

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION/OTERO COUNTY COMMISSION JOINT MEETING MINUTES
2:00 P.M., SGT. WILLIE ESTRADA MEMORIAL CIVIC CENTER
800 E. FIRST ST., ALAMOGORDO, NM
OCTOBER 31, 2023**

ALAMOGORDO CITY COMMISSION

**SUSAN PAYNE, MAYOR
DUSTY WRIGHT, MAYOR PRO-TEM, DISTRICT 6
NICHOLAS PAUL, COMMISSIONER, DISTRICT 1
STEPHEN BURNETT, COMMISSIONER, DISTRICT 2
KARL MELTON, COMMISSIONER, DISTRICT 3
JOSH RARDIN, COMMISSIONER, DISTRICT 4
SHARON McDONALD, COMMISSIONER, DISTRICT 5**

OTERO COUNTY COMMISSION

**VICKIE MARQUARDT, COMMISSION CHAIRWOMAN, DISTRICT 3
GERALD MATHERLY, COMMISSION VICE-CHAIRMAN, DISTRICT 1
AMY BARELA, COMMISSION MEMBER, DISTRICT 2**

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

Mayor Payne called the meeting to order at 2:00 p.m. Roll Call was taken by the City Clerk for the Alamogordo City Commission. City Clerk Hughs announced there was a quorum present. Roll Call was taken by a Deputy Clerk Pulido for the Otero County Commission. The Deputy Clerk announced there was a quorum present. Invocation was given by Pastor Torres, and the Pledge of Allegiance was led by Mayor Payne.

APPROVAL OF AGENDA

Commissioner Burnett moved to approve the agenda.
County Commissioner Barela seconded the motion.
Motion carried with a vote of 10-0-0.

PUBLIC COMMENT

Buddy Gurnari signed up to speak under Animal Welfare.

WORK SESSION

1. Flood Control, including Florida and Scenic. *(City Commission and County Commission)*

County Commissioner Marquardt said the areas they have problems with are on Florida and Scenic. That is joint County and City land, but the main problem is on State and BLM land. We have to work with them to do anything. As the County goes, we are trying to get a ditch crew funded so we can go clean some of our ditches, but we have problems with that also because of the Anti-Donation Clause. We are limited in what we can do on private property. Commissioner Rardin said years ago, he approached the City about this issue. We talked with a property owner there on the corner. The City has an easement that heads west, and we have one that heads south. We talked with the owner about

creating a detention pond on that corner and releasing it to the west and south. He said he thought that would alleviate a lot of the problems we are having. They would have to do a study of some sort. About twelve years ago, we walked all of that with the Army Core of Engineers, and they have a design for something to fix it, but it is a huge and very expensive project. In the meantime, maybe we could come up with a solution amongst us that will help. We are already redesigning all the culverts that go to the south, starting at Canal and working our way back to Scenic. This is an ongoing problem every time we get heavy rain. County Commissioner Matherly said the big key players in this are the City and County, but we have to get the BLM and State land people involved also. BLM is not maintaining their ditches and not just on Florida and Scenic. There is a lot of dumping on BLM property that is plugging some of these ditches. So, this will have to go further than just this table. Commissioner Barela said she spoke with someone about other issues with BLM flooding out in the County, and that person would be a resource. The person was asked to be at this meeting but did not attend. They are our contact with BLM.

Mayor Payne asked Public Works Director Beshaler to speak about the Drainage Master Plan. Public Works Director Beshaler said we are working on a Drainage Master Plan for the whole City. The report is about eighty percent done and will be finalized in February. Citywide, we are looking at the drainage basins from the mountains that come down. We will come up with a list of budgetary high-level projects. To address the Core Dam, that was supposed to be the next phase after completing McKinley Channel, but that project has not been designed. Originally, the Core plan and the 1999 study were to have what they called The Big Ditch. We abandoned that because of some development north of Scenic. The proposal was to potentially have a big dam up in the Canyon to hold water before it floods down into the City. That has not been environmentally studied or evaluated by the Core as economically feasible. A lot of studying must be done before we can get to the design phase, let alone the construction phase. Her last conversation with the Core was that they do not know how it will work out regarding the benefit-cost ratio, so there is a lot of discussion about that. She said she did not want the perception that this is a done deal or a project out there that we just need construction money for. That is not the case. Mayor Payne asked if there were any thoughts or ideas about alternatives or interims. Public Works Director Beshaler said she is having the consultant look at what the proposing is, as far as projects throughout the City, and also assuming the Core dam will be built or if it is not. You will see both scenarios, and they will be bookends for us. The cost of improvements within the City, if the dam is not built, will be a lot more because the structures will have to be a lot larger to carry more water. We are looking at those bookends and that will be part of the public study. Commissioner Rardin asked if there were plans to expand the retention basin built back where the trailer court used to be. Public Works Director Beshaler said the Master Plan is going to look at other areas along the Dry Canyon to build either other ponds or expand that one if we can. Commissioner Rardin said he thought there was a little room to expand that one, but not a lot. Public Works Director Beshaler we may go upstream and build something to mitigate what goes downstream. The Balloon Property is something we have looked at in the past, so that is something they are going to evaluate as well. He asked if they were looking at the corner of Florida and the Fairgrounds area. The County has property there. Public Works Director Beshaler said there is property behind the Betty Dare Center. Commissioner Rardin asked if the study was looking at elevating the roadway on Scenic and Florida, or is it trying to utilize it the way it is now? She said they are just looking at upsizing the structures and not reconstructing the entire intersection. That would be pricey. Commissioner Rardin said so we are just looking at increasing the sizes of the culverts under the road? Public Works Director Beshaler said right. We had two back-to-back flood events we had last year that flooded that intersection. She said it was a river down Florida Ave and it was terrible. After that, we hired La Luz Dirt and Paving, and they came out and cleaned out all those structures on Florida, all the ones that go under Scenic, and they graded back the ditch that goes across the Balloon Property and recreated a berm. It is better protected now in case we have another event like that. We did what we could to mitigate it if it happens

again without actually going and reconstructing the crossings. He said in the event we looked at building a detention basin at the Balloon Property, what kind of problems would we run into? We would essentially have to dig that down. She said we want to make sure that capacity does not go up to where we would have to go the Dam Safety Bureau. We would want to keep it below that threshold capacity. She said she did not know the details and we have not really flushed that out and gone to the design level. The engineer will look at it again at the planning level and what can be done within the right-of-way available. Those would be design details that would come later.

2. Animal Control. (County Commission)

County Commissioner Barela said the County Attorney, County Manager, Animal Control, and Law Enforcement have been rewriting the animal ordinance. It should be completed by the end of this year and ready to be presented hopefully by January. She said she had done research and really liked the plan that Dona Ana has, with their joint county and city animal control. It is working well. Looking at our animal control, if we make some budget changes and joint decisions, we are going to be able to hire our own in-house veterinarian. We know that will save money with spaying, neutering, and vaccinations. We are putting down animals because we are overpopulated, and that is a hard no for me. That is why this is my top priority subject. She said that Buddy emailed her some training about prosecution of people that abuse animals.

Buddy Gurnari said he was the Director of Dogbreath Express Rescue, and in attendance today is Alicia Kumke with Forever Homes Rescue. He said that besides the two of us, there are other rescues in town and the County, and plenty of Facebook pages about the issues with dogs and cats. It is a huge interest to everybody. The biggest issues we hear from people are spay and neuter. He said he cannot speak for the City and did not know their situation, but with the County, they are doubling and tripling up dogs to keep them alive until we can find rescues that will take them. Unfortunately, all the rescues around are full and filled up. Dogbreath recently got a \$30,000 grant from the County for a spay and neuter program. We advertised it as a free spay and neuter program. We have a lot of poor people in the County, and we wanted to reach out to them. It was a success, and within three days we used up that grant. It shows how much of a need spaying and neutering is. He said the problem is not going away until we have some strict ordinances that are enforced. The County's animal control officers are running ragged and bringing dogs in every day. They do not have time to go to each house and see how these animals are treated. He said he drove through Tularosa and saw animals chained up on small chains, inadequate dog houses, and in the summer, they do not have adequate shelter even though they are supposed to. We really need to have enforcement, maybe more officers, that may or may not be the answer. Education would help. It is not going to stop right now. People are breeding dogs or letting them breed and not taking care of them. Maybe a short educational program in schools could teach kids how to take care of them. He said he is a full-time volunteer at the County and saw the animals that go in there, and the ones they cannot. As much as they want to save them all, they cannot. If we had a larger shelter, and I don't mean one larger just take in a million dogs, but a large enough shelter so that we can get the dogs in there out to other rescues or adopted.

