Meeting, the City of Alamogordo Police Department is requesting the transfer of our current Dispatch Manager vehicle to Otero County, more specifically TBRDA.



ALAMOGORDO POLICE DEPARTMENT

700 Virginia Avenue
Alamogordo, New Mexico 88310
(575) 439-4300

July 13, 2023

City of Alamogordo
Attn: Mayor and Commissioners
1376 E. Ninth Street
Alamogordo, NM 8831

Dear Mayor and Commissioners,

As discussed and agreed upon at the June 20, 2023, Tularosa Basin Regional Dispatch Authority (TBRDA) Board Meeting, the City of Alamogordo (Police Department) is requesting the transfer of our current Dispatch Manager vehicle to Otero County, more specifically TBRDA.

The vehicle is a white 2011 Ford Taurus, Vin 1FAHP2DW3BG145607, NM plate 808WXN, City of Alamogordo Fleet #1592. This vehicle will be used for trainings, travel, and whatever purposes that will assist TBRDA in achieving their departmental goals.

Respectfully submitted,

A blue ink signature of David Kunihiro, written in a cursive style.

David Kunihiro
Police Chief
Alamogordo Police Department

A blue ink signature of John Barney, written in a cursive style.

TBRDA Director
John Barney

APPROVED this _____ of _____, 2023.
CITY OF ALAMOGORDO, Otero County NEW MEXICO
A New Mexico Municipal Corporation

By: _____
Susan Payne, Mayor



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/17/2023

Report No: 12.

Submitted By: Sean McGranaghan

Subject: Consider, and act upon, Case V-2023-0004(A), property owner Patriot Pointe Apartments LLC is requesting to be granted a variance to allow for streets, parking, and amenities to be counted as part of the 2,000 square feet per dwelling unit lot size requirement stated in ordinance 29-03-270. (*Stella Rael, City Planner*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Property owner Patriot Pointe Apartments LLC is requesting to be granted a variance to allow for streets, parking, and amenities to be counted as part of the 2,000 square feet per dwelling unit lot size requirement stated in ordinance 29-03-270.



City of Alamogordo

City Commission



V-2023-0004(A)

Stella Rael, City Planner
August 22, 2023

Variance Request Case: V-2023-0004(A)

2

Request:

The property owner is requesting a variance for the property at 305 Moonglow Street to allow for streets, parking, and amenities to be counted as part of the 2,000 square feet per dwelling unit lot size requirement stated in ordinance 29-03-270.

Applicant:

Patriot Pointe Apartments LLC

13371 Eastlake Blvd Suite 104, Box 100

El Paso, TX 79928

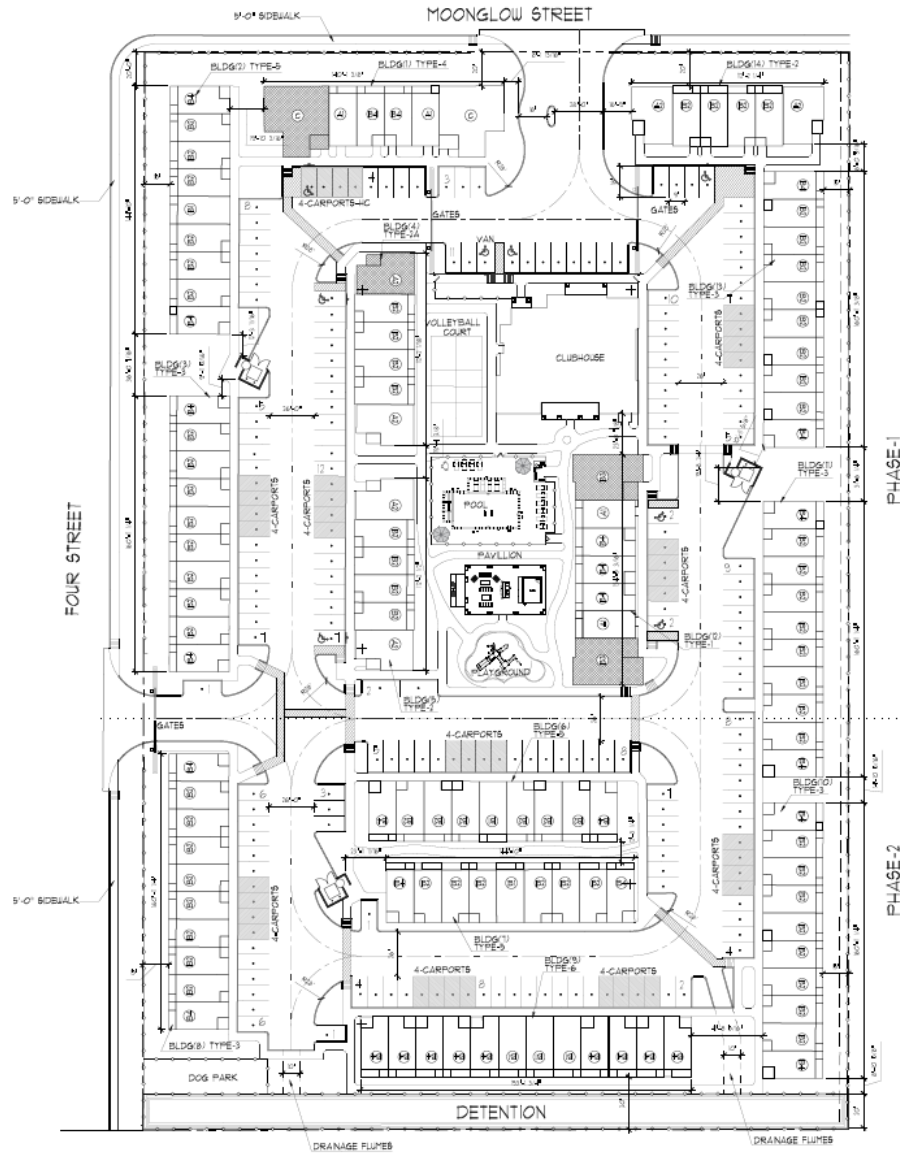
Aerial View

3



Patriot Pointe Apartments Plan

4



APARTMENT BUILDING DATA

BLDG. NO.	APARTMENTS PER BUILDING					BLDG. TYPE	BLDG. AREA (SQ. FT.)	BLDG. VOLUME (CU. FT.)	TOTAL APARTMENTS	TOTAL AREA (SQ. FT.)	TOTAL VOLUME (CU. FT.)
	1-BED	2-BED	3-BED	4-BED	5-BED						
1	1	1	1	1	1	1	1	1	1	1	1
2	1	1	1	1	1	2	2	2	2	2	2
3	1	1	1	1	1	3	3	3	3	3	3
4	1	1	1	1	1	4	4	4	4	4	4
5	1	1	1	1	1	5	5	5	5	5	5
6	1	1	1	1	1	6	6	6	6	6	6
TOTAL	6	6	6	6	6	30	30	30	30	30	30

APARTMENT TH DATA:

BLDG. NO.	CONSTRUCTION	AREA (SQ. FT.)	BLDG. TYPE	TOTAL APARTMENTS
1	CONCRETE	104 SQ. FT.	1	104 SQ. FT.
2	CONCRETE	104 SQ. FT.	2	208 SQ. FT.
3	CONCRETE	104 SQ. FT.	3	312 SQ. FT.
4	CONCRETE	104 SQ. FT.	4	416 SQ. FT.
5	CONCRETE	104 SQ. FT.	5	520 SQ. FT.
6	CONCRETE	104 SQ. FT.	6	624 SQ. FT.
TOTAL		624 SQ. FT.		30

APARTMENT TH DATA:

BLDG. NO.	CONSTRUCTION	AREA (SQ. FT.)	BLDG. TYPE	TOTAL APARTMENTS
1	CONCRETE	104 SQ. FT.	1	104 SQ. FT.
2	CONCRETE	104 SQ. FT.	2	208 SQ. FT.
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5	CONCRETE	104 SQ. FT.	5	520 SQ. FT.
6	CONCRETE	104 SQ. FT.	6	624 SQ. FT.
TOTAL		624 SQ. FT.		30

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5	CONCRETE	104 SQ. FT.	5	520 SQ. FT.
6	CONCRETE	104 SQ. FT.	6	624 SQ. FT.
TOTAL		624 SQ. FT.		30

CONDITIONED AREAS:

NO.	APARTMENTS	TOTAL SQ. FT.
1	CLUBHOUSE	104 SQ. FT.
TOTAL		104 SQ. FT.

PARKING:

NO.	APARTMENTS	TOTAL SQ. FT.
1	CLUBHOUSE	104 SQ. FT.
TOTAL		104 SQ. FT.

PARKING:

NO.	APARTMENTS	TOTAL SQ. FT.
1	CLUBHOUSE	104 SQ. FT.
TOTAL		104 SQ. FT.

LEGEND:

1	INDICATED ACCESSIBLE PARKING SPACE
2	STOPS TO INDICATE NO PARKING ALLOWED
3	ONE WAY TRAFFIC
4	INDICATED FULLY ACCESSIBLE APARTMENTS
5	INDICATED CONCRETE DRIVEWAYS
6	INDICATED ACCESSIBLE DRIVEWAYS

DIMENSIONING NOTE

ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE TO THE CENTER LINE OF THE CURVE OR TO THE CENTER LINE OF THE DRIVE.

TYPICAL PARKING SPACE DIMENSIONS

NO.	APARTMENTS	TOTAL SQ. FT.
1	CLUBHOUSE	104 SQ. FT.
TOTAL		104 SQ. FT.



PATRIOT POINTE APARTMENTS LLC

PROJECT NAME

PATRIOT POINTE TOWNHOMES

PROJECT LOCATION

ALAMOGORDO NEW MEXICO

DATE	DESCRIPTION
06.08.2022	PHASE 1 LAYOUT
06.08.2022	PHASE 2 LAYOUT
06.08.2022	PHASE 3 LAYOUT
06.08.2022	PHASE 4 LAYOUT
06.08.2022	PHASE 5 LAYOUT
06.08.2022	PHASE 6 LAYOUT
06.08.2022	PHASE 7 LAYOUT
06.08.2022	PHASE 8 LAYOUT
06.08.2022	PHASE 9 LAYOUT
06.08.2022	PHASE 10 LAYOUT
06.08.2022	PHASE 11 LAYOUT
06.08.2022	PHASE 12 LAYOUT
06.08.2022	PHASE 13 LAYOUT
06.08.2022	PHASE 14 LAYOUT
06.08.2022	PHASE 15 LAYOUT
06.08.2022	PHASE 16 LAYOUT
06.08.2022	PHASE 17 LAYOUT
06.08.2022	PHASE 18 LAYOUT
06.08.2022	PHASE 19 LAYOUT
06.08.2022	PHASE 20 LAYOUT
06.08.2022	PHASE 21 LAYOUT
06.08.2022	PHASE 22 LAYOUT
06.08.2022	PHASE 23 LAYOUT
06.08.2022	PHASE 24 LAYOUT
06.08.2022	PHASE 25 LAYOUT
06.08.2022	PHASE 26 LAYOUT
06.08.2022	PHASE 27 LAYOUT
06.08.2022	PHASE 28 LAYOUT
06.08.2022	PHASE 29 LAYOUT
06.08.2022	PHASE 30 LAYOUT

DATE 06.08.2022

SCALE 1" = 30'-0"

PROJECT NUMBER 2223

DRAWN BY EJ

CHECKED BY

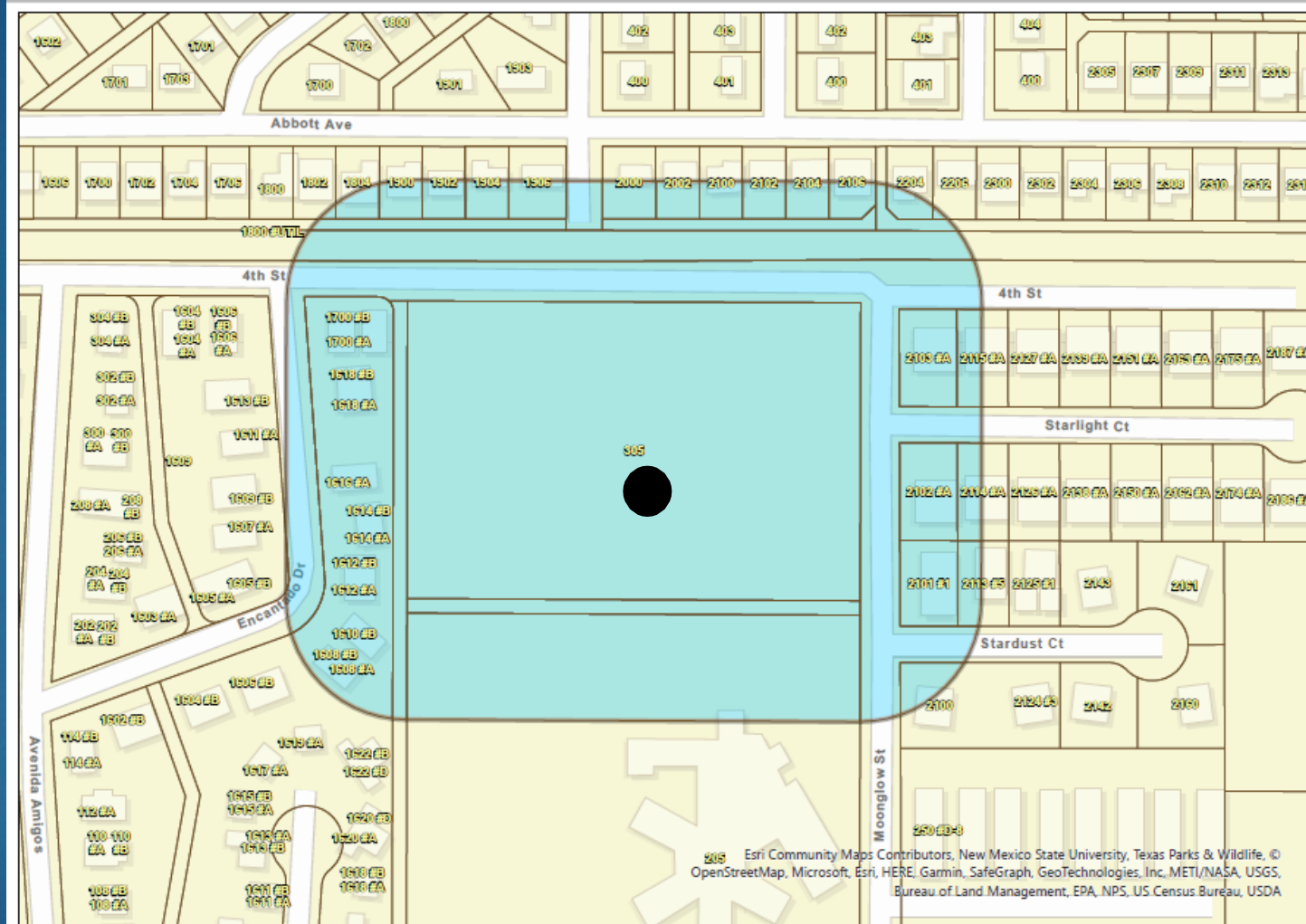
ARCHITECTURAL SITE PLAN

PROJECT NUMBER

AO.0

Protest Map

5



305 Moonglow Ave
Protest Area Map



Findings of Fact

- ◆ 1. The property is located at 305 Moonglow Street.
- ◆ 2. The request is for a variance to allow for streets, parking, and amenities to be counted as part of the 2,000 square feet per dwelling unit lot size requirement stated in ordinance 29-03-270.
- ◆ . The application was filed on July 19, 2023
- ◆ 4. The legal notice was published on August 06, 2023
- ◆ 5. Nineteen (19) letters were mailed to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the variance is sought.
- ◆ 6. As of August 14, 2023, there have been Zero (0) letters returned undeliverable, and I have not received any letters or phone calls of opposition.

STAFF RECOMMENDATION

7

- ◆ Staff recommends denial of Case V-2023-0004 (A)

K. "Division" means the CID of RLD.

L. "Dwelling" means a building that contains one or two dwelling units, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes pursuant to the New Mexico Residential Code.

M. "Dwelling unit" means a single unit providing complete independent living facilities, for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

N. "Inspection"

(1) **"In-plant"** means an inspection performed pursuant to Paragraph (1) of Subsection B of 14.6.7.12 NMAC by an "in-plant inspector" employed by an inspection agency to perform in-plant inspections of modular structures or modular manufacturing inspections of modular components.

(2) **"Installation"** means an inspection performed by the division or an AHJ employed inspector after the installation and utility set-up of the structure pursuant to Subsections A through G of 14.6.7.13 NMAC.

O. "Inspection Agency" means a company approved by the director and registered with the division as an in-plant inspection agency for modular components or modular structures.

P. "Inspector"

(1) **"Division or AHJ inspector"** means an inspector employed by the division or an AHJ to conduct required code inspections.

(2) **In-plant inspector** means an inspector approved by the division to perform in-plant inspections of modular components or modular structures and employed by an approved inspection agency.

Q. "Manufacturer" means any person engaged in the manufacture or construction of modular structures or modular components.

R. "Modular Manufacturer Certificate of Code Compliance" issued by the in-plant inspector certifying that the structure is in compliance with all New Mexico codes prior to leaving the manufacturing facility. The manufacturer shall submit the Modular Manufacturer



**City of Alamogordo
Planning and Zoning Department
1376 E. 9th St.
Alamogordo, NM 88310**

**Technical Review Committee
Comments**

Date: August 14, 2023

Stella Rael, City Planner

Project Name: 305 Moonglow St.

Type of Review: Proposed Apartment Complex

Technical Issues/ Concerns/ Comments:

1. This property is one lot, not a subdivision with individual parcels or public streets within the complex. As a result, the street widths and other amenities do not have to follow our Technical Standards as the city will not be maintaining them. They will have to follow any other requirements, such as requirements for emergency access.
2. The site plan needs to show the existing right-of-way lines.
3. Access points (driveways) on Fourth Street and Moonglow Street need to show dimensions and need to meet all the requirements of Technical Standards Chapter 5, including but not limited to drive pad locations, drive pad widths, ADA requirements.
4. The sidewalk at the corner of Moonglow Street and Fourth Street will require an ADA-compliant ramp.
5. There is no data to evaluate the size of the Detention Pond. The drainage requirements must meet our Technical Standards of Article 05-05 – Drainage Considerations.
6. The drainage must meet Chapter 8 requirements: "For the development of residential properties larger than 3 acres and commercial properties regardless of size: 1) On-site stormwater detention is required if impervious surfaces will exceed 60% of developed lot area. Developed runoff rate (cfs) shall not exceed pre-development runoff rate; 2) Where internal street design is used within the development, the design shall accommodate the 100-year storm runoff within curbs overtopped not more than 6" at full site development. 3) Building pads shall be elevated no less than 6" above the 100-year storm runoff elevation, or not less than 1' above the curb line, whichever is greater."
7. The quantity of stormwater runoff cannot increase from pre-development to post-development conditions.
8. Need 4 additional hydrants throughout the entire property. Along with the two on 4th Street, six (6) hydrants would be necessary.
9. Need to know the street width for turning radius on corners for fire apparatus access throughout the entire property.
10. Had questions about firewalls between structures, along with electrical conduit.
11. Classification of occupancy type and the need for residential sprinklers and riser rooms with Fire Department Connection (FDC)
12. Gated access for the fire department