County Commissioner Barela said County Manager Pamela Heltner is putting together an educational program right now. She believed it would be presentable for schools. County Manager Pamela Heltner said this is part of her capstone project for the Certified Public Manager Program. We have to invest one hundred hours in a project that is dear to us and benefits the community. The project is to put in place a spay and neuter education program in the County, which includes posters, brochures, attendance at community events, public outreach, going to schools, educating children, and working with veterinarians to promote the education program as well as any spay and neuter program we have

in place. Commissioner Rardin said we did some funding for Kitty City a while back with the catch and release program. He said they used that in our neighborhood where we had cats. They were all caught and released, and it helped with the cat population. The City and County could maybe help with some funding for programs such as that. He said he was not sure what the funding was for it now, but it was around two or three years ago that we gave the funding to them. A representative from Kitty City came to us and asked for it.

Mayor Payne said an on-site veterinarian would make a huge difference. The other thing we do not have in Alamogordo, that is out of our control and the county's control, is that we do not have emergency veterinarian services. It is hard when you have a dog or cat that you love, and you have to watch them suffer because we do not have an emergency veterinarian. Having a veterinarian onsite may be helpful. County Commissioner Barela said that was a delicate matter for her because she did not want to make it seem like we are going into business as a veterinary care. She said she just wants care of our animals where you just spay or neuter, all of that. I do not want to harm our current practices. Mayor Payne said she agreed. Even if we had an emergency veterinarian onsite, it would just be for the animals we took in. If we were to do a program like that, it may spur somebody to come and do something like that in our community. If we have people that come out-of-town into our community, that only helps us because they have friends. Clearly, whatever we have locally is not working the way it is designed.

Animal Control Manager Dwain Martinez said that Commissioner Rardin talked about the trap, neuter, and release program earlier. We have been working on that with Kitty City. Kathy Denton of Kitty City said they have been working on that for the last four years, and over that time, the number of kittens not born is over one thousand per year. That is one thousand that have not gone to the shelter. We have done a lot of adoption events in conjunction with Alamogordo Animal Control. We have doubled the number of adoptions. Last year, we had seven hundred adoptions for cats between Kitty City and Alamogordo. Just recently, in the last six months, all of our Kitty City volunteers are now volunteers for the City, and we feature dogs at the mall when we have adoption events. Another problem we have not explored is more adoption events so people can get animals out of the shelters. The requirement at the adoption event is that they will be spayed or neutered before they go home, or within a week or two. So, they get scheduled then and go home spayed or neutered. Kitty City cats are already spayed or neutered when they are adopted. Animal Control cats are not, but we get them done quickly under our program. A prong that has been forgotten is more adoption events. We are not as accessible to the public as we can be. Five days a week, most people are working, so only Saturdays are the times they can go to the shelter. Animal Control in the City is open 12 PM to 5 PM. If people do not see the one at the mall, we can send them to shelters. We have been very successful in adopting dogs out, also. Our track record is about twenty to twenty-five in the last six months, just from the mall, not coming to the shelter. That was the return to field that we did. It has been very successful.

Commissioner Rardin asked if they were still doing that program. Ms. Denton said yes, they work very closely with Animal Control, and we would love to start doing it in the County. We need to do more fundraising and get a grant because it costs money. We ask citizens to pitch in what they can, but we would like to have it augmented so we do not turn anyone away. Animal Control Manager Martinez said that since that program started, we have not euthanized cats except those sick or injured in four years. Ms. Denton said Alamogordo Animal Control has been a no-kill shelter since 2021 because of that program. We are working on dogs, but space is a problem. We have some ideas for space, but not at this venue. Animal Control Manager Martinez said the rescues are full. If you call, they are completely full. It is not just here, but across the nation. He said he had called others across the country who were in similar conditions. Their rescues and shelters are full. He said he fields around ten to fifteen calls a day about dogs being turned in. They say they cannot keep them, do not want them, or

are moving. He has been pushing them to try rehoming before bringing them into the shelter. Unfortunately, he has had to do more euthanizing of dogs in the last sixteen months for space than he has had to do in the last three years. We reached that no-kill status, which is not putting animals down within the ninety percentile. He said he would not reach that status this year, which is a sad situation. He said the commissioners talked about a joint shelter and onsite veterinarian. He said Roswell had that at one time, and he did not know if they still had it, but it works perfectly. We talked about bringing in a veterinarian who is fresh out of school to get their feet wet. When they are ready to move on, we will get another one. That helps with injured and sick animals coming in and getting them spayed or neutered right away. We have to look at that and maybe get a pilot study going. See what we can do. Commissioner Rardin asked if Roswell has such a program already? Animal Control Manager Martinez said that when he visited Roswell's shelter about eight or nine years ago, they had just built a shelter, and they had an onsite veterinarian. He took care of all the spaying, neutering, and injured animals they picked up. He said he would have to find out if they are still doing that. Commissioner Rardin asked City staff to reach out to Roswell to see if they are still doing that program and get us information. Acting City Manager Hernandez said that Animal Control Manager Martinez could. Commissioner Rardin said that in the event that the City and County try to combine shelters, and with both of ours being overrun, how large of a facility would we need to combine both of those and still have available space? I do not know what the County has, but I have seen what we have there, and we are limited in what we can do with our area. Animal Control Manager Martinez said we could look at the averages of what we bring in, and what they bring in. He said the County was bringing in a lot, especially from Chaparral. He had heard of hoarding cases there, with forty dogs that had to be brought into the shelter. They have had to utilize the Fairgrounds a couple of times because they had to bring in so many dogs. Again, we would need a pilot study to see how that would work. We need to reach out to other people. Commissioner Rardin said we can't expand our Animal Control building. We do not have the room over there. Animal Control Manager Martinez said we are locked up. Commissioner Rardin said that in the event we decide to do something like that, we would have to move the location. He said he was unsure what Otero County had out there to expand east on theirs, but it is worth discussing. Mayor Payne said she could envision something like that and at least sharing services. There is definitely a need for both. Commissioner Rardin said that if we did the veterinarian like discussed where they just service the animals that come in and are not available to the general public, that would alleviate County Commissioner Barela's concerns about competing with existing veterinarians. They could perform the spaying and neutering on all those animals. The catch and release program that Ms. Denton set up works. Maybe that is the answer. Mayor Payne said she thought that sharing services was the answer, but if we combine them, that may not be the right word, but we need City and County. She said she could envision a facility where we are sharing services that would be in cost savings to both of us. It is going to be an additional cost either way, but ultimately, it would be cost savings to the City and County to share veterinarian services and even work mutually with our officers. Not everybody realizes that if you live in the City and drive towards the County and you see a stray dog, your first instinct is to call the City's Animal Control. What do you tell them? She said she gets a lot of those calls where they get mad at our Animal Control officers where they cannot go out to the County to pick up a dog. Maybe something like that may be beneficial. Ms. Denton said they had talked about options because we all realize this is a big problem. We have got programs we can share and do in both the County and the City, so why not put a pilot committee together and get those programs started before we even need a facility to look at that feasibility? There are ways to get full module units or kennels, which cost less than a full facility. Why not look at something like that for sharing? We need a group of concerned citizens that know what is going on to start putting together the programs. There are programs the County and City are doing, let's share that and get it started. That could solve a few problems like education, return to field, low cost spays and neuters, those are things we both share.

Mayor Payne addressed the commissioners and asked if everyone was interested in assembling a committee to explore the idea. Acting City Manager Hernandez said we still need four of our commissioners to agree for us to work with the County. We need a majority of our commission to agree.