13. No civil plan depicting the utility connections, backflow requirements, metering, projected impact on the sanitary waste stream, or demand on the water system.
14. Will the clubhouse be equipped with a kitchen with discharge into the waste stream (FOG)?
15. Proposed site plan exceeds the lot size requirement per ordinance 29-03-270- Lot width and areas-R-4 Multiple Family Dwelling District.
16. Occupancy Type. IFC 2021, Definitions. Residential Group R-2. Residential Group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature.
17. Building Code: R-2 occupancies will be constructed using IBC 2015 and IFC 2021. The more stringent code will be utilized when there is a discrepancy between IBC and IFC.
18. Fire Hydrants: IFC 2021, 507.5.1 *Where Required*. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
19. Fire Apparatus Access Roads: IFC 2021, 503.1.1 *Buildings and Facilities*. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. IFC 2021, 503.1.2 *Additional Access*. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. IFC 2021, 503.4.1 *Traffic calming devices*. Traffic calming devices shall be prohibited unless approved by the fire code official. IFC 2021, 503.6 *Security Gates*. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.
20. Fire Protection Water Supplies: IFC 2021, 507.1 *Required water supply*. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. IFC 2021, 507.2 *Type of water supply*. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. IFC 2021, 507.2.1 *Private Fire Service Mains*. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24. IFC 2021, 507.3 *Fire Flow*. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method. IFC 2021, 507.4 *Water Supply Test*. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.
21. Sprinkler System: IFC 2021, 903.2.8 *Group R Occupancies*. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. IBC 2015, Group R Occupancies, use an NFPA 13R sprinkler system. IFC 2021, 905.4 *Location of Class I Standpipe Hose connections*. Class I standpipe hose connections shall be provided in all of the following locations: 6. Where the most remote

portion of a sprinklered floor or story is more than 200 feet from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations. This can be attained using a Manual Dry Standpipe System.

22. Portable Fire Extinguishers: IFC 2021 906.1 *Where Required*. Portable fire Extinguishers shall be installed in all of the following locations: In new and Existing Group R-2 Occupancies. 1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-BC.
23. Alamogordo Police Department does not have any comments at this time since the plans do not appear to change the flow of normal traffic for that area.

PATRIOT POINTE APARTMENTS
300 MOONGLOW ST.
PROPOSED APARTMENT COMPLEX
July 11, 2023
PLANNING/ZONING REVIEW

PROJECT: 120 APARTMENTS
TOTAL ACRES: 5.95
TOTAL SF: 259,182

APARTMENT LAYOUT:

STYLE	QUANTITY	SIZE	SF (EACH)	TOTAL SF
A-1	4	16X35	560	2,240
A-2	6	16'8 1/4"X 33'6"	559	3,354
B-1	6	16X35	560	3,360
B-2	70	16X35	560	39,200
B-3	2	26'10 7/8"X41'2 3/4"	1109	2,218
B-4	30	16X35	560	16,800
C-1	1	37'9 1/2"X41'7"	<u>1572</u>	<u>1572</u>
			5,480	68,744

SF REQUIRED PER ORDINANCE FOR 120 APARTMENTS:
240,00 SF (2000 SF PER UNIT)

PARKING

QTY	SIZE	SF (EACH)	TOTAL SF	PARKING CALCULATIONS
201	9X18	162	32,562	1.68 SPACES PER UNIT

VOLLEYBALL COURT

1	30X60	180	180
---	-------	-----	-----

CLUB HOUSE

1	81'3"X 83'2 1/4"	6723	6723
---	------------------	------	------

POOL

<u>1</u>	71'10 7/16"X 50' 83/8"	3672	3672
----------	------------------------	------	------

PAVILLION

1	47X29	1363	1363
---	-------	------	------

PLAYGROUND

1	47'1 3/16"X 32'5 7/8"	1527	1527
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AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 07/14/2023

Report No: 13.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2023-31, declaring 1218 Post 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. 2023-31

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 1218 POST 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 1218 Post 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 Ms. Tara McGavran, 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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- [My Reports](#)
- [Help](#)
- [Logout Public](#)

Location	Owner Information	Assessment History				
Account Number R019203	Owner Name MCGAVRAN, TARA ANN	Actual (2023)		\$13,210		
Situs Address 1218 POST AVE	Owner Address 1218 POST AVE	Primary Taxable		\$4,403		
Previous Parcel ID 01-10412	ALAMOGORDO, NM 88310	Tax Area: 01_NR		Mill Levy: 33.247000		
Parcel Sequence		Type	Actual	Assessed	SQFT	
Neighborhood A24 - Airport Area		Non-Residential Improvement	\$977	\$326	150.000	
Tax Area 01_R		Tax Area: 01_R		Mill Levy: 26.030000		
Parcel Number 01N4053098273125		Type	Actual	Assessed	Acres SQFT	
Legal Summary Subd: AIRPORT REPLAT A		Residential Land	\$11,320	\$3,773	0.192	
BLK 4 Lot: 20		Residential Improvement	\$913	\$304	2128.000	
Appraiser Sheldon Compton						

Sale Date	Sale Price	Doc Description
		Deed
		Deed
		Deed
		Deed
10/04/2019		Warranty Deed
03/18/2022		Quit Claim Deed

Images

Tax Year	Taxes	
*2023	\$116.96	• Map • Photo
2022	\$786.00	• Sketch • GIS
* Estimated		

<https://oterocountynm-asrweb.tylerhost.net/assessor/taxweb/account.jsp?accountNum=R019203>



Exhibit "2"

Case #: 202203059

Case Date: 12/12/22

Address Number: 1218

Street Name: post

Complainant Phone:

Description: brunt structure

Complainant Address:

Complainant Name:

Reinspection: 12/28/2022

Compliance Inspection :

Property Owners : MCGAVRAN, TARA ANN

Court case number:

DOB:

ID #:

Court Date:

Status: Signed Search Warrant

Assigned To: JEREMY OTERO

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4053098273125	1218 POST AVE	Subd: AIRPORT REPLAT A BLK 4 Lot: 20	MCGAVRAN, TARA ANN		

Activities

Date	Activity Type	Description	Employee	Status
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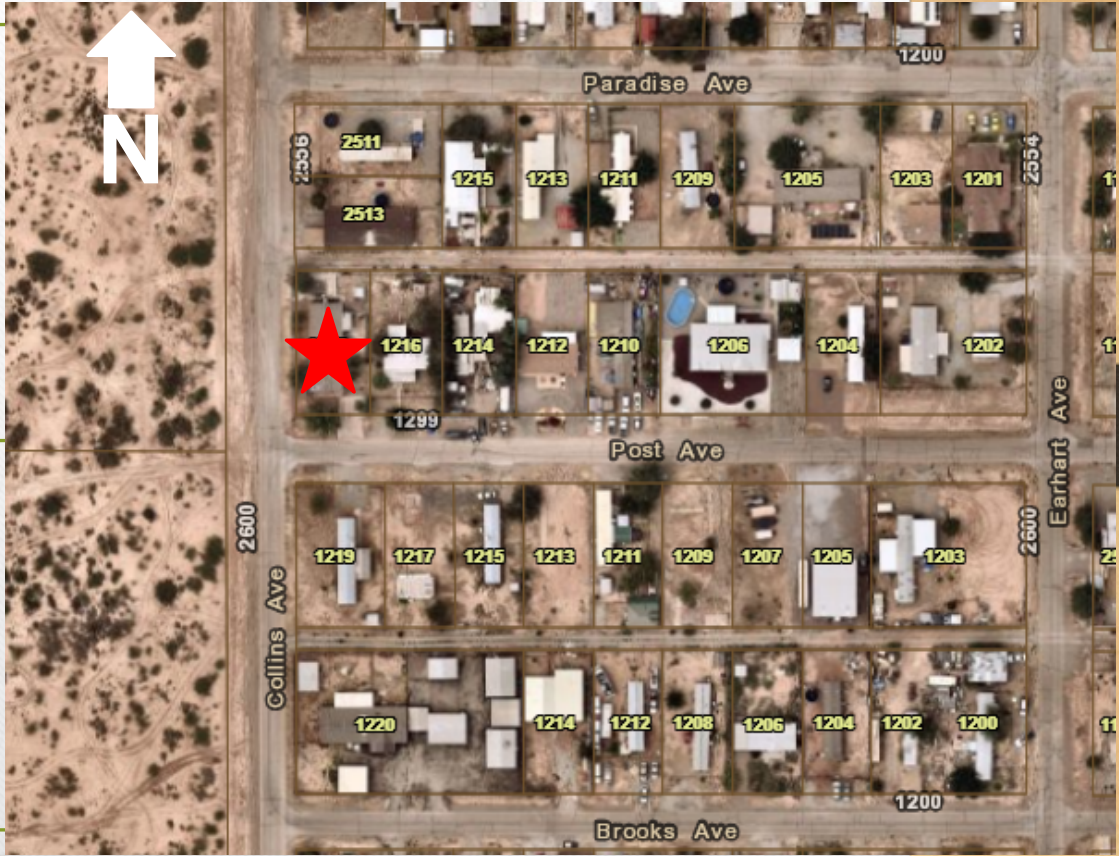
12/12/2022	Inspection		JEREMY OTERO	Assigned
12/12/2022	Send Letter	IPMC letter sent	JEREMY OTERO	Pending
05/12/2023	Re-Inspection	Posted IPMC LETTER AND NOTICE OF CONDEMNATION	JEREMY OTERO	Non-Compliance
06/22/2023	Inspection	On 06/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted a 12th Judicial District Court Administrative Search Warrant by Judge Jessen.	JOSH SIDES	Closed

Uploaded Files

Date	File Name
05/15/2023	15414879-1218 Post Avenue .docx
05/12/2023	15394002-IMG_7063.JPG
05/12/2023	15394003-IMG_7064.JPG
05/08/2023	15332996-13686444-IMG_3346.jpg
05/08/2023	15332997-13686445-IMG_3347.jpg
05/08/2023	15332998-13686447-IMG_3348.jpg
05/08/2023	15332999-13686449-IMG_3349.jpg
05/08/2023	15333000-13686450-IMG_3350.jpg
05/08/2023	15332991-13686461-IMG_3356.jpg
05/08/2023	15332992-13686462-IMG_3357.jpg
05/08/2023	15332993-13686463-IMG_3358.jpg
05/08/2023	15332994-13686464-IMG_3359.jpg
05/08/2023	15332995-13686465-IMG_3360.jpg
05/08/2023	15332986-13686452-IMG_3351.jpg
05/08/2023	15332987-13686454-IMG_3352.jpg
05/08/2023	15332988-13686455-IMG_3353.jpg
05/08/2023	15332989-13686459-IMG_3354.jpg
05/08/2023	15332990-13686460-IMG_3355.jpg
12/12/2022	13686462-IMG_3357.JPG
12/12/2022	13686463-IMG_3358.JPG
12/12/2022	13686464-IMG_3359.JPG
12/12/2022	13686465-IMG_3360.JPG
12/12/2022	13686454-IMG_3352.JPG
12/12/2022	13686455-IMG_3353.JPG
12/12/2022	13686459-IMG_3354.JPG
12/12/2022	13686460-IMG_3355.JPG
12/12/2022	13686461-IMG_3356.JPG
12/12/2022	13686447-IMG_3348.JPG
12/12/2022	13686449-IMG_3349.JPG
12/12/2022	13686450-IMG_3350.JPG
12/12/2022	13686452-IMG_3351.JPG
12/12/2022	13686444-IMG_3346.JPG
12/12/2022	13686445-IMG_3347.JPG

Dilapidated Structure

1218 Post Avenue



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

1218 Post Avenue

- On 10/17/2018, a structure fire consumed the majority of this residence.
- On 12/12/2022, Code Enforcement Officer was made aware of a potentially dilapidated structure and conducted an investigation.
- On 12/12/2022, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing seven violations of IPMC and how to correct them, as well as my contact information.
- On 06/22/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 06/28/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

1218 Post Avenue

- 301.3 Vacant Structures and Land- shall be in a clean, safe, and secure condition.
- 304.1 General- Exterior of the structure shall be maintained in a good repair, structurally sound, and sanitary.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight.
- 305.3 Interior Surfaces- shall be maintained in a good clean, and sanitary condition.

Condition of the Property at 1218 Post Avenue



Condition of the Property at 1218 Post Avenue



Condition of the Property at 1218 Post Avenue



Condition of the Property at 1218 Post Avenue



Condition of the Property at 1218 Post Avenue



Condition of the Property at 1218 Post Avenue



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 07/14/2023

Report No: 14.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2023-32, declaring 803 Arapaho Trail 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: 803 Arapaho Trl. is so ruined and dilapidated that it is currently a risk to public health and safety.

RESOLUTION NO. 2023-32

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 803 ARAPAHO TRAIL 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 803 Arapaho Trail, 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 Mrs. Sharon L. Carle, 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: R016779

Location	Owner Information	Assessment History			
Account Number R016779	Owner Name CARLE, SHARON L	Actual (2023)	\$59,556		
Situs Address 803 ARAPAHO TRL	Owner Address 803 ARAPAHO	Primary Taxable	\$19,852		
Previous Parcel ID 01-07354	ALAMOGORDO, NM 88310	Exemption Adjustments:			
Parcel Sequence		Head of Household	(\$2,000)		
Neighborhood A19A - Arapaho Trail		Adjusted Taxable	\$17,852		
Tax Area 01_R		Total			
Parcel Number 01N4056095017077		Tax Area: 01_R	Mill Levy: 26.030000		
Legal Summary Subd: PLAINVIEW ACRES		Type	Actual	Assessed Acres	SQFT
Lot: 13		Residential			
Appraiser Sheldon Compton		Land	\$6,633	\$2,211	0.138
		Residential			
		Improvement	\$52,923	\$17,641	1415.000

Transfers

Sale Date	Sale Price	Doc Description
		Deed
		Deed
		Affidavit of Death Certificate
		Quit Claim Deed

Tax History		Images
Tax Year	Taxes	Map GIS
*2023	\$516.76	Focusing On: 803 ARAPAHO TRL ALAMOGORDO 88310
2022	\$516.76	
* Estimated		



Exhibit "2"

Case #: 202201929

Case Date: 07/27/22

Address Number: 803

Street Name: Arapaho Trl.

Complainant Phone:

Description: WEEDS, DEBRIS, OUTDOOR STORAGE

Complainant Address:

Complainant Name:

Reinspection: 02/06/2023

Compliance Inspection : 05/17/2023

Property Owners : CARLE, SHARON L

Court case number: 2022-00124-CE

DOB: 10-17-1947

ID #:

Court Date: 09-08-2022

Status: Signed Search Warrant

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4056095017077	803 ARAPAHO TRL	Subd: PLAINVIEW ACRES Lot: 13	CARLE, SHARON L		

Activities

Date	Activity Type	Description	Employee	Status
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07/27/2022	Inspection		IRVING ESTRADA	Assigned
07/27/2022	Re-Inspection	all violations still present and getting worse there is now a red car with out a plate on it	IRVING ESTRADA	Non-Compliance
01/25/2023	Public Complaint	call came in about this property from 575-309-6879	JEREMY OTERO	Pending
01/31/2023	Prepare Criminal Complaint		JEREMY OTERO	Prepared criminal complaint
01/31/2023	Sent to Legal	SENT BY INTER OFFICE MAIL	JEREMY OTERO	Prepared criminal complaint
03/15/2023	Re-Inspection	PRE COURT INSPECTION	JEREMY OTERO	Non-Compliance
05/17/2023	Re-Inspection	pre court inspection 19 pictures added, property is emitting a really bad odor. court cases being dismissed on deplane and doss by Arron due to not being able to prove that they are the current resident per Arron. case will be turned over to Josh sides.	JEREMY OTERO	Non-Compliance
05/23/2023	Inspection	On 05/23/2023, I, Code Enforcement Manager Josh Sides, was made aware of a blighted property located at 803 Arapaho Trl., Alamogordo, Otero County, New Mexico. I was made aware of several complaints from various citizens about this property and the amount of trash and refuse in the front and back yards. I learned Code Enforcement tried to make contact with the property owner, however, the property owner was deceased. I further learned there were two subjects, Mr. Joshua Delaplane and Ms. Billie Doss that were staying at the residence. I was informed this property was an ongoing problem within the community. After consulting with the City of Alamogordo Legal Department, I drafted an International Property Maintenance Code Violation Letter and posted it to the front door of the residence listing the violations, remedies, and how to contact me.	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 by Judge Jessen.	JOSH SIDES	Closed

Violations

Date	Violation	Description	Notes	Status
07/27/2022	*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		*Open

		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.	
12/23/2022	*14-01-140. - Generally— Outdoor automotive storage.	The presence of a dismantled, partially dismantled, or inoperable vehicle. or motor vehicle or parts thereof on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance. And/or any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates	*Open
07/27/2022	*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
12/23/2022	*24-12-6-6.4. - Parking in alleys.	No person shall park a vehicle within an alley.	Closed
07/27/2022	*26-03-030. - Unlawful growth or accumulation on lots.	It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, any growth of weeds to a greater height than six (6) inches, or any other accumulation of weeds.	*Open
07/27/2022	*8-01-180. - Display of address numbers.	(a)The correct numeric address of the property shall be permanently and prominently displayed on each commercial or residential structure within the city. Numbers shall be oriented for maximum visibility from the street on which the property is addressed, shall be at least two (2) inches in height, and shall be maintained in good order.(b)Commercial and residential structures within the city must comply with this requirement by March 1, 1990, and be maintained in compliance thereafter.(c)In addition to the addressing on the front of the residence, every new commercial or residential structure constructed or existing structure for which a permit to remodel is issued, after March 1, 2001 shall have a numeric address posted, which shall be oriented for maximum visibility from the alley. This address may be posted on the rear of the structure or on a fence as determined by visibility. The address shall be at least two (2) inches in height, and shall be maintained in good order.(d)All new construction projects located within the city shall have posted or otherwise affixed, a legible numerical address. The address shall be at least two (2) inches in height, and shall be maintained in good order throughout the execution of the construction project.	Closed

The responsible party for compliance with this subsection shall be the permit applicant.