Commissioner Melton said he was on board with this, but his big question was that the County and City likely have different sets of animal ordinances. So how would that work jointly? We would have to look at what Dona Ana is doing, but our noise ordinance for dogs may be completely different from the County. Mayor Payne said sure, and that is why I think we need both in terms of City and County officers because that is different. There has to be a way to do this where we can combine them and still use those services we can. That is why we need to assemble a committee to look at that. We would need at least one County and one City representative to be part of that. Animal Control Manager Martinez said they work hand-in-hand with the County's animal control officers all the time. Mayor Payne said a great place to start would be to have you both involved, both Animal Control Managers from the City and County. Animal Control Manager Martinez said he could envision a combined shelter but leave the City officers for the City, and the County officers for the County. Mayor Payne said she thinks that is what has to happen. County Attorney Nichols said they would need to stay different because of the differences between the City and County. The County people are going to have chickens, goats, pigs, and all sorts of animals you are not going to typically have those in the middle of the City. Mayor Payne said we need to be mindful of our ordinances not matching, which is why we still need City officers and County officers. We can have a facility that houses everything, including a veterinarian. County Commissioner Barela said the things we can align with are spaying, neutering, the shots, and prosecution for abuse. We can try to fix those and make them right together. She said that is why Buddy gave her a handout. She said it is short notice, but she would like someone from the City and County to attend this meeting in Albuquerque on Tuesday.

County Shelter Manager Lori Davis said the combined system could work. Ours is separated out from the law enforcement side, and that might solve the problem. We would keep ours under the law enforcement side, and the City would keep theirs under the Police Department. The shelter is what would be combined. The housing would be separate. They will handle the law enforcement stuff. It has worked very well for us so far at the County. It is separated out where we are the jail, and they are the law enforcement. We do not ticket when they come to the counter like they do at Animal Control. We could combine the shelter under the two and keep our law enforcement separate. She said she has done animal control for both sides and they are two totally different situations. With the size of the County and the action going on, keeping those two separate would work very well. In Santa Fe, they have a rescue section, animal control, and then their veterinarian side. They have a huge, donated facility and have animals out there playing. County Commissioner Matherly asked what the percentage of dogs was. County Shelter Manager Davis said it was seventy-five percent. Now, we are probably eighty to ninety. We are overrun right now. County Commissioner Matherly asked what would happen if we put a facility down in Chapparal. County Shelter Manager Davis said if we put a facility like we have now for the County down in Chapparal, we could use this as a holding facility. That would take some of the pressure off, most definitely. They could move from there after they cleared their three days. A lot of people cannot get past the border checkpoint, and they do not know to come up here. Some of the dogs that do not get reclaimed are amazing, but they just do not know to come up here. If we had a separate facility that would help a lot as opposed to combining the two facilities. The County is overrun right now, and it is getting worse every day. Mayor Payne asked when you rescue an animal in Chapparal, you bring them all the way in? County Shelter Manager Davis said yes. Our euthanasia rates are through the roof. Mayor Payne asked if anybody was stationed there. County Shelter Manager Davis said they have a substation that they will hold them in kennels overnight and that is it. The majority come from there. If we could get something like a holding facility down in Chaparral for

three days and then they could be moved up or be euthanized before they come up here. It sounds cruel, but with the number of animals we have coming in now, there is no other choice.

Mayor Payne said it seems that the consensus is we want to explore forming a committee that will be made up of mostly citizens, but also representatives from the City and the County.

3. Catch and Release joint efforts in honor of Officer Ferguson. (*City Commission*)

Mayor Payne said this is a huge problem for the City, lately. I am sure it is for the County as well. Our idea is that we work together to affect change.

Acting City Manager Hernandez said that since Officer Ferguson was killed, the City has been working with various entities in town. Right now, we have pretrial services. It is twofold, there is a state statute we need to look at. We have been trying to get with Senator Griggs and Representative Block to get it at the State level, but there are things we can do in the City and County. Pretrial services have been helpful to get us information, and they are here today. She said that Brian Suggs would do some talking today. We were told they are revamping their pretrial services, and not everybody understands those services to the extent we should. The changes being made are a step in the right direction.

Mayor Payne said the problem is the criminal justice system in New Mexico is so complex. There are all these parts to the criminal justice system, and they do not work together efficiently from my perspective. It is not the fault of any person or entity. It just seems that it is to the point where criminals have more rights than the average citizen. Lawmakers are so focused on those rights we are missing the mark. Unfortunately, in the City, we have seen a lot of tragedy in our community lately. On any of the incidents that have happened in the City, she said she was not sure what we could have done differently to prevent that. It is a hard issue. Officer Ferguson's death could have been avoided. It is important we get together as a community, the City and County. It is important we talk about this and figure out what we can do to work together to affect some real change.

County Commissioner Marquardt said she would like to propose, if possible, we do a joint letter between the County and the City and send it directly to the governor. The governor was at Officer Ferguson's funeral. At least put that forward to get the ball rolling. We need to get our elected officials in Santa Fe and start pushing to change these laws. It is just insanity. We need to protect our citizens and our law enforcement. The laws are being written by law firms, and it helps them in their private practice. We have too many laws going up there and that is exactly what they do. It lines their pockets, and we need to change that. The joint letter needs to tell the governor we are not going to put up with this in our community and you need to do something to fix it. She came down here for the funeral, and at that time, the Chief said she wanted to work on changing this. The letter would remind her of what she said, and to help get the ball rolling. Mayor Payne said the City has been making resolutions to keep that in the forefront. It would be more powerful if we did it jointly. Acting City Manager Hernandez said that Lorrie Black is going up to Santa Fe. We cannot lobby as a government, but they are going to have a table.

Lorrie Black said she is here representing the Center of Commerce. At this moment, we are putting together a round table in Santa Fe during the session. We are going to try to meet with our lawmakers and give them some of the things concerning us and affecting Otero County. We feel our presence up there is needed. When we go up there wanting money or change, we think Otero County needs to be represented. We are inviting business members to come with us. Mayor Payne said Otero is a strong community with passionate people that want to see change.

Mayor Payne said that Senator Cervantes is the Chair of the Senate Judiciary Committee, and he has not returned our emails and phone calls. I am super disappointed he has not responded to us considering the fact we have lost an officer. He is the one, per my understanding from several lawmakers in Santa Fe, holding up the discussion about overturning this constitutional amendment. He is one of those lawyers. County Commissioner Marquardt said he is an attorney, yes. Mayor Payne said if our public is so inclined, type in New Mexico State Senate, and Senator Cervante's name will come up. You can send him an email, and let him know how disappointed you are that he is not willing to work with us on that.

Commissioner Rardin said maybe we can get with local law enforcement to see if there is anything we can do on the City or County's end. Maybe some of our ordinances can change where they might be able to hold these people longer or have stricter penalties. They are doing their job and arresting these guys. Mayor Payne said we have discussed some ordinance changes.

Mayor Payne asked Ryan Suggs if he could give a quick synopsis of what pretrial services are. Mr. Suggs said it is easier to say what it is not. It is not a supervision program like probation. Those are post judgment and post-trial individuals. They do not have adult probation officers running out in the field and tracking those individuals down. Those individuals have arrest powers. This is not that. In the pretrial services program, when the judge orders conditions of release, the pretrial services supervisor or personnel are not going to the people's places of employment. They are not going to their house to ensure they are complying with curfew. They are not making sure that they are aware of where they are supposed to be when they are supposed to be there. That is not pretrial supervision. I know we would think it is and would like to agree that is what it is, but these individuals do not have arrest powers. It is not the same thing. They have not been found guilty of a crime. When an individual is charged with a crime, they are brought before the court for their arraignment or first appearance, depending on what level of charge it is. From there, the judge goes through the arraignment and sets their conditions of release. This is a policy issue, but representing the court, I am not going to have that policy discussion. The law requires that the judge sets the conditions of release in the least restrictive means possible. That is our current law today in New Mexico. It means you start with the most, give the individual the most freedom they can have, then you work it backwards from there depending on what the evidence shows, what information you have available to you as the judge. Then you can start taking it away. Not the other way around. Unless you are charged with a capital offense in the state of New Mexico, you are entitled to pretrial release. It has to be taken from you. You give it to them, and it has to be taken from them. Once you are on the conditions of release, there are generally two paths to having those conditions of release revoked. One can come concurrently with the first appearance in the arraignment, which is what some of us have talked about, that 5409 motion. That is a motion for pretrial detention based on a finding of dangerousness. That is completely different than someone not appearing in court, or someone having been on conditions of release, and then having violated those conditions of release. This is, that there is evidence in the record that can be brought before the court, presented to the judge in a hearing on the record, and evidence, and the standard is clear and convincing that the judge finds, based on evidence and testimony presented to the judge, that there are no conditions of release. None. First, that this person is a danger to the community. That has to be based on the evidence presented to the judge. Not just an accusation or rumor, it is based on the evidence presented to the judge. They can identify this person as a danger. Once you check that box, you go to the second box. The second box is that, even so, that there are no conditions of release, not one condition of release or combination thereof, that can reasonably assure the safety of the community. So even though you find them a danger, you have got to start checking the boxes to make sure why this won't work. That is under 5409. That is holding somebody without bail. They cannot even get out. The other route is revocation of the conditions of release set by the judge. This is what we call the 5403 or the 403 hearing. This is where they are not going to get out initially because they have failed to appear in court before, or previous violations of conditions of

release, or prior charges pending. There needs to be some added conditions of release there. The purpose of the 403 is, it has an eye towards release, but maybe putting in a secure bond, making them pay some amount of money, to ensure their appearance in court. What is key is even if a judge puts a bond on somebody, that bond has to be reasonable. It has to be a bond that the person can afford. If you put a \$100,000 bond on somebody who works minimum wage, then reasonable they cannot afford the bond and it becomes de-facto no bond, therefore it cannot be upheld. Under the 403 we are looking at prior failure to appear. Maybe they have some. That would justify a secure bond. Even when you set a secure bond, you have to start at the least restrictive secure bond first, which is, ten percent. So, ten percent of \$15,000 is \$150. Then we go to the surety bond, which means you have to go a bondsman and post the ten percent. Then you go to the property bond which is rarely used. That is for the failure to appear. Then you look at ensuring the safety of somebody. Maybe you have a bona-fide victim in this crime, then we have to assure the safety of that victim under the laws of the state of New Mexico. That is where the conditions of release come into play. Not the money. The case law in New Mexico is very clear that the money does not assure the safety of anybody. Money is not going to keep anybody safe, that is what the laws say. It is the conditions of release that are designed to keep somebody safe. You cannot go within one thousand yards of this, or this area, you have to stay inside your house, you are on a curfew, you have got to maintain employment, and you cannot drink alcohol or do drugs. Those are the things our laws say ensure somebody's safety. As for the changes, the court is not here to, nor ever will be, as it is not the place, stand in your way of lobbying the legislature. Those conversations are good. Maybe it is appropriate if you want to have those conversations that take place with the legislators. That is where the change occurs at, whether successful or not.

County Commissioner Marquardt asked Mr. Suggs what he thought needed to be changed. He said the court and the judges will follow the law. That is what is done each and every day. Granted, there are differences of opinion, and that is the purpose of the appeal process. Some people agree or disagree on outcomes and that is what we have those checks and balances for. If the law were to change, the courts would follow the new law. If the law is not changed, then the courts will continue under the same process we have today and have had in place since the amendment was voted on. Mayor Payne said to clarify, we call it catch and release, but that is really what we are talking about. We are talking about the ability of people to set bond. You are right, it must start at the state legislature. That is where we are focusing our efforts and seeing what we can do as a City. Like Commissioner Rardin said, some ordinance changes are being thrown out there to minimize and show that we are doing everything we can as a city. It is just not going to be enough, unfortunately.

Mr. Suggs said he has a unique perspective. Other judges will not come before you and talk because they are governed by a whole separate set of rules. Speaking from experience, judges are the easiest people we have to attack, because they cannot defend themselves. For the most part, it is very hard for a judge to get up and speak publicly without violating any rule and defending an action. Ironically, once they take the bench, the number one thing they are asked to do is something contrary to what the law says. Can you do this or that? It is just weird how that works out. One other thing you referenced was ordinances. As far as ordinances go, I am not going to weigh in on ordinances or what you decide to do or not do. This district has a policy in place with officer-prosecuted cases for the misdemeanor and petty misdemeanor level, except for a few statutory exceptions to that. It is important to remember that, even in those officer-prosecuted cases, violations of the conditions of the release still have to be prosecuted. It is not something that the judge finds out and discovers on their own and does something about. Those have to be prosecuted, brought to court, and presented to the court in the proper format. Even on the officer-prosecuted cases you are referencing to change some things, the people that are out on conditions of release on the misdemeanors and petty misdemeanors that are not being prosecuted by the district attorney's office, of which there are hundreds, are completely the

responsibility of the law enforcement officer, to include the violation of the condition of the release. Even though misdemeanors and petty misdemeanors are magistrate court, and I know you have a couple of them in the municipal court. That is the responsibility of the officer to prosecute, so are the violations of the conditions of release. Mayor Payne said the whole criminal justice system is so complex and people just do not realize it. What they think they see is, they just let the guy go, they didn't cite them. But that is not really what happens. I can understand from the public's perspective why they think that.

Mr. Suggs said we are in the process of revamping pretrial services, and it is not related to this incident. The pretrial services program in the state of New Mexico has been undergoing change for at least the last year and half. It is being revamped here in the 12th Judicial District. It will have more requirements to meet. Don L. Bryant, the best person we can find to run our program, will head that up and supervise it for us. Mayor Payne said after Officer Ferguson died, I encouraged everybody to send an email to your legislators. It is a quick but effective way to send a message to Santa Fe. I recognize that is where it needs to start and that is what I tell people. We cannot change it here. All we can do is keep the conversation going.

City Attorney Smith said one of the things I am working on from our Office is that we are going to try to limit officer-prosecuted cases. Once we get the Assistant City Attorney position filled, my goal is to have them take more of the officer-prosecuted cases, even in magistrate court. That will help the courts because then they will not have officer-prosecuted cases. In my office, we can make sure the conditions of release were showing up. When the officers know someone is violating the conditions of release from our side, we can do something.

County Commissioner Matherly said a couple of months ago in Albuquerque, a little boy got killed after a baseball game. He was mistaken for a different person that was released to stay at home. How are they getting released after you get a guy shoplifting or DUI and he sits in jail. I do not see the comparison on that. Is there a reason or process why? Mr. Suggs said he is certainly not going to talk about a case specific thing. What you are really talking about is a varying level of charge. That is the issue here. Somebody facing this charge versus somebody facing that charge down here. What is the difference between the two? How can this person be released, but this person not be released? That is really what we are discussing, but again, I am not talking about a specific case or that case. Under New Mexico law, it is very clear that the nature and circumstances of the crime is to be considered in totality with the other factors. There is a long list of factors, and it is a non-exhaustive list of factors. You cannot take any one factor out and look at it independently. For example, you cannot have somebody that committed an egregious crime and just say, because of that crime, I am going to hold you when everything else on that list is leaning towards needing to be released under the law. Granted, it was only limited to the State of New Mexico. For example, if you are looking at a case of shoplifting, well, under the law, that is not even eligible for pretrial detention. It is not a petty crime, it is a petty misdemeanor, unless it goes way up in dollar amount. You would start with releasing the individual under the law and work your way backwards. You would look at the history and say well, he has failed to appear in court twenty-seven times, he has fifteen other shoplifting conditions pending, he is on conditions of release in three other cases. All of those will be strikes against that person under the pretrial release rules. So, they would start stacking up. Somebody like that could potentially get held with a secure bond, or some very strict conditions of release even though it is a petty misdemeanor offense, versus somebody with a heinous crime that has never been charged or convicted with a crime in their life and has never been to court, virtually has no strikes against them as far as that list goes. All of those factors have to be considered and balanced against that. Are there conditions of release that could ensure the appearance in court and the safety of the community? If a judge has a hearing on that, it is on the record, there is evidence presented and you got both arguments with two counselors in there going at it. Based on what the judge is hearing, and the evidence presented, the

judge will make a call. There is a constitutional right to a presumption of innocence and to pretrial release unless you are charged with a capital offense. Mayor Payne asked what a capital offense was. He said it was first degree willful and deliberate premeditated murder. She asked if that was only the first degree. He said he thought it was the only one we had in the state of New Mexico as a first-degree capital felony. Three different variations of murder, but yes. She said so if it was the second degree, you could get out to pretrial services to where they may or may not keep an eye on you. This is why I said it is so complex. He said these people do not have police or arrest powers and you are asking them to run to these people's houses or places of employment. She said we ask our police to do their jobs and put their lives on the line. Then they go before a judge. What you are telling me I get, but honestly, sometimes the criminals have more rights than the average citizen. You said the only capital offense is first degree murder. So, if they commit second degree murder, I should feel safe because it is not a capital crime. He said if you have those feelings and you want things to change, it is probably through the legislators.