12/23/2022	*8-07-040. - Obstruction on sidewalks.	(a)All sidewalks shall be kept clean from rocks and other obstructions, including ice and snow, by the owner, occupants or agents in charge of the abutting property.(b)All areas directly over sidewalks, to a height of eight (8) feet shall be maintained free of vegetation or other obstruction by the owners, occupants or agents in charge of the abutting property.(c)The area between the back of curb and the property line and all plantings therein shall be maintained by the owners, occupants or agents in charge of the abutting property.(d)No item which would obstruct pedestrians or effectively reduce the width of a sidewalk shall be placed in, on, over or under the sidewalk.	*Open
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Attached Letters

Date	Letter	Description
12/23/2022	Notice of Violation	SENT TO CURRENT RESIDENT
07/27/2022	Notice of Violation	

Notes

Date	Note	Created By:
2023-05-23	IPMC letter (laminated) was posted on the door at the property of 803 Arapaho Trail, Alamogordo, NM 88310, by Manager Joshua Sides on May 23, 2023, at 13:47PM	Jessica Wing
2023-05-17	additional pictures on case # 202202932	Jeremy Otero
2023-05-08	Neighbor called and said they issue is getting worse. 803 has begun to pile up trash/debris in the alleyway, causing obstructions for the neighbors.	Jessica Wing
2023-04-19	Anonymous call in complaint about 803 Arapaho TRail. Trash, weeds, debris.	Jessica Wing
2023-03-15	WATER ACCOUNT CLOSED & LOCKED ON 05-2022 LOCK WAS REPORTED BUSTED AND RELOCKED ON 07-2022, 09-2022, 11-2022, A KNOCKED OUT LOCK WAS INSTALLED ON 12-2022	Jeremy Otero
2023-02-22	APD Service aid is having RV towed from the alley.	Jeremy Otero
2023-01-31	I spoke with PNM about power at this property, they told me that the name on the account has been changed but could not give me the current name. they show that the power is active is all the information that was given.	Jeremy Otero
2023-01-31	APD had a trespassing call at 805 Arapaho I went by and meet with the officer and the people that was trespassed were from 803 Arapaho I was able to get the information from the officer of the people living at 803 Arapaho and filled a criminal complaint on Joshua Deplane and Billie Doss	Jeremy Otero
2022-11-17	second cousin to Sharon called 973-446-6670 and is working with attorney Wheler to get owner ship. Is aware of the squatters has called the police department and they still remain.	Jeremy Otero
2022-11-09	NOLLE PROSEQUI DUE TO OWNER BEING DECEASED	Irving Estrada
2022-11-01	Sharon Carle is deceased	Jeremy Otero

Uploaded Files

Date	File Name
05/23/2023	15511936-report-2023-05-23-20-39-00-UTC.pdf
05/23/2023	15510784-IPMC LETTER 803 Arapaho Trl.docx
05/17/2023	15440480-IMG_7127.JPG
05/17/2023	15440481-IMG_7128.JPG
05/17/2023	15440483-IMG_7129.JPG
05/17/2023	15440484-IMG_7130.JPG
05/17/2023	15440485-IMG_7131.JPG

05/17/2023	15440470-IMG_7121.JPG
05/17/2023	15440472-IMG_7122.JPG
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05/17/2023	15440466-IMG_7117.JPG
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05/17/2023	15440462-IMG_7113.JPG
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03/15/2023	14740409-IMG_5360.JPG
03/15/2023	14740410-IMG_5361.JPG
03/15/2023	14740408-IMG_5359.JPG
08/12/2022	12534566-803 ARAPAHO 9 08-12-2022.JPG
08/12/2022	12534567-803 ARAPAHO 8 08-12-2022.JPG
08/12/2022	12534568-803 ARAPAHO 7 08-12-2022.JPG
08/12/2022	12534569-803 ARAPAHO 6 08-12-2022.JPG
08/12/2022	12534570-803 ARAPAHO 5 08-12-2022.JPG
08/12/2022	12534571-803 ARAPAHO 4 08-12-2022.JPG
08/12/2022	12534572-803 ARAPAHO 3 08-12-2022.JPG
08/12/2022	12534573-803 ARAPAHO 2 08-12-2022.JPG
08/12/2022	12534574-803 ARAPAHO 1 08-12-2022.JPG
08/11/2022	12527560-IMG_1368.JPG
08/11/2022	12527553-IMG_1361.JPG
08/11/2022	12527554-IMG_1362.JPG
08/11/2022	12527555-IMG_1363.JPG
08/11/2022	12527556-IMG_1364.JPG
08/11/2022	12527557-IMG_1365.JPG
08/11/2022	12527558-IMG_1366.JPG
08/11/2022	12527559-IMG_1367.JPG
07/27/2022	12391397-803 ARAPAHO 1.JPG

Unsafe Conditions

803 Arapaho Trail



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

803 Arapaho Trail

- On 04/19/2023, I received a complaint regarding this property. I took over all open Code Enforcement cases on this property and continued with one investigation.
- On 05/23/2023, a certified International Property Maintenance Code (IPMC) letter was posted in a conspicuous place on the residence per IPMC Code 111.4.2 listing three violations of IPMC and how to correct them, as well as my contact information.
- On 06/16/2023, Paul Bennett, Facility Maintenance Manager, conducted an inspection of the dwelling and noted there is no electrical to the dwelling, the roof has damage, needs upkeep and paint, and there is a post missing on the back porch.
- On 06/22/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 06/27/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations 803 Arapaho Trail

- 308.2- Disposal of Rubbish- Occupant shall dispose of all rubbish in a clean and sanitary manner.
- 308.3-Disposal of Garbage- Occupant shall dispose of garbage in a clean and sanitary manner.
- 505.3- Supply- Water supply system shall be installed and maintained to provide supply of water to plumbing fixtures.

Condition of the Property at 803 Arapaho Trail



Condition of the Property at 803 Arapaho Trail



Condition of the Property at 803 Arapaho Trail



Condition of the Property at 803 Arapaho Trail



Condition of the Property at 803 Arapaho Trail



Condition of the Property at 803 Arapaho Trail



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/14/2023

Report No: 15.

Submitted By: Karl Melton

Subject: Consider, and act upon, Resolution 2023-33, Encouraging citizens to contact Governor Lujan-Grisham and request pre-trial detention reform be placed on the agenda for the upcoming 30-day session. *(Karl Melton, District 3 Commissioner and Stephanie Hernandez, Acting City Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: n/a

Recommendation: Approve

Background: Resolution in response to Officer Ferguson being killed in the line of duty

RESOLUTION NO. 2023-33

A RESOLUTION ENCOURAGING CITIZENS TO CONTACT GOVERNOR LUJAN GRISHAM AND REQUEST PRE-TRIAL DETENTION REFORM BE PLACED ON THE AGENDA FOR THE UPCOMING 30-DAY SESSION

WHEREAS on July 15, 2023, officers attempted to conduct a traffic stop on a vehicle. The vehicle did not stop for officers and attempted to flee. Officers did not pursue the vehicle. Soon after, officers located the same vehicle involved in a crash. Officers observed a male subject fleeing the scene on foot. Officers gave chase, in which shots were fired. As a result of the gunfire, Officer Anthony Ferguson was injured and succumbed to his injuries the following day.

WHEREAS, in the weeks following Officer Ferguson's death, a review of the alleged defendant's criminal history was under scrutiny.

WHEREAS, it was determined that the court discharged the alleged defendant on conditions of release following a previous January 29, 2023, Alamogordo officer-involved shooting.

WHEREAS, the alleged defendant violated his conditions of release.

WHEREAS, in recent years, various pretrial detention reform bills have been introduced but not passed by the state legislature.

THEREFOR BE IT RESOLVED, the Commission, in partnership with our state legislators, encourages the citizens of Alamogordo and Otero County to contact Governor Michelle Lujan Grisham by telephone at (505) 476-2200 or by mail at 490 Old Santa Fe Trail Room 400, Santa Fe, NM, to request that pretrial detention reform be placed on the legislative agenda for the upcoming 30-day session in response to Officer Anthony Ferguson's ultimate sacrifice in the line of duty.

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

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date: 08/17/2023

Report No: 16.

Submitted By: Stephanie Hernandez

Subject: Discuss and provide direction for the Joint Meeting with the Otero County Commission.
(Stephanie Hernandez, Acting City Manager)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

A couple of the past joint meetings with the Otero County Commission are attached.



Joint Special Meeting
Alamogordo City Commission
& Otero County Commission



NOTICE OF MEETING

Joint City/County Special Meeting Agenda

Monday, April 25, 2016

6:00 PM

**Sgt. Willie Estrada Memorial Civic Center
800 E. First St., Alamogordo, NM**

ALAMOGORDO CITY COMMISSION

Richard Boss, Mayor

Al Hernandez, Mayor Pro-Tem, District 5

Jason Baldwin, Commissioner, District 1

Nadia Sikes, Commissioner, District 2

Susan Payne, Commissioner, District 3

Jenny Turnbull, Commissioner, District 4

Erica Martin, Commissioner, District 6

OTERO COUNTY COMMISSION

Susan Flores, Commission Chairwoman, District 2

Janet T. White, Commission Vice-Chairwoman, District 1

Ronny Rardin, Commission Member, District 3

PLEDGE OF ALLEGIENCE

CALL TO ORDER & ROLL CALL – County Commission Chairwoman, Susan Flores

CALL TO ORDER & ROLL CALL – City of Alamogordo Mayor, Richard Boss

- 1. Discuss a consolidated Public Safety Answering Point (PSAP) between the City of Alamogordo and Otero County.**

CALL TO ADJOURN – County Commission Chairwoman, Susan Flores

CALL TO ADJOURN – City of Alamogordo Mayor, Richard Boss

**CITY OF ALAMOGORDO, NEW MEXICO
JOINT CITY/COUNTY SPECIAL MEETING MINUTES
6:00 P.M., SGT. WILLIE ESTRADA MEMORIAL CIVIC CENTER
APRIL 25, 2016**

CITY COMMISSION

**RICHARD BOSS, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**AL HERNANDEZ, MAYOR PRO-TEM
ERICA MARTIN, COMMISSIONER
GEORGE STRAFACE, INTERIM CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
NANCY JACOBS, CITY CLERK**

COUNTY COMMISSION

**SUSAN FLORES, COMMISSION CHAIR
JANET T. WHITE, COMMISSION VICE-CHAIR
RONNY RARDIN, COMMISSION MEMBER**

**DISTRICT 2
DISTRICT 1
DISTRICT 3**

PLEDGE OF ALLEGIANCE / CALL TO ORDER / ROLL CALL

County Commission Chairwoman Susan Flores called the meeting to order at 6:00 p.m. Roll Call of the County Commission was taken by the County Clerk. The County Clerk announced there was a quorum of County Commissioners present. Roll Call of the City Commission was taken by the City Clerk. The City Clerk announced there was a quorum of City Commissioners present. The Pledge of Allegiance was led by City Commissioner Baldwin.