Mayor Payne asked if we could come to a consensus that they would like to do a joint City-County letter.

4. Clean up/Beautification (*County Commission*)

County Commissioner Matherly said Otero County is in the process of getting ordinances rewritten and rebuilt. Our attorney is in the process of getting our code enforcement to where they will be able to make more issues on trash and things like that. They are trying to get a committee together to form the ordinances and get the whole thing put together. County Attorney Nichols said it is not a simple issue. It is something that has a lot of causes and reasons for the letter and the dilapidated buildings across the County and in the City. There is education, cultural, poverty, and mental health issues. It is not a one-solution issue. In many cases, code citations and threatening someone with fines and penalties will not do anything except potentially make the issue worse. One of the things we are doing is, in our meeting next week, we will pass an ordinance to a Keep Otero County Beautiful Advisory Committee. That will seek to involve the citizens of the County to help facilitate the change they desire to see in the County. Education is one area we need to hit hard, and we have to start with kids. It will take the community as a whole to get involved. Everyone will need to work together to make the community appear nicer and not have these blight issues. County Commissioner Matherly said we volunteered our help on the Relief Route Cleanup. I would like to get with the City on how they organize some of this stuff. Our code enforcement in Chaparral has been good about getting dumpsters scattered out. We can sit up here all day long and talk about trying to do this, but we have to get the community involved. At some of the meetings, we talked about getting the law enforcement agencies together. If they see a vehicle going down the road with the back full of trash, and it is not covered or secured, we have to wake them up on that. A lot of the trash on highways is from people that made the effort to clean up their house and trying to get to the landfill or convenience center, but it is blowing out. The whole community needs to come together. We have talked with the convenience centers about putting a dumpster outside their gates when closed. It is easier for people to drive out into the desert and throw trash in an arroyo than to take it to a landfill that charges you nothing, and there is a dumpster to back up to. Otero County and Alamogordo need to pull together. One of the first things people see when they drive in is the highways with all the litter, trash, and abandoned mobile homes. They do not get a good impression of Alamogordo.

County Commissioner Marquardt said the County has been trying to clean up some of these properties, but it is very expensive. It is up to \$10,000 to have one of them hauled off and removed. It gives me heartburn having to spend taxpayer dollars, but if we are going to clean up our community that is probably what we are going to do. I would encourage people to take care of their property and

have pride in their community. We have a beautiful place to live, but we have too many abandoned mobile homes, too many run-down houses, abandoned cars, trash everywhere, and the list goes on.

Commissioner Rardin said that County Commissioner Matherly said that when the County's convenience center is closed, you all put a dumpster outside. That may be something the City ought to look into. When ours closes, if the people get there after 4:45 PM they will not allow them to dump. If the gates are already closed, they will dump it right there at the gate, or drive down the road, turn down Mayflower Drive or Zuni, and go out into the desert to dump it. Maybe that would help alleviate that problem. Sometime between 2009 and 2014, we did a community-wide cleanup much like Commissioner McDonald does in her District. It was city-wide. Maybe the City and County could get together to do one that is both city and county wide. We set up multiple areas around the community that had two or three dumpsters. We had a lot of volunteers at Washington Park. You would sign in, then they would tell you where people were walking to pick up trash. Maybe next spring, around March or April, we can organize something like that. Acting City Manager Hernandez said the Keep Alamogordo Beautiful Grant we received was with Community Services, but now it is with Parks and Recreation. They have been relooking at the grant and taking different initiatives. That is something a joint effort could work towards in our area. Parks and Recreation Director Bass said we have the Keep Alamogordo Beautiful Grant, which is a subsidiary of Keep America Beautiful. We get a grant every year and help provide the materials, like bags and trash grabbers, for the bypass cleanup spoken of earlier. We helped Commissioner McDonald with trash bags for her project in her district. We are looking for better ways; we have Adopt-A-Spot programs we are working on right now. If anybody has cleanups they want to do, we are all in to helping organize those things and provide trash bags and grabbers. We have a youth program. Youth organizations can sign up with us, and we pay the youth programs so they can treat it like a fundraiser. We can pay them to pick up trash, or different projects. Acting City Manager Hernandez said the people from the public schools were supposed to be here, but I do not see anyone here. We are trying to get word out to the youth groups because that is about \$300. It does not seem like a lot, but when you multiple teams with ten to twenty kids, and they get \$300 to do it, well it doesn't take more than a couple of hours. We have not had participation from the youth groups, but we are trying to reach out to them. It really is a program designed for youth. County Commissioner Marquardt asked if they reached out to the 4H. Parks and Recreation Director Bass said yes, we let them know and we sent out fliers. The 4H has their own things, as does the FFA, but we let them know. It is not \$300 per kid, it is \$300 for the whole group for the event, but they can do five events in a year. Plus, they can count that towards community service. 4H usually has to do so many hours of community service for their group.

Commissioner Rardin said around fifteen years ago, we used the nonviolent inmates to walk the bypass, pick up trash, fill potholes, that kind of stuff. He said that Otero County implemented that program. We didn't have that authority. County Manager Heltner said we stopped that program since COVID. Part of the reason we are not doing that is short staffing. We just do not have the staff to do that. Another thing we have to look at is what they are in for. Are they violent, nonviolent, what are the charge for? It is something we are looking at again now that we are slowly becoming fully staffed. Hopefully we will see that in the future. Commissioner Rardin asked if the inmates were only the County's or the City as well. Is that something we would have to put in place? County Manager Heltner said she was unsure if they are your detainees we use as well. Parks and Recreation Director Bass said we do take people that have been charged as part their community service compensation. We take them through the Parks Department and the KAP program. We have people helping with the Golf Course, and we have had some in Parks doing beautification projects. County Commissioner Matherly said on Highway 54 from El Paso to Alamogordo, the State has contracted that out to a company for the cleanup. They went through there and did a fantastic job. That could be something also. Maybe the County could contract some of this cleanup and get it done. There are a lot of options. I would like

to see what the fees and costs are. I will follow-up and check on that. Mayor Payne said she did not understand the accumulation of trash in the front and side yards. That part of it is not really a financial burden. We have had a big push in the City to get rid of dilapidated structures but there are a lot of them. We have been pretty successful, but it is very expensive, and we only budget so much a year. I hate spending taxpayer dollars on it too, but I hate looking at broken down and abandoned buildings more. To me, it is a quality-of-life issue. For the last few years, Zuni Electric has coordinated huge community-wide cleanup efforts. We need more of that, where businesses and community members are invested.

Code Enforcement Manager Sides said that dilapidation and blight is one hundred percent preventable by holding the property owners accountable. When researching ordinances, my suggestion is to go by the International Property Maintenance Code or IPMC. That is the minimum standard a property owner must hold their property to. With neighborhoods that have blight and dilapidated structures, they see three point two times the amount of drug calls to police departments and sheriff's offices. They see twice as many violent crimes occurring in that neighborhood that the police must respond to. The goal we are going for is getting ahead of the ball and citing those properties when they first become blighted, before they become totally ruined. I agree with County Attorney Nichols in enforcement through education. That is our goal. My officers go out and give warnings and citations. The last place we want to send them is to court. We want to work with and educate them. Here is the ordinance, here is the IPMC, and if you have questions, here is my card with my cell phone number. I am also looking at rehabbing over demolishing. Some properties are blighted with calls and cases, but structurally, it is fine. It may need a new roof or paint or a window. Is it better on taxpayers to spend \$20,000 to bring a property up to code, or demolishing for say \$60,000 to demolish and hope someone buys the property or the owner pays the lien? I have called different code enforcement agencies in the state and there have been talks and policies done, but when COVID hit, they did away with it. It was either because of funds or staffing. The rehab over demolishing program would be for us and the state would be the first one to be seeing it. There is lots of research and legalities to do. There are questions to be asked, which is why you guys have not heard any of this, but there are programs I am looking at, such as holding property owners accountable early on. All of our inspections are free, whether we are there one time, ten times, or a hundred times. If your neighbor calls in and says they have weeds that are ten feet tall, and we go out, we will say you need to cut your weeds and we will give you fifteen days. If the weeds are not cut, I will give you another warning, then I will come out in another fifteen days. If we go out another fifteen days, which is now a month, we are going to give another warning here, but it is in a letter this time. The letter says you need to cut your weeds in fifteen days. Now we are looking at forty-five days for a job that would have taken a weekend to do. With City ordinance, now the officers will send the case to me, and I will hire a contractor to go cut those weeds to bring it into compliance, and I will bill the property owner. If it is not paid, then we file liens on the property. That is all going back to how we spend taxpayer money. The inspection and the reinspection are both free. After that, we are going to charge a fee for us having to go back out there, which is separate from any fees or penalties that may be assessed in any court. These are administrative fees. Should it get to court, it can take up to six months to get into court, so now you are looking at seven and a half months before the case is even heard, and maybe it gets continued. Who knows how long it could be. Everybody wants accountability, but we must look at ourselves first as property owners. If we are going off IPMC, those are the minimum standards of what properties should be. Houses within five hundred feet of a dilapidated structure can lose up to nine-point four percent of their property value.

5. Economic Development (*City Commission*)

Acting City Manager Hernandez said we brought economic development in-house. We had previously outsourced it to OCEDC. It had taken us a while to get our program going because there was a learning

curve to understand what our community needs and what our areas are. We are meeting with the State. The State's priority is manufacturing. We are trying to align our priorities with the State's to maximize money. They will not do anything but manufacturing at this point, so are trying to find other areas of economic development our community needs. We are trying to get the 139 certification for our airport, which is important for various reasons, but it ties directly into developing our industrial park next to the airport. There is a lot of money out there developing our industrial park. We have a plan that dates until around 2012, but we need to update that. We need a full plan to get that area developed. On the military part, they do a component with planes. We have had discussions with ARMS about bringing some of those here. We have Holloman, White Sands, and Fort Bliss. The likelihood of them coming here now is slim to none, but if we start developing the airport and industrial park, that makes it more appealing to the military. There are different angles we are working on. We are looking for land in town. We have the old landfill, there is land owned by property owners that have showed interest. My ask for the County is if you all can think of land you want. If we are going to have a big company come in, more likely it will be in the County, because we do not have that type of land inside our City. The conversation going with the County is seeing if that is something you guys can put together, so we can have an Otero County Economic Development Portfolio.

County Commissioner Marquardt said she would like to see another sawmill in Alamogordo or Otero County. Right now, there is a lot of money available for cleaning the forests. It is money for private landowners, but there is nothing to do with the timber because all the sawmills are shut down now. When I was in a meeting with the Forest Service, they asked what Otero County needed, and I said we need log trucks, loggers, masticators, and a new sawmill. That is what is needed for this to work. We have nothing to do with all that timber up there. That would be a huge thing. Not that many years ago, we had two sawmills in Otero County. Due to all the restrictions on the Forest Service, they have done away with all our logging community. There are still a few of them hanging on, but not many. If we are going to get our forests cleaned up, we have got to find a way to do something with the material hauled out of the forest. It does not do any good to just let it lay on the ground and rot. That is my suggestion, another sawmill would create jobs and help clean up our forests. Commissioner Rardin said that about ten years ago Mary Matthews had that pellet mill out there. Maybe look into other industries like woodchips or pellets, something we can make like that. There was a place that had a biomass burner they could use for doing that. It burns off a lot of the old brush and stuff that is not useable. There is a little sawmill behind Cortez Gas, maybe look into expanding some of those as well. County Commissioner Marquardt said they are going clear a federal area around Cloudcroft, that is federal money. There is a lot of money out there, it is just finding somebody to log it and haul it off. Mayor Payne said so we do not have any big sawmills. Commissioner Rardin asked if we had approached Mescalero. Commissioner Burnett said everything goes to El Paso right now. Mayor Payne said that goes along with our idea of manufacturing. We are the perfect community for that. There is a lot of County land between here and Holloman. I would love to see a joint effort to get more manufacturing into our community. Big manufacturers bring money in, they invest in the community. Acting City Manager Hernandez said if the Commission had some ideas they would like staff to explore, send them our way. We are looking into everything we believe the community could benefit from.

Executive Director Ojeda said if we are going to look into manufacturing, we have to address workforce development and lack thereof. I would recommend looking into tax incentives given to big manufacturing plants within the last thirty years. There is data showing that did not work and the tax incentives were never made back into the local economy. At the State level, New Mexico has money to give out to promoting outdoor recreation. He said the people working remotely are moving to smaller towns like ours, so if we could find a way to market to them and encourage them to work in our town, then you are pulling money from the Fortune 500 companies. Mayor Payne said what you are centered

around is more tourism; we spend a lot of time advertising all these other places, and my frustration was, why are we spending our advertising dollars for everyone else? Executive Director Ojeda said he was talking about creating a City where people earning money want to move here. That is where people see huge amounts of success. Mayor Payne said one of the good things that came out of the pandemic was that you do not have to live where you work. The biggest thing is we have to get that workforce. Acting City Manager Hernandez said she had a meeting on the 7th, where she could invite Mayor Payne, Executive Director Ojeda, or anyone from the County. It is called Make My Move Alamogordo. They target those people that work online to come to a community that is cheaper.

County Attorney Nichols said it would be good to look into a microplex designation. A population of fifty thousand is a magic number for getting companies and corporations to come to an area. In 2003, Clovis and Portales got themselves designated as a microplex, allowing them to get their populations added together to attract businesses. If you go to Clovis, you will see they have more restaurants and businesses than we do, which does not make sense because we are on par with them, and Holloman is bigger. The population of Otero County is sixty-eight thousand with a significant portion in Chaparral. We probably could not get it counted because that is too close to El Paso. The microplex description is, creates a hub within a sixty-mile radius. If we could explore what is within sixty miles and talk to the different villages and communities, and work towards a microplex designation, it could be something that would help us out. Commissioner Melton said following up on what Acting City Manager Hernandez said, he is someone that works remotely. In his company alone, which is based in the DC area, it is happening. There is also a trend where certain companies are fighting back against that and pull them back into the offices. That is happening more in the Bay area. Then other companies like mine are embracing it and becoming a virtual-only company. It is something we can tap into and would bring in younger workers. I would be happy to be part of that meeting. Acting City Manager Hernandez said we have Placer AI software for tourism yes, but also economic development. It is awesome software. It shows how many people come through our community. Recently, about a half a million people were in our area. It shows the flow of how people come and how we can attract them, things such as ages and income. I looked at the microplex, and I have not researched it more, but I am glad it was brought up because it is something we definitely need to explore. Mayor Payne said for those that do not know, we have software that can tell you how many people were at the Balloon Fiesta and where they left. It tracks your cell phone's movement.

County Commissioner Matherly said we have Holloman out here. From my talks with them, they want to bring more people here but the housing here is dead. We had an apartment complex come in, but I understand that got shot out of the water. The County and the City need to support people trying to do this. We are just a small number away from being that bigger city. If we are going to get those people here, we are going to have the base to bring more people in, which means we have to get more housing. I am in the building business and just retired. There are probably three or four homebuilders left in Alamogordo, which is not a good sign. Between the City and County, we have to get them incentives to get those people here. Ms. Black said the Center of Commerce was working on a lot of issues he was talking about. The Director of the Center of Commerce, Jerret Perry, said our priority is to support our small businesses. In order to do that, we have to bring in growth and support it. In regard to County Commissioner Matherly's topic, there has been a lot of work put in to bring these new apartment complexes to Alamogordo. I believe that has been approved by the Commission. The final drawings will go before the Commission in December I believe. Construction will begin around March or April. That came to fruition. We are working with other contractors throughout our community to relook at our ordinances. The one thing we can say about Alamogordo is, if we keep doing the same thing, we are not going to get better, grow, or be prosperous. The housing issue is obviously a problem. My one ask today, after talking to Command, is that Holloman Airforce Base is the lifeblood of this community. It provides four hundred million dollars' worth of economic