PRESENTATIONS

1. Discuss a consolidated Public Safety Answering Point (PSAP) between the City of Alamogordo and Otero County.

Interim City Manager Straface said they had before them the two GPA's that they worked on together.

Commissioner White spoke on the Funding and Redundancy report to Governor Martinez. (see agenda book for Power Point)

Paul Carolli with Emergency Services of Otero County spoke on the Public Safety Emergency Response End-to-End System. He said currently the County and City are paying for all the costs. (see agenda book for Power Point)

Commissioner White spoke on the strengths and weaknesses of the Draft E-911 Five Year Strategic Planning Report for 2013. (see agenda book for Power Point)

Commissioner Baldwin asked Commissioner White if any of the new equipment for \$2.2 million was eligible for grant funding. Commissioner Rardin answered they would be funding that money out of their own budget to start.

Commissioner White spoke about the start up expenses for PSAP. Commissioner Rardin asked her where the \$400,000 was coming from for eight new administration positions. She answered the DFA PSAP handbook says they couldn't just hire anyone, it had to be someone that could navigate this. She said they would hire a director, assistant and staff. He asked if this would be in addition to the staff the county and city have now. She answered yes, this requires a PSAP manager. Commissioner Rardin thought this amount was too high. Mr. Carolli stated this dollar amount was based on a worst case scenario.

Commissioner Sikes asked if other municipalities contribute the funds for PSAP. Mr. Carolli said they did not. Sheriff House said the three incorporated areas are Alamogordo, Cloudcroft and Tularosa, but since he has been sheriff Tularosa has not given them money.

Interim City Manager Straface said this was the first time the city had seen these numbers and asked the County to give them an opportunity to look at it. He said his concern was the city and county were serving the same citizens but had two separate systems and it was costing them more. He wanted to know if they had a commitment from the County to work together to get a joint PSAP. Commissioner Flores answered as a board, they hadn't made a decision.

Commissioner Flores said there were two other options, 1) they could combine PSAP and have the sheriff's department run it; 2) or do a departmental joint PSAP and Alamogordo take and run it or Otero County take and run it. Interim City Manager Straface said the City's standpoint was that they wanted a joint PSAP and were willing to work with control issues. Commissioner Flores asked if the City wanted to house the dispatch as a department. Interim City Manager Straface answered they liked the JPA that was developed by the Sheriff and Chief Ward. Chief Ward said the PSAP group had a recommendation and could answer the questions they had.

Commissioner Rardin felt it should be a joint PSAP under the County and they needed to work out a few things concerning the JPA. Interim City Manager Straface said they needed to work together and liked the idea of a board. Chief Ward spoke on a separate authority board. Commissioner Rardin felt the board should not be different authorities as stated on page 11 of the PSAP Consolidation handout; it needed to have elected officials. (see agenda book for handout)

Interim City Manager Straface stated he respected Sheriff House and his knowledge, but Sheriff House couldn't be everywhere and this is why he supported the second operational board. He explained the board was not intended to be a governance board; it was intended to give recommendations and expertise. Sheriff House agreed with Interim City Manager Straface and stated he didn't have the working knowledge of how Alamogordo Fire and Police Departments work and this was the concept behind the board.

Commissioner Rardin said he wanted the City to have control on how the City's departments were run. Chief Ward spoke on creating a new entity and payroll system for PSAP employees. Commissioner Rardin said creating a new entity may increase the dollar amount and he was not in favor of that. Interim City Manager Straface said he was not in favor of the figure \$400,000 for staffing. County Attorney Lisa Jenkins asked Interim City Manager Straface if he was taking about the County or City taking on the \$400,000 figure for the PSAP entity, and she didn't think the County could take it on. He said it would require teamwork.

Chief Ward spoke on recommendations regarding PSAP staffing. Lisa Jenkins stated the County would have to increased staff. Sheriff House said this was why it would have to fall under the City or County and he volunteered the County. Commissioner Flores suggested having a work session regarding PSAP at the county's next commission meeting. Commissioner Rardin didn't agree to have a work session and stated they needed to work on the basics and then take it to a public hearing. Commissioner Baldwin said he was ok with having an executive session with the City and County to fine tune it. Mayor Boss said he appreciates the dialog between the City and the County and thanked everyone.

PUBLIC COMMENT

Buddy Johnston commented on the following:

Mr. Johnston spoke on treating everyone fairly.

Ardin Schug commented on the following:

Mr. Schug talked about funding for PSAP and suggested having a joint PSAP. He agreed having a secondary board so dispatchers could better help the public. He spoke on state help to fund the board.

Commissioner Payne asked Interim City Manager Straface about funding from the state. Interim City Manager Straface said the state will fund the separate board. Sheriff House said the state would require a JPA that if accepted, would make you eligible for funding. Commissioner Rardin mentioned the City and County had submitted a JPA in the past that the state did not like, but rules have changed. Interim City Manager Straface stated Chief Ward gave him a copy of the DFA policy for consolidation and said they would give everyone a copy. Chief Ward went over the handout.
(see agenda book for handout)

Commissioner Baldwin asked the City Commission if they could move forward with his recommendation to use the JPA and have an executive session, while the County did the same. He also asked if they could direct staff to research the financial part of the program. Commissioner Sikes asked if they could find out what other counties had done with PSAP and what had been successful. Chief Ward said that was the foundation for the JPA's they did. Commissioner Payne asked how this would affect staff. Interim City Manager Straface said they would work with staff to minimize harm. Sheriff House said it would not affect staff retirement and stated the City had retiree health, but the County didn't so this was to be considered. Buddy Johnston didn't want to lose leave time, and Interim City Manager Straface said they wouldn't abandon their staff. Sheriff House said he wanted a list of staff for PSAP purposes.

Interim City Manager Straface told Commissioner Flores the City was moving forward with executive session and she said they will be doing the same.

Commissioner Baldwin suggested the City and the County meet twice a year to discuss any issues.

ADJOURNMENT

Commission Flores moved to adjourn at 7:44 p.m. for the County. Commissioner White seconded the motion.

Commission Baldwin moved to adjourn for the City. Mayor Pro-Tem Hernandez seconded the motion.

Motion carried with a vote of 10-0-0.

Mayor Richard Boss

ATTEST:

City Clerk Nancy E. Jacobs

(Prepared by Rachel Hughs, Deputy City Clerk)
Approved at the Regular Meeting held on May 24, 2016.



Joint Special Meeting
Alamogordo City Commission &
Otero County Commission

NOTICE OF MEETING

Joint City/County Special Meeting Agenda

Tuesday, October 15, 2013 – 6:00 pm
Otero County Commission Chambers,
1101 New York Ave., Room 123, Alamogordo, NM

ALAMOGORDO CITY COMMISSION

Susie Galea, Mayor, District 7
Al Hernandez, Mayor Pro-Tem, District 5
Jason Baldwin, Commissioner, District 1
Nadia Sikes, Commissioner, District 2
Robert Rentschler, Commissioner, District 3
Josh Rardin, Commissioner, District 4
Jim Talbert, Commissioner, District 6

OTERO COUNTY COMMISSION

Susan Flores, Commission Chairman, District 2
Tommie Herrell, Commission Vice-Chairman, District 1
Ronny Rardin, Commission Member, District 3

CALL TO ORDER & ROLL CALL – County Commission Chairman, Susan Flores

CALL TO ORDER & ROLL CALL – City of Alamogordo Mayor, Susie Galea

1. Discuss, hear public comments and consider adoption of a Hold Harmless Tax in Otero County and the City of Alamogordo.
2. City Commission Adjournment

**CITY OF ALAMOGORDO, NEW MEXICO
JOINT CITY/COUNTY COMMISSION SPECIAL MEETING MINUTES
OTERO COUNTY COMMISSION CHAMBERS
1101 NEW YOUR AVE., ROM 123, ALAMOGORDO, NM
TUESDAY, OCTOBER 15, 2013 – 6:00 P.M.**

The County of Otero Commissioners held this Public Hearing and some of the City of Alamogordo Commissioners were seated in the audience for comments only. The following are the minutes as prepared by the County Clerk's office.

CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Public Hearing at the Administration Building in Alamogordo County and State aforesaid. Meeting called to order by the Chairwoman at 9:00 a.m. (**correct to 6:00 p.m.**) October 15, 2013; and she announced that reasonable notice was given to the Alamogordo Daily News and Radio Stations, KYEE, KZZX and KINN.

Present:

Susan Flores	Chairwoman
Tommie Herrell	Vice-Chairman
Ronny Rardin	Member
Pamela Heltner	County Manager
Stephanie Hale	Administrative Assistant
Dan Bryant	County Attorney
Christina Nuno	Deputy Clerk

Roll call was taken as follows:

Commissioner Flores	Present
Commissioner Herrell	Present
Commissioner Rardin	Present

Commissioner Rardin gave the invocation and Commissioner Herrell led the Pledge of Allegiance and Salute to the flag of the State of New Mexico.