impact per year. We don't really talk about the 704th. Right now, that is so incredibly important. If you are seeing what is happening throughout the world, there is a real threat. The 704th is the test track group, and they are in the process of developing hypersonic test weapons. The reality is that America is behind, and it could be their responsibility to catch back up. The reason it is a big deal tonight is because they need support. Government agencies cannot lobby, but I can. The Center of Commerce can, and we will, because it is for the greater good of our community. Their ask, just so you know, is that there is congressional money and obviously a high alert throughout the world in the development of hypersonic weapons in particular. Holloman Airforce Base has been identified as a facility where we can grow and expand that test track. Up to, per congressional delegation, one billion dollars. The base is one of three particular facilities that has been identified. It has to be a priority if we want big money to come into our community. We had better start developing our infrastructure, so our Fire and Police have the facilities they need. We have got to come to the table, we have been working with the City to come up with solutions that will enable us to push this to the next level. We have to get deep and build this together. Every email towards our congressional representatives is very important for you to recognize we need to support the hypersonic test track expansion. That is my ask today, but housing is coming. One of the biggest reasons we cannot get multiplex type facilities for housing is because they do not have any comps. The last comp of that magnitude in Alamogordo was twenty to twenty-five years ago. That is a lending problem. This deal with our newest contractor, Mr. Valencia, and his team is going to give us the ability to have comp. Mayor Payne said he used to lend, or is using a lender, out of Texas. They are allowing him to use comps from other areas he builds. Once those go up, they will have those comps, and hopefully it will be the first of many. I am confident it was going to be rented out before it was finished, and other developers will see that. There is such a strong need.

6. Mental/Community Health. *(City Commission and County Commission)*

County Commissioner Matherly said last week he toured a facility here in town, Kids Inc., and he was totally amazed. One of the things the City and County need to do is get behind and take care of the facilities for the homeless, the veterans, the senior programs, domestic violence, and sexual abuse. We have all those facilities here in this town and we need to support them. He said he talked to one of the teachers there after the tour, and she told him there is a little boy that comes to class and falls asleep in class. The teacher asked him why he was so sleepy, and the boy said he did not have a bed or a place to sleep. He comes to school to rest and sleep. A lot of cities put in parks and the county helps the fire department, but this is our roots to home, and we need to support that. Mayor Payne said the schools actually have beds they can provide. A lot of us work in this, and we recognize the barriers to learning and the available resources are not enough. It does not matter how much money you put into it; it will never be enough. It will be a multi-faceted solution. In terms of the Center of the Protective Environment, we work with them to get grants and that is how they expand it. I have toured the Kids Inc. facility, and they do important work. Everybody knows I run a nonprofit, and I am not a mental health professional, but our biggest barrier for homelessness is mental health. It is a mental health issue. We are not equipped to deal with that. When people come into your building and lay on your floor and scream because you cannot help them, that is not fun. You have to tell yourself they are mentally ill. What do you do with that? Mental illness has to be addressed but you want to be compassionate about it. I am not sure what the solution is. I feel like we are having more homeless people on the street. It is uncomfortable because you want to balance compassion with our laws.

CIT Clinical Director Jeanette Borunda said it is a myth that people who are mentally ill are violent. It is a very small percentage of those who are mentally ill that commit acts of violence. To solve a problem, have to go back to why. You have to go back into a root cause analysis and figure some of this out. The root cause analysis stems back to the '50's with an executive order that President

Eisenhower put that moved mental health treatment into the community. To take away what were called insane asylums and put that catchment out there. Well, that catchment never existed, and it still does not. We have community mental health agencies, but they are severely underfunded, which is why we do not have the staffing we need for those agencies. When looking at treatment for mental health, people have civil rights. We cannot force treatment on people. There is a program called Assisted Outpatient Treatment, but we do not have that in our County. Dona Ana and Bernalillo are the two counties that do. New Mexico put a band aid on that issue, and we have treatment guardians. A treatment guardian can make psychiatric medication decisions for somebody deemed incompetent and a danger to themselves or others. A judge has to make that determination. We have Mental Health Court in the hospital but not within the 12th Judicial. At that point, we can implement Assisted Outpatient Treatment, which mandates people with mental illness and proven to be a danger to themselves or others. That would be a great thing for our County. It is a two-pronged approach where we need the Mental Health Court and Assisted Outpatient Treatment. I am working on a committee with the Council of State Governor's project on criminal justice system and the mentally ill. Through that, we have submitted one report to the legislators and representatives for the State of New Mexico. It is a statewide group of folks on this project to better the court system for the mentally ill.

County Commissioner Barela said that CIT Clinical Director Borunda mentioned that Las Cruces had an Assisted Outpatient Treatment Center. Do you know who runs that? She answered, it runs through the court system there. County Commissioner Barela asked if there was a facilitator like Presbyterian. She said no. When assisted outpatient treatment is implemented, anybody can petition to say, this person needs treatment. Then that person has to go before a judge, and the judge will make the decision whether they will have mandated treatment. For example, if I felt this was appropriate for Jane Smith, I would have to petition to do that. There are providers that may be contracted with the court system for that, and they would follow-up. It could be a multitude of different treatment aspects. County Commissioner Barela said so not necessarily a facility. CIT Clinical Director Borunda said not necessarily a facility, but that is best practice. Some of the folks in this community have been working on that since 2016. We received a grant in Otero County to create such a facility where it would have housing, case managers, therapists, and nurse practitioners. The Catholic Services of Bernalillo County were willing to be the fiscal agents, but unfortunately, with that grant, you had to be within certain square miles of hospitals, grocery stores, things like that. We could not find the land that fit within that specification. This has continued and is the idea we want to implement in the County. We lack one specific agency going after it and putting everything into that. We need that one agency backing to take that on. County Commissioner Barela said that mental illness may be stemming from drug use. Do you think we should address a recovery center first, or should it be hand-in-hand the same thing? CIT Clinical Director Borunda said I do believe it is hand-in-hand. Unfortunately, a lot of folks with mental illness do use substances. It could be a way of coping or self-medicating. Street drugs are a lot cheaper than having to go pay for prescription medication. The hard part about substance-use treatment is, unless it is court ordered, it is voluntary. We are lucky we have something now where folks can go, but that was not the case last year. She said the shelter down on 6th and Delaware run through Runner's Refuge. Mayor Payne said she understood that mental illness and drug use go hand in hand, but let's say hypothetically speaking, there were no drugs involved. All mental illness is a not a result of drug use. CIT Clinical Director Borunda said that is one hundred percent correct. County Commissioner Barela said she was asking about that for priorities. Mayor Payne said she just wanted to clarify that is not what County Commissioner Barela was saying. Commissioner Burnette asked about the people that choose to not get help. CIT Clinical Director Borunda said because of civil rights and the way the law is written, that is their choice, much like physical health. If I have diabetes and choose to not take my medication, you cannot force me to. Mayor Payne said the issue with that is it becomes a burden on society. I think we are seeing an increase in people standing on the corner or camping out. It comes back to choice. Commissioner

Burnett said six of them live on a piece of property I own. They do not bother me or the stuff on my property. They live in the ditch. You can stay there, do what you have got to do, other than steal my stuff. They have mental issues but do what you need to do. Mayor Payne said as a government body there is not a lot we can do. CIT Clinical Director Borunda said the other part is, we have the Opioid Settlement money that has come into the County. That is something that is to be used to battle substance use in our County. There is something we can do in the County with that money, we just have to decide how it is going to be used. County Commissioner Matherly asked roughly how much of the homeless population here uses substances. CIT Clinical Director Borunda said she did not know, but it is a pretty high percentage. Mayor Payne said a lot of that is self-medicating. County Commissioner Matherly said something he learned from the Kids Inc. visit was, whether it was the Otero County Sheriff's Office or APD, they have a big involvement in those deals, more than I ever anticipated. I know they must have a pretty good working program because our undersheriff is on the board, and they work well together. Otero County has got to support them and these agencies too.