Commissioner Flores welcomed everyone to the meeting and acknowledged that present in the audience were Trustees from Tularosa and Cloudcroft, and Alamogordo City Commissioners as well as the Mayor of Alamogordo. The following introduced themselves.

Susie Galea	Mayor of Alamogordo
Nadia Sikes	City Commissioner District #2
Jim Talbert	City Commissioner District #6
Josh Rardin	City Commissioner District #4
Jim Staley	City Manager
Kurt Tyler	Tularosa Trustee
Bruce Smaga	Cloudcroft Trustee

PUBLIC HEARING

1. Discuss, hear public comments and consider adoption of a Hold Harmless Tax in Otero County.

The time being 6:00 p.m. the Chairwoman called the Public Hearing to order and stated the purpose of the hearing is to hear public comments and consider adoption of a Hold Harmless Tax in Otero County.

Commissioner Flores gave a summary of how the Hold Harmless Tax came about. In 2002 Governor Richardson took away the food and medical taxes. When that happened, municipalities and counties started hurting because they were used to having that revenue. The state at that time decided to give a provision and provided the Hold Harmless Tax. In March of this year, the state legislature at the final hour passed a bill to take back that provision for a 17 year period beginning in 2015's budget. What the state legislature allowed is for local governments to implement a 1/8th, 2/8th or 3/8th countywide gross receipt tax. The municipalities can also implement those increments of a gross receipt tax. She stated that is what the discussion is about tonight and where the county wants to go with this. The county will be losing a 6% decrease every year.

Commissioner Herrell stated for the past couple of months the Board of County Commissioners have been discussing what the possibilities are and if they implement a gross receipt tax, how can they generate more revenue. Mr. Mark Valenzuela, Vice-President of George K. Baum & Company, is the county's bond representative, and he has visited with the commissioners on several occasions to discuss the obligation bonds and what they will do to the county. He stated the county's revenues are being reduced in the county's gross receipt tax money, and expenses are going up.

Commissioner Herrell discussed the different projects that the county needs improvements on and by implementing the Hold Harmless Tax or doing an Obligation Bond, that will give the county the resources it needs to be able to do them. He stated doing a gross receipt tax is the fairest way to do it for taxation. It lets everyone participate whether you have a lot or disposable income, you pay taxes on the portion that you spend. The total approximate amount needed for the county's projects is \$25,800,000. Commissioner Herrell stated Commissioner Flores has another project for consideration and the City of Alamogordo is considering an entertainment center for the citizens of Otero County and Alamogordo.

Mr. Mark Valenzuela stated the direction the county has gone in terms of lowering the county's cost of capital has been fantastic for the county. What the county has accomplished with the detention facility in Chaparral, is that the first set of bonds were refunded last year and saved the county more than ten million dollars, that will be realized over the next ten years. The county is in the process of refunding the second piece of that, which he anticipates will save another 2.5 million dollars, even slightly more than that over the ten year period. Commissioner Herrell has been the one pursuing the deal but this commission has been behind it 100%. It is about strategic financing for the lowest cost you can get. One benefit to the structure the county is looking at today is that interest rates are still very low and the county has the opportunity to lock in at a historic low rate. He stated the unfortunate reality is that federal and state have been pushing more of the financial burden on local governments. We are seeing it today with the hold harmless impact and we continue to hear messages that it might be worse and maybe accelerate these hold harmless reductions, if Santa Fe has their way. There is also uncertainty with regards to the federal PILT (Payment In Lieu of Taxes) payments, those payments that counties receive because of federal land that exists within the county which cannot be taxed. The opportunity to increase one, two or three eighths of a percent tax, provides the county to be ahead of those potential losses. It gives the county the opportunity to invest back into the community by taking on significant capital improvement projects all across the county. The proposal to be discussed will give the commission the opportunity to pursue some of those projects.

If the county were to issue 30 million dollars of bonds for the capital improvements, it would cost the county 2.4 million dollars per year that would equate to a 2/8th percent increase in gross receipt tax or 2/8th percent increments. If the county were to issue 20 million dollars over 20 years for those capital improvements, the annual cost would be 1.475 million dollars per year. He stated in the constitution of the State of New Mexico there is a "non-impairment clause". If the county were to go forward with this proposal to increase the gross receipt tax by any increment and use those revenues to pledge for the payment of bonds, anything that the legislature would do, would not have an impact on the county, the legislature could not revise that statute in a way that would impede bond holders.

Commissioner Herrell stated in ten years, if the commission at that time wants to repeal the taxes they possibly could because there is an option in the Hold Harmless Tax agreement for that. When taxes are increased, you have to look at the big picture and say what services can be provided and what is the county going to do for our citizens and what do they want. A lot of people don't understand the issue of refinancing bonds and don't realize the benefit from it, but they will in ten years.

Janet White asked Mr. Valenzuela how the sales are doing of the bonds of the Detention Center and if it is completely sold. Mr. Valenzuela stated they haven't opened up the sale for this one for the second tranche of bonds. They completed the first tranche of 19 million dollars last year in December and the interest rate was 3.1%. Otero County was paying an average of 8.25% so it was a significant improvement over the existing financing.

Stephanie Dubois stated she thought that by imposing the tax, they will be able to put back the money that the county will be losing, if so, she doesn't understand all these other things that Commissioner Herrell has proposed. She doesn't think that now is the time to raise the taxes because of the sequester and the government shut down and we have no new businesses in New Mexico to pay for that.

Commissioner Rardin stated what Commissioner Herrell is posing, is for the county to go out for a bond and encumber the Hold Harmless money that is out there right now before the legislature goes back to session on January 19, 2014. If the county encumbers it, the state can't take it away for the length of the bond of 20 years.

Mr. Fred Tyler, Trustee for the Village of Tularosa, read his thoughts regarding House Bill 641. House Bill 641 was a last minute bill passed by the legislature which was design to do away with the Hold Harmless provisions of the tax code and give tax breaks to corporations. The Hold Harmless provision replaces revenues of cities and counties which was lost when Governor Richardson removed the tax on food and medicine in 2002. What House Bill 641 does is repeal the Hold Harmless provision beginning in 2015 for 17 years at the rate of 7% a year reduction. The problem is the way the current law was written that says both cities and counties can impose this tax. It allows counties to tax the citizens within the cities which will result in an increase of up to 6/8th of a percent or .75% tax increase on city residents. He urges the county commission to delay passing the gross receipt tax to see if the legislature will consider any of the proposals proposed by the Municipal League because they are working on it.

Commissioner Flores stated her thought is that the legislature wanted the counties to be whole by saying the counties can tax up to 3/8th of a percent. She would love to do the projects discussed with the tax money but is that making the county whole. Her thought on the issue is, being whole for Otero County is \$400,000, but that is what they are going to lose. The county needs a tax increase that is going to make the county whole and not a windfall, the 1/8th or 3/8th are windfalls. The projects that the county has discussed for improvements are things that need to be done. The Detention Center has to be expanded and the money is there for the Convenience Center. The county also wants to work with the City of Alamogordo for a transfer Station. There are projects that are listed in the county's capital outlay for next year, the question is, is this the time to do a tax increase to our citizens when there is a financial crises. There is a county wide 1/16th percent gross receipt tax available to the county that will bring in \$630,000. She stated Implementing the 1/16th is more reasonable to tax and it can be implemented in 2 years.

Janet White stated that she received correspondence from State Representative Yvette Herrell stating she did not vote for HB 641. Ms. White presented to the commission Representative Herrell's written response of why she did not vote for it. Ms. White stated State Representative Zack Cook did not vote for it either. Senators Ron Griggs and Bill Burk did vote for it and according to Ms. White, she stated that Mr. Burk indicated that he was not aware that there was a "no referendum clause" in the legislation and if he had known that he would have not voted for it.

Bruce Smaga, Cloudcroft Village Council, asked the commission where will the county put a new convenience center since that is what is on the county's wish list for a new facility and equipment. Will the county use the same property or relocate?

Commissioner Herrell stated they would use the same property where the Convenience Center is located on Gravel Pit Road.

Mr. Smaga stated the commission should consider a new location for the fairgrounds because it is getting crowded with the businesses and housing around it.

Commissioner Herrell stated the county has already invested approximately 3 to 4 million dollars in the fairgrounds and to put it a new location would cost approximately 10 to 12 million dollars. There is plenty of land behind the fairgrounds to accommodate the expansion and the county is not utilizing that property at the moment.

Mr. Smaga asked why not use DFA (Department of Finance) for the Road Department's equipment purchase?

Commissioner Herrell stated they could use DFA but the county would have to pay it back and Mr. Smaga stated he understands that but it would be at a lower rate than what can be borrowed through a bond. He stated he likes the county's wish list but he is not certain that we need to borrow money right now even though the county has done well by refinancing the bonds from the Detention Center.

Joshua Rardin, City Commissioner, stated his biggest concern is the way the bill was written that it allows the county to tax city citizens if the tax is imposed. He stated the city had a conference call with Senator Bill Burk and they have been trying to get in contact with Taxation and Revenue and their attorneys to determine if they could give the city a ruling or interpretation if the tax could be imposed only on the outlying areas of the county the way it was intended to be. If the county imposes this tax, the city's request is that in the county's ordinance that it states the taxes will only be imposed on the outlying areas.