Otero County Healthcare Services Director Amber May Hall said they contracted with the City to implement the County-wide mobile crisis response. Since the initiation of that contract a year ago, they have provided services in the County. A lot of it has been informal. They have been helping the Sheriff's Office in dealing with and addressing individuals that have a mental health crisis. That part of the system is improving. CIT Clinical Director Borunda submitted her first report to the County. The report will be made available to you about the things experienced by the County-wide program. One of the issues brought up is we do not have services for our youth. That is something in the report I wrote to the Commission when we were talking about how to use those opioid funds. The priority from the community members was, we need to start at the beginning, which is getting youth services and investing in them, so they have a habit of maintaining their mental health, so we are not getting them as adults. When they are adults, they end up in the criminal justice system, which we then spend tax money on. There are steps we are taking as a County to address mental health, but the funds we have will never be enough to address it completely. If it can make a small impact on the community, it absolutely needs to be financed into more if we do address this. We have the Affordable Care Act which requires people to get health insurance, but that does not mean people get health insurance. You cannot really dictate what people can and cannot afford. Medicaid provides some mental health services, but it does not provide comprehensive services. We can invest in bringing the service in, and once it is established, then we can say now you can bill through insurance or Medicaid or stuff like that elsewhere.

Pastor Torres said he was asked why we are seeing such a dramatic change in this City, and the answer is drugs and alcoholism. The reality is it is happening more than we can count. I have been on calls where suicide was attributed to alcoholism. I would love to see a Detox Recovery Center because it would give people a fighting chance to make something of themselves. Billy French gave us the old bar called Shooters, and we applied for a million-dollar grant, but we did not get it. I have been thinking of what to do with it while traveling to rehabs and seeing how people are doing it. My thought is to bring a rehab center here that is already established somewhere else. A rehab center came out and toured the facility, but ran into problems with the licensing. Now we are looking at other ways to bring a company out here. We have the building, we have the property, and we will give it to you. I do not want money or a percentage. I believe having something here for recovery and detox will help people get a fighting chance, and it will help the court system. Instead of sending them to prison or jail, they can send them to a mandatory recovery center. Hopefully, maybe next year, we can get help from the County and City to remodel the building because it needs roof and structure work. They stole our water pump years ago. People have told me they do not want a recovery center because it will just draw more people here. Those people are already here, they are in your backyard. When we talked about the homeless shelter, we were getting flak for that for the same reason. Homeless people come in

from Las Cruces and El Paso. We want Alamogordo to be beautiful, but if we do not get a handle on the drug situation, it will get worse. Shootings, suicides, and domestic violence will all go up. Having a recovery center will not make everything go away, but it will at least give people a fighting chance to survive. It starts on the streets, that is where they are at. County Commissioner Barela asked if he had a remodeled facility, would it be easier to bring in a facilitator? Pastor Torres said absolutely, it needs some work. When the director of Homeward Bound over in El Paso came over here, he said it would be between \$400,000 to \$500,000 to do a remodel. We are talking to a company now from Carlsbad and that was the first question. If you get an established company here that has been doing this for many years, this will be here forever. Mayor Payne asked if he had to have a medical director. Pastor Torres said yes. Another concern was, will it be faith based? No, but you can implement spirituality. In a lot of rehabs, they have bible study and talk about Jesus. It is part of the program. Commissioner McDonald asked how many the facility would house. Pastor Torres said we were looking at a twenty-bed facility for ten men and ten women. A seven-to-eight-day detox, then they could stay at the facility for thirty-one days to go through classes, treatment, and counseling. If they need more treatment, we could send them somewhere long term. Runner's Refuge has a facility in Texarkana we could send them to. Otero County Healthcare Services Director Hall said the opioid funds are not to build facilities, they are to provide services. I want to make that clear. You have to provide the services that the center would provide.

Peg Crim of 100% Otero said our mission is to eliminate childhood trauma so the next generation will grow up without some of these issues and problems. We do not directly offer services, but we work with several people here. We help make connections and get people where they need to be. If we are all working together, we can make Alamogordo and Otero County an even better place to live. County Commissioner Barela asked when the next meeting was regarding the PIT count. Peg Crim said we have not started yet but we will let you know. On Saturday we will have our 2nd Annual Day of Hope in conjunction with the 12th Judicial's Pro-Bono Legal Day. Mayor Payne said it has nonstop fifteen to twenty calls a day since May for services, I have never seen anything like it before. Most of the people we deal with have housing, but they are a step away from losing it. Finding the resources to help them not lose housing has become problematic.

Pastor Rich from Runner's Refuge said we started going out and feeding people on the streets. We were gifted the property that Chris King had over between 601 Delaware and 600 New York, that strip on 6th Street. There are two separate entities, Mountainview Church is one, and Runner's Refuge is another. We have an emergency overnight shelter for the homeless. We are trying to do our best with what we have. It is a community effort, and we need help. We call on the community for food, toilet paper, sleeping bags, and blankets. Whenever people fall off of your radar, they come to us. We get mental health calls from here and surrounding areas. When they get released, they need an address to get released to, so they call us. Our problem is, I am the only one on staff and I have volunteers. We have three different properties. A women's facility is also set up for when COPE calls us. We can overnight shelter six ladies in our facility. We could probably put about twelve men in our men's facility. I do not know if there is money out there to help us, or what can be done. Let people know about us so there can be awareness. We get calls from different people in the community, and we are a hub that can send people to different places. One of the things we deal with the most is identity theft. These people don't have an ID or birth certificate, so they can't get a job or replacement ID's or birth certificates. We can't put these people back in the workforce because they don't have anything, and they end up with us. We cannot house them; we are an emergency overnight shelter. We are trying to turn into a dream center where we can have a resource place, where they can come and print things up, get a resume, file for social security cards and benefits. Usually, what happens with those people is, they get referred to us. We get throwaway people, but they are not throwaway people. We have four of them ready to go to rehab, but we do not have a detox center to send them to. I am on the

committee trying to get that rehab center going as well, because it is all intertwined and connected. They are here and there is nothing we can do with them. It is harder to get them into housing. Some of them get a disability check for \$800 to \$900 a month, but where are they going to live on that? We are trying to get them the resources to get a job so they can supplement that and have something to live in. I wish an apartment complex would come so there was something they could rent. Housing in the projects has a three-year wait. You cannot get into HUD and people do not accept it, or there are no vouchers for it anymore, so they are telling us you have to through another agency to get it transferred. It is a never-ending cycle. That is when depression, anxiety, and drug and alcohol abuse happen, and they are back to the place we found them behind the dumpster. I am just here to tell you what we are doing. Hopefully we can get your support, and there is money out there, we would love to have it. We are just trying to build a bathroom so we can have a facility for the men that is more adequate. We need a commercial kitchen built so we can try to feed some people. In a recent meeting with the school system, I found out there are one hundred and eighty homeless kids in our school district. Mayor Payne said that is about the average every year. Let's clarify. When we say one hundred and eighty homeless, we do not necessarily mean kids sleeping in their cars or on the streets. We are talking about kids that are couch surfing. The definition of homeless is, they do not have a home of their own or a place to live. They are living on friends' couches or relatives' houses. Pastor Rich said they still need services. Whatever the reason is, it is a struggle fulfilling all these needs.

Nadia Sikes said she worked in office at the Counseling Center and they offer multiple programs to try to help and solve the problems we talked about today. This summer, we opened up a chill room. Pastors Rich and Anthony have an overnight emergency shelter, but when it was triple digits, we allowed the unsheltered folks to come in, watch television, eat, and cool down. I get defensive when I hear people say, get a job, to a homeless person. How do you get a job if you do not have shelter? How do you get a job if you are smelly, dirty, can't take a shower or eat, and have no place to sleep? You cannot. How do you get a job if you have been a felon? You cannot. Housing is important. Unless you have things in place, you cannot survive. You need help and resources. The month of the chill room was done with no funding, it was just volunteers. We did it because people were dying in other places.

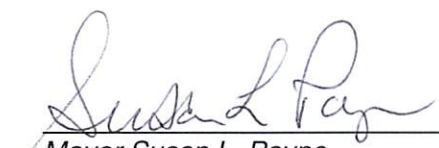
Commissioner McDonald said on the Day of Hope, Tony Watkins will be here on Saturday, November 4th. They are bringing youth services to the southern part of New Mexico. If people are interested in talking to him come out to the Day of Hope and speak with him.

ADJOURNMENT

Mayor Payne moved to adjourn at 5:42 p.m.
Count Commissioner Barela seconded the motion.
Motion carried with a vote of 10-0-0.

ATTEST:


City Clerk Rachel Hughes


Mayor Susan L. Payne

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