County Attorney Dan Bryant stated the county is stuck on what the legislature says the county can do. In the process of the act, it says the county shall use the form provided by DFA. When the issue came up if it is countywide or just in the county area, he called and asked if he could change the form of the ordinance because he had prepared three ordinances 1/8th, 1.25% and 3/8th percent just in case and he would have prepared three more with the same increments just for the county area. However, DFA said no, the statute is mandatory and the form DFA has produced only allows for a countywide tax. He stated he has spoken to legislators, both members of the house and senate of both parties and one of the things they are looking into doing in January 2014, is getting the governor to change the county authorization to only tax in the county area.

Mayor Susie Galea thanked the commission for having this meeting and allowing the city officials to speak. She thanked Ms. White's opportunity to share State Representative Herrell's letter of response to passing the bill. She stated the City of Alamogordo and Otero County have been proactive against the legislation. The city sent a letter of what they called a "bad bill" that would harm local entities and one thing the city stated about House Bill 641, is that Alamogordo would see a tax revenue reduction of 2.7 million and will be likewise devastating to our rural areas of New Mexico. The Hold Harmless Tax in 15 years will be approximately ½ billion dollars in payments that the state cannot afford. The city commissioners in their meeting this morning decided unanimously they would not enact a tax, not even 1/8th of a percent. The city would have to reduce services to make it work. She can understand by enacting a 1/8th of a percent of gross receipt tax it will help with the county's Detention Center and help make the county whole. She understands that the county would like to work with the city on the Convenience Center and the

city likewise would and she hopes the county will consider working with the city on PSAP. She would hope for the county to consider that it is an economic advantage that the city and county could have by keeping a lower gross receipt tax, and by not enacting a gross receipt tax, that it's an economic advantage by drawing more businesses to Otero County and Alamogordo.

Paul Sanchez stated Commissioner Flores's point that this opportunity to enact a tax is meant to replace what we have been getting for the Hold Harmless Tax. It is not intended to deal with windfall

to get more money to do more things. He stated Commissioner Herrell has a lot of great ideas in particular about a Family Fun Center. However, to enact a tax of this nature to pay for that seems like a back door way to do it. The 1/8th percent that is going to go away on the Indigent Fund, that is a problem with the State Legislature and not what this is about, it is about the Hold Harmless Tax. The best way, unfortunately, is to probably reinstate the food and medicine tax on some level and that would solve the problem. The commission has a tough choice because something has to get done.

Sam J. Woods stated this idea about obligating ourselves to bonds he finds offensive. There were projects discussed and how to go about paying for them by either imposing a tax or through bonds. The opportunity should be given to the people to vote if they want this or not. If we preemptively obligate ourselves to these bonds, we are paying for them for the next 20 years and we don't know what the economic conditions are going to be in those times. It is a good time to look at consolidating what we are doing now which may be too much.

Commissioner Rardin stated the second 1/8th percent gross receipt tax is the one that the state is considering taking away and it could only be used for Indigent funds. The 1/8th percent tax the county utilizes is put in a pool and goes to a federal match and comes back three times stronger and it helps our hospital approximately by 5 million dollars. This year it is higher than that and if everything keeps going the way it is, that is the projected number. If the state takes it, the county will be missing their 1.3 million dollars that we put in to match that. His question to the county attorney is if the county didn't have the 3rd 1/8th percent or the 4th 1/8th percent tax, can the county still invest it with the Federal Government on their Medicaid program and still be in the three to one match or would the county still have to go with what the state wants to do, put the money in a big pool and divide it.

Mr. Bryant stated the answer to that is a very complicated answer but the short answer is no, the county won't be able to do that. The state is taking counties out of the participation of that program and redefining the program and the county will not be able to do that.

Commissioner Rardin stated to help the hospital the county could implement one of the three 1/8th percent gross receipt tax, repeal the 1/8th percent and still have the others to fall on. Commissioner Herrell stated to Commissioner Rardin that is smart thinking but he disagrees with him. The way the bill is written the county has the opportunity to enact this without going to the voters. The way the economy is in Alamogordo a bond or tax issue will not get passed in the City of Alamogordo.

Commissioner Rardin stated what Mark Valenzuela does for this county is amazing it is his brain along with Commissioner Herrell who have saved the county millions of dollars. The county could raise the tax 3/8th of a percent and the city could raise it too. It needs more thought and they still have a couple of months to work on it.

City Manager Jim Stahel stated if this passes, the first year the city will lose \$200,000. By the time the 15th year comes around, it will be approximately 2.8 million dollars lost. He stated it will stop there and no money after that. As the commission knows, the city commission voted not to impose the tax. The city commission also directed their staff to look into how they might reduce their budget to handle the reduced funds. He stated as far as he is concerned, he believes sincerely in the spirit of cooperating and trying to figure it out together. They will be able to do a

lot more if the city and county put their collective thinking together and work out something that respects each others situation.

Mr. Bryant stated he has attended these meetings for a couple of years and there have been times when a meeting such as this was mean spirited, critical and full of personal attacks and rancor. Those days made it very difficult to be a public servant. However, he wants to thank everybody from the bottom of his heart at the elevated, thoughtful and articulate discussion tonight. He stated "you made me proud to be an American and to be a citizen of Otero County and to be the county's lawyer".

Commissioner Rardin stated he needs to do more thinking because he is not convinced which way to go. He has heard the city, villages and the public loud and clear that they are all on the same page not to increase taxes.

Commissioner Flores stated the county commission needs to get more information and she can't implement anything tonight. They need to make themselves whole and not exploding a tax on our citizens.

Commissioner Herrell made a motion to discontinue discussion on the Hold Harmless Tax.

The motion dies for a lack of a second.

Commissioner Rardin stated he feels it should be discussed some more, they just need to give it more thought and consider all aspects.

Commissioner Herrell stated everyone has voiced their thoughts and the consensus is that no one wants to implement taxes and there is no need to have other meetings on this issue. That way he or no one else is wasting their time on an issue that is not going anywhere.

Commissioner Flores asked if anyone had any further discussion or questions on this issue, there being none, the Chairwoman ended the Public Hearing and the commission is now in Regular Session.

2. Request approval of Resolution #10-15-13/102-10 declaring an emergency in Otero County due to the Failure of the United States to fulfill its obligations and denying the public access to White Sands National Monument.

Commissioner Rardin gave a brief summary on how the Federal Government came to own property or how it can own property. He stated what they discovered was that the Federal Government does not own White Sands National Monument. The Federal Government has chosen to shut it down and it is hurting Alamogordo, Cloudcroft, Tularosa and Otero County. He stated the Board of County Commissioners is in agreement with him to do a resolution that says to the Federal Government to open again White Sands National Monument Park. White Sands does not belong to the Federal Government it belongs to the State of New Mexico, which is an umbrella of Otero County. If the commission passes this tonight, tomorrow morning they will be on the phone with the Federal Government. He stated the county has the full authority under the constitution of the law to authorize the opening and the county is not breaking the law in any way. The county is simply moving forward with what the county thinks is best for citizens of Otero County and citizens of the United States.

Commissioner Rardin made a motion to approve Resolution #10-15-13/102-10. The motion was seconded by Commissioner Herrell for discussion.

Commissioner Herrell asked how much does it cost to operate White Sands National Monument. Commissioner Flores stated Governor Martinez stated it costs approximately \$4,500 a day to operate White Sands.

Mayor Galea asked how the county will provide for the short fall and how will they provide public safety. Commissioner Rardin stated the Sheriff has volunteered to use his staff and volunteers will manage it.

Commissioner Flores asked if anyone had further discussion on this issue, there being none, the Chairwoman called for a vote. A vote was taken and the motion passed 2-0, with Commissioner Herrell abstaining.

ADJOURNMENT

There being no further business before the Board, the Chairwoman adjourned the meeting at 8:20 p.m.

APPROVED:

Susan Flores, Chairwoman

ATTEST:

Denise Guerra, County Clerk

Mayor Susie Galea

ATTEST:

City Clerk Reneé L. Cantin

Approved at the Regular Meeting held on November 5, 2013.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/22/2023

Report Date:

Report No: 17.

Submitted By: Dylan Aleshire

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

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: One application was received. Staff recommends reappointing Kristina Marzano to a 2nd term on the Parks and Recreation Board.

Background: Parks and Recreation Board

- No current vacancies.
- One application by a current member, Kristina Marzano, was received due to her upcoming term expiration. If reappointed, this will be her 2nd term.

Airport Zoning Board

- Three current vacancies. No applications were received.

Mayor's Committee on Aging

- One current vacancy. No applications were received.

Senior Volunteer Programs Advisory Council

- Two current vacancies. No applications were received.

If interested in serving on a Board or Committee, you may apply in person at the City Clerk's office, or online via the City website.

URL Link: <https://ci.alamogordo.nm.us/353/Boards-Committees>

Print**Application to Serve on a Board/Committee - Submission #6480****Date Submitted: 8/15/2023**City of
ALAMOGORDO**City of Alamogordo Application to Serve on a City Board/Committee****First Name:***

Kristina

Last Name:*

Marzano

Phone Number:*

5754309216

Email Address:*

senji@bajabb.com

Physical Address:*

2406 Harvard Ave

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*☒ Yes☐ No**Mailing Address:***

2406 Harvard Ave

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:***Job Title:**

Self

English Tutor

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

Parks & Recreation Board

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

-- Select One --

Are you related to anyone who is presently employed by the City of Alamogordo?*☐ Yes☒ No**If so, what is their relation to you?****Are you related to an Elected Official of the City of Alamogordo?***☐ Yes☒ No**Is so, what is their relation to you?****Experience and education relating to the Board/Committee:***

Have served on the board for the past year.

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

I would like to continue serving on the board. I created a beginners running program and am volunteering to help people train to run their first 5K (Zoo Boo) at the end of October.